

# APPENDIX 10: OPEN SPACE & ENVIRONMENTAL MANAGEMENT ZONES PROJECT REPORT

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# 1 Introduction

It is the Tasmanian government's policy for a single planning scheme for Tasmania, known as the Tasmanian Planning Scheme to provide consistent state-wide provisions. The Tasmanian Planning Scheme consists of State Planning Provisions (SPPs) which were endorsed by the Minister of Planning and Local Government on the 22 February 2017. Local councils are required to prepare their Local Provision Schedules (LPSs) in accordance with Guideline No. 1 Local Provisions Schedule (LPS): zone and code application.

## 1.1 Aim

To review existing Open Space zoning along Tamar River foreshore and allocate appropriate zone based on the characteristics of the land.

## 1.2 Objectives

To identify existing land zoned Open Space which is privately owned and allocate a more suitable zone which will achieve the required outcomes for the neighbour Rural Living land and adequate protection of the Tamar River

## 1.3 Outputs

- Create zoning map which provides protection of the river
- Prepare supporting report for any zone changes

## 1.4 Project Scope

The investigation has looked at land that is currently zoned Open Space along the Tamar River from Swan Bay southwards towards the city.

# 2 Zones/Codes

- Open Space Zone
- Environmental Management Zone
- Water Quality Code
- Biodiversity Code

## 2.1 Zone Comparison

### 2.1.1 Launceston Interim Planning Scheme 2015

#### 19.0 Open Space Zone

##### 19.1.1 *Zone Purpose Statements*

19.1.1.1 *To provide land for open space purposes including for passive recreation and natural or landscape amenity.*

19.1.1.2 *To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.*

## 29.0 Environmental Management Zone

### 29.1.1 *Zone Purpose Statements*

- 29.1.1.1 *To provide for the protection, conservation and management of areas with significant ecological, scientific, cultural or aesthetic value, or with a significant likelihood of risk from a natural hazard.*
- 29.1.1.2 *To only allow for complementary use or development where consistent with any strategies for protection and management.*
- 29.1.1.3 *To provide for complementary use and development on non-reserved land.*

## **2.1.2 State Planning Provisions**

### 19.0 Open Space Zone

- 19.1.1.1 *To provide land for open space purposes including for passive recreation and natural or landscape amenity.*
- 19.1.1.2 *To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.*

### 23.0 Environmental Management Zone

*The purpose of the Environmental Management Zone is:*

- 23.1.1 *To provide for the protection, conservation and management of land with significant ecological, scientific, cultural or scenic value.*
- 23.1.2 *To allow for compatible use or development where it is consistent with:*
  - (a) *the protection, conservation and management of the values of the land; and*
  - (b) *applicable reserved land management objectives and objectives of reserve management plans.*

No changes to the Open Space Zone purpose.

There are slight differences between the purpose of the Environmental Management Zone. The TPS has removed '*or likelihood of risk from a natural hazard*'. Further, the TPS purpose also aims to allow for compatible use and development where it is consistent with the values of the land and reserved land management objectives.

## **3 Analysis and Recommendations**

Each title will be assessed individually below against the Zone Application Guidelines for compliance. Where a zone change is recommended, assessment against the requirements of Section 34(2) of the Land Use Planning and Approvals Act 1993 is provided.

Section 34 of LUPAA reads:

### 34. LPS criteria

- (1) *In this section –*



*"relevant planning instrument" means a draft LPS, an LPS, a draft amendment of an LPS and an amendment of an LPS.*

- (2) *The LPS criteria to be met by a relevant planning instrument are that the instrument –*
- (a) *contains all the provisions that the SPPs specify must be contained in an LPS; and*
  - (b) *is in accordance with section 32 ; and*
  - (c) *furtheres the objectives set out in Schedule 1 ; and*
  - (d) *is consistent with each State policy; and*
  - (e) *is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and*
  - (f) *is consistent with the strategic plan, prepared under section 66 of the Local Government Act 1993 , that applies in relation to the land to which the relevant planning instrument relates; and*
  - (g) *as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and*
  - (h) *has regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000 .*
- (3) *An amendment of an LPS, or a draft amendment of an LPS, is taken to meet the LPS criteria if the amendment of the LPS, or the draft amendment of the LPS, if made, will not have the effect that the LPS, as amended, will cease to meet the LPS criteria.*

### **3.1 State Policies**

The following discusses the objectives and aims of the state policies. These should be read in conjunction with any recommended zoning change.

#### **3.1.1 State Coastal Policy 1986**

This Policy applies to the Crown in all its capacities, in particular by force of ss.4 and 14 of the State Policies and Projects Act 1993 and s.63(2) of the Land Use Planning and Approvals Act 1993. Subject to contrary statutory provision, it also applies to statutory authorities. The policy aims to:

- a) *to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and*
- b) *to provide for the fair, orderly and sustainable use and development of air, land and water; and*
- c) *to encourage public involvement in resource management and planning; and*
- d) *to facilitate economic development in accordance with the objectives set out in paragraphs a), b) and c); and*
- e) *to promote the sharing of responsibility for resource management and planning between the different spheres of government, the community and industry in the State.*

#### **3.1.2 State Policy on Water Quality Management 1997**

The purpose of this policy is to achieve the sustainable management of Tasmania's surface water and groundwater resources by protecting or enhancing their qualities while allowing for sustainable development in accordance with the objectives of Tasmania's Resource Management and Planning System. (Schedule 1 of the State Policies and Projects Act 1993)

### **3.1.3 State Policy on the Protection of Agricultural Land 2009**

As this policy only applies to rural land it is not applicable to this assessment.

### **3.1.4 National Environment Protection Measures (NEPMs)**

The Commonwealth *National Environment Protection Council Act 1994* <http://www.comlaw.gov.au/Series/C2004A04799>, and complementary State and Territory legislation allow the National Environment Protection Council to make National Environment Protection Measures (NEPMs).

Current NEPMs include:

- ambient air quality
- ambient marine, estuarine and fresh water quality;
- the protection of amenity in relation to noise (but only if differences in markets for goods and services);
- general guidelines for the assessment of site contamination;
- environmental impacts associated with hazardous wastes;
- the re-use and recycling of used materials.

## **3.2 Northern Regional Land Use Strategy (NRLUS)**

The overall intent of Northern Tasmanian Regional Land Use Strategy 2011–2032 is to provide a 20 year strategic regional land use plan that:

Integrates land use planning and policy with environmental, social, economic, conservation and resource management policies to: -

- manage the region's development in response to ongoing socio-economic and physical environmental change; and
- protect and enhance the region's quality of life (liveability), productivity and sustainability for existing and future communities across Northern Tasmania

## **3.3 Schedule 1 Objectives of LUPAA**

### **PART 1 - Objectives of the Resource Management and Planning System of Tasmania**

1. The objectives of the resource management and planning system of Tasmania are –
  - a) To promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and
  - b) to provide for the fair, orderly and sustainable use and development of air, land and water; and

- c) to encourage public involvement in resource management and planning; and
- d) to facilitate economic development in accordance with the objectives set out in paragraphs (a) , (b) and (c) ; and
- e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

**2.** In clause 1 (a) , ***sustainable development*** means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –

- a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and
- b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
- c) avoiding, remedying or mitigating any adverse effects of activities on the environment.

## **PART 2 - Objectives of the Planning Process Established by this Act**

The objectives of the planning process established by this Act are, in support of the objectives set out in Part 1 of this Schedule –

- a) to require sound strategic planning and co-ordinated action by State and local government; and
- b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and
- c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and
- d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and
- e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and
- f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; and
- g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and
- h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and
- i) to provide a planning framework which fully considers land capability.

## 4 Sites

### 4.1 Site #1

#### 4.1.1 Description

Site No. 1	
Volume	13682
Folio	28
PID	6707226
Address	51 Swan Drive, Swan Bay
Name	Swan Bay Recreation Reserve
Size	12,430m <sup>2</sup>
Owner	Authority Land DPIPWE (Crown Land Services) Crown Land
Overlays	Priority Habitat Water Feature 30m Buffer
Infrastructure	N/A
Access	Public via Swan Drive

#### 4.1.2 Maps



Figure 1 - Aerial



Figure 2 - Overlay

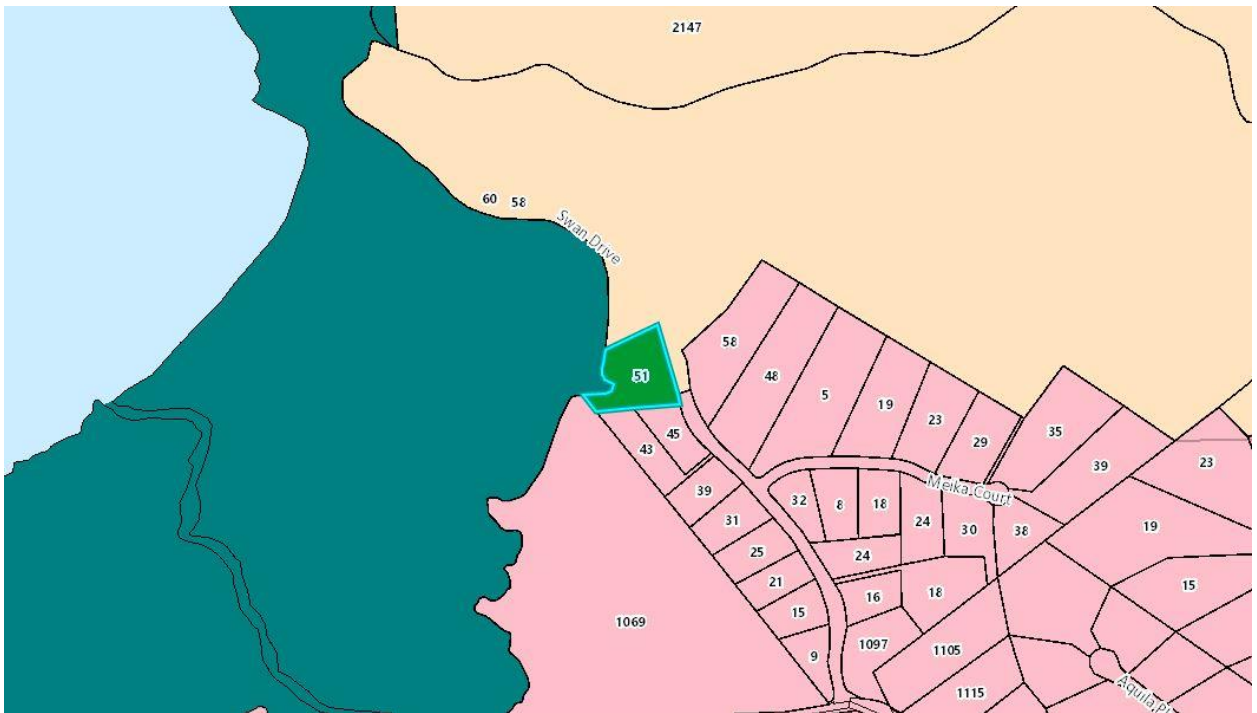


Figure 3 - Zoning

4.1.3 Photos





**4.1.4 Open Space Zone**

The following looks at whether or not the site meets the purpose of the Open Space Zone and if it is able to meet the zone application guidelines.

- 19.1.1 *Zone Purpose Statements*
- 19.1.1.1 *To provide land for open space purposes including for passive recreation and natural or landscape amenity.*
- 19.1.1.2 *To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.*

The following review demonstrates that the purpose of the Open Space Zone has been met.

**4.1.5 Zone application guidelines**

<b>OSZ1</b>	The Open Space Zone should be applied to land that provides, or is intended to provide, for the open space needs of the community, including land identified for: (a) passive recreational opportunities; or (b) natural or landscape amenity within an urban setting.
Response	<i>The site is a recreation reserve that is utilised for passive recreation.</i>

<b>OSZ2</b>	The Open Space Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, passive recreation opportunities
Response	<i>Parts of the site are located seaward of the high water mark but are able to be utilised for passive recreation activities.</i>
<b>OSZ3</b>	The Open Space Zone should generally only be applied to public land, but may be applied to privately owned land if it has been strategically identified for open space purposes.
Response	<i>The site is owned by Crown Land and is publicly accessible.</i>
<b>OSZ4</b>	The Open Space Zone should not be applied to land: (a) with significant natural values (see Environmental Management Zone); or (b) with, or intended for, formal recreational facilities, such as sporting grounds, golf courses, racecourses or major sporting facilities (see Recreation Zone).
Response	<i>The land contains priority habitat and is limited in development due to being located within 30m of a watercourse. It is noted that the priority habitat can be considered significant in its natural value, however it is limited in its location, is within an area of approximately 1,965m<sup>2</sup>, approximately 15% of the total site. The location of this priority habitable is heavily vegetated and it would be difficult to access without disturbing the vegetation.</i>

#### 4.1.6 Recommendation

As the above has stated, the site meets the purpose of the Open Space and it is recommended the zone remain unchanged.

## 4.2 Site #2

### 4.2.1 Description

Site No. 2	
<b>Volume</b>	131450
<b>Folio</b>	1
<b>PID</b>	N/A
<b>Address</b>	N/A
<b>Name</b>	N/A
<b>Size</b>	11,823.461m <sup>2</sup>
<b>Owner</b>	Authority Land Local Government Authority Council
<b>Overlays</b>	Water Feature 30m Buffer
<b>Infrastructure</b>	Stormwater points Stormwater lines Drainage head wall



### 4.2.2 Maps

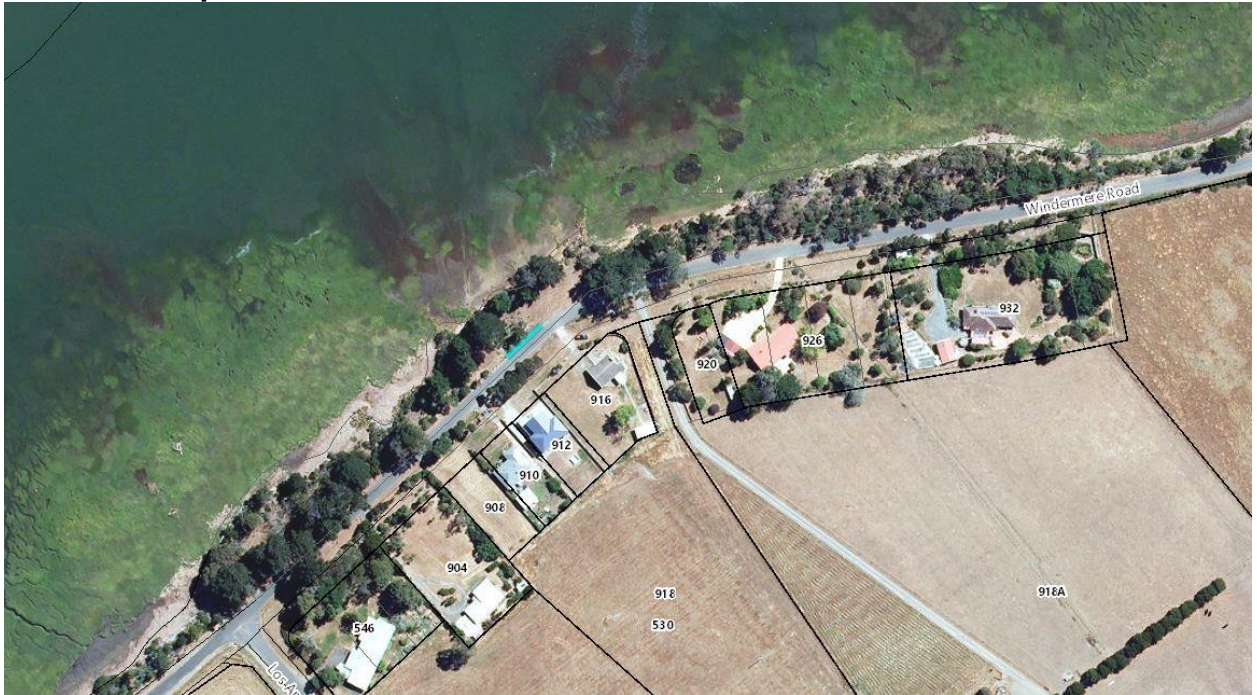


Figure 4 - Aerial



Figure 5 - Overlay

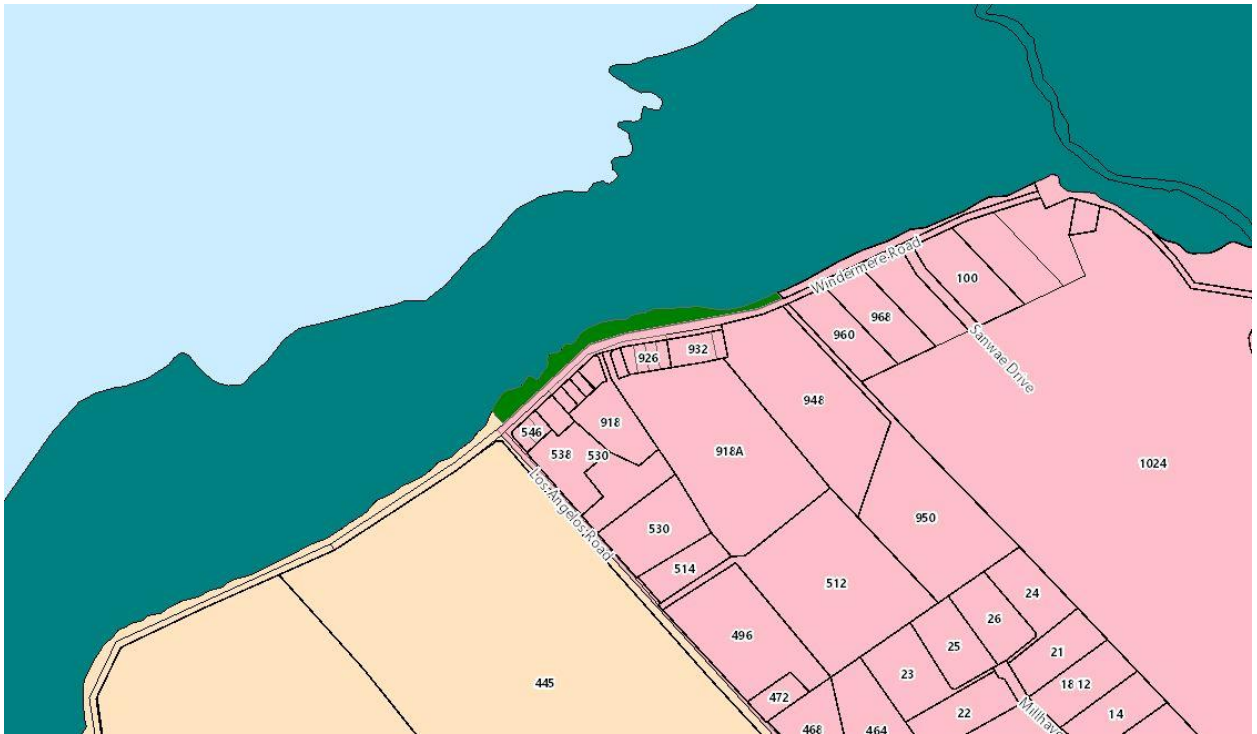


Figure 6 - Zoning

### 4.2.3 Photos





#### 4.2.4 Open Space Zone

The following looks at whether or not the site meets the purpose of the Open Space Zone and if it is able to meet the zone application guidelines.

##### 19.1.1 Zone Purpose Statements

19.1.1.1 *To provide land for open space purposes including for passive recreation and natural or landscape amenity.*

19.1.1.2 *To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.*

#### 4.2.5 Zone application guidelines

<b>OSZ1</b>	The Open Space Zone should be applied to land that provides, or is intended to provide, for the open space needs of the community, including land identified for: (a) passive recreational opportunities; or (b) natural or landscape amenity within an urban setting.
Response	<i>The land is directly accessible from Windermere Road and allows total access for passive recreation.</i>
<b>OSZ2</b>	The Open Space Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, passive recreation opportunities
Response	<i>Parts of the site are located seaward of the high water mark but are able to be utilised for passive recreation activities.</i>

<b>OSZ3</b>	The Open Space Zone should generally only be applied to public land, but may be applied to privately owned land if it has been strategically identified for open space purposes.
Response	<i>The site is owned by Crown Land and is publicly accessible.</i>
<b>OSZ4</b>	The Open Space Zone should not be applied to land: (a) with significant natural values (see Environmental Management Zone); or (b) with, or intended for, formal recreational facilities, such as sporting grounds, golf courses, racecourses or major sporting facilities (see Recreation Zone).
Response	<i>Due to the relatively short width of the parcel, it would be difficult for recreational facilities to be constructed. The site does not contain an overlay that would suggest any significant natural values.</i>

#### 4.2.6 Recommendation

As the above has stated, the site meets the purpose of the Open Space and it is recommended the zone remain unchanged.

### 4.3 Site #3

#### 4.3.1 Description

Site No. 3	
<b>Volume</b>	15295
<b>Folio</b>	17
<b>PID</b>	N/A Potential PID: 2514865
<b>Address</b>	N/A
<b>Name</b>	N/A
<b>Size</b>	1,300m <sup>2</sup>
<b>Owner</b>	Authority Land DPIPWE (Crown Land Services) Crown Land
<b>Overlays</b>	Water Feature 30m Buffer
<b>Infrastructure</b>	N/A
<b>Access</b>	Technically not accessible from the Windermere Road, however does adjoin a Crown land acquired Road.

### 4.3.2 Maps



Figure 7 - Aerial

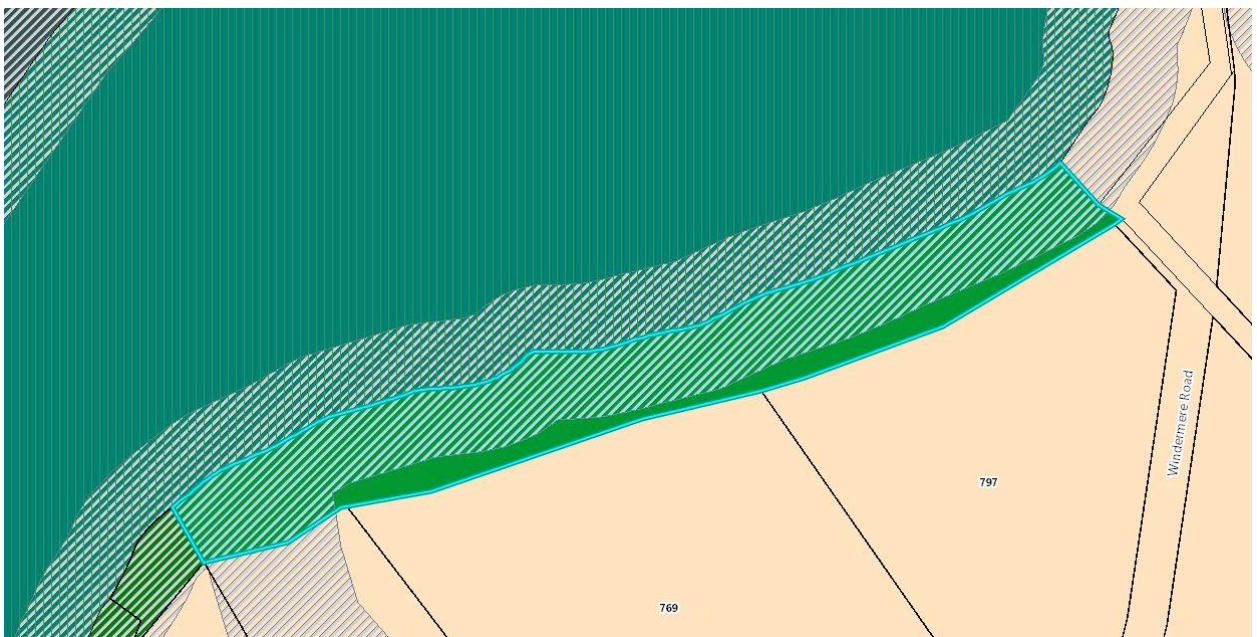


Figure 8 - Overlay

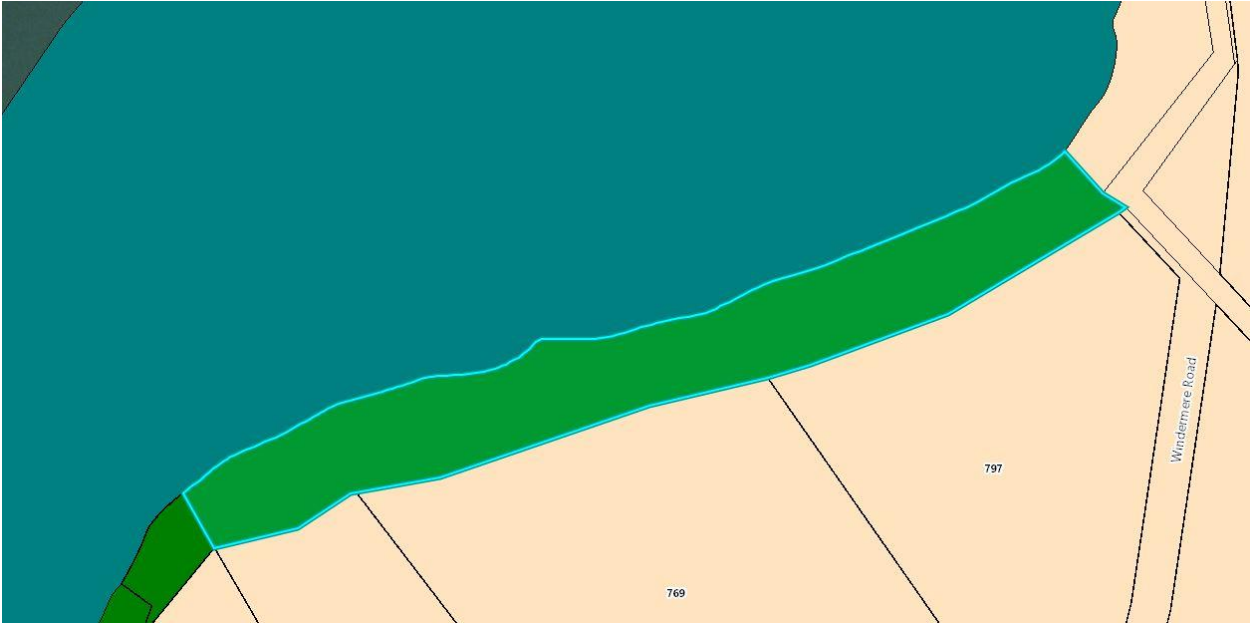


Figure 9 - Zoning

4.3.3 Photos





#### 4.3.4 Open Space Zone

The following looks at whether or not the site meets the purpose of the Open Space Zone and if it is able to meet the zone application guidelines.

##### 19.1.1 Zone Purpose Statements

19.1.1.1 *To provide land for open space purposes including for passive recreation and natural or landscape amenity.*

19.1.1.2 *To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.*

#### 4.3.5 Zone application guidelines

<b>OSZ1</b>	The Open Space Zone should be applied to land that provides, or is intended to provide, for the open space needs of the community, including land identified for: (a) passive recreational opportunities; or (b) natural or landscape amenity within an urban setting.
Response	<i>The land is accessible via Windermere Road, albeit through another parcel of land owned by DPIPWE. Whilst the land is able to be utilised for passive recreation, its greater value is its use as a natural landscape amenity for the adjoining dwellings.</i>
<b>OSZ2</b>	The Open Space Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, passive recreation opportunities
Response	<i>Parts of the site are located seaward of the high water mark but are able to be utilised for passive recreation activities.</i>

<b>OSZ3</b>	The Open Space Zone should generally only be applied to public land, but may be applied to privately owned land if it has been strategically identified for open space purposes.
Response	<i>The land is owned by Crown and accessible by the public via Windermere Road.</i>
<b>OSZ4</b>	The Open Space Zone should not be applied to land: (a) with significant natural values (see Environmental Management Zone); or (b) with, or intended for, formal recreational facilities, such as sporting grounds, golf courses, racecourses or major sporting facilities (see Recreation Zone).
Response	<i>There are currently no formal recreational facilities on the site. The site does not contain an overlay that would suggest any significant natural values.</i>

#### 4.3.6 Recommendation

As the above has stated, the site meets the purpose of the Open Space and it is recommended the zone remain unchanged.

#### 4.4 Site #4

##### 4.4.1 Description

Site No. 4	
<b>Volume</b>	15295
<b>Folio</b>	18
<b>PID</b>	N/A Potential PID: 2514873
<b>Address</b>	N/A
<b>Name</b>	N/A
<b>Size</b>	14,840m <sup>2</sup>
<b>Owner</b>	Authority Land DPIPWE (Crown Land Services) Crown Land
<b>Overlays</b>	Priority habitat Water Feature 30m Buffer
<b>Infrastructure</b>	Pavement - No allocated type
<b>Access</b>	Public via Woodlawn Road



#### 4.4.2 Maps



Figure 10 - Aerial



Figure 11 - Overlay



Figure 12 - Zoning

### 4.4.3 Photos



#### 4.4.4 Open Space Zone

The following looks at whether or not the site meets the purpose of the Open Space Zone and if it is able to meet the zone application guidelines.

##### 19.1.1 Zone Purpose Statements

19.1.1.1 To provide land for open space purposes including for passive recreation and natural or landscape amenity.

19.1.1.2 To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.

#### 4.4.5 Zone application guidelines

<b>OSZ1</b>	The Open Space Zone should be applied to land that provides, or is intended to provide, for the open space needs of the community, including land identified for: (a) passive recreational opportunities; or (b) natural or landscape amenity within an urban setting.
Response	<i>The land is accessible via Woodlawn Road, a public road. Whilst the land is able to be utilised for passive recreation, its greater value is its use as a natural landscape amenity for the adjoining dwellings.</i>
<b>OSZ2</b>	The Open Space Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, passive recreation opportunities
Response	<i>Parts of the site are located seaward of the high water mark but are able to be utilised for passive recreation activities.</i>
<b>OSZ3</b>	The Open Space Zone should generally only be applied to public land, but may be applied to privately owned land if it has been strategically identified for open space purposes.
Response	<i>The site is owned by DPIPWE (Crown Land Services).</i>
<b>OSZ4</b>	The Open Space Zone should not be applied to land: (a) with significant natural values (see Environmental Management Zone); or (b) with, or intended for, formal recreational facilities, such as sporting grounds, golf courses, racecourses or major sporting facilities (see Recreation Zone).
Response	<i>There are currently no formal recreational facilities on the site. The site does not contain an overlay that would suggest any significant natural values.</i>

#### 4.4.6 Recommendation

As the above has stated, the site meets the purpose of the Open Space and it is recommended the zone remain unchanged.

## 4.5 Site #5

### 4.5.1 Description

Site No. 5	
Volume	N/A
Folio	N/A
PID	N/A
Address	N/A
Name	N/A
Size	2,760.444m <sup>2</sup>
Owner	Casement Acquired Road Crown Land
Overlays	Water Feature 30m Buffer
Infrastructure	Pavement - No allocated type
Access	Public via Windermere Road

### 4.5.2 Maps



Figure 13 - Aerial

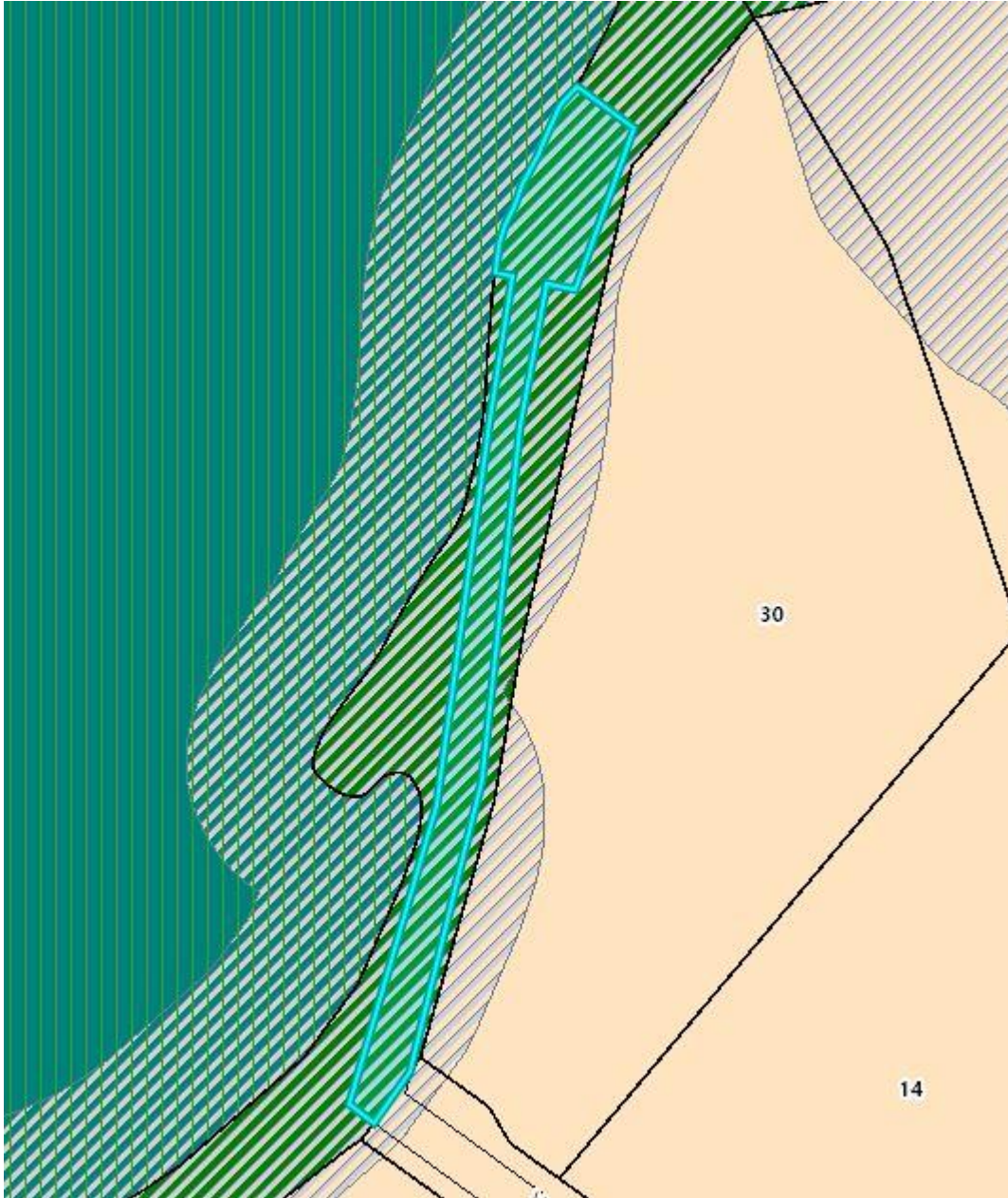


Figure 14 - Overlay



Figure 15 - Zoning

#### 4.5.3 Photos

Not available, private access

#### 4.5.4 Open Space Zone

The following looks at whether or not the site meets the purpose of the Open Space Zone and if it is able to meet the zone application guidelines.

##### 19.1.1 Zone Purpose Statements

19.1.1.1 To provide land for open space purposes including for passive recreation and natural or landscape amenity.

19.1.1.2 To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.

#### 4.5.5 Zone application guidelines

<b>OSZ1</b>	The Open Space Zone should be applied to land that provides, or is intended to provide, for the open space needs of the community, including land identified for:
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	(a) passive recreational opportunities; or (b) natural or landscape amenity within an urban setting.
Response	<i>The land is accessible via Woodlawn Road, a public road. Whilst the land is able to be utilised for passive recreation, its greater value is its use as a natural landscape amenity for the adjoining dwellings.</i>
<b>OSZ2</b>	The Open Space Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, passive recreation opportunities
Response	<i>Parts of the site are located seaward of the high water mark but are able to be utilised for passive recreation activities.</i>
<b>OSZ3</b>	The Open Space Zone should generally only be applied to public land, but may be applied to privately owned land if it has been strategically identified for open space purposes.
Response	<i>The site is owned by DPIPWE (Crown Land Services).</i>
<b>OSZ4</b>	The Open Space Zone should not be applied to land: (a) with significant natural values (see Environmental Management Zone); or (b) with, or intended for, formal recreational facilities, such as sporting grounds, golf courses, racecourses or major sporting facilities (see Recreation Zone).
Response	<i>There are currently no formal recreational facilities on the site. The site does not contain an overlay that would suggest any significant natural values.</i>

#### 4.5.6 Recommendation

As the above has stated, the site meets the purpose of the Open Space and it is recommended the zone remain unchanged.

### 4.6 Site #6

#### 4.6.1 Description

Site No. 6	
<b>Volume</b>	17000
<b>Folio</b>	2
<b>PID</b>	1933451
<b>Address</b>	Windermere Road, Windermere
<b>Name</b>	Windermere Foreshore Reserve
<b>Size</b>	4,625m <sup>2</sup>
<b>Owner</b>	Authority Land DPIPWE (Crown Land Services) Crown Land

	Department Of Primary Industries Parks Water and Environment
<b>Overlays</b>	Water Feature 30m Buffer
<b>Infrastructure</b>	Drainage bank toe Jetty Boat ramp with shed
<b>Approvals</b>	<b>Nil</b>
<b>Access</b>	No public access

#### 4.6.2 Maps



Figure 16 - Aerial

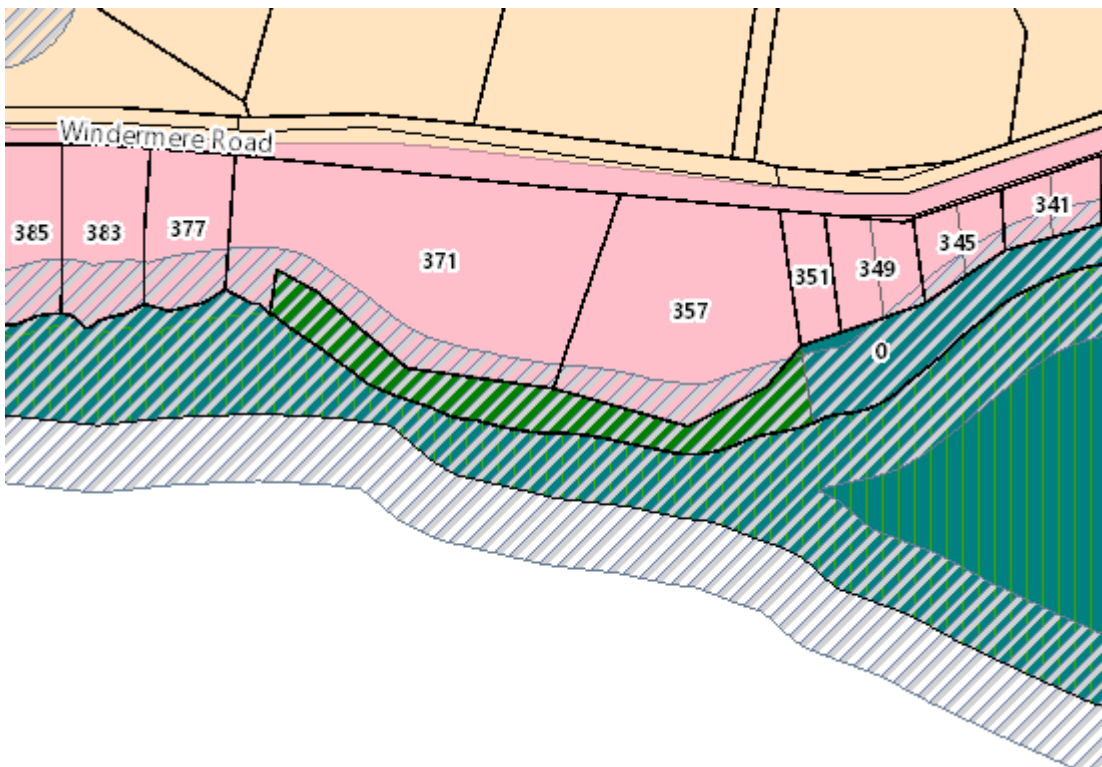


Figure 17 - Overlay

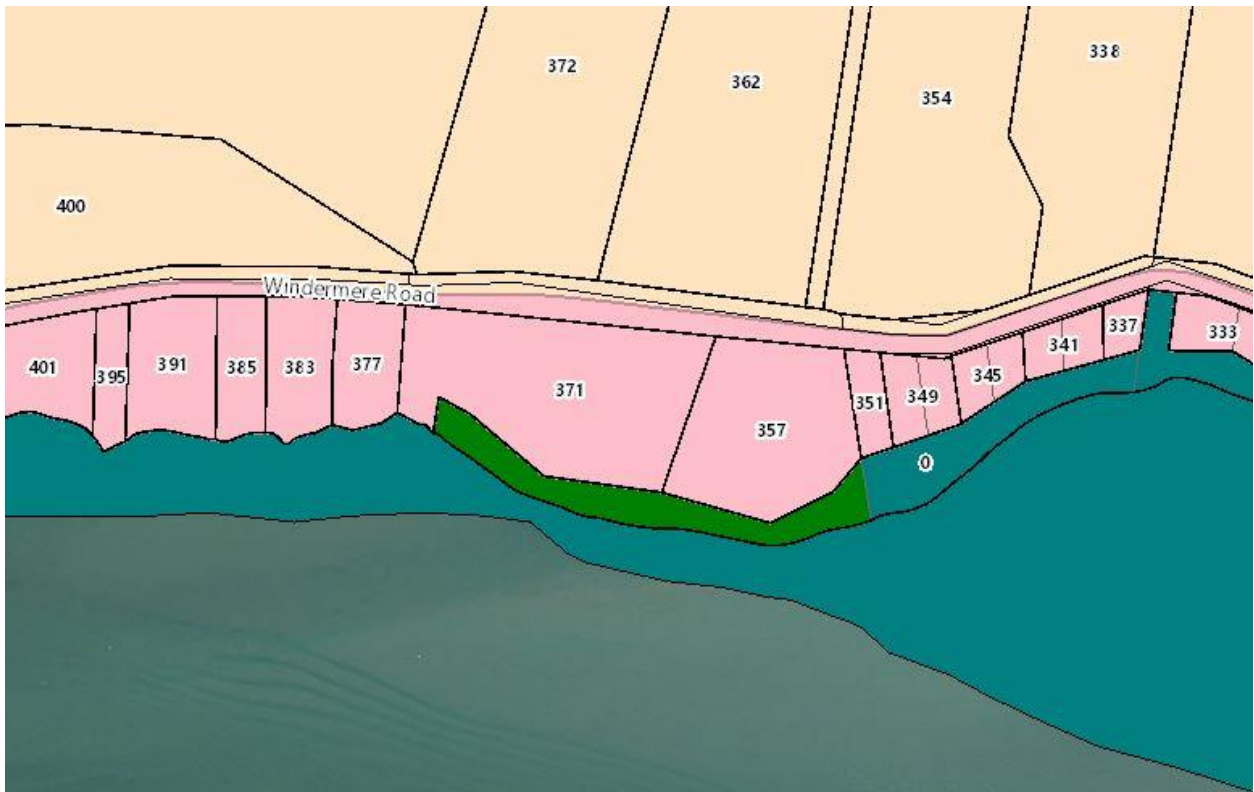


Figure 18 - Zoning

#### 4.6.3 Photos

Not available, private access

#### 4.6.4 Open Space Zone

The following looks at whether or not the site meets the purpose of the Open Space Zone and if it is able to meet the zone application guidelines.

##### 19.1.1 Zone Purpose Statements

19.1.1.1 To provide land for open space purposes including for passive recreation and natural or landscape amenity.

19.1.1.2 To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.

#### 4.6.5 Zone application guidelines

<b>OSZ1</b>	The Open Space Zone should be applied to land that provides, or is intended to provide, for the open space needs of the community, including land identified for: (a) passive recreational opportunities; or (b) natural or landscape amenity within an urban setting.
Response	<i>The site is able to be accessed via title 63054/11 (site #22), which is also owned by Crown Land Services. Whilst passive recreational opportunities will be limited due to existing residential development that has occurred on Crown Land, the connection remains. Further, it can be considered that this strip of land provides for a natural buffer within the urban setting.</i>

	<i>It should be noted further discussions around the potential change of zoning at CT 63054/11 are discussed later in this report.</i>
<b>OSZ2</b>	The Open Space Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, passive recreation opportunities
Response	<i>No land is seaward of the high tide mark.</i>
<b>OSZ3</b>	The Open Space Zone should generally only be applied to public land, but may be applied to privately owned land if it has been strategically identified for open space purposes.
Response	<i>The site is owned by Crown Land Services. However, the site is also utilised by the adjoining residential uses through the construction of a boat ramp and jetty.</i>
<b>OSZ4</b>	The Open Space Zone should not be applied to land: (a) with significant natural values (see Environmental Management Zone); or (b) with, or intended for, formal recreational facilities, such as sporting grounds, golf courses, racecourses or major sporting facilities (see Recreation Zone).
Response	<i>There are currently no formal recreational facilities on the site. The site does not contain an overlay that would suggest any significant natural values.</i>

#### 4.6.6 Recommendation

As the above has stated, the site meets the purpose of the Open Space and it is recommended the zone remain unchanged.

### 4.7 Site #7

#### 4.7.1 Description

Site No. 7	
<b>Volume</b>	199848
<b>Folio</b>	1
<b>PID</b>	266084
<b>Address</b>	319C Windermere Road, Windermere
<b>Name</b>	N/A
<b>Size</b>	6,534.65m <sup>2</sup>
<b>Owner</b>	13 private owners
<b>Overlays</b>	Water Feature 30m Buffer Adjoins potentially contaminated land
<b>Infrastructure</b>	2 x fence Multiple sheds Multiple structures for water access

<b>Notes</b>	The property has multiple private property owners. It appears that the adjoining properties to the north have been informally extended and utilised with multiple structures for water access.
<b>Access</b>	No Public Access

**Notes:**

The site appears to be owned by a Trust. The site also has an overriding interest that is in the form of a 'Reserved for Esplanade' notation of varying width and appears designed to provide for a riparian reserve and to have been created by a plan of subdivision carried out before 1963.

Several attempts have been made by the owners to extinguish the notation, based on assumptions it has become obsolete and impedes use and development of the subject land. This request has been rejected multiple times based on:

1. *The public interest would be prejudiced by extinguishing the overriding interest, as it would affect the use of the land for public purposes as provided in the current zoning;*
2. *The overriding interest is not obsolete; and*
3. *Application to extinguish the overriding restriction on the subject land should be rejected.*

**Mitchell Clark, Planning Advisor - Resource Planning and Development  
Commission 14/07/2009**

The latest correspondence is dated 22/11/2013 from Launceston City Council stating:

*Launceston City Council wishes to continue with the objection to the application.*

The correspondence was accompanied by a statutory declaration decided on 31/05/2010 at a Council Meeting. The declaration essentially states that Council's preferred option is not to remove the notation and to encourage the Crown to see if they can still claim all the land under the original subdivision agreements.

## 4.7.2 Maps



Figure 19 - Aerial

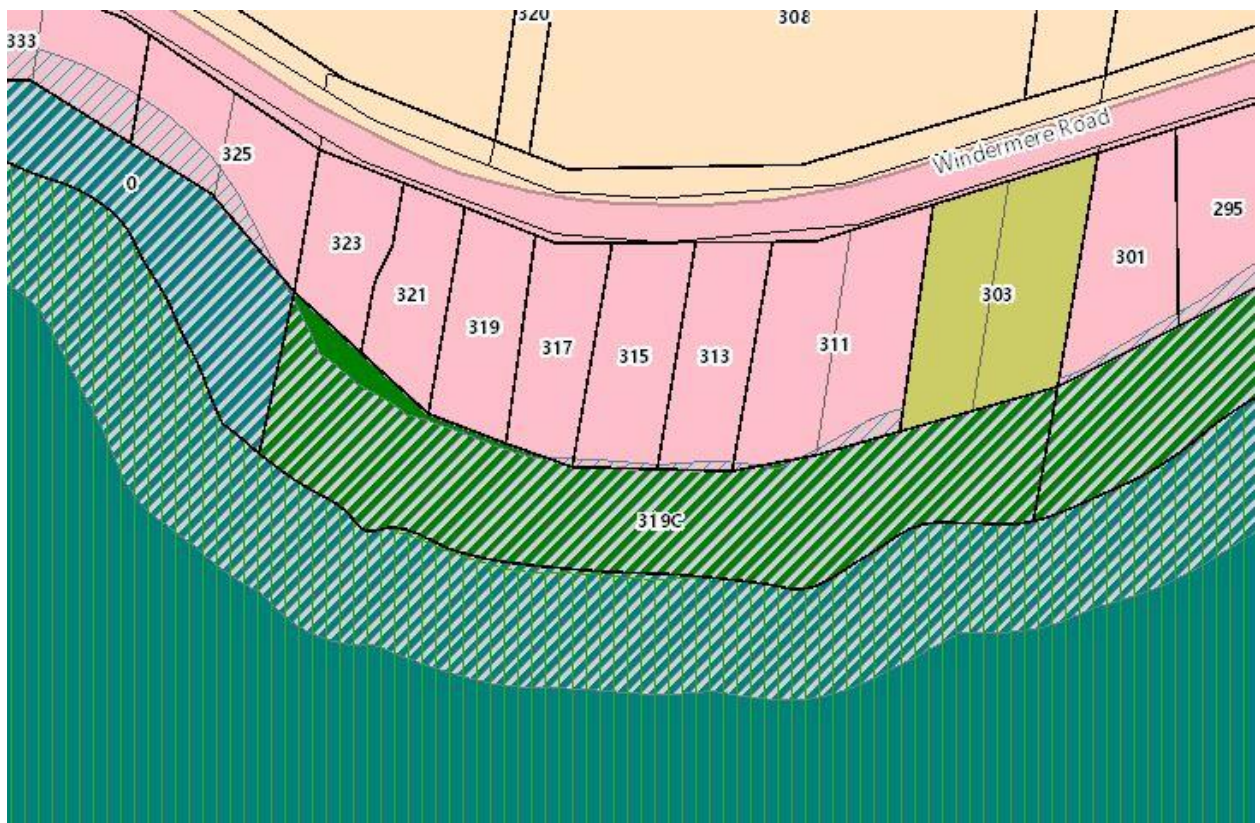


Figure 20 - Overlay

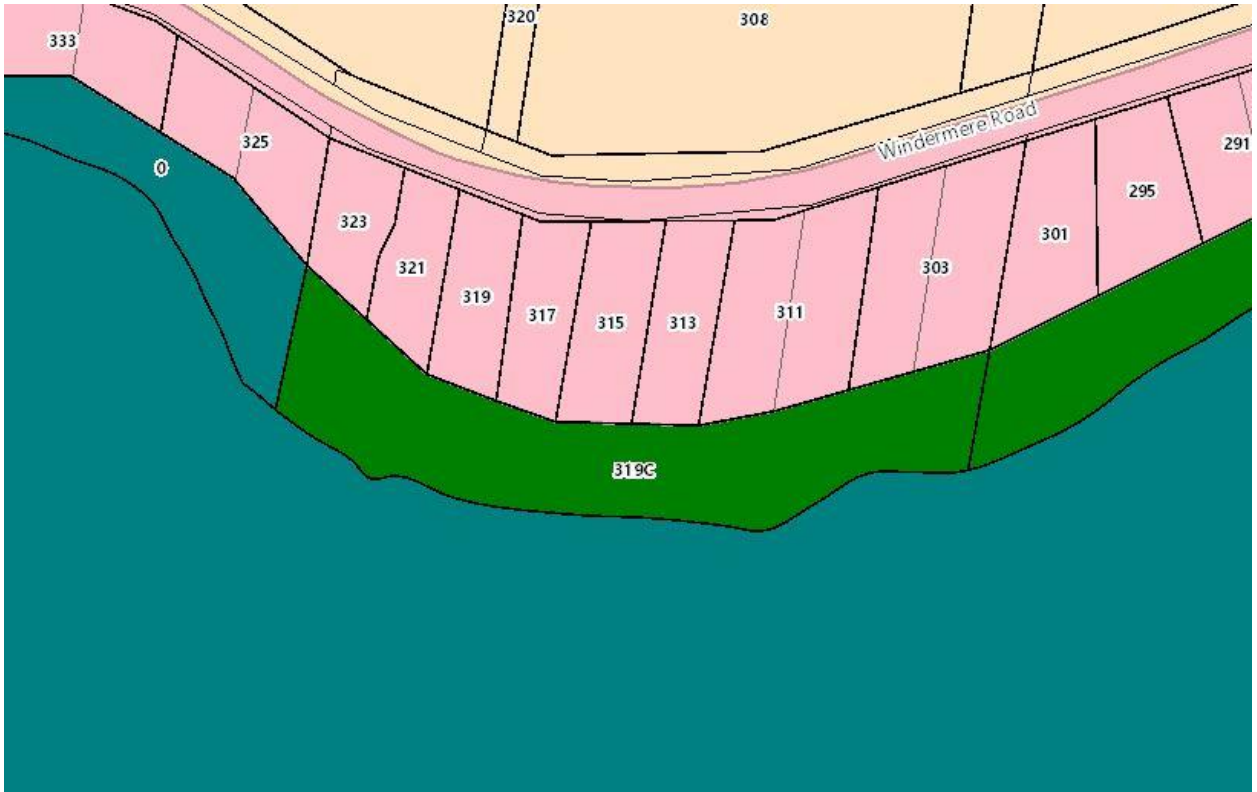


Figure 21 - Zoning

#### 4.7.3 Photos





**4.7.4 Open Space Zone**

The following looks at whether or not the site meets the purpose of the Open Space Zone and if it is able to meet the zone application guidelines.

*19.1.1 Zone Purpose Statements*



- 19.1.1.1 *To provide land for open space purposes including for passive recreation and natural or landscape amenity.*
- 19.1.1.2 *To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.*

#### 4.7.5 Zone application guidelines

<b>OSZ1</b>	The Open Space Zone should be applied to land that provides, or is intended to provide, for the open space needs of the community, including land identified for: (a) passive recreational opportunities; or (b) natural or landscape amenity within an urban setting.
Response	<i>The land is currently owned by multiple adjoining freehold land owners and is utilised primarily for residential use. The site is inaccessible to the public and has been developed too much to have any significant natural or landscape amenity. Notwithstanding, the site contains a 'Reserved for Esplanade' notation.</i>
<b>OSZ2</b>	The Open Space Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, passive recreation opportunities
Response	<i>Passive recreation opportunities can exist if the site is accessed via the eastern adjoining lot (title 61549/19), however the existing residential development will make recreation difficult.</i>
<b>OSZ3</b>	The Open Space Zone should generally only be applied to public land, but may be applied to privately owned land if it has been strategically identified for open space purposes.
Response	<i>The site is not owned by the Crown but by freehold title owners.</i>
<b>OSZ4</b>	The Open Space Zone should not be applied to land: (a) with significant natural values (see Environmental Management Zone); or (b) with, or intended for, formal recreational facilities, such as sporting grounds, golf courses, racecourses or major sporting facilities (see Recreation Zone).
Response	<i>There appear to be no significant natural values and it is generally unable to be utilised for formal recreational facilities due to the residential development that has occurred on site.</i>

The zone should remain Open Space so as to honour the notation. However, it would be worth contacting Crown Land and encourage them to purchase the parcel to allow for the continuation of the esplanade reserve.

#### 4.7.6 Recommendation

Remain Open Space Zone. Contact DPIPW regarding the potential purchase or interest in the site.

#### 4.8 Site #8

##### 4.8.1 Description

Site No. 8	
Volume	61549
Folio	19
PID	6714186
Address	265 Windermere Road, Windermere
Name	Windermere Reserve
Size	12,507.155m <sup>2</sup>
Owner	City of Launceston
Overlays	Water Feature 30m Buffer
Infrastructure	Multiple structures for water access
Access	Public Access via Windermere Road

##### 4.8.2 Maps



Figure 22 - Aerial



Figure 23 - Overlay



Figure 24 - Zoning

### 4.8.3 Photos



### 4.8.4 Open Space Zone

The following looks at whether or not the site meets the purpose of the Open Space Zone and if it is able to meet the zone application guidelines.

#### 19.1.1 Zone Purpose Statements

19.1.1.1 *To provide land for open space purposes including for passive recreation and natural or landscape amenity.*

19.1.1.2 *To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.*

### 4.8.5 Zone application guidelines

<b>OSZ1</b>	The Open Space Zone should be applied to land that provides, or is intended to provide, for the open space needs of the community, including land identified for: (a) passive recreational opportunities; or (b) natural or landscape amenity within an urban setting.
Response	<i>The land is accessible via Windermere Road. The land is able to be utilised for passive recreation, and has value in its use as a natural landscape amenity for the adjoining dwellings.</i>
<b>OSZ2</b>	The Open Space Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, passive recreation opportunities
Response	<i>Parts of the site are located seaward of the high water mark but are able to be utilised for passive recreation activities.</i>

<b>OSZ3</b>	The Open Space Zone should generally only be applied to public land, but may be applied to privately owned land if it has been strategically identified for open space purposes.
Response	<i>The land is owned by Crown and accessible by the public via Windermere Road.</i>
<b>OSZ4</b>	The Open Space Zone should not be applied to land: (a) with significant natural values (see Environmental Management Zone); or (b) with, or intended for, formal recreational facilities, such as sporting grounds, golf courses, racecourses or major sporting facilities (see Recreation Zone).
Response	<i>There are currently no formal recreational facilities on the site. The site does not contain an overlay that would suggest any significant natural values.</i>

#### 4.8.6 Recommendation

As the above has stated, the site meets the purpose of the Open Space and it is recommended the zoning remain unchanged.

### 4.9 Site #9

#### 4.9.1 Description

Site No. 9	
<b>Volume</b>	241479
<b>Folio</b>	1
<b>PID</b>	2167832
<b>Address</b>	205-209 Windermere Road, Windermere
<b>Name</b>	N/A
<b>Size</b>	12,140m <sup>2</sup>
<b>Owner</b>	City of Launceston
<b>Overlays</b>	Priority Habitat Water Feature 30m Buffer Floor Risk Area
<b>Infrastructure</b>	N/A
<b>Access</b>	Public access via Windermere Road

## 4.9.2 Maps



Figure 25 - Aerial

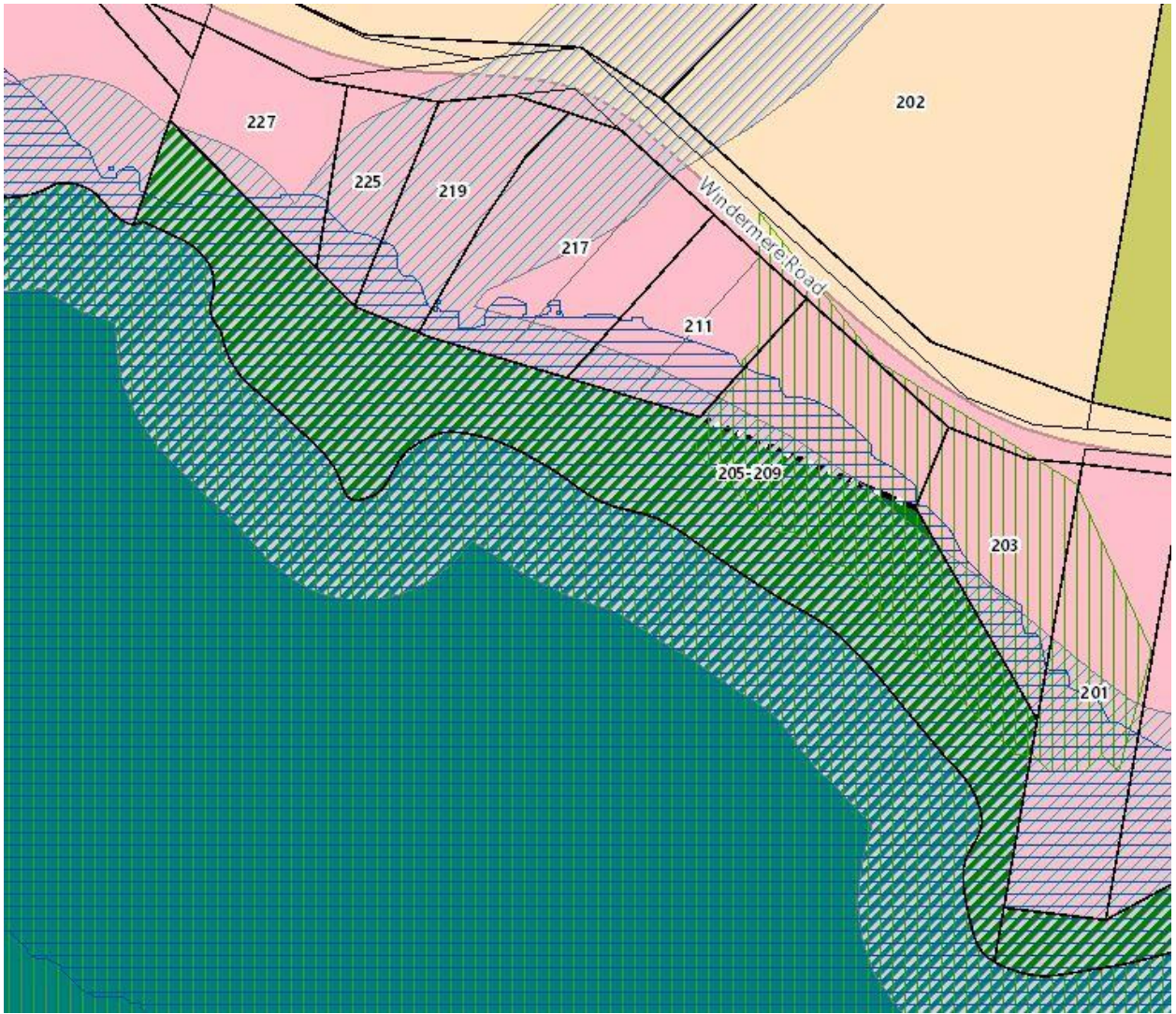


Figure 26 - Overlay

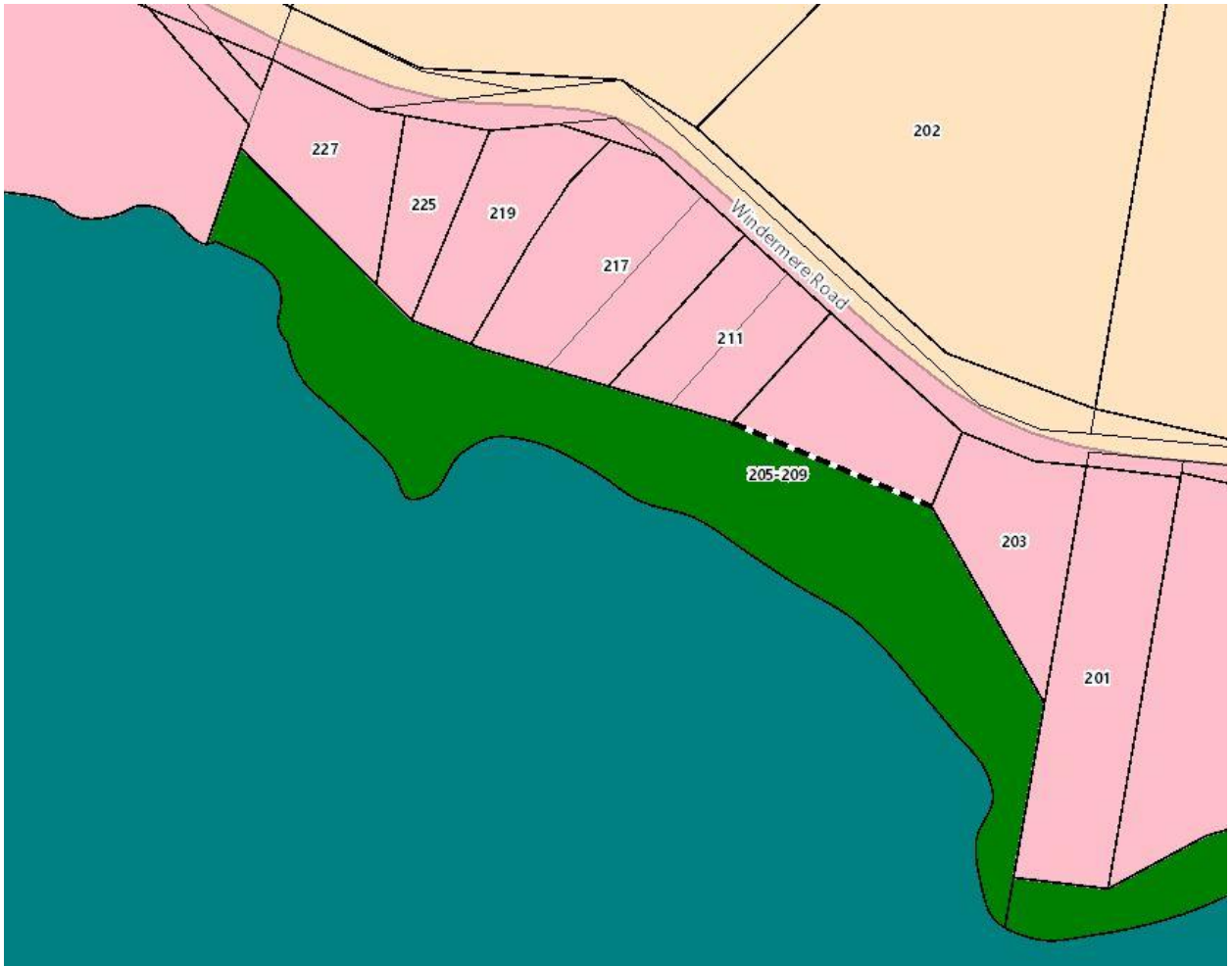


Figure 27 - Zoning



### 4.9.3 Photos



### 4.9.4 Open Space Zone

The following looks at whether or not the site meets the purpose of the Open Space Zone and if it is able to meet the zone application guidelines.

#### 19.1.1 Zone Purpose Statements

19.1.1.1 *To provide land for open space purposes including for passive recreation and natural or landscape amenity.*

19.1.1.2 *To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.*

### 4.9.5 Zone application guidelines

<b>OSZ1</b>	The Open Space Zone should be applied to land that provides, or is intended to provide, for the open space needs of the community, including land identified for: (a) passive recreational opportunities; or (b) natural or landscape amenity within an urban setting.
Response	<i>The land is accessible via Windermere Road. The land is able to be utilised for passive recreation, and has value in its use as a natural landscape amenity for the adjoining dwellings.</i>
<b>OSZ2</b>	The Open Space Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, passive recreation opportunities

Response	<i>Parts of the site are located seaward of the high water mark but are able to be utilised for passive recreation activities.</i>
<b>OSZ3</b>	The Open Space Zone should generally only be applied to public land, but may be applied to privately owned land if it has been strategically identified for open space purposes.
Response	<i>The land is owned by Crown and accessible by the public via Windermere Road.</i>
<b>OSZ4</b>	The Open Space Zone should not be applied to land: (a) with significant natural values (see Environmental Management Zone); or (b) with, or intended for, formal recreational facilities, such as sporting grounds, golf courses, racecourses or major sporting facilities (see Recreation Zone).
Response	<i>There are currently no formal recreational facilities on the site. The site does not contain an overlay that would suggest any significant natural values.</i>

#### 4.9.6 Recommendation

As the above has stated, the site meets the purpose of the Open Space and it is recommended the zoning remain unchanged.

### 4.10 Site #10

#### 4.10.1 Description

Site No. 10	
<b>Volume</b>	7146
<b>Folio</b>	3
<b>PID</b>	N/A Potential PID: 2514902
<b>Address</b>	N/A
<b>Name</b>	N/A
<b>Size</b>	1,461m <sup>2</sup>
<b>Owner</b>	Authority Land DPIPWE (Crown Land Services) Crown Land
<b>Overlays</b>	Water Feature 30m Buffer Floor Risk Area
<b>Infrastructure</b>	Lower portion of a dam from neighbouring property entering into subject site.
<b>Access</b>	No Public Access

## 4.10.2 Maps



Figure 28 - Aerial

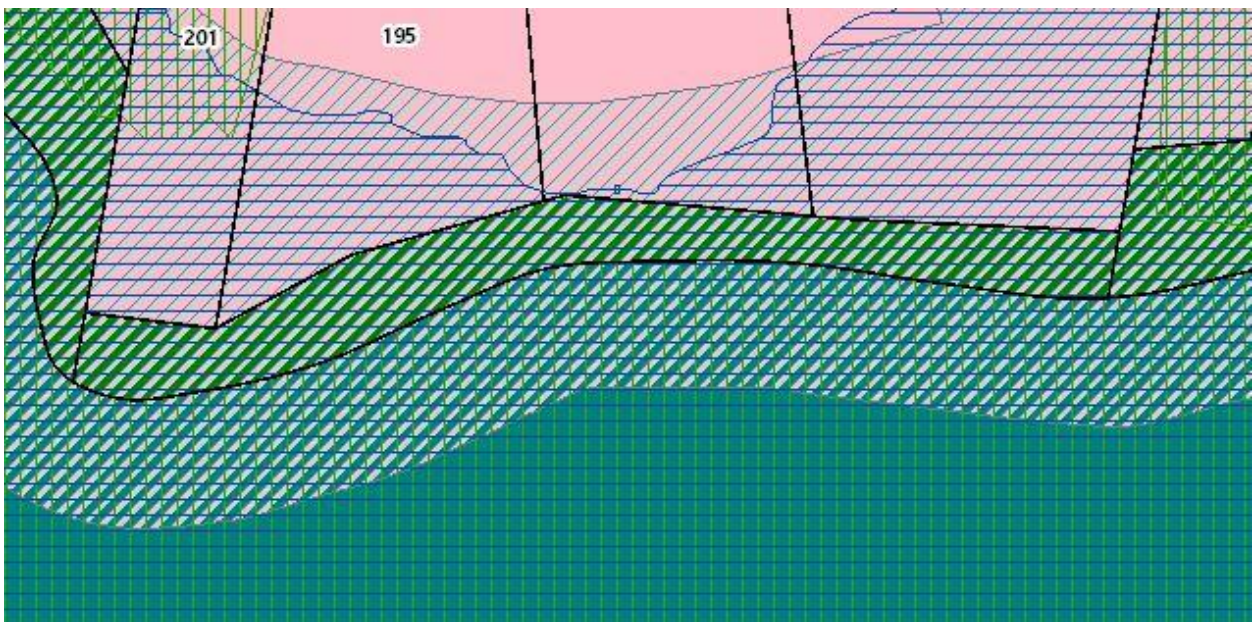


Figure 29 - Overlay

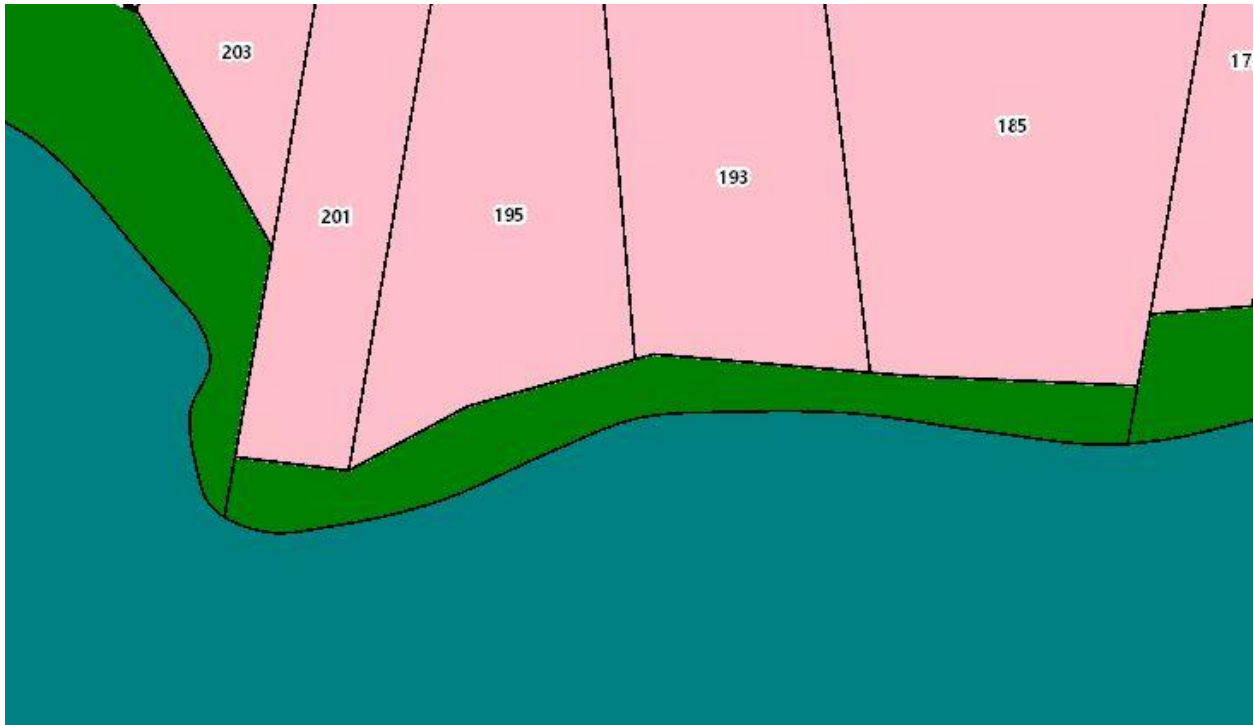


Figure 30 - Zoning

#### 4.10.3 Photos

Not available, private access

#### 4.10.4 Open Space Zone

The following looks at whether or not the site meets the purpose of the Open Space Zone and if it is able to meet the zone application guidelines.

##### 19.1.1 Zone Purpose Statements

19.1.1.1 *To provide land for open space purposes including for passive recreation and natural or landscape amenity.*

19.1.1.2 *To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.*

#### 4.10.5 Zone application guidelines

<b>OSZ1</b>	The Open Space Zone should be applied to land that provides, or is intended to provide, for the open space needs of the community, including land identified for: (a) passive recreational opportunities; or (b) natural or landscape amenity within an urban setting.
Response	<i>The site forms part of a passive recreation opportunity by providing a connection to other Open Space zoned land as well as providing a vegetative natural buffer between the Tamar River and the adjoining residential lots. The site is able to be accessed through adjoining open space lots.</i>

	<i>Whilst not accessible from a public space, it forms part of a large continuous stretch of land between the Tamar River and Residential properties.</i>
<b>OSZ2</b>	The Open Space Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, passive recreation opportunities
Response	<i>Parts of the site are located seaward of the high water mark but are able to be utilised for passive recreation activities.</i>
<b>OSZ3</b>	The Open Space Zone should generally only be applied to public land, but may be applied to privately owned land if it has been strategically identified for open space purposes.
Response	<i>The site is owned by the Crown and available to the public, however accessibility is obtained through an adjoining Open Space Zoned lot.</i>
<b>OSZ4</b>	The Open Space Zone should not be applied to land: (a) with significant natural values (see Environmental Management Zone); or (b) with, or intended for, formal recreational facilities, such as sporting grounds, golf courses, racecourses or major sporting facilities (see Recreation Zone).
Response	<i>There are currently no formal recreational facilities on the site. The site does not contain an overlay that would suggest any significant natural values.</i>

#### 4.10.6 Recommendation

As the above has stated, the site meets the purpose of the Open Space and it is recommended the zone remain unchanged.

### 4.11 Site #11

#### 4.11.1 Description

Site No. 11	
<b>Volume</b>	240430
<b>Folio</b>	1
<b>PID</b>	2859222
<b>Address</b>	165 Windermere Road, Windermere
<b>Name</b>	N/A
<b>Size</b>	5,435m <sup>2</sup>
<b>Owner</b>	GH Chandler & JA Chandler
<b>Overlays</b>	Water Feature 30m Buffer Floor Risk Area Adjoining Potentially Contaminated Land
<b>Infrastructure</b>	N/A
<b>Access</b>	No Public Access

## 4.11.2 Maps



Figure 31 - Aerial

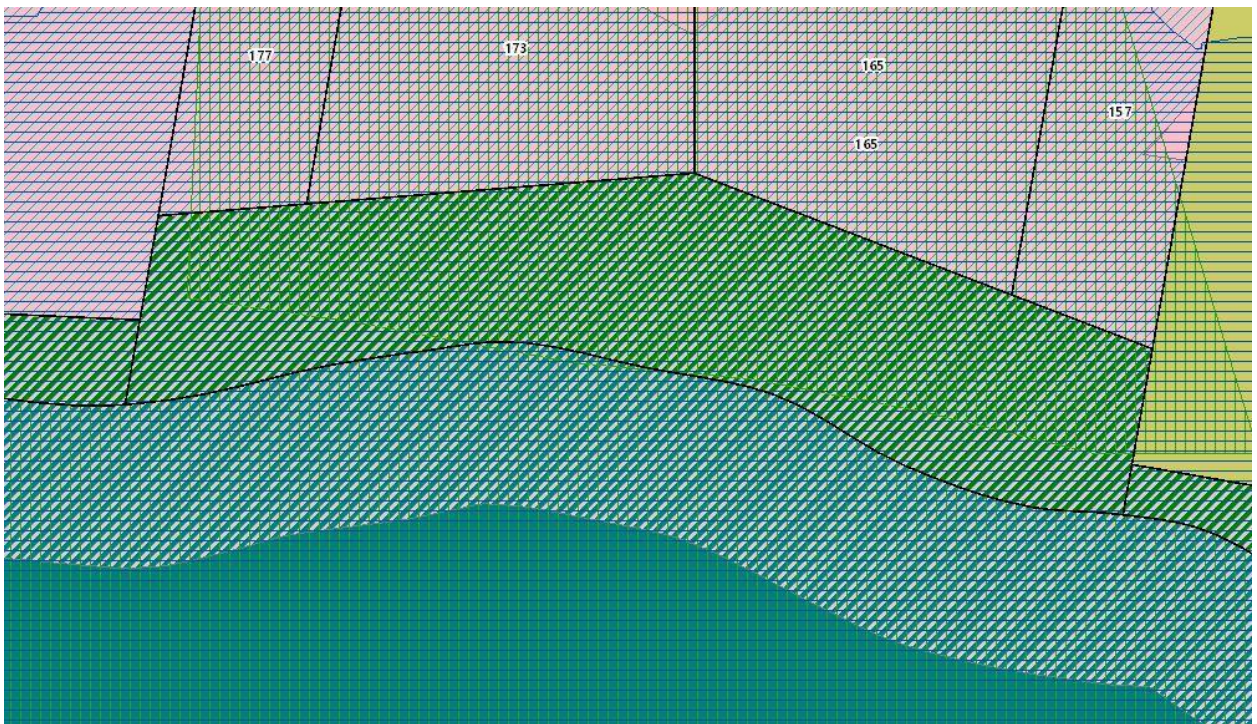


Figure 32 - Overlay

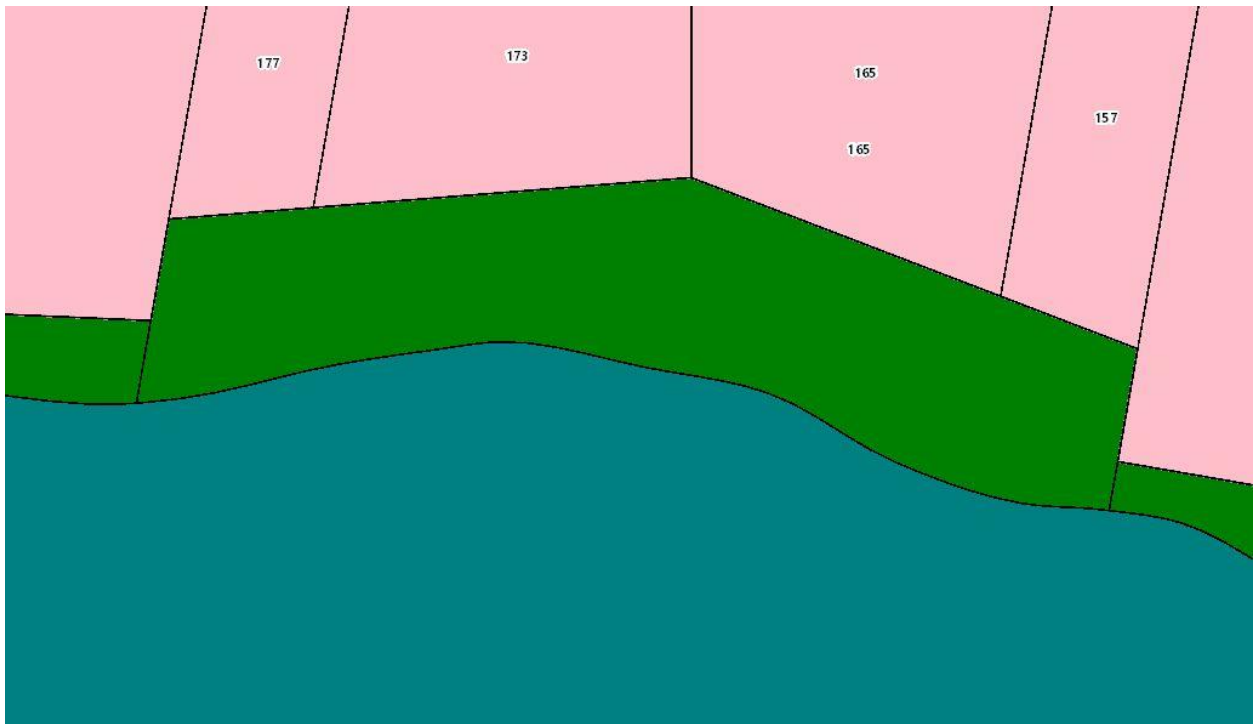


Figure 33 - Zoning

#### 4.11.3 Photos

Not available, private access

#### 4.11.4 Open Space Zone

The following looks at whether or not the site meets the purpose of the Open Space Zone and if it is able to meet the zone application guidelines.

##### 19.1.1 Zone Purpose Statements

19.1.1.1 To provide land for open space purposes including for passive recreation and natural or landscape amenity.

19.1.1.2 To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.

#### 4.11.5 Zone application guidelines

<b>OSZ1</b>	The Open Space Zone should be applied to land that provides, or is intended to provide, for the open space needs of the community, including land identified for: (a) passive recreational opportunities; or (b) natural or landscape amenity within an urban setting.
Response	<i>The site forms part of a passive recreation opportunity by providing a connection to other Open Space zoned land as well as providing a vegetative natural buffer between the Tamar River and the adjoining residential lots. The site is able to be accessed through adjoining open space lots.</i>

<b>OSZ2</b>	The Open Space Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, passive recreation opportunities
Response	<i>Parts of the site are located seaward of the high water mark but are able to be utilised for passive recreation activities.</i>
<b>OSZ3</b>	The Open Space Zone should generally only be applied to public land, but may be applied to privately owned land if it has been strategically identified for open space purposes.
Response	<i>The site is owned by the Crown and available to the public, however accessibility is obtained through an adjoining Open Space Zoned lot.</i>
<b>OSZ4</b>	The Open Space Zone should not be applied to land: (a) with significant natural values (see Environmental Management Zone); or (b) with, or intended for, formal recreational facilities, such as sporting grounds, golf courses, racecourses or major sporting facilities (see Recreation Zone).
Response	<i>There are currently no formal recreational facilities on the site. The site does not contain an overlay that would suggest any significant natural values.</i>

#### 4.11.6 Recommendation

As the above has stated, the site meets the purpose of the Open Space and it is recommended the zone remain unchanged.

### 4.12 Site #12

#### 4.12.1 Description

Site No. 12	
<b>Volume</b>	8929
<b>Folio</b>	3
<b>PID</b>	N/A Potential PID: 2514929
<b>Address</b>	N/A
<b>Name</b>	N/A
<b>Size</b>	1,133m <sup>2</sup>
<b>Owner</b>	Authority Land DPIPWE (Crown Land Services) Crown Land
<b>Overlays</b>	Water Feature 30m Buffer Floor Risk Area Adjoining Potentially Contaminated Land Priority Habitat
<b>Infrastructure</b>	Fence
<b>Access</b>	No Public Access



4.12.2 Maps



Figure 34 - Aerial

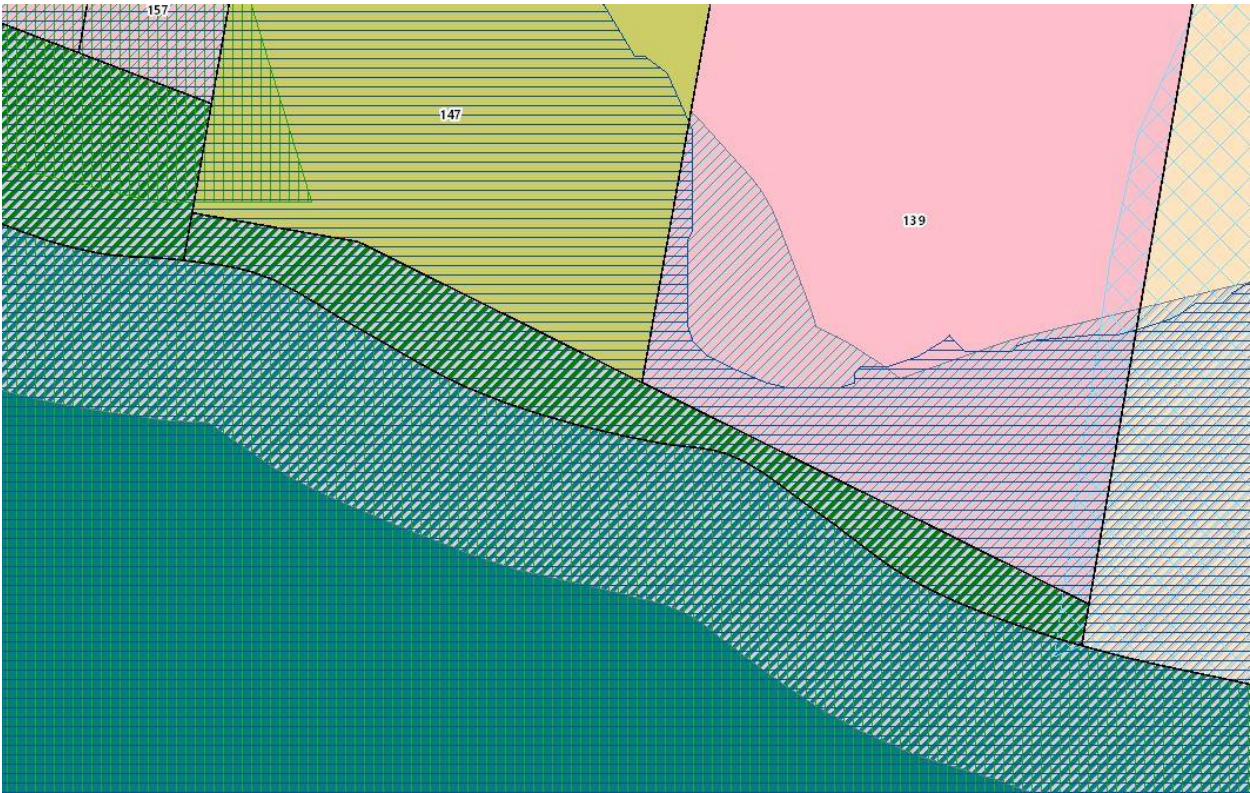


Figure 35 - Overlay



Figure 36 - Zoning

**4.12.3 Photos**

Not available, private access

**4.12.4 Open Space Zone**

The following looks at whether or not the site meets the purpose of the Open Space Zone and if it is able to meet the zone application guidelines.

19.1.1 *Zone Purpose Statements*

19.1.1.1 *To provide land for open space purposes including for passive recreation and natural or landscape amenity.*

19.1.1.2 *To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.*

**4.12.5 Zone application guidelines**

<b>OSZ1</b>	The Open Space Zone should be applied to land that provides, or is intended to provide, for the open space needs of the community, including land identified for: (a) passive recreational opportunities; or (b) natural or landscape amenity within an urban setting.
Response	<i>The site forms part of a passive recreation opportunity by providing a connection to other Open Space zoned land as well as providing a vegetative natural buffer between the Tamar River and the adjoining residential lots. The site is able to be accessed through adjoining open space lots.</i>

<b>OSZ2</b>	The Open Space Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, passive recreation opportunities
Response	<i>Parts of the site are located seaward of the high water mark but are able to be utilised for passive recreation activities.</i>
<b>OSZ3</b>	The Open Space Zone should generally only be applied to public land, but may be applied to privately owned land if it has been strategically identified for open space purposes.
Response	<i>The site is owned by the Crown and available to the public, however accessibility is obtained through an adjoining Open Space Zoned lot.</i>
<b>OSZ4</b>	The Open Space Zone should not be applied to land: (a) with significant natural values (see Environmental Management Zone); or (b) with, or intended for, formal recreational facilities, such as sporting grounds, golf courses, racecourses or major sporting facilities (see Recreation Zone).
Response	<i>There are currently no formal recreational facilities on the site. The site does not contain an overlay that would suggest any significant natural values.</i>

#### 4.12.6 Recommendation

As the above has stated, the site meets the purpose of the Open Space and it is recommended the zone remain unchanged.

### 4.13 Site #13

#### 4.13.1 Description

Site No. 13	
<b>Volume</b>	13767
<b>Folio</b>	17
<b>PID</b>	1550012
<b>Address</b>	95 Rostella Road, Dilston
<b>Name</b>	Rostella Reserve
<b>Size</b>	14,480m <sup>2</sup>
<b>Owner</b>	City of Launceston
<b>Overlays</b>	Priority Habitat Flood Risk Area Water Feature 30m Buffer Landslip Class 4
<b>Infrastructure</b>	fence
<b>Access</b>	Public via Rostella Road

### 4.13.2 Maps



Figure 37 - Aerial



Figure 38 - Overlay



Figure 39 - Zoning

### 4.13.3 Photos



#### 4.13.4 Open Space Zone

The following looks at whether or not the site meets the purpose of the Open Space Zone and if it is able to meet the zone application guidelines.

##### 19.1.1 Zone Purpose Statements

19.1.1.1 To provide land for open space purposes including for passive recreation and natural or landscape amenity.

19.1.1.2 To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.

#### 4.13.5 Zone application guidelines

<b>OSZ1</b>	The Open Space Zone should be applied to land that provides, or is intended to provide, for the open space needs of the community, including land identified for: (a) passive recreational opportunities; or (b) natural or landscape amenity within an urban setting.
Response	<i>The site is known as 'Rostella Reserve' and is able to provide for passive recreational activities.</i>
<b>OSZ2</b>	The Open Space Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, passive recreation opportunities
Response	<i>No parts of the site are seaward of the high water mark.</i>
<b>OSZ3</b>	The Open Space Zone should generally only be applied to public land, but may be applied to privately owned land if it has been strategically identified for open space purposes.
Response	<i>The site is owned by the City of Launceston and is publicly accessible via Rostella Road.</i>
<b>OSZ4</b>	The Open Space Zone should not be applied to land: (a) with significant natural values (see Environmental Management Zone); or (b) with, or intended for, formal recreational facilities, such as sporting grounds, golf courses, racecourses or major sporting facilities (see Recreation Zone).
Response	<i>There are currently no formal recreational facilities on the site. The site does not contain an overlay that would suggest any significant natural values.</i>

#### 4.13.6 Recommendation

As the above has stated, the site meets the purpose of the Open Space and it is recommended the zone remain unchanged.

## 4.14 Site #14

### 4.14.1 Description

Site No. 14	
Volume	248720
Folio	5
PID	N/A
Address	N/A
Name	N/A
Size	1,826.145m <sup>2</sup>
Owner	Private Parcel
Overlays	Priority Habitat Flood Risk Area Water Feature 30m Buffer Landslip Class 4
Infrastructure	Nil
Access	No Public Access

### 4.14.2 Maps

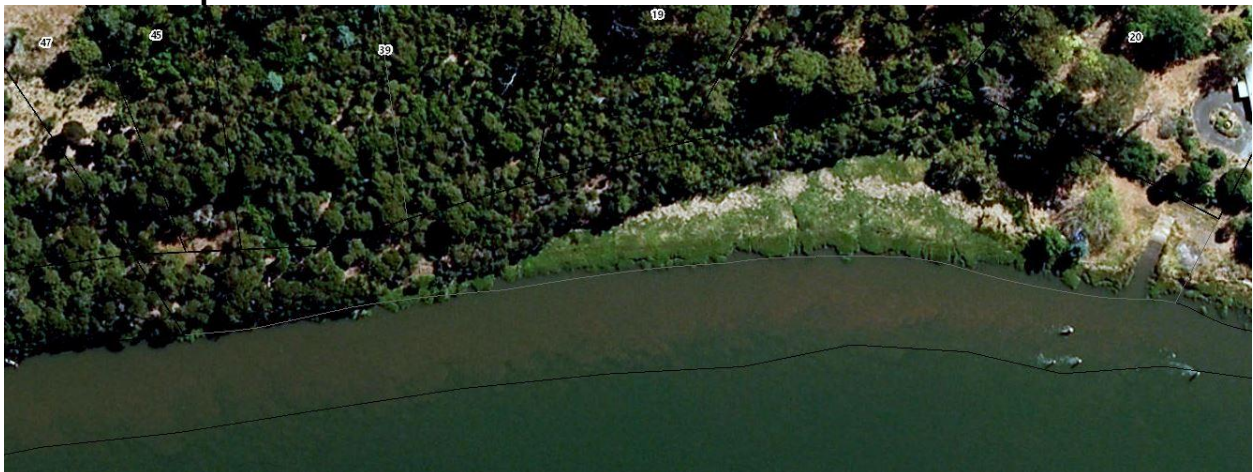


Figure 40 - Aerial

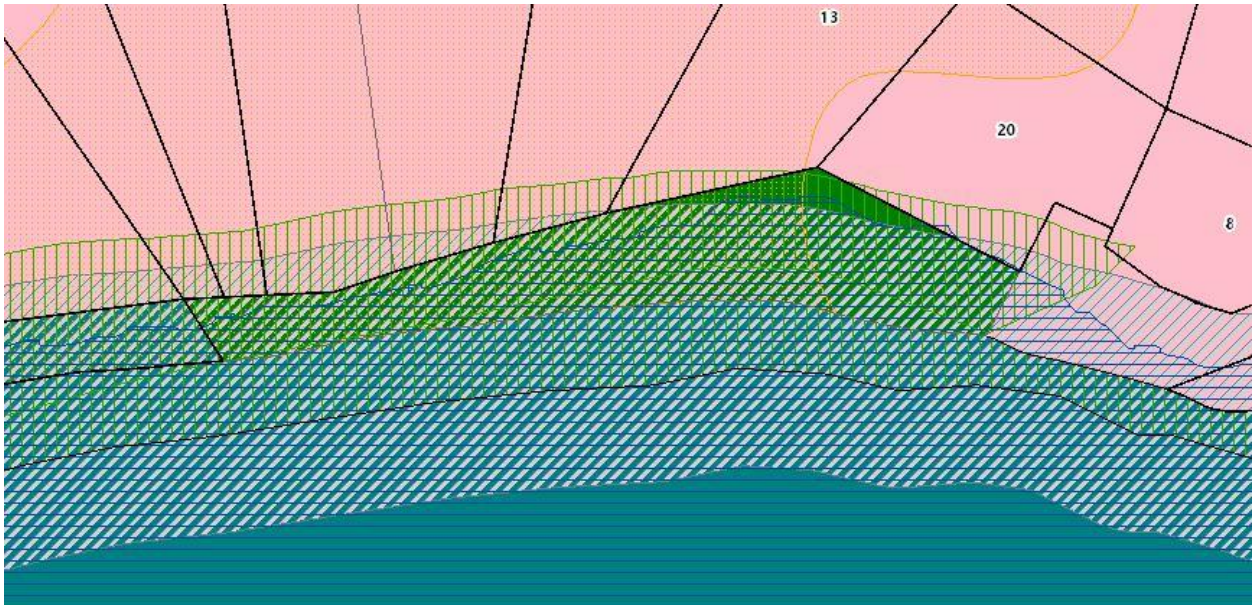


Figure 41 - Overlay

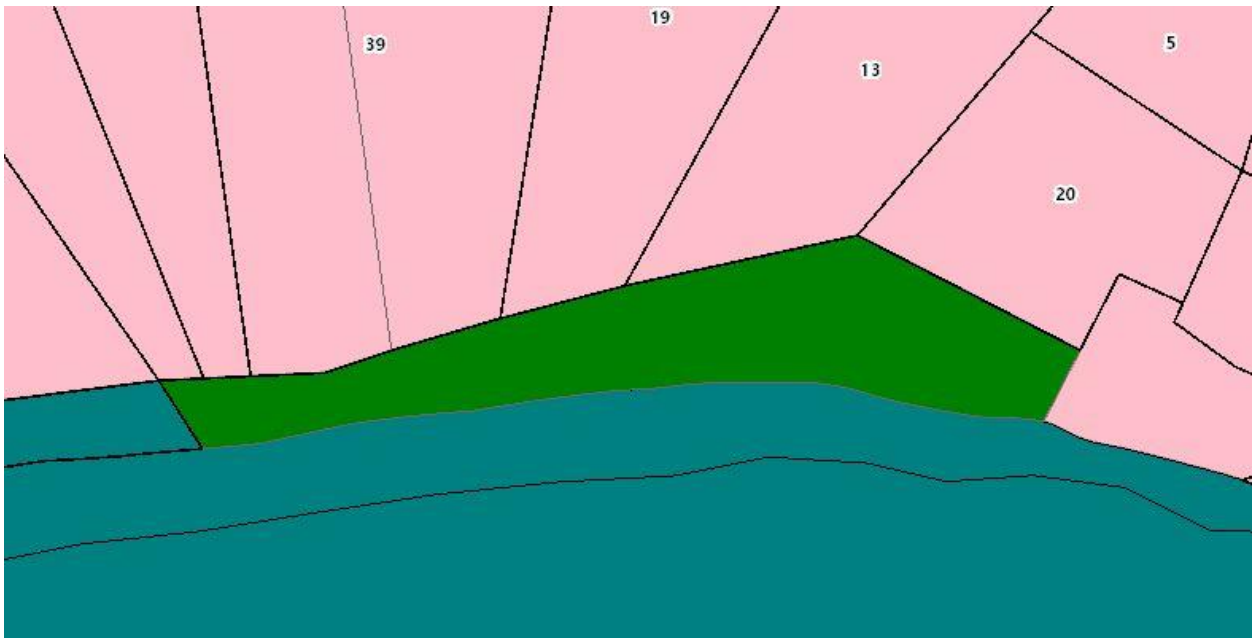


Figure 42 - Zoning



4.14.3 Photos





#### 4.14.4 Open Space Zone

The following looks at whether or not the site meets the purpose of the Open Space Zone and if it is able to meet the zone application guidelines.

##### 19.1.1 Zone Purpose Statements

19.1.1.1 *To provide land for open space purposes including for passive recreation and natural or landscape amenity.*

19.1.1.2 *To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.*

#### 4.14.5 Zone application guidelines

<b>OSZ1</b>	The Open Space Zone should be applied to land that provides, or is intended to provide, for the open space needs of the community, including land identified for: (a) passive recreational opportunities; or (b) natural or landscape amenity within an urban setting.
Response	<i>There are limited opportunities for passive recreation as the site is surrounded by residentially utilised lots, with the exception of the western adjoining lot which is zoned Environmental Management. However, the site is heavily vegetated and provides for landscape amenity of the area.</i>

<b>OSZ2</b>	The Open Space Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, passive recreation opportunities
Response	<i>There is no reasonable opportunity for passive recreation.</i>
<b>OSZ3</b>	The Open Space Zone should generally only be applied to public land, but may be applied to privately owned land if it has been strategically identified for open space purposes.
Response	<i>The site is a private parcel of land.</i>
<b>OSZ4</b>	The Open Space Zone should not be applied to land: (a) with significant natural values (see Environmental Management Zone); or (b) with, or intended for, formal recreational facilities, such as sporting grounds, golf courses, racecourses or major sporting facilities (see Recreation Zone).
Response	<i>The site contains priority habitat.</i>

#### 4.14.6 Environmental Management Zone

The following looks at whether or not the site meets the purpose of the Environmental Management Zone and if it is able to meet the zone application guidelines.

##### 23.1 Zone Purpose

23.1.1 *To provide for the protection, conservation and management of land with significant ecological, scientific, cultural or scenic value.*

23.1.2 *To allow for compatible use or development where it is consistent with:*  
 (a) *the protection, conservation and management of the values of the land; and*  
 (b) *applicable reserved land management objectives and objectives of reserve management plans.*

#### 4.14.7 Zone application guidelines

<b>EMZ 1</b>	The Environmental Management Zone should be applied to land with significant ecological, scientific, cultural or scenic values, such as: (a) land reserved under the Nature Conservation Act 2002; (b) land within the Tasmanian Wilderness World Heritage Area; (c) riparian, littoral or coastal reserves; (d) Ramsar sites; (e) any other public land where the primary purpose is for the protection and conservation of such values; or (f) any private land containing significant values identified for protection or conservation and where the intention is to limit use and development.
Response	<i>The site is heavily vegetated and contains priority habitat.</i>

<b>EMZ 2</b>	The Environmental Management Zone should be applied to land seaward of the high water mark unless contrary intention applies, such as land with existing, or intended for: (a) passive recreation opportunities (see Open Space Zone); (b) recreational facilities (see Recreation Zone); (c) large scale port and marine activities or facilities (see Port and Marine Zone); (d) industrial activities or facilities (see industrial zones); or (e) major utilities infrastructure (see Utilities Zone).
Response	<i>There are very limited opportunities to develop the site due to overlays and contains no opportunity for passive recreation.</i>
<b>EMZ 3</b>	The Environmental Management Zone may be applied to land for water storage facilities directly associated with major utilities infrastructure, such as dams.
Response	<i>The site is not associated with major infrastructure.</i>
<b>Note</b>	<i>If the land seaward of the high water mark that is outside the municipal area is unzoned, the General Provision at clause 7.11 of the State Planning Provisions will be applicable for any use subject to section 7 of the Act. Clause 7.11 requires the consideration of the provisions of the zone that is closest to the site, or the provision of the zone from which the use or development extends.</i>
Response	<i>The land seaward of the high water mark is currently zoned.</i>

#### 4.14.8 Discussion

##### State Coastal Policy 1986

This policy only applies to Crown land. As the subject site is privately owned it is not applicable in the assessment of this change of zoning.

##### State Policy on Water Quality Management 1997

The Environmental Management Zone provides for the protection and conservation of land with significant ecological and scenic value. The policy has a number of objectives to sustainably manage surface and groundwater resources. The main objective relevant to the change in zoning is as follows:

- *Focus water quality management on the achievement of water quality objectives which will maintain or enhance water quality and further the objectives of Tasmania's Resource Management and Planning System (6.1(a))*

By changing the zone to Environmental Management it will ensure the protection of the site for its conservation values, including the maintenance of water quality. There is no infrastructure over the site that would tamper with existing water quality and the zoning would allow the natural state of the site to be preserved.

##### State Policy on the Protection of Agricultural Land 2009

This policy is only relevant to rural land and as such is not applicable in the assessment.

### National Environment Protection Measures (NEPMs)

By changing the zone to a more environmentally sustainable environment, it will limit human interaction and allow the site to develop naturally. This in turn will maintain ambient air quality, water quality, and reduce any potential impacts from inconsistent development.

### Northern Regional Land Use Strategy (NRLUS)

The NRLUS aims to protect and sustain the regions quality of life and manage the regions development, including physical environmental change. It is considered that a change to the Environmental Management Zone better supports the regional natural environment area of the section of the strategy by providing for wetlands and waterways and maintain rich and diverse native flora and fauna. By changing the zoning these natural attributes will be able to be maintained.

### Schedule 1 Objectives of LUPAA

Objectives that are relevant to this site:

#### Part 1

- To promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;
- to provide for the fair, orderly and sustainable use and development of air, land and water; and

The retention of the site for sustainable environmental use maintains the natural ecological state of the site and genetic diversity of flora and fauna. It will ensure development is limited which in turn will allow the site to maintain natural air, water, and land quality.

#### **4.14.9 Recommendation**

It is recommended the zoning be changed from Open Space to Environmental Management.

The following is an assessment taken against the relevant sections of state policies, land use strategies, and the *Land Use Planning and Approvals Act 1993*. A description of these legislative documents are provided in a subsequent section of this report. The following only looks at the relevant sections.

### **4.15 Site #15**

#### **4.15.1 Description**

<b>Site No. 15</b>	
<b>Volume</b>	249109
<b>Folio</b>	1
<b>PID</b>	N/A
<b>Address</b>	N/A
<b>Name</b>	N/A
<b>Size</b>	3,245m <sup>2</sup>
<b>Owner</b>	Authority Land

	State Growth (DIER) Crown Land
<b>Overlays</b>	Flood Risk Area Water Feature 30m Buffer
<b>Infrastructure</b>	Nil
<b>Access</b>	Public access via John Lees Drive

This site, along with sites 16 - 21 all form part of a greater buffer strip of land that extends from this site southwards for 1.4km.

#### 4.15.2 Maps



Figure 43 - Aerial

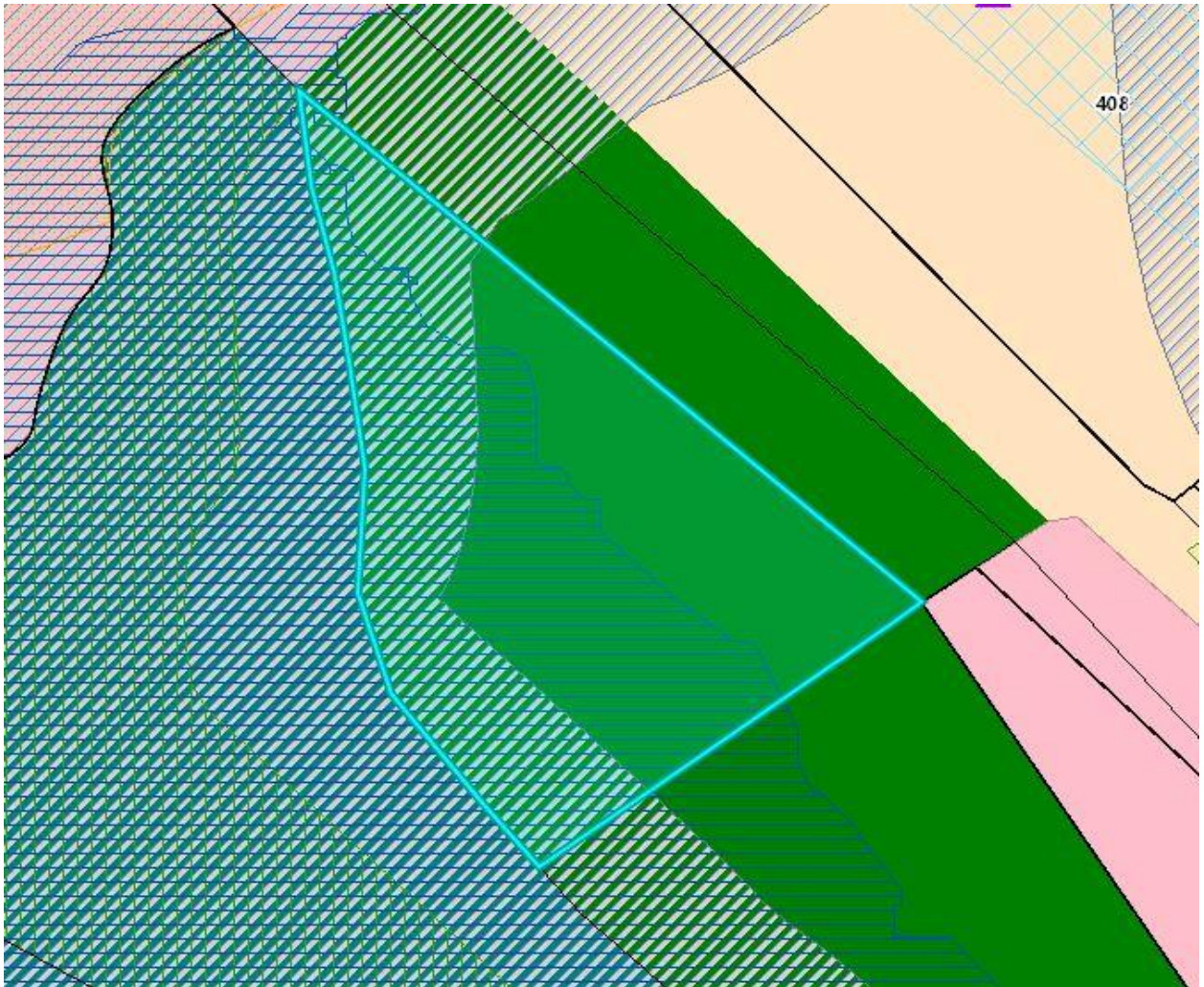


Figure 44 - Overlay



Figure 45 - Zoning

#### 4.15.3 Photos





#### 4.15.4 Open Space Zone

The following looks at whether or not the site meets the purpose of the Open Space Zone and if it is able to meet the zone application guidelines.

##### 19.1.1 Zone Purpose Statements

19.1.1.1 *To provide land for open space purposes including for passive recreation and natural or landscape amenity.*

19.1.1.2 *To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.*

#### 4.15.5 Zone application guidelines

<b>OSZ1</b>	The Open Space Zone should be applied to land that provides, or is intended to provide, for the open space needs of the community, including land identified for: (a) passive recreational opportunities; or (b) natural or landscape amenity within an urban setting.
Response	<i>Access into the site is difficult due to thick scrub and no known path. However, the area does provide a natural landscaped buffer within the surrounding residential setting.</i>
<b>OSZ2</b>	The Open Space Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, passive recreation opportunities
Response	<i>Not applicable as the land is southward of the high tide mark.</i>
<b>OSZ3</b>	The Open Space Zone should generally only be applied to public land, but may be applied to privately owned land if it has been strategically identified for open space purposes.
Response	<i>The land is owned by the Crown.</i>
<b>OSZ4</b>	The Open Space Zone should not be applied to land: (a) with significant natural values (see Environmental Management Zone); or (b) with, or intended for, formal recreational facilities, such as sporting grounds, golf courses, racecourses or major sporting facilities (see Recreation Zone).
Response	<i>There are no known significant values over the site and no opportunities to utilise the site for formal recreational activities.</i>

#### 4.15.6 Recommendation

As the above has stated, the site meets the purpose of the Open Space and it is recommended the zone remain unchanged.

## 4.16 Site #16

### 4.16.1 Description

Site No. 16	
Volume	247330
Folio	1
PID	N/A
Address	N/A
Name	N/A
Size	4,378m <sup>2</sup>
Owner	Casement Subdivision Road Freehold Title
Overlays	Flood Risk Area Water Feature 30m Buffer
Infrastructure	TasWater Water Main Road Infrastructure - pull off area for John Lees Drive Car Park
Notes	The title is split zoned. Note that the overlays above only relate to the Open Space zone section of the title.
Access	Public access via John lees Road - Adjoins 387 John Lees Road

### 4.16.2 Maps



Figure 46 - Aerial



Figure 47 - Overlay



Figure 48 - Zoning

**4.16.3 Photos**  
Not available

#### 4.16.4 Open Space Zone

The following looks at whether or not the site meets the purpose of the Open Space Zone and if it is able to meet the zone application guidelines.

##### 19.1.1 Zone Purpose Statements

19.1.1.1 To provide land for open space purposes including for passive recreation and natural or landscape amenity.

19.1.1.2 To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.

#### 4.16.5 Zone application guidelines

<b>OSZ1</b>	The Open Space Zone should be applied to land that provides, or is intended to provide, for the open space needs of the community, including land identified for: (a) passive recreational opportunities; or (b) natural or landscape amenity within an urban setting.
Response	<i>The land is split zoned, with the section zoned Open Space being the pull off area and car parking area for John Lees Drive. Whilst not necessarily providing an area for passive recreation or natural amenity, it has followed the zoning pattern for road reserve, which is extending the zone of adjoining land.</i>
<b>OSZ2</b>	The Open Space Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, passive recreation opportunities
Response	<i>The land is not seaward of the high water mark.</i>
<b>OSZ3</b>	The Open Space Zone should generally only be applied to public land, but may be applied to privately owned land if it has been strategically identified for open space purposes.
Response	<i>The land is owned by the Crown.</i>
<b>OSZ4</b>	The Open Space Zone should not be applied to land: (a) with significant natural values (see Environmental Management Zone); or (b) with, or intended for, formal recreational facilities, such as sporting grounds, golf courses, racecourses or major sporting facilities (see Recreation Zone).
Response	The land has no natural values or opportunity for formal recreational facilities.

#### 4.16.6 Recommendation

As the above has stated, the site meets the purpose of the Open Space and it is recommended the zone remain unchanged.

## 4.17 Site #17

### 4.17.1 Description

Site No. 17	
Volume	N/A
Folio	N/A
PID	N/A
Address	N/A
Name	John Lees Drive
Size	48,851.983m <sup>2</sup>
Owner	Casement Road (type unknown)
Overlays	Flood Risk Area Water Feature 30m Buffer
Infrastructure	John Lees Drive
Access	Public access via John lees Road - Adjoins 387 John Lees Drive

### 4.17.2 Maps



Figure 49 - Aerial

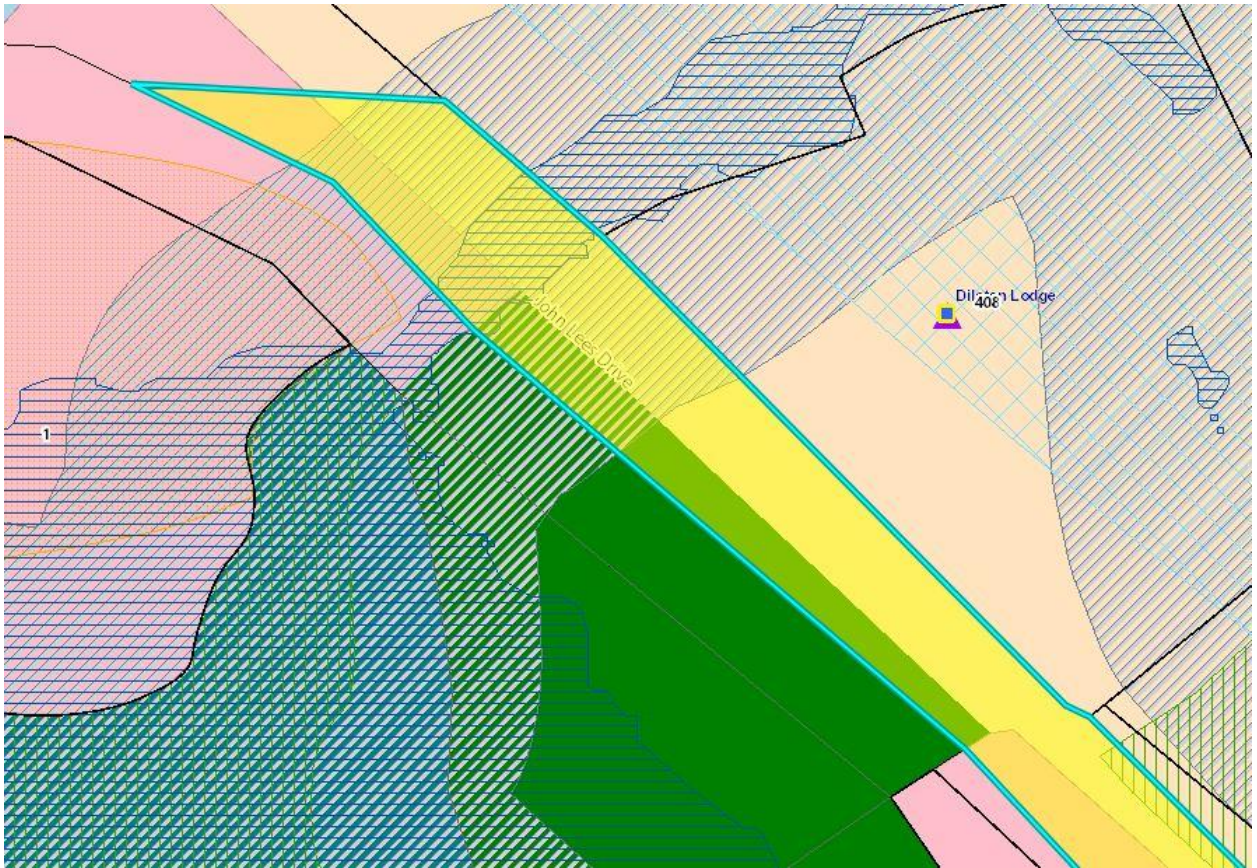


Figure 50 - Overlay

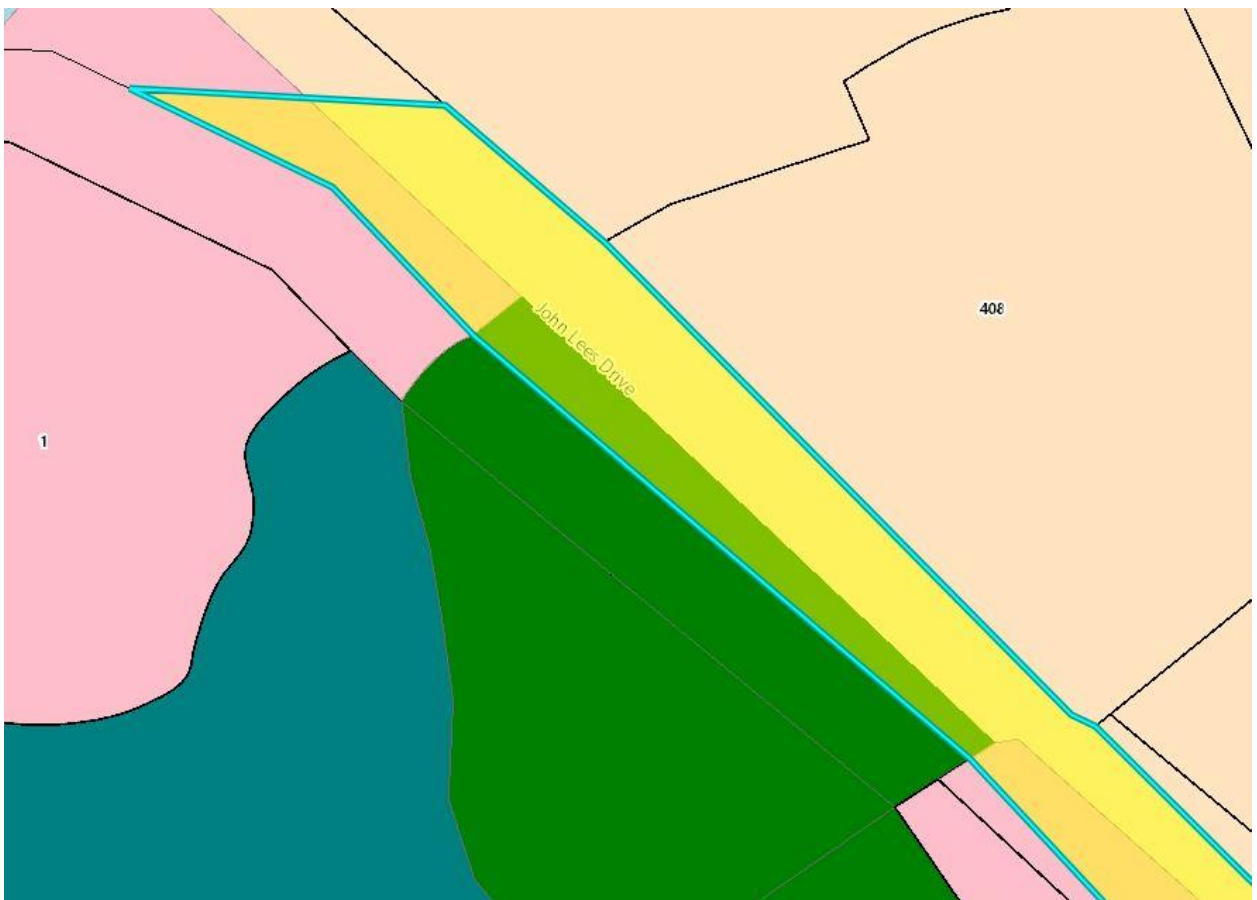


Figure 51 - Zoning

### 4.17.3 Photos

Not available

### 4.17.4 Open Space Zone

The following looks at whether or not the site meets the purpose of the Open Space Zone and if it is able to meet the zone application guidelines.

#### 19.1.1 Zone Purpose Statements

19.1.1.1 To provide land for open space purposes including for passive recreation and natural or landscape amenity.

19.1.1.2 To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.

### 4.17.5 Zone application guidelines

<b>OSZ1</b>	The Open Space Zone should be applied to land that provides, or is intended to provide, for the open space needs of the community, including land identified for: (a) passive recreational opportunities; or (b) natural or landscape amenity within an urban setting.
Response	<i>The land is split zoned, with the section zoned Open Space being the John Lees Drive. Whilst not necessarily providing an area for passive recreation or natural amenity, it has followed the zoning pattern for road reserve, which is to extend the zone of adjoining land.</i>
<b>OSZ2</b>	The Open Space Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, passive recreation opportunities
Response	<i>The land is not seaward of the high water mark.</i>
<b>OSZ3</b>	The Open Space Zone should generally only be applied to public land, but may be applied to privately owned land if it has been strategically identified for open space purposes.
Response	<i>The land is owned by the Crown.</i>
<b>OSZ4</b>	The Open Space Zone should not be applied to land: (a) with significant natural values (see Environmental Management Zone); or (b) with, or intended for, formal recreational facilities, such as sporting grounds, golf courses, racecourses or major sporting facilities (see Recreation Zone).
Response	<i>The land has no natural values or opportunity for formal recreational facilities.</i>

#### 4.17.6 Recommendation

As the above has stated, the site meets the purpose of the Open Space Zone and it is recommended the zone remain unchanged.

#### 4.18 Site #18

##### 4.18.1 Description

Site No. 18	
<b>Volume</b>	8
<b>Folio</b>	3402
<b>PID</b>	N/A
<b>Address</b>	N/A
<b>Name</b>	N/A
<b>Size</b>	29,447.527m <sup>2</sup>
<b>Owner</b>	Private Parcel Freehold Title
<b>Overlays</b>	Flood Risk Area Water Feature 30m Buffer
<b>Infrastructure</b>	Jetty Boat ramp
<b>Notes</b>	The title is in 3 non-adjoining areas
<b>Access</b>	Public access via John lees Road



4.18.2 Maps



Figure 52 - Aerial



Figure 53 - Overlay

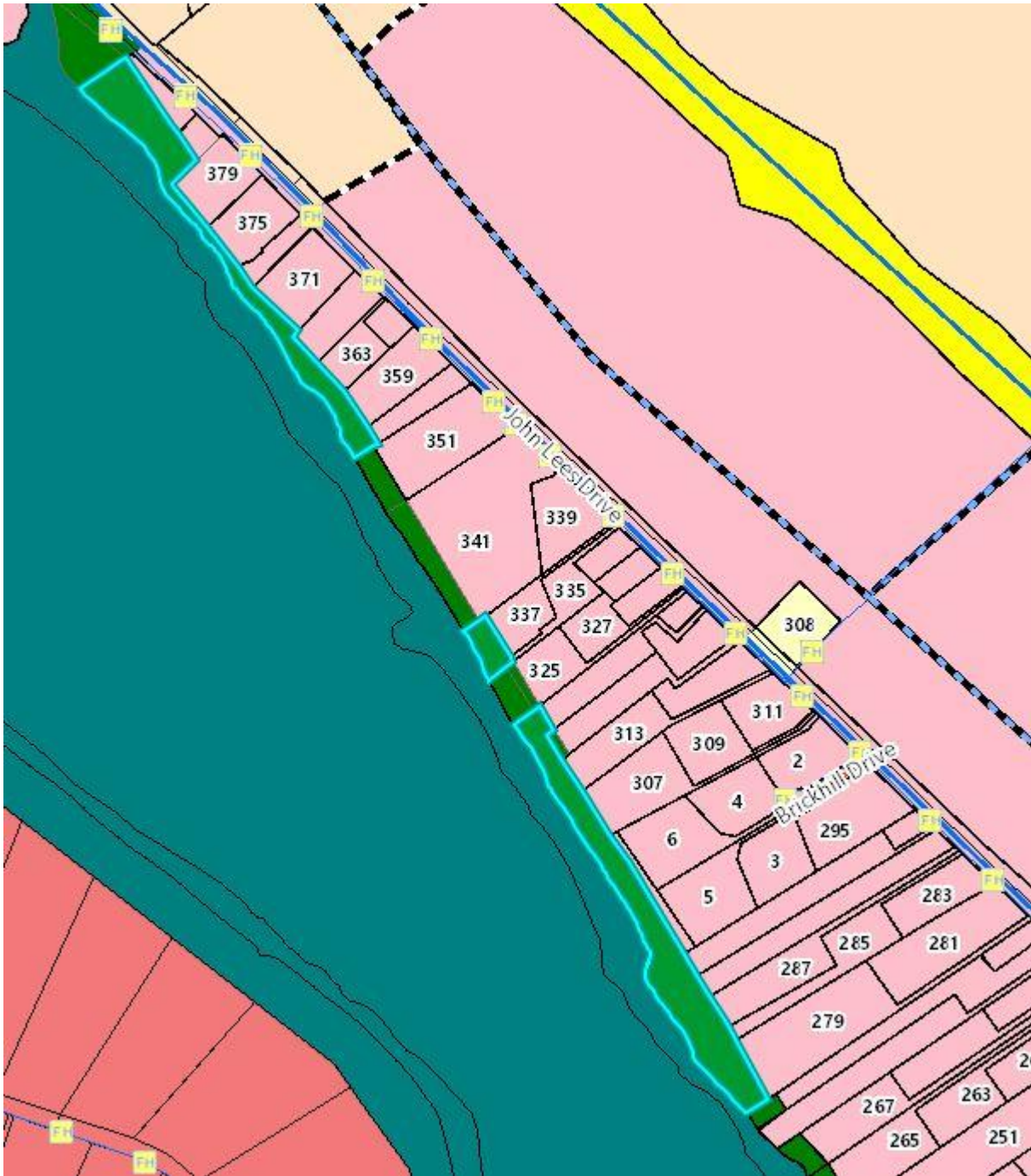


Figure 54 - Zoning

#### 4.18.3 Photos

Not available, private access

#### 4.18.4 Open Space Zone

The following looks at whether or not the site meets the purpose of the Open Space Zone and if it is able to meet the zone application guidelines.

##### 19.1.1 Zone Purpose Statements

19.1.1.1 To provide land for open space purposes including for passive recreation and natural or landscape amenity.

19.1.1.2 To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.

#### 4.18.5 Zone application guidelines

<b>OSZ1</b>	The Open Space Zone should be applied to land that provides, or is intended to provide, for the open space needs of the community, including land identified for: (a) passive recreational opportunities; or (b) natural or landscape amenity within an urban setting.
Response	<i>Access into the site is difficult due to thick scrub and no known path. However, the area does provide a natural landscaped buffer within the surrounding residential setting.</i>
<b>OSZ2</b>	The Open Space Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, passive recreation opportunities
Response	<i>Not applicable as the land is southward of the high tide mark.</i>
<b>OSZ3</b>	The Open Space Zone should generally only be applied to public land, but may be applied to privately owned land if it has been strategically identified for open space purposes.
Response	<i>The land is owned by the Crown.</i>
<b>OSZ4</b>	The Open Space Zone should not be applied to land: (a) with significant natural values (see Environmental Management Zone); or (b) with, or intended for, formal recreational facilities, such as sporting grounds, golf courses, racecourses or major sporting facilities (see Recreation Zone).
Response	<i>There are no known significant values over the site and no opportunities to utilise the site for formal recreational activities.</i>

#### 4.18.6 Recommendation

As the above has stated, the site meets the purpose of the Open Space Zone and it is recommended the zone remain unchanged.

### 4.19 Site #19

#### 4.19.1 Description

Site No. 19	
<b>Volume</b>	10443
<b>Folio</b>	3
<b>PID</b>	2227540
<b>Address</b>	East Tamar Highway, Dilston
<b>Name</b>	N/A

<b>Size</b>	599m <sup>2</sup>
<b>Owner</b>	Authority Land DPIPWE (Crown Land Services) Crown Land
<b>Overlays</b>	Priority Habitat Flood Risk Area Water Feature 30m Buffer
<b>Infrastructure</b>	N/A
<b>Access</b>	No Public Access

#### 4.19.2 Maps

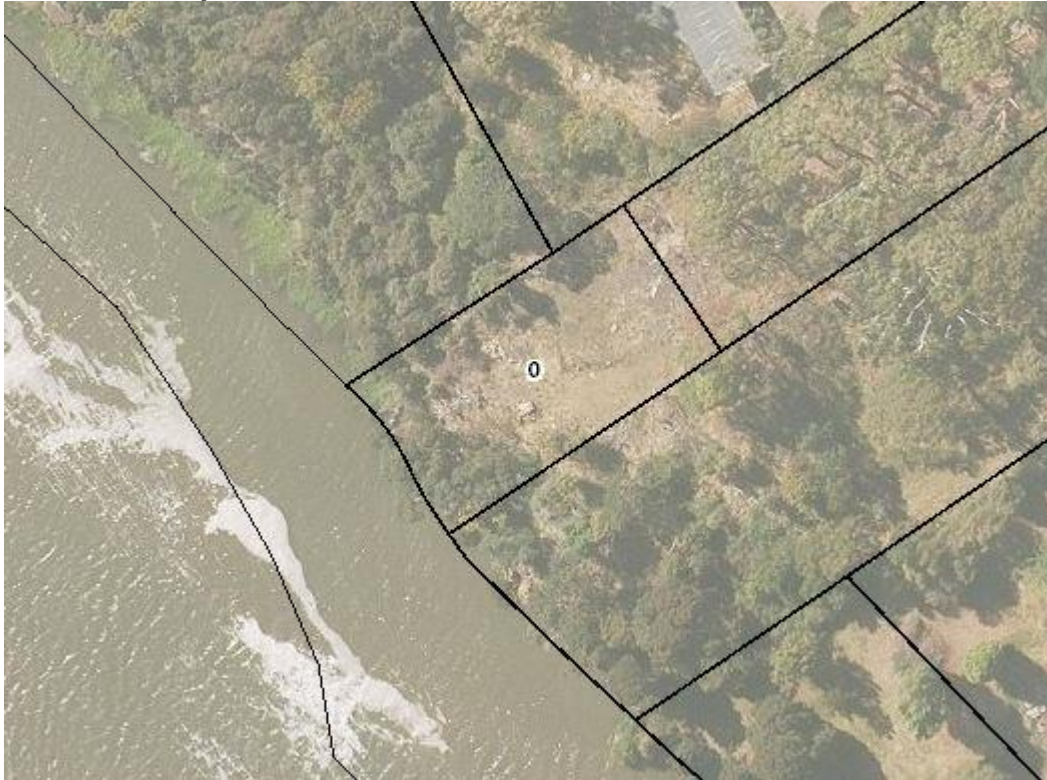


Figure 55 - Aerial

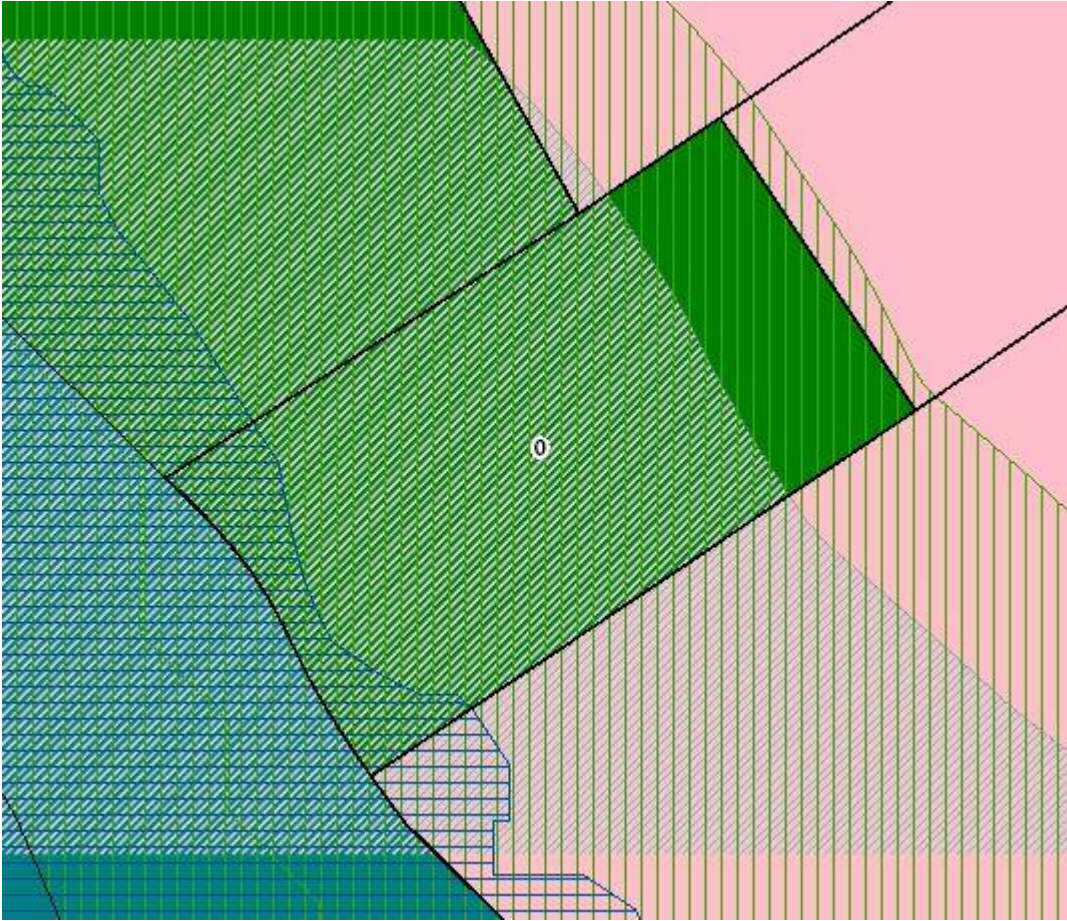


Figure 56 - Overlay

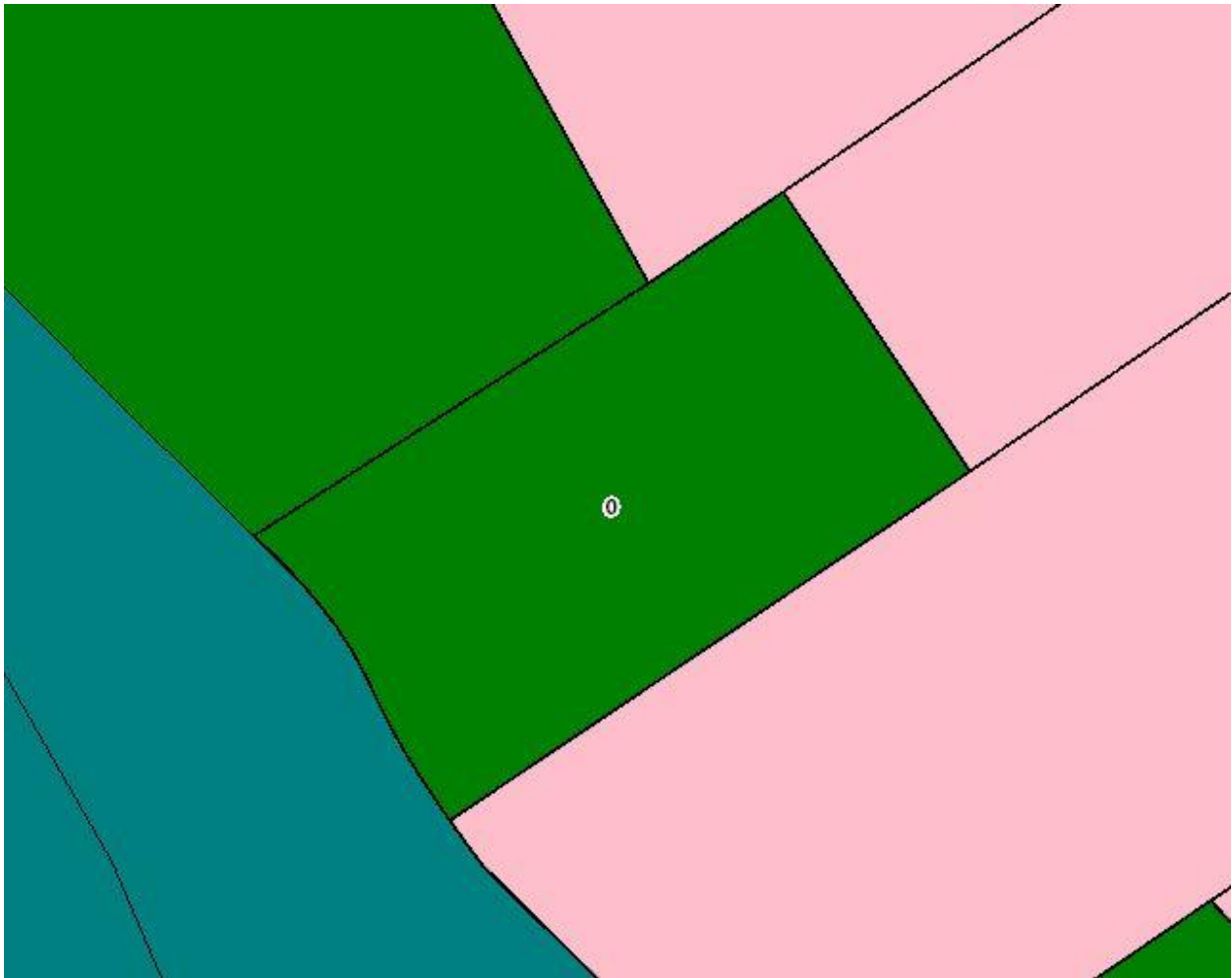


Figure 57 - Zoning

#### 4.19.3 Photos

Not available, private access

#### 4.19.4 Open Space Zone

The following looks at whether or not the site meets the purpose of the Open Space Zone and if it is able to meet the zone application guidelines.

##### 19.1.1 Zone Purpose Statements

19.1.1.1 *To provide land for open space purposes including for passive recreation and natural or landscape amenity.*

19.1.1.2 *To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.*

#### 4.19.5 Zone application guidelines

<b>OSZ1</b>	The Open Space Zone should be applied to land that provides, or is intended to provide, for the open space needs of the community, including land identified for: (a) passive recreational opportunities; or (b) natural or landscape amenity within an urban setting.
-------------	--

Response	<i>Access into the site is difficult due to thick scrub and no known path. However, the area does provide a natural landscaped buffer within the surrounding residential setting.</i>
<b>OSZ2</b>	The Open Space Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, passive recreation opportunities
Response	<i>Not applicable as the land is southward of the high tide mark.</i>
<b>OSZ3</b>	The Open Space Zone should generally only be applied to public land, but may be applied to privately owned land if it has been strategically identified for open space purposes.
Response	<i>The land is owned by the Crown.</i>
<b>OSZ4</b>	The Open Space Zone should not be applied to land: (a) with significant natural values (see Environmental Management Zone); or (b) with, or intended for, formal recreational facilities, such as sporting grounds, golf courses, racecourses or major sporting facilities (see Recreation Zone).
Response	<i>There are no known significant values over the site and no opportunities to utilise the site for formal recreational activities.</i>

#### 4.19.6 Recommendation

As the above has stated, the site meets the purpose of the Open Space Zone and it is recommended the zone remain unchanged.

#### 4.20 Site #20

##### 4.20.1 Description

Site No. 20	
<b>Volume</b>	91847
<b>Folio</b>	4
<b>PID</b>	N/A Potential PID: 2227508
<b>Address</b>	N/A
<b>Name</b>	N/A
<b>Size</b>	1,000m <sup>2</sup>
<b>Owner</b>	Authority Land DPIPWE (Crown Land Services) Crown Land
<b>Overlays</b>	Priority Habitat Flood Risk Area Water Feature 30m Buffer LSMA: Dilston Wetlands Precinct 10
<b>Infrastructure</b>	Nil
<b>Access</b>	No Public Access



## 4.20.2 Maps



Figure 58 - Aerial

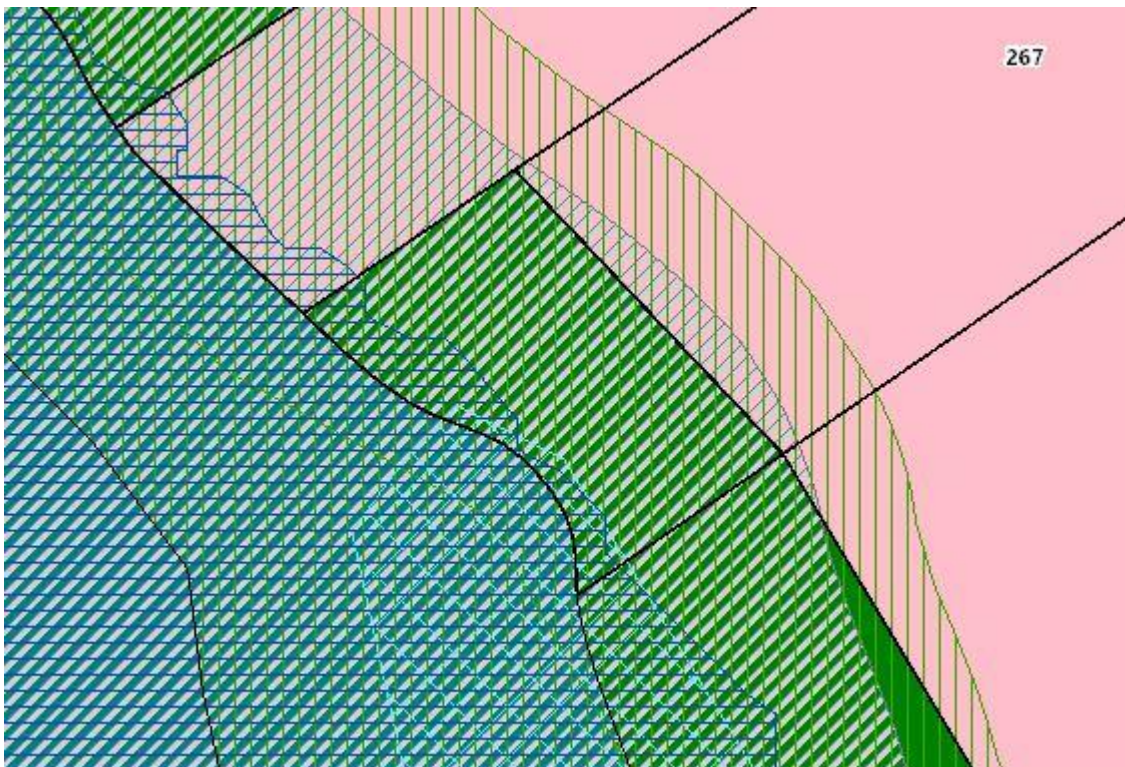


Figure 59 - Overlay



Figure 60 - Zoning

**4.20.3 Photos**

Not available, private access

**4.20.4 Open Space Zone**

The following looks at whether or not the site meets the purpose of the Open Space Zone and if it is able to meet the zone application guidelines.

19.1.1 *Zone Purpose Statements*

19.1.1.1 *To provide land for open space purposes including for passive recreation and natural or landscape amenity.*

19.1.1.2 *To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.*

**4.20.5 Zone application guidelines**

<b>OSZ1</b>	The Open Space Zone should be applied to land that provides, or is intended to provide, for the open space needs of the community, including land identified for: (a) passive recreational opportunities; or (b) natural or landscape amenity within an urban setting.
Response	<i>Access into the site is difficult due to thick scrub and no known path. However, the area does provide a natural landscaped buffer within the surrounding residential setting.</i>

<b>OSZ2</b>	The Open Space Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, passive recreation opportunities
Response	<i>Parts of the site are located seaward of the high water mark but are able to be utilised for passive recreation activities.</i>
<b>OSZ3</b>	The Open Space Zone should generally only be applied to public land, but may be applied to privately owned land if it has been strategically identified for open space purposes.
Response	<i>The land is owned by the Crown.</i>
<b>OSZ4</b>	The Open Space Zone should not be applied to land: (a) with significant natural values (see Environmental Management Zone); or (b) with, or intended for, formal recreational facilities, such as sporting grounds, golf courses, racecourses or major sporting facilities (see Recreation Zone).
Response	<i>There are no known significant values over the site and no opportunities to utilise the site for formal recreational activities.</i>

#### 4.20.6 Recommendation

As the above has stated, the site meets the purpose of the Open Space Zone and it is recommended the zone remain unchanged.

### 4.21 Site #21

#### 4.21.1 Description

Site No. 21	
<b>Volume</b>	26
<b>Folio</b>	8032
<b>PID</b>	N/A
<b>Address</b>	N/A
<b>Name</b>	N/A
<b>Size</b>	1,355.3698
<b>Owner</b>	Authority Land Local Government Authority Crown Land
<b>Overlays</b>	Priority Habitat Flood Risk Area Water Feature 30m Buffer LSMA: Dilston Wetlands Precinct 10
<b>Infrastructure</b>	N/A
<b>Access</b>	No Public Access

4.21.2 Maps



Figure 61 - Aerial

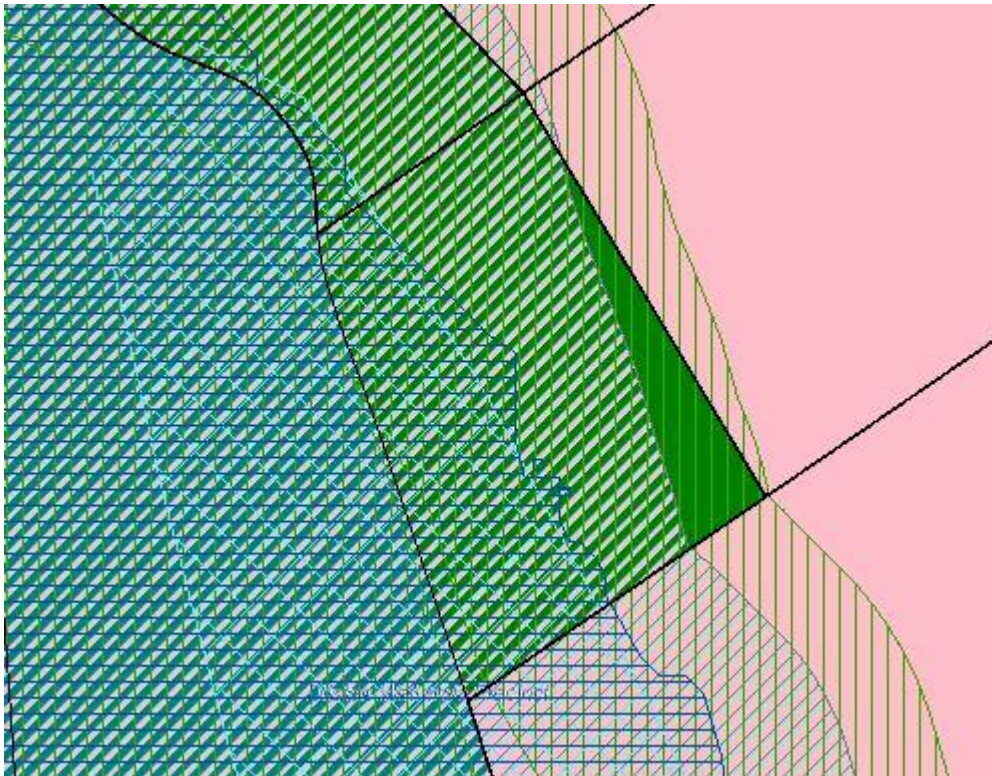


Figure 62 - Overlay

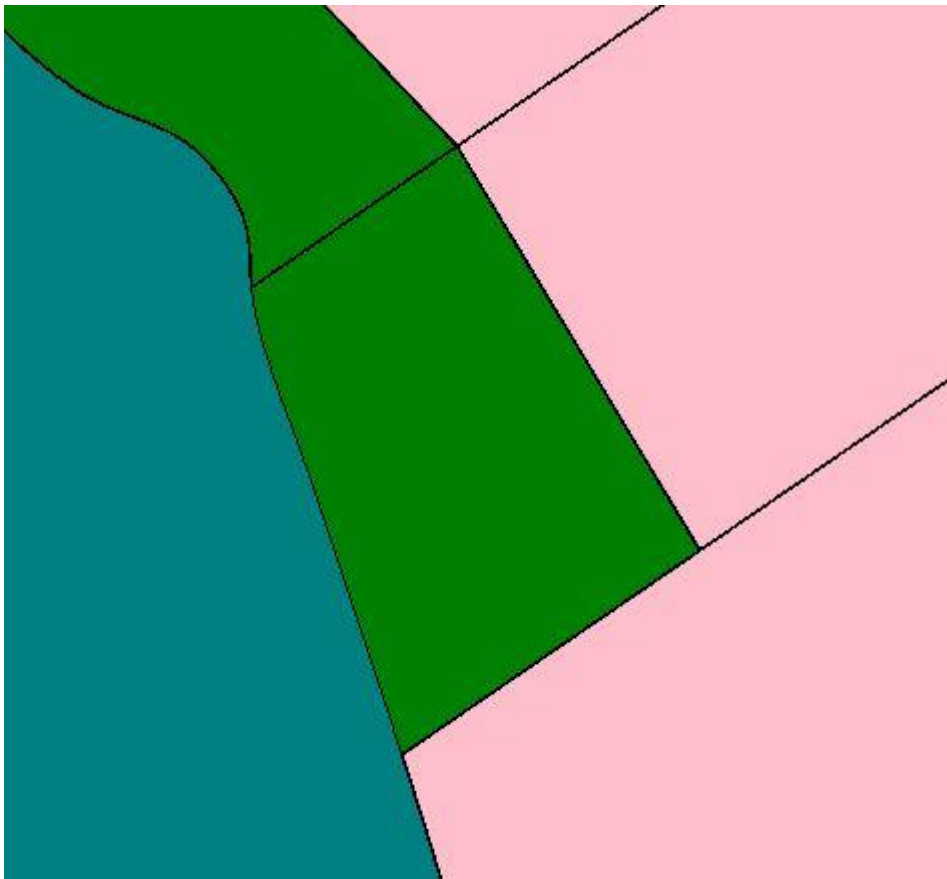


Figure 63 - Zoning

### 4.21.3 Photos

Not available, private access

### 4.21.4 Open Space Zone

The following looks at whether or not the site meets the purpose of the Open Space Zone and if it is able to meet the zone application guidelines.

#### 19.1.1 Zone Purpose Statements

19.1.1.1 *To provide land for open space purposes including for passive recreation and natural or landscape amenity.*

19.1.1.2 *To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.*

### 4.21.5 Zone application guidelines

<b>OSZ1</b>	The Open Space Zone should be applied to land that provides, or is intended to provide, for the open space needs of the community, including land identified for: (a) passive recreational opportunities; or (b) natural or landscape amenity within an urban setting.
Response	<i>Access into the site is difficult due to thick scrub and no known path. However, the area does provide a natural landscaped buffer within the surrounding residential setting.</i>
<b>OSZ2</b>	The Open Space Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, passive recreation opportunities
Response	<i>Parts of the site are located seaward of the high water mark but are able to be utilised for passive recreation activities.</i>
<b>OSZ3</b>	The Open Space Zone should generally only be applied to public land, but may be applied to privately owned land if it has been strategically identified for open space purposes.
Response	<i>The land is owned by the Crown.</i>
<b>OSZ4</b>	The Open Space Zone should not be applied to land: (a) with significant natural values (see Environmental Management Zone); or (b) with, or intended for, formal recreational facilities, such as sporting grounds, golf courses, racecourses or major sporting facilities (see Recreation Zone).
Response	<i>There are no known significant values over the site and no opportunities to utilise the site for formal recreational activities.</i>

### 4.21.6 Recommendation

As the above has stated, the site meets the purpose of the Open Space Zone and it is recommended the zone remain unchanged.

## 4.22 Site #22 - Special

The following two adjoining sites fall outside of the scope of this project as they are both currently zoned Environmental Management. However, these lots offer a link between existing Open Space zoned land and an access point to Windermere Road.

### 4.22.1 Description

Site No. 22	
<b>Volume</b>	11
<b>Folio</b>	63054
<b>PID</b>	1933451
<b>Address</b>	N/A
<b>Name</b>	N/A
<b>Size</b>	4,038.026m <sup>2</sup>
<b>Owner</b>	Authority Land DIIPWE Crown Land
<b>Overlays</b>	Water Feature 30m Buffer
<b>Infrastructure</b>	N/A
<b>Access</b>	No Public Access

Site No. 22	
<b>Volume</b>	5
<b>Folio</b>	63053
<b>PID</b>	1933451
<b>Address</b>	N/A
<b>Name</b>	N/A
<b>Size</b>	3,805.52m <sup>2</sup>
<b>Owner</b>	Authority Land DIIPWE Crown Land
<b>Overlays</b>	Water Feature 30m Buffer
<b>Infrastructure</b>	N/A
<b>Access</b>	Public Access via Windermere Road

## 4.22.2 Maps

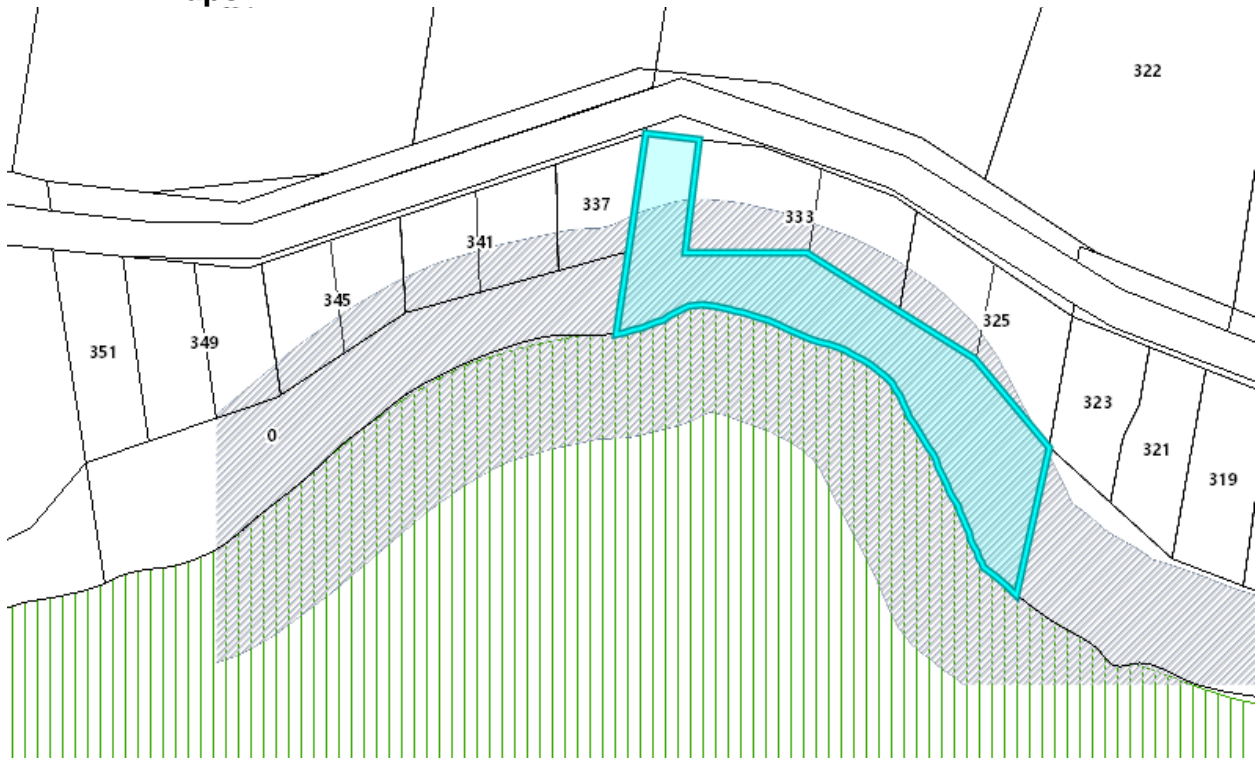


Figure 64 - Overlay Mapping

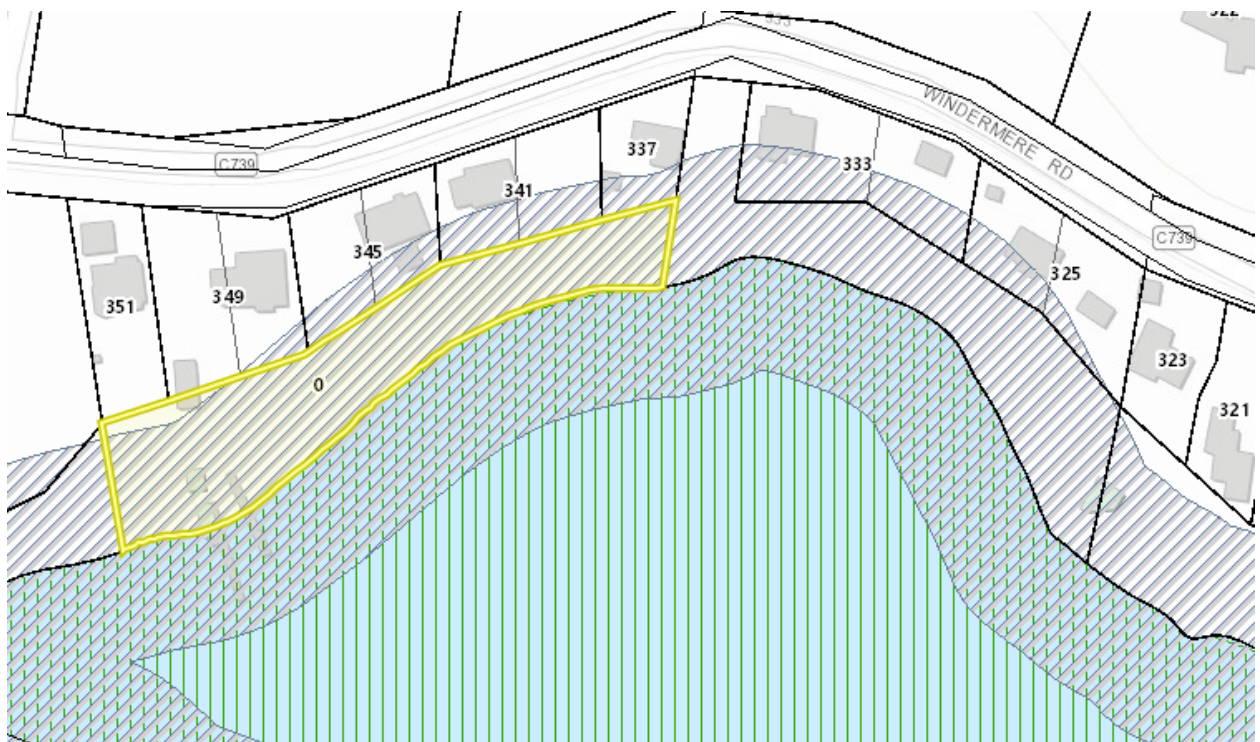


Figure 65 - Overlay Mapping



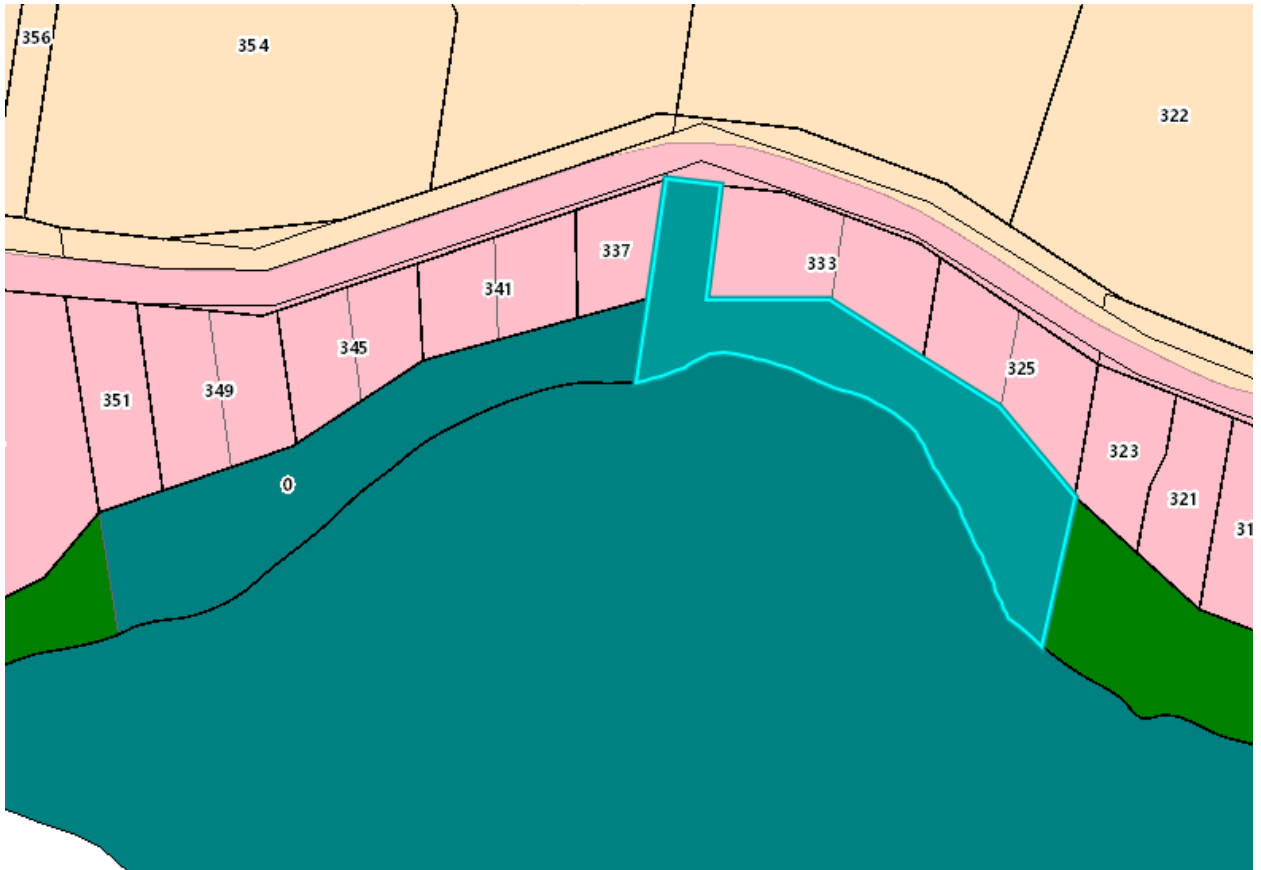


Figure 66 - Zoning Map

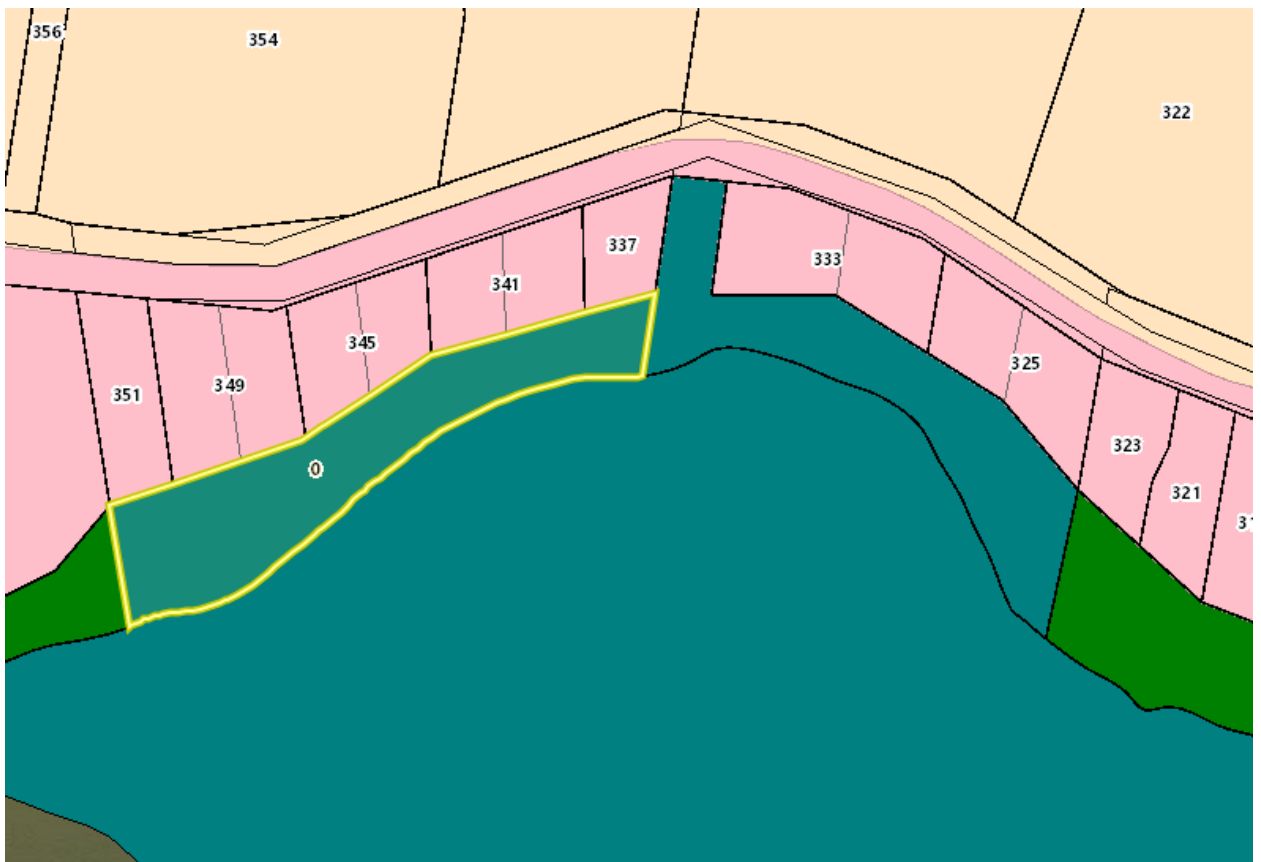


Figure 67 - Zoning Map



Figure 68 - Aerial Image



Figure 69 - Aerial image

#### 4.22.3 Environmental Management Zone

##### 23.1 Zone Purpose

23.1.1 To provide for the protection, conservation and management of land with significant ecological, scientific, cultural or scenic value.

23.1.2 To allow for compatible use or development where it is consistent with:

- (a) *the protection, conservation and management of the values of the land; and*
- (b) *applicable reserved land management objectives and objectives of reserve management plans.*

#### 4.22.4 Zone application guidelines

<b>EMZ 1</b>	The Environmental Management Zone should be applied to land with significant ecological, scientific, cultural or scenic values, such as: (a) land reserved under the Nature Conservation Act 2002; (b) land within the Tasmanian Wilderness World Heritage Area; (c) riparian, littoral or coastal reserves; (d) Ramsar sites; (e) any other public land where the primary purpose is for the protection and conservation of such values; or (f) any private land containing significant values identified for protection or conservation and where the intention is to limit use and development.
Response	<i>Access into both sites is from an established track from Windermere Road. The site is well maintained with some vegetation although it is unclear who maintains the sites. Due to the relatively 'residential' nature of these sites it is not considered there are any ecological, scientific, cultural, or scenic values. Observations would conclude they are well kept areas suitable for passive recreation.</i>
<b>EMZ 2</b>	The Environmental Management Zone should be applied to land seaward of the high water mark unless contrary intention applies, such as land with existing, or intended for: (a) passive recreation opportunities (see Open Space Zone); (b) recreational facilities (see Recreation Zone); (c) large scale port and marine activities or facilities (see Port and Marine Zone); (d) industrial activities or facilities (see industrial zones); or (e) major utilities infrastructure (see Utilities Zone).
Response	<i>All parts of the land seaward of the high tide mark appears suitable for passive recreation.</i>
<b>EMZ 3</b>	The Environmental Management Zone may be applied to land for water storage facilities directly associated with major utilities infrastructure, such as dams.
Response	<i>No water storage occurs on site.</i>
<b>Note</b>	<i>If the land seaward of the high water mark that is outside the municipal area is unzoned, the General Provision at clause 7.11 of the State Planning Provisions will be applicable for any use subject to section 7 of the Act. Clause 7.11 requires the consideration of the provisions of the zone that is closest to the site, or the provision of the zone from which the use or development extends.</i>
Response	<i>All land is zoned Environmental Management.</i>

The sites are unable to meet the zone application guidelines EMX1 and EMZ2. An assessment against the Open Space Zone guidelines is as follows:

<b>OSZ1</b>	The Open Space Zone should be applied to land that provides, or is intended to provide, for the open space needs of the community, including land identified for: (a) passive recreational opportunities; or (b) natural or landscape amenity within an urban setting.
Response	<i>Access is currently available via Windermere Road.</i>
<b>OSZ2</b>	The Open Space Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, passive recreation opportunities
Response	<i>Opportunity exists for parts of the land that is seaward of the high tide mark.</i>
<b>OSZ3</b>	The Open Space Zone should generally only be applied to public land, but may be applied to privately owned land if it has been strategically identified for open space purposes.
Response	<i>The land is owned by the Crown.</i>
<b>OSZ4</b>	The Open Space Zone should not be applied to land: (a) with significant natural values (see Environmental Management Zone); or (b) with, or intended for, formal recreational facilities, such as sporting grounds, golf courses, racecourses or major sporting facilities (see Recreation Zone).
Response	<i>There are no known significant values over the site and no opportunities to utilise the site for formal recreational activities.</i>

#### **4.22.5 Discussion**

##### State Coastal Policy 1986

The land is currently owned and presumably maintained by Crown Land Services. By changing the zone for the purposes under the Open Space zone it will allow the promotion of recreation on a natural resource.

##### State Policy on Water Quality Management 1997

The land is currently owned and presumably maintained by Crown Land Services. It is considered that changing the zone will not result in a change to the management of surface and groundwater.

##### State Policy on the Protection of Agricultural Land 2009

This policy is only relevant to rural land and as such is not applicable in the assessment.

### National Environment Protection Measures (NEPMs)

The land is currently owned and presumably maintained by Crown Land Services. By changing the zone for the purposes under the Open Space zone there will be no changes in the maintenance of ambient air quality, water quality, and reduce any potential impacts from inconsistent development.

### Northern Regional Land Use Strategy (NRLUS)

The NRLUS aims to protect and sustain the regions quality of life and manage the regions development, including physical environmental change. Considering the relatively cleared nature of the site, it is considered that a change to Open Space zone will have no detrimental effect to the natural environment.

### Schedule 1 Objectives of LUPAA

Objectives that are relevant to this site:

#### Part 1

- To promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;
- to provide for the fair, orderly and sustainable use and development of air, land and water; and

Again, considering the relatively cleared nature of the site, it is considered that a change to Open Space zone will have no detrimental effect to the natural environment.

#### **4.22.5 Recommendation**

It is recommended that the site be changed to Open Space. A letter should be drafted to Crown Land Services (DIPIPWE) discussing this recommendation and understanding their involvement in the maintenance of the site.

The following is an assessment taken against the relevant sections of state policies, land use strategies, and the *Land Use Planning and Approvals Act 1993*. A description of these legislative documents are provided in a subsequent section of this report. The following only looks at the relevant sections.

## **5 Conclusion**

It is recommended to change the zoning of 2 of the sites investigated.

Site 1: No change - remain Open Space Zone  
Site 2: No change - remain Open Space Zone  
Site 3: No change - remain Open Space Zone  
Site 4: No change - remain Open Space Zone  
Site 5: No change - remain Open Space Zone  
Site 6: No change - remain Open Space Zone  
Site 7: No change - remain Open Space Zone  
Site 8: No change - remain Open Space Zone  
Site 9: No change - remain Open Space Zone  
Site 10: No change - remain Open Space Zone  
Site 11: No change - remain Open Space Zone

Site 12: No change - remain Open Space Zone

Site 13: No change - remain Open Space Zone

**Site 14: Recommended change to the Environmental Management Zone**

Site 15: No change - remain Open Space Zone

Site 16: No change - remain Open Space Zone

Site 17: No change - remain Open Space Zone

Site 18: No change - remain Open Space Zone

Site 19: No change - remain Open Space Zone

Site 20: No change - remain Open Space Zone

Site 21: No change - remain Open Space Zone

**Site 22: Recommended change to the Open Space Zone - Contact the Crown regarding potential change of zone**

Where a change in zoning is recommended, a comprehensive assessment against the requirements of Section 34(2) of LUPAA as well as the Zone Application Guidelines has been provided.