



16 February 2021

Our ref.: PSA2020003

Tasmanian Planning Commission
GPO Box 1691
HOBART TAS 7001

Dear Sir/Madam

PSA2020003 – DRAFT AMENDMENT TO *CENTRAL COAST INTERIM PLANNING SCHEME 2013*

I refer to the above matter. Please find enclosed the following:

- (a) A copy of the planner's s.39 of the *Land Use Planning and Approvals Act 1993* (the Act) (previous) report.
- (b) A copy of TasWater response in accordance with s.56 of the *Water and Sewage Industry Act 2008*.
- (c) The confirmed minutes will not be available until after 15 March 2021. If needs be, the Council request an extension of time to allow the minutes to be sent to the TPC under s.39 of the Act (previous).

Please note as per the motion approved, the s.39 report was modified to include the TasRail representation that was received late to the Planning Office.

If you have any queries or require additional information, please contact the Council's Town Planner, Carolyn Harris on 6429 8954.

Yours sincerely

A handwritten signature in black ink, appearing to read "Carolyn Harris", written in a cursive style.

Carolyn Harris
TOWN PLANNER

Encl.

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Land Use Planning and Approvals Act 1993 (previous) – s.39 Report on PSA2020003 – draft amendment to the *Central Coast Interim Planning Scheme 2013* to rezone land known as 10A, 10 and 1 Alice Street, West Ulverstone from General Residential to Local Business.

The Strategic Projects and Planning Consultant reports as follows:

“The Town Planner has prepared the following report:

<i>‘PLANNING INSTRUMENT:</i>	<i>Land Use Planning and Approvals Act 1993</i> (the Act) (previous) and <i>Central Coast Interim Planning Scheme 2013</i> (the Planning Scheme)
<i>PUBLIC NOTIFICATION:</i>	6 January 2021 to 4 February 2021
<i>REPRESENTATIONS RECEIVED:</i>	Nil
<i>ANNEXURES:</i>	Annexure 1 – TasWater Submission to Planning Authority Notice Annexure 2 – TasRail correspondence

PURPOSE

The purpose of this report is to advise that one representation was received during the public notification period for PSA2020003 – draft amendment to the Planning Scheme to rezone land known as 10A, 10 and 1 Alice Street, West Ulverstone from General Residential to Local Business.

BACKGROUND

The Council, in its role as the Planning Authority, resolved to initiate and certify the draft amendment at its meeting held Monday, 14 December 2020.

The draft amendment was initiated following a request from GHD Pty Ltd on behalf of Goodstone Group.

The draft amendment seeks to rezone land known as 10A, 10 and 1 Alice Street, West Ulverstone from General Residential to Local Business.

HISTORY

The Council, acting as the Planning Authority, originally decided to initiate and certify this draft amendment to the Planning Scheme at a meeting held 21 September 2020.

The draft amendment was placed on public notification for a period of four weeks from 30 September 2020 until 28 October 2020.

The Tasmanian Planning Commission (the TPC), on 6 November 2020, advised the Council that the requirements for owners' consent for companies, as set out in the notes on Form No. 1 Owners' Consent, had not been met in that only one Company Director had signed the required form. Therefore, the TPC considered that it would be necessary for the Planning Authority to reconsider the request for a draft amendment and to re-exhibit the draft amendment, after obtaining a correctly completed owners' consent form. The owner's consultants, GHD Pty Ltd, were advised that a new consent form was required.

Revised documentation was received. The draft amendment was re-initiated and re-certified by the Planning Authority, with the correct owners' consent form and, for a second time, the draft amendment placed on public notification for comment.

During this time, TasRail lodged a submission, noting that TasRail do not object to the draft amendment on the basis that it recognises there is a need for consistency in the zoning of land within the local business precinct.

DISCUSSION

Following the public exhibition of the draft amendment, s.39 of the Act (previous) requires the Planning Authority to prepare a report containing:

- . a copy of each representation made, if any;
- . a statement of the Planning Authority's opinion as to the merit of each representation made and whether the draft amendment should be modified; and
- . any recommendations of the Planning Authority to the TPC in relation to the draft amendment.

One representation from TasRail was received during the public exhibition of the draft amendment.

The representation is summarised below. The planner's response is as follows:

MATTERS RAISED	RESPONSE
<p>1 TasRail note that all three sites applicable to the rezone draft amendment contain existing buildings that all appear to be located less than 10m from the rail corridor boundary and potential train noise issues.</p>	<p>Noted for 10 and 1 Alice Street.</p> <p>10 Alice Street building would be approximately 9m from the railway corridor.</p> <p>1 Alice Street building would be approximately 6m from the railway corridor.</p> <p>10A Alice Street building would be approximately 27m from the rail corridor.</p>
<p>2 TasRail note that under the current Planning Scheme that the Local Business zone does not recognise Utilities as an adjoining zone.</p> <p>TasRail are concerned regarding future proposals for each site in relation to the proximity to the railway corridor due to the current scheme not having the Rail and Rail Assets Code in relation to compatibility with safe rail operations.</p>	<p>TasRail are correct in stating that the provisions of the Local Business zone do not consider the proximity of the Utilities zone (which is this case contains the railway line).</p> <p>In this case the sites proposed to be rezoned would be similar to other Local Business and Commercial zoned properties that adjoin the railway line within the vicinity.</p> <p>The protection of the railway corridor is the responsibility of TasRail and not a matter to be enforced under the Planning Scheme.</p>
<p>3 TasRail state that notwithstanding the above comment, they acknowledge the proposed rezoning would ensure consistency with the zoning of land within the local business precinct and do not object to the proposed draft amendment.</p>	<p>Noted.</p>

It is not considered that the representation warrants any modifications to the draft amendment. TasRail as an adjoining property owner to 1 and 10 Alice Street, Ulverstone would be notified of any future planning applications if the applications are discretionary. TasRail would be able to make representation regarding any discretionary elements of any future application.

Following submission of this s.39 report to the TPC, the TPC may consider the representation and its merits against the draft amendment and hold a public hearing to examine the merits of the representation made.

The TPC will be advised within 35 days from the close of the public exhibition period as per s.39(2) of the Act (previous).

CONSULTATION

Under s.38 of the Act (previous), the draft amendment was placed on public notification from Wednesday, 6 January 2021 and concluded Thursday, 4 February 2021 (including the notice being placed in The Advocate newspaper on Wednesday, 6 January 2021 and Saturday, 16 January 2021).

All adjoining property owners/occupiers were notified of the draft amendment and site notices were placed on each applicable site.

The draft amendment was referred to TasWater as per s.56 of the *Water and Sewerage Act 2008*. TasWater responded (via email received 22 December 2020) stating that there was no change to TasWater's Notice issued 5 October 2020 (initially advertised but with an error). TasWater's response is "*TasWater does not object to the proposed amendment to the Interim Planning Scheme as mentioned above and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings as stated in the attached SPAN'* (refer to Annexure 1).

RESOURCE, FINANCIAL AND RISK IMPACTS

The proposal has no likely impact on Council resources outside those usually required for assessment and reporting, as well as costs that may be associated with a hearing on the matter.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2014–2024 (reviewed 2019) includes the following strategies and key actions:

The Environment and Sustainable Infrastructure

- . Contribute to a safe and healthy environment;
- . Develop and manage sustainable built infrastructure; and
- . Contribute to the preservation of the natural environment.

Recommendation –

It is recommended that the Planning Authority:

- 1 Not make any changes to the draft amendment to rezone land known as 10A, 10 and 1 Alice Street, West Ulverstone from General Residential to Local Business as initiated and certified at its meeting held 14 December 2020.
- 2 Modify the section 39 Report to be submitted to the Tasmanian Planning Commission to include reference to the correspondence from Tas Rail, received 1 February 2021, with a copy of Tas Rail correspondence to be included as an Annexure to the submitted section 39 Report.
- 3 Pursuant to s.39 of the *Land Use Planning and Approvals Act 1993* (previous), endorse and send the modified report to the Tasmanian Planning Commission advising that no changes are required to the draft amendment of the *Central Coast Interim Planning Scheme 2013* that seeks to rezone land known as 10A, 10 and 1 Alice Street, West Ulverstone from General Residential to Local Business.
- 4 Delegate to the General Manager its powers and functions to represent the Planning Authority at hearings pursuant to s.40 of the *Land Use Planning and Approvals Act 1993* (previous)."

The report is supported."

The Executive Services Officer reports as follows:

"A copy of the Annexures referred to in the Town Planner's report having been circulated to all Councillors, a resolution is submitted for consideration."

■ "It is recommended that the Planning Authority:

- 1 Not make any changes to the draft amendment to rezone land known as 10A, 10 and 1 Alice Street, West Ulverstone from General Residential to Local Business as initiated and certified at its meeting held 14 December 2020.

- 2 Modify the section 39 Report to be submitted to the Tasmanian Planning Commission to include reference to the correspondence from Tas Rail, received 1 February 2021, with a copy of Tas Rail correspondence to be included as an Annexure to the submitted section 39 Report.
- 3 Pursuant to s.39 of the *Land Use Planning and Approvals Act 1993* (previous), endorse and send the modified report to the Tasmanian Planning Commission advising that no changes are required to the draft amendment of the *Central Coast Interim Planning Scheme 2013* that seeks to rezone land known as 10A, 10 and 1 Alice Street, West Ulverstone from General Residential to Local Business.
- 4 Delegate to the General Manager its powers and functions to represent the Planning Authority at hearings pursuant to s.40 of the *Land Use Planning and Approvals Act 1993* (previous)."

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