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Sent: Thursday, 4 March 2021 4:53 PM
To: TPC Enquiry
Cc: heidi@planplace.com.au
Subject: West Coast Draft LPS - Response to Directive
Attachments: TPCDirection_WestCoast_ResponsePartA edits (003).pdf; TPCDirection_WestCoast_ResponsePartB_edits.pdf; LPS DIRECTIONS LODGEMENT
Categories: Emm

Good afternoon,

Please find attached Council's response to the Directions Schedule.

Kind Regards,

Alison Shea
Manager of Planning and Compliance



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3 March 2021

Tasmanian Planning Commission
GPO Box 1691
HOBART TAS 7001

Dear Sir/Madam

WEST COAST DRAFT LOCAL PROVISIONS SCHEDULE – DIRECTIONS SCHEDULE

Please find attached Council's response to the request for further information, related to the submission of our 35F report and the subsequent hearing held on 15 February, 2021.

Yours sincerely,



David Midson
GENERAL MANAGER



Issue	Direction
Supply of land in the General Residential Zone at Tullah	Provide further detail on how the supply of land in the General Residential Zone at Tullah is consistent with the growth requirements specified in the Cradle Coast Regional Land Use Strategy and the West Coast Council Land Use Strategy 2017

1. The General Residential Zone is applied to 34.4 ha of land at Tullah (refer to Figure 1) with an estimated 270 properties (excluding road casements). Of the 270 properties, 227 are in private ownership.

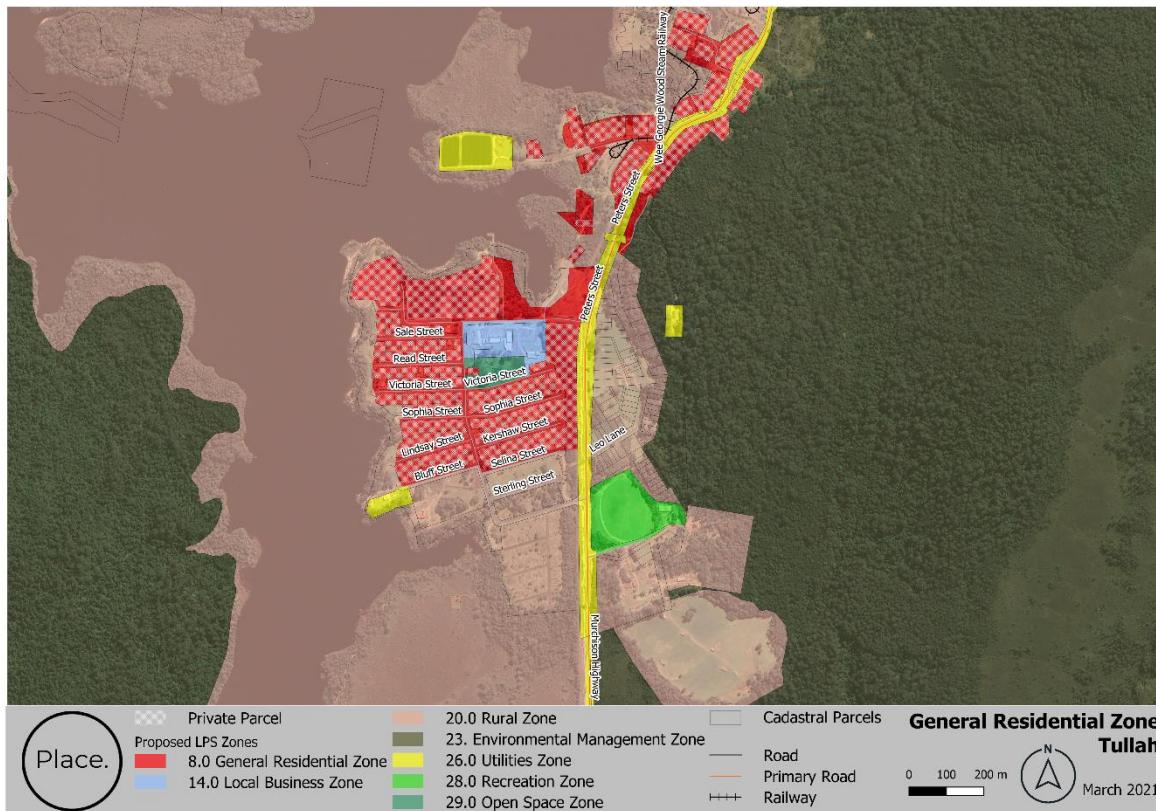


Figure 1: Aerial photograph provided by Mr Kim Lai

1. There are buildings constructed on estimated 223 properties proposed to be zoned General Residential as shown in Figure 2. Please note that Figure 2 shows developed properties but does not include an assessment of whether the buildings on these properties are structurally sound or habitable. It is assumed, however, that the majority of the lots (excluding non-residential uses) are residential.
2. The West Coast Land Use Strategy considered the supply of residential zoned land for the whole municipal area. There is a 28 year supply of residential zoned land in the municipal area. This supply was calculated from analysis of aerial imagery and a take up rate of 1 lot per year.
3. Recent building records held by the Planning Authority suggest that the take up rate has increased.

4. The Cradle Coast Regional Land Use Strategy on page 67 indicates the growth scenarios and settlement management strategies for the major centres in the Region. Tullah is identified for having a low growth scenario and a stable settlement strategy.

5. Clause 4.3.1 (d) is reproduced below:

Match land supply to need and provide sufficient land within the designated urban settlement boundaries of each centre to meet forecast need for a time horizon of not less than 10 years but not exceeding 20 years.

6. The West Coast Land Use Strategy determined that there was a sufficient supply of vacant lots in Tullah (page 38) and the proposed zoning was in accordance with the Cradle Coast Regional Land Use Strategy.

Vacant land in the General Residential Zone at Tullah	<p>Provide a response to the submissions made at the hearing by Kim Lai (rep 9), in relation to vacant land currently available for residential use and development on land at Tullah, providing comment on:</p> <ul style="list-style-type: none"> • any potential constraints; • the real estate market in Tullah; and • a vacant land analysis within the General Residential Zone, including the method presented for the calculation of the residential supply of, and demand for, General Residential zoned land in Tullah.
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1. The vacant land or land with intensification potential is identified in Figure 2 and excludes vacant land which are road casements and land owned by the Crown. The vacant land shown does not consider whether the lots are available to the market.
2. There are 6 vacant residential lots with frontage to a road and services south of Farrell Street. The properties identified as 1, 15 and 20 on Figure 2 have subdivision potential. It is estimated that subdivision would yield an additional 8 lots in the main residential area south of Farrell Street if the same development pattern is applied. These lots are unconstrained.
3. The properties identified as 5, 12 and 16 could also be intensified for residential use. The development of land for residential use would require construction of a new internal road network and new service connections (sewer and water) to replicate a development pattern as established south of Farrell Street.
4. The properties identified as 5, 12 and 16 in Figure 2 has an area of around 5ha. This could potentially yield around 70 lots if a similar development pattern is replicated on these sites as per the development south of Farrell Street.
5. The property identified as 22 in Figure 2 contains dense standing vegetation and it may be more appropriately retained as open space buffering residential development from the main road.
6. The properties identified as 2, 3, 4, 8, 11, 17, 21 and 29 in Figure 2 are small lots but would require clearance of vegetation and formal access to a road. These lots are constrained.

7. It is noted from building construction years that there was only one house built in 2016 in Tullah on land zoned Rural Resource. Prior to that there were a handful of lots taken up between 2000 and 2014 which equates to a take up rate of 1.75 lots per year.
8. There has been an increase in the take up rate of lots for the municipal area as a whole over the last two years. However, even if a development rate of say 5 lots per year is applied to land zoned General Residential in Tullah, the existing supply is estimated to be 15 years. Caution is advised with respect to the use of this figure as it is based on simple calculations.
9. The Planning Authority has no information on the real estate market in Tullah.
10. The Planning Authority in the preparation of the draft LPS and the supply of residential land was based on the conclusions formed by the West Coast Land Use Strategy.

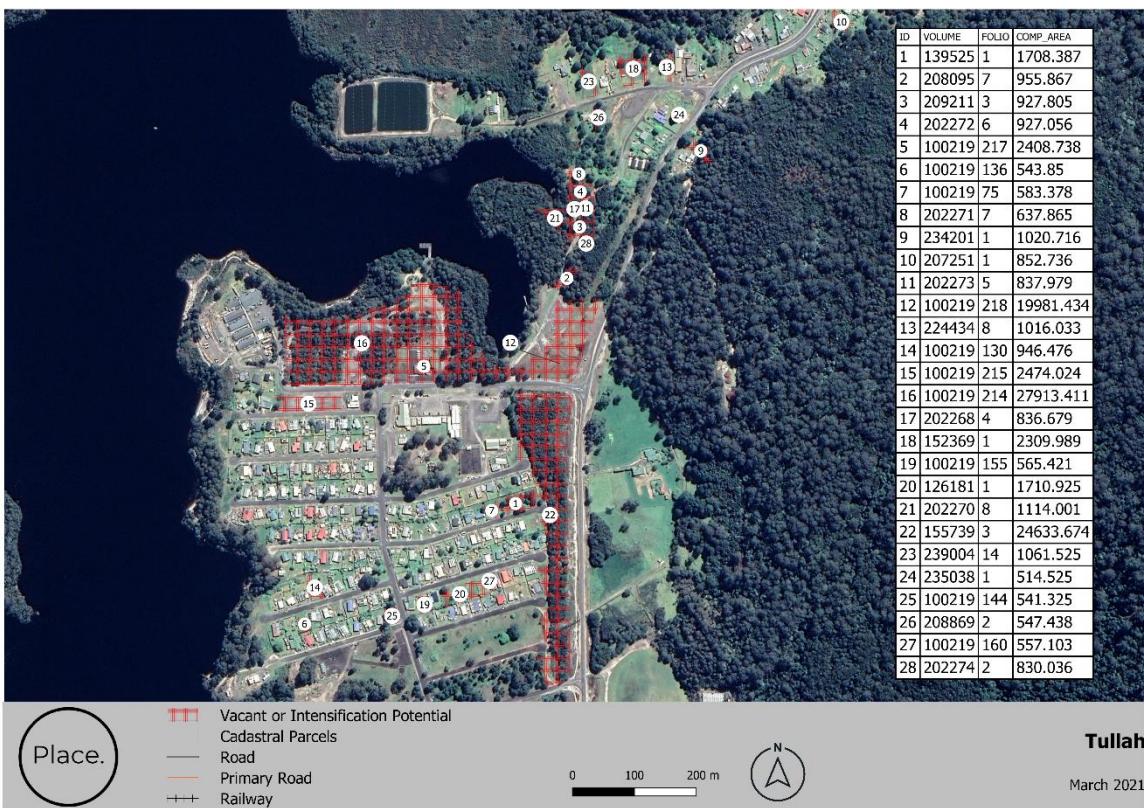


Figure 2: Vacant land or land with intensification potential

Green-field, Grey-field or Brown-field	Provide an opinion on whether the land south of Selina Street, Tullah, the subject of representations 3 and 9, is regarded as Green-field, Grey-field, or Brown-field for the purposes of applying GRZ 2 of Guideline No. 1 (and the Cradle Coast Regional Land Use Strategy).
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- The term Green-field, Grey-field or Brown-field is not defined by Guideline No. 1. In the Commission's deliberation of the matter, clarification should be sought from the authors of the statutory document as to the meaning of those terms.
- In absence of any definition within the Tasmanian Planning Scheme, guidance was sought from the Cradle Coast Regional Land Use Strategy.

- 3. Green-field and Brown-field is a term referred to in the Cradle Coast Regional Land Use Strategy. The terms are not defined in the strategy.
- 4. The Southern Tasmania, Regional Land Use Strategy of Northern Tasmania refers to the terms Greenfield, Greyfield and Brownfield and defines all of these terms.
- 5. The Southern Tasmania Regional Land Use Strategy provides the following definitions in the Glossary at the end of the document:

Greenfield	Former agricultural or undeveloped natural land on the periphery of towns and cities that has been identified for urban development.
Greyfield	Underutilised, derelict or vacant residential or commercial sites in an urban environment that are not contaminated.
Brownfield	Underutilised or former industrial or commercial sites in an urban environment characterised by the presence of site contamination

- 6. The literature review conducted of the meanings of these terms shows that there is variation in their definitions and therefore the terms should be defined in Guideline No. 1 to provide the necessary context for the interpretation of GRZ 2.
- 7. However, putting aside the variations, the land south of Selina Street is assessed with the definitions provided by the Southern Tasmania Regional Land Use Strategy.
- 8. The land south of Selina Street was developed for residential use by Hydro Tasmania. The residential use of the land was no longer required by Hydro and consequently the dwellings were sold and transported elsewhere in Tasmania. The land owned by Hydro was also sold and is now in private ownership as confirmed in Mr K. Lai's representation.
- 9. Residential uses extended beyond Romulus Street as shown in Figure 3 in the photo provided by Mr K. Lai in his correspondence dated 4 February 2021.

Photo 1. Residential land use at Tullah [historical aerial photography] late 1980's early 1990's



Figure 3: Aerial photograph provided by Mr Kim Lai

10. The land south of Selina Street has been vacant for more than 20 years.
11. The land has a full range of reticulated services as discussed extensively at the hearing on 15 February 2021.
12. The land area south of Selina Street is not former agricultural land or undeveloped natural land on the periphery of Tullah and therefore is not within the definition of Green-field as per GRZ 2 in Guideline No. 1.
13. The Planning Authority has no knowledge of the land being utilised in the last 20 to 30 years for commercial or industrial uses. To the best of the Planning Authority's knowledge, the land south of Selina Street is not contaminated. The land does not fall within the definition of Brown-field as per GRZ 2 in Guideline No. 1.
14. The land south of Selina Street is underutilised land that once contained residential uses. The land is not contaminated. The land south of Selina Street is considered to be Grey-field as per GRZ 2 of Guideline No. 1.

15. The underutilised land is no longer part of the rural landscape, but the same time is not considered to form part of the main urban residential area of Tullah in context of GRZ 1.

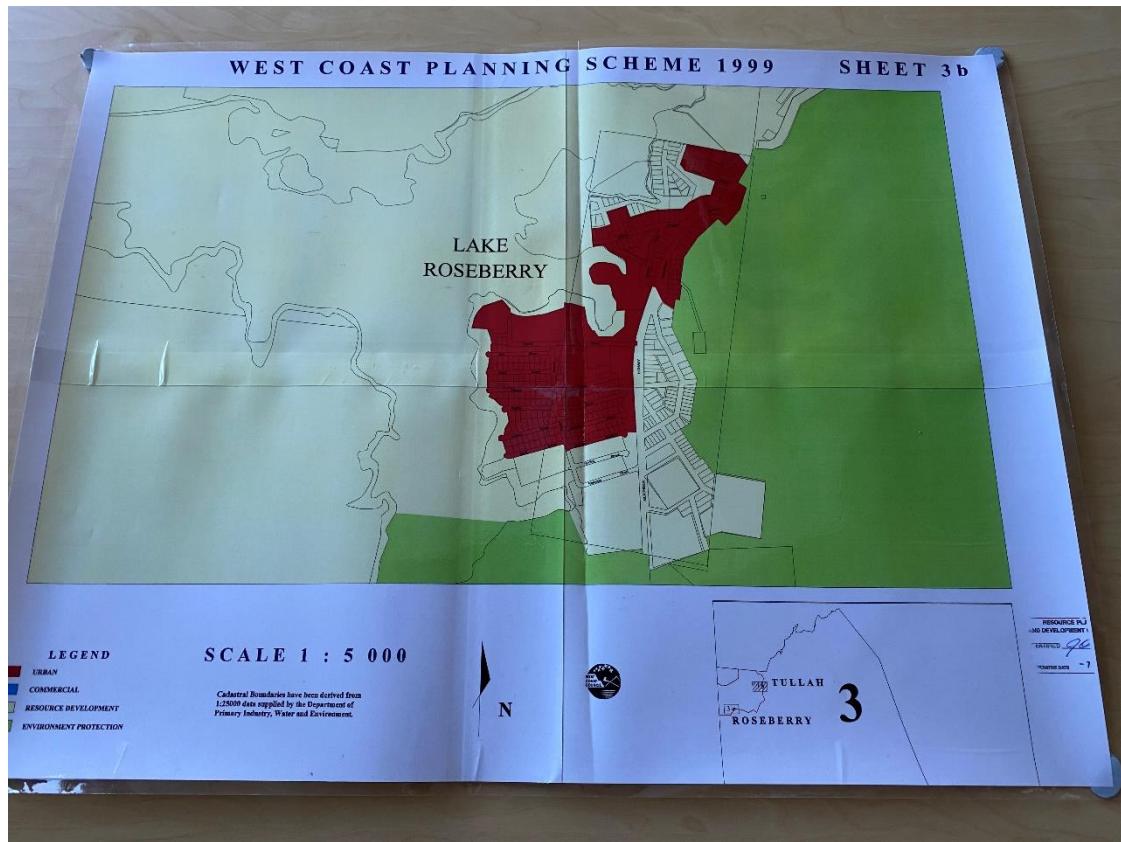


Figure 4: West Coast Council Planning Scheme 1999, Tullah

16. The spatial application of the General Residential Zone is applied consistently since the West Coast Council Planning Scheme 1999. Tullah was zoned Urban. The extent of the Urban Zone is shown Figure 4 and excludes the land south of Selina Street. An equivalent General Residential Zone therefore has not applied to this land area since 1999.

Alternative zone at Tullah	Provide comment on the viability of replacing any of the General Residential zoned land at Tullah, particularly 37 Farrell Street folio of the Register 100219/214 and 56 Farrell Street folio of the Register 100219/213 with an alternative zone and applying the General Residential Zone to a similar quantity of serviced land south of Selina Street.
<ol style="list-style-type: none"> 1. The Planning Authority has no objection to extend the spatial application to the General Residential Zone to land south of Selina Street. 2. The General Residential Zone provides appropriate permit pathways for 'Visitor Accommodation' concerning the properties at 37 and 56 Farrell Street. 3. The Planning Authority does not propose an alternative zone for the properties at 37 and 56 Farrell Street. 	

Village Zone	Consider the merits of applying the Village Zone (fully or partially) to the land currently proposed to be zoned General Residential at Tullah and located north of folio of the Register 212236/14 and including folio of the Register 208095/7.
	<ol style="list-style-type: none"> 1. The historical development of Tullah initially commenced with linear development on either side of Peters Street, extending to Madden, Ardyn Street and Elliot Street. Buildings were constructed from 1890 followed by incremental development in this area in the 1930s, 1950's through to the 1980's. 2. Use and development in this location is a mix of residential and non-residential uses. The TasWater Sewerage Treatment Plan is located to the west of this area. A café and public bar are the notable non-residential uses within the referenced area 3. The purpose of the Village Zone is to provide for a small rural centres with a mix of residential, community services and commercial activities. It also provides for the amenity of residents. The Village Zone can be applied in part to a settlement directed by VZ 3 (b) in Guideline No. 1. Although in the example of Tullah, the balance of the settlement does not only apply the General Residential Zone. 4. The Use Table provides for a mix of uses, and it is noted that there is a broad range of permit pathways for use classes that include residential and uses that are industrial, commercial, or business in nature. Many non-residential use classes in 12.2 Use Table are likely to impact off-site and are listed as discretionary. 'Vehicle Fuel Sales and Service' and 'Hotel Industry' are listed as discretionary without qualification. 5. The main challenge will be mitigating land use conflicts between established residential and non-residential uses for the settlement. 6. The Village Zone in the SPPs regulates non-residential uses through the Use Standards of the zone. The acceptable solution A4, clause 12.3.1 limits non-residential uses to a gross floor area to 250m². A use with a gross floor area of more than 250m² will need to demonstrate compliance against the performance criteria. Other than the applicable codes in the SPPs that may apply to use and development, clause 12.3.1 will assess the merit of non-residential uses and potential conflict.
West Coast Wilderness Railway	Provide an opinion on the use class that would apply to the West Coast Wilderness Railway under the SPPs, including any ancillary uses. As a consequence of that determination, consider whether any part of the railway at Queenstown or Strahan currently zoned General Residential, Local Business, or General Business should have alternative zonings.
	<ol style="list-style-type: none"> 1. The West Coast Wilderness Railway comprises: <ul style="list-style-type: none"> • Queenstown Station; • Strahan Station; • Fuel depot; 123 Esplanade Strahan and

- Workshop at Driffield Street, Queenstown PID 3010693.
2. The Queenstown Station is the primary station of the West Coast Wilderness Railway and is the only point from where passengers depart to Strahan. A public car park is located to the east of the station.
- Food and beverages are available on the train or at the Café located in the station. There are public amenities in the station but the site does not provide visitor accommodation.
3. The Strahan Station is the secondary station of the West Coast Wilderness Railway and is the only point from where passengers depart to Queenstown. The fuel depot at Strahan is located at 123 Esplanade Strahan, adjacent to the station.
- Food and beverages are available on the train and there is a Café at the Strahan Station. There are public amenities, but visitor accommodation is not available.
4. The workshop at Driffield Street, Queenstown provides for the continuation, maintenance and repairs of the West Coast Wilderness Railway trains and associated infrastructure. The maintenance and repairs conducted on the site fall within the ‘Transport Depot and Distribution’ use class
5. A number of the use classes can be applied to the West Coast Wilderness Railway such as Utilities, Transport Depot and Distribution, Tourist Operation, Food Services, General Retail and Hire, and Visitor Accommodation.
6. In the administration of the Tasmanian Planning Scheme, Clause 6.2.5 requires that if more than one use or development is proposed, each use that is not directly associated with and subservient to another use on the same site must be individually categorised into a Use Class. For example, the Cafe could be individually categorised into the Use Class ‘Food Services’ as it functions as an independent entity to the Queenstown Station. Visitor accommodation may also be developed on the site and also could function independently to the Queenstown Station.
7. The spatial application of the SPP zones to the West Coast Wilderness Railway is set out in Table 1:

Table 1

Wilderness Railway	Use Class	SPPs Zone	Comment
Railway corridor	Utilities	Utilities Zone (majority), General Residential Zone, Rural Zone, Local Business Zone, General Business Zone	The Utilities Zone provides a planning permit pathway for ‘Utilities’, ‘Transport Depot and Distribution’ and ‘Tourist Operation’. The General Residential Zone, Rural Zone, Local Business Zone and General Business Zone provide a discretionary permit pathway for the use class ‘Utilities’. Any maintenance and repairs of the railway corridor in these zones is

			likely to be categorised in the ‘Utilities’ Use Class.
Queenstown Station	<ul style="list-style-type: none"> • Tourist Operation • Transport Depot and Distribution 	General Business	<p>The General Business Zone in the SPPs lists Tourist Operation as discretionary in the Use Table (unqualified).</p> <p>‘Transport Depot and Distribution’ is also listed as discretionary in the Use Table but this is qualified limiting the use for a public transport facility.</p> <p>‘Public’ is not defined in Table 3.1, Planning Terms and Definitions in the SPPs. Therefore the common and natural meaning applies. The word public is taken to mean ‘open to all’ and it can be argued that it is for a public transport facility.</p> <p>The recent planning permit granted for the improvements to the infrastructure The West Coast Wilderness Railway was categorised in the use class ‘Transport Depot and Distribution’. In this instance the use class ‘Tourist Operation’ could also be applied but this would need to be assessed on the merits of use and development proposed.</p> <p>A discretionary permit pathway, however, is available for both use classes in the General Business Zone.</p> <p>The existing café would be categorised in the use class ‘Food Services’ and is listed as No Permit Required in the Use Table. The use classes ‘General Retail and Hire’ and ‘Visitor Accommodation’ are also open for consideration by the Planning Authority in this zone.</p>
Strahan Station	<p>Tourist Operation</p> <p>Transport Depot and Distribution.</p>	Local Business	<p>The Local Business Zone in the SPPs lists Tourist Operation as discretionary in the Use Table (unqualified).</p> <p>‘Transport Depot and Distribution’ is also listed as discretionary in the Use</p>

			<p>Table but this is qualified limiting the use for a public transport facility.</p> <p>'Public' is not defined in Table 3.1 of the SPPs. Therefore the common and natural meaning applies. The word public is taken to mean 'open to all' and it can be argued that the station is within the bounds of the qualification. Alternatively, depending on the nature of use and development proposed, it may be categorised into the use class 'Tourist Operation' but this would need to be determined on the merits of use and development proposed.</p> <p>A discretionary permit pathway is available for both use classes in the General Business Zone.</p> <p>The existing café would be categorised in the use class 'Food Services' and is listed as No Permit Required in the Use Table. The use classes General Retail and Hire and Visitor Accommodation are also open for consideration by the Planning Authority in this zone.</p>
Fuel depot, 123 Esplanade Strahan (Ancillary to the operation of the West Coast Wilderness Railway)	Transport Depot and Distribution	General Residential	The use class 'Transport Depot and Distribution' is prohibited in the General Residential Zone. As per the discussions, the 'Utilities Zone' could be applied.
Workshop at Driffield Street (Ancillary to the operation of the West Coast Wilderness Railway)	Transport Depot and Distribution	General Residential	See discussion at West Coast Wilderness Railway, Driffield Street, Queenstown.

West Coast Wilderness Railway, Driffield Street, Queenstown	Consider whether a Site-specific Qualification should apply to the West Coast Wilderness Railway land containing its workshops at Driffield Street, Queenstown PID 3010693 (excluding folio of the Register 209926/3).
<ol style="list-style-type: none"> 1. The Planning Authority recommends spatially applying the Utilities Zone to the land area identified in PID 3010693 (the site). The Utilities Zone was applied in an earlier version of the draft LPS to the site but then was modified after post-lodgement discussions held with the Commission in December 2020. 2. At the Commission hearing held on 15 February 2021, the West Coast Wilderness Railway advised that it wishes to construct an additional building(s) to allow the continuation of the railway workshops in Queenstown adjacent to the land area zoned General Business. While there are no plans concerning the proposed use and development of the site, it considered that the site's activities would fall within the definition of the use class 'Transport Depot and Distribution'. Alternatively, the use class 'Tourist Operation' could also apply, but this is a decision that cannot be pre-empted without an application. 3. The use class '<i>Transport Depot and Distribution</i>' is defined in Table 6.2 of the State Planning Provisions to mean – <p style="margin-left: 20px;"><i>use of land for distributing goods or passengers, or to park or garage vehicles associated with those activities, other than Port and Shipping. Examples include an airport, bus terminal, council depot, heliport, mail centre, railway station, road or rail freight terminal and taxi depot.</i></p> 4. <i>Tourist Operation</i> is defined in Table 6.2 of the State Planning Provisions to mean – <p style="margin-left: 20px;"><i>use of land specifically to attract tourists, other than for accommodation. Examples include a theme park, visitor centre or interpretation centre, wildlife park and zoo.</i></p> 5. The West Coast Wilderness Railway carries passengers by train between Queenstown and Strahan. The West Coast Wilderness Railway is primarily accessed by visitors to the municipal area, but it does not preclude the local population from enjoying the experience. 6. The Planning Authority recognises the importance of the railway to tourism and the visitor economy to the municipal area. The continuation of the railway is of significant economic importance. It is critical that the use and development on the site can carry out maintenance of trains and associated infrastructure for the continuation of the railway. 7. A Site Specific Qualification could be applied to allow future consideration of use and development on the site. The Planning Authority has considered this approach and offers the following comments. 8. The General Residential Zone primary objective is to provide for residential use or development that accommodates a range of dwelling types. A secondary objective is to provide for non-residential uses that primarily serves the local community and does not cause unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement. The site is not aligned with the primary objective of the site and therefore the Planning Authority advises that the spatial 	

application of the General Residential Zone could be read to be contrary of the intent stated at clause 3.4 in Guideline No. 1.

9. The spatial application of the Utilities Zone better serves the outcomes for the existing use and development on the site. The current use and development on the site supports the functioning of the West Coast Wilderness Railway and its continued operation. The railway corridor and the site is owned by the Abt Railway Ministerial Corporation and is regulated by the *Abt Railway Development Act 1999*.
10. *The Abt Railway Development Act 1999* authorises the construction maintenance and operation of a railway between Queenstown and Strahan. Section 16 provides for the Ministerial Corporation for the development of any tourism venture that is in the close proximity of the railway. The purpose of the legislation is for continuation of the railway corridor.
11. The Utilities Zone primary objective is to provide land for major utilities and installations and corridors. The railway corridor is therefore appropriately aligned with the primary purpose of the Utilities Zone. As the function and purpose of the site is for the maintenance and operation of the railway and not for another purpose, the site is also aligned with the primary objective of the Utilities Zone.
12. The Utilities Zone lists ‘Transport Depot and Distribution’ and ‘Tourist Operation’ is listed as discretionary in the Use Table. The C9.0 Attenuation Code is also likely to apply and this will consider adjoining and adjacent sensitive uses of future use and development on the site.
13. The Planning Authority is of the view that it the Utilities Zone is in accordance with the requirements of UZ1 of Guideline No. 1.

Rural Zone and Future Potential Production Forest	Provide a response to the evidence given by Mr Scott Jordan on behalf of the Bob Brown Foundation (rep 6) in relation to the uses provided for by the Rural Zone and their appropriateness for land designated as Future Potential Production Forest.
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The Planning Authority initially proposed to apply the Environmental Management Zone to reflect the spatial application of the equivalent zone applied in the West Coast Interim Planning Scheme. At Council’s Post-Lodgement Conference, advice was that the Rural Zone could be applied to land areas identified as Future Potential Production Forest.

The Planning Authority is of the view that use and development requiring a permit under the *Land Use Planning and Approvals Act 1993* will be assessed in accordance with the requirements of the Act. The Planning Authority has no concerns with the uses in the Rural Zone.

Scenic Road Corridor	Confirm whether the Scenic Road Corridor overlay should be applied to the roads identified in the representation made by the Bob Brown Foundation (rep 6). If so, advise how long would be required to provide information from a suitably qualified person justifying application of the overlay.
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The LPS requirements at clause LP1.7.6 is relevant to this discussion.

LP1.7.6 is reproduced below -

LP1.7.6 Scenic Protection Code

- (a) *If the planning authority has:*
 (i) *a scenic protection area; or*
 (ii) *a scenic road corridor,*

within its municipal area, the LPS must contain an overlay map showing the area or road for the application of the Scenic Protection Code.

The Planning Authority does not have an identified scenic protection area or road corridor in the West Coast Council Interim Planning Scheme. Outside of the current planning scheme, the Planning Authority has not prepared information or data that can inform the preparation of such an overlay. There is no mandatory requirement for inclusion of a scenic protection area or corridor overlay.

As advised in Council's section 35 F report the scenic values of the municipal area as outlined in the representation by the Bob Brown Foundation (representation 6) are acknowledged. The introduction of an overlay, however, requires to be justified as per the instructions at SPC2 in the Guideline No. 1.

The Council does not have funding to engage a qualified person and therefore is not in position to pursue the matter raised in the representation.