

TASMANIAN PLANNING COMMISSION



Our ref: DOC/20/110800
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28 September 2020

Mr Mick Purves
Senior Planning Consultant
Glamorgan Spring Bay Council

By email: mick.purves@freycinet.tas.gov.au; admin@freycinet.tas.gov.au

Dear Mr Purves,

Glamorgan Spring Bay draft Local Provisions Schedule Clarification of Matters Raised in section 35F Report

The Tasmanian Planning Commission (the Commission) is currently preparing for hearings into the representations made in response to public exhibition of the Glamorgan Spring Bay draft Local Provisions Schedule (draft LPS). It is intended that the hearing process commence with a Directions Hearing on Monday 19 October 2020.

In the interests of certainty and expedition in the hearing process, at the Directions Hearing, the Commission wish to receive submissions and advice from the Planning Authority on the following matters:

1. Local Provisions Schedule Outstanding Issues Notice, dated 4 December 2019
 - (a) Provision of the data for the three new heritage place listings must be supported by the advice of a suitably qualified person with heritage expertise. Clause LP1.8.1 of the State Planning Provisions (SPPs) requires all parts of Table C6.1 to be completed, so a Description and Statement of Local Historic Heritage Significance and Heritage Values will need to be provided. If the information is of a quantity that cannot be formatted within Table C6.1, it may be provided in a datasheet in the format shown in the Commission's Practice Note 8. The datasheet may then be referenced in Table C6.1; and
 - (b) Provision of revised mapping to show the local area objectives for the Spring Bay Marina Specific Area Plan (SAP) and the Louisville Road SAP.

2. Landscape Conservation Zone and conservation covenants

- (a) The issues raised in the Landscape Conservation zoning and Conservation Covenants section of the section 35F Report (the Report) at pages 5 and 6, and in particular the resolution of the 'identified Councils response' at the top of page 6 of the Report. This is required to inform the Delegates and the representors of the Planning Authority's opinion of the merits of the representations, as required by section 35F(2)(e) of the Land Use Planning and Approvals Act 1993 (the Act).
- (b) The submissions made to the Planning Authority in response to Representation 2 after the closure of the public exhibition period. To date, the Commission is aware of six such submissions.

3. Rural Zone and Agriculture Zone

- (a) The action the Planning Authority has taken to advise representors of the Planning Authority's view 'that specialist reports are likely to be required once the Commission commences the hearings', as stated at page 10 of the Report, and the outcomes resulting from that advice.
- (b) The action the Planning Authority has taken to:
 - (i) apply the section 8A Guidelines for application of the Agriculture and Rural zones;
 - (ii) apply the AK Consultants Decision Tree and Guidelines for Mapping the Agriculture and Rural Zones dated April 2018 in Attachment 2 of the Supporting Report; and
 - (iii) consider the application of the AK Consulting peer review of the draft Agriculture Zone and Rural Zone mapping as is referred to at page 25 of the Supporting Report,with regard to land where representors have sought the application of the Rural Zone rather the Agriculture Zone, to their particular properties.

4. Delegation to act for the Planning Authority at a Hearing

Decision 286/20 of the Planning Authority of 25 August 2020 para 3, delegates to the General Manager and Executive Manager Development (or persons acting in those positions), the Planning Authority's powers and functions to:

- (a) modify reports submitted under sections 35F and 35G if a request is received from the Tasmanian Planning Commission for further information; and
- (b) represent the planning authority or appoint a representative for the planning authority at hearings pursuant to section 35H.

The section 35F and 35G Reports are the reports of the Planning Authority and further information requests from the Commission or matters raised at a hearing do not result in modification of those reports.

With regard to the "default recommendation" approach identified at page 3 of the section 35F Report, and as contained in the Planning Authority responses to a number of representors, Delegates seek advice on whether the Decision 286/20 paragraph 3, will enable those persons representing the Planning Authority at hearings, to have the authority to present the position of the Planning Authority on any matters where that position is a relevant consideration.

5. Section 32(4) justification for GSB-P6.0 Particular Purpose Zone – The Fisheries
 - (a) Further specific justification of how the actual land to which the new Particular Purpose Zone – The Fisheries is proposed to apply, meets section 32(4) of the Act is requested.
6. Other Clarifications
 - (a) Representation 19 (State Emergency Service) states that the “SES recommends that a Flood Prone Areas Hazard Overlay, incorporating the 1% AEP extent from the Saltwater Creek Flood Study 2018, is included in the draft LPS.” A specific response to this proposition is requested.
 - (b) Representation 42 states that the Environmental Management Zone should be applied to Whalers Lookout at Foster Street, Bicheno (PID 5282967). It is noted that the land is a conservation area under the Nature Conservation Act 2002. A specific response to this submission proposition is requested.
 - (c) Representations 42 and 54 refer to land bounded by the Tasman Highway and the Cathcart Street road reservation. The representors oppose the application of the General Residential Zone to this land. Clarify the location of the land that is referred to by the representors. A specific response to this issue as raised in representation 42 is requested.
 - (d) Confirm Council’s position on the late submissions received after the Planning Authority’s section 35F report was submitted to the Commission.

The Planning Authority’s response is needed in advance of the Directions Hearing so that any issues can be discussed through that process. Note, the Planning Authority’s response will be published on iplan and made publicly available to representors.

If you need clarification on any matters, please contact Samuel McCrossen, Planning Adviser, on telephone 03 6165 6833.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Ramsay', with a stylized flourish at the end.

John Ramsay
Delegate (Chair)