

West Tamar Council

PO Box 16

RIVERSIDE Tas 7250

Central Records-Distribute to: I2021/58679	
Received 19 APR 2021	West Tamar Council

13 April 2021

Re: West Tamar Draft Local Provisions Schedule

We previously made a representation to the Interim Planning Scheme 2013. This application requested that our property at 419 Bridgenorth Road, Legana be included in the rural living zoning in line with the surrounding properties and their current zoning.

Our property is one of only two properties in the Legana boundary of Bridgenorth Road that is zoned as rural resource. We also own the property next door at 331 Bridgenorth Road, Legana which is a similar sized property and is zoned as rural living. The inconsistency in the zoning prevents us making boundary adjustments and utilizing the land to its full potential.

We once again request our initial application be given consideration under the West Tamar Draft Local Provisions Schedule to fall into the rural residential zoning in line with neighbouring properties. i.e 415 Bridgenorth Road, Legana, 417 Bridgenorth Road, Legana, 331 Bridgenorth Road, Legana, 357 Bridgenorth Road, Legana & 373 Bridgenorth Road, Legana.

Your consideration is much appreciated.

Kind Regards



Rebecca & Mark Purton

419 Bridgenorth Road Legana

Mob: 0439 430 056

From: adina93 adina93 <adina93@bigpond.com>
Sent: Wednesday, 21 April 2021 10:37 AM
To: planning@wtc.tas.gov.au
Subject: I2021158867 - Additional info for Representation - LPS 419 Bridgenorth Road, Legana
Attachments: rezoning.pdf

Hi

Please find attached additional documentation **to be added to my recent correspondence** into a representation into the Interim planning scheme 2013.

I make reference to the highlighted areas of the municipal planner's report on the statutory assessment documentation that the recommendation is that our property be within the Rural Living zone along with 421 Bridgenorth Road, our neighbour.

Kind Regards
Rebecca Purton

----- Original Message -----

From: planning@wtc.tas.gov.au
To: adina93@bigpond.com
Sent: Tuesday, 20 Apr, 2021 At 3:09 PM
Subject: Acknowledgement of Representation - LPS

Good afternoon

Please find attached acknowledgement of your representation in relation to the draft LPS.

Regards

Karen Wright
Senior Administration Officer

Telephone: 03 6323 9331

Facsimile: 03 6323 9349

www.wtc.tas.gov.au



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**PLAN 2 MUNICIPAL PLANNER'S REPORT ON THE STATUTORY
ASSESSMENT OF REPRESENTATIONS TO THE WEST TAMAR INTERIM
PLANNING SCHEME 2013**

This report was prepared by the Municipal Planner on 5 March 2014.

1) Introduction

This report assesses representations received to the statutory notification of the West Tamar Interim Planning Scheme 2013 (the Interim Scheme).

2) Background

The Interim Scheme was declared by the Minister for Planning and became effective on 16 October 2013 following a protracted development process.

3) Strategic/Annual Plan/Council Policies

The report results from statutory obligations of the planning authority and is not relevant to Council's Strategic and Annual plans and policies.

4) Statutory Requirements

The process for determination of an interim planning scheme is established at Section 30 of the *Land Use Planning and Approvals Act 1993* (the Act).

The Interim Scheme was subject to the statutory notification of two months between 16 October and 17 December 2013.

This report addresses the requirements of Section 30J, regarding the statutory assessment of representations received to the Interim Scheme.

The assessment report on the representations must be submitted to the Commission within 4 months of the notification finishing. For West Tamar Council that is the 17th April 2014.

The report must contain a copy of each representation that was received. These are provided at Attachment 1 (provided at workshop 4 March 2014).

Subsections 4 and 5 require that a statement of merit of each representation is provided against local provisions of the interim scheme, particularly including:

- the need for any modifications to the interim scheme as a result of the representation; and
- its impact of the representation on the scheme as a whole.

A detailed assessment of each representation is provided as Attachment 2 (under separate cover). At the end of each assessment, the outcomes for planning issues are summarised as follows to meet these statutory requirements:

- A will respond to the merits of the representation to local provisions;
- B will respond to the need for modification of the interim scheme as a result of the representation; and
- C will comment on the impact of the representation to the Scheme as a whole.

The regional provisions were not subject to a planning directive process under the Act and are not common provisions within the meaning of the Act. As such, all provisions are treated as local provisions by the Commission.

52 representations were received within the statutory timeframe. An additional three representations were received outside of that time. The additional three representations were assessed for the purposes of this report. The Commission is the statutory approval authority in this current process and will determine what, if any, rights are afforded to the late representations.

The process from here involves the following steps:

- the Councils decision on the representations is submitted to the Commission;
- the Commission commences their assessment of the Interim Scheme and invites all representors to attend a public hearing;
- public hearings are scheduled and held by the Commission;
- the Commission concludes the hearings and assessment of the Interim Scheme.

The Commission must consider the following in its assessment of the Interim Scheme:

- the Interim Scheme;
- the representations to the Scheme and Councils response within this report;
- any matters that are raised at hearings into the Scheme;
- the Regional Land Use Strategy of Northern Tasmania; and
- applicable State Policies.

The Commission must then issue a decision on the Interim Scheme, which is likely to include modifications that will require another notification process. That notification will then be completed as instructed by the Commission and a second set of hearings is held on the revisions to the Interim Scheme.

The Commission will then complete its assessment process. At the completion of the assessment, the Commission must seek the Ministers approval to make a full planning scheme. If the Minister provides that approval, then the new planning scheme is made by the Commission and becomes effective.

It is not known how long this process will take to reach its conclusion.

5) Government Departments

Government departments were not specifically consulted under the statutory notification process.

6) Notification

The interim Scheme was on notification for the statutory period of two months. The representations that are the subject of this report were the result of statutory notification of the Interim Scheme.

7) Financial Impact

Financial impacts of this process are part of Councils operational budget.

8) Alternative Options

Council may make a different decision on the merits of any representation and the alterations that it would justify. This is not recommended.

9) Officers' Comments

General

The preparation of responses to issues raised in representations was frustrated by the lack of outcomes on similar or the same issues within the Launceston Interim Planning Scheme. Many issues based representations are concerned with provisions that were subject to review and agreement on outcomes under that process.

As a result of this complication, many responses to this report will be out of date. At the time of writing this report, the Commission had not provided any response on alterations and revisions to the regional provisions.

Operation of the Scheme generally has been limited due to the current lack of development activity. As a result, it is not possible to provide detailed reporting on issues that were identified from the operation of the Scheme. Additional information will be presented to the Commission at a later date on this as issues emerge. It is also noted that revisions to the regional provisions will raise further matters that cannot be identified or addressed until they operate.

As a general observation, it should be noted that the process for development of new planning schemes has become slower and more cumbersome.

The Representations

As previously mentioned, Council must determine the merits of each representation, the need to modify the Interim scheme as a result of the representation and the impact of the representation on the operation of the planning scheme as a whole.

The detailed assessment of each representation was provided at Attachment 2. The outcomes of that assessment are summarised the recommendation to this report, where each of the statutory tests are addressed. Some discussion is provided on the general issues that emerged from the representations.

Rural Living

The significant majority of representations (30 of 55) requested the Rural Living zone.

West Tamar has extensive areas of lifestyle housing that were developed under the 1986 Scheme that are consistent with the description in the mandatory zone purpose statements of residential use on large lots in rural settings with limited services.

Generally representations were supported for rezoning where land was previously identified for the zone and it was adjacent existing Rural Living zones. In some instances, the land was subject to other factors that did not support rezoning. Examples included private timber reserves confirming agricultural activities, isolation, and issues that were unresolved from the hearings into the 2006 Scheme.

67 properties were supported for rezoning to Rural Living as a result of the representations received to the Interim Scheme.

No change was considered appropriate to the prohibition on speculative subdivision that resulted from the interim declaration process. Further strategic work will be required to determine where subdivision should be allowed to intensify dwelling densities.

As a result of three representations, land bordered by the West Tamar and Batman Highways and Valley Road at Sidmouth was identified for rezoning. The location of this land is considered to have significant strategic advantage.

Swan Point

Two representations were received requesting extension of the Low Density Residential zone at Swan Point. No changes were recommended to the zoning of this area as there is no strategic basis for change. Swan Point also has a range of other issues that require attention before any intensification of development can be supported. The provision of reticulated sewerage is one such issue that was complicated by the creation of regional and state service authorities.

Riverside and Legana

Representations were made requesting rezoning of land for urban subdivisions and development at both Legana and Riverside. In both cases, preparatory work must be completed regarding the form of subdivision, layout of roads, provisions of reticulated services and ensuring that short term development does not frustrate long term requirements for the future growth of both areas. Both areas will be affected by the Greater Launceston Plan, when finalised, and also the Northern Housing Needs Study (when completed by NTD).

Legana will also have a structure plan completed for its future development this year. Rezoning land for future development prior to the completion of that process is considered premature.

Services

Representations were lodged regarding telecommunications, wind farm's, electricity generation and transmission.

Recent reforms of water and sewerage services provided an effective mechanism to deal with such issues within the land use planning process. While planning scheme provisions may deal with such issues, it is the job of government to provide consistent regulatory mechanisms for such infrastructure. In many areas, there are existing statutory protections for this type of infrastructure (such as wayleave and implied easements for electricity infrastructure). Where there are operational problems or gaps in these protections, it is not the Council's job to *patch up* the existing statutory regimes through the planning scheme. Council may wish to consider lobbying the state for legislative reforms to bring this infrastructure under the planning system in a similar manner to water and sewerage. Absent such reform, no provision should be made within the planning scheme for electricity transmission and generation infrastructure.

It is also important that any such regulatory reforms are developed and applied consistent across the state. That would require a planning directive to be issued by the State. Absent this type of reform, regulation of these issues by individual Councils is likely to deliver inconsistent and potentially unnecessary regulation. Such regulation is the target for current and proposed reforms to the planning system.

Each representation must be read in conjunction with its assessment.

10) Conclusion

A recommendation was provided for Council from both the representations contained in Attachment 1 and their assessment contained in Attachment 2.

RECOMMENDATION

That Council, pursuant to Section 30J of the Land Use Planning and Approvals Act 1993 and in respect of the representations made to the West Tamar Interim Planning Scheme 2013, endorses Table PLAN 2 as the Planning Authorities view:

- a) on the merits of each representation to a local provision of the interim planning scheme;
- b) the need for modification of the interim planning scheme as a result in light of each representation;

- c) the impact of each representation on the operation of the scheme as a whole;
and

that reports on the operation of the Scheme will follow.

Table PLAN 2	
No.	Details
R37	<p>M & R Purton</p> <p>Received 13 December 2013</p> <p>419 Bridgenorth Road, Legana</p> <p>In terms of the statutory assessment of the representation:</p> <p>A the representation is considered to have merit.</p> <p>B the Interim Scheme needs to be modified to show 419 Bridgenorth Road, Legana in the Rural Living zone.</p> <p>C the requested rezoning would impact on the operation of the planning scheme by better representation of the policy provided through the mandatory zone purpose statements of PD1.</p>

- C the requested rezoning would impact on the operation of the planning scheme by better representation of the policy provided through the mandatory zone purpose statements of PD1.

2013 Aerial Imagery



R37 M & R Purton

Received 13 December 2013

419 Bridgenorth Road, Legana

Zoning:

2013 Rural Resource

Overlays Part priority vegetation,

2006 Rural Resource
(not subject to rep)

1986 Rural

House Yes

The representor requests that Council rezone the subject property from Rural Resource to Rural Living. This request is made on a range of issues: the zoning of adjoining properties and their common access with them; being within 10 minutes of urban services at Legana and 20 minutes of Launceston; poor quality ground; the number of adjoining properties with houses that are used as lifestyle holdings; poor fencing and a lack of cooperation with adjoining land owners. The representor also cites the Rural Resource zoning as the reason why they do not have broadband internet connection.

The subject land has an area of some 20 hectares and contains an existing house, dam and outbuildings. Adjoining land uses are mostly rural lifestyle, with limited grazing and native vegetation to the south east.

The subject and adjoining lands were removed from the Rural Living zone in the 2012 proposal on the basis of vineyard suitability. The representor's comments regarding the suitability of the land for rural lifestyles are noted and generally supported by the adjoining rural living zone. Comments regarding fencing and broadband connection are not valid considerations for the zoning of the land.

Similar issues were identified at Representation 34, which resulted in a recommendation for the rezoning of 419 and 421 Bridgenorth Road.

It is recommended that the subject property be within the Rural Living zone.

In terms of the statutory assessment of the representation:

A the representation is considered to have merit.

B the Interim Scheme needs to be modified to show 419 Bridgenorth Road, Legana in the Rural Living zone.

Our Ref: A4265 & R37
Your Ref:

Enquiries: Planning Department
Phone: (03) 6323 9300
Fax: (03) 6323 9349

12 March 2014

M & R Purton
419 Bridgenorth Road
LEGANA TAS 7277

Dear Sir & Madam

REPRESENTATION TO WEST TAMAR INTERIM PLANNING SCHEME 2013

Last year you lodged representation to the West Tamar Interim Planning Scheme 2013 (the Interim Scheme).

Assessment of the representations is now complete and will be presented for Council consideration at its meeting on 18 March 2014. Attached to this letter is a copy of the full assessment of your representation and the Council report with the relevant part of the recommendation to your representation. The full agenda documents are available from Council's website and can be downloaded for you information.

Council will make a decision regarding the representations at the meeting and the documentation will be formally lodged with the Tasmanian Planning Commission. They run the formal application process.

Once the documentation is lodged, the Commission will contact you and invite you to attend a public hearing into the scheme. Attendance is optional, you do not have to attend. You will be asked to discuss your representation at these hearings. The hearings assist the Commission consider each representation.

The Commission then completes its assessment of the Interim Scheme and may:

- modify provisions in the interim planning scheme;
- direct the planning authority to redo a part; or
- reject the scheme and require it to be done again.

After this process is complete, the Commission approves an interim planning scheme and the interim scheme becomes a (regular) planning scheme.

If you have any questions about the report going to Council on 18 March 2014, please contact the planning staff at Council on 6323 9300. If you have questions about the process and hearings for the interim Scheme, please contact the Commission on 6165 6828.

Yours faithfully



Mick Purves
MUNICIPAL PLANNER