



19 August 2020

Ms Ann Cunningham  
Delegate (Chair)  
Tasmanian Planning Commission  
Email: [tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au)

Dear Ms Cunningham,

**Devonport draft Local Provisions Schedule – response to directions prior to hearings**

I refer to your correspondence of 12 August 2020 regarding the hearings for the draft Devonport Local Provisions Schedule (LPS). I note this correspondence contains the direction for Council to provide further information or clarification to support the proposed modification to apply the Rural Zone to land in Tugrah as described in Council's report submitted in accordance with section 35F of the *Land Use Planning and Approvals Act 1993* (LUPAA). In response to that direction Council sets out the following advice.

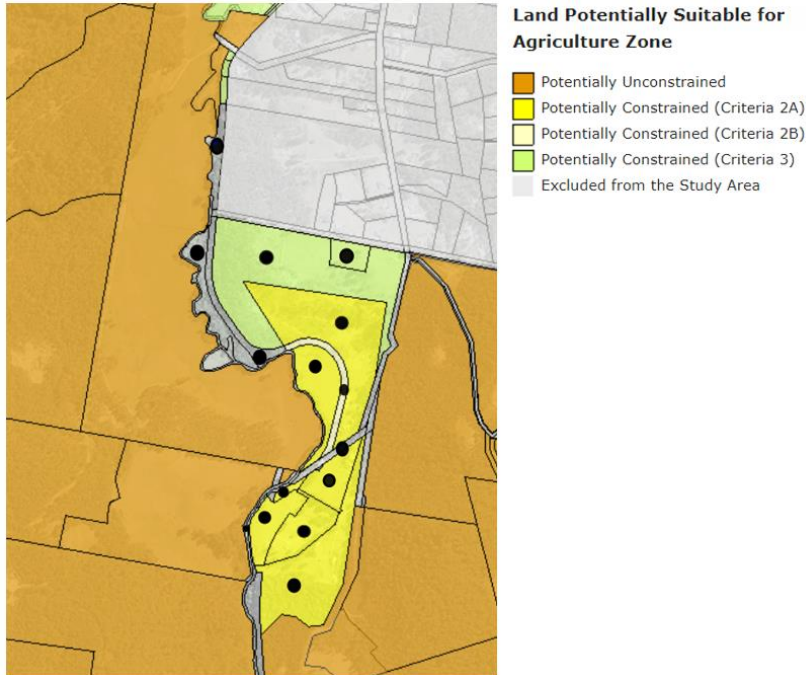
The supporting justification for this proposed modification is contained with Council's submitted s.35F LUPAA Report. Council directs the Commission's attention to the following sections of this Report:

- (a) **Attachment 1 – Part A.** Please refer to the details provided in the 'Planning Authority response' to Representation 13 (see paragraphs 14-23);
- (b) **Attachment 1 – Part B.** Please refer to the details provided in the 'Reasons' section to support the modified application of the Rural Zone (as listed for Item No. 2); and
- (c) **Attachment 1 – Part C.** This information provides the specific detail to support the additional Rural Zone assignments proposed with the section 35F Report. This Rural Zone assignment table follows the same format that is included with Appendix N of the draft LPS Supporting Report and which was used to support the application of the Rural Zone for the exhibited draft LPS. The information provided with Attachment 1 – Part C includes the following details:
  - (i) rationale on why these properties are not considered suitable for inclusion with the Agriculture Zone and are instead more appropriately described by the application of the Rural Zone;
  - (ii) Council's assessment that the proposed application of the Rural Zone is consistent with the instruction contained in *Guideline No.1 – Local Provisions Schedule (LPS): zone and code application (June 2018)*;
  - (iii) consideration of the "land potentially suitable for Agriculture Zone" guidance map as published on the Land Information System Tasmania (LIST) database;
  - (iv) rationale that the proposed application of the Rural Zone is consistent with the adopted draft LPS methodology for the application of the Rural Zone as detailed in Note 7 to the Rural Zone assignment table at Attachment 1- Part C and also Appendix S of the draft LPS Supporting Report; and
  - (v) consideration of the relevant policy requirements of the *Cradle Coast Regional Land Use Strategy 2010 2030*.



Council also notes that the correspondence from the Commission in relation to this land at Tugrah includes the statement that this "land is identified as unconstrained in the 'Land Potentially Suitable for Agriculture Zone' mapping". Council respectfully submits that this statement requires clarification.

Figure 1 below details the "land potentially suitable for Agriculture Zone" guidance map as published on the LIST map database with those properties proposed for inclusion with the Rural Zone demarcated by the black dots. As can be seen from the below image, these properties are not identified as unconstrained – instead they are all identified as being "potentially constrained" or otherwise "excluded from the Study Area". These characteristics have previously been identified in Council's submitted s.35F LUPAA Report (see Attachment 1 – Part C).



**Figure 1** – Aerial image of land at Tugrah shown with 'Land Potentially Suitable for Agriculture Zone' guidance mapping and subject properties identified by the black dots (Source: [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au))

I trust that the above advice provides clarification on this matter. Council's position is that the information and level of detail included with the submitted section 35F LUPAA Report provides an appropriate level of justification to support the proposed application of the Rural Zone to this subject land at Tugrah.

Council believes this information to be sufficient for the Commission's assessment purposes and that the supplied information appropriately demonstrates why this land is not suitable for inclusion with the Agriculture Zone owing to factors such as land size, shape and topography. The detail provided with Council's section 35F Report also provides rationale on how the application of the Rural Zone to these properties is appropriately consistent with the methodology utilised for the other Rural Zone assignments included with the exhibited draft LPS. It is not Council's position that there is a need to engage an external agricultural consultant to confirm such details which presents obvious cost inefficiencies.

It is my further understanding that the upcoming hearings on the draft LPS will enable further opportunity for consideration and discussion of these matters between the Commission and Council.

Yours sincerely,

Matthew Atkins  
GENERAL MANAGER