



11.3 REPORT (SECTION 40K) ON REPRESENTATION TO DRAFT AMENDMENT 24-2026 TO INSERT ROSS DARK SKY SPECIFIC AREA PLAN

File: PLN-26-0081
Responsible Officer: Maree Bricknell, Acting General Manager
Report prepared by: Paul Godier, Senior Planner

MINUTE NO. 26/0226

DECISION

Cr Andrews/Cr Terrett

That Council:

- a) in accordance with section 40K of the *Land Use Planning and Approvals Act 1993*, considers the merit of the representation received during the public exhibition of draft amendment 24-2026;
- b) considers draft amendment 24-2026 meets the LPS Criteria without modification; and
- c) provides this report to the Tasmanian Planning Commission under section 40K of the Act.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Cr Adams, Cr Andrews, Cr Archer, Cr Goss and Cr Terrett

Voting Against the Motion:

Nil

RECOMMENDATION

That Council:

- a) in accordance with section 40K of the *Land Use Planning and Approvals Act 1993*, considers the merit of the representation received during the public exhibition of draft amendment 24-2026;
- b) considers draft amendment 24-2026 meets the LPS Criteria without modification; and
- c) provides this report to the Tasmanian Planning Commission under section 40K of the Act.

1 PURPOSE OF REPORT

This report advises the Northern Midlands Council planning authority of a representation received to draft amendment 24-2026 to the Northern Midlands Local Provisions Schedule (LPS) and recommends a response to the Tasmanian Planning Commission (TPC).

2 INTRODUCTION/BACKGROUND

At the regular meeting of Council on the 29th June 2026, Council resolved as follows:

MINUTE NO. 26/0159

DECISION

Cr McCullagh/Cr Andrews

That Council:

1. under section 40D(b) of the *Land Use Planning and Approvals Act 1993*, agree to prepare draft amendment 24-2026 to the Northern Midlands Local Provisions Schedule, as set out below; and
2. under section 40F(1) of the *Land Use Planning and Approvals Act 1993*, consider and endorse the Assessment Against LPS Criteria attached to this report; and
3. under section 40F(2)(a) of the *Land Use Planning and Approvals Act 1993*, certify draft amendment 24-2026 to the Northern Midlands Local Provisions Schedule as meeting the LPS criteria.



Draft Amendment 24-2026 to the Northern Midlands Local Provisions Schedule

Insert NOR-S9.0 Ross Dark Sky Specific Area Plan in accordance with Attachment 1.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil

3 STRATEGIC PLAN & INTEGRATED PRIORITY PROJECTS PLAN

3.1 Strategic Plan 2021-2027

The Strategic Plan 2021-2027 provides the guidelines within which Council operates.

Lead: Serve with honesty, integrity, innovation and pride

Leaders with Impact

Strategic outcomes:

1.1 Council is connected to the community

1.2 Councillors serve with integrity and honesty

3.2 Integrated Priority Projects Plan 2021

Not applicable.

4 POLICY IMPLICATIONS

There are no policy implications.

5 STATUTORY REQUIREMENTS

5.1 Land Use Planning and Approvals Act 1993

40K. Report to Commission about draft amendments

(1) A planning authority, within 35 days after the end of the exhibition period in relation to a draft amendment of an 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 amendment of an LPS.

(2) The report by a planning authority in relation to the draft amendment of an LPS is to contain –

(a) a copy of each representation made under section 40J in relation to the draft amendment before the end of the exhibition period in relation to the draft amendment, or, if no such representations were made before the end of the exhibition period, a statement to that effect.

One representation was received and is considered in Part 9 of this report. The unredacted representation has been provided to the planning authority and will be provided to the TPC.

(b) a copy of each representation, made under section 40J in relation to the draft amendment after the end of the exhibition period in relation to the draft amendment, that the planning authority, in its discretion, includes in the report.

No representations were received after the end of the exhibition period.

(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 amendment ought to be modified to take into account the representation.

Statement: Having considered the representation in Part 9 of this report, the draft amendment does not need to be modified to take into account the representation.

(ii) the effect on the draft amendment, and the LPS to which it relates, as a whole, of implementing the recommendation.

Statement: Having considered the representation in Part 9 of this report, the issues raised in the representation do not impact on the draft amendment, or compliance with the LPS criteria.

(d) a statement as to whether it is satisfied that the draft amendment of an LPS meets the LPS criteria.

Statement: The Planning Authority is satisfied that the draft amendment meets the Local Provisions Schedule criteria in accordance with section 34(2) of the Land Use Planning and Approvals Act 1993, as per the original assessment and certification at its meeting of the 29 June 2026 (minute reference 26/0159).

(e) any recommendations in relation to the draft amendment that the planning authority thinks fit.

Recommendation: The Planning Authority recommends that the Tasmanian Planning Commission give its final approval to the Draft Amendment.

6 FINANCIAL IMPLICATIONS

There are no financial implications to Council.

7 RISK ISSUES

No risk issues to Council are identified.

8 CONSULTATION WITH STATE GOVERNMENT

Consultation with TasNetworks was not undertaken as the Specific Area Plan will not apply to existing streetlighting, and new streetlighting already needs to be in accordance with the Council's Dark Sky Lighting Policy which requires Installation of all new public street lighting will be to the minimum specifications in accordance with current Australian Standards and utilising standard TasNetworks luminaires which meet colour temperature requirements under International Dark Sky Community Program Guidelines (June 2018)

The application was referred to the Planning Policy Unit and TasWater. TasWater advised that it does not object to the draft amendment and has the comments for the Tasmanian Planning Commission in relation to this matter in the advice section below:

While TasWater's operational lighting is generally minimal and, where practicable, could be designed to align with the objectives of the Specific Area Plan, there are circumstances where compliance may not be possible or appropriate. Planned maintenance activities, unplanned outages, emergency repairs, public health responses and critical infrastructure works may require temporary lighting installations or operational lighting that does not meet the proposed shielding, colour temperature or curfew requirements. The proposal currently provides exemptions for certain activities, including athletic field lighting and the use of searchlights by emergency personnel.

TasWater therefore requests that consideration be given to incorporating a specific exemption or provision for utility infrastructure and operational works. Such a provision could recognise the need for lighting associated with the



construction, operation, inspection, maintenance, renewal and emergency repair of essential water and sewerage infrastructure, provided that lighting is used only where necessary and for the minimum duration required. This would be consistent with the intent of the existing exemptions contained within the Dark Sky Lighting Policy, including Section 8 relating to athletic field lighting and Section 10(iii) relating to emergency personnel.

TasWater recommends that additional guidance or provisions be included to clarify how the Dark Sky requirements apply to existing and future utility infrastructure, and to ensure that the safe and reliable operation of essential public infrastructure is not unintentionally constrained by the proposed controls.

Response

The *Water and Sewerage Industry Act 2008* and *Water and Sewerage Industry (General) Regulations 2019* exempt work on water and sewerage infrastructure from the Land Use Planning and Approvals Act, and therefore from the draft Specific Area Plan, as below. It is considered that specific exemptions in the SAP are not required.

Water and Sewerage Industry Act 2008

56I. Work on water infrastructure and sewerage infrastructure

Where –

- (a) a regulated entity proposes to carry out work on the construction, installation, modification, maintenance, demolition or replacement of water infrastructure or sewerage infrastructure; and*
- (b) the work is of a kind prescribed in the regulations and meets the criteria specified in the regulations – the work is not to be regarded as development or use for the purposes of the Land Use Planning and Approvals Act 1993 and is not subject in any other way to that Act.*

Water and Sewerage Industry (General) Regulations 2019

11. Work that is not use or development under Land Use Planning and Approvals Act 1993

For section 56I(b) of the Act, the following kind of work, and criteria in relation to that work, are prescribed:

- (a) the removal, repair, maintenance, modification, installation, erection or use of a pump station associated with the distribution or removal of water or sewage;*
- (b) the removal, repair, maintenance, modification, installation, erection or use of a fluoridation station associated with the provision of water;*
- (c) the removal, repair, maintenance, modification, installation, erection or use of a chlorination station associated with the provision of water, if the chlorine used or stored is not at any time in a gaseous form;*
- (d) the laying, removal, repair, maintenance, modification or use of any underground pipeline for the removal or distribution of water or sewage;*
- (e) the installation, removal, repair, maintenance, modification, replacement or use of a meter for water infrastructure, whether the meter is above or below ground, if the installation, removal, repair, maintenance, modification, replacement or use is associated with the provision of water by a regulated entity;*
- (f) the clearing or lopping of trees, branches or other vegetation to the extent necessary to protect water infrastructure, sewerage infrastructure or water quality, except if those trees are on –*
 - (i) the Register of the National Estate kept by the Australian Heritage Commission; or*
 - (ii) the National Trust Register.*

9 COMMUNITY CONSULTATION/REPRESENTATIONS

Council exhibited notice of the draft amendment for 28 days in accordance with section 40G of the Land Use Planning and Approvals Act, with notices published in the Examiner on 4 July and 11 July 2026.

In addition to these statutory requirements, Council notified all property owners and occupiers within the area covered by the draft Specific Area Plan.



One representation was received. The unredacted representation has been provided to the planning authority and will be provided to the TPC. A summary of the issues raised within the representation and officer response is provided below.

Statement of the planning authority's opinion as to the merit of each representation

Representation 1

Representation issue	Response
Ross already has a dark sky.	The purpose of the Ross Dark Sky Specific Area Plan proposed by the draft amendment is: • To recognise the Dark Sky qualities of Ross. • To minimise the impact of external lighting on the natural night sky. • To protect the natural night sky of Ross from the impact of artificial external lighting by requiring external lighting to be: (a) useful, by having a clear purpose and only illuminating the intended area; (b) targeted, by being directed entirely downwards and completely shielded so no light escapes above the horizontal plane; (c) of a low light level, so that lights are no brighter than necessary to perform their intended task; (d) controlled, so that lights are used only when needed; and (e) of a warm colour temperature.
The proposed map of the area is excessive and unnecessary.	The proposed map covers the town of Ross as identified on the Land Information System Tasmania, incorporating business and residential zones where future development needing the proposed provisions may be expected, as well as some Agriculture zoned land between the river and the railway.
If the council were to accept the insertion of NOR-S9.0 Dark Sky Specific Area Plan it would be creating a continuous and ongoing financial and administrative problem for Ross residents, business owners and farmers.	If the draft amendment is approved by the Tasmanian Planning Commission, NOR-S9.0 Dark Sky Specific Area Plan would apply to any new use or development occurring after the Specific Area Plan becomes effective. Its provisions would be implemented through planning permit conditions, which would be enforced by the Northern Midlands Council.
Street lighting is necessary in Ross especially when snakes are moving across Church Street to access the river. As all Tasmanian snakes are deadly, there being adequate and continuous illumination is crucial.	The draft amendment does not require removal of street lighting and does not prevent new street lighting being installed. It proposes that new streetlighting: • is fitted with adaptive lighting controls capable of automatic dimming in response to time of night. • includes curfew controls that switch lights off, or dim them to the lowest safe level, during periods of low or no activity.



	- is designed and installed so that no light is emitted above the horizontal plane, consistent with full cut-off or fully shielded luminaires. - has a correlated colour temperature of 3000 K or lower.
Currently there are no restaurants open of an evening for residents or visitors. This includes the hotel which has consistently closed on New Year's Day and other public holidays.	The draft amendment does not prevent restaurants or other businesses opening of an evening.
The proponents suggest they have community backing. How many of the 410 plus residents knew of this proposal prior to being informed by council? I certainly didn't and I expect I represent the majority.	Council went beyond its statutory notification obligations by notifying all property owners and occupiers affected by the draft amendment.
In the guidelines at page 170 it states "...after which all non-conforming lighting extant at the time of enactment must be brought into compliance with the policy". This imposes an unfair cost burden on residents and business owners.	This refers to International Dark Sky Community Designation Guidelines which have not been incorporated into the draft Ross Dark Sky Specific Area Plan.
On page 171 the community commitment is either 2 events per year or dark sky awareness documentation or education in Community Schools and curriculum. Council money is better spent on other things such as maintaining roads.	This refers to International Dark Sky Community Designation Guidelines which have not been incorporated into the draft Ross Dark Sky Specific Area Plan.
On page 172 it states that the community must erect and maintain appropriate signage indicating the international dark sky community designation along a roadway entrance along a footpath entrance or a public gathering place. How much will this cost?	This refers to International Dark Sky Community Designation Guidelines which have not been incorporated into the draft Ross Dark Sky Specific Area Plan.
On Page 176 we are told of the requirement of a written report being provided by the 1st of October each year and on page 175 that the IDSC designation is not awarded in perpetuity it is subject to regular review.	This refers to International Dark Sky Community Designation Guidelines which have not been incorporated into the draft Ross Dark Sky Specific Area Plan.
What will the cost be to the Northern Midlands Council in enforcing this policy?	No significant additional financial burden is expected in enforcing the Ross Dark Sky Specific Area Plan. The Specific Area Plan will be implemented through planning permit conditions, which are already part of Council's standard development assessment and compliance framework.

10 OPTIONS FOR COUNCIL TO CONSIDER

Council can report to the Tasmanian Planning Commission that:

- The representation does not have merit and recommend that the draft amendment be approved; or
- The representation has merit, and the draft amendment should be modified or rejected.



11 OFFICER'S COMMENTS/CONCLUSION

The representation does not raise any issues that require modification to the draft amendment. The issues raised in the representation do not impact on the draft amendment, or compliance with the LPS criteria.

The Planning Authority should report to the Tasmanian Planning Commission that the draft amendment does not require modification, and recommend that it approve the draft amendment.

12 ATTACHMENTS

1. Draft amendment 24-2026 _public exhibition documents [**11.3.1** - 95 pages]
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