

Our ref: Draft Glenorchy local Provisions Schedule
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25 February 2021

Sandra Hogue
Delegate (Chair)
Tasmanian Planning Commission
tpc@planning.tas.com.au

Dear Ms Hogue

**DRAFT GLENORCHY LOCAL PROVISIONS SCHEDULE – RESPONSE TO REPRESENTOR ISSUES
ON 36 WESSING LANE, COLLINSVALE**

I refer to your letter of 18 February 2021 seeking the Glenorchy Planning Authority's views on the submission made by Mr Paul Dawes about 36 Wessing Lane Collinsville. Given the TPC's timeframe for a response, the following comments are provided by Council officers.

The Draft Glenorchy Local Provisions Schedule, as exhibited, provided for part of 36 Wessing Lane, Collinsvale to be included in a Rural Zone and part within a Landscape Conservation Zone – see images 1 and 2 below.

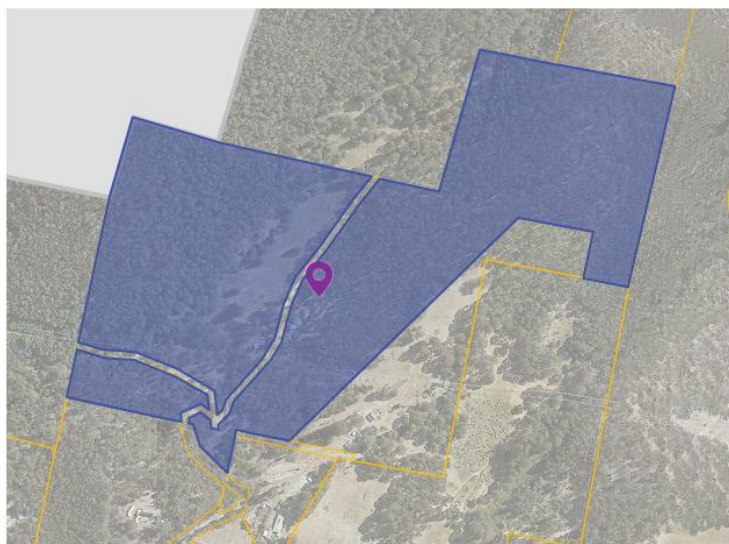


Image 1 - subject land - 36 Wessing Lane, Collinsvale - highlighted

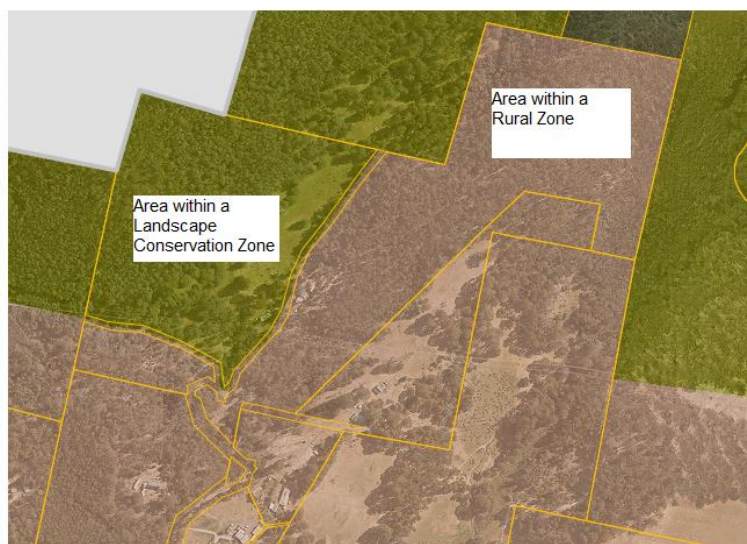


Image 2 - Zoning proposed under the Draft Glenorchy LPS

During exhibition of the Draft Glenorchy LPS, a representation was received (not from the landowner) seeking to include the portion the land exhibited as within a Rural Zone, within a Landscape Conservation Zone. The Council resolution on this representation was to support the change, subject to no objection from the landowner. Given Mr Dawes' objection of 24 January 2021, Council's position is to retain a Rural Zone for the eastern side of the site.

Mr Dawes has also requested that a Rural Zone be extended to the area of land not covered by the Conservation Covenant (see Image 3), that is, land exhibited under the Draft Glenorchy LPS as being within a Landscape Conservation Zone.

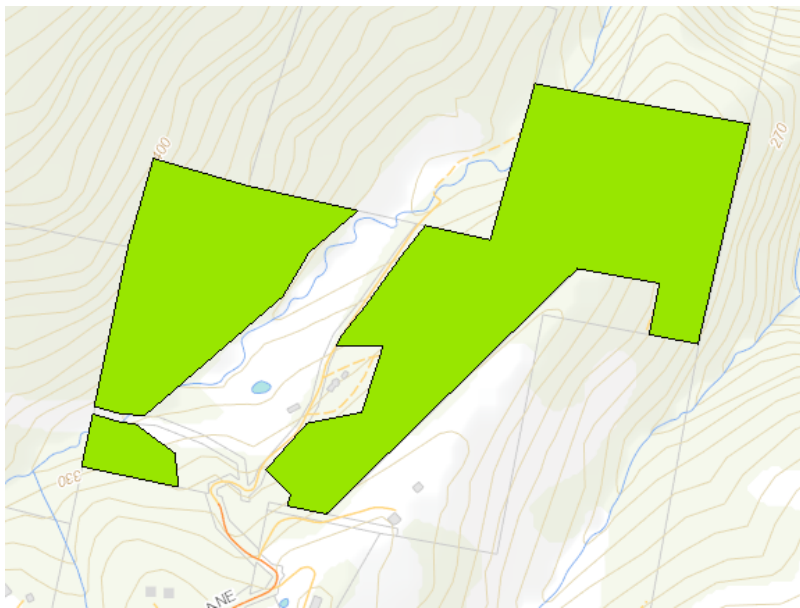


Image 3 – Extent of Conservation Covenant applying to the land, extract from the LIST 18 February 2021

In developing the Draft Glenorchy LPS, three zoning options were considered. An Environmental Management Zone was considered unsuitable as it prohibits the use of a private dwelling. A Rural Zone was considered as an option, as application of the Scenic Protection Code and Natural Assets Code should protect the scenic and natural values of the land (acknowledging that both of these codes in their current form are significantly flawed and unlikely to achieve the planning outcomes they have been created for). However, a Landscape Conservation Zone was chosen, as it was most like an Environmental Management Zone which applies under the Glenorchy Interim Planning Scheme 2015, was consistent with the S8A Guidelines, and therefore represented 'a conversion' of the current scheme to the Draft LPS.

The use table qualifications under both a Landscape Conservation Zone and a Rural Zone would make redevelopment for a 'substantial new single dwelling' a Discretionary use irrespective of size and height of the new building [noting the reconstruction of a lawfully built dwelling if accidentally destroyed cannot be prevented by a scheme (S12(4) of LUPAA)].

Aspects such as height, size and setback would be further considered as part of any development assessment, noting that the performance criteria under a Landscape Conservation Zone enables a setback of less than 200m from a Rural Zone to be sought.

It should also be noted that other codes applying under the Local Provisions Schedule may impact on possible locations for a dwelling on the site (ie C4.0 Electricity Transmission Infrastructure Protection Code, C7.0 Natural Assets Code, C8.0 Scenic Protection Code, C13.0 Bushfire Prone Areas Code and C15.0 Landslip Hazard Code).

Primary production is likely to be included within the use class of *Resource Development* (which includes agricultural uses). *Resource Development*, except for intensive animal husbandry and plantation forestry, is a Discretionary use within a Landscape Conservation Zone, whereas it is a No Permit Required use (without qualification) in a Rural Zone. Should an agricultural use require a planning permit (ie that use is not currently legally occurring on the land), the applicable standard under the Landscape Conservation Zone requires the use to be compatible with landscape values.

It is considered that the scenic values of the land, sought to be protected under the Landscape Conservation Zone, could be protected via the Scenic Protection Code (subject to significant improvement) if a Rural Zone was applied to the land. Therefore, council officers do not object to the portion of 36 Wessing Lane not covered by the covenant being included in a Rural Zone. It is noted that this would require a split zone to be applied. TPC Practice Note 7, section 2.4 discourages the use of datasets with variable accuracy to identify a zone boundary (other than the cadastral parcel), therefore it would be good to understand the TPC's position on whether the covenant boundary could be used for a split zone boundary. However, given this complexity it may be more appropriate to include the whole title within a Rural Zone.

Yours sincerely



Lyndal Byrne
Senior Strategic Planner