

PLEASE QUOTE
Your Ref:
Our Ref: SP:CF 3194082
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2 February 2024

Tasmanian Planning Commission
GPO Box 1691
HOBART TAS 7001

Dear Sir/Madam

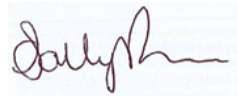
COMBINED DRAFT AMENDMENT NO. 2023/2 AND PERMIT APPLICATION DA 2023/106 – s40K REPORT – MASSY-GREENE DRIVE, SOUTH BURNIE

The above draft amendment and permit application concluded its public exhibition period on the 5 December 2023.

Please see attached the s40K report, copies of representations received and the minutes.

If you have any enquiries regarding this combined amendment and permit application please contact myself on (03) 6430 5839.

Yours sincerely



Sally Pearce
EXECUTIVE MANAGER DEVELOPMENT SERVICES

PLANNING AUTHORITY

**AO009-24 TASMANIAN PLANNING SCHEME
MASSY-GREENE DRIVE, SOUTH BURNIE
DA 2023/106 AND DRAFT AMENDMENT 2023/2
COMBINED PERMIT APPLICATION AND REQUEST TO REZONE
SECTION 40K REPORT TO COMMISSION FOLLOWING EXHIBITION
PERIOD**

**FILE NO: 3194082
PREVIOUS MIN:**

1.0 RECOMMENDATION:

“THAT Council in its role as a Planning Authority resolves that –

- a) Pursuant to section 40K(1) of the Land Use Planning and Approvals Act 1993, provide the Tasmanian Planning Commission with a copy of this report; and*
- b) Pursuant to section 40K (2)(a) of the Land Use Planning and Approvals Act 1993, provide the Tasmanian Planning Commission a copy of each representation received during the exhibition period; and*
- c) Pursuant to section 40K (2)(c) of the Land Use Planning and Approvals Act 1993, advise the Tasmanian Planning Commission that the representations received during the exhibition period do not warrant a modification to the draft amendment as detailed in this report; and*
- d) Pursuant to section 42 of the Land Use Planning and Approvals Act 1993 advise the Tasmanian Planning Commission that DA 2023/106 be approved.”*

2.0 EXECUTIVE SUMMARY

Purpose and Background

Burnie City Council publicly exhibited the combined permit application and rezoning application to the Burnie Local Provisions Schedule (LPS) under the Tasmanian Planning Scheme - Burnie to establish a Storage use and a partial rezoning of the site at Massy-Greene Drive, South Burnie, identified in CT 145244/1 from Open Space to General Industrial zone.

Permit application DA 2023/106 and Draft Amendment No 2023/2 was publicly exhibited for a 28 day period which commenced on Saturday the 4th November until Tuesday 5th

December 2023. The amendment appeared in the local newspaper on Saturday 4th November and Saturday 18th of November 2023.

Three representations were received during the public exhibition period.

The purpose of this report is to meet the Planning Authority's obligations under the *Land Use Planning and Approvals Act 1993* to provide a report under Section 40K to the Tasmanian Planning Commission following the end of the public exhibition period.

Key Issues

The Planning Authority must provide a report to the Tasmanian Planning Commission under Section 40K of the *Land Use Planning and Approvals Act 1993* within 35 days after the end of the public exhibition period in relation to the combined permit application and draft amendment of a Local Provisions Schedule. However, due to the timing of the December and January Council Meetings it was not possible to meet the 35 day requirement and an extension of time was requested by Council officers to the Tasmanian Planning Commission. An extension of time was granted until the 5th February 2024.

3.0 SUPPORTING INFORMATION

Strategic Alignment

This report relates to the Council Plan Enabler, Our People by ensuring Council remains compliant with all its statutory and regulatory obligations and contributes to the regulatory environment which affects our community.

Legal

There are no direct legal implications or legislative requirements for Council arising from the recommendation in this report.

Finance

There are no financial impacts directly associated with the requirement for a planning authority to make a decision.

There may be costs incurred if the Tasmanian Planning Commission assumes the planning authority's responsibilities because it fails to make a decision or complete an action within the prescribed timeframes.

Relation to Council Policy

It is noted that within the section 40F report, it was set out that there was no relevant strategic plan.

The Burnie 2044 Strategic Plan – Making a Better Burnie 2044 (the strategic plan) has been adopted by Council.

It is noted that Goal 5: making democratic and engaged communities and key direction at 5.1 Leadership through communications, consultation, collaboration and facilitation, and in particular Council making lawful and quick statutory decisions aligns with the applicant's rationale for the combined permit application and draft amendment.

The Planning Authority considers the combined permit application and draft amendment has had regard to the strategic plan.

Discussion

Refer to Detail for further information.

Health and Safety

There are no health and safety impacts resulting from this report.

Risk

The application for combined permit application and scheme amendment are determined by the Tasmanian Planning Commission.

The Planning Authority's role is to prepare a statement of opinion as to the merit of each representation received during the exhibition period.

The Tasmanian Planning Commission is not bound to the opinion of the planning authority and may decide an outcome which is entirely different.

There is no right of appeal on the Commission's decision.

Environmental Sustainability

There are no environmental sustainability impacts to be considered in this report.

Consultation

Relevant Council Officers have been consulted in the preparation of this report.

Conflict of Interest

No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a material or general conflict of interest in relation to the matter of the report.

4.0 DETAIL

Three representations were received during the public exhibition period as detailed below:-

- 1) **TasWater** – Submission to Planning Authority Notice received on 8 November 2023 but reissued on 4 January 2024 correcting typographical errors.

“TasWater does not object to the draft amendment to planning scheme and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings. TasWater does not object to the proposed use and no conditions are imposed.”

- 2) **TasRail** – Representation received on 21 November 2023

The nature of concerns raised is due to the known landslide hazard on the site.

Concerns raised include –

“TasRail has reviewed the available documentation. We note the limitations of the report by GeoTon Pty Ltd and the content of the PDA Report. However, it is TasRail's view that a complete landslip risk assessment is required before finalising this combined draft amendment and permit application. However, should Council be of the view that it is satisfied with the GeoTon and PDA report, then TasRail requests that any permit issued be conditional on a prohibition being applied to any earthworks being carried out on the site until such time as a complete landslip risk assessment is undertaken and reviewed by applicable stakeholders. TasRail requests this permit condition on the basis that the removal of soil from the site has high potential to undermine the rail track, noting that the State Rail Network shares a boundary with the subject land for some 200m, some of which is identified as Medium to Active Landslip Risk

TasRail also requests a copy of TasRail's Standard Notes be supplied to the applicant.”

The Land Use Planning and Approvals Act 1993 clearly sets out the matters to which a person or body may make a representation to in relation to a draft amendment, and that section 40J(3) of the Act, sets out:

Without limiting the generality of subsection (1) , a person or body may make a representation in relation to a draft amendment of an LPS as to whether –

- (a) a provision of the draft amendment of an LPS is inconsistent with the SPPs; or
- (b) a provision of the draft amendment of an LPS should, or should not, apply a provision of the SPPs to an area of land; or
- (c) the draft amendment of an LPS should, or should not, contain a provision that an LPS is permitted under section 32 to contain.

Comment:

The TasRail submission was received during the public exhibition period, to the correct electronic address as advertised and does raise matters listed within Section 40J(3)(b).

Council Officers note that regional strategy policy 5.3 i. is particularly relevant to the TasRail representation.

During the initial assessment of the combined permit application and rezoning request, the Planning Authority wrote to the applicant on 5 September 2023, seeking clarification on a number of matters including potential development on the site and whether significant works was proposed, as defined under C15.0 Landslip Hazard Code.

The applicant provided advice that no development is proposed forming part of the permit application, i.e. either the removal of the redundant water reservoir or earthworks. Further, the applicant confirmed that the permit application is purely for the establishment of a storage use, to allow the storage of timber logs on that portion of the site.

The Planning Authority has assessed the proposed storage use as exempt in accordance with clause C15.4.1(a) as the use is within a medium landslip hazard band and is not a critical, hazardous or vulnerable use as defined within C15.0 Landslip Hazard Code.

The Planning Authority has assessed the permit application and clarified that no development is proposed as part of the permit application, which confirms that no significant works is proposed as defined within C15.0 Landslip Hazard Code. There is no trigger for a Landslip Hazard Report.

Further, the discussion and conclusions contained within Geotechnical advice received by Tony Barrera, Director – Principal Geotechnical Engineer on behalf of GeoTon Pty Ltd, reference no. GL23455Ad, dated 5 October 2023 finds that –

“We consider that the proposed land use rezoning will not increase the current landslide risk and will not require any specific hazard reduction or protection measures at the site due to the following:

- *The proposed land use will not change substantially from that of recent times;*
- *The proposed land use rezoning will not trigger, spread, or intensify the already existing landslide hazard;*
- *The site is typically near level to gently sloping and does not display any distinct signs of any recent landslide activity; and*
- *The use can achieve and maintain a tolerable risk for the intended life of the use.*

Based on the findings of the assessment we consider that the proposed land use rezoning would not adversely impact on the site and immediate surroundings nor increase the current assessed landslide risk on the site or on adjacent land.

As such, we consider that the proposed land use rezoning will not result in an increase in the current level of risk to warrant any specific hazard reduction or protection measures.

Therefore, we consider that the proposed land use rezoning can be exempt under C15.4.1 (a) of the Landslip Hazard Code of the Tasmanian Planning Scheme - Burnie."

Comment:

Having regard to the Cradle Coast Regional Land Use Strategy (CCRLUS) and given that the CCRLUS recognises the purpose of land use planning is closely linked to infrastructure planning and provision, regional strategy policy 5.3 i. sets out the need to:

Protect infrastructure assets, corridors, facilities sites and systems from use or development likely to create conflict or interference to the operational capacity, function or security of services and utilities, including for road and rail corridors, airport and seaport land, energy generation and distribution corridors, and water catchment and storage areas.

The Planning Authority notes the following evidence provided in the discussion and conclusions contained within Geotechnical advice received by Tony Barriera, Director – Principal Geotechnical Engineer on behalf of GeoTon Pty Ltd, reference no. GL23455Ad, dated 5 October 2023 assesses and determined -

Based on the findings of the assessment we consider that the proposed land use rezoning would not adversely impact on the site and immediate surroundings nor increase the current assessed landslide risk on the site or on adjacent land.

As such, we consider that the proposed land use rezoning will not result in an increase in the current level of risk to warrant any specific hazard reduction or protection measures.

Therefore, we consider that the proposed land use rezoning can be exempt under C15.4.1 (a) of the Landslip Hazard Code of the Tasmanian Planning Scheme - Burnie."

In accordance with the above, the protection of adjacent TasRail infrastructure has been assessed and determined not to be adversely impacted on, the immediate surroundings nor increase the current assessed landslide risk on adjacent land; further the proposed land use rezoning will not result in an increase in the current level of risk to warrant any specific hazard reduction or protection measures.

If, at a later date any earthworks are proposed within the low and or medium landslip hazard area, confirmation from a suitably qualified person would be required to evidence whether or not those works involved significant works as defined within C15.0 Landslip Hazard Code. If there are any significant works or development within the landslip area it would be subject to a separate development application and achievement of the requirements as set out in clause C15.6.1.

3) **Department of State Growth** – Representation received on 29 November 2023

The nature of concerns raised is due to site access safety and the known landslide hazard on the site.

Concerns raised include –

“Massy-Greene Drive and Old Surrey Road form a strategic heavy vehicle freight route between the Ridgley and Bass Highways. The route connects key mining and other activities on the west coast of Tasmania with the port of Burnie and the Burnie to Hobart Freight Corridor. The route was constructed to remove heavy vehicles from Mount Street in Burnie.

Massy-Greene Drive in the vicinity of the proposed development site has a steep gradient and is an extremely tight curve. Heavy vehicles are the exclusive users of this road corridor. State Growth does not support any development that heightens the risk of accidents, extensive braking or the requirement for heavy vehicles to come to a complete stop on steep gradients.

State Growth notes that the existing access licence for the access to the storage area directly off Massy-Greene Drive is for maintenance of the water tank only. It is State Growth's recommendation that this access point be permanently closed and removed. All vehicular access to the storage site should be via the large access road passing underneath Massy-Greene Drive.

New licence for underpass - on-going access to the site via the private road underneath Massy-Greene Drive will require a State Road Crown land licence. The applicant will need to contact the State Roads Property Assets team directly to apply for this licence.”

The Land Use Planning and Approvals Act 1993 clearly sets out the matters to which a person or body may make a representation to in relation to a draft amendment, and that section 40J(3) of the Act, sets out:

Without limiting the generality of subsection (1) , a person or body may make a representation in relation to a draft amendment of an LPS as to whether –

- (a) a provision of the draft amendment of an LPS is inconsistent with the SPPs;
or
- (b) a provision of the draft amendment of an LPS should, or should not, apply a provision of the SPPs to an area of land; or
- (c) the draft amendment of an LPS should, or should not, contain a provision that an LPS is permitted under section 32 to contain.

Comment:

The Department of State Growth representation was received during the public exhibition period, to the correct electronic address as advertised and does raise matters listed within Section 40J(3)(b).

Council Officers note that regional strategy policy 5.3 i. is particularly relevant to the Department of State Growth representation.

Having regard to the Cradle Coast Regional Land Use Strategy (CCRLUS) and given that the CCRLUS recognises the purpose of land use planning is closely linked to infrastructure planning and provision, regional strategy policy 5.3 i. sets out the need to:

Protect infrastructure assets, corridors, facilities sites and systems from use or development likely to create conflict or interference to the operational capacity, function or security of services and utilities, including for road and rail corridors, airport and seaport land, energy generation and distribution corridors, and water catchment and storage areas.

The Planning Authority notes that the proposed access route contained within the permit application is for the northern most access point directly south of the Melba Line, that runs an internal driveway through the site, and underneath Massy-Greene Drive.

The Planning Authority has taken into consideration the concerns raised by Department of State Growth and has no issue with a condition being placed on any permit granted that permanently closes and removes the vehicular access on the south-eastern portion of the site onto Massy-Greene Drive Truck Route in accordance with the requirements of the Department of State Growth.

Further, the Planning Authority has no issue with a condition being placed on any permit granted that requires a new licence for the ongoing access through the underpass underneath Massy-Greene Drive Truck Route in accordance with the requirements of the Department of State Growth.

“Landslip hazard - the four-page document from the geotechnical consultant (pages 1-14 of the 'Application and Supporting Documents' document) indicates that a landslide Risk Assessment was conducted and that it supports the conclusion that rezoning should not adversely affect the site. State Growth considers that this assessment is deficient and does not meet the 2007 landslide Risk Assessment Guidelines developed by the Australian Geomechanics Society.

The area is highly prone to landslides, as demonstrated by numerous past failures including at least three within the last -200 years. The site falls entirely within the Medium Hazard Band of the Landslide Planning Map. While the intended use appears fairly similar to the current use (the geotechnical document indicates log storage in both cases), a complete Landslide Risk Assessment will still be necessary to ensure all landslide risks are appropriately identified and managed.

Please forward an updated and complete Landslide Risk Assessment to State Growth for review.”

Comment:

During the initial assessment of the combined permit application and rezoning request, the Planning Authority wrote to the applicant on 5 September 2023, seeking clarification on a number of matters including potential development on the site and whether significant works was proposed, as defined under C15.0 Landslip Hazard Code.

The applicant provided advice that there is no development proposed forming part of the permit application, i.e. either the removal of the redundant water reservoir or earthworks. Further, the applicant confirmed that the permit application is purely for the establishment of a storage use, to allow the storage of timber logs on that portion of the site.

The Planning Authority has assessed the proposed storage use as exempt in accordance with clause C15.4.1(a) as the use is within a medium landslip hazard band and is not a critical, hazardous or vulnerable use as defined within C15.0 Landslip Hazard Code.

The Planning Authority has assessed the permit application and clarified that no development is proposed as part of the permit application, which confirms that no significant works is proposed as defined within C15.0 Landslip Hazard Code. There is no trigger for a Landslip Hazard Report.

Further, the discussion and conclusions contained within Geotechnical advice received by Tony Barriera, Director – Principal Geotechnical Engineer on behalf of GeoTon Pty Ltd, reference no. GL23455Ad, dated 5 October 2023 finds that –

“We consider that the proposed land use rezoning will not increase the current landslide risk and will not require any specific hazard reduction or protection measures at the site due to the following:

- *The proposed land use will not change substantially from that of recent times;*
- *The proposed land use rezoning will not trigger, spread, or intensify the already existing landslide hazard;*
- *The site is typically near level to gently sloping and does not display any distinct signs of any recent landslide activity; and*
- *The use can achieve and maintain a tolerable risk for the intended life of the use.*

Based on the findings of the assessment we consider that the proposed land use rezoning would not adversely impact on the site and immediate surroundings nor increase the current assessed landslide risk on the site or on adjacent land.

As such, we consider that the proposed land use rezoning will not result in an increase in the current level of risk to warrant any specific hazard reduction or protection measures.

Therefore, we consider that the proposed land use rezoning can be exempt under C15.4.1 (a) of the Landslip Hazard Code of the Tasmanian Planning Scheme - Burnie.”

Comment:

In accordance with the above, the protection of adjacent Department of State Growth infrastructure has been assessed and determined not to adversely impact on the immediate surroundings nor increase the current assessed landslide risk on adjacent land; further the proposed land use rezoning will not result in an increase in the current level of risk to warrant any specific hazard reduction or protection measures.

If, at a later date any earthworks are proposed within the low and or medium landslip hazard area, confirmation from a suitably qualified person would be required to evidence whether or not those works involved significant works as defined within C15.0 Landslip Hazard Code. If there are any significant works or development within the landslip area it would be subject to a separate development application and achievement of the requirements as set out in clause C15.6.1.

“Tenure boundaries for rezoning - State Growth notes that the current cadastral boundaries do not reflect the existing fencing and use of the site (Figure 1). An exchange of land parcels between State Growth and the private landowner is planned but has not been finalised.

State Growth would prefer that the proposed rezoning not be finalised until the land tenure boundaries have been altered. However, if the rezoning is to proceed, Council must ensure that Lot 3 and Lot 4, shown on Figure 2, are zoned Utilities as these lots will become part of the road reservation. Future Lot 1 and Lot 2 will be transferred to private ownership and should, therefore, be zoned General Industrial.”

Comment:

We note that the area of land mentioned for fencing and use issues is a matter that is currently being discussed and worked through by the landowner and Department of State Growth and is a matter outside of the proposed permit application and partial rezoning application.

The Planning Authority encourages continued communication to facilitate a suitable outcome for both the landowner and Department of State Growth.

Any subsequent change in landownership and use is a separate issue and not considered as part of the combined permit application and draft amendment request.

Section 40K requires:-

- 1) *A planning authority, within 35 days after the end of the exhibition period in relation to a draft amendment of an LPS in relation to the municipal area of the planning authority or a longer period allowed by the Commission, must provide to the Commission a report in relation to the draft amendment of an LPS.*

Comment: This report will be provided to the Tasmanian Planning Commission outside the 35 days, however an extension of time was granted by the Tasmanian Planning Commission until 5 February 2024.

2) *The report by a planning authority in relation to the draft amendment of an LPS is to contain –*

(a) *a copy of each representation made under section 40J in relation to the draft amendment before the end of the exhibition period in relation to the draft amendment, or, if no such representations were made before the end of the exhibition period, a statement to that effect; and*

Comment: Copies of the three representations received are attached to this report.

(b) *a copy of each representation, made under section 40J in relation to the draft amendment after the end of the exhibition period in relation to the draft amendment, that the planning authority, in its discretion, includes in the report; and*

Comment: No representations were received outside of the public exhibition period.

(c) *a statement of the planning authority's opinion as to the merit of each representation included under paragraph (a) or (b) in the report, including, in particular, as to –*

(i) *whether the planning authority is of the opinion that the draft amendment ought to be modified to take into account the representation; and*

(ii) *the effect on the draft amendment, and the LPS to which it relates, as a whole, of implementing the recommendation; and*

(d) *a statement as to whether it is satisfied that the draft amendment of an LPS meets the LPS criteria; and*

(e) *any recommendations in relation to the draft amendment that the planning authority thinks fit.*

Comment:

The Planning Authority is not of the opinion that any modifications to the draft amendment is required.

Draft Amendment No. 2023/2 satisfies the applicable LPS criteria.

The Planning Authority recommends that the draft amendment be approved as advertised.

3) *Without limiting the generality of subsection (2)(e), the recommendations in relation to a draft amendment of an LPS may include recommendations as to whether –*

(a) *a provision of the draft amendment of an LPS is inconsistent with a provision of the SPPs; or*

(b) *the draft amendment of an LPS should, or should not, apply a provision of the SPPs to an area of land; or*

(c) *the draft amendment of an LPS should, or should not, contain a provision that an LPS is permitted under section 32 to contain.*

Comment:

The recommendation concludes that the draft amendment of an LPS is not inconsistent with a provision of the SPPs; the draft amendment of an LPS should apply to the specific area of land applied for; and the draft amendment of an LPS should set aside the Open Space zone and apply the General Industrial zone to the specific area of land applied for.

- (4) *A planning authority must not include in a recommendation in relation to a draft amendment of an LPS a recommendation to the effect that the content of a provision of the SPPs should be altered.*

Comment:

The recommendation does not include a recommendation to the effect that the content of a provisions of the SPP's should be altered.

ATTACHMENTS

1. Representation - Department of State Growth
2. Representation - TasRail
3. Representation - TasWater
4. Copy of Certified Draft Amendment
5. Copy of Draft Planning Permit and stamped documents
6. Extension of Time Granted

PLANNING AUTHORITY**AO009-24 TASMANIAN PLANNING SCHEME
MASSY-GREENE DRIVE, SOUTH BURNIE
DA 2023/106 AND DRAFT AMENDMENT 2023/2
COMBINED PERMIT APPLICATION AND REQUEST TO REZONE
SECTION 40K REPORT TO COMMISSION FOLLOWING EXHIBITION
PERIOD****FILE NO: 3194082
PREVIOUS MIN:**

1.0 RECOMMENDATION:***“THAT Council in its role as a Planning Authority resolves that –***

- a) Pursuant to section 40K(1) of the Land Use Planning and Approvals Act 1993, provide the Tasmanian Planning Commission with a copy of this report; and***
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- c) Pursuant to section 40K (2)(c) of the Land Use Planning and Approvals Act 1993, advise the Tasmanian Planning Commission that the representations received during the exhibition period do not warrant a modification to the draft amendment as detailed in this report; and***
- d) Pursuant to section 42 of the Land Use Planning and Approvals Act 1993 advise the Tasmanian Planning Commission that DA 2023/106 be approved.”***

2.0 EXECUTIVE SUMMARY**Purpose and Background**

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Three representations were received during the public exhibition period.

The purpose of this report is to meet the Planning Authority's obligations under the *Land Use Planning and Approvals Act 1993* to provide a report under Section 40K to the Tasmanian Planning Commission following the end of the public exhibition period.

Key Issues

The Planning Authority must provide a report to the Tasmanian Planning Commission under Section 40K of the *Land Use Planning and Approvals Act 1993* within 35 days after the end of the public exhibition period in relation to the combined permit application and draft amendment of a Local Provisions Schedule. However, due to the timing of the December and January Council Meetings it was not possible to meet the 35 day requirement and an extension of time was requested by Council officers to the Tasmanian Planning Commission. An extension of time was granted until the 5th February 2024.

3.0 SUPPORTING INFORMATION

Strategic Alignment

This report relates to the Council Plan Enabler, Our People by ensuring Council remains compliant with all its statutory and regulatory obligations and contributes to the regulatory environment which affects our community.

Legal

There are no direct legal implications or legislative requirements for Council arising from the recommendation in this report.

Finance

There are no financial impacts directly associated with the requirement for a planning authority to make a decision.

There may be costs incurred if the Tasmanian Planning Commission assumes the planning authority's responsibilities because it fails to make a decision or complete an action within the prescribed timeframes.

Relation to Council Policy

It is noted that within the section 40F report, it was set out that there was no relevant strategic plan.

The Burnie 2044 Strategic Plan – Making a Better Burnie 2044 (the strategic plan) has been adopted by Council.

It is noted that Goal 5: making democratic and engaged communities and key direction at 5.1 Leadership through communications, consultation, collaboration and facilitation, and in particular Council making lawful and quick statutory decisions aligns with the applicant's rationale for the combined permit application and draft amendment.

The Planning Authority considers the combined permit application and draft amendment has had regard to the strategic plan.

Discussion

Refer to Detail for further information.

Health and Safety

There are no health and safety impacts resulting from this report.

Risk

The application for combined permit application and scheme amendment are determined by the Tasmanian Planning Commission.

The Planning Authority's role is to prepare a statement of opinion as to the merit of each representation received during the exhibition period.

The Tasmanian Planning Commission is not bound to the opinion of the planning authority and may decide an outcome which is entirely different.

There is no right of appeal on the Commission's decision.

Environmental Sustainability

There are no environmental sustainability impacts to be considered in this report.

Consultation

Relevant Council Officers have been consulted in the preparation of this report.

Conflict of Interest

No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a material or general conflict of interest in relation to the matter of the report.

4.0 DETAIL

Three representations were received during the public exhibition period as detailed below:-

- 1) **TasWater** – Submission to Planning Authority Notice received on 8 November 2023 but reissued on 4 January 2024 correcting typographical errors.

“TasWater does not object to the draft amendment to planning scheme and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings. TasWater does not object to the proposed use and no conditions are imposed.”

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Concerns raised include –

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TasRail also requests a copy of TasRail's Standard Notes be supplied to the applicant.”

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Comment:

The TasRail submission was received during the public exhibition period, to the correct electronic address as advertised and does raise matters listed within Section 40J(3)(b).

Council Officers note that regional strategy policy 5.3 i. is particularly relevant to the TasRail representation.

During the initial assessment of the combined permit application and rezoning request, the Planning Authority wrote to the applicant on 5 September 2023, seeking clarification on a number of matters including potential development on the site and whether significant works was proposed, as defined under C15.0 Landslip Hazard Code.

The applicant provided advice that no development is proposed forming part of the permit application, i.e. either the removal of the redundant water reservoir or earthworks. Further, the applicant confirmed that the permit application is purely for the establishment of a storage use, to allow the storage of timber logs on that portion of the site.

The Planning Authority has assessed the proposed storage use as exempt in accordance with clause C15.4.1(a) as the use is within a medium landslip hazard band and is not a critical, hazardous or vulnerable use as defined within C15.0 Landslip Hazard Code.

The Planning Authority has assessed the permit application and clarified that no development is proposed as part of the permit application, which confirms that no significant works is proposed as defined within C15.0 Landslip Hazard Code. There is no trigger for a Landslip Hazard Report.

Further, the discussion and conclusions contained within Geotechnical advice received by Tony Barriera, Director – Principal Geotechnical Engineer on behalf of GeoTon Pty Ltd, reference no. GL23455Ad, dated 5 October 2023 finds that –

“We consider that the proposed land use rezoning will not increase the current landslide risk and will not require any specific hazard reduction or protection measures at the site due to the following:

- *The proposed land use will not change substantially from that of recent times;*
- *The proposed land use rezoning will not trigger, spread, or intensify the already existing landslide hazard;*
- *The site is typically near level to gently sloping and does not display any distinct signs of any recent landslide activity; and*
- *The use can achieve and maintain a tolerable risk for the intended life of the use.*

Based on the findings of the assessment we consider that the proposed land use rezoning would not adversely impact on the site and immediate surroundings nor increase the current assessed landslide risk on the site or on adjacent land.

As such, we consider that the proposed land use rezoning will not result in an increase in the current level of risk to warrant any specific hazard reduction or protection measures.

Therefore, we consider that the proposed land use rezoning can be exempt under C15.4.1 (a) of the Landslip Hazard Code of the Tasmanian Planning Scheme - Burnie."

Comment:

Having regard to the Cradle Coast Regional Land Use Strategy (CCRLUS) and given that the CCRLUS recognises the purpose of land use planning is closely linked to infrastructure planning and provision, regional strategy policy 5.3 i. sets out the need to:

Protect infrastructure assets, corridors, facilities sites and systems from use or development likely to create conflict or interference to the operational capacity, function or security of services and utilities, including for road and rail corridors, airport and seaport land, energy generation and distribution corridors, and water catchment and storage areas.

The Planning Authority notes the following evidence provided in the discussion and conclusions contained within Geotechnical advice received by Tony Barriera, Director – Principal Geotechnical Engineer on behalf of GeoTon Pty Ltd, reference no. GL23455Ad, dated 5 October 2023 assesses and determined -

Based on the findings of the assessment we consider that the proposed land use rezoning would not adversely impact on the site and immediate surroundings nor increase the current assessed landslide risk on the site or on adjacent land.

As such, we consider that the proposed land use rezoning will not result in an increase in the current level of risk to warrant any specific hazard reduction or protection measures.

Therefore, we consider that the proposed land use rezoning can be exempt under C15.4.1 (a) of the Landslip Hazard Code of the Tasmanian Planning Scheme - Burnie."

In accordance with the above, the protection of adjacent TasRail infrastructure has been assessed and determined not to be adversely impacted on, the immediate surroundings nor increase the current assessed landslide risk on adjacent land; further the proposed land use rezoning will not result in an increase in the current level of risk to warrant any specific hazard reduction or protection measures.

If, at a later date any earthworks are proposed within the low and or medium landslip hazard area, confirmation from a suitably qualified person would be required to evidence whether or not those works involved significant works as defined within C15.0 Landslip Hazard Code. If there are any significant works or development within the landslip area it would be subject to a separate development application and achievement of the requirements as set out in clause C15.6.1.

3) **Department of State Growth** – Representation received on 29 November 2023

The nature of concerns raised is due to site access safety and the known landslide hazard on the site.

Concerns raised include –

“Massy-Greene Drive and Old Surrey Road form a strategic heavy vehicle freight route between the Ridgley and Bass Highways. The route connects key mining and other activities on the west coast of Tasmania with the port of Burnie and the Burnie to Hobart Freight Corridor. The route was constructed to remove heavy vehicles from Mount Street in Burnie.

Massy-Greene Drive in the vicinity of the proposed development site has a steep gradient and is an extremely tight curve. Heavy vehicles are the exclusive users of this road corridor. State Growth does not support any development that heightens the risk of accidents, extensive braking or the requirement for heavy vehicles to come to a complete stop on steep gradients.

State Growth notes that the existing access licence for the access to the storage area directly off Massy-Greene Drive is for maintenance of the water tank only. It is State Growth's recommendation that this access point be permanently closed and removed. All vehicular access to the storage site should be via the large access road passing underneath Massy-Greene Drive.

New licence for underpass - on-going access to the site via the private road underneath Massy-Greene Drive will require a State Road Crown land licence. The applicant will need to contact the State Roads Property Assets team directly to apply for this licence.”

The *Land Use Planning and Approvals Act 1993* clearly sets out the matters to which a person or body may make a representation to in relation to a draft amendment, and that section 40J(3) of the Act, sets out:

Without limiting the generality of subsection (1) , a person or body may make a representation in relation to a draft amendment of an LPS as to whether –

- (a) a provision of the draft amendment of an LPS is inconsistent with the SPPs; or
- (b) a provision of the draft amendment of an LPS should, or should not, apply a provision of the SPPs to an area of land; or
- (c) the draft amendment of an LPS should, or should not, contain a provision that an LPS is permitted under section 32 to contain.

Comment:

The Department of State Growth representation was received during the public exhibition period, to the correct electronic address as advertised and does raise matters listed within Section 40J(3)(b).

Council Officers note that regional strategy policy 5.3 i. is particularly relevant to the Department of State Growth representation.

Having regard to the Cradle Coast Regional Land Use Strategy (CCRLUS) and given that the CCRLUS recognises the purpose of land use planning is closely linked to infrastructure planning and provision, regional strategy policy 5.3 i. sets out the need to:

Protect infrastructure assets, corridors, facilities sites and systems from use or development likely to create conflict or interference to the operational capacity, function or security of services and utilities, including for road and rail corridors, airport and seaport land, energy generation and distribution corridors, and water catchment and storage areas.

The Planning Authority notes that the proposed access route contained within the permit application is for the northern most access point directly south of the Melba Line, that runs an internal driveway through the site, and underneath Massy-Greene Drive.

The Planning Authority has taken into consideration the concerns raised by Department of State Growth and has no issue with a condition being placed on any permit granted that permanently closes and removes the vehicular access on the south-eastern portion of the site onto Massy-Greene Drive Truck Route in accordance with the requirements of the Department of State Growth.

Further, the Planning Authority has no issue with a condition being placed on any permit granted that requires a new licence for the ongoing access through the underpass underneath Massy-Greene Drive Truck Route in accordance with the requirements of the Department of State Growth.

“Landslip hazard - the four-page document from the geotechnical consultant (pages 11-14 of the 'Application and Supporting Documents' document) indicates that a landslide Risk Assessment was conducted and that it supports the conclusion that rezoning should not adversely affect the site. State Growth considers that this assessment is deficient and does not meet the 2007 landslide Risk Assessment Guidelines developed by the Australian Geomechanics Society.

The area is highly prone to landslides, as demonstrated by numerous past failures including at least three within the last -200 years. The site falls entirely within the Medium Hazard Band of the Landslide Planning Map. While the intended use appears fairly similar to the current use (the geotechnical document indicates log storage in both cases), a complete Landslide Risk Assessment will still be necessary to ensure all landslide risks are appropriately identified and managed.

Please forward an updated and complete Landslide Risk Assessment to State Growth for review.”

Comment:

During the initial assessment of the combined permit application and rezoning request, the Planning Authority wrote to the applicant on 5 September 2023, seeking clarification on a number of matters including potential development on the site and whether significant works was proposed, as defined under C15.0 Landslip Hazard Code.

The applicant provided advice that there is no development proposed forming part of the permit application, i.e. either the removal of the redundant water reservoir or earthworks. Further, the applicant confirmed that the permit application is purely for the establishment of a storage use, to allow the storage of timber logs on that portion of the site.

The Planning Authority has assessed the proposed storage use as exempt in accordance with clause C15.4.1(a) as the use is within a medium landslip hazard band and is not a critical, hazardous or vulnerable use as defined within C15.0 Landslip Hazard Code.

The Planning Authority has assessed the permit application and clarified that no development is proposed as part of the permit application, which confirms that no significant works is proposed as defined within C15.0 Landslip Hazard Code. There is no trigger for a Landslip Hazard Report.

Further, the discussion and conclusions contained within Geotechnical advice received by Tony Barriera, Director – Principal Geotechnical Engineer on behalf of GeoTon Pty Ltd, reference no. GL23455Ad, dated 5 October 2023 finds that –

“We consider that the proposed land use rezoning will not increase the current landslide risk and will not require any specific hazard reduction or protection measures at the site due to the following:

- *The proposed land use will not change substantially from that of recent times;*
- *The proposed land use rezoning will not trigger, spread, or intensify the already existing landslide hazard;*
- *The site is typically near level to gently sloping and does not display any distinct signs of any recent landslide activity; and*
- *The use can achieve and maintain a tolerable risk for the intended life of the use.*

Based on the findings of the assessment we consider that the proposed land use rezoning would not adversely impact on the site and immediate surroundings nor increase the current assessed landslide risk on the site or on adjacent land.

As such, we consider that the proposed land use rezoning will not result in an increase in the current level of risk to warrant any specific hazard reduction or protection measures.

Therefore, we consider that the proposed land use rezoning can be exempt under C15.4.1 (a) of the Landslip Hazard Code of the Tasmanian Planning Scheme - Burnie.”

Comment:

In accordance with the above, the protection of adjacent Department of State Growth infrastructure has been assessed and determined not to adversely impacted on the immediate surroundings nor increase the current assessed landslide risk on adjacent land; further the proposed land use rezoning will not result in an increase in the current level of risk to warrant any specific hazard reduction or protection measures.

If, at a later date any earthworks are proposed within the low and or medium landslip hazard area, confirmation from a suitably qualified person would be required to evidence whether or not those works involved significant works as defined within C15.0 Landslip Hazard Code. If there are any significant works or development within the landslip area it would be subject to a separate development application and achievement of the requirements as set out in clause C15.6.1.

“Tenure boundaries for rezoning - State Growth notes that the current cadastral boundaries do not reflect the existing fencing and use of the site (Figure 1). An exchange of land parcels between State Growth and the private landowner is planned but has not been finalised.

State Growth would prefer that the proposed rezoning not be finalised until the land tenure boundaries have been altered. However, if the rezoning is to proceed, Council must ensure that Lot 3 and Lot 4, shown on Figure 2, are zoned Utilities as these lots will become part of the road reservation. Future Lot 1 and Lot 2 will be transferred to private ownership and should, therefore, be zoned General Industrial.”

Comment:

We note that the area of land mentioned for fencing and use issues is a matter that is currently being discussed and worked through by the landowner and Department of State Growth and is a matter outside of the proposed permit application and partial rezoning application.

The Planning Authority encourages continued communication to facilitate a suitable outcome for both the landowner and Department of State Growth.

Any subsequent change in landownership and use is a separate issue and not considered as part of the combined permit application and draft amendment request.

Section 40K requires:-

- 1) *A planning authority, within 35 days after the end of the exhibition period in relation to a draft amendment of an LPS in relation to the municipal area of the planning authority or a longer period allowed by the Commission, must provide to the Commission a report in relation to the draft amendment of an LPS.*

Comment: This report will be provided to the Tasmanian Planning Commission outside the 35 days, however an extension of time was granted by the Tasmanian Planning Commission until 5 February 2024.

-
- 2) *The report by a planning authority in relation to the draft amendment of an LPS is to contain –*
- (a) *a copy of each representation made under section 40J in relation to the draft amendment before the end of the exhibition period in relation to the draft amendment, or, if no such representations were made before the end of the exhibition period, a statement to that effect; and*

Comment: Copies of the three representations received are attached to this report.

- (b) *a copy of each representation, made under section 40J in relation to the draft amendment after the end of the exhibition period in relation to the draft amendment, that the planning authority, in its discretion, includes in the report; and*

Comment: No representations were received outside of the public exhibition period.

- (c) *a statement of the planning authority's opinion as to the merit of each representation included under paragraph (a) or (b) in the report, including, in particular, as to –*
- (i) *whether the planning authority is of the opinion that the draft amendment ought to be modified to take into account the representation; and*
- (ii) *the effect on the draft amendment, and the LPS to which it relates, as a whole, of implementing the recommendation; and*
- (d) *a statement as to whether it is satisfied that the draft amendment of an LPS meets the LPS criteria; and*
- (e) *any recommendations in relation to the draft amendment that the planning authority thinks fit.*

Comment:

The Planning Authority is not of the opinion that any modifications to the draft amendment is required.

Draft Amendment No. 2023/2 satisfies the applicable LPS criteria.

The Planning Authority recommends that the draft amendment be approved as advertised.

- 3) *Without limiting the generality of subsection (2)(e), the recommendations in relation to a draft amendment of an LPS may include recommendations as to whether –*
- (a) *a provision of the draft amendment of an LPS is inconsistent with a provision of the SPPs; or*
- (b) *the draft amendment of an LPS should, or should not, apply a provision of the SPPs to an area of land; or*

(c) the draft amendment of an LPS should, or should not, contain a provision that an LPS is permitted under section 32 to contain.

Comment:

The recommendation concludes that the draft amendment of an LPS is not inconsistent with a provision of the SPPs; the draft amendment of an LPS should apply to the specific area of land applied for; and the draft amendment of an LPS should set aside the Open Space zone and apply the General Industrial zone to the specific area of land applied for.

(4) A planning authority must not include in a recommendation in relation to a draft amendment of an LPS a recommendation to the effect that the content of a provision of the SPPs should be altered.

Comment:

The recommendation does not include a recommendation to the effect that the content of a provisions of the SPP's should be altered.

ATTACHMENTS

- 1 [↓](#). Representation - Department of State Growth
- 2 [↓](#). Representation - TasRail
- 3 [↓](#). Representation - TasWater
- 4 [↓](#). Copy of Certified Draft Amendment
- 5 [↓](#). Copy of Draft Planning Permit and stamped documents
- 6 [↓](#). Extension of Time Granted

COUNCIL RESOLUTION**Resolution number: MO007-24****MOVED:** Cr A Keygan**SECONDED:** Cr G Simpson***“THAT Council in its role as a Planning Authority resolves that –***

- a) Pursuant to section 40K(1) of the Land Use Planning and Approvals Act 1993, provide the Tasmanian Planning Commission with a copy of this report; and***
- b) Pursuant to section 40K (2)(a) of the Land Use Planning and Approvals Act 1993, provide the Tasmanian Planning Commission a copy of each representation received during the exhibition period; and***
- c) Pursuant to section 40K (2)(c) of the Land Use Planning and Approvals Act 1993, advise the Tasmanian Planning Commission that the representations received during the exhibition period do not warrant a modification to the draft amendment as detailed in this report; and***
- d) Pursuant to section 42 of the Land Use Planning and Approvals Act 1993 advise the Tasmanian Planning Commission that DA 2023/106 be approved.”***

For: Cr T Brumby, Cr G Simpson, Cr K Dorsey, Cr J Grave, Cr A Keygan, Cr S Kons, Cr C Lynch, Cr D Pease.**Against:*****CARRIED UNANIMOUSLY***

Department of State Growth

INFRASTRUCTURE TASMANIA

2 Salamanca Square, Battery Point
GPO Box 536, Hobart TAS 7001 Australia
Ph 1800 030 688
Email info@stategrowth.tas.gov.au Web www.stategrowth.tas.gov.au



Planning Department
Burnie City Council

By email: burnie@burnie.tas.gov.au

**Representation: Land Use Permit Application – DA 2023/106
and Draft Amendment No. 2023/2
Massy-Greene Drive, South Burnie**

Thank you for the opportunity to comment on the draft amendment to rezone land, and the development application for storage, at Massy-Greene Drive South Burnie. The Department of State Growth (State Growth) has the following comments.

Site access and safety for freight vehicles using Massy-Greene Drive

Massy-Greene Drive and Old Surrey Road form a strategic heavy vehicle freight route between the Ridgley and Bass Highways. The route connects key mining and other activities on the west coast of Tasmania with the port of Burnie and the Burnie to Hobart Freight Corridor. The route was constructed to remove heavy vehicles from Mount Street in Burnie.

Massy-Greene Drive in the vicinity of the proposed development site has a steep gradient and is an extremely tight curve. Heavy vehicles are the exclusive users of this road corridor. State Growth does not support any development that heightens the risk of accidents, extensive braking or the requirement for heavy vehicles to come to a complete stop on steep gradients.

State Growth notes that the existing access licence for the access to the storage area directly off Massy-Greene Drive is for maintenance of the water tank only. It is State Growth's recommendation that this access point be permanently closed and removed. All vehicular access to the storage site should be via the large access road passing underneath Massy-Greene Drive.

Landslip hazard

The four-page document from the geotechnical consultant (pages 11-14 of the 'Application and Supporting Documents' document) indicates that a Landslide Risk Assessment was conducted and that it supports the conclusion that rezoning should not adversely affect the site. State Growth considers that this assessment is deficient and does not meet the 2007 Landslide Risk Assessment Guidelines developed by the Australian Geomechanics Society.

The area is highly prone to landslides, as demonstrated by numerous past failures including at least three within the last ~200 years. The site falls entirely within the Medium Hazard Band of the Landslide Planning Map. While the intended use appears fairly similar to the current use (the geotechnical document indicates log storage in both cases), a complete Landslide Risk Assessment will still be necessary to ensure all landslide risks are appropriately identified and managed.

- 2 -

Please forward an updated and complete Landslide Risk Assessment to State Growth for review, at planningpolicy@stategrowth.tas.gov.au.

Tenure boundaries for rezoning

State Growth notes that the current cadastral boundaries do not reflect the existing fencing and use of the site (Figure 1). An exchange of land parcels between State Growth and the private landowner is planned but has not been finalised.

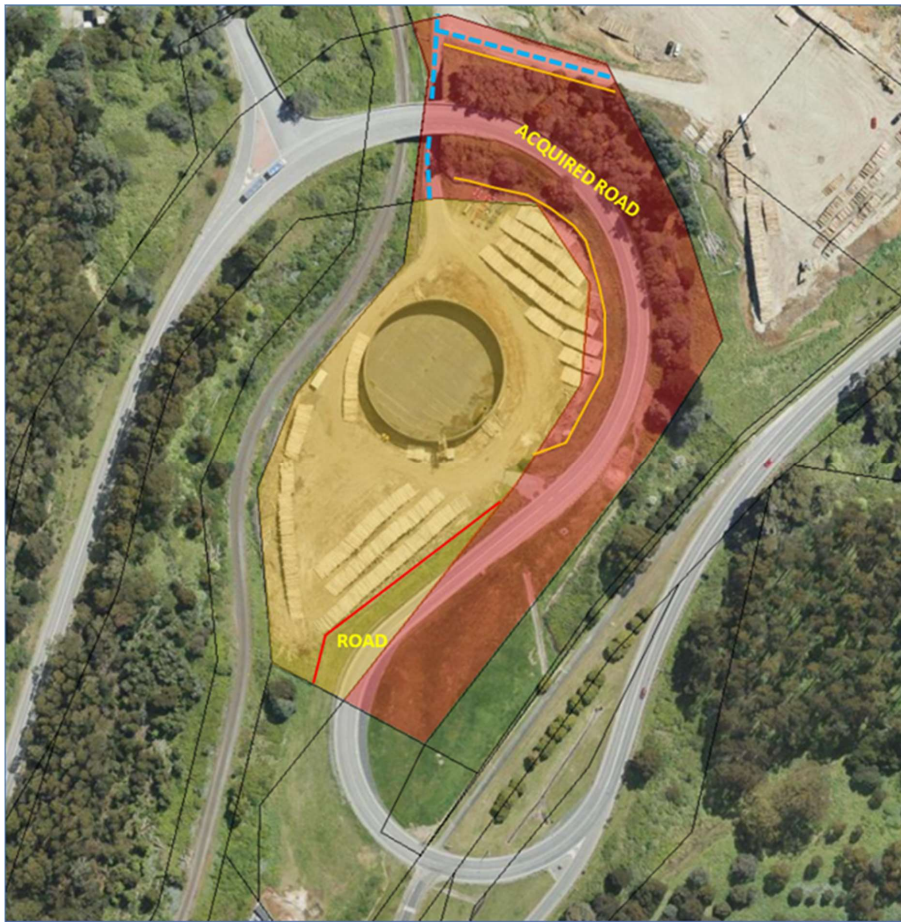


Figure 1: aerial photo showing current lot boundaries and fences. Private land extends on to Massy-Greene Drive ('ROAD', Lot 3 below), and State Growth land is fenced in with private land (Lot 2 below).

State Growth would prefer that the proposed rezoning not be finalised until the land tenure boundaries have been altered. However, if the rezoning is to proceed, Council must ensure that Lot 3 and Lot 4, shown on Figure 2, are zoned Utilities as these lots will become part of the road reservation. Future Lot 1 and Lot 2 will be transferred to private ownership and should, therefore, be zoned General Industrial.

- 3 -

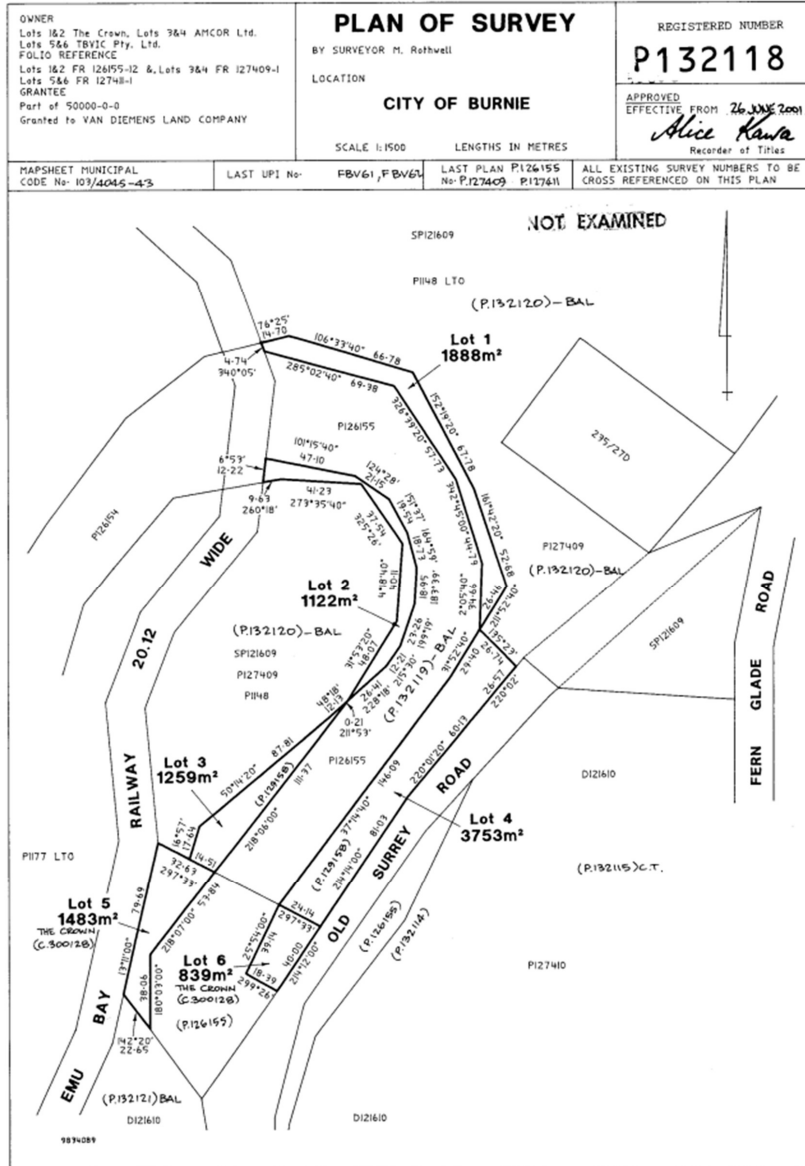


Figure 2: Lots 1 and 2 and lots 3 and 4 on P132118 are to be exchanged between State Growth and the private landowner. Zoning should reflect these lot boundaries.

New licence for underpass

On-going access to the site via the private road underneath Massy-Greene Drive will require a State Road Crown land licence. The applicant will need to contact the State Roads Property Assets team directly to apply for this licence: Property.Assets@stategrowth.tas.gov.au.

- 4 -

Please contact Christine Corbett, Development Assessment Planner on [REDACTED] who can coordinate engagement with relevant State Growth officers, or email planningpolicy@stategrowth.tas.gov.au.

Yours sincerely,



DI GEE
MANAGER, TRANSPORT SYSTEMS PLANNING

29 November 2023

From: [burnie](#)
To: [Planning](#)
Subject: FW: Attention Planning Department
Date: Tuesday, 21 November 2023 3:44:01 PM
Attachments: [image003.png](#)
[image004.png](#)

From: Jennifer Jarvis [REDACTED]
Sent: Tuesday, November 21, 2023 3:43 PM
To: burnie <burnie@burnie.tas.gov.au>
Subject: Attention Planning Department

Your Reference DA2023-106 – Massy-Greene Drive, South Burnie – CT:145244/1 – Combined Draft Amendment No 2023/2 and Permit Application DA 2023/106

Thank you for notifying TasRail of the above combined draft amendment and permit application. We note the area is highly prone to landslip. We also note that logs have been historically stockpiled on this site.

TasRail has reviewed the available documentation. We note the limitations of the report by GeoTon Pty Ltd and the content of the PDA Report. However, it is TasRail's view that a complete landslip risk assessment is required before finalising this combined draft amendment and permit application. However, should Council be of the view that it is satisfied with the GeoTon and PDA report, then TasRail requests that any permit issued be conditional on a prohibition being applied to any earthworks being carried out on the site until such time as a complete landslip risk assessment is undertaken and reviewed by applicable stakeholders. TasRail requests this permit condition on the basis that the removal of soil from the site has high potential to undermine the rail track, noting that the State Rail Network shares a boundary with the subject land for some 200m, some of which is identified as Medium to Active Landslip Risk

TasRail also requests a copy of TasRail's Standard Notes be supplied to the applicant.

Kind regards

Jennifer Jarvis

Group Manager Property and Compliance | Property
[REDACTED]
11 Techno Park Drive, Kings Meadows, Tasmania, 7249
[REDACTED]

'Tasmania's trusted provider of safe and dependable rail logistics solutions'



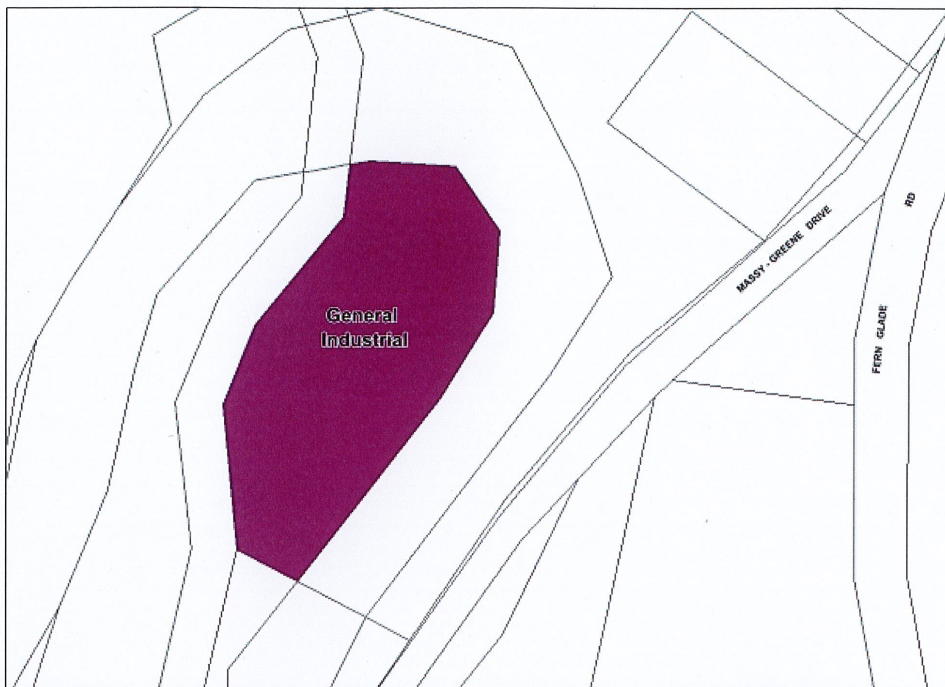
Submission to Planning Authority Notice

Council Planning Permit No.	DA 2023/106 & Draft Amendment 2023/2	Council notice date	30/10/2023
TasWater details			
TasWater Reference No.	TWDA 2024/00019-BCC	Date of response	04 Jan 2024
TasWater Contact	Jason Taylor	Phone No.	0459 167 683
Response issued to			
Council name	BURNIE COUNCIL		
Contact details	planning@burnie.tas.gov.au		
Development details			
Address	MASSY-GREENE DR , SOUTH BURNIE	Property ID (PID)	2678069
Description of development	Combined Draft Amendment for Rezoning and Permit Application for Storage (CT145244/1)		
Schedule of drawings/documents			
	Prepared by	Drawing/document No.	Revision No.
	Burnie Council	Certified Draft Amendment	
			Date of Issue
			30/10/23
Conditions			
<p>SUBMISSION TO PLANNING AUTHORITY NOTICE OF DRAFT AMENDMENT TO PLANNING SCHEME <u>AND</u> PLANNING APPLICATION REFERRAL</p> <p>Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater makes the following submission(s):</p> <p>TasWater does not object to the draft amendment to planning scheme and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings. TasWater does not object to the proposed use and no conditions are imposed.</p>			
Declaration			
The drawings/documents stated above constitute TasWater's Submission to Planning Authority Notice.			
TasWater Contact Details			
Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

**BURNIE LOCAL PROVISIONS SCHEDULE
Draft Amendment 2023/2**

The Burnie Local Provisions Schedule is amended as follows:

- 1) To amend the planning scheme map to –
 - a) Rezone part of the land described in CT 145244/1 and known as Massy-Greene Drive, South Burnie from Open Space to General Industrial zone as follows:



**AMENDMENT TO BURNIE LOCAL PROVISIONS SCHEDULE
2023/2**

The Burnie City Council resolved at its meeting of 24 October 2023, that Draft Amendment 2023/2 of the Burnie Local Provisions Schedule meets the requirements specified in s32 and s34 of the *Land Use Planning and Approvals Act 1993*; and agreed to amend the Burnie Local Provision Schedule and Map as follows:

- Rezone part of the land described in CT 145244/1 and known as Massy-Greene Drive, South Burnie from Open Space to General Industrial zone.



The common seal of the Burnie City Council has been hereunto affixed this 30th day of October 2023, pursuant to a resolution of the Council passed on the 24th October 2023 in the presence of:

.....
Simon Overland
GENERAL MANAGER

PLEASE QUOTE

Your Ref:

Our Ref: SP:CF 3194082

Enquiries: S Pearce

80 Wilson Street, Burnie Tasmania
PO Box 973, Burnie TAS 7320

ABN: 29 846 979 690

Phone: (03) 6430 5700

Email: burnie@burnie.tas.gov.au

Web: www.burnie.tas.gov.au

We value your feedback on our service.
Tell us about it at www.burnie.net/feedback

30 October 2023

PDA Surveyors, Engineers and Planners
3/23 Brisbane Street
LAUNCESTON TAS 7250**LAND USE PLANNING AND APPROVALS ACT 1993****NOTICE OF APPROVAL
OF A PERMIT****Tasmanian Planning Scheme****Permit No. DA 2023/106**

That pursuant to Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and pursuant to Clause 6.8 of the Tasmanian Planning Scheme notice is hereby given of the granting of a Permit to establish a Storage use for part of land at Massy-Greene Drive, South Burnie and identified in CT 145244/1 subject to the following conditions:

Nature of Approval

1. That the use is to proceed and be maintained generally in accordance with the descriptions, commitments and requirements contained in the following documents - copies of which are attached and endorsed to form part of this Permit:-
 - (a) Local Provision Schedule Amendment Section 40T Report prepared by PDA Surveyors, Engineers and Planners, dated 27 September 2023; and
 - (b) Landslip Risk Assessment, prepared by Tony Barriera of GeoTon Pty Ltd, reference no. GL23455Ad, dated 5 October 2023.

Operating and Management Constraints

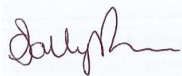
2. The developer is to comply with the conditions specified in any Submission to Planning Authority Notice which TasWater has issued to be included in the planning permit pursuant to section 56P(1) of the Water and Sewerage Industry Act 2008.

3. All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed so that they are useable in all weather conditions, having regard to the nature of the use; the topography of the land; the drainage system available; the likelihood of transporting sediment or debris from the site onto a road or public place; the likelihood of generating dust; and the nature of the proposed surfacing.
4. All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to the characteristics of the site; the proposed slope, dimensions and layout; useability in all weather conditions; vehicle and pedestrian traffic safety; the nature and use of the development; the expected number and type of vehicles; the likely use of the parking areas by persons with a disability and the nature of traffic in the surrounding area.
5. Safe and convenient pedestrian access must be provided within parking areas, having regard to the characteristics of the site; the nature of the use; the number of parking spaces; the frequency of vehicle movements; the needs of persons with a disability; the location and number of footpath crossings; vehicle and pedestrian traffic safety; the location of any access ways or parking aisles; and any protective devices proposed for pedestrian safety.

Note:

It is the responsibility of the Permit holder to:-

- (a) Identify the correct boundaries of the land and to ensure the use will be located where approved.
- (b) The developer is to comply with any Standard Notes provided by TasRail.



Sally Pearce
EXECUTIVE MANAGER DEVELOPMENT SERVICES

Date of Notice of Determination – ***Thirtieth*** day of October 2023

GEOTON Pty Ltd
Geotechnical Consultants

This document forms part
of the Land Use Permit
No. DA 2023/106
Date: 30 October 2023

Geoton Pty Ltd ABN 81 129 764 629
PO Box 522 Prospect TAS 7250
Unit 24, 16-18 Goodman Court
Invermay TAS 7248
Tel (+61) (3) 6326 5001
www.geoton.com.au



05 October 2023

Reference No. GL23455Ad

Hazell Bros Group Pty Ltd
14 Farley Street
DERWENT PARK TAS 7009

Attention: Mr Craig Bailey

Dear Sir

**RE: Land Use Rezoning
Mont Albert Reservoir, Massy-Greene Drive, South Burnie**

1 INTRODUCTION

At the request of Ms Tracey Baillie from PDA Surveyors, Engineers & Planners, Geoton Pty Ltd has carried out an assessment of the landslide risk for the land use rezoning of the Mont Albert Reservoir, Massy-Greene Drive, South Burnie (a portion of Title Reference 145244/1) from Open Space to General Industrial.

A site plan showing the land use zoning of the lot was provided, undated, unreferenced. We understand that the majority of the lot is zoned General Industrial, and that the south-western portion of the lot, a 1.6-hectare parcel occupied by a large water reservoir, is zoned as Open Space (the site).

The site has been, until recently, used for the storage of logs. Following the rezoning of the land it is proposed to use the site for the storage of logs. Furthermore, we understand that no earthworks are proposed on the site.

From the Tasmanian Planning Scheme – Burnie, the site is within a mapped Medium Landslide Hazard Band. As such, it is understood that the Burnie Council has indicated that as the site is mapped within an area of doubtful slope stability, it is a requirement that the proposed land use rezoning be assessed to determine if it complies with the landslide requirements of the Landslip Hazard Code (Code C15.5.1) of the Tasmanian Planning Scheme – Burnie. That is, does the proposed change in use of the land within a landslide

Land Use Rezoning

hazard area achieve and maintain a tolerable risk from exposure to landslide, having regard to:

- The type, form and duration of the use; and
- Any increase in the level of risk from landslide does not require any specific hazard reduction or protection measure; or
- The use can achieve and maintain a tolerable risk for the intended life of the use.

If landslide reduction or protection measures are required on land beyond the boundary of the site, the consent in writing of the owner of that land must be provided for that land to be managed in accordance with the landslide reduction or protection measures.

2 BACKGROUND

2.1 Geology

The Mineral Resources Tasmania (MRT) Tasmanian Landslide Map Series, Burnie Map, 1:25,000 Scale, indicates that the majority of the site is underlain by Quaternary Period landslide deposits predominantly derived from Tertiary rocks. The northern portion of the site is underlain by Cretaceous-Neogene Period predominantly deeply weathered basalt.

2.2 Landslide Hazards

Examination of the LIST Landslide Planning Map indicates that the site is within a mapped medium Landslide Hazard Band.

Examination of the MRT Tasmanian Landslide Hazard series, Burnie – Landslide Inventory sheet indicates that the site is within a mapped rock or soil slide, activity unknown (Landslide ID No. 425). This landslide is part of a nested group of landslides including three recent or active rock or soil slides located to the south of the site (Landslide ID Nos. 428, 429 and 3176), with the closest recent or active landslide being Landslide ID No. 3176 located about 90m to the south of the site upslope of the railway line.

Examination of the MRT Tasmanian Landslide Hazard series, Burnie – Geomorphology sheet, 1:25,000 scale, indicates that the site generally has slopes of between 0° and 7°.

Examination of the MRT Tasmanian Landslide Hazard series, Burnie – Shallow Slide and Flow Susceptibility sheet, 1:25,000 scale, indicates that the western portion of the site is within a mapped low to moderate susceptibility source area, i.e., 'an area of hillside with the potential to form slope failure'. The eastern portion of the site is not within a mapped susceptibility area.

Examination of the MRT Tasmanian Landslide Hazard series, Burnie – Deep-Seated Landslide Susceptibility sheet, 1:25,000 scale, indicates the site is within a susceptibility zone for landslide reactivation. The western portion of the site is within a mapped runout area for first time failures, i.e., 'an area downslope of a source area where the moving earth, debris or rock can potentially travel'. The remainder of the site is not within a susceptibility area for first time failures.

Land Use Rezoning

3 SITE DESCRIPTION

The site is developed with a large water reservoir on near level to very gently sloping ground that has a cover of gravel, with moderate to tall grass and weeds around the boundary. The site is surrounded on three sides by the truck route to the east, north and west with the railway line passing immediately along the western side of the site. The truck route crosses the railway line over a road bridge to the north of the site. One access to the site is by a gravel road alongside the railway under the bridge. The bridge is supported on high retaining walls, with the road having steep, approximately 30°, road batters down to the site. The ground surface rises steeply from the site to the west at approximately 20°, initially to a railway line approximately 5m beyond the site boundary, then approximately 100m further to the crest of the hill. The rail batter shows some local signs of erosion. To the eastern side of the site and truck route, the ground surface falls at approximately 12° towards the Emu River. To the southern side of the site the ground surface is relatively level, following a bench feature across the hill.

The surrounding roads are generally in good condition, and the site and surrounds are generally characterised by smooth, convex slopes that do not display any distinct signs of any recent landslide activity.

4 DISCUSSION AND CONCLUSIONS

We consider that the proposed land use rezoning will not increase the current landslide risk and will not require any specific hazard reduction or protection measures at the site due to the following:

- The proposed land use will not change substantially from that of recent times;
- The proposed land use rezoning will not trigger, spread, or intensify the already existing landslide hazard;
- The site is typically near level to gently sloping and does not display any distinct signs of any recent landslide activity; and
- The use can achieve and maintain a tolerable risk for the intended life of the use.

Based on the findings of the assessment we consider that the proposed land use rezoning would not adversely impact on the site and immediate surroundings nor increase the current assessed landslide risk on the site or on adjacent land.

As such, we consider that the proposed land use rezoning will not result in an increase in the current level of risk to warrant any specific hazard reduction or protection measures.

Therefore, we consider that the proposed land use rezoning can be exempt under C15.4.1 (a) of the Landslip Hazard Code of the Tasmanian Planning Scheme – Burnie.

Land Use Rezoning

5 CLOSURE

Should you require further information or clarification of any details, please do not hesitate to contact Anne Foster or the undersigned.

For and on behalf of Geoton Pty Ltd



Tony Barrera

Director – Principal Geotechnical Engineer

Attachments: Limitations of report



Geotechnical Consultants - Limitations of report

These notes have been prepared to assist in the interpretation and understanding of the limitations of this report.

Project specific criteria

The report has been developed on the basis of unique project specific requirements as understood by Geoton and applies only to the site investigated. Project criteria are typically identified in the Client brief and the associated proposal prepared by Geoton and may include risk factors arising from limitations on scope imposed by the Client. The report should not be used without further consultation if significant changes to the project occur. No responsibility for problems that might occur due to changed factors will be accepted without consultation.

Subsurface variations with time

Because a report is based on conditions which existed at the time of subsurface exploration, decisions should not be based on a report whose adequacy may have been affected by time. For example, water levels can vary with time, fill may be placed on a site and pollutants may migrate with time. In the event of significant delays in the commencement of a project, further advice should be sought.

Interpretation of factual data

Site assessment identifies actual subsurface conditions only at those points where samples are taken and at the time they are taken. All available data is interpreted by professionals to provide an opinion about overall site conditions, their likely impact on the proposed development and recommended actions. Actual conditions may differ from those inferred to exist, as it is virtually impossible to provide a definitive subsurface profile which includes all the possible variabilities inherent in soil and rock masses.

Report Recommendations

The report is based on the assumption that the site conditions as revealed through selective point sampling are indicative of actual conditions throughout an area. This assumption cannot be substantiated until earthworks and/or foundation construction is almost complete and therefore the report recommendations can only be regarded as preliminary. Where variations in conditions are encountered, further advice should be sought.

Specific purposes

This report should not be applied to any project other than that originally specified at the time the report was issued.

Interpretation by others

Geoton will not be responsible for interpretations of site data or the report findings by others involved in the design and construction process. Where any confusion exists, clarification should be sought from Geoton.

Report integrity

The report as a whole presents the findings of the site assessment and the report should not be copied in part or altered in any way.

Geoenvironmental issues

This report does not cover issues of site contamination unless specifically required to do so by the client. In the absence of such a request, Geoton take no responsibility for such issues.



LOCAL PROVISION SCHEDULE AMENDMENT

REZONING & PERMIT (USE) APPLICATION Massy-Greene Drive, South Burnie

This document forms part
of the Land Use Permit
No. DA 2023/106
Date: 30 October 2023



PDA Contributors

Contributor	Name	Date
1 st Draft Report Prep	Jayden Broad – Planner / Graduate Surveyor	November 22
Report Review and Edit	Justine Brooks – Director / Planning Manager	November 22
Review and Approval	Justine Brooks	2/12/2022
RFI Response	Allan Brooks	27/09/2023

Revision History

Revision	Description	Reviewed by	Date
0	First issue	Craig Bailey – Hazel Bros	2/12/2022
1	Client feedback implemented	Craig Bailey – Hazel Bros	5/12/2022
2.	RFI Response	Craig Bailey – Hazel Bros	27/9/23

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1. Application Background

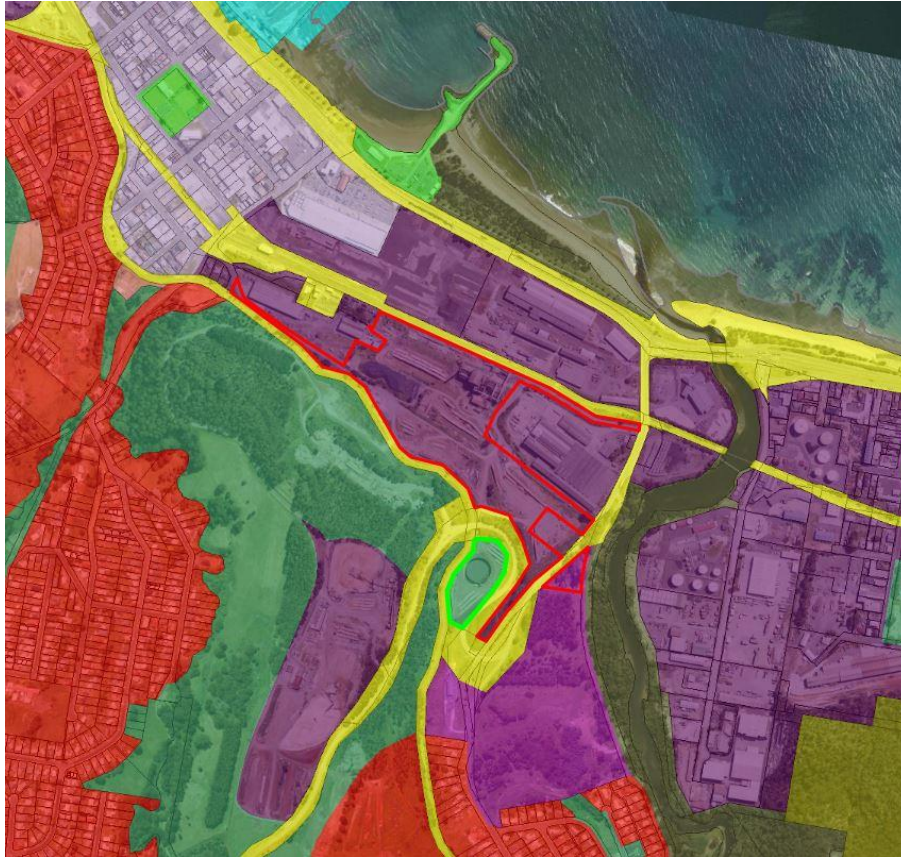


Figure 1: Existing Zoning of subject titles (source: LISTmap). Note the subject property is marked in red and green outline, with the land marked green proposed to be zoned General Industrial.

The application proposes a combined rezoning and development approval for land located on Massy-Greene Drive, South Burnie (the subject site).

The application seeks to:

- (a) Rezone the area shown with the green highlight in Figure 1 from Open Space to General Industrial to be consistent with the rest of the site; and
- (b) Apply for a planning permit to enable the land owner to store timber on the land.

The subject title, FR145244/1, forms part of a larger cluster of titles under the operation of Hazel Bros, utilised as their North West works depot. The site is currently used to store timber logs.



Storage is a permitted use category within the General Industrial zone but is prohibited within the Open Space zone.

Timber logs have been stored across the broader site for decades, although it has not been continuous. The Burnie Paper Mill commenced operations in 1937 and operated from the site for over 70 years, closing in 2010.

In 2021, Hazel Bros undertook a planning application exercise to obtain a permit to store logs across the combined titles. While log storage had been occurring for some time, it had been assumed that there was an existing use 'right' across the site due to it having previously been associated with the Burnie Paper Mill. During this process, it was discovered that the logs stored on the subject title were prohibited. This was an inadvertent land use error which the land owner seeks to rectify.

This application seeks to rectify dual zoning, and will enable Hazel Bros to continue the current land use in a compliant manner.



Figure 2: Aerial photo of the subject site with timber logs stored. Source: Google Earth imagery

2. Introduction

Section 40T of the *Land Use Planning and Approvals Act 1993* requests planning approval for rezoning the land outlined in green within Figure 1 above to General Industrial and if granted, for the formalisation of log storage land use within the rezoned land at Massy-Greene Drive, South Burnie (FR 145244/1).



Figure 3: Existing Subject title boundary (Source: LISTMap). Note: the subject property is marked in red and green outline, with the green outline proposed to be rezoned, General Industrial.



3. Site Description

Location	Address	Title	Area	Ownership
	Massy-Greene Drive, South Burnie 7320	FR 145244/1	~14.58ha ~1.5ha (Subject site Land)	R G Hazell Pty Ltd D R Hazell Holdings Pty Ltd
Local Government Municipality	Burnie City Council			
Existing Use	Log Storage			
Existing Zone	29.0 Open Space			
Proposed Zone	19.0 General Industrial			
Planning Scheme Overlays	C13.0 Bushfire-Prone Areas Code C15.0 Landslip Hazard Code			

The subject site is known as the 'Burnie Paper Mill site' by the Cradle Coast region and was an instrumental site in the settlement of Burnie and its foundation as a coastal industrial settlement. The Port of Burnie is Tasmania's major port. Historically, until today, a major export from Burnie is wooden products: from whole logs to reduced raw products such as woodchips to finished products such as paper produced at the subject site. The use of the site as a paper mill has since ceased, but the storage of logs at the site has not. The site is currently used by a civil construction firm as a depot and administration facility. The remaining unrequired land is leased to store logs before they are transported to the Port of Burnie for exportation to interstate and overseas markets.

The subject title comprises three (3) land parcels: the largest parcel accommodates most of the log storage at the title (which was approved retrospectively by the Burnie City Council per DA 2022-34); a parcel of land near the junction of Fern Glade Road and Massy-Greene Drive; and the Mont Albert Reservoir which is the land that is proposed to be rezoned and for which the formalisation of log storage at the site is reliant on. Historical aerial imagery shows that the Mont Albert Subject site has had consistent land use as log storage for many years.

The Mont Albert Subject Reservoir ('the subject site') has frontage to Massy-Greene Drive's double switchback and is located to the adjoining south of the bridge that passes over the Melba Line, which adjoins the Subject site to the west.



The Crown administers the adjoining land parcels to the Subject site, with access possible to the rest of FR 145244/1 via a driveway that runs alongside the Melba Line underneath Massy-Greene Drive and via a driveway to Massy-Greene Drive to the east. The subject site itself is decommissioned and would require works, which may not be feasible, to re-establish the Storage of water on the site.

4. Strategic Considerations – Land Use Planning and Approvals Act 1993

4.1 Section 8A Guidelines

The Tasmanian Planning Commission (TPC) produced the *Section 8A Guidelines No. 1 Local Provision Schedule (LPS): zone and code application* to assist planning authorities with applying the most compatible zoning and relevant codes for land within their administrative boundaries.

The land which is the subject of this application is presently zoned Open Space. The purpose of the Open Space Zone is reproduced and compared to the subject site below.

The purpose of the Open Space Zone is:

29.1.1 To provide land for open space purposes including for passive recreation and natural or landscape amenity.

29.1.2 To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.

RESPONSE: The Open Space Zone is not befitting of the characteristics of the land at Mont Albert Reservoir. It is wholly encompassed by Utilities zoned land (including the railway corridor for the Melba Line), restricting its potential for public open space. The area containing the subject site is approximately 1.5ha in size, is surrounded by state road and railway networks, is cleared of vegetation and has been used for many years for log storage. The site is entirely unsuitable for use types contained in the Open Space Use Table. Not only would it not be practical or pleasant, but accessing the site would potentially be dangerous given you would need to go through a working industrial area. The site doesn't provide landscape value to residential site, as only due to the height of the reservoir the remaining use wont be visible from residential properties. There are vegetation plantations at the end of the site and land beyond. The site itself is 250m from the nearest residential development.



The proposal seeks to rezone the subject site to General Industrial. The purpose of the General Industrial Zone and the application guidelines for the General Industrial Zone are discussed below.

The purpose of the General Industrial Zone is:

19.1.1 To provide for manufacturing, processing, repair, Storage and distribution of goods and materials where there may be impacts on adjacent uses.

19.1.2 To provide for use or development that supports and does not adversely impact on industrial activity.

RESPONSE: The proposed rezoning to General Industrial would formalise the historical use of the subject site as log storage and the proposed zoning would support industrial activity.

GIZ 1 The General Industrial Zone should be applied to land that provides or is intended to provide, for a range of larger-scale or medium and higher impact, manufacturing, processing, servicing, Storage and transport and distribution uses. These are likely to include large industrial operations with actual or potential nearby off-site impacts. These may be located in areas remote from land designated for other uses, such as residential use, in order to avoid land use conflicts.

RESPONSE: The subject site, connected to the largest portion of the site via land that is administered by State Growth, it is intended to continue the use of the land for log storage, for which a retrospective permit was granted for the larger parcel that forms the subject site which is currently zoned General Industrial (DA 2022-34). Vehicles that transport the logs to and from the subject site and mechanical plant which transfers the logs between the ground of the site and the transport vehicles would access the largest parcel of the subject site underneath a bridge which overpasses the Melba Line. The land is buffered from existing residential land use by other industrial use and electricity transmission infrastructure equipment, which was a key concern of the Planning Authority for DA 2022-34 due to the use of the site for log storage. While code provisions prevail over zoning provisions for the *Tasmanian Planning Scheme*, there is the precedent set to allow log storage use within the General Industrial Zone at the Paper Mill Site (which Mont Albert Reservoir forms part of).



GIZ 2 The General Industrial Zone should not directly adjoin land zoned for residential purposes unless:

- a) separated by physical buffers such as a major road; or*
- b) for existing industrial areas that provide for larger-scale or medium and higher impact, manufacturing, processing, servicing, Storage and transport and distribution uses.*

RESPONSE: The Subject site adjoins land zoned Utilities for the Melba Line and Massy-Greene Drive. The land does not adjoin land zoned for residential use.

GIZ 3 The General Industrial Zone should have access to freight transport routes and other utility infrastructure and services (e.g. electricity, water, sewerage) that is appropriate for the intended industrial use.

RESPONSE: The subject site adjoins land zoned Utilities for the Melba Line and Massy-Greene Drive. This allows for vehicles longer than 5.5m to access the subject site by Massy-Greene Drive or the part of the subject site which is presently zoned, General Industrial. There is future capability to transport logs to and from the subject site and/or the subject site via the Melba Line, provided it is financially, socially and environmentally possible to do so.

The present use of the land does not require utility services, due to its use for the storage of logs which are kept at the site until they can be exported at the Port of Burnie. No treatment of the logs occurs at the site and if on-site electricity, water or sewerage services are provided at the site, areas can be allocated for portable infrastructure to be stored while not in use or operated while in use.

GIZ 4 The General Industrial Zone may be applied to land without connection to a reticulated sewerage system if:

- a) for existing industrial areas that provide for larger-scale or medium and higher impact, manufacturing, processing, servicing, Storage and transport and distribution uses;*
- b) unnecessary for the intended industrial use; or*
- c) the area is capable of accommodating on-site waste water treatment systems suitable for the intended industrial use.*



RESPONSE: The proposed rezoning meets GIZ 4 b). The subject site is presently utilised for log storage and this Section 40T application seeks approval to change the zoning of the subject site to General Industrial which would allow for a retrospective land use right of log storage to be established. The most likely on-site wastewater management required would be sanitary facilities for workers at the subject site, which can be provided by a 'portaloo' if required.

GIZ 5 The General Industrial Zone may be applied to port and marine facilities that are directly linked to specific higher impact manufacturing, processing, repair, servicing or Storage uses.

RESPONSE: The subject site does not involve a port or marine facilities at present or for the future intended use.

GIZ 6 The General Industrial Zone may be applied to land seaward of the high-water mark where it includes existing, or is intended for, industrial activities.

RESPONSE: The subject site is located above the high-water mark of the Burnie coast.

4.2 Objectives – Schedule 1, Part 1

The applicable criteria for consideration under the *Land Use Planning and Approvals Act 1993* are considered and addressed below as well as the State Policies and the regional and local land use strategies.

The objectives of LUPAA are specified in Schedule 1 and a response to those objectives follows:

a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;

RESPONSE: The subject site would promote the sustainable development of natural resources by providing a log storage area for logs ready for export. Once there is shipping capacity for the stored logs, they would be transported to the Port of Burnie to be turned into wood-based products elsewhere. Ecological and/or genetic diversity is not adversely impacted by the subject site's continued use for log storage.

b) to provide for the fair, orderly and sustainable use and development of air, land and water;



RESPONSE: Wood is a renewable natural resource that is historically one of the main export products of Tasmanian primary industry. Most trees that are exported from Tasmania are pines that are grown in silviculture plantations. The forestry industry operates more sustainably than in times past and the proposed rezoning and retrospective log storage use application provides for the fair, orderly and sustainable use and development of air, land and water.

c) to encourage public involvement in resource management and planning;

RESPONSE: The initiation of the planning scheme amendment requires public exhibition, which would allow the community an opportunity to submit representations in accordance with Tasmania's Resource Management and Planning System.

d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c);

RESPONSE: As assessed above for paragraphs (a), (b) and (c), the subject site has an established economic development that meets the requirements of the preceding objectives of Schedule 1 of Part 1 of the *Land Use Planning and Approvals Act 1993*.

e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

RESPONSE: The application would be assessed according to shared responsibilities between the state government, local government, other authorities, industry and the community.

4.3 Objectives - Schedule 1, Part 2

The objectives of LUPAA specified in Part 2 of Schedule 1 are listed below and a response to those objectives follows:

a) to require sound strategic planning and co-ordinated action by State and local government;

Response: As detailed later in the report, the proposed amendment is reasonably consistent with applicable Local, Regional and State land use strategies.



The council would decide whether to initiate the amendment and the Tasmanian Planning Commission would make the final decision on whether to direct the Planning Authority to amend its Local Provisions Schedule to match the proposal.

b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land;

Response: The proposed rezoning does not affect the established system of planning instruments: it would allow for future development to be appropriately assessed and determined utilising the existing instruments available to Burnie City Council and the Tasmanian Planning Commission.

c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land;

RESPONSE: The proposed rezoning is unlikely to cause adverse social, economic and/or environmental impacts that would be notably different from that which would occur under the current zoning, due to the historical use of the land as log storage, for which retrospective approval is sought.

d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels;

RESPONSE: State, regional and municipal policies encourage the location of industrial land proximate to road and railway networks and the reduction of transport time and costs for freight. It is deduced that the abovementioned criteria would be met by the proposal.

e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals;

RESPONSE: The existing and applicable planning approvals process would be applied to this application, namely Section 40T of the *Land Use Planning Approvals Act 1993*.



-
- f) to promote the health and wellbeing of Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, for living and recreation;*

RESPONSE: The proposed rezoning and formalisation of the existing use of the subject site would not have an unreasonable impact on the health and well-being of Tasmanians and those visiting Tasmania. The development would not impact the surrounding area in terms of maintaining a pleasant, efficient or safe environment. Due to the proposal involving the formalisation of existing log storage use, there would be no change in the existing amenity for the surrounding area.

- g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*

RESPONSE:

The Mont Albert Reservoir used to form part of the Burnie Paper Mill Site, which is a historically significant site in terms of the establishment of Burnie as an industrial and port settlement. Logs were stored at the site before being manufactured into wood and paper products, which were then exported out of Tasmania or utilised within Tasmania. The use of the subject site for log storage is in keeping with the historical significance of the Burnie Paper Mill Site.

- h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;*

RESPONSE: The proposed rezoning would allow the formalisation of existing land use which does not have an adverse impact on existing electricity transmission infrastructure, hydraulic utilities or the state government-administered Massy-Greene Drive and Melba Line.

- i) to provide a planning framework which fully considers land capability;*

RESPONSE: The land has no significant agricultural value and therefore the proposed amendment does not conflict with the intent of the agricultural land capability land-use planning framework.



4.4 State Policies

4.4.1 State Policy on the Protection of Agricultural Land 2009 (PAL Policy)

Response: The PAL Policy applies to land considered preferable for agricultural use. "Agricultural land" means all land that is in agricultural use or has the potential for agricultural use, that is or was not zoned or developed for another use or would not be unduly restricted for agricultural use by its size, shape and proximity to adjoining non-agricultural uses. The subject site is currently zoned for non-agricultural use and due to its size and shared boundaries with Massy-Greene drive and the Melba Line; the land is not suitable for agricultural production.

4.4.2 State Policy on Water Quality Management 1997

Response: The existing system of planning, building and plumbing approvals, which Burnie Council are the authority for, is relied upon to ensure that stormwater from impervious surfaces including roads, buildings and driveways is drained and disposed of in a manner that is consistent with in-force water sensitive urban design principles and standards, including the *State Policy on Water Quality Management 1997*.

4.4.3 Tasmanian State Coastal Policy 1996

Response: The site is not proximate to coastal land and is separated from coastal land by Massy-Greene Drive and the Melba Line. The aforementioned transport corridors are managed by state government entities and are therefore protected from coastal impacts.

4.4.4 National Environment Protection Measures

Response: Section 6(5) Planning and Development of the *National Environment Protection (Assessment of Site Contamination) Measure 1999*, requires that:

Authorities of participating jurisdictions (at local and State government level) that consent to developments, or changes in land use, should ensure a site is suitable for its intended use.

The proposed rezoning and change of use application would allow for the formalisation of the historical and existing use of the land, which is the storage of logs. The formal use of the site for log storage is therefore a suitable use for the subject site.

4.4.5 Gas Pipeline Act 2020

The subject land is not affected by the gas pipeline infrastructure that the *Gas Pipeline Act 2020* applies to. The requirements relating to the *Gas Pipeline Act 2020* are therefore not applicable.



4.5 Cradle Coast Regional Land Use Planning Framework

4.5.1 Principles for Implementation

a. & b. All levels of government, industry and the community work collaboratively, share responsibility, and are accountable for sustainable land use. Strategies, policies and decisions for land use are integrated across all levels of government, industry and the community

Response: In accordance with a Section 40T application, the local government (Burnie City Council), state government via the Tasmanian Planning Commission and the Federal Government (if the national EPA is required to get involved), industry such as the proponents and the tenants of the retrospective land use and the community would be involved in determining the suitability of this application. Of note is that the community and City of Burnie would have the opportunity to provide feedback and/or representations to ensure that what is proposed is suitable for the land.

c. Land is a limited, non-renewable resource and is not wasted

Response: The subject site is encompassed by Massy-Greene Drive/the Melba Line and accounts for approximately 1.5ha of land within the City of Burnie municipality. Compared with other land with similar characteristics in the surrounding area, the subject site is more constrained due to its size, frontage to State-administered road and railway infrastructure and the existing/previous use of the land. The formalisation of the existing log storage use would ensure that the limited and non-renewable land, specifically prevalent to the subject site, is not wasted.

d. Facilitate use and development

Response: The subject site used to form part of the Burnie Paper Mill historical photographs shows the subject site's long-term use as log storage. Any major effects on the subject site land caused by the storage of logs on the ground of the site are likely to have already occurred. The proposal intends to ensure the use of land is brought into greater conformity with the *Tasmanian Planning Scheme – Burnie* by ensuring the zoning of the land is fit for purpose of long-lasting use of the subject site.



e. Improve the liveability and sustainability of communities

Response: The location of the subject site ensures that the community is not impacted by its use unreasonably. Its access, in particular by the community, is more constrained in comparison with land zoned Open Space that is more suitable, and closer to residential land use, than the Subject site.

f. & g. Land and resources are consumed at a rate sufficient to meets social and economic needs of the present generation without compromise to the ability of future generations to also meet their own needs. Decisions and choices are informed by science and expert knowledge

Response: The use of the land as log storage is dependent on the forestry industry ensuring the fine balance between shorter-term economic and social benefits and longer-term environmental benefits is maintained. The renewable resource of timber can be managed appropriately by the rate of tree felling per year, based on future predictions and current data.

h. & i. Consider the complete and cumulative effect of past, present and likely future use and development on the health or carrying capacity of a natural or human system. Where there are threats of serious or irreversible social, economic or environmental damage the lack of scientific certainty is not to be used as a reason for postponing measures to prevent harm or degradation.

Response: Aerial photographs show the historical land use of the Subject site as a log storage site during the time of operation of the Burnie Paper Mill. Near-identical land use is currently occurring and the intended future use of the land is how the land is currently used. The land is subject to a Medium Landslip Hazard Band overlay, but mitigation measures can be applied to the site to ensure that land movement is prevented. It is noted that to the best of our knowledge, the use of land for log storage has not resulted in adverse land movement effects for Massy-Greene Drive or the Melba Line, but if the transport corridors are or were affected, TasRail and the Department of State Growth would have an opportunity to address any concerns after referral of the application to them, which is a requirement of the Section 40T application process.



j. Decisions are responsive to changing economic, environmental and social circumstance.

Response: With the nature of timber as a renewable resource and a resource that has fluctuating demand over time, it is expected that the storage of timber at the subject site would result in varying frequency and intensity of use of transport vehicles and varying lengths of time that logs would be stored at the site, and how many logs at a time. The proponent intends to maintain land ownership and rent the use of the site to previous tenants, who were advised to not utilise the land for log storage purposes due to not having an approved use, which was discovered during the assessment process of DA 2022/34, which sought to formalise the use of log storage at the subject site, the larger land parcel of the same title and adjoining titles. The proposed General Industrial zoning of the subject site would allow for the storage of other materials and/or other land uses, if the use of the site to store logs were to cease due to a lack of demand for log products.

k. Principles and policies are reviewed for possible correction, replacement or repeal where negative unintended consequences are identified.

Response: During the strategic review for this Section 40T application, the reasoning for the zoning of the subject site as Open Space could not be traced back to, or associated with, relevant and currently in-force policies relating to the Burnie Paper Mill Site, the Burnie municipality or policies relating to open space. Other land zoned Open Space to the west contains private timber reserves, which would be felled in due time and the subject site could act as a storage area for the felled logs if required. As mentioned in earlier and later sections of the report, the use of the land and its characteristics are more suited to the General Industrial Zone than the Open Space Zone.

l. Maintain and enhance state, national and international connectedness and competitiveness.

Response: The Port of Burnie is one of the main ports of Tasmania, especially in terms of the importation and exportation of goods. Tasmanian timber is world-renowned and due to the involvement of the community, at its most sustainable in terms of longer-term impacts on the Tasmanian environment.



The formalisation of the subject site for log storage would ensure that a higher quantity of Tasmanian timber products can be exported from the Port of Burnie to national and international markets, ensuring that Tasmania and the Burnie municipality remain connected to and competitive with state, national and international communities and industries.

m. Assessment processes and decision criteria are specific, measurable, reasonable, robust, and attainable.

Response: The Tasmanian Planning Commission has assessed multiple Section 40T applications since a Tasmanian municipality's first Local Provisions Schedule came into effect. The decisions made by the Tasmanian Planning Commission have proven that processes and decision criteria for Section 40T applications are specific, measurable, reasonable, robust, and attainable.

n. Market-based mechanisms and incentives are used as an alternative to regulatory control wherever feasible.

Response: The proposal relates to the formalisation of the use of the subject site for log storage, which would be conducted per a tenancy agreement. As mentioned in the response to *j.*, the use of the land would be subject to market-based mechanisms and incentives, with the ability for goods that require Storage to outcompete log storage for the subject site.

o. Decisions and actions provide for broad community involvement on issues which affect them.

Response: The formalisation of the use of the subject site for log storage would require the proposed rezoning to occur to allow log storage to be a permissible use at the subject site. The community would have the opportunity to make representations regarding the proposed rezoning, which would be factored into the decision-making of the planning authorities of the City of Burnie and the Tasmanian Planning Commission.

4.5.2 Wide Use of Resources

2.3 Changing Climate

a. Promote outcomes which reduce carbon emissions and increase energy efficiency in a manner consistent with and appropriate to furthering declared Commonwealth and State Policies and targets.



Response: The use of the site for log storage occurs due to the felling of trees, which therefore cannot convert CO₂ to O₂ but the felling of the trees would result in carbon capture that cannot be released into the atmosphere or oceans if burned where they stand via bushfire or controlled burns. The logs can be transformed into products that would store carbon and not result in carbon pollution which would occur by utilising other materials for the same purpose.

b. compact and contained settlement centres which allow reduced dependency on private vehicle use and the length of daily journeys by providing communities with ready local access to daily needs for employment, education, health care, retail and personal services and social and recreation facilities, including-

- i. a greater mix and less dispersal or segregation in the nature and distribution of land use.*
- ii. provision of local activity centres where there is a concentrated mix of activity for shopping, working, studying, recreation and socialising clustered at readily accessible locations.*
- iii. improvement in the level of internal connectedness and convenience for pedestrian, cycle and public transport options.*
- iv. increase in urban densities for residential and commercial use.*
- v. location of employment opportunities within a greater number of centres and at a rate commensurate with local need.*
- vi. minimise expansion at the urban fringe and creation of rural residential clusters in remote or poorly connected locations.*

Response: The subject site would result in more consistent land use regarding the adjoining Utilities zoning for Massy-Greene Drive and the Melba Line. It would result in the additional concentration of industrial land use for the Burnie Paper Mill precinct and utilise land that is located centrally within an industrial precinct of Burnie.

c. Facilitate opportunity for resource processing, manufacturing and utility development in locations which minimise distances for freight transport, energy distribution and journey to work.



Response: While the use of the subject site is for log storage; which is not resource processing, manufacturing or utility development; the location of the subject site adjoins the Melba Line and Massy-Greene Drive, which provide minimised distance for freight transport of logs to the site and from the site to the Port of Burnie.

d. Promote energy-efficient urban places and facilitate energy-efficient buildings through design and construction requirements for subdivision layout, building disposition, and the use of materials and landscaping which maximise solar access and natural lighting, natural heating, cooling and ventilation, and the use of low energy and recovered materials, energy and resources.

Response: The storage of logs at the subject site would not require significant use of energy or the construction of buildings.

e. Facilitate non-carbon energy alternatives, renewable energy and energy recovery projects which enhance transition to a carbon-neutral society, including –

- i. stand-alone commercial scale installations in locations where there will be an acceptable level of impact on cultural, economic and natural resource values and on the amenity of designated sensitive use areas.*
- ii. installations forming a directly associated and subservient part of a use or development*
- iii. domestic-scale installations in all locations.*

Response: As mentioned above, the log storage use would have minimal energy requirements for a site of its size and the plant/trucks required to operate the site could be powered by hydrogen in the future, once the Tasmanian hydrogen industry establishes the infrastructure and logistics required to utilise hydrogen as an energy source.

f. Facilitate carbon capture and Storage, including by geological sequestration, soil carbon in agriculture, reforestation and control on the clearing of vegetation

Response: The subject site supports the Tasmanian timber industry which is becoming increasingly more sustainable.



The felling of trees stores carbon within the wood and once silviculture plantation land can accommodate new seedlings, the continuation of carbon capture and storage is guaranteed. The protection measures afforded to silviculture plantations ensure that trees are not susceptible to bushfires when compared to old-growth forests, which may have understorey vegetation removed via controlled burn at most.

g. Apply sound risk management practices

Response: The subject site is subject to land movement risk. Since land movement is predominantly a local government issue in terms of risk management, this Section 40T application would be assessed by the City of Burnie, which would have the opportunity to address land movement concerns.

2.4 Water Management

- a) *Use catchments as the ecological and hydrological unit of meaningful scale for planning and land management*
- b) *Identify the surface water and ground water features, hydrological function, and natural features and areas necessary for the ecological and hydrological integrity of catchments*
- c) *Require catchments, natural water courses and water bodies be adequately buffered against likelihood for resource development, economic activity, utilities and settlement to have adverse effect on –*
 - i. *existing and known likely drinking water supplies*
 - ii. *surface water, ground water, and water bodies susceptible to impact due to extraction of water or the addition of nutrients, sediments and pollutants*
 - iii. *hydrological function of water, including its chemical and physical properties, and its biological interaction with the environment*
- d) *Limit modification of natural drainage systems, including change in channel alignment and in the nature of the stream beds and flow rates*
- e) *Impact on water quality by runoff from adjacent use or development*
- d) *Promote sustainable water use practices including water harvesting and recycling such as Water Sensitive Urban Design for stormwater and waste water*
- e) *Require retention and rehabilitation of native vegetation within riparian and foreshore areas*



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- f) Require urban and rural land use or development incorporate measures to manage diffuse and point source pollution from storm water and waste water discharge in accordance with the Tasmanian State Policy on Water Quality Management 1997 and the Tasmanian State Stormwater Strategy 2010*

Response: The use of the subject site as log storage is long-established, albeit not an established legal land use in accordance with the *Land Use Planning and Approvals Act 1993* at present. Existing impacts to the surrounding area in terms of water management would not be altered or affected by the formalisation of the log storage use. If development is required to ensure the site meets the water management section of the Regional Land Use Strategy,

2.5 Land

- a. Recognise land is a land is an irreplaceable and exhaustible resource*
- b. Ensure the sustainable use or development of land in accordance with capability to provide the greatest economic and social for the region's communities benefit at least cost to natural values*
- c. Identify land for*
 - i. protection and conservation*
 - ii. primary production*
 - iii. economic activity*
 - iv. settlement*
 - v. community, transport and utility infrastructure*
 - vi. tourism and recreation*

Response: The subject site's use for log storage results in land use that is commensurate with the land's characteristics and was long since cleared of vegetation and historical imagery shows the extent that the land was used for log storage and for how long. Contamination of the land may have occurred due to the storage of logs and the operation of associated machinery. Its continued use for storage, rather than as possible open space, encourages the land to be identified as economic activity land.

2.6 Air

Land use planning processes recognise the importance of clean air to climatic and biological health and –

- a. Maintain standards for natural air quality within the Region*



- b. Promote development which satisfies or exceeds applicable regulatory standards for air quality*
- c. Buffer development with potential to create adverse effects by nuisance and pollutant emissions from settlement areas*

Response: The use of the land for log storage is compliant with c. The subject site's location between Massy-Greene Drive and the Melba Line provides an infrastructure buffer between industrial use and open space/residential use.

2.7 Conservation

- a. Acknowledge natural conservation value is inherent in all terrestrial and aquatic environments*
- b. Recognise land is declared under the legislation of the Commonwealth and of the State of Tasmania for –*
 - i. comprehensive, adequate and representative natural areas are given long-term protection in formal reserves for the maintenance of biological diversity, ecological process and geological feature*
 - ii. areas outside formal reserves which compliment, link or enhance areas of conservation status, regional identity or local character are managed to retain natural values and function*
 - iii. settlement and development on land adjacent to areas of conservation value is sited and managed to avoid adverse effect on natural values and processes*
- c. Require use or development of land within or in the vicinity of a declared conservation area is to be consistent with the outcomes intended in the applicable statutory management plan for such reserve, including as from time to time applying for –*
 - i. Tasmanian Wilderness World Heritage Area*
 - ii. Savage River National Park*
 - iii. Rocky Cape National Park*
 - iv. Cradle Mountain/Lake St Clair National Park*
 - v. Franklin/Gordon Wild Rivers National Park*
 - vi. South West National Park*
 - vii. Narawntapu National Park*
 - viii. Arthur Pieman Conservation Area*
 - ix. The Nut Reserve*

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- x. Dial Range Reserve*
 - d. Promote settlement and land use decisions which integrate with the Cradle Coast Natural Resource Management Strategy*
 - e. Support sustainable economic use of bio-resources occurring in native forests, waterways and aquatic environments*
 - f. Require settlement development and growth has regard to likely adverse effect on areas of natural conservation value, including remnant vegetation, waterways and water bodies, and coastal systems*
 - g. Restrict land clearing and disturbance of intact natural habitat and vegetation areas, including areas of forest and non-forest vegetation communities declared under Nature Conservation Act, coastal wetlands, and remnant and appropriate cultural vegetation within settlement areas*
 - h. Avoid fragmentation and bisection of areas of identified natural conservation value and retain appropriate connecting habitat corridors between individual areas of natural conservation value*
 - i. Consider the likely impact of climate change on areas of natural conservation value, including need for measures to -*
 - ii. retain and expand areas of remnant native vegetation, biological corridors, contiguous waterways, and off-stream wetlands*
 - iii. ii. address the exposure and vulnerability of natural systems to future or enhanced levels of risk from the consequences of climate change, including provision of additional areas for habitat migration*

Response: Some of the logs stored on-site may be the product of felled trees from native forests. The Tasmanian timber industry has evolved to become more sustainable in its operations over time. The majority of logs that arrive at the subject site are from plantations, which reduces the extent of native forest that is felled.

2.8 Coastal Management

- a. Place limits on the expansion of urban and residential use and development within the coastal zone to avoid linear settlement patterns and encroachment onto areas of intact coastal environment*
- b. Require new use or development within areas of intact coastal environment are dependent on a coastal location for operational efficiency*



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- c. Minimise or avoid use or development in areas subject to high levels of coastal hazard*
 - d. Protect ecological and cultural values of foreshore, coastal reserve, wetland, dune, and estuary areas from adverse effect and encroachment by development on land in the vicinity, including RAMSAR wetlands and significant coastal wetlands such as Robbins Passage and Boullanger Bay*
 - e. Require intensification and redevelopment within established settlements ensure continued and undiminished physical and visual public access to beaches, headlands and waterways*

Response: The subject site is located approximately 600m from the Burnie coastline and approximately 200m from the Emu River. The site is not subject to coastal land forces of note.

2.9 Heritage

- a. Recognise and conserve the importance of natural geological and biological heritage for both indigenous and European communities*
- b. Recognise and promote understanding of Aboriginal heritage, including places, features, landscapes and items of spiritual and cultural significance and identify measures to consider and resolve values of importance for Aboriginal communities in accordance with statutory requirements*
- c. Recognise and promote understanding of the Region's historic cultural heritage places, including significant buildings, structures, works, relics, towns and localities*
- d. Rely on the scope and accuracy of statutory archaeological and heritage registers to identify all buildings, items, landscapes, places, precincts and relics of scientific, aesthetic, architectural and historic interest or otherwise of special cultural value of national, state and local significance*
- e. Facilitate sympathetic re-use of historic heritage assets through planning incentives and design requirements*
- f. Promote settlement and development compatible with the under-lying heritage values of a location*

Response: The site is not known to be a place of aboriginal significance when compared with other sites in the surrounding region.



The subject site was part of the Burnie Paper Mill, which was instrumental in the establishment of Burnie as an industrial and seaport settlement, and one of the uses of the site was the storage of logs for future manufacturing of paper products and future processing of wood into smaller wood products such as pulp or woodchips. No processing of wood products currently occurs at the subject site and this Section 40T application would formalise the use of the land for log storage. The land of the Burnie Paper Mill site would continue to be used for the storage of wooden products, therefore preserving a key element of its history more than 10 years after it was permanently closed.

4.5.3 Support for Economic Activity

3.3.1 Economic Activity and Jobs

- a. *Facilitate supply of employment land in all settlement areas for industrial, business and institutional use including in residential locations and recognise the unique economic circumstances that exist on King Island.*
- b. *Recognise the implication of enhanced capacity in digital communication to diminish location dependencies for economic activity and provide the Region with competitive equality and opportunity for new business ventures in non-traditional sites.*
- c. *Ensure locations for employment use accommodate new forms and changing patterns of economic activity*
- d. *Promote provision of employment land in locations where –*
 - i. *land is physically capable of development*
 - ii. *transport access and utilities can be provided at reasonable economic, social and environmental cost*
 - iii. *there is access to resource, energy, communication, and workforce*
 - iv. *sufficient separation can be provided to buffer impact on natural values, economic resources and adjoining settlement*
 - v. *local strategy on King Island identifies a need for alternative approaches to recognise the unique circumstances of the local island economy*
- e. *Protect designated economic activity and employment lands against intrusion by alternate forms of use or development*
- f. *Indicate necessary infrastructure must be planned or available and protected to support current and forecast employment needs*
- g. *Convert employment land to non-employment use only where –*



-
- i. the land is not required for the employment purpose for which it is designated; or*
 - ii. the land is incapable of effective use for employment purposes over the long- term; and*
 - iii. conversion will not adversely affect the overall efficiency of other employment land in the vicinity;*
 - iv. there is a need for the conversion; and*
 - v. the land is suitable for the proposed alternative purpose*

Response: The proposed finalisation of the subject site would set aside land for economic purposes for the foreseeable future. The land is leased to an entity requiring log storage space before freighting logs to the port of Burnie for exportation to national and/or international markets. The land is located within South Burnie.

3.3.2 Natural Bio-Resource Production

- a. identify land significant for bio-resource use*
- b. limit encroachment or intrusion by use or development that will compromise efficiency for -*
 - i. habitat for wild fisheries such as tidal, inter-tidal and freshwater wetlands, estuaries, seagrass and marsh areas and other fish breeding and nursery grounds, including the aquaculture and marine farming operations at Macquarie Harbour, Smithton and Port Sorell*
 - ii. timber production in State forests, Private Timber Reserves, and plantation forests, including for transition from old growth production*
 - iii. adventure and nature-based tourism*
- c. support multiple use of forest areas for production, recreation and nature-based tourism and conservation*
- d. provide for land-based support and processing activity in connection with off-shore aquaculture and marine farming*
- e. promote land-based aquaculture development where there are low levels of environmental risk*

Response: This Section 40T application seeks to formalise the use of the subject site for log storage.



Logs would be transported to the site and stored there until they can be exported from the Port of Burnie, which would correspond with approved land use on the same title and adjoining titles, as approved by DA 2022/34. Nearby land to the west is private timber reserve and would be capable of (and better suited for) being utilised for other uses, such as open space. The nearby land is closer to residential development and larger in size than the subject site. While the land would have some capability for aquaculture infrastructure, its previous use as a paper mill would not be conducive to the consumable products produced by aquaculture, especially on-shore aquaculture.

3.3.3 Agricultural Production

- a. *identify land significant for agriculture in the Region as not less than the entirety of the land which is currently available to and developed for agriculture*
- b. *exclude use or development that has no need or reason to locate on land significant for agriculture, unless the local unique circumstances of the King Island economy require a nuanced approach, and that approach is consistent with the State Policy on the Protection of Agricultural Land 2009*
- c. *indicate agriculture dependent on the soil as a growth medium is the priority use on land significant for agriculture*
- d. *facilitate new forms and changing patterns of agricultural use on land that is not significant for agriculture, including controlled environment and feed lot agriculture*
- e. *protect and buffer agriculture against incompatible use which may conflict and constraint potential for sustainable production*
- f. *ensure industries which support and service agricultural production are able to diversify, adjust, innovate and value-add*
- g. *land significant for agriculture is not excluded from agricultural use unless for*
 - i. *settlement in accordance with an approved settlement strategy; or*
 - ii. *an alternate economic use where-*
 - iii. *necessary to operational efficiency*
 - iv. *the impact on loss of land for agricultural use and on adjacent agricultural use is minimal; and*
 - v. *there is no reasonable alternate location which would avoid agricultural land or allow location on agricultural land of a lesser classification;*



Response: The subject site is not suitable for agriculture and its use to store logs does not affect agricultural land in the surrounding area.

3.3.4 Minerals, Construction Aggregate and Stone resource extraction

- a. *identify areas of known and prospective significant mineral and aggregate resources in consultation with Mineral Resources Tasmania*
- b. *exclude use or development with likelihood to preclude or hinder development of the resource for reasons of public health, safety or environmental impact from land in the vicinity of an identified extraction resource unless extraction is not feasible*

Response: The subject site is not known to contain notable deposits of minerals, construction aggregate or stone resource extraction and its proximity to the Melba railway line and Massy-Greene Drive constrains the site in terms of mining or quarrying the land.

3.3.5 Sustainable Tourism

- a. *facilitate tourism operations and facilities in locates that -*
 - i. *leverage attraction and uniqueness of authentic experience in natural and wild places, including iconic destinations*
 - ii. *integrate with other economic activity, including agriculture and mining*
 - iii. *capitalise on natural and cultural heritage and landscapes*
 - iv. *provide choice and diversity in character, distribution and scale*
- b. *protect attributes which attract and enhance tourism experience in the vicinity of designated tourist trails, identified points of interest and high value environmental, cultural and scenic sites*
- c. *promote nature based and cultural tourist orientated development in conservation and natural value locations*
- d. *promote tourism incidental to resource, industrial and settlement activity*
- e. *require tourist facilities are environmentally and socially sustainable with appropriate standards for transport, water supply and waste water infrastructure*
- f. *integrate tourist experience and infrastructure into settlement centres to support and reinforce economic function*



- g. avoid alienation and displacement of local communities and significant change in local character, function and identity*
- h. ensure regulatory requirements and approval processes do not unduly direct or restrain the location, nature and flexibility of tourism operations and visitor accommodation*

Response: The subject site was part of the Burnie Paper Mill site before it closed over ten years ago. The Mont Albert Reservoir supplied water to the paper mill and could therefore be integrated into tourism tours or other forms of tourism routes. Its use for log storage would make site visits impossible but the location of the subject site at the Massy-Greene Drive switchbacks would provide ample visual opportunity to observe the site, which is utilised similarly to what it was when the Burnie Paper Mill was operational.

3.3.6 Visitor Accommodation

- a. facilitate a range of visitor accommodation options*
- b. Locate high-capacity accommodation in major settlement centres and key tourist locations*
- c. designate sites for camping, caravan and mobile home use*
- d. restrict permanent settlement within designated tourist sites and facilities*

Response: It is improbable that the subject site would ever be considered for visitor accommodation, whether rezoned or not. The site is located within a predominantly zoned General Industrial and Utilities area, and would not be a suitable location for any sensitive use types.

3.3.7 Energy Generation

- a. promote energy generation and co-generation facilities for alternative energy, renewable and micro-generation*
- b. avoid requirements to unreasonably manage visual and nuisance impact of micro-generation systems*

Response: As mentioned above, the proposed use for the site has minimal energy requirements. Any energy generation required for the current and proposed use is produced by portable sources such as plant and truck engines.



Trucks would refuel off-site, and the plant can be refueled either at the subject site or at the main Massy-Greene Drive site, depending on the access characteristics between the subject site and the main Massy-Greene site. This would involve travelling underneath an overpass and travelling beside the Melba Line.

3.3.8 Manufacturing and Processing

- a. *recognise distinction between industry with an export focus and industry required to service and support local settlement areas*
- b. *cluster manufacturing, processing, and bulk Storage and handling in locations where there is clear advantage for industry through -*
 - i. *availability of large suitable land sites*
 - ii. *proximity to resource or workforce*
 - iii. *secure access to available or planned transport and utility infrastructure*
 - iv. *established pattern of industrial use*
 - v. *reasonable ability to buffer against impact on other land uses*
- c. *promote transport and storage activities in locations with access to strategic transport infrastructure and high productivity vehicle access freight corridors, including sea and air ports, major road junctions and rail yards and avoid further dispersal onto new or under-developed networks*
- d. *enable new discrete sites only where there is need for processing close to source or for significant separation from other activity*
- e. *rationalise and reduce fragmentation of existing industrial land locations to increase efficiency of use and to reduce impact on adjoining lands*
- f. *provide land for service and support industries, including trade, construction and fabrication, maintenance, repair, distribution and transport in all settlement areas*
- g. *segregate local service industries from large-scale manufacturing, process and transport activities*
- h. *locate new industrial land to avoid adverse impact on other land uses and natural or cultural values or high-volume transport routes or facilities and buffer against encroachment*
- i. *restrict intrusion by development that may displace industry through competition for cheaper land or by use conflict, including for bulky good and large format retailing and recreation*



-
- j. promote small scale value adding industries that compliment primary production, including packing, processing, Storage, and tourism*
 - k. promote on-site energy generation and waste recovery systems*
 - l. promote flexibility in development requirements to accommodate new forms of manufacturing and processing and change in existing arrangements*

Response: The subject site is presently utilised as a log-holding area. Logs are transported to the subject site via log truck, are unloaded via mechanical plant at the site, wait at the site until a ship is available at the Port of Burnie to transport the logs, then the logs are loaded onto log trucks via mechanical plant then transported to the Port of Burnie, which is approximately 1km from the subject site.

The subject site, therefore, supports industry with an export focus (a.); bulk storage and handling of logs that is proximate to a similar use on the same title, the Melba Railway Line and Massy-Greene Drive, which buffer the use from non-industrial land use.

The use of the land for log storage would not be a discrete site, due to its topographical connection to industrial land on the same title that also serves as log storage. The proposed legitimisation of the use of the site as log storage would result in the efficiency of land use and would segregate land of a similar use type and intensity from other land use types and intensities. The proposed formalisation of the log storage use would not displace industrial land uses. Most energy required to operate the use would be decentralised (the subject site would not require connection to a reticulated energy network), and since building development of the subject site is not proposed, the land would not be constrained for future technologies, methodologies or innovations.

3.3.9 Business and Commercial Activity

- a. facilitate convenient access in each settlement area to food and convenience goods retailers and services*
- b. promote the distribution of higher order retail goods and services throughout the Region in a manner consistent with recognised settlement patterns and at a scale, type and frequency of occurrence appropriate to settlement size, local consumer demand, and relationship to the wider regional market*

-
- i. In this regard Devonport, Burnie, Latrobe, Sheffield, Ulverstone, Wynyard, Queenstown, Smithton and Currie will provide regional or district business and commercial service roles in addition to meeting local demand.*
 - c. facilitate retail and service provision to complement and enhance the collective drawing power of existing retail and service areas but which does not involve location of major attractors for the express purpose of capturing market share in excess of that warranted by settlement size and relative function in a regional context*
 - d. promote integration of neighbourhood retail and service provision into residential areas at a scale, location and disposition suitable to service local need*
 - e. maintain the integrity, viability and vitality of established centres by locating new business and commercial development onto land within or immediately contiguous with existing town centres and commercial zones*
 - f. promote increased mix of land use, including for housing, within accessible business centres to encourage viability and vitality*
 - g. prevent linear commercial development*
 - h. prevent leakage of commercial and retail activities from preferred locations by restricting retail sales in other land use areas*
 - i. provide designated locations for bulky goods and large format retailing, including for vehicle, building and trade supply, and home improvement goods*
 - j. restrict sale of food, clothing and carry away consumables through bulky goods and large format retail outlets located outside town centres*
 - k. require proposals for major business or commercial development outside designated town centres be supported by need, absence of suitable alternative sites and of potential for immediate, incremental or cumulative adverse effect on established town centres and the regional pattern of retail and service provision*

Response: The proposal would involve the formalisation of log storage at the subject site to support the commerce of wood products for mainland and overseas export markets. The location of the subject site at Burnie and its use as log storage for timber that is sourced within the Cradle Coast region meets (b)(i).



3.3.10 Micro-Enterprises

- a. *facilitate location in association with other land use, including home-based business in housing areas where scale and nature will not adversely affect domestic character*
- b. *promote opportunities for lifestyle and creative enterprise*
- c. *require micro-enterprise to locate on designated industrial or business land only where of a scale or nature inappropriate for alternate areas*

Response: The formalisation of the log storage use at the subject site is not a micro-enterprise due to its use in conjunction with a larger enterprise, which is the Tasmanian timber industry. The proposed rezoning and formalisation of log storage use at the subject site would not result in micro-enterprises becoming significantly constrained.

4.5.4 Managing Growth and Development

4.3.1 Urban Settlement Areas

- a. *Assume a low-growth scenario under which demand is driven by internal population change and low rates of inward migration*
- b. *Promote established settlement areas as the focus for growth and development*
- c. *Promote optimum use of land capability and the capacity of available and planned infrastructure service*
- d. *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 Protect areas of natural or cultural significance*
- e. *Accommodate growth and development for each of the centres identified in Table B4.5 through either –*
 - i) *A Stable Growth Strategy which promotes growth and development within the established boundaries of the nominated settlement area without priority for intensification; or*
 - ii) *A Contained Growth Scenario which promotes a mix of intensification and strategically planned expansion on the established boundaries of the nominated settlement centre*
- f. *Provide a pattern of settlement which maintain –*
 - i) *Separated towns, villages and communities*
 - ii) *Visual and functional transitional space between each individual centre*



-
- iii) Absence of linear development or expansion aligned to coastline, ridgeline, or river or road frontage*
 - g. Implement structure plans and regulatory instruments for each centres which –*
 - i) Identify arrangements for intensification through infill, redevelopment and conversion of vacant and under-developed land, including for intensity of buildings and density of population*
 - ii) Identify arrangements for the expansion of urban boundaries when –*
 - a. There is insufficient capacity within existing designated land to accommodate forecast growth*
 - b. Areas of expansion are contiguous with established settlement areas*
 - c. Sequence of release is progressive from established settlement areas and consistent with the capacity and orderly provision of infrastructure services*
 - d. Compact urban form is retained*
 - iii) Embed opportunity for a mix of use and development within each centre sufficient to meet daily requirements for employment, education, health care, retail, personal care and social and recreation activity*
 - iv) Avoid encroachment or adverse impact on places of natural or cultural value within the designated urban boundary*
 - v) Avoid exclusion or restraint on areas significant for natural or cultural value, resource development or utilities in the vicinity of the designated urban boundary*
 - vi) Minimise exposure of people and property to unacceptable levels of risk to health or safety*
 - vii) Promote active and healthy communities through arrangements for activity centres, public spaces, and subdivision layout which facilitate walking and cycling*
 - viii) Buffer the interface between incompatible use or development*
 - ix) Facilitate any agreed outcomes for future character*
 - x) Facilitate reduced carbon emission and improved energy efficiency through requirements for the orientation and placement of lots and buildings, access to solar energy and daylight, and the application of energy generation and efficiency technology and construction techniques*



- xi) Acknowledge the transient and cyclic nature of resource-based activity in towns such as Rosebery, Zeehan and Grassy and require the legacy of new development for housing, commercial, community, recreation and utility infrastructure does not unreasonable burden the permanent population*
- xii) Acknowledge the specialist role of centres such as Cradle village, Strahan, Stanley and Waratah as tourist destinations and require new development be consistent with this purpose without alienation or disadvantage to ability for the centre to remain a liveable community for the permanent resident population*

Response: The application would further the objectives of the Regional Land Use Strategy in terms of providing urban land for a variety of uses within Burnie. Any existing cultural elements of the subject site would be retained, and the location of the subject site minimises impacts emitted from log storage use to non-industrial land use.

4.3.2 Rural Land

- a) Make primary production the priority purpose*
- b) Limit use or development that does not have a need or reason to be located on rural land, unless the local unique circumstances of the King Island economy require a nuanced approach, and that approach is consistent with the State Policy on the Protection of Agricultural Land 2009*
- c) Facilitate use or development that is directly associated with and subservient part of a rural resource use*
- d) Restrict use or development likely to interfere or conflict with a rural resource use, unless the local unique circumstances of the King Island economy require a nuanced approach, and that approach is consistent with the State Policy on the Protection of Agricultural Land 2009*
- e) Protect areas of natural or cultural significance*

Response: The subject site is located within the industrial area of South Burnie.

4.4 Protecting People and Property

- a. Recognise land exposed to future or enhanced risk is a valuable and strategic resource that should not be sterilised by unnecessarily excluding use or development*



- b. Establish the priority for risk management is to protect the lives of people, the economic value of buildings, the functional capacity of infrastructure, and the integrity of natural systems*
- c. Avoid new essential service, sensitive or inappropriately located use or development on undeveloped land exposed to or affected by a high level of an existing, likely future or enhanced risk, including from inundation and erosion by the sea, flooding, bush fire or landslip*
- d. Limit opportunity for expansion of existing essential service, sensitive or inappropriately located use and development onto land exposed to or affected by an existing, likely future or enhanced level of risk*
- e. Limit opportunity for redevelopment and intensification of existing essential service, sensitive or inappropriately located use or development on land exposed to or affected by an existing, likely future or enhanced level of risk unless the impact can be managed to be no greater or less than the existing situation*
- f. Promote guidelines and technical measures that which will assist to reduce impact of an existing, likely future or enhanced level of risk and make existing strategically significant places, uses, development and infrastructure assets less vulnerable, including provision for protection, accommodation and abatement, or retreat*
- g. Require a hazard risk assessment for new or intensified use or development on land exposed to an existing, likely future or enhanced risk, such assessment to address the nature and severity of the hazard, the specific risk factors for the proposed use or development, and the measures required to mitigate any risk having exceedance probability of greater than 1% at any time over the life of the development*
- h. Ensure current and future landowners and occupiers are put on notice of the likelihood for a future or enhanced level of risk*

Response: The site is subject to landslip risk and is potentially contaminated. The site was assessed by a suitably qualified person who has concluded that if recommendations included in a report are enacted, the landslip risk at the subject site is within acceptable tolerances. In terms of potentially contaminated land, the use of the subject site as log storage is commensurate with its historical use.



4.5 Facilitating Business and Community Services

- a. *Require each settlement area facilitate a mix of use and development of a nature and scale sufficient to meet for basic levels of education, health care, retail, personal services and social and economic activity and for local employment opportunities for the convenience of the local resident and catchment population*
- b. *Locate business and community service activity reliant for operational efficiency on a regional-scale population or on a single or limited number of sites at Burnie or Devonport, and at Latrobe, Ulverstone, Sheffield, Wynyard, Smithton, Currie and Queenstown*

Response: The use of the subject site for log storage would locate a business activity that relies on operational efficiency on a regional-scale population within Burnie, which meets b.

4.7 Land for Housing

- a. *Identify at all times the ability to accommodate forecast housing demand for a minimum future period of 10 years –*
 - i. *through infill, redevelopment or increased densities within each settlement area*
 - ii. *on land designated for settlement growth and immediately available for residential development under the planning scheme*
- b. *Facilitate choice and diversity in location, form and type of housing to meet the economic social, health and well-being requirements and preferences of all people*
- c. *Direct development for new housing into locations where appropriate levels of employment, business, infrastructure and community service facilities are available or planned*
- d. *Promote higher dwelling density to optimise use of land and infrastructure and community service facilities*
- e. *Rationalise or remove opportunity for housing in locations where oversupply is identified, and in locations where access, servicing, safety or impact are unacceptable*
- j. *Require housing land is separated from and buffered against adverse effect from existing and potential adjacent non-residential use*

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- f. Provide land for housing development requirements which do not unreasonably or unnecessarily constrain –*
- i. efficient use of land and infrastructure*
 - ii. housing market or supply*
 - iii. location of housing outside designated residential estates*
 - iv. tenure, including for public housing, rental and temporary accommodation*
 - v. accessibility and affordability*
 - vi. diversity in type, mix and density within a single urban locality as appropriate to lifestyle preference and changing housing needs*
 - vii. housing for the elderly, disadvantaged and disabled*
 - viii. orientation, configuration, design, materials and technologies*
 - ix. inclusion of housing in business and mixed use areas*
- g. Facilitate housing forms which incorporate climate sensitive design, the use of low energy materials, reduction in waste and emissions, and technologies which encourage efficient water and energy use*
- h. Provide opportunity for housing in rural areas where –*
- i. Required as part of a rural resource use, unless the unique circumstances of the King Island economy require a nuanced approach and that approach is consistent with the State Policy on the Protection of Agricultural Land 2009*
 - ii. There is no adverse effect for access to and use of rural resource land, including to land significant for agriculture*
 - iii. There is no adverse effect on key natural resource values, including areas of biodiversity significance and landscape aesthetics*
 - iv. Adequate arrangements are available for transport and there is convenient access to basic retail needs, community services, and employment opportunities, whether or not in an alternate settlement area*
 - v. There is no restraint on options for settlement expansion or provision of employment land*
 - vi. There is an acceptable level of risk from exposure to natural or man-made hazard*



-
- vii. Capacity is available to meet basic utility needs at reasonable cost or there is capacity for self-sufficiency in on-site generation, collection and disposal without risk to human or environmental health*

Response: The application would not provide housing provision to the Cradle Coast region. However, the use of the subject site for log storage would not constrain land known to be intended for residential development.

4.8 Healthy Communities

- a. Align to State and regional health, education, community support and recreation strategies, policies and programs*
- b. Focus community services dependent on a regional or sub-regional catchment or a single or limited number of sites into locations where there is a high degree of accessibility and a synergy with existing facilities of a like kind, including at Burnie and Devonport*
- c. Facilitate local development of community service facilities in locations accessible and convenient to the population they serve*
- d. Facilitate education and training facilities within residential, business and industrial locations*
- e. Facilitate co-location, integration and shared use of community service facilities including schools, medical centres and local recreation spaces on land allocated for housing and business purposes*
- f. Restrict new housing development until there is adequate available or planned community service capacity to meet requirements from new development*

Response: The proposed rezoning from Open Space to General Industrial would reduce the amount of open space land available to the Cradle Coast region. However, the subject site is not as suitable for open space provision as other lands in the surrounding area, and after investigation of relevant land use strategies, no reference to the subject site could be found in terms of its preferred use for public open space. Its adjoining boundaries to Massy-Greene Drive and the Melba Line also constrain the subject site from being developed into public open space.



4.9 Active Communities

- a. *Assist implementation of the Tasmanian Open Space Policy and Planning Framework 2010 and the Cradle Coast Regional Open Space Strategy 2009 and other related sport and recreation plans and strategies endorsed by government agencies and planning authorities*
- b. *Recognise recreation, leisure and wellbeing opportunities are integrated with settlement activity and do not always require a discrete land allocation, such as urban trails and walkways as detailed in the North West Coastal Pathway project*
- c. *Facilitate equitably distribution of accessible built and natural settings in a variety of locations for formal and informal recreation, including for unstructured and structured physical and contemplative activity, sport, personal enjoyment, positive social interaction, spiritual well-being and the achievement of human potential*
- d. *Facilitate opportunity for recreation and open space land within all settlement, nature conservation and resource areas in accordance with population requirements and environmental capacity*
- e. *Require adequate open space and recreation capacity is available or planned to meet requirements from new development applying a process consistent with that outlined in Appendix 3 of the Tasmanian Open Space Policy and Planning Framework 2010*

Response: The rezoning of the subject site from Open Space to General Industrial would not unreasonably adversely impact the Cradle Coast region's ability to provide public open space. Please refer above to the response to 4.4.6 Healthy Communities for additional comments.

4.5.5 Planned Provision for Infrastructure

5.3 Integrated Land Use and Infrastructure Planning

- a. *Are integrated and coordinated with strategies, policies and programs contained in or derived from the Tasmanian Infrastructure Strategy planning processes*
- b. *Recognise existing and planned infrastructure provision for services and utilities*
- c. *Promote compact contained settlement areas to –*
 - i. *Assist climate change adaptation and mitigation measures*



-
- ii. Optimise investment in infrastructure provision*
 - d. Direct new and intensified use or development to locations where there is available or planned infrastructure capacity and function appropriate to the need of communities and economic activity*
 - e. Require the scale and sequence of growth and development be in accordance with arrangements for the provision of infrastructure*
 - f. Require use or development optimise capacity and function in available and planned infrastructure services and utilities*
 - g. Restrict use or development in locations where provision or upgrade in capacity or function of infrastructure services and utilities cannot be economically or sustainably provided*
 - h. Recognise strategic and substantial infrastructure assets such as airports, railways, major roads and seaports as a distinct land use category*
 - i. Protect infrastructure assets, corridors, facilities sites and systems from use or development likely to create conflict or interference to the operational capacity, function or security of services and utilities, including for road and rail corridors, airport and seaport land, energy generation and distribution corridors, and water catchment and storage areas*
 - j. Minimise permit and assessment requirements for works involving replacement or improvement in the capacity, function or safety of existing infrastructure*
 - k. Limit use or development which has no need or reason to locate on land within an infrastructure corridor, facility or site*
 - l. Promote infrastructure corridors, sites and facilities that –*
 - i. Minimise adverse effect on areas of natural or cultural value*
 - ii. Minimise adverse effect on the amenity, health and safety of designated settlement areas*
 - iii. Minimise exposure to likely risk from natural hazards*
 - iv. Collocate services and facilities*

Response: The formalisation of log storage land use at the subject site would utilise existing statutory instruments, some of which were drafted based on regional land use strategies of Tasmania, to locate the storage of exportable goods proximate to Massy-Greene Drive and the Melba Line, which act as freight-focussed transport corridors for the Cradle Coast region. The log storage use would not require utility connections due to the nature of its operation, with energy and waste disposal provision handled by decentralised where required, such as the use of 'portalooos' or the transportation of mechanical plant fuel to the site via vehicle.



The subject site is mapped as susceptible to landslip, but an assessment of the site by a suitably qualified person concludes that if prescribed recommendations are complied with, landslip risk would be adequately minimised. The use of the subject site for log storage would support industries that can mitigate the effects of climate change by providing a renewable resource for goods manufacture and development construction. The proposed official use of the subject site would also ensure that land that is better suited to industrial activity than open space, therefore reducing the potential for land use conflict.

5.4 Transport Systems – Moving Freight and People

5.4.1 Integrated Planning

Are aligned to the Tasmanian Infrastructure Strategy and the Cradle Coast Integrated Transport Strategy 2006 goals to deliver connected communities and efficient and safe movement of people and freight in a manner that will drive economic growth, social inclusion and meet climate change challenges

Response: The utilisation of the subject site for log storage would provide for the safe and efficient movement of freight in a manner that would drive economic growth and, in part, meet climate change challenges.

5.4.2 Sea Transport

- a. Recognise the strategic significance to Tasmania of the Burnie and Devonport ports for freight movement in import and export trade*
- b. Recognise the regional importance of ports at Port Latta, Strahan, Stanley, Smithton and King Island for resource development, tourism and servicing of local communities*

Response: The subject site's use as a log holding area after the transportation of logs to Burnie and before their export from the Port of Burnie is consistent with Clause 5.4.2 a. of the Regional Land Use Strategy.

5.4.3 Air Transport

- a. Recognise the strategic significance of air transport for movement of people and specialist freight into and out of the Region*
- b. Protect the operation of airports by ensuring–*

- i. development for residential and other sensitive use is not exposed to excessive noise intrusion due to operation of the airport*
- ii. use and development does not create a hazard to air navigation from obstacles such as height of buildings or structures or to activity which may increase likelihood of the hazards such as bird strikes to aircraft*

Response: The use of the subject site to store logs would not adversely impact air transport or air navigation.

5.4.4 Road Transport

- a. Recognise the strategic importance of major road freight and passenger transport corridors identified in the Tasmanian State Road Hierarchy 2006; and*
 - i. Limit access between priority roads and adjoining land and*
 - ii. Limit creation of junctions with local roads*
 - iii. Avoid ribbon development aligned along frontages to major transport corridors*
 - iv. Direct use or development dependent on high volume freight capacity to locations with ability to readily integrate with major freight routes*
 - v. Restrict use or development dependent on high volume freight capacity in locations where there is not an appropriate standard of road freight capacity*
- b. Require local road networks provide a high level of accessibility and connectedness to local destinations, including for pedestrian, cycle and public transport*
- c. Require traffic generating use or development make arrangements for vehicular access, freight and passenger handling, parking of vehicles, pedestrian and cycle access, and connection to public transport*
- d. Promote mixed use communities and use of communication and digital technologies to minimise frequency and distance of travel for daily requirements for employment, education, health care, retail and personal services, and social and recreation activity*



Response: The use of the subject site for log storage is a high-volume freight use with direct access to Massy-Greene Drive. The subject site had a previously existing lawful use for the storage of wood products and is therefore not considered to be 'ribbon development'. Development is not proposed for the subject site (including crossover provision), and the Subject site does not adjoin a local road.

5.4.5 Rail Transport

- a. *Recognise the strategic significance for Tasmanian import and export trade of the regional rail links to Western Junction and Melba for freight movement*

Response: The subject site, and its parent title, adjoin the Melba Line, which could be utilised to haul logs from more remote areas to the parent title.

5.4.6 Active Transport

- a. *Recognise policies for improved pedestrian, cycle and public transport forms as an alternative to personal car travel contained in the Tasmanian Walking and Cycling Active Transport Strategy.*

Response: The proposal would not adversely impact active transport provision. The subject site adjoins the Melba Line and Massy-Greene Drive, which are not suitable for active transport modes due to their freight-focused use. The Melba Line is not likely to become a rail trail due to its heavier intensity freight use in comparison to other state rail corridors.

5.6 Energy Systems – Generation, Distribution and Supply

- a. *Recognise strategic importance of inter-State connections via BassLink and the Natural Gas Pipeline for the import and export of energy*
- b. *Facilitate commercial-scale renewable energy generation*
- c. *Facilitate small-scale renewable energy generation and energy efficiency technology and practices in domestic, commercial and industrial use or development*



Response: The proposal would not adversely impact energy generation/distribution/markets and would not unreasonably constrain the subject site from small-scale renewable electricity generation. The subject site structure, which is not proposed for demolition, could be utilised for future renewable energy generation.

5.6 Supply Water

- a. *Require growth and development has secure access to water supply and waste water disposal system that –*
 - i. *are sustained by the water resources upon which such services rely*
 - ii. *are economically viable*
 - iii. *protect human and environmental health*
- b. *Facilitate water conservation and water use efficiency including water sensitive urban design, stormwater and waste water re-use, and on-site water storage*
- c. *Require reticulated water supply and waste water disposal systems as the priority arrangement for servicing of settlement areas unless –*
 - i. *reticulated services are not available or planned or are not of sufficient capacity*
 - ii. *alternative water supply and/or waste water disposal systems that provide are at least as effective as a reticulated system; and*
 - iii. *site conditions are suitable for long-term operation of alternate systems, without human or environmental health impact*
- d. *Facilitate arrangements under designated irrigation schemes for water storage and distribution for agricultural use*

Response: The proposed use would not require a centralised water supply or wastewater disposal infrastructure connection. The subject site, if properly restored and maintained, could be utilised for water storage for future use. Per Table 19.2 of the *Tasmanian Planning Scheme – Burnie*, the *Utilities* land use class is Permitted within the General Industrial Zone.

5.7 Information Technology – Moving Data, Information, Knowledge and Services

- a. *Facilitate installation and upgrade of digital communication infrastructure in accordance with the statutory requirements for telecommunication infrastructure and the National Broadband Network*



-
- b. Recognise application of cyber infrastructure may displace conventional arrangements for use and development of land and require flexibility to accommodate economic, community development and service and social activity within a virtual rather than physical location*

Response: The use of the subject site for log storage is a type of land use that requires significant land area with particular location characteristics, which the site meets. The use of the subject site for log storage would not unreasonably constrain the use of information technology.

5.8 Waste Management

Land use planning processes facilitate –

- a. waste minimisation*
- b. recovery and reprocessing*
- c. reuse of waste materials in use and development*

Response: The use of the subject site for log storage would result in remnants of logs remaining at the site or falling off logs onto Massy-Greene Drive. The operator utilises road sweeper vehicles after every log movement to and from the Burnie Paper Mill site to minimise the waste impacts that log storage land use produces.

5.9 Community Services

- a. Align to State strategies, policies and plans for provision of health, education and community support programs*
- b. Facilitate community service activity and facilities in locations for housing and business*

Response: The proposal would not adversely impact the Region's ability to provide community services to its permanent population.

5 Development Proposal

5.1 The Proposal

The objective of the application is to rezone the subject site to General Industrial and formalise the existing log storage use of the site.



Development of buildings and works or subdivision is not proposed as part of the Section 40T application, only log storage use of the subject site. The subject site structure would not be removed, and existing accesses are capable of accommodating the retrospective (according to Council records) use.

5.2 General Industrial Zone

The log storage use of the site is consistent with the purpose of the General Industrial Zone. The use of the subject site to store logs would involve the operation of plant equipment and log trucks, which are widely considered to be impactful land use activities. The subject site is located approximately 250m from land zoned for habitable land use and the use of the subject site for log storage would, therefore not adversely impact other industrial land use within the surrounding area.

The proposed use class is *Storage*, which is defined by Table 6.2 of the *Tasmanian Planning Scheme – Burnie* below:

*use of land for storage or wholesale of goods, and may incorporate distribution.
Examples include boat and caravan storage, self-storage, contractors' yard,
freezing and cool Storage, liquid fuel depot, solid fuel depot, vehicle storage,
warehouse and woodyard.*

The log storage use would be classified as a woodyard. Table 19.2 of the scheme shows that woodyard land use is Permitted within the General Industrial Zone of the *Tasmanian Planning Scheme – Burnie*.

The General Industrial Zone use standards address discretionary use classes within Table 19.2 of the Scheme. Since the application does not involve the development of buildings or works and does not involve subdivision, the woodyard use of the subject site meets the requirements of the General Industrial Zone.



5.3 Codes

Provision	Applicable	Comment:
<i>C1 Sign Code</i>	N/A	Signage is not proposed.
<i>C2 Parking and Sustainable Transport Code</i>	Yes	<p>C2.5.1 P1.1</p> <p>Table C2.1 requires 1 space per 200m² of the site area or 1 space per 2 employees, whichever is greater. Up to two (2) employees would be working at the site at any one time: a plant operator and a log truck driver. The subject site has an area of approximately 1.5ha; therefore, the greater value of car parking spaces required to be provided would be 75 car parking spaces.</p> <p>The number of on-site car parking spaces for uses, excluding dwellings, would meet the use's reasonable needs, with regard to the following.</p> <ul style="list-style-type: none"> a) Off-street car parking spaces would not be proximate to the subject site, but car parking would be available on the same title land, in particular for the operator of the plant. Log trucks would not be parked at the subject site, apart from during the process of loading and unloading logs. b) Due to the minimal parking demand that the land use has on the title land and the surrounding area, it would be possible to share car parking spaces where required, with minimal impacts to existing car parking space provision. c) While public transport access is limited for the Paper Mill site, it is noted that the site is located in an industrial area of Burnie, with Burnie being the fourth largest city in Tasmania, which results in less reliance on public transport provision.



		<p>TassieLink operates multiple services within 1.4km of the subject site, primarily serving school students and intercity services. Metro Tasmania does not operate services within the Burnie area.</p> <p>d) Carpooling would be an option for employees unable to drive themselves to and/or from the title land.</p> <p>e) The subject site cannot provide ~75 car parking spaces due to its use as a woodyard, the subject site structure (which would be retained), the need to utilise a Department of State Growth administered road and an access way that runs parallel to the Melba Line.</p> <p>f) As discussed for b) and e), on-street parking is not possible but parking spaces for existing land uses on the certificate of title can be utilised when required.</p> <p>g) The streetscape would be minimally affected by the historic consistent use of the subject site for log storage.</p> <p>h) An assessment of actual car parking demand over time is not considered necessary to provide at the application lodgement stage, due to the characteristics of the application.</p>
<p><i>C3 Road and Rail Code</i></p>	<p>Yes</p>	<p>C3.5.1 A1</p> <p>A1.1 is not applicable as the road is not category 1 road. No new access is proposed.</p> <p>A1.2 no new junction is proposed.</p> <p>A1.3 not applicable as proposed development does not include rail networks.</p> <p>A1.4 The proposed site will utilise existing access. The amount increased will not increase by more than 10% per table C3.1 for vehicles of 5.5m</p>

		A1.5 is met as Vehicles will be able to leave the site in a forward direction.
<i>C4 Electricity Transmission Infrastructure Code</i>	N/A	An applicable Scheme overlay does not apply to the subject site. If the access way underneath the Massy-Greene Drive overpass is utilised for vehicle access, the conditions that apply to vehicle access for the log storage use application for the same title where existing zoning is General Industrial (DA 2022-34) can be applied to this Section 40T application.
<i>C5 Telecommunications Code</i>	N/A	The site is not near and the proposal does not involve telecommunications infrastructure of the type assessed by the Code.
<i>C6 Local Heritage Code</i>	N/A	There are no Local Historic Heritage properties listed within the Code and the subject site is not mentioned within part of Clause BUR-C6.0 of the Scheme.
<i>C7 Natural Assets Code</i>	N/A	The subject site is not affected by an overlay which would result in the applicability of the Natural Assets Code for the application.
<i>C8 Scenic Protection Code</i>	N/A	The subject site is not affected by an overlay which would result in the applicability of the Scenic Protection Code for the application.
<i>C9 Attenuation Code</i>	N/A	The use of the site for log storage, which would not involve treatment or processing of the logs, is not a land use listed within Table C9.1 of the Scheme.
<i>C10 Coastal Erosion Hazard Code</i>	N/A	The subject site is not affected by an overlay which would result in the applicability of the Coastal Erosion Hazard Code for the application.
<i>C11 Coastal Inundation Code</i>	N/A	The subject site is not affected by an overlay which would result in the applicability of the Coastal Inundation Hazard Code for the application.



<i>C12 Flood Prone Areas Code</i>	N/A	The subject site is not affected by an overlay which would result in the applicability of the Coastal Inundation Hazard Code for the application.
<i>C13 Bushfire-Prone Areas Code</i>	N/A	The application does not involve subdivision, a vulnerable use or a hazardous use.
<i>C14 Contaminated Land Code</i>	N/A	<p>The application seeks to formalise log storage use at the subject site, which is an activity type listed within Table C14.2 of the Scheme. It is noted that historic aerial imagery shows that the subject site was utilised for log storage for many years but by the statutory definition of existing and lawful land use, the subject site does not have existing land use rights for log storage.</p> <p>In terms of being suitable for the intended use, the subject site has a historical, albeit currently not compliant) land-use history as a woodyard and therefore meets the acceptable solution for Clause C14.5.1 of the Scheme. Potentially contaminated land applies to sensitive use listed in Table C14.1. As part of the development no sensitive use is proposed and therefore not applicable.</p>
<i>C15 Landslip Hazard Code</i>	Exempt	A Medium Landslip Hazard Band applies to the subject site. The application meets Clause C15.4.1 (a) of the Scheme, therefore exempting the log storage use from assessment against Clause C15.0 of the Scheme.
<i>C16 Safeguarding Airports Code</i>	N/A	The subject site is not within prescribed airspace or affected by a relevant Code overlay.



Conclusion

This Section 40T report outlines the reasoning for the land where the Mont Albert Reservoir is located to be rezoned from the Open Space Zone to the General Industrial Zone and for the formalisation of existing log storage use at the subject site. The proposed combined Scheme amendment and permit application meet the requirements of the *Tasmanian Planning Scheme – Burnie* and Sections 43A to 43M of the *Land Use Planning and Approvals Act 1993*. We appreciate Burnie City Council and the Tasmanian Planning Commission considering our application and look forward to working with Council, the Commission, other authorities and stakeholders to ensure a favourable outcome for the Mont Albert Reservoir.

TASMANIAN PLANNING COMMISSION

Our ref: DOC/23/141450
Officer: Janelle Townsend
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1 December 2023

Ms Sally Pearce
Executive Manager Development Services
Burnie City Council
PO Box 973
BURNIE TAS 7320

By email: planning@burnie.tas.gov.au

Dear Ms Pearce

**Local Provisions Schedule Burnie
Draft amendment 2023/2 and permit DA 2023/106
part of folio of the Register 145244/1 Massy-Greene Drive, South Burnie**

I refer to your correspondence dated 1 December 2023 seeking an extension of time in which to submit the planning authority's report on the representations on the above draft amendment and permit.

An extension of time to allow a report to be provided to the Council Meeting on 30 January 2024 is granted until **5 February 2024**.

It is a condition of the grant of this extension of time that the applicant and all representors are advised in writing of the date that the report is to be considered by the planning authority.

If you wish to discuss this matter further, please contact Janelle Townsend, Planning Adviser, on [REDACTED]

Yours sincerely



Dan Ford
Senior Planning Consultant

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