

TASMANIA

HOUSING LAND SUPPLY (PENGUIN) ORDER 2024 **STATUTORY RULES 2024, No.**

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PROPOSED ORDER

HOUSING LAND SUPPLY (PENGUIN) ORDER 2024

I make the following order under section 4 of the *Housing Land Supply Act 2018*.

Dated 20 .

Minister for Housing and Planning

1. Short title

This order may be cited as the *Housing Land Supply (Penguin) Order 2024*.

2. Commencement

This order takes effect on the day on which its making is notified in the *Gazette*.

3. Interpretation

In this order –

Act means the *Housing Land Supply Act 2018*;

applicable area means the area of land declared by clause 4 to be housing supply land;

grid reference means the grid reference taken from the Universal Grid Reference System used in Tasmania and based on the Geocentric Datum of Australia (also known as the “the GDA” or “GDA94”)

Housing Land Supply (Penguin) Order 2024
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c. 4

as defined in the Commonwealth Gazette
No. GN 35, 6 September 1995.

4. Declaration of housing supply land

For the purposes of section 4(1) of the Act, the area of land specified in Schedule 1 to this order is declared to be housing supply land.

5. Declaration of intended zone

For the purposes of section 4(2) of the Act, the intended zone in relation to the applicable area is declared to be the General Residential Zone referred to in the applicable planning scheme.

SCHEDULE 1 – AREA OF LAND

Clause 4

The area of land that –

- (a) is situated at 18A Lester Road, Penguin in Tasmania; and
- (b) forms part of the land as described in the certificate of title Volume 62700, Folio 15 of the Register kept under section 33 of the *Land Titles Act 1980*; and
- (c) is within the boundary made by the following imaginary lines:
 - (i) a line between grid reference 421555E 5447149.3N and grid reference 421561.5E 5447184.1N;
 - (ii) a line between grid reference 421561.5E 5447184.1N and grid reference 421490.4E 5447214.2N;
 - (iii) a line between grid reference 421490.4E 5447214.2N and grid reference 421496.7E 5447246.7N;
 - (iv) a line between grid reference 421496.7E 5447246.7N and grid reference 421526.9E 5447219.4N;

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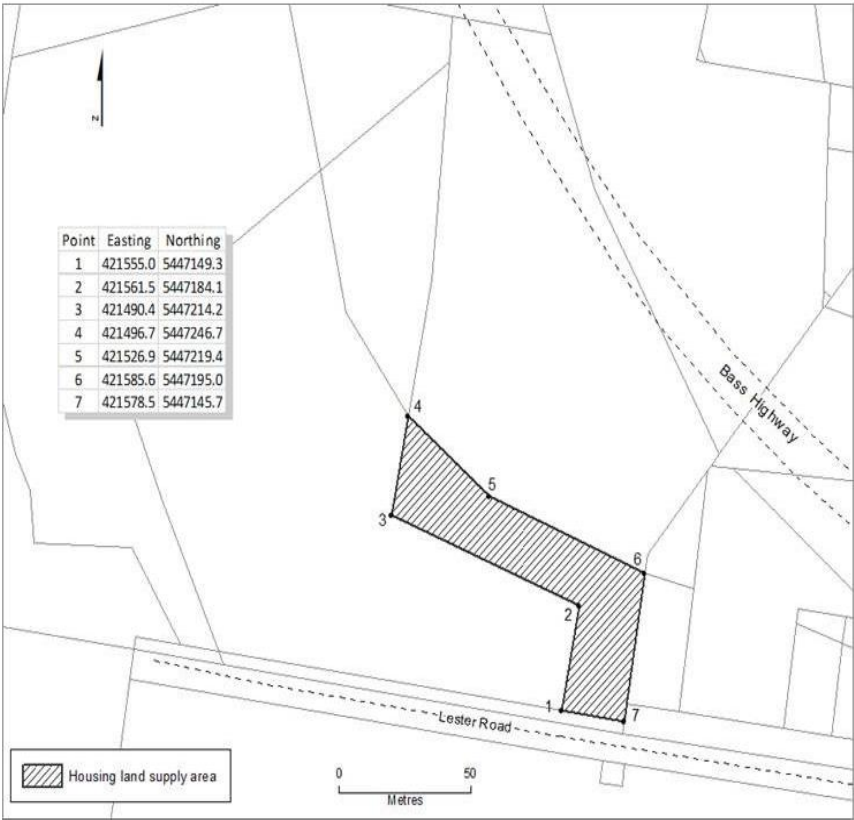
sch. 1

- (v) a line between grid reference 421526.9E 5447219.4N and grid reference 421585.6E 5447195N;
 - (vi) a line between grid reference 421585.6E 5447195N and grid reference 421578.5E 5447145.7N;
 - (vii) a line between grid reference 421578.5E 5447145.7N and grid reference 421555E 5447149.3N; and
- (d) is shown as the shaded area, bounded by heavy black lines, on the plan set out, by way of illustration only, in Schedule 2 to this order.

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sch. 2

SCHEDULE 2 – PLAN



Housing Land Supply (Penguin) Order 2024
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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 20 .

This order is administered in the Department of Premier and Cabinet.

EXPLANATORY NOTE

(This note is not part of the order)

This order, for the purposes of the *Housing Land Supply Act 2018*, declares –

- (a) a certain area of land situated at Lester Road, Penguin in Tasmania to be housing supply land; and
- (b) the intended zone in relation to that land to be the General Residential Zone referred to in the applicable planning scheme.

HOUSING LAND SUPPLY (PENGUIN) ORDER 2024
MINISTERIAL REPORT PURSUANT TO SECTION 9 OF THE
HOUSING LAND SUPPLY ACT 2018

I, the Honourable Felix Ashton Ellis, the Minister for Housing and Planning, pursuant to section 9(1)(a)(ii) of the *Housing Land Supply Act 2018* (the HLS Act), hereby provide this report to Parliament in respect of the proposed Housing Land Supply (Penguin) Order 2024 (the proposed Order).

Having considered the submissions received and the proposed Order under the provisions of the HLS Act, I am satisfied that the proposed Order is suitable to make.

Under section 9(4) of the HLS Act, each House of Parliament may within 5 sitting days disallow the making of the proposed Order.



Felix Ashton Ellis

Minister for Housing and Planning

Date: 5/9/2024

REPORT TO PARLIAMENT

I, Felix Ashton Ellis, Minister for Housing and Planning, pursuant to section 9(1)(a)(ii) of the *Housing Land Supply Act 2018* (HLS Act), hereby provide this report to Parliament in respect of the proposed Housing Land Supply (Penguin) Order 2024 (the proposed Order).

Pursuant to section 9(1)(a)(i) of the HLS Act the proposed Order is included with this report as Attachment A.

DESCRIPTION OF THE PROPOSED ORDER

The land to which the proposed Order relates is located at 18A Lester Road, Penguin and is described by title reference FR 62700/15. The land subject to the proposed Order is approximately 2940m² in area, which could potentially yield up to four (4) residential lots.

The proposed Order, if made will –

1. declare the land to be Housing Supply Land, and
2. rezone the land to the General Residential Zone.

REASONS IN RELATION TO THE PROPOSED ORDER

Pursuant to section 9(3)(a) of the HLS Act, my reasons for wanting to make the proposed Order are as follows –

1. Establishing the HLS Act was a key action identified at the Housing Summit hosted by the then Premier on 15 March 2018 as a means of providing more social and affordable housing.
2. There is a need to make more land available under the *Homes Tasmania Act 2022* to enable the provision of additional social and affordable housing in Tasmania, especially with over 4731 applications on Homes Tasmania Housing Register as at May 2024. As at 31 January 2024, there were 189 applicants on the Housing Register for Central Coast LGA who are eligible persons seeking assistance for social and affordable homes.
3. The site is suitable for future development for housing, but needs to be rezoned before the approval and construction of new homes on the land.
4. The proposed Order will provide more land zoned for residential purposes and then through the construction of homes on this land, contributing toward achieving the targets for the supply of more social and affordable homes in the Central Coast LGA, as set out in Tasmania's Affordable Housing Strategy 2023-2043.

Pursuant to section 9(3)(b) of the HLS Act, the reasons why I am satisfied that the proposed Order may be made under the HLS Act and why I am satisfied that I would not contravene section 5(2) or section 6(1) or (2) of the HLS Act in relation to the area of land, are as follows –

1. The land is eligible Government land as required by section 5(1) of the HLS Act, and an Order may be made until 1 January 2033 under section 4(1A) of that Act.
2. I am satisfied that there is a need to make more land available under the *Homes Tasmania Act 2022* to enable the provision of more housing, including additional

social and affordable housing in Central Coast LGA, as required by section 5(2)(a) of the HLS Act. There were 189 applications on the Homes Tasmania Housing Register for the Central Coast LGA as of January 2024, being from 'eligible persons' looking to find social or affordable homes.

3. I am satisfied, for the reasons detailed in the planning submission prepared by AllUrban Planning Pty Ltd for Homes Tasmania, that:
 - a) the land is suitable for residential use and development by virtue of its location in the Penguin area and with close proximity to public and commercial services, public transport and places that may provide opportunities for employment, as required by section 5(2)(b) of the HLS Act;
 - b) applying the General Residential Zone to the area of land would be consistent with the State Policies and Cradle Coast Regional Land Use Strategy (CCRLUS), as required by section 6(1)(a) of the Act;
 - c) if the General Residential Zone were to apply to the land, the use or development of the land for residential purposes would not be significantly restricted by any code that would apply to the land under the Tasmanian Planning Scheme, as required by section 6(1)(b) of the Act;
 - d) assigning the General Residential Zone to the land would further the objectives set out in Schedule 1 of the *Land Use Planning and Approvals Act 1993*, as required by section 6(1)(c) of the HLS Act;
 - e) after consideration of the guidelines under section 8A of the *Land Use Planning and Approvals Act 1993*, assigning the General Residential Zone would be consistent with the zone purpose in the State Planning Provisions, as required by section 6(1)(d) of the Act;
 - f) use or development of the land would not be likely to create significant land use conflict with an existing use on the land or with use or development on adjacent land or with any other land near to the land, as required by section 6(1)(f) of the Act; and
 - g) the land has been identified as surplus to the needs of the transport network proposal represents efficient use of service land to further affordable housing outcomes for the benefit of the community.
4. I have considered the environmental, economic and social effects, and the effects on Aboriginal and cultural heritage, that assigning the General Residential Zone to the land may have, as required by section 6(1)(e) of the HLS Act. I have also sought advice on these matters from the relevant government agencies and authorities and no concerns have been raised. The Order report and additional information received on these matters indicate that developing the land for residential purposes will not result in any significant impact on the area.
5. The General Residential Zone will apply to only the part of the land subject to the proposed Order, and section 6(2)(b) of the HLS Act does not apply to this proposed Order.

SUBMISSIONS IN RELATION TO THE PROPOSED ORDER

The proposed Housing Land Supply (Penguin) Order was made available for public comment for a period of 28 days as required by section 12 (1)(c) of the HLS Act. The public consultation commenced on 11 June 2024 and ended on 9 July 2024. Two (2) submissions were received.

Pursuant to section 9(3)(c) of the *Housing Land Supply Act 2018*, the submissions received under section 13(1) from the public consultation period are contained in Appendix B and are summarised as follows –

1. TasWater advise that there are no water and sewer servicing issues in the area and the property can also be serviced via gravity sewer.
2. One submission from a neighbouring resident generally supports the rezoning for affordable housing but has concerns about potential land use conflicts and impact on adjoining land uses at 18 Lester Road, Penguin. Specific concerns raised include:
 - a) Run-off from future residential housing into the adjoining pastureland. The submission notes that the adjoining organic farm business integrates goats and other farm animals to eliminate the use of chemicals, and claims that run-off from housing would cause harm and loss to the adjoining farm business.
 - b) Incompatibility of fencing requirements between rural and residential zones, noting that Homes Tasmania has indicated that opaque fencing would be used in future development. This type of fencing is not compatible with fencing used in a rural setting and will cause a loss of pasture growth and subsequently harm the adjoining regenerative agricultural business.
 - c) Social conflicts from the lights of vehicles accessing the site and impacts on the operation of existing visitor accommodation.
 - d) The farm animals used for the operation of the farm emit odour and noise that would affect nearby residents. Introducing residential pets alongside farm animals would cause social cohesion issues.
 - e) The submission proposed an amendment to reduce the three shared fence lines bordering the two titles at 18 and 18A Lester Road to one fence. The submission proposed to offer a section of the bottom part of land at 18 Lester Road for an equivalent exchange with a section of the top parcel of 18A Lester Street to square off the land proposed for residential development. Noting that if the proposal to amend the fence line is agreed, the opaque residential style fence proposed by Homes Tasmania will be accepted.

MY OPINIONS IN RELATION TO THE SUBMISSIONS RECEIVED

Pursuant to section 9(3)(d) of the *Housing Land Supply Act 2018*, my opinions in relation to the matters set out in the submissions are –

1. I note the advice from TasWater that there is no sewer and water capacity issues in servicing future development of the site for residential use.
2. I note the submission from the neighbouring resident and the general support for more affordable housing, the issues raised and consider the following:

- a) There is no indication that future residential housing will create any significant land use conflict with adjoining land use. The primary purpose of the Rural Living Zone that currently applies to the site and adjoining properties is to provide for residential use or development in a rural setting. The General Residential Zone does not provide for high density housing. The planning report indicates that the proposal represents consolidated urban development with access to existing road, reticulated water, and sewerage infrastructure. I consider that future development will include effective drainage systems to ensure residential run-off does not affect the adjoining pastureland. This may include creating buffer zones or using permeable surfaces to manage stormwater. Stormwater issues will be adequately managed through the development application approval process for the subdivision in conjunction with the council's responsibilities under the *Urban Drainage Act 2013*. I am therefore satisfied that surface run-off issues from future residential development would be appropriately managed to avoid any potential land use conflicts.
- b) I note the concern about incompatibility of fencing requirements in rural and residential zones. This issue is outside the scope of the proposed rezoning and could be considered as part of the future development application for subdivision of the land, and I expect that Homes Tasmania will engage with the adjoining landowner to address any issues related to fencing. Also, I note that most fences are exempt from requiring a planning permit unless they exceed standard heights. Therefore, the adjoining landowners would have to collaborate with Homes Tasmania to determine the fencing option most appropriate for the parties involved.
- c) I note the concern about access that will be built and potential impact of car lights on adjoining visitor accommodation. The planning report indicates that the proposal represents consolidated urban development with an access to existing road. It further observes that access from Lester Road will be appropriately designed to avoid any sensitive environmental areas. I note the proposed development will create only 4 dwellings, which will not generate significant traffic volumes that adversely affect adjoining land uses. Measures such as planting trees or shrubs along the boundary can help shield visitor accommodation from vehicle lights and reduce visual impact. I am therefore satisfied that concerns related to traffic issues can be adequately addressed as part of future development of the site.
- d) I note concerns raised about residential pets and farm animals. These matters will be for Homes Tasmania to consider for the future development of the site. There are guidelines for pet ownership to prevent pets from disturbing farm animals. This includes fencing requirement for pets' containment to foster coexistence. I note that odour and noise from farm animals can cause potential land use conflict with adjoining sensitive use. I am satisfied that any issues relating to sensitive use can be appropriately addressed through future development application and building approval processes.
- e) I note the proposal for alternative rezoning of 18A Lester Road to amend the three shared fence lines between 18 and 18A Lester Road for a single boundary. I further note the offer for a land exchange,

intended to regularise the boundary of the land proposed for residential development. I understand that Homes Tasmania has declined to purchase the land concerned, as this could delay the future land release. The proposed land exchange is unable to be considered under the housing land supply order process, which is limited to eligible government land. I consider that there is a need to deliver more affordable homes in Tasmania and that this land, subject to the proposed Order, is suitable for housing. I am satisfied potential impacts can be managed through appropriate consultation between Homes Tasmanian and the neighbours and that the proposed Order will provide the best outcomes for the site and surrounding community in accordance with the objectives of the *Homes Tasmania Act 2022*.

Modification of planning requirements – section 7 of the *Housing Land Supply Act 2018*

There are no modifications to the proposed Order as a result of the submissions received.

ALTERATIONS TO THE PROPOSED ORDER

Pursuant to section 9(3)(e) of the *Housing Land Supply Act 2018*, the proposed Order has not been altered from the version that was sent to interested persons for comment.

APPENDICES

Appendix A: Proposed Housing Land Supply (Penguin) Order 2024

Appendix B: A copy of each submission

Appendix C: Planning Submission (including landowner consent)

From:
Sent: Monday, 17 June 2024 10:59 AM
To: State Planning Office Shared Mailbox
Subject: Saved to CM: TasWater Advice RE: Proposed Housing Land Supply Orders TWSI 2024/00389 & 00395

Hi,

TasWater provides the following advice in respect of the Land Supply Orders received 7 June 2024, being Housing Land Supply Order (William St) Brighton and Housing Land Supply Order (18A Lester Road) Penguin.

For both proposed Orders, there are no sewer or water capacity issues. Both properties can be serviced for water and the contour information provided indicates the properties will be also be serviceable via gravity sewer.

If you have any queries, please contact me.

Al Cole
Senior Assessment Officer



A GPO Box 1393, Hobart, TAS 7001

taswater.com.au

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To the Honourable Minister,

In reference to the letter dated 11th June 2024, regarding the Proposed Housing Land Supply (Penguin) Order 2024 - 18A Lester Road, Penguin and its rezoning for residential development, let it be known we are in full support for Homes Tasmania to acquire land for affordable housing on Lester Road. Since receiving the letter we have been in contact with representatives from the Department of Premier and Cabinet and Homes Tasmania to discuss a more amicable solution which involved reducing the number of shared fence lines bordering two differently zoned parcels of land, from three to one.

As the registered proprietors of an estate in fee simple zoned Rural Living at 18 Lester Road, Penguin we can see a number of potential issues with the proposed development of the land at 18a Lester Road. Our farm is a tourist attraction for Penguin that is supported by Tourism Tasmania, we host visitors every year from all around Australia and the world in our accommodation and also our farm tours. People visit to hear about our small scale regenerative agriculture program and permaculture design.

We are also concerned after offering an amicable solution for all parties we were told on two occasions by the Homes Tasmania representative that they already have the land and that the project is too far along to delay it further. The fact that the project has moved forward prior to the public being asked for input, leads us to believe that the public consultation period is merely there to give the public a belief that they have a voice and to satisfy the Act. We sincerely hope we are wrong.

We are the only title holders affected on three fence lines by the proposal as the house located at 16 Lester Road is already residentially zoned, and is only going to share one. Being told that the project has already progressed before we are given 28 days to have input is of major concern. Considering surveyors have not been on this site yet, we have asked Homes Tasmania to outline what delays they envisage to the project by exploring better outcomes for all parties? We have received no answer.

Several relevant matters need to be addressed under section 13 (2) (ba), and section 6 (e) and (f).

(Extract from Legislation)

Section 13. Submissions in relation to proposed orders

(2) For the purposes of subsection (1), the relevant matters in respect of a proposed order in respect of an area of land are the following:

(ba) whether the Minister would, or would not, contravene section 5(2) or section 6(1) or (2) by making a housing land supply order in the form of the proposed order;

6. Inclusion of intended zones in housing land supply orders

(e) the Minister has considered the environmental, economic and social effects, and the effect on Aboriginal and cultural heritage, that assigning the intended zone to the area of land or part may have; and

(f) the Minister is satisfied that, if the intended zone were assigned to the area of land or part, the use or development of the area of land or part, respectively, for residential purposes would not be likely to create significant land use conflict with –

(i) an existing use on any part of the land; or

(ii) the use or development of any area of land that is adjacent to the area of land; or

(iii) the use or development of any area of land that, in the opinion of the Minister, is likely to be affected by the use or development of the area of land or part.

We would like to express to the Minister that assigning the intended zone to the area of land will impact our farm both environmentally, economically and socially under (Section 6e) of the above Act, and will cause a land use conflict due to the differences in the zoning (Section 6f) of the above Act.

The following areas of impact and conflict will be created due to our title sharing three fence lines with the proposed zone;

1. Run-off from residential housing into our pasture land.

We are an organic farm specialising in regenerative agriculture and permaculture integrating goats and other farm animals into the system to eliminate the need for chemical sprays whilst improving soil health. Run off from these sources will threaten our program and has the potential to cause injury harm and loss to our estate.

2. The different fencing requirements between rural and residential zoned land.

Our operation utilises rural netting, barbed wire and electric fencing which are not compatible with residential zoned property.

We have been verbally advised by Homes Tasmania that opaque fencing would be required for the proposed residential housing development of 18A. Let it be known we will not have residential style opaque fencing surrounding our rural living title as it faces north and north east and which will cause a loss pasture growth on our land. This will harm our regenerative agricultural practices on our land and has the potential to cause injury harm and loss to our estate.

We share three fence lines with the proposed area of residential development for 18A Lester Road. We would like to give notice that we spent a considerable sum in 2021 to replace inadequate fencing of the borders between 18 and 18A at our own cost, as local and state government agencies advised us they were exempt from fencing legislation. We will be seeking compensation if the proposed project proceeds in the current format and our fencing is to be used.

3. The current proposal will need to have access built for housing installed up the hill, this will result in car lights shining straight into our back yard when cars come home after dark. This is going to cause social conflict and also has the potential to impact our farm stay accommodation and therefore our income.

4. Farm Animals

Our farm is a goat stud where we breed bucks and does. They emit a strong odour and are very noisy during breeding season that runs from January through to June. We also have a variety of other farm animals that make noise at all times of the day and night.

We would be happy to modify the operation if we were only sharing one fence line, however if the proposed project moves forward and we share three fence lines, we will not be modifying our animal rotation as this would impact us environmentally and economically, along with potentially causing social cohesion problems and conflict.

The potential for residential housing to introduce residential pets alongside farm animals would cause social cohesion issues and also the potential of injury harm and loss to our estate in the event that a residential pet enters our land and chases or kills our animals.

Our Proposed Remedy

To avoid impact on our farm environmentally, economically and socially under (Section 6e), and to heavily reduce the potential for land use conflict due to the difference in zoning (Section 6f) we offer the following to the Minister and Homes Tasmania. Let it be noted that when we spoke with the representative from Premier and Cabinet, Sean McPhail, he could see how our offer would alleviate issues and be better for future residents. He advised us that he spoke to representatives from Homes Tasmania and had them call us.

Paragraph three from the Department of Premier and Cabinet letter dated 7th June 2024 mentions the rezoning of the land to be consistent with the adjoining residential area to the south-east. However the current proposal will actually follow the flow of residential housing down Lester Road, turn north / north east and proceed right up the side of our rural living zoned property.

We propose an alteration to the borders of the titles 18 and 18A Lester road to reduce the fence borders to only one adjoining 18 Lester Road and one adjoining 16 Lester Road. To achieve this we are offering an agreed section of the bottom parcel of our land in replacement of an agreed section of the top parcel of 18A to square off the land proposed for development, ensuring Homes Tasmania has a minimum of 2940m² of land for affordable housing as outlined in the Housing Supply Order (Penguin) 2024. Below are screenshots from ListMap for the proposed areas. The areas shaded in blue are proposed only and correct surveying would be undertaken.



Proposed housing land supply order above.



Brad and Lisa Palmers remedy / offer above.

Our proposed remedy will vastly improve street aesthetic, neighbourly goodwill, and the ability for social cohesion whilst drastically minimising the potential for conflict and environmental or economic loss. The single fence will run north to south and will avoid pasture loss and the change to the layout will avoid potential run off into our property.

If our remedy and offer is accepted we will work amicably with Homes Tasmania to ensure speedy availability of the land for affordable housing. We would agree for the one fence line in our offer to be an opaque residential style fence and would also have our existing fencing removed and reused to fence the top of the 18A land parcel that will be added to our title in equivalent exchange. Let it be noted we are open to negotiating the land size offered to ensure Homes Tasmania have sufficient land for affordable housing, and are not asking for compensation or financial gain in changes to our title, we simply believe this to be the most reasonable alternative for all future residents of Lester Road, Penguin.

Please consider this as an opportunity to improve the visual as well as purchase appeal of 18A land lots and more importantly an opportunity to develop this area of land for affordable housing with more street access directly off Lester Road. The community can only benefit from this offer in comparison to the current proposal.

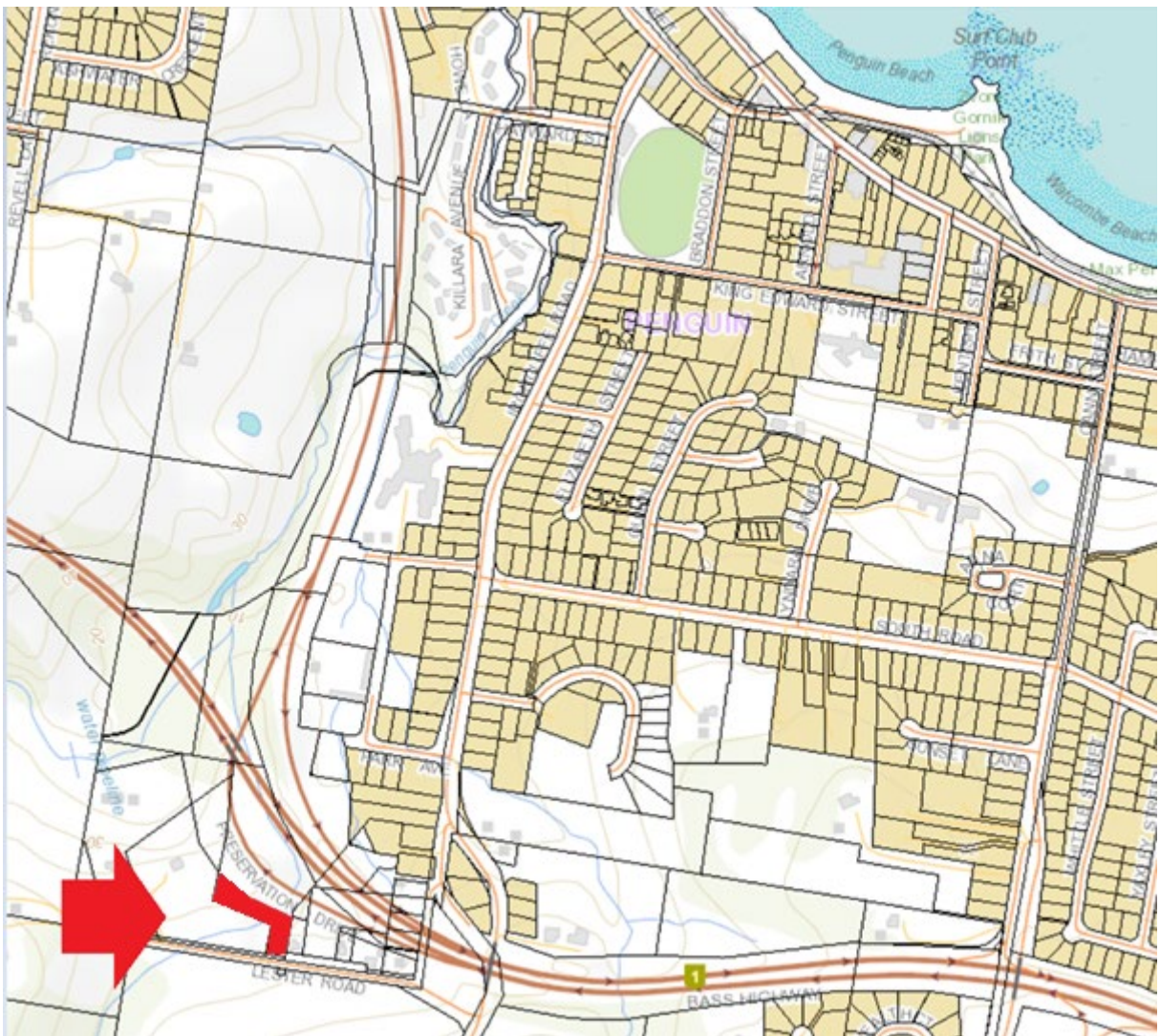
Proprietors of 18 Lester Road Penguin,

Bradley Knight Palmer and Lisa Marie Palmer.

Planning Submission

Housing Land Supply Act

18A Lester Road, Penguin



Date 27 March 2024

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Introduction

The following submission has been prepared by All Urban Planning Pty Ltd for Homes Tasmania in support of a housing land supply order under the *Housing Land Supply Act 2018* (HLSA). The proposed order is to rezone an area of land (the site) at 18A Lester Road, Penguin from a combination of Rural Living and Utilities zoning to General Residential under the *Tasmanian Planning Scheme – Central Coast Local Provisions Schedule* (planning scheme).

1. PART 1 – DETAILS OF THE LAND

1.1. Site information

The proposal relates to a 2940m² portion of Crown land within a greater title (CT 62700/15) managed by the Department of State Growth that lies between Lester Road and the Bass Highway corridor at Penguin.

Address	Certificate of Title	Site Area	Owner
18A Lester Road	62700/15	1.6ha	The Crown (DSG)



Figure 1 - The site (red shaded area) forms part of CT62700/15 (source: theList)

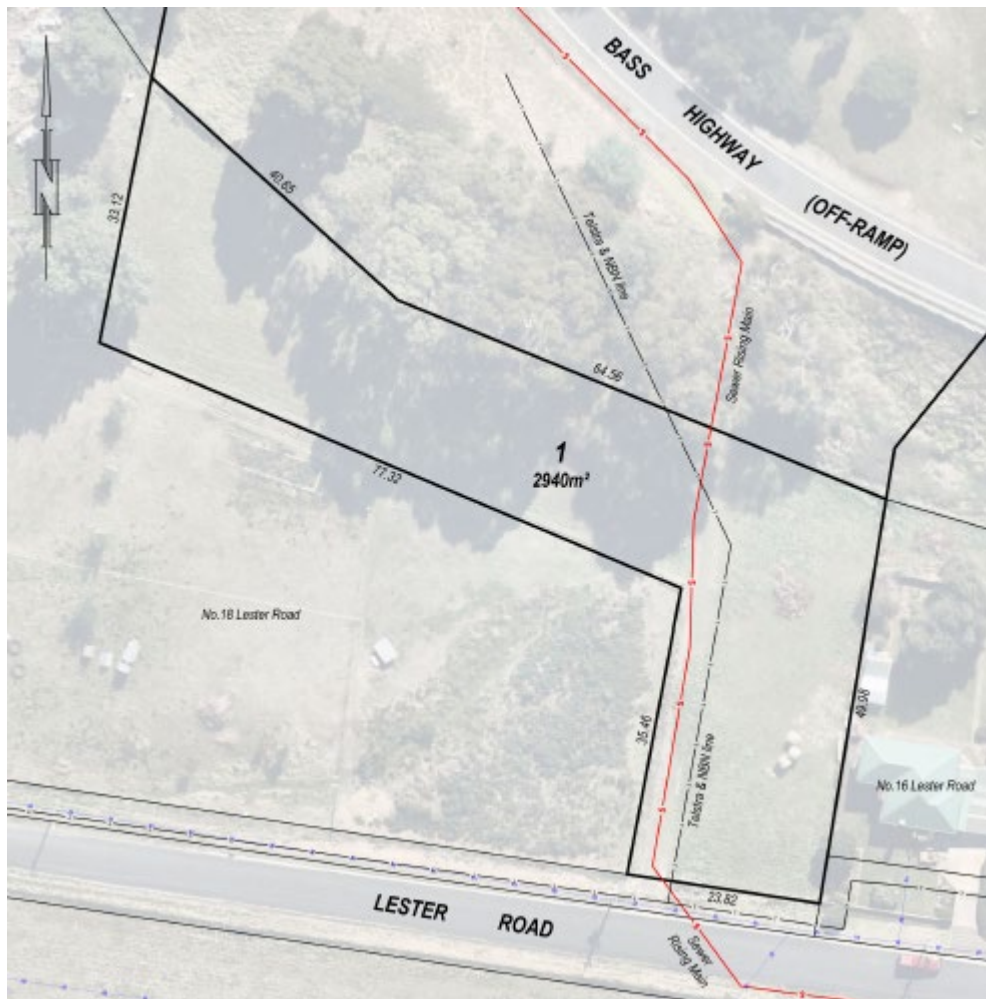


Figure 2 – The land (source: Rogerson & Birch)

The land is located within the municipality of Central Coast and is subject to the *Tasmanian Planning Scheme – Central Coast Local Provisions Schedule (planning scheme)*.

The site exists as an undeveloped 'L' shaped area of grassland between the northern side of Lester Road and the Preservation Drive off-ramp from the Bass Highway at Penguin.

The site and the surroundings are described in the plans in Figures 1 and 2 and the photos in Figures 3 -5 below.



Figure 3 – View looking WNW towards the site from near the intersection of Lester Road and Ironcliffe Road. The site sits within a small residential enclave and hollow between Lester Road and the Bass Highway corridor. The residential areas of Penguin are on the opposite side of Bass Highway (behind the trees on the right of picture).



Figure 4 – view of the 'L' shaped site from Lester Road looking north. The existing house adjacent to the site at 16 Lester Road is visible on the right of picture.



Figure 5 -View from the top of the site looking south east. Lester Road is on the right of picture. The house (green roof) at 16 Lester Road in the centre of the picture is adjacent to the site to the east.

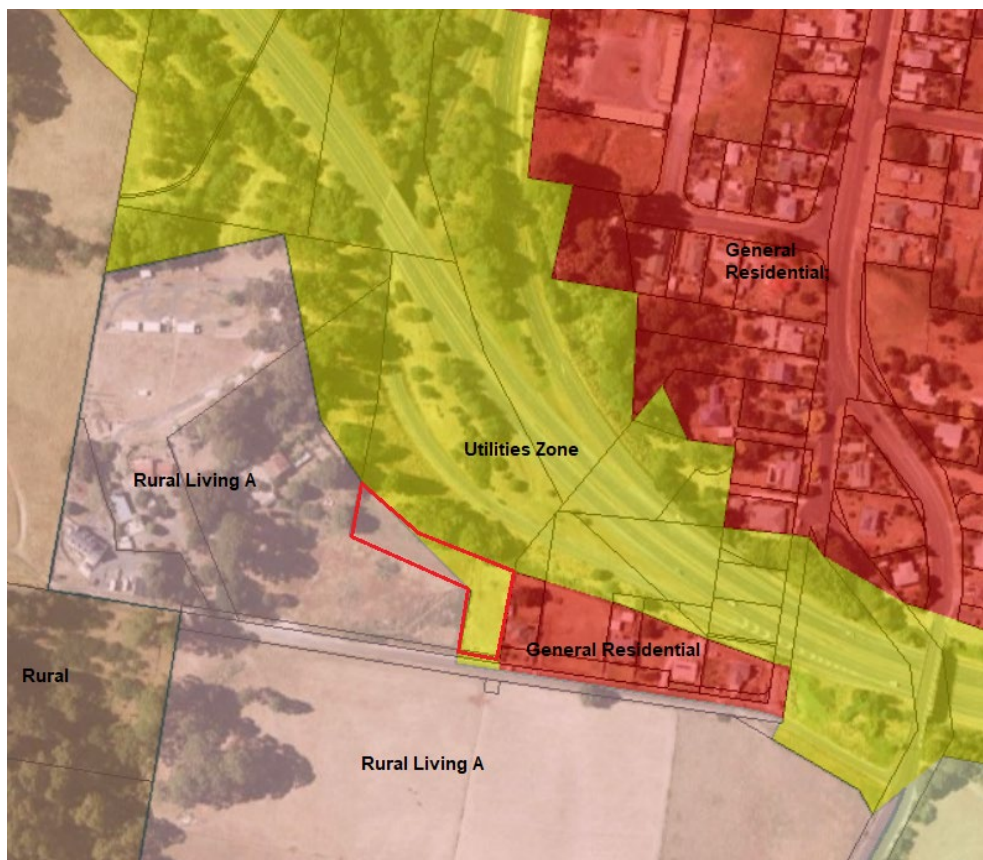


Figure 6 - Existing Zoning (Source: theList)

An indicative site capacity testing plan has been prepared to test the viability of development and is included as Figure 7 below.



It is proposed that the Minister make a housing supply order under the HLSA:

- 7

2. include an order in accordance with Section 6 to declare the area of land shown in the site plan in Appendix A to be zoned General Residential under the Central Coast Local Provisions Schedule.

2. PART 2 – CONSIDERATION OF THE LAND

2.1. Government land (Section 5(1) HLSA)

The land is eligible government land pursuant to Section 5(1) of the Act in that:

- it is government land owned by the Crown and managed by the Department of State Growth; and
- the land was government land on the commencement date of the HLSA 20 July 2018.

And the land is not:

- reserved land under the *Nature Conservation Act 2002*;
- managed under the *National Parks and Reserves Management Act 2002*;
- managed under the *Wellington Park Act 1993*;
- permanent timber production zone land, within the meaning of the *Forest Management Act 2013*;
- future potential production forest land, within the meaning of the *Forestry (Rebuilding the Forest Industry) Act 2014*; or
- owned in fee simple by the body corporate continued under section 4 of the *Tasmanian Development Act 1983*.

2.2. Need for the land (Sections 5(2)a) HLSA)

Consistent with the Purpose under s.2(a) of the *Homes Tasmania Act 2022* there is a need for the land to be made available to enable the provision of housing assistance to eligible persons.

As at 31 December 2023, there were 189 applicants (four per cent) on the Housing Register seeking accommodation in the Central Coast LGA as their first preference. There is a projected need for 10,616 dwellings in the Central Coast by 2041 based on previous 2022 Treasury population projections and modelling for the Tasmanian Housing Strategy, ranking the Central Coast in the top 10 LGAs in Tasmania with greatest housing need for social and affordable housing. It is intended that the land will be developed to provide new social and affordable housing outcomes. This will include new home ownership opportunities consistent with the Tasmanian Housing Strategy 2023-2043 and Tasmanian Housing Action Plan 2023-2027.

2.3. Suitability of the land (Section 5(2)b) HLSA)

The land fulfills the requirements of ss.5(2)(b) of the HLSA in that it is located in close proximity to public and commercial services and opportunities for employment within Penguin and the Northwest Coast more broadly as shown in Figures 8 and 9 including the following:

- 500m to the Penguin District School to the south east
- 1km to the Penguin sports complex to the south
- 1.5km to the Penguin town centre to the north via the Ironcliffe Road overpass
- 1.2km to the light industrial precinct at Enterprise Avenue to the west
- 2.5km to the light industrial precinct at South Road to the east

- 9km to Ulverstone
- 15km to Burnie
- 25km to Devonport

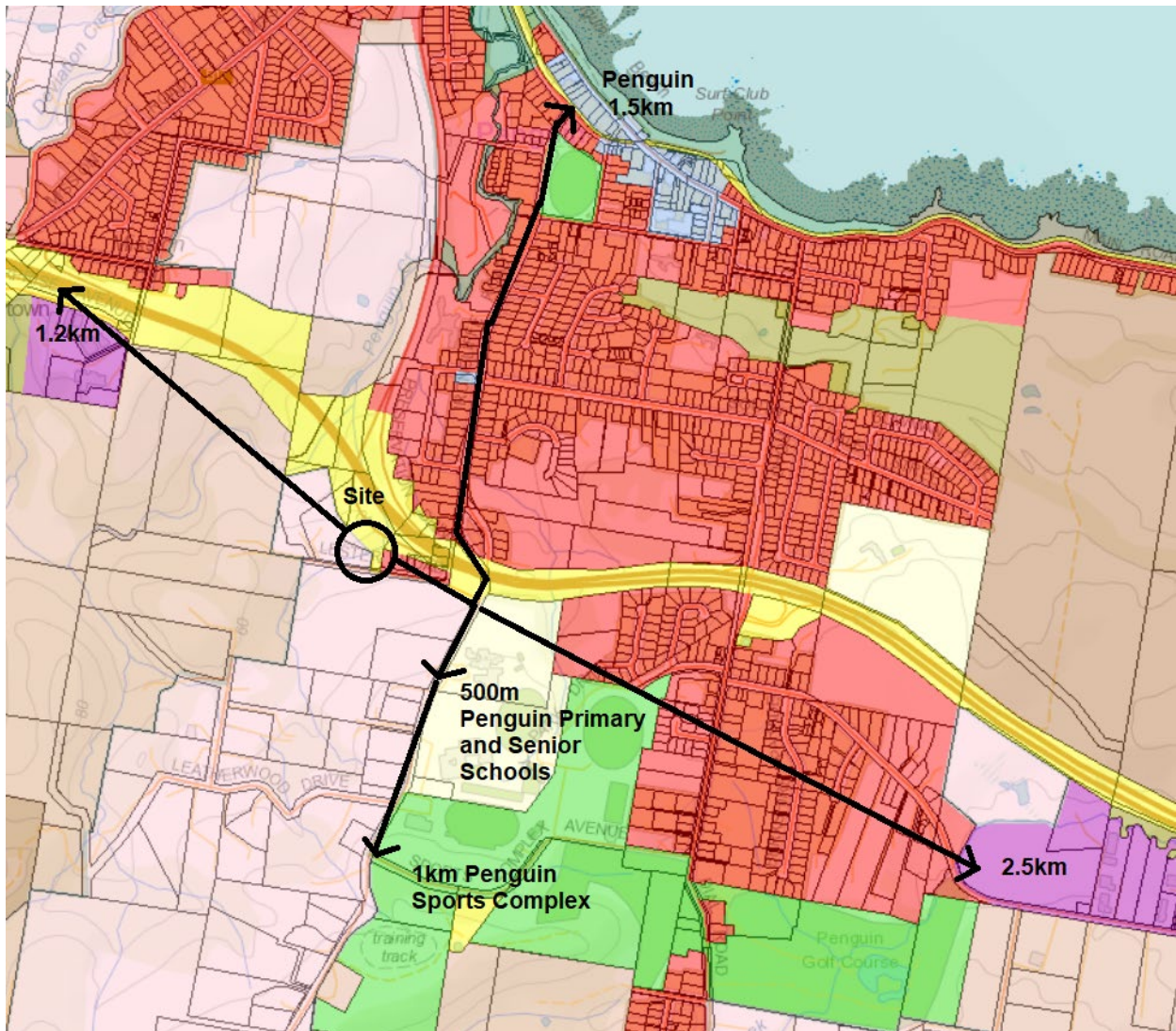


Figure 8 - Proximity to public, commercial services and employment opportunities in the Penguin locality

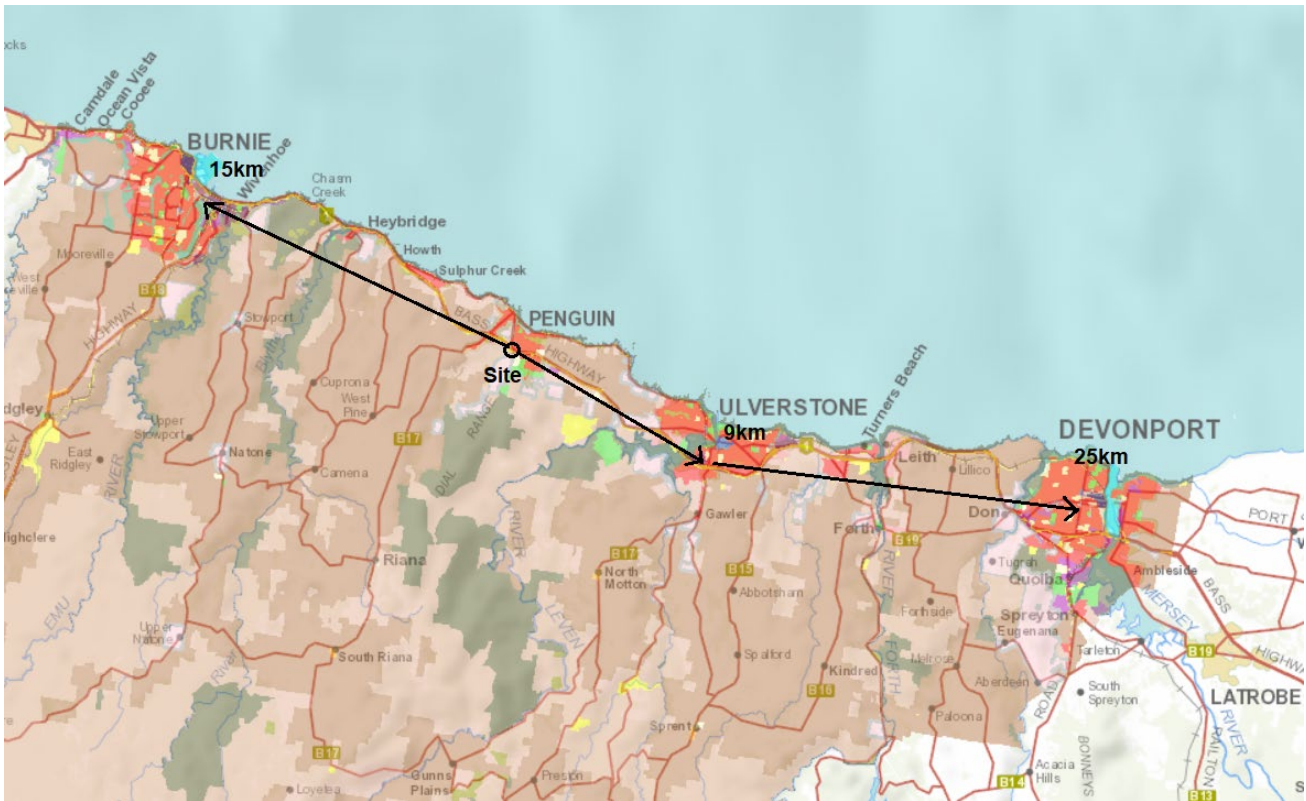


Figure 9 - Proximity to public, commercial services and employment opportunities on the Northwest Coast

2.4. Accessibility to Public Transport (Section 5(2)b) HLSA)

The Metro, public transport bus route 190 passes within 900m of the site on Ironcliffe Road to the north (See Figure 9 below). This route travels between Devonport, Ulverstone, Penguin and Burnie.

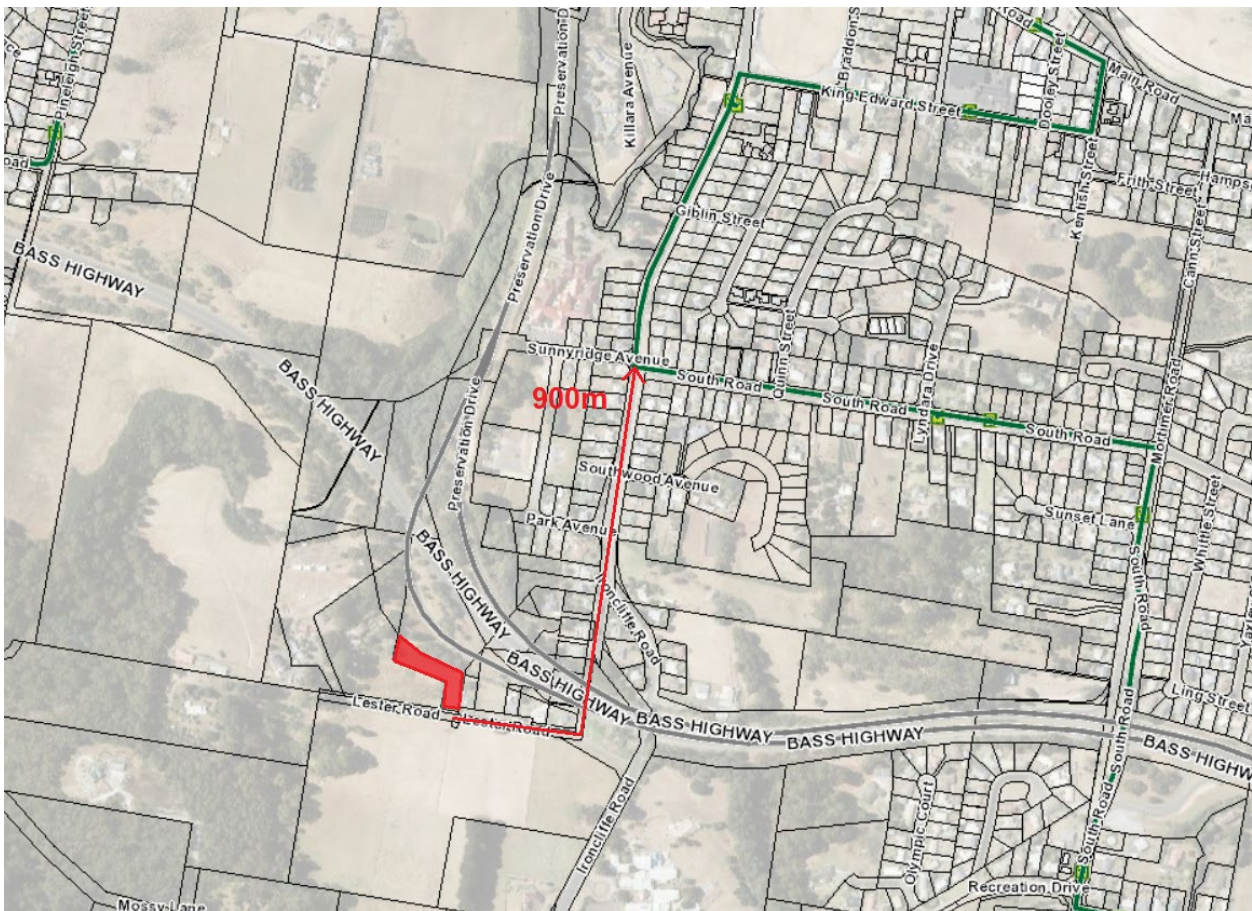


Figure 10 - The site is located on Metro bus routes 530, 560 and 561 (Source: theList)

2.5. Owners Consent (Section 5(3) & (4) HLSA)

The submission is accompanied by the following consents in Appendix B:

- Secretary for the Department State Growth; and
- Minister for Crown Land

2.6. The proposal is consistent with State Policies and the Cradle Coast Regional Land Use Strategy 2010-2030 (Section 6(1)a) HLSA)

The proposed zoning is considered consistent with State Policies and the relevant Regional Land Use Strategy as set out in the following sections:

2.6.1. State Policies

The following State Policies are made under the State Policies and Projects Act 1993:

- State Policy on the Protection of Agricultural Land 2009;
- State Policy on Water Quality Management 1997; and
- Tasmanian State Coastal Policy 1996.

The National Environmental Protection Measures are automatically adopted as State Policies under the State Policies and Projects Act 1993.

The following section examines the State Policies as they apply to this proposal.

2.6.2. State Policy on the Protection of Agricultural Land 2009

The purpose of the State Policy on the Protection of Agricultural Land 2009 is:

“to conserve and protect agricultural land so that it remains available for the sustainable development of agriculture, recognising the particular importance of prime agricultural land”.

Comment

The proposal relates to a small (2940m²) parcel of Class 5¹ land that is adjacent to residential use and development. It is surrounded by General Residential and Rural Living zoned land to the west, south and east and the highway corridor to the north. The land is not well suited to agricultural use particularly given its small size, proximity to existing residential use and the proposal therefore will not result in the loss of prime or significant agricultural land. The proposal does not conflict with this Policy.

2.6.3. State Coastal Policy 1996

The State Coastal Policy 1996 is created under the State Policies and Projects Act 1993.

Comment

This Policy does not apply to this land that is located approximately 1.2km from the foreshore at Penguin and therefore outside the coastal zone.

2.6.4. State Policy on Water Quality Management 1997

The State Policy on Water Quality Management is concerned with achieving ‘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’.

Comment

The zoning will allow for suitable stormwater treatment to be incorporated in future development as required by the Planning Scheme and *Urban Drainage Act 2013*. Such measures will ensure the long-term quality of stormwater runoff is efficiently managed to protect water quality consistent with this Policy.

2.6.5. National Environment Protection Measures

The National Environmental Protection Measures relate to:

- Ambient air quality;
- Ambient marine, estuarine and fresh water quality;
- The protection of amenity in relation to noise;
- General guidelines for assessment of site contamination;
- Environmental impacts associated with hazardous wastes; and

¹ Class 5 land meaning - Land unsuited to cropping and with slight to moderate limitations to pastoral use

- The re-use and recycling of used materials.

Comment

Other than consideration of the potential for noise as discussed below, the listed NEPMs do not raise specific matters that are relevant to the proposed zoning.

The protection of amenity in relation to noise

The land is located adjacent to the Bass Highway which is a Category 1 State Road with a speed limit of 110km per hour. It is therefore within a *road or railway attenuation area* as defined under Clause C3.3 of the State Planning Provisions (SPPs).

Future development on the land for residential use will be subject to consideration under Clause C3.6.1 of the Road and Railway Assets Code of the SPPs and in particular Clause C3.6.1 *Habitable buildings for sensitive uses within a road or railway attenuation area*. The subject land is setback between 60 and 80m of the Bass Highway carriageway on land with a general southerly aspect that faces away from the highway. There are a number of existing houses in the residential enclave surrounding the site that are setback between 70 and 15m from the highway carriageway as shown in Figure 11 below. Having regard to these factors it is likely that future development on the land would satisfy Acceptable Solution A1a) of Clause C3.6.1 as a continuation of the row of residential buildings along the highway and/or ensure that future development can be sited and designed to demonstrate that the 63dB(A) levels between 6am and midnight under C3.1(c) and Table C3.2 can be achieved.



Figure 11 - Setback of existing row of residential buildings from the Bass Highway

Tasmanian Planning Policies

There are no relevant Tasmanian Planning Policies.

Cradle Coast Regional Land Use Strategy

The relevant regional strategy is the Cradle Coast Regional Land Use Strategy 2010-2035, 28 February 2024 (CCRLUS).

Land Use Policies for Managing Growth and Development (4.3)

Urban Settlement Areas (4.3.1)

Comments in relation to the relevant policies of the CCRLUS are setout in the following table:

CCRLUS Policy	Comment
4.3.1 Urban Settlement Areas	
a. Promote established settlement areas as the focus for growth and development	This proposal seeks to meet an identified demand for housing on the Central Coast on surplus Utilities land at Penguin.
b. Promote optimum use of land capability and capacity of available and planned infrastructure service	The land adjoins land zoned General Residential and can connect to existing reticulated water and sewer services.
c. Match land supply to need and provide sufficient land within designated urban settlement boundaries of each centre to meet forecast need for a time horizon of not less than 10 years but not exceeding 20 years	As at 31 December 2023, there were 189 applicants (four per cent) on the Housing Register seeking accommodation in the Central Coast LGA as their first preference. There is a projected need for 10 616 dwellings in the Central Coast by 2041 based on previous 2022 Treasury population projections and modelling for the Tasmanian Housing Strategy, ranking the Central Coast in the top 10 LGAs in Tasmania with greatest housing need for social and affordable housing.
d. Accommodate growth and development for each of the settlements as identified in Table 4.3	<p>Table 4.3 of the CCRLUS sets out a settlement management strategy for the Region and identifies Penguin for a <i>stable</i> strategy and for a Low Growth scenario. The concept of <i>stable</i> restricts new development to existing land supply within the designated urban boundary without priority for intensification.</p> <p>In the case of Penguin there is no designated urban boundary. It is considered however that the circumstances of this proposal to rezone existing serviced Utilities land adjacent to an existing General Residential zoned enclave at Lester Road is consistent with the strategy of confinement to the boundaries of the existing</p>

	settlement. The indicative site capacity testing plan demonstrates a capacity of up to 4 dwellings, which is a modest increase and is considered consistent with this <i>Stable</i> and <i>Low Growth</i> strategy
e. Notwithstanding the categorisation listed in Table 4.3, where a contemporary land supply and demand analysis indicates that additional land should be made available to accommodate growth, the designated growth scenario or settlement strategy may be varied subject to the considerations in parts i-vii	The proposal involves approximately 2940m ² of land and the estimated potential for four dwellings (as shown in the indicative site capacity testing plan in Figure 7 above). It will not constitute a significant increase in land zoned for urban development in the Penguin settlement and is considered consistent with the intended Low Growth within the established Penguin settlement.
f. Provide a pattern of settlement which maintain – i. Separated towns, villages and communities ii. Visual and functional transitional space between each individual centre iii. Absence of linear development or expansion aligned to coastline, ridgeline, or river or road frontage.	The proposal relates to an existing residential enclave at Lester Road on the southern side of the Bass Highway. It will not compromise this policy objective to avoid linear expansion of settlements
4.4 Land Use Policies for protecting people and property	
The policy is to direct the places where people live and work from areas where there is an unacceptable level of risk for the health and safety of people, property, and the environment from natural or man-made hazards	The subject land is subject to a bushfire risk that can be managed through future development. The land is not subject to any other mapped or identified risks.
4.5 Land Use Policies for facilitating access to business and community services	
Livability of the Region is dependent in part on local or convenient and equitable access to a range of business and community services to meet both daily and specialist requirements.	As discussed in Section 2.3 above the subject land is located in close proximity to commercial and community services on the Northwest Coast including local services at Penguin and higher order regional services at Burnie, 15km west and Devonport, 25km east.
4.7 Land Use Policies for Housing Land – places to live	
Land use planning promotes equitable provision, choice and distribution of housing which is adequate, affordable and suitable to meet the requirements of the Region.	The proposal intended for affordable housing outcomes is well located for access to educational and community services and is considered suitable to meet the requirements of the Region.

4.8 Land Use Policies for Healthy and Educated Communities	
Livability requires access to facilities which enable opportunity for an active, healthy, informed and inclusive community	The site is in close proximity to the educational, recreational, community and commercial services of Penguin within approximately 1km of the site.
4.9 Land Use Policies for Active Communities	
Land use planning assists provision of active, connected and healthy places which are attractive to residents and visitors.	As discussed in Section 2.3, the site is located within close proximity to schools and recreational facilities on the southern side of the Bass Highway.
5.3 Land use Policies for Integrated Land Use and Infrastructure Planning	
Land Use planning is linked to infrastructure planning and provision by directing new development to areas where there is capacity in infrastructure and promoting compact and contained settlements to assist which climate adaption and optimized public investment.	The subject land can connect to existing reticulated water and sewer and does not exceed the capacity of existing infrastructure.

2.7. The site is not significantly restricted by any code that applies to the land –(Section 6(1)b) HLSA)

The site of the proposed zoning is within a mapped Bushfire Prone Area but no other code overlays under the planning scheme.

Preliminary advice from an accredited bushfire practitioner is attached in Appendix C and confirms that the requirements of the Bushfire Prone Areas Code are likely to be met subject to construction of future dwellings to BAL 12.5 requirements under AS3959-2018 the potential inclusion of a new fire hydrant, if required by future development.

As discussed in section 2.6.5 above future development on the site is likely to be able to comply with the Acceptable Solution for sensitive uses within a road and rail attenuation area under Clause C3.6.1, A1 of the Road and Railway Assets Code of the SPPs.

2.8. The Intended zoning would further the objectives of Schedule 1 of LUPAA (Section 6(1)c) HLSA)

The proposed zoning is considered to further the objectives of Schedule 1 of the Act as follows:

Part 1 Objectives

(a) To promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;

Comment

The proposal promotes the objectives for sustainable development of land through allowing for the efficient use of serviced land for residential use and development directly adjacent to established

areas of Penguin. The site relates to a cleared grass area and will not require vegetation clearing or impact on ecological processes. It is considered to further this Objective.

(b) To provide for the fair, orderly and sustainable use and development of air, land and water;

Comment

The proposal for greenfield development to support affordable housing outcomes on this underutilised site is considered fair, orderly and sustainable use and development and will further this objective.

(c) To encourage public involvement in resource management and planning;

Comment

Consideration of the proposal will involve notice to interested persons and the right to make submissions for consideration by the Minister before the proposed order is laid before both Houses of Parliament. The proposal will encourage public involvement consistent with the processes set out under the HLSA and will further this objective.

(d) To facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c) above.

Comment

As stated above, the proposal represents consolidated urban development with access to existing road, reticulated and community infrastructure. It avoids sensitive environmental areas and will facilitate affordable housing and economic development outcomes. Rezoning of the land for residential purposes allows for economic development including the construction phase of site development and by providing affordable housing options. For these reasons the proposal is considered to further this Objective.

(e) To promote sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

Comment

The proposal will be referred to interested persons for comment including Council, TasWater, Aboriginal Heritage Tasmania and as well as the Heads of relevant Agencies as required by s.11 of the HLSA. The proposal is considered to further this Objective.

2.8.1. Schedule 1 Part 2

(a) To require sound strategic planning and co-ordinated action by State and local Government;

Comment

As demonstrated throughout this assessment the proposal is consistent with the CCRLUS and represents sound strategic planning that will further this Objective.

(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;

Comment

The proposal will apply a new zone under the planning scheme that will set the objectives, policies and controls for the site consistent with this Objective.

(c) To ensure 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;

Comment

The proposal is considered to further this Objective in that it relates to cleared land that will avoid significant environmental values. It will also contribute to broader social, environmental and economic benefits as a result of the proposed efficient use of underutilised serviced land.

(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;

Comment

As discussed above the proposal will further strategic planning policies and is consistent with this Objective.

(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;

Comment

The proposal does not conflict with this objective.

(f) To secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania;

Comment

The proposal will assist in the provision of a diversity of affordable housing outcomes within close proximity to surrounding services. It furthers this objective.

(g) To conserve those buildings, areas or other places which are of scientific, aesthetics, architectural or historical interest, or otherwise of special cultural value;

Comment

There are no listed historic or cultural values on the site that would be affected by the proposal.

(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;

Comment

The land is within an existing serviced area and will be referred to TasWater for comment pursuant to Section 11(c) of the HLSA. Consultation with the Department of State Growth has confirmed that the land is not required as part of the road network. The proposal will further affordable housing outcomes for the benefit of the community consistent with this Objective.

(i) To provide a planning framework which fully considers land capability;

Comment

The proposal relates to land adjacent to an established residential area and separated from surrounding agricultural land.

It is considered appropriate for future residential use and development subject to the normal planning scheme considerations of the General Residential Zone and the provisions of the relevant Codes of the planning scheme.

2.9. The proposed zoning is consistent with the Purpose of the General Residential Zone and the section 8A guidelines of the Land Use Planning and Approvals Act (Section 6(1)d) HLSA)

The proposal to rezone the land to General Residential is consistent with the Purpose of the General Residential Zone in that:

- *To provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided.*
- *To provide for the efficient utilisation of available social, transport and other service infrastructure.*
- *To provide for non-residential use that:*
 - *primarily serves the local community; and*
 - *does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.*
- *To provide for Visitor Accommodation that is compatible with residential character.*

The proposal is assessed against the Section 8A Zone Application Guidelines of the Local Provisions Schedule of the Tasmanian Planning Scheme as follows:

GRZ 1 The General Residential Zone should be applied to the main urban residential areas within each municipal area which:

(a) are not targeted for higher densities (see Inner Residential Zone); and

(b) are connected, or intended to be connected, to a reticulated water supply service and a reticulated sewerage system.

Assessment

Reticulated water and sewer services are available to the site.

GRZ 2 The General Residential Zone may be applied to green-field, brown-field or grey-field areas that have been identified for future urban residential use and development if:

(a) within the General Residential Zone in an interim planning scheme;

(b) within an equivalent zone under a section 29 planning scheme; or

(c) justified in accordance with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; and

(d) is currently connected, or the intention is for the future lots to be connected, to a reticulated water supply service and a reticulated sewerage system,

Assessment

The existing vacant land zoned Rural Living and Utilities is surplus to the needs of the transport network. The proposal represents efficient use of serviced land adjacent to the existing Penguin Settlement and furthers the Policies of the CCRLUS.

GRZ 3 The General Residential Zone should not be applied to land that is highly constrained by hazards, natural values (i.e. threatened vegetation communities) or other impediments to developing the land consistent with the zone purpose of the General Residential Zone, except where those issues have been taken into account and appropriate management put into place during the rezoning process

Assessment

Reticulated water and sewer are available to service the site. As discussed above, the site is not subject to any mapped hazard overlays under the planning scheme.

2.10. Consideration of any environmental, economic and social impacts (Section 6(1)e) HLSA)

The intended General Residential Zone would not prevent consideration of environmental impacts on the land as required under the Planning Scheme.

The rezoning of the land will allow for residential development which would facilitate affordable housing and associated economic development including an increase in housing stock.

Positive social impacts from the proposal include an increase in the supply of affordable residential land, which contributes to avoiding homelessness and housing stress. The General Residential Zone includes high standards of development and residential amenity.

The proposal will further objectives for urban consolidation and affordable housing that will contribute to broader social, environmental and economic benefits consistent with this requirement.

2.11. Consideration of the effect on Aboriginal and cultural heritage (Section 6(1)e) HLSA)

The proposal relates to vacant land on the periphery of the Penguin settlement. An Aboriginal Heritage Desktop Review was completed for the site and is at Appendix D. The Record of Advice returned no known Aboriginal heritage recorded within the proposed rezoning footprint. The proposal will be referred to Aboriginal Heritage Council for comment pursuant to ss.11(g) of the HLSA.

2.12. Consideration of land use conflict on the site and on land adjacent to the site (Section 6(1)f) HLSA)

The proposed rezoning is consistent with the existing General Residential zoning adjoining the site to the east.

There are no industrial or other uses with the potential to cause environmental harm in the vicinity of the site.

The site is adjacent to the Bass Highway. As discussed above in section 2.6.5 future residential use on the site is likely to comply with the Acceptable Solutions of the Road and Railway Assets Code confirming that any potential noise impacts from passing traffic and railway noise will be acceptable.

2.13. Dwelling and lot density conformity to suburban density (Section 6(2)a HLSA)

The proposal will apply the provisions for the General Residential Zone under the State Planning Provisions.

2.14. Other zones intended for the site (Section 6(2)b HLSA)

The circumstances of this land do not require the application of any other complimentary zones. It is considered appropriate that the General Residential Zone apply across the full extent of the land and that the Utilities Zone remain for the balance land.

2.15. Modified planning provisions (Section 7(1) & (2) HLSA)

It is not considered that the circumstances of this land warrant modification of a relevant housing provision.

2.16. Consultation with interested persons(Section 10 HLSA)

Interested persons (s.10 - s.12)

The interested persons in the case of this land are considered to be:

- Central Coast Council
- Heads of Agency that have an interest in whether or the manner in which the land ought be used and or developed including the Department of State Growth;
- TasWater;
- Tas Networks;
- the owners and occupiers of the residential properties in the vicinity of Lester Road including 6, 8-10, 12, 16, 18, 19, 20, 20A, 21, 22 Lester Road
- Tasmania Fire Service;
- Tasmanian Heritage Council;
- Aboriginal Heritage Council

Contact details of the suggested interested persons are provided in Appendix E.

Appendix A

Site Plan

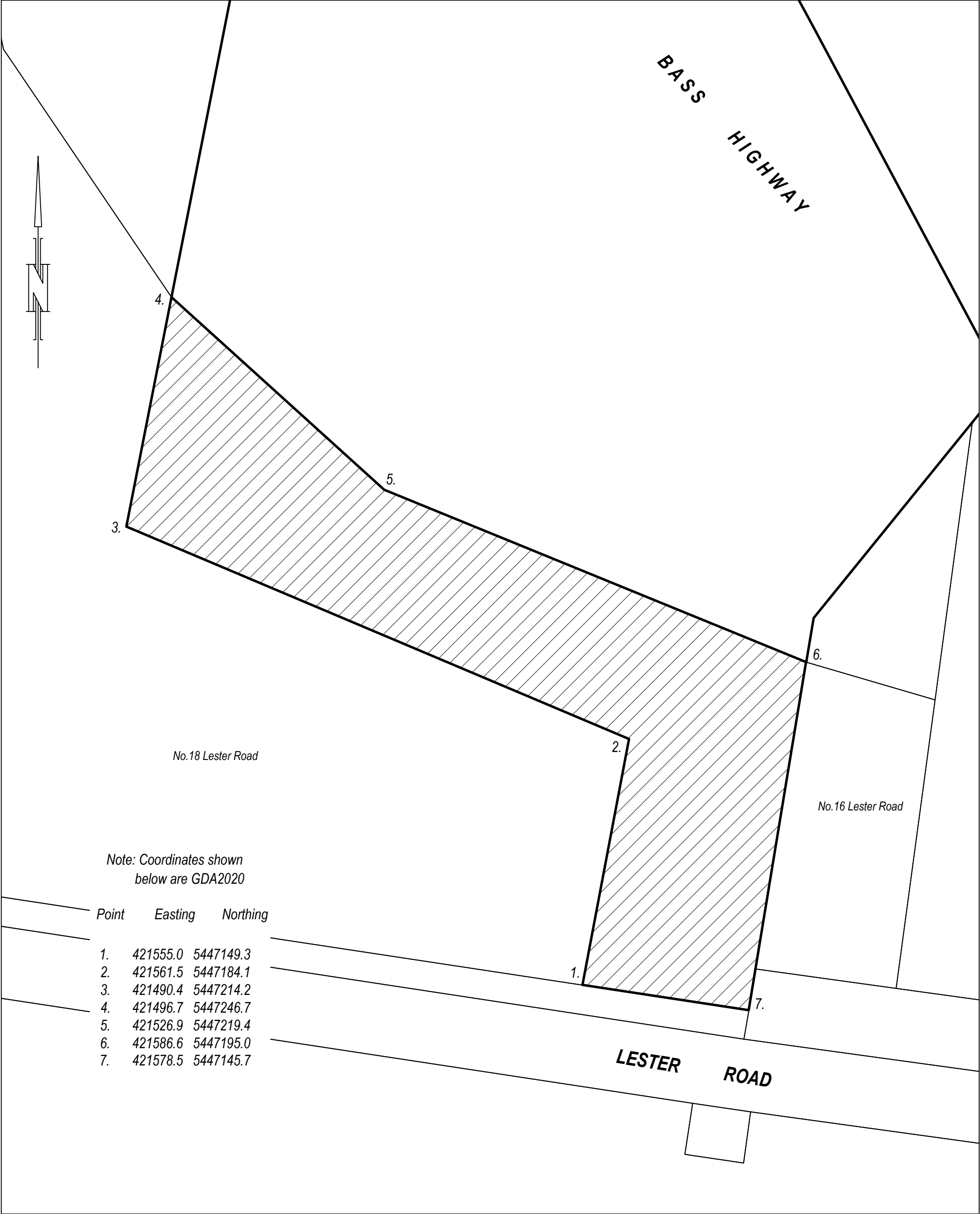


UNIT 1, 2 KENNEDY DRIVE
CAMBRIDGE 7170
PHONE: (03)6248 5898
EMAIL: admin@rbsurveyors.com
WEB: www.rbsurveyors.com

This plan has been prepared only for the purpose of obtaining preliminary
subdivisional approval from the local authority and is subject to that approval.

All measurements and areas are subject to the final survey.

Base image by TASMAP (www.tasmap.tas.gov.au), © State of Tasmania
Base data from the LIST (www.thelist.tas.gov.au), © State of Tasmania



Note: Coordinates shown
below are GDA2020

Point	Easting	Northing
1.	421555.0	5447149.3
2.	421561.5	5447184.1
3.	421490.4	5447214.2
4.	421496.7	5447246.7
5.	421526.9	5447219.4
6.	421586.6	5447195.0
7.	421578.5	5447145.7

E					FOR:	Communities Tasmania	Site Plan	
D					TITLE REFERENCE:	C.T.62700/15		
C					LOCATION:	No.18a Lester Road	Date:	Reference:
B						PENGUIN	3-3-2022	COTAS04 13753-00
A	coordinates GDA2020	AB	3-3-22	AB			Scale:	Horizontal Datum:
REV	AMENDMENTS	DRAWN	DATE	APPR.			1:500 (A3)	MGA - GDA2020

SEARCH OF TORRENS TITLE

VOLUME 62700	FOLIO 15
EDITION 2	DATE OF ISSUE 31-Aug-1999

SEARCH DATE : 12-Oct-2021

SEARCH TIME : 02.45 PM

DESCRIPTION OF LAND

Town of PENGUIN

Lot 15 on Sealed Plan 62700 (formerly being SP1701)

Derivation : Part of Lot 3688 Gtd. to A. Clerke

Prior CT 2394/6

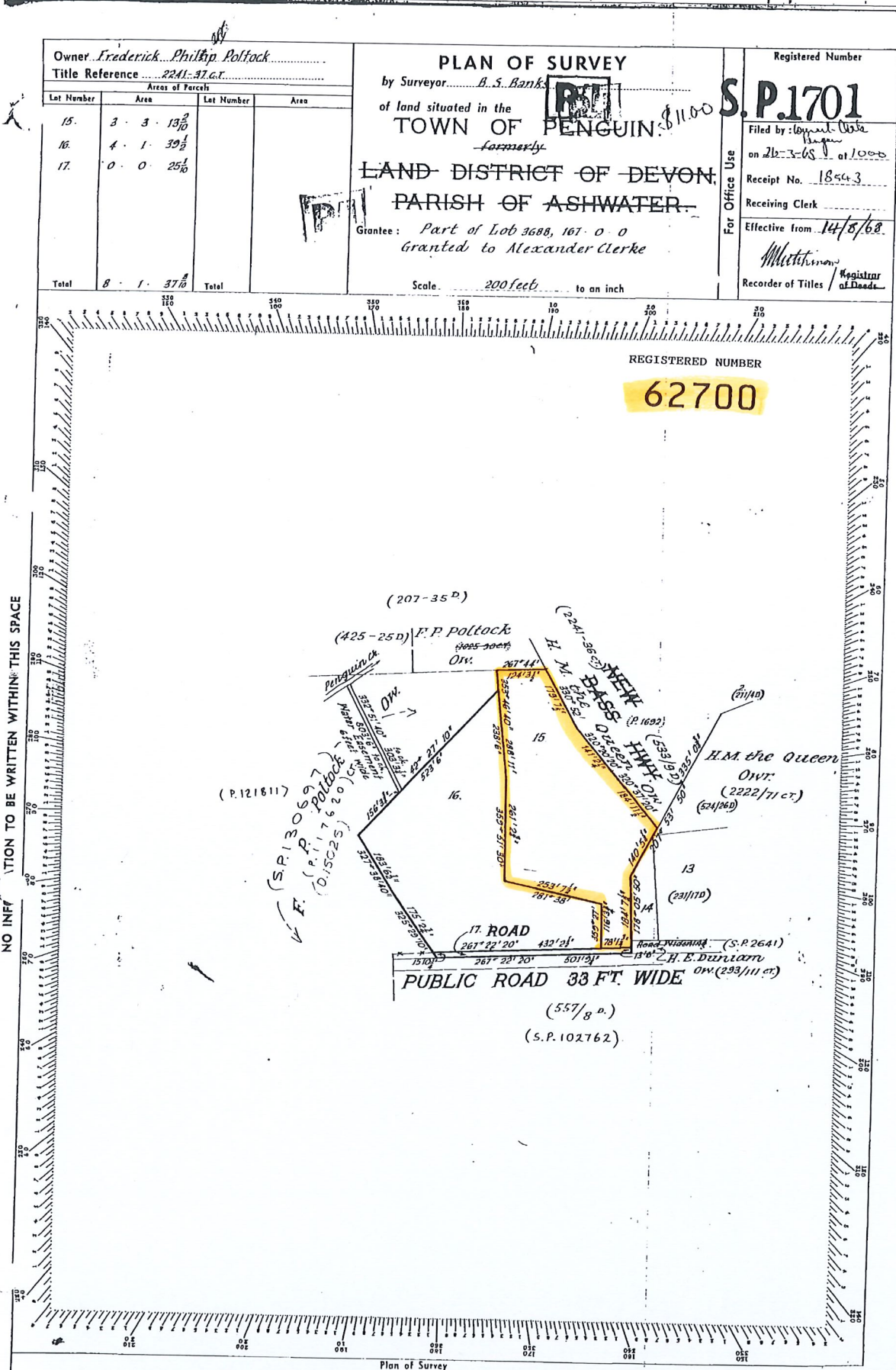
SCHEDULE 1B610267 TRANSFER to THE CROWN Registered 01-Dec-1992 at 12.
01 PMSCHEDULE 2

Reservations and conditions in the Crown Grant if any

SP 62700 EASEMENTS in Schedule of Easements

BURDENING EASEMENT - Boundary Fences Condition formerly set
out in Certificate of Title Volume 293 Folio 118UNREGISTERED DEALINGS AND NOTATIONS123064 PLAN Lodged by DEPT OF TRANSPORT on 28-Feb-1996 BP:
123064

62700



123064

OWNER THE CROWN FOLIO REFERENCE CT 62700/15 GRANTEE Part of Lot 3688, 167-0-0 Granted to ALEXANDER CLERKE	PLAN OF SURVEY BY SURVEYOR Michael James Rothwell OFFICE OF THE SURVEYOR-GENERAL LOCATION TOWN OF PENGUIN		REGISTERED NUMBER P 123064
	SCALE 1:1250 LENGTHS IN METRES		APPROVED EFFECTIVE FROM Recorder of Titles
MAPSHEET MUNICIPAL CODE No 104	LAST UPI No 5700352	LAST PLAN No SPI701 LTO	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN



CAUTION: THIS PLAN AND ITS ACCOMPANYING SURVEY NOTES HAS NOT BEEN EXAMINED BY THE OFFICE OF THE RECORDER OF TITLES. THE UNEXAMINED PLAN AND SURVEY NOTES ARE AVAILABLE FOR CADASTRAL INFORMATION AND TO SUPPORT FUTURE DEALINGS ONLY. IN THE EVENT THIS PLAN IS APPROVED OR MADE EFFECTIVE A NEW VERSION WILL BE PRODUCED FOR THE REGISTER.

9512637

121770

OWNER THE CROWN	PLAN OF SURVEY BY SURVEYOR Micheal James Rothwell OFFICE OF THE SURVEYOR-GENERAL LOCATION TOWN OF PENGUIN SCALE 1:600 LENGTHS IN METRES	REGISTERED NUMBER P121770
FOLIO REFERENCE CT 38775/1		APPROVED EFFECTIVE FROM
GRANTEE Part of Lot 3688, 167.0.0 Granted to ALEXANDER CLERKE		Recorder of Titles
MAPSHEET MUNICIPAL CODE No 104	LAST UPI No 0350	LAST PLAN No D38775 LTO
ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN		



CAUTION: THIS PLAN AND ITS ACCOMPANYING SURVEY NOTES HAS NOT BEEN EXAMINED BY THE OFFICE OF THE RECORDER OF TITLES. THE UNEXAMINED PLAN AND SURVEY NOTES ARE AVAILABLE FOR CADASTRAL INFORMATION AND TO SUPPORT FUTURE DEALINGS ONLY. IN THE EVENT THIS PLAN IS APPROVED OR MADE EFFECTIVE A NEW VERSION WILL BE PRODUCED FOR THE REGISTER.

9512650

Appendix B

Consents

Minister for Parks
Minister for the Prevention of Family Violence
Minister for Police, Fire and Emergency Management

Level 5, Parliament Square
4 Salamanca Place, HOBART TAS 7001 Australia
GPO BOX 123, HOBART TAS 7001
Ph: (03) 61657770
Email: minister.petrusma@dpac.tas.gov.au



Director of Housing
GPO Box 65
HOBART TAS 7001

**Consent from the Minister administering the *Crown Lands Act 1976*
pursuant to s.5(3)(a) of the *Housing Land Supply Act 2018***

Pursuant to s.5(3)(a) of the *Housing Land Supply Act 2018*, as the Minister administering the *Crown Lands Act 1976*, I hereby provide consent for the land listed in the table below, to be the subject of an Order under the *Housing Land Supply Act 2018*.

Title Reference	Street Address	Suburb	Authority
CT 108441/1, CT 781001/1	William Street	Brighton	DSG
CT 62700/15	18A Lester Road	Penguin	DSG
N/A	Land at the intersection of Howard Road and Goodwood Road	Glenorchy	DPIPWE

Yours sincerely

Hon Jacquie Petrusma MP
Minister for Parks

Director of Housing
GPO Box 65
Hobart TAS 7001

**Subject: Department of State Growth consent pursuant to s.5(3)(b) of the
*Housing Land Supply Act 2018***

Pursuant to s.5(3)(b) of the *Housing Land Supply Act 2018* I, Kim Evans, as the Secretary of the Department of State Growth hereby provide consent for land in the ownership of the Department of State Growth listed in the table below, to be the subject of orders under the *Housing Land Supply Act 2018* and for the Department of Communities to conduct investigative studies and feasibility reports as needed.

PID	Title Reference	Street Address	Suburb
6758293	CT 62700/15	18A Lester Road	Penguin

Yours sincerely,



Kim Evans
Secretary

25 May 2022

Appendix C

Preliminary Bushfire Management Advice

I have completed a preliminary bushfire risk assessment for the site at 18A Lester Road Penguin, which is proposed to be re-zoned as residential. For subdivision under the Central Coast Planning Scheme, the assessment needs to comply with Code C13 – Bushfire Prone Areas Code.

Basic Proposal for bushfire assessment:

Area of assessment is shaded in green on the attached plan.

Advice from State Roads is that the area north of the proposed lot and units is within the Bass Highway Proclamation area and is a 'no build' zone.

The attached preliminary assessment plan highlights the considerations noted below:

Vegetation and Setbacks

Surrounding vegetation is predominantly grassland with woodland 67m to the west of the site.

North – up slope - low threat,

South – down slope 3 degrees - low threat,

East – across slope - low threat residential uses for over 100m,

West – up slope - low threat (gardens, house and driveway) for 67m then woodland to 100m.

State Roads have confirmed the grassland to the north is under a maintenance contract and is mowed and maintained 5 times a year under the maintenance agreement through State Roads. Therefore, this area is re-assessed to low threat.

Grassland to the south is assessed as low threat based on the current grazing practices and the Central Coast Council Fire Abatement Policy 2016.

Again, grassland to the east in the Bass Highway Proclamation area is managed by State Roads and considered low threat.

It was also noted that there is a small area of woodland to the north of the site. These trees would need to be managed by thinning to create separation between crowns and removal of dead branches and leaf litter. Previous discussions indicate that these trees may be removed which would achieve the same outcome.

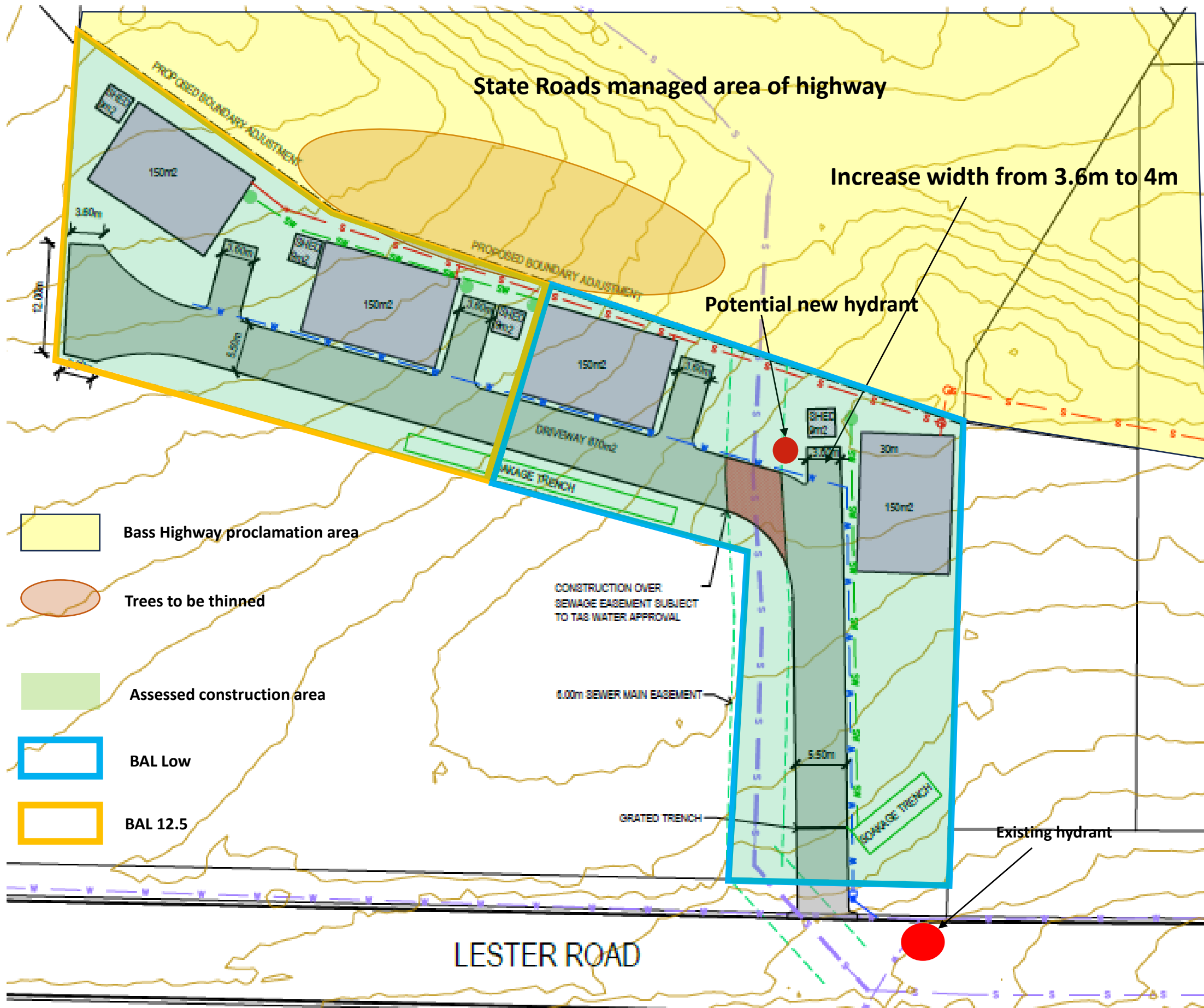
The preliminary assessment is that the area outlined blue would be BAL Low and the area outlined orange would be BAL 12.5. My recommendation would be that the whole site be constructed to BAL 12.5 requirements under AS3959-2018 to increase the fire safety protection of the area outlined blue.

Access

Any internal access from Lester Road would need to be compliant with the Code, including the hardstand requirements for firefighting water supply. For example, for the indicative site capacity testing plan, there may be a need to increase the width of the parking area at unit 1 to comply with the hardstand requirements for firefighting water supply.

Water Supply

The area is within a reticulated water supply area and there is a fire hydrant located at the southeast corner of the lot. The existing hydrant will not comply with the 120m hose lay distance for the area outlined orange, so for dwellings to be constructed as shown in the indicative site capacity testing plan, an additional hydrant would need to be installed as shown in the attached plan. This would then comply with the code requirements for a hydrant for dwellings constructed over the entire site. Installation of this additional hydrant would necessitate the establishment of an appropriately positioned hardstand on the site, to allow the manoeuvring of firefighting vehicles.



Appendix D

Aboriginal Heritage Desktop Review

AHR Instrument: AHDR7715
Applicant: Lisa Nelson (Homes Tasmania)
Date: 30 November 2023

RECORD OF ADVICE FROM ABORIGINAL HERITAGE TASMANIA

This document provides a record of advice relating to an application submitted in accordance with the [Aboriginal Heritage Standards and Procedures](#), as adopted by the [Guidelines](#) issued under section 21A of the *Aboriginal Heritage Act 1975*.

Activity: Re-zoning to General Residential - 18A Lester Road, Penguin

Advice: There is no known Aboriginal heritage recorded within the proposed rezoning footprint, however there are Aboriginal heritage sites recorded in the surrounding area, including stone artefact scatters.

It is understood that this request is for rezoning purposes only, and there are currently no plans for development on the property. If in future there are any plans for development within the property, please contact AHT for advice.

All Aboriginal heritage is protected under the *Aboriginal Heritage Act 1975*. It is an offence to destroy, damage, deface, conceal, or otherwise interfere with a relic (Aboriginal heritage) without a permit granted by the Minister. If at any time Aboriginal heritage is suspected, the process outlined in the [Unanticipated Discovery Plan](#) should be followed as there is an obligation to report findings of Aboriginal heritage as soon as practicable.

As explained in the Guidelines, obtaining this record of advice does not exempt a person from their obligations under the Act but is an important element of the actions summarised in the Guidelines. To be sure that you have “in so far as is practicable ... complied with the guidelines” (s.21(1) of the *Aboriginal Heritage Act 1975*), be sure to read the relevant part and take any other action that may be relevant to your situation.

This advice is valid for 12 months and only for the activity as described in the Aboriginal Heritage Desktop Review application.

Please contact Aboriginal Heritage Tasmania on 1300 487 045 or aboriginalheritage@dpac.tas.gov.au if you require further information.

Disclaimer *The advice contained within this document is based on information available to Aboriginal Heritage Tasmania at the time of its preparation and is provided in good faith. It does not constitute legal advice, is not intended to be a substitute for legal advice and should not be relied upon as such. Proponents should seek specialist legal advice, if required, regarding the Aboriginal Heritage Act 1975 when applying the information to their specific needs.*

Appendix E

Contact details of the suggested interested persons

Appendix E: Contact Details of the suggested interested persons (correct as of 27 March 2024)

Property	Owner Name	Postal Address	PID	Title Reference
	Personal information redacted			