

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

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25 March 2024

Mr Paul West
Delegate (Chair)
Tasmanian Planning Commission
GPO Box 1691
HOBART TAS 7001

Dear Sir

**COMBINED DRAFT AMENDMENT NO. 2023/2 AND PERMIT APPLICATION DA 2023/106
BURNIE LOCAL PROVISIONS SCHEDULE
MASSY-GREENE DRIVE, SOUTH BURNIE**

In response to the directions received on 14 March 2024, please see the submission below.

1. It is noted that draft permit DA 2023/106 granted by the planning authority is to establish a storage 'use' only on the subject site.

The planning authority is requested to provide a submission that:

- clarifies why the draft permit is for 'use' only, given that the conditions of the draft permit foreshadow development on the subject site.

What has been applied for in the permit application is for the establishment of a Storage use over the land. The application states that an existing vehicle access point is to be utilised and unchanged. Further the application states that existing onsite parking and the existing internal access driveway will be relied upon, with no changes proposed.

The planning authority has applied three (3) general conditions in relation to parking, access ways, manoeuvring, circulation spaces and pedestrian access but notes no expressed work is required.

If line marking, resealing, installation of internal footpaths, safety bollards or directional signage is required these works do not meet the definition of Development under the *Land Use Planning and Approvals Act 1993*.

Alternatively, the planning authority is comfortable for the three (3) general conditions to be removed as conditions and added to the Note section.

- clarifies the operation of the site including the hours of operation, anticipated truck movements, timber storage heights and methods and the storage of machinery and portable facilities on the site.

The planning authority has not requested the hours of operation as part of its assessment, as there is no standard under the General Industrial zone controlling hours of operation.

The application states that the amount of vehicle movements will not increase by more than 10% as required by Table C3.1. Council's Technical Officers acting as the Road Authority were satisfied with not more than 10% due to the site being 14.63ha in area with this permit application being for approximately 1.5ha (less the area for the redundant tank).

Timber storage heights were not requested by the planning authority as part of its assessment as the storage of timber logs is not a Building as defined under the *Land Use Planning and Approvals Act 1993* and the height requirements in clause 19.4.1, A1 are not applicable.

The proposed method of storage and the location of housing for existing portable facilities on the site was not requested by the planning authority as these are operational issues and not matters considered under the Tasmanian Planning Scheme.

- considers whether, in the planning authority's view, the permit should include conditions to ensure fire safety and control air emissions (including dust) from the site onto nearby land.

The planning authority has not included operational conditions for fire safety and control of air emissions. The operators have workplace safety standards to meet and general requirements to not cause an environmental nuisance under the *Environmental Management and Pollution Control Act 1994*, as defined below -

environmental nuisance means –

(a) the emission, discharge, depositing or disturbance of a pollutant that unreasonably interferes with, or is likely to unreasonably interfere with, a person's enjoyment of the environment; and

(b) any emission, discharge, depositing or disturbance specified in an environment protection policy to be an environmental nuisance;

2. It is noted that the planning authority has assessed the proposed storage 'use' as exempt from the Landslip Hazard Code in accordance with clause C15.4.1(a) of the planning scheme.
- The planning authority is requested to provide a submission clarifying how the permit is exempt from the Landslip Hazard Code, given that the conditions of the draft permit foreshadow development on the subject land.

What has been applied for in the permit application is for the establishment of a Storage use over the land. The application states that an existing vehicle access point is to be utilised and unchanged. Further the application states that existing onsite parking and the existing internal access driveway will be relied upon, with no changes proposed.

Clause C15.4.1 specifically subclause (a) provides an exemption from the Landslip Hazard Code for use of land within a low or medium landslip hazard band.

The planning authority has applied three (3) general conditions in relation to parking, access ways, manoeuvring, circulation spaces and pedestrian access but notes no expressed work is required.

If line marking, resealing, installation of internal footpaths, safety bollards or directional signage is required these works do not meet the definition of Development under the *Land Use Planning and Approvals Act 1993*.

Alternatively, the planning authority is comfortable for the three (3) general conditions to be removed as conditions and added to the Note section.

If you have any enquiries regarding the above please contact myself on (03) 6430 5839.

Yours sincerely



Sally Pearce
EXECUTIVE MANAGER DEVELOPMENT SERVICES