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Draft Devonport Local Provisions Schedule (LPS) Representation

This representation is lodged by Scouts Australia Tasmania (Scouts). The representation concerns Scout property at 342 Pumping Station Road Forth.

The Scout property comprises 2 adjoining titles with a total area of 53.55ha. The lots (titles) and zoning in the draft LPS are as follows:

- Lot 1. 342 Pumping Station Rd Forth, title 196943/1, zone 23 Environmental Management.
- Lot 2. 342 Pumping Station Rd Forth, 233644/1, zone 20 Rural.

Scouts supports the Rural zoning of Lot 2.

Both Lots are in zone 26 Rural Resource under the current Devonport Interim Planning Scheme 2013.

This representation opposes the Environment Management zoning for Lot 1 and submits the appropriate zoning is zone 20 Rural.

The grounds for the request for Rural zoning for Lot 1 are as follows:

1. Environment Management zoning assigned to Lot 1 appears to be on the basis of having a reserve classification. Council's *Supporting Report February 2020* at Appendix AA refers to Lot 1 'Forth Scout Camp' being zoned Environmental Management as the site is reserved as a 'private sanctuary' under the *Nature Conservation Act 2002*. The report claims that the site being a 'private sanctuary' recognises that the land has 'significant environmental value'.

The listing of Lot 1 as 'private wildlife sanctuary' was proclaimed on 13 June 1952 under the provisions of the *Animals and Birds Protection Act 1928* to provide a sanctuary for the 'protection of birds generally' (as described in the Governor Cross' proclamation'). Over time and subsequent legislation, the 'private sanctuary' was again gazetted on 30 April 1999 and consequently brought under the *Nature Conservation Act 2002*. It is understood the 1952 nomination was at the behest of the then landowner. The sanctuary classification also reflects the environmental values of Scouting. However, Scouts contend the 'private sanctuary' listing should not be a barrier to the future land use and alternative uses of Lot 1 or being zoned Rural.

2. The current land use is primarily outdoor activities, camping, indoor activities, overnight accommodation and meeting space. The property is used for Scout activities as well as being hired by outside bodies for activities including education and training.

Whilst the site has environmental values nurtured by Scouts those values do not align with the purpose for the Environmental Management zone in the State Planning Provisions.

3. The purpose for the Environmental Management zone is stated as:

1. 23.1.1 To provide for the protection, conservation and management of land with significant ecological, scientific, cultural or scenic value.
2. 23.1.2 To allow for compatible use or development where it is consistent with:
 - (a) the protection, conservation and management of the values of the land; and
 - (b) applicable reserved land management objectives and objectives of reserve management plans.

The Scout property is not land with significant ecological, scientific, cultural or scenic values. No specific significance is attached to the land except a 1952 proclamation to provide 'sanctuary for birds generally'. Lot 1 is not significant in terms of views and vistas remote from the site. Scout activities on the site are not specifically directed at the protection, conservation and management of the land. Lot 1 is not reserved (as in being public land) land except as classified as a 'private sanctuary' under the *Nature Conservation Act 2002*.

4. Further to the purpose of the zone, the focus on reserved land is clearly shown in the Environmental Management zone Use Table (State Planning Provisions cl.23.2) where all the permitted uses are confined to land where:

'an authority under the *National Parks and Reserved Land Regulations 2009* is granted by the Managing Authority or approved by the Director- General of Lands under the *Crown Lands Act 1976*.

The *National Parks and Reserved Land Regulations 2009* have expired, and the land is not Crown land. If the 2009 expired regulation were to be taken to be the *National Parks and Reserved Management Regulations 2019* this regulation does not deal with private sanctuaries. Lot 1 does not have a management plan applying under the *National Parks and Reserved Management Act 2002*.

Aside from the protection of existing use and the no permit required uses (Natural and Cultural Values and Passive Recreation) any activity proposed for Lot 1 under Environmental Management zoning would be discretionary or prohibited.

5. Further to the Use Standards for the zone (State Planning Provisions cl.23.3.1) we find the objective is:

'That uses listed as Discretionary recognise and reflect the relevant values of the reserved land.'

The tests for the Performance Criteria are akin to those applying to reserved public land more so than private land.

6. Turning to the Development Standards for Buildings and Works (State Planning Provisions cl.23.4.1) the objective is:

That the development area is:

- (a) compatible with the values of the site and surrounding area; and
- (b) minimises disturbance of the site.

This objective is not consistent with the use, development and activities undertaken on Lot 1 currently and into the future.

7. Turning to the Development Standards for subdivision (cl.23.5), the Acceptable Solutions standards are directed at the Crown, State authority and reserved Crown land.

8. Environment Management zoning would restrict the use and development of Lot 1 under other ownerships should Scouts need to dispose of the property.

9. Alternatively Rural zoning for Lot 1 is consistent with the zoning for Lot 2 and surrounding Rural and Agriculture zoning except for the land parcel to the north, *Champion Park*, that is zoned Environmental Management being public land owned by Devonport Council.

In summary

For Scouts property, Lot 1. 342 Pumping Station Rd Forth, title 196943/1, zone 20 Rural is requested.

Scouts submit zone 23 Environmental Management is not appropriate because:

1. under the *National Parks and Reserved Management Act 2002*, no management plan has been prepared or approved or a management authority declared in respect to the classification of the land as 'private sanctuary'; and
2. it would be inappropriate for a private 'sanctuary for birds generally' to determine the zoning of privately-owned land.

Scouts submit zone 20 Rural is appropriate because for:

1. consistency with the current use and development of Lot 1 and available uses in the future either as Scout land or land in other ownerships; and
2. consistency with the Rural zoning of the adjoining Scout land (Lot 2) that is part of the Scout use of both properties. Lot 2, in part, has a plantation forest under private timber reserve that reflects the broad rural and other uses of the two Scout properties.



Michael Hovington
Chief Commissioner
Scouts Australia Tasmania