

# **ANNEXURE 1**

## **S.35F REPORT TO TASMANIAN PLANNING COMMISSION**

### **REPRESENTATIONS TO SUBSTANTIALLY MODIFIED PART OF DRAFT CENTRAL COAST LOCAL PROVISIONS SCHEDULE 2020**

**Planning Authority report under section 35F of *Land Use Planning and Approvals Act 1993* (the Act)**

**Consideration of representations to substantially modified parts of the draft Central Coast Local Provisions Schedule (LPS)**

In November 2020, Council was directed by the Tasmanian Planning Commission to advertise the following substantially modified parts of the draft Local Provisions Schedule (LPS):

**1 Maskells Road, Ulverstone**

Was to be zoned to Light Industrial zone under the draft LPS. Substantial modification is to have it zoned Rural. The Planning Authority, after representation from Department of State Growth, recommended the land be zoned Rural.

**2 76 Reynolds Road, Heybridge**

CT174599/1 Reynolds Road, Heybridge was to be zoned Rural under the draft LPS. Substantial modification is to have it zoned Rural Living B.

**3 80 Deviation Road, Penguin**

Was to be rezoned to Agriculture under the draft LPS. Substantial modification is to have it zoned to Low Density Residential. This is a result of a representation being received during the first public notification period which was supported by the Planning Authority.

**4 A portion of 172 Main Street, Ulverstone**

Was to be zoned Rural Living B under the draft LPS. Substantial modification is to have it zoned Rural. This is a result of a representation by State Growth during the first public notification period.

**5 CT115441/1 Westella Drive, Turners Beach**

Was to be zoned Rural under the draft LPS. Substantial modification is to have it zoned Commercial. This is a result of a representation being received during the first public notification period which was supported by the Planning Authority.

The representation period closed on 15 March 2021.

At the close of the representation period, Council had received 11 submissions, nine strong representations relating to the Westella Drive proposal, one relating to a portion of 172 Main Street, Ulverstone and one general comment by TasFire. The Planning Authority considered its position on the representation to the 'substantial modifications' at its meeting held 19 April 2021.

No representations were received for the other three listed properties.

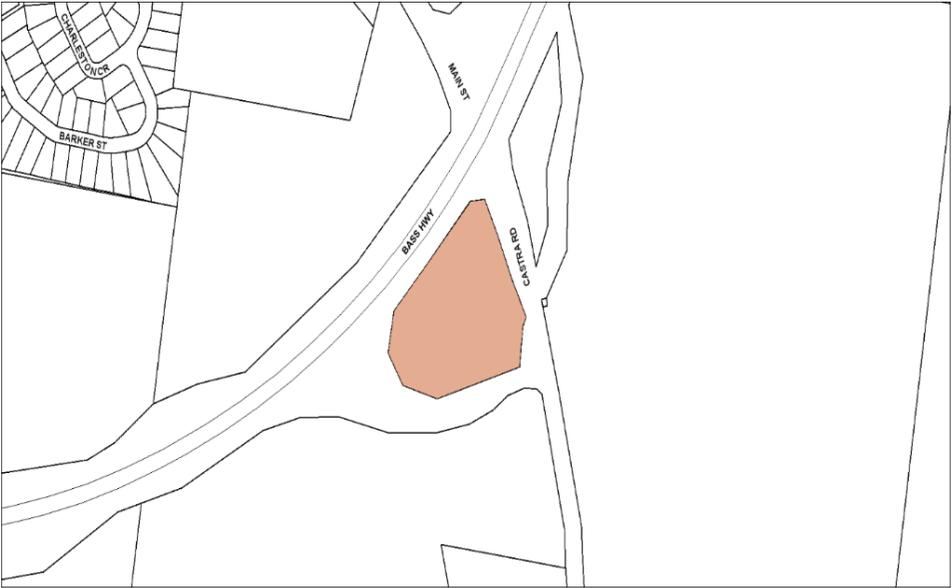
The maps and tables below provide a summary of each representation received and, pursuant to s.35F of the Act, the Planning Authority's comments on the merits of each representation and if the draft LPS should be modified under s.35F(c)(i).

#### 1. **A portion of 172 Main Street, Ulverstone**

Substantially modified part – Map 1.2. Apply the Rural Zone to **a portion of 172 Main Street, Ulverstone** as shown on Map 1.2 below.

Land was previously shown as Rural Living B Zone. The Planning Authority initially determined to change the zoning of the land from Rural Resource to Rural Living B under the draft LPS. This change was supported by the Planner and endorsed by Councillors at a Workshop, despite the representation from State Growth opposing the rezoning of the land for residential use.

The substantial modification is to have the land zoned Rural. This is a result of a representation by State Growth during the first public notification period.



Map 1.2 – a portion of 172 Main Street, Ulverstone

One (1) representation was received.

	Representor	Summary of matters raised	Planning comment and recommendation
1.	Trevor McKenna 170 Main Street Ulverstone	<p>Disputes the statement made by State Growth to the Commission in the initial Hearing, that the land is not suitable for residential development. A single dwelling is all that is intended. Given there are other residential subdivisions adjoining the Bass Highway, the Department’s argument does not stack up.</p> <p>The current access, off Castra Road, was established in 1977. The upgrade of the Bass Highway in 2009 saw the land severed from the rest of the land (Title), north of the Bass Highway (that portion is zoned General Residential).</p> <p>The management of the land as a rural lot is encumbered by the access and is a liability. Having the land as a residential use (single dwelling) would result in less traffic.</p>	<p>The lot will adjoin land that is to be zoned “Utilities”- to the north- and “Agriculture” to the west, south and east under the draft LPS. The lot is considered to be constrained for sustainable primary industry purpose.</p> <p>The proposed rezoning to “Rural” will not prohibit lodgment of an application for a single dwelling on the land. Any such application would be a “Discretionary” matter and would need to demonstrate matters relating to safe access, on-site stormwater and wastewater management and noise mitigation measures. Also impacts on surrounding land that is to be zoned “Utilities” and “Agriculture”.</p> <p>Similarly, if the land was to be rezoned to “Rural Living”, a single dwelling use may be “Permitted” in such a zone, however matters relating to the proximity of a dwelling to a “Utilities” zone and the Bass Highway, and proximity of a sensitive use to an “Agriculture” zone, may deem any application to also be “Discretionary”, with similar matters, such as safe access, examined.</p>

			<p><b>Recommendation for Substantially Modified part of draft LPS</b></p> <p>The Planning Authority determine the draft LPS should not be substantially modified and that the portion of land identified as 172 Main Street, Ulverstone be zoned Rural Living, as shown on the draft LPS.</p> <p><b>Effect of draft LPS as a whole</b></p> <p>No effect on the draft LPS as a whole.</p> <p><b>LPS Criteria</b></p> <p>The Planning Authority is satisfied that the recommendation the land be zoned Rural Living satisfies the LPS criteria.</p>
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## 2 CT115441/1 Westella Drive, Turners Beach

Substantially modified part – Map 1.3. Apply the Commercial zone to CT115441/1 Westella Drive, Turners Beach as shown on map below.

The land was previously shown as Rural zone under the draft LPS. Substantial modification is to have it zoned Commercial. This is a result of a representation being received during the first public notification period which was supported, at that time, by the Planning Authority.

Proposal is to change the zoning of CT115441/1 being the parcel of land between Westella Drive and the Bass Highway from Rural to Commercial. The original draft LPS considered by the Planning Authority maintained this property as a Rural zoning. As a result of the original public exhibition of the draft LPS, a submission was received from the owner of Lifestyle Caravans to have this parcel of land rezoned to Commercial to allow for the relocation of the business from 104 Eastland Drive, Ulverstone.



Map 1.3. Westella Drive, Turners Beach (CT115441/1).

Nine (9) representations were received.

	<b>Representors</b>	<b>Summary of matters raised</b>	<b>Planning comment and recommendation</b>
2.	<p>Martin Blake Infrastructure Tasmania Department of State Growth</p>	<p>The Department has previously raised concerns in relation to the potential impacts on the Bass Highway. The proponent has subsequently provided a TIA to address these concerns and the Department supports the recommendations outlined in the TIA if the property was to be rezoned.</p> <p>However, the Department remains concerned that the proposal still has not fully addressed the indirect impacts on safety and efficiency along the highway as a result of its future intended use for the sale of caravans. It is reasonable to expect that this use will result in inappropriate parking by road users wishing to stop and look at caravans between the highway on-ramp and the W-beam barrier at the western end of the site. To ensure safety and efficiency is maintained, State Growth seeks the installation of a suitable visual barrier (for example, a minimum 2m high continuous fence along the highway boundary, and the prohibition of any</p>	<p>The substantially modified part of the LPS relates to the future zoning of the land at Westella Drive, Turners Beach to be “Commercial”. No development proposal is before the Planning Authority for consideration.</p> <p>It is worth considering that no assessments in relation to the location of a future Commercial zone in the municipal area has been undertaken or considered by the Council and no community consultation has been undertaken in relation to any future site for commercial activity, outside those existing.</p> <p>If rezoned as proposed, any future use and development of the land would not be under a Specific Area Plan and as such, amenity specific criteria would not need to be addressed. This also means the land could be further subdivided to accommodate use and development for any combination of uses</p>

		<p>advertising signage on the highway side of the site). This to be installed at the developers cost.</p>	<p>applicable to the Commercial zone under the Planning Scheme.</p> <p>State Growth have advised they would impose conditions in relation to land adjoining the Bass Highway.</p> <p><b>Recommendation for Substantially Modified part of draft LPS</b></p> <p>The Planning Authority determine the draft LPS should not be substantially modified and that the land at Westella Drive, Turners Beach, identified in CT115441/1, be zoned Rural, as shown on the draft LPS.</p> <p><b>Effect of draft LPS as a whole</b></p> <p>No effect on the draft LPS as a whole.</p> <p><b>LPS Criteria</b></p> <p>The Planning Authority is satisfied that the recommendation that the land remain Rural satisfies the draft LPS criteria.</p>
3.	Jen and Theo Oosterloo	<p>Objects to the commercial zoning proposed for Westella Drive, Turners Beach.</p> <p>The proposal is a regressive and ugly concept for the area. The section from Forth Bridge to the off ramp is a pleasant vista and decent prelude to Ulverstone. Best idea would be to</p>	<p>Refer to planning comments and recommendation for Representation No. 1.</p>

		plant a copse of trees to enhance that strip of land, as well as lessening the highway noise for the new homes being built in the area.	
4.	Janelle Little 10 Esther Place	A caravan yard belongs in the industrial estate in East Ulverstone. Objects to the zoning proposal.	Refer to planning comment and recommendation for Representation No. 1.
	Turners Beach	Requests a more suitable site be found. Does not want to see a caravan park on Westella Drive. It is an inappropriate position – in amongst residential homes. Will cause disruption to traffic and a distraction for drivers.  Will impact on the view enjoyed by those that live on Westella Drive.  Industrial Drive was designed to accommodate the Ulverstone business community.	
5.	Les and Suzanne Ranson PO Box 465 Ulverstone	Objects to the rezoning of the Westella Drive site.  <u>Land Use</u>  Representors are contracted to purchase Lot 2, 228 Westella Drive where we have chosen to have built our final retirement residence. Location fronts Westella Drive above centre of the straight section between Stubbs Road and Forth Road/Westella Drive roundabout.	Refer to planning comment and recommendation for Representation No. 1.

		<p>Reasons for purchase include quietness of the area and the fact Turners Beach does not have commercial activity and is residential in character.</p> <p>Also, the open north view, across Westella Drive and the Bass Highway, and the rural grassed blocks of land and the far coastal edge.</p> <p>The developer of the subdivision did not have any advice from the Council that the land opposite was to be rezoned Commercial. No immediate neighbors were advised that the land was to be rezoned.</p> <p>The proposal does not meet the <i>Turners Beach Local Area Plan Design Guidelines – August 2011</i>, pages 6, 15, 27, 45 and 49.</p> <p>Turners Beach is a residential locality. Turners Beach is not for an expansive area of “Bulky Goods”, “Storage” and “Sales”, large workshops and showrooms, flags, banners and signs on fences, security floodlights and security fencing and a “wall” of caravans.</p> <p>The proposal is not sensitive to the area which is undergoing rapid residential expansion.</p> <p>The land should not be made available for “Transport Depot” or “Equipment and Machinery Sales and Hire”. The scale of the proposed</p>	
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		<p>business is in stark contrast to the area of each residential holding in Turners Beach. The land would require workshops and promotional material and goods would dominate the adjoining residential area.</p> <p>Recently, Council has approved the demolition of a business area, Poyntons Nursery, for residential development.</p> <p>A commercial development on the site would result in the removal of the few remaining trees between the Bass Highway and Westella Drive. The proposal is not sensitive, not sensible and not desirable.</p> <p><u>Traffic</u></p> <p>The intersection of Stubbs Road and Westella Drive is not suitable for a commercial business.</p> <p><u>Aesthetics</u></p> <p>Proposed fences, security lighting, banners, stock in trade and workshops would destroy the beauty and openness of the current zone. No Strategic Plan for commercial development at Turners Beach has been found.</p> <p>Rezoning would have a detrimental impact on the residential blocks in this area. Strongly</p>	
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		urge the retention of the Rural zone for the land.	
6.	Peter Murfet	Objects to the rezoning on the basis of noise and traffic impacts.	Refer to planning comment and recommendation for Representation No. 1.

7.	Kent Townsend 28 Palmers Road Latrobe	<p>Objects to the commercial rezoning of land at Westella Drive, Turners Beach.</p> <p><u>Lack of strategic planning</u></p> <p>The land at Turners Beach is primarily residential, surrounded by Rural Residential or Rural zones.</p> <p>The proposal does not represent an extension of an existing commercial area/zone and is inconsistent with the historic planning of the area.</p> <p>There is no evidence to demonstrate why the subject land should be rezoned to Commercial in preference to any other land in the area.</p> <p><u>Lack of assessment of impacts on local area</u></p> <p>There has been no assessment of impacts on surrounding residential land. Existing and future homeowners along Westella Drive face the possibility of being adversely impacted by the wider range of uses over the subject land, including:</p> <ul style="list-style-type: none"> <li>- signage within the zone;</li> <li>- altered traffic conditions; and</li> <li>- the general amenity of the area.</li> </ul>	Refer to planning comment and recommendation for Representation No. 1.
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		<p><u>Suitability of the site</u></p> <p>There has been no assessment of the site based on the fact the land acts as a natural watercourse, or of any natural flora and fauna on the site.</p> <p><u>Lack of community consultation</u></p> <p>There has been no consultation by the Council with property owners in the vicinity of the land, or with the broader community, to gauge the community's response to the proposed rezoning.</p> <p><u>Lack of consistency with Turners Beach Local Area Plan 2011</u></p> <p>The proposal is inconsistent with the existing strategic plan for the Turners Beach area. The proposal does not represent preservation of the "look, feel and character" of the area. It also does not represent a "commitment to preserve the areas character through ... sensitive urban design".</p> <p><u>Lack of consistency with Cradle Coast Regional Land Use Strategy 2010-2030</u></p> <p>The proposal is inconsistent with the Regional Land Use Strategy that states:</p> <ul style="list-style-type: none"> <li>- "ensure that the values that attract residents and the natural assets that are</li> </ul>	
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		<p>the economic lifeblood are not compromised”; and</p> <ul style="list-style-type: none"> <li>- “facilitate the efficient, equitable, orderly, and sustainable use and development of land for housing, industry and community services”.</li> </ul>	
8.	<p>Rex and Heather Robinson 22 Racecourse Crescent Turners Beach</p>	<p>Object to the proposed rezoning of the land running from Claytons Rivulet to opposite the old Poyntons nursery site.</p> <p>The proposal is not in keeping with the surrounding area (residential).</p> <p>The proposal would make the town unattractive for future residents.</p>	<p>Refer to planning comment and recommendation for Representation No. 1.</p>
9.	<p>Margaret and Stuart Lee 230 Westella Drive Turners Beach</p>	<p>Object to the substantially modified part of the LPS that seeks to rezone land between the Bass Highway and Westella Drive from “Rural” to “Commercial”.</p> <p><u>Impact to the area</u></p> <p>The rezoning is a direct contradiction of the <i>Central Coast Strategic Plan 2014–2024</i>, in allowing development that is out of character for the area and what its residents desire. The Strategic Plan is to “focus on the distinctiveness of location, lifestyle and strengths to achieve the aspirations of local communities”.</p>	<p>Refer to planning comment and recommendation for Representation No. 1.</p>

		<p><u>Traffic flow and volume</u></p> <p>State Growth did not initially support the proposal. Since the initial submission/study of traffic volumes, traffic has increased substantially due to residential subdivision in the area. The addition of cars towing caravans on Westella Drive needs to be re-examined. The entrance onto the highway from Forth Road is inadequate for the safe merging of heavy traffic and vehicles that are towing.</p> <p><u>Environment and wildlife</u></p> <p>No environmental aspect is addressed. The land is a natural wildlife corridor. There are many species such as birds, platypus, freshwater crayfish etc which are sustained by Claytons Rivulet that flows through the land.</p> <p>The parcel of land is a natural buffer between the Bass Highway and the residential zone.</p> <p>In remaining true to the “Vision of Central Coast”, the Council should encourage the native fauna by preserving the existing waterway and planting native flora, which would enhance the beauty of the area and act as a deterrent for introduced species and act as a noise buffer.</p>	
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		<p>This would be better for the ecosystem than a non-aesthetic bulky goods area.</p> <p><u>Transparency</u></p> <p>The people most affected by the proposal were not consulted. The Commission considers that the modification is a substantial modification as there may be public interest. As residents, we feel let down and disappointed that, while legal requirements have been met, ethical, moral and plain courtesy to advise people that are directly impacted, count for nothing.</p> <p><u>Contradiction of State Policies and Strategic Plans</u></p> <p>Total disregard for policies and principles extolled by the Central Coast Council. The rezoning is in contradiction to the <i>Central Coast Strategic Plan 2014-2024</i> and <i>Turners Beach Local Area Plan 2011</i>. It would be a detriment to the area and its residents.</p> <p>The proposal is contrary to written guidelines found within Central Coast and Cradle Coast information. It does not meet the wants or needs of residents but takes away from them and from Turners Beach as a whole.</p> <p><u>Lack of Commercial Land</u></p> <p>Industrial Drive was purpose built and is a good example of separating business and industry from</p>	
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		<p>residential areas. A lack of land gives no credence for rezoning next to a residential area. The location next to the Bass Highway is purely for passing trade and high prominence. The potential outlook for residents is workshops, signage, security fencing, asphalt and security lighting after dark. Stark difference to what the current outlook is for residents.</p>	
10.	Nathan Page	<p>Objects that the land on Westella Drive is to be zoned Commercial.</p> <p>Concerned by lack of consultation with residents and lack of strategic planning for such rezoning.</p> <p>Rezoning is inconsistent with <i>Turners Beach Local Area Plan 2011</i>.</p>	<p>Refer to planning comment and recommendations for Representation No. 1.</p>

3 Representation by TasFire – General Comment

	Representor	Summary of matters raised	Planning comment and recommendation
11	Tasmania Fire Service (TasFire)	<p>TasFire has no objection to the five substantially modified parts of the LPS.</p> <p>However, TasFire queries why the Bushfire-Prone Areas Overlay maps, that were on public exhibition at the same time, were not those recently approved by the TPC under a separate Planning Scheme amendment.</p> <p>Why do the amended, approved maps not form part of the draft LPS?</p>	<p>This is a processing matter that is to be discussed with the TPC at a Hearing.</p> <p>The TPC directed that all initial draft LPS maps and documents also be placed on public display during notification of the substantially modified parts of the LPS. This included the initial draft Bushfire-Prone Areas overlay maps. Planning staff queried the TPC, that instead the new, approved maps be included, and were advised that the earlier draft maps were to form part of the public exhibition.</p> <p><b>Recommendation for Substantially Modified part of draft LPS</b></p> <p>No change proposed – draft Bushfire-Prone Areas maps form the draft LPS.</p> <p><b>Effect of draft LPS as a whole</b></p> <p>No effect on the draft LPS as a whole.</p> <p><b>LPS Criteria</b></p> <p>The Planning Authority is satisfied the draft LPS satisfies the LPS criteria.</p>