

**TASMANIAN PLANNING SCHEME  
WEST TAMAR PROVISIONS SCHEDULE (LPS)  
RESPONSE TO INVITATION FOR WRITTEN  
REPRESENTATIONS**



## Introduction

I do not believe the intention of the future Tasmanian Planning Scheme was to produce worse outcomes than the *West Tamar Interim Planning Scheme 2013* and yet, that is what I believe it will do with respect to the amenity of Paper Beach. This representation will:

1. Discuss my perception of the problems with the TPS
2. Make recommendations for the changes that need to be made with the TPS
3. Make the recommendation that the Local Heritage Code be applied to Swan Point.

## Background

In the recent retrospective planning permit application, "PA2021029 - FENCE (RETROSPECTIVE) - VARY REAR AND SIDE BOUNDARY SETBACK", a substantial majority of the West Tamar Council (7-1) determined that a 2.1+m fence was inappropriate along the 'Supply River Walk', Swan Point. The WTC determined the reasonable height for the fence fronting 'Supply River Walk', at 167 Paper Beach Road, should be no more than 1.2m.

The perplexing issue to come from the hearing was contained in the Statutory Planner's report. Luckily, the WTC statutory planner was professional enough to point out that under the proposed new Tasmanian Planning Scheme (TPS), a solid 1.8m fence along the boundary of the property fronting 'Supply River Walk' would be allowed, without the need for a permit. The Statutory Planner was right. The problem is that a fence of that height, which is not that different from the proposal that the WTC rejected, would be allowed under the proposed TPS, without the need for a planning permit. This is a worse outcome for the residents and visitors, around the immediate vicinity of Supply River Walk, than the existing *West Tamar Interim Planning Scheme 2013*.

There are two reasons why the existing provisions of the TPS will produce worse outcomes for the residents and landowners, of properties adjoining the Supply River Walk, Swan Point. They are:

- The first reason is that 1.8m fences along Supply River Walk, Swan Point are an anathema to the neighbourhood character of the area.
- The second reason is that 1.8m solid fences will reduce the safety for visitors and residents of properties adjoining the Supply River Walk, Swan Point, alike.

*How should the provisions of the TPS be changed?*

Though the primary intention of this representation is not to address why and how, the TPS should be changed, this section of the representation is included for the benefit of the Planning Commission.

In my opinion, the exemption for fences under s 4.6.4 of the TPS are a problem. S 4.6.4, which is under the heading 'Miscellaneous Exemptions', states:

**4.6.4 fences not within 4.5m of a frontage**

Fences not within 4.5m of a frontage, if located in:

(a) the Urban Mixed Use Zone, Local Business Zone, General Business Zone, Central Business Zone, or Commercial Zone and:

- (i) it is not more than a height of 1.8m above existing ground level if adjoining public land; or
- (ii) it is not more than a height of 2.1m above existing ground level if not adjoining public land;

and it does not contain barbed wire if on a common boundary with a property in the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone; or

(b) any other zone and it is

- (i) not more than a height of 1.8m above existing ground level if adjoining public land; or
- (ii) not more than a height of 2.1m above existing ground level if not adjoining public land,

unless the Local Historic Heritage Code applies and requires a permit for the use or development.

The problem with s 4.6.4 is that the TPS does not differentiate between *public land* and *Public Open Space* which are defined in the *TPS in Table 3.1 Planning Terms and Definitions* as:

**public land** means land owned or managed by the Crown, a State authority or a council.  
**public open space** means land for public recreation or public gardens or for similar purposes.

It would seem obvious that in a lot of circumstances property owners would want and need to have 1.8m solid fences. Examples could be to separate their land from Government owned infrastructure installations, only used occasionally by Government employees or contractors. It can easily be argued that being forced, by planning legislation, to overlook a government infrastructure installation would dramatically reduce the residential amenity of a residential property, without any substantial benefits for either the property owner or government. Therefore, the provision that allows for 1.8m solid fences is appropriate for properties that adjoin for example government infrastructure installations.

When solid high fences are likely to substantially diminish the neighbourhood character of an area, as well as reduce the safety for residents and visitors to the

area, then the provision allowing solid high fences in the area should be repudiated. It is submitted that s 4.6.4 of the TPS does just that.

### **Recommendation of Changes to TPS**

It is asserted that the wording of s 4.6.4(b)(ii) needs to become:

(ii) If the **public land** in (i), is also **public open space**, not more than a height of 1.8m above existing ground level within 4.5m of the boundary of the **public open space**. A fence over 1.2m must have openings above the height of 1.2m. These openings must provide a uniform transparency, over the length of the fence, of at least 50%.

The existing s 4.6.4(ii) should become a new provision, being s 4.6.4(iii).

### **The Dangers of High Fences Between Private Property and Public Open Space**

Why are high solid fences between private property and public open space dangerous not only for the users of the public open space but also the residents of the private property?

The answer is contained within the principles of Crime Prevention Through Environment Design (CPTED).

So what is CPTED? Wikipedia describes the basis of CPTED strategies as:

'CPTED strategies rely upon the ability to influence offender decisions that precede criminal acts. Research into criminal behavior shows that the decision to offend or not to offend is more influenced by cues to the perceived risk of being caught than by cues to reward or ease of entry. Certainty of being caught is the main deterrence for criminals not the severity of the punishment so by raising the certainty of being captured, criminal actions will decrease. Consistent with this research, CPTED based strategies emphasise enhancing the perceived risk of detection and apprehension.'<sup>1</sup>

A principle of a feature of CPTED is 'natural surveillance'. A feature to be used for 'natural surveillance' is to:

'Use the shortest, least sight-limiting fence appropriate for the situation.'<sup>2</sup>

A relevant example of the benefits of CPTED can be shown in relation to what happened to the 2.1+m fence bordering the Supply River Walk at 167 Paper Beach Road. While the low fenced properties bordering the Supply River Walk haven't suffered graffiti attacks, the 2.1+m fence at 167 Paper Beach Road, which borders the Supply River Walk, has. The photo below shows the aforementioned graffiti on the fence.

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<sup>1</sup> [https://en.wikipedia.org/wiki/Crime\\_prevention\\_through\\_environmental\\_design#Natural\\_surveillance](https://en.wikipedia.org/wiki/Crime_prevention_through_environmental_design#Natural_surveillance)

<sup>2</sup> [https://en.wikipedia.org/wiki/Crime\\_prevention\\_through\\_environmental\\_design#Natural\\_surveillance](https://en.wikipedia.org/wiki/Crime_prevention_through_environmental_design#Natural_surveillance)





Photo 1: This photo shows the graffiti on the fence and power pole (circled in red), outside of 167 Paper Beach Road on the boundary bordering Supply River Walk.

### **An Argument that the Local Historic Heritage Code Should Apply to Swan Point**

Swan Point is a small hamlet within a rural environment which is fronted with the Tamar River. We know maritime activity in the area occurred from 1877 as the 'Florence Maud' was built at that time.



Ketch "Florence Maud", a wooden 2 masted vessel built in 1887 by Thomas Bennet, Snr, at Swan Point, River Tamar. Dimensions: length 49'6", breadth 15'5", draught 5'1", post 1901: length 67'5", breadth 15'2", draught 5'4" Refer - "Ketches of South Australia" by R Parsons.<sup>3</sup>

<sup>3</sup> <https://passengers.history.sa.gov.au/file/26565>

The construction of the "Florence Maud" shows housing in Swan Point has developed slowly for at least 100 years ago. A diversity of housing styles is reflected in the development of Swan Point, which has developed slowly over a long period of time. It is a time capsule of how the development of housing, in the small hamlet, has occurred over a substantial period of time. It is submitted that Swan Point is a rare example showing how the relatively modest essentially tourist housing has developed in Tasmania, which is worthy of acknowledgement by the application of Local Historic Heritage Code over the area.

A natural feature of Swan Point is the beautiful sand beaches, rare along the Tamar River especially considering how close Swan Point is to Launceston. These beaches and the beauty of the Tamar attracted residents and visitors to Swan Point, even though it would have been difficult for many people to travel to the larger settlement of Launceston, due to car ownership being so limited. In the 1940's Swan Point was a large tourist attraction as can be seen in the photo below. The beauty of the area and its holiday character surely would have been factors in the choice why the 'Carnacoo' scout camp was developed in the area, which is now used by a number of organisations. The beauty of the beaches was recognised at the time of subdivision by the developer, because the Esplanade, which the Supply River Track is now part of, was included in the subdivision plans of land along the Tamar at Swan Point.





Paper Beach, 1947. A Burrows photograph, from the Launceston Library collection. Members of the Jinks family and the canoe *Elfin* are in the foreground.

Car ownership increased in the 1950's and 1960's and from 1959, Tasmanians were able to explore the rest of Australia by car when RO/RO ship, the 'Princess of Tasmania', was put into service. Further, air travel increased since the 1960's giving Tasmanians more options of places to holiday in Australia and around the world. The point being is that Swan Point lost popularity as a holiday destination since the 1950's and as such, luckily, has maintained its historic holiday hamlet charm. It is that charm and character that is worthy of protection.

In the recent retrospective planning permit application, "PA2021029 - FENCE (RETROSPECTIVE) - VARY REAR AND SIDE BOUNDARY SETBACK", the Council recognised the neighbourhood character of the properties along the 'Supply River Track'. Arguably, it is suggested that neighbourhood character included the historic heritage of the area.

The area of Swan Point needs to be described as a 'local heritage precinct' or 'local historic landscape precinct' in a 'local Historic Heritage Code' because of the values described above. At the very least the individual area of the Supply River Track and the housing along it should be included as a 'local heritage precinct' or 'local historic landscape precinct' in a 'local Historic Heritage Code'

The housing along Supply River Track are a reflection of housing in early 20<sup>th</sup> Century riverside hamlet. The houses are charming. Their defining characteristics



are small houses, with low pitched roofs, mostly single storey, orientated to take advantage of the views over the Tamar and with low fences to the Supply River Track. There has been change in the area over time, but those changes have been consistent with the characteristics of existing housing in the area and reflect the developing housing needs over time.

### **Examples of Houses along the Supply River Track**



### **Conclusion**

This representation is made primarily to argue that the Local Historic Heritage Code provisions should apply to Swan Point because:

- Of the pattern of development over a long period of time; and
- The natural beauty of the area, which include rare sandy beaches along the Tamar River.

As a bonus, this representation also shows the limitations of the TPS with respect to fences and shows how the TPS could be simply improved.

What should be acknowledged is that unless the Local Historic Heritage Code is applied over Swan Point then inappropriate solid 1.8m fencing will be allowed under s 4.6.4 of the TPS, along the Supply River Track. The type fencing recognised by the WTC, in PA2021029, as being contrary to the neighbourhood character. Further, as discussed above, solid fences of 1.8m would be contrary to the principles of CPTED and as such will reduce the safety of the residents and visitors, to the Swan Point area, which includes the children from the 'Carnacoo' scout camp. It is therefore submitted that the *Local Historic Heritage Code* be applied to Swan Point.

Yours truly,

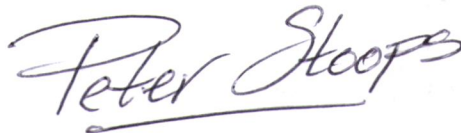
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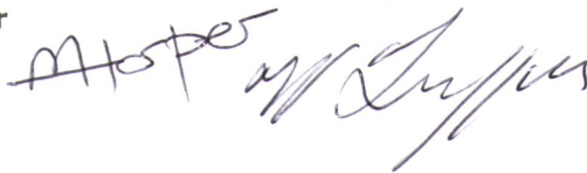
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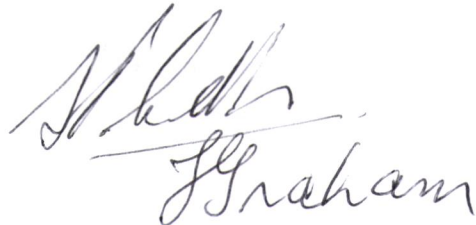


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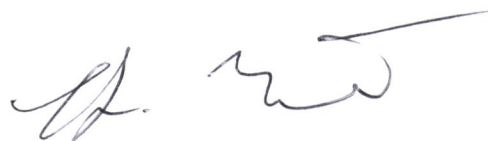


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