

**From:** "Justine Brooks" <justine.brooks@pda.com.au>  
**Sent:** Fri, 17 Sep 2021 16:33:41 +1000  
**To:** "Contact Us" <contactus@launceston.tas.gov.au>  
**Cc:** "John Dent" <John.Dent@pda.com.au>  
**Subject:** Submission CoL - LPS - Dowie - Glenwood Rd - Relbia  
**Attachments:** Final Combined LPS Submission CoL Downie Relbia.pdf

You don't often get email from justine.brooks@pda.com.au. [Learn why this is important](#)

Dear CoL Planning Team

Please find attached a submission to the Launceston LPS, lodged on behalf of our client, Dr N Downie of 95 – 125 Glenwood Road, Relbia.

Do not hesitate to contact me should you require additional information or clarification on any of the matters contained within this submission.

Kind regards

**Justine Brooks**  
Senior Planning Consultant  
MEnvPlg MPIA

PHONE  
Launceston: 03 6331 4099  
Hobart: 03 6234 3217  
Mobile: 0429 201 271  
[www.pda.com.au](http://www.pda.com.au)





13 September 2021

Chief Executive Officer  
Launceston City Council  
PO Box 396  
LAUNCESTON TAS 7250

Emailed: [contactus@launceston.tas.gov.au](mailto:contactus@launceston.tas.gov.au)

Dear Sir

**SUBMISSION TO CITY OF LAUNCESTON - DRAFT LOCAL PROVISIONS SCHEDULE**

Thank you for the opportunity to provide this submission in response to the advertised *Launceston Draft Local Provisions*. It has been prepared for our clients Dr N Downie and Mrs Claire Downie, and focuses on land located at 95 – 125 Glenwood Road, Relbia.

This submission is relatively straightforward. While it is understood that the Agriculture Zone's application is made in line with the relevant guidelines and associated factors, this submission is about restitution and estoppel. The documentation provided with this submission outlines the historical events related to the site. It highlights the multiple attempts by the landowner to reinstate the areas of the Rural Living zone, which have been diminished through successive scheme changes. This submission also seeks to remind the Council that it has, on multiple occasions, agreed to/supported our clients' requests to reinstate and/or apply the Rural Living zone to the area referred to as 'Lot 12' and around the landowners dwelling. Attempts to resolve the zoning issue have been occurring for almost a decade. Despite evidence of Council officer support over this time, each new or proposed change has intensified the detriment, including under the zoning of the proposed *Tasmanian Planning Scheme – Launceston*.

Please note that over time, the quality of some of the documentation provided in the appendices has reduced. We understand that the Council would have the original copies if they needed to be referred to or relied on for further duplication in relevant Council reports.

Do not hesitate to contact me should you require additional information or clarification about any of the statements made in the attached Representation.

Yours sincerely

Justine Brooks  
Senior Planning Consultant  
PDA Surveyors, Engineers & Planners



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**REPORT PREPARED FOR:** Dr N Downie and Mrs C Downie  
**PDA CONTRIBUTORS:** Justine Brooks Senior Planning Consultant

**DOCUMENT STATUS**

Revision	Author	Reviewer	Date
0	Justine Brooks MEnvPlg MPlA	John Dent PDA Director	13/9/21
1	Justine Brooks	Dr N Downie	14/9/21



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## Appendices

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<b>Appendix B:</b>	Submission to Council responding to DRAFT 2011 Planning Scheme Consultation and Chronology of events impacting the site
<b>Appendix C:</b>	Correspondence from Council supporting submission 21/12/11
<b>Appendix D:</b>	Copy of the submission made to the Interim Planning Scheme – dated 12/12/12
<b>Appendix E:</b>	Copy of correspondence from Council and associated mapping relating to proposed zoning of the land under the Statewide Planning Scheme (dated 11/7/19)
<b>Appendix F:</b>	Copy of the submission made to the Relbia Review – dated 08/02/21
<b>Appendix G:</b>	Email trail between Council Officers and John Dent – Director PDA (August 2019 – January 2020)



## 1. Executive Summary

Our clients land, located at 95 – 125 Glenwood Road, Relbia (the subject land), is proposed to be zoned Agriculture through the Local Provision Schedule (LPS) application.

The subject land is currently zoned Rural Resource with a small area of Rural Living zone in the vicinity of the residential dwelling. Before the Interim scheme, the Rural Living zone boundary extended further into the property.

Several submissions have been made to the Council to rectify the zone' creep' between the various renditions of past/ proposed and current planning schemes and explicitly focus on the fact that there has not been a 'like for like' translation.

Despite the various discussions and submissions made by the landowner to the Council regarding the changes that have impacted the site over time, and the favourable indicators provided by Council staff, the proposed LPS contains the following comment regarding the subject land:

- 4) The zoning boundary between the Rural Resource and Rural Living Zones at 95-125 Glenwood Road, Relbia does not align with the title boundary with 24 Riverstone Drive and was originally created prior to the subdivision. The zone boundary has been realigned to the title boundaries.**

This does not align with the discussions between the landowner, their agent PDA Surveyors, and Council Officers. More importantly, it does not align with the correspondence from the Council, dated 11 July 2019, which stated that the area around the house and the area referred to as 'lot 12' would be retained within the Rural Living Zone. The landowners seek to restore the Rural Living Zone to what would have been Lot 12 of the original subdivision and the area around the existing homestead so that both might be excised from the agricultural land. The landowners want to retain their home but are not of an age or inclination to continue 'farming' the land. The gradual creep of the Rural Resource zone over areas previously covered by the Rural Living zone and now the complete removal of the remaining area of Rural Living Zone makes that outcome nigh impossible for the landowner.



## 2. Planning Overview

### 2.1 Summary information

Background information:	Approved Survey plans, a previous permit from Council, initial support from Council for zone boundary alignment in Interim Planning Scheme, various correspondence between PDA/ the Client and Council Officers.
Zoning / Code Controls:	Rural Resource / Rural Living (Launceston Interim Scheme 2015) Agriculture (State Scheme) Bushfire Prone Areas / Scenic Management Areas/ Flood Risk Area.
Land Attributes:	40ha, North facing slope, located in the North Esk Irrigation District, Class 5 Land
Surrounding Land:	Mix of Rural Living and Rural Resource Zone

The shaded areas shown on the map labelled **Appendix A** include the area residential dwelling ( approx.. 5ha) and an 8580m<sup>2</sup> area on what was previously known as 'Lot 12' on an approved subdivision. Due to legislation changing regarding staged subdivisions, the land owner missed the opportunity to finalise the subdivision despite being substantially commenced. Maps associated with the scheme before the Interim Scheme, 'Lot 12' was controlled by two zones – Rural Living and Rural Resource. Due to differences in the application of the zone, the lot now sits wholly within the Rural Resource Zone. Similarly, the area where the dwelling is currently had two zonings, although it now sits predominantly within the Rural Resource zone and the small area of Rural Living zone remaining is proposed to be deleted under the TPS.

### 2.2 Impact of Proposed Zoning

The subject site is located within the Relbia and Glenwood Road Specific Area Plan (LAU-S6.0). Clause LAU-S6.8.1 is in substitution for the relevant clause within the Rural Living Zone (11.5.1) with regard to Lot Design (A1 & A2). This clause restricts subdivision to 4ha lot minimum under the Acceptable Solution and provides no ability to create a new lot under the Performance Criteria. This will not impact the land owner's ability to excise off the residential home, should the Rural Living zone be applied as requested in this submission, but it will restrict 'Lot 12' creation. Again, this was previously approved and due to zone changes, that were not 'like for like' that subdivision was not able to be re-applied for. At this point, the land owner and their agent commenced engaging/ corresponding with Council through the



various submission processes to resolve the anomaly that had occurred.

### **3.0 Conclusion**

Dr and Mrs Downie seek to adjust the zone boundary for the Rural Living zone and the proposed Agriculture zone to follow the boundary line shown on Appendix A. This would rectify historical issues with zone changes that were not 'like for like' and tidy up the interface between the Rural Living Zone and the proposed Agricultural Zone. This is the alignment that Council proposed for the Planning Scheme they were working on prior to the commencement of the Interim Scheme. This also reflects the previous zoning, specifically for 'Lot 12' shown on Appendix A.

The land owner would like to be able to excise their dwelling and have the land it is contained on in the Rural Living zone, in the same manner as the dwellings surrounding it. This would not impact or reduce the available farming land around it, nor would it intensify the existing restrictions or impediments of the adjoining farm land.

This the final remaining opportunity available to the land owner to rectify the detrimental historical issues. The land owners have followed the advice from Council Officers on each occasion, as shown in the documentation attached to this submission, the last of which was that Council officers had finalised the DRAFT LPS and that the way to rectify the issue was through the LPS submission process.

## APPENDIX A

# LPS Submission



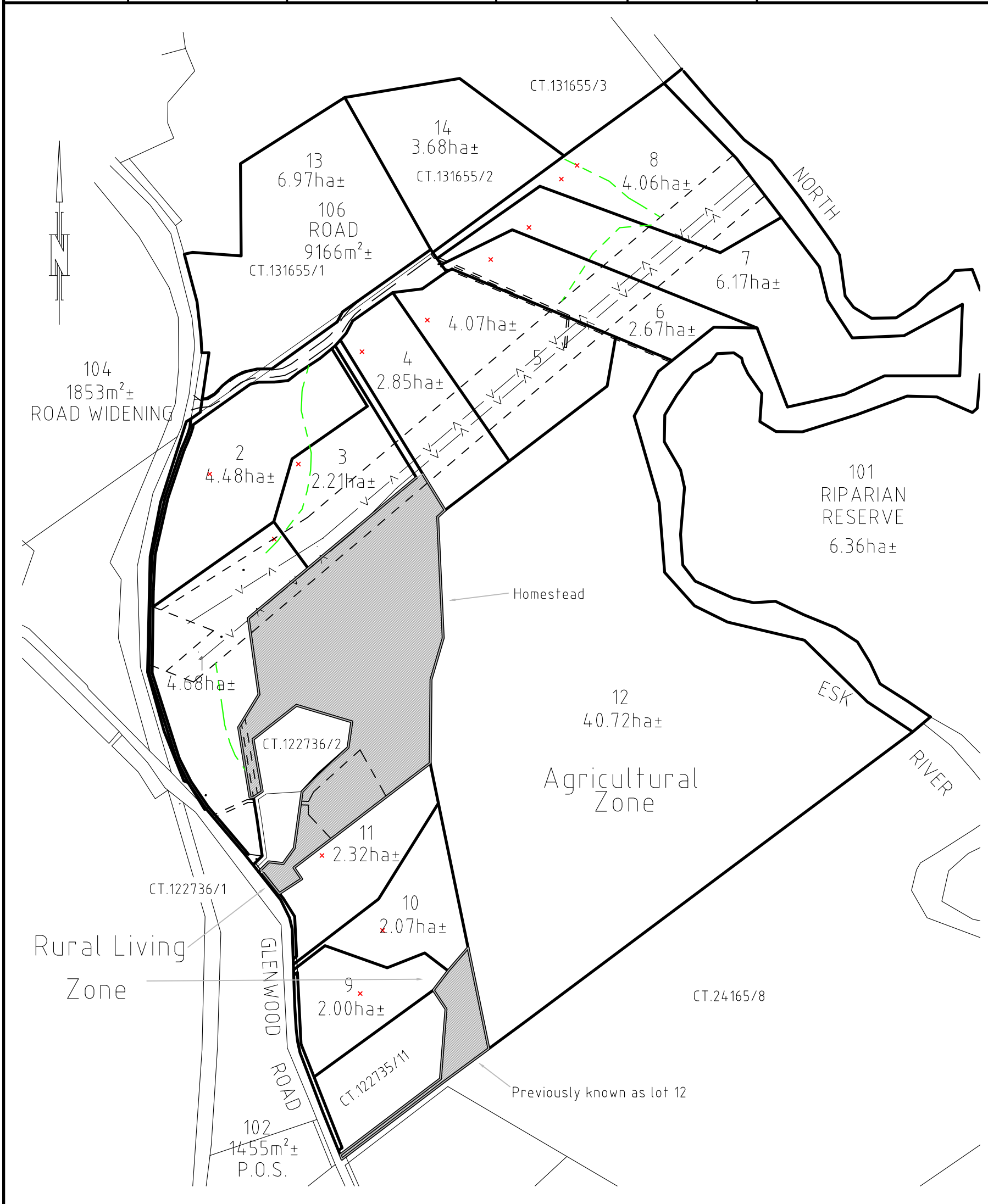
# PDA Surveyors

Surveying, Engineering & Planning  
ABN 71 217 806 325

127 Bathurst Street Hobart,  
Tasmania, 7000  
Incorporating **WALTER**  
**SURVEYS** [www.pda.com.au](http://www.pda.com.au) Also at: Kingston,  
Launceston & Burnie

PHONE: +61 03 6234 3217  
FAX: +61 03 6234 5085  
EMAIL: [pda.hbt@pda.com.au](mailto:pda.hbt@pda.com.au)

<b>Owners</b>	Nicholas & Claire Downie			<b>Address</b>	95-125 Glenwood Road, Relbia		This plan has been prepared only for the purpose of LPS submission to the Council and the information shown hereon should be used for no other purpose. All measurements and areas are subject to final survey.		
<b>Title References</b>	FR 176629/1			<b>Council</b>	Launceston City Council				
<b>Schedule Of Easements</b> As shown.									
<b>Scale</b>	1:5000	<b>Date</b>	15 September 2021	<b>PDA Reference</b>	41962	<b>Map reference</b>	<b>PID</b>	<b>Point of Interest GDA94 MGA55</b>	516225E, 5408190N





# Appendix B

## LAUNCESTON

J.W. Dent, OAM, B. SURV. (Tas.), M.I.S. AUST. (Director)  
P.N. Anderson, L.S., M.I.S. AUST. (Consultant)

## HOBART

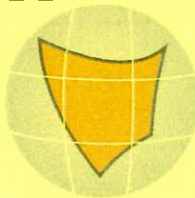
A.M. Peacock, B. APP. SC. (SURV), M.I.S. AUST. (Director)  
C.M. Terry, B. SURV. (Tas.), M.I.S. AUST. (Director)  
D. Panton, B.E. M.I.E. AUST., C.P.ENG. (Director)  
H. Clement, B. SURV. (Tas.), M.SSI (Director)  
M. McQueen, B.E., M.I.E. AUST. (Associate)

## KINGSTON

A.P. (Lex) McIndoe, B. SURV. (Tas.), M.I.S. AUST. (Director)

## BURNIE

A. J. Hudson, B. SURV. (Tas.), M.I.S. AUST. (Director)  
B.J. Rollins, L.S., M.I.S. AUST. (Director)



# CSPP

**CAMPBELL SMITH PHELPS PEDLEY**  
Surveyors, Engineers & Planners

Incorporated as Peacock Darcey & Anderson Pty. Ltd.

PO Box 284 (3/23 Brisbane Street)

Launceston Tasmania, 7250

Phone (03) 6331 4099

ABN 71 217 806 325

Fax (03) 6334 3098

Email: cspp@pda.com.au

www.pda.com.au

Our Ref: 299/11

26<sup>th</sup> October, 2011.

Planning Scheme Review  
Launceston City Council  
PO Box 396  
LAUNCESTON TAS 7250

Dear Sir/Madam,

### RE: 129 GLENWOOD ROAD, RELBIA

We make this representation on behalf of N.A. & C.H. Downie the owners of CT 142551/1 in response to the letter from LCC dated 11<sup>th</sup> October 2011.

We support the zoning of part of the land as Rural Living. We would ask, however, that the zone boundary between that zone and the rural zone actually follows the title boundaries for the already approved subdivision where they encroach into the rural zone.

On 21<sup>st</sup> June, 2011 your Council approved a 12 lot subdivision of this land (DA 623/2010). We are proceeding with this subdivision and have submitted engineering design plans to your Council for approval and have commenced the survey of the lots. This will then mean that the title boundaries of the resulting lots will not follow the zone boundary. If this change is made it will not allow any further subdivision but will ensure lot owners will have all their land in the rural living zone rather than have a small lot with two zones.

We also request that the zone boundary remains the same where it passes through lot 12. This will allow the possibility of further subdivision of land capable and suitable of supporting rural living lots to be considered for future subdivision to ensure the rural living zone achieves its maximum potential yield of lots.

We attach a copy of our approved subdivision showing the proposed rural living/rural zone boundary. We can supply this in digital form if required.

Yours faithfully,

**CAMPBELL SMITH PHELPS PEDLEY**

Per:

JOHN DENT

Delivered  
27/10

56	Andrew Ferguson	77 Lalla Road, Lilydale	<ul style="list-style-type: none"> <li>Existing Zone: Rural</li> <li>Proposed Zone: part Rural Living, part Rural Resource</li> <li>Support zone change if applies to entirety of the property.</li> </ul>	<ul style="list-style-type: none"> <li>Existing Zone: Rural</li> <li>Proposed Zone: Closed Residential</li> <li>Request: Closed Residential or equivalent to provide better buffer from adjacent business</li> </ul>	Supported. The inclusion of all of 77 Lalla Road provides a logical boundary for the Rural Living zone.	Living Zone.
57	Mr & Mrs Roberts	14 Reuben Court, Kings Meadows		<ul style="list-style-type: none"> <li>Existing Zone: Commercial, Special departure</li> <li>Proposed Zone: Particular Purpose, surrounded by Urban Mixed Use</li> <li>Object to Urban Mixed Use adjacent to brewery</li> <li>Reasons: <ul style="list-style-type: none"> <li>A. Increases in residential density adjacent to operation will impact on the brewery.</li> <li>B. Suggest overlay control to protect the iconic brewery operations from the impacts of residential development</li> </ul> </li> </ul>	Not supported. Inner Residential zone is the most appropriate zone for this inner urban location.	No Change.
58	Ian Abernethy, Pitt & Sherry	J Boag & Son Pty Brewing Ltd 21 Shields Street, Launceston		<ul style="list-style-type: none"> <li>Existing Zone: Commercial, Special departure</li> <li>Proposed Zone: Particular Purpose, surrounded by Urban Mixed Use</li> <li>Object to Urban Mixed Use adjacent to brewery</li> <li>Reasons: <ul style="list-style-type: none"> <li>A. Increases in residential density adjacent to operation will impact on the brewery.</li> <li>B. Suggest overlay control to protect the iconic brewery operations from the impacts of residential development</li> </ul> </li> </ul>	Existing Commercial zone provides for residential development within the Central Activities District. Urban Mixed Use zone supports an intensification of uses, both commercial and residential. Urban Mixed Use zone requires that every use controls their own emissions and not cause a nuisance to adjoining uses.	No Change.
59	John Dent, Campbell Smith Phelps Pedley	131 Glenwood Road, Relbia		<ul style="list-style-type: none"> <li>Existing Zone: part Rural Residential and Rural</li> <li>Proposed Zone: part Rural Living and Rural Resource</li> </ul>	Agreed. Recommend change zone boundaries to reflect subdivision plan.	Rezone land Rural Living in accordance with approved subdivision plan from DA0623/2010.

*Council officer's Recommendation*

*Response*

Copy -

60	P.C Cabalar, Esrala Pty Ltd	59-67 Bathurst Street, Launceston	<ul style="list-style-type: none"> <li>Existing Zone: Commercial</li> <li>Proposed Zone: Urban Mixed Use</li> <li>Object to zone change, reasons: <ul style="list-style-type: none"> <li>A. Inconsistent with existing wholesale and commercial uses.</li> <li>B. Zone will impede future use for large floor area stores.</li> <li>C. Businesses require long hours for deliveries which will be limited by residential use</li> <li>D. Property situated between two major arterial roads</li> <li>E. Limitations on illuminated signs will affect viability and security.</li> <li>F. New zone will affect value of property.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Existing Zone: Commercial</li> <li>Proposed Zone: Urban Mixed Use</li> <li>Object to zone change, reasons: <ul style="list-style-type: none"> <li>A. Inconsistent with existing wholesale and commercial uses.</li> <li>B. Zone will impede future use for large floor area stores.</li> <li>C. Businesses require long hours for deliveries which will be limited by residential use</li> <li>D. Property situated between two major arterial roads</li> <li>E. Limitations on illuminated signs will affect viability and security.</li> <li>F. New zone will affect value of property.</li> </ul> </li> </ul>	The zone is set up with a very broad range of commercial uses to facilitate an increased intensity of development in the urban fringe. It is the most flexible zone available in the planning scheme and far more flexible than the existing Commercial zone.  The acceptable solutions referred to demonstrate one way of meeting the planning objectives. Alternatives can be considered under the performance requirements through a discretionary application.	No Change.
61	Petr Kriz, The JAC Group	Mount Pleasant Estates, Kings Meadows	<ul style="list-style-type: none"> <li>Existing Zone: Future Urban and Rural</li> <li>Proposed Zone: Mix of Low Density Residential, General Residential and Rural Resource</li> <li>Support zones proposed</li> </ul>	<ul style="list-style-type: none"> <li>Existing Zone: Future Urban and Rural</li> <li>Proposed Zone: Mix of Low Density Residential, General Residential and Rural Resource</li> <li>Support zones proposed</li> </ul>	No change is required. Noted.	No Change.
62	H.A James	12 Mangin Street, Mowbray	<ul style="list-style-type: none"> <li>Existing Zone: Closed Residential</li> <li>Proposed Zone: Inner Residential</li> <li>Object to Zone change. Request Closed Residential or equivalent zone. Parking</li> </ul>	<ul style="list-style-type: none"> <li>Existing Zone: Closed Residential</li> <li>Proposed Zone: Inner Residential</li> <li>Object to Zone change. Request Closed Residential or equivalent zone. Parking</li> </ul>	Not supported. Inner Residential zone is the most appropriate zone for this inner urban	No Change.



# Appendix C

RJ:AO

21 December 2011

John Dent  
Cambell Smith Phelps Pedley  
PO Box 284  
**LAUNCESTON TAS 7250**

Dear John Dent

**Draft Launceston Planning Scheme 2011 - 131 Glenwood Road, Relbia**

Thankyou for your submission.

This was assessed by Council at its meeting of the 12<sup>th</sup> December 2011. At this meeting Council endorsed the draft Planning Scheme for consideration by the Tasmanian Planning Commission (TPC).

I am pleased to inform you that Council supported your submissions. It has been agreed to align the Rural Living Zone boundary with the approved plan of subdivision (DA0623/2010)

At this meeting Council also passed the following resolution:

*"That a deputation be sought with the Minister with a view to action the Draft Planning Schemes currently before the TPC being the Meander Valley Council, West Tamar Council, Northern Midlands Council and the Launceston City Council as submitted without delay."*

It is currently anticipated that the planning scheme will be gazetted as an interim order in early April 2012. Following gazettal the draft Planning Scheme will replace the Launceston Planning Scheme 1996; also a further period of public consultation will be undertaken. Should you wish to make a submission at this time you will have a further opportunity to present your views to both Council and the TPC. Details of this consultation will be confirmed at the time.

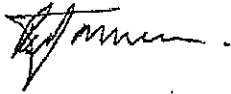
Copies of the Council agenda and minutes can be obtained from Councils website [www.launceston.tas.gov.au](http://www.launceston.tas.gov.au)



Town Hall St John Street PO Box 396  
Launceston Tasmania 7250  
AusDoc DX 70127  
T 03 6323 3000 TTY 03 6323 3003 F 03 6323 3001  
E [council@launceston.tas.gov.au](mailto:council@launceston.tas.gov.au)  
[www.launceston.tas.gov.au](http://www.launceston.tas.gov.au)

Please call me on 6323 3350 if you wish to discuss this matter further or if you have any further queries on the progress of the planning Scheme.

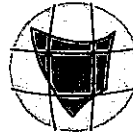
Yours sincerely

A handwritten signature in black ink, appearing to read 'R Jamieson', with a stylized flourish at the end.

**Richard Jamieson**  
**SENIOR PLANNER**

PHONE: +61 03 6331 4099  
FAX: +61 03 6334 3098  
EMAIL: cspp.@pda.com.au

# PROPOSED SUBDIVISION



**CSPP**

CAMPBELL SMITH PHELPS PEDLEY  
Surveyors, Engineers & Planners

3/23 Brisbane Street  
Launceston, Tasmania, 7250  
www.pda.com.au  
Also at: Hobart, Burnie & Kingston

PHONE: +61 03 6331 4099  
FAX: +61 03 6334 3038  
EMAIL: cspp@pda.com.au

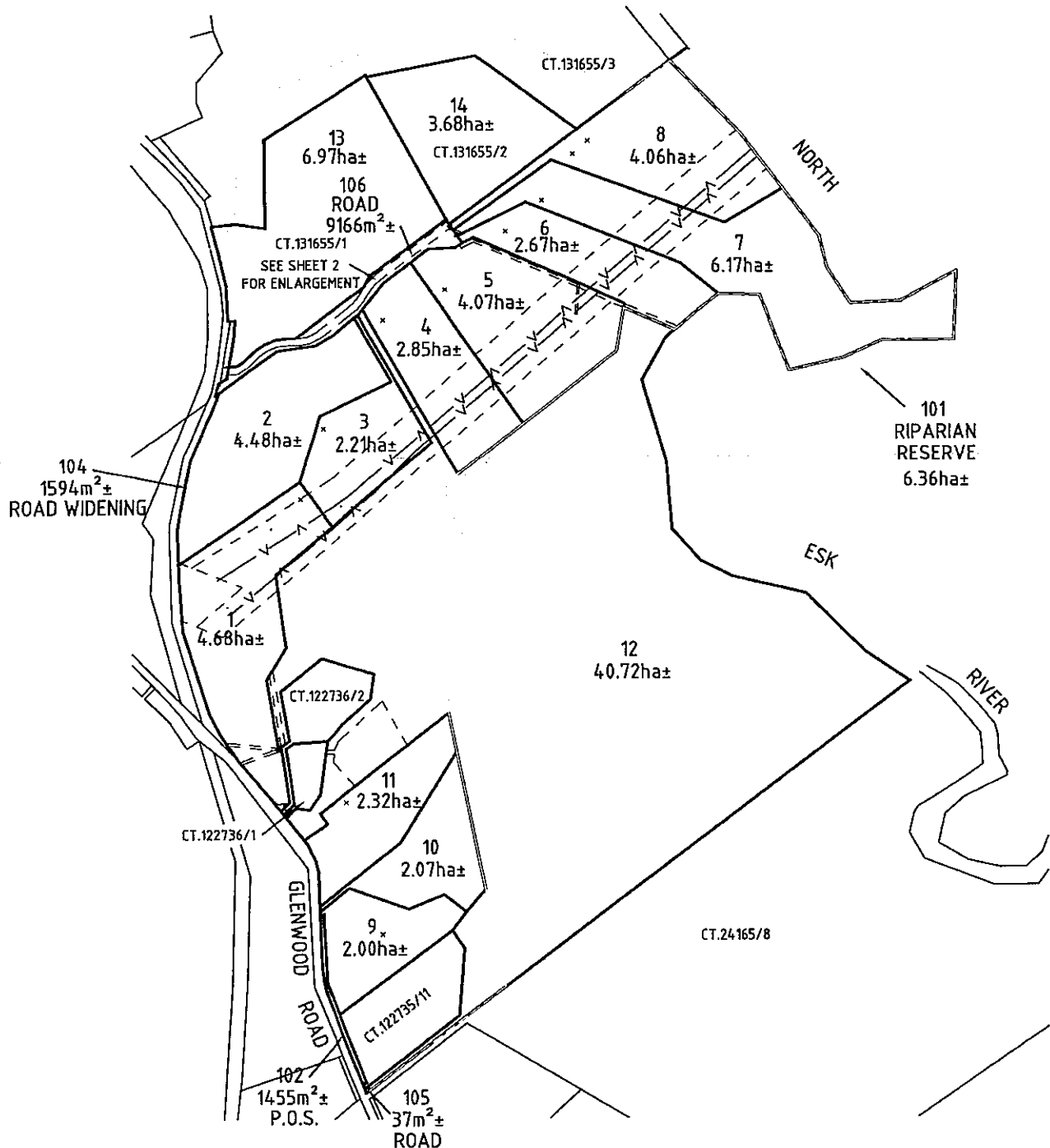
Owner: DOWNIE, ANDREW NICHOLAS &  
DOWNIE, CLAIRE HILDA  
HOUSE, LYNETTE MAREE  
HOUSE, PAUL JOHN  
GEE, KAYE SYLVIA  
GEE, NICHOLAS GEORGE ALEXANDER  
Title Ref: CT.142551/1, CT.131655/2 & CT.131655/1

Location: CITY OF LAUNCESTON  
Council: LAUNCESTON CITY COUNCIL

This plan has been prepared only for the purpose of obtaining preliminary subdivision approval from the Council and the information shown hereon should be used for no other purpose. All measurements and areas are subject to final survey.

Schedule Of Easements As shown on plan.

Scale: 1:6000 Date: 25-10-11 Our Ref: 320-09-P25-a



## STAGING:

STAGE 1: LOTS 2-5, 104, 106  
STAGE 2: LOTS 6-8, 101  
STAGE 3: LOTS 9-11, 102, 105  
STAGE 4: LOT 1 & 12

# APPENDIX D

## LAUNCESTON

J.W. Dent, OAM, B. SURV. (Tas.), M.SSSI. (Director)

## HOBART

A.M. Petcock, B. APP. SC. (SURV.), M.SSSI. (Director)

C.M. Terry, B. SURV. (Tas.), M.SSSI. (Director)

D. Panton, B.E. M.I.E. AUST., C.P.ENG. (Director)

H. Clement, B. SURV. (Tas.), M.SSSI. (Director)

M. McQueen, B.E., M.I.E. AUST. (Associate)

## KINGSTON

A.P. (Lex) McIndoe, B. SURV. (Tas.), M.SSSI. (Director)

## BURNIE

A.J. Hudson, B. SURV. (Tas.), M.SSSI. (Director)

A.W. Eberhardt, B. GEOM. (Tas.), M.SSSI. (Director)



# PDA Surveyors

PO Box 284 (3/23 Brisbane Street)  
Launceston Tasmania, 7250  
Phone (03) 6331 4099

ABN 71 217 806 325  
Fax (03) 6334 3098  
Email: pda.ltn@pda.com.au  
www.pda.com.au

*Our Ref: 299/11*

12<sup>th</sup> December, 2012.

The General Manager  
Launceston City Council  
PO Box 396  
LAUNCESTON TAS 7250

Dear Sir,

## **RE: REPRESENTATION TO THE LAUNCESTON INTERIM PLANNING SCHEME 2012.**

We submit this representation on behalf of Dr N. Downie who owns land at 931 Glenwood Road, Relbia.

### Zoning Map

The zoning map shows part of our client's land not included within the Rural Living Zone. At the rear of CT122735/11 the zone boundary now follows that rear boundary of the title. The previous zone boundary was some way behind that lot which meant that there was an additional building site available to the rear of that first mentioned title. The attached plan shows the original zone boundary and also shows the building limit line determined by a recent geotechnical assessment. We would ask the area hatched as yellow on the attached plan be included within the Rural Residential Zone. A previous subdivision plan had provided an access strip out to Glenwood Road to provide for a lot in this area and we believe this land which is quite capable and suitable for a building site should be included within the zone boundaries.

### F6.0 Relbia and Glenwood Road Specific Area Plan

We believe that our client's land should not be included in the Relbia and Glenwood Road Specific Area Plan. The previous Planning Scheme at Clause 26.5.2 for the Glenwood Road area allowed subdivision of lots of 4.0ha size but allowed lots to be smaller than that in an averaging provision. By inclusion in this specific area plan this is a much greater restriction than existed under the previous Planning Scheme. This much greater restriction should not be allowed because under the Specific Area plan there is no provision to reduce a lot in size below the minimum size of 4.0ha.

.../2...

Previously trading as Campbell Smith Phelps Pedley

#### OFFICES ALSO AT:

- 127 Bathurst Street, Hobart, 7000
- 6 Freeman Street, Kingston, 7050

(03) 6234 3217  
(03) 6229 2131

- 4/16 Main Road, Huonville, 7109
- 6 Queen Street, Burnie, 7320
- 16 Emu Bay Road, Deloraine, 7304

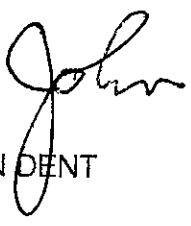
(03) 6264 1277  
(03) 6431 4400  
(03) 6362 2993

This zone has not been transferred across from the old scheme to the new scheme for an equivalent zone as it is much more restrictive as far a subdivision is concerned. We therefore request that our client's land be removed from the Specific Area Plan or the specific area plan be amended to allow for lots lesser in size than 4ha.

Yours faithfully  
PDA Surveyors

Per:

JOHN DENT

A handwritten signature in black ink, appearing to read 'John Dent', written over the printed name 'JOHN DENT'.



# APPENDIX E

File No: SP6440

11 July 2019

NA Downie & CH Downie  
262 Charles Street  
LAUNCESTON TAS 7250

Dear NA Downie & CH Downie

**The zoning of your property**  
**95-125 Glenwood Road, RELBIA**

The State Government is implementing a single state-wide planning scheme in Tasmania and each council must prepare its own local provisions, which include the spatial application of zoning to property including any overlays e.g. local heritage listed properties or scenic protection areas. These local provisions for each council area are referred to as the Local Provisions Schedule (LPS) for that local government area.

As part of this process, the City of Launceston has undertaken a number of strategic projects to ensure that the new planning scheme achieves positive outcomes for our city.

Your property at 95-125 Glenwood Road, RELBIA; (3470112), is currently zoned Rural Living and Rural Resource in the Launceston Interim Planning Scheme 2015 (the interim scheme) and has been recommended to be zoned Rural Living, Agricultural in the draft LPS (see attached map which shows the comparison).

You can view the use and development standards for the zones here:  
Current Interim Scheme - <https://tinyurl.com/interimscheme>  
Proposed SPPs - <https://tinyurl.com/stateplanningprovisions>

Once we have finalised the Draft Launceston Local Provisions Schedule, it will go to Council for endorsement and be formally submitted to the Tasmanian Planning Commission. A formal public advertising period will follow, and written representations will be welcomed prior to finalising the Local Provisions Schedule for Launceston.

If you would like more information, I would be happy to meet with you, or to discuss the changes further over the phone at a suitable time. I can be contacted on 6323 3378 or by email at [Claire.Fawdry@launceston.tas.gov.au](mailto:Claire.Fawdry@launceston.tas.gov.au).

Yours sincerely

Claire Fawdry  
**TOWN PLANNER**

# APPENDIX F

## LAUNCESTON

J.W. Dent, OAM, B. SURV. (Tas.), M.SSSI. (Director)  
M.B. Reid, B. GEOM.(HONS) (Tas.), M.SSSI (Director)

## HOBART

C.M. Terry, B. SURV. (Tas.), M.SSSI. (Director)  
H. Clement, B. SURV. (Tas.), M.SSSI (Director)  
M.S.G. Denholm, B. GEOM. (Tas.), M.SSSI (Director)  
T.W. Walter, Dip. Surv & Map; (Director)  
D. Panton, B.E. F.I.E. AUST., C.P.ENG. (Consultant)  
A. Collins, Ad. Dip. Surv & Map, (Senior Associate)  
L.H. Kiely, Ad. Dip. Civil Eng. Cert IV I.T., (Associate)  
M. Westerberg, M.E.M., M.I.E. AUST., C.P.ENG. (Associate)

## KINGSTON

A.P. (Lex) McIndoe, B. SURV. (Tas.), M.SSSI. (Director)

## BURNIE/DEVONPORT

A.W. Eberhardt, B. GEOM. (Tas.), M.SSSI (Director)  
A.J. Hudson, B. SURV. (Tas.), M.SSSI. (Consultant)



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Incorporating  
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SURVEYS**

Surveying, Engineering & Planning

ABN 71 217 806 325

PO Box 284 (3/23 Brisbane Street)  
Launceston, Tasmania, 7250  
Phone (03) 6331 4099

ABN 71 217 806 325  
Email: pda.ltn@pda.com.au  
www.pda.com.au

8<sup>th</sup> February 2021

Richard Jamieson

Manager City Development

City of Launceston

Via email: Relbia.Review@launceston.tas.gov.au

Dear Sir

RE: SUBMISSION REGARDING: *PLANNING TOGETHER FOR THE FUTURE OF RELBIA*

Thank you for the opportunity to provide a submission on behalf of Dr N. Downie, who is the joint owner of land located at 95-125 Glenwood Road, Relbia. For Councils reference, the property referred to in this submission is identified as PID 9896143 and Title 176629/1.

While it is understood that the current consultation process seeks to discover what the communities' broader vision is for Relbia, it is also an opportunity for individual landowners to advocate for a scenario that aligns with their land use plans, both now and into the future.

Our client has participated in several consultation processes specific to Relbia over many years. This submission seeks to reiterate the issues previously raised and reinforce the position that relatively minor changes would result in much-improved planning outcomes for the subject site.

Upon review of the Planning Together for the Future of Relbia report (the report), it is noted that none of the Change Scenarios proposes a variation of the zone for our clients land. The cited preferred Option 2 – Limited Change Scenario is generally consistent with the Relbia and Glenwood Road Specific Area plan. Therefore, it was not unexpected given our clients' knowledge of the urban development pattern that the Relbia community would be most comfortable with.

However, we would submit that there are areas of the subject title requiring the zoning to be adjusted based on historical mapping translation errors, the current use and development, and reasonable future use possibilities for the site. We would also bring to Councils attention to the historical development proposals that were approved but not acted on due to legislative changes and timing factors. It is the writers understanding that through the various iterations of past, current and future planning scheme consultations that there have been several interactions between the landowner, his agent/s and the Council regarding this issue and that all parties were in agreement that the planning intent for the following proposal was sound and would/could be supported?

In 2011, PDA Surveyors provided Council with a submission that addressed the increased subdivision restrictions on our clients land due to mapping issues that occurred during the translation to the Interim Planning Scheme, from the Launceston Planning scheme 1996 (1996 scheme). This was further compounded by the inclusion of the Relbia and Glenwood Road Specific Area Plan which would potentially make the rezoning or urgent amendment process more difficult.

## OFFICES ALSO AT:

• 16 Emu Bay Road, Deloraine, 7304  
• 6 Queen Street, Burnie, 7320  
• 100 Main Street, Devonport, 7310

(03) 6362 2993  
(03) 6431 4400  
(03) 6423 6875

• 127 Bathurst Street, Hobart, 7000 (03) 6234 3217  
• 6 Freeman Street, Kingston, 7050 (03) 6229 2131  
• 10/16 Main Road, Huonville, 7109 (03) 6264 1277  
• 3 Franklin Street, Swansea, 7190 (03) 6130 9099

In the 1996 scheme, the subject site had dual zoning (Rural Living and Rural Resource) with the Rural Living zone applied to the South Western boundary on Glenwood Road. This included the area covering the existing homestead, and an area referred to as Lot 12, depicted on the attached map. Unfortunately, during the transition between the 1996 scheme and the Interim scheme, the Rural Living zone mapped area was reduced. This error has dramatically impacted our client's ability to develop his land. Also, Clause 26.4.1 of the 1996 Scheme provided for the subdivision of 4ha lots was possible with smaller lots possible through an averaging provision; however, this clause is not available within the Interim Scheme.

This further disadvantaged our client when the permit for Lot 12, of a former subdivision, was unable to be re-applied for after the permit lapsed despite the rest of the subdivision having been successfully created within the Rural Living Zone resulting in an undeveloped lot, with the provision for access from Glenwood Road. There was some consideration for applying for an urgent rezoning due to the zoning application error; however, given the new State Scheme's announcement, this provided an alternative option to rectify the mistake.

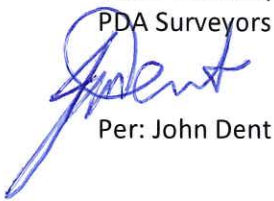
The next opportunity to formally address this was through the Local Provision Schedule (LPS) consultation process. The correspondence we have with Council officers indicate that staff support our client's position.

To be clear, our client is not seeking an unreasonable outcome, only for the zoning that was once applied to the land to be reinstated so that he can carry out the development of the site as initially planned, and previously possible, under earlier provisions.

In conclusion, this submission requests that the zoning of the subject site, Title 176629/1, located at 95-125 Glenwood Road, Relbia be amended to reflect the attached plan so that the area around the homestead and the area identified as Lot 12 is re-allocated within the Rural Living Zone.

Yours faithfully

PDA Surveyors



Per: John Dent



# APPENDIX G

## John Dent

---

**From:** Iain More <Iain.More@launceston.tas.gov.au>  
**Sent:** Friday, 24 January 2020 4:37 PM  
**To:** John Dent  
**Subject:** RE: Draft LPS - 95-125 Glenwood Rd, Relbia - Rural Living Zone adjustment request

Hi John,

The local provisions schedule, which included the proposed zones was endorsed by Council last September and subsequently sent to the Tasmanian Planning Commission for review. The commission will review all documents and provide a response to Council either requesting further information to be provided, or we will be directed to formally advertise. Whilst we have been in contact with the commission, we are not yet sure where they are in terms on a timeline, only that they are still reviewing the material. I am expecting that we will be required to provide further information however.

Discussions with the commission have indicated that changes without their request would generally not be accepted at this stage. It would appear unlikely that Council could make a change to the current endorsed zoning. Notwithstanding, we will have a better understanding on due process once we have been contacted by the commission. It may be that the best pathway forward will be to lodge a representation during the formal notification period.

As a point of clarification, could you please provide the title reference number so I can identify the property for my own reference.

Kind Regards,

**Iain More** | Town Planner | City Development | City of Launceston  
T 03 6323 3382 | [www.launceston.tas.gov.au](http://www.launceston.tas.gov.au)

---

**From:** John Dent <John.Dent@pda.com.au>  
**Sent:** Wednesday, 22 January 2020 1:08 PM  
**To:** Iain More <Iain.More@launceston.tas.gov.au>  
**Subject:** RE: Draft LPS - 95-125 Glenwood Rd, Relbia - Rural Living Zone adjustment request

Hi Iain,

Claire said to contact you in a few months to see where the Council was at with our request to amend the zone boundary on Downies land. Could you please advise if you have been able to include the land we requested into the low density residential zone. Could you also please provide an update as to where the LPS process is up to.

Regards,

**John Dent**  
Director and Registered Land Surveyor  
PHONE: +61 3 6331 4099 (Launceston)  
MOB: 0408 133 656  
P.O. Box 284  
3/23 Brisbane Street, Launceston, Tasmania 7250  
[www.pda.com.au](http://www.pda.com.au)



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**From:** Claire Fawdry [<mailto:Claire.Fawdry@launceston.tas.gov.au>]

**Sent:** Tuesday, 17 September 2019 11:57 AM

**To:** John Dent

**Cc:** Iain More

**Subject:** RE: Draft LPS - 95-125 Glenwood Rd, Relbia - Rural Living Zone adjustment request

Hi John

I am waiting on the minutes from the council meeting on 5 September 2019 to be released so that we can lodge our LPS with the Tasmanian Planning Commission.

As I foreshadowed below, there is no guarantee we can include your request in our LPS prior to advertising, but if not, you will have the opportunity to submit a formal representation.

I am going on maternity leave from Friday 27 September for 12 months. Iain More will be doing my role while I am on leave so I would suggest you touch base with him in the coming weeks/months to see where things are at.

Kind regards

**Claire Fawdry** | Senior Town Planner - Policy & Projects | City of Launceston

T 03 6323 3378 | [www.launceston.tas.gov.au](http://www.launceston.tas.gov.au)

---

**From:** John Dent [<mailto:John.Dent@pda.com.au>]

**Sent:** Tuesday, 17 September 2019 10:17 AM

**To:** Claire Fawdry <[Claire.Fawdry@launceston.tas.gov.au](mailto:Claire.Fawdry@launceston.tas.gov.au)>

**Subject:** RE: Draft LPS - 95-125 Glenwood Rd, Relbia - Rural Living Zone adjustment request

Hi Claire,

You indicated you may be able to include this matter in with updates you will be making to the LPS. Just wondering if that is going to be able to occur and where the process is at?

Regards,

**John Dent**

Director and Registered Land Surveyor

PHONE: +61 3 6331 4099 (Launceston)

MOB: 0408 133 656

P.O. Box 284

3/23 Brisbane Street, Launceston, Tasmania 7250

[www.pda.com.au](http://www.pda.com.au)



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**From:** Claire Fawdry [<mailto:Claire.Fawdry@launceston.tas.gov.au>]  
**Sent:** Wednesday, 28 August 2019 10:44 AM  
**To:** John Dent  
**Subject:** Draft LPS - 95-125 Glenwood Rd, Relbia - Rural Living Zone adjustment request

Hi John

I refer to our meeting last Wednesday 21 August in relation to 95-125 Glenwood Road, Relbia owned by Nick and Clare Downie.

Given the timing of where we're at in the process, we won't be able to make a change before the Draft LPS goes before Council for endorsement next Thursday 5 September as all documentation had to be finalised last Friday and I didn't have capacity to investigate this further for you in that short turnaround time.

We anticipate that there will be an opportunity to make some updates prior to formal advertising so the realignment of the Rural Living zone boundary might be incorporated into that update which will then be subsequently endorsed by council and resubmitted to the TPC.

Although I see the merit in what you are suggesting on the face of it, if Council ultimately decides not to proceed with the recommended change, there will still be an opportunity for you to put in a submission during the formal advertising period.

If you have further questions, please feel free to contact me.

Kind regards  
Claire



**Claire Fawdry**  
Senior Town Planner - Policy & Projects  
City Development  
P - 03 6323 3378  
[www.launceston.tas.gov.au](http://www.launceston.tas.gov.au)



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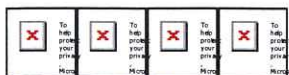
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