

[REDACTED]

From: Justine Brooks [REDACTED]
Sent: Wednesday, 3 August 2022 12:44 PM
To: Dorset Council
Cc: Thomas Wagenknecht; Peter Barron; Tracey Baillie
Subject: Late Submission - 1952 Bridport Highway, Bridport - Flinders Island Aviation
Attachments: 49938JB - LPS Submission 1952 Bridport Hwy Flinders Island Aviation Barron 030822.pdf

Attention: **Thomas Wagenknecht**

Re: **Dorset LPS Submission**

Dear Thomas

Thank you for providing our client, Peter Barron of Flinders Island Aviation, the opportunity to lodge this late LPS Submission.

Do not hesitate to contact Peter Barron or me if you have any questions or require further clarification on any matter contained within this document.

Regards,



Justine Brooks MEnvPIg GDBA GCM MPIA
Director | Planning Manager

[REDACTED]
PO Box 284, 3/23 Brisbane Street, Launceston TAS 7250

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Our Ref: 49938JB

2nd August 2022

The General Manager
Dorset Council
Po Box 21
Scottsdale TAS 7260

Via email: dorset@dorset.tas.gov.au
cc: [REDACTED]

Dear General Manager

Dorset Council Local Provisions Schedule (LPS) Submission
Bridport Airstrip - 1952 Bridport Road, Bridport (233662/1)

Thank you for the opportunity to participate in the Local Provision Schedule (LPS) application process. We would also like to extend our thanks to the Planning Department staff for agreeing to accept this report as a late submission.

PDA Surveyors, Engineers and Planners (PDA) have been engaged to submit this submission on behalf of Mr Peter Barron of Flinders Island Aviation for land located at 1952 Bridport Road, Bridport (the subject site). The Dorset LPS mapping shows that the subject site is proposed to be zoned *Agriculture* but our client requests that consideration be made instead for the site to be zoned *Rural*.

Relevant to this submission is an application PDA has lodged with the Dorset Council (the Council) under Section 43A of the former provisions of the *Land Use Planning and Approvals Act 1993*, which seeks to rezone the adjoining land at 1954 Bridport Highway, Bridport from Rural Living to Rural Resource. An LPS submission has also been lodged for that property seeking the Rural Zone application as part of the transition to the Tasmanian Planning Scheme (TPS). Through earlier discussions with Council Planning staff, it has been observed that both sites would ideally be zoned the same so that a range of symbiotic, commercial activities could be established across the sites.

The Submission

The land owner seeks to have the Rural Zone applied to the site because it is more conducive to the commercial activities that currently operate from the site, and there are existing plans for further expansion.

While the subject site is shown as 'suitable' and 'unconstrained' on the 'Land Suitable for the Agriculture Zone' overlay on the list mapping, the reality is that it contains a small commercial

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M. Westerberg, M.E.M., M.I.E. AUST., C.P.ENG. (Director)
D. Panton, B.E. F.I.E. AUST., C.P.ENG. (Consultant)
A. Collins, Ad. Dip. Surv & Map, (Senior Associate)
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- 10/16 Main Rd, Huonville, TAS 7109 (03) 6264 1277
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airstrip operated by Flinders Island Aviation. Flinders Island Aviation fly between the Furneaux Islands, a group of approximately 100 islands located at the eastern end of Bass Strait, between Victoria and Tasmania. They provide not only passenger and freight transport but also serve as the daily mail service between Bridport, Lady Barron (Flinders Island) and Cape Barron Island. Chartered flights can also be booked/taken between the Bridport airstrip and any airport within Australia.

Further to the commentary provided above, further analysis is provided below to demonstrate that the Agriculture zone is not the most appropriate zone to apply to the site, and that the Rural zone would be more suitable instead. The analysis for zone application suitability has been carried out using *Guideline No.1 – Local Provision Schedule (LPS) zone and code application* issued by the Tasmanian Planning Commission under Section 8A of the *Land Use Planning and Approvals Act 1993*.

Zone consideration

Proposed Zoning through DRAFT LPS: Agriculture

Zone	Zone Purpose	Zone Application Guidelines
Agriculture	<p>21.1.1 To provide for the use or development of land for agricultural use.</p> <p>21.1.2 To protect land for the use or development of agricultural use by minimising:</p> <ul style="list-style-type: none"> (a) conflict with or interference from non-agricultural uses; (b) non-agricultural use or development that precludes the return of the land to agricultural use; and (c) use of land for non-agricultural use in irrigation districts. <p>21.1.3 To provide for use or development that supports the use of the land for agricultural use.</p>	<p>AZ 1 The spatial application of the Agriculture Zone should be based on the land identified in the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST, while also having regard to:</p> <ul style="list-style-type: none"> (a) any agricultural land analysis or mapping undertaken at a local or regional level for part of the municipal area which: <ul style="list-style-type: none"> (i) incorporates more recent or detailed analysis or mapping; (ii) better aligns with on-ground features; or (iii) addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer, and where appropriate, may be demonstrated in a report by a suitably qualified person, and is consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant Council; (b) any other relevant data sets; and (c) any other strategic planning undertaken at a local or regional level consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant Council. <p>AZ 6 Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if:</p> <ul style="list-style-type: none"> (a) local or regional strategic analysis has identified or justifies the need for an alternate consistent with the relevant regional land use strategy, or supported by more detailed

local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant Council;

(b) for the identification and protection of a strategically important naturally occurring resource which requires an alternate zoning;

(c) for the identification and protection of significant natural values, such as priority vegetation areas as defined in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone;

(d) for the identification, provision or protection of strategically important uses that require an alternate zone; or

(e) it can be demonstrated that:

(i) the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;

(ii) there are significant constraints to agricultural use occurring on the land; or

(iii) the Agriculture Zone is otherwise not appropriate for the land.

Planning Response

AZ1

The subject site at 1952 Bridport Road, Bridport, locally known as the Bridport Airport, is identified on the list map layer 'Land Potentially Suitable for Agriculture Zone'

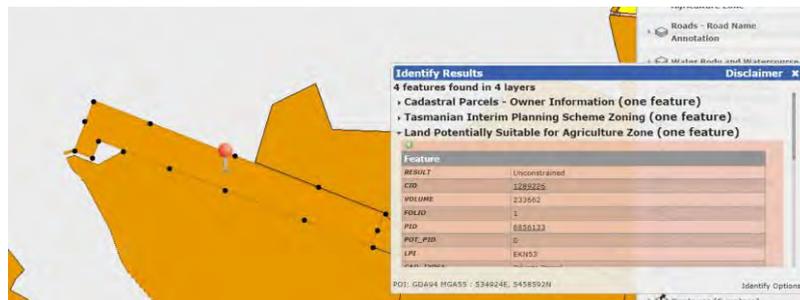


Figure 1: Land Potentially Suitable for Agriculture Zone - Listmap

AZ1 makes provision for alternate zones to be applied to land which:

(ii) better aligns with on-ground features; or

(iii) addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer, and where appropriate, may be demonstrated in a report by a suitably qualified person, and is consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant Council;

The subject site is both constrained by the existing use and development that has occurred on the site, and the fact that it currently adjoins the Rural Living zoned land to

the North, NorthWest and West. The *Results on the constraints analysis* table, shown below, indicates that the site is considered to be potentially constrained under *Criteria 3*.

Table 5 Results on the constraints analysis

Unconstrained	Potentially Constrained (Criteria 2A)	Potentially Constrained (Criteria 2B)	Potentially Constrained (Criteria 3)
<ul style="list-style-type: none"> - an area greater than the Criteria 1 size thresholds; or - an area less than the Criteria 1 thresholds, but adjoining another title with an area greater than the Criteria 1 size thresholds and a capital value of less than \$50,000/ha. 	<ul style="list-style-type: none"> - an area less than the Criteria 1 size thresholds; - a capital value of greater than \$50,000/ha; and - not adjoining a residential zone. 	<ul style="list-style-type: none"> - an area less than the Criteria 1 size thresholds; - a capital value of less than \$50,000/ha; - not adjoining a title with an area greater than the Criteria 1 size thresholds; and - not adjoining a residential zone. 	<ul style="list-style-type: none"> - an area less than the Criteria 1 size thresholds; - a capital value of less than \$50,000/ha, or not adjoining a title with an area greater than the Criteria 1 size thresholds; and adjoining a residential zone.

Figure 2: Table 5 Results on the constraints analysis – Agriculture Land Mapping Project – Dept. Justice Tasmania

While the site adjoins a larger parcel of land with a capital value of less than \$50 000, it is not appropriate to determine that the site is 'unconstrained' given unlikelihood that the subject site will ever be adhered to an adjoining title to make a larger farm.

Criteria 3 – looks at whether the land is adjoining a residential zone (General / Low Density/ Rural Living or Village zone) to determine whether the residential development is constraining the site from being used for agricultural purposes. In this instance, the residential use is not a restraint because the site is not used for agricultural purpose. Nevertheless, it can be demonstrated that had the process aligned with the zone application recommendations, the site ought to have been mapped as Potentially Constrained and not Unconstrained.



Figure 3. Image from list map shows the subject site adjoining several Rural Living Zoned properties.

While the Agriculture Zone does not preclude the establishment of a Transport Depot, the defined use within the Tasmanian Planning Scheme for an airport, the use is discretionary and limited to the distribution of agricultural produce and equipment. Given the site is used for a range of other uses, a change to this zone in the TPS map limit the potential for intensification and/or expansion of the current commercial activities occurring on the site.

Requested Zone application through Draft LPS: Rural

Zone	Zone Purpose	Zone Application Guidelines
<p>Rural</p>	<p>The purpose of the Rural Zone is:</p> <p>20.1.1 To provide for a range of use or development in a rural location:</p> <p>(a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;</p> <p>(b) that requires a rural location for operational reasons;</p> <p>(c) is compatible with agricultural use if occurring on agricultural land;</p> <p>(d) minimises adverse impacts on surrounding uses.</p> <p>20.1.2 To minimise conversion of agricultural land for non-agricultural use.</p> <p>20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.</p>	<p>RZ 1- The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.</p> <p>RZ 2- The Rural Zone should only be applied after considering whether the land is suitable for the Agriculture Zone in accordance with the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST.</p> <p>RZ 3- The Rural Zone may be applied to land identified in the 'Land Potentially Suitable for Agriculture Zone' layer, if:</p> <p>(a) it can be demonstrated that the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;</p> <p>(b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land;</p> <p>(c) the land is identified for the protection of a strategically important naturally occurring resource which is more appropriately located in the Rural Zone and is supported by strategic analysis;</p> <p>(d) the land is identified for a strategically important use or development that is more appropriately located in the Rural Zone and is supported by strategic analysis; or</p> <p>(e) it can be demonstrated, by strategic analysis, that the Rural Zone is otherwise more appropriate for the land.</p>
<p>Planning Response</p> <p>1952 Bridport Road is located approximately 600m outside of urban area of Bridport to the north.</p> <p>It is currently zoned Rural Resource under the Interim Scheme and the landowner is requesting that the Rural zone be applied through the LPS process.</p>		

RZ1

As discussed earlier in this report, the subject land has limited, to no agriculture potential. The site is a long rectangular shape and contains an active airstrip which is used for commercial purposes. While *Transport Depot and Distribution* (the 'use' categorisation for an airport) are discretionary in both the Agriculture and Rural zone, the application in the Rural Zone is not limited by qualification as it is in the Agriculture zone. Existing use rights would transfer between schemes and the 'Use' would become permitted in the new scheme through the General Provisions (7.2 Development for Existing Discretionary Uses) but again with limitations. The Agriculture zone would limit the future economic development plans the landowner has for the site because the qualification within the scheme limits the use to the distribution of agriculture produce and equipment.

RZ2

The suitability of applying the Agriculture zone to the subject site has been explored and despite being shown as 'unconstrained' for potential agricultural use on the listmap, the site is indisputably constrained through the existence of an active commercial airstrip. There is little to no potential for any primary agricultural activity to be established. The site does however play a part in supporting the agricultural activities and community in the surrounding area but provisions for this are more favourable through application of the Rural zone.

RZ3

- (a) the Rural zone is sought for the subject site because it would be practically impossible to establish a soil-based agricultural activity on the site (grazing, cropping, orchard etc). This is due to the constraints introduced by the development of an airstrip across the topography of the land, and due to the associated legal and safety restrictions. Adhering the land to an adjoining parcel would serve no practical purpose, nor would it result in improved economies of scale or opportunity for increased production.
- (b) An aerial view of the site easily demonstrates that the land's agricultural potential is constrained/limited. While the ground under the airstrip itself cannot be utilised, the adjoining areas must also remain clear to ensure the required safety standards are met.



Figure 4: Listmap aerial image of Bridport airport – 1952 Bridport Highway, Bridport

Based on the response above to the zone application guidelines, and the significant constraints to the site precluding it from being used for Agricultural use, we submit that 1952

Bridport Road, Bridport would be more appropriately zoned Rural through the Local Provisions Schedule transition process for the municipality of Dorset.

Please do not hesitate to contact me should you require additional information or clarification on any matter contained within this correspondence.

Yours faithfully,
PDA Surveyors, Engineers & Planners
Per:



Justine Brooks
Director

On Behalf of:
Peter Barron - Flinders Island Aviation
Cc: 