
From: NMC Planning <planning@nmc.tas.gov.au>
Sent: Monday, 28 March 2022 3:51 PM
To: TPC Enquiry
Subject: Northern Midlands draft Local Provisions Schedule section 35F(1) Report
Attachments: Pages from 2022-03-21-Open-Council-Minutes-Ordinary-Meeting.pdf, Attachment 1 - S35F Report on Representations to draft Northern Midlands LPS.pdf

Please see the attached section 35F(1) report and minutes from the Council meeting which state:

That Council, in accordance with section 35F of the Land Use Planning and Approvals Act 1993, endorse and submit to the Tasmanian Planning Commission the following in relation to the exhibition of the draft Northern Midlands Local Provisions Schedule:

- (A) With regard to representation 10 from Town Planning Solutions, the Council is of the opinion that the representation has merit, satisfies the LPS criteria at Schedule 1, Part 2 Objectives of the Land Use Planning and Approvals Act 1993 (c) and (g) and recommends that the draft LPS be modified by revising the zoning of 116 Catherine Street (CT 168940/1) and 120 Catherine Street (CT 168940/2), Longford, to Rural Living Zone C.
- (B) With regard to representation 13 from Plan Place Pty Ltd, the Council is of the opinion that the representation has merit, satisfies the LPS criteria at Schedule 1, Part 2 Objectives of the Land Use Planning and Approvals Act 1993 (c) and (g) and recommends that the draft LPS be modified by revising the zoning of 18 Wilmores Lane (CT 116434/3), 140 Catherine Street (116434/2), and 130 Brickendon Street (CT 116434/1), Longford, to Rural Living Zone C.

That Council, in accordance with section 35F of the Land Use Planning and Approvals Act 1993, endorse and submit to the Tasmanian Planning Commission this report about the exhibition of the draft Northern Midlands Local Provisions Schedule, which includes the following particulars:

- (A) as set out in Attachment 1, the Planning Authority's consideration of the received representations including opinions as to the merit of each representation and any subsequent recommendation for modification to the draft LPS, except with regard to the representation from Poatina Village Body Corporate;
- (B) a copy of each representation received during the public exhibition period (as enclosed with Attachment 2); and
- (C) determination that the draft LPS (including those recommendations and modifications described in Attachment 1) satisfies the local provisions schedule criteria set out under section 34(2) of the Land Use Planning and Approvals Act 1993, except with regard to the representation from Poatina Village Body Corporate.
- (D) With regard to the representation from Poatina Village Body Corporate, the Council is of the opinion that the representation has merit, satisfies the LPS criteria at Schedule 1, Part 2 Objectives of the Land Use Planning and Approvals Act 1993 (c) and (g) and recommends that the draft LPS be modified by revising the zoning of titles 53397/3 and 120167/0 to Particular Purpose Zone in accordance with the representation from Poatina Village Body Corporate removing the Scenic Protection Code overlay from titles 53397/3 and 120167/0, with landscape management areas to be identified within the Particular Purpose Zone.

That Council, in accordance with section 35F of the Land Use Planning and Approvals Act 1993, endorse and submit to the Tasmanian Planning Commission the following in relation to the exhibition of the draft Northern Midlands Local Provisions Schedule:

- (A) With regard representation 48 from Mr Ivan Badcock, the Council is of the opinion that the representation has merit, satisfies the LPS criteria at Schedule 1, Part 2 Objectives of the Land Use Planning and Approvals Act 1993 (c) and (g) and recommends that the draft LPS be modified by revising the zoning of 1095 Bishopsbourne Road, Bishopsbourne (CT142492-1) to Rural Living Zone B.

Yours sincerely,

Paul Godier



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14.4 REPORT ON REPRESENTATIONS TO DRAFT LOCAL PROVISIONS SCHEDULE

File: 13/004/001

Responsible Officer: Des Jennings, General Manager

Report prepared by: Paul Godier, Senior Planner

1 INTRODUCTION

This report relates to the exhibition of the draft Northern Midlands Local Provisions Schedule which has been prepared as part of the introduction of the Tasmanian Planning Scheme. In accordance with the requirements of section 35F of the *Land Use Planning and Approvals Act 1993*, Council is required to prepare a report to the Tasmanian Planning Commission on the representations received during the public exhibition period, including its opinions on whether the matters raised in those representations are of sufficient merit to necessitate a modification to the draft Local Provisions Schedule.

Council considered this matter at its meeting of 21 February 2022 and resolved:

That the matter be deferred to the next Council meeting to seek clarification on the process if Council agrees with a representation – will Council be directed to re-exhibit the whole draft LPS, part of the draft LPS relevant to the representation, or to prepare an amendment once the scheme is in force.

2 BACKGROUND

The State Government has legislated for the introduction of a single statewide planning scheme to be known as the Tasmanian Planning Scheme.

The Tasmanian Planning Scheme will replace all existing local council planning schemes and will come into effect for each council once the relevant Local Provisions Schedule is declared for that local government area.

In general terms, the Tasmanian Planning Scheme will comprise two parts:

- a set of consistent statewide planning rules called State Planning Provisions; and
- Local Provisions Schedules which will contain the zone and overlay maps and lists that apply the State Planning Provisions and identified special and unique areas for each council area.

On 6 October 2021, the Commission directed Council to exhibit the draft Local Provisions Schedule for the statutory 60 day exhibition period required under the *Land Use Planning and Approvals Act 1993*.

On 8 March 2022, the Executive Commissioner of the Tasmanian Planning Commission provided the attached advice which states:

I refer to your correspondence dated 28 February 2022 that seeks an extension of time to submit your report to the Commission under section 35F(1) of the Land Use Planning and Approvals Act 1993 (the Act).

It is noted that the planning authority requires an extension of time as it wishes to clarify the draft LPS assessment process with the Commission, in particular what is "...the process if Council agrees with a representation – will Council be directed to re-exhibit the whole draft LPS, part of the draft LPS relevant to the representation, or to prepare an amendment once the scheme is in force."

If the planning authority agrees with a representation, it is expected that the planning authority reasons for that support will be documented and will contain sufficient information to justify the requested amendment. It is also necessary to demonstrate how acceptance of the representation complies with section 34(2) of the Act, and in particular the requirement for compliance with Guideline No. 1 and the regional strategy.

Similarly, if the planning authority does not support a representation, the reason for not supporting it must be documented. This process is to give effect to the statutory requirement on the planning authority to provide advice on the merit of each representation.



In light of those documented views, the Commission must assess the proposed representation in light of the provisions of the draft LPS and the requirements of the Act. That occurs through the Commission hearing process.

Turning to the key question of your request, the Commission may accept a representation supported or otherwise by the planning authority and make changes to a draft LPS, or may reject the changes.

Changes to a draft LPS are modifications that fall into two categories, modifications and substantial modifications.

Modifications can be made without further public exhibition. The Commission will direct the planning authority to make the modifications to the draft LPS. Such changes are ordinarily uncomplicated and do not give rise to issues of natural justice.

Substantial modifications are those changes that the Commission considers have merit, but may result in significant changes to the draft LPS and/or give rise to issues of natural justice. For example other landowners who potentially may be affected by the change should have an opportunity to consider the proposed changes and be able to express their views on the change.

Substantial modifications directed by the Commission become separate draft amendments to the LPS after the LPS has become effective. The amendments are prepared by the planning authority, and are then exhibited by the planning authority, essentially following a similar process to the normal assessment of a draft amendment to an interim planning scheme. A planning authority is not required to re-exhibit the whole LPS.

I trust this clarifies the query raised.

The requested extension of time is granted. The extension is provided until Friday, 25 March 2022.

3 STATUTORY REQUIREMENTS

Section 35F of the *Land Use Planning and Approvals Act 1993* requires a report to be provided to the Tasmanian Planning Commission.

Division 5 of the *Land Use Planning and Approvals Act 1993* allows for modifications to the draft Local Provisions Schedule. This is outlined in the attached flow chart.

4 REPRESENTATIONS

The draft Northern Midlands Local Provisions Schedule was placed on public exhibition for 60 days in accordance with sections 35C and 35D of the *Land Use Planning and Approvals Act 1993*, from 22 October to 21 December 2021. 49 Representations were received (attached).

5 FINANCIAL IMPLICATIONS TO COUNCIL

This matter is provided for within budget allocations.

6 OPTIONS

Endorse the report on the representations, or move modifications to the report.

7 DISCUSSION

The attached report considers the representations to the draft Local Provisions Schedule and provides opinions as to the merit of each representation and any subsequent recommendation for modification to the draft LPS.

Councillors indicated a desire for Council's Senior Planner to discuss the representation from Poatina Body Corporate, requesting a Particular Purpose Zone for Poatina, with its author. As a result of that discussion, it is concluded that the representation meets the LPS criteria at Schedule 1, Part 2 Objectives of the *Land Use Planning and Approvals Act 1993*:



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

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

It is recommended that the report be endorsed and submitted to the Tasmanian Planning Commission, except with regard to Representation 7 from the Poatina Body Corporate.

8 ATTACHMENTS

1. Attachment 1 - S 35 F Report on Representations to draft Northern Midlands LPS [**14.4.1** - 34 pages]
2. Attachment 2 - Representations [**14.4.2** - 376 pages]
3. Northern Midlands Draft LPS - TPC Letter Granting Extension to Provide Section 35 F(1) Report, 8 Mar [**14.4.3** - 2 pages]
4. Flowchart- Draft- Local- Provisions- Schedule- LP S-approval-process [**14.4.4** - 1 page]

RECOMMENDATION

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

- (A) as set out in **Attachment 1**, the Planning Authority's consideration of the received representations including opinions as to the merit of each representation and any subsequent recommendation for modification to the draft LPS, except with regard to the representation from Poatina Village Body Corporate;
- (B) a copy of each representation received during the public exhibition period (as enclosed with **Attachment 2**); and
- (C) determination that the draft LPS (including those recommendations and modifications described in **Attachment 1**) satisfies the local provisions schedule criteria set out under section 34(2) of the *Land Use Planning and Approvals Act 1993*, except with regard to the representation from Poatina Village Body Corporate.
- (d) With regard to the representation from Poatina Village Body Corporate, the Council is of the opinion that the representation has merit, satisfies the LPS criteria at Schedule 1, Part 2 Objectives of the *Land Use Planning and Approvals Act 1993* (c) and (g) and recommends that the draft LPS be modified by revising the zoning of titles 53397/3 and 120167/0 to Particular Purpose Zone in accordance with the representation from Poatina Village Body Corporate removing the Scenic Protection Code overlay from titles 53397/3 and 120167/0, with landscape management areas to be identified within the Particular Purpose Zone.

MINUTE NO. 22/101

DECISION

Cr Adams/Cr Brooks

That Council, in accordance with section 35F of the *Land Use Planning and Approvals Act 1993*, endorse and submit to the Tasmanian Planning Commission the following in relation to the exhibition of the draft Northern Midlands Local Provisions Schedule:

- (A) With regard to representation 10 from Town Planning Solutions, the Council is of the opinion that the representation has merit, satisfies the LPS criteria at Schedule 1, Part 2 Objectives of the Land Use Planning and Approvals Act 1993 (c) and (g) and recommends that the draft LPS be modified by revising the zoning of 116 Catherine Street (CT [168940/1](#)) and 120 Catherine Street (CT [168940/2](#)), Longford, to Rural Living Zone C..
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Carried



Voting for the Motion:

Mayor Knowles, Deputy Mayor Goss, Cr Adams, Cr Brooks, Cr Calvert, Cr Goninon, Cr Lambert and Cr Polley

Voting Against the Motion:

Cr Davis

MINUTE NO. 22/102

DECISION

Deputy Mayor Goss/Cr Adams

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

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Carried

Voting for the Motion:

Mayor Knowles, Deputy Mayor Goss, Cr Adams, Cr Brooks, Cr Calvert, Cr Goninon, Cr Lambert and Cr Polley

Voting Against the Motion:

Cr Davis

MINUTE NO. 22/103

DECISION

Cr Adams/Cr Polley

That Council, in accordance with section 35F of the *Land Use Planning and Approvals Act 1993*, endorse and submit to the Tasmanian Planning Commission the following in relation to the exhibition of the draft Northern Midlands Local Provisions Schedule:

- (A) With regard representation 48 from Mr Ivan Badcock, the Council is of the opinion that the representation has merit, satisfies the LPS criteria at Schedule 1, Part 2 Objectives of the Land Use Planning and Approvals Act 1993 (c) and (g) and recommends that the draft LPS be modified by revising the zoning of 1095 Bishopsbourne Road, Bishopsbourne (CT142492-1) to Rural Living Zone B.

Carried

Voting for the Motion:

Mayor Knowles, Cr Adams, Cr Calvert, Cr Goninon, Cr Lambert and Cr Polley

Voting Against the Motion:

Deputy Mayor Goss, Cr Brooks and Cr Davis

PLANNING REPORT

FOR NORTHERN MIDLANDS COUNCIL

Draft Local Provisions Schedule Representations

March 2022



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1. Introduction

On the 6 October 2021, the Commission directed the Northern Midlands planning authority to publicly exhibit its draft LPS. This occurred between the 22 October 2021 - 21 December 2021. During the exhibition period the Council received 49 representations (these are provided in Appendix 1).

This report considered the representations received during this exhibition period. This includes the Council's assessment of each representation and its recommendations on whether the merits of the matters raised necessitate a modification to the draft LPS, and the effect on the draft LPS as a whole as a result of implementing any such recommendations.

2. Section 35F of LUPAA

Section 35F of LUPAA outlines the specific legislative requirements for the post exhibition report. These are reproduced below:

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

c) the draft LPS should, or should not, contain a provision that an LPS is permitted under section 32 to contain.

3. Representations received

During the publicly exhibition of the Northern Midlands draft LPS between the 22 October 2021 - 21 December 2021 49 representations were received. Each of these is assessed below against S35F of the LUPAA.

Representation reference no.1	Department of Natural Resources and Environment Tasmania
Matter(s) raised	<ul style="list-style-type: none"> That the Natural Assets Code (NAC), in particular the Priority Vegetation Area Overlay (PVOA), is poorly applied across the landscape including the Agriculture Zone, and that the majority of land will be placed in zones that preclude the application of the NAC. That the application of the Agriculture Zone should be revised to reduce the extent of zone types that exclude NACs (including ‘split zoning’ on the basis of identifiable features on the ground). That the PVOA has not been mapped correctly and is not in accordance with the MG No. 1 NAC 7 “The priority vegetation area overlay must include threatened native vegetation communities as identified in TASVEG Version 3 mapping” and NAC 8 “For the purposes of applying the priority vegetation area overlay to land containing threatened flora species, any areas mapped within the overlay should be derived from or based on the threatened flora data from the Natural Values Atlas” (examples provided to show where these have not occurred). That the definition of priority vegetation in the LPS is not in accordance with the SPP as many areas important for threatened species have not been included. That further direction is provided on how the NAC will be regulated in relation to development proposals.
Planning Authority response	<p>As noted in the representation, the Planning Authority is not able to apply the Priority Vegetation Area Overlay to the Agriculture Zone, in line with the Ministerial Guideline No. 1, and the SPP. The Council’s methodology within the draft LPS has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the land’s primary use, with zoning providing the primary mechanism for regulating land use and development.</p> <p>As outlined in the draft LPS methodology (in the ‘LPS Supporting Report’, February 2021) there is no land zoned Significant Agriculture Zone in the Northern Midlands Interim Planning Scheme 2013 (NMIPS 2013), and as such, a review of all land zoned Rural Resource was required. This was undertaken and was informed by the Ministerial Guideline No. 1 and the Land Potentially Suitable for Agriculture Zone PPU project. Based on the comparison of provisions between existing zones and SPP zones, Council reached the decision that the Agriculture Zone most closely aligned with the current provisions of the Rural Resource Zone in the NMIPS 2013.</p> <p>As such, this is the fundamental transition applied to all land currently zoned Rural Resource, including the Rural Resource zoned land excluded from the PPU project analysis. As part of this process all landowners were notified by Council and advised to check the draft LPS zoning maps to identify the impact on their property or properties.</p> <p>Furthermore, a review of all land transitioned to the Agriculture Zone was undertaken by Northern Midlands Council to identify lots:</p> <ul style="list-style-type: none"> With known existing strategic non-agricultural uses; Identified as constrained by the PPU project; and Surrounding townships (especially smaller constrained lots which could be transitioned to a non-agriculture zone to provide a buffer to the sensitive uses within Townships). <p>Council’s rationale is aligned with the following LUDS principles:</p> <ul style="list-style-type: none"> Apply a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible; Maintain existing use rights of landowners wherever possible; and Avoid spot and split zoning wherever possible. <p>On this basis the Agriculture Zone has been applied to such lands, as outlined in the draft LPS. The Natural Assets Code overlay has been applied consistent with the standardised Regional Ecosystem Model methodology developed by Natural Resources Management Pty Ltd, for the</p>

	<p>preparation of the overlay and application under Ministerial Guideline No. 1. At this stage the Council would be required to undertake further local strategic land use planning outside the draft LPS assessment process to accurately determine whether a more extensive application of the overlay is warranted, that departs from the standardised Regional Ecosystem Model.</p> <p>It is noted that this appears to be the first time that the Department has raised an issue with the Regional Ecosystem Model, and it would appear to be a new issue that would necessitate review as part of a wider process at the appropriate state level.</p> <p>Furthermore, the representor has not provided sufficient evidence that a circumstance relevant to clause LP1.7.5(d) (circumstances providing for modification of a Priority Vegetation Area) of the SPPs exists to support the modification of the Priority Vegetation Area overlay.</p> <p>It is noted that the application of the NAC is governed by the SPP, and as such is not a matter for the LPS to consider.</p>
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.2	ERA Planning and Environment (on behalf of Northern Midlands Council) regarding the application of the Rural Living zone - Area A to the Gibbet Hill Area
Matter(s) raised	Supports the Gibbet Hill area for zoning as Rural Living A.
Planning Authority response	<p>The Northern Midlands Council endorses zoning of the Gibbet Hill area for Rural Living A, and the Council maintains that the land is suitable for the Rural Living Zone A. The representation supports the zone for the following reasons:</p> <ul style="list-style-type: none"> • “The proposed zoning will provide a clear separation between Perth to the south which is zoned General Residential and Devon Hills to the north which is zoned Low Density Residential where lot sizes can be subdivided smaller; • There are topographical challenges in the Devon Hills area which restrict subdivision, due to the undulating land and substantial rocky areas. This is not conducive to sustainable subdivision. • The area is not currently connected to reticulated water and sewer, and given the rocky topography, there will be limitations to onsite servicing. • Finally there are limitations in Council’s downstream stormwater network which are impacting upon the ability to manage stormwater and overland flow from the site.” <p>It is noted that representations have been received (see Rep. No. 46) that challenge a number of these assertions, and which provide reasonably robust evidence from a suitably qualified person that at least a small number of lots within this area are indeed serviceable.</p> <p>The Council believes that for the purposes of the LPS process that the Rural Living Zone A is suitable for the land, and that wider strategic changes (if necessary) can be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes.</p>
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.3	Peter C Dixon regarding 443 Relbia Road, Relbia
Matter(s) raised	That the land be zoned Rural Residential (it is assumed the representation intends to refer to the Rural Living Zone).
Planning Authority response	<p>The Minister for Planning has consistently advised Councils that the State Government’s position is that the LPS process is not a suitable opportunity to undertake significant strategic land use planning reviews. This is clearly identified in the Minister’s Advisory Statement from June 2017:</p> <p>“The current process of preparing draft LPS’s to give effect to the Tasmanian Planning Scheme is a priority for the Government and the efficient conversion of current interim planning schemes to the LPSs should not be unnecessarily complicated by the introduction of strategic changes that are not related to the facilitation of that process.”</p>

	<p>This is not to preclude or diminish the importance of undertaking these strategic land use planning reviews, rather it identifies that this will largely occur outside of the LPS process, with the drafting of the LPS broadly emphasising administrative translation over strategic improvements.</p> <p>Council recognises the need undertake contemporary review and development of strategic land use plan(s), and such work will occur after the LPS process is completed. Such wider strategic changes can be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes.</p> <p>The expansion of the Rural Living zone in this location also raises the following issues:</p> <ul style="list-style-type: none"> • It would be inconsistent with the Northern Tasmania Regional Land Use Strategy. • The use of zoning for Rural Areas is identified in the NTRLUS as a legitimate element of settlement strategy to ensure that there is a sustainable approach to urban settlements as well as to constrain the expansion of Rural Residential Areas (now known as Rural Living). • The land is identified as ‘Unconstrained’ under the Land Potentially Suitable for Agriculture Zone overlay on the LIST, which would ordinarily mean it would be expected to be zoned for Agriculture. • It would result in a ‘spot rezoning’ within an area of predominantly Agriculture Zone land and would lead to an oddly zoned pocket of land (this is against the methodology outlined in the ‘LPS Supporting Report’, 2021).
Recommended action	No modifications to draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.4	Mark Graham regarding 502 Hobart Road, Youngtown
Matter(s) raised	That the whole of the site (178406/1) be uniformly zoned (the southern part of the site is currently a Utilities Zone in the interim scheme).
Planning Authority response	The site is split-zoned within the NMIPS 2013, with a small portion of the site zoned Utilities Zone, and the majority of the site zoned Rural Resource. Under the draft LPS the whole of the property is currently zoned as Rural Living, and a ‘whole of title’ approach has been taken in applying the zone map, consistent with the Zone purpose and Ministerial Guidelines. It appears that the split-zoning has already been addressed, and that no further action is required.
Recommended action	No modifications to draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.5	Stewart McGee Family Trust regarding Bishopbourne and Toiberry (including 95 Brookdene Road, Bishopbourne)
Matter(s) raised	Supports the zoning of land in Bishopbourne and Toiberry as Agriculture Zone, the retention of the current village boundary at Bishopbourne, and the zoning within the village for a variety of uses listed (including Recreation, Community Purpose).
Planning Authority response	Noted.
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.6	Forico Pty Limited
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Matter(s) raised	<ul style="list-style-type: none"> Seeks confirmation that exemption 4.4.1(a) (of the TPS) would apply to its operations. That parcels of state forest are Rural Zone and adjoining Private Timber Reserves is zoned Agriculture Zone.
Planning Authority response	<p>The representation seeks clarification on the application of sections of the SPP, and as such is not a matter for the LPS process to address.</p> <p>The Council's methodology within the draft LPS has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use, with zoning providing the primary mechanism for regulating land use and development.</p> <p>As outlined in the draft LPS methodology (in the 'LPS Supporting Report', February 2021) there is no land zoned Significant Agriculture Zone in the NMIPS 2013, and as such, a review of all land zoned Rural Resource was required. This was undertaken and was informed by the Ministerial Guideline No. 1 and the Land Potentially Suitable for Agriculture Zone PPU project. Based on the comparison of provisions between existing zones and SPP zones, Council reached the decision that the Agriculture Zone most closely aligned with the current provisions of the Rural Resource Zone in the NMIPS 2013. Hence, this is the fundamental transition applied to all land currently zoned Rural Resource, including the Rural Resource zoned land excluded from the PPU project analysis. As part of this process all landowners were notified by Council and advised to check the draft LPS zoning maps to identify the impact on their property or properties.</p> <p>Furthermore, a review of all land transitioned to the Agriculture Zone was undertaken by Northern Midlands Council to identify lots:</p> <ul style="list-style-type: none"> With known existing strategic non-agricultural uses; Identified as constrained by the PPU project; and Surrounding townships (especially smaller constrained lots which could be transitioned to a non-agriculture zone to provide a buffer to the sensitive uses within Townships). <p>Council's rationale is aligned with the following LUDS principles:</p> <ul style="list-style-type: none"> Apply a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible; Maintain existing use rights of landowners wherever possible; and Avoid spot and split zoning wherever possible. <p>The methodology also identifies that Private Timber Reserves are not permanently reserved for the purposes of determining the underlying zone, and in the event that leases, agreements, or covenants are terminated, then the land reverts back to its primary purpose. On this basis the Agriculture Zone has been applied to these lands.</p> <p>The other two parcels of land are not classified under the Land Potentially Suitable for Agriculture Zone study since forestry land was excluded from the original review as it was felt to be better suited to the Rural Zone. The Council's methodology seeks to maintain this zoning, and as such these parcels of land have been zoned as Rural Zone.</p>
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.7	The Poatina Village Body Corporate and Fusion Property Pty Ltd regarding Poatina Village
Matter(s) raised	That the whole of Poatina Village be zoned as a Particular Purpose Zone (PPZ), including the existing golf course and pool, village, and wastewater treatment facility.
Planning Authority response	<p>The Minister for Planning has consistently advised Councils that the State Government's position is that the LPS process is not a suitable opportunity to undertake significant strategic land use planning reviews. This is clearly identified in the Minister's Advisory Statement from June 2017:</p> <p>"The current process of preparing draft LPS's to give effect to the Tasmanian Planning Scheme is a priority for the Government and the efficient conversion of current interim planning schemes to the LPSs should not be unnecessarily complicated by the introduction of strategic changes that are not related to the facilitation of that process."</p> <p>This is not to preclude or diminish the importance of undertaking these strategic land use planning reviews, rather it identifies that this will largely occur outside of the LPS process, with the drafting of the LPS broadly emphasising administrative translation over strategic improvements.</p>

	<p>Council recognises the need undertake contemporary review and development of strategic land use plan(s), and such work will occur after the LPS process is completed. Such wider strategic changes can be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes.</p> <p>The creation of a PPZ in this location also raises the following issues:</p> <ul style="list-style-type: none"> • The majority of land is classification as ‘Unconstrained’ under the Land Potentially Suitable for Agriculture Zone overlay on the LIST, which would ordinarily mean it would be expected to be zoned for Agriculture. This zoning would normally seek to protect such agricultural land, where priority is given to agricultural uses. • The land is zoned in the draft LPS as Landscape Conservation Zone which provides a clear priority for the protection of landscape values with residential development largely being discretionary. • The zoning is also in accordance with the NTRLUS’s identified regional settlement network and identified preferred locations for growth and expansion. It also accords with the objectives of responding to local and regional environmental values, and avoiding unsustainable impacts on the natural environment, landscape, regional ecosystems, open spaces, and productive agricultural and rural land. • There is no strategic planning work that currently supports this request. Thus, there is no basis on which to justify the zone change against the Ministers Guideline No. 1, and no public consultation on this matter has occurred.
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.8	Hydro Tasmania regarding Poatina Penstock (Parts of CT100739 and CID 809692, 30m either side of the penstock), Poatina Tailrace (CT53397/9, CT34/6257, CT150837/1, CT34/6258), and Poatina Reregulation Pond (CT137226/1, CT137226/2, CT137226/3, CT43/6859).
Matter(s) raised	<ul style="list-style-type: none"> • That hydro-electric infrastructure (on sites listed above) be zone Utilities rather than Agriculture or Rural. • That alterations be made to the Scenic Protection Code in relation to Hydro Tasmania infrastructure within the Great Western Tiers Scenic Protection Area.
Planning Authority response	<p>Council sought to identify all major utilities assets during the drafting of the LPS, however some further parcels of land have been identified by the infrastructure operators themselves during the exhibition period. It is considered that the application of the Utilities Zone for these assets is consistent with the Ministerial Guideline No. 1 and will enable such land to be reserved for infrastructure development. This accords with the principle that has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use.</p> <p>In relation to the Scenic Protection Code overlay it is considered that where this code intersects with infrastructure that is zoned Utilities Zone (such as the existing hard standing or built areas including the Poatina Penstock), that the Scenic Protection Area overlay not be applied. This is in line with Ministerial Guideline No. 1 that states that this code should not apply to the Utilities Zone. This approach is consistent with the approach taken in other LPS and by the TPC.</p>
Recommended action	<p>As such it is recommended:</p> <ul style="list-style-type: none"> • To revise the zoning of the following dedicated titles for utilities assets to the Utilities Zone: the ‘Poatina Tailrace’ (CT53397/9, CT34/6257, CT150837/1, CT34/6258), and the ‘Poatina Reregulation Pond’ (CT137226/1, CT137226/2, CT137226/3, CT43/6859). • To apply the Utilities Zone to a 30m buffer around the ‘Poatina Penstock’ (parts of CT100739 and CID 809692). • To remove the Scenic Protection Code overlay from the areas where it intersects with Hydro Tasmania infrastructure identified as Utilities Zone for the ‘Poatina Penstock’ (parts of CT100739 and CID 809692).
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.9	John Thompson regarding 188 titles from Agriculture to either Rural or Landscape Conservation Zones
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Matter(s) raised	<ul style="list-style-type: none"> That 185 titles that have been zoned Agriculture in the Draft Zone Map, but not identified in the ‘Land Potentially Suitable for Agriculture Zone’ layer, should be rezoned to either Rural or Landscape Conservation, and the Priority Vegetation Area code applied. 34 of the 35 titles adjoining the World Heritage Area and/or overlain by the NOR-C8.1.5 Great Western Tiers Scenic Protection Area should be rezoned to Landscape Conservation based on Guidelines LCZ1 or LCZ2. A further 22 titles containing Private Reserves protected by conservation covenant should also be rezoned as Landscape Conservation based on Guideline LCZ1. The remaining titles should be zoned Rural unless the demonstrated presence of threatened vegetation communities, flora, fauna or habitat qualifies them for Landscape Conservation under Guideline LCZ2 (a).
Planning Authority response	<p>In relation to the 185 titles listed, as outlined in the draft LPS methodology (in the ‘LPS Supporting Report’, February 2021) there is no land zoned Significant Agriculture Zone in the Northern Midlands Interim Planning Scheme 2013 (NMIPS 2013), and as such, a review of all land zoned Rural Resource was required. This was undertaken and was informed by the Ministerial Guideline No. 1 and the Land Potentially Suitable for Agriculture Zone PPU project. Based on the comparison of provisions between existing zones and SPP zones, Council reached the decision that the Agriculture Zone most closely aligned with the current provisions of the Rural Resource Zone in the NMIPS 2013. Hence, this is the fundamental transition applied to all land currently zoned Rural Resource, including the Rural Resource zoned land excluded from the PPU project analysis. As part of this process all landowners were notified by Council and advised to check the draft LPS zoning maps to identify the impact on their property or properties.</p> <p>Furthermore, a review of all land transitioned to the Agriculture Zone was undertaken by Northern Midlands Council to identify lots:</p> <ul style="list-style-type: none"> With known existing strategic non-agricultural uses; Identified as constrained by the PPU project; and Surrounding townships (especially smaller constrained lots which could be transitioned to a non-agriculture zone to provide a buffer to the sensitive uses within Townships). <p>Council’s rationale is aligned with the following LUDS principles:</p> <ul style="list-style-type: none"> Apply a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible; Maintain existing use rights of landowners wherever possible; and Avoid spot and split zoning wherever possible. <p>On this basis the Agriculture Zone has been applied to such lands, as outlined in the draft LPS.</p> <p>In relation to the 35 titles listed the Council refers to the draft LPS methodology (outlined in the ‘LPS Supporting Report’, February 2021), where these titles are currently zoned Rural Resource in the NMIPS 2013. Based on the methodology outlined above (and covered in full in the Supporting Report, 2021), these were identified to best suit the Agriculture Zone.</p> <p>In relation to the individual titles listed that are protected by conservation covenant, the approach is in accordance with the Council’s methodology (outlined in the ‘LPS Supporting Report’, February 2021) that states that Private Conservation Covenants are not permanently reserved for the purposes of determining the underlying zone, and in the event that leases, agreements, or covenants are terminated, then the land reverts back to its primary purpose. This accords with the principle that has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use.</p> <p>The representation has not provided suitable evidence that the land is primarily managed for landscape values (in accordance with Ministerial Guidance No. 1), or that the application of the Great Western Tiers Scenic Protection Area does not provide sufficient protection for these lands.</p> <p>Furthermore, no evidence has been provided that individual landowners support the application of the Landscape Conservation Zone to the properties.</p> <p>Where individual landowners have made representations seeking that their land, under private conservation covenant, be zoned Landscape Conservation, these have been assessed separately under each representation.</p>
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.10	Mick Purves (on behalf of site owner) regarding Longford House, 120 Catherine St and 116 Catherine St (CT 168940/1), Longford
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Matter(s) raised	<ul style="list-style-type: none"> That the land should be zoned Rural Living. That the increase attenuation buffer over the Austral Bricks site from 200 metres to 500 metres is not consistent with the nature of the activity or its location within an identified growth area for Longford, as identified in the Longford Development Plan.
Planning Authority response	<p>The Minister for Planning has consistently advised Councils that the State Government's position is that the LPS process is not a suitable opportunity to undertake significant strategic land use planning reviews. This is clearly identified in the Minister's Advisory Statement from June 2017:</p> <p>"The current process of preparing draft LPS's to give effect to the Tasmanian Planning Scheme is a priority for the Government and the efficient conversion of current interim planning schemes to the LPSs should not be unnecessarily complicated by the introduction of strategic changes that are not related to the facilitation of that process."</p> <p>This is not to preclude or diminish the importance of undertaking these strategic land use planning reviews, rather it identifies that this will largely occur outside of the LPS process, with the drafting of the LPS broadly emphasising administrative translation over strategic improvements.</p> <p>Council recognises the need to undertake contemporary review and development of strategic land use plan(s), and such work will occur after the LPS process is completed. Such wider strategic changes can be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes.</p> <p>Furthermore, Council is currently undertaking a strategic review of the settlement strategy at Longford, and this will inform future land use and development strategies, and which has included consultation with landowners and the community.</p> <p>The Council also refers to the methodology outlined in the 'LPS Supporting Report', February 2021 that outlines why the land has the Agriculture Zone applied.</p> <p>In relation to the proposed attenuation buffer, this has been mapped in accordance with the land use of the Austral Brick site and the State Planning Provisions attenuation distances, and as such is not a matter for the LPS process to address.</p>
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.11	Department of State Growth
Matter(s) raised	<ul style="list-style-type: none"> That some State Road network (that have changed since the previous 2018 mapping) be zoned Utilities. State Growth supports Council's approach to rely on the written application of the Road and Railway Attenuation Area provisions, rather than applying the Attenuation Area via overlay mapping. That the Natural Assets Code Overlay Maps are removed from the State Road network. That the land identified as Future Urban Zone south of Perth undertake noise modelling and hydraulic impacts assessments prior to rezoning. Notes anomalies between Table 6 of Council's LPS Supporting Report and the Exhibited Mapping
Planning Authority response	<p>Council sought to identify all major utilities assets during the drafting of the LPS, however some further parcels of land have been identified by the infrastructure operators themselves during the exhibition period. It is considered that the application of the Utilities Zone for these assets is consistent with the Ministerial Guideline No. 1 and will enable such land to be reserved for infrastructure development. This accords with the principle that has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use. In relation to the upgrading sites identified, it is recommended that these be considered for inclusion in the Utilities Zone when the Department of State Growth provides suitable mapping to accurately identify these assets.</p> <p>In relation to the Natural Assets Code overlay the proposed approach is not supported by the Council. The representor has not provided sufficient evidence that a circumstance relevant to clause LP1.7.5(d) (circumstances providing for modification of a Priority Vegetation Area) of the SPPs exists to support the modification of the Priority Vegetation Area overlay.</p> <p>Furthermore, the sites are not entirely covered by hard surfaces and there remains the possibility that priority vegetation could naturally re-establish. Where other exemptions allow for clearance of vegetation (independent of planning controls), the primary objective in</p>

	<p>applying the code overlays has been to achieve the code purpose irrespective of any such peripheral rights. This approach is consistent with the approach taken in other LPS and by the TPC.</p> <p>In relation to the matters raised in relation to the Future Urban Zone south of Perth, these matters can only be addressed when the future rezoning of the land, and as such is not a matter for the LPS process to address.</p> <p>In relation to the anomalies noted the Council is recommended to amend the draft LPS maps to show the correct zone for:</p> <ul style="list-style-type: none"> • 1 Archer Street (215539/1) as General Residential Zone • 15962 Midland Highway (165068/7 & 1650688) as Rural Living <p>In relation to the anomalies noted the Council is recommended to make no changes to the draft LPS maps and 'LPS Supporting Report', which are both correct in regard to:</p> <ul style="list-style-type: none"> • 1 Drummond Street (173776/1) that shows the correct portion of the land to be zoned General Residential and Landscape Conservation <p>In relation to the anomalies noted the Council is recommended to amend the 'LPS Supporting Report', and to confirm that the draft LPS maps are correct for:</p> <ul style="list-style-type: none"> • 38 Phillip Street (23463/1) that shows the correct zone as Future Urban • 44 Phillip Street (23463/1) that shows the correct zone as Future Urban • 114 Main Road (23295/2) that shows the correct zone as Future Urban
Recommended action	<p>To revise the zoning of the following titles for utilities assets to the Utilities Zone:</p> <ul style="list-style-type: none"> • Midland Highway - Perth Link Roads; part of the South Perth (CT 114189/1). • Midland Highway - Breadalbane Interchange; part of slip lanes (CT 301143/1). <p>To revise the zoning of the following upgrade locations for utilities assets to the Utilities Zone upon receipt of suitable mapping to accurately identify these assets:</p> <ul style="list-style-type: none"> • Midland Highway Safety Upgrade - Symmons Plains to south of Perth (acquired adjoining land parcels are not zoned Utilities, per the State Road Casement). • Midland Highway Safety Upgrade - Epping Forest to Powranna to Symmons Plains (acquired adjoining land parcels are not zoned Utilities, per the State Road Casement). • Evandale Main Road Duplication (acquired adjoining land parcels are not zoned Utilities, per the State Road Casement).
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.12	Bush Heritage Australia
Matter(s) raised	That some land previously zoned as Rural Resource should be rezoned as either Landscape Conservation or Environmental Management, rather than to Agriculture, where land is declared as a Private Nature Reserve (150038/1, 202805/1, and 246184/2).
Planning Authority response	<p>As outlined in the draft LPS methodology (in the 'LPS Supporting Report', February 2021) there is no land zoned Significant Agriculture Zone in the Northern Midlands Interim Planning Scheme 2013 (NMIPS 2013), and as such, a review of all land zoned Rural Resource was required. This was undertaken and was informed by the Ministerial Guideline No. 1 and the Land Potentially Suitable for Agriculture Zone PPU project. Based on the comparison of provisions between existing zones and SPP zones, Council reached the decision that the Agriculture Zone most closely aligned with the current provisions of the Rural Resource Zone in the NMIPS 2013. Hence, this is the fundamental transition applied to all land currently zoned Rural Resource, including the Rural Resource zoned land excluded from the PPU project analysis. As part of this process all landowners were notified by Council and advised to check the draft LPS zoning maps to identify the impact on their property or properties.</p> <p>Furthermore, a review of all land transitioned to the Agriculture Zone was undertaken by Northern Midlands Council to identify lots:</p> <ul style="list-style-type: none"> • With known existing strategic non-agricultural uses; • Identified as constrained by the PPU project; and • Surrounding townships (especially smaller constrained lots which could be transitioned to a non-agriculture zone to provide a buffer to the sensitive uses within Townships). <p>Council's rationale is aligned with the following LUDS principles:</p> <ul style="list-style-type: none"> • Apply a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible; • Maintain existing use rights of landowners wherever possible; and • Avoid spot and split zoning wherever possible.

	<p>On this basis the Agriculture Zone has been applied to such lands, as outlined in the draft LPS. In relation to the individual titles listed that are protected by conservation covenant, the approach has, in accordance with the Council's methodology (outlined in the 'LPS Supporting Report', February 2021) been that the Private Conservation Covenants are not permanently reserved for the purposes of determining the underlying zone, and in the event that leases, agreements, or covenants are terminated, then the land reverts back to its primary purpose. This accords with the principle that has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use.</p> <p>It is however recommended that where landowners have indicated that the land subject to a private conservation covenant is being managed for landscape values (in accordance with Ministerial Guidance No. 1), and there are significant clusters of such adjoin land, that such land be zoned Landscape Conservation. This approach is consistent with the approach taken in other LPS and by the TPC.</p>
Recommended action	<p>As such it is recommended:</p> <ul style="list-style-type: none"> • To revise the zoning of the following titles for Landscape Conservation: 150038/1, 202805/1, and 246184/2.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.13	Plan Place Pty Ltd (on behalf of the site owner) regarding 18 Wilmores Lane, Longford
Matter(s) raised	<ul style="list-style-type: none"> • That the Rural Living C Zone be applied to the subject site instead of the Agriculture Zone. • That the attenuation buffer applied to the Austral Brickworks site be reduced.
Planning Authority response	<p>The Minister for Planning has consistently advised Councils that the State Government's position is that the LPS process is not a suitable opportunity to undertake significant strategic land use planning reviews. This is clearly identified in the Minister's Advisory Statement from June 2017:</p> <p>"The current process of preparing draft LPS's to give effect to the Tasmanian Planning Scheme is a priority for the Government and the efficient conversion of current interim planning schemes to the LPSs should not be unnecessarily complicated by the introduction of strategic changes that are not related to the facilitation of that process."</p> <p>This is not to preclude or diminish the importance of undertaking these strategic land use planning reviews, rather it identifies that this will largely occur outside of the LPS process, with the drafting of the LPS broadly emphasising administrative translation over strategic improvements.</p> <p>Council recognises the need undertake contemporary review and development of strategic land use plan(s), and such work will occur after the LPS process is completed. Such wider strategic changes can be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes.</p> <p>Furthermore, Council is currently undertaking a strategic review of the settlement strategy at Longford, and this will inform future land use and development strategies, and which has included consultation with landowners and the community.</p> <p>The Council also refers to the methodology outlined in the 'LPS Supporting Report', February 2021 that outlines why the land has the Agriculture Zone applied.</p> <p>In relation to the proposed attenuation buffer, this has been mapped in accordance with the land use of the Austral Brick site and the State Planning Provisions attenuation distances, and as such is not a matter for the LPS process to address.</p>
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.14	Tasmanian Land Conservancy
Matter(s) raised	<ul style="list-style-type: none"> • That the Northern Midlands Council implement a process whereby mapping of the Natural Assets Overlays is continually revised, updated and re-evaluated.

	<ul style="list-style-type: none"> That the Natural Assets Code, and the application of the Priority Vegetation Area Overlay, should be applied across all zones (including the Agriculture Zone). That land subject to a conservation covenant ought to be zoned Landscape Conservation Zone or the Environmental Management Zone.
Planning Authority response	<p>The Natural Assets Code overlay has been applied consistent with the standardised Regional Ecosystem Model methodology developed by Natural Resources Management Pty Ltd, for the preparation of the overlay and application under Ministerial Guideline No. 1. At this stage the Council would be required to undertake further local strategic land use planning outside the draft LPS assessment process to accurately determine whether a more extensive application of the overlay is warranted, that departs from the standardised Regional Ecosystem Model. Furthermore, the representor has not provided sufficient evidence that a circumstance relevant to clause LP1.7.5(d) (circumstances providing for modification of a Priority Vegetation Area) of the SPPs exists to support the modification of the Priority Vegetation Area overlay.</p> <p>The Planning Authority is not able to apply the Priority Vegetation Area Overlay to the Agriculture Zone, in line with the Ministerial Guideline No. 1, and the SPP. The Council's methodology within the draft LPS has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use, with zoning providing the primary mechanism for regulating land use and development.</p> <p>In relation to land that is protected by conservation covenant, the approach is in accordance with the Council's methodology (outlined in the 'LPS Supporting Report', February 2021) that states that Private Conservation Covenants are not permanently reserved for the purposes of determining the underlying zone, and in the event that leases, agreements, or covenants are terminated, then the land reverts back to its primary purpose. This accords with the principle that has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use.</p> <p>Furthermore, the representation has not provided suitable evidence that the land is primarily managed for landscape values or significant ecological, scientific, cultural, or scenic values (in accordance with Ministerial Guidance No. 1), or that the application of the relevant codes do not provide sufficient protection for these lands.</p> <p>Furthermore, no evidence has been provided that individual landowners support the application of the Landscape Conservation Zone to the properties.</p> <p>Where individual landowners have made representations seeking that their land, under private conservation covenant, be zoned Landscape Conservation, these have been assessed separately under each representation.</p>
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.15	FJA Solutions (on behalf of Mr and Mrs Harrison) regarding 'Norley', 4 Lyttleton St and 97a Wellington St. Longford
Matter(s) raised	That a SAP be applied to the site.
Planning Authority response	<p>The Minister for Planning has consistently advised Councils that the State Government's position is that the LPS process is not a suitable opportunity to undertake significant strategic land use planning reviews. This is clearly identified in the Minister's Advisory Statement from June 2017:</p> <p>"The current process of preparing draft LPS's to give effect to the Tasmanian Planning Scheme is a priority for the Government and the efficient conversion of current interim planning schemes to the LPSs should not be unnecessarily complicated by the introduction of strategic changes that are not related to the facilitation of that process."</p> <p>This is not to preclude or diminish the importance of undertaking these strategic land use planning reviews, rather it identifies that this will largely occur outside of the LPS process, with the drafting of the LPS broadly emphasising administrative translation over strategic improvements.</p> <p>Council recognises the need undertake contemporary review and development of strategic land use plan(s), and such work will occur after the LPS process is completed. Such wider strategic changes can be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes.</p>
Recommended action	No modifications to the draft LPS required.

Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.
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Representation reference no.16	Ilya Brucksch (Launceston Airport)
Matter(s) raised	<ul style="list-style-type: none"> That the Draft LPS does not formally recognise the importance of Launceston Airport, and the need to protect it from encroachment by incompatible uses or developments that may compromise its operations. Supports the application of the new Safeguarding of Airports Code. That the noise exposure area overlay includes the airport's N contours, which are mapped in the approved Master Plan, in accordance with NASF Guideline A: Measures for Managing Impacts of Aircraft Noise. That the obstacle limitation area overlay includes the PANS-OPS surfaces in the Master Plan, in addition to the OLS, in accordance with NASF Guideline F: Managing the Risk of Intrusions into the Protected Airspace of Airports. Queries the wording of the Translink Specific Area Plan (NOR-S1.0). That a planning scheme does not apply to a 'Commonwealth place', and the Utilities Zone should be removed from the airport site.
Planning Authority response	<p>The draft LPS recognises the importance of Launceston Airport, through the application of the Translink Specific Area Plan, and the Safeguarding of Airports Code in the State Planning Provisions.</p> <p>In relation to the overlays, it is recommended that the relevant Noise Exposure Area Overlay and Obstacle Limitation Area Overlay be revised within the draft LPS upon receipt of suitably detailed mapping that outlines the extent of the overlay(s).</p> <p>In relation to the wording of the Translink Specific Area Plan (NOR-S1.0), it is our interpretation that where the relevant part of the provision exists in the subservient clause, then the relevant part of the provision is in substitution to that clause, however where there is no relevant part of the provision in the subservient clause, then the relevant part of the provision is in addition to that clause. This is consistent with the application of the clause within the SPP and in other LPSs.</p> <p>In relation to the classification of the airport as a commonwealth place, it is noted that the airport is currently identified as Utilities Zone. The assertions made by the representor that the airport is classified as a commonwealth place are correct, and that the area of the airport should have no zone within the draft LPS.</p>
Recommended action	<p>To revise the zoning of the following overlay(s) upon receipt of suitable mapping to accurately identify these assets:</p> <ul style="list-style-type: none"> Noise Exposure Area Overlay, based on the airport's N contours Obstacle Limitation Area Overlay, based on the airport's PANS-OPS surfaces <p>To revise the zoning of Launceston Airport to no zone to remove it from the planning scheme, in line with the airports classification as a commonwealth place.</p>
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.17	Woolcott Surveys (on behalf of the site owner) regarding 86 Burghley Street, Longford
Matter(s) raised	<ul style="list-style-type: none"> That lot 115134/3 be zoned General Residential (as per permit PLN-19-0070) That lots 115134/8, 115134/7, and 115134/6 be zoned General Residential That lots 115134/2, 115134/1, 115134/9, 115134/5, and 115134/4 be zoned Rural Resource
Planning Authority response	<p>The Minister for Planning has consistently advised Councils that the State Government's position is that the LPS process is not a suitable opportunity to undertake significant strategic land use planning reviews. This is clearly identified in the Minister's Advisory Statement from June 2017:</p> <p>"The current process of preparing draft LPS's to give effect to the Tasmanian Planning Scheme is a priority for the Government and the efficient conversion of current interim planning schemes to the LPSs should not be unnecessarily complicated by the introduction of strategic changes that are not related to the facilitation of that process."</p> <p>This is not to preclude or diminish the importance of undertaking these strategic land use planning reviews, rather it identifies that this will largely occur outside of the LPS process,</p>

	<p>with the drafting of the LPS broadly emphasising administrative translation over strategic improvements.</p> <p>Council recognises the need undertake contemporary review and development of strategic land use plan(s), and such work will occur after the LPS process is completed. Such wider strategic changes can be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes.</p> <p>Furthermore, Council is currently undertaking a strategic review of the settlement strategy at Longford, and this will inform future land use and development strategies, and which has included consultation with landowners and the community.</p> <p>The Council also refers to the methodology outlined in the 'LPS Supporting Report', February 2021 that outlines why the land has the Agriculture Zone applied.</p> <p>In regard to lot 115134/3, Council can confirm that an extant planning permission exists for this site that provides for the rezoning of this land to General Residential. As such the draft LPS zoning map should be updated to reflect this zone.</p>
Recommended action	To revise the zoning of the following titles to the General Residential Zone (as per permit PLN-19-0070) (115134/3).
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.18	TasNetworks
Matter(s) raised	<p>That the following Communication Sites be zoned Utilities:</p> <ul style="list-style-type: none"> • Black Bottom Hill Communication Site (18951/1) • Mt Rex Communication Site (a 20m radius from the centre of the communications site at PID 3391254) • Poatina Repeater Communication Site (a 20m radius from the centre of the communications site at PID 6753154) <p>That the Landscape Conservation Zone is not applied to:</p> <ul style="list-style-type: none"> • Line 412 Poatina - Palmerston 110kV • Line 505 Poatina - Palmerston (North) 220kV • Line 506 Poatina - Palmerston (South) 220kV <p>Remove Priority Vegetation overlay from:</p> <ul style="list-style-type: none"> • Avoca Substation • Avoca Substation Communication Site • Poatina Repeater Communication Site <p>That the Scenic Protection Code be removed from the Poatina Repeater Communication Site and numerous ETCs.</p>
Planning Authority response	<p>Council sought to identify all major utilities assets during the drafting of the LPS, however some further parcels of land have been identified by the infrastructure operators themselves during the exhibition period. It is considered that the application of the Utilities Zone for these assets is consistent with the Ministerial Guideline No. 1 and will enable such land to be reserved for infrastructure development. This accords with the principle that has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use.</p> <p>In relation to the Scenic Protection Code overlay it is considered that where this code intersects with infrastructure that is zoned Utilities Zone (such as the existing hard standing or built areas including the Poatina Repeater Communication Site and Electricity Transmission Corridors), that the Scenic Protection Area overlay not be applied. This is in line with Ministerial Guideline No. 1 that states that this code should not apply to the Utilities Zone. This approach is consistent with the approach taken in other LPS and by the TPC.</p> <p>As outlined in the Council's methodology (in the 'LPS Supporting Report', February 2021), the Council sought for land that contains areas of high conservation native vegetation, significant landscape, biodiversity or natural values, and not located on land to be zoned Agriculture (or other SPP precluded zones), to be considered for the Landscape Conservation Zone. This is in accordance with the Ministerial Guidance No. 1. Furthermore, the sites listed (transmission lines) are not entirely covered by hard surfaces and there is a high likelihood that surrounding bushland or native vegetation can co-exist within the wider lots on which the lines are located. Where other exemptions allow for clearance of vegetation (independent of planning controls, such as the Electricity Supply Industry Act 1995), the primary objective in applying the zone has been to achieve the zone purpose irrespective of any such peripheral rights. This approach is consistent with the approach taken in other LPS and by the TPC.</p>

	<p>In relation to the Natural Assets Code overlay the proposed approach is not supported by the Council. The representor has not provided sufficient evidence that a circumstance relevant to clause LP1.7.5(d) (circumstances providing for modification of a Priority Vegetation Area) of the SPPs exists to support the modification of the Priority Vegetation Area overlay. Where the assets in question comprise hard standing (such as the built area of the Avoca Substation), the Council supports the removal of the PVOA from these specific areas of hard standing. In the other areas there remains the possibility that priority vegetation could naturally re-establish. This approach is consistent with the approach taken in other LPS and by the TPC.</p> <p>In relation to the sites listed as transmission lines, these are not entirely covered by hard surfaces and there remains the possibility that priority vegetation could naturally re-establish. Where other exemptions allow for clearance of vegetation (independent of planning controls, such as the Electricity Supply Industry Act 1995), the primary objective in applying the code overlays has been to achieve the code purpose irrespective of any such peripheral rights. This approach is consistent with the approach taken in other LPS and by the TPC.</p>
Recommended action	<p>As such it is recommended:</p> <ul style="list-style-type: none"> • To revise the zoning of the following dedicated title for utilities assets to the Utilities Zone: Black Bottom Hill Communication Site (18951/1). • To apply the Utilities Zone to a 20m buffer around the Mt Rex Communication Site (parts of PID 3391254) and the Poatina Repeater Communication Site (parts of PID 6753154). • To remove the Scenic Protection Code overlay where it intersects with the hardstand area of the Poatina Repeater Communication Site and the relevant Electricity Transmission Corridors, upon receipt of suitably detailed mapping that outlines the extent of the ECTs in question.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.19	Erin Eiffe
Matter(s) raised	<ul style="list-style-type: none"> • Supports a minimum block size (1 ha) in Perth. • Questions why Devon Hills is protected from subdivision. • Questions where the protection for wildlife, or for tree and habitat preservation in the draft LPS.
Planning Authority response	<p>It is noted that the restrictions on sub-divisions within the draft LPS reflect the same restrictions as per the NMIPS 2013, and as such provide for a direct carry-over of these provisions. This is in accordance with directions issued by the Minister of Planning that the drafting of the LPS should provide for the efficient conversion of current interim planning schemes to the LPSs, with a focus on administrative translation of existing provisions.</p> <p>The current and proposed zoning (Low Density Residential) regulates land use in the area. Where applicable the state codes are applied to protect significant wildlife, trees/vegetation, and habitat through the application of the NAC. This code has been applied based on the Regional Ecosystems Model. In the area in question no such code overlays exist. Furthermore, general vegetation clearance is covered by the SPP in relation to the application of zone.</p>
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.20	Friends of the Great Western Tiers kooparoona niara regarding the zoning of private properties along the Great Western Tiers
Matter(s) raised	That all the privately owned titles along the Great Western Tiers escarpment adjoining the Tasmanian Wilderness World Heritage Area be zoned Landscape Conservation.
Planning Authority response	<p>As outlined in the draft LPS methodology (in the 'LPS Supporting Report', February 2021) there is no land zoned Significant Agriculture Zone in the Northern Midlands Interim Planning Scheme 2013 (NMIPS 2013), and as such, a review of all land zoned Rural Resource was required. This was undertaken and was informed by the Ministerial Guideline No. 1 and the Land Potentially Suitable for Agriculture Zone PPU project. Based on the comparison of provisions between existing zones and SPP zones, Council reached the decision that the Agriculture Zone most closely aligned with the current provisions of the Rural Resource Zone in the NMIPS 2013. Hence, this is the fundamental transition applied to all land currently zoned Rural Resource,</p>

	<p>including the Rural Resource zoned land excluded from the PPU project analysis. As part of this process all landowners were notified by Council and advised to check the draft LPS zoning maps to identify the impact on their property or properties.</p> <p>Furthermore, a review of all land transitioned to the Agriculture Zone was undertaken by Northern Midlands Council to identify lots:</p> <ul style="list-style-type: none"> • With known existing strategic non-agricultural uses; • Identified as constrained by the PPU project; and • Surrounding townships (especially smaller constrained lots which could be transitioned to a non-agriculture zone to provide a buffer to the sensitive uses within Townships). <p>Council's rationale is aligned with the following LUDS principles:</p> <ul style="list-style-type: none"> • Apply a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible; • Maintain existing use rights of landowners wherever possible; and • Avoid spot and split zoning wherever possible. <p>On this basis the Agriculture Zone has been applied to such lands, as outlined in the draft LPS.</p> <p>In relation to the five titles referred to that are protected by conservation covenant, the approach is in accordance with the Council's methodology (outlined in the 'LPS Supporting Report', February 2021) that states that Private Conservation Covenants are not permanently reserved for the purposes of determining the underlying zone, and in the event that leases, agreements, or covenants are terminated, then the land reverts back to its primary purpose. This accords with the principle that has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use. The representation has not provided suitable evidence that the land is primarily managed for landscape values (in accordance with Ministerial Guidance No. 1), or that the application of the codes does not provide sufficient protection for these lands.</p> <p>Furthermore, no evidence has been provided that individual landowners support the application of the Landscape Conservation Zone to the properties (other than the assertion that several landowners at Liffey have made representations requesting the rezoning of their properties to Landscape Conservation, and these are addressed under each representation individually).</p>
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.21	Rebecca Green & Associates (on behalf of Mr. David Cordell and Ms. Dimity Calvert) regarding 101 Pateena Road, Travellers Rest (CT 122299/6)
Matter(s) raised	That the site (that is across both Meander Valley and Northern Midlands) be consistently zoned Rural Living D.
Planning Authority response	<p>The property title in question is located partly within Meander Valley (zoned Rural Living in the approved LPS) and partly within the Northern Midlands (currently zoned Rural Resource in the NMIPS 2013, and Agriculture in the draft LPS).</p> <p>As outlined previously in this report, the Planning Authority, following the draft LPS methodology (in the 'LPS Supporting Report', February 2021), has justified where the Rural Resource Zone within the NMIPS 2013 was changed to Agriculture Zone in the draft LPS.</p> <p>This includes on the site in question, where the land has been identified as 'Unconstrained' within the Land Potentially Suitable for Agriculture Zone PPU project, and which would ordinarily mean it would be expected to be zoned for Agriculture.</p> <p>As outlined previously by the Planning Authority in this report, it has been made clear by the Minister that LPS process is not the appropriate process by which to consider strategic changes. This can be considered as part of the usual planning scheme amendment process under LUPAA outside of the LPS process, where there is appropriate strategic planning to support those changes.</p>
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.22	Kaylene Challis regarding Breadalbane township/843 Hobart Road, Breadalbane.
Matter(s) raised	That the land be zoned Rural Living.
Planning Authority response	<p>A number of similar representations have been received in relation to land in Breadalbane. The Minister for Planning has consistently advised Councils that the State Government's position is that the LPS process is not a suitable opportunity to undertake significant strategic land use planning reviews. This is clearly identified in the Minister's Advisory Statement from June 2017:</p> <p>"The current process of preparing draft LPS's to give effect to the Tasmanian Planning Scheme is a priority for the Government and the efficient conversion of current interim planning schemes to the LPSs should not be unnecessarily complicated by the introduction of strategic changes that are not related to the facilitation of that process."</p> <p>This is not to preclude or diminish the importance of undertaking these strategic land use planning reviews, rather it identifies that this will largely occur outside of the LPS process, with the drafting of the LPS broadly emphasising administrative translation over strategic improvements.</p> <p>Council recognises the need undertake contemporary review and development of strategic land use plan(s), and such work will occur after the LPS process is completed. Such wider strategic changes can be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes.</p> <p>The Council also notes that the expansion of the Rural Living Zone in this location raises the following issues:</p> <ul style="list-style-type: none"> • It would be inconsistent with the Northern Tasmania Regional Land Use Strategy. • The use of zoning for Rural Areas is identified in the NTRLUS as a legitimate element of settlement strategy to ensure that there is a sustainable approach to urban settlements as well as to constrain the expansion of Rural Residential Areas (now known as Rural Living).
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.23	Owner regarding 861 Hobart Road, Breadalbane.
Matter(s) raised	That the land be zoned Rural Living.
Planning Authority response	Please refer to the Planning Authority's response to Rep. No. 22.
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.24	P. Newlands regarding 1 Raeburn Road, Breadalbane.
Matter(s) raised	That the land be zoned Rural Living.
Planning Authority response	Please refer to the Planning Authority's response to Rep. No. 22.
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.25	Owner regarding 861 Hobart Road, Breadalbane.
Matter(s) raised	That the land be zoned Rural Living.
Planning Authority response	Please refer to the Planning Authority's response to Rep. No. 22.
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.26	Prae regarding 3 Raeburn Road, Breadalbane.
Matter(s) raised	That the land be zoned Rural Living.
Planning Authority response	Please refer to the Planning Authority's response to Rep. No. 22.
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.27	Leonie Westgarth regarding 852 Hobart Road, Breadalbane.
Matter(s) raised	That the land be zoned Rural Living.
Planning Authority response	Please refer to the Planning Authority's response to Rep. No. 22.
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.28	Owner regarding 3 Raeburn Road, Breadalbane.
Matter(s) raised	That the land be zoned Rural Living.
Planning Authority response	Please refer to the Planning Authority's response to Rep. No. 22.
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.29	Paul Westgarth regarding 852 Hobart Road, Breadalbane.
Matter(s) raised	That the land be zoned Rural Living.

Planning Authority response	Please refer to the Planning Authority's response to Rep. No. 22.
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.30	James Smith regarding 854 Hobart Road, Breadalbane.
Matter(s) raised	That the land be zoned Rural Living.
Planning Authority response	Please refer to the Planning Authority's response to Rep. No. 22.
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.31	Owner regarding 843 Hobart Road, Breadalbane.
Matter(s) raised	That the land be zoned Rural Living.
Planning Authority response	Please refer to the Planning Authority's response to Rep. No. 22.
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.32	Quenton Higgs regarding 1827 Liffey Road, Liffey (CT 45838/1).
Matter(s) raised	That the land be zoned Landscape Conservation.
Planning Authority response	<p>As outlined in the draft LPS methodology (in the 'LPS Supporting Report', February 2021) there is no land zoned Significant Agriculture Zone in the Northern Midlands Interim Planning Scheme 2013 (NMIPS 2013), and as such, a review of all land zoned Rural Resource was required. This was undertaken and was informed by the Ministerial Guideline No. 1 and the Land Potentially Suitable for Agriculture Zone PPU project. Based on the comparison of provisions between existing zones and SPP zones, Council reached the decision that the Agriculture Zone most closely aligned with the current provisions of the Rural Resource Zone in the NMIPS 2013. Hence, this is the fundamental transition applied to all land currently zoned Rural Resource, including the Rural Resource zoned land excluded from the PPU project analysis. As part of this process all landowners were notified by Council and advised to check the draft LPS zoning maps to identify the impact on their property or properties.</p> <p>Furthermore, a review of all land transitioned to the Agriculture Zone was undertaken by Northern Midlands Council to identify lots:</p> <ul style="list-style-type: none"> • With known existing strategic non-agricultural uses; • Identified as constrained by the PPU project; and • Surrounding townships (especially smaller constrained lots which could be transitioned to a non-agriculture zone to provide a buffer to the sensitive uses within Townships). <p>Council's rationale is aligned with the following LUDS principles:</p> <ul style="list-style-type: none"> • Apply a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible;

	<ul style="list-style-type: none"> Maintain existing use rights of landowners wherever possible; and Avoid spot and split zoning wherever possible. <p>On this basis the Agriculture Zone has been applied to such lands, as outlined in the draft LPS. In relation to the individual titles listed that are protected by conservation covenant, the approach has, in accordance with the Council's methodology (outlined in the 'LPS Supporting Report', February 2021) been that the Private Conservation Covenants are not permanently reserved for the purposes of determining the underlying zone, and in the event that leases, agreements, or covenants are terminated, then the land reverts back to its primary purpose. This accords with the principle that has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use.</p> <p>It is however recommended that where landowners have indicated that the land subject to a private conservation covenant is being managed for landscape values (in accordance with Ministerial Guidance No. 1), and there are significant clusters of such adjoin land, that such land be zoned Landscape Conservation. This approach is consistent with the approach taken in other LPS and by the TPC.</p>
Recommended action	As such it is recommended: <ul style="list-style-type: none"> To revise the zoning of the following titles for Landscape Conservation: 45838/1.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.33	John Hatzinicolaou and Darren George Plunkett regarding Lot 1 Honeysuckle Road, Tooms Lake (213493/1)
Matter(s) raised	That the whole title be zoned Rural Zone (223.8 ha is part of the Little Blue Tier Reserve protected by conservation covenant, and 18.5 ha non-covenanted rectangular area in the middle set aside for other uses), with the Priority Vegetation Area overlay applied to the 223.8 ha Little Blue Tier Reserve protected by conservation covenant but not to the 18.5 ha excluded from the covenanted land.
Planning Authority response	The current zone under the NMIPS 2013 is Environmental Management, and the draft LPS proposes Environment Management. Following the draft LPS methodology (in the 'LPS Supporting Report', February 2021) and Ministerial Guidance, the Council has applied a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible, to maintain existing use rights of landowners wherever possible, and to avoid spot and split zoning wherever possible. The spot rezoning of land is not supported as part of the LPS process and should be undertaken through a rezoning application under LUPAA outside of the LPS process.
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.34	Garry and Marie Stannus regarding 202 Jones Road, Liffey (250902/1).
Matter(s) raised	That the land be zoned Landscape Conservation.
Planning Authority response	<p>As outlined in the draft LPS methodology (in the 'LPS Supporting Report', February 2021) there is no land zoned Significant Agriculture Zone in the Northern Midlands Interim Planning Scheme 2013 (NMIPS 2013), and as such, a review of all land zoned Rural Resource was required. This was undertaken and was informed by the Ministerial Guideline No. 1 and the Land Potentially Suitable for Agriculture Zone PPU project. Based on the comparison of provisions between existing zones and SPP zones, Council reached the decision that the Agriculture Zone most closely aligned with the current provisions of the Rural Resource Zone in the NMIPS 2013. Hence, this is the fundamental transition applied to all land currently zoned Rural Resource, including the Rural Resource zoned land excluded from the PPU project analysis. As part of this process all landowners were notified by Council and advised to check the draft LPS zoning maps to identify the impact on their property or properties.</p> <p>Furthermore, a review of all land transitioned to the Agriculture Zone was undertaken by Northern Midlands Council to identify lots:</p> <ul style="list-style-type: none"> With known existing strategic non-agricultural uses; Identified as constrained by the PPU project; and

	<ul style="list-style-type: none"> Surrounding townships (especially smaller constrained lots which could be transitioned to a non-agriculture zone to provide a buffer to the sensitive uses within Townships). <p>Council's rationale is aligned with the following LUDS principles:</p> <ul style="list-style-type: none"> Apply a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible; Maintain existing use rights of landowners wherever possible; and Avoid spot and split zoning wherever possible. <p>On this basis the Agriculture Zone has been applied to such lands, as outlined in the draft LPS. In relation to the individual titles listed that are protected by conservation covenant, the approach has, in accordance with the Council's methodology (outlined in the 'LPS Supporting Report', February 2021) been that the Private Conservation Covenants are not permanently reserved for the purposes of determining the underlying zone, and in the event that leases, agreements, or covenants are terminated, then the land reverts back to its primary purpose. This accords with the principle that has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use.</p> <p>It is however recommended that where landowners have indicated that the land subject to a private conservation covenant is being managed for landscape values (in accordance with Ministerial Guidance No. 1), and there are significant clusters of such adjoin land, that such land be zoned Landscape Conservation. This approach is consistent with the approach taken in other LPS and by the TPC.</p>
Recommended action	<p>As such it is recommended:</p> <ul style="list-style-type: none"> To revise the zoning of the following titles for Landscape Conservation: 250902/1.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.35	Lothar and Judith Reiner regarding Gulf Road, Liffey (115193/1, 115192/2 and 128705/1)
Matter(s) raised	That the land be zoned Landscape Conservation.
Planning Authority response	<p>As outlined in the draft LPS methodology (in the 'LPS Supporting Report', February 2021) there is no land zoned Significant Agriculture Zone in the Northern Midlands Interim Planning Scheme 2013 (NMIPS 2013), and as such, a review of all land zoned Rural Resource was required. This was undertaken and was informed by the Ministerial Guideline No. 1 and the Land Potentially Suitable for Agriculture Zone PPU project. Based on the comparison of provisions between existing zones and SPP zones, Council reached the decision that the Agriculture Zone most closely aligned with the current provisions of the Rural Resource Zone in the NMIPS 2013. Hence, this is the fundamental transition applied to all land currently zoned Rural Resource, including the Rural Resource zoned land excluded from the PPU project analysis. As part of this process all landowners were notified by Council and advised to check the draft LPS zoning maps to identify the impact on their property or properties.</p> <p>Furthermore, a review of all land transitioned to the Agriculture Zone was undertaken by Northern Midlands Council to identify lots:</p> <ul style="list-style-type: none"> With known existing strategic non-agricultural uses; Identified as constrained by the PPU project; and Surrounding townships (especially smaller constrained lots which could be transitioned to a non-agriculture zone to provide a buffer to the sensitive uses within Townships). <p>Council's rationale is aligned with the following LUDS principles:</p> <ul style="list-style-type: none"> Apply a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible; Maintain existing use rights of landowners wherever possible; and Avoid spot and split zoning wherever possible. <p>On this basis the Agriculture Zone has been applied to such lands, as outlined in the draft LPS. In relation to the individual titles listed that are protected by conservation covenant, the approach has, in accordance with the Council's methodology (outlined in the 'LPS Supporting Report', February 2021) been that the Private Conservation Covenants are not permanently reserved for the purposes of determining the underlying zone, and in the event that leases, agreements, or covenants are terminated, then the land reverts back to its primary purpose. This accords with the principle that has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use.</p>

	<p>It is however recommended that where landowners have indicated that the land subject to a private conservation covenant is being managed for landscape values (in accordance with Ministerial Guidance No. 1), and there are significant clusters of such adjoin land, that such land be zoned Landscape Conservation. This approach is consistent with the approach taken in other LPS and by the TPC.</p>
Recommended action	<p>As such it is recommended:</p> <ul style="list-style-type: none"> • To revise the zoning of the following titles for Landscape Conservation: 115193/1, 115192/2 and 128705/1.
Effect on recommendations of the draft LPS	<p>The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.</p>

Representation reference no.36	TasRail
Matter(s) raised	<ul style="list-style-type: none"> • That land (137399/1 and 136913/1) be zoned Utilities Zone. • That land zoned for Future Urban Zone be subject to early consultation and consideration be given to the design of vehicle and pedestrian roadways. • Raised concerns over the rezoning of several land parcels adjoining the rail corridor from Rural Resource to Rural Living and seeks to ensure that any future proposed developments adjoining the corridor consider exposure to rail noise and vibration, and provides for the adequate discharge of stormwater or other run-off.
Planning Authority response	<p>Council sought to identify all major utilities assets during the drafting of the LPS, however some further parcels of land have been identified by the infrastructure operators themselves during the exhibition period. It is considered that the application of the Utilities Zone for these assets is consistent with the Ministerial Guideline No. 1 and will enable such land to be reserved for infrastructure development. This accords with the principle that has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use.</p> <p>The representor raised concerns regarding the future rezoning of land zoned from Future Urban Zone, and detailed planning concerns regarding land adjacent to the rail corridor, which are not a matter for the LPS process to address.</p>
Recommended action	To revise the zoning of the following dedicated titles for utilities assets to the Utilities Zone: 137399/1 and 136913/1.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.37	Herbert and Sally Staubmann 240 Jones Road, Liffey (CT 23577/1 and CT 209745/1)
Matter(s) raised	That the land be zoned Landscape Conservation.
Planning Authority response	<p>As outlined in the draft LPS methodology (in the ‘LPS Supporting Report’, February 2021) there is no land zoned Significant Agriculture Zone in the Northern Midlands Interim Planning Scheme 2013 (NMIPS 2013), and as such, a review of all land zoned Rural Resource was required. This was undertaken and was informed by the Ministerial Guideline No. 1 and the Land Potentially Suitable for Agriculture Zone PPU project. Based on the comparison of provisions between existing zones and SPP zones, Council reached the decision that the Agriculture Zone most closely aligned with the current provisions of the Rural Resource Zone in the NMIPS 2013. Hence, this is the fundamental transition applied to all land currently zoned Rural Resource, including the Rural Resource zoned land excluded from the PPU project analysis. As part of this process all landowners were notified by Council and advised to check the draft LPS zoning maps to identify the impact on their property or properties.</p> <p>Furthermore, a review of all land transitioned to the Agriculture Zone was undertaken by Northern Midlands Council to identify lots:</p> <ul style="list-style-type: none"> • With known existing strategic non-agricultural uses; • Identified as constrained by the PPU project; and • Surrounding townships (especially smaller constrained lots which could be transitioned to a non-agriculture zone to provide a buffer to the sensitive uses within Townships). <p>Council’s rationale is aligned with the following LUDS principles:</p> <ul style="list-style-type: none"> • Apply a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible;

	<ul style="list-style-type: none"> Maintain existing use rights of landowners wherever possible; and Avoid spot and split zoning wherever possible. <p>On this basis the Agriculture Zone has been applied to such lands, as outlined in the draft LPS. In relation to the individual titles listed that are protected by conservation covenant, the approach has, in accordance with the Council's methodology (outlined in the 'LPS Supporting Report', February 2021) been that the Private Conservation Covenants are not permanently reserved for the purposes of determining the underlying zone, and in the event that leases, agreements, or covenants are terminated, then the land reverts back to its primary purpose. This accords with the principle that has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use.</p> <p>It is however recommended that where landowners have indicated that the land subject to a private conservation covenant is being managed for landscape values (in accordance with Ministerial Guidance No. 1), and there are significant clusters of such adjoin land, that such land be zoned Landscape Conservation. This approach is consistent with the approach taken in other LPS and by the TPC.</p>
Recommended action	As such it is recommended: <ul style="list-style-type: none"> To revise the zoning of the following titles for Landscape Conservation: 23577/1 and CT 209745/1.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.38	Heath and Trish Clayton regarding Breadalbane township.
Matter(s) raised	That land in Breadalbane be zoned Rural Living.
Planning Authority response	Please refer to the Planning Authority's response to Rep. No. 22.
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.39	Mary-Jane Wright regarding Breadalbane township.
Matter(s) raised	That land in Breadalbane be zoned Rural Living.
Planning Authority response	Please refer to the Planning Authority's response to Rep. No. 22.
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.40	Tasmanian Heritage Council
Matter(s) raised	<p>Longford SAP</p> <ul style="list-style-type: none"> That the Longford Specific Area Plan be updated to include the updated precinct master plans The draft Longford SAP should provide corresponding development standards in addition to residential use in response to the Preliminary Master Plan for the Longford Racecourse. <p>Ross SAP</p>

	<ul style="list-style-type: none"> That the Ross SAP area be extended to include the area bounded by Church Street, Wellington Street, and Fitzroy Street <p>Places or Precincts of Archaeological Potential</p> <ul style="list-style-type: none"> That the Council undertake an archaeological survey/study to develop an Archaeological Zoning Plan (including for sites such as 160 Bridge St, Campbell Town and 868 Illawarra Rd Longford). <p>Scenic Road Corridors</p> <ul style="list-style-type: none"> That the Scenic Road Corridor NOR-C8.2.7 be extended along Hobart Road to Breadalbane roundabout. <p>Overlay Map</p> <ul style="list-style-type: none"> That the overlay map included notating map numbers (27-46) in the legend 'master map' on the right bottom of each page.
Planning Authority response	<p>In relation to the Longford SAP it is noted that there is a revised precinct master plan, and the area of the Longford SAP in the draft LPS (Figure NOR-S.6.2.1) should be updated. In relation to the development standards are not yet finalised and it is recommended that the SAP within the draft LPS be taken forward as drafted, with any material amendments made outside of the LPS process once the final master plan has been approved by Council.</p> <p>The Minister for Planning has consistently advised Councils that the State Government's position is that the LPS process is not a suitable opportunity to undertake significant strategic land use planning reviews. This is clearly identified in the Minister's Advisory Statement from June 2017:</p> <p>"The current process of preparing draft LPS's to give effect to the Tasmanian Planning Scheme is a priority for the Government and the efficient conversion of current interim planning schemes to the LPSs should not be unnecessarily complicated by the introduction of strategic changes that are not related to the facilitation of that process."</p> <p>This is not to preclude or diminish the importance of undertaking these strategic land use planning reviews, rather it identifies that this will largely occur outside of the LPS process, with the drafting of the LPS broadly emphasising administrative translation over strategic improvements.</p> <p>Council recognises the need undertake contemporary review and development of strategic land use plan(s), and such work will occur after the LPS process is completed. Such wider strategic changes can be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes.</p> <p>In relation to the Longford SAP, Council is currently undertaking a strategic review of the settlement strategy at Longford, and this will inform future land use and development strategies, and which has included consultation with landowners and the community.</p> <p>In relation to the Ross SAP, the Council accepts that there is likely to be merit in extending the SAP area to include the area bounded by Church Street, Wellington Street, and Fitzroy Street, that contains significant parts of the town, including areas of heritage significance. Any change to the SAP area would however need to be based on a robust strategic assessment of the area and involve consultation with relevant landowners. As such it is recommended that the SAP area not be changed, and that the proposed amendments be considered outside of the LPS process.</p> <p>In relation to the Places or Precincts of Archaeological Potential the Council accepts that there is likely to be merit in the proposals. However, the proposal would likely result in wider strategic changes and would need to be based on appropriate strategic planning to support those changes. It is recommended that this be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes, outside of the LPS process.</p> <p>In relation to the Scenic Road Corridors, it is noted that the Council accepts that there is likely to be merit in the proposals. It is however noted that NOR-C8.2.7 specifically relates to the Midland Highway which is identified as a "Major north-south tourist route providing views of rural landscape with backdrop of Western Tiers and Ben Lomond Ranges." Further strategic work would be required to determine the scenic value of the additional section of Hobart Road (of which only a very small portion is currently within NOR-C8.2.7 in the draft LPS where Hobart Road intersects with the Midlands Highway). It is recommended that this be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes, outside of the LPS process.</p> <p>In relation to the overlay maps, the concern raised that the overlay map numbers have not been adequately sited on the maps 27-46 is noted, and it is recommended that these be updated on the revised maps.</p>
Recommended action	<p>To amend all overlay maps numbered 27-46 (inclusive) to provide for map numbers in the key.</p> <p>To amend the area of the Longford SAP in the draft LPS (Figure NOR-S.6.2.1) in response to the revised Longford Racecourse Preliminary Master Plan.</p>

Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.
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Representation reference no.41	Rocelyn Ives regarding 111 Gulf Road, Liffey, (204354/1)
Matter(s) raised	That the land be zoned Landscape Conservation.
Planning Authority response	<p>As outlined in the draft LPS methodology (in the ‘LPS Supporting Report’, February 2021) there is no land zoned Significant Agriculture Zone in the Northern Midlands Interim Planning Scheme 2013 (NMIPS 2013), and as such, a review of all land zoned Rural Resource was required. This was undertaken and was informed by the Ministerial Guideline No. 1 and the Land Potentially Suitable for Agriculture Zone PPU project. Based on the comparison of provisions between existing zones and SPP zones, Council reached the decision that the Agriculture Zone most closely aligned with the current provisions of the Rural Resource Zone in the NMIPS 2013. Hence, this is the fundamental transition applied to all land currently zoned Rural Resource, including the Rural Resource zoned land excluded from the PPU project analysis. As part of this process all landowners were notified by Council and advised to check the draft LPS zoning maps to identify the impact on their property or properties.</p> <p>Furthermore, a review of all land transitioned to the Agriculture Zone was undertaken by Northern Midlands Council to identify lots:</p> <ul style="list-style-type: none"> • With known existing strategic non-agricultural uses; • Identified as constrained by the PPU project; and • Surrounding townships (especially smaller constrained lots which could be transitioned to a non-agriculture zone to provide a buffer to the sensitive uses within Townships). <p>Council’s rationale is aligned with the following LUDS principles:</p> <ul style="list-style-type: none"> • Apply a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible; • Maintain existing use rights of landowners wherever possible; and • Avoid spot and split zoning wherever possible. <p>On this basis the Agriculture Zone has been applied to such lands, as outlined in the draft LPS.</p> <p>In relation to the individual titles listed that are protected by conservation covenant, the approach has, in accordance with the Council’s methodology (outlined in the ‘LPS Supporting Report’, February 2021) been that the Private Conservation Covenants are not permanently reserved for the purposes of determining the underlying zone, and in the event that leases, agreements, or covenants are terminated, then the land reverts back to its primary purpose. This accords with the principle that has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use.</p> <p>It is however recommended that where landowners have indicated that the land subject to a private conservation covenant is being managed for landscape values (in accordance with Ministerial Guidance No. 1), and there are significant clusters of such adjoin land, that such land be zoned Landscape Conservation. This approach is consistent with the approach taken in other LPS and by the TPC.</p>
Recommended action	As such it is recommended: <ul style="list-style-type: none"> • To revise the zoning of the following titles for Landscape Conservation: 204354/1.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.42	Conservation Landholders Tasmania
Matter(s) raised	That eleven (11) properties containing Private Reserves protected by conservation covenant with land reserved for the protection of biodiversity should be rezoned fully or partly to Landscape Conservation.
Planning Authority response	<p>In relation to the 11 properties listed, as outlined in the draft LPS methodology (in the ‘LPS Supporting Report’, February 2021) there is no land zoned Significant Agriculture Zone in the Northern Midlands Interim Planning Scheme 2013 (NMIPS 2013), and as such, a review of all land zoned Rural Resource was required. This was undertaken and was informed by the Ministerial Guideline No. 1 and the Land Potentially Suitable for Agriculture Zone PPU project. Based on the comparison of provisions between existing zones and SPP zones, Council reached the decision that the Agriculture Zone most closely aligned with the current provisions of the</p>

	<p>Rural Resource Zone in the NMIPS 2013. Hence, this is the fundamental transition applied to all land currently zoned Rural Resource, including the Rural Resource zoned land excluded from the PPU project analysis. As part of this process all landowners were notified by Council and advised to check the draft LPS zoning maps to identify the impact on their property or properties.</p> <p>Furthermore, a review of all land transitioned to the Agriculture Zone was undertaken by Northern Midlands Council to identify lots:</p> <ul style="list-style-type: none"> • With known existing strategic non-agricultural uses; • Identified as constrained by the PPU project; and • Surrounding townships (especially smaller constrained lots which could be transitioned to a non-agriculture zone to provide a buffer to the sensitive uses within Townships). <p>Council's rationale is aligned with the following LUDS principles:</p> <ul style="list-style-type: none"> • Apply a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible; • Maintain existing use rights of landowners wherever possible; and • Avoid spot and split zoning wherever possible. <p>On this basis the Agriculture Zone has been applied to these lands, as outlined in the draft LPS.</p> <p>In relation to the 11 properties listed that are protected by conservation covenant, the approach is in accordance with the Council's methodology (outlined in the 'LPS Supporting Report', February 2021) that states that Private Conservation Covenants are not permanently reserved for the purposes of determining the underlying zone, and in the event that leases, agreements, or covenants are terminated, then the land reverts back to its primary purpose. This accords with the principle that has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use.</p> <p>The representation has not provided suitable evidence that the land is primarily managed for landscape values (in accordance with Ministerial Guidance No. 1), or that the application of the relevant codes does not provide sufficient protection for these lands.</p> <p>Furthermore, no evidence has been provided that individual landowners support the application of the Landscape Conservation Zone to the properties (other than the assertion that landowners will be contacted, where individual representations are received from landowners these are addressed under each representation individually).</p>
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.43	TasWater
Matter(s) raised	That TasWater is satisfied with the Draft LPS and does not wish to submit a representation.
Planning Authority response	Noted.
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.44	Kay Thompson regarding Woodville Estate/Devon Hills
Matter(s) raised	That priority vegetation and threatened species have been sighted in the area.
Planning Authority response	The Natural Assets Code overlay has been applied consistent with the standardised Regional Ecosystem Model methodology developed by Natural Resources Management Pty Ltd, for the preparation of the overlay and application under Ministerial Guideline No. 1. At this stage the Council would be required to undertake further local strategic land use planning outside the draft LPS assessment process to accurately determine whether a more extensive application of the overlay is warranted, that departs from the standardised Regional Ecosystem Model.

	Furthermore, the representor has not provided sufficient evidence that a circumstance relevant to clause LP1.7.5(d) (circumstances providing for modification of a Priority Vegetation Area) of the SPPs exists to support the modification of the Priority Vegetation Area overlay.
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.45	Private Forests Tasmania
Matter(s) raised	That Private Forests Tasmania will be providing input through a consolidated Department of State Growth submission.
Planning Authority response	Noted.
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.46	Terra Firma (on behalf of Carlton Dixon and Peter Dixon) regarding various properties.
Matter(s) raised	<p>That various sites should be rezoned and:</p> <ul style="list-style-type: none"> • That 22 Sheridan Court, Longford (Pateena) should be zoned Rural Living Zone C • That 44 Phillip Street, Perth should be zoned General Residential • That the Longford SAP are inappropriately restrictive in areas (specifically 144 Marlborough Street, Longford) • That the attenuation distances at the Austal Brickworks should be reduced • That Fairtlough Street, Perth (117849/2, 178951/2, and 180515/1) be zoned General Residential • That 5 Macquarie Street, Evandale (and the Evandale SAP) amend the subdivision and minimum lot size provision for multiple dwellings • Is supportive of the zoning at 89-113 Clare St, Campbell Town, and 42-56 Franklin St Campbell Town • That 1 Saundridge Road, Cressy be zoned a mix of General Residential and Low Density Residential
Planning Authority response	<p>In relation to 22 Sheridan Court, Longford, it is noted that the Council has applied a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible, to maintain existing use rights of landowners wherever possible, and to avoid spot and split zoning wherever possible. This is in accordance with the Council's methodology outlined in the 'LPS Supporting Report', February 2021. The site is currently zoned Rural Living under the NMIPS 2013, and Rural Living D under the draft LPS, and the current request represents a spot rezoning request. As noted elsewhere in this report, such work will occur after the LPS process is completed and can be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes.</p> <p>In relation to 44 Phillip Street, Perth, it is noted that the Council has applied a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible, to maintain existing use rights of landowners wherever possible, and to avoid spot and split zoning wherever possible. This is in accordance with the Council's methodology outlined in the 'LPS Supporting Report', February 2021. The site is currently zoned Particular Purpose - Future Residential under the NMIPS 2013, and Future Residential under the draft LPS, and the current request represents a spot rezoning request. As noted elsewhere in this report, such work will occur after the LPS process is completed and can be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes.</p> <p>In relation to 144 Marlborough Street, Longford, it is noted that the Council has applied a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible, to maintain existing use rights of landowners wherever</p>

	<p>possible, and to avoid spot and split zoning wherever possible. This is in accordance with the Council's methodology outlined in the 'LPS Supporting Report', February 2021. The site is currently zoned Low Density Residential under the NMIPS 2013, and Low Density Residential under the draft LPS, and the current request represents a spot rezoning request. As noted elsewhere in this report, such work will occur after the LPS process is completed and can be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes. In addition Council is currently undertaking a strategic review of the settlement strategy at Longford, and this will inform future land use and development strategies, and which has included consultation with landowners and the community. In relation to issues with the draft SAP, the 'LPS Supporting Report', February 2021 outlines the rationale for the Longford SAP and the draft provisions.</p> <p>In relation to the proposed attenuation buffer, this has been mapped in accordance with the land use of the Austral Brick site and the State Planning Provisions attenuation distances, and as such is not a matter for the LPS process to address.</p> <p>In relation to Fairtlough Street, Perth, the Council endorses zoning of the Gibbet Hill area for Rural Living A, and the Council maintains that the land is suitable for the Rural Living Zone A. The Council have a representation (Rep. No. 2) that supports the zone for the following reasons:</p> <ul style="list-style-type: none"> • "The proposed zoning will provide a clear separation between Perth to the south which is zoned General Residential and Devon Hills to the north which is zoned Low Density Residential where lot sizes can be subdivided smaller; • There are topographical challenges in the Devon Hills area which restrict subdivision, due to the undulating land and substantial rocky areas. This is not conducive to sustainable subdivision. • The area is not currently connected to reticulated water and sewer, and given the rocky topography, there will be limitations to onsite servicing. • Finally there are limitations in Council's downstream stormwater network which are impacting upon the ability to manage stormwater and overland flow from the site." <p>It is noted that the representation received here challenges a number of these assertions, and which provides reasonably robust evidence from a suitably qualified person that at least a small number of lots within this area are indeed serviceable.</p> <p>The Council believes that for the purposes of the LPS process that the Rural Living Zone A is suitable for the land, and that wider strategic changes (if necessary) can be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes. This will enable the Council to also consider the surrounding sites within the strategic planning, rather than dealing with isolated spot-zoning. This is in accordance with the 'LPS Supporting Report', February 2021 that outlines the rationale for the Perth SAP and the draft provisions.</p> <p>In relation to 5 Macquarie Street, Evandale, and the Evandale SAP, the 'LPS Supporting Report', February 2021 outlines the rationale for the Evandale SAP and the draft provisions, including the social and economic factors considered. This provides sufficient justification for the provisions outlined in the draft LPS.</p> <p>In relation to 1 Saundridge Road, Cressy, it is noted that the Council has applied a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible, to maintain existing use rights of landowners wherever possible, and to avoid spot and split zoning wherever possible. This is in accordance with the Council's methodology outlined in the 'LPS Supporting Report', February 2021. The site is currently zoned Particular Purpose - Future Residential under the NMIPS 2013, and Future Residential under the draft LPS, and the current request represents a spot rezoning request. As noted elsewhere in this report, such work will occur after the LPS process is completed and can be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes.</p>
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

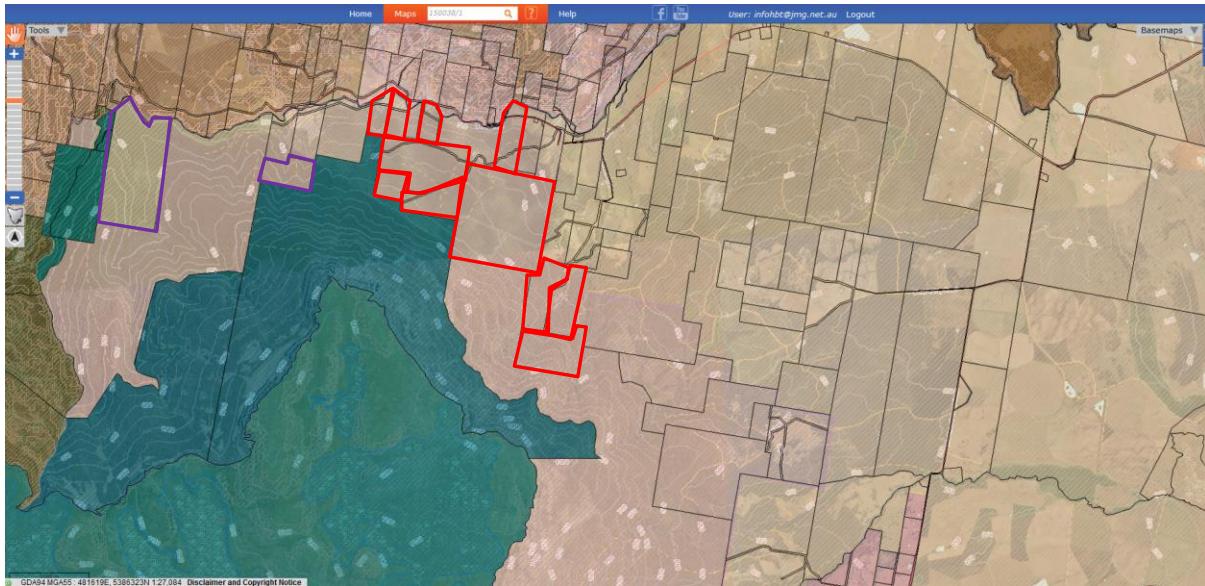
Representation reference no.47	Brian John Longley and Faye Irene Longley, regarding 1726 Auburn Road, Ross
Matter(s) raised	That the land be zoned for Landscape Conservation where land is protected by conservation covenants, and zoned for Agriculture on the non-covenanted land.

Planning Authority response	<p>In relation to the 11 properties listed, as outlined in the draft LPS methodology (in the ‘LPS Supporting Report’, February 2021) there is no land zoned Significant Agriculture Zone in the Northern Midlands Interim Planning Scheme 2013 (NMIPS 2013), and as such, a review of all land zoned Rural Resource was required. This was undertaken and was informed by the Ministerial Guideline No. 1 and the Land Potentially Suitable for Agriculture Zone PPU project. Based on the comparison of provisions between existing zones and SPP zones, Council reached the decision that the Agriculture Zone most closely aligned with the current provisions of the Rural Resource Zone in the NMIPS 2013. Hence, this is the fundamental transition applied to all land currently zoned Rural Resource, including the Rural Resource zoned land excluded from the PPU project analysis. As part of this process all landowners were notified by Council and advised to check the draft LPS zoning maps to identify the impact on their property or properties.</p> <p>Furthermore, a review of all land transitioned to the Agriculture Zone was undertaken by Northern Midlands Council to identify lots:</p> <ul style="list-style-type: none"> • With known existing strategic non-agricultural uses; • Identified as constrained by the PPU project; and • Surrounding townships (especially smaller constrained lots which could be transitioned to a non-agriculture zone to provide a buffer to the sensitive uses within Townships). <p>Council’s rationale is aligned with the following LUDS principles:</p> <ul style="list-style-type: none"> • Apply a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible; • Maintain existing use rights of landowners wherever possible; and • Avoid spot and split zoning wherever possible. <p>On this basis the Agriculture Zone has been applied to these lands, as outlined in the draft LPS.</p> <p>In relation to the 11 properties listed that are protected by conservation covenant, the approach is in accordance with the Council’s methodology (outlined in the ‘LPS Supporting Report’, February 2021) that states that Private Conservation Covenants are not permanently reserved for the purposes of determining the underlying zone, and in the event that leases, agreements, or covenants are terminated, then the land reverts back to its primary purpose. This accords with the principle that has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use.</p> <p>The representation has not provided suitable evidence that the land is primarily managed for landscape values (in accordance with Ministerial Guidance No. 1), or that the application of the relevant codes does not provide sufficient protection for these lands.</p> <p>Furthermore, in this particular instance the site is within an area of predominantly Agriculture Zone land, and a spot rezoning would lead to an oddly zoned pocket of land (this is against the proposed methodology outlined in the ‘LPS Supporting Report’, 2021).</p>
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

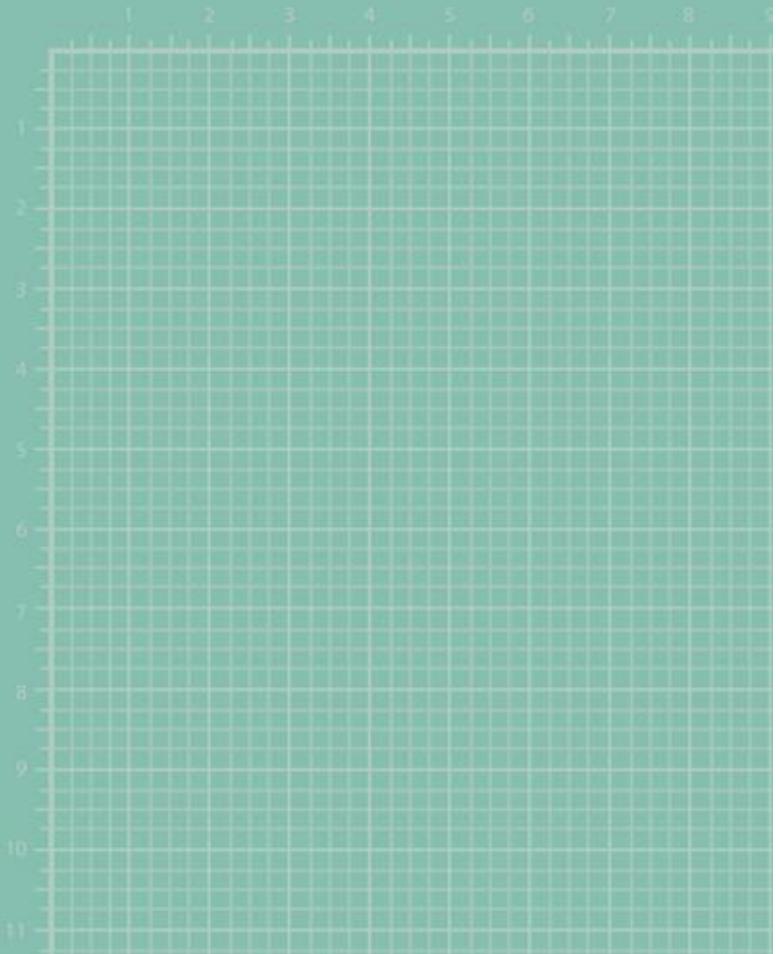
Representation reference no.48	Ivan Badcock regarding land in Bishopsbourne
Matter(s) raised	That the land be zoned Village.
Planning Authority response	<p>The Minister for Planning has consistently advised Councils that the State Government’s position is that the LPS process is not a suitable opportunity to undertake significant strategic land use planning reviews. This is clearly identified in the Minister’s Advisory Statement from June 2017:</p> <p>“The current process of preparing draft LPS’s to give effect to the Tasmanian Planning Scheme is a priority for the Government and the efficient conversion of current interim planning schemes to the LPSs should not be unnecessarily complicated by the introduction of strategic changes that are not related to the facilitation of that process.”</p> <p>This is not to preclude or diminish the importance of undertaking these strategic land use planning reviews, rather it identifies that this will largely occur outside of the LPS process, with the drafting of the LPS broadly emphasising administrative translation over strategic improvements.</p> <p>Council recognises the need to undertake contemporary review and development of strategic land use plan(s), and such work will occur after the LPS process is completed. Such wider</p>

	<p>strategic changes can be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes.</p> <p>The expansion of the Village zone in this location also raises the following issues:</p> <ul style="list-style-type: none"> • It would be inconsistent with the Northern Tasmania Regional Land Use Strategy. • The use of zoning for Rural Areas is identified in the NTRLUS as a legitimate element of settlement strategy to ensure that there is a sustainable approach to urban settlements as well as to constrain expansion. • The land is identified as ‘Unconstrained’ under the Land Potentially Suitable for Agriculture Zone overlay on the LIST, which would ordinarily mean it would be expected to be zoned for Agriculture. It is also evident that the land is currently used for agricultural purposes and is in productive use.
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.49	Hugh C Mackinnon regarding land in Perth (174678/1 and 173776/1)
Matter(s) raised	That part of the land be zoned General Residential, and part of the land General Residential/Future Urban.
Planning Authority response	<p>The Minister for Planning has consistently advised Councils that the State Government’s position is that the LPS process is not a suitable opportunity to undertake significant strategic land use planning reviews. This is clearly identified in the Minister’s Advisory Statement from June 2017:</p> <p>“The current process of preparing draft LPS’s to give effect to the Tasmanian Planning Scheme is a priority for the Government and the efficient conversion of current interim planning schemes to the LPSs should not be unnecessarily complicated by the introduction of strategic changes that are not related to the facilitation of that process.”</p> <p>This is not to preclude or diminish the importance of undertaking these strategic land use planning reviews, rather it identifies that this will largely occur outside of the LPS process, with the drafting of the LPS broadly emphasising administrative translation over strategic improvements.</p> <p>Council recognises the need to undertake contemporary review and development of strategic land use plan(s), and such work will occur after the LPS process is completed. Such wider strategic changes can be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes.</p>
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the Planning Authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.



Desktop review of all representors seeking land to be placed in Landscape Conservation (purple outline draft LPS Environmental Management Zone, red outline draft LPS Agriculture Zone).



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4 May 2022

Ms Ann Cunningham
Delegate (Chair)
Tasmanian Planning Commission
By email: tpc@planning.tas.gov.au

Dear Ms Cunningham

Northern Midlands draft Local Provisions Schedule Section 35F report

I refer to your letter dated 22 April 2022 and provide the following response to the information requested at points 1 and 2.

1. Under 35F(2)(c):

Further justification for the opinion of the planning authority as to the merit of representations 7, 10, 13 and 48, including whether the planning authority is of the opinion that the draft LPS ought to be modified, and the effect on the draft LPS as a whole of implementing the recommendation.

Representation 7

The representation requests that the Poatina Village be zoned Particular Purpose Zone and submits that the Particular Purpose Zone would contain various precincts that respond to the characteristics of the site to provide for:

- Residential development in appropriate locations to support population growth;
- Economic opportunity capitalising on existing infrastructure and the unique environmental and location attributes; and
- Enhancement of the environment to ensure a safe and prosperous community.

Guideline No. 1 – Local Provisions Schedule: zone and code application states:

A Particular Purpose Zone (PPZ) may be applied to a particular area of land where the intended planning outcomes cannot be achieved through the application of one or more State Planning Provision zones. It may be applied to land that provides major facilities or sites which require a unique or tailored approach to both use and development standards, such as a university campus, or major hospital site. Note: A new PPZ must meet a requirement of section 32(4) of the Act.

The planning authority is of the opinion that the representation outlines reasons why the Poatina Village and campus sites require a tailored approach to use and development standards.

Recommendation for draft LPS:

The Planning Authority is of the opinion that the draft LPS ought to be modified to zone titles 53397/3 and 120167/0 Particular Purpose Zone and to remove the Scenic Protection Area overlay from titles

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53397/3 and 120167/0, with landscape management areas to be identified within the Particular Purpose Zone.

Effect on draft LPS as a whole

The recommendation does not have an effect on the draft LPS as a whole and the planning authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation 10

The representation requests that 120 Catherine Street and 116 Catherine Street, Longford be removed from the Agriculture Zone and the Rural Living Zone C be applied. The representation submits that the Agriculture zoning proposed under the LPS is not appropriate for the land which is identified as part of Council's future growth based on the requirements of the Northern Tasmania Regional Land Use Strategy, the Greater Launceston Plan and Guideline No. 1 – Local Provisions Schedule: zone and code application.

120 Catherine Street has an area of 4.262ha and contains a house. 116 Catherine Street has an area of 4.239ha and is vacant. The minimum discretionary lot size in Rural Living Zone C is 4ha. Application of Rural Living Zone C recognises the existing use of 120 Catherine Street while not allowing further subdivision. 116 Catherine Street could have a house built beyond the 200m required by clause 11.4.2 A4 from the western boundary with the Agriculture zone, but not from the northern boundary with the Agriculture Zone and an application for building would therefore be discretionary.

Recommendation for draft LPS:

The Planning Authority is of the opinion that the draft LPS ought to be modified to zone 120 Catherine Street and 116 Catherine Street, Longford as Rural Living Zone C.

Effect on draft LPS as a whole

The recommendation does not have an effect on the draft LPS as a whole and the planning authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation 13

The representation requests that 18 Wilmores Lane be removed from the Agriculture Zone and the Rural Living Zone C be applied. The property has an area of 3.010 hectares and contains a dwelling and outbuildings.

The minimum discretionary lot size in Rural Living Zone C is 4ha. Application of Rural Living Zone C recognises the existing use of 18 Wilmores Lane while not allowing further subdivision.

The Planning Authority is of the opinion that the draft LPS ought to be modified to zone 18 Wilmores Lane Rural Living Zone C.

Taking into consideration the Planning Authority's opinion that 120 Catherine Street ought to be zoned Rural Living C, consideration is given to the two tiles in between. 140 Catherine Street and 130 Brickendon Street. Both have areas of approximately 3.1ha. 140 Catherine Street contains a dwelling. 130 Catherine Street has approval for a dwelling. Application of the Rural Living Zone C recognises the use and approved use of these properties and will not allow further subdivision.

Recommendation for draft LPS:

The Planning Authority is of the opinion that the draft LPS ought to be modified to zone 18 Wilmores Lane, 140 Catherine Street and 130 Brickendon Street Rural Living Zone C.

Effect on draft LPS as a whole:

The recommendation does not have an effect on the draft LPS as a whole and the planning authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation 48

The representation requests that 1095 Bishopsbourne Road, Bishopsbourne, be rezoned Village Residential. The LPS Zone and Code Application document states:

The Village Zone should be applied to land within rural settlements where the Urban Mixed Use Zone is not suitable and there is an unstructured mix of residential, commercial activities and community services and there is a strategic intention to maintain this mix.

The Council does not have a strategy to expand the Village zone of Bishopsbourne. The Regional Land Use Strategy of Northern Tasmania, 23 June 2021, states:

G.2.2.2 Rural Residential Areas

The region's rural landscape includes land suitable for opportunities for rural residential use and development on large allotments, in preferred locations.

Rural Residential Areas will typically be included in the Rural Living Zone, however other zones may be appropriate, potentially associated with overriding local provisions to the SPP's, upon detailed analysis of particular areas. These zones will be applied to reflect: established land use patterns and will provide residential opportunities within a rural landscape, including where services are limited, or existing natural and landscape values are to be retained.

Application of the Rural Living Zone B will allow for discretionary subdivision of lots to 1.6 ha which is consistent with the area of the property at 1105 Bishopsbourne Road.

Recommendation for draft LPS: The Planning Authority is of the opinion that the draft LPS ought to be modified to zone the part of 1095 Bishopsbourne Road (CT 142592/1) that is shown as Agriculture in the draft LPS as Rural Living Zone B (noting that part of CT 142592/1 is already zoned Village).

Effect on draft LPS as a whole

The recommendation does not have an effect on the draft LPS as a whole and the planning authority is satisfied that the LPS criteria in Section 34(2) of LUPAA are maintained.

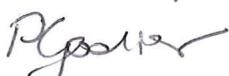
2. Under 35F(2)(d):

Clarify whether the planning authority has made a determination that the draft LPS (inclusive of the final recommendations per item 1 of this letter) satisfies the LPS criteria set under section 34(2) of the Act, with particular regard for 32(4).

The planning authority has determined that the draft LPS, inclusive of the final recommendations in this letter, satisfies the LPS criteria set under section 34(2) of the Act, including 32(4).

Please contact me on 6397 7303 or email planning@nmc.tas.gov.au if you require any further information.

Yours sincerely,



Paul Godier
Senior Planner