

Application for Planning Scheme Amendment

PROPOSED PARTIAL REZONING OF LAND



CT's: 101695/1

130A Preservation Drive, Preservation Bay

Supporting Documentation

August 2019



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1 Proposed Amendment

EnviroPlan Australia has been commissioned by Tim and Kiley Briggs to prepare supporting documentation for an application to make a representation to the Council in accordance with the Tasmanian Planning Commission's directive for the public exhibition of the Draft Central Coast Local Provisions Schedule (LPS) under s. 35B of the *Land Use Planning and Approvals Act 1993 (the Act)*.

This representation for the proposed amendment seeks to rezone a portion of land located on current CT: 101695/1 from Rural Resource to General Residential and Low Density Residential under the LPS. The subject land is approximately 16.44 ha and located at 130A Preservation Drive, Preservation Bay.

The amendment to the proposed zoning of the land will enable the land to be utilised for future residential use and development on the lower portion of the hillside whilst retaining the upper hillside rural activities. The amended zoning of the subject land accommodates the expansion of General Residential use and development in the Preservation Bay area that is consistent with an established settlement development pattern, provides for the appropriate arrangement and juxtaposition of zoning, and is consistent with guiding principles of the Cradle Coast Regional Land Use Strategy 2010 - 2030. Further the proposed amendment rectifies a ribbon development and better utilises the available infrastructure within the subject area.

This report provides an analysis of the site and the consideration of the statutory requirements and the Central Coast Council Strategic Plan 2014-2024 as well as the Cradle Coast Regional Land Use Strategy 2010 – 2030 against the merits of the proposed amendment.

2 Site Analysis

2.1 Title & Location

The Certificate of Title for the subject site is CT: 101695/1 (PID: 7379287). The approximately 16.44 ha area fronts onto Preservation Drive, Preservation Bay and Tim and Kiley Briggs are the proponents of the amendment to the LPS.



Figure 1 – Location of land CT: 101695/1 Reynolds Road, Preservation Bay. (Source: www.thelist.tas.gov.au)



Figure 2 – View of land CT: 101695/1 Reynolds Road, Preservation Bay. (Source: www.thelist.tas.gov.au)

2.2 Existing Zoning and Overlays of the Site and Surrounds

The current zoning of the site under the Central Coast Interim Planning Scheme 2013 is Rural Resource (as identified by Figure 3 below). The zoning in this area is proposed to be retained whilst the land south of the site (southern side of West Ridge Road) is to be designated as Agriculture Zone.

Land designated to the General Residential zone abuts the subject land to the north which is a ribbon of General Residential zoned land, Preservation Drive (Utilities) and Bass Strait (Environmental Management).



Figure 3 – Zoning of Site under the Central Coast Interim Planning Scheme 2013. (Source: www.thelist.tas.gov.au)

Low and Medium risk landslip overlays are contained over the site as demonstrated in Figure 4 below.

No specific area provisions nominated under the Draft Central Coast Local Provisions Schedule or under the current Interim Scheme are observed for the subject land.

2.3 Topography

The subject site comprises of a sloping hillside that runs from the south to north of the site.

The land falls steeply from West Ridge Road (on the southern boundary) and then levels out behind the existing dwelling located on the property. Then has a gentle slope running toward the northern residential uses and Preservation Drive.

2.4 Land Stability

It is understood that the landslide mapping incorporated into the Central Coast Interim Planning Scheme 2013 is based upon mapping produced by the Department of Premier and Cabinet (DPAC) in consultation with Mineral Resources Tasmania (MRT), and provides for the State land area to be mapped and categorised into four Landslide Hazard Bands. This is understood to be transferred through to the new LPS.

In accordance with Figure 4 below, low and medium landslide risks are present on the land within the site and are identified as being susceptible to landslide hazard.



Figure 4 – Landslide Hazard susceptibility of Site. Source: <u>www.thelist.tas.gov.au</u> (Landslide Planning Map – Hazard Bands)

2.5 Infrastructure

2.5.1 Access and Connectivity

The site fronts onto the Preservation Drive to the north and access to the rear of the allotment (south) is only accessible by car from West Ridge Road.

Access to and from the residential section of the site is via a road, known as Cooney Road off Preservation Drive which would require upgrades as part of any future development on the land. The access onto Preservation Drive has good sight line distances and was previously part of the national highway system. Therefore it is highly unlikely that there would be any problems dealing with traffic generated from any future residential development on the land.

2.5.2 Water Supply

Water reticulation is available to the subject area and the site is already connected to this service. On Preservation Drive there is a 150mm reticulation main that features fire hydrants. South of the site along West Ridge Road is a 300mm distribution main.

2.5.3 Sewerage and Stormwater Disposal

TasWater sewerage reticulation infrastructure is available within the area. The site is already connected to the 150mm gravity reticulation main that runs parallel to the northern boundary of the site.

Stormwater reticulation is available to the site and the site already features 3 existing points of discharge that cross Preservation Drive and drain to Bass Strait.

As such – the site is already fully serviced for residential development.

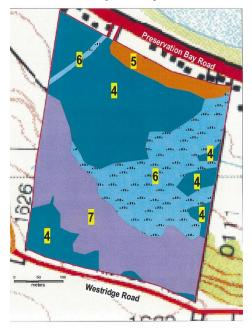
2.6 Existing Use and Development of the Site and Surrounds

The subject land contains a single residential use of Rural Resource land located on CT: 101695/1 (PID: 7379287)

The site is observed to contain an existing dwelling and outbuildings with grassland located south and east of the site. North of the site is open grassland.

Surrounding land to the west, east and south of the subject allotment is predominantly rural resource use. Lands to the west is rural land which is also suitable for a General Residential zone expansion whilst land to the east similarly has the same potential.

Land to north is already zoned as General Residential land which contains dwellings and associated sheds.



2.7 Land Capability

Figure 5 – Land Capability - Site

The site has been assessed by Davey & Maynard agricultural consulting which has identified the soils as being Class, 4, 5, 6 & 7.

The conclusions of the report are that there were no primary agricultural lands existing on the property and that the DPIWE Forth map sheet 1:100,000 scale does not accurately depict the land classification of the property.

Further the report that can be made available to the Council if supporting this amendment demonstrates that development of the property will not conflict with any of the Principles of the Protection of Agricultural Land and discussed in section 5.2 of the report that the land capability is not such that requires protection from conversion to non-agricultural use.

2.8 Natural Values

The site is cleared of native vegetation and may be generally characterised as residential and rural use. This observation together with the existing use and development on the site is deemed to indicate the site has limited importance in a natural values context.

3 Statutory and Central Coast Strategic Plan 2014-2024 Analysis

3.1 Land Use Planning and Approvals Act 1993 (the Act)

The Land Use Planning and Approvals Act 1993 (the Act) provides transitional arrangements (as described in Schedule 6 of the Act) with respect to the commencement of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme) Act 2015 (the Amending Act).

These transitional arrangements being - that Parts 2A and 3 of the <u>former provisions</u> (i.e. those existing prior to 17 December 2015) of the Act remain in force for an interim planning scheme that was in effect before the commencement day of the Amending Act (being 17 December 2015) until a Local Provisions Schedule (made under the Tasmanian Planning Scheme) comes into effect for a municipal area.

However, for the purposes of this proposed amendment to the draft zoning; the Act prescribes the requirements for the preparation of an amendment to a planning scheme which is carried forward for consideration for the amendment to the draft LPS. Specifically, section 32 of the Act provides:

- (e) An LPS is to consist of provisions that apply only to a single municipal area specified in the LPS.
- *(ea)* must not contain a provision that is inconsistent with a provision of section 11 or 12 ; and
- (3) Without limiting subsection (2) but subject to subsection (4), an LPS may, if permitted to do so by the SPPs, include
 - (c) a site-specific qualification, being a provision, or provisions, in relation to a particular area of land, that modify, are in substitution for, or are in addition to, a provision, or provisions, of the SPPs.
- (4) An LPS may only include a provision referred to in subsection (3) in relation to an area of land if
 - (b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.

In addition to the above requirements any amendment to the draft LPS must have further regard to:

- The furtherance of the objectives set out in <u>Schedule 1</u> of the Act;
- State Policies made under the section 11 of the State Policies and Projects Act 1993;
- The strategic plan of a council referred to in <u>Division 2 of Part 7 of the Local</u> <u>Government Act 1993;</u> and
- Safety requirements set out in the standards prescribed under the <u>Gas Pipelines</u> <u>Act 2000;</u>

3.1.2 Land Use Planning and Approvals Act 1993 - Schedule 1 Objectives

Part 1 – Objectives of the Resource Management and Planning System of Tasmania

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

Comment:

The rezoning of the subject land accommodates the expansion of General Residential zone for use and development in the Preservation Bay area that is consistent with an established settlement development pattern, consistent with the zoning, use and development of adjacent land, and rectifies an existing issue of unsustainable ribbon development on the northern boundary of the allotment. The proposed amendment seeks to zone land appropriately for the existing infrastructure and physical resources of the site to promote sustainable development within the Preservation Bay area.

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

Comment:

The proposed rezoning of the land comprising CT: 101695/1 (PID: 7379287) is identified as an area appropriate from the Draft LPS zoning from Rural to General Residential and Low Density Residential. The proposed amendment to the LPS is consistent with the Central Coast Strategic Plan 2014-2024 which serves as a master plan for the designation of proposed use and development (including expansion) of land within the defined master plan area.

The rezoning of the subject land accommodates the expansion of sustainable residential use and development in the Preservation Bay area that is consistent with Councils key focus areas for liability, sustainability, innovation and distinctiveness.

(c) to encourage public involvement in resource management and planning; and <u>Comment</u>:

The proposed amendment is consistent with the *Central Coast Strategic Plan* 2014-2024 and for a site planned for the expansion of residential use and development in the Preservation Bay area. This Central Coast Strategic Plan 2014-2024 Plan was developed in accordance with public consultation. Should the planning authority determine to initiate the draft amendment of the LPS presented through this representation; the planning authority must make available all representations for public viewing when a report is prepared for the Council.

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

Comment:

The Cradle Coast Regional Land Use Strategy does not feature Preservation Bay in its growth scenarios however it does feature Sulphur Creek and lists it a 'Low Growth' scenario with a 'Stable Settlement Strategy'. This is clearly not the case with major expansions of residential development occurring over the past 10 years where the area has been largely built out. Therefore the 2009 census data used within the Cradle Coast Regional Land Use Strategy is outdated and not reflective of the economic boom that Tasmania is experiencing today or the significant increase in migration to Tasmania.

This proposed amendment via representation to the Draft LPS seeks to facilitate economic development within the area and is consistent with the objectives set out in the paragraphs (a), (b), and (c).

(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.

Comment:

The proposed amendment to the Draft LPS facilitates the rezoning of the subject land from Rural to General Residential and Low Density Residential zone which is consistent with the *Central Coast Strategic Plan 2014-2024* and represents land planned for the expansion of residential use and development in the Preservation Bay area.

The *Central Coast Strategic Plan 2014-2024* provides for the guidance of appropriate future use and development of the settlement areas of the entire municipal area governed by the Central Coast Council.

The above-mentioned Central Coast Strategic Plan 2014-2024 planning documents, and recommendation/guiding principles contained therein, have been developed in accordance with public and community consultation.

The statutory processes associated with the making of an application for a planning scheme amendment further provide for public consultation, and local and state government involvement in the process.

Part 2 – Objectives of the Planning Process Established by this Act

It is considered that the prescribed Part 2 objectives are furthered predominantly by the statutory processes associated with the assessment of the merits of representations received in the exhibition of the Draft LPS and for any future use and development of the subject land under a revised zoning as proposed through this representation. Such processes include the planning authority's assessment of the proposed amendment, public consultation (if the amendment is initiated), environmental considerations, and the final determination of an initiated amendment by the Tasmanian Planning Commission.

This representation has provided appropriate rationale that the proposed amendment to the LPS and is consistent with the *Cradle Coast Regional Land Use Strategy 2010 – 2030*, and further consistent with the *Central Coast Strategic Plan 2014-2024*.

3.1.3 State Policies

3.1.3.1 State Policy on the Protection of Agricultural Land 2009

As the proposed amendment involves the rezoning of the subject land from Rural to General Residential and Low Density Residential zone, consideration of the *State Policy on the Protection of Agricultural Land 2009* (the PAL Policy) is applicable and relevant. The purpose

of the PAL Policy is to conserve and protect agricultural land so that it remains available for the sustainable development of agriculture, recognising the particular importance of prime agricultural land.

Whilst the land is mapped as class 4, 5, 6 & 7 soils, it is not in agricultural use or development and has been developed for residential uses and has been assessed as not being land of significant value for primary industry uses.

The site abuts rural zoned land to the west and east which forms part of a larger section of rural zoned land extending further to the south which is designated to be rezoned as Agriculture zone. This land is elevated 60m above the existing residential use of the land.

Accordingly, the amendment to the Draft LPS of the subject land accommodates the expansion of residential use and development in the Preservation Bay area that is not only consistent with an established settlement development pattern and provides for the appropriate arrangement and juxtaposition of zoning but also fixes unsustainable ribbon development.

Given the existing land use and zonings; the proposed amendment to the Draft LPS is not considered to result in the unnecessary or unreasonable loss of locally or regionally significant agricultural land, and is therefore considered to be appropriately consistent with the PAL Policy.

3.1.3.2 State Coastal Policy 1996

The State Coastal Policy 1996 (the Coastal Policy) is applicable to the proposed amendment as the subject land is identified as being within the coastal zone (including State Waters) and all land to a distance of 1km from the high water mark.

The proposed amendment to the Draft LPS seeks to rezone the land comprising CT: 101695/1 (PID: 7379287) from Rural Resource to a General Residential and Low Density Residential zoning under the Draft Central Coast Local Provisions Schedule. The subject site is within close proximity to Preservation Drive and is located approximately 95 m south of the high tide water mark of Bass Strait adjacent to the existing general residential zone.

Accordingly the rezoning is considered to be appropriately consistent with the Coastal Policy.

3.1.3.3 State Policy on Water Quality Management 1997

The *State Policy for Water Quality Management 1997* (the Water Quality Policy) applies to all surface waters, including coastal waters and ground waters.

The proposed amendment to the Draft LPS seeks to rezone the land comprising CT: 101695/1 from Rural Resource to a General Residential and Low Density Residential zoning under the Draft Central Coast Local Provisions Schedule. The revised rezoning of the land will enable the land to be utilised for existing and future residential use and development.

The declaration of the Draft Central Coast Local Provisions Schedule in accordance with section 35(B) of the Act provides that it has been prepared in accordance with State Policies.

Accordingly any future use and development will be assessed against the applicable provisions of the LPS, which reflect the requirements of the Water Quality Policy. With respect to future residential use and development (including subdivision) of the site, the LPS provides appropriate provisions to ensure that adequate arrangements are made for water quality management including requirements for the management and disposal of sewerage and stormwater.

Accordingly the representation for the amendment to zoning is considered to be appropriately consistent with the Water Quality Policy.

3.1.3.4 National Environment Protection Measures

National Environment Protection Measures (NEPMs) are developed under the *National Environmental Protection Council (Tasmania) Act 1995*, and outline common national objectives for the protection or management of particular aspects of the environment. In accordance with section 12A of the *State Policies and Projects Act 1993*, an NEPM is taken to be a State Policy.

The NEPMS adopted as Tasmanian State Policies are:

- National Environment Protection (Used Packaging Materials) Measure;
- National Environment Protection (Ambient Air Quality) Measure;
- National Environment Protection (Movement of Controlled Waste Between States and Territories) Measure;
- National Environment Protection (National Pollutant Inventory) Measure;
- National Environment Protection (Assessment of Site Contamination) Measure;
- National Environment Protection (Diesel Vehicle Emissions) Measure; and
- National Environment Protection (Air Toxics) Measure

The proposed amendment seeks to rezone the land comprising CT's: 101695/1 from Rural Resource to a General Residential and Low Density Residential zoning under the Draft LPS. The proposed amendment to zoning of the land will enable the land to be utilised for future residential use and development.

It is considered that the representation for the amendment to zoning is not directly relevant to the NEPMs.

3.1.4 Central Coast Central Coast Council Strategic Plan 2014-2024

The Central Coast Central Coast Council Strategic Plan 2014-2024 provides a framework to inform the Council's decision making into the future.

The proposed the representation for the amendment to zoning of the land comprising CT's: 101695/1 is consistent with the *Central Coast Strategic Plan 2014-2024* where it contributes toward the Council's key focus areas and accordingly is considered consistent with the Central Coast Strategic Plan 2014-2024.

Given the broad nature of policy direction established by the Strategic Plan; it is perhaps difficult to reconcile that one particular principle (or policy statement) should be read in isolation from the others to imply a particular action or consequence.

Notwithstanding the above comment, the Act provides for any person to make request upon a planning authority (local council) to amend a planning scheme which it administers including for representations to draft planning schemes. This representation provides an analysis of the site and the considerations of statutory requirements and strategic merits of the amendment to proposed zoning. The use of the site as a General Residential and Low Density Residential area enables the consolidation and co-location of similar use and development, and utilises the locational advantages for the site with respect to proximity and access to established transport routes and linkages as well as established municipal infrastructure.

Accordingly the proposed draft amendment to the Draft LPS and the development of a General Residential and Low Density Residential zoning within the site is not considered to conflict with the Central Coast Strategic Plan 2014-2024.

3.1.5 Gas Pipelines Act 2000

The subject land is not identified as being within the vicinity of the gas pipeline infrastructure corridor.

3.2 Cradle Coast Regional Land Use Strategy 2010 – 2030

The Cradle Coast Regional Land Use Strategy 2010 - 2030 (the Regional Strategy) provides the Central Coast Council policy foundation for the preparation of planning schemes under the Regional Planning Initiative. The Regional Strategy is given effect as a statutory instrument under the Act, which provides that planning schemes must be consistent with, and further the objectives and outcomes of the Regional Strategy.

The Regional Strategy outlines the Central Coast Council Strategic Plan 2014-2024 directions and desired outcomes for land use planning, and is intended to guide the land use planning process within the Cradle Coast Region through to 2030¹.

3.2.1 Settlement Management Strategies

The Cradle Coast Settlement Management Strategy² details growth scenarios and settlement strategies for the major settlement areas of the Cradle Coast Region. Preservation Bay (Sulphur Creek area) is described under a low growth scenario which provides that *demand is driven by internal population change and growth and/or moderate positive inward migration. Growth relies on intensification of existing land supply within designated urban boundaries and/or expansion*³.

The management strategy prescribed for the Preservation Bay settlement area (Sulphur Creek area) is a stable strategy which promotes growth and development within the established boundaries of the nominated settlement area without priority for intensification. The approach allows for optimum use of available and planned infrastructure in both established and new release areas⁴. A stable growth strategy is not considered to exclude the release of new land, but provide for the appropriate expansion and development of land

¹ Cradle Coast Regional Land Use Strategy 2010 – 2030, Cradle Coast Regional Planning Initiative (2011).

² Cradle Coast Regional Land Use Strategy 2010 – 2030, Cradle Coast Regional Planning Initiative (2011).

³ Ibid.

⁴ Ibid.

in settlement areas that provides for development and that is further appropriately consistent with defined local settlement strategies and boundaries⁵.

The proposed amendment to the zoning contained within the Draft LPS of the land comprising CT's: 101695/1 is identified as an area appropriate for rezoning from Rural Resource to General Residential and Low Density Residential zones. The proposed amendment to the Draft LPS is further consistent with the Central Coast Strategic Plan 2014-2024 which serves as a master plan for the designation of proposed use and development (including expansion) of land within the defined master plan area.

The proposed amendment to the Draft LPS zoning of the subject land accommodates the expansion of residential use and development in the Preservation Bay area that is consistent with an established settlement development pattern, consistent with the zoning, use and development of adjacent land, and in accordance with the defined local settlement strategy.

3.2.2 Regional Protection of Agricultural Land

As the proposed amendment of the Draft LPS involves the rezoning of the subject land from Rural Resource to General Residential and Low Density Residential zones; it is relevant to consider the value of the land as an agricultural land resource both in a local and regional context.

As detailed under section 2.7 of this Report; the area has been assessed as containing class 4, 5, 6 & 7 soils and the land is under residential use and is already developed for other uses with existing residential infrastructure. Further the land was determined as containing constraints for agricultural use and it is therefore not considered to have a negative impact on regional agricultural land.

The rezoning of the subject land accommodates the expansion of established residential use and development in the Preservation Bay area that is consistent with an established settlement development pattern, provides for the appropriate arrangement and juxtaposition of zoning, and is in accordance with the defined local settlement strategy for Preservation Bay.

3.3 Demand and Supply Considerations

The *Central Coast Strategic Plan 2014-2024* provides for the guidance of appropriate future use and development of the settlement areas of land throughout the municipal area and is a master planning document, which prescribes key focus areas of the plan in the use and development of land within the identified master plan area.

The proposal site contains an existing residential use and development and is located within a good road network area and has appropriate water, sewerage and stormwater reticulation systems with good connections to the General Residential zone to the north of the site and Preservation Drive.

Of importance when considering the increased land to a General Residential and Low Density Residential use is the severe limitations of access to the site which is off West Ridge Road

which is elevated 60m above the proposed low density residential zone meaning that the site is highly unlikely to be further divided give the topography of the site and landslide limitations.

Access to the proposed amended zone area is not accessible from West Ridge Road.

Sulphur Creek has been a popular residential settlement area over the past 10 years and has since been largely built out on the available land supplies but is still seeing interest in infill development. The inclusion of 130A Preservation Drive into the Draft LPS zoning for residential uses will continue the residential settlement pattern established by the Sulphur Creek area and contribute to the sustainable growth of the Preservation Drive.

3.4 Demand Considerations

The local government area of Central Coast comprises two major settlement areas located at Ulverstone and Penguin. Preservation Bay is a satellite area with the municipality projected to be a low growing local government area in percentage terms from 2013 - 2037, with a projected average growth rate of 0.3 per cent per annum under a medium growth scenario⁶. This compares to an estimated State average growth rate of 0.5 per cent per annum in the same period⁷.

This predicted population growth is expected to likely result in an increase in housing demand for the settlement area at a rate driven by market demand and has already been seen in the neighbouring area of Sulphur Creek over the past 10 years. Given the proportion of General Residential and Low Density Residential zones use and development in the Preservation Bay area in recent times with subdivision to the west of the subject site and take-up, it seems a reasonable observation that Preservation Bay has an inherent attraction for such residential lifestyle and housing opportunity. It seems further reasonable to expect that demand for such opportunity would increase with an increasing population.

In addition to this; the positioning of Preservation Bay itself is between two service centres being Penguin (a Local Service Centre) and Burnie (a Regional Activity Centre) providing the area with diversity of services.

The market for the development of General Residential and Low Density Residential zoned land has been identified as a continuing pattern associated with the preference to build upon vacant land, rather than purchase established General Residential and Low Density Residential properties. General Residential and Low Density Residential use and development presents as a legitimate housing option, and given the predicted growth prospects for the Preservation Bay area under the current and un-forecasted population increases it is considered to be a reasonable justification for an increase in fully reticulated serviced residential land to be made available for such housing options, and particularly in such areas that have been identified as appropriate for such residential expansion.

⁶ 2014 Population Projections – Tasmania and its Local Government Areas, Department of Treasury and Finance (December, 2014)
⁷ Ibid.

4 Conclusion

The subject land is within the *Preservation Bay* area and is appropriate for the amendment of zoning through representation to Council of the Draft LPS from General Residential and Low Density Residential zones. The amendment of the zoning contained within the Draft LPS of the subject land accommodates the expansion of residential land use and development in the Preservation Bay area that is a subservient residential node to Burnie (District Activity Centre) and Penguin (Local Service Centre) and is consistent with an established settlement development pattern, consistent with the zoning, use and development of adjacent land.

The amended zoning of the section of land located on current CT: 101695/1 (PID: 7379287) is a logical utilisation of land as the land has extremely limited agricultural use or ability due to access, surrounding land use, topography and soil qualities.

It is further considered commensurate with the anticipated growth of the settlement area of Preservation Bay and surrounds whilst providing the subject title with an appropriate zoning for the future use of land.

Accordingly, it is submitted through representation that the proposed amendment to Draft LPS zoning of land comprising CT: 101695/1 (PID: 7379287) 130A Preservation Drive, Preservation Bay can be supported by the planning authority.



Attachments

Annexure 1 – Proposed Zoning

Annexure 1 – Proposed Zoning

