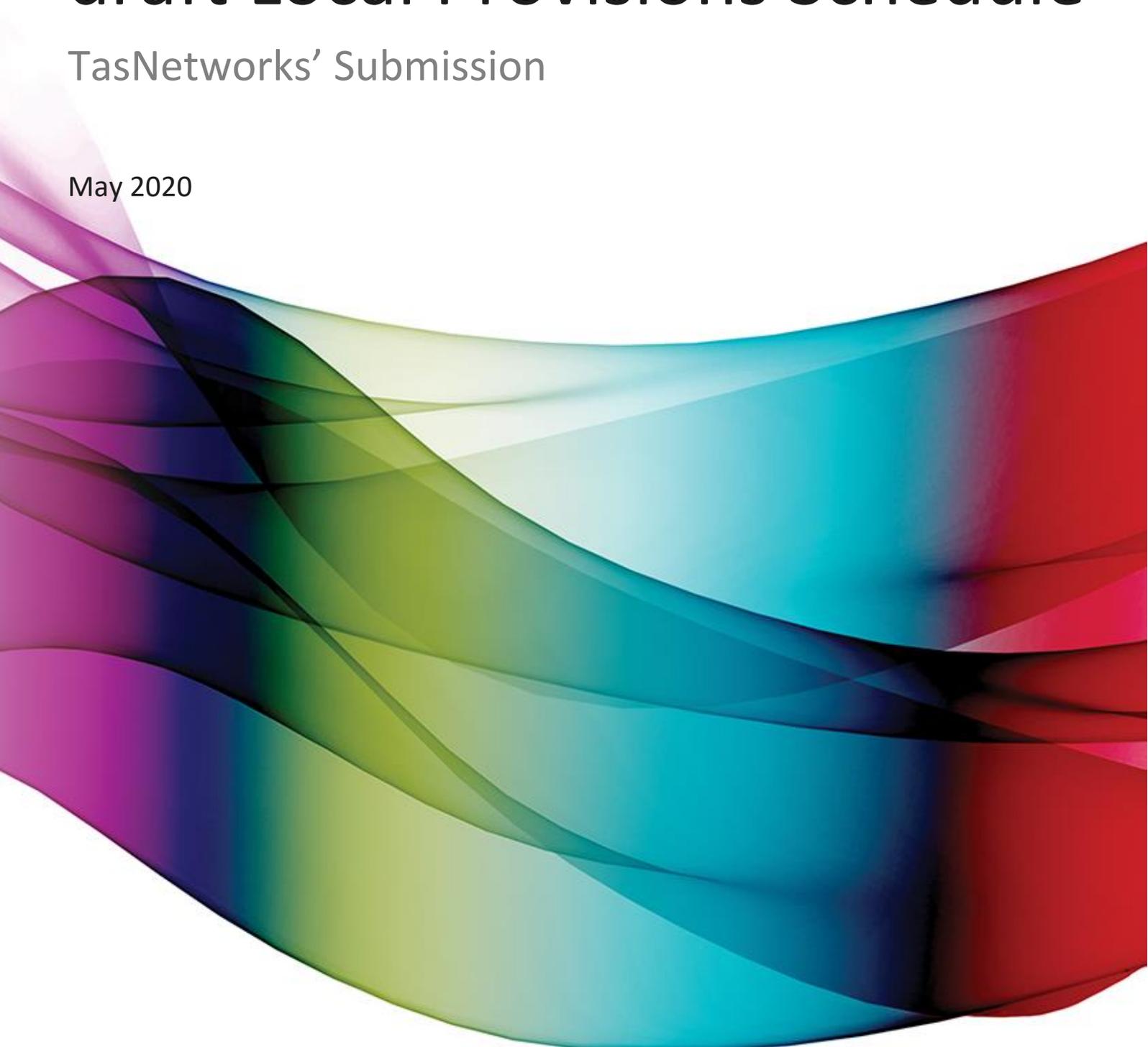




Devonport Council draft Local Provisions Schedule

TasNetworks' Submission

May 2020



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1. Who is TasNetworks?

TasNetworks was formed on 1 July 2014, through a merger between Aurora Energy's distribution network (the poles and wires) and Transend Networks (the big towers and lines). We're a Tasmanian state-owned corporation that supplies power from the generation source to homes and businesses through a network of transmission towers, substations and powerlines.

Transmission

TasNetworks own, operate and maintain 3564 circuit kilometres of transmission lines and underground cables, 49 transmission substations and six switching stations across the state.

Distribution

TasNetworks own, operate and maintain 22,400km of distribution overhead lines and underground cables, 227,000 power poles, 18 large distribution substations and 33,000 small distribution substations. There's also 20,000 embedded generation and photovoltaic (PV) grid-connected installations connected to the distribution network.

Communications

TasNetworks own, operate and maintain communication network infrastructure to enable safe and efficient operation of the electricity system.

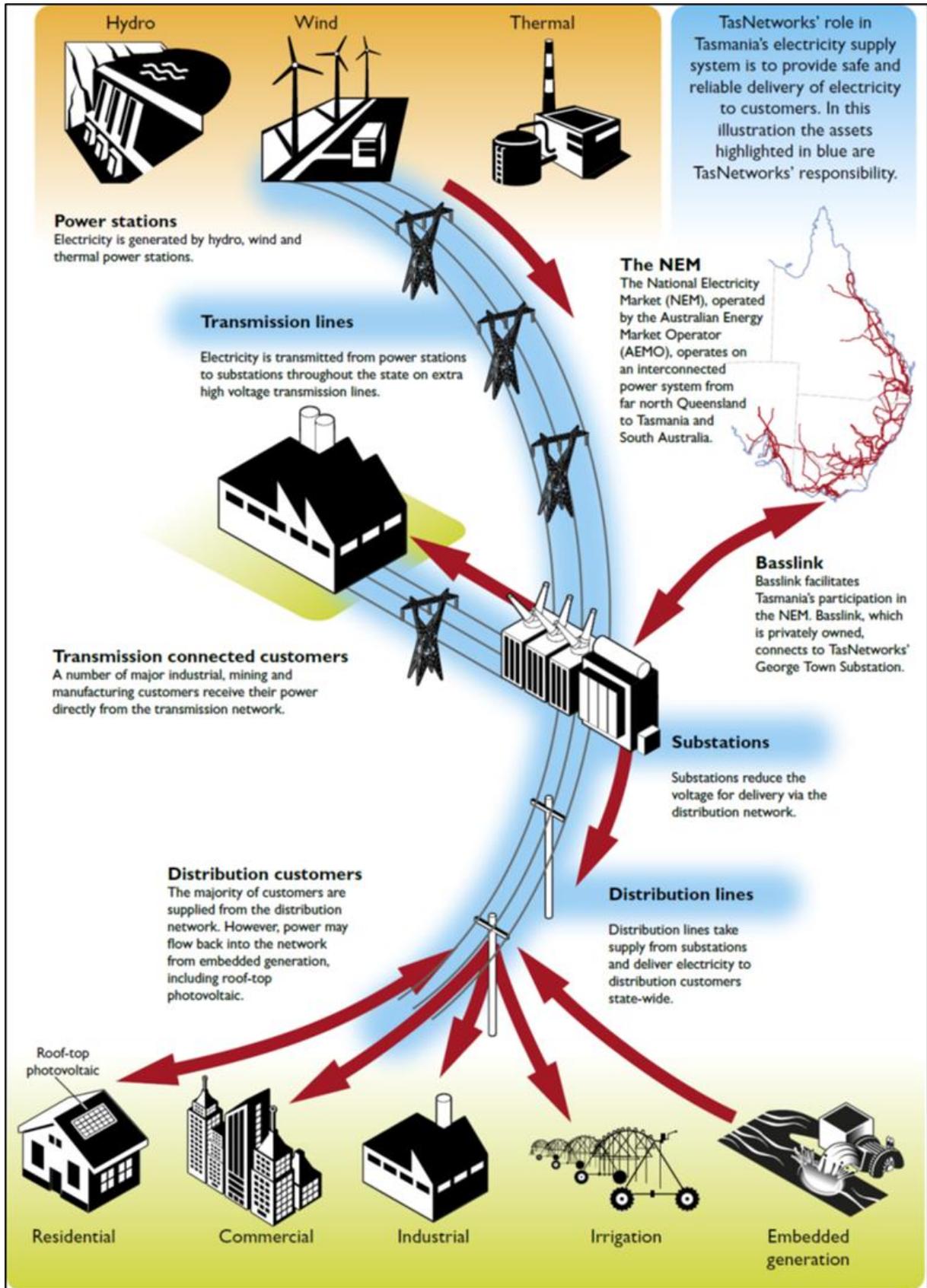


Figure 1 TasNetworks' role in Tasmania's Electricity Supply System

2. Executive Summary

TasNetworks, as a referral agency, has been notified of the public exhibition of Devonport Council's draft Local Provisions Schedule (LPS) under section 35B of the *Land Use Planning and Approvals Act 1993* (LUPAA). Council has been given direction by the Tasmanian Planning Commission (Commission) to publicly exhibit the draft LPS and invite representations. TasNetworks has undertaken a review of the draft LPS and makes the following representation with a view of seeking a state-wide consistent approach to major electricity infrastructure.

TasNetworks assets within the Devonport Council Local Government Area includes one substation, three communication sites and three electricity transmission corridors.

Electricity transmission infrastructure is protected by the Electricity Transmission Infrastructure Protection Code (ETIPC) under the State Planning Provisions (SPP). The ETIPC applies to transmission lines, terminal (or transmission) substations and switching stations and transmission communication assets. The purpose of the ETIPC is:

- *To protect use and development against hazards associated with proximity to electricity transmission infrastructure;*
- *To ensure that use and development near existing and future electricity transmission infrastructure does not adversely affect the safe and reliable operation of that infrastructure;*
- *To maintain future opportunities for electricity transmission infrastructure.*

The draft LPS includes the ETIPC Overlay maps which is based on data provided by TasNetworks. As part of its review, TasNetworks has examined the ETIPC Overlay maps to ensure that it applies to all relevant assets and that the locations of these assets is correct.

The draft LPS also includes the spatial application of zoning and overlays via the mapping. In preparing this representation, TasNetworks has reviewed the draft LPS maps for each of its assets. This representation seeks to ensure:

- Utilities zoning is applied to existing substations and communication facilities;
- Impacts on the strategic benefits and development potential of existing corridors through the application of the Landscape Conservation Zone are mitigated;
- The Natural Asset Code – Priority Vegetation Overlay is not applied to part of a substation or communication site that is cleared of native vegetation; and
- The Scenic Protection Code – Scenic Protection Area has not been applied to substations, communication site or corridors.

The LPS and the potential impact on future development has also been reviewed. These considerations include whether there is a permissible approval pathway for Utilities under the Particular Purpose Zones (PPZ) or Specific Area Plans (SAP); and any Local Area Objectives or Site Specific Qualifications. TasNetworks representation is made having regard to the draft LPS requirements under LUPAA.

These submissions are consistent with those previously made by TasNetworks (and formerly Transend) on the Meander Valley, Brighton, Central Coast, Burnie, Glamorgan Spring Bay, Clarence and Circular Head draft LPS's as well as the draft State Planning Provisions and Interim Planning Schemes.

3. Overview

3.1. Glossary

The following table provides the definitions of the terms used throughout this submission.

Table 1 Definitions

| Term | Definition |
|----------------|---|
| Commission | Tasmanian Planning Commission |
| Council | Devonport Council |
| D | Discretionary |
| ESI exemption | Activities classified as 'work of minor environmental impact' for the purposes of Regulation 8 of the <i>Electricity Supply Industry Regulations 2008</i> . |
| ETC | Electricity Transmission Corridor |
| ETIPC | Electricity Transmission Infrastructure Protection Code |
| Guideline | <i>Guideline No. 1 – Local Provisions Schedule Zone and Code Application</i> (Tasmanian Planning Commission, 2018) |
| interim scheme | Devonport Interim Planning Scheme 2013 |
| IPA | Inner Protection Area |
| LGA | Local Government Area |
| LPS | Devonport draft Local Provisions Schedule |
| LUPAA | <i>Land Use Planning and Approvals Act 1993</i> |
| NPR | No Permit Required |
| P | Permitted |
| PPZ | Particular Purpose Zone |
| SAP | Specific Area Plan |
| SPP | State Planning Provisions |
| SSQ | Site Specific Qualification |
| UWA | Unregistered Wayleave Agreement |

3.2. Existing Assets

Devonport LGA is located in TasNetworks North Western planning geographic area. An operationally significant part of the Tasmanian transmission electricity network is contained within the boundaries of the Devonport LGA. This includes:

- A number of transmission lines which:
 - o Transfer power to Devonport substation via 110kV lines; and
 - o Transfer power to Wesley Vale substation via 110kV lines.
- Devonport Substation which has 110kV transmission assets and is the main 22kV distribution supply point for local customers in the Devonport LGA; and
- A number of communication sites used in operation of the transmission electricity network.

The following table and figure provide more detail regarding these assets. Notification and negotiation of work or changes in land use around these assets is critical for the safety and operation of the electricity network, the safety of people working on these assets and the general public whether living near or traversing the transmission network areas.

Table 2 TasNetworks Assets in Devonport LGA

| Asset | Location |
|-----------------------------------|---|
| Substation sites | - Devonport Substation (CT132779/1) |
| Communication sites | - Devonport Substation (CT132779/1) fibre connection - Devonport Asset Centre (CT132779/2) - Kelcey Tier (CT162986/1) |
| Electricity Transmission Corridor | - Transmission Line 437 Sheffield to Devonport 110kV - Transmission Line 440 Wesley Vale Spur 110kV - Unregistered Wayleave Agreement |

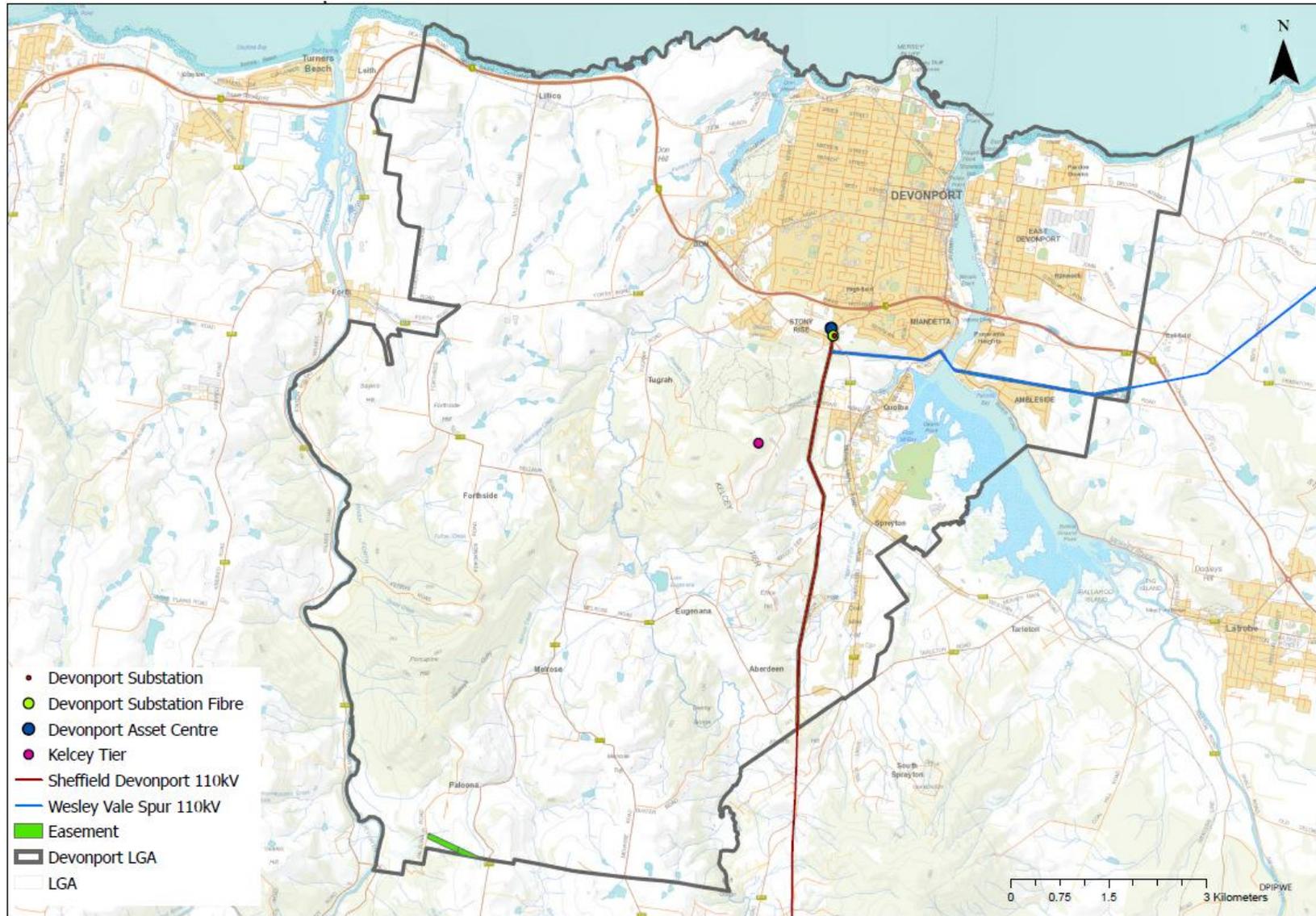


Figure 2 TasNetworks Assets within Devonport LGA

3.3. Planned Future Development

As Tasmania's transmission and distribution network service provider, we have a responsibility to ensure the infrastructure to supply Tasmanians with electricity evolves to meet customer and network requirements in an optimal and sustainable way. We achieve this through our network planning process to ensure the most economic and technically acceptable solution is pursued.

The need for network changes can arise for a number of factors. Annually TasNetworks undertakes a planning review that analyses the existing distribution and transmission networks and considers their future requirements to accommodate changes to load and generations, and whether there are any limitations in meeting the required performance standards.

While our [Annual Planning Report 2019](#) doesn't identify any specific upgrades within the Devonport municipality it does detail that there is significant interest in regards to large scale winds and solar developments in the North West planning area which could result in the need for augmentation.

Integrated into our planning process is our [network transformation road map 2025](#). This ensures that what we do in the next 10 to 15 years facilitates an efficient and orderly transition of the network to its new roles in a changing energy sector. This includes consideration of impact of large scale wind farms, solar systems, pumped hydro (battery of the nation) batteries, electric vehicles, and a potential second inter connector. It is therefore important that the LPS provides for appropriate approval pathways for potential future TasNetworks development works.

4. Submission

4.1. Overview

TasNetworks is seeking state-wide consistency across all LPSs in the treatment of its assets. TasNetworks policy position is summarised in Table 3 and is further detailed below. Appendix 1 provides more detailed analysis on an asset by asset basis.

Legend for Table 3:

| | |
|---|--|
| Consistent with policy position, supported | |
| Inconsistent with policy position, amendments are possible to achieve consistency | |
| Inconsistent with policy position, Schedule 6 transition prevents amendments required for consistency | |

Table 3 Policy Position – Submission Summary and Devonport LPS evaluation

| LPS Mapping / Controls | Policy Position | Rationale | Devonport LPS evaluation summary / submission |
|------------------------|--|--|---|
| Zoning | <ul style="list-style-type: none"> - Substations (terminal and zone) to be zoned Utilities - Communication sites to be zoned Utilities where the communications facility is the primary use of the site. | <ul style="list-style-type: none"> - Reflects the primary use of the site and the nature of the asset - Reflects the long asset lifespan - Utilities zone allows for the future operation, maintenance modification and development requirements of the asset (this is particularly important for communications sites as these do not enjoy any ESI Act exemptions once established) - Clear message to the community about the existing and long term use of the site. | <p>Consistent with policy position, supported</p> <p>The following assets are zoned Utilities</p> <ul style="list-style-type: none"> - Devonport Substation; and - Devonport Asset Centre Communication Site <p>Inconsistent with policy position, not supported</p> <ul style="list-style-type: none"> - Kelcey Tier Communication Site is zoned RLZA. TasNetworks requests LPS is amended with the Utilities Zone applied to the site. |
| | No specific zoning is to be applied to ETC | <ul style="list-style-type: none"> - Allows for other compatible uses to occur in corridor - Corridors are protected by ETIPC | LPS is consistent with this policy position, supported |
| | Landscape Conservation Zone (through LPS rezoning) is not applied to ETC | <ul style="list-style-type: none"> - Conflicts with the existing use of the land for electricity transmission - Diminishes strategic benefit of existing corridors making consideration of new corridors more likely | Landscape Conservation Zone is not applied in LPS. |

| LPS Mapping / Controls | Policy Position | Rationale | Devonport LPS evaluation summary / submission |
|--|---|---|---|
| | | <ul style="list-style-type: none"> - More onerous approvals pathway for augmentation of assets - Sends conflicting message to public regarding the ongoing use of the land | |
| Natural Asset Code – Priority Vegetation Overlay | <p>Not to be applied to</p> <ul style="list-style-type: none"> - Substations or communication sites where the site is cleared of native vegetation | <ul style="list-style-type: none"> - Assets are required to be cleared for safety and maintenance - Clearing of vegetation is exempt under ESI Act - Where asset already exists impact on the natural assets have already been assessed / approved and will continue to be impacted for the lifespan of the asset - Supports strategic value of the site - Clear messaging to community regarding the use of the site. | <p>Inconsistent with policy position, not supported.</p> <p>Amendment sought to remove priority vegetation overlay from:</p> <ul style="list-style-type: none"> - Devonport Substation; - Devonport Asset Centre Communications Site; - Kelcey Tier Communications Site <p>Code has been applied to developed / cleared parts of these sites.</p> <p>Note: vegetation clearance exemptions from the application of a planning scheme for electricity infrastructure.</p> |
| Scenic Protection Code Overlay | <p>Not to be applied to</p> <ul style="list-style-type: none"> - substations, - communication sites, or - ETC | <ul style="list-style-type: none"> - Assets are required to be cleared for safety and maintenance - Where asset already exists impact on scenic quality / natural assets have already been assessed / approved and | <p>Scenic Protection Code is not included in LPS.</p> |

| LPS Mapping / Controls | Policy Position | Rationale | Devonport LPS evaluation summary / submission |
|--|--|---|--|
| | | will continue to be impacted for the lifespan of the asset. | |
| Utilities Use Approval Status | <p>In all zones, PPZs and SAPs the Use Class for Utilities and Minor Utilities must be either</p> <ul style="list-style-type: none"> - No Permit Required, - Permitted or - Discretionary <p>Utilities must not be Prohibited</p> | The ability to consider Utilities Use Class in all zones is a requirement for the effective planning and development of linear utility infrastructure, which is required to be located in a range of areas and will be subject to multiple zonings. | <p>Inconsistent with policy position, not supported.</p> <p>Utilities is Prohibited in:</p> <ul style="list-style-type: none"> - DEV P1.0 Elimatta Hotel PPZ; - DEVS1.0 Devonport Regional Homemaker Centre SAP; and - DEV S2.0 Devonport Homemaker Service Industrial Centre SAP |
| SAPs / PPZs | Not to apply to substations | To ensure that future development on these sites is not unreasonably affected by SAP. | LPS is consistent with this policy position, supported |
| PPZs or SAPs use and development standards | <p>Are drafted with at least a discretionary approval pathway. For example:</p> <ul style="list-style-type: none"> - No absolute height limit - Allow subdivision for utilities | <ul style="list-style-type: none"> - Consistent with policy in SPPs that enables consideration of Utilities in all zones and no finite quantitative development or subdivision standards. | <p>LPS is consistent with this policy position and is supported for:</p> <ul style="list-style-type: none"> - DEVS1.0 Devonport Regional Homemaker Centre SAP - DEV S2.0 Devonport Homemaker Service Industrial Centre SAP |

| LPS Mapping / Controls | Policy Position | Rationale | Devonport LPS evaluation summary / submission |
|------------------------|--|--|---|
| | | | <p>Inconsistent with policy position, not supported.</p> <ul style="list-style-type: none"> - DEV P1.0 Elimatta Hotel PPZ as subdivision is prohibited - DEV S3.0 Devonport Reserved Residential Land SAP additional discretionary subdivision provisions |
| ETIPC | Is correctly mapped and applied to relevant transmission infrastructure | Consistent with policy in SPPs | <p>Inconsistent with policy position, not supported</p> <ul style="list-style-type: none"> - Amend mapping of ETIPC at Devonport Substation for consistency with SPP maps. |
| Local Area Objectives | Are drafted in a manner that does not conflict with the ETIPC if they apply over an area within the Code | <ul style="list-style-type: none"> - Potential impact on future development - Diminishes strategic benefit of existing corridors making consideration of new corridors more likely - More onerous approvals pathway for augmentation of assets - Sends conflicting message to public regarding the ongoing use of the land | Consistent with policy position, supported. |

4.2. SPP Issues

Please note, this aspect of TasNetworks' representation should not be taken as a request to change or amend the SPPs. However, this information is provided to highlight fundamental land use conflict issues that could occur as each LPS implements the SPPs across the State.

4.2.1. Exemptions

In this representation, TasNetworks would like to highlight a failing in the SPPs that causes a fundamental conflict between existing electricity transmission easement rights and SPP Exemptions and will prevent implementation of the purpose of the ETIPC. This failing is resulting from not applying the Code, in particular, the Electricity Transmission Corridor (ETC) and Inner Protection Area (IPA) to certain exemptions that would:

- On almost every occasion, conflict with easement rights (and have the potential to impact human safety) and compromise the Purpose of the Code; and
- Unless managed appropriately, have the potential to conflict with easement rights (and have the potential to impact human safety) and the Purpose of the Code.

Where the Code does not apply, easement rights still exist but can only be enforced once a breach has occurred or (at best) is imminent. This can result in a costly process of removal or relocation and in the interim, could pose a safety risk. When the Code applies, it provides developers, Council and TasNetworks an opportunity to avoid or manage this issue early in the application process. See Appendix 2 for benefits that can be realised by considering electricity transmission assets in the planning process and conflict examples.

4.2.2. Scenic Protection Code

The Scenic Protection Code does not apply to sites in the Utilities Zone. As a result, assuming a Utilities zoning, TasNetworks' substations and communication sites are not subject to the application of this Code, thus supporting the continued and consolidated use and development of these sites for electricity infrastructure.

TasNetworks' recognises that a Council may wish to regulate other activities in the ETC that could impact on scenic values. However, application of the Scenic Protection Code to new electricity transmission use and development within an existing ETC has a number of impacts in conflict with the continued use of these corridors:

- Does not recognise the already established vegetation clearance and scenic quality;
- Does not recognise existing and continued use of these corridors, including vegetation clearance, for significant linear infrastructure on a state wide basis;
- Unreasonably diminishes the strategic benefit of the ETC;
- Devalues the substantial investment already made in the establishment of these corridors;
- Unreasonably fetters augmentation of existing corridors by imposing development standards relating to scenic protection to electricity transmission use and development in an existing electricity transmission corridor;

- Conflicts with the purpose of the ETIPC;
- Supports a misconception in the community that where the Scenic Protection Code (tree preservation) is applied, vegetation clearance will be limited, when in fact vegetation clearance for transmission lines is required and authorised by separate regulatory regimes in these locations.

If the Scenic Protection Code in the SPPs were amended to ensure that, where this Code intersects with an ETC, it does not apply to electricity transmission use and development in that ETC, these impacts could be largely mitigated. This approach recognises the presence of this substantial electricity infrastructure and:

- its place in a broader state-wide network that is essential to the safe and reliable provision of electricity to Tasmania (as recognised in the Regional Land Use Strategy);
- implements the purpose of the ETIPC;
- facilitates continued use or augmentation of existing corridors and ensures that future development (that is not otherwise exempt) can be efficiently provided.

The purpose of the Scenic Protection Code is to recognise and protect landscapes that are identified as important for their scenic values. In accordance with the Commission's Guidelines the Code is applied where: *SPC2 The scenic protection area overlay and the scenic road corridor overlay should be justified as having significant scenic values requiring protection from inappropriate development that would or may diminish those values.*

The ETIPC Code Purpose is: *To protect use and development against hazards associated with proximity to electricity transmission infrastructure. To ensure that use and development near existing and future electricity transmission infrastructure does not adversely affect the safe and reliable operation of that infrastructure. To maintain future opportunities for electricity transmission infrastructure.*

The application of the Scenic Protection Code to electricity transmission use and development in an ETC is inconsistent with the ETIPC purpose to retain electricity transmission infrastructure in these locations and to maintain future development opportunities.

For works that do not have the benefit of ESI exemptions, it would be difficult to comply with the Scenic Protection Code standards. Further, these assets form part of a wider network that is essential to the safe and reliable provision of electricity to Tasmania which is recognised in the Regional Land Use Strategy.

Please note that these issues have been previously raised and discussed with Meander Valley Council, Brighton Council, Central Coast Council, Glamorgan Spring Bay Council, Clarence Council and Circular Head Council as well as the Commissioners throughout the draft LPS assessment process and will continue to be raised as part of this process.

5. Appendix 1 – Detailed Assessment

5.1. Substations

The only substation within the Devonport municipality that is protected through the ETIPC is the Devonport Substation. Devonport Substation is located at 78-80 Stony Rise Road, Miandetta (CT 132779/1). The following table details TasNetworks planning policy position with respect to substations.

Table 4 Substation Policy Position Summary

| Zoning | Overlay | SAP / PPZ | ETIPC |
|-----------------|--|--|---------|
| Zoned Utilities | Not applied - Scenic Protection (SP) - Priority Vegetation (PV) - where the site is cleared of native vegetation | Not applied or - Utilities use is NPR, P or D. - No finite discretionary development standards | Applied |

Devonport Substation is zoned Utilities within the draft LPS which is supported by TasNetworks. The Utilities zoning reflects the primary and future use of the site and is consistent with the zone application guidelines issued by the State and TasNetworks policy position for substations.

The Priority Vegetation Overlay of the Natural Assets Code has been applied to the Devonport Substation site which is not supported by TasNetworks. The site is identified in the following figure in yellow which is an extract from Map 4 of 5 of the Tasmanian Planning Scheme – Devonport Local Provisions Schedule: Natural Assets Code – Priority Vegetation Area Overlay. The second figure is an extract from LISTmap aerial imagery showing the site developed and void of vegetation. TasNetworks requests that the overlay be removed from the site.



Figure 3 Priority Vegetation Overlay in LPS and Aerial Imagery from LISTmap

No PPZs or SAPs have been applied over substation site which is supported by TasNetworks.

TasNetworks notes that there is a slight discrepancy between the ETIPC layer in the LPS and the ETIPC Overlay on LISTmap. In particular, the boarder of the ETC is highlighted where it meets the substation buffer layer in the LPS mapping. TasNetworks requests that this been amended to match the LISTmap layer for consistency across the State.



Figure 4 ETIPC in LPS and ETIPC in LISTmap

5.2. Communication Sites

There are three communication sites within Devonport municipality that are operated by TasNetworks. These are:

- Devonport Substation (CT132779/1) fibre connection;
- Devonport Asset Centre (CT132779/2); and
- Kelcey Tier (CT162986/1).

The Devonport Substation Communication Site is located at the Devonport Substation and is provided with a fibre connection. As such this communication does not form part of the electricity transmission backbone and is not required to be identified in the ETIPC. No representation is made regarding this communication site.

The following table details TasNetworks planning policy position with respect to communication sites.

Table 5 Policy position regarding communication sites

| Zoning | Overlay | SAP / PPZ | ETIPC |
|-----------------|--|--|---------|
| Zoned Utilities | Not applied - Scenic Protection (SP) - Priority Vegetation (PV) - where the site is cleared of native vegetation | Not applied or - Utilities use is NPR, P or D. - No finite discretionary development standards | Applied |

The Devonport Asset Centre Communication Site is located adjacent to the substation and is within the Utilities Zone which it supported by TasNetworks. However, as shown in Figure 3, the site in its entirety is subject to the Priority Vegetation Overlay. TasNetworks requests that this overlay be removed as the site is developed and cleared of vegetation.

The Kelcey Tier Communication site is zoned Rural Living Zone A within the draft LPS. As the site is located on its own individual title and is solely used as a communication site TasNetworks requests that the site be rezoned to Utilities. The Utilities zoning is required for communication sites to ensure the future operation, maintenance modification and development requirements of the asset. This is particularly important for communications sites as these do not enjoy any ESI Act exemptions once established. The application of the Utilities Zone to these sites is consistent with Guideline No 1 Zone and Code Application issued by the State.

Further, the Kelcey Tier Communication site is subject to the Priority Vegetation Overlay. As the site is cleared of native vegetation and developed TasNetworks requests this overlay be removed from the site. The overlay and aerial imagery are shown in the following figure.



Figure 5 Kelcey Tier Communication Site subject to the Priority Vegetation Overlay

5.3. Electricity Transmission Corridors

There are three TasNetworks Electricity Transmission Corridors that extend across the Devonport municipal area. These are:

- Line 437 Sheffield - Devonport 110 kV;
- Line 440 Wesley Vale Spur 110 kV; and
- An Unregister Wayleave Agreement easement.

These corridors are shown in Figure 2. The following table details TasNetworks policy position regard ETC.

Table 6 ETC Policy Position Summary

| Zoning | Overlay | ETIPC | SAP / PPZ |
|--|---|---------|---|
| <ul style="list-style-type: none"> - No specific zoning applied to ETC; - Landscape Conservation Zone not applied to ETC | <ul style="list-style-type: none"> - Scenic Protection Code not applied to ETC | Applied | Not applied or <ul style="list-style-type: none"> - Utilities use is NPR, P or D. - No finite discretionary development standards |

A range of zones have been applied to the land underneath these corridors and as the SPP allows for consideration of Utilities in all zones this is acceptable to TasNetworks.

The Landscape Conservation Zone has not be used in the draft LPS. Notwithstanding this TasNetworks wishes to raise the following concerns regarding the zone. The introduction and subsequent rezoning of land within the ETC to the Landscape Conservation Zone has created a number of unforeseen issues for TasNetworks. Primarily the Landscape Conservation Zone – Zone Purpose is *to provide for the protection, conservation and management of landscape values*. This is considered to conflict with the Purpose of the ETIPC which is *to maintain future opportunities for electricity transmission infrastructure*.

Additionally, development approval for augmentation of an existing corridor under the Landscape Conservation Zone is more onerous than if under the Environmental Living or Rural Resource zones in the interim scheme or the Rural Zone under the SPP. For example the Acceptable Solution building height requirement in the Landscape Conservation Zone is 6m as opposed to 12m under the Rural Zone.

Further, TasNetworks has concern regarding the rezoning of land within an ETC to the Landscape Conservation Zone and the inconsistent messaging it provides to the public. That being that the land is for ‘conservation’, where in fact clearing of vegetation within the ETC is exempt and augmentation of corridors can occur.

TasNetworks acknowledges that the introduction of the Landscape Conservation Zone is per SPP drafting guidelines however would like to open discussions with Council and relevant stakeholders regarding the impacts that this change in zoning has on the continued operation of electricity transmission infrastructure across the State.

The Scenic Protection Code has not been utilised in the draft LPS.

The Electricity Transmission Infrastructure Protection Code has been applied correctly to the ETCs. It is noted that both Lines intersect with DEV S3.0 Devonport Reserved Residential Land Specific Area Plan.

5.4. Particular Purpose Zones (PPZ) and Specific Area Plans (SAP)

The following table provides an overview of TasNetworks policy position regarding PPZs and SAPs.

Table 7 PPZ and SAP Policy Position Summary

| Application | Policy |
|-------------------------------------|---|
| Use Standards in PPZ or SAP | - Use Class for Utilities or Minor Utilities must be either NPR, P or D. Must not be Prohibited |
| Development Standards in PPZ or SAP | - Are not drafted without a discretionary approval pathway (e.g not include a finite development standard - an absolute height limit) - Allow subdivision for Utilities use in all zones |

The following table provides an assessment of the PPZ and SAPs within the draft LPS. It detailed where amendments are required and whether the instrument is transitioning under Schedule 6 provisions.

Table 8 PPZ and SAP review

| Transitioning (Y/N) | Instrument | Clause | Amendment requested | Rationale |
|---------------------------------|-----------------------------|-----------------|---|---|
| Particular Purpose Zones | | | | |
| Y | DEV P1.0 Elimatta Hotel | 1.4 Use Table | Amendment requested to include Utilities Use Class as a Discretionary use. | Current drafting prohibits Utilities Use Class. The ability to consider Utilities in all zones is a requirement for the effective planning and development of linear utility infrastructure. |
| | | 1.7 Subdivision | Amendment requested to allow for subdivision. <i>A1 Each lot, or a lot on a plan of subdivision must:</i> <i>(a) be required for public use by the Crown a council or State authority;</i> <i>(b) be required for the provision of Utilities;</i> <i>or</i> <i>(c) be for the consolidation of a lot with another lot provided both lots are within the same zone.</i> | Current drafting prohibits subdivision for any use class. This is inconsistent with drafting in the SPPs and creates a more onerous approvals pathway. The ability to consider subdivision for Utilities in all zones is a requirement for the effective planning and development of linear utility infrastructure. |
| Specific Area Plans | | | | |
| Y | DEV S1.0 Devonport Regional | 1.5 Use Table | Amendment requested to include Utilities Use Class as a Discretionary use. | Current drafting prohibits Utilities Use Class. The ability to consider Utilities in all zones is a requirement for the effective |

| Transitioning (Y/N) | Instrument | Clause | Amendment requested | Rationale |
|---------------------|--|-----------------------|--|--|
| | Homemaker Centre SAP | | | planning and development of linear utility infrastructure. |
| Y | DEV S2.0 Devonport Homemaker Service Industrial Centre SAP | 2.5 Use Table | Amendment requested to include Utilities Use Class as a Discretionary use. | Current drafting prohibits Utilities Use Class. The ability to consider Utilities in all zones is a requirement for the effective planning and development of linear utility infrastructure. |
| Y | DEV S3.0 Devonport Reserved Residential Land SAP | 3.8 Subdivision A1 | No Acceptable Solution <i>Each lot, or a lot on a plan of subdivision must:</i> <i>(a) be required for public use by the Crown a council or State authority;</i> <i>(b) be required for the provision of Utilities;</i> <i>(c) or be for the consolidation of a lot with another lot provided both lots are within the same zone.</i> | Current drafting triggers a discretionary application for all subdivision. Creating a more onerous approvals pathway and is inconsistent the subdivision standards for other residential zones. The ability to consider subdivision for Utilities in all zones is a requirement for the effective planning and development of linear utility infrastructure. |

6. Appendix 2 – SPP Issues

In addition to TasNetworks' request regarding the Scenic Protection Code application, this appendix outlines the benefits of considering electricity transmission assets in the planning process for new development

The following benefits can be realised if impact on electricity transmission assets are considered in the planning process. (See Table 1 for the list of relevant exemptions):

- Removes the incorrect perception that buildings and other works exempt under the SPPs can safely occur in a transmission line or underground cable easements without the need to consider asset easement rights or operational requirements.
- Empowers the Planning Authority to request further information, condition or refuse a development that conflict with the Code requirements and Purposes.
- Saves developers, Councils, TasNetworks and the community time, cost and distress associated with easement right enforcement after a building, structure or other works have either commenced construction or have been built.
- Reflects the reality with respect to what can and cannot safely occur in an electricity easement.
- Saves developers project delay and cost required as a result of reworking proposals to ensure easement rights are not compromised later in the process.
- Increases the chances of considering the impact of new development on electricity assets early in the planning assessment process, before significant expenditure on project preparation has occurred.
- Prevents land use conflict between existing critical electricity transmission assets and new development.
- Protects human safety.
- Aligns the planning considerations and electricity easement rights.
- Avoids increased acquisition or construction cost for future assets as a result of encroachment (eg: dwelling encroachments within strategically beneficial easements may not cause operational issues for existing assets. However, dwelling acquisition and increased community and social impact of processes required to remove dwellings in the easement if it is required later can be avoided if encroachment is prevented in the first place.
- Supports compliance with AS 7000.

- The strategic benefit of existing electricity easements and the strategic purpose of the Code is preserved.

Conflict Examples

Table 1 presents examples of exempt development where TasNetworks believes conflict with easement rights can occur.

Colour coding indicates the following:

| |
|---|
| Conflicts with easement rights and may be capable of management to ensure appropriate alignment with easement rights. |
| Conflicts with easement rights. In almost all cases, this exemption will pose a safety and operational hazard for overhead and underground transmission lines and cables. |

Table 9 Exemptions and land use conflict with electricity transmission assets

| SPP exemption | Comment |
|---|---|
| 4.3.6 unroofed decks | <p>If not attached to a house and floor level is less than 1m above ground level.</p> <p>A deck of this nature can pose an impediment to safe access and due to other exemptions can be roofed without further assessment which is in conflict with easement rights and could compromise safety.</p> <p>A deck over the operational area required for an underground cable would always be unacceptable.</p> |
| 4.3.7 outbuildings | <p>One shed: up to 18m², roof span 3m, height 2.4m, fill of up to 0.5m.</p> <p>Up to two shed: 10m², sides 3.2m, height 2.4m.</p> <p>Similar to PD1.</p> <p>This type of building almost always poses a safety and operational hazard for transmission lines, cables and human safety.</p> <p>This type of building over the operational area required for an underground cable always poses an unacceptable safety risk.</p> |
| 4.3.8 outbuildings in Rural Living Zone, Rural Zone or Agriculture Zone | <p>4.3.8</p> <p>Provides for an unlimited number of outbuilding per lot as follows:</p> |

| SPP exemption | Comment |
|---|---|
| <p>4.3.9 agricultural buildings and works in the Rural Zone or Agriculture Zone</p> | <p>Floor area 108m², height 6m, wall height 4m.</p> <p>Already subject to the Local Historic Heritage Code.</p> <p>Slightly broader than PD1.</p> <p>4.3.9</p> <p>New and broader than PD1 exemptions.</p> <p>Provides for unlimited number of outbuilding per lot as follows:</p> <p>Must be for agricultural use, floor area 200m², height 12m.</p> <p>Already subject to the Local Historic Heritage Code and the Scenic Protection Code.</p> <p>TN COMMENT:</p> <p>These exemptions create a new and potentially more dangerous conflict with electricity transmission lines and cables where a larger and higher building can be constructed in an electricity transmission easement without the need for planning approval.</p> <p>Buildings of this nature can severely impede TasNetworks' ability to safely access, operate and maintain electricity transmission lines. If built, these buildings could also present a threat to human safety.</p> <p>As a result, in almost all cases, if built, buildings covered by these exemptions would necessitate the enforcement of easement rights, either during or after construction and after the planning and building (exemption), process has occurred. This will likely mean relocating the proposal, a further planning assessment and added cost and time to a development.</p> <p>The nature of electricity transmission line assets (ie: running from isolated generation locations into populated areas) means the zones mentioned in this exemption are almost certain to contain (and appropriately so) electricity transmission assets. The cost of removing substantial agricultural buildings from easements required for new assets also adds to future asset construction costs.</p> |

| SPP exemption | Comment |
|---|---|
| 4.3.11 garden structures | <p>Unlimited number, 20m², 3m height max. Already subject to the Local Historic Heritage Code.</p> <p>If not managed appropriately, this type of structure has the potential to compromise clearances and the safe and reliable operation of transmission lines and underground cables. Depending on location within an easement, could also present a threat to human safety.</p> <p>Cost of removal is limited, however still requires post breach enforcement of easement rights.</p> |
| 4.5.1 ground mounted solar energy installations | <p>Each installation can be 18m² area. Already subject to the Local Historic Heritage Code.</p> <p>This type of activity has the potential to compromise clearances or adversely impact easement access (especially during emergency repair conditions).</p> |
| 4.5.2 roof mounted solar energy installations | <p>Already subject to the Local Historic Heritage Code. This would likely only apply to existing buildings within easements.</p> <p>Encroachment is likely existing, however, this exemption has the potential to compromise clearances in what may be a compliant situation.</p> |
| 4.6.8 retaining walls | <p>4.6.8 Allows for retaining 1m difference in ground level. This exemption is already subject to the Local Historic Heritage Code and the Landslip Hazard Code. Reflects what was in PD1.</p> |
| 4.6.9 land filling | <p>4.6.9 Allows for filling of up to 1m above ground level. This exemption is already subject to the Natural Assets Code, Coastal Erosion Hazard Code, Coastal Inundation Hazard Code, Flood-Prone Areas Hazard Code and Landslip Hazard Code. Reflects what was in PD1.</p> <p>TN COMMENT:</p> <p>This type of activity has the potential to compromise ground clearances for existing transmission lines and safe operational separation for underground transmission cables. Subject to appropriate management, this type of activity can usually occur within transmission line easements, however, may pose a more challenging risk for underground cables.</p> |

| SPP exemption | Comment |
|---|--|
| 4.6.13 rain-water tanks | Rainwater, hot water & air conditioner exemptions with the 1.2m stand were already included in PD1 and were carried through to the draft and finalised SPPs. |
| 4.6.14 rain-water tanks in Rural Living Zone, Rural Zone, Agriculture Zone or Landscape Conservation Zone | This was one exemption in the draft SPPs and was modified by the Commission into four exemptions. TasNetworks requested the original exemption be subject to the Code. 4.6.13: attached or located to the side or rear of a building and can be on a stand height 1.2m high. Subject to the Local Historic Heritage Code. |
| 4.6.15 fuel tanks in the Light Industrial Zone, General Industrial Zone, Rural Zone, Agriculture Zone or Port and Marine Zone | 4.6.14 attached or located to the side or rear of a building with no height limit. Subject to the Local Historic Heritage Code. 4.6.15 no height limit, no requirement is be located near a building. Limited when storage of hazardous chemicals is of a manifest quantity and Coastal Erosion Hazard Code, Coastal Inundation Hazard Code, Flood-Prone Areas Hazard Code, Bushfire-Prone Areas Code or Landslip Hazard Code, applies and requires a permit for the use or development. |
| 4.6.16 fuel tanks in other zones | 4.6.16 must be attached or located to the side or rear of a building, max 1kL capacity, on a stand up to 1.2m high and subject to the Local Historic Heritage Code. TN COMMENT: These exemptions allow for water tanks on stands and some have no height limit. These developments have the potential to compromise access to the easement, compromise ground clearances for existing transmission lines and safe operational separation for underground transmission cables. Depending on location in the easement, these developments could pose a threat to human safety. Subject to appropriate management, this type of activity may occur within transmission line easements, however, may pose a more challenging risk for underground cables. |