

Response to Planning Authority's 35F report – for TPC hearing - 15th Feb 2021

This document contains Rep 9's responses to the Planning Authority's 35F report.

Rep 9. [Kim Lai, Jane Bennett, Greg Clark, Aaron Chen, Skyridge Pty Ltd]

This is the representation to be lodged on the day at the hearing responding to the West Coast Council's 35F report - as advised by Mr. Samuel McCrossen. It includes

- a. Table 1 - summarising responses to the Planning Authority's 35F report.
- b. Detailed written responses explaining the points in the Table summary.
- c. Information re background history re Tullah and pertinent factors distinguishing it from other towns in the shire.

This submission is made clarifying our previous Oct 2020 representation after consultation with councillors, council planning representatives and engagement of advice from town planning consultants, and specifically after reviewing the Planning Authority's 35F report. We also request if we are unable to attend in person on the day due to last minute Covid restrictions, that it can be read as what we would have mainly said at the hearing.

We hope this 'day of the hearing' representation will provide better focus on the remaining issues to a greater degree of specificity in relation to the WCC adopted Strategic Studies and State Planning Provisions and Guidelines, and we hope it may assist the Commission in conducting a more time efficient and focussed hearing.

Yours sincerely

Kim Lai, Jane Bennett, Aaron Chen, Gregory Clark, Skyridge Pty Ltd

TABLE 1 - Rep 9's responses to Planning Authority's 35F responses

TPC Copy
R1

Planning Authority's 35F Report Responses	Rep 9's response	Some Points to present at hearing
RURAL		
1. Existing Infrastructure already exists	Correct	<p>a. Already connected to stormwater</p> <p>b. Recent large infrastructure upgrades to</p> <ul style="list-style-type: none"> i. Sewer pumping station to service this land ii. Power upgrades specifically for this land
2. Sufficient Residential land available	Factually incorrect	<p>a. Faulty WCC 2017 land use study</p> <ul style="list-style-type: none"> i. incorrect data and faulty analysis ii. correct data shows severe shortage of suitable RZ 1 land available iii. Estate agents reports <p>b. Disregards Cradle Coast Regional Land Use Strategy</p> <ul style="list-style-type: none"> i. priority use of existing infrastructure before greenfield development ii. special considerations required for small settlements such as Tullah iii. Require shire provide min 10 year supply <p>c. Disregards WCC 2017 Land Use Study</p> <ul style="list-style-type: none"> i. Tullah is most likely town in shire for population growth ii. Recommends this land be Residential <p>d. Land considered as suitable supply is actually unsuitable when examined</p> <ul style="list-style-type: none"> i. most are unviable greenfield sites ii. many lots are Authority land- Crown, Hydro iii. Large amount in current and intended local business uses iv. many are 'extensions' to existing residences v. several are unserviced lots vi. none available for purchase
3. 'Like for Like' unless Guideline 1 applies	Guideline 1 does apply therefore 'like for like' is incorrectly applied.	<p>a. Sect 8. Guideline 1, 20.0</p> <ul style="list-style-type: none"> i. RZ 1 for non-urban areas <p>b. This is an urban area -</p> <ul style="list-style-type: none"> i. Historical evidence ii. Recent evidence <p>c. Disregards 20.1.3</p> <ul style="list-style-type: none"> i. compromises functions of surrounding settlements <p>d. Disregards WCC 2017 - 4.5.5.</p> <ul style="list-style-type: none"> i. translations to consider anomalies ii. this is an anomaly- Mayor's quotes iii. Township knows this a major anomaly

TABLE 1 - Rep 9's responses to Planning Authority's 35F responses

Planning Authority's 35F Report Responses	Rep 9's response	Some Points to present at hearing
RURAL [continued]		
4. Land is serviced and GRZ could be applied, however GRZ 2 [c] applies requires new strategic study	Correct GRZ 2 [c] does not apply	a. Land has extensive service infrastructure b. GRZ 2 [c] applies to greenfield sites i. land is not a greenfield site ii. Land is historically residential c. Sufficient strategic analysis already exists i. 2017 WCC Land Use strategy specifically informs current LPS process ii. Cradle Coast strategic documents still valid and applicable in many relevant points
LOCAL BUSINESS		
6. LBZ is consistent with Guideline 1.	Correct	a. Representation re 2 Farrell St is also consistent with Guideline 1.
7. Addition of adjoining land would be ad hoc	Is consistent 14.1.4.	a. Is consistent with 14.1.4 b. 2 Farrell St directly adjoins the proposed new LBZ at 12 Farrell c. the land is in the same ownership
8. Further investigations are required	Questioned	a. It is obviously the land served by the car park being rezoned to LBZ and is a part of adjoining land in same ownership
9. Does not necessitate modification to draft LPS	Incorrect	a. Both lots should remain in same zone as they are required to each other for use. b. To rezone half of an owners land into a new zone creates no future use at all. c. Council mistakenly believed it owned the land and it served the Community Hall
INDUSTRIAL ZONE		
10. Further investigations are necessary	Fear for long delays in investigating it	a. is required in the present b. delays will mean missed opportunities for the town in folow on ways c. departure of potential investors

Re: RURAL ZONE [re most appropriate zone is residential land 'south of Selina street']

Rural Zone

1. The representation requests that General residential Zone be applied to land south of Selina Street (refer to Figure 5), to include Sterling Street and Romulus Street (CTs: 100219/176 and 100219/177). The land in this location is serviced with reticulated water and sewer and can connect to reticulated stormwater.
2. The West Coast Land Use Strategy, September 2017, advises there is sufficient land in Tullah zoned General Residential.
3. The application of zones in the municipal area has adopted a like-for-like translation from the West Coast Interim Planning Scheme to the draft LPS, unless Guideline 1 instructed otherwise.
4. The representor correctly identifies that the land is serviced, and therefore in accordance with GZ 2 the General Residential Zone could be applied in this location. However, the application of the General Residential Zone to this greenfield site cannot be justified in accordance with the relevant regional land use strategy and is not supported by a more detailed local strategic analysis as required by the instructions of GRZ 2 {c} in Guideline 1

Re: Council response Point 1.

1. The representation requests that General residential Zone be applied to land south of Selina Street (refer to Figure 5), to include Sterling Street and Romulus Street (CTs: 100219/176 and 100219/177). The land in this location is serviced with reticulated water and sewer and can connect to reticulated stormwater.

We are pleased to note that the council has now examined this land more closely and that we are all now in agreement that the land has extensive service infrastructure most suitable to residential development. We do note however that it is actually already connected to an extensive and functional stormwater drainage system, and this is not just a possibility of future connection. It also has a recently upgraded sewerage rising mains pumping station and power network upgrade the sole purpose of which is recent years developer infrastructure to service this land.

Re Council response Point 2.

2. The West Coast Land Use Strategy, September 2017, advises there is sufficient land in Tullah zoned General Residential.

The 2017 Land Use strategy incorrectly assumes there is already sufficient land in Tullah for residential supply. This is an easy mistake to make, as it can appear to be so if data is only examined superficially, and if neglecting to consider the facts presented in our submission of April 2018, made regarding the WCC 2017 Land Use study. [Our April 2018 submission can be provided if required]. Despite repeated requests we were never provided with any opportunity to be heard at a council meeting to present or discuss these facts before its adoption.

It is understandable how it may superficially seem that sufficient residential supply exists at Tullah, but only if the Planning Authority disregards many of the essential considerations and recommendations in its adopted strategic framework of the Cradle Coast Regional Land Use

Study. This informs councils to take notice of several important points re assessing suitable supply of residential land in this region, particularly in relation to smaller townships. Whilst this is a 2011 land use study and possibly in some ways outdated, these particular points of high relevance would remain of unchanged important relevance in any future study, as they are related to issues other than changes in population demographics and residential land demand. They are intrinsic matters of importance to towns in this region.

Data for sales of vacant residential land for Tullah are by themselves not a suitable indicator that there is low demand and slow uptake of residential lots at Tullah for these specific reasons.

- a. Whilst only 2 vacant residential lots have sold over the past 3 years, this is the total number of lots available for sale and they sold quickly, as demand is high and nothing is available. Currently there is not one single vacant residential lot on the market in Tullah. The lack of land for sale cannot be reliably considered as data supporting the notion of lack of demand for land.
- b. The longer term data is in the period when land was mostly tied up in liquidation proceedings regarding Devils Playground bankruptcy, and is actually evidence that sufficient land has not been available to be purchased.
- c. Estate agents report continual, and in the last two years increasingly strong enquiry for purchase of residential land at Tullah. No lots are available to meet this demand.
- d. There has been an approximately 300% increase in the sales of existing established homes in Tullah, with many periods in recent years when no established homes were even available for sale.
- e. Please refer to attached full Tullah sales data, and estate agents letters provided previously, as these clearly demonstrate the demand far exceeds supply and the council view that there is a 10 year forward supply of residential land available at Tullah is proven factually incorrect.

The council has not given due consideration to its own strategic studies on many points of a high degree of relevance to Tullah. Due and proper consideration should take into account adopted strategic studies such as the 'Living on the Coast Cradle Coast Regional Land Use Planning Framework.' [Pages 85-86]

- a. "It must be recognised the circumstances of the Cradle Coast Region are such that settlements are unable to sustain growth entirely through raw land releases."
- b. "it supports priority for better use of the land already designated and serviced for urban use before advancing options for expansion in settlement boundaries and new green-field development."
- c. "The Framework must consider growth scenarios which accommodate future housing land."
- d. "There is a practical need to retain a minimum 10-year outward supply given the considerable lead time often associated with urban land release."

The three large lots [1, 2 and 37 Farrell St.] that are largely considered the 10 year forward supply are all greenfield sites. To be subdivided into residential allotments they would require:-

- a. An owner willing and able to do so at a significant financial loss to themselves.
 - a. No current owner of these lots is willing to make such donations to the welfare of the town, especially since the proper solution is to identify the land south of Selina St as Residential as it has already existing services.
- b. The construction of new access roads, kerb channel and crossings, stormwater drainage, mains water extension, and the extraordinary high costs of installing new rising mains sewerage pumping stations. In short the costs of developing this currently zoned Residential land into suitably sized residential allotments is currently extremely unviable and is expected to remain so for at least the next ten years if not probably much much longer. Hence this land is not actually available for current residential requirements. The specific need for councils to understand such matters is within the currently adopted strategic frameworks. Namely
 - a. "It must be recognised the circumstances of the Cradle Coast Region are such that settlements are unable to sustain growth entirely through raw land releases."
- c. The current owners of these lots have different intentions for the non residential use of this land. These plans would significantly increase the sustainability of the town in terms of increased employment to residents and meet current needs and entirely fit in line with the councils The West Coast Community Plan 2025 for Tullah. The Planning Authority has neglected to adequately act upon this essential need for close collaboration with the community at all levels, such as for example,

"The West Coast Community Plan 2025 provides the foundation to help guide policies, strategies and actions that relate to the West Coast and our community. The success of the Plan depends entirely on the collective actions and collaboration of those concerned, including the residents, businesses, workers, visitors, community organisations and all levels of government. Page 12.

Therefore it is required to be stated that,

- a. 2 Farrell street is a greenfield site intended to be used for business purposes as it is part of a the adjoining 12 Farrell street – a large car park. 2 Farrell street also includes the roadside plantation that acts a highway buffer for Tullah village, and is entirely unsuitable for clearing to be subdivided into residential lots to meet supply demands. The loss of this protective buffer in fact would be devastating to the township's attractiveness and liveability. It would especially be unviable as land for residential lots as access would be via the Murchison highway and we believe contrary to State Growth's advice re non direct entry of new residential lots to highways.
- b. 37 Farrell street is a part of the Tullah Lakeside Lodge, a significant business and local employer. We understand that it is currently used for guests as a lakeside nature experience area and is further intended for the much needed expansion of the accommodation facilities of the Lodge, in terms of caravan and cabin park facilities. It was previously owned by Venture Minerals who had investigated it for purposes of residential

accommodation but the costs of upgrading services to this lot for residential uses were deemed excessive due to its greenfield character.

- c. 1 Farrell St is also a greenfield site and economically unviable for development into residential allotments. The actual location also is unsuitable as it adjoins the public boat ramp, fronts the Murchison Highway and does not meet purchaser's interest in living or having a holiday home in a country town. It also may have a Public Recreation overlay upon it, and possibly is the target of a Compulsory Acquisition as it is indeed suited to public use, as it was used before sale by council to Devils Playground.
- d. As such these large greenfield lots although currently zoned residential cannot be considered as the appropriate supply of residential land for Tullah, unless we completely ignore and disregard The Cradle Coast Regional Land Use Strategy's important points listed.

Conversely, the Cradle Coast Regional Land Use Strategy urges the use of land with already existing services and infrastructure that can more cost effectively and more quickly be ready and available for residential allotments. This is particular relevance to Tullah.

“it supports priority for better use of the land already designated and serviced for urban use before advancing options for expansion in settlement boundaries and new green-field development.”

The land south of Selina street already has all these services but is being placed into the new Rural zone in the new LPS. This is entirely inconsistent with important factors highlighted in its regional strategies and will only have the effect of denying suitable residential land supply for Tullah, which is experiencing an increasingly higher level of demand for such.

In fact the 2017 WCC land use study re Tullah recognised that the land south of Selina street be allocated into a future residential growth zone, but only to become active after uptake of these 3 lots, which is the very opposite way to address the urgent need for residential land supply in Tullah.

“2017 WCC Land use study where this area was at least identified as suitable for residential growth zone.

4.1.5 page 19 of that study states in relation to this land area

“Identify existing Rural Residential Zone land as future long-term residential growth area and zone accordingly (the use of a ‘holding zone’ may be warranted).”

The 2017 Land Use Study which was commissioned to inform decision making in the new LPS process, also noted one important difference in regard to Tullah as the most likely of all West Coast towns to experience increased demand for residential growth.

At 4.5.1. Residential zoning implications. P. 38 it states

“Tullah’s proximity to Burnie relative to the balance of the West Coast municipality means that Tullah could potentially be a future location for residential growth.”

“Cradle Mountain, one of the region’s major tourism destinations, is around 45 minutes by car from Tullah in the north of the municipality. Located approximately one-hour north of the municipality’s northern reaches, the major regional service centre for the West Coast is Burnie.” P.20 WCC 2017 Land Use Study.

And again due to this proximity to the major regional service centre at Burnie, for Tullah, unlike some of the more remote towns in the WCC, should have

“ capacity to accommodate substantial future residential growth in Tullah in the future” p. 37. WCC 2017 Land Use Study.

Many of the apparent vacant lots in the residential zone are not available for sale for current residential demand, when examined in detail. Many are actually Crown Land, Hydro Tasmania land, are not fully serviced, or have been purchased by owners of adjoining homes to fill the need for larger residential lots in small settlements where no other form of storage is available. These cannot be identified correctly as a part of the adequate residential land supply for Tullah.

Some examples of land incorrectly taken to provide suitable supply of residential land are:-

- i. Hydro Tasmania land.
 - 5 of the 8 residential zone lots in Madden Street. PID 3278980, inc lots 202271/7, 202272/6, 202272/4, 202268/4, 202274/2, 202270/8.
- ii. Crown Land.
 - Cnr Ardyn St and Peters St
 - Cnr Ardyn and Madden St
 - 8 lots on southern portion of Peters St
 - 2 lots on Peters St which the rail runs thru
- iii. There are several more unusable lots scattered in the current residential zone due to lack of accessible services to them on Peters street.

Thus when examined properly and these lots are not counted as the other part of the Planning Authority’s ‘adequate supply’ of residential lots for Tullah, we find again that there is virtually no suitably sized residential lots available at Tullah, and most certainly not a 10 year forward supply, and most certainly there are none available for purchase.

Re: Council response - Point 3.

3. The application of zones in the municipal area has adopted a like-for-like translation from the West Coast Interim Planning Scheme to the draft LPS, unless Guideline 1 instructed otherwise.

- a. The adoption of 'like for like' translation does in fact go against Guideline 1 for the new Rural zone. In particular Guideline 1 states,
 - a. Sect 8A Guideline 1. 20.0 Rural zone states "RZ 1. The Rural Zone should be applied to land in non-urban areas."
 - b. 20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.
- b. The land is not in a non-urban area. It is urban land.
 - a. The Macquarie dictionary defines urban as *adjective* 1. of, relating to, or comprising a city or town.
 - b. This area is designated in the original town grant. It is part of the town's developed urban residential history, i.e. it is not non-urban.
 - c. Historical use for this area is residential as can be evidenced by aerial photography showing it containing many residences.
 - d. The mayor and councillors admit it was incorrectly zoned Rural Resource in the past due to non recognition of these facts, therefore in this case the 'like for like' approach would be merely taking the approach of 'past mistakes to be translated into new mistakes.' Contrary to the council's report [extract below] the mayor advised Rep 9 that he and his councillors were aware of the strong need for correct residential zoning at Tullah on the land in issue, as well as specifically the past mistakes made re Rural Resource zone and Devils Playground mistake, but was informed by planners that it could not be done as part of the new LPS process, as it was prohibited by regulations for land in the Rural Resource zone under question. This prohibition is not so, as is evident by the fact that much other land is being rezoned in this process, and as shown here that planners have incorrectly assumed this land is subject to GRZ 2 [c] constraints for greenfield sites. The mayor has given permission to quote this conversation at the hearing. The Planning Authority's own report states:-

"The Mayor advised that he agreed there was a need for some rezoning in Tullah, saying to try and do that within these local provisions we would not be successful. Council will revisit in the near future and put forward an argument for rezoning."

- c. Guideline 1 at 20.1.3 does instruct otherwise therefore using the 'like for like' translation is not a valid approach. 20.1.3 instructs that in the allocation of the new Rural zone it should be ensured that it "does not compromise the function of surrounding settlements." To allocate Rural to this area will in fact significantly compromise the functioning of the town.
 - a. The land is within the township itself hence it directly compromises the function of the town. It is not an outlying area or separated by a major road or feature, such as the land on the eastern side of Tullah village. Many

permissible uses of the new Rural zone are only permissible if the activity is some distance from established residences. This distance is 200 metres we believe. This area is directly adjoining established residences and any Rural use would greatly compromise the quality of life for residents.

- b. It furthermore compromises the function of the town as it would remove an already serviced source of residential land from supply, and continue to thwart its ability to meet the demands of the moment. Please refer to previous comments re residential land supply, estate agents comments, etc.
- c. Other residents and the Tullah Progress Association also raise the objection to having this area zoned Rural as it is within the historical residential area of the township, and will compromise the quality and health of its residents. Please refer to the Tullah Progress Association's own representations.
- d. The 2017 WCC Land Use Study states clearly that
 - i. "the implications for future zoning of residential land relate to the rezoning of the Rural Resource land in townships/settlements, which is used for residential purposes, to an appropriate residential zone." Page 38.
- e. This 2017 strategic study states exactly the same verbal advice from council planners and previous general manager {Mr. Dirk Dowling} that the new LPS would be the proper place for consideration for zoning of serviced residential land locked up in inappropriate zones to be identified correctly as residential zone. The 'like for like' response of council in the 35F neglects to consider its own advice and its strategic studies commissioned to inform its decision making. For example,

4.5.5. Rural and agricultural zoning implications [page 44]

"There also exist other small parcels of Rural Resource zoned land, which are scattered amongst other zones. It was not part of our brief to analyse and assess the viability of Rural Resource zoned land for rural and agricultural purposes. However, there is the opportunity as part of Council's implementation of the State Government's proposed changes to state planning policy framework and zone conversions and translations to amend some of the parcels of land, which may be anomalies from the previous scheme particularly where it is clear that land use conflicts may arise in the future."

Re Council response Point 4.

- 4. The representor correctly identifies that the land is serviced, and therefore in accordance with GZ 2 the General Residential Zone could be applied in this location. However, the application of the General Residential Zone to this greenfield site cannot be justified in accordance with the relevant regional land use strategy and is not supported by a more detailed local strategic analysis as required by the instructions of GRZ 2 {c} in Guideline 1.
- 1. The Planning Authority and all parties are in agreement that this part of the township has already extensive service infrastructure, 12,000 metres of sealed roads with kerb and channel, stormwater drainage, water, sewerage with recently upgraded rising mains pumping station, and a recent [2007] electrical network extension and upgrade

to service lots. Thus it is correct that it is in compliance for land suitable for residential zoning under Guideline 1.

2. The land is not a greenfield site. GRZ 2 [c] does not apply.

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greenfield

/ˈgrɪnfild/ (say 'greenfeeld)

adjective 1. of or relating to a location for a business where there has not previously been any building: a greenfield site.

- a. This is not a greenfield site as reported in councils 35F report point 4. We understand greenfield to mean as per the Macquarie dictionary as 'land where there has not previously been any buildings'. This area has previously been fully developed with residences with all services. This infrastructure already exists and was tested in recent years, for example, a toilet and shower caravan park amenity block 2008.
 - i. In both its 35F responses no. 1 and 4, the council correctly acknowledges that this land meets all criteria in accordance with GZ 2 guidelines for residential zone. However it incorrectly states that this is not possible due to identifying this land as a 'greenfield site' namely one where there has not previously been any building, and thus states it cannot justify this otherwise correct allocation at this time due to GRZ 2 in particular GRZ 2[c].
 - ii. However GRZ 2 only applies to 'green-field, brown-field or grey-field areas'. This area is not a greenfield site as stated by the Planning Authority as demonstrated above therefore is incorrectly seen as applying in this instance as the sole reason to not apply Guideline 1 GRZ 1. Subsequently it is our representation that the council is not required to use this GRZ 2 [c] part of the guidelines as a means to avoid making the correct allocation as per Guideline 1 GRZ 1– an allocation that itself agrees would otherwise be the most appropriate zone allocation.
 - iii. This GRZ 2 [c] mentions the requirements for detailed strategic studies and investigations. However it is not applicable to this site as it is not a green-field site hence the Planning Authority has no requirement for a more detailed local strategic analysis on this specific issue. Such a detailed analysis is indeed proper for greenfield sites as this implies adding and making a significant change to the town but in this instance the historical use of the site is clearly proven residential and only became removed from use that in a decades past mistaken identification as Rural Resource land. To not allocate this area of town to its historic developed uses and in full accord with GRZ 1 guidelines, is to merely to continue this decades old mistake in neglect of its obligations to the Tullah community, due to perceived staff and budgetary limitations.
 - iv. IF the above lay person's understanding of the guidelines is correct enough it may be an opportunity for the commission to actually save the council the time and expense of conducting yet another time delaying detailed strategic analysis if GRZ 2 [c]'s requirement for such if it is decided by the Commission to actually be not required in this

instance. As such all parties would have their agreed positions supported – namely that the land meets the guidelines for GRZ 1. If so it would thus be finalised presently in a manner that satisfies both the councils concern over budgetary limitations in affording yet another strategic study, and will alleviate the Tullah Progress Association and individuals owners concerns over further long repeated time delays and mistakes that have been proceeding for decades.

- v. If this is possible then the cost savings will permit the council to use ratepayers funds to meet other long term and dire needs for Tullah, for example the much needed and long awaited repairs to the Tullah Community Hall which residents are repeatedly informed cannot be done due to lack of funds. It will also permit local business to be able to start to meet the demands of the present moment in a positive and healthy sustainable manner and prevent the town of Tullah falling further behind in achieving its great potentials, along with and as a part of the shire as a whole.

Re Planning Authority's response Point 5.

5. The representation does not necessitate a modification to the draft LPS.

As the above responses to council's points 2, 3 and 4 above demonstrate there are valid questions to be answered that may necessitate modification to the draft LPS. In this regard we rely upon the judgement of the Commission to re-examine the validity of the council's responses in the light of the information provided here.

Re LOCAL BUSINESS zone:- [2 and 12 Farrell specifically here]

Planning Authority Responses 6 to 9

6. The application of Local Business Zone to the current land area is consistent with Guideline 1.

7. The zoning of additional land areas or properties would be ad hoc and without strategic rationale.

8. Further investigations are necessary to demonstrate that a rezoning to support an alternative zone is warranted. Council is encouraged to resolve the long-term zoning for Tullah but not through the draft LPS process.

9. The representation does not necessitate a modification to the draft LPS.

General comments responding to points 6-9.

1. Please note there is a typo error in our original representation which should be noted here to avoid confusion.
 - a. It is the northern section of 2 Farrell St that we intended to indicated as suitable for Local Business zoning along with its adjoining car park at 12 Farrell St.

- b. Also correct is that the car park at 12 Farrell St does not serve the Community Hall but is intended to serve future local business development on its adjoining site at 2 Farrell St.
2. The council is thanked for correctly identifying 12 Farrell Street, the car park, as Local Business zone.
3. However it is in same ownership as 2 Farrell Street, which joins this car park and is the land it is intended that the car park will service. Hence these two lots should be placed in the same zone because to provide different zones and uses to each of these two adjoining lots in a single ownership is to create a situation where they become actually split and not usable for any single function. This will hinder future development of the Local Business area as in the proposed LPS the Local business zone is already existing businesses without any provision for expansion at the ideal location of the existing shops. This area is already fully occupied and an allowance for future growth can only occur at a combination of 2 and 12 Farrell St. For example a hardware, building materials and steel supply store would be very useful here as at this time such materials are only available at distant locations and this detracts from housing improvement and construction affordability in the town, and in fact in the shire.
4. Council claims it is inappropriate to zone 2 Farrell as Local Business on the grounds that this would be merely an 'ad hoc' assignment. It is consistent with 14.1.1 and includes as such business such as a hardware and building materials supply store, which are significantly important to affordability and convenience to Tullah. However to place these two lots into differing and contradictory zones is not an ad hoc arrangement, but in fact is both logical and necessary. If they cannot be placed into the same zone then we request the commission to consider the negative effects of placing only half of a ratepayer's usable property ie the car park section in the Business zone, and ask that whatever the zoning applied it be consistent over the two allotments which are held in a single ownership.
5. The owners seek to realign the boundaries or consolidate titles between these two lots but changing only one half to the Local Business zone will make this far more difficult and delayed, if not impossible.
6. The adjoining land at north side of 2 Farrell is in the same ownership as car park at 12 Farrell, and can function as a whole if same zone. There is no requirement for a large car park that serves no land. It should be Local business zone so that it can be used in conjunction to this large 7000m2 car park and thus provide land for development of local businesses not able to be accommodated in other existing small and increasingly delapidated retail chambers.
7. Without this there is no provision at all for any real future growth in the local business zone which is otherwise being applied to existing business buildings. A major factor for small towns such as Tullah in regards to population growth is a reasonable provision of access to a range of retail and other shops. Shops such as hardware and building materials supply cannot utilise the smallish retail chambers available in this Local business zone. To limit local business to only what is already existing is in our opinion contrary to the councils own identified need that the Local Business offerings must increase in Tullah if it is to meet expectations of population growth. Quote here.
8. The 2 Farrell St northern section is ideal for Local Business zone due to a highway and village entrance location. It is unsuitable for residential development for more residential lots as it's a greenfield site and holiday home or permanent residences are not ideally located on the highway in this part of Tullah. Please also refer to comments regarding this under our response to Rural zone.

9. Council's response that including this land in Local Business would be ad hoc and without strategic rationale. We disagree here and point to the Cradle Coast Land use Strategy which has a myriad of rationales and strategy to make these judgements upon. These are so numerous in that document we only quote a sample here.

"Settlement structure planning should encourage appropriate and sensitive redevelopment and rationalisation. Expansion at the fringe of existing centres is preferred over new locations to concentrate retail and commercial activity into geographically confined yet highly accessible locations. New retail and business activity should be directed to existing commercial locations unless necessary to serve requirements resulting from growth in local populations. P.53"

"A core challenge for supporting economic activity is to ensure the right land is available in the right location at the right time with the right level of infrastructure and services. P 49

"3.5.2 Emphasis must be given retaining attraction and function of existing commercial centres. Policies must accommodate opportunities to provide a range of retail and business activity by enabling development that will enhance established character and identity. Capacity of a town centre to provide a vibrant and functional commercial space generates efficiencies in social, economic and infrastructure. P.53"

As such there is ample strategic recommendations already adopted that support the northern section of 2 Farrell Street being Local Business zone along with the car park that supports it. Again in particular there is nowhere for a hardware and building materials supplies store to be developed in Tullah. This is particularly important for all communities in the shire and specifically to be able to provide affordable residential housing at Tullah.

It must be stated here that whilst the lot at 12 Farrell street is next to the Community Hall it does not serve that function, but arrangements can be made whereby the current owners would permit its use as such, as it has done for other community groups and events.

Re: LIGHT INDUSTRIAL ZONE [Hean street]

Planning Authority Responses 10 & 11

10. Further investigations are necessary to demonstrate that a rezoning to support an alternative zone is warranted. Council is encouraged to resolve the long-term zoning for Tullah but not through the draft LPS process.
11. The representation does not necessitate a modification to the draft LPS>

A. The Commissions request re PID Title/Folio's mentioned in regard to Hean street is:

28 HEAN ST TULLAH TAS 7321	
<i>Property ID</i>	2033359
<i>Title Reference</i>	201624/1

Response to Planning Authority re 10.

1. There exists a light industrial shed on PID 2033359, and vacant land adjacent that have light industrial uses – eg. assembly. In remote towns like Tullah, especially those with high rainfall and high worker accommodation costs etc, affordable housing and construction will rely significantly upon a localised indoor assembly facility in the town, employing local workers. There is no location to do so currently. The shed at this address, not in the ownership of the representor here, is ideal for such a use but cannot be rented or purchased for this purpose. No light industrial land was made available at Roseberry either with this draft LPS showing industrial land to serve Tullah to be located at Zeehan, which is an arduous 50 minute transport time to Tullah, on roads unconducive to transportation of semi fabricated housing. As such this is a worse situation than transport from Burnie's industrial zones and defeats the best opportunity to provide affordable housing and other buildings at Tullah.
2. There is nowhere in Tullah for storage facilities. There is a strong shortage of storage facilities in the WCC shire as a whole, residents being required to access storage in Burnie – most unsuitable. In pre-application discussions with council storage was rejected for land currently Rural Resource and advised that one of the Industrial zones was where storage facilities can be constructed. This is not just an issue for locals seeking storage but for tourism and visitation in that visitors cannot store their boats and caravans on any permanent basis at Tullah, therefore have to transport them back and forth each weekend from the north coast, if they wish to use Tullah as their place of chosen recreation. It would be even more arduous to store at Zeehan meaning to access ones boat or caravan for a weekend visit would require travel past Tullah to Zeehan to collect and transport back to Tullah, and then again repeated at the end of the weekend visit. This makes it more problematic than at present.
3. The 2017 land use study identified Hean Street as a location to consider for Light industrial use, but council has chosen to not act on that, nor to provide any reason why, nor any suitable alternative.
4. In the council's response to our representation it states that "this LPS does not include any industrial zone in Tullah as suggested in the West Coast Council Land Use Strategy Sept 2017."
 - a. This 2017 document in fact does state the need to "Consider the potential for a local service industrial precinct to be located south of Hean Street and adjacent to the existing industrial use." At 4.1.5 [page 19]
5. In particular Aaron Chen, as a person in this representation 9, through his company Greenbuild Tasmania Pty Ltd, has been trying to find ways in which to make affordable housing available at Tullah. His conclusions are that such is entirely feasible if:-
 - a. There are residential lots available for purchase.
 - b. There are materials locally able to be stored.
 - c. There is a light industrial use shed available for indoor construction.

It should be noted here Mr. Chen has recently committed many millions of dollars to Burnie industrial and affordable housing development, which could have included Tullah if the above 3 factors had been present. He still considers Tullah a viable location for a branch operation if these 3 factors can occur in the near future.

However like all business people he is not willing to consider another further 5 to 10 years of uncertainty, and perceived Planning Authority rigidity, to rectify itself.

There are other investors whom persons in Rep 9 have brought their attention to Tullah, and can only state that Tullah has truly great potentials that could be actualized if such investors did not fear an excessively slow and apparently neglectful Planning Authority.

TULLAH HISTORY & CONTEXT is particularly important as it is somewhat unusual:-

This history is important as the community of Tullah feels that it has suffered a great deal from several council mistakes, inaction and delays since the 1990's where the interests of its community have not been given due attention in comparison to other towns in the shire. The very fact that this draft LPS is dominated by representations in objection from the Tullah community is some degree of evidence of this feeling. Whilst it is understood that this council faces budgetary and staff shortages to properly fulfil its obligations to the Tullah community in a timely manner, and therefore appears to decide its best responses are to repeatedly push attendance to issues raised by the Tullah community further and further into the future. However it is sympathetically noted that its planners, who are good and decent persons, are often under high levels of work demand pressure, and is in no manner a malicious intent to disregard this community, once again in this LPS process it appears that the council is responding to the community by finding a way to push these concerns even further into the future. We therefore plead to the commission to take whatever actions it deems fit to try to resolve these issues at this hearing rather than accepting the council response that these issues will be once again 'addressed in the future'. If neglected again in the present we fear that this community will continue to be thwarted in its attempt to create and expand its community in a timely manner to promote economic and community development in what is agreed by all parties to be a very special town with a very passionate and active community. The result would be the Tullah community will feel again that this process is yet another continuation of not recognising fully the impact of past council mistakes, and the 'kicking the can further down the road' once again.

We believe there is the need to understand the town and the community in both economic and social terms and give adequate value to these facts raised if these matters are to be decided constructively at this hearing.

1. Hydro village 1970's
 - a. Located on the Murchison Hwy. Town has a significant feature as access to the West coast from the North. Notable surrounding natural features, lakes mountains, gorges, rivers – stunning setting. Now branded as the Gateway to the West Coast.
 - b. Historical value in relation to one of Tasmania's greatest infrastructure achievements – the Pieman Hydro Electric development.
2. Hydro projects finished early 1990's
 - a. The de-commissioning of the town at completion of this major hydro project.
 - b. Removal over 2 years of approximately 80 homes before protest led to the town being formally accepted as a town in its own right. Residents could then purchase their own homes, if they had not already been removed.
 - c. All other buildings and land including many public open spaces, the shopping precinct and all land in question here today became vested in council, or perhaps it was purchased by council.
3. Early 2000's – approx. 2004 to 2006 - Devil's Playground Pty Ltd purchased all of this land from council for \$1,032,000- with the aim of a very large tourism project, as the re-making of Tullah.
 - a. 2008 Devils Playground develops 2 Romulus St as a caravan and cabin park and tests existing sewer and water connections, expands power network and connection, installs toilet and shower block, along with a dozen power pits. This included a major upgrade to the sewerage pumping station to service 2

- Romulus, 21 Central Ave and 4 Sterling St. It had a surveyor draw up subdivision plan for 4 Sterling St [council rejected this application primarily on the basis of incorrect zoning we believe]
- b. Shortly thereafter Devils Playground became bankrupt and all titles to these lands, approx. 50% of Tullah village became frozen in the courts, the liquidation process, and finance companies holding titles.
 - c. Tullah went 'into the deep freeze' as in this period the community could not even access shops or previously public open space areas.
4. Then ensued a period where the town and its residents had great difficulty in accessing even basic facilities for a town, shops public open space etc.
 5. Venture Minerals purchased 37 Farrell St – but believed to have found it unsuitable for residential development due to lack of suitable services infrastructure. It was then sold to the Lakeside Lodge, one of Tullah's employers of many local residents, who adjoin 37 Farrell and is ideal for their current use as a lakeside nature experience for visitors to the Lodge and is now being planned as expansion of much needed seasonal accommodation as a caravan and cabin park. The proprietors have other caravan & cabin parks in Tasmania and do not seek to develop as Tullah's supply of residential lots. This is also not viable for such development.
 6. Over the next 5 or so years these parcels of land, shops etc became available via either liquidators' sales, or council rates recovery auctions. New hope for the town arose as these lands came back into local private ownership and a new vision that Tullah can make well for itself and realise its great potential for a sustainable and healthy community.
 7. The Tullah Progress Association, a very passionate organisation that truly understands the town and what is required for its progress towards realising its potentials. It won the Australia Day 2018 'West Coast Spirit Award' and feels that without residents own action, the council will again make big mistakes that hinder and prevent the town's development, by council failure to accommodate the present moment and present opportunities.
 8. The 2011 Cradle Coast shires strategic study reports low population growth and low land take up in Tullah. This however is due to the land being tied up and not for sale and not due to lack of interest and market demand.
 9. 2017 – Tullah is branded by council as 'Gateway to the West Coast', and its community as the 'People of the Lakes' and its long term future relies on tourism, accommodation for hydro, mining and other workers, and affordable housing, retirement and holiday residences. If these opportunities are missed by further pushing them into the future, the towns future is bleak by not being able to meet current conditions which present many opportunities to the town both economically and socially.
 10. Since the early 2000's the council has been hindered in getting things right for Tullah's economic and social development due to
 - a. The budgetary constraints on small shires putting much needed strategic studies on the backburner, due to lack of sufficient staff and funds. If again pushed further down the road there is no doubt that this will continue, and that the aims for Tullah in its Vision 2025 study will not be achieved.
 - b. Admitted mistakes by council re selling all the land to Devil's Playground in the early 2000's and the huge negative impact that had on Tullah.
 - c. Surprisingly however there is a basic agreement behind the current disagreements! All agree that many of the representations of the residents and ratepayers are correct. This agreement comes from the mayor and councillors,

the general managers, and planners associated with council. But again they are using the simplest procedure to kick the can further down the road, apparently again due to budget constraints, if not then lack of proper and due attention.

- d. Not assigning due value to resident's initiatives to improve their town.
 - e. Expecting that residents will foot the bills for strategic studies and a whole set of individual re-zoning applications if anything is to be done in any timely fashion.
11. A special mention re the Tullah community, residents and business people. Tullah has a community that sees very clearly that as a small town co-operation between business and community is far more important than harsh competition. For the far greater part the community shares a common vision and understanding of the town but this would only be possible if the council were to look at and listen to the actual facts on the ground.

We therefore request the commission to seriously consider the current objections raised and understand the significant negative social and economic impact on this town if these matters are not properly placed in the above context of decades old mistakes by council that can be at least partially rectified by full consideration in the new LPS.