



26 August 2020

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

Dear Ms Cunningham,

Devonport draft Local Provisions Schedule – supplementary information to support the application of the Light Industrial Zone at Quoiba

I write to you in regard to the Devonport draft Local Provisions Schedule (LPS) and specifically to provide supplementary information to support Council's position in further response to the representation from the Department of State Growth (DSG) which queried the application of the Light Industrial Zone at Quoiba.

This supplementary information is included with Attachment 1. Council understands that this information will be made available for discussion at the hearing scheduled for Friday 28th August 2020.

The information provided with Attachment 1 is in addition to that rationale detailed in the draft LPS Supporting Report (refer to Appendix L site numbers 1-10, and 27-33) and also Council's response to the DSG representation as detailed in Council's report to the Tasmanian Planning Commission provided in accordance with section 35F of the *Land Use Planning and Approvals Act 1993* (LUPAA).

This supplementary information affirms Council's position that the application of the Light Industrial Zone in this area of Quoiba (as shown with the exhibited draft LPS) is appropriately consistent with the instruction contained in *Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application*, the purpose and function of the Light Industrial Zone as contemplated by the State Planning Provisions, and appropriately satisfies the LPS criteria under section 34(2) of LUPAA.

Yours sincerely,

Matthew Atkins
GENERAL MANAGER



PART A – Supplementary statements for the application of the Light Industrial Zone at Quoiba

- (1) This supplementary information is supplied in addition to that rationale detailed in the draft LPS Supporting Report (refer to Appendix L site numbers 1-10, and 27-33) and also Council's report submitted to the Tasmanian Planning Commission in accordance with section 35F of the *Land Use Planning and Approvals Act 1993* (refer to the detail provided in the 'Planning Authority Response' to Representation 15, paragraphs 16-24).
- (2) Council's position is that the prevailing nature of the existing use and development of this land at Quoiba is better described by the application of the Light Industrial Zone rather than the retention of the General Industrial Zone which contemplates greater off-site impacts. The reassignment of the Light Industrial Zone appropriately reflects the established industrial land use patterns at this location – with the heavier industrial activities (such as Simplot) situated to the east of Devonport Road and which are proposed to be retained to a General Industrial zoning with the draft LPS.
- (3) In addition to the information previously provided with Appendix L of the draft LPS Supporting Report, Council has undertaken an assessment of the existing land uses of the subject properties at Quoiba to determine the use status these would have in the Light Industrial Zone of the State Planning Provisions (with reference to clause 18.2). This detail is provided with **Attachment 1- Part B** and demonstrates that all existing uses would achieve a permitted use status for the purposes of clause 18.2 of the State Planning Provisions.
- (4) The application of the Light Industrial Zone (in place of the current General Industrial Zone) does not prevent the continued use and development of existing industrial business activity in this area at Quoiba. The *Land Use Planning and Approvals Act 1993* (LUPAA) appropriately provides for lawfully existing use and development to be recognised irrespective of the zoning applied by the draft LPS.
- (5) It is acknowledged that there are use standards contained within the State Planning Provisions for the Light Industrial Zone which recognise matters relevant to managing the interface with adjacent land which is zoned for residential purposes (refer to clause 18.3.1 of the State Planning Provisions). There is adjacent General Residential zoned land around the industrial area at Quoiba and there is a strategic logic that a planning scheme appropriately recognises and provides for this interface. The application of the Light Industrial Zone as proposed with the draft LPS appropriately meets this purpose.
- (6) The use standards contained at clause 18.3.1 of the State Planning Provisions are primarily aimed at new uses to be established in the Light Industrial Zone – or where there may be a substantial intensification of an existing use in the Light Industrial Zone.
- (7) The standards detailed under clause 18.3.1 of the SPPs would not have the effect of changing existing business operations (such as causing a reduction in current business operating hours). Existing uses have the protections available under section 12 of LUPAA.
- (8) In cases where there is a new use proposed or the substantial intensification of an existing use, then the amenity considerations for those uses (as contemplated under clause 18.3.1) can be given regard – this has a logical relevance given the interface with adjacent General Residential zoned land at Quoiba.
- (9) A further observation on the separation distances contemplated within clauses 18.3.1 A1, A2 & A3 of the State Planning Provisions is that these provisions represent the Acceptable Solutions (or the permitted standards). Where compliance is not achieved with these permitted standards, there is alternative consideration available under the corresponding Performance Criteria. In that context these are not explicit prohibitions that remove the opportunity for new uses or the intensification of existing uses to occur in the Light Industrial Zone.
- (10) Following the rationale set out above, the reassignment of land from the General Industrial Zone to the Light Industrial Zone at Quoiba does not represent a loss of industrial land, nor does it unreasonably restrict the continued operation of existing industrial business activities in this area.
- (11) Instead the allocation of the Light Industrial Zone provides a more appropriate zone for land where there is an existing pattern of light industrial type use and development and where there is the strategic intention to retain that pattern of light industrial land use – particularly to manage the interface with adjacent General Residential zoned land.

Attachment 1

PART B - Summary of existing land uses at Quoiba where the draft LPS has applied the Light Industrial Zone in place of the General Industrial Zone which exists with Devonport Interim Planning Scheme 2013

NOTES		ABBREVIATIONS	
1. The attached table details those properties at Quoiba where the draft LPS has applied the Light Industrial Zone instead of the existing General Industrial Zone made with the current Devonport Interim Planning Scheme 2013.		"LPS"	means Local Provisions Schedule
2. The existing use and development described for each site in the below table are understood to be current as at August 2020.		"LUPAA"	means the Land Use Planning and Approvals Act 1993

Site No.	Certificate of Title Reference	Council Property Identification (PID) No.	Property address	Locality	Existing use and development (includes use categorisation – clause 6.2 of the State Planning Provisions).	Use status in Light Industrial Zone of the State Planning Provisions (refer to clause 18.2 – Use Table)	Recognition for existing uses and developments (section 12 of LUPAA)
1.	171104/1	3427413	2 Stony Rise Road	Quoiba	Service Industry. Drive-in car wash facility.	Permitted	Yes
2.	171104/2	3427405	4 Stony Rise Road	Quoiba	Service Industry. "CMV Truck & Bus" vehicle servicing and repairs.	Permitted	Yes
3.	221478/1	1993390	Stony Rise Road	Quoiba	Land identified as "reserved road" on land title documentation. Not under current use or development.	Not applicable	Not applicable
4.	8459/4 29295/1 8459/3	7392975	6-8 Stony Rise Road	Quoiba	Storage. "Russell-Smith Electrical" contractor's yard/depot and ancillary offices.	Permitted	Yes
5.	111981/1 8459/8	2622575	10-12 Stony Rise Road	Quoiba	Storage. "Fairbrother Construction Services" contractor's yard/depot and ancillary offices.	Permitted	Yes
6.	44775/1	2625792	12A Stony Rise	Quoiba	Land forms part of an unmade road reservation. Land generally forms part of the curtilage associated with the use and development of 10-12 Stony Rise Road.	Not applicable	Not applicable.
7.	136284/1	2057457	14-16 Stony Rise	Quoiba	Equipment and Machinery Sales and Hire/ Transport Depot and Distribution. "Tasmanian Heavy Haulage" heavy equipment transportation.	Permitted	Yes
8.	169988/3	3378199	18 Stony Rise Road	Quoiba	Storage. Contractors yard.	Permitted	Yes.
9.	127737/1	6347988	2-4 Durkins Road	Quoiba	Storage. "Caltas" (Caltex) contractor's yard/depot and ancillary offices.	Permitted	Yes
10.	Part of 113718/1	64347953	26-70 Stony Rise Road	Quoiba	Undeveloped land.	Not applicable	Not applicable
11.	118935/1	6355435	62-78 Devonport Road	Quoiba	Manufacturing and Processing/Storage "VIP Packaging Australia" industrial packaging supplies.	Permitted	Yes
12.	116452/1	1636078	52-60 Devonport Road	Quoiba	Storage. "Incitec Pivot" fertilizers distribution centre.	Permitted	Yes
13.	18650/7 124729/1 124729/2	2006908	46-50 Devonport Road	Quoiba	Manufacturing and Processing. "Doric Engineering". Steel fabrication and manufacture.	Permitted	Yes
14.	10927/4	2006916	42-44 Devonport Road	Quoiba	Vehicle Fuel Sales and Service. "Atlantic Performance Oils".	Permitted	Yes
15.	18649/7	2006924	2 Doric Court	Quoiba	Equipment and Machinery Sales and Hire. "Devonport Truck Rentals".	Permitted	Yes
16.	18649/11 18649/21 18649/22	3441098	4-6 Doric Court	Quoiba	Manufacturing and Processing. "Wooton & Byrne" engineering. Steel fabrication and manufacture.	Permitted	Yes
17.	18649/23	Not specified	Doric Court	Quoiba	Land identified as road.	Not applicable	Not applicable