

Purpose

The purpose of this report is for Council, as Planning Authority, to consider the representations to the Draft Dorset Local Provisions Schedule and provide its opinions and recommendations to the Tasmanian Planning Commission pursuant to section 35F of the *Land Use Planning and Approvals Act 1993*.

Background

The draft Dorset Local Provisions Schedule (LPS) was endorsed by Council, as Planning Authority, at the 20 September 2021 Council Meeting and subsequently submitted to the Tasmanian Planning Commission (the Commission). During late March 2022, the Commission directed Council to exhibit its draft LPS for the statutory 60-day exhibition period in accord with the *Land Use Planning and Approvals Act 1993* (the Act).

The draft LPS commenced public exhibition in accordance with the requirements of section 35C and 35D of the Act on 4 April 2022, with the period for the submission of representations concluding on 6 June 2022. At the conclusion of the exhibition period, 14 representations had been received. A further 3 representations were received subsequent to the expiry of the public exhibition, of which the planning authority – in its discretion to do so – has accepted.

Following the statutory public exhibition of the draft LPS, Council must now prepare and submit a report to the Commission regarding that exhibition. The report is to consider the representations received during the public exhibition period, including assessment and recommendations on whether the matters raised in those representations are of sufficient merit to warrant modification to the draft LPS.

Planning, Environment & Statutory Requirements

Section 34 of the *Land Use Planning and Approvals Act 1993* prescribes the criteria that a draft LPS must meet.

Section 35 of the *Land Use Planning and Approvals Act 1993* prescribes the process for a planning authority to prepare and submit a draft LPS to the Commission and for the Commission to assess and approve an LPS.

Section 35F of the *Land Use Planning and Approvals Act 1993* prescribes the requisite contents of the report by the Planning Authority to the Commission regarding the exhibition, including the following:

- a) A copy of each representation made under section 35E(1) received before the end of the exhibition period;
- b) A copy of each representation made under section 35E(1) received after the end of the exhibition period that is included in the report at the discretion of the Planning Authority;
- c) A statement of the Planning Authority's opinion as to the merit of each representation made, in particular as to whether the draft LPS should be modified and, if recommended to be modified, the effect on the draft LPS as a whole;
- d) A statement as to whether the Planning Authority is satisfied that the draft LPS meets the LPS criteria; and
- e) The recommendations of the Planning Authority in relation to the draft LPS.

Division 5 – Approval of Local Provisions Schedules of the Land Use Planning and Approvals Act 1993 prescribes the process for the Commission to consider and approve Local Provision Schedules.

Risk Management

N/A

Financial & Asset Management Implications

N/A

Community Considerations

See Officer's Comments below.

Officer's Comments

Matters raised in the received representations have been considered in accordance with the requirements of the Act within the: Dorset Draft Local Provisions Schedule – Section 35F Report – Review of Representations. This report, together with copies of each representation, are provided at the Agenda Attachments.

Some of the matters raised in the representations have merit and warrant changes to the draft LPS. Where such matters have been re-examined and have been found to be consistent with the LPS Criteria and Guidelines, they have been supported accordingly.

Other matters raised in the representations can be categorised as being of a broader strategic nature relating to the implementation of landscape strategies, localised heritage protection (both buildings and aboriginal) and the expansion or intensification of existing settlements. In most cases there is limited existing strategic justification to support these changes as part of the draft LPS process. Council recognises the need to undertake further

contemporary localised strategic land use planning reviews and the preparation of localised settlement strategies to support residential growth opportunities in key settlement areas. Some of these initiatives are currently being advanced, but these projects will take time to reach completion and will therefore have to occur parallel and subsequent to the draft LPS process being finalised.

Following receipt of the Planning Authority's Section 35F Report, the Commission will hold hearings into the representations made. During the hearing, representors will be provided with the opportunity to elaborate on their views to the Commission. In this context, Council's recommendations on the representations are not necessarily a final outcome for those affected persons.

After the hearings are held, the Commission may (i) approve the draft LPS, (ii) direct the Planning Authority to modify the draft LPS, or (iii) reject the draft LPS. In accordance with Section 35L of the Act, this decision is expected to be received within 90 days of the Section 35F Report being submitted to the Commission. If substantial modifications are deemed to be required, the Commission will simultaneously approve the draft LPS and direct the Council to submit a planning scheme amendment to address the outstanding modifications.

Noting that the draft LPS, as publically exhibited, has already been determined by the Commission as satisfying the LPS criteria, the draft LPS – with or without substantial modifications - is expected to be approved and commence its operation by mid-November.

Recommendation

That Council, in its role as Planning Authority, endorses the attached document *Dorset Draft Local Provisions Schedule – Section 35F Report – Review of Representations*, as its report pursuant to section 35F of the *Land Use Planning and Approvals Act 1993* and submit it to the Tasmanian Planning Commission.



Dorset Draft Local Provisions Schedule

Section 35F Report

Review of Representations

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ACRONYMS

AH Act	<i>Aboriginal Heritage Act 1975</i>
CL Act	<i>Crown Lands Act 1976</i>
DIPS	Dorset Interim Planning Scheme 2013
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
FPPF	Future Potential Production Forest
LPS	Local Provisions Schedule
LUPA Act	<i>Land Use Planning and Approvals Act 1993</i>
NC Act	<i>Nature Conservation Act 2002</i>
NTRLUS	Northern Tasmanian Regional Land Use Strategy
PTPZ	Permanent Timber Production Zone
PVAO	Priority Vegetation Area Overlay
SSQ	Site-specific Qualification
THC	Tasmanian Heritage Council
TNVC	Threatened native vegetation community/communities
TSP Act	<i>Threatened Species Protection Act 1995</i>

MEANING OF TERMS

Guideline No. 1	Guideline No. 1 Local Provisions Schedule (LPS): zone and code application 2018 made under section 8A of the <i>Land Use Planning and Approvals Act 1993</i> .
Council	Dorset Council
SPP	State Planning Provisions
Planning Authority	Dorset Council
Commission	Tasmanian Planning Commission
RAMSAR Wetland	A Ramsar wetland is a wetland placed under protection due to its international and ecological significant under the Ramsar Convention 1971

1.0 REPRESENTATIONS RECEIVED BEFORE THE END OF THE STATUTORY EXHIBITION PERIOD

Representor(s)	Matter(s) raised in the representation
No. 1 - Peter Riggall	<ul style="list-style-type: none"> Support of the proposed partial application of the Landscape Conservation Zone to 183 Bridport Back Road Nabowla. Request that the partial application of the Landscape Conservation Zone align with the boundaries of the Conservation Covenant CPR6081 within the subject site.

Statement of Merit

- (1) This site is currently zoned Rural Resource Zone under the existing DIPS.
- (2) The site contains an existing single dwelling and a conservation covenant that contains a large stand comprising a large threatened native vegetation community *Eucalyptus viminalis wet forest* and is adjacent to a cluster of titles similarly possessing conservation covenants and also comprising a large community of both *Eucalyptus viminalis wet forest* and *Eucalyptus ovata forest and woodland*.
- (3) The split zone, as proposed, did not include a portion of the covenant east of Bridport Back Road. This was an administrative error and the intent of the zone application was for the subject site to be split-zoned along the boundary of the conservation covenant.
- (4) Application of the Landscape Conservation Zone to the identified area is consistent with LCZ 3 of Guideline No. 1 as it comprises part of a larger group of titles that together contain landscape values - such as the large *eucalyptus viminalis wet forest* TNVC shown below – that are identified for protection and conservation.

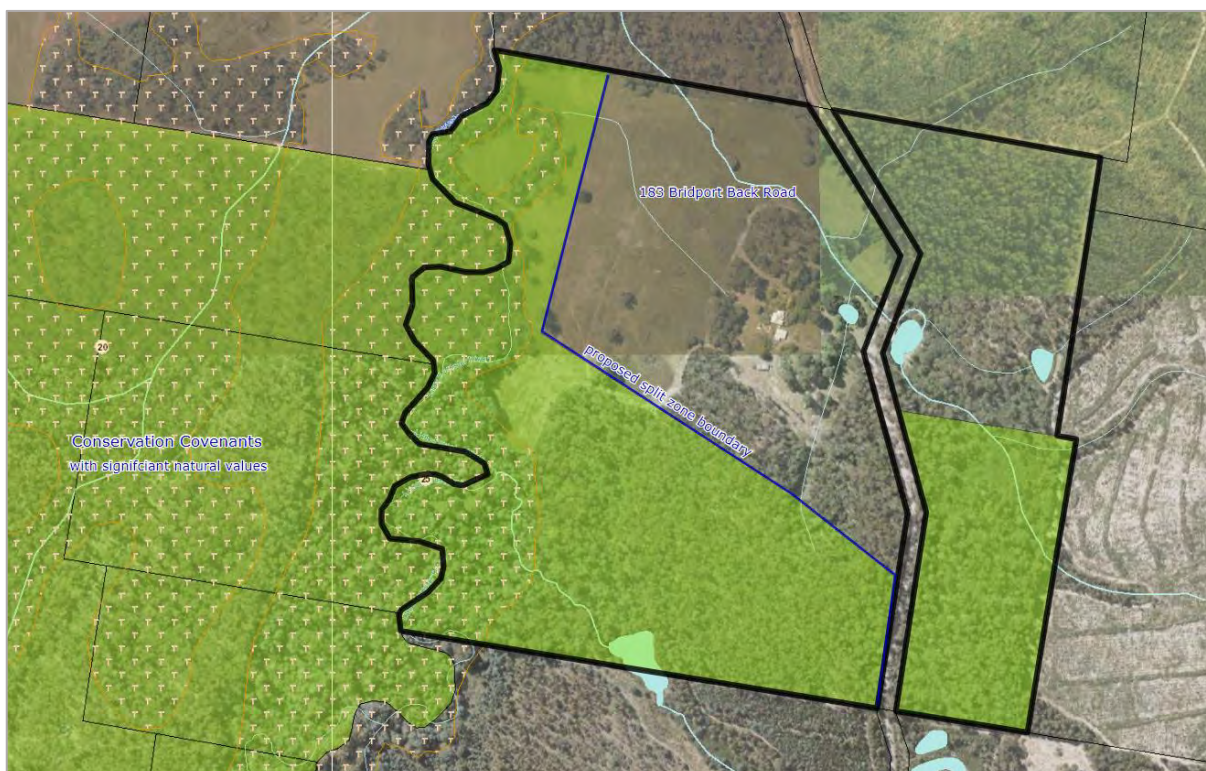


Figure 1: Aerial imagery depicting existing conservation covenants and proposed draft LPS split zone alignment at 183 Bridport Back Road

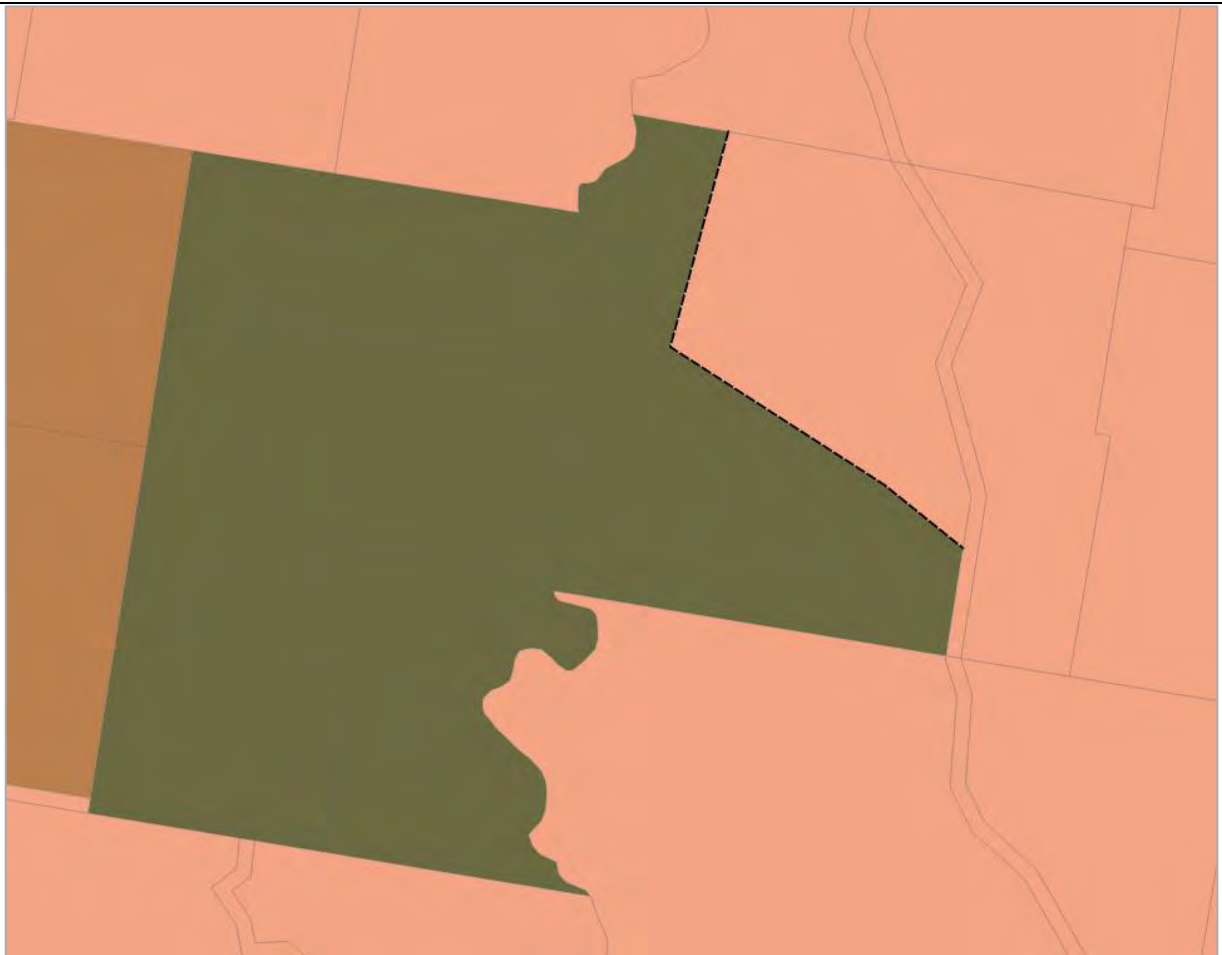


Figure 2: Application of Split Zone between Environmental Management and Rural Zone under the draft LPS.

(5) The representation is supported.

Recommended Action

Modification recommended to the draft LPS to apply the Landscape Conservation Zone to the full extent of the Conservation Covenant CPR6081 within 183 Bridport Back Road Nabowla (F/R 112806/1).

Impact on the LPS as a whole

There is no impact on the LPS as a whole from implementing the recommended modification. Satisfaction of the LPS criteria at section 34(2) of the LUPA Act is maintained.

Representor(s)	Matter(s) raised in the representation
No. 2 - James Cashion	<ul style="list-style-type: none"> The representation requests the application of the Village Zone to land at 1B Cox's Lane Branxholm (F/R 178341/3) which comprises a land area of approximately 1 ha.
Statement of Merit	
<p>(1) 1B Cox's Lane Branxholm is identified to be located within the Rural Zone and is directly adjacent to the south of Branxholm. The site is vacant but is relied upon for vehicle access by an existing single dwelling on 1 Cox's Lane Branxholm.</p>	



Figure 3: Aerial imagery depicting 1B Cox's Lane Branxholm

- (2) Noting the anecdotal demand for additional land supply within the immediate locality, there is merit in considering the expansion of the Branxholm rural settlement. Guideline No. 1 advises that the application of the Village Zone be applied to land within rural settlement, and where there is an unstructured mix of residential, commercial activities and community services or a strategic intention to maintain this mix. The identified parcel of land is not considered by the NTRLUS to be situated within the Branxholm settlement and would thereby not be consistent with the zone application guidelines as they pertain to the Village Zone.
- (3) Branxholm, however, is limited in its options for viable urban expansion. The north, east, and south is surrounded by forestry plantation. To the west it is constrained not only by agricultural, horticultural, processing, and manufacturing uses but is also subject to flooding. Therefore, limited opportunity for settlement expansion exists within the rural living area and directly to the south of Branxholm. As the representor notes, there are a number of factors including limitations upon viable agricultural use of the site, demand for additional residential land, and the potential for appropriate servicing and infrastructure to be installed, that warrant close consideration of this site for settlement expansion in future. Alternative zoning such as the Village Zone should be considered as part of a strategic review of the township's expansion opportunities separate to this process, and any rezoning would likely be subject to the sufficient provision of road, water, and stormwater infrastructure.
- (4) The proposal has merit but requires further strategic planning (i.e. preparation of a Settlement Strategy) that is beyond the scope of the draft LPS.
- (5) The proposal is more appropriately pursued via the usual planning scheme amendment process.

Recommended Action

No modification to the draft LPS.

Impact on the LPS as a whole

There is no impact on the LPS as a whole. Satisfaction of the LPS criteria at section 34(2) of the LUPA Act is maintained.

Representor(s)	Matter(s) raised in the representation
No. 3 - Kim and Peter Eastman	<ul style="list-style-type: none"> • The representation objects to the application of the Agriculture Zone to land at 1425 Forester Road North Scottsdale (F/R 1333542/2) and requests instead that it be assigned to the Landscape Conservation Zone. • The representation includes the following reasons: <ul style="list-style-type: none"> ○ The property contains a 27.3 ha conservation covenant that covers 94% of the 29.1 ha title. ○ The covenanted area contains and provides habitat for Giant freshwater crayfish (listed as Vulnerable under the TSP Act). ○ The covenanted area contains hard groundfern individuals (listed as Threatened under the TSP Act). ○ Is adjacent to a similarly covenanted title (1453 Forester Road) and the North Scottsdale Regional Reserve to the west. ○ The uncovenanted portion of the site contains a residential dwelling and is not practical for agricultural purposes.
Statement of Merit	
<p>(1) Conservation covenants are legal commitments, registered on the title of the land, which bind current and future owners to protect the natural values of the identified land. In such cases, covenants represent an additional layer of obligation and restriction and operate, at a high level, in much the same way as other private covenants that seek to restrict building height, external cladding and the like.</p> <p>(2) The existence of conservations covenants, or limited threatened flora individuals, is accordingly not reason enough to apply the Landscape Conservation Zone. Guideline No. 1 states that the Landscape Conservation Zone may be applied to:</p> <ul style="list-style-type: none"> (i) areas of 'landscape value that are identified for protection', placing an emphasis on prior strategic planning work to identify areas for protection; (ii) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or (iii) land within a DIPS Environmental Living Zone and the primary intention is for the protection and conservation of landscape values. <p>(3) The title has:</p> <ul style="list-style-type: none"> (i) not been identified for protection through a strategic municipal wide landscape values assessment or identification of substantial stands of TNVC listed under Schedule 3A - TNVC of the NC Act; (ii) would not be burdened with significant constraints on development through the application of the Natural Assets Code or the Scenic Protection Code; and (iii) is not currently zoned Environmental Living Zone. <p>(4) It is evident upon review, however, that the site has limited to no agricultural potential and therefore the Rural Zone ought to be applied to the property in lieu of the proposed Agriculture Zone. This is also the case for the nearby cluster of rural lifestyle lots (721 Old Waterhouse Road, 679 Old Waterhouse Road, F/R 25884/1 Old Waterhouse Road, 1466 Forester Road, 1424 Forester Road, F/R 241519/1 Forester Road, and 1453 Forester Road) which are also currently proposed to be included in the Agriculture Zone (see Figure 4 below).</p>	

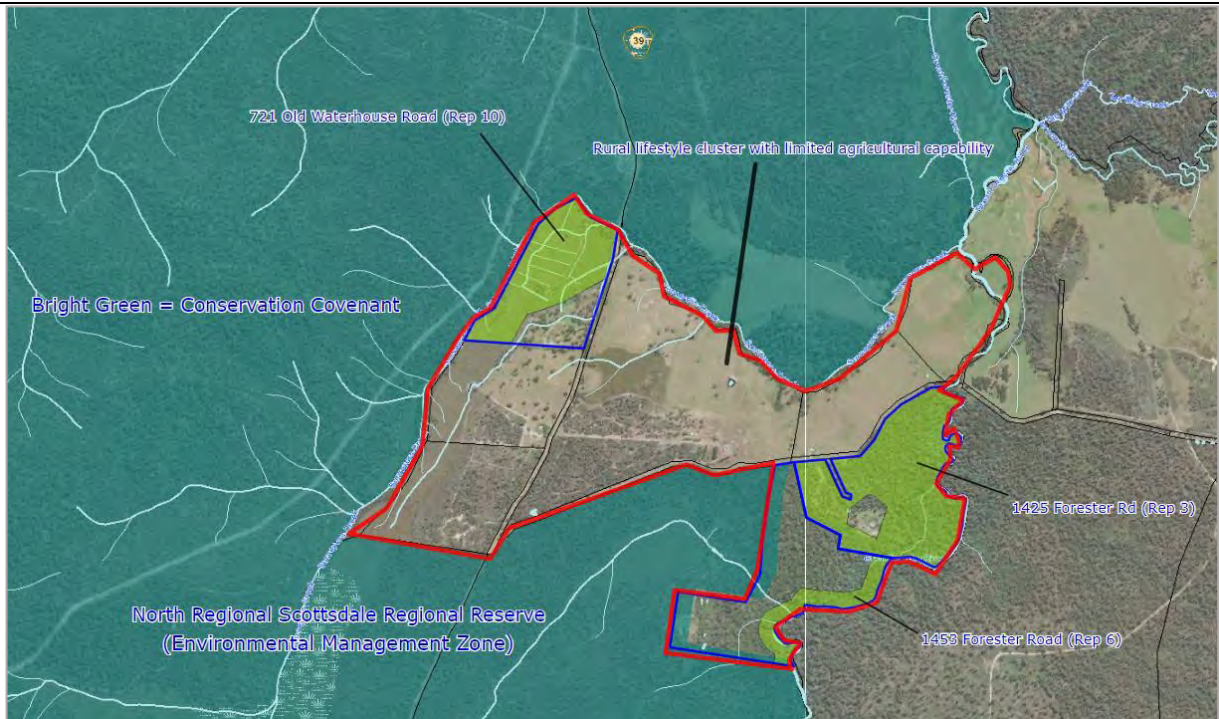


Figure 4: Aerial Imagery showing area identified for the application for the Rural Zone at the intersection between Old Waterhouse Road and Forester Road

- (5) This rural lifestyle cluster has an area of approximately 215 hectares split amongst 8 freehold titles. Each title is in separate ownership. Six of the titles have existing residential dwellings. Similarly, three of the titles contain conservation covenants. Most titles range between 20-30ha in area. The largest title (located centrally within the cluster) is 60ha. The cluster is primary Class 4 and Class 5 agricultural land, with small pockets of Class 6. Thus despite three of the titles being identified as unconstrained under the 'Land Potentially Suitable for Agriculture Zone' guidance mapping, the fragmented nature of the land through separate land ownership, existing rural lifestyle usage of the majority of the area, and the constraints provided by surrounding land tenure, hydrology, and environmental protection and forestry uses, render all properties identified above as having limited or no agricultural capability.

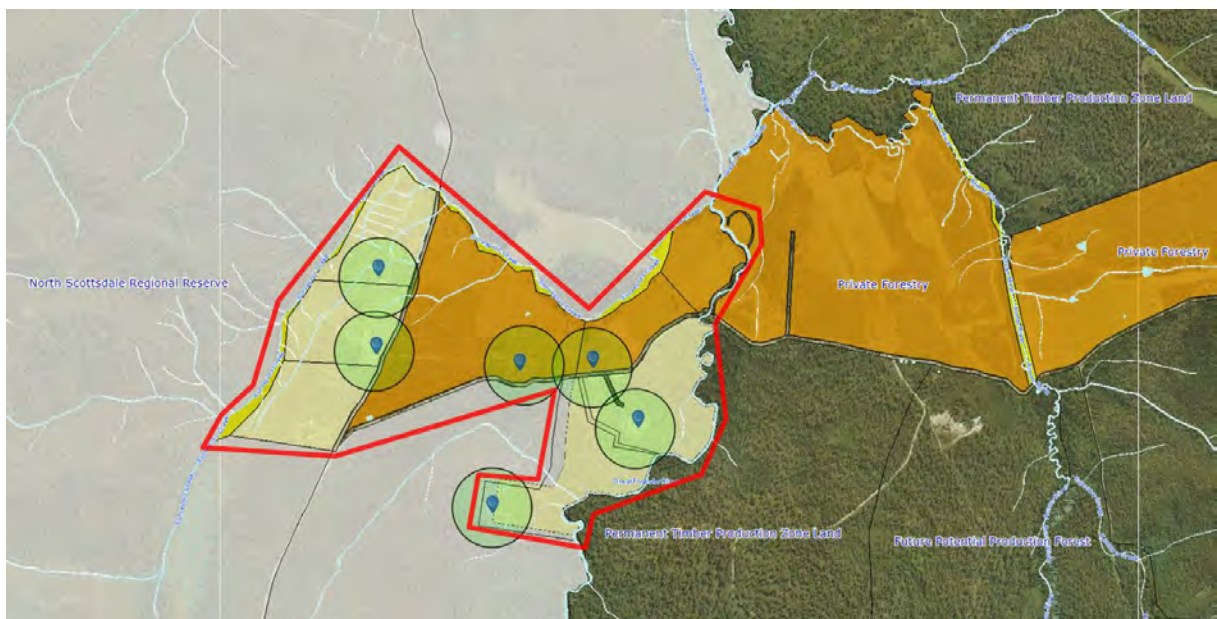


Figure 5: Aerial imagery showing location of existing residential dwellings, surrounding land tenure/use, and the 'Land Potentially Suitable for Agriculture Zone' guidance mapping.

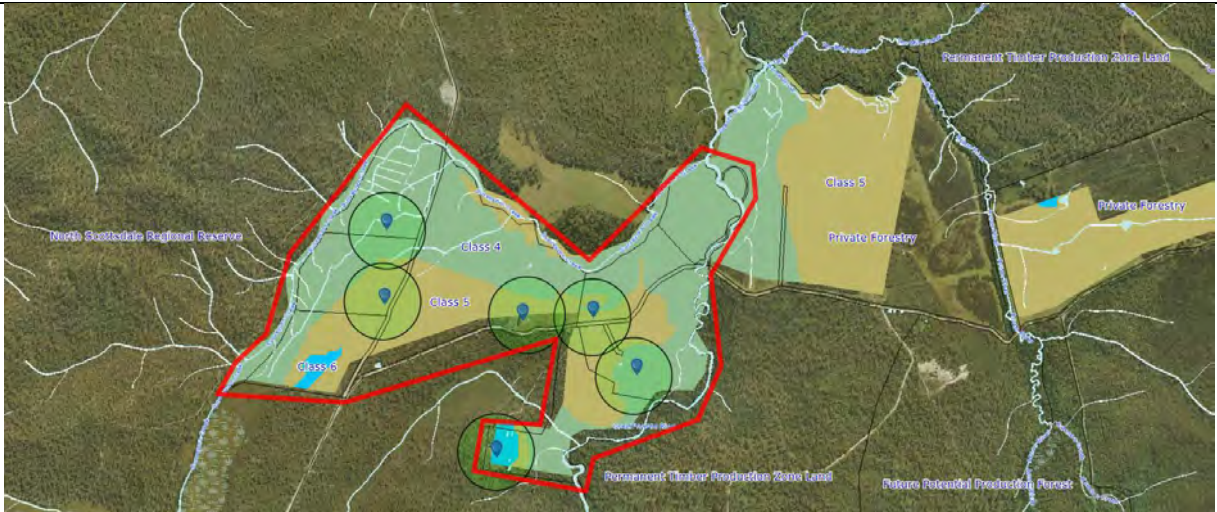


Figure 6: Aerial imagery showing location of existing dwellings, the location of notable watercourses, and land capability mapping.

- (6) Furthermore, three crown land parcels identified within this cluster, originally proposed to be located within the Agriculture Zone, are identified under the CL Act as Public Reserves with a prior reserve type of 'river reserve'. These parcels are shown below in Figure 7. These parcels act as riparian reserves and, in accordance with EMZ 1 of Guideline No. 1, are more appropriately located within the Environmental Management Zone.



Figure 7: Aerial imagery depicting three crown land parcels identified as Public Reserves under the CL Act recommended to be located within the Environmental Management Zone.

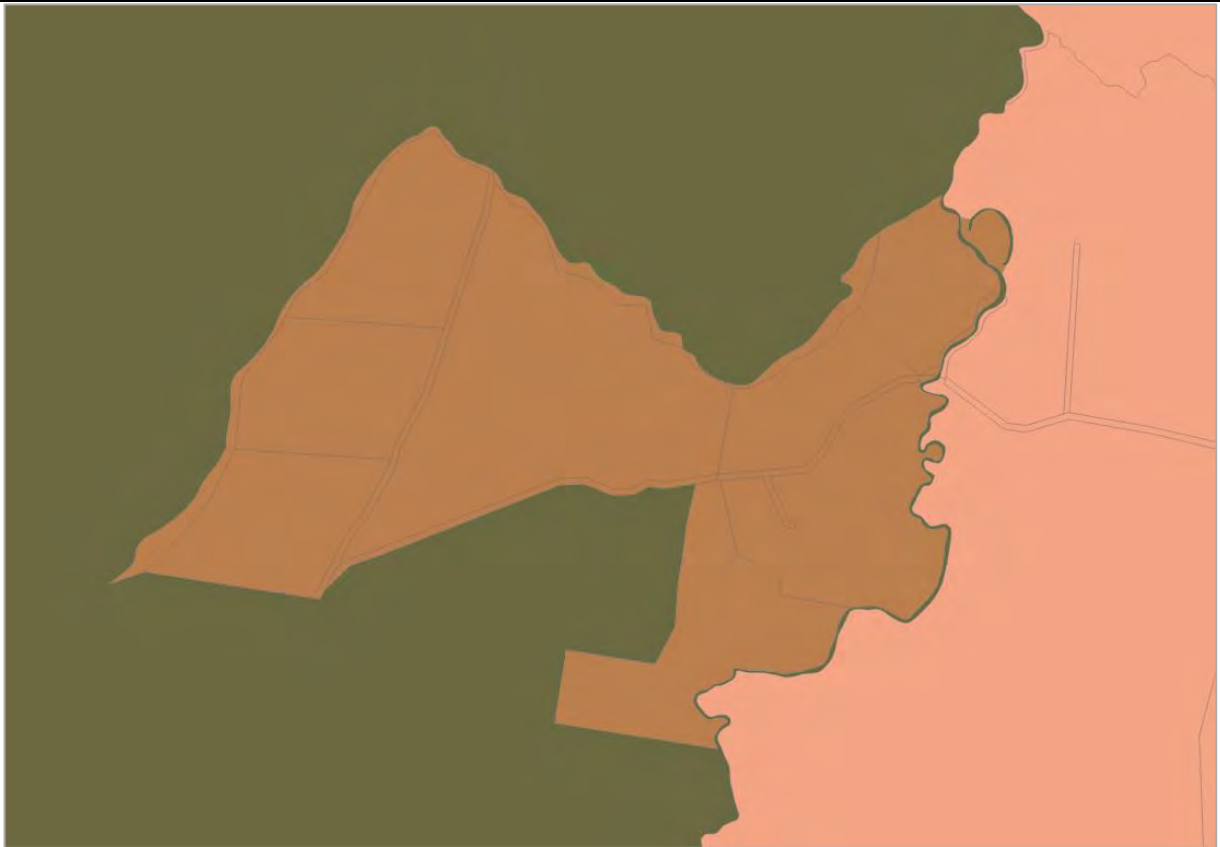


Figure 8: Aerial imagery detailing the proposed draft LPS application of the Agriculture Zone to the cluster identified in (4) above. All titles zoned Agriculture in this image, other than those identified as Crown Public Reserves above, are recommended to have the Rural Zone applied to the land.

(7) The application of the Rural Zone and the Environmental Management Zone to these pertinent properties would enable the PVAO to apply to the pertinent parts of the property.

<p>Recommended Action</p> <p>Modification recommended to the draft LPS to:</p> <p>(a) Apply the Rural Zone to the following properties:</p> <ul style="list-style-type: none"> i) 1425 Forester Road North Scottsdale (F/R 133542/2); ii) 1453 Forester Road (F/R 133542/1) iii) F/R 241519/1 Forester Road iv) 1424 Forester Road (104533/1) v) 1466 Forester Road (F/R 240786/1) vi) F/R 25884/1 Old Waterhouse Road vii) 679 Old Waterhouse Road (F/R 25884/2) viii) 721 Old Waterhouse Road (F/R 105162/1) ix) Other cadastral parcels at this specific location not identified by property address, F/R reference or PID number, generally including parcels described as ‘Road (type unknown’), but excluding those parcels identified within (b) below. <p>(b) Apply the Environmental Management Zone to the three crown parcels, proximate to Surveyors Creek and Great Forester River, reserved as ‘Public Reserves’ under the CL Act.</p>	<p>Impact on the LPS as a whole</p> <p>There is no impact on the LPS as a whole from implementing the recommended modification. Satisfaction of the LPS criteria at section 34(2) of the LUPA Act is maintained.</p>
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(c) Following the recommendation at (a) and (b) above, modification recommended to the draft LPS to reinstate the Natural Assets Code – PVAO to the following properties:

- i) 1425 Forester Road North Scottsdale (F/R 1333542/2);
- ii) 1453 Forester Road (F/R 133542/1)
- iii) F/R 241519/1 Forester Road
- iv) 1424 Forester Road (104533/1)
- v) 1466 Forester Road (F/R 240786/1)
- vi) F/R 25884/1 Old Waterhouse Road
- vii) 679 Old Waterhouse Road (F/R 25884/2)
- viii) 721 Old Waterhouse Road (F/R 105162/1)
- ix) Other cadastral parcels at this specific location not identified by property address, F/R reference or PID number, generally including parcels described as 'Road (type unknown')

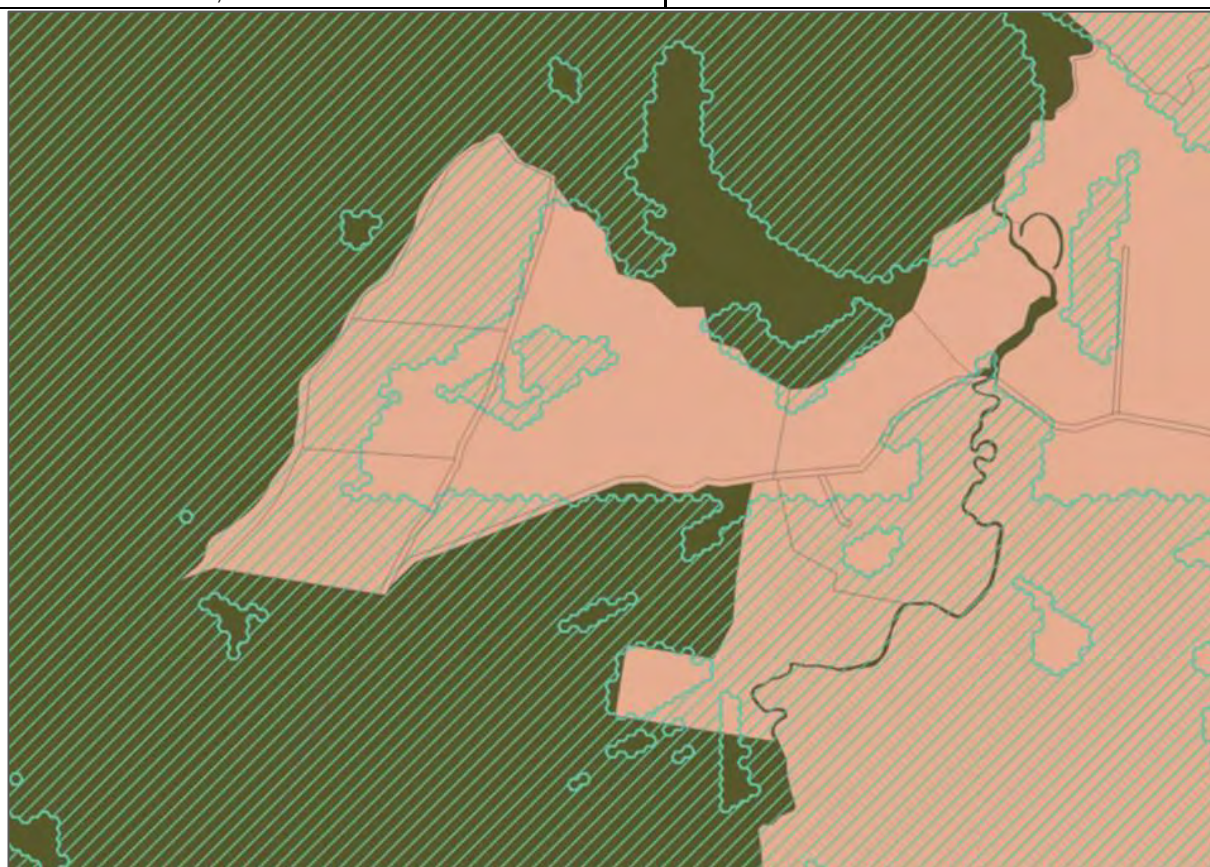


Figure 9: Mapping depicting recommended application of the Rural Zone, Environmental Management Zone and PVAO described above.

Representor(s)	Matter(s) raised in the representation
No. 4 - Daniel Ferguson	<ul style="list-style-type: none"> • The representation objects to the application of the Agriculture Zone to land at F/R 115755/1 Ten Mile Track Springfield and requests instead that it be assigned to the Rural Zone • The representation includes the following reasons: <ul style="list-style-type: none"> ○ The property exhibits characteristics which are most similar to the adjacent properties which are proposed to be zoned 'Rural'. ○ Application of the Rural Zone would safeguard the conservation covenant in the centre of the title (covering more than half of the title). ○ The site has limited practicability for agricultural use. ○ Application of the Rural Zone is consistent with the key planning principles for Rural Areas within the Northern Tasmania Regional Land Use Strategy.
Statement of Merit	
<p>(1) The title has a site area of approximately 90 ha and is identified as unconstrained within the 'Land Potentially Suitable for Agriculture Zone' guidance mapping.</p> <p>(2) However, as demonstrated within the submitted Agricultural Report prepared by Astrid Ketelaar and Jake Gaudion of RMCG, the property has limited potential for agricultural use and by way of a variety of significant constraints.</p> <p>(3) The application of the Rural Zone to F/R 115755/1 Ten Mile Track Springfield is therefore warranted.</p> <p>(4) Although not mentioned within the representation, the relevant property 'Pirnhall' is comprised of two adjoining titles under the same ownership. The latter is a 1.8 ha title identified as Potential Constrained (Criteria 2A) under the 'Land Potentially Suitable for Agriculture Zone' guidance mapping. Subject to the application of the Rural Zone to the larger F/R 115755/1 title, F/R 115754/1 is likewise suitable for the application of the Rural Zone.</p> <p>(5) The application of the Rural Zone to these properties would similarly enable the PVAO to apply to the pertinent parts of the property.</p>	
<p>Recommended Action</p> <p>Modification recommended to the draft LPS to:</p> <p>(a) Apply the Rural Zone to F/R 115755/1 Ten Mile Track Springfield and F/R 115754/1 Ten Mile Track Springfield.</p> <p>(b) Following the recommendation at (a) above, modification recommended to the draft LPS to reinstate the Natural Assets Code – PVAO to F/R 115755/1 Ten Mile Track Springfield and F/R 115754/1 Ten Mile Track Springfield.</p>	<p>Impact on the LPS as a whole</p> <p>There is no impact on the LPS as a whole from implementing the recommended modification. Satisfaction of the LPS criteria at section 34(2) of the LUPA Act is maintained.</p>

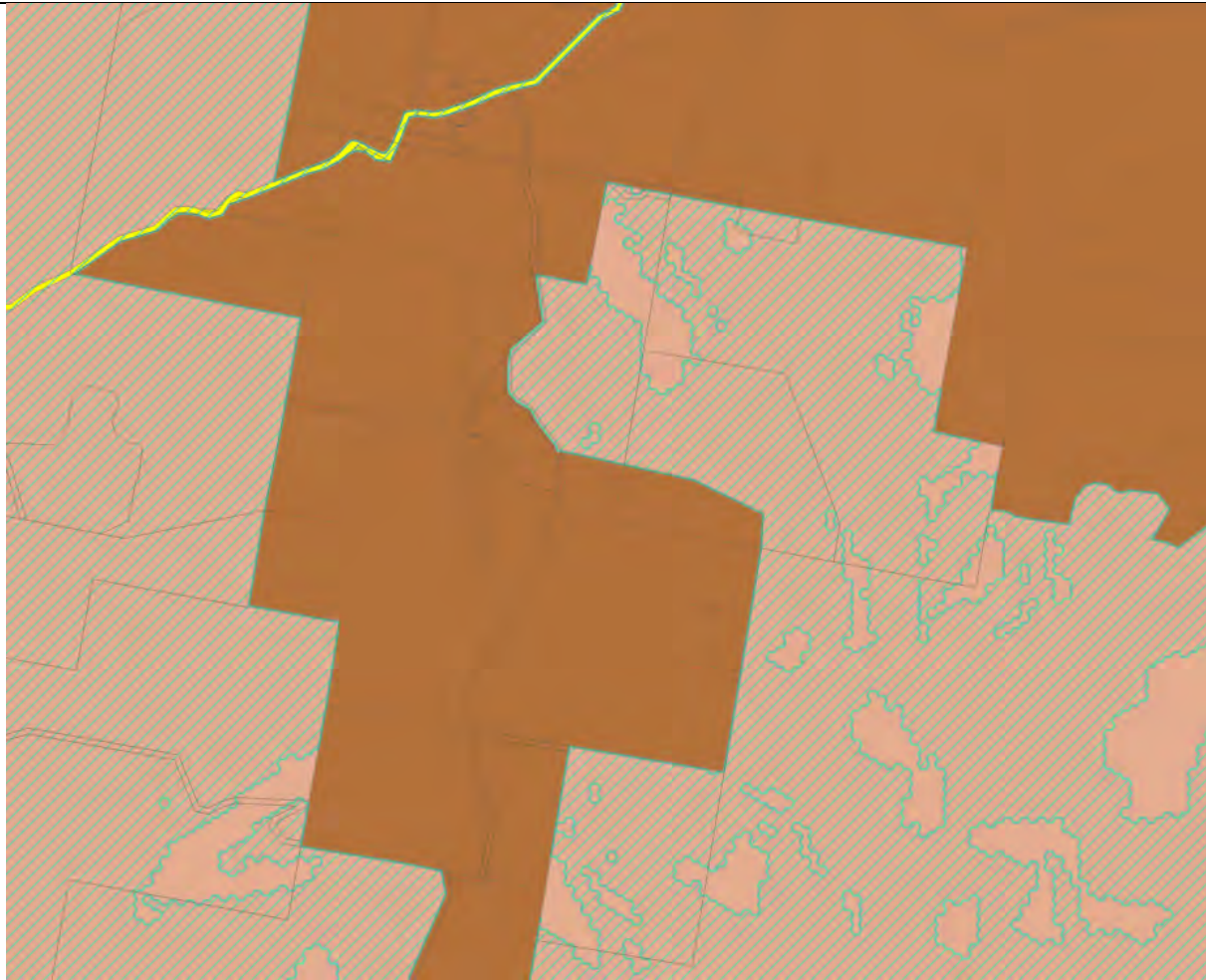


Figure 9: Mapping depicting recommended application of the Rural Zone and PVAO described above.

Representor(s)	Matter(s) raised in the representation
No. 5 - Sandra Chugg and Christopher Thirkell	<ul style="list-style-type: none"> • The representation requests that all lots proposed to be applied with Rural Living Zone C (with a 5 ha acceptable minimum lot size) should instead be applied with Rural Living Zone B (with a 2 ha acceptable minimum lot size). • The representation includes the following reasons: <ul style="list-style-type: none"> ○ 2 ha minimum lot sizes would be better suited due to the geography of the land and placement of dwellings ○ The rural living lots are too small for agricultural production potential and would be better suited to smaller acreage for families (similar to those at the Port Hills low density residential area). ○ There is anecdotal demand for blocks of land of 2 ha or slightly greater as it provides opportunities for residents to have a horse, some cooks and an area for the kids to play without the increased maintenance that is associated with larger properties.
Statement of Merit	
<p>(1) The rural living area - proposed to be Rural Living Zone C by the draft LPS – is located in several clusters: (i) southwest of Bridport Road, (ii) north of Waterhouse Road, and (iii) east of the Heckrath Industrial Area.</p> <p>(2) While there is anecdotal evidence for a lack of supply to meet demand within the immediate locality, the rural living area is unable to meet all relevant sustainability criteria to justify densification greater than that allowed by Rural Living Zone C. The identified lots are completely surrounded by agricultural uses such as pasture, are subject to natural hazards (such as coastal and riverine inundation proximate to Trent Water and bushfire) and provides a transition zone between the more intense development within Bridport and the surrounding agricultural land. Accordingly, the application of Rural Living Zone B does not sufficiently meet the sustainability criteria to justify its application to the land currently proposed to be Rural Living Zone C.</p>	

<p>(3) The vast majority of the lots identified within Rural Living Zone C by the draft LPS have an existing lot size far in exceedance of 2 ha. As a result, the application of Rural Living Zone B is not reflective of the existing lot densities of the identified area and cannot be pursued via RLZ 3(a) of the Guidelines.</p> <p>(4) Finally, the minimum lot size proposed by the representation is inconsistent with Council's endorsed rural living strategy and therefore cannot comply with RLZ3 (b).</p> <p>(5) The matters raised in the representation do not reasonably demonstrate a modification is appropriate or necessary.</p>	
<p>Recommended Action</p> <p>No modification recommended to the draft LPS.</p>	<p>Impact on the LPS as a whole</p> <p>There is no impact on the LPS as a whole. Satisfaction of the LPS criteria at section 34(2) of the LUPA is maintained.</p>

Representor(s)	Matter(s) raised in the representation
No. 6 - Jade Lenord	<ul style="list-style-type: none"> The representation objects to the application of the Agriculture Zone to land at 1453 Forester Road North Scottsdale (F/R 133542/1) and requests instead that it be assigned to the Landscape Conservation Zone. The representation includes the following reasons: <ul style="list-style-type: none"> The property contains a 5.4 ha conservation covenant that covers 19% of the 28 ha title. The covenanted area contains and provides habitat for giant freshwater crayfish (<i>astacopsis gouldi</i>) which is listed as vulnerable under both the TSP Act and the EPBC Act. The property is adjacent to a similarly covenanted title (1453 Forester Road) and the North Scottsdale Regional Reserve to the west. The uncovenanted portion of the site contains a residential dwelling and is not practical for agricultural purposes.
<p>Statement of Merit</p> <p>See response to Representation No. 3</p>	
<p>Recommended Action</p> <p>See modification recommendation to Representation No. 3</p>	<p>Impact on the LPS as a whole</p> <p>There is no impact on the LPS as a whole from implementing the recommended modification. Satisfaction of the LPS criteria at section 34(2) of the LUPA Act is maintained.</p>

Representor(s)	Matter(s) raised in the representation
No. 7 - TasWater	<ul style="list-style-type: none"> The representation requests that the Utilities Zone be applied to F/R 78910/1 Warrentinna Road Winnaleah, as it contains a water storage reservoir.
<p>Statement of Merit</p> <p>(1) This site is currently zoned Rural Resource Zone under the existing DIPS.</p> <p>(2) The site contains an existing water storage reservoir.</p> <p>(3) The reservoir is a water storage facility for the purposes of water supply directly associated with major utilities infrastructure and would comply with UZ 4 accordingly.</p> <p>(4) The representation is supported.</p>	
<p>Recommended Action</p> <p>Modification recommended to the draft LPS to apply the Utilities Zone to F/R 78910/1 Warrentinna Road Winnaleah.</p>	<p>Impact on the LPS as a whole</p> <p>There is no impact on the LPS as a whole from implementing the recommended modification. Satisfaction of the LPS criteria at section 34(2) of the LUPA Act is maintained.</p>

Representor(s)	Matter(s) raised in the representation
No. 8 - Tasmanian Heritage Council	<ul style="list-style-type: none"> The representation is largely observational in nature and generally relates to the THC supporting Council if it decides to pursue future planning scheme amendments, including: <ul style="list-style-type: none"> Strong encouragement for Council to complete a local heritage study of the entire municipality to ensure that places and precincts with recognised local heritage significance are afforded necessary statutory protections in the future. Supporting the recommendation of the 2012 Derby Heritage Study to include Derby Village in a local heritage precinct under the Local Historic Heritage Code as part of a future planning scheme amendment. Supports the inclusion of all existing permanently registered places on the Tasmanian Heritage Register to be included into the LPS local Historic Heritage Code as part of a future planning scheme amendment.
Statement of Merit	
<p>(1) It is noted that the THC provides its support for future strategic heritage planning as part of any future planning scheme amendment.</p> <p>(2) Numerous properties of historic significance within Dorset are listed on the Tasmanian Heritage Register. This instrument provides an appropriate level of heritage protection for those values within the municipality to comply with this policy.</p> <p>(3) Derby Village has changed considerably since 2012. The economic development agenda for the township has shifted from a loose heritage-focussed renaissance to mountain biking. Although retaining much of its simple charm, an eclectic mix of new developments are now scattered throughout the township, diversifying the weatherboard uniformity that once dominated the village streetscape decades ago. Application of a local heritage precinct to Derby Village would render nearly all development (upon both vacant and built sites) discretionary and is a blunt and burdensome regulatory instrument.</p> <p>(4) Numerous properties of historic significance within Dorset are listed on the Tasmanian Heritage Register. This instrument provides an appropriate level of heritage protection for those values within the municipality to comply with this policy. In accordance with the SPPs, State heritage listed items are not included in the SPP Local Historic Heritage Code as development is assessed by the Heritage Council through a legislative referral process.</p>	
Recommended Action No modification recommended to the draft LPS.	Impact on the LPS as a whole There is no impact on the LPS as a whole. Satisfaction of the LPS criteria at section 34(2) of the LUPA Act is maintained.

Representor(s)	Matter(s) raised in the representation
No. 9 - Department of State Growth	<ul style="list-style-type: none"> The representation expresses support for Council's approach to rely on the written application of the Road and Railway Assets Code, rather than applying the attenuation area through overlay mapping. The representation requests: <ul style="list-style-type: none"> That the Utilities Zone be applied to various acquired parcels of land that form part of the current State Road Network, despite not being present within relied upon the State Road Casement layer which was published in 2018; and the removal of the PVAO from the State Road Network, noting that exemptions apply for road upgrades within the road corridor and inconsistencies between the PVAO, TASVEG 3.0 and TASVEG 4.0.
Statement of Merit	
<p>(1) Support for the written application of the Road and Railway Assets Code is noted.</p> <p>(2) Whilst details of the specific parcels of acquired land have yet to be provided, aligning the proposed Utilities Zone with the State Road Casement as it currently exists is worthwhile.</p> <p>(3) Whilst details of the specific parts of the State Road Network burdened by the PVAO have yet to be provided, rationalising the PVAO within the State Road Network is worthwhile.</p>	

Recommended Action Modification recommended to the draft LPS to: <ul style="list-style-type: none"> (a) Apply the Utilities Zone to parcels of acquired land that currently form part of the State Road Network; and (b) Remove the PVAO from land identified within the State Road Network. 	Impact on the LPS as a whole There is no impact on the LPS as a whole as a result of the recommended modification. Satisfaction of the LPS criteria at section 34(2) of the LUPA Act is maintained.
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Representor(s)	Matter(s) raised in the representation
No. 10 - Conservation Landholders Tasmania	<ul style="list-style-type: none"> • The representation is partially observational in nature and generally relates to the representor asserting an apparent lack of considering of the Landscape Conservation Zone or Environmental Management Zone for most properties containing conservation covenants. • More specifically, the representation opposes the application of the Agriculture Zone, instead requesting the application of the Landscape Conservation Zone to the following properties: <ul style="list-style-type: none"> ○ 721 Old Waterhouse Road North Scottsdale (F/R 105162/1) ○ 1425 Forester Road North Scottsdale (F/R 133542/2) ○ 1453 Forester Road North Scottsdale (F/R 133542/1) • The representation also supports the request within Representation 1 pertaining to the application of the Landscape Conservation Zone within 183 Bridport Back Road Nabowla.

Statement of Merit	
(1) See response to Representation 3. (2) Support for the request of Representation 1 is noted.	
Recommended Action See modification recommendation to Representation No. 1 See modification recommendation to Representation No. 3	Impact on the LPS as a whole There is no impact on the LPS as a whole as a result of the recommended modification. Satisfaction of the LPS criteria at section 34(2) of the LUPA Act is maintained.

Representor(s)	Matter(s) raised in the representation
No. 11 - Department of Police, Fire and Emergency Management	<ul style="list-style-type: none"> • The representation is mostly observational in nature and notes support for the following matters: <ul style="list-style-type: none"> ○ The application of the updated Branhholm-Derby flood mapping into the Flood-Prone Areas Hazard Overlay. ○ The application of the Coastal Inundation Code and Overlay as proposed by the draft LPS. ○ The application of zones that provide for the management of density in flood-prone and coastal inundation hazardous areas.
Statement of Merit	
(1) The support from the Department in the matters listed above is noted.	
Recommended Action No modification recommended to the draft LPS.	Impact on the LPS as a whole There is no impact on the LPS as a whole. Satisfaction of the LPS criteria at section 34(2) of the LUPA Act is maintained.

Representor(s)	Matter(s) raised in the representation
No. 12 - TasNetworks	<ul style="list-style-type: none"> The representation requests that: <ul style="list-style-type: none"> The Utilities Zone be applied to the Mount Horror Communication Site in the form of a 20 metre radius circle surrounding the site so as to align with the Communications Station Buffer Area Overlay; and That the PVAO be removed within this radius where no native vegetation is present. That the PVAO be removed from the Scottsdale Transend Sub-station located at 43 Ringarooma Road Scottsdale.
Statement of Merit	
<p>(1) Utilities zoning based on buffers, generalized areas around infrastructure and the like is not supported. The asset in question effectively co-located with other resources such as State forest or environmental assets which are the dominant landscape types. This type of zoning approach sets a difficult precedent for other infrastructure that may be public or private, yet serves a broad public purpose such as other commercial or state communication towers (e.g. Telstra, Optus, Sustainable Timbers Tasmania, etc.).</p> <p>(2) Council's zoning methodology reflects the preference in the guidance documents that dedicated titles for Utilities assets are zoned for that purpose. There is no compelling reason why TasNetworks Mount Horror Communication Site should be provided a specific zoning arrangement that is not consistent with the broader zoning methodology.</p> <p>(3) Rationalising the PVAO within the Communication Station Buffer Area Overlay where it can be demonstrated that there are no natural values is worthwhile.</p>	
Recommended Action Modification recommended to the draft LPS to remove the PVAO from land identified within: <ul style="list-style-type: none"> (a) the Communication Station Buffer Area at F/R 141691/1 Oxberry Road Banca and adjacent Crown land (managed by Parks and Wildlife Service) where no native vegetation is present; and (b) the Scottsdale Transend Substation at 43 Ringarooma Road Scottsdale (F/R 84976/1) where no native vegetation is present. 	Impact on the LPS as a whole There is no impact on the LPS as a whole as a result of the recommended modification. Satisfaction of the LPS criteria at section 34(2) of the LUPA Act is maintained.

Representor(s)	Matter(s) raised in the representation
No. 13 - Tasmanian Land Conservancy	<ul style="list-style-type: none"> The representation is primarily observational in nature and generally relates to how strategic and regulatory planning decisions ought to be made. In particular, the representation raises the following: <ul style="list-style-type: none"> That Council implement a process whereby mapping of the overlays of the Natural Assets Code are continually revised, updated and re-evaluated. That the Natural Assets Code should be applied across all zones. In particular, that the PVAO should apply, where relevant, to the Agriculture. That all strategic and regulatory planning decisions should align with the precautionary principle. That all land subject to a conservation covenant ought to be zoned Landscape Conservation zone or Environmental Management Zone.
Statement of Merit	
<p>Review Processes</p> <p>(1) Section 44 of the LUPA Act requires the Planning Authority to undertake a review of its planning scheme, including a period of public consultation, on every fifth anniversary of the date on which the planning scheme came into operation.</p> <p>Application of the PVAO to Agriculture Zone</p> <p>(2) Guideline No. 1 require that the PVAO not be applied to the Agriculture Zone. Application of the PVAO to the Agriculture Zone would require an amendment to the SPPs. This is outside the scope of the current draft LPS assessment process.</p>	

<p>(3) If Council is of the opinion that the contents of the SPPs should be altered (i.e. that the PVAO ought to be applied within the Agriculture Zone) then it may advise the Minister under s.35G of the LUPA Act accordingly.</p> <p>The Precautionary Principle</p> <p>(4) No specific changes to the LPS are required.</p> <p>Zoning of Conservation Covenants</p> <p>(5) Conservation covenants are legal commitments, registered on the title of the land, which bind current and future owners to protect the natural values of the identified land. In such cases, covenants represent an additional layer of obligation and restriction and operate, at a high level, in much the same way as other private covenants that seek to restrict building height, external cladding and the like.</p> <p>(6) The existence of conservations covenants is not reason enough to apply the Landscape Conservation Zone or Environmental Management Zone. Such an approach would likely be a deterrent for resource development operations to consider applying for conservations covenants within their larger holdings.</p> <p>(7) The Landscape Conservation Zone, Rural Zone, and Agriculture Zone already provide for discretionary consideration of residential uses. Conservation covenants of the scale that would necessitate permanent human presence are unlikely to be within the Environmental Management Zone as this zoning is primarily reserved for State reserves, riparian reserves, and the like.</p>	
<p>Recommended Action</p> <p>No modification recommended to the draft LPS.</p>	<p>Impact on the LPS as a whole</p> <p>There is no impact on the LPS as a whole. Satisfaction of the LPS criteria at section 34(2) of the LUPA Act is maintained.</p>

Representor(s)	Matter(s) raised in the representation
No. 14 - PDA Surveyors obo David Krushka	<ul style="list-style-type: none"> The representation opposes the application of Rural Living B to 1954 Bridport Road Bridport (F/R 235494/1) and instead requests that the Rural Zone be applied to the site. The representation advises of an imminent application to be made to Council for a combined permit and amendment to the current DIPS – a circumstance foreshadowed in the representation. That application will propose for the site to be rezoned to the Rural Zone and a SSQ which will endeavour to provide for uses than can better support the adjoining airstrip operation. Council will consider this application in accordance with the usual planning scheme amendment process and requirements under the LUPA Act.
Statement of Merit	
<p>(1) In isolation, the application of the Rural Zone is not supported as it would result in a spot zoning (with Rural Living zone to the north and west, Zone to the east, and Recreation Zone to the south).</p> <p>(2) However, there is merit is recommending that the Commission also apply the Rural Zone to 1952 Bridport Road Bridport (the airstrip) and 1950 Bridport Road Bridport (former site of the North East Gun Club). As detailed further below, the landowners of both titles have similarly requested the application of the Rural Zone to these titles. All three identified titles have limited agricultural capability and are not appropriate for the Rural Living Zone, Agriculture Zone, and Recreation Zone respectively. These titles, as shown below, represent a cluster that would avoid spot zoning and is supported accordingly.</p>	

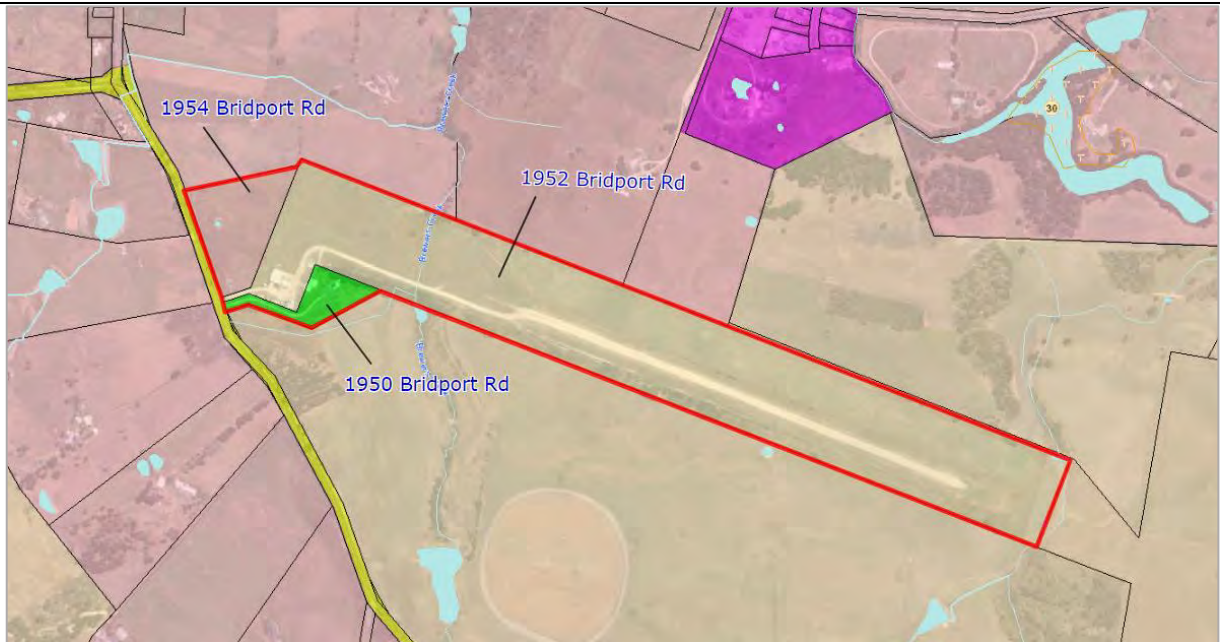


Figure 11: Aerial imagery of the three identified titles where application of the Rural Zone is warranted.

- (3) It is noted that the proposed SSQ DOR-21.1 - which would provide for Transport Depot and Distribution 'if for an airport' as an additional Permitted Use Class – is proposed to apply to 1952 Bridport Road, Bridport. Whilst the application of the Rural Zone to the site would provide for discretionary consideration of an airport use, there is strategic merit in providing for a permitted pathway for the existing airport operations at the site. It is therefore recommended that the SSQ DOR-21.1 apply to the site and that the 'Relevant Clause in State Planning Provisions' section of the SSQ be amended to be *'Rural Zone – clause 20.2 Use Table'*.

Recommended Action

Modification recommended to the draft LPS to:

- (a) apply the Rural Zone to 1950 Bridport Road Bridport, (F/R 10173/1), 1952 Bridport Road Bridport (F/R 233662/1), and 1954 Bridport Road Bridport (F/R 235494/1).
- (b) Subject to (a) above, amend SSQ DOR-21.1 to refer to 'Rural Zone – clause 20.2 Use Table' under the section titled 'Relevant Clause in State Planning Provisions'.

Impact on the LPS as a whole

There is no impact on the LPS as a whole as a result of the recommended modification. Satisfaction of the LPS criteria at section 34(2) of the LUPA Act is maintained.

2.0 REPRESENTATIONS RECEIVED AFTER THE END OF THE STATUTORY EXHIBITION PERIOD (INCLUDED AT THE DISCRETION OF THE PLANNING AUTHORITY)

Representor(s)	Matter(s) raised in the representation
No. 15 - Department of Natural Resources and Environment Tasmania	<ul style="list-style-type: none"> • The representation primarily raises concerns pertaining to the inappropriateness of being unable to apply the PVAO to land within the Agriculture Zone. Several other matters are also suggested for potential planning scheme amendments in the future. Key matters raised include the following: <ul style="list-style-type: none"> ○ Alternative Zoning to Agriculture Zone in lieu of the PVAO That land currently proposed to be zoned Agriculture within the draft LPS which contains TNVC and/or clusters of threatened flora records should have alternate zoning applied so that the PVAO is applicable to the pertinent areas. Example properties include F/R 196819/1, F/R 135368/1 and F/R 111245/1. Specific details regarding such properties can be found within the representation. ○ Chaostola Skipper That application of the Agriculture Zone is not appropriate upon land where the Chaostola Skipper (<i>Antipodia chaostola</i> subsp. <i>leucophaea</i>) - a medium sized butterfly listed as Endangered under both the TSP Act and the EPBC Act - has been identified to have a small/localised distribution and limited dispersal capacity. Specific reference is made to F/R 165655/1 Barnbogle Road Bridport, 903 Barnbogle Road Bridport (F/R 243074/1), and 1251 Musselroe Road Musselroe Bay (F/R 135368/2). Specific details regarding such properties can be found within the representation. ○ Eastern Dwarf Galaxias That application of the Agriculture Zone is not appropriate upon land where the Eastern Dwarf Galaxias (<i>Galaxias pusilla</i>) - a small native freshwater fish listed as Vulnerable under both the TSP Act and the EPBC Act - has been identified to have a core range within the Dorset municipality. While the representation refers to broad mapping of the species indicative core range that are known to support the highest densities of the species and/or thought to be the greatest importance for the maintenance of breeding populations of the species, no specific properties are identified. ○ Striped Marsh Frog That application of the Agriculture Zone is not appropriate upon land where the Striped Marsh Frog (<i>Limnodynastes peroni</i>) - listed as Endangered under the TSP Act - has been identified to have a core range within the Dorset municipality. While the representation refers to broad mapping of the species indicative core range that are known to support the highest densities of the species and/or thought to be the greatest importance for the maintenance of breeding populations of the species, no specific properties are identified. ○ Scottsdale Burrowing Crayfish That application of the Agriculture Zone is not appropriate upon land where the Scottsdale Burrowing Crayfish (<i>Engaeus spinicaudatus</i>) - listed as Endangered under both the TSP Act and the EPBC Act - has been identified to have a small/ and restricted range proximate to Scottsdale. The key threats identified to the species are clearance of native vegetation and lowering of the water table as a result of forest and agricultural activities and it is noted that the species can occur in areas where there has been a lot of human activity, and in places that are not near obvious standing or running water (i.e. they do not need to be in streams or obvious wetlands). Specific reference is made to properties adjoining the Parrs Rivulet and

	<p>Great Forester River between 34175 Tasman Highway Tonganah (F/R 240501/1) in the south and 942 Old Waterhouse Road North Scottsdale (F/R 226839/1) in the north.</p> <ul style="list-style-type: none"> ○ Raptor Nests That all known nests of listed raptor species be included in the PVAO and that the zoning is amended to a type that is not exempt from the PVAO. ○ RAMSAR Wetlands The Department supports the proposed application of the Environmental Management Zone to the Little Waterhouse Lake Ramsar Site and the Flood Plain Lower Ringarooma River Ramsar Site. ○ Conservation Covenants That the zoning of all land subject to a conservation covenant be <i>'amended to reflect the existing land use objectives for the conservation covenants in the municipality'</i>. ○ Acid Sulfate Soils The Department recommends that consideration be given to the future development of a Specific Area Plan to address the presence of Acid Sulfate Soils within the municipality to improve regulation of potential water quality impacts from Acid Sulfate Soil disturbance. ○ Coastal Inundation Hazard Area Overlay The Department notes that the Coastal Inundation Hazard Area Overlay mapping is based upon the Intergovernmental Panel on Climate Change (IPCC_ Assessment Report 5 (McInnes et al 2016). The latest version of this report – Report 6 – was published in August 2021. The Department therefore considers the modelling of the Coastal Inundation Hazard Area Overlay mapping is outdated, no longer representing the most contemporary findings, and that the more recent IPCC Assessment Report should instead be relied upon. ○ Regional Ecosystem Model The Department notes that the Regional Ecosystem Model (REM) relied upon to generate the PVAO is based upon the now outdated TASVEG 3.0 and that it would be beneficial to include routine and regular updating of the PVAO. ○ Permanent Timber Production Zone (PTPZ) and Future Potential Production Forest (FPPF) Land The Department supports the proposed zoning of PTPZ and FPPF land parcels. ○ Aboriginal Heritage Aboriginal Heritage Tasmania (AHT) rejects Council's position that the <i>'AHT is more appropriately positioned than Council to ensure that aboriginal middens at Cape Portland are adequately cared for and protected'</i>. As a result, the Department is concerned that the draft LPS does not deal with aboriginal heritage, the protection or management thereof through the Historic Heritage Code (i.e. the implementation of 'Places or Precincts of Archaeological Potential' or Local Historic Landscape Precincts') despite the belief that <i>'the planning process plays a crucial role in referring proponents to undertake due diligence'</i>. ○ 2 Main Street Bridport (F/R 172546/1) The subject site (currently zoned 'Rural Resource') is proposed to be translated to the Port and Marine Zone with the implementation of a site-specific qualification providing permitted use status for aquaculture operations. The Department is concerned that the Port and Marine Zone may not provide certainty for the
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	<p>aquaculture enterprise to continue and an alternative zone may be more appropriate.</p> <ul style="list-style-type: none"> ○ PID 3396012 Old Waterhouse Road Waterhouse (McKerrows Marsh) The subject site (currently zoned 'Rural Resource') is proposed to transition to the Environmental Management Zone under the draft LPS. As the site is identified as being located within FPPF land, it is the Department's position that the Environmental Management is not appropriate and that the Rural Zone should be applied to the land instead. ○ 34900 Tasman Highway Scottsdale (F/R 226345/1) The subject site (currently zoned 'Recreation') is proposed to retain its existing Recreation Zoning under the draft LPS. As the title is identified as PTPZ Land, the Department requests that the Rural Zone is applied to the title. ○ Foster Islands Nature Reserve The subject site (currently zoned 'Environmental Management') is proposed to continue to have the Environmental Management Zone applied to it. The Department is of the opinion that not all islands in this group are recorded on Zone Map 1 and consider that the entirety of the islands ought to be included within the Environmental Management Zone. ○ Coastal Reserve at Fordington along Little Pipers River A crown public reserve (CID 1132975) and an adjoining crown land parcel is currently zoned Rural Resource and is proposed to be transitioned to the Agriculture Zone under the draft LPS. Application of the Environmental Management Zone is requested. ○ Public Reserve along Ringarooma River (Zone Map 37) The Department has identified public reserve(s) along the Ringarooma River within Zone Map 37 that are currently proposed to transition from the Rural Resource Zone to the Agriculture Zone. Instead, the Department requests that the Environmental Management Zone be applied. ○ F/R 226345/1 Crown Land (Mount Stronach Regional Reserve Scottsdale) The subject site (currently zoned 'Recreation') is proposed to retain its existing Recreation Zoning under the draft LPS. As the title is located within the Mount Stronach Regional Reserve, the Department requests that the Environmental Management Zone is applied to the title.
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Statement of Merit

Alternative to Agriculture Zone in lieu of the PVAO

- (1) Zoning based on the applicability of the PVAO is not supported in general. Whilst Guideline No. 1 issued by the Commission provides for consideration of alternate zoning to that mapped as suitable for agriculture in the State's agricultural mapping project, this requires a site-specific, local or regional strategic analysis of the land to determine if the natural values are significant enough to warrant alternate zoning.
- (2) Council's methodology for determining the application of the Agriculture zone (or an alternate zone) was included in its supporting report to the Draft LPS. Undertaking detailed ground truthing work for agricultural suitability or the presence of significant landscape or natural values, based on the PVAO, is not recommended due to the expanse of the geographical area requiring analysis and the expense of such an undertaking. It is important to understand that the PVAO is a habitat model based on existing State data that is known to be highly variable in accuracy. The overlay acts as an indicative 'preliminary identification' tool to assist in refining a site assessment for significant natural values where native vegetation is proposed to be removed. It is not, of itself, a detailed analysis of all the values that exist on a site, nor is it a statement of preferred land use. It does not preclude the future use of the land for agriculture as the lots may also be subject to an assessment under the forest practices system and be approved for land clearance for grazing, cropping or forestry; a process which is predominantly removed from the planning system.

- (3) The request for alternate zoning appears to primarily be an attempt to address perceived deficiencies of the State Planning Provisions via the application of zones rather than directly raising the key concern; that the PVAO does not apply to native vegetation within the Agriculture Zone and the perceived lack of protection thereof. It is important to understand that native vegetation within the Agriculture Zone is still protected by the requirements of the TSP Act, the NC Act (where listed under Schedule 3A), and the TSP Act. The provisions of the Forest Practices System via the *Forest Practices Act 1985* and *Forest Practices Code* also apply. This system is regulated by the Forest Practices Authority, who employ qualified experts in forest management, and provides practical standards for forest management, timber harvesting, and the protection of native vegetation within vulnerable land (such as streamside reserves, steep slopes, high soil erodibility, threatened native vegetation communities, and vulnerable karst soils). As a result, despite the inability to apply the PVAO overlay to the Agriculture Zone, a web of legislation and regulatory oversight remains to ensure that native vegetation removal is managed appropriately.
- (4) Irrespective, as Guideline No. 1 expressly requires that the PVAO not apply to the Agriculture Zone - among other zones such as the Village Zone, General Residential Zone, General Industrial Zone, Port and Marine Zone, and the like – this matter pertains to the application of the State Planning Provisions and is not a matter that can be addressed as part of the draft LPS assessment process. The prior iteration(s) of the Department, being key stakeholder(s) within the Government, would have no doubt been provided several opportunities to provide comment and input into the SPPs and the application of both the Agriculture zone and the PVAO during its design phase. While the content of this initial input is unclear, if the Department has changed its perspective on how the Agriculture Zone and the PVAO ought to apply, then such a change would need to be facilitated via an amendment to the SPPs.
- (5) No modification to the draft LPS required.

Eastern Dwarf Galaxias

- (6) See response to 'Alternative to Agriculture Zone in lieu of the PVAO' above.
- (7) Land identified in the 'Land Potentially Suitable for Agriculture Zone' guidance mapping may only be considered for alternate zoning where for the identification of significant natural values such as priority vegetation areas. This consideration does not extend to the estimated range of threatened fauna species without first undertaking local strategic analysis consistent with the regional land use strategy and endorsed by the relevant council.
- (8) No modification to the draft LPS required. Any future strategic planning to protect the Eastern Dwarf Galaxias implemented through the LPS would require the endorsement of a local strategic analysis and a separate planning scheme amendment.

Chaostola Skipper

- (9) See response to 'Alternative to Agriculture Zone in lieu of PVAO' above.
- (10) Land identified in the 'Land Potentially Suitable for Agriculture Zone' guidance mapping may only be considered for alternate zoning where for the identification of significant natural values such as priority vegetation areas. This consideration does not extend to the estimated range of threatened fauna species without first undertaking local strategic analysis consistent with the regional land use strategy and endorsed by the relevant council.
- (11) While the Priority Vegetation Areas Overlay is unable to be applied to the Agriculture Zone, the remainder of the code – notably the waterway and coastal protection areas and future coastal refugia areas – will apply and provide planning consideration to waterbodies and riparian corridors in all zones.
- (12) No modification to the draft LPS required. Any future strategic planning to protect the Chaostola Skipper implemented through the LPS would require the endorsement of a local strategic analysis and a separate planning scheme amendment.

Striped Marsh Frog

- (13) See response to 'Alternative to Agriculture Zone in lieu of PVAO' above.
- (14) Land identified in the 'Land Potentially Suitable for Agriculture Zone' guidance mapping may only be considered for alternate zoning where for the identification of significant natural values such as priority vegetation areas. This consideration does not extend to the estimated range of threatened fauna species without first undertaking local strategic analysis consistent with the regional land use strategy and endorsed by the relevant council.

- (15) While the Priority Vegetation Areas Overlay is unable to be applied to the Agriculture Zone, the remainder of the code – notably the waterway and coastal protection areas and future coastal refugia areas – will apply and provide planning consideration to waterbodies and riparian corridors in all zones.
- (16) No modification to the draft LPS required. Any future strategic planning to protect the Striped Marsh Frog implemented through the LPS would require the endorsement of a local strategic analysis and a separate planning scheme amendment.

Burrowing Crayfish

- (17) See response to 'Alternative to Agriculture Zone in lieu of PVAO' above.
- (18) Land identified in the 'Land Potentially Suitable for Agriculture Zone' guidance mapping may only be considered for alternate zoning where for the identification of significant natural values such as priority vegetation areas. This consideration does not extend to the estimated range of threatened fauna species without first undertaking local strategic analysis consistent with the regional land use strategy and endorsed by the relevant council.
- (19) While the Priority Vegetation Areas Overlay is unable to be applied to the Agriculture Zone, the remainder of the code – notably the waterway and coastal protection areas and future coastal refugia areas – will apply and provide planning protections to the waterbodies and riparian corridors in all zones.
- (20) No modification to the draft LPS required. Any future strategic planning to protect the Burrowing Crayfish implemented through the LPS would require the endorsement of a local strategic analysis and a separate planning scheme amendment.

Raptor Nests

- (21) See response to 'Alternative to Agriculture Zone in lieu of PVAO' above.
- (22) Zoning based on buffers and generalized areas around points of interest such as raptor nests and the like, is not supported. Council's zoning methodology reflects the preference in the guidance documents that split-zoning generally be avoided where possible.
- (23) The Forest Practices Authority will continue to regulate vegetation clearance despite the PVAO not applying to the Agriculture Zone. Proximity to raptor nests would be considered as part of their assessment process.
- (24) No modification to the draft LPS required.

RAMSAR Wetlands

- (25) Noted. No modification to the draft LPS required.

Conservation Covenants

- (26) See response to Representation 3 above.
- (27) No modification to the draft LPS required.

Acid Sulfate Soils

- (28) Noted. The potential impacts of Acid Sulfate Soils are currently addressed through the building approval process. The formulation of a Specific Area Plan has some merit. However, as Acid Sulfate Soils are not an issue isolated to the Dorset municipality it is more appropriate for the Commission to consider the introduction of an Acid Sulfate Soils Overlay via an amendment to the SPPs if there is a strategic intent to capture Acid Sulfate Soil issues at the planning assessment stage. Such an overlay, and associated standards, would need to be well grounded in baseline technical data to ensure that it provides legitimate value to the design and assessment process and instead doesn't become an inexcusable cost burden on development without having a meaningful benefit.
- (29) No amendment to the draft LPS required. Any future strategic planning implemented through the LPS to address the potential impacts of Acid Sulfate Soil disturbance would require a separate planning scheme amendment.

Coastal Inundation Hazard Area Overlay

- (30) Noted. Updating of the Coastal Inundation Hazard Area Overlay and its underlying model, however, is not practicable through the current draft LPS assessment process.
- (31) No modification to the draft LPS required. The current review of the State Planning Provisions by the Commission will likely address any outdated data relied upon for the underlying models for the Coastal Inundation Hazard Area Overlay and similar models.

Regional Ecosystem Model

- (32) Noted. During the public exhibition period, the Commission advised Council that the version of the Regional Ecosystem Model (REM Version 3) used by Council to model the PVAO had been replaced by Version 4 of the REM. As far as officers are aware, Version 4 was never provided to Council. While unfortunate that this issue was not identified prior to the public exhibition period, the Commission have advised that this matter can be addressed as part of a minor modification of the draft LPS at the point in time that the draft LPS is approved.
- (33) The current review of the State Planning Provisions by the Commission will likely address any outdated data such as the Regional Ecosystem Model relied upon for the preparation of layers such as the PVAO. The Minister must, in accordance with s30T of the LUPA Act conduct such a review every five years.
- (34) Similarly, Section 44 of the LUPA Act requires the Planning Authority to undertake a review of its planning scheme, including a period of public consultation, on every fifth anniversary of the date on which the planning scheme came into operation.
- (35) Modification to the draft LPS is recommended.

Permanent Timber Production Zone (PTPZ) and Future Potential Production Forest (FPPF) Land

- (36) Noted. No modification to the draft LPS required.

Aboriginal Heritage

- (37) The issues raised regarding this particular matter are of a general nature and relate to the belief that by the draft LPS would, by not including guiding principles or policies for ensuring Aboriginal heritage is at least a consideration during the planning assessment process, hinder the operation of the AH Act.
- (38) The planning assessment process is only one part of the larger Resource Management and Planning System to which the AH Act also forms a component of. Under the AH Act, the responsibility to exercise due diligence in relation to Aboriginal heritage is borne entirely upon the relevant landowner/developer. Reliance upon the planning assessment process to notify people of this responsibility when there is no statutory referral mechanism to neither Aboriginal Heritage Tasmania or the Department of Natural Resources and Environment that can legitimately connect the AH Act to the LUPA Act is not a sustainable or reliable approach.
- (39) The Local Historic Heritage Code requires that any local heritage places or precincts include a spatial area to be identified and an accompanying statement of significance to be provided. Council does not have ready access to the spatial data or such statements (if or where they may exist) and so is not equipped to impose such protections with any degree of veracity. Subsequently, it is disappointing that Aboriginal Heritage Tasmania identifies no places or precincts of archaeological potential or local historic landscape precincts that could be incorporated into the draft LPS (potentially via a Specific Area Plan or similar instrument) despite its unique privilege in curating the Aboriginal Heritage Register.
- (40) Most notable, however, is the fact that the Local Historic Heritage Code explicitly states under C6.1.2 that the Code does not apply to Aboriginal heritage values. Accordingly, any local heritage place, precinct, or landscape that attempted reference to such values through the application of the Code would be rendered incapable null and void.
- (41) No modification to the draft LPS required. Any future strategic aboriginal heritage planning implemented through the LPS would require a separate planning scheme amendment.

2 Main Street Bridport (F/R 172546/1)

- (42) Despite not providing for aquaculture as a Resource Processing use, the Port and Marine Zone is the most appropriate zone for the property. The Environmental Management Zone is unsuitable and application of the Rural or the Agriculture Zones would result in the continuation of an existing spot zone arrangement (see below).



Aerial imagery depicting existing Rural Resource spot-zone under the DIPS.

(43) Noting this, the draft LPS proposes a site specific qualification (DOR-25.1) to provide a discretionary pathway for Resource Development where for aquaculture at 2 Main Street Bridport. Noting that the Port and Marine Zone has no use standards, this would ensure that existing aquaculture use would have certainty in its continued operation into the future and provide pathways for appropriate expansion opportunities.

(44) No modification to the draft LPS required.

PID 3396012 Old Waterhouse Road Waterhouse (McKerrows Marsh)

(45) The Rural Zone should only be applied to non-urban land with limited or no potential for agricultural which is not more appropriately included within the Landscape Conservation of Environmental Management Zone.

(46) The McKerrows Marsh, a riparian wetland, represents the largest example of remnant blackwood swamp forest in the north-east of Tasmania and provides critical ecological value to the broader Great Forester River as identified by the former Department of Primary Industries, Parks, Water and Environment (DPIPWE) in *McKerrows Marsh. An Assessment of Vegetation Condition* (DPIPWE 2018) and *Study to Determine Water Requirements for McKerrows Marsh – Great Forester River* (DPIPWE 2005). All other significant areas of blackwood forest are located in the north-west of Tasmania. The vegetation community is therefore locally significant and acts as a major riparian reserve and wetland.

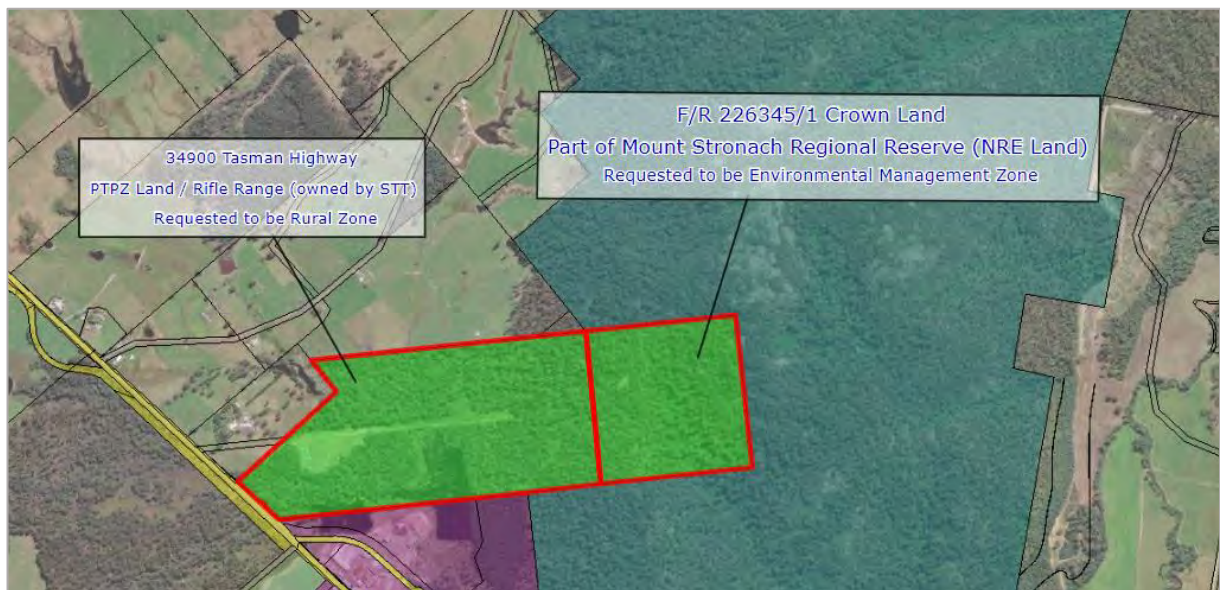
(47) In accordance with section 4(2) of the *Forest (Rebuilding the Forest Industry) Act 2014*, no native forest harvesting can be undertaken on FPPF land other than for special species timber harvesting undertaken with the approval of the Crown Lands Minister. Blackwood (*Acacia melanoxylon*) is identified as a special species timber under the Act.

(48) Irrespective, clearance and conversion of a threatened native vegetation community, or the disturbance of a vegetation community, in accordance with a forest practices plan certified under the Forest Practices Act 1985 is exempt from requiring a planning permit. As any approval for special species timber harvesting under the *Forest (Rebuilding the Forest Industry) Act 2014* requires a certified forest practices plan as a minimum information requirement, such clearance and conversion would be exempt from requiring planning approval under the State Planning Provisions. The application of the Environmental Management Zone would accurately reflect the limited potential for agriculture upon the site and the significant ecological and scenic values of McKerrows Marsh without compromising the ability to undertake selective special species timber harvesting if approved under the *Forest (Rebuilding the Forest Industry) Act 2014*. The land is therefore more appropriately located within the Environmental Management Zone.

(49) No modification to the draft LPS required.

34900 Tasman Highway Scottsdale (F/R 226345/1)

(50) The title (shown below) has limited agricultural capability and is only partially used to provide organised recreation use. Application of the Rural Zone does not unduly prejudice the existing rifle club (as the existing use would have an existing use right) and the Sports and Recreation use class would continue to be permissible within the Rural Zone.



Aerial imagery detailing the Recreation Zone land requested for alternate zoning

(51) Irrespective, it is noted that forest practices in accordance with a forest practices plan certified under the Forest Practices Act 1985 are exempt from requiring planning approval. As such, it is interesting to note that Sustainable Timbers Tasmania would theoretically be able to undertake forest practices under the site even if it remained within the Recreation Zone.

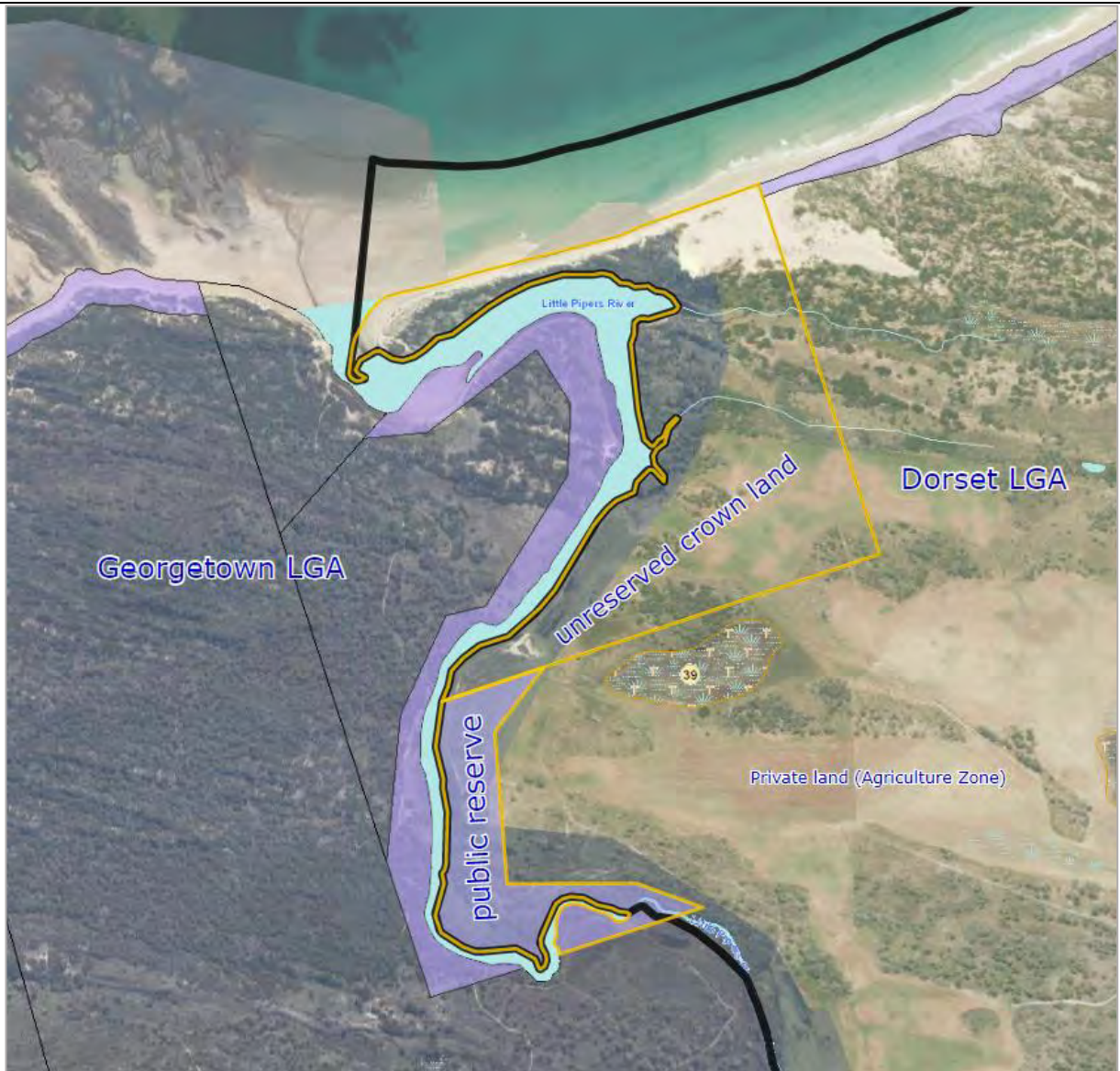
(52) Modification to the draft LPS is recommended.

Foster Islands Nature Reserve

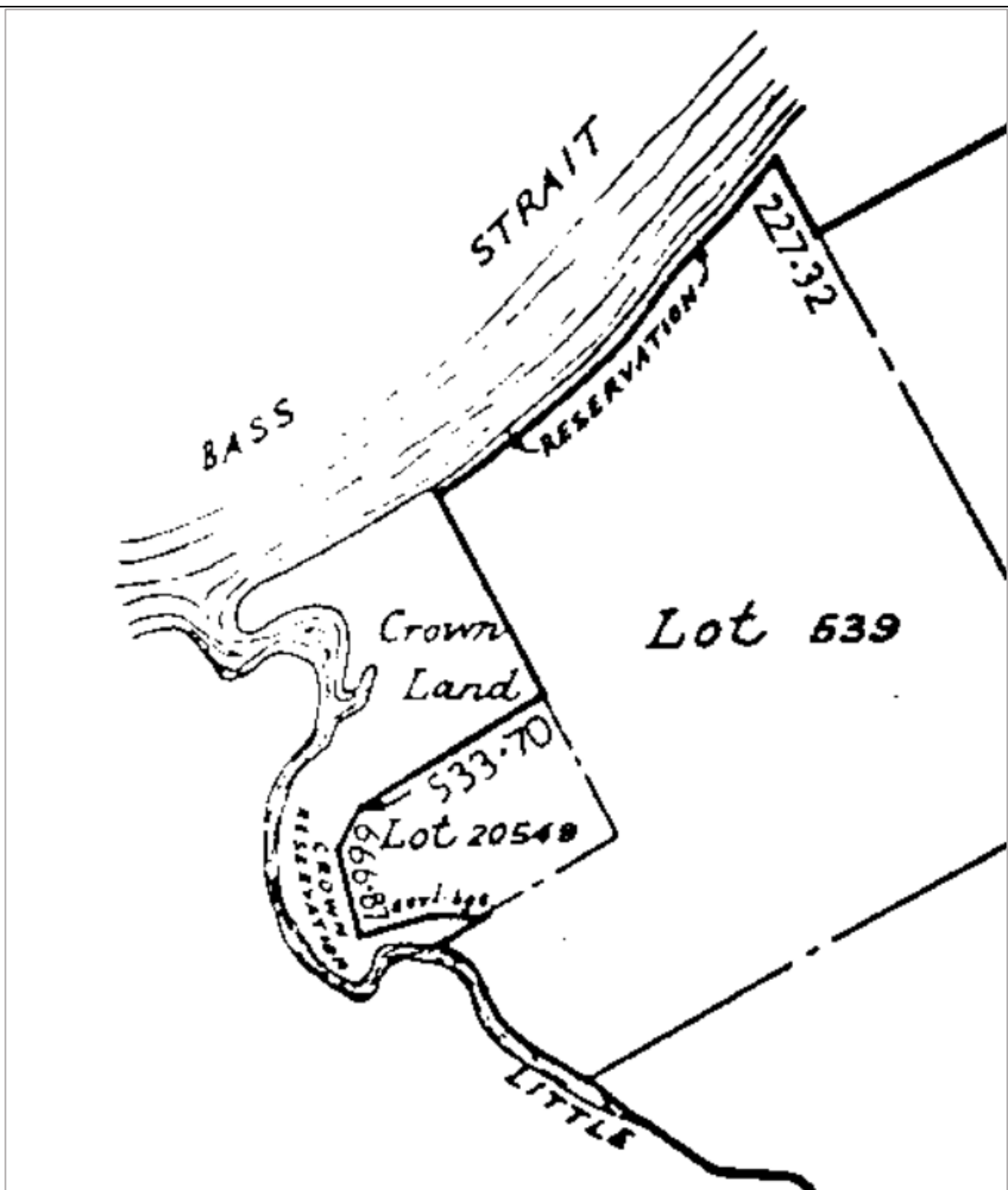
(53) Noted. The Zone Maps, only being A3 in size, reduce the detail of the mapping accordingly. The GIS mapping applies the Environmental Management Zone to all parts of the Foster Islands crown land.

Coastal Reserve at Fordington along Little Pipers River

(54) The one parcel proximate to the mouth of the Little Pipers River is identified as a public reserve (formerly designated a Coastal Reserve) and supports riparian vegetation within its extent. An adjoining crown parcel is directly adjacent to this coastal reserve and the mouth of the Little Pipers River likewise supports coastal and riparian vegetation. Despite it not being formally recognised as public reserve (nor a former riparian or coastal reserve), further investigation suggests that this parcel and the adjoining coastal reserve were once consolidated in a single parcel (see image below).



Aerial imagery detailing land identified as a Public Reserve under the *Crown Lands Act 1976*



Extract from adjoining title information detailing the combined operation of the two crown parcels adjacent to the mouth of the Little Pipers River.

(55) Application of the Environmental Management Zone to both crown parcels is therefore appropriate.

(56) Modification to the draft LPS is recommended.

Public Reserve along Ringarooma River (Zone Map 37)

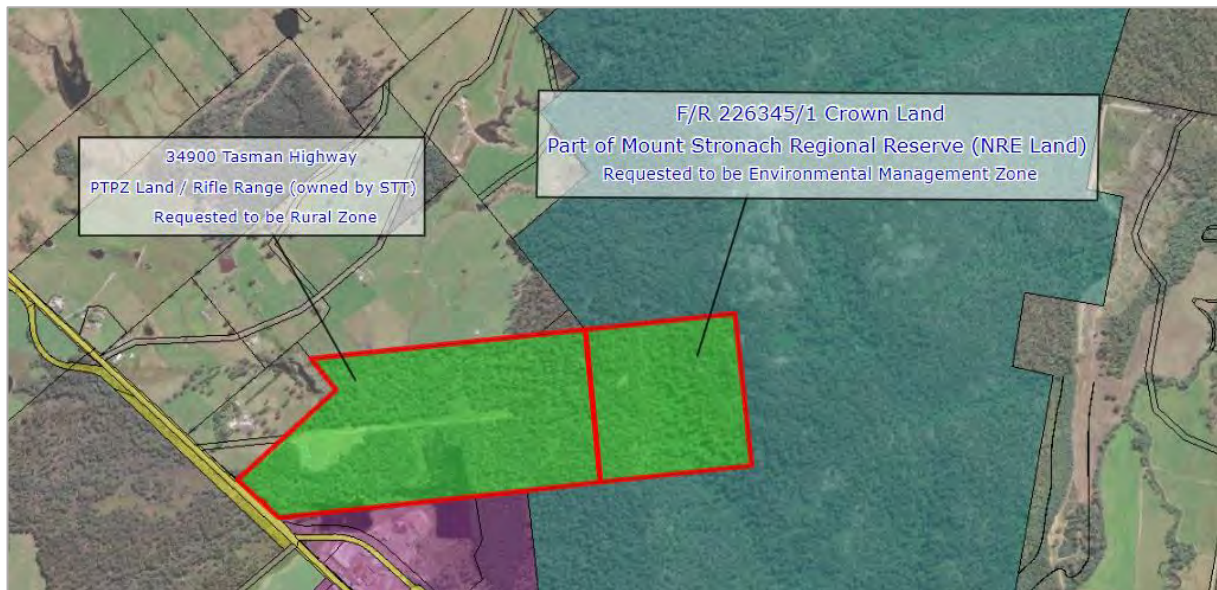
(57) At this stage, it is unclear which specific crown parcels the Department is referring to. Further details relating to the purpose of the reservation is required before a definitive position on the issue. Where it can be demonstrated that the pertinent crown parcels can be demonstrated to have significant ecological, or scenic values, (i.e. the parcel has a previous reserve type designation as a 'river reserve' or the like) the application of the Environmental Management Zone may be warranted. If not, the Environmental Management Zone cannot be sufficiently justified in accordance with the Guidelines.

(58) No modification to the draft LPS required.

F/R 226345/1 Crown Land (Mount Stronach Regional Reserve Scottsdale)

(59) The subject site (shown below) is located within the bounds of the Mount Stronach Regional Reserve and is managed under the *Nature Conservation Act 2002*.

(60) The application of the Environmental Management Zone, in accordance with EMZ 1(a) is warranted.



Aerial imagery detailing the Recreation Zone land requested for alternate zoning

Recommended Action

Modification recommended to the draft LPS to:

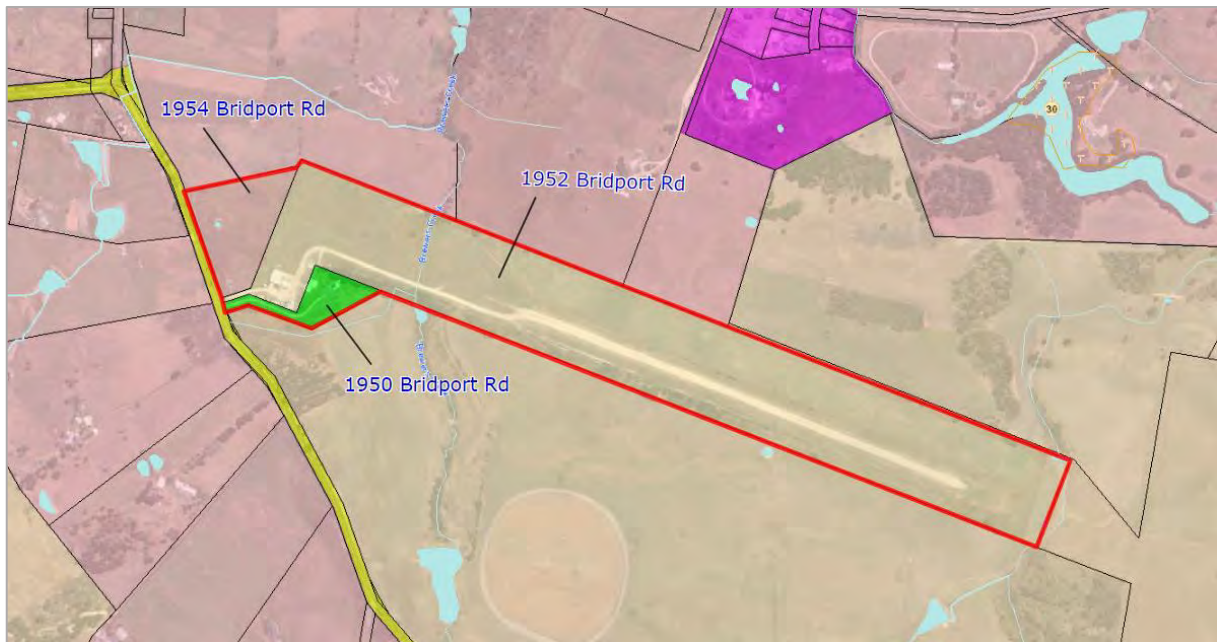
- (a) Revise the PVAO to reflect the spatial extent of the Regional Ecosystem Model Version 4, extent where it conflicts with the application Guidelines of the Overlay.
- (b) Apply the Rural Zone to 34900 Tasman Highway Scottsdale (F/R 226345/1).
- (c) Apply the Environmental Management Zone to F/R 226345/1 PWS Crown Land (Mount Stronach Regional Reserve)
- (d) Apply the Environmental Management Zone to two crown riparian reserve parcels directly adjoining the mouth of the Little Pipers River at Fordington and reinstate the Natural Assets Code – PVAO accordingly.

Impact on the LPS as a whole

There is no impact on the LPS as a whole as a result of the recommended modification. Satisfaction of the LPS criteria at section 34(2) of the LUPA Act is maintained.

Representor(s)	Matter(s) raised in the representation
No. 16 - Alanna Stanford obo Keith Allan Barnett	<ul style="list-style-type: none"> The representation opposes the continued application the Recreation Zone to 1950 Bridport Road Bridport (F/R10173/1) and instead requests that the Rural Zone be applied to the site. The representation notes that the land has limited recreational and agricultural capability and is more appropriately located within the Rural Zone.
Statement of Merit	
<ol style="list-style-type: none"> The site, which is a private freehold title, is the former location of the North East Gun Club and is not currently used for recreational purposes. A storage building used in conjunction with the adjoining air strip is situated within the title. In isolation, the application of the Rural Zone is not supported as it would result in a spot zoning (with Rural Living zone to the west, and the Agriculture Zone to the north and south). However, there is merit in recommending that the Commission also apply the Rural Zone to 1952 (the airstrip) and 1954 Bridport Road (as previously identified above). All three identified titles have limited agricultural capability and 	

are not appropriate for the Recreation Zone, Rural Living Zone, and Agriculture Zone respectively. These titles, as shown below, represent a cluster that would avoid spot zoning and is supported accordingly.



Aerial imagery of the three identified titles where application of the Rural Zone is warranted.

- (5) It is noted that the proposed Site-specific Qualification DOR-21.1 - which would provide for Transport Depot and Distribution 'if for an airport' as an additional Permitted Use Class – is proposed to apply to 1952 Bridport Road, Bridport. Whilst the application of the Rural Zone to the site would provide for discretionary consideration of an airport use, there is strategic merit in providing for a permitted pathway for the existing airport operations at the site. It is therefore recommended that SSQ DOR-21.1 apply to the site and that the 'Relevant Clause in State Planning Provisions' section of the SSQ be amended to be '*Rural Zone – clause 20.2 Use Table*'.

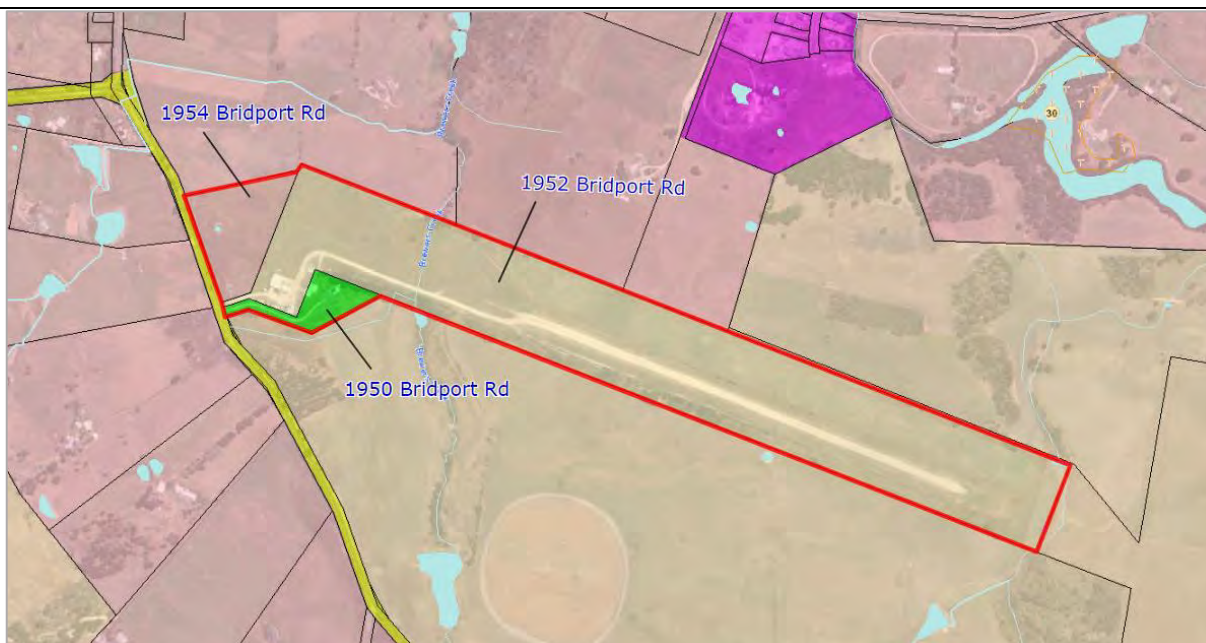
Recommended Action

See modification recommendation to Representation No. 14.

Impact on the LPS as a whole

There is no impact on the LPS as a whole as a result of the recommended modification. Satisfaction of the LPS criteria at section 34(2) of the LUPA Act is maintained.

Representor(s)	Matter(s) raised in the representation
No. 17 - PDA Surveyors obo Peter Barron – Flinders Island Aviation	<ul style="list-style-type: none"> The representation opposes the application of the Agriculture Zone to 1952 Bridport Road Bridport (F/R 233662/1) and instead requests that the Rural Zone be applied to the site. The representation notes that the land has limited to no agricultural potential and is currently used for a commercial airstrip and application of the Agriculture Zone would unreasonably limit the future economic development of the site.
Statement of Merit	
<p>(1) The site currently contains a commercial airstrip that is the sole aviation service between the North East and Flinders Island.</p> <p>(2) In isolation, the application of the Rural Zone is not supported as it would result in a spot zoning (with Rural Living zone to the west and north and both the Recreation Zone and the Agriculture Zone to the south).</p> <p>(3) However, there is merit in recommending that the Commission also apply the Rural Zone to 1954 (as detailed further above) and 1950 Bridport Road (the former site of North East Gun Club). All three identified titles have limited agricultural capability and are not appropriate for the Agriculture Zone, Rural Living Zone, and Recreation Zone respectively. These titles, as shown below, represent a cluster that would avoid spot zoning and is supported accordingly.</p>	



Aerial imagery of the three identified titles where application of the Rural Zone is warranted.

- (4) It is noted that the proposed Site-specific Qualification DOR-21.1 - which would provide for Transport Depot and Distribution 'if for an airport' as an additional Permitted Use Class – is proposed to apply to 1952 Bridport Road, Bridport. Whilst the application of the Rural Zone to the site would provide for discretionary consideration of an airport use, there is strategic merit in providing for a permitted pathway for the existing airport operations at the site. It is therefore recommended that SSQ DOR-21.1 apply to the site and that the 'Relevant Clause in State Planning Provisions' section of the SSQ be amended to be '*Rural Zone – clause 20.2 Use Table*'.

Recommended Action

See modification recommendation to Representation No. 14.

Impact on the LPS as a whole

There is no impact on the LPS as a whole as a result of the recommended modification. Satisfaction of the LPS criteria at section 34(2) of the LUPA Act is maintained.

3.0 DETERMINATION ON LPS CRITERIA

The Planning Authority has determined that the draft LPS, including those recommendations and modifications described in Section 1.0 and 2.0 above, satisfies the LPS criteria set out under section 34(2) of the *Land Use Planning and Approvals Act 1993*.

4.0 DRAFT DORSET LOCAL PROVISIONS SCHEDULE – LIST OF REPRESENTATIONS

List of representations received during the public exhibition period (4 April 2022 – 6 June 2022).

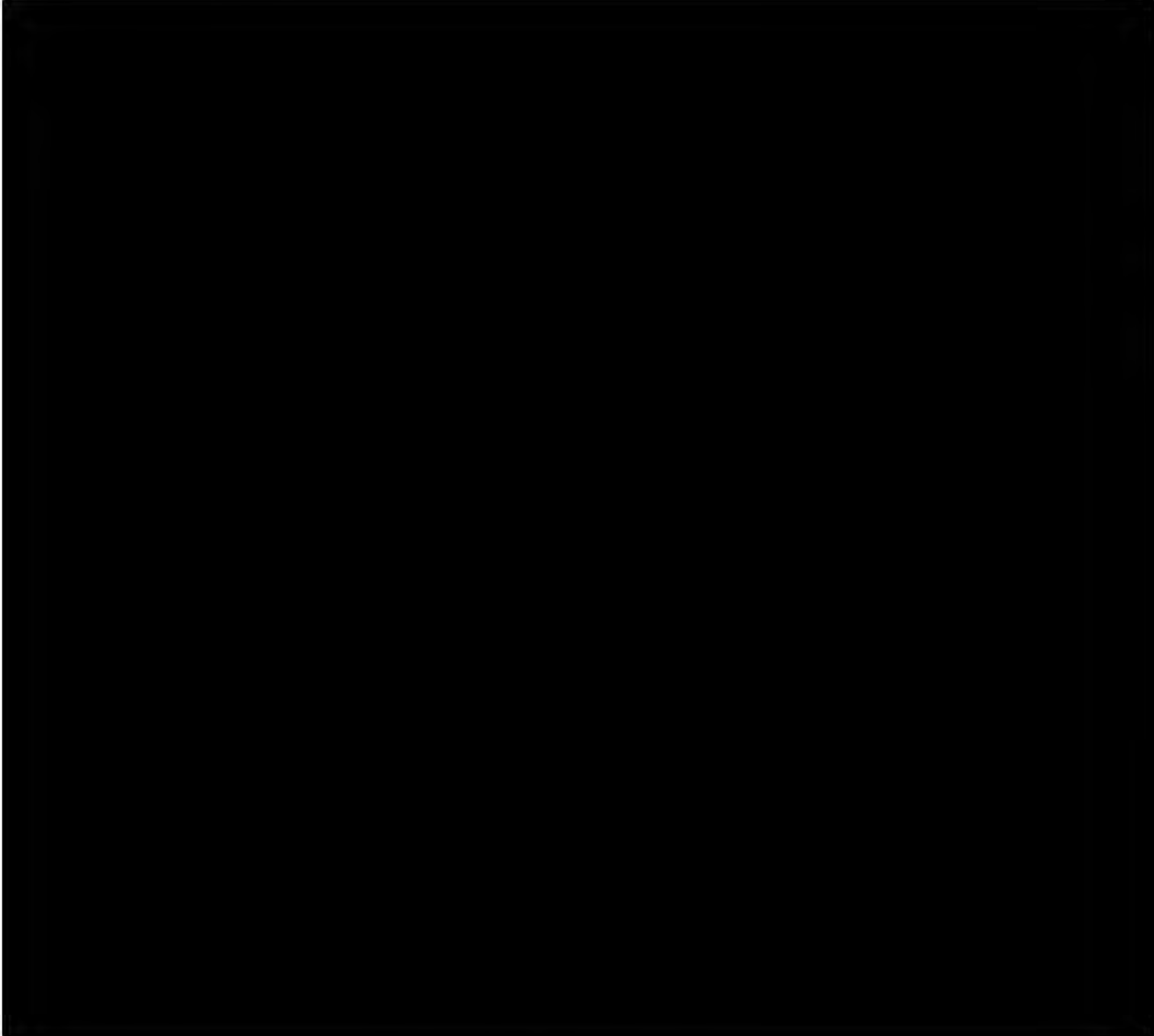
No.	Representor
1	Peter Riggall
2	James Cushion
3	Kim and Peter Eastman
4	Daniel Ferguson
5	Sandra Chugg
6	Jade Lenord
7	TasWater
8	Tasmanian Heritage Council
9	Department of State Growth
10	Conservation Landholders Tasmania
11	Department of Police, Fire and Emergency Management
12	TasNetworks
13	Tasmanian Land Conservancy
14	PDA Surveyors obo David Krushka

List of representations received after the public exhibition period (7 June 2022 – 5 August 2022).

No.	Representor
15	Department of Natural Resources and Environment Tasmania
16	Alanna Stanford obo Keith Allan Barnett
17	PDA Surveyors obo Peter Barron – Flinders Island Aviation

5.0 APPENDIX 1 – REPRESENTATIONS

See separate attachment.



From: Peter Riggall [REDACTED]
Sent: Tuesday, 5 April 2022 10:39 AM
To: Development Applications <development@dorset.tas.gov.au>
Subject: Fw: Dorset Planning Authority - draft local provisions

Dorset Planning Authority,

I am responding to a notice in The Examiner dated Saturday the 2nd of April 2022 regarding the Tas. Planning Scheme, Dorset Draft Local Provisions and the offer to submit written representations.

I own a property 'Dunbarton' 183 Bridport Back Rd. Nabowla 7260. Part of the property is subject to a Conservation Covenant.


I note from looking at the Zone Map 18 to the area with black border marked 49 (pic. attached) that most of the Covenanted area has been included in a Landscape Conservation zone.

I thank you for having the foresight to include this and also my neighbours 5 adjoining tiles into the Landscape Conservation zone.

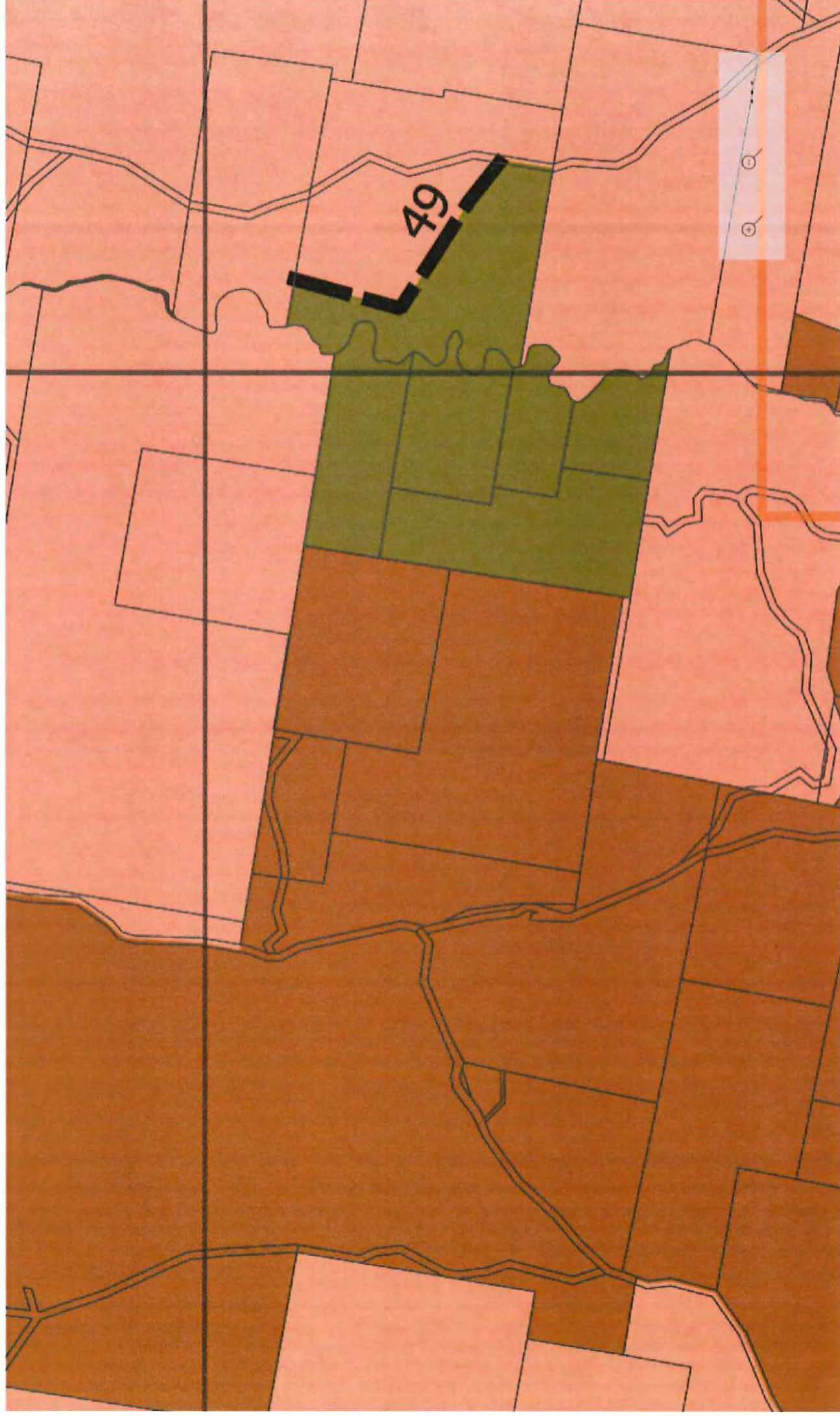
There is however part of the covenanted area, approx. 5.1 ha., on the Eastern side of the Bridport Back Rd. that has not been included. (See attached pic. with area in question pointed to with a biro)

I suspect that this has just been an oversight.

Could this section also be included in the Landscape Conservation area please?

Peter Riggall Ph 

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203405

Lands

CPR 6081

LEGEND



Conservation Covenant Areas
The Reserve



Folio Boundaries FR 112806-1

NOTE:

1. Conservation Covenant Areas are part of FR 112806-1
2. All boundaries are parcel boundaries or straight lines unless otherwise described.
3. The Conservation Covenant Area excludes all publicly maintained roads, or lands acquired or reserved for road purposes, regardless of whether or not such roads or road reserves are depicted on this plan.
4. For details of individual land parcel boundaries, refer to Land Information System Tasmania (the LIST).



CPR
6081

CENTRAL PLAN REGISTER
Surveyor General
Date Registered 9/6/02

No.	PRODUCTION / AMENDMENT	REFERENCE	DATE	SCALE
1.	PRODUCTION	DIS 1163	8/10/02	1:4,000
				DATUM(M) AGD 58
				DATUM(V) AHD
				CONTOUR 10m

APPROVED
DRAWN
S.J.W.

STAT RULE:

GAZETTED:

INFORMATION & LAND SERVICES DEPARTMENT OF PRIMARY INDUSTRIES, WATER & ENVIRONMENT

CONSERVATION COVENANT
DUNBARTON
CITY OF LAUNCESTON



SCALE
250m
125m
500m

S30000mE

GGL38

S30500mE

Area
±5.154ha

Area
±18.27ha

INTERSECTION OF
PARCEL BOUNDARY
WITH S444295mN

INTERSECTION OF
PARCEL BOUNDARY
WITH S444624mN

S30991mE
S444295mN

S30946mE
S444108mN

S401035

S401045

S401044

S401052

S401030

INTERSECTION OF
PARCEL BOUNDARY
WITH S30131mE

Back Road

Bridport

Dunbarton

FORESTER

LITTLE

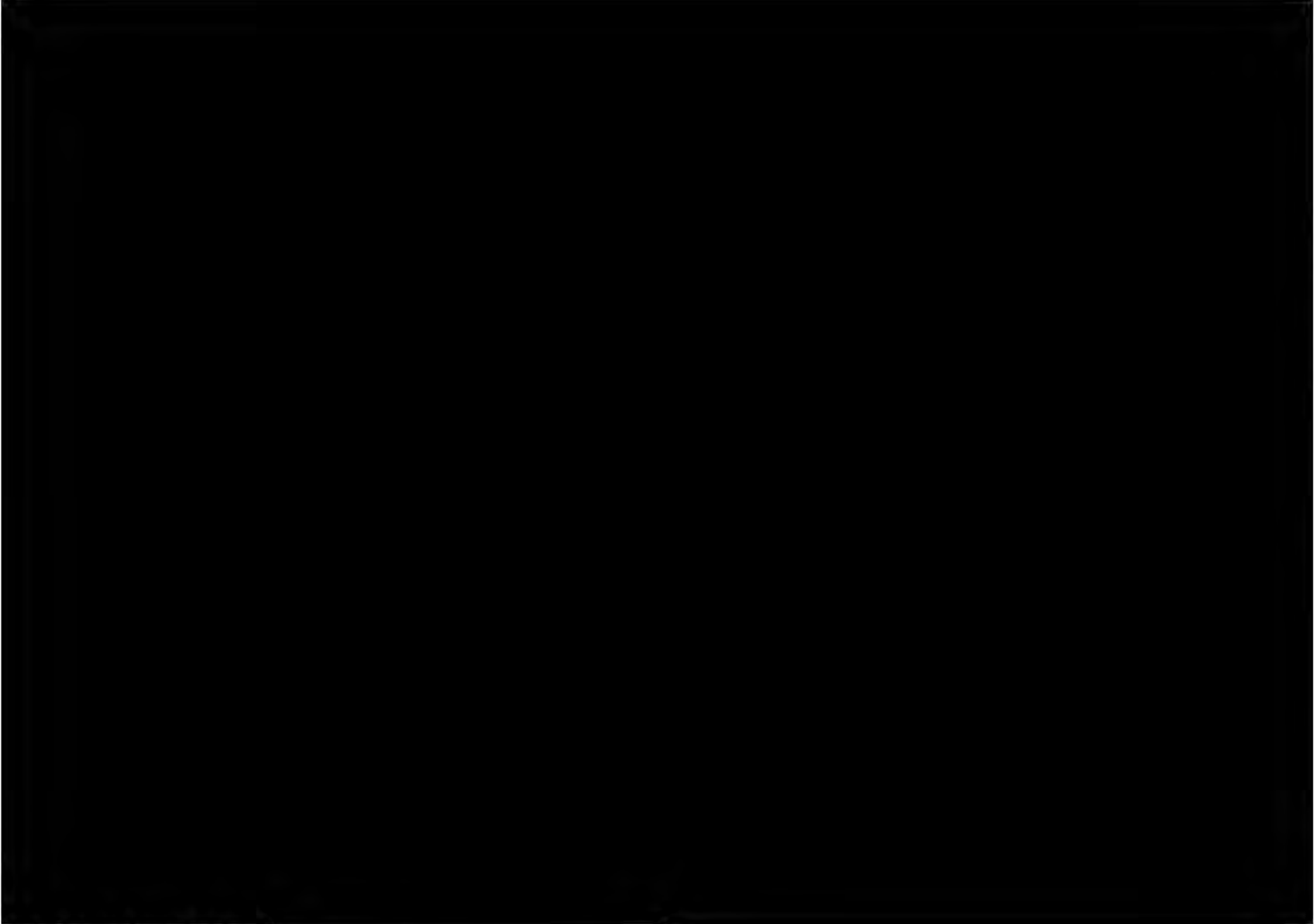
FTS98

FTS99

FTT00

S444500mN

S444600mN



From: James Cashion [REDACTED]
Sent: Friday, 29 April 2022 2:42 PM
To: Dorset Council <dorset@dorset.tas.gov.au>
Subject: EXHIBITION NOTICE - INVITATION FOR WRITTEN REPRESENTATIONS

Please find the attached letter.

Thanks,
James Cashion

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James Cashion



Branxholm, Tas 7261

29th April 2022

Dorset Council

3 Ellenor St

Scottsdale, Tas 7260

RE: DRAFT LOCAL PLANNING SCHEME SUBMISSION FOR ZONE CHANGE IN BRANXHOLM

In May 2020 I purchased a recently subdivided block of land in Branxholm (1B Cox's Lane, 1.05 ha, ID 9554387, Vol 178341, folio 3) shown below with red borders.

The image, below shows the draft LPS Zones for Branxholm.



I propose that 1B Cox's Lane ID 9554387 (Vol 178341, folio 3) be changed from Rural to Village Zone.

This proposition is based on three arguments, namely:

1. 1B Cox's Lane is not suitable for agricultural development as described by the Rural Zone purpose and codes
2. there is current pressure for the release of residential land in Branxholm
3. 1B Cox's Lane is most suitable—in comparison to other Rural-zoned blocks within Branxholm—to meet the requirements for increasing the Urban growth area within Branxholm.

1B Cox's Lane is not suitable for Agriculture

Based on the Statewide Planning Scheme, I believe it was the intention for prime (i.e. highly productive) agricultural land to transition to Agriculture Zone (21), whereas the Rural Zone (20) provides for all other agricultural uses that may be associated with a range of rural businesses and industries. For example; storage of agricultural products, general agricultural buildings, agriculture irrigation infrastructure, agricultural processing activities such as wineries, packaging of farm produce, and storage of agricultural transport and machinery (trucks and equipment).

1B Cox's Lane is not prime agricultural land. There is little top soil above a rocky base. Historically, it has not been used for cropping or intensive grazing.

Furthermore because the land abuts domestic residences, fierce objection could be expected to any proposal to establish an agriculture-based business on this site.

Access to the site for heavy farm machinery and trucks is not feasible.

Noise generated by an agriculture-based business on this site would decrease the amenity for neighbouring residences within the Village Zone.

There is pressure to open more residential land in Branxholm

In 2013, when the village zoning was proposed to accommodate future urban growth needs for Branxholm, the extent of the mountain-biking tourism boom and growth in regional agriculture may not have been foreseen.

We believe there is a huge demand for more residential building blocks in Branxholm. We currently are looking for more blocks and residential homes to sell as we have many buyers waiting. Quoted email from Justin Wiggins (local Real Estate agent, Knight Frank, 6 May 2021)

In addition there is much anecdotal evidence that local employees have had to drive as far as St Helens to find rental accommodation. My parents who own Tin Dragon Trail Cottages have had difficulty over the years finding employees living in or near Branxholm. But the situation is much worse now. For example, Tin Dragon Cottages's current cleaning contractor drives 20min (each way), because she could only find suitable rental accommodation outside Ringarooma.

With the demand for employment rising in our region there is now an unmet demand for housing. Of course it is not only the tourism sector that is finding it difficult to source employees due to lack of nearby housing, farming businesses are also feeling the stress.

1b Coks Lane is the most suitable block available for increasing Branxholm's urban area

Location

1B Cox's Lane is within the boundary of Branxholm and is situated just off the Tasmanian Highway within easy walking distance of all the Branxholm commercial businesses (IGA, cafes, hotel, service garage, restaurants and park). Also only a short walk to the regional bus drop-off and pick-up location from 1B Cox's Lane.

Access & Services

The entire block has good road access on Coks Lane (~115m frontage). Additionally, there access to TasWater infrastructure, power and communications services from Cox's Lane.

The soil type on this block is suitable for onsite sewage effluent disposal – for example in combination with Envirocycle sewage systems.

Because the block has river frontage, storm water can be easily directed off the block into the Ringarooma River.

Suitability for building

1B Cox's Lane has a gentle slope and is highly suitable for residential construction. This contrasts with the neighbouring 1A Cox's Lane, which is unsuitable for building. 1A Cox's Lane—zoned Village—is a very steep block with little area suitable for construction.

1B Cox's Lane has Ringarooma River frontage with a gentle elevation that provides commanding views over Branxholm out to farming land and mountains.

1B Cox's lane was not subjected to flooding during the most recent 2007 major flood.

It is noteworthy that other rural-zoned land within the boundary of Branxholm is either Crown Land, too steep for building or subject to flooding.

Therefore I believe 1B Cox's Lane is the most suitable block to be re-zoned for the purpose of extending the Urban area for Branxholm.

Please consider my request to have the zoning for 1B Cox's Lane changed from Rural to Village.

Sincerely,

James Cashion

From: [REDACTED]
Sent: Thursday, 5 May 2022 9:02 PM
To: Dorset Council <dorset@dorset.tas.gov.au>
Subject: Representation on the Dorset Draft LPS - K and P Eastman

Attention: Dorset Planning Authority

We are the owners of 1425 Forester Road, North Scottsdale, PID (2000514, CT 133542/2) in the Dorset municipality. In the Draft Local Provisions Schedule our 29.1 ha conservation property has been rezoned from Rural Resource to Agriculture. We consider that the Landscape Conservation Zone is more appropriate for our property for the following reasons.

- Our property contains the 27.3 ha Scottsdale #2 Reserve protected by conservation covenant which covers 94% of the 29.1 ha title.
- The Scottsdale #2 Reserve contains and provides habitat for the vulnerable *Astacopsis gouldi* (Giant freshwater crayfish) listed in Schedule 4 of the *Threatened Species Protection Act 1995* and also contains the rare *Hypolepis muelleri* (Harsh groundfern) listed in Schedule 5 of the same Act. Full details of the natural values protected by the Reserve are in the Nature Conservation Plan held by the Private Land Conservation Program in DNRE.

- Our property is one of two adjoining covenanted properties which in turn adjoin the 4080 ha North Scottsdale Regional Reserve to their west.
- The North Scottsdale Regional Reserve is zoned Environmental Management and is therefore zoned for similar values to our and our neighbours' property at 1453 Forester Road.
- The 1.8 ha of non-covenanted land contains a residential dwelling and is unsuitable and not used for agriculture.
- Our property is therefore highly constrained for agricultural use and the Agriculture Zone is therefore inappropriate based on Guideline No 1.
- Landscape Conservation should therefore be applied to the whole title.
- Our neighbours at 1453 Forester Road (PID 2000522, CT 133542/1) will also be requesting that the whole of their title is rezoned to Landscape Conservation.

The case for rezoning to Landscape Conservation is consistent with the Tasmanian Planning Commission's interpretation of Guideline No 1 posted on the Planners Portal on 22 April 2021 which recognised the planning merit of rezoning covenanted land to Landscape Conservation where there are clusters of covenanted titles and the covenanted land is connected to land zoned for similar values. In that same advice the Commission acknowledges that covenanted land invariably contains values that make it suitable for zoning as Landscape Conservation.

Could you please acknowledge receipt of our representation?

Yours sincerely

Kim and Peter Eastman

Phone: [REDACTED]

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[REDACTED]

From: Jake Gaudion [REDACTED]
Sent: Friday, 13 May 2022 11:52 AM
To: Dorset Council <dorset@dorset.tas.gov.au>
Cc: Daniel Ferguson [REDACTED] Astrid Ketelaar [REDACTED]
Subject: Zoning Representation

To the General Manager,

On behalf of Daniel Ferguson, I would like to submit a representation regarding the proposed zoning of his property, Pirnhall, within the proposed Dorset Local Provisions Schedule (LPS) of the new statewide planning scheme.

Please find attached a cover letter and supporting Agriculture Report with this representation.

Please confirm receipt of the representation.

Should you have any questions, please don't hesitate to contact Daniel.

Kind regards,

Jake Gaudion
CONSULTANT



2nd Floor, 102-104 Cameron Street, Launceston TAS 7250



RMCG acknowledges Aboriginal and Torres Strait Islander peoples as the first inhabitants of Australia and the traditional custodians of the lands where we live, learn and work.

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19 April 2022

General Manager

Dorset Council

PO Box 21

Scottsdale TAS 7260

Via email: dorset@dorset.tas.gov.au

To Whom It May Concern,

Representation Against Proposed 'Agriculture' Zoning of 'Pirnhall', Ten Mile Track, Under the Dorset Draft Local Provisions Schedule of the Tasmanian Planning Scheme.

I wish to make a representation against the proposed zoning of my property 'Pirnhall' at Ten Mile Trk, Springfield (CT 115755/1) under Dorset Council's draft Local Provisions Schedule of the Tasmanian Planning Scheme. As per the Draft Zoning mapping advertised on Dorset Council's website, my title is proposed to be zoned 'Agriculture'. However, based on the characteristics of my land and adjacent land that is proposed to be zoned 'Rural', I am of the opinion that my land would be more appropriately zoned 'Rural'. The property exhibits characteristics which are most similar to the adjacent properties which are proposed to be zoned 'Rural' in comparison to those to be zoned 'Agriculture'. Zoning the property 'Rural', would also safeguard the conservation covenant in the centre of the title which covers more than half of the title.

The limitations associated with the agricultural potential of the property is further discussed in an Agricultural Report completed by RMCG. This report discusses the assessed Land Capability, current and potential agricultural uses on the title and outlines the impacts of the conservation covenant fragmenting the title. I have provided the Agricultural Report as an accompaniment to this letter.

Rezoning this land to 'Rural' would be consistent with the purpose of the Rural Zone as described in the *Guideline No 1 – Local Provisions Schedule (LPS): Zone and Code Application* document (Guideline No 1). This describes the Rural Zone purpose as:

20.1.1 To provide for a range of use or development in a rural location:

(a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;

(b) that requires a rural location for operational reasons;

(c) is compatible with agricultural use if occurring on agricultural land;

(d) minimises adverse impacts on surrounding uses.

20.1.2 To minimise conversion of agricultural land for non-agricultural use.

20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements. Rezoning the title also complies with the Application Guideline RLZ1 in the Guideline No 1 document:

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 identified in Agricultural Report, my property is described as having small-scale producer characteristics, with the limited agricultural land's potential likely to be best realised and sustainably managed by a small-scale producer.

Under the existing *Dorset Interim Planning Scheme 2013* my land is zoned 'Rural Resource'. This means it was included in the Land Potentially Suitable for Agriculture Zone Mapping. I note RZ 3 under Guideline No 1 states the Rural Zone should may be applied to land identified in the 'Land Potentially Suitable for Agriculture Zone' layer if:

- (a) it can be demonstrated that the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;
- (b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land;
- (c) the land is identified for the protection of a strategically important naturally occurring resource which is more appropriately located in the Rural Zone and is supported by strategic analysis;
- (d) the land is identified for a strategically important use or development that is more appropriately located in the Rural Zone and is supported by strategic analysis; or
- (e) it can be demonstrated, by strategic analysis, that the Rural Zone is otherwise more appropriate for the land.

Upon reviewing the *Northern Tasmanian Regional Land Use Strategy* rezoning my land to 'Rural' is consistent with sections D.2.2.1 – Productive Resource Areas and D.2.2.4 - Key Planning Principles for Rural Areas. Under D.2.2.4 it would be specifically in line with the following points:

- Conserve and manage rural areas to enhance their contribution to the regional economy, rural industries and regional rural landscape values;
- Protect quality agricultural land from incompatible development and provide for the expansion of agricultural production in Productive Resource Areas;

Small scale producers as defined by RMCG are more suited to the Rural Zone which is consistent with RZ 3 under Guideline No 1 and sections D.2.2.1 and D.2.2.4 of the *Northern Tasmanian Regional Land Use Strategy*.

Thank you for the opportunity to provide comment on the Draft Local Provision Schedule of the Tasmanian Planning Scheme for Dorset Council. Please consider my representation and please contact me if you have any queries or questions. I look forward to your response.

Kind regards

Daniel Ferguson





27 JANUARY 2022

Agricultural Report

Report for: Daniel Ferguson

Property Location: Pirnhall, Ten Mile Track, Springfield TAS 7260

Prepared by: Astrid Ketelaar & Jake Gaudion

RMCG

Level 2, 102-104 Cameron Street

Launceston, TAS 7250

Level 2, 102-104 Cameron Street, Launceston Tasmania 7250

(03) 6334 1033 — rm@rmcg.com.au

rmcg.com.au — ABN 73 613 135 247 — RM Consulting Group Pty Ltd

Victoria — Tasmania — ACT — NSW



SUMMARY	
Client:	Daniel Ferguson
Property identification:	<p>Ten Mile Track, Springfield, TAS 7260</p> <p>Current Zoning: Rural Resource, Dorset Interim Planning Scheme 2013.</p> <p>Proposed Future Zoning: Agriculture, Dorset Local Provisions Schedule, Tasmanian Planning Scheme</p> <p>CT 115755/1, PID 6859959; 90.8ha</p>
Proposal:	Agricultural Assessment to support re-zoning to 'Rural' under the upcoming Tasmanian Planning Scheme.
Land capability	<p>Published Land Capability (1:100,000) Class 3 (1.1ha), Class 4 (48.6ha), Class 5 (22.2ha) Class 6 (18.9ha)</p> <p>Assessed Land Capability (1:10,000) Class 4 (39.3ha), the balance of the property (51.5ha) is under Conservation Covenant and so was not assessed.</p>
Assessment comments:	An initial desktop feasibility assessment was undertaken followed by a field inspection on the 6 th of December 2022, to confirm or otherwise the desktop study findings of the agricultural assessment. This report summarises the findings of the desktop and field assessment.
Conclusion:	<p>Given the limitations of size, fragmentation, Land Capability and the existing conservation covenant over 51.5 ha of the 90.8 ha subject title, it is our view the title is best placed within the 'Rural' zone in the upcoming Tasmanian Planning Scheme. The title has limited ability to be managed productively at a commercial scale due to fragmentation of the productive areas either on its own or in conjunction with adjacent titles. Although the land has been leased to a neighbour in the past and managed in conjunction with other land, this arrangement has lapsed. The cost of the required inputs (fertiliser, weed control and fencing), reduce the potential for a leasing arrangement to farm the land in conjunction. The fragmented small area of usable agricultural land on the subject title due to the conservation covenant means that it is likely to be difficult to make a commercial gain on improving the land for productive use either on its own or farmed in conjunction.</p> <p>Based on these limitations, the agricultural potential of this title is more likely to be realised with a small-scale producer managing the property. Small scale producers are more likely to have an intent to develop a more intensive agricultural use on the suitable parts of the title, utilising the better soils and irrigation water resources, with a lower regard for the labour input costs. Small scale producers are more likely to value add and maximise the productive capacity of the limited resources and supplement income through value adding or off-farm income. Whilst the title is likely to be deemed unattractive by commercial scale producers due to the fragmentation of the title caused by the conservation covenant area, this is more likely to be considered an asset and be utilised by a small scale producer for demonstrating sustainability credentials.</p> <p>As the title is adjacent to titles proposed to go into the 'Rural' zone, we propose that the title be zoned 'Rural'. This would maintain uniformity and consistency within the planned zoning under the Tasmanian Planning Scheme. The 'Rural' zone is also a more appropriate zone for a title with a conservation covenant and areas of a mapped threatened vegetation community and threatened flora species.</p> <p>The title would be able support a dwelling which minimises impact on adjacent primary production by implementing adequate setbacks from current and potential future neighbouring agricultural uses.</p>
Assessment by:	<div>   </div> <div> Astrid Ketelaar ASSOCIATE </div> <div> Jake Gaudion CONSULTANT </div>

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1 Introduction

The subject title is located at Ten Mile Track, Springfield. Current zoning for the title is 'Rural Resource' under the Dorset Interim Planning Scheme, 2013 (the Planning Scheme). Under the draft Local Provisions Schedule for the upcoming transition to the Tasmanian State Planning Scheme, the property is proposed to be in the 'Agriculture' zone.

The proponent seeks to alter the proposed zoning from 'Agriculture' to 'Rural'. This report considers the agricultural aspects of the proposal.

The zone purpose sections of both the Agriculture and Rural zones in the Tasmanian Planning Scheme state:

21.0 Agriculture

21.1 Zone Purpose

The purpose of the Agriculture Zone is:

21.1.1 To provide for the use or development of land for agricultural use.

21.1.2 To protect land for the use or development of agricultural use by minimising:

- a) conflict with or interference from non-agricultural uses;*
- b) non-agricultural use or development that precludes the return of the land to agricultural use; and*
- c) use of land for non-agricultural use in irrigation districts.*

21.1.3 To provide for use or development that supports the use of the land for agricultural use.

20.0 Rural

20.1 Zone Purpose

The purpose of the Rural Zone is:

20.1.1 To provide for a range of use or development in a rural location:

- (a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;*
- (b) that requires a rural location for operational reasons;*
- (c) is compatible with agricultural use if occurring on agricultural land;*
- (d) minimises adverse impacts on surrounding uses.*

20.1.2 To minimise conversion of agricultural land for non-agricultural use.

20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.

2 Method

All relevant information available at desktop level was considered to determine the site's ability to support agricultural use either individually or in conjunction with land in the vicinity. Publicly available data sets have been considered. These are available on LIST (www.maps.thelist.gov.au) and include:

- Enterprise suitability mapping
- Cadastral Parcels
- Hydrographic lines
- Contours (10 m)
- Tasmanian Interim Planning Overlay
- Tasmanian Interim Planning Scheme Zones
- TASVEG 4.0
- Land Capability
- Underlying Geology
- Landslide Hazard Bands
- Threatened Flora Point
- Threatened Fauna Point
- Land Potentially Suitable for the Agriculture Zone.

Imagery including;

- Google Earth (2011-2021)
- State Aerial Photography (Available on LIST)
- ESRI Imagery (Available on LIST)

Other data sets and published information such as;

- Water Information Management System
- Water Assessment Tool.

Land Capability has previously been assessed at a scale of 1:100,000 and is available on LIST:

- Published Land Capability by Tas Government at a Scale of 1:100,000 (see Figure A1-3).
 - Pipers Report, 1990.

The preferred new zoning (Rural) and the potential for residential use to constrain agricultural and primary industry use in the vicinity has also been considered.

A site assessment was conducted on the 6th of December 2021, to confirm or otherwise the desktop study findings. The onsite Land Capability Assessment (as per Grose 1999) was conducted on the title at a scale of 1:10,000 (see Appendix 3 for RMCG's Land Capability Assessment Protocol).

3 Description

3.1 LANDSCAPE CONTEXT

The subject title (CT 115755/1) has a total area of 90.8 ha. There are no existing dwellings on the land. There is a conservation covenant over more than half the title (approximately 51.5 ha), covering the entire central portion of the title and extending into the south eastern corner. The conservation covenant precludes agricultural use and was therefore excluded from the Land Capability assessment. There are two cleared portions of agricultural land in the north western and central eastern areas of the title, separated by the conservation covenant.

The cleared north western portion covers approximately 18.0 ha. There is an unnamed tributary of Brid River running to the north-west through this section of the title and an instream dam, registered as a stock and domestic dam along the western boundary. The land is slightly undulating, to the south-west of the tributary predominately north-easterly aspect and to the north-east of the tributary a south-westerly aspect.

The cleared central eastern portion of the title is approximately 20.9 ha, and there are two unnamed tributaries of the Great Forester River running to the north through this area. The aspect is predominantly northerly, with steepness increasing significantly to the south. The area is dissected by the Norwood to Scottsdale transmission lines.

The highest point of the title is near the south eastern corner, sitting at 350 m Above Sea Level (ASL), while the lowest point is in the north western corner of the title at slightly less than 200 m ASL. The prevailing wind is from the north west. The cleared portions of the title do not appear to be currently used for agricultural production, and there are large areas of blackberry infestation present, particularly within the north western portion of the title. The cleared portions have previously been grazed by livestock from neighbouring properties. Historical imagery suggests, and discussions with the landowner confirm, it has previously occasionally been utilised for crops such as potatoes. This appeared to occur only in the south western portion of the cleared north western section of the title, south-west of the unnamed tributary of Brid River.

The land is bound by titles used for forestry purposes to the south and west, and pasture used for grazing to the east and north.

Average annual rainfall in this area is approximately 968 mm¹.

3.2 SOILS AND GEOLOGY

There is no published soils mapping available for the title. The underlying geology for the majority of the title is Dgre (LIST map), which is described as 'Medium to coarse-grained, equigranular, biotite-hornblende granodiorite'.

¹ BOM Climate Statistics – Scottsdale (West Minstone Rd) - http://www.bom.gov.au/climate/averages/tables/cw_091219.shtml

3.3 VEGETATION

TASVEG 4.0 maps the cleared area as agricultural land (FAG). This was confirmed when on site. Where the Brid River tributary enters the title at the southern boundary, as well as where it leaves the northern boundary, the vegetation is mapped as *Eucalyptus viminalis* wet forest (WVI). WVI is a threatened vegetation community under *Nature Conservation Act 2002*. Vegetation within the conservation covenant is mapped as a mix of wet eucalyptus forest and rainforest communities (*Eucalyptus regnans* forest (WRE), *Nothofagus - Phyllocladus* short rainforest (RMS), *Nothofagus - Atherosperma* rainforest (RMT), *Acacia dealbata* forest (NAD) and *Acacia melanoxylon* swamp forest (NAF)). All vegetation within the conservation covenant as well as the two patches of WVI are mapped as Priority Habitat under the Interim Planning Scheme. Along the most southern tributary of the Great Forester, within the covenanted area, are multiple records of a threatened flora species (*Cyathea cunninghamii*, slender treefern). There are no records of threatened fauna species associated with the title.

3.4 LAND CAPABILITY

The published Land Capability mapping (1:100,000) shows the majority of the pasture area is predominately Class 4, with some portions of Class 3 and Class 5 Land Capability also within the assessment area. An onsite Land Capability assessment was undertaken at a scale of 1:10,000 in the cleared north western and central eastern portions of the title focusing particularly on the more productive areas of the title; the conservation covenant area was not assessed. The published Class 3 portion which covers approximately 1.2 ha was assessed as Class 4d. Class 4 land is described as land well suited to grazing, but which is limited to occasional cropping or a very restricted range of crops. The primary limitation that dictated the Class 4 assessment was soil drainage. Common and faint mottling occurred from 15-20 cm across all auger pits, which is an indicator of imperfectly drained soils. Full Land Capability Class descriptions are available in Appendix 2. See Appendix 3 for Land Capability Assessment results and soil profile descriptions.

The land is not classed as 'Prime Agricultural Land' under the Protection of Agricultural Land Policy 2009.

3.5 LAND USE ON SUBJECT TITLES AND EXISTING ASSOCIATED AGRICULTURAL ENTERPRISE

The land is currently not utilised for any agricultural production purposes. Previously, the cleared portions have been leased to neighbouring farms for livestock grazing and used for fodder production (hay and silage). The far western portion of the title has also been used for occasional potato cropping on a rotational basis (most recently approximately ten years ago, based on aerial imagery). When onsite there were no stock on the subject land, although there was evidence of cattle being grazed on the eastern portion of the land in the previous year or two. As the land is not being maintained for agricultural production, there is evidence of weed intrusion (blackberries) and damaged fencing. There are three dams located on the property, with the largest western dam supplying domestic water to an adjacent title (CT 115754/1) to the north of the subject title.

3.6 EXISTING AND POTENTIAL IRRIGATION ON THE TITLE

The western portion of the land is located within the Brid River Catchment, whilst the eastern portion falls within the Great Forester River catchment. The entire title is also within the Scottsdale Scheme Irrigation District. There are no bores located within the assessment area. There are several bores on neighbouring properties located 1–2 km east of the subject title. The yields for the majority of these are not provided, however bore 40723, located 2 km to the east has a recorded initial yield of 0.38 L/s. This is a relatively low yield and not sufficient for irrigation.

Across the subject title, there are two registered dams for stock use (dam ID; 4009, 4010) with a total registered capacity of 7.5 ML. Dam 4010 is located along the western boundary of the property, whilst the registered coordinates for dam 4009 are not entirely accurate but this appears to be the smaller dam on the western portion of the property. There is also an unregistered stock dam on the eastern portion of the property. There is no water licence associated with the enterprise, however we note the proponent has recently applied for a winter take irrigation allocation of 21 ML at surety 6 from the unnamed tributary of the Brid River, located to the west of the property. This application is under assessment.

Because the land is within the Brid River and Great Forester River catchments, there is limited scope to acquire reliable new surface water allocations for irrigation, as both catchments are now fully allocated for winter and summer take irrigation water allocations. Higher reliability surface water may be available through trade. The Scottsdale Irrigation Scheme currently has 2,610 ML available for purchase. The Scheme pipeline is located approximately 1.5 km east of the title and negotiating with neighbouring landholders would be required to secure access. The Scottsdale scheme water also appears to be available as direct take from the Brid River, which may be a more feasible offtake point, however this would still require negotiating access to an offtake point with neighbouring landholders.

Further development of irrigation water resources appears limited and unlikely.

3.7 SURROUNDING LAND USE

The subject title is surrounded to the west, south and southern portion of the eastern boundary by titles used for forestry purposes. These titles are proposed for the 'Rural' zone in the Tasmanian Planning Scheme. Immediately to the north is a small title with a dwelling which is not used for any agricultural purpose. The three larger titles along the northern boundary are owned by the same entity and have commercial scale characteristics². These titles are farmed in conjunction with land to the north. This enterprise has access to irrigation water and appears to be used primarily for pasture for dairy and fodder production, with forestry activity also occurring on some areas of the holding. These titles are slated to be zoned 'Agriculture' under the Tasmanian Planning Scheme.

The title along the northern portion of the eastern boundary appears to be used for dryland livestock grazing, and is farmed in conjunction with five other titles to the north east. There does not appear to be irrigation water resources developed for this livestock enterprise, although the Scottsdale Scheme pipeline traverses one of the northern titles. The landholder does not appear to hold a Scottsdale Scheme water entitlement³. These titles are also proposed to be zoned 'Agriculture'.

The middle portion of the eastern boundary is adjoined by a 68 ha title, which appears to be used for livestock grazing. This title may be farmed in conjunction with land under different ownership or further distant.

3.8 POTENTIAL ENTERPRISES

Table 3-1 lists all the enterprises assessed within DNRET's Enterprise Suitability Project and their average mapped suitability for the subject title. Suitability was only considered for the cleared western and eastern portions of the title. Suitability also varied within specific areas of the subject title, as such the below should be considered as an approximate guide only.

² As defined by A. Ketelaar - Enterprise Scale for primary production in Tasmania

³ Water Entitlements register available on line at <https://www.tasmanianirrigation.com.au/water-entitlement-register>

Table 3-1: Enterprise Suitability

SUITABILITY	ENTERPRISES
Well Suited	<i>Pinus radiata</i>
Well Suited with Soil Management	
Suitable	<i>Eucalyptus nitens</i> , Industrial Hemp, Potatoes
Suitable with Soil Management	Barley, Blueberries, Carrots, Linseed, Lucerne, Poppies, Pyrethrum, Wheat
Suitable with Frost Protection Installed	Sparkling Wine Grapes
Moderately Suitable	Hazelnuts, Olives, Raspberries
Moderately Suitable with Soil Management	Onions, Table Wine Grapes
Moderately Suitable with Frost/Heat Management	Cherries
Marginally Suitable	
Unsuitable	<i>Eucalyptus globulus</i> , Strawberries, Pyrethrum

The Enterprise Suitability Mapping indicates that for the cleared eastern and western portions of the subject title a mix of broadacre and high value horticulture crops are potentially suitable with soil management. This correlates with Land Capability Class 4 soils. The majority of these crops would require water for irrigation and would be best occasionally cropped in rotation with pasture, which has been the case for this land in the past.

It is unlikely that the site would be utilised for forestry plantations (*Pinus radiata*) due to size, proximity of dwellings, the presence of a conservation covenant and the fragmentation of the property. It is also questionable as to whether the site would be attractive for development of a high value horticultural enterprise at a commercial scale (such as blueberries) due to the fragmented nature of the productive areas.

4 Discussion

4.1 PRODUCTIVE CAPACITY OF THE SUBJECT LAND

Both western and eastern cleared portions of the land have previously been periodically used for livestock grazing by neighbouring landholders' stock. Historically, the southwestern portion of the property has also been cropped on a rotational basis, although this appeared to be limited to the area to the west of the unnamed tributary of Brid River, approximately 3ha.

If the application for the 21 ML Surety 6 winter take is successful, then there would be sufficient irrigation water for approximately 4 ha of pasture and potentially slightly larger areas of crops. However, there is only sufficient storage for 7.5 ML of irrigation water, so additional storage would need to be constructed to fully utilise the water during the summer period. If the application is not successful, then the use of the water from the dam is limited to domestic scale irrigation and stock watering.

The most likely use of the cleared land is for dryland or irrigated grazing based on the assessed Land Capability for the property, which could include fodder conservation (silage and hay). Orchards, berries and vineyard production is also possible for this title, provided an adequate volume of irrigation water is secured or the scale is limited to 'domestic'. Soil drainage is likely to be the limiting factor based on the Land Capability assessment. However, given the fragmentation of the title and the presence of the conservation covenant, the land and water resources associated with the title are insufficient for a commercial scale agricultural activity.

The productivity of land with this sort of characteristics (Class 4 Land Capability and small grazing areas) is best realised if farmed in conjunction with other land. The fragmentation of the title by the conservation covenant area means the ability of this title to be farmed in conjunction with adjacent titles is relatively limited and more likely to occur under an opportunistic temporary arrangement by adjacent landholders, rather than a formal lease arrangement. Given the title is mostly covered in a conservation covenant, it is considered unlikely the subject title would be an attractive option to purchase for agricultural purposes.

While it is possible water could be purchased from the irrigation scheme, there are fixed and variable annual costs associated with this water in addition to pumping costs. In addition, negotiation with landholders to secure access would be required. Under these circumstances, to develop irrigation infrastructure for the title, given the relatively small size of the potential production area, is unlikely to be an economically feasible option.

Based on these limitations, the agricultural potential of this title is more likely to be realised with a small-scale producer⁴ managing the property. Small-scale producers are more likely to have an intent to develop a more intensive agricultural use on the suitable parts of the title, utilising the better soils and irrigation water resources, with a lower regard for the labour input costs. Small-scale producers are more likely to value add and maximise the productive capacity of the limited resources and supplement income through value adding or off-farm income. Whilst the title is likely to be deemed unattractive by commercial scale producers due to the fragmentation of the title caused by the conservation covenant area, this is more likely to be considered an asset and be utilised by a small-scale producer for demonstrating sustainability credentials.

4.2 POTENTIAL FOR CONSTRAINING ADJACENT AGRICULTURAL LAND USE

If the title is to be zoned 'Rural', then the implications of this on surrounding agricultural uses needs to be considered. The State Planning Scheme includes requirements for adequate separation distances between discretionary uses in the Rural zone and agricultural uses on neighbouring properties to minimise potential for constraint. Any dwelling proposed to be located on the title under the upcoming State Planning Scheme would have to include adequate setbacks to minimise any potential for constraining agricultural activities on neighbouring titles. There is sufficient area on this title to provide for adequate setbacks from neighbouring titles.

Potential for conflict between any proposed new dwellings and adjacent primary industry uses needs to be considered. There are a range of activities associated with grazing and cropping. Learmonth et.al. (2007) detail the common range of issues associated with sensitive uses such as residential use in the Rural Resource zone which can constrain primary industry activities (see Appendix 5). Common conflict issues associated with residential use in the 'Rural Resource' or 'Agriculture' zones include spray drift from chemicals which would include fungicide, herbicide, and insecticide, noise from equipment (including shooting for game control), irrigation spray drift, odours, and dust.

⁴ As defined by A. Ketelaar, *Enterprise Scale – for primary production in Tasmania*

The Western Australia Department of Health (DOH, 2012) has published guidelines relating specifically to minimising conflict between agricultural activities and residential areas through management of buffer areas. This study particularly focuses on spray drift and dust generation and recommends a minimum separation of 300 m to reduce the impact of spray drift, dust, smoke, and ash. Through the establishment of an adequately designed, implemented and maintained vegetative buffer, this minimum separation distance can be reduced to 40 m. The *Dorset Interim Planning Scheme 2013* requires a 200 m setback between 'Rural Resource' zoned land and new discretionary uses and the Tasmanian Planning Scheme (TPS) will require a 200 m setback between a new dwelling in the 'Rural' zone and adjacent land in the 'Agriculture' zone. The TPS also provides Performance Criteria to reduce this setback if it can be demonstrated the proposal will not impact on adjacent agricultural activity.

5 Conclusions

Given the limitations of size, fragmentation, Land Capability and the existing conservation covenant over 51.5 ha of the 90.8 ha subject title, it is our view the title is best placed within the 'Rural' zone in the upcoming Tasmanian Planning Scheme. The title has limited ability to be managed productively at a commercial scale due to fragmentation of the productive areas either on its own or in conjunction with adjacent titles. Although the land has been leased to a neighbour in the past and managed in conjunction with other land, this arrangement has lapsed. The cost of the required inputs (fertiliser, weed control and fencing), reduce the potential for a leasing arrangement to farm the land in conjunction. The fragmented small area of usable agricultural land on the subject title due to the conservation covenant means that it is likely to be difficult to make a commercial gain on improving the land for productive use either on its own or farmed in conjunction.

Based on these limitations, the agricultural potential of this title is more likely to be realised with a small-scale producer managing the property. Small scale producers are more likely to have an intent to develop a more intensive agricultural use on the suitable parts of the title, utilising the better soils and irrigation water resources, with a lower regard for the labour input costs. Small scale producers are more likely to value add and maximise the productive capacity of the limited resources and supplement income through value adding or off-farm income. Whilst the title is likely to be deemed unattractive by commercial scale producers due to the fragmentation of the title caused by the conservation covenant area, this is more likely to be considered an asset and be utilised by a Small Scale Producer for demonstrating sustainability credentials.

As the title is adjacent to titles proposed to go into the 'Rural' zone, we propose that the title be zoned 'Rural'. This would maintain uniformity and consistency within the planned zoning under the Tasmanian Planning Scheme. The 'Rural' zone is also a more appropriate zone for a title with a conservation covenant and areas of a mapped threatened vegetation community and threatened flora species.

The title would be able support a dwelling which minimises impact on adjacent primary production by implementing adequate setbacks from current and potential future neighbouring agricultural uses.

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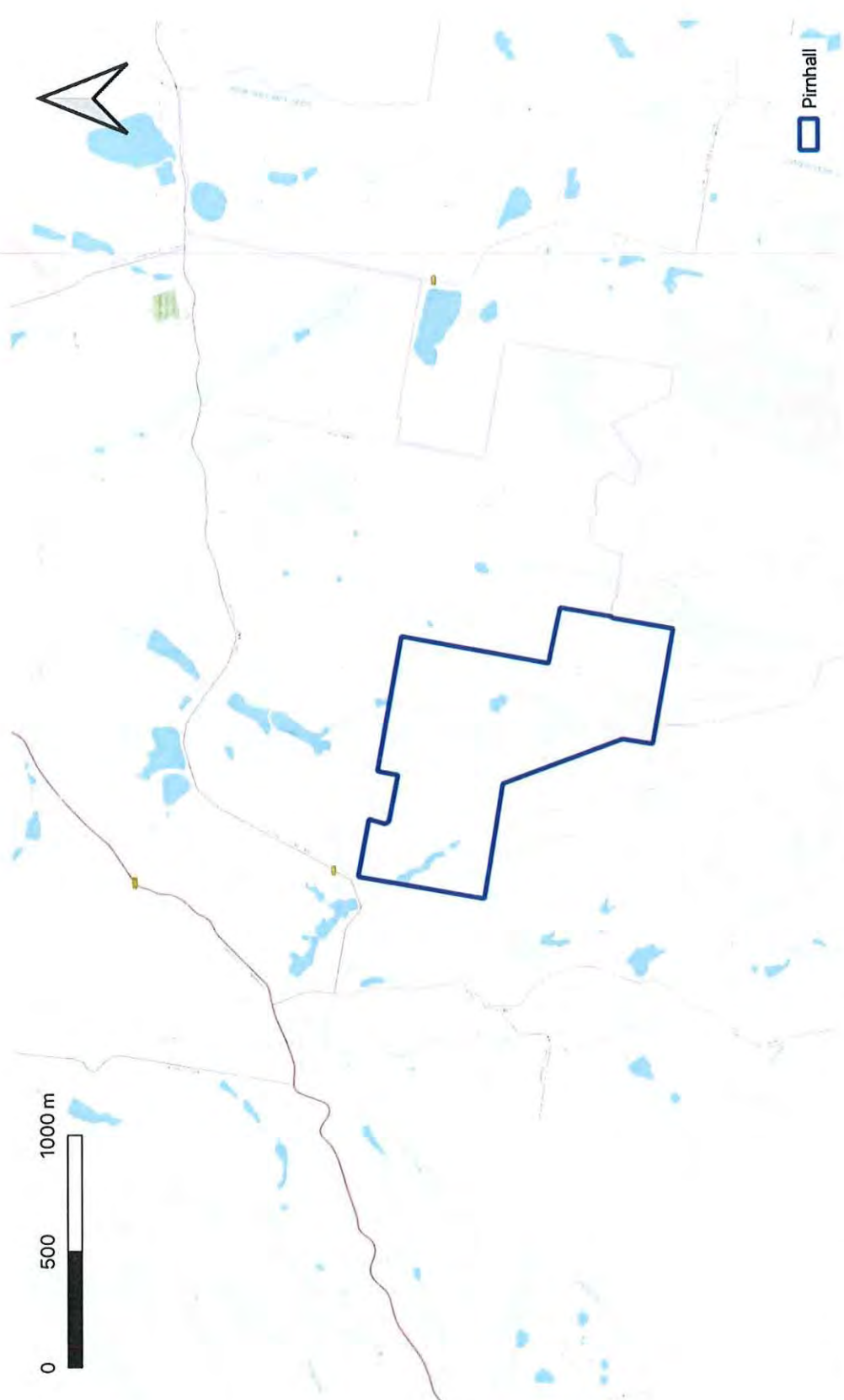
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Appendix 1: Maps



Pimhall

RMCCG

BaseMap image by LIST Topo
Cadastre from LIST
(C) State of Tas

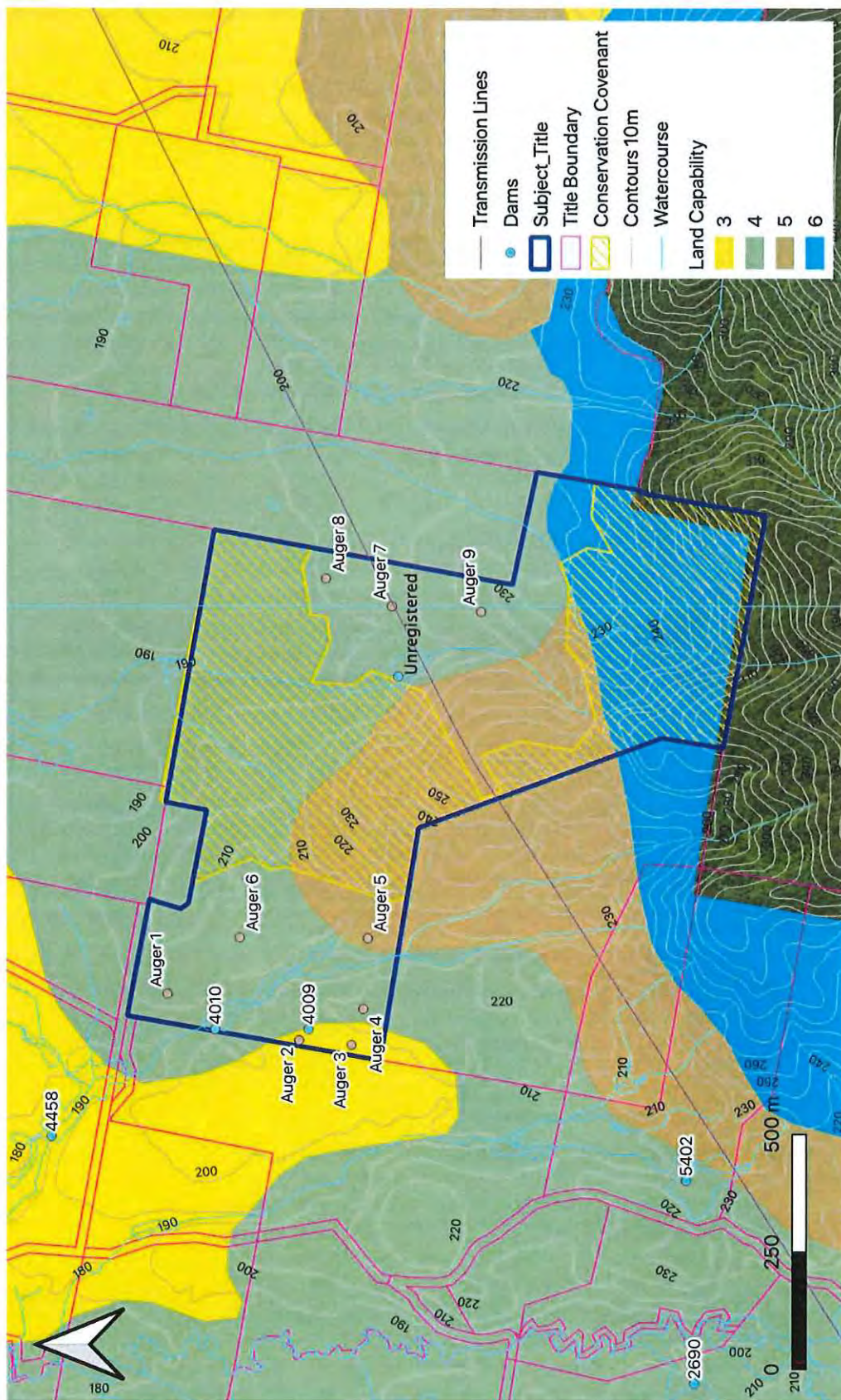
Map Name: Location
Project: Ag Report
Client: Ferguson, Daniel
Date: 18/1/22

Figure A1-1: Location Map



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Figure A1-2: Aerial Image

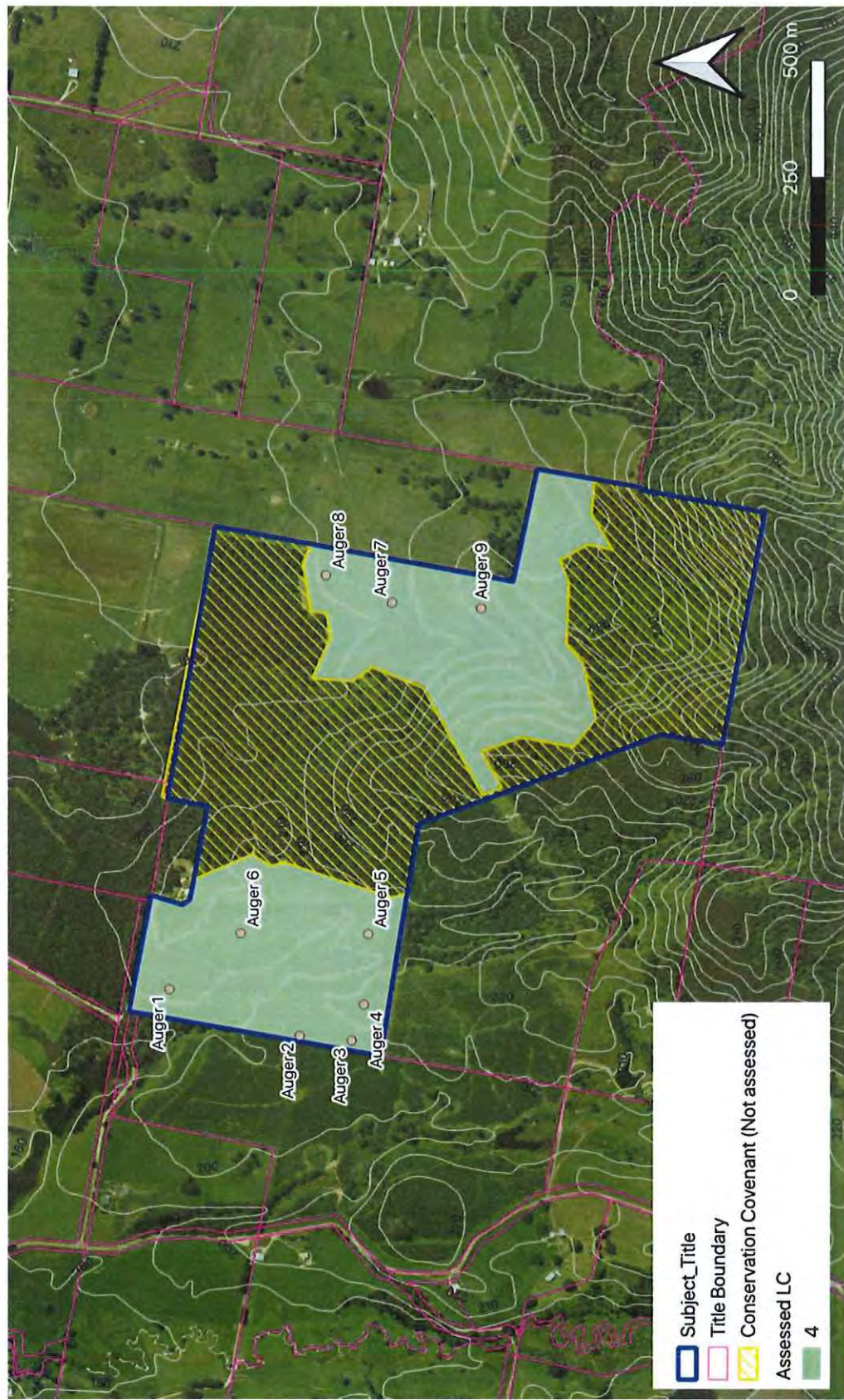


Map Name: Published Land Capability
 Project: Ag Report
 Client: Ferguson, Daniel
 Date: 18/1/22

BaseMap image by LIST Ortho
 Land Capability, Cadastre & contours from
 LIST
 (C) State of Tas

RMCCG

Figure A1-3: Published Land Capability (1:100,000), showing assessed auger pits



Map Name: Assessed Land Capability
 Project: Ag Report
 Client: Ferguson, Daniel
 Date: 18/1/22

BaseMap image by LIST Ortho
 Cadastre & contours from LIST
 (C) State of Tas

RMCCG

Figure A1-4: Assessed Land Capability (1:10000)

Appendix 2: Land Capability definitions from Grose (1999)

Prime agricultural land as described in the Policy for the Protection of Agricultural Land 2009:

CLASS 1: Land well suited to a wide range of intensive cropping and grazing activities. It occurs on flat land with deep, well drained soils, and in a climate that favours a wide variety of crops. While there are virtually no limitations to agricultural usage, reasonable management inputs need to be maintained to prevent degradation of the resource. Such inputs might include very minor soil conservation treatments, fertiliser inputs or occasional pasture phases. Class 1 land is highly productive and capable of being cropped eight to nine years out of ten in a rotation with pasture or equivalent without risk of damage to the soil resource or loss of production, during periods of average climatic conditions.

CLASS 2: Land suitable for a wide range of intensive cropping and grazing activities. Limitations to use are slight, and these can be readily overcome by management and minor conservation practices. However, the level of inputs is greater, and the variety and/or number of crops that can be grown is marginally more restricted, than for Class 1 land. This land is highly productive but there is an increased risk of damage to the soil resource or of yield loss. The land can be cropped five to eight years out of ten in a rotation with pasture or equivalent during 'normal' years, if reasonable management inputs are maintained.

CLASS 3: Land suitable for cropping and intensive grazing. Moderate levels of limitation restrict the choice of crops or reduce productivity in relation to Class 1 or Class 2 land. Soil conservation practices and sound management are needed to overcome the moderate limitations to cropping use. Land is moderately productive, requiring a higher level of inputs than Classes 1 and 2. Limitations either restrict the range of crops that can be grown or the risk of damage to the soil resource is such that cropping should be confined to three to five years out of ten in a rotation with pasture or equivalent during normal years.

Non-prime agricultural land as described in the Policy for the Protection of Agricultural Land 2009:

CLASS 4: Land primarily suitable for grazing but which may be used for occasional cropping. Severe limitations restrict the length of cropping phase and/or severely restrict the range of crops that could be grown. Major conservation treatments and/or careful management is required to minimise degradation. Cropping rotations should be restricted to one to two years out of ten in a rotation with pasture or equivalent, during 'normal' years to avoid damage to the soil resource. In some areas longer cropping phases may be possible but the versatility of the land is very limited. (NB some parts of Tasmania are currently able to crop more frequently on Class 4 land than suggested above. This is due to the climate being drier than 'normal'. However, there is a high risk of crop or soil damage if 'normal' conditions return.).

CLASS 5: This land is unsuitable for cropping, although some areas on easier slopes may be cultivated for pasture establishment or renewal and occasional fodder crops may be possible. The land may have slight to moderate limitations for pastoral use. The effects of limitations on the grazing potential may be reduced by applying appropriate soil conservation measures and land management practices.

CLASS 6: Land marginally suitable for grazing because of severe limitations. This land has low productivity, high risk of erosion, low natural fertility or other limitations that severely restrict agricultural use. This land should be retained under its natural vegetation cover.

CLASS 7: Land with very severe to extreme limitations which make it unsuitable for agricultural use.

Appendix 3: Protocol for Land Capability assessment used by RMCG

This protocol outlines the standards and methodology that RMCG uses to assess Land Capability.

In general, we follow the guidelines outlined in the Land Capability Handbook (Grose 1999) and use the survey standards outlined in the Australian Soil and Land Survey Handbooks to describe (McDonald, et al. 1998), survey (Gunn, et al. 1988) and classify (Isbell 2002) soils and landscapes.

Commonly we are requested to assess Land Capability in relation to local government planning schemes. As such the level of intensity of the investigation is usually high and equivalent to a scale of 1:25 000 or better. The choice of scale or intensity of investigation depends on the purpose of the assessment. As the scale increases (becomes more detailed and the scale is a smaller number), the number of observations increases.

An observation can be as much as a detailed soil pit description or as little as measuring the gradient of an area using a clinometer or the published contours in a Geographical Information System and includes soil profile descriptions, auger hole descriptions, and observations confirming soil characteristics, land attributes or vegetation. The table below shows the relationship between scale, observations, minimum distances and areas that can be depicted on a map given the scale and suggested purpose of mapping.

Table A3-1: Land Capability Assessment Scales

SCALE	AREA (HA) PER OBSERVATION	MINIMUM WIDTH OF MAP UNIT ON GROUND	MINIMUM AREA OF MAP UNIT ON GROUND	RECOMMENDED USE
1:100 000	400 ha	300 m	20 ha	Confirmation of published land capability mapping
1:25 000	25 ha	75 m	1.25 ha	Assessments of farms, fettering or alienation of Prime Agricultural Land
1:10 000	4 ha	30 m	2000 m ²	Area assessments of less than 15 ha
1:5 000	1 ha	15 m	500 m ²	Site specific assessments for houses and areas less than 4 ha
1:1 000	0.04 ha	3 m	20 m ²	Shown for comparison purposes

Based on 0.25 observations per square cm of map, minimum width of mapping units is 3 mm on map as per (Gunn, et al. 1988).

Assessment methodology

With all assessments we examine a minimum of three observations per site or mapping unit and determine Land Capability on an average of these observations.

Land Capability is based on limitations to sustainable use of the land, including the risk of erosion, soil, wetness, climate and topography. The most limiting attribute determines the Land Capability class. This is not always a soil limitation and thus soil profile descriptions are not always required for each mapping unit. For example, land with slopes greater than 28%, areas that flood annually and areas greater than 600 m in elevation override other soil related limitations.

The availability of irrigation water can affect the Land Capability in some areas. An assessment of the likelihood of irrigation water and quality is made where it is not currently available.

As a minimum all assessment reports include a map showing the subject land boundaries, observation locations, published contours and Land Capability.

Definitions

Land Capability - A ranking of the ability of land to sustain a range of agricultural land uses without degradation of the land resource (Grose 1999).

Protocol references

Grose, C J. Land capability Handbook. Guidelines for the Classification of Agricultural Land in Tasmania. Second Edition. Tasmania: Department of Primary Industries, Water and Environment, 1999.

Gunn, R H, J A Beattie, R E Reid, and R H.M van de Graaff. Australian Soil and Land Survey Handbook: Guidelines for Conducting Surveys. Melbourne: Inkata Press, 1988.

Isbell, R F. The Australian soil classification. Revised Edition. Melbourne: CSIRO Publishing, 2002.

McDonald, R C, R F Isbell, J G Speight, J Walker, and M S Hopkins. Australian Soil and Land Survey Field Handbook. Second Edition. Canberra: Australian Collaborative Land Evaluation Program, CSIRO Land and Water, 1998.

On site land capability assessment

Published Land Capability (LIST 1:100,000) maps the subject land as partially Classes 3, 4, 5 & 6, but mostly Class 4 & 5 land.

A site inspection was undertaken on the 6th of December 2021 and a Land Capability assessment was undertaken at a scale of 1:10,000 for the cleared areas of the title, with a particular focus on the mapped Class 3 areas. Nine assessment pits were augured across the assessment area. This was accompanied by visual inspections across the title and slope calculations.

The results of the onsite Land Capability assessment found that the assessment area has a Land Capability of Class 4.

For the assessment pits augured the key characteristics that determined the assessed Land Capability was drainage (d) – All profiles showed imperfect drainage characteristics through mottling (common & distinct or common & faint) from around 20 cm–60 cm depth.

Pit 6 also showed a greater degree of mottling than the other test pits, with common and distinct mottling occurring from 20–60cm depth. This pit was assessed as Class 5 Land Capability as a result. However, given this was a single pit and the overall area is managed as Class 4, the average Land Capability was assessed as Class 4d.

Table A3-2: Land Capability Assessment Summary Table for Assessment Pits 2019

	SOIL	COMMENTS	COARSE FRAGMENT SIZE (MM)	COARSE FRAGMENT ABUNDANCE (G)	SOIL DRAINAGE (D)	SURFACE STONE (R)	TEXTURE	STRUCTURE (E)	SLOPE (E)	EROSION RISK	FLOOD RISK	COLOUR	LAND CAPABILITY
Pit No	Depth (cm)		Type, mm	%	Mottle Severity	Presence			%	Water	Wind		
1	0-20		2-60	2-20			Clay loam	Strong	5-12	V low	Low	Dark brown	
	20-40		2-60	20-35	Common/faint		Light clay	Strong				Strong brown	4d
	40-60		2-60	20-35	Common/faint		Medium clay	Strong				Strong brown	
2	0-15						Loam	Strong	0-5	V low	Low	Dark brown	4d
	15-20		2-60	20-35	Common/faint		Clay loam	Strong				Dark brown	
	25-60		2-60	50-70	Common/faint		Clay loam	Strong				Strong brown	
3	0-15		2-60	<2			Silty clay	Moderate	0-5	V low	Low	Dark brown	
	15-30		2-60	2-20	Common/faint		Clay loam	Strong				Strong brown	4d
	30-60		2-60	2-20	Common/faint		Medium clay	Strong				Strong brown	
4	0-20		2-60	<2			Loam	Moderate	0-5	V low	Low	Dark brown	4d
	20-40		2-60	2-20	Common/faint		Light clay	Strong				Dark brown	
	40-60		2-60	2-20	Common/faint		Medium clay	Strong				Strong brown	
5	0-20		2-60	<2			Loam	Moderate	0-5	V low	Low	Dark brown	4d
	20-40		2-60	2-20	Common/faint		Light clay	Strong				Dark brown	
	40-60		2-60	2-20	Common/faint		Medium clay	Strong				Strong brown	
6	0-20		2-60	<2			Loam	Strong	5-12	V low	Low	Dark brown	5d
	20-40		2-60	20-35	Common/distinct		Clay loam	Strong				Strong brown	
	40-60		2-60	20-35	Common/distinct		Moderate clay	Strong				Strong brown	
7	0-20		2-60	<2			Loam	Strong	5-12	V low	Low	Dark brown	4d
	20-40		2-60	2-20	Common/faint		Clay loam	Strong				Dark brown	
	40-60		2-60	20-35	Common/distinct		Light clay	Strong				Strong brown	
8	0-30		2-60	2-20			Loam	Strong	0-5	V low	Low	Black	4d
	30-55		2-60	2-20	Common/faint		Clay loam	Strong				Black	
	55-60		2-60	20-35	Common/distinct		Light clay	Strong				Black	
9	0-20		2-60	2-20			Loam	Strong	12-18	Mod	Low	Dark brown	4d
	20-40		2-60	2-20	Common/faint		Light clay	Strong				Dark brown	
	40-60		2-60	2-20	Common/faint		Moderate clay	Strong				Dark brown	

Pit 1



Site: Pirnhall

Date: 6th December 2021

Pit: 1

Flood Risk: Low

Slope: 5–12%

Morphology: Hill sope - Gentle south westerly aspect

Surface condition: Semi-improved Pasture.

Table A3-3: Profile description

DEPTH (CM)		MUNSELL COLOUR		STRUCTURE	TEXTURE	GRAVEL	MOTTLE	COMMENTS
0	20	7.5YR	3/3	S	CL	2–20%	-	
20	40	7.5YR	5/6	S	LC	20–35%	4	
40	60	7.5YR	5/6	S	MC	35–50%	4	

Duplex profile with well-structured soils with a Clay Loam at the surface, over a Light Clay and a Medium Clay at depth. At 20–40 cm there is a 20–35% gravel presence, however, this is not limiting to root growth. Mottling (common & faint) in the light and medium clay layers indicates these soils are 'imperfectly' drained, which dictates a Land Capability classification of Class 4d. Pits 2, 3, 4 and 5 displayed similar characteristics, but with the light clay layer occurring at slightly different depths (15–20 cm). The remaining pits were consistent with this profile; however, pit 6 displayed common and distinct mottling from 20 cm onwards, dictating a Class 5 classification.

Appendix 4: Photographs

Taken by Jake Gaudion, 6 December 2021.



Figure A4-1: View towards the north-west corner of the subject title towards Ten Mile Track. Neighbouring plantation to left of image



Figure A4- 2: Southwest corner of subject title looking southwest, showing weed intrusion. Neighbouring eucalypt plantation located in background of image.



Figure A4-3: Plantation adjacent to western boundary of subject title. Extensive presence of fox glove in the plantation understorey and blackberry on the boundary.



Figure A4-4: View from cleared eastern portion of subject title, fragmented by transmission lines, looking south. Conservation covenant and stock dam to right of image.



Figure A4- 5: View from south-east of subject title, looking to the north-west. Transmission lines in the centre, conservation covenant and neighbouring farm to the north in background of image.

Appendix 5: Potential conflict issues

Living and Working in Rural Areas. A handbook for managing land use conflict issues on the NSW North Coast. Learmonth, R., Whitehead, R., Boyd, B., and Fletcher, S. n.d.

Table 1. Typical rural land use conflict issues in the north coast region

Issue	Explanation
Absentee landholders	Neighbours may be relied upon to manage issues such as bush fires, straying stock, trespassers etc. while the absentee landholder is at work or away.
Access	Traditional or informal 'agreements' for access between farms and to parts of farms may break down with the arrival of new people.
Catchment management	Design, funding and implementation of land, water and vegetation management plans are complicated with larger numbers of rural land-holders with differing perspectives and values.
Clearing	Neighbours may object to the clearing of trees, especially when it is done apparently without approvals or impacts on habitat areas or local amenity.
Cooperation	Lack of mutual co-operation through the inability or unwillingness on behalf individuals to contribute may curtail or limit traditional work sharing practices on-farm or in the rural community.
Dogs	Stray domestic dogs and wild dogs attacking livestock and wildlife and causing a nuisance.
Drainage	Blocking or changing drainage systems through a lack of maintenance or failure to cooperate and not respect the rights of others.
Dust	Generated by farm and extractive industry operations including cultivating, fallow (bare) ground, farm vehicles, livestock yards, feed milling, fertiliser spreading etc.
Dwellings	Urban or residential dwellings located too close to or affecting an existing rural pursuit or routine land use practice.
Electric fences	Electric shocks to children, horses and dogs. Public safety issues.
Fencing	Disagreement about maintenance, replacement, design and cost.
Fire	Risk of fire escaping and entering neighbouring property. Lack of knowledge of fire issues and the role of the Rural Fire Service.
Firearms	Disturbance, maiming and killing of livestock and pest animals, illegal use and risk to personal safety.
Flies	Spread from animal enclosures or manure and breeding areas.
Heritage management	Destruction and poor management of indigenous and non indigenous cultural artefacts, structures and sites.
Lights	Bright lights associated with night loading, security etc.
Litter	Injury and poisoning of livestock via wind blown and dumped waste. Damage to equipment and machinery. Amenity impacts.
Noise	From farm machinery, scare guns, low flying agricultural aircraft, livestock weaning and feeding, and irrigation pumps.
Odours	Odours arising from piggeries, feedlots, dairies, poultry, sprays, fertiliser, manure spreading, silage, burning carcasses/crop residues.
Pesticides	Perceived and real health and environmental concerns over the use, storage and disposal of pesticides as well as spray drift.
Poisoning	Deliberate poisoning and destruction of trees/plants. Spray drift onto non-target plants. Pesticide or poison uptake by livestock and human health risks.
Pollution	Water resources contaminated by effluent, chemicals, pesticides, nutrients and air borne particulates.
Roads	Cost and standards of maintenance, slow/wide farm machinery, livestock droving and manure.
Smoke	From the burning of crop residues, scrub, pasture and windrows.
Soil erosion	Loss of soil and pollution of water ways from unsustainable practices or exposed soils. Lack of adequate groundcover or soil protection.
Straying livestock	Fence damage, spread of disease, damage to crops, gardens and bush/rainforest regeneration.
Theft/vandalism	Interference with crops, livestock, fodder, machinery and equipment.
Tree removal	Removal of native vegetation without appropriate approvals. Removal of icon trees and vegetation.
Trespass	Entering properties unlawfully and without agreement.
Visual/amenity	Loss of amenity as a result of reflective structures (igloos, hail netting), windbreaks plantings (loss of
Water	Competition for limited water supplies, compliance with water regulations, building of dams, changes to flows. Stock access to waterways. Riparian zone management.
Weeds	Lack of weed control particularly noxious weeds, by landholders.

Based on: Smith, RJ (2003) Rural Land Use Conflict: Review of Management Techniques – Final Report to Lismore Living Centres (PlanningNSW).

Appendix 6: Agricultural requirements and potential constraints

It is very difficult to provide an assessment of the commercial viability of a single farm business activity as generally more than one farm business activity contributes to a farming business. Table A6-1 is designed to describe the general characteristics of a commercial scale farm business activity in Tasmania. Table A6-1 can be used to characterise land and water resources to determine whether they have the capacity to contribute to a commercial scale farm business activity. For example, a farming business with less than 3,000 DSE would need additional farming activities to be viable.

Table A6-1: Characteristics of commercial scale agricultural farm business activities in Tasmania

RESOURCE	LIVESTOCK			BROAD ACRE CROPS				VEGETABLES		BERRIES	ORCHARD FRUITS & VINES	NURSERIES & CUT FLOWERS	FORESTRY PLANTATIONS
	SHEEP	CATTLE	DAIRY	CEREALS	OTHERS	PROCESSED	FRESH MARKET						
Land Capability	LC generally 3-6.	LC generally 3-5/6.	LC generally 3-5.	LC 1-4.	LC 1-4.	LC 1-4.	LC 1-4.	LC 1-4.	LC 1-4/5.	LC 1-4/5.	LC 1-4 or N/A	LC 4-6	
Minimum paddock sizes	No minimum	No minimum	To suit grazing system.	10-15 ha min	5-10 ha min.	10 ha min.	10 ha min.	10 ha min.	2-4 ha.	2-5 ha.	2-4 ha min.	10-20 ha min.	
Size for a 'viable' business if conducted as single farm business activity (1)	Generally, 3,000-10,000 dse -area depends on rainfall. (2)		Capacity for at least 350 milkers.(3)	Broadacre cropping will be a mix of crops in rotation with pasture and livestock. The area required for viability is highly variable.				4-10 ha.	10-30 ha.		5-10 ha.	TBC	
Irrigation water	Not essential	Not essential	Preferable 4-8ML/ha.	Not necessary.	Mostly necessary. 2-3 ML/ha.	Necessary, 2-6 ML/ha.	Necessary, 2-5ML/ha.	Necessary, 1-3 ML/ha.	Necessary, 2-3 ML/ha.		Necessary, small quantity.	Not required.	
Climate specifications	Lower rainfall preferred for wool.	No preferences.	High rainfall (or irrigation).	Susceptible to spring frosts. Difficult to harvest in humid coastal conditions.	Susceptible to spring frosts.	Susceptible to spring frosts.	Susceptible to spring frosts.	High rainfall (or irrigation).	Susceptible to spring frosts for vines. Susceptible to summer rains for cherries. Susceptible to disease in high humidity in March for vines.		Preferably low frost risk area.	Rainfall above 700-800 mm.	
Infrastructure	Yards & shearing shed.	Yards, crush, loading ramp.	Dairy shed, yards, crush, loading ramp.	Minimal.	Irrig facilities.	Irrig facilities.	Irrig facilities. Possibly a packing shed unless using a contract packer or growing on contract	Irrig facilities. Packing shed			Plastic/glass houses.	Firefighting dams. Access roads	
Plant & equipment	Minimal.	Minimal: hay feeding plant.	General purpose tractor, hay/silage feeding.	Tractors & implements.	Tractors & implements.	Tractors & implements.	Tractors & implements.	Tractors & implements.			Small plant.	Contract services.	
Market contracts	Not required.	Not required.	Necessary.	Not required.	Generally required.	Necessary.	Highly preferred.	Desired.			Contracts preferable.	Varies.	
Labour	Medium.	Low.	High.	Low.	Low.	Low.	Variable/medium.	High at times.	High at times.		High at times.	Low.	
Local services	Shearers.	Vet.	Vet, dairy shed technician.	Agronomist, contractors.	Agronomist, contractors.	Agronomist, contractors.	Agronomist, contractors.	Pickers.	Pickers.		Pickers.	Contractors.	
Regional suitability	Dryer areas good for wool. All areas suitable; larger farm sizes needed for viability.	All areas suitable.	Economics dictate large area necessary. Needs high rainfall or large water resource for irrigation.	Generally large areas, so need larger paddocks and larger farms.	Generally large areas, so need larger paddocks and larger farms.	Medium sized paddocks & farms: area for crop rotations and irrigation.	Medium sized paddocks & farms: area for crop rotations and irrigation.	Specific site requirements; proximity to markets and transport/carriers.	Specific site requirements; potentially available in most municipalities.		Proximity to markets is important.	Low rainfall areas less preferred.	

Table notes:

1. The Agricultural Land Mapping Project (ALMP) (Dept of Justice, 2017) defined minimum threshold titles sizes that could potentially sustain a standalone agricultural farm business activity. The ALMP have 333 ha for a livestock farm business activity, 40 ha for dairy, 133 ha for cereals and other broadacre crops, 25 ha for processed and fresh market vegetable, 10 ha for berries, other fruits & vines and nurseries and cut flowers and no specified minimum area for plantation forestry.
2. Kynetic (March 2021) Farm Intel Information brochure uses 100 ha as the minimum farm area for livestock.
3. Kynetic (March 2021) Farm Intel Information brochure uses 75 ha as the minimum farm area for dairy.

Tables A6-2 to A6-5 describes the frequency and intensity of the management activities associated with various farming activities which could occur on the boundaries on adjacent land.

The Tasmanian Planning Scheme, as an acceptable solution, requires a minimum setback for a sensitive use in the Rural zone of 5 m or if the setback of an existing building is within 5 m, then not less than the existing building. For the Agriculture zone this is extended to 200 m or not less than an existing building used for a sensitive use. The performance criteria under the Tasmanian Planning Scheme requires consideration of additional factors.

Farm business activity scale in combination with Table 6-6 can be used to provide guidance on appropriate separation distances when there are no additional mitigating factors. Tables A6-2 to A6-5 provide further explanatory text on constraints in relation to farming activities.

Table A6-2: Grazing

MANAGEMENT ACTIVITY	ISSUES LIKELY TO CONSTRAIN THE ACTIVITY	COMMENT
Pasture sowing Herbicide spraying Cultivation Drilling	Spray drift, noise Noise, dust Noise, dust	Ground based or aerial – often very early in the morning
Graze	Noise at certain time eg weaning calves Livestock trespass	Tractor
Forage conservation Mow, Rake, Bale, Cart bales	Noise, dust	Tractor
Fertiliser spreading	Noise	Tractor
Insecticide spraying	Spray drift Noise	Ground based or aerial – often very early in the morning

Table 6-3: Plantation forestry

MANAGEMENT ACTIVITY	ISSUES LIKELY TO CONSTRAIN THE ACTIVITY	COMMENT
Ground preparation	Spray drift, noise, dust Vehicle movement	Windrowing, Ripping, pre-emergent herbicide. Once per rotation
Planting	Dust from fertiliser Vehicle movement	Manual, once per rotation
Herbicide/ fungicide / insecticide	Spray drift	Ground and aerial; likely to be early in the morning. Annual.
Pruning/ thinning	Dust, Noise, Vehicle movement	Use of loud machinery and regular heavy vehicle movement. Intermittent
Harvesting	Dust Noise	Use of loud machinery and regular heavy vehicle movement. Once per rotation

Table A6-4: Poppy crop

MANAGEMENT ACTIVITY	ISSUES LIKELY TO CONSTRAIN THE ACTIVITY	COMMENT
Pre-cultivation spray	Spray drift Noise	Ground based or aerial – often very early in the morning
Cultivation – several passes (2-4)	Noise Dust	Tractor Dust is unlikely as soils are likely to be moist
Lime spreading	Noise	Tractor
Drilling	Noise	Tractor
Herbicide sprays (2)	Spray drift Noise	Ground based or aerial often very early in the morning
Insecticide & fungicide sprays (2-3)	Spray drift Noise	Ground based or aerial – likely to be very early in the morning
Irrigation	Spray drift Noise	Potentially turbid and not potable Pump
Harvesting	Noise	Tractor
Potential forage crops after harvesting, cultivation Broadcast seed & harrow, Irrigate	Noise Noise Noise, spray drift	Tractor Tractor Pump

Table A6-5: Farming Activity - Potato crop

MANAGEMENT ACTIVITY	ISSUES LIKELY TO CONSTRAIN THE ACTIVITY	COMMENT
Pre-cultivation spray	Spray drift Noise	Ground based or aerial – often very early in the morning
Cultivation – several passes (2-4)	Noise Dust	Tractor Dust is unlikely as soils are likely to be moist
Planting	Noise	
Herbicide spray	Spray drift Noise	Ground based or aerial – often very early in the morning
Insecticide & fungicide sprays (5+)	Spray drift Noise	Ground based or aerial – likely to be very early in the morning
Fertiliser Spreading	Noise Odour	Tractor From manure/organic fertilisers
Irrigation	Spray drift Noise	Potentially turbid and not potable Pump
Harvesting	Noise	Tractor

Table 6-6: Separation distances

RESOURCE	LIVESTOCK			BROAD ACRE CROPS			VEGETABLES		BERRIES	ORCHARD FRUITS & VINES	NURSERIES & CUT FLOWERS	FORESTRY PLANTATIONS
	SHEEP	CATTLE	DAIRY	CEREALS	OTHERS	PROCESSED	FRESH MARKET					
Recommended min. buffer for individual dwellings (1)	50m to dryland and 100m to irrigated grazing area (3)	50m to dryland and 100m to irrigated grazing area.(3).	50m to dryland and, 100m to irrigated grazing, 300m to dairy shed and 250m to effluent storage or continuous application areas (2).	200m to crop.	200m to crop.	200m to crop.	200m to crop.	200m to crop.	200m to crop.	200m to crop.	200m to crop.	100m from crop for aerial spraying.
Recommended min. buffer for residential areas (1)	50m to dryland and 100m to irrigated grazing area.(3)	50m to dryland and 100m to irrigated grazing area.(3)	50m to dryland and, 100m to irrigated grazing, 300m to dairy shed and 250m to effluent storage or continuous application areas (2).	300m to crop.	300m to crop.	300m to crop.	300m to crop.	300m to crop.	300m to crop.	300m to crop.	300m to crop.	Site specific (1).

This report has been prepared by:

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Jake Gaudion



Document review and authorisation

Project Number: #1447

Doc Version	Final/Draft	Date	Author	Project Director review	BST QA review	Release approved by	Issued to
1.0	Final	27/1/22	J. Gaudion M. Tempest	A. Ketelaar	E. Kelly	A. Ketelaar	Client



From: Sandra Chugg [REDACTED]
Sent: Thursday, 12 May 2022 2:57 PM
To: Dorset Council <dorset@dorset.tas.gov.au>
Subject: Rural living C Bridport

Hi Tim

Please find attached our request to amend the Rural Living C Zone Bridport to Rural Living B Bridport.

Regards

Sandra Chugg & Chris Thirkell

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For more information please visit <http://www.symanteccloud.com>

Rural living zone C Bridport should be reduced from 5 ha minimum to 2 ha Rural living zone B. Due to the size variations of the current properties in the Bridport rural living zone C we feel that 2 ha would be better suited due to the geography of the land and placement of existing houses.

The properties are currently too small for agricultural production potential and would be better suited to small acreages for families. Sewage would be collected in septic and grey water tanks. Drinking water would be collected in rainwater tanks. Electricity runs through the bottom of the properties. All houses in this area on 2 ha blocks could easily be set 200m from the road.

If council and Tasmanian Planning Scheme were to approve the 2ha lot sizes like that at Port Hills, we believe that all owners along this Rural living zone C, would not go to the minimum size, but it would give the land owners more scope to subdivide the land in a way that would be best for the council and the new purchasers. A lot of people we have spoken to, would like a block of land on which they can have a horse, some chooks and area for the kids to play, they are not interested in a larger piece, which is going to require work. Hence the 2 ha size or slightly larger suits them.

We would love for council and Tasmanian Planning Scheme to reconsider the zoning for this area to 2 ha minimum size.

We thank you for your help in this matter.

Christopher Thirkell & Sandra Chugg
1921 Bridport Road
Bridport Tas 7262

[REDACTED]

From: Cheriann Wong [REDACTED]
Sent: Thursday, 12 May 2022 1:13 PM
To: Dorset Council <dorset@dorset.tas.gov.au>
Cc: [REDACTED] cloakofmidnight [REDACTED]
Subject: Representation on the Dorset Draft LPS - J Lenord

Attention: Dorset Planning Authority

I am the owner of 1453 Forester Road, North Scottsdale, (PID 2000522, CT 133542/1) in the Dorset municipality. In the Draft Local Provisions Schedule my 28.0 ha conservation property has been rezoned from Rural Resource to Agriculture. I consider that the Landscape Conservation Zone is more appropriate for my property for the following reasons.

- My property contains the 5.4 ha Scottsdale #1 Reserve protected by conservation covenant which covers 19% of the 28.0 ha title.
- Details of the natural values protected by the Reserve are in the Nature Conservation Plan held by the Private Land Conservation Program in DNRE.
- My property is one of two adjoining covenanted properties which together adjoin the 4080 ha North Scottsdale Regional Reserve to their west.
- The North Scottsdale Regional Reserve is zoned Environmental Management and is therefore zoned for similar values to my and my neighbours' property at 1425 Forester Road.
- The 22.6 ha of non-covenanted land contains a residential dwelling, is mostly covered with the *Eucalyptus amygdalina* coastal forest and woodland vegetation community and is unsuitable and not used for agriculture.
- My property is therefore highly constrained for agricultural use and the Agriculture Zone is therefore inappropriate based on Guideline No 1.
- Landscape Conservation should therefore be applied to the whole title.
- My neighbours at 1425 Forester Road (PID (2000514, CT 133542/2) will also be requesting that the whole of their title is rezoned to Landscape Conservation.

The case for rezoning to Landscape Conservation is consistent with the Tasmanian Planning Commission's interpretation of Guideline No 1 posted on the Planners Portal on 22 April 2021 which recognised the planning merit of rezoning covenanted land to Landscape Conservation where there are clusters of covenanted titles and the covenanted land is connected to land zoned for similar values. In that same advice the Commission acknowledges that covenanted land invariably contains values that make it suitable for zoning as Landscape Conservation.

Could you please acknowledge receipt of my representation?

Yours sincerely,
Jade Lenord

Phone:

Email:



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From: Taylor, Jason [REDACTED]
Sent: Wednesday, 25 May 2022 10:31 AM
To: Dorset Council <dorset@dorset.tas.gov.au>
Subject: TasWater Representation - Dorset Draft Local Provisions Schedule

To the General Manager,

Please consider this email a representation from TasWater regarding the Dorset Council Draft Local Provisions Schedule (LPS).

The below table is land containing TasWater infrastructure (specifically a water storage that fits the definition of Utilities) that we consider should be zoned Utilities:

NAME	TYPE	SERVICE	VOLUME	FOLIO	PROPERTY_ID	PROPERTY
Winnaleah Reservoir	Reservoir	Water	78910	1	6824617	Warrentinna Rd

TasWater are of the opinion that treatment plants for both water and sewer, and water storages should be zoned as Utilities, but pump stations are suited to the underlying/surrounding zoning remaining in place.

Regards

Jason Taylor

Development Assessment Manager



[REDACTED]
F 1300 862 066
A GPO Box 1393, Hobart TAS 7001
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[REDACTED]

From: Slater, Sally [REDACTED]
Sent: Wednesday, 1 June 2022 2:07 PM
To: Dorset Council <dorset@dorset.tas.gov.au>
Subject: Representation to Municipality of Dorset - Draft LPS

Please find attached a representation from the Heritage Council regarding the Dorset Draft LPS.

Please contact me if you have any questions or would like to discuss in further detail.

Regards



Sally Slater | Planner/Heritage Advisor
Heritage Tasmania
Department of Natural Resources and Environment Tasmania
Level 6, 134 Macquarie Street, HOBART | GPO Box 618, HOBART 7001
[REDACTED] | 1300 850 332 (local call cost)
[REDACTED]
W: www.heritage.tas.gov.au | www.nre.tas.gov.au

Please note that my work days are Mon, Tues, Wed and Fri each week



Tasmanian Heritage Council
GPO Box 618 Hobart Tasmania 7000
Tel: 1300 850 332
enquiries@heritage.tas.gov.au
www.heritage.tas.gov.au

1 June 2022

Municipality of Dorset
3 Ellenor Street
Scottsdale TAS 7260

Email: dorset@dorset.tas.gov.au

Municipality of Dorset,

RE: Tasmanian Planning Scheme – Dorset Draft Local Provisions Schedule (LPS)

Thank you for the opportunity to comment on the Dorset Draft Local Provision Schedule (LPS). The Heritage Council provides the following comments.

Local Heritage values

Although the draft Dorset LPS does not comprise any local heritage places / precincts or historic landscape precincts or places of Archeological potential, the Heritage Council strongly encourages Council to complete a local heritage study of the entire municipality to ensure that places and precincts with recognised local heritage significance are afforded necessary statutory protections in the future. To assist this process, the Heritage Council would be pleased to provide any relevant historical records that may be required to satisfactorily substantiate future planning scheme amendments that seek to protect overall local heritage values.

With particular regard to the Derby township, the Heritage Council commends Council for commissioning and adopting the 2012 Derby Heritage Study and supports the recommendation of this Study to include the Derby village in a local heritage precinct under the Local Historic Heritage Code as part of a future planning scheme amendment.

Tasmanian Heritage Register (THR)

It is acknowledged that there are currently 42 permanently registered places on the Tasmanian Heritage Register (THR) located within your municipality. Should you decide to include these places in your LPS Local Historic Heritage Code in the future, it will provide a 'one-stop shop' for

local and state heritage listings which may give greater clarity to the local community and increase public awareness about the status of its catalogued heritage assets.

The Heritage Council welcomes further opportunities to contribute to any amendments to the Dorset LPS that will create a more rigorous planning framework to adequately protect locally significant heritage places, precincts, streetscapes and landscapes for the local community and visitors to the area to appreciate and enjoy into the future.

If you would like to discuss any of these matters raised in this representation in further detail, please contact Sally Slater, Heritage Planner at Heritage Tasmania on 1300 850 332.

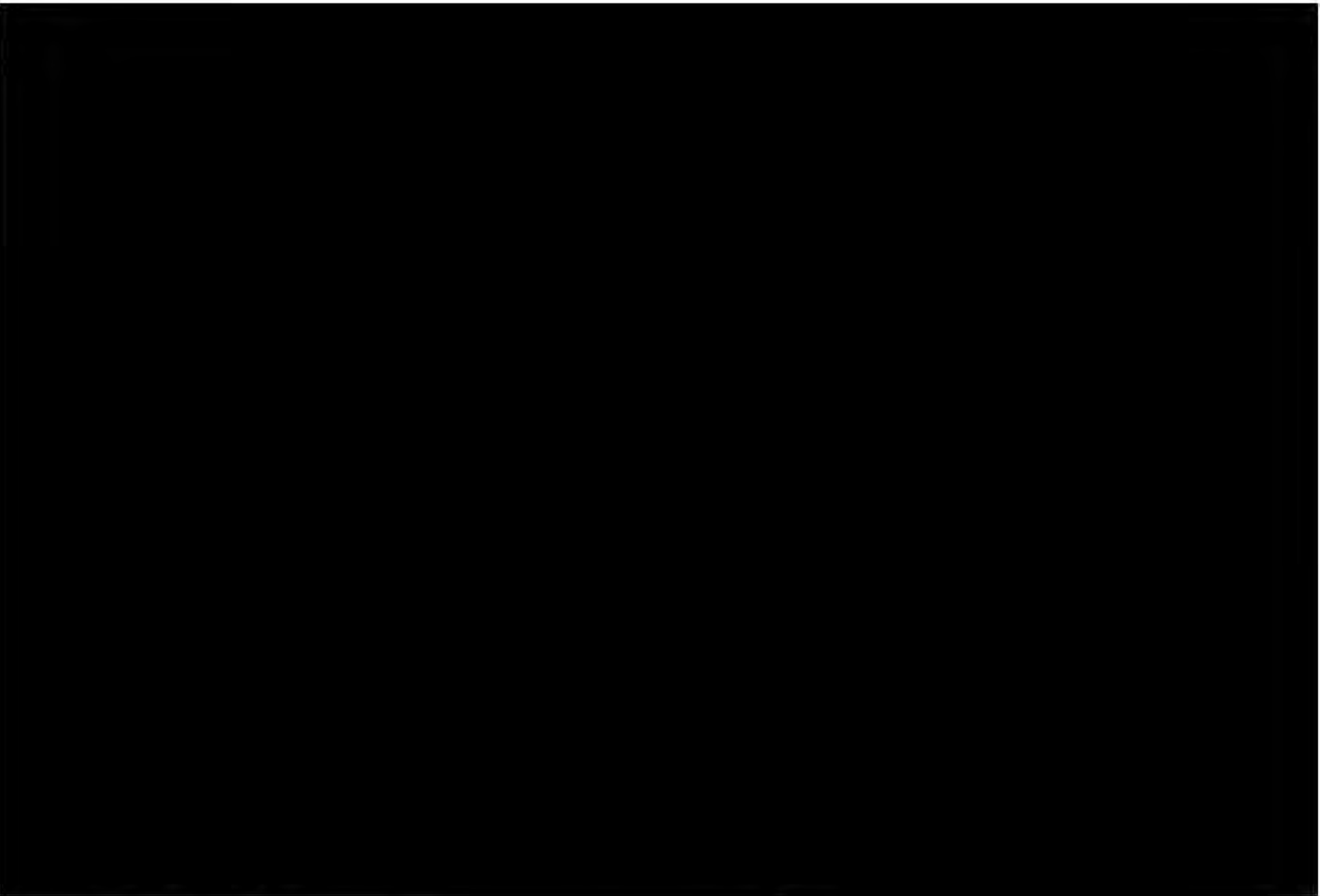
Yours sincerely

A handwritten signature in black ink, appearing to read 'B. Torossi', with a stylized flourish at the end.

Brett Torossi

Chair

Under delegation of the Tasmanian Heritage Council



From: Planning Policy [REDACTED]
Sent: Wednesday, 1 June 2022 4:30 PM
To: Dorset Council <dorset@dorset.tas.gov.au>
Subject: Response to Dorset Draft LPS - Department of State Growth

Hi

Please see attached the Department of State Growth's response to the Dorset Draft Local Provisions Schedule.

If you have any questions, please do not hesitate to contact me.

Regards
Di

Dianne Gee | Manager, Transport Systems Planning
Transport Systems and Planning Policy Branch | Department of State Growth
Level 1, 2 Salamanca Square, Hobart TAS 7000
GPO Box 536, Hobart TAS 7001

www.stategrowth.tas.gov.au

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Department of State Growth

4 Salamanca Place, Hobart TAS 7000
GPO Box 536, Hobart TAS 7001 Australia
Ph 1800 030 688 Fax (03) 6233 5800
Email info@stategrowth.tas.gov.au Web www.stategrowth.tas.gov.au



Tim Watson
General Manager
Dorset Council
PO Box 21
Scottsdale TAS 7260

By email: dorset@dorset.tas.gov.au

Tasmanian Planning Scheme – Draft Dorset Local Provisions Schedule

Dear Mr Watson,

Thank you for the opportunity to comment on the Draft Dorset Local Provisions Schedule (LPS).

The Department of State Growth (State Growth) has reviewed the Draft LPS, supporting mapping and overlay information and considers it largely reflects a sound translation from the *Dorset Interim Planning Scheme 2013* in accordance with the Tasmanian Planning Commission's *Guideline No. 1 Local Provisions Schedule (LPS): zone and code application*.

A review of the LPS has highlighted a small number of issues that will require rectification or further discussion with Council officers and the Tasmanian Planning Commission. These issues are outlined in Attachment I for your consideration.

Please do not hesitate to contact Dianne Gee, Manager, Transport Systems Planning at [REDACTED] or on [REDACTED] if you require further information in relation to this submission.

Yours sincerely

James Verrier
Director, Transport Systems and Planning Policy

1 June 2022

Attachment I – State Growth Comments – Draft Dorset Local Provisions Schedule

Attachment I. State Growth comments – Draft Dorset Local Provisions Schedule

State Road Network

Zoning of the State Road Network

Consistent with UZI of Guideline No. 1 – *Local Provisions Schedule (LPS): zone and code application* (the 'Guidelines'), most State Roads appear to be zoned Utilities based on the State Road Casement layer published on the LIST.

Since publication of the State Road Casement layer in 2018, the Department of State Growth has undertaken various road projects within the Dorset municipality. For example, safety improvements to the Tasman Highway at the Sideling, including widening corners and lanes, and shoulder sealing.

Land acquisition has occurred as part of these projects, and it is appropriate the acquired parcels are included within the Utilities Zone, reflecting their incorporation into the State Road network.

Details of the acquired land and/or coordinates and diagrams can be provided as part of the hearing process.

Codes

Road and Railway Assets Code - Road and Railway Attenuation Area

The Department supports Council's approach to rely on the written application of the Road and Railway Assets Code, rather than applying the attenuation area via overlay mapping. The latter approach would require the overlay mapping to be updated via a planning scheme amendment each time a parcel of land is acquired or disposed of for road purposes.

This ensures consistency with other approved LPSs, including Break O'Day, Sorell, Brighton, Meander Valley, West Coast, Circular Head, Burnie, Central Highlands, Latrobe, Launceston and Devonport.

Natural Assets Code – Priority Vegetation Overlay

Application of the Priority Vegetation Overlay mapping to the State Road Network, including the Tasman Highway and Waterhouse Road, remains unclear in some instances and does not appear to accord with the most up to date data on threatened vegetation areas as mapped under TASVEG 3.0 or 4.0.

The Department requests removal of the Overlay from the State Road Network at these locations noting that the Overlay may not be based on the most contemporary threatened vegetation area data and may not be appropriate under Clause 4.2.4 of the State Planning Provisions which exempts road upgrades within the road corridor and up to 3m outside the road reserve from requiring a planning permit.

[REDACTED]

From: John Thompson [REDACTED]
Sent: Sunday, 5 June 2022 10:11 AM
To: Dorset Council <dorset@dorset.tas.gov.au>
Cc: Gail Dennett [REDACTED]; John Dennett [REDACTED]; Peter Riggall [REDACTED]; Kim Eastman [REDACTED]
Subject: Representation on the Dorset Draft LPS - Conservation Landholders Tasmania

Attention: Dorset Planning Authority

Please find attached our 10 page representation on the currently exhibited Dorset Draft LPS.

Could you please acknowledge receipt of this email?

Regards

John

--

John Thompson
on behalf of the Board of Trustees, CLT Trust

Phone
Email



This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>



5th June 2022

Tim Watson
General Manager
Dorset Council
PO Box 21
SCOTTSDALE TAS 7260

Via email: dorset@dorset.tas.gov.au

Representation about the Dorset Draft LPS – proposal to change the zoning of four reserved properties to Landscape Conservation

Summary of Representation

Conservation Landholders Tasmania (CLT) has reviewed the Dorset Draft LPS Zone Maps and the Supporting Report and believes that three properties at North Scottsdale containing Private Reserves protected by conservation covenant, with land reserved for the protection of biodiversity, should be rezoned from Agriculture to Landscape Conservation. The case for rezoning these three properties is based on the 22 April 2021 Tasmanian Planning Commission (TPC) advice about the zoning of covenanted land and on Guideline LC22, when read together with Guideline AZ6.

<i>Reserve Name</i>	<i>Property Address</i>	<i>Property ID</i>	<i>Title Reference</i>
Surveyor Creek	721 OLD WATERHOUSE RD NORTH SCOTTSDALE TAS 7260	7234619	105162/1
Scottsdale #2	1425 FORESTER RD NORTH SCOTTSDALE TAS 7260	2000514	133542/2
Scottsdale #1	1453 FORESTER RD NORTH SCOTTSDALE TAS 7260	2000522	133542/1

CLT has written to the owners of these three properties to inform them of Council's proposed rezoning of their properties and to seek their support for CLT's alternative proposal. The owners of the latter two properties have agreed to the proposed rezoning and have already submitted

ABN 47 746 051 320
website www.clt.asn.au
post 675 Cradle Mountain Road Erriba TAS 7310
email [REDACTED]

representations to this effect. No response has been received to date from the owner of the third property.

The natural values within these three Reserves have already been identified for protection and conservation by the Minister for Environment and Landscape Conservation Zone should be applied during the current Draft Local Provisions Schedule assessment process, subject to landowner consent, given that Landscape Conservation zone was inadvertently not applied when drafting the LPS.

CLT also supports the extension of the Landscape Conservation Zone to include all of the covenanted land within the Dunbarton Reserve near Nabowla, as proposed by the landowners in their representation.

<i>Reserve Name</i>	<i>Property Address</i>	<i>Property ID</i>	<i>Title Reference</i>
Dunbarton	'DUNBARTON' - 183 BRIDPORT BACK RD NABOWLA TAS 7260	1905872	112806/1

Background

Conservation Landholders Tasmania (CLT) is an educational trust. Conservation landholders including those with land reserved by conservation covenant are the beneficiaries of the Trust. In Tasmania there are currently about 900 reserves under conservation covenant totaling 111,000 ha, or 4.2% of the private property in the state. The Trustees organise field days and forums on topics of relevance and interest to these conservation landholders. CLT has been supported by the three NRMs and the Tasmanian Land Conservancy for over 9 years.

In late 2019 CLT became aware that private properties with land reserved for their significant natural values are routinely being rezoned from Rural Resource to Rural or Agriculture by local planning authorities in their Draft LPS. CLT considers that some of this reserved land is more appropriately zoned as Landscape Conservation.

The application of Landscape Conservation Zone in the Dorset Draft LPS

In the Draft Zone Maps the Landscape Conservation Zone has been used to replace the Environmental Living Zone at Derby, Musselroe Bay and Cape Portland as well as for clusters of titles near Bridport and Nabowla currently zoned Rural Resource. The rationale for the application of the Landscape Conservation Zone is discussed on pp 91-92 of the Supporting Report.

The apparent lack of consideration of Landscape Conservation Zone or Environmental Management Zone for most properties containing reserved land protected by conservation covenant is contrary to the Tasmanian Planning Commission advice on the Planners Portal dated 22 April 2021 on this matter (included in Appendix A of this representation) that states:

Guideline No.1 for both the Landscape Conservation Zone (LCZ) and Environmental Management Zone (EMZ) indicate that land which contains a conservation covenant will invariably have values that can result in the land being suitable for zoning in either the EMZ or LCZ.

The Home Page of the Planners Portal states:

The Planners Portal acts as a central resource to obtain clarification and information leading up to exhibition of a draft LPS.

This oversight by the Planning Authority can be remedied in its Section 35F Report by recommending the proposed changes.

Private land in Dorset municipality reserved for the protection and conservation of biodiversity

In the Dorset planning area there are 23 properties containing 1,365 ha of private reserved land protected by conservation covenant distributed across 34 titles.

All of this land is included in the Tasmanian Reserve Estate which is land reserved to be managed for biodiversity conservation under Tasmania's Regional Forest Agreement. All of this land is also part of Australia's National Reserve System thereby contributing to the fulfilment of Australia's obligations under the international *Convention on Biological Diversity 1993*. All of the reserves are listed in the latest version of the Collaborative Australian Protected Area Database (CAPAD 2020) available at <https://www.environment.gov.au/land/nrs/science/capad>.

The natural values within these Reserves have already been identified for protection and conservation by both the State and Federal Ministers for the Environment. Details of the natural values are contained in the Nature Conservation Plans which are held by the Private Land Conservation Program in DPIPW. These natural values were 'ground-truthed' by DPIPW or Tasmanian Land Conservancy ecologists when the Reserves were established.

Case for rezoning three of these properties from Agriculture to Landscape Conservation

Of the twenty three (23) properties with Private Reserves mentioned above the Planning Authority has correctly applied Landscape Conservation Zone to a cluster of 6 titles on two properties at Nabowla (PID 1868207 and 1905872). The covenanted land on three properties at Bridport (PID 9025930, 9025931 and 2683802) has been rezoned to Environmental Management with the balance of those properties zoned Agriculture via split zoning. One property at Derby has been zoned Rural Living D.

Of the remaining properties CLT considers that three should have Landscape Conservation Zone applied to them. The three are zoned Agriculture in the Draft Zone Maps.

The other 14 properties were not considered because significant areas within titles on those properties are also used for Resource Development or the rezoning to Landscape Conservation would create a spot zone.

The 22 April 2021 TPC advice to Planning Authorities on the zoning of covenanted land outlines the circumstances where the application of Landscape Conservation is appropriate.

the LCZ should not simply be applied on the basis that a conservation covenant is in place. However, areas that have extensive conservation covenants (such as, a cluster of many, a large area, or both, or connectivity with other land zoned for similar values) may demonstrate good strategic planning merit for applying this zone.

The three properties proposed for rezoning from Agriculture to Landscape Conservation all adjoin the North Scottsdale Regional Reserve which is zoned Environmental Management and therefore the properties have 'connectivity with other land zoned for similar values'.

The rezoning of these three properties is also supported by Guideline LCZ2(a), when read together with Guideline AZ6 (see Appendix A for the relevant extracts from Guideline No. 1). Guideline LCZ2(a) states

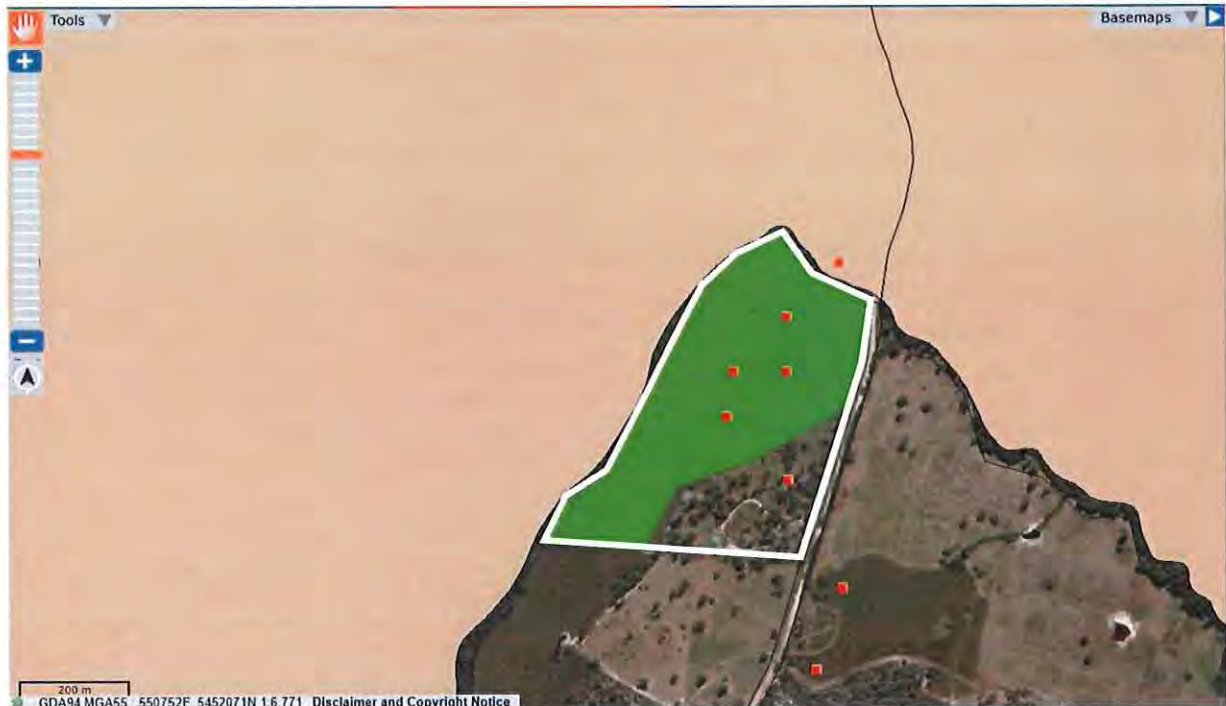
*The Landscape Conservation Zone may be applied to:
(a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation*

The extension of the Landscape Conservation Zone to the 5.15 ha of covenanted land at 183 Bridport Back Road (Title Ref. 112806/1) to the east of Bridport Back Road is supported by Guideline LCZ2(a) when read together with Guideline RZ1.

Details of the three properties are provided below including ListMap screenshots of the Tasmanian Reserve Estate (green areas), Threatened Flora Points (light green triangles), Threatened Fauna Points (red squares) and Threatened Native Vegetation Communities (numbered areas with 'T' pattern) layers.

Surveyor Creek Reserve (CAPAD 2020 Row No 2462)

Address 721 OLD WATERHOUSE RD NORTH SCOTTSDALE TAS 7260
PID 7234619
Title Ref 105162/1



The 15.5 ha Surveyor Creek Reserve covers 74% of the 20.9 ha Title Ref. 105162/1. The Reserve adjoins the Scottsdale North Regional Reserve to its west and north (beige area). An existing residence is located near the southern boundary.

Subject to landowner consent it is proposed that the whole title (solid white border) is rezoned from Agriculture to Landscape Conservation given its connectivity to the Scottsdale North Regional Reserve which is zoned Environmental Management and therefore zoned for similar values. The 4.4 ha of non-covenanted is unsuitable and not used for agriculture.

The Reserve contains and provides habitat for the Endangered *Engaeus spinicaudatus* (Scottsdale burrowing crayfish) listed in Schedule 3 of the *Threatened Species Protection Act 1995*. Full details of the natural values protected by this Reserve are in the Nature Conservation Plan held by the Private Land Conservation Program in DNRE.

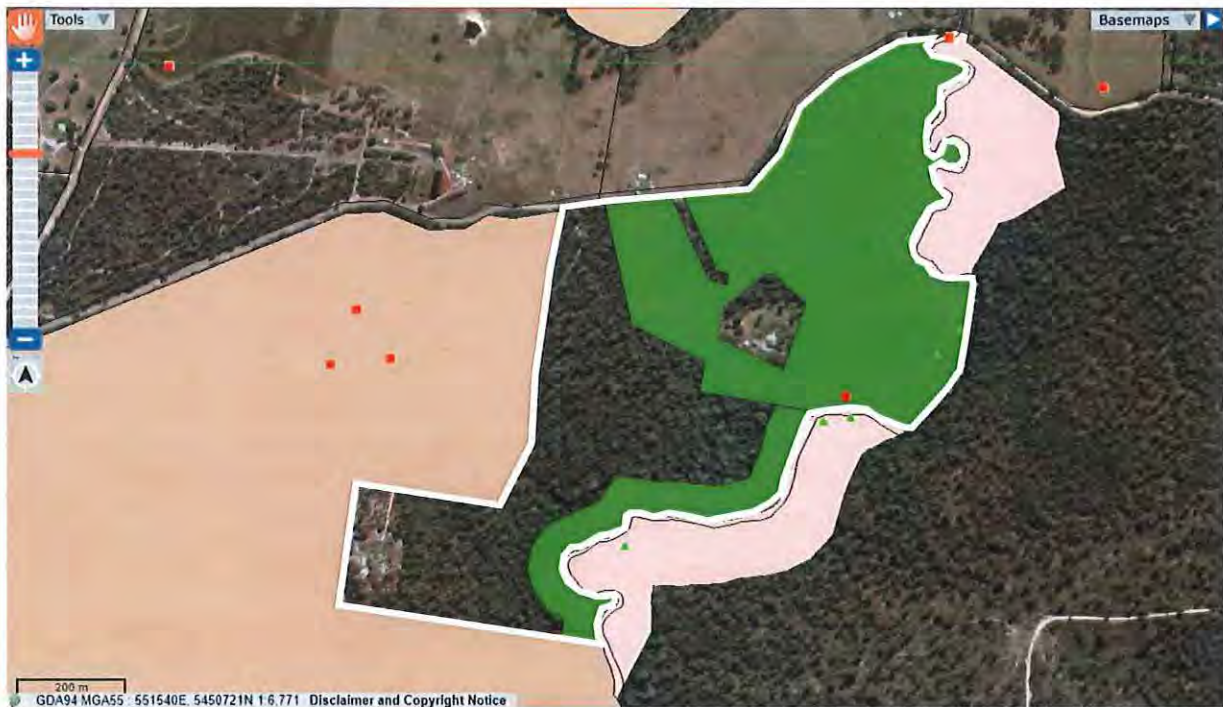
CLT has not received a response to its correspondence to date.

Scottsdale #1 Reserve (CAPAD 2020 Row No 2296)

Address 1453 FORESTER RD NORTH SCOTTSDALE TAS 7260
PID 2000522
Title Ref 133542/1

Scottsdale #2 Reserve (CAPAD 2020 Row No 2297)

Address 1425 FORESTER RD NORTH SCOTTSDALE TAS 7260
PID 2000514
Title Ref 133542/2



The 27.3 ha Scottsdale #2 Reserve covers 94% of the 29.1 ha Title Ref. 133542/2 and the 5.4 ha Scottsdale #1 Reserve covers 19% of the 27.9 ha Title Ref. 133542/1. Scottsdale #1 Reserve adjoins the 4080 ha North Scottsdale Regional Reserve to its west (beige area) and both Reserves adjoin the STT Informal Reserves (pale pink areas) to their east. Residential dwellings are located in the non-covenanted areas of both titles. The combined area of the two titles is 57.0 ha.

It is proposed that the both titles (solid white border) are rezoned from Agriculture to Landscape Conservation given their connectivity to the Scottsdale North Regional Reserve which is zoned Environmental Management and therefore zoned for similar values. The non-covenanted areas on each property are unsuitable and not used for agriculture. The owners of both of these properties have consented to the proposed rezoning and have submitted representations to this effect.

The Scottsdale #2 Reserve contains and provides habitat for the vulnerable *Astacopsis gouldi* (Giant freshwater crayfish) listed in Schedule 4 of the *Threatened Species Protection Act 1995* and also contains the rare *Hypolepis muelleri* (Harsh groundfern) listed in Schedule 5 of the same Act. Full details of the natural values protected by these Reserves are in the Nature Conservation Plans held by the Private Land Conservation Program in DNRE.

Dunbarton Reserve (CAPAD 2020 Row Nos 1430 and 1431)

Address 'DUNBARTON' - 183 BRIDPORT BACK RD NABOWLA TAS 7260

PID 1905872

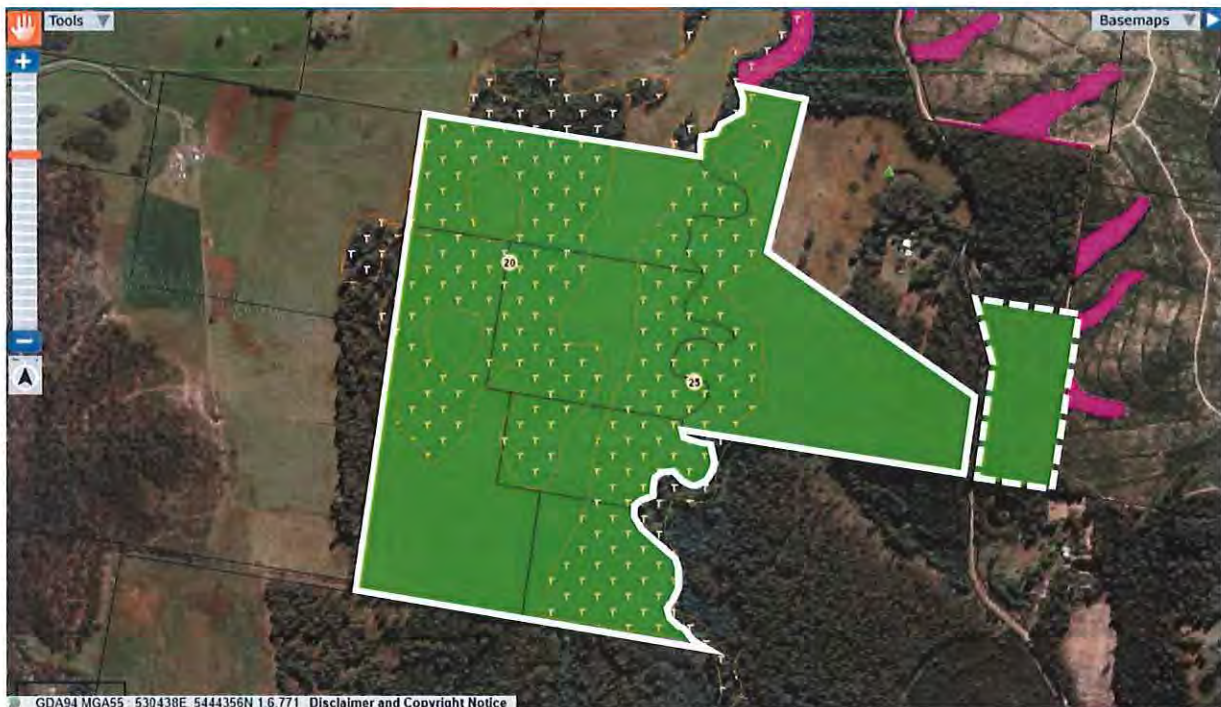
Title Ref 112806/1

Tiffanys Park Reserve (CAPAD 2020 Row No 2523)

Address TIFFANYS PARK' - 2415 GOLCONDA RD NABOWLA TAS 7260

PID 1868207

Title Refs 130081/1, 130081/2, 130081/3, 112805/2, 130081/4



The 23.4 ha Dunbarton Reserve to the east of the Little Forester River covers 55% of the 42.8 ha Title Ref. 112806/1 and the 57.3 ha Tiffanys Park Reserve to the west of the Little Forester River covers 100% of each of five titles 130081/1, 130081/2, 130081/3, 112805/2 and 130081/4. The combined reserved area is 80.7 ha.

In the Draft Zone Maps the Dorset Planning Authority has rezoned the 57.3 ha Tiffanys Park Reserve and 18.3 ha of the Dunbarton Reserve to the west of Bridport Back Road as Landscape Conservation Zone (solid white border). The 5.15 ha of Dunbarton Reserve to the east of the Bridport Back Road (dashed white border) has been zoned Rural together with the 19.4 ha of non-reserved land within Title Ref. 112806/1.

The rezoning of these titles is consistent with the 21 April 2022 Planners Portal advice that applying the Landscape Conservation Zone to a cluster of many covenanted titles with conservation covenants would demonstrate good strategic planning merit.

The owners of 183 Bridport Back Road (Title Ref. 112806/1) support the rezoning of their covenanted land to the west of Bridport Back Road to Landscape Conservation but have requested that the 5.15 ha of covenanted land to the east of Bridport Back Road also be included in this zone for consistency and have made their own representation to extend the Landscape Conservation Zone to include this. CLT supports this request.

Tiffanys Park and Dunbarton Reserves both contain the threatened vegetation communities No 20 *Eucalyptus ovata* forest and woodland and No 25 *Eucalyptus viminalis* wet forest, as listed in Schedule 3A of the *Nature Conservation Act 2002*.

The 5.15 ha of covenanted land on Title Ref. 112806/1 to the east of Bridport Back Road is fully forested and contains the threatened vegetation community No 20 *Eucalyptus ovata* forest and woodland. While this does not appear in the 'Threatened Native Vegetation Communities 2020' layer in ListMap (see ListMap screenshot above), it was identified by the DPIPWE ecologist during the site survey when the conservation covenant was created on 3 February 2003. The DPIPWE survey also reported that the covenanted land, including the 5.15 ha, contains and provides habitat for the vulnerable Giant Freshwater Crayfish (*Astacopsis gouldi*) as listed in Schedule 4 of the *Threatened Species Protection Act 1995*.

Full details of the natural values protected by the Dunbarton Reserve are in the Nature Conservation Plan held by the Private Land Conservation Program in DNRE.

Yours sincerely



John Thompson
On behalf of the Board of Trustees, CLT Trust

Phone
Email



Appendix A

The relevant Guidelines

The following are extracts from Section 8A Guideline No. 1 - Local Provisions Schedule (LPS): zone and code application (version 2.0), June 2018 for 22.0 Landscape Conservation Zone, 20.0 Rural Zone and 21.0 Agriculture Zone with key words and phrases underlined.

- 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*
- RZ 1 *The Rural Zone should be applied to land ... which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.*
- AZ 6 *Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if:*
(c) *for the identification and protection of significant natural values, such as priority vegetation areas as defined in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone;*
(e) *it can be demonstrated that:*
(i) *the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;*
(ii) *there are significant constraints to agricultural use occurring on the land;* or
(iii) *the Agriculture Zone is otherwise not appropriate for the land.*

The relevant Q & A from the Planners Portal

Extract from the 'Questions and Answers Zones – Other' with key phrases underlined.

22/4/2021

Question *What is the most appropriate zone for land with a conservation covenant?*

Answer *Guideline No.1 for both the Landscape Conservation Zone (LCZ) and Environmental Management Zone (EMZ) indicate that land which contains a conservation covenant will invariably have values that can result in the land being suitable for zoning in either the EMZ or LCZ.*


But that land may also be suitable for inclusion in the Rural or Agriculture Zone (and potentially others such as Rural Living). The values that are identified in the conservation covenant are managed or protected by the terms of the covenant and that management or protection is not dependent on the zoning of the land for land use

planning purposes. Determining the zone to apply to land with a conservation covenant needs to be balanced with application of zones based on sound planning principles, such as, minimising spot zoning and applying the zoning that satisfies the Guideline No. 1 and the regional strategy.

The application of zoning, as the primary method of the control of use and development, should firstly be undertaken irrespective of whether a covenant applies, with weight given to the existence and content of a covenant when multiple zoning options may be available.

Therefore, the LCZ should not simply be applied on the basis that a conservation covenant is in place. However, areas that have extensive conservation covenants (such as, a cluster of many, a large area, or both, or connectivity with other land zoned for similar values) may demonstrate good strategic planning merit for applying this zone.

Where a conservation covenant applies to a small portion of a large landholding that is appropriately zoned Rural or Agriculture or another relevant zone, it may not be appropriate or necessary to apply the LCZ to the area covered by the covenant as the values will be protected by the terms of the covenant, and at the same time be compatible with the wider use of that land.



From: Peter Riggall [REDACTED]
Sent: Sunday, 5 June 2022 11:06 AM
To: Dorset Council <dorset@dorset.tas.gov.au>
Subject: Representation on the Dorset Draft LPS - P and L Riggall (incl. one attachment)

Attention: Dorset Planning Authority

We are the owners of 'Dunbarton', 183 Bridport Back Road, Nabowla (PID 1905872, CT 112806/1) in the Dorset municipality. In the Draft Local Provisions Schedule our 42.8 ha conservation property, which is zoned Rural Resource under DIPS2013, has been split zoned with 18.3 ha of the covenanted land rezoned to Landscape Conservation and the balance of the 42.8 ha title, including 5.15 ha of covenanted land, rezoned to Rural. The covenanted land on our property is known as the Dunbarton Reserve and has a total area of 23.4 ha. It adjoins the 57.3 ha Tiffanys Park Reserve on five titles to the west of the Little Forester River (CT 130081/1, 130081/2, 130081/3, 112805/2 and 130081/4).

While we support the proposed split zoning of our property to reflect the different uses on the covenanted and non-covenanted areas, we believe that the Landscape Conservation Zone should apply to all of the covenanted land including the 5.15 ha to the east of Bridport Back Road for the following reasons:

- Landscape Conservation Zone should be applied to all of the covenanted land for consistency. All of the covenanted land has been identified for protection and conservation by both the State and Federal Ministers for the Environment for its natural values, including threatened vegetation communities, fauna and habitat.
- The 5.15 ha of covenanted land to the east of Bridport Back Road is fully forested and contains threatened vegetation community No 20 *Eucalyptus ovata* forest and woodland as listed in Schedule 3A of the *Nature Conservation Act 2002* and contains and provides habitat for the vulnerable Giant Freshwater Crayfish (*Astacopsis gouldi*) as listed in Schedule 4 of the *Threatened Species Protection Act 1995*. Full details of the natural values are in the Nature Conservation Plan held by the Private Land Conservation Program in DNRE.
- The 5.15 ha to the east of Bridport Back Road is directly opposite the 18.3 ha to the west of the road thereby avoiding the creation of a spot zone. Its inclusion in the Landscape Conservation Zone will increase the area of connected land within this zone.

The case for rezoning the combined Tiffanys Park and Dunbarton Reserves to Landscape Conservation is consistent with the Tasmanian Planning Commission's interpretation of Guideline No 1 posted on the Planners Portal on 22 April 2021 which recognised the planning merit of rezoning covenanted land to Landscape Conservation where there are clusters of covenanted titles. In that same advice the Commission acknowledges that covenanted land invariably contains values that make it suitable for zoning as Landscape Conservation.

Could you please acknowledge receipt of our representation?

Yours sincerely

Peter and Lorraine Riggall
'Dunbarton'
183 Bridport Back Rd.
Nabowla 7260

Ph. 

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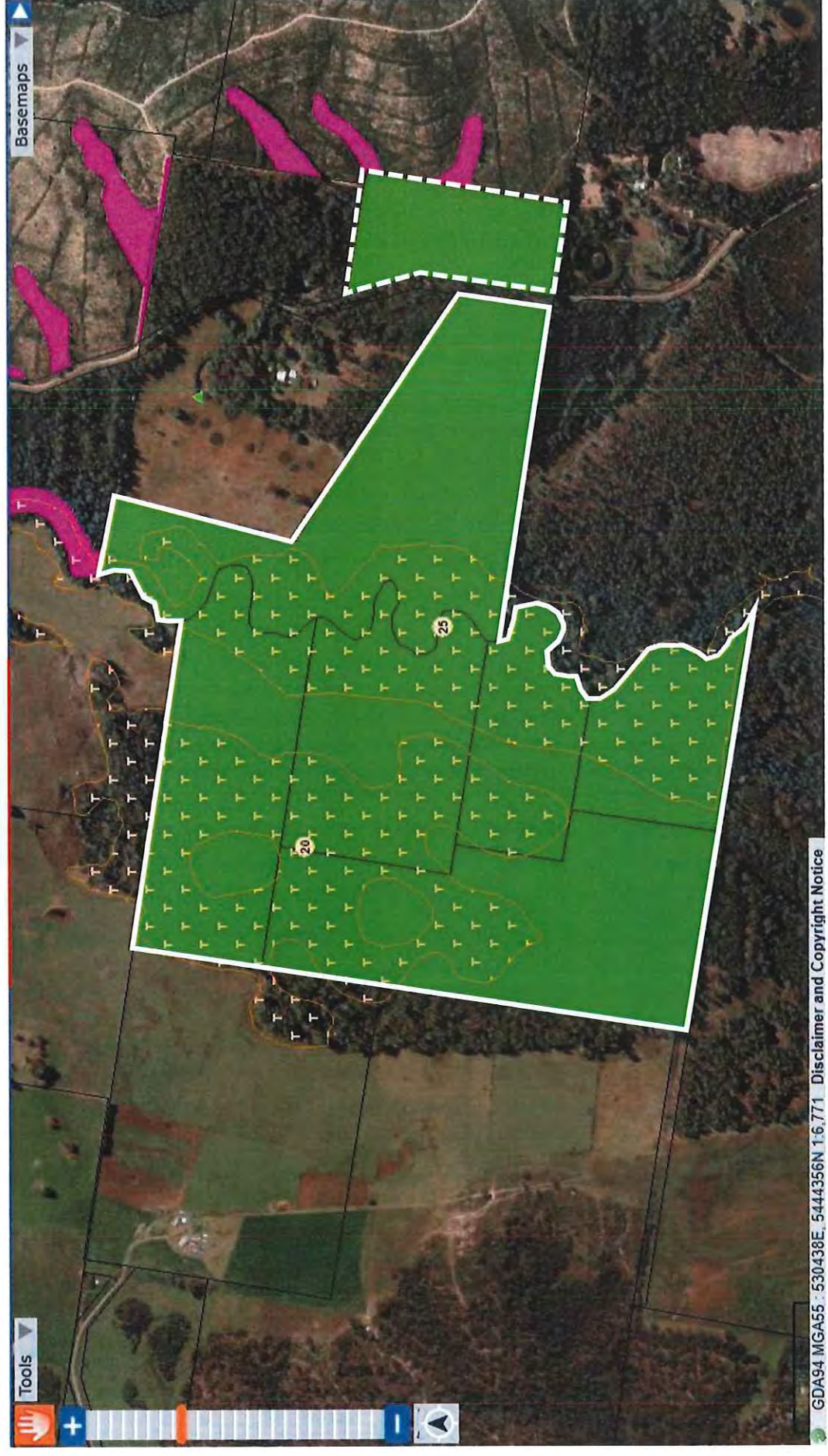
Draft Zone Map showing split zoning of 'Dunbarton', 183 Bridport Back Road, Nabowla (PID 1905872, CT 112806/1)

The 5.15 ha of covenanted land to the east of Bridport Back Road is shown by the dashed white border



ListMap Satellite Image showing the combined Tiffanys Park and Dunbarton Reserves (green) in the Tasmanian Reserve Estate layer

The land zoned Landscape Conservation in the Draft Zone Map is bounded by a solid white line. The 5.15 ha of covenanted land proposed for inclusion in the Landscape Conservation Zone to the east of Bridport Back Road is bounded by a dashed white line.



-----Original Message-----

From: Irvine, Chris [REDACTED]
Sent: Monday, 6 June 2022 4:19 PM
To: Dorset Council <dorset@dorset.tas.gov.au>
Cc: Stewart, Ann <[REDACTED]>
Subject: SES Representation - Dorset Draft Local Provisions Schedule

Please find attached the SES representation on the draft Dorset LPS.

Regards

Chris Irvine
Manager, Flood Policy Unit

State Emergency Service, Department of Police, Fire and Emergency Management Cnr Argyle and Melville Streets
Hobart GPO Box 1290, Hobart TAS 7001

[REDACTED]
[REDACTED] | w: www.ses.tas.gov.au

Our ref: A22/137707

26 May 2022

Mr Tim Watson
General Manager
Dorset Council
PO Box 21
SCOTTSDALE TAS 7260

Dear Mr Watson

Representation – Dorset Draft Local Provisions Schedule

Thank you for the opportunity to make a representation on the Dorset Draft Local Provisions Schedule (LPS). This representation raises matters related to:

- Flood-prone area hazards;
- Coastal inundation hazards; and
- Zoning.

Flood-prone areas hazards

The State Emergency Service (SES) notes that a Flood-Prone Areas Hazard Overlay, has been included as part of the draft LPS. The Dorset draft LPS Supporting Report states with respect to the Flood-Prone Areas Hazard Overlay, that the:

"In 2016 Council - in partnership with SES – undertook updated flood modelling mapping for the Ringarooma River in Branxholm and Derby. This mapping is proposed for inclusion into the Dorset LPS and would trigger 'flood-prone hazard area' consideration under the Code. To facilitate this, all existing flood prone area overlays will transition to the Dorset Local Provision Schedule except for an existing flood prone area (located along the Ringarooma River between Branxholm and Derby) that will be superseded by this updated Branxholm-Derby flood mapping. As the new Branxholm-Derby flood mapping is not part of the 'transitioning' overlay, it will subsequently be able to be the subject of representations."

SES supports the introduction of the updated Braxholm-Derby flood mapping into the Flood-Prone Areas Hazard Overlay.

SES take this opportunity to recognise the limited flood-prone areas mapping across Tasmania and inform Dorset Council that the State Government is undertaking a Tasmanian Flood Mapping Project. This project will deliver a state-wide comprehensive and consistent flood hazard map later this year. The map will be made available to planning authorities for

land use planning purposes, including updating or introducing LPS Flood-Prone Areas Hazard Overlays. The SES invite Dorset Council to participate in this project.

Until the state-wide flood hazard map is delivered, many flood-prone areas will remain unmapped within a LPS Flood-Prone Areas Hazard Overlay.

SES take this opportunity to confirm the absence of a Flood-Prone Areas Hazard Overlay in a LPS does not preclude the implementation of the Flood-Prone Areas Hazard Code.

The Flood-Prone Hazard Areas Code applies in a number of circumstances, including; to use in a habitable building, or development of land, identified in a report prepared by a suitably qualified person, that is requested by a planning authority, as subject to risk from flood or that has the potential to cause increased risk from flood.

A planning authority may request such a report where it reasonably believes, based on information in its possession, that the land is subject to risk from flood, or has the potential to cause increased risk from flood.

SES is working to prepare draft guidance on what information a planning authority should use to determine if it reasonably believes that land is subject to risk from flood, or where a proposed use or development has the potential to cause increased risk from flood, including offsite impacts and damages.

In the interim, SES suggests that, to determine if it reasonably believes land is subject to risk from flood, or where a proposed use or development has the potential to cause increased risk from flood, including offsite impacts and damages, planning authorities should have regard to the best, publicly available flood hazard information including:

- Flood-prone Areas Hazard Overlays
- any report adopted by a council in accordance with the *Building Regulations 2016* and *Director's Determination – Riverine Inundation Hazard Areas*;
- any flood study available on the Australian Flood Risk Information Portal;
- any flood hazard report prepared in accordance with the Flood-Prone Areas Hazard Code; any flood marks, photos, or other historical evidence that are publicly discoverable;
- Flood Data books available from the Department of Natural Resources and Environment; and,
- the modelled 2016 flood high water mark extent map available on ListMap (layer called June 2016 Flood HWM Extent).

Coastal inundation hazards

SES notes the draft LPS has incorporated the Coastal Inundation Hazard Code and Overlay. The Code overlay mapping, and Code list in *LAT – Table C11.1 – Coastal Inundation Hazard Bands AHD Levels*, have been informed by the appropriate data source, (*Coastal Hazards Technical Report*, prepared by the Department of Premier and Cabinet (DPAC) in 2016), and prepared in accordance with the *TPC Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application*.

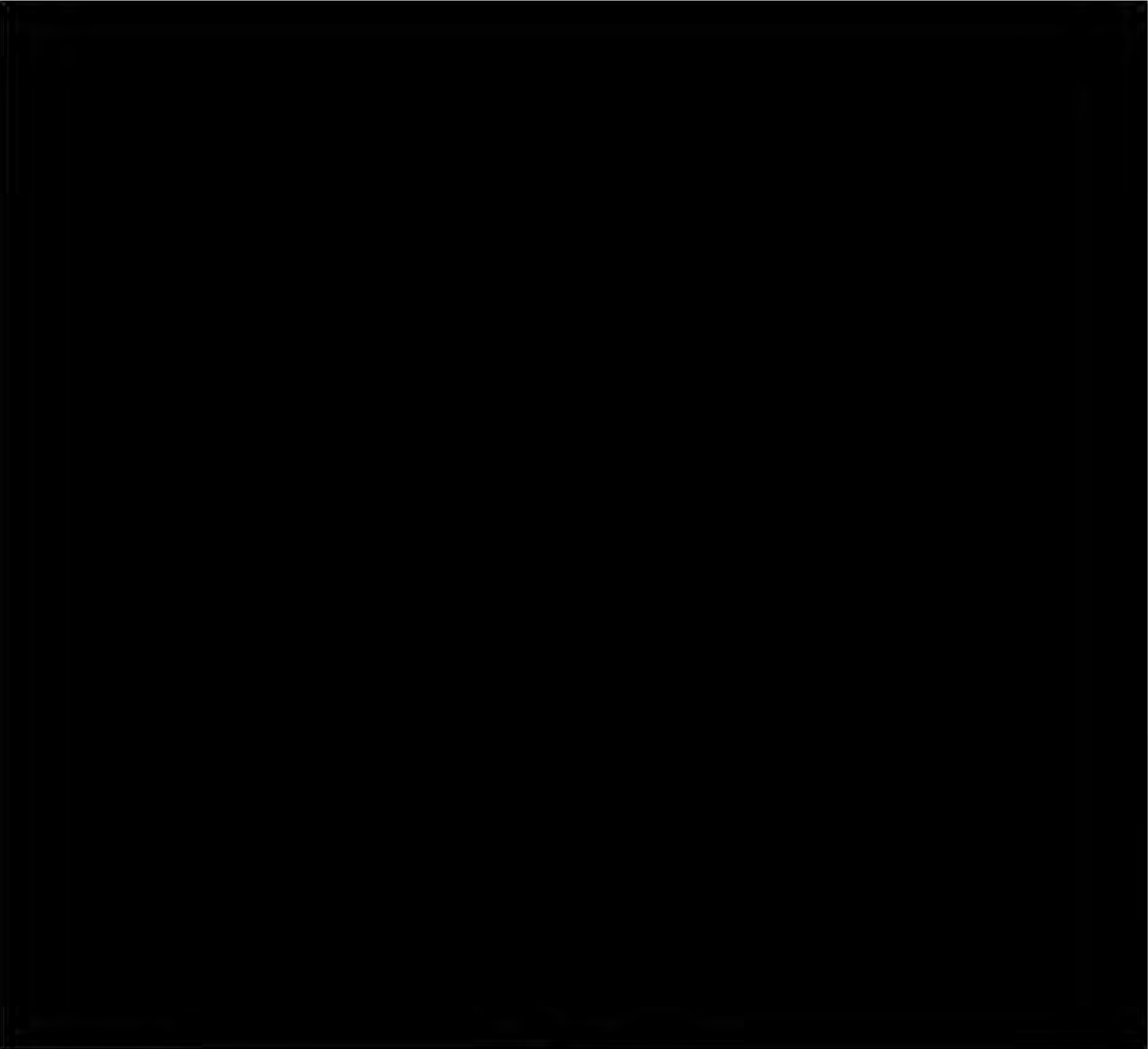
SES supports the use of this information in the draft LPS to enable the full application of the Code and the *Director's Determination – Building Requirements for Coastal Inundation Hazard Areas*, which commenced on the 16 March 2020, and will apply when the LPS is made.

Zoning and Specific Area Plans (SAPs)

SES notes there are changes in zoning in the transition from the Interim Planning Scheme to the draft LPS. SES supports the use of zones that provide for the management of density in flood-prone and coastal inundation hazardous areas.

Yours sincerely


Leon Smith
A/Director



From: Odin Kelly [REDACTED]
Sent: Monday, 6 June 2022 2:48 PM
To: Dorset Council <dorset@dorset.tas.gov.au>
Cc: Anita Bourn [REDACTED]
Subject: TasNetworks submission on Dorset LPS

Dear Dorset Council

Please find attached TasNetworks representation regarding the draft Dorset Local Provisions Schedule.

Please don't hesitate to contact me if you require any further information.

It would be appreciated if you could please confirm receipt of this representation.

Regards





Odin Kelly
Consultant Planner
Strategic Asset Management

Monday

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Dorset Council draft Local Provisions Schedule

TasNetworks' Submission

June 2022



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1. Who is TasNetworks?

TasNetworks was formed on 1 July 2014, through a merger between Aurora Energy's distribution network (the poles and wires) and Transend Networks (the big towers and lines). TasNetworks is a Tasmanian state-owned corporation that supplies power from the generation source to homes and businesses through a network of transmission towers, substations and powerlines.

Transmission

TasNetworks own, operate and maintain 3564 circuit kilometres of transmission lines and underground cables, 49 transmission substations and six switching stations across the State.

Distribution

TasNetworks own, operate and maintain 22,400km of distribution overhead lines and underground cables, 227,000 power poles, 18 large distribution substations and 33,000 small distribution substations. There's also 20,000 embedded generation and photovoltaic (PV) grid-connected installations connected to the distribution network.

Communications

TasNetworks own, operate and maintain communication network infrastructure to enable safe and efficient operation of the electricity system.

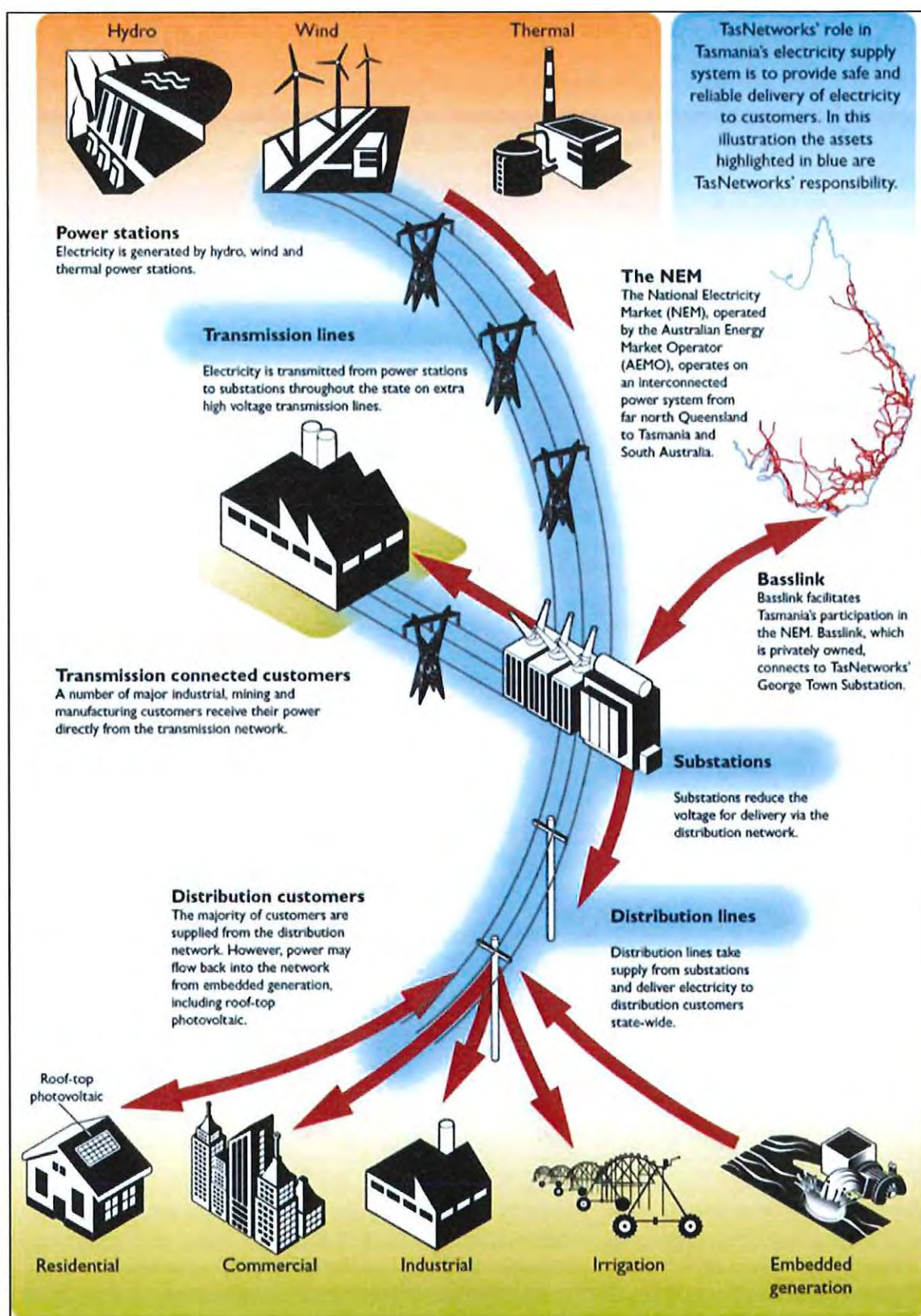


Figure 1 TasNetworks' role in Tasmania's Electricity Supply System

2. Executive Summary

TasNetworks, as a referral agency, has been notified of the public exhibition of Dorset Council's draft Local Provisions Schedule (LPS) under section 35B of the *Land Use Planning and Approvals Act 1993* (LUPAA). Council has been given direction by the Tasmanian Planning Commission (Commission) to publicly exhibit the draft LPS and invite representations. TasNetworks has undertaken a review of the draft LPS and makes the following representation with a view of seeking a state-wide consistent approach to major electricity infrastructure.

TasNetworks assets within Dorset Council's Local Government Area include: two substations, one communication site and two electricity transmission corridors.

Electricity transmission infrastructure is protected by the Electricity Transmission Infrastructure Protection Code (ETIPC) under the State Planning Provisions (SPP). The ETIPC applies to transmission lines, terminal substations, switching stations and radio transmission communication assets. The purpose of the ETIPC is:

- *To protect use and development against hazards associated with proximity to electricity transmission infrastructure;*
- *To ensure that use and development near existing and future electricity transmission infrastructure does not adversely affect the safe and reliable operation of that infrastructure; and*
- *To maintain future opportunities for electricity transmission infrastructure.*

The draft LPS includes the ETIPC Overlay maps which is based on data provided by TasNetworks. As part of its review, TasNetworks has examined the ETIPC Overlay maps to ensure that it applies to all relevant assets and that the locations of these assets is correct.

The draft LPS also includes the spatial application of zoning and overlays via the mapping. In preparing this representation, TasNetworks has reviewed the draft LPS maps for each of its assets. This representation seeks to ensure:

- Utilities zoning is applied to existing substations and communication facilities;
- Impacts on the strategic benefits and development potential of existing corridors through the application of the Landscape Conservation Zone are mitigated;
- The Natural Asset Code – Priority Vegetation Overlay is not applied to part of a substation or communication site that is cleared of native vegetation; and
- The Scenic Protection Code – Scenic Protection Area has not been applied to substations, communication site or corridors.

The LPS and the potential impact on future development has also been reviewed. These considerations include whether there is a permissible approval pathway for Utilities under the Particular Purpose Zones (PPZ) or Specific Area Plans (SAP); and any Local Area Objectives or Site Specific Qualifications. TasNetworks representation is made having regard to the draft LPS requirements under LUPAA.

These submissions are consistent with those previously made by TasNetworks (formerly Transend) on the Meander Valley, Brighton, Central Coast, Burnie, Glamorgan Spring Bay, Clarence, Circular Head, Devonport, Glenorchy, West Coast, Sorell, Southern Midlands, Launceston, Central Highlands, Break O' Day, Northern Midlands, Huon Valley and Waratah-Wynyard draft LPS's as well as the draft State Planning Provisions and Interim Planning Schemes.

3. Overview

3.1. Glossary

The following table provides the definitions of the terms used throughout this submission.

Table 1 Definitions

Term	Definition
Commission	Tasmanian Planning Commission
Council	Dorset Council
ESI exemption	Activities classified as 'work of minor environmental impact' for the purposes of Regulation 8 of the <i>Electricity Supply Industry Regulations 2008</i> .
ETC	Electricity Transmission Corridor
ETIPC	Electricity Transmission Infrastructure Protection Code
Guideline	<i>Guideline No. 1 – Local Provisions Schedule Zone and Code Application</i> (Tasmanian Planning Commission, 2018)
Interim Scheme	Dorset Interim Planning Scheme 2013
IPA	Inner Protection Area
LGA	Local Government Area
LPS	Dorset draft Local Provisions Schedule
LUPAA	<i>Land Use Planning and Approvals Act 1993</i>
PPZ	Particular Purpose Zone
SAP	Specific Area Plan
SPP	State Planning Provisions
SSQ	Site Specific Qualification
UWA	Unregistered Wayleave Agreement

3.2. Existing Assets

Dorset LGA is located in TasNetworks' Northern geographical planning area. An operationally significant part of the Tasmanian transmission electricity network is contained within the boundaries of the Dorset Council LGA. This includes:

- Transmission lines which:
 - o Transfer power to customer loads connected to Scottsdale and Derby substations via radial 110kV transmission lines; and
 - o Provide critical power transfer from wind generation in the far north east of Tasmania to the greater network via Derby and Norwood substations on the 110kV transmission network.

- Substations:
 - o Scottsdale and Derby substations both primarily supply power to the communities of Scottsdale and Derby as well as surrounding residences.
 - o These assets are essential for the continued supply of power to both the local council area and the wider population of Tasmania.
- Communication site:
 - o Used in operation, metering and control of the transmission electricity network.

The following table provides more detail regarding these assets. Notification and negotiation of work or changes in land use around these assets is critical for the safety and operation of the electricity network, the safety of people working on these assets and the general public whether living near or traversing the transmission network areas.

Table 2 TasNetworks Assets in Dorset LGA

Asset type	Name
Substation sites	Derby Substation
	Scottsdale Substation
Communication Sites	Mount Horror Communication Site
Electricity Transmission Corridors	Line 479: Norwood - Scottsdale 110kV
	Line 480: Derby Spur 110kV

The following figure identifies TasNetworks assets within Dorset.

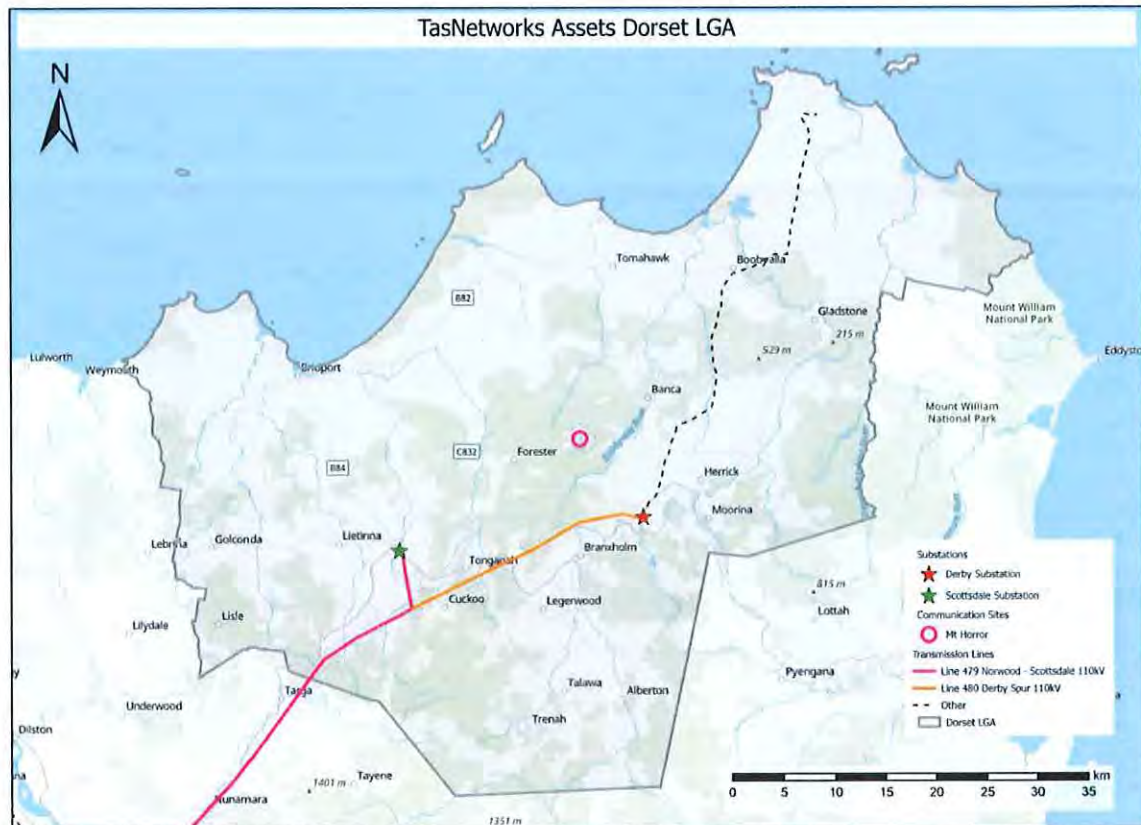


Figure 2 TasNetworks Assets within Dorset LGA

3.3. Planned Future Development

As Tasmania's transmission and distribution network service provider, TasNetworks has a responsibility to ensure the infrastructure to supply Tasmanians with electricity and to meet customer and network requirements in an optimal and sustainable way. We achieve this through our network planning process to ensure the most economic and technically acceptable solution is pursued.

The need for network changes can arise for a number of factors. Annually, TasNetworks undertakes a planning review that analyses the existing distribution and transmission networks and considers their future requirements to accommodate changes to load and generations, and whether there are any limitations in meeting the required performance standards.

The Dorset municipal area is identified as being within TasNetworks northern geographical planning area, as stated in [TasNetworks Annual Planning Report 2020](#) and shown in the following figure.

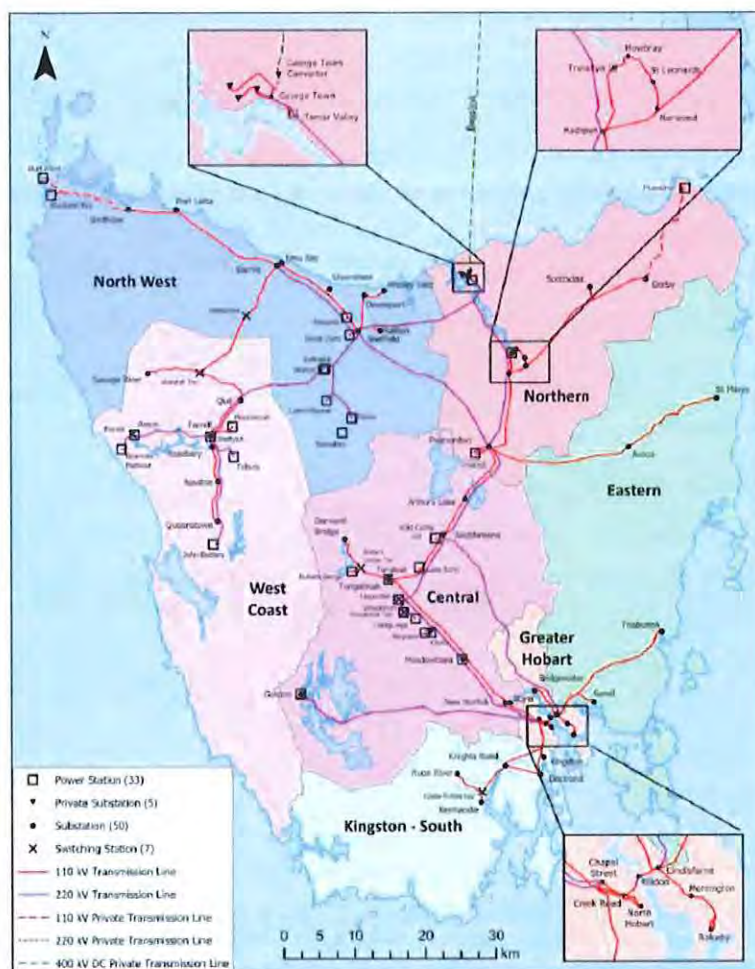


Figure 3 TasNetworks geographical planning areas

The Northern planning area is diverse with the urban and commercial area in Greater Launceston and the Tamar, industrial load in and around George Town including major energy users connected directly to the transmission network, and large rural areas of the Northern Midlands and the North East of Tasmania.

The area is supplied from the backbone 220kV transmission network at Hadspen, George Town and Palmerston substations. Hadspen Substation also provides an 110kV supply to Launceston and north-east Tasmania, and Palmerston Substation provides supply to the northern midlands. George Town Substation predominately supplies the industrial customers in the area, and it provides the connection point for the Basslink undersea cable to mainland Australia. There are two major energy users and one other transmission connected customer, all supplied from George Town Substation.

Musselroe Wind Farm is connected to Derby Substation via the 110kV network. Tamar Valley and Poatina power stations provide significant generation into the backbone network at George Town and Palmerston substations, respectively.

4. Submission

4.1. Overview

TasNetworks is seeking state-wide consistency across all LPSs in the treatment of its assets. TasNetworks Policy Position is summarised in Table 3 and is further detailed below. Appendix 1 provides more detailed analysis on an asset by asset basis.

Legend for Table 3:

Consistent with Policy Position, supported	
Inconsistent with Policy Position, amendments are possible to achieve consistency	
Inconsistent with Policy Position, Schedule 6 transition prevents amendments required for consistency	

Table 3 Policy Position – Submission Summary and Dorset LPS evaluation

LPS Mapping	Policy Position	Rationale	LPS evaluation summary / submission
Zoning	<ul style="list-style-type: none"> - Substations (terminal and zone) to be zoned Utilities - Communication sites to be zoned Utilities where the communications facility is the primary use of the site. 	<ul style="list-style-type: none"> - Substations and communication sites are considered a major utility as they perform a critical role in the broader electricity network. - Reflects the primary use of the site and the nature of the asset - Reflects the long asset lifespan - Utilities zone allows for the future operation, maintenance modification and development requirements of the asset (this is particularly important for communications sites as these do not enjoy any ESI Act exemptions once established) - Clear message to the community about the existing and long term use of the site. 	<p>Amendment sought, inconsistent with Policy Position.</p> <p>Apply the Utilities Zone to the following assets:</p> <ul style="list-style-type: none"> - Mount Horror Communication Site
	No specific zoning is to be applied to ETC	<ul style="list-style-type: none"> - Allows for other compatible uses to occur in corridor - Corridors are protected by ETIPC 	LPS is consistent with this Policy Position, supported.
	Landscape Conservation Zone (through LPS rezoning) is not applied to ETC	<ul style="list-style-type: none"> - Conflicts with the existing use of the land for electricity transmission - Diminishes strategic benefit of existing corridors making consideration of new corridors more likely 	LPS is consistent with this Policy Position, supported.

LPS Mapping	Policy Position	Rationale	LPS evaluation summary / submission
		<ul style="list-style-type: none"> - More onerous approvals pathway for augmentation of assets - Sends conflicting message to public regarding the ongoing use of the land 	
Natural Asset Code – Priority Vegetation Overlay	Not to be applied to <ul style="list-style-type: none"> - Substations or communication sites where the site is cleared of native vegetation 	<ul style="list-style-type: none"> - Assets are required to be cleared for safety and maintenance - Clearing of vegetation is exempt under ESI Act - Where asset already exists impact on the natural assets have already been assessed / approved and will continue to be impacted for the lifespan of the asset - Supports strategic value of the site - Clear messaging to community regarding the use of the site. 	Amendment sought, inconsistent with Policy Position. Remove the priority vegetation overly from: <ul style="list-style-type: none"> - Scottsdale Substation; and - Mount Horror Communication Site.
Scenic Protection Code Overlay	Not to be applied to <ul style="list-style-type: none"> - Substations, - Communication sites, or - ETC 	<ul style="list-style-type: none"> - Assets are required to be cleared for safety and maintenance - Where asset already exists impact on scenic quality / natural assets have already been assessed / approved and will continue to be impacted for the lifespan of the asset. 	LPS is consistent with this Policy Position, supported.

LPS Mapping	Policy Position	Rationale	LPS evaluation summary / submission
SAPs / PPZs	Not to apply to substations	To ensure that future development on these sites is not unreasonably affected by SAP.	LPS is consistent with Policy Position, supported.
Utilities Use Approval Status	<p>In all zones, PPZs and SAPs the Use Class for Utilities and Minor Utilities must be either</p> <ul style="list-style-type: none"> - No Permit Required, - Permitted or - Discretionary <p>Utilities must not be Prohibited</p>	The ability to consider Utilities Use Class in all zones is a requirement for the effective planning and development of linear utility infrastructure, which is required to be located in a range of areas and will be subject to multiple zonings.	LPS is consistent with Policy Position, supported
PPZs or SAPs use, development and subdivision standards	<p>Are drafted with at least a discretionary approval pathway. For example:</p> <ul style="list-style-type: none"> - No absolute height limit - Allow subdivision for Utilities 	<ul style="list-style-type: none"> - Consistent with policy in SPPs that enables consideration of Utilities in all zones and no finite quantitative development or subdivision standards. 	LPS is consistent with Policy Position, supported
ETIPC	Is correctly mapped and applied to relevant transmission infrastructure	Consistent with policy in SPPs	LPS is consistent with Policy Position, supported.
Local Area Objectives	Are drafted in a manner that does not conflict with the	<ul style="list-style-type: none"> - Potential impact on future development 	LPS is consistent with Policy Position, supported.

LPS Mapping	Policy Position	Rationale	LPS evaluation summary / submission
	ETIPC if they apply over an area within the Code	<ul style="list-style-type: none"> - Diminishes strategic benefit of existing corridors making consideration of new corridors more likely - More onerous approvals pathway for augmentation of assets - Sends conflicting message to public regarding the ongoing use of the land 	

4.2. SPP Issues

Please note, this aspect of TasNetworks' representation should not be taken as a request to change or amend the SPPs. However, this information is provided to highlight fundamental land use conflict issues that could occur as each LPS implements the SPPs across the State.

4.2.1. Exemptions

In this representation, TasNetworks would like to highlight a failing in the SPPs that causes a fundamental conflict between existing electricity transmission easement rights and SPP Exemptions and will prevent implementation of the purpose of the ETIPC. This failing is resulting from not applying the Code, in particular the Electricity Transmission Corridor (ETC) and Inner Protection Area (IPA), to certain exemptions that would:

- On almost every occasion, conflict with easement rights (and have the potential to impact human safety) and compromise the purpose of the Code; and
- Unless managed appropriately, have the potential to conflict with easement rights (and have the potential to impact human safety) and the Purpose of the Code.

Where the Code does not apply, easement rights still exist but can only be enforced once a breach has occurred or (at best) is imminent. This can result in a costly process of removal or relocation and in the interim, could pose a safety risk. When the Code applies, it provides developers, Councils and TasNetworks an opportunity to avoid or manage this issue early in the application process. Please refer to Appendix 2 for benefits that can be realised by considering electricity transmission assets in the planning process and conflict examples.

4.2.2. Scenic Protection Code

The Scenic Protection Code does not apply to sites in the Utilities Zone. As a result, assuming a Utilities zoning, TasNetworks' substations and communication sites are not subject to the application of this Code, thus supporting the continued and consolidated use and development of these sites for electricity infrastructure.

TasNetworks' recognises that a Council may wish to regulate other activities in the ETC that could impact on scenic values. However, the application of the Scenic Protection Code to new electricity transmission use and development within an existing ETC, has a number of impacts in conflict with the continued use of these corridors including:

- Not recognising the already established vegetation clearance and scenic quality;
- Not recognising the existing and continued use of these corridors, including vegetation clearance, for significant linear infrastructure on a state wide basis;
- Unreasonably diminishes the strategic benefit of the ETC;
- Devalues the substantial investment already made in the establishment of these corridors;
- Unreasonably fetters augmentation of existing corridors by imposing development standards relating to scenic protection to electricity transmission use and development in an existing electricity transmission corridor;
- Conflicts with the purpose of the ETIPC; and

- Supports a misconception in the community that where the Scenic Protection Code (tree preservation) is applied, vegetation clearance will be limited, when in fact vegetation clearance for transmission lines is required and authorised by separate regulatory regimes in these locations.

If the Scenic Protection Code in the SPPs were amended to ensure that, where this Code intersects with an ETC, it does not apply to electricity transmission use and development in that ETC, these impacts could be largely mitigated. This approach recognises the presence of this substantial electricity infrastructure and:

- its place in a broader state-wide network that is essential to the safe and reliable provision of electricity to Tasmania (as recognised in the Regional Land Use Strategy);
- implements the purpose of the ETIPC; and
- facilitates continued use or augmentation of existing corridors and ensures that future development (that is not otherwise exempt) can be efficiently provided.

The purpose of the Scenic Protection Code is to recognise and protect landscapes that are identified as important for their scenic values. In accordance with the Commission's Guidelines: *The scenic protection area overlay and the scenic road corridor overlay should be justified as having significant scenic values requiring protection from inappropriate development that would or may diminish those values.*

The ETIPC Code Purpose is: *To protect use and development against hazards associated with proximity to electricity transmission infrastructure. To ensure that use and development near existing and future electricity transmission infrastructure does not adversely affect the safe and reliable operation of that infrastructure. To maintain future opportunities for electricity transmission infrastructure.*

The application of the Scenic Protection Code to electricity transmission use and development in an ETC is inconsistent with the ETIPC purpose to retain electricity transmission infrastructure in these locations and to maintain future development opportunities.

For works that do not have the benefit of ESI exemptions, it would be difficult to comply with the Scenic Protection Code standards. Further, these assets form part of a wider network that is essential to the safe and reliable provision of electricity to Tasmania which is recognised in the Regional Land Use Strategy.

Please note that these issues have been previously raised and discussed with Meander Valley, Brighton, Central Coast, Glamorgan Spring Bay, Clarence, Circular Head, Devonport, Glenorchy City, West Coast, West Tamar, Sorell, Southern Midlands, Launceston, Central Highlands, Break O' Day, Northern Midlands, Latrobe, Huon and Waratah-Wynyard councils as well as the Commissioners throughout the draft LPS assessment process and will continue to be raised as part of this process.

4.2.3. Landscape Conservation Zone

The introduction and subsequent rezoning of land within the ETC to the Landscape Conservation Zone has created a number of unforeseen issues for TasNetworks. Primarily the Landscape Conservation Zone – Zone Purpose is *to provide for the protection, conservation and management of landscape values.* This is considered to potentially conflict with the Purpose of the ETIPC which is *to maintain future opportunities for electricity transmission infrastructure.*

Additionally, development approval for augmentation of an existing corridor under the Landscape Conservation Zone is more onerous than if under the Environmental Living or Rural Resource Zones in the

Interim Scheme or the Rural Zone under the SPP. For example, the Acceptable Solution building height requirement in the Landscape Conservation Zone is 6m as opposed to 12m under the Rural Zone.

Further, TasNetworks has concern regarding the rezoning of land within an ETC to the Landscape Conservation Zone and the inconsistent messaging it provides to the public. That being that the land is for 'conservation', where in fact clearing of vegetation within the ETC is exempt and augmentation of corridors can occur.

TasNetworks acknowledges that the introduction of the Landscape Conservation Zone is per SPP drafting guidelines however would like to open discussions with Council and relevant stakeholders regarding the impacts that this change in zoning has on the continued operation of electricity transmission infrastructure across the State.

5. Appendix 1 – Detailed Assessment

5.1. Substations

There are two substations located within Dorset LGA. These are:

- Derby Substation; and
- Scottsdale Substation.

The following table details TasNetworks planning Policy Position with respect to substations.

Table 4 Substations Policy Position Summary

Zoning	Overlay	SAP / PPZ	ETIPC
Zoned Utilities	<ul style="list-style-type: none">- Priority Vegetation not applied where the site is cleared of native vegetation- Scenic Protection not applied	<ul style="list-style-type: none">- Not applied or- Utilities use is NPR, P or D.- No finite discretionary development standards	Applied

The Derby Substation is located at CT 223393/1. The Substation is represented in the draft LPS in line with TasNetworks Policy Position. That being, the site is zoned Utilities; neither the Priority Vegetation nor the Scenic Protection Code have been applied; nor has a SAP been applied and the ETIPC has been applied correctly. As such, TasNetworks is supportive of how Derby Substation is represented in the draft LPS.

The Scottsdale Substation is located at CT 84976/1. The site is zoned Utilities, neither the Scenic Protection Code nor has a SAP been applied to the site which is supported by TasNetworks. The ETIPC has been applied correctly. Notwithstanding this, as shown in the following figure, the Priority Vegetation layer has been applied across a portion of the site, including areas that are developed and cleared of native vegetation. As such, TasNetworks requests that this overlay be removed from these areas where there is no vegetation. This request is consistent with how other LPSs have applied this overlay.



Figure 4 Priority Vegetation layer – Scottsdale Substation

5.2. Communication sites

There is one communication site within Dorset LGA that is operated by TasNetworks and required to be protected through the ETIPC Overlay. This is Mount Horror Communication Site, which is located at the eastern side of land identified as CT 141691/1.

The following table details TasNetworks planning Policy Position with respect to communication sites.

Table 5 Communication Sites Policy Position Summary

Zoning	Overlay	SAP / PPZ	ETIPC
Zoned Utilities	<ul style="list-style-type: none">- Priority Vegetation not applied where the site is cleared of native vegetation- Scenic Protection not applied	<ul style="list-style-type: none">- Not applied or- Utilities use is NPR, P or D.- No finite discretionary development standards	Applied

The Mount Horror Communication Site is zoned Rural in the draft LPS. As the site is part of a larger title, TasNetworks requests that a 20m radius from the centre of the communication site, within the communication station buffer area, be rezoned to Utilities. The Utilities Zone is considered appropriate for TasNetworks communication infrastructure as it forms a key part of the broader electricity network and is considered as Major Utilities. This zoning request is consistent with other communication sites operating under the Tasmanian Planning Scheme.

Neither the Scenic Protection Code, nor a SAP have been applied to the site which is supported. The ETIPC has been applied correctly. Notwithstanding this, as shown in the following figure, the Priority Vegetation layer has been applied across a portion of the site, including areas that are developed and cleared of native vegetation. As such, TasNetworks requests that this overlay be removed from these areas where there is no vegetation. This request is consistent with how other LPSs have applied this overlay.



Figure 5 Priority Vegetation layer – Mount Horror Communication Site

5.3. Electricity Transmission Corridors

There are two TasNetworks Electricity Transmission Corridors (ETC) that extend across the LGA. These are:

- Line 480 Derby Spur 110kV; and
- Line 479 Norwood – Scottsdale 110kV.

The following table details TasNetworks Policy Position regarding the ETC.

Table 6 ETC Policy Position Summary

Zoning	Overlay	ETIPC	SAP / PPZ
<ul style="list-style-type: none">- No specific zoning applied to ETC;- Landscape Conservation Zone not applied to ETC	<ul style="list-style-type: none">- Scenic Protection Code not applied to ETC	Applied	<ul style="list-style-type: none">- Not applied or- Utilities use is NPR, P or D.- No finite discretionary development standards

A range of zones have been applied to the land subject to these corridors and as the SPP allows for consideration of Utilities in all zones this is acceptable to TasNetworks. The Landscape Conservation Zone has not been applied to the ETC which is supported and the ETIPC has been applied correctly. As such, TasNetworks makes no representation regarding these corridors.

5.4. Particular Purpose Zones (PPZ) and Specific Area Plans (SAP)

The following table provides an overview of TasNetworks Policy Position regarding PPZs and SAPs.

Table 7 PPZ and SAP Policy Position Summary

Application	Policy
Use Standards in PPZ or SAP	<ul style="list-style-type: none">- Use Class for Utilities or Minor Utilities must be either NPR, P or D. Must not be Prohibited
Development Standards in PPZ or SAP	<ul style="list-style-type: none">- Are not drafted without a discretionary approval pathway (e.g not include a finite development standard - an absolute height limit)- Allow subdivision for Utilities use in all zones

The draft LPS includes one PPZ and five SAPs. These are listed below:

- P1.0 PPZ Tomahawk and Musselroe Bay / Poole Defined Settlement Area;
- S1.0 Port Hills SAP;
- S2.0 Bambougle Dunes and Lost Farm SAP;
- S3.0 Branhholm and Legerwood Industry SAP;

- S4.0 Town Centre Parking SAP; and
- S5.0 Bridport Main Street Central SAP

It is understood that the PPZ is transitioning from the interim scheme via Schedule 6 and that all five of the SAPs are introduced instruments. The drafting of the PPZ and the SAPs are all consistent with TasNetworks Policy Position as they allow permissible approval pathways for Utilities and as such TasNetworks is supportive of the drafting of these instruments.

6. Appendix 2 – SPP Issues

In addition to TasNetworks' request regarding the Scenic Protection Code application, this appendix outlines the benefits of considering electricity transmission assets in the planning process for new development.

The following benefits can be realised if impact on electricity transmission assets are considered in the planning process. (See Table 8 below for the list of relevant exemptions):

- Removes the incorrect perception that buildings and other works exempt under the SPPs can safely occur in a transmission line or underground cable easements without the need to consider asset easement rights or operational requirements.
- Empowers the Planning Authority to request further information, condition or refuse a development that conflict with the Code requirements and purposes.
- Saves developers, Councils, TasNetworks and the community time, cost and distress associated with easement right enforcement after a building, structure or other works have either commenced construction or have been built.
- Reflects the reality with respect to what can and cannot safely occur in an electricity easement.
- Saves developers project delay and cost required as a result of reworking proposals to ensure easement rights are not compromised later in the process.
- Increases the chances of considering the impact of new development on electricity assets early in the planning assessment process, before significant expenditure on project preparation has occurred.
- Prevents land use conflict between existing critical electricity transmission assets and new development.
- Protects human safety.
- Aligns the planning considerations and electricity easement rights.
- Avoids increased acquisition or construction cost for future assets as a result of encroachment (eg: dwelling encroachments within strategically beneficial easements may not cause operational issues for existing assets. However, dwelling acquisition and increased community and social impact of processes required to remove dwellings in the easement if it is required later can be avoided if encroachment is prevented in the first place.
- Supports compliance with AS 7000.
- The strategic benefit of existing electricity easements and the strategic purpose of the Code is preserved.

Conflict Examples

Table 8 presents examples of exempt development where TasNetworks believes conflict with easement rights can occur.

Colour coding indicates the following:

Conflicts with easement rights and may be capable of management to ensure appropriate alignment with easement rights.

Conflicts with easement rights. In almost all cases, this exemption will pose a safety and operational hazard for overhead and underground transmission lines and cables.

Table 8 Exemptions and land use conflict with electricity transmission assets

SPP exemption	Comment
4.3.6 unroofed decks	<p>If not attached to a house and floor level is less than 1m above ground level.</p> <p>TasNetworks Comment:</p> <p>A deck of this nature can pose an impediment to safe access and due to other exemptions can be roofed without further assessment which is in conflict with easement rights and could compromise safety.</p> <p>A deck over the operational area required for an underground cable would always be unacceptable.</p>
4.3.7 outbuildings	<p>One shed: up to 18m², roof span 3m, height 2.4m, fill of up to 0.5m.</p> <p>Up to two shed: 10m², sides 3.2m, height 2.4m.</p> <p>TasNetworks Comment:</p> <p>This type of building almost always poses a safety and operational hazard for transmission lines, cables and human safety.</p> <p>This type of building over the operational area required for an underground cable always poses an unacceptable safety risk.</p>
4.3.8 outbuildings in Rural Living Zone, Rural Zone or Agriculture Zone	<p>4.3.8</p> <p>Provides for an unlimited number of outbuilding per lot as follows:</p> <p>Floor area 108m², height 6m, wall height 4m.</p>
4.3.9 agricultural buildings and works	<p>Already subject to the Local Historic Heritage Code.</p>

SPP exemption	Comment
in the Rural Zone or Agriculture Zone	<p>4.3.9</p> <p>Provides for unlimited number of outbuilding per lot as follows:</p> <p>Must be for agricultural use, floor area 200m², height 12m.</p> <p>Already subject to the Local Historic Heritage Code and the Scenic Protection Code.</p> <p>TasNetworks Comment:</p> <p>These exemptions create a new and potentially more dangerous conflict with electricity transmission lines and cables where a larger and higher building can be constructed in an electricity transmission easement without the need for planning approval.</p> <p>Buildings of this nature can severely impede TasNetworks' ability to safely access, operate and maintain electricity transmission lines. If built, these buildings could also present a threat to human safety.</p> <p>As a result, in almost all cases, if built, buildings covered by these exemptions would necessitate the enforcement of easement rights, either during or after construction and after the planning and building (exemption), process has occurred. This will likely mean relocating the proposal, a further planning assessment and added cost and time to a development.</p> <p>The nature of electricity transmission line assets (ie: running from isolated generation locations into populated areas) means the zones mentioned in this exemption are almost certain to contain (and appropriately so) electricity transmission assets. The cost of removing substantial agricultural buildings from easements required for new assets also adds to future asset construction costs.</p>
4.3.11 garden structures	<p>Unlimited number, 20m², 3m height max. Already subject to the Local Historic Heritage Code.</p> <p>TasNetworks Comment:</p> <p>If not managed appropriately, this type of structure has the potential to compromise clearances and the safe and reliable operation of transmission lines and underground cables. Depending on location within an easement, could also present a threat to human safety.</p> <p>Cost of removal is limited, however still requires post breach enforcement of easement rights.</p>

SPP exemption	Comment
4.5.1 ground mounted solar energy installations	<p>Each installation can be 18m² area. Already subject to the Local Historic Heritage Code.</p> <p>TasNetworks Comment:</p> <p>This type of activity has the potential to compromise clearances or adversely impact easement access (especially during emergency repair conditions).</p>
4.5.2 roof mounted solar energy installations	<p>Already subject to the Local Historic Heritage Code. This would likely only apply to existing buildings within easements.</p> <p>TasNetworks Comment:</p> <p>Encroachment is likely existing, however, this exemption has the potential to compromise clearances in what may be a compliant situation.</p>
4.6.8 retaining walls	<p>4.6.8 Allows for retaining 1m difference in ground level. This exemption is already subject to the Local Historic Heritage Code and the Landslip Hazard Code.</p> <p>4.6.9 Allows for filling of up to 1m above ground level. This exemption is already subject to the Natural Assets Code, Coastal Erosion Hazard Code, Coastal Inundation Hazard Code, Flood-Prone Areas Hazard Code and Landslip Hazard Code.</p> <p>TasNetworks Comment:</p> <p>This type of activity has the potential to compromise ground clearances for existing transmission lines and safe operational separation for underground transmission cables. Subject to appropriate management, this type of activity can usually occur within transmission line easements, however, may pose a more challenging risk for underground cables.</p>
4.6.9 land filling	
4.6.13 rain-water tanks	<p>This was one exemption in the draft SPPs and was modified by the Commission into four exemptions. TasNetworks requested the original exemption be subject to the Code.</p> <p>4.6.13: attached or located to the side or rear of a building and can be on a stand height 1.2m high. Subject to the Local Historic Heritage Code.</p> <p>4.6.14 attached or located to the side or rear of a building with no height limit. Subject to the Local Historic Heritage Code.</p> <p>4.6.15 no height limit, no requirement is be located near a building. Limited when storage of hazardous chemicals is of a manifest quantity and Coastal Erosion Hazard Code, Coastal Inundation Hazard Code, Flood-Prone Areas Hazard</p>
4.6.14 rain-water tanks in Rural Living Zone, Rural Zone, Agriculture Zone or Landscape Conservation Zone	
4.6.15 fuel tanks in the Light Industrial Zone, General Industrial Zone,	

SPP exemption	Comment
<p>Rural Zone, Agriculture Zone or Port and Marine Zone</p> <p>4.6.16 fuel tanks in other zones</p>	<p>Code, Bushfire-Prone Areas Code or Landslip Hazard Code, applies and requires a permit for the use or development.</p> <p>4.6.16 must be attached or located to the side or rear of a building, max 1kL capacity, on a stand up to 1.2m high and subject to the Local Historic Heritage Code.</p> <p>TasNetworks Comment:</p> <p>These exemptions allow for water tanks on stands and some have no height limit. These developments have the potential to compromise access to the easement, compromise ground clearances for existing transmission lines and safe operational separation for underground transmission cables. Depending on location in the easement, these developments could pose a threat to human safety. Subject to appropriate management, this type of activity may occur within transmission line easements, however, may pose a more challenging risk for underground cables.</p>



From: Jarrah Vercoe [REDACTED]
Sent: Monday, 6 June 2022 4:09 PM
To: Dorset Council <dorset@dorset.tas.gov.au>
Subject: LPS Submission

Dear Dorset Council,

Please find attached a submission from the TLC in relation to the LPS.

Regards,

Jarrah Vercoe

Jarrah Vercoe
Revolving Fund Coordinator

tasland.org.au

[@Tas Land](https://www.facebook.com/tasland)

[facebook.com/taslandconservancy](https://www.facebook.com/taslandconservancy)

[instagram.com/tasland/](https://www.instagram.com/tasland/)

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6th of June 2022

General Manager
Dorset Council
PO Box 21, Scottsdale
Tasmania 7260

E: dorset@dorset.tas.gov.au

To General Manager

DORSET COUNCIL LOCAL PLANNING SCHEDULES

The Tasmanian Land Conservancy (TLC) is a for-purpose, apolitical, conservation organisation that protects nature on private land (www.tasland.org.au). Our vision is for Tasmania to be a global leader in nature conservation. Through various programs and initiatives, we look after Tasmania's unique natural places, rare ecosystems, and the habitat of threatened plants and wildlife on private land. We value nature and the cultural, social and economic benefits it provides us all.

The TLC works across four main areas of strategic intent:

- **NATURE** – Conserve areas of high natural value using the best available science applied with adaptability and cultural awareness amid increasing social and environmental change.
- **PEOPLE** - Provide diverse and practical ways for people to contribute to and be involved in nature conservation.
- **INFLUENCE** - Lead, learn and contribute to global best practice in nature conservation through science, innovation, collaboration and open communication.
- **EXCELLENCE** - Demonstrate the highest standards in everything we do, applying exceptional governance and accountability to our work, while leading with respect, equity and fairness in our workplace and relationships.

Read more about our work in the [TLC's Strategic Plan 2020-2025](#) and in the [TLC's 2019-2020 Annual Report](#).

As one of Tasmania's largest private landholders, we protect and manage areas with significant conservation values for nature and for the public good. We also work with the local landholders and the broader community to conserve nature, connecting habitat to build resilience across the landscape.

It is in the state's interest to look after nature, and planning instruments that protect natural values across Tasmania are critical. The public benefit from healthy and intact natural systems includes water quality and retention, ecosystem function, pollination services, soil health and stability, aesthetic values, landscape resilience in a changing climate and personal wellbeing.

Mapping natural assets

To maintain connectivity in the landscape, natural values must be understood: mapping plays a critical role. The Priority Vegetation layer must be a state-wide resource that is current and maintained. The Priority Vegetation Overlay (PVO) is an unreliable guide to vegetation status. The PVO is based on a Regional Ecosystem Model which means it is based on the predicted likelihood of occurrence of different vegetation types based on physical features of the land, occasionally but not consistently validated using aerial photography, satellite imagery or other forms of observation. All species and vegetation communities listed under the *Threatened Species Protection Act*, *Nature Conservation Act* and the *EPBC Act* should be included in the priority vegetation mapping. Beyond the mapping of threatened species and communities, important cross tenure landscape linkages and corridors should also be recognised. In a changing climate, priorities for nature conservation will also change and it is important for the planning system to be able to respond effectively based on current data. TLC suggests that the Dorset Council implement a process whereby mapping of the Natural Assets Overlays is continually revised, updated and re-evaluated.

Reducing fragmentation in the landscape

The connectivity of natural values is critical to achieve conservation outcomes. Connecting habitat from the coastal or riparian zones to ridgelines enables species movement across habitats, while building resilience in the landscape. Fragmentation of natural values impacts ecological function. Permitting development or a land use incongruent with ecological health, will impact the integrity of these systems.

We also believe that the Natural Assets Code, and the application of the Priority Vegetation Layer, should be applied across all zones (including agriculture).

Consistent application of the Natural Assets Code

It is important to have a Natural Assets Code as this is an essential tool in the protection of biodiversity and sustainable use. The [Natural Assets Code information sheet](#) notes that 'The Natural Assets Code provides consistency across the State regarding the protection of important natural values and recognises the significant role that other State and Commonwealth legislation has in biodiversity conservation'.

While claiming to provide consistency, the Natural Assets Code does not apply to the agricultural zone. This must be amended as a matter of urgency. Removing planning assessment based on the conservation value of vegetation in the Agricultural Zone diminishes the role of private land in the protection of the state's natural assets and increases the level of threat to Tasmania's listed plant and animal species and. To remedy this, the code also needs a full and thorough review to remove the exemptions, omissions, and terminology vagaries. Without a stronger commitment to the protection of our natural assets there will be continued fragmentation and degradation of important habitat. If the priority vegetation layer is not applied across all zones the risk of further extinctions in Tasmania will increase, while also adding more species to the endangered list. There is also a unique opportunity to apply a landscape-scale, cross-tenure approach that identifies habitat linkages, corridors and climate refugia.

Let's not miss the opportunity to ensure that natural assets such as irreplaceable, rare and significant species and vegetation communities are recognised, valued and protected.

Conservation covenants

While the public focus is often on national parks, extensive estate is protected through conservation covenants on private land. The Department of Primary Industries, Parks, Water and Environment (DPIPWE) along with the agricultural sector and regional Natural Resource Management (NRM) committees, acknowledge the significant role of private landowners in conserving Tasmania's natural capital and the public and private benefits that flow from this approach. 'Capable land stewardship conserves the natural environment, providing benefits for future Tasmanians and visitors while enabling landowners to maintain market access and capitalise on new opportunities' ([DPIPWE's Private Land Conservation Program](#)).

Covenants are legally binding under the *Nature Conservation Act (2002)* and are registered on the land title. Usually established in perpetuity, covenants give peace of mind that natural values, such as native flora and fauna, natural wetlands and geo-conservation assets, will persist for generations. Nature conservation on private land makes an enormous contribution to the National Reserve System, Australia's network of protected areas.

Tasmania currently has approximately 900 conservation covenants, protecting 110,000 hectares across a diversity of habitats. Many of these covenants are vegetation communities that are poorly protected on public land. On-title protections identify the conservation values onsite, and the required management to ensure their wellbeing. [Read more here](#).

The Dorset municipality contains 40 properties with covenants registered under the *Nature Conservation Act 2002*. These covenants comprise a total area of approximately 1370 hectares within the municipal area. These properties are accounted for within [Australia's National Reserve Estate](#).

As an organisation with land and associated partnerships throughout the state we have a strong interest in planning provisions, particularly regarding the recognition and protection of natural assets. The TLC welcomes the opportunity to provide feedback on the Dorset Council Local Provisions Schedule. We also wish to provide some additional general comments on the Tasmanian Planning Scheme State-wide Planning Provisions.

Zoning conservation covenants

In Tasmania, privately protected land covers a smaller area than publicly protected land, but it contains a higher percentage of threatened communities. Despite this, many properties with conservation covenants on title are currently zoned rural.

To ensure that the LPS properly reflects the current and future development potential of covenanted land there must be the application of an appropriate zone to the land. The TLC considers that, as a general rule, land subject to a conservation covenant ought to be zoned Landscape Conservation Zone or the Environmental Management Zone. The purposes of these zones properly reflect the underlying purpose to which covenanted land is put – that is (respectively), to "provide for the protection, conservation and management of landscape values" (clause 22.1.1 of the TPS) and to "provide for the protection, conservation and management of land with significant ecological, scientific, cultural or scenic value" (clause 23.1.1 of the TPS) and use compatible with those purposes (clauses 22.1.2 and 23.1.2 respectively).

Private reserves, including all private Conservation Covenants and TLC reserves, have a reserve management plan prepared by experts to protect, conserve and manage the ecological, scientific, cultural and aesthetic values of the area in the public interest. These plans guide the protection and management of the land.

Zoning for the broader landscape should also be carefully considered to avoid diminishing the surrounding natural values through fragmentation.

Future conservation covenants

The TLC runs the [Revolving Fund program](#), where property with high conservation values is bought, and an on-title conservation protection established before the land is sold. Small-scale building envelopes are often defined within the title, identifying a site where disturbance will have the lowest impact on the conservation values that are being protected. A human presence in these natural settings helps to manage the natural values. While the exact location of future Revolving Fund properties cannot currently be discerned, the planning provisions should enable small-scale, appropriate residential opportunities for these situations.

Applying the Precautionary Principle

Furthering the objectives of the Resource Management and Planning System (RMPS) as outlined in Schedule 1 of the *Land Use Planning and Approvals Act 1993* through sustainable development involves:

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

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

With unprecedented seasonal variations, natural systems and vegetation communities are changing. Now more than ever, we need good planning, based on the best information available at the time. Applying current research, monitoring and mapping data is critical to ensure sustainable use. The most up to date information must inform decisions, and when we don't have adequate information, the precautionary principle should apply.

We welcome this opportunity to provide a submission.

Yours sincerely



James Hattam

CEO, Tasmanian Land Conservancy

[REDACTED]

From: Justine Brooks [REDACTED]
Sent: Monday, 6 June 2022 7:53 PM
To: Dorset Council <dorset@dorset.tas.gov.au>
Cc: David Krushka [REDACTED] Joe Krushka [REDACTED] Rohan Willis
[REDACTED] Thomas Wagenknecht [REDACTED] Tracey
Baillie [REDACTED]
Subject: Local Provision Schedule Submission - 1954 Bridport Highway, Bridport

Dear Dorset Council

Please find attached a LPS submission made on behalf of Mr David Krushka of Samell (Tas) Pty Ltd, for 1954 Bridport Highway, Bridport.

This submission is lodged concurrently with the site's rezoning application, which is to be included as supporting documentation when considering the suitability of the RURAL zone over the site.

Do not hesitate to contact me should you require additional information or further clarification on any matter contained within this documentation.

Regards,



Justine Brooks MEnvPlg GDBA GCM MPIA
Director | Planning Manager

[Redacted]
PO Box 284, 3/23 Brisbane Street, Launceston TAS 7250

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Our Ref: 46779JB

Your Ref: -

6th June 2022

The General Manager
Dorset Council
Po Box 21
Scottsdale TAS 7260

Via email: dorset@dorset.tas.gov.au

cc: Mr David Krushka: [REDACTED]

Dear General Manager

**Dorset Council Local Provisions Schedule (LPS) Submission
1954 Bridport Road, Bridport (CT 235494/1, PID 6856168)**

Thank you for the opportunity for to participate in the Local Provision Schedule (LPS) application process.

PDA Surveyors, Engineers and Planners have been engaged to submit this submission on behalf of Mr David Krushka, of Samell (Tas) Pty Ltd for land located at 1954 Bridport Road, Bridport (the subject site). The Dorset LPS mapping shows that the subject site is proposed to be zoned Rural Living Zone (RLZ) but our client requests that consideration be made instead for the application of the Rural Zone (RZ).

This submission is lodged concurrent with an application under Section 43A of the former provisions of the *Land Use Planning and Approvals Act 1993* which seeks to combine a Planning Scheme Amendment and Development Application. Please utilise that report for additional supporting information.

The Submission

The land owner seeks to have the Rural Zone applied because it is more conducive to the commercial activities that he seeks to operate from the site. These activities will have benefits for the broader community, including for the adjoining Bridport airstrip. In fact, due to the sites proximity to the airstrip there would be less land use conflict if the site was used and developed for non-residential given the location of the site under the airstrip flight path and the continued growth of the business demonstrated through increasing flight activity.

This submission has been prepared in accordance with guidelines for zone and code applications prepared by the Commission under Section 8A of the *Land Use Planning and Approvals Act 1993*. The applicability of the Rural Zone to the subject site is assessed within the below table (see overleaf).

HOBART:

C.M. Terry, BSurv (Tas.), M.SSI (Director)
H. Clement, BSurv (Tas.), M.SSI (Director)
M.S.G. Denholm, BGeom (Tas.), M.SSI (Director)
T.W. Walter, Dip. Surv & Map (Director)
M. Westerberg, M.E.M., M.I.E. AUST., C.P.ENG. (Director)
D. Panton, B.E. F.I.E. AUST., C.P.ENG. (Consultant)
A. Collins, Ad. Dip. Surv & Map, (Senior Associate)
L.H. Kiely, Ad. Dip. Civil Eng, Cert IV I.T., (Associate)

KINGSTON:

A.P. (Lex) McIndoe, BSurv (Tas.), M.SSI (Director)
M.M. Stratton, BSurvSpSc, GradDipLandSurv (Tas.) (Associate)

LAUNCESTON:

J.W. Dent, OAM, B. Surv (Tas.), M.SSI (Director)
M.B. Reid, BGeom (Hons) (Tas.), M.SSI (Director)
J.M. Brooks, MEnvPlg, M.PIA (Director)

BURNIE/DEVONPORT:

A.W. Eberhardt, BGeom (Tas.), M.SSI (Director)
A.J. Hudson, B. SURV. (Tas.), M.SSI. (Consultant)

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(03) 6423 6875
- 127 Bathurst St, Hobart, TAS 7000
(03) 6234 3217
- 5 Freeman St, Kingston, TAS 7050
(03) 6229 2131
- 10/16 Main Rd, Huonville, TAS 7109
(03) 6264 1277
- 3 Franklin St, Swansea, TAS 7190
(03) 6130 9099

Zone	Zone Purpose	Zone Application Guidelines
Rural	<p>The purpose of the Rural Zone is:</p> <p>20.1.1 To provide for a range of use or development in a rural location:</p> <p>(a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;</p> <p>(b) that requires a rural location for operational reasons;</p> <p>(c) is compatible with agricultural use if occurring on agricultural land;</p> <p>(d) minimises adverse impacts on surrounding uses.</p> <p>20.1.2 To minimise conversion of agricultural land for non-agricultural use.</p> <p>20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.</p>	<p>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.</p> <p>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.</p> <p>RZ 3- The Rural Zone may be applied to land identified in the 'Land Potentially Suitable for Agriculture Zone' layer, if:</p> <p>(a) it can be demonstrated that the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;</p> <p>(b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land;</p> <p>(c) the land is identified for the protection of a strategically important naturally occurring resource which is more appropriately located in the Rural Zone and is supported by strategic analysis;</p> <p>(d) the land is identified for a strategically important use or development that is more appropriately located in the Rural Zone and is supported by strategic analysis; or</p> <p>(e) it can be demonstrated, by strategic analysis, that the Rural Zone is otherwise more appropriate for the land.</p>

Planners Response

RZ1

1954 Bridport Road is located approximately 600m outside of urban area of Bridport to the north. While it is currently zoned Rural Living under the Interim Scheme, the site is not a particularly attractive 'lifestyle lot' given its proximity to the Bridport airstrip and location under the flight path. There are no land conservation elements of significance identified on the site through the various listmap layers which would deem it more appropriate to be zoned landscape conservation.

RZ 2

The site is considered not suitable for inclusion in the Agriculture Zone, likely due to factors such as poor land capability, lack of irrigation and limitations associated with its proximity to a busy airstrip.

RZ 3

While RZ 3 is technically not applicable given the site is not identified as 'potentially suitable for Agriculture zone' this clause does provide the opportunity to highlight to the Council the strategically important use and development that is proposed for the site as part of the concurrent combined rezoning and development application.

For some years it has been identified that efficient, but small petrol station in Bridport needs to be upgraded to keep up with the demand that has expanded with the population growth of the region however it is restricted from doing so due to lack of available area. Further, it is not suitable for use by very large vehicles such as trucks, rural vehicles and RV's.

One of the proposed developments for the subject site is a 24 hour self-serve petrol station, which will also support those using the adjoining airstrip. Other plans include developing a self-storage facility which will again support the Bridport community as it will provide secure options for storage of a range of items including caravans and boats. Bridport is a popular destination for holiday makers who seek places to store their recreation related vehicles. As backyards become smaller, secure offsite storage is one of the fastest commercial sectors.

The land owner has received numerous enquiries from other commercial interest groups in regard to setting up businesses that would support the broader community, providing services and facilities that are not currently available.

Likewise, with RZ 3(e), strategic analysis has been carried out as part of the rezoning application that justifies the application of the Rural Zone to the subject site as more appropriate than the Rural Living Zone. This is further explored in the next table.

Zone	Zone Purpose	Zone Application Guidelines
Rural Living	<p>The purpose of the Rural Living Zone is:</p> <p>11.1.1 To provide for residential use or development in a rural setting where:</p> <p>(a) services are limited; or</p> <p>(b) existing natural and landscape values are to be retained.</p> <p>11.1.2 To provide for compatible agricultural use and development that does not adversely impact on residential amenity.</p> <p>11.1.3 To provide for other use or development that does not cause an unreasonable loss of amenity, through noise, scale, intensity, traffic generation and movement, or other off-site impacts.</p> <p>11.1.4 To provide for Visitor Accommodation that is compatible with residential character.</p>	<p>RLZ 1 The Rural Living Zone should be applied to:</p> <p>(a) residential areas with larger lots, where existing and intended use is a mix between residential and lower order rural activities (e.g. hobby farming), but priority is given to the protection of residential amenity; or</p> <p>(b) land that is currently a Rural Living Zone within an interim planning scheme or a section 29 planning scheme,</p>
Planner Response RLZ 1 (a) The subject area would be difficult to categorise as a 'residential area'. There are some houses built but there is no social infrastructure to support them within close		

proximity. While the dominant land development pattern is large lots with single residents, this clause emphasises that priority is to be given to residential amenity. Given the subject site shares a boundary with the Bridport airstrip, residential amenity will be impacted, particularly as the flights from the site are increasing

Based on the above considered guidelines, and the current application before Council to formally rezone the subject site to the Rural Resource Zone (under current scheme), we respectfully request that 1954 Bridport Road be zoned **Rural** through the Local Provisions Schedule transition process for the municipality of Darset.

Please do not hesitate to contact me should you require additional information or clarification on any matter contained within this correspondence.

Yours faithfully,

PDA Surveyors, Engineers & Planners

Per:



Justine Brooks

On Behalf of:
Samell (Tas) Pty. Ltd.

[REDACTED]

From: Mellor, Sonia [REDACTED]
Sent: Monday, 6 June 2022 8:44 PM
To: Dorset Council <dorset@dorset.tas.gov.au>
Cc: Mellor, Sonia [REDACTED]; March, Marion [REDACTED]
Subject: Exhibition - Dorset Draft Local Provisions Schedule - Submission from NRE Tas

Dear Planners,

I would like to confirm my phone conversation on Friday 3 June with the Planning Department that the Department of Natural Resources and Environment Tasmania would like to make a submission to the Dorset Council draft Local Provisions Schedule.

A detailed attachment to this submission will follow.

You require further information please contact me directly.

Kind regards

Sonia Mellor



Sonia Mellor | Policy Analyst
Strategic Projects and Policy | Strategy and Business Services
Division
Department of Natural Resources and Environment Tasmania
[Redacted]
W: nre.tas.gov.au



In recognition of the deep history and culture of this island, I acknowledge and pay my respects to all Tasmanian Aboriginal people; the past and present custodians of the Land.

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dorset
COUNCIL

Tasmanian Planning Scheme

Dorset Draft Local Provisions Schedule (LPS)

EXHIBITION NOTICE - INVITATION FOR WRITTEN REPRESENTATIONS

ABN 68 027 137 155

3 Ellenor Street
Scottsdale Tasmania
PO Box 21 Scottsdale
Tasmania 7260

T 03 6352 6500

F 03 6352 6509

E dorset@dorset.tas.gov.au

dorset.tas.gov.au



The Dorset Council invites written representations on the relevant exhibition documents in relation to the Dorset draft Local Provisions Schedule (LPS). The Tasmanian Planning Commission (the Commission) has directed the planning authority to publicly exhibit the Dorset draft LPS under section 35B of the *Land Use Planning and Approvals Act 1993* (the Act).

Representations must be related to the matters listed under section 35E of the Act and not be to the effect that the content of the State Planning Provisions should be altered.

The LPS must contain the particular purpose zones, specific area plans, site-specific qualifications and code-applying provisions that are included in the draft LPS by reason of the transitional provisions of Schedule 6 of the Act. Any matter contained in a representation that seeks to exclude one or more of those provisions will not be taken to be a representation.

The LPS may contain provisions corresponding to approved amendments to the interim planning scheme. A representation cannot be made in relation to these provisions. Approved planning scheme amendments may be viewed on the Commission website at www.planning.tas.gov.au or the Austlii website at www.austlii.edu.au.

The relevant exhibition documents in relation to the Dorset draft LPS and relevant supporting documents, including the State Planning Provisions (SPPs) and list of provisions required to transition from the Dorset Interim Planning Scheme, are available for viewing during normal business hours at the:

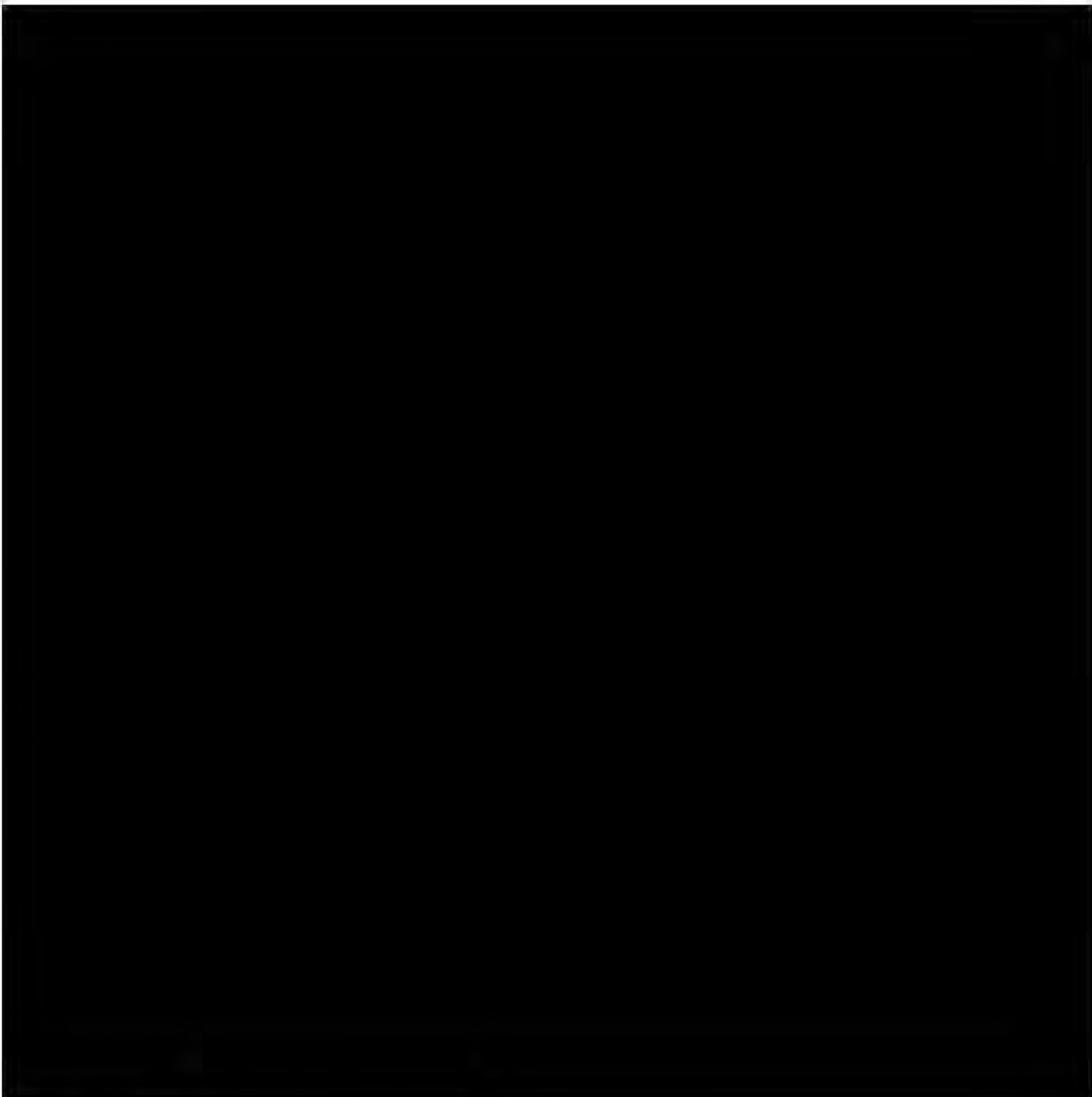
- Dorset Council offices, Monday to Friday at 3 Ellenor Street, Scottsdale; and
- The Tasmanian Planning Commission's offices from 9am until 5pm, Monday to Friday at Level 3, 144 Macquarie Street, Hobart.

These documents may also be viewed and downloaded from the Dorset Council website at www.dorset.tas.gov.au and the Commission website at www.planning.tas.gov.au.

Representations can be made in writing to the Dorset Council from **Monday, 4 April 2022 until midnight 6 June 2022**.

Please email your representations to dorset@dorset.tas.gov.au or post to: General Manager, PO Box 21, Scottsdale, Tasmania 7260

Tim Watson
General Manager



From: Secretary [REDACTED]
Sent: Friday, 1 July 2022 10:31 AM
To: Dorset Council <dorset@dorset.tas.gov.au>

Subject: Correspondence from Acting Secretary, Dept of Natural Resources and Environment Tasmania - Comment - Dorset Council Draft LPS

Good morning

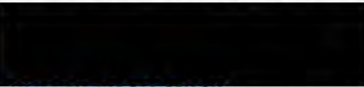
On behalf of Acting Secretary, Jason Jacobi, please see the **attached** letter, for your attention.

Kind regards,
Tracey



Tracey Simpson | Senior Executive Officer

Office of the Secretary | Department of Natural Resources and Environment Tasmania



www.nre.tas.gov.au

Level 9, 134 Macquarie Street, Hobart, TAS 7000 | GPO Box 44, Hobart TAS 7001

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Department of Natural Resources and Environment Tasmania

OFFICE OF THE SECRETARY

Hobart GPO Box 44, Hobart, Tasmania, 7001
Launceston PO Box 46, Kings Meadows, Tasmania, 7249
Devonport PO Box 303, Devonport, Tasmania, 7310
Ph 1300 368 550
Web nre.tas.gov.au



Our ref: 21/3611.017

Mr Tim Watson
General Manager
Dorset Council

Via email: dorset@dorset.tas.gov.au

PUBLIC EXHIBITION – DORSET COUNCIL DRAFT LOCAL PROVISIONS SCHEDULE

Thank you for your letter dated 4 April 2022 seeking comment on the Dorset Council Draft Local Provisions Schedule (LPS). Please find this letter as an attachment to our original submission of 6 June 2022.

I can advise that the Department of Natural Resources and Environment Tasmania (the Department) has considered the proposed LPS and has the following comments. These relate to the proposed applications of zones, in particular the Agriculture Zone, and the application of the Natural Assets Code (NAC).

The Tasmanian Planning Commission's '[Guideline No. 1, Local Provisions Schedule \(LPS\): zone and code application](#)' (Guideline No. 1) at AZ6 states that *"land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if... for the identification and protection of significant natural values, such as priority vegetation areas as defined in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone"*.

The comments on threatened species and threatened native vegetation communities are focused on areas proposed to be zoned Agriculture, and Rural zoned areas where the Priority Vegetation Area Overlay (PVAO) has not been applied. The Department recommends that the Council uses this to revisit the agriculture zoning in light of the comments below.

Threatened Flora

Records of threatened flora listed under the *Threatened Species Protection Act 1995* (TSPA) and the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA) are widespread in the proposed Agriculture Zone. For example, title references [196819/1](#) and [135368/1](#) contain many records, as shown in the images below.



Figure 1: Example of threatened species in the Agriculture Zone (PID 196819/1)
(Note: Threatened plant species indicated by green triangles)

A portion of title 196819/1 is recognised as a Private Sanctuary under the *Nature Conservation Act 2002* (NCA).

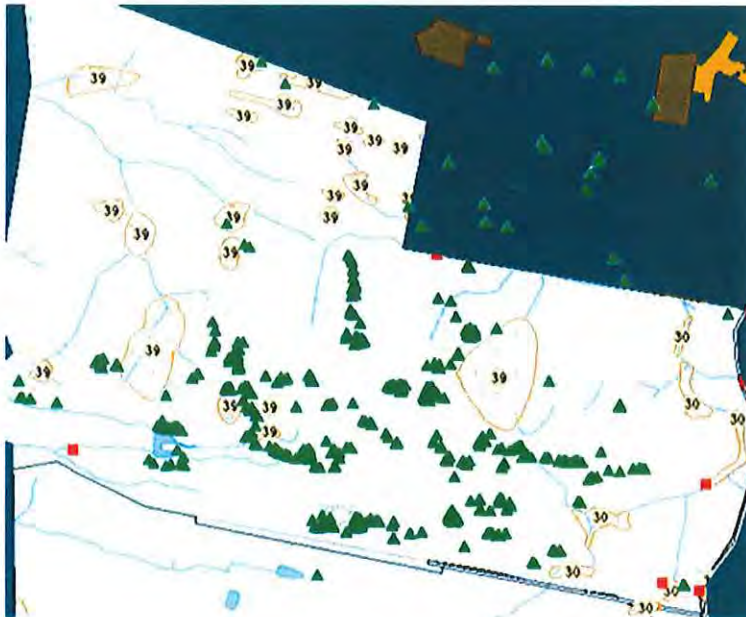


Figure 2: Example of threatened species in the Agriculture Zone (PID 135368/1)
(Note: Threatened plant species indicated by green triangles; wetlands outlined in orange polygons)

PID 135368/1 also contains numerous wetlands, a Threatened Native Vegetation Community listed under the NCA, and is adjacent to the Musselroe Bay Conservation Area and Mount William National Park.

Further examples of clusters of recorded endangered and vulnerable flora species in the proposed Agriculture Zone are listed in the table below:

Species name	Common name	TSPA	EPBCA	Title Ref
<i>Prasophyllum apoxychilum</i>	Tapered Leek-orchid	Endangered	Vulnerable	111245/1 ; 102368/1
<i>Thelymitra antennifera</i>	Rabbit ears	Endangered	-	111245/1 ; 102368/1
<i>Xanthorrhoea bracteata</i>	Shiny grasstree	Vulnerable	Endangered	243843/1 ; 243844/1 ; 244047/1 ; 158999/2 ; 230787/1
<i>Cyathea cunninghamii</i>	Slender treefern	Endangered	-	115755/1
<i>Persicaria decipiens</i>	Slender waterpepper	Vulnerable	-	176905/1

The Department recommends that areas containing threatened native vegetation communities and/or clusters of threatened flora records, such as provided in the above examples, are zoned in a manner to ensure that the PVAO is applicable.

It is further noted that large areas of native vegetation have been proposed for the Agriculture Zone. An example is provided from the northeast of the municipality. Figure 3 shows the proposed Agriculture Zone (anything that is not black) with the TASVEG 4.0 layer added on top of it. The light cream colour indicates current agricultural land; all other colours indicate native vegetation.



Figure 3: Examples of extant native vegetation in the Agriculture Zone in the northeast of the Dorset Municipality (Note: Areas zoned other than Agriculture Zone are black in the figure)

This native vegetation may be habitat for threatened species and provide for a dispersal corridor between patches of habitat. The application of the PVAO over extant areas of native vegetation is crucial to habitat connectivity.

Threatened fauna

There are numerous threatened fauna species within the Dorset Local Government Area (LGA) that have a small/localised distribution and limited dispersal capacity.

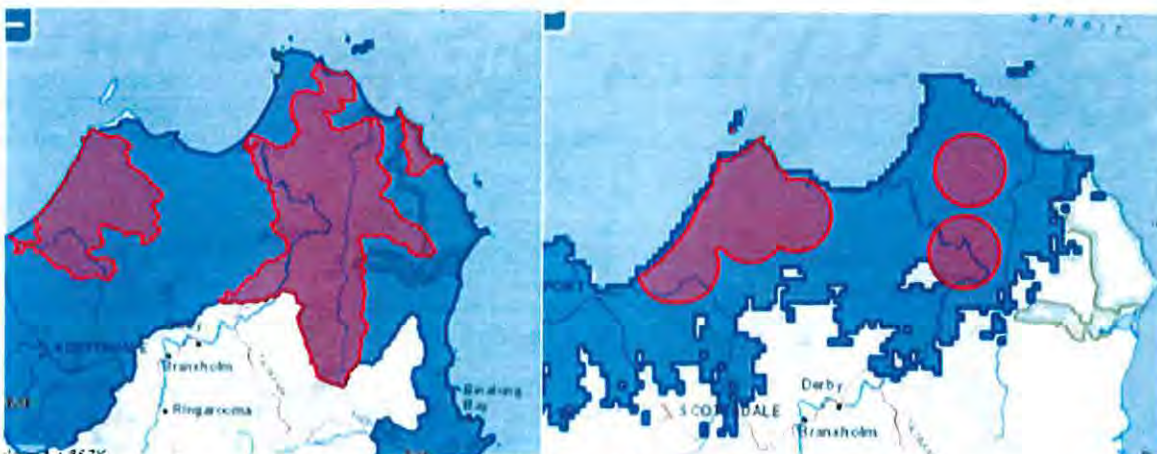
Chaostola Skipper

There are two known records of Chaostola Skipper (*Antipodia Chaostola*) in the Dorset Municipality. This species is listed as Endangered under both the TSPA and the EPBCA. One record is on the property boundary between title references [165655/1](#) and [243074/1](#), which are both proposed for the Agriculture Zone. The other record is along Musselroe Road, between Mount William National Park and title reference [135368/2](#) (which is also proposed for the Agriculture Zone). The exact location of this species record (i.e. in which zone) is unclear.

Eastern Dwarf Galaxias and Striped Marsh Frog

The Eastern Dwarf Galaxias (*Galaxiella pusilla*) is listed as Vulnerable under both the TSPA and the EPBCA. In Tasmania, this species has only been recorded from the far northwest and far northeast, and on Flinders Island.

The Striped Marsh Frog (*Limnodynastes peronii*) is listed as Endangered under the TSPA. This species is found in Tasmania in the far northwest and the far northeast, and on King Island. The images below depict the core range of this species within the Dorset Municipality. The mapped core range of a species are areas known to support the highest densities of the species and/or thought to be of greatest importance for the maintenance of breeding populations of the species. Many of the areas are proposed for the Agriculture Zone.



Galaxiella pusilla

Limnodynastes peronii

Figure 4: Core ranges of two threatened species in the northeast of the Dorset Municipality
(Note: Core ranges indicated by red polygons)

Burrowing Crayfish

The Scottsdale Burrowing Crayfish (*Engaeus spinicaudatus*) is listed as Endangered under both the TSPA and the EPBCA and is only found within a restricted range near Scottsdale. The key threats to this species are clearance of native vegetation and lowering of the water table as a result of forestry and agricultural activities. It should be noted that burrowing crayfish can occur in areas where there has been a lot of human activity, and in places that are not near obvious

standing or running water (i.e. they do not need to be in streams or obvious wetlands).

The Department notes that several properties within the known range of this species are zoned Agriculture in the draft LPS, including title references [226839/1](#) and [240501/1](#), and several properties in between. Some of these also have conservation covenants over portions of the title (such as [226839/1](#)), where partial zoning of the title may be appropriate to protect the recognised conservation values.

It is recommended that all properties within the known range of this species are appropriately zoned and coded to allow for the protection of the Scottsdale Burrowing Crayfish.

Appropriate zoning, and the application of the PVAO, are important to ensure the protection and persistence of locally endemic species, and those with limited capacity for dispersal.

Raptor Nests

The LISTmap contains a layer depicting known raptor nests, including those of the Threatened Wedge-tailed Eagle, White-bellied Sea-eagle and Grey Goshawk. It is unclear what consideration has been given to these known nests in the application of the zoning and overlays, as several raptor nests are located in the Agriculture Zone. Other nests are located in the proposed Rural Zone. A buffer has been applied around some nests, but not others, for instance nest IDs 2563, 2270 and 2658. It should be noted that nests that are recorded as "not active" in a particular season, may be used in the future. Most eagle territories have more than one nest (Wedge-tailed eagles up to six or more). The Department recommends that all known nests of listed raptor species are included in the PVAO, and that the zoning is amended to a type that is not exempt from the PVAO.

Ramsar Wetland

The Dorset Municipality contains two internationally significant Ramsar Wetlands – the Little Waterhouse Lake Ramsar Site, and the Flood Plain Lower Ringarooma River Ramsar Site. The Department supports the proposed application of the Environmental Management Zone for these sites.

Conservation Covenants

The Department supports the application of the NAC over lands that have existing Conservation Covenants.

The LISTmap contains a layer depicting Conservation Covenants. These are legally binding agreements between a landowner and the Tasmanian Government under the NCA to protect conservation values on private land, usually in perpetuity. It appears this layer has not been considered when determining the zoning and PVAO mapping, as most areas protected by covenants are proposed for the Agriculture Zone.

Several properties that are proposed to be zoned as Agriculture are partially covenanted, such as title references [226066/1](#), [243959/1](#), [202587/1](#), [226183/1](#), [213293/1](#), [200993/1](#), [248297/1](#), [135368/2](#), [237255/1](#), [204655/1](#) and [178006/1](#). Covenant IDs 20013 and 20660 are proposed for the Landscape Conservation Zone.

The Department recommends that the zoning is amended to reflect the existing land use

objectives for the conservation covenants in the municipality.

Acid Sulfate Soils

According to the Acid Sulfate Soils (ASS) LISTmap layers, there are large areas mapped as coastal and subaqueous Potential Acid Sulfate Soils (PASS), but also some inland (for example around Little Forester River and tributaries, and Brid River). Many of these areas are proposed for the Agriculture Zone (see Figure 5).

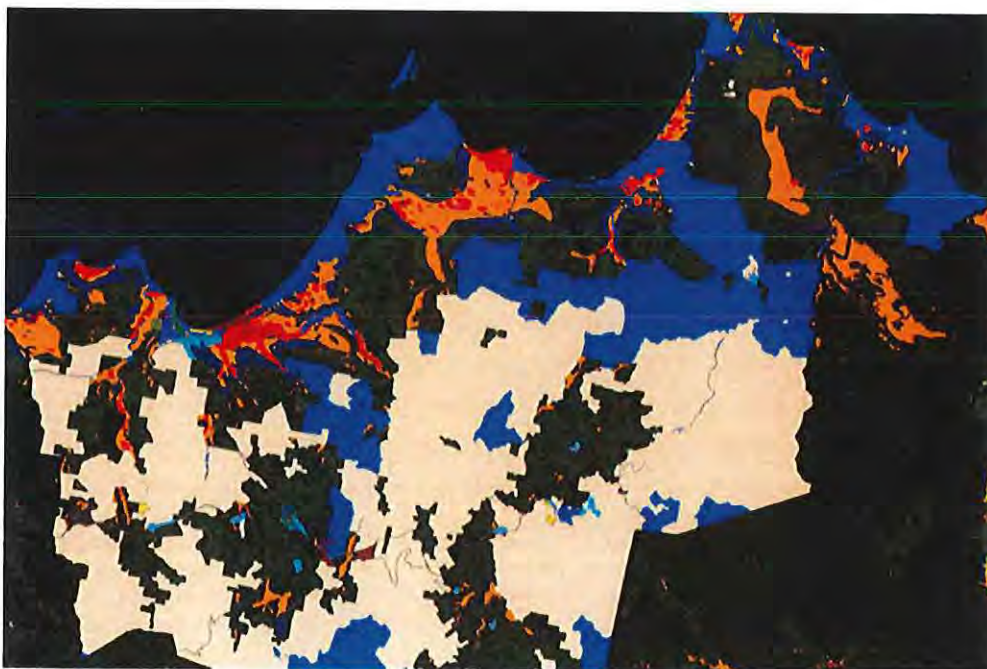


Figure 5: Areas of PASS in the northeast of the Dorset Municipality in the Agriculture Zone (Note: orange and red indicate areas of PASS).

The Department recommends consideration be given to the future development of Special Area Plans to address ASS based upon water quality impacts from ASS disturbance.

Coastal Inundation Hazard Area Overlay

It is noted that *"The LPS includes the State provided overlay in the prescribed map format, without modification"* (pg. 124, Supporting Report). That LISTmap layer is ultimately based on IPCC Assessment Report (AR) 5 (McInnes et al 2016) and should now be considered outdated. In particular, the LIST layer uses the global sea level rise projected under scenario RCP (Representative Concentration Pathway) 8.5 of 52–98 cm by 2100. IPCC AR6 has revised that to 0.63–1.01 m by 2100 under the same scenario. Of much greater significance however, for the first time IPCC AR6 notes that under scenario RCP 8.5 *'global mean sea level rise above the likely range – approaching 2 m by 2100 and 5 m by 2150 ... cannot be ruled out due to deep uncertainty in ice-sheet processes'* (IPCC 2021, p21). Despite being unlikely, sea level rise of 2 m by 2100 or 5 m by 2150 would have catastrophic consequences in developed areas below those contours. It therefore represents an extreme risk that should be considered given that planning decisions made today may remain in effect over comparable time scales.

Regional Ecosystem Model

As with all models, the outputs of the Regional Ecosystem Model (REM) will only be as good as the assumptions embedded within it, and the input data. The key data inputs to the REM (TASVEG, NVA data etc) are continuously updated and improved. For example, the analyses for the development of the LPS are based on TASVEG 3.0, which has been superseded by TASVEG 4.0. It would be beneficial to similarly include routine, regular updating of the PVAO. This should be in addition to ad hoc rectification of errors and anomalies as seems to be envisaged within the LPS (Supporting Report pg. 120-121).

It would be beneficial to conduct a 'quality control' review of all parcels/patches included in and excluded from the PVAO. This would highlight any systematic errors arising from the REM method, as well as identifying 'random' errors due to data deficiencies etc.

Zoning of Permanent Timber Production Zone (PTPZ) and Future Potential Production Forest (FPPF) land

The Department supports the zoning of PTPZ and FPPF land so that it is consistent with the Government's policy objections for the management of such land as provided for in the *Forest Management Act 2013* and the *Forestry (Rebuilding the Forest Industry) Act 2014*, respectively. The Department supports the Council's proposed zoning under the LPS for PTPZ and FPPF land parcels. Additional comment on specific parcels can be found in Attachment 1.

Aboriginal Heritage

The Dorset LPS Supporting Report (p125) states, *"it is understood that Aboriginal Heritage Tasmania and the malythina tiakana warrana Aboriginal Corporation are more appropriately positioned to ensure that Aboriginal middens at Cape Portland are adequately cared for and protected. Due to a lack of these spatial extents and the understanding that each of these sites would be appropriately regulated by their respective authority."*

The Department is concerned that the draft LPS does not deal with Aboriginal heritage, the protection or management thereof, on any level.

Aboriginal Heritage Tasmania (AHT) rejects the stance that *"AHT is more appropriately positioned to ensure that Aboriginal middens at Cape Portland are adequately cared for and protected"* on the basis that the planning process plays a crucial role in referring proponents to undertake due diligence as prescribed by the *Guidelines* under section 21A of the *Aboriginal Heritage Act 1975*.

A framework which provides no guiding principles or policies for ensuring Aboriginal heritage is at least a consideration during planning hinders the operation of the *Aboriginal Heritage Act 1975* and its ability to not only manage Tasmanian Aboriginal heritage, but also protect it.

Specific title comments

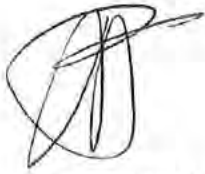
The Department also has some specific comments to make in reference to land managed by the Tasmania Parks and Wildlife Service (Attachment 2).

In addition, on the draft LPS Zone Map 10, the suggested zone for the lot marked 106 is Port and Marine. While some of this area contains Marine and Safety Tasmania, Crown, and private 'port' facilities, PID 6848037 (CT 172546/1) is Crown land (currently zoned Rural Resource) which is

leased to a private entity as a hatchery. This site is discussed on p.145 of the Supporting Report. The Department is concerned that the Port and Marine Zone may not provide adequate certainty for the aquaculture enterprise to continue, and an alternative zone may be more appropriate.

If you have any questions on this matter, please contact Sonia Mellor, Policy Analyst, Strategic Projects and Policy Branch, Strategy and Business Services Division, on mobile: [REDACTED] or via email at [REDACTED]

Yours sincerely

A handwritten signature in black ink, appearing to be 'J. Jacobi', with a stylized flourish extending from the top right.

Jason Jacobi
A/SECRETARY

i July 2022

ATTACHMENT I

Comments in relation to Permanent Timber Production Zone (PTPZ) land and Future Potential Production Forest (FPPF) land				
PID	Land Tenure	Current Zone under Interim LPS	Proposed zoning in draft LPS	Comment
3396012	FPPF land	Rural Resource	Environmental Management Zone	<p>FPPF land does not meet the LPS guidelines for the EMZ, in particular it is not captured by EMZ 1 a), b), c), d), e) or f).</p> <p>It is the Department's position that all FPPF land should be zoned as 'Rural' unless there is a specific need for alternative zoning.</p>
226345/1	PTPZ land	Recreation	Recreation Zone	<p>While it is acknowledged that there is likely a lease or licence in place over this parcel to allow the Scottsdale Rifle Range to operate on this land, the land's status as PTPZ land is maintained.</p> <p>Under the State Planning Provisions, 'Resources Development' is a prohibited use on land zoned as 'recreation zone'. This zoning is therefore considered to be inconsistent with the objectives of PTPZ land. PTPZ land is made available under the <i>Forest Management Act 2013</i> for forestry operations.</p> <p>It is the Department's position that all PTPZ land should be zoned Rural unless there is a specific need for alternative zoning, i.e. if recreational zoning is necessary at the LPS level to allow for the Scottsdale Rifle Range to continue to operate, then that would be an operational matter for Sustainable Timber Tasmania (as the land <u>manager</u> of the PTPZ land).</p>

ATTACHMENT 2

Guideline No.1 directs that the Environmental Management Zone should be applied to land with significant ecological, scientific, cultural or scenic values, such as:

- a) *land reserved under the Nature Conservation Act 2002;*
- b) *land within the Tasmanian Wilderness World Heritage Area;*
- c) *riparian, littoral or coastal reserves;*
- d) *Ramsar sites;*
- e) *any other public land where the primary purpose is for the protection and conservation of such values; or*
- f) *any private land containing significant values identified for protection or conservation and where the intention is to limit use and development.*

Comments in relation to land under Crown jurisdiction				
#	Land description	Draft LPS Zone	Recommended Zone	Comment
A01	Foster Islands Nature Reserve	Not all islands in this group are recorded on Zone Map 1	Environmental Management	Public Reserve – coastal reserve consistent with <i>Guideline No.1 – EMZ 1</i> (c) and (e) and should be zoned EMZ.
A02	Public Reserve at Fordington along Little Pipers River	Agriculture	Environmental Management or Rural	Public Reserve – coastal reserve consistent with <i>Guideline No.1 – EMZ 1</i> (c) and (e).
A03	Public Reserve along Ringarooma River (Zone Map 37)	Agriculture	Environmental Management	Public Reserve – riparian reserve consistent with <i>Guideline No.1 – EMZ 1</i> (c) and (e).
A05	PID 226345/1	Recreation	Environmental Management	All parts of this title within the Mount Stronach Regional Reserve should be zoned EMZ.

[REDACTED]

From: Alanna Stanford [REDACTED]
Sent: Thursday, 28 July 2022 12:27 PM
To: Thomas Wagenknecht; Rohan Willis
Cc: 'Allan Barnett'

[REDACTED] [REDACTED]

To Thomas & Rohan

I am writing to you in regards to the property at 1950 Bridport Road, Bridport, TAS 7262.

As you are aware, it is currently zoned "recreational." I would like to put in a late submission in regards to the Local Provision Schedule, requesting that the property is zoned "Rural" in the new scheme. There is limited recreational or agricultural purpose for this particular land, and it is better suited as Rural Zoning.

Please advise if you require me to supply any more information to support the request.

Much appreciated,

Alanna Stanford
On behalf of Keith Allan Barnett
[REDACTED]

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[REDACTED]

From: Justine Brooks [REDACTED]
Sent: Wednesday, 3 August 2022 12:44 PM
To: Dorset Council
Cc: Thomas Wagenknecht; Peter Barron; Tracey Baillie
Subject: Late Submission - 1952 Bridport Highway, Bridport - Flinders Island Aviation
Attachments: 49938JB - LPS Submission 1952 Bridport Hwy Flinders Island Aviation Barron 030822.pdf

Attention: Thomas Wagenknecht

Re: Dorset LPS Submission

Dear Thomas

Thank you for providing our client, Peter Barron of Flinders Island Aviation, the opportunity to lodge this late LPS Submission.

Do not hesitate to contact Peter Barron or me if you have any questions or require further clarification on any matter contained within this document.

Regards,



Justine Brooks MEnvPlg GDBA GCM MPIA
Director | Planning Manager

[REDACTED]
PO Box 284, 3/23 Brisbane Street, Launceston TAS 7250

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Our Ref: 49938JB

2nd August 2022

The General Manager
Dorset Council
Po Box 21
Scottsdale TAS 7260

Via email: dorset@dorset.tas.gov.au
cc: [REDACTED]

Dear General Manager

Dorset Council Local Provisions Schedule (LPS) Submission
Bridport Airstrip - 1952 Bridport Road, Bridport (233662/1)

Thank you for the opportunity to participate in the Local Provision Schedule (LPS) application process. We would also like to extend our thanks to the Planning Department staff for agreeing to accept this report as a late submission.

PDA Surveyors, Engineers and Planners (PDA) have been engaged to submit this submission on behalf of Mr Peter Barron of Flinders Island Aviation for land located at 1952 Bridport Road, Bridport (the subject site). The Dorset LPS mapping shows that the subject site is proposed to be zoned *Agriculture* but our client requests that consideration be made instead for the site to be zoned *Rural*.

Relevant to this submission is an application PDA has lodged with the Dorset Council (the Council) under Section 43A of the former provisions of the *Land Use Planning and Approvals Act 1993*, which seeks to rezone the adjoining land at 1954 Bridport Highway, Bridport from Rural Living to Rural Resource. An LPS submission has also been lodged for that property seeking the Rural Zone application as part of the transition to the Tasmanian Planning Scheme (TPS). Through earlier discussions with Council Planning staff, it has been observed that both sites would ideally be zoned the same so that a range of symbiotic, commercial activities could be established across the sites.

The Submission

The land owner seeks to have the Rural Zone applied to the site because it is more conducive to the commercial activities that currently operate from the site, and there are existing plans for further expansion.

While the subject site is shown as 'suitable' and 'unconstrained' on the 'Land Suitable for the Agriculture Zone' overlay on the list mapping, the reality is that it contains a small commercial

HOBART:

C.M. Terry, BSurv (Tas.), M.SSI (Director)
H. Clement, BSurv (Tas.), M.SSI (Director)
M.S.G. Denholm, BGeom (Tas.), M.SSI (Director)
T.W. Walter, Dip. Surv & Map (Director)
M. Westerberg, M.E.M., M.I.E. AUST., C.P.ENG. (Director)
D. Panton, B.E. F.I.E. AUST., C.P.ENG. (Consultant)
A. Collins, Ad. Dip. Surv & Map, (Senior Associate)
L.H. Kiely, Ad. Dip. Civil Eng, Cert IV I.T., (Associate)

KINGSTON:

A.P. (Lex) McIndoe, BSurv (Tas.), M.SSI (Director)
M.M. Stratton, BSurvSpSc, GradDipLandSurv (Tas.) (Associate)

LAUNCESTON:

J.W. Dent, OAM, B. Surv (Tas.), M.SSI (Director)
M.B. Reid, BGeom (Hons) (Tas.), M.SSI (Director)
J.M. Brooks, MEnvPlg, M.PIA (Director)

BURNIE/DEVONPORT:

A.W. Eberhardt, BGeom (Tas.), M.SSI (Director)
A.J. Hudson, B. SURV. (Tas.), M SSSI. (Consultant)

OFFICES ALSO AT:

- 16 Emu Bay Rd, Deloraine, TAS 7304 (03) 6362 2993
- 6 Queen St, Burnie, TAS 7320 (03) 6431 4400
- 77 Gunn St, Devonport, TAS 7310 (03) 6423 6875
- 127 Bathurst St, Hobart, TAS 7000 (03) 6234 3217
- 6 Freeman St, Kingston, TAS 7050 (03) 6229 2131
- 10/16 Main Rd, Huonville, TAS 7109 (03) 6264 1277
- 3 Franklin St, Swansea, TAS 7190 (03) 6130 9099

airstrip operated by Flinders Island Aviation. Flinders Island Aviation fly between the Furneaux Islands, a group of approximately 100 islands located at the eastern end of Bass Strait, between Victoria and Tasmania. They provide not only passenger and freight transport but also serve as the daily mail service between Bridport, Lady Barron (Flinders Island) and Cape Barron Island. Chartered flights can also be booked/taken between the Bridport airstrip and any airport within Australia.

Further to the commentary provided above, further analysis is provided below to demonstrate that the Agriculture zone is not the most appropriate zone to apply to the site, and that the Rural zone would be more suitable instead. The analysis for zone application suitability has been carried out using *Guideline No.1 – Local Provision Schedule (LPS) zone and code application* issued by the Tasmanian Planning Commission under Section 8A of the *Land Use Planning and Approvals Act 1993*.

Zone consideration

Proposed Zoning through DRAFT LPS: Agriculture

Zone	Zone Purpose	Zone Application Guidelines
Agriculture	<p>21.1.1 To provide for the use or development of land for agricultural use.</p> <p>21.1.2 To protect land for the use or development of agricultural use by minimising:</p> <ul style="list-style-type: none"> (a) conflict with or interference from non-agricultural uses; (b) non-agricultural use or development that precludes the return of the land to agricultural use; and (c) use of land for non-agricultural use in irrigation districts. <p>21.1.3 To provide for use or development that supports the use of the land for agricultural use.</p>	<p>AZ 1 The spatial application of the Agriculture Zone should be based on the land identified in the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST, while also having regard to:</p> <ul style="list-style-type: none"> (a) any agricultural land analysis or mapping undertaken at a local or regional level for part of the municipal area which: <ul style="list-style-type: none"> (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, and where appropriate, may be demonstrated in a report by a suitably qualified person, and is consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant Council; (b) any other relevant data sets; and (c) any other strategic planning undertaken at a local or regional level consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant Council. <p>AZ 6 Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if:</p> <ul style="list-style-type: none"> (a) local or regional strategic analysis has identified or justifies the need for an alternate consistent with the relevant regional land use strategy, or supported by more detailed

		<p>local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant Council;</p> <p>(b) for the identification and protection of a strategically important naturally occurring resource which requires an alternate zoning;</p> <p>(c) for the identification and protection of significant natural values, such as priority vegetation areas as defined in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone;</p> <p>(d) for the identification, provision or protection of strategically important uses that require an alternate zone; or</p> <p>(e) it can be demonstrated that:</p> <p>(i) the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;</p> <p>(ii) there are significant constraints to agricultural use occurring on the land; or</p> <p>(iii) the Agriculture Zone is otherwise not appropriate for the land.</p>
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Planning Response

AZ1

The subject site at 1952 Bridport Road, Bridport, locally known as the Bridport Airport, is identified on the list map layer 'Land Potentially Suitable for Agriculture Zone'

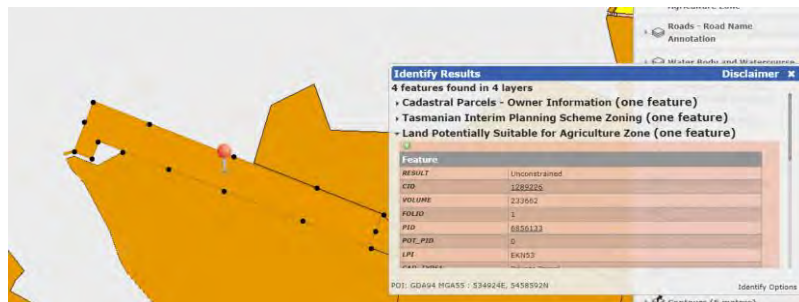


Figure 1: Land Potentially Suitable for Agriculture Zone - Listmap

AZ1 makes provision for alternate zones to be applied to land which:

(ii) better aligns with on-ground features; or

(iii) addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer, and where appropriate, may be demonstrated in a report by a suitably qualified person, and is consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant Council;

The subject site is both constrained by the existing use and development that has occurred on the site, and the fact that it currently adjoins the Rural Living zoned land to

the North, NorthWest and West. The *Results on the constraints analysis* table, shown below, indicates that the site is considered to be potentially constrained under *Criteria 3*.

Table 5 Results on the constraints analysis

Unconstrained	Potentially Constrained (Criteria 2A)	Potentially Constrained (Criteria 2B)	Potentially Constrained (Criteria 3)
<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.

Figure 2: Table 5 Results on the constraints analysis – Agriculture Land Mapping Project – Dept. Justice Tasmania

While the site adjoins a larger parcel of land with a capital value of less than \$50 000, it is not appropriate to determine that the site is ‘unconstrained’ given unlikelihood that the subject site will ever be adhered to an adjoining title to make a larger farm.

Criteria 3 – looks at whether the land is adjoining a residential zone (General / Low Density/ Rural Living or Village zone) to determine whether the residential development is constraining the site from being used for agricultural purposes. In this instance, the residential use is not a restraint because the site is not used for agricultural purpose. Nevertheless, it can be demonstrated that had the process aligned with the zone application recommendations, the site ought to have been mapped as Potentially Constrained and not Unconstrained.

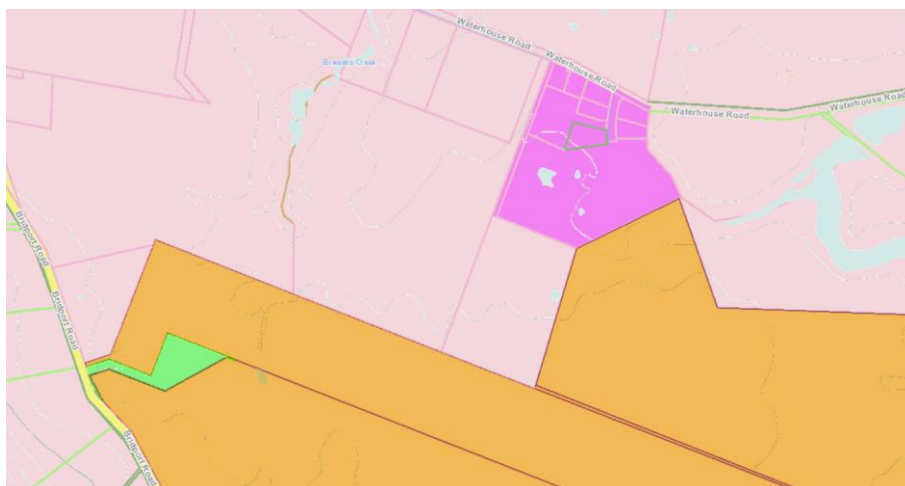


Figure 3. Image from list map shows the subject site adjoining several Rural Living Zoned properties.

While the Agriculture Zone does not preclude the establishment of a Transport Depot, the defined use within the Tasmanian Planning Scheme for an airport, the use is discretionary and limited to the distribution of agricultural produce and equipment. Given the site is used for a range of other uses, a change to this zone in the TPS map limit the potential for intensification and/or expansion of the current commercial activities occurring on the site.

Requested Zone application through Draft LPS: Rural

Zone	Zone Purpose	Zone Application Guidelines
Rural	<p>The purpose of the Rural Zone is:</p> <p>20.1.1 To provide for a range of use or development in a rural location:</p> <p>(a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;</p> <p>(b) that requires a rural location for operational reasons;</p> <p>(c) is compatible with agricultural use if occurring on agricultural land;</p> <p>(d) minimises adverse impacts on surrounding uses.</p> <p>20.1.2 To minimise conversion of agricultural land for non-agricultural use.</p> <p>20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.</p>	<p>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.</p> <p>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.</p> <p>RZ 3- The Rural Zone may be applied to land identified in the 'Land Potentially Suitable for Agriculture Zone' layer, if:</p> <p>(a) it can be demonstrated that the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;</p> <p>(b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land;</p> <p>(c) the land is identified for the protection of a strategically important naturally occurring resource which is more appropriately located in the Rural Zone and is supported by strategic analysis;</p> <p>(d) the land is identified for a strategically important use or development that is more appropriately located in the Rural Zone and is supported by strategic analysis; or</p> <p>(e) it can be demonstrated, by strategic analysis, that the Rural Zone is otherwise more appropriate for the land.</p>
<p>Planning Response</p> <p>1952 Bridport Road is located approximately 600m outside of urban area of Bridport to the north.</p> <p>It is currently zoned Rural Resource under the Interim Scheme and the landowner is requesting that the Rural zone be applied through the LPS process.</p>		

RZ1

As discussed earlier in this report, the subject land has limited, to no agriculture potential. The site is a long rectangular shape and contains an active airstrip which is used for commercial purposes. While *Transport Depot and Distribution* (the 'use' categorisation for an airport) are discretionary in both the Agriculture and Rural zone, the application in the Rural Zone is not limited by qualification as it is in the Agriculture zone. Existing use rights would transfer between schemes and the 'Use' would become permitted in the new scheme through the General Provisions (7.2 Development for Existing Discretionary Uses) but again with limitations. The Agriculture zone would limit the future economic development plans the landowner has for the site because the qualification within the scheme limits the use to the distribution of agriculture produce and equipment.

RZ2

The suitability of applying the Agriculture zone to the subject site has been explored and despite being shown as 'unconstrained' for potential agricultural use on the listmap, the site is indisputably constrained through the existence of an active commercial airstrip. There is little to no potential for any primary agricultural activity to be established. The site does however play a part in supporting the agricultural activities and community in the surrounding area but provisions for this are more favourable through application of the Rural zone.

RZ3

- (a) the Rural zone is sought for the subject site because it would be practically impossible to establish a soil-based agricultural activity on the site (grazing, cropping, orchard etc). This is due to the constraints introduced by the development of an airstrip across the topography of the land, and due to the associated legal and safety restrictions. Adhering the land to an adjoining parcel would serve no practical purpose, nor would it result in improved economies of scale or opportunity for increased production.
- (b) An aerial view of the site easily demonstrates that the land's agricultural potential is constrained/limited. While the ground under the airstrip itself cannot be utilised, the adjoining areas must also remain clear to ensure the required safety standards are met.



Figure 4: Listmap aerial image of Bridport airport – 1952 Bridport Highway, Bridport

Based on the response above to the zone application guidelines, and the significant constraints to the site precluding it from being used for Agricultural use, we submit that 1952

Bridport Road, Bridport would be more appropriately zoned Rural through the Local Provisions Schedule transition process for the municipality of Dorset.

Please do not hesitate to contact me should you require additional information or clarification on any matter contained within this correspondence.

Yours faithfully,
PDA Surveyors, Engineers & Planners
Per:

A handwritten signature in cursive script, appearing to read 'J Brooks', written in dark ink.

Justine Brooks
Director

On Behalf of:
Peter Barron - Flinders Island Aviation
Cc: 