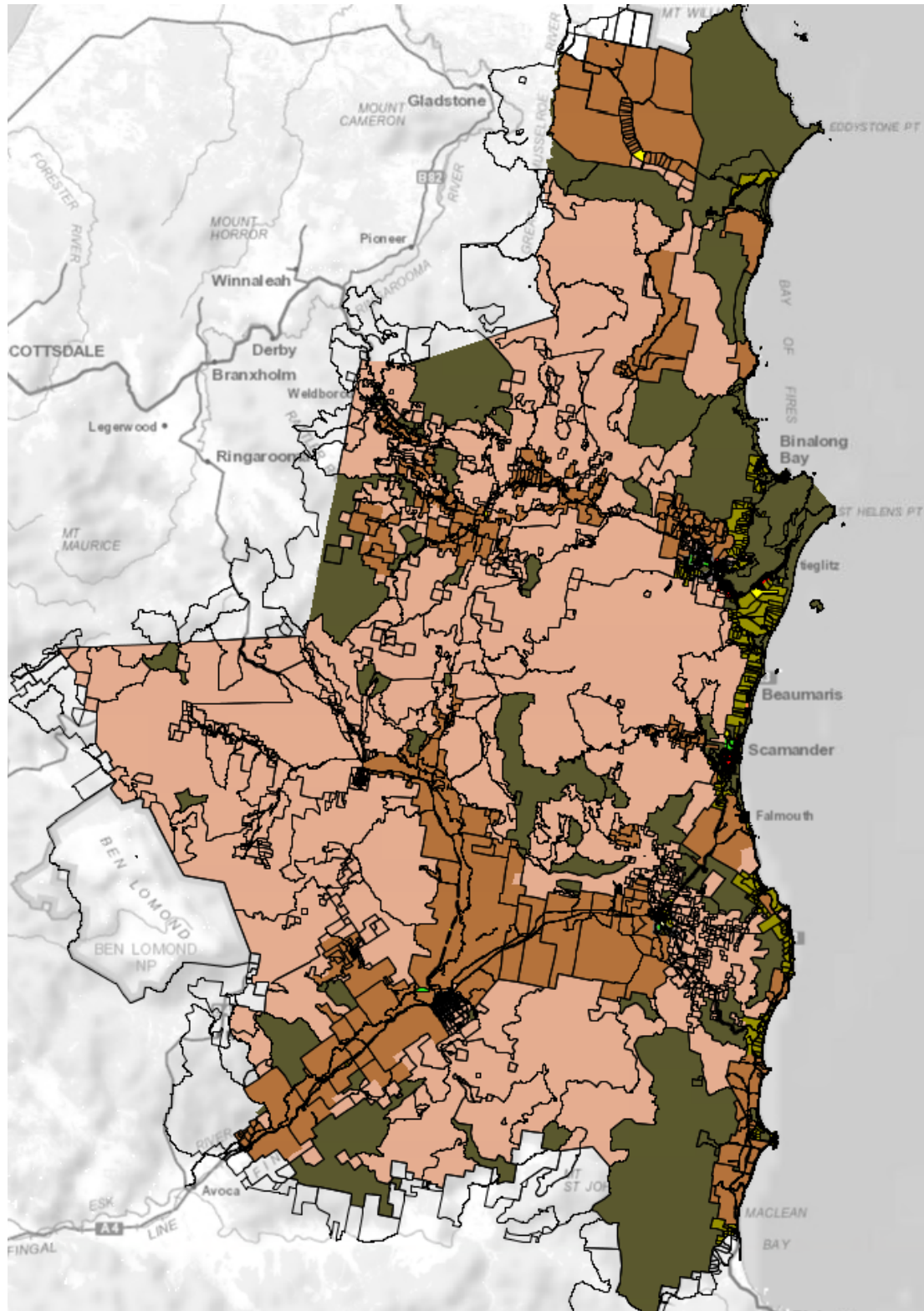


Break O'Day Council draft LPS 2020

Supporting Report



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1.0 Introduction

This report supports the submission of the Break O'Day draft Local Provisions Schedule (draft LPS) prepared and submitted to the Commission under section 35(1) of the *Land Use Planning and Approvals Act 1993* (the Act) for assessment as to whether it is suitable for exhibition under Section 35B(4) of the Act.

This report demonstrates how Council, acting as the Planning Authority, is satisfied that the draft LPS meets the LPS criteria set out section 34(2) of the Act and as required by section 35(7) of the Act.

In this document the 'Guideline No.1 Local Provisions Schedule (LPS): Zone and Code application' is referred to as 'the Guideline'. This document has been issued by the Tasmanian Planning Commission (the Commission) under section 8A of the Act, with the approval of the Minister for Planning. The document was first released on 4 May 2017 and the latest amendment to the document occurred in June 2018.

2.0 LPS Criteria – Section 34 of LUPPA

A detailed explanation of how Council is satisfied that the draft LPS meets the LPS Criteria is set out below.

2.1 Provisions that the SPPs specify must be contained in an LPS

Section 34(2)(a) of the Act requires that an LPS must contain all of the provisions that the SPPs specify must be included. These are the zone maps, some code overlays and the written part of the LPS.

The draft LPS contains these mandatory features and includes the optional features as listed in LP1.0 of the SPPs. The draft LPS includes:

- Zone Maps;
- Local Area Objectives;
- Particular Purpose Zones (PPZ);
- Specific Area Plans (SAP)
- Site Specific Qualification (SSQ);
- Code Overlay Maps;
- Code Lists in Tables; and
- Table for applied, adopted and incorporated documents.

2.2 Section 32 of the Act - Contents of LPSs

Section 34(2)(b) of the Act requires an LPS to be in accordance with the matters set out in section 32 of the Act, these are shown below -

2.2.1 Municipal Area s 32(2)(a)

The draft LPS applies to the Break O'Day municipal area and this is specified in the written part of the draft LPS.

2.2.2 Mandatory requirements s32(2)(b)

The draft LPS contains all of the provisions that the SPPs require to be in the LPS. This is the LPS structure for the written part.

2.2.3 Spatial application of the SPPs

Section 32(2)(c) and (e) requires that an LPS must contain maps, overlays, lists or other provisions that provide for the spatial application of the SPP's. Section LP1.0 of the SPP's outlines the way the spatial application of the SPP's is to be presented.

The draft LPS is prepared in accordance with the application and drafting instructions included in the SPP's and in the Guideline issued by the Tasmanian Planning Commission.

2.2.4 Sections 11 & 12 of the Act

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

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

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

2.2.5 Use of Overlays and Lists

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

2.2.6 Land Reserved for Public Purposes

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

2.2.7 Application of the detail of the SPPs to a particular place or matter

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

2.2.8 Overriding provisions

The draft LPS introduces overriding provisions through the application of PPZ's, SAP's and SSQ's. These override some provisions of the SPP's where those provisions modify or are in substitution for the SPP's. In the following circumstances these are applied to:

- Ensure the LPS complies with the Schedule 1 Objectives of LUPAA
- Ensure consistency with the Northern Tasmanian Regional Land Use Strategy
- Reflect the previous Break O day Land Use Strategy 2015

The draft LPS includes the introduction of two Particular Purpose Zones: PPZ – Coastal Settlement and PPZ – St Helens Coastal Maritime. As well as containing two Specific Area Plans: Safeguarding St Helens Aerodrome SAP and Stormwater Management SAP.

The draft LPS does not contain any Site-Specific Qualifications and the Ansons Bay Particular Purpose Zone will be included as a result of transitional arrangements under Schedule 6 of the Act.

2.2.9 Modification of Application of SPPs

The draft LPS does not seek to modify application of the SPP's. The SPP's are applied to land, use and development in accordance with the directions prescribed in Section LP1.0 of the SPP's and in consideration of the Guidelines.

The requirements for the application of the SPP's does however influence the proposal for the inclusion of overriding local provisions in the PPZ's, SAP's and SSQ's as previously mentioned.

2.2.10 Limitation of LPS

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

- The SPP specifies cannot be included in an LPS;
- Otherwise exist in the SPP; and
- Are inconsistent with the SPP.

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

2.2.11 LPS may include

The LPS may include PPZ's SAP's and SSQ's only if:

- (a) A use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or*
- (b) The area of land has particular environmental, economic, social or spatial qualities that require provision, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.*

The draft LPS include the introduction of two Particular Purpose Zones: PPZ – Coastal Settlement and PPZ St Helens Coastal Maritime.

The draft LPS does not contain any Site-Specific Qualifications and the Ansons Bay Specific Area Plan will be included as a result of transitional arrangements under Schedule 6 of the Act.

2.3 Objectives set out in Schedule 1 of the Act

Section 34(2)(c) of the Act requires that an LPS furthers the objectives of the Act, as they are set out in Schedule 1. How the draft LPS furthers the objectives of the Act is set out below –

The Schedule clarifies that 'sustainable development' means

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

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

The following provides an analysis of the LPS against Schedule 1 Objectives. A detail discussion of the proposed PPS's, SAP's and SSQ's against the criteria of the section 34(4) is provided in Section 5 of this report. In some circumstances the LPS contains local provisions to meet these requirements.

2.3.1 Part 1 of Schedule 1

- (a) To promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and*

The TPS, through the SPP's and the draft LPS seek to ensure sustainable outcomes. In particular, the draft LPS achieves this through the application of appropriate zones and codes and, where

determined necessary, the inclusion of overriding local provision to protect the environmental attributes of the land and capacity of the infrastructure.

Section 32(4) of LUPAA recognises that the broad application of one set of standardised provisions will not always result in sustainable outcomes.

The LPS provides adequate protection of natural and physical resources through:

- Applying the Environmental Management Zone to land currently zoned Environmental Management in the Break O'Day Interim Planning Scheme 2013 (interim planning scheme) and where otherwise justified;
- Applying the Landscape Conservation Zone where land was located in the Environmental Living Zone and the natural and landscape values support this and where otherwise justified;
- Containing settlements to existing footprints;
- Protecting natural watercourses and wetland, in a manner similar to the interim planning scheme and through the application of the Natural Assets Code and the inclusion of Coastal Refugia values identified in State Mapping.
- Using the best available data and method to prepare the priority vegetation area through the Regional Ecosystem Model.

The SPPs require a priority vegetation area overlay to be mapped, but restricts the overlay to specific zones. The Agriculture Zone in particular is excluded from the priority vegetation area. This SPP land use policy has been considered when determining the application of the Agriculture Zone.

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

The draft LPS applies the SPP natural hazard codes through the overlays to restrict use and development on land that is subject to natural hazards.

The draft LPS applies appropriate code buffers and the SPP Electricity Transmission Infrastructure Protection Code overlays to provide protection of these community assets.

The draft LPS applies the SPP's Scenic Protection Code through the overlays, to places of scenic interest in the municipality.

The draft LPS applies zones based upon the existing interim planning scheme, with a few modifications. The majority of these occurring in rural areas within the introduction of the Rural Zone, Agriculture Zone and the Landscape Conservation Zone.

The intent in applying these zones is based on the premise of not granting or revoking landowner new development rights. The potential for land use conflict is no greater or no less than that under the current interim planning scheme.

(c) To encourage public involvement in resources management and planning; and

The community will be formally involved in the draft LPS process once the draft LPS is placed on public exhibition. Having said this, Council held informal information events in St Marys and St Helens to brief the public on key differences between the existing interim planning scheme and the LPS in October 2019. Council has further utilised their website to brief the public on the LPS process and important information.

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

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

The application of the SPPs facilitates economic growth by promoting a co-ordinated approach to land use planning considering economic, social and natural factors.

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

The draft LPS applies the SPPs through the zones and code overlays, where State Government has prepared the SPPs. The community will be involved in the LPS process once the draft LPS is placed on public exhibition. Local Government is then charged with the responsibility of implementing the LPS and delivering the outcomes through the statutory documents.

2.3.2 Part 2 of Schedule 2

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

The draft LPS includes code overlays that are mandatory and have been prepared by State Government. The draft LPS includes zones that are a close match to those of the current interim planning scheme. The zones and code overlays in the draft LPS have been applied in a manner that furthers the Northern Regional Land Use Strategy and is also in accordance with the Guideline. The combination of above factors over a long period of time, furthers this objective.

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

The draft LPS and the SPPs will together form the Tasmanian Planning Scheme for this municipality which will become the principle way of setting objectives, policies and controls for the use, development and protection of land for this municipality. They have been deemed to be consistent with the State Policies and objectives of LUPAA. The draft LPS is also informed by the section 8A Guideline No. 1 – Local Provisions Schedule (LPS) - Zone and Code application (Version 2) and is considered to be, as far as is practicable, consistent with the Northern Tasmania Regional Land Use Strategy. Essentially, the draft LPS is part of a broader system which furthers this objective.

(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

This is largely provided for in the SPPs by the inclusion of the Environmental Management Zone, Landscape Conservation Zone, the Natural Assets Code and the Schedule 6 transition provisions in the draft LPS. Where all of these have been previously determined to further this objective.

(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation, and resource management policies at State, regional and municipal levels; and

The range of zones provided for by the SPPs is determined by the State to be drafted to meet this objective and the LPS Criteria of the Act requires this integration to occur. As the draft LPS is considered to meet the LPS Criteria, the draft LPS furthers this objective.

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

The suite of acts relating to land use, heritage, water and sewer infrastructure, and environmental management provide for a system of co-ordinated approvals, which furthers this objective.

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

The draft LPS and the SPPs will together form the Tasmanian Planning Scheme for this municipality which will become the principle way of furthering this objective. The SPP natural hazard code provisions are aimed at providing a safe place for buildings to occur and the draft LPS provides the relevant overlays to identify land that requires further consideration before approving any development on those sites. The provisions of the SPPs Attenuation Code and Potentially Contaminated Land Code will ensure a pleasant living environment and also allow industry to operate in the area. The zone allocation in the draft LPS is based upon the interim planning scheme, which has been previously considered to further this objective.

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

The interim planning scheme has an existing list of Heritage Places which includes both locally listed places and places listed on the Tasmania Heritage Register. This list has been transitioned in accordance with the code-applying provisions that are subject to Schedule 6, Clause 8D(2) of LUPPA into the draft LPS.

Neither the interim planning scheme nor draft LPS includes Local Heritage Precincts or Archaeological Significant Sites. The policy position of the SPPs is that Aboriginal Sites are to be managed under the *Aboriginal Heritage Act 1975*, as opposed to the within the provisions of the draft LPS.

The interim planning scheme includes a Significant Tree Register, this will also transition into the draft LPS through Schedule 6, Clause 8D(2) of LUPPA.

(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and

Significant public infrastructure is protected through the use of the SPP's Utilities Zone, Community Purpose Zone, Open Space Zone, Recreation Zone, the Road and Rail Assets Code, Electricity Transmission Infrastructure Protection Code and the Safeguarding of Airports Code.

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

The State methodology that produced the 'Land Potentially Suitable for Agriculture Layer' to provide recommendation for the State's agriculture estate, has taken into account land capability. This is discussed in coming sections of this Report.

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

2.4 Consistency with State Policies

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

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

2.4.1 Tasmanian State Coastal Policy (SCP) 1996

This policy applies to all land that is 1km from the High Water Mark (the Coastal zone).

The SCP's three main guiding principles are:

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

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

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

OUTCOMES

1. Protection of Natural and Cultural Values of the Coastal Zone

1.1. NATURAL RESOURCES AND ECOSYSTEMS

1.1.1. The coastal zone will be managed to ensure sustainability of major ecosystems and natural processes.

The draft LPS applies the Environmental Management Zone to areas along the coast and areas of important ecological value. The draft LPS also applies the overlays for the Natural Assets Code. The SPP provisions of the zone and code have previously been assessed as being consistent with this outcome.

1.1.2. The coastal zone will be managed to protect ecological, geomorphological and geological coastal features and aquatic environments of conservation value.

The draft LPS applies the Environmental Management Zone to areas along the coast and areas of important ecological value. The draft LPS also applies the overlays for the Natural Assets Code. The SPP provisions of the zone and code have previously been assessed as being consistent with this outcome.

1.1.3. The coastal zone will be managed to conserve the diversity of all native flora and fauna and their habitats, including seagrass and seaweed beds, spawning and breeding areas. Appropriate conservation measures will be adopted for the protection of migratory species and the protection and recovery of rare, vulnerable and endangered species in accordance with this Policy and other relevant Acts and policies.

As per above response the draft LPS utilises zone and code provisions to ensure appropriate management and conservation.

1.1.4. Exotic weeds within the coastal zone will be managed and controlled, where possible, and the use of native flora encouraged.

The SPPs provide an exemption for the removal of weeds.

1.1.5. Water quality in the coastal zone will be improved, protected and enhanced to maintain coastal and marine ecosystems, and to support other values and uses, such as contact recreation, fishing and aquaculture in designated areas.

The draft LPS applies the Waterway and Coastal Protection overlay to deliver this outcome.

1.1.6. Appropriate monitoring programs and environmental studies will be conducted to improve knowledge, ensure guidelines and standards are met, deal with contaminants or introduced species and generally ensure sustainability of coastal ecosystems and processes and ensure that human health is not threatened.

This is outside the scope of the draft LPS.

1.1.7. Representative ecosystems and areas of special conservation value or special aesthetic quality will be identified and protected as appropriate.

The draft LPS applies the Environmental Management Zone to these sites, to deliver this outcome.

1.1.8. An effective system of marine reserves will continue to be established to protect marine ecosystems and fish nursery areas.

This is outside the scope of the draft LPS.

1.1.9. Important coastal wetlands will be identified, protected, repaired and managed so that their full potential for nature conservation and public benefit is realised. Some wetlands will be managed for multiple use, such as recreation and aquaculture, provided conservation values are not compromised.

The draft LPS applies the Waterway and Coastal Protection overlay to deliver this outcome.

1.1.10. The design and siting of buildings, engineering works and other infrastructure, including access routes in the coastal zone, will be subject to planning controls to ensure compatibility with natural landscapes.

The draft LPS broadly achieves this outcome through the application of the suite of SPP zone and code provisions, which have previously been determined to deliver this outcome.

1.1.11. Fire management, for whatever purpose, shall be carried out in a manner which will maintain ecological processes, geomorphological processes and genetic diversity of the natural resources located within the coastal zone.

The draft LPS delivers this outcome through the application of the SPP Codes.

1.2. CULTURAL AND HISTORIC RESOURCES

1.2.1. Areas within which Aboriginal sites and relics are identified will be legally protected and conserved where appropriate.

The policy position of the SPPs is that Aboriginal Sites are to be managed under the *Aboriginal Heritage Act 1975*, as opposed to the within the provisions of the draft LPS.

1.2.2. All Aboriginal sites and relics in the coastal zone are protected and will be identified and managed in consultation with Tasmanian Aboriginal people in accordance with relevant State and Commonwealth legislation.

The policy position of the SPPs is that Aboriginal Sites are to be managed under the *Aboriginal Heritage Act 1975*, as opposed to the within the provisions of the draft LPS.

1.3. CULTURAL HERITAGE

1.3.1. Places and items of cultural heritage will be identified, legally protected, managed and conserved where appropriate.

The policy position of the SPPs is that state listed heritage items are managed under the *Historic Cultural Heritage Act 1995*, as opposed to the draft LPS.

1.4. COASTAL HAZARDS

1.4.1. Areas subject to significant risk from natural coastal processes and hazards such as flooding, storms, erosion, landslip, littoral drift, dune mobility and sea level rise will be identified and managed to minimise the need for engineering or remediation works to protect land, property and human life.

The draft LPS applies a suite of SPP Code overlays to manage coastal hazards, including landslip to deliver this outcome.

1.4.2. Development on actively mobile landforms such as frontal dunes will not be permitted except for works consistent with Outcome 1.4.1.

The draft LPS applies the SPP Code overlay for coastal erosion and coastal inundation, where the SPP provisions on land that is shown under the overlay manage this issue to deliver this outcome.

1.4.3. Policies will be developed to respond to the potential effects of climate change (including sea-level rise) on use and development in the coastal zone.

The SPPs have developed a policy position through the codes which manage issues relating to climate change. The draft LPS applies the relevant code overlays to deliver this outcome.

2. Sustainable Development of Coastal Areas and Resources

2.1. COASTAL USES AND DEVELOPMENT

2.1.1. The coastal zone shall be used and developed in a sustainable manner subject to the objectives, principles and outcomes of this Policy. It is acknowledged that there are conservation reserves and other areas within the coastal zone which will not be available for development.

The draft LPS in conjunction with the SPPs provides for the coastal zone to be used and developed in a sustainable manner in accordance with this policy. The Environmental Management Zone has been applied to conservation reserves within the coastal zone.

2.1.2. Development proposals will be subject to environmental impact assessment as and where required by State legislation including the Environmental Management and Pollution Control Act 1994.

This is outside the scope of the draft LPS.

2.1.3. Siting, design, construction and maintenance of buildings, engineering works and other infrastructure, including access routes within the coastal zone will be sensitive to the natural and aesthetic qualities of the coastal environment.

The draft LPS broadly achieves this outcome through the application of the suite of SPP zone and code provisions, which have previously been determined to deliver this outcome.

2.1.4. Competing demands for use and development in the coastal zone will be resolved by relevant statutory bodies and processes, in particular the Land Use Planning Review Panel, the Resource Management and Planning Appeal Tribunal and the Marine Farming Planning Review Panel. Planning schemes, marine farming development plans and other statutory plans will provide guidance for resource allocation and development in accordance with this Policy.

This is outside the scope of the draft LPS.

2.1.5. The precautionary principle will be applied to development which may pose serious or irreversible environmental damage to ensure that environmental degradation can be avoided, remedied or mitigated. Development proposals shall include strategies to avoid or mitigate potential adverse environmental effects.

Developments of this nature are generally a level 2 activity and assessed under the Environmental Management and Pollution Control Act 1994 is required, which is a matter that is outside the scope of the draft LPS.

2.1.6. In determining decisions on use and development in the coastal zone, priority will be given to those which are dependent on a coastal location for spatial, social, economic, cultural or environmental reasons.

The provisions of the SPP coastal erosion and coastal inundation codes provide the test of coastal dependence to deliver this outcome. The draft LPS applies the codes through the relevant mandatory overlays, which have been provided from the LIST.

2.1.7. New industrial developments will be encouraged to locate in specified industrial zones.

The draft LPS utilises the industrial zone based on the interim planning scheme.

2.1.8. Extraction of construction materials, mineral, oil, and natural gas deposits in the coastal zone will be allowed provided access to areas is allowed under the provisions of the Mining Act 1929.

The draft LPS applies the Agriculture and Rural zones to areas where mineral extraction is likely to occur, which delivers this outcome.

2.1.9 Exploration will be conducted in accordance with environmental standards under relevant legislation and the Mineral Exploration Code of Practice. Adequate rehabilitation shall be carried out.

This is outside the scope of the draft LPS.

2.1.10. Extraction will be subject to the Quarry Code of Practice and environmental assessment as required by State legislation including the Environmental Management and Pollution Control Act 1994. Adequate rehabilitation shall be carried out.

This is outside the scope of the draft LPS.

2.1.11. Extraction of sand will be provided for by zoning of appropriate areas in planning schemes

The LPS provides for this outcome through the application of the Rural Zone.

2.1.12. Timber harvesting and reforestation in the coastal zone will be conducted in accordance with the Forest Practices Code and have regard to this Policy.

This is outside the scope of the draft LPS.

2.1.13. Whole farm planning and sustainable farming activities will be encouraged on agricultural land in the coastal zone and in coastal catchments in order to minimise problems such as erosion, sedimentation and pollution of coastal waters including surface and ground waters.

This is outside the scope of the draft LPS.

2.1.14. Management arrangements for commercial and recreational fisheries will be further developed in accordance with the objectives, principles and outcomes of this Policy, through a management planning framework designed to maintain sustainability and diversity of fish resources and their habitats and promote economic efficiency under the Living Marine Resources Management Act 1995.

This is outside the scope of the draft LPS.

2.1.15. Harvesting of marine plants shall be conducted in a sustainable manner in accordance with relevant State legislation and this Policy.

This is outside the scope of the draft LPS.

2.1.16. Water quality in the coastal zone and in ground water aquifers will accord with the requirements and guidelines established by the Environmental Management and Pollution Control Act 1994 or the Environment Protection (Sea Dumping) Act 1987 (as appropriate) and any other relevant State and Commonwealth Policies and statutes.

The draft LPS applies the Waterway and Coastal Protection overlay to deliver this outcome. Where the overlay provisions of the SPPs have been previously determined to meet this policy.

2.1.17. Waste discharge into the coastal zone, including offshore waters, or likely to affect groundwater aquifers, must comply with provisions of the Environmental Management and Pollution Control Act 1994 or the Environment Protection (Sea Dumping) Act 1987 (as appropriate) and any relevant State and Commonwealth Policies.

This is outside the scope of the draft LPS.

2.1.18. Where oil pollution occurs in the coastal zone, and, or, offshore areas, the National Plan to combat Pollution of the Sea by Oil, Tasmanian Supplement, will apply. Efforts to prevent or mitigate maritime accidents and pollution shall be based upon relevant ANZECC and other guidelines.

This is outside the scope of the draft LPS.

2.1.19. Every effort will be made to prevent the introduction of foreign marine organisms and species. Relevant Commonwealth provisions for quarantine and ballast water or other ship discharges shall apply.

This is outside the scope of the draft LPS.

2.2. MARINE FARMING

2.2.1. Marine farming will be planned, developed and conducted in the coastal zone having regard to sustainable development considerations and in accordance with the Marine Farming Planning Act 1995 and other relevant terrestrial and marine resource management and planning legislation and consistent with this Policy.

This is outside the scope of the draft LPS.

2.2.2. Marine Farming Development Plans will be prepared, approved and gazetted under the Marine Farming Planning Act 1995 and consistent with the objectives, principles and outcomes of this Policy.

This is outside the scope of the draft LPS.

2.3. TOURISM

2.3.1. Tourism use and development in the coastal zone, including visitor accommodation and other facilities, will be directed to suitable locations based on the objectives, principles and outcomes of this Policy and subject to planning controls.

The Major Tourism Zone has been utilised in the draft LPS. Its application is in line with the Break O'Day Council Land Use and Development Strategy – Municipal Management Plan August 2015 (the Strategy). Codes have also been applied to ensure protection of coastal areas.

2.3.2. Tourism development proposals in the coastal zone will be subject to environmental impact assessment as required by State legislation including a water safety assessment to indicate the level and type of lifesaving facilities and personnel required to protect people.

The provision of lifesaving facilities and environmental impact assessment as required by State Legislation is outside the scope of the draft LPS.

2.3.3. Opportunities for tourism development will be identified wherever strategic planning occurs for the coastal zone or any part of it.

Refer to 2.3.1 comments.

2.3.4. Tourism development will be located where there is environmental capacity and where it does not significantly conflict with the natural and aesthetic qualities of the coastal zone.

The draft LPS includes overlays for Waterway and Coastal Protection and natural hazards, which any future tourism development will need to address. In combination, these aspects of the LPS deliver this outcome.

2.4. URBAN AND RESIDENTIAL DEVELOPMENT

2.4.1. Care will be taken to minimise, or where possible totally avoid, any impact on environmentally sensitive areas from the expansion of urban and residential areas, including the provision of infrastructure for urban and residential areas.

The draft LPS, through the application of residential zones, does not expand upon the footprint of the existing settlements.

2.4.2. Urban and residential development in the coastal zone will be based on existing towns and townships. Compact and contained planned urban and residential development will be encouraged in order to avoid ribbon development and unrelated cluster developments along the coast.

The draft LPS, through the application of residential zones, does not expand upon the footprint of the existing settlements.

2.4.3. Any urban and residential development in the coastal zone, future and existing, will be identified through designation of areas in planning schemes consistent with the objectives, principles and outcomes of this Policy.

The draft LPS, through the application of residential zones, does not expand upon the footprint of the existing settlements.

2.5. TRANSPORT

2.5.1. All transport infrastructure and associated services will be planned, developed and maintained consistent with the State Coastal Policy.

This is outside the scope of the draft LPS.

2.5.2. Significant scenic coastal transport routes and associated facilities will be identified, planned and managed to ensure sustainable benefits for tourism and recreation value and amenity.

The draft LPS does not identify any scenic protection areas. The draft LPS does include a scenic road corridor: Scenic Management – Tourist Road Corridor, which has transitioned from the interim planning scheme to the draft LPS as per Schedule 6 Clause 8D(2).

2.5.3. New coast hugging roads will be avoided where possible with vehicular access to the coast being provided by spur roads planned, developed and maintained consistent with the State Coastal Policy.

The draft LPS does not contain an overlay for any future roads, and is based upon the existing road network which delivers this outcome.

2.5.4. Marine structures will be designed, sited, constructed and managed in accordance with best practice environmental management and subject to environmental impact assessment having regard to statutory requirements.

This is outside the scope of the draft LPS.

2.5.5. The multiple use of port areas will be encouraged but priority will be given to efficient port operations and safety requirements subject to cultural, natural and aesthetic values not being compromised.

The draft LPS applies a Particular Purpose Zone rather than the Port and Marine Zone included in the SPPs, in part to deliver this outcome.

2.6. PUBLIC ACCESS AND SAFETY

2.6.1. The public's common right of access to and along the coast, from both land and water, will be maintained and enhanced where it does not conflict with the protection of natural and cultural coastal values, health and safety and security requirements.

The draft LPS applies the Environmental Management Zone and Open Space Zone to areas of existing public access to the coast to deliver this outcome.

2.6.2. Public access to and along the coast will be directed to identified access points. Uncontrolled access which has the potential to cause significant damage to the fragile coastal environment and is inconsistent with this Policy will be prevented.

The draft LPS applies the Environmental Management Zone and Open Space Zone to areas of existing public access to the coast to deliver this outcome.

2.6.3. Agreements between landowners, landholders and councils or State Government to grant public access to the coast, and Aborigines access to Aboriginal sites and relics in the coastal zone over private and public land will be encouraged and shall be considered when preparing plans or approving development proposals.

This is beyond the scope of the draft LPS.

2.6.4. Public facilities such as life saving facilities and essential emergency services, parking facilities, toilet blocks, picnic sites, rubbish disposal containers, boat ramps and jetties will be provided at appropriate locations consistent with the objectives, principles and outcomes of this Policy to facilitate access to and enjoyment of the recreational amenity of the coast and estuarine foreshores.

The draft LPS applies the Environmental Management Zone and Open Space Zone to areas of existing public access to the coast to deliver this outcome.

2.6.5. Councils will ensure that there will be a coastal safety assessment for any new coastal development likely to attract people to the coast to indicate the level and type of lifesaving facilities and personnel required.

The provisions of the SPPs do not provide for this assessment. The draft LPS relies on the SPP provisions, which have been assessed as meeting this outcome.

2.6.6. Developer contributions will be encouraged in respect to the costs of providing public access and safety services for the community.

This is beyond the scope of the draft LPS.

2.7. PUBLIC LAND

2.7.1. All future use and development of public land in the coastal zone will be consistent with this Policy, and subject to planning controls unless otherwise provided by statute.

The draft LPS and the SPPs in combination provide a set of planning controls that apply to public land in the coastal zone to deliver this outcome.

2.7.2. Future development of camping areas on public land in the coastal zone will only be permitted where such development does not conflict with the protection of natural features and cultural values, but not within 30 metres above high water mark.

All public land in the coastal zone is zoned Environmental Management or Open Space. In these zones, the provisions of the SPPs apply and the Visitor Accommodation use class is only 'Permitted' in the Environmental Management Zone with the consent of the land owner. When issuing land owner consent to lodge the development application, the land owner is required to observe this outcome.

2.7.3. Expansion of shack sites on public land in the coastal zone will not be permitted.

There are no 'shack sites' on public land within the municipality.

2.7.4. Shacks currently located on public land in the coastal zone will continue to be subject to review under the Shack Site Categorisation Program of the Tasmanian Property Services Group.

This is beyond the scope of the draft LPS.

2.8. RECREATION

2.8.1. Recreational use of the coastal zone will be encouraged where activities can be conducted in a safe and environmentally responsible manner.

This is beyond the scope of the draft LPS.

2.8.2. Suitable recreation opportunities will be identified through strategic planning and may be provided in appropriate locations where they do not adversely affect sensitive coastal ecosystems and landforms or in designated areas where such effects can be remedied or mitigated.

The draft LPS is based off the interim planning scheme with further rezoning of land derived from recommendations in the Strategy.

2.8.3. Special recreational vehicle areas may be established as an environmental protection measure and as a means of limiting unauthorised motor vehicle activity in environmentally sensitive areas.

This is beyond the scope of the draft LPS.

3. Shared Responsibility for Integrated Management of Coastal Areas and Resources

3.1. SHARED RESPONSIBILITY FOR MANAGEMENT

3.1.1. Provision will be made for consistency in policy interpretation and implementation by all spheres of government throughout Tasmania, including consistency in changes to planning schemes affected by this Policy.

This is beyond the scope of the draft LPS. However, the LPS includes the applications of the SPPs which, in time, should provide a more consistent interpretation of planning issues to deliver this outcome.

3.1.2. Coastal management should be considered as an integral component of regional planning undertaken in the State.

This is beyond the scope of the draft LPS. However, the Northern Tasmania Regional Land Use Strategy has taken account of this outcome during its preparation.

3.1.3. Provision shall be made for effective coordination of the activities of governments, industry and local communities in interpreting and implementing the State Coastal Policy.

This is beyond the scope of the draft LPS. However, the LPS includes the applications of the SPPs which, in time, should provide a more consistent interpretation of planning issues to deliver this outcome.

3.1.4. Provision for effective and greater involvement of Aboriginal people in areas of particular interest to Aboriginal people will be made as part of community participation processes.

This is beyond the scope of the draft LPS as Aboriginal relics are protected under separate legislation.

3.1.5. Planning authorities, the Land Use Planning Review Panel and the Marine Farming Planning Review Panel will use their best endeavours to function in a coordinated and collaborative manner to effectively and efficiently implement the State Coastal Policy.

This is beyond the scope of the draft LPS.

3.1.6. Councils will prepare strategic and operational plans for their municipal areas having regard to the principles, objectives and outcomes of this Policy and will be encouraged to function in a coordinated and collaborative manner with adjacent councils and other planning authorities.

This is beyond the scope of the draft LPS.

3.1.7. State government agencies and planning authorities will participate with other State, Territory and Commonwealth agencies in relevant forums to foster a national approach to coastal zone management.

This is beyond the scope of the draft LPS.

On balance the draft LPS is consistent with this Policy.

2.4.2 State Policy on the protection of Agricultural land (PAL) 2009

This policy applies to all agricultural land in Tasmania. The Planning Policy Unit of the Department of Justice prepared a guidance map in 2017, which is aimed at identifying land suitable for inclusion within the Tasmanian Planning Scheme's Agriculture Zone. This map has been considered in the preparation of the draft LPS.

The purpose of the State Policy is to:

conserve and protect agricultural land so that it remains available for the sustainable development of agriculture, recognising the particular importance of prime agricultural land.

The stated principles of the policy are:

To enable the sustainable development of agriculture by minimising:

- (a) conflict with or interference from other land uses; and*
- (b) non-agricultural use or development on agricultural land that precludes the return of that land to agricultural use.*

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

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

The Guidelines require consideration as to whether land to be included in the Agricultural Zone is based on the 'Land Potentially Suitable for Agriculture Zone', a methodology developed by the State.

The following Principles will be implemented through planning schemes and other relevant planning instruments. No one Principle should be read in isolation from the others to imply a particular action or consequence.

1. *Agricultural land is a valuable resource and its use for the sustainable development of agriculture should not be unreasonably confined or restrained by non-agricultural use or development.*

The draft LPS acknowledges the importance of the agricultural land and that it should not be unreasonably constrained by other use or development. For the most part the draft LPS included land mapped by the State as potentially suitable into the Agricultural Zone. This is of particular weight given the interim planning scheme did not include any land within the Significant Agricultural Zone.

The application of the Agricultural Zone as well as the Rural Zone is discussed in greater detail in section 3 of this report.

2. *Use or development of prime agricultural land should not result in unnecessary conversion to non-agricultural use or agricultural use not dependent on the soil as the growth medium.*

As previously detailed the draft LPS has, for the most part, adopted the State's agricultural mapping.

3. *Use or development, other than residential, of prime agricultural land that is directly associated with, and a subservient part of, an agricultural use of that land is consistent with this Policy.*

The State have determined that the provisions of the SPPs deliver this principle.

4. *The development of utilities, extractive industries and controlled environment agriculture on prime agricultural land may be allowed, having regard to criteria, including the following: minimising the amount of land alienated; minimising negative impacts on the surrounding environment; and ensuring the particular location is reasonably required for operational efficiency.*

The State have determined that the provisions of the SPPs deliver this principle.

5. *Residential use of agricultural land is consistent with this Policy where it is required as part of an agricultural use or where it does not unreasonably convert agricultural land and does not confine or restrain agricultural use on or in the vicinity of that land.*

The State have determined that the provisions of the SPPs deliver this principle.

6. *Proposals of significant benefit to a region that may cause prime agricultural land to be converted to non-agricultural use or agricultural use not dependent on the soil as a growth medium, and which are not covered by Principles 3, 4 or 5, will need to demonstrate significant benefits to the region based on an assessment of the social, environmental and economic costs and benefits.*

The State have determined that the provisions of the SPPs deliver this principle.

7. *The protection of non-prime agricultural land from conversion to non-agricultural use will be determined through consideration of the local and regional significance of that land for agricultural use.*

Land identified on the State produced map, Land Potentially Suitable for Agriculture Zone, has largely been represented in the draft LPS in the Agriculture Zone and Rural Zone. The exceptions to this are discussed in the specific zone section.

8. *Provision must be made for the appropriate protection of agricultural land within irrigation districts proclaimed under Part 9 of the *Water Management Act 1999* and may be made for the protection of other areas that may benefit from broad-scale irrigation development.*

The exceptions to this are discussed above in the specific zone section.

9. *Planning schemes must not prohibit or require a discretionary permit for an agricultural use on land zoned for rural purposes where that use depends on the soil as the growth medium, except as prescribed in Principles 10 and 11.*

Land identified on the State produced map, Land Potentially Suitable for Agriculture Zone, has largely been represented in the draft LPS in the Agriculture Zone and Rural Zone. The exceptions to this are discussed in the specific zone section.

10. *New plantation forestry must not be established on prime agricultural land unless a planning scheme reviewed in accordance with this Policy provides otherwise. Planning scheme provisions must take into account the operational practicalities of plantation management, the size of the areas of prime agricultural land, their location in relation to areas of non-prime agricultural land and existing plantation forestry, and any comprehensive management plans for the land.*

The State have determined that the provisions of the SPPs deliver this principle.

11. *Planning schemes may require a discretionary permit for plantation forestry where it is necessary to protect, maintain and develop existing agricultural uses that are the recognised fundamental and critical components of the economy of the entire municipal area, and are essential to maintaining the sustainability of that economy.*

The State have determined that the provisions of the SPPs deliver this principle.

On balance, the draft LPS is consistent with this Policy.

2.4.3 State Policy on Water Quality Management 1997

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

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

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

Clause 6.11.2 (g) of the SPP partially fills this gap and allows for conditions of a permit to include “erosion, and stormwater volume and quality controls”.

Specific provisions of the policy that relate to the Tasmanian Planning Scheme are –

31. *Control of erosion and stormwater runoff from land disturbance*

31.1 Planning schemes should require that development proposals with the potential to give rise to off-site polluted stormwater runoff which could cause environmental nuisance or material or serious environmental harm should include, or be required to develop as a condition of approval, stormwater management strategies including appropriate safeguards to reduce the transport of pollutants off-site.

31.5 Planning schemes must require that land use and development is consistent with the physical capability of the land so that the potential for erosion and subsequent water quality degradation is minimised.

Clause 6.11 and the SPPs Codes for Coastal Erosion and Landslip deliver these principles, where the draft LPS includes the overlays for Landslip and Coastal Erosion as required by clause LP1.7.8 and LP1.7.12 of the SPPs.

33. *Urban runoff*

33.1 Regulatory authorities must require that erosion and stormwater controls are specifically addressed at the design phase of proposals for new developments, and ensure that best practice environmental management is implemented at development sites in accordance with clause 31 of this Policy.

Clause 6.11 of the SPPs delivers this principle.

36. Acid drainage - soils

36.1 The State Government should ensure that a survey is carried out to identify Tasmanian soils and surface geology with the potential to give rise to highly acidic drainage if disturbed or developed.

36.2 Any such areas will be subject to appropriate development controls to prevent acid drainage developing to the extent that it may become a threat to water quality objectives in the short or long term.

In the absence of any clear mapping provided by the State Government, it has been determined that Clause 6.11 of the SPPs delivers this principle.

On balance the draft LPS is consistent with this Policy.

2.4.4 National Environmental Protection Measures

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

- Ambient air quality;
- Ambient marine, estuarine and fresh water quality;
- The protection of amenity in relation to noise;
- General guidelines for assessment of site contamination;
- Environmental impacts associated with hazardous wastes; and
- The re-use and recycling of used materials.

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

On balance the draft LPS is consistent with the NEPMs

2.5 Northern Tasmania Regional Land Use Strategy

Section 34(2)(e) requires a draft LPS to, as far as practicable, be consistent with the Northern Tasmania Regional Land Use Strategy (NTRLUS).

The NTRLUS represents the agreed position of the eight municipal councils of the Northern Region and the Tasmanian Minister for Planning for declaration as a regional land use strategy.

The current zoning within the interim planning scheme is considered to be compliant with the NTRLUS. As, for the most part, the draft LPS reflects a 'like for like' conversion of the interim planning scheme provisions into the new TPS format, detailed assessment against the NTRLUS is not necessary. The examination of the LPS against the NTRLUS therefore focusses on those components of the NTRLUS and the SPP's that are inconsistent and require changes in zoning or a localised response.

REGIONAL SETTLEMENT NETWORK POLICY	
E2.2 REGIONAL OUTCOME Establish a regionally sustainable urban settlement pattern: <ul style="list-style-type: none"> - To define and reinforce Urban Growth Areas; - To foster a network of well-planned and integrated urban settlements within identified Urban Growth Areas; - That consolidates the roles of the Greater Launceston Urban Area and the surrounding subregional urban centres; and - That reflects the Regional Framework Plan Map (D.1 D.2 and D.3) 	
POLICY	Consistency of LPS with NTRLUS
REGIONAL SETTLEMENT NETWORKS	
RSN-P1 Urban settlements are contained within identified Urban Growth Areas. No new discrete settlements are allowed and opportunities for expansion will be restricted to locations where there is a demonstrated housing need, particularly where spare infrastructure capacity exists (particularly water supply and sewerage).	All settlements in the LPS are contained within the identified Urban Growth Area. No discrete settlements have been created and zoning changes that reflect existing use and development, provide limited opportunity for expansion.
RSN-P2 Provide for existing settlements to support local and regional economies, concentrate investment in the improvement of services and infrastructure, and enhance quality of life.	The draft LPS contains a range of business and industrial zones across the municipality. These zones are based upon the existing interim planning scheme and activities in these zones supports both the local and the regional economy.
RSN-P3 Recognise the isolated relationship of the Furneaux Group of islands to the settlement system of the region, and that settlement and activity centre planning will be dependent on local strategies to support sustainable outcomes.	Not applicable

HOUSING DWELLING AND DENSITIES	
<p>RSN-P4 Provide a planning framework for new and upgraded infrastructure and facilities to support a growing and ageing population, and provide housing choice through a range and mix of dwelling types, size and locations in new residential developments.</p>	<p>The implementation of the SPPs are seen by the State as establishing this framework.</p>
<p>RSN-P5 Encourage a higher proportion of development at high and medium density to maximise infrastructure capacity. This will include an increased proportion of multiple dwellings at infill and redevelopment locations across the region's Urban Growth Areas to meet residential demand.</p>	<p>The draft LPS provides land zoned General Residential which is deemed suitable for greater development densities and located within the urban growth boundary.</p>
<p>RSN-P6 Focus higher density residential and mixed-use development in and around regional activity centres and public transport nodes and corridors.</p>	<p>The General Residential Zone provides for higher density residential uses in serviced areas as a Permitted use.</p>
<p>RSN-P7 In new development areas include a diversity in land uses, employment opportunities and housing types at densities that support walkable communities, shorter vehicle trips and efficient public transport services.</p>	<p>The draft LPS has largely transitioned the zoning from the interim planning scheme. This supports liveable communities, being that residential land is located in proximity to employment and other services.</p>
INTEGRATED LAND USE AND TRANSPORT	
<p>RSN-P8 New development is to utilise existing infrastructure or be provided with timely transport infrastructure, community services and employment.</p>	<p>The draft LPS largely reflects the existing interim planning scheme, and as such this issue is not applicable to the draft LPS.</p>
<p>RSN-P9 Apply transit-oriented development principles and practices to the planning and development of transit nodes, having regard for local circumstances and character.</p>	<p>The urban zones provide for multiple forms of transport in the consideration of subdivision design and the Parking and Sustainable Transport Code. Densification is encouraged within established residential areas.</p>
<p>RSN-P10 Plan new public transport routes, facilities and high-frequency services to provide safe and convenient passenger accessibility, and to support the interrelationship between land use and transport.</p>	<p>The draft LPS largely reflects the existing interim planning scheme which confined land zoned for development within the urban growth boundary.</p>

RSN-P11 Coordinate land use and transport planning and the sequence of development with timely infrastructure provision.	Zones have been applied consistent with the interim planning scheme and having regard to the Break O' Day Settlement Strategy.
RSN-P12 Connect active transport routes to improve accessibility and encourage transport use by a broader range of people.	The draft LPS largely reflects the existing interim planning scheme, and as such this issue is not applicable to the draft LPS.
RSN-P13 Manage car parking provision in regional activity centres and high-capacity transport nodes to support walking, cycling and public transport accessibility.	The provisions of the SPPs in the Parking and Sustainable Transport Code provide this.
RSN-P14 New development within walking distance of a transit node or regional activity centre is to maximise pedestrian amenity, connectivity and safety.	This State have determined that adequate provision for is made for this in the SPPs.
RESIDENTIAL DESIGN	
RSN-P15 In established urban areas where an existing urban or heritage character study has been undertaken and adopted by Council, provide for development that is consistent with that study and reinforces and enhances the strengths and character of the area in which it is set.	The draft LPS largely reflects the existing interim planning scheme, and as such this issue is not applicable to the draft LPS.
RSN-P16 Achieve high quality design outcomes for all new prominent buildings and public spaces in the Launceston Central Business District, regional activity centres and transit communities.	This is not applicable to this draft LPS, as it relates to a matter outside of the municipality.
RSN-P17 Provide accessible and high quality public open space in all new 'Greenfield' and infill development by creating well-designed public places.	The provisions of the SPPs and the requirements of the Local Government Building Miscellaneous Provisions Act 1993 for new subdivisions provide for this.
HOUSING AFFORDABILITY	
RSN-P20 Provide a variety of housing options to meet diverse community needs, and achieve housing choice and affordability.	Appropriate provisions of a variety of housing types would form part of the SPPs.
RURAL AND ENVIRONMENTAL LIVING DEVELOPMENT	
RSN-P21 Rural and environmental lifestyle opportunities will be provided outside urban areas.	The Rural Living Zone currently in effect in the interim planning scheme carries forward in purpose and description to the LPS. The SPP's provide an expanded range of allowable uses and different development standards, however

	for the most part support the strategic intent of the NTRLUS policies and the purpose of this zone in the various locations across the municipality.
RSN-P22 Rural and environmental lifestyle opportunities will reflect established Rural Residential Areas.	These provisions form part of the SPPs.
RSN-P23 Growth opportunities will be provided in strategically preferred locations for rural living and environmental living based on sustainability criteria and will limit further fragmentation of rural lands.	Growth opportunities are based on the Land Use and Development Strategy – Break O’ Day Municipal Management Plan August 2015 and confined to the Future Urban Growth / Settlement Boundary. The draft LPS provisions largely translate the current residential zone hierarchy ‘like for like’.
RSN-P24 Growth opportunities for rural living will maximise the efficiency of existing services and infrastructure.	As detailed above.
RSN-P25 Recognise that the Furneaux Group of islands are more reliant on local strategies for Rural Residential Areas and the protection of agricultural land that respond to the complexities of remote area economics and the need to retain or increase population and visitation.	Not relevant in this municipality.
REGIONAL ACTIVITY CENTRE NETWORK POLICY	
E3.2 Regional Outcome Build and promote an attractive, sustainable and vibrant Regional Activity Centre Network to support sustainable urban settlements and communities. Regional activity centres will be well designed urban places as specific locations for employment, infill housing, retail, commercial and community facilities that are well connected by transport infrastructure.	
RAC-P1 Maintain and consolidate the Regional Activity Centres Network so future urban development consolidates and reinforces the spatial hierarchy of existing centres. This will be achieved through the reuse and redevelopment of existing buildings and land to integrate a mix of land uses including the coordinated provision of residential development, retail, commercial, business, administration, social and community facilities, public and active transport provision and associated infrastructure.	The relevant zoning and related scheme provisions reinforces the role of the activity centres and includes provisions for higher and medium density housing within walkable catchments of the activity centres.
RAC-P2 Reinforce the role of the Launceston Principal Activity Centre as the primary focus for administration, government, business, commercial, cultural, high order retail goods (including bulk goods	This issue is partly covered by the provisions of the SPPs and the draft LPS applies zones to the municipality in a manner that supports the role of the Principal Activity Centres

locations/precincts) recreational, arts and tourism activity for the region.	
<p>RAC-P3</p> <p>Promote and support the role of Major and Suburban Activity Centres so these centres broaden their district and regional attractions as places of future employment and residential development with substantially improved access, amenity, diversity, liveability outcomes.</p>	<p>The draft LPS largely reflects the existing interim planning scheme and as such supports the role of Major and Suburban Activity Centres</p>
<p>RAC-P4</p> <p>Promote and support the role of lower order activity centres, particularly neighbourhood and rural town centres. This will support and strengthen local communities and encourage a viable population base for regional and rural settlements, while promoting the development of new neighbourhood and local centres within Urban Growth Areas where appropriate.</p>	<p>The draft LPS largely reflects the existing interim planning scheme and as such supports the role of rural town centres.</p>
<p>RAC-P5</p> <p>Provide safe and amenable access to Activity Centres, for all members of the community, by supporting active transport opportunities that encourage people to walk, cycle and use public transport.</p>	<p>The provisions of the SPPs partially cover this issue, but this issue is largely outside the scope of a draft LPS as access can be provided by non-planning means.</p>
<p>RAC-P6</p> <p>Improve the integration of public transport with activity centre planning, particularly where it relates to higher order activity centres.</p>	<p>The draft LPS largely reflects the existing interim planning scheme and as such public transport integration with activity centres has been brought across.</p>
<p>RAC-P7</p> <p>Coordinate with state agencies to support the ongoing delivery of high quality, high frequency public transport that meets the needs and expectations of the community and supports the Regional Activity Centres Network.</p>	<p>It is noted that the planning schemes have limited jurisdiction over the provisions of public transport and public facilities.</p>
<p>RAC-P8</p> <p>Provide high quality urban design and pedestrian amenity within regional activity centres by acknowledging the significance of place making, activity diversity and improvement of amenity. Coordinated urban design and planning are necessary elements in the development and management of</p>	<p>The draft LPS is based on the interim planning scheme. The interim planning scheme provides the following response to the regional land use strategy – the Northern Region is characterised by a distinct settlement hierarchy with the urban area of Greater Launceston as the higher order and dominant population centre, together with towns, villages and hamlets. Settlements are generally separated by natural or productive rural areas and have their own character and identity. Regional strategies advocate</p>

<p>attractive, sustainable and socially responsive regional activity centres. The desired urban design outcomes include:</p> <ul style="list-style-type: none"> - Improvements in the presentation, safety and amenity of the public realm and built environment; and - Provision of outdoor urban spaces and streetscape environments (shopfronts, etc.) that create a diversity of land use activities and maximise public and private investments. 	<p>that settlements support local and regional economies, concentrate the investment in the improvement of services and infrastructure and enhance the quality of life in those centres</p>
<p>RAC-P9 Discourage 'out-of-centre' development and provide for new development that supports the Regional Activity Centres Network and the integrated transport system. Development applications that are 'out of centre' will only be considered if all of the following criteria are adequately addressed:</p> <ul style="list-style-type: none"> - Community need; - No adverse impact on existing activity centres; and - Synergy with existing employment hubs (i.e. health, education, research). <p>Overall, community benefit must be demonstrated through a social and economic impact assessment to reflect the strategic directions and policies of the RLUS.</p>	<p>Applying appropriate zones will discourage out of centre development through discretionary use assessment or prohibitions on use.</p>
<p>RAC-P10 Provide for a range of land uses to be incorporated into activity centres appropriate to their role and function within the Activity Centres Hierarchy.</p>	<p>The State has determined that the SPPs provide for this.</p>
<p>RAC-P11 Develop activity centres with street frontage retail layouts instead of parking lot dominant retailing, with the exception of Specialist Activity Centres where the</p>	<p>The provisions of the SPPs provide for this in the Parking and Sustainable Transport Code at clause C2.6.8.</p>

defined character or purpose requires otherwise.	
RAC-P12 Regional Activity Centres should encourage local employment. In most instances this will consist of small-scale businesses servicing the local or district areas.	Business zones allow for uses which service the local community
RAC-P13 Support effective access to a hierarchy of social facilities and amenities.	Beyond the allowance of a range of uses, this is beyond the jurisdiction of a planning scheme.
RAC-P14 Investigate capital improvements works to improve pedestrian safety and access to activity centres and precincts. Progressively implement capital works improvements to the region's activity centres.	This is outside the scope of a draft LPS.
RAC-P15 Coordinate joint agreements on the range of future needs for community, social and recreation facilities and amenities with relevant providers and state agencies.	This is outside the scope of a draft LPS.
RAC-P16 Coordinate joint agreements with relevant providers and state agencies on the most effective spatial distribution of future social facilities and services to the community. In this context: <ul style="list-style-type: none"> - Consider the co-location of facilities and services within the activity centre network; and - Develop a policy framework and guidelines for social community services and facilities appropriate to activity centres as part of the overall planning and development of those centres and precincts. 	This is outside the scope of a draft LPS.
REGIONAL INFRASTRUCTURE NETWORK POLICY	
E4.2 Regional Outcome Integrate infrastructure, transport and land use planning to complement State infrastructure plans and policies. Advance efficient, cost effective and sustainable forms of urban development that support the Regional Settlement Network.	
RIN-P1	The draft LPS is in accordance with the Council's settlement and development strategies.

Coordinate, prioritise and sequence the supply of infrastructure throughout the region to match the settlement framework.	
RIN-P2 Identify infrastructure capacity, need and gaps in current provision to meet requirements for projected population and economic activity.	The draft LPS is in accordance with the Break O' Day Settlement Strategy which provides a growth boundary.
RIN-P3 Direct new development towards settlement areas that have been identified as having spare infrastructure capacity.	The draft LPS details some new settlement areas that are within the urban growth boundary and serviced.
RIN-P4 Recognise the Department of State Growth Road Hierarchy and protect the operation of major road and rail corridors (existing and planned) from development that will preclude or have an adverse effect upon existing and future operations.	The State has determined that SPPs provide for this through the Road and Railway Assets Code and the Utilities Zone.
RIN-P5 Recognise the region's port, airport and other intermodal facilities (existing and planned), including operations, and protect from development that will preclude or have an adverse impact on existing and future operations.	The draft LPS includes a Safeguarding St Helens Aerodrome Specific Area Plan to ensure the airport expansion is not compromised by development.
RIN-P6 Facilitate and encourage active modes of transport through land use planning.	The State have determined that the SPPs provide for this through the subdivision provisions in the residential zones.
RIN-P7 Facilitate an efficient and convenient public transport system through land use planning.	The implementation of the SPPs are seen by the State as establishing this framework.
REGIONAL ECONOMIC DEVELOPMENT POLICY	
E5.2 Regional Outcome Advance a nationally and internationally competitive region that applies innovation and infrastructure investment to advance economic development in a broad range of sectors.	
ECONOMIC DEVELOPMENT	
ED-P1 Promote increased innovation within the Northern Tasmanian economy, and encourage: - Increased agricultural potential by investment in irrigation schemes and irrigated lands;	This is outside the scope of a draft LPS.

<ul style="list-style-type: none"> - Innovation, which utilises and captures the region's water resources; - Food and wine innovation; and - A diversity of logistics in freight and port capacity. 	
INDUSTRIAL LAND	
<p>ED-P2 Provide for land use planning and infrastructure networks to support the development of:</p> <ul style="list-style-type: none"> - High value agriculture and food products; - Digital economy (including the NBN); - Vibrant, creative and innovative activity centres as places of employment and lifestyle; and - Diverse tourism opportunities. 	The State have determine that the SPPs provide for this through the introduction of the Agriculture Zone and Rural Zone.
<p>ED-P3 Provide a 10 year supply of industrially zoned and serviced land in strategic locations.</p>	The draft LPS include land within the industrial zones in accordance with the Settlement Strategy's projected demand.
TRAINING AND EDUCATION	
<p>ED-P4 Provide suitable training and education opportunities in response to identified regional challenges, including those concerned with:</p> <ul style="list-style-type: none"> - An ageing population; - Out-migration of younger generations; - Low literacy/education/skilled workers; - Lack of diversity in the economy; - Lack of support and training facilities; and - Availability of affordable housing. 	This is outside the scope of a draft LPS.
<p>ED-P5 Support initiatives that provide Northern Tasmanian with an economic capacity to</p>	This is outside the scope of a draft LPS.

improve their lifestyle and engaged in fulltime or part-time employment to promote standards of living and access to basic services.	
ED-P6 Encourage sustainable and appropriate land use planning practices that seek to manage development and use of the region's natural resources.	The implementation of the SPPs are seen by the State as establishing this framework.
ED-P7 Prevent the loss of future rural production (including agriculture, mineral extraction, forestry).	The application of the Rural and Agriculture zones provides for the continued use of land for primary industry production. Due to the SPP's requiring that rural resources are separated into two zones, the LPS is the result of further analysis in addition to the State's mapping of the agricultural estate.
ED-P8 Manage the region's natural economic resources to sustainably and efficiently meet the needs of existing and future communities.	As detailed above.
TOURISM	
ED-P9 Support tourism development that is guided by research and economic strategies that develop projects and initiatives to enhance the range of tourism and visitor experiences in the region.	These matters are beyond the jurisdiction of a planning scheme.
ED-P10 Support the development of the tourism sector by ensuring land use planning policies and principles do not unnecessarily restrict tourism use and development.	The State has determined that the SPPs provide for this through the application of numerous zones that provide for tourism use and development as a complementary activity.
ED-P11 Provide for the opportunity in planning schemes to identify, protect and enhance distinctive local characteristics and landscapes.	The State has determined that the SPPs provide for this.
ED-P12 Avoid unnecessary restrictions on new tourism sector innovation in planning schemes and acknowledge that planning schemes cannot always predict future tourist sites/developments.	The State has determined that the SPPs provide for this.
SOCIAL INFRASTRUCTURE AND COMMUNITY POLICY	
E6.2 Regional Outcome Shape resilient, liveable and prosperous communities supported by high quality community infrastructure and living environments to meet communities' particular social, education, health care and living needs.	

SOCIAL INFRASTRUCTURE	
SI-P01 Coordinate planning for social infrastructure with residential development.	Residential, Village and Community Purpose Zones provide for various types of social infrastructure.
SI-P02 Provide social infrastructure that is accessible and well-located to residential development, public transport services, employment and educational opportunities.	As detailed above
SI-P03 Provide multi-purpose, flexible and adaptable social infrastructure that can respond to changing and emerging community needs over time.	This is beyond the scope of the preparation of a draft LPS.
SI-P04 Allow for a greater choice in housing types.	The State has determined that the SPPs provide for this.
SI-P05 Protect the operation of existing and planned education/training facilities from conflicting land uses.	The State has determined that the SPPs provide for this.
CULTURAL HERITAGE	
CH-P01 Recognise, retain and protect cultural heritage values in the region for their character, culture, sense of place, contribution to our understanding of history.	The Heritage Places table has transitioned from the interim planning scheme to the draft LPS and include both local and State listings.
CH-P02 Recognise, manage and preserve regional archaeological values.	The State has determined that the SPPs provide for this.
REGIONAL ENVIRONMENTAL POLICY	
E7.2 Regional Outcome Apply a consistent approach to environmental management to: <ul style="list-style-type: none"> - Protect and conserve the natural environment; - Provide for the management and use of productive resources including agricultural lands, natural resources, water resources and coastal environments; and - Plan for natural hazards and climate change adaption responses. 	
BIODIVERSITY AND NATIVE VEGETATION	
BNV-P01 Implement a consistent regional approach to regional biodiversity management, native vegetation communities and native fauna habitats including comprehensive spatial regional biodiversity mapping.	The SPPs include Natural Assets Code and prescribes the data content of mapping to be included in the planning scheme for watercourses and the 'Priority Vegetation Area'.
BNV-P02	

Except where planning scheme provisions provide for exemptions, restrict land clearing and disturbance of intact natural habitat and vegetation areas, including areas of forest and non-forest communities declared under the Nature Conservation Act, coastal wetlands and remnant and appropriate cultural vegetation within settlement areas.	
BNV-P03 Land use planning is to minimise the spread and impact of environmental weeds.	This is outside the scope of the draft LPS, as the SPPs provide an exemption for the removal of weeds.
BNV-P04 Land use planning processes are to be consistent with any applicable conservation area management plans or natural resource management strategy.	This is outside the scope of the LPS.
OPEN SPACE AND RECREATION	
OSR-P01 To provide for an integrated open space and recreation system that contributes to social inclusion, community health and well-being, amenity, environmental sustainability and the economy.	This is provided for through the application of the Open Space Zone.
OSR-P02 Improve open space planning outcomes through the delivery of a consistent regional approach that responds to the community's needs and avoids unnecessary duplication of facilities.	This is provided for through the application of the Open Space Zone. The draft LPS includes the disposal of some Council owned land within the Open Space Zone. The Settlement Strategy details the disposal of a number of local parks and utilise funds to upgrade facilities in other parks,
NATURAL HAZARDS	
NH-P01 Future land use and urban development is to minimise risk to people and property resulting from land instability by adopting a risk-managed based approach, consistent with Practice Note Guidelines for Landslide Risk Management 2007 and AGS (2007a) Guideline for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning; AGS (2007e) Australian GeoGuides for Slope Management and Maintenance.	The draft LPS includes an overlay to apply the SPPs Landslip Code. Where the overlay has been produced by the State Government and is required to be in the LPS, by clause LP1.7.12.
NH-P02 Future land use and development is to minimise risk to people and property resulting from flooding.	The draft LPS does/does not include the Coastal Inundation Overlay to apply the SPPs Coastal Inundation Code. Where the overlay has been produced by the State Government and is required to be in the LPS, by clause LP1.7.9.

NH-P03 Future land use and development is to minimise risk to people and property resulting from bushfire hazard.	The State has determined that the provisions of the SPPs Bushfire-Prone Areas Code address this.
NH-P04 Where avoidance of hazards is not possible or the level of risk is deemed acceptable, best practice construction and design techniques and management practices are to be implemented.	The State has determine that the provisions of the SPPs provide for this outcome.
CLIMATE CHANGE ADAPTION	
CCA-P1 Encourage energy efficient building use and design.	This is outside the scope of an LPS.
CCA-P2 Protect investment in new Infrastructure from the impacts of climate change.	This is outside the scope of an LPS.
COASTS AND WATERWAYS	
CW-P01 Protect and improve the ecological integrity of coastal environments.	The draft LPS applies the SPP Natural Assets Code provisions through the Waterway and Coastal Protection Overlay.
CW-P02 Limit the expansion of urban development within the coastal zone to avoid encroachment into areas of intact coastal environments.	Urban expansion is limited to the urban growth boundary set in the Settlement Strategy.
CW-P03 Minimise or avoid use or development in areas subject to high coastal hazard.	The draft LPS applies the SPP Natural Assets Code provisions through the Waterway and Coastal Protection Overlay.
CW-P04 Protect the visual integrity of coastal landscapes.	This is achieved through application of the SPP Landscape Conservation Zone and Scenic Management Code.
CW-P05 Protect and manage the ecological health and environmental values of surface and groundwater.	The draft LPS applies the SPP Natural Assets Code provisions through the Waterway and Coastal Protection Overlay.
CW-P06 Where appropriate, development in new or redevelopment areas is to adopt best practice Water Sensitive Urban Design (WSUD) principles.	Clause 6.11 of the SPPs provides for this outcome to occur, when it is relevant to a particular development application.
CW-P07 Protect the water quality of the region's waterways and wetlands, including key water supply catchments.	The draft LPS applies the SPP Natural Assets Code provisions through the Waterway and Coastal Protection Overlay.
CW-P08 Recognise the importance of non-land use planning based organisations and their strategies and policies in managing, protecting and enhancing natural values.	This is outside the scope of the draft LPS.
LANDSCAPE AND SCENIC AMENITY	

<p>LSA-P01</p> <p>Consider the value of protecting the scenic and landscape amenity of key regional tourism routes having regard to the routes identified in Map E3 and local circumstances, as well as the:</p> <ul style="list-style-type: none"> - Importance of scenic landscapes as viewed from major roads and tourist routes/destinations as contributing to economic basis of the tourism industry as well as local visual amenity; - Importance of natural/native vegetation in contributing to scenic values of rural and coastal areas generally, with particular emphasis on prominent topographical features; and - Need to protect skylines and prominent hillsides from obtrusive development/works. 	<p>The draft LPS includes the Scenic Road Corridor – Scenic Management – Tourist Road Corridor within the SPPs Scenic Protection Code</p>
<p>LSA-P02</p> <p>Protect specific topographic or natural features of significant scenic/landscape significance.</p>	<p>The draft LPS applies the SPP provisions of the Scenic Protection Code. These Scenic Road Corridors have transitioned from the interim planning scheme.</p>

2.6 Break O’Day Council Strategic Plan 2017-2027

Section 34(2)(f) of the Act requires the preparation of an LPS to have regard to the Council Strategic Plan.

The Break O’Day Council Strategic Plan 2017-2027 (Strategic Plan) has five main goals, these are –

1. **Community** – *To strengthen our sense of community and lifestyle through opportunities for people to connect and feel valued.*
2. **Economy** – *To foster innovation and develop vibrant and growing local economies which offer opportunities for employment and development of businesses across a range of industry sectors.*
3. **Environment** – *To balance our use of the natural environment to ensure that it is available for future generations to enjoy as we do.*
4. **Infrastructure** – *To provide quality infrastructure which enhances the liveability and viability of our communities for residents and visitors.*
5. **Services** – *To have access to quality services that are responsive to the changing needs of the community and lead to improved health, education and employment outcomes.*

With regard to the Strategic Plan, the draft LPS provides land suitably zoned to contribute to the attainment of the listed goals. A range of business, industrial and residential zones are in place to encourage expansion of business and industrial opportunities, whilst the residential zones provide for a variety of residential densities according to their location.

A suite of environmental zones and Code overlays are utilised to manage the environmental impacts on land and resources in a manner that accounts for sustainability. This raises the awareness of the community as to where such areas are located, and the appropriate controls to land use and development. A key focus area of the Strategic Plan that correlates directly with the draft LPS is to encourage sensible and sustainable development through sound land use planning, building and design.

2.7 Break O'Day Land Use Strategies

The Break O'Day Council Land Use and Development Strategy – Municipal Management Plan August 2015 (the Strategy) has been developed to provide direction for future land use and development within Break O'Day. The Strategy is broken into three parts: Part A – State of the Areas Report, Part B – Land Use Opportunities and Constraints and Part C – Final Recommendations. The purpose and objective of the Strategy is to inform and identify land use and development issues and opportunities requiring further action, including recognition of state and local planning policy frameworks and implementation in the interim planning scheme. It is intended that the Strategy will be used as the integrated policy document for guiding future land use and development in the municipality.

For the most part the draft LPS carried across the interim planning scheme zoning. An exception to this was where the Strategy provided clear and justified recommendations for rezoning of land. These rezoning's are discussed in detail in section 3 of this Report.

2.8 Adjacent Municipal Area LPSs

Section 34(2)(g) of the Act requires an LPS to be, as far as is practicable, consistent with and co-ordinated with an LPS that applies to an adjacent municipal area.

The municipal areas adjacent to Break O'Day are Dorset to the north, Launceston and Northern Midlands to the west, with Glamorgan Spring Bay to the south. At the time of writing neither Dorset, Launceston or the Northern Midlands have released their draft LPS, Glamorgan Spring Bay has. In reviewing the Glamorgan Spring Bay draft LPS no conflicts with the draft LPS have been identified. Break O'Day Council will work in collaboration with the other adjoining municipalities.

2.9 Safety Requirements under the Gas Pipelines Act 2000

Section 34(2)(h) of the Act requires the preparation of a draft LPS to have regard to the safety requirements set out in the standards prescribed under the *Gas Pipelines Act 2000*. Having said this, the municipal area does not contain any land subject to the gas pipeline.

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

A planning authority cannot include on a permit condition that conflicts with any condition contained in the safety and operating plan for the affected pipeline.

3.0 Application of Zones

Zoning is the principle mechanism available for a planning scheme to determine how land may be used, developed, protected and/or conserved into the future. The SPPs provide 23 zones each with a specific purpose that describes the manner in which land may be utilised.

In 2018 the TPC issued Guideline No. 1 Local Provisions Schedule (LPS): Zone and Code Application (the Guideline) with approval of the Minister, in accordance with section 8A of LUPAA. The purpose of the Guideline is to provide an easy reference guide for the application of all zones and codes for the preparation of draft LPS in accordance with LP1.0 of the SPP which set out the LPS requirements.

Section LP1.2 requires each LPS to contain a map that provides for spatial application of the zones to land in the municipal area. The Guideline is to be read in conjunction with the transitional provisions under Schedule 6 of LUPAA.

The Guideline directs that the 'primary objective in applying zone should be to achieve the zone purpose to the greatest extent possible'. This is consistent with the Schedule 1 Objectives of LUPAA, however must also be read in conjunction with the allowance for overriding local provisions to be included in an LPS and the requirement to demonstrate that it promotes sustainable use and development. The Guideline contains 'should' statements for the zoning of land and in doing so, recognised that there will be circumstances whereby sustainable outcomes are not achieved without variation in zone type, or the inclusion of overriding local provision.

3.1 BOD 2015 – SPP's Zone Conversion

For the most part, the draft LPS carries through the existing interim planning scheme zoning, as this correlates directly with the zone application Guidelines. The associated changes in zone standards are generally minor and it is considered that the strategic intent underpinned by the NRLUS and local strategies was not compromised by the SPP's.

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

The zones from the interim planning scheme have been transferred into the draft LPS with the aim to deliver a 'like for like' transition where possible. Notwithstanding this, some zoning changes are proposed derived from:

- The statements and requirements specified in the Guidelines;
- The removal of the Environmental Living Zone (ELZ) and Rural Resource Zone (RRZ) and the subsequent introduction of the Landscape Conservation Zone (LCZ), Rural Zone (RZ) and Agricultural Zone (AZ);
- The State's mapping of 'Land Potentially Suitable for Agriculture Zone' and the Agricultural Land Mapping Project (Mapping Project);
- Correction of local anomalies and disposal of land.
- Clear direction from the Break O'Day Council Land Use and Development Strategy – Municipal Management Plan August 2015 (the Strategy).

The following sections discuss these zoning changes in greater detail.

3.1.1 General Residential Zone (GRZ)

The Guideline provides the following zone application guidelines for applying the GRZ.

GRZ 1 The General Residential Zone should be applied to the main urban residential areas within each municipal area which:

(a) are not targeted for higher densities (see Inner Residential Zone); and

(b) are connected, or intended to be connected, to a reticulated water supply service and a reticulated sewerage system.

GRZ 2 The General Residential Zone may be applied to green-field, brown-field or grey-field areas that have been identified for future urban residential use and development if:

(a) within the General Residential Zone in an interim planning scheme;

(b) within an equivalent zone under a section 29 planning scheme; or

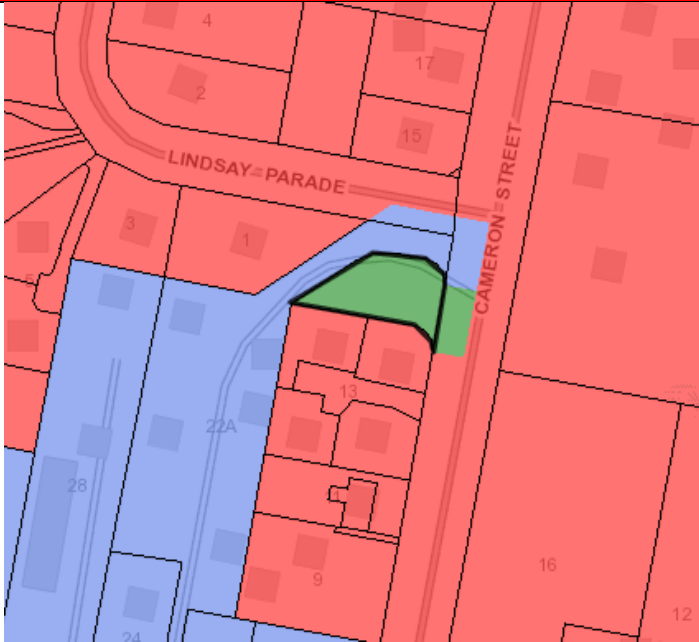

(c) justified in accordance with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; and

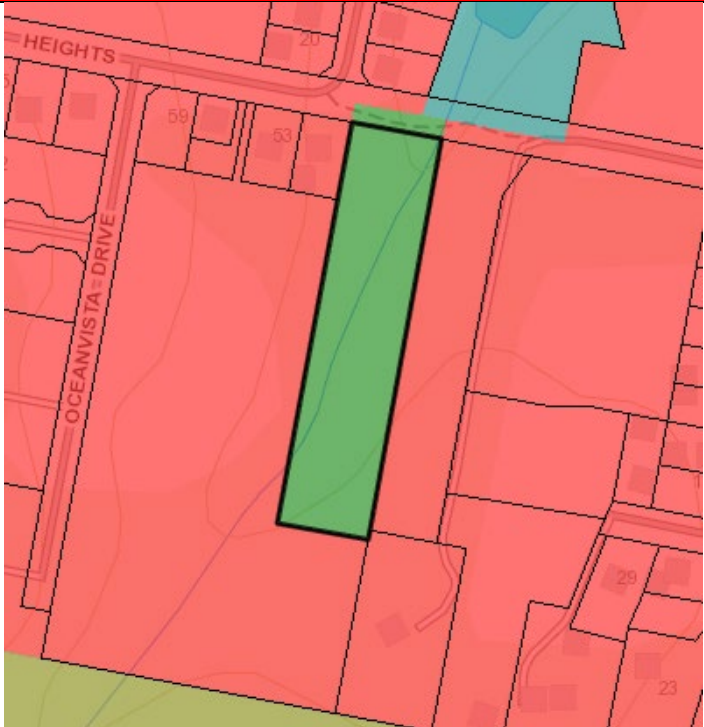
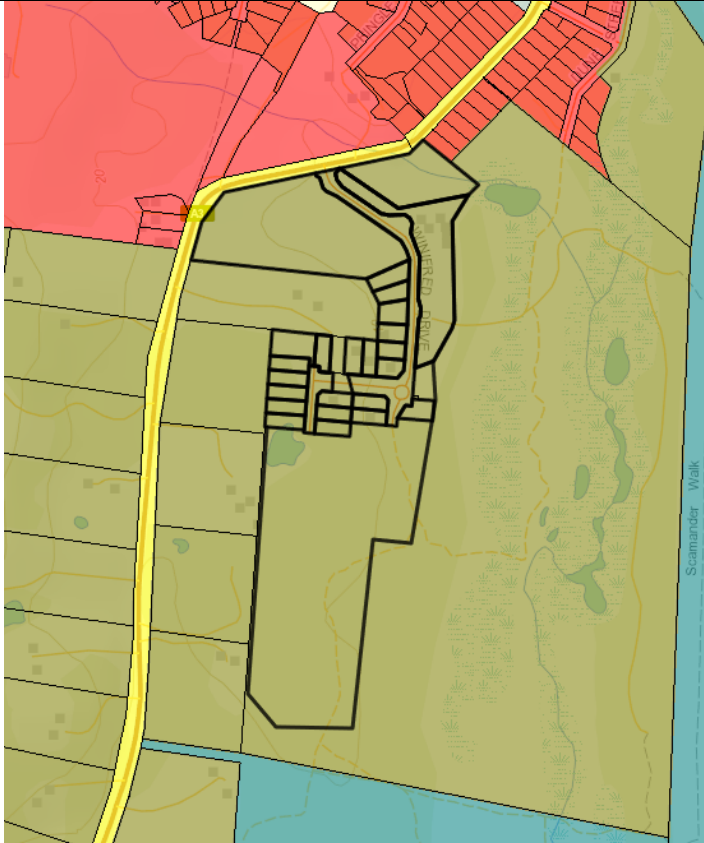
(d) is currently connected, or the intention is for the future lots to be connected, to a reticulated water supply service and a reticulated sewerage system,

Note: The Future Urban Zone may be used for future urban land for residential use and development where the intention is to prepare detailed structure/precinct plans to guide future development.

GRZ 3 The General Residential Zone should not be applied to land that is highly constrained by hazards, natural values (i.e. threatened vegetation communities) or other impediments to developing the land consistent with the zone purpose of the General Residential Zone, except where those issues have been taken into account and appropriate management put into place during the rezoning process.

For the most part land within the GRZ of the interim planning scheme transitioned to the GRZ of the draft LPS. The following table details any further modifications to the GRZ within the draft LPS.

LOCATION Title/PID	IPS ZONE	DRAFT LPS ZONE	REFERENCE (identified in black title boundary)
St Helens CT30649/2	OSZ	GRZ	
Justification	<p>Council has identified the site for disposal. The rezoning is based on the Strategy which states - <i>Disposal of a number of local parks and utilise funds to upgrade facilities in other parks including the parks located:....at corner of Lindsay Pde and Cameron St as this land provides access to adjacent commercial area has limited level of useability for open space purposes and is in the vicinity of other more useable foreshore and local parks in St Helens.</i> Proposed rezoning to the GRZ is consistent with GRZ 1, GRZ 2 and GRZ 3 and is the most appropriate zone given the surrounding land use pattern.</p>		
St Helens CT30563/27 & CT30563/28	OSZ	GRZ	
Justification	<p>Council has identified the site for disposal. Rezoning based on Strategy which details - <i>Disposal of a number of local parks and utilise funds to upgrade facilities in other parks including the parks located: ...at Cnr Mimosa St and Jason St, St Helens as this land is too steep to be effectively used for open space purposes.</i> The proposed rezoning to the GRZ is consistent with GRZ 1, GRZ 2 and GRZ 3 and is considered the most appropriate zone given the surround land use pattern.</p>		

LOCATION Title/PID	IPS ZONE	DRAFT LPS ZONE	REFERENCE (identified in black title boundary)
St Helens CT141663/9	OSZ	GRZ	
Justification	Council has identified the site for disposal. Rezoning based on Strategy which details - <i>Disposal of a number of local parks and utilise funds to upgrade facilities in other parks including the parks located: in Falmouth St, St Helens as this land is too steep to be effectively used for open space purposes.</i> Proposed rezoning to the GRZ is consistent with GRZ 1, GRZ 2 and GRZ 3 and is considered the most appropriate zone given the surround land use pattern.		
Scamander CT129825/1, CT159724/101, CT176276/920 (partial), CT161875/1, CT159724/17, CT161875/18, CT167461/36, CT170174/35, CT176275/34, CT176275/46, CT176275/45, CT176275/44, CT176275/43, CT172882/42, CT176275/41, CT176275/40, CT169339/39, CT169339/38, CT159724/37, CT159724/15, CT159724/16, CT159725/14, CT159724/13, CT167461/12,	ELZ	GRZ	

LOCATION Title/PID	IPS ZONE	DRAFT LPS ZONE	REFERENCE (identified in black title boundary)
CT170985/11, CT159724/100			
Justification	The rezoning boundary is based on the approved DA and is further supported in the Strategy. The Strategy details - <i>On completion of the subdivision of land around Winifred Drive in accordance with the existing development approval, the land should be rezoned to General Residential to reflect its current and future use.</i> The Strategy identifies the lots within Future Urban Growth / Settlement Boundary. Proposed rezoning to the GRZ is consistent with GRZ 1, GRZ 2 and GRZ 3 and is considered to be the most appropriate zone given the approved subdivision, the removal of the ELZ and that the site is serviced. The balance of the site, to the east along the foreshore, which is within the ELZ is to be rezoned to the EMZ, which is discussed in coming sections of this report.		
Titles removed from GRZ			
St Helens CT 173826/2; CT 173826/3	GRZ	GBZ	Details and justification in the GBZ section of this report
St Marys CT30698/1	GRZ	LBZ	Details and justification in the LBZ section of this report
St Marys CT135823/1	GRZ	RZ	Details and justification in the RZ section of this report

3.1.2 Inner Residential Zone (IRZ)

Neither the interim planning scheme nor the draft LPS apply the IRZ within the municipality.

3.1.3 Low Density Residential Zone (LDRZ)

The Guideline provides the following zone application guidelines for applying the LDRZ.

LDRZ 1 The Low Density Residential Zone should be applied to residential areas where one of the following conditions exist:

(a) residential areas with large lots that cannot be developed to higher densities due to any of the following constraints:

(i) lack of availability or capacity of reticulated infrastructure services, unless the constraint is intended to be resolved prior to development of the land; and

(ii) environmental constraints that limit development (e.g. land hazards, topography or slope); or

(b) small, residential settlements without the full range of infrastructure services, or constrained by the capacity of existing or planned infrastructure services; or

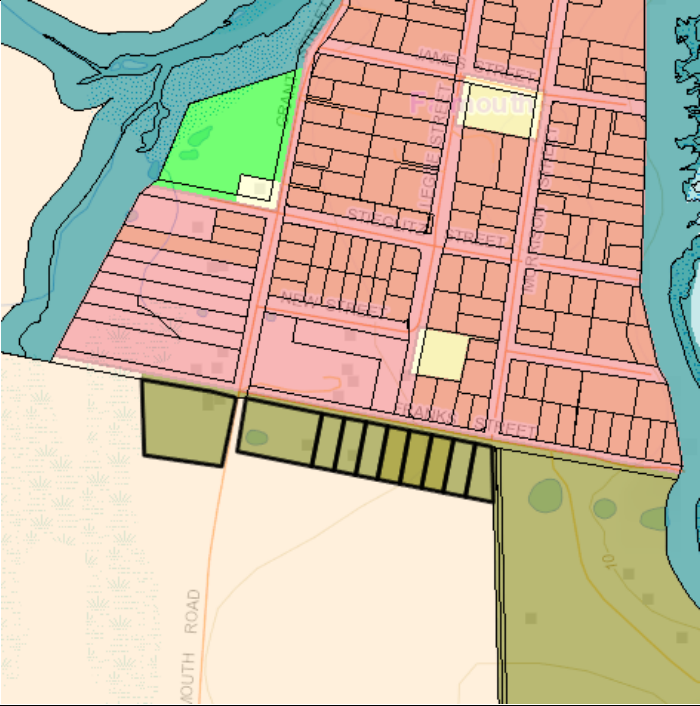
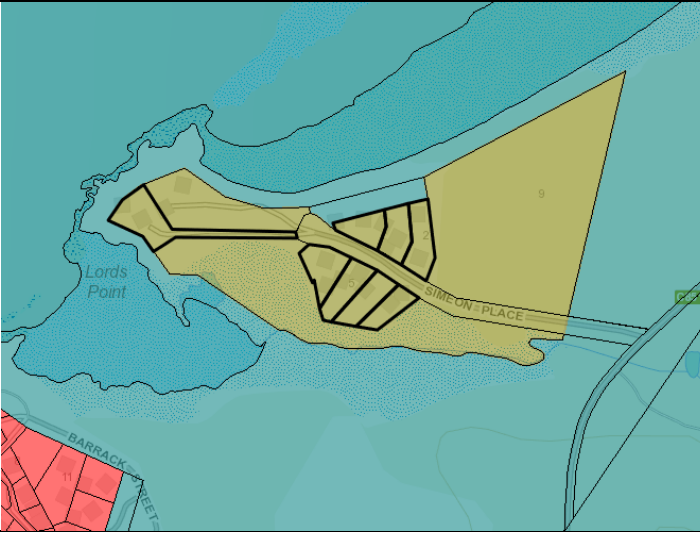
(c) existing low density residential areas characterised by a pattern of subdivision specifically planned to provide for such development, and where there is justification for a strategic intention not to support development at higher densities.

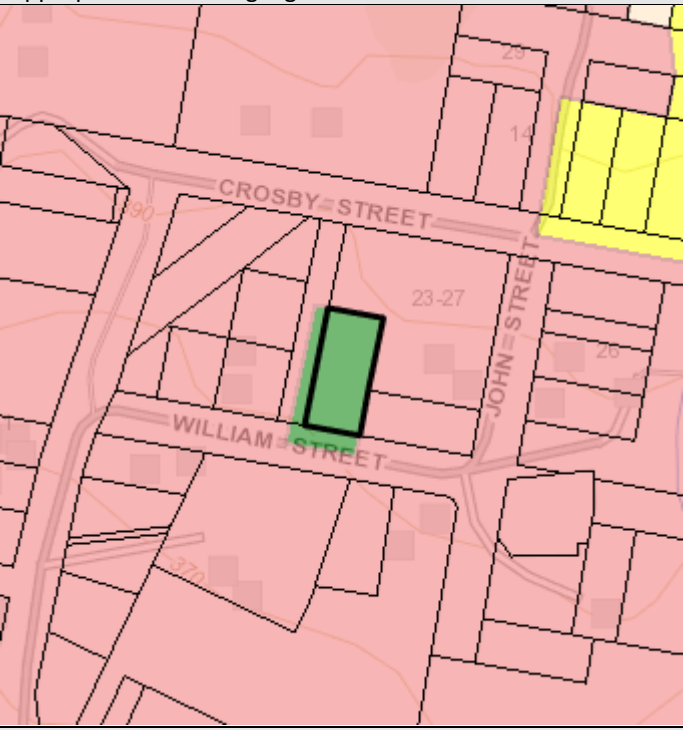
LDRZ 2 The Low Density Residential Zone may be applied to areas within a Low Density Residential Zone in an interim planning scheme or a section 29 planning scheme to lots that are smaller than the allowable minimum lot size for the zone, and are in existing residential areas or settlements that do not have reticulated infrastructure services.

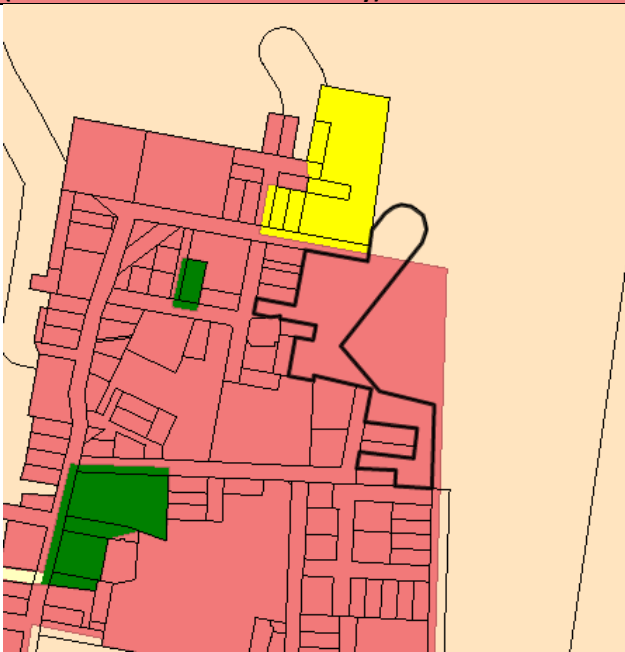
LDRZ 3 The Low Density Residential Zone should not be applied for the purpose of protecting areas of important natural or landscape values.

LDRZ 4 *The Low Density Residential Zone should not be applied to land that is targeted for green-field development unless constraints (e.g. limitations on infrastructure, or environmental considerations) have been identified that impede the area being developed to higher densities.*

For the most part, land within the LDRZ of the interim planning scheme transitioned to the LDRZ of the draft LPS. The following table details any further modifications to the LDRZ within the draft LPS.

LOCATION Title/PID	IPS ZONE	DRAFT LPS ZONE	REFERENCE (identified in black title boundary)
Falmouth CT136081/1, CT149067/21, CT149067/22, CT149067/23, CT149067/24, CT149067/25, CT149067/26, CT149067/27, CT149067/28, CT168325/4	ELZ	LDRZ	
Justification	The LDRZ is considered to be the most logical zone given the removal of the ELZ, the lot sizes and the surrounding development pattern. Further, the sites are not serviced and are not identified within the Strategy's Future Urban Growth / Settlement Boundary. The rezoning to the LDRZ is consistent with LDRZ 1, LDRZ 2, LDRZ 3 and LDRZ 4. The rezoning is supported by the Strategy which details - <i>Land directly south of the Village currently zoned Environmental Living and already subdivided into allotments generally 1500-1800m² should be rezoned to Low Density Residential to reflect the current and future use.</i>		
Akaroa CT54668/3, CT65776/4, CT54668/5, CT54668/6, CT32060/3, CT64450/8, CT64450/1, CT64450/2	ELZ	LDRZ	

LOCATION Title/PID	IPS ZONE	DRAFT LPS ZONE	REFERENCE (identified in black title boundary)
Justification	The LDRZ is most practical zone given the removal of the ELZ and the existing and surrounding development pattern. This zoning is consistent with the Guideline and the sites are not serviced, unlike other residential land in Akaroa. The adjoining land within the ELZ all forms part of one title and holds significant natural values. Given the majority of this land is undeveloped, highly vegetated and includes the foreshore, the LCZ is to be applied. This is discussed further in following sections of the report. Rezoning of highlighted sites to the LDRZ is consistent with LDRZ 1, LDRZ 2, LDRZ 3 and LDRZ 4. Further the LCZ is not considered appropriate for the highlighted titles.		
Cornwell CT54237/1	OSZ	LDRZ	
Justification	The site is owned by Council. The rezoning of site to the LDRZ is consistent with LDRZ 1, LDRZ 2, LDRZ 3 and LDRZ 4. The Strategy further reinforces the rezoning - <i>The single allotment of land on William Street which is zoned Open Space should be rezoned to Low Density Residential, given it is currently vacant and there is a substantial amount of Open Space zoned land within the village.</i> Site identified in Strategy as within the Future Urban Growth / Settlement Boundary. The rezoning to LDRZ is considered to be the most practical given the Strategy has identified the site for disposal.		

LOCATION Title/PID	IPS ZONE	DRAFT LPS ZONE	REFERENCE (identified in black title boundary)
Cornwell PID3385866	RRZ	LDRZ	
Justification	Rezone the small portion at the northern end of the site to LDRZ to remove split zoning of the site. The rezoning is consistent with LDRZ 1.		
No titles were removed from the LDRZ			

3.1.4 Rural Living Zone (RLZ)

The Guideline provides the following zone application guidelines for applying the RLZ.

RLZ 1 *The Rural Living Zone should be applied to:*

(a) residential areas with larger lots, where existing and intended use is a mix between residential and lower order rural activities (e.g. hobby farming), but priority is given to the protection of residential amenity; or

(b) land that is currently a Rural Living Zone within an interim planning scheme or a section 29 planning scheme, unless RLZ 4 below applies.

RLZ 2 *The Rural Living Zone should not be applied to land that is not currently within an interim planning scheme Rural Living Zone, unless:*

(a) consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; or

(b) the land is within the Environmental Living Zone in an interim planning scheme and the primary strategic intention is for residential use and development within a rural setting and a similar minimum allowable lot size is being applied, such as, applying the Rural Living Zone D where the minimum lot size is 10 ha or greater.

RLZ 3 *The differentiation between Rural Living Zone A, Rural Living Zone B, Rural Living Zone C or Rural Living Zone D should be based on:*

(a) a reflection of the existing pattern and density of development within the rural living area; or

(b) further strategic justification to support the chosen minimum lot sizes consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.

RLZ 4 *The Rural Living Zone should not be applied to land that:*

(a) is suitable and targeted for future greenfield urban development;

(b) contains important landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values (see Landscape Conservation Zone), unless the values can be appropriately managed through the application and operation of the relevant codes; or

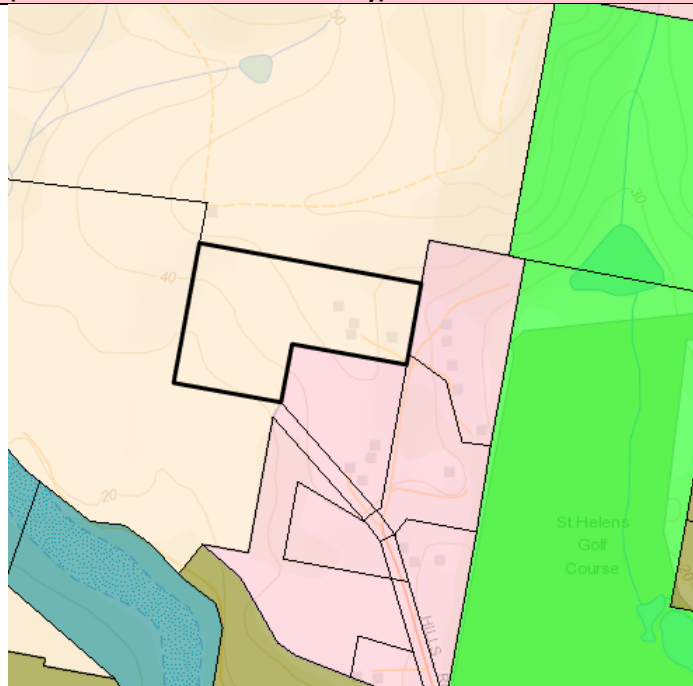
(c) is identified in the 'Land Potentially Suitable for Agriculture Zone' available on the LIST (see Agriculture Zone), unless the Rural Living Zone can be justified in accordance with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.

The SPPs have introduced a number of different lots size classifications within the RLZ. The RLZ minimum lot sizes are classified as follows:

- Rural Living Zone A: 1ha,
- Rural Living Zone B: 2ha,
- Rural Living Zone C: 5ha,
- Rural Living Zone D: 10ha.

The draft LPS mapping has applied these zone classifications based on allotment sizes with the intention to not grant or revoke existing development rights.

For the most part, land within the RLZ of the interim planning scheme transitioned to the RLZ of the draft LPS with the application of the appropriate lot size classifications. The following table details any further modifications to the RLZ within the draft LPS.

LOCATION Title/PID	IPS ZONE	DRAFT LPS ZONE	REFERENCE (identified in black title boundary)
St Helens CT199892/2	RRZ	RLZ	
Justification	The site was identified within the Mapping Project as Potentially Constrained (Criteria 3) land (the following sections of this report provides details regarding this classification). The RLZ is considered to more appropriate than the inclusion into the AZ given the existing and adjoining residential settlements and existing dwellings on site. The rezoning is consistent with RLZ 1, RLZ 3 and RLZ 4. Further to this the rezoning is in accordance with the AZ 6 requirement from the Guidelines as the Strategy details the land is suitable for residential use rather than Agricultural.		
Titles removed from RLZ			
Fingal CT13060/1	RLZ	GIZ	Details and justification in GIZ section of this report

3.1.5 Village Zone (VZ)

The draft LPS includes no changes to the VZ from the interim planning scheme.

3.1.6 Urban Mixed Use Zone (UMUZ)

Neither the interim planning scheme nor the draft LPS utilise the UMUZ.

3.1.7 Local Business Zone (LBZ)

The Guideline details the following zone application guidelines for applying the LBZ.

LBZ 1 *The Local Business Zone should be applied to land within urban settlements which provides, or is intended to provide, for the business, commercial and community functions within:*

(a) local shopping strips; or

(b) town centres for some smaller settlements.

LBZ 2 *The Local Business Zone may be applied to:*

(a) Local Centres and the lower order Minor or Neighbourhood Centres in the Activity Centre Network under the Southern Tasmania Regional Land Use Strategy;

(b) Local or Minor Centres and the Neighbourhood or Rural Town Centres in the Regional Activity Centre Hierarchy under the Regional Land Use Strategy of Northern Tasmania; and

(c) the main retail and business areas of Local Service Centres and Localities in the activity centres description in the Cradle Coast Regional Land Use Strategy.

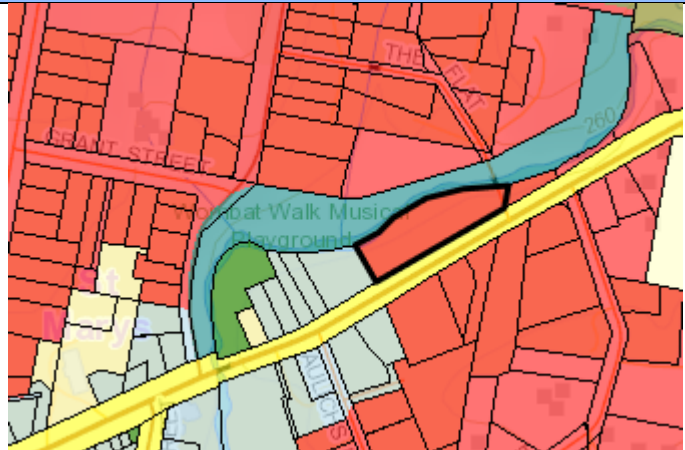
LBZ 3 *The Local Business Zone may be used for groups of local shops and businesses in existing residential areas where there is a strategic intention to maintain such uses, and the provisions of the surrounding residential zone are not appropriate.*

LBZ 4 *The Local Business Zone should not be used for individual, isolated local shops or businesses within residential areas, unless:*

(a) they are a use, or are of a scale, that is more appropriate for the Local Business Zone and there is an intention to maintain the use; or

(b) there is a strategic intention to expand the existing retail or business area in this locality consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.

For the most part, land within the LBZ of the interim planning scheme transitioned to the LBZ of the draft LPS. The following table details any further modifications to the LBZ within the draft LPS.

LOCATION Title/PID	IPS ZONE	DRAFT LPS ZONE	REFERENCE (identified in black title boundary)
St Marys CT30698/1	GRZ	LBZ	
Justification	<p>The site includes an existing building that is currently unleased however historically has been operated as a local shop. There are a number of other outbuildings and a dwelling located behind this shop front in the western corner of the site, adjacent to the LBZ. These structures are considered to be subservient and ancillary to the shop. The balance of the site is predominately vacant and cleared with some established vegetation along the southern boundary – Main Street and northern boundary – St Marys Rivulet. The topography of the site falls to the north and the site has a known history of flooding due to its proximity to the Rivulet.</p> <p>Given the sites susceptibility to flooding, the historical use of the site for local business and the proximity to the LBZ; coupled with the lack of GRZ uses occurring on the northern side of Main Street Council proposed to rezone the site to the LBZ. This is consistent with LBZ1, LBZ2, LBZ3 and LBZ4.</p>		
No titles were removed from the LBZ			

3.1.8 General Business Zone (GBZ)

The Guideline details the following zone application guidelines for applying the GBZ.

GBZ 1 *The General Business Zone should be applied to land within urban settlements that provides, or is intended to provide, for the business, commercial and community functions within Tasmania's main suburban and rural town centres.*

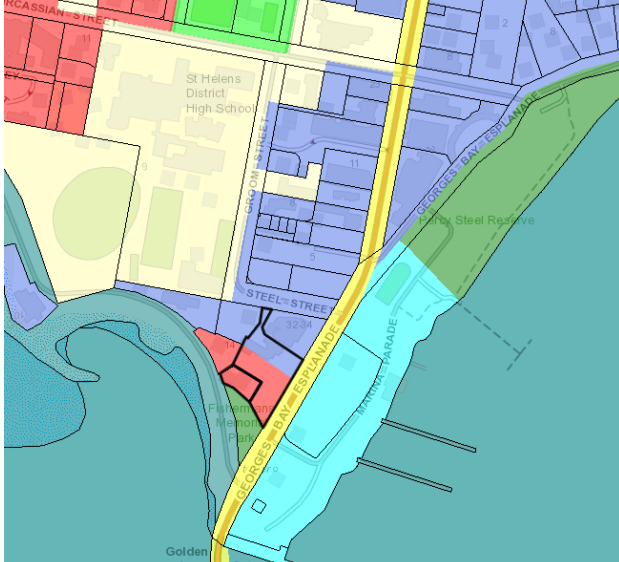
GBZ 2 *The General Business Zone may be applied to:*

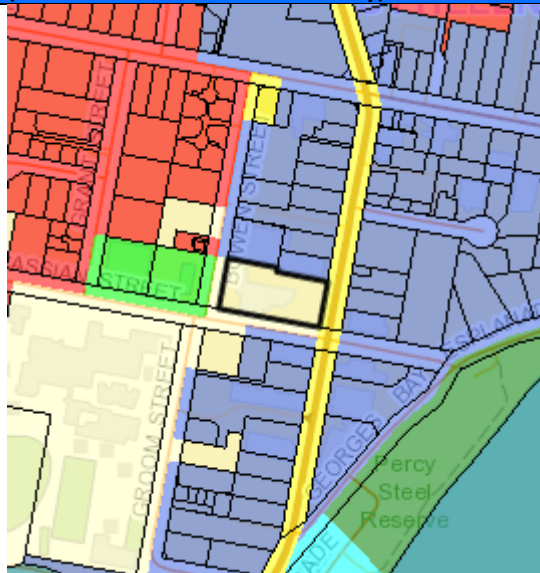
(a) Major Activity Centres, Rural Service Centres and the higher order Minor or Neighbourhood Centres in the Activity Centre Network under the Southern Tasmania Regional Land Use Strategy;

(b) Suburban Activity Centres and District Service Centres in the Regional Activity Centre Hierarchy under the Regional Land Use Strategy of Northern Tasmania; and

(c) the main retail and business areas of District Activity Centres in the activity centres description in the Cradle Coast Regional Land Use Strategy.

For the most part, land within the GBZ of the interim planning scheme transitioned to the GBZ of the draft LPS. The following table details any further modifications to the GBZ within the draft LPS.

LOCATION Title/PID	IPS ZONE	DRAFT LPS ZONE	REFERENCE (identified in black title boundary)
St Helens CT 173826/2; CT 173826/3	GRZ	GBZ	
Justification	As shown in the above figure the St Helens Police Station is currently split zoned GRZ and GBZ. The GRZ zoning is not consistent with the Guidelines or representative of the existing and future use of the site. The rezoning of the site to the GBZ will allow for continuation of this zone along Georges Bay Esplanade and into Cecilia Street and is consistent with the use occurring on site. The rezoning is consistent with GBZ 1 and GBZ 2.		

LOCATION Title/PID	IPS ZONE	DRAFT LPS ZONE	REFERENCE (identified in black title boundary)
St Helens CT147446/1	CPZ	GBZ	
Justification	The site identified is the former hospital site in St Helens. The hospital has since been relocated and as such it is appropriate for the site to be rezoned from the CPZ to the GBZ. This rezoning will allow for continuation of GBZ along Cecilia Street, allow for future use and development of the site, and a consolidation of business activity to the central area of St Helens. The rezoning is in accordance with GBZ 1 and GBZ 2. CPZ not considered to be appropriate for site.		
No titles were removed from the GBZ			

3.1.9 Central Business Zone (CBZ)

Neither the interim planning scheme nor the draft LPS utilise the CBZ.

3.1.10 Commercial Zone (CZ)

Neither the interim scheme nor the draft LPS utilise the CZ.

3.1.11 Light Industrial Zone (LIZ)

Neither the interim planning scheme nor the draft LPS utilise the LIZ.

3.1.12 General Industrial Zone (GIZ)

The Guideline details the following zone application guidelines for applying the GIZ.

- GIZ 1** *The General Industrial Zone should be applied to land that provides, or is intended to provide, for a range of larger-scale or medium and higher impact, manufacturing, processing, servicing, storage and transport and distribution uses. These are likely to include large industrial operations with actual or potential nearby off site impacts. These may be located in areas remote from land designated for other uses, such as residential use, in order to avoid land use conflicts.*
- GIZ 2** *The General Industrial Zone should not directly adjoin land zoned for residential purposes unless:*
- (a) separated by physical buffers such as a major road; or*
 - (b) for existing industrial areas that provide for larger-scale or medium and higher impact, manufacturing, processing, servicing, storage and transport and distribution uses.*

- GIZ 3** *The General Industrial Zone should have access to freight transport routes and other utility infrastructure and services (e.g. electricity, water, sewerage) that is appropriate for the intended industrial use.*
- GIZ 4** *The General Industrial Zone may be applied to land without connection to a reticulated sewerage system if:*
- (a) for existing industrial areas that provide for larger-scale or medium and higher impact, manufacturing, processing, servicing, storage and transport and distribution uses;*
- (b) unnecessary for the intended industrial use; or*
- (c) the area is capable of accommodating on-site waste water treatment systems suitable for the intended industrial use.*
- GIZ 5** *The General Industrial Zone may be applied to port and marine facilities that are directly linked to specific higher impact manufacturing, processing, repair, servicing or storage uses.*
- GIZ 6** *The General Industrial Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, industrial activities.*

For the most part, land within the GIZ of the interim planning scheme transitioned to the GIZ of the draft LPS. The following table details any further modifications to the GIZ within the draft LPS.

LOCATION Title/PID	IPS ZONE	DRAFT LPS ZONE	REFERENCE (identified in black title boundary)
Fingal CT13060/1	RLZ	GIZ	
Justification	As shown in above figure the site is surrounded by the GIZ on three boundaries and forms part of the Fingal industrial precinct. The Strategy provides the following commentary regarding the site: <i>A single rural living allotment is located within the industrial zoned block of land, approximately 2,300m² in size, which should be rezoned in order to reduce potential conflicts of interest. However, the site is substantially developed and consultation with the landowner should occur to determine their intended future use of the land.</i> Rezoning is consistent with GIZ 1, GIZ 2, GIZ 3 and GIZ 4.		
No titles were removed from the GBZ			

3.1.13 Rural Zone (RZ)

The RZ and AZ in the SPPs reflect a recalibration of the Rural Resource Zone (RRZ) and the Significant Agricultural Zone (SAZ) that are currently applied in the interim planning schemes across Tasmania.

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

Land within the RRZ of the interim planning scheme transitioned to either the RZ or AZ depending on how the land was mapped in the Mapping Project.

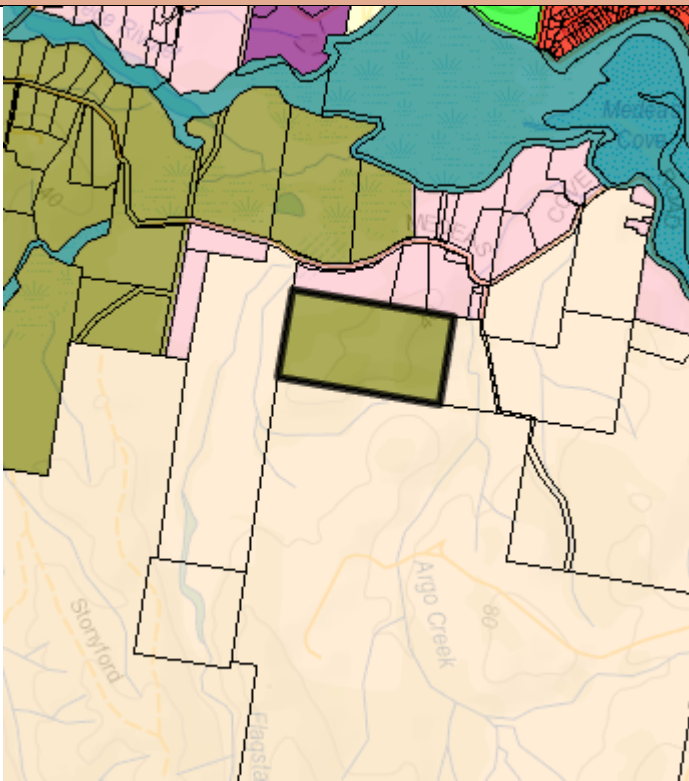
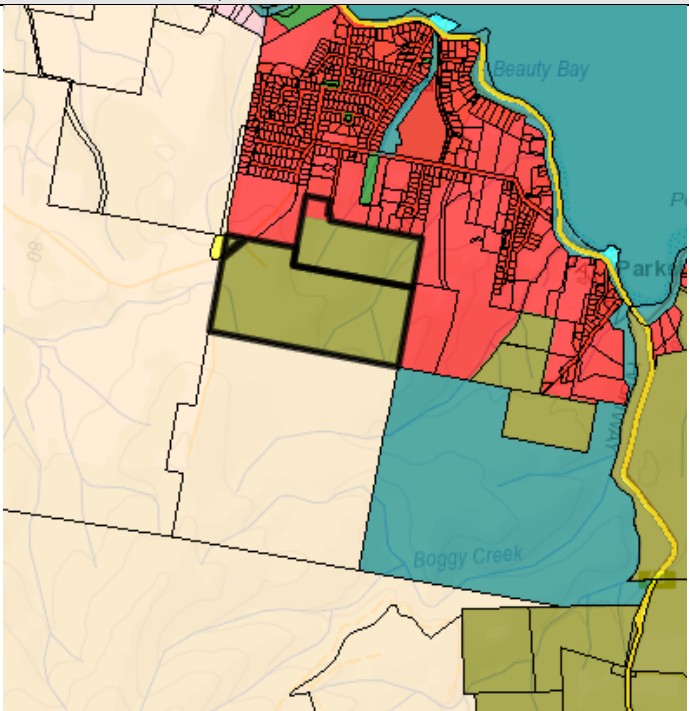
The AZ is intended to provide a much broader scope for the identification and protection of agricultural land in Tasmania, with priority given to agricultural uses.

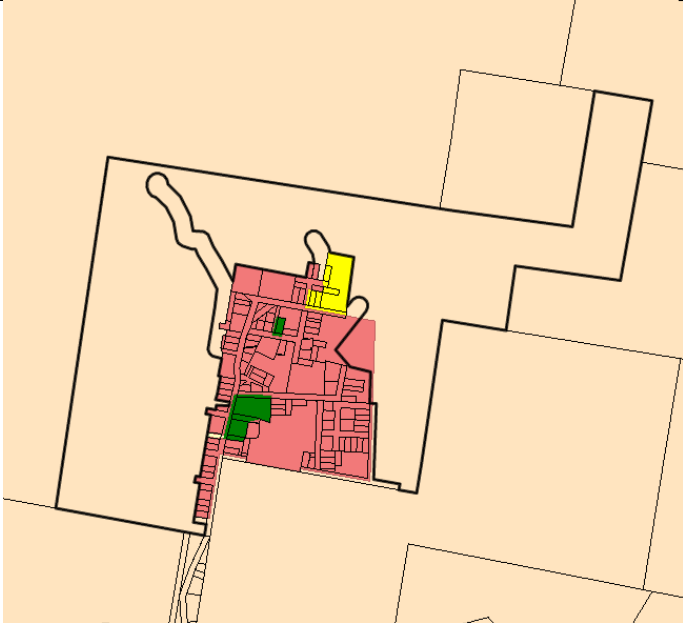
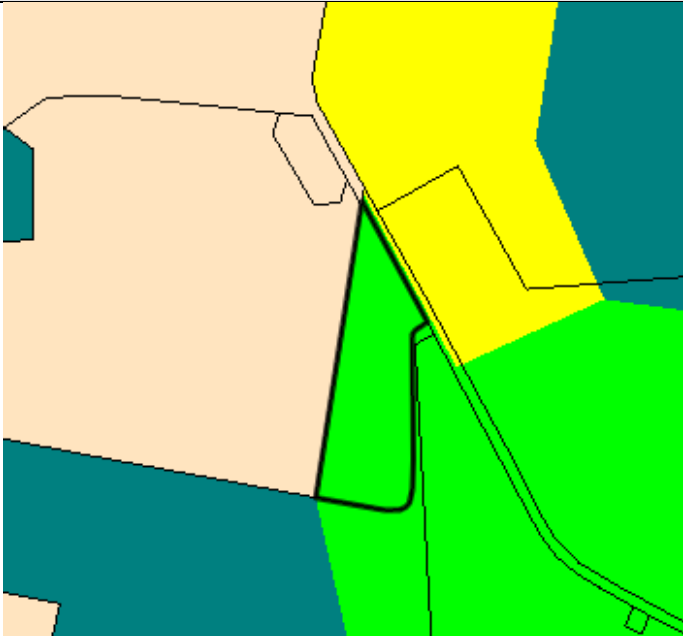
The RZ provides for the remaining rural land where there is limited or no potential for agriculture. The RZ provides for all agricultural uses to occur in conjunction with a range of rural businesses and industries.

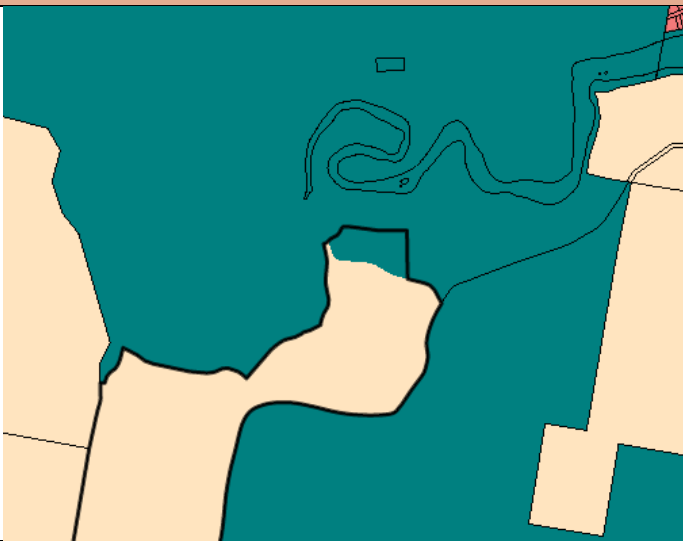
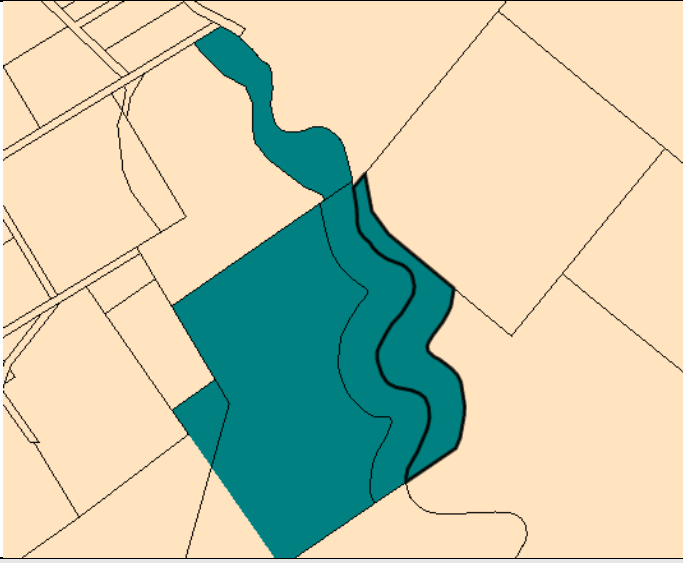
The Guideline details the following zone application guidelines for applying the RZ.

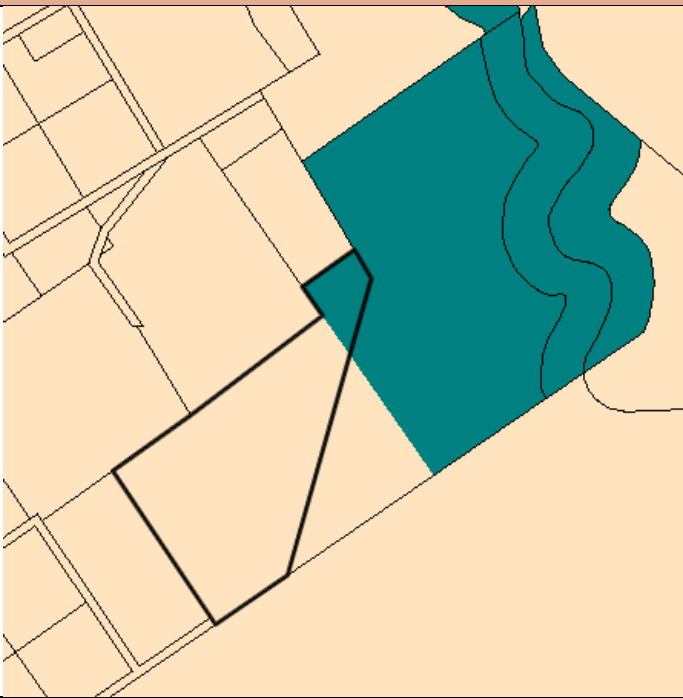
- RZ 1 The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.*
- RZ 2 The Rural Zone should only be applied after considering whether the land is suitable for the Agriculture Zone in accordance with the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST.*
- RZ 3 The Rural Zone may be applied to land identified in the 'Land Potentially Suitable for Agriculture Zone' layer, if:*
- (a) it can be demonstrated that the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;*
 - (b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land;*
 - (c) the land is identified for the protection of a strategically important naturally occurring resource which is more appropriately located in the Rural Zone and is supported by strategic analysis;*
 - (d) the land is identified for a strategically important use or development that is more appropriately located in the Rural Zone and is supported by strategic analysis; or*
 - (e) it can be demonstrated, by strategic analysis, that the Rural Zone is otherwise more appropriate for the land.*

The following table details any further modifications to the RZ within the draft LPS. The next section in this report provide further information regarding the application of the AZ.

LOCATION Title/PID	IPS ZONE	DRAFT LPS ZONE	REFERENCE (identified in black title boundary)
St Helens CT121458/1	ELZ	RZ	
Justification	The title is within the ELZ of the interim planning scheme and located outside of the Future Urban Growth / Settlement Boundary within the Strategy. Land to the east, west and south all identified for AZ within the Mapping Project. However, given on ground features and topography as well as proximity to GRZ land (to the east) it has been determined these sites are more suitable for RZ. As such, highlighted title is also to transition to RZ. This application is consistent with RZ 1, RZ 2 and RZ 3.		
St Helens CT141663/100, CT106405/1	ELZ	RZ	
Justification	Titles within the ELZ of the interim planning scheme. Despite being located within the Future Urban Growth / Settlement Boundary the Strategy does not reference any		

LOCATION Title/PID	IPS ZONE	DRAFT LPS ZONE	REFERENCE (identified in black title boundary)
			<p>opportunity for development or densification of this land. Given the availability of surrounding GRZ land that is not developed, a residential zoning is not considered appropriate at this point in time. The land is also predominantly covered in vegetation. Rezoning to RZ is considered the most logical application given the surrounding RZ to the south and west. This application is consistent with RZ 1 and RZ 2. The existing split zoning at the north with GRZ will remain.</p>
Cornwell PID 3385866	LDRZ	RZ	
Justification	<p>Rezone the small portion of the site on the eastern side of the township that is LDRZ to RZ to remove split zoning. The rezoning is consistent with RZ1.</p>		
Scamander PID 3385567	RecZ	RZ	
Justification	<p>Revise the zoning of that part of PID 3385567 outlined in black that is currently zoned Recreation (RecZ) to RZ. This land forms part of Future Potential Production Forest and is owned by DPIPW. Application of zone is consistent with RZ1.</p>		

LOCATION Title/PID	IPS ZONE	DRAFT LPS ZONE	REFERENCE (identified in black title boundary)
The Gardens PID 6807980	EMZ	RZ	
Justification	Rezone the small portion at the northern end of the site from EMZ to RZ to remove split zoning. The rezoning is consistent with RZ1.		
Esk Main Road PID3384177	EMZ	RZ	
Justification	Revise the zoning of the land adjoining the western boundary of Esk Main Road folio Register 212077/1 and PID 3384177 as outlined in blue in the diagram to RZ. Rezoning is consistent with RZ1 as land is Future Potential Production Forest.		

LOCATION Title/PID	IPS ZONE	DRAFT LPS ZONE	REFERENCE (identified in black title boundary)
Sorell Street Fingal	EMZ	RZ	
Justification	Revise the zoning of the Crown land at Sorell Street, Fingal located adjacent to the eastern boundary of folio of the Register 120261/3 to RZ. Rezoning is consistent with RZ 1.		

3.1.14 Agricultural Zone (AZ)

As detailed in the previous section of this report, the RZ and AZ in the SPPs reflect a recalibration of the RRZ and the SAZ that are currently applied in the interim planning schemes.

The State Government identified land suitable for inclusion within the AZ through the Mapping Project with the primary aim of identifying Tasmania's existing and potential agricultural land, and to provide guidance to local planning authorities on the spatial application of the AZ within their municipal areas.

The mapping is of particular weight given the interim planning scheme did not include any land within the SAZ.

The Mapping Project excluded certain land use such as forestry in their analysis which was better suited to the Rural Zone as a strategically important naturally occurring resource.

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

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

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

- Unconstrained agricultural land (Orange)
- Potentially Constrained Agricultural Land (Criteria 2A) (Yellow)
- Potentially Constrained Agricultural Land (Criteria 2B) (Cream)
- Potentially Constrained Agricultural Land (Criteria 3) (Green)

The constraints analysis is based on the table below:

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

The Guideline provides the following zone application guidelines for applying the AZ

AZ 1 *The spatial application of the Agriculture Zone should be based on the land identified in the ‘Land Potentially Suitable for Agriculture Zone’ layer published on the LIST, while also having regard to:*

(a) any agricultural land analysis or mapping undertaken at a local or regional level for part of the municipal area which:

(i) incorporates more recent or detailed analysis or mapping;

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

(iii) addresses any anomalies or inaccuracies in the ‘Land Potentially Suitable for Agriculture Zone’ layer, and

where appropriate, may be demonstrated in a report by a suitably qualified person, and is consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;

(b) any other relevant data sets; and

(c) any other strategic planning undertaken at a local or regional level consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.

AZ 2 *Land within the Significant Agriculture Zone in an interim planning scheme should be included in the Agriculture Zone unless considered for an alternate zoning under AZ 6.*

AZ 3 *Titles highlighted as Potentially Constrained Criteria 2A, 2B or 3 in the ‘Land Potentially Suitable for Agriculture Zone’ layer may require further investigation as to their suitability for inclusion within the Agriculture Zone, having regard to:*

(a) existing land uses on the title and surrounding land;

(b) whether the title is isolated from other agricultural land;

(c) current ownership and whether the land is utilised in conjunction with other agricultural land;

- (d) the agricultural potential of the land; and*
 - (e) any analysis or mapping undertaken at a local or regional level consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.*
- AZ 4** *The 'Potential Agricultural Land Initial Analysis' layer may assist in making judgements on the spatial application of Agriculture Zone, including, but not limited to:*
- (a) any titles that have or have not been included in the 'Land Potential Suitable for the Agriculture Zone' layer, including titles that are surrounded by land mapped as part of the LIST layer;*
 - (b) any titles highlighted as Potentially Constrained Criteria 2A, 2B or 3;*
 - (c) outlying titles that are either included or excluded within the 'Land Potential Suitable for the Agriculture Zone' layer; and*
 - (d) larger titles or those with extensive areas of native vegetation cover.*
- AZ 5** *Titles may be split-zoned to align with areas potentially suitable for agriculture, and areas on the same title where agriculture is constrained. This may be appropriate for some larger titles.*
- AZ 6** *Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if:*
- (a) local or regional strategic analysis has identified or justifies the need for an alternate consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;*
 - (b) for the identification and protection of a strategically important naturally occurring resource which requires an alternate zoning;*
 - (c) for the identification and protection of significant natural values, such as priority vegetation areas as defined in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone;*
 - (d) for the identification, provision or protection of strategically important uses that require an alternate zone; or*
 - (e) it can be demonstrated that:*
 - (i) the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;*
 - (ii) there are significant constraints to agricultural use occurring on the land; or*
 - (iii) the Agriculture Zone is otherwise not appropriate for the land.*
- AZ 7** *Land not identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for inclusion within the Agriculture Zone if:*
- (a) local or regional strategic analysis has identified the land as appropriate for the Agriculture Zone consistent with the relevant regional land use strategy, or supported by*

more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;

(b) the land has similar characteristics to land mapped as suitable for the Agriculture Zone or forms part of a larger area of land used in conjunction with land mapped as suitable for the Agriculture Zone;

(c) it can be demonstrated that the Agriculture Zone is appropriate for the land based on its significance for agricultural use; or

(d) it addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer, and

having regard to the extent of the land identified in the 'Potential Agricultural Land Initial Analysis' layer.

Note: Further details on the Agricultural Land Mapping Project can be found in the Agricultural Land Mapping Project: Background Report, April 2017, including the methodology used in generating the 'Land Potentially Suitable for Agriculture Zone' and the 'Potential Agricultural Land Initial Analysis' layers. The Background Report is available on the Department of Justice, Tasmanian planning reform website (www.justice.tas.gov.au/tasmanian_planning_reform).

The State has further detailed that the purpose of the new AZ is the same as the existing RRZ in that it primarily provides for agricultural use and development and other supporting uses.

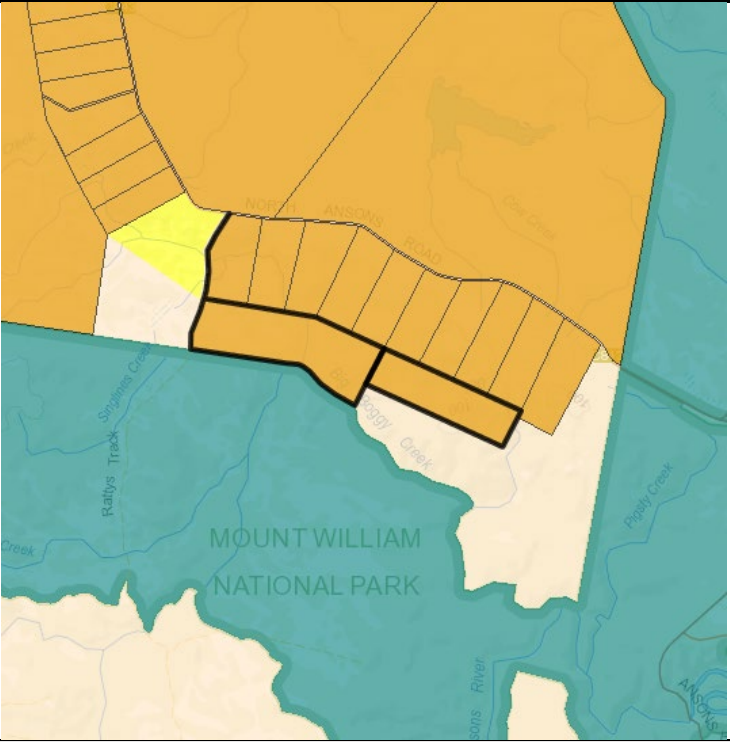
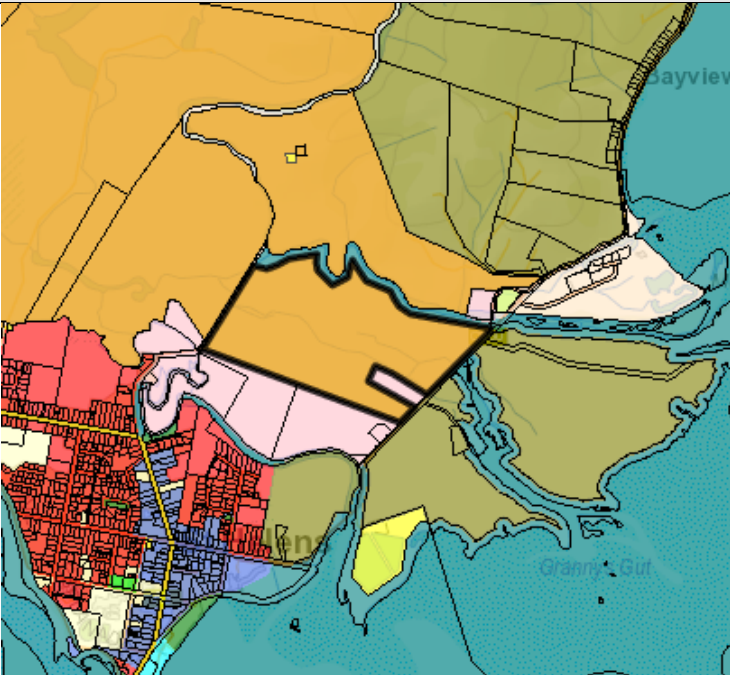
The requirements for use and development which restrict the building of a house not directly relating to farming purposes, are largely the same. However, houses can be approved if located on a site that is not capable of supporting agricultural and where the residential use will not constrain agricultural use on adjoining land.

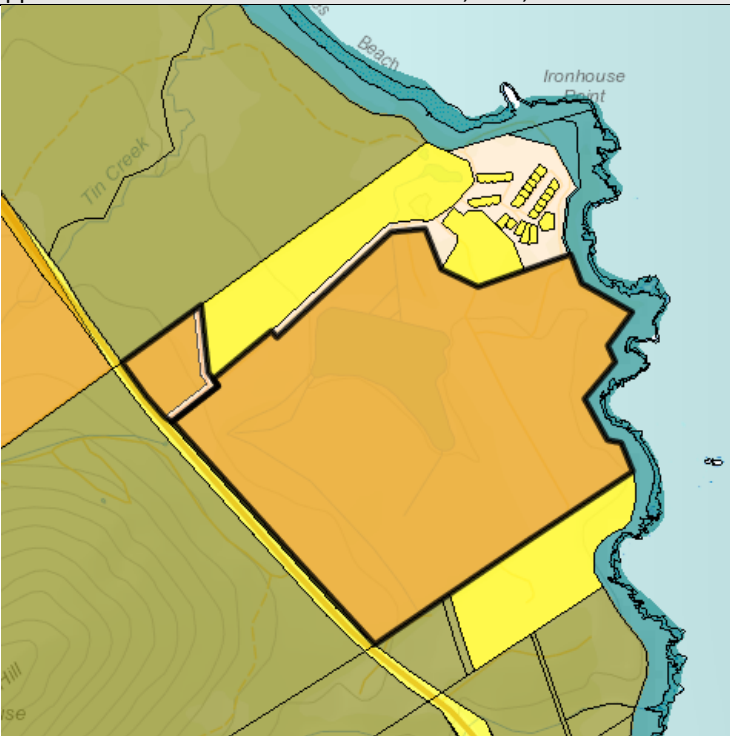
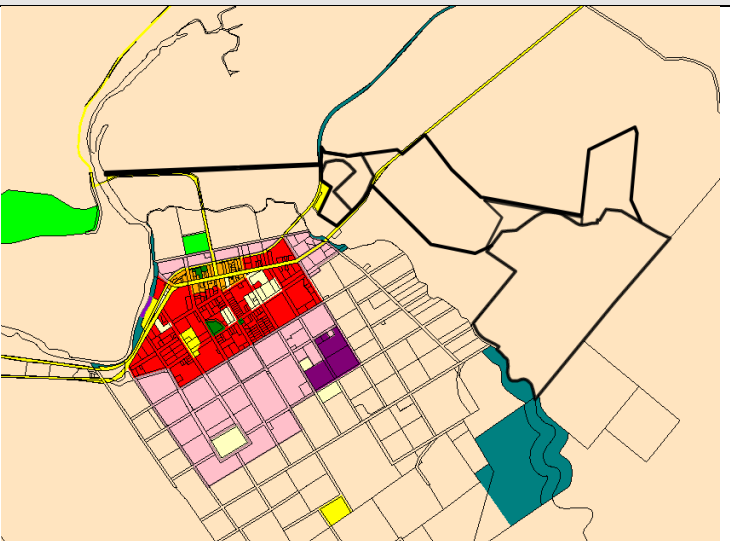
The RZ provides for a broad range of land uses and development to occur on land with limited agricultural value.

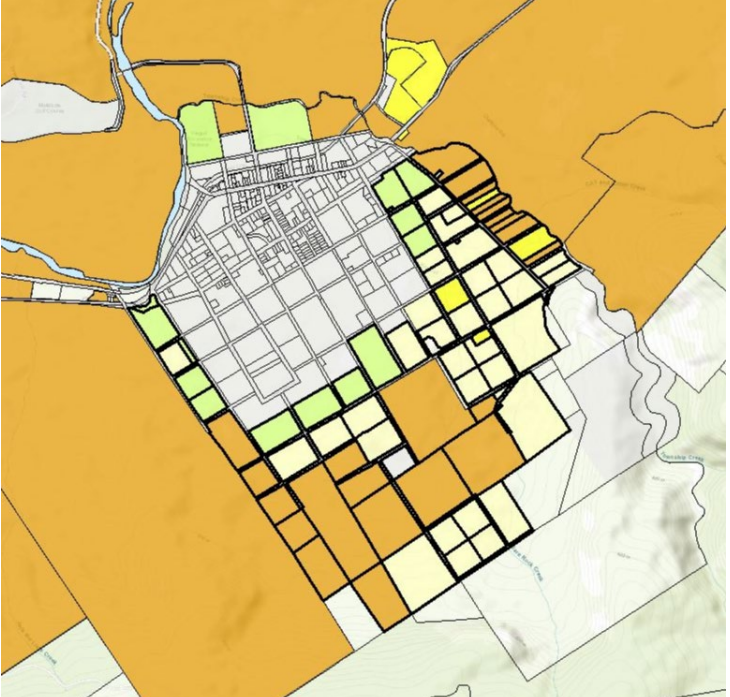
It is also noted that the decision not to allow the priority vegetation area overlay to be applied to the AZ is a practically problematic state-wide issue. The Guideline provide limited information of how this important issue should be dealt with and there is no explanation about why this decision was made and why both agriculture and protection of priority vegetation cannot exist.

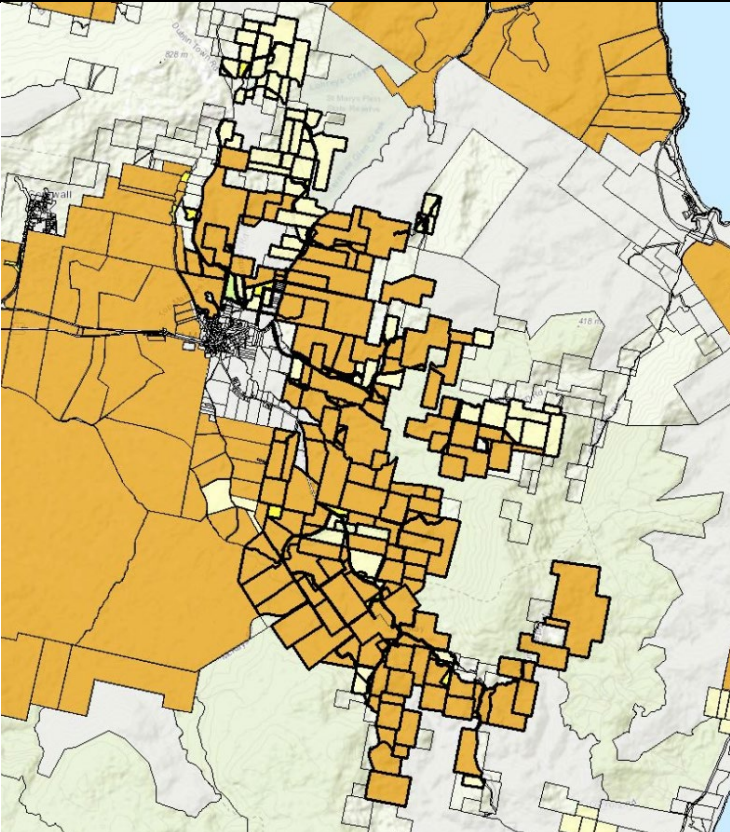
All land identified within the Mapping Project has been transitioned to the AZ with the exception of the titles detailed in the following table. It has been determined that the RZ is more appropriate as it provides for a broader range of land uses and development to occur on land with limited or constrained agricultural potential.

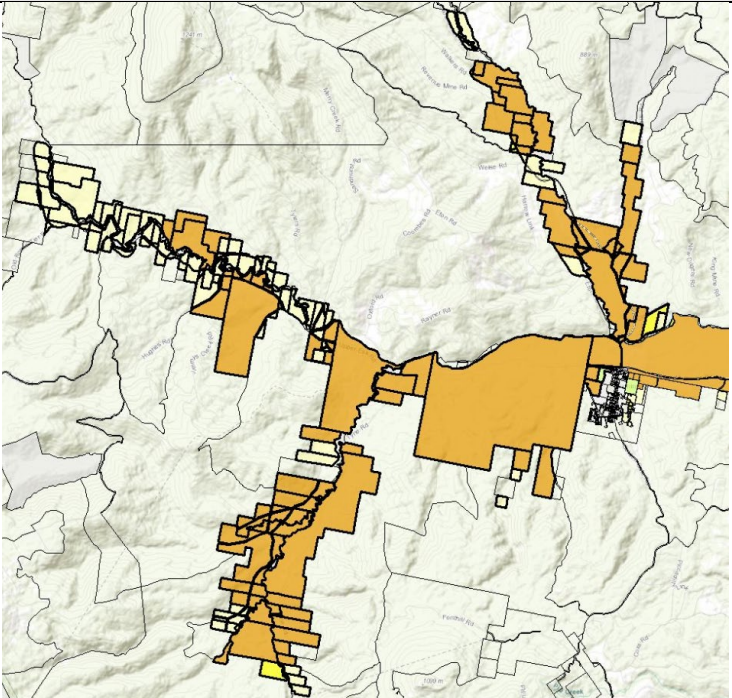
LOCATION Title/PID	IPS ZONE	DRAFT LPS ZONE	REFERENCE (identified in black title boundary)
Titles mapped as Layer 2 – Potentially Suitable for Agriculture but not included in AZ			

LOCATION Title/PID	IPS ZONE	DRAFT LPS ZONE	REFERENCE (identified in black title boundary)
Ansons Bay 11915/32, 11914/31	RRZ	RZ	
Justification	All land identified as Potentially Unconstrained (orange) will transition to the AZ with the exception of the two identified titles. These titles and land adjoining to east and west that is not mapped (cream) are to be transitioned to the RZ. The titles identified have extensive areas of native vegetation that is identified as priority vegetation. Further, these sites are challenged by topographical constraints and are not under the same ownership as surrounding Potentially Unconstrained land. Rezoning of these titles to the RZ is consistent within adjoining titles as well as AZ 6, RZ 1, RZ 2 and RZ 3 in the Guideline.		
St Helens CT29213/2	RRZ	RZ	
Justification	Despite the title being identified as Potentially Unconstrained it is not considered suitable for the AZ. The RZ is considered to be more appropriate given lack agricultural viability of the land, existing uses and surrounding development pattern. Numerous titles to the east identified in dark green is currently zoned ELZ and will transition to the LCZ, as will the large		

LOCATION Title/PID	IPS ZONE	DRAFT LPS ZONE	REFERENCE (identified in black title boundary)
	title to the north that is also mapped as Potentially Unconstrained land (to be discussed in LCZ section of this report). The RZ is more appropriate than the AZ given environmental and flooding constraints. The application of the RZ is consistent with AZ 6, RZ 1, RZ 2 and RZ 3.		
Ironhouse Point CT123961/2, CT100528/2 (partial)	RRZ	RZ	
Justification	Despite the titles being identified as Potentially Unconstrained they are not considered to be suitable for the AZ. The RZ is considered more appropriate given the existing land uses that occur on site. This requires a partial (split zoning) for CT 100528/2 with the land to the west of highway that is identified as Potentially Unconstrained to transition to the AZ, as this land is currently used for agriculture, while land on east side of highway (identified in black) to transition to the RZ. The RZ is more appropriate as surrounding land to be rezoning to MTZ and the RZ allows for a broader range of uses to occur. This zoning is consistent with AZ 6, RZ 1, RZ 2 and RZ 2. Further detail regarding the application of the MTZ is discussed in the coming sections of this report.		
Esk Main Road, Fingal 19740/1, 251643/1, 154750/1	RRZ	RZ	
Justification	Revise the zoning of folio of the Register 19740/1 to Rural, and split-zone folios of the Register 251643/1 and 154750/1 to Rural Zone and Agriculture Zone with the Rural Zone applying to mining leases 1653P/M and 1819P/M.		

LOCATION Title/PID	IPS ZONE	DRAFT LPS ZONE	REFERENCE (identified in black title boundary)
	Apply the Priority Vegetation Area Overlay to land zoned Rural. Ensure that the public roads are appropriately zoned to centrelines and apply split zoning annotations as necessary in accordance with Practice Note 7. Zoning application consistent with RZ3.		
Fingal (CT's detailed below)	RRZ	RZ	
203711/1; 126876/4; 224784/1; 85082/1; 16340/1; 42/8425; 132539/1; 250456/2; 165255/1; 128350/1; 128350/2; 16341/12; 221229/1; 119709/1; 19709/2; 120261/3; 124591/1; 132540/1; 111195/1; 165255/2; 246865/1; 211026/4; 124204/4; 124204/1; 124204/3; 100079/2; 100078/2; 233436/4; 132539/4; 249204/1; 132539/3; 120264/1; 113971/3; 113971/4; 113971/2; 36050/16; 100079/1; 202959/1; 242977/4; 132539/2; 111208/1; 246630/2; 42/8425; 250456/3; 111932/2; 120511/1; 16338/2; 249309/1; 233240/1; 211026/2; 113971/1; 211026/3; 238445/2; 202228/1; 247118/1; 16341/2; 111932/1; 120264/2; 124204/2; 209452/2; 163271/1; 132453/1; 203771/1; 16339/1; 16343/3; 232933/5; 227860/1; 120258/1; 120258/2; 46572/3; 124204/5; 163272/1; 201968/3; 6452/101; 16341/1			
Justification	As depicted above, a considerable number of titles to the south of Fingal have been identified by the Mapping Project as Potentially Unconstrained (orange) and Potentially Constrained Criteria 2A (yellow), Criteria 2B (cream) and Criteria 3 (green). Generally these titles are cleared, include detached houses and have a relative small area, as well as being under different ownership. As such, it is considered that the RZ is more suitable and will provide for a broader range of uses to occur. This rezoning is consistent with AZ 6, RZ 1, RZ 2 and RZ 3.		

LOCATION Title/PID	IPS ZONE	DRAFT LPS ZONE	REFERENCE (identified in black title boundary)
St Marys (CT's detailed below)	RRZ	RZ	
<p>145296/ 3; 171655/1; 111920/1; 210070/1; 45343/1; 210361/1; 171655/4; 45081/1; 133866/4; 50765/2; 103982/1; 164705/1; 133866/1; 100306/2; 3335/2; 28448/2; 201070/1; 111766/1; 50865/4; 146116/2; 108507/1; 242253/1; 51295/1; 14446/1; 216875/1; 207394/1; 9667/2; 9667/3; 245693/1; 18509/1; 225734/1; 239772/1; 230217/1; 203740/1; 171655/3; 231696/1; 159102/1; 209487/1; 32925/1; 212132/2; 121906/1; 142906/5; 211352/1; 125192/1; 32391/2; 122196/1; 200402/1; 139335/3; 226694/1; 48743/1; 149101/1; 162231/2; 222900/1; 52946/1; 18511/1; 119654/1; 36259/1; 219496/1; 127471/2; 102194/1; 243945/1; 29168/5; 40024/1; 246841/4; 210666/3; 201206/1; 159869/4; 158255/1; 100306/1; 127966/1; 127966/2; 221731/2; 240513/1; 33335/3; 130654/4; 33144/1; 232270/1; 130654/2; 121787/1; 123237/3; 168647/2; 43787/1; 241849/1; 250636/1; 102195/2; 39299/1; 208550/1; 37564/1; 218991/1; 162231/1; 243261/1; 121792/1; 32511/3; 239485/1; 18510/1; 210669/1; 242463/1; 244234/1; 24509/2; 218714/1; 145296/1; 127663/1; 123001/2; 166346/1; 111572/1; 41060/1; 133866/3; 208789/3; 28448/1; 118959/1; 22972/5; 121787/2; 168012/1; 123237/2; 168012/2; 112313/1; 108507/2; 210118/1; 237215/1; 9667/1; 9667/4; 36100/1; 239484/1; 30144/1; 239483/1; 173124/3; 239481/1; 121098/1; 41060/2; 239771/1; 206661/1; 127471/3; 249016/1; 121724/2; 209844/1; 39299/3; 39299/2; 238814/1; 130654/6; 142906/3; 24509/1; 133866/2; 107648/1; 123237/1; 117857/2; 168647/1; 50865/3; 32511/4; 200400/1; 27339/1; 122027/1; 162287/1; 121807/1; 244718/1; 244616/1; 112196/1; 245120/1; 36017/3; 233770/1; 40377/1; 244235/1; 100239/1; 127471/1; 228199/1; 200851/1; 244957/1; 29168/4; 40332/1; 37848/1; 47667/1; 36059/4; 159869/3; 207279/1; 218711/1; 121906/2; 212287/3; 200241/1; 130654/3; 13079/2; 54129/1; 48855/2; 48746/1; 166212/1; 206903/1; 239482/1; 45079/1; 173124/2; 45080/1; 244717/1; 244617/1; 130072/1; 41060/3; 244044/1; 206762/1; 40965/1; 133176/1; 111920/2; 171655/5; 145296/2; 121805/6; 16985/1; 127897/1; 6502/1; 30371/1; 236571/1; 119011/1; 53037/1; 200401/1; 166373/1; 162287/2; 173124/1; 244618/1; 53239/1; 239773/1; 32390/1; 244210/1; 32390/2; 27830/2; 239770/1; 223481/1; 107648/2; 120054/1; 100239/2; 161487/2; 161487/3; 171655/2; 149102/1; 207592/1; 121868/1; 50556/1; 47667/2; 107648/5; 210430/1; 209635/1; 168898/1; 142906/2; 130654/1; 157275/1; 45262/3; 32391/1; 115607/2; 34630/1; 40048/2; 40049/1; 146116/1; 243261/2; 36017/2; 127101/4; 233924/1; 131259/1; 251218/1</p>			
Justification	<p>As detailed above the area relates to a large number of titles that have been identified in the Mapping Project as Potentially Unconstrained and Potentially Constrained Criteria 2A land. These titles surround Elephant Pass Road to the south of St Marys and include Gray and Irish Town. To the north of St Marys they extend along Esk Main Road and German Town Road and include titles around German Town. Given the topography of the land, the existing land uses occurring and the relative small titles under different ownership, coupled with environmental values the RZ is considered to be a more appropriate zone than the AZ. This is consistent with the AZ 6, RZ 1, RZ 2 and RZ 3 guidelines. Further the application of the AZ</p>		

LOCATION Title/PID	IPS ZONE	DRAFT LPS ZONE	REFERENCE (identified in black title boundary)
	raised significant concerns with local community in the area who reiterated that the land lacks agricultural viability.		
Mathinna (CT's detailed below)	RRZ	RZ	
212990/1; 244941/1; 198109/1; 102598/2; 52073/16; 248835/1; 230177/1; 116858/1; 52073/6; 52073/15; 52073/14; 52073/13; 251142/1; 238723/1; 237870/1; 248156/1; 248156/2; 156105/1; 206579/1; 244939/1; 239915/1; 212986/1; 244940/1; 53403/8; 251990/1; 248835/2; 102599/3; 113016/2; 244217/1; 247089/1; 44675/3; 113195/1; 244216/1; 52073/30; 48359/2; 52073/5; 52073/2; 238719/1; 238716/1; 207317/1; 53403/10; 243754/1; 52073/20; 113016/1; 143139/1; 212991/1; 143139/2; 113195/2; 52073/21; 52073/28; 50058/1; 127458/1; 104836/1; 52073/4; 207889/1; 238717/1; 229327/1; 210639/2; 112819/1; 154123/1; 53942/3; 206580/1; 248835/3; 113195/4; 44675/1; 52073/24; 213271/1; 52073/22; 52073/31; 138263/1; 48778/1; 49602/1; 52073/3; 52073/12; 212071/1; 52073/19; 210323/1; 237700/1; 238883/1; 52909/1; 247098/1; 154682/2; 49835/1; 205982/1; 52073/27; 52073/33; 52073/10; 251142/2; 212072/1; 52073/35; 52073/18; 229326/1; 50259/1; 10400/1; 154123/2; 248248/1; 52909/5; 243397/1; 48345/1; 154682/3; 247097/1; 52073/26; 52073/29; 52073/23; 52073/32; 50063/1; 49611/2; 51922/1; 52073/7; 248834/1; 211571/1; 237871/1; 207660/1; 207314/1; 248248/2; 52909/6; 53403/12; 41397/1; 138263/4; 52073/25; 48818/1; 102599/1; 102599/4; 211572/1; 52073/9; 52073/8; 212318/1; 246800/1; 103714/2; 240396/1; 239215/1; 230116/1; 156113/1; 50051/1; 113195/3; 52250/1; 211570/1; 49611/1; 48818/2; 48359/1; 233173/1; 248834/2; 52073/34; 210100/1; 248248/3; 104405/1; 226612/2; 226612/1.			
Justification	As identified above a significant number of titles to the north and west of Mathinna have been identified in Mapping Project as Potentially Unconstrained and Potentially Constrained Criteria 2A land. Titles that have been mapped that will not transition into the AZ are from the intersection where Mathinna Road becomes Upper Esk Road (east / west) and High Street becomes Mathinna Plains Road (north / south). These titles are identified in black in the above figure. This land is comprised of mainly relatively small titles, under different ownership, are subject to topographical constraints and is currently used for forestry with some existing farming. The RZ acknowledges that land may be able to support some agriculture but is constrained compared to land within the AZ. The RZ provides for a range of other permitted uses that may require a rural location for operational purposes. The application of the RZ is consistent with AZ 6, RZ 1, RZ 2 and RZ 3.		

3.1.15 Landscape Conservation Zone (LCZ)

As previously detailed, the Environmental Living Zone (ELZ) within the interim planning scheme has not been carried over to the SPPs. Within the municipality, the ELZ predominately applies to coastal areas where existing natural and landscape values are to be retained whilst providing for residential uses or development. The most logical translation for this zone is the LCZ.

The Guideline provides the following zone application guidelines for applying the LCZ.

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

LCZ 2 The Landscape Conservation Zone may be applied to:

(a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;

(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or

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

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

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

(a) land where the priority is for residential use and development (see Rural Living Zone); or

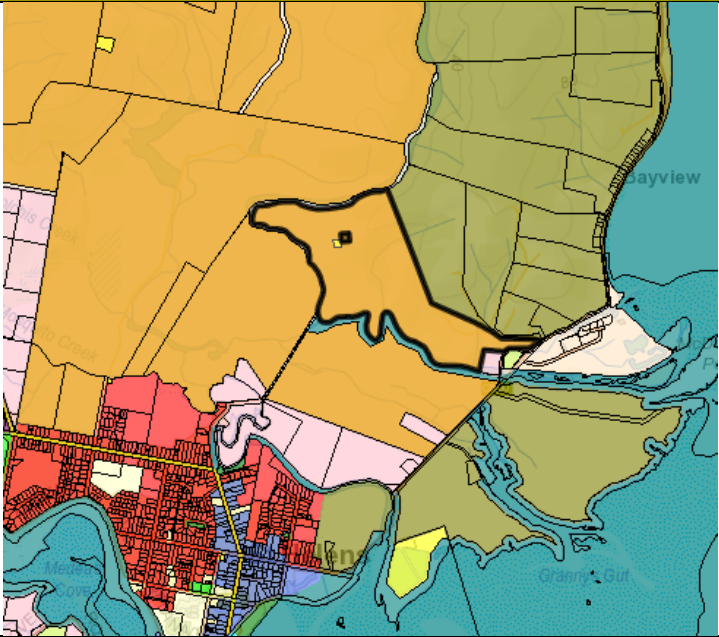
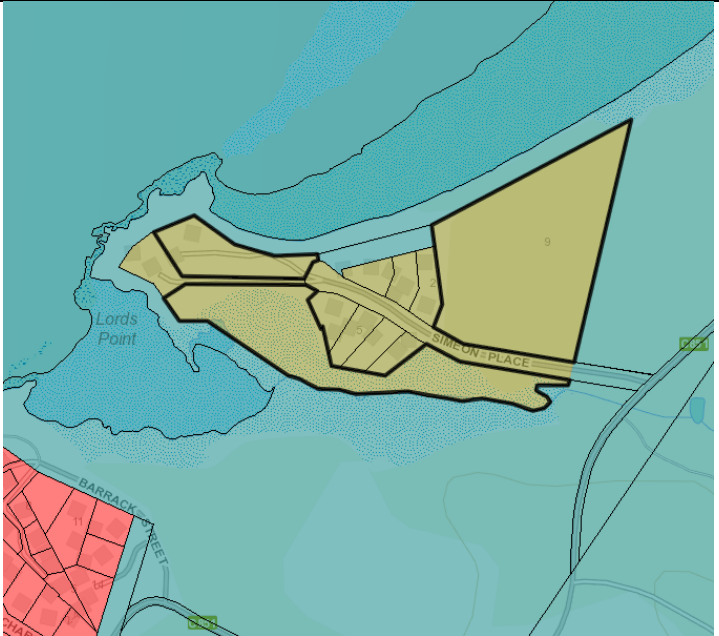
(b) State-reserved land (see Environmental Management Zone).

Note: The Landscape Conservation Zone is not a replacement zone for the Environmental Living Zone in interim planning schemes. There are key policy differences between the two zones. The Landscape Conservation Zone is not a large lot residential zone, in areas characterised by native vegetation cover and other landscape values. Instead, the Landscape Conservation Zone provides a clear priority for the protection of landscape values and for complementary use or development, with residential use largely being discretionary.

Together the Landscape Conservation Zone and the Environmental Management Zone, provide a suite of environmental zones to manage use and development in natural areas.

A key difference between the ELZ and the LCZ is that a single residential dwelling will go from permitted use class to a discretionary use class. Another notable difference is the removal of the subdivision standard within the ELZ which prohibited new lots within 1km from the High Water Mark. This particular provision is unique to Break O'Day and has not been included in the Tasmania Planning Scheme. The LCZ subdivision standards along with other code requirements is considered to adequately protect coastal areas from unsuitable subdivision. Other than these changes the majority of the uses and development / subdivision standards are largely similar with the same overall intent of minimising loss of natural and landscape values.

All allotments, unless detailed otherwise or included in a particular purpose zone, within the ELZ in the interim planning scheme have translated to the LCZ in the draft LPS. Further inclusions into the LCZ are detailed below.

LOCATION Title/PID	IPS ZONE	DRAFT LPS ZONE	REFERENCE (identified in black title boundary)
St Helens CT126959/12	RRZ	LCZ	
Justification	Despite the identified title being mapped as Potentially Unconstrained, the AZ is not considered to be the appropriate zone. The site is subject to topographical and environmental constraints. Along with the ELZ land to the north the LCZ is considered the most suitable zone for this land. This application is consistent with AZ 6, LCZ 1, LCZ 2 and LCZ 3. As previously detailed, the title to the south that is also mapped as Potentially Unconstrained, will not transition to the AZ instead the RZ will be applied.		
Akaroa CT32902/1	ELZ	LCZ	
Justification	The land highlighted falls under one title and ownership. The majority of this land is not developed, highly vegetated and includes foreshore tidal areas. There is a house and outbuilding located on the most western aspect of the title. The surrounding titles are less constrained and more developed. As described in the LDRZ section of this report these have transitioned from the ELZ to the LDRZ. Given the removal of the ELZ and the environmental values of this title, the LCZ is considered to be most appropriate. This is consistent with LCZ 1, LCZ 2 and LCZ 3.		

3.1.16 Environmental Management Zone (EMZ)

The Guideline details the following zone application guidelines for applying the EMZ.

EMZ 1 The Environmental Management Zone should be applied to land with significant ecological, scientific, cultural or scenic values, such as:

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

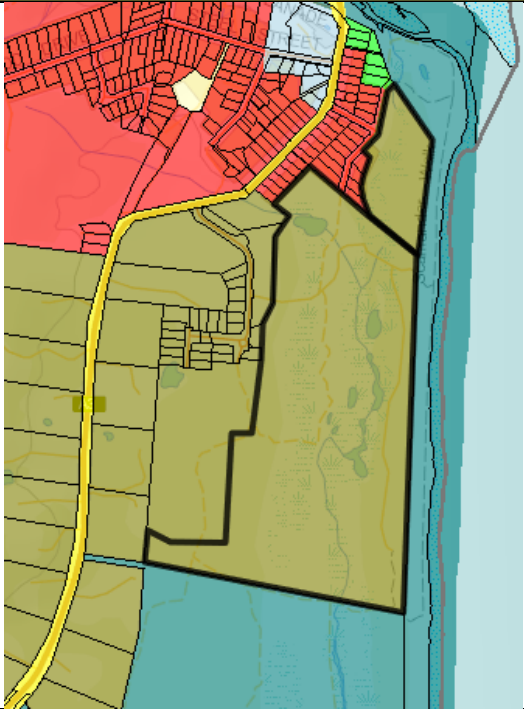
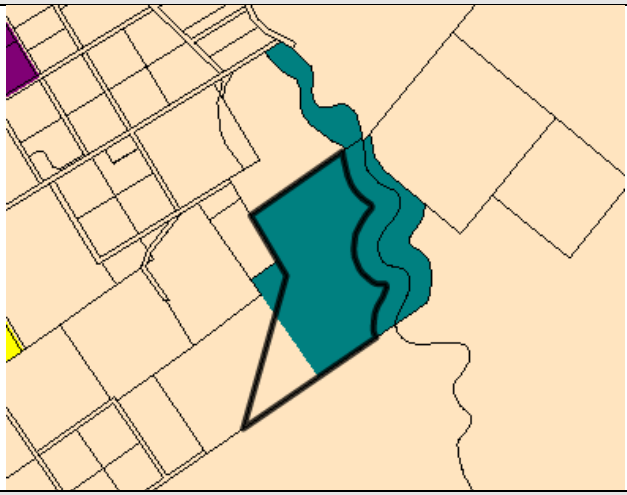
EMZ 2 The Environmental Management Zone should be applied to land seaward of the high water mark unless contrary intention applies, such as land with existing, or intended for:

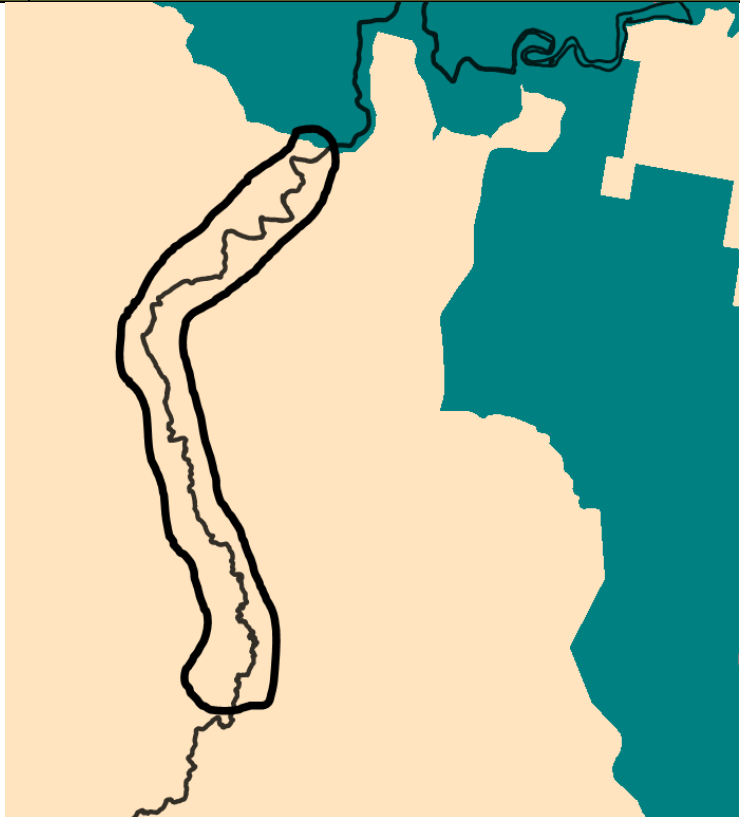
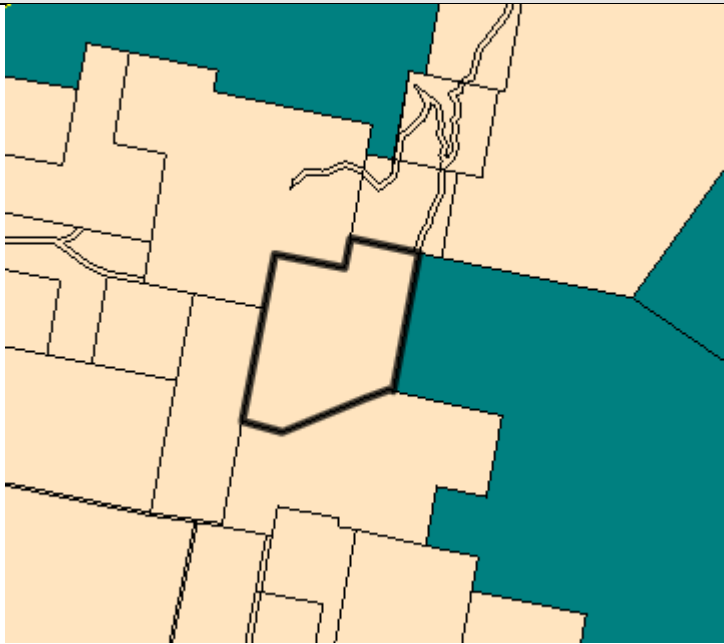
- (a) passive recreation opportunities (see Open Space Zone);*
- (b) recreational facilities (see Recreation Zone);*
- (c) large scale port and marine activities or facilities (see Port and Marine Zone);*
- (d) industrial activities or facilities (see industrial zones); or*
- (e) major utilities infrastructure (see Utilities Zone).*

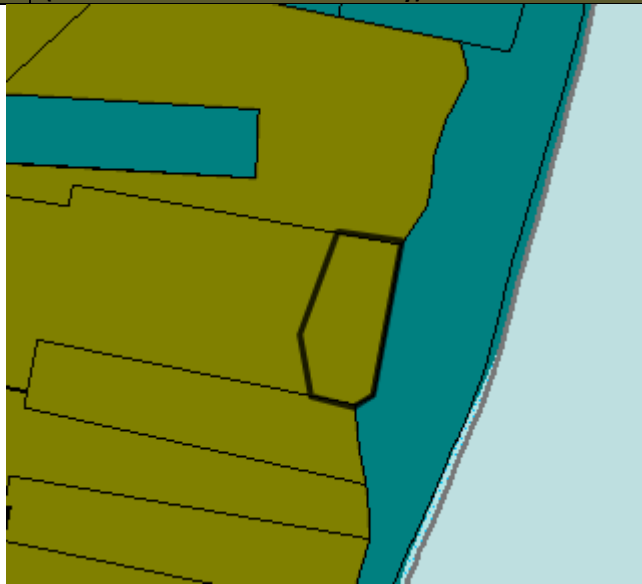
EMZ 3 The Environmental Management Zone may be applied to land for water storage facilities directly associated with major utilities infrastructure, such as dams.

Note: If the land seaward of the high water mark that is outside the municipal area is unzoned, the General Provision at clause 7.11 of the State Planning Provisions will be applicable for any use subject to section 7 of the Act. Clause 7.11 requires the consideration of the provisions of the zone that is closest to the site, or the provision of the zone from which the use or development extends.

For the most part, land within the EMZ of the interim planning scheme transitioned to the EMZ of the draft LPS. The following table details any further modifications to the EMZ within the draft LPS.

LOCATION Title/PID	IPS ZONE	DRAFT LPS ZONE	REFERENCE (identified in black title boundary)
Scamander CT176276/920 (partially) and CT18342/1	ELZ	EMZ	
Justification	The identified titles are a result of the approved development application as detailed in the GRZ section of this report. These balance lots currently within the ELZ are to transition to the EMZ similar to adjoining land to the south and other foreshore areas within the municipality. The EMZ along foreshore is considered the most appropriate zone given on-ground features, continuity of zoning and protection environmental values given the removal of ELZ. Zoning consistent with EMZ 1. The EMZ is considered to be more suitable than the LCZ and will prevent further development of the environmentally sensitive foreshore land.		
Fingal 120261/3	RZ	EMZ	
Justification	Rezone the small portion at the southern end of the site from RZ to EMZ to remove split zoning. The rezoning is consistent with EMZ1.		

LOCATION Title/PID	IPS ZONE	DRAFT LPS ZONE	REFERENCE (identified in black title boundary)
Ansons River Conservation Area 141690/1, 141694/1, 101081/1, 101080/1	RZ	EMZ	
Justification	Revise the zoning of the Ansons River Conservation Area – land adjoining the western boundary of eastern boundary of folios of Register 141690/1, 141694/1, 101081/1 and 101080/1 and PID 3385241 to Environmental Management. Application is consistent with EMZ1.		
St Marys 127101/1	RZ	EMZ	
Justification	Revise the zoning of folio of the Register 127101/1 to EMZ. To apply the zones consistent with EMZ1.		

LOCATION Title/PID	IPS ZONE	DRAFT LPS ZONE	REFERENCE (identified in black title boundary)
Stieglitz 50226/1	ELZ	EMZ	
Justification	Revise the zoning of part of folio of the Register 50226/1 containing the Jocks Lagoon Ramsar Site to EMZ with the split-zone boundary delineated by CPR5655. Application of EMZ is consistent with EMZ 1.		
Titles removed from EMZ			
St Helens CT21409/1	EMZ	UZ	Details and justification in UZ section of this report.
Esk Main Road PID3384177	EMZ	RZ	Details and justification in RZ section of this report.

3.1.17 Major Tourism Zone (MTZ)

The Guideline details the following zone application guidelines for applying the MTZ.

MTZ 1 *The Major Tourism Zone should be applied to land that is, or intended, for major tourism developments with a range of facilities which, due to their scale and complexity, are best managed through a specific tourism zoning.*

MTZ 2 *The Major Tourism Zone should only be applied to land if:*

(a) it is within the Major Tourism Zone in an interim planning scheme and the strategic intention for the site is consistent with the zone purpose; or

(b) justification has been provided for the zone consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.

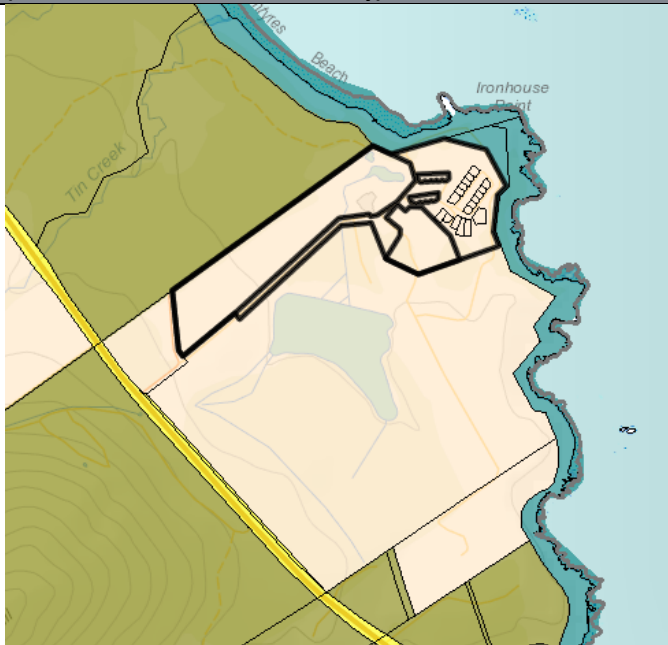
MTZ 3 *The Major Tourism Zone should not be applied to land that is:*

(a) only intended for a single use (e.g. Visitor Accommodation); or

(b) only intended as small-scale sites that can be more appropriately managed through an alternate zoning.

Note: *Major tourism developments with unique characteristics that differ significantly to the Major Tourism Zone purpose may be more appropriately located within a Particular Purpose Zone.*

The MTZ was not used in the interim planning scheme. Based on the Guideline it has been identified as a suitable zone in the draft LPS for the following titles.

LOCATION Title/PID	IPS ZONE	DRAFT LPS ZONE	REFERENCE (identified in black title boundary)
Ironhouse Point CT125938/0 & CT125938/9	RRZ	MTZ	
Justification	Strategy identifies that Ironhouse Point White Sand tourist development should be rezoned for tourism. Site includes hotel, residential holiday cottages, brewery, vineyard and a range of recreational facilities. Strategy details - <i>Rezoning of this land is appropriate, given its current and intended future land use and that it is unlikely to be utilised for a rural land use within its current Rural Resource Zone. However, the inclusion within the Major Tourism zone would be dependent on support from the Tasmanian Planning Commission as the department has indicated a preference that only those sites already containing a major tourism function be included within the Major Tourism zone.</i> Rezoning is consistent with MTZ 1 and MTZ 2. Adjoining land to the south is proposed to transition to the RZ and will allow continued use of the site for this purpose.		

3.1.18 Port and Marine Zone (PMZ)

The Guideline details the following zone application guidelines for applying the PMZ.

PMZ 1 *The Port and Marine Zone should be applied to land that is used for large scale port and marine activity, including proclaimed wharf areas as described under section 11(7) of the Land Use Planning and Approvals Act 1993.*

PMZ 2 *The Port and Marine Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, large scale port and marine activities or facilities.*

PMZ 3 *The Port and Marine Zone should not be applied to land only intended for small scale or minor port and marine facilities, such as boat ramps, or small scale marinas or jetties.*

It was considered that land within the PMZ of the interim planning scheme could not transition to the PMZ of the draft LPS. For this reason the Particular Purpose Zone – St Helens Coastal Maritime is used for the land zoned Port and Marine under the interim planning scheme. Justification for this is contained later in this report under 5.0 Local Overriding Provisions.

3.1.19 Utilities Zone (UZ)

The Guideline provides the following zone application guidelines for applying the UZ.

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

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

(b) any listed major local roads;

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

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

(e) waste water treatment plants; or

(f) rail corridors.

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

UZ 3 *The Utilities Zone may be applied to land that provides, or is intended to provide, for major waste transfer stations, recycling depots or refuse disposal sites.*

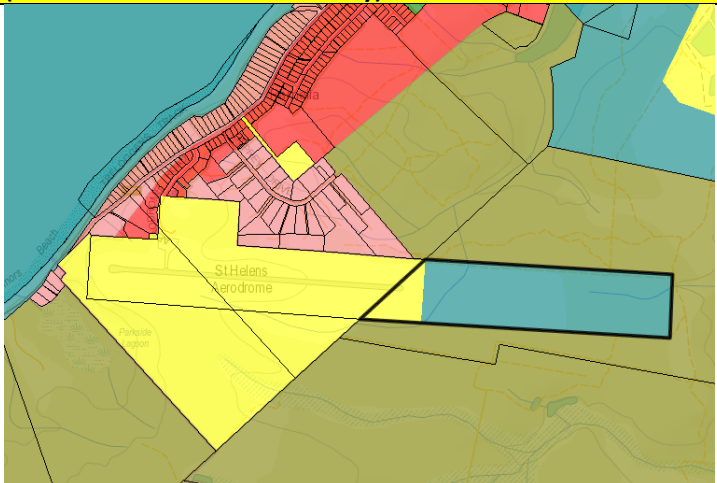
UZ 4 *The Utilities Zone may be applied to land for water storage facilities for the purposes of water supply directly associated with major utilities infrastructure, such as dams or reservoirs.*

UZ 5 *The Utilities Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, port and marine activities or facilities.*

UZ 6 *The Utilities Zone should not be used for minor utilities or underground utilities as these are more appropriately contained with the surrounding zone to which it is located.*

Note: *Major airport facilities may be more appropriately located within a Particular Purpose Zone*

For the most part, land within the UZ of the interim planning scheme transitioned to the UZ of the draft LPS. The following table details any further modifications to the UZ within the draft LPS.

LOCATION Title/PID	IPS ZONE	DRAFT LPS ZONE	REFERENCE (identified in black title boundary)
St Helens CT214209/1	EMZ	UZ	
Justification	Site is currently split zoned UZ and EMZ. Strategy details – <i>Rezone additional land to utilities should expansion of airstrip be required.</i> Rezoning is consistent with adjoining zone and Guideline. Rezoning required to ensure future long term use of this Council owned land. The EMZ or a PPZ are not considered appropriate for site.		
Tasman Highway, Elephant Pass Road and Esk Main Road	Update zoning of the Tasman Highway, Elephant Pass Road and Esk Main Road to ensure that all land within the State Road Casement is zoned UZ. Ensure that the Scenic Road Corridor is not applied to any land zoned Utilities. Application of the zone is consistent with UZ1 and UZ2.		
No titles were removed from UZ			

3.1.20 Community Purpose Zone (CPZ)

The Guideline details the following zone application guidelines for applying the CPZ.

CPZ 1 *The Community Purpose Zone should be applied to land that provides, or is intended to provide, for key community facilities and services, including:*

- (a) schools, tertiary institutions or other education facilities;*
- (b) medical centres, hospital services or other care-based facilities;*
- (c) emergency services facilities; or*
- (d) large community halls, places of worship or other key community or cultural facilities.*

CPZ 2 *Some community facilities and services may be zoned the same as the surrounding zone, such as a residential or business zone, if the zone is appropriate for the nature or scale of the intended use, such as a small scale place of worship, public hall, community centre or neighbourhood centre.*

Note: *Major community facilities and services, such as tertiary educational facilities and hospital services, with unique characteristics may be more appropriately located within a Particular Purpose Zone.*

For the most part, land within the CPZ of the interim planning scheme transitioned to the CPZ of the draft LPS. No additional sites were added to CPZ in the draft LPS. The following table details the only change to the CPZ between the interim planning scheme and the draft LPS.

LOCATION Title/PID	IPS ZONE	DRAFT LPS ZONE	REFERENCE (identified in black title boundary)
Titles removed from CPZ			
St Helens CT147446/1	CPZ	GBZ	Former hospital site. Details and justification in GBZ section of this report.

3.1.21 Recreation Zone

The following table details the only change to the Recreation Zone (RecZ) within the draft LPS.

LOCATION Title/PID	IPS ZONE	DRAFT LPS ZONE	REFERENCE (identified in black title boundary)
Titles removed from RecZ			
Scamander PID3385567	RecZ	RZ	Details and justification in RZ section of this report

3.1.22 Open Space Zone (OSZ)

The Guideline details the following zone application guidelines for applying the OSZ.

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

(a) passive recreational opportunities; or

(b) natural or landscape amenity within an urban setting.

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

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

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

(a) with significant natural values (see Environmental Management Zone); or

(b) with, or intended for, formal recreational facilities, such as sporting grounds, golf courses, racecourses or major sporting facilities (see Recreation Zone).

For the most part, land within the OSZ of the interim planning scheme transitioned to the OSZ of the draft LPS. The following table details any further modifications to the OSZ within the draft LPS.

LOCATION Title/PID	IPS ZONE	DRAFT LPS ZONE	REFERENCE (identified in black title boundary)
Titles removed from OSZ			
Cornwell CT54237/1	OSZ	LDRZ	Details and justification in LDRZ section of this report
ST Helens CT30649/2	OSZ	GRZ	Details and justification in GRZ section of this report
St Helens CT30563/27 & CT30563/28	OSZ	GRZ	Details and justification in GRZ section of this report
St Helens CT141663/9	OSZ	GRZ	Details and justification in GRZ section of this report

3.1.23 Future Urban Zone (FUZ)

The FUZ was not used within the interim planning scheme or in the draft LPS.

4.0 Application of Codes

Section LP1.7 of LPS provides the requirement for how Code mapping should be applied in each municipal area. This application of the codes is further reinforced through the Guideline.

Section LP1.8 provides the requirements for where Code lists in Tables are to be populated.

4.1 C1.0 Signs Code

The Code applies but does not require mapping or other input into draft LPS.

4.2 C2.0 Parking and Sustainable Transport Code

The Code enables Parking Precinct Plan and Pedestrian Priority Street overlays. Neither of which are proposed in the draft LPS.

Parking precinct plans can be applied to land where the intention is to reduce the amount of parking. It can be applied to activity centres and activity sites. Council has no precinct parking plans or similar and do not utilise this overlay.

Pedestrian priority street overlay may be applied to a road where pedestrian movement and activity are to take priority over siting of vehicle parking and access to facilitate active street frontages. These can applied to specific areas associated within business or retail. The draft LPS does not use this overlay.

4.3 C3.0 Road and Railway Assets Code

The Code aims to protect the safety and efficiency of the road and railway networks and reduce conflict between these networks and sensitive uses. The Code enables the identification of three overlays for:

- A road or railway attenuation area;
- Future major road; and
- Future railway.

The Code applies but no mapping is required in the draft LPS.

4.4 C4.0 Electricity Transmission Infrastructure Protection Code

The purpose of the Electricity Transmission Infrastructure Protection Code is

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

The Code applied to land within the following overlays:

- electricity transmission corridor;
- communication station buffer area;

- substation facility buffer area.

The draft LPS has mapped this overlay based on data provided by TasNetworks as required by Guideline ETIPC 1.

4.5 C5.0 Telecommunications Code

The Code applies but does not require mapping or other input into draft LPS.

4.6 C6.0 Local Historic Heritage Code

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

Heritage places

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

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

The interim planning scheme has an existing list of Heritage Places which includes both locally listed places and THR listed places. The PPU has identified that this table (Table E13.2) can be transitioned in accordance with the code-applying provisions that are subject to Schedule 6, Clause 8D(2) of LUPPA.

Neither the interim planning scheme nor draft LPS includes Local Heritage Precincts or Archaeological Significant Sites.

The interim planning scheme includes a Significant Tree Register, this will also transition into the draft LPS through Schedule 6, Clause 8D(2) of LUPPA.

4.7 C7.0 Natural Assets Code

The Natural Assets Code applies to land within the following overlays:

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

The LPS Requirements at Section LP 1.7.5 of the SPP's, specifies the requirements for the Code and other respective overlays.

Waterways and Coastal Protection Area

The State has provided an overlay map with the protection areas delineated in accordance with the prescriptions for various streams classes, defined under 'waterway and coastal protection area'. The State map is included in the draft LPS and has not been modified.

Future Coastal Refugia Area

The future coastal refugia area overlay is identified potential future coastal saltmarsh and tidal wetland areas based on the Department of Premier and Cabinet predicted sea level rise and 1% AEP storm surge height mapping for 2100, including areas with and without LiDAR coverage. This mapping has been applied in the draft LPS, unmodified from the State's mapping.

Priority Vegetation Area Overlay

Section LP 1.7.5(c) of the SPP requires that each LPS must contain an overlay map showing priority vegetation areas that:

- Include threatened native vegetation communities as identified on TASVEG Version 3 published by DPIPW;
- Be derived from threatened flora data from the Natural Values Atlas published by DPIPW;
- Be derived from threatened fauna data from the Natural Values Atlas for identification of significant habitat for threatened fauna species, published by DPIPW.

Section LP1.7.5(d) allows a planning authority to modify the priority vegetation area derived from the above listed datasets, if field verification, analysis or mapping undertaken at a local or regional level by the planning authority, or a suitably qualified person on behalf of the planning authority:

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

The draft LPS does not modify the State's mapping.

4.8 C8.0 Scenic Protection Code

The Scenic Protection Code applies to land shown within a:

- Scenic protection area overlay; or
- Scenic road corridor overlay.

The draft LPS does not identify any scenic protection areas. The draft LPS does include a scenic road corridor: Scenic Management – Tourist Road Corridor this has transitioned from the interim planning scheme to the draft LPS as per Schedule 6 Clause 8D(2).

4.9 C9.0 Attenuation Code

Clause LP1.7.7 of the SPP details that an LPS may contain an overlay map showing attenuation areas for the spatial application of the Attenuation Code. The interim planning scheme did not include this mapping and nor does the draft LPS. Rather the draft LPS relies on the attenuation distances detailed in the Code.

4.10 C10.0 Coastal Erosion Hazard Code

Clause LP1.7.8 of the SPP requires the LPS to contain an overlay map produced by the Department of Premier and Cabinet, showing:

- Coastal erosion hazard areas, and
- Coastal erosion investigation areas;

for the application of the Coastal Erosion Hazard Code.

Guideline CEHC 1 requires the coastal erosion hazard area overlay to include the three coastal erosion hazard investigation areas as depicted in the 'Coastal Erosion Hazard Area Bands 20161201' layer published on the LIST.

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

4.11 C11.0 Coastal Inundation Hazard Code

The SPP clause LP1.7.9 requires each LPS to contain an overlay map produced by the Department of Premier and Cabinet, showing:

- Coastal inundation hazard areas; and
- Coastal inundation investigation areas,

for the application of the Coastal Inundation Hazard Code.

Guideline CIHC 1 requires the coastal inundation hazard area overlay to include the three coastal inundation hazard bands and the coastal inundation investigation area as depicted in the 'Coastal Erosion Hazard Area Bands 20161201' layer published on the LIST.

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

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

4.12 C12.0 Flood-Prone Areas Hazard Code

Clause LP1.7.10 requires the LPS to contain an overlay showing the areas for the application of the Flood-Prone Areas Hazard Code if a planning authority has flood-prone areas in the municipal area. The Flood-Prone Areas Hazard Code applies information contained with the State mapping and within this the most recent mapping undertaken by Council specifically from the St Marys area.

4.13 C13.0 Bushfire-Prone Areas Code

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

4.14 C14.0 Potentially Contaminated Land Code

Clause LP1.7.13 of the SPPs makes it voluntary for an LPS to include an overlay to give effect to the Potentially Contaminated Land Code. The Code applies but the draft LPS does not include mapping associated with this Code.

4.15 C15.0 Landslip Hazard Code

Clause LP1.7.12 of the SPP requires the LPS to contain an overlay map produced by the Department of Premier and Cabinet, showing landslip hazard areas for the application of the Landslip Hazard Code.

The Guideline LHC 1 requires the landslip hazard area overlay must include the four landslip hazard bands as depicted in the 'Landslip Planning Map – Hazard Bands 20131022' layer published on the LIST.

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

4.16 C16.0 Safeguarding of Airports Code

Clause LP1.7.14 of the SPP details the following. If a planning authority has

- Airport noise exposure areas based on airport noise contours contained in an airport master plan or otherwise adopted for the relevant airport; and
- Airport obstacle limitation area based on the Obstacle Limitation Surfaces and Procedures for Air Navigation Services – Aircraft Operations for the relevant airport,
In its municipal area, the LPS must contain an overlay map showing those areas for the application of the Safeguarding of Airports Code.

The interim planning scheme includes the St Helens Airport Obstacle Limitation Surfaces map which will be mapped in the draft LPS.

5.0 Local Overriding Provisions

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

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

- (a) A use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or*
- (b) The area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of the provisions of the SPPs.*

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

In addition to the PPZ – Ansons Bay which is to transition through schedule 6, the following instruments have been introduced into the draft LPS: PPZ – Coastal Settlement, PPZ – St Helens Coastal Maritime, Safeguarding St Helens Aerodrome SAP, Stormwater Management SAP. These local overriding provisions are discussed in detail below.

5.1 Particular Purpose Zone – Coastal Settlement

The purpose of the PPZ – Coastal Settlement is:

- To ensure that the future use and development is compatible with the existing settlement pattern;
- To provide amenity for residents in a manner that respects the coastal character of the area;
- To provide for non-residential use that does not cause an unreasonable loss of amenity through scale, intensity, noise, traffic generation and movement, or other off site impacts; and
- That areas subject to natural hazards are managed in an appropriate way so as to protect private property with minimal impact to natural process.

The PPZ applies to the following titles and is depicted in the draft LPS zone mapping.

Titles

136088/5; 61657/1; 131765/1; 85236/14; 45592/1; 136088/4; 245511/1; 9360/24; 13788/1; 171998/2; 237226/1; 242179/2; 64479/2; 85236/12; 9360/20; 9360/25; 9360/27; 171998/1; 147325/1; 32061/1; 64479/1; 7362/2; 237224/3; 7362/1; 7362/3; 7362/4; 237225/4; 85236/13; 44608/3; 9360/19; 9360/21; 61657/2; 7362/6; 9360/26; 147325/2; 17625/37; 5396/43; 56391/11; 5396/45; 56391/15; 17625/38; 17625/34; 17625/39; 17625/33; 56391/10; 56391/2; 17625/32; 56391/8; 5396/47; 56391/16; 56391/6; 5396/27; 165098/2; 5396/26; 5396/25; 56391/1; 5396/40; 56391/3; 56391/5; 56391/9; 165098/1; 17625/31; 5396/44; 5396/24; 56391/13; 56391/17; 56391/14; 5396/42; 5396/28; 56391/7; 56391/12; 56391/18; 5396/41; 56391/4; 5396/46; 55298/102; 15431/4; 15431/8; 15431/1; 15431/12; 84563/5; 84563/3; 55298/101; 15431/6; 140654/1; 84563/15; 84563/11; 84563/9; 84563/6; 84563/4; 15431/10; 64562/14; 133798/2; 65154/19; 84563/8; 102169/1; 84563/13; 84563/10; 55298/103; 15431/2; 15431/5; 64562/15; 84563/1; 30703/1; 15431/7; 15431/9; 64562/13; 84563/16; 84563/12; 84563/7; 15431/3; 15431/11; 84563/2; 142929/11; 142929/12; 60721/3; 60721/4; 60721/7; 145285/4; 62249/9; 136089/3; 60721/15; 142929/10; 60721/10; 145285/1; 145285/5; 62249/10; 62249/1; 62249/2; 62249/5; 60721/8; 60721/14; 145285/3; 62249/11; 105273/2; 138521/1; 142929/9; 62249/6; 60721/1; 145285/2; 62249/7; 60721/2; 60721/5; 60721/9; 60721/12; 105273/1; 62249/3; 136089/2; 60721/6; 60721/11; 60721/13; 60721A/12; 62249/4; 142929/13.

The PPZ is proposed in the following locations: The Gardens, Seaton Cove, Jeanneret Beach, Bayview, Dianas Basin and Four Mile Creek. All sites are currently within the Environmental Living Zone under the interim scheme. Water and sewer infrastructure are not provided in these locations; the lots are generally small clusters of lots, with an area less than 4,000 m², supporting existing residential uses and located in areas with scenic and natural value.

These sites are isolated from settled areas and land within other residential zones and are located in unique areas that offer no further development in the future. These are primarily in coastal locations, surrounded by land within the Environmental Management Zone or Environmental Living Zone with large lots sizes (that have transitioned to the Landscape Conservation Zone).

In most cases the houses that have been established are of long standing and created at a time when planning controls were not as comprehensive as existing and prior to introduction of the State Coastal Policy.

Further information on the lots is provided in the following table.

Location	Lot size	Serviced	Character	Adjoining zoning	Previous zone
Gardens north	1000 - 3550	Not serviced	Linear cluster of dwellings and outbuildings along coastline.	AZ	ELZ
Gardens South	500- 3900	Not serviced	Linear cluster of dwellings and outbuildings along coastline nestled in native vegetation.	AZ	ELZ
Seaton Cove	1000 - 3000	Not serviced	Two separate clusters. Near Parks and Wildlife Service site. Site's part of coastal landscape.	EMZ	ELZ
Jeanneret Beach	500- 2000	Not serviced	Two separate clusters in vegetated areas. Surrounded by larger lots. Native vegetation	LCZ	ELZ

			contributing to scenic coastal value.		
Bayview	700-2000	Not serviced	Linear cluster of dwellings on high side of road overlooking foreshore. Larger lots to west.	LCZ	ELZ
Dianas Basin	1000 - 3500	Not serviced	Linear cluster surrounded by larger lots on western side of highway. Surrounded by vegetation.	LCZ	ELZ
Four Mile Creek	600-3000	Not serviced	Established residential and natural / scenic character defined by coastal landscape.	LCZ	ELZ

A review of the SPP Low Density Residential Zone (LDRZ) and Landscape Conservation Zone (LCZ) was undertaken. This analysed the zone purpose, use classifications and acceptable solution standards as detailed in the SPPs as well as the direction on how they should be applied as specified in the 8A Zone Application Guideline.

The review highlights the considerable difference between the two zones and that neither are intended or the desired fit for the established use and character of the sites in question.

To summarise, the LCZ should be applied to:

- large areas of native vegetation (bushland) or scenic values;
- ELZ land where the primary intention is protection and conservation of landscape values; and
- Should not be applied to land where the priority is for residential use and development.

While the LDRZ should be applied to:

- residential areas with large lots that are constrained i.e. through infrastructure services or attributes of the land; and
- should not be applied for the purpose of protecting areas of important natural or landscape value.

There is a clear gap between these two zones. A zone that allows for residential lots on land that is less than an acre, that is not serviced, has established residential character and scenic or natural values that should be preserved. A zone that strikes more of a balance between protection of environmental values and residential character.

This gap between the zones is further identified in reviewing the development and subdivision standards. The LCZ has an Acceptable Solution standard of 10m frontage setback and a 20m side and rear setback. While the LDRZ has an 8m frontage setback and a 5m side and rear setback. Further, the LDRZ allows for multiple dwellings with a site area of 1,500 m².

If the LCZ was applied to the sites, it is likely that any extension to the existing dwelling would trigger discretion due to the side and rear setback requirements being targeted for significant land holdings. While if the LDRZ was applied to the sites, the side and rear setback, coupled with the multiple dwelling standards would allow for densification of these coastal shack settlements.

Applying the LDRZ to these lots has the potential to change the character of the locations. If densification in these areas occurred, it would change the local visual amenity as most of the lots are located along or adjacent to the foreshore.

All the sites are located in areas that have scenic, topographic and natural value with established residential character. The provisions of the LCZ restrict and don't align with the residential character while the LDRZ would allow for further development / densification of these site which could result in changing of their intrinsic value. Preservation of these sites aligns with the following Strategies detailed in the Northern Tasmanian Regional Land Use Strategy:

Further to this, based on the Guidelines the General Residential, Rural Living and Village Zones of the SPP were not considered appropriate to apply to these sites.

The creation of the PPZ – Coastal Settlement was derived from the PPZ – Ansons Bay Small Lot Residential as well as a review of the above-mentioned SPPs zones and other compatible PPZs such as the PPZ – Tomahawk and Mussleroe Bay / Poole Defined Settlement Areas.

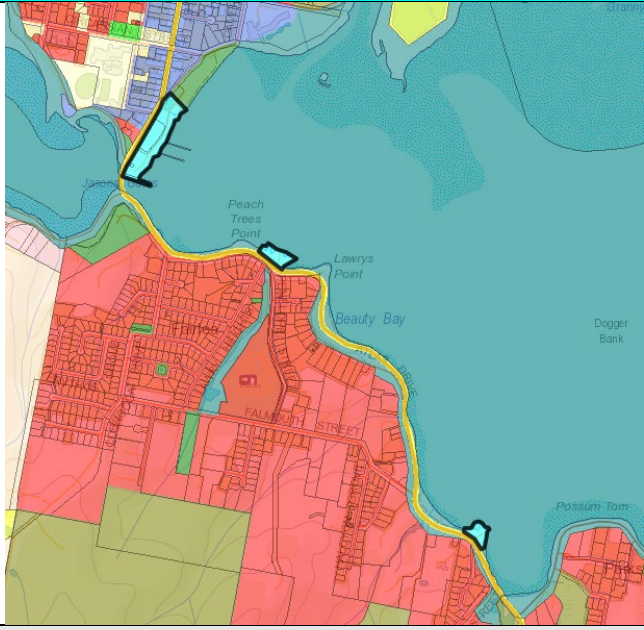
The creation of the PPZ satisfies 32(4)(a) of the Act as the titles collectively have significant social, economic and environmental benefits to the municipal area.

Further, it is considered that this PPZ satisfied s32(4)(b) as the identified land has particular environmental and social qualities that require provisions that are unique to the area of land that necessitate additions to the SPPs.

5.2 Particular Purpose Zone – St Helens Coastal Maritime

The purpose of the Particular Purpose Zone – St Helens Coastal Maritime is:

- BRE-P3.1.1 That future use and development provides a mixture of port and tourist related activity that promotes the St Helens foreshore as a place to visit.
- BRE-P3.1.2 To provide for commercial and recreational boating, slippage and related maritime activities in a manner that respects the coastal character of the area, and amenity of the surrounding residential areas.
- BRE-P3.1.3 To provide for low impact non-residential uses that fit within the character of the coastal area.
- BRE-P3.1.4 That areas subject to natural hazards are managed in an appropriate way so as to protect private property with minimal impact to natural process.
- BRE-P3.1.5 To provide for uses that support, supply or facilitate port and/or maritime activity.

LOCATION Title/PID	IPS ZONE	DRAFT LPS ZONE	REFERENCE (identified in black title boundary)
St Helens – north and South of the Golden Fleece Bridge. Crown land Services (DPIPWE)	Port and Marine Zone	Particular Purpose Zone – St Helens Coastal Maritime	
Justification	<p>It is anticipated that the SPP Port and Marine zone was intended to provide for functional ports with State or Regional significance or relevance. The St Helens and surrounds structure plan undertaken by Urbis for Break O Day Council and supported by the State Government identified that the St Helens port:</p> <p>“...will provide economic and recreation opportunities ...will be expanded to include additional marina berths ...will be of a high visual standard befitting its gateway location in the town centre”¹ Additionally, PMZ 3 states The Port and Marine Zone should not be applied to land only intended for small scale or minor port and marine facilities, such as boat ramps, or small scale marinas or jetties. “ p22 S8a Guidelines. This is more the current and intended scale and character of the St Helens.</p>		

It is anticipated that this SPP zone was intended to provide for functional ports with State or Regional significance or relevance. The St Helens and surrounds structure plan undertaken by Urbis for Break O Day Council and supported by the State Government identified that the St Helens port should provide a mix of port and tourist related activity in a manner that promotes the St Helens foreshore as a place to visit (please refer to the relevant supporting report).

The purpose of the Port and Marine zone (SPP) is to provide for major port and marine shipping and other associated transport facilities and supply and storage. The range of use classes permitted in this zone are extensive and where for marine, port and shipping are permitted. Some of these such uses are concerning given the small lot areas of the relevant titles, their extensive frontage and prominence in the coastal landscape:

- Bulky Goods Sales – large areas required for handling storage and display
- Equipment Sales and Hire – large areas required for display and sale of plant equip and machinery
- Manufacturing and Processing – permitted if for marine purposes
- Storage – marine port and transport, external storage

¹ P27 St Helens and surrounds structure plan

- Transport Depot and Distribution – operational port, external storage, large vehicle transport.

There are no use standards in the zone. No applicable standards to consider impact on adjoining zones, environmental impact to sensitive uses. (see map for proximity to residential uses and open space zone.)

It is anticipated that this zone was intended to provide for functional ports with State or Regional significance or relevance. The St Helens and surrounds structure plan undertaken by Urbis for Break O Day Council and supported by the State Government identified that the St Helens port:

“...will provide economic and recreation opportunities

...will be expanded to include additional marina berths

...will be of a high visual standard befitting its gateway location in the town centre”²

Further, the guidelines state “PMZ 3 The Port and Marine Zone should not be applied to land only intended for small scale or minor port and marine facilities, such as boat ramps, or small-scale marinas or jetties:”.

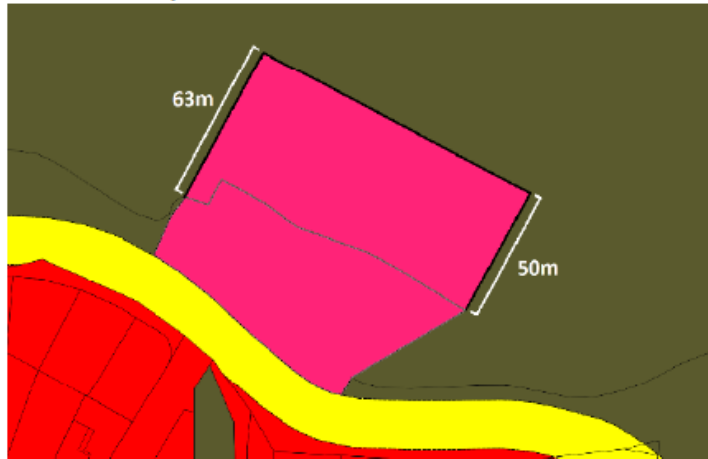
Based on discussions with the TPC, the following zonings are proposed at the three sites. These are considered consistent with PPZ1 Guidelines.

St Helens Wharf



² P27 St Helens and surrounds structure plan

Near Lawrys Point



Near Kirwans Beach



The proposed particular purpose zone is considered to be more in keeping with the current and intended scale and character of the St Helens. For this reason it is considered the proposed particular purpose zone is appropriate for inclusion in the LPS pursuant to Part 32(4) (b) the Land Use Planning and Approvals Act 1993.

5.3 Safeguarding St Helens Aerodrome Specific Area Plan

The purpose of the Safeguarding St Helens Aerodrome SAP is to *ensure that development does not compromise future expansion of the runway and therefore the future safe air navigation.*

The SAP applies to two titles: St Helens Aerodrome – 21 Aerodrome Road Stieglitz (CT 214209/1) which is owned by Council and the title identified as Aerodrome Road Stieglitz (CT 237235/1) which is privately owned.

The title owned by Council directly relates to the airport and the draft LPS recommends that it be rezoned, in line with the Strategy, to Utilities. The title to the east has been included in the SAP to safeguard the protection of airspace and to ensure that any potential future building or works do not compromise the potential expansion of the runway and future operational safety of the airport.

The SPP Safeguarding Airports Code only applies to the existing runway as such it has been determined that the Safeguarding St Helens Aerodrome SAP is required. This SAP is consistent with Section 32(4) (b) the Land Use Planning and Approvals Act 1993 as it relates to significant social and economic benefits to the municipal area.

5.4 Stormwater Management SAP

The purpose of the Stormwater Management Specific Area Plan is:

BRE-S2.1.1 That stormwater quality and quantity is managed to protect natural assets, infrastructure and property.

The SPPs in some, but not all zones include a Development Standard for Subdivision provision regarding 'Services'. This standard includes an Acceptable Solution which requires that lots 'must be capable of connecting to a public stormwater system' and a Performance Criteria which details that lots 'must be capable of accommodating an on-site stormwater management system'. This is further supported by clause 6.11.2 which allows a Planning Authority the ability to include conditions and restrictions on a permit as it details, 'Conditions and restrictions imposed by the planning authority on a permit may include: ... (g) erosion, and stormwater volume and quality controls.'

Notwithstanding this, it is considered that the SPPs do not provide the same consideration regarding stormwater infrastructure that the current scheme provides. It could be possible that development occurs that exceeds the capacity of the existing stormwater infrastructure potentially leading to external costs being borne by ratepayers or conflicts on Stormwater Authority obligations under the Urban Drainage Act. As such, it is proposed to introduce a Stormwater Management SAP to protect off site stormwater impacts on both private land and public infrastructure for the benefit of the whole community.

Eight areas have been identified, St Helens, Stieglitz/ Akaroa, St Marys, Scamander, Fingal, Mathinna, Binalong Bay and Beaumaris, where council require that development provides for adequate stormwater management at the Development Standard for Buildings and Works stage. These areas require assessment of stormwater disposal as they have known limited stormwater infrastructure. These limitations may relate to the infrastructure which could be at capacity, or the site is not suitable for on-site disposal and as such consideration for stormwater is required to ensure the quantity and quality of water coming off the site does not have a significant negative impact on the surrounding infrastructure and /or environment.

The following provides local context, evidence and justification of the abovementioned areas on why the Stormwater Management SAP is to be applied. The attached figures illustrate the spatial extent defined by the blue boundary, while the successive figures identify local data including stormwater drains and pits.

- **St Helens:** The SAP is required to apply only to land within the General Residential Zone, Community Purpose Zone, General Business Zone and the General Industrial Zone as:
 - St Helens can be described as having a partially developed stormwater system
 - There are a few different catchments in this area that need to be considered
 - There are areas that are undeveloped and underdeveloped
 - There are large lots capable of being subdivided further with no/inadequate supporting infrastructure
 - The existing system is aged and inadequate in size
 - These areas currently experience localised flooding of streets and properties
 - Many areas are at capacity due to partial coverage and infrastructure being undersized.

- **Stieglitz / Akaroa:** The SAP is required to apply only to land within the General Residential Zone as:
 - There are pockets of un-serviced areas that discharge to reserves where possible
 - There are landslip areas that need to be protected from stormwater discharge; need to manage areas adjacent to landslip carefully
 - There are capital plans for improvements to infrastructure but they are long term financial commitments
 - There is high groundwater
 - These areas are subject to overland flow
 - The existing infrastructure is under capacity.
- **St Marys:** The SAP is required to apply only to land within the General Residential Zone, Community Purpose Zone and Local Business Zone as:
 - There are multiple smaller catchments with flood risk from the rivulet
 - The contours / levels are at risk of annual flooding from rivulet
 - The infrastructure is under sized or non-existent
 - There is very limited coverage for stormwater
- **Scamander:** The SAP is required to apply only to land within the General Residential Zone, Community Purpose Zone and Local Business Zone as:
 - There is no broader connection of the stormwater; only clusters of stormwater infrastructure with considerable number of lots that can't be connected
 - There is significant potential for further subdivision and densification
 - There are significant issues with overland flow
 - The infrastructure doesn't service the broader settlement
 - The existing infrastructure is under-developed and a lot of land not connected
 - There are differing soil types similar to Beaumaris – transitions from sand to clay making onsite stormwater calculations important
- **Fingal:** The SAP is required to apply only to land within the General Residential Zone, Community Purpose Zone, Village Zone and the General Industrial Zone as:
 - The majority of land is not serviced
 - There is very limited stormwater infrastructure
 - The Main Street is marginally adequate in terms of infrastructure
 - There are large areas not serviced
 - The overland flow is an issue within the area due to the proximity to the river and the contours
 - There is localised flooding associated with the river
- **Mathinna:** The SAP is required to apply only to land within the Low Density Residential Zone, Community Purpose Zone and Village Zone as:
 - The township is comprised of small lots subject to overland flow
 - The topology / contours is such that there are issues with overland flow.

- **Binalong Bay:** The SAP is required to apply only to land within the Low Density Residential Zone, Community Purpose Zone and Village Zone as:
 - The township is comprised of smaller lots within the Low Density Residential Zone
 - Sites rely on both stormwater and onsite wastewater – pressures in terms of water quality of sensitive areas.
- **Beaumaris:** The SAP is required to apply only to land within the Low Density Residential Zone and Village Zone as:
 - The area has high ground water and translation of stormwater through property boundaries
 - There are ongoing issues regarding overland flow and groundwater location
 - Within the Low Density Residential Zone the soil types have a duplex soil structure (sand/clay – limiting layer)

As detailed above, the SAP has been applied to the Low Density Residential Zone in Mathinna, Binalong Bay and Beaumaris. It is noted that clause 10.4.4 Site Coverage within the SPPs includes and Acceptable Solution Development Standard regarding dwellings must not have a site coverage of not more than 30% with the Performance Criteria regarding the capacity of the site to absorb runoff to address stormwater. Due to the relatively small size of the lots within these areas and that the public stormwater infrastructure is at capacity, the Stormwater Management SAP is required in these areas.

While the SPPs give Council the ability to impose permit conditions in respect of the management of stormwater there should be a proper basis and the need for such a condition. However, there is no ability for Council to refuse development in relation to insufficient stormwater management and this option should be available to Council as it is vital that Council undertake rigorous assessments in respect of stormwater as there is no ability, post approval and construction, for Council to force the developer to correct any errors or failures.

By approving a subdivision and the associated components for the management of stormwater, the Council is stating that the design and operation of the stormwater management system is sufficient for Council's needs and is designed in such a way that it meets the necessary engineering, environmental and safety standards so far as the Council is concerned.

It is crucial for Council to ensure that any new proposed connections, extensions or additions to the stormwater system are constructed in accordance with the design that it has approved and that the design limits the possibility of issues arising in the future. The proposed SAP provides criteria for which the developer will need to demonstrate that the stormwater system can be designed to achieve specified criteria (not just simply connect).

It is considered that the proposed Stormwater Management SAP will protect off site stormwater impacts on both private land and public infrastructure for the benefit of the whole community. As such, it is considered that this SAP satisfies s32(4)(b) as the identified land has particular environmental qualities that require provisions that are unique to the area of land and as such require additions to the provisions of the SPPs.

PLANNING REPORT



Tasmania Fire Service

Break O' Day LGA Bushfire-Prone Areas Overlay

March 2019

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Appendix A – Bushfire-Prone Areas Overlay

Executive Summary

The Tasmania Fire Service ('TFS') is working with Local Government to prepare and implement bushfire-prone areas mapping for Tasmanian Local Government Areas ('LGA'). Draft mapping for the Break O' Day LGA has now been completed following collaborative work between TFS and Council officers.

The purpose of the bushfire-prone area mapping is to spatially define land where potential exposure to bushfire hazard is sufficient to warrant a building and/or planning response to achieve a tolerable level of residual risk. The mapping does not imply that there is nil risk to use and development outside of the overlay, rather that residual risk to use and development outside of the overlay is deemed to be tolerable through reliance on other external measures, such as firefighter intervention.

The starting point for the map preparation was the production of a 'modelled overlay' that was generated by applying a 100m buffer to existing vegetation map data. The overlay was then progressively refined based on assessment of local conditions including bushfire behaviour and fuel management regimes. The local knowledge provided by Council officers was critical to this process.

By spatially defining bushfire-prone areas the mapping will provide clarity for permit authorities, landowners, developers, consultants and the broader community with respect to the application of existing statutory requirements for bushfire protection. The process of reviewing local conditions has also allowed for some areas that would currently trigger bushfire requirements to be 'mapped-out', thereby reducing compliance and development costs for the local community.

For the mapping to serve its intended function it needs to be incorporated within the relevant planning instrument established under the *Land Use Planning and Approvals Act 1993* ('LUPAA'). It is anticipated that Council will initiate a draft amendment to the Break O' Day Interim Planning Scheme 2013. The mapping will also ultimately be incorporated into the Tasmanian Planning Scheme.

Adoption of the bushfire-prone areas overlay is consistent with the Schedule 1 Objectives of the *Land Use Planning and Approvals Act 1993*, the State Policies created under the *State Policies and Projects Act 1993* and the relevant regional land use strategy.

1. Introduction

1.1 Purpose of this Report

This report has been prepared in support of the bushfire-prone areas mapping for the Break O' Day Local Government Area and provides the following information:

- The background and context of the mapping;
- Description of the mapping process;
- Consideration of overlay implementation;
- Consideration of the relevant statutory planning requirements and strategic planning framework.

1.2 Background

The Tasmania Fire Service is working with Local Government to produce and deliver the bushfire-prone area mapping for Tasmania. Once completed for each municipality the mapping is intended to be integrated within the relevant planning instrument to formally identify 'bushfire-prone areas' for the purpose of planning and building control.

Bushfire has been a constant, natural phenomenon in Australia for thousands of years and south-eastern Australia is one of the most bushfire-prone regions in the world. Whilst fire has important ecological functions in the Australian context, its effects on human life, built assets and economic resources can be catastrophic if risk is not adequately managed. Not surprisingly, bushfire is identified in the Tasmanian Emergency Management Plan as Tasmania's most prominent natural hazard due to its prevalence and historical impacts on communities¹. Recent analysis of climate data confirms that this is unlikely to change with fire danger in some parts of Tasmania expected to progressively increase over the course of this century².

Managing bushfire risk to communities requires a multifaceted approach that considers all aspects of the potential emergency (i.e. Prevention, Preparedness, Response and Recovery). Government interventions accordingly include a combination of measures including land use and development control, community education, fuel reduction, firefighter response and emergency management. Regulation of land use and development is a 'preparedness' strategy in this context as it aims to improve the resilience of communities and their built assets when exposed to a bushfire hazard.

Planning and building controls are now recognised in Australia as an important tool that can be used to facilitate more resilient and sustainable communities. Bushfire protection requirements are applied to use and development for the purpose of ensuring a tolerable level of residual risk is achieved. It is essentially a form of market intervention that seeks to achieve a better outcome for society than the market would otherwise deliver. Numerous public enquiries have recognised the importance of planning and building as a means for supporting

¹ Department of Police and Emergency Management 2015, *Tasmanian Emergency Management Plan - Issue 8*, DPEM, Hobart.

² Fox-Hughes P, Harris RMB, Lee G, Jabour J, Grose MR, Remenyi TA & Bindoff NL (2015) *Climate Futures for Tasmania future fire danger: the summary and the technical report*, Antarctic Climate & Ecosystems Cooperative Research Centre, Hobart, Tasmania

community fire safety, most notably the 2004 National Enquiry on Bushfire Mitigation and Management and the 2009 Victorian Bushfires Royal Commission.

The Tasmanian Government responded to the 2009 Victorian Bushfires Royal Commission by initiating significant planning and building reforms, including the introduction of Planning Directive No.5 Bushfire-Prone Areas Code within planning schemes in 2012 and state variations to the Building Code of Australia. This provided – for the first time – state-wide consistency in relation to use and development standards for bushfire protection. The importance of these reforms was confirmed by the 2013 Tasmanian Bushfires Inquiry, which recommended that the Tasmanian Government make land use planning and building construction for bushfire a high priority and that it progress improvements in this area³.

The planning and building regulatory system in Tasmania includes bushfire protection requirements to mitigate risk to communities and assets in bushfire-prone areas. The existing framework includes:

- The Bushfire-Prone Areas Code, which applies through local planning schemes under the *Land Use Planning and Approvals Act 1993*; and
- The Director's Determination – Requirements for Building in Bushfire-Prone Areas, which applies through the *Building Regulations 2016* and *Building Act 2016*.

This framework is structured in a way that enables application of bushfire controls through the planning approvals process for proposals involving land subdivision, vulnerable and hazardous uses. Bushfire requirements for other types of use and development are applied through the building approvals process.

For the purposes of both planning and building permit approvals it is necessary to determine whether proposed works are located within a 'bushfire-prone area'. This term is currently defined as follows:

Bushfire-prone area

Means:

- (a) *Land that is within the boundary of a bushfire-prone area shown on an overlay on a planning scheme map; or*
- (b) *Where there is no overlay on a planning scheme map, land that is within 100m of an area of bushfire-prone vegetation equal to or greater than 1 hectare.*

In the absence of mapping, planning authorities, permit authorities, landowners and developers are reliant on interpretation of subclause (b).

Incorporation of the mapping within the relevant local planning scheme overlay map will enable the use of subclause (a) of the abovementioned definition, thereby reducing the amount of assessment required to determine applicability.

The 100m rule that forms the basis of the abovementioned definition has historically been accepted as a benchmark for the application of development control for bushfire and is the maximum distance considered in Australian Standard 3959-2009. Post-fire investigations have indicated that 85% of building loss resulting from major bushfires has historically occurred at distances within 100m of the urban interface⁴. Notwithstanding this, bushfire

³ Department of Premier and Cabinet, 2013 Tasmanian Bushfires Inquiry, DPAC, Hobart.

⁴ Ahern, A., and M. Chidi (1999), *How far do bushfires penetrate urban areas?* paper presented at 1999 Australian Disaster Conference, Emergency Manage. of Aust., Canberra, A. C. T.

behaviour is not uniform across all situations some circumstances application of a 'blanket' 100m buffer is considered unnecessarily conservative.

2. Study Area

The study area for the purpose of this mapping project is the Break O' Day Local Government Area ('LGA') as shown in Figure 1. Break O' Day is located in north-eastern Tasmania and adjoins the Dorset, Launceston, Northern Midlands and Glamorgan-Spring Bay LGAs.

The LGA includes a number of existing settlements and communities at risk of bushfire. The bulk of the local population is concentrated to the east along the coast. The population of the east coast increases notably during summer months due to an influx of tourists and absentee landowners.

The bushfire season in Tasmania is typically from November through to March although fires can and do occur outside this peak season. In approximately 50% of seasons there is an increased fire danger period during spring on the east coast including the coastal north east.⁵ This is reflected in the long history of bushfire impacts on communities in this part of the State.



Figure 1 – Location map

⁵ State Fire Management Council, North East Fire Protection Plan 2018

3. Bushfire-Prone Area Overlay

The draft Bushfire-Prone Area Overlay for Break O'Day has been completed following collaborative work between the Tasmania Fire Service and Council officers. The draft maps are enclosed as **Appendix A** to this report.

3.1 Purpose of Overlay

The bushfire-prone area overlay primarily relates to use and development control. Its purpose is to spatially define areas where risk is sufficient to require specific bushfire protection measures in order to achieve a tolerable level of residual risk. The mapping will provide a definitive trigger for assessment under the existing planning and building requirements for bushfire protection. Spatially defining bushfire-prone areas is consistent with the approach adopted for other natural hazards within Tasmanian planning schemes (inundation, landslide hazard).

The mapping is not intended to identify all land that may be impacted by bushfire hazard, nor does it imply that there is nil residual risk to use and development outside of the overlay. Rather, residual risk to use and development outside of the mapped areas is deemed to be tolerable through reliance on other external measures, such as firefighter intervention.

By removing the need to evaluate whether vegetation is 'bushfire-prone' before confirming whether a site is within a 'bushfire-prone area', the mapping will remove ambiguity and improve the development assessment process to the benefit of permit authorities, land owners and developers.

The mapping also provides a more sophisticated mechanism than the standard 100m rule trigger that is currently relied upon. Evaluation of local conditions and likely bushfire behaviour has informed the mapping process and has allowed for some reductions to the standard 100m buffer in situations where it has been determined that the risk does not warrant application of planning or building standards to achieve a tolerable level of residual risk. In doing so, the mapping will refine application of bushfire requirements and reduce circumstances whereby a bushfire report is required for low-risk development.

The overlay can also have other uses. It can be used to support community education in support of community fire safety as it will be accessible through multiple websites including the LIST, iplan, and the TFS website. Additionally, TFS will use the map as the basis for issuing fire permits and when advising the community about using fire and burning off. TFS will not issue Fire Permits outside bushfire-prone areas and will advise the community to not use fire for fire hazard removal outside bushfire-prone areas. Council staff will be able to use the mapped areas when dealing with hazard complaints and abatement issues.

3.2 Mapping Process

The process that has been followed in preparing the draft overlay and that will be followed for implementation is summarised conceptually in Figure 2. The draft overlay has been prepared by the TFS in collaboration with Council's planning officers.

The starting point for the mapping was the generation of a 'modelled overlay', which was created by applying a 100m buffer to all TASVEG 3.0 vegetation communities, excluding those types deemed to be 'low threat' and exclusions as specified under AS 3959-2009.

The mapping provided in TASVEG 3.0 provides high-level guidance with respect to vegetation distribution and as such, its accuracy is limited when applying it to individual properties. The

modelled overlay was therefore based on imperfect spatial data and it was important to verify the boundaries that were produced and adjust accordingly. An initial desktop assessment was undertaken to identify obvious discrepancies and ascertain any key areas that required closer examination.

Verification of specific areas was completed through physical inspection and/or enquiries into the development status and management regime of particular properties where necessary. As discussed previously, bushfire impact is not uniform across all situations and in some cases, relaxation of the standard 100m buffer has been adopted where site characteristics will effectively limit fire intensity, spread and subsequent impact on surrounding development. Relevant factors include the total area, type and location of vegetation, fire run potential, effective slope, prevailing wind and the use, development or land management status of the property.

The overlay was then aligned with cadastral title boundaries. This was necessary to ensure that application of the overlay to specific properties and future developments can be easily determined. For urban lots in particular there is little merit in mapping a property as partially bushfire-prone, hence this has been avoided as far as possible. For lots 2,000sqm (or less) in area the overlay was aligned to include the entire title if an area of 15% (or greater) was affected. For these lots, it is considered increasingly unlikely that a future development on the site would be able to wholly avoid the overlay and - as vegetation communities are not static - the actual separations from hazardous vegetation should be verified at the time a development is proposed. Where the overlay covered less than 15% of an urban title, the title was generally excluded entirely from the overlay, as it is considered increasingly likely that future development will be 100m or further from the hazard source.

The approach used is consistent with that used for the existing bushfire-prone areas overlays within the Clarence Interim Planning Scheme 2015 and the Hobart Interim Planning Scheme 2015. Furthermore, in preparing the overlay TFS has sought to ensure consistency with Tasmanian Planning Commission's *Practice Note 7: Draft LPS Mapping Technical Advice*.

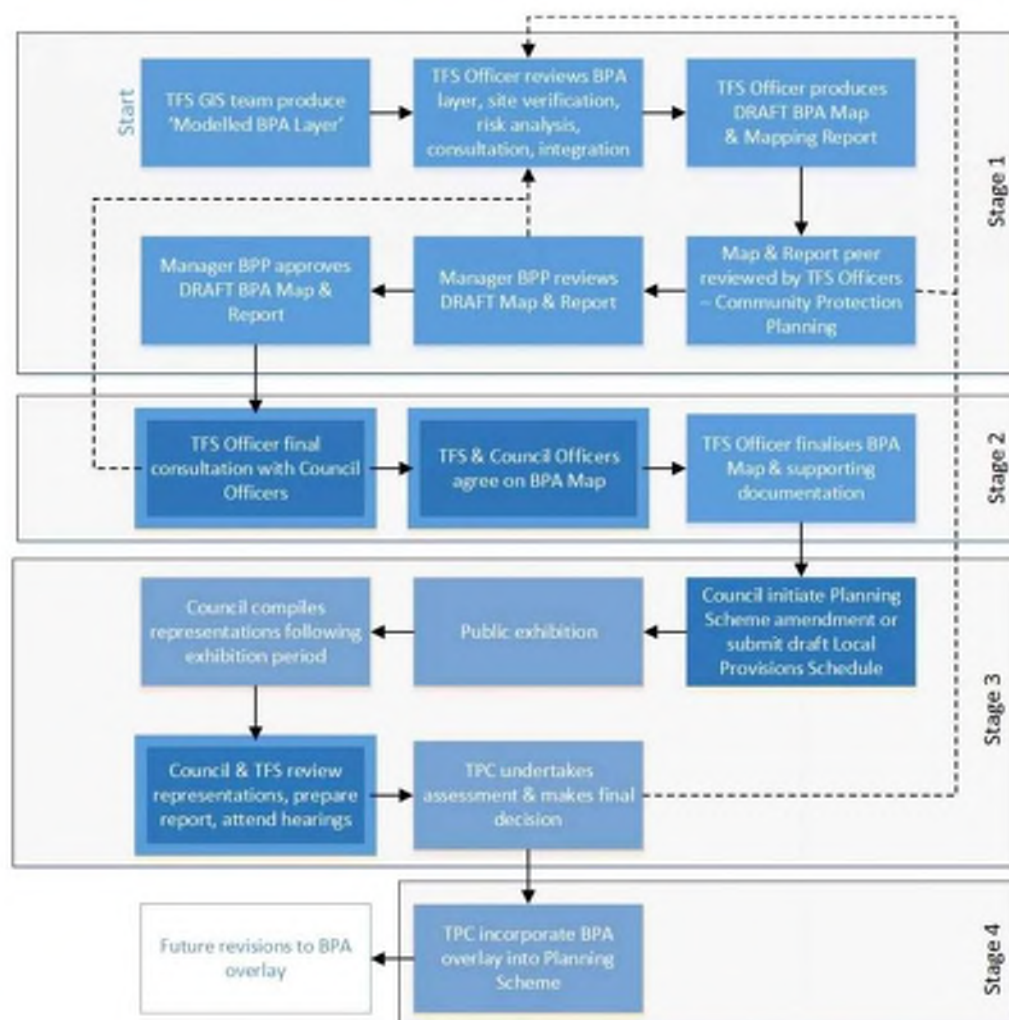


Figure 2 – Overview of mapping preparation and implementation

3.3 Overlay Refinement

As discussed previously, refinement of the original 'modelled overlay' into the final draft overlay has been informed by evaluation of local conditions. The local knowledge provided by Council officers was particularly valuable and has improved the accuracy of the final product.

Grasslands

Where Grassland fuels are predominant the overlay has been limited to include properties within a maximum of 50m (a relaxation from the standard 100m). This relaxation reflects the reduced ember potential associated with Grassland fuels and is consistent with the minimum distance required for a BAL-LOW rating under AS 3959-2009.

Hazard abatement

Section 200 of the *Local Government Act 1993* requires Councils to issue an abatement notice on landowners where a hazard is present. In preparing the overlay consideration has been given to Council's hazard abatement commitments and this has allowed for refinements to be made in certain areas.

Most notably, land zoned for residential use on the northern side of Tully Street, St Helens is likely to be subdivided in the short-medium term. Council has confirmed that this land will be monitored and abated as required to mitigate risk to existing urban residential lots (10m minimum width firebreaks along residential interface).

3.4 Outcome

It is clear that the majority of the land within Break O'Day is designated as 'bushfire-prone' as a result of the mapping process, including a total of 5,576 private parcels.

Table 1 provides a comparison of the number of lots that intersect with the computer generated modelled overlay versus the final draft overlay. The modelled overlay more closely reflects the number of lots that would currently be subject to bushfire requirements under the current 100m rule that operates in the absence of the overlay, as it is based on a 100m buffer from TASVEG mapping. The statistics show that the overall number of properties affected has been reduced as the overlay has been refined.

Table 1 - Comparison of properties affected by modelled overlay versus final draft overlay

Cadastral type ('CAD_TYPE1')	Modelled overlay (n)	Final draft overlay (n)	Difference (n)
Authority Land	1,670	1,506	-164
Local Government Reserve	15	9	-6
Private Parcel	6,635	5,576	-1,059
Public Land Classification	425	418	-7
Total intersected	8,745	7,509	-1,236

Of most significance in Table 1 are the statistics for private parcels. The mapping process has enabled TFS to identify approximately 1,059 private properties that will no longer require further bushfire assessment, should they be developed or redeveloped in future. To illustrate the benefit of this, if each of those properties were to be developed/redeveloped at some stage in the future, the mapping at a minimum would deliver an economic benefit to private landowners in the range of approximately \$0.4M - \$1.06M from the avoided cost of bushfire

assessment fees alone. Further economic benefit is derived from the reduced time required for building work to be designed, documented and approved and potentially also avoided constructions costs for some of the excluded properties (if an exemption were not obtained).

4. Implementation Options

For the mapping to serve its intended statutory function it is necessary to incorporate it within the relevant planning instrument established under the *Land Use Planning and Approvals Act 1993* ('LUPAA').

4.1 Tasmanian Planning Scheme

All Tasmanian Councils are in the process of transitioning from their current planning schemes into a single state-wide planning scheme.

The Tasmanian Planning Scheme ('TPS') will be comprised of the State Planning Provisions ('SPP') and Local Planning Schedules ('LPS'), the latter of which is to be provided by Local Government. It is anticipated that the bushfire-prone areas overlay will be included as part of Council's future LPS.

Once Council's LPS has proceeded through the public exhibition and hearing process and is approved by the Tasmanian Planning Commission, the TPS will supersede the Break O' Day Interim Planning Scheme 2013.

It is anticipated that Break O'Day Council will submit its draft LPS to the Tasmanian Planning Commission for assessment mid-late 2019 however final approval is unlikely to occur before 2020 at the earliest. Once approved, the Tasmanian Planning Scheme will be activated and will supersede Council's interim planning scheme.

4.2 Break O'Day Interim Planning Scheme 2013

To avoid unnecessary delay in the implementation of the bushfire-prone areas overlay, TFS recommends that Council initiate an amendment to the Break O'Day Interim Planning Scheme 2013 via LUPAA's Savings and Transitional Provisions.

Schedule 6 of the *Land Use Planning and Approvals Act 1993* provides the statutory mechanisms to amend interim planning schemes under the former provisions. Council has discretion to initiate a Draft Amendment of its own motion under s.34(1)(b) of the former provisions.

The required amendments to the Interim Planning Scheme include:

- Insertion of overlay maps (refer to Appendix A of this report); and
- Amendment of clause 1.2.1 to refer to the additional overlay maps.

5. Future Revisions

The overlay should be reviewed and updated periodically to ensure it remains accurate. This will logically occur as part of Council's periodic review of their Local Provision Schedules under the Tasmanian Planning Scheme. Section 35O of the *Land Use Planning & Approvals Act 1993* requires that this review occur every five years at a minimum, however a draft amendment may be prepared at any time.

In the situation where a scheme amendment is required to facilitate a new development (e.g. a combined rezoning and greenfield subdivision proposal) it may be appropriate to review and modify the overlay as part of the amendment process. It is anticipated that TFS will be consulted as part of this process.

6. Statutory Planning Requirements

6.1 Requirements for TPS Local Provision Schedules

It is anticipated that the overlay will eventually be included as part of Council's Local Provision Schedules. At that time, the overlay will need to be considered in the context of s.34(2) of the *Land Use Planning & Approvals Act 1993* (current provisions).

S.34(2) states:

34. LPS criteria

(1) ...

(2) *The LPS criteria to be met by a relevant planning instrument are that the instrument –*

(a) contains all the provisions that the SPPs specify must be contained in an LPS; and

(b) is in accordance with section 32 ; and

(c) furthers the objectives set out in Schedule 1 ; and

(d) is consistent with each State policy; and

(e) is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and

(f) is consistent with the strategic plan, prepared under section 66 of the Local Government Act 1993 , that applies in relation to the land to which the relevant planning instrument relates; and

(g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and

(h) has regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000 .

(3) ...

Incorporating the mapping as an overlay is consistent with the relevant provisions of the State Planning Provisions (specifically clause 1.2.3 and the definition of 'bushfire-prone area' in clause C13.3.1). The overlay is therefore consistent with s.34(2)(a).

Relevant to s.32, the map overlay will provide for the spatial application of the State Planning Provisions to particular land and is accordingly consistent with s.34(2)(b).

The overlay is considered to be consistent with the strategic considerations referred to in s.34(2)(c),(d),(e) and (f), as discussed further in section 7 of this report.

The overlay has been designed to integrate with the draft mapping completed for adjoining LGAs and is consistent with s.34(2)(g).

The overlay will not introduce any new development standards, rather it will support the application of an existing Code. As such, it is not considered to be in conflict with the *Gas Pipelines Act 2000* and therefore satisfies s.34(2)(h).

The overlay will not introduce any new development standards, rather it will support the application of an existing Code. As such, it is not considered to be in conflict with the *Gas Pipelines Act 2000* and therefore satisfies s.34(2)(h).

6.2 Requirements for IPS Draft Amendments

Section 34(1) of the former provisions of the *Land Use Planning & Approvals Act 1993* is relevant to an amendment to an interim planning scheme and allows a planning authority to initiate such an amendment of its own motion.

Prior to certifying a draft amendment, s.35 of the former provisions requires that the planning authority be satisfied that it meets the requirements of s.32, which states:

32. Requirements for preparation of amendments

(1) A draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A) –

(a) – (d) ...

(e) must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and

(ea) must not conflict with the requirements of section 300; and

(f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.

The introduction of the proposed overlay will provide clarity and certainty with regards to the application of existing planning and building requirements – no new requirements will be introduced. Accordingly, a draft amendment that introduces the overlay will not create any new land use conflict issues and is considered to satisfy (e).

With regards to (ea):

- s.300(1) requires consistency with the relevant regional land use strategy. As is discussed in section 7 of this report, the overlay is consistent with the relevant regional land use strategy;
- s.300(2)-(5) relates to conflict between local and common provisions. No changes to any development standards are proposed.

The draft amendment will therefore satisfy (ea).

Introduction of the overlay will provide a range of social and economic benefits, as discussed previously in this report. As it relates to existing development standards, it will have no significant environmental effects. The draft amendment will therefore satisfy (f).

7. Strategic Considerations

7.1 LUPAA Schedule 1 Objectives

Schedule 1 of the *Land Use Planning and Approvals Act 1993* specifies the strategic objectives for the Resource Management and Planning System and for the planning process established by the Act.

The Schedule 1 Objectives are considered in Table 2 and Table 3.

Table 2 - Schedule 1, Part 1 Objectives

Objective	Response
<i>(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and</i>	<p>The proposed overlay will support the application of existing development requirements. It will not facilitate any loss of natural values, nor any development of physical resources.</p> <p>Implementation of the overlay is accordingly consistent with (a).</p>
<i>(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and</i>	<p>The proposed overlay will improve clarity for the community, for developers and for regulatory authorities responsible for assessing planning and building permit applications.</p> <p>In developing the overlay, some areas that could currently be considered as being within a 'bushfire-prone area' but which have been deemed to be suitably low threat. This was based on expert judgement in bushfire behaviour and evaluation of local conditions. By refining the application of the bushfire requirements in this way, the overlay will facilitate fairer outcomes for landowners.</p> <p>Implementation of the overlay is accordingly consistent with (b).</p>
<i>(c) to encourage public involvement in resource management and planning; and</i>	<p>In developing the bushfire-prone areas overlay the Tasmania Fire Service has sought and considered input from Council's officers. This dialogue has provided important local knowledge into the project, in relation to land use practices and management of specific sites.</p> <p>Whether the overlay is introduced via an amendment to the Tasman Interim Planning Scheme or via the Tasmanian Planning Scheme, the general public will have an opportunity to review the overlay and submit a representation on any aspect they wish the Planning Authority to consider.</p> <p>Implementation of the overlay is accordingly consistent with (c).</p>
<i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and</i>	<p>The overlay will improve clarity with respect to whether a site is within a 'bushfire-prone area' for the purposes of planning and building approval. This will support property development in the following ways:</p> <ul style="list-style-type: none"> It will ensure landowners and developers can easily determine whether their site is in a bushfire-prone area

	<p>early in the development process and therefore factor this into concept design and feasibility assessments;</p> <ul style="list-style-type: none"> By removing areas from the mapping that have been deemed to be suitably low threat by the Tasmania Fire Service, the planning scheme amendment will reduce costs and delays from the approvals process for applicants (e.g. costs of engaging a bushfire hazard practitioner to certify an exemption, delays associated with s.54 requests). <p>The overlay will not facilitate any loss of natural values, nor any development of physical resources.</p> <p>Implementation of the overlay is accordingly consistent with (d).</p>
<p>(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.</p>	<p>The Tasmania Fire Service has collaborated with Council officers in preparing the mapping to ensure that it is technically sound and appropriate to local circumstances.</p> <p>By incorporating the mapping within local planning provisions it will support the application of the Bushfire-Prone Areas Code (Planning Directive 5.1), which Local Government is obliged to enforce.</p> <p>The approvals process requires the support of both Council and the Tasmanian Planning Commission for the mapping to become effective.</p> <p>Implementation of the overlay is accordingly consistent with (e).</p>

Table 3 - Schedule 1, Part 2 Objectives

Objective	Response
<p>(a) to require sound strategic planning and co-ordinated action by State and local government; and</p>	<p>The introduction of the Bushfire-Prone Areas Code as a state-wide Planning Directive was a strategic response by the Tasmanian Government to the recommendations produced by the Victorian Bushfires Royal Commission. Incorporating the proposed overlay as part of Council's planning instrument will support the application of the Bushfire-Prone Areas Code.</p> <p>The approach used in developing the mapping is consistent with that used for the Clarence and Hobart interim planning schemes. Tasmania Fire Service seeks to maintain a consistent approach as it progresses mapping for all remaining Local Government Areas.</p> <p>As is discussed further in this report, the overlay is consistent with current State Policies and the relevant regional land use strategy.</p> <p>Implementation of the overlay is accordingly consistent with (a).</p>
<p>(b) to establish a system of planning instruments to be the principal way of setting</p>	<p>As discussed previously in this report, the proposed scheme amendment will support the efficient application of the Bushfire-</p>

<i>objectives, policies and controls for the use, development and protection of land; and</i>	<p>Prone Areas Code (and building regulations) by clearly identifying which land is subject to its provisions.</p> <p>Implementation of the overlay is accordingly consistent with (b).</p>
<i>(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</i>	<p>The overlay will not facilitate any loss of biodiversity or any other impacts on natural values.</p> <p>The social and economic benefit of the overlay will be to improve clarity with respect to what land is considered bushfire-prone and to avoid application of the planning/building regulations to land that has been deemed to be suitably low threat.</p> <p>Implementation of the overlay is accordingly consistent with (c).</p>
<i>(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and</i>	<p>As occurs at present, future development in bushfire-prone areas will be required to comply with all other applicable planning and environmental requirements. Introduction of the overlay is not considered to be in conflict with any environmental, social, economic, conservation or resource management policies.</p> <p>Implementation of the overlay is accordingly consistent with (d).</p>
<i>(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and</i>	<p>At present, bushfire requirements are triggered either at the planning approval or building approval stage, depending on the type of development proposed. Under each process the definition of 'bushfire-prone area' refers to planning scheme overlay mapping (where available). The completion of the overlay will ensure that assessments as to whether a site is bushfire-prone will be consistent throughout the entire process.</p> <p>Single dwellings, visitor accommodation and some other types of buildings are triggered through the building approvals process and not at planning. This can give rise to situations whereby a development may receive planning approval that does not account for the vegetation removal required to comply with the bushfire requirements at the building approvals stage. Inclusion of the overlay will ensure that assessing planning officers and developers consider - at the development application stage - any requirement to consider vegetation removal.</p> <p>Implementation of the overlay is accordingly consistent with (e).</p>
<i>(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; and</i>	<p>The overlay will support the application of planning and building requirements for bushfire protection, the key purpose of which are to reduce risk to life and property. Furthermore, as it will be a publically accessible layer it will support community awareness of bushfire risk.</p> <p>The overlay will therefore support the aim of securing a safe environment for working, living and recreation.</p> <p>Implementation of the overlay is accordingly consistent with (f).</p>
<i>(g) to conserve those buildings, areas or other places which are of scientific, aesthetic,</i>	<p>As no new development standards are proposed to be introduced, the overlay is not considered to be in conflict with the</p>

<i>architectural or historical interest, or otherwise of special cultural value; and</i>	conservation of any places identified as holding heritage, aesthetic, architectural or other cultural value. Implementation of the overlay is accordingly consistent with (g).
<i>(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and</i>	The overlay will not affect the requirements of the Bushfire-Prone Areas Code – it will simply clarify its application. The overlay is therefore not considered to be in conflict with public infrastructure and will not compromise the orderly provision and co-ordination of public utilities. Implementation of the overlay is accordingly consistent with (h).
<i>(i) to provide a planning framework which fully considers land capability.</i>	Incorporation of the overlay will have no significant effect on agricultural land capability. Implementation of the overlay is accordingly consistent with (i).

7.2 State Policies

Current State Policies created under the *State Policies and Projects Act 1993* include:

- State Policy on the Protection of Agricultural Land 2009;
- State Coastal Policy 1996; and
- State Policy on Water Quality Management 1997.

The proposed amendment to the Planning Scheme does not introduce any new development standards, rather, it will improve the application of the Bushfire-Prone Areas Code. The amendment will accordingly not facilitate the loss of productive agricultural land, nor the degradation of coastal land or water resources. The scheme amendment is accordingly not considered to be in conflict with any of the existing State Policies.

7.3 Northern Tasmania Regional Land Use Strategy

The relevant regional land use strategy for Break O' Day is the Regional Land Use Strategy of Northern Tasmania ('RLUS'), as amended by 27th June 2018.

The key section of RLUS is Section E.7 Regional Environment. The relevant policies and actions are as follows:

Policy	Relevant Actions
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NH-P03 Future land use and development is to minimise risk to people and property resulting from bushfire hazard.	NH-A05 Include controls in planning schemes based on current best practice to minimise risk to persons and property resulting from bushfire hazard. NH-A06 Subdivision design is to respond to bushfire hazard risks by providing for alternative access, building setbacks and buffer distances based on current best practice.

NH-A07 Adopt the relevant risk management AS/NZS standard as part of core management methods for emergency, hazard and risk management.

Incorporation of the proposed overlay will mean that bushfire-prone land will be easily identifiable early in the land use and development process. The mapping will signal to developers that there are Code (and building) requirements that need to be considered during any due-diligence evaluation, subdivision design or building design.

Inclusion of the overlay within the LPS will support existing bushfire regulations by providing a clear mechanism to trigger their application, thereby facilitating consistency in the permit approvals process. The mapping will integrate with the existing format of the Bushfire-Prone Areas Code and building regulations, each of which defines 'bushfire-prone area' by reference to the planning scheme overlay map.

The overlay may also be utilised to inform other risk mitigation programs including hazard abatement programs, Fire Permits and community education.

Incorporation of the overlay is accordingly consistent with NH-P03 and its associated actions.

7.4 Break O' Day Council Strategic Plan 2017-2027

The Break O' Day Council Strategic Plan 2017-2027 is the relevant strategic plan prepared under s.66 of the *Local Government Act 1993*.

The Strategic Plan provides high-level guidance in the form of goals, objectives and supporting strategies that seek to guide Council's delivery of services to the community. These are in three key areas: Community, Economy and Environment.

The goals and strategies for 'Community' are as follows:

Goal	Strategies
<i>To strengthen our sense of community and lifestyle through opportunities for people to connect and feel valued.</i>	<ol style="list-style-type: none"> <i>1. Create an informed and involved community by developing channels of communication.</i> <i>2. Build community capacity by creating opportunities for involvement or enjoyment that enable people to share their skills and knowledge.</i> <i>3. Foster and support leadership within the community to share the responsibility for securing the future we desire.</i> <i>4. Foster a range of community facilities and programs which strengthen the capacity, wellbeing and cultural identity of our community.</i>

The proposed overlay does not directly relate to the goals and strategies for 'Community' although it is noted that it will support public awareness of bushfire risk. All members of the community will have the opportunity to comment on the draft overlay during the public exhibition period, as required under the Act.

The goals and strategies for 'Economy' are as follows:

Goal	Strategies
<i>To foster innovation and develop vibrant and growing local economies which offer opportunities for employment and development of businesses across a range of industry sectors.</i>	<ol style="list-style-type: none"> <i>1. Develop and highlight opportunities which exist and can be realised in a manner that respects the natural environment and lifestyle of the BOD area.</i> <i>2. Provision of relevant training and skills development programs to create a workforce for the future that meets the changing needs of business.</i> <i>3. Create a positive brand which draws on the attractiveness of the area and lifestyle to entice people and businesses' to live and work in BOD.</i> <i>4. Support and encourage innovation and growth in the economy through local leadership; infrastructure provision; support services and customer focussed service delivery.</i>

Introduction of the overlay will support the local economy in the sense that it will provide clarity and consistency in planning and building approvals processes that govern new use and developments. Clearly identifying land that is subject to current planning and building requirements for bushfire is important as it increases the likelihood that the issue will be considered early in the development process (i.e. as part of preliminary due diligence and in decisions relating to site selection and building siting). In this way, the overlay will help simplify Council processes.

The overlay will also provide a relevant information source for providers of small-scale visitor accommodation in existing dwellings who may not be aware of bushfire risk to their property and their occupants.⁶

The goals and strategies for 'Environment' are as follows:

Goal	Strategies
<i>To balance our use of the natural environment to ensure that it is available for future generations to enjoy as we do.</i>	<ol style="list-style-type: none"> <i>1. Ensure the necessary regulations and information is in place to enable appropriate use and address inappropriate actions.</i> <i>2. Increase the community's awareness of the natural environment; the pressures it faces; and actions we can take to sustain it and what it provides.</i> <i>3. Undertake and support activities which restore, protect and access the natural environment which enables us to care for, celebrate and enjoy it.</i> <i>4. Recognise and alleviate the issues and risks to the environment from our use, and the risk to us from a changing environment.(For example flood and fire.)</i>

Again, providing clarity with regards to which land is subject to current planning and building requirements for bushfire is important as it increases the likelihood that the issue will be considered early in the development process. This is particularly important for tourism-related

⁶ With the introduction of Planning Directive No.6 and associated changes to building regulations, these types of premises are largely unregulated and are not currently required to comply with bushfire protection requirements that ordinarily are appropriate for visitor accommodation land uses.

use and developments, which are particularly vulnerable to bushfire and are may not be appropriate in some bushfire-prone areas but are not currently subject to bushfire requirements until the building permit stage.

The overlay will be publically accessible by any person in the community who seeks to inform themselves on this matter and will support TFS community education initiatives.

8. Conclusion

The Tasmania Fire Service in collaboration with Council officers have completed the draft bushfire-prone areas overlay for the Break O'Day municipality.

The overlay identifies land where potential exposure to bushfire hazard is considered sufficient to warrant a planning or building response to reduce risk to life and property. It will greatly improve clarity in relation to the application of existing requirements, thereby improving the efficiency and consistency of planning and building approvals processes.

In the process of developing the overlay, a significant number of properties have been able to be mapped out on the basis of insufficient risk to warrant a built response. Introduction of the overlay presents a significant economic benefit to those landowners.

The overlay will also support community education on community fire safety and will provide a useful resource for the administration of the fire permit system and hazard abatement programs.

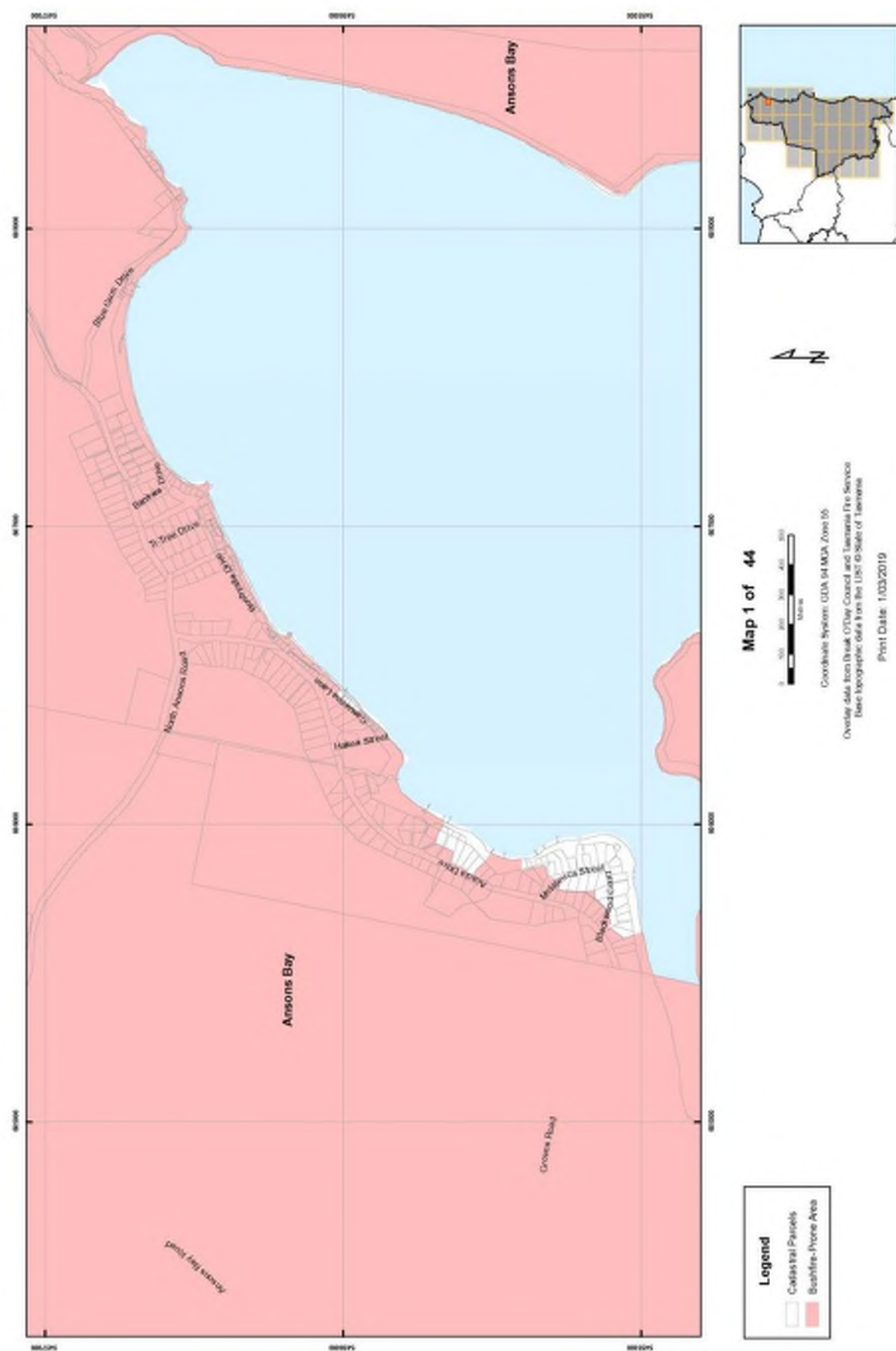
As discussed in this report, incorporating the mapping as an overlay within the Break O'Day Interim Planning Scheme 2013 (and ultimately within the Tasmanian Planning Scheme) is consistent with all relevant strategic planning considerations.

It is recommended that Council initiates a Draft Amendment to the Break O'Day Interim Planning Scheme 2013 to introduce the overlay.

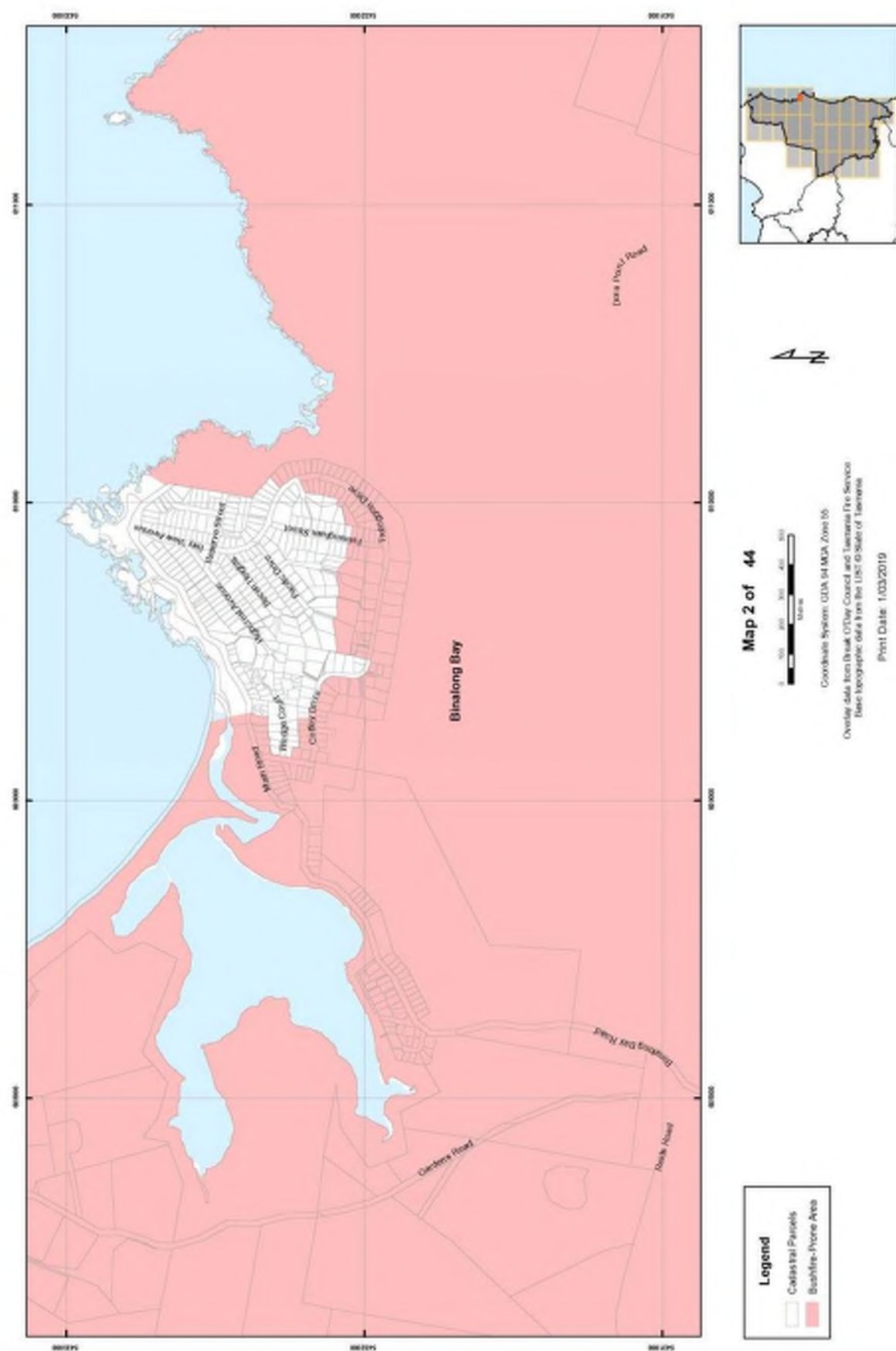
APPENDIX A

Bushfire-Prone Areas Overlay

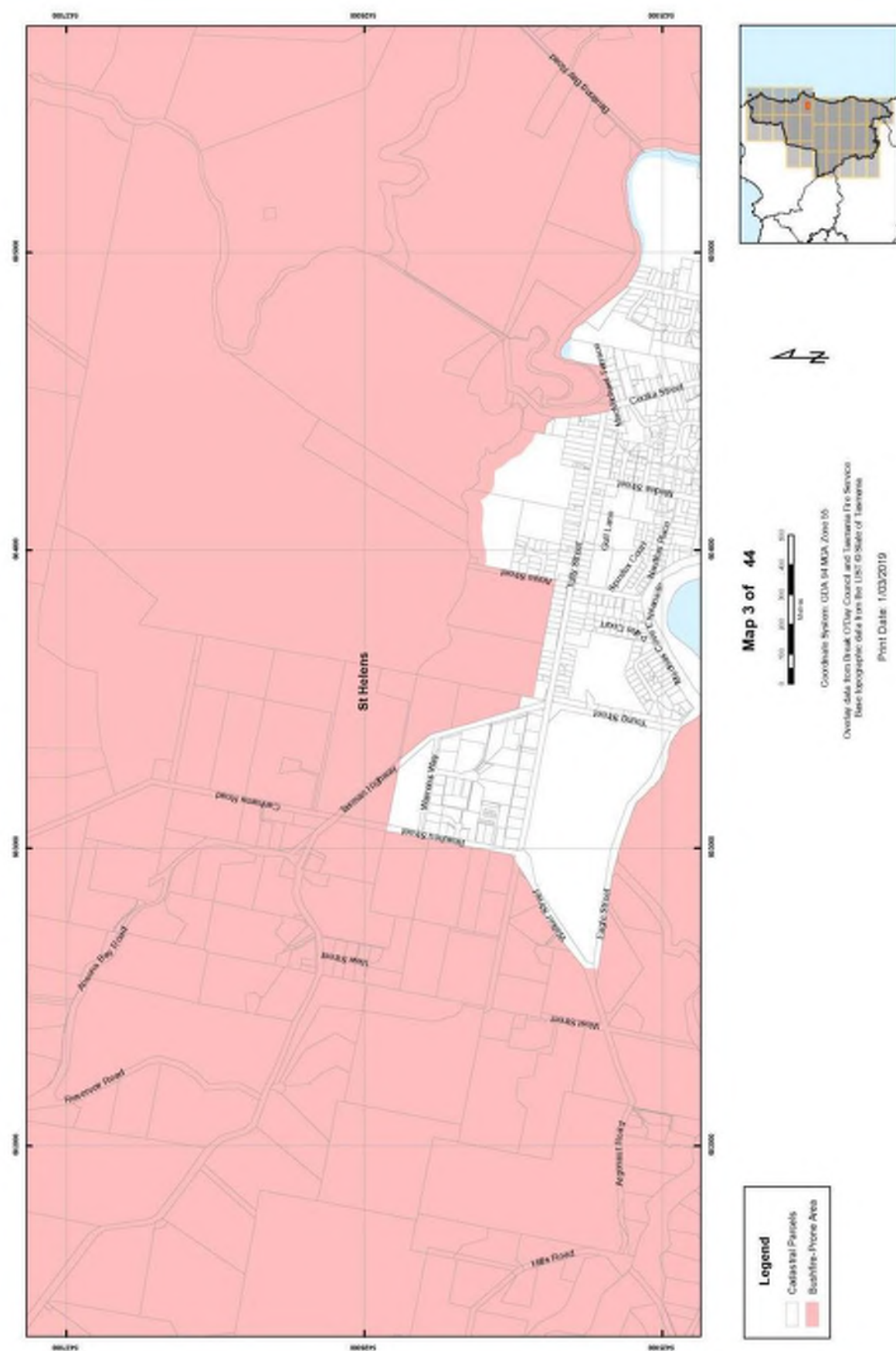
BREAK O'DAY INTERIM PLANNING SCHEME 2013 - BUSHFIRE-PRONE AREAS OVERLAY



BREAK O'DAY INTERIM PLANNING SCHEME 2013 - BUSHFIRE-PRONE AREAS OVERLAY



BREAK O'DAY INTERIM PLANNING SCHEME 2013 - BUSHFIRE-PRONE AREAS OVERLAY



The map displays the coastal area of Binalong Bay. The land area is shaded in light blue, while the water area is white. The Akaroa development is shown as a large, irregularly shaped area in the upper left. The Stieglitz development is shown as a smaller, more rectangular area in the lower right. Various streets are labeled, including Akaroa Place, Akaroa Avenue, Akaroa Road, Akaroa Point Road, and Akaroa Point Road Bridge. The map also shows the location of the Akaroa Point Road and the Akaroa Point Road Bridge.



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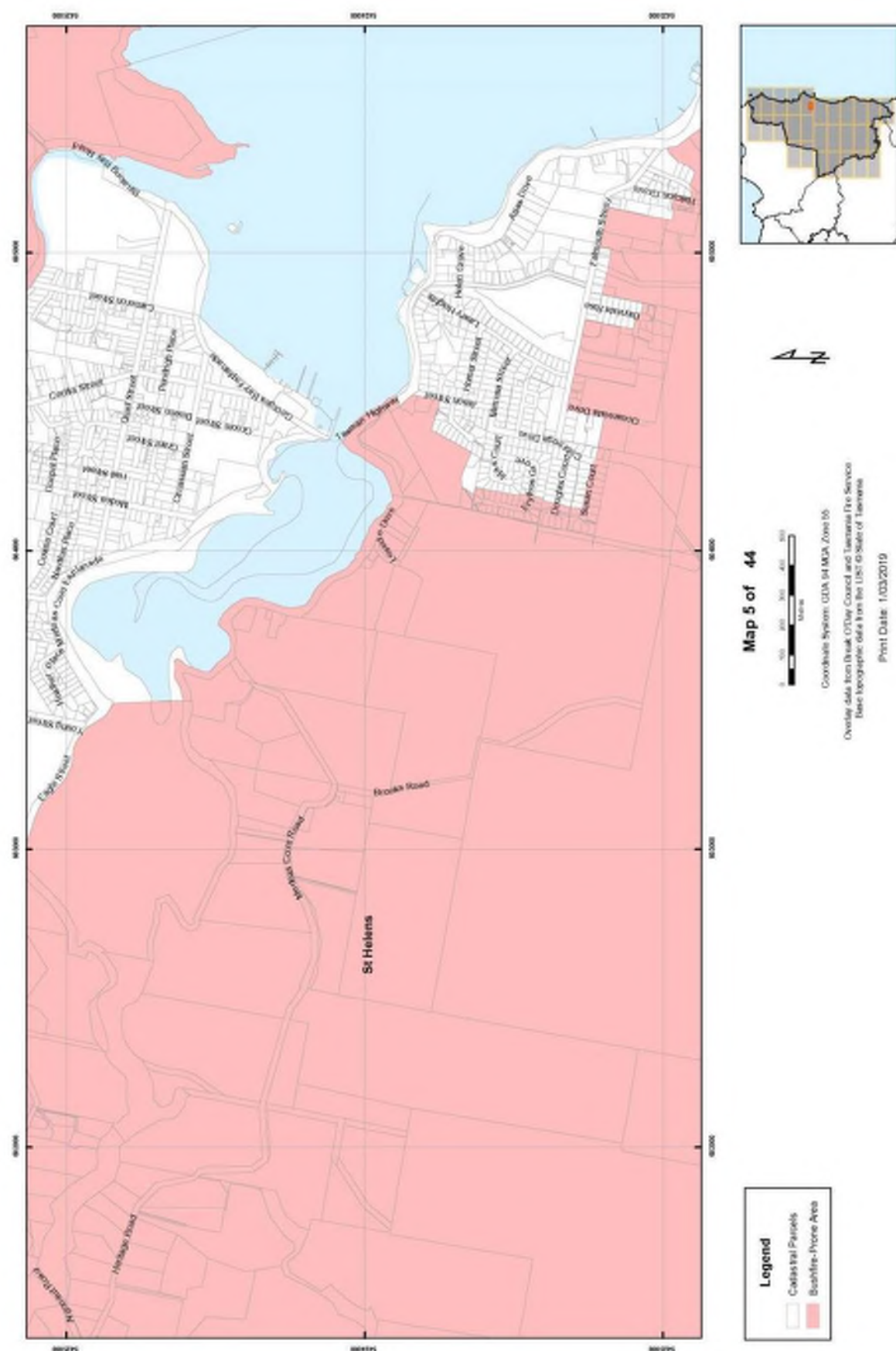


Coordinate System: GDA 94 MGA Zone 55

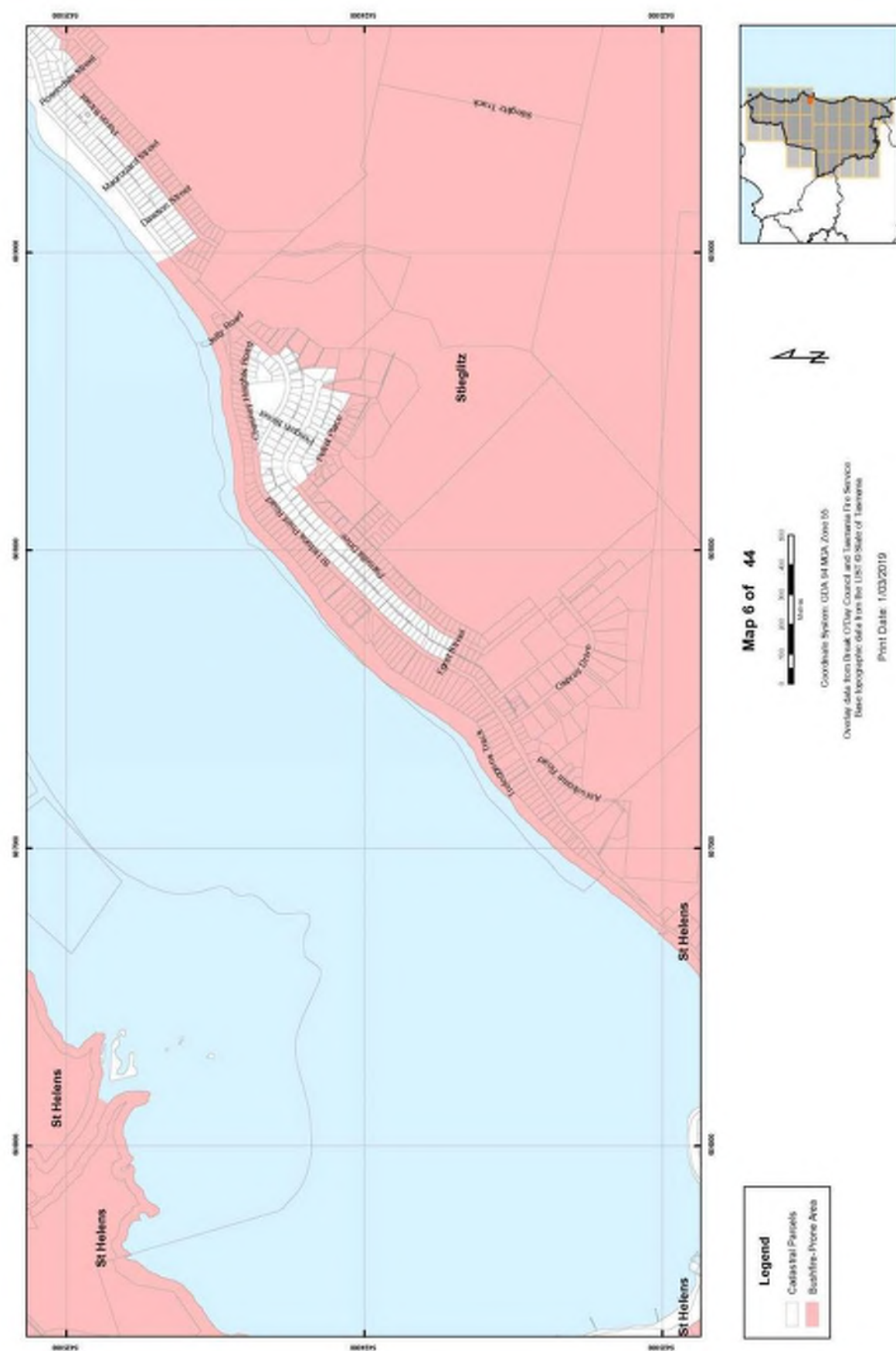
Overlay data from Brook O'Day Council and Tasmania Fire Service
Base biographic data from the 1987 40 State of Tasmania

Print Date: 1/03/2019

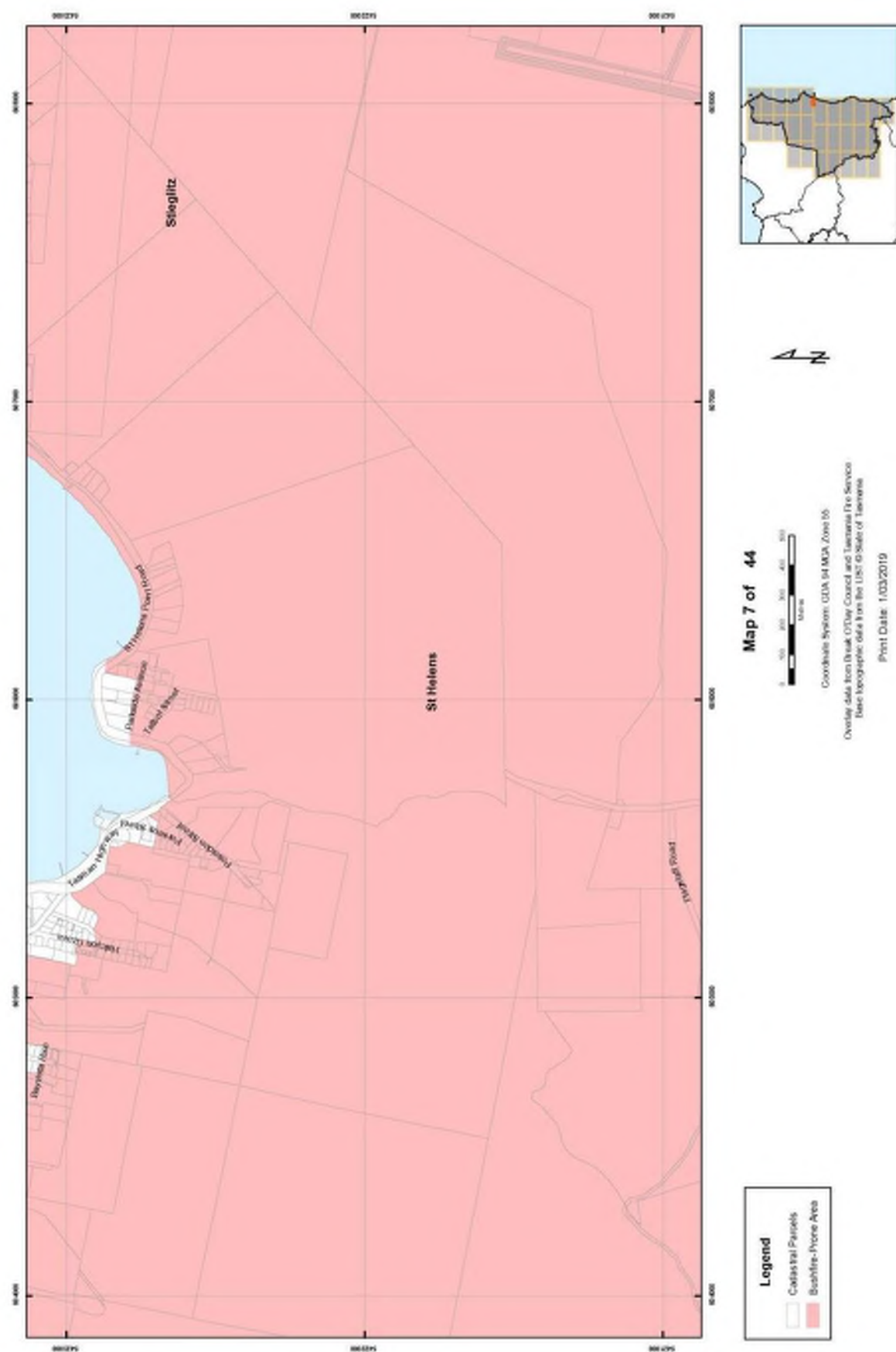
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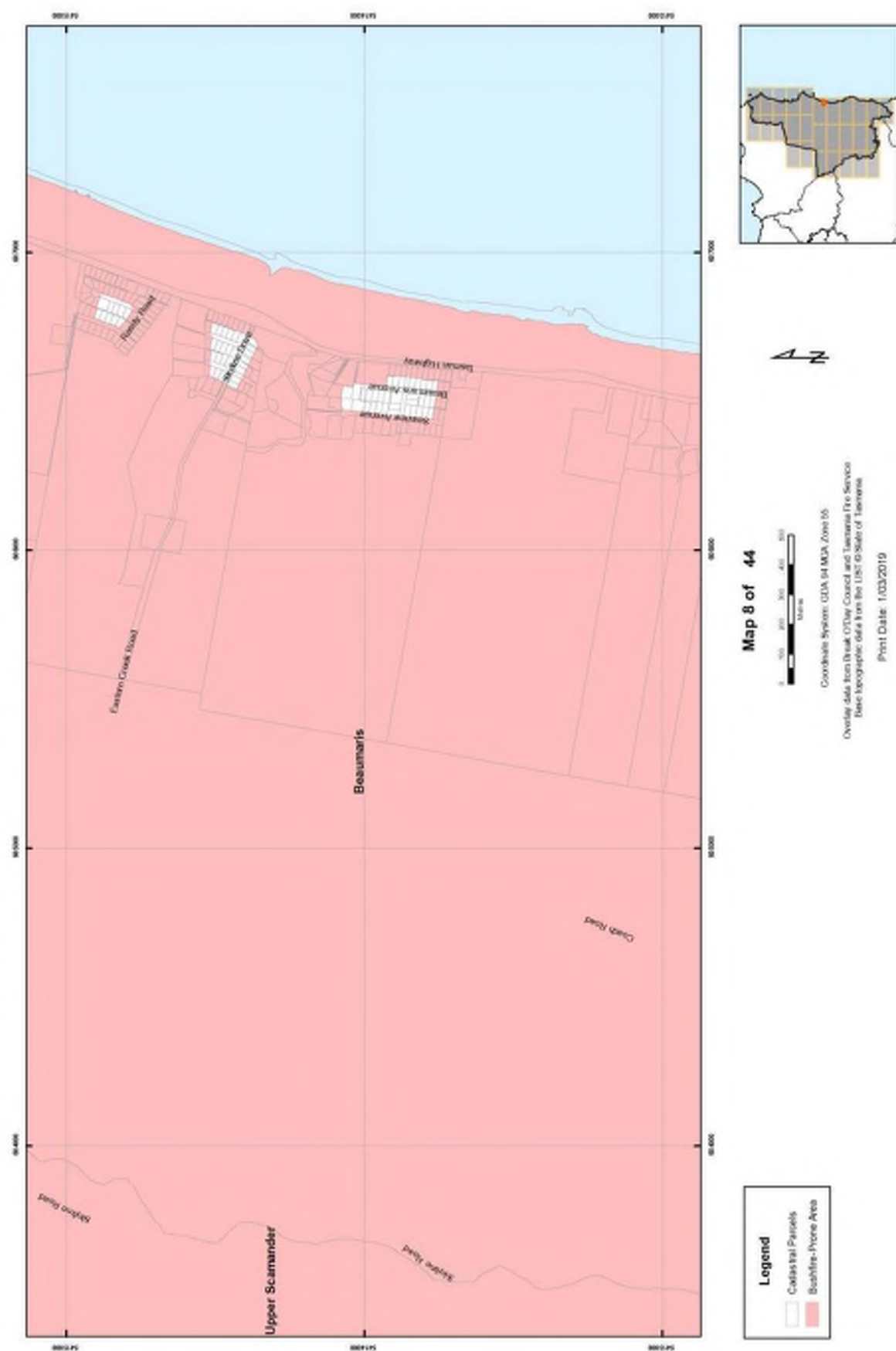
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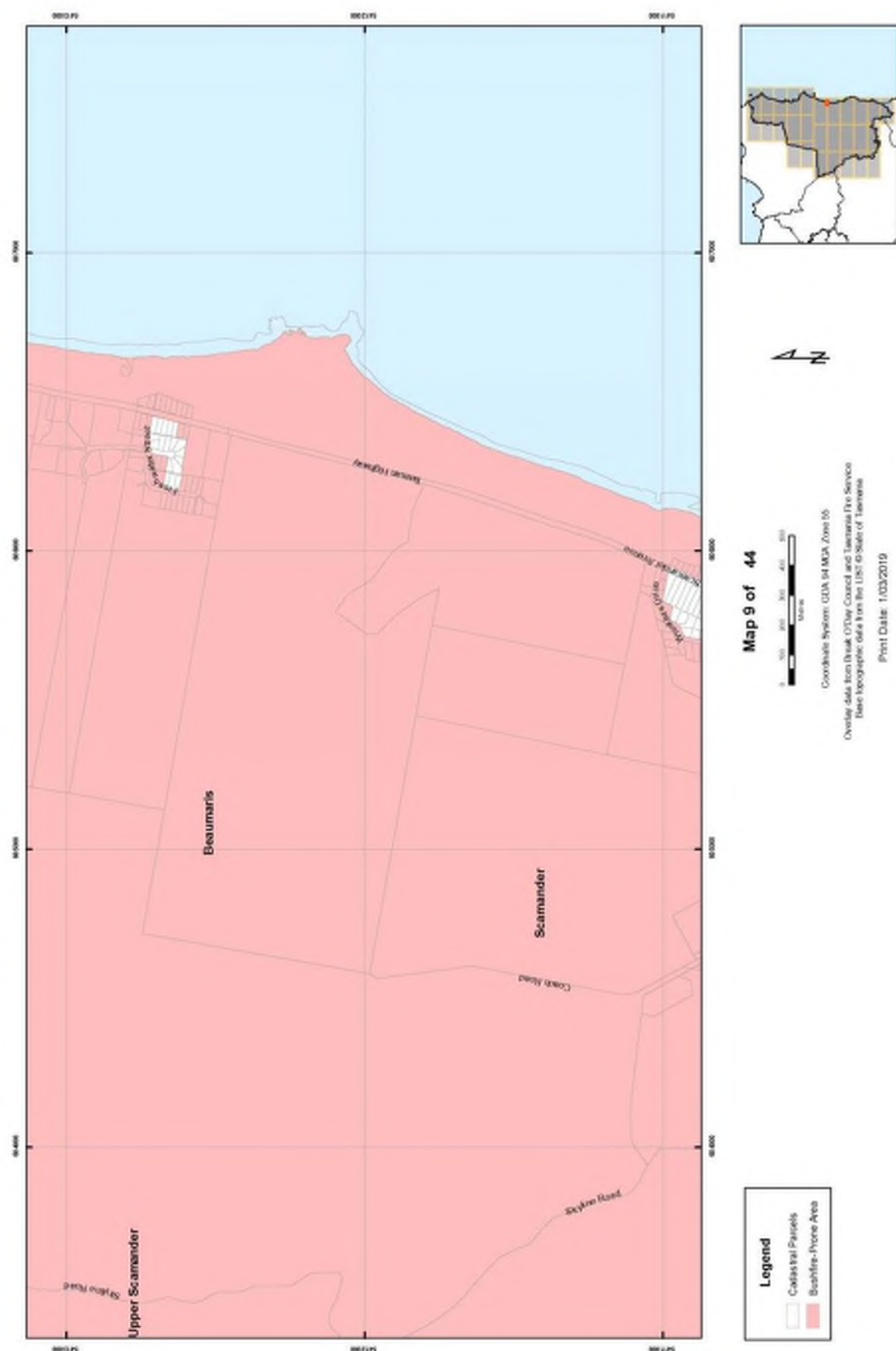
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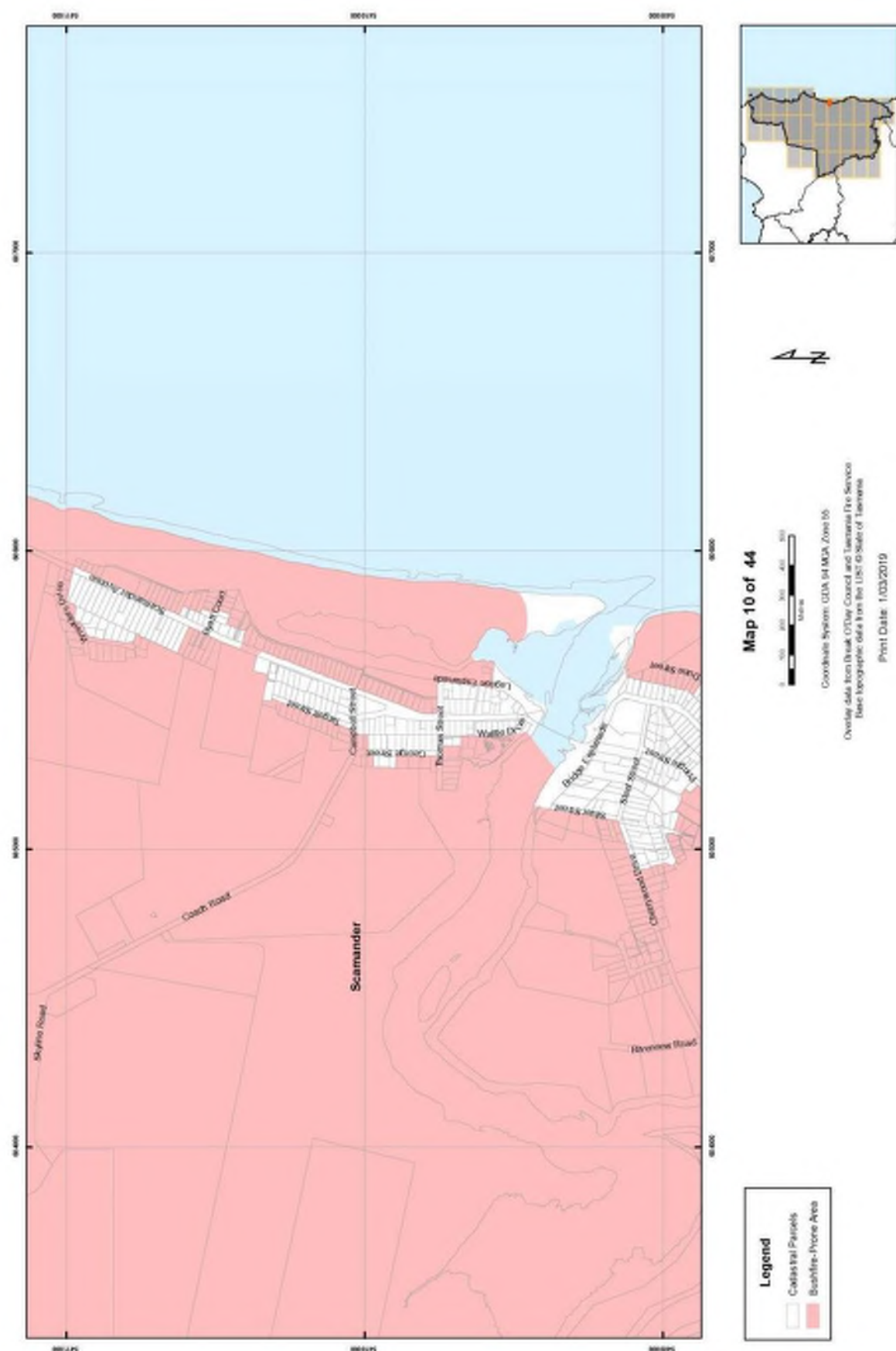
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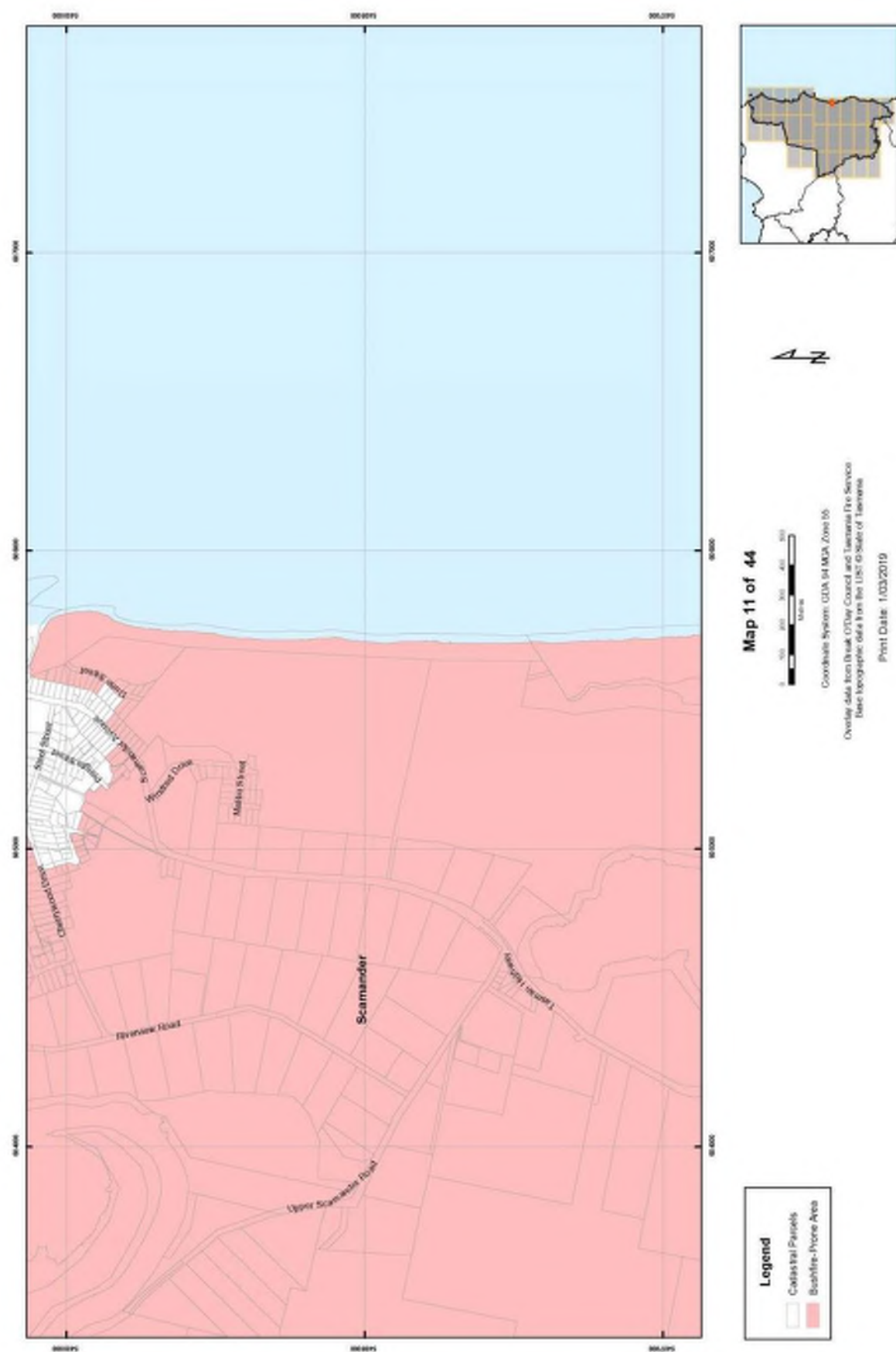
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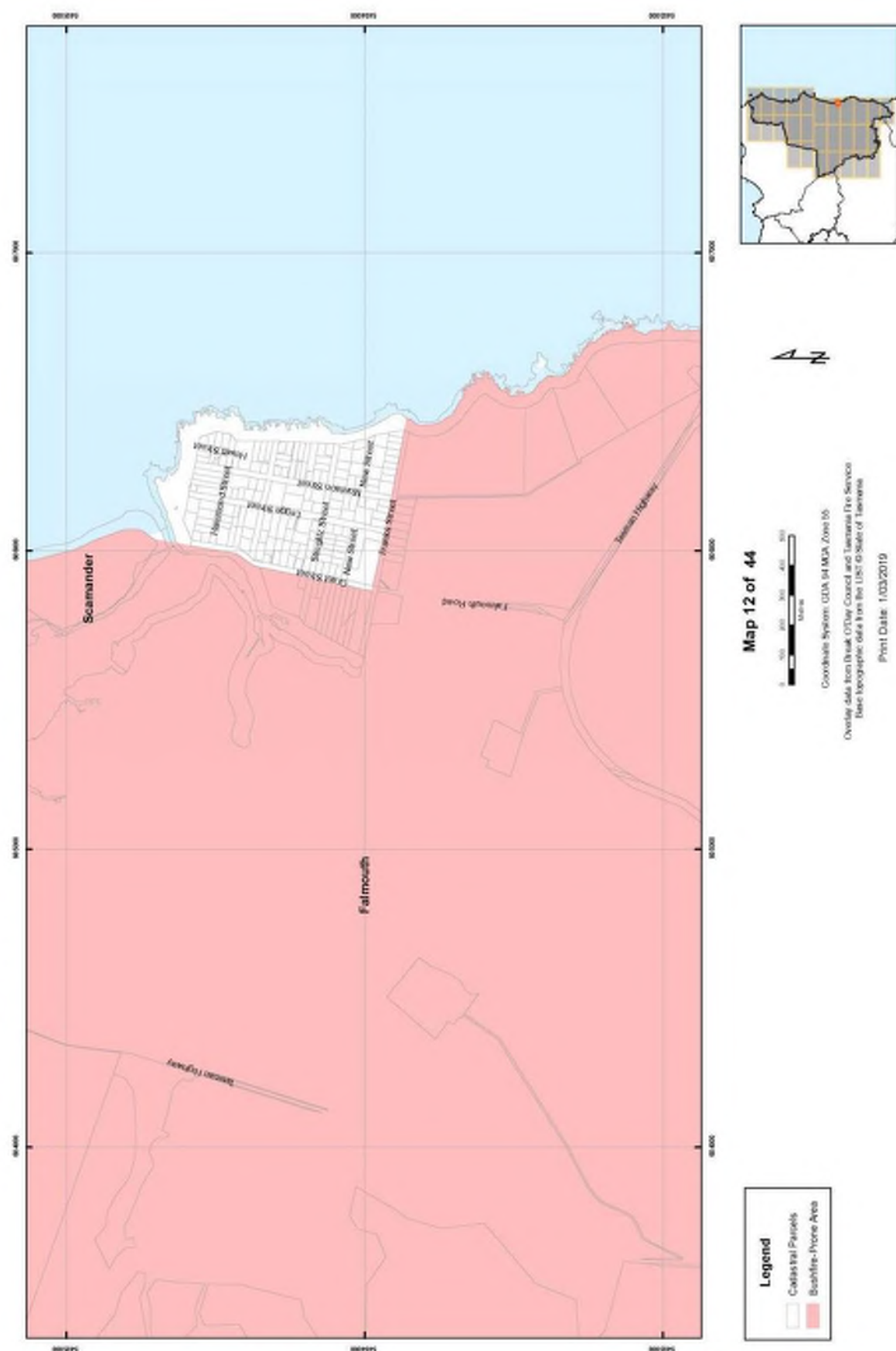
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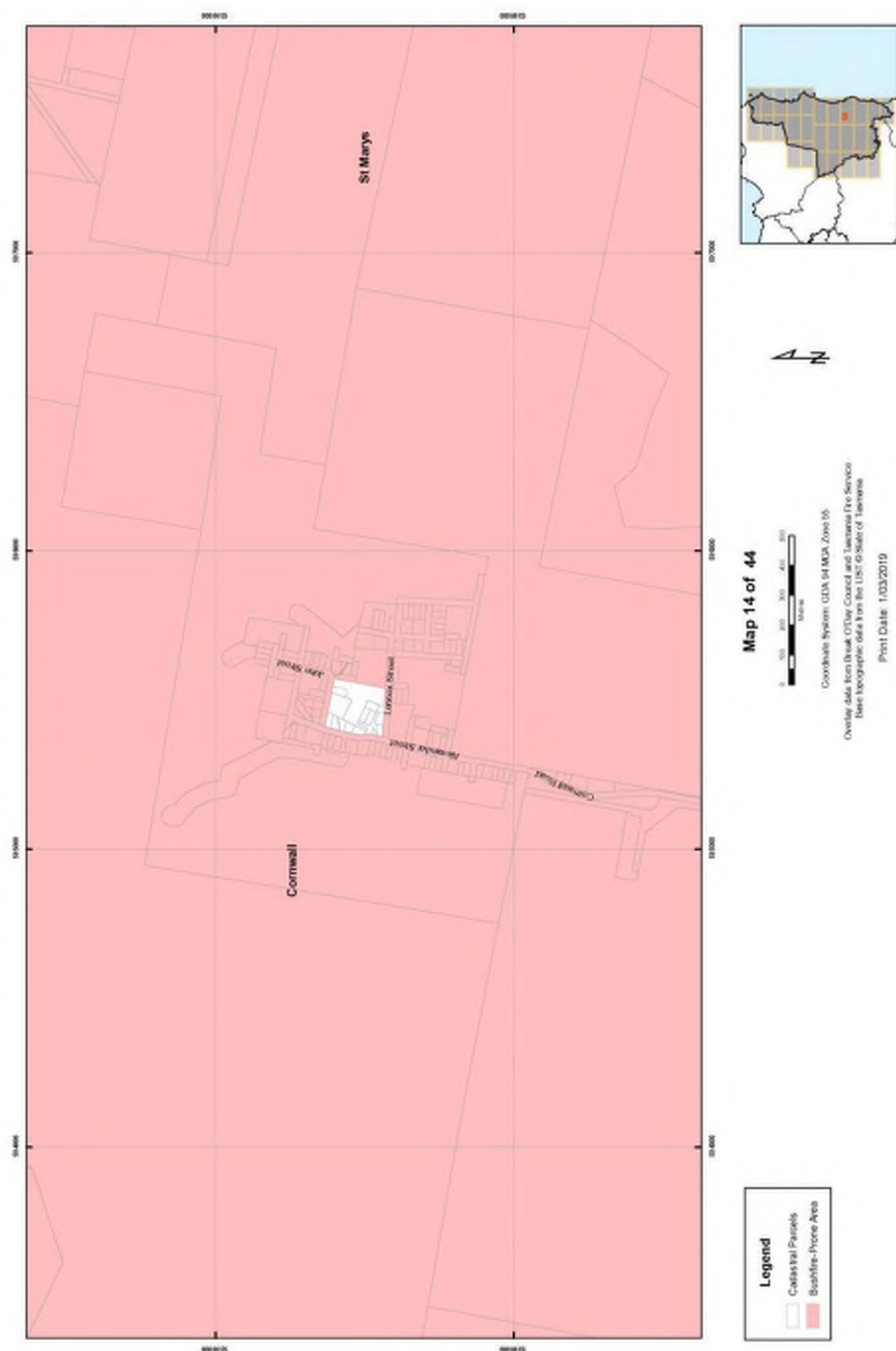
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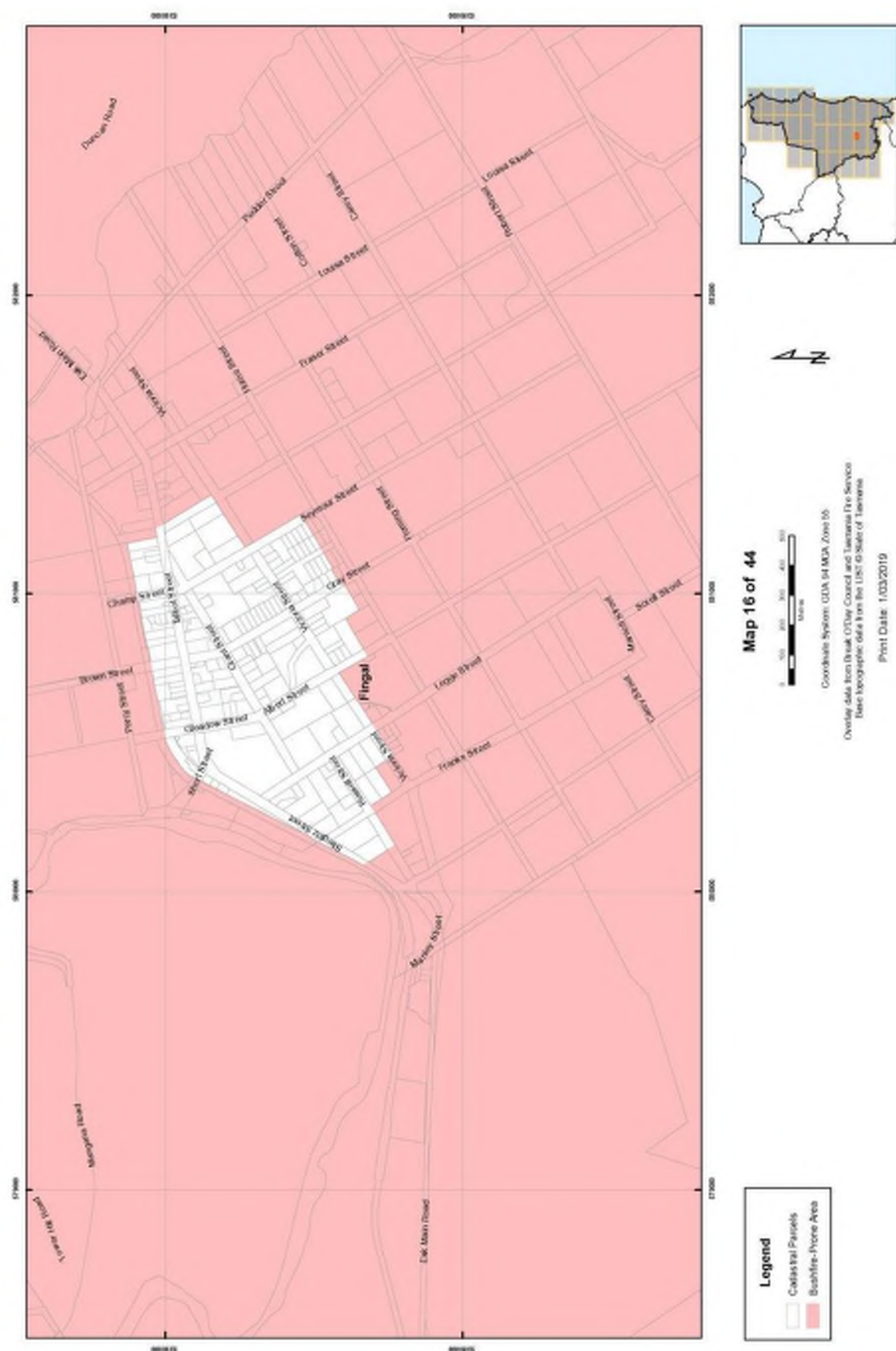
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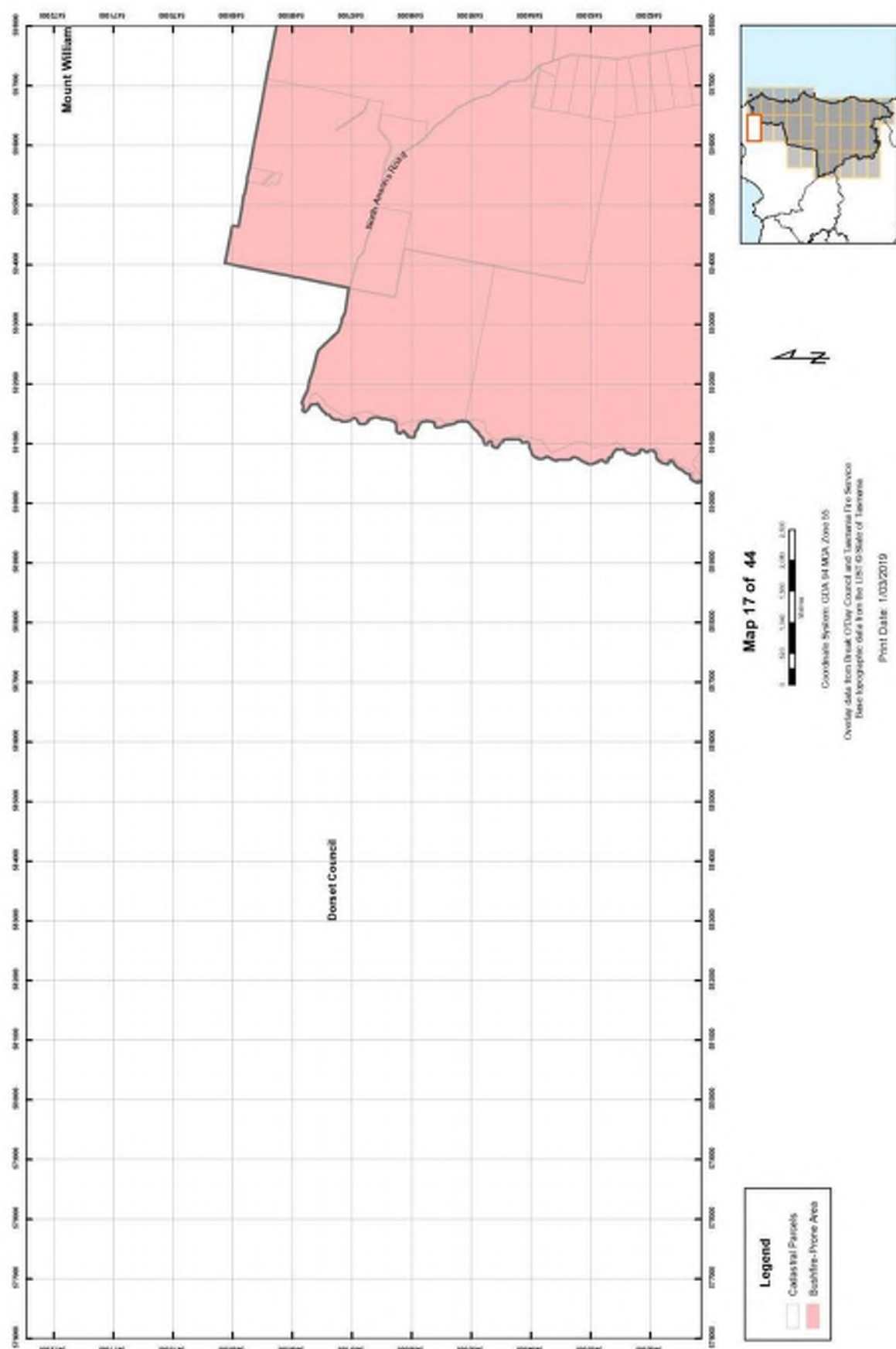
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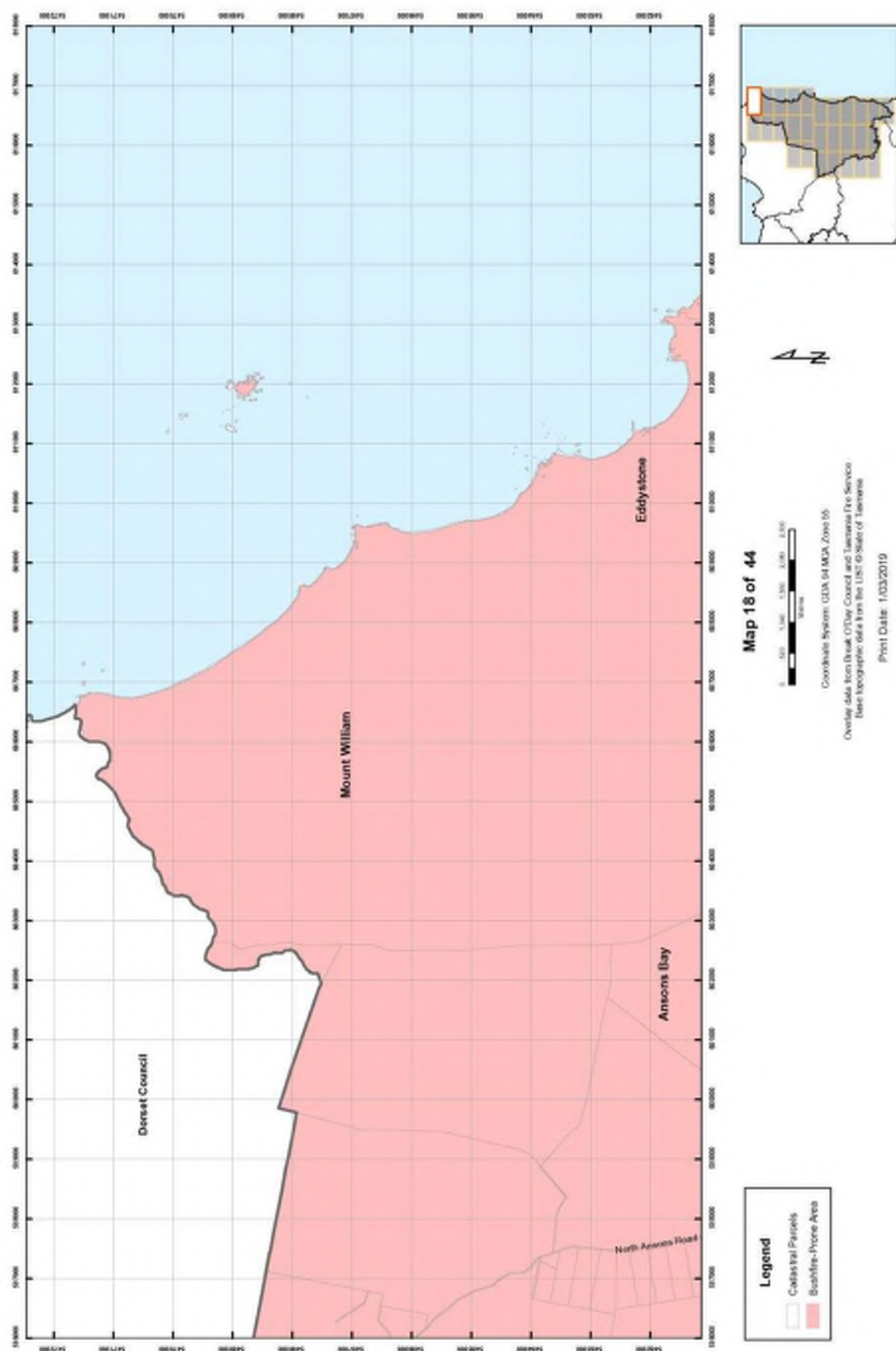
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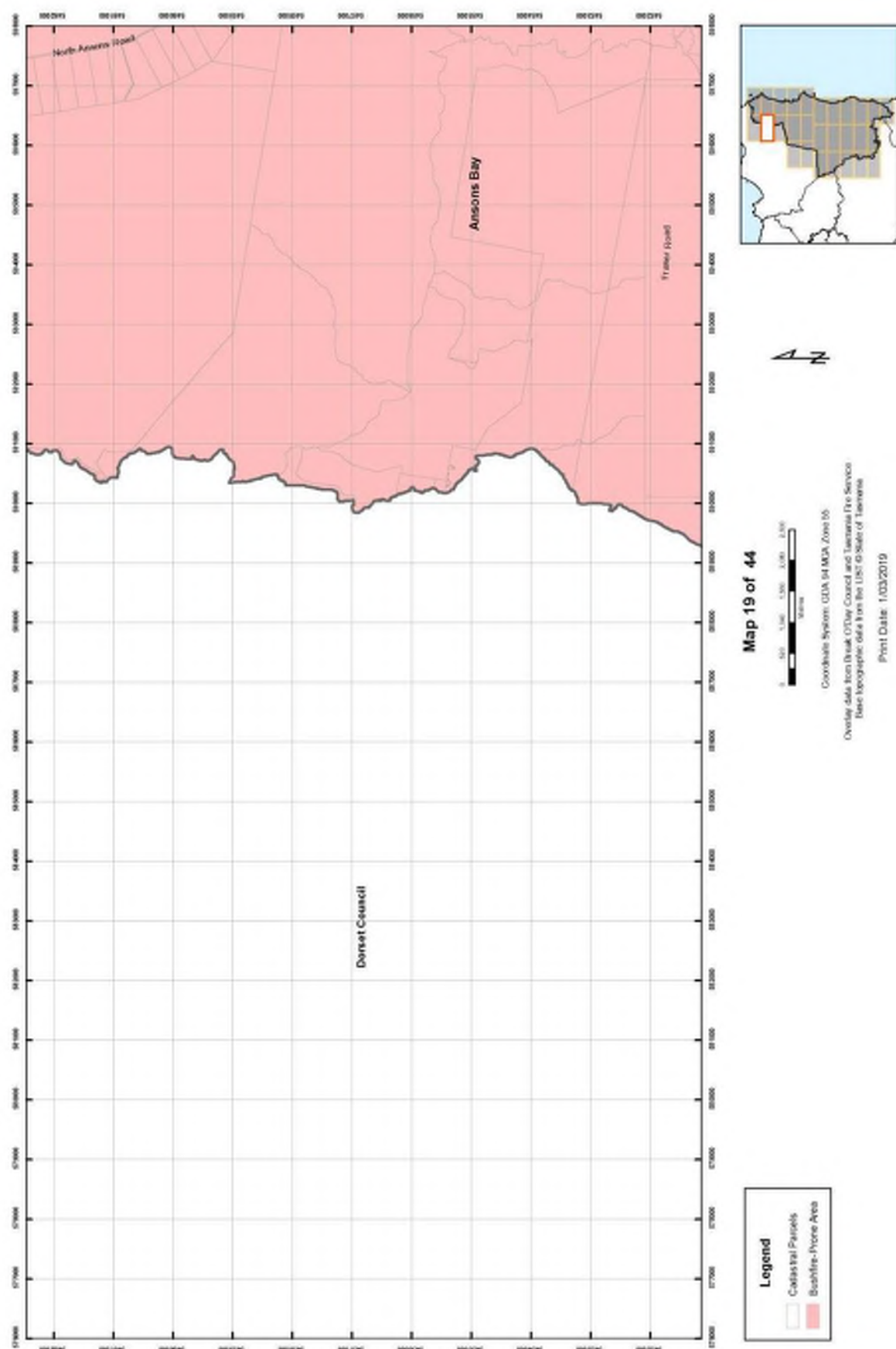
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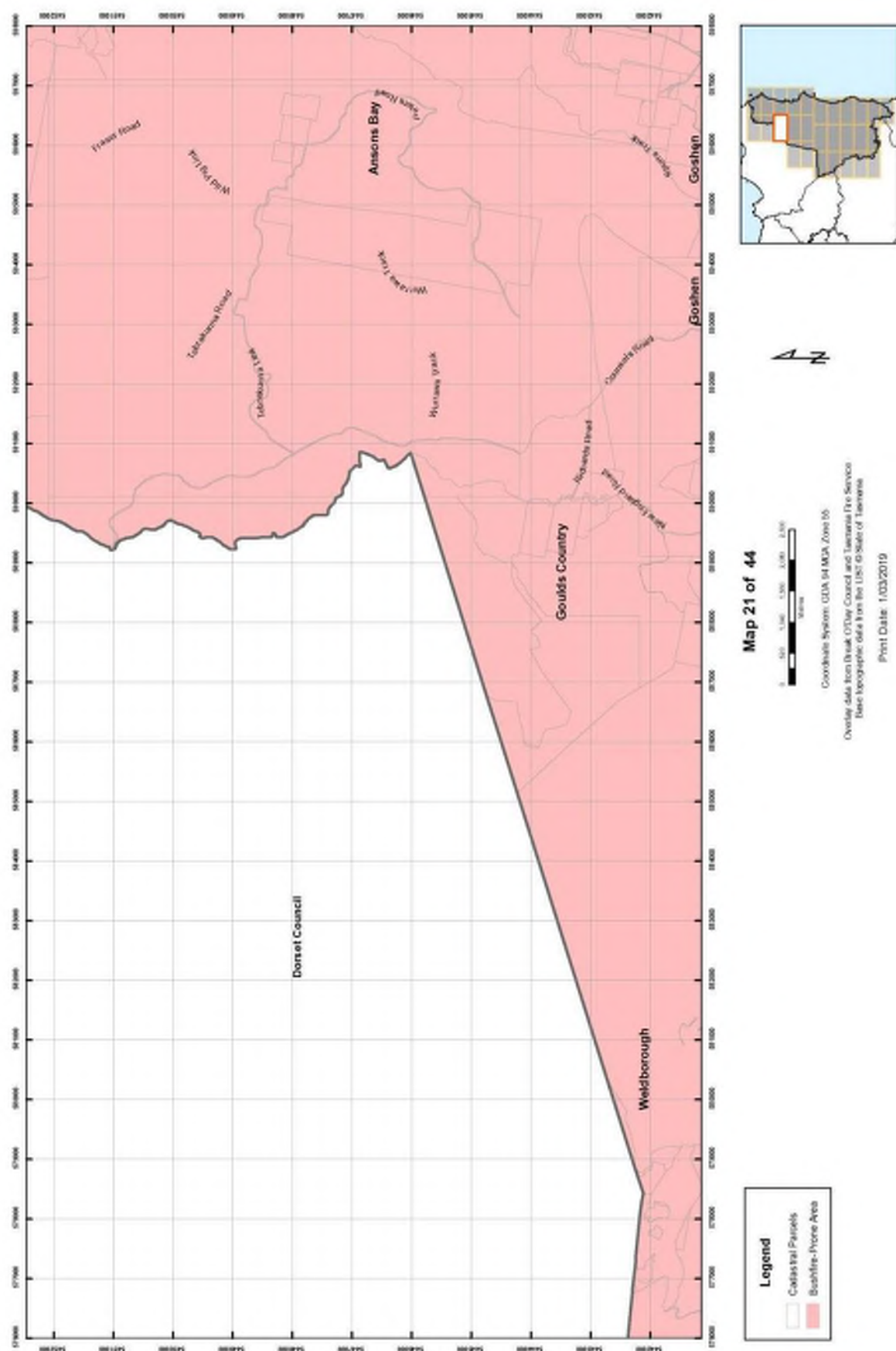
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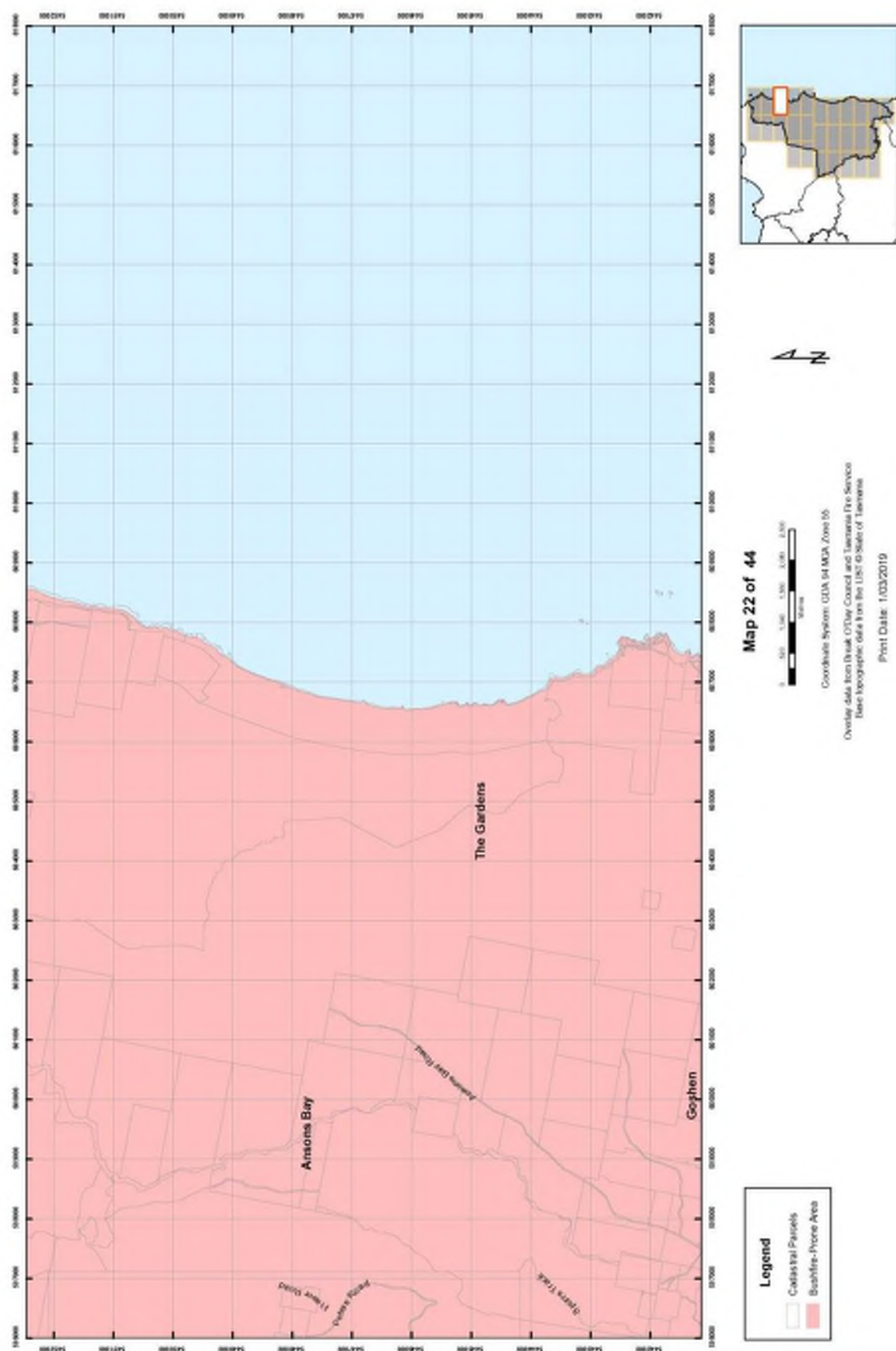
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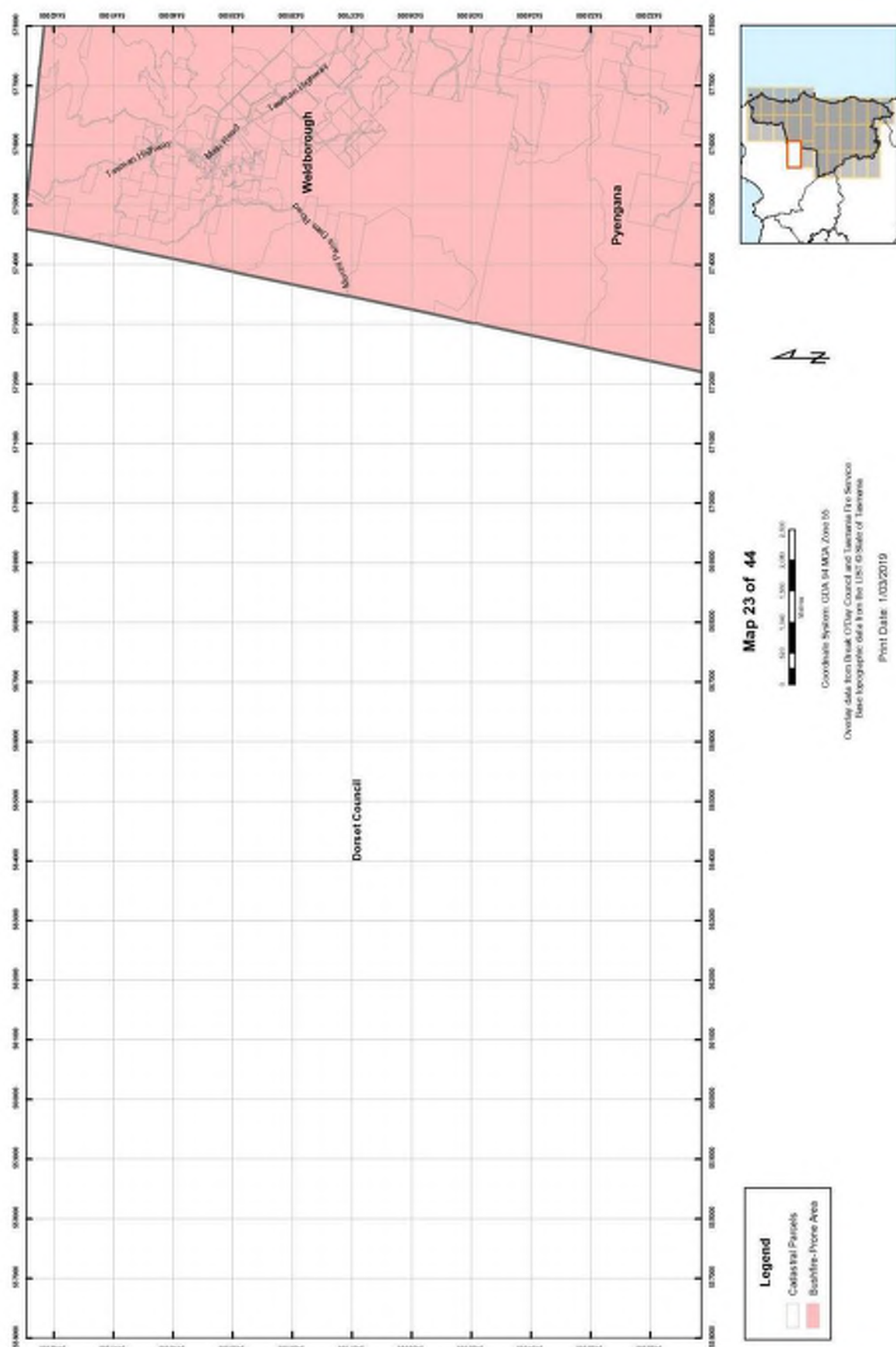
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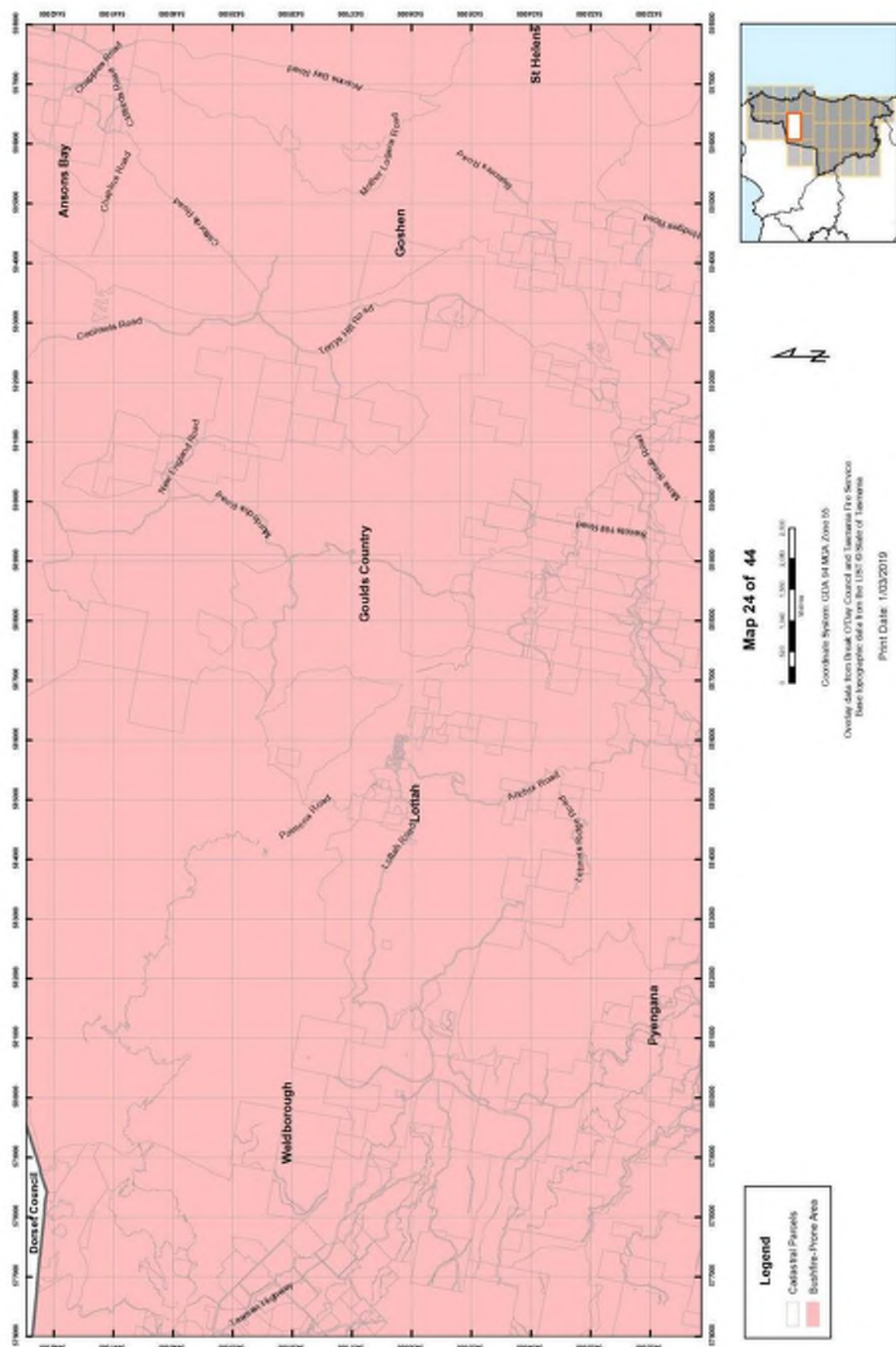
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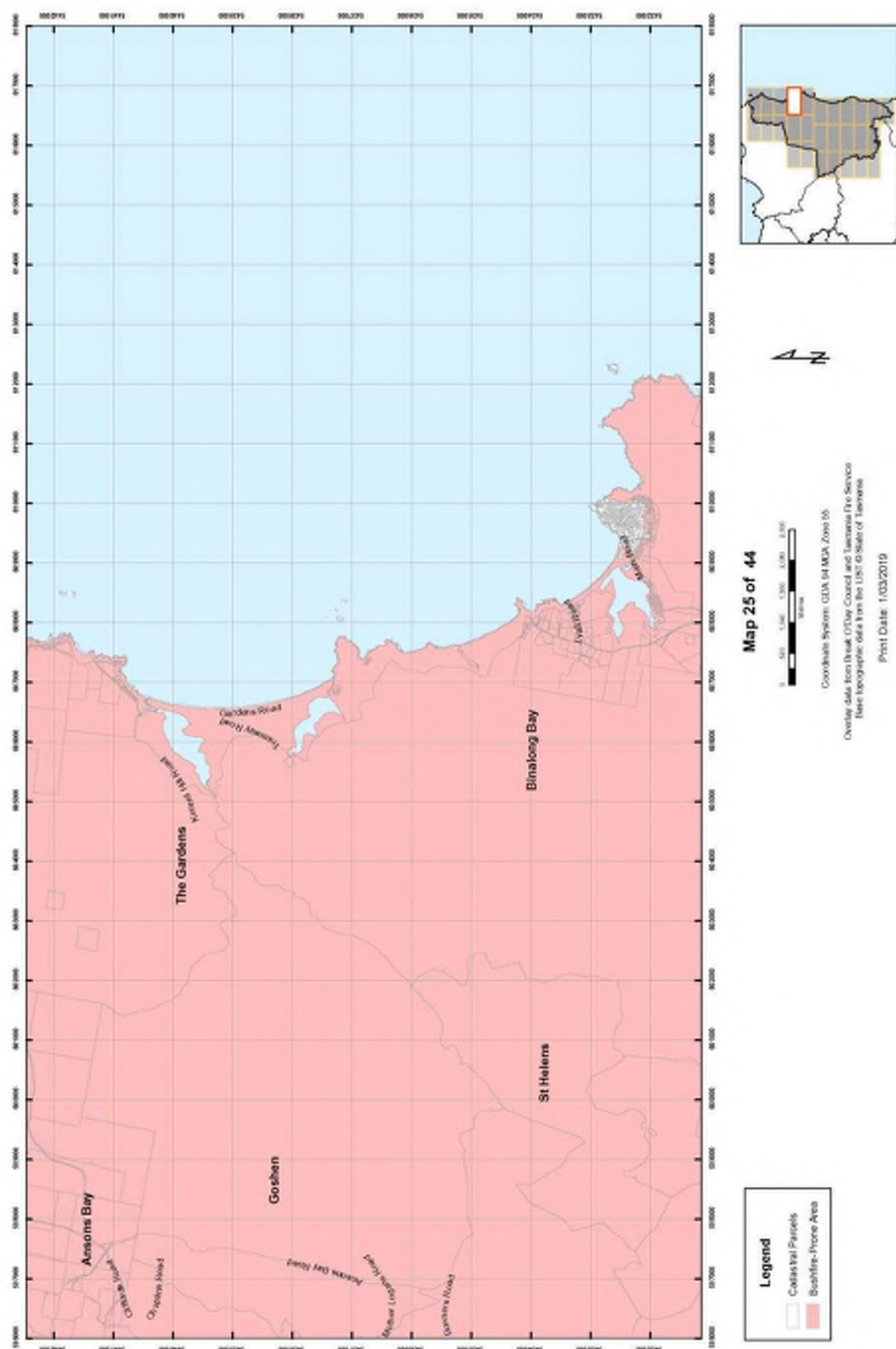
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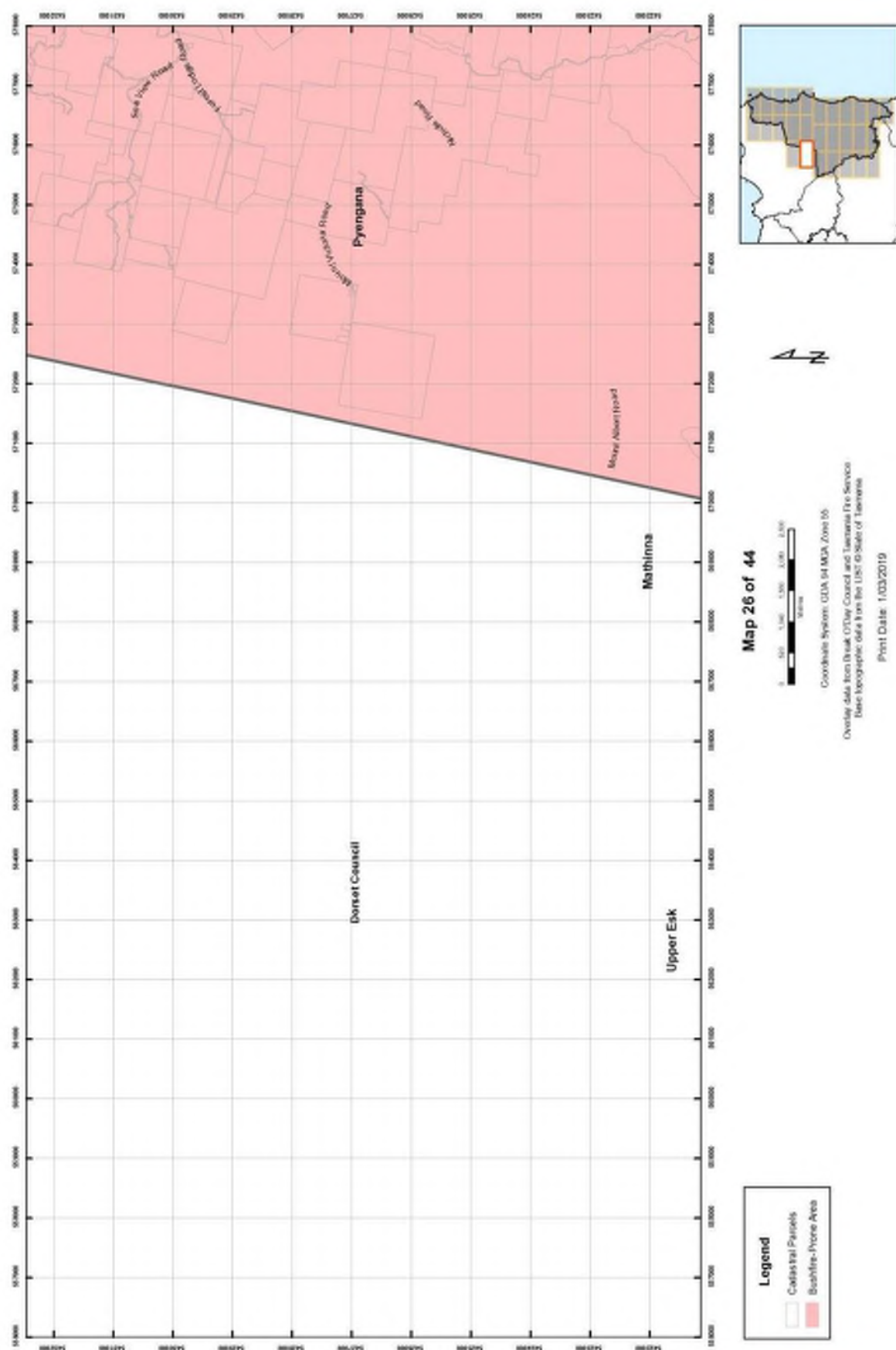
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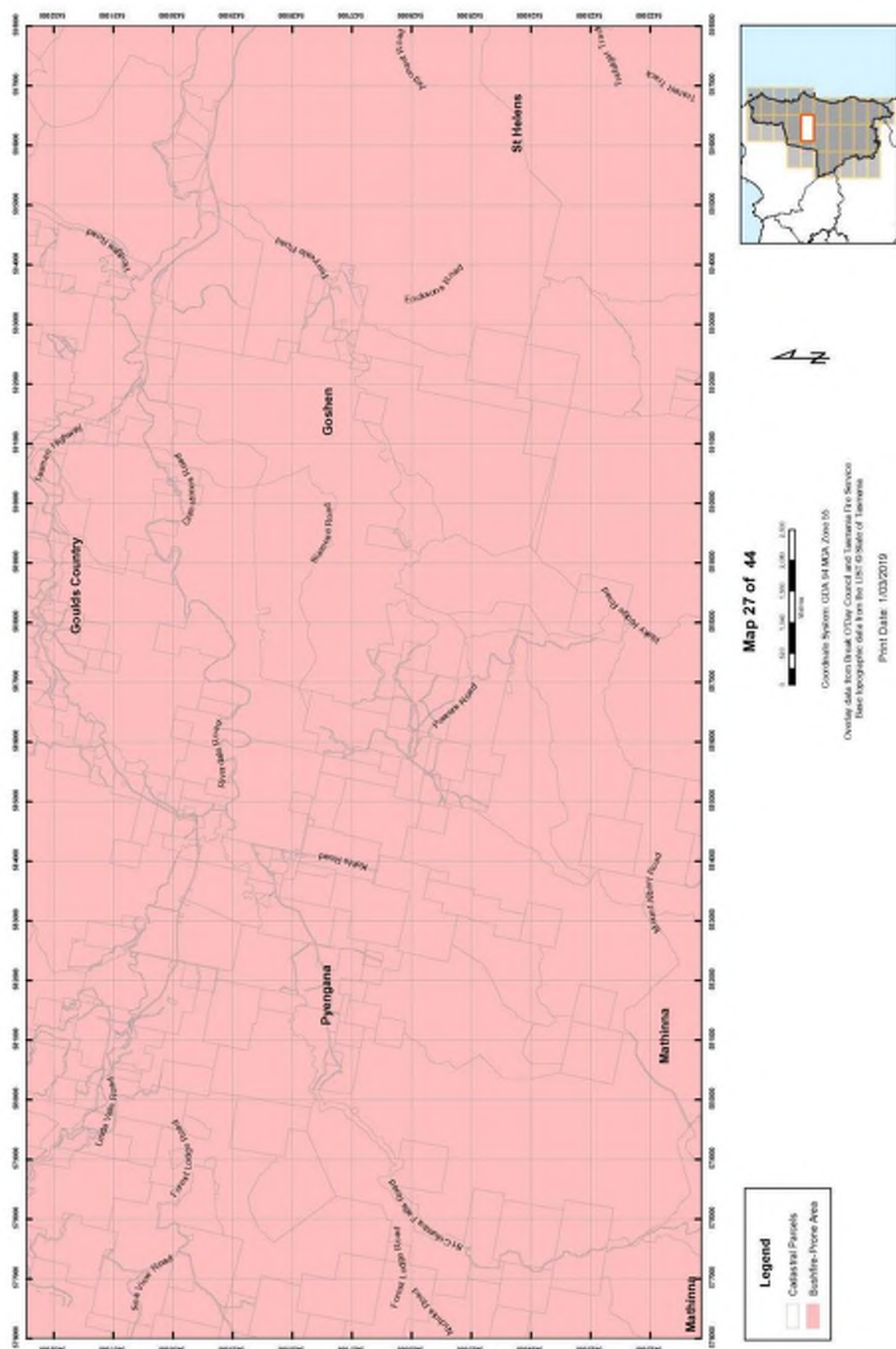
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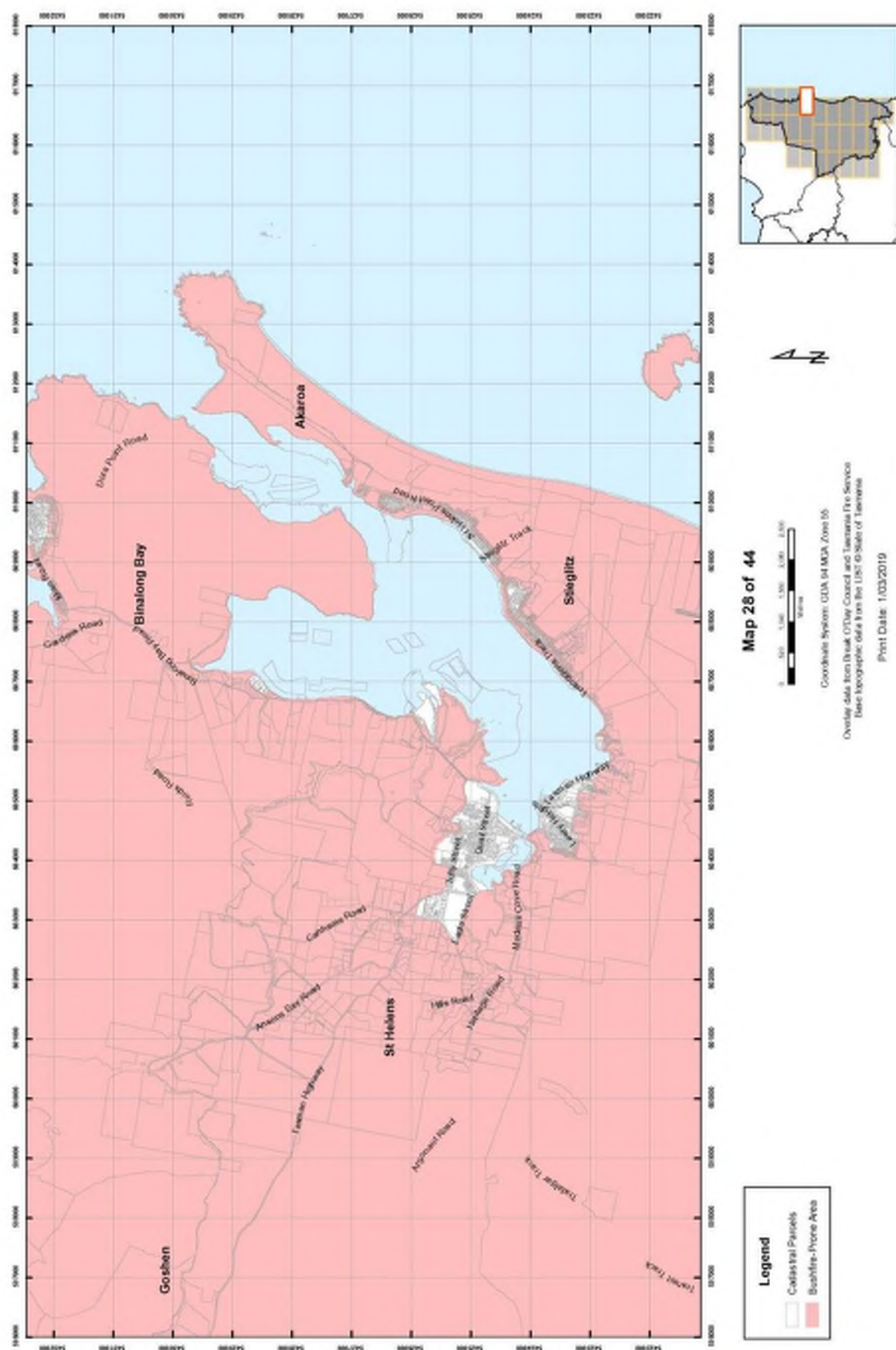
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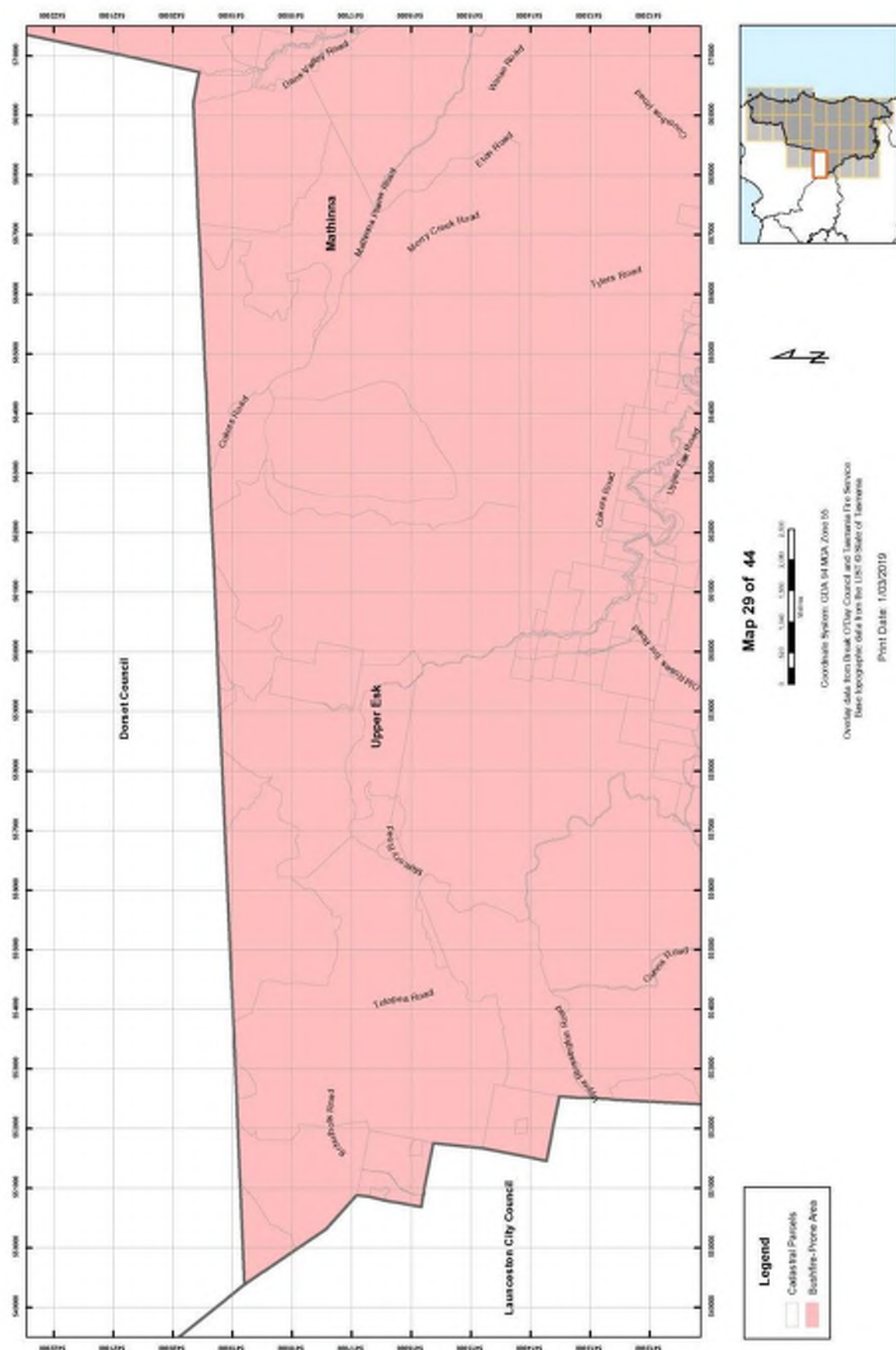
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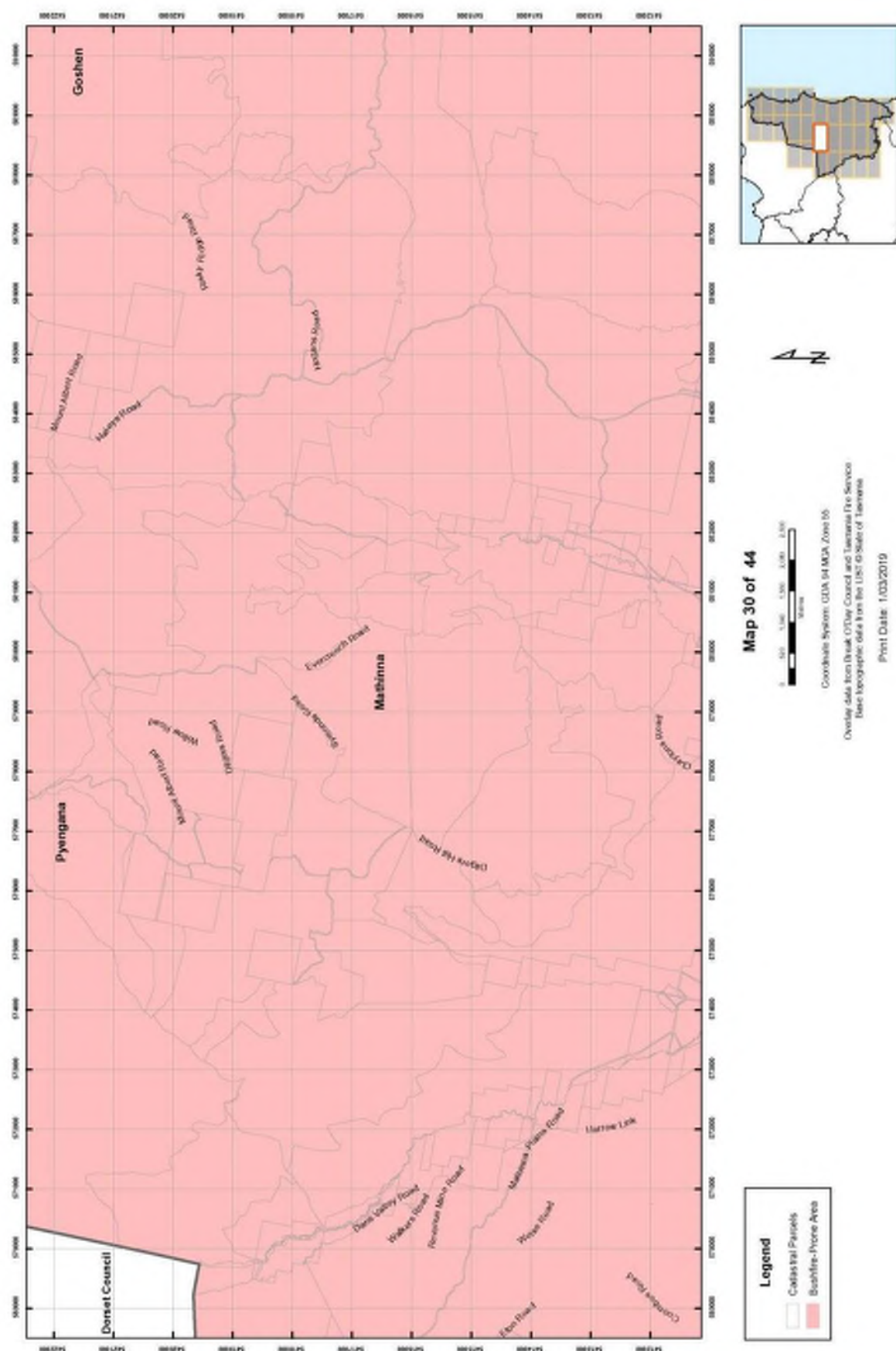
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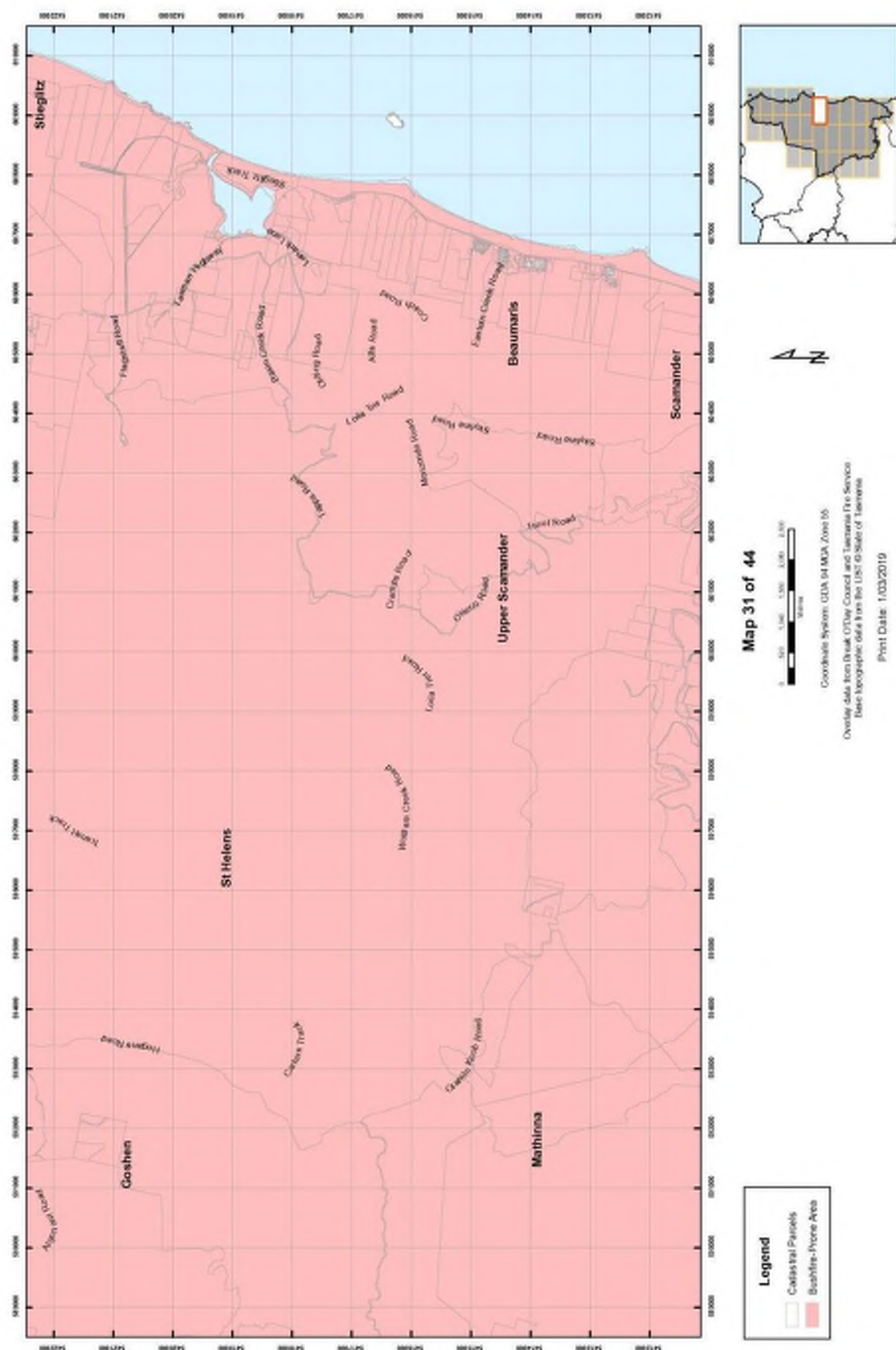
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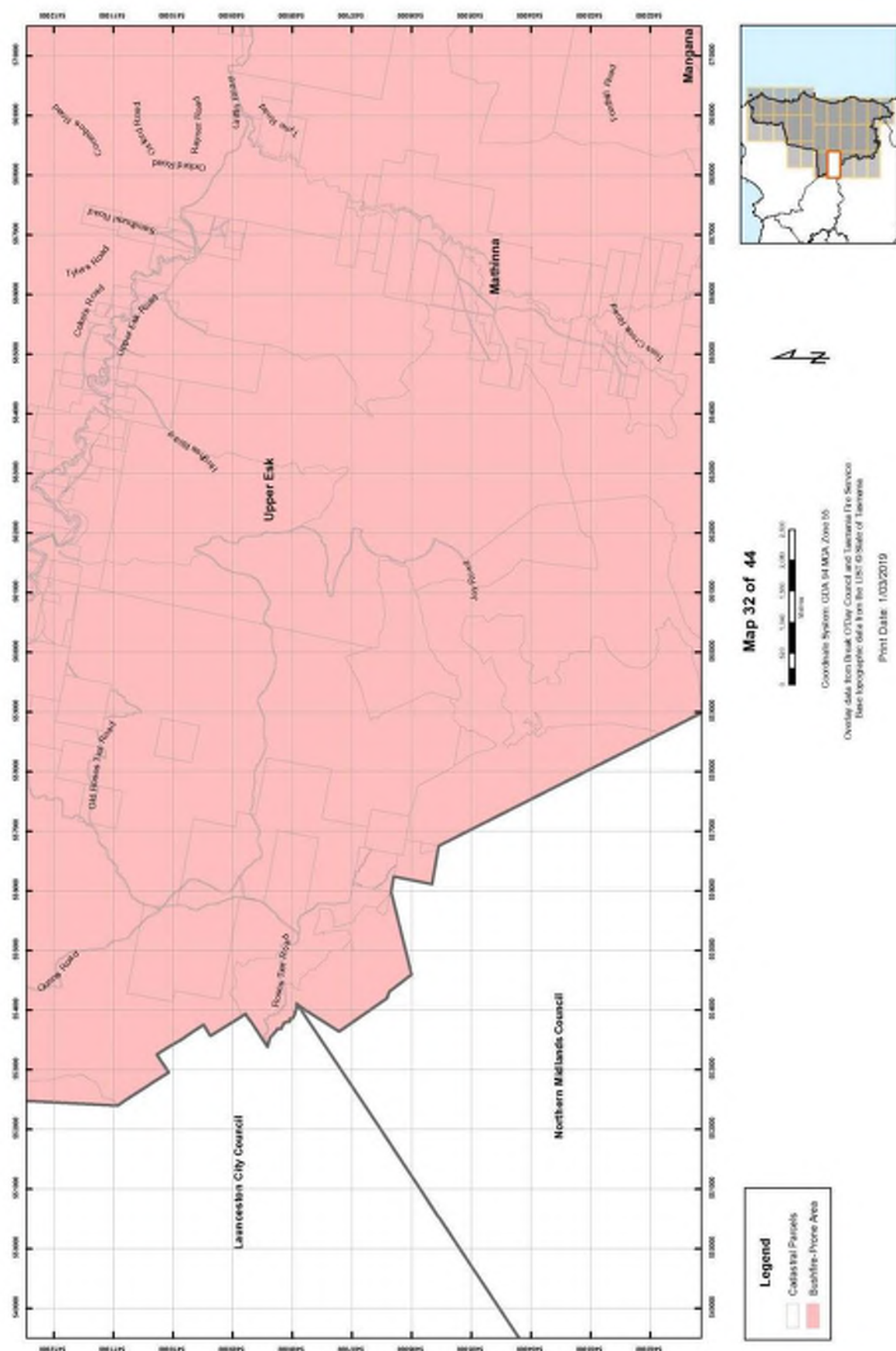
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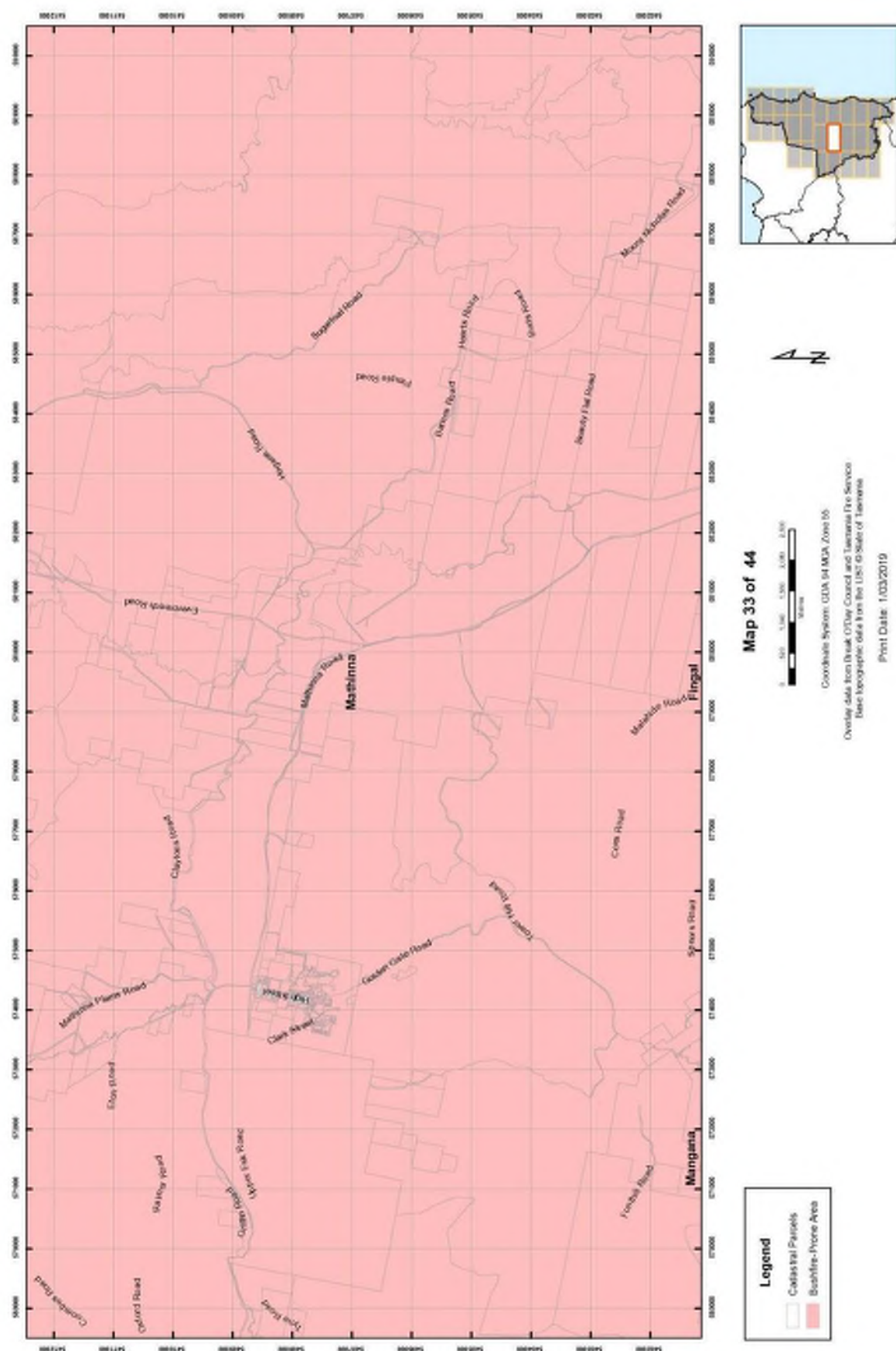
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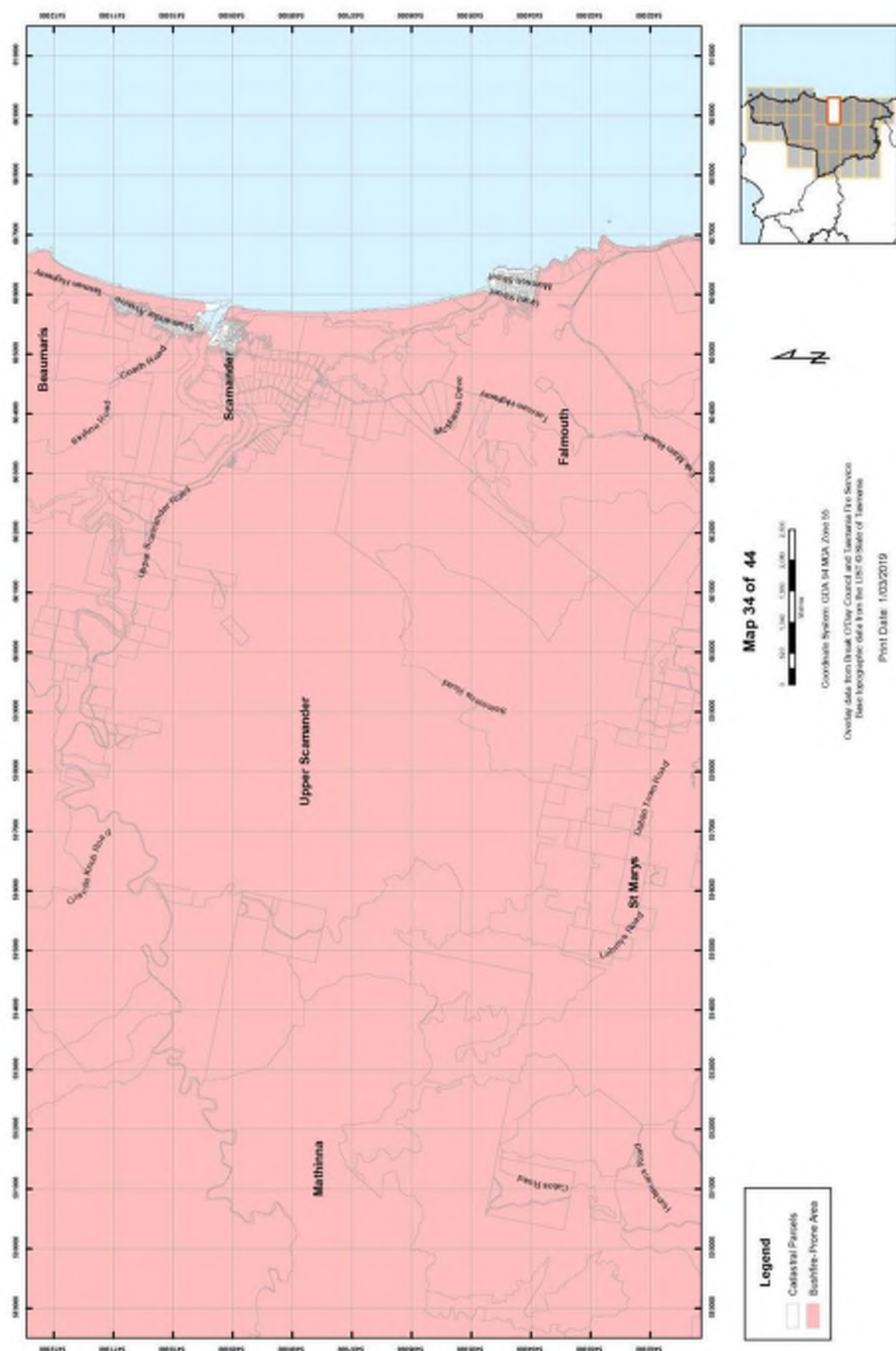
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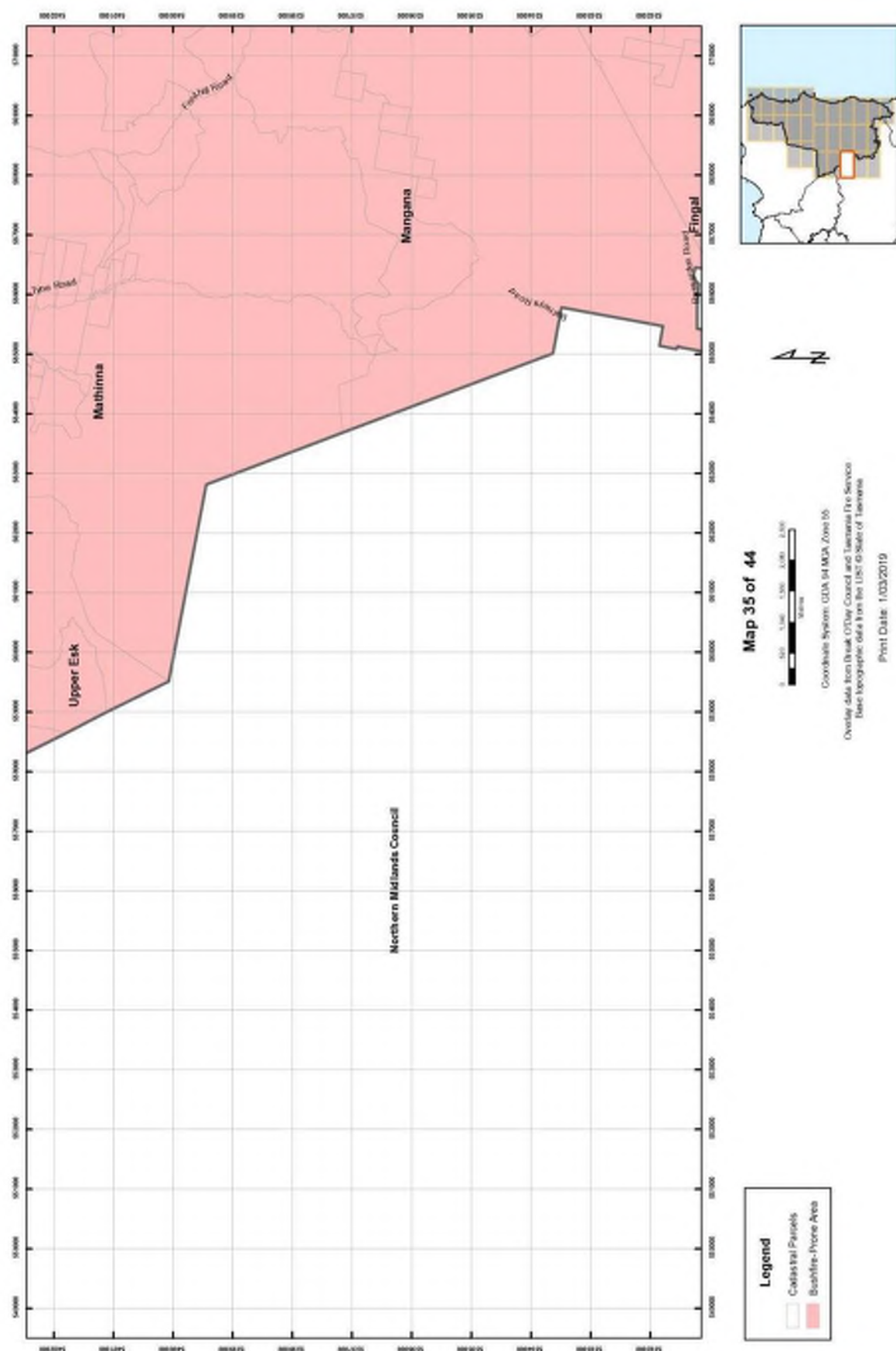
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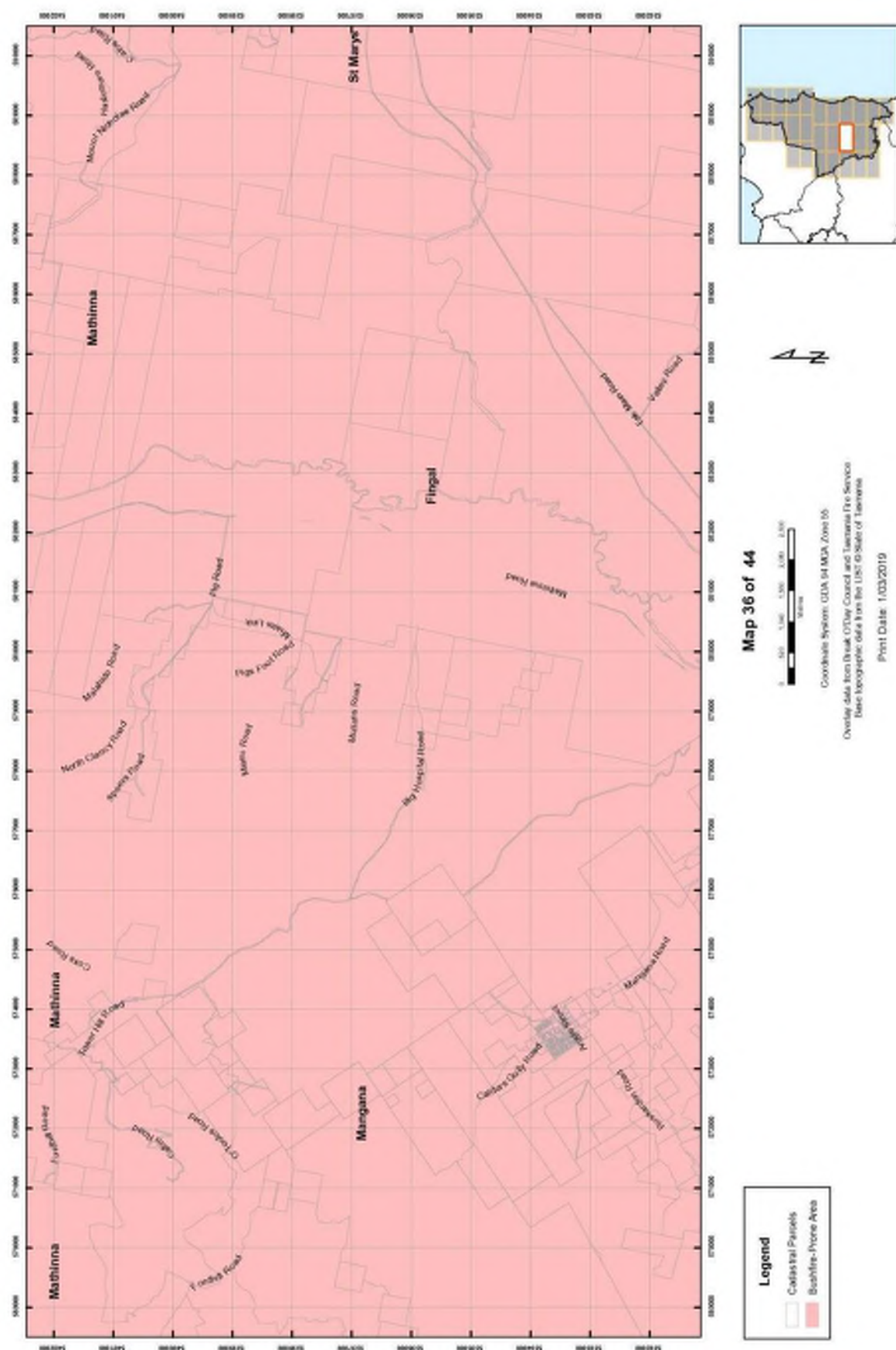
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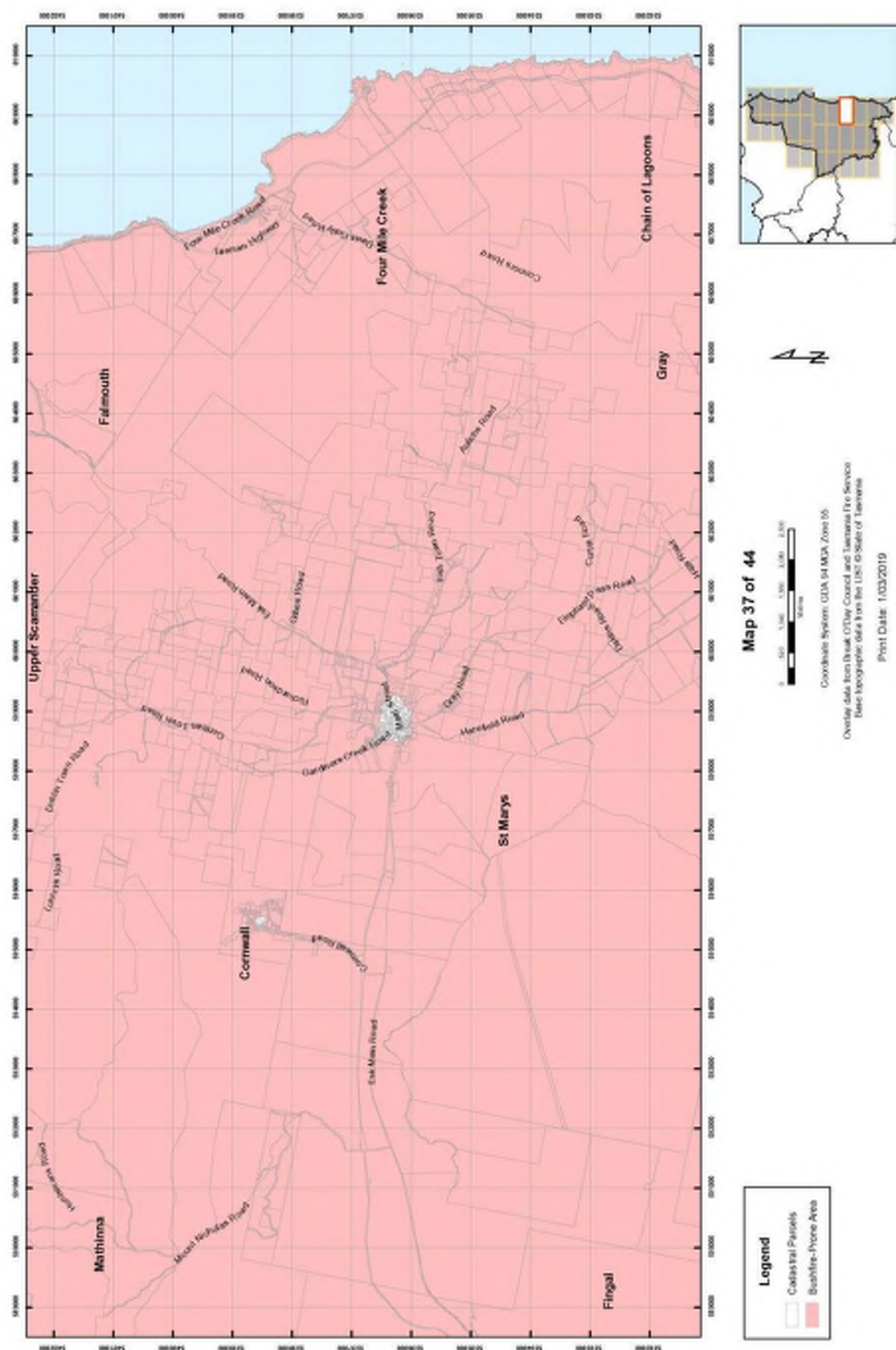
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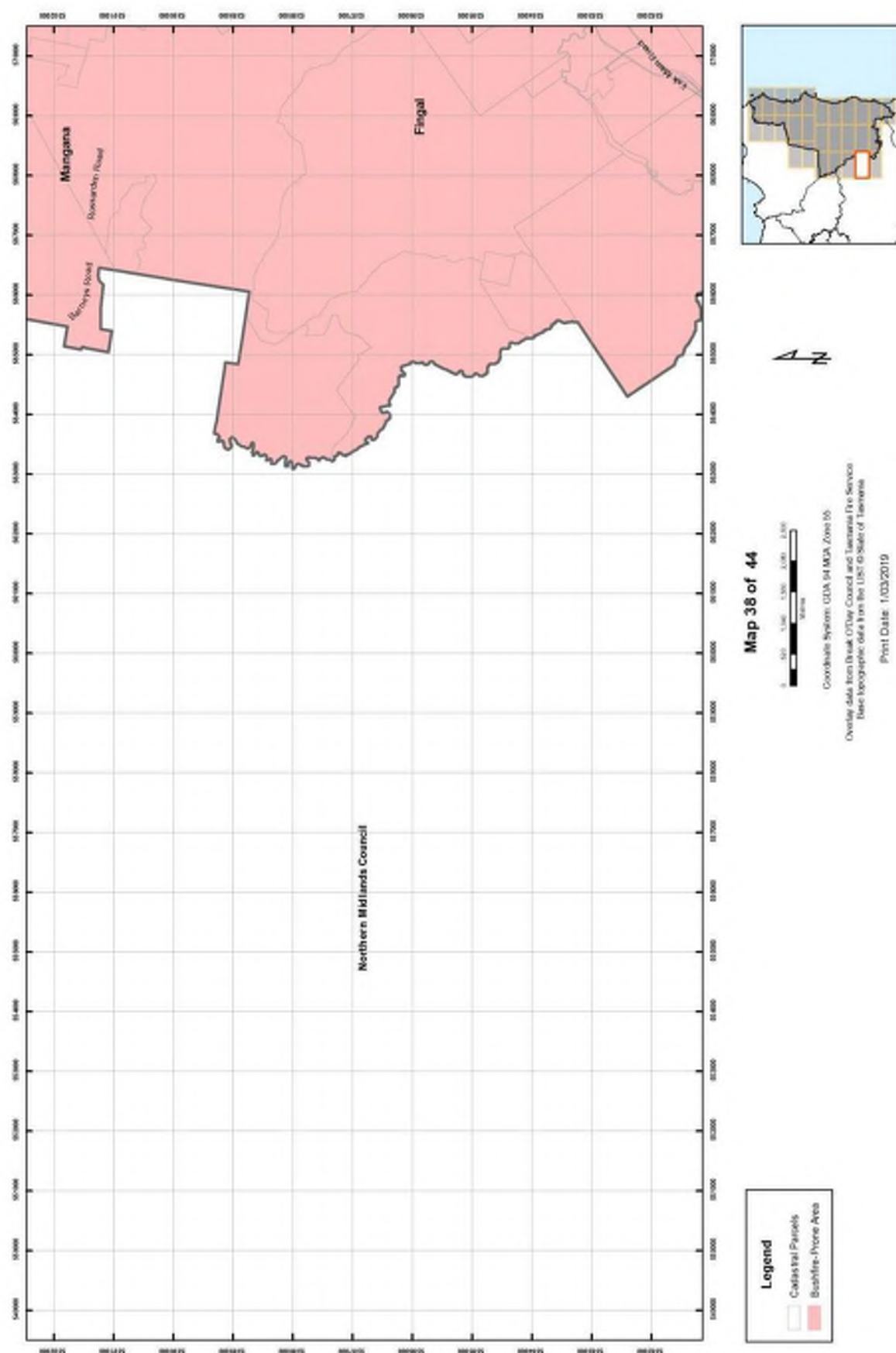
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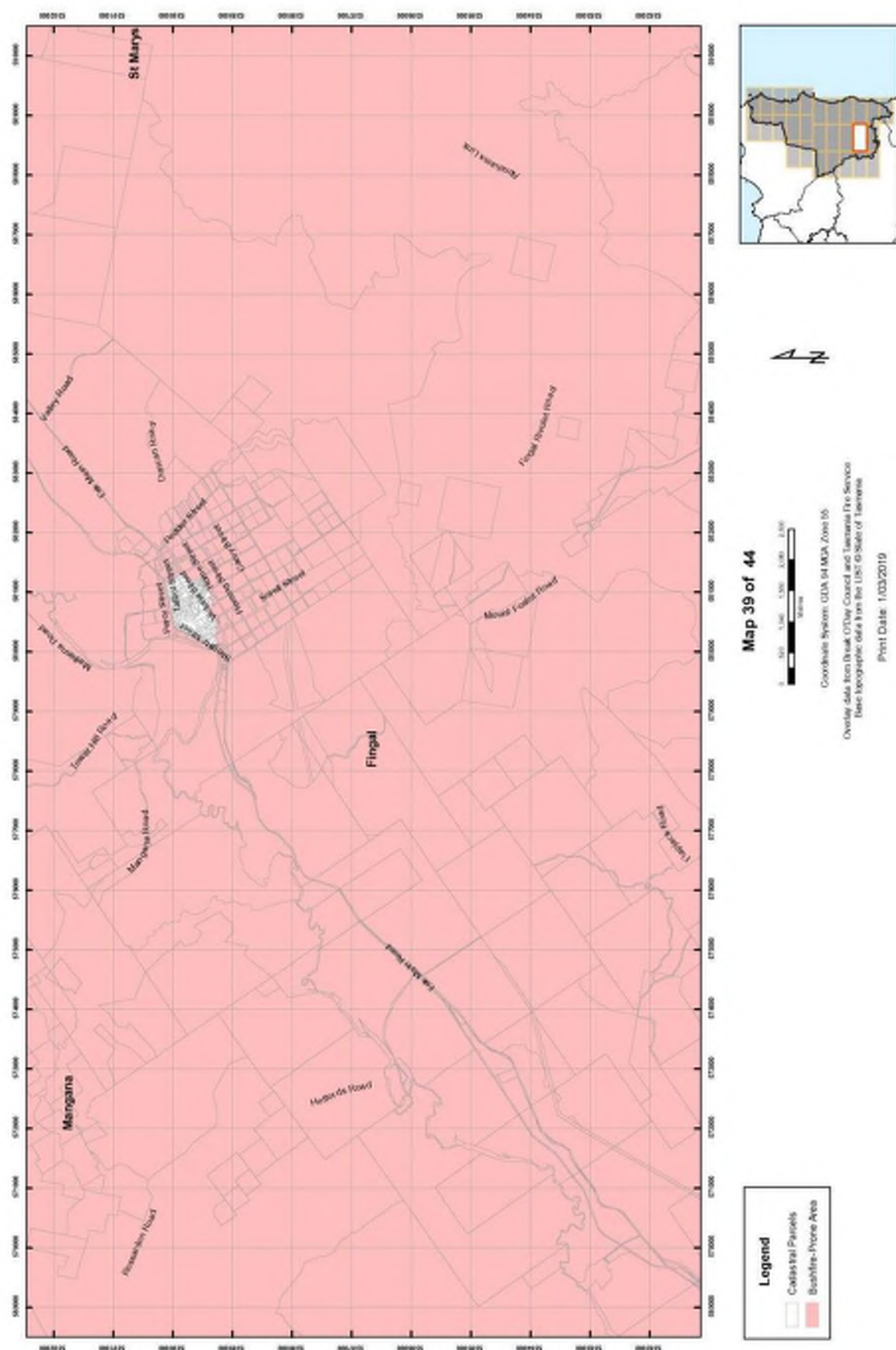
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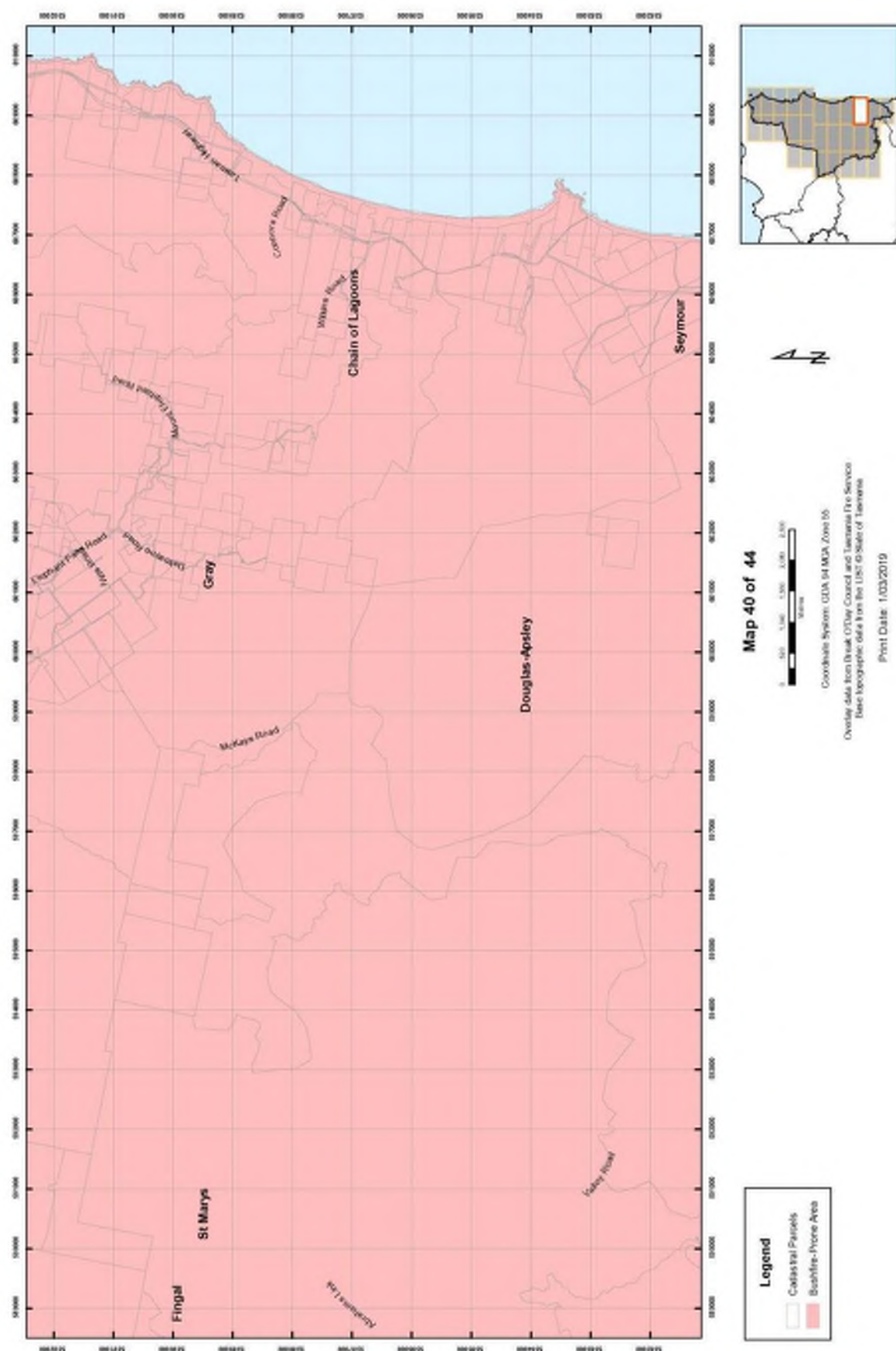
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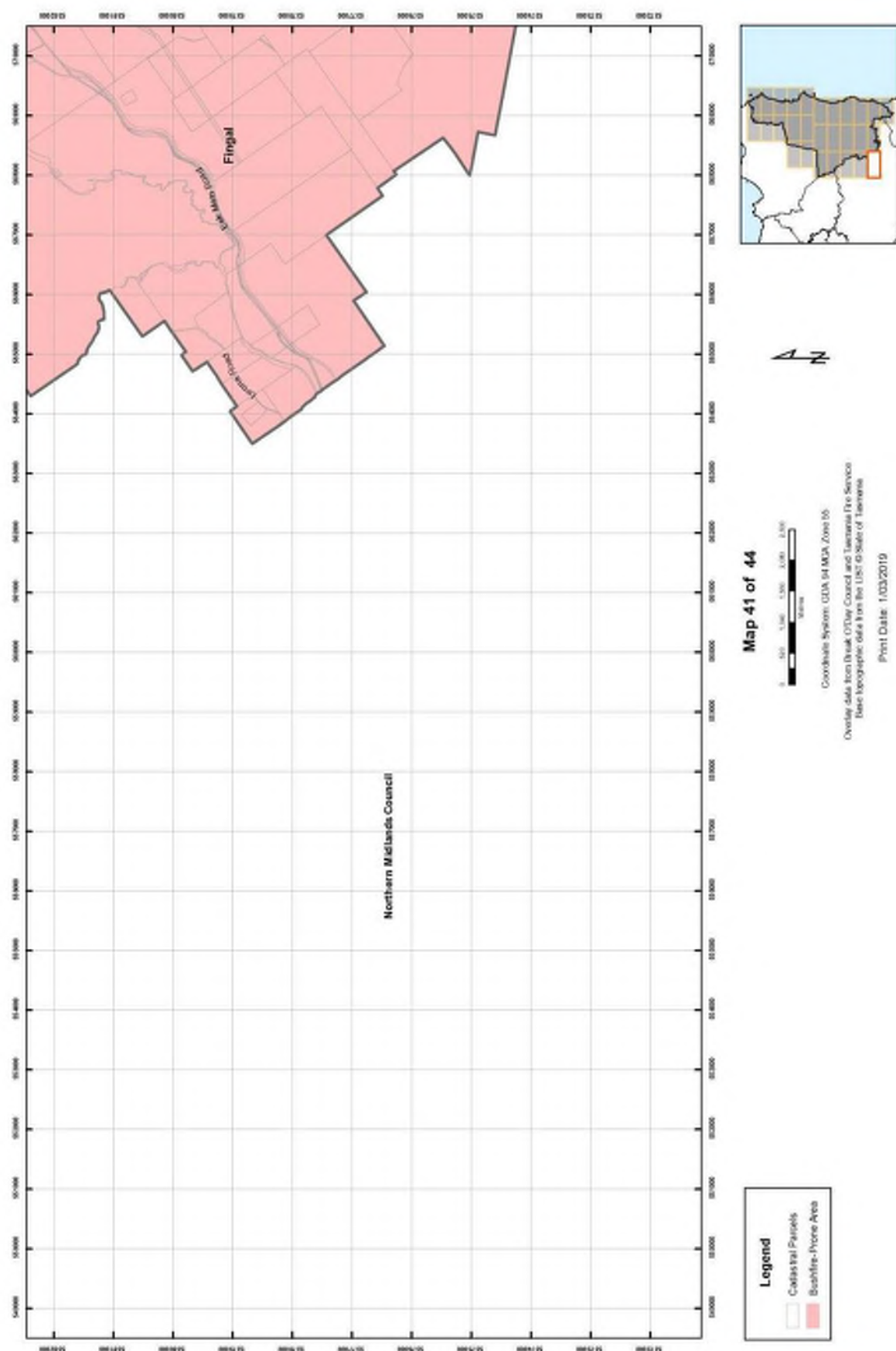
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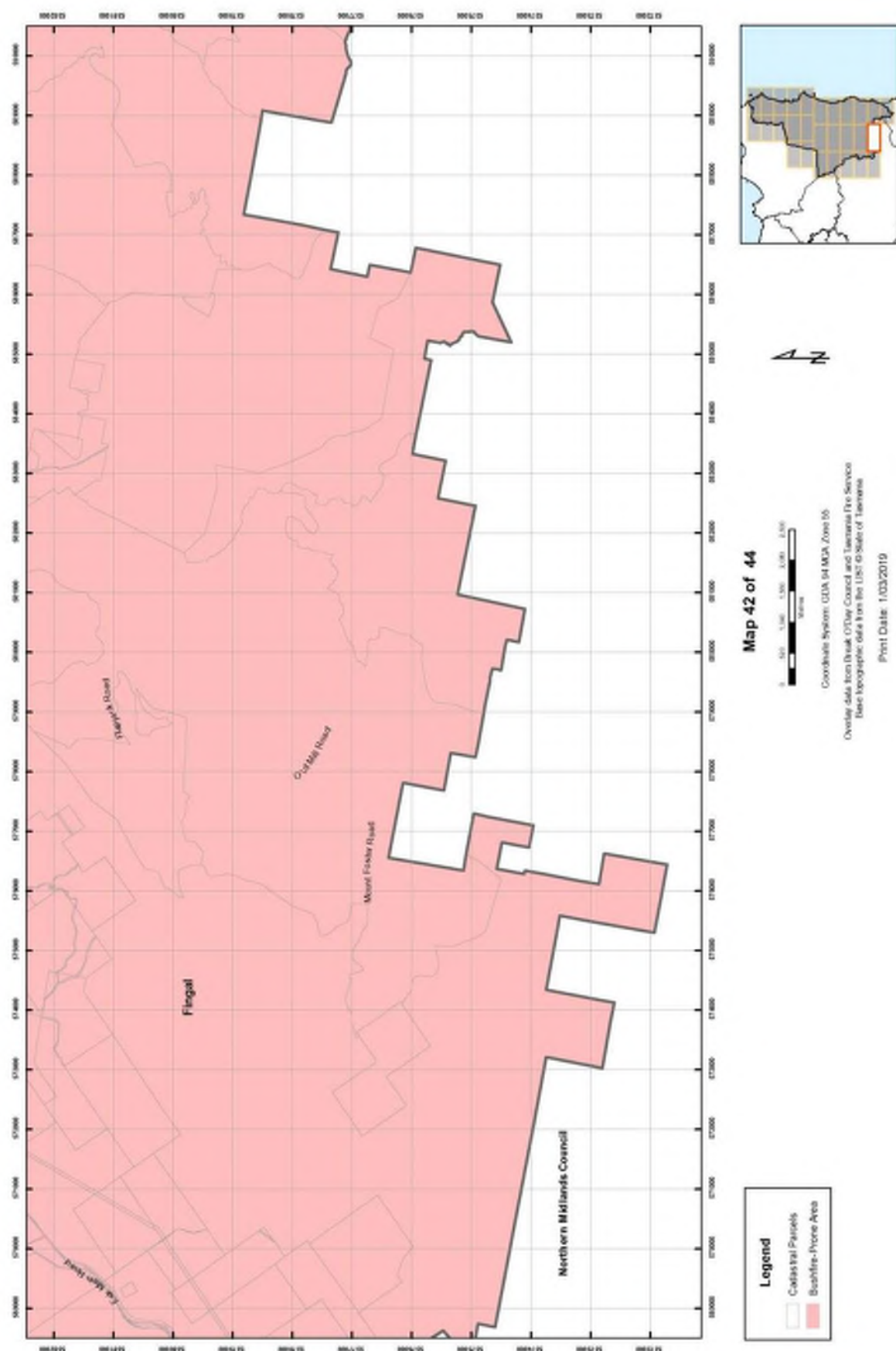
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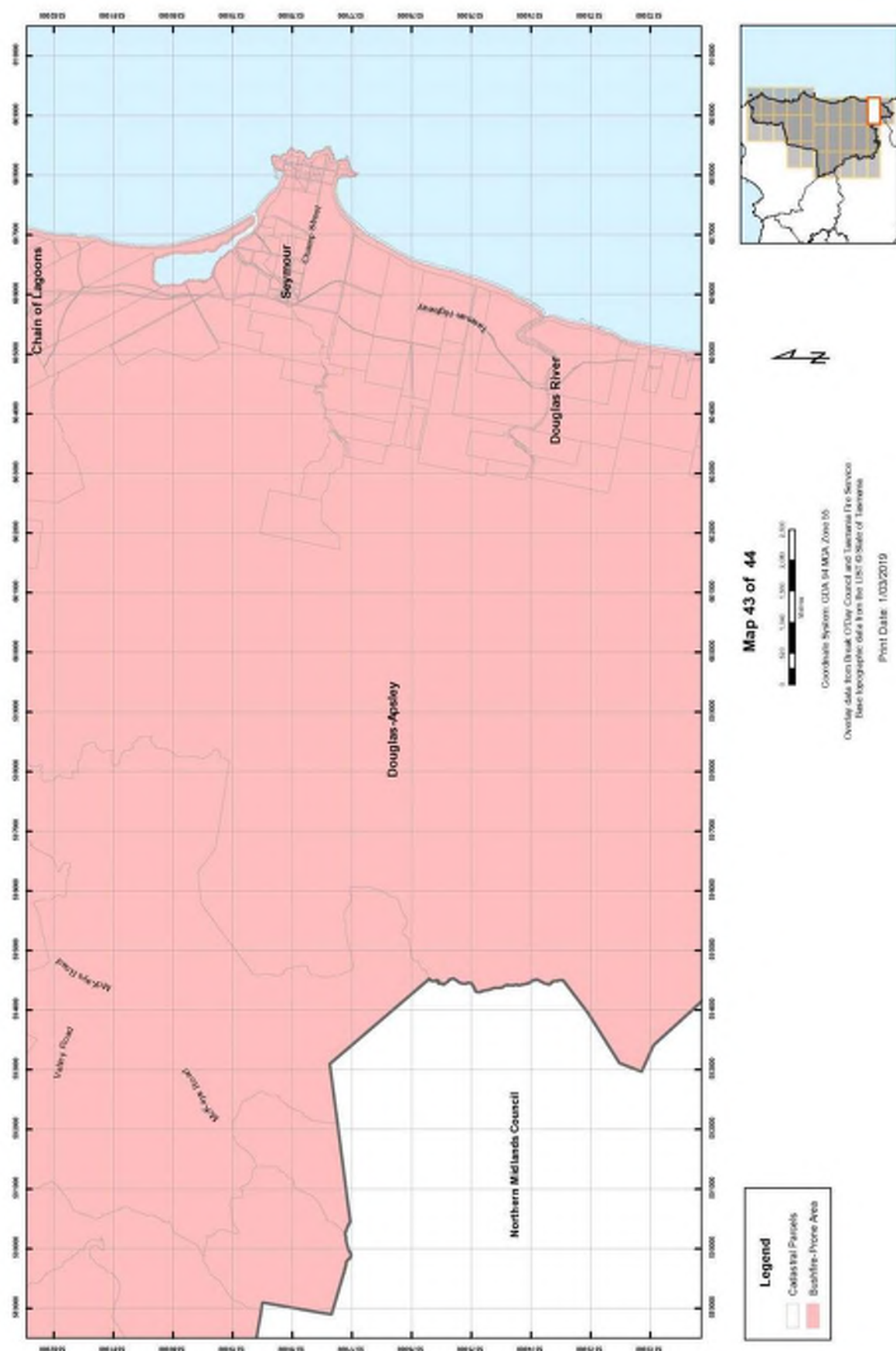
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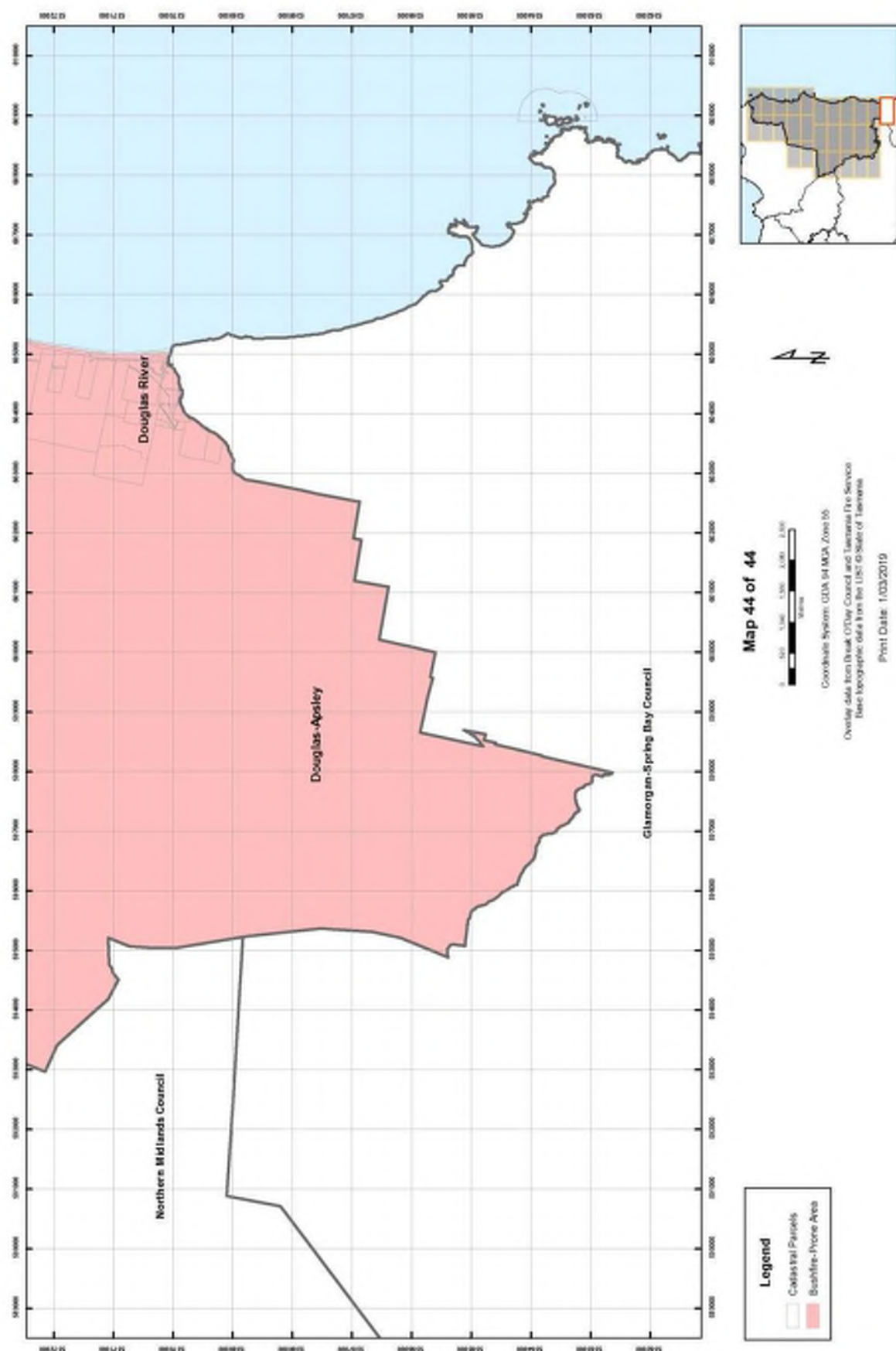
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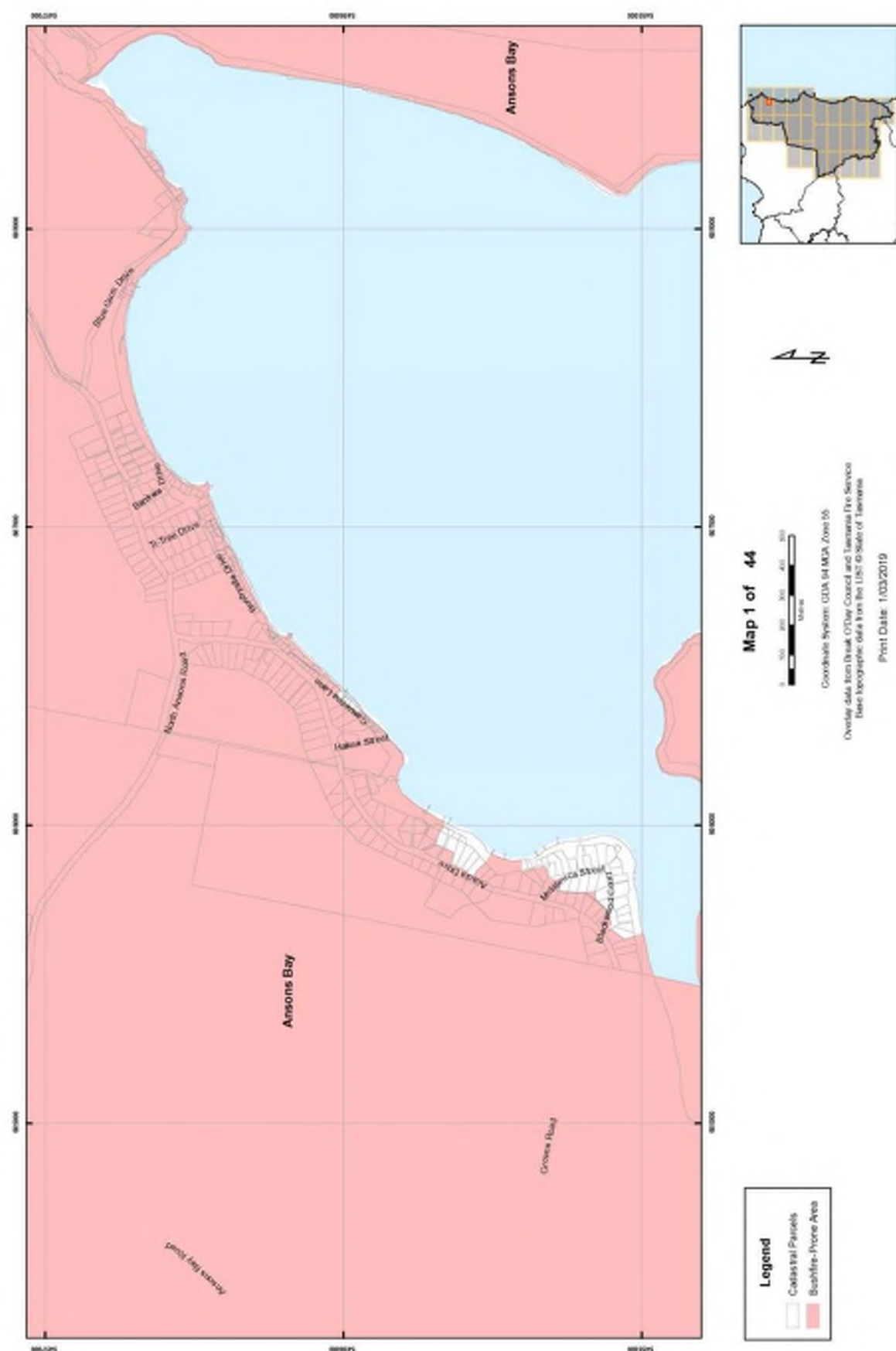
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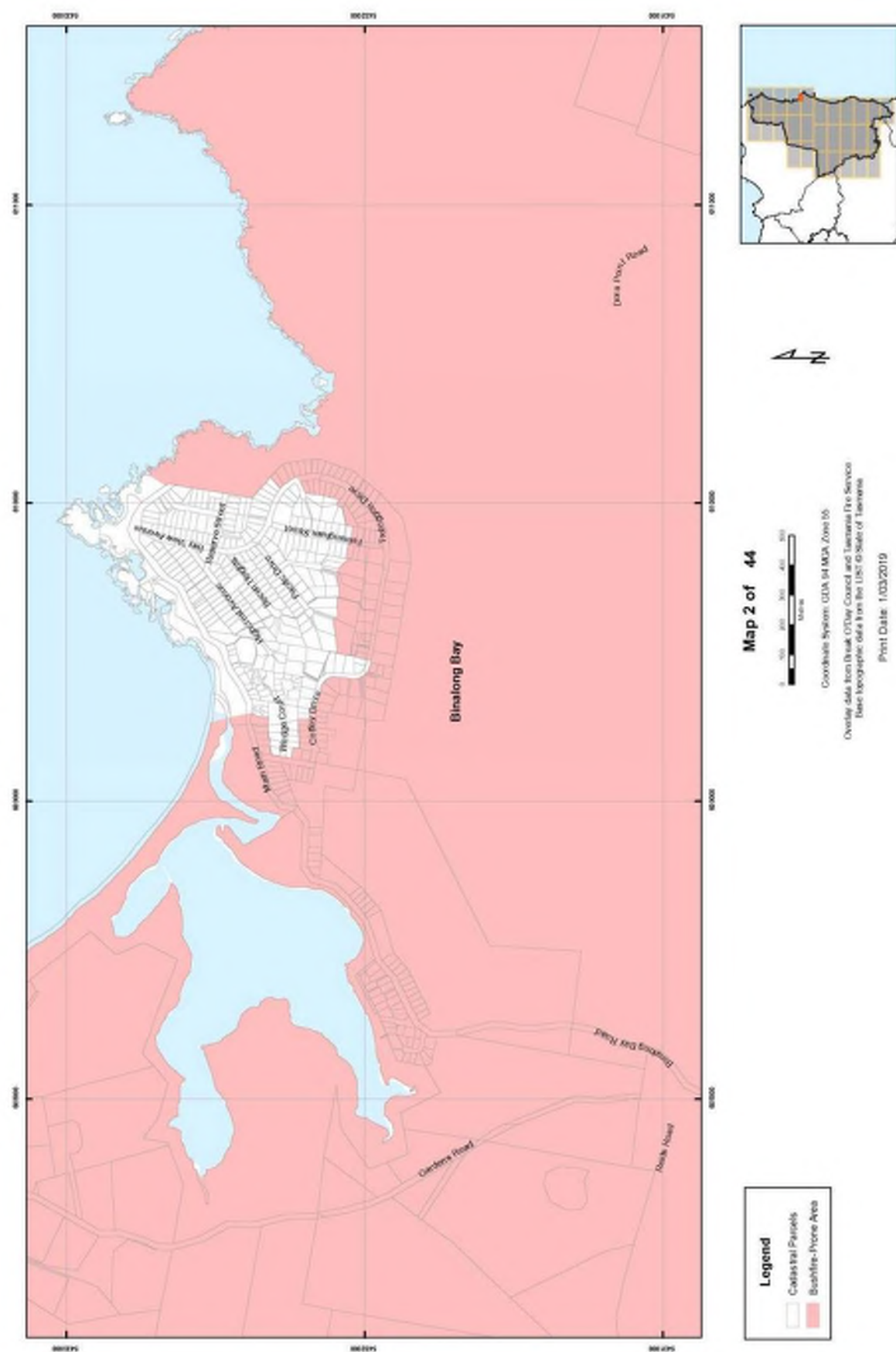
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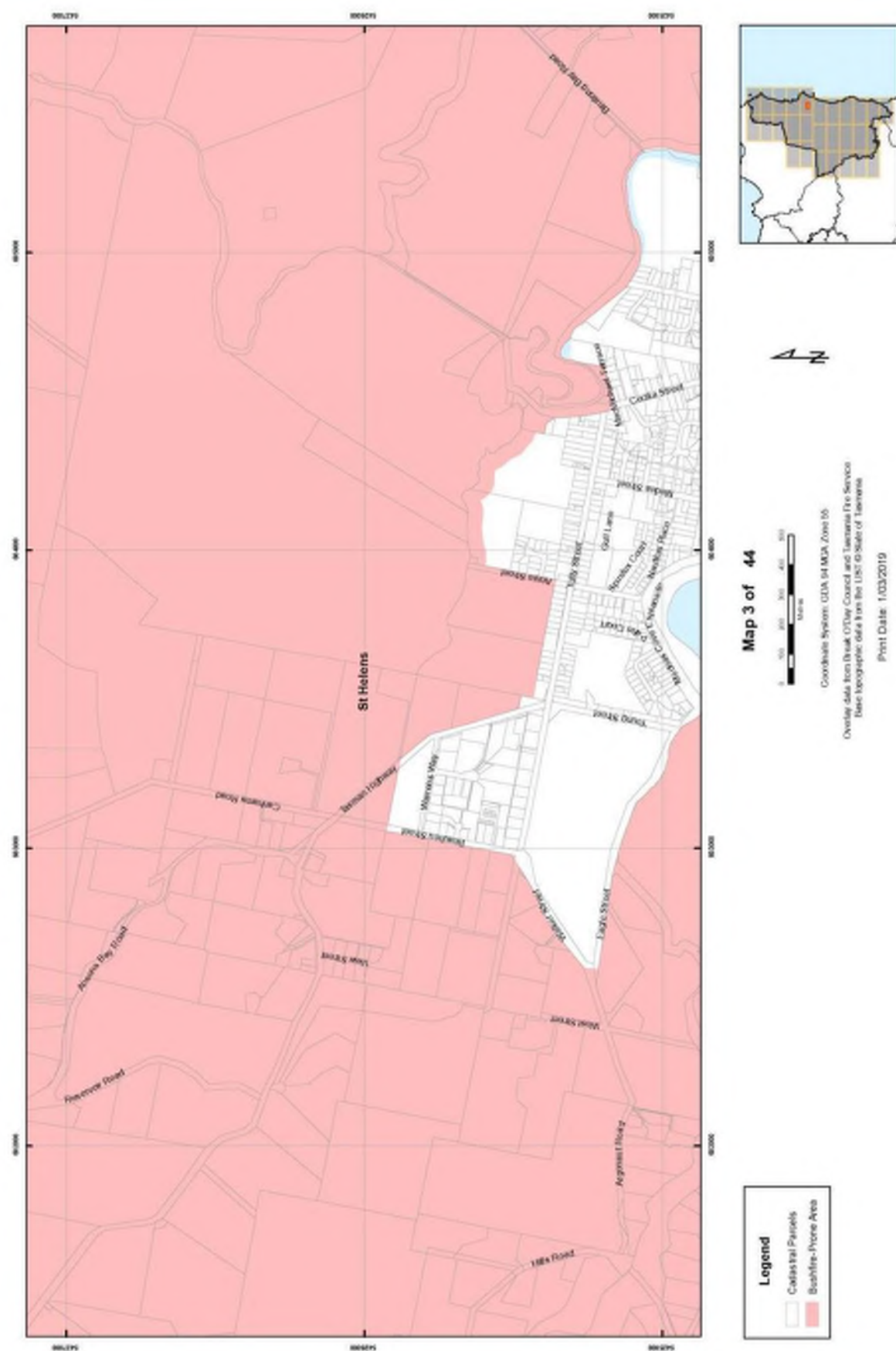
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BREAK O'DAY INTERIM PLANNING SCHEME 2013 - BUSHFIRE-PRONE AREAS OVERLAY



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Map 4 of 44

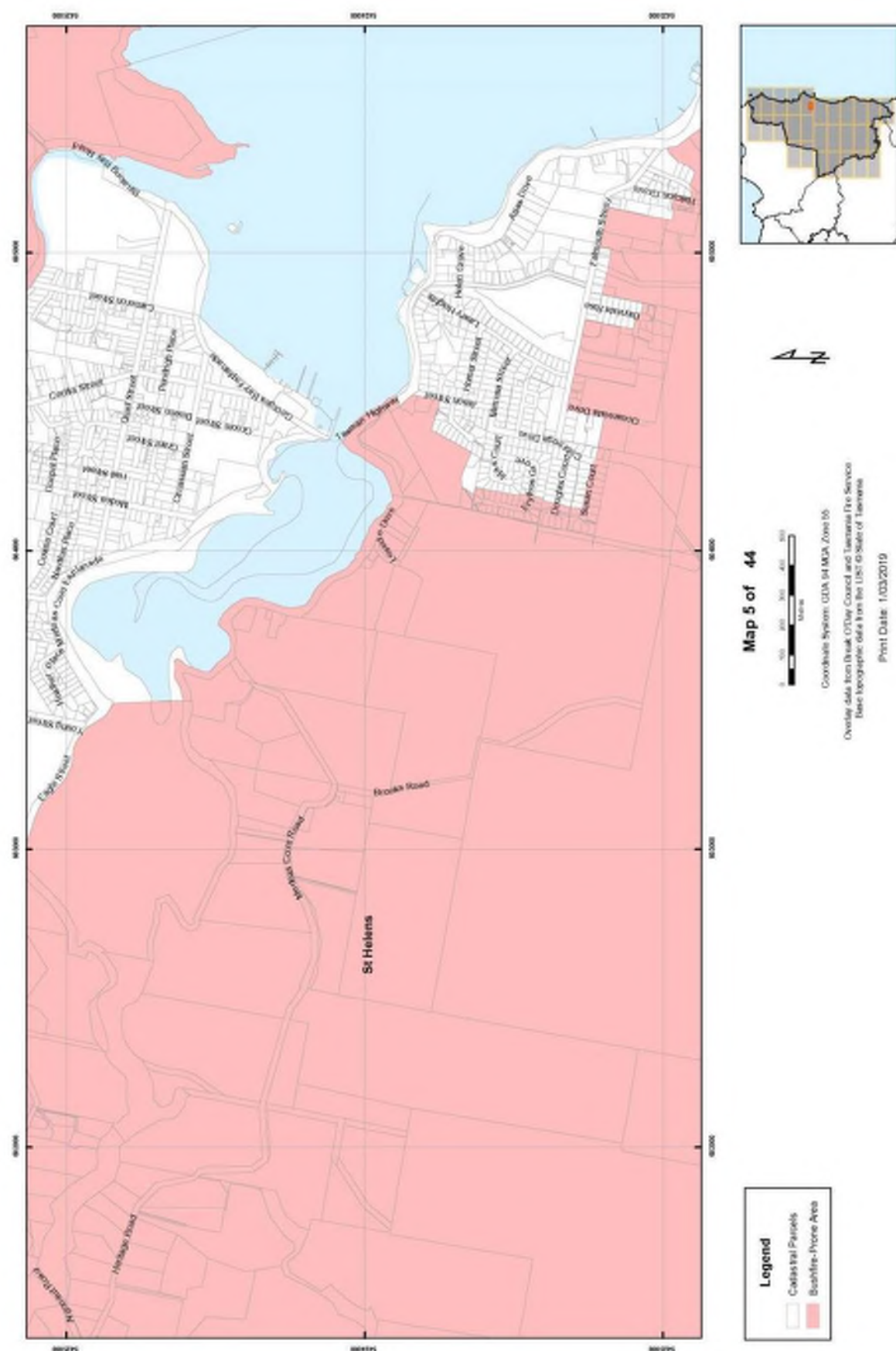
Coordinate System: GDA 94 MGA Zone 55

Overlay data from Brook O'Day Council and Tasmania Fire Service
Base biographic data from the 1987 40 State of Tasmania

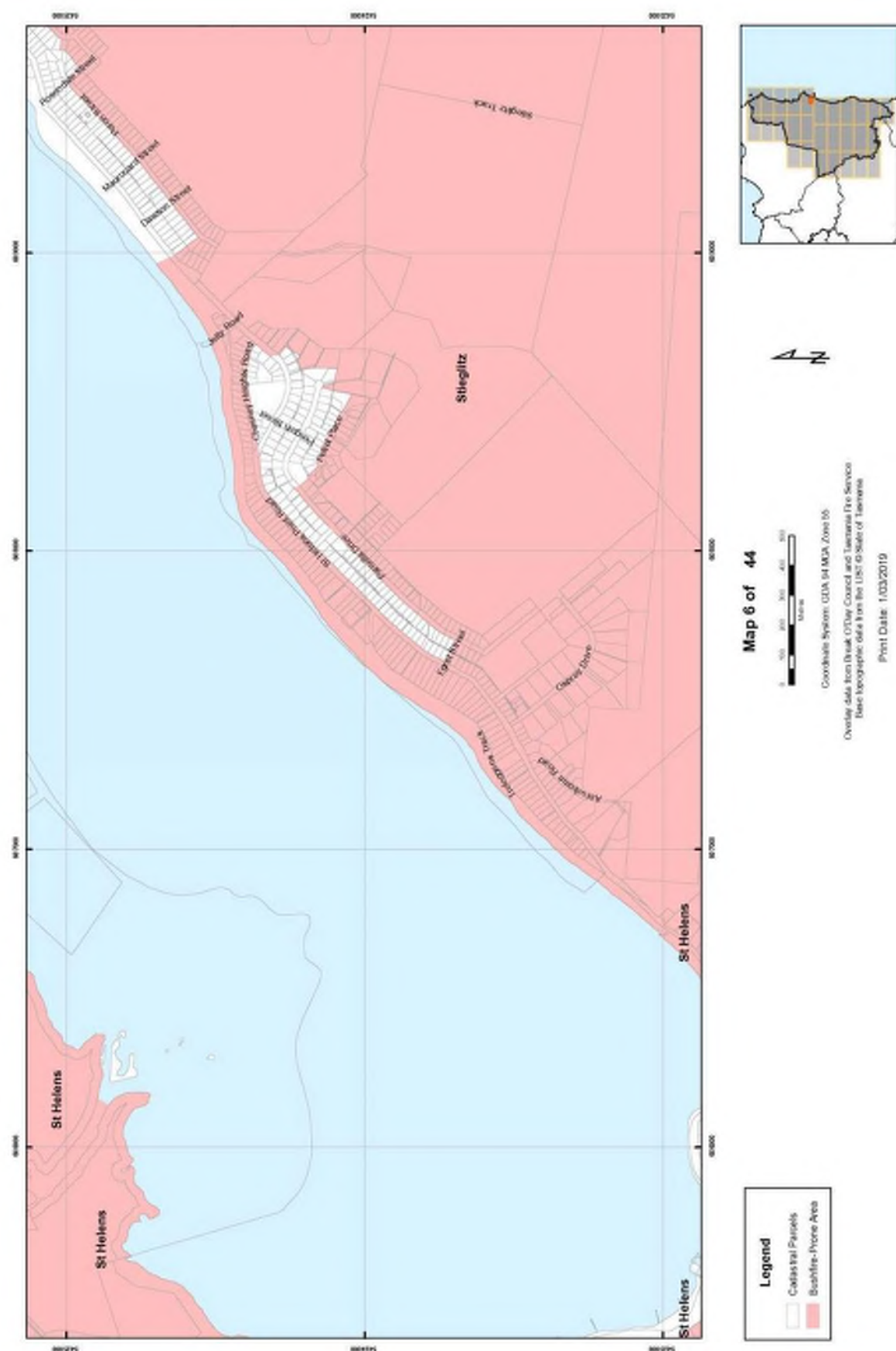
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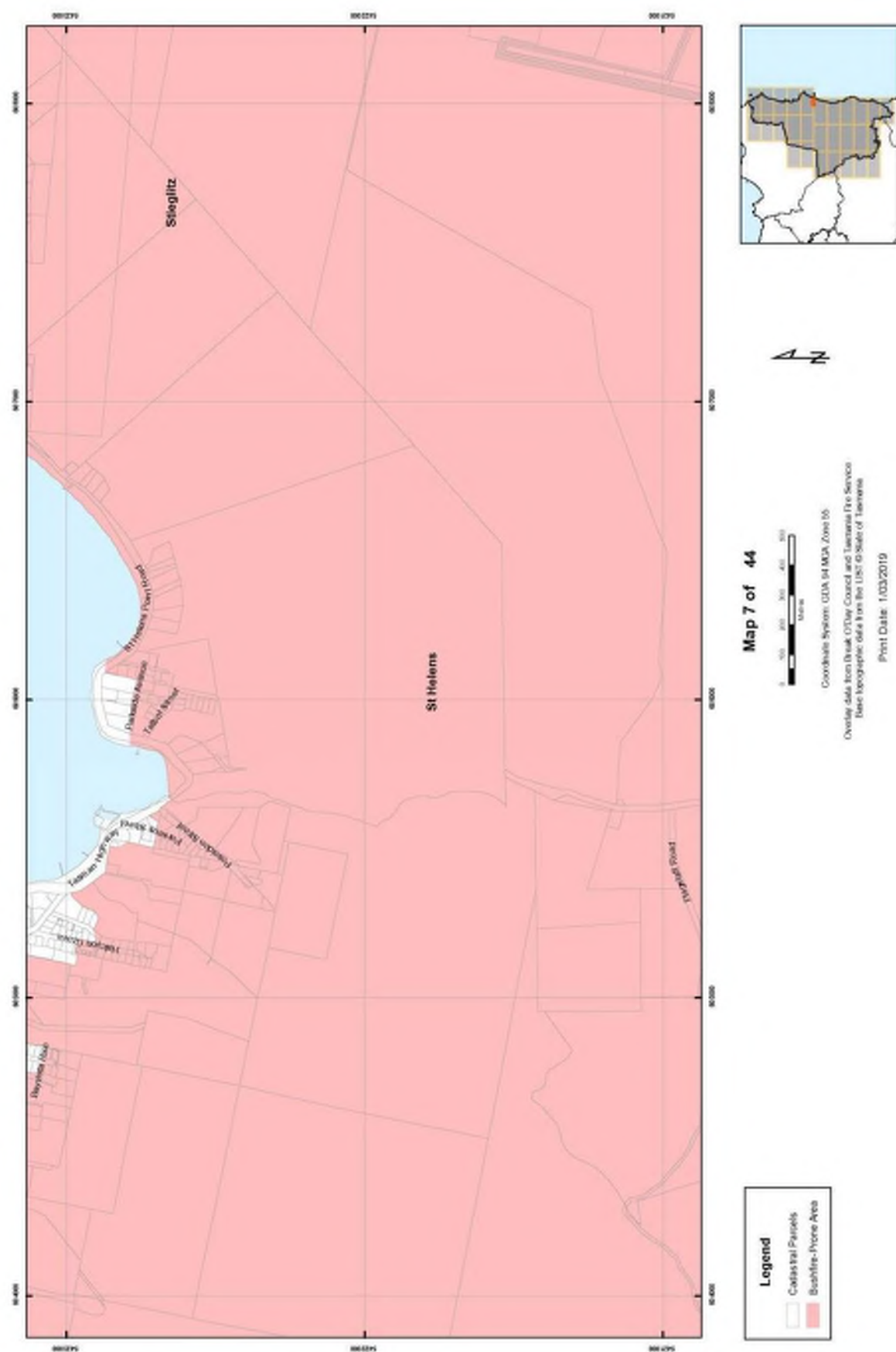
BREAK O'DAY INTERIM PLANNING SCHEME 2013 - BUSHFIRE-PRONE AREAS OVERLAY



BREAK O'DAY INTERIM PLANNING SCHEME 2013 - BUSHFIRE-PRONE AREAS OVERLAY



BREAK O'DAY INTERIM PLANNING SCHEME 2013 - BUSHFIRE-PRONE AREAS OVERLAY



The map shows the Beumant area with the River Great Ouse to the north. The A1000 runs east-west through the center. The A1001 runs north-south to the east of the A1000. The proposed Beumant Community Centre site is marked with a red outline and labeled 'Beumant Community Centre'. Other labeled areas include 'Beumant Primary School', 'Beumant Junior School', and 'Beumant Community Centre'. The map also shows 'Cush Road' and 'Upper Scamander'. The map is oriented with North at the top.



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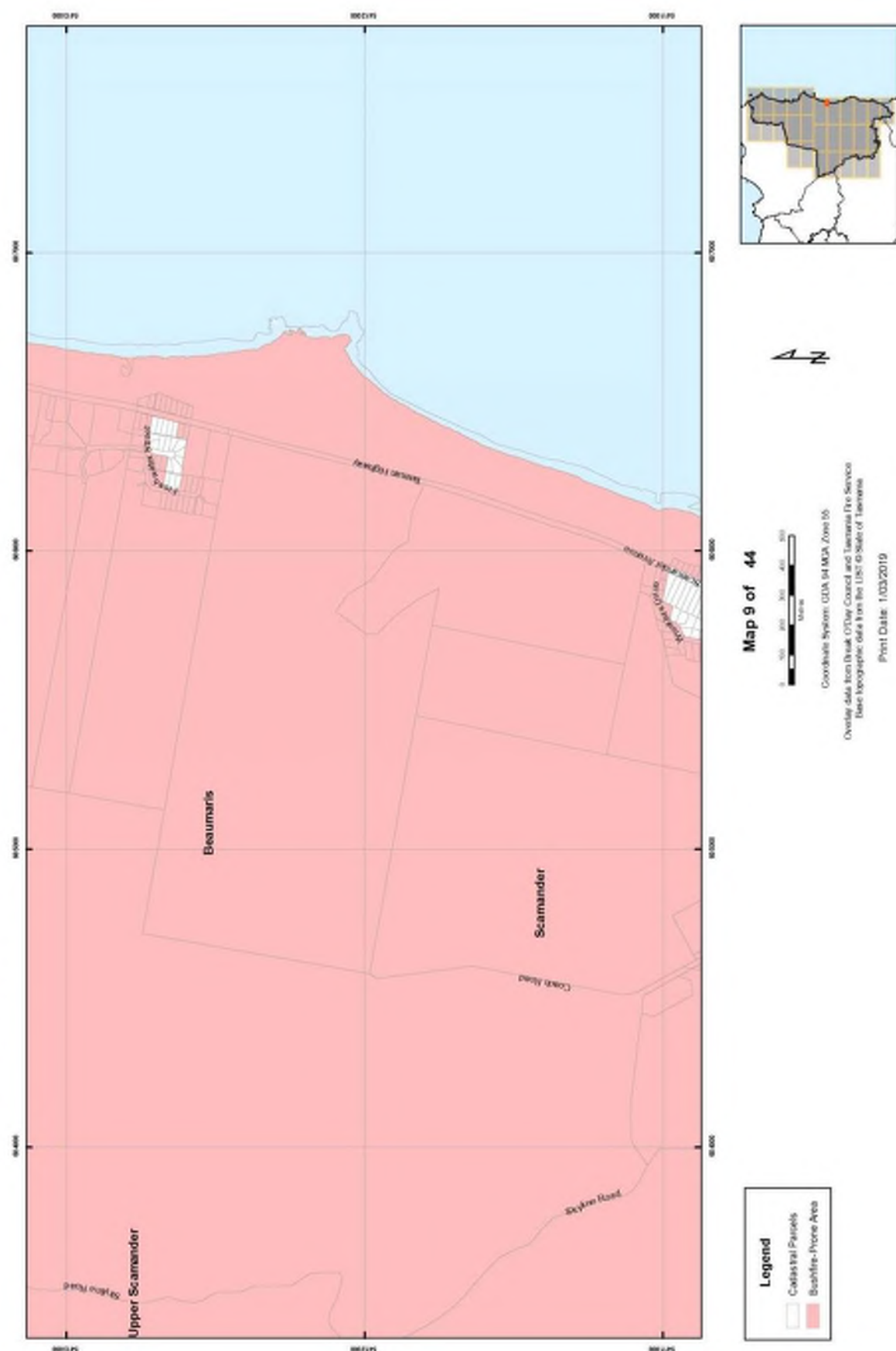


Coordinate Systems: CIMA 94 MCA Zone 65

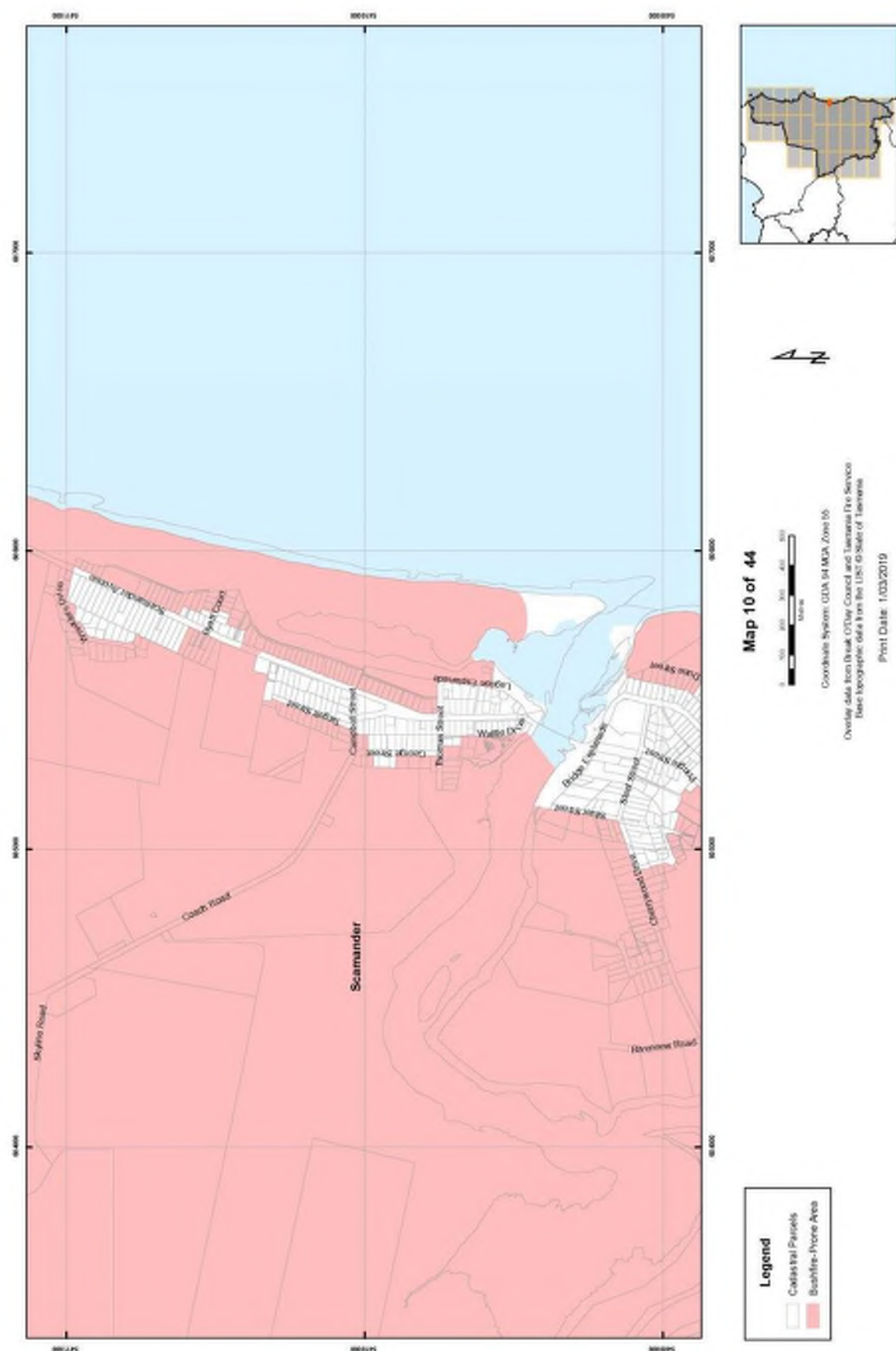
Overlay data from Break O'Day Council and Tasmania Fire Service
Base biographic data from the 1987 40 State of Tasmania

Print Date: 1/03/2019

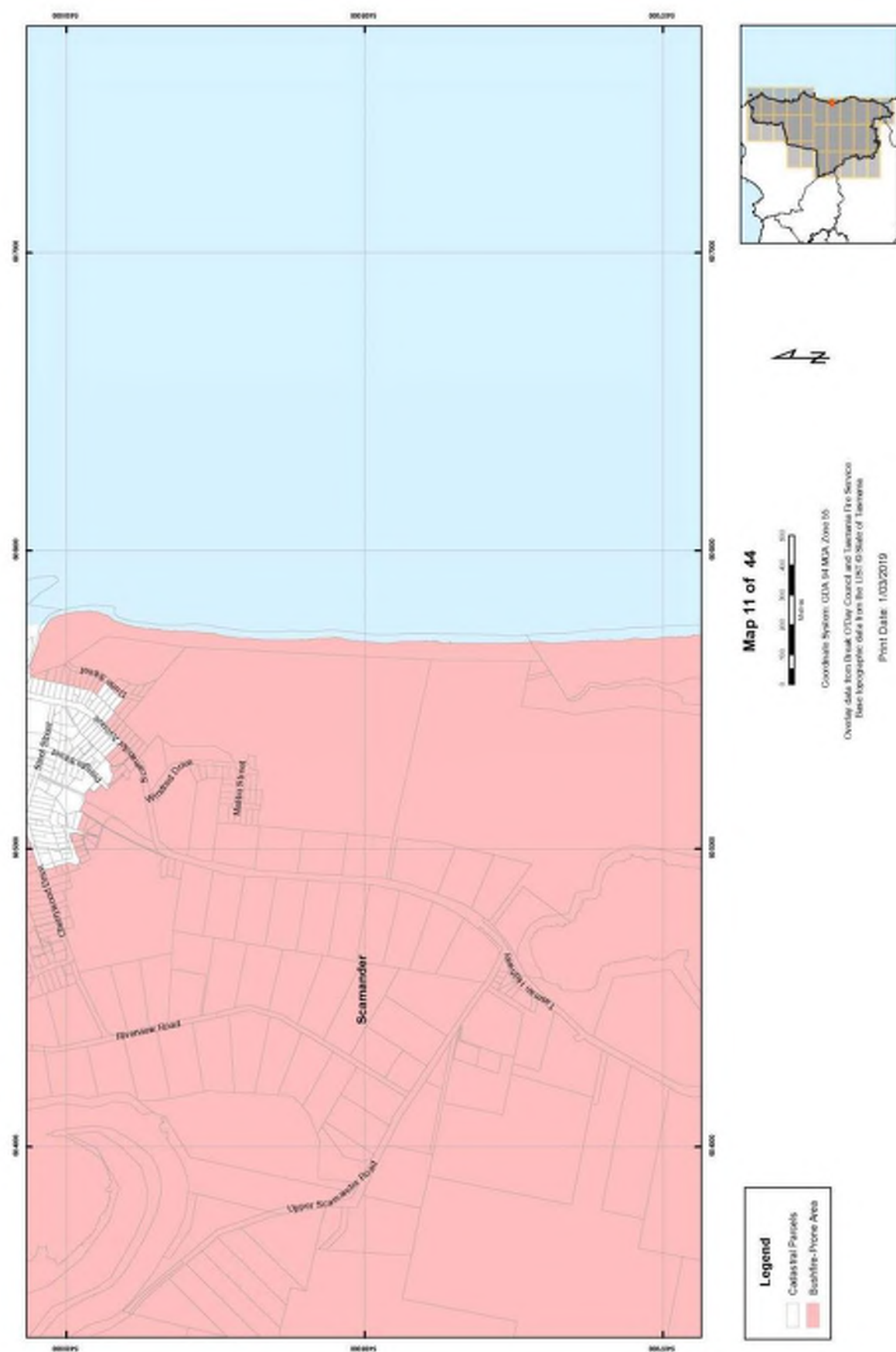
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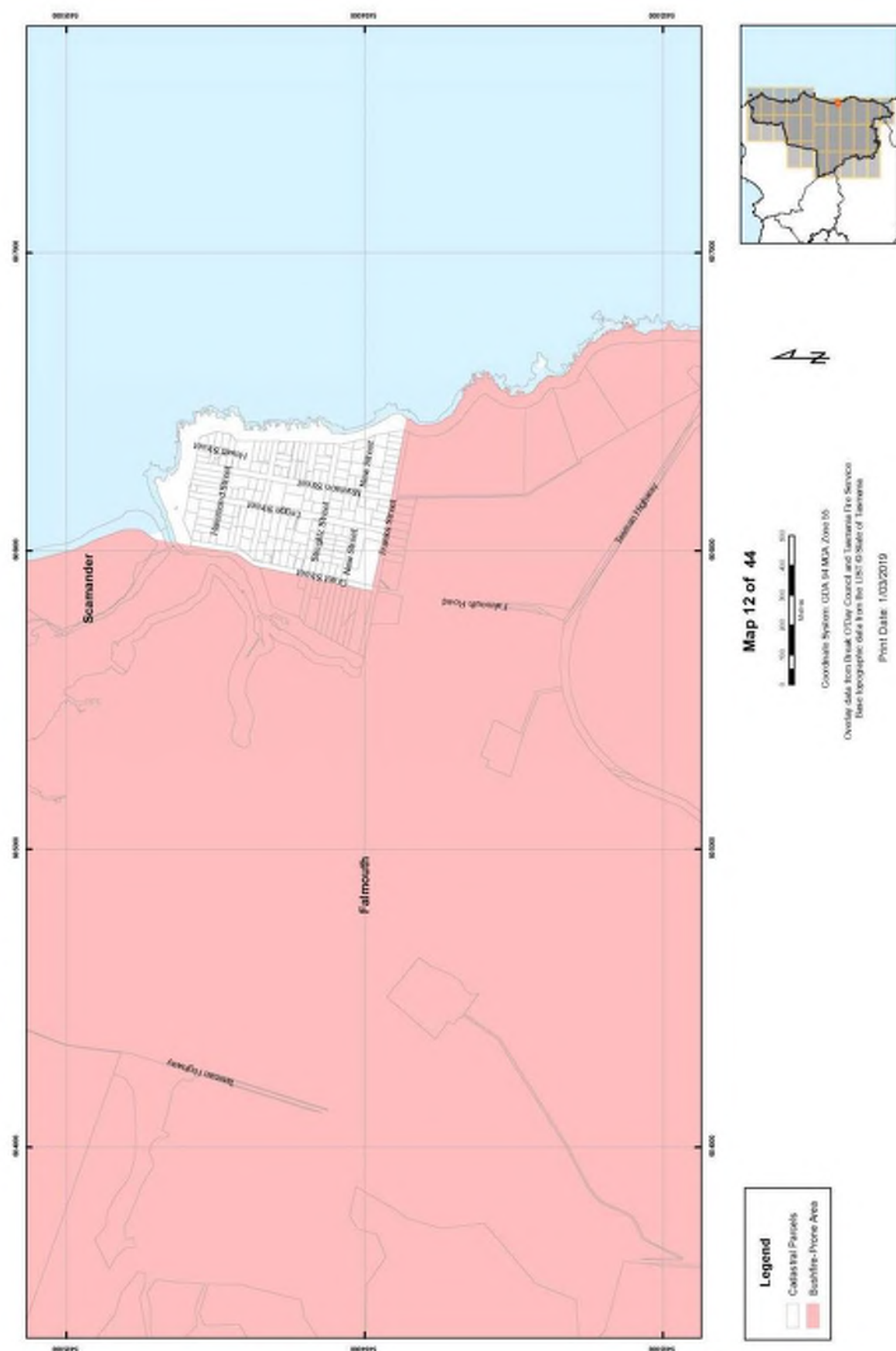
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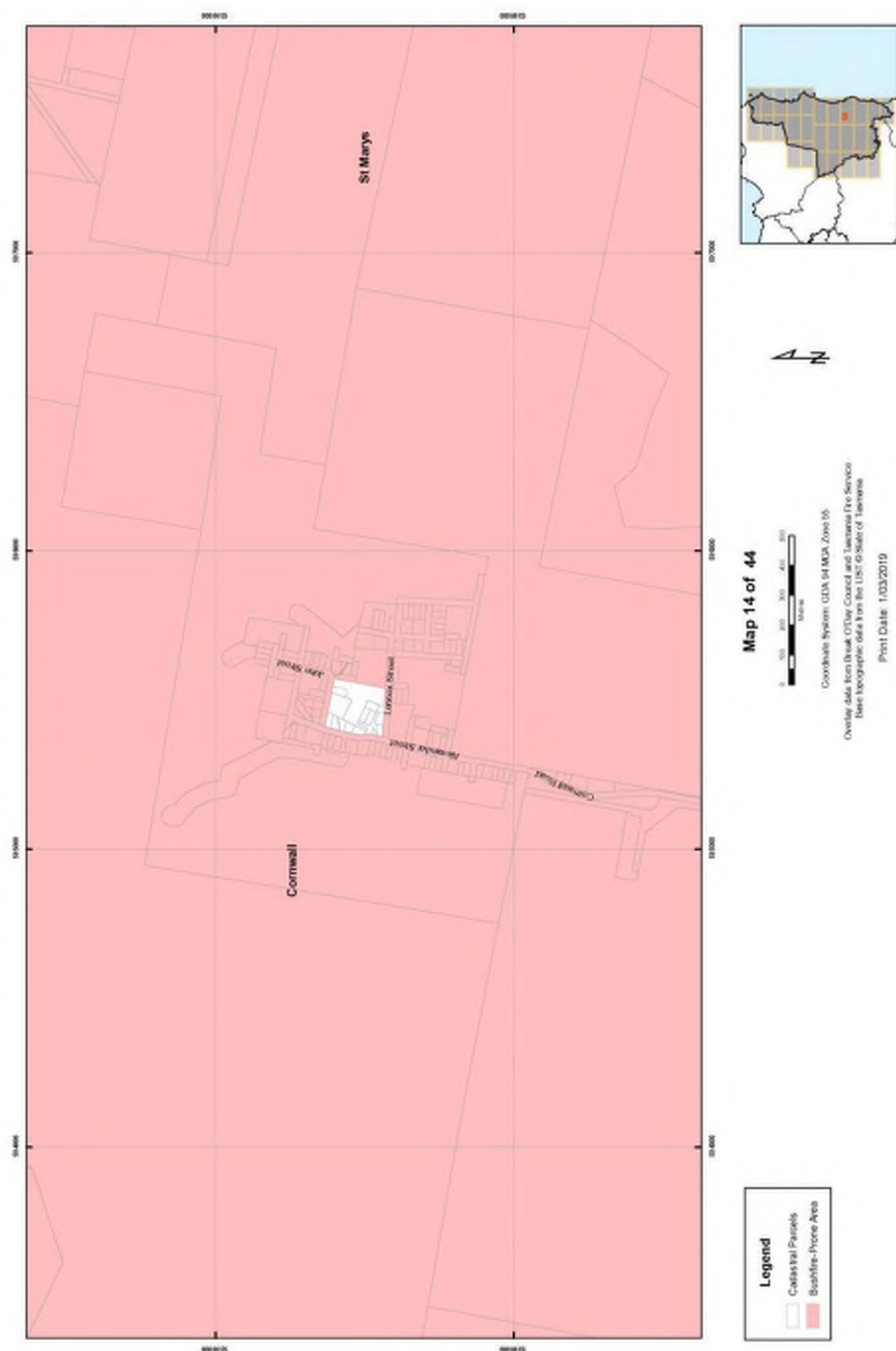
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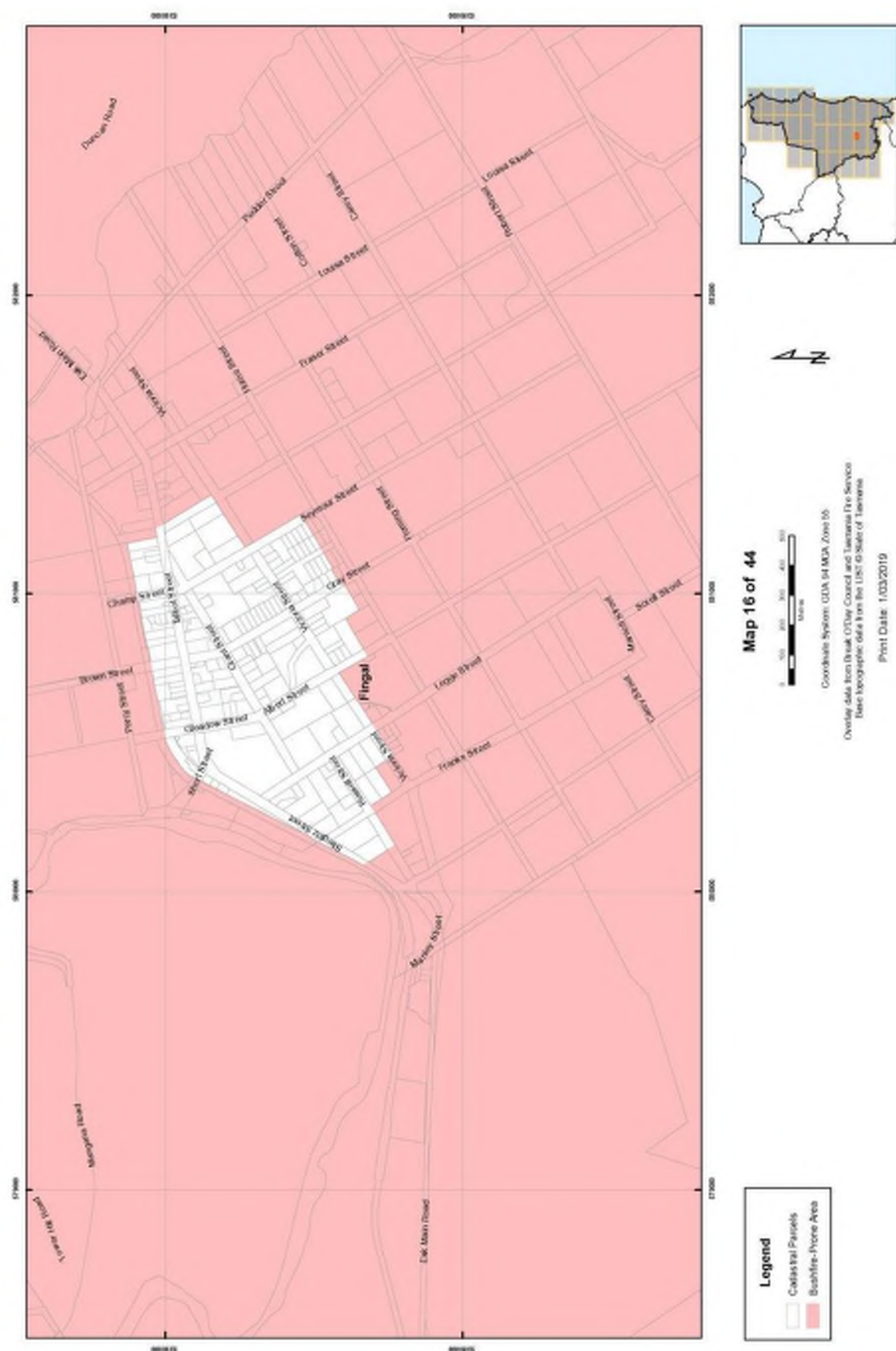
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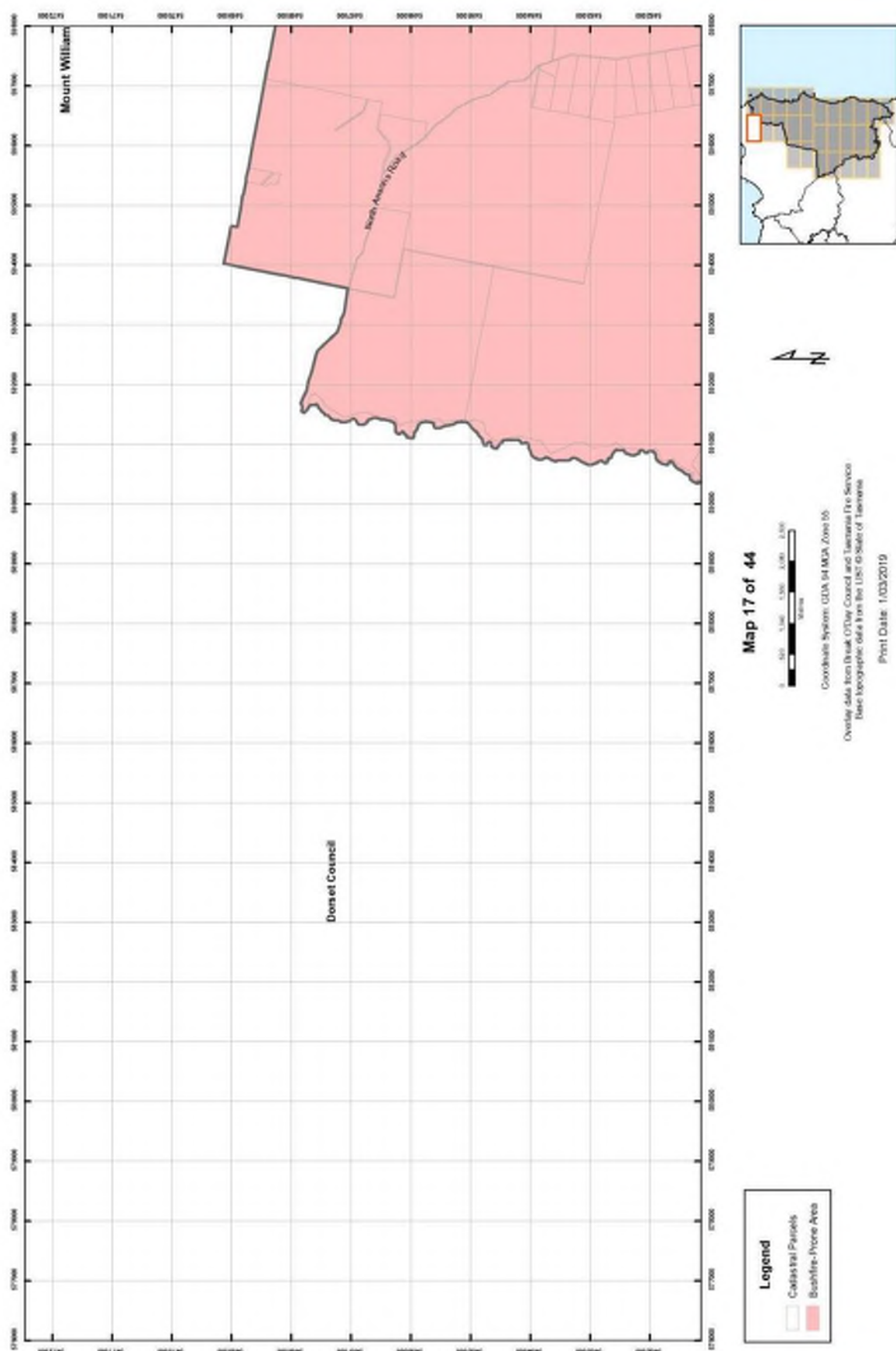
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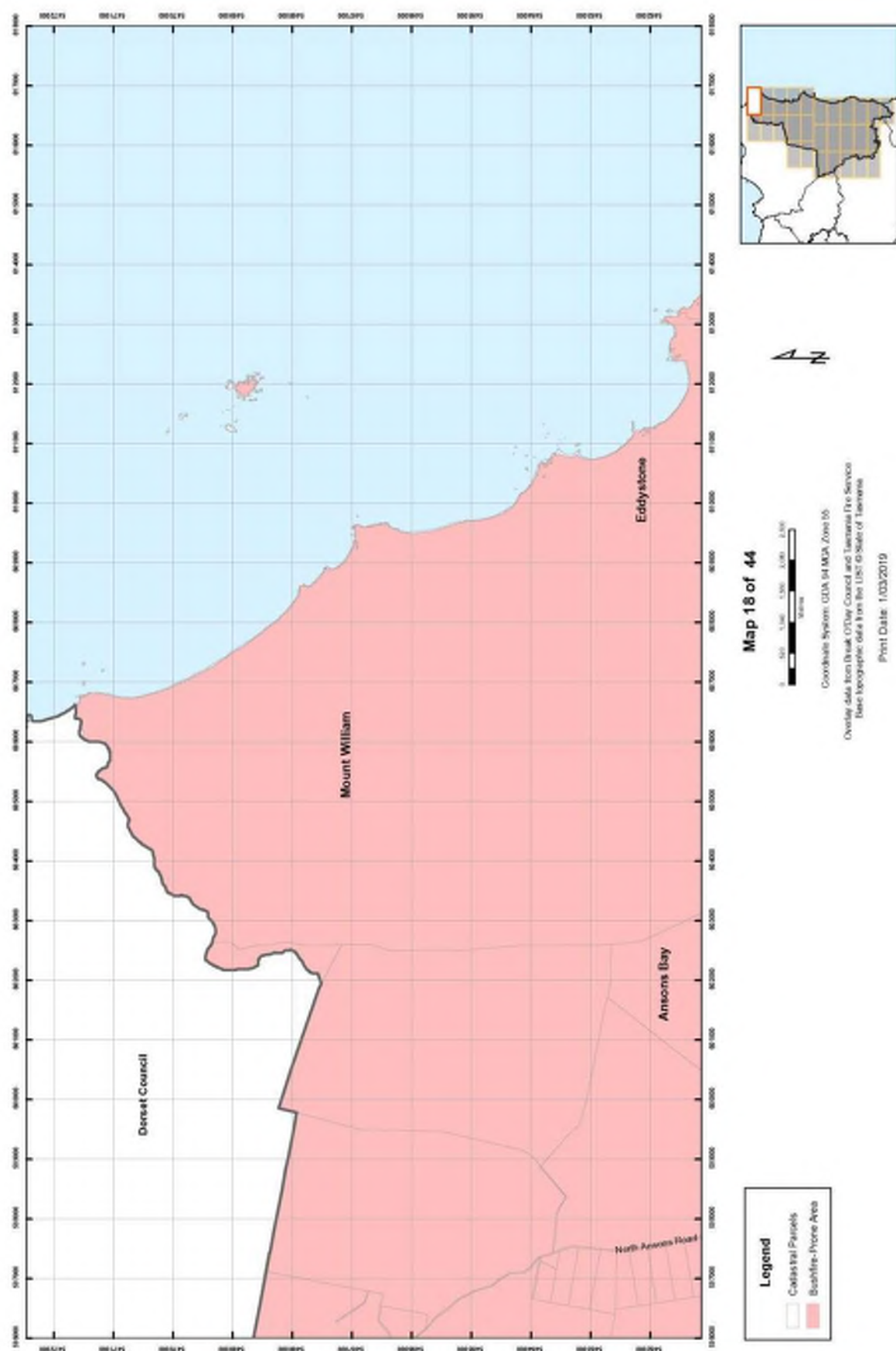
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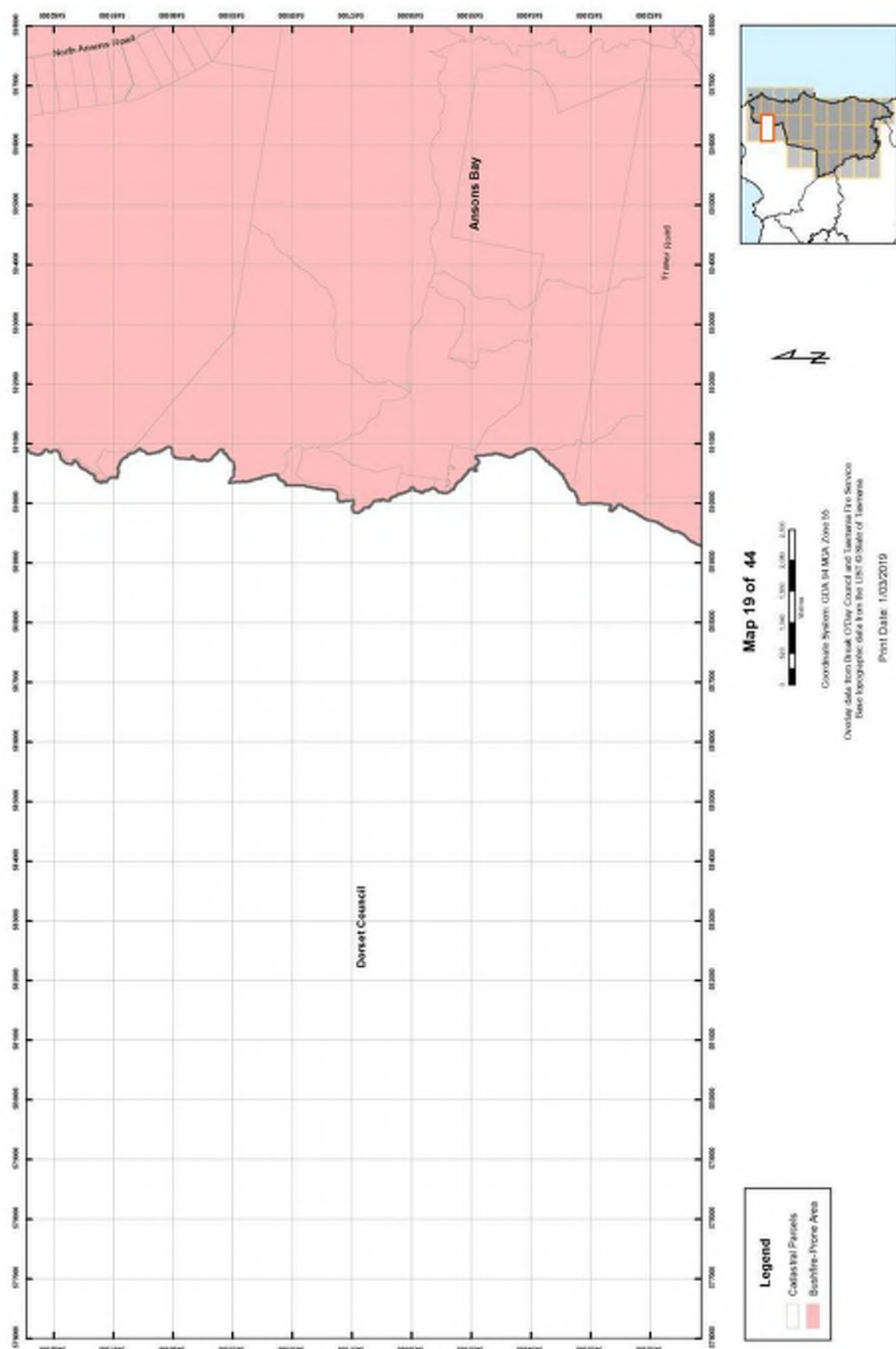
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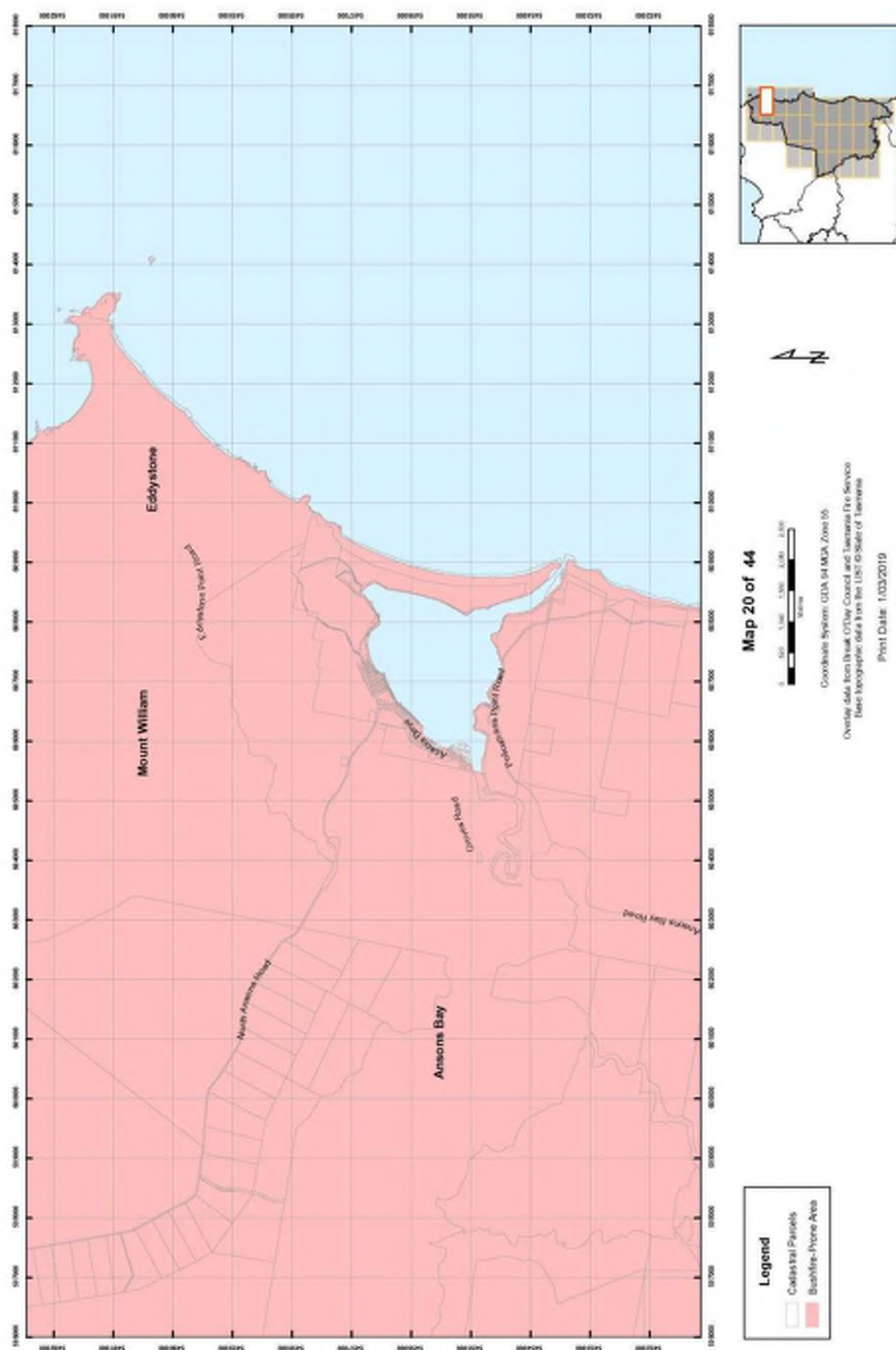
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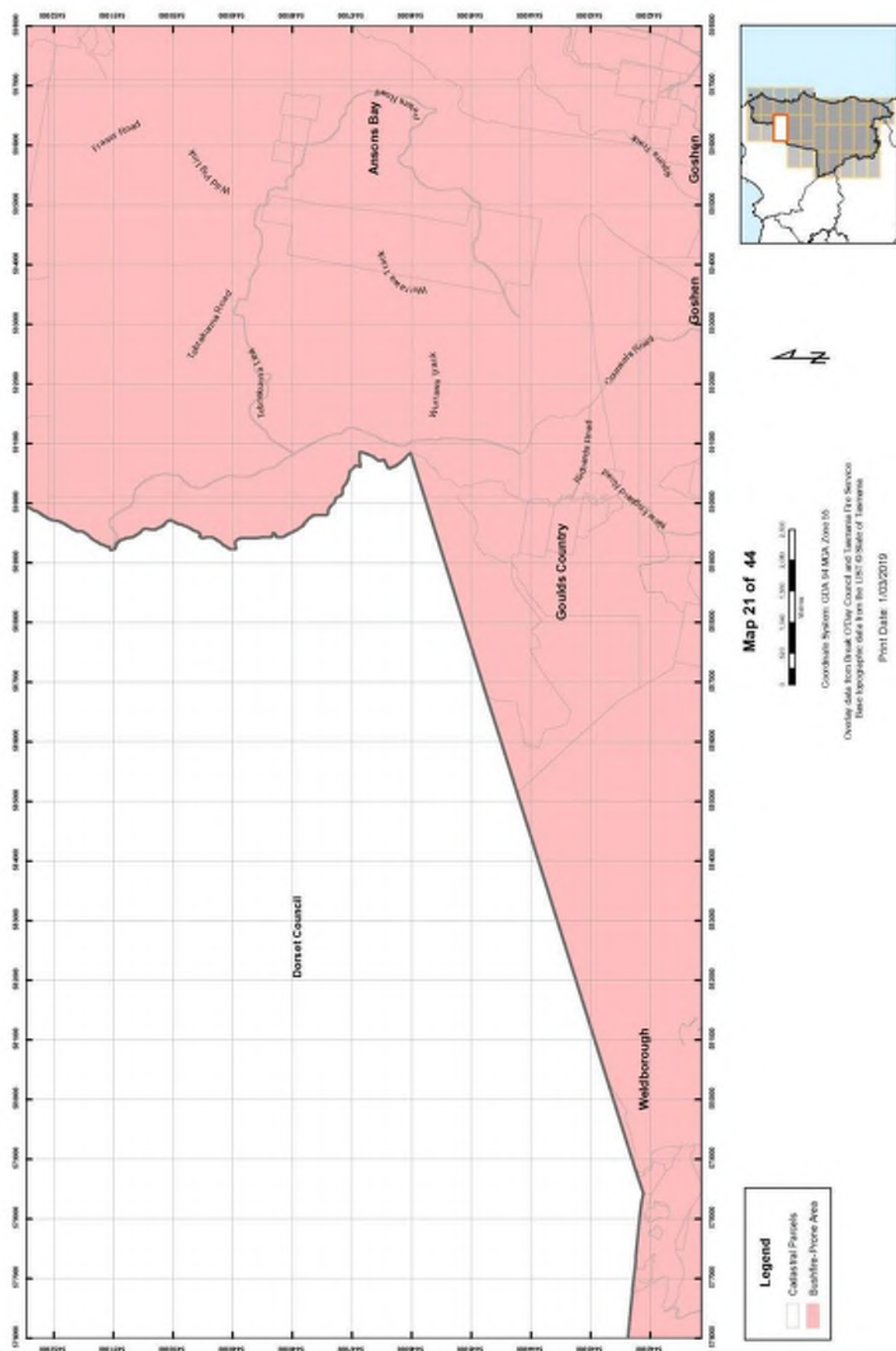
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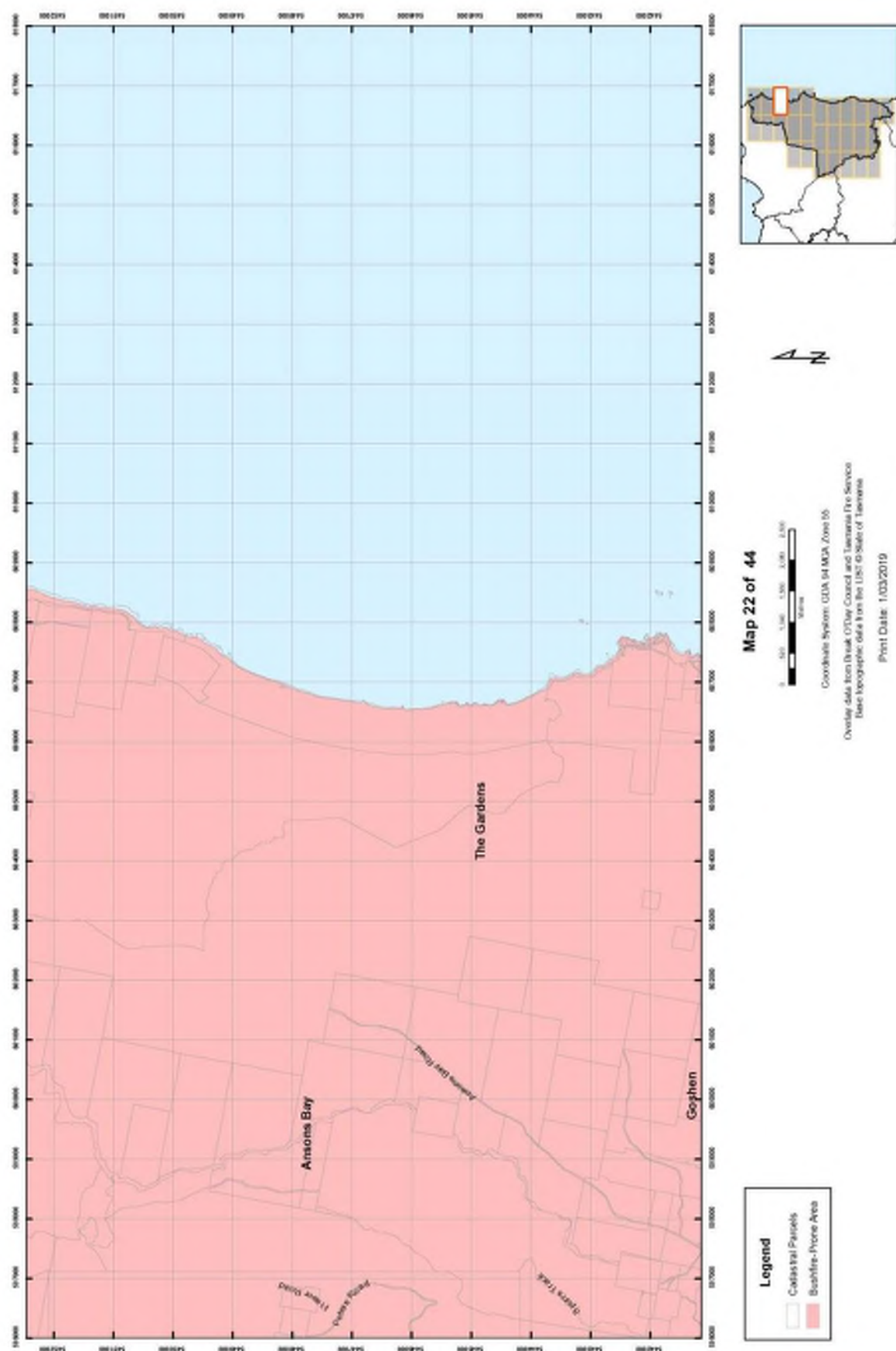
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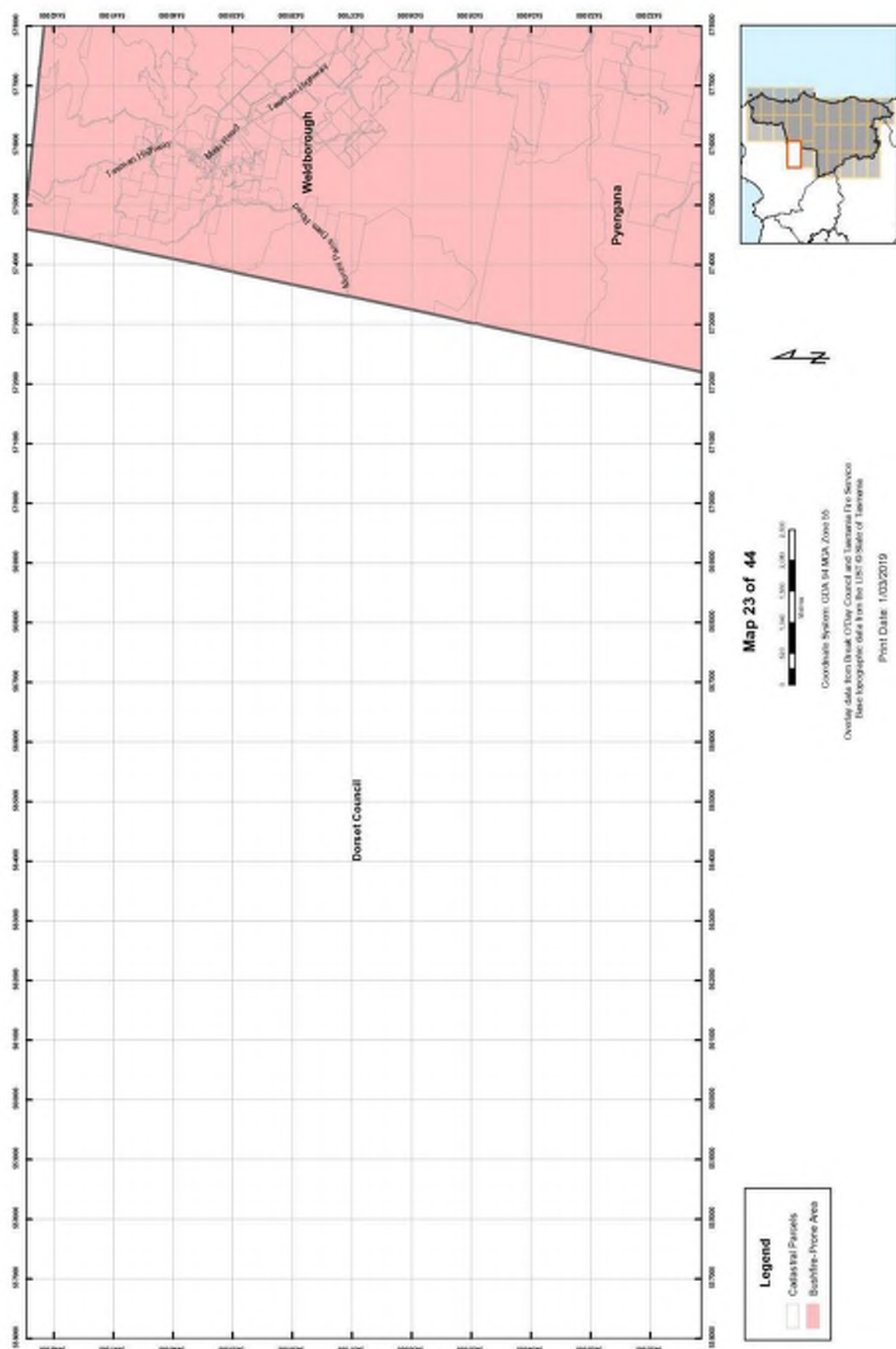
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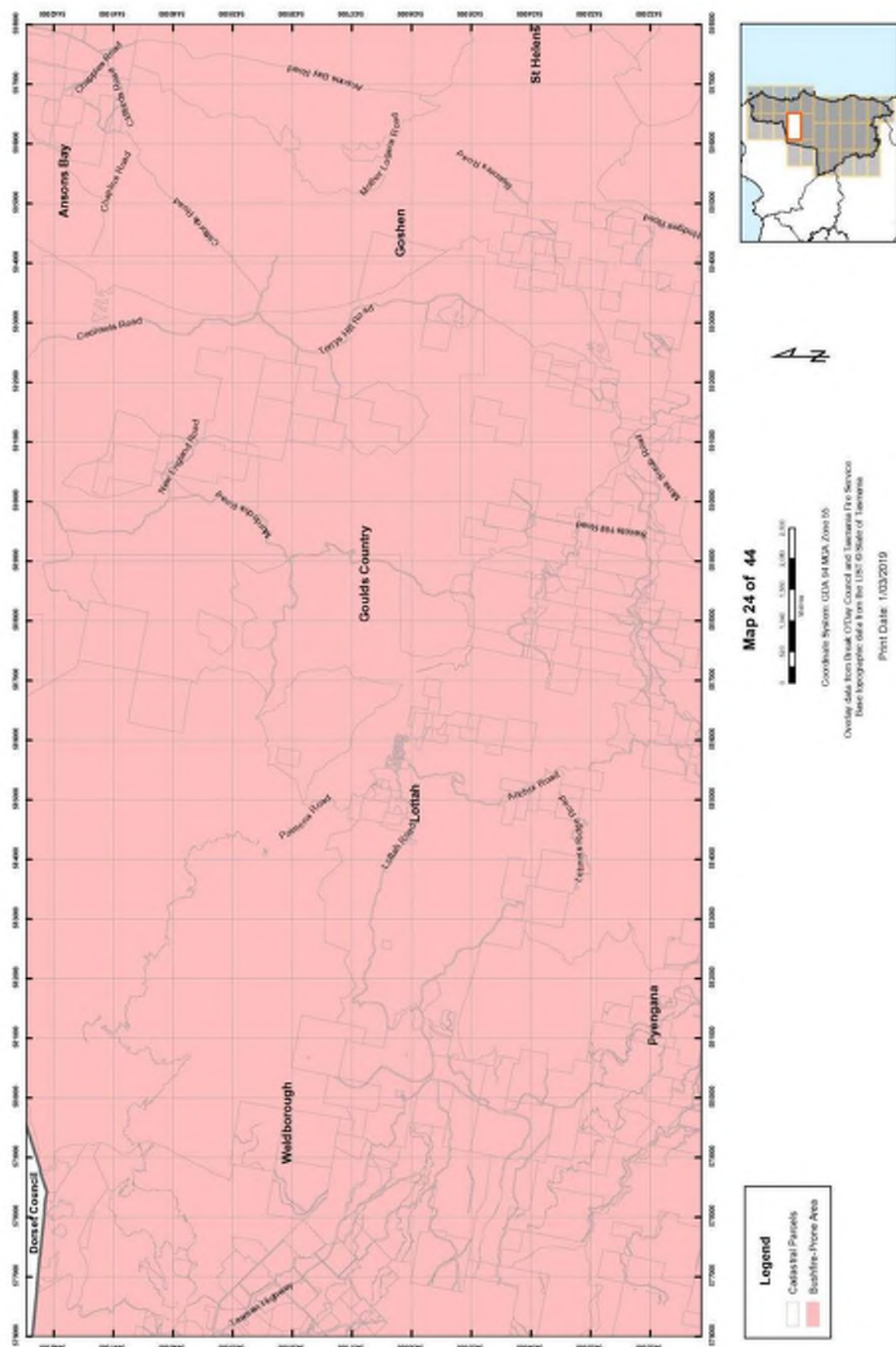
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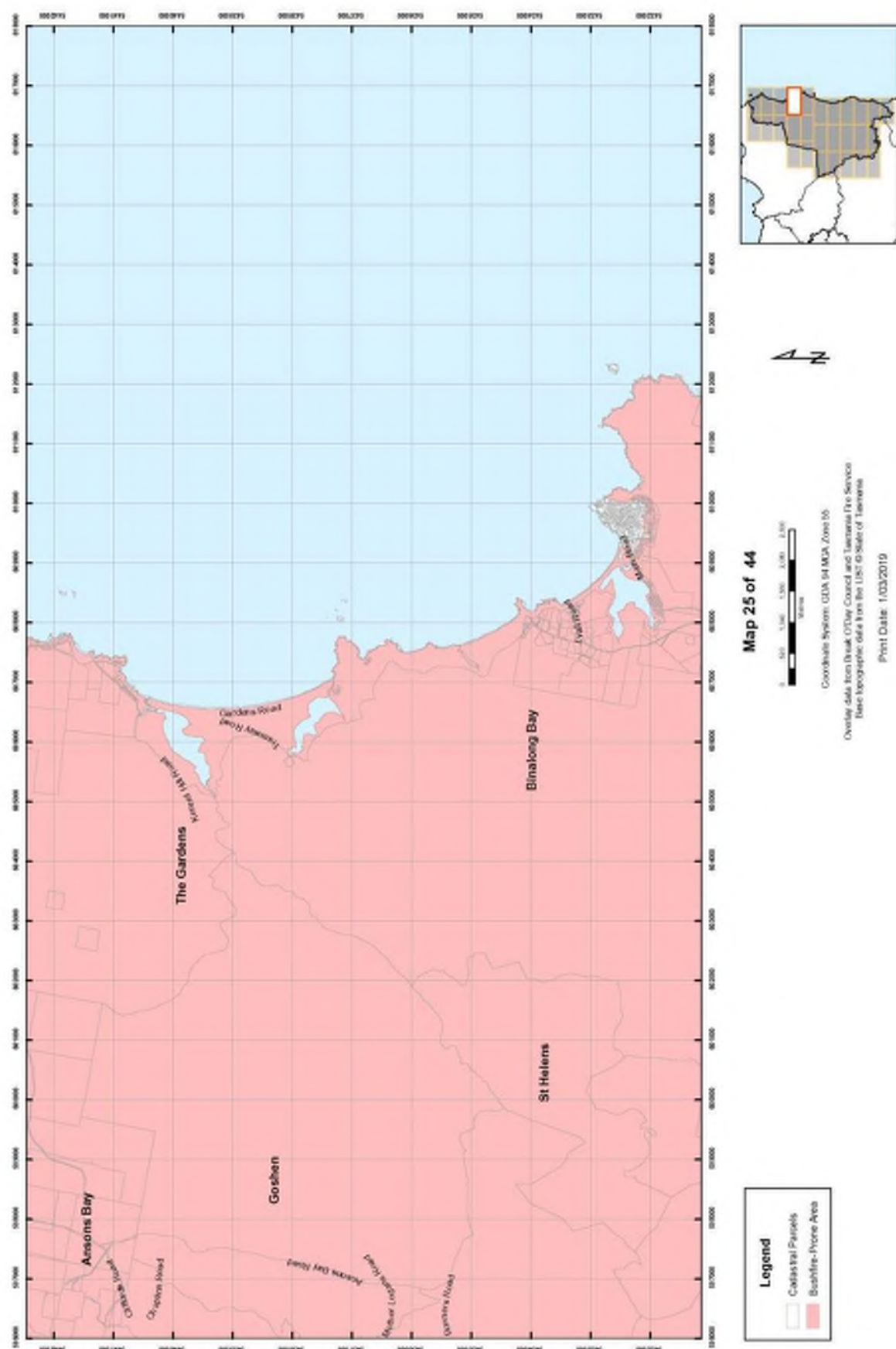
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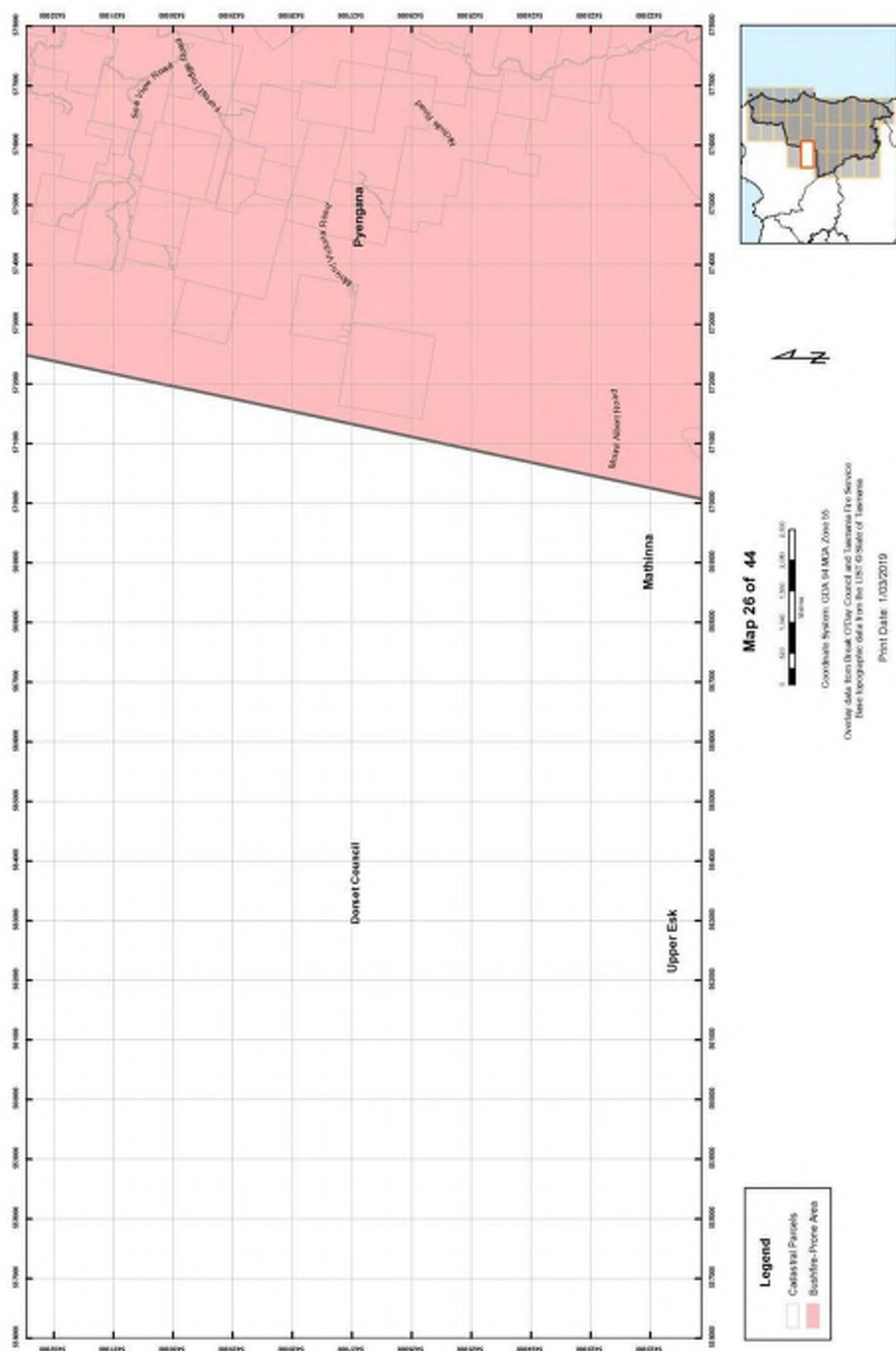
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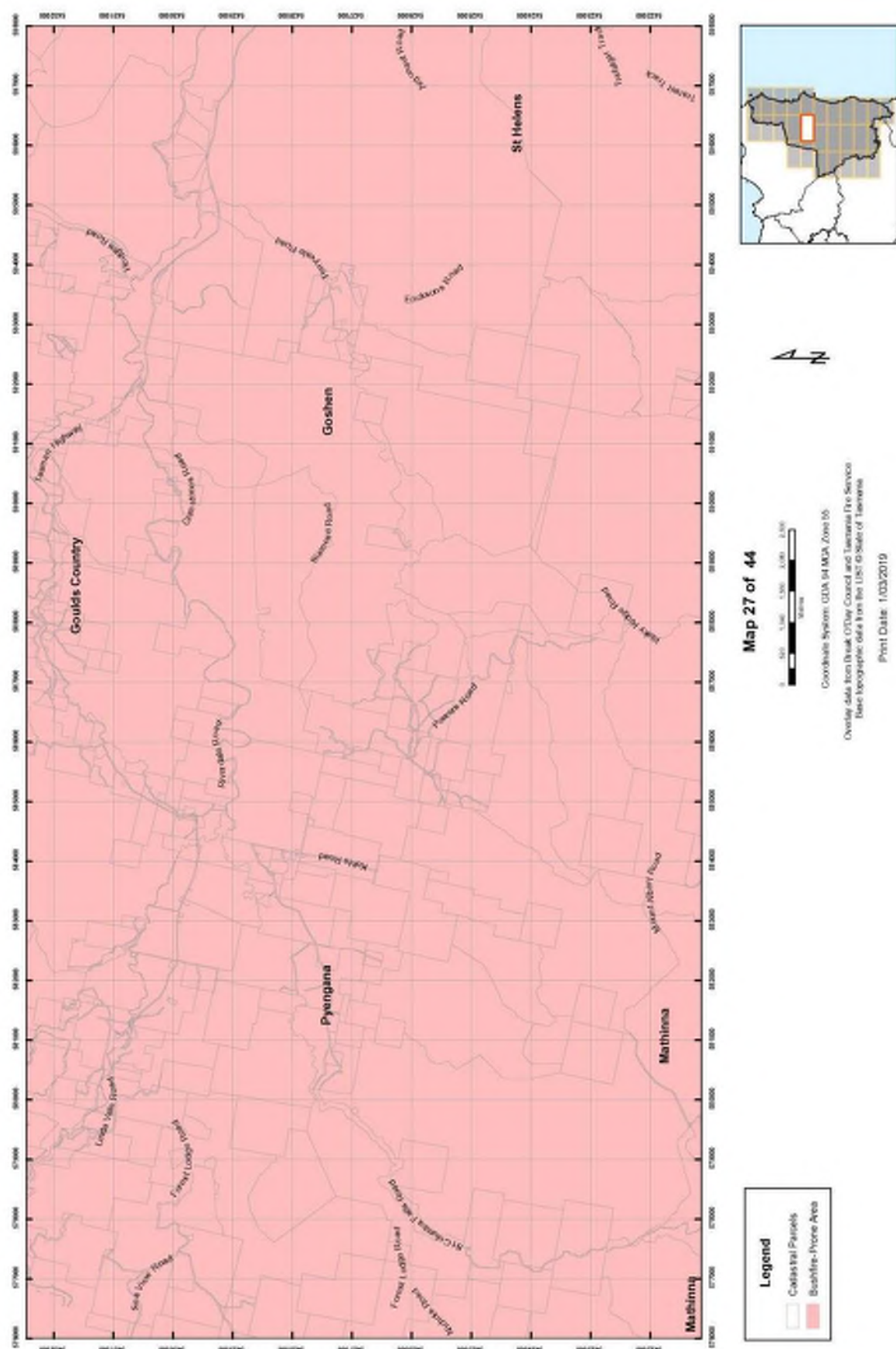
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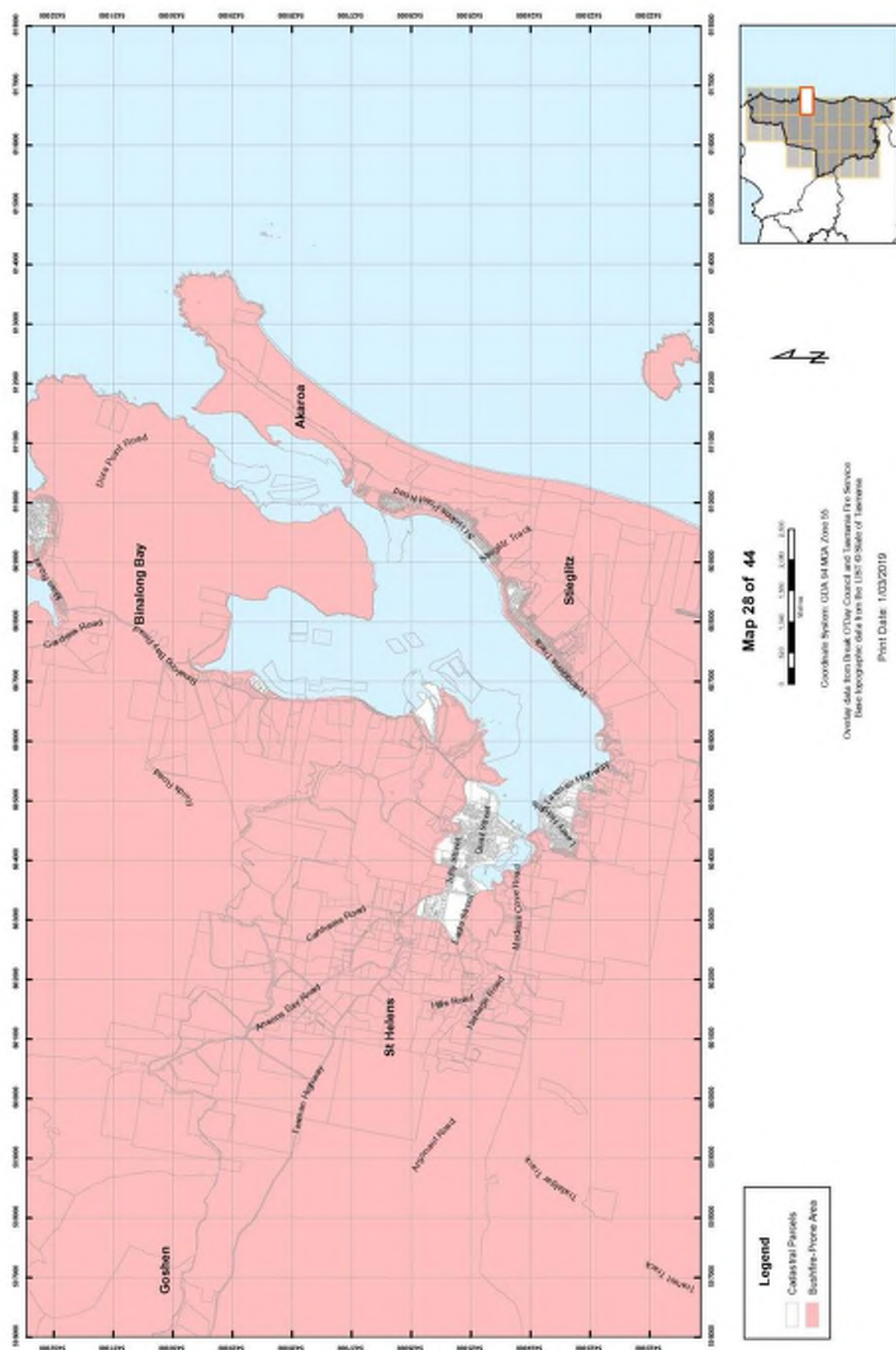
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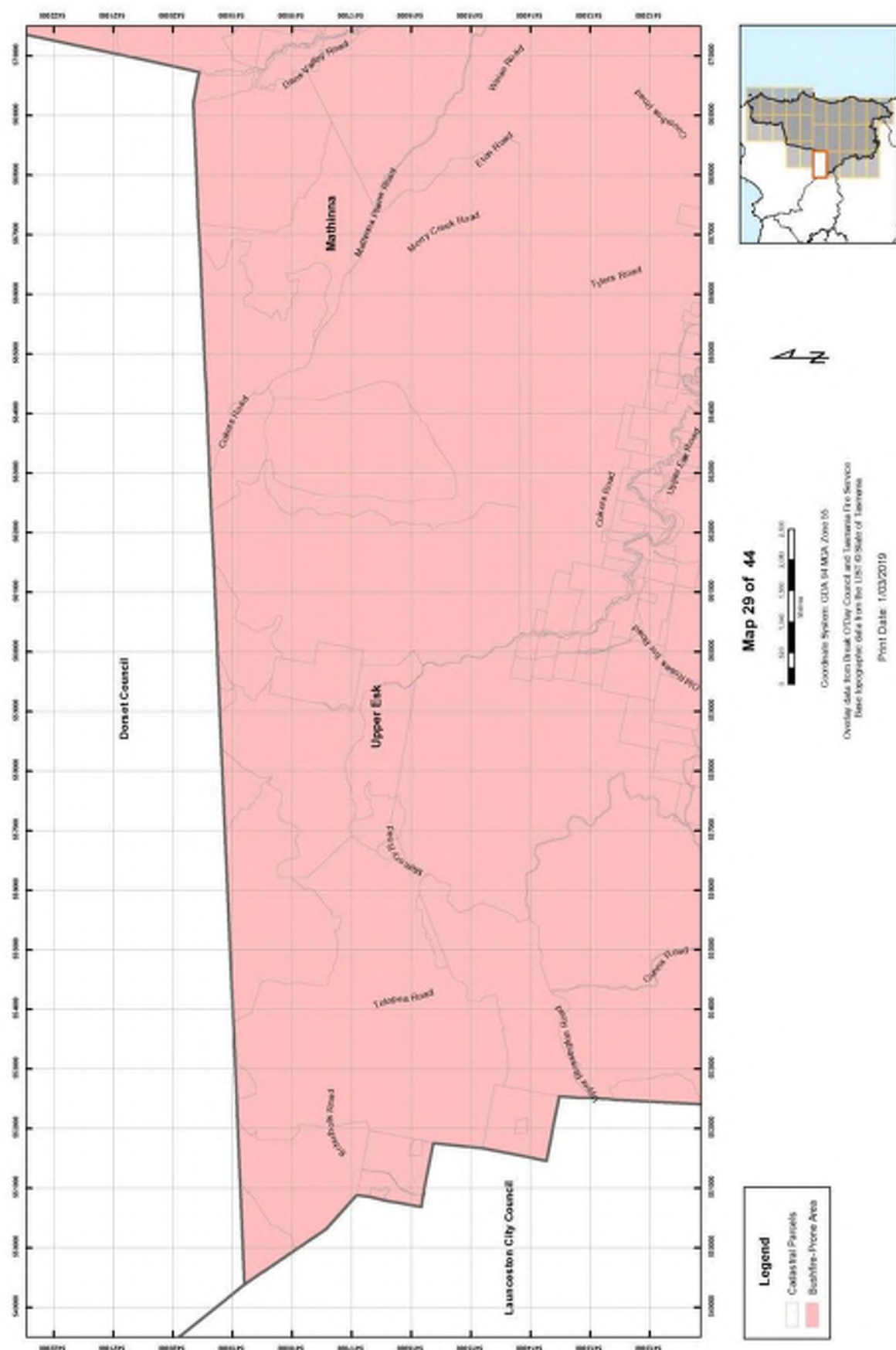
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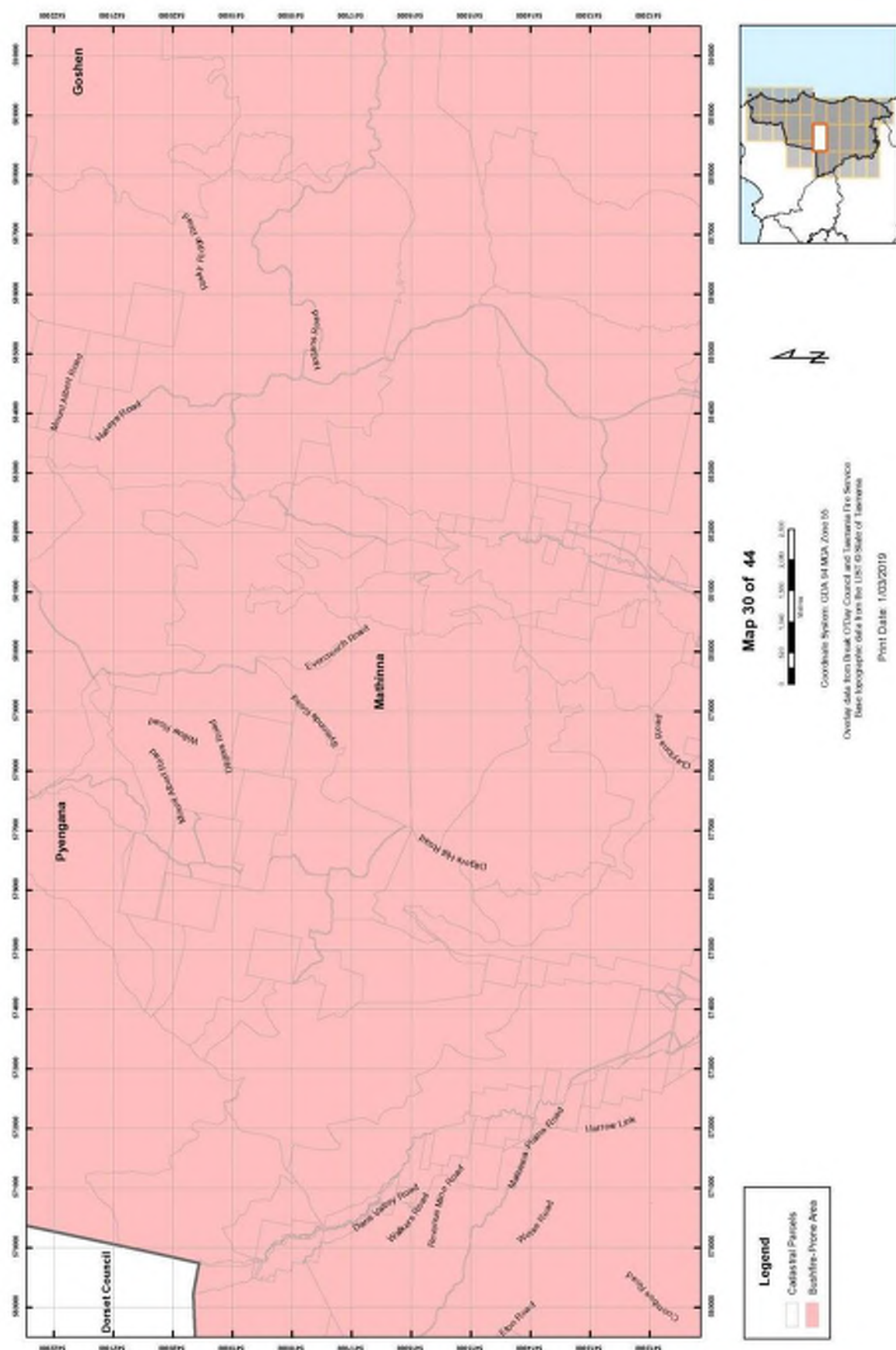
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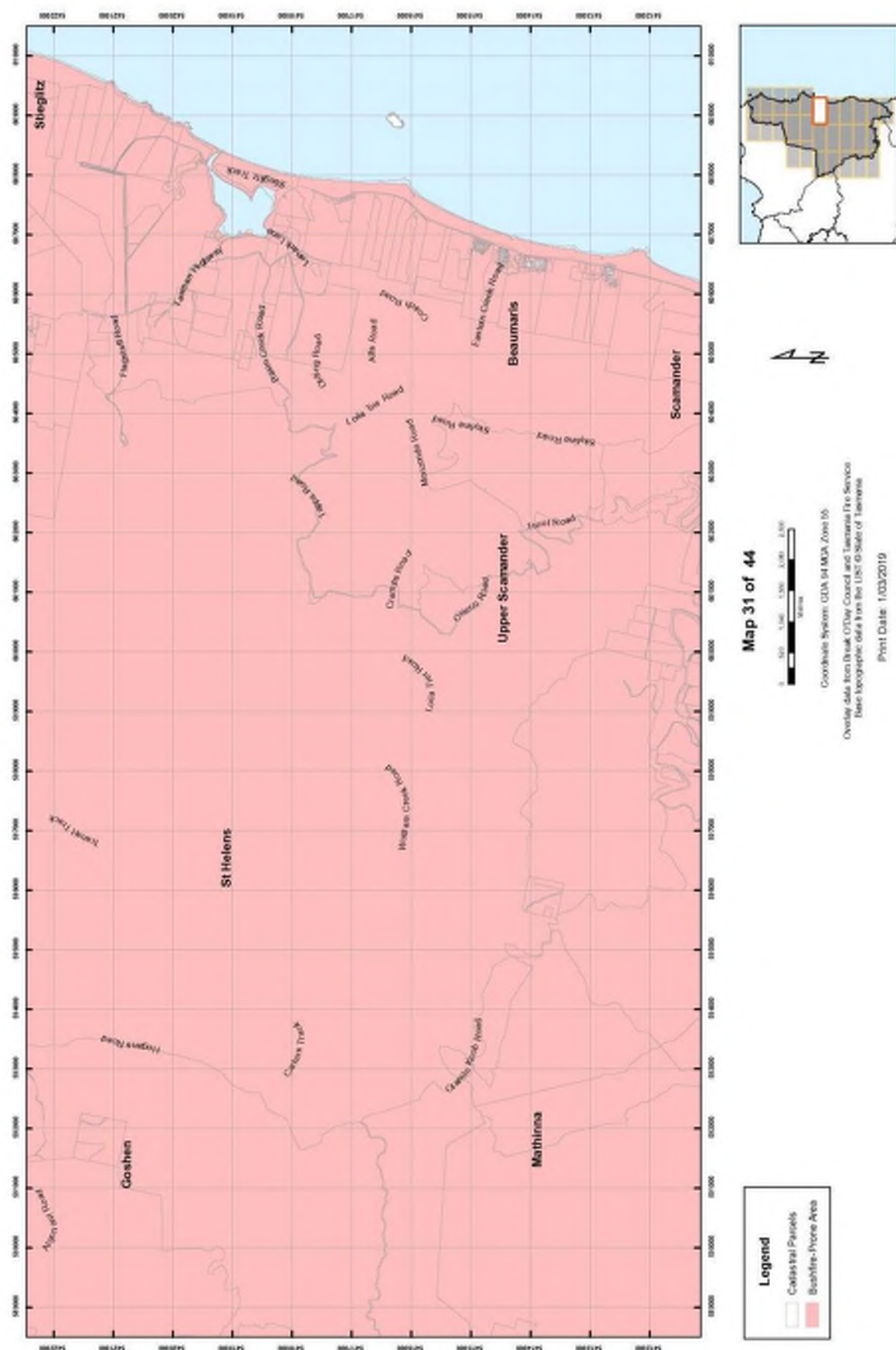
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BREAK O'DAY INTERIM PLANNING SCHEME 2013 - BUSHFIRE-PRONE AREAS OVERLAY



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Legend

- Catastral Parcels
- Bushfire-Prone Area

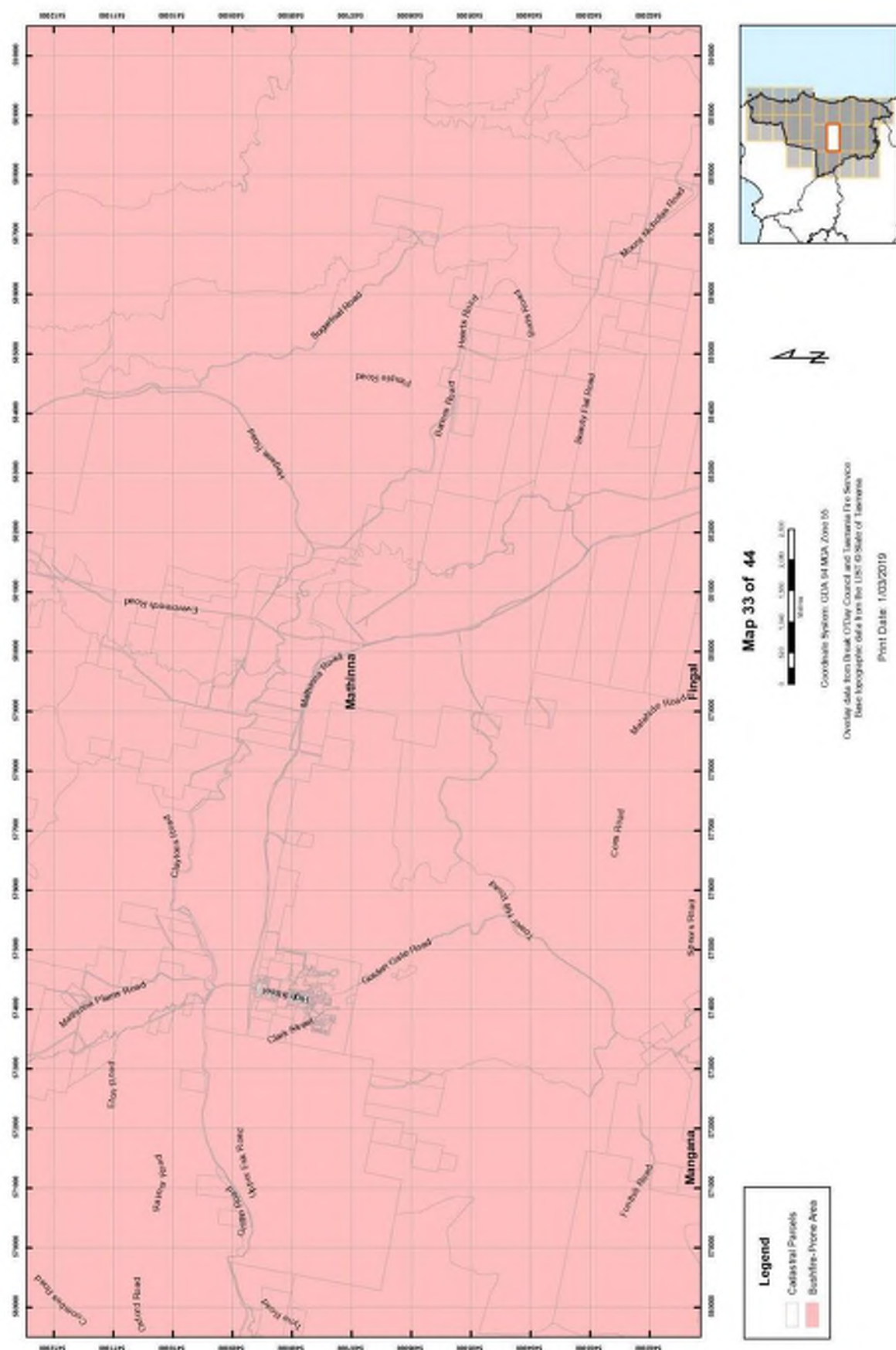
Coordinate System: GDA 94 MGA Zone 56

Overlay data from Bushfire-Prone Areas and Land Use Data Service

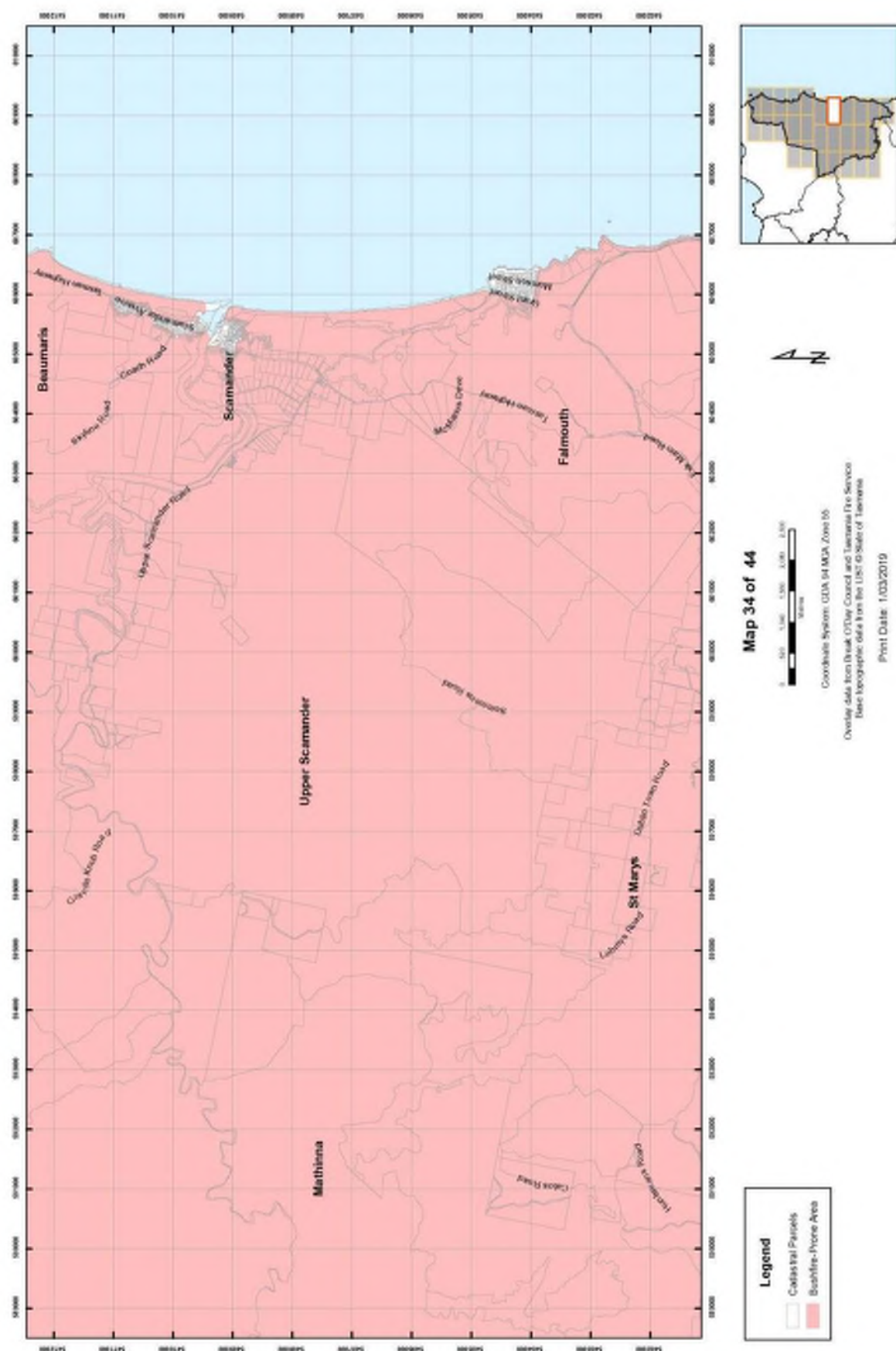
Base topographic data from the 1:50,000 © State of Victoria

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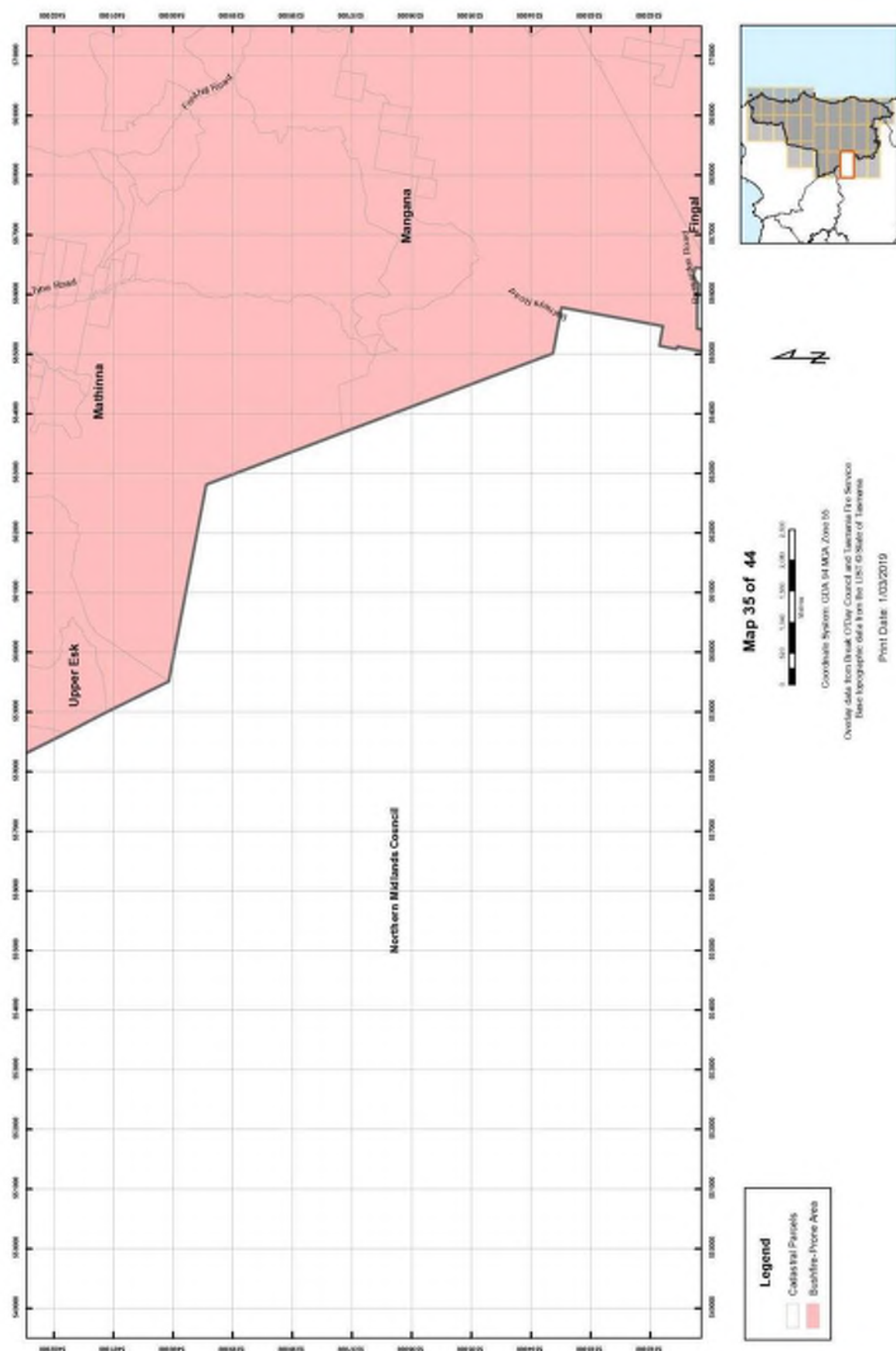
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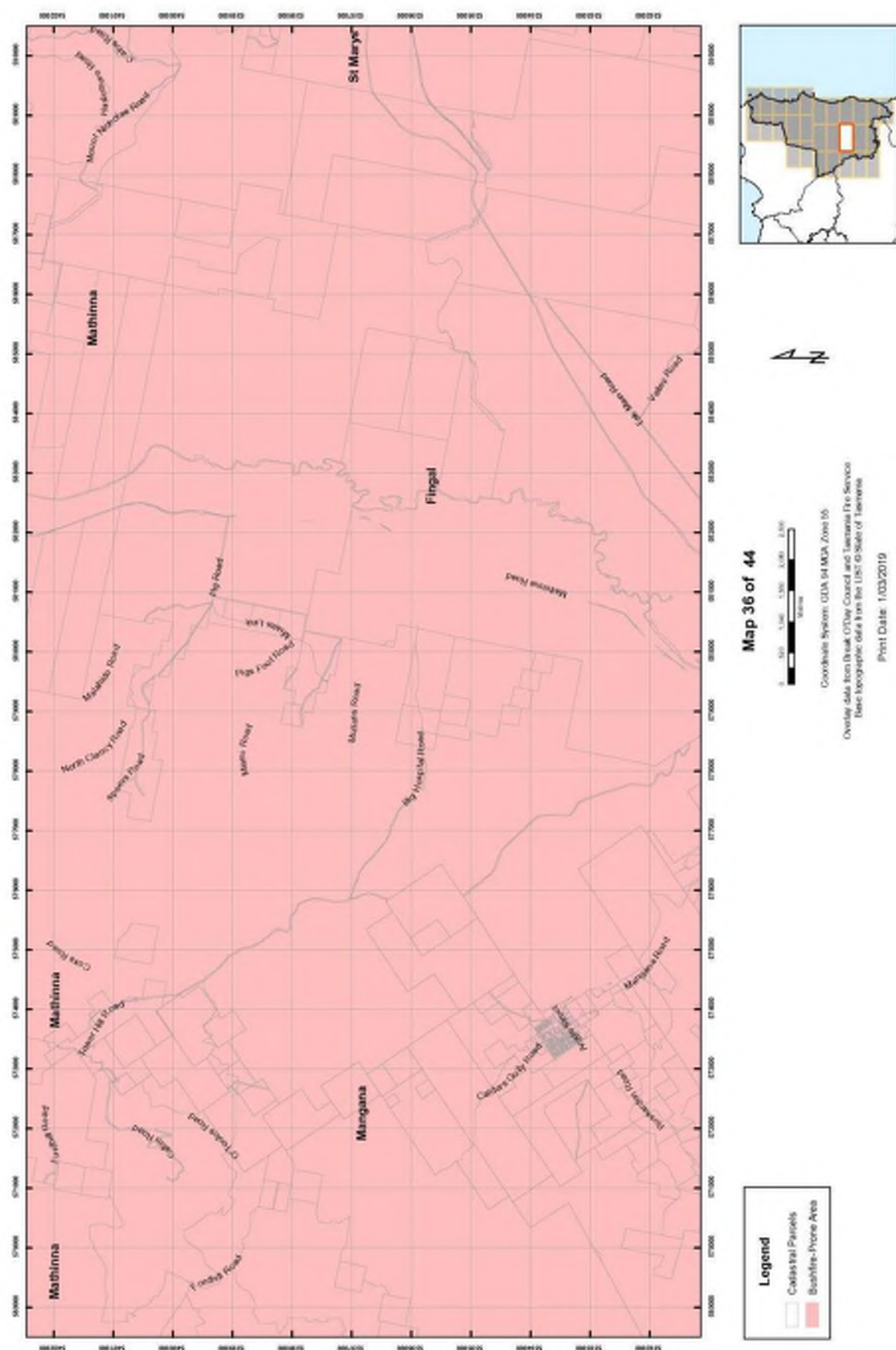
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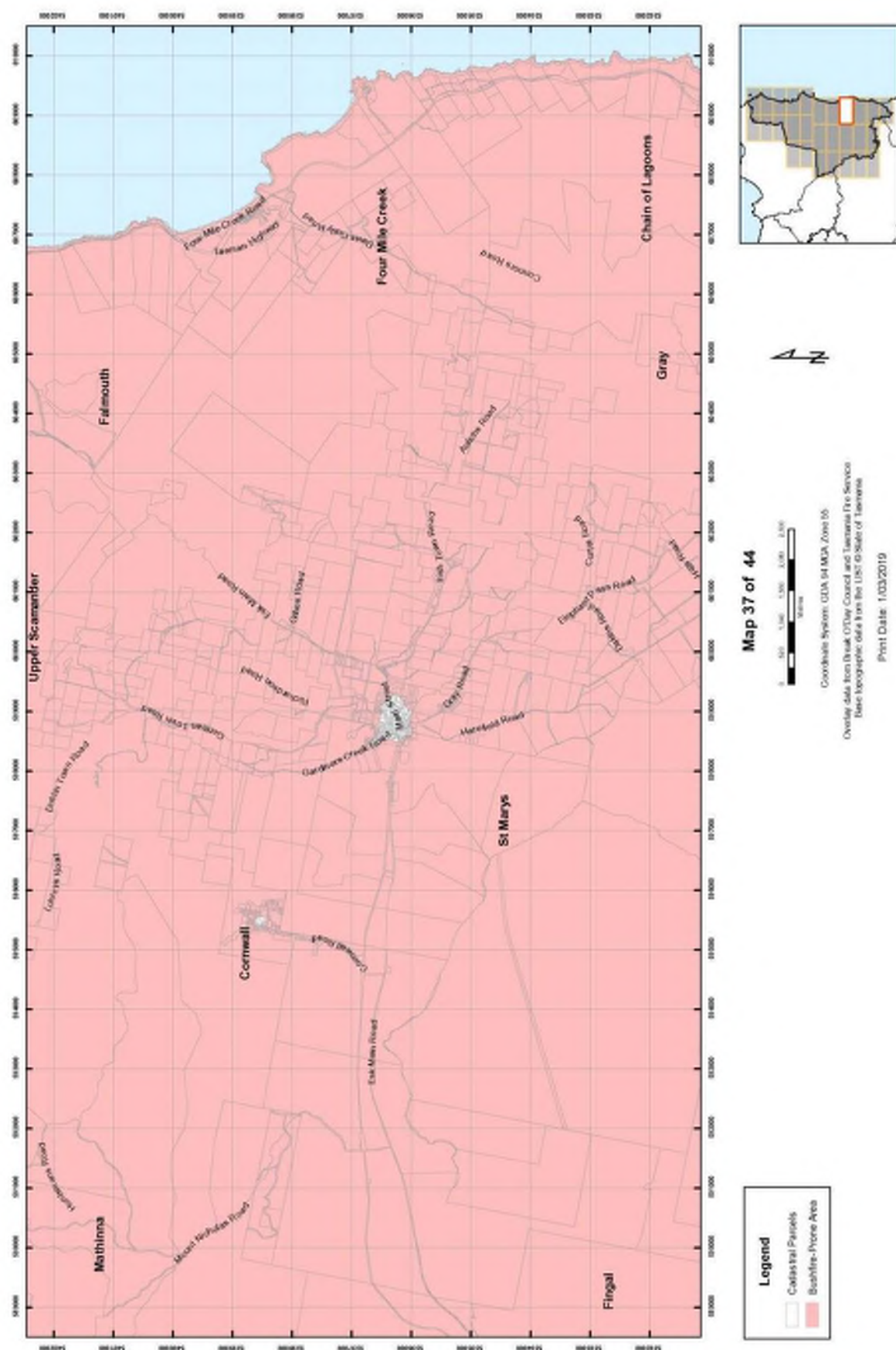
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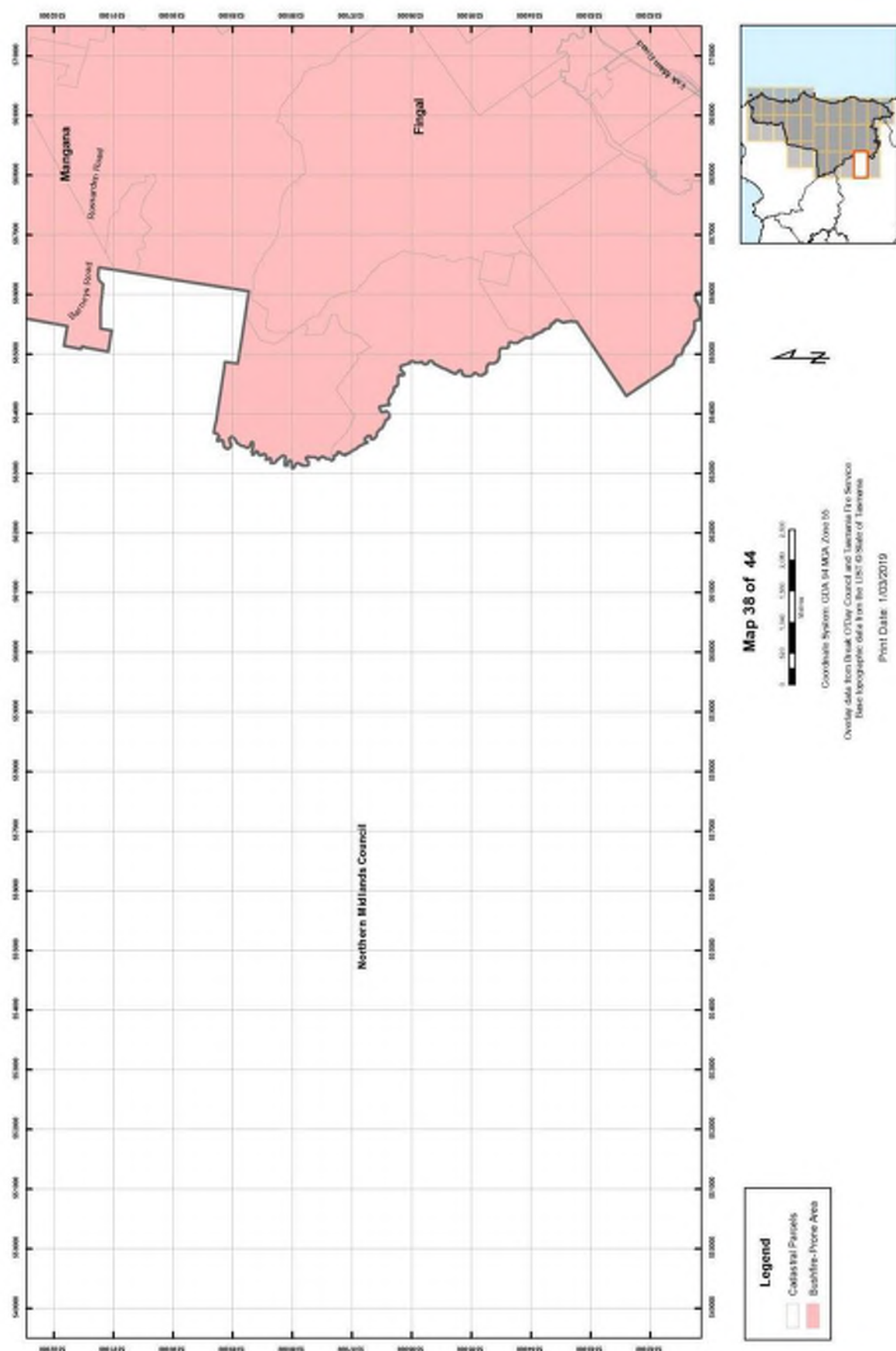
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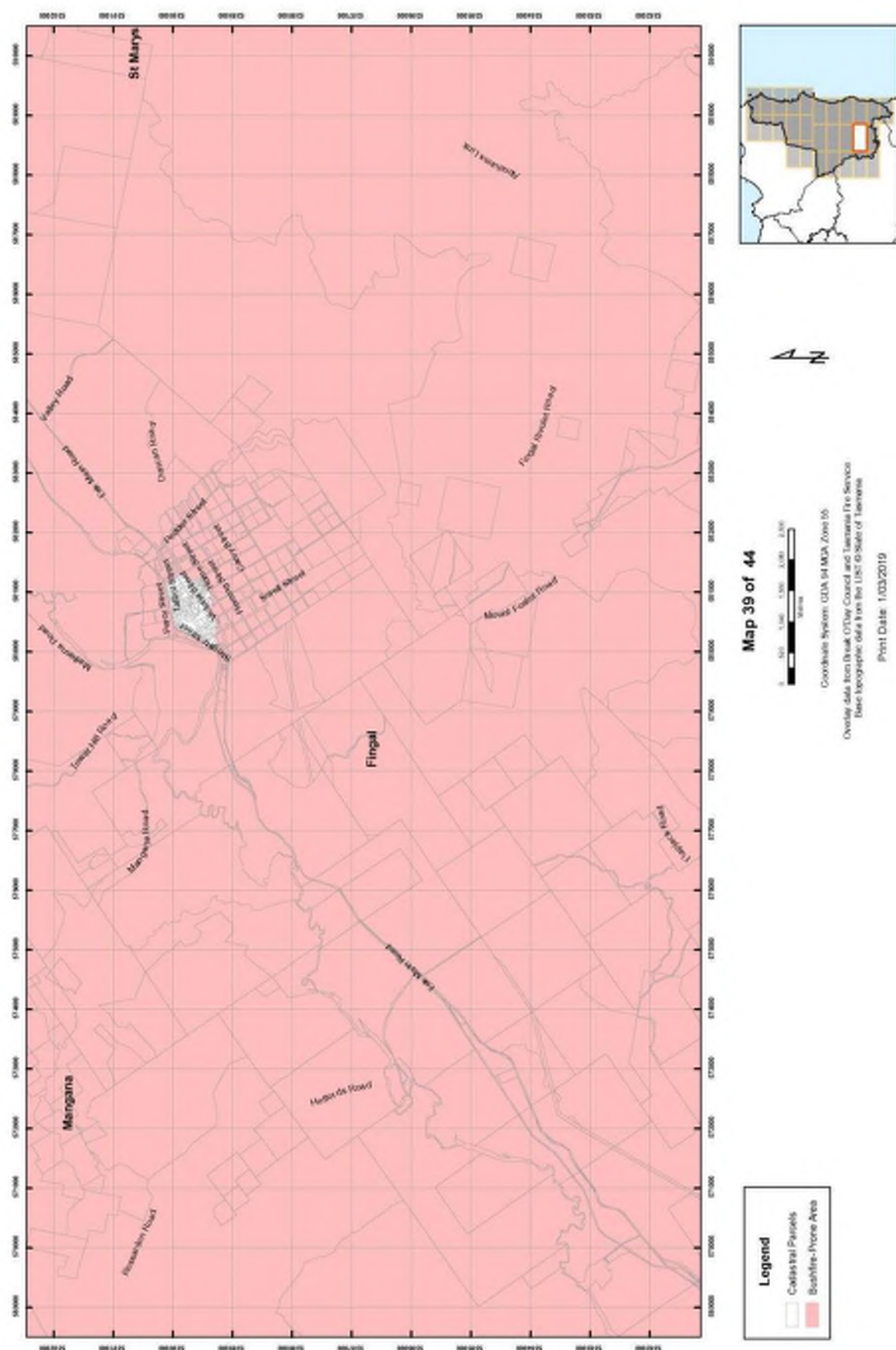
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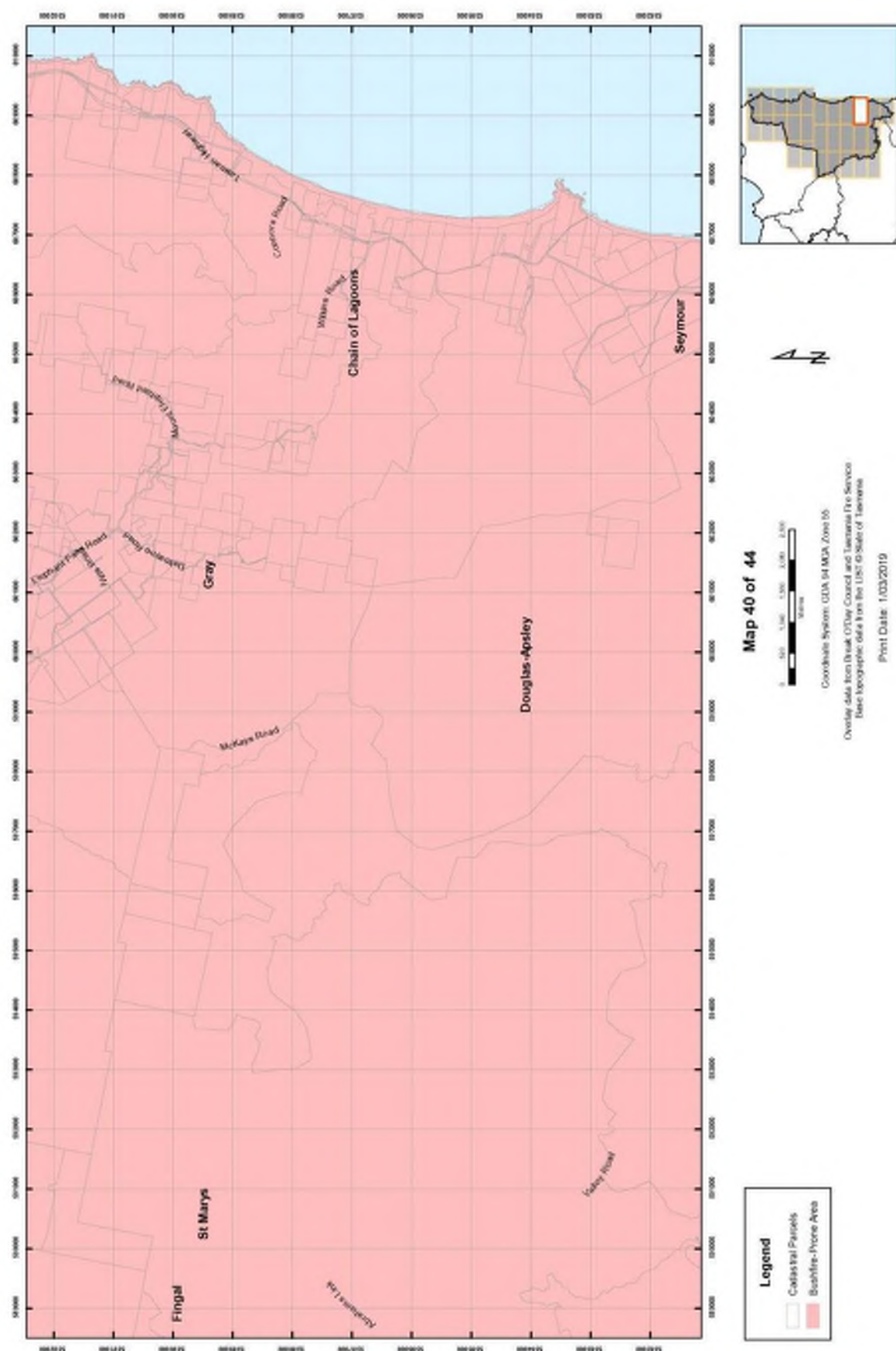
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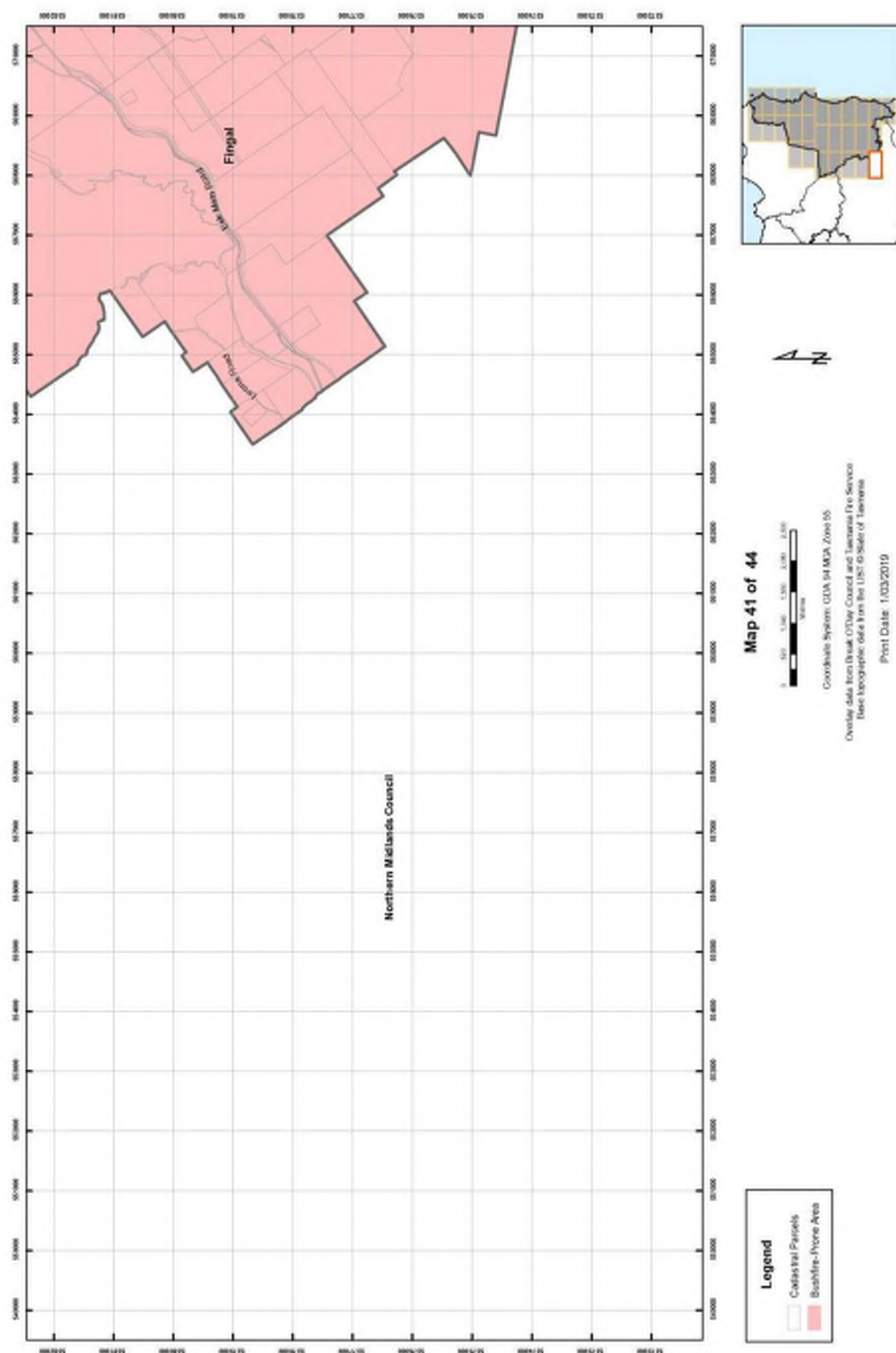
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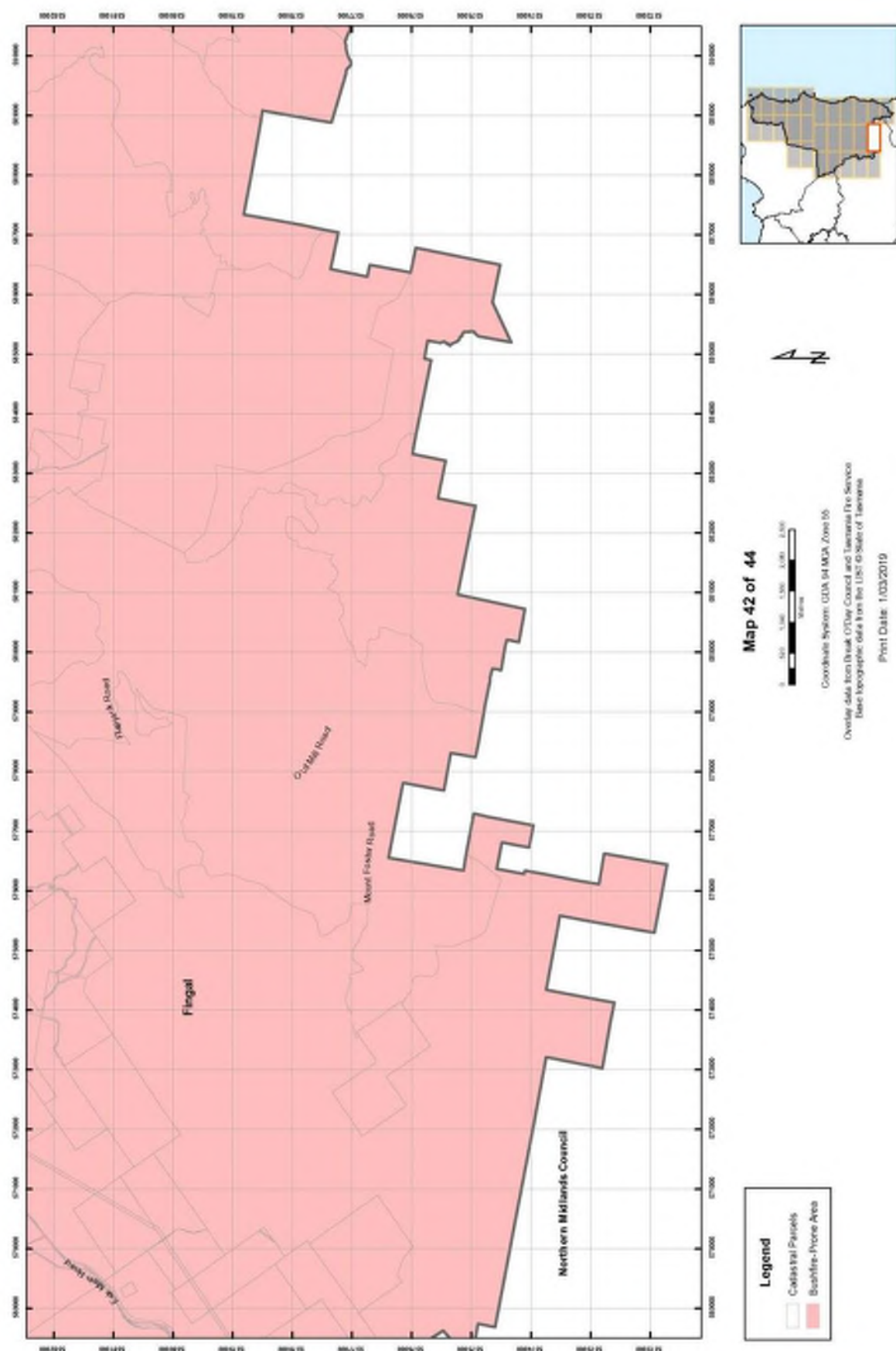
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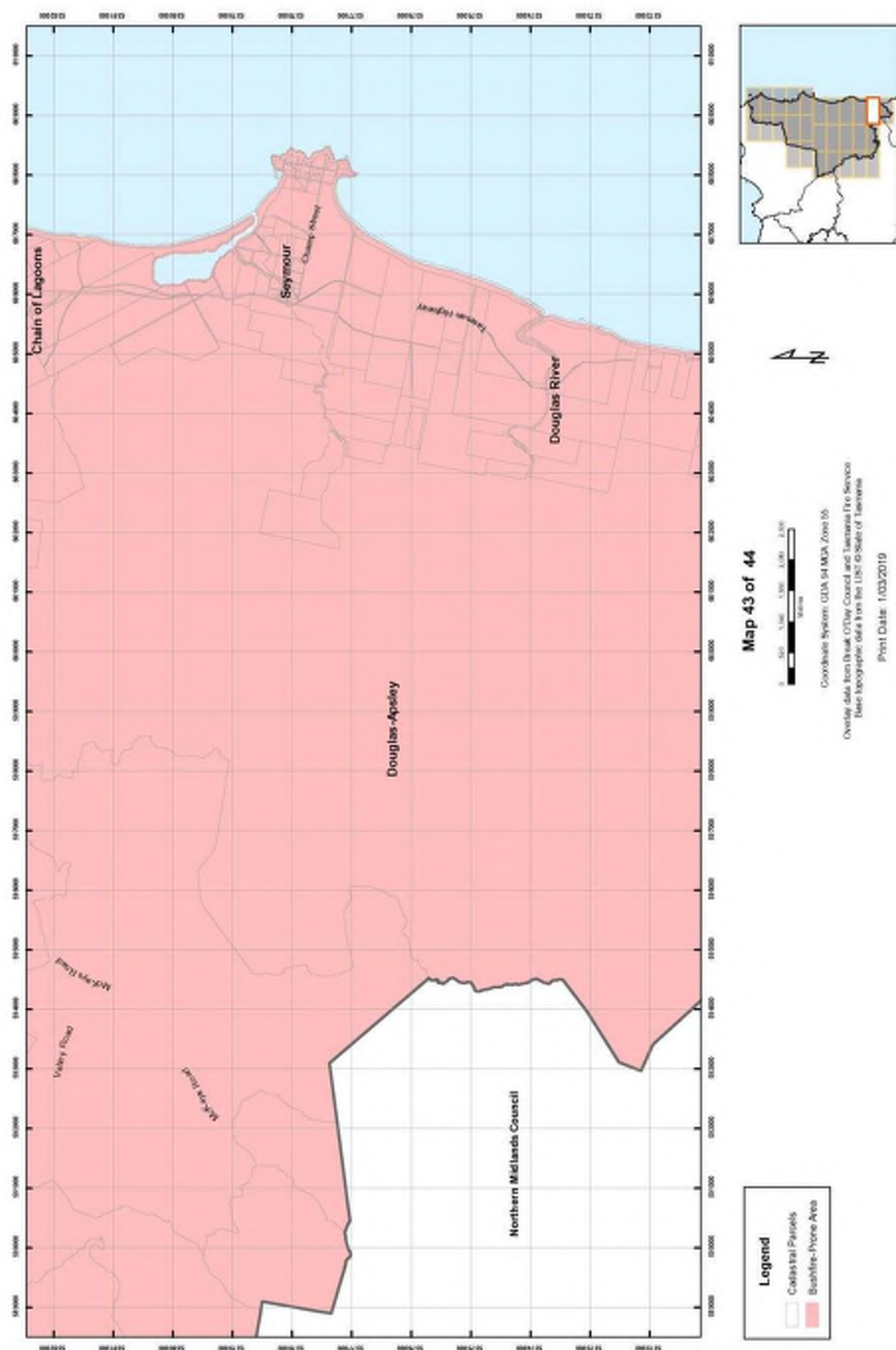
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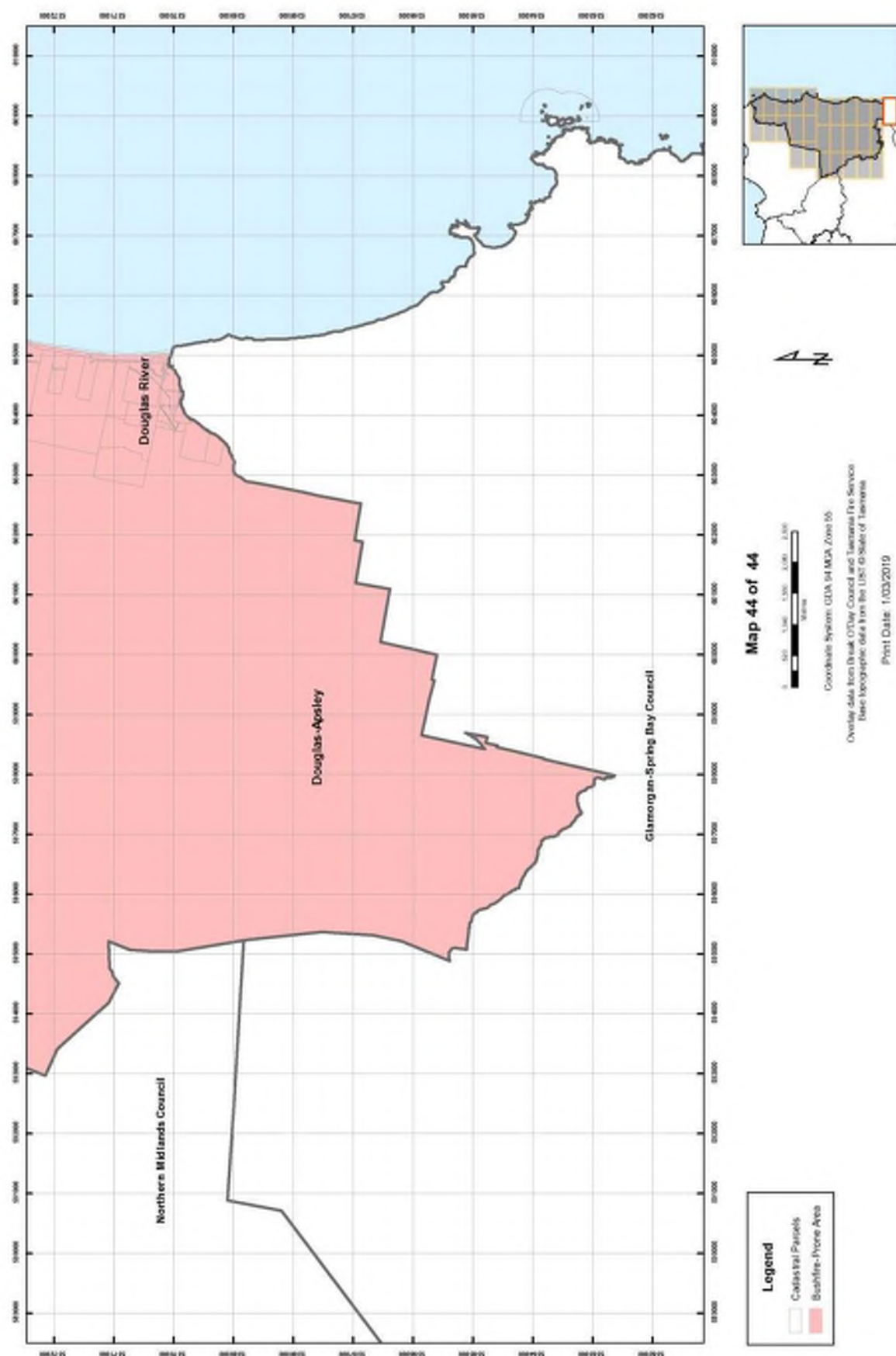
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BREAK O'DAY INTERIM PLANNING SCHEME 2013 - BUSHFIRE-PRONE AREAS OVERLAY



The Mayor advised the Council that it had now concluded its meeting as a Planning Authority under Section 25 of the Local Government (Meeting Procedures) Regulations.