

Local Provision Schedule Supporting Report



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I. INTRODUCTION

In 2015 the State Government legislated to implement a Tasmanian Planning Scheme (TPS), whereby every planning scheme across the State would be consistent in policy and operational provisions.

The amendments to the *Land Use Planning and Approvals Act 1993* (LUPAA) established the State Planning Provisions (SPP) which comprise the 'rules', and instructions to apply the rules, which all planning authorities must comply with when preparing the planning scheme for their municipality.

This report supports the submission of the Brighton draft Local Provisions Schedule (LPS) to the Tasmanian Planning Commission (TPC) under section 35(1) of LUPAA for assessment as to whether it is suitable for approval by the Minister for formal public exhibition. The report demonstrates that the draft LPS meets the LPS criteria in section 34(2) of the LUPAA.

2. LPS Criteria – Section 34 of LUPAA

2.1. Provisions to be contained in an LPS – s.34(2)(a)

Section 34(2)(a) of LUPAA requires that a LPS must contain all of the provisions that the SPP's specify must be included. Section LPI.0 of the SPP's outlines requirements for the content of the SPP's and includes:

- Zone Maps;
- Local Area Objectives;
- Particular Purpose Zones (PPZ);
- Specific Area Plans (SAP);
- Site Specific Qualifications (SSQ);
- Code Overlay Maps; and
- Code Lists in Tables.

The draft LPS contains all the mandatory requirements of the SPP's. Each of the mandatory and optional components is discussed below under the relevant heading.

2.2. Contents of LPS's – Section 32 of LUPAA – s.34(2)(b)

2.2.1. Municipal Area – s 32(2)(a)

The LPS specifies that it applies to the Brighton municipal area in accordance with the SPP template.

2.2.2. Mandatory requirements s32(2)(b)

The mandatory requirements are adopted in full.

2.2.3. Spatial Application of the State Planning Provisions s(32)(2)(c) & (e)

Section 32(2)(c) and (e) requires that an LPS must contain maps, overlays, lists or other provisions that provide for the spatial application of the SPP's. Section LPI.0 of the SPP's outlines the way the spatial application of the SPP's is to be presented.

The draft LPS is prepared in accordance with the application and drafting instructions included in the SPP's and in *Guideline No.1 - Local Provisions Schedule Zone and Code Application* (the "Guidelines") issued by the TPC.

2.2.4. Sections 11 & 12 of LUPAA – s32(2)(d) & (f)

Formerly Section 20 of LUPAA, Sections 11 and 12 of the Act prescribe the contents of planning schemes and refer to the TPS. In particular, the sections outline the matters that a planning scheme may, or may not, regulate.

Section 12 recognises the continuing use and development rights for those uses and developments that were in existence before new planning scheme provisions take effect, or that have been granted a permit but have not yet been completed.

The draft LPS does not seek to regulate matters outside the jurisdiction prescribed in Sections 11 and 12 of the Act. It is noted that the legal protections for existing uses informs decisions about the applications of zones to land.

2.2.5. Use of overlays & Lists – s32(2)(e)

The SPP includes a number of Codes that are only given effect through maps or lists in the LPS. See section 4 for more detail.

2.2.6. Land Reserved for Public Purposes - 32(2)(g)

The LPS does not expressly designate land for public purposes, however it does zone public land appropriately.

2.2.7. Application of the detail of the SPP to a particular place or matter - s32(2)(h)

The LPS applies to SPP via zones and overlays consistent with the Guidelines issued by the TPC.

2.2.8. Overriding provisions – s32(2)(i)

The draft LPS contains overriding provisions in that the contents of PPZ's, SAP's and SSQ's override some provisions of the SPP's where those provisions modify or are in substitution for the SPP's.

Most overriding provisions are protected under transitional arrangements in which PPZ's, SAP's and SSQ's that exist at December 2015 can automatically carry forward with the consent of the Minister.

The draft LPS aims to achieve as much consistency as possible with the SPP's and only seeks to include overriding provisions where the Act requirements for compliance with the Schedule 1 Objectives of LUPAA or the STRLUS cannot be met without local provisions.

Each of these circumstances and the rationale required for the local provisions under Section 32(4) is described in Section 5.0 of this report.

2.2.9. Modification of Application of SPP's – s.32(2)(j)

The draft LPS does not seek to modify application of the SPP's. The SPP's are applied to land, use and development in accordance with the directions prescribed in Section LPI.0 of the SPP's and in consideration of the Guidelines

The requirements for the application of the SPP's does however influence the proposal for the inclusion of overriding local provisions in the PPZs, SPP's and SSQ's.

2.2.10. Limitations of LPS – s32(2)(k)&(l)

The provisions at 32(2)(k) & (l) require a LPS to not include provisions that:

- the SPP specifies cannot be included in an LPS;
- otherwise exist in the SPP; and
- are inconsistent with the SPP.

It is considered that the draft LPS is compliant with these limitations.

2.2.11. LPS may include – s32(3),(4) & (5)

The LPS may include PPZs, SAPs and SSQs only if:

(a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or

(b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.

The LPS includes two PPZs, which are currently contained in the *Brighton Interim Planning Scheme 2015* (BIPS. 2015) and are protected by transitional arrangements under Schedule 6, Clause 8 of LUPAA.

The LPS includes 9 SAPs, 7 of which are protected by transitional arrangements under Schedule 6, Clause 8 of LUPAA. The two “new” SAPs are:

- East Baskerville Dispersive Soils SAP; and
- Urban-Rural Interface SAP

The rationale for the introduction of these SAPs is described at Section 5.2 of this report.

The LPS includes two SSQs which are protected by transitional arrangements under Schedule 6, Clause 8 of LUPAA.

2.3. Schedule I Objectives

Schedule I of LUPAA prescribes the Objectives of the Resource Management and Planning System of Tasmania (Part 1) and the Objectives of the Planning Process (Part 2).

Together they emphasize ‘sustainable development’. The Schedule clarifies that reference to ‘Sustainable Development’ means:

managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while:

(a) Sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and

(b) Safeguarding the life supporting capacity of air, water, soil and ecosystems; and

(c) Avoiding, remedying or mitigating any adverse effects of activities on the environment.

It is not possible for the LPS to meet both obligations without the inclusion of localised provisions. The Act provides for overriding provisions to be included in a LPS, subject to meeting the criteria of section 32(4), which also correlate with the Schedule I Objectives. The two components effectively work together to establish the rationale for inclusion of PPZ’s, SAP’s and SSQ’s in a LPS.

The table below provides an analysis of the LPS against the Schedule I Objectives, highlighting those areas where the SPP’s and the objectives are in tension. A detailed discussion of the proposed PPZ’s, SAP’s and SSQ’s against the criteria of section 32(4) is provided in Section 5 of this report.

PART I
<i>(a) To promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity.</i>
<p>Within the legislative framework of the TPS and the SPP’s, the draft LPS seeks to ensure that the implementation of the SPP’s results in sustainable outcomes.</p> <p>The draft LPS achieves this through the application of appropriate zones and codes and, where necessary, the inclusion of overriding local provisions to protect the environmental capability of the land and the capacity of infrastructure. The provisions set out in Section 32(4) of LUPPA allow for local provisions that are inconsistent with the SPP’s, subject to</p>

criteria that demonstrates the need. This recognises that the broad application of one set of standardised provisions will not always result in sustainable outcomes.

The draft SPPs require a priority vegetation area overlay to be mapped, but restricts the overlay to certain zones only. Of note, the Agriculture Zone is excluded from the priority vegetation area. The Agriculture Zone will be the largest zone in the LPS by area and this exclusion is therefore a significant land use policy expressed in the SPP. It also represents a significant shift from BIPS 2015.

The rural/agricultural landscape throughout the Brighton municipality is peppered with priority vegetation and has been generally well managed through planning provisions that can take account of the unique circumstances that exist on each property. Accordingly the presence or absence of priority vegetation has informed the application of the Rural and Agricultural zones as outlined in section 3.2.6.

Looking beyond the priority vegetation issue, the LPS otherwise provides adequate protection to natural and physical resources by:

- protection of natural watercourses and wetlands, in a manner similar to the interim planning scheme;
- applying the Environmental Management Zone to reserves;
- having regard to potential coastal refugia;
- using the best available data and method to prepare the priority vegetation area through the Regional Ecosystem Model; and
- containing settlements to existing footprints.

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

With the exception of rural areas, the LPS provides minimal change to the zoning of land from BIPS 2015.

Within towns, some relatively minor changes are proposed, and these are specifically identified and justified in Section 3.2.

In rural areas, the Rural Zone, Agriculture Zone and Landscape Conservation Zone are essentially new zones. Use and development control within each zone is established by the SPP, and the application of the zones informed by the Guidelines.

Appendix I to this report provide a high level summary of changes between the IPS and the SPP which, among other elements, identifies where use rights (permitted or discretionary) vary.

Of note, is the Urban-Rural Interface SAP which aims to ensure that the outcomes on the ground for land owners and communities are fair and reasonable based on existing land use patterns.

(c) to encourage public involvement in resources management and planning.

When directed to do so, the draft LPS will be exhibited and subject to the 60-day statutory notification period in accordance with Section 35(c) of LUPAA.

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

The State government has stated that the policy behind the drafting of the SPP's is to apply regulation only to the extent necessary, thereby 'cutting red tape'. The express purpose of doing this is to facilitate economic development and certainty, it is well documented that in practice, overregulation acts as a disincentive to economic development. The key is to find the right level of regulation.

The Guidelines for applying zones and codes in the LPS and simplification of standards from the BIPS 2015 to the SPP's don't always give enough consideration to objectives (a), (b) and (c). For example, the inability to apply the priority vegetation area overlay to agricultural land prioritises the agricultural economy over the natural environment.

A further example is the SPP's provide a Permitted pathway for an infinite amount of multiple dwellings without any need for public involvement. There is also an absence of design and landscaping standards which are critical elements in providing the social, economic and cultural wellbeing for people and communities. Arguably, economic development is facilitated without consideration of the other objectives.

Overall, the LPS facilitates economic development in appropriate locations through the application of the SPP zones. The mapping is consistent with the Guidelines, the STRLUS and local strategy imbedded into the current BIPS 2015. The applied zones provide for a range of economic opportunities in 'traditional' rural, commercial and industrial settlements. However, further economic opportunities are provided for in the recreation and tourism sectors.

There are elements of the draft LPS that have expressed purpose in facilitating economic development, such as the SAP for the Urban-Rural Interface SAP which allows greater densities on urban fringes and promotes better use of existing service and infrastructure.

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

The SPP's are structured taking into account the roles of other jurisdictions in the assessment of land use and development including the Local Government Act (Building and Miscellaneous Provisions) Act 1993 (LGBMP), Building process, Forest Practices System, Tasmanian Heritage Council and the Environmental Protection Authority.

The implementation of the SPPs and final approval of the Brighton LPS requires cooperative planning between the TPC, State Agencies, TasWater, Council and, to a degree, the broader community.

Overall, the LPS, and the Tasmanian Planning Scheme more generally, will have more input from State agencies and less flexibility at a local level, than the current BIPS 2015.

PART 2

(a) to require sound strategic planning and co-ordinated action by State and local government.

The STRLUS was developed through the cooperation of the 12 Southern Regional Councils, was declared by the Minister for Planning and is formally recognised as a Regional Strategy under LUPAA. The STRLUS, which is now urgently in need for a review, is the most thorough and comprehensive strategic document relevant to the development of the Southern LPS's.

Councils have established working groups in the three regions to work through the planning reforms and have had ongoing communications with the State Government through the Planning Policy Unit (PPU) and TPC.

Through the allocation of zones, development of Code mapping and utilisation of local overriding provisions (PPZ's, SAP's and SSQ's) the draft LPS is consistent with STRLUS.

However, the planning reform has not been done in the most strategic order.

A new legislative mechanism was proposed to be introduced for the Tasmanian Planning Policies to be made under the *Land Use Planning and Approvals Act 1993* and the State Government released draft Tasmanian Planning Policies (TPPs) for consultation. The TPPs should have been the first step in the planning reform process and informed the development of the SPPs and developing the Guidelines for the LPS. Rather, the SPPs were developed first and the TPPs have been shelved. The absence of TPPs has created a policy vacuum.

Development of the TPPs is supported but should not be based on the SPPs. Rather the SPPs should be amended in accordance with the TPPs when they are declared.

(b) to establish a system of planning instruments to be the principle way of setting objectives, policies and controls for the use, development and protection of land; and

Consistent with this objective, the TPS establishes a new system of planning instruments that will deliver consistency in the objectives, policies and controls for the use and development of land by prescribing common content.

As noted above, TPPs should sit above the TPS to establish a comprehensive planning system.

(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.

Comment is made regarding the impacts of the SPP's on ecological processes in Part I(a) above. The SPP's include a range of zones and codes that provide for assessment of environmental impact. The overriding local provisions proposed in the draft LPS are a result of the explicit consideration of social and economic effects of the SPP's on landowners, the Brighton municipality and the region.

(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.

The SPP's have been drafted by the State, in the context of compliance with State policies, but, as mentioned above, in the absence of TPPs.

The Act requires that a draft LPS must demonstrate compliance with State Policies, the policies of the STRLUS, and may include local overriding provisions where the need is justified under the criteria of Section 32(4).

With the limiting provisions of the Act in regard to the SPP's, policies are not easily integrated at various levels, in fact, in some instances they are in direct conflict.

(e) to provide for the consolidation of approvals for land use and development and related matters, and to co-ordinate planning approvals with related approvals.

The approvals process is prescribed by LUPAA. The planning scheme regulates the use permissibility and level of use and development control. The approval of the TPS and associated LPS will not comprise this objective.

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

The available zones and codes provided for under the SPP's enable controls to suit varying levels of amenity, employment opportunities, diverse environments and risk associated with natural hazards.

The draft LPS through the inclusion of SAPs makes particular provision for these values in the objectives and detailed design outcomes in the provisions.

The LPS is considered to further this objective through:

- Including the best available information and mapping on land hazards.
- Providing sufficient zoning for residential and visitor accommodation development within settlements for the medium term.
- Providing opportunities for commercial use in settlements through appropriate zoning.
- Providing opportunities for industrial development in appropriate locations.
- Providing the Recreation Zone and Open Space Zone where appropriate and including provisions in the SPP to consider walkability in new subdivisions.
- Identifying major roads for protection for Road Attenuation Areas.
- Applying appropriate zone and overlay controls to key public infrastructure.
- Applying scenic protection provisions to important vistas.
- Providing higher density rural living areas where appropriate.

Arguably, the SPPs are a step backwards from the interim schemes. Design, landscaping and subdivision standards that facilitate good urban design outcomes that promote this objective have been gutted from the zone standards in the SPPs.

The LPS is limited in addressing these shortcomings because of how they integrate with the SPP. For example, it would not be possible to develop a street tree guideline for subdivisions or energy efficiency standard for multiple dwellings because PPZs, SAP & SSQs must be applied spatially rather than to certain developments or uses. This is an unjustified departure from the structure of the interim schemes and from other jurisdictions.

(g) to conserve those buildings and areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.

Historic built heritage is captured through places listed on the Tasmanian Heritage Register, which has a statutory referral process for development applications.

Other areas are protected by being included in the Environmental Management zoning of reserves.

Aboriginal heritage is not considered in the SPPs.

(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.

Significant public infrastructure is protected through the use of the SPP's Utilities Zone, Community Purpose Zone, Open Space Zone, Recreation Zone, the Road and Rail Assets

Code, Electricity Transmission Infrastructure Protection Code and the Safeguarding of Airports Code.

(i) to provide a planning framework which fully considers land capability.

The State methodology that produced the 'Land Potentially Suitable for Agriculture Layer' to provide a recommendation for the State's agricultural estate, has taken into account land capability. This is discussed further in section 3.2.6.

The draft LPS has examined at a more local level the constraints to land and the capability of the land to accommodate development as prescribed in the SPP's.

The draft LPS proposes local overriding provisions in some areas to address land capability constraints, such as the East Baskerville Dispersive Soils SAP over parts of Honeywood and Old Beach.

2.4. State Policies

Section 34(2)(d) of LUPAA requires that a LPS is consistent with each State Policy. State Policies are made under Section 11 of the *State Policies and Practices Act 1993*.

Currently there are three State Policies made and the Act also incorporates National Environment Protection Measures (NEPM's) as State Policies.

2.4.1. State Policy on the Protection of Agricultural Land (PAL) 2009

The purpose of the State Policy 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.

The stated objectives of the policy are:

to enable the sustainable development of agriculture by minimising:

(a) conflict with or interference from other land uses; and

(b) non-agricultural use or development on agricultural land that precludes the return of that land to a agricultural use".

The eleven principles that support the policy relate to the identification of valuable land resources and the matters that can be regulated by planning schemes.

The SPP's were examined against the principles of the PAL Policy in the development of the Rural and Agriculture Zone provision.

The Guidelines require land to be included in the Agriculture Zone should be based on the 'Land Potentially Suitable for Agriculture Zone', a methodology developed by the State through consultants Macquarie Franklin (www.planningreform.tas.gov.au). The guidelines state:

The guideline provides that in applying the zone, a planning authority may:

also have regard to any agricultural land analysis or mapping undertaken at a local or regional level for part of the municipal area which:

- (i) incorporates more recent or detailed analysis or mapping;*
- (ii) better aligns with on-ground features; or*
- (iii) addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer.*

Further local analysis of the results of the State layer was undertaken for the draft LPS to determine the land that should be included in the Agriculture Zone and is discussed further in section 3.2.6.

2.4.2. Tasmanian State Coastal Policy (SCP) 1996

The SCP applies to the Derwent River and all land to a distance of 1 km inland from the high-water mark.

The SCP's three main guiding principles are:

- Natural and cultural values of the coast shall be protected.
- The coast shall be used and developed in a sustainable manner.
- Integrated management and protection of the coastal zone is a shared responsibility.

The Policy provides a series of outcomes that embody the principles under the following four sections, each of which is discussed in further detail below:

- a) Protection of Natural and Cultural Values of the Coastal Zone;
- b) Sustainable Development of Coastal Areas and Resources;
- c) Shared Responsibility for Integrated Management of Coastal Areas and Resources;
- d) Implementation, Evaluation and Review.

The SCP incorporates a number of themes, all of which have associated policy statements, including:

- Natural Resources & Ecosystems
- Cultural & Historic Resources
- Cultural Heritage
- Coastal Hazards

- Coastal Uses & Development
- Marine Farming
- Tourism
- Urban & Residential Development
- Transport
- Public Access & Safety
- Public Land
- Recreation

Many of these themes are addressed in equivalent terms in other strategic documents including the STRLUS and township structure plans.

The PPZs and SAPs are all subject to the SCP.

The SCP is principally implemented via the use of zones and the use and development control provisions within the SPP zones. Public reserves and foreshore reserves are in the Environmental Management Zone or Open Space Zone.

Urban zoning seeks to contain the settlement footprint in accordance with the SCP.

The SPP's provide for the protection of natural resources and major ecosystems and natural processes through the following Codes and application of the LPS mapping:

- The Natural Asset Code (NAC), recognises and protects important biodiversity values along the coast (and more broadly), watercourses and wetlands including future refugia;
- The Coastal Erosion Hazard Code, which recognises areas at risk of coastal erosion; and
- The Coastal Inundation Hazard Code, which recognises areas at risk of coastal Inundation.

Additionally, the application of Environmental Management Zone extending into much of the waterway surrounding Brighton provides for the protection of areas of significant ecological value. The River Derwent Marine Conservation Area covers the Derwent River for the entire length of the municipality and provides an additional layer of protection.

The Policy requires that areas of Aboriginal heritage significance are identified and legally protected. Aboriginal heritage is specifically regulated under the Aboriginal Relics Act 1975, not under LUPAA. Aboriginal Heritage Tasmania is responsible for administering this regulation and for maintaining the Tasmanian Aboriginal Site Index. Arguably, protection of aboriginal heritage could be better managed if it was included in planning schemes, particularly as land use planning controls are to be one of the main vehicles for implementation under the SCP.

Overall, the LPS is considered to be consistent with the SCP.

2.4.3. State Policy on Water Quality Management 1997

The purpose of the *State Policy on Water Quality Management 1997* is to:

achieve the sustainable management of Tasmania's surface water and groundwater resources by protecting or enhancing their qualities while allowing for sustainable development in accordance with the objectives of Tasmania's Resource Management and Planning System.

The *State Policy on Water Quality Management 1997* applies to all surface waters, including coastal waters, and ground waters excluding privately owned waters that are not accessible to the public and are not connected to waters that are accessible to the public and waters in any tank, pipe or cistern.

Currently, water quality objectives under the policy are largely managed through:

- the Stormwater Management Code;
- provisions within zones that require connection to reticulated services where they exist or require wastewater to be kept on-site;
- provisions to condition permits to minimise impact from construction works.

Similar zone provisions apply in the SPP, however the Stormwater Management Code has not been carried through.

Clause 6.11.2 (g) of the SPP partially fills this gap and allows for conditions of a permit to include “erosion, and stormwater volume and quality controls”. Council has an existing water quality policy that will be used to guide the conditioning of permits.

2.4.4. National Environmental Protection Measures

Additionally the SPPs require the mandatory inclusion in the LPS of the State mapped waterway protection areas, which are based on buffer distances contained in the current interim planning scheme and derived from the Forest Practices System.

The current National Environmental Protections (NEPM) relate to the following:

- 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
- The re-use and recycling of used materials.

The NEPMS are not directly implemented through planning schemes, with some matters being outside the jurisdiction prescribed by LUPAA. However, some aspects are addressed through various SPP provisions relating to matters such as water quality, amenity impacts on residential uses due to noise emissions and site contamination assessment.

2.5. Southern Tasmanian Regional Land Use Strategy 2010 – 2035 (STRLUS) (s34(2)(e))

2.5.1. Background

The STRLUS was adopted on 27 October 2011. Following its initial implementation, it has now been amended three times. The latest amendment was declared on 9 May 2018 and was amended as follows:

- insert an implementation statement and the Tasmanian Planning Scheme Addendum for application through Local Provisions Schedules; and
- make minor adjustments to the urban growth boundary in Map 10 at 56-62 Forcett Street, Sorell and 369 (or 353) Lenah Valley Road, Lenah Valley

The TPS Addendum effectively replaces all the Regional Policies from the previous version so that there is greater consistency with the TPS and SPP's. There is no significant policy change in the latest amendment.

2.5.2. Assessment against STRLUS

The BIPS2015 was assessed against and found to be consistent with the STRLUS as part of its finalisation. For the most part the draft LPS reflects a “like for like” conversion of the existing BIPS 2015 provisions into the new TPS format having regard to the SPP provisions and LPS zone and code application. Any departure from either the Guidelines and/or a “like for like” conversion of the existing BIPS2015 is discussed on a case by case basis further in this report.

Biodiversity and Geodiversity Policy		
Policy Reference	Policy	Comments
BNV I	Maintain and manage the region's biodiversity and ecosystems and their resilience to the impacts of climate change.	See sub-clauses below
BNV I.1	Manage and protect significant native vegetation at the earliest possible stage of the land use planning process. Where possible, avoid applying zones that provide for intensive use or development to areas that retain biodiversity values that are to	Significant native vegetation is managed through the priority vegetation overlay in the draft LPS. The overlay is applied to some GRZ land, but is only applicable for subdivision.

	be recognised and protected by the planning scheme.	
BNV 1.2	<p>Recognise and protect biodiversity values deemed significant at the local level and in the planning scheme:</p> <ul style="list-style-type: none"> a) specify the spatial area in which biodiversity values are to be recognised and protected; and b) implement an 'avoid, minimise, mitigate' hierarchy of actions with respect to development that may impact on recognised and protected biodiversity values. 	The priority vegetation area overlay in the draft LPS provides for protection of natural values at a local level.
BNV 1.3	<p>Provide for the use of biodiversity offsets if, at the local level, it is considered appropriate to compensate for the loss of biodiversity values where that loss is unable to be avoided, minimised or mitigated.</p> <p>Biodiversity offsets:</p> <ul style="list-style-type: none"> a. are to be used only as a 'last resort'; b. should provide for a net conservation benefit and security of the offset in perpetuity; c. are to be based upon 'like for like' wherever possible 	The Natural Assets Code allows for existing biodiversity offsets to be considered, but does not expressly provide for offsets.
BNV 1.4	Manage clearance of native vegetation arising from use and development in a manner that is generally consistent	The same model has been used for preparing the priority vegetation overlay

	across the region but allowing for variances in local values.	across the region and allows for local variation as allowed by the Guidelines.
BNV 1.5	Where vegetation clearance and/or soil disturbance is undertaken, provide for construction management plans that minimise further loss of values and encourages rehabilitation of native vegetation.	Clause 6.11(f) in the SPP's allows for conditions to be applied regarding construction management.
BNV 1.6	Include in the planning scheme, preserving climate refugia where there is scientifically accepted spatial data.	The draft LPS contains the future coastal refugia area overlay as published on the LIST.
BNV 2	Protect threatened native vegetation communities, threatened flora and fauna species, significant habitat for threatened fauna species, and other native vegetation identified as being of local importance and places important for building resilience and adaptation to climate change for these.	See sub-clauses below
BNV 2.1	<p>Avoid the clearance of threatened native vegetation communities except:</p> <p>a. where the long-term social and economic benefit arising from the use and development facilitated by the clearance outweigh the environmental benefit of retention; and</p> <p>b. where the clearance will not significantly detract from the conservation of that threatened native vegetation community.</p>	The priority vegetation area includes all areas of threatened native vegetation communities. The LPS is compliant with this policy to the fullest extent possible under the terms of the SPP.

BNV 2.2	Minimise clearance of native vegetation communities that provide habitat for threatened species.	The model used for preparing the priority vegetation area overlay incorporates habitat for threatened species.
BNV 2.3	Advise potential applicants of the requirements of the Threatened Species Protection Act 1995 and their responsibilities under the Environmental Protection and Biodiversity Conservation Act 1999.	This an issue for development control.
BNV 3	Protect the biodiversity and conservation values of the Reserve Estate.	The draft LPS contains the reserve estate in the Environmental Management Zone as required by the Guidelines.
BNV 4	Recognise the importance of non land use planning based organisations and their strategies and policies in managing, protecting and enhancing natural values.	No referral mechanism in SPP or LPS
BNV 4.1	Consult NRM-based organisations as part of the review and monitoring of the Regional Land Use Strategy.	The preparation of the LPS has not involved a review or monitoring of the STRLUS.
BNV 5	Restrict the spread of declared weeds under the Weed Management Act 1999 and assist in their removal.	Not expressly required, but can be managed through Clause 6.11.2(f) in the SPP's which allows for conditions to be applied regarding construction management.
BNV 5.1	Provide for construction management plans where vegetation clearance or soil disturbance is undertaken that include weed management actions where the site is known, or suspected, to contain declared weeds.	See above

BNV 6	Geodiversity:	See sub-clauses below:
BNV 6.1	Improve knowledge of sites and landscapes with geological, geomorphological, soil or karst features and the value they hold at state or local level.	Council has limited knowledge on geodiversity and no such features identified in the municipality.
BNV 6.2	Progress appropriate actions to recognise and protect those values, through means commensurate with their level of significance (state or local).	See above.
Water Resources		
WR 1	Protect and manage the ecological health, environmental values and water quality of surface and groundwater, including waterways, wetlands and estuaries	See sub-clauses below
WR 1.1	Use and development is to be undertaken in accordance with the State Policy on Water Quality Management.	See section 2.4.3 of this report
WR 1.2.1	Incorporate total water cycle management and water sensitive urban design principles in land use and infrastructure planning to minimise stormwater discharge to rivers.	<p>The Stormwater Management Code addressed WSUD in BIPS 2015, but has not been transferred to the SPPs.</p> <p>Clause 6.11.2 (g) of the SPP's still allow the planning authority to put conditions on permits regarding stormwater and volume controls.</p> <p>The absence of a Stormwater Management Code will most likely lead to an inconsistent approach to WSUD across the State.</p>

WR 1.3	Include buffer requirements in the planning scheme to protect riparian areas relevant to their classification under the Forest Practices System.	The draft LPS contains the waterway and coastal protection area overlay which is aimed at protecting riparian areas.
WR 1.4	Where development that includes vegetation clearance and/or soil disturbance is undertaken, provide for construction management plans to minimise soil loss and associated sedimentation of waterways and wetlands.	This is provided for in Clause 6.11.2(f) of the SPP's
WR 2	Manage wetlands and waterways for their water quality, scenic, biodiversity, tourism and recreational values.	See sub-clauses below
WR 2.1	Manage use and development adjacent to Hydro Lakes in accordance with their classification: Remote Wilderness Lake, Recreational Activity Lake or Multiple Use Lakes.	There are no Hydro Lakes in the Brighton municipality
WR 2.2	Provide public access along waterways via tracks and trails where land tenure allows, where there is management capacity and where impacts on biodiversity, native vegetation and geology can be kept to acceptable levels.	Where possible, land adjacent to larger waterways is zoned Open Space to provide for tracks and trails.
WR 2.3	Minimise clearance of native riparian vegetation.	Retention of vegetation in riparian areas is encouraged with the waterway and coastal protection area overlay.
WR 2.4	Allow recreation and tourism developments adjacent to waterways where impacts on biodiversity and native	This is development control issue.

	vegetation can be kept to acceptable levels.	
WR 3	Encourage the sustainable use of water to decrease pressure on water supplies and reduce long term cost of infrastructure provision	The SPPs provide exemptions for rainwater tanks.
WR 3.1	Reduce barriers in the planning system for the use of rainwater tanks in residential areas.	
The Coast		
C 1	Maintain, protect and enhance the biodiversity, landscape, scenic and cultural values of the region's coast.	See sub-clauses below.
C 1.1	Use and development is to avoid or minimise clearance of coastal native vegetation.	The waterway and coastal protection area overlay applies to the coastal areas of the municipality.
C 1.2	Maximise growth within existing settlement boundaries through local area or structure planning for settlements in coastal areas.	Residential zones within the coastal area have been applied to existing settlements.
C 1.3	Prevent development on coastal mudflats, unless for the purposes of public access or facilities or for minor infrastructure that requires access to the coast. Prevent development on actively mobile landforms in accordance with the State Coastal Policy 1996.	The LPS provides the coastal inundation and coastal erosion area overlays to manage these issues.
C 1.4	Zone existing undeveloped land within the coastal area, Environmental Management,	The majority of coastal land within the municipality is developed, but the

	<p>Recreation or Open Space unless:</p> <p>a. The land is utilised for rural resource purposes; or</p> <p>b. It is land identified for urban expansion through a strategic planning exercise consistent with this Regional Land Use Strategy.</p>	appropriate zones have been applied to undeveloped land in the LPS.
C 2	Use and development in coastal areas is to be responsive to the effects of climate change including sea level rise, coastal inundation and shoreline recession.	The LPS includes the coastal inundation and coastal erosion area overlays and future coastal refugia area overlays to implement this policy.
C 2.1	Include provisions in the planning scheme relating to minimising risk from sea level rise, storm surge inundation and shoreline recession and identify those areas at high risk through the use of overlays.	See above
C 2.2	Growth is to be located in areas that avoid exacerbating current risk to the community through local area or structure planning for settlements and the Urban Growth Boundary for metropolitan area of Greater Hobart.	The LPS includes overlays on coastal hazards which manage development within existing settlements. The LPS avoids any new urban based zones in areas subject to coastal hazards.
C 2.3	Identify and protect areas that are likely to provide for the landward retreat of coastal habitats at risk from predicted sea level rise.	The future coastal refugia area overlay is used in the LPS to implement this policy.
Managing Risks And Hazards		

MRH I	Minimise the risk of loss of life and property from bushfires.	See sub-clauses below
MRH I.1	Provide for the management and mitigation of bushfire risk at the earliest possible stage of the land use planning process (rezoning or if no rezoning required; subdivision) by the identification and protection (in perpetuity) of buffer distances or through the design and layout of lots.	The LPS includes a bushfire prone area overlay prepared by the Tasmanian Fire Service (TFS) and Bushfire Prone Areas Code in the SPP.
MRH I.2	Subdivision road layout designs are to provide for safe exit points in areas subject to bushfire hazard.	Implemented through the Bushfire Prone Areas Code in the SPP.
MRH I.3	Allow clearance of vegetation in areas adjacent to dwellings existing at the time that the planning scheme based on this Strategy come into effect, in order to implement bushfire management plans. Where such vegetation is subject to vegetation management provisions, the extent of clearing allowable is to be the minimum necessary to provide adequate bushfire hazard protection.	This policy is implemented through various exemptions and standards within the SPPs.
MRH I.4	Include provisions in the planning scheme for use and development in bushfire prone areas based upon best practice bushfire risk mitigation and management.	Implemented through the Bushfire Prone Areas Code in the SPP.
MRH I.5	Allow new development (at either the rezoning or development application stage) in bushfire prone areas only where any necessary vegetation clearance for	The priority vegetation area will apply to some forms of buildings that are also subject to the SPP bushfire prone areas code.

	bushfire risk reduction is in accordance with the policies on biodiversity and native vegetation.	
MRH 1.6	Develop and fund a program for regular compliance checks on the maintenance of bushfire management plans by individual landowners.	Not a consideration for the LPS
MRH 2	Minimise the risk of loss of life and property from flooding.	See sub-clauses below
MRH 2.1	Provide for the mitigation of flooding risk at the earliest possible stage of the land use planning process (rezoning or if no rezoning required; subdivision) by avoiding locating sensitive uses in flood prone areas.	The flood prone hazard areas overlay is used in the LPS along the Jordan River based on Hydro mapping.
MRH 2.2	Include provisions in the planning scheme for use and development in flood prone areas based upon best practice in order to manage residual risk.	This policy is implemented through the Flood-Prone Hazard Areas Code in the SPP and associated overlay in the LPS.
MRH 3	Protect life and property from possible effects of land instability.	See sub-clauses below
MRH 3.1	Prevent further development in declared landslip zones.	There are no declared landslip zones within the Brighton municipality.
MRH 3.2	Require the design and layout of development to be responsive to the underlying risk of land instability.	The LPS adopts the landslip hazard area mapping provided on the LIST. Additionally, the Dispersive Soils SAP is included.
MRH 3.3	Allow use and development in areas at risk of land instability only where risk is managed so	This policy is managed through the Landslip Hazard Code in the SPP and the application of the associated overlay and

	that it does not cause an undue risk to occupants or users of the site, their property or to the public.	the East Baskerville Dispersive Soils SAP in the LPS.
MRH 4	Protect land and groundwater from site contamination and require progressive remediation of contaminated land where a risk to human health or the environment exists.	<p>The SPP includes a Potentially Contaminated Land Code.</p> <p>The LPS does not include an overlay of contaminated sites. This is an optional component and is not essential for the relevant SPP provisions to apply to any use or development proposal.</p> <p>It should be noted that the Code only considers land that has already been contaminated and there are no standards within the SPP or LPS to regulate contamination of land which is considered to be a gap in the TPS.</p>
MRH 4.1	Include provisions in the planning scheme requiring the consideration of site contamination issues.	See above.
MRH 5	Respond to the risk of soil erosion and dispersive and acid sulfate soils.	<p>The LPS includes a East Baskerville Dispersive Soils SAP over parts of Old Beach and Honeywood.</p> <p>Acid sulfate soils are not addressed in the SPP or LPS. There is some capacity to address the issue through construction management plans.</p>
MRH 5.1	Prevent further subdivision or development in areas containing sodic soils unless it does not create undue risk to the occupants or users of the site, their property or to the public.	See above.
MRH 5.2	Wherever possible, development is to avoid disturbance of soils identified as containing acid sulfate soils.	See above.

	If disturbance is unavoidable then require management to be undertaken in accordance with the Acid Sulfate Soils Management Guidelines prepared by the Department of Primary Industries, Parks, Water and the Environment.	
Cultural Values		
CV 1	Recognise, retain and protect Aboriginal heritage values within the region for their character, culture, sense of place, contribution to our understanding history and contribution to the region's competitive advantage.	<p>Aboriginal heritage values are not considered in the SPP or Tasmanian Planning Scheme. Rather, they are managed through the <i>Aboriginal Relics Act 1975</i>.</p> <p>Recognition of aboriginal heritage values in the SPP's would assist in their protection from inappropriate land use.</p>
CV 1.1	Support the completion of the review of the Aboriginal Relics Act 1975 including the assimilation of new Aboriginal heritage legislation with the RMPS.	Not relevant to LPS
CV 1.2	Improve our knowledge of Aboriginal heritage places to a level equal to that for European cultural heritage, in partnership with the Aboriginal community.	Not relevant to LPS
CV 1.3	Avoid the allocation of land use growth opportunities in areas where Aboriginal cultural heritage values are known to exist.	<p>Aboriginal cultural heritage values are not identified in the SPP or LPS and are managed through the relevant legislation.</p> <p>The LPS does not increase the risk of such values being harmed as there are limited zoning changes from the BIPS 2015.</p>
CV 1.4	Support the use of predictive modelling to assist in identifying the likely presence of Aboriginal heritage values	No modelling of aboriginal heritage values has been undertaken for the Tasmanian Planning Scheme.

	that can then be taken into account in specific strategic land use planning processes.	
CV 2	Recognise, retain and protect historic cultural heritage values within the region for their character, culture, sense of place, contribution to our understanding history and contribution to the region's competitive advantage.	See sub-clauses below.
CV 2.1	Support the completion of the review of the Historic Cultural Heritage Act 1995.	Not relevant to LPS
CV 2.2	<p>Promulgate the nationally adopted tiered approach to the recognition of heritage values and progress towards the relative categorisation of listed places as follows:</p> <p>a. places of local significance are to be listed within the Local Historic Heritage Code, as determined by the local Council.</p> <p>b. places of state significance are to be listed within the Tasmanian Heritage Register, as determined by the Tasmanian Heritage Council.</p> <p>c. places of national or international significance are listed through national mechanisms as determined by the Australian Government.</p>	Places of local heritage significance and those listed on the Tasmanian Heritage Register are included in the LPS Local Heritage Places Table.
CV 2.3	Provide for a system wherein the assessment and determination of applications for development affecting places of significance is undertaken at the level of	Assessment of heritage places with local significance will continue to be undertaken by the planning authority under the LPS.

	<p>government appropriate to the level of significance:</p> <p>a. Heritage places of local significance: by the local Council acting as a Planning Authority.</p> <p>b. Heritage places of state significance: by the Tasmanian Heritage Council on behalf of the State Government with respect to heritage values, and by the local Council with respect to other land use planning considerations, with coordination and integration between the two.</p>	
CV 2.4	Recognise and list heritage precincts within the Local Historic Heritage Code and spatially define them by associated overlays.	The LPS includes a heritage precinct over the township of Pontville.
CV 2.5	Base heritage management upon the Burra Charter and the HERCON Criteria, with the Local Historic Heritage Code provisions in the planning scheme drafted to be consistent with relevant principles therein.	This is relevant to the SPP which provides the criteria to evaluate works to heritage places.
CV 2.6	<p>Standardise statutory heritage management.</p> <p>a. Listings in the planning scheme should be based on a common inventory template, (recognising that not all listings will include all details due to knowledge gaps).</p> <p>b. The Local Historic Heritage Code provisions in the planning scheme should be consistent in structure and</p>	As per transitional arrangements, heritage places can be listed without the full descriptions that are expected under the SPP.

	expression, whilst providing for individual statements in regard to heritage values and associated tailored development control.	
CV 2.7	Provide a degree of flexibility to enable consideration of development applications involving the adaptive reuse of heritage buildings that might otherwise be prohibited.	This is a matter for the SPP's
CV 3	Undertake the statutory recognition (listing) and management of heritage values in an open and transparent fashion in which the views of the community are taken into consideration.	The heritage tables in the LPS transition from BPS 2015. Any future amendments will be open to public comment through the planning scheme amendment process.
CV 3.1	Heritage Studies or Inventories should be open to public comment and consultation prior to their finalisation.	See above
CV 4	Recognise and manage significant local historic and scenic landscapes throughout the region to protect their key values.	The Pontville Local Historic Landscape Precinct is included in the LPS tables.
CV 4.1	State and local government, in consultation with the community, to determine an agreed set of criteria for determining the relative significance of important landscapes and key landscape values.	Not a relevant planning scheme consideration. This is important work that requires progress at a regional level.
CV 4.2	The key values of regionally significant landscapes are not to be significantly compromised by new development through	See CV 4 above

	appropriate provisions within the planning scheme.	
CV 4.3	Protect existing identified key skylines and ridgelines around Greater Hobart by limited development potential and therefore clearance through the zones in the planning scheme.	Skylines and ridgelines around the urban settlements are protected by non-residential zones such as the Landscape Conservation Zone and Rural Zone.
CV 5	Recognise and manage archaeological values throughout the region to preserve their key values.	The LPS does not list any places of archaeological potential. Any broader consideration of identifying places of archaeological potential would require expert advice and consultation with owners.
CV 5.1	Known sites of archaeological potential to be considered for listing as places of either local or state significance within the Local Historic Heritage Code or on the State Heritage Register respectively, as appropriate.	See above.
CV 5.2	Development that includes soil disturbance within an area of archaeological potential is to be undertaken in accordance with archaeological management plans to avoid values being lost, or provide for the values to be recorded, conserved and appropriately stored if no reasonable alternative to their removal exists.	See above
Recreation and Open Space		
ROS I	Plan for an integrated open space and recreation system that responds to existing and emerging needs in the	See sub-clauses below.

	community and contributes to social inclusion, community connectivity, community health and well being, amenity, environmental sustainability and the economy.	
ROS 1.1	<p>Adopt an open space hierarchy consistent with the Tasmanian Open Space Policy and Planning Framework 2010, as follows;</p> <ul style="list-style-type: none"> a. Local b. District c. Sub-regional d. Regional e. State f. National 	<p>Council has endorsed the Brighton Municipal Area Open Space Strategy 2012 (OSS) which adopts the hierarchy in this policy.</p> <p>The LPS has zoned land as necessary to implement the OSS.</p>
ROS 1.2	<p>Adopt an open space classification system consistent with the Tasmanian Open Space Policy and Planning Framework 2010, as follows;</p> <ul style="list-style-type: none"> a. Parks; b. Outdoor Sports Venues; c. Landscape and Amenity; d. Linear and Linkage; e. Foreshore and waterway; f. Conservation and Heritage; g. Utilities and Services; and h. Proposed Open Space. 	<p>The OSS has also adopted this framework. The LPS provides zones accordingly.</p>

ROS 1.3	Undertake a regional open space study, including a gap analysis, to establish a regional hierarchy within a classification system for open space in accordance with the Tasmanian Open Space Policy and Planning Framework 2010.	This is a regional matter beyond the scope of the LPS.
ROS 1.4	Undertake local open space planning projects through processes consistent with those outlined in the Tasmanian Open Space Policy and Planning Framework 2010 (Appendix 3).	As noted above, Council has endorsed an OSS, which is partially implemented through LPS zones.
ROS 1.5	Provide for residential areas, open spaces and other community destinations that are well connected with a network of high quality walking and cycling routes.	<p>The subdivision standards in the SPP's are inferior to the current interim schemes for provision of open space and connectivity.</p> <p>The interim schemes had subdivision standards specifically addressing ways and public open space.</p>
ROS 1.5	Provide for residential areas, open spaces and other community destinations that are well connected with a network of high quality walking and cycling routes.	See above
ROS 1.6	Subdivision and development is to have regard to the principles outlined in 'Healthy by Design: A Guide to Planning and Designing Environments for Active Living in Tasmania'.	Some aspects are implemented in the SPP.
ROS 2	Maintain a regional approach to the planning, construction, management, and maintenance of major sporting facilities to protect the viability of existing and future facilities and	This is a regional matter beyond the scope of the LPS.

	minimise overall costs to the community.	
ROS 2.1	Avoid unnecessary duplication of recreational facilities across the region.	This is a regional matter beyond the scope of the LPS.
Social Infrastructure		
SI 1	Provide high quality social and community facilities to meet the education, health and care needs of the community and facilitate healthy, happy and productive lives.	See sub-clauses below
SI 1.1	Recognise the significance of the Royal Hobart Hospital and support, through planning scheme provisions, its ongoing function and redevelopment in its current location.	Not applicable
SI 1.2	Match location and delivery of social infrastructure with the needs of the community and, where relevant, in sequence with residential land release.	Social infrastructure is zoned in accordance with demand and existing facilities in the LPS
SI 1.3	Provide social infrastructure that is well located and accessible in relation to residential development, public transport services, employment and education opportunities.	Major sporting facilities are zoned Recreation and schools and some other services such as doctors are located in the Community Purposes Zones (CPZ). Social infrastructure is also provided for in the General Business Zone around activity centres.
SI 1.4	Identify and protect sites for social infrastructure, particularly in high social dependency areas, targeted urban growth areas (both infill and greenfield) and in identified Activity Centres.	See above.

SI 1.5	Provide multi-purpose, flexible and adaptable social infrastructure that can respond to changing and emerging community needs over time.	These can be provided through the LPS zones in the appropriate areas.
SI 1.6	Co-locate and integrate community facilities and services to improve service delivery, and form accessible hubs and focus points for community activity, in a manner consistent with the Activity Centre hierarchy.	<p>The LPS applies the Community Purposes Zone to the north of Brighton to provide a small hub which includes doctors surgery, bowls club and Council meeting rooms.</p> <p>Similarly, in Bridgewater the CPZ is used over the Civic Centre, LINC and child care centre to provide a small hub.</p>
SI 1.7	Provide flexibility in the planning scheme for the development of aged care and nursing home facilities in areas close to an Activity Centre and with access to public transport.	Aged care facilities are a residential use and can be considered in most zones. The St. Anns PPZ is included in the LPS to provide for the aged care facility and independent living units.
SI 1.8	Provide for the aged to continue living within their communities, and with their families, for as long as possible by providing appropriate options and flexibility within the planning scheme.	A diverse range of residential options can be considered in the General Residential Zone including ancillary dwellings.
SI 1.9	Provide for the inclusion of Crime Prevention through Environmental Design principles in the planning scheme.	Crime prevention is given some consideration in the SPPs
SI 1.10	Recognise the role of the building approvals processes in providing access for people with disabilities.	Not a planning consideration.
SI 2	Provide for the broad distribution and variety of	This is a matter for the SPPs.

	social housing in areas with good public transport accessibility or in proximity to employment, education and other community services.	
SI 2.1	Provide flexibility in the planning scheme for a variety of housing types (including alternative housing models) in residential areas.	The SPPs provide flexibility for a range of housing types in residential zones (e.g. multiple dwellings, group homes).
SI 2.2	The planning scheme is not to prevent the establishment of social housing in residential areas.	The SPPs do not prevent social housing.
Physical Infrastructure		
PI 1	Maximise the efficiency of existing physical infrastructure.	See sub-clauses below.
PI 1.1	Preference growth that utilises under-capacity of existing infrastructure through the regional settlement strategy and Urban Growth Boundary for metropolitan area of Greater Hobart.	Residential and commercial zones in the LPS are within the Urban Growth Boundary. The Urban-Rural Interface SAP is included in areas with reticulated water close to urban centres.
PI 1.2	Provide for small residential scale energy generation facilities in the planning scheme.	Small scale solar and wind energy facilities are provided for in SPPs.
PI 2	Plan, coordinate and deliver physical infrastructure and servicing in a timely manner to support the regional settlement pattern and specific growth management strategies.	See sub-clauses below
PI 2.1	Use the provision of infrastructure to support	Key issues for the municipality are light rail and the Bridgewater Bridge, both of

	desired regional growth, cohesive urban and rural communities, more compact and sustainable urban form and economic development.	which are zoned Utilities in the LPS, including strategic parcels acquired by DSG.
PI 2.2	Coordinate, prioritise and sequence the supply of infrastructure throughout the region at regional, sub-regional and local levels, including matching reticulated services with the settlement network.	Not relevant to the LPS
PI 2.3	Identify, protect and manage existing and future infrastructure corridors and sites.	No future road corridors are mapped in the LPS on the basis that DSG have already acquired the necessary land for the Bridgewater Bridge replacement.
PI 2.4	Use information from the Regional Land Use Strategy, including demographic and dwelling forecasts and the growth management strategies, to inform infrastructure planning and service delivery.	The STRLUS data is based on 2006 Census data and is out of date. There have been huge changes socially and economically, supply and demand, in Southern Tasmania since 2006.
PI 2.5	Develop a regionally consistent framework(s) for developer charges associated with infrastructure provision, with pricing signals associated with the provision of physical infrastructure (particularly water and sewerage) consistent with the Regional Land Use Strategy.	No regional framework has been developed to implement through the LPS. Leadership on this is welcomed.
PI 2.6	Recognise and protect electricity generation and major transmission assets within the planning scheme to provide for continued electricity supply.	The LPS includes an overlay to protect transmission infrastructure and the Utilities zone has been provided where necessary.

Land Use and Transport Integration		
LUTI I	Develop and maintain an integrated transport and land use planning system that supports economic growth, accessibility and modal choice in an efficient, safe and sustainable manner.	See sub-clauses below
LUTI I.1	Give preference to urban expansion that is in physical proximity to existing transport corridors and the higher order Activity Centres rather than Urban Satellites or dormitory suburbs.	A minor expansion of the Inner Residential Zone is included in the LPS around the Bridgewater Activity Centre and the Green Point bus station and East Derwent Highway.
LUTI I.2	Allow higher density residential and mixed use developments within 400 metres, and possibly up to 800 metres (subject to topographic and heritage constraints) of integrated transit corridors.	See above.
LUTI I.3	Encourage residential development above ground floor level in the Primary, Principal and Major Activity Centres.	The LPS applies the Urban Mixed-Use Zone and General Business Zone in the Bridgewater Major Activity Centre which encourages residential above ground floor development.
LUTI I.4	Consolidate residential development outside of Greater Hobart into key settlements where the daily and weekly needs of residents are met	Not applicable
LUTI I.5	Locate major trip generating activities in close proximity to existing public transport routes and existing higher order activity centres.	The major trip generating activities occur within the General Business Zone which is concentrated around the activity centres of Bridgewater and Brighton.

LUTI 1.6	Maximise road connections between existing and potential future roads with new roads proposed as part of the design and layout of subdivision.	Provided for in SPPs. Its noted that cul-de-sacs are not discouraged as they were in BIPS 2015.
LUTI 1.7	Protect major regional and urban transport corridors through the planning scheme as identified in Maps 3 & 4.	The Utilities zone is used in the LPS to major transport corridors.
LUTI 1.8	Apply buffer distances for new development to regional transport corridors identified in Map 4 in accordance with the Road and Railway Assets Code to minimise further land use conflict.	Buffer distances are provided for in the SPPs
LUTI 1.9	Car parking requirements in the planning scheme and provision of public car parking is to be consistent with achieving increased usage of public transport.	A matter for the SPPs.
LUTI 1.10	Identify and protect ferry infrastructure points on the Derwent River (Sullivans Cove, Kangaroo Bay and Wilkinson Point) for their potential use into the future and encourage increased densities and activity around these nodes.	Not applicable
LUTI 1.11	Encourage walking and cycling as alternative modes of transport through the provision of suitable infrastructure and developing safe, attractive and convenient walking and cycling environments.	As noted previously, the SPP subdivision standards are sub-standard compared to the current interim schemes and do not encourage efficient or holistic development.

LUTI 1.12	Encourage end-of-trip facilities in employment generating developments that support active transport modes.	Not provided for in SPP or LPS.
Tourism		
T 1	Provide for innovative and sustainable tourism for the region	See sub-clauses below
T 1.1	Protect and enhance authentic and distinctive local features and landscapes throughout the region.	<p>The LPS does not include the Scenic Protection provisions at this stage, but Council intend to do further strategic work in this area.</p> <p>Local features and landscapes are protected through use of the Open Space, Landscape Conservation & Environmental Management Zones and Heritage Code in the LPS.</p>
T 1.2	Identify and protect regional landscapes, which contribute to the region's sense of place, through the planning scheme.	See above
T 1.3	Allow for tourism use in the Rural Zone and Agriculture Zone where it supports the use of the land for primary production.	Provided for in the SPPs
T 1.4	Provide flexibility for the use of holiday homes (a residential use) for occasional short-term accommodation.	Provided for in SPPs
T 1.5	Provide flexibility within commercial and business zones for mixed use developments incorporating tourism related use and development.	Provided for in SPPs

T 1.6	Recognise, that the planning scheme may not always be able to accommodate the proposed tourism use and development due to its innovative and responsive nature.	The meaning of this policy is unclear. Presumably it's to help facilitate rezonings and major projects.
T 1.7	Allow for objective site suitability assessment of proposed tourism use and development through existing planning scheme amendment processes (section 40T application).	Provided for in LUPAA.
Strategic Economic Opportunities		
SEO 1	Support and protect strategic economic opportunities for Southern Tasmania.	See sub-clauses below
SEO 1.1	<p>Protect the following key sites and areas from use and development which would compromise their strategic economic potential through the planning scheme provisions:</p> <ul style="list-style-type: none"> a. Hobart Port (including Macquarie and Princes Wharves); b. Macquarie Point rail yards; and c. Princes of Wales Bay marine industry precinct. 	Not applicable
SEO 1.2	Include place specific provisions for the Sullivans Cove area in the planning scheme.	Not applicable

Productive Resources		
PR 1	Support agricultural production on land identified as significant for agricultural use by affording it the highest level of protection from fettering or conversion to non-agricultural uses.	
PR 1.1	Utilise the Agriculture Zone to identify land significant for agricultural production in the planning scheme and manage that land consistently across the region.	The Agriculture Zone is applied consistent with the Ministerial Guidelines as explained in detail in section 3.2.6
PR 1.2	Avoid potential for further fettering from residential development by setting an acceptable solution buffer distance of 200 metres from the boundary of the Agriculture Zone, within which the planning scheme is to manage potential for land use conflict.	Provided for in the SPPs
PR 1.3	Allow for ancillary and/or subservient non-agricultural uses that assist in providing income to support ongoing agricultural production.	Provided for in the SPPs. It is noted that the Agriculture Zone provides for a wider range of ancillary and/or subservient uses than the Significant Agriculture Zone in the interim schemes.
PR 1.4	Prevent further land fragmentation in the Agriculture Zone by restricting subdivision unless necessary to facilitate the use of the land for agriculture.	<p>Provided for in the SPPs.</p> <p>It is noted that the subdivision in the SPPs is more flexible than the interim schemes, particularly in regards to existing residential and visitor accommodation buildings which may lead to greater fragmentation than is currently allowed.</p>

PR 1.5	Minimise the use of prime agricultural land for plantation forestry.	<p>The Rural Zone has been applied to forestry land.</p> <p>The SPPs provides a discretionary pathway for plantation forestry on prime agricultural land.</p>
PR 2	Manage and protect the value of non-significant agricultural land in a manner that recognises the potential and characteristics of the land.	
PR 2.1	Utilise the settlement strategy to assess conversion of rural land to residential land through rezoning, rather than the potential viability or otherwise of the land for particular agricultural enterprises.	No rezoning of agricultural land to residential land is proposed in the LPS.
PR 2.2	Support opportunities for down-stream processing of agricultural products in appropriate locations or 'on-farm' where appropriate supporting infrastructure exists and the use does not create off-site impacts.	Provided for in the SPPs
PR 2.3	Provide flexibility for commercial and tourism uses provided that long-term agricultural potential is not lost and it does not further fetter surrounding agricultural land.	Provided for in the SPPs
PR 2.4	The introduction of sensitive uses not related to agricultural use, such as dwellings, are only to be allowed where it can be demonstrated the use will not fetter agricultural uses on neighbouring land.	Provided for in SPPs

PR 3	Support and protect regionally significant extractive industries.	See sub-clause below
PR 3.1	Existing regionally significant extractive industry sites are to be appropriately zoned, such as the Rural Zone, and are protected by appropriate attenuation areas in which the establishment of new sensitive uses, such as dwellings, is restricted.	A mapped Attenuation Area overlay for Bridgewater Quarry is included in the LPS. The Bridgewater Quarry SAP is also included and prohibits residential use.
PR 4	Support the aquaculture industry.	Not applicable
PR 4.1	Provide appropriately zoned land on the coast in strategic locations, and in accordance with The Coast Regional Policies, for shore based aquaculture facilities necessary to support marine farming.	Not applicable
PR 4.2	Identify key marine farming areas to assist in reducing potential land use conflicts from an increasingly industrialised industry.	Not applicable
PR 5	Support the forest industry.	
PR 5.1	Working forests, including State Forests and Private Timber Reserves (for commercial forestry), are to be appropriately zoned, such as the Rural Zone.	There is a private timber reserve at 720 Boyer Road which has been split zoned, with the Rural Zone applying to the reserve and also a quarry.
PR 5.2	Recognise the Forest Practices System as appropriate to evaluate the clearance and conversion of native	The Forest Practices System is triggered regardless of the content of the LPS. It is noted that the priority vegetation area overlay is used in the LPS and may

	vegetation for commercial forestry purposes.	duplicate parts of the Forest Practices System if it applies to that land.
PR 5.3	Control the establishment of new dwellings in proximity to State Forests, Private Timber Reserves or plantations so as to eliminate the potential for land use conflict.	A consideration for the SPPs
Industrial Activity		
IA 1	Identify, protect and manage the supply of well-sited industrial land that will meet regional need across the 5, 15 and 30 year horizons.	The LPS applies the General Industrial Zone (GIZ) over the Brighton Transport Hub and Industrial Estate much of which is vacant.
IA 1.1	Industrial land is to be relatively flat and enable easy access to major transport routes, and other physical infrastructure such as water, wastewater, electricity and telecommunications	The GIZ is applied to relatively flat land near the Midland Highway and East Derwent Highway. A small area of Light Industrial Zoned land is located on Brighton Road, Brighton and Cove Hill Rd, Bridgewater.
IA 1.2	Locate new industrial areas away from sensitive land uses such as residentially zoned land.	There are no new industrial areas in the LPS.
IA 1.3	Provide for a 30-year supply of industrial land, protecting such land from use and development that would preclude its future conversion to industrial land use - in accordance with the recommendations within the Southern Tasmania Industrial Land Strategy 2013.	A recent study by Essential Economics estimated that there is a 38 year supply of Industrial land in Brighton under the LPS zoning.
IA 1.4	Provide a 15-year supply of industrial land, zoned for industrial purposes within the planning scheme – in	See above

	accordance with the recommendations within the Southern Tasmania Industrial Land Strategy 2013.	
IA 1.5	Aim to provide a minimum 5-year supply of subdivided and fully serviced industrial land.	The majority of the land mentioned above is already subdivided.
IA 1.6	Take into account the impact on regional industrial land supply, using best available data, prior to rezoning existing industrial land to nonindustrial purposes.	There is no backzoning of industrial land in the draft LPS.
IA 2	Protect and manage existing strategically located export orientated industries.	A number of transport related industries are located within the industrial zones in the LPS.
IA 2.1	Identify significant industrial sites through zoning and avoid other industrial uses not related to its existing function from diminishing its strategic importance.	The GIZ is applied to the Boral Quarry in the LPS.
IA 3	Industrial development is to occur in a manner that minimises regional environmental impacts and protects environmental values.	The LPS is transitioning existing industrial zones that have already considered environmental impacts.
IA 3.1	Take into account environmental values and the potential environmental impacts of future industrial use and the ability to manage these in the identification of future industrial land.	Not relevant to the LPS
Activity Centres		
AC 1	Focus employment, retail and commercial uses, community services and opportunities for	Bridgewater is identified as a Major Activity Centre in the STRLUS.

	social interaction in well-planned, vibrant and accessible regional activity centres that are provided with a high level of amenity and with good transport links with residential areas.	Brighton is identified as a Rural Services Centre. Both of these use a mix of appropriate zoning in the LPS to achieve this policy.
AC 1.1	Implement the Activity Centre Network through the delivery of retail, commercial, business, administration, social and community and passenger transport facilities.	See above.
AC 1.2	Utilise the Central Business, General Business, Local Business Zones as the main zones to deliver the activity centre network through the planning scheme, providing for a range of land uses in each zone appropriate to the role and function of that centre in the network.	The General Business Zone is applied in both the Activity Centres identified above.
AC 1.3	Discourage out-of-centre development by only providing for in-centre development within the planning scheme.	The LPS provides appropriate in-centre zoning with no outliers.
AC 1.4	Promote a greater emphasis on the role of activity centres, particularly neighbourhood and local activity centres, in revitalising and strengthening the local community.	The LPS provides some LBZ in Old Beach and Gagebrook.
AC 1.5	Encourage high quality urban design and pedestrian amenity through the respective development standards.	The design standards in the SPP's are very limited. A key feature of quality urban design and residential amenity is landscaping. This is only provided for in the Commercial, Light Industrial and General Industrial Zone development standards.

AC 1.6	Encourage an appropriate mix of uses in activity centres to create multi-functional activity in those centres.	The zones applied to Brighton's activity centres encourage a mix of uses.
AC 1.7	Improve the integration of public transport with Activity Centre planning, particularly where it relates to higher order activity centres.	This is not an LPS consideration.
AC 1.8	Encourage new development and redevelopment in established urban areas to reinforce the strengths and individual character of the urban area in which the development occurs.	The SPP provides a uniform approach to development standards. The LPS includes Local Area Objectives to establish the character of the activity centres, but the way the TPS is structured, these only apply to discretionary uses.
AC 1.9	Require active street frontage layouts instead of parking lot dominant retailing, with the exception of Specialist Activity Centres if the defined character or purpose requires otherwise.	This is provided for in the SPPs
AC 1.10	Activity centres should encourage local employment, although in most cases this will consist of small scale businesses servicing the local or district areas.	The zones applied to activity centres in the LPS provide for the types of business that encourage local employment.
AC 1.11	Consolidate the Cambridge Park Specialist Activity Centre by restricting commercial land to all that land bound by Tasman Highway and Kennedy Drive, and provide for a wide range of allowable uses, including, but not limited to, service industry, campus-style office complexes and bulky goods retailing.	Not applicable

AC 1.12	Provide for 10 – 15 years growth of existing activity centres through appropriate zoning within the planning scheme.	There is a considerable amount of vacant land in the General Business Zone in the Bridgewater Activity Centre. The UMUZ is also applied to established single dwellings to allow for redevelopment within both the Bridgewater and Brighton activity centres.
AC 2	Reinforce the role and function of the Primary and Principal Activity Centres as providing for the key employment, shopping, entertainment, cultural and political needs for Southern Tasmania.	Not applicable – there are no Primary and Principal Activity Centres in Brighton.
AC 2.1	Encourage the consolidation of cultural, political and tourism activity within the Primary Activity Centre.	Not applicable
AC 2.2	Encourage high quality design for all new prominent buildings and public spaces in the Primary and Principal Activity Centres.	Not applicable
AC 2.3	Undertake master planning for the Primary and Principal Activity Centres taking into account this Strategy. These should examine issues of urban amenity, economic development, accessibility, urban design and pedestrian movement.	Not applicable
AC 2.4	Encourage structure and economic development planning for lower level Activity Centres by local planning authorities.	The zoning used in the Brighton and Bridgewater activity centres in the LPS has been informed by local structure plans.

AC 3	Evolve Activity Centres focussing on people and their amenity and giving the highest priority to creation of pedestrian orientated environments.	Partially achieved through various standards in the SPP.
AC 3.1	Actively encourage people to walk, cycle and use public transport to access Activity Centres.	No pedestrian priority street overlay is used in the LPS.
AC 3.2	Support high frequency public transport options into Principal and Primary Activity Centres.	Not applicable
AC 3.3	The minimum car parking requirements and associated 'discretion' in the planning scheme for use and development in the Principal and Primary Activity Centres are to encourage the use of alternative modes of transport other than private cars.	Not applicable
AC 3.4	Provide for coordinated and consistent car parking approaches across the Principal and Primary Activity Centres that support improved use of public transport and alternative modes of transports, pedestrian amenity and urban environment.	Not applicable
AC 3.5	Allow flexibility in providing on-site car parking in the lower order Activity Centres subject to consideration of surrounding residential amenity.	<p>Provided for in SPPs through discretionary pathway or through parking precinct plans in the LPS.</p> <p>No parking precinct plan overlay has been used in the LPS</p>

Settlement and Residential Development		
SRD 1	Provide a sustainable and compact network of settlements with Greater Hobart at its core, that is capable of meeting projected demand.	See sub-clauses below.
SRD 1.1	Implement the Regional Settlement Strategy and associated growth management strategies through the planning scheme.	All urban zones in the LPS are applied within the Urban Growth Boundary, including the Greenfield Development Precincts in Old Beach and Bridgewater which are zoned Future Urban.
SRD 1.2	<p>Manage residential growth in District Centres, District Towns and Townships through a hierarchy of planning processes as follows:</p> <ol style="list-style-type: none"> 1. Strategy (regional function & growth scenario); 2. Settlement Structure Plans (including identification of settlement boundaries); 3. Subdivision Permit; 4. Use and Development Permit. 	<p>The LPS zoning and standards in the SPP follow this planning process.</p> <p>No land in the Environmental Living Zone in the BIPS 2015 is suitable for the Rural Living Zone in the LPS.</p>
SRD 1.3	<p>Support the consolidation of existing settlements by restricting the application of the Rural Living Zone:</p> <ol style="list-style-type: none"> 1. to existing rural living communities; or 2. for the purposes of preparing a Local Provision Schedule, to land within an existing Environmental Living Zone in an interim planning scheme if consistent with the 	No expansion of the Rural Living Zone is proposed in the LPS.

	<p>purpose of the Rural Living Zone.</p> <p>Land not currently zoned for rural living or environmental living communities may only be zoned for such use where one or more of the following applies:</p> <p>a Recognition of existing rural living communities, regardless of current zoning. Where not currently explicitly zoned for such use, existing communities may be rezoned to Rural Living provided:</p> <ul style="list-style-type: none"> i. the area of the community is either substantial in size or adjoins a settlement and will not be required for any other settlement purpose; and ii. only limited subdivision potential is created by rezoning. <p>b. Replacing land currently zoned for rural living purposes but undeveloped and better suited for alternative purposes (such as intensive agriculture with other land better suited for rural living purposes, in accordance with the following:</p> <ul style="list-style-type: none"> (i) the total area rezoned for rural living use does not exceed that which is back-zoned to other use; (ii) the land rezoned to rural living use is adjacent to an existing rural living community; 	
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	<p>(iii) the land rezoned to rural living use is not designated as Significant Agriculture Land on Map 5 of this Strategy;</p> <p>(iv) the land rezoned to rural living use is not adjacent to the Urban Growth Boundary for Greater Hobart or identified for future urban growth; and</p> <p>(v) the management of risks and values on the land rezoned to rural living use is consistent with the policies in this Strategy.</p> <p>c. Rezoning areas that provide for the infill or consolidation of existing rural living communities, in accordance with the following:</p> <p>(i) the land must predominantly share common boundaries with:</p> <ul style="list-style-type: none"> • existing Rural Living zoned land; or • rural living communities which comply with SRD 1.3(a); <p>(ii) the amount of land rezoned to rural living must not constitute a significant increase in the immediate locality;</p> <p>(iii) development and use of the land for rural living purposes will not increase the potential for land use conflict with other uses;</p> <p>(iv) such areas are able to be integrated with the adjacent existing rural living area by</p>	
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	<p>connections for pedestrian and vehicular movement. If any new roads are possible, a structure plan will be required to show how the new area will integrate with the established Rural Living zoned area;</p> <p>(v) the land rezoned to rural living use is not designated as Significant Agricultural Land on Map 5 of this Strategy;</p> <p>(vi) the land rezoned to rural living use is not adjacent to the Urban Growth Boundary for Greater Hobart or identified for future urban growth; and</p> <p>(vii) the management of risks and values on the land rezoned to rural living use is consistent with the policies in this Strategy.</p>	
SRD 1.4	<p>Allow for increased densities in existing rural living areas to an average of 1 dwelling per hectare, where site conditions allow.</p>	<p>The LPS only uses Rural Living Zone A & B. Where Zone B is used there are site constraints that require this density.</p> <p>The LPS includes the Urban-Rural Interface SAP over Rural Living Zone A areas that adjoin urban settlements and provides for lots down to a minimum of 5,000m². This will achieve increased densities across the Rural Living Zone and lead to greater land use efficiencies. See section 5.3.2 for further discussion.</p>
SRD 1.5	<p>Encourage land zoned General Residential to be developed at a minimum of 15 dwellings per hectare (net density).</p>	<p>Provided for in SPPs</p>
SRD 2	<p>Manage residential growth for Greater Hobart on a whole of settlement basis and in a manner that balances the needs for greater</p>	<p>See sub-clauses below.</p>

	sustainability, housing choice and affordability.	
SRD 2.1	Residential growth for Greater Hobart is to occur through 50% infill development and 50% greenfield development.	The LPS provides appropriate zoning for infill development and some greenfield development (e.g. Brighton Army Camp). A Specific Area Plan for the Old Beach Greenfield Development Area is currently before the TPC.
SRD 2.2	Manage greenfield growth through an Urban Growth Boundary, which sets a 20 year supply limit with associated growth limits on dormitory suburbs.	See comments above
SRD 2.3	<p>SRD 2.3 Provide greenfield land for residential purposes across the following Greenfield Development Precincts:</p> <ul style="list-style-type: none"> • Bridgewater North • Brighton South • Droughty Point Corridor • Gagebrook/Old Beach • Granton (Upper Hilton Road up to and including Black Snake Village) • Midway Point North • Risdon Vale to Geilston Bay • Sorell Township East • Spring Farm/Huntingfield South 	<p>See SRD 1.1.</p> <p>The Brighton South site is already zoned GRZ in the LPS. Further investigations are being undertaken in the Brighton South area.</p>
SRD 2.4	Recognise that the Urban Growth Boundary includes	Not a consideration in the LPS. Other zonings will be determined through

	vacant land suitable for land release as greenfield development through residential rezoning as well as land suitable for other urban purposes including commercial, industrial, public parks, sporting and recreational facilities, hospitals, schools, major infrastructure, etc.	further investigations of the greenfield areas.
SRD 2.5	<p>Implement a Residential Land Release Program that follows a land release hierarchy planning processes as follows:</p> <ol style="list-style-type: none"> 1. Strategy (greenfield targets within urban growth boundary); 2. Conceptual Sequencing Plan; 3. Precinct Structure Plans (for each Greenfield Development Precinct); 4. Subdivision Permit; and 5. Use and Development Permit. 	The draft LPS doesn't include any strategic rezonings that need to follow this process. Rather they will go through the normal rezoning planning process.
SRD 2.6	Increase densities to an average of at least 25 dwellings per hectare (net density) within a distance of 400 to 800 metres of Integrated transit corridors and Principal and Primary Activity Centres, subject to heritage constraints.	There are no Principal and Primary Activity Centres in the municipality. However, the Inner Residential Zone is expanded in the LPS to increase densities around the Bridgewater Activity Centre. See section 3.2.2
SRD 2.7	Distribute residential infill growth across the existing urban areas for the 25 year planning period as follows:	Residential zones are generally transitioned in the LPS other than those shown in section 3.2.1 and 3.2.2 of this report which will contribute to Brighton's infill target.

	<p>Glenorchy LGA 40% (5300 dwellings)</p> <p>Hobart LGA 25% (3312 dwellings)</p> <p>Clarence LGA 15% (1987 dwelling)</p> <p>Brighton LGA 15% (1987 dwellings)</p> <p>Kingborough LGA 5% (662 dwellings)</p>	
SRD 2.8	Aim for the residential zones in the planning scheme to encompass a 10 to 15 year supply of greenfield residential land when calculated on a whole of settlement basis for Greater Hobart.	The Future Urban zones used in the LPS provide for greenfield residential land supply.
SRD 2.9	Encourage a greater mix of residential dwelling types across the area with a particular focus on dwelling types that will provide for demographic change including an ageing population.	<p>A matter for the SPPs.</p> <p>It is noted that the residential use class provides for a range of residential uses such as residential aged care, but does nothing to promote different types of residential housing, such as terrace housing (known as the “missing middle”) and varying number of bedrooms.</p>
SRD 2.10	Investigate the redevelopment to higher densities potential of rural residential areas close to the main urban extent of Greater Hobart.	Not a matter for the LPS.
SRD 2.11	Increase the supply of affordable housing.	A matter for the SPPs, but affordable housing is not explicitly mentioned.

2.6. Council’s Strategic Plan – s32(s)(f)

The LPS is generally consistent with the Brighton Strategic Plan 2015-2025 as outlined below.

Our Key Issues Are:

- *Cost of living pressures in the community;*

The LPS does not directly address cost of living, but zones are applied for the most efficient use of infrastructure.

- *Possible forced amalgamation of council;*

Not applicable.

- *Lack of public transport;*

The LPS cannot directly provide for more frequent public transport, however zones for commercial use and higher density residential around transport nodes have been provided to make more frequent public transport use viable.

- *Provision of needed infrastructure;*

Important infrastructure is zoned Utilities, including land required for the new Bridgewater Bridge. Other important infrastructure is provided for through subdivision requirements in the SPP's.

- *Adapting to climate change;*

The LPS includes bushfire-prone areas, coastal inundation and erosion areas and flood prone areas.

- *Improving sustainable practices in the area;*

Sustainability is discussed further in section 2.3, but the LPS provides for sustainable land use and protection of the natural environment where possible. It does not provide for sustainability of buildings (e.g. energy efficiency).

- *The financial sustainability of the council; and*

The planning scheme can only provide for this through development contributions and infrastructure provision. The absence of a head of power for public open space contributions in the SPPs is concerning.

- *The future impact of land use and population growth in the municipal area*

The LPS zones have largely been transitioned from BIPS 2015. The zoning across the municipality is a product of strategic planning documents such as the Brighton Structure Plan 2012, Brighton Local Area Plan 2012 and Open Space Strategy that aim to manage land use and population growth.

Our Preferred Future Will Have:

- *A sustainable natural and built environment;*

The LPS provides appropriate zones in urban centres and rural and natural areas to achieve this strategy.

- *Vibrant, healthy and engaged communities;*

The lack of urban design standards and connectivity in subdivision standards in the SPPs will not deliver this outcome through the planning schemes.

- *Our infrastructure maintained at an appropriate level;*

Not a planning scheme consideration.

- *Employment and training opportunities in the region;*

The LPS provides for a range of zones to facilitate employment and education opportunities.

- *Prosperous industrial and business sectors;*

The LPS provides for industrial and business centres.

- *Improved education opportunities;*

The LPS can has limited influence on this outcome, however existing schools are zoned appropriately.

- *A better image as a place where people want to live;*

The SPPs do little to encourage quality urban design and there is little scope for the LPS to override standards.

- *An appropriate, accessible and affordable transport system; and*

This is beyond Council's jurisdiction, but as noted above appropriate land use patterns are encouraged to improve the viability of public transport.

- *Practical and effective land use strategies.*

As noted above the basis for the LPS zoning are Council's strategic land use documents. The Urban-Rural Interface SAP provides for greater land use efficiencies closer to urban settlements.

Our Key Focus Areas for the next ten years are:

- *Provide sustainable and responsible financial management of council resources;*

Not applicable.

- *Manage and influence population growth with appropriate land use planning;*

As noted above the basis for the LPS zoning are Council's strategic land use documents.

- *Promote sustainable practices throughout council, local businesses and the community;*

The SPPs do little to promote sustainable practices and there is little scope for the SPP's to do so. Practically this could be achieved by providing additional energy efficiency standards for certain uses (e.g. multiple dwellings), however the structure of the TPS requires everything to be applied spatially.

- *Promoting Brighton as a great place to be;*

Not applicable.

- *Facilitate provision of better transport systems;*

Partly managed through subdivision standards and Parking and Sustainable Transport Code of the SPPs.

- *Maintain and improve our physical infrastructure;*

Partly managed through subdivision standards of the SPPs. It's noted that there is no head of power for public open space contributions in the SPPs which is critical for Council to maintain and improve its open space network.

- *Promoting industrial, business and employment growth.*

The LPS zones land appropriately, including significant vacant commercial and industrial land to cater for industrial, business and employment growth.

2.7. Adjacent Municipal Areas – s.34(2)(g)

Section 34(2)(g) of the LPS Criteria requires that the planning scheme “*as far as practicable, is consistent with and co-ordinated with and LPS's that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates*”.

The adjacent municipal areas to Brighton are Southern Midlands, Derwent Valley and Clarence (See Figure 1). Glenorchy is located on the opposite side of the Derwent River and do not share a municipal boundary with Brighton.



Figure 1 - Adjacent municipal areas

At the time of writing none of the adjoining Council's had submitted their draft LPS, however Clarence has endorsed their draft LPS for submission. The major discrepancy between the two municipal areas is the zoning of the Meehan Ranges Nature Recreation Area managed by Parks and Wildlife. Brighton has zoned this area Environmental Management, whereas Clarence has zoned it Recreation. Brighton maintains that the Guidelines promote the Environmental Management Zone over this area.

Brighton will work with Southern Midlands and Derwent Valley to co-ordinate the LPS mapping before they submit their LPS.

2.8. Gas Pipelines Act 2000

The LPS is to have regard to the safety requirements set out in the standards prescribed under the *Gas Pipelines Act 2000*. The Act and regulations provide for safety requirements, however these do not have any direct relationship to a planning scheme. More relevantly the Act includes a declared statutory notification corridor for use and development within proximity to the pipeline to ensure its safety and protection. Sections 70C and 70D of the Act require the planning authority to give notice to the pipeline licensee for development within the corridor. The licensee may provide advice to the planning authority as to safety conditions that are to be included on any permit issued. A planning authority cannot include on a permit condition that conflicts with any condition contained in the safety and operating plan for the affected pipeline.

The pipeline traverses the municipality from north to south, with the Hobart offtake facility located in the Brighton Industrial Hub (See Figure 2). The statutory pipeline corridor is not shown on theLIST but is on Council's GIS mapping system.

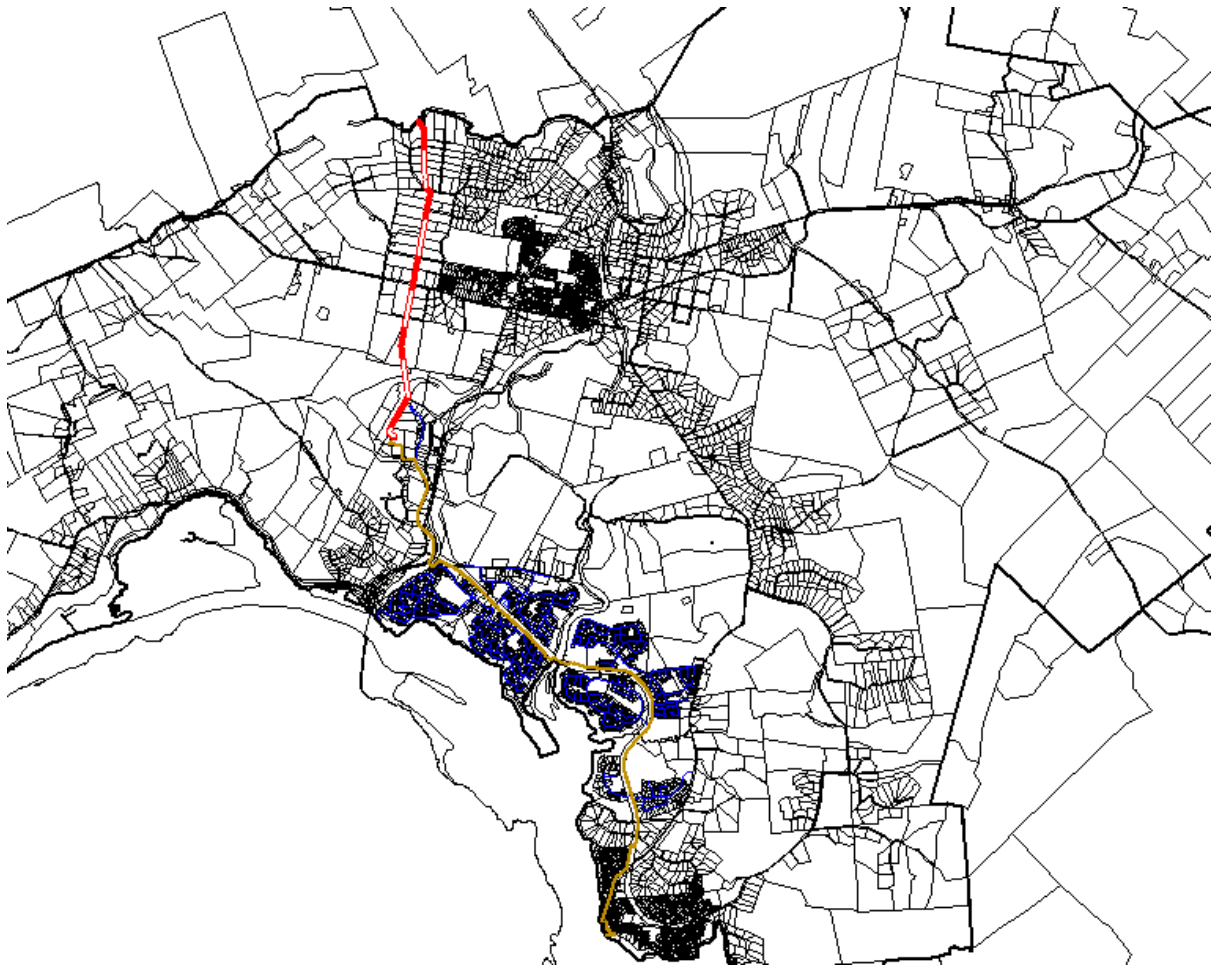


Figure 2 - TasGas pipeline corridor

3. ZONE MAPS

The revised Guidelines was issued by the TPC in October 2017, with approval of the Minister, in accordance with section 8A of LUPAA. The purpose of the Guideline is to provide an easy reference guide for the application of all zones and codes for the preparation of draft LPS in accordance with LPI.0 of the SPP which sets out the LPS requirements.

Section LPI.2 requires each LPS to contain a map that provides for spatial application of the zones to land in the municipal area. The zone map contained with each LPS must differentiate between Rural Living Zone A, B, C & D and any PPZs.

The Guideline is also to be read in conjunction with the transitional provisions under Schedule 6 of LUPAA.

Guideline No.1 directs that the “primary objective in applying a zone should be to achieve the zone purpose to the greatest extent possible”. This is consistent with the Schedule 1 Objectives of the LUPAA, however must also be read in conjunction with the allowance for overriding local provisions to be included in a LPS and the requirement to demonstrate that it promotes sustainable use and development. The Guidelines contain ‘should’ statements for the zoning of land and in doing so, recognises that that there will be circumstances whereby sustainable outcomes are not achieved without variation in zone type, or the inclusion of overriding local provisions.

3.1. BIPS 2015 – SPP’s Zone Conversion

For the most part, the Brighton LPS carries through existing Interim Planning Scheme zoning, as these correlated with the Zone Application Guidelines. The associated changes in zone standards are generally minor and it is considered that the strategic intent underpinned by the STRLUS and local strategies was not compromised by the SPP’s. A comparative analysis of zone content that informed initial LPS preparation is shown at Appendix I of this report

The process of LPS development has determined that despite the zone purpose and/or uses of the SPP’s being the ‘best fit’ to achieve the primary objective, some associated standards of the zone did not result in sustainable outcomes and disadvantaged landowners, in direct conflict with the requirements of Section 34. This has resulted in the LPS including SAP’s and SSQ’s which are discussed in section 5 below.

3.2. PROPOSED ZONE CONVERSION/INTRODUCED CHANGES

While the application of the SPP’s in Brighton through the Draft LPS have resulted in the need for some local overriding provisions discussed in detail in Section 5.0 of this report, some zoning changes are proposed resulted from:

- the statements/requirements specified in the Guidelines;
- input from utilities providers (E.g. TasWater, State road authority, TasRail, etc.)
- the inability to apply the Natural Asset Code in the Agriculture Zone;
- the introduction of the Landscape Conservation Zone;
- the State’s mapping of ‘Land Potentially Suitable for Agriculture Zone; and

- Correction of local anomalies.

The sections below discuss these changes in more detail.

3.2.1. Minor expansion of the General Residential Zone

36 Killarney Road, Bridgewater



Figure 3 - 36 Killarney Road, Bridgewater (Source: LISTMap)

Background

The property at 36 Killarney Road, Bridgewater is a 5593m² lot developed by a single dwelling with access via private ROW from Killarney Road. The land is in private ownership. The land has access to reticulated sewer and water. The land is currently zoned Open Space under BIPS 2015 and is surrounded by Crown Land on all boundaries, except where it adjoins the General Residential Zone to the north.

Zone Application Guidelines

Current Zone - Open Space Zone

The land fails to meet the Zone Application Guidelines for the Open Space Zone, particularly regarding OSZ 1 as it has no passive recreational opportunities for the public and the natural or landscape amenity for the area is minimal given the large amounts of surrounding Crown Land. The land is privately owned and has no strategic open space purpose and therefore does not satisfy OSZ 3.

Proposed Zone – General Residential Zone

Applying the General Residential Zone is the most logical alternative, given the land adjoins this zone and it is already developed by a residential use.

The land satisfies GRZ 1 as it is connected to reticulated water and sewerage.

The land satisfies GRZ 2 as it falls within the urban growth boundary provided by STRLUS. Furthermore, the Brighton Structure Plan (BSP) identifies 1982 additional dwelling will be required by 2032 and identifies there are significant opportunities for infill development in Bridgewater, including the potential use of existing public open space (section 8.2.1).

The land is consistent with GRZ 3 as it is not constrained by hazards, nor does it contain natural values or other impediments.

3.2.2. Minor expansion of the Inner Residential Zone

Expanding the Inner Residential Zone around the Bridgewater Major Activity Centre

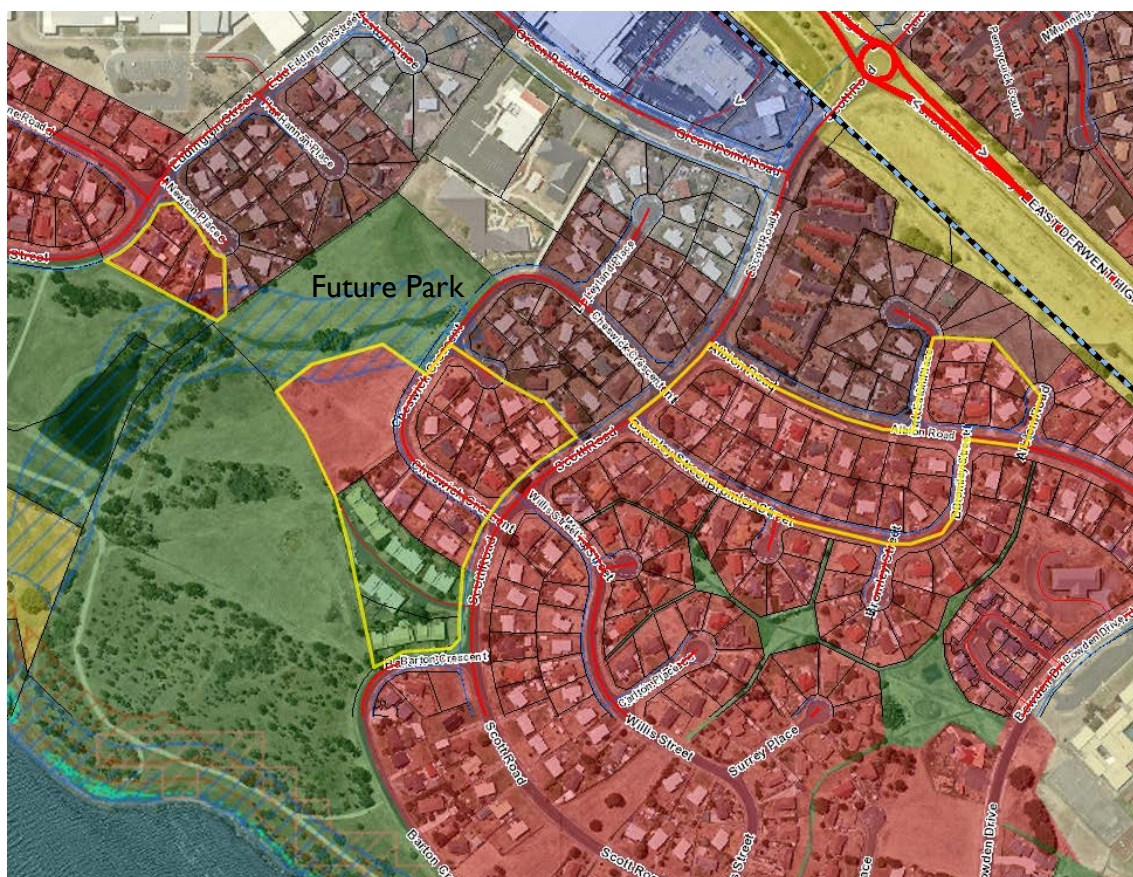


Figure 4 - The Inner Residential Zone is expanded to the areas within the yellow outline (Source: LISTMap)

Background

Council propose to extend the Inner Residential Zone to 51 properties (identified within yellow outline in Figure 4) within Bridgewater. The land is currently zoned General Residential under BIPS 2015, except for 27 Scott Road which is currently zoned Open Space Zone but is developed by 17 units. All land has access to reticulated water and sewerage and all the land extends from the existing Inner Residential Zone.

Bridgewater (Green Point) has been designated as a Major Activity Centre in the STRLUS. The Bridgewater Activity Centre has been further strengthened by a new \$1 million Civic Park (identified a “Future Park” in Figure 4 and design shown in Figure 5).. The new Parkland, complemented by higher density development on its fringe, will improve the amenity of the area and actively encourage people to walk and cycle to access the Activity Centre, which is consistent with AC3.1 of STRLUS.

Council has also been working with Centacare Evolve Housing (CEH), who has been transferred much of Housing Tasmania’s portfolio in the municipality, to deliver their Bridgewater Gagebrook Master Plan which provides a strategy for delivering a better future for the residents of Bridgewater-Gagebrook. The Master Plan aims to deliver high quality affordable housing suitable for a private/public tenant mix using a higher density housing model and to improve the physical and social environment for residents. Council has agreed, in-principle, to transfer the vacant area of land currently zoned General Residential to CEH for

development by higher density development which would be better suited to the Inner Residential Zone. A concept design of the proposed development of this lot is shown in Figure 5.



Figure 5 - Concept Plan of Bridgewater Parkland and medium density residential development.

All the land proposed to be extended to the Inner Residential Zone is within proximity to the Bridgewater Major Activity Centre. Figure 6 shows a 400m radius from the centre of Green Point Road, which is arguably the centre of the Activity Centre. The area is also well serviced by public transport as can be seen by the number of metro bus stops depicted.

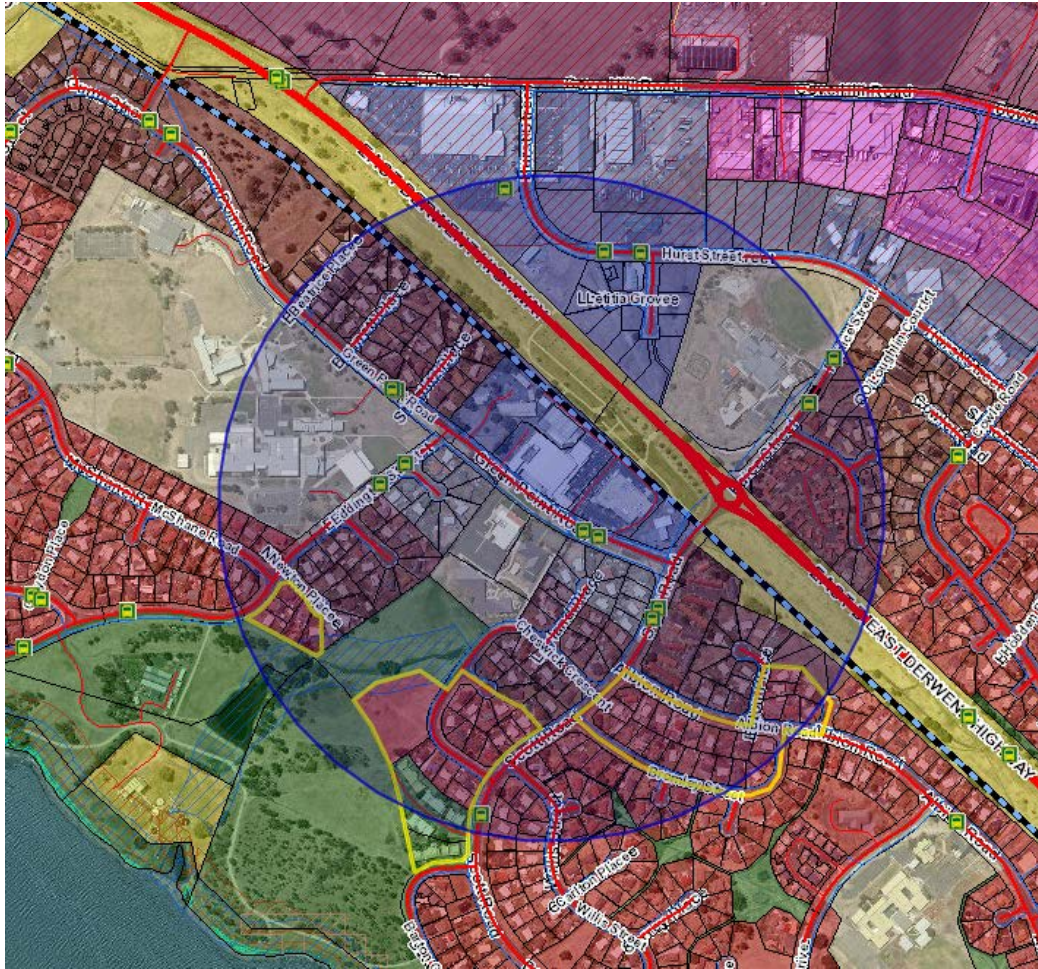


Figure 6 - 400m radius from Green Point Activity Centre and metro stops

The extension of the Inner Residential Zone is consistent with the following STRLUS policies:

Recreation and Open Space:

ROS 1.5 Ensure residential areas, open spaces and other community destinations are well connected with a network of high quality walking and cycling routes.

Social Infrastructure

SI 1.3 Provide social infrastructure that is well located and accessible in relation to residential development, public transport services, employment and education opportunities.

SI 2 Provide for the broad distribution and variety of social housing in areas with good public transport accessibility or in proximity to employment, education and other community services.

SI 2.1 Provide flexibility in planning schemes for a variety of housing types (including alternative housing models) in residential areas.

Physical Infrastructure

PI 1.1. Preference growth that utilises under-capacity of existing infrastructure through the regional settlement strategy and Urban Growth Boundary for metropolitan area of Greater Hobart.

PI 2.1 Use the provision of infrastructure to support desired regional growth, cohesive urban and rural communities, more compact and sustainable urban form and economic development.

Land Use and Transport Integration

LUTI 1.1 Give preference to urban expansion that is in physical proximity to existing transport corridors and the higher order Activity Centres rather than Urban Satellites or dormitory suburbs.

LUTI 1.2 Allow higher density residential and mixed use developments within 400, and possibly up to 800 metres (subject topographic and heritage constraints) of integrated transit corridors.

LUTI 1.1.1 Encourage walking and cycling as alternative modes of transport through the provision of suitable infrastructure and developing safe, attractive and convenient walking and cycling environments.

Activity Centres

AC 3.1 Actively encourage people to walk, cycle and use public transport to access Activity Centres.

Settlement and Residential Development

SRD 1 Provide a sustainable and compact network of settlements with Greater Hobart at its core, that is capable of meeting projected demand.

SRD 1.5 Ensure land zoned residential is developed at a minimum of 15 dwellings per hectare (net density).

SRD 2 Manage residential growth for Greater Hobart on a whole of settlement basis and in a manner that balances the needs for greater sustainability, housing choice and affordability.

SRD 2.6 Increase densities to an average of at least 25 dwellings per hectare (net density)(i) within a distance of 400 to 800 metres of Integrated transit corridors and Principal and Primary Activity Centres, subject to heritage constraints.

SRD 2.9 Encourage a greater mix of residential dwelling types across the area with a particular focus on dwelling types that will provide for demographic change including an ageing population.

SRD 2.11 Increase the supply of affordable housing.

Zone Application Guidelines

Inner Residential Zone

IRZ 1 The Inner Residential Zone should be applied to urban residential areas that are connected to a reticulated water supply service, reticulated sewerage system, and a public stormwater system, and have been identified for higher density development where any of the following conditions exist:

- (a) characterised by higher dwelling density with greater presence of non-housing activity;*
- (b) proximity to activity centres with a range of services and facilities; or*
- (c) located along high frequency public transport corridors.*

The land is connected to a reticulated water supply service, reticulated sewerage and a public stormwater system, or has the ability to be.

As explained above the land is in close proximity to the Bridgewater Major Activity Centre, which includes a high frequency transport corridor.

IRZ 2 The Inner 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 Inner Residential Zone in an interim planning scheme; or*
- (b) within an equivalent zone under a section 29 planning scheme.*

The land is currently zoned GRZ and OSZ and therefore does not meet this application guideline.

IRZ 3 The Inner Residential Zone should not be applied to land that is highly constrained by hazards, natural or cultural values or other impediments that will limit developing the land to higher densities.

The land is not highly constrained by hazards, natural or cultural values or other impediments that limit developing the land to higher densities.

3.2.3. Additional Open Space Zone Lot

'Dollery Park' – 25 Dollery Court, Brighton



Figure 7 - Dollery Park

Background

Dollery Park is a 2973m² lot owned by Council and developed as a neighbourhood park. The lot is designated as “Set apart for public recreation space” on the property title. The land is currently zoned General Residential.

In 2016, Council consulted with the community about partially subdividing the park for residential lots and for the proceeds from the sale of the lots to be used in providing playground equipment in a smaller park and also improving the recreational area in the “Army Camp” to the north.

There was strong objection from the local community and the overwhelming response was that Dollery Park should be retained as a public recreation space. Rezoning the land to Open Space will provide greater certainty for the community that the land won’t be developed for residential or other unsuitable uses.

Zone Application Guidelines

Dollery Park clearly meets the Zone Application Guidelines for Open Space as follows:

OSZ 1 The Open Space Zone should be applied to land that provides, or is intended to provide, for the open space needs of the community, including land identified for:

- (a) passive recreational opportunities; or*
- (b) natural or landscape amenity within an urban setting.*

The land is an existing park and provides for passive recreation opportunities and is designated for “public recreation space” on the property title.

OSZ 2 The Open Space Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, passive recreation opportunities.

Not relevant.

OSZ 3 The Open Space Zone should generally only be applied to public land, but may be applied to privately owned land if it has been strategically identified for open space purposes.

The land is owned by Brighton Council.

OSZ 4 The Open Space Zone should not be applied to land:

- (a) with significant natural values (see Environmental Management Zone); or*
- (b) with, or intended for, formal recreational facilities, such as sporting grounds, golf courses, racecourses or major sporting facilities (see Recreation Zone).*

There are no significant natural values on the land and it is not intended, nor is it suitable, for formal recreational facilities.

3.2.4. Additional Utilities Zone Lots

The spatial application of the Utilities Zone will be a like for like transition from the Interim Planning Scheme, except as proposed below:

Water Infrastructure - 510 Back Tea Tree Road, Tea Tree



Figure 8 - TasWater storage dam at 510 Back Tea Tree Road

Background

510 Back Tea Tree Road contains a TasWater water storage dam and is owned by TasWater. The land is currently zoned Rural Resource.

Council sought TasWater's input into the development of the LPS. TasWater's position is that the Utilities zone should be applied to all land parcels currently containing waste water treatment plants and water storage facilities. The above parcel was identified as a water storage area that was not currently zoned Utilities.

Zone Application Guidelines

The Utilities Zone application Guidelines relevant to TasWater infrastructure are UZ1 & UZ4 as below:

UZ 1 The Utilities Zone should be applied to land that is used, or intended to be used, for major utilities infrastructure, including:

(a) category 1, 2, 3, 4 and 5 roads as defined in the Tasmanian State Road Hierarchy published by the Tasmanian Department of State Growth;

(b) any listed major local roads;

(c) future road corridors for major local and all State roads;

(d) energy production facilities, such as power stations, and major electricity substation facilities;

(e) waste water treatment plants; or

(f) rail corridors.

Not applicable

UZ 4 The Utilities Zone may be applied to land for water storage facilities for the purposes of water supply directly associated with major utilities infrastructure, such as dams or reservoirs.

The land is clearly land for a TasWater water storage dam.

New Bridgewater Bridge

DSG were consulted regarding application of the Utilities Zone over their infrastructure. DSG noted that the application of the Utilities Zone under the current Interim Planning Scheme is fairly satisfactory, however there are six parcels along Old Main Road, Bridgewater which were acquired by DSG in 2009 for the purposes of Bridgewater Bridge replacement and associated realignment of the road. The parcels are listed in the below table and shown in Figure 9.

Owner	Address	Certificate of Title No.
State Growth	28 Old Main Road, Bridgewater	112998/1
State Growth	32 Old Main Road, Bridgewater	112998/7
State Growth	34 Old Main Road, Bridgewater	205364/1
State Growth	36 Old Main Road, Bridgewater	219070/1
State Growth	40 Old Main Road, Bridgewater	149144/1
State Growth	Road lot	166067/1

(f) rail corridors.

The Midland Highway is a Category 1 road in the Tasmanian State Road Hierarchy. The land acquired by DSG is intended to be used for this purpose and therefore satisfies UZ 1.

UZ 2 - The application of the Utilities Zone to category 1, 2, 3, 4 or 5 roads as defined in the Tasmanian State Road Hierarchy should be based on the 'State Road Casement' layer published on the LIST.

The 'State Road Casement' on the list is yet to be developed by DSG and cannot be applied. Whilst this land falls outside the existing Midland Highway road casement, the Utilities Zone is more appropriate than applying the Future Major Road overlay given that it has already been acquired by DSG and will not be developed privately.

3.2.5. Use of the Landscape Conservation Zone

There has been a long-standing policy, implemented through various planning schemes since the early 2000's, that the scenic values of vegetated hills and prominent ridgelines in certain areas were prioritised and development managed to minimise the visual impact on the landscape.

These areas include:

- the Dromedary Hills in the west of the municipality;
- east from Jews Hill along the Meehan Range to Gunners Quoin and Madmans Hill through the central east; and
- Brains Hill in the north-east;

Under the Interim Scheme, the Environmental Living Zone (ELZ) is used to provide for the management and protection of the natural and landscape values of these areas.

When the Interim Planning Scheme was being drafted, the Environmental Living Zone was the best translation for the land that was within the Landscape & Skyline Conservation Zone in the *Brighton Planning Scheme 2000* (BPS 2000).

An additional area to the east of Cassidys Bay in Old Beach was zoned ELZ as opposed to Rural Living in the transition to the BIPS 2015. This change occurred because it was identified that there were significant landscape values in this area, particularly as a gateway to the municipality.

The ELZ has not been carried over to the SPPs, however the most logical translation of this zone is the LCZ.

A key difference between the current ELZ and the LCZ is that a single residential dwelling will go from a permitted use class to a discretionary use class. However, the Permitted status for residential use has only been available since the inception of the Interim Scheme in 2015, whereas prior to this it was discretionary under the Landscape & Skyline Conservation Zone in the BPS 2000. The use of the ELZ in the interim schemes was not solely to provide for permitted residential use in these area, but in the absence of a zone that prioritised native vegetation and landscape values, the ELZ was the best fit. The use of the LCZ is effectively a return to the zoning under the BPS 2000.

Other than this change in use class, the majority of the uses and development/subdivision standards are largely similar with the same overall intent of minimising loss of natural and landscape values (see zone comparison in Appendix I).

The LCZ has been applied to all land is currently zoned ELZ in BPS 2015, other than 720 Boyer Rd (see below for more info) and some additional land that has been extended slightly along Cobbs Hill Road.

Zone Application Guidelines

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.

As noted above, there is a long-standing policy of protecting the landscape values across four areas in the municipality which are currently covered by the ELZ (discussed further in section 3.2.6).

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.*

The four areas are all covered in bushland that is unprotected and constrained in parts by threatened vegetation communities and threatened species as can be seen from the mapping of the priority vegetation area overlay.

The land is currently within the ELZ and the primary intention is, and has been for decades, 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.

The LCZ is proposed to be applied to a number of clusters of titles that are less than the allowable minimum lot size, particularly to the east of Cassidys Bay in Old Beach, and along Church and Milvale Road, Dromedary.

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 land where the LCZ is applied does not prioritise residential use over landscape protection, although residential use is established in areas, such as those clusters identified above.

720 Boyer Road

Under BIPS 2015, 720 Boyer Rd currently has three zones – RLZ, RRZ & ELZ (see Figure 10).

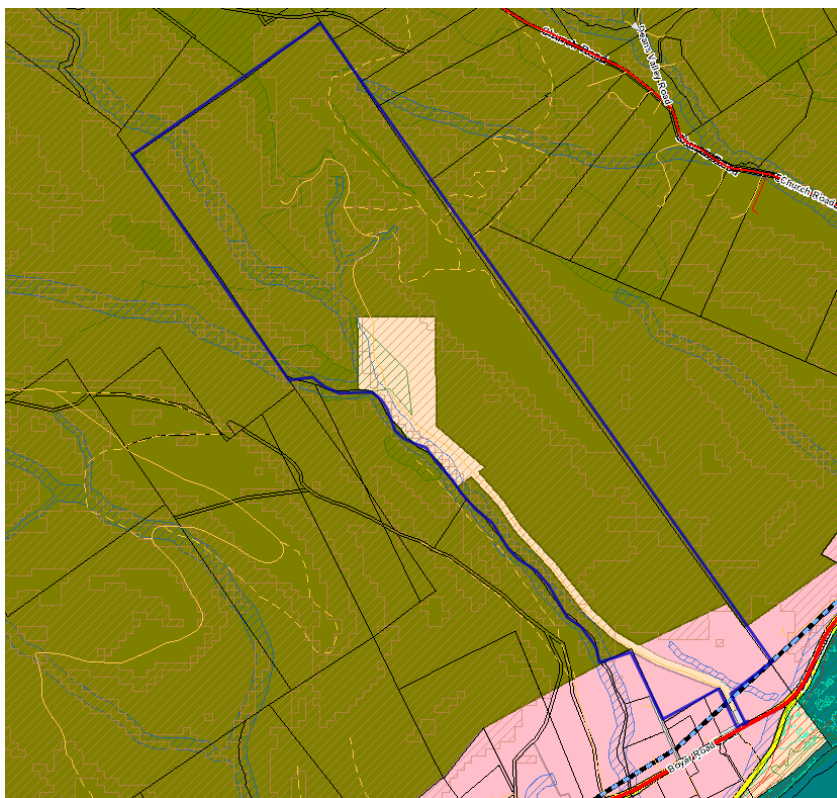


Figure 10: Zoning of 720 Boyer Rd in BIPS 2015 (Source: ListMap)

The upper portion of the land contains a quarry and is also a private timber reserve. Resource Development (plantation forestry) is a prohibited use in the LCZ and it is clear under the LCZ Guidelines that LCZ1 and LCZ 2 are not appropriate for this site.

It is proposed to zone the area of land covered by the private timber reserve and the quarry (including access road) RZ and the lower portion to remain RLZ.

Zoning the property RZ is consistent with the RZ Guidelines below:

RZ 1 The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.

As noted above, the land is not suitable for the LCZ or EMZ.

RZ 2 The Rural Zone should only be applied after considering whether the land is suitable for the Agriculture Zone in accordance with the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST.

The land was excluded from the study area for the 'Land Potentially Suitable for Agriculture Layer'. However, the "Decision Tree and Guidelines for Mapping the Agriculture and Rural Zones" provided in Appendix 3 identify that land "...under private timber reserves and unlikely to be converted to pasture" should be zoned RZ.

3.2.6. State-wide Agricultural Land Mapping Project

Background

The LPS is required to zone rural land into the Rural Zone and the Agricultural Zone. The majority of this land is currently under the Rural Resource Zone (RRZ) and the Significant Agriculture Zone (SAZ) in BIPS 2015.

These zones were created to recalibrate the RRZ and the SAZ which were inconsistently used and applied in interim schemes across the State.

The State Government commissioned a State-wide Agricultural Land Mapping Project (the Project) with the primary aim of identifying Tasmania's existing and potential agricultural land, and to provide guidance to local planning authorities on the spatial application of the Agriculture Zone within their municipal area.

The Project identified that the SAZ and RRZ were not fit for purpose. The SAZ was too narrow in its scope in that it was limited to "land for higher productivity value agriculture dependent on soils as a growth medium".

The RRZ then had to capture all other agricultural land that was not deemed as having 'higher productivity value'.

The new AZ is intended to provide a much broader scope for the identification and protection of agricultural land in Tasmania, with priority given to agricultural uses.

The RZ provides for the remaining rural land where there is limited or no potential for agriculture. The Rural Zone provides for all agricultural uses to occur in conjunction with a range of rural businesses and industries.

It should be noted that the Project excluded certain land uses such as forestry in their analysis, which was better suited to the RZ as a strategically important naturally occurring resource.

The Mapping

The Project produced two mapping layers that were made available on the LIST website, which included:

1. Potential Agricultural Land Initial Analysis (Layer 1)
2. Land Potentially Suitable For Agriculture (Layer 2)

Layer 2 included a constraints analysis and shows land that is:

- Unconstrained agricultural land
- Potentially Constrained agricultural land (Criteria 2A)
- Potentially Constrained agricultural land (Criteria 2B)
- Potentially Constrained (Criteria 3)

The constraints analysis is based on the table below:

<i>Unconstrained</i>	<i>Potentially Constrained (Criteria 2A)</i>	<i>Potentially Constrained (Criteria 2B)</i>	<i>Potentially Constrained (Criteria 3)</i>
<ul style="list-style-type: none"> – an area greater than the Criteria 1 size thresholds; or – an area less than the Criteria 1 thresholds, but adjoining another title with an area greater than the Criteria 1 size thresholds and a capital value of less than \$50,000/ha. 	<ul style="list-style-type: none"> – an area less than the Criteria 1 size thresholds; – a capital value of greater than \$50,000/ha; and – not adjoining a residential zone. 	<ul style="list-style-type: none"> – an area less than the Criteria 1 size thresholds; – a capital value of less than \$50,000/ha; – not adjoining a title with an area greater than the Criteria 1 size thresholds; and – not adjoining a residential zone. 	<ul style="list-style-type: none"> – an area less than the Criteria 1 size thresholds; – a capital value of less than \$50,000/ha, or not adjoining a title with an area greater than the Criteria 1 size thresholds; and – adjoining a residential zone.

Zone Application

The Guidelines required the application of the Agriculture Zone to be based on the land identified in Layer 2, but provides for any analysis at a local level that:

- *Incorporates more recent or detailed analysis or mapping;*
- *Better aligns with on-ground features; or*
- *addresses any anomalies or inaccuracies in the layer.*

In particular, Guideline AZ3 identifies that titles highlighted as Potentially Constrained Criteria 2A, 2B or 3 in Layer 2 may require further investigation as to their suitability in the Agriculture Zone.

Guideline AZ 5 provides for titles to be split-zoned to align with areas potentially suitable for agriculture, and areas on the same title where agriculture is constrained.

Guideline AZ 6 provides for alternative zoning of land identified in Layer 2 to be considered if further analysis is done and identifies the following:

- *strategically important natural occurring resources;*
- *protection of significant natural values, such as priority vegetation areas;*
- *strategically important uses; and*
- *the land has limited or no potential for agricultural use.*

The Southern Group of Council’s engaged AK Consulting to assist with the Agriculture Zone Application. The first output was the “Guidelines for Identifying Areas of Interest” which provided a tool for Council’s to do a “first sweep” of Layer 2 (see Appendix 2).

The second output was the “Decision Tree and Guidelines for Mapping the Agriculture and Rural Zones” which provided a tool for Council’s to do further analysis of the “areas of interest” (See Appendix 3).

As a final step in the process, Council identified many 'areas of interest' that still required further analysis from the consultants on what the most suitable zoning would be for the land (see Appendix 4). AK Consulting provided feedback on all the 'areas of interest' which was used to determine the final mapping. (Appendix 5).

The below table summarises all the zoning changes to the Layer 2 mapping:

The decision not to allow the priority vegetation area overlay to be applied to the Agriculture Zone is particularly problematic for allocating the AZ. The Guidelines provide very little guidance of how this important issue should be dealt with and there is no explanation about why this decision was made and why both agriculture and protection of priority vegetation cannot exist.

It is also a failure of the SPP Natural Assets Code to not require priority vegetation to be allocated a low, medium or high to help make informed decisions about prioritising native vegetation.

The feedback from AK Consulting in a number of instances is that clearing of priority vegetation will still be covered under the Forest Practices Code. However, the forest practices Code doesn't consider vegetation clearing that is ancillary to agriculture, such as Visitor Accommodation, Tourist Operation, etc. Because of this, split zoning with the RZ and LCZ has been applied to a number of parcels to allow for the priority vegetation area overlay to be applied. Generally, this has occurred where there are large areas of continuous vegetation, on steeper slopes with poor land capability.

Except for where identified in the table below, Layer 2 mapping, including potentially constrained land, was allocated the Agricultural Zone in the draft LPS. The table is best understood in conjunction with the documents contained in Appendix 4 & 5 and the LPS maps.

Area of Interest/Titles	Zoning & Titles (Folio/Plan)	Comments (AK Consulting comments in <i>italics</i>)
Hammonds Tier	<u>Rural</u> 54150/1 <u>Rural & Agriculture</u> (retain existing split zoning) 133840/2	<i>Caution should be used when considering split zoning these titles. While the vegetated areas have a poor Land Capability and is very steep terrain there is still potential for these areas to be used as bush runs for fine wool merinos. There is also potential for these titles to be farmed in conjunction with surrounding land, so we suggest retaining entirety of titles in Ag Zone.</i> <i>Understand that these areas are mapped under the new natural assets mapping, however if retained in Ag Zone these areas will still be</i>

	<p>11373/3</p> <p>11373/2</p> <p>39145/3</p> <p>145636/1</p> <p>12003/1</p> <p>157538/2 (NE side of Back Tea Tree Road only)</p> <p>166957/1 (NE side of Back Tea Tree Road only)</p>	<p><i>covered under Forest Practices Code and Landslip Code.</i></p> <p><i>This land has had a consistent land use pattern of retention of vegetation on the upper slopes and agricultural use on the lower slopes. The land was split zoned with the Landscape & Skyline Conservation Zone in the BPS 2000. The split zoning was carried through to the BIPS with the SAZ and RRZ.</i></p> <p><i>Council asked AK Consulting about split zoning with the LCZ and their response clearly shows that this would be inappropriate.</i></p> <p><i>However, it is considered that the split zoning with the RZ and AZ would be an acceptable compromise in that the RZ on the upper slopes would not prohibit bush runs on this land and let the priority vegetation area overlay apply to the land.</i></p> <p><i>This is consistent with the land use pattern provided in the draft Clarence LPS which adjoins the land to the east.</i></p>
Vineyard Drive	<p><u>Rural</u></p> <p>84313/1</p> <p>45803/100</p> <p>168889/2</p> <p>45803/101</p> <p>45803/105</p> <p>45803/2</p> <p>45803/3</p> <p>45803/4</p> <p>45803/106</p>	<p><i>CT 125367/6 is under the same ownerships as Hammond tier title. As previously discussed this appears to be part of a medium to large scale enterprise and should be retained in the Ag Zone. Title is also mapped as unconstrained.</i></p> <p><i>We would suggest caution in zoning titles like this as LCZ. Resource Development (which included agricultural use) is a discretionary use in the LCZ. This means that titles that have previously been used as part of an agricultural enterprise will suddenly have land where the zone isn't cohesive with the existing use.</i></p> <p><i>Rural Zone is appropriate for these titles, including CT 45803/106, as the location of the dwelling on it makes it unlikely to be farmed in conjunction with surrounding land. I do note though that these titles are mapped as being well-suited for sparkling grapes, however, they have poor connectivity to a water resource for</i></p>

	45803/7 45803/8 45803/9 45803/10 125367/6 139317/2 (maintain current split zoning.) <u>Community Purposes</u> 168889/1	<p>irrigation. (In reference to land on Vineyard Drive)</p> <p>As discussed in the Hammonds Tier section, it is considered that the split zoning with the RZ and AZ would be an acceptable compromise. This provides for protection of the priority vegetation along the ridgeline of Hammonds Tier and Stony Hill without compromising existing agricultural practices.</p> <p>There are no issues with zoning the existing fire station Community Purposes from an agricultural viewpoint.</p>
Tea Tree Road	<u>Rural</u> 167132/1 167132/2 87211/1 110663/1 156248/4 156248/3 31141/1 164781/1 108803/1 112862/1 47164/1 33352/1	<p>Generally agree (that Rural Zone is appropriate). CT 133831/1 should be retained in the Ag Zone, as it is isolated from the rest of the subject titles and the title that surrounds it will be zoned Ag. CT 47151/1 should preferably be retained in the Ag Zone. This title is 11ha in area and has potential access to irrigation water from Strathallan Rivulet. This means there is sufficient area and potential water resources to develop a high value horticultural enterprise.</p>

	33352/2 33352/3 65342/1 65342/2 13462/2 246027/1 221012/1 238171/1 10928/3 224133/1 228818/1 47533/3 60701/1	
Coal River Tier	<u>Rural</u> 109422/1 21214/5 21214/6 21214/1	<p><i>For CT 109422/1, CT 21214/5, CT 21214/6 and CT 21214/1 we are of the opinion that the Rural Zone would be more appropriate than the Landscape Conservation Zone. Three of these titles have existing dwellings located on them and it appears that three titles allow some form of grazing occur. This is likely only at a domestic scale, but is still more suited to the Rural Zone in our opinion. Rural Zone also means that the Natural Assets Code Applies.</i></p> <p><i>Cautious of split zoning CT 167024/1 and CT 145636/1. These titles are utilised for what appears to be medium to large scale enterprises. There also appears to be potential dam sites in area proposed to be split zoned, albeit the DPIPWE's Water Assessment Tool (WAT) indicates there is only small amounts of or irrigation water available from the drainage lines, however catchment dams may be feasible in the future. Again, native vegetation on these areas is protected under the Forest Practices</i></p>

		<i>Code and if a dam was proposed there is a rigorous process which involves assessment of natural values.</i>
Glen Rose Drive	<u>Rural</u> 105154/1 109114/3 109114/5 109114/2 109114/4 109114/6 109114/7 109114/8 109114/9 109114/10 109114/14 109114/13 109114/12 105154/11	<i>Rural Zone would be appropriate for these titles including CT 109114/9 that was mapped as unconstrained.</i>
599 & 765 Back Tea Tree Road	<u>Rural</u> (above tree line only) 166958/1 166957/1 157538/2	<i>Vegetation on these titles is mapped as Eucalyptus amygdalina forest on sandstone, which is listed as a threatened community under the Nature Conservation Act 2002.</i> <i>It would not be ideal to split zone these titles Ag Zone and LCZ, because of limitations around agricultural use in the LCZ. Split zoning Rural would be the preferred. The issue here is that there is no surrounding land that will go into the Rural Zone. So there are two options. Zone this area Rural which will mean having an isolated area of the Rural Zone or retain in Ag</i>

		<i>Zone, knowing that threatened communities are protected under the Forest Practices Code. Our preference would be to retain in Ag Zone.</i>
Merriworth Road	<u>Rural</u> 103570/22 51398/7 103570/23 51398/14 51398/4 51398/3 51398/2 34590/2 47755/1 33735/1 51398/10	<p><i>CT 51398/1 should be retained in the Ag Zone. While under different ownership, this title appears to be at least partially farmed in conjunction with the medium to large scale enterprise to the south. Part of an existing centre pivot utilises this title. CT 105188/1 and CT 40620/1 should also be retained in the Ag Zone.</i></p> <p><i>All other titles in this area could be zoned Rural. While some of these titles appear to have agricultural uses on them, all titles have existing dwellings on them, are under 20ha in size, appear to have limited access to irrigation water and many have existing native vegetation over significant areas. Titles that do have agricultural uses occurring appear limited in their potential for expansion beyond small scale. Because of these factors it is also unlikely that these titles would be farmed in conjunction with surrounding medium to large scale enterprises.</i></p>
Baskerville Quarry	<u>Rural</u> 49158/1 59909/1 171249/1 140781/2 (only where not zoned GRZ in BIPS)	<i>Yes confirm all four titles as Rural. Under a current Mining lease</i>

Clarries Lane/Harvest Lane	<u>Rural</u> 141557/14 141557/13 141557/12 141557/11 155009/9 141814/8 141557/15 240740/1 139107/7 139107/6 139107/2 139107/1	Western titles are all individually owned around 5ha or under and most have an existing dwelling. These titles could be zoned Rural while all titles associated with the medium to large scale enterprise should be zoned Ag, this includes CT 155009/200.
Cove Hill/Horton Hill	<u>Rural</u> 106022/1 159455/1 159455/2 159455/3 159455/4 171458/1 146793/3 170046/4 157477/1 170045/2	While titles in this area are of larger sizes (around 40ha), Land Capability and limited potential for irrigation water. It is unlikely that these titles would be developed for an intensive agricultural use. Three titles have existing dwellings and there are residential zones on three sides of this area. Rural Zone would likely be appropriate for these titles.

	170922/6 208860/1	
End of William St	<u>Rural</u> 252444/1 28656/2 113204/3 113205/1 <u>20091/5</u>	<p>Based on size, constraints and existing land use CT 252444/1, CT 28656/2, CT 113204/3 and CT 113205/1 could all be zoned as Rural.</p> <p>CT 158011/8 should be retained in the Ag Zone. It is 90ha in area and has potential access to irrigation water from the Jordan River. It appears to be currently utilised for a horse training facility (scale unknown). By retaining CT 51159/101, CT 36436/1 and CT 125841/2 in the Ag Zone there is a sufficient cluster of Ag titles together. These titles also have connectivity with Area 16 titles.</p> <p>CT 20091/5 was not referred to AK Consultants in error. Due to the significant site constraints and surrounding zoning the site should also be zoned rural.</p>
Brighton Road	<u>Rural</u> 107930/1 5/3517 31360/1 21976/9 107347/1 63448/5 105424/1 105423/3	<p>Rural Zone is appropriate for these titles. Most of the titles west of Brighton Rd have existing dwellings on them. While the largest title is 25ha in area, it has an existing dwelling, is steeply sloped, has a relatively poor Land Capability, no irrigation resources and is poorly connected to land that it would likely be farmed in conjunction with. To the north of these titles is land zoned General Residential. While the title to the west is zoned Rural Resource and is around 30ha in area, it has an existing dwelling and also appears to have limited ag potential due to Land Capability, slope and adjacent constraints.</p> <p>The two titles east of Brighton Rd are completely isolated from other Ag Land and should also be zoned Rural.</p>

	63448/1 139691/3 165052/1	
West Brighton	Rural 141222/1 141222/2 131233/1 38487/7 171538/2 171538/1 30849/3 120248/5 202129/1 30849/2 147539/2 147539/1 131455/1 131454/1 102941/2 40637/1 41603/1 102941/3 23305/1	<p><i>Yes all titles to Rural Zone. Generally small in area, most have existing dwelling, or constrained by existing dwellings. Works to provide a buffer between Ag Zone to west and residential zones to east. While the three most southern titles are slightly larger in area (around 25-30ha). Each has an existing dwelling, are mostly mapped as having Class 5 Land Capability, do not have access to a water resource for irrigation and have native vegetation that is mapped under Natural Assets Code.</i></p> <p>Additionally, all the titles to the north of Elderslie Road will be subject to the Brighton Horse Racing Specific Area Plan.</p>

	37280/2 150382/103 121057/1 121055/1 138101/1 170128/1 170128/2 134273/1 168246/1 168186/1 28731/1 244820/1 111159/1 107811/1 171814/1 171814/2 137124/4 28722/1 28722/2 161591/2 161591/2	
Fergusson Road	<u>Rural</u> 30795/6	Following the existing Significant Ag and Rural Resource Zones in this area would be appropriate. With the exception being that all of CT 11187/1 is retained in the Ag Zone rather being split zoned. This would also mean that CT 10779/1 would go into the Ag Zone to avoid

	30795/4 30795/7 30795/8 30795/13 30795/10 30795/9 30795/11 30795/12	<i>spot zoning. CT 30795/5 should also go in the Ag Zone. There appears to be an intensive Small scale enterprise occurring on this title.</i>
Millvale Road/Cobbs Hill Road	<u>Rural</u> 116747/1 157488/1 152174/1 158165/1 158165/2 159423/1 152174/2 11270/1 117200/3 26307/2 116429/1 159424/1 127649/2 127649/1	<i>All titles could be Rural apart from CT 161330/1 as part of this title is currently zoned Significant Ag and there does not appear to be enough justification to remove it. All of this title should be retained in the Ag Zone.</i>

	<p>I63895/1</p> <p>I63895/2</p> <p>I8922/3</p> <p>I56752/1 (except portion to be retained in General Industrial Zone)</p>	
<p>Cobbs Hill/Boyer Road</p>	<p><u>Landscape Conservation Zone</u></p> <p>I33715/1</p> <p>I69759/1 (upper portion only)</p> <p>I72452/2 (upper portion only)</p> <p>I52364/2 (Except portion to be retained Future Urban Zone)</p> <p>I52364/1</p> <p>I35574/1 (except portion to be retained Future Urban Zone)</p> <p>I35574/2 (except portion to be retained Future Urban Zone)</p> <p><u>Rural</u></p>	<p><u>Split zoning in this instance appears to be appropriate.</u></p> <p>An extension of the LCZ from the adjoining land to the west is considered more appropriate than the Rural Zone for the majority of the land as it has significant areas of threatened native vegetation communities and also has important scenic values when viewed from both Boyer Road and the Lyell Highway on the opposite side of the Derwent River.</p> <p>Properties to the north of Cobbs Hill Road have been allocated the Rural Zone as vegetation has been fragmented by utilities infrastructure such as the electricity transmission corridor and water reservoirs. Some of the land also adjoins the General Industrial Zone.</p>

	127385/1 156752/1 127216/1 (except portion to be retained in General Industrial Zone)	
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4. CODES

Section LPI.7 of the LPS provides the requirements for how Code mapping should be applied in each municipal area with additional guidance from the Guidelines.

Section LPI.8 provides the requirements for where Code lists in Tables are to be populated.

The following Codes are not mentioned in the sections below as they have no requirement for mapping or other input in the LPS:

- C1.0 Signs Code
- C5.0 Telecommunications Code
- C16.0 Safeguarding of Airports Code

4.1. C2.0 Parking and Sustainable Transport Code

Parking Precinct Plan

The Code allows for a parking precinct plan overlay which can be applied to land where the intention is to reduce the amount of parking. It can be applied to activity centres and activity sites. Council has no parking precinct plans or similar and have not used this overlay.

Pedestrian Priority Street

A pedestrian priority street overlay may be applied to a road where pedestrian movement and activity are to take priority over siting of vehicle parking and access to facilitate active street frontages. These may apply to a specific area such as key streets within the main business or retail areas. Council aims to engage consultants to prepare streetscape Master Plans for its two main retail areas in late 2018 which will give further guidance on whether to use this overlay. At this stage, it will not be used in the LPS.

4.2. C3.0 Road and Railway Assets Code

Future road or railway

The Code allows for an overlay map to be provided over areas which are reserved for future major road or a future railway. Council has consulted with TasRail and Department of State Growth (DSG) who do not require this overlay to be used in the LPS.

Road and railway attenuation

Each LPS may contain an overlay map showing a road or railway attenuation area for the application of the Road and Railway Assets Code.

Both TasRail and DSG have requested that the 50m Attenuation Area be mapped along the following major roads or railways as it gives a good visual indicator to landholders:

- The entirety of the rail corridor in the municipality
- Midland Highway

- East Derwent Highway
- Tea Tree Road

DSG has submitted that it is not appropriate for Boyer Road (Category 5 road) to be listed as a major road.

However, Guideline RRAC 1 states “a road or railway attenuation overlay should only be applied as an alternative to the 50m attenuation area specified in the definition to account for local details.”

As such, the road or railways attenuation area overlay map is not shown along the road and railway corridors as there is no justification to vary the 50m attenuation area.

4.3. E4.0 Electricity Transmission Infrastructure Protection Code

The Code provides for the protection of transmission infrastructure such as transmission line that runs along the back of Old Beach, Gagebrook and Bridgewater. The LPS includes a mapped overlay based on data supplied by TasNetworks as required by Guideline ETIPC 1. The overlay essentially provides a buffer area around transmission lines and substations and any use or development within that area must satisfy TasNetworks.

4.4. E6.0 Local Historic Heritage Code

The Local Historic Heritage Code aims to recognise and protect the local historic heritage significance of local heritage places, heritage precincts, historic landscape precincts and places or precincts of archaeological potential, as well as significant trees, by regulating development that may impact on their values, features and characteristics.

Heritage places

The Local Historic Heritage Code does not apply to a registered place entered on the Tasmanian Heritage Register (THR). Some sites may have dual listings for mutually exclusive parts of the same lot or lots, therefore, the code does not apply to that part of the site listed on the THR.

The Guidelines note:

Inclusion of THR places in the LPS local heritage places list provides for the automatic application of the Local Historic Heritage Code to such places if they are de-listed from the THR in the future. The Local Historic Heritage Code will not apply to any THR places if they are included on the LPS code list while they remain listed on the THR.

The BIPS 2015 has an existing list of Heritage Place which includes both locally listed places and THR listed places. The PPU has identified that Table E13.1 of BIPS 2015 can be transitioned in accordance with the code-applying provisions that are subject to Schedule 6, Clause 8D(2) of LUPAA.

The Draft LPS includes THR listed places in the local heritage places list (Table C6.1). Despite the duplication with the THR, this approach provides for a 'one-stop shop' for local and state heritage listings and provides clarity for planners and the public.

As part of the process of transitioning the THR listed places, all the heritage listings in Table E13.1 of BIPS 2015 were reviewed. The review turned up a number of address and title detail discrepancies that were a result of a number of subdivisions and land acquisitions relating to the Brighton Bypass project. All discrepancies have been corrected in Table C6.1.

It should be noted that the following properties have been delisted from the Tasmanian Heritage Register since the introduction of the BIPS 2015, but are still listed as local heritage places:

- 11 Weily Park Rd, Bridgewater
- 21 Weily Park Rd, Bridgewater
- 70 Andrew St, Brighton
- 168 Brighton Rd, Brighton

Local heritage precinct

Not used in the LPS.

Local heritage landscape precincts

The BIPS 2015 has an existing Cultural Landscape Precinct overlay applying to the township of Pontville. The PPU has identified that the majority of Table E13.3 of BIPS 2015 can be transitioned as a Local Historic Landscape Precinct in accordance with the code-applying provisions that are subject to Schedule 6, Clause 8D(2) of LUPAA. The description of the precinct includes a map at Figure E13.1 which delineates Heritage Protection Areas for Pontville. This Figure will also be transitioned.

The SPP Local Historic Heritage Code was not intended to be used for the assessment of Aboriginal heritage values and therefore clause "(f) [use and development does not compromise the integrity of Aboriginal heritage](#)" of the Design Criteria/Conservation Policy cannot be transitioned.

Council has chosen to not prepare a SAP or SSQ over the Pontville area to replace clause (f) because the aboriginal heritage in the municipality is far more significant than just this area and that more strategic work on aboriginal heritage in consultation with stakeholders and the community is necessary.

Place or precinct or archaeological potential

Not used in the LPS.

Significant trees

Not used in the LPS.

4.5. C7.0 Natural Assets Code

The Natural Assets Code is comprised of three mapped overlays:

- Waterway and coastal protection area;
- Future coastal refugia area; and
- Priority vegetation area.

The LPS Requirements at Section LPI.7.5 of the SPP's, specifies the requirements for the Natural Assets Code and other respective overlays.

Waterway and coastal protection area

The waterway and coastal protection overlay map was derived from the LIST's 'Waterway and Coastal Protection Area Guidance Map' and at this time remains unmodified. It is however acknowledged that future amendments are likely to be required consistent with those envisaged under Guideline NAC 3 which provides for:

- Correction of any identified mapping inaccuracies;
- Recognition of piped water courses; and
- Potentially the removal of the overlay from established urban environments.

Future coastal refugia area

The future coastal refugia area overlay is applied to land identified for the protection of land for the landward retreat of coastal habitats, such as saltmarshes and tidal wetlands, which have been identified as at risk from predicted sea level rise.

A 'Future Coastal Refugia Area Guidance Map' (guidance map) has been prepared and published on the LIST to provide guidance for preparing the future coastal refugia area overlay.

The guidance map provides guidance for mapping the future coastal refugia area overlay by identifying potential future coastal saltmarsh and tidal wetland areas based on the Department of Premier and Cabinet (DPAC) predicted sea level rise and 1% AEP storm surge height mapping for 2100, including areas with and without LiDAR coverage.

The guidance map categorises the land in accordance with the current interim planning schemes (IPS) for the purposes of mapping the future coastal refugia overlay. The Guidelines detail which zones are compatible, incompatible or need further consideration.

Future coastal refugia area overlay map was prepared in accordance with Guidelines as detailed in the decision tree below:

Zone Category & Associated Zones	Refugia included in LPS	Comment/Rationale
<u>Compatible Zones:</u> Rural Resource Zone Significant Agriculture Zone Open Space Zone Environmental Management Zone	Yes	<p>The refugia identified on the State's Future Refugia Guidance Map has been included in circumstances where the land is zoned with one of the 'Compatible Zones'.</p> <p>These zones provide for less intensive use and development than alternative zones. The presence of future refugia on these typically large lots is unlikely to prevent the land from being used and developed consistently with the identified zone purposes.</p>
<u>Special Consideration Zones:</u> Rural Living Zone Environmental Living Zone	Yes	<p>The refugia identified on the State's Future Refugia Guidance Map has been included on two properties that are zoned Rural Living in Dromedary that adjoin the Derwent River.</p> <p>469 Boyer Road has an existing conservation covenant on the land covered by the future refugia area mapping.</p> <p>The property at 729 Boyer Road has existing areas that can be developed which are not constrained by the future refugia area mapping.</p> <p>In both instances the land is already covered by marshlands and have been identified as having priority vegetation on them.</p> <p>A small area of land within the Environmental Living Zone at the Cassidy's Road intersection is also covered by the future refugia area mapping</p>
<u>Case by Case Consideration Zones:</u> Utilities Zone Major Tourism Zone Community Purpose Zone	Varies	<p>The refugia identified on the State's Future Refugia Guidance Map in the 'Case by Case Zones' has not been applied to the Utilities Zone. Land within the Utilities Zone provides for major infrastructure including Boyer Road, the State Rail Network and East Derwent Highway. Application of the future refugia area would not be consistent with the Utilities Zone purpose.</p>

Recreation Zone Particular Purpose Zone		The future refugia area has been applied to the Recreation Zone along the foreshore in Bridgewater and Old Beach and a small area of the St Anns Particular Purpose Zone. The majority of this land is used for walking trails and other recreation purposes. The mapped future refugia area will improve the ability of land managers to consider future impacts on recreational assets.
<u>Incompatible Zones:</u> General Residential Zone Inner Residential Zone Low Density Residential Zone Village Zone Urban Mixed Use Zone Local Business Zone General Business Zone Central Business Zone Commercial Zone Light Industrial Zone General Industrial Zone Port and Marine Zone	No	<p>The refugia identified on the State's Future Refugia Guidance Map has not been included in circumstances where the land is zoned with one of the 'Incompatible Zones'.</p> <p>The inclusion of the future coastal refugia on land subject to these zones is likely to constrain the land preventing it from being used and developed consistently with respective zone purposes.</p>

Priority vegetation area

Section LPI.7.5(c) of the SPP requires that each LPS must contain an overlay map showing priority vegetation areas that:

- include threatened native vegetation communities as identified on TASVEG Version 3 published by DPIPW;E;
- be derived from threatened flora data from the Natural Values Atlas published by DPIPW;E;

- be derived from threatened fauna data from the Natural Values Atlas for the identification of significant habitat for threatened fauna species, published by DPIPW.

Section LPI.7.5(d) allows a planning authority to modify the priority vegetation area derived from the above listed datasets, if field verification, analysis or mapping undertaken at a local or regional level by the planning authority, or a suitably qualified person on behalf of the planning authority:

- finds any anomalies or inaccuracies in the State data,
- provides more recent or detailed local assessment of the mapping and data; or
- identifies native vegetation or habitat of local importance.

The mapping prescribed in section LPI.7.5 of the SPP was of a high level and does not necessarily include vegetation and habitat of 'local importance', which may also contribute to the protection of the State's biodiversity.

To that end, the planning authorities across Tasmania has engaged Rod Knight of Natural Resource Management Pty Ltd to undertake an analysis based on his 'Regional Ecosystem Model' (REM) and prepare the priority vegetation areas to be mapped as part of the LPS's. A detailed explanation of the REM and how it relates to the priority vegetation overlay is provided in Appendix 6 and a more detailed explanation of the REM generally is provided at Appendix 7.

This approach provides for consistency across all municipal areas that is well-informed and directly comparable when assessing not only the LPS's, but also when assessing future development applications.

The REM is a complex layering of biodiversity values that refines the focus on areas of importance. In summary, the model:

- Integrates spatial data on the distribution of the major components of biodiversity, and the factors affecting them;
- Models key biodiversity attributes that derive from multiple inputs;
- Analyses the relationships among the components of biodiversity and the environment; and
- Spatially identifies areas which have immediate or potential conservation concerns, and provides indicators of their relative importance, to inform approaches and priorities for management.

One challenge with implementing the REM, and the SPP more generally, is that it is not possible to expressively prioritise or preference higher biodiversity values over others. The current interim planning scheme allows a low, medium and high category to apply to values which correspond to a hierarchy of planning regulation consistent with an minimise, mitigate or avoid outcome focus. In contrast, all priority vegetation is equally important under the SPP framework.

Similarly, the REM also recognises that some biodiversity values are more important than others and assigns each Issue a 'Level of concern' and a Biodiversity Management Priority. The more detailed information provided in the REM may provide planning authorities the ability to create internal policies about how each type of biodiversity value should be managed.

At the time of writing there was some debate around whether the NAC provisions in the SPPs were fit for purpose and whether they should be amended.

Council has prepared a standard reporting template for the priority vegetation area overlay so that the overlay can be easily interrogated for individual parcels. An example of the template, which is based on that created by Meander Valley Council, is provided at Appendix 8.

Generally the priority vegetation mapping generated through the REM has been accepted for use in the LPS, except for in the zones required by Guideline NAC 13.

The constraint of not being able to apply the priority vegetation area overlay to the Agriculture Zone has been somewhat problematic and has required the planning authority to prioritise the protection of agricultural land over natural assets or vice versa, even where it may be possible for the two to co-exist. For example, areas with priority vegetation can be utilised for bush runs for sheep. Additionally, responsible land managers may welcome the knowledge that the priority vegetation area overlay provides and seek to maintain or enhance these areas.

The Guidelines provide very little guidance where there are competing agricultural and priority vegetation values, particularly as the planning authority is relying on advice from agricultural and environmental consultants, who themselves have different priorities.

As discussed in section 3.2.6 above, the planning authority has used the best available information in its decision to split zone some land to allow the priority vegetation areas to exist where less intensive agricultural use may also be possible.

For greater transparency, the unedited priority vegetation overlay mapping generated through REM has been placed on public exhibition so that the community can see where it has been removed from zones required by Guideline NAC 13. This will be made available through an online tool linked to the Brighton Council webpage. Instructions will be made available on how to use the tool during the public exhibition period.

4.6. C8.0 Scenic Protection Code

The Scenic Protection Code is not used in the LPS

4.7. C9.0 Attenuation Code

Clause LPI.7.7 of the SPP allows each LPS to contain an overlay map showing attenuation areas for the spatial application of the Attenuation Code.

The Attenuation Code provides for an attenuation area overlay to be applied around existing activities as a variation to the generic attenuation distances specified in the Tables. An

attenuation area depicted by an overlay prevails over the generic attenuation distances specified in the Tables.

The attenuation areas for the Bridgewater Quarry, Old Beach Quarry and Baskerville Quarry vary from the generic attenuation distances and are subject to the transitional provisions under Schedule 6, Clause 8D(2) of the Act for application through the LPS as the Attenuation Area overlay for the SPP Attenuation Code.

Additionally, two new Attenuation Area overlays are included in the LPS as a result of modelling that's been undertaken by a suitably qualified person as required by Guideline AC 2. Justification for the two new overlays is outlined below.

Green Point Waste Water Treatment Plant (WWTP)

Council has prepared the Bridgewater Parkland Master Plan 2016-2026 for the open space area around the Green Point WWTP. The Master Plan identified an area to be developed by medium density housing. However, the medium density housing is within the 300m attenuation area around the Green Point WWTP defined by Table E9.2 in the IPS.

Council, in partnership with other stakeholders, engaged Takarri Engineering Pty Ltd to prepare a odour emissions modelling report for the Green Point WWTP (Appendix 9). Using the 2 Odour Unit (OU) contour as an acceptable emission rate as required by *Environmental Protection Policy (Air Quality) 2004(EPP)*, the modelling found that the Attenuation Area could be significantly reduced.

The modelling has been accepted by TasWater who have indicated that they support the introduction of a non-standard Attenuation Area overlay for the Green Point WWTP in accordance with the modelling for the 2 OU contour for the worst case scenario to be included in the LPS(see Figure 11).

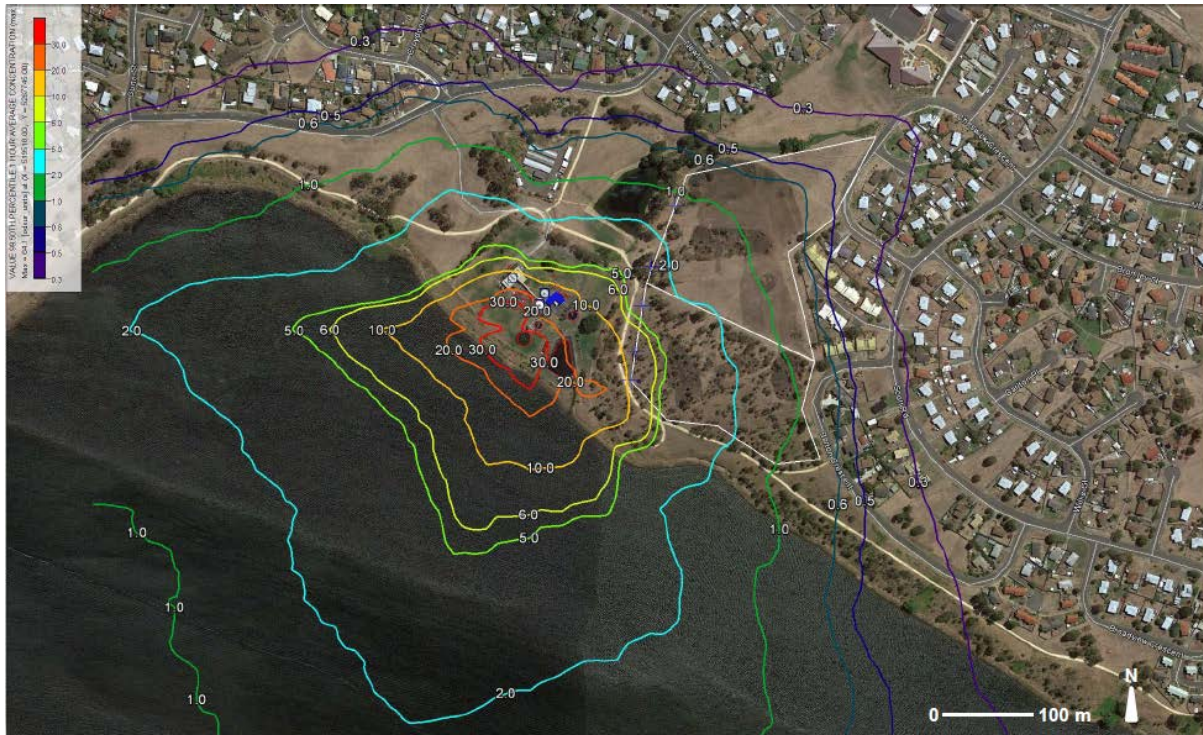


Figure 11 - Worst case odour modelling for the Green Point WWTP (Scum, Foaming and Bulking maximum emission rates). The light blue 20U contour will form the boundary of the Attenuation Area overlay.

Dromedary Quarry

An application for the intensification of the existing quarry at 720 Boyer Road was approved through a Consent Memorandum in late 2017. The quarry includes blasting which gives it an Attenuation Area of 1000m under Table E9.1 in the IPS.

During the assessment process noise and vibration reports were prepared by suitably qualified engineers which demonstrated that the noise emission limits of 45dBA, as stipulated by the Tasmanian Environment Protection Authority, could be met at the buffer distance drawn spatially at 655m as shown in Figure 12. A Statement of Evidence, which forms part of the permit, is attached at Appendix 10.

The modelling was prepared to demonstrate to affected landowners that their properties would not be “sterilised” for the full 1000m Attenuation distance associated with a blasting quarry. The provision of a reduced Attenuation Area overlay in the LPS over the Dromedary Quarry provides for greater transparency and peace of mind for affected land owners.



Figure 12 - Noise and vibration limits shown by the dotted line which will form the boundary of the Attenuation Area overlay over Dromedary Quarry

4.8. C10.0 Coastal Erosion Hazard Code

Clause LPI.7.8 of the SPP requires the LPS to contain an overlay map produced by the Department of Premier and Cabinet, showing:

- (i) coastal erosion hazard areas; and
- (ii) coastal erosion investigation areas,

for the application of the Coastal Erosion Hazard Code.

Guideline CEHC 1 requires the coastal erosion hazard area overlay to include the three coastal erosion hazard bands and the coastal erosion investigation area as depicted in the 'Coastal Erosion Hazard Area Bands 2016|201' layer published on the LIST.

The coastal erosion hazard area overlay in the LPS has not been modified from the layer published on the LIST.

4.9. C11.0 Coastal Inundation Hazard Code

Clause LPI.7.9 of the SPP requires each LPS to contain an overlay map produced by the Department of Premier and Cabinet, showing:

- (i) coastal inundation hazard areas; and
- (ii) coastal inundation investigation areas,

for the application of the Coastal Inundation Hazard Code.

Guideline CIHC 1 requires the coastal inundation hazard area overlay to include the three coastal inundation hazard bands and the coastal inundation investigation area as depicted in the 'Coastal Erosion Hazard Area Bands 2016|201' layer published on the LIST.

The coastal inundation hazard area overlay in the LPS has not been modified from the layer published on the LIST.

Guideline CIHC 2 requires the LPS to include the AHD levels for the coastal inundation hazard bands and the defined flood level for the relevant localities as a list for the Coastal Inundation Hazard Code in accordance with the AHD levels published on the DPAC website. The AHD levels have been included in the Coastal Inundation Hazard Bands AHD Levels Table in the draft LPS without modification.

4.10. C12.0 Flood-Prone Hazard Code

Clause LPI.7.10 requires the LPS to contain an overlay showing the areas for the application of the Flood-Prone Areas Hazard Code if a planning authority has flood-prone areas in the municipal area.

The PPU has identified that the Riverine Inundation Hazard Area overlay in the IPS is subject to the transitional provisions under Schedule 6, Clause 8D(2) of the Act for application through the LPS as the Flood-Prone Hazard Area overlay for the SPP Flood-Prone Areas Hazard Code.

As such, the existing Riverine Inundation Hazard Area overlay covering the Jordan River will be transitioned to the LPS.

4.11. C13.0 Bushfire-Prone Areas Code

The draft LPS incorporates a bushfire-prone area overlay which has been provided by the Tasmanian Fire Service. The supporting report from the TFS is provided at Appendix 11.

4.12. C14.0 Potentially Contaminated Land Code

The Potentially Contaminated Land Code provides identification of potentially contaminated land via a potentially contaminated land overlay. The Code Application clauses at C14.2 provide alternative ways of identifying potentially contaminated land, which is what Council will rely on to “call in” land that is not within the absence of an overlay.

Council does not currently hold a database of all potentially contaminated land. Council acknowledge that it needs to provide a comprehensive list of potentially contaminated land and an overlay in the future.

4.13. C15.0 Landslip Hazard Code

Clause LPI.7.12 of the SPP requires the LPS to contain an overlay map produced by the Department of Premier and Cabinet, showing landslip hazard areas for the application of the Landslip Hazard Code.

Guideline LHC 1 requires the landslip hazard area overlay must include the four landslip hazard bands as depicted in the ‘Landslide Planning Map – Hazard Bands 20131022’ layer published on the LIST, unless modified.

The landslip hazard area overlay in the LPS has not been modified from the layer published on the LIST.

5. Local Overriding Provisions

LUPAA requires that any PPZ, SAP or SSQ that applied to a planning scheme immediately before the commencement date of 17 December 2015 (when the Act was amended to provide for the TPS) must be included in the LPS [Schedule 6, clause (8)(1)]. Section 32(4) of LUPAA does not apply to these PPZs, SAPs and SSQs.

The Minister can declare that a SAP, PPZ or SSQ is not subject to this requirement after consultation with the Commission. The effect of doing so provides that the SAP, PPZ or SSQ is not automatically contained in the LPS.

To assist Councils in the preparation their LPS's, and in anticipation of the Minister releasing an appropriate advisory statement, the Department of Justice's Planning Policy Unit (PPU) completed an audit of BIPS 2015 local overriding provisions. The PPU audit forms the basis of the transitional arrangements (or otherwise) discussed below.

In circumstances where a PPZ, SAP or SSQ did not apply in a planning scheme prior to 17 December 2015, or alternatively a planning authority proposes the inclusion of a new PPZ, SAP or SSQ they may be included provided they are capable of meeting section 32(4) of LUPAA.

Section 32(4) essentially requires demonstration that an overriding provision will provide significant benefit or is required to cater for unique site qualities.

Generally, the development of additional SAPs and SSQs has resulted from:

- The removal of the 5000m² minimum lot size from the Rural Living Zone subdivision standards.
- The removal of the Dispersive Soils Code.
- The removal of the prohibition for Residential use and development within the Attenuation Areas shown on planning scheme maps
- The removal of the referral requirement to Boral quarry operator for proposed use and development within the Bridgewater Quarry Attenuation Area.

5.1. Particular Purpose Zones

Guideline No.1 describes that a PPZ may be applied where the intended planning outcomes cannot be achieved through one or more SPP zones.

The SPP's outline the content requirements for any PPZ's at LPI.4. All transitioning, post 17 December 2015 and new PPZ's meet these requirements.

The Draft LPS contains 2 PPZ's included in the appendices and discussed below.

BIPS 2015 PPZ's not transitioning:

Provision	Reason
32.0 Particular Purpose Zone 1 – Urban Growth Zone	The PPZ is provided by the SPP Future Urban Zone

Transitioning PPZ's:

Provision	Application
34.0 Particular Purpose Zone 3 – St Ann's Precinct	BRI-PI.0 Particular Purpose Zone – St Ann's Precinct
35.0 Particular Purpose Zone 4 – School Farm	BRI-P2.0 Particular Purpose Zone – School Farm

The transitioning PPZ's have been modified to the extent necessary ensure consistency with the prescribed SPP format and drafting instructions and that they continue to operate in the manner intended.

5.2. Specific Area Plans

The SPP's outline the content requirements for any SAP's at LPI.5. All transitioning, post 17 December 2015 and new SAP's meet these requirements.

The Draft LPS contains 9 SAPs. These SAPs comprise of the conversion of 2 existing SAPs, 5 SAP's transitioning from existing Codes and standards and 2 new SAP's.

Transitioning SAP's

The PPU audit identified the following existing SAPs to be transitioned under Schedule 6 of LUPAA:

Provision	Application
E25.0 Brighton Horse Racing Code	BRI-S1.0 Brighton Horse Racing Specific Area Plan
E26.0 Quoin Ridge Code	BRI-S2.0 Quoin Ridge Specific Area Plan

F1.0 Brighton Highway Services Precinct	BRI-S3.0 Brighton Highway Services Precinct Specific Area Plan
F2.0 Tivoli Green Specific Area Plan	BRI-S9.0 Tivoli Green Specific Area Plan

The transitioning SAP's have been modified to the extent necessary to ensure consistency with the prescribed SPP format and drafting instructions and that they continue to operate in the manner intended.

Other SAP's

In addition to the above transitioning SAP's, the PPU audit identified that clauses within the Attenuation Code can also transition. These clauses related to:

- a prohibition of residential use within the existing Bridgewater Quarry, Old Beach Quarry and Baskerville Raceway attenuation overlay (E9.2.3); and
- a requirement for the planning authority to refer any application within the Bridgewater Quarry attenuation area overlay to the Bridgewater Quarry operator (E9.5.2).

However, the difference in structure between BIPS 2015 and the LPS made it difficult to transition the above clauses in accordance with the prescribed SPP format and drafting instructions. As a result, three new SAP's have been created as outlined in the table below.

A further two SAP's, that also relate to requirements in the current BIPS 2015, have also been provided in the Draft LPS as outlined below.

SAP	Reason
BRI-S4.0 Bridgewater Quarry Specific Area Plan	To protect the operations of the Bridgewater quarry by prohibiting new residential use and requiring referral to the quarry operator
BRI-5.0 Old Beach Quarry Specific Area Plan;	To protect the operations of the Old Beach quarry by prohibiting new residential use.

BRI-S6.0 Baskerville Raceway Specific Area Plan	To protect the operations of Baskerville Raceway by prohibiting new residential use.
BRI-S7.0 East Baskerville Dispersive Soils Specific Area Plan	Management of Dispersive Soils
BRI-S8.0 Urban-Rural Interface Specific Area Plan	To provide for a minimum lot size of half a hectare where it is already provided for in the BIPS 2015.

For a new PPZ, SAP or SSQ to be included in the draft LPS, it must be demonstrated that they are capable of meeting the requirements of section 32(4) of the Act:

An LPS may only include a provision referred to in subsection (3) in relation to an area of land if –

(a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area;

or

(b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.

The sections below provide the justification for the new SAP's in accordance with s.32(4) of the Act.

5.2.1. Bridgewater Quarry SAP

The Bridgewater Quarry SAP satisfies s.32(4)(a) of the Act as the area of land contains the Bridgewater Quarry and surrounding attenuation area which is of significant economic benefit to the Region.

Boral Australia Pty Ltd (Boral) owns and operates the Bridgewater Quarry, located at 314 Midland Highway, Bridgewater. The quarry operates under Mining Lease 1477P/M which allows for the extraction of Construction Minerals.

The subject quarry supplies a major portion of the prime quality crushed hard rock requirement in the Hobart metropolitan area and much of the southern part of the State.

In clause 9.0 of the Attenuation Code under BIPS 2015 there are three clauses that relate directly to the protection of the operations of the Bridgewater quarry as follows:

- Clause E9.2.3 - Residential use or development is prohibited within the Attenuation Areas shown on the planning scheme maps.
- Clause E9.5.2 - The planning authority must refer any application within the Bridgewater Quarry Attenuation Area to the Bridgewater Quarry operator for advice on potential conflict between the proposed use or development and the quarry operations. Council must not determine an application until the quarry operator has provided its advice, or until 14 days from the date of referral, whichever occurs first.
- E9.7.3 - Development within the Bridgewater Quarry Attenuation Area:

Objective:	
To ensure that all use is compatible with the operations of the Bridgewater Quarry.	
Acceptable Solutions	Performance Criteria
<p>AI</p> <p>No acceptable solution.</p>	<p>PI</p> <p>Development, including subdivision, must not result in potential to be impacted by quarry operations having regard to all of the following:</p> <p>(a) the nature of the quarry; including:</p> <p>(i) operational characteristics;</p> <p>(ii) scale and intensity;</p> <p>(iii) degree of hazard or pollution that may be emitted from the activity;</p> <p>(b) the degree of encroachment or development or use into the Bridgewater Quarry Attenuation Area;</p> <p>(c) measures in the design, layout and construction of the development or use to eliminated, mitigate or manage effects of the quarry.</p>

The Bridgewater Quarry SAP provides for similar controls to those noted above, albeit in a different format. The Bridgewater Quarry SAP is critical for the ongoing operational

efficiency of the Bridgewater Quarry and to protect this important resource from encroaching sensitive uses.

5.2.2. Old Beach Quarry SAP

The Old Beach SAP satisfies s.32(4)(b) of the Act as the area of land contains the Old Beach Quarry and buffer area which contains an area of land that has particular environmental, economic and spatial qualities that require provisions that are unique to the area of land in addition to provisions in the SPP.

Baskerville Quarries Pty Ltd operate the Old Beach Quarry, located at 89 Baskerville Rd and 31A Shelmore Rd, Old Beach. The quarry operates under Mining Leases 1223P/M and 1576P/M which allows for the extraction of Stone.

The Old Beach Quarry is located on the east facing slopes of Clives Hill. The residential suburb of Old Beach is partially buffered from the quarry by the vegetated western slopes of Clives Hill.

The area that the Old Beach Quarry SAP applies to follows the boundary of the mapped Attenuation Area for the quarry in the LPS. The attenuation distance from the quarry is significantly reduced from the standard attenuation distance based on modelling undertaken when the quarry was first established. It was established that any residential use within the Attenuation Area would be impacted by environmental emissions from the quarry and would be unsuitable.

In clause 9.2.3 of the Attenuation Code under BIPS 2015 residential use or development is prohibited within the Attenuation Areas shown on the planning scheme maps including the Old Beach Quarry.

The Old Beach Quarry SAP provides a very simple mechanism to continue the prohibition of residential use within the Attenuation Area for the quarry and is critical for the ongoing operational efficiency of the quarry and to protect this important resource from encroaching sensitive uses.

5.2.3. Baskerville Quarry SAP

The Baskerville Raceway SAP satisfies s.32(4)(a) of the Act as the area of land contains the Baskerville Raceway and surrounding attenuation area which is of significant social benefit to the Region.

Baskerville Raceway is located at 473 Baskerville Rd, Old Beach and is managed by Motorsports Tasmania and is the predominant raceway in southern Tasmania. The circuit is located on a natural amphitheatre and opened in February 1958 by the Hobart Sporting Car Club and has been operating continuously ever since.

In recent years Baskerville Raceway has hosted the Baskerville Historics, the largest event at Baskerville Raceway, which attracted approximately 5,500 spectators in 2017.

The circuit holds several other events including the Tasmanian Super Series, Tasmanian Drift Series, the Baskerville 2-Hour Motorcycle Race and several smaller events.

In clause 9.2.3 of the Attenuation Code under BIPS 2015 residential use or development is prohibited within the Attenuation Areas shown on the planning scheme maps, including the Baskerville Raceway.

The Baskerville Raceway SAP provides a very simple mechanism to continue the prohibition of residential use within the Attenuation Area for the raceway and is critical for the ongoing operational efficiency of the raceway and to protect this important facility that is enjoyed by thousands of Tasmanians annually.

5.2.4. East Baskerville Dispersive Soils SAP

The East Baskerville Dispersive Soils SAP satisfies s.32(4)(b) of the Act as the land has particular environmental qualities that require provisions that are unique to the area of land that require an addition to the provisions of the SPPs.

There is an existing Dispersive Soils area overlay in BIPS 2015 which is applied to a significant portion of land along Baskerville Road, Old Beach and to the south of Honeywood. The basis of the overlay is the “East Baskerville Urban Capability Report” which is provided at Appendix 12.

Dispersive Soils can cause tunnel erosion, which occurs when soil is worn away and can manifest as a loss of topsoil, formation of gullies or tunnel formation. Tunnel formation poses a significant risk to infrastructure as it forms underground and is not generally observed until significant soil movement has taken place. This soil movement can result in underground cavities and tunnel that can undermine roads and buildings and destabilise infrastructure associated with development.

Clause 6.11.2 (g) of the SPP’s does provide a mechanism for imposing conditions on a permit relating to “erosion, and stormwater volume and quality controls.”. However, this does not provide a head of power for the planning authority to require information about dispersive soils prior to a permit being granted and the best way to manage development in these areas is by identifying the soils and their risks prior to development occurring and designing the development appropriately.

The East Baskerville Dispersive Soils SAP is included in the Draft LPS to minimise risk to homes and infrastructure and ongoing financial risks to Council which result from development on dispersive soils. Management of tunnel erosion once it occurs is costly, difficult and has limited success.

It is therefore critical that dispersive soils be addressed at the Development Application stage. The East Baskerville Dispersive Soils SAP also provides landowners and prospective buyers with the knowledge that land is subject to dispersive soils.

5.2.5. Urban-Rural Interface SAP

The Urban-Rural Interface (URI) SAP clearly satisfies s.32(4)(b) of the Act as the land has significant economic and spatial qualities that require provisions that are unique to the area of land that require an addition to the provisions of the SPPs.

In the SPP, the LDRZ has a minimum lot size of 1,500m² and the RLZ provides for minimum lot sizes as follows:

- Rural Living Zone A – 1ha
- Rural Living Zone B – 2ha
- Rural Living Zone C – 5ha
- Rural Living Zone D – 10ha

In the Brighton municipality, there has been a long-standing policy and land use pattern for 5,000m² lots to be provided between urban and rural areas. The Rural Living “Area A” Zone in BIPS 2015 provides for a minimum lot size of 5,000m² as per clause 13.5.1 A1 and Table 13.1. The provision of 5,000m² is also encouraged by the LAOs (13.1.2) and Desired Future Character Statements in BIPS 2015. The BPS 2000 also provided for 5,000m² minimum lot sizes.

The requirements for the application of the Rural Living A Zone under BIPS 2015 and BPS 2000 is to provide for:

- Higher density rural living areas closer to settlements;
- Provision of a full reticulated water supply;
- Fewer environmental constraints; and
- Still provide for rural values and a high level of amenity and privacy.

The URI SAP is included in the Draft LPS to continue the provision of 5,000m² in the Rural Living Zone and “plug the gap” between the minimum lot size of the LDRZ and RLZ in the SPPs. The URI SAP is a simple mechanism that allows for lots not less than 5,000m² with a full water supply, but all other standards in the SPP RLZ apply. This is in line with the current approach in BIPS 2015. In fact, with the reduction of side and rear setbacks in the SPP from 20m to 10m, it will be easier satisfy the relevant subdivision standards in the SPP RLZ.

The URI SAP will be applied to the current RLZ “Area A” in the BIPS 2015 in the following areas:

- East Gagebrook (along Briggs Rd)
- Old Beach (around Myna Park Rd & Shelmore Dr)
- East Brighton (around Ford Rd)
- North Brighton (around Jordan Downs Drive & Glen Lea Rd)

- South Brighton (around Dylan St & Melinda Ct)
- Bridgewater West (around Cobbs Hill Rd & Serenity Dr)

The URI SAP will not apply to the following areas that are currently RLZ “Area A” in BIPS 2015:

- North Old Beach Road opposite Brighton Council chambers (zoned Rural Living Zone A in LPS) (Fig. 13)
- South Baskerville Road (zoned Rural Living Zone A in LPS) (Fig 14.)
- Rutherford Drive (zoned Rural Living Zone A) (Fig 15.)

These three areas have been excluded from the URI SAP because they do not adjoin a residential zone, which is the test used for being closer to settlements as per the SAP Purpose and are also generally isolated areas. Lots within the Rutherford Drive area are generally already lower than 1ha where not adjoining the RZ or SAZ, so subdivision potential in that area is limited.

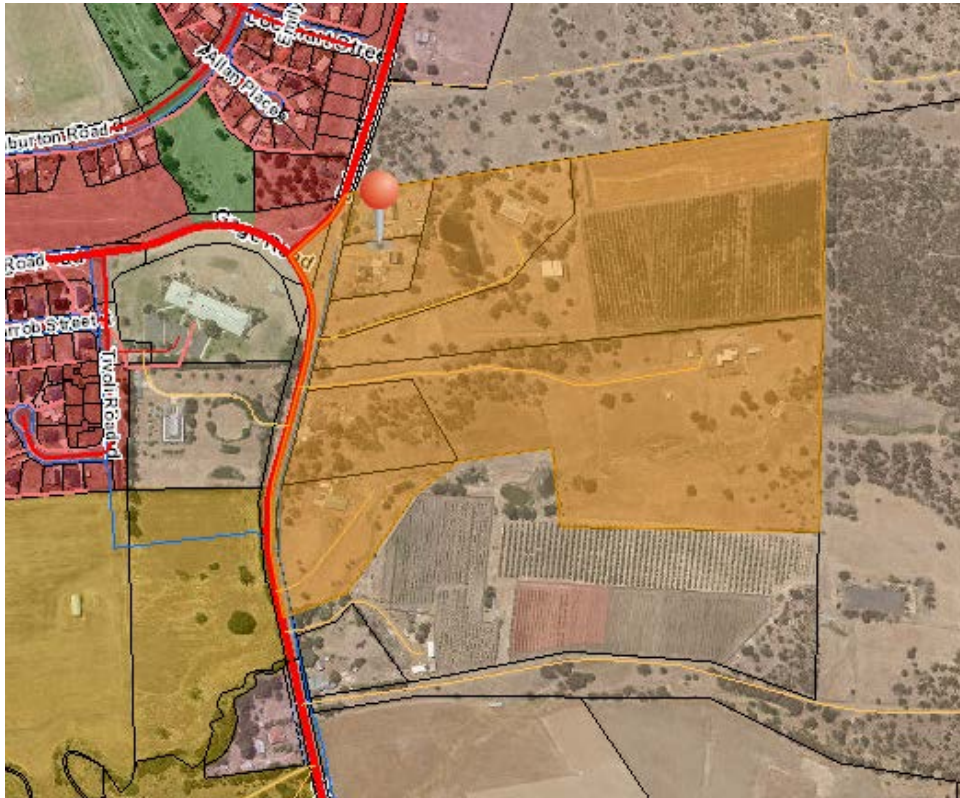


Figure 13 North Old beach Rd– along Old Beach Road (zone RLZ A)

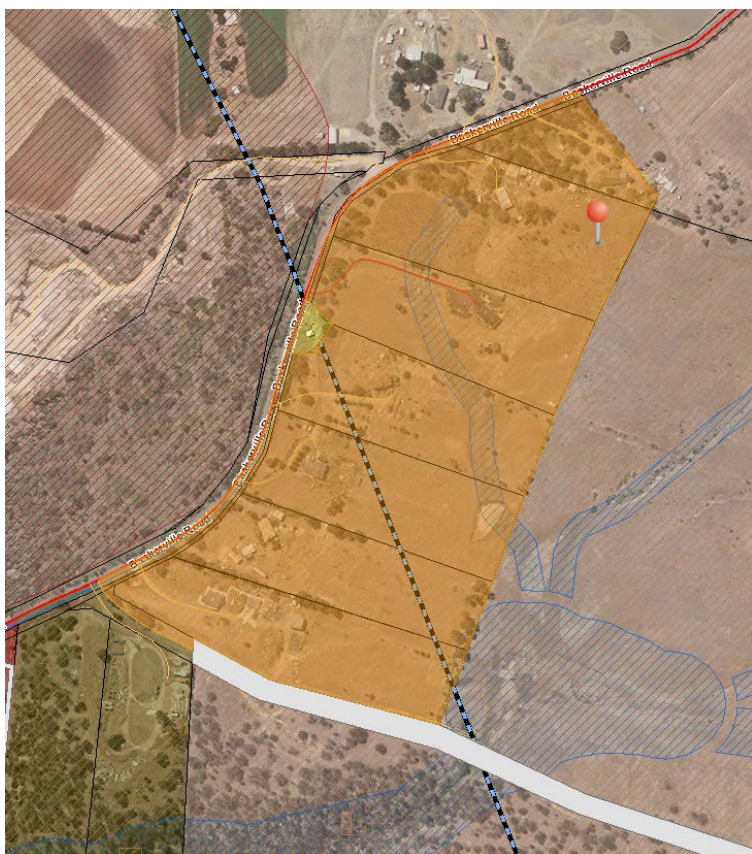


Figure 14 Baskerville Rd - zone RLZ A



Figure 15 Rutherford Drive - zone RLZ A

The 5,000m² lots is now a long-established land use-pattern in proximity to settlements throughout the Brighton area. Removal of the 5,000m² lot size will lead to discontent in the community, as some people have seized the opportunity to subdivide their 1ha lot in half under BIPS 2015 and BPS 2000, whilst others will have lost that property right under the SPP.

Application of the LDRZ is inappropriate without extensive community consultation, as it will lead to a much higher density in the area, and will introduce the option for multiple dwellings if that zone is applied. Community expectations are that this density is unacceptable to maintain the enjoyment of the rural character.

he URI SAP also provides an important function in meeting the demand for Rural Living lots in the Brighton Structure Plan 2012 (BSP). The BSP identifies that 264 additional Rural Living lots will be required in the municipality by 2032.

A land supply analysis of RLZ was recently undertaken for a proposed rezoning application from Rural to Rural Living at 250 Cove Hill Rd, Honeywood. The analysis identified that there are currently 150 lots in Brighton and 56 lots in Old Beach that are over 1ha in the RLZ “Area A” in BIPS 2015. Assuming a 50% take-up, based on site constraints and individuals desire to subdivide, the subdivision of land within the URI SAP will contribute 103 rural living lots of the 264 required under the BPS.

Infill development is an important part of meeting the Rural Living land supply given the limited greenfield opportunities and the potential encroachment on the surrounding agricultural estate on the fringes of the Brighton municipality. Rural Living land is also recognised for its inefficiencies relating to provision of services and infrastructure, so providing infill development as opposed to greenfield development of Rural Living is a better land use outcome.

The URI SAP is also consistent, with the following Settlement and Residential Development Policies in the STRLUS:

STRLUS Policy	Comment
SRD 1 Provide a sustainable and compact network of settlements with Greater Hobart at its core, that is capable of meeting projected demand.	The URI SAP provides for infill development close to settlements
SRD 1.3 Support consolidation of existing settlements by restricting the total area of rural living and environment living footprints to the existing overall land area of such use.	The URI SAP provides for infill development the need to expand the rural living footprint.

SRD 1.4 Increase densities in existing rural living areas to an average of 1 dwelling per hectare, where site conditions allow.	<p>Under the SPP RLZ minimum lot requirements it is impossible to increase existing densities to 1 ha by allowing lot sizes of 2ha, 5ha and 10ha.</p> <p>The URI SAP is actually necessary to achieve this policy outcome.</p>
SRD 2.2 Manage greenfield growth through an Urban Growth Boundary, which sets a 20 year supply limit with associated growth limits on dormitory suburbs.	The URI SAP provides for infill development which reduces the pressure to expand the Urban Growth Boundary.
SRD 2.9 Investigate the redevelopment to higher densities potential of rural residential areas close to the main urban extent of Greater Hobart.	The URI SAP provides for higher densities on land that adjoins residential areas only.

In summary, the URI SAP satisfies s.32(4) of the Act as the areas of land have particular economic and spatial qualities that are not provided for in the SPP as examined above.

5.3. Site Specific Qualifications (SSQs)

The PPU audit of the SSQ identified that two of the four SSQ contained in the BIPS 2015 are able to be transitioned to the Draft LPS (See Table below).

Reference Number	Site reference	Folio of the Register	Description (modification, substitution or addition)	Relevant Clause in State Planning Provisions
BRI-19.1	1 Parkholme Drive and 314 Midland Highway, Bridgewater	50853/1 156753/6 170481/1 170480/1	An additional Permitted Use Class for this site is: Extractive Industry	General Industrial Zone – clause 19.2 Use Table
BRI-20.1	29 Brighton Road, Brighton	63448/5	An additional qualification for the Discretionary Use class Storage for this site is: “If self-storage.”	Rural Zone – clause 20.2 Use Table

It should be noted that titles 170481/1 and 170480/1 for BRI-19.1 replace titles 148856/1 and 166072/1 that were referred to in BIPS 2015. The change is the result of new Sealed Plans being created following the Crown obtaining two small road lots for road widening on Cove Hill Road. For reference, the two road lots created were 170479/1 & 2.

The two SSQ’s from BIPS 2015 are not being transitioned because the uses are provided for in the Use Tables of the relevant zones in the SPP. These include:

Address	BIPS 2015	SPP
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23 Hurst St, Bridgewater	Provided for Manufacturing and Processing only if for the manufacture of wine casks in General Business Zone	Manufacturing and Processing a Discretionary use in General Business Zone
Brighton Council Waste Transfer Station	Provided for General Retail and Hire if at Brighton Council Waste Transfer Station in Utilities Zone	Recycling and Waste Disposal is a Permitted use in the Utilities Zone and the use class in Table 6.2 of the SPPs includes the selling of scrap metal.

6. Comments on the SPPs

Throughout this report and in Appendix I, a number of issues with the content of the SPPs is identified. The development of the SPPs involved consultation with key stakeholders, including councils, and the community. Some, but not all comments made by Council and local government planners were adopted in the approved SPP.

Under s.35G of LUPAA, the planning authority may notify the Minister as to whether amendment of SPPs is required after public exhibition of the draft LPS. However, it is appropriate for a planning authority to comment on SPPs in this report to provide the public with a greater understanding of the impact the TPS may have on their local area and the position of the planning authority.

It is hoped that the SPPs will be subject to continual review for improvement as Council's submit their LPS and more issues come to light.

The following is an initial list of policy positions in the SPP that should be subject to review. It is by no means a comprehensive list, but summarises a number of the issues mentioned throughout the above sections of the report.

General comments

- The Tasmanian Planning Policies should be created and Regional Land Use Strategies reviewed.

The State Governments current reform has been implemented the wrong way around. A key plank to the Tasmanian Planning Reform is the Tasmanian Planning Policies (TPPs) which “will provide strategic direction for Tasmania’s planning system and regional land use strategies.”. The TPPs should have been created as a first step in the reform process followed by a review of the Regional Land Use Strategies to be followed by the creation of the SPPs. The STRLUS was the basis for the creation of the SPPs and is in desperate need of a review. Section 2.5.2 of this report identifies a number of areas where the SPPs are not consistent with the STRLUS. The TPPs need to be created and STRLUS reviewed as a matter of urgency and amendments to the SPPs should be made accordingly.

- The LPS should be able to include Codes.

Under the current arrangements all local overriding provisions must be applied spatially, which is seriously flawed. Codes allow local overriding provisions to uses and development. For example, a planning authority may want to introduce particular standards for car washes, service stations or multiple dwelling design guidelines similar to what has been done in other jurisdictions. Under the current arrangement this could only be done through a SAP applied to all zones where these uses are allowed.

- Landscaping needs to be a development standard in the LPS for all multiple unit, commercial and industrial development.

This is currently a requirement under clause E.6.7.8 – Landscaping of parking areas of the Parking & Access Code in BIPS 2015. This, or a similar mechanism be reinstated. This is critical for a high quality built environment and liveable communities.

- Internal lots and cul-de-sacs must continue to be discouraged.

The subdivision standards under the interim schemes are explicit in discouraging internal lots and cul-de-sacs which results highly connected subdivisions with efficient movement networks that assist accessibility and mobility of the community. The SPPs standards are ambiguous and may lead to poorly connected subdivision layouts.

- Encourage multiple dwelling unit developments to be subdivided as part of a consolidated application with residential development.

It is non-sensical that the minimum lot size is significantly larger than the residential density for multiple dwellings. Encouraging subdivision will lead to improved development layouts, promote terrace housing, removal of unnecessary visitor parking and unnecessary body corporates to be established.

- Subdivision standards for new roads to require planting of street trees.

Street trees contribute positively to neighbourhoods through energy savings, air quality improvements, stormwater management, aesthetics and other benefits that all lead to more liveable neighbourhoods.

- Reduce the number of discretionary uses in Business and Industrial zones

The increased discretionary uses across these zones result in the zones becoming to similar and inappropriate uses potentially eroding the functionality of the zones.

- The SPP should include a Stormwater Management Code

Managing stormwater runoff at the development application stage is critical for ensuring stormwater volume and quality is adequately managed. The SPPs do provide for conditions and restrictions to be imposed on planning permits under clause 6.11.2(g), but there are no standards. This will lead to Council's developing their own stormwater policies resulting in an inconsistent approach across the state which goes against the intent of the TPS.

The General, Inner and Low density residential zones should be modified to:

- Include design standards to require variation in materials and break up large expanses of walls, particularly in larger developments.
- Encourage housing diversity for larger developments, including the requirement for a mix of dwellings with a different number of bedrooms.
- Amend the use table so that development of 5 multiple dwelling units or more become a discretionary use.
- Reinstate the north facing window to habitable room requirement.
- Introduce public open space design considerations for public open space and/or cash-in-lieu contributions.

- Maximum lot size standards should be reinstated to ensure that the desired residential densities are achieved.

The Rural Living Zone should be modified to:

- Allow for 0.5ha lots where a full water supply is available.
- Reinstated design standards for vegetation retention, protection of skylines and ridgelines appropriate colours.
- Reinstated outbuilding standards to ensure they don't dominate the landscape.

The Agriculture Zone should be modified to:

- Exclude the excision of existing visitor accommodation and dwellings, and review subdivision provisions, and provide a consistent approach to dwellings in association with agriculture.
- Allow for consideration of priority vegetation.

The Environmental Management Zone should be modified to:

- To make all uses on public land Discretionary other than those listed as No Permit Required.

The Local Historic Heritage Code should be modified to:

- Include aboriginal heritage, or an Aboriginal Heritage Code should be created.

The Potentially Contaminated Land Code should be modified to:

- To become the "Contaminated Land Code" and provide standards for avoiding land contamination at the source as well as dealing with potentially contaminated land.

The vegetation exemptions should be modified to:

- Allow for tree protection under a SAP or PPZ in areas where trees form part of the character of the area.

The Application Requirements be modified to:

- Require either a full title, or no title seeing that the planning authority has access to it.
- Require landscape plans.

7. Appendices

APPENDIX 1 – ZONE COMPARISON TABLE

APPENDIX 2 – GUIDELINES FOR IDENTIFYING AREAS OF INTEREST

APPENDIX 3 - DECISION TREE AND GUIDELINES FOR MAPPING THE AGRICULTURE AND RURAL ZONES

APPENDIX 4 – AGRICULTURAL MAPPING AREAS OF INTEREST

APPENDIX 5 – AK CONSULTING COMMENTS ON AGRICULTURAL MAPPING AREAS OF INTEREST

APPENDIX 6 - EXPLAINING THE PRIORITY VEGETATION AREA OVERLAY – THE REGIONAL ECOSYSTEM MODEL

APPENDIX 7 - SUMMARY OF THE REGIONAL ECOSYSTEM MODEL OF TASMANIAN BIODIVERSITY

APPENDIX 8 – PRIORITY VEGETATION AREA PLANNING REPORT EXAMPLE TEMPLATE

APPENDIX 9 – GREEN POINT WWTP ODOUR MODELLING REPORT

APPENDIX 10 – DROMEDARY QUARRY STATEMENT OF EVIDENCE – TERTS

APPENDIX 11 – BUSHFIRE-PRONE AREAS TFS SUPPORTING REPORT

APPENDIX 12 – EAST BASKERVILLE URBAN CAPABILITY REPORT