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Sent: Thu, 16 Sep 2021 13:27:30 +1000
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Cc: "Kate Jackson" <Kate.Jackson@boral.com.au>; "Gary Chapman" <Gary.Chapman@boral.com.au>; "Jules Griffith" <Jules.Griffith@boral.com.au>; "Liam Riordan" <Liam.Riordan@aurecongroup.com>
Subject: Draft Launceston Local Provisions Schedule (Boral representation)
Attachments: 2021-09-16 (Boral representation Draft Launceston Local Provisions Schedule).pdf

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To the Chief Executive Officer,
Boral submits the attached representation in relation to the Draft Launceston Local Provisions Schedule currently on exhibition.

Please be advised that the future contact details for this matter should be listed as follows:

- Liam Riordan (liam.riordan@boral.com.au)
- Kate Jackson (kate.jackson@boral.com.au).
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Regards, Liam Riordan.
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Thursday, 16 September 2021

To the Chief Executive Officer,

Boral

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Boral Group Pty Ltd ('Boral') wishes to make the following representation in response to the City of Launceston's Draft Local Provisions Schedule. Boral has three (3) sites which are located within the area affected by the amendment at the following addresses:

- 150 Remount Road, Mowbray (active quarry).
- 83-89 Gleadow Street, Invermay (regional head office, concrete batching plant and lab).
- 280 Lilydale Road, Rocherlea (future quarry).

Boral wishes to note that there are a number of changes proposed in the Draft Local Provisions Schedule which impact the current and future operations of the above-mentioned sites as follows:

- Reduction in the buffer distances around 280 Lilydale Road, Rocherlea.
- Changes in the operation of the attenuation code.
- Application of the Scenic Protection Overlay to 280 Lilydale Road, Rocherlea

These concerns are explained in detail in the following sections of this letter.

Changes to the attenuation code

We note that the existing Environmental Impacts and Attenuation Code ('existing attenuation code') in the Launceston Interim Planning Scheme 2015 ('LIPS2015') provides a greater level of protection to Boral's quarry activities within the area. Clause E11.6.1 of the existing attenuation code requires that an application involving a sensitive use must provide a "site-specific study" which includes a detail assessment of the potential impacts and conflicts which may arise between sensitive uses and quarrying activities.

The Attenuation Code ('proposed attenuation code') in the Tasmanian Planning Scheme ('TPS') does not specifically require an application involving a sensitive use to provide a "site-specific study" when locating within proximity to Boral's quarry activities.

Boral wishes to highlight that the "site-specific study" is a very important and useful tool for the Council to require when assessing potential conflicts which may arise between sensitive uses and quarrying activities. Boral requests that Council seek to retain the requirement for this "site-specific study" in the proposed attenuation code for this reason.

We also note that Clause E11.6.1 of the existing attenuation code also requires that an applicant for a sensitive use obtain and evaluate:

- *any advice provided in writing from the owner or operator of the activity.*¹

This is another important assessment tool for the Council as the specific views of the quarry operator are considered upfront in the assessment, rather than as a representation during the public notice period after a proposal has been largely finalised by the applicant.

Boral requests that Council also seeks to retain this consultation requirement in the proposed attenuation code for this reason.

If neither of the above requirements which exist in the current attenuation code can be translated directly into the proposed attenuation code, then we strongly encourage Launceston Council to investigate other ways to retain these requirements elsewhere in the new TPS format so these tools can be utilised to avoid land use conflict.

Changes to the buffer distances around 280 Lilydale Road, Rocherlea

We understand from Appendix 16 (Attenuation areas & buffers project report) that the buffer distance surrounding 280 Lilydale Road is proposed to be reduced for the following reasons:

Mineral Resource Tasmania have advised that the current mapping of mining sites is inconsistent with what is required and have provided up to date mapping for inclusion on the overlay map. The attenuation distances for these sites are measured from the boundary of the lease area rather than from the site boundary, which could have resulted in unreasonably large attenuation areas.

Much of the protection which is currently afforded to this site will be removed under the amendment and is strongly contested by Boral. Boral has future plans to extract minerals from this site and is concerned that the removal of this buffer will allow the encroachment of sensitive uses to establish in the surrounding land which would severely restrict the mining of this important resource.

It is acknowledged that the previous mining licence for the site had lapsed. Boral is intending to apply for an exploration licence in the near future and strongly encourages council to retain the buffer distance on this basis.

We note that in Appendix 16 (Attenuation areas & buffers project report) Council has identified the following challenge (our emphasis added):

All other activities that are listed in the Tables have the attenuation area as prescribed in the Tables. These activities are deliberately not shown on the overlay maps as the maps form part of the planning scheme and a formal amendment is required to alter them.

In other words, if it were the case that all such activities were to be represented on the overlay maps, it would be necessary to amend the planning scheme every time a new activity proposed to establish or an existing activity closed or relocated. The time and costs involved with scheme amendment could act as a disincentive to prospective new businesses. In the event of closure of an existing activity, the burden of amendment to remove the attenuation area would inevitably fall to council.

¹ See performance criteria P1 of Clause E11.6.1 Attenuation distances

We submit to the council, that it can be reasonably foreseen that the site will be used for quarrying purposes in the future and there will be a costly and time consuming process for the Council and Boral to apply an Attenuation Area Overlay around the site. Boral has owned this site for a significant period of time which clearly demonstrates that the site is destined for quarrying and is part of the businesses long-term planning.

For these reasons, we request that the Council maintain the existing buffer distance to avoid future conflicts and unnecessary planning scheme amendments in the future.

Application of the Scenic Protection Overlay to 280 Lilydale Road, Rocherlea

280 Lilydale Road is currently located within a Scenic Management Code and is be proposed to be located within the Scenic Protection Code.

In the near future, Boral intends to operator an open cut quarry on the site. Given the nature of the mine, it would be common sense to remove this area from the proposed Scenic Protection Code to allow for the extraction of minerals of state importance from this location. We note that a similar approach would be suitable for the existing quarry located at 444-450 Lilydale Road.

Given the nature of these industries, it would seem contrary to include these sites in a Scenic Protective Overlay which may restrict their future operations.

Conclusion

In summary, Boral requests the following changes to be made to the proposed Draft Launceston Local Provisions Schedule of the TPS:

- For 280 Lilydale Road, Rocherlea alter the proposed Attenuation Area Overlay Map to apply to the same area covered by the “buffer area” which currently applies under the LIPS2015.
- Retain the explicit requirement in the proposed attenuation code for a ‘site-specific study’ (including the requirement for the “owner or operator of the activity” to be consulted as part of this study) for all sensitive uses establishing with an attenuation area. If this can’t be achieved, Boral encourages council to investigate other ways to retain these requirements in policy elsewhere in the planning scheme.
- Remove the Scenic Protection Overlay sought to be applied to 280 Lilydale Road, Rocherlea.