

COMMUNITY SERVICES

G:\Council & Committee Meetings\Agenda –

x. **Section 35F Report on Representations to the Draft Central Coast Local Provisions Schedule**

The Director Community Services reports as follows:

“The Land Use Planning Group Leader has prepared the following report:

<i>PLANNING INSTRUMENT:</i>	<i>Land Use Planning and Approvals Act 1993 (the Act) &amp; Draft Central Coast Local Provisions Schedule (the Central Coast LPS)</i>
<i>PUBLIC NOTIFICATION:</i>	11 June 2019 to 9 August 2019
<i>REPRESENTATIONS RECEIVED:</i>	109
<i>ANNEXURES 1, 2 &amp; 3:</i>	<i>Planning Authority Report under Section 35F of the Land Use Planning and Approvals Act 1993 – Consideration of Representations to the Draft Central Coast Local Provisions Schedule</i>
<i>ANNEXURE 4:</i>	Representations

*PURPOSE*

The purpose of this report is to consider representations received from the Central Coast community to the Central Coast LPS and to provide recommendations to the Tasmanian Planning Commission (TPC) pursuant to section 35F and 35G of the Act.

Accompanying this report is a review by the Planning Authority under Section 35F of the Act, giving consideration of representations received to the Central Coast LPS and a copy of all representations.

*BACKGROUND*

The Tasmanian Parliament enacted amendments to the Act in December 2015 to provide for a single planning scheme for Tasmania, to be known as the *Tasmanian Planning Scheme* (the TPS). The TPS consists of State Planning Provisions (SPP's) and Local Provision Schedules (LPS's) that are to be specific to each municipal area.

Ratified by the State Parliament in February 2017, the TPS has no practical effect until an LPS is in effect in a municipal area.

The Central Coast LPS was endorsed by the Council in its role as the Planning Authority in July 2018. The Central Coast LPS will facilitate the replacement of the current *Central Coast Interim Planning Scheme 2013* by the TPS within the Central Coast area.

#### *DISCUSSION*

The TPS has been introduced by the State Government to ensure consistency between municipal areas and across regions.

Combined with specific Zones and Code Overlays, the Central Coast LPS includes Specific Area Plans for Penguin, Turners Beach, Leith, Forth and Revell Lane Precinct.

The Central Coast LPS also includes an expansion of the Light Industrial zone in South Road, Penguin. Further consideration will need to be given to the future allocation of Light Industrial and Commercial zoned land, following the adoption of the Central Coast LPS and the TPS.

Properties that are currently zoned Environmental Management or Environmental Living are to be rezoned to be Landscape Conservation, as the Environmental Management zone under the TPS primarily relates to State owned reserves and parks, coastal foreshores and riparian land. The Environmental Living zone is not available under the TPS.

In accordance with mapping provided by the State Government, land that is currently zoned Rural Resource is to be zoned either Rural or Agriculture.

The draft Central Coast LPS was submitted to the TPC who checked the documentation for consistency with submission requirements, prior to the TPC directing Council to public exhibit the Central Coast LPS.

The Central Coast LPS was placed on public exhibition on 11 June 2019 until 9 August 2019.

Following public exhibition of the Draft LPS, Section 35F of the Act requires the planning authority to prepare a report containing:

- . a copy of each representation made under s.35E(1);
- . a statement of the planning authority's opinion as to the merit of each representation made, in particular as to:
  - whether the draft LPS should be modified; and

- if recommended to be modified, the effect on the draft LPS as a whole;
- . a statement as to whether the planning authority is satisfied that the draft LPS meets the LPS criteria; and
- . the recommendation of the planning authority in relation to the draft LPS.

The Council, acting as the Planning Authority, now has opportunity to review all representations received during the exhibition period and make comment and recommendations, before sending all representations to the Tasmanian Planning Commission for consideration.

Following submission of the Section 35F report to the TPC, the TPC will hold a public hearing as soon as is practicable, to examine the merits of each representation and the Planning Authority's response.

The TPC will then seek the agreement of the Minister for Planning for the final form of the Central Coast LPS, before it is approved and commences operation.

To view all representations received and review comments and recommendations, refer to Annexure 1, 2 & 3 – draft *Planning Authority Report under Section 35F of the Land Use Planning and Approvals Act 1993 – Consideration of Representations to the Draft Central Coast Local Provisions Schedule* and Annexure 4 – copies of representations received.

#### *CONSULTATION*

The draft Central Coast LPS was developed by planning consultant Mr Geoff Davis of Korlan Pty Ltd in consultation with Council planners, other Departments of Council, neighbouring Councils and, where appropriate, workshops with Councillors.

At the TPC's direction, and in accordance with the requirements of the Act, the draft Central Coast LPS was placed on public exhibition from 11 June 2019 to 9 August 2019.

The TPC issued a schedule of State agencies and authorities that were to be directly notified of the exhibition of the draft LPS. Each of the agencies and authorities were notified in accordance with the direction. Representations were received from TasWater, TasNetworks and State Growth and are addressed in the s.35F report – Refer to Annexure 1.

Two community information sessions were held during the public exhibition period, at the Riana Community Centre and at the Ulverstone Wharf.

#### *REPRESENTATIONS*

A total of 109 representations, not including Council's own submissions, were received. Copies of the representations are provided at Annexure 4.

The representations are summarised with a recommendation to each submission – refer to Annexures 1, 2 & 3 to this report.

Representations submitted generally relate to the following matters:

- . the zoning of land to Agriculture and Rural;
- . the zoning of land to Landscape Conservation;
- . zoning of land to General Residential, Low Density Residential and Rural Living;
- . the need for a Scenic Protection Code (the Code is not in the draft LPS);
- . the Natural Assets Code overlay and the application of the Environmental Management zone to State owned land;
- . the application of the Flood Hazard Prone overlay; and
- . expansion of the Commercial zone and application of the car parking precinct.

#### *RESOURCE, FINANCIAL AND RISK IMPACTS*

The preparation of the draft LPS has to date incurred a significant cost. There will be an additional cost in examination of the draft LPS before the TPC public hearings. The 2019–2020 budget has made provision for this event.

#### *CORPORATE COMPLIANCE*

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

##### *The Shape of the Place*

- . *Improve the value and use of open space*
- . *Encourage a creative approach to new development*

*A Connected Central Coast*

- . *Provide for a diverse range of movement patterns*
- . *Improve community wellbeing*

*Community Capacity and Creativity*

- . *Facilitate entrepreneurship in the business community*

*The Environment and Sustainable Infrastructure*

- . *Invest in and leverage opportunities from our natural environment*
- . *Contribute to a safe and healthy environment*
- . *Develop and manage sustainable built infrastructure*
- . *Contribute to the preservation of the natural environment*

*Council Sustainability and Governance*

- . *Improve corporate governance*
- . *Improve service provision*
- . *Efficient communication and engagement*
- . *Strengthen local–regional connections*

*Recommendation –*

It is recommended that the Planning Authority:

- 1 Endorses Annexure 1, 2 & 3 *Planning Authority Report under Section 35F of the Land Use Planning and Approvals Act 1993 – Consideration of Representations to the Draft Central Coast Local Provisions Schedule* as the report to the Tasmanian Planning Commission pursuant to Section 35F of the *Land Use Planning and Approvals Act 1993*.
- 2 Delegates the General Manager, its powers and functions to represent the Planning Authority at hearings, pursuant to Section 35H of the *Land Use Planning and Approvals Act 1993*.<sup>1</sup>

The Executive Services Officer reports as follows:

“A copy of the Annexures referred to in the Land Use Planning Group Leader’s report having been circulated to all Councillors, a resolution is submitted for consideration.”

■ “That the Planning Authority:

- 1 Endorses Annexure 1, 2 & 3 *Planning Authority Report under Section 35F of the Land Use Planning and Approvals Act 1993 – Consideration of Representations to the Draft Central Coast Local Provisions Schedule* as the report to the Tasmanian Planning Commission pursuant to Section 35F of the *Land Use Planning and Approvals Act 1993*.
- 2 Delegates the General Manager, its powers and functions to represent the Planning Authority at hearings, pursuant to Section 35H of the *Land Use Planning and Approvals Act 1993*.”

.....  
.....  
.....