



28th October 2021
File Ref: Local Provisions Schedule

John Ramsay
Tasmanian Planning Commission
GPO Box 1691
Hobart, Tasmania 7001

Emailed to: tpc@planning.tas.gov.au;
Wolf, Claire Claire.Wolf@planning.tas.gov.au

Dear Commissioner

Section 35F Report – Southern Midlands draft Local Provisions Schedule

On behalf of the Southern Midlands Council, I am pleased to provide you with a copy of the report prepared in accordance with Section 35F of the *Land Use Planning and Approvals Act 1993* (LUPAA).

I confirm that under Section 35F (2) (a) of LUPAA Council received 19 representations during the 60 day exhibition period and a further one (1) representation which was included by the Planning Authority after the end of the exhibition per Section 35F (2) (b) of LUPAA.

Please find enclosed with this letter the report together with:

- a copy of each representation made under section 35E(1) in relation to the relevant exhibition documents in relation to the draft LPS before the end of the exhibition period in relation to the draft LPS, or, if no such representations were made before the end of the exhibition period, a statement to that effect; and
- a copy of each representation, made under section 35E(1) in relation to the relevant exhibition documents in relation to the draft LPS after the end of the exhibition period in relation to the draft LPS, that the planning authority, in its discretion, includes in the report; and
- a statement of the planning authority's opinion as to the merit of each representation included under paragraph (a) or (b) in the report, including, in particular, as to –
 - whether the planning authority is of the opinion that the draft LPS ought to be modified to take into account the representation; and
 - the effect on the draft LPS as a whole of implementing the recommendation; and
- a statement as to whether it is satisfied that the draft LPS meets the LPS criteria; and
- the recommendations of the planning authority in relation to the draft LPS.

The report was considered by the Planning Authority at the ordinary monthly Council meeting on the 27th October 2021. I confirm the recommendations of the report were endorsed by Council. The draft minutes of the meeting can be forward to the Commission once they are finalised in the week commencing 1st November 2021.

I advise that I have notified all persons that lodged a representation of Council's decision and that the Commission will contact each person (or organization) to advise of the hearings dates. I have emailed your administration department the email and contact list for the 20 representations for convenience.

Should you have any questions or require further documentation then please contact me.

Sincerely

A handwritten signature in cursive script that reads "David Cundall".

David Cundall
Consultant Planner
Southern Midlands Council

Copy to: Tim Kirkwood, General Manager
Enclosure: Section 35F Report and copy of Representations

12.3 Municipal Seal (Planning Authority)

Nil.

12.4 Planning (Other)

12.4.1 Tasmanian Planning Scheme - Draft Southern Midlands Local Provisions Schedule - Representations Received During Public Exhibition Period

Author: PLANNING CONSULTANT (DAVID CUNDALL)

Date: 19 OCTOBER 2021

Attachment:

Representations

SUMMARY

This report relates to the exhibition of the draft Southern Midlands Local Provisions Schedule (LPS) which has been prepared as part of the transition to the *Tasmanian Planning Scheme – Southern Midlands*.

In accordance with the requirements of section 35F of the *Land Use Planning and Approvals Act 1993* (LUPAA), Council is required to prepare a report to the Tasmanian Planning Commission (the Commission) on the representations received during the public exhibition period, including its opinions on whether the matters raised in those representations are of sufficient merit to necessitate a modification to the draft LPS.

Each representation was workshopped with the Council on Monday the 11th October 2021 at the Oatlands Council Chambers. A transcript of the workshop (workshop summary) is provided as part of the October 2021 meeting agenda (this agenda).

BACKGROUND

Through amendments to LUPAA, the State Government has legislated for the introduction of a single state-wide planning scheme to be known as the Tasmanian Planning Scheme. The Tasmanian Planning Scheme will replace all existing local council planning schemes and will come into effect for each council once the relevant LPS is declared/approved for that local government area.

As Council would recall, the LPS forms a part of the overall Tasmanian Planning Scheme (TPS). The scheme is comprised of the State Planning Provisions (SPPs) and the Local Provisions Schedules (LPSs). The SPPs were prepared by the State Government (declared by the Minister February 2017) and the LPS is to be prepared by each Council in Tasmania. The TPS does not come into effect until the LPS has been approved by the Minister for Planning. This will be subject to public consultation, further consideration by Council and hearings held by the Commission.

The content of the LPS consists of two parts:

- A. Zone maps and overlay maps; and
- B. Written ordinance

The overlay maps and zone maps spatially define the application of the zones, specific area plans and the application of certain planning scheme codes.

The draft LPS is supported by a "Supporting Report" which explains the content of the LPS and provides justification against the particulars of LUPAA.

Council endorsed the draft LPS and Supporting Report for submission to the Commission at the November 2018 Council Meeting.

Since the endorsement of the draft LPS at the November 2018 meeting a number of technical changes and reviews were undertaken by the Commission. Many of these matters have been discussed with Council over the past 24 months with regular updates provided to the Council (through the publicly available agenda).

The most significant changes however were made in response to the notice issued by the Commission in accordance with the 'Section 35 Directions Notice' in late 2020. This notice, in addition to minor technical changes, required that Council abandon proposals to rezone land at Blackbrush Road, Mangalore, Kempton and Campania.

Despite numerous attempts by Council planning staff to convince the TPC that the draft rezoning proposals were compliant with LUPAA; the Commission delegates were ultimately not persuaded and did not consider the draft LPS process to be the appropriate avenue for strategic zone changes in the Southern Midlands. This is in line with the Minister's letter of expectations. This matter was considered by Council at the November 2020 meeting.

Council resolved to writing to the Minister for Planning to raise the issues in making zone changes in the rural settlements in Southern Tasmania. The letter, and the lobbying by the Mayor, was successful in progressing a review of the *Southern Tasmanian Regional Land Use Strategy* (STRLUS). This is the guiding strategic document for settlement and the growth of settlements in Southern Tasmania. The policies of STRLUS were the reason cited by the TPC in their reticence to accept any residential type rezoning(s) in the draft LPS.

The issues raised in the directions notice by the Commission and the issues experienced by the Southern Midlands Council in delivering a more timely LPS were not in isolation. Many of the 29 Councils that were seeking to make modifications to their planning schemes through the draft LPS process were limited by the many tests for determining compliance with LUPAA. It is estimated that a draft LPS requires approximately 122 tests under various parts of LUPAA and associated/referenced strategic documents and plans.

On 22nd June 2021, the Commission directed Council to exhibit the draft LPS for the statutory 60-day exhibition period required under LUPAA.

The draft LPS that was exhibited was ultimately a more simplified version of the draft LPS that was considered by Council at the November 2018 meeting.

STATUTORY REQUIREMENTS

Following the statutory public exhibition of the draft LPS (carried out in accordance with the requirements of sections 35C and 35D of LUPAA), Council must now prepare this report to the Tasmanian Planning Commission regarding that exhibition.

The report is to consider the representations received during the public exhibition period including an assessment and recommendation on whether the matters raised in those representations are of sufficient merit to necessitate a modification to the draft LPS. The specific legislative requirements for this post exhibition report are set out under section 35F of LUPAA and are reproduced below.

LUPAA - Section 35F – Report by planning authority to Commission about exhibition

- 1) A planning authority, within 60 days after the end of the exhibition period in relation to a draft LPS in relation to the municipal area of the planning authority or a longer period allowed by the Commission, must provide to the Commission a report in relation to the draft LPS.
- 2) The report by the planning authority in relation to the draft LPS is to contain –
 - a) a copy of each representation made under section 35E(1) in relation to the relevant exhibition documents in relation to the draft LPS before the end of the exhibition period in relation to the draft LPS, or, if no such representations were made before the end of the exhibition period, a statement to that effect; and
 - b) a copy of each representation, made under section 35E(1) in relation to the relevant exhibition documents in relation to the draft LPS after the end of the exhibition period in relation to the draft LPS, that the planning authority, in its discretion, includes in the report; and
 - (i) a statement containing the planning authority's response to the matters referred to in an LPS criteria outstanding issues notice, if any, in relation to the draft LPS; and
 - c) a statement of the planning authority's opinion as to the merit of each representation included under paragraph (a) or (b) in the report, including, in particular, as to –
 - (i) whether the planning authority is of the opinion that the draft LPS ought to be modified to take into account the representation; and
 - (ii) the effect on the draft LPS as a whole of implementing the recommendation; and
 - d) a statement as to whether it is satisfied that the draft LPS meets the LPS criteria; and
 - e) the recommendations of the planning authority in relation to the draft LPS.
- 3) Without limiting the generality of subsection (2)(e), the recommendations in relation to a draft LPS may include recommendations as to whether –
 - a) a provision of the draft LPS is inconsistent with a provision of the SPPs; or
 - b) the draft LPS should, or should not, apply a provision of the SPPs to an area of land; or
 - c) the draft LPS should, or should not, contain a provision that an LPS is permitted under section 32 to contain.

COMMUNITY ENGAGEMENT

In accordance with the requirements of LUPAA, the draft LPS was made available for public exhibition and representation for a period of 60 days. The public exhibition period was conducted from 5th July 2021 until the close of business on 3rd September 2021. During this exhibition period, the community could inspect and make representation on the content of the draft LPS.

In addition to the statutory requirements of LUPAA Council also engaged further with the community through other Council resources to exhibit and communicate the draft – this included:

- Council website,
- Council Facebook,
- Readily available information at Kempton and Oatlands Offices;
- Three (3) information “drop-in” sessions. These were held at Kempton, Oatlands, and Campania and provided additional “after-hours” time for the public to speak with Council Officers and review maps, reports and other supporting documents.
- Officers were available to discuss matters with the public and stakeholders either at the Kempton Office, over the phone or email and otherwise by appointment.

Council has fulfilled its statutory obligations under sections 35C and 35D of LUPAA to inform and notify the public regarding the exhibition of the draft LPS.

The drop-in sessions had a lower than expected attendance by the public. This is in comparison to the 2014-2015 sessions on the draft Southern Midlands Interim Planning Scheme. Of note, however, is the fact that the draft LPS is limited to the mapping and local provisions which are largely a translation of the current *Southern Midlands Interim Planning Scheme 2015* (SMIPS).

The exhibition was also advertised and circulated by planning firms, planning interest groups, conservation groups and through the Tasmanian Planning Commission website. This is a strong indication that the documentation was widely circulated and available through a range of means – and that people have made a decision to access information predominately “online” by viewing and downloading material from the Council website and TPC website.

Greater access and engagement with digital (online) content is certainly not unusual during the COVID-19 pandemic.

The representations are a mixture of landowners, interest groups and state agencies. This is the expected ‘mix’ of representations.

Content of Representations

19 representations were received during the public exhibition period and a further one (1) representation was received post exhibition. This brings the total to 20. The Planning Commission have informed planning staff that representations received after the close of the exhibition period may be accepted by Council.

A table categorising the type of representation is provided below.

Representation Category	Total Number received	Content of Rep (issues raised)
Landowners	10	6 representations request Council to apply the Landscape Conservation Zone to their covenanted land.
		one (1) is opposed to Council applying the Landscape Conservation Zone
		one (1) is supportive of the application of the Agriculture Zone to their land and opposes application of the Rural Living Zone to their neighbouring land
		One (1) is seeking entire property to be zoned Rural Zone (not split with the agriculture zone)
		One (1) is seeking part of land to be Rural Zone and clarification of zoning.
Planning Consultant	1	One (1) seeking that land in Mangalore (Blackbrush Road) be zoned Rural Living Zone as endorsed by Council at the November 2018 meeting.
State Agency	7	Four (4) seek particular zoning for their asset/infrastructure.
		Two (2) highlight and seek further mapping of dispersive soil mapping
		One (1) seeks the Planning Authority make every endeavour to map flood prone areas
Organisation	2	One (1) Seeks 29 properties are rezoning to the Landscape Conservation Zone
		One (1) seeks that land with conservation covenants is included in the Landscape Conservation Zone
Other	nil	

Table 1: Category of Representations

An assessment of each representations and recommendations in response to the matters raised in each representation is provided as Attachment 1 – Part A. Copies of each of the received representations are enclosed with Attachment 2.

DISCUSSION

Statutory requirements for a draft LPS – the LPS criteria (section 34(2) LUPAA)

The draft LPS has been prepared in accordance with the requirements of LUPAA. As instructed and set out under section 34(2) of LUPAA, a draft LPS must satisfy a set of criteria which are detailed below. A draft LPS must:

- (a) contain all the provisions that the State Planning Provisions specify must be contained in an LPS;
- (b) comply with the content requirements specified by section 32 of LUPAA;
- (c) further the objectives set out in Schedule 1 of LUPAA;
- (d) be consistent with each State Policy;
- (e) be, as far as practicable, consistent with the relevant regional land use strategy;
- (f) have regard to the relevant strategic plan, prepared under section 66 of the Local Government Act 1993;
- (g) be, as far as practicable, consistent with and co-ordinated with any LPS's that apply to adjacent municipal areas; and
- (h) have regard to the safety requirements set out in the standards prescribed under the *Gas Pipelines Act 2000*.

Before the draft LPS was made available for public exhibition, the Commission was required to be satisfied that the above criteria, under section 34(2) of LUPAA, were met.

Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application

The principal point of instruction for the allocation of zones and codes made with the draft LPS is *Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application*, June 2018, (the *Ministerial Guidelines*). This Guidelines were issued by the Commission in accordance with section 8A of LUPAA.

The application of all zones and code overlays included with the draft LPS must be in accordance with Guideline No.1. This Guideline is specifically used in assisting to determine compliance with the LPS criteria described previously.

Zone allocations made with the Southern Midlands draft LPS

The draft LPS assigns all land with the Southern Midlands local government area to a zone and it is that zoning that provides the primary mechanism for regulating land use and development under the planning scheme. The zoning makes provision for what use and development can occur in particular areas and under what circumstances.

The allocation of zones made with the draft LPS has sought to find an appropriate balance between: (1) the instruction contained in the LPS Zone and Code Application Guideline; and;

(2) zoning assignments that provide for an appropriate recognition of existing and well-established land use and development patterns in the Southern Midlands local government area.

Broader strategic planning considerations

A key challenge in preparing the draft LPS has been the need to differentiate between what is necessary to prepare a draft LPS versus what could be described as broader strategic planning considerations (for example the rezoning areas of land not currently used or zoned for residential purposes to accommodate future settlement growth). The Minister for Planning has, on multiple occasions, advised local councils that the State Government's position is that the LPS process is not about the opportunity to undertake significant strategic land use planning reviews.

This position is emphasised in a previous statement issued by the Minister for Planning which is reproduced below:

'The current process of preparing draft LPS's to give effect to the Tasmanian Planning Scheme is a priority for the Government and the efficient conversion of current interim planning schemes to the LPSs should not be unnecessarily complicated by the introduction of strategic changes that are not related to the facilitation of that process.'

[Minister's Advisory Statement, June 2017]

Council had endorsed a draft LPS that included some land zoning reviews and strategic 'housekeeping' changes to zoning in Kempton, Campania and Mangalore however the Commission dissuaded and directed Council to remove the zone applications.

These modifications were removed to the satisfaction of the Commission and then exhibition of the documentation commenced.

Planning Authority Consideration (and Council Workshop Consideration)

The representations were workshopped with the Council on Monday the 11th October 2021. The following matters were considered in relation to the matters raised in the representations. The content is reproduced here for the benefit of the public, the stakeholders and those that lodged a representation.

This also further demonstrates the Planning Authorities decision making and consideration(s) of the representations.

A. Landscape Conservation Zone

Seven (7) of the ten (10) representations, from landowners, are regarding the application of the Landscape Conservation Zone. This was largely prompted by the information circulated by the Conservation Landholders Tasmania (CLT) to those persons in their network of landholders.

The CLT is largely an educational network for landholders with conservation covenants. It is a branch of Landcare. CLT lodged a representation recommending that 29 properties, with conservation covenants, be mapped Landscape Conservation Zone. The CLT have lodged similar representations with other Councils across Tasmania (that have exhibited their draft LPSs). It is evident from other Section 35F reports (which are available online) that other Council's have recommended the application of the Landscape Conservation Zone to lands identified through the representations.

What is the Landscape Conservation Zone?

This zone is a new zone.

The zone was available in the suite of zones available to Council in the State Planning Provisions (SPPs). The Ministerial guidelines for the application of the zones, Guideline No.1 provide four criteria:

LCZ 1 The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.

LCZ 2 The Landscape Conservation Zone may be applied to:

- a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;
- b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or

- c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.

LCZ 3 The Landscape Conservation Zone may be applied to a group of titles with landscape values that are less than the allowable minimum lot size for the zone.

LCZ 4 The Landscape Conservation Zone should not be applied to:

- a) land where the priority is for residential use and development (see Rural Living Zone); or
- b) State-reserved land (see Environmental Management Zone).

The Landscape Conservation Zone was not applied to the Southern Midlands draft LPS. The zone is a challenging zone to manage from a strategic policy position. There are varying land uses, interests and ideology in the community with regard to the conservation of native vegetation through the planning system.

The application of the zone on a 'whole of local government area' basis brings challenges strategically in identifying landscapes of important scenic value without first undergoing a detailed analysis of such landscapes and determination of the values within such landscapes.

A landscape study and analysis is something that *should* be undertaken with meaningful landowner and community consultation; and is not an exercise that should be 'rushed' in order to prepare the LPSs.

It is therefore simpler for the draft LPS to be exhibited with the transitional interim planning scheme zoning on a 'like for like' basis and allow for the landowners to lodge their representation on this zone. It would appear the landowners have made an informed decision through their contact with the Conservation Landholders Tasmania. The Planning Authority should be able to determine a suitable zoning on a 'case by case' basis for the zone.

The purpose of the Landscape Conservation Zone is to

- To provide for the protection, conservation and management of landscape values.
- To provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values.

There are many land uses that can still continue and commence in the zone. The Use Table (Table 1) provides the different uses that are allowable in the zone. Farms that are included in the zone may continue to farm within the zone. The application of the zone does not prevent grazing or holding of stock in bush runs (for example).

An assessment of each title identified in the representations is provided in Attachment 1 with a recommendation. Council may opt to discuss each parcel or may agree to simply recommending to the TPC that the land be zoned Landscape Conservation Zone.

There are challenges in split zoning or 'spot zoning' titles. This can lead to an inconsistent application of zoning and therefore not an orderly application of the zones consistent with the objectives of the Act. Also split zoning should be well informed and be applied with a high level of information including ground truthing and consultation with the landowner. There is a risk also that split zoned property may unnecessarily inhibit a dominant land use i.e. what is allowable on one part of the property may be prohibited on another part of the property. This leads to an inconsistent and potentially ad-hoc or unstable application of zoning and future land use and can make planning assessment complicated.

22.0 Landscape Conservation Zone

22.1 Zone Purpose

The purpose of the Landscape Conservation Zone is:

- 22.1.1 To provide for the protection, conservation and management of landscape values.
- 22.1.2 To provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values.

22.2 Use Table

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Permitted	
Residential	If for a: (a) home-based business; or (b) single dwelling located within a building area, if shown on a sealed plan.
Utilities	If for minor utilities.
Discretionary	
Community Meeting and Entertainment	If for a place of worship, art and craft centre or public hall.
Domestic Animal Breeding, Boarding or Training	
Emergency Services	
Food Services	If for a gross floor area of not more than 200m ² .
General Retail and Hire	If associated with a Tourist Operation.
Residential	If for a single dwelling.
Resource Development	If not for intensive animal husbandry or plantation forestry.

Use Class	Qualification
Sports and Recreation	If for an outdoor recreation facility.
Tourist Operation	
Utilities	If not listed as No Permit Required.
Visitor Accommodation	
Prohibited	
All other uses	

Table 2: Landscape Conservation Zone Table of Uses

B. Utilities Zone

The representations from TasRail, State Growth, and TasNetworks are all seeking land containing or related to their infrastructure be included in the Utilities Zone. Council Officers made every endeavour to identify these parcels of land in preparing the draft LPS for Council endorsement. Some further parcels were identified by the TPC during the 'post lodgement' discussions and hearings. Clearly there are several more titles that should have been included.

These are regarded as fairly benign suggestions in the greater scheme of things and aligns with the Planning Authority's draft LPS. The utilities zone was applied to assets such as major roads, sewer and water assets, TasRail line and stations, and waste transfer stations etc. This included many more additional sites than currently identified in the Interim Planning Scheme.

The purpose of the zone is:

- To provide land for major utilities installations and corridors.
- To provide for other compatible uses where they do not adversely impact on the utility.

The zone allows for infrastructure and other service providers to use, maintain and further develop land for the utilities onsite with limited or no planning requirements i.e. 'No Permit Required'. There are already a number of exemptions and the like for the maintenance and repair of utilities however given the strategic interests at stake the application of the zone is the right approach to reserving such land for future infrastructure development.

Assessment of each representation is provided in Attachment 1.

C. Rural Living Zone

Black Brush Road

The Council endorsed draft LPS included the application of the Rural Living Zone to five (5) lots at BlackBrush Road, Mangalore. The land is identified in Figure 1 as:

- Lot 6 Black Brush Road Mangalore CT152939/6
- Black Brush Road CT123830/1
- 40 Black Brush Road CT14381/1
- 42 Black Brush Road CT47455/1
- 26 Black Brush Road CT6519/1



Figure 2 Black Brush Road Rural Living Zone Area (as endorsed at the November 2018 Meeting)

The land has been subject to two (2) previous attempts by the Council to rezone the land to a Rural Residential zone.

The TPC have directed Council to remove the Rural Living Zone from these properties as they are not convinced the zoning is consistent with the STRLUS.

There will be further opportunity for Council to seek to rezone the land through later scheme amendments once the regional land use strategy has been reviewed/amended.

4.3.2 Hall Lane/Quarrytown Road

The representation (#20) has asked Council to consider the application of the Rural Living Zone to three (3) lots along Hall Lane as identified in Figure 2. This is considered in the representation table.

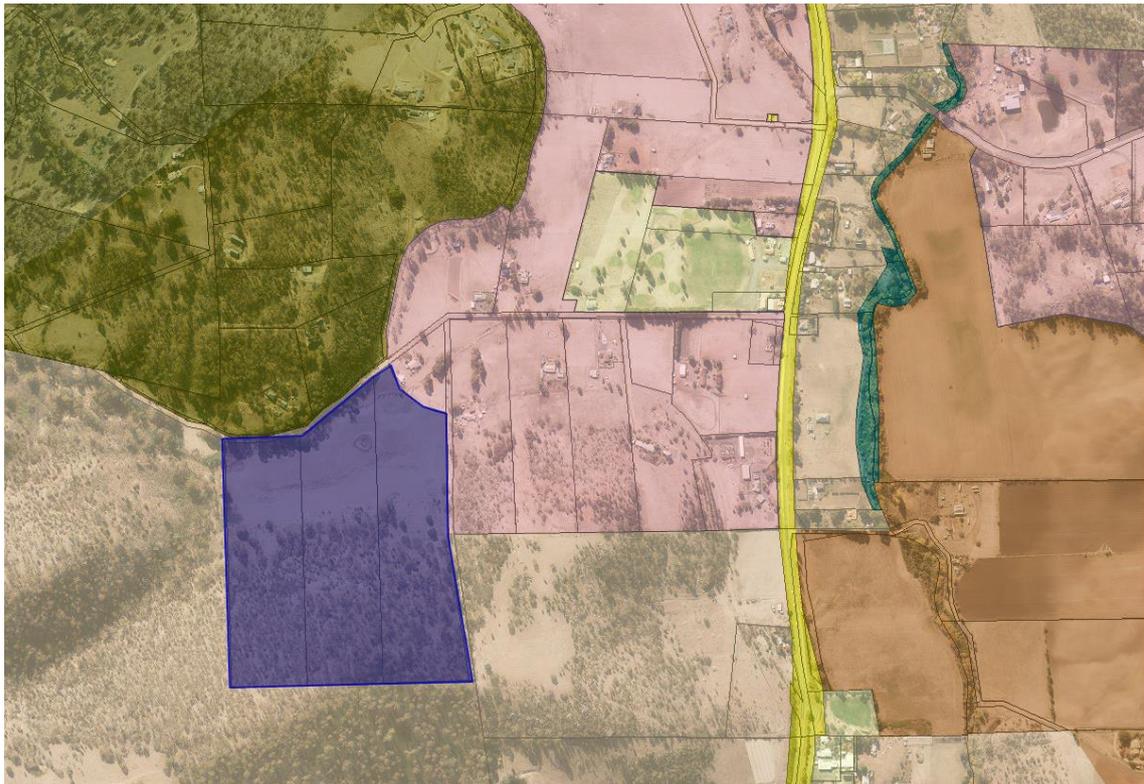


Figure 3 Hall Lane/ Quarrytown Road

D. Dispersive Soil Mapping

The Interim Planning Scheme provides a Potential Dispersive Soils Overlay that applies to land in Green Valley Road extending up toward Huntingdon Tier Road and Kings Road in Bagdad. The area is identified in Figure 2. The previous Southern Midlands Planning Scheme 1998 had a similar overlay in the scheme.

The overlay, under the Interim Planning Scheme, applies the Dispersive Soils Code. The purpose of the Code is to ensure that development on land potentially containing dispersive soils is appropriately located & constructed and that adequate measures are taken to reduce risk to property and the natural environment to an acceptable level. The Code provides a set of standards in which new development that may cause further erosion or instability should be assessed.

The Tasmanian Planning Scheme does not provide an equivalent code or any standards for Council to assess dispersive soils (such as tunnel erosion) during the planning phase of a development. This is considered to be a deficiency in the Tasmanian Planning Scheme.

The only means in which to apply standards in which to consider soil instabilities and erosion under the draft LPS is to create a Specific Area Plan.

Interestingly, many other Council's have also created a Specific Area Plan to deal with this specific issue.

The State Growth representation and Department of Primary Industries Parks Water and Environment (DPIPWE) have also identified dispersive soils as an environmental issue that should be considered during the planning phase.

The representations from State Growth and DPIPWE both support the mapping of dispersive soils. DPIPWE have also completed mapping in 2018 of sodic soils across Tasmania. This mapping can be used to determine further areas of dispersive soils in Southern Midlands. The mapping identifies areas around Tunbridge, Tunnack, Colebrook, and Campania.

There is no mechanism under the LPS Criteria or provisions of the Tasmanian Planning Scheme to simply apply a new Code for Dispersive Soils across the Southern Midlands. A code that specifically deals with this matter would be the most appropriate means to provide a mechanism for planners to create a set of standards that are consistently applied between the municipalities in Tasmania.

The only alternative is to create a Specific Area Plan for each area with the mapped sodic soils. This would require further ground truthing and reporting to spatially apply the mapping.

It is considered such an exercise would result in significant changes to the draft LPS that could necessitate a re-exhibition of the modifications to the LPS under Section 35KB of the Act. There is also some risk an introduction of further Specific Area Plans to the LPS post exhibition may test the LPS Criteria and the objectives of the Act.

An alternative is that Council/Planning Authority makes a submission recommending that a Dispersive Soils Code be included in the Tasmanian Planning Scheme and that be consistently applied across Tasmania. This has merit as it not only furthers the objectives of the Act but also is consistent with the Regional Land Use Strategy (Particularly the 'Managing Risk and Hazards' Policies of STRLUS) and consistent with past planning practices. Council may include a submission with regard to the draft LPSs as part of the Section 35F report to the Commission. Alternatively a report specifically on the SPPs can include assessment and recommendations with regard to the dispersive soils – but this is only as resources allow. This would need to be a detailed and well informed submission that would logically include a drafted code for dispersive soils. This is not regarded a high priority for the Southern Midlands. There is a likelihood the matter may be resolved through future reviews of the TPS.

A comment in the table of representations is all that is recommended.

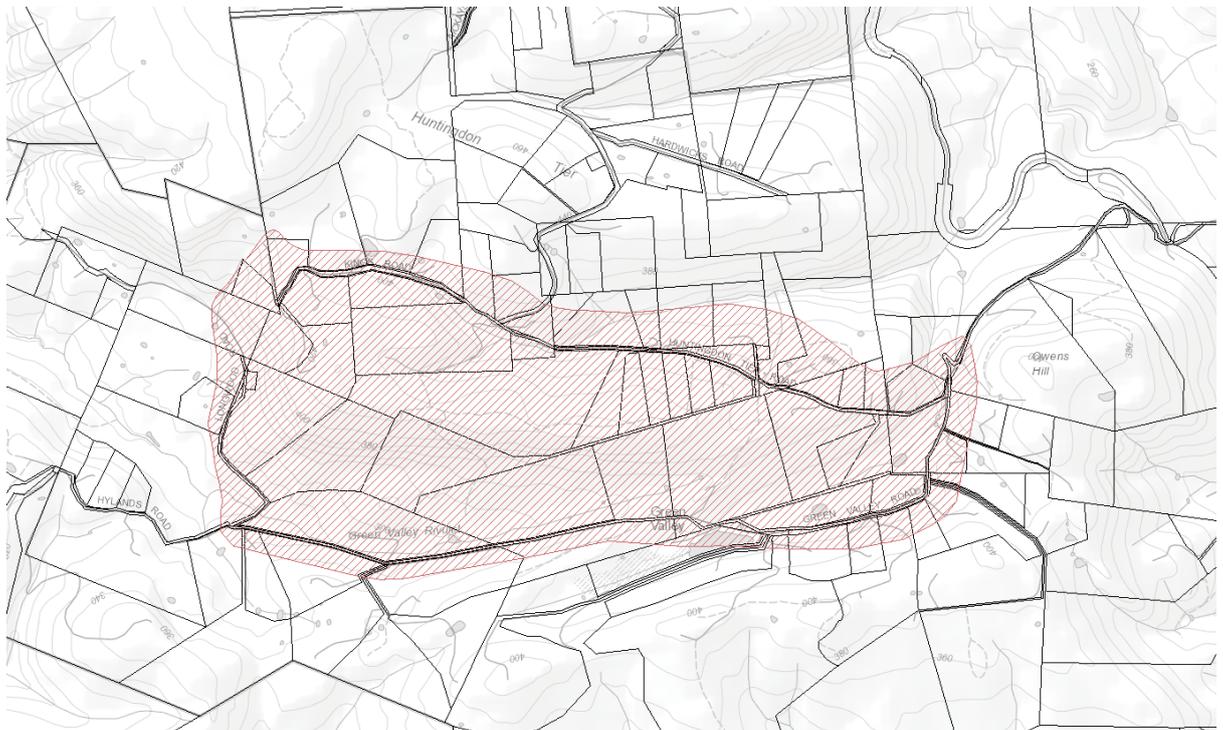


Figure 4 Dispersive Soils Area under IPS (Bagdad)

E. Flood Mapping

The State Emergency Services (SES) representation highlights the importance of flood mapping data to inform the flood prone area overlay maps in the Planning Scheme.

The Flood Prone Area Code under the SPPs is applied through both mapping flood prone area overlay and through a request for additional information by the Planning Authority where the Authority reasonably believes, based on information in its possession that the land is subject to risk from flood or has the potential to cause increased risk from flood. Council applies the mapping through the draft LPS maps. The mapping used was a translation of the existing mapping; as there is no further mapping available to Council.

The SES remind the Planning Authority there are multiple sources of publicly available information that can be used to both map flood prone areas or to make an informed decision as to whether a new development warrants a flood hazard report to determine the risk of flooding (and the associated level of risk).

The SES are continuing to work with the Department of Justice to prepare statewide flood mapping. This is an ongoing project that will include consultation with Council to determine areas at risk of flooding and importantly areas of land where Council may possess information in relation to past flooding events or likely flooding events (i.e. from past qualified reporting).

It is anticipated that the statewide mapping, to be created through the 'state-wide flood hazard maps' project will be created and later applied through a planning scheme amendment. A date for the completion of the project was not provided in the SES representation.

The recommendation in the table of representations is simply to acknowledge and note the representation and that the Planning Authority note the importance of making use of all resources available to determine if land is potentially subject to flooding.

MODIFICATIONS TO THE DRAFT LPS FOLLOWING PUBLIC EXHIBITION / HEARINGS

The Commission after receiving this report will commence hearings on the draft LPS. Persons that lodged a representation may also attend the hearings to further their representation (or otherwise participate in the hearings process).

The Commission will further consider matters raised in the representations and the recommendations of this report.

The Commission, per Section 35K of LUPAA allows the Commission to direct the Council to make further modifications to the draft LPS. This will be on matters agreed at the hearings associated with the representation and this report. The Section 35K matters are to be 'non-substantial' changes to the draft LPS.

If there are matters that require substantial modification then these will be considered under Section 35KB. This process is likened to a planning scheme amendment and will require re-exhibition of such matters i.e. commence a separate public notification process, Council reporting and further hearings.

This is not a desirable outcome and would add significant delays to what has already been a very lengthy and complex process. It is advised that Council would be best served to finalise the draft LPS as efficiently as possible, which will enable a better focus on preparing the necessary strategic planning to support some of the strategic changes proposed in some of the representations.

A generalised flow chart of the draft LPS approval process is shown in Figure 1 below - with the yellow shaded section indicating the current stage in the process.

TASMANIAN PLANNING COMMISSION

Draft Local Provisions Schedule Approval Process

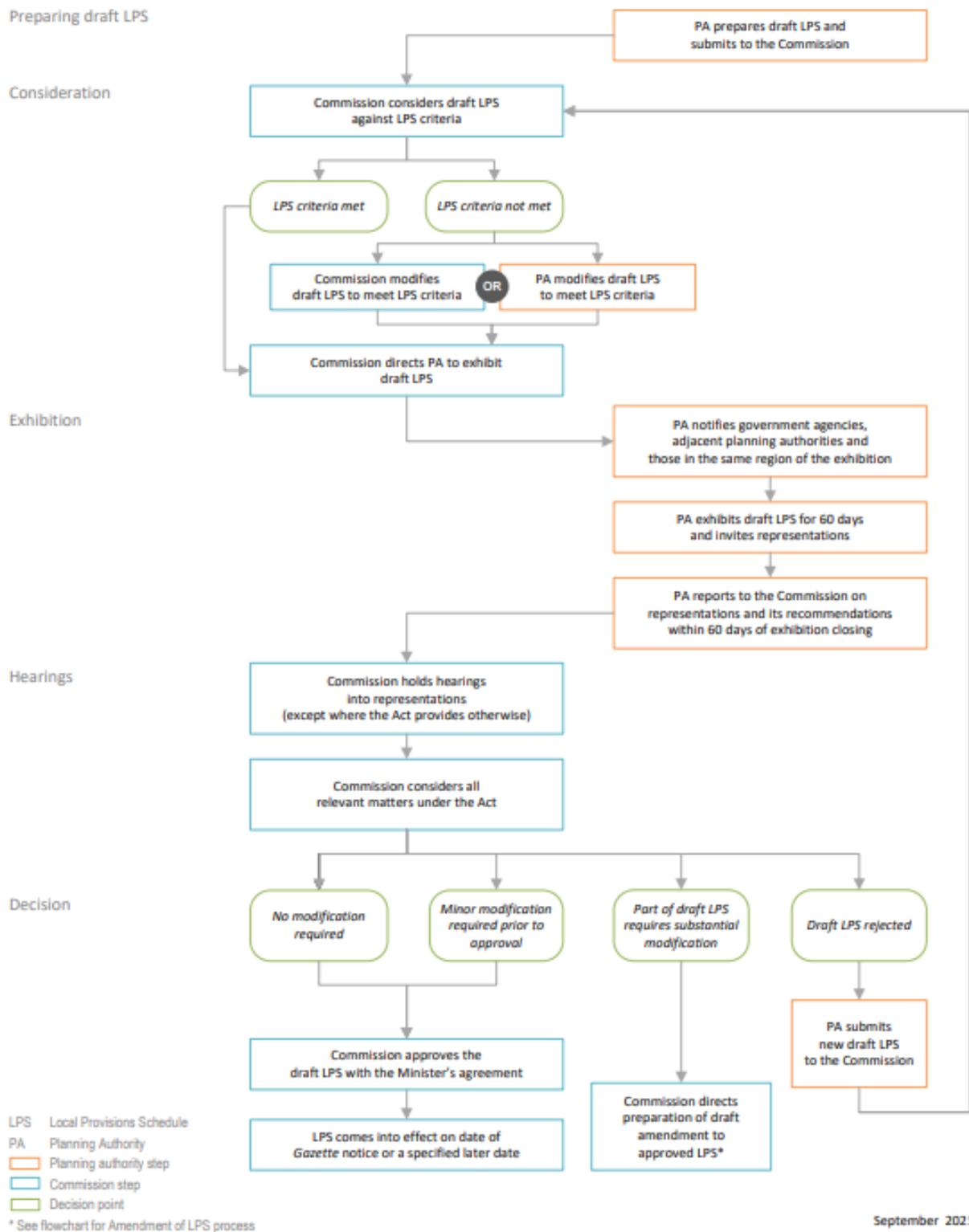


Figure 1: LPS Flowchart/Approval Process

FINANCIAL IMPLICATIONS

No specific financial implications are predicted from the recommendations contained in this report. The preparation of a draft LPS is a statutory requirement for each local council in the State in their role as planning authorities under LUPAA and as part of the transition to a single state-wide planning scheme.

Much of the cost associated with the draft Southern Midlands LPS have been covered by Council's operational budget with the work completed by Council staff.

The technical mapping for the Natural Assets Code, the guidelines for the application of the Rural and Agriculture Zone and the management objectives for the Scenic Protection Code were in part funded by the Tasmanian Government through regional funding to progress the Local Provisions Schedules.

RISK IMPLICATIONS

In general terms, the risk considerations associated with this phase of the draft LPS process are those typical to Council's role as a planning authority under LUPAA and the associated statutory processes thereunder.

Notwithstanding the above, perhaps the most prominent risk consideration, and as detailed previously in this report, is that the draft LPS process should not be unnecessarily complicated or delayed by matters which can be appropriately considered through the usual planning scheme amendment process under LUPAA.

Seeking to make significant changes which are of a more strategic nature (and which may require additional strategic planning to justify those changes) will undoubtedly complicate and delay the finalisation of the draft LPS.

Broader strategic changes can be appropriately considered as part of the usual planning scheme amendment process under LUPAA once the *Tasmanian Planning Scheme – Southern Midlands*.

CONCLUSION

This report, including attachments, is made on the exhibition of the draft Southern Midlands LPS and provides an assessment of the received representations and subsequent recommendations. This report has been prepared to meet the requirements set out under section 35F of LUPAA and is suitable for submission to the Tasmanian Planning Commission.

RECOMMENDATION

That Council in its role as a Planning Authority, and in accordance with section 35F of the *Land Use Planning and Approvals Act 1993*, endorse and submit to the Tasmanian Planning Commission this report on the exhibition of the draft Southern Midlands Local Provisions Schedule, which includes the following particulars:

- A. as set out in Attachment 1 – Part A, the Planning Authority's consideration of the received representations including opinions as to the merit of each representation and any subsequent recommendation for modification to the draft LPS;**
- B. as set out in Attachment 1 - Part B, the Planning Authority's recommended modifications to the draft LPS following the exhibition period made in accordance with section 35F(2)(c) and 35F(2)(e) of the Land Use Planning and Approvals Act 1993;**
- C. a copy of each representation received during the public exhibition period (as enclosed with Attachment 2); and**

- D. determination that the draft LPS (including those recommendations and modifications described in Attachment 1 – Part A and Part B) satisfies the local provisions schedule criteria set out under section 34(2) of the Land Use Planning and Approvals Act 1993**

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

**[THIS CONCLUDES THE SESSION OF COUNCIL
ACTING AS A PLANNING AUTHORITY]**

PART A – Summary of Representations and Planning Authority Response

The full list of the representations is included in the tables below with associated consideration and recommendations. The full representation is included as an Attachment with this report.

Representation No.1	John Thompson on behalf of the Conservation Land Holders Tasmania (CLT)
Matter(s) raised in the representation (including property information details where applicable)	The representation puts forward 29 properties (including multiple titles) that should be included in the Landscape Conservation Zone.
Planning Authority response	<p>Some of the owners of the properties identified by the CLT have submitted representations (which are considered as part of this report).</p> <p>Of the 29 properties the following are <u>not</u> recommended for a rezoning to the Conservation Landscape Zone through the LPS process. These are:</p> <ol style="list-style-type: none"> 1. 'Fonthill' – 1025 Lemont Road 2. 1110 Swanston Road (CT214338/1) (Tribolet Representation) 3. 1009 Tunnack Road, Parattah 4. 'Wootton' – 51 Quarrytown Road, Bagdad 5. 'Lot 1' Ballyhooly Road, Mangalore 6. 1530 Colebrook Road, Campania (CT 152053/1, CT 213072/1) <p>The above properties would need to be split zoned and are currently part of active farms. The application of the Rural or Agriculture Zone for these properties is consistent with the Ministerial Guidelines and the AK Consultants decision tree for the application of the Rural and Agriculture Zone. Noted also is the owner of 1110 Swanston Road has asked for their land not to be included in the Conservation Landscape Zone.</p> <p>The remainder of the properties are appropriate for the Landscape Conservation Zone. Most will form part of a greater network of environmental zones i.e. adjoin existing reserves and conservation areas. Also a whole of title approach can be taken in applying the zone map.</p>
Recommended action	<p>To map those properties identified in the CLT representation <u>excluding</u>:</p> <ol style="list-style-type: none"> 1. 'Fonthill' – 1025 Lemont Road 2. 1110 Swanston Road (CT214338/1) (Tribolet Representation) 3. 1009 Tunnack Road, Parattah 4. 'Wootton' – 51 Quarrytown Road, Bagdad 5. 'Lot 1' Ballyhooly Road, Mangalore 6. 211 Scotts Road, Colebrook (CT 13689/3 and CT 205119/1) 7. 1530 Colebrook Road, Campania (CT 152053/1, CT 213072/1)

	As Landscape Conservation Zone.
Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

Representation No.2	Daniel Tribolet, 1110 Swanston Rd Swanston
Matter(s) raised in the representation (including property information details where applicable)	Objects to the CLT representation seeking the land be zoned Landscape Conservation Zone as the land is part of a farm.
Planning Authority response	<p>There is a conservation covenant on the land. This is show in the shaded green area over the forested part of the land. The flat and sparsely vegetated areas are pastures.</p>  <p>The Rural Zone has ben applied to this land with the Priority Vegetation Overlay under the Natural Assets Code. Most the surrounding forested hillside and heavily vegetated areas are also zoned Rural Zone in this area under the draft LPS.</p> <p>Council does not have an overarching policy on the application of the Landscape Conservation Zone other than to consider each representation on its merits.</p> <p>The land is clearly used as part of the farm and the landowner does not want the Landscape Conservation Zone applied to the land.</p> <p>The application of the Rural Zone for the land is consistent with the purpose of the Zone and the Ministerial Guidelines for application of the Zones.</p>
Recommended	No modification to the draft LPS is required.

action	
Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

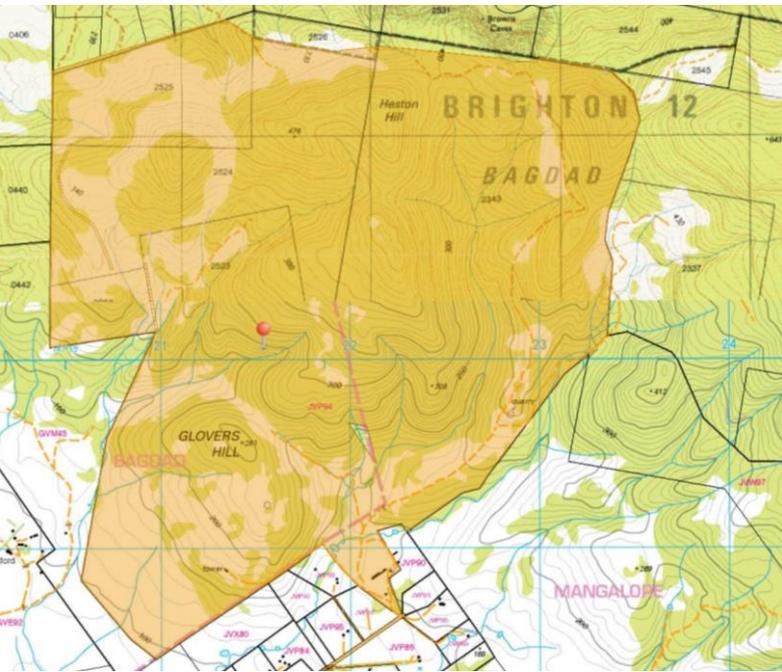
Representation No.3	Jason Taylor on behalf of TasWater
Matter(s) raised in the representation (including property information details where applicable)	<p>Seeking various assets be zoned Utilities Zone:</p> <ul style="list-style-type: none"> – Blackmans Upper Dam No.2 (Water Reservoir) – Blackmans Lower Dam No.1 (Water Reservoir) – Smarts Hill Clear Water Storage (Water Tank) – Oatlands Reservoirs No/s 1-8 (Water Tanks) – Kempton Sewage Treatment Plant <p>TasWater also suggest that the mapped Standard Recommended Attenuation Distances (SRAD) should not be mapped in the LPSs. The SRADs that have been mapped in the draft LPS are a translation of those in the LPS. TasWater note that the new SRADs in the Attenuation Code do not match those applied in the draft LPS. TasWater also suggest removal of the SRADs as the sewage infrastructure is upgraded and modified and may necessitate a scheme amendment to modify the corresponding SRAD.</p>
Planning Authority response	<p>The application of the Utilities Zone is supported and consistent with the other TasWater assets in the Southern Midlands. The use of the zone is also consistent with the Ministerial Guidelines for the application of the Zones.</p> <p>Spatially applying the zone is challenging without precise detail from TasWater. A request to TasWater should be made to provide the spatial area for the assets. This is necessary to determine the true extent of the spatial area in consultation with TasWater.</p> <p>The application of the Utilities Zone for the land is consistent with the purpose of the Zone and the Ministerial Guidelines for application of the Zones</p> <p>The logic to remove the Attenuation Code Overlay (SRAD) from the Planning Scheme has some merit given planning scheme maps must apply the spatial area provided in the Attenuation Code or be applied based on technical or best practice data source.</p> <p>TasWater as the water and sewer authority are technically best placed to give this advice. TasWater are qualified to give the advice and given the Attenuation Code is designed to protect an asset from encroachment of a land use that may conflict with the Zone. In other</p>

	<p>words TasWater are satisfied with the Planning Authority's reliance on the written word of the Planning Scheme and not just the applied mapping.</p> <p>The contrary response is that mapping the attenuation areas around such assets reduces Council's risk in preparing 337 certificates for new land purchases and in giving out day to day advice about land use/development. If a planner is not aware of a sewer lagoon for instance then it is a risk that the Attenuation Code could be overlooked in the planning assessment.</p>
Recommended action	<p>That spatial area data be provided by TasWater to map the Utilities Zone and that TasWater also provide the attenuation area overlay to correspond with the correct sewage treatment system – or at least confirm the correct SRAD from the table so that it may be spatially applied.</p> <p>Apply the Utilities Zone to the assets.</p> <p>Modify the current SRAD and apply the correct SRAD to the assets and surrounding lands.</p>
Effect of recommendation on the draft LPS	<p>There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.</p>

Representation No.4	Chris and Kay Harman, 183 and 185 Longwood Road, Bagdad
Matter(s) raised in the representation (including property information details where applicable)	<p>Further to the CLT Representation, Chris and Kay Harman seek their land to be zoned Landscape Conservation Zone.</p> <p>This is land with a conservation covenant that adjoins a Crown reserve with conservation values.</p>
Planning Authority response	<p>The application of the Landscape Conservation Zone for the land is consistent with the purpose of the Zone and the Ministerial Guidelines for application of the Zones.</p>
Recommended action	<p>To apply the Landscape Conservation Zone to the land.</p>
Effect of recommendation on the draft LPS	<p>There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.</p>

Representation No.5	Marageta Hannon, 69 Woolridge Road Rhyndaston
Matter(s) raised in the representation	<p>Further to the CLT Representation, Margareta Hannon seeks their land to be zoned Landscape Conservation Zone.</p>

(including property information details where applicable)	Most of the land is covered by a conservation covenant.
Planning Authority response	The application of the Landscape Conservation Zone for the land is consistent with the purpose of the Zone and the Ministerial Guidelines for application of the Zones.
Recommended action	To apply the Landscape Conservation Zone to the land.
Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

Representation No.6	Peter Thiessen, "Lot 1" Ballyhooly Road, Bagdad
Matter(s) raised in the representation (including property information details where applicable)	<p>Seeking entire property is zoned Rural Zone and not split zoned between Rural and Agriculture Zone.</p> <p>The land is mostly forested land under a conservation covenant.</p> <p>Areas of the land are suitable for holding and open grazing sheep; particularly fine wool sheep.</p> 
Planning Authority response	The draft LPS has attempted to avoid split zoning land as far as practicable. An attempt was made to draw a zone boundary line between the steeper and heavily vegetated part of the land and the cleared areas that are more likely used for farming.

	Zoning the entire parcel as Rural is compliant with the Ministerial Guidelines.
Recommended action	To zone the land Rural Zone.
Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

Representation No.7	Jacqui Playfair, Quoin Road Kempton
Matter(s) raised in the representation (including property information details where applicable)	Further to the CLT Representation, Jacqui Playfair seeks their land to be zoned Landscape Conservation Zone. Most of the land is covered by a conservation covenant.
Planning Authority response	The application of the Landscape Conservation Zone for the land is consistent with the purpose of the Zone and the Ministerial Guidelines for application of the Zones.
Recommended action	To apply the Landscape Conservation Zone to the land.
Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

Representation No.8	Helen Tait, "Lot 1" Swanston Road
Matter(s) raised in the representation (including property information details where applicable)	Further to the CLT Representation, Helen Tait seeks their land to be zoned Landscape Conservation Zone. Most of the land is covered by a conservation covenant.
Planning Authority response	The application of the Landscape Conservation Zone for the land is consistent with the purpose of the Zone and the Ministerial Guidelines for application of the Zones. The conservation covenant forms part of a wider 'network' of covenants in this particular area. The adjoining land is managed by Parks and Wildlife.
Recommended action	To apply the Landscape Conservation Zone to the land.
Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

Representation No.9	Matthew Cloudsdale, "Lot 2" Swanston Road, Swanston
Matter(s) raised in the representation (including property information details where applicable)	Further to the CLT Representation, Matthew Cloudsdale seeks their land to be zoned Landscape Conservation Zone. Most of the land is covered by a conservation covenant.
Planning Authority response	The application of the Landscape Conservation Zone for the land is consistent with the purpose of the Zone and the Ministerial Guidelines for application of the Zones. The conservation covenant forms part of a wider 'network' of covenants in this particular area. The adjoining land is managed by Parks and Wildlife.
Recommended action	To apply the Landscape Conservation Zone to the land.
Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

Representation No.10	Andrew Lea on behalf of the State Emergency Services (SES)
Matter(s) raised in the representation (including property information details where applicable)	Encourage application of the Flood Prone Area Overlay and use of available data to apply overlay or to apply the Code; and to limit housing density in flood prone areas.
Planning Authority response	The Planning Authority agree with the content of the representation and look forward to participating further in the state wide mapping project for flood prone areas.
Recommended action	No further action.
Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

Representation No.11	Dave Provan, 400 Craiglea Road, Campania
Matter(s) raised in the representation (including property information details where applicable)	Further to the CLT Representation, Dave Provan seeks their land to be zoned Landscape Conservation Zone. Approximately half of the land is covered by a conservation covenant and adjoins neighbouring conservation covenanted land and conservation reserves.

Planning Authority response	<p>The application of the Landscape Conservation Zone for the land is consistent with the purpose of the Zone and the Ministerial Guidelines for application of the Zones.</p> <p>The conservation covenant forms part of a wider 'network' of covenants in this particular area. The adjoining land is managed by Parks and Wildlife.</p>
Recommended action	To apply the Landscape Conservation Zone to the land.
Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

Representation No.12	Jennifer Jarvis on behalf of the TasRail
Matter(s) raised in the representation (including property information details where applicable)	<p>Seeking that all State Rail Network land be zoned utilities and therefore subject to the Road and Railway Assets Code (Which includes by virtue the adjoining land within 50m of the corridor).</p> <p>Seeking information on why the priority vegetation overlay was not applied to the utilities zone.</p> <p>Seeking that the TasRail Parattah Terminal (log yard) is included in the Utilities Zone and not the Low Density Residential Zone (as is remainder of Parattah).</p> <p>Seeking that part of Station Street is zoned utilities as being part of the Railway Network (and not just a public street).</p>
Planning Authority response	<p>Planning Authority appreciate the level of detail provided in the representation. This assists the Planning Authority in identifying all railway assets to be included in the Utilities Zone.</p> <p>The Natural Assets Code applies the overlay to the Utilities Zone (as does the Ministerial Guidelines). However this could be considered an anomaly in the SPPs.</p> <p>The priority vegetation overlay was not applied to the Utilities Zone in the draft LPS. The utilities zone is intended to be a practical zone that allows for the ongoing maintenance, repairs or improvements to important state infrastructure. The species that exist within the zone may well be protected species under the <i>Threatened Species Act</i> or other legislation. However, without a priority vegetation overlay, the Planning Authority does not have to consider the impact on priority vegetation in it's decision making.</p> <p>The Planning Authority is being strategic in avoiding the application of the overlay to the utilities zone in the spirit of the purpose of the zone. The land is necessary and needed to facilitate the use of the railway network. That is the land's primary purpose. Zones and overlays have the purpose of strategically guiding future development and land use.</p>

	The utilities zone will be applied to those places listed in the representation – recognising their contribution to state rail infrastructure.
Recommended action	To apply the utilities zone to all places listed in the representation.
Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

Representation No.13	Richard Barnes, Banticks Road, Mangalore
Matter(s) raised in the representation (including property information details where applicable)	<p>Supports the Agriculture Zoning for their land and the adjoining land in Black Brush Road. However expresses opposition to the same adjoining land in Black Brush Road becoming a Rural Living type Zone. Noting that Council and the owner have made unsuccessful attempt to rezone the adjoining land. The same opinion extends to the Council owned land on Black Brush Road which was also subject to a previous attempt to rezone to Rural Living Zone.</p> <p>Claims the Bagdad Mangalore Structure Plan is out of date and that part of Mangalore is in the Village Zone under the draft LPS</p> <p>Seeks that an Attenuation Overlay for the free-range pasture egg farm is not mapped in the LPS.</p>
Planning Authority response	<p>The owner's property is used for farming and the Agriculture Zone is consistent with the other land in the area.</p> <p>The adjoining land at Black Brush Road was endorsed by Council to be in the Rural Living Zone, however this was continually challenged by the Tasmanian Planning Commission through the draft LPS process. The Planning Authority maintain a position that the land is suitable for the Rural Living Zone however the LPS process is not a suitable mechanism to implement such a rezoning.</p>
Recommended action	No further action.
Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

Representation No.14	TasNetworks
Matter(s) raised in the representation (including property information details)	Raises issues with the State Planning Provisions in providing exemptions for development that may have impact on TasNetworks infrastructure and that the Planning Authority should be tasked with assessing and guiding such development through the Planning System.

where applicable)	<p>Raises a drafting concern with the Tasmanian Buddhist Cultural Park Height Clause in terms of consistency with the TPS in that utilities should not have an absolute height limit.</p> <p>Seeks that the Mt Seymour telecommunications site at 233 Crichton Road (CT 95445/3) be zoned utilities</p>
Planning Authority response	<p>Planning Authority support the zoning of the Mt Seymour site as Utilities Zone.</p> <p>The standards for the Buddhist Cultural Park SAP were created through a recent scheme amendment that was subject to public process and input. The standards were a result of that process. The Buddhist Cultural Park SAP has been included in the draft LPS as a Schedule 6 transitional provision. The Planning Authority has a limited ability to redraft standards within this SAP. The Planning Authority will seek direction from the TPC on this matter through the hearings. If a direction to modify is given then the Planning Authority will accept and modify.</p>
Recommended action	<p>Modify the My Seymore zone to Utilities Zone.</p> <p>Modify the Buddhist Cultural Park SAP pending the directions of the TPC.</p>
Effect of recommendation on the draft LPS	<p>There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.</p>

Representation No.15	Department of State Growth
Matter(s) raised in the representation (including property information details where applicable)	<p>Supports application of the Agriculture Zone to land at Pontville adjacent to the Midland Highway.</p> <p>State Growth will provide a detailed list of titles and casements to guide the application of the Utilities Zone during the hearing process.</p> <p>Support, not mapping the attenuation area for the highway.</p> <p>That the Bagdad Bypass be listed as a 'Future Major Road' in the Table C3.1 of the Road and Railway Assets Code in order to apply the Code to the land.</p> <p>That land containing a Mining Lease be zoned as Rural Zone and not Agriculture Zone – noting that some Mining Lease(s) in the Southern Midlands are within the Agriculture Zone.</p>
Planning Authority response	<p>Agree with the zoning for land at Pontville. This is the zoning as exhibited. It is unclear what State Growth are asking; as it appears the mapping complies.</p> <p>The list of titles will assist in the mapping of the zone and the mapping is supported.</p>

	<p>Agree not to map the attenuation overlay for the highway.</p> <p>The Mining Leases were considered in the application of the Rural and Agriculture Zones and are consistent with the Ministerial Guidelines and the AK Consultant guidelines for mapping the rural and agricultural zones.</p>
Recommended action	To receive the list of titles/casements during the hearing process and agree to apply the utilities zone to those lands.
Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

Representation No.16	James Hattam on behalf of the Tasmanian Land Conservancy (TLC)
Matter(s) raised in the representation (including property information details where applicable)	<p>That Council continually review and revise the priority vegetation overlay under the Natural Assets Code (i.e. to update and re-evaluate); and that the code be applied across all zones; and the State Government <i>should</i> allow the code to be applied to the Agriculture Zone.</p> <p>Southern Midlands contains 122 properties with conservation covenants registered under the <i>Nature Conservation Act 2002</i>. These properties make a significant contribution to Australia's National Reserve Estate.</p> <p>The TLC considers that, as a general rule, the Landscape Conservation Zone be applied to land with a conservation covenant.</p>
Planning Authority response	<p>The Planning Authority, was not able to apply the Natural Assets Code to the Agriculture Zone as the application of the code does not apply to the Agriculture Zone. The Ministerial Guidelines also prevent the code from application to the zone.</p> <p>The Planning Authority has removed the priority vegetation overlay from the Utilities Zone. This is was strategically deliberate and acknowledges the primary purpose of the zone (to allow and facilitate essential infrastructure) and the limited area in which the Utilities Zone has been applied.</p> <p>Agree to continually review the priority vegetation overlay and are open to assistance and recommendations from the Conservation Land Holders Tasmania, TLC and landowners to advise the Planning Authority of new covenants or suggestions for the application of the zone.</p>
Recommended action	No further change to the draft LPS.

Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.
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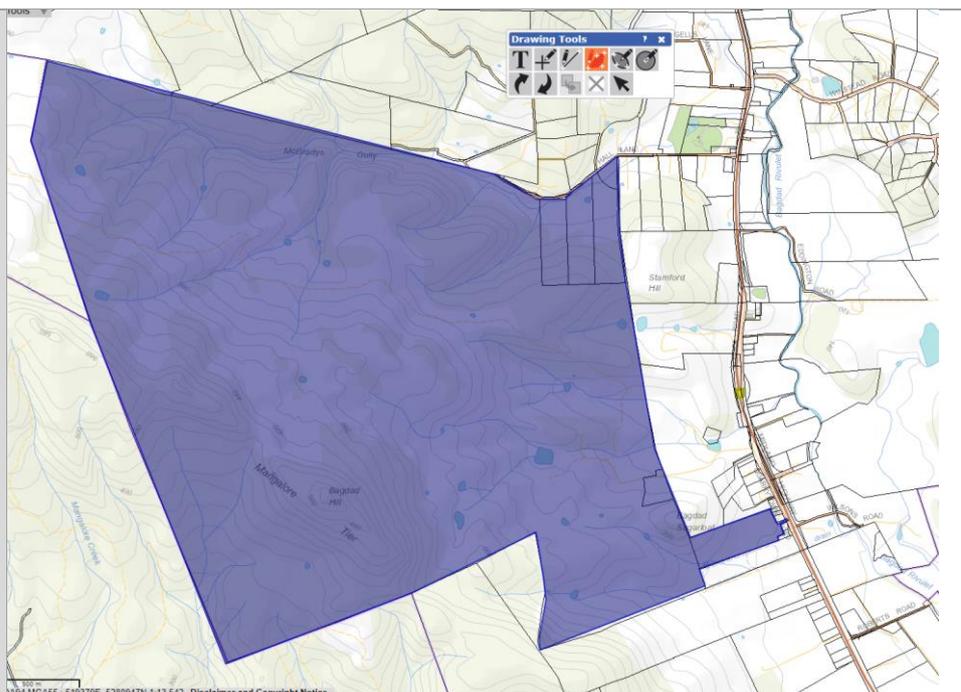
Representation No.17	Irene Inc. (Town Planning Consultant)
Matter(s) raised in the representation (including property information details where applicable)	<p>Seek that the land at Black Brush Road (identified below) be zoned to Rural Living in accordance with Council Strategy for the Bagdad Mangalore Valley as outlined in the <i>Bagdad Mangalore Structure Plan, Council Strategic Plan, Joint Land Use Planning Initiative</i>, and per the draft LPS endorsed by Council at the November 2018 meeting.</p> 
Planning Authority response	Council maintains the position that the land should be rezoned to Rural Living Zone. Council however acknowledges the limitations under the LPS Process as communicated by the TPC during the post lodgement assessment phase and is open to further discussion at the hearings in the draft LPS.
Recommended action	To discuss a way forward at the hearings into the LPS including consideration of the adjoining Council owned land and those titles previously identified as suitable for the Rural Living Zone.
Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

Representation No.18	Department of Primary Industry, Parks, Water and Environment
Matter(s) raised in the representation	That Council map and identify those area containing dispersive soils (also described as sodic soils) be identified under the draft LPS and

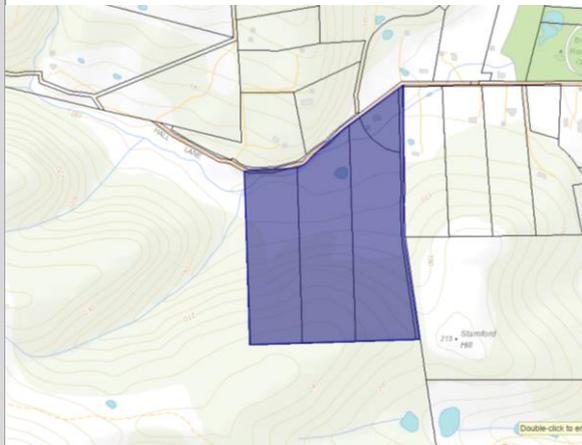
(including property information details where applicable)	subject to assessment by the Planning Authority during the Development Application phase.
Planning Authority response	The matter is best addressed by the Minister for Planning (and Planning Policy Unit) in identifying all areas subject to dispersive type soils and a Code or similar mechanism is implanted on a state wide basis.
Recommended action	No further action.
Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

Representation No.19	Tree Alliance, Private Forests Tasmania
Matter(s) raised in the representation (including property information details where applicable)	The organisation have lodged a letter on letterhead. However the letter states only that their interests will be represented through the Department of State Growth.
Planning Authority response	Noted.
Recommended action	No further action.
Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

Representation No.20	Nick Emery (Real Estate Agent) on behalf of Brownlow Pty LTd at 51 Quarrytown Road
Matter(s) raised in the representation (including property information details where applicable)	This is a large rural holding in Bagdad.



There are three smaller lots on Hall Lane that form a part of the owner's landholding that should be considered for the Rural Living Zone.



A confirmation that the land identified as CT 197978/1 fronting the Midland Highway is in the Rural Zone and that allows for a dwelling.

	
<p>Planning Authority response</p>	<p>A change of zoning for the three (3) titles on Hall Lane to the Rural Living Zone would likely require substantial modification to the draft LPS and re-exhibition of the change per Section 35KB of the Act. The change would need to comply with the LPS Criteria, including the STRLUS (and ultimately be subject to most of the 122 tests under the Act). The TPC are reticent to consider residential zone changes under the draft LPS. This has been tested with the Black Brush Road matter.</p> <p>This however does not predetermine an outcome. There is some merit in consideration of this land for the Rural Living Zone given it adjoins the Rural Living Zone, has access from Hall Lane and are lots consistent with lots in the immediate area which are primarily part of a 'rural living' community.</p> <p>The land was not however previously identified in the Bagdad Mangalore Structure Plan for rezoning to the rural living zone. But the Planning Authority note that the Bagdad Mangalore Structure Plan should be reviewed.</p> <p>The Planning Authority consider Rural Zone the more appropriate zone as an interim measure until the Bagdad Mangalore Structure Plan is reviewed.</p> <p>The single title fronting the Midland Highway is in the Rural Zone under the draft LPS. This allows for a dwelling as a 'discretionary use'.</p>
<p>Recommended action</p>	<p>That the three (3) titles described as Lots 16,17,18 on Plan 92981 fronting Hall Lane be zoned Rural Zone under the draft LPS as a minor modification to the draft LPS. The Planning Authority can supply a written submission to the TPC to outline the basis for the recommended action.</p>
<p>Effect of recommendation on the draft LPS</p>	<p>There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.</p>

Attachment 1

PART B – Recommended Modifications to the draft LPS

Following assessment of the representations received during the exhibition period (as detailed in Part A), and in accordance with sections 35F(2)(c) and 35F2(e) of LUPAA, the following table sets out the Planning Authority's recommendations for modifications to the draft LPS. The below details should be read in conjunction with the information provided in Part A – Draft LPS: Summary of Representations and Planning Authority Response together with the overall report.

Item No.	Matter for Modification	Further Particulars	Reasons
1.	Landscape Conservation Zone	<p>Modification to apply the Landscape Conservation Zone to the following land:</p> <ol style="list-style-type: none"> 1) Old Tier Road, Woodbury CT 243202/1 2) 'Pine Hills' 900 Swanston Road, Swanston CT 228133/1 and CT 208977/1 3) Swanston Road, Swanston CT 173375/1 4) Tooms Lake Road, Tooms Lake CT 249021/3 5) Lot 2 Swanston Road, Swanston CT 148082/2 6) Lot 1 Swanston Road, Swanston CT 148082/1 7) Lot 1 Swanston Road, Swanston CT 172825/1 8) 240 Daniels Road, Swanston CT 210926/1 and CT212336/1 9) Swanston Road, Swanston 148656/2 and CT 127756/3 and CT 148656/1 and CT 234335/1 10) 'Summerhill' 175 Summerhill Road, Tunnack CT 204148/1 	<p>A. The application of the Landscape Conservation Zone for the land is consistent with the purpose of the Zone and the <i>Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application</i>, June 2018 for application of the Zones.</p> <p>B. Modifications provide for an appropriate satisfaction of the LPS criteria at section 34(2) of LUPAA</p> <p>C. There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.</p>

		<p>11) 69 Woolridge Road, Rhyndaston CT 50411/1</p> <p>12) Quoin Road, Kempton CT 32418/1 and CT 32418/3 and CT 42326/1</p> <p>13) 146 Nichols Road, Elderslie CT 209091/1</p> <p>14) 185 and 183 Longwood Road Bagdad CT 116908/1 and CT 116908/2</p> <p>15) Lot 1 Elderslie Road, Broadmarsh CT 149630/1</p> <p>16) 466 East Bagdad Road CT 168682/1</p> <p>17) Lot 1 East Bagdad Road CT 171182/1</p> <p>18) 347 Link Road Colebrook CT 115301/1</p> <p>19) 'Mount Baines' 2290 Colebrook Road CT 127595/1</p> <p>20) 257 Craiglea Road, Campania CT 213072/1 and CT 212815/1</p> <p>21) 201 Craiglea Road, Campania 49487/2</p>	
<p>2</p>	<p>Utilities Zone Modification</p>	<p>to apply the Utilities Zone to the following land:</p> <p>1) Spatial Extent of Blackmans Upper Dam No.2 (Water Reservoir) – Part of 'Cheam' 60 Melrose Road, Tunbridge CT 176483/1</p> <p>2) Spatial Extent of Blackmans Lower Dam No.1 (Water Reservoir) 'Part 'Meriton" - Old Tier Road Woodbury CT 141630/1 and 'Kakadu' -</p>	<p>A. The application of the Utilities Zone for the land is consistent with the purpose of the Zone and the Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application, June 2018 for application of the Zones.</p> <p>B. Modifications provide for an appropriate satisfaction of the LPS criteria at section 34(2) of LUPAA</p> <p>C. Application of the Utilities Zone is entirely consistent with the application of the Utilities Zone elsewhere in the draft LPS.</p> <p>D. There is no effect on the draft LPS as a whole resulting from implementing</p>

	<p>Old Tier Rd Woodbury CT 31398/1</p> <p>3) Smarts Hill Clear Water Storage (Water Tank) 19 Yarlington Road, Colebrook CT 169471/1</p> <p>4) Oatlands Reservoirs No/s 1-8 (Water Tanks) Lot 1 Glenelg Street CT 163945/1</p> <p>5) Kempton Sewage Treatment Plant 'Lot 1' Lonsdale Road Kempton CT 122917/1</p> <p>6) Part of rail network, Andover CT 122917/1</p> <p>7) 710 Tunnack Road, Parattah CT 17557/1</p> <p>8) Stonor Road, No CT – whole of lot at GDA94 MGA55 : 531395E, 5303578N</p> <p>9) Rhyndaston, CT 66798/1 and triangular title GDA94 MGA55 : 531575E, 5297068N</p> <p>10) Rhyndaston No CT – whole of lot at GDA94 MGA55 : 531636E, 5297044N</p> <p>11) 9 Station Street, Colebrook CT 122909/1</p> <p>12) Colebrook part of rail network title CT 175223/4</p> <p>13) Colebrook part of rail network CT 175223/3</p> <p>14) Colebrook part of rail network CT 175223/2</p> <p>15) Colebrook part of rail network CT 175223/5</p> <p>16) Colebrook part of rail network CT 122905/1</p>	<p>the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.</p>
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		<p>17) Colebrook part of rail network CT 175223/1</p> <p>18) 233 Crichton Road CT 95445/3</p> <p>19) Road casement titles as determined by Department of State Growth per Representation #15</p>	
3	Attenuation Overlay	<p>1) Modification to apply the Attenuation Overlay for Sewage Treatment Facilities as determined by TasWater per representation # 3</p>	<p>A. The modification/correction and application of the attenuation area overlay for the land is consistent with the application of the overlay per the Attenuation Code and the <i>Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application</i>, June 2018 for application of the Zones.</p> <p>B. Modifications provide for an appropriate satisfaction of the LPS criteria at section 34(2) of LUPAA</p> <p>C. There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.</p> <p>D. The application of the overlay is consistent with the application of the overlay elsewhere in the draft LPS.</p>
4	Rural Zone	<p>Modification to apply the Rural Zone to the following titles:</p> <p>1) 'Lot 1' Ballyhooly Road, Bagdad to entire CT 148583/1.</p> <p>2) Hall Lane, Bagdad CT 92981/16 and CT 92981/17 and CT 92981/18</p>	<p>A. The application of the Rural Zone for the land is consistent with the purpose of the Zone and the <i>Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application</i>, June 2018 for application of the Zones.</p> <p>B. Modifications provide for an appropriate satisfaction of the LPS criteria at section 34(2) of LUPAA.</p> <p>C. There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.</p>

