

TASMANIAN PLANNING COMMISSION

DECISION

Local Provisions Schedule Huon Valley

Date of decision 12 July 2024

Under section 35K(1)(a) of *Land Use Planning and Approvals Act* 1993 (the Act), the Commission directs the planning authority to modify the draft LPS in accordance with the notice at Attachment 2.

When the directed modifications have been undertaken under section 35K(2), the Commission is satisfied the draft LPS meets the LPS criteria and is in order for approval under section 35L(1).

The Commission finds that the draft LPS requires substantial modification and accordingly, under section 35KB of the Act, the Commission directs the planning authority to prepare an amendment, under Part 3B, of the LPS and to submit the amendments to the Commission after the LPS comes into effect, in accordance with the notice in Attachment 3.



John Ramsay
Delegate (Chair)



Nick Heath
Delegate



Dan Ford
Delegate

Disclosure statement

John Ramsay, a Commission delegate disclosed the following interests and associations at the hearings:

- he was a member of the Board of the Tasmanian Land Conservancy (representations 29 and 263) for 3 years, resigning in 2011 because of a potential conflict of interest with his then role as Chair of the Board of the Environment Protection Authority;
- he had a prior professional association with Ms Amy Robertson who made representations 313, 343, 344, 367 and 368 and made submissions for, or otherwise gave assistance to several other people who made representations or submissions. Both were former members of the Board of the Forest Practices Authority for a period of approximately 4 ½ years. The association ceased when Ms Robertson resigned from the Board in February 2021. Mr Ramsay was no longer Chair of the Board of the Forest Practices Authority, having resigned in March 2022, as a result of his appointment to the position of Executive Commissioner of the Commission; and
- a member of his family owned a small property in the municipality but was not a representor.

- Nick Heath, a Commission delegate disclosed at the hearings that he had a professional association with Abetz Curtis Lawyers, which lodged representation 47 for Sustainable Timber Tasmania and represented Ms Robyn Giec (representation 180) at the hearing. Mr Heath declined to be involved in the Panel decision on both matters.

There were no objections to Mr Ramsay or Mr Heath determining the matter.

Land Use Planning and Approvals Act 1993 (the Act)

Erratum under section 81AA(1)

Decision on Huon Valley draft LPS, 12 July 2024

Table 1 - list of corrections to decision

Page	Paragraph	Correction	Approved
562	Attachment 2 – Notice to modify under section 35K(1)(a)	Insert modification 2.147 as follows: Revise the zoning of that part of 15 Louisa Street, Cygnet folio of the Register 136883/1 shown in the diagram below to General Residential:  <i>Reason: To include relevant modifications under section 35KA of the Act corresponding to amendment PSA-2-2019 to the Huon Valley Interim Planning Scheme 2015.</i>	John Ramsay Delegate (Chair) 5 August 2024
562	Attachment 2 – Notice to modify under section 35K(1)(a)	Amend modification 2.143 as follows: Apply the Flood-prone Hazard Area overlay consistent with the Riverine Inundation Hazard Area overlay in the Huon Valley Interim Planning Scheme 2015. <i>Reason: To apply the Flood-prone Hazard Area overlay consistent with Guideline No. 1 and to meet the declarations made by the Minister for Planning under Schedule 6 of the Act.</i>	John Ramsay Delegate (Chair) 15 August 2024

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REASONS FOR DECISION

Background

The Huon Valley Planning Authority (the planning authority) exhibited the Huon Valley draft Local Provisions Schedule (the draft LPS), under section 35D of *Land Use Planning and Approvals Act 1993* (the Act), from 24 January 2022 until 28 March 2022.

On 27 January 2023 the Commission received the report provided by the planning authority under section 35F(1) into 27 representations received on the draft LPS (representations 1-27). In addition, 390 representations (numbers 28-417) made after the end of the exhibition period were included by the planning authority in the report under section 35F(2)(b) of the Act. Furthermore, 20 submissions were accepted by the Commission during the hearing process. Submissions were only received until 2 June 2023 because there was insufficient time left in the scheduled hearings for both the Commission and the planning authority to adequately consider new matters raised. A list of the representations and subsequent submissions is included at Attachment 1.

The Commission notes the planning authority first considered the section 35F(1) report at its meeting on 28 September 2022. However, it declined to endorse the report and instead made a request to the Commission withdraw the draft LPS under section 35I of the Act on the basis it wished to undertake more local strategic planning work to support changes to its local provisions, particularly the application of zones. The request to withdraw the draft LPS was received by the Commission on 5 October 2022 and refused on 7 December 2022 (additional information was provided by the planning authority in the intervening period) for the following reasons:

- the Huon Valley community had concerns about how the Landscape Conservation Zone had been applied;
- submission of the section 35F(1) report would allow the planning authority to provide its opinion on the merit of every representation it had received so public hearings could commence;
- the public hearings would enable the representors and planning authority to present information to support changes to the exhibited draft LPS or otherwise; and
- the hearings would be undertaken in accordance with the principles of natural justice and allow representors to present their concerns expeditiously.

Following receipt of correspondence from the Executive Commissioner, the planning authority subsequently endorsed the section 35F(1) report at its meeting on 25 January 2023, which included a statement (titled 'General Response - Landscape Conservation Zone') that the following factors should be considered to determine if the Landscape Conservation Zone should be applied:

- the topography, land title structure and land area;
- the historic use of land;
- the use of surrounding land;
- whether the land was used for residential or rural purposes, including hobby farming;
- the location of native vegetation;

- whether the Natural Assets Code or Scenic Protection Code overlays applied to land to indicate presence of features of natural or scenic value;
- whether landowners could provide evidence land was not a feature of landscape value (as not every site could be inspected when the draft LPS was prepared);
- whether land had been historically cleared and then reclaimed by native vegetation; and
- whether the Landscape Conservation Zone should be applied to part of a title (split-zoned) where it would be 'incongruous with the existing use and development of the land.'

During the hearings, the planning authority submitted a copy of the Huon Valley Food Resilience Strategy June 2023 for the information of the Panel. The Panel noted the document but as the planning authority did not refer to the strategy as evidence at the hearings, the Panel has not given the document any weight in its consideration of the draft LPS. Similarly, the Panel heard the planning authority intended to complete a land use and development strategy for the municipal area, which would be undertaken by consultants SGS Economics and Planning, Ireneinc Planning and Resonance Consulting. The Panel acknowledges the Huon Valley Land Use and Development Strategy was recently completed and is now available on the Huon Valley Council website. The Panel recognises the importance of this work and encourages the planning authority to complete any further strategic planning work arising from the strategy as expeditiously as possible.

Date and place of hearing

The Commission must hold a hearing into representations to the draft LPS under section 35H of the Act.

A preliminary directions hearing was held at the Huon Valley Council chambers, 40 Main Street, Huonville on 21 March 2023 and subsequent hearings were held on the following dates:

- 4, 6, 17, 18, 24 and 27 April 2023;
- 2, 4, 8, 9, 11, 15, 16 and 18 May 2023;
- 4, 6, 17, 18, 20, 25, 27 and 31 July 2023;
- 1 August 2023;
- 25, 26, 27 and 28 September 2023; and
- 13, 15 and 16 February 2024.

The planning authority was represented at the hearings by Mr Rong Zheng, Principal Strategic Planning Officer, and its planning expert Ms Clare Hester (ERA Planning and Environment). Ms Jacqui Blowfield (Ireneinc Planning) provided expert planning advice on behalf of the planning authority at the hearings on 13, 15 and 16 February 2024 in place of Ms Hester. The planning authority was also represented at various times by Mr Michael Bartlett, Manager Development Services, Ms Kathryn Tucker, Senior Planning Officer, Mr Jim Mulcahy, natural values expert (Eviro-dynamics), and Ms Astrid Ketelaar and Mr Michael Tempest, agriculture experts (RMCG).

Consideration of the draft LPS

1. Under section 35J(1) of the Act the Commission must consider:
 - the planning authority section 35F(1) report and the draft LPS to which it relates;
 - the information obtained at the hearings;
 - whether it is satisfied the draft LPS meets the LPS criteria under section 34; and
 - whether modifications ought to be made to the draft LPS.

2. Under section 35J(2) of the Act the Commission may also consider whether there are any matters that relate to issues of a technical nature or may be relevant to the implementation of the LPS if the LPS were approved.
3. The LPS criteria to be met by the draft LPS pursuant to section 34 of the Act are that the draft LPS:
 - (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
 - (d) satisfies the relevant criteria in relation to the TPPs; and
 - (e) as far as practicable, 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) has regard to 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 Safety Act 2019*.
4. The relevant regional land use strategy is the Southern Tasmanian Regional Land Use Strategy 2010-2035, 17 May 2023 (regional strategy).
5. In addition to the LPS criteria, the Commission has considered Guideline No. 1 - Local Provisions Schedule (LPS): zone and code application (Guideline No. 1) issued by the Minister for Planning under section 8A of the Act. Guideline No. 1 assists with the uniform application of the SPPs and it is appropriate for the Commission to have regard to any relevant statements it makes about zone and overlay application. However, the draft LPS is ultimately assessed against the LPS criteria at section 34(2) of the Act and weighted accordingly, and so the evidence provided to the Commission about zone or overlay application may result in a decision that is different from Guideline No. 1. The Commission adopts a case-by-case assessment approach in its decision making and considers the relevant site, local circumstances, and any evidence submitted.
6. In addition, the Commission notes site inspections were undertaken of many properties or areas that were the subject of representations or recommendations made by the planning authority in its section 35F(1) report. Site visits were undertaken in areas that included Mountain River, Lucaston, Lonnavele, Ranelagh, Huonville, Pelterata, Geeveston, Cygnet and Garden Island Creek.
7. The requirements for making modifications to the draft LPS are set out under section 35K of the Act.
8. Where the Commission has determined modifications ought to be made, these are set out in a notice under sections 35K(1)(a) of the Act (see Attachment 2).
9. Where the Commission has determined substantial modifications ought to be made to the draft LPS and such modifications are suitable to be made as an amendment, under Part 3B to the LPS, it may direct the planning authority to prepare the amendment and submit to the Commission after the LPS comes into effect. These are set out in a notice under section 35KB of the Act (see Attachment 3).

10. Alternatively, the Commission may also reject the draft LPS and request the planning authority prepare a substitute draft LPS (section 35K(c)).

Commission decision on general issues

Application of the Landscape Conservation Zone

11. When the zone specifications in the State Planning Provisions (SPPs) were determined by the Minister for Planning, the Environmental Living Zone, which had been widely applied in southern Tasmania interim planning schemes, was not included in the new suite of zones. Guideline No. 1 issued by the Minister under section 8A of the Act (see above) contained a note, which indicated the Landscape Conservation Zone was not a replacement for the Environmental Living Zone in the interim planning schemes. It also stated the Landscape Conservation Zone was not a 'large lot residential zone' for use in areas 'characterised by native vegetation cover and other landscape values.' The note indicated that instead, the Landscape Conservation Zone provided a clear priority for protection of landscape values and for complementary use and development, with residential use largely being discretionary. This is reflected in the Landscape Conservation Zone purpose statements and use table.

Landscape Values

12. Landscape Conservation Zone Guidelines LCZ 1 and LCZ 2, provide for a range of circumstances in which the zone may be applied. They may be summarised as:
 - land with landscape values identified for protection and conservation, such as bushland areas;
 - large areas of native vegetation;
 - areas of important scenic values;
 - large areas of bushland or native vegetation, not otherwise reserved, which contain threatened native vegetation communities or threatened species;
 - areas of locally or regionally important native vegetation;
 - land with significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; and
 - land within an interim planning scheme in the Environmental Living Zone where the primary intention is for the protection and conservation of landscape values.
13. In applying the Landscape Conservation Zone to land in the Huon Valley, the planning authority's consultants who were tasked with the work, established a methodology drawn from the elements of the Landscape Conservation Zone Guidelines. The methodology was outlined in detail in the planning authority's section 35F Report. The rationale for the methodology were stated as:

"the vegetated hills and valleys which frame cleared agricultural land, interspersed with remnant areas of bushland, together with the river and tributary waterways is a key characteristic and landscape value of the Huon Valley. Much of the areas of bushland have been spared from historical clearing due to being considered suboptimal for traditional horticultural activities. This landscape is considered an important scenic backdrop to the Huon Valley, contributes to the sense of place for the community and plays an important role in the tourism industry. It is a defining visual characteristic for the Huon Valley. Accordingly, this landscape value on a municipal level, should be protected from inappropriate development, both in terms of location and intensity.
14. The application of the Landscape Conservation Zone at the first level of selection identified lots that had 80% native vegetation coverage and the presence of either

the Natural Assets or Scenic Landscape overlay (i.e. areas identified for protection and conservation). Given these constraints of each lot, it was considered there is potential for small scale use or development only, not the scale of use or development that is permitted in the Rural Zone.

15. In terms of 'large areas of native vegetation' as referenced in the LCZ 1 Guideline, this was attributed to a minimum native vegetation patch size of 20ha, which directly links to the Landscape Conservation Zone use standard 22.5.1 P1 minimum lot size of 20ha."
16. The application of the Landscape Conservation Zone in the exhibited draft LPS generated considerable community comment which was reflected in representations made to the planning authority on the exhibited draft. Many of the representations sought the application of the Rural Zone rather than Landscape Conservation Zone. The Rural Zone in the SPPs allows for a greater intensity and range of use and development than that which is allowed in the Landscape Conservation Zone.
17. The planning authority's consultants reiterated their approach and making observations on the application of the Rural Zone and the allowable uses stated:

"...in response to the representations raising concerns with the application of the Landscape Conservation Zone, and in particular, representations, that seek a transition from Rural Resource to Rural, the key considerations include: how the site contributes and reflects the landscape values of the Huon Valley; whether the site is, or contributes to, a large area of native vegetation and bushland; and whether the small scale use or development is appropriate rather than the intensity of use and development available in the Rural Zone."
18. A submission advanced by some representors against the application of the Landscape Conservation Zone, had as its basis a decision the Commission made in relation to the application of the Landscape Conservation Zone in the assessment of the Flinders draft LPS. In that decision, the Commission stated:

"Landscape is defined in the Macquarie Dictionary as 'a view or prospect of rural scenery, more or less extensive, such as is comprehended within the scope or range of vision from a single point of view.' Value is defined as 'that property of a thing because of which it is esteemed, desirable, or useful, or the degree of this property possessed; worth, merit, or importance.' Therefore, in the context of Guideline No. 1 and the Zone purpose, landscape value is taken to mean that the land must be significantly visible from surrounding areas and must be perceived to have positive value that is important or beneficial to the degree that it warrants specific control of its use. Otherwise the impacts on natural and scenic values can be managed through the Priority Vegetation Area and Scenic Protection Area overlays."
19. The planning authority's planning consultant advised it disagreed with the opinion that landscape values and the application of the zone, is to be taken to mean that land must be significantly visible from surrounding areas. Its view was that if this was a requirement for establishing landscape values, then the significant visibility requirement would have been included in the Landscape Conservation Zone Guidelines, and that landscape values that are significantly visible from surrounding areas, fall within the domain of the application of the Scenic Protection Area overlay.
20. Many representors in opposition to the application of the Landscape Conservation Zone, relied on the application of the Flinders Island decision to explain how the zone should be applied with reference to their land. What were asserted to be appropriate locations (principally roads), for the visibility test were identified, and the extent of visibility of land affected by distance and other topography were called in aid to support opposition to the application of the Landscape Conservation Zone.

21. The Commission notes that important scenic value is only one of the matters that are referred to in the Landscape Conservation Zone Guidelines that can be considered in relation to the application of the Landscape Conservation Zone. While that was a relevant factor in the application of the Landscape Conservation Zone on Flinders Island, the Commission does not consider that this is the sole test for the application of the zone. Indeed, the Guidelines specially provide alternative criteria. Relying on one of the definitions of 'landscape' in the Macquarie Dictionary and the definition of 'values', provides a narrow scope for the application of the zone, albeit it can be a relevant consideration.
22. While the Commission seeks to achieve consistency in its decision making it is not bound by the test that was adopted to apply the zone on Flinders Island, the issues associated with the application of the Landscape Conservation Zone have been extensively canvassed in the assessment of the Huon Valley draft LPS.
23. While the Flinders Island test for application of the Landscape Conservation Zone is too narrow, it became apparent during the course of the hearing that the methodology that was applied to Landscape Conservation zoning in the Huon Valley, while having theoretical validity, was too broadly applied to the landscapes in the Huon Valley municipal area. It failed to take into account a wide range of existing uses on the land to which it was applied.
24. The Commission notes that landscape values are not defined in the SPPs or the Landscape Conservation Zone Guidelines. The Guidelines only provide information on the characteristics of land to which the zone may be applied.
25. The Commission considers the preferable approach to applying the Landscape Conservation Zone is to determine the relevant applicable definition of the noun landscape. What is a landscape? It has more than one meaning, and in the case of the Landscape Conservation Zone, the Commission considers that 'landscape' means, as it is defined in the Macquarie Dictionary, "an area of land with distinguishing features or landforms". The examples provided in the Macquarie Dictionary associated with the definition is "a wooded landscape; a hilly landscape". This definition is consistent with the primary purpose of the Landscape Conservation Zone which is the protection, conservation and management of landscape values. Based on the evidence, information presented, and the topography of the Huon Valley municipal area, the examples provided in the Macquarie Dictionary definition are apposite.
26. What the Landscape Conservation Zone Guidelines do, is outline the types of landscapes that might be the subject of the application of the zone. Principally those landscapes are variously described as:
 - bushland areas;
 - large areas of native vegetation;
 - areas of important scenic values;
 - large areas of bushland;
 - large areas of native vegetation which are not otherwise reserved, but contain threatened vegetation communities or threatened species;
 - areas of locally important native vegetation; and
 - areas of regionally important native vegetation.
27. In its section 35F Report, the planning authority provided a 'General Response' to the representations on the application of the Landscape Conservation Zone and the methodology applied by its planning consultants. The planning authority stated:

"The Huon Valley has a unique topography, land title structure (with a large proportion of lots between 1ha and 10ha in size, and historical residential and rural use and a broad Valley landscape. In addition, urban land,

farmland, agricultural land and areas of native vegetation are in close proximity to each other.

28. As a result, many of these property titles have been developed with residential and rural uses and development with often large, cleared areas of native vegetation on the land.
29. Whilst the landscape values of the native vegetation may be appropriate for the Landscape Conservation Zone, the use of the balance of the land for residential and rural purposes (including hobby farming) does not fit well within that zone. In essence the protection sought to be gained for the landscape does not reflect the entirety of the land."
30. The planning authority further stated:

"As a result of existing use and development there are many land titles where the application to the entire title would be incongruous to the existing use and development of the land and there are many circumstances where application of the Landscape Conservation Zone would be justified for part but not to the entirety of a property.

In the circumstances the Council requests consideration of:

 - i. The application of split-zoning to protect the necessary landscape values whilst not restricting use of land that has no landscape values; or
 - ii. The application of an alternate zone with reliance on the Natural Assets and Scenic Protection Codes over the relevant portions of the land the subject of landscape values."
31. Based on its assessment of the representations and submissions made to the Commission hearings, the Commission generally agrees with the planning authority description of the use and values of the land the subject of many of the representations.
32. Further the Commission has had regard to the request from the planning authority on split-zoning of land (see above) and the application, where appropriate, of a zone together with the application of an overlay resulting from the Natural Assets Code or the Scenic Protection Code. The Commission application of split-zoning is further discussed in the decisions made in response to the representations below.
33. The Commission conclusions and decisions on representations in relation to the application of the Landscape Conservation Zone have been made in light of the information presented by or on behalf of landowners, analysed in the hearing process with the benefit of expert planning advice and natural values advice from an experienced planning consultant and an experienced ecologist.

Split-zoning

34. As a general principle when making zoning decisions, the Commission seeks to align a zone with existing cadastre.
35. However in some circumstances the characteristics of the land and/or the use of the land on a site will indicate that the universal application of a zone to a cadastral parcel is not logical or appropriate.
36. This factor is recognised in Guideline No. 1, where it is acknowledged that split-zoning of land between the Agriculture Zone and Rural Zone (AZ 5) may be appropriate for some land parcels.
37. The characteristics of the land on a site may be such that there is a variable of topography, different vegetation types, areas subject to inundation, areas of land for

residential use and outbuildings, areas of land that are actively cultivated or farmed and areas that remain in a natural state. In many cases, this variety of land characteristics can be the result of such matters as historical settlement patterns, previously approved subdivision, cyclical generational land uses, such as forestry or agricultural practices, or as a result of bushfire.

38. In undertaking the assessment of the draft LPS, it became apparent that the topography of the Huon Valley municipal area, historical settlement patterns, existing land uses, different sizes of lots, and a variety of cleared land and land with natural values, required a flexible approach to the application of zones on many sites.
39. The Commission has endeavored to make zoning decisions that match the purpose of the zone and its allowable uses with the characteristics of individual parcels of land or individual sites.
40. Many representations sought to have the Rural Zone applied to land, instead of the application of the Landscape Conservation Zone, which was applied in the exhibited draft LPS. In light of information presented at the hearings from representors and the planning authority, and the Commission's own assessment, some of those zoning requests have been agreed. However, in many cases, it became clear that the characteristics of a site were such that the appropriate zoning was a split between two zones. This occurred mostly in a split between the Landscape Conservation Zone and the Rural Zone.
41. Considerations in making these decisions were:
 - the site conditions;
 - the nature of the vegetation on the land and its extent;
 - the prominence of the land in the landscape;
 - the past historical usage of the land;
 - the current use of the land and whether it is for or associated with rural purposes;
 - the intended future use of the land;
 - the surrounding zones and neighbouring uses;
 - the potential to introduce land use conflict;
 - the desire to achieve consistent land use zoning patterns; and
 - the avoidance of spot zoning.
42. Where the information presented persuaded the Commission to establish a split-zone, the Commission adopted an approach of inviting the planning authority and the landowner to consider where a split-zone boundary should be. Where there was agreement, the Commission invariably adopted the split-zone boundary. Where there was no agreement, the Commission determined the boundary.
43. The most common split-zone decisions were those where land had been cleared and was used for a range of rural uses in the floors of the many valleys in the municipal area, and the hillsides, in many cases steep hillsides, retained vegetation, in many cases native vegetation. The cleared areas attracted the Rural Zone, while the vegetated hillsides attracted the Landscape Conservation Zone. While it was not a determining factor, it is interesting to note a previous planning scheme that applied in the former Huon municipality (the Huon Planning Scheme 1979) contained a Hill Top Preservation Zone. This is confirmation that the hilltops in the Huon Valley area have been recognised as being of landscape value for many years.
44. There are over 400 split zoned parcels in the interim planning scheme. There were approximately 300 split-zoned parcels in the exhibited draft LPS. The Commission's approval will result in about 350 split-zoned parcels. The approved LPS will result in

about 12.5% less split parcels than the interim planning scheme, and about 12.5% more than the exhibited draft LPS.

45. Finally in relation to split-zoning decisions, the Commission has determined split-zone boundaries by applying a criterion which is the most appropriate for the site being considered. The split-zone boundaries have been based on straight lines drawn between logical points in a cadastral parcel, on natural features such as streams or creeks, or on contour lines that traverse a site.

Spot-zoning

46. As a general principle, the Commission seeks to avoid spot-zoning, in favour of applying the zones to land in a consistent pattern. While in some exceptional cases, a spot-zone may be appropriate, the Commission has sought to avoid spot-zoning of land in the municipal area.
47. In a number of cases involving application of the Rural Zone and the Landscape Conservation Zone, assessment of the land characteristics resulted in large areas of land that were appropriate to be zoned Rural, surrounding an isolated area of land that had characteristics that met the requirements of the Landscape Conservation Zone. When those circumstances were presented, avoiding split-zoning and applying the zones to land in a consistent pattern has resulted in the Commission applying the Rural Zone instead of the application of the Landscape Conservation Zone.
48. In making those decisions, the Commission has taken into account the nature, extent and status of the vegetation on a site, the prominence of the land in the landscape, and the extent to which the Priority Vegetation Area overlay of the Natural Assets Code applies to the site and offers appropriate controls on any removal of native vegetation.

Application of the Rural Living Zone

49. The Rural Living Zone can be applied to land parcels according to four different lot sizes provided by the zone, being 1ha, 2ha, 5ha or 10ha. Historical subdivision approval in the Huon Valley municipal area, has resulted in many small lots. The planning authority advice was that only 13% of lots in the municipal area were greater than 10ha and that 26% of lots were between 1ha and 10ha. This coupled with the removal of the availability of Environmental Living Zone from the SPPs, resulted in the application to the Landscape Conservation Zone to many parcels of land in the exhibited draft LPS.
50. In light of representations made to the draft LPS, and in light of the planning authority's further consideration of the appropriate zoning from many of the smaller parcels of land, in its section 35F report on the representations, the planning authority recommended the zone of many properties be changed to Rural Living. The planning authority's further consideration of this issue also resulted in it recommending that many parcels of land for which there was no representation should also be zoned Rural Living. When these matters were considered at the hearing, it became apparent that there were further parcels of land that should be considered for the Rural Living Zone.
51. This circumstance presented a process issue for the Commission, as the owners of these parcels of land, had no knowledge of the proposed change of the zoning of the land that was presented when the draft LPS was exhibited. In order to provide those landowners with knowledge of the change, and to observe the principles of natural justice, the Commission, with the co-operation of the planning authority, wrote to all the landowners in question, advising them of the change, enabling them

to provide written views on the proposed change, and/or to attend a hearing if they so wished.

52. This process resulted in the Commission writing to approximately 850 landowners, with the properties concerned essentially being grouped in 55 clusters. The average response rate to the letters was 28%, and some of the affected property owners did attend a hearing of the Commission to present their views.
53. The additional process of assessment resulted in a change from the exhibited zoning for over 1100 properties.
54. Because of the range of lot sizes available in the Rural Living Zone, some landowners sought lot sizes that would have enabled their land to be subdivided. In all but a few cases, the Commission has determined the lots sizes for the Rural Living Zone so that there is no potential for the further subdivision of the land. While there may be merit in the further subdivision of some areas of land, the Commission notes the significant percentage of small-lot land in the municipality, which should not be increased in the absence of a strategic land use study or studies by the planning authority. It will only be when such studies are undertaken that the planning authority can make appropriate decisions on increasing the density of land in the many rural living areas of the municipality. If the planning authority seeks to make any such changes, an amendment to the LPS will be required, with the associated public exhibition and Commission hearing process.
55. The Commission is conscious of the fact that the range of uses allowable in the Rural Living Zone is more extensive than those allowable in the Landscape Conservation Zone. It is however satisfied that the application of the Rural Living Zone is consistent with the Guideline No. 1 for the application of the Landscape Conservation and Rural Living zones. LCZ 4 (a) of Guideline No. 1 states:

“The Landscape Conservation Zone should not be applied to:

 - (a) land where the priority is for residential use and development (see Rural Living Zone);”
56. The Guidelines for application of the Rural Living Zone state:

“The Rural Living Zone should be applied to:

 - (a) residential areas with larger lot, where existing or 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;”
57. Given the comprehensive assessment of the zoning of these lands through the assessment and hearing process, the Commission is satisfied that the zoning changes can be made as modifications to the draft LPS. The comprehensive assessment included careful scrutiny of the zoning of these areas by the planning authority in the preparation of its section 35F Report, further scrutiny given by the Commission in the hearing process, site visits conducted by the Commission, an examination of the existing cadastre, consideration of surrounding land uses and significantly written consultation with all affected landowners during the hearing assessment process in order to observe procedural fairness.

Forestry Land Use

58. The Huon Valley municipality has a long history and association with forestry. Forestry use was referenced in many representations, submissions and at the hearings, and information presented about forest practices plans or private timber reserves that applied to land. Furthermore, the Commission heard from numerous representors who intended to undertake forestry activities on their land in future.

The Commission's general approach to the zoning of land where forestry use was likely to be undertaken was to apply Rural Zone to those lands.

59. Where the determined or predominant use of land for undertaking forestry activities is established through an assessment process, the Rural Zone is considered to be the most appropriate zoning for those lands.
60. The use table in the Rural Zone lists Resource Development (which includes plantation forestry and forestry operations) as a no permit required use and it also includes Resource Processing (which includes sawmilling) as a permitted use.
61. Existing use and status of land for forestry activities can be demonstrated in one of four ways:
 - I. land has the statutory designation of a Permanent Timber Production Zone under the *Forest Management Act 2013*;
 - II. land is designated as Future Potential Production Forest land under the *Forestry (Rebuilding the Forest Industry Act) 2014*;
 - III. land has a forest practices plan approved under the *Forest Practice Act 1985*; or
 - IV. land is an approved private timber reserve under the *Forest Practice Act 1985*.
62. Rural zoning may not be automatic for land subject to a forest practices plan or private timber reserve, as a forest practices plan or a private timber reserve may only apply to part of a land parcel, and there may be other qualities or uses of the land, that when assessed, indicate a different zoning should be applied. As the Priority Vegetation Area overlay is compatible with Rural Zone, it may be that the overlay also applies to the land to protect natural values.
63. Regardless of the zoning of land in the draft LPS, there are provisions that exclude the application and operation of the LPS to private timber reserve and forest practices plan lands. There is a broad definition of forest operations in section 11(1) of the Act, and section 11(3)(a) of the Act provides that nothing in the Tasmanian Planning Scheme (which includes the LPS) affects forestry operations conducted on land declared as a private timber reserve. An exemption to similar effect also applies in relation to certified forest practices plans. The exemption provisions of the SPPs by Clause 4.4.1(a) provide that clearance and conversion of a threatened native vegetation community or disturbance of a vegetation community, is exempt from the application of the Tasmanian Planning Scheme, if conducted in accordance with a certified forest practices plan.

Issues raised in the representations

General Residential Zone - Esperance Road, Southport

Representation: Alan Quarmby (24)

64. The representor requested the zone of Esperance Road, Southport folios of the Register 201428/1 and 100088/1 be revised from part Low Density Residential and part Rural to General Residential or Low Density Residential.
65. The representor also requested the zone of Esperance Road, Southport folio of the Register 17705/1 be revised from part Low Density Residential and part Utilities to Rural Living. The representor contended the Utilities Zone had been applied to provide for future road widening, which was no longer required by the road authority.

66. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- folios of the Register 201428/1 and 100088/1 did not contain residential use or development; and
 - the title plan for folio of the Register 17705/1 indicated the land was set aside for widening of the State highway and should therefore remain in the Utilities Zone.
67. At the hearing, the planning authority added the following comments:
- it had engaged a consultant to prepare a land use and development strategy;
 - the strategy would examine what zones should be applied to the major settlements in the municipality;
 - the strategy would consider whether folios of the Register 201428/1 and 100088/1 should be included in the Low Density Residential Zone; and
 - it did not know whether the road authority (Department of State Growth) would support application of an alternative zone to the part of folio of the Register 17705/1 zoned Utilities.
68. Following the hearing, the Department of State Growth, in response to a Commission direction, contended the land should be zoned Utilities because the land had the same status as a designated road.

Commission consideration

69. The Commission is persuaded folios of the Register 201428/1 and 100088/1 should be included in the Low Density Residential Zone. The land may be suitable for future residential use and development and is located to the east of Wilsons Road adjacent to several other residential properties already included in the Low Density Residential Zone. Consequently, the Commission notes the road reserve adjoining the southern boundary of folio of the Register 201428/1 has been split-zoned Low Density Residential and Rural. The Commission considers the land should be wholly contained in the Rural Zone as it is not a public road or part of Wilsons Road.
70. Otherwise the Commission accepts the Utilities Zone applied to part of folio of the Register 17705/1 reflects the intended use of the land for a future road and therefore determines the land remain in the Zone.

Commission decision

71. Modification:
- Revise the zoning of Esperance Road, Southport folios of the Register 201428/1 and 100088/1 and the road reserve adjoining the southern boundary of folio of the Register 201428/1 to Low Density Residential.
72. Reason: To apply the Low Density Residential Zone consistent with Guideline No. 1.

General Residential Zone - 20 Emma Street, Cygnet

Representation: Ireneinc Planning for Lawrence and Josephine Port (123)

73. The representor requested the zone of 20 Emma Street, Cygnet folio of the Register 157309/1 be revised from part Rural and part General Residential so it was wholly zoned General Residential. The reasons were:
- the land was identified as potentially constrained in the State land potentially suitable for agriculture zone mapping (agricultural estate mapping), which indicated the land was unlikely to be suitable for agriculture use;

- the land was constrained because it had a relatively small area of approximately 4.5ha and was located close to residential use;
 - the land to the south and east of the property was proposed to be zoned General Residential, while the land to the north was proposed to be zoned Rural;
 - the land to the west of the property was proposed to be zoned Agriculture, however there was no evidence the land was used for agriculture;
 - an existing dam and tracts of vegetation on the land to the west would provide a buffer between uses and reduce potential conflict;
 - the land was located within the Cygnet township and serviced by reticulated water and sewer;
 - Cygnet provided several core services and facilities;
 - the land was not identified in the Huon Valley Land Use Development Strategy 2007 as a site intended to be developed for urban-residential purposes, however current regional population growth predictions indicated demand for housing and land stock had increased;
 - several residential subdivisions had occurred outside the urban growth boundary identified in the Huon Valley Land Use Development Strategy 2007;
 - the Cygnet Residential Demand and Supply Analysis 2020 by SGS Economics identified there was demand for new areas of land to be zoned General Residential in Cygnet; and
 - there was a discord between the conclusions of the SGS Economics report and the data used to inform the regional strategy growth scenarios.
74. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the land was not considered to be part of the main urban-residential area of Cygnet;
 - the land was located outside the town boundary identified in the Huon Valley Land Use Development Strategy 2007 and was therefore zoned Rural; and
 - a detailed local strategic planning analysis would be required to support a change to the General Residential Zone to ensure the Zone met GRZ 2(c) of Guideline No. 1.
75. At the hearing, the planning authority stated it did not oppose to the General Residential Zone being applied to the land in future, however, it considered strategic planning work would need to be undertaken to support a change to the zone. The planning authority stated it had engaged a consultant to prepare a land use and development strategy on its behalf, which would help it understand what zones should apply to the area in the future.

Commission consideration

76. The Commission is not persuaded the General Residential Zone should be applied to the land. Specifically, there is insufficient evidence the application of the General Residential Zone is supported by a contemporary local land use strategy, the extent of demand for more urban-residential land, and whether the land can be provided with reticulated services and roads.
77. The Commission notes the planning authority's intent to undertake such strategic planning work for settlements in the municipality, which may help determine what zone should be applied to the land in future.

Commission decision

78. The Commission determines no modifications are required.

General Residential Zone - Thorp Street, Cygnet

Representation: Ireneinc Planning for Anthony and Anne Reardon (125)

79. The representor requested the zone of Thorp Street, Cygnet folios of the Register 31988/1 and 182001/1 be revised from Future Urban to General Residential. The reasons were:
- the land was undeveloped and accessible from O'Connell Close and Thorp Street;
 - the site had an area of approximately 10ha and adjoined land to the east and south-east, which was proposed to be zoned General Residential;
 - the land was within the township and serviced by reticulated water and sewer infrastructure;
 - the most recent housing supply and demand assessment for the area prepared by SGS Economics indicated there was a need for additional residential lots at Cygnet;
 - parts of the land contained native vegetation and would be subject to the Waterway and Coastal Protection Area and Coastal Inundation Hazard Area overlays, which would constrain potential development; and
 - parts of the land that could not be developed could be used as public open space.
80. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the land was within the town boundary identified in the Huon Valley Land Use Development Strategy 2007;
 - there was a need for additional housing at Cygnet;
 - the land was zoned Future Urban in the interim planning scheme;
 - the Future Urban Zone should be applied to land intended to be used and developed for urban-residential purposes in future;
 - a structure or precinct plan was required to provide a detailed strategic analysis of the township and to determine whether more land zoned General Residential was required and, if so, how new land releases should be sequenced; and
 - the General Residential Zone may have had strategic merit; however, the Future Urban Zone was consistent with Guideline No. 1.
81. At the hearing, the representor, Mr Phil Gartrell (Ireneinc Planning), made the following comments in support of the representation:
- the owner of the land had also constructed the neighbouring subdivision;
 - the SGS Economics report indicated the supply of residential land at Cygnet would last until 2036, however more land would be needed in the future;
 - the Huon Valley Land Use Development Strategy 2007 identified the land was suitable for residential use and development;
 - a development plan had not been prepared for the site; and
 - it may be more appropriate for a request for a draft amendment to be made separate to the draft LPS assessment process in future.
82. In response, the planning authority made the following comments:
- it was concerned about the number of dwellings located outside existing settlements;
 - there may be benefit in the land being zoned General Residential to allow more new dwellings to be in the settlement;
 - more strategic planning work was required to determine how the land should be developed, particularly with a road network;

- it had engaged a consultant to prepare a land use and development strategy on its behalf;
- the strategy would examine what zones should be applied to the major settlements in the municipality; and
- it was not opposed to the General Residential Zone, but considered assessment of the proposal was best suited to a request for draft amendment separate to the draft LPS assessment process.

Commission consideration

83. The Commission considers there may be merit in the proposal but is not persuaded the General Residential Zone should be applied to the land at this time. Specifically, there is insufficient evidence the application of the General Residential Zone is supported by a contemporary local land use strategy, the extent of demand for more urban-residential land at Cygnet, and how the land would be provided with reticulated services and roads.
84. The Commission notes the planning authority's intent to undertake strategic planning work for settlements in the municipality, which may help determine the appropriate future zone for the land.

Commission decision

85. The Commission determines no modifications are required.

General Residential Zone - Main Street, Huonville

Representations: Ireneinc Planning for David Miller (128 and 149)

86. The representor requested the zone of Main Street, Huonville folio of the Register 178529/500 be revised from Future Urban to General Residential. The reasons were:
- the land was undeveloped and accessible from Ashy Way;
 - the land had an area of approximately 9.4ha and adjoined existing an existing residential area to the north-west;
 - the General Residential Zone would provide additional residential land to meet growing demand;
 - a report titled Huonville Residential Capacity and Demand Analysis by SGS Economics was included with the representation and provided an analysis of the current supply and demand for residential land in the area;
 - the SGS Economics report concluded Huonville required between 983 and 1439 new dwellings between 2021 and 2041 and that current supply of residential lots could be exhausted by 2036 if current population growth patterns continued;
 - the land had access to reticulated services and was suitable for urban-residential use and development; and
 - the site was relatively free from hazards.
87. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the land was zoned Future Urban in the interim planning scheme;
 - the Future Urban Zone should be applied to land intended to be used and developed for urban-residential purposes in future;
 - a structure or precinct plan was required to provide a detailed strategic analysis of the township and to determine whether more land zoned General Residential was required and, if so, how new land releases should be sequenced; and

- the General Residential Zone may have had strategic merit; however, the Future Urban Zone was consistent with Guideline No. 1.
88. At the hearing, the representor, Mr Phil Gartrell (Ireneinc Planning), made the following comments in support of the representation:
- other land at Huonville zoned General Residential had not been developed because the owners did not have the financial means to do so;
 - the subject land should be added to the bank of General Residential Zone to allow it to be developed instead;
 - the General Residential Zone was consistent with GRZ 1 of Guideline No. 1 because it had reticulated services;
 - the General Residential Zone was consistent with the regional strategy; and
 - the land to the north-east of the site was intended to be developed with a new road to bypass the town centre.
89. In response, the planning authority made the following comments:
- it intended to prepare a structure plan for the area, particularly to determine how the road network in the area should be designed;
 - the structure plan would ensure the land is developed to its best potential;
 - a subdivision had been approved at Sale Street, Huonville folio of the Register 179764/5 to the south of the land;
 - it may be more appropriate for the owner to request for a draft amendment to zone the land General Residential after the draft LPS is in effect; and
 - it may be appropriate for a Specific Area Plan to be included with a request for a draft amendment to control how the traffic network would be developed.
90. Following the hearing, the planning authority, in response to a Commission direction, provided a copy of proposal plans for the Huonville bypass and a copy of the approved plan of subdivision for the land at Sale Street. The plans showed the proposed location of the bypass around the eastern boundary of the site. The approved plan of the subdivision at Sale Street showed a road that would reach to the northern boundary of the site to provide for future road connections into adjacent land zoned General Residential and Future Urban.

Commission consideration

91. The Commission considers there may be merit in the proposal but is not persuaded the General Residential Zone should be applied to the land at this time. Specifically, there is insufficient evidence the application of the General Residential Zone is supported by a contemporary local land use strategy, the extent of demand for more urban-residential land at Huonville, and how the land would be provided with reticulated services and roads.
92. The Commission also accepts road network planning is particularly important for Huonville, which may influence how the area is developed.
93. The Commission notes the planning authority's intent to undertake strategic planning work for settlements in the municipality, including a structure plan for Huonville, which may help determine the appropriate future zone for the land. An alternate zone (or other controls) could be applied by draft amendment to the LPS if supported by the outcomes of future strategic planning work.

Commission decision

94. The Commission determines no modifications are required.

General Residential Zone - 15 Louisa Street, Cygnet

Representation: David de Burgh (185)

95. The representor requested the zone of 15 Louisa Street, Cygnet, folio of the Register 136883/1 be revised from Recreation to General Residential.
96. In its section 35F report, the planning authority recommended no change to the draft LPS because the land was already zoned General Residential in the exhibited draft LPS.

Commission consideration

97. The Commission notes the request made by the representor and is satisfied with the planning authority's response in its section 35F report.

Commission decision

98. The Commission determines no modifications are required.

General Residential Zone - 47 Garthfield Avenue, Cygnet

Representation: Paul Gibson (219)

99. The representor requested the zone of 47 Garthfield Avenue, Cygnet folio of the Register 174238/2 be revised from Future Urban to General Residential or Low Density Residential. The reasons were:
 - the owner of the land wanted to develop it with affordable housing;
 - there was a shortage of available residential land in Cygnet;
 - the most recent housing supply and demand assessment for the area prepared by SGS Economics indicated there was need for 139 new dwellings at Cygnet by 2026;
 - the General Residential Zone was consistent with Guideline No. 1 and the regional strategy.
100. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
 - the land was zoned Future Urban in the interim planning scheme;
 - the Future Urban Zone should be applied to land intended to be used and developed for urban-residential purposes in future;
 - a structure or precinct plan was required to provide a detailed strategic analysis of the township and to determine whether more land zoned General Residential was required and, if so, how new land releases should be sequenced; and
 - the General Residential Zone may have had strategic merit; however, the Future Urban Zone was consistent with Guideline No. 1.
101. At the hearing, the planning authority stated it had engaged a consultant to prepare a land use and development strategy for the municipality. The strategy would examine what zones should be applied to major settlements in the municipality.

Commission consideration

102. The Commission considers there may be merit in the proposal but is not persuaded the General Residential Zone or Low Density Residential Zone should be applied to the land at this time. Specifically, there is insufficient evidence that either zone is supported by a contemporary local land use strategy, the extent of demand for more urban-residential land, and whether the land can be provided with reticulated services and roads.

103. The Commission notes the planning authority's intent to undertake strategic planning work for settlements in the municipality, which may help determine the appropriate future zone for the land.

Commission decision

104. The Commission determines no modifications are required.

General Residential Zone - 12 Walton Street, Huonville

Representation: E3 Planning for Adam Crane (269)

105. The representor requested the zone of part of 12 Walton Street, Huonville folio of the Register 167352/2 be revised from Agriculture to General Residential. The part of the land subject to the representation had an area of approximately 8,400m² and adjoined Walton Street. The reasons were:
- the land adjoined several properties zoned General Residential in Walton Street;
 - the land had direct frontage to an urban road;
 - the land had limited land capability and potential to be used for agriculture;
 - the land had access to reticulated sewer, water and stormwater services and would 'maximise the utilisation and efficiency of existing infrastructure and community services' as required by the Huon Valley Land Use Development Strategy 2007;
 - the balance of the land would continue to be used for agriculture;
 - the General Residential Zone would not create any additional land use conflict with urban-residential use;
 - the land was not prime agricultural land or within an irrigation district;
 - a minor part of the land (which skirted the western boundary of the proposed General Residential Zone) was flood-prone but would not prevent construction of a dwelling;
 - the land was within the settlement defined by the Huonville Ranelagh Structure Plan 2011;
 - the General Residential Zone would provide for infill development that adjoined an existing urban-residential area;
 - Huonville was classed as a high-growth area in the regional strategy, which anticipated a growth rate of 20-30%;
 - the 2016 Census concluded the area had 861 private dwellings, which accommodated 1840 residents;
 - a 20% growth rate required an increase of 172 dwellings, while a 30% growth rate required an increase of 258 dwellings; and
 - the General Residential Zone would create estimated potential for eight new residential lots and partly provide for the 188 new dwellings to which the Huonville Ranelagh Structure Plan aspired and the 172-258 new dwellings to which the regional strategy aspired.
106. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the land was zoned Significant Agriculture in the interim planning scheme;
 - Guideline No. 1 required the General Residential Zone to be applied to urban-residential areas within each municipal area and specified the Zone may be applied to greenfield areas that were identified for future urban-residential use and development;
 - the General Residential Zone was not supported by Guideline No.1;
 - the General Residential Zone was not supported by land use direction 13 of the endorsed Huonville Ranelagh Master Plan 2019 because it was not within its

- urban growth boundary, which provided a clear visual boundary to the town and protected surrounding agricultural land; and
 - the General Residential Zone was not supported by a detailed strategic planning analysis.
107. The planning authority included the following advice from its agriculture expert (RMCG):
- the land separated existing urban-residential use in Walton Street from productive agricultural land;
 - the land had a land capability classification of class 4 and class 5 and had frontage to Mountain River;
 - the General Residential Zone would reduce separation distance between residential and agriculture use to approximately 85-100m; and
 - the General Residential Zone was not supported because increased potential agriculture use would be constrained.
108. At the hearing, Mr Evan Boardman (E3 Planning) made a written submission and the following comments in support of the representation:
- the General Residential Zone would provide for several infill residential lots on the northern side of an existing urban road;
 - the urban growth boundary in the regional strategy was incorrect because it should have followed the urban growth boundary specified in the Huonville Ranelagh Structure Plan 2011, which included the land on the northern side of Walton Street;
 - the remainder of the land could continue to be farmed; and
 - the land to the north-west of the proposed General Residential Zone was flood-prone, could not be developed with dwellings, and would therefore provide a buffer between residential and agriculture use.
109. In response, the planning authority made the following comments:
- the Huonville Ranelagh Master Plan 2019 recognised the area for its agriculture use and did not identify the area for further expansion of urban-residential use;
 - demand for residential land was higher than it was at the time its local strategies were completed;
 - it considered application of the General Residential Zone was premature;
 - more strategic planning work was required to determine where the General Residential Zone should be applied in future;
 - it had engaged a consultant to prepare a land use and development strategy on its behalf;
 - expansion of the General Residential Zone at Huonville would be considered; and
 - its agriculture expert raised concern the land adjoined existing agriculture use.

Commission consideration

110. The Commission is persuaded the General Residential Zone should be applied to the land for the reasons given by the representor. The Commission also notes the following:
- the land adjoins the General Residential Zone and can be connected to reticulated services;
 - the land would allow the area on the northern side of Walton Street to be infilled with urban-residential lots with frontage to an existing road;
 - the potential lot yield is minor in its context and within the growth anticipated by the regional strategy and the Huonville Ranelagh Structure Plan 2011;

- the application of the General Residential Zone would provide for urban expansion in an area relying on an existing sealed road already developed to urban standards;
 - providing frontage and access to urban development on both sides of the street makes effective use of existing infrastructure and will and conclude the urban edge in this location; and
 - the General Residential Zone would be located approximately 50m closer to potential agriculture use, which is considered minor in its context and reasonable in this instance given the principles of Guideline No. 1 indicate a need for urban-residential land in areas where community and reticulated services are available.
111. The Commission consequently determines the Priority Vegetation Area overlay should be applied to that part of the land zoned General Residential consistent with the Regional Ecosystem Model mapping to manage the native vegetation, as the overlay is compatible with the Zone. The policy intent of the SPPs is that the overlay be applied to compatible zones, and no evidence was submitted from a suitably qualified person to demonstrate the land does not contain priority vegetation. The Commission notes the overlay only requires a planning permit application to be assessed against the Natural Assets Code of the SPPs if it is for subdivision. Otherwise, the Natural Assets Code would not apply to use and development of land zoned General Residential. Additionally, the Commission notes the Code does not prevent subdivision of land, but requires any adverse impacts on natural values as a consequence of subdivision are minimised.

Commission decision

112. Modification:
- Revise the zoning of that part of 12 Walton Street, Huonville folio of the Register 167352/2 identified in Figure 1 of representation 269 made by E3 Planning and dated 28 May 2022 to General Residential and apply the Priority Vegetation Area overlay to that part of the land zoned General Residential consistent with the Regional Ecosystem Model mapping.
113. Reason: To apply the General Residential Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

General Residential Zone - 8 and 10 Doctor Dicks Drive, Port Huon

Representation: Red Seal Planning for Narelle Gane (359)

114. The representor requested the zone of 8 Doctor Dicks Drive folio of the Register 168693/8 (zoned Rural) and 10 Doctor Dicks Drive, Port Huon folio of the Register 182269/1 (zoned Future Urban with a small access strip in the General Residential Zone) be revised to General Residential and Low Density Residential. The representor provided a draft plan of subdivision that showed a proposed 57 lot subdivision of the land. The General Residential Zone was proposed to apply to the western side of the land, while the Low Density Residential Zone would apply to proposed lots along the eastern boundary of the land. The reasons were:
- part of the land was previously zoned General Residential in the interim planning scheme and had an approval for subdivision;
 - part of the land was zoned Particular Purpose - Urban Growth in the interim planning scheme but was unlikely to be developed because it did not have adequate road frontage;
 - there was a significant demand for housing at Port Huon;
 - new dwellings could be provided with services, such as the existing local shops in Port Huon and more significant services in Geeveston;

- the draft plan of subdivision showed how the road network could be developed to provide access to the rear of the land;
 - the Low Density Residential Zone would provide a buffer to the Light Industrial Zone located to the south-east of the land;
 - the proposed zones were consistent with Guideline No. 1;
 - Port Huon was not referenced in the regional strategy; and
 - there was a high demand for affordable housing at Port Huon driven by growth in the local
 - aquaculture industry.
115. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the proposed zones were equivalent to those applied in the interim planning scheme;
 - the zones proposed by the representor were not supported by the Huon Valley Land Use Development Strategy 2007 as the land was not within the Urban Growth Boundary;
 - there was a substantial amount of land in the area zoned General Residential that was undeveloped;
 - access to the land zoned Future Urban could be provided from future subdivision of the land to the west; and
 - the Rural Zone was the most appropriate zone to apply to 8 Doctor Dicks Drive because it would provide a buffer to the land zoned Light Industrial.
116. At the hearing, the representor, Mr Trent Henderson (Red Seal Planning), made the following comments in support of the representation:
- the land on the northern side of the site could not be accessed from Doctor Dicks Drive because the access strip was too steep and narrow;
 - the Low Density Residential Zone would recognise the limited development potential of the land to the east;
 - there was strong demand for more land zoned General Residential in the area, which would increase the possibility other land in the General Residential and Future Urban zones would be developed;
 - Port Huon was not included in local strategic planning work very often and was not directly recognised by the regional strategy;
 - Port Huon had changed significantly since the regional strategy was developed; and
 - there was significant activity occurring in the area that warranted application of alternative zones to the land.
117. In response, the planning authority made the following comments:
- it considered the proposal had some merit but was not persuaded the zones should be changed until further strategic planning work was undertaken;
 - it had engaged a consultant to prepare a land use and development strategy on its behalf;
 - the strategy would examine where the General Residential and Future Urban zones should be applied; and
 - the strategy would need to determine the capacity of infrastructure in the area and whether upgrades would be needed to provide for development of the land.

Commission consideration

118. The Commission considers there may be merit in the proposal but is not persuaded alternative zones should be applied to the land at this time. Specifically, there is

insufficient evidence the General Residential or Low Density Residential zones are supported by a contemporary local land use strategy, the extent of demand for more urban-residential land at Port Huon, and how the land would be provided with reticulated services and roads.

119. The Commission notes the planning authority's intent to undertake strategic planning work for settlements in the municipality, which may help determine the appropriate future zones for the land.

Commission decision

120. The Commission determines no modifications are required.

General Residential Zone - Mary Street, Cygnet

Representation: Shane Pritchard (403)

121. The representor requested the zone of Mary Street, Cygnet folios of the Register 165335/6 and 165335/7 be revised from Local Business, Environmental Management and Future Urban to General Residential. The reasons were:
- the General Residential Zone would provide for use and development of affordable housing, which was needed in the area;
 - the Environmental Management Zone along the boundary of Agnes Rivulet was unnecessary; and
 - the Environmental Management Zone applied to land that had been intensively grazed for many years and was devoid of native vegetation.
122. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the land was zoned Future Urban in the interim planning scheme;
 - the Future Urban Zone should be applied to land intended to be used and developed for urban-residential purposes in future;
 - a structure or precinct plan was required to provide a detailed strategic analysis of the township and to determine whether more land zoned General Residential was required and, if so, how new land releases should be sequenced; and
 - the General Residential Zone may have had strategic merit; however, the Future Urban Zone was consistent with Guideline No. 1.
123. At the hearing, the representor, Mr Shane Pritchard, made a written submission and the following comments:
- recent census data showed the population of Cygnet was growing faster than expected;
 - a recent housing supply and demand report for the area prepared by SGS Economics indicated there was an acute shortage of residential land at Cygnet;
 - the land was close to services and suitable for residential use and development;
 - the land would also provide opportunity for the use and development of Visitor Accommodation;
 - the land could also provide for construction of a local swimming pool;
 - a flood study had been prepared for the land to determine how the land would be impacted by a flood;
 - the shape and area of the land meant several different locations for road network through the land were possible; and
 - reticulated services could be provided to the land; however, a sewer pump station may be required.

124. Following the hearing, the planning authority, in response to a Commission direction, provided a response to the hearing submission made by Mr Pritchard. The planning authority maintained its recommendation there be no change to the draft LPS and made the following comments:
- it agreed the SGS Economics report indicated a need for additional urban-residential land at Cygnet;
 - Cygnet had experienced significant population growth in recent years, which surpassed initial projections;
 - recent strategic planning work indicated more protection of historic heritage and streetscape values was required;
 - it did not oppose the rezoning request, but was of the opinion no rezoning should take place until it was able to develop design standards or other provisions to apply to the land, which may include listings of places of local heritage significance or a Specific Area Plan; and
 - further work on design standards may be undertaken after the draft LPS was in effect.
125. At the reconvened hearing, Mr Pritchard submitted a concept plan of subdivision, which showed how the land could be developed with a road that would connect with a prospective bypass of the main street of Cygnet (Mary Street) in future.
126. In response, the Cygnet Association Inc (representation 319), represented by Mr Patrick Synge and Ms Rejane Belanger, made the following comments:
- the accuracy of the SGS Economics report was disputed because it was unclear what potential lot sizes it was based on;
 - it supported the provision of more residential land in Cygnet;
 - the concept plan of subdivision submitted by Mr Pritchard could compromise the potential route of a future bypass road;
 - the future bypass road was extremely important;
 - the General Residential Zone should not be applied to the land until the route of the bypass was confirmed; and
 - it was concerned new dwellings constructed on the land would be impacted by future flooding.
127. The planning authority stated its future strategic planning work would consider traffic and pedestrian connectivity issues, including the location of the bypass.

Commission consideration

128. The Commission considers there may be merit in the proposal but is not persuaded the General Residential Zone should be applied to the land at this time. Specifically, there is insufficient evidence the application of the General Residential Zone is supported by a contemporary local land use strategy, the extent of demand for more urban-residential land at Cygnet, the optimal location of more residential land, and whether the land can be provided with reticulated services and roads.
129. The Commission notes the planning authority's intent to undertake strategic planning work for settlements in the municipality, including the development of urban design standards at Cygnet, which may help determine the appropriate future zone for the land.

Commission decision

130. The Commission determines no modifications are required.

General Residential Zone - 42 Hill Street, Geeveston

Representation: Huon Valley Council (409)

131. The representor requested the zone of 42 Hill Street, Geeveston folio of the Register 61195/4 be revised from Landscape Conservation to General Residential because the land had characteristics consistent with the General Residential Zone.
132. In its section 35F report, the planning authority recommended the General Residential Zone be applied for the following reasons:
 - the Landscape Conservation Zone was applied in error;
 - the land was zoned General Residential in the interim planning scheme; and
 - the land had a small area and was not a feature of landscape value.

Commission consideration

133. The Commission agrees the General Residential Zone should be applied to the land for the reasons given by the planning authority in its section 35F report. The land adjoins the General Residential Zone, has an area commensurate with other lots in the Zone, can be connected to reticulated services, and is within existing service capacity.

Commission decision

134. Modification:
 - Revise the zoning of 42 Hill Street, Geeveston folio of the Register 61195/4 to General Residential.
135. Reason: To apply the General Residential Zone consistent with Guideline No. 1.

General Residential Zone - 36 Tobys Hill Road, Cygnet

Representation: Martin and Carol Brereton (412)

136. The representor requested the zone of 36 Tobys Hill Road, Cygnet folio of the Register 22276/1 and Guys Road, Cygnet folios of the Register 106710/1 and 106711/1 be revised from Agriculture to General Residential. The reasons were:
 - 36 Tobys Hill Road was not suitable for agriculture because it was previously used for noxious industry (abattoir) and contained soil that was of poor quality;
 - the land at Guys Road adjoined land zoned General Residential; and
 - both properties required large amounts of expensive fertiliser to create potential for the land to be agriculturally productive.
137. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
 - the General Residential Zone was not supported by a detailed local strategic planning analysis such as a structure plan or population growth data;
 - the land at Tobys Hill Road did not adjoin land zoned General Residential;
 - the Agriculture Zone was consistent with AZ 2 of Guideline No. 1 because the land was zoned Significant Agriculture in the interim planning scheme; and
 - the Agriculture Zone was suitable for the land.
138. At the hearing, Mrs Doreen Czaplinski represented Mr Martin and Mrs Carol Brereton and made a written submission and outlining the following comments in support of the representation:
 - Mr Brereton belonged to a family that had farmed the area for several generations;

- the land was not suitable for modern farming;
 - the soil on the land contained rocks, lacked sub-layers of clay and had similar properties to a quarry;
 - the land was infrequently used for cattle grazing to manage the grass and was not suitable for cropping; and
 - the land did not contain any significant native vegetation.
139. In response, the planning authority made the following comments:
- it had engaged a consultant to prepare a land use and development strategy on its behalf;
 - the strategy would examine what zones should be applied to the major settlements in the municipality;
 - its strategic planning work had not included the land in its study area; and
 - it intended to undertake a formal community consultation to help it prepare the strategy to which the representor could make a response.
140. The planning authority's agriculture expert, Ms Astrid Ketelaar (RMCG), made the following comments about the suitability of the land for agriculture use:
- the land at Tobys Hill Road had an area of approximately 12ha and adjoined a Light Industrial Zone;
 - the land at Guys Road had an area of approximately 43ha;
 - the land had a land capability classification of class 4 and class 5; and
 - there was an area of threatened native vegetation on the western side of the land at Tobys Hill Road.

Commission consideration

141. The Commission is not persuaded the General Residential Zone should be applied to the land. Specifically, there is insufficient evidence the application of General Residential Zone is supported by a contemporary local land use strategy, the extent of demand for more urban-residential land, and whether the land can be provided with reticulated services and roads. The Commission notes the planning authority's intent to undertake strategic planning work for settlements in the municipality, which is intended to include a period of public consultation to which the representor could respond.
142. The Commission otherwise accepts the recommendation of the planning authority's agriculture expert that the Agriculture Zone be applied to the land. The land is identified in the agricultural estate mapping (Tobys Hill Road unconstrained and Guys Road potentially constrained), which indicates the Rural or Agriculture zones are appropriate. The Agriculture Zone is consistent with the principles of Guideline No.1 (AZ 3). No alternative expert evidence was provided.

Commission decision

143. The Commission determines no modifications are required.

Low Density Residential Zone - 27 Kent Street, Franklin

Representation: Paul Ryder and Janet Wilson (7)

144. The representor requested the zone of part of 27 Kent Street, Franklin folio of the Register 145083/1 be revised from Agriculture to Low Density Residential. The relevant part of the land had an area of approximately 1ha, was located along the south-east boundary of the property, and adjoined land on other properties already zoned Low Density Residential Zone. The reasons were:

- the Agriculture Zone did not reflect the existing use of the land;
 - the land could be used to provide affordable housing;
 - the Low Density Residential Zone should also be applied to the surrounding area; and
 - the land was within the urban growth boundary defined under the Huon Valley Land Use Development Strategy 2007 and identified as a possible long-term residential area.
145. The representation included a report by a civil engineering and environment expert that presented an assessment of the suitability of the land to be subdivided for residential use and development. The report concluded the land was ideal for residential subdivision and could be provided with adequate vehicle access and reticulated services. The report also stated the land had never been used as a farm and contended it was unsuited for cropping or horticulture due to a lack of access to irrigation.
146. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the Low Density Residential Zone was not supported by a detailed local strategic analysis such as a structure plan;
 - the Agriculture Zone was consistent with AZ 2 of Guideline No. 1 because the land was zoned Significant Agriculture in the interim planning scheme; and
 - its agriculture expert (RMCG) investigated the potential to use the land for agriculture and determined the land and the surrounding area should remain in the Agriculture Zone.
147. The planning authority included the following advice from its agriculture expert:
- the land had a land capability classification of class 4;
 - subdivision of the land for residential and development had the potential to further constrain an existing orchard located immediately to the north of the land, which was within 200m of the site; and
 - historic aerial imagery captured in approximately 2005 showed the subject land contained orchards, as did the adjacent title to the south-west.
148. At the hearing, the representor added the following comments in support of the representation:
- the land adjoined the settlement and could be developed into approximately 14 lots;
 - a garbage collection was provided to the land; and
 - there were buildings and a road between the land and the orchard located to the north that would help to reduce potential land use conflict.
149. In response, Ms Astrid Ketelaar (RMCG) made the following comments on behalf of the planning authority:
- its principal concern was residential use and development in a Low Density Residential Zone would conflict with the operations of the neighbouring orchard;
 - 27 Kent Street was identified as potentially constrained in the agricultural estate mapping however the land was best zoned Agriculture given its location relative to existing agricultural use; and
 - the Rural Zone could be considered for all or part of constrained land, however spot-zoning or split-zoning of land was not ideal.

Commission consideration

150. The Commission is not persuaded the Low Density Residential Zone should be applied to the land. There is insufficient evidence the Low Density Residential Zone is supported by a contemporary local land use strategy, the extent of demand for more residential land, and whether the land can be provided with reticulated services and roads.
151. The Commission accepts the recommendation of the planning authority's agriculture expert that the Agriculture Zone be applied to the land, which is consistent with the principles of Guideline No.1 (AZ 3). No alternative expert evidence was provided.
152. The Commission notes the planning authority, at the hearings, outlined an intent to undertake strategic planning work for settlements in the municipality. Such work may help determine the appropriate future zone for the land and how potential land use conflicts between residential and agricultural uses in the area could be managed.

Commission decision

153. The Commission determines no modifications are required.

Low Density Residential Zone - 11 Aurora Court, Southport

Representation: Ireneinc Planning for Grant and Karen Beadle (8)

154. The representor requested the zone of 11 Aurora Court, Southport folio of the Register 174299/1 be revised from Landscape Conservation to Low Density Residential. The reasons were:
 - the land was zoned Low Density Residential in the interim planning scheme;
 - the Low Density Residential Zone should be retained because the land was part of an existing settlement; and
 - any vegetation of significant natural value would be managed by the Priority Vegetation Area overlay that was already applied to the land.
155. In its section 35F report, the planning authority recommended the Low Density Residential Zone be applied to the land for the following reasons:
 - the land adjoined the Low Density Residential on its north, west and south boundaries;
 - the land was part of an existing residential area characterised by a pattern of subdivision specifically planned to provide for such development;
 - there was no strategic intent to develop the area at higher urban densities;
 - the adjacent coastal reserve was substantially cleared of vegetation;
 - the Priority Vegetation Area overlay would apply to the land and provide for application of the Natural Assets Code of the SPPs; and
 - the Zone was consistent with LDRZ 1(c) of Guideline No. 1.

Commission consideration

156. The Commission agrees the Low Density Residential Zone should be applied to the land for the reasons given by the planning authority in its section 35F report.

Commission decision

157. Modification:
 - Revise the zoning of 11 Aurora Court, Southport folio of the Register 174299/1 Landscape Conservation to Low Density Residential.

158. Reason: To apply the Low Density Residential Zone consistent with Guideline No. 1.

Low Density Residential Zone - Eggs and Bacon Bay

Representations: Nora Bertoz (61), James Campbell (101), Diana Lubimowski (166), Stephen Bartels (169)

159. The representors requested the zone of the following properties be revised from Landscape Conservation to Low Density Residential:

- 16E Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/14 (Bartels);
- 18B Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/16 (Bertoz);
- 18C Flakemores Road, Eggs and Bacon Bay 8131/17 (Campbell); and
- 48 Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/18 (Lubimowski).

160. The reasons were:

- the Landscape Conservation Zone applied to the land was not consistent with Guideline No. 1, which states the Zone should not be applied to land where the priority for residential use and development;
- the land was purchased to build homes;
- the land was zoned Low Density Residential in the interim planning scheme;
- the Landscape Conservation Zone would compromise use and development of the land for residential purposes;
- 20 Flakemores Road was zoned Low Density Residential but was part of the same ten-lot subdivision of the land;
- it was unclear whether the natural values identified by the Priority Vegetation Area overlay existed on the land; and
- the forest area surrounded by shacks was a fire safety risk.

161. In its section 35F report, the planning authority recommended the Low Density Residential Zone be applied to the following properties:

- 16A Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/10;
- 16B Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/11;
- 16C Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/12;
- 16D Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/13;
- 16E Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/14;
- 18A Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/15;
- 18B Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/16;
- 18C Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/17;
- 48 Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/18; and
- Footway Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/23.

162. The reasons were:

- the Low Density Residential Zone was consistent with the principles of Guideline No. 1 (LDRZ 1);
- the provisions of the Low Density Residential Zone that related to use and development were not meaningfully different to the Landscape Conservation Zone;
- the lots were created in the same historic subdivision of the land;
- little consideration appeared to be given to the natural constraints of the land when the lots were created;

- the lots contained areas of native vegetation, wetland, had scenic value and would be potentially subject to coastal inundation; and
 - the Waterway and Coastal Protection Area, Future Coastal Refugia Area, Priority Vegetation Area, Coastal Erosion Hazard Area, Coastal Inundation Hazard Area and Bushfire-Prone Hazard Area overlays would apply to the land to protect natural values and protect use and development from potential hazards.
163. At the hearing, Mr Stephen Bartels (representation 169) submitted a natural values assessment of his land (16E Flakemores Road), which also related to 16D Flakemores Road. The natural values assessment was undertaken by RMCG (dated 4 April 2023) and supported development of a dwelling on the land and concluded a dwelling could be constructed without ‘unnecessary or unacceptable loss of priority biodiversity values.’ Mr Bartels submitted the report as evidence the Future Coastal Refugia Area and Priority Vegetation Area overlays should be removed from the land.
164. At the hearing, Mr Neil Shephard (Neil Shephard and Associates) for Diana Lubimowski (representation 166), made a written submission and the following comments in support of the representation related to 48 Flakemores Road:
- the Landscape Conservation Zone was not supported by LCZ 3 of Guideline No. 1 because the land was not of significant landscape value;
 - the original subdivision was surrounded by lots with similar areas that were zoned Low Density Residential;
 - some of the lots in the original subdivision had already been cleared and contained dwellings;
 - the lots were intended to be used for residential purposes;
 - the area of native vegetation at 48 Flakemores Road was not large; and
 - a natural values assessment of 48 Flakemores Road undertaken by North Barker Ecosystem Services indicated an appropriate building area, including bushfire hazard management areas, could be provided on the land without adverse impact on natural values.
165. In response, the planning authority made the following comments:
- it had some concern the lots could be further subdivided but was comfortable the Low Density Residential Zone should be applied;
 - the Low Density Residential Zone would best reflect the original intention the lots be used for residential purposes;
 - its natural values expert Mr Jim Mulcahy stated there was only a very small area of native vegetation left on the lots, which was no longer considered a threatened vegetation community;
 - there were some small areas of valuable native vegetation in the area where the Future Coastal Refugia Area overlay would normally apply, however, the overlay could not be applied to land zoned Low Density Residential; and
 - the Waterway and Coastal Protection Area overlay would provide some protection of the natural values in the absence of the Future Coastal Refugia Area overlay.
166. Following the hearing, the planning authority, in response to a Commission direction, provided a response on the merits of the natural values assessment submitted by Mr Bartels and an opinion on whether the Priority Vegetation Area overlay should be modified or removed from the land. Mr Mulcahy for the planning authority, recommended the overlays not be modified for the following reasons:
- the natural values assessment was prepared to support construction of a dwelling on the land rather than removal or modification of the overlays but

nevertheless provided information that could be used to determine whether the overlays should be removed or modified;

- the assessment indicated the land contained an area of degraded short paperbark (*Melaleuca squarrosa*) scrub that did not meet the definition of a wetland or threatened vegetation community listed under Schedule 3A of the *Nature Conservation Act 2002*;
- an area of endangered black gum forest and woodland (*Eucalyptus ovata*) was in the north-west corner of the land;
- individual mature black gums would provide potential foraging habitat for the critically endangered swift parrot (*Lathamus discolor*) when in flower; and
- application of the Priority Vegetation Area overlay was appropriate to ensure future use and development of the land was controlled as conditions change.

Commission consideration

167. The Commission agrees the Low Density Residential Zone should be applied to the land for the reasons given by the planning authority in its section 35F report (see also Commission decision on general issues - modifications).
168. However, the Commission is not persuaded that the Priority Vegetation Area overlay should be modified or removed from the land owned by Mr Bartels. The Commission accepts the planning authority's evidence that the land contains natural values that warrant application of the overlay in its current form. The Commission notes the overlay only requires a planning permit application to be assessed against the Natural Assets Code of the SPPs if it is for subdivision. Otherwise, the Natural Assets Code would not apply to use and development of land zoned Low Density Residential. Additionally, the Commission notes the Code does not prevent subdivision of land, but requires any adverse impacts on natural values as a consequence of subdivision are minimised.
169. The Commission otherwise notes the Future Coastal Refugia Area overlay cannot be applied to land zoned Low Density Residential and determines the overlay be removed from the land.

Commission decision

170. Modification:
 - Revise the zoning of the following properties from Landscape Conservation to Low Density Residential:
 - a. 16A Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/10;
 - b. 16B Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/11;
 - c. 16C Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/12;
 - d. 16D Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/13;
 - e. 16E Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/14;
 - f. 18A Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/15;
 - g. 18B Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/16;
 - h. 18C Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/17;
 - i. 48 Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/18; and
 - j. Footway Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/23.
 - Revise the Future Coastal Refugia Area overlay by removing the overlay from the following properties:
 - a. 16C Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/12;
 - b. 16D Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/13;
 - c. 16E Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/14;

- d. 18A Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/15;
- e. 18B Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/16;
- f. 18C Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/17;
and
- g. Subdivision road folio of the Register 8131/22.

171. Reason: To apply the Low Density Residential Zone and Future Coastal Refugia Area overlay consistent with Guideline No. 1.

Low Density Residential Zone - Port Huon

Representation: Port Huon Progress Association (100)

172. The representation requested the zone of a significant number of properties at Hyndes Road, Port View Drive, Palmers Road, Huon Highway, Beech Lane, Arthur Street, Osborne Street, Doctor Dicks Drive, Dwyers Road, Raymond CCT and Bonnies Way, Port Huon be revised from General Residential and Future Urban to Low Density Residential and Rural Living. The reasons were:
- the area had a rural character that was inconsistent with the General Residential and Future Urban zones;
 - there were inadequate reticulated services that would not provide for the urban-residential area to be expanded;
 - additional lots in the area would cause an increase in traffic;
 - it was difficult for residents to access medical and aged care services in the area;
 - the existing level of services provided by the Council was consistent with a rural area; and
 - postal and emergency services could still be provided to land zoned Low Density Residential and Rural Living.
173. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the draft LPS zones corresponded with similar zones applied in the interim planning scheme;
 - the General Residential and Future Urban zones are consistent with Guideline No. 1;
 - the General Residential Zone was serviced by reticulated water and sewerage infrastructure; and
 - the land zoned Future Urban was required for future expansion of Port Huon.
174. At the hearing, the Port Huon Progress Association was represented by Mr Paul Graham who made the following comments:
- there was a critical shortage of services provided for the existing settlement, including reticulated services, shops, educational facilities, healthcare facilities and footpaths;
 - it supported development but was concerned more infrastructure was needed to supply new dwellings that were being built in the area; and
 - new commercial and industrial zones could be needed to support population growth.
175. In response, the planning authority made the following comments:
- it had engaged a consultant to prepare a land use and development strategy to understand what zones should apply to the area in the future;
 - a residential land supply and demand analysis would be undertaken to investigate how the Huon Valley may be affected by population growth;
 - the analysis would cover a time span of 15 years;

- the planning authority would involve TasWater in its strategic planning work to ensure that water and sewerage infrastructure could be provided to any areas of expanded residential zoning;
- provision of reticulated services would otherwise be assessed when a development application is made for subdivision; and
- no lots could be created within the Future Urban Zone until the planning authority was satisfied the land was needed for urban-residential development and subsequent development could be appropriately serviced.

Commission consideration

176. The Commission considers the General Residential and Future Urban zones should be applied to the land for the reasons given by the planning authority in its section 35F report and the hearing. The Commission notes the planning authority's intent to undertake strategic planning work for the municipality to investigate what zones should apply to the area in the future, including how the settlement at Port Huon can be appropriately serviced.

Commission decision

177. The Commission determines no modifications are required.

Low Density Residential Zone - 33 Reservoir Road, Ranelagh

Representation: Ireneinc Planning for William Austin and Emma Stevenson (104)

178. The representor requested the zone of 33 Reservoir Road, Ranelagh folio of the Register 175095/1 be revised from Rural Living to Low Density Residential. The representor also requested the Priority Vegetation Area overlay be removed from the area of the land that was cleared and developed with a dwelling. The reasons were:
- the lot had an unusual configuration with two distinct areas (of approximately 4,100m² and 4,500m²) separated by the Ranelagh Reservoir, and linked by a 5m wide strip of land along the frontage boundary, which was part of the lot;
 - the area above the reservoir contained a dwelling while the area below was vacant;
 - the Low Density Residential Zone would provide for the area below the reservoir to be further developed;
 - the Low Density Residential Zone should also be applied to 30 and 36 North Huon Road and 16, 17, 20, 30 and 34 Reservoir Road to maintain a congruent zone pattern that was linked to other land zoned Low Density Residential on North Huon Road;
 - the existing pattern of development in the area, including the range of existing lot sizes, was consistent with the Low Density Residential Zone;
 - the Low Density Residential Zone would be consistent with LDRZ 1 of Guideline No. 1 because the land was within the Ranelagh township and was already developed for residential purposes;
 - the land was not identified for greenfield development in applicable land use strategies and was therefore not suitable for the higher-density General Residential Zone;
 - the capacity of the land to provide for high-density urban-residential development was also limited by access to reticulated services; and
 - the land did not contain vegetation of significant natural or landscape value that warranted application of the Rural Living Zone.

179. In its section 35F report, the planning authority recommended no change to the draft LPS because the Huonville-Ranelagh Master Plan 2019 did not identify the Low Density Residential Zone should be extended at Ranelagh. It added there was no other local planning strategy that supported use and development of the area for higher-density urban-residential purposes. However, the planning authority recommended the Priority Vegetation Area overlay be removed from area of the land that was cleared and developed with a dwelling as requested to avoid application of the overlay to non-native vegetation.
180. At the hearing, the representor, Ms Jacqui Blowfield (Ireneinc Planning), made the following comments in support of the representation:
 - the land was located at the edge of the settlement;
 - the proposed Rural Living Zone had similar provisions to those that applied in the interim planning scheme, however the minimum lot sizes had increased;
 - additional lot yield would still be limited by the Low Density Residential Zone;
 - the Low Density Residential Zone was the most appropriate zone in the circumstances;
 - it was logical the area should be developed into residential lots given the character of the street and the pattern of surrounding subdivisions; and
 - although the land was quite steep, particularly at the rear, there was no reason it could not be further developed.
181. In response, the planning authority made the following comments:
 - the land was located outside the urban growth boundary identified in the Huon Valley Land Use Development Strategy 2007;
 - it had engaged a consultant to prepare a land use and development strategy on its behalf; and
 - the strategy would examine what zones should be applied to the major settlements in the municipality.

Commission consideration

182. The Commission considers there may be merit in the proposal but is not persuaded the Low Density Residential Zone should be applied to the land at this time. Specifically, there is insufficient evidence the application of Low Density Residential Zone is supported by a contemporary local land use strategy. The Commission notes the planning authority's intent to undertake strategic planning work for settlements in the municipality, which may help determine the appropriate future zone for the land.
183. The Commission's view is the Priority Vegetation Area overlay should not be removed from land unless supported by the advice of a suitably qualified person who has undertaken a detailed site assessment. Consequently, the Commission does not agree to remove the overlay from the land, but notes clause C7.6.2 of the Natural Assets Code does not apply to unless native vegetation within a priority vegetation area is proposed to be cleared. It is also noted the exemption at clauses 4.1.1 and 4.4.2 of the SPPs would provide for clearance of vegetation associated with general maintenance. Otherwise, the Commission considers more extensive development of land ought to be assessed against the provisions of the Natural Assets Code where the overlay applies.

Commission decision

184. The Commission determines no modifications are required.

Low Density Residential Zone - 3242 Huon Highway, Franklin (Franklin Cluster 1)

Representation: E3 Planning for Adrian Harris (121)

185. The representor requested the zone of 3242 Huon Highway, Franklin folio of the Register 136277/1 be revised from Agriculture to Low Density Residential. The reasons were:
- the land had a small area of approximately 3,304m² and contained an existing dwelling;
 - the property and surrounding properties could not be used for agriculture;
 - the Low Density Residential Zone recognise the existing residential use and should also be applied to surrounding properties that were also small in area and contained dwellings;
 - the Low Density Residential Zone would provide a transition between the urban area of Franklin and surrounding agriculture use;
 - the land was located approximately 900m from the centre of Franklin; and
 - the Low Density Residential Zone would not provide for use that would conflict with surrounding orchards.
186. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the Low Density Residential Zone was not supported by LDRZ 1 of Guideline No. 1 because the land was not in a residential area or part of a residential settlement;
 - the Agriculture Zone was consistent with AZ 2 of Guideline No. 1 because the land was zoned Significant Agriculture in the interim planning scheme; and
 - its agriculture expert (RMCG) investigated the potential to use the land for agriculture and determined the Agriculture Zone should be applied.
187. The planning authority included the following advice from its agriculture expert:
- the land and some of the adjoining titles had no potential to be used for agriculture;
 - the land and several of the adjoining lots contained dwellings;
 - the area had a land capability classification of class 4 and class 5;
 - the Low Density Residential Zone was not appropriate because the adjacent land contained orchards;
 - the Rural Zone could be considered however it provided for use that may conflict with the surrounding orchards; and
 - the land should remain in the Agriculture Zone.
188. At the hearing, Mr Evan Boardman (E3 Planning) made the following comments in support of the representation:
- the land was not suitable for agriculture;
 - the land had been used for residential purposes for over 50 years;
 - some nearby properties were zoned Low Density Residential;
 - there were several smaller lots along Huon Highway that should be zoned Low Density Residential rather than Agriculture to recognise existing residential use; and
 - the Rural Zone could be considered as an alternative zone because the Agriculture Zone did not provide for residential use.
189. In response, Ms Astrid Ketelaar (RMCG) made the following comments on behalf of the planning authority:

- the property was one of a cluster of six properties it had reviewed and considered were more appropriately zoned Rural;
 - the Low Density Residential Zone was not appropriate because the land was in a rural area and was not part of a settlement;
 - the Low Density Residential Zone would provide subdivision potential, which was not appropriate for the area and would impact nearby agriculture use; and
 - any expansion of residential land at Franklin would need to be justified by further strategic planning work.
190. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the properties it recommended be zoned Rural. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of six letters were sent and two responses were received, both of which were supportive of the Rural Zone.

Commission consideration

191. The Commission is persuaded the Rural Zone should be applied to the land as recommended by the planning authority and its agriculture expert for the following reasons:
- the property is identified in the agricultural estate mapping (unconstrained), which indicates the land should be included in the Rural Zone or Agriculture Zone;
 - the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 3);
 - the properties contain a mix of residential and resource development uses in a broader area characterised by rural activity;
 - there is no evidence the Low Density Residential Zone is supported by the regional strategy or a local land use strategy; and
 - the Low Density Residential Zone is not consistent with LDRZ 1 of Guideline No. 1 because the land is not part of a recognised settlement or residential area.
192. The Commission consequently determines the Priority Vegetation Area overlay should be applied to the land consistent with the Regional Ecosystem Model mapping to manage the native vegetation, as the overlay is compatible with the Rural Zone. The policy intent of the SPPs is that the overlay be applied to compatible zones, and no evidence was submitted from a suitably qualified person to demonstrate the land does not contain priority vegetation. The overlay would apply to part of 3250 and 3260-3262 Huon Highway.

Commission decision

193. Modification:
- Revise the zoning of the following properties to Rural and apply the Priority Vegetation Area overlay to 3250 and 3260-3262 Huon Highway consistent with the Regional Ecosystem Model mapping:
 - a. 3240 Huon Highway, Franklin folio of the Register 136277/2;
 - b. 3242 Huon Highway, Franklin folio of the Register 136277/1;
 - c. 3250 Huon Highway, Franklin folio of the Register 155629/2;
 - d. 3252 Huon Highway, Franklin folio of the Register 220628/1;
 - e. 3258 Huon Highway, Franklin folio of the Register 155629/1; and
 - f. 3260-3262 Huon Highway, Franklin folio of the Register 65373/3.
194. Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Low Density Residential Zone - Channel Highway, Connors Road and Dances Road North, Cygnet

Representation: Declan and Ellen Pickering, Helen Jolly, Anthony and Josephine McIntyre and Andrew Nandan (136)

195. The representors requested the zone of the following properties be revised from Rural Living and Rural to Low Density Residential:
- 7609 Channel Highway, Cygnet folio of the Register 121852/3 (other owner);
 - 10 Connors Road, Cygnet folio of the Register 121854/1 (Pickering);
 - 9 Dances Road North, Cygnet folio of the Register 148253/1 (Coad, McIntyre and Nandan); and
 - 15 Dances Road North, Cygnet folio of the Register 121852/1 (Jolly).
196. The reasons were:
- each property contained a dwelling;
 - one of the properties contained an additional former dwelling that could not be rented or sold if the land remained zoned Rural Living;
 - the land had a combined area of approximately 3ha and adjoined land zoned General Residential to the south;
 - the Low Density Residential Zone would result in a graduated zoning pattern from the centre of the town as it transitioned to the outer rural areas;
 - the land was within the town boundary as evidenced by the 60kph area on the main road, which adjoined the land;
 - the Cygnet Residential Demand and Supply Analysis 2020 by SGS Economics identified a demand for new dwellings at Cygnet; and
 - the Low Density Residential Zone would provide more opportunity for dwellings to be constructed close to an activity centre.
197. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the Low Density Residential Zone may have had strategic merit, particularly given the proximity of the land to Cygnet, but was not consistent with Guideline No. 1;
 - the land was located outside the urban growth boundary identified in the Huon Valley Land Use Development Strategy 2007;
 - there was a lack of prior strategic planning work that could justify use and development of the area at a higher density;
 - further strategic planning work needed to be undertaken to determine whether it was appropriate for the lots to be increased in density, or whether there was other land more appropriately located where new dwellings should be provided; and
 - the Rural Living Zone was the most appropriate zone for the land until further strategic planning work could be completed.
198. At the hearing, Ms Ellen Pickering made a written submission and the following comments in support of the representation:
- the land was within walking distance of the town centre where residents could access services;
 - the Low Density Residential Zone would allow a consistent footpath to be provided into Cygnet;
 - two bus stops were located nearby, which residents could use to access public transport;

- it would be five years until changes made to the zone of the land would result in the land finally being developed;
- the land was already available for development and could provide a new supply of housing; and
- the Zone would allow a transition from the urban area of the town to surrounding rural areas and allow some rural character to be maintained.

199. In response, the planning authority made the following comments:

- the land was not contained in the urban growth boundary identified in the Huon Valley Land Use Development Strategy 2007, which was located on its southern side;
- it had engaged a consultant to prepare a land use and development strategy on its behalf;
- the strategy would examine what zones should be applied to the major settlements in the municipality;
- it was possible the land could be further developed in future if the strategic planning work determined there was a demand for more residential land in Cygnet;
- it was possible the strategic planning work could determine the General Residential Zone should be applied instead of the Low Density Residential Zone; however a structure planning exercise would be required to establish whether the land is suitable for higher density development; and
- the land had some constraints, such as the location of existing buildings, that could limit the number of lots that could be developed.

Commission consideration

200. The Commission considers there may be merit in the proposal but is not persuaded the Low Density Residential Zone should be applied to the land at this time. Specifically, there is insufficient evidence the application of Low Density Residential Zone is supported by a contemporary local land use strategy
201. The Commission notes the planning authority's intent to undertake strategic planning work for settlements in the municipality, which may help determine the appropriate future zone for the land.

Commission decision

202. The Commission determines no modifications are required.

Low Density Residential Zone - Constance Road, Cygnet (Constance Road Cluster)

Representations: Jacinta Marr (142), Jane and Matthew Lock (213)

203. The representors requested the zone of 9 Constance Road, Cygnet folio of the Register 129169/1 (Lock) and 16 Constance Road, Cygnet folio of the Register 109251/1 (Marr) be revised from Landscape Conservation to Low Density Residential. The representors stated the land was historically part of a farm, which was divided into four residential blocks in the 1980s and had since been used for rural and agricultural activities.
204. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the Low Density Residential Zone was not supported by Guideline No. 1 because the land was isolated from urban settlements;
 - the area had a rural character rather than a residential character, which was reflected in the pattern of subdivision;

- the Landscape Conservation Zone was consistent with the surrounding agriculture use;
 - the area had a mix of vegetation, waterways, valleys, cleared farmland and hillsides that were considered to have landscape value;
 - only small-scale rural use or development was appropriate in the area; and
 - there was no strategic intention for residential use and development in the area given its rural setting.
205. At the hearing, Jane and Matthew Lock made the following comments in support of their representation:
- 9 Constance Road was formerly part of an orchard but had more recently been used for hay baling;
 - the land was mostly clear of native vegetation except for some planted lines of trees; and
 - there were several dwellings in the area.
206. In response, the planning authority made the following comments:
- the area contained a cluster of four or five properties used for rural living purposes;
 - the land was zoned Landscape Conservation so it was consistent with the zone of the land to the north; and
 - the application of the requested Low Density Residential Zone was inconsistent with the regional strategy;
 - there was insufficient evidence the subject properties represented a rural living community; and
 - it would support application of the Rural Zone.
207. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the properties it recommended be zoned Rural. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of five letters were sent and four responses were received, all of which were supportive of the Zone.

Commission consideration

208. The Commission agrees the Rural Zone should be applied to the land as recommended by the planning authority for the following reasons:
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
 - the Low Density Residential and Rural Living zones are not appropriate because the land is characterised as rural and the zones are not supported by Guideline No. 1 or the regional strategy;
 - the Rural Zone would best recognise the existing use of the land in the circumstances;
 - the Rural Zone would be compatible with the Agriculture Zone applied to cleared land to the west, which is used for rural and agriculture activities;
 - the Rural Zone would be consistent with the zone of the adjoining land at 50 Constance Road (see below);
 - the land does not have significant landscape value to warrant application of the Landscape Conservation Zone as it is mostly cleared and is not significantly elevated or visible from surrounding areas; and

- impact on any natural values present would be primarily managed through the Priority Vegetation Area overlay applied to the land, which would also assist the retention of vegetation.

Commission decision

209. Modification:

- Revise the zoning of the following properties to Rural:
 - a. 9 Constance Road, Cygnet folio of the Register 129169/1;
 - b. 12 Constance Road, Cygnet folio of the Register 129170/1;
 - c. 16 Constance Road, Cygnet folio of the Register 109251/1;
 - d. 17 Constance Road, Cygnet folio of the Register 33359/1;
 - e. 88 Wylies Road, Cygnet folio of the Register 52901/1; and
 - f. the reserved road that adjoins folios of the Register 129169/1 and 52901/1 as necessary to provide a uniform zone pattern.

210. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Low Density Residential Zone - 24 Lavender Lane, Dover (Dover Cluster 1)

Representation: Rangi Yates (189)

211. The representor requested the zone of 24 Lavender Lane, Dover folio of the Register 109938/1 be revised from Landscape Conservation to Low Density Residential. The reasons were:

- the land had a small area of approximately 2,000m²;
- the character of the land was not consistent with the purpose of the Landscape Conservation Zone;
- 90% of the land was cleared of vegetation;
- the small amount of vegetation was not significant and included radiata pines, macrocarpa and wattles;
- the land was previously subdivided for residential purposes; and
- the character of the land was consistent with the Low Density Residential Zone and would be consistent with the zone of the zoning of the land on the opposite side of Lavender Lane.

212. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land was zoned Environmental Living in the interim planning scheme;
- the Landscape Conservation Zone was the most appropriate replacement for the former zone; and
- the land was geographically part of a broader area of land that was of landscape value.

213. At the hearing, the planning authority added the following comments:

- the Landscape Conservation Zone was applied to ensure the zoning was consistent with the land to the north and west;
- the Low Density Residential Zone was not supported, given the land was isolated on the western side of Lavender Lane; and
- it would consider whether an alternative zone, such as the Rural Zone, should be applied to the land and surrounding land to the west.

214. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the properties it recommended be zoned Rural. The planning authority also provided the contact details of the affected

landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of three letters were sent and one response received. The response was made by the representor who requested the Rural Living Zone be applied.

Commission consideration

215. The Commission determines the Rural Zone should be applied to the land as recommended by the planning authority for the following reasons:
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
 - the Low Density Residential and Rural Living zones are not appropriate as the land is characterised as rural and the zones are not supported by Guideline No. 1 or the regional strategy;
 - the Low Density Residential Zone would create an isolated spot-zoning on the eastern side of Lavender Lane, which should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict;
 - the Rural Zone would best recognise the existing use of the land in the circumstances;
 - the Rural Zone would be consistent with the zone of the land to the west;
 - the land does not have significant landscape value (see Commission decision on general issues) to warrant application of the Landscape Conservation Zone as it is substantially cleared and is not significantly elevated or visible from surrounding areas; and
 - impact on any native vegetation of significant natural values would be primarily managed through the Priority Vegetation Area overlay applied to the land, which would also assist the retention of vegetation and incidental retention of any features of landscape value.

Commission decision

216. Modification:
- Revise the zoning of 11 Lavender Lane, Dover folio of the Register 163491/1, 24 Lavender Lane, Dover folio of the Register 109938/1 and 27 Lavender Lane, Dover folio of the Register 133602/1 to Rural.
217. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Low Density Residential Zone - Huon Highway, Castle Forbes Bay

Representation: Ian Kirton (241)

218. The representor requested the zone of Huon Highway, Castle Forbes Bay folio of the Register 46992/1 be revised from Rural to Low Density Residential because the land area (approximately 5,000m²) was too small to farm and was bordered on both sides by residential use. The representor outlined an intent to construct a dwelling on the property.
219. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the proposed Rural Living Zone was not consistent with Guideline No. 1;
 - the regional strategy restricted application of the Rural Living Zone to existing rural living communities; and

- any increase in the Rural Living Zone would need to be considered on a municipal level through a detailed strategic analysis to avoid an incremental and continuous increase in rural living land.
220. The section 35F report did not address whether the Low Density Residential Zone was a suitable zone to apply to the land.
221. At the hearing, the planning authority contended the land should remain in the Rural Zone, which had been applied in the exhibited draft LPS because it would match the zone of the surrounding area.

Commission consideration

222. The Commission agrees with the planning authority that the Rural Zone should be applied to the land. There is insufficient evidence the Low Density Residential Zone or Rural Living Zone is supported by the regional strategy, a local land use strategy or the principles of Guideline No. 1.

Commission decision

223. The Commission determines no modifications are required.

Low Density Residential Zone - 50 Carters Road, Port Huon

Representation: Jane Gallichan (327)

224. The representor requested the zone of 50 Carters Road, Port Huon folio of the Register 154092/4 be revised from Rural to Low Density Residential. The reasons were:
- the Rural Zone was inconsistent with adjacent properties, which were zoned General Residential;
 - the Rural Zone was also inconsistent with the current use of the land for hobby farming;
 - the land area (approximately 7ha) was too small for the Rural Zone;
 - the Rural Zone would conflict with the use of the land zoned General Residential to the south;
 - the Low Density Residential Zone would be a transition from urban-residential use in the General Residential Zone to rural use in the surrounding areas;
 - the use of the land was consistent with the purpose of the Low Density Residential Zone and would allow the land to be subdivided for residential purposes.
225. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the land was zoned Rural Resource in the interim planning scheme and was not considered to be part of a residential area;
 - the Low Density Residential Zone would be inconsistent with LDRZ1 of Guideline No. 1, which stated the Zone should only be applied to residential areas; and
 - the Rural Zone was the most appropriate zone to apply to the land given its existing use.

Commission consideration

226. The Commission agrees with the planning authority for the reasons given in its section 35F report. In addition, the Commission is not satisfied the Low Density Residential Zone is supported by the regional strategy or a local land use strategy such as a structure plan.

Commission decision

227. The Commission determines no modifications are required.

Low Density Residential Zone - 5 Sunset Drive, Garden Island Creek

Representation: PDA Surveyors, Engineers and Planners for Phillip and Loretta Wilcox (363)

228. The representor requested the zone of 5 Sunset Drive, Garden Island Creek folio of the Register 114087/1 be revised from Landscape Conservation to Low Density Residential. The reasons were:
- the land was zoned Low Density Residential in the interim planning scheme and could be subdivided;
 - the Landscape Conservation was dissimilar to the previous zone;
 - the Low Density Residential reflected the zone, lot sizes and pattern of the adjacent settlement; and
 - the land did not have landscape values because it was not elevated and was not visible from surrounding areas.
229. In its section 35F report, the planning authority recommended the Low Density Residential Zone be applied to the land because it was only partly covered in native vegetation and had limited landscape value.
230. At the hearing, the planning authority's natural values expert Mr Jim Mulcahy added mapping of the vegetation on the land indicated it may have contained some threatened forest, but it would be protected by the Priority Vegetation Area overlay, which would apply to the land.

Commission consideration

231. The Commission agrees with the planning authority for the reasons given in its section 35F report. The land has historically formed part of the group of residential properties at Sunset Drive and the Low Density Residential Zone would appropriately recognise the extent of the settlement. The Commission is satisfied the Low Density Residential Zone would not cause an unreasonable loss of features of landscape value.

Commission decision

232. Modification:

- Revise the zoning of 5 Sunset Drive, Garden Island Creek folio of the Register 114087/1 to Low Density Residential.

233. Reason: To apply the Low Density Residential Zone consistent with Guideline No. 1.

Low Density Residential Zone - Glen Road, Ranelagh

Representation: Angelo Kessarios (379)

Submission accepted by the Commission: Angelo Kessarios (Submission 19)

234. The representor requested the zone of part of Glen Road, Ranelagh folio of the Register 131578/15 be revised from Agriculture to Low Density Residential. The part of the land subject to the representation had an area of approximately 1ha and was in the north-west corner of the land adjacent to Glen Road and an existing area zoned Low Density Residential. The representor submitted the land should be zoned Low Density Residential for the following reasons:

- the topography of the land was like the land in the adjacent Low Density Residential Zone;
 - any new lots would be provided with similar services, including the road; and
 - the agricultural productivity of the land was not as good as the remainder of the property.
235. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the Agriculture Zone was consistent with AZ 2 of Guideline No. 1 because the land was zoned Significant Agriculture in the interim planning scheme; and
 - its agriculture expert investigated the potential to use the land for agriculture and determined the land should be included in the Agriculture Zone.
236. The planning authority included the following advice from its agriculture expert (RMCG):
- the broader property had an area of approximately 9.2ha and was farmed in conjunction with two other titles;
 - the total area of titles was approximately 13ha;
 - approximately 9ha of the land had a land capability classification of 4, while the remainder was class 5;
 - the land contained a small amount of threatened native vegetation;
 - the land was isolated from other land zoned Agriculture on the southern side of Mountain River;
 - the land did not have irrigation, however there was potential access to a source of irrigation from Mountain River;
 - historic aerial imagery captured in approximately 2005 showed the land was used more intensively in the past and contained orchards on its eastern side;
 - the land was bordered by the General Residential Zone on its north-western side and the Low Density Residential Zone on its northern side;
 - the area proposed to be zoned Low Density Residential would form an extension of the adjacent Low Density Residential Zone in the north-western corner of the land;
 - the potential to use the land for agriculture was relatively constrained, however partial rezoning of the land would place further constraints on the remainder of the land;
 - much of the most productive land was currently more than 200m from the existing dwellings;
 - the Low Density Residential Zone would cause residential use to be located closer to productive areas of the land, which would constrain agricultural use; and
 - no change to the proposed Agriculture Zone was recommended.
237. At the hearing, the representor, Mr Angelo Kessarios, made the following comments:
- the Low Density Residential Zone would allow development of a small number of new lots;
 - a buffer zone would be provided between agriculture use and new lots and dwellings; and
 - the topography of the land would provide a natural buffer between residential and agriculture uses.
238. In response, the planning authority stated it would need to undertake further strategic work to justify a change to the zone.
239. Ms Astrid Ketelaar (RMCG) made the following comments on behalf of the planning authority about the potential to use the land for agriculture:

- the total area of the land was relatively small;
 - there was some prospect the use of the land for agriculture could be intensified; and
 - the Low Density Residential Zone would further constrain the existing potential to use the land for agriculture.
240. Following the hearing, the planning authority, in response to a Commission direction, made a submission that it remained unsupportive of the proposed Low Density Residential Zone because it was inconsistent with LDRZ 1 of Guideline No. 1 and should only be applied to residential areas.

Commission consideration

241. The Commission is not persuaded the Low Density Residential Zone should be applied to the land for the reasons given by the planning authority and its agriculture expert. There is also insufficient evidence the Zone is supported by the regional strategy or a local land use strategy.
242. The Commission notes the planning authority, at the hearings, outlined an intent to undertake strategic planning work for settlements in the municipality, which may help determine the appropriate future zone for the land.

Commission decision

243. The Commission determines no modifications are required.

Low Density Residential Zone - Nation Road, Huonville

Representation: Angelo Kessarios (381)

244. The representor requested the zone of Nation Road, Huonville folio of the Register 107966/4 be revised from Agriculture to Low Density Residential. The reasons were:
- the area of the lot was too small to be used for agriculture;
 - approximately half of the land was covered by trees;
 - the land previously contained a dwelling that was destroyed by fire; and
 - the owner intended to build a dwelling on the land.
245. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the Agriculture Zone was consistent with AZ 2 of Guideline No. 1 because the land was zoned Significant Agriculture in the interim planning scheme; and
 - its agriculture expert investigated the potential to use the land for agriculture and determined the land should be included in the Agriculture Zone.
246. The planning authority included the following advice from its agriculture expert (RMCG):
- the land had an area of approximately 4,000m²;
 - the land had a land capability classification of 5 and was likely farmed in conjunction with two larger titles that bordered the land on its eastern side;
 - the land was partially covered with threatened native vegetation;
 - the land had no potential to be used for agriculture in isolation, however it was completely surrounded by land zoned Agriculture;
 - application of an alternative zone would result in the land being spot-zoned; and
 - no change to the proposed Agriculture Zone was recommended.
247. At the hearing, the representor, Mr Kessarios, made the following comments:

- the Agriculture Zone would reduce the value of the land;
 - the Rural Living Zone was an alternative zone that could be considered; and
 - he wanted to maintain a right to build a dwelling on the land.
248. In response, Ms Astrid Ketelaar (RMCG) made the following comments on behalf of the planning authority:
- the zone of the land had to be considered in the context of the surrounding land;
 - the adjacent titles contained agriculture use;
 - there was a small property to the north, which was also included in the surrounding Agriculture Zone to ensure a consistent zone pattern;
 - the planning authority's policy was that it would only apply the Rural Zone to small titles if they were in a group of three and adjoined each other;
 - a new dwelling would have the potential to constrain agriculture use of the surrounding land;
 - some of the land to the north and east of the site was identified as potentially constrained in the agricultural estate mapping and could be considered for the Rural Zone, however aerial photography indicated the land was used for agriculture and the land had access to irrigation; and
 - a dwelling could be considered on the subject land under the SPPs, and it was possible a proposal could meet the use standards of the Agriculture Zone; however a site visit would need to be undertaken as part of an assessment to determine whether the use would constrain surrounding agriculture use.
249. Following the hearing, the representor provided a further submission that added the following comments:
- the land was not associated with agriculture use on any other property and had never been farmed;
 - the land was purchased 22 years ago at a time when the applicable planning scheme provided for construction of a dwelling;
 - the land was valued highly, which caused the Council rates for the property to be high;
 - existing vegetation on the land would be retained;
 - the land was not comparable with the small title directly to the north of the site, which had better quality soil and drainage; and
 - spot-zoning of the land would not create a land use conflict.

Commission consideration

250. The Commission is not persuaded the Low Density Residential Zone, or the Rural Living Zone suggested by Mr Kessarios at the hearing, should be applied to the land for the reasons given by the planning authority and its agriculture expert. There is also insufficient evidence the Low Density Residential Zone or the Rural Living Zone is supported by the regional strategy or a local land use strategy. Application of the Low Density Residential Zone would result in the land being spot-zoned, which should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict. Nevertheless, the Commission notes a planning permit application for a dwelling as a discretionary use in the Agriculture Zone may be considered by the planning authority and could be approved subject to compliance with the use and development standards of the Zone.

Commission decision

251. The Commission determines no modifications are required.

Low Density Residential Zone and Rural Living Zone - Franklin

Representation: Graeme Corney (17), Shane Johnson (45), Martin Riddle and Deb van Velzen (320)

252. The representation made by Shane Johnson (45) requested the zone of several properties at Franklin be revised. Specifically, the representor requested:
- 43 New Road folio of the Register 144704/1 be revised from the Rural Zone to the Low Density Residential, Rural Living B and Landscape Conservation zones;
 - Huon Highway folio of the Register 101857/1 be revised from the Rural Living B, Village and Rural zone to the Low Density Residential and Rural Living B zones;
 - Old Road folio of the Register 102910/1 and 48 Old Road folio of the Register 137432/2 (Riddle and van Velzen) be revised from the Rural Zone to the Rural Living Zone B; and
 - 24 Old Road folio of the Register 53331/1, 39 New Road folio of the Register 38804/1, 14 Temperance Lane folio of the Register 30484/1 and 'various other titles without frontage to Huon Highway' be revised from the Village Zone to the Low Density Residential Zone.
253. The representation made by Martin Riddle and Deb van Velzen (320) requested the zone of 48 Old Road be revised from Rural to part Rural Living B and part Landscape Conservation. The zone boundary would be located approximately 450m from the westernmost point of 48 Old Road and oriented in an east to west direction.
254. The reasons were:
- the purpose of the proposed zones would be consistent with the characteristics of the land;
 - some properties contained areas of bushland and cleared pasture;
 - some land was affected by moderate to steep slopes;
 - some land had access to irrigation;
 - the zones would reflect the likely future use of land, would create potential to subdivide and would preserve existing heritage and character values;
 - land in the proposed Rural Living Zone already contained rural living use and development;
 - the proposed Low Density Residential and Rural Living zones would be consistent with Guideline No. 1;
 - the use and character of land was consistent with the purpose of the Rural Living Zone;
 - the Rural Living Zone would be consistent with the regional strategy;
 - the Rural Living Zone would provide a buffer between high-density residential use and development and surrounding rural activities;
 - none of the properties had an area large enough to be used for agriculture;
 - the land capability was variable; and
 - the land had little or no connectivity with land identified as unconstrained in the agricultural estate mapping.
255. The representation from Graeme Corney (17) clarified references to a 'heritage area' in his report titled 'Franklin Heritage Area Assessment 2012' should not be interpreted as advice the area had 'potential for Urban Growth per se.'
256. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the requested changes were not individually significant, but collectively represented a significant change;

- the Rural Living Zone was inconsistent with RLZ 2 of Guideline No. 1 because the land was not zoned Rural Living in the interim planning scheme; and
 - a detailed strategic planning study in the form of a structure plan or master plan was required to ensure any changes to the zone were appropriate.
257. At the hearing, Mr Shane Johnson and Mr Martin Riddle made written submissions and the following comments in support of representation 45 and 320:
- the planning authority stated at the hearings on the interim planning scheme in 2016 that it would undertake strategic planning work to review the zones applied to the area;
 - rural uses in the area were constrained, particularly by its heritage value;
 - 43 New Road had limited potential to be used for agriculture and had a land capability classification of 5 and 6;
 - the 'road' adjoining 27 New Road folio of the Register 152708/6 should be included in the Low Density Residential Zone;
 - reticulated sewer services were available to some land in the area;
 - the proposed zoning would allow landowners to undertake some modest development;
 - modest development would preserve the heritage and scenic values of the settlement and surrounding landscape if supported by expert advice;
 - the Landscape Conservation Zone proposed for the upper-slopes of the area would align with the Landscape Conservation Zone on adjacent titles;
 - the proposed zone changes to each property were not individually significant;
 - the proposed zones were consistent with Guideline No. 1, the LPS criteria, the regional strategy and the Huon Valley Land Use Development Strategy 2007;
 - the owners of 24 and 39 New Road and 14 Temperance Lane were supportive of the proposed changes and some had provided written agreement; and
 - the owner of Huon Highway folio of the Register 101857/1 was not prepared to provide written agreement to the proposed changes.
258. In response, the planning authority made the following comments:
- more strategic planning work was required to determine how the land should be developed, particularly with infrastructure services;
 - it had engaged a consultant to prepare a land use and development strategy on its behalf;
 - the strategy would examine what zones should be applied to the major settlements in the municipality;
 - the initial work would determine what areas should be provided with a structure plan;
 - it would give priority to work on a structure plan for Cygnet; and
 - it was unsure when a structure plan for Franklin would be undertaken.
259. Following the hearing, the planning authority advised it had considered a petition, which requested the 'Urban Growth Boundary' recommended by Mr Corney in his 2012 assessment be expanded to provide for the changes requested by the representors. The planning authority, in response to a Commission direction, provided subsequent advice to clarify it had defined a 'Franklin Urban Development Area', which was geographically related to the 'Urban Growth Boundary' identified by Mr Corney in his 2012 assessment. The Franklin Urban Development Area would be considered in its future strategic planning work.

Commission consideration

260. The Commission considers the proposed zoning has merit but is not persuaded there is sufficient strategic planning work to support the proposal at present.

261. The Commission notes the planning authority's intent to undertake strategic planning work for Franklin, which may help determine the appropriate future zones for the area. Such strategic planning work would need to examine what reticulated and community services are required, the current supply of and demand for residential land in the area, and how the road network should be planned. This may be undertaken through a structure plan that could identify preferred engineering solutions.
262. The Commission notes the planning authority intends to consult the local community to clarify its vision for the area and considers that should take place before future zones are determined. Following strategic analysis, planning and consultation, in the event the planning authority determines alternative zones should be applied, it could pursue a suitable draft amendment to the LPS after it comes into effect.
263. The Commission also notes the planning authority's advice about the recommendations made in the Franklin Heritage Area Assessment 2012 but is not satisfied the outcomes of the assessment are relevant to potential urban growth, as opposed to management of heritage values. The Commission further notes the outcomes of the assessment may be useful to the planning authority in its ongoing strategic planning work.

Commission decision

264. The Commission determines no modifications are required.

Low Density Residential Zone and Rural Living Zone - 6730 Channel Highway, Deep Bay

Submission accepted by the Commission: George and Doreen Czaplinski (Submission 3)

265. The submission raised concern the Rural Zone and Priority Vegetation Area overlay had been applied to 6730 Channel Highway, Deep Bay folios of the Register 38700/1, 38700/2, 37083/2 and 37083/1.
266. At the hearing, Mrs Czaplinski made a further written submission and made the following comments:
 - the land contained a farm and was particularly used for cattle breeding and grazing;
 - cattle grazed the land to the boundary fences of the land;
 - the land did not contain threatened vegetation or habitat for threatened fauna;
 - the adjoining land contained native vegetation recognised by the overlay, which resulted in the mapping encroaching 6730 Channel Highway;
 - the overlay should be removed from the land;
 - the overlay would reduce the value of the land;
 - the overlay required the lodging of a development application for a proposal that may not of have otherwise been required; and
 - folio of the Register 37083/1 (the smallest of the four titles) should be zoned Low Density Residential or Rural Living so that it could be sold for residential use or development.
267. In response, the planning authority made the following comments:
 - its natural values expert advised mapping of vegetation in the area indicated the land contained dry *Eucalyptus obliqua*, while the adjoining land contained *Eucalyptus ovata*;
 - a natural values assessment would be required to determine whether the overlay should be amended;

- some of the patches of native vegetation were very small;
- the *Eucalyptus ovata* needed to be protected by the overlay;
- the Low Density Residential Zone was not appropriate because the land was in a rural area and was not part of a settlement;
- the Rural Living Zone should not be applied to land which is not currently within the Rural Living Zone in the interim planning scheme;
- the Rural Living Zone was not supported by the regional strategy or a local land use planning strategy;
- more strategic planning work was required to determine where the Rural Living Zone should be applied throughout the municipality in future;
- it had engaged a consultant to prepare a land use and development strategy on its behalf; and
- the strategy would examine what subdivision categories should be applied in the Rural Living Zone and whether potential to create new lots should be provided in some rural living areas.

268. Following the hearing, the planning authority, in response to a Commission direction, recommended the overlay be removed from cleared areas of the land for the following reasons:

- the overlay should only apply to areas of native vegetation;
- some small areas of native vegetation and individual mature eucalypts apparent on aerial photography were not included in the overlay;
- there were areas of threatened black gums (*Eucalyptus ovata*) forest and woodland in the vicinity of the land that may encroach the land;
- mature black gums provide significant foraging habitat for the critically endangered swift parrot; and
- the land also provided general habitat for eastern quolls and Tasmanian devils.

Commission consideration

269. The Commission is not persuaded the Priority Vegetation Area overlay should be removed from land or amended for the reasons given by the planning authority's natural values expert, which includes the land may contain areas of threatened black gums (*Eucalyptus ovata*) forest and woodland.

270. Otherwise the Commission is not persuaded the Low Density Residential Zone or Rural Living Zone should be applied to folio of the Register 37083/1 for the following reasons:

- the property is identified in the agricultural estate mapping (unconstrained), which indicates the land should be included in the Rural Zone or Agriculture Zone;
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 3);
- there is no evidence the Low Density Residential Zone is supported by the regional strategy or a local land use strategy;
- the Low Density Residential Zone is not consistent with LDRZ 1 of Guideline No. 1 because the land is not part of a recognised settlement or residential area;
- there is no evidence the Rural Living Zone is supported by the regional strategy or a local land use strategy;
- there is no evidence the land is part of a 'rural living community or that there is a primary strategic intention for the land be used for residential use and development within a rural setting' as required by policy SRD 1.3 of the regional strategy; and
- application of the Low Density Residential Zone or Rural Living Zone would cause the land being spot-zoned, which should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict.

271. The Commission notes the planning authority, at the hearings, outlined an intent to undertake strategic planning work for settlements in the municipality, which may help determine the appropriate future zone for the land and inform a suitable planning scheme amendment.

Commission decision

272. The Commission determines no modifications are required.

Rural Living Zone - Esperance Coast Road, Surges Bay (Surges Bay Cluster)

Representations: Richard and Sally Robinson (1), Stephen Eedy (41), Selena Meure (94), Don Kim and Linda Lee (222), Sharee Burgess (276), E3 Planning for Charlotte and Mark Rabone (341)

273. The representation made by Richard and Sally Robinson (1) requested the zone of 300 Esperance Coast Road, Brooks Bay folio of the Register 45391/1 be revised from Landscape Conservation to Rural. The reason was the land contained a small vineyard and the surrounding land to the south and east was used for grazing. The representor added they had plans to open a cellar door on the property.
274. The representations made by Stephen Eedy (41), Selena Meure (94), Sharee Burgess (41) and E3 Planning for Charlotte and Mark Rabone (341) requested the zone of the following properties be revised from Landscape Conservation Zone to Rural Living:
- 109 Esperance Coast Road, Surges Bay folio of the Register 104331/6 (Burgess);
 - 139 Esperance Coast Road, Surges Bay folio of the Register 125584/4 (Meure);
 - 144 Esperance Coast Road, Surges Bay folio of the Register 125584/14 (Rabone); and
 - 215 Esperance Coast Road, Surges Bay folio of the Register 26693/2 (Eedy).
275. The reasons were:
- the Rural Living would reflect the existing use of the land and be most similar to the Environmental Living Zone applied in the interim planning scheme;
 - residential use would be discretionary in the Landscape Conservation Zone; and
 - the land was not of significant landscape value.
276. The representation made by Don Kim and Linda Lee (222) requested the zone of 139 Police Point Road, Glendevie folio of the Register 118988/1 be revised from Landscape Conservation to Rural Living (Rural Living Zone B or C) for the following reasons:
- the land contained a dwelling;
 - the land had an area of approximately 42ha;
 - the Landscape Conservation Zone was inconsistent with Guideline No. 1;
 - the land had large, cleared areas and was not of landscape value;
 - the Landscape Conservation Zone would reduce the value of the property;
 - the Landscape Conservation Zone would unreasonably limit the use and development potential of the land;
 - the proposed Rural Living Zone was consistent with Guideline No. 1 because the land contained rural living use and development;
 - the Rural Living Zone was like the Environmental Living Zone applied to the land in the interim planning scheme; and
 - the Priority Vegetation Area overlay applied to the land was inaccurate.

277. In its section 35F report, the planning authority recommended the Rural Living Zone D be applied to approximately 75 properties located in Coast Road, Esperance Coast Road, Huon Highway, Stella Court, Swifts Road, Surges Bay and White Cliffs Road, Brooks Bay. The area included the properties owned by Eedy, Meure, Burgess and Rabone. The reasons were:
- the Landscape Conservation Zone was applied because the land was perceived to be of landscape value; however a review of the area determined the land had characteristics that were consistent with the purpose of the Rural Living Zone;
 - the existing area and density of the lots were consistent with the provisions of the Rural Living Zone;
 - the proposed Rural Living Zone was consistent with RLZ 2 Guideline No. 1 because the land was zoned Environmental Living in the interim planning scheme and there was a primary strategic intention the land be used for residential use and development in a rural setting;
 - any features of landscape value could be managed under the Rural Living Zone provisions, which would limit the type and intensity of uses possible;
 - one of the purpose statements of the Rural Living Zone was to provide for residential use and development in a rural setting where existing natural and landscape values are to be retained; and
 - Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) was recommended to apply because it provided a minimum lot size that was consistent with the pattern of development that existed.
278. However, the planning authority did not support any change to the zone of 139 Police Point Road (Don Kim and Linda Lee) for the following reasons:
- the land was zoned Environmental Living in the interim planning scheme;
 - RLZ 2(b) of Guideline No. 1 allowed the planning authority to consider whether the land should be included in the Rural Living Zone;
 - the Landscape Conservation Zone was the most appropriate replacement for the former zone;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
 - the land reflected of the broader landscape value of the area;
 - only small-scale use or development was appropriate because it would limit impact on the landscape; and
 - the Landscape Conservation Zone was the most appropriate zone for the land.
279. At the hearing, Mr Neil Shephard (Neil Shephard and Associates) represented Ms Selena Meure who together made a written submission and the following comments in support of representation 94:
- the application of the Landscape Conservation Zone was not supported by Guideline No. 1;
 - the proposed Rural Living Zone was consistent with the regional strategy, which intended to limit dwellings located outside settlement areas;
 - 300 Esperance Coast Road had an area of approximately 1ha and was intended to contain rural living use and development in future;
 - 300 Esperance Coast Road was mostly cleared of vegetation; and
 - Rural Living Zone B (Acceptable Solution with a minimum lot size of 2ha) could be applied to the land as it would reflect the density and area of the lots in that location.

280. Mr Evan Boardman (E3 Planning) attended the hearing in support of the representation made for Charlotte and Mark Rabone (representation 341) and made the following comments:
- 144 Esperance Road and the broader area had characteristics that were consistent with the provisions of the Rural Living Zone;
 - the Rural Living Zone would recognise the existing use of the land;
 - the Rural Living Zone would still control development potential through its use and development standards; and
 - there were several small undeveloped residential lots where residential use and development would be appropriate.
281. In response, the planning authority made the following comments:
- the Rural Living Zone was recommended because the area had a pattern of lot sizes, land use and vegetation coverage, which was consistent with the purpose of the Zone;
 - it considered the area was a 'Rural Living settlement';
 - Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) would restrict potential for new lots to be created;
 - there was merit in Mr Shephard's view that Rural Living Zone B (Acceptable Solution with a minimum lot size of 2ha) could be applied however 300 Esperance Coast Road (Meure) was in a broader area where category D was recommended;
 - further strategic planning work would need to be undertaken in future to determine if subdivision categories should be further differentiated; and
 - its natural values expert advised the area did not contain unusual or outstanding vegetation of natural value.
282. Mr Don Kim also attended the hearing and was represented by Mr Caleb Elcock who together made the following comments in support of representation 222:
- the land was not suitable for the Landscape Conservation Zone;
 - approximately 70% of the land was cleared with the remaining vegetation regrown after historic clearance;
 - a planning permit for a four-lot subdivision of the land was granted in 2016 but had lapsed;
 - the Regional Ecosystem Model, which formed the basis of the Priority Vegetation Area overlay was incorrect;
 - a natural values assessment was undertaken to support the application for subdivision, which indicated the land contained no significant native vegetation;
 - the Landscape Conservation Zone would make it difficult to obtain finance from financial institutions to support development; and
 - the adjoining properties to the south were zoned Rural.
283. In response, the planning authority made the following comments:
- the land was not included in the area recommended to be zoned Rural Living because it had a large area and formed part of a contiguous bushland area;
 - its natural values expert advised mapping of the vegetation on the site indicated the land contained threatened black peppermint on sandstone;
 - its natural values expert also advised threatened vegetation on the land may have regenerated since the natural values assessment had been undertaken;
 - the subdivision would have been designed to retain significant vegetation where possible;
 - consideration could be given to a split-zone of the land however it was unclear where a zone boundary would be located; and

- the land should remain in the Landscape Conservation Zone.
284. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the properties it recommended be zoned Rural Living in the Surges Bay Cluster. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the respective landowners and sought their opinion on the proposed changes. A total of 75 letters were sent and 21 responses were received, 18 of which were supportive of the Rural Living Zone. The responses opposed to the change were in favour of the Landscape Conservation Zone because the area contained features of natural and landscape value.
285. At the reconvened hearing, Ms Christine Dove, owner of 241 Esperance Coast Road made the following comments:
- she preferred the Landscape Conservation Zone because it would provide clear protection of features of landscape value;
 - a lot of people came to the area and cleared their land; and
 - she was concerned people would not comply with the Natural Assets Code (Priority Vegetation Area overlay).
286. In response, the planning authority made the following comments:
- a considerable number of people had expressed concern about the provisions of the Landscape Conservation Zone;
 - Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) was chosen for the area to prevent further subdivision; and
 - the Priority Vegetation Area overlay was compatible with the Rural Living Zone, which meant approval was required to remove native vegetation from those areas subject to it.

Commission consideration

287. The Commission agrees the Rural Living Zone should be applied to the land in Coast Road, Esperance Coast Road, Huon Highway, Stella Court, Swifts Road, Surges Bay and White Cliffs Road, Brooks Bay for the reasons given by the planning authority in its section 35F report. The land contains established rural living use within a rural setting. The Commission notes the views of the owner of 241 Esperance Coast Road (Christine Dove) but considers impact on any features of landscape value (see Commission decision on general issues) present can be managed through the zone provisions and application of Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) that would minimise how many new additional lots could be created. The Priority Vegetation Area overlay would also apply to the land to provide protection of native vegetation.
288. However, the Commission is not persuaded the Rural Living Zone should be applied to 139 Police Point Road (Don Kim and Linda Lee) also for the reasons given by the planning authority in its section 35F report. The Commission notes the following:
- there is no evidence the land is part of a 'rural living community or that there is a primary strategic intention for the land be used for residential use and development within a rural setting' as required by policy SRD 1.3 of the regional strategy;
 - further work is required to establish whether there should be intent for the land be used for residential use and development within a rural setting;
 - the land has a large area of approximately 42ha and has the potential to be subdivided even if Rural Living Zone D were applied;

- further work is also required to establish whether additional rural living lots should be provided in the area; and
 - the land has landscape value (see Commission decision on general issues - landscape value) that warrants application of the Landscape Conservation Zone due to its elevation and appearance from surrounding areas.
289. The Commission notes the planning authority, at the hearings, outlined an intent to undertake strategic planning work for settlements in the municipality, which may help determine the appropriate future zone for the land.
290. Otherwise, the Commission notes some representors raised concern the Priority Vegetation Area overlay applying to several titles was inaccurate. It is the Commission's view the overlay should not be removed from land or amended unless supported by the advice of a suitably qualified person who has undertaken a detailed site assessment. The Commission accepts the advice of the planning authority's natural values expert that the land contains significant native vegetation that should be recognised by the overlay. No contrary evidence was submitted from a suitably qualified person that the land does not contain priority vegetation. The Commission notes a natural values assessment was undertaken to support an application to subdivide 139 Police Point Road, however notes that the assessment was not undertaken to support removal or modification of the Priority Vegetation Area overlay.
291. The Commission notes there are reserved roads that intersect or adjoin the land that should also be included in the Rural Living Zone to ensure zoning is applied contiguously.

Commission decision

292. Modification:

- Revise the zoning of the following properties to Rural Living D:
 - a. 11 Coast Road, Surges Bay folio of the Register 143569/1;
 - b. 3 Esperance Coast Road, Surges Bay folio of the Register 33048/3;
 - c. 35 Esperance Coast Road, Surges Bay folio of the Register 200380/1;
 - d. 46 Esperance Coast Road, Surges Bay folio of the Register 228201/3;
 - e. 77 Esperance Coast Road, Surges Bay folio of the Register 104331/3;
 - f. 78 Esperance Coast Road, Surges Bay folio of the Register 135217/1;
 - g. 103 Esperance Coast Road, Surges Bay folio of the Register 104331/2;
 - h. 104 Esperance Coast Road, Surges Bay folio of the Register 148064/2;
 - i. 105 Esperance Coast Road, Surges Bay folio of the Register 104331/4;
 - j. 106 Esperance Coast Road, Surges Bay folio of the Register 148064/1;
 - k. 107 Esperance Coast Road, Surges Bay folio of the Register 104331/5;
 - l. 109 Esperance Coast Road, Surges Bay folio of the Register 104331/6;
 - m. 111 Esperance Coast Road, Surges Bay folio of the Register 104331/1;
 - n. 124 Esperance Coast Road, Surges Bay folio of the Register 172577/12;
 - o. 133 Esperance Coast Road, Surges Bay folio of the Register 125584/1;
 - p. 139 Esperance Coast Road, Surges Bay folio of the Register 125584/4;
 - q. 140 Esperance Coast Road, Surges Bay folio of the Register 172577/11;
 - r. 141 Esperance Coast Road, Surges Bay folio of the Register 125584/2;
 - s. 142 Esperance Coast Road, Surges Bay folio of the Register 125584/13;
 - t. 143 Esperance Coast Road, Surges Bay folio of the Register 125584/3;
 - u. 144 Esperance Coast Road, Surges Bay folio of the Register 125584/14;
 - v. 145 Esperance Coast Road, Surges Bay folio of the Register 125584/5;
 - w. 147 Esperance Coast Road, Surges Bay folios of the Register 125584/6 and 125584/8;
 - x. 149 Esperance Coast Road, Surges Bay folio of the Register 125584/7;

- y. 152 Esperance Coast Road, Surges Bay folio of the Register 125584/10;
- z. 154 Esperance Coast Road, Surges Bay folio of the Register 125584/9;
- aa. 160 Esperance Coast Road, Surges Bay folio of the Register 101367/1;
- bb. 165 Esperance Coast Road, Surges Bay folio of the Register 30990/1;
- cc. 167 Esperance Coast Road, Surges Bay folio of the Register 33553/2;
- dd. 177 Esperance Coast Road, Surges Bay folio of the Register 33553/3;
- ee. 178 Esperance Coast Road, Surges Bay folio of the Register 159726/2;
- ff. 180 Esperance Coast Road, Surges Bay folio of the Register 159726/1;
- gg. 182 Esperance Coast Road, Surges Bay folio of the Register 101367/2;
- hh. 187 Esperance Coast Road, Surges Bay folio of the Register 33553/4;
- ii. 197 Esperance Coast Road, Surges Bay folios of the Register 33048/4 and 33048/1;
- jj. 203 Esperance Coast Road, Surges Bay folio of the Register 33048/2;
- kk. 213 Esperance Coast Road, Surges Bay folio of the Register 26693/1;
- ll. 215 Esperance Coast Road, Surges Bay folio of the Register 26693/2;
- mm. 239 Esperance Coast Road, Surges Bay folio of the Register 232952/1;
- nn. 241 Esperance Coast Road, Surges Bay folio of the Register 109631/1;
- oo. 265 Esperance Coast Road, Surges Bay folio of the Register 138584/1;
- pp. 283 Esperance Coast Road, Surges Bay folio of the Register 138584/3;
- qq. 285 Esperance Coast Road, Surges Bay folio of the Register 138584/4;
- rr. 287 Esperance Coast Road, Brooks Bay folio of the Register 135836/1;
- ss. 300 Esperance Coast Road, Brooks Bay folio of the Register 45391/1;
- tt. 307 Esperance Coast Road, Brooks Bay folio of the Register 109629/1;
- uu. Esperance Coast Road, Surges Bay folio of the Register 138584/2;
- vv. Esperance Coast Road, Surges Bay folio of the Register 149578/1;
- ww. 5789 Huon Highway, Surges Bay folio of the Register 143569/2;
- xx. 5791 Huon Highway, Surges Bay folio of the Register 143569/3;
- yy. 5803 Huon Highway, Surges Bay folio of the Register 111336/1;
- zz. 5821 Huon Highway, Surges Bay folio of the Register 159437/2;
- aaa. 5823 Huon Highway, Surges Bay folio of the Register 159437/3;
- bbb. 5825 Huon Highway, Surges Bay folio of the Register 159437/4;
- ccc. 5827 Huon Highway, Surges Bay folio of the Register 159437/5;
- ddd. that part of 5849 Huon Highway, Surges Bay folio of the Register 25020/1 zoned Landscape Conservation in the exhibited version of the draft LPS;
- eee. 15 Stella Court, Surges Bay folio of the Register 156601/3;
- fff. 16 Stella Court, Surges Bay folio of the Register 156601/7;
- ggg. 17 Stella Court, Surges Bay folio of the Register 156601/2;
- hhh. 18 Stella Court, Surges Bay folio of the Register 156601/6;
- iii. 19 Stella Court, Surges Bay folio of the Register 156601/1;
- jjj. 20 Stella Court, Surges Bay folio of the Register 156601/5;
- kkk. 9 Swifts Road, Surges Bay folio of the Register 156601/4;
- lll. 12 Swifts Road, Surges Bay folio of the Register 156601/9;
- mmm. 48 Swifts Road, Surges Bay folio of the Register 156601/8;
- nnn. 9 White Cliffs Road, Brooks Bay folio of the Register 45391/2;
- ooo. 16 White Cliffs Road, Brooks Bay folio of the Register 142280/10;
- ppp. 18 White Cliffs Road, Brooks Bay folio of the Register 156940/9;
- qqq. 21 White Cliffs Road, Brooks Bay folio of the Register 45391/3;
- rrr. 25 White Cliffs Road, Brooks Bay folio of the Register 45391/4;
- sss. 28 White Cliffs Road, Brooks Bay folio of the Register 45391/8;
- ttt. White Cliffs Road, Brooks Bay folio of the Register 118988/6;
- uuu. White Cliffs Road, Brooks Bay folio of the Register 45391/5;
- vvv. White Cliffs Road, Brooks Bay folio of the Register 118988/7; and
- www. the reserved roads intersecting folio of the Register 125584/13, folio of the Register 26693/2, folio of the Register 232952/1 and three reserved road

parcels adjoining Swifts Road as necessary to produce a uniform zoning pattern.

293. Reason: To apply the Rural Living Zone consistent with Guideline No. 1.

Rural Living Zone - 25 Turn Creek Road, Grove (Grove Cluster)

Representations: Tyler Duffield (3), Keith Biffin (114), Simone Brinsmead and Matthew Burge (303)

294. The representation made by Tyler Duffield requested the zone of 25 Turn Creek Road, Grove folio of the Register 25598/4 be revised from Landscape Conservation to Rural Living B. The reasons were:

- the land had an area of approximately 2.5ha, which was smaller than minimum lot size in the Landscape Conservation Zone;
- the land contained residential use and development and was used for hobby farming;
- the existing buildings would not comply with boundary setback requirements of the Landscape Conservation Zone;
- the land was within a broader rural area that contained agriculture use;
- most of the land was cleared;
- the use and character of the area was consistent with the purpose of the Rural Living Zone; and
- the natural value of Bullock Hill was overstated.

295. The representation made by Keith Biffin also requested the zone of 1715 Huon Highway, Grove folio of the Register 44055/1 be revised from Rural to Rural Living. The reasons were:

- approximately 60% of the land was unimproved and too steep for general agriculture use;
- the land was surrounded by smaller lots between 1ha and 5ha that had a rural living character; and
- the Rural Living Zone would provide opportunity for rural living use and development without loss of potential to use the land for agriculture.

296. The representation made by Simone Brinsmead and Matthew Burge also requested the zone of 1779 Huon Highway, Grove folio of the Register 247397/1 be revised from Rural to Rural Living. The reasons were:

- the land had a mixture of poor-quality grazing land, steep grazing land and native bush;
- the land had not been used for commercial farming or other agricultural purposes since the 1960s;
- the land was unlikely to be used for agriculture in future;
- the Rural Living Zone should be applied and would be consistent with the adjacent properties on Bull Oak Way, Grovenor Rise and Turn Creek Road; and
- the Rural Living Zone had been applied to some properties in the surrounding area (north of Huon Road).

297. In its section 35F report, the planning authority recommended the Rural Living Zone C be applied to 25 Turn Creek Road (Duffield) and also a broader cluster of properties (46 in total) in Bull Oak Way, Grovenor Rise and Turn Creek Road. The reasons were:

- the Landscape Conservation Zone had been applied because the land was perceived to be of landscape value; however upon review it considered the land

- had characteristics that were consistent with the purpose of the Rural Living Zone;
- the existing area and density of the lots were consistent with the provisions of the Rural Living Zone;
 - the application of the Rural Living Zone was consistent with RLZ 2 Guideline No. 1 because the land was zoned Environmental Living in the interim planning scheme and there was a primary strategic intention the land be used for residential use and development in a rural setting;
 - any features of landscape value could be managed under the Rural Living Zone provisions, which would limit the type and intensity of possible uses;
 - one of the purpose statements of the Rural Living Zone was to provide for residential use and development in a rural setting where existing natural and landscape values should be retained; and
 - the Rural Living Zone C (Acceptable Solution with a minimum lot size of 5ha) was recommended to apply because it provided a minimum lot size that was consistent with the established cadastre.
298. However, the planning authority did not support a change to the zoning of 1715 or 1779 Huon Highway for the following reasons:
- the regional strategy (policy SRD 1.3) restricted application of the Rural Living Zone to existing rural living communities;
 - 1715 and 1779 Huon Highway did not adjoin or form part of an existing rural living community;
 - the proposed Rural Living Zone was not consistent with RLZ 2 Guideline No. 1 because the land was zoned Rural Resource in the interim planning scheme and there was not a primary strategic intention the land be used for residential use and development within a rural setting;
 - the land had a significant area and could be subdivided if zoned Rural Living; and
 - the Rural Zone was the most appropriate zone to apply to the land.
299. At the hearing, Ms Julie Darby for Tyler Duffield, made the following comments in support of the representation:
- the area was known as Bullock Hill and had been developed with a 28-lot subdivision; and
 - the subdivision significantly changed the character of Bullock Hill.
300. In response to the representation made by Keith Biffin, the planning authority added a valid approval had been issued to subdivide the land, however the land should still be included in the Rural Zone. It also noted a private timber reserve applied to the land, which provided for forestry use that was also suited to the Rural Zone.
301. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the properties it recommended be zoned Rural Living. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of 46 letters were sent and 10 responses were received. Only one of the responses, made by the owner of 31 Bull Oak Way, opposed the change on the basis the Rural Living Zone may result in a loss of native vegetation. Two other responses were supportive of the Rural Living Zone but requested Rural Living Zone A or B be applied (Acceptable Solution with a minimum lot size of 1ha and 2ha respectively).

Commission consideration

302. The Commission agrees the Rural Living Zone should be applied to the land in Bull Oak Way, Grovenor Rise and Turn Creek Road for the reasons given by the

planning authority in its section 35F report. The land contains established rural living use or there is a clear intent for rural living use in a rural setting. Impact on any features of landscape value (see Commission decision on general issues) present can be managed through the zone provisions and application of Rural Living Zone C (Acceptable Solution with a minimum lot size of 5ha) that would minimise how many new lots could be created.

303. However, the Commission is not persuaded the Rural Living Zone should be applied to 1715 or 1779 Huon Highway also for the reasons given by the planning authority in its section 35F report. The land is distinctly separate from the land in Bull Oak Way, Grovenor Rise and Turn Creek Road, and has a general rural character, as opposed to a rural living character, particularly due to the area of the lots. The Commission is not satisfied the Rural Living Zone is supported by the regional strategy or a local land use strategy, and notes both properties are included in the agricultural estate mapping (1715 Huon Highway potentially constrained and 1779 Huon Highway unconstrained). Therefore, the Rural Zone should be applied to the land consistent with the principles of Guideline No. 1 (RZ 3) due to the constraints on agriculture use outlined by the representors.

Commission decision

304. Modification:

- Revise the zoning of the following properties to Rural Living C:
 - a. 10 Bull Oak Way, Grove folio of the Register 181367/2;
 - b. 16 Bull Oak Way, Grove folio of the Register 181367/3;
 - c. 18 Bull Oak Way, Grove folio of the Register 181367/4;
 - d. 19 Bull Oak Way, Grove folio of the Register 180249/20;
 - e. 23 Bull Oak Way, Grove folio of the Register 181367/19;
 - f. 26 Bull Oak Way, Grove folio of the Register 181367/5;
 - g. 31 Bull Oak Way, Grove folio of the Register 181367/18;
 - h. 34 Bull Oak Way, Grove folio of the Register 181367/6;
 - i. 39 Bull Oak Way, Grove folio of the Register 181367/17;
 - j. 42 Bull Oak Way, Grove folio of the Register 181367/7;
 - k. 49 Bull Oak Way, Grove folio of the Register 181367/16;
 - l. 54 Bull Oak Way, Grove folio of the Register 181367/8;
 - m. 61 Bull Oak Way, Grove folio of the Register 181367/15;
 - n. 62 Bull Oak Way, Grove folio of the Register 181367/9;
 - o. 65 Bull Oak Way, Grove folio of the Register 181367/14;
 - p. 74 Bull Oak Way, Grove folio of the Register 181367/10;
 - q. 75 Bull Oak Way, Grove folio of the Register 181367/13;
 - r. 76 Bull Oak Way, Grove folio of the Register 181367/11;
 - s. 77 Bull Oak Way, Grove folio of the Register 181367/12;
 - t. 29 Grovenor Rise, Grove folio of the Register 180249/28;
 - u. 41 Grovenor Rise, Grove folio of the Register 180249/27;
 - v. 42 Grovenor Rise, Grove folio of the Register 180249/1;
 - w. 73 Grovenor Rise, Grove folio of the Register 180249/26;
 - x. 77 Grovenor Rise, Grove folio of the Register 180249/25;
 - y. 79 Grovenor Rise, Grove folio of the Register 180249/24;
 - z. 80 Grovenor Rise, Grove folio of the Register 180249/21;
 - aa. 107 Grovenor Rise, Grove folio of the Register 180249/23;
 - bb. 108 Grovenor Rise, Grove folio of the Register 180249/22;
 - cc. 20 Hansens Road, Grove folio of the Register 8304/1;
 - dd. 9 Turn Creek Road, Grove folio of the Register 31675/2;
 - ee. 15 Turn Creek Road, Grove folios of the Register 25598/4 and 25598/3;
 - ff. 35 Turn Creek Road, Grove folio of the Register 25598/5;

- gg. 37 Turn Creek Road, Grove folio of the Register 25598/8;
- hh. 39 Turn Creek Road, Grove folio of the Register 168574/1;
- ii. 43 Turn Creek Road, Grove folio of the Register 168574/2;
- jj. 61 Turn Creek Road, Grove folio of the Register 130807/7;
- kk. 66 Turn Creek Road, Grove folio of the Register 111552/1;
- ll. 71 Turn Creek Road, Grove folio of the Register 33461/1;
- mm. 106 Turn Creek Road, Grove folio of the Register 45249/1;
- nn. 125 Turn creek Road, Grove folio of the Register 33461/3;
- oo. 129 Turn Creek Road, Grove folio of the Register 29620/1;
- pp. 139 Turn Creek Road, Grove folio of the Register 161389/1
- qq. 140 Turn Creek Road, Grove folio of the Register 142886/1;
- rr. 169 Turn Creek Road, Grove folio of the Register 161389/2; and
- ss. Turn Creek Road, Grove folio of the Register 33461/2.

305. Reason: To apply the Rural Living Zone consistent with Guideline No. 1.

Rural Living Zone - 46 Percy Street, Port Huon

Representations: Gray Planning for Steven Milverton (15)

306. The representor requested the zone of 46 Percy Street, Port Huon folio of the Register 145872/2 be revised from Rural to Rural Living B. The reasons were:

- the land had an area of approximately 4ha and contained a dwelling;
- the land and adjacent land contained residential use and development;
- the land area was too small to be used for agriculture;
- surrounding residential use also constrained potential to use the land for agriculture use;
- the Rural Zone applied to the land was not supported by Guideline No. 1;
- the Rural Living Zone was most appropriate for the land;
- properties to the south of the land were also zoned Rural Living;
- the surrounding land were not used for agriculture;
- the Rural Living Zone would allow the land to be used as a buffer between land zoned Rural and land zoned General Residential, Low Density Residential and Future Urban to the south;
- the land had a land capability classification of class 5, which meant it was unsuitable for cropping, although some areas could be cultivated with pasture;
- the land had low potential to be used to graze animals;
- the land could not be characterised as rural area because it was located on the immediate fringe of the Port Huon township and directly adjacent to residential-zoned land;
- the land was identified as potentially constrained in the agricultural estate mapping;
- the Rural Zone was applied without specific consideration of the potential to use the land for agriculture;
- Port Huon was not identified in the regional strategy but was identified in the Huon Valley Land Use Strategy 2007 as a minor settlement; and
- the Rural Living Zone was consistent with the Huon Valley Land Use Strategy 2007.

307. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the proposed Rural Living Zone was not consistent with RLZ 2 Guideline No. 1 because the land was zoned Rural Resource in the interim planning scheme and there was not a primary strategic intention the land be used for residential use and development in a rural setting;

- the regional strategy (policy SRD 1.3) restricted application of the Rural Living Zone to existing rural living communities;
 - the Rural Living Zone could not be supported until further strategic planning work was undertaken to determine the most appropriate future zone for the land; and
 - the Rural Zone was the most appropriate zone to apply to the land.
308. At the hearing, Ms Danielle Gray (Gray Planning) added the Rural Living Zone B would only create potential for one additional lot to be created, which was consistent with the pattern of development in the area.
309. In response, the planning authority made the following comments:
- it wanted to create compact settlements that would not fetter surrounding agriculture use;
 - more strategic planning work was required to determine where the Rural Living Zone should be applied throughout the municipality in future;
 - it had engaged a consultant to prepare a land use and development strategy on its behalf; and
 - the strategy would examine what subdivision categories should be applied to land zoned Rural Living and whether potential to create new lots should be provided in some rural living areas.

Commission consideration

310. The Commission is not persuaded the Rural Living Zone should be applied to the land for the following reasons:
- there is no evidence the application of the Rural Living Zone is supported by the regional strategy or a local land use strategy;
 - there is no evidence the land is part of a 'rural living community or that there is a primary strategic intention for the land be used for residential use and development within a rural setting' as required by policy SRD 1.3 of the regional strategy;
 - the land is identified in the agricultural estate mapping (potentially constrained), which indicates the Rural or Agriculture zones are appropriate; and
 - the application of the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 3).
311. The Commission notes the planning authority's intent to undertake strategic planning work to investigate the appropriate future zones that should apply to land in the municipality. Any identified changes could be pursued by a subsequent planning scheme amendment.

Commission decision

312. The Commission determines no modifications are required.

Rural Living Zone - Packers Road, Huonville

Representations: Kent and Trudy Wells (19), Stephen Cronin and Darryl Murray (133)

313. The representors requested the zone of 14 Packers Road, Huonville folio of the Register 131897/2 (representation 133) and 48 Packers Road, Huonville folio of the Register 103630/9 (representation 19) be revised from Rural to Rural Living. The reasons were:
- the land was in an area zoned Rural Living and used for rural living purposes;

- 14 Packers Road (Murray and Cronin) fronted Huon Highway and was subject to the Scenic Road Corridor overlay and easements, which restricted the development potential of the land;
 - the rear of 14 Packers Road could be used for visitor accommodation or tourist operation uses if zoned Rural Living;
 - further use and development of the land would not compromise surrounding agriculture use;
 - the land was used for to graze animals and could continue to be used to graze animals if zoned Rural Living;
 - 48 Packers Road had an area of approximately 1ha and contained a dwelling;
 - three other adjoining properties that were also zoned Rural had similar areas, contained dwellings, and were used for rural living purposes; and
 - the properties had poor land capability and were not suitable for agriculture.
314. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the proposed Rural Living Zone was not consistent with RLZ 2 Guideline No. 1 because the land was not zoned Rural Living in the interim planning scheme and there was not a primary strategic intention the land be used for residential use and development within a rural setting;
 - the regional strategy (policy SRD 1.3) restricted application of the Rural Living Zone to existing rural living communities;
 - the Rural Living Zone could not be supported until further strategic planning work was undertaken to determine the most appropriate future zone for the land; and
 - the Rural Zone was the most appropriate zone to apply to the land.
315. At the hearing, Mr Kent Wells (representation 19) made the following comments in support of his representation:
- the area did not contain any significant rural uses;
 - the area could be characterised as rural living;
 - the Rural Zone was not consistent with the use of the area; and
 - further strategic planning work was not required to justify the Rural Living Zone.

Commission consideration

316. The Commission is not persuaded the Rural Living Zone should be applied to the land for the following reasons:
- there is no evidence the Rural Living Zone is supported by the regional strategy or a local land use strategy;
 - there is no evidence the land is part of a 'rural living community or that there is a primary strategic intention for the land be used for residential use and development in a rural setting' as required by policy SRD 1.3 of the regional strategy;
 - further work is required to establish whether there should be intent for the land be used for residential use and development within a rural setting;
 - the land is identified in the agricultural estate mapping (14 Packers Road potentially constrained and 48 Packers Road unconstrained), which indicates the Rural or Agriculture zones are appropriate; and
 - the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 3).
317. The Commission notes the planning authority, at the hearings, outlined an intent to undertake strategic planning work for settlements in the municipality, which may help determine the appropriate future zone for the land.

Commission decision

318. The Commission determines no modifications are required.

Rural Living Zone - 144 and 171 Caseys Road, Nicholls Rivulet (Nicholls Rivulet Cluster 1)

Representations: Jeanette and Edmund Gormley (26), Glenn Corner (69)

319. The representation made by Jeanette and Edmund Gormley (26) requested the zone of 171 Caseys Road, Nicholls Rivulet folio of the Register 126620/1 be revised from Landscape Conservation to Rural Living. The reasons were:

- the Land Conservation Zone would prohibit hobby farming, agriculture use and a home-based business;
- the Land Conservation Zone would cause the value of the property to decline;
- the data used to produce the Priority Vegetation Area overlay was inaccurate;
- the land had been logged in the past and contained no significant natural values;
- agriculture use of the land would not impact habitat for native animals; and
- the Rural Living Zone or Rural Zone would allow the land to be used for hobby farming.

320. The representation made by Glenn Corner (69) raised concern the Landscape Conservation Zone had been applied to 144 Caseys Road, Nicholls Rivulet folio of the Register 32417/1 and noted the land had been zoned Rural Resource in the interim planning scheme.

321. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- home-based business and resource development were permitted and discretionary uses in the Landscape Conservation Zone;
- the Landscape Conservation Zone applied to the land was supported by Guideline No. 1;
- the land was predominantly vegetated and adjoined the Snug Tiers Nature Recreation Area; and
- the representation made by Glenn Corner did not specifically request a change to the draft LPS, however the application of the Landscape Conservation Zone to his land was also supported by Guideline No. 1.

322. At the hearing, Mr Edmund Gormley made the following comments in support of his representation:

- the land is used for rural living purposes and contained a garden and poultry;
- the Landscape Conservation Zone would limit potential to use and develop the land, particularly the development of an outbuilding;
- he was interested in subdividing the land in future; and
- he may apply for the land to be declared a private timber reserve.

323. In response, the planning authority made the following comments:

- the land was part of broader vegetated area that included the Snug Tiers Nature Recreation Area;
- residential use was discretionary in the Landscape Conservation Zone;
- split-zoning of 171 Caseys Road was not supported because the land was heavily vegetated and existing buildings were in a discreet corner of the land;
- its natural values expert advised the land contained broad leaf shrub, which was a rare species; and
- the land contained habitat for the Tasmanian devil.

324. Following the hearing, Ms Jeanette and Mr Ed Gormley made a submission with the following comments:
- historic aerial photographs demonstrated the land had been intensively cleared;
 - some properties to the west and south of the land had also been previously cleared and should be zoned Rural;
 - the land contained silver wattle, which had regrown after the land was historically cleared;
 - the land had no vegetation of significant biodiversity value or habitat for native animals, such as hollows and coarse woody debris; and
 - the Priority Vegetation Area overlay would apply to any vegetation of significant natural value.
325. The planning authority, in response to a Commission direction, made a submission with the following comments:
- its natural values experts agreed application of the Rural Zone to some of the land had merit;
 - the Rural Zone should be applied to a cluster of six properties, three of which (144, 171 and 173 Caseys Road) would be split-zoned Rural and Landscape Conservation, and three of which (99, 169 and 170 Caseys Road) would be wholly zoned Rural; and
 - one or more of the affected landowners may be unaware of the proposed zone changes.
326. The submission included a diagram to show the location of the proposed split-zone boundary.
327. At the reconvened hearing, Mr Edmund and Mrs Jeanette Gormley were joined by Mr Thomas Southern (owner of 173 Caseys Road) who were represented by Mr Carl Burden and Ms Amy Robertson who together made the following comments:
- parts of the land had been cleared in the 1990s;
 - the zones recommended by the planning authority were generally supported; and
 - the proposed split-zone boundary over 144, 171 and 173 Caseys Road should be moved to the north so that it included more of the cleared areas.
328. In response, the planning authority made the following comments:
- it had used a reserved road that intersected the land as the zone boundary;
 - the zone boundary could be moved further north over 173 Caseys Road so more of the cleared areas could be included in the Rural Zone; and
 - 99, 169 and 170 Caseys Road were the three properties that should be wholly zoned Rural.
329. Following the reconvened hearing, the planning authority, in response to a Commission direction, provided a revised diagram that identified the properties it recommended be zoned Rural or split-zoned Rural and Landscape Conservation. The zone boundary was located further north over 173 Caseys Road and realigned over 144 Caseys Road so it was straightened. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of six letters were sent and four responses were received, all of which were supportive of the proposed zones.

Commission consideration

330. The Commission is persuaded the Rural Zone should be applied to the land (or parts of the land) as recommended by the planning authority for the following reasons:

- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
- the Rural Zone would best recognise the existing use of the land in the circumstances;
- the Rural Zone would be consistent with the zone of the land to the south and west;
- the land does not have significant landscape value (see Commission decision on general issues) to warrant application of the Landscape Conservation Zone as it has areas that are substantially cleared and is not significantly elevated or visible from surrounding areas being mostly below the 300m AHD (Australian Height Datum) contour; and
- impact on any native vegetation of significant natural value would be primarily managed through the Priority Vegetation Area overlay applied to the land, which would also assist the retention of vegetation and incidental retention of any features of landscape value.

Commission decision

331. Modification:

- Revise the zoning of the following properties to Rural:
 - a. 99 Caseys Road, Nicholls Rivulet folio of the Register 113943/1;
 - b. 169 Caseys Road, Nicholls Rivulet folio of the Register 126621/1;
 - c. 170 Caseys Road, Nicholls Rivulet folio of the Register 126620/2; and
 - d. those parts of 144 Caseys Road folio of the Register 32417/1, 171 Caseys Road folio of the Register 126620/1 and 173 Caseys Road, Nicholls Rivulet folio of the Register 239822/1 located south of the zone boundary identified in the diagram included in the planning authority's response to direction 12 dated 7 March 2024.

332. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Living Zone - Petcheys Bay and Wattle Grove (Petcheys Bay and Wattle Grove Cluster)

Representations: Stuart Smith (27), Linda Anggraiani (96), Carolyn Demaine and Robin Legge (138), Christine Valentine and Nick Day (182), James McEwan (225)

333. The representation made by Stuart Smith (27) requested the zone of 22 properties at Brooke Street and Cygnet Coast Road, Petcheys Bay be revised from Landscape Conservation to Rural Living. The reasons were:

- 17 of the 22 properties contained existing dwellings;
- three of the owners of the remaining five lots planned to construct dwellings;
- the lots had access to public roads and were serviced with electricity; and
- ten of the lots were created in a subdivision and intended to be used for rural living purposes.

334. The representation made by Linda Anggraiani (96) requested the zone of Brooke Street, Petcheys Bay folio of the Register 140121/4 be revised from the Landscape Conservation to Rural Living.

335. The representation made by Robin Legge and Carolyn Demaine (138) requested the zone of 902b Cygnet Coast Road, Wattle Grove folio of the Register 165572/1 be revised from Landscape Conservation to Rural Living. The reasons were the land contained an existing residential use and was partly cleared. The representor also raised concern the Priority Vegetation Area overlay applied to the land was inaccurate.
336. The representation made by Christine Valentine and Nick Day (182) also requested the zone of 902E Cygnet Coast Road, Wattle Grove, folio of the Register 149310/3, be revised from the Landscape Conservation to Rural Living because the land contained an existing residential use and the character of the land was consistent with the purpose of the Zone.
337. The representation made by James McEwan (225) requested the zone of 860 Cygnet Coast Road, Wattle Grove folio of the Register 141903/2 be revised from Landscape Conservation to Rural.
338. In its section 35F report, the planning authority recommended the Rural Living Zone D be applied to all the properties subject of the representations, and that 902c, 902d, 902h and 902j Cygnet Coast Road and 40, 78 and 96 Walters Road, Wattle Grove also be included. The reasons were:
 - the Landscape Conservation Zone was applied because the land was perceived to be of landscape value; however a review of the area determined the land had characteristics that were consistent with the purpose of the Rural Living Zone;
 - the existing area and density of the lots were consistent with the provisions of the Rural Living Zone;
 - the application of the Rural Living Zone was consistent with RLZ 2 Guideline No. 1 because the land was zoned Environmental Living in the interim planning scheme and there was a primary strategic intention the land be used for residential use and development in a rural setting;
 - any features of landscape value could be managed under the Rural Living Zone provisions, which would limit the type and intensity of uses possible;
 - one of the purpose statements of the Rural Living Zone was to provide for residential use and development in a rural setting where existing natural and landscape values should be retained; and
 - Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) was recommended to apply because it provided a minimum lot size that was consistent with the pattern of development that existed.
339. At the hearing, Ms Linda Anggraiani stated she was supportive of the Rural Living Zone recommended by the planning authority.
340. In response, the planning authority noted 560 and 582 Cygnet Coast Road should also be included in the Rural Living Zone.
341. Ms Christine Valentine and Mr Nick Day attended the hearing and made the following comments:
 - they wanted to construct a second dwelling on their land (902E Cygnet Coast Road);
 - they purchased the land because it was covered in native vegetation; and
 - they were supportive of the Rural Living Zone recommended by the planning authority.
342. Ms Valentine and Mr Day and Mr Legge and Ms Demaine made a similar written submissions with the following comments:
 - the Rural Living Zone was supported by Guideline No. 1;

- the use and character of the land would be consistent with the purpose of the Rural Living Zone; and
 - the Landscape Conservation Zone would reduce the value of land.
343. In response, the planning authority stated multiple dwellings were prohibited in the Landscape Conservation Zone but noted a secondary residence (one that was ancillary to the main dwelling) could be considered.
344. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the properties it recommended be zoned Rural Living. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of 64 letters were sent and 22 responses were received, 17 of which were supportive of the Rural Living Zone. The responses opposed to the change were in favour of the Landscape Conservation Zone for the following reasons:
- the Landscape Conservation Zone provided greater building setback from boundary requirements;
 - all the properties surrounding Fitzpatrick's Hill should be zoned Landscape Conservation; and
 - the area contained features of landscape and natural value, including habitat for native flora and fauna.
345. The owner of 896 Cygnet Coast Road stated they preferred the Rural Zone be applied to the land.
346. At the reconvened hearing, Mr David and Mrs Martha Harvey, who owned several titles in the area, stated they supported the Rural Living Zone for 902j Cygnet Coast Road but requested the Rural Zone be applied to 582 Cygnet Coast Road folios of the Register 30637/2 and 157975/1 and 1 Brooke Street folio of the Register 138669/1 because the land was used to graze cattle.
347. In response, the planning authority made the following comments:
- 582 Cygnet Coast Road folios of the Register 157975/1 should be zoned Rural and had been included in the area recommended to be zoned Rural Living in error;
 - the southern part of 560 Cygnet Coast Road folio of the Register 160835/3 should remain in the Rural Zone because it would result in a more consistent zone pattern because the land was separated from the remainder of the settlement;
 - 582 Cygnet Coast Road folio of the Register 160835/2 and 1 Brooke Street should be included in the Rural Living Zone, because it would be consistent with the zone recommended for the surrounding area; and
 - the Rural Living Zone would allow existing farm use to continue.

Commission consideration

348. The Commission agrees the Rural Living Zone should be applied to the land in Brooke Street and Cygnet Coast Road, Petchey's Bay and Walters Road, Wattle Grove for the reasons given by the planning authority in its section 35F report. The land contains established rural living use within a rural setting.
349. The Commission notes 582 Cygnet Coast Road folio of the Register 30637/2 (Harvey) was erroneously included in the area recommended by the planning authority to be zoned Rural Living. The planning authority confirmed the land should remain in the Rural Zone. The Commission also agrees the southern part of

560 Cygnet Coast Road folio of the Register 160835/3 should remain in the Rural Zone for the reasons given by the planning authority at the hearing.

350. The Commission otherwise notes the views of the owners that requested the Landscape Conservation or Rural zones be applied to their respective properties but considers the provisions of the Rural Living Zone are consistent with the use of the land in the area. These provisions appropriately balance rural use, management of natural and landscape values and residential amenity. Impact on any features of landscape value (see Commission decision on general issues) present can be managed through the Zone provisions and application of Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) that would minimise how many new lots could be created. Similarly, the Priority Vegetation Area overlay would also apply to the land and protect vegetation of significant natural value and may incidentally protect features of landscape value.
351. The Commission also notes the southern section of 919 Cygnet Coast Road was zoned Environmental Management in the exhibited draft LPS but is private land and should also be zoned Rural Living. The Priority Vegetation Area and Waterway and Coastal Protection Area overlays would apply to the land and protect any vegetation or waterways of significant natural value present on the land.
352. The Commission notes there are reserved roads that intersect or adjoin the land that should also be included in the Rural Zone to ensure zoning is applied contiguously.

Commission decision

353. Modification:

- Revise the zoning of that part of 560 Cygnet Coast Road folio of the Register 160835/3 south of a boundary delineated by coordinates 500333.31 E 5218878.5 N and 500340.68 E 5218883.91 N to Rural.
- Revise the zoning of the following properties to Rural Living D:
 - a. 1 Brooke Street, Petcheys Bay folio of the Register 138669/1;
 - b. 49 Brooke Street, Petcheys Bay folio of the Register 120423/6;
 - c. 59 Brooke Street, Petcheys Bay folio of the Register 120423/5;
 - d. 61 Brooke Street, Petcheys Bay folio of the Register 140121/5;
 - e. 63 Brooke Street, Petcheys Bay folio of the Register 120423/4;
 - f. 69 Brooke Street, Petcheys Bay folio of the Register 140121/3;
 - g. 71 Brooke Street, Petcheys Bay folio of the Register 120423/2;
 - h. Brooke Street, Petcheys Bay folio of the Register 140121/4;
 - i. 582 Cygnet Coast Road, Petcheys Bay folio of the Register 157975/1;
 - j. 658 Cygnet Coast Road, Petcheys Bay folio of the Register 151370/2;
 - k. 684 Cygnet Coast Road, Petcheys Bay folio of the Register 151370/1;
 - l. 694 Cygnet Coast Road, Petcheys Bay folio of the Register 120423/9;
 - m. 720 Cygnet Coast Road, Petcheys Bay folio of the Register 120423/8;
 - n. 730 Cygnet Coast Road, Petcheys Bay folio of the Register 141160/1;
 - o. 754 Cygnet Coast Road, Petcheys Bay folio of the Register 120423/7;
 - p. 758 Cygnet Coast Road, Petcheys Bay folio of the Register 146285/2;
 - q. 760 Cygnet Coast Road, Wattle Grove folio of the Register 146285/1;
 - r. 778 Cygnet Coast Road, Petcheys Bay folio of the Register 34527/2;
 - s. 794 Cygnet Coast Road, Petcheys Bay folio of the Register 34527/3;
 - t. 808 Cygnet Coast Road, Petcheys Bay folio of the Register 202696/1;
 - u. 816 Cygnet Coast Road, Wattle Grove folio of the Register 201011/1;
 - v. 820 Cygnet Coast Road, Petcheys Bay folio of the Register 120423/3;
 - w. 836 Cygnet Coast Road, Wattle Grove folio of the Register 240675/1;
 - x. 844 Cygnet Coast Road, Wattle Grove folio of the Register 47314/1;

- y. 850 Cygnet Coast Road, Wattle Grove folio of the Register 47314/2;
- z. 856 Cygnet Coast Road, Wattle Grove folio of the Register 47314/3;
- aa. 860 Cygnet Coast Road, Wattle Grove folio of the Register 141903/2;
- bb. 866 Cygnet Coast Road, Wattle Grove folio of the Register 141903/1;
- cc. 875 Cygnet Coast Road, Wattle Grove folio of the Register 32467/1;
- dd. 889 Cygnet Coast Road, Wattle Grove folio of the Register 32792/1;
- ee. 896 Cygnet Coast Road, Wattle Grove folio of the Register 47314/6;
- ff. 900 Cygnet Coast Road, Wattle Grove folio of the Register 48985/1;
- gg. 919 Cygnet Coast Road, Wattle Grove folio of the Register 182832/1;
- hh. 939 Cygnet Coast Road, Wattle Grove folio of the Register 182677/1;
- ii. 902a Cygnet Coast Road, Wattle Grove folio of the Register 160899/2;
- jj. 902b Cygnet Coast Road, Wattle Grove folio of the Register 165572/1;
- kk. 902c Cygnet Coast Road, Wattle Grove folio of the Register 149310/1;
- ll. 902d Cygnet Coast Road, Wattle Grove folio of the Register 149310/2;
- mm. 902E Cygnet Coast Road, Wattle Grove, folio of the Register 149310/3;
- nn. 902h Cygnet Coast Road, Wattle Grove folio of the Register 167756/2;
- oo. 902j Cygnet Coast Road, Wattle Grove folio of the Register 165573/2;
- pp. 904 Cygnet Coast Road, Wattle Grove folio of the Register 160899/1;
- qq. 923 Cygnet Coast Road, Wattle Grove folio of the Register 30493/5;
- rr. 939 Cygnet Coast Road, Wattle Grove folio of the Register 182677/1;
- ss. 944 Cygnet Coast Road, Wattle Grove folio of the Register 50379/4;
- tt. 960 Cygnet Coast Road, Wattle Grove folio of the Register 61214/1;
- uu. 966 Cygnet Coast Road, Wattle Grove folio of the Register 158758/1;
- vv. 998 Cygnet Coast Road, Wattle Grove folio of the Register 139903/2;
- ww. 1004 Cygnet Coast Road, Wattle Grove folio of the Register 121709/3;
- xx. Cygnet Coast Road, Wattle Grove folio of the Register 238889/1;
- yy. that part of 560 Cygnet Coast Road, Petchey's Bay folio of the Register 160835/3 north of a boundary delineated by coordinates 500333.31 E 5218878.5 N and 500340.68 E 5218883.91 N;
- zz. 3 Walters Road, Wattle Grove folio of the Register 229897/1;
- aaa. 9 Walters Road, Wattle Grove folio of the Register 50379/1;
- bbb. 12 Walters Road, Wattle Grove folio of the Register 50379/2;
- ccc. 31 Walters Road, Wattle Grove folio of the Register 158758/2;
- ddd. 32 Walters Road, Wattle Grove folio of the Register 50379/3;
- eee. 37 Walters Road, Wattle Grove folio of the Register 139903/1;
- fff. 40 Walters Road, Wattle Grove folio of the Register 161127/1;
- ggg. 49 Walters Road, Wattle Grove folio of the Register 152335/3;
- hhh. 78 Walters Road, Wattle Grove folio of the Register 165213/2;
- iii. 81 Walters Road, Wattle Grove folio of the Register 121709/6;
- jjj. 96 Walters Road, Wattle Grove folio of the Register 165213/1; and
- kkk. the intersecting reserved roads as necessary to produce a uniform zone pattern.

354. Reason: To apply the Rural Living Zone consistent with Guideline No. 1.

Rural Living Zone - Lanes Road, Glen Huon (Glen Huon Cluster 1)

Representation: GHD for Joel Wright (33), Andrew Young and Scott Cunningham (36), Angelo Kessarios (379)

Submission accepted by the Commission: Lisa Britzman (Submission 7)

355. The representation made by GHD for Joel Wright (33) requested the zone of 56 Lanes Road, Glen Huon folio of the Register 140811/1 be revised from Rural to Rural Living A. The reasons were:

- the Rural Living Zone would recognise the existing rural living use and development on the land;

- the land had an area of approximately 3.7ha and contained a dwelling;
 - the land had a land capability classification of class 5 and class 6 and did not have access to irrigation;
 - the proposed Rural Living Zone was consistent with policy SRD 1.3c of the regional strategy because it contained a rural living use and shared a common boundary with an existing rural living community;
 - Rural Living Zone A (Acceptable Solution with a minimum lot size of 1ha) would only create potential for one or two new lots;
 - the land had existing road frontages;
 - the Rural Living Zone would not fetter any nearby agriculture use; and
 - the land was subject to few hazards and did not contain vegetation of significant natural value.
356. The representation made by Andrew Young and Scott Cunnington (36) requested the zone of 173 Lanes Road, Glen Huon folio of the Register 39076/1 be revised from Landscape Conservation to Rural Living. The reasons were:
- the land had an area of approximately 3.2ha and contained rural living use and development;
 - approximately 90% of the land was cleared of native vegetation;
 - the land was not located on a hilltop or ridgeline, and was not part of a broader forested area;
 - the Landscape Conservation Zone applied to the land was not consistent with Guideline No. 1 because the land was not a feature of landscape or scenic value;
 - the proposed Rural Living Zone was consistent with Guideline No. 1 because the land was primarily used for residential purposes and contained a non-commercial hobby farm used to grow apples and olives;
 - the land was zoned Environmental Living Zone in the interim planning scheme, which made it eligible for the Rural Living Zone as provided by RLZ 2 of Guideline No. 1; and
 - Rural Living Zone A (Acceptable Solution with a minimum lot size of 1ha) would reflect the lot pattern and density of the adjoining settlement.
357. The submission made by Lisa Britzman requested the zoning of 184 Lanes Road, Glenn Huon folio of the Register 42537/1 be revised from Landscape Conservation to Rural. The reasons were:
- the land contained an existing farm business that had operated since 2010;
 - the land had previously been used for grazing;
 - the land contained significant farm infrastructure that included commercial plantings of olives, lavender and saffron, a shop and studio, and an apiary;
 - farm tours and tutorials on manufacture of ceramics were also provided on the land;
 - the Landscape Conservation Zone would limit potential to expand the business;
 - the Rural Zone was consistent with RZ 1 of Guideline No. 1;
 - the land formed part of Lanes Hill, which was proposed to be zoned Rural;
 - the Natural Assets Code overlays would protect any vegetation of natural value;
 - the land did not contain threatened native vegetation;
 - the land was not highly visible from the surrounding area, particularly Glen Huon Road; and
 - the land did not contain any prominent features or scenic values that warranted application of the Landscape Conservation Zone.
358. In its section 35F report, the planning authority recommended no change to the zone of 173 and 184 Lanes Road (Young and Cunnington and Britzman) for the following reasons:

- the Landscape Conservation Zone was applied to most land zoned Environmental Living in the interim planning scheme;
 - the land was in a broader area that was of landscape value evident through vegetation coverage, proximity to the Huon River or elevated positions in the landscape;
 - the Landscape Conservation Zone was applied to minimise the visual impact of future development on features of landscape value;
 - the land reflected of the broader landscape value of the area;
 - only small-scale use or development was appropriate because it would limit impact on the landscape; and
 - the Landscape Conservation Zone was the most appropriate zone for the land.
359. The planning authority also recommended no change to the zone of 56 Lanes Road (Wright) for the following reasons:
- the proposed Rural Living Zone was not consistent with RLZ 2 Guideline No. 1 because the land was zoned Rural Resource in the interim planning scheme and there was not a primary strategic intention the land be used for residential use and development within a rural setting;
 - the regional strategy (policy SRD 1.3) restricted application of the Rural Living Zone to existing rural living communities; and
 - the Rural Zone was the most appropriate zone to apply to the land.
360. At the hearing, Mr Andrew Young made the following comments in support of his representation:
- the land did not contain an area of native bushland and did was not of landscape value;
 - the land was not highly visible from the surrounding area, particularly Glen Huon Road;
 - the Scenic Protection Area overlay did not apply to the land;
 - neighbouring properties on the southern side of Lanes Road were similar but proposed to be zoned Rural Living;
 - vegetation of natural value did not need to be managed through zone standards because the Natural Assets Code overlays would apply and protect such features;
 - it would be more difficult to obtain approval to construct an ancillary dwelling on the land under the provisions of the Landscape Conservation Zone; and
 - Rural Living Zone B (Acceptable Solution with a minimum lot size of 2ha) would be most appropriate for the land.
361. In response, the planning authority made the following comments:
- it was unclear whether the land should be zoned Rural Living Zone or Landscape Conservation;
 - it was concerned there was no strategic planning strategy that supported the Rural Living Zone; and
 - it was open to application of the Rural Living Zone but needed to investigate the overall zoning pattern of the area to ensure zones were applied consistently.
362. Mr Caleb Elcock for Lisa Britzman, made a written submission and the following comments in support of the submission made about the zone of 184 Lanes Road:
- the land contained 150 olive trees, 1500 saffron plants and 2,000 lavender bushes;
 - the ceramics business had to be discontinued because it was prohibited in the interim planning scheme;

- the business was well-known and the Department of Premier and Cabinet had expressed concern the ceramics business could not to continue;
- many of the existing uses would be categorised as resource processing or research and development under the SPPs, which were prohibited in the Landscape Conservation Zone;
- the Landscape Conservation Zone had not been applied in a manner that was consistent with the planning authority's methodology for application of the Zone (stated in its draft LPS supporting report) because less than 80% of the land was covered in native bushland; and
- the Rural Zone should be applied to the land, which would still be compatible with the Priority Vegetation Area overlay that existed to protect vegetation of significant natural value.

363. In response, the planning authority made the following comments:

- the top of the land was very steep;
- it supported application of the Rural Zone to the land;
- any priority vegetation on the land would be protected by the Priority Vegetation Area overlay; and
- the use of the land to provide tutorials on manufacture of ceramics may comply with the exemption for home occupation provided in the SPPs.

364. Mr Odin Kelly (GHD), made a written submission and the following comments in support of representation 33 about the zone of 56 Lanes Road:

- the Zone was consistent with Guideline No. 1 because it contained 'lower-order rural activity';
- Rural Living Zone A (Acceptable Solution with a minimum lot size of 1ha) would reflect the lot pattern and density of the adjoining settlement;
- the adjacent land to the east was zoned Rural Living and could be characterised as rural living land;
- the land was not used for agriculture, already adjoined an existing rural living settlement, and was not required for any other purpose;
- the Rural Living Zone would provide for infill and consolidation of the existing rural living settlement consistent with the regional strategy;
- there would not be a significant increase in development potential in the immediate locality;
- the adjacent land in the Rural Living Zone had an area of approximately 25ha;
- the property would only increase the area of the Rural Living Zone by approximately 3.7ha, which was a total increase of 14.5% of the original land area;
- the Commission had previously considered an increase of 25% to be significant;
- the Rural Living Zone would not increase potential for land use to conflict with any surrounding rural activities;
- 629 Glen Huon Road was bordered by the subject site and Glen Huon Road and should also be included in the Rural Living Zone; and
- the area on the northern side of the Glen Huon Road also included several small lots but was surrounded by land in the Agriculture Zone.

365. The owner of the land, Mr Joel Wright, added the following comments:

- he was unable to spray on the land because complaints would be made from the occupiers of the adjacent residential properties;
- the land had no access to reticulated services; and
- the land was steep.

366. In response, the planning authority made the following comments:

- only 13% of lots in the municipality had an area greater than 10ha;
 - nearly 50% of new dwellings were constructed outside settlement areas;
 - lots to west of the site had similar land areas and contained dwellings;
 - it was unclear which properties in the area should be included in the Rural Living Zone;
 - the intent of the regional strategy policies was to strengthen existing rural living settlements and for areas outside rural living settlements to be zoned for rural activities;
 - more strategic planning work was required to determine where the Rural Living Zone should be applied throughout the municipality in future;
 - it had engaged a consultant to prepare a land use and development strategy on its behalf; and
 - the strategy would examine what subdivision categories should be applied and whether potential to create new lots should be provided in some rural living areas.
367. At the hearing on 18 April 2023, Mr Angelo Kessarios made the following comments about his land at Glen Huon Road, Glen Huon folio of the Register 140814/4:
- the land had an area of approximately 9.8ha and was zoned Environmental Living in the interim planning scheme;
 - the land was partially cleared;
 - the cleared area of land originally contained a market garden;
 - he intended to build a dwelling on the land in future; and
 - the zoning of the land should be revised from the Landscape Conservation Zone to the Rural Living Zone.
368. Following the hearing, Mr Kessarios made a submission that sought to reduce the area of proposed Low Density Residential Zone at Glen Road, Ranelagh to approximately 6,000m². The area was rectangular and adjoined 179 and 187 Glen Road. Mr Kessarios contended the new configuration would provide a further buffer between potential dwellings and the productive agriculture land on the site.
369. The planning authority, in response to a Commission direction, provided a submission in response to Mr Kessarios' proposal, which made the following comments:
- the SPPs did not provide a zone like the Environmental Living Zone applied in the interim planning scheme;
 - the Landscape Conservation Zone was the most appropriate replacement for the former zone; and
 - the Rural Zone was the most appropriate zone to apply given the small area of the land (approximately 9.8ha).
370. The planning authority, in response to a Commission direction, provided a submission in response to the submission made by Ms Britzman, which made the following comments:
- approximately 14ha of the 21ha site was covered in native vegetation that formed part of a larger contiguous bushland area;
 - the native vegetation was located on a steep part of the land, while the flatter area of the land was used for rural purposes and contained associated development;
 - it was appropriate to apply the Rural Zone the land because it had limited connectivity with land zoned Landscape Conservation; and
 - the land contained existing uses that were suited to the Rural Zone.

371. The planning authority, in response to a Commission direction, provided a diagram that identified the properties it recommended be zoned Rural Living and Rural. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of 10 letters were sent and 3 responses were received. All three responses were supportive of the proposed zones. Furthermore, the Commission contacted the owners of 135, 145, 155 and 165 Lanes Road and sought their opinion on proposed application of the Rural Living Zone to the land as the lots were not included in the planning authority's diagram. One response was received, which was supportive of the Rural Living Zone.

Commission consideration

372. The Commission agrees the Rural Living and Rural zones should be applied to the land as recommended by the planning authority. The Commission also determines the Rural Living Zone should be applied to 135, 145, 155 and 165 Lanes Road to ensure the zones are applied in a uniform pattern.
373. The land proposed to be zoned Rural Living contains established rural living use or there is a clear intent for residential use within a rural setting. Impact on any features of landscape value (see Commission decision on general issues) present can be managed through the Zone provisions and application of Rural Living Zone C (Acceptable Solution with a minimum lot size of 5ha) that would minimise how many new lots could be created.
374. The land proposed to be zoned Rural is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural. The Commission is persuaded the land is of little to no landscape value (see Commission decision on general issues), or potential to be used for agriculture due to the small area of the lots and steep gradients of the land. It is also noted none of the lots were included in the agricultural estate mapping.
375. The Commission also agrees the Priority Vegetation Area overlay should be removed from 173 Lanes Road. Evidence submitted by Mr Young at the hearing, including references to aerial photography of the land indicates the land does not contain priority vegetation.
376. In addition, the Commission is persuaded the Rural Living Zone should be applied to 56 Lanes Road (Wright) to recognise the established rural living use of the land, which exists within a rural setting. The Commission also considers the Rural Living Zone should be extended to include 588, 590, 614, 620, 628, 629, 636 and 655 Glen Huon Road. These properties also contain dwellings, are of a similar or lesser area than 56 Lanes Road, have a distinct rural living character, and are also intended to be used for residential purposes in a rural setting as specified in policies and principles of the regional strategy and Guideline No. 1. Although the properties in Glen Huon Road are included in the agricultural estate mapping (potentially constrained), principle RLZ 4 of Guideline No. 1 provides for application of the Rural Living Zone if supported by the regional strategy.
377. However, the Commission is not persuaded Rural Living Zone A (Acceptable Solution with a minimum lot size of 1ha) should apply. Specifically, there is insufficient evidence that the potential to create new rural living lots is supported by the regional strategy or a local land use strategy, particularly whether the increase is significant in its context. In addition, further details would need to be provided about the suitability of the land for further rural living use and development, particularly how vehicle access and traffic from the new lots would impact the road network.

378. The Commission notes the planning authority's intent to undertake strategic planning work for settlements in the municipality, which may help determine the appropriate future zone for the land. In lieu of such work, it is considered Rural Living Zone C (Acceptable Solution with a minimum lot size of 5ha) be applied to prevent subdivision in the interim period.

Commission decision

379. Modification:

- Revise the zoning of the following properties to Rural Living C:
 - a. 588 Glen Huon Road, Glen Huon folio of the Register 126462/1;
 - b. 590 Glen Huon Road, Glen Huon folio of the Register 13216/1;
 - c. 614 Glen Huon Road, Glen Huon folio of the Register 211157/1;
 - d. 620 Glen Huon Road, Glen Huon folio of the Register 40326/3;
 - e. 628 Glen Huon Road, Glen Huon folio of the Register 40326/1;
 - f. 629 Glen Huon Road, Glen Huon folio of the Register 102193/4;
 - g. 636 Glen Huon Road, Glen Huon folio of the Register 40326/1;
 - h. 655 Glen Huon Road, Glen Huon folio of the Register 140812/1;
 - i. 56 Lanes Road, Glen Huon folio of the Register 140811/1;
 - j. 117 Lanes Road, Glen Huon folio of the Register 150012/1;
 - k. 121 Lanes Road, Glen Huon folio of the Register 150012/3;
 - l. 135 Lanes Road, Glen Huon folio of the Register 32442/1;
 - m. 145 Lanes Road, Glen Huon folio of the Register 110876/2;
 - n. 155 Lanes Road, Glen Huon folio of the Register 131634/2;
 - o. 165 Lanes Road, Glen Huon folio of the Register 131634/1;
 - p. 169 Lanes Road, Glen Huon folio of the Register 39076/2;
 - q. 173 Lanes Road, Glen Huon folio of the Register 39076/1; and
 - r. 175 Lanes Road, Glen Huon folio of the Register 39076/3.
- Revise the zoning of the following properties to Rural:
 - a. Glen Huon Road, Glen Huon folio of the Register 140814/4;
 - b. 25 Lanes Road, Glen Huon folio of the Register 129776/2;
 - c. 105 Lanes Road, Glen Huon folio of the Register 129776/3;
 - d. 119 Lanes Road, Glen Huon folio of the Register 150012/2;
 - e. 180 Lanes Road, Glen Huon folio of the Register 41147/3; and
 - f. 184 Lanes Road, Glen Huon folio of the Register 42537/1.
- Revise the Priority Vegetation Area overlay by removing the overlay from 173 Lanes Road, Glen Huon folio of the Register 39076/1.

380. Reason: To apply the Rural Living Zone, Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Living Zone - 64 Klynnes Road, Lymington

Representations: Penelope Ellicot (34)

381. The representor requested the zone of 64 Klynnes Road, Lymington folio of the Register 106052/1 be revised from Rural to Rural A Zone or Rural B Zone.
382. In its section 35F report, the planning authority recommended no change to the draft LPS because the characteristics of the land were consistent with the provisions of the Rural Zone.

Commission consideration

383. The Commission considers the Rural Zone should be applied to the land as proposed in the exhibited version of the draft LPS. The Commission notes the Rural

A Zone or Rural B Zone were zones applied in the Port Cygnet Planning Scheme 1988 and are not available zones under the SPPs. There is no evidence an alternative zone such as the Rural Living Zone is supported by the regional strategy or a local land use strategy. Application of an alternative zone would also result in the land being spot-zoned, which should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict.

Commission decision

384. The Commission determines no modifications are required.

Rural Living Zone - 22 Judds Creek Road, Judbury (Judbury Cluster)

Representation: Olivia Direen and Fred Thorpe (38)

385. The representor opposed the Landscape Conservation Zone that was applied to 22 Judds Creek Road, Judbury folio of the Register 30595/1.

386. In its section 35F report, the planning authority recommended the Rural Living Zone C be applied to the land and eight other adjacent lots that fronted Judds Creek and North Huon roads. The reasons were:

- the Landscape Conservation Zone was applied because the land was perceived to be of landscape value; however a review of the area determined the land had characteristics that were consistent with the purpose of the Rural Living Zone;
- the existing area and density of the lots were consistent with the provisions of the Rural Living Zone;
- the proposed Rural Living Zone was consistent with RLZ 2 Guideline No. 1 because the land was zoned Environmental Living in the interim planning scheme and there was a primary strategic intention the land be used for residential use and development in a rural setting;
- any features of landscape value could be managed under the Rural Living Zone provisions, which would limit the type and intensity of uses possible;
- one of the purpose statements of the Rural Living Zone was to provide for residential use and development in a rural setting where existing natural and landscape values should be retained; and
- Rural Living Zone C (Acceptable Solution with a minimum lot size of 5ha) was recommended to apply because it provided a minimum lot size that was consistent with the pattern of development that existed.

387. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the properties it recommended be zoned Rural Living. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of 7 landowners were notified, however no responses were received.

Commission consideration

388. The Commission agrees the Rural Living Zone should be applied to the land for the reasons given by the planning authority in its section 35F report. The land contains established rural living use within a rural setting. Impact on any features of landscape value (see Commission decision on general issues) present can be managed through the Zone provisions and application of Rural Living Zone C (Acceptable Solution with a minimum lot size of 5ha) that would minimise how many new lots could be created.

389. Otherwise, the Commission notes there are reserved roads that intersect or adjoin the land that should also be included in the Rural Living Zone to ensure zoning is applied contiguously.

Commission decision

390. Modification:

- Revise the zoning of the following properties to Rural Living C:
 - a. 10 Judds Creek Road, Judbury folio of the Register 113652/1;
 - b. 22 Judds Creek Road, Judbury folio of the Register 30595/1;
 - c. 34 Judds Creek Road, Judbury folio of the Register 172374/2;
 - d. 36 Judds Creek Road, Judbury folio of the Register 172374/1;
 - e. 958 North Huon Road, Judbury folios of the Register 131119/1, 131119/2 and 29618/1;
 - f. 960 North Huon Road, Judbury folio of the Register 46513/2;
 - g. 962 North Huon Road, Judbury folio of the Register 113653/1;
 - h. the reserved road intersecting folio of the Register 29618/1; and
 - i. the reserved road adjoining folios of the Register 29618/1, 46513/2 and 113653/1.

391. Reason: To apply the Rural Living Zone consistent with Guideline No. 1.

Rural Living Zone - 396 Lady Bay Road, Southport

Representations: Carl Hinson and Sarah Harris (40)

392. The representor requested the zone of 396 Lady Bay Road, Southport folio of the Register 115676/1 be revised from Landscape Conservation to Rural Living. The reasons were:
- the Landscape Conservation Zone would reduce the value of the property because it would prevent the land being subdivided;
 - the Landscape Conservation Zone would limit potential to landscape the land and to remove vegetation, particularly for drainage, boundary fencing and bushfire risk management purposes;
 - the building setback from boundary provisions of the Landscape Conservation Zone were too onerous; and
 - the land directly to the north was zoned Rural Living.
393. In its section 35F report, the planning authority recommended the Rural Living Zone C be applied to the land and the adjoining lot, Lady Bay Road, Southport folio of the Register 115677/1, for the following reasons:
- the land was zoned Environmental Living in the interim planning scheme;
 - the Landscape Conservation Zone was the most appropriate replacement for the former zone;
 - the Landscape Conservation Zone had been applied to manage the potential impact of development on the landscape;
 - it had reassessed whether the Landscape Conservation Zone should be applied and considered the land and the adjoining property had a character that was consistent with the purpose of the Rural Living Zone;
 - the proposed Rural Living Zone was consistent with RLZ 2 Guideline No. 1 because the land was zoned Environmental Living in the interim planning scheme and there existed a primary strategic intention for the land to contain residential use and development in a rural setting;
 - both lots had an area and density that was commensurate with Rural Living Zone C (Acceptable Solution with a minimum lot size of 5ha);

- any features of landscape value could be managed under the Rural Living Zone provisions, which would limit the type and intensity of uses possible;
- one of the purpose statements of the Rural Living Zone was to provide for residential use and development in a rural setting where existing natural and landscape values should be retained; and
- the Rural Living Zone would ensure the land was not spot-zoned.

394. Following the hearing, the planning authority, in response to a Commission direction, provided the contact details for the owner of Lady Bay Road, Southport folio of the Register 115677/1. The Commission subsequently contacted the landowner and sought their opinion on the proposed change. No response was received.

Commission consideration

395. The Commission agrees the Rural Living Zone should be applied to the land for the reasons given by the planning authority in its section 35F report. The land contains established rural living use and there is a clear intent for residential use within a rural setting. Impact on any features of landscape value (see Commission decision on general issues) present can be managed through the Zone provisions and application of Rural Living Zone C (Acceptable Solution with a minimum lot size of 5ha) that would minimise how many new lots could be created.

Commission decision

396. Modification:

- Revise the zoning of 96 Lady Bay Road, Southport folio of the Register 115676/1 and Lady Bay Road, Southport folio of the Register 115677/1 to Rural Living C.

397. Reason: To apply the Rural Living Zone consistent with Guideline No. 1.

Rural Living Zone - Bakers Creek Road, Lucaston (Lucaston Cluster 1)

Representations: Ben and Sharna Rainer (43), Ronette Piva (51), Catherine Temby (55), Michael and Patricia Pook (73), Marek Havlat and Megan Davies (122)

398. The representators requested the following properties be revised from Agriculture to the Rural Living Zone (Rural Living Zone A or C):

- 221 Bakers Creek Road, Lucaston folio of the Register 207407/1 (Temby);
- 238 Bakers Creek Road, Lucaston folio of the Register 12206/5 (Havlat and Davies);
- 249 Bakers Creek Road, Lucaston folio of the Register 119725/1 (Piva);
- 259 Bakers Creek Road, Lucaston folio of the Register 52828/3 (Rainer); and
- Bakers Creek Road, Lucaston folios of the Register 147069/1, 52828/2, 12206/7 and 119725/2 and 12206/6 (Pook).

399. The reasons were:

- the use and character of the land was not consistent with the purpose of the Agriculture Zone;
- land had small areas, was steep, had poor soil quality, was covered, or partly covered in native vegetation, and was not suitable for agriculture, such as cropping and grazing of animals;
- land contained rural living use and development;
- land was zoned rural living under previous planning schemes;
- the use and character of the land was consistent with the purpose of the Rural Living Zone and RLZ 1 of Guideline No. 1;

- the Rural Living Zone was supported by policy SRD 1.3 of the regional strategy because the Rural Living Zone would recognise the existing rural living use of the land;
 - the Rural Living Zone would not conflict with surrounding agriculture use;
 - land in the area had a land capability classification of class 5 and class 6;
 - land could not be irrigated; and
 - land could also be considered for the Rural Zone.
400. In its section 35F report, the planning authority recommended the Rural Zone be applied to most of the lots with several lots split-zoned Rural and Agriculture for the following reasons:
- the Agriculture Zone was consistent with AZ 2 of Guideline No. 1 because the land was zoned Significant Agriculture in the interim planning scheme;
 - its agriculture expert (RMCG) investigated the potential to use the land for agriculture and determined the Rural Zone should be applied to the land and several other properties; and
 - the Rural Living Zone was not appropriate because there was not a primary strategic intention the land be used for residential use and development within a rural setting.
401. However, the planning authority's agriculture expert recommended Bakers Creek Road folios of the Register 12206/6 and 12206/7 (Pook) and 238 Bakers Creek Road (Havlat and Davies) remain in the Agriculture Zone because all were well-connected to other land zoned Agriculture and contained agriculture use. The planning authority included the following advice from its agriculture expert:
- land in the area had a land capability classification of class 5 and class 6, with some land class 7;
 - land to the south-east of the area contained orchards;
 - it recommended the Rural Zone be applied to a group of properties as specified in the planning authority's recommendation;
 - historic aerial imagery captured in approximately 2005 showed 259 Bakers Creek Road (Rainer) was within 20m of land previously used for orchards;
 - 259 Bakers Creek Road (Rainer) had an area of approximately 8ha and contained a dwelling;
 - 259 Bakers Creek Road (Rainer) had limited potential to be used for agriculture but could be farmed in conjunction with other properties if under similar ownership; and
 - part of Bakers Creek Road, Lucaston folio of the Register 147069/1 (Pook) previously contained approximately 2ha of orchards and should remain in the Agriculture Zone, however the south-west side of the land contained native bushland and should be zoned Rural.
402. At the hearing, Mr Drew Piva represented Ronette Piva (representation 51) and made the following comments:
- 249 Bakers Creek Road contained a dwelling and gardens;
 - the land could not be used for agriculture;
 - some properties in the area were used for agriculture but some were used for rural living purposes; and
 - roads and irrigation infrastructure were not suitable for agriculture.
403. Ms Catherine Temby also attended the hearing and made the following comments:
- her land at 221 Bakers Creek Road had an area of approximately 1ha and should be zoned Rural Living Rural Living Zone A (Acceptable Solution with a minimum lot size of 1ha);

- the Rural Zone was not suitable because the area contained several dwellings;
 - the Rural and Agriculture zones provided for uses, such as wood yard, contractors yard, fuel depot, and extractive industry that would conflict with the existing residential use;
 - the area historically contained orchards, many of which had been removed or stopped operating;
 - the area contained a rural living settlement that should be consolidated; and
 - she understood why subdivision needed to be controlled.
404. Mr Mike Pook attended the hearing and made the following comments:
- he had owned his land since 1978;
 - the property contained a residential use, which was reflected by the property valuation and rates notice;
 - the land was too small to be used for agriculture; and
 - there were 40 dwellings in Bakers Creek Road, which should be recognised by the Rural Living Zone with various categories of subdivision applied.
405. In response, the planning authority made the following comments:
- the area was like other areas in the municipality;
 - the Rural Zone had been applied to similar areas; and
 - the Rural Living Zone could cause fettering of land used for agriculture.
406. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified how the Priority Vegetation Area overlay should be applied to the land in the event the Rural or Rural Living Zone was applied. The overlay diagram was provided by its natural values expert Mr Jim Mulcahy and was recommended to apply as the overlay was compatible with the Rural Zone. Furthermore, the planning authority also provided the contact details of the affected landowners. The Commission subsequently contacted the landowners and sought their opinion on whether they would support application of the Rural Living Zone D. The Commission also contacted the owner of Bakers Creek Road, Lucaston folio of the Register 153992/2 and sought their opinion on application of the Rural Zone and Priority Vegetation Area overlay to part of the land. A total of 19 letters were sent and seven responses were received, all of which were supportive of the proposed zones and overlay.

Commission consideration

407. The Commission considers the Rural Living Zone should be applied to the land. The land contains established rural living use within a rural setting. The properties contain dwellings, have a distinct rural living character, and are intended to be used for residential purposes in a rural setting in future as specified in policies and principles of the regional strategy and Guideline No. 1. Although some of the properties are included in the agricultural estate mapping (unconstrained and potentially constrained), principle RLZ 4 of Guideline No. 1 provides for application of the Rural Living Zone if supported by the regional strategy.
408. The Commission notes that two of the properties, 378 and 384 Bakers Creek Road were zoned Landscape Conservation in the exhibited version of the draft LPS but is satisfied impact on any features of landscape value (see Commission decision on general issues - landscape value) present can be managed through the Zone provisions and application of Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) that would minimise how many new lots could be created. The category of subdivision could be reviewed in future in the event further strategic planning work was undertaken to support an alternative categorisation.

409. The Commission also considers the split-zone of Rural and Agriculture (see Commission decision on general issues - split-zones) proposed for Bakers Creek Road, Lucaston folio of the Register 153992/2 is appropriate. The land is identified in the agricultural estate mapping (potentially constrained) and has distinct areas of pasture and dense forest. The Rural Zone would be applied to the forested area and allow the Priority Vegetation Area overlay to be applied to protect any vegetation of significant natural value.
410. Otherwise, the Commission consequently determines the Priority Vegetation Area overlay should be applied to the land consistent with the advice of the planning authority's natural values expert to protect native vegetation.
411. The Commission notes there are reserved roads that intersect or adjoin the land that should also be included in the Rural Zone to ensure zoning is applied contiguously.

Commission decision

412. Modification:

- Revise the zoning of the following properties to Rural Living D and apply the Priority Vegetation Area overlay consistent with Figure 2 of the planning authority's submission dated 29 August 2023:
 - a. 221 Bakers Creek Road, Lucaston folio of the Register 207407/1;
 - b. 238 Bakers Creek Road, Lucaston folio of the Register 12206/5;
 - c. 249 Bakers Creek Road, Lucaston folio of the Register 119725/1;
 - d. 259 Bakers Creek Road, Lucaston folio of the Register 52828/3;
 - e. 279 Bakers Creek Road, Lucaston folio of the Register 52828/1;
 - f. 310 Bakers Creek Road, Lucaston folio of the Register 152495/2;
 - g. 311 Bakers Creek Road, Lucaston folio of the Register 12206/10;
 - h. 318 Bakers Creek Road, Lucaston folio of the Register 126415/1;
 - i. 320 Bakers Creek Road, Lucaston folio of the Register 152495/1;
 - j. 324 Bakers Creek Road, Lucaston folio of the Register 7621/1;
 - k. 325 Bakers Creek Road, Lucaston folio of the Register 45868/3;
 - l. 330 Bakers Creek Road, Lucaston folio of the Register 144201/3;
 - m. 348 Bakers Creek Road, Lucaston folio of the Register 56504/2;
 - n. 357 Bakers Creek Road, Lucaston folio of the Register 130338/1;
 - o. 359 Bakers Creek Road, Lucaston folio of the Register 139434/1;
 - p. 360 Bakers Creek Road, Lucaston folio of the Register 56504/1;
 - q. 378 Bakers Creek Road, Lucaston folio of the Register 155179/1;
 - r. 384 Bakers Creek Road, Lucaston folio of the Register 50983/3;
 - s. Bakers Creek Road, Lucaston folios of the Register 119725/2, 12206/6, 12206/7, 147069/1 and 52828/2;
 - t. 7 Lucas Road, Lucaston folio of the Register 12206/11; and
 - u. the reserved road located between folios of the Register 7621/1 and 144201/3.
- Revise the zoning of that part of Bakers Creek Road, Lucaston folio of the Register 153992/2 identified as Priority Vegetation Area overlay in Figure 2 of the planning authority's submission dated 29 August 2023 to Rural and apply the Priority Vegetation Area overlay to the same area.

413. Reason: To apply the Rural Living and Rural zones consistent with Guideline No. 1.

Rural Living Zone - Brooks Bay and Police Point (Brooks Bay and Police Point Cluster)

Representations: Victoria Horton-Szar and Richard, Gooding (48), Olivia Jones for Gary Skinner (93), Leanne and Matthew McLean (99), Lynne and Kim Delaney (152), Danielle and Matthew Zimmerman (268), David Crawford (311), Siobhan Fernantzen (322)

414. The representors requested the zone of the following properties be revised from Landscape Conservation to Low Density Residential or Rural Living:

- 5 Delaney Lane, Police Point folios of the Register 106792/4 and 106792/2 (Delaney);
- 12 Delaney Lane Police Point folio of the Register 41394/1 (Crawford);
- Esperance Coast Road, Police Point folio of the Register 40745/2 (Olivia Jones for Gary Skinner);
- Esperance Coast Road, Police Point folio of the Register 106792/1 (McLean);
- Eva Gully Road, Brooks Bay folio of the Register 125750/1 (Fernantzen);
- 44 Klasen Road, Police Point folio of the Register 28070/3 (Horton-Szar and Gooding); and
- 573 Police Point Road, Police Point folios of the Register 33528/1, 33528/2 and 33528/3 (Zimmerman).

415. The reasons were:

- the land at Klasen Road was subdivided in the 1980s for rural living use and development;
- it would be difficult to obtain approval for a dwelling because residential use was discretionary in the Landscape Conservation Zone;
- dwellings already existed on many lots;
- land was used for hobby farming;
- the minimum lot size would be increased from 6ha under the Environmental Living Zone of the interim planning scheme to a minimum of 20ha under the SPPs;
- the Landscape Conservation Zone would reduce the value of the land;
- the Landscape Conservation Zone was inconsistent with Guideline No. 1;
- the use and character of the land was inconsistent with the purpose of the Landscape Conservation Zone;
- land contained pasture and was not of landscape value;
- the Landscape Conservation Zone applied to the land was not consistent with the planning authority's methodology expressed in its draft LPS supporting report because less than 80% of land was covered in native bushland;
- the use of land was consistent with the purpose of the Low Density Residential or Rural Living zones;
- the Low Density Residential or Rural Living zones were consistent with Guideline No. 1;
- the Landscape Conservation Zone was not required to protect bushland as native vegetation would be protected by the Priority Vegetation Area overlay; and
- vegetation on land had historically been removed and had regrown.

416. In its section 35F report, the planning authority recommended the Rural Living Zone D be applied to the land and approximately 60 other properties at Delaney Lane, Esperance Coast Road, Police Point Road, Klasen Road, Police Point and Eva Gully Road, Brooks Bay for the following reasons:

- the Landscape Conservation Zone was applied because the land was perceived to be of landscape value; however a review of the area determined the land had characteristics that were consistent with the purpose of the Rural Living Zone;

- the existing area and density of the lots were consistent with the provisions of the Rural Living Zone;
 - the proposed Rural Living Zone was consistent with RLZ 2 Guideline No. 1 because the land was zoned Environmental Living in the interim planning scheme and there was a primary strategic intention the land be used for residential use and development within a rural setting;
 - any features of landscape value could be managed under the Rural Living Zone provisions, which would limit the type and intensity of uses possible;
 - one of the purpose statements of the Rural Living Zone was to provide for residential use and development in a rural setting where existing natural and landscape values should be retained; and
 - Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) was recommended to apply because it provided a minimum lot size that was consistent with what existed.
417. However the planning authority did not recommend any change to the zone of Esperance Coast Road folio of the Register 106792/1 (McLean) for the following reasons:
- the land was of landscape value because it had significant vegetation coverage and was elevated;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
 - the land reflected of the broader landscape value of the area;
 - only small-scale use, or development was appropriate because it would limit impact on the landscape;
 - the Landscape Conservation Zone was the most appropriate zone for the land; and
 - the Rural Living Zone could not be supported until further strategic planning work was undertaken to determine the most appropriate future zone for the land.
418. At the hearing, Ms Leanne McLean made the following comments in support of her representation (99) and the representation made by her parents, Mr Kim and Mrs Lynne Delaney (152):
- the land had been owned by her family for several generations;
 - the titles had traditionally formed one property used for farming;
 - she hoped to be able to subdivide the land in future for her children;
 - she intended to build a dwelling on her land (Esperance Coast Road, Police Point folio of the Register 106792/1);
 - the surrounding land was mostly zoned Rural; and
 - Rural Living Zone C (Acceptable Solution with a minimum lot size of 5ha) may allow one or both lots to be subdivided.
419. In response, the planning authority made the following comments:
- it supported application of the Rural Living Zone to 5 Delaney Lane (Delaney) and several the surrounding lots;
 - Guideline No. 1 required it to consider lot size and layout as it existed to determine where the Zone should be located and what subdivision category should be applied;
 - the Priority Vegetation Area overlay was accurate and applied to the land; and
 - it was prepared to further consider where the Rural Living Zone should be applied in the area.

420. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the properties it recommended be zoned Rural Living D. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of 77 letters were sent and 18 responses were received, 16 of which were supportive of the Rural Living Zone. The two responses that opposed the Rural Living Zone did so on the basis the area was of natural value and provided habitat for native animals.
421. The responses were received by Mr and Mrs McLean and Mr and Mrs Delaney were supportive of the Rural Living Zone but requested Rural Living Zone B (Acceptable Solution with a minimum lot size of 2ha) be applied because it better reflected the size of the lots in the area. Another of the responses also questioned whether Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) should be applied because the subject property had an area less than 2ha.
422. At the reconvened hearing, Ms Leanne McLean again represented herself and Mr and Mrs Delaney and made the following comments:
 - similar rural living areas such as Surveyors Bay had a higher density of lots; and
 - Rural Living Zone C (Acceptable Solution with a minimum lot size of 5ha) would allow subdivision of the land.
423. In response, the planning authority made the following comments:
 - the lot size and pattern did support a different subdivision category for Police Point and Brooks Bay;
 - Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) was applied to the whole area despite the diversity of lot sizes;
 - it sought a conservative approach to limit subdivision until further strategic planning work was done to determine whether further subdivision was required in the area;
 - it had engaged a consultant to prepare a land use and development strategy on its behalf; and
 - the strategy may examine what subdivision categories should be applied to land zoned Rural Living throughout the municipality.

Commission consideration

424. The Commission agrees the Rural Living Zone should be applied to the land in Delaney Lane, Esperance Coast Road, Police Point Road, Klasen Road, Police Point and Eva Gully Road, Brooks Bay for the reasons given by the planning authority in its section 35F report and at the hearing. The land contains established rural living use within a rural setting. Impact on any features of landscape value (see Commission decision on general issues) present can be managed through the Zone provisions and application of Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) that would minimise how many new lots could be created.
425. The Commission notes some landowners requested an alternative Rural Living Zone because some lots had an area less than 10ha or should have subdivision potential. The subdivision categories are applied broadly to the groups of properties instead of individual properties as opposed to individual lots. The Commission does not support application of a single zone or category of subdivision to independent titles in the area as it would result in inconsistent application of planning controls. Such outcomes should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict. The subdivision categories could be reviewed in future in the event further strategic planning work

was undertaken to support an alternative categorisation and development of new lots in the area was considered appropriate.

426. The Commission notes there are reserved roads that intersect or adjoin the land that should also be included in the Rural Zone to ensure zones area applied in a uniform manner.

Commission decision

427. Modification:

- Revise the zoning of the following properties to Rural Living D:
 - a. 2 Delaney Lane, Police Point folio of the Register 41394/2;
 - b. 5 Delaney Lane, Police Point folios of the Register 106792/4 and 106792/2;
 - c. 12 Delaney Lane Police Point folio of the Register 41394/1;
 - d. 410 Esperance Coast Road, Police Point folio of the Register 169211/1;
 - e. 412 Esperance Coast Road, Police Point folio of the Register 169211/2;
 - f. 415 Esperance Coast Road, Police Point folio of the Register 149479/1;
 - g. 425 Esperance Coast Road, Police Point folio of the Register 149479/2;
 - h. 450 Esperance Coast Road, Police Point folio of the Register 142096/6;
 - i. 456 Esperance Coast Road, Police Point folio of the Register 142096/2;
 - j. 458 Esperance Coast Road, Police Point folio of the Register 109457/5;
 - k. 462 Esperance Coast Road, Police Point folio of the Register 109457/4;
 - l. 481 Esperance Coast Road, Police Point folio of the Register 159372/2;
 - m. 496 Esperance Coast Road, Police Point folio of the Register 40745/1;
 - n. 502 Esperance Coast Road, Police Point folio of the Register 200641/1;
 - o. 537 Esperance Coast Road, Police Point folio of the Register 115370/1;
 - p. 548 Esperance Coast Road, Police Point folio of the Register 245000/1;
 - q. 564 Esperance Coast Road, Police Point folios of the Register 212369/1 and 159362/1;
 - r. 572 Esperance Coast Road, Police Point folio of the Register 44038/1;
 - s. 574 Esperance Coast Road, Police Point folio of the Register 28070/1;
 - t. 581 Esperance Coast Road, Police Point folio of the Register 24422/1;
 - u. 600 Esperance Coast Road, Police Point folio of the Register 157053/1;
 - v. 637 Esperance Coast Road, Police Point folio of the Register 249930/1;
 - w. 656 Esperance Coast Road, Police Point folio of the Register 152177/1;
 - x. 658 Esperance Coast Road, Police Point folio of the Register 29768/1;
 - y. 670 Esperance Coast Road, Police Point folio of the Register 33528/4;
 - z. 700 Esperance Coast Road, Police Point folio of the Register 105711/1;
 - aa. 716 Esperance Coast Road, Police Point folio of the Register 39100/3;
 - bb. 718 Esperance Coast Road, Police Point folio of the Register 52924/1;
 - cc. 722 Esperance Coast Road, Police Point folio of the Register 39100/1;
 - dd. 726 Esperance Coast Road, Police Point folio of the Register 119908/1;
 - ee. 892 Esperance Coast Road, Police Point folio of the Register 60619/1;
 - ff. 934 Esperance Coast Road, Police Point folio of the Register 106792/3;
 - gg. 936 Esperance Coast Road, Police Point folio of the Register 11487/1;
 - hh. 938 Esperance Coast Road, Police Point folio of the Register 144990/4;
 - ii. 952 Esperance Coast Road, Police Point folio of the Register 144990/2;
 - jj. Esperance Coast Road, Police Point folio of the Register 118218/1;
 - kk. Esperance Coast Road, Police Point folio of the Register 142096/1;
 - ll. Esperance Coast Road, Police Point folio of the Register 40745/2;
 - mm. Esperance Coast Road, Police Point folio of the Register 106792/1;
 - nn. Esperance Coast Road, Police Point folio of the Register 105710/1;
 - oo. Esperance Coast Road, Police Point folio of the Register 159372/1;
 - pp. Esperance Coast Road, Police Point folio of the Register 142096/3;

- qq. Esperance Coast Road, Police Point folio of the Register 159372/3;
- rr. 11 Eva Gully Road, Brooks Bay folio of the Register 31370/2;
- ss. 13 Eva Gully Road, Brooks Bay folio of the Register 170686/1;
- tt. 21 Eva Gully Road, Brooks Bay folio of the Register 170686/2;
- uu. 23 Eva Gully Road, Brooks Bay folio of the Register 131668/2;
- vv. 25 Eva Gully Road, Brooks Bay folio of the Register 131668/1;
- ww. 61 Eva Gully Road, Brooks Bay folio of the Register 125750/3;
- xx. Eva Gully Road, Brooks Bay folio of the Register 125750/1;
- yy. Eva Gully Road, Brooks Bay folio of the Register 125750/2;
- zz. 4 Klasen Road, Police Point folio of the Register 155404/5;
- aaa. 8 Klasen Road, Police Point folio of the Register 155404/6;
- bbb. 11 Klasen Road, Police Point folio of the Register 28070/7;
- ccc. 19 Klasen Road, Police Point folio of the Register 28070/8;
- ddd. 21 Klasen Road, Police Point folio of the Register 28070/9;
- eee. 25 Klasen Road, Police Point folio of the Register 28070/10;
- fff. 29 Klasen Road, Police Point folio of the Register 28070/11;
- ggg. 30 Klasen Road, Police Point folio of the Register 28070/14;
- hhh. 31 Klasen Road, Police Point folio of the Register 28070/12;
- iii. 36 Klasen Road, Police Point folio of the Register 28070/4;
- jjj. 42 Klasen Road, Police Point folio of the Register 28070/15;
- kkk. 44 Klasen Road, Police Point folio of the Register 28070/3;
- lll. 46 Klasen Road, Police Point folio of the Register 28070/2;
- mmm. 47 Klasen Road, Police Point folio of the Register 28070/13;
- nnn. 50 Klasen Road, Police Point folio of the Register 28070/16;
- ooo. 67 Klasen Road, Police Point folio of the Register 152176/1;
- ppp. 502 Police Point Road, Police Point folio of the Register 44038/4;
- qqq. 568 Police Point Road, Police Point folio of the Register 30128/6;
- rrr. 573 Police Point Road, Police Point folios of the Register 33528/1, 33528/2 and 574 574 Police Point Road, Police Point folio of the Register 30128/7;
- sss. 588 Police Point Road, Police Point folio of the Register 33528/6;
- ttt. Police Point Road, Police Point folio of the Register 33528/5;
- uuu. 33528/3; and
- vvv. intersecting and adjoining reserved roads as necessary to produce a uniform zone pattern.

428. Reason: To apply the Rural Living Zone consistent with Guideline No. 1.

Rural Living Zone and Future Urban Zone - 7368 Channel Highway, Cygnet

Representations: Aidan Direen (49), PDA Surveyors, Engineers and Planners for Aidan and Deborah Direen (106)

429. The representation made by Aidan Direen requested the zone of 7368 Channel Highway, Cygnet folio of the Register 183040/1 be revised from Agriculture to Rural Living. The reasons were:

- the Agriculture Zone would compromise the future development of Cygnet;
- the use of the land was consistent with the purpose of the Rural Living Zone and would provide an option for the future expansion of the town;
- the land was no longer used for agriculture due to the proximity of residential areas;
- nearby land was zoned General Residential, which constrained general crop production and aerial spraying;
- the land was used for hobby farming, including dairy farming;
- the land did not have access to a complete source of irrigation;
- the Rural Living Zone would allow native vegetation to be retained;

- the Rural Living Zone would not contravene the *State Policy on the Protection of Agricultural Land 2009* (PAL Policy); and
 - the Rural Living Zone would provide for visitor accommodation, which he may use the land for in the future.
430. The representation made by PDA Surveyors, Engineers and Planners for Aidan and Deborah Direen requested the Future Urban Zone be applied to the land for the following reasons:
- the land was no longer suitable for agriculture due to the proximity of residential use, soil that was of poor quality, and reduced viability of the existing dairy operation;
 - the property had a land capability classification of class 4 and class 5, which made it unsuitable for cropping and only marginally suitable for grazing;
 - the land was too small to produce sufficient feed for dairy cows;
 - the land was constrained by increasing residential development that adjoined the land;
 - the Rural Zone was not suitable for the land;
 - the location of the land relative to Cygnet presented an opportunity to apply a low-density- zone or Future Urban Zone to the land to protect it for future urban development;
 - the land could be considered for a residential zone even though it was not within the urban growth boundary of the regional strategy because it directly adjoined the urban growth boundary;
 - the Future Urban Zone would remove current land use conflicts;
 - the urban growth boundary identified in the regional strategy was too conservative;
 - the Future Urban Zone protected from development that could compromise its suitability for future urban-residential use and development;
 - the Future Urban Zone was consistent with Guideline No. 1, particularly FUZ 4, which provided the Zone be applied to land that requires further structure or master planning before release for urban development; and
 - the Future Urban Zone would provide a buffer between existing residential areas and surrounding agricultural use.
431. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the proposed Rural Living Zone was not consistent with RLZ 2 Guideline No. 1 because the land was zoned Rural Resource in the interim planning scheme and there was not a primary strategic intention the land be used for residential use and development within a rural setting;
 - the regional strategy (policy SRD 1.3) restricted application of the Rural Living Zone to existing rural living communities;
 - the Rural Living Zone could not be supported until further strategic planning work was undertaken to determine the most appropriate future zone for the land;
 - the Future Urban Zone was not supported by FUZ 1 of Guideline No. 1 because the land was not identified for future urban development by the regional strategy or a local land use strategy;
 - the land was identified as unconstrained in the agricultural estate mapping; and
 - its agriculture expert (RMCG) investigated the potential to use the land for agriculture and determined the Agriculture Zone should be applied.
432. The planning authority included the following advice from its agriculture expert:
- the land had an area of approximately 33ha and a land capability classification of class 4 and 5;

- there was an unregistered dam on the eastern side of the property that appeared to have a capacity up to 10-15 megalitres;
 - the land was well-connected with other land zoned Agriculture to the south, which had commercial-scale characteristics; and
 - there was insufficient justification to apply a zone other than Agriculture to the land.
433. At the hearing, Mr Aidan Direen submitted the following comments in support of his representation:
- the land would need to have a minimum area of 40ha to make it suitable for agriculture;
 - the Rural Living Zone would be ideal and preferred over the Future Urban Zone because the land contained a hobby farm;
 - the existing dairy operations had become unviable; and
 - the land could not contain a profitable orchard.
434. In response, the planning authority made the following comments:
- more strategic planning work was required to determine where the Rural Living Zone should be applied throughout the municipality in future;
 - it had engaged a consultant to prepare a land use and development strategy on its behalf;
 - the strategy would examine where the Rural Living Zone should be applied in future;
 - the land was within the area it intended to study; and
 - its agriculture expert recommended the Agriculture Zone be applied to the land in the circumstances.

Commission consideration

435. The Commission is not persuaded the Rural Living Zone or Future Urban Zone should be applied to the land for the following reasons:
- there is no evidence the Rural Living Zone is supported by the regional strategy or a local land use strategy;
 - there is no evidence the land is part of a 'rural living community or that there is a primary strategic intention for the land be used for residential use and development in a rural setting' as required by policy SRD 1.3 of the regional strategy;
 - the land is separate from any rural living settlements, and has a general rural character rather than a rural living character;
 - further work is required to establish whether there should be intent for the land be used for residential use and development within a rural setting;
 - there is insufficient evidence the Future Urban Zone is supported by the regional strategy or a local land use strategy;
 - there is insufficient evidence of the extent of demand for urban residential land and the optimal location of any such land at Cygnet;
 - the property is identified in the agricultural estate mapping (unconstrained), which indicates the land should be included in the Rural Zone or Agriculture Zone;
 - the Agriculture Zone is consistent with the principles of Guideline No. 1 (AZ 1); and
 - the planning authority's agriculture expert stated the land should remain in the Agriculture Zone and no alternative evidence was submitted from a suitably qualified person.

436. The Commission notes the planning authority's intent to undertake strategic planning work for settlements in the municipality, which may help determine the appropriate future zone for the land.

Commission decision

437. The Commission determines no modifications are required.

Rural Living Zone - 870 Cockle Creek Road, Recherche

Representations: Ian Stanley for Sue Stanley, Sharon Bigwood, Lynette Collins, Gary and John Pedder (58)

438. The representor requested the zone of 870 Cockle Creek Road, Recherche (a Crown Lease in Southwest National Park PID 5268858) be revised from Landscape Conservation to Rural Living. The reasons were:
- the Landscape Conservation Zone was inappropriate for the land given its historic and intended future uses;
 - the property contained a holiday home;
 - the land was partly cleared and contained numerous introduced flora species;
 - the land was not of significant landscape value; and
 - the Rural Living Zone was more appropriate and would reflect the use of the land.
439. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the proposed Rural Living Zone was not consistent with RLZ 2 Guideline No. 1 because the land was not zoned Rural Living in the interim planning scheme and there was not a primary strategic intention the land be used for residential use and development within a rural setting;
 - the regional strategy (policy SRD 1.3) restricted application of the Rural Living Zone to existing rural living communities;
 - the Rural Living Zone could not be supported until further strategic planning work was undertaken to determine the most appropriate future zone for the land;
 - the land was in a landscape characterised by 'conservation and eco-tourism'; and
 - the Landscape Conservation Zone was the most appropriate zone for the land because it was in a landscape with values that drew visitors to the area.

Commission consideration

440. The Commission agrees with the planning authority for the reasons given in its section 35F report.

Commission decision

441. The Commission determines no modifications are required.

Rural Living Zone - Frying Pan Road and Bermuda Road, Glen Huon (Glen Huon Cluster 2)

Representations: Anne Holst (66), Paul Doust (67), Kayla Roberts (81), Paul Hensley (186)

442. The representors requested the zone of the following properties be revised from Landscape Conservation to Rural Living:
- 38 Frypan Road, Glen Huon folio of the Register 49931/1 (Roberts);
 - 91 Frypan Road, Glen Huon folio of the Register 133190/1 (Doust);

- 92 Frypan Road, Glen Huon folio of the Register 40644/2 (Holst); and
- 684 Bermuda Road, Glen Huon folio of the Register 133190/2 (Hensley).

443. The reasons were:

- some of the land was used for agriculture that included grazing of animals and forestry;
- some areas of the land were cleared of priority vegetation;
- the Rural Living Zone would recognise existing rural living use and development and allow existing agriculture use to continue;
- the Landscape Conservation Zone would not provide for a rural business to be approved on the land;
- the Landscape Conservation Zone would not allow trees to be removed; and
- the Landscape Conservation Zone would cause the value of property to decrease.

444. In its section 35F report, the planning authority did not support application of the Rural Living Zone, but recommended the Rural Zone be applied to the land and five other properties (nine in total). The reasons were:

- the site was zoned Rural Resource in the interim planning scheme;
- the land was isolated and was predominantly surrounded by forestry activity;
- the Rural Living Zone was inconsistent with Guideline No. 1, particularly RLZ 2 because the Zone was not supported by a local or regional land use strategy;
- policy SRD 1.3 of the regional strategy only supported application of the Rural Living Zone where land adjoined an existing rural living community or settlement; and
- the Landscape Conservation Zone was applied because the land was perceived to be of landscape value; however a review of the area determined the land had characteristics that were consistent with the purpose of the Rural Living Zone.

445. At the hearing, the planning authority noted bushland in the area was scattered and not contiguous. It added the Rural Zone should also be applied to Bermuda Road, Glen Huon PID 7183962 (owned by the Crown) to ensure the zones were applied uniformly and a spot-zone of the land avoided. The planning authority's natural values expert Mr Jim Mulcahy noted the land was fragmented and the Priority Vegetation Area overlay would apply to the land and protect any vegetation of significant natural value.

446. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the properties it recommended be zoned Rural. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of nine letters were sent and two responses were received, both of which were supportive of the proposed Rural Zone.

Commission consideration

447. The Commission agrees the Rural Zone should be applied to the land for the reasons given by the planning authority in its section 35F report. The land contains a mix of rural and resource development uses in a broader area characterised by forestry use. The Commission notes some of the land is identified in the agricultural estate mapping and considers the land is of little to no landscape value (see Commission decision on general issues). The Commission finds the Rural Zone should be applied to the land consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3).

Commission decision

448. Modification:

- Revise the zoning of the following properties to Rural:
 - a. 38 Frypan Road, Glen Huon folio of the Register 49931/1;
 - b. 42 Frypan Road, Glen Huon folio of the Register 44120/1 and 208045/1;
 - c. 91 Frypan Road, Glen Huon folio of the Register 133190/1;
 - d. 92 Frypan Road, Glen Huon folio of the Register 40644/2;
 - e. 667 Bermuda Road, Glen Huon folio of the Register 49931/3;
 - f. 684 Bermuda Road, Glen Huon folio of the Register 133190/2;
 - g. 692 Bermuda Road, Glen Huon folio of the Register 52787/1;
 - h. 701 Bermuda Road, Glen Huon folio of the Register 54055/1; and
 - i. Bermuda Road, Glen Huon PID 7183962.

449. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Living Zone - Garden Island Creek (Garden Island Creek Cluster)

Representations: Conservation Landholders Tasmania (9), Pierre Provin and Allison Fooks (63), John Lockwood (68), Allison Morgan (71), William and Gaye Reynolds (75), Ross Thorne (98), Eo Greensticks (102), Carolyn Kitchener, Grant McCall, Michael and Amanda George (108), Jason Garard (120), Joshua Davison (226), Catriona and David Fletcher (232), Jody Watkins (259)

Submission accepted by the Commission: Ivan Boshoff and Scott Fuller (Submission 5)

450. The representations and submission raised concern the Landscape Conservation Zone had been applied to the following properties:

- 6028 Channel Highway, Garden Island Creek folio of the Register 239324/1 (Fletcher);
- Garden Island Creek Road, Garden Island Creek folio of the Register 129058/2 (Boshoff and Fuller);
- 6054 Channel Highway, Garden Island Creek folio of the Register 200680/1 (McCall);
- 6095 Channel Highway, Garden Island Creek folio of the Register 175624/1 (Lockwood);
- Garden Island Creek Road, Garden Island Creek folio of the Register 228451/1 (Thorne);
- 6104 Channel Highway, Garden Island Creek folio of the Register 251346/1 (George);
- 26 Garden Island Creek Road, Garden Island Creek folio of the Register 130488/1 (Reynolds);
- 50 Garden Island Creek Road, Garden Island Creek folios of the Register 33001/1 and 84031/1;
- (Kitchener);
- 76 Garden Island Creek Road, Garden Island Creek folio of the Register 221598/1 (Thorne);
- 78 Garden Island Creek Road, Garden Island Creek folio of the Register 246178/1 (Thorne);
- 391 Garden Island Creek Road, Garden Island Creek folio of the Register 129059/4 (Provin and Fooks);
- Garden Island Creek Road, Garden Island Creek folio of the Register 123033/6 (Davison); and
- 30 Igglesden Road, Garden Island Creek folio of the Register 159844/2 (Garard);

- 164 Scarrs Road, Garden Island Creek folio of the Register 25979/3 (Greensticks); and
- 225 Scarrs Road, Garden Island Creek folio of the Register 10655/2 (Watkins).

451. The reasons were:

- land was zoned Environmental Living in the interim planning scheme;
- land contained residential use and development and was used for rural living purposes;
- the Rural Living Zone (Rural Living Zone B or C) would reflect the use and character of the land;
- land was historically used for dairy and poultry farming, racehorse breeding and training, and horticulture;
- some land in the area had a land capability classification of class 4, which meant it was well-suited to grazing and occasional cropping;
- land was intended to be used for agriculture, including cropping and grazing;
- land was historically cleared however some native vegetation had regrown;
- the Landscape Conservation Zone was inconsistent with Guideline No. 1;
- the Landscape Conservation Zone would unreasonably limit the use and development potential of the land and prevent subdivision;
- the Landscape Conservation Zone impacted plans to build homes and visitor accommodation units;
- land did not contain conservation covenants;
- the Landscape Conservation Zone applied to the land was not consistent with the planning authority's methodology expressed in its draft LPS supporting report because less than 80% of land was covered in native bushland;
- land did not contain features of scenic or landscape value;
- land was not significantly constrained by the Natural Assets Code or Scenic Protection Code overlays;
- the Landscape Conservation Zone was not applied to a logical area;
- no site-assessments had been undertaken to justify the Landscape Conservation Zone;
- the Landscape Conservation Zone would reduce the value of land;
- the Priority Vegetation Area overlay was inaccurate and should be removed because land did not contain threatened native vegetation or habitat for threatened fauna; and
- the Priority Vegetation Area overlay should be removed from Garden Island Creek Road folio of the Register 123033/6 (Davison) because the land contained a certified forest practices plan.

452. The representation made by Conservation Landholders Tasmania (9) supported the Landscape Conservation Zone applied to 6002 Channel Highway, Garden Island Creek folio of the Register 123855/1 because the land contained a conservation covenant.

453. In its section 35F report, the planning authority recommended no change the draft LPS for the following reasons:

- the Landscape Conservation Zone was applied because the land was perceived to be of landscape value, particularly due to the degree of vegetation coverage, elevation and proximity to the Huon River;
- 98% of Garden Island Creek Road folio of the Register 123033/6 (Davison) was covered in vegetation, the land contained known habitat for the Mount Mangana stag beetle, and extended up a prominent slope up to Clennett Hills;

- 6028 Channel Highway (Fletcher) was substantially covered in vegetation, was located on the lower slopes of a contiguous and elevated bushland area and adjoined the Mountain Creek Conservation Area;
 - 98% of 225 Scarrs Road (Watkins) was covered in vegetation, the land contained two main valleys, had an elevated topography bordering the Mountain Creek Conservation Area and formed part of a large contiguous bushland area;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
 - the land reflected of the broader landscape value of the area;
 - only small-scale use or development was appropriate because it would limit impact on the landscape; and
 - the Landscape Conservation Zone was the most appropriate zone for the land; and
 - the Rural Living Zone was not appropriate because there was not a primary strategic intention the land be used for residential use and development within a rural setting.
454. However, the planning authority, in response to a Commission direction made after the commencement of the hearings, recommended the zone of Garden Island Creek Road, Garden Island Creek, folio of the Register 129058/2 (Boshoff and Fuller) be changed to Rural. The reasons were:
- the land was zoned Environmental Living in the interim planning scheme;
 - the land was cleared of native vegetation, had an area of approximately 5ha and adjoined land to the north and south that it had recently recommended be zoned Rural (see below); and
 - the most appropriate zone for the land was Rural as there was no strategic intent for that area of Garden Island Creek to contain rural living use.
455. At the hearing, Mr John Lockwood (representation 68) was represented by Mr Caleb Elcock who together made a written submission and the following comments:
- the land had a small area of approximately 2,000m² and contained a dwelling;
 - the area contained rural living use and development;
 - the Landscape Conservation Zone would negatively impact the value of his land (6095 Channel Highway);
 - the land was not significantly visible from surrounding areas; and
 - the Priority Vegetation Area overlay should not be applied to the land because the property was fully developed.
456. Mr William and Mrs Gaye Reynolds (representation 75) attended the hearing and made the following comments:
- the land (26 Garden Island Creek Road) contained a dwelling and farm outbuildings;
 - the area contained rural living use and development
 - the land was used to graze cows;
 - the land was not a feature of landscape value;
 - they had applied to obtain a water-right of 40 megalitres;
 - the land should be zoned Rural Living, Rural or Agriculture;
 - no site-assessment had been undertaken to justify the Landscape Conservation Zone;
 - the Landscape Conservation Zone was not supported by residents in the area;

- any vegetation of natural value would be protected by the Priority Vegetation Area overlay;
 - they wanted to maintain the current subdivision potential of the land as it was possible to create new lots under the interim planning scheme, which applied a minimum lot size of 6ha; and
 - the Rural Living Zone C should be applied.
457. Ms Amanda George (representation 108) attended the hearing at the same time as Mr and Mrs Reynolds and made the following comments:
- the same comments made by Mr and Mrs Reynolds also applied to her land (6104 Channel Highway);
 - the land was used for farming and was fully fenced;
 - a significant amount of money had been spent to clear the land;
 - she intended to use her land at 6104 Channel Highway to graze horses and cows;
 - land opposite 6104 Channel Highway was zoned Rural; and
 - development of a 17-lot subdivision was occurring nearby at 6139 Channel Highway.
458. Mr Jason Garard (representation 120) attended the hearing and made the following comments in support of his representation:
- split-zoning of his land should be considered so the cleared area on the northern side of the land was zoned Rural;
 - he cared for the vegetation on his land and had received a grant from NRM South to rehabilitate parts of the property and remove weeds;
 - the property contained more vegetation of natural value than had been mapped; and
 - he supported application of the Landscape Conservation Zone to the higher area of the land, which was covered in native vegetation.
459. Ms Jody Watkins (representation 259) was represented by Mr Caleb Elcock who together made a written submission and the following comments:
- the land had an area of approximately 51ha and was zoned Environmental Living in the interim planning scheme;
 - she wanted to maintain the current subdivision potential of the land as it was possible to create new lots under the interim planning scheme, which applied a minimum lot size of 6ha;
 - the land was used for farming;
 - the Landscape Conservation would restrict rural activities;
 - smaller titles to the south-west in Scarrs Road were suitable for the Rural Living Zone; and
 - the Priority Vegetation Area overlay was not quite accurate but was not contested.
460. Mr Ivan Boshoff and Mr Scott Fuller (submission 5) attended the hearing and made a written submission and the following comments:
- the land had a small area less than 20ha;
 - the land was historically used for farming;
 - the land was clear of vegetation and was primarily pasture;
 - the land was surrounded by properties that contained dwellings, vacant cleared land, and regrowth bushland;
 - the area was characterised by rural living use;
 - they purchased the land to build a dwelling;

- it was more difficult to obtain a planning permit for a dwelling under the provisions of the Landscape Conservation Zone;
- the Landscape Conservation Zone would unreasonably limit the use and development potential of the land;
- the Landscape Conservation Zone was inconsistent with Guideline No. 1;
- the Landscape Conservation Zone had not been applied in a manner that was consistent with the planning authority's methodology for application of the Zone (stated in its draft LPS supporting report) because less than 80% of the land was covered in native bushland;
- the land was not significantly visible from surrounding areas;
- the Landscape Conservation would reduce the value of the property;
- the proposed Rural Living Zone was consistent with Guideline No. 1; and
- the Rural Zone may also be a suitable alternative zone and would allow the Priority Vegetation Area overlay to be applied.

461. In response to the representors, the planning authority made the following comments:

- it considered the zoning of Garden Island Creek needed to be reviewed;
- there was no strategic intent for the area to be zoned Rural Living;
- its natural values expert advised the area contained threatened *Eucalyptus ovata* and *Eucalyptus tenuiramis* forest, a threatened orchid and swift parrot and Mount Mangana stag beetle habitat;
- it would consider whether some lots should be split-zoned;
- the area had several different zonings applied in the interim planning scheme;
- recent strategic planning work indicated the Rural Zone should be applied in the vicinity of the land owned by Mr and Mrs Reynolds;
- it did not support the Rural Living Zone;
- if the Rural Living Zone were applied it would recommend Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) be applied to prevent subdivision of land until further strategic planning work was completed to determine if new lots should be provided in the area;
- its strategic planning work would also examine the significance of vegetation of natural value in the area;
- residential use was discretionary in the Landscape Conservation Zone and could be considered by the planning authority;
- a dwelling was permitted in Rural Living Zone but also discretionary in the Rural Zone;
- its natural values expert Mr Jim Mulcahy was satisfied 6095 Channel Highway (Lockwood) did not contain priority vegetation because mapping of the vegetation in that area was incorrect;
- it otherwise did not support any changes to the Priority Vegetation Area overlay;
- a forest practices plan applied to Garden Island Creek Road folio of the Register 123033/6 (Davison);
- 225 Scarrs Road (Watkins) was an unusually large site and adjoined a reserve;
- its recent strategic planning work indicated 225 Scarrs Road should remain in the Landscape Conservation Zone;
- its natural values expert advised 225 Scarrs Road likely contained silver wattle forest and general habitat for the swift parrot, Tasmanian devils and masked owls; and
- it agreed Garden Island Creek folio of the Register 129058/2 (Boshoff and Fuller) contained little native vegetation and could be considered for the Rural Living or Rural zones.

462. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the properties it recommended be zoned Rural Living, Rural or Landscape Conservation, including which lots were proposed to be split-zoned. The diagram included land in Brittain's Road. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of 62 letters were sent and 19 responses were received, 15 of which were supportive of the proposed zones, and 4 that were in opposition.
463. The owners of the following properties were opposed to the Rural Living Zone proposed for the properties in Scarrs Road:
- 64 Scarrs Road folio of the Register 38576/1;
 - 82 Scarrs Road folio of the Register 25979/9; and
 - 120 Scarrs Road folio of the Register 46943/1.
464. In addition, one response was made on behalf of the owners of 82, 91, 110, 120, 122, 203, 219 Scarrs Road who opposed the change. The reasons were:
- the Landscape Conservation Zone was consistent with the character of the land;
 - the land had features of natural, scenic, landscape and biodiversity value;
 - the Landscape Conservation Zone would minimise the visual impact of development on the landscape;
 - the area contained remnant areas of bushland;
 - the Priority Vegetation Area overlay applied to land in the area;
 - the area contained important waterways;
 - the area contained important habitat for threatened native fauna including the spotted-tail quoll, Mount Mangana stag beetle, chaostola skipper, tussock skink, swift parrots, Tasmanian masked owl, white-bellied sea-eagle, grey goshawk, Tasmanian devil, forty-spotted pardalote, eastern barred bandicoot, eastern quoll, Tasmanian wedge-tailed eagle, and other important native birds; and
 - the area contained threatened *Eucalyptus globulus* and *Eucalyptus ovata*.
465. The response from William and Gaye Reynolds was supportive of the Rural Living Zone but requested Rural Living Zone B or C be applied (Acceptable Solution with a minimum lot size of 1ha and 2ha respectively).
466. The Forest Practices Authority, in response to a Commission direction, provided a copy of the certified forest practices plan that applied to Garden Island Creek Road folio of the Register 123033/6 (Davison). The plan applied to approximately two-thirds of the land.
467. At the reconvened hearing, Ms Susan Armstrong made the following comments for the owners of 82, 91, 110, 120, 122, 203, 219 Scarrs Road:
- several residents in Scarrs Road were supportive of the Landscape Conservation Zone, which was originally exhibited;
 - the Landscape Conservation Zone was appropriate because the land was of natural and landscape value;
 - Scarrs Road folio of the Register 25979/8 was vacant and had been recently cleared of vegetation;
 - two other lots were also undeveloped;
 - most of the other lots in Scarrs Road were already developed; and
 - the owners of the undeveloped lots ought to be able to develop their land but only under the provisions of the Landscape Conservation Zone that protected features of landscape value.

468. Mr Simon Cavanagh and Ms Tanja Dullemond, owners of Scarrs Road folio of the Register 25979/8 also attended the reconvened hearing and made the following comments:
- the land had an area of approximately 3ha;
 - the land was zoned Environmental Living Zone in the interim planning scheme;
 - neighbouring land to the south was mostly cleared and used to graze animals;
 - the Scenic Road Corridor overlay did not apply to the land;
 - the land was not significantly visible from surrounding areas;
 - the land was subdivided in the 1980s to create lots for rural living use and development;
 - 14 of the lots contained dwellings, cleared areas and rural uses;
 - the Landscape Conservation Zone was similar to the Environmental Living Zone;
 - the existing and intended use of the lots was consistent with the purpose of the Rural Living Zone, which intended the land be used for rural living use and development;
 - the Rural Living Zone was supported by policy SRD 1.3 of the regional strategy because it would recognise the existing use and development potential of the land; and
 - the Landscape Conservation Zone was not required to manage features of natural value, which was the domain of the Priority Vegetation Area overlay.
469. In response, the planning authority made the following comments:
- it had examined the use and character of the land and determined the land should be zoned Rural Living;
 - its natural values expert advised the area contained habitat for a range of threatened fauna species that included the swift parrot, masked owls and Tasmanian devil; and
 - it agreed with Mr Cavanagh and Ms Dullemond that the Priority Vegetation Area overlay would protect features of significant natural value.
470. Ms Bianca Ilibasic, owner of 11 Garden Island Creek Road attended the reconvened hearing and made the following comments:
- the lot had an area of approximately 2,500m² and was one of the smallest parcels in Garden Island Creek;
 - the land contained a dwelling, which was a former Country Women's Association hall;
 - the land was cleared and contained pasture;
 - the land was not used for rural activities and was not a feature of landscape value;
 - she intended to construct an ancillary dwelling on the land for her mother; and
 - the Rural Living Zone was the most appropriate zone for the land given its characteristics.
471. In response, the planning authority stated it had undertaken recent strategic planning work that indicated the land should be zoned Rural Living provided no new potential for the land to be subdivided was created.
472. Mr Gerard Gowans, owner of 5908 Channel Highway folio of the Register 143005/2 attended the reconvened hearing and made the following comments:
- it was not clear the land was a feature of landscape or natural value;
 - he did not use the land on the eastern side of the property because it was steep and densely vegetated; and

- he supported the proposed split-zone but considered it would be more appropriate to align the zone boundary with the reserved road that dissected the property, which was in the vicinity of the proposed boundary anyway.
473. In response, the planning authority stated the boundary had been aligned with the 30m AHD contour and edge of vegetation, but agreed the boundary could be aligned with the reserved road.
474. Mr William Reynolds and Ms Carolyn Kitchener attended the reconvened hearing and made the following comments:
- they supported the Rural Zone recommended for 26 Garden Island Creek Road (Reynolds) and 50 Garden Island Creek Road (Kitchener) for the reasons given at the previous hearing;
 - Rural Living Zone B (Acceptable Solution with a minimum lot size of 2ha) should be applied because it would preserve potential to subdivide the land under the Environmental Living Zone that was applied in the interim planning scheme;
 - loss of potential to subdivide the land would cause the value of the land to decrease;
 - Rural Living Zone C (Acceptable Solution with a minimum lot size of 5ha) should be applied in the event Rural Living Zone B was not considered appropriate; and
 - the land had road frontage for vehicle access and good sites for potential dwellings.
475. The planning authority made the following comments in response to Mr Reynolds and Ms Kitchener:
- it did not want to apply a subdivision category that would provide for subdivision at this stage;
 - Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) should be applied until it completed further strategic planning work to determine if new lots should be created in the area and what subdivision categories should apply in future; and
 - it intended to undertake a study to determine what subdivision categories should apply across the municipality.
476. Following the reconvened hearing, the planning authority, in response to a Commission direction, made a further reply to the issues raised by Ms Armstrong and Mr Cavanah and Ms Dullemond. The planning authority recommended the Landscape Conservation Zone apply to the land in Scarrs Road for the following reasons:
- the land was zoned Rural Living because the area had a consistent pattern of lot size and use;
 - the response from the landowners favoured the Landscape Conservation Zone but also noted most of landowners did not respond when contacted;
 - it had reconsidered the zoning of the land and was persuaded the Landscape Conservation Zone should be applied because the zone intended to provide for 'rural living opportunity within the treed landscape afforded by the natural values of the area'; and
 - the character of the area was consistent with the purpose of the Landscape Conservation Zone.

Commission consideration

477. The Commission considers the Rural Living and Rural zones should be applied to the land or parts of land (see Commission decision on general issues - split-zones) at Brittain's Road, Channel Highway, Garden Island Creek Road, Igglesden Road,

Pottery Road and Scarrs Road as recommended by the planning authority prior to the reconvened hearing for the following reasons:

- the land proposed to be zoned Rural Living contains established rural living use or there is a clear intent for residential use within a rural setting;
- impact on any features of landscape value (see Commission decision on general issues - landscape value) present can be managed through the Zone provisions and application of Rural Living Zone C to the land in Scarrs Road and category D to the remaining land (Acceptable Solution with a minimum lot size of 5ha and 10ha respectively) that would minimise how many new lots could be created;
- the Commission notes some landowners requested an alternative Rural Living Zone be applied to maintain existing subdivision potential provided under the interim planning scheme but agrees with the planning authority that further strategic planning is required to determine if new lots should be provided in the area given the degree of difference between the interim planning scheme and SPP zones;
- the Commission notes the planning authority's intent to undertake strategic planning work for settlements in the municipality, which may help determine if new lots should be created in the area and what subdivision categories should apply in future;
- the Commission notes the views of Ms Armstrong and other property owners at Scarrs Road but is not persuaded the land has features of landscape value significant enough to demonstrate the existing or intended use of the land is consistent with the purpose of the Landscape Conservation Zone;
- the Priority Vegetation Area overlay would apply to the land at Scarrs Road, which is an appropriate control to protect vegetation of natural value, including habitat for the native animals detailed in Ms Armstrong's submission;
- the land proposed to be zoned Rural is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
- the Commission is persuaded the land proposed to be zoned Rural has little to no landscape value, or potential to be used for agriculture due to the small area of the lots, sometimes steep gradient, and coverage in vegetation; and
- the Priority Vegetation Area overlay would also apply to land zoned Rural and protect vegetation of natural value, including habitat for native animals.

478. The Commission agrees with Mr Gowans the boundary between the Rural and Landscape Conservation zones at 5908 Channel Highway should be aligned with the reserved road that dissects the land.

479. The Commission notes the representation made by Conservation Landholders Tasmania (9), which supported the Landscape Conservation Zone applied to 6002 Channel Highway on the basis the land contained a conservation covenant. The conservation covenant applied to the land would still be fully contained in the Landscape Conservation Zone as the Rural Zone would only apply to the land below the 30m AHD contour on its western side.

480. However, the Commission is not persuaded the Rural Zone should be applied Garden Island Creek Road folio of the Register 123033/6 (Davison) for the following reasons:

- the land is adjoined on its northern and southern boundaries by the Landscape Conservation Zone;
- although a certified forest practices plan has established the intended future use of the land, which would usually be reflected by its zone, the Rural Zone would effectively cause the land to be spot-zoned;

- spot-zoning should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict;
 - the Landscape Conservation Zone should remain on the land as it would result in a uniform zone pattern;
 - residential use is discretionary in the Landscape Conservation Zone and can be considered by the planning authority; and
 - there is no evidence the land does not contain vegetation of significant natural value.
481. Nevertheless, it is noted clause 4.4.1 of the SPPs provides an exemption for clearance of vegetation in accordance with a certified forest practices plan (see Commission decision on general issues - forestry land use).
482. The Commission is not persuaded the Rural Living Zone (or any other zone) should be applied to 225 Scarrs Road (Watkins) or 6095 Channel Highway (Lockwood) for the following reasons:
- 225 Scarrs Road has an area of approximately 50ha and is distinctly separate from the smaller rural living lots in Scarrs Road;
 - there is no evidence 225 Scarrs Road is part of a 'rural living community or that there is a primary strategic intention for the land be used for residential use and development within a rural setting' as required by policy SRD 1.3 of the regional strategy;
 - 225 Scarrs Road would have the potential to be subdivided even if Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) were applied;
 - further work would be required to establish whether the land should be used for rural living use and development in future and whether new lots should be created in that area;
 - 225 Scarrs Road has landscape value (see Commission decision on general issues - landscape value) that warrants application of the Landscape Conservation Zone due to its elevation and appearance from surrounding areas;
 - 6095 Channel Highway is already developed and located between Channel Highway and Garden Island Bay together with 6071 Channel Highway opposite land on the western side of the highway where the planning authority recommended the Rural Living Zone be applied;
 - two lots at 5987 and 5997 Channel Highway are also similarly situated and have also been zoned Landscape Conservation;
 - 6095 Channel Highway has landscape value (see Commission decision on general issues - landscape value) that warrants application of the Landscape Conservation Zone due to its location adjoining Garden Island Bay and appearance from surrounding areas; and
 - clause 7.2.1 of the SPPs states development of an existing discretionary use must be considered as if it were a permitted use provided the use is not substantially intensified, meaning the zone applied to 6095 Channel Highway is not of significant practical consequence.
483. Nevertheless, the Commission is satisfied the Priority Vegetation Area overlay should be removed from 6095 Channel Highway. Evidence submitted by Mr Lockwood and Mr Elcock and Mr Mulcahy at the hearing, including references to aerial photography of the land, indicates the land does not contain priority vegetation.
484. Otherwise, the Commission notes some representors raised concern the Priority Vegetation Area overlay, which applied to some titles was inaccurate. It is the Commission's view the overlay should not be removed from land or amended unless supported by the advice of a suitably qualified person who had undertaken a detailed site assessment. The Commission accepts the advice of the planning

authority's natural values expert that the land contains significant native vegetation, which should be recognised by the overlay. No evidence was submitted from a suitably qualified person to demonstrate any of the properties do not contain priority vegetation.

485. The Commission notes there are reserved roads, Crown land or similar land parcels that intersect or adjoin the land that should also be included in the Rural Living Zone or Rural Zone to ensure zoning is applied contiguously.

Commission decision

486. Modification:

- Revise the zoning of the following properties to Rural Living C:
 - a. 64 Scarrs Road, Garden Island Creek folio of the Register 38576/1;
 - b. 82 Scarrs Road, Garden Island Creek folio of the Register 25979/9;
 - c. 91 Scarrs Road, Garden Island Creek folio of the Register 103370/1;
 - d. 100 Scarrs Road, Garden Island Creek folio of the Register 25979/7;
 - e. 101 Scarrs Road, Garden Island Creek folio of the Register 25979/11;
 - f. 110 Scarrs Road, Garden Island Creek folio of the Register 25979/6;
 - g. 120 Scarrs Road, Garden Island Creek folio of the Register 46943/1;
 - h. 122 Scarrs Road, Garden Island Creek folio of the Register 46428/1;
 - i. 156 Scarrs Road, Garden Island Creek folio of the Register 25979/4;
 - j. 157 Scarrs Road, Garden Island Creek folio of the Register 158417/2;
 - k. 159 Scarrs Road, Garden Island Creek folio of the Register 158417/1;
 - l. 164 Scarrs Road, Garden Island Creek folio of the Register 25979/3;
 - m. 174 Scarrs Road, Garden Island Creek folio of the Register 25979/2;
 - n. 197 Scarrs Road, Garden Island Creek folio of the Register 25979/14;
 - o. 202 Scarrs Road, Garden Island Creek folio of the Register 25979/1;
 - p. Scarrs Road, Garden Island Creek folio of the Register 103370/2; and
 - q. Scarrs Road, Garden Island Creek folio of the Register 25979/8.
- Revise the zoning of the following properties to Rural Living D:
 - a. 29 Brittain Road, Garden Island Creek folio of the Register 55933/1;
 - b. 56 Brittain Road, Garden Island Creek folio of the Register 159844/1;
 - c. 61 Brittain Road, Garden Island Creek folio of the Register 32598/1;
 - d. 70 Brittain Road, Garden Island Creek folio of the Register 25590/1;
 - e. 79 Brittain Road, Garden Island Creek folio of the Register 22013/1;
 - f. 90 Brittain Road, Garden Island Creek folio of the Register 25590/2;
 - g. 97 Brittain Road, Garden Island Creek folio of the Register 228452/1;
 - h. 99 Brittain Road, Garden Island Creek folio of the Register 22672/1;
 - i. 125 Brittain Road, Garden Island Creek folio of the Register 232395/1;
 - j. 138 Brittain Road, Garden Island Creek folio of the Register 143514/1;
 - k. 144 Brittain Road, Garden Island Creek folio of the Register 143514/3;
 - l. Brittain Road, Garden Island Creek folio of the Register 137277/1;
 - m. Brittain Road, Garden Island Creek folio of the Register 143514/2;
 - n. 6066 Channel Highway, Garden Island Creek folio of the Register 213257/1;
 - o. 6070 Channel Highway, Garden Island Creek folio of the Register 60188/1;
 - p. 6080 Channel Highway, Garden Island Creek folio of the Register 197189/1;
 - q. 6104 Channel Highway, Garden Island Creek folio of the Register 251346/1;
 - r. 2 Garden Island Creek Road, Garden Island Creek folio of the Register 102906/1;

- s. 11 Garden Island Creek Road, Garden Island Creek folio of the Register 7276/1;
 - t. 50 Garden Island Creek Road, Garden Island Creek folio of the Register 84031/1;
 - u. 68 Garden Island Creek Road, Garden Island Creek folio of the Register 244029/1;
 - v. 76 Garden Island Creek Road, Garden Island Creek folio of the Register 221598/1;
 - w. 78 Garden Island Creek Road, Garden Island Creek folio of the Register 246178/1;
 - x. 110 Garden Island Creek Road, Garden Island Creek folio of the Register 243866/1;
 - y. 12 Igglesden Road, Garden Island Creek folio of the Register 125601/1;
 - z. 22 Igglesden Road, Garden Island Creek folio of the Register 243638/1;
 - aa. 29 Igglesden Road, Garden Island Creek folio of the Register 44887/1;
 - bb. that part of 26 Garden Island Creek Road, Garden Island Creek folio of the Register 130488/1 located on the eastern side of Garden Island Creek Road;
 - cc. that part of 50 Garden Island Creek Road, Garden Island Creek folios of the Register 33001/1 located on the eastern side of Garden Island Creek Road;
 - dd. that part of 30 Igglesden Road, Garden Island Creek folio of the Register 159844/2 below the 30m AHD contour; and
 - ee. any intersecting reserved roads, Crown land or similar as necessary to produce a uniform zone pattern.
- Revise the zoning of the following properties to Rural:
 - a. 5898 Channel Highway, Garden Island Creek folio of the Register 7364/2;
 - b. 6008 Channel Highway, Garden Island Creek folio of the Register 11328/1;
 - c. that part of 5808 Channel Highway, Garden Island Creek folio of the Register 143005/2 located on the western side of the reserved road that intersects the land (use reserved road as the zone boundary);
 - d. that part of 5910 Channel Highway, Garden Island Creek folio of the Register 143005/1 below the 30m AHD contour;
 - e. that part of 5940 Channel Highway, Garden Island Creek folio of the Register 235791/1 below the 30m AHD contour;
 - f. that part of 5978 Channel Highway, Garden Island Creek folio of the Register 137517/1 below the 30m AHD contour;
 - g. 69 Garden Island Creek Road, Garden Island Creek folio of the Register 73288/1;
 - h. 78 Garden Island Creek Road, Garden Island Creek folio of the Register 246178/2;
 - i. 119 Garden Island Creek Road, Garden Island Creek folios of the Register 10617/2 and 113944/2;
 - j. 165 Garden Island Creek Road, Garden Island Creek folio of the Register 113944/1;
 - k. 302 Garden Island Creek Road, Garden Island Creek folios of the Register 200428/1 and 127283/2;
 - l. 391 Garden Island Creek Road, Garden Island Creek folio of the Register 129059/4;
 - m. 433 Garden Island Creek Road, Garden Island Creek folio of the Register 126704/1;
 - n. Garden Island Creek Road, Garden Island Creek folio of the Register 129059/3;

- o. Garden Island Creek Road, Garden Island Creek folio of the Register 203930/1;
 - p. Garden Island Creek Road, Garden Island Creek folio of the Register 228451/1;
 - q. Garden Island Creek Road, Garden Island Creek folio of the Register 129058/2;
 - r. that part of 6002 Channel Highway, Garden Island Creek folio of the Register 123855/1 below the 30m AHD contour;
 - s. that part of 6028 Channel Highway, Garden Island Creek folio of the Register 239324/1 below the 30m AHD contour;
 - t. that part of 6054 Channel Highway, Garden Island Creek folio of the Register 200680/1 below the 30m AHD contour;
 - u. that part of 26 Garden Island Creek Road, Garden Island Creek folio of the Register 130488/1 located on the western side of Garden Island Creek Road;
 - v. that part of Garden Island Creek Road, Garden Island Creek folio of the Register 203932/1 located on the western side of Garden Island Creek Road;
 - w. 10 Pottery Road, Garden Island Creek folio of the Register 20040/1;
 - x. 38 Pottery Road, Garden Island Creek folio of the Register 17184/1;
 - y. Crown land adjoining folios of the Register 203932/1 and 113944/1;
 - z. any intersecting reserved roads, Crown land or similar as necessary to produce a uniform zone pattern.
- Revise the Priority Vegetation Area overlay by removing the overlay from 6095 Channel Highway, Garden Island Creek folio of the Register 175624/1.
487. Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Living Zone - Longleys Road and Thompsons Road, Huonville

Representations: Don Hasell (74), Red Seal Planning for Donald and Kelly Gordon (337)

488. The representation made by Don Hasell (74) requested the zone of 16 Longleys Road, Huonville folio of the Register 159985/1 be revised from Rural to Rural Living. The reasons were:
- the surrounding area contained a mix of uses that included tourism, hospitality, rural industry and rural living;
 - several other properties to the west at the junction of Thompsons Road and Longleys Road were zoned Rural Living;
 - part of the land was zoned Village under a previous planning scheme;
 - the Agriculture Zone was too restrictive;
 - the land could be used for other purposes, such as tourism, which would benefit the community;
 - it was not viable to use the property for agriculture because the soil was of poor quality;
 - agriculture was also constrained by presence of dogs and other domestic animals, and other land use conflicts such as weed spraying and intensive farming practices that could not be undertaken near dwellings; and
 - the Rural Living would act as a buffer to other residential properties.
489. The representation made by Red Seal Planning for Donald and Kelly Gordon (337) requested the zone of 14 Thompsons Road, Huonville folio of the Register 160923/2 be revised from Agriculture to Rural Living A. The reasons were:
- the land contained rural living use and development;

- the land was identified as potentially constrained in the agricultural estate mapping;
 - it was evident the land was not suitable for agriculture;
 - the land had an area of approximately 3.2ha and was not suitable for intensive farming; and
 - agriculture use was constrained by residential use on adjacent properties.
490. The representor also submitted an agricultural land capability assessment by Geo-Environmental Solutions, which concluded the land had limited agricultural capability and a land capability classification of 5.
491. In its section 35F report, the planning authority recommended no change to the zone of 16 Longleys Road (Hasell) for the following reasons:
- the Agriculture Zone was consistent with AZ 2 of Guideline No. 1 because the land was zoned Significant Agriculture in the interim planning scheme; and
 - the area of the land (approximately 13ha) was not characteristic of rural living land where the Rural Living Zone would be applied.
492. The planning authority included the following advice from its agriculture expert (RMCG):
- the land had access to 30 megalitres of irrigation during summer and a 1.5 megalitre holding dam;
 - approximately 1ha of the land on its southern side had previously been used for an orchard; and
 - there was sufficient separation between dwellings on adjacent properties and areas on the land that could be irrigated.
493. However, the planning authority recommended the zone of 14 Thompsons Road (Gordon) as well as the three other adjacent properties at 24 Thompsons Road folios of the Register 142532/2 and 142532/3 and 28 Thompsons Road be changed to Rural for the following reasons:
- the Agriculture Zone was consistent with AZ 2 of Guideline No. 1 because the land was zoned Significant Agriculture in the interim planning scheme;
 - the proposed Rural Living Zone was not consistent with RLZ 2 Guideline No. 1 because the land was zoned Rural Resource in the interim planning scheme and there was not a primary strategic intention the land be used for residential use and development within a rural setting;
 - the regional strategy (policy SRD 1.3) restricted application of the Rural Living Zone to existing rural living communities; and
 - the Rural Zone would be more appropriate as established by its agriculture expert.
494. The planning authority included the following advice from its agriculture expert:
- the Rural Zone would be applied to a cluster of four titles; and
 - the Rural Zone would enable any residual productive use of these titles to be realised and create a buffer between the Rural Living and Agriculture zones.
495. At the hearing, Mr Trent Henderson (Red Seal Planning) for Donald and Kelly Gordon, made the following comments in support of representation 337:
- the Rural Living Zone would be consistent with the zone of the land to the south;
 - Rural Living Zone A (Acceptable Solution with a minimum lot size of 1ha) would also be consistent with the land to the south;
 - the Rural Zone would not be appropriate because it would be a spot-zone; and

- the land had access to the infrastructure and services required to support the additional development potential the Rural Living Zone would provide.
496. The owner of the land, Mr Donald Gordon added he had a desire to subdivide the land for his three children to provide each of them with a lot.
497. In response, Mr Michael Tempest (RMCG) made the following comments on behalf of the planning authority:
- the Rural Living Zone could not be recommended because a site visit had not been undertaken;
 - further work would need to be done to establish how far dwellings should be separated from the Agriculture Zone and what building setbacks and dwelling densities would be acceptable if the land were to be zoned Rural Living;
 - the Rural Zone would help provide a buffer to the surrounding land zoned Agriculture;
 - the Rural Zone would be applied to three other titles and ensure a spot-zone would be avoided;
 - the Rural Zone would provide for uses that would not conflict with the Rural Living Zone; and
 - the Rural Zone would provide for uses like a crematorium; however those uses were discretionary in the Zone, and the Attenuation Code would apply to manage the environmental impacts of such use.

Commission consideration

498. The Commission is not persuaded the Rural Living Zone should be applied to 16 Longleys Road (Hasell) for the reasons by the planning authority's agriculture expert. The land is identified in the agricultural estate mapping (potentially constrained) but can be included in the Agriculture Zone in accordance with the principles of AZ 3 of Guideline No. 1. No alternative expert evidence was provided in opposition to the expert recommendation. The Commission notes the Agriculture Zone provides for a significant number of uses, that includes tourism, that can be undertaken on the land if compliance with the relevant use and development standards of the Zone can be demonstrated.
499. However, the Commission agrees the Rural Living Zone should be applied to 14 Thompsons Road. The land contains established rural living use within a rural setting. Unlike 16 Longleys Road, the land is part of the collection of rural living properties to the south, which have been zoned Rural Living. Impact on surrounding agriculture can be managed through the Zone provisions and application of Rural Living Zone B (Acceptable Solution with a minimum lot size of 2ha) that would minimise how many new lots could be created.
500. The Commission is not persuaded the Rural Living Zone should be applied to 24 and 28 Thompsons Road because the land has distinctly different character to 14 Thompsons Road and is bordered by orchards on three sides. It is also noted the largest of the three titles contains several different uses that may be associated with surrounding rural and agricultural activities and the owner may be unaware of the proposed zone change.

Commission decision

501. Modification:
- Revise the zoning of 14 Thompsons Road, Huonville folio of the Register 160923/2 to Rural Living B.
502. Reason: To apply the Rural Living Zone consistent with Guideline No. 1.

Rural Living Zone - 159 and 212 Rocky Bay Road, Deep Bay

Representations: Nerissa Davis (59), Ashika Gray (77)

503. The representation made by Nerissa Davis (59) raised concern the Landscape Conservation was applied to 159 Rocky Bay Road, Deep Bay folio of the Register 142442/2. The representation made by Ashika Gray (77) requested the zone of part of 212 Rocky Bay Road, Deep Bay folio of the Register 170755/2 be revised from Landscape Conservation to Rural Living. The reasons were:
- the land was not of scenic or landscape value;
 - the land could not be seen from surrounding areas;
 - parts of the land had been historically cleared and used to graze cattle;
 - both properties contained dwellings and outbuildings;
 - land contained gardens, orchards, dams, tracks, paddocks, storage areas and managed forests;
 - the Scenic Protection Area overlay should be amended to exclude areas of the land that were not of scenic value;
 - land may be used for agriculture and forestry in future;
 - the area contained several properties used for rural living purposes; and
 - the lower slopes of the land should be zoned Rural Living.
504. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the land was zoned Rural Resource in the interim planning scheme;
 - RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
 - the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
 - the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
 - the land contained a ridgeline and hilltop, significant areas of vegetated slopes, two threatened vegetation communities and foraging habitat for the swift parrot;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
 - the land reflected of the broader landscape value of the area;
 - only small-scale use or development was appropriate because it would limit impact on the landscape;
 - the Landscape Conservation Zone was the most appropriate zone for the land; and
 - the Rural Living Zone was not appropriate because there was not a primary strategic intention the land be used for residential use and development within a rural setting.

Commission consideration

505. The Commission is not persuaded the Rural Living Zone should be applied to the land for the following reasons:
- there is no evidence the Rural Living Zone is supported by the regional strategy or a local land use strategy;

- there is no evidence the land is part of a 'rural living community or that there is a primary strategic intention for the land be used for residential use and development within a rural setting' as required by policy SRD 1.3 of the regional strategy;
- the land has landscape value (see Commission decision on general issues) that warrants application of the Landscape Conservation Zone for the reasons given by the planning authority in its section 35F report.
- Otherwise, the Scenic Protection Area overlay is a transitioning overlay declared by the Minister for Planning, which cannot be altered through this process.

Commission decision

506. The Commission determines no modifications are required.

Rural Living Zone - 80 Lowes Road, Garden Island Creek

Representation: Tara Thurrowgood (78)

507. The representor requested the zone of 80 Lowes Road, Garden Island Creek folio of the Register 141774/2 be revised from Landscape Conservation to Rural Living. The reasons were:

- the land was zoned Environmental Living in the interim planning scheme;
- many of the surrounding properties were zoned Rural Living, Rural or Environmental Management despite containing similar bushland, which caused an inconsistent application of zones;
- application of the Rural Living Zone to the land would be consistent with the zone purpose; and
- the Landscape Conservation would cause a loss of property value.

508. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land had landscape value because it adjoined Echo Sugarloaf State Reserve and was entirely covered in native vegetation, which included threatened *Eucalyptus Ovata* forest and woodland;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- only small-scale use or development was appropriate because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

509. At the hearing, the planning authority advised it would be prepared to reconsider whether the Rural Living Zone should be applied to the land and any other adjoining land.

510. Following the hearing, the planning authority, in response to a Commission direction, provided a submission that recommended the Rural Living Zone C be applied to 76 and 80 Lowes Road. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. Two letters were sent and one response made, which was supportive of the Rural Living Zone.

Commission consideration

511. The Commission is persuaded the Rural Living Zone C should be applied to 76 and 80 Lowes Road and is satisfied the Zone would recognise existing and intended rural living use. The land adjoins the Rural Living Zone to the north and represents a logical end point to the Rural Living Zone in that location.

Commission decision

512. Modification:

- Revise the zoning of 76 Lowes Road folio of the Register 141774/1 and 80 Lowes Road, Garden Island Creek folio of the Register 141774/2 to Rural Living C.

513. Reason: To apply the Rural Living Zone consistent with Guideline No. 1.

Rural Living Zone - Cygnet Coast Road, Cradoc

Representations: Amelia Hannaford and Jamie Smith (18)

514. The representor raised concern the Landscape Conservation Zone had been applied to Cygnet Coast Road, Cradoc folio of the Register 209116/1 for the following reasons:

- the land was purchased for its scenic amenity;
- the owner intended to develop a winery on a small part of the eastern side for the land;
- the land was zoned Rural Resource in the interim planning scheme;
- a natural values assessment (included with the representation) was undertaken on 9 June 2021 to support a future development application for a dwelling or agriculture use;
- the land contained some areas of *Eucalyptus Amygdalina*;
- the Priority Vegetation Area overlay applied to the land was inaccurate because it was applied to two threatened species habitats that were not identified in the Natural Values Assessment; and
- the owner sought confirmation and reassurance that construction of a dwelling and use of the land for agriculture would be possible in the Landscape Conservation Zone and would not be prohibited by the Priority Vegetation Area overlay.

515. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
- the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
- the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
- the land was located near the Huon River, was elevated, and contributed to a large bushland area;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;

- the land reflected of the broader landscape value of the area;
- only small-scale use or development was appropriate because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

Commission consideration

516. The Commission agrees with the planning authority for the reasons given in its section 35F report. It is noted residential and agriculture uses are discretionary in the Landscape Conservation Zone and can be considered by the planning authority. Clearance of native vegetation can also be considered under the Natural Assets Code.

Commission decision

517. The Commission determines no modifications are required.

Rural Living Zone - Graces Road, Glaziers Bay (Glaziers Bay Cluster)

Representations: Amelia Hannaford and Jamie Smith (18), Alan and Rosemarie Robson (83), Carly Robson (240), Red Seal Planning for Roderick Roberts (346)

518. The representations made by Alan and Rosemarie Robson (83) and Carly Robson (240) raised concern the Landscape Conservation Zone would be applied to 45 Graces Road, Glaziers Bay folio of the Register 129215/1. The reasons were:
- the use and character of the land was consistent with the purpose of the Rural Zone; and
 - the Landscape Conservation Zone would unreasonably limit the use and development potential of the land.
519. The representors also raised concern the Priority Vegetation Area overlay was inaccurate.
520. The representation made by Red Seal Planning for Roderick Roberts (346) requested the zone of 89 Graces Road, Glaziers Bay folio of the Register 39295/1 be revised from Landscape Conservation to Rural. The reasons were:
- the land was entirely cleared of native vegetation and used to graze animals;
 - the owner and occupier intended to establish a vineyard on the land;
 - the land was zoned Rural Resource in the interim planning scheme;
 - the Rural Zone was supported by the PAL Policy because the land could be used for cropping or the keeping of animals;
 - the land was historically used for agriculture;
 - the Landscape Conservation Zone was not supported by the PAL Policy; and
 - the Rural Zone was consistent with Guideline No. 1.
521. In its section 35F report, the planning authority recommended application of the Rural Living Zone D to the land and 43 other properties at Cygnet Coast Road and Porta Drive, Cradoc and Graces Road, Glaziers Bay. Furthermore, the planning authority noted two other properties were split-zoned Landscape Conservation with the Rural and Environmental Management zones in the draft LPS and recommended those parts of the land zoned Landscape Conservation be zoned Rural Living. The reasons were:
- the Landscape Conservation Zone was applied because the land was perceived to be of landscape value; however a review of the area determined the land had characteristics that were consistent with the purpose of the Rural Living Zone;

- the existing area and density of the lots were consistent with the provisions of the Rural Living Zone;
 - the proposed Rural Living Zone was consistent with RLZ 2 Guideline No. 1 because the land was zoned Environmental Living in the interim planning scheme and there was a primary strategic intention the land be used for residential use and development in a rural setting;
 - any features of landscape value could be managed under the Rural Living Zone provisions, which would limit the type and intensity of uses possible;
 - one of the purpose statements of the Rural Living Zone was to provide for residential use and development in a rural setting where existing natural and landscape values should be retained; and
 - Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) was recommended to apply because it provided a minimum lot size that was consistent with the area of the lots that existed.
522. At the hearing, Mr Trent Henderson (Red Seal Planning), with Mr Paul Roberts and Mr John Paul Cumming, together represented Mr Roderick Roberts and made the following comments in support of representation 346:
- the surrounding area was used for hobby farming and grazing animals but did not contain intensive agriculture use;
 - the Rural Living Zone was not the preferred zone for a vineyard;
 - the land was purchased to produce wine;
 - the area also contained a small number of vineyards; and
 - the land was well-suited to a small vineyard.
523. In response, the planning authority made the following comments:
- it had reconsidered the zone of the area and considered the Rural Living Zone would best reflect the use and character of the area, which was rural living;
 - a vineyard was discretionary in the Landscape Conservation Zone and would be considered by the planning authority;
 - a vineyard would be a 'no permit required' use in the Rural Zone, which was not appropriate given dwellings were in the area;
 - its agriculture expert noted the land to the north was substantially cleared and contained pasture;
 - its agriculture expert also stated the Rural Zone could be considered for a group of properties in that location, which would be favourable to the use of a vineyard;
 - the proposed Rural Living Zone was consistent with Guideline No. 1; and
 - it was prepared to reconsider whether the Rural Living Zone or Rural Zone should be applied to the broader area.
524. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the properties it recommended be zoned Rural Living D. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of 49 letters were sent and 15 responses were received, 13 of which were supportive of the Rural Living Zone. Two of the responses opposed the change, with one response concerned the Rural Living Zone would prevent clearing of land.
525. The owner of 40 Porta Drive was supportive of the Rural Living Zone but requested Rural Living Zone B (Acceptable Solution with a minimum lot size of 2ha) be considered because it was more consistent with the area of their land, which was approximately 2ha.

526. The owner of 1794 Cygnet Coast Road was supportive of the Rural Living Zone but requested Rural Living Zone A (Acceptable Solution with a minimum lot size of 1ha) be considered because it was more consistent with the area of their land, which was approximately 3ha.

Commission consideration

527. The Commission agrees the Rural Living Zone should be applied to the land in Cygnet Coast Road and Porta Drive, Cradoc and Graces Road, Glaziers Bay for the reasons given by the planning authority in its section 35F report. The land contains established rural living use within a rural setting. Impact on any landscape value (see Commission decision on general issues) present can be managed through the Zone provisions and application of Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) that would minimise how many new lots could be created. The category of subdivision could be reviewed in future in the event further strategic planning work was undertaken to support an alternative categorisation.
528. The Commission agrees with the planning authority that 89 Graces Road (Roberts) should be included in the Rural Living Zone. The Zone provides for consideration of a vineyard as a discretionary use. The property would also be a logical end to the Zone in that location and would align with other properties in Graces Road. The Commission also agrees with the planning authority that it is appropriate for a vineyard to require discretionary planning assessment in that area so the potential impacts of the use on surrounding residences can be properly considered.
529. Otherwise, the Commission is not satisfied the Priority Vegetation Area overlay should be amended or removed from 45 Graces Road. It is the Commission's view the overlay should not be removed from land or amended unless supported by the advice of a suitably qualified person who has undertaken a detailed site assessment. No evidence was submitted from a suitably qualified person to demonstrate the land does not contain priority vegetation.
530. The Commission notes there are reserved roads that intersect or adjoin the land that should also be included in the Rural Living Zone to ensure zoning is applied contiguously.

Commission decision

531. Modification:

- Revise the zoning of the following properties to Rural Living D:
 - a. 1528 Cygnet Coast Road, Cradoc folio of the Register 160800/1;
 - b. 1600 Cygnet Coast Road, Cradoc folio of the Register 38636/1;
 - c. 1602 Cygnet Coast Road, Cradoc folio of the Register 40279/1;
 - d. 1650 Cygnet Coast Road, Cradoc folio of the Register 160800/4;
 - e. 1654 Cygnet Coast Road, Cradoc folio of the Register 160800/3;
 - f. 1656 Cygnet Coast Road, Cradoc folio of the Register 160800/2;
 - g. 1682 Cygnet Coast Road, Cradoc folio of the Register 118197/4;
 - h. 1682A Cygnet Coast Road, Cradoc folio of the Register 118197/3;
 - i. 1684 Cygnet Coast Road, Cradoc folio of the Register 138476/2;
 - j. 1686 Cygnet Coast Road, Cradoc folio of the Register 138476/1;
 - k. 1706 Cygnet Coast Road, Cradoc folio of the Register 118197/1;
 - l. 1712 Cygnet Coast Road, Cradoc folio of the Register 118197/2;
 - m. 1714 Cygnet Coast Road, Cradoc folio of the Register 118197/6;
 - n. 1728 Cygnet Coast Road, Cradoc folio of the Register 153256/1;
 - o. 1748 Cygnet Coast Road, Cradoc folio of the Register 245457/1;
 - p. 1746 Cygnet Coast Road, Cradoc folio of the Register 163406/2;

- q. 1790 Cygnet Coast Road, Cradoc folio of the Register 28222/1;
- r. 1794 Cygnet Coast Road, Cradoc folio of the Register 250702/2;
- s. 1802 Cygnet Coast Road, Cradoc folio of the Register 47388/1;
- t. 1804 Cygnet Coast Road, Cradoc folio of the Register 47273/1;
- u. 1820 Cygnet Coast Road, Cradoc folios of the Register 241929/4 and 51992/2;
- v. 1830 Cygnet Coast Road, Cradoc folio of the Register 51992/1;
- w. 1854 Cygnet Coast Road, Cradoc folio of the Register 143303/1;
- x. Cygnet Coast Road, Cradoc folio of the Register 163407/1;
- y. 34 Graces Road, Glaziers Bay folio of the Register 41669/3;
- z. 35 Graces Road, Glaziers Bay folio of the Register 15473/1;
- aa. 43 Graces Road, Glaziers Bay folios of the Register 129215/2 and 129215/3;
- bb. 45 Graces Road, Glaziers Bay folio of the Register 129215/1;
- cc. 69 Graces Road, Glaziers Bay folio of the Register 129215/5;
- dd. 72 Graces Road, Glaziers Bay folio of the Register 41669/2;
- ee. 82 Graces Road, Glaziers Bay folio of the Register 41669/1;
- ff. 89 Graces Road, Glaziers Bay folio of the Register 39295/1;
- gg. 92 Graces Road, Glaziers Bay folio of the Register 21971/1;
- hh. 11 Porta Drive, Cradoc folio of the Register 174791/1;
- ii. 23 Porta Drive, Cradoc folio of the Register 175500/2;
- jj. 26 Porta Drive, Cradoc folio of the Register 174791/9;
- kk. 39 Porta Drive, Cradoc folio of the Register 176700/3;
- ll. 40 Porta Drive, Cradoc folio of the Register 175500/8;
- mm. 41 Porta Drive, Cradoc folio of the Register 176700/4;
- nn. 44 Porta Drive, Cradoc folio of the Register 176700/7;
- oo. 45 Porta Drive, Cradoc folio of the Register 176700/5;
- pp. 46 Porta Drive, Cradoc folio of the Register 176700/6;
- qq. that part of 1823 Cygnet Coast Road, Cradoc folio of the Register 25652/1 zoned Landscape Conservation in the exhibited version of the draft LPS;
- rr. that part of 10 McMullens Road, Glaziers Bay folio of the Register 233805/1 zoned Landscape Conservation in the exhibited version of the draft LPS;
- ss. the reserved road intersecting folios of the Register 129215/2 and 129215/1;
- tt. the reserved road intersecting folio of the Register 174791/9;
- uu. the reserved roads intersecting folios of the Register 175500/2, 176700/3, 160800/3, 160800/2 and 118197/3;
- vv. the reserved road intersecting folios of the Register 138476/1, 138476/2, 118197/6, 118197/2 and 118197/1; and
- ww. the reserved road adjoining the north and east boundaries of folios of the Register 163406/2 and 163407/1.

532. Reason: To apply the Rural Living Zone consistent with Guideline No. 1.

Rural Living Zone - Esperance Coast Road, Surges Bay

Representations: Olivia Jones for Manuel and Tracey Defelice (84), Alexandra Uitdenbogerd and John Harnett (212)

533. The representation made by Olivia Jones for Manuel and Tracey Defelice (84) requested the zone of 35 Esperance Coast Road, Surges Bay folio of the Register 200380/1 be revised from Landscape Conservation to Rural. The reasons were:

- the character and intended use of the land was consistent with the purpose of the Rural Zone rather than the Landscape Conservation Zone; and
- residential use was discretionary in the Landscape Conservation Zone; and

- the Landscape Conservation Zone would unreasonably limit the use and development potential of the land;
534. The representation made by Alexandra Uitdenbogerd and John Harnett (212) requested the zone of Esperance Coast Road, Surges Bay folio of the Register 170960/1 be revised from Landscape Conservation to Rural Living. The reasons were:
- the land was purchased to construct a dwelling;
 - the Rural Living Zone was supported by RLZ 4 of Guideline No. 1;
 - any features of landscape value could be managed through the provisions of the Rural Living Zone;
 - residential use was discretionary in the Landscape Conservation Zone; and
 - a site-specific qualification could be applied to the land to change the status of residential use to permitted.
535. In its section 35F report, the planning authority recommended no change to the zone of 35 Esperance Coast Road (Defelice) for the following reasons:
- the land was zoned Rural Resource in the interim planning scheme;
 - RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
 - the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
 - the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
 - the land reflected of the broader landscape value of the area;
 - only small-scale use, or development was appropriate because it would limit impact on the landscape; and
 - the Landscape Conservation Zone was the most appropriate zone for the land.
536. The planning authority also recommended no change to the zone of folio of the Register 170960/1 (Uitdenbogerd and Harnett) for the following reasons:
- the land was zoned Environmental Living in the interim planning scheme;
 - RLZ 2(b) of Guideline No. 1 allowed the planning authority to consider whether the land should be included in the Rural Living Zone;
 - the Landscape Conservation Zone was the most appropriate replacement for the former zone;
 - the land featured a hilltop and ridgeline and was covered in native vegetation;
 - mapping of the vegetation in the area indicated a significant part of the land contained threatened *Eucalyptus amygdalina* forest and woodland on sandstone;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
 - the land reflected of the broader landscape value of the area;
 - only small-scale use or development was appropriate because it would limit impact on the landscape; and
 - the Landscape Conservation Zone was the most appropriate zone for the land.

537. At the hearing, the planning authority added that the land adjoined the Environmental Management Zone alongside the Huon River and contained vegetation of significant natural value (threatened black peppermint on sandstone).

Commission consideration

538. The Commission is not persuaded the Rural Living Zone or Rural Zone should be applied to the land for the following reasons:
- the land is heavily vegetated and located on a prominent headland, which adjoins the Huon River;
 - the land has landscape value (see Commission decision on general issues) that warrants application of the Landscape Conservation Zone for the reasons given by the planning authority in its section 35F report;
 - residential use is discretionary in the Landscape Conservation Zone and can be considered by the planning authority;
 - the Rural Living and Rural zones would cause the land to be spot-zoned, which should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict;
 - there is no evidence the Rural Living Zone is supported by the regional strategy or a local land use strategy;
 - there is no evidence the land is part of a 'rural living community or that there is a primary strategic intention for the land be used for residential use and development within a rural setting' as required by policy SRD 1.3 of the regional strategy; and
 - further work is required to establish whether there should be intent for the land be used for residential use and development within a rural setting.

Commission decision

539. The Commission determines no modifications are required.

Rural Living Zone - Pelverata (Pelverata Cluster)

Representations: Alison Callaghan (86), Bill Hilston (91), Angela Fraser and Allan Wright (206), Simon Roberts and Joanne Wheat (348), Red Seal Planning for Juan Ramirez (358)

540. The representation made by Bill Hilston (91) requested the zone of many properties in the vicinity of Pelverata Road be revised from Landscape Conservation to Rural Living. The reasons were:
- the area was characterised by rural living use and development and small-scale agriculture in a forested landscape;
 - the lots typically had an area between 1ha and 10ha;
 - much of the land along Pelverata Road had been cleared with areas of significant vegetation cover located on upper slopes;
 - land was zoned Environmental Living or Rural Resource in the interim planning scheme;
 - the Landscape Conservation Zone was not the most appropriate zone to apply to land previously zoned Environmental Living;
 - the Landscape Conservation Zone was inconsistent with Guideline No. 1;
 - residential use was prioritised over protection of features of landscape value;
 - the Landscape Conservation Zone was inappropriate because lots had an area less than the minimum lots size for the Zone (50ha) and a pattern of rural living use and development;

- the proposed Rural Living Zone was consistent with Guideline No. 1 because the area provided for residential use and lower-order rural activities, such as hobby farming; and
 - the Priority Vegetation Area overlay would apply to the land and protect any vegetation of significant natural value.
541. The representation made by Alison Callaghan (86) raised concern the Landscape Conservation Zone would apply to 1659 Pelverata Road, Pelverata folio of the Register 139603/1.
542. The representation made by Angela Fraser and Allan Wright (206) requested the zone of 22 Lords Road, Pelverata folio of the Register 138560/9 be revised from Landscape Conservation to an alternative zone such as Rural. The reasons were:
- approximately 60% of the land contained pasture;
 - the land was used for residential purposes; and
 - the land was used to grow fruit and vegetables.
543. The representation made by Red Seal Planning for Juan Ramirez (358) requested the zone of 180 Middle Road, Pelverata folio of the Register 49031/1 be revised from Landscape Conservation to Rural. The reasons were:
- the land contained an existing horticulture use;
 - the use and character of the land was consistent with the purpose of the Rural Zone;
 - the land was purchased when it was zoned Rural Resource in the interim planning scheme;
 - the Landscape Conservation Zone would unreasonably limit the use and development potential of the land, particularly resource development, which was a discretionary use in the Zone;
 - use of the land for agriculture should be prioritised over protection of features of landscape value;
 - native vegetation would be protected by the Priority Vegetation Area overlay; and
 - the Scenic Protection Area overlay did not apply to the land.
544. The representation made by Simon Roberts and Joanne Wheat (348) stated they were generally supportive of the Landscape Conservation Zone applied through the Pelverata valley between Upper Woodstock to Vincents Road for the following reasons:
- the Landscape Conservation Zone would protect areas of natural value that were under pressure from residential development;
 - the Pelverata valley was an important link between the Snug Tiers and Sherwood Hill reserves;
 - the agricultural estate mapping indicated most of land in the area was not highly productive;
 - it was appropriate to apply the Landscape Conservation Zone to land zoned Environmental Living in the interim planning scheme;
 - the Landscape Conservation Zone could also be applied to some of the surrounding land zoned Rural, particularly land predominantly subject to the Priority Vegetation Area overlay; and
 - split-zones could be used where a significant part of a property had identified natural or landscape values that could be easily partitioned from productive land.
545. In its section 35F report, the planning authority recommended application of the Rural Living Zone D to the land subject of Mr Hilston's representation and including 22 Lords Road (Fraser and Wright). The planning authority recommended the Rural Living Zone be applied to 53 properties in total, including to that part of 24 Lords

Road zoned Landscape Conservation in the exhibited version of the draft LPS. The reasons were:

- the Landscape Conservation Zone was applied because the land was perceived to be of landscape value; however a review of the area determined the land had characteristics that were consistent with the purpose of the Rural Living Zone;
- the existing area and density of the lots were consistent with the provisions of the Rural Living Zone;
- the proposed Rural Living Zone was consistent with RLZ 2 Guideline No. 1 because the land was zoned Environmental Living in the interim planning scheme and there was a primary strategic intention the land be used for residential use and development within a rural setting;
- any features of landscape value could be managed under the Rural Living Zone provisions, which would limit the type and intensity of uses possible;
- one of the purpose statements of the Rural Living Zone is to provide for residential use and development in a rural setting where existing natural and landscape values should be retained; and
- Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) was recommended to apply because it provided a minimum lot size that was consistent with what existed.

546. However, the planning authority recommended no change to the zone of 1659 Pelverata Road (Callaghan) for the following reasons:

- the land was zoned Environmental Living in the interim planning scheme;
- the Landscape Conservation Zone was the most appropriate replacement for the former zone;
- the land was of landscape value because it was elevated and contained native vegetation that contributed to a large, contiguous bushland area that adjoined the Snug Falls Recreation Area;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

547. The planning authority also recommended no change to the zone of 180 Middle Road (Ramirez) for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
- the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
- the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
- the land was partially covered by native vegetation that formed part of a larger, contiguous bushland area that incorporated the Snug Tiers Nature Recreation Area;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;

- the land reflected of the broader landscape value of the area;
 - only small-scale use, or development was appropriate because it would limit impact on the landscape; and
 - the Landscape Conservation Zone was the most appropriate zone for the land.
548. At the hearing, Mr Simon Roberts made three written submissions (comparisons of the Rural Living Zone and interim planning scheme Environmental Living Zone, and comparisons of zone application at Brooks Bay and Peverata) and the following comments:
- new lots were being created in the Rural Living Zone at the rate that was anticipated in the regional strategy;
 - 50% of new dwellings in the Huon Valley were being constructed outside settlements;
 - the Rural Living Zone increased the cost of providing critical infrastructure and limited access to services, such as medical services;
 - it was better for populations to live in settlements rather than spread over large areas away from settlements;
 - the Rural Living Zone conflicted with rural uses, including extractive industry;
 - it was unclear whether Peverata was a settlement;
 - there was a significant diversity of lot sizes in the area;
 - it was not clear whether the Rural Living Zone should be applied at Peverata; and
 - he understood the case for the Rural Living Zone but considered the Landscape Conservation Zone should be applied to properties with the largest areas.
549. In response, the planning authority made the following comments:
- it considered the Rural Living Zone and Environmental Living Zone in the interim planning scheme to be residential zones;
 - the Rural Living Zone was generally applied to the same land zoned Environmental Living Zone in the interim planning scheme;
 - it had applied subdivision categories that would minimise creation of new lots;
 - compact settlements would be encouraged if new lots were limited in rural living areas;
 - it was difficult to apply the subdivision categories in some areas because there were inconsistent lot size and subdivision patterns; and
 - the Rural Living Zone only recognised rural living use that existed and did not represent a new settlement.
550. Mr Trent Henderson (Red Seal Planning) represented Mr Juan Ramirez who together made the following comments in support of representation 358:
- neighbouring property owner would also prefer the Rural Zone be applied;
 - some land in the area was used for forestry;
 - a natural values assessment of the land had previously been undertaken and indicated the land was suitable for farming because the land did not contain threatened vegetation;
 - a certified forest practices plan applied to the land, which would allow the land to be selectively cleared except for the south-east corner of the site;
 - vegetation on the land was regrowth native vegetation and weeds;
 - the land was used to keep sheep, pigs, bees, and poultry; and
 - the Rural Zone had been applied to similar properties in the area.
551. In response, the planning authority made the following comments:
- the Landscape Conservation Zone was consistent with the zone of the surrounding land;

- the Landscape Conservation Zone provided for agriculture as a discretionary use;
 - the land was not connected with other land zoned Rural; and
 - it was prepared to reconsider whether the Rural Zone should be applied.
552. The planning authority made the following comments in response to the representations made by Callaghan, Hilston, and Fraser and Wright:
- some of the lots in the area were substantially cleared;
 - it was difficult to determine exactly which lots should be zoned Rural Living, Rural and Landscape Conservation; and
 - it was prepared to further consider where the zones should apply.
553. Following the hearing, the planning authority, in response to a Commission direction, provided a list of properties it recommended be zoned Rural Living D. The planning authority also recommended some of properties that surrounded those properties be zoned Rural. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendations and sought their opinion on the proposed changes. A total of 94 letters were sent and 17 responses were received, 12 of which were supportive of the Rural Living Zone. Five of the responses opposed the change. The response made by the owners of 1238A Pelverata Road (Mr Mark Todd and Ms Celeste Evans) favoured the Landscape Conservation Zone because it would provide better protection of vegetation of natural value.
554. The owners of 909 Halls Track Road (Mr George and Mrs Johanna Calka) and 1044 Halls Track Road (Mr Howard Hughes) requested the Rural Living Zone be applied to their properties instead of the Rural Zone. The owner of 29 Middle Road (Mr Horst Meister) explained his property contained three titles, two of which were proposed to be zoned Rural Living, and requested the third, namely folio of the Register 163590/1, also be zoned Rural Living. The owners of 15 Crosswells Road (Mr Glenn and Mrs Donna Duggan) were supportive of the Rural Living Zone but requested Rural Living Zone A or B (Acceptable Solution with a minimum lot size of 1ha and 2ha respectively) be considered because it was more consistent with the size of lots in the area and would allow them to subdivide land for their children.
555. At the reconvened hearing, Mr Horst Meister was joined by his brother Mr John Meister and Ms Amy Robertson who together made the following comments about the zone of 29 Middle Road:
- folio of the Register 238240/1 (adjoining the land owned by Mr Ramirez) was located directly to the east of the other titles owned by the family;
 - the land contained regrowth forest;
 - there was intent to build a dwelling on the land;
 - a dwelling would be a discretionary use in the Landscape Conservation Zone;
 - split-zoning of the land could be considered to allow the north-east corner of the land to be included in the Rural Living Zone;
 - the north-east corner of the land adjoined land the planning authority had recommended be zoned Rural Living;
 - a forest practices plan was proposed to be applied to the north-east area of the land in the area north of the land owned by Mr Ramirez;
 - the forest practices plan, if certified, would allow the north-east corner of the land to be selectively logged or completely cleared;
 - a split-zone boundary could be applied to the same area where the forest practices plan would apply;
 - the certified forest practices plan applied to Mr Ramirez's land provided for the land to be cleared for agriculture; and

- the owner only intended to clear enough land to build a dwelling, which was approximately 4ha.
556. In response, the planning authority made the following comments:
- its natural values expert stated the land contained intact native vegetation;
 - the land did not contain any vegetation of critical natural value;
 - the Priority Vegetation Area overlay would apply to the land and protect any native vegetation;
 - any split-zone boundary would need to be logically placed and consistent with the regional strategy; and
 - it was prepared to reconsider whether the north-east corner of the land should be zoned Rural Living, Rural or Landscape Conservation in conjunction with further consideration of the zone of Mr Ramirez's land.
557. Ms Celeste Evans and Mr Mark Todd attended the hearing and made the following comments about the zone of 1238A Pelverata Road, and the area more generally:
- land in the area was steep, was at risk from landslip and erosion, was bushfire-prone and was difficult to access;
 - clearance of land had caused weeds to grow in the area;
 - the area was not suitable for further development and should not be zoned Rural Living;
 - the Landscape Conservation Zone would best protect threatened vegetation and threatened fauna habitat;
 - lots in the area were already developed and contained use that would be protected by existing use rights; and
 - the area contained sandstone cliffs, which was evidence the area was of landscape value.
558. In response, the planning authority made the following comments:
- the Rural Living Zone proposed for 1238A Pelverata Road was contiguous with the zone recommended for the surrounding lots;
 - Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) would not provide any new potential for subdivision;
 - it was unaware of the sandstone cliffs but accepted such a landscape feature would be evidence of some degree landscape value; and
 - its natural values expert was satisfied the Priority Vegetation Area overlay would adequately protect the native vegetation on the land.
559. Mr Glenn Duggan attended the hearing and made the following comments about the zone of 15 Croswells Road:
- he supported the Rural Living Zone but considered Rural Living Zone A or B (Acceptable Solution with a minimum lot size of 1ha and 2ha respectively) should apply;
 - the land did not have landscape value and was mostly cleared;
 - his land had been cleared in the past;
 - the surrounding lots had areas of approximately 1ha; and
 - he sought potential to subdivide the property in future to provide land for his children.
560. In response, the planning authority made the following comments:
- Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) should be applied to limit subdivision potential until further strategic planning work was undertaken to determine if and where new Rural Living lots should be provided in the area;

- it had engaged a consultant to prepare a land use and development strategy on its behalf; and
 - the strategy would examine what zones should be applied to the major settlements in the municipality, including rural living areas.
561. Mr Howard Hughes attended the hearing and requested the Rural Living Zone be applied to his land at 1044 Halls Track Road folio of the Register 127980/1 instead of the Rural Zone recommended by the planning authority. Mr Hughes added the vegetation on the land was regrowth.
562. Mr George Calka attended the hearing and made the following comments about the zone of 909 Halls Track Road:
- the land had an area of approximately 16ha;
 - the Rural Living Zone should be applied to the land along with Rural Living Zone B (Acceptable Solution with a minimum lot size of 2ha);
 - he wanted to subdivide the land and build a dwelling on it in future;
 - the Rural Zone would not allow two dwellings to be located on the land;
 - his daughter intended to move to Tasmania and required somewhere to live; and
 - the Rural Living Zone would not impact the use of surrounding land.
563. In response, the planning authority made the following comments:
- the land was isolated and did not adjoin other land zoned Rural Living or an existing rural living community;
 - if zoned Rural Living, Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) would need to be applied to limit subdivision potential;
 - Rural Living Zone D may create potential for one new lot to be developed if assessed against the performance criteria of the Zone; and
 - it did not support the Rural Living Zone for the land because it was not supported by the regional strategy or a local land use strategy.
564. Mr Trent Henderson (Red Seal Planning) again represented Mr Juan Ramirez and made the following comments about the zone of 180 Middle Road:
- the land contained a dwelling;
 - the forest practices plan covered most of the land and provided for it to be cleared for agriculture;
 - Mr Ramirez sought application of the Rural Zone but would also consider application of the Rural Living Zone given the planning authority recommended the Rural Living be applied to the land to the east;
 - the land did front a public road and was very difficult to see from public areas;
 - the land was located on a hilltop but well-below the skyline;
 - the south-west corner of the land may be slightly visible from the Franklin area; and
 - buildings would need to be at least 20m in height to exceed the surrounding screening vegetation to be significantly visible from surrounding area.
565. In response, the planning authority made the following comments:
- the Landscape Conservation Zone was applied because the land was located near a ridgeline and covered in native vegetation, which required provisions that would protect its landscape value;
 - land to the east of the property was now recommended to be zoned Rural Living;
 - the Rural Zone would conflict with the Rural Living Zone to the east;
 - it was prepared to reconsider whether the Rural Living, Rural or Landscape Conservation zones should be applied to the land given the forest practices plan provided for some of the vegetation to be removed.

566. Following the reconvened hearing, Mr Howard Hughes, in response to a Commission direction, made a submission with the following comments:
- 1044 Halls Track Road had an area of approximately 34ha;
 - the land contained a dwelling and outbuildings;
 - the use of the land was rural living, which was consistent with the purpose of the Rural Living Zone;
 - the land was not used for rural purposes;
 - the land was zoned Rural Resource in the interim planning scheme;
 - land to the south had been zoned Rural in the draft LPS;
 - the planning authority had proposed to apply the Rural Living Zone to land to the south-east;
 - the Rural Living Zone D would allow the land to be subdivided to create at least two new lots;
 - subdivision of the land would not impact any features of significant landscape value; and
 - he sought potential to subdivide the property in future to provide land for his children.
567. In response, the planning authority made a submission with the following comments:
- the land should remain in the Rural Zone;
 - the Rural Living Zone would create potential for new lots to be developed; and
 - it did not support the Rural Living Zone for the land because it was not supported by the regional strategy or a local land use strategy.
568. The planning authority, in response to a Commission direction, made a submission about the Rural Living Zone proposed for part of 29 Middle Road (Meister) and 180 Middle Road (Ramirez). The submission made the following comments:
- the Landscape Conservation Zone did not 'necessarily affect' the use and development potential of the land because a certified forest practices plan applied to both lots;
 - the Rural Living Zone D should be applied to 180 Middle Road and the north-eastern part of 29 Middle Road (with the zone boundary aligned with the eastern boundary of 180 Middle Road) in the event the Landscape Conservation Zone was not approved; and
 - it considered the Rural Living Zone D would create potential for one new lot to be developed at 29 Middle Road because of the total area of the land.
569. In response, Mr Horst Meister stated he supported the proposed split-zone.

Commission consideration

570. The Commission agrees the Rural Living Zone should be applied to the land in Crosswells Road, Halls Track Road, Middle Road, Peverata Road and Vincents Road as recommended by the planning authority for the reasons given in its section 35F report and the hearing. The land contains established rural living use within a rural setting. Impact on any features of landscape value (see Commission decision on general issues - landscape value) present can be managed through the Zone provisions and application of Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) that would minimise how many new lots could be created.
571. The Commission notes some landowners requested an alternative Rural Living Zone because some lots had an area less than 10ha or should have subdivision potential. The subdivision categories are applied broadly to the groups of properties instead of individual properties as opposed to individual lots. The Commission does not support application of a single zone or category of subdivision to independent

titles in the area as it would result in inconsistent application of planning controls. Such outcomes should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict. The subdivision categories could be reviewed in future in the event further strategic planning work was undertaken to support an alternative categorisation and development of new lots in the area was considered appropriate.

572. The Commission also determines the Rural Living Zone D should be applied to the north-eastern part (see Commission decision on general issues - split-zones) of 29 Middle Road (Meister) and 180 Middle Road (Ramirez) and notes the following:
- the Rural Living Zone is preferred because the land would adjoin a similar zone on its eastern side;
 - the land does not have good connectivity with land zoned Rural;
 - although a certified forest practices plan (see Commission decision on general issues - forestry land use) has established the intended future use of the land, which would usually be reflected by its zone, the Rural Zone would effectively cause the land to be spot-zoned;
 - spot-zoning should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict;
 - 180 Middle Road (Ramirez) contains a dwelling;
 - 180 Middle Road (Ramirez) would not be significantly visible from surrounding areas for the reasons given by Mr Henderson at the hearing;
 - impact on any features of landscape value (see Commission decision on general issues - landscape value) present can be managed through the Zone provisions and application of Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) that would minimise how many new lots could be created; and
 - any application to subdivide 29 Middle Road (Meister) would need to demonstrate the minimum lot size requirements of the Rural Living and Landscape Conservation zones are satisfied, however such assessments would need to be made by the planning authority in the event a request to subdivide the land is made.
573. However, the Commission is not persuaded the Rural Living Zone should be applied to 1044 Halls Track Road (Hughes) for the following reasons:
- the land has an area of approximately 34ha and is distinctly separate from the smaller rural living lots in Halls Track Road;
 - there is no evidence the land is part of a 'rural living community or that there is a primary strategic intention for the land to be used for residential use and development within a rural setting' as required by policy SRD 1.3 of the regional strategy;
 - the land would have the potential to be subdivided even if Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) were applied;
 - further work would be required to establish whether the land should be used for rural living use and development in future and whether new lots should be created in that area; and
 - the property is identified in the agricultural estate mapping (unconstrained), which indicates the land should be included in the Rural Zone or Agriculture Zone.
574. The Commission is otherwise persuaded the Rural Zone should be applied to the land owned by Mr Hughes and the land in Arthurs Road, Crosswells Road, Halls Track Road, Lords Road, Middle Road, Pelterata Road and Vincents Road as recommended by the planning authority for the following reasons:
- some lots are identified in the agricultural estate mapping (potentially constrained), which indicates the Rural or Agriculture zones are appropriate;

- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
- the land proposed to be zoned Rural has little to no landscape value (see Commission decision on general issues - landscape value) because it contains large areas cleared of vegetation;
- the Rural Zone would be consistent with the zone of the broader area; and
- the Priority Vegetation Area overlay would apply to the land and protect any vegetation of significant natural value.

575. The Commission notes there are reserved roads that intersect or adjoin the land that should also be included in the Rural Living and Rural zones respectively to ensure zoning is applied contiguously.

Commission decision

576. Modification:

- Revise the zoning of the following properties to Rural:
 - a. 70 Arthurs Road, Pelverata folio of the Register 112315/3;
 - b. Crosswells Road, Pelverata folio of the Register 167504/1;
 - c. 905 Halls Track Road, Pelverata folio of the Register 40809/1;
 - d. 907 Halls Track Road, Pelverata folio of the Register 111267/1;
 - e. 909 Halls Track Road, Pelverata folio of the Register 111267/2;
 - f. 1044 Halls Track Road, Pelverata folio of the Register 127980/1;
 - g. 1059 Halls Track Road, Pelverata folio of the Register 205379/1;
 - h. 13 Lords Road, Pelverata folio of the Register 37898/1;
 - i. 22 Lords Road, Pelverata folio of the Register 138560/9;
 - j. 70 Lords Road, Pelverata folio of the Register 159913/3;
 - k. Lords Road, Pelverata folio of the Register 138560/3;
 - l. 165 Middle Road, Pelverata folio of the Register 11707/1;
 - m. 180 Middle Road, Pelverata folio of the Register 49031/1;
 - n. Middle Road, Pelverata folio of the Register 37897/2;
 - o. 944 Pelverata Road, Pelverata folio of the Register 21463/2;
 - p. 1052 Pelverata Road, Pelverata folio of the Register 147203/3;
 - q. 1059 Pelverata Road, Pelverata folios of the Register 143574/1 and 143574/2;
 - r. 1084 Pelverata Road, Pelverata folio of the Register 147203/4;
 - s. 1488 Pelverata Road, Pelverata folio of the Register 129173/1;
 - t. 1513 Pelverata Road, Pelverata folio of the Register 131675/1;
 - u. 1616 Pelverata Road, Pelverata folio of the Register 233664/1;
 - v. 1642 Pelverata Road, Pelverata folio of the Register 156309/1;
 - w. 1659 Pelverata Road, Pelverata folio of the Register 139603/1;
 - x. 1689 Pelverata Road, Upper Woodstock folio of the Register 246241/2;
 - y. 1690 Pelverata Road, Upper Woodstock folio of the Register 201489/1;
 - z. 99 Vincents Road, Pelverata folios of the Register 17958/1 and 208415/1;
 - aa. 142 Vincents Road, Pelverata folio of the Register 143574/3;
 - bb. Unit 2 147 Vincents Road, Pelverata folio of the Register 167809/2;
 - cc. 149 Vincents Road, Pelverata folio of the Register 167809/1;
 - dd. 189 Vincents Road, Pelverata folio of the Register 128140/1;
 - ee. that part of 1632 Pelverata Road, Pelverata folio of the Register 156309/2 located west of Pelverata Road;
 - ff. the intersecting and adjoining reserved roads as necessary to provide a uniform zone pattern.
- Revise the zoning of the following properties to Rural Living D:

- a. 15 Crosswells Road, Pelverata folio of the Register 244148/1;
- b. 16 Crosswells Road, Pelverata folio of the Register 24485/1;
- c. 79 Crosswells Road, Pelverata folio of the Register 203283/1;
- d. 1056 Halls Track Road, Pelverata folio of the Register 127979/1;
- e. 1078 Halls Track Road, Pelverata folio of the Register 30151/1;
- f. 1081 Halls Track Road, Pelverata folio of the Register 14543/1;
- g. 1089 Halls Track Road, Pelverata folio of the Register 239795/1;
- h. 1090 Halls Track Road, Pelverata folio of the Register 127699/5;
- i. 1100 Halls Track Road, Pelverata folio of the Register 127699/1;
- j. 1102 Halls Track Road, Pelverata folio of the Register 127699/2;
- k. 1104 Halls Track Road, Pelverata folio of the Register 127699/3;
- l. 1106 Halls Track Road, Pelverata folio of the Register 127699/4;
- m. 1150 Halls Track Road, Pelverata folio of the Register 45666/1;
- n. 29 Middle Road, Pelverata folios of the Register 163590/1 and 163590/2;
- o. 174 Middle Road, Pelverata folio of the Register 130481/3;
- p. 176 Middle Road, Pelverata folio of the Register 130481/1;
- q. 178 Middle Road, Pelverata folio of the Register 128942/1;
- r. that part of 29 Middle Road, Pelverata folio of the Register 238240/1 shown in Figure 1 of the planning authority's response to direction 10 dated 7 March 2024 (zone boundary to be aligned with the eastern boundary of folio of the Register 49031/1);
- s. 932 Pelverata Road, Kaoota folio of the Register 18731/1;
- t. 955 Pelverata Road, Pelverata folio of the Register 101580/2;
- u. 988 Pelverata Road, Pelverata folio of the Register 101586/1;
- v. 995 Pelverata Road, Pelverata folio of the Register 100019/1;
- w. 1014 Pelverata Road, Pelverata folio of the Register 128757/1;
- x. 1048 Pelverata Road, Pelverata folio of the Register 147203/1;
- y. 1050 Pelverata Road, Pelverata folio of the Register 147203/2;
- z. 1145 Pelverata Road, Pelverata folio of the Register 185803/1;
- aa. 1199 Pelverata Road, Pelverata folio of the Register 158937/1;
- bb. 1201 Pelverata Road, Pelverata folio of the Register 158937/3;
- cc. 1203 Pelverata Road, Pelverata folio of the Register 158937/2;
- dd. 1205 Pelverata Road, Pelverata folio of the Register 161537/1;
- ee. 1206 Pelverata Road, Pelverata folio of the Register 87758/1;
- ff. 1217 Pelverata Road, Pelverata folio of the Register 156939/2;
- gg. 1219 Pelverata Road, Pelverata folio of the Register 156939/1;
- hh. 1225 Pelverata Road, Pelverata folio of the Register 127915/1;
- ii. 1226 Pelverata Road, Pelverata folios of the Register 185803/2 and 185803/3;
- jj. 1227 Pelverata Road, Pelverata folio of the Register 153677/2;
- kk. 1227a Pelverata Road, Pelverata folio of the Register 153677/1;
- ll. 1229 Pelverata Road, Pelverata folio of the Register 35747/1;
- mm. 1238 Pelverata Road, Pelverata folio of the Register 39350/5;
- nn. 1238a Pelverata Road, Pelverata folio of the Register 46941/1;
- oo. 1240 Pelverata Road, Pelverata folio of the Register 45869/1;
- pp. 1242 Pelverata Road, Pelverata folio of the Register 44715/1;
- qq. 1252 Pelverata Road, Pelverata folios of the Register 159421/1, 206643/1 and 248302/2;
- rr. 1264 Pelverata Road, Pelverata folio of the Register 159420/1;
- ss. 1265 Pelverata Road, Pelverata folio of the Register 227263/1;
- tt. 1266 Pelverata Road, Pelverata folio of the Register 184260/1;
- uu. 1268 Pelverata Road, Pelverata folio of the Register 139908/1;
- vv. 1278 Pelverata Road, Pelverata folio of the Register 159131/1;
- ww. 1305 Pelverata Road, Pelverata folio of the Register 176635/1;
- xx. 1326 Pelverata Road, Pelverata folio of the Register 219206/1;

- yy. 1333 Pelverata Road, Pelverata folio of the Register 162112/1;
- zz. 1337 Pelverata Road, Pelverata folio of the Register 63952/1;
- aaa. 1389 Pelverata Road, Pelverata folio of the Register 25284/1;
- bbb. Pelverata Road, Pelverata folio of the Register 128757/2;
- ccc. Pelverata Road, Pelverata folio of the Register 162112/2;
- ddd. Pelverata Road, Pelverata folio of the Register 25284/2;
- eee. Pelverata Road, Pelverata folio of the Register 176636/1;
- fff. 30 Vincents Road, Pelverata folio of the Register 101580/1;
- ggg. 49 Vincents Road, Pelverata folio of the Register 45797/2;
- hhh. 50 Vincents Road, Pelverata folio of the Register 34946/1;
- iii. 59 Vincents Road, Pelverata folio of the Register 45797/1;
- jjj. 77 Vincents Road, Pelverata folio of the Register 113744/1;
- kkk. 84 Vincents Road, Pelverata folio of the Register 34337/1;
- lll. 85 Vincents Road, Pelverata folio of the Register 113743/1;
- mmm. 130 Vincents Road, Pelverata folio of the Register 34130/1;
- nnn. the intersecting and adjoining reserved roads as necessary to provide a uniform zone pattern.

577. Reason: To apply the Rural Living Zone consistent with Guideline No. 1.

Rural Living Zone - Crouchs Hill (Crouchs Hill Cluster)

Representations: Peirce Baehr and Margaret Sonnemann for Pilgrim Hill Association Inc (88), Jingyuan He and Junting Cui (278), Margaret Sonnemann (285), Andrew Lloyd and Jane Binning (386), Josh Graeme-Evans (398, 399, 400)

578. The representation made by Peirce Baehr and Margaret Sonnemann for Pilgrim Hill Association Inc (88) requested the zone of 154 Crouchs Hill Road folio of the Register 152441/1 and 200 Crouchs Hill Road, Lucaston folio of the Register 168847/1 be revised from Landscape Conservation to Rural. The reasons were:

- the land contained an established visitor accommodation use (hostel for backpackers and working holiday makers) with approval for expansion;
- visitor accommodation was discretionary in the Rural Zone;
- the Rural Zone was consistent with RZ 1 of Guideline No. 1 because the land was in a non-urban area with limited or no potential for agriculture because of the topographic and environmental characteristics of the area; and
- the Landscape Conservation Zone was not needed to manage features of natural or landscape value because the Priority Vegetation Area overlay and Scenic Protection Area overlays applied to the land.

579. The remaining representations requested the zone of the following properties be revised from Landscape Conservation to Rural Living:

- 128 Crouchs Hill Road, Lucaston folio of the Register 181146/1 (other owner);
- 154 Crouchs Hill Road, Lucaston folio of the Register 152441/1 (Sonnemann);
- 164 Crouchs Hill Road, Lucaston folio of the Register 156729/1 (Graeme-Evans);
- 200 Crouchs Hill Road, Lucaston folio of the Register 168847/1 (Baehr);
- 230 Crouchs Hill Road, Lucaston folio of the Register 169521/1 (He and Cui);
- and
- 69 Franklins Road, Crabtree folio of the Register 129699/3 (Lloyd and Binning).

580. The reasons were:

- the application of the Rural Living Zone was consistent with the character of the land;
- the Priority Vegetation Area overlay was not accurate;
- there was no swift parrot habitat on the land;

- the Natural Assets Code would protect vegetation of natural value;
 - the Landscape Conservation Zone was inconsistent with the zone of other properties in the area and incompatible with existing use;
 - the properties were purchased for residential purposes and contained dwellings or would likely contain dwellings in future;
 - the Landscape Conservation Zone was not needed to protect features of landscape value;
 - the area was close to other land zoned Rural Living; and
 - the application of the Rural Living Zone was consistent with Guideline No. 1 and the regional strategy.
581. The representations made by Josh Graeme-Evans also requested Scenic Protection Area HUO-C8.1.4 'Crabtree 3 (Crouchs Hill)' be removed from the land or modified so it was limited to the more prominent and elevated Mount Ruddy area.
582. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the land was zoned Rural Resource in the interim planning scheme;
 - RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
 - the proposed Rural Living Zone was not consistent with RLZ 2 Guideline No. 1 because the land was zoned Rural Resource in the interim planning scheme and there was not a primary strategic intention the land be used for residential use and development within a rural setting;
 - the regional strategy (policy SRD 1.3) restricted application of the Rural Living Zone to existing rural living communities;
 - the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
 - the land was part of a contiguous area of bushland located on the lower slopes of Crouches Hill;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
 - only small-scale use or development was appropriate because it would limit impact on the landscape;
 - the Natural Assets Code and the Scenic Protection Code provisions of the SPPs would apply to the land;
 - visitor accommodation and community meeting and entertainment (if for a place of worship, art and craft centre or public hall) uses were discretionary in the Landscape Conservation Zone;
 - the Landscape Conservation zone was the most appropriate zone for the area; and
 - it would not support changes to the Scenic Protection Area overlay without expert evidence.
583. At the hearing, Peirce Baehr and Margaret Sonnemann for Pilgrim Hill Association Inc were represented by Caleb Elcock who made a written submission and together made the following comments:
- 154 Crouchs Hill Road (Sonnemann) and 200 Crouchs Hill Road (Baehr) contained several five-star visitor accommodation dormitories;
 - the facility was not connected to external services;

- several rural activities were undertaken on the land including bee keeping, processing of honey and manufacture of candles;
- the uses were supported by policy T1.4 of the regional strategy, which promoted uses that supported tourism;
- 200 Crouchs Hill Road (Baehr) had a plateau;
- the native vegetation on the land was regrowth as the land has previously been logged;
- Mrs Sonnemann was an artist and intended to build an artist studio on her land; and
- Mrs Sonnemann did not want to clear any more of her land, except what was needed to meet bushfire management requirements.

584. In response, the planning authority made the following comments:

- 128 Crouchs Hill Road (other owner) was already zoned Rural;
- its natural values expert Mr Jim Mulcahy stated the land mostly contained wet stringy bark forest;
- the significance of the native vegetation in the area was assessed in 2014 and 2020;
- the results of the assessment likely underestimated the significance of the vegetation;
- the land potentially contained habitat for the wedge-tailed eagle and other threatened native fauna; and
- the Rural Living Zone could not be supported without further strategic analysis; and
- the land should remain zoned Landscape Conservation, which would provide greater protection of the natural values.

585. Mr Josh Graeme-Evans made the following comments in support of his representation:

- the land did not have landscape value because it was in an area with scattered clearings of vegetation, which were also included in the Scenic Protection Area overlay;
- the land was most visible from Saddle Road and was not an iconic or prominent landscape feature;
- the Landscape Conservation Zone was intended to suit the public purpose, not the private purpose;
- the Scenic Protection Area overlay did not justify application of the Landscape Conservation Zone;
- the Scenic Protection Area overlay was preferred instead of the Landscape Conservation Zone;
- natural values were used too readily to justify application of the Landscape Conservation Zone;
- the Landscape Conservation Zone was not needed to protect vegetation of natural value, which would be protected by the Priority Vegetation Area overlay;
- officers of the Department of State Growth were concerned the Landscape Conservation Zone would constrain use and development;
- the Landscape Conservation Zone reduced the value of the land and prevented approval of business loans;
- the Huon Valley Planning Scheme 1979 established the use and development controls for land in the Huon Valley and provided for a range of uses for which a landowner could negotiate with the planning authority to seek an approval;
- he considered it unlikely the Rural Living Zone would be applied to the land;

- he may wish to use the land for rural activities in future and had applied for a private timber reserve on the land;
- the Rural Zone was most the most appropriate zone for the land in the circumstances; and
- he would support the Scenic Protection Area overlay if the land was zoned Rural.

586. In response, the planning authority made the following comments:

- the Rural Living Zone was not appropriate for the area because it was not supported by the regional or a local land use planning strategy;
- it sought provisions that would ensure features of landscape value were not unreasonably impacted by use and development;
- it considered the intensity of the intended use was more consistent with the purpose of the Landscape Conservation Zone and had therefore recommended the land remain in that zone in its section 35F report;
- the land was within a broader area covered by the Scenic Protection Area overlay;
- the Scenic Protection Area overlay was a code-applying provision declared by the Minister for Planning as transitioning from the interim planning scheme;
- it was unsure how the overlay was originally established;
- the provisions of the Scenic Protection Code were not difficult to meet and would not prevent clearance of a site for a dwelling;
- the land was just outside the 1km buffer from a raptor nest;
- the native vegetation communities on the land could be more significant than mapped, however some of the mapped communities were not there; and
- it supported the Rural Zone for 164 (Graeme-Evans), 200 (Baehr) and 230 Crouchs Hill Road (He and Cui).

587. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the properties it recommended be zoned Rural. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of three letters were sent and three responses were received, all of which were supportive of the Rural Zone.

588. Furthermore, the Commission received written advice from Margaret Sonnemann that she also supported the Rural Zone for her land (154 Crouchs Hill Road).

Commission consideration

589. The Commission is persuaded the Rural Zone should be applied to the land for the following reasons:

- the properties each have cleared areas and contain dwellings;
- the land is not significantly visible from surrounding areas;
- there is no evidence the land has significant or locally important features of landscape or natural value;
- the general area has features of landscape value (see Commission decision on general issues - landscape value) that are primarily natural and comparable with a wide range of land in the surrounding district;
- the land may have some landscape value, however it is not significant enough to warrant application of the Landscape Conservation;
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;

- the land has little to no potential to be used for agriculture due to the small area of the lots and steep gradients;
 - none of the lots, except 69 Franklins Road (Lloyd and Binning) were included in the agricultural estate mapping;
 - 69 Franklins Road was identified in the agricultural estate mapping but was potentially constrained; and
 - any features of natural and landscape value present would be protected by the Priority Vegetation Area and Scenic Protection Area overlays that apply to various parts of the land.
590. The Commission notes 128 Crouchs Hill Road, Lucaston folio of the Register 181146/1 is already zoned Rural.
591. Otherwise, the Scenic Protection Area overlay is a transitioning provision declared by the Minister for Planning under Schedule 6 of the Act, which cannot be altered through this process. Consequently, the Commission does not agree the overlay should be amended, but notes Mr Graeme-Evans stated his support for the overlay if his land was zoned Rural.
592. The Commission notes there is a reserved road that intersects parts of the land that should also be included in the Rural Zone to ensure zoning is applied contiguously.

Commission decision

593. Modification:
- Revise the zoning of the following properties to Rural:
 - a. 154 Crouchs Hill Road, Lucaston folio of the Register 152441/1;
 - b. 164 Crouchs Hill Road, Lucaston folio of the Register 156729/1;
 - c. 200 Crouchs Hill Road, Lucaston folio of the Register 168847/1;
 - d. 230 Crouchs Hill Road, Lucaston folio of the Register 169521/1;
 - e. 69 Franklins Road, Crabtree folio of the Register 129699/3; and
 - f. that part of the intersecting reserved road within folio of the Register 152441/1 so that the Zone aligns with the southern boundary of the land.
594. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Living Zone - Cockle Creek Road, Recherche

Representation: Ian Stanley for Robert and Blair Maass (105), Chris and Winsome Duggan (333)

595. The representation made by Ian Stanley for Robert and Blair Maass (105) requested the zone of 515 Cockle Creek Road, Recherche folio of the Register 213331/1 be revised from Landscape Conservation to Rural Living. The reasons were:
- the land was predominately cleared and contained a dwelling;
 - the land was not of significant landscape value;
 - the Scenic Road Corridor overlay applied to the land and would protect remnant native vegetation on the site; and
 - the Rural Living Zone would provide for use of the land that was appropriate for the area.
596. The representation made by Chris and Winsome Duggan (333) requested the zone of Cockle Creek Road, Recherche folio of the Register 49090/1 be revised from Landscape Conservation to Rural. The reasons were:
- the land contained a holiday home;
 - the land was zoned Rural B in the Esperance Planning Scheme 1989 and was changed to Environmental Living in the interim planning scheme;

- the Landscape Conservation Zone would unreasonably limit the use and development potential of the land and would conflict with its existing residential use;
 - the surrounding properties also had similar characteristics and use, including two dwellings used as permanent residences;
 - the Rural Living Zone or Rural Zone would be more consistent with the use of the land and the historic Rural B zoning; and
 - the land was historically cleared.
597. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the land was zoned Environmental Living in the interim planning scheme;
 - the proposed Rural Living Zone was not consistent with RLZ 2 Guideline No. 1 because the land was not zoned Rural Living in the interim planning scheme and there was not a primary strategic intention the land be used for residential use and development within a rural setting;
 - Cockle Creek Road folio of the Register 49090/1 (Duggan) was primarily covered in native vegetation and was an elevated site that overlooked Gagens Point;
 - the land contained native vegetation, which was contiguous with the Recherche Bay Nature Recreation Area;
 - the land was located on the edge of the Lune River mouth and Hastings Bay;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
 - the land reflected of the broader landscape value of the area;
 - only small-scale use, or development was appropriate because it would limit impact on the landscape; and
 - the Landscape Conservation Zone was the most appropriate zone for the land and supported by LCZ 2 (c) of Guideline No. 1.
598. At the hearing, Mr Chris Duggan was joined by Mr Caleb Elcock who together made the following comments in support of representation 333:
- the Rural Living Zone should be applied to the land;
 - Cockle Creek was historically intended to be a small town;
 - the area of the lots meant they were also suitable for the Rural Zone;
 - a specific area plan could be applied to manage residential amenity given the Rural Zone provided for activities that could impact sensitive use;
 - the surrounding properties located on a Crown reserved road called Elizabeth Street should also be zoned Rural Living;
 - the Rural Living Zone was supported by the regional strategy because it would recognise the existing residential use and pattern of development that had been established; and
 - Rural Living Zone Rural Living Zone B (Acceptable Solution with a minimum lot size of 2ha) should be applied, which would limit subdivision potential and protect residential amenity.
599. In response, the planning authority made the following comments:
- the land was surrounded by a national park, which meant intensity of use and development should be limited;
 - the Landscape Conservation Zone was consistent with Guideline No. 1;

- its natural values expert stated the Landscape Conservation Zone was warranted because the land contained vegetation that was contiguous with the national park and provided general habitat for native fauna;
- it was prepared to consider whether the Rural Living Zone should be applied to a cluster of properties in the area but preferred the land remain in the Landscape Conservation Zone;
- it was not satisfied the Rural Living Zone was supported by its local land use planning strategies;
- residential use was discretionary in the Landscape Conservation Zone and could be considered by the planning authority; and
- the Landscape Conservation Zone would not prevent continuation of existing uses.

Commission consideration

600. The Commission is not persuaded the Rural Living Zone should be applied to the land for the following reasons:
- there is no evidence the Rural Living Zone is supported by the regional strategy or a local land use strategy;
 - there is no evidence the land is part of a 'rural living community or that there is a primary strategic intention for the land be used for residential use and development within a rural setting' as required by policy SRD 1.3 of the regional strategy;
 - further work is required to establish whether there should be intent for the land be used for residential use and development within a rural setting; and
 - the Commission is otherwise satisfied the land has landscape value (see Commission decision on general issues) that warrants application of the Landscape Conservation Zone for the reasons given by the planning authority in its section 35F report.
601. The Commission notes the planning authority, at the hearings, outlined an intent to undertake strategic planning work for settlements in the municipality, which may help determine the appropriate future zone for the land.

Commission decision

602. The Commission determines no modifications are required.

Rural Living Zone - Mountain River Road and Wattle Hill Road, Mountain River (Mountain River Cluster 1)

Representations: Lauren Blackburn and Amy Purdy (112), Brett and Anne Carson (155), Robert Brackenbury (377)

603. The representors requested the zone of the following properties be revised from Landscape Conservation to an alternative zone such as Rural or Rural Living:
- 535 Mountain River Road, Mountain River folio of the Register 59863/1 (Carson);
 - 754 Mountain River Road, Mountain River folio of the Register 27866/1 (Brackenbury); and
 - 15 Wattle Hill Road, Mountain River folio of the Register 8441/5 (Blackburn and Purdy).
604. The reasons were:
- land was zoned Environmental Living or Rural Resource in the interim planning scheme;
 - land had small areas of approximately 1ha-6ha;

- land contained pasture;
- the properties contained dwellings and rural use;
- land was purchased for rural use;
- land previously contained apple orchards;
- the Landscape Conservation Zone had not been applied in a manner that was consistent with the planning authority's methodology for application of the Zone (stated in its draft LPS supporting report) because less than 80% of the land was covered in native bushland;
- the Landscape Conservation Zone would unreasonably limit the use and development potential of the land;
- the Landscape Conservation Zone would cause the value of land to decline;
- land was intended to be used for small-scale agriculture such as a market garden or commercial garlic farm that would provide a source of income;
- the application of the Rural Living Zone was consistent with the use and character of land;
- land was not of landscape value and was not located on a ridgeline or skyline;
- the Landscape Conservation Zone was inconsistent with Guideline No. 1;
- there was no evidence the land contained threatened flora or habitat for threatened fauna;
- the Rural Zone was consistent with Guideline No. 1 and supported by the regional strategy;
- the Landscape Conservation Zone was not required to protect vegetation of natural value, which was otherwise protected by the Priority Vegetation Area overlay and legislation such as the *Nature Conservation Act 2002*; and
- the Priority Vegetation Area overlay applied to 754 Mountain River Road was inaccurate.

605. In its section 35F report, the planning authority recommended the Rural Living Zone B be applied to 535 Mountain River Road and 15 Wattle Hill Road and 20 other properties at Bennetts Road, Mountain River Road and Wattle Hill Road, Mountain River. Furthermore, the planning authority noted two other properties were split-zoned Landscape Conservation with the Rural Zone and recommended those parts of the land zoned Landscape Conservation be zoned Rural Living. The reasons were:

- the Landscape Conservation Zone was applied because the land was perceived to be of landscape value; however a review of the area determined the land had characteristics that were consistent with the purpose of the Rural Living Zone;
- the existing area and density of the lots were consistent with the provisions of the Rural Living Zone;
- the application of the Rural Living Zone was consistent with RLZ 2 Guideline No. 1 because the land was zoned Environmental Living in the interim planning scheme and there was a primary strategic intention the land be used for residential use and development within a rural setting;
- any features of landscape value could be managed under the Rural Living Zone provisions, which would limit the type and intensity of uses possible;
- one of the purpose statements of the Rural Living Zone was to provide for residential use and development in a rural setting where existing natural and landscape values should be retained; and
- Rural Living Zone B (Acceptable Solution with a minimum lot size of 2ha) was recommended to apply because it provided a minimum lot size that was consistent with what existed.

606. However, the planning authority did not support a change to the zone of 754 Mountain River Road (Brackenbury) for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
- the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
- LCZ 1 of Guideline No. 1 required the Landscape Conservation Zone be applied to land with features such as bushland and areas of native vegetation that were of landscape value;
- the land was relatively steep, substantially covered in native vegetation, was in proximity to Mountain River and formed part of a larger contiguous bushland area;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- the land reflected of the broader landscape value of the area;
- only small-scale use or development was appropriate because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

607. At the hearing, Mr Robert Brackenbury was represented by Ms Belinda Yaxley who together made the following comments:

- the land should be zoned Rural Living C;
- the land contained wet *Eucalyptus obliqua* forest;
- the vegetation on the land was not contiguous with the surrounding area;
- the existing residential and rural use should be prioritised;
- a site visit showed the Priority Vegetation Area overlay was inaccurate; and
- the land was surrounded by the Rural Zone.

608. In response, the planning authority made the following comments:

- it had reconsidered the zones applied to the area and recommended the Rural Living Zone be applied to land along Mountain River Road;
- it was only prepared to recommend application of the Rural Zone to 754 Mountain River Road because it was larger than the other lots and was isolated on the opposite side of the road;
- the Rural Living Zone was not supported by the regional strategy or a local land use planning strategy;
- the Rural Living Zone could not be supported until further strategic planning work was undertaken to determine the most appropriate future zone for the land;
- it had engaged a consultant to prepare a land use and development strategy on its behalf;
- the strategy would examine what zones should be applied to the major settlements in the municipality, including rural living areas;
- its natural values expert agreed the land contained wet *Eucalyptus obliqua* forest; and
- the Priority Vegetation Area overlay had been applied was based on the Regional Ecosystem Model and it accepted there may be some inaccuracies.

609. Mr Brett and Mrs Anne Carson also attended the hearing and advised they supported the Rural Living Zone recommended by the planning authority to be applied to their land at 535 Mountain River Road.

610. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the properties it recommended be

zoned Rural Living Zone B. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of 22 letters were sent and 3 responses were received, all of which were supportive of the Rural Living Zone. The planning authority did not include 754 Mountain River Road (Brackenbury) in the area recommended to be zoned Rural Living.

Commission consideration

611. The Commission agrees the Rural Living Zone should be applied to the land in Bennetts Road, Mountain River Road and Wattle Hill Road, Mountain River for the reasons given by the planning authority in its section 35F report and at the hearing. The land contains established rural living use within a rural setting. Impact on any features of landscape value (see Commission decision on general issues) present can be managed through the Zone provisions and application of Rural Living Zone B (Acceptable Solution with a minimum lot size of 2ha) that would minimise how many new lots could be created.
612. The Commission notes there are reserved roads that intersect or adjoin the land that should also be included in the Rural Zone to ensure zoning is applied contiguously.
613. The Commission is persuaded the Rural Zone should be applied to 754 Mountain River Road (Brackenbury) for the following reasons:
 - the land is of little to no landscape value (see Commission decision on general issues);
 - native bushland on the property is not contiguous with the surrounding area;
 - the land is in an area of scattered vegetation that contains plantation or regrowth forest;
 - the land is partly cleared and already contains established residential and rural use and development;
 - the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural; and
 - the Rural Living Zone is not appropriate for the reasons given by the planning authority at the hearing.
614. The Commission notes the planning authority outlined an intent to undertake strategic planning work for settlements in the municipality, which may help determine the appropriate future zone for the land.
615. Otherwise, the Commission is not satisfied the Priority Vegetation Area overlay should be amended or removed from 754 Mountain River Road. It is the Commission's view the overlay should not be removed from land or amended unless supported by the advice of a suitably qualified person who has undertaken a detailed site assessment. The Commission accepts the advice of the planning authority's natural values expert that the land contains significant native vegetation that should be recognised by the overlay. No evidence was submitted from a suitably qualified person to demonstrate the land does not contain priority vegetation.

Commission decision

616. Modification:
 - Revise the zoning of 754 Mountain River Road, Mountain River folio of the Register 27866/1 to Rural.
 - Revise the zoning of the following properties to Rural Living B:

- a. 5 Bennetts Road, Mountain River folio of the Register 6717/1;
- b. 22 Bennetts Road, Mountain River folio of the Register 114726/1;
- c. 33 Bennetts Road, Mountain River folio of the Register 12766/1;
- d. 535 Mountain River Road, Mountain River folio of the Register 59863/1;
- e. 543 Mountain River Road, Mountain River folio of the Register 251702/1;
- f. 571 Mountain River Road, Mountain River folio of the Register 27368/1;
- g. 573 Mountain River Road, Mountain River folio of the Register 13027/1;
- h. 594 Mountain River Road, Mountain River folio of the Register 109125/1;
- i. 635 Mountain River Road, Mountain River folio of the Register 217057/1;
- j. 655 Mountain River Road, Mountain River folio of the Register 74538/1;
- k. 693 Mountain River Road, Mountain River folio of the Register 34900/1;
- l. 705 Mountain River Road, Mountain River folio of the Register 46084/1;
- m. 725 Mountain River Road, Mountain River folio of the Register 44759/1;
- n. 759 Mountain River Road, Mountain River folios of the Register 80440/3 and 51997/3;
- o. 771 Mountain River Road, Mountain River folio of the Register 251273/1;
- p. 835 Mountain River Road, Mountain River folio of the Register 24922/2;
- q. 4 Wattle Hill Road, Mountain River folio of the Register 237895/1;
- r. 15 Wattle Hill Road, Mountain River folio of the Register 8441/5;
- s. 33 Wattle Hill Road, Mountain River folio of the Register 13351/1;
- t. that part of 49 Wattle Hill Road, Mountain River folio of the Register 171819/1 located south of the reserved road, which intersects the land;
- u. that part of 67 Wattle Hill Road, Mountain River folio of the Register 171819/2 located south of the reserved road, which intersects the land; and
- v. intersecting and adjoining reserved roads as necessary to produce a uniform zone pattern.

617. Reason: To apply the Rural Living and Rural zones consistent with Guideline No. 1.

Rural Living Zone - 65 Doodys Hill Road, Port Huon

Representation: Ron and Denise Goodwin (117)

618. The representor requested the zone of 65 Doodys Hill Road, Port Huon folio of the Register 111671/1 be revised from Rural to Rural Living B. The reasons were:
- the Rural Living Zone would allow the land to be subdivided to create three new lots;
 - the new lots would be consistent with the character of the surrounding area;
 - the land had a small area of approximately 11ha and was not large enough to be used for agriculture, except for grazing animals in summer months;
 - the land could be serviced with electricity;
 - the land had vehicle access and was located near Port Huon;
 - the Priority Vegetation Area overlay contained some inaccuracies but would not impact the subdivision potential of the land;
 - the proposed lots contained suitable building areas.
619. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the proposed Rural Living Zone was not consistent with RLZ 2 Guideline No. 1 because the land was not zoned Rural Living in the interim planning scheme and there was not a primary strategic intention the land be used for residential use and development within a rural setting;
 - the regional strategy (policy SRD 1.3) restricted application of the Rural Living Zone to existing rural living communities;

- the Rural Living Zone could not be supported until further strategic planning work was undertaken to determine the most appropriate future zone for the land; and
 - the Rural Zone was the most appropriate zone to apply to the land.
620. At the hearing, the planning authority added the land adjoined an existing area zoned Rural Living however more strategic planning work would need to be undertaken to determine if the land should also be included in the Rural Living Zone. Furthermore, the planning authority raised concern the Rural Living Zone could fetter existing agriculture use on surrounding properties.

Commission consideration

621. The Commission is not persuaded the Rural Living Zone should be applied to the land for the following reasons:
- there is no evidence the Rural Living Zone is supported by the regional strategy or a local land use strategy;
 - there is no evidence the land is part of a 'rural living community or that there is a primary strategic intention for the land be used for residential use and development within a rural setting' as required by policy SRD 1.3 of the regional strategy;
 - further work is required to establish whether there should be intent for the land be used for residential use and development within a rural setting;
 - the property is identified in the agricultural estate mapping (unconstrained), which indicates the land should be included in the Rural Zone or Agriculture Zone; and
 - the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 3).
622. The Commission notes the planning authority, at the hearings, outlined an intent to undertake strategic planning work for settlements in the municipality, which may help determine the appropriate future zone for the land.
623. Otherwise, it is the Commission's view the Priority Vegetation Area overlay should not be removed from land or amended unless supported by the advice of a suitably qualified person who has undertaken a detailed site assessment. No evidence was submitted from a suitably qualified person to demonstrate the land does not contain priority vegetation.

Commission decision

624. The Commission determines no modifications are required.

Rural Living Zone - 80 Fourfoot Road, Geeveston (Geeveston Cluster 1)

Representation: Robert and Helen Romyn (127)

625. The representor requested the zone of 80 Fourfoot Road, Geeveston folio of the Register 149468/2 be revised from Agriculture to Rural Living. The reasons were:
- the land had an area of approximately 12ha and did not have sufficient area and land capability to be used for agriculture;
 - approximately 3.7ha of the land contained native bushland, which was steep and unsuitable for agriculture use;
 - approximately 1.4ha was also unsuitable for agriculture because it was difficult to drain;
 - the land contained a dwelling;
 - beef cattle farming was attempted on the land but was unsuccessful due to overgrazing;
 - although the land contained two dams, it did not have a sustainable source of irrigation;

- other properties in Fourfoot Road had rural living character; and
 - the Rural Living Zone should be applied.
626. In its section 35F report, the planning authority recommended the Rural Zone be applied to the following properties:
- 80 Fourfoot Road, Geeveston folio of the Register 149468/2 (Romyn);
 - 112 Fourfoot Road, Geeveston folio of the Register 158860/4;
 - 114 Fourfoot Road, Geeveston folio of the Register 168520/1;
 - 116 Fourfoot Road, Geeveston folio of the Register 158860/1; and
 - Harwoods Road, Geeveston folios of the Register 205946/1, 124364/1 and 203637/1.
627. The reasons were:
- the application of the Agriculture Zone was based on the agricultural estate mapping;
 - the land was identified as unconstrained in the agricultural estate mapping and adjoined land to the north and east that was also unconstrained;
 - its agriculture expert investigated the potential to use the land for agriculture and determined the Rural Zone should be applied;
 - the proposed Rural Living Zone was not consistent with RLZ 2 Guideline No. 1 because the land was zoned Rural Resource in the interim planning scheme and there was not a primary strategic intention the land be used for residential use and development within a rural setting; and
 - the regional strategy (policy SRD 1.3) restricted application of the Rural Living Zone to existing rural living communities.
628. The planning authority included the following advice from its agriculture expert (RMCG):
- the land had limited potential to be used for agriculture;
 - approximately 5ha of the land was pasture with a land capability classification of 5;
 - the land had access to a small dam likely with a capacity of 2 megalitres;
 - three titles to the north (112, 114 and 116 Fourfoot Road) were also zoned Agriculture, were, of similar size and had similar characteristics;
 - there was a cluster of five titles to the north-west that were also zoned Agriculture but had limited potential to be used for agriculture;
 - the land should be zoned Rural; and
 - the Rural Zone should also be applied to Harwoods Road, Geeveston folios of the Register 46416/1, 205946/1, 124364/1 and 203637/1 to ensure a consistent zone pattern was applied to the area.
629. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified how the Priority Vegetation Area overlay should be applied to the land in the event the Rural or Rural Living Zone was applied. The Priority Vegetation Area overlay was consistent with the Regional Ecosystem Model and was recommended to apply as the overlay was compatible with the Rural Zone. The planning authority recommended the following properties be zoned Rural:
- 6 Harwoods Road, Geeveston folio of the Register 14546/1;
 - 80 Fourfoot Road, Geeveston folio of the Register 149468/2 (Romyn);
 - 112 Fourfoot Road, Geeveston folio of the Register 158860/4;
 - 114 Fourfoot Road, Geeveston folio of the Register 168520/1;
 - 116 Fourfoot Road, Geeveston folio of the Register 158860/1;
 - 120 Fourfoot Road, Geeveston folio of the Register 43334/1;

- 124 Fourfoot Road, Geeveston folio of the Register 6857/1;
 - 138 Fourfoot Road, Geeveston folio of the Register 133579/1; and
 - Fourfoot Road, Geeveston folio of the Register 149136/1.
630. The planning authority also recommended Harwoods Road, Geeveston folios of the Register 84499/1, 205946/1, 124364/1 and 203637/1 be zoned Agriculture but that two other titles under similar ownership (folios of the Register 52907/1 and 45264/1) be split-zoned Rural and Agriculture. The planning authority's recommendation was the Rural Zone be applied to part of folios of the Register 52907/1 and 45264/1 to allow the Priority Vegetation Area overlay to be applied to land that may have contained significant native vegetation. The planning authority made the following comments about the natural value of the land:
- the land may have contained black gum dry forest and woodland (*Eucalyptus ovata*) and white gum dry forest and woodland;
 - the land may have contained foraging habitat for the critically endangered swift parrot, nesting habitat for grey goshawks, habitat for Mount Mangana stag beetles and general habitat for landscape-dependent threatened fauna species; and
 - if a site inspection indicated there was no *Eucalyptus ovata* then the whole titles should be zoned Agriculture.
631. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of 11 letters were sent and 4 responses were received. One of the responses was supportive of the proposal, however the owners of the three following landowners were opposed:
- 120 Fourfoot Road, Geeveston folio of the Register 43334/1;
 - 124 Fourfoot Road, Geeveston folio of the Register 6857/1; and
 - Harwoods Road, Geeveston folios of the Register 205946/1, 124364/1 and 203637/1 remain in the Agriculture Zone but that two other titles under similar ownership (folios of the Register 52907/1 and 45264/1).
632. The owners of 120 and 124 Fourfoot Road raised concern the Rural Zone would prevent agriculture use and impact natural values. The owner of Harwoods Road, Geeveston folios of the Register 84499/1, 205946/1, 124364/1, 203637/1, 52907/1 and 45264/1, Mr Rocco Caccavo requested the land be zoned Agriculture.
633. At the reconvened hearing in September 2023, Mr Caccavo requested the land be zoned Agriculture. Mr Caccavo expressed concern about the complex manner the Rural Zone (split-zoning) and Priority Vegetation Area overlay would be applied to folios of the Register 52907/1 and 45264/1. Mr Caccavo suggested vegetation should be managed in a manner consistent with normal farm management practices as provided by the Agriculture Zone.
634. In response, Ms Astrid Ketelaar (RMCG) stated the preferred zone for the land was wholly Agriculture, however some further investigation of the significance of the vegetation was required.
635. Following the hearing, the planning authority, in response to a Commission direction, reconsidered the zone of Mr Caccavo's land and made a submission dated 19 December 2023 with the following comments:
- the Agriculture Zone would be consistent with the zone of the remainder of the property, which would ensure consistent application of zone and vegetation management provisions across the land;
 - the Agriculture Zone would better reflect the commercial nature of the livestock grazing business conducted on the land;

- the Rural Zone would be more favourable to management of important natural values on the land, which included endangered black gum (*Eucalyptus ovata*) forest and provided habitat for the endangered swift parrot;
 - the Rural Zone would allow the Priority Vegetation Area overlay to apply and protect the vegetation;
 - it considered the Agriculture Zone should be prioritised despite the presence of vegetation of natural value; and
 - the Agriculture Zone was supported by Guideline No. 1, particularly AZ 1, because the land was identified as unconstrained in the agricultural estate mapping.
636. At the second reconvened hearing, the planning authority made the following comments:
- its natural values expert identified the land contained threatened native vegetation including black gum forest and woodland;
 - its natural values expert stated the southern area of folio of the Register 52907/1 contained a small area of recently matured threatened black gum forest, which provided habitat for the threatened swift parrot habitat, which was significant enough to explore whether the land should be split-zoned to allow the Priority Vegetation Area overlay to be applied to the land zoned Rural;
 - its agriculture expert's view was the vegetation only covered a small area of the land and the Agriculture Zone should be applied;
 - the Agriculture Zone would ensure consistent planning requirements applied to the land to give the owner confidence the land could be used for agriculture; and
 - on balance, it considered the potential to use the land for agriculture should be prioritised and the land wholly zoned Agriculture.

Commission consideration

637. The Commission agrees the Rural and Agriculture zones and the Priority Vegetation Area overlay should be applied to the land as recommended by the planning authority, its agriculture expert, and its natural values expert.
638. The land proposed to be zoned Rural is consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural. The Commission consequently determines the Priority Vegetation Area overlay should be applied to the land consistent with the advice of the planning authority's natural values expert to protect native vegetation, as the overlay is compatible with the Rural Zone.
639. The Commission also agrees the Agriculture Zone should be applied to Harwoods Road, Geeveston folios of the Register 84499/1, 52907/1 and 45264/1 (Caccavo) for the reasons given by the planning authority's agriculture and natural values experts in the submission dated 19 December 2023 and at the second reconvened hearing. The land is identified as unconstrained in the agricultural estate mapping and is part of a larger property that contains an established agricultural enterprise and zoned Agriculture. The Commission has considered all the relevant evidence and is satisfied that while the land has some vegetation of natural value, it should be prioritised for agriculture use. This outcome will ensure consistent zone and vegetation management requirements apply to the land to the benefit of the agricultural enterprise.
640. However, the Commission notes folio of the Register and 52907/1 (Caccavo) contains two small parts on its southern side that are separated from the main area of the land by Huon Highway and two narrow strips of Crown land. Both parcels adjoin Kermadie River, contain native vegetation, and were zoned Environmental

Management in the interim planning scheme. For these reasons, the Commission considers both parcels should be zoned Environmental Management.

Commission decision

641. Modification:

- Revise the zoning of the following properties to Rural:
 - a. 6 Harwoods Road, Geeveston folio of the Register 14546/1;
 - b. 80 Fourfoot Road, Geeveston folio of the Register 149468/2;
 - c. 112 Fourfoot Road, Geeveston folio of the Register 158860/4;
 - d. 114 Fourfoot Road, Geeveston folio of the Register 168520/1;
 - e. 116 Fourfoot Road, Geeveston folio of the Register 158860/1;
 - f. 120 Fourfoot Road, Geeveston folio of the Register 43334/1;
 - g. 124 Fourfoot Road, Geeveston folio of the Register 6857/1;
 - h. 138 Fourfoot Road, Geeveston folio of the Register 133579/1; and
 - i. Fourfoot Road, Geeveston folio of the Register 149136/1.
- Apply the Priority Vegetation Area overlay to the following properties as shown in the planning authority's response to direction 2 (9 August 2023) dated 29 August 2023:
 - a. 6 Harwoods Road, Geeveston folio of the Register 14546/1;
 - b. 80 Fourfoot Road, Geeveston folio of the Register 149468/2;
 - c. 112 Fourfoot Road, Geeveston folio of the Register 158860/4;
 - d. 114 Fourfoot Road, Geeveston folio of the Register 168520/1;
 - e. 116 Fourfoot Road, Geeveston folio of the Register 158860/1;
 - f. 120 Fourfoot Road, Geeveston folio of the Register 43334/1;
 - g. 124 Fourfoot Road, Geeveston folio of the Register 6857/1;
 - h. 138 Fourfoot Road, Geeveston folio of the Register 133579/1; and
 - i. Fourfoot Road, Geeveston folio of the Register 149136/1.
- Revise the zoning of Harwoods Road, Geeveston folios of the Register 84499/1 and 45264/1, part of Harwoods Road, Geeveston folio of the Register 52907/1 and the three intersecting and adjoining parcels of reserved roads and Crown land as necessary to provide a uniform zone pattern to Agriculture and remove the Priority Vegetation Area overlay.
- Revise the zoning of Harwoods Road, Geeveston folio of the Register 52907/1 and adjoining parcels of reserved road and Crown land to Environmental Management consistent with the Environmental Management applied in the interim planning scheme.

642. Reason: To apply the Rural and Agriculture zones and Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Living Zone - Lymington Road and Jetty Road, Cygnet

Representations: Felicity Rea (144), Lenny Holland (204), Bernadette Dean (323)

643. The representators requested the zone of the following properties be revised from Rural to Rural Living:

- 112 Lymington Road, Cygnet folio of the Register 159545/1 (Rea);
- 30 Jetty Road, Cygnet folio of the Register 151216/2 (Holland);
- 42 Jetty Road, Cygnet folio of the Register 120002/1 (Dean); and
- 314 Lymington Road, Lymington folio of the Register 113844/1 (Dean).

644. The reasons were:

- the Rural Living Zone would be consistent with land in Lymington Road and Jetty Road;
 - 30 Jetty Road and 112 and 314 Lymington Road contained dwellings;
 - the land had rural living character and use;
 - the land did not contain priority vegetation, places of heritage significance, or public infrastructure; and
 - the land did not meet the minimum lot requirements for the Rural Zone.
645. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the proposed Rural Living Zone was not consistent with RLZ 2 Guideline No. 1 because the land was zoned Rural Resource in the interim planning scheme and there was not a primary strategic intention the land be used for residential use and development within a rural setting;
 - the regional strategy (policy SRD 1.3) restricted application of the Rural Living Zone to existing rural living communities; and
 - the Rural Living Zone could not be supported until further strategic planning work was undertaken to determine the most appropriate future zone for the land.
646. At the hearing, Ms Bernadette Dean made the following comments in support of her representation, which was also summarised in a written submission made after the hearing:
- the Rural Zone was inconsistent with the zone of the land on the opposite side of Port Cygnet where the Rural Living and Low Density Residential zones were applied;
 - the land was historically farmed;
 - the land was subject to bushfire risk;
 - she wanted to develop the land to support her retirement;
 - the land contained gold deposits from a former mine located up-stream;
 - the land contained bees and a small orchard;
 - she wanted to produce limoncello and have a cellar door in the future;
 - the land had previously been used to graze cattle, however the use could not be sustained on the land;
 - the use of the land conflicted with surrounding residential and visitor accommodation uses, which prevented shooting of wallabies;
 - wallaby scats caused the grass to become toxic and hindered growth of pasture for grazing animals; and
 - the Priority Vegetation Area overlay was inaccurate and applied to native vegetation she had planted.
647. In response, the planning authority made the following comments:
- the Priority Vegetation Area overlay was based on a model of existing data (the Regional Ecosystem Model) as it was not possible to inspect every site;
 - it was concerned there was no strategic planning strategy that supported the Rural Living Zone;
 - it had engaged a consultant to prepare a land use and development strategy on its behalf;
 - the strategy would examine what zones should be applied to the major settlements in the municipality, including rural living areas; and
 - 40 Jetty Road, Cygnet folio of the Register 120001/1 should be included in Rural Living Zone in the event the Commission decided 30 Jetty Road (Holland) and 112 Lymington Road (Rea) should be zoned Rural Living.

648. Following the hearing, the planning authority, in response to a Commission direction, provided the contact details for the owner of 40 Jetty Road, Cygnet folio of the Register 120001/1. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed change. No response was received.

Commission consideration

649. The Commission is persuaded the Rural Living Zone should be applied to 30 Jetty Road (Holland), 40 Jetty Road and 112 Lymington Road (Rea). The land contains established rural living use and is adjacent to an established rural living community to the east.
650. The Commission notes the planning authority's intent to undertake strategic planning work for settlements in the municipality, which may help determine the appropriate future zone for the land. In lieu of such work, it is considered Rural Living Zone B (Acceptable Solution with a minimum lot size of 2ha) be applied to prevent subdivision in the interim period.
651. However, the Commission is not persuaded the Rural Living Zone should be applied to 42 Jetty Road or 314 Lymington Road (Dean) for the following reasons:
- both titles have an area (approximately 21ha and 36ha respectively) much larger than other properties in the area and may have significant subdivision potential if zoned Rural Living;
 - the Commission is not satisfied the land has rural living character;
 - 314 Lymington Road is isolated from any other land zoned Rural Living; and
 - the property is identified in the agricultural estate mapping (unconstrained), which indicates the land should be included in the Rural Zone or Agriculture Zone.

Commission decision

652. Modification:
- Revise the zoning of 112 Lymington Road, Cygnet folio of the Register 159545/1, 30 Jetty Road, Cygnet folio of the Register 151216/2 and 40 Jetty Road, Cygnet folio of the Register 120001/1 to Rural Living B.
653. Reason: To apply the Rural Living Zone consistent with Guideline No. 1.

Rural Living Zone - Winns Road, Cygnet

Representations: Jane Smith (145), Janni and Paul de Zwart (366)

654. The representation made by Jane Smith (145) requested the zone of 106 Winns Road, Cygnet folio of the Register 173351/1 be revised from Agriculture to Rural Living. The reasons were:
- the land contained a recently constructed dwelling;
 - the land had an approximate area of only 1ha and was too small to be used for agriculture;
 - the land was steep and unsuitable for cropping.
655. The representation made by Janni and Paul de Zwart (366) requested the zone of 120 Winns Road Cygnet folio of the Register 9932/1 be revised from Agriculture to Rural because the land contained a dwelling, had a small land area, and was unsuitable for agriculture.
656. In its section 35F report, the planning authority recommended the Rural Zone be applied to the land and 130 Winns Road folio of the Register 77833/1 for the following reasons:

- the Agriculture Zone was applied because the land was identified as unconstrained in the agricultural estate mapping;
- the land adjoined land to the north and east that was also unconstrained;
- its agriculture expert (RMCG) investigated the potential to use the land for agriculture and determined the Rural Zone should be applied; and
- the proposed Rural Living Zone was not consistent with RLZ 2 Guideline No. 1 because there was not a primary strategic intention the land be used for residential use and development within a rural setting.

657. The planning authority included the following advice from its agriculture expert:

- 120 Winns Road and the adjacent title, 130 Winns Road, should be zoned Rural to achieve a consistent zone pattern with the land to the north and east;
- the land had no potential to be used for agriculture;
- 106 Winns Road contained a dwelling that had recently been constructed;
- none of the lots were farmed in conjunction with a larger title; and
- the Rural Living Zone was not appropriate in a rural area.

Commission consideration

658. The Commission is persuaded the Rural Zone should be applied to 106 and 120 Winns Road for the reasons given by the planning authority's agriculture expert.

659. However the Commission is not satisfied the Rural Zone should be applied to 130 Winns Road. The land is identified as unconstrained in the agricultural estate mapping, is connected to other land zoned Agriculture to the south, and the owner of the land has not requested an alternative zone.

Commission decision

660. Modification:

- Revise the zoning of 106 Winns Road, Cygnet folio of the Register 173351/1 and 120 Winns Road Cygnet folio of the Register 9932/1 to Rural.

661. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Living Zone - Walpole Lane, Franklin

Representation: Elise Fancourt (147)

662. The representor requested the zone of Walpole Lane, Franklin folio of the Register 219234/1 be revised from Rural to Rural Living because the Rural Living Zone would reflect of the character and use of the land.

663. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the proposed Rural Living Zone was not consistent with RLZ 2 Guideline No. 1 because the land was not zoned Rural Living in the interim planning scheme and there was not a primary strategic intention the land be used for residential use and development within a rural setting;
- the regional strategy (policy SRD 1.3) restricted application of the Rural Living Zone to existing rural living communities;
- the Rural Living Zone could not be supported until further strategic planning work was undertaken to determine the most appropriate future zone for the land; and
- the Rural Zone was the most appropriate zone to apply to the land.

664. At the hearing, the planning authority added the land was near an existing area zoned Rural Living however more strategic planning work would need to be

undertaken to determine if the land should also be included in the Zone. Furthermore, the planning authority raised concern the Rural Living Zone could fetter existing agriculture use on surrounding properties.

Commission consideration

665. The Commission is not persuaded the Rural Living Zone should be applied to the land for the following reasons:
- there is no evidence the Rural Living Zone is supported by the regional strategy or a local land use strategy;
 - there is no evidence the land is part of a 'rural living community or that there is a primary strategic intention for the land be used for residential use and development within a rural setting' as required by policy SRD 1.3 of the regional strategy;
 - further work is required to establish whether there should be intent for the land be used for residential use and development within a rural setting;
 - the property is identified in the agricultural estate mapping (unconstrained), which indicates the land should be included in the Rural Zone or Agriculture Zone; and
 - the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural.
666. The Commission notes the planning authority's intent to undertake such strategic planning work for settlements in the municipality, which may help determine what zone should be applied to the land in future.

Commission decision

667. The Commission determines no modifications are required.

Rural Living Zone - 128 Sculthorpes Road, Nicholls Rivulet

Representation: Lawrence and Margot Willmott (148)

668. The representor requested the zone of 128 Sculthorpes Road, Nicholls Rivulet folio of the Register 171155/2 be revised from Landscape Conservation to Rural Living. The reasons were:
- the property had contained rural living use for over 30 years;
 - the natural resources available on the land had been used to generate income; and
 - timber had historically been harvested from the land and used for electricity power poles.
669. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the land was zoned Rural Resource in the interim planning scheme;
 - RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
 - LCZ 1 of Guideline No. 1 required the Landscape Conservation Zone be applied to land with features such as bushland and areas of native vegetation that were of landscape value;
 - the land contained an extensive area of contiguous native vegetation communities, two ridgelines and two small rivers;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and

contained waterways that were characteristic of the landscape value of the Huon Valley;

- only small-scale use or development was appropriate because it would limit impact on the landscape; and
- the Rural Living Zone was not appropriate because there was not a primary strategic intention the land be used for residential use and development within a rural setting.

670. At the hearing, the representor, Mr Lawrence Willmott made the following comments in support of the representation:

- the land was used to collect firewood for domestic purposes;
- the land was used to keep poultry, sheep, and goats; and
- most of the land was vegetated except for the northern side of the land that contained buildings.

671. In response, the planning authority made the following comments:

- the land had an area more than 20ha;
- the land formed part of a broader area of bushland with landscape value;
- the Landscape Conservation Zone was consistent with Guideline No. 1;
- its natural values expert Mr Jim Mulcahy had advised the land contained vegetation of significant natural value, including habitat for masked owls; and
- it would support a split-zone of the land, with the Rural Zone applied to the northern section of the land that was partly cleared and contained development.

672. At the reconvened hearing in September 2023, Mr Jonah Collie for Lawrence Willmott made a written submission and the following comments:

- he was mindful about how the land may be used in future;
- he may want to construct an additional dwelling on the land in future;
- the land was used to produce poultry and eggs that would be sold;
- wool products made on the land were sold at local markets;
- livestock had been kept on the land for decades;
- the land did not contain features of scenic value;
- the land could not be seen from public roads or settlements;
- the Rural Zone should also be applied to the south-west corner of the land; and
- the Landscape Conservation Zone would limit potential to use the forested part of the land for selective timber harvesting.

673. In response, the planning authority made the following comments:

- the Rural Zone proposed for the south-west corner of the land was not justified;
- multiple dwellings were prohibited in the Rural Zone and could not be considered;
- it preferred small-scale use or development because it would limit impact on the landscape; and
- Mr Mulcahy advised the land contained general habitat for threatened fauna species and native forest communities that were common in the area.

Commission consideration

674. The Commission is persuaded the Rural Zone should be applied to the northern part (see Commission decision on general issues - split-zones) of the land for the following reasons:

- the land is partly concealed by a ridgeline and therefore has little to no landscape value (see Commission decision on general issues - landscape value);
- the land is partly cleared and already contains an established rural living use and development;

- the land is identified in the agricultural estate mapping (unconstrained); and
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural.

Commission decision

675. Modification:

- Revise the zoning of that part of 128 Sculthorpes Road, Nicholls Rivulet folio of the Register 171155/2 and the intersecting acquired road north of a boundary delineated by coordinates E 513408.90, N 5222419.15 and E 513779.86, N 5222753.54 to Rural.

676. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Living Zone - Channel Highway, Huonville

Representation: Sean and Victoria Light (153)

677. The representor requested the zone of Channel Highway, Huonville folio of the Register 161613/2 be revised from Rural to Rural Living. The planning authority gave the following details about the representation in its section 35F report:

- the owner intended to build a dwelling on the land; and
- the Rural Living Zone would provide standards that were more favourable to residential use and development.

678. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the proposed Rural Living Zone was not consistent with RLZ 2 Guideline No. 1 because the land was zoned Rural Resource in the interim planning scheme and there was not a primary strategic intention the land be used for residential use and development within a rural setting;
- the regional strategy (policy SRD 1.3) restricted application of the Rural Living Zone to existing rural living communities; and
- the Rural Living Zone could not be supported until further strategic planning work was undertaken to determine the most appropriate future zone for the land.

Commission consideration

679. The Commission agrees with the planning authority for the reasons given in its section 35F report.

Commission decision

680. The Commission determines no modifications are required.

Rural Living Zone - 654 Abels Bay Road, Eggs and Bacon Bay and Randalls Bay Road and Abels Bay Road, Abels Bay (Abels Bay Cluster)

Representation: JMG Engineers and Planners for Kieran and Sheila Keshan (159), Malcolm Thomas (387)

681. The representation made by JMG Engineers and Planners for Kieran and Sheila Keshan (159) requested the zone of 654 Abels Bay Road, Eggs and Bacon Bay folio of the Register 141777/3 be revised from Landscape Conservation to Rural Living. The reasons were:

- the land was partly cleared and contained a dwelling;

- part of the land contained native vegetation;
 - the land to the north, east, and west was zoned Rural, while the adjacent land to the south was zoned Low Density Residential;
 - the Landscape Conservation Zone was not compatible with the existing and intended rural living use of the land;
 - some residential use was discretionary in the Landscape Conservation Zone, while some types were prohibited;
 - the Rural Living Zone was supported by RLZ 1 of Guideline No. 1 because the land had a large area of approximately 3ha and was in an area that contained a mix of residential use and lower-order rural activities;
 - RLZ 4 of Guideline No. 1 stated the Rural Living Zone should not be applied to land that 'contained important landscape values that were identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values';
 - the Landscape Conservation Zone was not appropriate because the land did not form part of a large area of native vegetation; and
 - any features of natural value could be managed by the provisions of the Natural Assets Code.
682. The representation made by Malcolm Thomas (387) requested the zone of the following properties be included in a zone other than Landscape Conservation because the land was used for farming:
- 100 Randalls Bay Road, Randalls Bay folio of the Register 229352/1; and
 - Abels Bay Road, Abels Bay folios of the Register 230291/1, 244204/1 and 231571/1.
683. In its section 35F report, the planning authority recommended no change to the zone of 654 Abels Bay Road (Keshan) for the following reasons:
- the proposed Rural Living Zone was not consistent with RLZ 2 Guideline No. 1 because the land was zoned Rural Resource in the interim planning scheme and there was not a primary strategic intention the land be used for residential use and development within a rural setting;
 - the regional strategy (policy SRD 1.3) restricted application of the Rural Living Zone to existing rural living communities;
 - the Rural Living Zone could not be supported until further strategic planning work was undertaken to determine the most appropriate future zone for the land;
 - mapping of vegetation in the area indicated part of the property contained threatened *Eucalyptus tenuiramis* forest and woodland on sediments, which was part of a larger area threatened vegetation along Randalls Bay Road; and
 - the Landscape Conservation Zone was the most appropriate zone for the land.
684. In its section 35F report, the planning authority recommended no change to the zone of the land owned by Mr Thomas for the following reasons:
- the land was part of a larger areas of elevated bushland;
 - mapping of vegetation indicated significant areas of the land was threatened *Eucalyptus globulus* dry forest and woodland, *Eucalyptus tenuiramis* forest and woodland on sediments, and *Eucalyptus ovata* forest and woodland;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
 - the land reflected of the broader landscape value of the area;

- only small-scale use, or development was appropriate because it would limit impact on the landscape; and
 - the Landscape Conservation Zone was the most appropriate zone for the land.
685. However, the planning authority also included advice from its agriculture expert (RMCG), which recommended 100 Randalls Bay Road be zoned Rural and the zone of Abels Bay Road folio of the Register 244204/1 be amended so the Landscape Conservation Zone aligned with the conservation covenant located on the land. The reasons were:
- the titles were part of a larger farm that contained at least eight titles;
 - the land contained a mix of pasture and bushland; and
 - some areas of the bushland may have been used to graze animals.
686. It also stated Abels Bay Road, Abels Bay folios of the Register 231571/1 and 230291/1 had small areas (approximately 4.9ha and 7.8ha respectively), were entirely covered in threatened vegetation, were isolated from farming operations on the remainder of the property, and should be zoned Landscape Conservation.
687. At the hearing, Mr Mat Clark (JMG Engineers and Planners) for Kieran and Sheila Keshan made the following comments in support of the representation:
- the land also contained a hothouse and an orchard;
 - the owner of the land proposed the Rural Living Zone C be applied however the Rural Zone should be applied in the event the Rural Living Zone was not supported;
 - the owner was attempting to make a living by farming the land;
 - there was some threatened vegetation located on the eastern side of the land; and
 - the zone of the land should be considered by the planning authority in its future strategic planning work.
688. In response, the planning authority made the following comments:
- the land was part of a group of properties, including the land owned by Mr Thomas, that was zoned Landscape Conservation;
 - the zone of land owned by Mr Thomas was relevant as application of the 654 Abels Bay Road (Keshan) Rural Zone would create a spot-zone;
 - the Priority Vegetation Area overlay matched the area of native bushland; and
 - it was prepared to support the Rural Zone as native vegetation would be protected by the overlay anyway.
689. Mr Malcolm Thomas attended the hearing and made the following comments in support of his representation:
- parts of the land contained covenants however the Landscape Conservation Zone had been applied to areas outside the covenants;
 - he preferred his smaller titles were zoned Rural;
 - he did not support split-zoning of titles;
 - he wanted to clear some of the land proposed to be zoned Agriculture; and
 - the Low Density Residential or Rural Living zones should be considered for his land adjacent to Eggs and Bacon Bay.
690. In response to the representation made by Malcolm Thomas, the planning authority made the following comments:
- its natural values expert Mr Jim Mulcahy did not support the Agriculture Zone for Abels Bay Road folio of the Register 244204/1 because the land contained significant natural values;

- its agriculture expert was prepared to consider whether the Rural Zone should be applied to more of the land;
 - Abels Bay Road folio of the Register 244204/1 contained a conservation covenant, however not all significant vegetation, including tea tree was included in the area;
 - the Landscape Conservation Zone was applied to the parts of the land that were substantially covered in native vegetation;
 - any expansion of the Low Density Residential or Rural Living zones would require a significant amount of strategic planning work to consider;
 - it had engaged a consultant to prepare a land use and development strategy on its behalf;
 - the strategy would examine what zones should be applied to the major settlements in the municipality, including rural living areas; and
 - the Rural Zone could be applied to the smaller titles.
691. Following the hearing, the planning authority, in response to a Commission direction, made a submission that recommended the Rural Zone be applied to the following properties instead of the Landscape Conservation and Agriculture zones:
- Abels Bay Road folio of the Register 244204/1 (Malcolm Thomas);
 - 82 Randalls Bay Road folio of the Register 183842/1 (Paul Thomas);
 - 100 Randalls Bay Road folios of the Register 148436/1, 166918/2 and 215497/1 (Malcolm Thomas);
 - 101 Randalls Bay Road folio of the Register 212013/1 (other owner); and
 - 110 Randalls Bay Road folio of the Register 75731/1 (Beverley Thomas).
692. Prior to the reconvened hearing, the planning authority provided a further response to the Commission's direction and added the Rural Zone should also be applied to the following properties based on advice provided by its agriculture and natural values experts:
- 99 Abels Bay Road folio of the Register 226262/1 (Malcolm Thomas); and
 - 100 Randalls Bay Road folio of the Register 137938/3 (Malcolm Thomas).
693. The planning authority maintained Abels Bay Road folios of the Register 231571/1 and 230291/1 and 100 Randalls Bay Road folio of the Register 229352/1 should remain in the Landscape Conservation Zone.
694. The submission also included provided diagrams that showed how the Priority Vegetation Area overlay should be applied to the land in the event the land was zoned Rural. The diagram was consistent with advice provided by its natural values expert Mr Jim Mulcahy and related to the following properties:
- 99 Abels Bay Road folio of the Register 226262/1 (Malcolm Thomas);
 - Abels Bay Road folio of the Register 244204/1 (Malcolm Thomas);
 - 82 Randalls Bay Road folio of the Register 183842/1 (Paul Thomas);
 - 100 Randalls Bay Road folios of the Register 148436/1, 166918/2 and 215497/1 (Malcolm Thomas);
 - 101 Randalls Bay Road folio of the Register 212013/1 (other owner); and
 - 110 Randalls Bay Road folio of the Register 75731/1 (Beverley Thomas) (no Priority Vegetation Area overlay).
695. Furthermore, the planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of four letters were sent and three responses were received, all of which were opposed to the Rural Zone.

696. At the reconvened hearing, Mr Malcolm Thomas made the following comments:

- he was unsure why the Landscape Conservation Zone was proposed because the land was not of natural or landscape value;
- he used his land to graze sheep and cattle;
- he grew up on the farm, which was still owned by his family;
- he wanted to be able to grow food on the land in future;
- his father cleared the land and added adjoining lots to the farm when they became available for purchase;
- his father purposely left some native vegetation on parts of the land and he had impressed on his descendants that those parts of the land should never be cleared;
- he didn't intend to clear the land but didn't want the land to be incumbered with a requirement to obtain approval to remove native vegetation;
- the vegetation needed to be periodically cleared and resown for farm management purposes, especially after the land had been grazed by sheep and cattle;
- part of 100 Randalls Bay Road folio of the Register 229352/1 was cleared;
- 100 Randalls Bay Road folio of the Register 229352/1 was cleared in the past but had mostly been reclaimed by native vegetation;
- the vegetation on 100 Randalls Bay Road folio of the Register 229352/1 was scrubland and did not contain saw logs;
- he wanted to clear 100 Randalls Bay Road folio of the Register 229352/1 for pasture;
- Abels Bay Road folio of the Register 244204/1 (the largest of the lots) did not contain threatened vegetation;
- a conservation covenant applied to the south-east corner of Abels Bay Road folio of the Register 244204/1;
- the south-east corner of Abels Bay Road folio of the Register 244204/1 was once cleared but had been reclaimed by native vegetation;
- 100 Randalls Bay Road folio of the Register 137938/3 contained a quarry and mining lease;
- he intended to intensify the use of the quarry and had lodged an application for a 'level 2 activity' permit with the Environment Protection Authority;
- the quarry was leased to a separate operator;
- his land had always been used for agriculture;
- he preferred all his land be zoned Agriculture except Abels Bay Road folios of the Register 231571/1 and 230291/1, which should be zoned Rural Living to allow some new rural living lots to be created; and
- he would support application of the Rural Zone and Priority Vegetation Area overlay to Abels Bay Road folio of the Register 244204/1 to provide a buffer alongside Abels Bay Road folios of the Register 231571/1 and 230291/1 if they were zoned Rural Living.

697. In response, Mr Jim Mulcahy made the following comments for the planning authority:

- much of the land was zoned Significant Agriculture in the interim planning scheme;
- mapping indicated some of the vegetation in the area was threatened;
- the planning authority's agriculture expert favoured the Agriculture Zone however it did not protect threatened vegetation because the Zone was incompatible with the Priority Vegetation Area overlay;

- the planning authority's agriculture expert reviewed potential to use the land for agriculture and agreed it could be zoned Rural to allow the Priority Vegetation Area overlay to be applied;
 - it understood Mr Thomas's concern he would need to obtain approval to remove native vegetation;
 - Abels Bay Road folio of the Register 244204/1 contained silver peppermint forest, which was a threatened vegetation community;
 - Abels Bay Road folio of the Register 244204/1 also had an unusually dense understory of tea tree;
 - large areas of forest should be protected by the Priority Vegetation Area overlay;
 - it understood some vegetation may have regrown after land was historically cleared;
 - the Scenic Road Corridor overlay applied to the quarry;
 - there was a possibility the zones could be applied in similar manner to those applied in the interim planning scheme; and
 - a site inspection may help to establish whether any changes to the recommended zones and overlays should be made.
698. Mr Michael Tempest (RMCG) added the Agriculture Zone would be normally be applied to the land however the Rural Zone was warranted in the circumstances because the land contained significant native vegetation.
699. Following the reconvened hearing Mr Thomas, in response to a Commission direction, made a submission to clarify which of his titles he wanted the planning authority to inspect on site so that it could reconsider what zones and overlays should apply. The submission made the following comments:
- most of the titles contained dams;
 - the farm contained several-hundred head of livestock;
 - the Agriculture Zone would allow the land to be used for resource development in a manner that was consistent with changing market conditions;
 - the Agriculture Zone was supported by policies PR 1.1, PR 1.2, PR 1.4 and to a lesser extent PR 1.3 and PR 1.5 of the regional strategy;
 - the configuration of the split-zone boundary on Abels Bay Road folio of the Register 244204/1 was problematic as it was a straight line across the south of the lot and did not follow the boundary of the conservation covenant;
 - the Rural Living Zone could be applied to a cluster of properties that adjoin Abels Bay Road, Abels Bay folios of the Register 230291/1 and 231571/1;
 - the Rural Zone should be applied to 100 Randalls Bay Road folio of the Register 137938/3 because it contained the quarry;
 - the Rural Zone provided for extractive industry as a permitted use;
 - data used to prepare the Priority Vegetation Area overlay was often inconclusive and potentially unreliable; and
 - the Priority Vegetation Area and Scenic Road Corridor overlays should be removed from the land that contained the quarry.
700. In response, the planning authority recommended the zones and overlays applied to the land remain the same as originally proposed in the exhibited version of the draft LPS except for the following changes:
- 100 Randalls Bay Road folio of the Register 229352/1 be zoned Rural; and
 - the southern part of Abels Bay Road folio of the Register 244204/1 that included the conservation covenant and generally south of the 20m AHD contour be zoned Rural; and
 - the Priority Vegetation Area overlay apply to that area of Abels Bay Road folio of the Register 244204/1 zoned Rural.

701. The planning authority also made the following comments and gave the following reasons why it did not support the other modifications requested by Mr Thomas:
- Mr Mulcahy had undertaken a site visit to determine what vegetation communities were present on the land;
 - the Scenic Road Corridor overlay was required to protect the scenic value of the area;
 - the Scenic Protection Code would not prevent development within the quarry (100 Randalls Bay Road folio of the Register 137938/3) because it was hidden from the road;
 - the Priority Vegetation Area overlay did not apply to the quarry;
 - any changes to the quarry operation that required removal of native vegetation should be assessed against the Natural Assets Code;
 - 100 Randalls Bay Road folio of the Register 229352/1 contained threatened vegetation communities that included *Eucalyptus globulus* dry forest and woodland to which the Priority Vegetation Area overlay should apply;
 - the Rural Zone would allow the Priority Vegetation Area overlay to apply to 100 Randalls Bay Road folio of the Register 229352/1;
 - 100 Randalls Bay Road folio of the Register 229352/1 was zoned Rural Resource in the interim planning scheme;
 - 100 Randalls Bay Road folio of the Register 229352/1 was part of a larger existing farm with a use that should be recognised by the zone;
 - Abels Bay Road folios of the Register 231571/1 and 230291/1 should remain in the Landscape Conservation Zone because the land was not adjacent to other land zoned Rural Living;
 - Abels Bay Road folio of the Register 244204/1 contained a significant area of *Eucalyptus tenuiramis* forest and woodland on sediments (part of which was within the conservation covenant), which was a threatened vegetation community;
 - the Rural Zone would allow the Priority Vegetation Area overlay to be applied to the land;
 - Abels Bay Road folio of the Register 244204/1 was zoned Rural Resource in the interim planning scheme; and
 - Abels Bay Road folio of the Register 244204/1 was part of a larger existing farm with a use that should be recognised by the zone.

Commission consideration

702. The Commission is persuaded the Rural Zone should be applied to 100 Randalls Bay Road folio of the Register 229352/1 and the southern part of Abels Bay Road folio of the Register 244204/1 (see Commission decision on general issues - split-zones) as ultimately recommended by the planning authority for the following reasons:
- the land is identified in the agricultural estate mapping (unconstrained), which indicates the Rural or Agriculture zones are appropriate;
 - the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
 - the land proposed to be zoned Rural has little to no landscape value (see Commission decision on general issues - landscape value) because it is either partly cleared (100 Randalls Bay Road) or not significantly elevated (Abels Bay Road);
 - the Rural Zone would be consistent with the zone of the broader area to the east of 100 Randalls Bay Road; and

- the Priority Vegetation Area overlay would apply to the land and protect any vegetation of significant natural value.
703. The Commission otherwise determines the zones be applied to the remaining land as shown in the originally exhibited draft LPS. It is noted three of the landowners who were contacted about potential application of the Rural Zone preferred their land remain in the Agriculture Zone as exhibited.
704. The Commission agrees the Priority Vegetation Area overlay should be applied to that part of Abels Bay Road folio of the Register 244204/1 zoned Rural as recommended by its natural values expert. The policy intent of the SPPs is that the overlay be applied to compatible zones, and no alternative evidence was submitted from a suitably qualified person to demonstrate the land does not contain priority vegetation. The Commission also notes the planning authority's natural values expert also provided a revised overlay for 82 Randalls Bay Road (Paul Thomas) and 100 Randalls Bay Road folio of the Register 137938/3 (Malcolm Thomas). The revised overlay generally applies to a lesser area than the Regional Ecosystem Model and should also be applied.
705. The Commission notes the Scenic Road Corridor overlay has been declared by the Minister for Planning to be a control that should be transitioned from the existing interim planning scheme to the draft LPS under the provisions of Schedule 6 of the Act. Therefore, the overlay cannot be altered through this process.
706. The Commission is not persuaded the Rural Living Zone should be applied to Abels Bay Road folios of the Register 231571/1 and 230291/1 (Thomas) or 654 Abels Bay Road (Keshan) for the following reasons:
- there is no evidence the Rural Living Zone is supported by the regional strategy or a local land use strategy;
 - there is no evidence the land is part of a 'rural living community or that there is a primary strategic intention for the land be used for residential use and development within a rural setting' as required by policy SRD 1.3 of the regional strategy;
 - further work is required to establish whether there should be intent for the land be used for residential use and development within a rural setting; and
 - the Commission is satisfied the land has landscape value (see Commission decision on general issues - landscape values) that warrants application of the Landscape Conservation Zone for the reasons given by the planning authority in its section 35F report and at the hearing.
707. The Commission notes the planning authority's intent to undertake such strategic planning work for settlements in the municipality, which may help determine what zone should be applied to the land in future.

Commission decision

708. Modification:
- Revise the zoning of 100 Randalls Bay Road, Randalls Bay folio of the Register 229352/1 and that part of Abels Bay Road, Abels Bay folio of the Register 244204/1 located south of a boundary identified by coordinates E 508143.12 and N 5212316.73, E 508142.61 and N 5212402.35, E 508440.83 and N 5212509.93, E 508820.43 and N 5212399.01, E 509057.87 and N 5212408.14, and E 509306.56 and N 5212398.78 to Rural with the remainder of the land zoned Agriculture and apply the Priority Vegetation Area overlay to that part of folio of the Register 244204/1 zoned Rural.
 - Apply the Priority Vegetation Area overlay to 82 Randalls Bay Road folio of the Register 183842/1 and 100 Randalls Bay Road folio of the Register 137938/3 as

shown in the planning authority's response to direction 10 (14 July 2023) dated 15 December 2023.

709. Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Living Zone - 78 Fleurtys Road, Castle Forbes Bay and 3770B Huon Highway, Franklin

Representation: Pwyll Reeve (162)

Submission accepted by the Commission: Annette Sugden and Dale Chatwin (Submission 6)

710. The representation made by Pwyll Reeve (162) requested the zone of 78 Fleurtys Road, Castle Forbes Bay folio of the Register 90774/1 be revised from Landscape Conservation to Rural Living. The reasons were:
- the land was historically farmed;
 - the land was zoned Environmental Living in the interim planning scheme;
 - a zone such as Rural Living that would support resource development use should be applied;
 - the property contained two dams and had soil that was of good quality;
 - the farm produced food that was of good quality, which was sold to reputable restaurants in the Huon Valley and greater Hobart;
 - the land contained some areas of native vegetation that were carefully managed; and
 - the Landscape Conservation Zone was not required to protect features of scenic value.
711. The submission made by Annette Sugden and Dale Chatwin (Submission 6) requested the Rural and Landscape Conservation zones proposed for 3770B Huon Highway, Franklin folio of the Register 141133/2 be replaced with an alternative zone. The reasons were:
- the land contained buildings and cleared areas;
 - the land was not a feature of landscape value;
 - the Landscape Conservation Zone would prevent use of the land for rural and residential activities; and
 - the land was steep but could be used to graze grazing animals.
712. In its section 35F report, the planning authority recommended no change to the zone of 78 Fleurtys Road for the following reasons:
- the land was of landscape value because it had a significant area of native vegetation and was elevated;
 - mapping of vegetation in the area indicated the land contained threatened *Eucalyptus globulus* dry forest and woodland and *Eucalyptus globulus* wet forest, which was primary foraging habitat for critically endangered swift parrot;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
 - the land was reflective of the broader landscape values of the area;
 - small-scale use, or development was appropriate because it would limit impact on the landscape; and
 - the Landscape Conservation Zone was the most appropriate zone for the land; and

- the Rural Living Zone was not appropriate because there was not a primary strategic intention the land be used for residential use and development within a rural setting.
713. The planning authority included advice from its agriculture expert (RMCG), which stated it supported application of the Rural Living Zone as opposed to the Landscape Conservation Zone recommended by the planning authority.
714. Prior to the hearing, the planning authority, in response to a Commission direction, provided a response to the submission made by Annette Sugden and Dale Chatwin, which recommended the following properties be zoned Rural:
- 72 Braeside Road, Franklin folio of the Register 7899/4;
 - 115 Braeside Road, Franklin folio of the Register 150198/2;
 - 15 Chittys Road, Franklin folio of the Register 7899/5;
 - 34 Fleurty Road, Castle Forbes Bay folio of the Register 151133/1;
 - 48 Fleurty Road, Castle Forbes Bay folios of the Register 118121/1 and 129856/3;
 - 65 Fleurty Road, Castle Forbes Bay folio of the Register 118120/1;
 - 71 Fleurty Road, Castle Forbes Bay folio of the Register 118121/2.
 - 78 Fleurty Road, Castle Forbes Bay folio of the Register 90774/1;
 - Heriots Rise, Franklin folio of the Register 182420/1;
 - 3770 Huon Highway, Franklin folio of the Register 141133/2;
 - 3790 Huon Highway, Franklin folio of the Register 25049/1; and
 - Huon Highway, Franklin folio of the Register 170385/2.
715. The reasons were:
- the land had large areas of native vegetation but also large areas of cleared land;
 - the Priority Vegetation Area overlay would apply and protect native vegetation; and
 - most of the land was adjacent to other land zoned Rural.
716. At the hearing, Mr Pwyll Reeva made the following comments in support of his representation about the zone of 78 Fleurty Road:
- the Landscape Conservation Zone would unreasonably limit the use and development potential of the land, particularly agriculture use (grazing of animals);
 - the Landscape Conservation Zone had been incorrectly applied on the basis the land contained vegetation of significant natural value;
 - some of the surrounding land was of similar character but zoned Rural; and
 - he would support application of the Rural Zone to the land.
717. In response, the planning authority made the following comments:
- the land was zoned Environmental Living in the interim planning scheme;
 - it had initially considered the Landscape Conservation Zone should be applied but had changed its view and, upon review, considered the Rural Zone should be applied to the land instead;
 - its natural values expert Mr Jim Mulcahy advised the land was covered by the Priority Vegetation Area overlay; and
 - the overlay was compatible with the Rural Zone and would protect vegetation of local significance, which included habitat for the grey goshawk, swift parrot, eastern quoll, blue gum forest sea eagle and bandicoots.
718. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the properties it recommended be zoned Rural. The planning authority also provided the contact details of the affected

landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of 15 letters were sent and 7 responses were received. Only one of the responses, made by the owner of 65 Fleurty's Road, opposed the change. No reason was specified.

Commission consideration

719. The Commission agrees the Rural Zone should be applied to the land as recommended by the planning authority. The Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural. The Commission is persuaded the land is of little to no landscape value (see Commission decision on general issues) and has inconsistent potential to be used for agriculture due to the small area of the lots and steep gradient of some of the land. It is also noted none of the lots were included in the agricultural estate mapping.
720. The Commission also accepts the evidence of Mr Mulcahy that any significant native vegetation can be managed by application of the Priority Vegetation Area overlay.

Commission decision

721. Modification:

- Revise the zoning of the following properties to Rural:
 - a. 72 Braeside Road, Franklin folio of the Register 7899/4;
 - b. 115 Braeside Road, Franklin folio of the Register 150198/2;
 - c. 15 Chittys Road, Franklin folio of the Register 7899/5;
 - d. 34 Fleurty's Road, Castle Forbes Bay folio of the Register 151133/1;
 - e. 48 Fleurty's Road, Castle Forbes Bay folio of the Register 118121/1;
 - f. 65 Fleurty's Road, Castle Forbes Bay folio of the Register 118120/1;
 - g. 78 Fleurty's Road, Castle Forbes Bay folio of the Register 90774/1;
 - h. that part of 48 Fleurty's Road, Castle Forbes Bay folio of the Register 129856/3 zoned Landscape Conservation and Environmental Management;
 - i. that part of 71 Fleurty's Road, Castle Forbes Bay folio of the Register 118121/2 zoned Landscape Conservation;
 - j. 66 Heriots Rise, Franklin folio of the Register 170385/1;
 - k. Heriots Rise, Franklin folio of the Register 182420/1;
 - l. 3770 Huon Highway, Franklin folio of the Register 141133/2;
 - m. 3790 Huon Highway, Franklin folio of the Register 25049/1; and
 - n. Huon Highway, Franklin folio of the Register 170385/2.
 - o. Crown land General Law deed 51/5156;
 - p. Crown land folio of the Register 182420/2;
 - q. subdivision road folio of the Register 150198/10; and
 - r. road reserve located between folios of the Register 170385/1 and 170385/2.

722. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Living Zone - 128 Kelly's Road, Cradoc

Representation: Susan Duff (163)

723. The representor requested zone of 128 Kelly's Road, Cradoc folio of the Register 33285/1 be revised from Landscape Conservation to Rural Living (Rural Living Zone B or C) or split-zoned. The reasons were:

- one third of the property was cleared of vegetation;

- the land contained a dwelling;
 - the purpose of the Rural Living Zone was to provide for residential use and development within a rural setting;
 - the bushland that surrounded the land was managed to lower risk of bushfire impact;
 - the land was zoned Environmental Living in the interim planning scheme and had an area more than 7ha;
 - the Priority Vegetation Area overlay applied to the land to protect native vegetation; and
 - the Rural Living Zone should be applied to the cleared area of the land.
724. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the land was of landscape value because it has a significant amount of vegetation coverage and an elevated position relative to the Huon River;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
 - the land reflected of the broader landscape value of the area;
 - only small-scale use or development was appropriate because it would limit impact on the landscape; and
 - the Landscape Conservation Zone was the most appropriate zone for the land.
725. At the hearing, the Ms Duff was represented by Mr Rob Nettlefold and Mr Caleb Elcock who made the following comments in support of the representation:
- the land was purchased with the intent to use it for rural living purposes;
 - the land featured cleared pasture on its northern side;
 - a dwelling and outbuildings were located in the cleared area of the land;
 - the owner had no intent to remove any of the native bushland; and
 - there was the possibility the land could be split-zoned.
726. In response, the planning authority noted the land was relatively steep and was part of a broader area of contiguous native vegetation. It added it would support split-zoning of the land so that part was zoned Rural.
727. Following the hearing, the planning authority, in response to a Commission direction, provided a submission that included a diagram, which showed a zone boundary adjacent to the cleared area in the vicinity of the 220m AHD contour. A subsequent submission made by the planning authority provided GPS coordinates that identified the location of the split-zone boundary.

Commission consideration

728. The Commission is persuaded the Rural Zone should be applied to the cleared area of the land at the northern end of the property (see Commission decision on general issues - split-zones) as recommended by the planning authority for the following reasons:
- the land is identified in the agricultural estate mapping (potentially constrained), which indicates the Rural or Agriculture zones are appropriate;
 - the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;

- the land proposed to be zoned Rural has little to no landscape value (see Commission decision on general issues - landscape value) because it is cleared pasture and is not significantly elevated, being mostly below the 230m AHD contour;
- the Rural Zone would be consistent with the zone of the broader area to the north and east; and
- the Priority Vegetation Area overlay would apply to the land and protect any significant native vegetation present.

Commission decision

729. Modification:

- Revise the zoning of that part of 128 Kellys Road, Cradoc folio of the Register 33285/1 located north of the boundary identified by coordinates E 504495, N 522577 and E 504237, N 5225685 to the north-east boundary corner as shown in Figure 1 of the planning authority's response to direction 17 dated 7 March 2024 to Rural.

730. Reason: To apply the Rural Zone consistent with Guideline No.1.

Rural Living Zone - Lady Bay Road, Southport

Representation: Peter Gane (164)

731. The representor requested the zone of Lady Bay Road, Southport folio of the Register 209347/1 be revised from Agriculture to Rural Living. The reasons were:

- the land was a former road reserve;
- the land had a width of 20m and formed part of the representor's adjoining property at 140 Lady Bay Road; and
- the representor intended to use the titles as one property.

732. In its section 35F report, the planning authority recommended the Rural Living Zone A be applied to the land for the following reasons:

- the land was under similar ownership to the adjoining land zoned Rural Living;
- the Agriculture Zone was applied because the land had been zoned Significant Agriculture in the interim planning scheme; and
- its agriculture expert (RMCG) investigated the potential to use the land for agriculture and was satisfied the Rural Living Zone should be applied instead of the Rural or Agriculture Zone.

733. Following the hearing, the planning authority, in response to a Commission direction, provided a submission with advice from its natural values expert Mr Jim Mulcahy that the Priority Vegetation Area overlay should not be applied to the land as it did not contain priority vegetation.

Commission consideration

734. The Commission is persuaded the Rural Zone should be applied to the land for the reasons given in its section 35F report and the advice of the planning authority's agriculture expert.

735. The Commission accepts the advice of the planning authority's natural values expert that the Priority Vegetation Area overlay should not be applied to the land.

Commission decision

736. Modification:

- Revise the zoning of Lady Bay Road, Southport folio of the Register 209347/1 to Rural Living A.

737. Reason: To apply the Rural Living Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Living Zone - Hastings and Southport (Hastings and Southport Cluster)

Representations: Malcolm and Karin Boyle (165), Eve Merfield and Anthony Munnings (176 and 177), Joe Leary and Kristy Robson (244 and 245), Rosalind Skinner (331), Dale Duggan (414)

738. The representation made by Malcolm and Karin Boyle (165) requested the zone of 8648 Huon Highway, Southport folio of the Register 62552/1 be revised from Landscape Conservation to Rural Living. The reasons were:
- application of the Landscape Conservation Zone to the land was not consistent with the planning authority's methodology expressed in its draft LPS supporting report because less than 80% of the land was covered in native bushland;
 - approximately 10% of the land was covered in vegetation;
 - the land was not suitable for the Landscape Conservation Zone because it contained two dwellings and five sheds and had a small area of approximately 0.8ha;
 - vegetation around the buildings needed to be cleared and maintained for bushfire hazard management purposes;
 - the Landscape Conservation Zone applied to the land was not consistent with LCZ 1 and LCZ 4 of Guideline No. 1; and
 - the Rural Living Zone should be applied to the land because the purpose of the zone was consistent with the use and character of the land.
739. The representations made by Eve Merfield and Anthony Munnings (176 and 177) requested the zone of 189 and 241 Hastings Caves Road, Hastings folios of the Register 181878/1 and 44833/4 be revised to a zone other than Landscape Conservation. The representor sought a zone that was more consistent with the use and character of the property.
740. The representations made by Joe Leary and Kristy Robson (244 and 245) requested the zone of 270 Hastings Caves Road folio of the Register 238754/1 and Hastings Caves Road, Hastings folio of the Register 251862/2 be revised from Landscape Conservation to Rural Living. The reasons were:
- 270 Hastings Caves Road was predominately cleared of vegetation and contained a dwelling and outbuildings;
 - 270 Hastings Caves Road was more suited to the Rural Living Zone;
 - 270 Hastings Caves Road had a small area (4,500m²) and contained no trees, shrubs, or habitat for significant native fauna;
 - there was no history reported of landslides in the area;
 - the Landscape Conservation would reduce the value of both properties; and
 - the Landscape Conservation would unreasonably limit the use and development potential of the land.
741. The representation made by Rosalind Skinner (331) also requested the zone of 237 Hastings Caves Road, Hastings folio of the Register 46083/1 be revised from Landscape Conservation to Rural Living. The reasons were:
- the Rural Living Zone should be applied to the land because the purpose of the zone was consistent with the use and character of the land;
 - the land was zoned Environmental Living in the interim planning scheme;

- the Landscape Conservation Zone applied to the land was not consistent with Guideline No. 1;
 - the land contained small residential buildings;
 - most of the land was covered in pasture;
 - native vegetation on the land was regrowth;
 - the Landscape Conservation would unreasonably limit the use and development potential of the land;
 - the land was not of natural or scenic value because it did not contain bushland areas or large areas of native vegetation; and
 - the land had been historically used for residential purposes, industry, and farming (orchards).
742. The representation made by Dale Duggan (414) requested the zone of Huon Highway, Southport folio of the Register 150993/1 be revised from Rural to Rural Living D. The reasons were:
- the land contained a hobby farm and was not large enough to sustain a profitable rural activity;
 - the land had been used to graze cattle for 20 years and was mainly cleared;
 - the Priority Vegetation Area overlay did not apply to the part of the land proposed to be zoned Landscape Conservation;
 - the Rural Living Zone should be applied to the land because it was consistent with the use and character of the land;
 - Mr Duggan submitted that should the Rural Living D not be supported, the Rural Zone was a suitable alternative zone.
743. In its section 35F report, the planning authority recommended the Rural Living Zone D be applied to seventeen lots along Hastings Caves Road and the Huon Highway for the following reasons:
- the Landscape Conservation Zone was applied because the land was perceived to be of landscape value; however a review of the area determined the land had characteristics that were consistent with the purpose of the Rural Living Zone;
 - the existing area and density of the lots were consistent with the provisions of the Rural Living Zone;
 - the application of the Rural Zone was consistent with RLZ 2 Guideline No. 1 because the land was zoned Environmental Living in the interim planning scheme and there was a primary strategic intention the land be used for residential use and development within a rural setting;
 - any features of landscape value could be managed under the Rural Living Zone provisions, which would limit the type and intensity of uses possible;
 - one of the purpose statements of the Rural Living Zone indicated existing natural and landscape values must be retained; and
 - Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) was recommended to apply because it provided a minimum lot size that was consistent with what existed.
744. The planning authority recommended the area of the Rural Living Zone applied to Huon Highway, Southport folio of the Register 150993/1 (Duggan) be limited to that part of the land zoned Landscape Conservation (zoned Environmental Living in the interim planning scheme) to limit potential to subdivide the land.
745. The planning authority recommended there be no change to the zone of 189 Hastings Caves Road folio of the Register 181878/1 (Merfield and Munnings) and Hastings Caves Road, Hastings folio of the Register 251862/2 (Leary and Robson representation 245) for the following reasons:

- the land was zoned Environmental Living in the interim planning scheme;
- RLZ 2(b) of Guideline No. 1 allowed the planning authority to consider whether the land should be included in the Rural Living Zone;
- folio of the Register 251862/2 (Leary and Robson) contained a ridgeline, hillside and valley depression that ran diagonally through the property;
- folio of the Register 251862/2 was fully vegetated and formed part of a much larger forested area that could be seen from Hastings Caves Road and Lune River Road;
- the land was of landscape value because it was elevated and had a significant area of vegetation coverage;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- the land reflected of the broader landscape value of the area;
- only small-scale use, or development was appropriate because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

746. At the hearing, Ms Eve Merfield and Mr Anthony Munnings made a written submission and the following comments in support of the representation:

- 241 Hastings Cave Road had a small land area (1,500m²) and contained a dwelling;
- they supported the planning authority's recommendation the Rural Living Zone be applied to 241 Hastings Cave Road;
- 241 Hastings Cave Road was cleared of vegetation and was not a feature of landscape value;
- the area was used for rural purposes;
- the Coastal Inundation Hazard Area overlay applied to 241 Hastings Cave Road, which would cause the value of the land to decline;
- 189 Hastings Caves Road should be zoned Rural Living because it was not a feature of landscape value;
- the Priority Vegetation Area and Waterway and Coastal Protection Area overlays would apply to the land and protect features of natural value;
- a dwelling was currently being constructed on 189 Hastings Caves Road;
- 189 Hastings Caves Road was partly cleared;
- 189 Hastings Caves Road was intended to be used for rural living use and development;
- the Landscape Conservation Zone applied to the land was not consistent with LCZ 4 of Guideline No. 1;
- the Landscape Conservation Zone would cause the value of the land to decline;
- the Priority Vegetation Area overlay applied to part of 189 Hastings Caves Road was inaccurate; and
- the native vegetation on the land was regrowth.

747. In response, the planning authority made the following comments:

- the Landscape Conservation Zone was applied to a broad area, which meant some smaller properties were also included to ensure the zone was applied consistently;
- it reconsidered the zoning for 241 Hastings Cave Road and was satisfied the land and the surrounding properties should be zoned Rural Living;

- the Coastal Inundation Hazard Area overlay applied to 241 Hastings Cave Road because it had been mapped by the State Government as an area that could potentially be inundated by coastal waters;
 - 189 Hastings Caves Road was a larger lot that was substantially covered in native vegetation;
 - it was prepared to reconsider which land should be included in the Rural Living Zone; and
 - its natural values expert advised the land contained some habitat for threatened native fauna.
748. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the properties it recommended be zoned Rural Living D, which included that part of Huon Highway, Southport folio of the Register 150993/1 (Duggan) zoned Landscape Conservation. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of 19 letters were sent and nine responses were received, seven of which were supportive of the Rural Living Zone and two were opposed. No reasons were given by the owners who opposed the change.
749. The response from Eve Merfield and Mr Anthony Munnings requested 189 Hastings Caves Road folio of the Register 181878/1 also be included in the cluster because it was directly opposite the land at 218 Hastings Caves Road, which was proposed to be included.

Commission consideration

750. The Commission agrees the Rural Living Zone should be applied to the land for the reasons given by the planning authority in its section 35F report. The land contains established rural living use within a rural setting. Impact on any features of landscape value (see Commission decision on general issues) present can be managed through the Zone provisions and application of Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) that would minimise how many new lots could be created. The Commission agrees 189 Hastings Caves Road (Merfield and Munnings) should be zoned Rural Living as it would provide a logical end to the zone in that location.
751. The Commission notes the planning authority omitted 25 Hastings Caves Road, Hastings folio of the Register 94086/1 from the list of properties recommended to be zoned Rural Living. The land is a small lot surrounded by 237 Hastings Caves Road and should also be included in the Rural Living Zone to avoid the land being spot-zoned. Spot-zoning should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict.
752. The Commission agrees with the planning authority that there should be no change to the zone of Hastings Caves Road, Hastings folio of the Register 251862/2 (Leary and Robson representation 245) for the reasons given in its section 35F report.
753. Otherwise, the Commission notes several representors raised concern the Priority Vegetation Area overlay, which applied to some titles was inaccurate. It is the Commission's view the overlay should not be removed from land or amended unless supported by the advice of a suitably qualified person who has undertaken a detailed site assessment. The Commission accepts the advice of the planning authority's natural values expert that the land contains significant native vegetation that should be recognised by the overlay. No evidence was submitted from a suitably qualified person to demonstrate the land does not contain priority vegetation.

Commission decision

754. Modification:

- Revise the zoning of the following properties to Rural Living D:
 - a. 17 Hastings Caves Road, Hastings folio of the Register 14937/1;
 - b. 25 Hastings Caves Road, Hastings folio of the Register 94086/1;
 - c. 80 Hastings Cave Road, Hastings folio of the Register 243171/1;
 - d. 100 Hastings Cave Road, Hastings folio of the Register 168313/1;
 - e. 116 Hastings Caves Road, Hastings folio of the Register 168312/1;
 - f. 189 Hastings Caves Road folio of the Register 181878/1;
 - g. 220 Hastings Caves Road, Hastings folio of the Register 24636/1;
 - h. 237 Hastings Caves Road, Hastings folios of the Register 46083/1 and 199875/1;
 - i. 240 Hastings Cave Road, Hastings folios of the Register 46086/1 and 46085/1;
 - j. 241 Hastings Cave Road, Hastings folio of the Register 44833/4;
 - k. 270 Hastings Cave Road, Hastings folio of the Register 238754/1;
 - l. Hastings Cave Road, Hastings folio of the Register 120022/1;
 - m. 8528 Huon Highway, Southport folio of the Register 151824/2;
 - n. 8546 Huon Highway, Southport folio of the Register 151824/1;
 - o. 8568 Hastings Cave Road, Hastings folio of the Register 16585/8;
 - p. 8605 Huon Highway, Southport folio of the Register 105129/1;
 - q. 8648 Huon Highway, Southport folio of the Register 62552/1;
 - r. that part of 8605 Huon Highway, Southport folio of the Register 122965/1 north of the existing zone boundary;
 - s. that part of 218 Hastings Caves Road, Hastings folio of the Register 43915/1 south of the line identified in the planning authority's submission dated 24 July 2023;
 - t. that part of Huon Highway, Southport folio of the Register 150993/1 zoned Landscape Conservation; and
 - u. the reserved roads adjoining the eastern boundary of folio of the Register 46086/1, intersecting folio of the Register 46083/1, the eastern boundary of folio of the Register 168313/1, intersecting folio of the Register 151824/2, intersecting folio of the Register 122965/1 and both reserved roads intersecting folio of the Register 105129/1.

755. Reason: To apply the Rural Living Zone consistent with Guideline No. 1.

Rural Living Zone - 125 Bakers Creek Road, Lucaston

Representation: Gayle O'Brien (173)

756. The representor requested the zone of 125 Bakers Creek Road, Lucaston folio of the Register 232815/1 be revised from Rural to Rural Living. The reasons were:

- the land contained a dwelling and was not of significant natural or landscape value;
- the property was located alongside other properties of similar size;
- the property was not suitable for agriculture use because it had a small area, did not have access to irrigation and had soil that was of poor quality;
- the land was not suitable for rural activities such as mining, aquaculture, or forestry; and
- the characteristics of the land were consistent with the purpose of the Rural Living or Low Density Residential zones.

757. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the proposed Rural Living Zone was not consistent with RLZ 2 Guideline No. 1 because the land was zoned Rural Resource in the interim planning scheme and there was not a primary strategic intention the land be used for residential use and development within a rural setting;
 - the regional strategy (policy SRD 1.3) restricted application of the Rural Living Zone to existing rural living communities; and
 - the Rural Zone was most appropriate for the land.
758. At the hearing, the representor, Ms Gayle O'Brien was represented by her daughter Ms Nicole Beard who together tabled a written submission and made the following comments:
- the land was zoned Rural Residential when it was purchased in 2008;
 - the land was part of a settlement with a residential character that was close to Huonville;
 - the Rural Living Zone was consistent with policy SRD 1.3 of the regional strategy because it would recognise an existing rural living community;
 - she wanted to subdivide the land, but would support a subdivision category that would limit subdivision potential if the land were zoned Rural Living;
 - the surrounding lots had similar areas, were also used for rural living purposes, and should also be zoned Rural Living;
 - the surrounding Rural Zone would act as a buffer between the Agriculture Zone and Rural Living Zone;
 - the properties were not used for agriculture or could be used for agriculture;
 - the Rural Zone did not reflect the use or character of the land; and
 - the Priority Vegetation Area overlay did not apply to the land.
759. In response, the planning authority made the following comments:
- there was no local strategic planning work that supported the Rural Living Zone;
 - more strategic planning work was required to determine where the Rural Living Zone should be applied throughout the municipality in future;
 - it had engaged a consultant to prepare a land use and development strategy on its behalf; and
 - the strategy would examine what subdivision categories should be applied and whether potential to create new lots should be provided in some rural living areas.
760. Following the hearing, the planning authority, in response to a Commission direction, reviewed the hearing submission made by the representor and advised it did not wish to add any further comments.

Commission consideration

761. The Commission is not persuaded the Rural Living Zone should be applied to the land for the reasons given by the planning authority in its section 35F report. The land is separate from any rural living settlements and has a general rural character rather than a rural living character. The Commission is not satisfied the Rural Living Zone is supported by the regional strategy or a local land use strategy. Therefore, the Rural Zone should be applied to the land consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural.
762. The Commission otherwise notes the planning authority's intent to undertake strategic planning work for settlements in the municipality, which may help determine the appropriate future zone for the land.

Commission decision

763. The Commission determines no modifications are required.

Rural Living Zone - 151 and 153 Kent Beach Road, Dover (Dover Cluster 2)

Representations: Eve Merfield and Anthony Munnings (178 and 179)

764. The representors requested the zone of 151 and 153 Kent Beach Road, Dover folios of the Register 104783/5 and 15529/1 be revised to a zone other than Landscape Conservation. The representor sought a zone that was more consistent with the use and character of the property.
765. In its section 35F report, the planning authority recommended the Rural Living Zone B be applied because the land was zoned Rural Living in the interim planning scheme, was not elevated, and was generally cleared of native bushland. It also recommended 151 Kent Beach Road be split-zoned so the Landscape Conservation Zone was applied to the rear of the land at the approximate mid-point of the lot.
766. At the hearing, Ms Eve Merfield and Mr Anthony Munnings made a written submission and the following comments in support of the representation:
- the land was originally purchased to use for rural activities;
 - the land was subject to the Coastal Inundation Hazard Area overlay, which would cause the value of the land to decline;
 - 153 Kent Beach Road had a small land area (approximately 2,000m²) and contained a dwelling and outbuilding;
 - 153 Kent Beach Road had been sold to new owners; and
 - the whole area of both properties should be zoned Rural Living rather than split-zoned.
767. In response, the planning authority stated it would support application of the Rural Living Zone to the whole area of both titles. Its natural values expert Mr Jim Mulcahy advised the land contained white peppermints, which were common in the area, and that any native vegetation would be protected by the Priority Vegetation Area overlay, which would apply to the land.
768. Following the hearing, the planning authority, in response to a Commission direction, provided the contact details for the new owner of 153 Kent Beach Road. The Commission subsequently notified the landowner of the planning authority's recommendation the Rural Living Zone be applied to the land and sought their opinion on the proposed change. A response from the landowner stated they agreed the Rural Living Zone should be applied.

Commission consideration

769. The Commission is persuaded the Rural Living Zone should be applied to 151 and 153 Kent Beach Road. The land contains established rural living use and is adjacent to an established rural living community to the east.
770. The Commission notes the planning authority's intent to undertake strategic planning work for settlements in the municipality, which may help determine the appropriate future zone for the land. In lieu of such work, it is considered Rural Living Zone B (Acceptable Solution with a minimum lot size of 2ha) be applied to prevent subdivision in the interim period.

Commission decision

771. Modification:

- Revise the zoning of 151 and 153 Kent Beach Road, Dover folios of the Register 104783/5 and 15529/1 to Rural Living B.

772. Reason: To apply the Rural Living Zone consistent with Guideline No. 1.

Rural Living Zone - Maxfields Road, Franklin (Franklin Cluster 2)

Representations: Robyn Giec (180), Bradley Griggs (195)

773. The representation made by Robyn Giec (180) requested the zone of 98 Maxfields Road, Franklin, folios of the Register 95394/1 and 95394/2 be revised from Landscape Conservation to Rural Living. The reasons were:

- the property was part of a much larger farm enterprise and contained a range of farm improvements that included a shearing shed;
- the property was a farm rather than a conservation site;
- the property was used to graze sheep and cattle;
- the land contained pasture, and was used to grow timber, saffron and other produce; and
- the land did not contain features of significant natural values.

774. The representation made by Bradley Griggs (195) requested the zone of Maxfields Road, Franklin folios of the Register 28375/2 and 28375/3 be revised from Landscape Conservation to Rural. The reasons were:

- the land originally formed part of a larger farm that grew apples and ran livestock;
- the property contained a range of farm improvements;
- the owner intended to continue to farm the land and construct buildings on it;
- the land did not contain features of significant natural value; and
- the Rural Zone or Rural Living Zone would better reflect the character and use of the land.

775. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land was zoned Environmental Living in the interim planning scheme;
- RLZ 2(b) of Guideline No. 1 allowed the planning authority to consider whether the land should be included in the Rural Living Zone;
- the area formed part of a large contiguous bushland area that encompassed Cannells Hill and tributaries of the Huon River;
- 98 Maxfields Road was in an elevated area;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- the land reflected of the broader landscape value of the area;
- the proposed Rural Living Zone was not consistent with RLZ 2 Guideline No. 1 because the land was zoned Rural Resource in the interim planning scheme and there was not a 'primary strategic intention the land be used for residential use and development in a rural setting';
- the Landscape Conservation Zone was the most appropriate zone for the land; and
- folio of the Register 28375/2 (Griggs) did not have significant vegetation cover and was used for agriculture, however, should be retained in the Landscape Conservation Zone to ensure a consistent zone pattern was applied.

776. The planning authority included advice from its agriculture expert (RMCG), which stated the Agriculture Zone should be applied to folio of the Register 28375/3 (Griggs) and part of 2978 Huon Highway, Franklin folio of the Register 169242/2, which adjoined the land.
777. At the hearing, Mea Quartararo (Abetz Curtis Lawyers and Advisers) made a written submission for Robyn Giec who together made the following comments:
- the Landscape Conservation Zone was not supported by LCZ 1 of Guideline No. 1 because the land was not of significant landscape value;
 - the land was not significantly elevated;
 - the land was not significantly visible from surrounding areas including Maxfields Road and the Huon Highway;
 - land needed to be seen to have landscape value;
 - the land was used as a hobby farm;
 - the land did not contain a large area of native bushland;
 - there was no evidence the land contained locally or regionally significant vegetation;
 - the Priority Vegetation Area overlay would apply to the land and protect any vegetation of natural value;
 - the overlay should not be applied to folio of the Register and 95394/2 because the land contained a dwelling and was almost entirely cleared;
 - the use of the land was not primarily used for the protection of natural or landscape values;
 - the priority was for the land to contain residential use and development;
 - the land should be zoned Low Density Residential or Rural Living A;
 - the Low Density Residential Zone was appropriate because the area was not urban but characterised by residential use; and
 - the Rural Living Zone was otherwise supported by RLZ 1(a) of Guideline No. 1 and policy SRD 1.4 of the regional strategy.
778. In response, the planning authority made the following comments:
- the Low Density Residential Zone was not appropriate for the land because there was an expectation the Zone was contained in a settlement;
 - there was no strategic intent for the area to be zoned Rural Living however the Rural Living Zone may be appropriate in the future given there was a mixture of lot sizes and scattered vegetation;
 - the land had rural living character however the Rural Living Zone was not appropriate given the current use of the surrounding area;
 - more strategic planning work was required to determine where the Rural Living Zone should be applied throughout the municipality in future;
 - it had engaged a consultant to prepare a land use and development strategy on its behalf;
 - its strategic planning work could investigate whether the Rural Zone should be applied to the area;
 - its natural values expert had advised the land may not include any mature native trees;
 - the Priority Vegetation Area overlay only applied to a small area of the land; and
 - it would consider removing the overlay if it was supported by evidence provided by a suitably qualified person.
779. Mr Bradley Griggs made the following comments in support of his representation:
- the Landscape Conservation Zone would compromise his future plans to use the land;
 - he wanted to build a dwelling on both lots in future; and

- he wanted to use the land for rural living purposes.
780. In response, the planning authority made the following comments:
- the land was part of a large area between Franklin and Glen Huon that was zoned Environmental Living in the interim planning scheme;
 - the area contained lots with varying use and land areas that were difficult to zone;
 - the Rural Living Zone was not supported by the regional strategy or a local land use strategy;
 - it would be difficult to obtain approval for a dwelling in the Agriculture Zone; and
 - its agriculture expert advised the Rural Zone should be considered for a cluster of titles in the area given the intended residential use.
781. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the properties it recommended be zoned Rural. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of three letters were sent and two responses were received, both of which were supportive of the Rural Zone. However the response made by Abetz Curtis Lawyers and Advisers for Robyn Giec noted the owner maintained a preference for the Rural Living Zone for the reasons given in the representation and at the hearing.
782. In addition, the planning authority provided a diagram that showed how the Priority Vegetation Area overlay should be applied to 98 Maxfields Road. The overlay diagram was prepared by Mr Jim Mulcahy and applied to a marginally larger area of the land than the original overlay based on the Regional Ecosystem Model.
783. At the reconvened hearing, Ms Robyn Giec made the following comments about the changes to the Priority Vegetation Area overlay recommended by the planning authority because the revised overlay would apply to areas, particularly around the existing dwelling, that did not contain native vegetation.
784. In response, Mr Mulcahy made the following comments on behalf of the planning authority:
- the site had not been inspected to verify what type of vegetation the property contained;
 - mapping of the vegetation indicated the land contained *Eucalyptus ovata*, which provided habitat for the threatened swift parrot; and
 - the area of the overlay was determined using aerial photography.
785. Following the hearing, the planning authority, in response to a Commission direction, advised Mr Mulcahy had undertaken an inspection of the property and recommended the overlay be removed from folio of the Register 95394/2. Furthermore, Mr Mulcahy recommended the overlay applied to folio of the Register 95394/1 be marginally reduced in area to reflect actual site conditions.

Commission consideration

786. The Commission agrees the Rural Zone should be applied to the land as recommended by the planning authority. The Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural. The Commission is persuaded the land is of little to no landscape value (see Commission decision on general issues) given its large, cleared areas and connection to the land to the south and east, which is zoned Agriculture and used for agriculture.

787. The Commission also considers the Landscape Conservation Zone applied to the northern section of 2978 Huon Highway should be replaced with an alternative zone as recommended by the planning authority's agriculture expert. However the Commission determines the Rural Zone should be applied as it is consistent with the zone that will apply to the adjoining land owned by Ms Giec and Mr Griggs. The Rural Zone is compatible with the Priority Vegetation Area overlay and will ensure a uniform zone pattern is applied on the northern side of a reserved road that adjoins the land.
788. The Commission notes there is a reserved road that adjoins the land that should also be included in the Rural Zone to ensure zoning is applied contiguously.
789. Otherwise, the Commission is not persuaded the Rural Living Zone should be applied to the land for the following reasons:
- there is no evidence the Rural Living Zone is supported by the regional strategy or a local land use strategy;
 - it is not clear the land has rural living character; and
 - there is no evidence the land or the surrounding properties constitute a 'rural living community' as required to meet policy SRD 1.3 of the regional strategy.
790. The Commission notes the planning authority's intent to undertake strategic planning work to investigate the appropriate future zones that should apply to land in the municipality, which may include areas of Franklin.
791. The Commission consequently determines the Priority Vegetation Area overlay should be removed from 98 Maxfields Road folio of the Register 95394/2 and amended at folio of the Register 95394/1 consistent with the advice of the planning authority's natural values expert to manage the native vegetation.

Commission decision

792. Modification:
- Revise the zoning of 98 Maxfields Road folios of the Register 95394/1 and 95394/2, Maxfields Road, Franklin folios of the Register 28375/2 and 28375/3, that part of 2978 Huon Highway, Franklin folio of the Register 169242/2 adjoining folio of the Register 95394/2 and the surrounding reserved road as necessary to provide a uniform zoning pattern to Rural.
 - Remove the Priority Vegetation Area overlay from 98 Maxfields Road folio of the Register 95394/2 and apply the Priority Vegetation Area overlay to 98 Maxfields Road folio of the Register 95394/1 consistent with the diagram in the planning authority's submission in response to direction 8 (21 February 2024) dated 7 March 2024.
793. Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Living Zone - Bakers Creek Road, Lucaston

Representation: James Boyce (184)

794. The representor requested the zone of part of Bakers Creek Road, Lucaston folio of the Register 41338/1 be revised from Landscape Conservation to Rural Living. The reasons were:
- most of the land was rough pasture until the 1980s;
 - almost all the trees on the land were less than 40 years old;
 - the land was historically used to graze cattle;

- the lower area of the land was generally flat, contained sheds and had soil of a quality good enough to grow pasture;
 - the owner intended to use the land for small-scale farming;
 - the land had access to irrigation from Bakers Creek;
 - similar land nearby had been zoned Rural Living; and
 - the lower part of the land should be zoned Rural Living, while the higher parts of the block were inaccessible and steep and should be zoned Landscape Conservation to protect features of landscape value.
795. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the land was zoned Environmental Living in the interim planning scheme;
 - the land did not meet RLZ 2(b) of Guideline No. 1 as the primary strategic intention was not to provide for residential use in a rural setting in this location;
 - the site formed part of a contiguous bushland area located on the lower slopes of the fully vegetated Mount Misery;
 - 98% of the lot was covered in vegetation;
 - mapping of the vegetation indicated a large part of the land contained *Eucalyptus globulus* wet forest which was primary foraging habitat for the critically endangered swift parrot;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
 - the land reflected of the broader landscape value of the area;
 - only small-scale use or development was appropriate because it would limit impact on the landscape; and
 - the Landscape Conservation Zone was the most appropriate zone for the land.
796. At the hearing, Mr James Boyce made the following comments in support of the representation:
- the land was located at the end of Bakers Creek Road where the character of the land started to change from rural living to native bushland;
 - the lower area of the land was suitable for a dwelling;
 - some *Eucalyptus globulus* was located on the higher parts of the land; and
 - a split-zone should be applied to the land so that the Rural Zone was applied to the land below the 290m AHD contour and along the frontage to Bakers Creek Road.
797. In response, the planning authority made the following comments:
- the land was elevated and covered in native bushland;
 - the Landscape Conservation Zone was supported by Guideline No. 1; and
 - it would be prepared to consider a split-zone of the land so the Rural Zone could be applied, however it was unclear where the boundary between the two zones should be.
798. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the area it proposed be zoned Rural. The diagram showed the Rural Zone applied to the northern area of the land below the 300m AHD contour. The planning authority added its review of historic aerial photography of the land showed no evidence the land was cleared pasture in the 1980s but noted animals may have grazed wooded areas on the lower slopes of the land.

799. At the reconvened hearing, Mr Boyce added the following comments:
- the bushland contained an understory of grass land;
 - cattle historically grazed on the understory grasses;
 - residents in the area had told him the lower area of the land had been cleared in the past; and
 - he accepted it was possible the land may never had been cleared.
800. In response, Mr Jim Mulcahy made the following comments on behalf of the planning authority:
- the land directly to the east (Bakers Creek Road folio of the Register 9295/1) was zoned Rural because it contained a private timber reserve;
 - it was unknown if the owner of folio of the Register 9295/1 intended to clear the land; and
 - it had reconsidered whether the land should be split-zoned and considered the land should remain in the Landscape Conservation Zone given its analysis of the historic aerial photography.
801. Following the reconvened hearing, the planning authority, in response to a Commission direction, made a submission to clarify what zone it recommended should be applied to the land. The following comments were made:
- its previous response to the Commission's direction (dated 18 December 2023) provided an opinion on where a zone boundary could be located but was not a recommendation a split-zone be applied to the land in preference to application of the Landscape Conservation Zone to the whole title;
 - it analysed aerial photographs from 1984, 1985, 1986, 1988 and 1990 and was not satisfied there was evidence of a particular historic use;
 - the use and character of the land was like other land in the area where the Landscape Conservation Zone had been applied; and
 - it would support the proposed split-zone if approved by the Commission.
802. In response, Mr Boyce made a written submission with the following comments:
- he supported a zone boundary at the 300m AHD contour that would allow the lower area of the land to be zoned Rural;
 - two former farmers from the area told him the land had previously been used to graze cattle, and that the lower levels of the land once contained rough pasture;
 - another long-term resident of Bakers Creek Road, and the son of the woman who constructed the dwelling on the land opposite his, had also told him the land had been used to graze cattle;
 - the land contained barb wire fencing, which is a type of fencing that was rarely used unless stock was being enclosed;
 - there was a thick undergrowth of grass on the lower slopes of the land in the area where some sheds were located;
 - most of the timber on the lower slopes of the land was young regrowth, largely stringybark and generally less than thirty years old;
 - the historic aerial photography indicated the area was never improved pasture;
 - areas of rough pasture were still common on Bakers Creek Road, especially on the upper side of the road;
 - former areas of pasture were quickly recolonised by native vegetation once livestock was removed;
 - the conservation value of the vegetation on the lower slopes of the land was much less than the older forest on the upper slopes;
 - the historic aerial photography showed a noticeable difference between the vegetation on the lower and upper slopes of the land;

- the upper slopes of the land contained *Eucalyptus globulus* forest and should be zoned Landscape Conservation;
- the land was at the end of a mixed rural, agriculture and bush precinct along Bakers Creek;
- the land had access to a supply of water from Bakers Creek;
- he did not intend to clear the land or remove mature trees; and
- he intended to manage the vegetation to allow existing grasses and shrubs to grow, and to plant some fruit and nut trees for personal use.

Commission consideration

803. The Commission is persuaded the Rural Zone should be applied to the northern area of the land below the 300m AHD contour (see Commission decision on general issues - split-zones) for the following reasons:
- the remnants of rural fencing along the frontage of the property is evidence that the lower area of the land had previously been used to graze animals;
 - the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
 - the land proposed to be zoned Rural has little to no landscape value (see Commission decision on general issues - landscape value) because it is not significantly elevated and visible from surrounding areas, being below the 300m AHD contour;
 - the part of the land below the 300m AHD contour would be consistent with the zone of the broader area to the east and north of the site;
 - the land above the 300m AHD contour has landscape value that warrants application of the Landscape Conservation Zone as it is elevated, contains native vegetation that is not regrowth, and is connected to a broader area of native bushland to the south and west of the site; and
 - the Priority Vegetation Area overlay would apply to both zones and protect any vegetation of significant natural value.

Commission decision

804. Modification:
- Revise the zoning of that part of Bakers Creek Road, Lucaston folio of the Register 41338/1 below the 300m AHD contour to Rural.
805. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Living Zone - 472 Cygnet Coast Road, Petcheys Bay

Representation: Robin and Joanne Dance (205)

806. The representor requested the zone of 472 Cygnet Coast Road, Petcheys Bay folio of the Register 142410/2 be revised from Rural to Rural Living. The reasons were:
- a significant area of the land was not suitable for farming;
 - the Rural Zone would not provide for the land to be subdivided;
 - rural activities attracted complaints from neighbours, particularly about noise;
 - dwellings had been constructed close to the boundaries of the land;
 - the land was steep, had soil of poor quality, had no access to irrigation, and no storage potential;
 - perceived changes in weather patterns made farming challenging;
 - the Rural Living Zone would maximise the use and development potential of the land; and

- a reserve road along the southern boundary of the land could provide access to the rear of the lot.
807. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the proposed Rural Living Zone was not consistent with RLZ 2 Guideline No. 1 because the land was zoned Rural Resource in the interim planning scheme and there was not a primary strategic intention the land be used for residential use and development within a rural setting;
 - the regional strategy (policy SRD 1.3) restricted application of the Rural Living Zone to existing rural living communities;
 - the land was not part of a rural living or 'Environmental Living' area and did not adjoin one; and
 - the Rural Zone was the most appropriate zone to apply to the land.
808. At the hearing, Mr Robin Dance made the following comments in support of the representation:
- he wanted to subdivide the land into four lots and gift the land to his children;
 - the value of the land was low because use and development potential was limited;
 - he was concerned about lack of access to water that could be used to irrigate his orchard; and
 - it was becoming more difficult to run small-scale horticulture operations in the Huon Valley, particularly due to the cost of machinery and labour.
809. In response, the planning authority made the following comments:
- the area of the lot (approximately 40ha) was unusually large compared to others along Cygnet Coast Road;
 - the land use conflict detailed by Mr Dance was common in the Huon Valley;
 - its agriculture expert (RMCG) noted the importance of the agricultural industry in the Huon Valley, which had only 1% of the agricultural land in the state, but produced 4% of the value of agricultural produce;
 - the land should remain in the Rural Zone because it was necessary to protect the agricultural estate;
 - it had engaged a consultant to prepare a land use and development strategy on its behalf; and
 - the strategy would examine what zones should be applied across the municipality.

Commission consideration

810. The Commission is not persuaded the Rural Living Zone should be applied to the land for the reasons given by the planning authority in its section 35F report and at the hearing. The land is separate from any rural living settlements and has a general rural character rather than a rural living character, particularly due to the size of the lot. The Commission is not satisfied the Rural Living Zone is supported by the regional strategy or a local land use strategy. Therefore, the Rural Zone should be applied to the land consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural.
811. The Commission otherwise notes the planning authority's intent to undertake strategic planning work to investigate the appropriate future zones that should apply to land in the municipality, which may include the area at Petcheys Bay.

Commission decision

812. The Commission determines no modifications are required.

Rural Living Zone - 342 Woolleys Road, Lonnaveale

Representation: Stacey Carlton and Andrew Page (221)

813. The representor requested the zone of 342 Woolleys Road, Lonnaveale folio of the Register 101973/1 be revised from Landscape Conservation to Rural Living. The reasons were:

- the Rural Living more closely resembled the Rural Resource Zone applied in the interim planning scheme;
- adjacent properties contained rural living use and development, which was consistent with the broader area;
- the broader area contained farms of varying size, including large-scale farms with livestock;
- it would be difficult to obtain bank loans and sell the property because the Landscape Conservation Zone would reduce the value of the property;
- the Landscape Conservation Zone would prevent sale of the property to an adjoining farm;
- a sustainable firewood and farming business (animal grazing) was proposed for the land;
- the land was previously cleared; and
- the land contained an existing dwelling.

814. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
- the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
- the land contained two hilltops, valley depressions, ridgelines and hillsides and formed part of a much larger elevated and vegetated area;
- mapping indicated 83% of the land was covered in native vegetation, which extended into the neighbouring Wild Bee Conservation Area;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- only small-scale use or development was appropriate because it would limit impact on the landscape;
- the Landscape Conservation Zone was the most appropriate zone for the land; and
- the Rural Living Zone was not appropriate because there was not a primary strategic intention the land be used for residential use and development within a rural setting.

815. At the hearing, Mr Trent Henderson (Red Seal Planning), presented a written submission and made the following comments on behalf of the representor:

- the land contained use that was of a rural nature;

- the landowner was in the initial stages of developing a small-holding grazing use on the site;
- the land was used to graze a small number of goats and to harvest timber;
- the representors had purchased the land because they were from the area and had a family history of farming; and
- the representors had reconsidered what zone should apply to the land and now proposed the Rural Zone be applied.

816. The representor, Mr Andrew Page, added the following comments:

- the land was connected to an adjoining farm owned by his father;
- he owned cattle on his father's property, which he wanted to transfer to his land;
- the vegetation on the land was not dense and included areas of bracken fern;
- he was prepared to consider whether the land should be split-zoned;
- the Rural Zone would allow some rural activities to be undertaken on the land; and
- the land was suitable for grazing animals.

817. In response, the planning authority made the following comments:

- the land had an area more than 30ha;
- the land adjoined land in Rural Zone and could be considered for split-zoning;
- the 130m contour could be a suitable location for a split-zone boundary; and
- its natural values expert Mr Jim Mulcahy advised the land contained vegetation of significant natural value that provided habitat for native fauna.

818. Following the hearing, the planning authority, in response to a Commission direction, recommended a split-zone be applied to the land. The submission contained a diagram, which showed a zone boundary adjacent to a cleared area in the vicinity of the 120m AHD contour. The planning authority submitted evidence the proposed zone boundary was supported by the landowner.

Commission consideration

819. The Commission is persuaded the Rural Zone should be applied to the cleared area of the land at the southern end of the property (see Commission decision on general issues - split-zones) as recommended by the planning authority for the following reasons:

- the land is identified in the agricultural estate mapping (unconstrained), which indicates the Rural or Agriculture zones are appropriate;
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
- the land proposed to be zoned Rural has little to no landscape value (see Commission decision on general issues - landscape value) because it is cleared pasture and is not significantly elevated, being mostly below the 130m AHD contour;
- the Rural Zone would be consistent with the zoning of the broader area to the south and west; and
- the Priority Vegetation Area overlay would apply to the land and protect any native vegetation of significant natural value.

Commission decision

820. Modification:

- Revise the zoning of that part of 342 Woolleys Road, Lonnvale folio of the Register 101973/1 located south of the boundary identified by coordinates E

486933.44 and N 5243948.63, E 487031.14 and N 5243870.92, E 487073.4 and N 5243725.24, and E 487279.92 and N 5243650.78 as shown in Figure 1 of the planning authority's response to direction 6 dated 18 December 2023 to Rural.

821. Reason: To apply the Rural Zone consistent with Guideline No.1.

Rural Living Zone - 1046 Lonnavele Road, Lonnavele

Representation: Geoffrey Swan (227)

822. The representor requested the zone of 1046 Lonnavele Road, Lonnavele folio of the Register 77992/1 be revised from Rural to Rural Living B. The reasons were:

- the land had an area of approximately 2.2ha;
- the property had approval to operate an 'agritourism' business with an outdoor café, commercial kitchen, cheese room, rabbitry, and visitor accommodation;
- the land contained a dwelling, a relocated fruit pickers hut for visitor accommodation, and various outbuildings;
- the land otherwise included grassland and some trees;
- the land was rocky and not suitable for any intensive agriculture use;
- the surrounding properties were similar and featured dwellings on small lots used for rural living purposes; and
- the broader area previously contained orchards but now contained large-scale rural activities, including beef cattle farming.

823. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the proposed Rural Living Zone was not consistent with RLZ 2 Guideline No. 1 because the land was zoned Rural Resource in the interim planning scheme and there was not a primary strategic intention the land be used for residential use and development within a rural setting;
- the regional strategy (policy SRD 1.3) restricted application of the Rural Living Zone to existing rural living communities;
- the Rural Living Zone could not be supported until further strategic planning work was undertaken to determine the most appropriate future zone for the land; and
- the Rural Zone was the most appropriate zone to apply to the land.

824. At the hearing, the representor, Mr Geoffrey Swan, made a written submission and the following comments in support of the representation:

- the Rural Living Zone would allow the land to be divided in to two smaller titles;
- the land was serviced by a Council-maintained road;
- the land was part of an existing village community that contained more than 40 small rural titles;
- the Agriculture Zone was more appropriate for the surrounding farms that previously contained orchards and a dairy; and
- he was only supportive of an alternative Rural Living Zone subdivision category if it would create potential to subdivide land.

825. In response, the planning authority made the following comments:

- the land should remain in the Rural Zone;
- the Rural Living Zone did not meet the requirements of Guideline No. 1;
- its agriculture expert (RMCG) analysed the area and noted it contained significant rural uses, which should be protected;
- Lonnavele may have some areas that should be zoned Rural Living;
- the Rural Living Zone could be applied to several small titles adjacent to 1046 Lonnavele Road;

- it had engaged a consultant to prepare a land use and development strategy on its behalf; and
 - the strategy would examine what zones should be applied across the municipality.
826. At the reconvened hearing in September 2023, Mr Swan made a written submission and the following comments:
- there were 11 titles around his property that could be included in a cluster;
 - only three new lots could be created if Rural Living Zone A (Acceptable Solution with a minimum lot size of 1ha) was applied;
 - the Rural Living Zone would allow new dwellings to be constructed;
 - seven of the titles had dwellings and one contained visitor accommodation;
 - Lonnave Road was maintained by the Council;
 - policy SRD 1.3 of the regional strategy allowed the Rural Living Zone to be considered regardless of existing zoning; and
 - the Rural Living Zone could be applied to the land through the draft LPS assessment process.
827. In response, the planning authority added Mr Swan could consider making a submission in response to its ongoing land use and development strategy work.

Commission consideration

828. The Commission is not persuaded the Rural Living Zone should be applied to the land because it is not satisfied the Zone is supported by the regional strategy or a local land use strategy. Although policy SRD 1.3 of the regional strategy allowed the Rural Living Zone to be considered regardless of existing zoning, it also requires evidence that a property, or several properties, form part of a 'rural living community.' Whether the area has the qualities of a rural living community needs to be determined through a study of the existing use and development, lot sizes and patterns, surrounding uses, and the physical attributes of the land, such as the presence of natural values or exposure to risks such as bushfire. Such work is required to establish whether there should be a primary strategic intent the land be used for residential use and development within a rural setting.
829. The Commission notes the planning authority's intent to undertake strategic planning work to investigate the appropriate future zones that should apply to land in the municipality. The planning authority indicated at the hearings it may include the area around 1046 Lonnave Road in its area of investigation and consider if the Rural Living Zone, or any other zone, should be applied. An alternative zone (or other controls) could be applied by draft amendment to the LPS in future if supported by the outcomes of strategic planning work. The draft amendment assessment process also includes a period of public exhibition during which anyone may make a representation.
830. Otherwise, the Commission is satisfied the Rural Zone should be applied to the land consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural. The land is identified in the agricultural estate mapping and is identified as potentially constrained.

Commission decision

831. The Commission determines no modifications are required.

Rural Living Zone - 170 Narrows Road, Strathblane

Representation: Conservation Landholders Tasmanian (9), Alex and Christine Mooibroek (231)

832. The representation made by Alex and Christine Mooibroek (231) requested the zone of 170 Narrows Road, Strathblane folio of the Register 159497/1 be revised from Landscape Conservation to Rural Living. The reasons were:
- the land contained a dwelling;
 - the Landscape Conservation Zone would limit potential to paint the dwelling;
 - the Landscape Conservation Zone would cause the value of the property decrease; and
 - the property was surrounded by forestry use.
833. The representation made by Conservation Landholders Tasmania (9) supported application of the Landscape Conservation Zone to the land because it contained a conservation covenant.
834. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the land was zoned Environmental Living in the interim planning scheme;
 - RLZ 2(b) of Guideline No. 1 allowed it to consider whether the Rural Living Zone should be applied;
 - 85% of the land was covered in native vegetation;
 - the land was located on the lower slope of a prominent vegetated hill, overlooking the Huon River;
 - mapping indicated the vegetation on the land was threatened *Eucalyptus ovata* forest and woodland;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
 - the land reflected of the broader landscape value of the area;
 - only small-scale use, or development was appropriate because it would limit impact on the landscape; and
 - the Landscape Conservation Zone was the most appropriate zone for the land.
835. At the hearing, Mr John Thompson for Conservation Landholders Tasmania stated he supported the recommendation made by the planning authority in its section 35F report.
836. The planning authority added the land and surrounding properties were recognised by a conservation covenant and adjoined a nature reserve. Furthermore, it added its natural values expert advised the land contained native vegetation that provided habitat for native fauna, including the swift parrot.

Commission consideration

837. The Commission agrees with the planning authority for the reasons given in its section 35F report. Application of the Rural Living Zone would result in the land being spot-zoned, which should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict. The Commission is satisfied the property has landscape value (see Commission decision on general issues) that warrants application of the Landscape Conservation Zone as it is connected to a broader area of native bushland to the north-east (zoned Landscape Conservation and Environmental Management), which is recognised by

conservation covenants (including the subject property) and a nature reserve made under the *Nature Conservation Act 2002*.

Commission decision

838. The Commission determines no modifications are required.

Rural Living Zone - Innes Road and Spencer Street, Lymington

Representation: Maree Innes (236), Jenny Coad and Warren Innes (250), Jenny and Paul Coad (251), Warren Innes (252)

839. The representators requested the zone of the following properties be revised from Rural to Rural Living A:

- 50 Innes Road, Lymington folio of the Register 105227/1 (Maree Innes);
- 11 Spencer Street, Lymington, folios of the Register 251361/1 and 105227/2 (Jenny Coad and Warren Innes); and
- 33 Spencer Street, Lymington, folio of the Register 10477/1 (Warren Innes).

840. The reasons were:

- the planning authority had recently approved a subdivision (boundary adjustment) of the land;
- the altered title boundaries would be more consistent with the type of lots included in the Rural Living Zone rather than the Rural Zone;
- the Rural Living Zone would recognise the existing rural living use of the land;
- the Rural Zone would compromise the future use and development potential of the land;
- the Rural Living Zone could be also applied to the surrounding area;
- the Rural Living Zone would allow the natural and landscape value of the land to be preserved;
- the land had an area less than the 40ha minimum lot size provided by the Rural Zone;
- all four lots contained dwellings;
- the lots were too small to undertake rural or agricultural activities;
- the land could not be irrigated;
- the Rural Living Zone would reduce potential land use conflicts;
- the Rural Zone would allow rural uses that would impact residential amenity; and
- the Rural Zone would reduce the value of the properties.

841. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the proposed Rural Living Zone was not consistent with RLZ 2 Guideline No. 1 because the land was zoned Rural Resource in the interim planning scheme and there was not a primary strategic intention the land be used for residential use and development within a rural setting;
- the regional strategy (policy SRD 1.3) restricted application of the Rural Living Zone to existing rural living communities;
- the Rural Living Zone could not be supported until further strategic planning work was undertaken to determine the most appropriate future zone for the land; and
- the Rural Zone was the most appropriate zone to apply to the land.

842. At the hearing, Ms Maree Innes made the following comments in support of the representations:

- her family had owned the land since 1943;

- a significant amount of the land was mud stone and was unsuitable for agriculture use;
- there were other properties in the area that had lot sizes that were less than those in Innes Road and Spencer Street;
- the area had a rural living character and formed a settlement; and
- the family wanted to create two additional titles from the four existing lots.

843. In response, the planning authority made the following comments:

- the regional strategy restricted application of the Rural Living Zone to land within the Rural Living or Environmental Living zones in the interim planning scheme;
- the properties did not constitute a rural living settlement;
- it sought to protect rural and agricultural land from being fettered;
- it had engaged a consultant to prepare a land use and development strategy on its behalf; and
- the strategy would examine what zones should be applied across the municipality.

Commission consideration

844. The Commission is persuaded the Rural Living Zone should be applied to the land. The land contains an established rural living community and is nested in a broader area with a rural living character.

845. The Commission notes the planning authority's intent to undertake strategic planning work to investigate the appropriate zones that should apply to land in the municipality in future. In lieu of such work, it is considered Rural Living Zone C (Acceptable Solution with a minimum lot size of 5ha) be applied to prevent subdivision in the interim period (however boundary adjustments may be possible under clause 7.3 of the SPPs). The planning authority's strategic planning work may consider whether the Rural Living Zone should also be applied more broadly to the land around Copper Alley Bay, and if so, what Rural Living category (minimum lots size) should apply.

846. Although the properties are included in the agricultural estate mapping (potentially constrained), principle RLZ 4 of Guideline No. 1 provides for application of the Rural Living Zone if supported by the regional strategy (policy SRD 1.3).

Commission decision

847. Modification:

- Revise the zoning of 50 Innes Road folio of the Register 105227/1, 11 Spencer Street folios of the Register 251361/1 and 105227/2, and 33 Spencer Street, Lymington folio of the Register 10477/1 to Rural Living C.

848. Reason: To apply the Rural Living Zone consistent with Guideline No. 1.

Rural Living Zone - 1847 Pelverata Road, Upper Woodstock

Representations: Angela Direen and Alan Webster (260)

849. The representor requested the zone of 1847 Pelverata Road, Upper Woodstock folio of the Register 217169/1 be revised from Agriculture to Rural Living.

850. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the Agriculture Zone was consistent with AZ 2 of Guideline No. 1 because the land was zoned Significant Agriculture in the interim planning scheme; and

- its agriculture expert (RMCG) investigated the potential to use the land for agriculture and determined the Agriculture Zone should be applied.
851. The planning authority included the following advice from its agriculture expert:
- the land had no potential to be used for agriculture but was surrounded by the Agriculture Zone on all sides; and
 - the Rural Living Zone would create a spot-zoning.

Commission consideration

852. The Commission is not persuaded the Rural Living Zone should be applied to the land for the reasons given in its section 35F report and by the planning authority's agriculture expert.

Commission decision

853. The Commission determines no modifications are required.

Rural Living Zone - Ida Bay Road, Ida Bay

Representations: Andrew Jones (262)

854. The representor requested the zone of Ida Bay Road, Ida Bay folio of the Register 112795/2 be revised from Landscape Conservation to Rural Living. The reasons were:
- the owner wanted to construct a dwelling on the land;
 - the Landscape Conservation Zone would unreasonably limit the use and development potential of the land, particularly residential use;
 - a planning permit application would need to be assessed against clause 22.4.3 (Access to a road) of the Landscape Conservation Zone because the land did not have direct access to a public road;
 - the Rural Living Zone most closely corresponded with the Environmental Living Zone applied in the interim planning scheme;
 - the Rural Living Zone did not include specific requirements for road access that would limit, and likely prevent, the establishment of a dwelling on the land; and
 - features of landscape and biodiversity value would be managed through the Natural Assets Code overlays.
855. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the land was zoned Rural Resource in the interim planning scheme;
 - RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
 - the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
 - the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
 - the land was substantially covered in native vegetation, was adjacent to the coastline, and included an area of threatened *Eucalyptus globulus* dry forest and woodland;
 - the Priority Vegetation Area overlay applied to the whole title;
 - the Future Coastal Refugia and Waterway and Coastal Protection Area overlays applied to the land;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared

agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;

- only small-scale use or development was appropriate because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

856. At the hearing, the planning authority added that records showed the land contained habitat for threatened fauna and the land should be zoned Landscape Conservation or Environmental Management.

Commission consideration

857. The Commission agrees with the planning authority for the reasons given in its section 35F report. In addition, the land is surrounded by the Ida Bay State Reserve declared under the *Nature Conservation Act 2002* and zoned Environmental Management. The Commission is satisfied the property has landscape value (see Commission decision on general issues) that warrants application of the Landscape Conservation Zone.

Commission decision

858. The Commission determines no modifications are required.

Rural Living Zone - Kingfish Beach Road, Southport

Representations: Patrick and Shaun Ransom (267), Ireneinc Planning for Angela Young (342)

859. The representors requested the zone of Kingfish Beach Road, Southport folio of the Register 241873/1 (Ransom) and 62 Kingfish Beach Road, Southport folio of the Register 166032/2 (Young) be revised from Landscape Conservation to Rural Living. The reasons were:

- 62 Kingfish Beach Road (Young) had an area of 5950m² and adjoined residential land to the east and north;
- 62 Kingfish Beach Road was used for holiday stays and contained infrastructure associated with that use;
- the owner of 62 Kingfish Beach Road intended to build a dwelling on the land;
- the use of the land was not consistent with the purpose of the Landscape Conservation Zone; and
- the Priority Vegetation Area overlay would apply to the land and protect vegetation of significant natural value.

860. In its section 35F report, the planning authority recommended no change to folio of the Register 241873/1 (Ransom) for the following reasons:

- the land was zoned Environmental Living in the interim planning scheme;
- RLZ 2(b) of Guideline No. 1 allowed land zoned Environmental Living to be considered for the Rural Living Zone;
- the land was covered in native vegetation and included an area of threatened *Eucalyptus amygdalina* forest and woodland on sandstone and was part of a large, contiguous bushland area on a peninsula;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- the land reflected of the broader landscape value of the area;

- only small-scale use or development was appropriate because it would limit impact on the landscape; and
 - the Landscape Conservation Zone was the most appropriate zone for the land.
861. However, the planning authority recommended the zone of 62 Kingfish Beach Road, Southport folio of the Register 166032/2 (Young) be changed to Rural Living C for the following reasons:
- the land was zoned Rural Living in the interim planning scheme;
 - the Landscape Conservation Zone had been applied because the land contained a significant amount of native vegetation that was contiguous with a larger bushland area on a peninsula between Muddy Bay and Kingfish Beach;
 - the characteristics of the land were consistent with the purpose of the Rural Living Zone; and
 - the Rural Living Zone and Priority Vegetation Area overlay would provide for the existing natural and landscape values to be retained.
862. At the hearing, Patrick and Shaun Ransom were represented by Ms Eve Merfield and Mr Anthony Munnings who made a written submission and the following comments:
- Mr Shaun Ransom's family had lived in the area for several generations;
 - he intended to build a dwelling on the land for his son so that he could care for his parents as they aged;
 - the land had a small area of approximately 4ha and was not visible from any roads;
 - the Rural Living Zone would be more favourable to residential use and development, particularly clearing of land for bushfire hazard management purposes;
 - the land had historically been used to graze animals;
 - the Priority Vegetation Area overlay would apply to the land and protect native vegetation;
 - there was not a significant amount of threatened native vegetation on the land; and
 - the adjoining Southport Catholic Cemetery had also been zoned Landscape Conservation.
863. In response, the planning authority made the following comments:
- the land was substantially covered in vegetation;
 - about 25% of the area of the land contained threatened vegetation;
 - its natural values expert advised the Priority Vegetation Area overlay would apply and protect the threatened vegetation;
 - it was not particularly important whether the land was zoned Rural Living or Landscape Conservation;
 - the Rural Living Zone C should be applied to the land; and
 - the adjoining cemetery (zoned Landscape Conservation) should be included in the Community Purpose Zone.

Commission consideration

864. The Commission agrees the Rural Living Zone C should be applied to 62 Kingfish Beach Road (Young) for the reasons given in its section 35F report.
865. The Commission is also persuaded the Rural Living Zone C should be applied to Kingfish Beach Road folio of the Register 241873/1 (Ransom) for the reasons given by the planning authority at the hearing. The land adjoins the Rural Living Zone to the north and, together with the Southport Catholic Cemetery, is bounded by a

reserved road to the south. The reserved road represents a logical end point to the Rural Living Zone in that location and the Commission is satisfied the Rural Living Zone would recognise an intended rural living use. The Commission also agrees the Community Purpose Zone should be applied to the cemetery, also in recognition of its use and consistent with the principles of Guideline No. 1 (CPZ 1).

Commission decision

866. Modification:

- Revise the zoning of 62 Kingfish Beach Road folio of the Register 166032/2 and Kingfish Beach Road, Southport folio of the Register 241873/1 and subdivision road folio of the Register 166032/1 to Rural Living C, and the zoning of Southport Catholic Cemetery adjoining the eastern boundary of folio of the Register 241873/1 to Community Purpose.

867. Reason: To apply the Rural Living and Community Purpose zones consistent with Guideline No. 1.

Rural Living Zone - 92 Cross Road, Lucaston

Representation: Isabella and Derek Muir-Kelly (277)

868. The representor requested the zone of 92 Cross Road, Lucaston folio of the Register 145287/1 be revised from Rural to Rural Living. The reasons were:

- the land was a single title divided by a reserved road;
- one part of the land contained a dwelling and outbuildings, while the other contained a cleared paddock;
- the owner wanted to divide the land into two parts and build a dwelling on the paddock;
- the surrounding properties would not be impacted; and
- the surrounding lots varied in area and were used for rural living purposes.

869. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the proposed Rural Living Zone was not consistent with RLZ 2 Guideline No. 1 because the land was zoned Rural Resource in the interim planning scheme and there was not a primary strategic intention the land be used for residential use and development within a rural setting;
- the regional strategy (policy SRD 1.3) restricted application of the Rural Living Zone to existing rural living communities;
- the Rural Living Zone could not be supported until further strategic planning work was undertaken to determine the most appropriate future zone for the land; and
- the Rural Zone was the most appropriate zone to apply to the land.

870. At the hearing, the representors, Mr and Mrs Muir-Kelly, made a presentation and the following comments:

- the area was like others at Crabtree and Lucaston where the Rural Living Zone was applied;
- the topography of the land was suited to the Rural Living Zone;
- the land could be easily subdivided and serviced with vehicle access;
- the reserve road could be purchased and form part of the property;
- part of the reserved road had already been purchased because it contained part of the dwelling; and
- they understood why the planning authority may need to review the zoning of the broader area.

871. In response, the planning authority made the following comments:

- the property adjoined land zoned Agriculture;
- its natural values expert advised the land did not contain features of significant natural value;
- the land and surrounding properties may form a rural living community, however further strategic planning work would need to be undertaken to determine how the Rural Living Zone would impact surrounding agricultural use;
- more strategic planning work was required to determine where the Rural Living Zone should be applied throughout the municipality in future;
- it had engaged a consultant to prepare a land use and development strategy on its behalf;
- the strategy would examine what zones should be applied to land in the municipality and whether the Rural Living Zone should be applied to the land and surrounding lots; and
- potential to create new lots should be provided in some rural living areas.

Commission consideration

872. The Commission is not persuaded the Rural Living Zone should be applied to the land for the following reasons:

- there is no evidence the Rural Living Zone is supported by the regional strategy or a local land use strategy;
- it is not clear the land has rural living character;
- there is no evidence the land or the surrounding properties constitute a 'rural living community' as required to meet policy SRD 1.3 of the regional strategy; and
- the land is identified in the agricultural estate mapping (potentially constrained), which indicates the Rural or Agriculture zones are appropriate.

873. The Commission notes the planning authority's intent to undertake strategic planning work to investigate the appropriate zones that should apply to land in the municipality in future.

Commission decision

874. The Commission determines no modifications are required.

Rural Living Zone - 39 Bolton Road, Raminea

Representation: George and Maxwell Miller (280)

875. The representor requested the zone of 39 Bolton Road, Raminea folio of the Register 235763/1 be revised from Landscape Conservation to Rural Living. The reasons were:

- the land did not contain threatened native vegetation or habitat for threatened fauna;
- the Landscape Conservation Zone would unreasonably limit the use and development potential of the land; and
- the land was not a feature of significant landscape value.

876. In its section 35F report, the planning authority recommended the Rural Living Zone C be applied to the land for the following reasons:

- the land was zoned Environmental Living in the interim planning scheme;
- the Landscape Conservation Zone was the most appropriate replacement for the former zone;

- it had reassessed whether the Landscape Conservation Zone should be applied to the land and considered the Rural Living Zone should be applied because the land had characteristics, particularly its area, that were consistent with the adjoining land zoned Rural Living; and
- Rural Living Zone C (Acceptable Solution with a minimum lot size of 5ha) to match the adjoining land.

877. At the hearing, the representor stated the land contained no significant native vegetation.

Commission consideration

878. The Commission is persuaded the Rural Living Zone should be applied to the land for the reasons given in the planning authority's section 35F report. The land adjoins the Rural Living Zone on the northern side of Bolton Road. Rural Living Zone C (Acceptable Solution with a minimum lot size of 5ha) should be applied to the land and to prevent creation of new lots. The subdivision categories could be reviewed in future in the event further strategic planning work was undertaken to support an alternative categorisation and development of new lots in the area was considered appropriate.

Commission decision

879. Modification:

- Revise the zoning of 39 Bolton Road, Raminea folio of the Register 235763/1 to Rural Living C.

880. Reason: To apply the Rural Living Zone consistent with Guideline No. 1.

Rural Living Zone - Deering Street and New Road, Franklin (Franklin Cluster 3)

Representations: Conservation Landholders Tasmania (9), Geoffrey Lovell (175), Helen Lovell (183), Julie Flakemore and Peter Young (243), Jennifer Flakemore (248), Piers Gordon and Cassandra Long (288), Daniel Gray-Barnett and Daniel Barnett (370), Lance and Helen Lovell (372), Daniel Gray-Barnett and Daniel Barnett (373)

881. The representors requested the zone of the following properties be revised from Landscape Conservation to Rural or Rural Living:

- 15 Deering Street, Franklin folio of the Register 141849/2 (Gordon and Long);
- 17 Deering Street, Franklin folio of the Register 108765/4 (Helen Lovell);
- 31 Deering Street, Franklin folio of the Register 108765/2 (Geoffrey Lovell);
- 38 Deering Street, Franklin folio of the Register 50892/1 (Barnett and Gray-Barnett);
- New Road, Franklin folio of the Register 156764/1 (Flakemore and Young); and
- 184 New Road, Franklin folio of the Register 144364/3 (Jennifer Flakemore).

882. The reasons were:

- the use and character of the land was consistent with the purpose of the Rural Living Zone or Rural Zone;
- the Landscape Conservation Zone would unreasonably limit the use and development potential of the land;
- the Landscape Conservation Zone was inconsistent with Guideline No. 1;
- land contained pasture and dams;
- land was partly cleared;
- the Landscape Conservation Zone had not been applied in a manner that was consistent with the planning authority's methodology for application of the Zone

(stated in its draft LPS supporting report) because less than 80% of the land was covered in native bushland;

- land was not a feature of landscape value;
- the surrounding area contained plantation forestry;
- the Landscape Conservation Zone was inconsistent with the planning authority's application of the Zone because the land had an area less than 20ha;
- future development would not impact any features of landscape value;
- land was used or intended to be used for small-scale hobby farming;
- land was intended to be used for purposes that could generate income;
- land was intended to be used to provide visitor accommodation, which was a use supported by the Huon Valley Council strategic plans, and economic and land use strategies;
- the Scenic Protection Area and Scenic Road Corridor overlays did not apply;
- the Priority Vegetation Area overlay was inaccurate and applied to regrowth vegetation; and
- there was no evidence the land contained habitat for threatened fauna species.

883. The representation made by Lance and Helen Lovell (372) raised concern the Rural Zone had been applied to 171 Lloyds Road, Franklin folio of the Register 38723/2.

884. The representation made by Daniel Gray-Barnett and Daniel Barnett (373) raised concern the Rural Zone had been applied to 173 Lloyds Road, Franklin folio of the Register 50892/2.

885. The representation made by Conservation Landholders Tasmania (9) supported application of the Landscape Conservation Zone to 3492 Huon Highway, Franklin folio of the Register 168664/1 because the land contained a conservation covenant.

886. In its section 35F report, the planning authority recommended the Rural Living Zone D be applied to all the properties subject of the representations and 51 other properties at Ballatyne Heights, Deering Street, De Wintin Street, Forest Road, Huon Highway, New Road, Old Road, Paddys Lane, Rankins Road, Seabrooks Road and Smyley Street, Franklin. The planning authority noted 87 Smyley Street, Franklin was split-zoned Landscape Conservation and Rural and recommended the part zoned Landscape Conservation be zoned Rural Living. Furthermore, the planning authority recommended the Rural Zone be applied to Old Road, Franklin folio of the Register 29232/1 and New Road, Franklin folio of the Register 155370/2. The reasons were:

- the Landscape Conservation Zone was applied because the land was perceived to be of landscape value; however a review of the area determined the land had characteristics that were consistent with the purpose of the Rural Living Zone;
- the existing area and density of the lots were consistent with the provisions of the Rural Living Zone;
- the application of the Rural Living Zone was consistent with RLZ 2 Guideline No. 1 because the land was zoned Environmental Living in the interim planning scheme and there was a primary strategic intention the land be used for residential use and development within a rural setting;
- any features of landscape value could be managed under the Rural Living Zone provisions, which would limit the type and intensity of uses possible;
- one of the purpose statements of the Rural Living Zone indicated existing natural and landscape values must be retained; and
- Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) was recommended to apply because it provided a minimum lot size that was consistent with what existed.

887. At the hearing, Mr John Thompson for Conservation Landholders Tasmania stated he supported application of the Rural Living Zone to 3492 Huon Highway, Franklin folio of the Register 168664/1 as recommended by the planning authority.
888. Mr Geoffrey Lovell, Mr Piers Gordon, Ms Cassandra Long, Mr Daniel Barnett and Mr Daniel Gray-Barnett attended the hearing and stated they were in support of the Rural Living Zone recommended by the planning authority.
889. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the properties it recommended be zoned Rural Living D. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of 60 letters were sent and 11 responses were received, nine of which were supportive of the Rural Living Zone. Two of the responses opposed the change, however the reasons why were not specified.
890. At the reconvened hearing, the planning authority made the following comments:
- it had incorrectly recommended the Rural Living Zone be applied to 3492 Huon Highway and Old Road, Franklin folio of the Register 29232/1;
 - 3492 Huon Highway would be large enough to subdivide and new lots were not supported by local or regional strategies;
 - there was no strategic intent for either lot to be zoned Rural Living;
 - both titles were isolated and in effect spot-zoned because both predominantly adjoined land zoned Rural; and
 - the Rural Zone should be applied to the land.
891. Following the hearing, the Commission wrote to both landowners and sought their opinion on application of the Rural Zone to the land. No responses were received.

Commission consideration

892. The Commission agrees the Rural Living Zone should be applied to the land in Ballatyne Heights, Deering Street, De Winton Street, Forest Road, New Road, Old Road, Paddys Lane, Rankins Road, Seabrooks Road and Smeley Street, Franklin for the reasons given by the planning authority in its section 35F report. The land contains established rural living use within a rural setting. Impact on any features of landscape value (see Commission decision on general issues) present can be managed through the Zone provisions and application of Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) that would minimise how many new lots could be created. The category of subdivision could be reviewed in future in the event further strategic planning work was undertaken to support an alternative categorisation.
893. The Commission agrees with the planning authority that 3492 Huon Highway should be excluded from the Rural Living Zone because there is no evidence the consequential subdivision potential created is supported by the regional strategy. The Commission also accepts Old Road, Franklin folio of the Register 29232/1 was incorrectly recommended to be zoned Rural Living. The Commission is persuaded the Rural Zone be applied to both properties instead of the Landscape Conservation Zone. Application of the Landscape Conservation Zone would result both titles being spot-zoned, which should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict. The zone of either property could be reviewed in future in the event further strategic planning work was undertaken to support an alternative zone. Any significant native vegetation present on the land would be protected by the Priority Vegetation Area overlay and the conservation covenant that applies to 3492 Huon Highway.

894. Otherwise, the Commission's view is the Priority Vegetation Area overlay should not be removed from land or amended unless supported by the advice of a suitably qualified person who has undertaken a detailed site assessment. No evidence was submitted from a suitably qualified person to demonstrate any of the properties subject to the representations do not contain priority vegetation.
895. The Commission notes there are reserved roads that intersect or adjoin the land that should also be included in the Rural Zone to ensure zoning is applied contiguously.

Commission decision

896. Modification:

- Revise the zoning of 3492 Huon Highway, Franklin folio of the Register 168664/1 and Old Road, Franklin folio of the Register 29232/1 to Rural.
- Revise the zoning of the following properties to Rural Living D:
 - a. 9 Ballantyne Heights, Franklin folio of the Register 144971/1;
 - b. 20 Ballantyne Heights, Franklin folio of the Register 154579/9;
 - c. 25 Ballantyne Heights, Franklin folio of the Register 154579/1;
 - d. 33 Ballantyne Heights, Franklin folio of the Register 154579/2;
 - e. 41 Ballantyne Heights, Franklin folio of the Register 154579/3;
 - f. 46 Ballantyne Heights, Franklin folio of the Register 154579/8;
 - g. 54 Ballantyne Heights, Franklin folio of the Register 154579/7;
 - h. 55 Ballantyne Heights, Franklin folio of the Register 154579/4;
 - i. 58 Ballantyne Heights, Franklin folio of the Register 154579/6;
 - j. 59 Ballantyne Heights, Franklin folio of the Register 154579/5;
 - k. 15 Deering Street, Franklin folio of the Register 141849/2;
 - l. 16 Deering Street, Franklin folio of the Register folio of the Register 151619/1;
 - m. 17 Deering Street, Franklin folio of the Register 108765/4;
 - n. 31 Deering Street, Franklin folio of the Register 108765/2;
 - o. 38 Deering Street, Franklin folio of the Register 50892/1;
 - p. Deering Street, Franklin folio of the Register 151619/2;
 - q. 22 De Winton Street, Franklin folio of the Register 219187/5;
 - r. De Winton Street, Franklin folio of the Register 104032/2;
 - s. 7 Forest Road, Franklin folio of the Register 141849/1;
 - t. 18 Forest Road, Franklin folio of the Register 104032/3;
 - u. Forest Road, Franklin folio of the Register 104032/1;
 - v. 169 New Road, Franklin folio of the Register 54116/2;
 - w. 173 New Road, Franklin folio of the Register 100190/5;
 - x. 184 New Road, Franklin folio of the Register 144364/3;
 - y. 186 New Road, Franklin folio of the Register 144364/1;
 - z. 187 New Road, Franklin folio of the Register 95797/1;
 - aa. 208 New Road, Franklin folio of the Register 144364/2;
 - bb. 228 New Road, Franklin folio of the Register 45861/1;
 - cc. 245 New Road, Franklin folio of the Register 122303/1;
 - dd. New Road, Franklin folio of the Register 156764/1;
 - ee. New Road, Franklin folio of the Register 155370/2;
 - ff. New Road, Franklin folio of the Register 230456/1;
 - gg. New Road, Franklin folio of the Register 120089/1;
 - hh. 139 Old Road, Franklin folio of the Register 54116/1;
 - ii. 6 Paddys Lane, Franklin folio of the Register 37801/1;
 - jj. 23 Paddys Lane, Franklin folio of the Register 61964/1;
 - kk. 27 Paddys Lane, Franklin folio of the Register 119727/1;
 - ll. 39 Paddys Lane, Franklin folio of the Register 23157/1;

- mm. 6 Rankins Road, Franklin folio of the Register 37052/1 and 249545/2;
- nn. Rankins Road, Franklin folio of the Register 37319/1;
- oo. Rankins Road, Franklin folio of the Register 122304/1;
- pp. 2 Seabrooks Road, Franklin folio of the Register 145197/2;
- qq. 7 Seabrooks Road, Franklin folio of the Register 133384/1;
- rr. 22 Seabrooks Road, Franklin folio of the Register 145197/1;
- ss. 26 Seabrooks Road, Franklin folio of the Register 134283/2;
- tt. 28 Seabrooks Road, Franklin folio of the Register 134283/1;
- uu. 30 Seabrooks Road, Franklin folio of the Register 128515/1;
- vv. Seabrooks Road, Franklin folio of the Register 120962/1;
- ww. 14 Smyley Street, Franklin folio of the Register 249545/1;
- xx. 45 Smyley Street, Franklin folio of the Register 48358/1;
- yy. 58 Smyley Street, Franklin folio of the Register 133383/1;
- zz. 67 Smyley Street, Franklin folio of the Register 100191/9;
- aaa. 69 Smyley Street, Franklin folio of the Register 123275/1;
- bbb. 81 Smyley Street, Franklin folio of the Register 53926/1;
- ccc. 89 Smyley Street, Franklin folio of the Register 152751/1;
- ddd. 97 Smyley Street, Franklin folio of the Register 40328/2;
- eee. that part of 97 Smyley Street, Franklin folio of the Register 152751/2 zoned Landscape Conservation in the exhibited version of the draft LPS; and
- fff. the intersecting and adjoining reserved roads as necessary to provide a uniform zone pattern.

897. Reason: To apply the Rural Living Zone and Rural Zone consistent with Guideline No. 1.

Rural Living Zone - 256 Judds Creek Road, Judbury

Representation: Kirk Daly and Dimitra Papavassiliou (294)

898. The representor requested the zone of 256 Judds Creek Road, Judbury folio of the Register 103848/1 be revised from Rural to Rural Living B.
899. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the proposed Rural Living Zone was not consistent with RLZ 2 Guideline No. 1 because the land was zoned Rural Resource in the interim planning scheme and there was not a primary strategic intention the land be used for residential use and development within a rural setting;
 - the regional strategy (policy SRD 1.3) restricted application of the Rural Living Zone to existing rural living communities;
 - the Rural Living Zone could not be supported until further strategic planning work was undertaken to determine the most appropriate future zone for the land; and
 - the Rural Zone was the most appropriate zone to apply to the property.

Commission consideration

900. The Commission is not persuaded the Rural Living Zone should be applied to the land for the reasons given by the planning authority in its section 35F report.

Commission decision

901. The Commission determines no modifications are required.

Rural Living Zone - 614 Lady Bay Road, Southport

Representation: Braiden Muir and Robyn Martin-Simpson (297)

902. The representor requested the zone of 614 Lady Bay Road, Southport folio of the Register 121159/1 be revised from Landscape Conservation to Rural Living. The reasons were:
 - the land was zoned rural living when it was purchased in 2000;
 - the Landscape Conservation Zone would reduce the value of the land; and
 - the owners cared for the natural values of the land.
903. In its section 35F report, the planning authority recommended the Rural Living Zone C be applied to the land for the following reasons:
 - the application of the Rural Living Zone was consistent with RLZ 2 Guideline No. 1 because the land was zoned Environmental Living in the interim planning scheme and there was a primary strategic intention the land be used for residential use and development within a rural setting;
 - any features of landscape value could be managed under the Rural Living Zone provisions, which would limit the type and intensity of uses possible;
 - one of the purpose statements of the Rural Living Zone indicated existing natural and landscape values must be retained; and
 - Rural Living Zone C (Acceptable Solution with a minimum lot size of 5ha) was recommended to apply because it provided a minimum lot size that was consistent with what existed.
904. At the hearing, the planning authority made the following comments:
 - the land was an isolated property zoned Landscape Conservation;
 - the Priority Vegetation Area overlay would provide sufficient protection of significant native vegetation; and
 - its natural values expert advised the land contained wet blue gum forest and was of the opinion the land should remain in the Landscape Conservation Zone.
905. Following the hearing, the planning authority, in response to a Commission direction, advised its natural values expert Mr Jim Mulcahy had reviewed the zone of the land and was satisfied significant native vegetation could be managed by the Priority Vegetation Area overlay as proposed in the draft LPS. On that basis, the planning authority reconfirmed its recommendation the Rural Living Zone D be applied to the land.
906. At the reconvened hearing, the planning authority stated Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) should be applied to the land irrespective of the category applied to the land to the south (Rural Living C).

Commission consideration

907. The Commission is persuaded the Rural Living Zone should be applied to the land for the reasons given in the planning authority's section 35F report and its post-hearing submission. The land contains established rural living use within a rural setting. Impact on any features of landscape value (see Commission decision on general issues) present can be managed through the Zone provisions and application of the Priority Vegetation Area overlay. Furthermore, the Rural Living Zone is preferred as it would remove a spot-zoning of the land. Spot-zoning should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict.
908. However the Commission does not agree Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) should be applied and determines category C be

applied instead. The adjoining land to the south is category C, which would be sufficient to prevent subdivision of 614 Lady Bay Road, which is appropriate given its coastal location. The Rural Living Zone C could be reviewed in future in the event further strategic planning work was undertaken to support an alternative categorisation.

909. The Commission notes an onshore waterbody located along the south-west boundary of the site would remain in the Landscape Conservation Zone and consequently determines the Environmental Management Zone be applied to the land consistent with the adjoining foreshore reserve.

Commission decision

910. Modification:
- Revise the zoning of 614 Lady Bay Road, Southport folio of the Register 121159/1 to Rural Living Zone C and the onshore waterbody adjoining the south-west boundary of the land to Environmental Management.
911. Reason: To apply the Rural Living and Environmental Management zones consistent with Guideline No. 1.

Rural Living Zone - 115 Cemetery Road, Dover

Representation: Red Seal Planning for Toby Welstead and Samantha Haddon (317), Huon Valley Council (408)

912. The representation made by Red Seal Planning for Toby Welstead and Samantha Haddon (317) requested the zone of 115 Cemetery Road, Dover folios of the Register 222334/1 and 100627/1 be revised from Rural and Recreation (respectively) to Rural Living D. The reasons were:
- there was no reason folio of the Register 100627/1 should be zoned Recreation;
 - folio of the Register 222334/1 contained a dwelling;
 - the Rural Living Zone would best reflect the use of the land and should be applied to both lots;
 - the Rural Living Zone would provide for minor agricultural activities associated with the existing residential use;
 - the Rural Zone would be consistent with the surrounding properties, however the land was zoned Reserved Residential under the Esperance Planning Scheme 1989 and the Rural Living Zone would best reflect the residential use intended under the 1989 scheme;
 - the land had a land capability classification of class 6 and was not suitable for agriculture;
 - the Rural Living Zone would provide better protection of residential amenity and provide a buffer between residential and rural uses;
 - the application of the Rural Living Zone was consistent with RLZ 1 of Guideline No. 1 and policy SRD 1.3 of the regional strategy; and
 - any features of significant natural value would be protected by the Priority Vegetation Area overlay.
913. The representation made by Huon Valley Council (408) requested the zone of folio of the Register 100627/1 be revised from Recreation to Rural.
914. In its section 35F report, the planning authority recommended the Rural Zone be applied to the land for the following reasons:
- the land was privately owned and did not contain use associated with recreation;
 - the Recreation Zone was inconsistent with RecZ 1 of Guideline No. 1;

- the proposed Rural Living Zone was not consistent with RLZ 2 Guideline No. 1 because the land was not zoned Rural Living in the interim planning scheme and there was not a primary strategic intention the land be used for residential use and development within a rural setting;
 - the regional strategy (policy SRD 1.3) restricted application of the Rural Living Zone to existing rural living communities;
 - the Rural Living Zone could not be supported until further strategic planning work was undertaken to determine the most appropriate future zone for the land; and
 - the Rural Zone was the most appropriate zone to apply to the land.
915. At the hearing, Mr Trent Henderson (Red Seal Planning) made the following comments in support of representation 317:
- the Recreation Zone appeared to reflect an historic error made in the interim planning scheme;
 - the Recreation Zone would prevent construction of a dwelling on the land; and
 - the zone applied to the land should provide for a dwelling to be constructed.
916. In response, the planning authority accepted the Recreation Zone had been applied in error.

Commission consideration

917. The Commission considers the Rural Zone should be applied to folio of the Register 100627/1 for the reasons given by the planning authority in its section 35F report.
918. The Commission is not persuaded the Rural Living Zone should be applied to either of the two lots. There is no evidence the Rural Living Zone is supported by the regional strategy or a local land use strategy. Application of the Rural Living Zone would also result in the land being spot-zoned, which should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict.

Commission decision

919. Modification:
- Revise the zoning of 115 Cemetery Road, Dover folio of the Register 100627/1 to Rural.
920. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Living Zone - 103 Tongue Road, Hastings

Representation: Odette Lennane (330)

921. The representor requested the zone of 103 Tongue Road, Hastings folio of the Register 50720/1 be revised from Landscape Conservation to Rural Living C. The reasons were:
- the land was not of significant landscape value as it was mostly cleared of vegetation;
 - the surrounding area was used for forestry; and
 - part of the land was used by an oyster farm located near Hastings Bay to the east of the land.
922. In its section 35F report, the planning authority recommended the Rural Zone be applied instead of the Rural Living Zone for the following reasons:
- the land was zoned Environmental Living in the interim planning scheme;

- the land was generally clear of native vegetation and was used as part of oyster farm;
- the land adjoined Crown land to the north that was proposed to be zoned Rural and private land to the south and west that was proposed to be zoned Landscape Conservation;
- the Rural Living Zone was not supported by Guideline No. 1;
- the land had limited landscape value given its association with an oyster farm; and
- the Rural Zone was most appropriate for the land.

923. At the hearing, the representor made the following comments:

- the planning authority's recommendation the land be zoned Rural was supported;
- there was no evidence the land was of cultural or scientific significance; and
- the land was mostly cleared and did not contain any features of significant natural value.

924. In response, the planning authority's natural values expert Mr Jim Mulcahy stated the planning authority was prepared to consider whether the area of the Priority Vegetation Area overlay that applied to the land should be amended.

925. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that showed how the Priority Vegetation Area overlay should be applied to the land. The overlay diagram was prepared by Mr Mulcahy.

926. At the reconvened hearing, Mr Mulcahy added the overlay would be applied to the northern side of the land and two small areas on its southern and western sides, which contained mature gum trees.

Commission consideration

927. The Commission is persuaded the Rural Zone should be applied to the land for the reasons given by the planning authority its section 35F report. The Commission agrees the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural. The Rural Zone would also be consistent with the zone of the land directly to the north, which would provide a more uniform zone application. It is otherwise noted the Rural Living Zone is not appropriate because there is no evidence the Zone is supported by the regional strategy or a local land use strategy. Furthermore, application of the Rural Living Zone would cause the land to be spot-zoned, which should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict.

928. The Commission consequently determines the Priority Vegetation Area overlay should be applied to the land consistent with the advice of the planning authority's natural values expert to protect native vegetation.

Commission decision

929. Modification:

- Revise the zoning of 103 Tongue Road, Hastings folio of the Register 50720/1 and Tongue Road, Hastings folio of the Register 135040/1 (public road) to Rural and apply the Priority Vegetation Area overlay consistent with Figure 2 in the planning authority's submission in response to direction 14 (9 August 2023) dated 14 December 2023.

930. Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Living Zone - Helen Street, Ranelagh folio of the Register 122494/1

Representation: Red Seal Planning for Ron and Yvonne Mitchell (335)

931. The representor requested the zone of Helen Street, Ranelagh folio of the Register 122494/1 be revised from Rural to Rural Living. The reasons were:
- the characteristics of the land were not consistent with the purpose of the Rural Zone;
 - the land was constrained by its small area (approximately 5.92ha) and had poor soil quality;
 - the land had a land capability classification of class 5 and was difficult to irrigate;
 - the land was constrained by the location of surrounding dwellings and unsuitable for cropping and other agriculture use;
 - the owners had unsuccessfully tried to establish crops on the land;
 - the land was suitable for some grazing of animals;
 - stormwater collected from the surrounding streets was discharged onto the property, which inundated the land and made it difficult to operate machinery;
 - the land was surrounded on three sides by residential zones, including the Low Density Residential Zone to the north-west and south-east, and the General Residential Zone to the west;
 - sheep were at risk of domestic dog attacks;
 - the planning authority's agriculture expert's decision tree for application of zones to rural and agriculture land included in the draft LPS supporting report indicated the land could be considered for an alternative zone such as Low Density Residential or Rural Living;
 - the Rural Living Zone was consistent with Guideline No. 1 because the land was in an area where there was a mix of residential and lower order rural activities, such as hobby farming;
 - the land would also provide a buffer between existing residential use and farms on the opposite side of the Mountain River to the east;
 - the Rural Living Zone was consistent with policy SRD 1.3(a) of the regional strategy, the Huonville Ranelagh Master Plan 2019, the Huonville Ranelagh Structure Plan 2011, and the Huon Valley Land Use Strategy 2007; and
 - neither the Huonville Ranelagh Master Plan 2019, the Huonville Ranelagh Structure Plan 2011, or the Huon Valley Land Use Strategy 2007 identified the land for future greenfield urban development.
932. The representor also submitted an agricultural land capability assessment by Geo-Environmental Solutions, which concluded the land had limited agricultural capability and a land capability classification of class 5. The report also contended the land was significantly fettered by the surrounding residential use.
933. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the proposed Rural Living Zone was not consistent with RLZ 2 Guideline No. 1 because the land was zoned Rural Resource in the interim planning scheme and there was not a primary strategic intention the land be used for residential use and development within a rural setting;
 - the regional strategy (policy SRD 1.3) restricted application of the Rural Living Zone to existing rural living communities;
 - the Rural Living Zone could not be supported until further strategic planning work was undertaken to determine the most appropriate future zone for the land; and
 - the Rural Zone was the most appropriate zone to apply to the land.

934. At the hearing, Mr Trent Henderson (Red Seal Planning), made the following comments:
- Rural Living Zone A (Acceptable Solution with a minimum lot size of 1ha) was proposed, which would allow several new lots to be created;
 - the Rural Living Zone was not contingent on further strategic planning work because it was supported by the existing local land use planning strategies;
 - the land could be connected to reticulated services; and
 - the Huonville Ranelagh Master Plan 2019 identified the land could be used as a buffer.
935. The owner of the land, Mr Ron Mitchell, added the following comments:
- the General Residential Zone to the west once contained an orchard;
 - the roads around the land were sealed; and
 - the Rural Living Zone would allow the land to be subdivided and given to his children.
936. In response, the planning authority made the following comments:
- the Huonville Ranelagh Master Plan 2019 and the Huonville Ranelagh Structure Plan 2011 were useful but didn't wholly support the Rural Living Zone;
 - more strategic planning work was required to determine where the Rural Living Zone should be applied throughout the municipality in future; and
 - it had engaged a consultant to prepare a land use and development strategy on its behalf.

Commission consideration

937. The Commission is not persuaded the Rural Living Zone should be applied to the land because there is insufficient evidence the Zone is supported by the regional strategy or a local land use strategy. Furthermore, there is no evidence the land is part of a 'rural living community or that there is a primary strategic intention for the land be used for residential use and development within a rural setting' as required by policy SRD 1.3 of the regional strategy.
938. The Commission notes the following:
- the planning authority stated an intent to undertake strategic planning work separate to the draft LPS assessment process;
 - the strategic planning work would examine settlements in the municipality, which may help determine the appropriate future zone for the land;
 - the strategy may include a residential land supply and demand analysis to investigate how the Huon Valley may be affected by population growth;
 - although the Huonville Ranelagh Master Plan 2019, the Huonville Ranelagh Structure Plan 2011, and the Huon Valley Land Use Strategy 2007 did not identify the land for future greenfield urban development, further strategic planning work needs to be undertaken to determine if the land could be suitable for General Residential or Low Density Residential zoning;
 - further strategic planning work should be completed prior to rezoning to avoid fragmentation of the land and loss of ultimate development potential, which could occur if the land were subdivided under the provisions of the Rural Living Zone;
 - the Huonville Ranelagh Master Plan 2019 identifies where future strategic planning efforts should be directed and 'the values of the place should be protected,' but does not specify how land should be zoned except for several recommendations for specific properties that did not include land at Helen Street;

- the Huonville Ranelagh Master Plan 2019 noted land at Melrose Street was zoned Rural Living and was not required to meet demand for residential land; and
 - the Huonville Ranelagh Structure Plan 2011 included the land in the structure plan area, but not within an area where a rural living zone was recommended.
939. Otherwise, the Commission considers the land should remain in the Rural Zone. The land is identified in the agricultural estate mapping (potentially constrained), which indicates the land should be included in the Rural Zone or Agriculture Zone. The Rural Zone is consistent with the principles of Guideline No. 1 (RZ 3) because the land has limited or no potential to be used for agriculture as evidenced by the conclusions of the agricultural land capability assessment by Geo-Environmental Solutions.

Commission decision

940. The Commission determines no modifications are required.

Rural Living Zone - Lady Bay Road, Southport

Representation: Red Seal Planning for Dale Duggan (336)

941. The representor requested the zone of 61 Lady Bay Road, Southport folios of the Register 125835/1, 125835/2, 252088/1, 252088/2, 125835/3, 125835/4, 144274/1, 238698/1 and 178403/5 and Lady Bay Road, Southport folios of the Register 105027/5 and 248247/1 be revised from Agriculture and Rural Living to Rural and Rural Living A. The reasons were:
- the planning authority's agriculture expert's decision tree for application of zones to rural and agriculture land did not account for the on-ground conditions of the site;
 - the land was identified as unconstrained in the agricultural estate mapping but was not suitable for agriculture;
 - the land had soil of poor quality and was within a recognised drought zone;
 - the Rural Zone would allow the core agriculture use to continue;
 - there were dwellings that adjoined the land, which also constrained agriculture use;
 - the Rural Zone was consistent with RZ 3(a) of Guideline No. 1;
 - grazing animals were at risk of domestic dog attacks;
 - the land should be zoned Rural, with the remaining section zoned Rural Living and applied to the area zoned Reserved Residential under the Esperance Planning Scheme 1989 (i.e. an area that included folios of the Register 178403/5 and 238698/1 and most folio of the Register 178403/5); and
 - the Rural Living Zone would be consistent with the provisions of the Esperance Planning Scheme 1989.
942. The representor also submitted an agricultural land capability assessment by Complete Agricultural Consulting Services, which concluded the land had a land capability classification of class 4 and class 5 limited potential to be used for agriculture. The report noted the principal constraining factor was acidic topsoils over a hard pan mudstone sub-soil across much of the property.
943. In its section 35F report, the planning authority recommended the Rural Zone be applied to the land for the following reasons:
- the Agriculture Zone was consistent with AZ 2 of Guideline No. 1 because the land was zoned Significant Agriculture in the interim planning scheme; and

- its agriculture expert (RMCG) investigated the potential to use the land for agriculture and determined the Rural Zone should be applied.
944. The planning authority included the following advice from its agriculture expert:
- the land had a total area of approximately 170ha and a land capability classification of class 5 and class 6;
 - the land was used to graze animals;
 - the land had potential to be irrigated however a return on investment would be difficult to achieve with a livestock grazing enterprise on poor soils;
 - the zone was recommended to be revised from Agriculture to Rural.
945. At the hearing, Mr Trent Henderson (Red Seal Planning) noted Southport was planned to be a significant township but was never fully realised. The owner of the land, Mr Dale Duggan, added the following comments:
- it was the southernmost farmland in Tasmania;
 - it was difficult to make money from beef farming;
 - the land was too wet in winter and too dry in summer to be used for productive agriculture;
 - the Rural Zone would provide better opportunities to use the land; and
 - he hoped to be able to buy more land in the area to graze cattle.
946. In response, Mr Michael Tempest (RMCG) spoke on behalf of the planning authority and advised the conclusions of the agriculture assessment submitted by the representor were accepted.

Commission consideration

947. The Commission is persuaded the Agriculture Zone should be replaced with the Rural Zone for the reasons given in the representation, the section 35F report and the advice of both agriculture experts.
948. The Commission consequently determines the Priority Vegetation Area overlay be applied to the land consistent with the Regional Ecosystem Model mapping to manage the native vegetation, as the overlay is compatible with the Rural Zone. The policy intent of the SPPs is that the overlay be applied to compatible zones, and no evidence was submitted from a suitably qualified person to demonstrate the land does not contain priority vegetation.
949. However, the Commission is not satisfied the Rural Living Zone should be applied to folios of the Register 178403/5 and 238698/1 and most of folio of the Register 178403/5 as requested by the representor. In particular, the Commission is not satisfied the Rural Living Zone is supported by the regional strategy or a local land use strategy. Furthermore, there is no evidence the land is part of a 'rural living community or that there is a primary strategic intention for the land be used for residential use and development within a rural setting' as required by policy SRD 1.3 of the regional strategy.
950. Otherwise, the Commission notes there are reserved roads that intersect the land that should also be included in the Rural Zone to ensure zoning is applied contiguously.

Commission decision

951. Modification:
- Revise the zoning of Lady Bay Road, Southport folios of the Register 105027/5 and 248247/1 and 61 Lady Bay Road, folios of the Register 125835/1, 125835/2, 252088/2, 125835/3, 125835/4, 144274/1, and that part of folios of the Register

238698/1 and 178403/5 zoned Agriculture and the intersecting reserved roads to Rural and apply the Priority Vegetation Area overlay consistent with the Regional Ecosystem Model mapping.

952. Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Living Zone - 139 Arve Road, Geeveston

Representation: Red Seal Planning for Ellen Blyth and Julian Fielding (352)

953. The representor requested the zone of 139 Arve Road, Geeveston folio of the Register 147470/1 be revised from Rural Living and Rural so that it was wholly zoned Rural Living A. The reasons were:
- the land was split-zoned, with the northern part of the land separated by Arve Road and zoned Rural;
 - the land had an area of 7.3ha, with 2.7ha to the south of Arve Road and 4.6ha to the north;
 - there was an area of approximately 9,000m² in the northernmost corner of the land that included priority vegetation;
 - the surrounding lots along the southern side of Arve Road were zoned Rural Living and had areas between 1,000m² and 5.5ha;
 - agriculture land use in the area was limited to grazing of small numbers of livestock and remnant orchards;
 - the land did not have sufficient capacity to be properly farmed;
 - livestock had to be moved across Arve Road to access other parts of the property, which had become more dangerous because of increased traffic in recent years;
 - the part of the land zoned Rural Living could be subdivided at present, however division of the land would not address livestock handling issues;
 - the SPPs did not contain provisions that would allow the land to be divided either side of Arve Road;
 - the Rural Living Zone would allow the land to be used for residential purposes, but also to graze animals;
 - subdivision along Arve Road would remove potential conflict with livestock crossing roads;
 - it was also possible the land could be split-zoned along Crookes Rivulet so the northern vegetated corner of the land remained in the Rural Zone;
 - the character and proposed use of the land was consistent with the purpose of the Rural Living Zone;
 - the Rural Zone provided for use that was not appropriate near residential areas;
 - the Rural Living Zone would allow residential use and development on rural land and would act as a buffer between agricultural and residential uses;
 - the application of the Rural Living Zone was consistent with RLZ 1 of Guideline No. 1 and policy SRD 1.3 of the regional strategy; and
 - the Natural Assets Code would apply to areas with natural values.
954. The representor also submitted an agricultural land capability assessment by Geo-Environmental Solutions, which concluded the land had limited agricultural capability and a land capability classification of class 5.
955. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the proposed Rural Living Zone was not consistent with RLZ 2 Guideline No. 1 because the land was zoned Rural Resource in the interim planning scheme and

- there was not a primary strategic intention the land be used for residential use and development within a rural setting;
 - the regional strategy (policy SRD 1.3) restricted application of the Rural Living Zone to existing rural living communities;
 - the Rural Living Zone could not be supported until further strategic planning work was undertaken to determine the most appropriate future zone for the land; and
 - the Rural Zone was the most appropriate zone to apply to the land.
956. At the hearing, Mr Trent Henderson (Red Seal Planning) added the Rural Living Zone A would allow three new lots to be created around the existing road.
957. The owner of the land, Mr Julian Fielding stated the land was not particularly productive because of drainage problems.

Commission consideration

958. The Commission is not persuaded the Rural Living Zone should be expanded beyond the area of the land currently zoned Rural Living under the interim planning scheme for the reasons given by the planning authority in its section 35F report. In particular, expansion of the Rural Living Zone to the north of Arve Road is not supported by the regional strategy or a local land use strategy. There is no evidence the land north of Arve Road is part of a 'rural living community or that there is a primary strategic intention for the land be used for residential use and development within a rural setting' as required by policy SRD 1.3 of the regional strategy.
959. The Commission considers further strategic planning work would need to be undertaken to determine how, or if, the Rural Living Zone should be applied in the area. Currently there is a ribbon of properties zoned Rural Living along Arve Road which, if zoned Rural Living A, may result in the settlement sprawling outward from the centre of Geeveston. It is not clear whether expansion of the Rural Living Zone on the northern side of the road would further the objectives set out in Schedule 1 of the Act, specifically whether the Rural Living Zone would result in an overall pattern of orderly use and development. Additionally, it is not clear the Rural Living Zone would be consistent with policy SRD 1 of the regional strategy (provision of a sustainable and compact network of settlements).
960. The Commission notes the planning authority's intent to undertake strategic planning work to investigate the appropriate zones that should apply to land in the municipality in future.
961. The Commission otherwise notes the advice of the representor's agriculture expert. The conclusions of the assessment demonstrate there are some limitations on agricultural use, however the Rural Zone should be applied to the land north of Arve Road consistent with the principles of Guideline No. 1 (RZ 3) because the land has limited or no potential to be used for agriculture. The land is identified in the agricultural estate mapping as potentially constrained.

Commission decision

962. The Commission determines no modifications are required.

Rural Living Zone - Helen Street, Ranelagh folio of the Register 179997/1

Representation: Red Seal Planning for Stan Watson (360)

963. The representor requested the zone of Helen Street, Ranelagh folio of the Register 179997/1 be revised from Utilities to Rural Living. The reasons were:

- the land was privately owned and had recently been purchased from Huon Valley Council because it was not required for utilities use;
 - the Utilities Zone, which had been also been applied in the interim planning scheme, was not appropriate;
 - land to the north was zoned General Residential, while land to the south was zoned Utilities and contained a wastewater treatment plant;
 - the land had an area of approximately 4ha and was flood-prone;
 - the land contained a small area of *Eucalyptus obliqua* dry forest;
 - the land had a land capability classification of class 4, which meant it was moderately suitable for pastoral use and marginally suitable for cropping;
 - the Rural Living Zone would be more consistent with residential use in Ranelagh;
 - the Rural Living Zone would provide a buffer between residences and the wastewater treatment facility; and
 - the Rural Zone was an alternate zone that could be applied.
964. In its section 35F report, the planning authority recommended the Rural Zone be applied to the land for the following reasons:
- the Utilities Zone was not required or appropriate for private land;
 - there was no evidence the land was part of a 'rural living community';
 - the Rural Living Zone could not be supported until further strategic planning work was undertaken to determine the most appropriate future zone for the land; and
 - the Rural Zone was the most appropriate zone to apply to the land.
965. At the hearing, Mr Trent Henderson (Red Seal Planning) represented Mr Stan Watson who together made the following comments:
- the land should be zoned Rural Living as it would provide for a dwelling to be constructed;
 - the land was intended to be used as a hobby-farm;
 - the land was historically zoned 'reserved residential' under the Huon Valley Planning Scheme 1979;
 - the surrounding land was not zoned Rural Living;
 - several overlays and the Attenuation Code would apply to the land to ensure a dwelling was located and constructed to minimise the impact of emissions from the wastewater treatment plant;
 - the northern corner of the land was not flood-prone; and
 - the land was historically zoned Utilities because it was intended to be developed by TasWater.
966. In response, the planning authority stated the Rural Zone had the potential to conflict with use in the surrounding General Residential Zone and was prepared to consider application of the Rural Living Zone to the land and adjacent title (18 Helen Street).
967. Following the hearing, the planning authority, in response to a Commission direction, provided a submission that recommended 18 Helen Street be zoned Rural Living C. The planning authority also provided the contact details of the affected landowner. The Commission subsequently notified the landowner of the planning authority's recommendation and sought their opinion on the proposed change. No response was received.

Commission consideration

968. The Commission agrees the Rural Living Zone should be applied to the land as recommended by the planning authority. The Commission is satisfied there is an intent for the area to be used for residential use in a semi-rural setting. Rural Living

Zone C (Acceptable Solution with a minimum lot size of 5ha) would apply to the land and minimise how many new lots could be created, and the Rural Living Zone would best mediate potential land use conflict between the use of the General Residential Zone to the north and the Utilities Zone to the south, which contains a TasWater wastewater treatment plant.

Commission decision

969. Modification:

- Revise the zoning of 18 Helen Street folio of the Register 153267/1 and Helen Street, Ranelagh folio of the Register 179997/1 to Rural Living C.

970. Reason: To apply the Rural Living Zone consistent with Guideline No. 1.

Rural Living Zone - 6902 Huon Highway, Dover

Representation: Red Seal Planning for Paul Molnar (362)

971. The representor requested the zone of 6902 Huon Highway, Dover folio of the Register 144541/2 be revised from Rural and Rural Living so that it was wholly zoned Rural Living C. The reasons were:

- the land had an approximate area of 16.6ha and contained a dwelling, vineyard and bushland on the western-half of the land;
- there were limited options to expand the vineyard due to the location of native vegetation;
- much of the bushland had been previously cleared;
- *Eucalyptus globulus* wet forest was also located on the land, which was a threatened native vegetation community listed under the *Nature Conservation Act 2002*;
- the land was moderately suitable for pastoral use but unsuitable for cropping;
- the surrounding lots had variable areas and were zoned Rural Living and Rural;
- the land was not far from the centre of Dover;
- the surrounding properties were characterised by dwellings;
- any agriculture use was limited to grazing of small numbers of livestock;
- the land did not have sufficient capacity to be properly farmed;
- the land could not be subdivided because the area of land in the Rural Zone was not enough to meet the minimum lot size requirements for the Rural Zone;
- the SPPs did not contain provisions that would allow the land to be divided along the current split-zone boundary;
- the use and character of the land was consistent with the purpose of the Rural Living Zone;
- the Rural Zone provided for use that was not appropriate on land located near residential areas;
- the Rural Living Zone would allow residential use and development on rural land and act as a buffer between agriculture and residential uses;
- the application of the Rural Living Zone was consistent with RLZ 1 of Guideline No. 1 and policy SRD 1.3 of the regional strategy; and
- the Natural Assets Code would apply to areas of natural value.

972. The representor also submitted an agricultural land capability assessment by Geo-Environmental Solutions, which concluded the land had limited agricultural capability and a land capability classification of class 5 and class 6. The report also contended the land was significantly fettered by surrounding residential use.

973. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the proposed Rural Living Zone was not consistent with RLZ 2 Guideline No. 1 because the land was zoned Rural Resource in the interim planning scheme and there was not a primary strategic intention the land be used for residential use and development within a rural setting;
 - the regional strategy (policy SRD 1.3) restricted application of the Rural Living Zone to existing rural living communities;
 - the Rural Living Zone could not be supported until further strategic planning work was undertaken to determine the most appropriate future zone for the land; and
 - the Rural Zone was the most appropriate zone to apply to the land.
974. At the hearing, Mr Trent Henderson (Red Seal Planning) made the following comments:
- the dwelling was in the Rural Zone;
 - the Rural Living Zone would be consistent with the pattern of the zone to the north; and
 - the owner wanted to subdivide the dwelling from the vineyard.
975. In response, the planning authority made the following comments:
- more strategic planning work was required to determine where the Rural Living Zone should be applied throughout the municipality in future;
 - it had engaged a consultant to prepare a land use and development strategy on its behalf; and
 - the strategy would examine what subdivision categories should be applied and whether potential to create new lots should be provided in some rural living areas.

Commission consideration

976. The Commission is not persuaded the Rural Living Zone should be applied to the land. In particular, the Commission is not satisfied the Rural Living Zone is supported by the regional strategy or a local land use strategy. Furthermore, there is no evidence the land is part of a 'rural living community or that there is a primary strategic intention for the land be used for residential use and development within a rural setting' as required by policy SRD 1.3 of the regional strategy.
977. The Commission considers further strategic planning work would need to be undertaken to determine how, or if, the Rural Living Zone should be applied more broadly in the area. Currently there is a ribbon of properties zoned Rural Living along the Huon Highway which may result in the settlement sprawling outward from the centre of Dover. It is not clear whether expansion of the Rural Living Zone further west from Huon Highway would further the objectives set out in Schedule 1 of the Act, specifically whether the Zone would result in an overall pattern of orderly use and development. Additionally, it is not clear the Rural Living Zone would be consistent with policy SRD 1 of the regional strategy (provision of a sustainable and compact network of settlements).
978. The Commission notes the planning authority's intent to undertake strategic planning work for settlements in the municipality, which may help determine the appropriate future zone for the land. Such work may consider the impact of further rural living use and development in an area identified as unconstrained in the agricultural estate mapping.
979. The Commission otherwise notes the advice of the representor's agriculture expert. The conclusions of the assessment demonstrate there are some limitations on agricultural use, however the Rural Zone should be applied to the land consistent with the principles of Guideline No. 1 (RZ 3) because the land has limited or no

potential to be used for agriculture. The land is identified in the agricultural estate mapping as unconstrained.

Commission decision

980. The Commission determines no modifications are required.

Rural Living Zone - 28 Bonds Road, Ranelagh

Representation: Andrew Simpson (385)

981. The representor raised concern the Rural Living Zone A was applied to 28 Bonds Road, Ranelagh folio of the Register 24094/1 because it would not provide for subdivision of the land.

982. In its section 35F report, the planning authority recommended no change to the draft LPS

983. At the hearing, the representor, Mr Andrew Simpson made the following comments:

- the land had an area less than 1ha;
- he wanted to subdivide a new lot;
- there was land nearby in Ranelagh where multiple dwellings were being constructed on a single lot;
- much of the land was not useful;
- many of the lots in the Rural Living Zone surrounding his property were small and contained dwellings;
- many of his neighbours also wanted to be able to subdivide; and
- he understood why spot-zoning of land was undesirable.

984. In response, the planning authority made the following comments:

- the Low Density Residential Zone appeared to be the only other zoning option but was not supported by Guideline No. 1;
- the Rural Living Zone A that had been applied to the land was consistent with the requirements of Guideline No. 1;
- there was a significant difference in the provisions of the Rural Living and Low Density Residential zones;
- Ranelagh was a growing area and there was a shortage of housing;
- it had engaged a consultant to prepare a land use and development strategy on its behalf;
- the strategy would examine Ranelagh and consider its demographics, housing types and housing quantities; and
- zoning changes could be made in the area depending on the outcomes of the work.

Commission consideration

985. The Commission is not persuaded an alternative zone such as the Low Density Residential Zone should be applied to the land for the reasons given by the planning authority at the hearing. The land is surrounded by the Rural Living Zone and application of another zone would cause the land to be spot-zoned. Spot-zoning of land should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict. There is otherwise insufficient evidence the Low Density Residential Zone is supported by the regional strategy or a local land use strategy and whether there is demand for more residential land in the area. The Commission notes the planning authority's intent to undertake strategic planning work for settlements in the municipality, which may help determine the appropriate future zone for the land.

Commission decision

986. The Commission determines no modifications are required.

Rural Living Zone - 373 Guys Road, Cygnet

Representation: Duncan Mills (388)

987. The representor opposed application of the Landscape Conservation Zone to 373 Guys Road, Cygnet folio of the Register 237661/1 for the following reasons:

- the Landscape Conservation Zone would unreasonably limit the use and development potential of the land;
- the land had an area of approximately 18ha and faced south-east;
- the land was covered in native vegetation except for a 1ha clearing around an existing dwelling;
- the owner intended to develop the land with visitor accommodation; and
- further use and development of the land would require discretionary planning assessment.

988. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land was zoned Environmental Living in the interim planning scheme;
- the Landscape Conservation Zone was the most appropriate replacement for the former zone;
- the land was elevated and contained native vegetation that contributed to a large, contiguous bushland area that adjoined the Snug Tiers Nature Recreation Area;
- the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation and disturbance of features of landscape value; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

989. At the hearing, the representor, Mr Duncan Mills, made a written submission and the following comments:

- the land was not visible from surrounding areas;
- the land was located at an approximate altitude of 350m AHD;
- the land was used for passive recreation and to grow food;
- he managed the natural values of the land;
- he wanted to build a dwelling on the land in future;
- bushfire risk on the land needed to be managed;
- the land contained some blue gums and *Eucalyptus obliqua*;
- much of the vegetation on the land was regrowth;
- the property and other properties on Galleries Hill and Tobys Hill were not normally visible to the public;
- the area had been historically used to graze cattle; and
- the land should be zoned Rural Living.

990. In response, the planning authority made the following comments:

- development of a lawfully established dwelling would be a permitted use under the SPPs;
- the degree of visibility of land from public areas did not necessarily establish if the land was a feature of landscape value;
- the Priority Vegetation Area overlay applied to the land;
- vegetation could be maintained or removed in accordance with bushfire and forest practices authority provisions; and

- the Landscape Conservation Zone did not necessarily prevent lawfully established land management activities.

Commission consideration

991. The Commission agrees with the planning authority for the reasons given in its section 35F report. The land is surrounded by land also zoned Landscape Conservation, and application of an alternative zone would also result in the land being spot-zoned. Spot-zoning of land should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict. The Commission is satisfied the property has landscape value (see Commission decision on general issues) that warrants application of the Landscape Conservation Zone as it is connected to a broader area of native bushland on all its sides.

Commission decision

992. The Commission determines no modifications are required.

Rural Living Zone - Narrows Road, Strathblane

Representation: Kane Ebel (402)

993. The representor requested the zone of Narrows Road, Strathblane folio of the Register 153985/2 and 41 Narrows Road, Strathblane folio of the Register 153985/3 be revised from the Rural and Agriculture zones respectively to Rural Living B. The reasons were:
- the titles had areas of approximately 1.9ha and 4,700m² respectively and were too small to use for agriculture;
 - 41 Narrows Road contained a dwelling;
 - the proposed zones would reduce the value of the land; and
 - the land contained rural living use and development.
994. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the proposed Rural Living Zone was not consistent with RLZ 2 Guideline No. 1 because the land was zoned Rural Resource in the interim planning scheme and there was not a primary strategic intention the land be used for residential use and development within a rural setting;
 - the regional strategy (policy SRD 1.3) restricted application of the Rural Living Zone to existing rural living communities;
 - the Rural Living Zone could not be supported until further strategic planning work was undertaken to determine the most appropriate future zone for the land; and
 - the Rural and Agriculture zones were the most appropriate zones for the land.
995. The planning authority included the following advice from its agriculture expert:
- historic aerial imagery captured in approximately 2009 showed the larger title contained an orchard and was farmed in conjunction with the adjacent title to the north-west, which still contained orchards;
 - the orchards had receded in recent times; and
 - the Rural Living Zone would provide for use and development that could conflict with the existing agriculture use.

Commission consideration

996. The Commission is not persuaded the Rural Living Zone should be applied to the land. In particular, the Commission is not satisfied the Rural Living Zone is

supported by the regional strategy or a local land use strategy. Furthermore, there is no evidence the land is part of a 'rural living community or that there is a primary strategic intention for the land be used for residential use and development within a rural setting' as required by policy SRD 1.3 of the regional strategy.

997. The Commission otherwise accepts the advice of the planning authority's agriculture expert. Both lots are identified in the agricultural estate mapping (potentially constrained), which indicates the Rural and Agriculture zones are appropriate. The Commission is satisfied the zones have been applied in a logical manner to each property given the zone of land that is applied to the adjoining properties.
998. The Commission also notes the Rural Living Zone would cause the land to be spot-zoned. Spot-zoning should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict.

Commission decision

999. The Commission determines no modifications are required.

Rural Living Zone - Lune Mill Road and Lune River Road, Lune River (Lune River Cluster)

Representation: Huon Valley Council (411)

Submission accepted by the Commission: Michael Zodins (Submission 15)

1000. The representation made by Huon Valley Council (411) requested the zone of 13 properties at Lune River Road and Lune Mill Road, Lune River be revised from Landscape Conservation to Rural Living D. The reasons were:
 - the use and characteristics of the land was consistent with the purpose of the Rural Living Zone;
 - the application of the Rural Living Zone was consistent with RLZ 2 Guideline No. 1 because the land was zoned Environmental Living in the interim planning scheme and there was a primary strategic intention the land be used for residential use and development within a rural setting;
 - the existing lot sizes and density was consistent with the provisions of the Rural Living Zone; and
 - any features of landscape value could be managed under the Rural Living Zone provisions, which would limit the type and intensity of uses possible.
1001. The submission made by Michael Zodins (Submission 15) requested the zone of 214 Lune River Road, Lune River folio of the Register 102237/10 also be revised from Landscape Conservation to Rural Living. The reasons were:
 - the land was purchased to construct a dwelling;
 - a significant area of the land was already cleared;
 - the land was in an area that contained rural living use and development; and
 - the Landscape Conservation Zone would cause the value of the property to decline.
1002. In its section 35F report, the planning authority agreed the Rural Living Zone D should be applied to the land.
1003. Prior to the hearing, the planning authority, in response to a Commission direction, provided a response to the submission made by Mr Zodins and recommended the Rural Living Zone D be expanded to also include to 214 (Zodins) and 216 Lune River Road, and Lune River Road folios of the Register 102237/8 and 204483/1 for the following reasons:

- the Landscape Conservation Zone was applied because the land was perceived to be of landscape value; however a review of the area determined the land had characteristics that were consistent with the purpose of the Rural Living Zone;
- the existing area and density of the lots were consistent with the provisions of the Rural Living Zone;
- the application of the Rural Living Zone was consistent with RLZ 2 Guideline No. 1 because the land was zoned Environmental Living in the interim planning scheme and there was a primary strategic intention the land be used for residential use and development within a rural setting;
- 216 Lune River Road (Zodins) was substantially covered in native vegetation but included a cleared area and adjoined forestry land zoned Rural; and
- it accepted Mr Zodins had an intention to use the land for rural living purposes.

1004. At the hearing, the planning authority added the following comments:

- Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) would apply and remove potential for new lots to be created;
- the Rural Living Zone was consistent with Guideline No. 1;
- it was difficult to determine whether the Rural Living or Landscape Conservation zones should be applied to the area;
- the area of the lots, the rural living use of the lots, and lack of vegetation coverage persuaded it the Rural Living Zone should be applied; and
- any vegetation of significant natural value would be protected by the Priority Vegetation Area overlay.

1005. Mr Zodins attended the hearing and was represented by Mr Phil Gartrell (Ireneinc Planning) who made the following comments:

- 214 Lune River Road should be included in the group of properties the planning authority recommended be zoned Rural Living;
- the Rural Living Zone was consistent with Guideline No. 1; and
- a property to the north at 175 Lune River Road had similar characteristics and had also been recommended by the planning authority to be zoned Rural Living.

1006. In response, the planning authority made the following comments:

- the area was typical of many in the Huon Valley;
- it considered the land should be included in the Rural Living Zone along with the others it had recommended be included in the zone;
- Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) should be applied; and
- the land contained some vegetation of significant natural value, which would be protected by the Priority Vegetation Area overlay.

1007. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the properties it recommended be zoned Rural Living. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of 19 letters were sent and six responses received, all of which were in favour of the Rural Living Zone. One of the responses, from the owner of 23 Lune Mill Road noted the property also contained a separate title at the end of Lune Mill Road, which contained a dwelling. The owner requested the land (folio of the Register 52408/14) also be included in the Rural Living Zone.

1008. At the reconvened hearing, the planning authority agreed folio of the Register 52408/14 should be zoned Rural Living.

Commission consideration

1009. The Commission agrees the Rural Living Zone should be applied to the land for the reasons given by the planning authority in its section 35F report. The land contains established rural living use within a rural setting. Impact on any features of landscape value (see Commission decision on general issues) present can be managed through the Rural Living Zone provisions and application of Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) that would minimise how many new lots could be created. The Commission also agrees folio of the Register 52408/14 should also be included in the Rural Living Zone for the same reasons.

Commission decision

1010. Modification:

- Revise the zoning of the following properties to Rural Living D:
 - a. 10 Lune Mill Road, Lune River folio of the Register 102237/1;
 - b. 23 Lune Mill Road, Lune River folios of the Register 52408/14 and 138178/1;
 - c. 175 Lune River Road, Lune River folio of the Register 123372/1;
 - d. 179 Lune River Road, Lune River folio of the Register 126370/1;
 - e. 180 Lune River Road, Lune River folio of the Register 52408/15;
 - f. 196 Lune River Road, Lune River folio of the Register 52408/16;
 - g. 198 Lune River Road, Lune River folio of the Register 14015/1;
 - h. 199 Lune River Road, Lune River folio of the Register 102237/2;
 - i. 205 Lune River Road, Lune River folio of the Register 102237/3;
 - j. 211 Lune River Road, Lune River folio of the Register 102237/4;
 - k. 213 Lune River Road, Lune River folio of the Register 102237/5;
 - l. 214 Lune River Road, Lune River folio of the Register 102237/10;
 - m. 215 Lune River Road, Lune River folio of the Register 102237/6;
 - n. 216 Lune River Road, Lune River folio of the Register 102237/11;
 - o. 217 Lune River Road, Lune River folio of the Register 102237/7;
 - p. Lune River Road, Lune River folio of the Register 102237/8;
 - q. Lune River Road, Lune River folio of the Register 102237/9;
 - r. Lune River Road, Lune River folio of the Register 204483/1; and
 - s. LGA subdivision road folio of the Register 102237/13.

1011. Reason: To apply the Rural Living Zone consistent with Guideline No. 1.

Rural Living Zone - Nicholls Rivulet (Nicholls Rivulet Cluster 2)

Representation: Huon Valley Council (411)

1012. The representor requested the zone of several properties at Batchelors Road, Nicholls Rivulet Road, Sculthorpes Road and Underwoods Road, Nicholls Rivulet be revised from Landscape Conservation to Rural Living D. The reasons were:

- the lot size and density of use and development had a Rural Living character;
- the application of the Rural Living Zone was consistent with RLZ 2 of Guideline No. 1 because it was zoned Environmental Living in the interim planning scheme and there was a primary strategic intention for residential use and development within a rural setting;
- any features of landscape value could be managed under the Rural Living Zone provisions, which would limit the type and intensity of uses possible.

1013. In its section 35F report, the planning authority recommended the land be zoned Rural Living Zone D.

1014. At the hearing, the planning authority made the following comments:

- it wanted to limit the number of additional dwellings constructed outside settlements;
- Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) would apply and would prevent creation of new lots;
- the area had a rural living character; and
- the Priority Vegetation Area overlay would apply to the land and protect vegetation of significant natural value.

1015. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the properties it recommended be zoned Rural Living. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of 20 letters were sent and 5 responses were received, all of which were in support of the Rural Living Zone. One of the responses noted there was a small area of stringy bark trees in the area that should be preserved.

Commission consideration

1016. The Commission agrees the Rural Living Zone should be applied to the land. The land contains established rural living use within a rural setting. Impact on any features of landscape value (see Commission decision on general issues) present can be managed through the Rural Living Zone provisions and application of Rural Living Zone D (Acceptable Solution with a minimum lot size of 10ha) that would minimise how many new lots could be created. Any vegetation of significant natural value in the area would be protected by the Priority Vegetation Area overlay that applied to the land.
1017. The Commission notes there is a reserved road that intersects part of the land that should also be included in the Rural Living Zone to ensure zoning is applied contiguously.

Commission decision

1018. Modification:

- Revise the zoning of the following properties to Rural Living D:
 - a. 63 Batchelors Road, Nicholls Rivulet folio of the Register 122839/4;
 - b. 65 Batchelors Road, Nicholls Rivulet folio of the Register 122839/5;
 - c. Batchelors Road, Nicholls Rivulet folio of the Register 122839/3;
 - d. 1133 Nicholls Rivulet Road, Nicholls Rivulet folio of the Register 207571/1;
 - e. 1187 Nicholls Rivulet Road, Nicholls Rivulet folio of the Register 153350/3;
 - f. 1203 Nicholls Rivulet Road, Nicholls Rivulet folio of the Register 146393/1;
 - g. 1205 Nicholls Rivulet Road, Nicholls Rivulet folio of the Register 208301/1;
 - h. 1237 Nicholls Rivulet Road, Nicholls Rivulet folio of the Register 122839/2;
 - i. Nicholls Rivulet Road, Nicholls Rivulet folio of the Register 153350/1;
 - j. Nicholls Rivulet Road, Nicholls Rivulet folio of the Register 153350/2;
 - k. 20 Sculthorpes Road, Nicholls Rivulet folio of the Register 122839/1;
 - l. 26 Sculthorpes Road, Nicholls Rivulet folio of the Register 122839/7;
 - m. 27 Sculthorpes Road, Nicholls Rivulet folio of the Register 146393/2;
 - n. 37 Sculthorpes Road, Nicholls Rivulet folio of the Register 146393/3;
 - o. 47 Sculthorpes Road, Nicholls Rivulet folio of the Register 146393/4;
 - p. 50 Sculthorpes Road, Nicholls Rivulet folio of the Register 122839/6;
 - q. 11 Underwoods Road, Nicholls Rivulet folio of the Register 178870/2;
 - r. 23 Underwoods Road, Nicholls Rivulet folio of the Register 30205/5;

- s. 26 Underwoods Road, Nicholls Rivulet folio of the Register 30205/4;
- t. 51 Underwoods Road, Nicholls Rivulet folio of the Register 110596/1;
- u. 56 Underwoods Road, Nicholls Rivulet folio of the Register 131236/1; and
- v. the reserved road intersecting folio of the Register 207571/1.

1019. Reason: To apply the Rural Living Zone consistent with Guideline No. 1.

Rural Living Zone - 42 Huon View Road, Lower Longley

Submission accepted by the Commission: Mike Stainer (Submission 10)

1020. The submission requested the zone of 42 Huon View Road, Lower Longley folio of the Register 142338/3 be rezoned from Landscape Conservation to Rural Living. The reasons were:

- the owner intended to use the property for small-scale agriculture;
- the Rural Living Zone was most like the Rural Living Zone applied in the interim planning scheme;
- the Landscape Conservation Zone would significantly change the potential uses of the property that were allowed;
- the Landscape Conservation Zone would reduce the value of the property;
- the land was part of a cluster of rural living properties that were zoned Rural Living and contained residential use and development;
- the Rural Living Zone should also be applied to 39 and 41 Huon View Road, which were similarly situated; and
- it would be more difficult to install bushfire protection zones if the land was zoned Landscape Conservation.

1021. Prior to the hearing, the planning authority, in response to a Commission direction, provided a response to the submission and recommended the following properties be zoned Rural Living:

- 39 Huon View Road, Lower Longley folio of the Register 133552/9 C;
- 41 Huon View Road, Lower Longley folio of the Register 10561/8 B; and
- 42 Huon View Road, Lower Longley folio of the Register 142338/3 C.

1022. The reasons were:

- the lots contained dwellings;
- the Landscape Conservation Zone had been applied because the land was substantially covered in native bushland;
- the Rural Living Zone would allow low-intensity use or development in a rural setting where existing features of natural and landscape value should be retained;
- agriculture use would not impact residential amenity; and
- a subdivision category that would prevent subdivision should be applied.

1023. Following the hearing, the planning authority, in response to a Commission direction, provided the contact details of the owners of the two other properties that were affected by the proposed change. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. Both owners were supportive of the Rural Living Zone.

Commission consideration

1024. The Commission agrees the Rural Living Zone should be applied to the land because the land contains established rural living use. However the Commission considers all three lots should be included in subdivision category C to ensure the category is applied uniformly.

1025. Impact on any features of landscape value (see Commission decision on general issues) present can be managed through the Zone provisions and application of subdivision category C that would minimise how many new lots could be created. Any native vegetation of significant natural value would be protected by the Priority Vegetation Area overlay applied to the land.

Commission decision

1026. Modification:

- Revise the zoning of the following properties to Rural Living C:
 - a. 39 Huon View Road, Lower Longley folio of the Register 133552/9;
 - b. 41 Huon View Road, Lower Longley folio of the Register 10561/8; and
 - c. 42 Huon View Road, Lower Longley folio of the Register 142338/3.

1027. Reason: To apply the Rural Living Zone consistent with Guideline No. 1.

Village Zone and Particular Purpose Zone - Franklin Marine and Tourism Precinct

Representations: David Pannell (89), Shane and Jane Johnson, Martin Riddle and Deb van Velzen (325 and 328)

1028. Representations 89 and 328 requested HUO-P3.0 Particular Purpose Zone - Franklin Marine and Tourism Precinct be amended. Representation 89 requested the references to boat and ship building be amended to clarify differences in the scale of vessels constructed or maintained at the site. Representation 328 requested the uses that applied to the former Franklin Evaporators factory site (folio of the Register 172539/1) be amended so the uses better aligned with the zone purpose and local area objectives.
1029. The representation made by Shane and Jane Johnson, Martin Riddle and Deb van Velzen (325) requested the area of the Particular Purpose Zone be amended so it was removed from 3347 Huon Highway, Franklin folios of the Register 170797/1 and 170797/2 and therefore aligned with the cadastral boundary.
1030. The planning authority in its section 35F report, considered representations 89 and 328 did not warrant modification to the draft LPS. In response to representation 325, the planning authority supported the proposed change to align the Zone with the cadastral boundary.
1031. At the hearing, Mr Shane Johnson and Mr Martin Riddle made the following comments in support of representation 328:
- some of the uses in the Particular Purpose Zone were no longer suitable;
 - some additional discretionary uses that related to boat building were required; and
 - the site would be more difficult to use in future if the additional uses were not allowed.

Commission consideration

1032. The Commission notes HUO-P3.0 Particular Purpose Zone - Franklin Marine and Tourism Precinct is a transitioning provision declared by the Minister for Planning under Schedule 6 of the Act, which cannot be altered through this process. Consequently, the Commission does not agree the Zone should be amended. Changes to the zone could be made in future if required through a draft amendment to the LPS.

1033. Notwithstanding, Schedule 6 of the Act provides 'permitted alterations' can be made to a transitioning provision. Permitted alterations may be made to transitioning provisions so that:

- the provisions will conform to the requirements and terminology used in the SPPs;
- the provisions are appropriately numbered;
- any errors in the original provisions are corrected; or
- the effect intended by the relevant provisions is achieved.

1034. A minor boundary adjustment between folios of the Register 170797/1 and 170797/2 and folio of the Register 172539/1 appears to have been made in January 2016. The adjustment resulted in the transfer of approximately 230m² between the properties, which is minor in the context of the Zone, which applies to an area of approximately 2ha. Consequently the Commission is satisfied the alignment of the Zone with the cadastral boundaries constitutes a permitted alteration under Schedule 6 of the Act and agrees the change be made.

Commission decision

1035. Modification:

- Revise the zoning of 3347 Huon Highway, Franklin folios of the Register 170797/1 and 170797/2 so that both properties are wholly zoned Village.

1036. Reason: To apply the Village Zone consistent with Guideline No. 1.

Village Zone - Unit 2, 1 Lynch Avenue, Huonville

Representations: Sandra Lewis (181)

1037. The representor raised concern the Village Zone was applied to Unit 2, 1 Lynch Avenue, Huonville folio of the Register 108053/2 because the land had no communal area or hall.

1038. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the site was zoned Village in the interim planning scheme;
- the site was used for residential purposes and was part of a larger area zoned Village that included other residential uses and non-residential uses such as retail; and
- the most appropriate zone for the site was Village, which would ensure the land was not spot-zoned.

Commission consideration

1039. The Commission agrees the Village Zone should be applied to the land for the reasons given by the planning authority in its section 35F report.

Commission decision

1040. The Commission determines no modifications are required.

Village Zone - 770 Glen Huon Road, Glen Huon

Representations: Kathie Flakemore (261)

1041. The representor requested the zone of 770 Glen Huon Road, Glen Huon folio of the Register 141195/1 be revised from Village and Agriculture so that a greater area of

the land was zoned Village. The representor proposed the area of the Village Zone be increased from approximately 3,300m² to approximately 7ha. The reasons were:

- the land proposed to be zoned Village was of a poor quality and was not suitable for growing crops;
- the land had historically been used to graze animals;
- the land was close to the centre of Glen Huon and opposite the Glen Huon school and Glen Huon Park;
- the proposed Village Zone would have a frontage of approximately 300m to Glen Huon Road;
- the development of the Village Zone would benefit the local community, particularly through the creation of local construction jobs; and
- the land could be used to provide housing, shops and community uses.

1042. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the Agriculture Zone was consistent with AZ 2 of Guideline No. 1 because the land was zoned Significant Agriculture in the interim planning scheme;
- its agriculture expert (RMCG) investigated the potential to use the land for agriculture and determined the Agriculture Zone should be applied; and
- the Village Zone could not be supported until further strategic planning work was undertaken to determine the most appropriate future zone for the land.

1043. The planning authority included the following advice from its agriculture expert:

- approximately 13ha of the land was leased and used for cropping;
- the productive area of the land was adjacent to the Huon River and was well-connected to land to the east, which was also used for cropping;
- there was a summer allocation of irrigation from the Huon River, which was associated with the title on the northern side of the river;
- the land was within 200m of land used for cropping;
- the land proposed to be zoned Village was of low productivity, however it provided a buffer between agricultural activity on the subject title and the adjacent land; and
- the land should remain in the Agriculture Zone.

1044. At the hearing, the representor made the following comments:

- the land was located on the river flats;
- the area adjacent the river was useful for agriculture, however the land near the road had poor land capability and was rocky;
- the land was adjacent the Village Zone on the main road;
- the Village Zone would enable a few new lots to be created;
- the area needed more land for residential use and development;
- a church building was in the centre of the land on a separate title; and
- people frequently requested to purchase part of the land for development of dwellings and commercial uses, such as a service station.

1045. In response, the planning authority made the following comments:

- there was no evidence the Village Zone was supported by the regional strategy or local land use strategy;
- more strategic planning work was required to determine where residential zones should be applied throughout the municipality in future;
- it had engaged a consultant to prepare a land use and development strategy on its behalf; and

- the strategy would need to include a residential land supply and demand analysis to investigate how the Huon Valley may be affected by population growth.

Commission consideration

1046. The Commission is not persuaded the area of the Village Zone applied to the land should be increased. Specifically, there is insufficient evidence the Zone is supported by the regional strategy or a local land use strategy.
1047. The Commission notes the planning authority's intent to undertake strategic planning work to investigate the zones that should apply to land in the municipality, which may help determine the appropriate future zone for the land.
1048. The Commission otherwise notes the land is identified in the agricultural estate mapping (unconstrained) and accepts the advice of the planning authority's agriculture expert that the land should remain in the Agriculture Zone. No contrary evidence was submitted from a suitably qualified person opposing that advice.

Commission decision

1049. The Commission determines no modifications are required.

General Business Zone - 12 Short Street, Huonville

Representations: Ireneinc Planning for Roger Lowe (135)

1050. The representor requested the zone of 12 Short Street, Huonville folio of the Register 124025/1 and 230853/1 be revised from Rural to General Business. The reasons were:
- the land was within an area characterised by a mix of General Residential, General Business and Village zones;
 - the Light Industrial, Rural, Environmental Management and Open Space zones also applied in the vicinity;
 - the adjoining land to the south-east of the site was zoned General Business;
 - the General Business Zone would provide new options for visitor accommodation and other commercial use and development within the extent of the existing township;
 - the Coastal Inundation Hazard Area overlay applied to the land;
 - land filling of the site had reduced risk use and development on the land could be flooded;
 - the property had a land capability classification of class 5, which meant it was generally unsuitable for cropping;
 - agricultural use was otherwise constrained by surrounding urban uses;
 - the General Business Zone was consistent with the strategic directions of the regional strategy, in particular policy 8 (managing risks and hazards), policy 14.5 (tourism), and policy 18 (activity centres); and
 - the Huonville Ranelagh Master Plan 2019 identified a need for additional commercial and visitor accommodation services close to Huonville.
1051. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the land and adjacent land to the north was zoned Rural Resource in the interim planning scheme;
 - the land was subject to risk of coastal and flood inundation; and
 - food services, visitor accommodation and community meeting and entertainment uses were discretionary in the Rural Zone.

1052. At the hearing, the representor, Mr Phil Gartrell (Ireneinc Planning), submitted a copy of a previous planning permit and engineers report that granted approval for land filling of the site. Mr Gartrell also made the following comments in support of the representation:

- a dwelling was located on the land;
- the land was not included in the agricultural estate mapping;
- the General Business Zone was consistent with Guideline No. 1;
- the Rural Zone was not appropriate for the area as the land could not be characterised as rural;
- the land was adjacent to the main Huonville commercial area;
- the land had been historically subject to flooding and coastal management overlays;
- the owner had developed an idea to use and develop the land with a function centre;
- the use (community meeting and entertainment) would be discretionary in the Rural Zone but prohibited by the Coastal Inundation Hazard Code;
- land-filling works had been undertaken to raise the level of the land, which had resulted in the risk of flooding being low;
- the Flood-Prone Areas Hazard Code did not apply to land subject to coastal inundation; and
- he understood land filling had been conducted with a permit, which was obtained with the assistance of a flood study.

1053. In response, the planning authority made the following comments:

- it understood the land remained flood-prone despite recent land filling;
- the General Business Zone was not appropriate for a flood-prone area;
- there may have been merit in the General Business Zone if evidence was provided the land was no longer flood-prone;
- more strategic planning work was required to determine what zones should be applied throughout the municipality in future; and
- it had engaged a consultant to prepare a land use and development strategy on its behalf.

Commission consideration

1054. The Commission is not persuaded the General Business Zone should be applied to the land and agrees with the planning authority that land's vulnerability to flood-risk should be determined before the land is considered to be rezoned for urban purposes. Nevertheless, the Commission considers there may be merit in application of the General Business Zone provided the risk of flooding to future use and development of the land can be mitigated or suitably managed.

1055. The Commission notes the planning authority's intent to undertake strategic planning work to investigate the appropriate zones that should apply to land in the municipality, which may help determine the appropriate future zone for the land.

Commission decision

1056. The Commission determines no modifications are required.

Commercial Zone - 30 Mckibbens Road, Geeveston

Representations: Stephen Ashworth (214)

1057. The representor requested the zone of 30 Mckibbens Road, Geeveston folio of the Register 135120/2 be revised from Rural to Commercial. The reasons were:

- the 'letter of notice' issued for the property identified it as commercial; and
- the owner had approval to use the land for a tourist operation.

1058. In its section 35F report, the planning authority recommended no change to the draft LPS because the land was zoned Rural Resource in the interim planning scheme. The planning authority added tourist operation was a discretionary use the Rural Zone.

Commission consideration

1059. The Commission agrees the Rural Zone should be applied to the land for the reasons given by the planning authority in its section 35F report and notes the representor may have confused the property valuation category with the zone of land applied in a planning scheme.

Commission decision

1060. The Commission determines no modifications are required.

Light Industrial Zone - 39 Hill Street, Geeveston

Representations: Michael Brewster (365)

1061. The representor requested the zone of 39 Hill Street, Geeveston folio of the Register 164712/2 be revised from General Residential to Light Industrial and General Residential (split-zone).

1062. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the Light Industrial Zone was not consistent with LIZ 2 of Guideline No. 1;
- there was no strategic intention to expand the existing industrial area in the locality; and
- the Light Industrial Zone was not supported by the regional strategy.

1063. Prior to the hearing, the representor made a request to withdraw the representation.

Commission consideration

1064. The Commission notes the representor's request to withdraw the representation, however there is no provision under the Act to withdraw a representation from the assessment process once it has been made. Nevertheless, the Commission agrees the General Residential Zone should be applied to the land for the reasons given by the planning authority in its section 35F report.

Commission decision

1065. The Commission determines no modifications are required.

Light Industrial Zone and Environmental Management Zone - 59 Wilmot Road, Huonville

Submission accepted by the Commission: Karl Price (Submission 16)

1066. The submission raised concern about the Light Industrial, Rural and Environmental Management zones applied to 65 Wilmot Road, Huonville folios of the Register 132549/1, 184322/2 and 184322/1. The reasons were:

- the Rural Zone was inconsistent with the zone of surrounding properties that were zoned General Residential and General Business but were also subject to flood risk;
- multiple zonings would make the property difficult to subdivide;

- the proposed zonings were not supported by the Huon Valley Land Use Strategy 2007;
 - the Environmental Management Zone should not be applied to land that was privately-owned; and
 - the Priority Vegetation Area overlay was inaccurate and was applied without a site-specific assessment of the vegetation.
1067. The planning authority, in response to a Commission direction, recommended no change to the draft LPS for the following reasons:
- the split-zone boundaries had the same boundaries as similar zones applied in the interim planning scheme; and
 - future subdivision was required to comply with the SPPs.
1068. At the hearing, Mr Karl Price made the following comments in support of the representation:
- he had lived in the Huon Valley for nearly 25 years;
 - the land was part of a property historically known as Inlet Farm;
 - the Light Industrial Zone could not be subdivided because a plan of subdivision would not be compliant with the standards for the Rural Zone;
 - he intended to develop the land in the Light Industrial Zone, which included plans to subdivide;
 - development of the land in the Light Industrial Zone would benefit the local community;
 - he had recently completed a subdivision to create a new lot with an area of approximately 1ha in the Light Industrial Zone;
 - the Environmental Management Zone was applied to an isthmus in the Huon River;
 - he had always used the land zoned Environmental Management for rural activities such as horse breeding, grazing of animals and farming;
 - the Environmental Management Zone had not been applied on the basis the land was subject to flood risk;
 - the land in the Environmental Management Zone was mostly cleared but some contained some *Eucalyptus ovata* forest;
 - he had observed birds in the area, including grey goshawks, and knew of sea eagle nest in the area;
 - he had only seen one Tasmanian devil on the land but had never seen a swift parrot; and
 - he sought to ensure the Priority Vegetation Area overlay was applied accurately to the land.
1069. In response, the planning authority made the following comments:
- it was concerned the SPPs did not include provisions to allow subdivision of land along zone boundaries;
 - it agreed the Environmental Management Zone had not been applied on the basis the land was subject to flood risk;
 - Guideline No. 1 stated the Environmental Management Zone should be applied to land with significant natural values;
 - it would need to be provided with expert evidence about the natural values of the land to support a zone other than Environmental Management;
 - there was no minimum lot size in the Rural Zone under the performance criteria of clause 20.5.1 of the SPPs, which meant it could consider an application for subdivision;
 - non-conforming use rights applied to any lawfully established use of the land in the Environmental Management Zone;

- its natural values expert advised application of the Priority Vegetation Area overlay could be reconsidered in greater detail; and
 - it was evident the overlay applied to some areas of pasture.
1070. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that showed how the Priority Vegetation Area overlay should be applied to the land consistent with advice provided by its natural values expert Mr Jim Mulcahy.
1071. At the reconvened hearing, Mr Price made the following comments:
- the amended overlay was generally accurate;
 - there was some scrubby bushland along the banks of the rivulet that was included in the overlay;
 - most of the mature trees were located on the riverbanks; and
 - he was supportive of the amended overlay.
1072. In response, Mr Mulcahy for the planning authority made the following comments:
- he was satisfied the grassland on the site was heavily modified and not of significant natural value;
 - some of the trees on the land may have been black gums; and
 - most parts of the land were clear of the overlay.

Commission consideration

1073. The Commission considers there should be no change to the zone of the land for the reasons given by the planning authority at the hearing. There is no evidence a change to the zone would be supported by the regional strategy, a local land use strategy or the principles of Guideline No. 1. The Commission notes the planning authority expressed concern about the lack of a provision in the SPPs that would allow it to consider subdivision of land along zone boundaries. The planning authority could consider lodgement of a report under section 35G of the Act to put forward an opinion on whether an amendment to the SPPs should be made to facilitate or manage such issues.
1074. The Commission determines the Priority Vegetation Area overlay should be amended as specified by the planning authority's natural values expert.

Commission decision

1075. Modification:
- Apply the Priority Vegetation Area overlay to 65 Wilmot Road, Huonville folios of the Register 132549/1, 184322/2 and 184322/1 consistent with Figure 2 in the planning authority's submission in response to direction 28 (9 August 2023) dated 15 December 2023.
1076. Reason: To apply Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Zone - Huon Highway, Strathblane (Strathblane Cluster)

Representations: Rachel and Shaun Dale (4), Tim and Kerrie-Rae Doyle (11)

1077. The representation made by Rachel and Shaun Dale (4) requested the zone of Huon Highway, Strathblane folio of the Register 152300/1 be revised from Landscape Conservation to Rural. The representor explained approximately 75% of the property had recently been cleared under the terms of a certified forest practices plan and was intended to be converted to pasture. On that basis, the representor contended the Landscape Conservation Zone applied to the land was inconsistent with Guideline No. 1.

1078. The representation made by Tim and Kerrie-Rae Doyle (11) raised concern the Landscape Conservation Zone had been applied to 7558 Huon Highway, Strathblane folio of the Register 100016/1. The reasons were:
- vegetation needed to be cleared on the land to enact a bushfire management plan;
 - an approval had been granted to operate a timber manufacturing/furniture business from the land;
 - a certified forest practices plan applied to the land, which allowed the landowner to clear a certain amount of the land each year without further permission;
 - the Priority Vegetation Area overlay would apply to the land; and
 - natural values experts had inspected the property and advised there was no evidence the land contained blue gums, swift parrot habitat or grey goshawk habitat.
1079. In its section 35F report, the planning authority recommended the Rural Zone be applied to Huon Highway, Strathblane folio of the Register 152300/1 (Dale) because the land had been cleared and the forest practices plan allowed for permanent conversion of native vegetation to pasture. However, the planning authority recommended no change to the zone of 7558 Huon Highway (Doyle) for the following reasons:
- the land was zoned Rural Resource in the interim planning scheme;
 - RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
 - the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
 - more than 80% of the land was covered with native vegetation;
 - a class 2 waterway was located in parallel to the eastern boundary of the land;
 - the land formed part of a larger contiguous bushland area;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
 - only small-scale use or development was appropriate because it would limit impact on the landscape; and
 - the Landscape Conservation Zone was the most appropriate zone for the land.
1080. At the hearing, Mr Shaun Dale added it was his intention to use his land (folio of the Register 152300/1) to graze animals, particularly cattle and sheep.
1081. In response, the planning authority stated it had reconsidered the zoning of the area and was of the view the surrounding area should also be zoned Rural because of a change in zone to the land owned by Mr and Mrs Dale.
1082. Mr Tim and Mrs Kerrie-Rae Doyle attended the hearing and made the following comments in support of their representation:
- the land had an area of approximately 17.4ha;
 - much of the land was native scrub;
 - they intended to log part of the property under the terms of the forest practices plan (copy submitted at the hearing);
 - the Rural Zone would provide more certainty about how the land could be used and developed;

- the Priority Vegetation Area overlay should be removed because the land did not contain threatened native flora and fauna;
- the Landscape Conservation Zone would prevent non-native plants and animals being kept on the land; and
- the Landscape Conservation Zone would reduce the value of the property and prevent selective logging.

1083. In response, the planning authority made the following comments:

- it had developed a new methodology to help it determine where to apply the Landscape Conservation Zone;
- the timber on the land was harvested in 2006 and was regrowing;
- the planning authority had been unaware the forest practices plan applied to the land;
- the land was connected to other forested area, particularly to the south;
- its natural values expert, Mr Jim Mulcahy, advised several threatened species were recorded on nearby properties;
- the land, and the property to its east (folio of the Register 124000/2) should be zoned Rural;
- there were a lot of natural features on the land itself that would help to protect native vegetation and features of landscape value; and
- it did not support an amendment to the Priority Vegetation Area overlay.

1084. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the properties it recommended be zoned Rural. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of seven letters were sent and three responses were received, all of which were supportive of the Rural Zone.

Commission consideration

1085. The Commission is persuaded the Rural Zone should be applied to the land as recommended by the planning authority for the following reasons:

- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
- the land has little to no landscape value (see Commission decision on general issues), or potential to be used for agriculture due to topographical (varied and undulating gradients) and environmental (native vegetation cover) constraints;
- all the lots, except for folios of the Register 211406/1 and 124000/2, are included in the agricultural estate mapping, which indicates the Rural or Agriculture zones are appropriate;
- evidence submitted by Mr and Mrs Doyle indicates part of 7558 Huon Highway is intended to be used for forestry;
- two other lots, folios of the Register 152300/1 and 124000/2, have forest practices plans that apply and aerial photography indicates both have previously been used for timber harvesting; and
- impact on any natural values present on the land would be primarily managed through the Priority Vegetation Area overlay applied to the land.

1086. The Commission also determines the Rural Zone should also be applied to 7827 Huon Highway folio of the Register 117823/2 to ensure a uniform zone pattern is applied to the area. The land would be surrounded by land zoned Rural, isolated from any other land zoned Landscape Conservation, and would be an effectual

spot-zone. Spot-zoning should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict. The land was otherwise zoned Rural Resource in the interim planning scheme, has a small area of approximately 1ha, and a large, cleared area with several buildings.

1087. The Commission considers the Priority Vegetation Area overlay should be applied to 7558 Huon Highway (Doyle) as the overlay is compatible with the Rural Zone. The policy intent of the SPPs is that the overlay be applied to compatible zones, and no evidence was submitted from a suitably qualified person to demonstrate the land does not contain priority vegetation. Nevertheless, it is noted clause 4.4.1 of the SPPs provides an exemption for clearance of vegetation in accordance with a certified forest practices plan (see Commission decision on general issues - forestry land use).
1088. The Commission also notes the public reserve (owed by 'NRE Tas') zoned Landscape Conservation at Darcy Link and surrounded by folio of the Register 152300/2 would remain as a spot-zone and therefore determines the land should also be included in the Rural Zone to ensure zoning is applied in a consistent pattern. Similarly, the Commission notes there are reserved and acquired roads adjoining the land that should also be included in the Rural Zone to ensure zoning is applied contiguously. Furthermore, the Commission notes a recent survey of the boundary between Huon Highway folios of the Register 152300/1 and 152300/2 and Huon Highway folios of the Register 124001/1 and 124001/1 (creek line boundary) would result in land that adjoins the cluster zoned Landscape Conservation. Huon Highway folios of the Register 124001/1 and 124001/1 is land owned by Sustainable Timber Tasmania and predominantly designated as Permanent Timber Production Zone land, which should be wholly included in the Rural Zone.

Commission decision

1089. Modification:

- Revise the zoning of the following properties to Rural:
 - a. 68 Narrows Road, Strathblane folio of the Register 100017/1;
 - b. 7558 Huon Highway, Strathblane folio of the Register 100016/1;
 - c. 7827 Huon Highway folio of the Register 117823/2;
 - d. Huon Highway, Strathblane folio of the Register 124000/2;
 - e. Huon Highway, Strathblane folio of the Register 124000/1;
 - f. Huon Highway, Strathblane folio of the Register 211406/1;
 - g. Huon Highway, Strathblane folio of the Register 152300/1;
 - h. Huon Highway, Strathblane folio of the Register 152300/2;
 - i. Huon Highway folios of the Register 124001/1 and 124001/1;
 - j. the public reserve (NRE Tas) zoned Landscape Conservation at Darcy Link and surrounded by folio of the Register 152300/2; and
 - k. those parts of the acquired and reserved roads alongside folios of the Register 100017/1, 100016/1 and 211406/1, and off Darcy Link as necessary to produce a uniform zoning pattern.

1090. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - 30 Cowmeadows Road, Cradoc (Cradoc Cluster 1)

Representations: Michael McGrath (5)

1091. The representor requested the zone of 30 Cowmeadows Road, Cradoc folio of the Register 125511/1 be revised from Agriculture to Rural because much of the surrounding land was zoned Rural and the property no longer contained an orchard.

1092. In its section 35F report, the planning authority recommended the Rural Zone be applied to the land and two adjacent titles, 3 and 25 Slaters Road, for the following reasons:
- the Agriculture Zone had been applied consistent with AZ 2 of Guideline No. 1 because the land was zoned Significant Agriculture in the interim planning scheme;
 - the Rural Zone could be considered for the land as provided by AZ 6 of Guideline No. 1; and
 - its agriculture expert (RMCG) investigated the potential to use the land for agriculture and recommended the Rural Zone be applied.
1093. The planning authority included the following advice from its agriculture expert:
- 30 Cowmeadows Road had an area of approximately 7.5ha and contained a dwelling;
 - the dwelling was located in the centre of the land;
 - the property had a land capability classification of class 5, which meant it was generally unsuitable for cropping;
 - approximately 4ha of the land had previously contained orchards;
 - some of the surrounding properties also contained orchards in the past and were zoned Rural;
 - 3 and 25 Slaters Road contained dwellings;
 - 28 Cowmeadows Road was zoned Rural, but isolated from other land in the same zone; and
 - the Rural Zone would provide a more consistent zoning pattern across the area.
1094. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the properties it recommended be zoned Rural. The response also included a diagram that showed how the Priority Vegetation Area overlay should be applied to the land in the event it was zoned Rural. The overlay diagram was provided by its natural values expert Mr Jim Mulcahy. Furthermore, the planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of three letters were sent and one response made, which was supportive of the proposed changes.

Commission consideration

1095. The Commission is persuaded the Rural Zone should be applied to the land for the reasons given in its section 35F report and by the planning authority's agriculture expert. The Commission agrees the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural. The Rural Zone would also provide a more uniform application of zones to the land at the corners of Huon Highway, Cowmeadows Road and Slaters Road.
1096. The Commission consequently determines the Priority Vegetation Area overlay should be applied to the land consistent with the advice of the planning authority's natural values expert to protect native vegetation, as the overlay is compatible with the Rural Zone. The policy intent of the SPPs is the overlay be applied to compatible zones, and no evidence was submitted from a suitably qualified person to demonstrate the land does not contain priority vegetation.

Commission decision

1097. Modification:

- Revise the zoning of 30 Cowmeadows Road, Cradoc folio of the Register 125511/1, 3 Slaters Road, Cradoc folio of the Register 125503/1 and 25 Slaters Road, Cradoc folio of the Register 28992/4 to Rural and apply the Priority Vegetation Area overlay consistent with the diagram in the planning authority's submission in response to direction 32 (30 May 2023) dated 29 June 2023.

1098. Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Zone - 8495 Channel Highway, Cradoc and 8520 Channel Highway, Woodstock (Cradoc Cluster 2)

Representations: Michael and Janet McGlynn (6)

Submission accepted by the Commission: Andrew Quilliam (Submission 14)

1099. The representation made by Michael and Janet McGlynn requested the zone of 8520 Channel Highway, Woodstock folio of the Register 139543/4 be revised from Agriculture to Rural. The representation included a 'Land Capability Assessment' dated April 2022, which made the following comments:

- the land had a small area of approximately 8.9ha;
- the land did not have access to irrigation except for a small dam;
- the land would need an area of at least 10ha and be fully irrigated to sustain a horticultural enterprise;
- the property had a land capability classification of class 5 and class 6, which meant it was generally unsuitable for cropping; and
- the soil was easily erodible, poorly drained, on steep slopes and contained rock, which meant the entire site was unsuitable for cropping of any kind.

1100. The submission made by Andrew Quilliam also requested the zone of his land at 8495 Channel Highway, Cradoc folio of the Register 114683/1 be revised from Agriculture to Rural because the land was purchased with an intent to use it for visitor accommodation, a health retreat, and small-scale hobby farming.

1101. In its section 35F report, the planning authority recommended the Rural Zone be applied to 8520 Channel Highway (McGlynn) for the following reasons:

- the Agriculture Zone had been applied consistent with AZ 2 of Guideline No. 1 because the land was zoned Significant Agriculture in the interim planning scheme;
- the Rural Zone could be considered for the land as provided by AZ 6 of Guideline No. 1;
- the representation included an assessment of the potential to use the land for agriculture that supported the Rural Zone; and
- its agriculture expert (RMCG) had considered the assessment and agreed the land should be zoned Rural.

1102. The planning authority included the following advice from its agriculture expert:

- the Land Capability Assessment was not completed in a standard form (Grose 1999, Land Capability Assessment Handbook), however the conclusions of the assessment were acceptable;
- the assessment indicated the western-half of the land had a land capability classification of class 5, while the eastern-half of the land was class 6;
- there was an irrigation dam registered on the title that had a capacity of 4.5 megalitres, however additional water would be required to sustain a horticultural operation;
- there was limited opportunity to use the land for horticulture due to the soil limitations; and

- the land should be zoned Rural.
1103. Prior to the hearing, the planning authority, in response to a Commission direction, provided a response to the submission made by Mr Quilliam and recommended the Rural Zone also be applied to the land and two other properties for the following reasons:
- the land was located adjacent to 8520 Channel Highway (McGlynn);
 - the Rural Zone should be applied to a group of four adjoining titles, one of which was small and contained a dwelling;
 - its agriculture expert had indicated the area was not suited to agriculture in its response to representation 6; and
 - some of the titles contained threatened vegetation.
1104. At the hearing, Ms Astrid Ketelaar (RMCG) made the following comments on behalf of the planning authority:
- it agreed the Rural Zone should be applied to all four titles recommended in the response made to Mr Quilliam's submission;
 - the small area of the lots constrained potential to use the land for agriculture, and
 - the Priority Vegetation Area overlay should be applied to the land as the overlay is compatible with the Rural Zone.
1105. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the properties it recommended be zoned Rural. The response also included a diagram that showed how the Priority Vegetation Area overlay should be applied to the land in the event it was zoned Rural. The overlay diagram was provided by its natural values expert Mr Jim Mulcahy and included an amendment to the overlay applied to an adjacent land title (8480 Channel Highway). Furthermore, the planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of five letters were sent and three responses were received. Only one of the responses, made by the owner of 8480 Channel Highway responded in opposition to the Priority Vegetation Area overlay on the basis the land contained an orchard.

Commission consideration

1106. The Commission is persuaded the Rural Zone should be applied to the land for the reasons given in its section 35F report and by the planning authority's agriculture expert. The Commission agrees the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural. The Rural Zone would also provide a more uniform zone pattern as it would be consistent with the land to the south and east.
1107. The Commission consequently determines the Priority Vegetation Area overlay should be applied to the land consistent with the advice of the planning authority's natural values expert to protect native vegetation. The policy intent of the SPPs is that the overlay be applied to compatible zones, and no evidence was submitted from a suitably qualified person to demonstrate the land does not contain priority vegetation. The Commission notes the overlay would apply to an area of native vegetation on the western side of 8480 Channel Highway adjacent to the Huon River but would not be applied to its orchards.

Commission decision

1108. Modification:

- Revise the zoning of the following properties to Rural and apply the Priority Vegetation Area overlay consistent with the diagram in the planning authority's submission in response to direction 60 (30 May 2023) dated 29 August 2023:
 - a. 8480 Channel Highway, Cradoc folio of the Register 163072/2 (already zoned Rural);
 - b. 8495 Channel Highway, Cradoc folio of the Register 114683/1;
 - c. 8507 Channel Highway, Cradoc folio of the Register 8582/1;
 - d. 8520 Channel Highway, Woodstock folio of the Register 139543/4; and
 - e. Channel Highway, Cradoc folio of the Register 139543/3.

1109. Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Zone - Cloverside Road and Bakers Creek Road, Lucaston (Lucaston Cluster 2)

Representations: Scott and Rose Wilson (72), Matthew Williams and Luke Hearnden (95), Ann and Mark Baldwin (190), Belinda Yaxley (215), Rafael and Melanie Muggeridge (234), Adam Bayliss and Aidan Mulhall (290), Rebecca and Lee McKay (300), Joel Smith and Daniel Webb (310), Paul Kenny (383)

Submission accepted by the Commission: Craig Jessep-Pond and Matt Williams (Submission 11)

1110. The representations and submission requested the zone of the following properties be revised from Landscape Conservation to Rural:

- 394 Bakers Creek Road, Lucaston folio of the Register 176285/1 (Wilson);
- Bakers Creek Road, Lucaston folio of the Register 176284/1 (Muggeridge);
- 194 Cloverside Road, Lucaston folios of the Register 237748/1, 204472/1 and 210489/1 (Kenny);
- 236 Cloverside Road, Lucaston folio of the Register 152022/3 (Williams and Hearnden);
- 264 Cloverside Road, Lucaston folio of the Register 152022/2 (Jessep-Pond);
- 407 Cloverside Road, Lucaston folio of the Register 139274/5 (Webb and Smith);
- 410 Cloverside Road, Lucaston folio of the Register 139274/4 (Yaxley);
- Cloverside Road, Lucaston folio of the Register 139382/2 (McKay); and
- Windsor Road, Lucaston folios of the Register 148860/4 and 205697/1 (Baldwin).

1111. The reasons were:

- land was historically used for farming, including orchids, dairy farms, and piggeries;
- land had been historically logged and native vegetation had regrown;
- land was zoned Rural Resource in the interim planning scheme;
- land contained dwellings or were intended to contain dwellings;
- use and character of land was consistent with the purpose of the Rural Zone;
- land was used for or intended to be used for rural activities such as grazing of animals and cropping;
- land contained cleared pasture and dams;
- the Landscape Conservation Zone would limit the use and development potential of land;
- the Landscape Conservation Zone was inconsistent with Guideline No. 1;
- the Landscape Conservation Zone would reduce the value of land;
- the Landscape Conservation Zone had not been applied in a manner that was consistent with the planning authority's methodology for application of the Zone

(stated in its draft LPS supporting report) because less than 80% of the land was covered in native bushland;

- the Rural Zone was supported by the regional strategy;
- the Rural Zone was consistent with Guideline No. 1;
- land had limited potential to be used for agriculture because it had steep slopes, rocky soils and was partly covered with vegetation;
- land could not be seen from surrounding areas;
- no assessment of the natural value of the land had been undertaken to justify application of the Landscape Conservation Zone;
- the Rural Zone would be consistent with the zone of the surrounding area;
- the Rural Zone would not contravene the PAL Policy or *State Policy on Water Quality Management 1997*;
- the Rural Zone would further the objectives stated in Schedule 1 of the Act;
- there was no evidence the land contained threatened vegetation or habitat for threatened native animals;
- the Priority Vegetation Area and Scenic Protection Area overlays applied in the area and would protect any features of natural or scenic values; and
- the Priority Vegetation Area overlay was inaccurate.

1112. The representation made by Ann and Mark Baldwin (190) also requested the zone of 32 Cloverside Road, Lucaston folio of the Register 41146/1 be revised from Agriculture to Rural or Rural Living because the land contained a dwelling. The dwelling was associated with a farm contained on Windsor Road, Lucaston folios of the Register 148860/4, 205697/1, 150982/3, 150982/4, 150982/5 and the Agriculture Zone would reduce the value of the property. In addition, the representor requested the zone of Windsor Road, Lucaston folios of the Register 148860/4 and 205697/1 be revised from Landscape Conservation to Rural or Agriculture for the following reasons:

- the land was part of a farm business, which had been owned by the family since 1963 and had operated as an apple orchard, piggery, dairy and contained beef cattle;
- the farm contained numerous buildings used for agriculture including a stockyard, dairy and large machinery shed;
- the Landscape Conservation Zone did not provide for grazing of cattle;
- the farm was also used to produce silage and hay and was also used for small-scale wood cutting; and
- cattle were grazed on all titles at various times.

1113. In its section 35F report and its response to the submission made by Mr Jessep-Pond, the planning authority recommended no change to the draft LPS for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
- the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
- LCZ 1 of Guideline No. 1 required the Landscape Conservation Zone be applied to land with features such as bushland and areas of native vegetation that were of landscape value;
- various parts of the land adjoined the Russell Ridge Conservation Area;
- 394 Bakers Creek Road (Wilson) was extensively covered in native vegetation and had a steep slope;

- Bakers Creek Road, Lucaston folio of the Register 176284/1 (Muggeridge) formed part of a fully vegetated hillside leading up to Blue Hill, contained a small section of a ridgeline and a valley depression with a class 4 waterway;
 - the land owned by Mr Smith and Mr Webb, Ms Yaxley and Mr and Mrs McKay collectively contributed to a substantial 'hillscape' feature in the Lucaston and Crabtree Valleys with ridgelines, hillsides and deep valley depressions;
 - mapping of vegetation indicated 410 Cloverside Road (Yaxley) contained habitat for the Mount Mangana stag beetle and *Eucalyptus globulus* wet forest, which was primary foraging habitat for critically endangered swift parrot;
 - Windsor Road folios of the Register 148860/4 and 205697/1 (Baldwin) had large areas of native vegetation and contained valleys and ridgelines contiguous with other areas of elevated native bushland;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
 - the land reflected of the broader landscape value of the area;
 - only small-scale use or development was appropriate because it would limit impact on the landscape; and
 - the Landscape Conservation Zone was the most appropriate zone for the land.
1114. The planning authority also recommended there be no change to the zone of 32 Cloverside Road (Baldwin) for the following reasons:
- the land was identified in the agricultural estate mapping (potentially constrained); and
 - its agriculture expert (RMCG) investigated the potential to use the land for agriculture and determined the Agriculture Zone should be applied.
1115. The planning authority included the following advice from its agriculture expert about the zoning of the three properties subject to the representation made by Mr and Mrs Baldwin:
- folio of the Register 148860/4 was an integral part of the farming operation spread across five titles that contained the farm and should be zoned Rural;
 - folio of the Register 205697/1 was surrounded on three sides by folio of the Register 148860/4, was also managed in conjunction with the larger farming operation and should also be zoned Rural; and
 - 32 Cloverside Road was surrounded by land zoned Agriculture and should remain in the Agriculture Zone.
1116. At the hearing Mr Scott and Mrs Rose Wilson (72) made the following comments in support of their representation:
- they purchased the land to use for rural living purposes;
 - the land did not contain a conservation covenant and was not related to a private conservation scheme;
 - they intended to maintain the native bushland;
 - the land contained an old shack;
 - they intended to construct a new dwelling on the land;
 - the land was not suitable to graze cattle; and
 - they were prepared to consider a split-zone of the land around the cleared section of the land on the south of the property.
1117. In response, the planning authority made the following comments:

- residential use was discretionary in the Rural and Landscape Conservation zones and could be considered by the planning authority;
 - the land was steep and vegetated; and
 - it was prepared to further consider whether the land should be split-zoned Rural and Landscape Conservation with the northern and densely vegetated part of the land zoned Landscape Conservation.
1118. Mr Matthew Williams and Mr Luke Hearnden (95) attended the hearing and reiterated concerns expressed in their representation the Landscape Conservation Zone would cause many uses of their land (236 Cloverside Road) to be discretionary under the zone use table.
1119. In response, the planning authority made the following comments:
- the Landscape Conservation Zone should be applied to the southern part of the land because it was forested;
 - the Landscape Conservation Zone was consistent with Guideline No. 1;
 - residential use was discretionary in the Landscape Conservation Zone and therefore possible;
 - the Scenic Protection Area overlay was a provision declared by the Minister for Planning as transitioning from the interim planning scheme that could not be altered through the draft LPS assessment process;
 - its natural values expert advised there was a raptor nest in the area, which was active as of 2016; and
 - the land could be split-zoned so the northern side of the land, which was cleared and contained a dwelling could be zoned Rural.
1120. Mr Mark and Mrs Ann Baldwin (190) made the following comments in support of their representation:
- the land was used for a farm business;
 - they had operated the farm since 2010; and
 - the land allowed the farm to increase its capacity to graze cattle by 21 head.
1121. In response, Ms Astrid Ketelaar (RMCG) made the following comments on behalf of the planning authority:
- land to the west was zoned Rural because it contained a private timber reserve;
 - land farmed together and comprised of multiple titles should be included in the same zone;
 - it was unclear whether the land should be zoned Rural or Agriculture given it contained natural values;
 - its natural values expert preferred the Landscape Conservation Zone be applied because the land contained vegetation of significant natural value, including wet blue gum forest and habitat for threatened native fauna;
 - it had reconsidered the zone of the land and preferred the Rural Zone because it would allow the Priority Vegetation Area overlay to be applied;
 - 32 Cloverside Road contained a dwelling but was surrounded by land zoned Agriculture;
 - the land should remain in the Agriculture Zone because it would allow a congruent zone pattern to be applied; and
 - the dwelling had existing use rights and could continue to be used if the land was zoned Agriculture.
1122. Ms Belinda Yaxley (215) attended the hearing with Mr Caleb Elcock and Mrs Amy Robertson who together made a written submission and the following comments in support of Ms Yaxley's representation:

- the Landscape Conservation Zone had not been applied in a manner that was consistent with other areas of the State;
- the Priority Vegetation Area overlay was inaccurate and did not justify application of the Landscape Conservation Zone;
- Ms Yaxley intended to farm the land and needed to clear more land for that purpose;
- the area had been selectively logged in the past; and
- a split-zoning of the land could be considered through the middle of the site with a zone boundary provided between the south-west and north-west corners of the land.

1123. In response, the planning authority made the following comments:

- the area contributed to a larger area of landscape value;
- the land had an area of approximately 40ha;
- resource development use (farming) was discretionary in the Landscape Conservation Zone and could be considered for approval;
- its natural values expert accepted the Regional Ecosystem Model used to produce the Priority Vegetation Area overlay could be inaccurate but was confident the land contained vegetation of significant natural value; and
- it was prepared to further consider whether the land should be zoned Rural or split-zoned Rural and Landscape Conservation.

1124. Rebecca and Lee McKay attended the hearing with Mr Caleb Elcock and Ms Belinda Yaxley who together made a written submission and the following comments in support of representation (300):

- the owner intended to build a small dwelling and reclaim land where bracken fern had grown;
- the owner was concerned the Landscape Conservation Zone did not give priority to residential use;
- the land was previously logged;
- the land was used to graze sheep; and
- the land was not significantly visible from surrounding areas.

1125. In response, the planning authority made the following comments:

- residential use was discretionary in the Landscape Conservation Zone and could be considered for approval;
- its natural values expert considered the land contained some vegetation of significant natural value; and
- it was prepared to further consider whether the land should be zoned Rural or split-zoned Rural and Landscape Conservation.

1126. Mr Joel Smith and Mr Daniel Webb (310) made a written submission and the following comments in support of their representation:

- the land was zoned Rural Resource in the interim planning scheme, which should be reflected in the draft LPS;
- the land was not located on a skyline or ridgeline;
- several property owners in the surrounding area were also opposed to the Landscape Conservation Zone;
- the Rural Zone was preferred for the whole area of the land rather than a split-zone;
- part of the land at the top of the site was cleared and developed;
- the land contained a dwelling, livestock fencing, electricity infrastructure, water infrastructure, vegetable gardens, a fruit and nut orchard, livestock enclosures, ornamental gardens, established lawns and other improvements; and

- the Landscape Conservation Zone was not supported by Guideline No. 1 because the land was not of significant landscape value and was not significantly visible from surrounding areas.

1127. Mr Paul Kenny (383) made a written submission and the following comments in support of his representation:

- he had owned the land since 1980;
- the land had been logged in the past;
- he intended to retain most of the bush on the land;
- he was concerned the Landscape Conservation Zone would unreasonably limit the use and development potential of the land; and
- he proposed to split-zone the land so that an area on the eastern side of a powerline was zoned Rural.

1128. In response, the planning authority made the following comments:

- the land was substantially covered in native vegetation and was steep and elevated;
- its natural values expert advised the land contained a threatened vegetation community *Eucalyptus tenuiramis*;
- the land also contained habitat for the wedge-tailed eagle; and
- it preferred the land be wholly zoned Landscape Conservation but was prepared to support the split-zone proposed by the representor.

1129. Mr Craig Jessep-Pond (submission 11) attended the hearing and was represented by Mr Matt Williams who together made the following comments:

- 264 Cloverside Road was used for rural activities;
- Mr Jessep-Pond intended to build a new dwelling on the land; and
- much of the land was cleared and used to graze sheep.

1130. In response, the planning authority stated it had reviewed the zoning of the land and recommended the land be zoned Rural.

1131. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the properties it recommended be zoned Rural or split-zoned Rural and Landscape Conservation. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of four letters were sent and four responses were received, three of which were supportive of the Rural Zone (Smith and Webb, Yaxley and McKay). Mr Scott and Mrs Rose Wilson were opposed to the split-zone recommended for their land (394 Bakers Creek Road) on the basis the Landscape Conservation Zone would cause the land to lose value.

Commission consideration

1132. The Commission is persuaded the Rural Zone should be applied to the following properties as recommended by the planning authority:

- 264 Cloverside Road (Jessep-Pond);
- 407 Cloverside Road (Webb and Smith);
- 410 Cloverside Road (Yaxley); and
- Cloverside Road, Lucaston folio of the Register 139382/2 (McKay).

1133. The reasons are:

- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
 - the Rural Zone would best recognise the existing use of the land;
 - the land may have some landscape value (see Commission decision on general issues - landscape value), however it is not significant enough to warrant application of the Landscape Conservation; and
 - impact on any vegetation of significant natural value present on the land would be primarily managed through the Priority Vegetation Area overlay applied to each property, which would also assist the retention of vegetation and incidental retention of any features of landscape value.
1134. The Commission notes there is a reserved road that intersects part of folio of the Register 139274/5 (Webb and Smith) that should also be included in the Rural Zone to ensure zoning is applied contiguously.
1135. The Commission is persuaded the Rural Zone should be applied to the northern section (see Commission decision on general issues - split-zones) of 236 Cloverside Road (Williams and Hearnden) for the following reasons:
- the northern part of the land contains a dwelling, is cleared, and is not significantly visible from surrounding areas;
 - the northern part of the land is distinctly different from the southern forested area and has little to no landscape value (see Commission decision on general issues - landscape value);
 - the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural; and
 - the Rural Zone is consistent with the zone of the land to the north and south, which the Commission determines should also be zoned Rural (Kenny and Jessep-Pond).
1136. The Commission is persuaded the Rural Zone should be applied to the eastern section (see Commission decision on general issues - split-zones) of 194 Cloverside Road (Kenny) for the following reasons:
- the eastern part of the land contains a dwelling, is partly cleared, and is not significantly visible from surrounding areas;
 - the eastern part of the land is of little to no landscape value (see Commission decision on general issues - landscape value);
 - the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural; and
 - the Rural Zone is consistent with the zone of the land to the north, which the Commission determines should also be zoned Rural (Williams and Hearnden and Jessep-Pond).
1137. The Commission agrees with the planning authority the remainder of the land owned by Mr Kenny, including folios of the Register 237748/1 and 210489/1 should remain in the Landscape Conservation Zone for the reasons outlined in its section 35F report.
1138. The Commission is persuaded the Rural Zone should be applied to the southern part (see Commission decision on general issues - split-zones) of 394 Bakers Creek Road (Wilson) for the following reasons:
- the southern part of the land contains a shack, is partly cleared, and is not significantly visible from surrounding areas;

- the southern part of the land is of little to no landscape value (see Commission decision on general issues - landscape value);
 - the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural; and
 - the Rural Zone is consistent with the zone of the land to the south, which contains private timber reserves.
1139. The Commission is persuaded the Rural Zone should be applied to Windsor Road, Lucaston folios of the Register 148860/4 and 205697/1 (Baldwin) for the reasons given by the planning authority's agriculture expert. The Commission agrees the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide land with limited or no potential for agriculture should be zoned Rural. Furthermore, the Rural Zone would be consistent with the zone of the land to the west and north-west.
1140. In addition, the Commission is not persuaded the Rural Zone should be applied to 32 Cloverside Road (Baldwin) also for the reasons given by the planning authority's agriculture expert. The Rural Zone would cause a spot-zoning of the land on the northern side of Bakers Creek Road. Spot-zoning should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict.
1141. Furthermore, the Commission is not persuaded the Rural Zone should be applied to Bakers Creek Road, Lucaston folio of the Register 176284/1 (Muggeridge). The land is heavily vegetated and adjacent to a large area of land to the south and north zoned Landscape Conservation and Environmental Management, which contains intact native bushland. The Commission is satisfied the property has landscape value (see Commission decision on general issues - landscape value) that warrants application of the Landscape Conservation Zone.
1142. Otherwise, the Commission notes some representors raised concern the Priority Vegetation Area overlay, which applied to several titles was inaccurate. It is the Commission's view the overlay should not be removed from land or amended unless supported by the advice of a suitably qualified person who has undertaken a detailed site assessment. The Commission accepts the advice of the planning authority's natural values expert that the land contains significant native vegetation that should be recognised by the overlay. No contrary evidence was submitted from a suitably qualified person to demonstrate the land does not contain priority vegetation.

Commission decision

1143. Modification:

- Revise the zoning of the following properties to Rural:
 - a. that part of 394 Bakers Creek Road, Lucaston folio of the Register 176285/1 identified the diagram in the planning authority's submission dated 1 September 2023;
 - b. that part of 194 Cloverside Road, Lucaston folio of the Register 204472/1 east of a boundary delineated by coordinates E 504052.95, N 5243777.47 and E 504157.76, N 5243324.24;
 - c. that part of 236 Cloverside Road, Lucaston folio of the Register 152022/3 north of a boundary delineated by coordinates E 504359.54, N 5243746.42 and E 504272.26, N 5243736.04;
 - d. 264 Cloverside Road, Lucaston folio of the Register 152022/2;
 - e. 407 Cloverside Road, Lucaston folio of the Register 139274/5;

- f. 410 Cloverside Road, Lucaston folio of the Register 139274/4;
- g. Cloverside Road, Lucaston folio of the Register 139382/2;
- h. Windsor Road, Lucaston folios of the Register 148860/4 and 205697/1; and
- i. the reserved road intersecting folio of the Register 139274/5.

1144. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - 649 and 663 North Huon Road, Judbury

Representations: Ireneinc Planning for Matthew Anning (12), Ireneinc Planning for Patrick and Alison Ryan (13)

1145. The representations requested the zone of 649 and 663 North Huon Road, Judbury folios of the Register 102364/1 and 229333/1 be revised from Agriculture to Rural. The reasons were:

- the properties had areas of approximately 2ha and 2.5ha respectively;
- 663 North Huon Road was predominantly cleared for agriculture and contained two buildings, one of which was a hay shed;
- the land was steep and had frontage to North Huon Road and the Huon River;
- 649 North Huon Road contained a stream and dam that were connected to the Huon River;
- land to the north was zoned Rural;
- agriculture use in the area was mainly confined to larger lots;
- the Rural Zone had been applied to similar small lots that adjoined the Huon River to the north of the site on Glen Huon Road;
- the land had a land capability classification of class 5, which meant it was unsuited to cropping with slight to moderate limitations on pastoral use;
- the land was identified in the agricultural estate mapping as potentially constrained because of the small area and high capital value of the lots;
- AZ 6 of Guideline No. 1 allowed the land to be considered for an alternative zone if site analysis determined the land had limited or no potential to be used for agriculture;
- the Rural Zone was consistent with the regional strategy and Huon Valley Land Use Strategy 2007, and would not provide for intensive residential use and development;
- the Rural Living Zone would not contravene the PAL Policy or *State Policy on Water Quality Management 1997*; and
- the Rural Zone would not conflict with the surrounding Agriculture Zone.

1146. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the Agriculture Zone was consistent with AZ 2 of Guideline No. 1 because the land was zoned Significant Agriculture in the interim planning scheme; and
- its agriculture expert (RMCG) investigated the potential to use the land for agriculture and determined the Agriculture Zone should be applied.

1147. The planning authority included the following advice from its agriculture expert:

- the land had limited productive capacity due to the small area of each lot and the land capability classification of class 5;
- the land was well-connected to a large commercial-scale farm to the north (799 North Huon Road);
- the Agriculture Zone would ensure the zoning of the area was consistent with 799 North Huon Road;
- the Rural Zone could be considered because it would connect with to the land on the opposite side of North Huon Road;

- land in the area had access to irrigation in summer months; and
- the land should remain in the Agriculture Zone.

1148. At the hearing, the representor, Mr Phil Gartrell (Ireneinc Planning) was joined by the owners of the land, Mr Matthew Anning and Mr Patrick Ryan who together made the following comments in support of the representations:

- the land was clear of native vegetation;
- the land was in a narrow area between North Huon Road and the Huon River;
- land to east and west had significantly more area between the road and river;
- it would be difficult to amalgamate the lots to either of the adjoining properties because of the narrow width of the land;
- the planning authority's agriculture expert advised the Rural Zone could be considered for the land; and
- the Attenuation Code would help to manage any potential land use conflicts.

1149. In response, Ms Astrid Ketelaar (RMCG) made the following comments on behalf of the planning authority:

- the Rural Zone would result in inconsistent zone application to the land on the southern side of North Huon Road;
- 799 North Huon Road directly adjoined 663 North Huon Road to the north and used fish farm effluent for fertiliser;
- a building area had been cleared on 663 North Huon Road (Anning) was located within 20m of the boundary with 799 North Huon Road;
- a future dwelling constructed in the cleared area could conflict with the use of fish farm effluent fertiliser; and
- it had considered whether the Rural Zone could be applied to a cluster of titles in the area but determined the surrounding land had characteristics that meant the Agriculture Zone should be applied.

Commission consideration

1150. The Commission considers the Rural Zone should be applied to the land for the following reasons:

- the land is identified as potentially constrained in the agricultural estate mapping;
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 3), which provide land with limited or no potential for agriculture should be zoned Rural;
- the land is not part of a larger farm holding;
- the land has little to no potential to be used for agriculture due to the relatively small area of the lots;
- the Rural Zone would not cause significant conflict with land use in the Agriculture Zone; and
- the Rural Zone would connect with similar zoning on the opposite side of North Huon Road, which would avoid spot-zoning of the land.

Commission decision

1151. Modification:

- Revise the zoning of 649 and 663 North Huon Road, Judbury folios of the Register 102364/1 and 229333/1 to Rural.

1152. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - 230 Fyfes Road, Mountain River

Representations: Gray Planning for Justin and Amy Ward (16)

1153. The representor requested the zone of 230 Fyfes Road, Mountain River folio of the Register 235100/1 be revised from Landscape Conservation to Rural. The reasons were:

- the land contained a dwelling, pasture used to graze beef cattle, and several dams;
- the land was historically used to graze beef cattle;
- no assessment of the natural value of the land had been undertaken to justify the Landscape Conservation Zone;
- the property was located on a hillside but was not located on a prominent ridgeline or skyline;
- there was no evidence the land contained threatened flora or habitat for threatened fauna;
- the Landscape Conservation Zone was inconsistent with Guideline No. 1;
- the land was zoned Rural Resource in the interim planning scheme;
- the land had an area of approximately 68ha;
- the land had several small areas that were cleared of trees;
- the Landscape Conservation Zone had not been applied in a manner that was consistent with the planning authority's methodology for application of the Zone (stated in its draft LPS supporting report) because less than 80% of the land was covered in native bushland;
- approximately 20ha of the land was cleared of native vegetation, which amounted to only 70% vegetation coverage;
- the owner intended to continue to farm the land;
- the Landscape Conservation Zone would limit the potential to continue to farm the land; and
- the Rural Zone would be more favourable to the existing use.

1154. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
- the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
- the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
- the land adjoined Wellington Park, was substantially covered in native vegetation and was steeply sloped;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- the land reflected of the broader landscape value of the area;
- only small-scale use or development was appropriate because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

1155. At the hearing, Ms Danielle Gray (Gray Planning) described how she had calculated the amount of vegetation coverage on the land and determined the coverage was only 70%.
1156. In response, the planning authority stated its view the land had 80% coverage in native vegetation. Nevertheless, its natural values expert advised any significant features of natural and landscape value could be protected by the Priority Vegetation Area overlay. The planning authority was therefore supported application of the Rural Zone to the land but noted the adjoining land at 124 Wattle Hill Road may also need to be included in the Rural Zone to ensure it was not left as an isolated spot-zone.
1157. Following the hearing, the planning authority, in response to a Commission direction, provided the contact details for the owner of 124 Wattle Hill Road. The Commission subsequently notified the owner of the recommendation and sought their opinion on the proposed change. A response was received, which confirmed the owner was supportive of the Rural Zone.

Commission consideration

1158. The Commission is persuaded the Rural Zone should be applied to the land for the following reasons:
- there is no evidence the land contains a degree of landscape value (see Commission decision on general issues) that warrants application of the Landscape Conservation Zone;
 - 230 Fyfes Road is included in the agricultural estate mapping (unconstrained), which indicates the Rural or Agriculture zones are appropriate;
 - the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural; and
 - the Priority Vegetation Area overlay would apply to the land and protect vegetation of significant natural value and may incidentally protect features of landscape value.

Commission decision

1159. Modification:
- Revise the zoning of 230 Fyfes Road folio of the Register 235100/1 and 124 Wattle Hill Road, Mountain River folio of the Register 210464/1 to Rural.
1160. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - Turners Road, Cradoc (Cradoc Cluster 3)

Representations: Jonathan Cruickshank and Monica Wedd (160), Lachlan Kranz and Madeleine Gasparinatos (275)

1161. The representors requested the zone of 54 Turners Road folio of the Register 9337/1 (Kranz and Gasparinatos) and 100 Turners Road, Cradoc folio of the Register 237651/1 (Cruickshank and Wedd) and be revised from Agriculture to Rural for the following reasons:
- the land was identified as potentially constrained in the agricultural estate mapping;
 - the adjoining property at 111 Turners Road was zoned Rural and isolated from other land;
 - 111 Turners Road could be combined with 54 and 100 Turners Road to form a group of properties zoned Rural that would reduce potential spot-zones;

- the planning authority had not specifically investigated the suitability of the land for the Agriculture Zone; and
 - the land had physical constraints such as the small area of the lots, soil productivity, lot size, capital value and connectivity.
1162. In its section 35F report, the planning authority recommended the Rural Zone be applied to 54, 75 and 100 Turners Road for the following reasons:
- the Agriculture Zone had been applied consistent with AZ 2 of Guideline No. 1 because the land was zoned Significant Agriculture in the interim planning scheme;
 - the Rural Zone could be considered for the land as provided by AZ 6 of Guideline No. 1; and
 - its agriculture expert (RMCG) investigated the potential to use the land for agriculture and recommended the Rural Zone be applied.
1163. The planning authority included the following advice from its agriculture expert:
- it broadly agreed with the representors;
 - it was unsure why 111 Turners Road had been zoned Rural;
 - the area was characterised by small-scale, but high value agriculture enterprise;
 - land had potential to be farmed in conjunction with land elsewhere, particularly if the use involved horticulture or viticulture;
 - the surrounding area was used for grazing and hobby farming and contained various areas of native vegetation; and
 - the Rural Zone was recommended as it was consistent with the zone of 111 Turners Road.
1164. At the hearing, the planning authority made the following comments:
- its agriculture expert considered application of the Rural and Agriculture zones to the area was difficult;
 - 111 Turners Road was zoned Rural because it contained vegetation of significant natural value; and
 - much of the forest on 111 Turners Road contained small patches of threatened vegetation communities.
1165. Following the hearing, the planning authority, in response to a Commission direction confirmed its recommendation the land be zoned Rural. The response also included a diagram that showed how the Priority Vegetation Area overlay should be applied to the land in the event it was zoned Rural. The overlay diagram was provided by its natural values expert Mr Jim Mulcahy.
1166. Furthermore, the planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of three letters were sent and two responses were received, both of which were supportive of the Rural Zone. However, the response from the owner of 54 Turners Road questioned whether the overlay should be applied to the southern section of the land which contained regrowth stringy bark forest planted approximately 20 years prior and did not constitute priority vegetation.
1167. At the reconvened hearing, the planning authority's natural values expert, Mr Jim Mulcahy made the following comments in response:
- the stringy bark forest located on 54 Turners Road was regrowth;
 - the Priority Vegetation Area overlay would not necessarily prevent use and development of the area if a natural values assessment determined the area could be disturbed;

- the vegetation was not highly significant, however it did meet the definition for Priority Vegetation; and
- the overlay should be applied to the land as it applied to similar vegetation on other properties.

Commission consideration

1168. The Commission is persuaded the Rural Zone should be applied to the land for the reasons given in the planning authority's section 35F report and by its agriculture expert. The Commission agrees the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 3), which provide land with limited or no potential for agriculture should be zoned Rural. All the lots are identified as potentially constrained in the agricultural estate mapping. Furthermore, the Rural Zone would also provide a more uniform zone application to the land around Turners Road and ensure 111 Turners Road is not spot-zoned. Spot-zoning should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict.
1169. The Commission consequently determines the Priority Vegetation Area overlay should be applied to the land consistent with the advice of the planning authority's natural values expert to protect native vegetation, as the overlay is compatible with the Rural Zone. The policy intent of the SPPs is that the overlay be applied to compatible zones, and no contrary evidence was submitted from a suitably qualified person to demonstrate the land, in particular the southern part of 54 Turners Road, does not contain priority vegetation.

Commission decision

1170. Modification:

- Revise the zoning of 54 Turners Road folio of the Register 9337/1, 75 Turners Road folio of the Register 149629/1 and 100 Turners Road, Cradoc folio of the Register 237651/1 to Rural and apply the Priority Vegetation Area overlay consistent with the diagram in the planning authority's submission in response to direction 33 (30 May 2023) dated 29 June 2023.

1171. Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Zone and Scenic Protection Code - Scenic Protection Area Overlay - Leprena Track, Southport Lagoon and Blackswan Lagoon

Representations: Jason Whitehead for Leprena Trust (20), Pakana Services (21), Ochre Rain (28), Tasmanian Land Conservancy (29), Jean-Pierre Thebault, Ambassador of France to Australia (30), Joe Shemesh (31), Jean-Philippe Beaulieu (32), Michael Vaughan (35)

1172. The representation made by Jason Whitehead for Leprena Trust (20) requested the zone of Leprena Track, Southport Lagoon folio of the Register 203411/1 be revised from Environmental Management to Rural for the following reasons:
- the land was used for several purposes, including beekeeping, which was consistent with the purpose of the Rural Zone;
 - the Rural Zone was consistent with Guideline No. 1; and
 - the Landscape Conservation Zone could be applied to the land in the event the Rural Zone was not supported.
1173. The representors also requested the Scenic Protection Area overlay be applied to the following land around Blackswan Lagoon:

- Leprena Track, Southport Lagoon folio of the Register 203411/1 (Whitehead and Taylor);
- Leprena Track, Southport Lagoon folio of the Register 203691/1 (Crown);
- Leprena Track, Southport Lagoon folio of the Register 203443/1 (Vaughan);
- Leprena Track, Southport Lagoon folio of the Register 137404/1 (Tasmanian Land Conservancy);
- Leprena Track, Southport Lagoon folio of the Register 120138/1 (Tasmanian Land Conservancy);
- Leprena Track, Southport Lagoon folio of the Register 138925/1 (Crown); and
- part of Crown land adjoining the northern boundary of Leprena Track, Southport Lagoon folio of the Register 138925/1.

1174. The reasons were:

- the area had scenic value and contained the Southport Conservation Area heritage site;
- the area also contained a Tasmanian Heritage Register listing for 'D'Entrecasteaux Expedition Sites Recherche Bay the Tasmania Heritage Register' and a National Heritage Register listing for 'Recherche Bay (north-east peninsula)';
- management objectives were required to manage the visual impact of development in addition to heritage management controls;
- the area was a significant indigenous cultural landscape and contained indigenous burial sites;
- a National Management Plan made under the federal *Environment Protection and Biodiversity Conservation Act 1999* (Cwth) did not apply to the area to manage scenic values;
- the area had scenic value because it contained important heritage, landform, vegetation, wildlife and water features; and
- scenic values could be compromised by inappropriate development of walking tracks and other infrastructure.

1175. The representation made by Jason Whitehead for Leprena Trust (20) also included an appendix that showed how Table C8.1 of the draft LPS could be completed to provide a description, scenic value statements and management objectives for the proposed Scenic Protection Area.

1176. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- Leprena Track, Southport Lagoon folio of the Register 203411/1 (Whitehead and Taylor) was zoned Environmental Management in the interim planning scheme;
- the Environmental Management Zone could be applied to private land that contained significant values identified for protection or conservation and where the intention was to limit use and development;
- the Rural Zone provided for use that was inappropriate for the land given its characteristics;
- a Scenic Protection Area overlay did not apply to the land in the interim planning scheme; and
- it considered the area had significant landscape values however a Scenic Protection Area could not be properly considered unless further work was undertaken by a suitably qualified person to provide a detailed analysis of the scenic values.

1177. At the hearing, Mr Jason Whitehead for Leprena Trust and Mr James Shaw (Land Management Officer - South East Tasmania Aboriginal Corporation) made a written submission and the following comments:

- beekeeping enterprises were supported by the State government;
- they were concerned the surrounding Crown land could be used for tourist activities;
- beekeeping was exempt in the SPPs, however there was concern the use would be constrained by surrounding activities;
- an assessment of the scenic values of the area had been undertaken using the *Guidelines for scenic values assessment methodology and local provisions schedules for the scenic protection code* and the *Manual for Forest Landscape Management 2006*; and
- the assessment determined the land had 'high' scenic values that needed to be protected.

1178. In response, the planning authority made the following comments:

- it was prepared to consider the hearing submissions made by the representor;
- its natural values expert considered there were several areas where the proposed overlay could be improved;
- Crown land in the area was within the Southport Lagoon Conservation Area, which controlled the impact of development on scenic values anyway;
- it was not clear why a Scenic Protection Area overlay was required in addition to the Conservation Area; and
- it intended to undertake strategic planning work in future to identify any areas of scenic value in its municipality where the Scenic Protection Area overlay should be applied.

1179. Following the hearing, the planning authority, in response to a Commission direction, stated it was prepared to consider a Scenic Protection Area overlay but contended further work was required to ensure the scenic value statements and management objectives for the area were suitable for entry in Table C8.1 of the draft LPS.

1180. In response, Mr Whitehead provided a revised description, scenic values and management objectives, which were drafted by Mr Trent Henderson (Red Seal Planning) on behalf of Leprena Trust.

1181. At the reconvened hearing, Mr Whitehead noted the proposed Scenic Protection Area had not been considered by the Crown (Department of Natural Resources and Environment) and that its view on application of the overlay to its land was unknown.

1182. The planning authority added it considered some changes to the description, scenic values and management objectives were required.

1183. Following the reconvened hearing, the planning authority, in response to a Commission direction, provided the revised description, scenic values and management objectives.

1184. The Department of Natural Resources and Environment, in response to a Commission direction, provided a submission, which made the following comments:

- it did not object in principle to the Scenic Protection Area but considered it should only be applied to private land;
- the Crown land included in the proposed Scenic Protection Area was already managed and protected under the *Nature Conservation Act 2002*, the *National Parks and Reserves Management Act 2002* and the *National Parks and Reserves Management Regulations 2019*;
- the Crown land was also managed in accordance with the *Southport Lagoon Conservation Area George III Monument Historic Site and Ida Bay State Reserve Management Plan 2006*, which was a statutory management plan;

- the proposed Scenic Protection Area could potentially create an unreasonable conflict with future reserve management planning;
- features of the scenic value on the land were already appropriately considered and protected
- Blackswan Lagoon could not be used for marine farming;
- the Scenic Protection Area overlapped with two marine farming area in Pigsties Bay and was not compatible with that use;
- there was no intent to use or develop any part of Blackswan Lagoon for aquaculture; and
- the *Southport Lagoon Conservation Management Plan* required new development to be concealed.

1185. In response, Mr Whitehead made a submission with the following comments:

- a Scenic Protection Area could be applied to public land;
- the Scenic Protection Area overlay did not conflict with the Pigsties Bay marine farming area as it did not apply to marine farming as noted in the description of Table C8.1;
- the Scenic Protection Area overlay could be amended so it did not apply to the marine farming areas in any case;
- the area was of significant scenic value, particularly the coastal foreshore areas adjoining the private land areas;
- the Scenic Protection Area was supported by a technical assessment of its scenic value;
- the Scenic Protection Area did not conflict with relevant reserve management plans;
- the Scenic Protection Area included places of Aboriginal Heritage;
- future changes to reserve management plans could cause conflict between stakeholders;
- the Tasmanian Parks and Wildlife Service disregarded the scenic values of the Southport Conservation Area and had allowed unmanaged vehicle access to the land, which had caused damage to the area;
- the Tasmanian Parks and Wildlife Service had allowed unauthorised roadworks to occur on its land;
- the *Nature Conservation Act 2002*, *National Parks and Reserves Management Act 2002* and *National Parks and Reserves Management Regulations 2019* did not provide for direct consideration of scenic values;
- the area was not included as a place of local heritage significance in Table C6.1 of the draft LPS;
- it acknowledged the *Southport Lagoon Conservation Area George III Monument Historic Site and Ida Bay State Reserve Management Plan 2006* provided very strong scenic protection for the area;
- the Tasmanian Parks and Wildlife Service had released a consultation paper that proposed an area subject to a reserve management plan should be exempt from Tasmanian Planning Scheme codes, including the Scenic Protection Code; and
- the Tasmanian Parks and Wildlife Service had released a separate consultation paper titled 'Proposed Management Planning Process' that proposed easier management plan amendment processes that could easily erode scenic value protections and provide for commercial developments.

1186. The planning authority, in response to a Commission direction, stated it remained supportive of the proposed Scenic Protection Area and was satisfied the Area would not conflict with the Management Plan.

Commission consideration

1187. The Commission is persuaded the proposed Scenic Protection Area should be applied to the land for the following reasons:

- the area features a low-lying coastal peninsular, is covered in native forest, and contains coastal dunes;
- the physical features of the landscape are collectively of value because of its natural appearance;
- the evidence provided by Mr Whitehead indicates the area is a landscape of significant scenic value that should be protected; and
- the Scenic Protection Area would complement other controls that apply to the land including the *Aboriginal Heritage Act 1975*, the *Nature Conservation Act 2002*, the *National Parks and Reserves Management Act 2002*, the Southport Lagoon Conservation Area George III Monument Historic Site and Ida Bay State Reserve Management Plan 2006, and the Tasmanian Heritage Register.

1188. The Commission agrees the Scenic Protection Area overlay should be reduced in area in so far that it is not applied outside the municipal boundary. In addition, the Commission considers amendments are required to entry in Table C8.1, particularly the management objectives, to ensure it is suitable for inclusion in the draft LPS. Amendments are required for the following reasons:

- the description of the area must be limited to features that contribute to its scenic value;
- the scenic values must be limited to natural features of the landscape that collectively contribute to the appearance of the area and must not include references to cultural or heritage values, which are the domain of the Local Historic Heritage Code, *Historic Cultural Heritage Act 1995* and the *Aboriginal Heritage Act 1975*;
- the management objectives are high-level local objectives to which the planning authority must have regard when an application for development is considered against the relevant Performance Criteria of the Scenic Protection Code;
- the management objectives must not address matters for which specific zone standards are available;
- the management objectives must not set out requirements or other explicit criteria to be met; and
- the management objectives must not contain statements that can be characterised and applied as additional Acceptable Solutions or Performance Criteria.

1189. Otherwise, the Commission is not persuaded the Rural Zone or Landscape Conservation Zone should be applied to Leprena Track, Southport Lagoon folio of the Register 203411/1 (Whitehead and Taylor) for the reasons given in the planning authority's section 35F report. The land and much of the broader area is included in the Southport Lagoon Conservation Area, which is evidence of its significant natural and landscape value. The Rural Zone would provide for use of the land that is inconsistent with its characteristics and would create the possibility the land could be used and developed for purposes that would impact such value. The Environmental Management Zone is consistent with the principles of Guideline No. 1 (EMZ 1(f)), which states the Zone should be applied to land that contains significant values identified for protection or conservation.

Commission decision

1190. Modification:

- Revise the Scenic Protection Area overlay by applying the overlay to the area of land identified in Appendix A to the submission made by Jason Whitehead for Leprena Trust dated 12 April 2024 except that part of the area beyond the municipal boundary.
- Insert the following clause HUO-C8.1.24 in Table C8.1 of the LPS written document:

HUO-Table C8.1 Scenic Protection Areas

Reference Number	Scenic Protection Area Name	Description	Scenic Value	Management Objectives
HUO-C8.1.24	Blackswan Lagoon	A low-lying coastal peninsular, covered in native forest, moorland and button grass plains, which includes coastal dunes, wetlands, scrubland, sandy beaches, rocky shorelines, tidal flats, rivers, streams, and coastal lagoons. Evidence of development on the peninsular is limited to a few revegetated ruins that are only visible when standing at some locations. The area features a few disused vehicle tracks that are evident from the air but are less visible from coastal and water locations. The area includes: (a) the forested hills north and east of Eliza Point and Bowdens Mistake (up to an elevation of approximately 63m AHD), the connecting saddles and adjacent spurs to the south and east that descend to sea-level and to open plains to the north and west; (b) an open ridge east of Blackswan Lagoon	(a) The natural undeveloped visual aesthetic. (b) Vegetation, water forms and landform features. (c) Undeveloped areas of forest and areas of open vegetation that area visually distinctive.	(a) That vegetation is maintained as the dominant landscape element when viewed from public roads and places; (b) That development and works avoids impact on vegetation; (c) That visual contrast between buildings and works and vegetated areas is minimised; (d) That evidence of development, except for works related to existing access tracks, is minimised; (e) That development of new vehicle or bicycle tracks is minimised; (f) That vegetation removal or any disturbance to forest canopy cover, including that required for bushfire protection measures is minimised; (g) That development of roofed buildings is minimised; (h) That development of non-roofed buildings and structures or temporary buildings are located in areas of existing use or development, such

		with an elevation of approximately 47m AHD continues northward via a forested saddle and then descends north as an open vegetated spur; (c) forested hills north and west of Blackswan lagoon that continue to Sullivans Point; (d) a forested rise ascending from the coast on the east side of Pigsties Bay and the D'Entrecasteaux River; (e) numerous hills up to an elevation of 54m AHD in an area of open and forested vegetation; (f) the Little Lagoon Beach dune ridge; (g) the isthmus between Big Lagoon Beach and Southport Lagoon; (h) Blackswan Lagoon; (i) the coastal land and south-eastern foreshore of Southport Lagoon down to the mean high water mark; (j) the coastal land and foreshore from Big Lagoon Beach and around the coast to Pigsties Bay; and (k) land to the mean high water mark of the eastern bank of D'Entrecasteaux River to the location of the former Leprena Track Bridge.		as camping areas, where possible; (i) That development of new walking tracks around the coastal foreshore, or the foreshore of Blackswan Lagoon, or inland between Quiet Cove and Blackswan Lagoon or Little Lagoon Beach (including parts of folios of the Register 203691/1, 137404/1, 203443/6 and 203411/1) is minimised; (j) That development of new walking tracks, including signage, is minimised; (k) That development of new walking tracks is aligned with the route of existing access tracks where possible; and (l) That development on sand dunes is minimised.

1191. Reason: To apply the Scenic Protection Area overlay consistent with Guideline No. 1.

Commission consideration under section 35KB

1192. The Commission finds that the amendment is a substantial modification as there may be a public interest in the amendment. Under section 35KB, the Commission considers the substantial modifications required are suitable to be made by way of an amendment, under Part 3B of the Act, of the Huon Valley LPS, after it comes into effect.

Commission decision under section 35KB

1193. Draft amendment directed to the Huon Valley LPS:

- Revise the Scenic Protection Area overlay by applying the overlay to the area of land identified in Attachment 3.
- Insert the following clause HUO-C8.1.24 in Table C8.1 of the LPS written document:

HUO-Table C8.1 Scenic Protection Areas

Reference Number	Scenic Protection Area Name	Description	Scenic Value	Management Objectives
HUO-C8.1.24	Blackswan Lagoon	A low-lying coastal peninsular, covered in native forest, moorland and button grass plains, which includes coastal dunes, wetlands, scrubland, sandy beaches, rocky shorelines, tidal flats, rivers, streams, and coastal lagoons. Evidence of development on the peninsular is limited to a few revegetated ruins that are only visible when standing at some locations. The area features a few disused vehicle tracks that are evident from the air but are less visible from coastal and water locations. The area includes: (a) the forested hills north and east of Eliza Point and Bowdens Mistake (up to an elevation of approximately 63m	(a) The natural undeveloped visual aesthetic. (b) Vegetation, water forms and landform features. (c) Undeveloped areas of forest and areas of open vegetation that area visually distinctive.	(a) That vegetation is maintained as the dominant landscape element when viewed from public roads and places; (b) That development and works avoids impact on vegetation; (c) That visual contrast between buildings and works and vegetated areas is minimised; (d) That evidence of development, except for works related to existing access tracks, is minimised; (e) That development of new vehicle or bicycle tracks is minimised; (f) That vegetation removal or any disturbance to forest canopy cover, including that required for bushfire protection measures is minimised; (g) That development of roofed buildings is minimised;

		AHD), the connecting saddles and adjacent spurs to the south and east that descend to sea-level and to open plains to the north and west; (b) an open ridge east of Blackswan Lagoon with an elevation of approximately 47m AHD continues northward via a forested saddle and then descends north as an open vegetated spur; (c) forested hills north and west of Blackswan lagoon that continue to Sullivans Point; (d) a forested rise ascending from the coast on the east side of Pigsties Bay and the D'Entrecasteaux River; (e) numerous hills up to an elevation of 54m AHD in an area of open and forested vegetation; (f) the Little Lagoon Beach dune ridge; (g) the isthmus between Big Lagoon Beach and Southport Lagoon; (h) Blackswan Lagoon; (i) the coastal land and south-eastern foreshore of Southport Lagoon down to the mean high water mark; (j) the coastal land and foreshore from Big Lagoon Beach and around the coast to Pigsties Bay; and (k) land to the mean high water mark of the eastern bank of D'Entrecasteaux River to the location of the former Leprena Track Bridge.	(h) That development of non-roofed buildings and structures or temporary buildings are located in areas of existing use or development, such as camping areas, where possible; (i) That development of new walking tracks around the coastal foreshore, or the foreshore of Blackswan Lagoon, or inland between Quiet Cove and Blackswan Lagoon or Little Lagoon Beach (including parts of folios of the Register 203691/1, 137404/1, 203443/6 and 203411/1) is minimised; (j) That development of new walking tracks, including signage, is minimised; (k) That development of new walking tracks is aligned with the route of existing access tracks where possible; and (l) That development on sand dunes is minimised.

1194. Reason:

- To apply the Scenic Protection Area overlay consistent with Guideline No. 1.
- The Commission considers that the modification is a substantial modification as there may be a public interest.

Rural Zone - 981 Esperance Coast Road, Surveyors Bay

Representations: SOS Labour Solutions (23)

1195. The representor requested the zone of 981 Esperance Coast Road, Surveyors Bay folio of the Register 138269/3 be revised from Environmental Management to Rural. The reasons were:

- the land contained a dwelling, which was prohibited in the Environmental Management Zone (non-conforming use);
- the owner may wish to use the land for visitor accommodation in future;
- the Environmental Management Zone was unusual given its use and land area;
- the building had been continuously used for residential purposes since it was constructed about 1950;
- the land was not subject to a reserve management plan that would allow residential use to be considered in the Environmental Management Zone;
- the Rural Zone would allow a dwelling or visitor accommodation to be considered, however the Rural Zone was not strictly appropriate because the land could not be used for agriculture; and
- the Low Density Residential was an alternative zone that could be considered and would be compatible with other properties in the area that had similar use and land area.

1196. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land was zoned Environmental Management in the interim planning scheme and draft LPS;
- the land was surrounded by land zoned Environmental Management and the Surveyors Bay Conservation Area;
- the land had non-confirming use rights recognised by clause 7.1 of the SPPs;
- there were several other properties in the area that had similar characteristics and were also zoned Environmental Management;
- there was no strategic intention to recognise the land as part of a residential area; and
- the most appropriate zone for the land was Environmental Management, which would avoid a spot-zone of the land and ensure a consistent application of zones to the area.

1197. At the hearing, the planning authority added the following comments:

- the land was isolated and located to the north of Esperance Coast Road between the road and the Huon River;
- zone application was difficult because the Rural Zone was not appropriate given the use and development it provided for;
- the Landscape Conservation Zone was not supported because it would make existing residential use discretionary;
- the Low Density Residential Zone could only be applied to residential areas;
- clause 7.1 of the SPPs (Changes to an Existing Non-conforming Use) would allow the planning authority to consider additions to the existing dwelling; and
- its natural values expert advised the land contained coastal scrub and forest and was completely surrounded by coastal reserve.

Commission consideration

1198. The Commission agrees with the planning authority the land should remain in the Environmental Management Zone for the reasons given in its section 35F report.

Commission decision

1199. The Commission determines no modifications are required.

Rural Zone - 85 Whale Point Road, Port Huon

Representations: Commercial Project Delivery for Huon Aquaculture (25)

1200. The representor requested the part of 85 Whale Point Road, Port Huon folio of the Register 142071/3, be revised from Landscape Conservation to Rural. The reasons were:

- the Landscape Conservation Zone contained use and development standards that were not suitable for the current and intended use of the land for aquaculture (resource development);
- the building area requirements of the Landscape Conservation Zone were too restrictive;
- the land was predominantly covered by native vegetation, which was recognised by the Priority Vegetation Area overlay;
- there was a 'strip' of *Eucalyptus Ovata* that ran through the land, however the eastern side of the land was already developed and did not contain vegetation of significant natural value;
- the Priority Vegetation Area overlay would provide adequate protection of vegetation of significant natural value; and
- the Rural Zone would be consistent with the zone of the land to the south.

1201. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land was split-zoned General Industrial and Environmental Management in the interim planning scheme;
- the part of the land zoned General Industrial had been replaced with the Landscape Conservation Zone because it was consistent with the zone of the land to the south;
- the land was constrained by a threatened vegetation community;
- the land was located at the edge of the Huon River and therefore had landscape value; and
- the Rural Zone provided for uses with an intensity that were not appropriate for the land.

1202. At the hearing, Ms Chloe Lynn (Commercial Project Delivery), Mr Adam Chapman (Huon Aquaculture) and Mr Mark Wapstra (Eco Tas) made the following comments in support of the representation:

- the owner had plans to expand the existing aquaculture operation with a new facility that would include two new hatcheries and a repair workshop;
- the Rural Zone would provide use and development standards that were more favourable to assessment of an additional facility on the site;
- the land had been used for industrial purposes for 100 years;
- the land contained black gum forest and swift parrot habitat; and
- the Priority Vegetation Area overlay would apply to the land and protect vegetation of significant natural value.

1203. In response, the planning authority stated it supported the Rural Zone on the basis the Environmental Management Zone would remain unchanged and the Priority Vegetation Area overlay would continue to apply.

Commission consideration

1204. The Commission is persuaded the Rural Zone should be applied to the part of the land zoned Landscape Conservation as recommended by the planning authority at the hearing for the following reasons:
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
 - the land contains the access and a significant part of the infrastructure associated with the aquaculture use on the adjoining title, 85 Whale Point Road, Port Huon folio of the Register 142071/4;
 - both lots form part of a single property;
 - the Rural Zone would best recognise the existing use;
 - the land may have some landscape value (see Commission decision on general issues), however it is not significant enough to warrant application of the Landscape Conservation Zone as the values are compromised by the existing development; and
 - impact on any features of natural value present would be primarily managed through the Priority Vegetation Area overlay would apply to the land, which would also assist the retention of vegetation and incidental retention of any features of landscape value.

Commission decision

1205. Modification:
- Revise the zoning of that part of 85 Whale Point Road, Port Huon folio of the Register 142071/3 currently zoned Landscape Conservation to Rural.
1206. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - 106 Mitchells Road, Crabtree

Representations: Gray Planning for Caleb Elcock (39)

1207. The representor requested the zone of 106 Mitchells Road, Crabtree folio of the Register 246888/1 be revised from Landscape Conservation to Rural. The reasons were:
- the land had an area of approximately 18ha;
 - the Landscape Conservation Zone was inconsistent with Guideline No. 1;
 - the Landscape Conservation Zone would unreasonably limit the use and development potential of the land;
 - no assessment of the natural value of the land had been undertaken to justify the Landscape Conservation Zone;
 - the land was not on a prominent skyline or ridgeline and had no identified or documented landscape value;
 - the land was zoned Rural Resource in the interim planning scheme;
 - the Rural Zone was consistent with Guideline No. 1;
 - many of the surrounding properties had a similar area, were zoned Rural and were used for agriculture and to graze animals;
 - properties with similar vegetation coverage were zoned Rural;

- the land contained a small area on its eastern side, which was cleared of vegetation;
 - the property was used for rural purposes (bee keeping);
 - the owner intended to build a dwelling on the land;
 - there was no evidence the land contained habitat for threatened fauna species;
 - the Priority Vegetation Area overlay did not reflect the vegetation communities present on the land; and
 - a natural values assessment of the land dated December 2020 was undertaken to support a development application for a dwelling and concluded the land did not contain threatened native vegetation or was unlikely to contain habitat for threatened fauna.
1208. The representation included a copy of the natural values assessment and an 'Apiary Analysis for 106 Mitchells Road, Crabtree dated 2022, which explored the potential to use the land for bee keeping.
1209. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the land was zoned Rural Resource in the interim planning scheme;
 - RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
 - the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
 - the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
 - the land adjoined the Russell Ridge Conservation Area and had a steep slope located between the 340m and 460m AHD contours;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
 - the land reflected of the broader landscape value of the area;
 - only small-scale use or development was appropriate because it would limit impact on the landscape;
 - the Landscape Conservation Zone was the most appropriate zone for the land; and
 - the vegetation on the land was identified in the Regional Ecosystem Model as being of local importance, which justified application of the Priority Vegetation Area overlay.
1210. At the hearing, Ms Danielle Gray represented Mr Caleb Elcock who together made the following comments in support of the representation:
- a certified forest practices plan applied to the land;
 - in addition to bee keeping, Mr Elcock also wanted to process honey and tea tree oil on the land; and
 - the Landscape Conservation Zone prohibited resource processing.
1211. In response, the planning authority made the following comments:
- the land was connected to the Russell Ridge Conservation Area and Wellington Park;
 - it considered processing of honey to be ancillary to the use of the land for bee keeping; and

- it had reconsidered the zoning of the land and was prepared to support application of the Rural Zone.

1212. Following the hearing, the representor submitted a copy of the certified forest practices plan.

Commission consideration

1213. The Commission is persuaded the Rural Zone should be applied to the land for the following reasons:

- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
- a certified forest practices plan applies to the land that has established the intended future use of the land, which should be reflected by its zone;
- although the land may have some landscape value (see Commission decision on general issues), it is not significant enough to warrant application of the Landscape Conservation Zone in preference to the use that has been established by the certified forest practices plan; and
- impact on any features of natural value present would be primarily managed through the Priority Vegetation Area overlay would apply to the land.

1214. However, the Commission is not satisfied the Priority Vegetation Area overlay should be removed from the land. The natural values assessment submitted by the representor was undertaken to support a specific development of a dwelling on the land. The natural values assessment did not include a map that could be used to determine how the overlay should be amended. The Commission notes the assessment identified the land contained *Eucalyptus globulus*, which is listed as a threatened species under the *Nature Conservation Act 2002* and meets the definition of priority vegetation to which the overlay should be applied. The Commission therefore determines the overlay remain on the land at this time. Nevertheless, it is noted the certified forest practices plan applies to the land and clause 4.4.1 of the SPPs provides an exemption for clearance of vegetation in accordance with that plan (see Commission decision on general issues - forestry land use).

1215. The Commission notes there is a reserved road that intersects part of the land that should also be included in the Rural Zone to ensure zoning is applied contiguously.

Commission decision

1216. Modification:

- Revise the zoning of 106 Mitchells Road, Crabtree folio of the Register 246888/1 and the intersecting reserved road to Rural.

1217. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - Constance Road, Wylies Road and Cygnet Slab Road, Cygnet

Representations: Gray Planning for Elaine and Peter Smith (42), Rani Klubal (191), Darrin and Sharon Davie (380)

1218. The representors requested the zone of 50 Constance Road, Cygnet folios of the Register 167107/1 and 167107/2 (Smith), Wylies Road, Cygnet, folio of the Register 260144/1 (Klubal) and 390 Slab Road, Cygnet folio of the Register 224326/1 (Davie) be revised from Landscape Conservation to Rural. The reasons were:

- it would be difficult to obtain approval for a dwelling;

- the Landscape Conservation Zone would prevent clearing of bushfire hazard management areas;
- the land had small patches of cleared areas;
- the land had an undulating gradient;
- the Landscape Conservation Zone was inconsistent with Guideline No. 1;
- no assessment of the natural value of the land had been undertaken to justify the Landscape Conservation Zone;
- the Landscape Conservation Zone would unreasonably limit the use and development potential of the land;
- the land was not on a prominent skyline or ridgeline and had no identified or documented landscape value;
- the land was zoned Rural Resource in the interim planning scheme;
- 50 Constance Road (Smith) had an area of approximately 125ha;
- 50 Constance Road had an elevation less than 440m AHD with half of the land below 300m AHD;
- 50 Constance Road was previously used for private forestry where selective forestry operations were undertaken;
- the owner of 50 Constance Road intended to use the land for forestry, freshwater aquaculture, a small-scale horticultural enterprise, and residential purposes;
- a certified forest practices plan applied to 50 Constance Road and allowed selective logging to be undertaken;
- there was no evidence 50 Constance Road contained threatened flora or habitat for threatened fauna, which was confirmed in a natural values assessment of the land undertaken in 2012;
- the Rural Zone was applied to surrounding properties to the north, east and south, which had similar characteristics to the subject lots;
- the land was in a rural locality and near land used for agriculture;
- the Rural Zone was consistent with Guideline No. 1 because it was in a rural area with limited potential to be used for agriculture due to topographical (varied and undulating gradients) and environmental (native vegetation cover) constraints; and
- the regional strategy (policy 3.3) supported forestry use.

1219. In its section 35F report, the planning authority recommended there be no change to the zone of the land for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
- the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
- the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
- the properties formed part of a large bushland area that adjoined the Snug Tiers and Gaylors Sugarloaf;
- the land was heavily vegetated;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- the land reflected the broader landscape value of the area;

- only small-scale use or development was appropriate because it would limit impact on the landscape; and
 - the Landscape Conservation Zone was the most appropriate zone for the land.
1220. At the hearing, Ms Danielle Gray (Gray Planning) made the following comments in support of the representation made for Elaine and Peter Smith (50 Constance Road):
- landscape values were difficult to determine;
 - the land was primarily visible from Constance Road but could not be seen from Channel Highway;
 - the site did not form a 'backdrop' to Cygnet;
 - the Landscape Conservation Zone would conflict with the use of the land for forestry, which was possible under the existing certified forest practices plan; and
 - a natural values assessment had been undertaken on the land, which would support the removal of the Priority Vegetation Area overlay.
1221. In response, the planning authority's natural values expert Mr Jim Mulcahy was of the opinion the Priority Vegetation Area overlay should apply to the land.
1222. Ms Rani Klubal attended the hearing and made a written submission and the following comments:
- the Landscape Conservation Zone would unreasonably limit the use and development potential of the land, particularly the potential to construct a dwelling;
 - the land was not required for conservation of features of natural or landscape value;
 - the Rural Living Zone would be more appropriate because it was more favourable to residential use;
 - split-zoning of the land would be supported;
 - she wanted to protect and conserve parts of the land that had landscape value; and
 - the land had been logged in the past.
1223. In response, the planning authority made the following comments:
- the property was in an unusual cluster of small lots with land areas of approximately 4ha;
 - many of the lots were substantially covered in vegetation;
 - the area met its methodology for application of the Landscape Conservation Zone however the lot did not meet the methodology in isolation;
 - it would consider split-zoning of the land but noted the land was completely surrounded by the Landscape Conservation Zone;
 - residential use was discretionary in the Rural and Landscape Conservation zones and could be considered by the planning authority; and
 - its natural values expert noted the land did not appear to contain any significant natural values.
1224. The planning authority also made the following comments about representation 380 (Davie):
- part of the land was substantially cleared and could be potentially split-zoned along the reserved road boundary on the western side of the land; and
 - its natural values expert noted the land did not appear to contain any vegetation of natural value.
1225. Following the hearing, Gray Planning made a submission for Elaine and Peter Smith, which made the following comments:

- both titles were declared private timber reserves as published in the Tasmanian Government Gazette on 26 September 2022; and
- its natural values expert confirmed the land contained no species of 'high conservation significance.'

Commission consideration

1226. The Commission is persuaded the Rural Zone should be applied to 50 Constance Road folios of the Register 167107/1 and 167107/2 (Smith). The Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural. The Commission notes a private timber reserve now applies to the property and establishes its intended future use, which should be reflected by its zone. Although the land may have some landscape value (see Commission decision on general issues - landscape value), it is not significant enough to warrant application of the Landscape Conservation Zone in preference to the use that has been established by the private timber reserve. Furthermore, the Rural Zone would be consistent with the zone of the adjoining land at 9, 12, 16 and Constance Road and 88 Wylies Road (see above).
1227. However, the Commission is not satisfied the Priority Vegetation Area overlay should be removed from the land. The natural values assessment submitted by the representor was conducted in 2012 and relates to folio of the Register 167107/1 only. The assessment was conducted with the purpose to support specific development applications to develop the land. The assessment noted the land contains *Westringia angustifolia* (narrowleaf westringia), which is listed as rare under Schedule 5 of the *Tasmanian Threatened Species Protection Act 1995*, *Deyeuxia densa* (heath bentgrass), *Eucalyptus globulus*, *Eucalyptus obliqua*, and potential habitat and known sites for several species of threatened fauna. It is unclear how much of the land may contain priority vegetation. The Commission therefore prefers the advice of the planning authority's natural values expert that the overlay remain on the land. Nevertheless, it is noted section 11(3) of the *Land Use Planning and Approvals Act 1993* states nothing in a planning scheme or the Tasmanian Planning Scheme affects forestry operations conducted on land declared as a private timber reserve under the *Forest Practices Act 1985* (see Commission decision on general issues - forestry land use).
1228. The Commission is persuaded the Rural Zone should be applied to the eastern part (see Commission decision on general issues - split-zones) of 390 Slab Road (Davie), which contains existing buildings and cleared areas. The eastern side of the land is significantly cleared and distinct from the western side that has evidence of landscape value significant enough to warrant application of the Landscape Conservation Zone. The land is identified in the agricultural estate mapping (potentially constrained), which indicates the Rural or Agriculture zones are appropriate. The Rural Zone would be consistent with the zone of the surrounding land to the west, most of which was included in the Rural Zone to reflect existing rural use. The Rural Zone is also consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural.
1229. The Commission is not persuaded the Rural Zone should be applied to Wylies Road, Cygnet, folio of the Register 260144/1 (Klupal). The land is heavily vegetated and adjacent to a large area of land zoned Landscape Conservation that contains intact native bushland. The Commission is satisfied the property has landscape value (see Commission decision on general issues - landscape value) that warrants application of the Landscape Conservation Zone. In addition, the land is separated from other land zoned Rural, and application of the Rural Zone would cause the

land to be spot-zoned, which should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict. The Commission notes residential use is discretionary in the Landscape Conservation Zone and can be considered by the planning authority if an application for use and development is made.

Commission decision

1230. Modification:

- Revise the zoning of 50 Constance Road, Cygnet folios of the Register 167107/1 and 167107/2 and that part of 390 Slab Road, Cygnet folio of the Register 224326/1 east of the reserved road to Rural.

1231. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - 740 Lymington Road, Lymington (Lymington Cluster 1)

Representations: Ireneinc Planning for Martin and Robyn Bell (44)

1232. The representor requested the zone of 740 Lymington Road, Lymington folios of the Register 199168/1, 108515/1 and 108515/2 be revised from Landscape Conservation to Rural. The reasons were:

- the titles had a combined area of approximately 13ha;
- the land was partly cleared;
- land to the west contained large established orchards and was used to graze animals;
- a farm management plan (included with the representation) applied to the land;
- the developed and cleared area of the land had only a moderate slope;
- the land contained two dams;
- the owners had recently made improvements to increase the productive capacity of the land;
- approximately 8ha of the land was fenced and used to graze animals;
- the land was zoned Rural Resource in the interim planning scheme;
- the Rural Zone should also be applied to four other adjacent lots that were zoned Landscape Conservation because the land was also partly cleared and contained large areas used for agriculture;
- the forested areas of the land were not contiguous with surrounding areas;
- the Landscape Conservation Zone had not been applied in a manner that was consistent with the planning authority's methodology for application of the Zone (stated in its draft LPS supporting report) because less than 80% of the land was covered in native bushland;
- the Priority Vegetation Area overlay would apply and protect any features of significant natural value present on the land;
- the Landscape Conservation Zone was inconsistent with Guideline No. 1; and
- the Rural Zone was consistent with Guideline No. 1 because the land was identified in the agricultural estate mapping and agriculture use was not constrained.

1233. In its section 35F report, the planning authority recommended the Rural Zone be applied to the land and the following other properties:

- 15 Drip Beach Road, Lymington folio of the Register 225673/1;
- 755 Lymington Road, Lymington folio of the Register 8963/1;
- Lymington Road, Lymington folio of the Register 8963/2; and
- Cygnet Coast Road, Lymington PID 5852528.

1234. The reasons were:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation; and
- the Landscape Conservation Zone was applied because the land was perceived to be of landscape value; however a review of the area determined the land had characteristics that were consistent with the purpose of the Rural Zone.

1235. At the hearing, the representor, Ms Jacqui Blowfield (Ireneinc Planning), represented the landowner, Ms Robyn Bell, who together made the following comments in support of the representation:

- the land contained rural activities;
- the owners intended to use the land to grow food in the future, which was supported by their farm management plan; and
- the land surrounded Cygnet Coast Road, Lymington PID 5852528, which contained a quarry owned by the Department of State Growth.

1236. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the properties it recommended be zoned Rural. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of five letters were sent and three responses were received, all of which were supportive of the Rural Zone.

1237. At the reconvened hearing, Mr Thomas Zulliger, owner of 755 Lymington Road, stated his land was used for rural activities, including growing of food, and on that basis supported application of the Rural Zone.

Commission consideration

1238. The Commission is persuaded the Rural Zone should be applied to the land as recommended by the planning authority for the following reasons:

- the land, except for the quarry, is included in the agricultural estate mapping (potentially constrained), which indicates the Rural or Agriculture zones are appropriate;
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
- the land proposed to be zoned Rural has little to no landscape value (see Commission decision on general issues) because it is not significantly elevated or visible from surrounding areas;
- most of the lots contain significant cleared areas;
- the area to the north and west is characterised by rural use; and
- impact on any features of natural value present on the land would be primarily managed through the Priority Vegetation Area overlay.

Commission decision

1239. Modification:

- Revise the zoning of the following properties to Rural:
 - a. 15 Drip Beach Road, Lymington folio of the Register 225673/1;
 - b. 740 Lymington Road, Lymington folios of the Register 199168/1, 108515/1 and 108515/2;

- c. 755 Lymington Road, Lymington folio of the Register 8963/1;
- d. Lymington Road, Lymington folio of the Register 8963/2; and
- e. Cygnet Coast Road, Lymington PID 5852528.

1240. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - Maxfields Road, Swamp Road, Morrisons Road, and Lane Road, Franklin

Representations: Robert Patterson (52), Peter and Robyn Bishop (90), Marlene Smith (172)

1241. The representors requested the zone of the following properties be revised from Landscape Conservation to Rural:

- 69 Dillons Road, Gardners Bay folio of the Register 237940/1 (Patterson);
- 1371 Nicholls Rivulet Road, Nicholls Rivulet folios of the Register 53508/5, 53508/4, 53509/1 and 53508/3 (Bishop); and
- 1423 Nicholls Rivulet Road, Nicholls Rivulet folio of the Register 220458/1 (Smith).

1242. The reasons were:

- the use and character of the land was more consistent with the purpose of the Rural Zone;
- the Landscape Conservation Zone limited potential to use the land for residential purposes;
- the land was not of landscape value and did not contain threatened flora or threatened fauna habitat;
- the Landscape Conservation Zone would make bushfire hazard management practices more difficult;
- the Priority Vegetation Area overlay would apply to the land and protect features of natural value;
- the Landscape Conservation Zone would cause the value of the land to decline;
- the Rural Zone was consistent with the zone of the surrounding area;
- 69 Dillons Road (Patterson) had an area of approximately 6ha but formed part of a larger farming property that had an area of approximately 50ha and was zoned Rural;
- 69 Dillons Road had historically been used to graze animals, to produce small fruit, and to produce wine;
- 69 Dillons Road also historically contained a cellar door and cafe, and tourist accommodation related to the wine production undertaken on the land;
- 69 Dillons Road was more recently used for commercial garlic production and increased visitor accommodation, which was proposed to be extended;
- 69 Dillons Road was extensively cleared in the past;
- the Priority Vegetation Area overlay applied to 69 Dillons Road was inaccurate;
- 1371 Nicholls Rivulet Road (Bishop) had five titles, four of which had been zoned Landscape Conservation; and
- 1371 Nicholls Rivulet Road had been subdivided into small lots with the intent to provide for residential use and should be zoned Rural Living.

1243. In its section 35F report, the planning authority recommended the Rural Zone be applied to 69 Dillons Road (Patterson) for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- over half the land had previously been converted to rural use but now contained regrowth (wattles);

- the balance land was heavily vegetated consistent with the adjoining land, but was located on the southern side of the summit and was not considered to be of landscape value; and
 - it was satisfied there was no threatened flora or fauna habitat on the land.
1244. However the planning authority recommended there be no change to the zone of 1371 and 1423 Nicholls Rivulet Road for the following reasons:
- the land was zoned Rural Resource in the interim planning scheme;
 - RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
 - the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
 - the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
 - 1371 Nicholls Rivulet Road (Bishop) was extensively covered in native vegetation, was steep and formed part of a larger bushland area;
 - 1423 Nicholls Rivulet Road (Smith) occupied a large area of the southern side of Tobys Hill and had extensive bushland coverage that formed part of a larger contiguous bushland area;
 - mapping of the vegetation on 1423 Nicholls Rivulet Road indicated part of the land contained *Eucalyptus globulus* wet forest, which was primary foraging habitat for critically endangered swift parrot;
 - mapping of the vegetation on 1423 Nicholls Rivulet Road also indicated the land contained *Eucalyptus ovata* forest and woodland, which was threatened;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
 - the land reflected of the broader landscape value of the area;
 - only small-scale use or development was appropriate because it would limit impact on the landscape;
 - the Landscape Conservation Zone was the most appropriate zone for the land; and
 - the Rural Living Zone was not appropriate for 1371 Nicholls Rivulet Road (Bishop) because there was not a primary strategic intention the land be used for residential use and development within a rural setting.
1245. At the hearing, Mr Robert Patterson stated he had engaged an expert to undertake a natural values assessment of 69 Dillons Road, which was included with the representation. The assessment determined there were no threatened species on the land. Mr Patterson therefore contended the Priority Vegetation Area overlay should be amended to reflect the findings of the assessment.
1246. In response, the planning authority's natural values Mr Jim Mulcahy expert made the following comments:
- mapping of the vegetation indicated the land contained blue gum, stringy bark and wattle, which was general habitat for threatened fauna;
 - the overlay should remain on the land where there was habitat that could support threatened fauna; and
 - he would consider whether the overlay should be amended and whether the land contained any vegetation of local significance.

1247. Mr Caleb Elcock represented Mr Peter and Mrs Robyn Bishop who together made a written submission and the following comments in support of representation 90:

- the land was subdivided in the 1990s;
- the land was used for rural living purposes;
- adjoining properties were also used for rural living purposes;
- the use of the land was consistent with the purpose of the Rural Zone;
- the land was zoned Rural Resource in the interim planning scheme;
- the Landscape Conservation Zone applied to the land was not consistent with LCZ 4 of Guideline No. 1;
- vegetation on folios of the Register 53508/5, 53508/4 and 53508/3 (subdivided lots) was mostly regrowth;
- the Landscape Conservation Zone would make bushfire hazard management practices more difficult;
- the land did not contain significant waterways;
- folio of the Register 53509/1 (large southernmost title) contained the existing dwelling; and
- any significant native vegetation on folio of the Register 53509/1 was located on the higher southern part of the land, which could remain in the Landscape Conservation Zone above the 130m AHD contour.

1248. In response, the planning authority made the following comments:

- Mr Mulcahy advised photographs of the land indicated it did not contain threatened fauna habitat; and
- it was prepared to consider split-zoning along the 120m or 130m AHD contour.

1249. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that showed how the Priority Vegetation Area overlay should be applied to 69 Dillons Road (Patterson) consistent with advice provided by its natural values expert Mr Jim Mulcahy.

Commission consideration

1250. The Commission is persuaded the Rural Zone should be applied to 69 Dillons Road (Patterson) for the reasons given by the planning authority in its section 35F report. The Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural. There is no evidence the land contains significant landscape value (see Commission decision on general issues) that warrants application of the Landscape Conservation Zone.

1251. The Commission is persuaded the Rural Zone should be applied to 1371 Nicholls Rivulet Road folios of the Register 53508/3, 53508/4 and 53508/5 (Bishop). The land is identified in the agricultural estate mapping (potentially constrained), which indicates the Rural or Agriculture zones are appropriate. There is no evidence the land contains significant landscape value (see Commission decision on general issues - landscape value) that warrants application of the Landscape Conservation Zone. It is considered the Rural Zone should be applied to the land consistent with the zone of the land to the north and west of the lots.

1252. The Commission also agrees the Rural Zone should be applied the northern part of 1371 Nicholls Rivulet Road folio of the Register 53509/1 (Bishop) below the 130m AHD contour (see Commission decision on general issues - split-zones) because the area is partly cleared and contains an existing dwelling. The northern side of the land is significantly cleared and distinct from the southern side, is elevated, and has evidence of landscape value significant enough to warrant application of the Landscape Conservation Zone. However, to ensure a uniform application of zones,

the Commission determines the zone boundary be applied in a straighter line between the land to the north and south generally consistent with the 130m AHD contour.

1253. The Commission is not persuaded the Rural Zone should be applied to 1423 Nicholls Rivulet Road (Smith) for the reasons given in the planning authority section 35F report. The land is elevated, heavily vegetated, and adjacent to a large area of land zoned Landscape Conservation that contains intact native bushland. The Commission is satisfied the property has landscape value that warrants application of the Landscape Conservation Zone. No evidence was provided to demonstrate the land had no significant landscape value, or that any landscape value could be managed by any other zone or overlay provisions.
1254. The Commission determines the Priority Vegetation Area overlay should be applied to 69 Dillons Road (Patterson) consistent with the advice of the planning authority's natural values expert to protect native vegetation.

Commission decision

1255. Modification:

- Revise the zoning of 69 Dillons Road, Gardners Bay folio of the Register 237940/1 and 1371 Nicholls Rivulet Road folios of the Register 53508/5, 53508/4 and 53508/3 and that part of 1371 Nicholls Rivulet Road, Nicholls Rivulet folio of the Register 53509/1 located north and east of a line between the intersection of folios of the Register 53509/1, 250133/1 and 209669/1, coordinates E 511745.77 and N 5221029.22, and the south-west corner of folio of the Register 72849/2 to Rural.
- Apply the Priority Vegetation Area overlay to 69 Dillons Road, Gardners Bay folio of the Register 237940/1 consistent with the diagram in the planning authority's submission in response to direction 53 (30 May 2023) dated 29 June 2023.

1256. Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Zone - 884 Glen Huon Road, Glen Huon

Representations: Susan Nelson (53)

1257. The representor requested the zone of 884 Glen Huon Road, Glen Huon folio of the Register 141188/3 be revised from Agriculture to Rural. The reasons were:
- the land had similar area and topography to other lots in the vicinity that were zoned Rural;
 - the land was constrained, particularly by its steep slope and shallow and rocky soil, and could not be used for agriculture;
 - the land had not previously been used for agriculture;
 - the land was not integral to the management of the larger farm holding to the west, which was under similar ownership; and
 - infrastructure for the adjoining farm, including its hay shed, silos, internal laneways, pump sites and separate power supply were wholly located within the boundaries of a separate lot (folio of the Register 141188/2).
1258. In its section 35F report, the planning authority recommended the Rural Zone be applied for the following reasons:
- the Rural Zone could be considered for the land as provided by AZ 6 of Guideline No. 1;
 - its agriculture expert (RMCG) investigated the potential to use the land for agriculture and recommended the Rural Zone be applied;

- its agriculture expert agreed with the statements made by the representor; and
- its agriculture expert stated it would normally recommend the Agriculture Zone be applied to all lots that formed part of a larger farm holding, however folio of the Register 141188/3 was not integral to the farming operation.

Commission consideration

1259. The Commission is persuaded the Rural Zone should be applied to the land for the following reasons:

- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 3), which provide land with limited or no potential for agriculture should be zoned Rural;
- the Rural Zone is consistent with AZ 6 of Guideline No. 1 because the potential to use the land for agriculture was considered and supported by the planning authority's agriculture expert; and
- the Rural Zone would be consistent with the zone of most of the surrounding land, which has been zoned Rural to reflect existing forestry use.

Commission decision

1260. Modification:

- Revise the zoning of 884 Glen Huon Road, Glen Huon folio of the Register 141188/3 to Rural.

1261. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - Maxfields Road, Morrisons Road, and Lane Road, Franklin

Representations: Russell Lempa (54), Mignon Jolly (340), Daniel Gray-Barnett and Daniel Barnett (374)

1262. The representation made by Russell Lempa (54) requested the zone of 510 Maxfields Road, Franklin folio of the Register 105671/1 be revised from part Landscape Conservation and part Rural to Rural. The reasons were:

- the area proposed to be zoned Landscape Conservation contained a forestry plantation;
- the area proposed to be zoned Landscape Conservation contained a piggery that had been used in the past; and
- the Landscape Conservation Zone would impact potential to use of the land for agriculture.

1263. The representation made by Mignon Jolly (340) requested the zone of Maxfields Road, Franklin folio of the Register 42890/1 be revised from Landscape Conservation to Rural Living. The reasons were:

- residential use was discretionary in the Landscape Conservation Zone;
- the Landscape Conservation Zone would reduce the value of the property and further limit the use and development potential of land;
- the area contained rural living use;
- the Landscape Conservation Zone would not allow the land to be subdivided;
- more dwellings were required in the area to provide homes;
- the area was close to local services in Huonville, Southbridge, Franklin, and Ranelagh;
- surrounding properties and should also be zoned Rural Living because many of the lots had a similar area (approximately 3ha-10ha);
- the land did not contain habitat for threatened fauna;

- some land in the area was cleared or contained regrowth native and non-native vegetation; and
 - the land did not have landscape value.
1264. The representation made by Daniel Gray-Barnett and Daniel Barnett (374) requested the zone of Morrisons Road, Franklin folio of the Register 102947/2 be revised from Landscape Conservation to Rural. The reasons were:
- the Landscape Conservation Zone was not favourable to residential use;
 - the provisions of the Landscape Conservation Zone were not like those of the Environmental Living Zone applied in the interim planning scheme;
 - the owner wanted to build a dwelling on the land;
 - a specific area plan should be included in the draft LPS to change the status of residential use from discretionary to permitted; and
 - the Priority Vegetation Area overlay was inaccurate.
1265. In its section 35F report, the planning authority recommended the area south of the reserved road that dissected 510 Maxfields Road (Lempa) be included in the Rural Zone because it contained a forestry plantation. The planning authority otherwise recommended no change to the draft LPS for the following reasons:
- the land was zoned Environmental Living in the interim planning scheme;
 - RLZ 2(b) of Guideline No. 1 allowed the planning authority to consider whether the land should be included in the Rural Living Zone;
 - Maxfields Road folio of the Register 42890/1 (Jolly) and Morrisons Road folio of the Register 102947/2 (Barnett and Gray-Barnett) were largely covered by native vegetation;
 - mapping of vegetation indicated Maxfields Road folio of the Register 42890/1 (Jolly) and Morrisons Road folio of the Register 102947/2 (Barnett and Gray-Barnett) contained *Eucalyptus globulus* wet forest, which was primary foraging habitat for critically endangered swift parrot;
 - the land was on a steep slope facing the Huon River and formed part of a larger contiguous bushland area that incorporated Cannells Hill;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
 - the land reflected of the broader landscape value of the area;
 - only small-scale use or development was appropriate because it would limit impact on the landscape; and
 - the Landscape Conservation Zone was the most appropriate zone for the land.
1266. At the hearing, Mr Daniel Gray-Barnett and Mr Daniel Barnett made a written submission and added the following comments:
- they purchased the land with intent to build a dwelling for a family member;
 - they were concerned the Landscape Conservation Zone would prevent construction of a dwelling; and
 - the Landscape Conservation Zone would reduce the value of the land.
1267. In response, the planning authority made the following comments:
- it considered whether the Rural Living Zone should be applied but the zone was not supported by the regional strategy or any local land use strategies;
 - the characteristics of the land were consistent with the purpose of the Landscape Conservation Zone;

- residential use was discretionary in the Rural Zone and could be considered for approval; and
- its natural values expert advised the land contained blue gum forest, which was locally significant vegetation.

Commission consideration

1268. The Commission agrees with the recommendation of the planning authority for the following reasons:

- the Rural Zone should be applied to 510 Maxfields Road (Lempa) located south of the reserved road, which dissects the property because the land contains a forestry plantation;
- the Rural Zone applied to 510 Maxfields Road would adjoin land to the south, which is also zoned Rural and would ensure a continuous zone is applied;
- the remainder of the 510 Maxfields Road (Lempa) Maxfields Road folio of the Register 42890/1 (Jolly) and Morrisons Road folio of the Register 102947/2 (Barnett and Gray-Barnett) should remain in the Landscape Conservation Zone for the reasons given in its section 35F report;
- the land is surrounded by other titles zoned Landscape Conservation, and application of an alternative zone would cause the land to be spot-zoned, which should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict;
- the land has landscape value (see Commission decision on general issues) that warrants application of the Landscape Conservation Zone as it is elevated, covered in native vegetation and is part of a larger area of native bushland;
- residential use is discretionary in the Landscape Conservation Zone and can be considered by the planning authority;
- the Rural Living Zone proposed for Maxfields Road folio of the Register 42890/1 (Jolly) is not supported by the regional strategy or a local land use strategy; and
- there is no evidence Maxfields Road folio of the Register 42890/1 (Jolly) is part of a 'rural living community or that there is a primary strategic intention for the land be used for residential use and development within a rural setting' as required by policy SRD 1.3 of the regional strategy.

Commission decision

1269. Modification:

- Revise the zoning of that part of 510 Maxfields Road, Franklin folio of the Register 105671/1 located south of the reserved road that dissects the land to Rural.

1270. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - 340 Swamp Road (Franklin Cluster 4)

Representations: Valerian and Johanna Cirvydas (111)

1271. The representator requested the zone of 340 Swamp Road, Franklin folios of the Register 127097/1 and 216638/1 be revised from Landscape Conservation to Rural because it would be more consistent with the character of the land.

1272. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;

- the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
 - LCZ 1 of Guideline No. 1 required the Landscape Conservation Zone be applied to land with features such as bushland and areas of native vegetation that were of landscape value;
 - the land had extensive native vegetation coverage and contained part of a ridgeline;
 - mapping of vegetation indicated part of the land contained *Eucalyptus globulus* wet forest, which was primary foraging habitat for the critically endangered swift parrot;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
 - the land reflected of the broader landscape value of the area;
 - only small-scale use or development was appropriate because it would limit impact on the landscape; and
 - the Landscape Conservation Zone was the most appropriate zone for the land.
1273. At the hearing, the planning authority stated it was prepared to consider whether the land and two other adjoining properties zoned Landscape Conservation should be included in the Rural Zone.
1274. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified properties it recommended be zoned Rural. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of three letters were sent and two responses were received, both of which were supportive of the Rural Zone.

Commission consideration

1275. The Commission is persuaded the Rural Zone should be applied to the land as recommended by the planning authority for the following reasons:
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
 - there is no evidence the land contains significant landscape value (see Commission decision on general issues) that warrants application of the Landscape Conservation Zone; and
 - impact on any vegetation of natural value present would be primarily managed through the Priority Vegetation Area overlay applied to the land.
1276. The Commission notes there is a reserved road that intersects part of the land that should also be included in the Rural Living Zone to ensure zoning is applied contiguously.

Commission decision

1277. Modification:
- Revise the zoning of 340 Swamp Road, Franklin folios of the Register 127097/1 and 216638/1, 350 Swamp Road, Franklin folio of the Register 177547/1, Swamp Road, Franklin folio of the Register 31021/1 and intersecting reserved roads to Rural.

1278. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - 971 Lonnave Road, Lonnave

Representation: Erik Hayward and Lisa Searle (56)

1279. The representor opposed the Landscape Conservation Zone applied to 971 Lonnave Road, Lonnave folio of the Register 112834/2.

1280. In its section 35F report, the planning authority recommended no change to the draft LPS.

1281. At the hearing, the planning authority made the following comments:

- the land was forested and formed part of a contiguous landscape;
- its natural values expert advised the land contained native vegetation of significant natural value including *Eucalyptus obliqua* forest and habitat for native fauna including the grey goshawk, Mount Mangana stag beetle and Tasmanian devils; and
- it was prepared to consider the whether the land should be split-zoned Landscape Conservation and Rural and was inclined to support application of the Rural Zone to the eastern area of the land, which was partly cleared.

1282. Following the hearing, the Commission contacted the representor and requested their opinion on the split-zone boundary identified at the hearing, however no response was received.

Commission consideration

1283. The Commission is persuaded the Rural Zone should be applied to the eastern part of the land (see Commission decision on general issues - split-zones) that contains the existing dwelling and cleared area. The eastern side of the land is significantly cleared and distinct from the western side that has evidence of landscape value (see Commission decision on general issues - landscape value) significant enough to warrant application of the Landscape Conservation Zone.

1284. The land is identified in the agricultural estate mapping (unconstrained), which indicates the Rural or Agriculture zones are appropriate. The Rural Zone would be consistent with the zone of the surrounding land, most of which was included in the Rural Zone to reflect existing rural use. The Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural.

Commission decision

1285. Modification:

- Revise the zoning of that part of 971 Lonnave Road, Lonnave folio of the Register 112834/2 east of a line identified by coordinates E 485805.91, N 5242656.61 and E 485729.59, N 5242265.20 to Rural.

1286. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - 76 and 98 Coal Mine Road, Gardners Bay

Representations: Claire Byers (62), James McEwan (224)

1287. The representation made by Claire Byers (62), raised concern the Rural Zone had been applied to 76 Coal Mine Road, Gardners Bay folio of the Register 180148/2. The representation made by James McEwan (224) requested the zone of 98 Coal Mine Road, Gardners Bay folio of the Register 115247/1 be revised from Landscape Conservation to Rural.

1288. In its section 35F report, the planning authority recommended no change to the zone of 98 Coal Mine Road (McEwan) for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
- the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
- the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
- 89% of the area of the land was covered in native vegetation, which contributed to a larger, fully vegetated, and elevated area of land leading up to Mount Cygnet;
- mapping of vegetation indicated part of the property contained *Eucalyptus globulus* wet forest, which was primary foraging habitat for critically endangered swift parrot;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- the land reflected of the broader landscape value of the area;
- only small-scale use or development was appropriate because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

1289. The planning authority also recommended no change to the zone of 76 Coal Mine Road (Byers).

1290. At the hearing, Mr James McEwan made a hearing submission and the following comments:

- he was concerned the Landscape Conservation Zone would prevent continuation of the existing use of the land for residential and personal fitness training purposes;
- approximately 20% of the area of the land was cleared;
- he had seen a swift parrot on the land only once in the six years his family had lived on the land;
- there was no evidence the land contained swift parrot habitat;
- the Landscape Conservation Zone would make no difference to whether native animals used the land; and
- the Landscape Conservation Zone was inconsistent with the Rural Resource Zone applied in the interim planning scheme.

1291. In response, the planning authority made the following comments:

- the land had an area of approximately 57ha and was of significant landscape value;
- the Landscape Conservation Zone was supported by Guideline No. 1;
- land to the east and west was also zoned Landscape Conservation;
- its natural values expert advised the land contained wet blue gum forest, which was of local significance;
- its natural values expert also advised the land contained habitat for the Mount Mangana stag beetle, Tasmanian devil, and bandicoots;
- any lawfully established uses on the land could continue; and
- the Landscape Conservation Zone provided for consideration of residential use.

Commission consideration

1292. The Commission agrees with the planning authority that the Rural Zone should be applied to 76 Coal Mine Road (Byers) and that 98 Coal Mine Road (McEwan) should be zoned Landscape Conservation for the reasons given in its section 35F report. The Commission notes 98 Coal Mine Road is adjacent to other titles zoned Landscape Conservation to the east and west that contain intact native bushland. The Commission is satisfied the land has landscape value (see Commission decision on general issues) that warrants application of the Landscape Conservation Zone. No evidence was provided to demonstrate the land had no significant landscape value, or that any landscape value could be managed by other zone or overlay provisions. Nevertheless, the Commission notes residential use, including a home-based business, is discretionary in the Landscape Conservation Zone and can be considered by the planning authority.
1293. The Commission is otherwise satisfied with the planning authority's response to representation 62 (Byers) given in its section 35F report.

Commission decision

1294. The Commission determines no modifications are required.

Rural Zone - Vincents Road, Pelverata and Umfrevilles Road, Kaoota

Representations: Eric Johnson (64), Bogdan Michalkowski (304), Mark and Angela Kadziolka (321)

1295. The representation made by Eric Johnson (64) raised concern the Landscape Conservation Zone had been applied to 2/147 Vincents Road, Pelverata folio of the Register 167809/2. The reasons were:
- the Landscape Conservation Zone had not been applied in a manner that was consistent with the planning authority's methodology for application of the Zone (stated in its draft LPS supporting report) because less than 80% of the land was covered in native bushland;
 - significant parts of the land had been substantially cleared of native vegetation in the past;
 - the land had been actively farmed for over 60 years, which included sawmilling, growing of small fruits and vegetable crops, and cattle grazing;
 - the land was used to generate income; and
 - split-zoning of the land may be possible if the land contained threatened species of vegetation.
1296. The representation made by Bogdan Michalkowski (304) requested the zone of 224 Umfrevilles Road, Kaoota folio of the Register 14398/6 be revised from Landscape Conservation to Rural or Agriculture. The reasons were:
- the land had an area of approximately 22ha;
 - he intended to use the land as a hobby farm;
 - the land had potential to contain an orchard and should therefore be zoned Rural or Agriculture;
 - the land did not have landscape value and was not significantly visible from surrounding areas;
 - much of the land was already cleared because a major power transmission line passed over the land; and
 - the Priority Vegetation Area overlay applied to the land was inaccurate.
1297. The representation made by Mark and Angela Kadziolka (321) requested the zone of 293 Umfrevilles Road, Kaoota folio of the Register 236603/1 and Umfrevilles

Road, Kaoota folio of the Register 245440/1 be revised from Landscape Conservation to Rural. The reasons were:

- they had made an application to contain the land in a private timber reserve;
- the land historically contained two sawmills;
- the land had been previously logged in the 1940s and 1970s;
- the land was used to generate income;
- the land was not of landscape value and was not significantly visible from surrounding areas;
- a forest practices plan was being prepared for the land;
- the character and use of the land was consistent with the purpose of the Rural Zone; and
- the Priority Vegetation Area overlay had been applied inconsistently in the area.

1298. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
- the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
- 224 Umfrevilles Road (Michalkowski) was located on a hillside and included a slope depression;
- 224 Umfrevilles Road was substantially covered in bushland and contributed to a larger, contiguous bushland area;
- 293 Umfrevilles Road and Umfrevilles Road folio of the Register 245440/1 (Kadziolka) was steep, contained a class 2 waterway (Killaways Creek), was substantially covered in native vegetation, and formed part of a contiguous bushland area that adjoined the Snug Tiers Nature Recreation Area;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- the land reflected of the broader landscape value of the area;
- only small-scale use or development was appropriate because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

1299. At the hearing, Mr Eric Johnson made the following comments about the zone of 2/147 Vincents Road:

- he proposed the Rural Zone be applied;
- he understood non-conforming use rights would protect the existing agriculture and rural use of the land but wanted a zone that would specifically provide for those uses in future; and
- the adjoining land to the south was zoned Rural.

1300. In response, the planning authority made the following comments:

- it had reconsidered whether the Landscape Conservation Zone should be applied and determined the land was more appropriately zoned Rural;
- the Priority Vegetation Area overlay would apply to the land and protect any natural values; and

- its natural values expert advised the land did not contain any significant vegetation of natural value but noted a record of a grey goshawk being sighted in the area.
1301. Mr Mark Kadziolka also attended the hearing and stated a private timber reserve and certified forest practices plan had been applied to the land since the time he had made his representation.
1302. In response, the planning authority stated it supported the Rural Zone on the basis the land contained private timber reserves.

Commission consideration

1303. The Commission is persuaded the Rural Zone should be applied to 2/147 Vincents Road (Johnson), 293 Umfrevilles Road (Kadziolka) and Umfrevilles Road, Kaoota folio of the Register 245440/1 (Kadziolka). The Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture, which includes land constrained by areas of native vegetation, should be zoned Rural. The Commission is satisfied Mr Johnson's land contains agriculture use as evidenced by aerial photography of the land.
1304. The Commission notes the land owned by Mr and Mrs Kadziolka are declared private timber reserves that has established the intended future use of the land, which should be reflected by its zone. Although the land may have some landscape value (see Commission decision on general issues), it is not significant enough to warrant application of the Landscape Conservation Zone in preference to the use that has been established by the private timber reserve and certified forest practices plan (see Commission decision on general issues - forestry land use). The Commission considers forestry is best suited to the Rural Zone. Nevertheless, it is also noted section 11(3) of the *Land Use Planning and Approvals Act 1993* states nothing in a planning scheme or the Tasmanian Planning Scheme affects forestry operations conducted on land declared as a private timber reserve under the *Forest Practices Act 1985*.
1305. Otherwise, it is the Commission's view the Priority Vegetation Area overlay should not be removed from land or amended unless supported by the advice of a suitably qualified person who has undertaken a detailed site assessment. No evidence was submitted from a suitably qualified person to demonstrate the land does not contain priority vegetation.
1306. The Commission also determines the Rural Zone should be applied to 275 Umfrevilles Road instead of the Landscape Conservation Zone to ensure a uniform zone pattern is applied to the area. The property is surrounded by land that would be zoned Rural and would be isolated from other land zoned Landscape Conservation in an effectual spot-zone. Spot-zoning should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict.
1307. The Commission notes there is a reserved road that intersects part of folio of the Register 245440/1 that should also be included in the Rural Zone to ensure zoning is applied contiguously.
1308. However, the Commission is not persuaded the Rural Zone should be applied to 224 Umfrevilles Road (Michalkowski) for the reasons given by the planning authority in its section 35F report. The land is heavily vegetated, except for the electricity transmission line, and adjacent to a large area of land to the south and west, which is zoned Landscape Conservation and contains intact native bushland. The Commission is satisfied the property has landscape value (see Commission

decision on general issues) that warrants application of the Landscape Conservation Zone. Notwithstanding, the Commission notes resource development is a discretionary use in the Landscape Conservation Zone and can be considered by the planning authority, which may allow an orchard to be developed on the land.

Commission decision

1309. Modification:

- Revise the zoning of 2/147 Vincents Road, Pelverata folio of the Register 167809/2, 275 Umfrevilles Road folio of the Register 13679/3, 293 Umfrevilles Road folio of the Register 236603/1, Umfrevilles Road, Kaoota folio of the Register 245440/1, and the reserved road intersecting folio of the Register 236603/1 to Rural.

1310. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - 380 and 388 Cygnet Coast Road, Lymington

Representation: Lisa Sullivan and David Rowland (65)

1311. The representor raised concern the Rural Zone had been applied to 380 and 388 Cygnet Coast Road, Lymington folios of the Register 116871/1 and 110282/1. The reasons were:

- the land was classified as Rural B (residential) under the Port Cygnet Planning Scheme 1988;
- the Rural Zone would not allow subdivision of lots less than 40ha;
- the minimum lot size was inconsistent with surrounding lots that were less than 40ha; and
- the owner wanted to subdivide one acre lots to give to family.

1312. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the proposed Rural Living Zone was not consistent with RLZ 2 Guideline No. 1 because the land was zoned Rural Resource in the interim planning scheme and there was not a primary strategic intention the land be used for residential use and development within a rural setting;
- the regional strategy (policy SRD 1.3) restricted application of the Rural Living Zone to existing rural living communities;
- the Rural Living Zone could not be supported until further strategic planning work was undertaken to determine the most appropriate future zone for the land; and
- the Rural Zone was the most appropriate zone to apply to the land.

Commission consideration

1313. The Commission is not persuaded the Rural Living Zone should be applied to the land. In particular, the Commission is not satisfied the Rural Living Zone is supported by the regional strategy or a local land use strategy. Furthermore, there is no evidence the land is part of a 'rural living community or that there is a primary strategic intention for the land be used for residential use and development within a rural setting' as required by policy SRD 1.3 of the regional strategy.

Commission decision

1314. The Commission determines no modifications are required.

Rural Zone - 21 Steeles Road, Nicholls Rivulet

Representations: Jacinta and Dennis Cantwell (70)

1315. The representor raised concern the Landscape Conservation Zone would be applied to 21 Steeles Road, Nicholls Rivulet folio of the Register 243642/1.

1316. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the proposed Rural Living Zone was not consistent with RLZ 2 Guideline No. 1 because the land was zoned Rural Resource in the interim planning scheme and there was not a primary strategic intention the land be used for residential use and development within a rural setting;
- the land formed part of a large bushland area and contributed to the landscape value of the Huon Valley more generally;
- the land had landscape value as evidenced by its vegetation coverage and elevated position relative to the Huon River; and
- the most appropriate zone for the land was Landscape Conservation because it would help minimise the visual impact of development on the landscape.

1317. At the hearing Mr and Mrs Cantwell made a written submission and the following comments:

- the land had an area of approximately 20ha and was zoned Environmental Living in the interim planning scheme;
- the land had been used to keep horses for approximately 15 years;
- a school was located on the adjoining property;
- the Landscape Conservation Zone could prevent uses that would enable collaboration with the school;
- the Landscape Conservation Zone would make some rural activities such as equestrian training, bee-keeping and hydroponic hot-house seeding more difficult;
- the Rural Living or Rural zones would provide for more permitted or discretionary uses, such as residential, resource development, resource processing and visitor accommodation;
- the land was not of landscape value;
- the Landscape Conservation Zone would reduce the value of the property;
- a planning permit had been recently granted to subdivide the land into three lots with building envelopes;
- a condition of the planning permit for subdivision required the owner to enter into a Part 5 agreement with the planning authority (under section 71 of the Act) to preserve 3.2ha of the property that was of significant environmental value;
- the zone applied to the land should reflect the intended subdivision and subsequent residential use and development of the lots;
- they preferred future residential use and development would not be discretionary;
- a planning approval had also been granted for an ancillary dwelling to be constructed on the property;
- some of the surrounding properties were zoned Rural Living;
- the subdivision approval was evidence the land was part of a rural living community; and
- the Rural Living Zone or Rural Zone may be best for the land.

1318. In response the planning authority made the following comments:

- its initial response was the land should be zoned Landscape Conservation because it was heavily vegetated and contiguous with a larger area of bushland;

- further consideration was warranted because the property was expected to be subdivided;
- several properties to the south of the land were recommended to be zoned Rural Living because they had lot sizes consistent with the Rural Living Zone;
- residential use would be permitted in the Landscape Conservation Zone because the subdivision permit conditions would result in building envelopes being shown on the land titles for the new lots;
- residential use was 'no permit required' in the Rural Living Zone, while building setbacks from boundaries would need discretionary assessment;
- residential use was discretionary in the Landscape Conservation Zone, while building setbacks from boundaries would be permitted given the new lots would have building envelopes; and
- it would support application of the Rural Living Zone B but noted the acceptable solutions for building setbacks from boundaries in the Rural Living Zone could not be met.

1319. Following the hearing, Mr Trent Henderson (Red Seal Planning) in response to a Commission direction, provided two submissions about the suitability of the Rural Living, Rural and Landscape Conservation zones to provide for the approved subdivision and future use and development of the lots. The following comments were made:

- the Rural Living and Landscape Conservation zones appeared to be the two zones that could be applied to the land given its character and the intended subdivision;
- the Rural Zone was not appropriate because the area of the land was small and the lots would be unable to sustain an agriculture use;
- the Rural Living Zone would best facilitate development of the lots because it would give more flexibility and capacity for a dwelling to be located anywhere on the property;
- building setback from boundary requirements to be assessed against the performance criteria of the Rural Living Zone; and
- in contrast, the Landscape Conservation Zone would not provide flexibility if a landowner sought to build outside the building envelopes.

Commission consideration

1320. The Commission is not satisfied the Landscape Conservation Zone should be replaced with either the Rural Living Zone or Rural Zone. Evidence provided by the parties at the hearing and in the post-hearing submissions has revealed both options present some difficulty with classification of the use and potential compliance with building setback requirements. The Commission does not consider either option persuasive on account of the intended residential use.

1321. Therefore, it is considered the Landscape Conservation Zone should be applied consistent with the zone of the land immediately to the south of the property, which would avoid a spot-zone of the land. Spot-zoning should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict. The Commission is satisfied the property has landscape value (see Commission decision on general issues) that warrants application of the Landscape Conservation Zone for the reasons given by the planning authority in its section 35F report.

1322. Furthermore, the Commission notes the landowner has a valid approval for subdivision, which includes building areas that would be applied to the new lots. Consequently, residential use within the building areas would cause the use to be permitted under the use table of the Landscape Conservation Zone. The

Commission notes Mr Henderson's submission favoured application of the Rural Living Zone but considers the practical difference between the corresponding building setback from boundary requirements in each zone is marginal. Assessment of building setback from boundaries is a matter for the planning authority to consider at a time an application is made for a planning permit, however the Commission agrees with Mr Henderson's view building design options exist that would demonstrate compliance with relevant performance criteria. The SPPs are designed to provide an avenue to consider exceptions to rules where circumstances exist that prevent compliance with acceptable solutions.

Commission decision

1323. The Commission determines no modifications are required.

Rural Zone - Pottery Road, Garden Island Creek

Representations: Tara Thurrowgood (79), Catherine Shearer (329)

1324. The representation made by Tara Thurrowgood (79) requested the zone of 94 Pottery Road, Garden Island Creek folio of the Register 226994/1 be revised from Landscape Conservation to Rural. The reasons were:

- the land had been logged in the past;
- the land was zoned Rural Resource in the interim planning scheme;
- many of the surrounding properties were zoned Rural or Landscape Conservation despite containing similar bushland, which caused an inconsistent application of zones;
- the use and character of the land was consistent with the purpose of the Rural Zone; and
- the Landscape Conservation would cause value of the property to decline.

1325. The representation made by Catherine Shearer (329) requested the zone of Pottery Road, Garden Island Creek folio of the Register 42786/1 be revised from Landscape Conservation to Rural Living or split-zoned Rural Living and Rural. The reasons were:

- the land was serviced by a well-maintained public road;
- the land had an area of approximately 47ha and was undeveloped;
- the land was historically logged;
- many of the surrounding properties had small areas and contained rural living use;
- the Rural Living Zone would be consistent with the use of other properties in Pottery Road;
- the Rural Living Zone was favourable to residential use and development while the Landscape Conservation Zone was not;
- the Priority Vegetation Area overlay was inaccurate;
- the Priority Vegetation Area overlay did not justify application of the Landscape Conservation Zone;
- the land contained a ridgeline;
- less than one sixth of the property contained threatened vegetation;
- the Rural Living Zone was more like the Rural Resource Zone applied to the land in the interim planning scheme;
- the Rural Zone was supported by the PAL Policy;
- the Scenic Protection Area overlay did not apply to the land;
- the Landscape Conservation Zone was inconsistent with Guideline No. 1;
- the land did not have landscape value;

- no assessment of the natural value of the land had been undertaken to justify the Landscape Conservation Zone; and
- the Rural Living Zone was supported by Guideline No. 1.

1326. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
- the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
- the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
- 94 Pottery Road (Thurrowgood) contained ridgelines, was entirely covered in native vegetation, contained two areas of threatened *Eucalyptus tenuiramis* forest and woodland on sediments, and was dissected by three class 3 waterways;
- 94 Pottery Road also contained a large area of mapped *Eucalyptus globulus* wet forest, which was foraging habitat for critically endangered swift parrot;
- Pottery Road, Garden Island Creek folio of the Register 42786/1 (Shearer) was located on the lower slopes of a vegetated ridgeline and formed part of a large, generally contiguous bushland area extending to the Huon River;
- folio of the Register 42786/1 (Shearer) contained significant areas of threatened *Eucalyptus tenuiramis* forest and woodland on sediments and threatened *Eucalyptus globulus* dry forest and woodland;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- the land reflected of the broader landscape value of the area;
- only small-scale use or development was appropriate because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

Commission consideration

1327. The Commission is not persuaded the Rural Zone should be applied to the land for the reasons given by the planning authority in its section 35F report. The land is almost surrounded by land also zoned Landscape Conservation, and application of an alternative zone would also result in the land being spot-zoned. Spot-zoning should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict. The Commission is satisfied the property has landscape value (see Commission decision on general issues) that warrants application of the Landscape Conservation Zone as it is connected to a broader area of native bushland on all its sides.

1328. Otherwise, the Commission finds the Rural Living Zone proposed for Pottery Road, Garden Island Creek folio of the Register 42786/1 (Shearer) is not supported by the regional strategy or a local land use strategy. There is no evidence the land is part of a 'rural living community or that there is a primary strategic intention for the land be used for residential use and development within a rural setting' as required by policy SRD 1.3 of the regional strategy.

Commission decision

1329. The Commission determines no modifications are required.

Rural Zone - Crabtree Road, Crabtree

Representations: Carl Burden (82)

1330. The representor requested the zone of Crabtree Road folio of the Register 122351/2 and 16 Sharpes Road, Crabtree folio of the Register 157468/1 be revised from Landscape Conservation to Rural. The reasons were:

- the Rural Zone would best reflect the Rural Resource Zone applied to the land in the interim planning scheme;
- the use of the land was consistent with the purpose of the Rural Zone;
- the land was used for rural activities including a rural contracting business;
- the owner intended to use the land as a farm;
- the land contained a dwelling, quarry and several sheds used for agriculture;
- the land was used to graze animals;
- the land was also used to store and services tractors, excavators, skid steer loaders, trailers, and farm machinery;
- the Landscape Conservation Zone would prohibit many of the existing uses;
- the land contained multiple areas used to graze animals;
- the land had been historically cleared;
- the land was not of landscape value;
- the Priority Vegetation Area overlay was inaccurate but would apply to the land and protect native vegetation; and
- split-zoning of the land could be considered.

1331. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
- the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
- the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
- the land had significant native vegetation coverage, steep slopes, contributed to a larger bushland area and bordered a class 2 waterway;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- the land reflected of the broader landscape value of the area;
- only small-scale use or development was appropriate because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

1332. At the hearing, Mr Carl Burden was represented by Mrs Amy Robertson who together made the following comments in support of the representation:

- the two titles were used together as one property;
- the Landscape Conservation Zone would unreasonably limit the use and development potential of the land;

- the land was used to graze alpacas;
- the bushland on the northern side of the property was also used for agriculture;
- timber was harvested for firewood and fencing;
- the owner had made an application with the Forest Practices Authority to apply a private timber reserve to the land;
- the upper area of the land contained white peppermint forest;
- the land contained *Eucalyptus tenumaris* forest but not enough to be considered a community;
- the land also contained *Eucalyptus viminalis* forest;
- parts of the land were cleared in the 1970s and 1990s;
- the cleared areas of the land were not visible from Crabtree Road; and
- the owner intended to build a dwelling on folio of the Register 122351/2.

1333. In response, the planning authority made the following comments:

- residential use was also discretionary in the Rural Zone;
- the land was heavily vegetated;
- its natural values expert advised mapping of the vegetation on the land indicated it contained threatened white gum, and wet blue gum;
- significant native vegetation could be adequately protected by the Priority Vegetation Area overlay;
- the area above the 180m AHD contour did not appear to have been harvested in the past;
- it accepted the lower area of the land contain rural business activities; and
- it was prepared to consider whether the land should be split-zoned, with the Rural Zone applied to the lower area of the land.

1334. Following the hearing, the planning authority, in response to a Commission direction, recommended the Rural Zone be applied to the land because both titles contained a registered private timber reserve, which had recently been obtained by the landowner.

1335. At the reconvened hearing, Mr Carl Burden submitted a copy of the gazettal notice for the private timber reserves and made the following comments:

- he supported the planning authority's recommendation the Rural Zone be applied;
- the private timber reserve covered 97% of the area of the land;
- no objections to the private timber reserve were received when the proposal was publicly notified;
- the private timber reserve provided for the land to be managed in a manner that was not consistent with the provisions of the Landscape Conservation Zone; and
- the private timber reserve had been gazetted on 19 December 2023.

Commission consideration

1336. The Commission is persuaded the Rural Zone should be applied to the land for the following reasons:

- the land is identified in the agricultural estate mapping (potentially constrained), which indicates the Rural or Agriculture zones are appropriate;
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
- both titles are subject to a registered private timber reserve, which has established the intended future use of the land, which should be reflected by the zone of the land;

- although the land may have some landscape value (see Commission decision on general issues), it is not significant enough to warrant application of the Landscape Conservation Zone in preference to the use that has been established by the private timber reserves;
- forestry use is best suited to the Rural Zone; and
- section 11(3) of the *Land Use Planning and Approvals Act 1993* states nothing in a planning scheme or the Tasmanian Planning Scheme affects forestry operations conducted on land declared as a private timber reserve under the *Forest Practices Act 1985*.

1337. The Commission also determines the Rural Zone should be applied to 139 Clear View Road instead of the Landscape Conservation Zone to ensure a uniform zone pattern is applied to the area. The property is surrounded by land that would be zoned Rural and would be isolated from other land zoned Landscape Conservation in an effectual spot-zone. Spot-zoning should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict.

Commission decision

1338. Modification:

- Revise the zoning of Crabtree Road folio of the Register 122351/2, 139 Clear View Road folio of the Register 211393/1 and 16 Sharpes Road, Crabtree folio of the Register 157468/1 to Rural.

1339. Reason: To apply the Rural Zone consistent with Guideline No.1.

Rural Zone - 5703 Huon Highway and 12 and 21 Smiths Road, Surges Bay

Representations: Olivia Jones for Lynne and Anton Compton (85), Olivia Jones for Gary Skinner (92)

1340. The representations made by Olivia Jones for Lynne and Anton Compton (85) requested the zone of 5703 Huon Highway, Surges Bay folio of the Register 143213/1 and 21 Smiths Road, Surges Bay folio of the Register 143213/2 be revised from Agriculture to Rural. In addition, the representation made by Olivia Jones for Gary Skinner (92) also requested the zone of 12 Smiths Road, Surges Bay folio of the Register 153006/1 be revised from Landscape Conservation to Rural. The reasons were:

- the use of the land was consistent with the purpose of the Rural Zone;
- the properties had small area;
- the use and development standards provided in the Agriculture Zone were too restrictive;
- several of the surrounding properties had similar areas and were zoned Rural;
- 21 Smiths Road previously contained an apple farm that had failed;
- 21 Smiths Road was not suitable for agriculture because of its slope;
- the land had limited to no potential to be used for agriculture;
- the sites had a land capability classification of class 5 and class 6, which meant it was unsuited to cropping and had limited potential for pastoral use;
- the land was identified as potentially constrained in the agricultural estate mapping;
- the Rural Zone was consistent with RZ 1 and RZ 3 of Guideline No. 1;
- the Landscape Conservation Zone applied to 12 Smiths Road would provide use and development standards that were too restrictive;
- the same zone should be applied to 12 and 21 Smiths Road because the lots shared access and were under common ownership; and

- the Priority Vegetation Area overlay would apply to 12 Smiths Road and protect any vegetation of significant natural value.
1341. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the Agriculture Zone applied to 5703 Huon Highway and 12 Smiths Road was consistent with AZ 2 of Guideline No. 1 because the land was zoned Significant Agriculture in the interim planning scheme;
 - its agriculture expert (RMCG) investigated the potential to use the land for agriculture and determined the Agriculture Zone should be applied;
 - 12 Smiths Road was zoned Rural Resource in the interim planning scheme;
 - RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
 - the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
 - the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
 - 12 Smiths Road was located on the edge of the Huon River and was surrounded by the coastal reserve on three sides;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
 - the land reflected of the broader landscape value of the area;
 - only small-scale use or development was appropriate because it would limit impact on the landscape; and
 - the Landscape Conservation Zone was the most appropriate zone for the land.
1342. The planning authority included the following advice from its agriculture expert:
- 5703 Huon Highway had an area of approximately 2.2ha, had a land capability classification of class 5, contained a dwelling and had very limited potential to be used for agriculture;
 - 5703 Huon Highway was well-connected with other land zoned Agriculture on the north of Huon Highway;
 - titles to the north including 21 Smiths Road contained pasture;
 - historic aerial imagery showed the area contained intensive agriculture use and orchards of a commercial-scale;
 - some of the land was farmed in conjunction with land elsewhere; and
 - it considered whether the Rural Zone could be applied to some of the lots on the northern side of Huon Highway but considered the land did not have capital value that would prevent the land being purchased for agriculture use.
1343. At the hearing, Ms Astrid Ketelaar (RMCG) for the planning authority also added there was concern application of the Rural Zone would provide for construction of dwellings that would constrain the existing agriculture use.

Commission consideration

1344. The Commission is not persuaded alternative zones should be applied to the land for the reasons given in its section 35F report and the planning authority's agriculture expert.

Commission decision

1345. The Commission determines no modifications are required.

Rural Zone - Lonnavele Road, Russell Road, Lonnavele (Lonnavele Cluster)

Representations: Prue and Peter de Vries (87), Kenneth Hay and Karen Sutherland (156), Steven Payne (188), Stephanie Beeston (220), Darren Harvey and Natasha Newman (233)

1346. The representators requested the zone of the following properties be revised from Landscape Conservation to Rural:

- 1333 Lonnavele Road, Lonnavele folio of the Register 242407/1 (de Vries);
- 71 Russell Road, Lonnavele folio of the Register 236667/1 (Hay and Sutherland);
- 149 Russell Road, Lonnavele, folio of the Register 242786/1 (Payne and Beeston); and
- 1251 Lonnavele Road, Lonnavele folio of the Register 239864/1 (Harvey and Newman).

1347. The reasons were:

- land was historically used for farming;
- zoning had been applied to the area in an inconsistent manner;
- 1333 Lonnavele Road (de Vries) contained a 'dry-land dog sled' tourism business;
- land adjoined state forest that was zoned Rural;
- 71 Russell Road (Hay and Sutherland) was divided by Russell Road and was not suitable for agriculture;
- land was zoned Rural Resource in the interim planning scheme;
- the Landscape Conservation Zone was inconsistent with Guideline No. 1;
- the Landscape Conservation Zone would cause the value of land to decline;
- use and character of land was consistent with the Rural Zone;
- land contained residential use and development;
- land contained agriculture use;
- vegetation around buildings needed to be maintained to manage bushfire hazard risk;
- forested areas had been logged in the past and had been revegetated;
- there was no evidence land contained threatened vegetation or habitat for threatened fauna species;
- land was surrounded by forestry use;
- the Rural Zone was consistent with Guideline No. 1 because land contained non-commercial-scale agriculture use;
- the Rural Zone would be consistent with the zone of the surrounding land;
- land was not of landscape value;
- the Rural Zone would further the objectives set out in Schedule 1 of the Act;
- the Priority Vegetation Area overlay applied and would protect vegetation of significant natural value; and
- the Priority Vegetation Area overlay was inaccurate.

1348. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
- the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;

- the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
- 1333 Lonnavele Road (de Vries) formed part of a contiguous area of bushland located on the lower slopes of Denison Ridge;
- resource development and tourist operation were both discretionary use classes in the Landscape Conservation Zone;
- 71 Russell Road (Hay and Sutherland) included a hilltop, was part of large, forested area, and contained watercourses;
- mapping of vegetation indicated 71 Russell Road contained habitat for the threatened swift parrot;
- 149 Russell Road (Payne and Beeston) was located adjacent to the Russell River Valley, was substantially vegetated, included a ridgeline, hillside and valley depression, and formed part of a larger fully vegetated area that extended through the Wild Bee Conservation Area;
- 1251 Lonnavele Road (Harvey and Newman) was significantly covered in native vegetation and formed part of an elevated contiguous bushland area that adjoined the Denison Ridge Conservation Area;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- the land reflected of the broader landscape value of the area;
- only small-scale use or development was appropriate because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

1349. At the hearing Ms Prue and Mr Peter de Vries made the following comments:

- the land (1333 Lonnavele Road) had been farmed for many years, particularly for blueberries;
- the land did not have a significant slope;
- the land contained a dry-land dog sled tourism business, which used trails through the bush; and
- the Landscape Conservation Zone could limit the potential to develop new trails.

1350. In response, the planning authority made the following comments:

- the northern side of the land was cleared however it was otherwise heavily vegetated;
- tourism operation use was discretionary in the Rural and Landscape Conservation zones;
- the Landscape Conservation Zone and Priority Vegetation Area overlay would manage the visual impact of development by limiting the removal of vegetation where possible;
- its natural values expert advised mapping of the vegetation in the area indicated the land was not of significant natural value;
- the surrounding land was zoned Rural because it contained State forest; and
- it was prepared to consider whether the land should be split-zoned so the Rural Zone could be applied to the cleared land on the northern side of the property.

1351. Mr Kenneth Hay and Ms Karen Sutherland attended the hearing and made the following comments about the zone of 71 Russell Road:

- the conservation value of the land was diminished by the surrounding forestry use;

- they intended to remove some of the trees from the land; and
 - the Landscape Conservation Zone would negatively impact the value of the land.
1352. Ms Stephanie Beeston represented Mr Steven Payne and made the following comments about the zone of 149 Russell Road:
- the land had a small area and was purchased to use as a home for the owner's retirement;
 - the land contained a dwelling and was otherwise used to graze animals;
 - other properties in the area had similar characteristics and were zoned Agriculture;
 - the Rural Living Zone would be ideal however the Rural Zone would be acceptable;
 - the land was too small to farm and did not have access to irrigation; and
 - surrounding forestry use had impacted the landscape value of the land.
1353. In response to Mr Hay, Ms Sutherland and Ms Beeston, the planning authority made the following comments:
- it was prepared to consider whether the Rural Zone should be applied to the land and three adjoining titles;
 - the properties had a combined area of approximately 20ha;
 - the Rural Zone would be more consistent with the surrounding land use; and
 - its natural values expert advised there were no threatened species in the area, and that any vegetation of significant natural value present would be protected by the Priority Vegetation Area overlay, which would apply to the land.
1354. Ms Natasha Newman attended the hearing and made the following comments about the zone of 1251 Lonnavele Road:
- part of the land contained approximately 1ha of pasture;
 - she intended to use the land for rural activities and hobby farming;
 - she was concerned the Landscape Conservation Zone would unreasonably limit the use and development potential of the land;
 - zoning had been applied inconsistently in the area;
 - vegetation type needed to be verified by an inspection of the land because the Priority Vegetation Area overlay was inaccurate; and
 - she broadly supported the Landscape Conservation Zone for the land and surrounding properties but was concerned it would impact plans to build a shed on the land.
1355. In response, the planning authority made the following comments:
- the land adjoined much larger titles that were predominately covered with native vegetation;
 - a shed could be considered in the Landscape Conservation Zone; and
 - the land should be zoned Landscape Conservation.
1356. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the properties it recommended be zoned Rural. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of four letters were sent and four responses were received, all of which were supportive of the Rural Zone.
1357. In addition, the planning authority provided a diagram that identified how a split-zone be applied to 1333 Lonnavele Road (de Vries). The diagram showed a zone boundary located in the vicinity of the 140-150m AHD contour. The planning

authority also provided evidence the boundary was supported by Mr and Mrs de Vries.

Commission consideration

1358. The Commission is persuaded the Rural Zone should be applied to 71 Russell Road (Hay and Sutherland), 149 Russell Road (Payne and Beeston) and Russell Road, Lonnavele folios of the Register 115827/1 and 115827/2 as recommended by the planning authority for the following reasons:

- the land is identified in the agricultural estate mapping (three lots potentially constrained and one lot unconstrained), which indicates the Rural or Agriculture zones are appropriate;
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
- the land proposed to be zoned Rural has little to no landscape value (see Commission decision on general issues - landscape value) because it is not significantly elevated or visible from surrounding areas, and is located in an area characterised by plantation forestry; and
- impact on any vegetation of significant natural value present on the land would be primarily managed through the Priority Vegetation Area overlay.

1359. The Commission is also persuaded the Rural Zone should be applied to the northern area (see Commission decision on general issues - split-zones) of 1333 Lonnavele Road (de Vries) for the following reasons:

- the land is identified in the agricultural estate mapping (unconstrained), which indicates the Rural or Agriculture zones are appropriate;
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
- the land proposed to be zoned Rural has little to no landscape value (see Commission decision on general issues - landscape value) because it is partly cleared and is not significantly elevated, being below the 150m AHD contour;
- the Rural Zone would be consistent with the zone of the broader area to the north and east; and
- the Priority Vegetation Area overlay would apply to the land and protect any vegetation of significant natural value present.

1360. However, the Commission is not persuaded the Rural Zone should be applied to 1251 Lonnavele Road (Harvey and Newman). The land is heavily vegetated and adjacent to a large area of land to the south, east and west which is zoned Landscape Conservation and Environmental Management and contains intact native bushland. The Commission is satisfied the property has landscape value (see Commission decision on general issues - landscape value) that warrants application of the Landscape Conservation Zone.

1361. Otherwise, the Commission's view is the Priority Vegetation Area overlay should not be amended or removed from land unless supported by the advice of a suitably qualified person who has undertaken a detailed site assessment. No evidence was submitted from a suitably qualified person to demonstrate any of the affected land does not contain priority vegetation.

Commission decision

1362. Modification:

- Revise the zoning of the following properties to Rural:

- a. 71 Russell Road, Lonnavele folio of the Register 236667/1;
- b. 149 Russell Road, Lonnavele, folio of the Register 242786/1;
- c. Russell Road, Lonnavele folios of the Register 115827/1 and 115827/2;
and
- d. that part of 1333 Lonnavele Road, Lonnavele folio of the Register 242407/1 located north of the boundary identified in Figure 1 of the planning authority's response to direction 5 dated 18 December 2023.

1363. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - 911 and 1010 Halls Track Road, Pelverata

Representations: Natalie Rivers (109), Paul Evans (282)

1364. The representation made by Natalie Rivers (109) noted the Rural Zone would be applied to 911 Halls Track Road, Pelverata folio of the Register 111267/3 and that land had been zoned Rural Resource Zone in the interim planning scheme.

1365. The representation made by Paul Evans (282) requested the zone of 1010 Halls Track Road, Pelverata folio of the Register 108640/1 be revised from Landscape Conservation to Rural. The reasons were:

- the Rural Zone was more consistent with the use and character of the land;
- land to the east was zoned Rural;
- the land contained an existing dwelling, sheds, and an orchard;
- the land was otherwise purchased to undertake a small-scale rural use (beekeeping);
- the land contained approximately 60 beehives;
- the owner intended to increase the number of beehives to 120;
- the land contained a registered honey processing room;
- the owner also intended to use the land to graze livestock and extend the existing orchard;
- the land was moderately sloped with an elevation up to approximately 580m AHD;
- much of the vegetation on the land was regrowth;
- the land was zoned Rural Resource in the interim planning scheme;
- the Landscape Conservation Zone would unreasonably impact the use and development potential of the land;
- the Landscape Conservation Zone would reduce the value of the property; and
- the Landscape Conservation Zone was not needed to protect natural values because the Priority Vegetation Area overlay would apply to the land.

1366. In its section 35F report, the planning authority noted the representation made by Natalie Rivers and recommended no change to the draft LPS. In addition, the planning authority recommended no change to the zone of 1010 Halls Track Road (Evans) for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
- the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
- the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
- the land was steep, mostly vegetated, and formed part of a large contiguous bushland area that included the Sherwood Hill Conservation Area;

- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- the land reflected of the broader landscape value of the area;
- only small-scale use or development was appropriate because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

1367. At the hearing, Mr Paul Evans made the following comments:

- he was a beekeeper;
- honey was processed on the land; and
- he intended to expand the existing use and considered the Rural Zone would provide more confidence the use could continue to be undertaken in future.

1368. In response, the planning authority made the following comments:

- the land had an area of approximately 60ha;
- the land contained ridgelines and was elevated, which was evidence of its landscape value; and
- it was prepared to consider whether the Rural Zone should be applied to the part of the land that contained the cleared area where resource processing (honey) was undertaken.

1369. Following the hearing, the planning authority, in response to a Commission direction, recommended a split-zone be applied to the land. The submission contained a diagram, which showed a zone boundary through the centre of the land running north-south with the Rural Zone applied to the eastern side of the land that contained the cleared area. The boundary between the zones was located between the 410m and 490m AHD contours.

1370. At the reconvened hearing, Mr Paul Evans made a written submission and added the following comments:

- he did not intend to clear the land;
- parts of the land were steep and could not be cleared anyway;
- the Rural Zone should be applied to the whole area of the title;
- the western area of the land may be the intended location for a future dwelling; and
- he was prepared to consider a split-zone along the ridgeline of the land as identified in a submission he had made dated 12 September 2023.

1371. In response, the planning authority made the following comments:

- the land contained species that were uncommon in the local area that were under-reserved in the south-east bioregion;
- its natural values expert advised the Priority Vegetation Area overlay was sufficient to protect the natural values;
- a dwelling was also discretionary in the Rural Zone;
- it was prepared to consider the split-zone along the ridgeline as identified in Mr Evans' submission; and
- the zone boundary should be located between the 490m and 560m AHD contours.

1372. Following the reconvened hearing, the planning authority, in response to a Commission direction, provided a submission, which stated it had reconsidered the location of the split-zone boundary. The submission contained a diagram, which

showed a zone boundary in the same general location as it had previously recommended but with the boundary between located between the 450m and 490m AHD contours.

1373. In response, Mr Evans provided a submission with an alternative zone boundary located between the 480m and 520m AHD contour.

Commission consideration

1374. The Commission agrees with the proposed split-zone recommended by the planning authority and is persuaded the Rural Zone should be applied to the eastern side of the land (see Commission decision on general issues - split-zones) below the 450m and 490m AHD contours for the following reasons:

- the land is identified in the agricultural estate mapping (unconstrained), which indicates the Rural or Agriculture zones are appropriate;
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
- the land proposed to be zoned Rural has little to no landscape value (see Commission decision on general issues - landscape value) because it is partly cleared pasture, located below the ridgeline at the top of the site, and is not significantly visible from areas to the west, particularly Huonville;
- the Rural Zone would be consistent with the zone of most of the land to the north, south and east;
- residential use is discretionary in the Landscape Conservation Zone and can be considered by the planning authority; and
- the Priority Vegetation Area overlay would apply to the land and protect any significant natural values present.

1375. The Commission otherwise notes the representation made by Natalie Rivers did not request any change to the draft LPS and consequently determines there be no change to the provisions that apply to 911 Halls Track Road.

Commission decision

1376. Modification:

- Revise the zoning of that part of 1010 Halls Track Road, Pelverata folio of the Register 108640/1 located east of the boundary identified in Figure 1 of the planning authority's response to direction 11 dated 8 March 2024.

1377. Reason: To apply the Rural Zone consistent with Guideline No.1.

Rural Zone - 149 Narrows Road, Strathblane

Representations: Gray Planning for Cheryl and Steve Townend (103)

1378. The representor requested the zone of 149 Narrows Road, Strathblane folio of the Register 200986/1 be revised from Landscape Conservation to Rural. The representor also requested the Priority Vegetation Area overlay be removed from much of the land. The reasons were:

- the Landscape Conservation Zone was inconsistent with Guideline No. 1;
- no assessment of the natural value of the land had been undertaken to justify the Landscape Conservation Zone;
- the land was not on a prominent skyline or ridgeline and had no identified or documented landscape values;
- the land had an elevation of between 10m and 20m AHD and could not be seen from surrounding areas;

- the land had an area of approximately 6ha, contained a dwelling and was substantially cleared pasture;
 - mapping indicated less than 10% of the land possibly contained threatened vegetation communities;
 - there was no evidence the land contained habitat for threatened fauna species;
 - the Rural Zone was consistent with Guideline No. 1 because it was primarily used residential purposes;
 - the land was incidentally used to grow pasture and graze livestock;
 - the land otherwise had limited potential to be used for agriculture;
 - the Rural Zone had been applied to similar properties in the area; and
 - the Priority Vegetation Area overlay should be removed from the land except from areas that contained *Eucalyptus ovata* and *Eucalyptus amygdalina* native vegetation communities.
1379. In its section 35F report, the planning authority recommended the Rural Zone be applied to the land because the land was not of significant landscape value as it was mostly cleared of native vegetation. The planning authority also indicated it was prepared to remove the Priority Vegetation Area overlay from the areas of the land if it did not contain native vegetation.
1380. At the hearing, Ms Danielle Gray (Gray Planning) added the recommendation made by the planning authority in its section 35F report was supported but noted the owners had not undertaken a natural values assessment of the land.
1381. The planning authority's natural values expert, Mr Jim Mulcahy, made the following comments:
- the Priority Vegetation Area overlay should remain on the land;
 - the land could contain swift parrot habitat; and
 - evidence of the natural values would need to be provided before modification of the overlay could be supported.
1382. Following the hearing, the representor, in response to a Commission direction, provided a diagram that showed where the Priority Vegetation Area overlay should be applied. The overlay was limited to the native bushland at the southern end of the site. The representor added the following comments:
- the owner's preference was the overlay was not applied to the land at all;
 - at most the overlay should only apply to the tree-line of identified native forest communities on the southern end of the site and should not encroach any cleared pasture;
 - the overlay should not be applied to any isolated trees or along the title boundaries where vegetation could be removed under the exemption at clause 4.4.1(h) of the SPPs (removal of vegetation within 3m of a lot boundary for the purpose of erecting or maintaining a boundary fence in a Rural Zone);
 - the vegetation along the east and west boundaries was mostly within the area where vegetation removal was exempt; and
 - these trees along the western boundary were not part of a large community of vegetation.
1383. In response, the planning authority provided advice from Mr Mulcahy that it did not support the request to amend the overlay for the following reasons:
- many of the individual mature trees were located more than 3m inside the boundary fences, including the entire strip of vegetation located along the south-east boundary;
 - the overlay should not apply to the cleared pasture;

- the *Eucalyptus ovata* and *Eucalyptus amygdalina* communities were rare in the region and were potential habitat for landscape-dependent threatened native fauna species (it was therefore locally significant vegetation);
 - there was little doubt that the strips of vegetation along the east and west boundaries of the land provided potential habitat for landscape-dependent threatened native fauna species;
 - isolated trees were unlikely to provide habitat for threatened native fauna;
 - evidence suggested there were not any threatened, under-reserved or rare vegetation communities on the property, but a site-assessment would be required to be sure; and
 - the strip of trees along the western boundary of the land could be treated as isolated trees and therefore part of the cleared pastureland.
1384. At the reconvened hearing, Mr Mulcahy for the planning authority stated the overlay should be applied along the eastern boundary of the land because mapping of the vegetation indicated it was *Eucalyptus ovata* forest, which was a threatened vegetation community and connected to similar vegetation on the land to the east.
1385. Following the hearing, the planning authority, in response to a Commission direction, provided a revised diagram that showed how the Priority Vegetation Area overlay should be applied along the south and east boundaries of the site.
1386. In response, Mr Steve and Mrs Cheryl Townend provided a submission to state they agreed with the proposed overlay.

Commission consideration

1387. The Commission is persuaded the Rural Zone should be applied to the land as recommended by the planning authority for the following reasons:
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
 - the land has minimal potential to be used for agriculture due to the small area of the land and its existing rural living use;
 - the land is of little to no landscape value (see Commission decision on general issues) because it is mostly cleared of native vegetation and is not significantly elevated; and
 - the Rural Zone would be consistent with the zone of the broader area to the north and west.
1388. The Commission otherwise agrees the Priority Vegetation Area overlay should be amended as recommended by Mr Mulcahy for the reasons given at the reconvened hearing.

Commission decision

1389. Modification:
- Revise the zoning of 149 Narrows Road, Strathblane folio of the Register 200986/1 to Rural and amend the Priority Vegetation Area overlay to match the area shown in the figure in the planning authority's response to direction 13 (21 February 2024) dated 7 March 2024.
1390. Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Zone - Lonnavele and Judbury

Representations: Craig Tristram and Sharon Webb (110), Colin Dowling (157), JMG Engineers and Planners for Tasiheel Kennels (295), Bruce and Evelyn Bond (376), Mark O'May (382 and 384)

1391. The representors raised concern about the Rural Living, Agriculture and Landscape Conservation zones applied to the following properties:

- 118 Denison Road, Lonnavele folio of the Register 163647/1 (Tristram and Sharon Webb) - zoned Landscape Conservation;
- Glen Huon Road, Judbury folios of the Register 154626/2, 251927/1 and 130703/2 (Bond) - zoned Rural Living and Agriculture;
- 1 Jacobsons Road, Judbury folios of the Register 247588/1 and 55162/1 (Bond) - zoned Agriculture;
- 49 Lonnavele Road, Judbury folio of the Register 220412/1 (Bond) - zoned Agriculture;
- 383 Lonnavele Road, Judbury folios of the Register 158395/5, 158504/27, 209099/1, 158560/16, 130738/1, 158396/18, 158560/24, 165973/1, 158397/20, 111744/2, 204708/1, 111744/1, 158398/9, 172517/1, 209064/1, 158398/12, 158504/32, 158398/13, 158396/17, 158504/28, 250912/2, 158397/22, 158397/23, 53305/2, 55159/2, 158397/26, 158395/1, 158395/3, 135413/1, 158396/4, 247452/2, 158396/11, 250912/3, 158395/7, 158396/19, 144294/2, 158504/30, 158398/10, 158504/29, 158560/25, 158397/21, 158395/2, 158504/31, 163647/3, 163647/2, 210262/1, 53305/4, 158560/15, 158395/6 and 158560/14 (O'May) - zoned Rural, Agriculture and Landscape Conservation;
- 450 Lonnavele Road, Judbury folio of the Register 208976/1 (Tasiheel Kennels) - zoned Landscape Conservation;
- Lonnavele Road, Judbury folios of the Register 6770/1, 118789/1, 216299/1, 55162/2 and 217098/1 (Bond) - zoned Agriculture;
- 569 She Oak Road, Judbury folio of the Register 149202/3 (Dowling) - zoned Landscape Conservation;
- 715 She Oak Road, Judbury folios of the Register 213477/1, 209510/1, 239216/1, 213468/1, 132716/1 and 132716/2 (O'May) - zoned Rural and Landscape Conservation;
- 33 Williscroft Road, Judbury folio of the Register 208255/1 (O'May) - zoned Landscape Conservation;
- Williscroft Road, Judbury folio of the Register 53248/1 (O'May) - zoned Landscape Conservation; and
- 207 Woolleys Road, Lonnavele folio of the Register 231048/1 (O'May) - zoned Rural.

1392. The reasons were:

- land was zoned Rural Resource in the interim planning scheme;
- the Landscape Conservation Zone was inconsistent with Guideline No. 1;
- the Landscape Conservation Zone would unreasonably limit the use and development potential of the land;
- the Agriculture or Landscape Conservation zones would cause the value of the land to decrease;
- land was cleared or partly cleared;
- land was used for farming and hobby farming;
- the Landscape Conservation Zone had been applied in a manner that was inconsistent with the planning authority's methodology for application of the Zone (stated in its draft LPS supporting report) because less than 80% of the land was covered in native bushland;

- 450 Lonnavele Road (Tasiheel Kennels) was zoned Landscape Conservation and contained an apiary and honey production facility;
- land was historically used for agriculture and rural activities, such as horticulture and animal grazing;
- land was identified in the agricultural estate mapping;
- vegetation of significant natural value would be protected by the Priority Vegetation Area overlay;
- use and character of land in the area was consistent with the purpose of the Rural Zone;
- land titles subject of representation 376 (Bond) were used as a single property with all titles zoned Agriculture except for one zoned Rural Living;
- land zoned Agriculture was constrained by surrounding residential use; and
- land could not be used for agriculture because it had low land capability classification of class 5.

1393. In its section 35F report, the planning authority recommended no change to the zone of the land owned by Mr Tristram and Ms Webb and Mr Dowling for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
- the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
- the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
- 118 Denison Road (Tristram and Webb) was located on the lower slopes of Denison Ridge and was part of a large bushland area;
- 569 She Oak Road (Dowling) was included in the Landscape Conservation Zone to preserve zoning continuity on the southern side of She Oak Road;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- the land reflected of the broader landscape value of the area;
- only small-scale use or development was appropriate because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

1394. The planning authority recommended no change to the land owned by Mr O'May for the following reasons:

- the land was already zoned Rural except for 715 She Oak Road folios of the Register 132716/1 and 132716/2, which were zoned Landscape Conservation;
- the Landscape Conservation Zone was the most appropriate zone for folios of the Register 132716/1 and 132716/2 because a significant area of the lots were covered in native vegetation;
- vegetation on the land was connected to other bushland in the area; and
- the land was elevated and visible from the surrounding area, with most of the land above the 100m AHD contour.

1395. The planning authority recommended no change to the land owned by Mr and Mrs Bond for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;

- the Agriculture Zone was applied because the land was identified in the agricultural estate mapping; and
 - its agriculture expert (RMCG) investigated the potential to use the land for agriculture and determined the Agriculture Zone should be applied.
1396. The planning authority included the following advice from its agriculture expert:
- land titles were farmed together as one property;
 - the existing agriculture enterprise on the land had access to 181 megalitres of summer irrigation; and
 - the existing agriculture enterprise was of a commercial-scale and should remain in the Agriculture Zone.
1397. The planning authority's agriculture expert also stated it supported application of the Rural Zone Glen Huon Road, Judbury folios of the Register 154626/2, 251927/1 and 130703/2 (Bond) in place of the Rural Living Zone. Notwithstanding, the planning authority recommended no change to the zone of the land because it was surrounded by other land in the Rural Living Zone.
1398. However, the planning authority recommended the Rural Zone be applied to 450 Lonnavele Road (Tasiheel Kennels) for the following reasons:
- it had an established use that was consistent with the purpose of the Rural Zone;
 - adjoining land was also zoned Rural; and
 - the land contained a cleared area near the centre of the site.
1399. At the hearing, Mr Craig Tristram and Ms Sharon Webb made the following comments in support of their representation:
- the Rural Zone would allow existing farming to continue;
 - the land was historically used for farming, including grazing of cattle;
 - the land was historically cleared;
 - they intended to graze goats on the land and erect fencing; and
 - the land contained a cleared area with a dwelling.
1400. In response, the planning authority made the following comments:
- the area had a mix of native bushland and rural uses such as forestry and agriculture;
 - it supported the Rural Zone as it would be consistent with surrounding uses and zone pattern;
 - its natural values expert stated the land did not contain any priority vegetation; and
 - any vegetation of significant natural value that existed on the land could be managed by the Priority Vegetation Area overlay.
1401. Mr Colin Dowling attended the hearing and made the following comments:
- his land (569 She Oak Road) was used to graze horses and was characterised as a farm;
 - he intended to spend his retirement on the land; and
 - he wanted to use the land for hobby farming and to graze cattle.
1402. Mr Dan Fitzgerald (Tasiheel Kennels) attended the hearing and stated the land at 450 Lonnavele Road should be zoned Rural because it was used for bee keeping.
1403. Mr Mark O'May attended the hearing and made the following comments:
- his land was used for rural activities, such as grazing animals, forestry and extractive industry;
 - the land was not suitable for cropping because the quality of the soil was poor;

- the Agriculture Zone would cause the value of the land to decline;
 - rainfall was poor in the area;
 - the land contained a sawmill;
 - many of the titles had been logged in the past ten years;
 - the Landscape Conservation Zone would prohibit forestry; and
 - he considered some titles should be split-zoned to allow farming to be undertaken on land that was suitable for agriculture, particularly because some land had access to irrigation.
1404. In response, the planning authority stated it was prepared to reconsider the zoning of the land in consultation with its agriculture and natural values experts.
1405. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that showed the planning authority's recommended application of the Rural Zone, Agriculture Zone, Landscape Conservation Zone and the Priority Vegetation Area overlay to Mr O'May's land. The recommendation was based on a site visit undertaken by the planning authority, was supported by the planning authority's agriculture expert and natural values expert, and showed further application of the Rural Zone to all or part of 24 of the titles. One title, folio of the Register 158397/23, was proposed to be partly zoned Agriculture (previously zoned Rural). A site inspection was also conducted with the landowner on 26th September 2023.
1406. At the reconvened hearing, the planning authority made the following comments:
- it had discussed its recommended zoning with Mr O'May who was generally supportive;
 - the Priority Vegetation Area overlay should be removed from land zoned Agriculture;
 - its natural values expert advised the overlay should be applied to land zoned Rural but only to areas of native forest and not areas of pasture and regrowth forest; and
 - it was prepared to provide a mapping to show how the overlay should be applied.
1407. Following the hearing, the planning authority provided a diagram to show how the Priority Vegetation Area overlay should be applied to Mr O'May's land. The proposed overlay was generally consistent with the Regional Ecosystem Model mapping but had areas of the original mapping removed from land the planning authority recommended be zoned Agriculture and areas of pasture and regrowth forest.
1408. In response, Mr O'May made a submission with the following comments:
- he remained concerned the Landscape Conservation Zone did not recognise areas that were previously cleared and used for farming;
 - the Landscape Conservation Zone would impact water intakes used to supply stock in paddocks on hillsides;
 - he was concerned the Landscape Conservation Zone would impact his plans to selectively log parts of his property where logs could be taken without a forest practices plan being certified;
 - the Landscape Conservation Zone may impact plans to expand his quarry at 383 Lonnvale Road folio of the Register 163647/3;
 - 715 She Oak Road folios of the Register 132716/1 and 132716/2 should not be zoned Landscape Conservation because they were not 'greatly visible' from surrounding areas and were used to graze animals;
 - he supported application of the Priority Vegetation Area overlay to areas of his land that had not previously been subject to a forest practices plan; and

- he otherwise did not support application of the Priority Vegetation Area overlay as it would impact future forestry and farming activities.

Commission consideration

1409. The Commission is persuaded the Rural Zone should be applied to the land owned by Mr Tristram and Ms Webb, Mr Dowling, Tasiheel Kennels and to the parts of the land (see Commission decision on general issues - split-zones) owned by Mr O'May as recommended by the planning authority for the following reasons:
- almost all the land is identified in the agricultural estate mapping (mostly unconstrained), which indicates the Rural or Agriculture zones are appropriate;
 - the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
 - land exhibited as being in the Landscape Conservation Zone may have some landscape value (see Commission decision on general issues - landscape value), however it is not significant enough to warrant application of the Landscape Conservation Zone, especially as the land is partly cleared and often used for rural activities such as bee keeping and forestry;
 - the Rural Zone would provide a more consistent application of zones across the broader area; and
 - impact on any vegetation of significant natural value present on the land would be primarily managed through the Priority Vegetation Area overlay.
1410. The Commission also determines the Rural Zone should be applied to 444 Lonnavele Road and Lonnavele Road PID 5699674 instead of the Landscape Conservation Zone to ensure a uniform zone pattern is applied to the area. Both properties are surrounded by land that would be zoned Rural and Agriculture and would be isolated from other land zoned Landscape Conservation in an effectual spot-zone. Spot-zoning should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict.
1411. Similarly, the Commission also determines the Rural Zone should be applied to 246 Lonnavele Road folio of the Register 24398/1 instead of the Agriculture Zone to ensure a uniform zone pattern is applied. The land would be surrounded by land zoned Rural, isolated from any other land zoned Agriculture, and would also be an effectual spot-zone. The land was zoned Rural Resource in the interim planning scheme, has a small area of approximately 4,500m², and contains a dwelling.
1412. Otherwise, the Commission notes there are reserved roads that intersect or adjoin the land that should also be included in the Rural Zone to ensure zoning is applied contiguously.
1413. The Commission is not persuaded the Rural Zone should be applied to the land owned by Mr and Mrs Bond for the reasons given by the planning authority's agriculture expert. Although the land is identified in the agricultural estate mapping as potentially constrained, the titles are farmed as one property and contain an existing agriculture enterprise of a commercial-scale with access to a significant quantity of irrigation.
1414. The Commission agrees with the planning authority's recommendation the Landscape Conservation Zone be applied to several lots owned by Mr O'May. The Commission is satisfied the land has landscape value (see Commission decision on general issues) that warrants application of the Landscape Conservation Zone for the reasons given by the planning authority in its section 35F report. Notwithstanding, the Commission notes the Landscape Conservation Zone provides for resource development as a discretionary use, in addition to the existing use

rights that apply and allow any lawfully established farming and forestry uses to continue. Additionally, the existing mining lease and quarry at 383 Lonnavele Road folio of the Register 163647/3 would be zoned Rural. It is the Commission's view any expansion of the quarry outside the mining lease and into the adjoining land zoned Landscape Conservation ought to be closely considered, including whether the zone of the land should be amended to provide for extractive industry. Changes to the zone could be made in future if required through a draft amendment to the LPS.

1415. The Commission also determines the Priority Vegetation Area overlay should be applied to the land owned by Mr O'May consistent with the advice of the planning authority's natural values expert to protect native vegetation, as the overlay is compatible with the Rural and Landscape Conservation zones. The policy intent of the SPPs is that the overlay be applied to compatible zones, and no evidence was submitted from a suitably qualified person to demonstrate the land does not contain priority vegetation. Nevertheless, it is noted section 11(3) of the *Land Use Planning and Approvals Act 1993* states nothing in a planning scheme or the Tasmanian Planning Scheme affects forestry operations conducted on land declared as a private timber reserve under the *Forest Practices Act 1985* (see Commission decision on general issues - forestry land use).

Commission decision

1416. Modification:

- Revise the zoning of 383 Lonnavele Road, Judbury folio of the Register 158396/19 to Agriculture.
- Revise the zoning of that part of 383 Lonnavele Road, Judbury folio of the Register 158397/23 located south of the boundary identified by coordinates E 490572.14 and N 5240659.44, E 490719.66 and N 5240667.57, E 490691.62 and N 5240532.62, E 490912.44 and N 5240463.1, E 491010.58 and N 5240363.21, E 490997.73 and N 5240297.78, and E 491119.05 and N 5240236.16 to Rural as shown in Plan 2 of the planning authority's response to direction 19 issued 30 May dated 18 December 2023.
- Revise the zoning of 383 Lonnavele Road, Judbury folio of the Register 158398/13, so that the boundary between the Rural and Agriculture zones is consistent with Plan 2 of the planning authority's response to direction 19 issued 30 May dated 18 December 2023 with the Rural Zone to the south, and the Agriculture Zone to the north of the boundary identified by coordinates E 488391.85 and N 5240496.9, E 488437.41 and N 5240476.27, E 488517.28 and N 5240491.43, E 488568.69 and N 5240549.27, and E 488624.1 and N 5240538.22.
- Revise the zoning of the following properties to Rural:
 - a. 118 Denison Road, Lonnavele folio of the Register 163647/1;
 - b. 246 Lonnavele Road folio of the Register 24398/1;
 - c. 383 Lonnavele Road, Judbury folios of the Register 158504/30, 158504/31, 158504/32, 163647/2, 158504/29, 158560/15, 165973/1, 250912/3, 210262/1, 144294/2, 250912/2 and 135413/1;
 - d. that part of 383 Lonnavele Road, Judbury folio of the Register 53305/4, located north of the boundary identified by coordinates E 491660.26 and N 5240627.91, E 491642.38 and N 5240587.24, E 491666.62 and N 5240565.92, E 491728.26 and N 5240582.86, E 491785.21 and N 5240574.68, E 491810.33 and N 5240529.41, E 491813.84 and N 5240508.96, and E 491842.89 and N 5240495.35 as shown in Plan 2 of the planning authority's response to direction 19 issued 30 May dated 18 December 2023;

- e. that part of 383 Lonnave Road, Judbury folio of the Register 53305/2 located north of the boundary identified by coordinates E 491448.93 and N 5240593.77, E 491538.34 and N 5240573.17, and E 491619.72 and N 5240635.23 as shown in Plan 2 of the planning authority's response to direction 19 issued 30 May dated 18 December 2023;
 - f. that part of 383 Lonnave Road, Judbury folio of the Register 111744/1 located north of the boundary identified by coordinates E 488729.90 and N 5239251.93, E 488810.25 and N 5239268.15, E 488863.12 and N 5239300.28, E 488983.17 and N 5239305.54, E 489036.62 and N 5239299.40, E 489062.32 and N 5239326.57, E 489116.65 and N 5239303.20, E 489141.77 and N 5239302.91, E 489234.66 and N 5239364.54, E 489252.18 and N 5239369.8, E 489267.37 and N 5239384.69, E 489288.40 and N 5239390.24, E 489331.34 and N 5239412.44, E 489386.25 and N 5239474.66, and E 489461.52 and N 5239542.28 as shown in Plan 2 of the planning authority's response to direction 19 issued 30 May dated 18 December 2023;
 - g. that part of 383 Lonnave Road, Judbury folio of the Register 158560/16 located east of the boundary identified by coordinates E 489034.05 and N 5239796.81, and E 489088.05 and N 5239888.5 as shown in Plan 2 of the planning authority's response to direction 19 issued 30 May dated 18 December 2023;
 - h. that part of 383 Lonnave Road, Judbury folio of the Register 111744/2 located south of the boundary identified by coordinates E 488624.1 and N 5240534.60, E 488704.22 and N 5240493.19, E 488753.56 and N 5240482.09, E 488780.75 and N 5240561.24, E 488789.22 and N 5240614.99, E 488833.03 and N 5240618.20, E 488882.39 and N 5240600.68, E 488908.39 and N 5240553.65, E 489019.68 and N 5240545.76, E 489031.36 and N 5240569.42, E 489074.3 and N 5240578.77, E 489250.43 and N 5240540.21, E 489385.76 and N 5240374.66, E 489445.97 and N 5240235.42, E 489370.7 and N 5240083.01, E 489496.77 and N 5240015.27, E 489521.23 and N 5240013.39, E 489568.27 and N 5239932.48, and E 489564.16 and N 5239888.89 as shown in Plan 2 of the planning authority's response to direction 19 issued 30 May dated 18 December 2023;
 - i. 444 Lonnave Road, Lonnave folio of the Register 63049/1;
 - j. 450 Lonnave Road, Judbury folio of the Register 208976/1;
 - k. Lonnave Road, Lonnave PID 5699674;
 - l. 569 She Oak Road, Judbury folio of the Register 149202/3;
 - m. that part of 715 She Oak Road, Judbury folios of the Register 132716/1 and 132716/2 located west of the boundary identified by coordinates E 489327.7 and N 5237775.52, E 489378.37 and N 5237790.72, E 489369.99 and N 5237839.3, E 489378.37 and N 5237887.88, and E 489429.43 and N 5237976.27 as shown in Plan 1 of the planning authority's response to direction 19 issued 30 May dated 18 December 2023;
 - n. 33 Williscroft Road, Judbury folio of the Register 208255/1; and
 - o. intersecting reserved roads as necessary to provide a uniform zone pattern.
- Apply the Priority Vegetation Area overlay to the following properties consistent with the diagram in the planning authority's response to direction 15 issued 21 February dated 8 March 2024:
 - a. 383 Lonnave Road, Judbury folios of the Register 158395/5, 158504/27, 209099/1, 158560/16, 130738/1, 165973/1, 111744/2, 204708/1, 111744/1, 158398/9, 209064/1, 158504/32, 158398/13, 158504/28, 158397/23, 53305/2, 158395/1, 158395/3, 135413/1, 158396/4, 247452/2, 144294/2,

- 158504/30, 158504/29, 158395/2, 158504/31, 163647/3, 163647/2, 53305/4, 158560/15 and 158560/14;
 - b. Lonnave Road, Judbury folio of the Register 112176/1;
 - c. 33 Williscroft Road, Judbury folio of the Register 208255/1;
 - d. Williscroft Road, Judbury folio of the Register 53248/1;
 - e. 207 Woolleys Road, Lonnave folio of the Register 231048/1; and
 - f. intersecting reserved roads, including reserved road intersecting folio of the Register 209099/1.
- Remove the Priority Vegetation Area overlay from the following properties consistent with the diagram in the planning authority's response to direction 15 issued 21 February dated 8 March 2024:
 - a. 132 Herons Road, Judbury folio of the Register 144294/1;
 - b. 383 Lonnave Road, Judbury folios of the Register 158396/11, 158396/19, 158397/22, 210262/1, 250912/2 and 250912/3;
 - c. 444 Lonnave Road, Judbury folio of the Register 63049/1;
 - d. 450 Lonnave Road, Judbury folio of the Register 208976/1;
 - e. Lonnave Road, Judbury PID 5699674;
 - f. intersecting or adjoining roads, including reserved and public roads intersecting folios of the Register 158395/5, 163647/3, 158396/4, 204708/1, 158396/19, 158398/9 and 158397/23;
 - g. road casement along Lonnave Road to the north of folio of the Register 158397/22;
 - h. road casement along Lonnave Road within folio of the Register 112176/1;
 - i. road casement along the southern boundary of folio of the Register 144294/1;
 - j. that part of 383 Lonnave Road, Judbury folios of the Register 111744/1, 111744/2, 158397/23, 158398/13, 53305/2 and 53305/4 zoned Agriculture.

1417. Reason: To apply the Rural Zone, Agriculture Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Zone - 184 Kings Hill Road, Cygnet (Cygnet Cluster 1)

Representations: Ronnie and Leeann Gudden (113)

1418. The representation made by Ronnie and Leeann Gudden (113) requested the zone of 184 Kings Hill Road, Cygnet folios of the Register 183440/1 (zoned Rural) and 183440/2 (zoned part Rural and part Landscape Conservation) be revised from Landscape Conservation and Rural to all Rural. The representor also requested the Priority Vegetation Area overlay be removed from the land. The reasons were:
- the land had an area of approximately 31ha, of which approximately 8-10ha was cleared;
 - the Landscape Conservation Zone was inconsistent with Guideline No. 1;
 - no assessment of the natural value of the land had been undertaken to justify the Landscape Conservation Zone or the Priority Vegetation Area overlay;
 - the Landscape Conservation Zone had not been applied in a manner that was consistent with the planning authority's methodology for application of the Zone (stated in its draft LPS supporting report) because less than 80% of the land was covered in native bushland;
 - there was no evidence the land contained threatened vegetation or habitat for threatened fauna species;
 - the land was not of scenic or landscape value;
 - the property contained part of a ridgeline, however the Scenic Protection Area overlay did not apply to the land;
 - the land had an elevation of between 130m and 260m AHD;

- the land was zoned Rural Resource in the interim planning scheme;
- the land contained a dwelling, outbuildings, paddocks and was used to breed horses;
- the use of the land would be best reflected by the purpose of the Rural or Rural Living zones;
- the Priority Vegetation Area overlay did not satisfy NAC 12 of Guideline No. 1 because the type of vegetation on the land had not been verified by an expert;
- the land had potential to be used for rural purposes;
- the land did not contain a conservation covenant;
- the Landscape Conservation Zone would cause the value of the land to decrease;
- the land contained a working farm and was used to graze cows, horses, pigs, and poultry;
- the Landscape Conservation Zone would unreasonably limit the use and development potential of the land, particularly for agriculture and rural purposes;
- many of the surrounding properties were zoned Rural and had similar use and character;
- the Rural Zone was consistent with Guideline No. 1 because the land had some potential to be used for agriculture but was constrained by its slope, native vegetation coverage and soil of poor quality; and
- the Rural Living or Agriculture zones were alternative zoning options.

1419. In its section 35F report, the planning authority recommended no change to the zone of the land for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
- the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
- the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
- the land was extensively covered by native vegetation, straddled a hilltop and ridgeline, and included valley depressions and waterways;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- the land reflected of the broader landscape value of the area;
- only small-scale use or development was appropriate because it would limit impact on the landscape;
- the Landscape Conservation Zone was the most appropriate zone for the land; and
- the Rural Zone should remain on that part of folio of the Register 183440/2, which was previously contained in folio of the Register 108544/2.

1420. At the hearing, the Mr and Mrs Gudden were represented by Mr Caleb Elcock who together made a written submission and the following comments:

- the Rural Zone should be applied to the whole of folio of the Register 183440/2;
- they were concerned the Priority Vegetation Area overlay applied to the land was inaccurate because it has been applied to cleared areas;
- the land contained regrowth vegetation including wattle and stringy bark;

- the property was primarily used to raise racehorses;
- the northern lot contained a dwelling; and
- it would be difficult to obtain finance for development of land that was zoned Landscape Conservation.

1421. In response, the planning authority made the following comments:

- the land was of landscape value;
- the Landscape Conservation Zone would provide for the existing use of the land;
- its natural values expert advised mapping of vegetation indicated the land contained areas of wet blue gum forest;
- the area was not particularly visible from surrounding areas; and
- it was prepared to consider whether the Rural Zone would achieve similar land use planning outcomes for the land and should also be applied to several other adjacent properties that were also zoned Landscape Conservation.

1422. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the properties it recommended be zoned Rural. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of seven letters were sent and five responses were received, four of which were supportive of the Rural Zone. The remaining response was opposed on the basis the land at Wattle Grove Road folio of the Register 120252/1 was of significant natural value.

1423. At the reconvened hearing, Mr Greg Patten, owner of Wattle Grove Road folio of the Register 120252/1 submitted a copy of a natural values assessment undertaken on the land and made the following comments:

- the natural values assessment identified the land contained some vegetation of significant natural value;
- the natural values assessment was undertaken by North Barker consultants; and
- he considered the group of properties should remain in the Landscape Conservation Zone but was mostly concerned the zone of his own land should not be changed.

Commission consideration

1424. The Commission is persuaded the Rural Zone should be applied to the land as recommended by the planning authority for the following reasons:

- four of the titles are included in the agricultural estate mapping (three unconstrained and one potentially constrained), which indicates the Rural or Agriculture zones are appropriate;
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
- the land may have some landscape value (see Commission decision on general issues), however it is not significant enough to warrant application of the Landscape Conservation Zone, especially as the land is not particularly visible from surrounding areas;
- the Rural Zone would provide a more consistent application of zones across the broader area; and
- impact on any vegetation of significant natural value present would be primarily managed through the Priority Vegetation Area overlay applied to the land.

1425. Otherwise, the Commission notes there are reserved roads that intersect or adjoin the land that should also be included in the Rural Zone to ensure zoning is applied uniformly.
1426. The Commission's view is the Priority Vegetation Area overlay should not be amended or removed from land unless supported by the advice of a suitably qualified person who has undertaken a detailed site assessment. No evidence was submitted from a suitably qualified person to demonstrate 184 Kings Hill Road (Gudden) does not contain priority vegetation.

Commission decision

1427. Modification:

- Revise the zoning of the following properties to Rural:
 - a. Golden Valley Road, Cygnet folio of the Register 104390/1;
 - b. 184 Kings Hill Road, Cygnet folios of the Register 183440/1 and 183440/2;
 - c. Kings Hill Road, Cygnet folios of the Register 163643/1 and 163643/2;
 - d. Wattle Grove Road, Cygnet folio of the Register 228333/1;
 - e. Wattle Grove Road, Cygnet folio of the Register 120252/1; and
 - f. the reserved roads intersecting folio of the Register 183440/2 as necessary to provide a uniform zone pattern.

1428. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - Wattle Grove Road, Golden Valley Road, Emma Street, Silver Hill Road, Cygnet

Representations: Red Seal Planning for Shane and Pauline O'Neill (353), Red Seal Planning for Kerrie-Lyn O'Neill (356)

1429. The representations made by Red Seal Planning for Shane and Pauline O'Neill (353) and Red Seal Planning for Kerrie-Lyn O'Neill (356) requested the zone of the following properties be revised from Agriculture to Rural:
- 18 Emma Street, Cygnet folio of the Register 12881/1 (S and P O'Neill);
 - 130 Golden Valley Road, Cygnet folio of the Register 214928/1 (S and P O'Neill);
 - 157 Golden Valley Road, Cygnet folio of the Register 156985/1 (S O'Neill);
 - 119 Silver Hill Road, Cygnet folios of the Register 106802/1, 106801/1 and 106801/2 (D and K O'Neill); and
 - 398 Silver Hill Road, Cygnet folio of the Register 238321/1 (D and K O'Neill).
1430. The reasons were:
- the surrounding area was zoned General Residential, Rural and Landscape Conservation;
 - the land was identified as constrained in the agricultural estate mapping;
 - the Agriculture Zone was not consistent with the planning authority's agriculture expert's methodology for application of the Rural and Agriculture zones because the land adjoined the General Residential Zone at Cygnet;
 - Wattle Grove Road, Cygnet folio of the Register 156985/2 (S O'Neill) was zoned Rural;
 - surrounding land was used for rural living purposes;
 - land was used to graze cattle;
 - the land was not suitable for horticulture, because the use would conflict with the residential use of surrounding properties, particularly orchard pest control activities;

- parts of the land contained native bushland, which was used to graze animals in winter months;
 - mapping of vegetation indicated the land was agricultural;
 - the land did not contain threatened native vegetation;
 - potential to use the land for agriculture was limited to grazing animals, occasional cropping, or to a very restricted range of crops;
 - cropping was constrained by erosion and damp soils;
 - the land was incorrectly zoned Significant Agriculture in the interim planning scheme;
 - the planning authority's agriculture expert had not undertaken a detailed local strategic analysis of the potential to use the land for agriculture;
 - the owners wanted to construct dwellings on some of the titles for family members;
 - the Rural Zone would provide for residential use and continuation of the agriculture use;
 - the existing and intended uses were consistent with the purpose of the Rural Zone; and
 - the Rural Zone was consistent with Guideline No. 1.
1431. Representations 353 and 356 were accompanied by agricultural land capability assessments by Geo-Environmental Solutions, which identified most of the land had a land capability classification of class 4 and class 5. The assessments concluded the land had limited agricultural capability and contended the land was significantly fettered by surrounding urban and rural living use and constrained by the small area of some of the lots.
1432. In its section 35F report, the planning authority recommended no change to the zone of the land for the following reasons:
- the Agriculture Zone was consistent with AZ 2 of Guideline No. 1 because the land was zoned Significant Agriculture in the interim planning scheme; and
 - its agriculture expert (RMCG) investigated the potential to use the land for agriculture and determined the Agriculture Zone should be applied.
1433. The planning authority included the following advice from its agriculture expert:
- the land had historically contained orchards with an area of up to 6.5ha;
 - the land had a land capability classification of class 4 and class 5, which was good for the area;
 - the Agriculture Zone was contiguous with other land zoned Agriculture to the west;
 - the Rural Zone would substantially fragment the Agriculture Zone on the western side of Cygnet;
 - existing vegetation buffers would separate agriculture use from surrounding dwellings;
 - the holding could be provided with increased irrigation resources; and
 - there was insufficient evidence the land should be removed from the Agriculture Zone.
1434. At the hearing, Mr Trent Henderson (Red Seal Planning) and Mr John Paul Cumming (Geo-Environmental Solutions) represented Mr David and Mrs Kerrie-Lyn O'Neill who together made the following comments in support of the representations:
- the land was located to the west of Cygnet;
 - an agreement made under part 5 of the Act was intended to facilitate ongoing agriculture use but made agriculture use more difficult because it prevented parts of the site from being sprayed;

- fire abatement notices compromised the growth of pasture on some parts of the property that would feed livestock;
- the land was originally purchased to farm;
- the land was not productive enough to generate profit;
- the land was adjoined by 14 properties with dwellings;
- older residents in the area were worried about bushfire risk and requested bushfire hazard management areas on the land be maintained;
- local wildlife impacted cropping;
- wildlife could not be shot due to the proximity of homes;
- a former orchard was removed because the use conflicted with surrounding residential use;
- some areas of the land contained native bush; and
- the General Residential Zone, although not requested in the initial representation, should be applied to the easternmost corner of 398 Silver Hill Road because it would be a logical extension of the General Residential Zone at Devereaux Court.

1435. In response, the planning authority made the following comments about the proposed General Residential Zone:

- the General Residential Zone would be a significant zone change, which may not have been appropriate for the settlement;
- the General Residential Zone was not supported by a local or regional strategy;
- it had engaged a consultant to prepare a land use and development strategy on its behalf; and
- the strategy would examine what zones should be applied to the major settlements in the municipality.

1436. Ms Astrid Ketelaar (RMCG) made the following comments about the proposed Rural Zone on behalf of the planning authority:

- some land to the east and north was also zoned Agriculture;
- the area contained an irrigation dam that had a capacity of 50 megalitres;
- the part 5 agreement was made to manage conflict with the subdivision of residential land in the General Residential land to the east (Devereaux Court);
- the part 5 agreement was made to ensure agriculture use could continue, which should be reflected by the Agriculture Zone; and
- the land could be farmed in conjunction with other titles.

1437. Following the hearing, the planning authority, in response to a Commission direction, advised it had reconsidered the request and maintained there should be no change to the draft LPS for the following reasons:

- there was insufficient evidence the land should be removed from the Agriculture Zone; and
- the General Residential Zone was not supported because the land was outside the urban growth boundary established by the Huon Valley Land Use and Development Strategy 2007 and was therefore unsupported by a detailed local strategic analysis.

1438. At the reconvened hearing, Mr Henderson again represented Mr David and Mrs Kerrie-Lyn O'Neill who together made the following comments:

- the northernmost lot (398 Silver Hill Road) may be suitable for the Rural Living Zone;
- an unreasonable level of investment would be required to use the land for agriculture;
- the land was only suitable for grazing animals;

- the Rural Zone would allow people to live on the land and run livestock;
 - the land was not flat and was not ideal for agriculture; and
 - the land should also be considered for its potential to be used for residential purposes in future.
1439. In response, the planning authority added it would consider whether any part of the land should be included in the General Residential Zone in its ongoing strategic planning work.
1440. Mr Michael Tempest (RMCG) made the following comments about the proposed Rural Zone on behalf of the planning authority:
- it had considered existing and previous land uses, access to irrigation, and the land capability of the properties;
 - it concluded the potential to use the land for agriculture was constrained however determined the land should remain in the Agriculture Zone;
 - its assessment had been undertaken without the benefit of a site inspection;
 - it understood the investment needed to use the land for agriculture made the pursuit difficult;
 - it was difficult to know how the Rural and Agriculture zones should be configured in the area; and
 - it was persuaded the Agriculture Zone should be applied to the land because of its potential to be irrigated.

Commission consideration

1441. The Commission is persuaded the Rural Zone should be applied to the land for the following reasons:
- all seven of the lots are identified in the agricultural estate mapping as potentially constrained;
 - the planning authority and representor's agriculture experts considered the land is constrained;
 - the planning authority's agriculture expert noted there was merit in application of the Rural or Agriculture zones;
 - the development of homes in the area, particularly Devereaux Court, has compromised the potential to use the land for agriculture;
 - the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural; and
 - the Rural Zone would be uniform with the surrounding land, particularly land to the west.
1442. The Commission consequently determines the Priority Vegetation Area overlay should be applied to the land consistent with the Regional Ecosystem Model mapping to manage the native vegetation, as the overlay is compatible with the Rural Zone. The policy intent of the SPPs is that the overlay be applied to compatible zones, and no evidence was submitted from a suitably qualified person to demonstrate the land does not contain priority vegetation.
1443. The Commission is not persuaded the General Residential Zone should be applied to the land. Specifically, there is insufficient evidence the Zone is supported by the regional strategy or a local land use strategy, particularly whether there is demand for more urban-residential land in this location, and whether the land can be provided with reticulated services.

1444. The Commission notes the planning authority's intent to undertake such strategic planning work for settlements in the municipality, which may help determine what the future zone of the land should be.

Commission decision

1445. Modification:

- Revise the zoning of the following properties to Rural and apply the Priority Vegetation Area overlay consistent with the Regional Ecosystem Model mapping:
 - a. 18 Emma Street, Cygnet folio of the Register 12881/1;
 - b. 130 Golden Valley Road, Cygnet folio of the Register 214928/1;
 - c. 157 Golden Valley Road, Cygnet folio of the Register 156985/1;
 - d. 119 Silver Hill Road, Cygnet folios of the Register 106802/1, 106801/1 and 106801/2;
 - e. 398 Silver Hill Road, Cygnet folio of the Register 238321/1; and
 - f. the reserved roads intersecting and adjoining folios of the Register 12881/1 and 238321/1 as necessary to provide a uniform zone pattern.

1446. Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Zone - 188 Ayres Road, Ranelagh (Ranelagh Cluster)

Representation: Scott and Maria Greene (115)

1447. The representor requested the zone of 188 Ayres Road, Ranelagh folio of the Register 143900/1 be revised from Landscape Conservation to Rural. The reasons were:

- the land contained an existing dwelling and large cleared areas;
- the Landscape Conservation Zone had not been applied in a manner that was consistent with the planning authority's methodology for application of the Zone (stated in its draft LPS supporting report) because less than 80% of the land was covered in native bushland;
- land around the dwelling needed to be cleared to maintain bushfire hazard management areas;
- the native vegetation on the land was regrowth;
- the land was zoned Rural Resource in the interim planning scheme;
- the land had a small area of approximately 1.39ha;
- mapping of the vegetation on the land had not been verified by a site inspection;
- the land was not of landscape value and did contain significant native vegetation;
- some of the surrounding land was zoned Rural;
- the Landscape Conservation Zone was not supported by Guideline No. 1; and
- the Priority Vegetation Area overlay should not be applied to the land.

1448. In its section 35F report, the planning authority recommended the Rural Zone be applied to the land.

1449. At the hearing Mr Caleb Elcock represented Mr and Mrs Greene who together made the following comments:

- less than 20% of the land contained bushland;
- the land did not contribute to a broader area of landscape value and could not be seen from surrounding areas; and
- the native vegetation on the land was of poor quality.

1450. In response the planning authority made the following comments:

- a split-zone could be applied to the adjoining land to create connectivity with the land zoned Rural to the south;
 - its natural values expert was satisfied the land contained no vegetation of significant natural value; and
 - the Scenic Protection Area overlay applied to the land north-east of the site.
1451. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the properties it recommended be zoned Rural and split-zoned Rural and Landscape Conservation. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of three letters were sent and two responses were received, both of which were in support of the Rural Zone. The response from the owner of 168 Ayers Road suggested part of 200 Ayers Road could also be included in the Rural Zone.

Commission consideration

1452. The Commission is persuaded the Rural Zone should be applied to the land as recommended by the planning authority for the following reasons:
- 188 Ayres Road is included in the agricultural estate mapping (potentially constrained), which indicates the Rural or Agriculture zones are appropriate;
 - the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
 - the land proposed to be zoned Rural has little to no landscape value (see Commission decision on general issues) because it is predominantly cleared and is not significantly elevated or visible from surrounding areas; and
 - impact on any vegetation of significant natural value present would be primarily managed through the Priority Vegetation Area overlay applied to the land.
1453. The Commission considers the Priority Vegetation Area overlay should be applied to the land as the overlay is compatible with the Rural Zone. The policy intent of the SPPs is that the overlay be applied to compatible zones, and no evidence was submitted from a suitably qualified person to demonstrate the land does not contain priority vegetation.
1454. The Commission also notes the suggestion by the owner of 168 Ayers Road that part of 200 Ayers Road could also be included in the Rural Zone but considers the land has landscape value consistent with the land to the north due to its vegetation coverage and elevation.
1455. Otherwise, the Commission notes there are reserved roads that intersect or adjoin the land that should also be included in the Rural Zone to ensure zoning is applied contiguously.

Commission decision

1456. Modification:
- Revise the zoning of 188 Ayres Road, Ranelagh folio of the Register 143900/1 to Rural and the zoning of 168 Ayres Road, Ranelagh folio of the Register 141426/1 and 171 Ayres Road, Ranelagh folio of the Register 144366/1 to part Rural consistent with the diagram in the planning authority's submission dated 24 July 2023, and the intersecting and adjoining reserved roads to Rural as necessary to produce a uniform zoning pattern.
1457. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - Lymington Road, Lymington (Lymington Cluster 2)

Representation: Red Seal Planning for Reardon Consolidated Farms (116)

1458. The representor requested the zone of Lymington Road, Lymington folios of the Register 204212/1, 133699/1 and 229343/1 be revised from Landscape Conservation to Rural. The reasons were:

- the land had been historically used for agriculture;
- the Rural Zone reflected the character of the existing land use;
- the Landscape Conservation Zone was not supported by the PAL Policy;
- the lots were part of a surrounding farm under similar ownership;
- the land should be considered part of the agriculture estate;
- the land was zoned Rural Resource Zone in the interim planning scheme;
- the Priority Vegetation Area overlay would apply to the land;
- a farm management plan (included with the representation) applied to the land;
- the farm business had been owned and operated by the same family for five generations;
- the business grew cattle;
- the land was grazed by cattle during winter months, which was common and for the purpose to rest pastureland and shelter livestock from damp conditions;
- historic grazing had not impacted native vegetation;
- the land was identified as unconstrained in the agricultural estate mapping however its native vegetation coverage and topography meant it was not suitable for the Agriculture Zone; and
- the Rural Zone would be consistent with the zone of the surrounding land.

1459. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
- the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
- the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
- the land was extensively covered by native vegetation and formed part of a larger, contiguous bushland area;
- the land also formed part of Langdons Hill,
- vegetation on the land was mapped as threatened *Eucalyptus globulus* dry forest and woodland;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- the land reflected of the broader landscape value of the area;
- only small-scale use or development was appropriate because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

1460. At the hearing, Mr Trent Henderson (Red Seal Planning) represented Mr Damian Reardon (Reardon Consolidated Farms) who together made the following comments:

- the Landscape Conservation Zone would cause the existing resource development use to be discretionary under the SPPs;
- existing use rights would be lost if the land was not used for resource development for a period of two years;
- the farm had been used to grow potatoes and apples, and graze sheep and pigs over the past 120 years;
- current activities included harvesting of timber for firewood and fence posts, weed management, grazing of animals, and pasture improvement in the understorey of the bushland;
- the bushland grazing improved the condition of cattle and rested crop paddocks;
- a dwelling may be constructed on the land in future; and
- the use and development standards of the Landscape Conservation Zone were not favourable to residential use.

1461. In response, the planning authority made the following comments:

- its natural values expert advised the land contained vegetation of significant natural value, including swift parrot and grey goshawk habitat;
- the forest was intact and located on a prominent hill;
- the Scenic Protection Area overlay applied to most of the land;
- existing use rights would apply to the resource development use of the land;
- weed and fire management activities were exempt under the SPPs;
- the Landscape Conservation Zone was more appropriate for the land because it contained bushland, which was contiguous with the surrounding area; and
- 416 Lymington Road, Lymington folio of the Register 123255/4 should also be included in the Rural Zone to avoid it being left as a spot-zone in the event the Rural Zone was applied.

1462. Following the hearing, the planning authority, in response to a Commission direction, provided the contact details of the owner of 416 Lymington Road. The Commission subsequently wrote to the owner to seek their opinion on whether they would support application of the Rural Zone to the land. A response was received, which was supportive of the Rural Zone.

Commission consideration

1463. The Commission is persuaded the Rural Zone should be applied to the land for the following reasons:

- the land, including 416 Lymington Road, is included in the agricultural estate mapping (two unconstrained and one potentially constrained), which indicates the Rural or Agriculture zones are appropriate;
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
- the lots owned by Mr Reardon form part of a larger farm and it preferable to include all titles that comprise a farm in a single zone;
- the land may have some landscape value (see Commission decision on general issues), however it is not significant enough in isolation to warrant application of the Landscape Conservation Zone;
- landscape values are better protected by application of a single zone across a broad area rather than application of the Landscape Conservation Zone to individual titles irrespective of surrounding land use;
- the Rural Zone would provide a more consistent application of zones across the broader area;

- the Scenic Protection Area overlay would apply to the land and provide for some management of features of scenic and landscape value; and
- impact on any vegetation of significant natural value present would be primarily managed through the Priority Vegetation Area overlay applied to the land.

1464. Otherwise, the Commission notes there are reserved roads that intersect or adjoin the land that should also be included in the Rural Zone to ensure zoning is applied contiguously.

Commission decision

1465. Modification:

- Revise the zoning of 416 Lymington Road folio of the Register 123255/4 and Lymington Road, Lymington folios of the Register 204212/1, 133699/1 and 229343/1 and the intersecting and adjoining reserved roads as necessary to produce a uniform zoning pattern to Rural.

1466. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - 123 Glocks Road, Waterloo

Representation: Brett McCormack (118)

1467. The representor requested the zone of 123 Glocks Road, Waterloo folios of the Register 46125/5, 40694/1 and 128455/1 be revised from Landscape Conservation to Rural. The reasons were:

- approvals existed to build dwellings on two of the lots;
- construction works on both dwellings had been substantially commenced;
- an application had been submitted for a permit to construct a dwelling on the third lot;
- more than 90% of the external property boundaries adjoined active forestry use;
- the Landscape Conservation Zone would unreasonably limit the use and development potential of the land;
- the Landscape Conservation Zone would reduce the value of the properties; and
- the Rural Zone would be most like the zone applied in the interim planning scheme.

1468. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
- the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
- the land was extensively covered in native vegetation and was positioned on the slope of a prominent landscape feature that contributed to a large area of bushland that included threatened native vegetation communities;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- only small-scale use or development was appropriate because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

1469. At the hearing, the representor made a written submission and the following comments:

- native vegetation on the land had been damaged by bushfire;
- some *Eucalyptus Obliqua* and some ground storey plants remained;
- the land did not contain threatened native vegetation;
- the land was not particularly visible from surrounding areas;
- the surrounding land was currently being logged; and
- the Landscape Conservation Zone would restrict building height.

1470. In response, the planning authority made the following comments:

- the Scenic Protection Area overlay did not apply to the land;
- the land was not entirely covered in vegetation;
- the Landscape Conservation Zone should be applied;
- the Landscape Conservation Zone provided some potential for use and development; and
- the Landscape Conservation Zone was ideal given the surrounding forestry.

1471. In response, the planning authority's natural values expert, Mr Jim Mulcahy, made the following comments:

- the land had a long and steep ridgeline, was heavily forested and contained an eagles nest;
- the results of a forest practices survey undertaken in the area was used to prepare the Regional Ecosystem Model, which identified the land contained stag beetle and swift parrot habitat;
- the land contained stringy bark forest; and
- the native vegetation would continue to restore following the bushfire.

Commission consideration

1472. The Commission is persuaded the Rural Zone should be applied to the land for the following reasons:

- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 3), which provide land with limited or no potential for agriculture should be zoned Rural;
- the land has little to no landscape value (see Commission decision on general issues), or potential to be used for agriculture due to the relatively small area of the lots and often steep gradients;
- two of the lots are included in the agricultural estate mapping (potentially constrained and unconstrained), which indicates the Rural or Agriculture zones are appropriate; and
- the Rural Zone would be consistent with the zone of the surrounding land, most of which was included in the Rural Zone to reflect existing forestry use.

1473. The Commission considers the Priority Vegetation Area overlay should be applied to the land as the overlay is compatible with the Rural Zone. The policy intent of the SPPs is that the overlay be applied to compatible zones, and no evidence was submitted from a suitably qualified person to demonstrate the land does not contain priority vegetation.

1474. The Commission also determines the Rural Zone should also be applied to adjoining land at Huon Highway, Waterloo PID 2169109 (unknown owner) for the reasons identified above. The land would otherwise remain spot-zoned as Landscape Conservation. Spot-zoning should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict and ensure a consistent pattern of zones are applied across groups of properties.

1475. Otherwise, the Commission notes there is a reserved road that intersects part of the land that should also be included in the Rural Zone to ensure zoning is applied contiguously.

Commission decision

1476. Modification:

- Revise the zoning of 123 Glocks Road, Waterloo folios of the Register 46125/5, 40694/1 and 128455/1, Huon Highway, Waterloo PID 2169109 and the reserved road intersecting folio of the Register 128455/1 to Rural.

1477. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - 1, 15 and 31 Swamp Road, Franklin

Representation: E3 Planning for Helen Welling, Paul Welling and Kalavani Nadaraju (119)

1478. The representor requested the zone of 1, 15 and 31 Swamp Road, Franklin folios of the Register 6332/1, 102757/1 and 43033/1 be revised from Agriculture to Rural. The reasons were:

- the properties had small areas, contained residential use and development, and had limited potential to be used for agriculture;
- the Agriculture Zone would unnecessarily restrict existing use and development on the land;
- the Rural Zone would not create any significant development potential or constrain any surrounding agriculture use;
- the lots had a land capability classification of class 5, which meant it was not possible to undertake any economically productive agricultural operations on the land;
- the Rural Zone was consistent with the zone purpose, which provided for a range of uses that would more closely accord with the use of the land; and
- the purpose of the Agriculture Zone was inconsistent with the existing use and likely potential future use of the land.

1479. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the Agriculture Zone was consistent with AZ 2 of Guideline No. 1 because the land was zoned Significant Agriculture in the interim planning scheme; and
- its agriculture expert (RMCG) investigated the potential to use the land for agriculture and determined the Agriculture Zone should be applied.

1480. The planning authority included the following advice from its agriculture expert:

- the land was included in the agricultural estate mapping (potentially constrained);
- 15 and 31 Swamp Road had been historically farmed in conjunction with nearby orchards;
- the land had access to 30 megalitres of irrigation during summer and a 1.5 megalitre holding dam;
- one of the lots contained a registered dam with a capacity of 4.5 megalitres of irrigation;
- another lot contained an unregistered dam;
- the combined capacity of the dams was approximately 7 megalitres;
- 31 Swamp Road contained a dwelling;
- historic aerial imagery captured in approximately 2009 showed 15 and 31 Swamp Road contained orchards;
- 1 Swamp Road could not be used for agriculture;

- the land could be considered for the Rural Zone;
- the land was connected to other land zoned Rural in the draft LPS; and
- it would need to undertake further work to consider whether a zone other than Agriculture should be applied, particularly whether the land could be used by a small-scale producer.

1481. At the hearing, Mr Evan Boardman (E3 Planning) made the following comments in support of the representation:

- the lots were small and did not contain much development;
- the land was zoned Significant Agriculture in the interim planning scheme;
- the Agriculture Zone would result in a significant loss of development potential compared to the original Significant Agriculture Zone;
- it was evident the land did not have any potential to be used for agriculture; and
- the agricultural estate mapping did not properly take the existing rural living uses into account.

1482. In response, Ms Astrid Ketelaar (RMCG) for the planning authority stated the zone of the land had been reconsidered since the section 35F report had been completed. Ms Ketelaar explained the land was constrained and only capable of sustaining small-scale agricultural producers. On that basis, it was the planning authority's view the land should be zoned Rural.

Commission consideration

1483. The Commission is persuaded the Rural Zone should be applied to the land for the following reasons:

- the land is identified as potentially constrained in the agricultural estate mapping;
- the planning authority's agriculture expert considers the land is constrained and limited to small-scale agricultural producers; and
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 3), which provide land with limited or no potential for agriculture should be zoned Rural.

1484. The Commission notes the representor was not engaged by the owner of 1 Swamp Road, Franklin to make a representation but notes the land contains rural living use and development, including a dwelling. The land was identified agricultural estate mapping, which indicates the Rural or Agriculture zones are appropriate. It is considered the Rural Zone should be applied to the land because it is more favourable to residential use and the land has no prospect of being used for agriculture.

Commission decision

1485. Modification:

- Revise the zoning of 1, 15 and 31 Swamp Road, Franklin folios of the Register 6332/1, 102757/1 and 43033/1 to Rural.

1486. Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Zone - 155 and 158 Sawyers Creek Road, Mountain River

Representations: Ireneinc Planning for Adrian and Lyndon Stevenson (124)

1487. The representor requested the zone of 155 and 158 Sawyers Creek Road, Mountain River folios of the Register 174325/1 and 174325/4 be revised from Landscape Conservation to Rural. The reasons were:

- 155 Sawyers Creek Road had an area of approximately 20ha;

- 155 Sawyers Creek Road contained a dwelling and three main outbuildings that were associated with rural use of the land;
- 158 Sawyers Creek Road had an area of approximately 21ha;
- 158 Sawyers Creek Road contained a dwelling and shed;
- both titles had historically formed part of a larger farm that had been owned by the Stevenson family for several generations;
- the farm also included the land at 159 Sawyers Creek Road and 57 Fyfes Road;
- the family intended to continue to farm the land, particularly for production of beef and stone fruits;
- the land was zoned Rural Resource in the interim planning scheme;
- the surrounding land was zoned Rural;
- zoning had been applied inconsistently to the area;
- any vegetation of significant natural value would be protected by the Priority Vegetation Area overlay;
- vegetation on the land had been disturbed by previous farming activities and contained multiple internal roads;
- the bushland was used to graze cattle during winter months;
- parts of the land were cleared;
- the land was not of landscape value and was not significantly visible from surrounding areas;
- the Landscape Conservation Zone would unreasonably limit the use and development potential of the land;
- resource development was discretionary in the Landscape Conservation Zone;
- the Rural Zone was consistent with the regional strategy, particularly its policies on use of productive resources; and
- the Rural Zone was consistent with the *State Policy on Water Quality Management 1997*.

1488. In its section 35F report, the planning authority recommended the Rural Zone be applied to 155 Sawyers Creek Road for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation; and
- the Landscape Conservation Zone was applied because the land was perceived to be of landscape value; however a review of the area determined the land had characteristics that were consistent with the purpose of the Rural Zone.

1489. However, the planning authority recommended no change to the zone of 158 Sawyers Creek Road for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
- the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
- the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
- the land had a steep slope, was substantially covered in vegetation and formed part of a larger contiguous bushland area;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and

contained waterways that were characteristic of the landscape value of the Huon Valley;

- the land reflected of the broader landscape value of the area;
- only small-scale use or development was appropriate because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

1490. At the hearing, the representor, Mr Phil Gartrell (Ireneinc Planning) was joined by the owners of the land, Mr Adrian and Mr Lyndon Stevenson who together made the following comments in support of the representations:

- the land had been farmed by the family since 1888;
- the land contained areas that were suitable for cattle grazing;
- vegetation had been retained on the land because it was susceptible to soil erosion;
- the land contained apple orchards and was used to graze cattle however the owners intended to use it for other rural activities;
- some land had recently been cleared for expansion of the orchard;
- a dam had also recently been constructed;
- some areas of the land could be converted to pasture;
- no rural activities were planned for the area near the ridgeline; and
- split-zoning of 158 Sawyers Creek Road may be possible however the owner was concerned a split-zone may force rural activities to be undertaken in areas that were not suitable, particularly for grazing animals.

1491. In response, the planning authority made the following comments:

- the northern side of 158 Sawyers Creek Road contained dense bushland and adjoined land in the Landscape Conservation Zone that extended to Wellington Park;
- resource development was a discretionary use in the Landscape Conservation Zone;
- its natural values expert advised 158 Sawyers Creek Road contained rare black peppermint forest, which was a threatened vegetation community;
- the land contained habitat for threatened native fauna;
- its natural values expert was satisfied any vegetation of significant natural value present on the land would be protected by the Priority Vegetation Area overlay; and
- it was prepared to consider whether the land should be split-zoned.

1492. Following the hearing, the planning authority, in response to a Commission direction, recommended a split-zone be applied to 158 Sawyers Road. The submission contained a diagram, which showed a zone boundary along the 230m AHD contour.

1493. At the reconvened hearing, Mr Gartrell for Mr Adrian and Mr Lyndon Stevenson made the following comments:

- the land should be wholly zoned Rural as it would provide use and development standards that would be more favourable to rural activities;
- parts of the northern area of the land had flat areas that could be used for rural activities;
- the Landscape Conservation Zone would not be contiguous with the zone of the area to the south, east and west;
- similar land was zoned Rural Resource in the interim planning scheme and was zoned Rural in the draft LPS;

- land to the north was zoned Landscape Conservation but was used for agriculture and rural activities because it contained productive soil, which was like the subject site;
- the flat area of the land at the top of the site was less visible than the steeper land to the north, some of which was below the 230m AHD contour;
- land below the 230m AHD contour was made of sandy soils and was less suitable for agriculture; and
- the Priority Vegetation Area overlay would apply to the land and protect native vegetation.

1494. In response, the planning authority made the following comments:

- it had considered a split-zone at the 230m AHD contour because it was an appropriate balance between the land of landscape value and the land that had productive capacity;
- its natural values expert advised the steeper area of the land contained the most important vegetation of significant natural value;
- native vegetation would be protected by the Priority Vegetation Area overlay that would apply to the land irrespective of the zone; and
- while the Landscape Conservation Zone provided for resource development use, it agreed there was some inconsistency in the zoning of the area and was persuaded the Rural Zone should be applied to the whole title.

Commission consideration

1495. The Commission is persuaded the Rural Zone should be applied to 155 Sawyers Creek Road as recommended by the planning authority for the following reasons:

- the land is identified in the agricultural estate mapping (unconstrained), which indicates the Rural or Agriculture zones are appropriate;
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 3), which provide land with limited or no potential for agriculture should be zoned Rural;
- the Rural Zone would be consistent with the zone of the surrounding land; and
- although the land may have some landscape value (see Commission decision on general issues), it is not significant enough to warrant application of the Landscape Conservation Zone.

1496. The Commission is also persuaded the Rural Zone should be applied to the whole area of 158 Sawyers Creek Road for the following reasons:

- the land is identified in the agricultural estate mapping (unconstrained), which indicates the Rural or Agriculture zones are appropriate;
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 3), which provide land with limited or no potential for agriculture should be zoned Rural;
- the land is part of a larger property otherwise zoned Rural;
- the land above the 230m AHD contour has little to no landscape value (see Commission decision on general issues) because it contains cleared areas and is not significantly visible from surrounding areas, in particular main roads;
- the Rural Zone would be consistent with the zone of the broader area to the south, east and west; and
- the Priority Vegetation Area overlay would apply to the land and protect any vegetation of significant natural value present.

1497. Otherwise, the Commission notes there is a reserved road that intersects part of the land that should also be included in the Rural Zone to ensure zoning is applied contiguously.

Commission decision

1498. Modification:

- Revise the zoning of 155 Sawyers Creek Road, Mountain River folio of the Register 174325/4 and 158 Sawyers Creek Road, Mountain River folio of the Register 174325/1 and the reserved road interesting folio of the Register 174325/4 to Rural.

1499. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - 59 Guys Road, Cygnet

Representation: Geoffrey Cowen (132)

1500. The representor requested the zone of 59 Guys Road, Cygnet folios of the Register 38224/2 and 39039/1 be revised from Agriculture to Rural because agriculture use was constrained by dwellings that surrounded the land.

1501. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the Agriculture Zone was consistent with AZ 2 of Guideline No. 1 because the land was zoned Significant Agriculture in the interim planning scheme; and
- its agriculture expert (RMCG) investigated the potential to use the land for agriculture and determined the Agriculture Zone should be applied.

1502. The planning authority included the following advice from its agriculture expert:

- the land had a combined area of approximately 8ha and historically contained orchards;
- the titles had a land capability classification of class 4 and class 5;
- the land was well-connected to land with similar characteristics to the north and east, which was zoned Agriculture;
- the land contained an unregistered dam that appeared to have a capacity of up to 20 megalitres;
- the land was an interface between the Agriculture Zone to the north of the town and the Rural Zone to the south;
- the agricultural estate mapping identified both lots as potentially constrained; and
- there was insufficient justification to remove the land from the Agriculture Zone.

1503. At the hearing, Mr Geoffrey Cowen was represented by Ms Kirsty Lyons who together made the following comments in support of the representation:

- Mr Cowen received complaints from the occupiers of surrounding dwellings about general farming operations, including dust and use of machinery;
- orchards had to be moved back from the road, which had left a large amount of land unsuitable for agricultural use;
- one of the titles contained a dwelling; and
- the Rural Zone would provide for construction of a dwelling on the other title, which would not be possible if the land were zoned Agriculture.

1504. In response, Ms Astrid Ketelaar (RMCG) for the planning authority stated the land to the south already provided a buffer between the land and the urban area of Cygnet, which protected agriculture use. However, Ms Ketelaar conceded folio of the Register 38224/2 was more suited to the Rural Zone given it bordered several rural living properties.

Commission consideration

1505. The Commission is persuaded the Rural Zone should be applied to the land. The Rural Zone is consistent with the principles of Guideline No. 1 (RZ 3) because the land is not part of a larger farm holding and there are significant constraints that prevent the land being used for agriculture. These constraints include the relatively small area of the land and the increasing presence of residential use in the area. These limitations are recognised in the agricultural estate mapping, which identifies potential agricultural use on the land would be constrained. The Rural Zone would connect with similar zoning applied to land to the east and south of the site, and on the opposite side of Guys Road, which would provide a logical boundary to the Rural Zone in that area.
1506. The Commission notes the owner of 75 Guys Road was not a signatory to the representation but observes the land has a small area of approximately 1,000m² and contains a dwelling. The land is identified in the agricultural estate mapping (potentially constrained), which indicates the Rural or Agriculture zones are appropriate. It is considered the Rural Zone should be applied to the land because it is more favourable to residential use and would ensure the Rural Zone is applied in a consistent pattern.

Commission decision

1507. Modification:

- Revise the zoning of 59 Guys Road, Cygnet folios of the Register 38224/2 and 39039/1 and 75 Guys Road folio of the Register 12466/1 to Rural.

1508. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - 681 Lymington Road, and Lymington Road, Lymington (Lymington Cluster 3)

Representation: Ireneinc Planning for Justin and Melissa Innes (129), Ireneinc Planning for Paul and Stephanie Clark (130)

1509. The representation requested the zone of the following properties be revised from Landscape Conservation to Rural:
- 681 Lymington Road, Lymington folios of the Register 158284/11 and 158284/10 (Paul and Stephanie Clark);
 - Lymington Road, Lymington folios of the Register 106649/1 and 160456/6 (Justin and Melissa Innes); and
 - 'subdivision road' folio of the Register 160456/6.
1510. The reasons were:
- Lymington Road, Lymington folios of the Register 106649/1 and 160456/6 (Innes) formed part of 589 Lymington Road, which contained two titles zoned Rural;
 - Lymington Road, Lymington folios of the Register 106649/1 and 160456/6 had a combined area of approximately 11ha;
 - 681 Lymington Road, Lymington folios of the Register 158284/11 and 158284/10 were also part of a larger property, which contained nine other titles zoned Rural;
 - 681 Lymington Road, Lymington folios of the Register 158284/10 and 158284/11 had a combined area of approximately 8ha;
 - the land was partly cleared;
 - the developed and grazed areas of the land were moderately sloping;
 - the properties in the broader area contained apple orchards and were used to graze animals;

- the land was zoned Rural Resource in the interim planning scheme;
 - most of the surrounding land was zoned Rural;
 - the bushland was used to graze animals;
 - the Landscape Conservation Zone was inconsistent with Guideline No. 1 because the land was not of significant landscape value;
 - any vegetation of significant natural value would be protected by the Priority Vegetation Area and Waterway and Coastal Protection Area overlays; and
 - the Rural Zone was consistent with Guideline No. 1 because it was included in the agricultural estate mapping and there were constraints on agriculture use.
1511. The representations also included a joint submission from the owners of the respective properties that detailed the history and use of the land.
1512. In its section 35F report, the planning authority in its section 35F report recommended no change to the draft LPS for the following reasons:
- the land was zoned Rural Resource in the interim planning scheme;
 - RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
 - the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
 - the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
 - the land was extensively covered in native vegetation, contained vegetated slopes, a hilltop, and formed part of a larger contiguous bushland area;
 - mapping of vegetation indicated 681 Lymington Road contained threatened *Eucalyptus globulus* dry forest and woodland;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
 - the land reflected of the broader landscape value of the area;
 - only small-scale use or development was appropriate because it would limit impact on the landscape; and
 - the Landscape Conservation Zone was the most appropriate zone for the land.
1513. At the hearing, Ms Jacqui Blowfield (Ireneinc Planning) represented Mr Justin Innes and Ms Stephanie Clark who together made the following comments in support of the representations:
- the land was used for resource development in association with the remainder of each property;
 - Lymington Road (Innes) contained a family farm, which was used to graze animals;
 - Mr Innes intended to clear further land to sow pasture and crops, including blue berry bushes;
 - 681 Lymington Road (Clark) was previously cleared farmland, which had been reclaimed by native bush;
 - the Landscape Conservation Zone would compromise the future use of the land, including the potential to construct a dwelling;
 - the Priority Vegetation Area overlay would also compromise potential to clear the land;
 - the land did not contain threatened vegetation or habitat for threatened fauna;
 - the Landscape Conservation Zone would reduce the value of the land;

- there was a cluster of properties zoned Landscape Conservation that should be zoned Rural; and
- split-zoning of land was not supported.

1514. In response, the planning authority made the following comments:

- it had been difficult to determine what zone to apply to the land;
- the area was adjacent to two parcels of Crown land that were zoned Environmental Management;
- the Landscape Conservation Zone had been applied because the land was part of an elevated bushland area;
- its natural values expert advised the land contained grey stringbark and possibly silver peppermint;
- its natural values expert advised the land contained general habitat for a wide-range of threatened fauna;
- the Priority Vegetation Area overlay would protect any significant native vegetation; and
- it was prepared to consider split-zoning of the land or whether the Rural Zone should be applied to the land together with three other adjacent properties zoned Landscape Conservation.

1515. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the properties it recommended be zoned Rural. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of three letters were sent and two responses were received, both of which were supportive of the Rural Zone.

1516. At the reconvened hearing, Ms Angie Kennerson, owner of Klynnes Road, Lymington folio of the Register 146712/1 stated her land was used for rural activities, such as grazing of animals. Ms Kennerson supported application of the Rural Zone on the basis the Landscape Conservation Zone would unreasonably limit the use and development potential of the land.

Commission consideration

1517. The Commission is persuaded the Rural Zone should be applied to the land as recommended by the planning authority for the following reasons:

- the land, except for Lymington Road folio of the Register 160456/6, is included in the agricultural estate mapping (potentially constrained), which indicates the Rural or Agriculture zones are appropriate;
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
- the land proposed to be zoned Rural has little to no landscape value (see Commission decision on general issues) because it is not significantly elevated or visible from surrounding areas;
- parts of the land are cleared;
- the area to the north, east and west of the land is characterised by rural activities; and
- impact on any vegetation of significant natural value present would be primarily managed through the Priority Vegetation Area overlay applied to the land.

1518. Otherwise, the Commission notes there is a reserved road that intersects part of the land that should also be included in the Rural Zone to ensure zoning is applied contiguously.

Commission decision

1519. Modification:

- Revise the zoning of the following properties to Rural:
 - a. 85 Klynes Road, Lymington folio of the Register 231747/3;
 - b. Klynes Road, Lymington folio of the Register 146712/1;
 - c. Klynes Road, Lymington folio of the Register 120389/5;
 - d. 681 Lymington Road, Lymington folios of the Register 158284/11 and 158284/10
 - e. Lymington Road, Lymington folios of the Register 106649/1 and 160456/6;
 - f. subdivision road folio of the Register 160456/6; and
 - g. the intersecting and adjoining reserved roads as necessary to provide a uniform zone pattern.

1520. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - 174 Sunny Hills Road, Glen Huon

Representations: Alan Baldry and Joan Armstrong (137)

1521. The representor requested the zone of 174 Sunny Hills Road, Glen Huon folio of the Register 29616/2 be revised from Landscape Conservation to Rural.

1522. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
- the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
- the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
- the land was substantially covered in native vegetation, contained a steep slope and formed part of a larger bushland area;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- the land reflected of the broader landscape value of the area;
- only small-scale use or development was appropriate because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

1523. At the hearing, the planning authority added it was prepared to consider whether the cleared area of the land on its eastern side should be zoned Rural. Its natural values expert advised the western side of the land contained well-preserved forest that provided habitat for a wide range of threatened fauna.

1524. Following the hearing, the planning authority, in response to a Commission direction, recommended a split-zone be applied to the land in the manner proposed at the hearing. The submission contained a diagram, which showed a zone boundary adjacent to the cleared area. The planning authority also provided evidence the boundary was supported by the landowner.

Commission consideration

1525. The Commission is persuaded the Rural Zone should be applied to the cleared area of the land at the eastern end of the property (see Commission decision on general issues - split-zones) as recommended by the planning authority for the following reasons:

- the land is identified in the agricultural estate mapping (potentially constrained), which indicates the Rural or Agriculture zones are appropriate;
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
- the land proposed to be zoned Rural has little to no landscape value (see Commission decision on general issues - landscape value) because it is cleared pasture and is not significantly elevated, being mostly below the 190m AHD contour;
- the Rural Zone would be consistent with the zone of the broader area to the south and east of the land; and
- the Priority Vegetation Area overlay would apply to the land and protect any vegetation of significant natural value.

Commission decision

1526. Modification:

- Revise the zoning of that part of 174 Sunny Hills Road, Glen Huon folio of the Register 29616/2 located south-east of the boundary identified by coordinates E 497021 and N 5234661.48, E 497151.28 and N 5234751.19, and E 497350.61 and N 5234718.25 as shown in Figure 1 of the planning authority's response to direction 6 dated 15 December 2023 to Rural.

1527. Reason: To apply the Rural Zone consistent with Guideline No.1.

Rural Zone - 67 and 172 Goodwins Road, Upper Woodstock

Representation: Nigel Goodwin (139)

Submissions accepted by the Commission: Michelle and Daniel Becker (Submission 4), Lynette Goodwin (Submission 8)

1528. The representation made by Nigel Goodwin (139) requested the zone of 67 Goodwins Road, Upper Woodstock folios of the Register 245056/1, 147364/4, 147364/1, 147364/3, 120775/1 and 147364/2 be revised from Landscape Conservation to Rural. The reasons were:

- the land was part of a farm made of nine separate titles;
- the farm contained a beef cattle business and was used to graze the animals;
- the provisions of the Landscape Conservation were unfavourable to the existing use; and
- the Rural Zone was consistent with the established use.

1529. The submission made by Michelle and Daniel Becker (Submission 4) also requested the zone of 172 Goodwins Road, Upper Woodstock folios of the Register 142648/1 and 142648/2 be revised from the Landscape Conservation to Rural. The reasons were:

- the land was purchased with intent to cultivate an orchard and garden and to graze livestock;
- the owner intended to clear part of the land; and

- the Landscape Conservation Zone would unreasonably limit use and development potential.
1530. The submission made by Lynette Goodwin (Submission 8) further requested the zone of 21 Grandmere Road, Upper Woodstock folio of the Register 205708/1 be revised from the Landscape Conservation to Rural. The reasons were:
- the land was historically used as a sand quarry and extensively logged for timber;
 - the Landscape Conservation Zone was inconsistent with the planning authority's application of the Zone because the land had an area less than 20ha; and
 - the land did not have landscape value because it could not be seen from major roads and highways.
1531. In its section 35F report, the planning authority recommended there be no change to the zone of 67 Goodwins Road (Nigel Goodwin) for the following reasons:
- the land was zoned Rural Resource in the interim planning scheme;
 - RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
 - the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
 - LCZ 1 of Guideline No. 1 required the Landscape Conservation Zone be applied to land with features such as bushland and areas of native vegetation that were of landscape value;
 - the land was extensively covered with native vegetation, had steep vegetated slopes, and formed part of a larger contiguous bushland area that adjoined the Snug Tiers Nature Recreation Area;
 - the land contained habitat for threatened fauna including the eastern quoll and Tasmanian devil;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
 - the land reflected of the broader landscape value of the area;
 - only small-scale use or development was appropriate because it would limit impact on the landscape; and
 - the Landscape Conservation Zone was the most appropriate zone for the land.
1532. The planning authority, in response to a Commission direction, recommended no change to the zone of 172 Goodwins Road (Becker) for the following reasons:
- the proposed uses, including clearance and conversion of native vegetation, were discretionary in the Landscape Conservation Zone;
 - the land was substantially covered in native vegetation, was steep and formed part of a large contiguous bushland area that adjoined the Snug Falls State Recreation Area;
 - only small-scale use or development was appropriate because it would limit impact on the landscape; and
 - the Landscape Conservation Zone was the most appropriate zone for the land.
1533. However, the planning authority, also in response to a Commission direction, recommended the Rural Zone be applied to 21 Grandmere Road (Lynette Goodwin) for the following reasons:
- the land was zoned Rural Resource in the interim planning scheme;
 - the land had an area of approximately 12ha, was reasonably steep and substantially covered in native vegetation;

- the Landscape Conservation Zone had been applied to the land because it was almost entirely covered by the Priority Vegetation Area overlay;
- the adjoining land to the south was Crown land and was mostly zoned Rural except for a small area zoned Landscape Conservation; and
- the land and the adjoining area of Crown land zoned Landscape Conservation was less than 20ha in area and therefore not supported by the planning authority's methodology for application of the Zone.

1534. At the hearing, Mr Nigel Goodwin made a written submission and the following comments:

- the land adjoined the Snug Tiers Nature Recreation Area however that was not a reason the land should be zoned Landscape Conservation;
- no assessment of the features of the land had been undertaken to justify application of the Landscape Conservation Zone;
- the land was not significantly visible from surrounding areas, particularly Channel Highway and Pelverata Road;
- it was not clear the land contained habitat for threatened fauna;
- the land had been burned in the 1967 bushfires and much of the destroyed vegetation had not returned;
- rufus wallabies occupied the land in recent times, which had attracted Tasmanian devils and quolls;
- areas of bushland were used to graze cattle during winter months;
- the land had been used for farming operation and should be permitted to continue;
- the Landscape Conservation Zone would unreasonably limit the use and development potential of the land;
- the Landscape Conservation Zone would reduce the value of the land;
- he did not intend to clear the land; and
- the land contained some white peppermint trees.

1535. In response, the planning authority made the following comments:

- it was satisfied the Landscape Conservation Zone was consistent with Guideline No. 1;
- the land had an area over 100ha and was connected to a broader bushland area;
- resource development could be undertaken in the Landscape Conservation Zone;
- its natural values expert advised mapping of the vegetation indicated the land contained small areas of threatened vegetation; and
- existing use rights would allow cattle grazing to continue.

1536. Mr Daniel and Mrs Michelle Becker attended the hearing and made a written submission and the following comments:

- the Landscape Conservation Zone would unreasonably limit the use and development potential of the land;
- a certified forest practices plan applied to applied to folio of the Register 142648/2 and would allow up to 70% of the land to be cleared;
- the remaining vegetation would be protected;
- the land was fenced and contained other rural improvements;
- folio of the Register 142648/2 should be zoned Rural; and
- they preferred folio of the Register 142648/1 was also zoned Rural but accepted the Landscape Conservation Zone may have to be applied.

1537. In response, the planning authority made the following comments:

- it accepted a forest practices plan applied to folio of the Register 142648/2, which would allow up to 70% of the land to be cleared;
- the Landscape Conservation Zone would not meet its methodology for application of the Zone once the land was cleared;
- folio of the Register 142648/1 was smaller and should remain in the Landscape Conservation Zone because it was heavily forested and consistent with the character of Mr Goodwin's land to the north; and
- its natural values expert stated mapping of the vegetation in the area indicated the land contained stringy bark forest however its relevance to the zone of the land was abated due to the application of the forest practices plan.

1538. Ms Lynette Goodwin was represented by her brother Mr Nigel Goodwin (representation 139) who together made the following comments in support of her submission:

- the planning authority's recommendation to apply the Rural Zone was supported;
- the land was historically used as an orchard and was cleared for that purpose;
- the land had been owned by her family since the 1950s;
- sand mining was undertaken on the land until the 1980s;
- the sand quarry had since been reclaimed by native bush;
- the land contained vegetation with significant natural value however she had not seen swift parrots or Tasmanian devils on the land; and
- the land contained stringy bark and black peppermint trees but not a significant amount of silver wattles.

1539. In response, the planning authority made the following comments:

- the land only contained a small amount of bushland within a prevailing area zoned Rural and Agriculture;
- the Rural Zone should be applied; and
- the Rural Zone should also be applied to the Crown land to the south, which contained a mining lease as it would result in a better zoning pattern for the area.

Commission consideration

1540. The Commission is persuaded the Rural Zone should be applied to 172 Goodwins Road folio of the Register 142648/2 (Becker) and 21 Grandmere Road, Upper Woodstock folio of the Register 205708/1 (Lynette Goodwin) for the following reasons:

- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1);
- 21 Grandmere Road (Lynette Goodwin) is identified in the agricultural estate mapping (unconstrained), which indicates the Rural or Agriculture zones are appropriate;
- the land may have some landscape value (see Commission decision on general issues), however it is not significant enough to warrant application of the Landscape Conservation Zone;
- 21 Grandmere Road (Lynette Goodwin) has a cleared area on its western side and is surrounded by land zoned Rural and Agriculture;
- 172 Goodwins Road folio of the Register 142648/2 (Becker) also contains a cleared area on its southern side, which is adjoined by land characterised by plantation forestry, which diminishes its landscape value;
- 172 Goodwins Road folio of the Register 142648/2 (Becker) is subject to a certified forest practices plan (see Commission decision on general issues - forestry land use), which provides for a significant amount of the land to be cleared, which would also diminish its landscape value; and

- any significant natural values present on the land would be protected by the Priority Vegetation Area overlay.

1541. Consequently, the Commission also determines the Rural Zone should be applied to the whole of Goodwins Road, Upper Woodstock PID 7177036 (Crown land) to ensure the Rural Zone is applied consistently to the adjoining land. The land was split-zoned Rural and Landscape Conservation on account of mining leases that applied to the land (Rural Zone) and features of perceived landscape value (Landscape Conservation Zone). The Commission considers the mining lease has established the intended future use of the land, which should be reflected by the Rural Zone. Although the land may have some landscape value (see Commission decision on general issues), it is not significant enough to warrant application of the Landscape Conservation Zone in preference to the use that has been established by the mining lease. The Rural Zone would ensure a more consistent pattern of zones is applied to the area.
1542. However, the Commission is not persuaded the Rural Zone should be applied to 67 Goodwins Road (Nigel Goodwin) and 172 Goodwins Road folio of the Register 142648/1 (Becker) because the land is high in elevation and connected to land on its northern and eastern sides zoned Landscape Conservation and Environmental Management. The Commission is satisfied the land has landscape value (see Commission decision on general issues) that warrants application of the Landscape Conservation Zone for the reasons given by the planning authority in its section 35F report. Notwithstanding, the Commission notes the Landscape Conservation Zone provides for resource development as a discretionary use, in addition to the existing use rights that apply and allow the lawfully established farming use to continue.

Commission decision

1543. Modification:

- Revise the zoning of 172 Goodwins Road, Upper Woodstock folio of the Register 142648/2, 21 Grandmere Road, Upper Woodstock folio of the Register 205708/1 and Goodwins Road, Upper Woodstock PID 7177036 to Rural.

1544. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - 63 Newbon Road, Lucaston

Representations: Matthew and Ester Griggs (140)

1545. The representor requested the zone of 63 Newbon Road folio of the Register 36413/1 and 65 Newbon Road, Lucaston folio of the Register 153992/5 be revised from Landscape Conservation to Rural. The reasons were:
- both properties contained cleared land, driveways and dwellings;
 - the purpose of the Landscape Conservation Zone was inconsistent with existing and intended future use of the land; and
 - the owner intended to develop both properties with extensions to the existing dwellings, new sheds, fire breaks, visitor accommodation units and granny flats.
1546. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the land was zoned Rural Resource in the interim planning scheme;
 - RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
 - the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;

- the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
- the land contained extensive native vegetation communities, was steep, and contributed to a large area of bushland that extended up slope to Newbon hilltop;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- only small-scale use or development was appropriate because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

1547. At the hearing, the representor, Mr Matthew Griggs made the following comments in support of the representation:

- the lots were originally part of a commercial farm that adjoined the land on Newbon Road;
- the Landscape Conservation Zone would unreasonably limit the use and development potential of the land;
- he preferred the Rural Zone apply to the whole of 63 Newbon Road, but would consider a split-zone; and
- he was satisfied 65 Newbon Road could be left in the Landscape Conservation Zone.

1548. In response, the planning authority made the following comments:

- the land was zoned Landscape Conservation because it was substantially covered in native vegetation;
- the Priority Vegetation Area and Scenic Protection Area overlays applied to parts of the land;
- its natural values expert advised the land contained a small area of blue gums and general habitat for native fauna; and
- it was prepared to consider the whether the land should be split-zoned Landscape Conservation and Rural.

Commission consideration

1549. The Commission is persuaded the Rural Zone should be applied to the north-eastern area (see Commission decision on general issues - split-zones) of 63 Newbon Road for the following reasons:

- the land is identified in the agricultural estate mapping (unconstrained), which indicates the Rural or Agriculture zones are appropriate;
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
- the land proposed to be zoned Rural has little to no landscape value (see Commission decision on general issues - landscape value) because it is not significantly elevated or visible from surrounding areas, being mostly below the 190m AHD contour;
- the Rural Zone would be consistent with the zone of the broader area to the north and east; and
- the Priority Vegetation Area overlay would apply to the land and protect any vegetation of significant natural value present.

1550. The Commission is not persuaded the Rural Zone should be applied to 65 Newbon Road for the reasons given by the planning authority in its section 35F report.

Commission decision

1551. Modification:

- Revise the zoning of that part of 63 Newbon Road, Lucaston folio of the Register 36413/1 located north-east of the boundary identified by coordinates E 502787.03 and N 5241293.75, and E 502990.11 and N 5241137.7 to Rural.

1552. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - 155 Francistown Road, Dover

Representations: Ireneinc Planning for Alfred and Lianne Clark (143)

1553. The representor requested the zone of 155 Francistown Road, Dover folios of the Register 162543/2 and 36624/3 be revised from Agriculture to Rural. The reasons were:

- the land was zoned Rural Resource in the interim planning scheme and would be more appropriately zoned Rural in the draft LPS;
- folio of the Register 150769/1 was also part of the property, contained a dwelling and was zoned Rural Living;
- the titles had areas of approximately 31ha and 32ha;
- the land to the east contained orchards, while the land to the west was forestry land;
- the land was mostly used to graze livestock;
- the land was mostly cleared and did not contain any threatened vegetation communities;
- the land had a land capability classification of class 5 and class 6, which was not prime agricultural land and was generally only suited to limited cropping or grazing;
- the land was included in the agricultural estate mapping (unconstrained);
- agriculture use was constrained by 10 dwellings that adjoined the apple orchards;
- people who lived in the dwellings had complained about noise and spray emissions in the past;
- only half of the land was suitable for agriculture use due to vegetation and shallow rock in various areas across the site;
- the Rural Zone was consistent with policy 16.5 (Productive Resources) of the regional strategy;
- the Rural Living Zone would not contravene the PAL Policy; and
- the Rural Zone would allow the land to be used for a greater range of rural activities.

1554. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the agricultural estate mapping was used to determine where the Agriculture Zone was applied;
- both lots were identified in the agricultural estate mapping (unconstrained) and adjoined land to the north and east that was also unconstrained; and
- its agriculture expert (RMCG) investigated the potential to use the land for agriculture and determined the Agriculture Zone should be applied.

1555. The planning authority included the following advice from its agriculture expert:

- approximately 40ha of the land appeared to be used for grazing;

- the pasture was predominantly located on class 5 land and the remnant bush on class 6;
 - several small, unregistered dams were located on the land;
 - a dwelling was located on the southernmost lot;
 - the land was once part of the 'Francis Family Holdings';
 - the land did not appear to have contained orchards at any stage in the past;
 - residential use somewhat constrained agriculture use of the more productive land but that was not unusual in the Huon Valley;
 - the southernmost title was well-connected to the large orchard to the east, which was zoned Agriculture;
 - both lots had potential to be used to graze animals; and
 - the land could be considered for the Rural Zone, however there was insufficient justification to remove the land from the Agriculture Zone.
1556. At the hearing, the representor, Mr Phil Gartrell (Ireneinc Planning) was joined by Mr Frank Walker (Complete Agricultural Consulting Services) who submitted an assessment of the potential to use the land for agriculture and together made the following comments in support of the representation:
- the land contained various outbuildings;
 - the land was historically used to graze animals;
 - the Priority Vegetation Area overlay would apply to the areas of the land that contained native vegetation;
 - the native vegetation on the land was tea tree, which indicated the land could become quite wet;
 - the land was not suitable for grazing cattle;
 - the land was not suitable for many forms of intensive agriculture;
 - there was evidence the south-west area of the land could become water-logged;
 - a site inspection revealed the land was not suitable for agriculture use or the Agriculture Zone; and
 - the land should be zoned Rural, which would be consistent with the zone applied in the interim planning scheme.
1557. In response, Ms Astrid Ketelaar (RMCG) for the planning authority stated she agreed with the results of Mr Walker's assessment and that the Rural Zone should be applied to the land. In addition, Ms Ketelaar advised the Rural Zone should also be applied to the following smaller properties that adjoined the land to ensure the zones were applied in a uniform manner:
- 26 Hopetoun Road, Dover folio of the Register 162543/1;
 - 171 Francistown Road folio of the Register 26123/1;
 - 188 Francistown Road folio of the Register 34949/1;
 - 7304 Huon Highway, Dover folio of the Register 31297/1; and
 - 7304 Huon Highway, Dover folio of the Register 12249/1.
1558. The planning authority natural values expert Mr Jim Mulcahy was also supportive of the Rural Zone because the land contained an area of native vegetation, and the Rural Zone was compatible with the Priority Vegetation Area overlay.
1559. Following the hearing, the planning authority, in response to a Commission direction, provided the contact details of the owners of the properties it recommended be included in the Rural Zone. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of five letters were sent and two responses were received, both of which were supportive of the Rural Zone.

Commission consideration

1560. The Commission is persuaded the Rural Zone should be applied to the land for the reasons given by the planning authority's agriculture expert. The lots were included in the agricultural estate mapping (unconstrained and potentially constrained), which indicates the Rural or Agriculture zones are appropriate. The Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural.
1561. The Commission consequently determines the Priority Vegetation Area overlay should be applied to the land consistent with the Regional Ecosystem Model mapping to manage the native vegetation, as the overlay is compatible with the Rural Zone. The policy intent of the SPPs is that the overlay be applied to compatible zones, and no evidence was submitted from a suitably qualified person to demonstrate the land does not contain priority vegetation.
1562. Otherwise, the Commission notes there are reserved roads that intersect or adjoin the land that should also be included in the Rural Zone to ensure zoning is applied contiguously.

Commission decision

1563. Modification:

- Revise the zoning of the following properties to Rural and apply the Priority Vegetation Area overlay consistent with the Regional Ecosystem Model mapping:
 - a. 155 Francistown Road, Dover folio of the Register 162543/2;
 - b. 171 Francistown Road folio of the Register 26123/1;
 - c. 188 Francistown Road folio of the Register 34949/1;
 - d. that part of 155 Francistown Road, Dover folio of the Register 36624/3 north of the existing zone boundary;
 - e. 26 Hopetoun Road, Dover folio of the Register 162543/1;
 - f. 7304 Huon Highway, Dover folio of the Register 31297/1;
 - g. that part of 7304 Huon Highway, Dover folio of the Register folio of the Register 12249/1 north of the existing zone boundary; and
 - h. intersecting reserved roads as necessary to produce a uniform zoning pattern.

1564. Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Zone - Braeside Road, Flakemore Road and Bay Link, Franklin and Harwoods Road and Castle Forbes Road, Castle Forbes Bay

Representations: Abbey Fancourt and Samuel Hauritz (146), Red Seal Planning for Mark and Jayneen Sanders, Travers O'Neill and Jean Lancaster, P and K Leitch, Robert and Kathryne Steinert, Amy Carnes, Cristian and Amelia Newbon, Mark Donaghy and Ciel Boucher, and Faster Than Expected Pty Ltd (354), Red Seal Planning for Vivian and Ivan Walker (355), Red Seal Planning for Pat McCarty (357)

1565. The representors requested the zone of the following properties be revised from Agriculture to Rural:
- 259 Braeside Road, Franklin folio of the Register 159196/1 (Walker);
 - 34 Bay Link, Franklin folio of the Register 249012/1 (representation 354);
 - Castle Forbes Road, Castle Forbes Bay folio of the Register 229458/1 (representation 354);
 - 44 Flakemore Road, Franklin folio of the Register 22099/2 (Fancourt and Hauritz);

- 54 Flakemore Road, Franklin folio of the Register 164715/4 (McCarty);
- Flakemore Road, Franklin folio of the Register 159201/1 (Walker);
- Flakemore Road, Franklin folio of the Register 153611/3 (Walker);
- 433 Harwoods Road, Castle Forbes Bay folio of the Register 53182/1 (representation 354);
- 460 Harwoods Road, Castle Forbes Bay folio of the Register 215507/1 (representation 354);
- Harwoods Road, Castle Forbes Bay folio of the Register 180867/2 (representation 354);
- Harwoods Road, Castle Forbes Bay folio of the Register 175557/3 (representation 354);
- Harwoods Road, Castle Forbes Bay folio of the Register 13859/6 (representation 354); and
- Harwoods Road, Castle Forbes Bay folio of the Register 248735/1 (representation 354).

1566. The reasons were:

- land was like surrounding properties, which had been zoned Rural;
- surrounding properties contained dwellings, which constrained agriculture use;
- Rural and Agriculture zones did not correlate with land identified as potentially constrained and unconstrained in the agricultural estate mapping;
- land was zoned Rural Resource in the interim planning scheme;
- surrounding land was zoned Rural because it was used for forestry;
- mapping of vegetation indicated the land was use for agriculture however some areas contained threatened vegetation such as *Eucalyptus obliqua* forest;
- land was of poor land capability, which meant it was not particularly suitable for cropping;
- the Agriculture Zone was not consistent with Guideline No. 1;
- most lots could only be used to graze animals;
- the land could not be cropped because crop sprays could not be used due to the location of surrounding dwellings;
- the Rural Zone would allow agriculture use to continue alongside residential use;
- the use and character of the land was consistent with the purpose of the Rural Zone; and
- the Rural Zone was consistent with Guideline No. 1 because land was constrained, the lots were not part of larger farms, and the lots could not be provided with improvements to allow agriculture use.

1567. Representation 354 included a copy of an agricultural land capability assessment by Geo-Environmental Solutions for the land in Harwoods Road, which concluded the land had limited agricultural capability. The assessment noted the land capability classification was predominantly class 5, which indicated the land was suitable for pasture production provided soil was adequately managed. The assessment concluded the land was significantly fettered by surrounding residential use.

1568. In its section 35F report, the planning authority recommended the Rural Zone be applied to the land subject of representation 354 because its agriculture expert (RMCG) investigated the potential to use the land for agriculture and determined the land had limited potential to be used for agriculture.

1569. The planning authority included the following advice from its agriculture expert:

- parts of the land had a land capability classification of class 4 but were used as pasture or had been used for plantation forestry;
- 462 Harwoods Road folio of the Register 247712/1 (other owner) was zoned Rural due to its forestry use; and

- given 462 Harwoods Road was zoned Rural, it was appropriate the surrounding land was also zoned Rural.
1570. However, the planning authority recommended no change to the zone of the remaining land for the following reasons:
- the land was zoned Rural Resource in the interim planning scheme;
 - the Agriculture Zone was applied based on the categorisation of the land in the agricultural estate mapping (unconstrained) and the surrounding zone pattern; and
 - its agriculture expert investigated the potential to use the land for agriculture and determined the Agriculture Zone should be applied.
1571. The planning authority included the following advice from its agriculture expert:
- 44 Flakemore Road (Fancourt and Hauritz) had an area of approximately 6ha and contained a dwelling;
 - 44 Flakemore Road had a land capability classification of class 4 and class 5;
 - land to the west of 44 Flakemore Road had historically contained an orchard;
 - 54 Flakemore Road (McCarty) had an area of approximately 6ha;
 - approximately a third of 54 Flakemore Road had historically contained an orchard;
 - two dwellings were located within 40m of 54 Flakemore Road;
 - 54 Flakemore Road had a land capability classification of class 5;
 - 259 Braeside Road and Flakemore Road folios of the Register 159201/1 and 153611/3 (Walker) contained orchards and dams; and
 - surrounding properties were used for agriculture.
1572. At the hearing, Mr Trent Henderson (Red Seal Planning) and Mr John Paul Cumming (Geo-Environmental Solutions) with Mr Pat McCarty together made the following comments in support of representations 354 and 357:
- the land had a land capability classification of class 5 and class 6;
 - the land had a steep slope and was at risk of soil erosion due to prevailing windy conditions in the area;
 - the land was surrounded by rural living use within 200m of the site;
 - the land contained an area of native vegetation; and
 - the land did not have access to irrigation.
1573. In response, Ms Astrid Ketelaar (RMCG) made the following comments on behalf of the planning authority:
- it originally recommended 54 Flakemore Road (McCarty) be zoned Agriculture but had reassessed the potential to use the land for agriculture and considered the Rural Zone should be applied;
 - the Rural Zone would contribute to a more consistent zone pattern;
 - its natural values expert advised the land was not of significant natural value;
 - agriculture use in the area was compromised by residential use; and
 - 54 Flakemore Road (McCarty) should remain in the Agriculture Zone because the land was located near several orchards.
1574. At the hearing, Mr Trent Henderson (Red Seal Planning) and Mr John Paul Cumming (Geo-Environmental Solutions) also represented Mr Ivan Walker who together made the following comments in support of representation 355:
- potential to use the land (Flakemore Road folios of the Register 159201/1 and 153611/3) for agriculture was compromised by several dwellings in the area;
 - the land had been farmed for 150 years;
 - the land did not contain large amounts of bushland;

- the land had good of a soil quality and was used to grow apples;
- the land had a land capability classification of class 4; and
- the land would be difficult to sell if zoned Agriculture.

1575. In response, Ms Astrid Ketelaar (RMCG) made the following comments on behalf of the planning authority:

- there were several titles in the area that were farmed together or in association with local orchards;
- some of the land had access to irrigation;
- an on-site assessment of the potential to use the land for agriculture would need to be undertaken to justify the Rural Zone;
- 44 Flakemore Road (Fancourt and Hauritz) had limited potential to be used for agriculture because it was compromised by surrounding residential use, however it would be an effectual spot-zone if zoned Rural; and
- the land should remain in the Agriculture Zone.

Commission consideration

1576. The Commission is persuaded the Rural Zone should be applied to the land subject of representation 354 for the reasons given by the planning authority's agriculture expert. The lots were included in the agricultural estate mapping (unconstrained), which indicates the Rural or Agriculture zones are appropriate. The Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural. The evidence submitted by the representors and the planning authority's agriculture expert indicates the land is significantly constrained by surrounding residential use.

1577. The Commission consequently determines the Priority Vegetation Area overlay should be applied to the land consistent with the Regional Ecosystem Model mapping to manage the native vegetation, as the overlay is compatible with the Rural Zone. The policy intent of the SPPs is that the overlay be applied to compatible zones, and no evidence was submitted from a suitably qualified person to demonstrate the land does not contain priority vegetation.

1578. Otherwise, the Commission notes there are reserved roads that intersect or adjoin the land that should also be included in the Rural Zone to ensure zoning is applied contiguously.

1579. The Commission notes the advice of the planning authority's agriculture expert but also considers the Rural Zone should be applied to 54 Flakemore Road (McCarty). The land is identified as potentially constrained in the agricultural estate mapping and is compromised by surrounding residential use. The property would provide a logical end to the Rural Zone in that location and would adjoin the Rural Zone on its south and east sides.

1580. However the Commission is not satisfied the Rural Zone should be applied to 44 Flakemore Road (Fancourt and Hauritz), or 259 Braeside Road and Flakemore Road folios of the Register 159201/1 and 153611/3 (Walker) for the following reasons:

- the land is also identified in the agricultural estate mapping (potentially constrained);
- expert evidence provided demonstrates the land is connected to other land zoned Agriculture;
- land is used for agriculture;
- some of the titles are farmed in conjunction with other properties;
- irrigation is available to some titles; and

- the Agriculture Zone would provide the most appropriate zoning pattern for the area.

1581. The Commission notes the advice of the planning authority's agriculture expert that a future on-site assessment of the potential to use the land for agriculture may support a change of zone to Rural.

Commission decision

1582. Modification:

- Revise the zoning of the following properties to Rural:
 - 34 Bay Link, Franklin folio of the Register 249012/1;
 - Castle Forbes Road, Castle Forbes Bay folio of the Register 229458/1;
 - 54 Flakemore Road, Franklin folio of the Register 164715/4;
 - 433 Harwoods Road, Castle Forbes Bay folios of the Register 53182/1 and 167418/2;
 - 460 Harwoods Road, Castle Forbes Bay folio of the Register 215507/1;
 - Harwoods Road, Castle Forbes Bay folio of the Register 180867/2;
 - Harwoods Road, Castle Forbes Bay folio of the Register 175557/3;
 - Harwoods Road, Castle Forbes Bay folio of the Register 13859/6;
 - Harwoods Road, Castle Forbes Bay folio of the Register 248735/1;
 - the reserved road, tramway and Crown land between folios of the register 53182/1 and 249012/1;
 - the reserved road adjoining the northern boundary of folio of the register 53182/1;
 - the reserved road between folios of the register 175557/3 and 53182/1;
 - the reserved road between folios of the register 175557/3 and 13859/6;
 - the reserved road adjoining the northern boundaries of folios of the register 248735/1, 248735/1 and 215507/1;
 - the reserved road intersecting folio of the Register 229458/1; and
 - the reserved road between folios of the Register 229458/1 and 215507/1.
- Apply the Priority Vegetation Area overlay to 433 Harwoods Road, Castle Forbes Bay folios of the Register 53182/1 consistent with the Regional Ecosystem Model mapping.

1583. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - 119 Pine Lodge Road, Glen Huon

Representations: Jennifer Nowakowski (150)

1584. The representor requested the zone of 119 Pine Lodge Road, Glen Huon folio of the Register 35753/6 be revised from Landscape Conservation to Rural so it would be consistent with the surrounding land to the north-east and north-west.

1585. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land was of landscape value as evidenced by its vegetation coverage and elevated position;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- the land reflected of the broader landscape value of the area;

- only small-scale use or development was appropriate because it would limit impact on the landscape;
- the Landscape Conservation Zone was the most appropriate zone for the land; and
- the Rural Living Zone was not appropriate because there was not a primary strategic intention the land be used for residential use and development within a rural setting.

1586. At the hearing, the representor, Ms Jennifer Nowakowski, added the following comments:

- the land was historically used for rural activities, such as grazing of horses and cows;
- a significant amount of the land contained pasture;
- the provisions of the Landscape Conservation Zone were not like those of the Environmental Living Zone applied in the interim planning scheme;
- she was also the owner of the adjoining land at Pine Lodge Road, Glen Huon folio of the Register 35753/2;
- the existing dwelling at 119 Pine Lodge Road was not significantly visible from public roads;
- the Landscape Conservation Zone would cause a loss of property value; and
- she would support a split-zone of Pine Lodge Road folio of the Register 35753/2 so the vegetated part of the land was zoned Landscape Conservation and the cleared area of the land was zoned Rural.

Commission consideration

1587. The Commission is persuaded the Rural Zone should be applied to 119 Pine Lodge Road and the north-west part of Pine Lodge Road folio of the Register 35753/2 (see Commission decision on general issues - split-zones). The land is significantly cleared and there is no evidence the land has landscape value (see Commission decision on general issues - landscape value) significant enough to warrant application of the Landscape Conservation Zone. The Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1) and any potential impact on any significant native vegetation of natural value can be managed through the Priority Vegetation Area overlay, which applies to parts of the land.

Commission decision

1588. Modification:

- Revise the zoning of 119 Pine Lodge Road, Glen Huon folio of the Register 35753/6 and that part of Pine Lodge Road, Glen Huon folio of the Register 35753/2 north-west of a line identified by coordinates E 500405.41, N 5234864.42 and E 500671.35, N 5234922.94 to Rural.

1589. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - Slab Road and 83 Woodcock Road, Cygnet

Representations: Marie Tibuliac (154), Amy and Andrew Smyth (401)

1590. The representors requested the zone of Slab Road, Cygnet folio of the Register 32729/1 (representation 154) and 83 Woodcock Road, Cygnet folio of the Register 10021/1 (representation 401) be revised from Agriculture to Rural. The reasons were:

- the area of both properties was small (approximately 1.4ha and 3,000m² respectively) and were used for residential purposes;

- the surrounding area contained properties with similar characteristics; and
 - the land could not be used for agriculture.
1591. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the agricultural estate mapping was used to determine where the Agriculture Zone was applied;
 - both lots were identified in the agricultural estate mapping (potentially constrained) but adjoined land that was unconstrained; and
 - its agriculture expert (RMCG) investigated the potential to use the land for agriculture and determined the Agriculture Zone should be applied.
1592. The planning authority included the following advice from its agriculture expert:
- the properties had no potential to be used for agriculture but adjoined farmland comprised of multiple titles used in conjunction with a cattle farming enterprise;
 - other properties in the area contained orchards or were used in conjunction with orchards;
 - the Agriculture Zone was consistent with AZ 2 and AZ 3 of Guideline No. 1; and
 - the Agriculture Zone would ensure the land was not spot-zoned.

Commission consideration

1593. The Commission is not persuaded the Rural Zone should be applied to the land for the reasons given by the planning authority's agriculture expert. Although the land is identified in the agricultural estate mapping as potentially constrained and is not suitable for agriculture, application of the Rural Zone would result in the land being spot-zoned. Spot-zoning should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict.

Commission decision

1594. The Commission determines no modifications are required.

Rural Zone - 41 Cemetery Road, Cradoc

Representations: Richard van Grinsven and Alexis Bouteloup (158)

1595. The representor raised concern the Agriculture Zone was applied to 41 Cemetery Road, Cradoc folio of the Register 154428/1 because the land contained a dwelling and was not used for agriculture.
1596. In its section 35F report, the planning authority recommended the Rural Zone be applied to the land and 46 Cemetery Road, Cradoc folio of the Register 34737/1 for the following reasons:
- the Agriculture Zone was consistent with AZ 2 of Guideline No. 1 because the land was zoned Significant Agriculture in the interim planning scheme; and
 - its agriculture expert (RMCG) investigated the potential to use the land for agriculture and determined the Rural Zone should be applied.
1597. The planning authority included the following advice from its agriculture expert:
- historic aerial imagery captured in approximately 2005 showed the adjoining land to the west had been used for agriculture that was relatively intensive;
 - the surrounding titles were also capable of being used for intensive agriculture;
 - the lot to the south and adjoining the cemetery had no agricultural use; and
 - the Rural Zone was recommended as it would improve the consistency of the zoning pattern in the area.

1598. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that showed how the Priority Vegetation Area overlay should be applied to 46 Cemetery Road consistent with advice provided by its natural values expert Mr Jim Mulcahy.

Commission consideration

1599. The Commission is persuaded the Agriculture Zone should be replaced with the Rural Zone for the reasons given in its section 35F report and the advice of the planning authority's agriculture expert. The Commission notes 41 Cemetery Road (van Grinsven and Bouteloup) has some limitation on agricultural use and is identified as potentially constrained in the agricultural estate mapping. The Rural Zone should be applied to the land consistent with the principles of Guideline No. 1 (RZ 3).
1600. The Commission notes the owner of 46 Cemetery Road was not a signatory to the representation and that the land contains rural living use and development, including a dwelling. The land was identified agricultural estate mapping (potentially constrained), which indicates the Rural or Agriculture zones are appropriate. It is considered the Rural Zone should be applied to the land because it is more favourable to residential use.
1601. The Commission consequently determines the Priority Vegetation Area overlay should be applied to 41 Cemetery Road consistent with the advice of the planning authority's natural values expert to protect native vegetation, as the overlay is compatible with the Rural Zone. The Commission also determines the Priority Vegetation Area overlay should be applied to 46 Cemetery Road in accordance with the Regional Ecosystem Model mapping. The policy intent of the SPPs is that the overlay be applied to compatible zones, and no evidence was submitted from a suitably qualified person to demonstrate the land does not contain priority vegetation.

Commission decision

1602. Modification:
- Revise the zoning of 41 Cemetery Road, Cradoc folio of the Register 154428/1 to Rural and apply the Priority Vegetation Area overlay consistent with the Regional Ecosystem Model mapping and revise the zoning of 46 Cemetery Road, Cradoc folio of the Register 34737/1 to Rural and apply the Priority Vegetation Area overlay consistent with the diagram in the planning authority's submission in response to direction 67 (30 May 2023) dated 29 June 2023.
1603. Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Zone - 540 North Huon Road, Ranelagh

Representations: Stephen Bartels (167)

1604. The representor requested the zone of 540 North Huon Road, Ranelagh folio of the Register 213051/1 be revised from Landscape Conservation to Rural. The reasons were:
- the land was surrounded by properties zoned Rural or Agriculture except for a small lot that adjoined the land that was also zoned Landscape Conservation;
 - zoning had not been applied to the area in a uniform manner;
 - the land had been selectively logged for the past 100 years; and
 - the land contained a sawmill.

1605. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
- the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
- the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
- the land was extensively covered in native vegetation, contained a ridgeline, hilltop, and valley, and contributed landscape value to a larger bushland area;
- vegetation on the land was mapped as threatened *Eucalyptus tenuiramis* forest and woodland on sediments;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- the land reflected of the broader landscape value of the area;
- only small-scale use or development was appropriate because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

1606. At the hearing, Mr Stephen Bartels made a written submission and the following comments:

- the sawmill was in a condition that was operable but was not currently in use;
- he wanted to build a dwelling on the land for his daughter;
- the surrounding land was zoned Rural;
- the Landscape Conservation Zone was inconsistent with Guideline No. 1 because the land was not significantly elevated or visible from surrounding areas;
- the land did not contain any significant features such as a cliff face or water feature;
- the land had an area of approximately 18ha;
- the land was not suitable for agriculture, particularly because the quality of the soil on the land was poor;
- the vegetation coverage was not necessarily a conclusive measure of landscape value;
- the Rural Zone was consistent with Guideline No. 1;
- the Priority Vegetation Area overlay was inaccurate and should be removed from the land; and
- he had sought certification of a forest practices plan that would apply to the land.

1607. In response, the planning authority made the following comments:

- it had reconsidered the zone of the land and agreed the Rural Zone should be applied;
- the Rural Zone should also be applied to the adjoining land at North Huon Road, Ranelagh folio of the Register 201822/1 to avoid the Landscape Conservation Zone being applied to an isolated title; and
- there was no need to remove the Priority Vegetation Area overlay if a certified forest practices plan applied to the land because removal of vegetation was exempt if undertaken in accordance with a forest practices plan.

1608. Following the hearing, the planning authority, in response to a Commission direction, advised it had attempted, but was unable, to contact the owner of North Huon Road, Ranelagh folio of the Register 201822/1 about its recommendation the Rural Zone be applied to the land.

Commission consideration

1609. The Commission is persuaded the Rural Zone should be applied to both properties for the following reasons:
- 540 Huon Road (Bartels) is included in the agricultural estate mapping (unconstrained), which indicates the Rural or Agriculture zones are appropriate;
 - 540 Huon Road contains a sawmill, which is a use consistent with the purpose of the Rural Zone;
 - the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
 - the land is of little to no landscape value (see Commission decision on general issues) because it is not significantly elevated and is in a broader area characterised by rural landscapes;
 - the Rural Zone would provide a more consistent application of zones on the northern side of North Huon Road; and
 - impact on any vegetation of significant natural value present would be primarily managed through the Priority Vegetation Area overlay applied to the land.
1610. Otherwise, the Commission's view is the Priority Vegetation Area overlay should not be amended or removed from land unless supported by the advice of a suitably qualified person who has undertaken a detailed site assessment. No evidence was submitted from a suitably qualified person to demonstrate the land does not contain priority vegetation.

Commission decision

1611. Modification:
- Revise the zoning of 540 North Huon Road, Ranelagh folio of the Register 213051/1 and North Huon Road, Ranelagh folio of the Register 201822/1 to Rural.
1612. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - Huon View Road, Lower Longley, and Cudgee Road and Banksia Road, Mountain River

Representations: Stephen Bartels (168 and 170), JMG Engineers and Planners for Albert de-Kleine (318)

1613. The representors requested the zone of the following properties be revised from Landscape Conservation to the Rural:
- Banksia Road, Mountain River folio of the Register 186299/1 (Bartels);
 - 130 Cudgee Road, Mountain River folio of the Register 145379/6 (de-Kleine); and
 - Huon View Road, Lower Longley folio of the Register 160523/4 (Bartels).
1614. The reasons were:
- land had been historically used for farming;
 - land was used to graze cattle, particularly during winter months;
 - land was selectively logged at times;

- the land should be zoned Rural as it provided for resource development use;
- 130 Cudgee Road (de-Kleine) contained a dwelling;
- land was zoned Rural Resource in the interim planning scheme;
- land was partly cleared;
- the Landscape Conservation Zone would unreasonably limit the use and development potential of the land;
- the Landscape Conservation Zone was inconsistent with Guideline No. 1;
- the Landscape Conservation Zone had not been applied in a manner that was consistent with the planning authority's methodology for application of the Zone (stated in its draft LPS supporting report) because less than 80% of the land was covered in native bushland;
- land was identified in the agricultural estate mapping (unconstrained);
- any vegetation of significant natural value would be protected by the Priority Vegetation Area overlay; and
- the use and character of land was consistent with the purpose of the Rural Zone.

1615. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
- the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
- the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
- the land contained hilltops, ridgelines, valley depressions;
- the land was fully vegetated and formed part of a large area that contained the peak of Singes Hill;
- mapping of the vegetation in the area indicated parts of the land contained threatened *Eucalyptus tenuiramis* forest and woodland on sediments;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- the land reflected of the broader landscape value of the area;
- only small-scale use or development was appropriate because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

1616. At the hearing, Mr Stephen Bartels was joined by Mr Caleb Elcock who together made a written submission and the following comments:

- a viewshed analysis had been undertaken, which showed the land could not be seen very well from the surrounding area;
- the land (Banksia Road and Huon View Road) was in a valley and was not particularly visible from the Huon Highway;
- the low-visibility of the land meant the land did not have landscape value;
- Mr Bartels intended to build dwelling on his land at Banksia Road;
- the Rural Zone would be consistent with the zone of the adjoining land at 1580 Huon Highway and Huon Highway, Lower Longley folios of the Register 160523/1, 53352/2, 160522/1 and 53362/1, which was also owned by Mr Bartels.

- Huon View Road folio of the Register 160523/4 had an area of approximately 18ha and contained several paddocks;
- the land was part of a larger property that was a retirement investment;
- the Landscape Conservation Zone would cause the value of the land to decline;
- Banksia Road folio of the Register 186299/1 had an area of approximately 28ha;
- the Priority Vegetation Area overlay applied to Banksia Road folio of the Register 186299/1, 1580 Huon Highway, Huon Highway folio of the Register 160522/1 and Huon View Road folio of the Register 160523/4 was inaccurate;
- the Priority Vegetation Area overlay had not been verified by a site inspection; and
- he sought certification of forest practices plans that would apply to some of the land.

1617. In response, the planning authority made the following comments:

- the property was one of several in the area that contained a significant amount of native bushland, ridgelines, and watercourses;
- it considered the land had landscape value;
- it was appropriate the Landscape Conservation Zone be applied so the location and appearance of buildings could be controlled;
- it was not satisfied land had to be significantly visible to have landscape value; and
- it considered the Landscape Conservation Zone should be applied but was prepared to consider whether the land should be split-zoned.

1618. Mr Mat Clark (JMG Engineers and Planners) represented Mr Albert de-Kleine who together made the following comments:

- the land (130 Cudgee Road) contained a civil construction and storage business;
- the provisions of the Landscape Conservation Zone were not favourable to the existing use;
- Mr de-Kleine intended to build another shed on the property for his business;
- the Priority Vegetation Area overlay applied to cleared areas of the land and should be removed;
- Mr de-Kleine preferred the Rural Zone be applied to the whole area of the land but was prepared to consider a split-zone.

1619. In response, the planning authority made the following comments:

- it considered the Landscape Conservation Zone should be applied but was prepared to consider whether the land should be split-zoned; and
- its natural values expert advised some areas of the land contained threatened native vegetation.

1620. Following the hearing, the planning authority, in response to a Commission direction, recommended a split-zone be applied to 130 Cudgee Road (de-Kleine). The submission contained a diagram, which showed a zone boundary adjacent to the cleared area of the land, which contained the dwelling. The planning authority also added it supported application of the Rural Zone to Huon View Road folio of the Register 160523/4 (Bartels) because it was satisfied the land contained rural use and the Zone would be consistent with the surrounding land to the east.

1621. At the reconvened hearing, Mr Albert de-Kleine stated he did not agree with the proposed split-zoning and considered his land and several adjacent titles should be wholly zoned Rural.

1622. In response, the planning authority stated it was prepared to consider whether the zone of the land and three other adjacent titles (in addition to Huon View Road folio of the Register 160523/4) should be revised from Landscape Conservation to Rural.
1623. Following the reconvened hearing, the planning authority, again in response to a Commission direction, made a submission that showed a split-zone boundary applied to 130 Cudgee Road (de-Kleine). The boundary was located across the northern side of the land in the vicinity of the 190m AHD contour. However, the planning authority recommended there be no change to the zone of the remainder of 130 Cudgee Road and adjoining properties for the following reasons:
- three of the four lots contained existing dwellings in relatively small areas of cleared land;
 - the remainder of the land was vegetated;
 - Banksia Road folio of the Register 186299/1 (Bartels) had no significant cleared areas except for some informal tracks and fence lines;
 - the Landscape Conservation Zone was consistent with Guideline No 1;
 - the Landscape Conservation Zone should be applied to the land for the reasons given in its section 35F report; and
 - its natural values expert had reviewed the Priority Vegetation Area overlay applied to the land and determined the overlay should be amended to reflect the vegetation more accurately.
1624. The submission also included a diagram that showed how the Priority Vegetation Area overlay should be applied. The diagram showed a general reduction to the area of land to which the overlay would apply.
1625. In a submission dated 7 March 2024, the planning authority also provided the contact details of the landowners affected by the zone changes (Rural Zone) first proposed by the planning authority at the initial hearing. The Commission subsequently notified the landowners of the potential application of the Rural Zone to the land and sought their opinion on the proposed change. Two letters were sent and two responses received, both of which were supportive of the Rural Zone.

Commission consideration

1626. The Commission is persuaded the Rural Zone should be applied to the following properties:
- 77 Banksia Road, Mountain River folio of the Register 47027/5;
 - Banksia Road, Mountain River folio of the Register 186299/1 (Bartels);
 - 56 Cudgee Road, Mountain River folio of the Register 186300/1;
 - 130 Cudgee Road, Mountain River folio of the Register 145379/6 (de-Kleine); and
 - Huon View Road, Lower Longley folio of the Register 160523/4 (Bartels).
1627. The reasons are:
- four of the lots are identified in the agricultural estate mapping (unconstrained), which indicates the Rural or Agriculture zones are appropriate;
 - the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
 - there is no evidence the land contains significant landscape value (see Commission decision on general issues) that warrants application of the Landscape Conservation Zone;
 - the land is in an area that features scattered clearings;

- the Rural Zone would be consistent with the zone of the land to the north, south and east; and
 - impact on any vegetation of significant natural value present would be primarily managed through the Priority Vegetation Area overlay applied to the land.
1628. The Commission agrees the Priority Vegetation Area overlay should be amended as recommended by Mr Mulcahy. Otherwise, the Commission's view is the Priority Vegetation Area overlay should not be removed from any part of the land unless supported by the advice of a suitably qualified person who has undertaken a detailed site assessment. No evidence was submitted from a suitably qualified person to demonstrate the land does not contain priority vegetation.
1629. The Commission also notes Mr Bartels' intention to seek certification of forest practices plans that would apply to his land. According to the LIST, no certified forest practices plans currently apply to the land.

Commission decision

1630. Modification:

- Revise the zoning of the following properties to Rural and amend the Priority Vegetation Area overlay to match the area shown in the figure in the planning authority's response to direction 5 dated 19 April 2024:
 - a. 77 Banksia Road, Mountain River folio of the Register 47027/5;
 - b. Banksia Road, Mountain River folio of the Register 186299/1;
 - c. 56 Cudgee Road, Mountain River folio of the Register 186300/1;
 - d. 130 Cudgee Road, Mountain River folio of the Register 145379/6; and
 - e. Huon View Road, Lower Longley folio of the Register 160523/4.

1631. Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Zone - 35 Clear View Road, Crabtree

Representations: Wesley McMaster (174)

1632. The representor requested the zone of 35 Clear View Road, Crabtree folio of the Register 164986/1 be revised from Agriculture to Rural. The reasons were:
- the Rural Zone would be more consistent with the Rural and Rural Living zones applied to the surrounding land; and
 - the property had a land capability classification of class 5, which meant it was generally unsuitable for cropping.
1633. In its section 35F report, the planning authority recommended the Rural Zone be applied to the land for the following reasons:
- the Agriculture Zone was not connected to any other land zoned Agriculture and would be a spot-zone the land; and
 - its agriculture expert (RMCG) investigated the potential to use the land for agriculture and determined the Rural Zone should be applied.
1634. The planning authority included the following advice from its agriculture expert:
- the land had some agricultural value and had potential access to irrigation from Crabtree Rivulet;
 - the land had a land capability classification of class 5 and had an area of only 13.5ha;
 - the land and all the adjoining properties contained dwellings;

- the land was identified as potentially constrained under the agricultural estate mapping; and
- the Rural Zone was justified and would avoid a spot-zoning of the land.

1635. At the hearing, the representor added that four of the surrounding properties had a similar use and character and would be zone Rural Living or Rural.

Commission consideration

1636. The Commission is persuaded the Rural Zone should be applied to the land for the reasons given by the planning authority's agriculture expert.

Commission decision

1637. Modification:

- Revise the zoning of 35 Clear View Road, Crabtree folio of the Register 164986/1 to Rural.

1638. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - 58 Wallace Road, Cygnet

Representations: Steven Payne (187)

1639. The representor requested the zone of 58 Wallace Road, Cygnet, folio of the Register 143477/1 be revised from Agriculture to Rural. The reasons were:

- the Rural Zone was more consistent with the character of the land;
- the land was subdivided from a large farm lot in the past;
- very little of the land could be used to farm livestock;
- the land contained a dwelling;
- additions were proposed to be made to the dwelling;
- most of the land was located behind the dwelling, was steep and covered with native bushland; and
- the land did not have access to irrigation.

1640. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the Agriculture Zone was consistent with AZ 2 of Guideline No. 1 because the land was zoned Significant Agriculture in the interim planning scheme; and
- its agriculture expert (RMCG) investigated the potential to use the land for agriculture and determined the Agriculture Zone should be applied.

1641. The planning authority included the following advice from its agriculture expert:

- the adjacent properties contained orchards, were larger in area, were part of larger farm holdings, had access to irrigation, and were therefore appropriately zoned Agriculture;
- application of an alternative zone would result in the land being spot-zoned; and
- the land should remain in the Agriculture Zone.

1642. At the hearing, Ms Stephanie Beeston for Steven Payne made the following comments:

- the dwelling was rented but was purchased to use as a retirement home in future;
- the owner wanted to construct an outbuilding on the land;
- other properties in the vicinity were also small, contained dwellings, and were zoned Agriculture;
- the land was otherwise used to graze animals;

- the Rural Living Zone would be the ideal zone for the land however the Rural Zone would be acceptable;
- the land was too small to farm and did not have access to irrigation; and
- the value of the property would be less if it were zoned Agriculture.

1643. In response, Ms Astrid Ketelaar (RMCG) for the planning authority made the following comments:

- there was a possibility outbuildings could be constructed on the land under the SPPs;
- it had considered whether the land could be part of a cluster of three or more titles where the Rural Zone could be applied consistent with its methodology for application of the Rural and Agriculture zones;
- many of the adjoining properties were owned by a single landowner and were therefore considered one property, which warranted application of the Agriculture Zone to the surrounding land;
- there were dams in the area that could provide the land with irrigation; and
- the surrounding area had the potential to contain expanded agriculture use.

Commission consideration

1644. The Commission agrees with the planning authority the Agriculture Zone should be applied to the land for the reasons given in its section 35F report and the planning authority's agriculture expert.

Commission decision

1645. The Commission determines no modifications are required.

Rural Zone - North Huon Road, Judbury

Representation: Adrian and Neil Bennett (196)

1646. The representor requested the zone of North Huon Road, Judbury folio of the Register 149276/1 be revised from Landscape Conservation to Rural. The reasons were:

- the land was part of a much larger property made of several titles that extended north to Dorset Hill;
- most of the remainder of the property was zoned Rural;
- the land had no vegetation of significant natural value and should be zoned Rural consistent with the remainder of the property.

1647. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
- the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
- the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
- the land was substantially covered in native vegetation, had a steep slope, and formed part of a larger area of bushland contiguous with the Judbury Conservation Area;
- vegetation on the land was mapped as threatened *Eucalyptus tenuiramis* forest and woodland on sediments;

- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- the land reflected of the broader landscape value of the area;
- only small-scale use, or development was appropriate because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

Commission consideration

1648. The Commission agrees with the planning authority for the reasons given in its section 35F report. The land is adjacent to two other titles zoned Landscape Conservation that contain intact native bushland that faces south alongside North Huon Road. The Commission is satisfied the property has landscape values (see Commission decision on general issues) that warrant application of the Landscape Conservation Zone. There is some merit in the representor's view the land should be included in a similar zone to the remainder of the property; however no evidence was provided to demonstrate the land was not of significant landscape value, or that any features of landscape value could be managed by other zone or overlay provisions.

Commission decision

1649. The Commission determines no modifications are required.

Rural Zone - 7943 and 7891 Channel Highway and 6 Sandhill Road, Cradoc

Representations: Andrew Griggs (199), Jayne Martin-Lewis (375 and 389)

1650. The representation made by Andrew Griggs (199) requested the zone of that part of 7891 Channel Highway, Cradoc, folio of the Register 171691/1 located on the southern side of a reserved road that dissected the land be revised from Landscape Conservation to Rural. The reasons were:

- the land contained a large farm business that supported the local community;
- the Landscape Conservation Zone would limit the use and development potential of the land; and
- the Agriculture Zone could also be applied to the land.

1651. The representations made by Jayne Martin-Lewis (375 and 389) requested the zone of 7943 Channel Highway folio of the Register 47781/1 and 6 Sandhill Road, Cradoc folio of the Register 125580/1 be revised from Agriculture to Rural. The reasons were:

- the Rural Zone would best reflect the use and character of the land; and
- if the Rural Zone were applied to 7943 Channel Highway, the zone of the land would be consistent with the three adjoining properties at 7931, 7937 and 7941 Channel Highway.

1652. In its section 35F report, the planning authority recommended no change to the zone of 7891 Channel Highway (Griggs) for the following reasons:

- the land located on the southern side of the reserved road was zoned Environmental Living in the interim planning scheme and formed part of a larger contiguous bushland area;
- the land was elevated with the highest point reaching the 200m AHD contour;

- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
 - only small-scale use or development was appropriate because it would limit impact on the landscape; and
 - the Landscape Conservation Zone was the most appropriate zone to apply to that part of the land.
1653. However, the planning authority included the following advice from its agriculture expert (RMCG), which considered the land should be wholly zoned Agriculture:
- the area of the land zoned Landscape Conservation was approximately 2ha;
 - mapping of vegetation indicated the land was used for agriculture with some *Eucalyptus obliqua* forest;
 - adjacent land to the east contained orchards and was zoned Agriculture;
 - the Agriculture Zone should be applied to the land as proposed by the representor, which would avoid the land being split-zoned; and
 - acquired road General Law deed 18/2905 should also be included in the Agriculture Zone to ensure the Agriculture Zone was applied consistently.
1654. The planning authority recommended 7943 Channel Highway and 6 Sandhill Road (Martin-Lewis), which were located on the northern side of 7891 Channel Highway (Griggs) be zoned Rural for the following reasons:
- the Agriculture Zone was applied because the land was zoned Significant Agriculture in the interim planning scheme; and
 - its agriculture expert investigated the potential to use the land for agriculture and determined the Rural Zone should be applied.
1655. The planning authority included the following advice from its agriculture expert:
- 7943 Channel Highway (Martin-Lewis) contained a dwelling and was separated from other land zoned Agriculture by surrounding roads;
 - the property to the south of 7943 Channel Highway contained a dwelling and was zoned Rural;
 - 7943 Channel Highway should also be included in the Rural Zone to ensure zoning was applied consistently;
 - 6 Sandhill Road (Martin-Lewis) had an area of approximately 6.3ha and contained a dwelling, two sheds and three 'community venues' in the south-east corner of the land;
 - 6 Sandhill Road contained a youth hostel and backpackers accommodation;
 - 6 Sandhill Road had a land capability classification of class 5, which meant it was generally unsuitable for cropping;
 - 6 Sandhill Road contained two small, unregistered dams with a likely capacity of 1-3 megalitres;
 - 6 Sandhill Road was well-connected to orchards on land under separate ownership to the south that were zoned Agriculture; and
 - 6 Sandhill Road should be zoned Rural; and
 - in the event the accommodation was used to house seasonal workers, then the Agriculture Zone should be applied.
1656. At the hearing, Mr Andrew Griggs made the following comments in support of his representation:
- he was a third-generation farmer;
 - he preferred the whole of 7891 Channel Highway be zoned Agriculture;

- the land on the southern side of the reserved road contained a storage shed; and
- the remainder of the land contained a cherry orchard.

1657. In response, the planning authority made the following comments:

- its natural values expert advised the land contained remnant forest, which was likely dry stringy bark forest;
- it was concerned the Priority Vegetation Area overlay could not be applied to protect the natural values if the land was zoned Agriculture; and
- it had considered whether the land could be zoned Rural because it was compatible with the overlay, but recommended, on balance, that the Agriculture Zone be applied.

1658. Ms Astrid Ketelaar (RMCG) made the following comments on behalf of the planning authority about the potential to use all three properties for agriculture:

- 7943 Channel Highway (Martin-Lewis) was a small title with no potential to be used for agriculture;
- consideration was given to split-zoning 6 Sandhill Road (Martin-Lewis) Agriculture and Rural however the zone pattern would not be appropriate given the location of the dwelling;
- visitor accommodation was discretionary in both zones and was not a persuasive factor in determining what zone should be applied;
- the infrastructure and capital investment made at 6 Sandhill Road meant the land was more suited to the Rural Zone;
- the dams at 6 Sandhill Road were not large enough to provide irrigation for crops;
- the land was suitable for lavender production; and
- it maintained the whole of Mr Griggs' land at 7891 Channel Highway should be zoned Agriculture.

Commission consideration

1659. The Commission is persuaded the Rural Zone should be applied to 7943 Channel Highway and 6 Sandhill Road (Martin-Lewis), and the Agriculture Zone applied to the whole of 7891 Channel Highway (Griggs) for the reasons given by the planning authority's agriculture expert. The changes would result in a more congruent zone pattern being applied to the area and would be consistent with the Agriculture Zone applied to land to the south, and the Rural Zone applied to land to the east. Acquired road General Law deed 18/2905 should also be included in the Agriculture Zone to ensure zoning is applied consistently.

1660. The Commission consequently determines the Priority Vegetation Area overlay should be applied to 7943 Channel Highway (Martin-Lewis) consistent with the Regional Ecosystem Model mapping to manage the native vegetation, as the overlay is compatible with the Rural Zone. The policy intent of the SPPs is that the overlay be applied to compatible zones, and no evidence was submitted from a suitably qualified person to demonstrate the land does not contain priority vegetation. Conversely, the overlay should be removed from 7891 Channel Highway (Griggs) as it is not compatible with the Agriculture Zone.

Commission decision

1661. Modification:

- Revise the draft LPS as follows:
 - a. revise the zoning of 7891 Channel Highway, Cradoc, folio of the Register 171691/1 to include the whole of the land in the Agriculture Zone and remove the Priority Vegetation Area overlay;

- b. revise the zoning of acquired road General Law deed 18/2905 to Agriculture and remove the Priority Vegetation Area overlay; and
- c. revise the zoning of 7943 Channel Highway folio of the Register 47781/1 and 6 Sandhill Road, Cradoc folio of the Register 125580/1 to the Rural Zone and apply the Priority Vegetation Area overlay to folio of the Register 47781/1 consistent with the Regional Ecosystem Model mapping.

1662. Reason: To apply the Rural and Agriculture zones and Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Zone - Turn Creek Road, Grove

Representations: Gray Planning for Barbara and Graham Walker (46), Andrew Griggs (200, 201, 202, 203)

1663. The representation made by Gray Planning for Barbara and Graham Walker (46) requested the zone of 250 Turn Creek Road, Grove folio of the Register 44169/2 be revised from Landscape Conservation to Rural. The reasons were:

- the land was used as a farm and purchased for that purpose;
- the land had an area of approximately 18ha;
- approximately 5ha of the land was cleared of vegetation;
- the land contained several dams;
- the land contained a dwelling;
- the Landscape Conservation Zone was inconsistent with Guideline No. 1;
- no assessment of the natural value of the land had been undertaken to justify the Landscape Conservation Zone;
- the Landscape Conservation Zone had not been applied in a manner that was consistent with the planning authority's methodology for application of the Zone (stated in its draft LPS supporting report) because less than 80% of the land was covered in native bushland;
- the land was not on a prominent skyline or ridgeline and had no identified or documented landscape values;
- aerial photographs showed approximately 73% of the land contained native vegetation with the remainder of the land containing introduced species;
- three quarters of the land had an elevation less than 200m AHD and could not be seen from surrounding areas;
- the land was not located on a skyline area or on prominent ridgeline;
- was no evidence the land contained habitat for threatened fauna species;
- the land was zoned Rural Resource in the interim planning scheme;
- many of the surrounding properties had a similar area, were zoned Rural, and were used for grazing and other agricultural use;
- the Rural Zone was consistent with Guideline No. 1 because the land contained large cleared and fenced areas of pasture and multiple dams that made it ideal for small-scale and specialist agriculture use;
- the land was identified as unconstrained in the agricultural estate mapping; and
- the land otherwise had limited potential to be used for agriculture.

1664. The representations made by Andrew Griggs (200, 201, 202, 203) requested the zone of the following properties be revised from Landscape Conservation to Rural because the land contained a large farming business and the Rural Zone was more consistent with the character of the land:

- 317 Turn Creek Road, Grove folio of the Register 217078/1; and
- Turn Creek Road, Grove folios of the Register 202985/1, 226619/1, 239187/1 and 48875/1.

1665. In its section 35F report, the planning authority recommended that part of 250 Turn Creek Road (Walker) below the 170m AHD contour be zoned Rural and the remainder of the land zoned Landscape Conservation for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
- the Rural Zone provided for uses with higher intensity than the Landscape Conservation Zone;
- the combination of the intensity of use allowable in the Rural zone and potential clearance of vegetation meant the Rural zone was not the most appropriate zone for the site above the 170m AHD contour;
- the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
- the land contained substantial areas of bushland and was part of a larger bushland area covering the Basin Hill;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- the land reflected of the broader landscape value of the area;
- only small-scale use or development was appropriate because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for the land above the 170m AHD contour.

1666. The planning authority otherwise recommended no change to the zone of Mr Griggs' land for the following reasons:

- the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
- the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
- the land contained a prominent ridgeline, hillside and valley depression, and was extensively covered in vegetation, which contributed to a larger bushland area;
- the land contained threatened native vegetation, which records indicated was *Eucalyptus ovata* forest and woodland;
- records indicated folio of the Register 48875/1 contained a raptor nest;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- the land reflected of the broader landscape value of the area;
- only small-scale use or development was appropriate because it would limit impact on the landscape;
- the Landscape Conservation Zone was the most appropriate zone for the land; and
- folio of the Register 226619/1 was already proposed to be zoned Rural in the draft LPS.

1667. The planning authority included the following advice from its agriculture expert:

- the titles were part of a larger farm holding;
 - parts of the land contained *Eucalyptus obliqua* dry forest and *Eucalyptus pulchella* forest and woodland;
 - parts of the land contained pasture and stock dams;
 - the Rural Zone was recommended for the land except folio of the Register 48875/1; and
 - in the event folio of the Register 48875/1 was zoned Rural, then folio of the Register 121705/1 (other owner to the north of the land) should also be zoned Rural so a consistent zone pattern was applied to the area.
1668. At the hearing, Mr Andrew Griggs made the following comments in support of his representations:
- folios of the Register 202985/1 and 226619/1 had traditionally been used to harvest timber used to manufacture fruit crates;
 - the broader farm was used for intensive agriculture;
 - he may want to sell parts of the land in future;
 - folio of the Register 239187/1 contained cattle;
 - he may want to harvest trees from folio of the Register 239187/1 in future; and
 - the Landscape Conservation Zone was not required because the Priority Vegetation Area overlay would apply to the land and control removal of vegetation.
1669. At the hearing, Ms Danielle Gray (Gray Planning) for Barbara and Graham Walker made the following comments:
- a farm management plan had been prepared for the land;
 - the land was used to grow kunzea and produce kunzea oil;
 - the kunzea plants would be in the existing cleared areas of the land on its northern side; and
 - the owner of the land did not support the split-zone recommended by the planning authority because it could cause land use conflicts with adjoining landowners.
1670. In response, the planning authority made the following comments:
- records identified there were eagle nests in the area;
 - its natural values expert disagreed with application of the Rural Zone due to proximity of eagle nests; and
 - on balance, it supported the Rural Zone given the recommendations of its agriculture expert.
1671. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that showed how the Priority Vegetation Area overlay should be applied to 250 Turn Creek Road consistent with advice provided by its natural values expert Mr Jim Mulcahy.
1672. In addition, Ms Gray submitted a copy of the farm management plan that applied to 250 Turn Creek Road (Walker).
1673. At the reconvened hearing, Ms Gray made the following comments:
- the farm management plan showed parts of the northern area of the land were proposed to be farmed;
 - the Priority Vegetation Area overlay should not be applied to the cleared areas of the land, which were intended to be farmed;
 - the owner supported application of the overlay to forested areas of the land; and

- the overlay could frustrate use and development of the cleared areas of the land as a natural values assessment may be required to demonstrate the land did not contain priority vegetation.

1674. In response, the planning authority made the following comments:

- its natural values expert advised mapping of the vegetation indicated some of the cleared areas of the land contained priority vegetation; and
- it considered the overlay should not be applied to cleared areas that were intended to be used for rural activities.

Commission consideration

1675. The Commission is persuaded the Rural Zone should be applied to the land for the reasons given by the planning authority's agriculture expert. Three of the lots (250 Turn Creek Road and Turn Creek Road folios of the Register 202985/1 and 226619/1) were included in the agricultural estate mapping (unconstrained), which indicates the Rural or Agriculture zones are appropriate. The Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural. The land may have some landscape value (see Commission decision on general issues), however it is not significant enough in isolation to warrant application of the Landscape Conservation Zone.
1676. Otherwise, the remaining three titles owned by Mr Griggs form part of a larger farm property and should be contained in a single zone. The Commission also notes three of the titles are located on the municipal boundary and the Rural Zone would generally be consistent with the zone of the land in the adjoining Kingborough municipality.
1677. However it also notes the Kingborough draft LPS remains under assessment. This includes land that adjoins folio of the Register 121705/1, which the planning authority's agriculture expert recommended be included in the Rural Zone and likely means a spot-zone of the land would not be created in future.
1678. The Commission also agrees the Priority Vegetation Area overlay that applies to 250 Turn Creek Road should be modified consistent with the advice of the planning authority's natural values expert to protect native vegetation. The overlay would otherwise apply to Mr Griggs' land consistent with the Regional Ecosystem Model, which would provide protection of any vegetation of significant natural value.
1679. Otherwise, the Commission notes there is a reserved road that intersects part of the land that should also be included in the Rural Zone to ensure zoning is applied contiguously.

Commission decision

1680. Modification:

- Revise the zoning of the 250 Turn Creek Road, Grove folio of the Register 44169/2, 317 Turn Creek Road, Grove folio of the Register 217078/1 and Turn Creek Road, Grove folios of the Register 202985/1 and 226619/1, 239187/1 and 48875/1 and the intersecting reserved roads to Rural and apply the Priority Vegetation Area overlay to 250 Turn Creek Road, Grove folio of the Register 44169/2 consistent with the diagram in the planning authority's submission in response to direction 11 (14 July 2023) dated 18 December 2023.

1681. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone, Local Historic Heritage Code and Scenic Protection Area Overlay - Whale Point Road, Scotts Road and O'Hallorans Road, Geeveston

Representations: Mark Jessop (207, 208, 209, 210)

1682. The representor (representations 207 and 210) requested the zone of 68 O'Hallorans Road, Geeveston folio of the Register 153917/1 and Whale Point Road, Port Huon folio of the Register 152992/2 (other owner) be revised from Landscape Conservation to Rural. The reasons were:
 - the land was used for agriculture;
 - the land had been historically used for sawmilling and farming, and contained paddocks, dams, fencing and other farm improvements;
 - the Rural Zone was consistent with Guideline No. 1, while the Landscape Conservation Zone was not; and
 - the Priority Vegetation Area overlay applied to the land but did not necessarily indicate the Landscape Conservation Zone should be applied.
1683. The representor (representation 208) also requested the Local Historic Heritage Code overlay be removed from 68 O'Hallorans Road for the following reasons:
 - the land contained no structures of historical interest;
 - the property had been removed from the Tasmanian Heritage Register in 2012 because it had been placed on the register by mistake in 1998; and
 - the listing of the existing dwelling and the 100m area that surrounded it would limit options to develop the land.
1684. Furthermore, the representor (representation 209) also requested the Scenic Protection Area overlay be removed from the following properties because the overlay had been applied without a detailed and recent assessment of the scenic value of the land:
 - Whale Point Road, Port Huon folios of the Register 152992/2 and 120136/1;
 - Scotts Road, Geeveston folio of the Register 148454/1; and
 - 68 O'Hallorans Road, Geeveston folio of the Register 153917/1 (Jessop).
1685. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
 - the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
 - the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
 - the land contained a hilltop, four ridgelines, two valley depressions and hillsides;
 - the land contained a dominant landscape feature that could be seen from the Huon Highway, Cygnet Coast Road, and the Huon River;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
 - only small-scale use or development was appropriate to preserve landscape value; and
 - the Landscape Conservation Zone was the most appropriate zone for the land.
1686. The planning authority also recommended no change to the Scenic Protection Area overlay. Furthermore, the planning authority also recommended there be no change to Table E13.1 Local Heritage Places for the following reasons:

- the listing of the property as a Local Heritage Place in Table E13.1 of the Historic Heritage Code was declared by the Minister for Planning as a provision that was transitioning from the interim planning scheme; and
 - there may be merit in the property being removed from the list, however removal would need to be justified by a suitably qualified person.
1687. Prior to the hearing, the planning authority provided advice from its agriculture expert (RMCG), which recommended the Rural Zone be applied to 68 O'Hallorans Road, Geeveston folio of the Register 153917/1 (Jessop) and Whale Point Road, Port Huon folio of the Register 152992/2 because the land contained areas that were suitable for productive agriculture use.
1688. At the hearing, the representor, Mr Mark Jessop, made the following comments:
- 68 O'Hallorans Road was listed as a heritage place because it contained a former flour mill;
 - the building was no longer intact and its location was unclear;
 - the remainder of the property did not have any features of heritage value;
 - 68 O'Hallorans Road should be zoned Rural and was suitable for a vineyard;
 - much of the land was cleared;
 - natural values experts who had visited the land in the past remarked the vegetation on the land did not have any particularly significant natural value, except for an eagle's nest in the area;
 - the western side of the land could not be farmed because it was too steep; and
 - the land was a working farm and used to graze animals.
1689. In response, the planning authority stated that although its agriculture expert recommended the Rural Zone be applied, it was satisfied the land had landscape value that warranted application of the Landscape Conservation Zone.
1690. Following the hearing, the planning authority, in response to a Commission direction, provided a submission that recommended the Rural Zone should be applied to the land at Whale Point Road, Port Huon folio of the Register 152992/2. The planning authority also provided the contact details of the owner of Whale Point Road folio of the Register 152992/2. The Commission subsequently notified the landowner of the planning authority's recommendation the land be zoned Rural and sought their opinion on the proposed change. The owner of the land confirmed in writing that they supported application of the Rural Zone.

Commission consideration

1691. The Commission is persuaded the Rural Zone should be applied to the land for the following reasons:
- aerial photography of the land indicates the land contains agriculture use;
 - both titles are identified in the agricultural estate mapping (unconstrained), which indicates the Rural or Agriculture zones are appropriate;
 - the planning authority's agriculture expert considered the potential to use the land for agriculture land and recommended the Rural Zone be applied;
 - the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural; and
 - impact on any features of natural and landscape value present on the land can be managed through the Priority Vegetation Area and Scenic Protection Area overlays.
1692. The Commission also determines the Rural Zone should be applied to Whale Point Road folios of the Register 142071/1 and 152992/4 to ensure a uniform zone

pattern is applied to the area. The land would be surrounded by land zoned Rural and isolated from any other land zoned Landscape Conservation. The lots are zoned Rural Resource in the interim planning scheme, have small areas of approximately 2,500m² and 7,000m², and contain pasture and scattered native vegetation. For these reasons, the Commission considers the Rural Zone should be applied.

1693. Otherwise, the Commission notes the Local Heritage Place list in Table E13.1 and the Scenic Protection Area overlay are provisions declared by the Minister for Planning as transitioning from the interim planning scheme, which cannot be altered through this process. Changes to either provision could be included in the LPS in future through a draft amendment if required.

Commission decision

1694. Modification:

- Revise the zoning of 68 O'Hallorans Road, Geeveston folio of the Register 153917/1 and Whale Point Road, Port Huon folios of the Register 152992/2, 142071/1 and 152992/4 to Rural.

1695. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - Huon Highway, Port Huon

Representation: Mark Jessop (211)

1696. The representor requested the zone of Huon Highway, Port Huon folios of the Register 124936/8 and 124934/6 (already part Rural) be revised from Environmental Management to Rural. The reasons were:

- the land was part of a larger property zoned Rural;
- the land was not an environmentally sensitive area; and
- the Priority Vegetation Area overlay would otherwise apply to the land and protect vegetation of significant natural value.

1697. In its section 35F report, the planning authority recommended the Rural Zone be applied to the land as requested.

Commission consideration

1698. The Commission agrees the Rural Zone should be applied to the land as both areas form part of a larger private property similarly zoned. The Environmental Management Zone is generally not applied to private land. The Commission notes the Priority Vegetation Area overlay would apply to the land to protect any vegetation of significant natural value. The Kermadie River, which adjoins the land would otherwise remain in the Environmental Management Zone.

Commission decision

1699. Modification:

- Revise the zoning of Huon Highway, Port Huon folios of the Register 124936/8 and 124934/6 to Rural.

1700. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - 245 Judds Creek Road, Judbury

Representation: Mark McBride (216)

1701. The representor requested the zone of 245 Judds Creek Road, Judbury folio of the Register 245416/1 be revised from Landscape Conservation to Rural.
1702. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the land was zoned Rural Resource in the interim planning scheme;
 - RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
 - the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
 - the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
 - the land was located on a prominent hillside and included a major ridgeline and valley depressions;
 - Judds Creek ran through the eastern third of the lot and featured sections of riparian zone that were mapped as threatened *Eucalyptus ovata* forest and woodland;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
 - only small-scale use or development was appropriate because it would limit impact on the landscape; and
 - the Landscape Conservation Zone was the most appropriate zone for the land.
1703. At the hearing, the representor, Mr Mark McBride, made the following comments:
- he managed weeds on the land;
 - feral cats and kookaburras had impacted native animals that used the land;
 - the land was of insignificant natural value; and
 - he intended to build an ancillary dwelling on the land.
1704. In response, the planning authority stated the land was substantially vegetated and elevated and contained some black gum forest.

Commission consideration

1705. The Commission agrees with the planning authority for the reasons given in its section 35F report. The land is surrounded by land also zoned Landscape Conservation, and application of an alternative zone would also result in the land being spot-zoned. Spot-zoning should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict. The Commission is satisfied the property has landscape value (see Commission decision on general issues) that warrants application of the Landscape Conservation Zone as it is connected to a broader area of native bushland on all its sides.

Commission decision

1706. The Commission determines no modifications are required.

Rural Zone - Cygnet Coast Road, Lymington (Lymington Cluster 4)

Representations: Paul Gibson (217), Homelands for Robyn Trewarn (272 and 334)

1707. The representation made by Paul Gibson (217) requested the zone of part of 142 Cygnet Coast Road, Lymington folio of the Register 171140/2 be revised from the Landscape Conservation to Rural. The reasons were:

- several properties contained grazing land and orchards on the lower slopes fronting Cygnet Coast Road and extended to a forested ridgeline to the north;
- the forested area was protected by the Priority Vegetation Area overlay;
- the Rural and Landscape Conservation zones had been applied to the area in an unbalanced manner;
- the changes in zones along Cygnet Coast Road could create tension between landowners who were in different zones;
- the land could be split-zoned in a similar manner to land at Black Jack Range; and
- the Rural Zone should be applied to cleared rural land and the Landscape Conservation Zone applied to vegetated areas irrespective of the location of the property boundaries.

1708. The representation made by Homelands for Robyn Trewarn (272 and 334) requested the zone of 109 Cygnet Coast Road, Lymington folio of the Register 38413/1 be revised from Landscape Conservation to Rural.

1709. In its section 35F report, the planning authority recommended there be no change to the draft LPS for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
- the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
- the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
- substantial parts of the land were covered in native vegetation;
- the land was adjacent to the coastline and Fossil Beach and Poverty Point;
- parts of the land contained threatened *Eucalyptus globulus* dry forest and woodland;
- the Future Coastal Refugia and Waterway and Coastal Protection overlays applied to parts of the land;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- only small-scale use or development was appropriate because it would limit impact on the landscape;
- the Landscape Conservation Zone was the most appropriate zone for the land;
- in some cases the use of split-zoning was the best approach to deal with variation in lot characteristics; and
- the planning authority was undertaking strategic planning projects, which would consider whether split-zones should be applied to balance competing land use planning objectives and considerations.

1710. At the hearing, Ms Louella Jury and Mr Caleb Elcock represented Ms Robyn Trewarn (representations 272 and 334) and made the following comments in support of the representations:
- a small one-bedroom dwelling on the land was currently used for visitor accommodation;
 - the owner intended to build a larger dwelling on the property; and
 - the land had similar characteristics to the surrounding land, which had been zoned Rural.
1711. In response, the planning authority made the following comments:
- it was prepared to consider split-zoning some of the lots if there was evidence of merit;
 - consistency of zoning was important;
 - the Landscape Conservation Zone was applied because of the amount of vegetation on the land;
 - it had reassessed the zone of the lots on the southern side of Cygnet Coast Road and was not opposed to the Rural Zone being applied because the lots were not considered to be part of a larger contiguous area of bushland;
 - multiple dwellings were prohibited in the Rural and Landscape Conservation zones; and
 - its natural values expert advised the land contained small areas of dry blue gum and stringy bark forest that were protected by the Priority Vegetation Area overlay.
1712. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified which land it recommended be zoned Rural. Four of the properties, 108, 122, 142 (representation 217) and 148 Cygnet Coast Road were recommended to be split-zoned with the zone boundary located in the region of the 50m AHD contour. The Rural Zone would be applied to the land below the 50m AHD contour. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of seven letters were sent and five responses were received. Three of the responses were supportive of the proposed zones. The owners of 122 and 148 Cygnet Coast Road were supportive of the split-zone proposed for their land, but requested the Rural Zone be replaced with the Rural Living Zone.
1713. At the reconvened hearing, Mr Paul Gibson stated he was not supportive of the Rural Living Zone proposed by the owners of 122 and 148 Cygnet Coast Road.
1714. In response, the planning authority advised it did not support the Rural Living Zone because the Rural Living Zone was not supported by the regional strategy or a local land use strategy.

Commission consideration

1715. The Commission is persuaded the Rural Zone should be applied to the land as recommended by the planning authority for the following reasons:
- the land is identified in the agricultural estate mapping (unconstrained and potentially constrained), which indicates the Rural or Agriculture zones are appropriate;
 - the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;

- the land proposed to be zoned Rural has little to no landscape value (see Commission decision on general issues - landscape value) because it is predominantly cleared and is not significantly elevated, being generally below the 50m AHD contour;
- the Rural Zone would provide a more consistent application of zones along Cygnet Coast Road (see Commission decision on general issues - split-zones); and
- impact on any vegetation of significant natural value present would be primarily managed through the Priority Vegetation Area overlay applied to the land.

1716. The Commission is not persuaded the Rural Living or Rural Zone should be applied to 122 and 148 Cygnet Coast Road because there is no evidence the Rural Living Zone is supported by the regional strategy or a local land use strategy. Furthermore, there is no evidence the land is part of a 'rural living community or that there is a primary strategic intention for the land be used for residential use and development within a rural setting' as required by policy SRD 1.3 of the regional strategy.

Commission decision

1717. Modification:

- Revise the zoning of 67 Cygnet Coast Road folio of the Register 181879/1, 101 Cygnet Coast Road folio of the Register 48938/1 and 109 Cygnet Coast Road, Lymington folio of the Register 38413/1 to Rural, and the zoning of the following properties to part Rural consistent with the diagram in the planning authority's submission dated 24 July 2023:
 - a. 108 Cygnet Coast Road, Lymington folio of the Register 147012/4;
 - b. 122 Cygnet Coast Road, Lymington folio of the Register 147012/3;
 - c. 142 Cygnet Coast Road, Lymington folio of the Register 171140/2; and
 - d. 148 Cygnet Coast Road, Lymington folio of the Register 171140/1.

1718. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - 80 Bonds Road, Judbury

Representations: Stephen and Heather Lucas (223)

1719. The representor requested the zone of 80 Bonds Road, Judbury folio of the Register 206215/1 be revised from Landscape Conservation to Rural. The reasons were:

- the Rural Zone was more consistent with the use and character of the land; and
- the Priority Vegetation Area overlay was inaccurate and did not reflect the vegetation that existed.

1720. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
- the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
- the land contained a deep ravine that ran the length of the property with two ridgelines and hillsides either side;
- the land formed part of a much larger area of contiguous bushland that adjoined the Russell Ridge Conservation Area and the Fletchers Hill West Conservation Area;

- the land contained vegetation of significant natural value that included *Eucalyptus tenuiramis* forest and woodland on sediments and a smaller portion of *Eucalyptus globulus* wet forest, which was primary foraging habitat for the critically endangered swift parrot;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
 - only small-scale use or development was appropriate because it would limit impact on the landscape; and
 - the Landscape Conservation Zone was the most appropriate zone for the land.
1721. At the hearing, the representor and owner of the land clarified they owned two lots, folios of the Register 243901/1 and 206215/1 and in fact sought application of the Rural Zone for folio of the Register 243901/1. The representor was satisfied folio of the Register 206215/1 could remain in the Landscape Conservation Zone.
1722. In response, the planning authority considered folio of the Register 243901/1 had landscape value but noted the lower part of the property, which contained existing buildings and a cleared area, could be zoned Rural with the split-zone boundary located in the vicinity of the 240m AHD contour.

Commission consideration

1723. The Commission is persuaded the Rural Zone should be applied to that part of 80 Bonds Road, Judbury folio of the Register 243901/1 located below the 240m AHD contour. The Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1) and any impact on any vegetation of significant natural value present can be managed through the Priority Vegetation Area overlay, which applies to the land.
1724. Otherwise, the Commission notes a reserved road intersects that part of the land that would be zoned Rural and determines the road should also be included in the Rural Zone to ensure zoning is applied contiguously.

Commission decision

1725. Modification:

- Revise the zoning of that part of 80 Bonds Road, Judbury folio of the Register 243901/1 located below the 240m AHD contour and the intersecting reserved road to Rural.

1726. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - 163 Fairy Falls Road, Geeveston (Geeveston Cluster 2)

Representations: Melvin and Mhainie Lee (228)

1727. The representor requested the zone of 163 Fairy Falls Road, Geeveston folio of the Register 37335/1 be revised from Landscape Conservation to Rural or Rural Living D. The reasons were:
- the Rural or Rural Living zones would best reflect the existing character and use of the land;
 - most of the surrounding land was zoned Rural;
 - the Priority Vegetation Area overlay would apply to the land and protect native vegetation;
 - most of the vegetation on the land was regrowth; and

- the Landscape Conservation Zone would limit the use and development potential of the land.
1728. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the land was zoned Rural Resource in the interim planning scheme;
 - RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
 - the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
 - the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
 - substantial areas of the land were covered in native vegetation, which contributed to a larger bushland area;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
 - only small-scale use or development was appropriate because it would limit impact on the landscape;
 - the Landscape Conservation Zone was the most appropriate zone for the land; and
 - the Rural Living Zone was not appropriate because there was not a primary strategic intention the land be used for residential use and development within a rural setting.
1729. At the hearing, Mr Mark Jessop made the following comments on behalf of the representors:
- the land was not visible from main roads;
 - the owner may want to develop a new dwelling on the land in future and use the existing dwelling for visitor accommodation;
 - it would be more difficult to obtain a planning permit for a new dwelling if the land were zoned Landscape Conservation; and
 - the surrounding land was owned by Sustainable Timber Tasmania and used for plantation forestry.
1730. In response, the planning authority made the following comments:
- visitor accommodation was a discretionary use in the Landscape Conservation and Rural zones;
 - the Landscape Conservation encouraged developers to locate buildings in existing cleared areas;
 - its natural values expert advised the land contained habitat for native fauna and that a wedge-tailed eagle nest was located reasonably close to the land; and
 - it was prepared to reassess whether the land and adjoining land at 163 Fairy Falls Road should be zoned Rural.
1731. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the properties it recommended be zoned Rural. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. Two letters were sent and two response made, which were both supportive of the Rural Zone.

Commission consideration

1732. The Commission is persuaded the Rural Zone should be applied to the land as recommended by the planning authority for the following reasons:

- the land is identified in the agricultural estate mapping (unconstrained and potentially constrained), which indicates the Rural or Agriculture zones are appropriate;
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
- the land may be of some landscape value (see Commission decision on general issues), however it is not significant enough to warrant application of the Landscape Conservation Zone given it is isolated in a landscape otherwise characterised by plantation forestry;
- the Rural Zone would provide a more uniform application of zoning across the broader area given the surrounding land is also zoned Rural; and
- impact on any features of natural and landscape value present can be managed through the Priority Vegetation Area and Scenic Protection Area overlays.

1733. Otherwise, the Commission notes there are reserved roads that intersect or adjoin the land that should also be included in the Rural Zone to ensure zoning is applied contiguously.

Commission decision

1734. Modification:

- Revise the zoning of 161 Fairy Falls Road, Geeveston folio of the Register 37335/2 and 163 Fairy Falls Road, Geeveston folio of the Register 37335/1, the reserved road intersecting folio of the Register 37335/2, and the reserved road adjoining the eastern boundary of folio of the Register 37335/2 as necessary to produce a uniform zoning pattern to Rural.

1735. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - Lloyds Road, Franklin

Representations: Giuseppe and Catherine Biondi (230), Bernard Cleary for Leslie Hyde (309), Nathan Jones and Sirpa Loevendie (314), Daniel Gray-Barnett and Daniel Barnett (371), Bernard Cleary for Robert and Leslie Hyde (416)

1736. The representors requested the zone of the following properties be revised from Landscape Conservation to Rural:

- 234 Jacksons Road, Franklin folio of the Register 43305/1 (Hyde);
- Jacksons Road, Franklin folio of the Register 212656/1 (Hyde);
- 162 Lloyds Road, Franklin folio of the Register 135702/5 (Jones and Loevendie); and
- 159 Lloyds Road, Franklin folio of the Register 33185/1 (Gray-Barnett).

1737. The reasons were:

- the properties owned by Leslie Hyde were part of a larger land holding historically used for horticulture, cattle grazing and timber harvesting;
- the Landscape Conservation Zone had not been applied in a manner that was consistent with the planning authority's methodology for application of the Zone (stated in its draft LPS supporting report) because less than 80% of the land was covered in native bushland;
- the area contained rural living use;

- the area was used for forestry;
 - residential use was discretionary in the Landscape Conservation Zone;
 - a specific area plan should be included in the draft LPS to change the use status of residential use from discretionary to permitted in the Landscape Conservation Zone;
 - the Landscape Conservation Zone was not supported by Guideline No. 1;
 - the Rural Zone should be applied to several similar properties in the area;
 - the Rural Zone was supported by Guideline No. 1, the regional strategy and would be consistent with the zone of the surrounding area;
 - land did not contain large amounts of threatened native vegetation or habitat for threatened fauna;
 - some land in the area was cleared or contained regrowth and introduced vegetation;
 - land did not have landscape value; and
 - the Priority Vegetation Area overlay was inaccurate.
1738. The representation made by Giuseppe and Catherine Biondi (230) raised concern the Rural Zone had been applied to 161 Lloyds Road, Franklin folio of the Register 129966/1. The representor added they intended to construct a shed and ancillary dwelling on the land.
1739. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the land was zoned Rural Resource in the interim planning scheme;
 - RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
 - the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
 - the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
 - 234 Jacksons Road (Hyde) was located on a hillside, was substantially covered in native vegetation, and contributed to a larger bushland area;
 - 162 Lloyds Road (Jones and Loevendie) was substantially covered in vegetation, except for the area immediately surrounding the dwelling, was located on a gradual hillside, and formed part of a larger contiguous bushland area;
 - 159 Lloyds Road (Gray-Barnett) was substantially covered in vegetation, was located on a hillside, and formed part of a larger contiguous bushland area;
 - Jacksons Road folio of the Register 212656/1 (Hyde) was over 20ha in area, was steep, contained a waterway and was connected to a larger bushland area;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
 - the land reflected of the broader landscape value of the area;
 - only small-scale use or development was appropriate because it would limit impact on the landscape;
 - the Landscape Conservation Zone was the most appropriate zone for the land; and
 - representation 230 (Biondi) did not request a change to the draft LPS.
1740. At the hearing, Ms Sirpa Loevendie submitted a natural values assessment of the land undertaken by Mr Mark Wapstra dated 24 April 2023 and made the following comments in support of representation 314:

- the Landscape Conservation Zone had not been applied consistently with other municipalities;
- it was not clear the land was of scenic, landscape or natural value;
- the land did not contain threatened native vegetation communities;
- the land had been historically cleared and now contained regrowth vegetation;
- land around the dwelling on the property needed to be cleared for bushfire hazard management purposes;
- the land was not significantly visible from surrounding areas; and
- vegetation of significant natural value would be protected by the Priority Vegetation Area overlay.

1741. In response, the planning authority made the following comments:

- the landscape of the broader area was diverse and contained cleared areas, native forest, and forestry plantations;
- the Landscape Conservation Zone was supported by Guideline No. 1 because a substantial area of the land was covered in vegetation and the land was part of a larger forested area;
- its natural values expert, Mr Jim Mulcahy, accepted the land did not appear to be of outstanding natural value but considered the land still contained habitat for threatened native fauna;
- any vegetation of significant natural value would be protected by the Priority Vegetation Area overlay;
- the Landscape Conservation Zone would provide additional protection of vegetation of significant natural value;
- the Scenic Protection Area overlay did not apply to the land; and
- it did not firmly oppose the Rural Zone but considered the overlay should apply irrespective of the zone.

1742. Mr Daniel Gray-Barnett and Mr Daniel Barnett also attended the hearing and made the following comments in support of representation 371:

- the land title for 159 Lloyds Road was subject to a Part 5 agreement under section 71 of the Act, which provided for construction of buildings within a building area on the western side of the land;
- a building approval had been obtained to construct a dwelling on the land;
- the land should be zoned Rural because it would be more consistent with the intended residential use of the land; and
- buildings would be clear of a waterway located on the eastern side of the land.

1743. In response, the planning authority stated it was unsure why the Part 5 agreement had been applied to the land and was prepared to consider whether the Rural Zone should be applied to part or the whole of the land because of its provisions.

1744. The planning authority added the following comments in response to representations 309 and 416 (Bernard Cleary for Leslie Hyde):

- the Landscape Conservation Zone provided for resource development to continue, including grazing of animals;
- the Landscape Conservation Zone should be applied because the land was part of a large, forested area of approximately 60ha that contained a ridgeline; and
- its natural values expert advised natural values data indicated a wedge-tailed eagle nest was located close to the boundary of the land.

1745. Following the hearing, the planning authority, in response to a Commission direction, recommended a split-zone be applied to 159 Lloyds Road (Gray-Barnett). The submission contained a diagram, which showed a zone boundary that was consistent with the Part 5 agreement.

1746. At the reconvened hearing, Mr Gray-Barnett and Mr Barnett stated they were supportive of the proposed split-zoning but considered it could be refined by moving the boundary so that it was located between the north-west corner of the property and linked to the north-west corner of the building envelope. The representors added their preference remained that the Rural Zone be applied to the whole area of the land.
1747. In response, the planning authority made the following comments:
- it appeared the Part 5 agreement was made with the landowner to ensure any development and works were located clear of the waterway on the eastern side of the land;
 - its natural values expert advised it was not clear the land contained any features of significant natural value and was satisfied any such features would be protected by the Priority Vegetation Area and Waterway and Coastal Protection Area overlays; and
 - it supported application of the Rural Zone given the surrounding land to the north, west and east was also zoned Rural.

Commission consideration

1748. The Commission is persuaded the Rural Zone should be applied to 162 Lloyds Road (Jones and Loevendie) and the whole area of 159 Lloyds Road (Gray-Barnett) as recommended by the planning authority for the following reasons:
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
 - the land proposed to be zoned Rural has little to no landscape value (see Commission decision on general issues) because it is not significantly visible from surrounding areas;
 - the Rural Zone would be consistent with the zone of the broader area to the north and east;
 - the Priority Vegetation Area overlay would apply to the land and protect any features of significant natural value present; and
 - the Waterway and Coastal Protection Area overlay would apply to the waterway on the eastern side of 159 Lloyds Road (Gray-Barnett) and protect any features of significant natural value related to the waterway.
1749. However, the Commission is not persuaded the Rural Zone should be applied to 234 Jacksons Road and Jacksons Road folio of the Register 212656/1 (Hyde) for the reasons given by the planning authority in its section 35F report. The Commission is satisfied the land has landscape value (see Commission decision on general issues) that warrants application of the Landscape Conservation Zone for the reasons given by the planning authority in its section 35F report.
1750. The Commission is not persuaded the Priority Vegetation Area overlay applied to 162 Lloyds Road (Jones and Loevendie) should be amended for the reasons given by the planning authority's natural values expert at the hearing. In particular, the Commission accepts Mr Mulcahy's view the land contains important habitat for threatened native fauna, even if the land is not of outstanding natural value.
1751. Otherwise, the Commission's view is the Priority Vegetation Area overlay should not be removed from land unless supported by the advice of a suitably qualified person who has undertaken a detailed site assessment. No evidence was submitted from a suitably qualified person to demonstrate any of the remaining properties did not contain priority vegetation.

1752. Otherwise, the Commission notes the representation made by Catherine and Giuseppe Biondi did not request any change to the draft LPS and consequently determines there be no change to the draft LPS as it applies to 161 Lloyds Road.

Commission decision

1753. Modification:

- Revise the zoning of 159 Lloyds Road, Franklin folio of the Register 33185/1 and 162 Lloyds Road folio of the Register 135702/5 to Rural.

1754. Reason: To apply the Rural Zone consistent with Guideline No.1.

Rural Zone - Nicholls Rivulet Road, Nicholls Rivulet

Representation: Rafael and Melanie Muggeridge (235), Stephen Hall (326), Steve Smith (347)

1755. The representation made by Rafael and Melanie Muggeridge (235) raised concern the Rural Zone had been applied to 1017 Nicholls Rivulet Road, Nicholls Rivulet folio of the Register 148601/1.

1756. The representation made by Stephen Hall (326) requested the zone of Nicholls Rivulet Road, Nicholls Rivulet folio of the Register 142764/3 be revised from Landscape Conservation to Rural. The reasons were:

- the use and character of the land was consistent with the purpose of the Rural Zone;
- the land was historically used to graze cattle;
- the land was part of a larger family property that extended into Kingborough municipality;
- the part of the property in Kingborough municipality was expected to be zoned Rural;
- the land also adjoined another property under similar ownership, which contained a quarry;
- the Landscape Conservation Zone would unreasonably limit the use and development potential of the land;
- the land was used to generate income; and
- any features of significant natural value would be protected by the Natural Assets Code overlays.

1757. The representation made by Steve Smith (347) requested the zone of 813 Nicholls Rivulet Road, Nicholls Rivulet folio of the Register 251581/1 also be revised from Landscape Conservation to Rural. The reasons were:

- the land contained two dwellings, an ancillary dwelling, and associated outbuildings;
- both dwellings had cleared areas around each building, which were used to graze animals, including sheep, horses, and poultry;
- the land was well-suited to agriculture use and was used to grow blueberries, plants used to produce essential oils, and flowers;
- the land, and surrounding area, was zoned Rural Resource in the interim planning scheme;
- the land had an area of approximately 37ha;
- several overlays applied to the land;
- the land was not subject to a conservation covenant;
- the Landscape Conservation Zone had been applied inconsistently to land in the area;
- land with similar characteristics had been zoned Rural;

- the Landscape Conservation Zone would unreasonably limit the use and development potential of the land, particularly residential use;
- parts of the land had been historically cleared however vegetation had regrown;
- a significant portion of the property did not contain priority vegetation;
- the Rural Zone should be applied as the land had limited or no potential to be used for agriculture; and
- the property was adjoined by the Rural Zone on three of its sides.

1758. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
- the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
- the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
- the land was steep, was part of a hilltop, was substantially covered in native vegetation, and formed part of a contiguous bushland area that incorporated the Woodbridge Hill Conservation Area;
- mapping of vegetation in the area indicated 813 Nicholls Rivulet Road (Smith) contained *Eucalyptus globulus* wet forest, which was primary foraging habitat for the swift parrot, which was regarded as critically endangered;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- the land reflected of the broader landscape value of the area;
- only small-scale use or development was appropriate because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for the land; and
- 1017 Nicholls Rivulet Road (Muggeridge) was already zoned Rural in the draft LPS.

1759. At the hearing, Mr Steve Smith made a written submission and the following comments:

- the land was not of significant landscape value or significantly visible from surrounding areas;
- he intended to continue to graze animals on the land;
- animals grazed the bushland area;
- the land was associated with the adjoining quarry; and
- he was prepared to consider split-zoning the land along the 280m or 300m AHD contour.

1760. In response, the planning authority made the following comments:

- the land was substantially covered in native vegetation and was consistent with its methodology for application of the Landscape Conservation Zone;
- it was also prepared to consider whether the land should be split-zoned but considered the boundary between the Rural and Landscape Conservation zones should be lower than the 300m AHD contour;

- its natural values expert advised the land potentially contained foraging habitat for the swift parrot; and
 - it did not consider the Rural Zone could be applied to Nicholls Rivulet Road folio of the Register 142764/3 (Hall) because the land was vacant and contained vegetation that was relatively undisturbed.
1761. Following the hearing, the planning authority, in response to a Commission direction, recommended a split-zone be applied to the land. The submission contained a diagram, which showed a zone boundary along the 260m AHD contour.
1762. At the reconvened hearing, Mr Smith confirmed he was supportive of the proposed split-zoning.

Commission consideration

1763. The Commission is persuaded the Rural Zone should be applied to that part of 813 Nicholls Rivulet Road, Nicholls Rivulet folio of the Register 251581/1 below the 260m AHD contour (see Commission decision on general issues - split-zones) as recommended by the planning authority for the following reasons:
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
 - the land proposed to be zoned Rural has little to no landscape value (see Commission decision on general issues - landscape value) because it is cleared pasture and is not significantly elevated in its context, being mostly below the 260m AHD contour;
 - the Rural Zone would be consistent with the zone of the broader area to the north; and
 - the Priority Vegetation Area overlay would apply to the land and protect any vegetation of significant natural value present.
1764. However, the Commission is not persuaded the Rural Zone should be applied to Nicholls Rivulet Road folio of the Register 142764/3 (Hall) because the land is higher in elevation and contains the summit of Sunny Banks Hill and is significantly visible from surrounding areas. The Commission is satisfied the land has landscape value (see Commission decision on general issues - landscape value) that warrants application of the Landscape Conservation Zone for the reasons given by the planning authority in its section 35F report.
1765. The Commission otherwise notes 1017 Nicholls Rivulet Road (Muggeridge) is already zoned Rural in the draft LPS.

Commission decision

1766. Modification:
- Revise the zoning of that part of 813 Nicholls Rivulet Road, Nicholls Rivulet folio of the Register 251581/1 located north-west of the boundary identified in Figure 1 of the planning authority's response to direction 13 dated 19 December 2023 to Rural.
1767. Reason: To apply the Rural Zone consistent with Guideline No.1.

Rural Zone - 6150 Channel Highway, Garden Island Creek

Representation: Phillip Wright (237)

1768. The representor requested the zone of 6150 Channel Highway, Garden Island Creek folio of the Register 28322/1 be revised from Landscape Conservation to Rural. The reasons were:

- the land was part of a farm that had an area of approximately 70ha and comprised of three titles;
- the land should be included in the Rural Zone applied to the two other titles;
- the land was not of landscape value;
- the farm was used to graze cattle;
- the land contained no native vegetation; and
- the Landscape Conservation Zone was not supported by Guideline No. 1.

1769. In its section 35F report, the planning authority recommended the Rural Zone be applied to the land because the land was part of a larger farm zoned Rural, and the existing land use was agriculture.

Commission consideration

1770. The Commission is persuaded the Rural Zone should be applied to the land for the reasons given in the representation and the section 35F report.

Commission decision

1771. Modification:

- Revise the zoning of 6150 Channel Highway, Garden Island Creek folio of the Register 28322/1 to Rural.

1772. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - 283 Kent Beach Road, Dover

Representations: Lance and Jennifer Hadaway (246)

1773. The representor requested the zone of 283 Kent Beach Road, Dover folio of the Register 176601/1 be revised from Landscape Conservation to Rural.

1774. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
- the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
- the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
- the land contained a hilltop, ridgeline and a valley depression, and had native vegetation coverage of 93%;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;

- only small-scale use or development was appropriate because it would limit impact on the landscape; and
 - the Landscape Conservation Zone was the most appropriate zone for the land.
1775. At the hearing, the representors Mr Lance and Mrs Jennifer Hadaway were represented by Mr Caleb Elcock who together made the following comments in support of the representation:
- the land had an area of approximately 32ha and was used for residential purposes;
 - the land had been historically used for rural activities, including cattle farming, berry farming and forestry, but was generally not useful for agriculture;
 - the Landscape Conservation Zone would cause a loss of property value;
 - the land was not of landscape value and was located well-below the nearest ridgeline;
 - the Landscape Conservation Zone had not been applied in a manner that was consistent with the planning authority's methodology for application of the Zone (stated in its draft LPS supporting report) because less than 80% of the land was covered in native bushland;
 - the owners wanted to use and develop the property as a respite centre in future, which would be classified as educational and occasional care under the SPPs;
 - most of the vegetation on the land was regrowth;
 - the land contained included white peppermint gums, wattles and weeds;
 - the Priority Vegetation Area overlay was not particularly accurate;
 - the surrounding land was zoned Rural; and
 - the land should be fully included in the Rural Zone rather than split-zoned.
1776. In response, the planning authority made the following comments:
- a review of the property concluded the Landscape Conservation Zone should not have been applied to the land because it was not consistent with its methodology;
 - the Rural Zone should be applied to the land;
 - there appeared to be a minor group of *Eucalyptus amigiana* trees on the land, however it is possible there was none there; and
 - its natural values expert advised vegetation of significant natural value would be protected by the Priority Vegetation Area overlay irrespective of the zone of the land.
1777. Following the hearing, the planning authority, in response to a Commission direction, stated its natural values expert reviewed the overlay and determined it should be applied as originally exhibited. It added there was insufficient information about the vegetation on the land to determine if the Priority Vegetation Area overlay should be amended.
1778. At the reconvened hearing, Mr Lance and Mrs Jennifer Hadaway made the following comments:
- they had owned the property for approximately 22 years;
 - most of the land was historically cleared, contained regrowth and had been used to grazed cattle;
 - much of the land contained pasture that was grazed by native animals;
 - an inspection of the site was required to determine what vegetation was on the land instead of development of the overlay based on historic mapping;
 - the land did not contain blue gum forest, white peppermint forest or tea tree;
 - the overlay should be removed from cleared areas and land that contained introduced species;

- vegetation on the land should be categorised as agricultural;
- the vegetation was mostly heathland and scrub;
- there was insufficient information about the grassland to determine it constituted priority vegetation;
- surrounding land contained similar vegetation, was used to graze animals, and was zoned Rural; and
- data used to prepare the overlay did not have currency.

1779. In response, the planning authority made the following comments:

- its natural values expert agreed some of the data used to prepare the overlay was somewhat outdated;
- the Regional Ecosystem Model used to prepare the overlay was accepted despite any limitations the data used to prepare it had; and
- it would be prepared to consider whether the overlay should be removed from some of the cleared areas of the land if photographic evidence of the vegetation could be provided.

1780. Following the hearing, Mr and Mrs Hadaway provided a submission that contained historic photographs of the land taken in 2002, December 2023 and February 2024.

1781. The planning authority, in response to a Commission direction, provided a revised diagram that showed how the Priority Vegetation Area overlay should be applied to the land. The submission also included the following comments:

- Mr Mulcahy had undertaken a site visit to determine what vegetation communities were present;
- the Priority Vegetation Area overlay should be amended so that the fenced area immediately surrounding the dwelling was removed;
- the fenced area contained the dwelling, an outbuilding, driveway, wastewater absorption trenches, and bushfire hazard management areas; and
- the overlay should be applied to the remainder of the property, which featured former agriculture land that was regenerating with native vegetation, in particular native grasses.

Commission consideration

1782. The Commission is persuaded the Rural Zone should be applied to the land for the following reasons:

- the land is included in the agricultural estate mapping (unconstrained), which indicates the Rural or Agriculture zones are appropriate;
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
- there is no evidence the land contains significant landscape value (see Commission decision on general issues) that warrants application of the Landscape Conservation Zone; and
- impact on any native vegetation of significant natural value would be primarily managed through the Priority Vegetation Area and Scenic Protection Area overlays applied to the land, which would also assist the retention of vegetation and incidental retention of any features of landscape value.

1783. The Commission otherwise agrees the Priority Vegetation Area overlay should be amended as recommended by Mr Mulcahy for the reasons given in the planning authority's submission that followed his inspection of the land. No alternative evidence was submitted from a suitably qualified person to demonstrate the land does not contain priority vegetation.

Commission decision

1784. Modification:

- Revise the zoning of 283 Kent Beach Road, Dover folio of the Register 176601/1 to Rural and apply the Priority Vegetation to match the area shown in the figure in the planning authority's response to direction 7 dated 19 April 2024.

1785. Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Zone - 7495 Huon Highway, Strathblane

Representations: Gray Planning for Tim Wark and Stuart Ayliffe (249)

1786. The representor requested the zone of 7495 Huon Highway, Strathblane folio of the Register 127603/1 be revised from Agriculture to Rural. The reasons were:

- the land had an area of 1.5ha and contained a shed with an area of 740m² that was used to build ships;
- the land also contained a slipway from the Esperance River;
- the use occupied 90% of the land;
- the land was not used for agriculture;
- the Agriculture Zone was inconsistent with Guideline No. 1 because the land had no potential to be used for agriculture;
- the land was identified as potentially constrained in the agricultural estate mapping;
- the property was not used in conjunction with any surrounding agricultural land;
- the Rural Zone would not contravene the PAL Policy; and
- the land contained a very small amount of remnant native vegetation.

1787. In its section 35F report, the planning authority recommended the Rural Zone be applied to the land for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- the agricultural estate mapping was used to determine where the Agriculture Zone was applied;
- the land was identified in the agricultural estate mapping (potentially constrained); and
- its agriculture expert (RMCG) investigated the potential to use the land for agriculture and determined the Rural Zone should be applied.

1788. The planning authority included the following advice from its agriculture expert:

- the land was used for ship building and had no potential to be used for agriculture;
- the land was identified as potentially constrained in the agricultural estate mapping, as was the adjoining title to the east, which was under similar ownership and contained an orchard;
- the use was of a commercial-scale and extended on to the property to the south-east; and
- although a spot-zone would be created, the subject property was clearly used for a separate purpose and should be zoned Rural to better facilitate the ongoing use of the land for ship building.

Commission consideration

1789. The Commission is persuaded the Rural Zone should be applied to the land as recommended by the planning authority and its agriculture expert for the following reasons:

- the land is included in the agricultural estate mapping (unconstrained), which indicates the Rural or Agriculture zones are appropriate;
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural; and
- the land contains a specific use (ship building) that is more suited to the Rural Zone, which would not cause a land use conflict with uses in the surrounding Rural Living and Agriculture zones.

Commission decision

1790. Modification:

- Revise the zoning of 7495 Huon Highway, Strathblane folio of the Register 127603/1 to Rural.

1791. Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Zone - 109 Fourfoot Road, Geeveston

Representations: Eiluned Wright (253, 254, 255 and 256)

1792. The representations made by Eiluned Wright (253, 254, 255 and 256) requested the zone of 109 Fourfoot Road, Geeveston, folios of the Register 114860/1, 114861/1, 114860/2 and 114861/2 be revised from Agriculture to Rural.

1793. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- the land was identified as unconstrained in the agricultural estate mapping, which indicated the Agriculture Zone should be applied;
- the Agriculture Zone was consistent with AZ 1(a) of Guideline No. 1; and
- its agriculture expert (RMCG) investigated the potential to use the land for agriculture and determined the Agriculture Zone should be applied.

1794. The planning authority included the following advice from its agriculture expert:

- all four titles were under the same ownership;
- the Agriculture Zone was supported by the agricultural estate mapping;
- the land had a combined area of approximately 26ha with a land capability classification of class 5, which made it suitable for grazing animals;
- the land was well-connected to a cluster of titles to the north which were farmed in conjunction with orchards; and
- the land should remain in the Agriculture Zone.

1795. At the hearing, the representor made a written submission and the following comments in support of her representation:

- two of the titles located on the west of the property had been sold to the adjoining owners;
- it was not possible to use the two remaining two titles for commercially viable agriculture;
- the land was small in area, steep and did not have access to irrigation;
- a dwelling and shed were located on the flat part of the land; and
- the Priority Vegetation Area overlay, which would be applied if the land were zoned Rural, was supported.

1796. In response, Ms Astrid Ketelaar (RMCG) for the planning authority made the following comments:

- the Agriculture Zone had been recommended because the titles could be farmed in conjunction with each other;
- its view had changed given two of the titles were now in different ownership;
- the two titles that had been sold had more potential to be used for agriculture because they contained an orchard; and
- it recommended folios of the Register 114861/1 and 114861/2 should be zoned Rural.

1797. The planning authority's natural values expert, Mr Jim Mulcahy, noted the Regional Ecosystem Model identified some priority vegetation on the land but did not consider the vegetation significant enough to influence application of the zones.

Commission consideration

1798. The Commission is persuaded the Rural Zone should be applied to folios of the Register 114861/1 and 114861/2 (the subject of representations 254 and 256) for the reasons given by the planning authority's agriculture expert at the hearing. The Commission notes these two titles in isolation have limited potential to be used for agriculture and are identified as potentially constrained in the agricultural estate mapping. The Rural Zone should be applied to the land consistent with the principles of Guideline No. 1 (RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural. The Rural Zone would also be consistent with the zone of the land to the north, east and south of the site.

1799. The Commission notes the two remaining two titles (the subject of representations 253 and 255) have been purchased by the landowner to the north and can now be farmed in conjunction with a larger farm holding. These titles should therefore remain in the Agriculture Zone consistent with the zone of the remainder of the holding.

1800. The Commission consequently determines the Priority Vegetation Area overlay should be applied to folios of the Register 114861/1 and 114861/2 (the subject of representations 254 and 256) consistent with the Regional Ecosystem Model mapping to manage the native vegetation, as the overlay is compatible with the Rural Zone. The policy intent of the SPPs is that the overlay be applied to compatible zones and application of the overlay was supported by the representor at the hearing.

Commission decision

1801. Modification:

- Revise the zoning of 109 Fourfoot Road, Geeveston, folios of the Register 114861/1 and 114861/2 to Rural and apply the Priority Vegetation Area overlay consistent with the Regional Ecosystem Model mapping.

1802. Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Zone - Judds Creek Road, Judbury

Representations: Darrell Bone (258), Chris and Winsome Duggan (296)

1803. The representation made by Darrell Bone (258) raised concern the Landscape Conservation Zone had been applied to Judds Creek Road, Judbury folios of the Register 209783/1 and 206245/1. The representor was particularly concerned the

Landscape Conservation Zone would restrict the amount of vegetation that could be cleared from the land.

1804. The representation made by Chris and Winsome Duggan (296) requested the zone of 789 Judds Creek Road, Judbury folio of the Register 208297/1 be revised from Landscape Conservation to Rural. The reasons were:

- the use and character of the land was consistent with the purpose of the Rural Zone and inconsistent with the purpose of the Landscape Conservation Zone;
- the Landscape Conservation Zone would unreasonably limit the use and development potential of the land, particularly residential use;
- the Scenic Protection Area overlay did not apply to the land;
- the Landscape Conservation Zone was not favourable to residential use, which was listed as a discretionary use;
- the area was historically used for farming and rural activities;
- vegetation had regrown in the area in recent times;
- the land to the west was similar and was zoned Rural; and
- the land did not contain significant native vegetation.

1805. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
- the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
- the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
- Judds Creek Road folios of the Register 209783/1 and 206245/1 (Bone) was surrounded by the Russell Ridge Conservation Area, featured two valley depressions, hillsides, ridgelines and formed part of a large continuous bushland area;
- 789 Judds Creek (Duggan) was substantially covered in native vegetation and featured hillsides, ridgelines, valley depressions, a creek and adjoined the Russell Ridge Conservation Area;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- the land reflected of the broader landscape value of the area;
- only small-scale use or development was appropriate because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

1806. At the hearing, Mr Chris Duggan made the following comments in support of his representation:

- the adjoining land to the west contained a private timber reserve;
- the land contained a dwelling on its eastern side; and
- the western side of the land was not used.

1807. In response, the planning authority made the following comments:

- the land was substantially covered in native vegetation and was part of a larger bushland area;

- the Landscape Conservation Zone was consistent with Guideline No. 1;
- the site was located on a hillside;
- the Priority Vegetation Area overlay did not apply to the land; and
- it would be prepared to consider whether the land should be split-zoned.

1808. The planning authority added folios of the Register 209783/1 and 206245/1 (Bone) were isolated and surrounded by land zoned Environmental Management and did not share a boundary with the Rural Zone like Mr Duggan's land did.

Commission consideration

1809. The Commission is persuaded the Rural Zone should be applied to 789 Judds Creek (Duggan) for the following reasons:

- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
- the land adjoins the Rural Zone on its western side;
- the Rural Zone would ensure the zones were applied consistently across the area;
- the land may have some landscape value (see Commission decision on general issues), however it is not significant enough to warrant application of the Landscape Conservation Zone given the land has been significantly modified on its eastern side; and
- there is no evidence the land contains vegetation of significant natural value as the Priority Vegetation Area overlay does not apply to the land.

1810. Otherwise, the Commission notes Judds Creek intersects the land within its own casement and determines the land should also be included in the Rural Zone to ensure zoning is applied uniformly.

1811. The Commission is not persuaded the land should be applied to Judds Creek Road, Judbury folios of the Register 209783/1 and 206245/1 (Bone) because the land is surrounded on all its sides by the Environmental Management Zone and the Rural Zone would cause the land to be spot-zoned. Spot-zoning should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict. Although the Landscape Conservation Zone is also inconsistent with the Environmental Management Zone, it bares more similarity to the Environmental Management Zone than the Rural Zone and would therefore limit potential land use conflict. The Commission is otherwise satisfied the property has landscape value (see Commission decision on general issues) that warrants application of the Landscape Conservation Zone.

Commission decision

1812. Modification:

- Revise the zoning of 789 Judds Creek Road, Judbury folio of the Register 208297/1 and the intersecting Judds Creek as necessary to produce a uniform zoning pattern to Rural.

1813. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - 9 Kiles Road and 4015 Huon Highway, Castle Forbes Bay (Castle Forbes Bay Cluster)

Representation: CBM Sustainable Design Pty Ltd (264)

1814. The representor requested the zone of 9 Kiles Road, Castle Forbes Bay folio of the Register 7692/2 be revised from Agriculture to Rural or Rural Living. The

representor also requested the zone of 4015 Huon Highway, Castle Forbes Bay folio of the Register 181865/1 be revised from Agriculture to a zone that was better suited to commercial and light industrial use. The reasons were:

- 9 Kiles Road was surrounded by properties of similar area, which contained rural living use;
- the area was more suited to the Rural Zone or Rural Living Zone;
- 4015 Huon Highway contained an industrial facility (Mitchell Plastic Welding Pty Ltd) that supported surrounding agriculture and aquaculture use;
- 4015 Huon Highway contained workshops;
- 4015 Huon Highway was subject to the Future Coastal Refugia Area overlay which would limit the use and development potential of the land and other properties; and
- the Rural Zone would allow the land to continue to be used to support surrounding agriculture use.

1815. In its section 35F report, the planning authority recommended no change to the zone of 9 Kiles Road but agreed the Rural Zone should be applied to 4015 Huon Highway. The reasons were:

- the Agriculture Zone applied to 9 Kiles Road was consistent with AZ 2 of Guideline No. 1 because the land was zoned Significant Agriculture in the interim planning scheme;
- its agriculture expert (RMCG) investigated the potential to use 9 Kiles Road for agriculture and determined the Agriculture Zone should be applied; and
- the Rural Zone applied to 4015 Huon Highway would be consistent with the zone of the land to the north.

1816. The planning authority included the following advice from its agriculture expert:

- 9 Kiles Road had an area of approximately 3.3ha and contained a dwelling;
- 9 Kiles Road was located near orchards to the south and east of the land;
- 9 Kiles Road should not be zoned Rural in isolation because it would cause the land to be spot-zoned; and
- the area had a land capability classification of class 4.

1817. At the hearing, Mr Brendon Mitchell (Mitchell Plastic Welding Pty Ltd) and Mr Peter Dingamane made a written submission and the following comments:

- 4015 Huon Highway contained a factory used for plastic welding, manufacture, processing, service, repair, and installation of HDPE plastic products used for agriculture and aquaculture;
- the business employed over 60 people and was associated with a satellite site in Brighton;
- the buildings were historically used as a cannery;
- it would be acceptable to zone the land Light Industrial despite the surrounding Agriculture and Rural zones;
- the Light Industrial Zone would best reflect the current activities;
- the Light Industrial Zone contained standards that required landscaping, which would ensure the site was well-presented;
- manufacturing and processing use was discretionary in the Rural Zone;
- it was difficult to obtain planning approval for use and development if the use was discretionary;
- industrial use would have no impact on adjoining agriculture use;
- non-conforming use rights would apply to the land, however a zone that specifically provided for manufacturing and processing would give the business more confidence about how the land could be used and development in future;

- the buildings in Meredith Street to the north contained a poly foam business and mechanical workshop;
- the Rural Zone was acceptable for 9 Kiles Road because it would not conflict with the use of surrounding land zoned Agriculture;
- 9 Kiles Road already contained a sensitive use; and
- 9 Kiles Road was constrained by its small area and was not suitable for agriculture.

1818. In response, the planning authority made the following comments:

- the Rural Zone was recommended for 4015 Huon Highway;
- the Light Industrial Zone should be considered through a separate draft amendment request after the draft LPS is in effect; and
- its agriculture expert provided advice that it should support application of the Rural Zone to 3 and 9 Kiles Road and 135 Castle Forbes Road.

1819. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the properties its agriculture expert recommended be zoned Rural. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of three letters were sent and two responses were received, one of which was supportive of the Rural Zone and the other in opposition. No reasons for opposition to the Rural Zone were provided.

Commission consideration

1820. The Commission is persuaded the Rural Zone should be applied to 3 and 9 Kiles Road and 135 Castle Forbes Road as recommended by the planning authority and its agriculture expert for the following reasons:

- the land is included in the agricultural estate mapping (unconstrained), which indicates the Rural or Agriculture zones are appropriate;
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 3) which provide that land with limited or no potential to be used for agriculture should be zoned Rural; and
- the Rural Zone should be applied to the land consistent with the Rural Zone applied to the land on the northern side of Castle Forbes Road.

1821. The Commission notes a small part of 126 Castle Forbes Road is located on the southern side of Castle Forbes Road and should be included in the Rural Zone to ensure the zones are applied in a uniform manner. The remainder of the property on the northern side of Castle Forbes Road is otherwise zoned Rural and has an area of approximately 11ha.

1822. The Commission agrees with the planning authority that the Rural Zone should be applied to 4015 Huon Highway. The Commission does not agree the Light Industrial Zone is appropriate because there is no evidence the zone is supported by the regional strategy, a local land use planning strategy, or the Southern Tasmania Industrial Land Strategy 2013. The Light Industrial Zone would also cause the land to be spot-zoned, which should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict.

1823. However the Commission is persuaded customised planning provisions are required for manufacturing and processing use on the land. In particular, the Commission is satisfied the evidence provided by the representor demonstrates the use has an economic benefit to the municipality on the basis it contains a business that offers local employment and offers an important service to the local agriculture and

aquaculture industries. To that end, a site-specific qualification should be applied to the land to provide that manufacturing and processing is a permitted use irrespective of whether it is for the processing of materials from extractive industry as the qualification in the SPPs reads. The Commission considers the site-specific qualification meets the tests in section 32(4)(a) of the Act.

Commission decision

1824. Modification:

- Revise the zoning of 3 Kiles Road folio of the Register 7692/1, 9 Kiles Road folio of the Register 7692/2, 135 Castle Forbes Road folio of the Register 119742/1 and 4015 Huon Highway, Castle Forbes Bay folio of the Register 181865/1 and that part of 126 Castle Forbes Road folio of the Register 121882/1 located on the southern side of Castle Forbes Road to Rural.
- Revise the Site-specific Qualifications overlay map by applying Site-specific Qualification overlay and clause number HUO-20.1 to 4015 Huon Highway, Castle Forbes Bay folio of the Register 181865/1.
- Revise the draft LPS written document by inserting Site-specific Qualification HUO-20.1 to 4015 Huon Highway, Castle Forbes Bay folio of the Register 181865/1 as follows:

Reference Number	Site Reference	Folio of the Register	Description (modification, substitution or addition)	Relevant Clause in State Planning Provisions
HUO-20.1	4015 Huon Highway, Castle Forbes Bay folio of the Register 181865/1	181865/1	A substitution for the qualification in Permitted Use Class -Manufacturing and Processing: 'No qualification applies.'	Rural Zone - 20.2 Use Table

1825. Reason:

- To apply the Rural Zone consistent with Guideline No. 1; and
- To meet the requirements of section 32(4) of the Act, the SPPs and the technical requirements of Practice Note 7.

Rural Zone - 94 Rifle Range Road, Cygnet

Representations: Janet and Peter Crosbee (266)

1826. The representor requested the zone of 94 Rifle Range Road, Cygnet folio of the Register 38864/1 be revised from Landscape Conservation to Rural. The reasons were:

- the land had an area of approximately 16ha;
- the Rural Zone was most similar to the Rural Resource Zone applied to the land in the interim planning scheme;
- the Landscape Conservation Zone had not been applied in a manner that was consistent with the planning authority's methodology for application of the Zone (stated in its draft LPS supporting report) because less than 80% of the land was covered in native bushland;

- the Priority Vegetation Area overlay was inaccurate and was applied without a site-specific assessment of the vegetation;
- part of the land contained a dwelling and pasture that was used for sheep and goat breeding;
- the vegetated area of the land was partly regrowth forest;
- the land was historically used to graze cattle;
- the current and intended use of the land was consistent with the purpose of the Rural Zone;
- the Landscape Conservation Zone would unreasonably limit the use and development potential of the land;
- the Landscape Conservation Zone was inconsistent with Guideline No. 1; and
- the Rural Zone was consistent with Guideline No. 1 and the regional strategy.

1827. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
- the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
- the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
- mapping of the vegetation in the area indicated 86% of the land was covered in native vegetation;
- mapping of the vegetation also indicated the land included a large area of threatened *Eucalyptus globulus* dry forest and woodland;
- the land contained a ridgeline, valleys, and hill slopes that were visible from Slab Road and Cygnet;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- the land reflected of the broader landscape value of the area;
- only small-scale use or development was appropriate because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

1828. At the hearing, the planning authority added the following comments;

- it had reassessed the zoning of the land and was prepared to consider whether part of the land should be zoned Rural;
- a boundary between the zones could be provided in the vicinity of the 160m AHD contour and encompass the cleared area of the land in the Rural Zone; and
- its natural values expert advised the area of land above the 160m contour contained dry blue gum forest, which was foraging habitat for the swift parrot.

1829. Following the hearing, the planning authority, in response to a Commission direction, recommended a split-zone be applied to the land. The submission contained a diagram, which showed a zone boundary along the 150m AHD contour with the Rural Zone applied to the west of the boundary.

1830. At the reconvened hearing, Mrs Janet Crosbee stated the following:

- she supported the split-zone boundary proposed by the planning authority;

- the land below the 150m AHD contour had been logged in the past; and
- bushland had regrown below the 150m AHD contour and contained weeds.

Commission consideration

1831. The Commission is persuaded the Rural Zone should be applied to that part of the land (see Commission decision on general issues - split-zones) below the 150 AHD contour as recommended by the planning authority for the following reasons:

- the land is identified in the agricultural estate mapping (potentially constrained), which indicates the Rural or Agriculture zones are appropriate;
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 3) which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
- the land proposed to be zoned Rural has little to no landscape value (see Commission decision on general issues - landscape value) because it is cleared pasture and is not significantly elevated, being below the 150m AHD contour;
- the Rural Zone would be consistent with the zone of the broader area to the south and north; and
- the Priority Vegetation Area overlay would apply to the land and protect any vegetation of significant natural value present.

Commission decision

1832. Modification:

- Revise the zoning of that part of 94 Rifle Range Road, Cygnet folio of the Register 38864/1 located below the 150m AHD contour at the western end of the property to Rural as shown in Figure 1 of the planning authority's response to direction 12 dated 15 December 2023. Land below the 150m AHD contour at the eastern end of the property must remain in the Landscape Conservation Zone.

1833. Reason: To apply the Rural Zone consistent with Guideline No.1.

Rural Zone - Temperance Lane, Franklin

Representations: Corinne and Steven Coombs (270)

1834. The representor was opposed to application of the Rural Zone to Temperance Lane, Franklin folio of the Register 100190/1.

1835. In its section 35F report, the planning authority noted the representor's opposition but also noted the representor did not seek any changes to the draft LPS. On that basis the planning authority did not recommend and changes to the draft LPS.

Commission consideration

1836. The Commission notes the comments made by the representor and is satisfied with the planning authority's response given in its section 35F report.

Commission decision

1837. The Commission determines no modifications are required.

Rural Zone - 123 Waggs Gully Road, Ranelagh

Representation: Lauren Abbot and Daniel Cupitt (273)

1838. The representor requested the zone of 123 Waggs Gully Road, Ranelagh folio of the Register 118227/14 be revised from Landscape Conservation to Rural. The reasons were:

- the Landscape Conservation Zone had not been applied in a manner that was consistent with the planning authority's methodology for application of the Zone (stated in its draft LPS supporting report) because less than 80% of the land was covered in native bushland;
- the land contained a dwelling and was used for rural living purposes;
- other land on the southern side of Waggs Road had similar characteristics but was zoned Rural;
- residential use was discretionary in the Landscape Conservation Zone;
- the land did not have landscape value;
- two sides of the property were bordered by private timber reserves; and
- the Priority Vegetation Area overlay would apply to the native bushland on the property.

1839. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
- the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
- the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
- the land was located on a hillside and included a ridgeline, a class 3 waterway that dissected the property, and had native vegetation coverage of 93%;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- only small-scale use or development was appropriate because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

Commission consideration

1840. The Commission agrees with the planning authority for the reasons given in its section 35F report. The land is connected to a larger area of land zoned Landscape Conservation to the north. The Commission is satisfied the property has landscape value (see Commission decision on general issues) that warrants application of the Landscape Conservation Zone.

Commission decision

1841. The Commission determines no modifications are required.

Rural Zone - Mountain River Road, and Waggs Road, Mountain River (Mountain River Cluster 2)

Representations: Louise and Kristoff Bakkes (281), Nanette and Thomas Botha (286), Michael Turner (345)

1842. The representors requested the zone of three adjacent properties at Mountain River Road folio of the Register 182622/1 (Bakkes), 29 Waggs Road folio of the Register 136005/3 (Turner) and 36 Waggs Road, Mountain River folio of the Register 122929/4 (Botha) be revised from Agriculture to Rural. The reasons were:

- land capability was not sufficient to crop the land;
 - land was only suitable for grazing animals;
 - land did not have access to irrigation;
 - soil was vulnerable to waterlogging;
 - the Rural Zone should be applied to the land;
 - land was historically used for rural living purposes;
 - 29 Waggs Road was intended to be used for a tourism or visitor accommodation business;
 - the use and character of the land was consistent with the purpose of the Rural Zone; and
 - the Rural Zone was consistent with Guideline No. 1.
1843. The representation made by Louise and Kristoff Bakkes included a copy of the farm management plan that applied to Mountain River Road folio of the Register 182622/1, which indicated the land was suitable for growing lavender and grazing animals.
1844. The representation made by Nanette and Thomas Botha included a copy of an assessment by Geo-Environmental Solutions, which was undertaken to support an application for an on-site wastewater treatment system on 36 Waggs Road. The assessment indicated the land had a land capability classification of class 5, which meant it had limited capacity to be used for agriculture. The representation also included a copy of the farm management plan that applied to the land, which indicated the land was suitable for a mixed production market garden and grazing of cattle and chickens.
1845. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the Agriculture Zone was consistent with AZ 2 of Guideline No. 1 because the land was zoned Significant Agriculture in the interim planning scheme; and
 - its agriculture expert (RMCG) investigated the potential to use the land for agriculture and determined the Agriculture Zone should be applied.
1846. The planning authority included the following advice from its agriculture expert:
- Mountain River Road folio of the Register 182622/1 (Bakkes) had an area of approximately 6ha, was entirely pasture and had a land capability classification of class 5;
 - 36 Waggs Road (Botha) had an area of approximately 14ha, had a mix of pasture and native bush, contained a dam, and had a land capability classification of class 5 and class 6;
 - 29 Waggs Road (Turner) had an area of approximately 18ha, contained a dwelling and dam, and had a land capability classification of class 5;
 - historic aerial imagery captured since approximately 2005 did not show any use of the land other than pastoral use;
 - the titles were well-connected to surrounding land used for agriculture;
 - the land was suitable for small-scale agriculture production;
 - it was concerned application of the Rural Zone to either of the titles in isolation would result in the land being spot-zoned;
 - the agricultural profile of the Huon Valley needed to be further examined to determine how smaller producers should be managed, which would help identify the appropriate zone that should be applied to similar areas; and
 - in the absence of such work, the Agriculture Zone should be applied to the land.

1847. At the hearing, Mr Mat Clark (JMG Engineers and Planners) represented Mr Kristoff Bakkes, Mr Thomas Botha and Mr Michael Turner who together made the following comments:
- it was understandable the Agriculture Zone had been applied to the land given it was zoned Significant Agriculture in the interim planning scheme;
 - the Significant Agriculture Zone should not have originally been applied to the land;
 - the land did not have access to irrigation;
 - the Rural Zone would allow the land to be used for a diverse range of agricultural activities;
 - Mr Bakkes had a planning permit to grow lavender and process lavender;
 - Mr Botha's land contained a small farm enterprise, which included a market garden, strawberry crops and grazing of poultry; and
 - Mr Turner's land was used as a hobby farm, which included grazing sheep and production of hay.
1848. In response, Ms Astrid Ketelaar (RMCG) made the following comments on behalf of the planning authority:
- the existing and intended use of the land was more suited to the Rural Zone;
 - it had undertaken more work to investigate the role of small-scale agriculture uses in Huon Valley;
 - it was prepared to consider whether the Rural Zone should be applied to a cluster of titles in the area; and
 - its natural values expert, Mr Jim Mulcahy, indicated the 36 Waggs Road (Botha) contained significant native vegetation and supported the Rural Zone because it would allow the Priority Vegetation Area overlay to be applied to protect it.
1849. Following the hearing, the planning authority, in response to a Commission direction, provided a list of the properties it recommended be zoned Rural. The list of properties did not include Mountain River Road folio of the Register 182622/1 (Bakkes). The planning authority also recommended three of the properties, 25 Banksia Road, 55 Cudgee Road and Dip Road, Mountain River folio of the Register 241136/1 be split-zoned Rural and Agriculture. The split-zone boundaries aligned with the boundary of an amended Priority Vegetation Area overlay prepared by Mr Mulcahy, which would provide for the Agriculture Zone to be applied to land use for agriculture. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of eight letters were sent and four responses were received, two of which were supportive of the Rural Zone. The two remaining responses, from the owners of 25 Banksia Road folios of the Register 143302/2 and 143302/1 and Dip Road folio of the Register 241136/1, were opposed to the Rural Zone because their land was used for agriculture.
1850. At the reconvened hearing, Mr Bakkes stated he was unsure why his land was not included in land proposed to be zoned Rural, and reiterated the Rural Zone would be more favourable to the proposed use of the land described at the previous hearing.
1851. In response, Mr Michael Tempest (RMCG) for the planning authority, stated the Mr Bakkes' land should have been included in the Rural Zone because the land was like the surrounding land and was suited to small-scale agriculture use. Mr Tempest also recommended a further four properties at the corner of Mountain River Road and Dip Road should also be included in the Rural Zone.

1852. Mr Bakkes also represented Mr Botha and raised concern the Priority Vegetation Area overlay would apply to 36 Waggs Road as Mr Botha wanted to develop an olive grove.
1853. In response, Mr Mulcahy made the following comments:
- mapping of the vegetation in the area indicated the land contained general habitat for threatened fauna including the swift parrot, Tasmanian devil, and eastern quolls;
 - the vegetation was locally significant; and
 - he would be prepared to support an amendment to the overlay in the event a natural values assessment was submitted as evidence the land did not contain priority vegetation.
1854. In response to the submissions from the owners of 25 Banksia Road folios of the Register 143302/2 and 143302/1 and Dip Road folio of the Register 241136/1, Mr Tempest stated the split-zoning was proposed to allow the Priority Vegetation Area overlay to apply the native vegetation. The proposed zoning would therefore allow the Agriculture Zone to apply to some of the land.
1855. Following the reconvened hearing, planning authority, in response to a further Commission direction, provided a revised diagram that identified the properties it recommended be zoned Rural and split-zoned Rural and Agriculture. The submission also included a diagram that showed how the Priority Vegetation Area overlay should be applied. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of 15 letters were sent and four responses were received, three of which were supportive of the proposed zones and overlay. The remaining response, again from the owner of Dip Road folio of the Register 241136/1, was opposed to the Rural Zone and the overlay suggested for the land.
1856. Mr Botha, also in response to a Commission direction, provided images of his land, including aerial images, to demonstrate the type of vegetation on his land.
1857. In response, the planning authority made a submission with the following comments made by Mr Mulcahy:
- the images appeared to show a typical and healthy example of stringybark (*Eucalyptus obliqua*) dry forest on a mudstone substrate;
 - the understory was open and natural, which was typical for stringybark in an area with a shallow soil profile on ridges and spurs;
 - the forest to the south of the area was denser because it was located on flatter land and had probably accumulated more organic matter, which lead to better and deeper soils; and
 - the Priority Vegetation Area overlay should be applied to the land consistent with the previous recommendation.

Commission consideration

1858. The Commission is persuaded the Rural Zone should be applied to the land as recommended by the planning authority for the following reasons:
- the lots were included in the agricultural estate mapping (unconstrained and potentially constrained), which indicates the Rural or Agriculture zones are appropriate;
 - the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;

- the planning authority's agriculture expert has examined the potential to use the land for agriculture and recommended the Rural Zone be applied;
 - the Rural Zone would also be consistent with the zone of the land to the north, east and west of the area; and
 - the Rural Zone is compatible with the Priority Vegetation Area overlay and would protect the vegetation of significant natural value identified by the planning authority's natural values expert.
1859. The Commission notes there are reserved roads that intersect or adjoin the land that should also be included in the Rural Zone to ensure zoning is applied contiguously.
1860. The Commission notes the owners of 25 Banksia Road folios of the Register 143302/2 and 143302/1 (Nigel and Timothy Bartels) and Dip Road folio of the Register 241136/1 (Rodney Bowden) raised concern the Rural Zone would apply to part of each property. The Rural Zone provides for resource development as a 'no permit required' use, which would allow the land to continue to be used for agriculture. In addition, existing uses are also protected under the Act meaning any lawfully established farming use may continue as previously undertaken.
1861. The Commission is persuaded the Priority Vegetation Area overlay should be applied to the land as recommended by the planning authority's natural values expert to manage the native vegetation, as the overlay is compatible with the Rural Zone. The policy intent of the SPPs is that the overlay be applied to compatible zones, and no evidence was submitted from a suitably qualified person to demonstrate the land does not contain priority vegetation. The Commission notes that part of 55 Cudgee Road, Mountain River folio of the Register 160209/1 located south of Cudgee Road was not included in the area where the planning authority recommended the overlay be applied. The land contains a substantial area of native vegetation and should remain in the overlay originally identified in the Regional Ecosystem Model.

Commission decision

1862. Modification:

- Revise the zoning of the following properties to Rural:
 - a. 30 Cudgee Road, Mountain River folio of the Register 143302/1;
 - b. 9 Dip Road, Mountain River folio of the Register 109436/2;
 - c. 23 Dip Road, Mountain River folio of the Register 155678/2;
 - d. 61 Dip Road, Mountain River folio of the Register 155678/1;
 - e. 234 Mountain River Road, Mountain River folio of the Register 50730/2;
 - f. 318 Mountain River Road, Mountain River folio of the Register 109436/1;
 - g. 410 Mountain River Road, Mountain River folio of the Register 117544/1;
 - h. 446 Mountain River Road, Mountain River folio of the Register 241223/1;
 - i. Mountain River Road folio of the Register 182622/1;
 - j. 1 Waggs Road, Mountain River folio of the Register 136005/1;
 - k. 29 Waggs Road, Mountain River folio of the Register 136005/3;
 - l. 36 Waggs Road, Mountain River folio of the Register 122929/4;
 - m. that part of 25 Banksia Road, Mountain River folio of the Register 143302/2 located north of a line identified by coordinates E 509844.53 and N 5243577.7, E 509913.00 and N 243550.00, and E 510101.90 and N 5243612.96;
 - n. that part of 25 Banksia Road, Mountain River folio of the Register 143302/2 located south of a line identified by coordinates E 509779.25 and N 5243319.60, E 509980.00 and N 5243413.00, E 510075.00 and N 5243336.00, E 510079.00 and N 5243230.00, E 510109.00 and N

- 5243150.00, E 510172.00 and N 5243142.00, E 510246.00 and N 5243275.00, E 510219.00 and N 5243304.00, and E 510425.36 and N 5243413.66;
- o. that part of 55 Cudgee Road, Mountain River folio of the Register 160209/1 located north and east of a line identified by coordinates E 510058.72 and N 5242866.08, E 510111.00 and N 5242866.00, and E 510227.99 and N 5242694.36, and east and south of Cudgee Road and the acquired road that dissects the property;
 - p. that part of Dip Road, Mountain River folio of the Register 241136/1 located west of a line identified by coordinates E 509449.05 and N 5242718.8, and E 509510.71 and N 5242448.26;
 - q. that part of 422 Mountain River Road, Mountain River folio of the Register 39901/3 located west of a line between the northernmost title corner of folio of the Register 45008/1 and the southernmost title corner of folio of the Register 241223/1; and
 - r. the intersecting reserved roads as necessary to produce a uniform zone pattern.
- Revise the area of the Priority Vegetation Area overlay applied to the following properties so that it matches the area as shown in the figure in the planning authority's response to direction 16 dated 15 March 2024, except that the overlay must apply to the whole of that part of 55 Cudgee Road, Mountain River folio of the Register 160209/1 located south of Cudgee Road:
 - s. 25 Banksia Road, Mountain River folio of the Register 143302/2 (align with zone boundary identified above where necessary);
 - t. 55 Cudgee Road, Mountain River folio of the Register 160209/1 (align with zone boundary identified above where necessary);
 - u. Dip Road, Mountain River folio of the Register 241136/1 (align with zone boundary identified above where necessary);
 - v. 234 Mountain River Road, Mountain River folio of the Register 50730/2;
 - w. 29 Waggs Road, Mountain River folio of the Register 136005/3; and
 - x. 36 Waggs Road, Mountain River folio of the Register 122929/4.

1863. Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Zone - 212 Scotts Road, Geeveston and 385 and 388 Scotts Road, Scotts Road, Barnard Road and Dawson Road, Cairns Bay (Cairns Bay Cluster)

Representations: Gray Planning for Don Latham (10), Tricia Phillips (192, 193 and 194), Jenny Robinson (283 and 284)

1864. The representations made by Gray Planning for Don Latham (10) and Jenny Robinson (283 and 284) requested the Rural Zone be applied to the following properties:

- 212 Scotts Road, Geeveston folio of the Register 237626/1 (Robinson - zoned Landscape Conservation);
- 385 Scotts Road, Cairns Bay folio of the Register 237624/1 (Robinson - zoned Agriculture); and
- 388 Scotts Road, Cairns Bay folio of the Register 165935/2 (Latham - zoned Agriculture).

1865. The reasons were:

- 212 Scotts Road (Robinson) was a former quarry and had been used to graze cattle;
- the Priority Vegetation Area overlay applied to 212 Scotts Road was inaccurate;

- the Landscape Conservation Zone would restrict agriculture use;
 - the Landscape Conservation Zone would reduce the value of land and require the owners to pay for conservation management;
 - 385 Scotts Road (Robinson) had been used to breed cattle and produce hay since the 1980s;
 - 385 Scotts Road was regularly left unstocked to allow it to regenerate;
 - 385 Scotts Road was too small to be used to grow crops and did not have access to irrigation;
 - 20 Dawson Road, which adjoined 385 Scotts Road, was zoned Rural and had similar characteristics;
 - 388 Scotts Road had an area of approximately 11ha and contained a dwelling, outbuildings, and regrowth native vegetation;
 - 388 Scotts Road was used for hobby farming;
 - none of the surrounding properties contained agriculture use;
 - the Rural and Agriculture zones were applied inconsistently in the area;
 - 388 Scotts Road had a land capability classification of class 5 and class 6, which meant it was unsuited to cropping and had limited potential for pastoral use;
 - the land was identified as potentially constrained in the agricultural estate mapping;
 - the Agriculture Zone was not supported by Guideline No. 1; and
 - the Rural Living Zone would not contravene the PAL Policy or *State Policy on Water Quality Management 1997*.
1866. The representation made by Gray Planning also included an agricultural land capability assessment by Geo-Environmental Solutions, which concluded the land had limited agricultural capability and a land capability classification of 5 and class 6. The report added the land had limited soil depth and had only been used for grazing in recent times.
1867. The representations made by Tricia Phillips (192, 193 and 194) requested the following properties be zoned Rural Living:
- Scotts Road, Cairns Bay folio of the Register 148554/1 (zoned Agriculture);
 - 53 Barnard Road, Cairns Bay folio of the Register 10158/1 (zoned Rural); and
 - 20 Dawson Road, Cairns Bay folio of the Register 224433/1 (zoned Rural).
1868. The reasons were:
- the land at Scotts Road had a small area of approximately 1.8ha and could not be used for agriculture;
 - a dwelling was proposed for the land at Scotts Road;
 - 53 Barnard Road had a small area of approximately 1,400m² and contained a dwelling and shed, which had been there for many years;
 - 20 Dawson Road contained a dwelling, sheds, a working truck depot and quarry; and
 - the Rural Living Zone would allow 20 Dawson Road to be subdivided.
1869. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the Agriculture Zone was consistent with AZ 2 of Guideline No. 1 because some of the land was zoned Significant Agriculture in the interim planning scheme;
 - its agriculture expert (RMCG) investigated the potential to use the land for agriculture and determined where the Agriculture Zone should be applied to most of the lots;
 - the Rural Zone provided for uses with an intensity that were not appropriate for 212 Scotts Road (Robinson);

- the Landscape Conservation Zone applied to 212 Scotts Road was consistent with LCZ 1 of Guideline No. 1 because the land had bushland areas and large areas of native vegetation with landscape value;
- 212 Scotts Road was part of a prominent vegetated hillside that featured a ridgeline, slope depressions and hillsides;
- part of 212 Scotts Road was mapped as *Eucalyptus ovata* forest and woodland;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- 212 Scotts Road reflected of the broader landscape value of the area;
- only small-scale use or development was appropriate at 212 Scotts Road because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for 212 Scotts Road;
- the Rural Living Zone proposed for Scotts Road folio of the Register 148554/1, 53 Barnard Road and 20 Dawson Road was not consistent with RLZ 2 Guideline No. 1 because the land was not zoned Rural Living in the interim planning scheme and there was not a primary strategic intention the land be used for residential use and development within a rural setting;
- the regional strategy (policy SRD 1.3) restricted application of the Rural Living Zone to existing rural living communities;
- the Rural Living Zone could not be supported until further strategic planning work was undertaken to determine the most appropriate future zone for the land;
- the Rural Zone proposed for 53 Barnard Road and 20 Dawson Road was the most appropriate zone for the land; and
- the Agriculture Zone was applied to Scotts Road folio of the Register 148554/1 to avoid a spot-zoning of the land because the surrounding properties were also zoned Agriculture.

1870. The planning authority included the following advice from its agriculture expert:

- 385 Scotts Road (Robinson) had an area of approximately 2.6ha and a land capability classification of class 5, which meant it was generally unsuitable for cropping but was suitable for grazing;
- 385 Scotts Road did not contain a dwelling;
- 385 Scotts Road was used for cattle breeding (albeit at a domestic scale);
- 385 Scotts Road and Scotts Road folio of the Register 148554/1 (Phillips) were close to orchards;
- the orchards would be constrained by non-agriculture use and development of 385 Scotts Road and Scotts Road folio of the Register 148554/1;
- it recommended the Rural Zone be applied to 388 Scotts Road, Cairns Bay folio of the Register 165935/2 (Latham) and the adjoining title 390 Scotts Road, Cairns Bay folio of the Register 165935/1; and
- it considered applying the Rural Zone to a cluster of properties in the area that included several of the properties subject to the representations.

1871. At the hearing, Ms Tricia Phillips made the following comments in support of representations 192, 193 and 194:

- the land at Scotts Road was formerly a gully but was filled to make it more suitable for development;
- the land at Scotts Road was surrounded by dwellings; and
- residential use would not conflict with surrounding agriculture use.

1872. In response, the planning authority made the following comments:

- the Rural Living Zone was not appropriate because the land was located outside a settlement;
- more strategic planning work was required to determine where the Rural Living Zone should be applied throughout the municipality in future;
- it had engaged a consultant to prepare a land use and development strategy on its behalf; and
- it accepted the land had little to no potential to be used for agriculture however it was located alongside two commercial-scale orchards and it did not want to create potential to use the land for residential purposes, which could fetter those operations.

1873. Ms Jenny Robinson attended the hearing with her son, Mr Benjamin Robinson, who made a written submission and together made the following comments in support of representations 283 and 284:

- 385 Scotts Road historically contained an orchard but was more recently used to graze animals;
- the lower-half of 385 Scotts Road could not be used for agriculture because it was rocky and steep;
- a small dam could potentially be established on 385 Scotts Road;
- 20 Dawson Road shared boundary with the orchard mentioned by the planning authority's agriculture expert but was zoned Rural; and
- existing use rights would be compromised if the land was zoned Agriculture.

1874. In response, the planning authority made the following comments:

- 20 Dawson Road was zoned Rural because it contained a mining lease;
- 20 Dawson Road was also zoned Rural because it contained a threatened vegetation community and the Rural Zone would allow the Priority Vegetation Area overlay to be applied;
- resource development, including grazing, did not require a planning permit in the Agriculture Zone; and
- access to irrigation could be negotiated with neighbours.

1875. Following the hearing, the planning authority, in response to a Commission direction, advised it reconsidered whether the Rural Zone should be applied to more land in the area and provided a diagram that identified the properties it recommended be zoned Rural. The response also included a diagram that showed how the Priority Vegetation Area overlay should be applied to the land in the event land was zoned Rural. The overlay diagram was provided by its natural values expert Mr Jim Mulcahy and was generally consistent with the Regional Ecosystem Model, except that the overlay would not be applied to Ms Phillips' land at Scotts Road.

1876. Furthermore, the planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of four letters were sent and three responses were received. One of the responses was supportive of the Rural Zone proposed for 70 Dawson Road, Cairns Bay folio of the Register 52374/1, however two responses, from the owners of 129 Jetty Road, Waterloo, folio of the Register 168260/1 (Gary Oliver) and 40 Phillips Road, Cairns Bay, folios of the Register 113657/1 and 160295/2 (Andrew and Mrs Leanne Scott), raised concern about the Rural Zone proposed to be applied to parts of the land because both properties were used for agriculture. The following reasons were given:

- 40 Phillips Road was used to harvest timber to make fruit crates and fence posts;
- 40 Phillips Road contained dams and was intended to be used for horticulture in future;
- 129 Jetty Road contained an agriculture business and was used to graze cattle;
- additional buildings may need to be constructed on 129 Jetty Road in future to support the business;
- the Rural Zone would limit potential to use 129 Jetty Road for agriculture;
- the owner of 129 Jetty Road intended to expand the existing pastures on the south of the property;
- cattle were allowed to graze the northern section of bushland, which provided the animals with access to medicinal plants;
- historic soil tests of the land identified the soil quality was superior to soil usually found in the south;
- parts of the land had recently been cleared; and
- significant native vegetation on the land was protected through other methods.

1877. At the reconvened hearing, Mr Andrew and Mrs Leanne Scott made the following comments about the split-zone proposed for 40 Phillips Road:

- the land was used to grow apples and contained a small sawmill;
- the Priority Vegetation Area overlay would limit the potential to use the land for agriculture and other rural activities;
- the Rural Zone could allow people to construct dwellings in the area, which would compromise agriculture use; and
- the presence of grey goshawks was important in the area because the birds discouraged pest birds from entering the area and eating fruit.

1878. In response, the planning authority made the following comments:

- Mr Mulcahy advised the Priority Vegetation Area overlay was applied in response to a grey goshawk nest that was located nearby;
- the land otherwise contained eucalypts, and dry stringy bark and silver wattle forest;
- its agriculture expert initially supported the Agriculture Zone for the whole of the land but considered a compromise was required because of the apparent natural value of the upper parts of the land;
- the area of the land proposed to be zoned Rural was too steep to use to grow pasture; and
- it was nevertheless prepared to consider whether the land remain in the Agriculture Zone.

1879. Ms Trisha Phillips also attended the reconvened hearing and raised concern the Priority Vegetation Area overlay was proposed to apply to 20 Dawson Road. In response, the planning authority's natural values expert Mr Mulcahy stated the overlay would apply to the significant native vegetation on the land but would not apply to the cleared areas of the site.

1880. Dr Garry Oliver attended the reconvened hearing and made the following comments:

- his land previously contained a dairy, orchards, and beef cattle;
- he had spent a lot of money fencing the land and making other improvements;
- his cows used the forested area on the northern side of the land to graze for approximately half the year;
- some of the property had been cleared and developed for pasture;
- he had three herds of cattle that were rotated around the property;

- he had attempted to grow crops on the land and had learned how to manage the land to make it productive;
- the land did not contain vegetation of significant natural value;
- he had never seen a Tasmanian devil on the land;
- two certified forest practices plans applied to the land;
- he did not believe the land had significant numbers of black gum trees; and
- his only intention was to use the land to graze animals and maintain fire trails.

1881. In response, Mr Mulcahy made the following comments on behalf of the planning authority:

- the northern end of the property contained approximately 23ha of forest;
- mapping of vegetation indicated the area contained black gum forest;
- the Rural Zone was proposed for this area because it would allow the Priority Vegetation Area overlay to apply and protect the vegetation;
- he accepted some of the vegetation had recently been cleared; and
- he would be prepared to support an amendment to the overlay in the event a natural values assessment was submitted as evidence the land did not contain priority vegetation.

1882. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that showed how the Priority Vegetation Area overlay should be applied to 129 Jetty Road (Oliver) consistent with advice provided by its natural values expert Mr Jim Mulcahy. The diagram showed a reduced area of the overlay and Rural Zone, which contained more of the recently cleared areas within the Agriculture Zone.

1883. In response, Dr Oliver made a submission, which included diagrams of a revised, and smaller, area of the Rural Zone and Priority Vegetation Area prepared by PDA Surveyors, Engineers and Planners. The submission made the following comments:

- the land contained fire trails that also functioned as tracks for cattle movement, which were important to the farm operations;
- the eastern area of bush was used as a permanent winter and inclement weather grazing paddock;
- he preferred the Agriculture Zone be applied to the whole property;
- he did not support the Rural Zone because it would compromise the commercial use of the land;
- he preferred all his land be zoned Rural in the event it was not zoned Agriculture;
- the Rural Zone would allow for the current agriculture use to continue and create potential for the land to be used and developed with a rural industry or rural business;
- if the proposed split-zone was applied, the Rural Zone should be confined to the area of the overlay;
- the split-zone boundary identified by the planning authority was imprecise;
- it was difficult to determine the location of a zone boundary if it was defined by the vegetation as the location of the vegetation would change over time;
- professional consultants had undertaken business improvement studies for the farm; and
- forest practices plans had identified the land contained weeds that needed to be managed.

1884. In response, the planning authority made a submission with the following comments:

- it did not support the Rural Zone for the whole area of the land because it would provide for use that would not necessarily be associated with agriculture;

- the split-zone boundary proposed (though not preferred) by Dr Oliver was too complex;
- it would support a reduction to the area of the overlay provided the zone boundary was simplified;
- it proposed some further adjustment to the overlay and a simplified split-zone boundary arrangement;
- the zone boundary should be in general alignment with the northern boundary of folio of the Register 52375/1 and connected to two title boundary junctions;
- the split-zone would provide a uniform zone pattern; and
- the overlay could be reduced to match the existing forested area and removed from recently cleared areas.

Commission consideration

1885. The Commission is persuaded the Rural Zone should be applied to 20 and 70 Dawson Road, part of 129 Jetty Road (Oliver), 212, 388 (Latham) and 390 Scotts Road and 40 Phillips Road (Scott) as recommended by the planning authority for the following reasons:
- the lots are included in the agricultural estate mapping (three unconstrained and three potentially constrained), which indicates the Rural or Agriculture zones are appropriate;
 - the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
 - the Rural Zone would provide a more consistent application of zones to the surrounding area; and
 - the Rural Zone is compatible with the Priority Vegetation Area overlay and would protect the significant natural values identified by the planning authority's natural values expert.
1886. The Commission also determines the Rural Zone should be applied to 385 Scotts Road, Cairns Bay folio of the Register 237624/1 (Robinson) for the same reasons. The Rural Zone would provide a more consistent application of zones to the area and unite the Rural Zone applied to the east and west of the land.
1887. The Commission notes draft amendment PSA-1/2022 to the interim planning scheme to rezone 388 Scotts Road, Cairns Bay folio of the Register 165935/2 (Latham) from the Significant Agriculture Zone to the Rural Resource Zone came into effect on the 31 May 2023. The Rural Zone is the most similar zone available under the SPPs, which would best reflect this amendment.
1888. Otherwise, the Commission notes there are reserved roads that intersect or adjoin the land that should also be included in the Rural Zone to ensure zoning is applied contiguously.
1889. The Commission consequently determines the Priority Vegetation Area overlay should be applied to the Rural Zone consistent with the advice of the planning authority's natural values expert to protect native vegetation, as the overlay is compatible with the Rural Zone. The policy intent of the SPPs is that the overlay be applied to compatible zones, and no evidence was submitted from a suitably qualified person to demonstrate any of the affected parcels do not contain priority vegetation.
1890. The Commission considers the Rural Zone should be applied to the eastern part (see Commission decision on general issues - split-zones) of 212 Scotts Road (Andrew and Leanne Scott) on the lower and less forested area of the land generally below the 160m AHD contour. The western side of the land is significantly

vegetated and elevated and there is evidence the land has landscape value (see Commission decision on general issues - landscape value) significant enough to warrant application of the Landscape Conservation Zone.

1891. The Commission notes Dr Oliver's concerns about the use of a split-zone on his land at 129 Jetty Road but considers the use of a split-zone boundary the best option in the circumstances. The following is observed:

- the planning authority's natural values expert advised the land contains black gum forest (*Eucalyptus Ovata*), which is a threatened native vegetation community under the *Nature Conservation Act 2002*;
- the natural value of the vegetation is significant enough to warrant application of the Rural Zone because it is compatible Priority Vegetation Area overlay;
- no alternative evidence was submitted from a suitably qualified person to demonstrate the land does not contain priority vegetation identified by the planning authority's natural values expert;
- the Rural Zone provides for resource development as a 'no permit required' use, which would allow the land to continue to be used for agriculture, including grazing of animals;
- existing uses are also protected under the Act, meaning any lawfully established farming use may continue as previously undertaken; and
- the zone boundary between the northern boundary of folio of the Register 52375/1 and the western boundary of folio of the Register 168260/1 and connected to two title boundary junctions is simplified and provides a more rational application of the zones.

1892. The Commission is not persuaded the Rural Living Zone should be applied to Scotts Road folio of the Register 148554/1, 53 Barnard Road or 20 Dawson Road. There is no evidence the Rural Living Zone is supported by the regional strategy or a local land use strategy. Furthermore, there is no evidence the land is part of a 'rural living community or that there is a primary strategic intention for the land be used for residential use and development within a rural setting' as required by policy SRD 1.3 of the regional strategy. The Commission notes the planning authority's intent to undertake strategic planning work to investigate the appropriate future zones that should apply to land in the municipality.

1893. Similarly, the Commission does not agree the Rural Zone should be applied to Scotts Road folio of the Register 148554/1 (Phillips) because the land would be surrounded on three sides by the Agriculture Zone. The Commission agrees with the planning authority's agriculture expert the Rural Zone could provide for a residential use of the land, which could constrain the adjoining orchards to the north and south of the land.

Commission decision

1894. Modification:

- Revise the zoning of that part of 212 Scotts Road, Geeveston folio of the Register 237626/1 east of a line identified by coordinates E 495914.55 and N 5218750.80, and E 495968.53 and N 5218673.65 to Rural.
- Revise the zoning of the northern part of 129 Jetty Road, Waterloo, folio of the Register 168260/1 to Rural (zone boundary between title corners) and apply the Priority Vegetation Area overlay as identified in the diagrams included in the planning authority submission in response to direction 2 (10 April 2024) dated 19 April 2024.
- Revise the zoning of the following properties to Rural and apply the Priority Vegetation Area overlay to the land as identified in the diagrams included in the

planning authority submission in response to direction 1 (9 August) dated 29 August 2023:

- a. 20 Dawson Road, Cairns Bay folio of the Register 224433/1;
- b. 70 Dawson Road, Cairns Bay folio of the Register 52374/1;
- c. 385 Scotts Road, Cairns Bay folio of the Register 237624/1 (shown Agriculture in the diagram);
- d. 388 Scotts Road, Cairns Bay folio of the Register 165935/2;
- e. 390 Scotts Road, Cairns Bay folio of the Register 165935/1;
- f. that part of 40 Phillips Road, Cairns Bay, folios of the Register 113657/1 and 160295/2 located south-west of a line identified by coordinates E 495924.5 and N 5217885.66, E 495981.32 and N 5217861.23, E 496048.85 and N 5217844.76, E 496103.74 and N 5217827.43, E 496194.88 and N 5217798.65, E 496156.73 and N 5217618.03, E 496184.45 and N 5217603.75, E 496193.51 and N 5217592.22, E 496207.51 and N 5217596.07, E 496210.53 and N 5217608.42, E 496320.88 and N 5217713, and E 496427.93 and N 5217714.65; and
- g. the reserved road adjoining the southern boundary of folio of the Register 237624/1.

1895. Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Zone - Silver Hill Road, Cygnet (Cygnet Cluster 2)

Representations: Gary and Jane Weiley (287), Matthew Brereton and Tracy Marriot (413)

1896. The representation made by Gary and Jane Weiley (287), requested the zone of 252 Silver Hill Road, Cygnet folios of the Register 24047/1 and 214611/1 be revised from Landscape Conservation to Rural because the Landscape Conservation Zone would diminish the use and development potential of the land.

1897. The representation made by Matthew Brereton and Tracy Marriot (413) requested the zone of the adjoining land at 306 Silver Hill Road, Cygnet folio of the Register 139542/7 be revised from Landscape Conservation to Rural Living or Rural. The reasons were:

- the planning authority had recently granted approval to construct a dwelling on the land;
- the Landscape Conservation Zone was not supported by Guideline No. 1 because the land was intended to contain residential use;
- the owner intended to use the land for hobby farming; and
- the Landscape Conservation Zone would decrease the value of the property.

1898. In its section 35F report, the planning authority recommended the Rural Zone be applied to folios of the Register 24047/1 (Weiley) and 139542/7 (Brereton and Marriot) for the following reasons:

- the land contained vegetation that was contiguous with land proposed to be zoned Landscape Conservation;
- the land also had similar characteristics to adjoining land zoned Rural;
- the land was not entirely covered by native vegetation; and
- it had reassessed whether the Landscape Conservation Zone should be applied and determined, on balance, the land was more appropriately zoned Rural, particularly because both titles adjoined other land zoned Rural.

1899. However, the planning authority recommended folio of the Register 214611/1 (Weiley) remain in the Landscape Conservation Zone for the following reasons:

- the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
- the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
- the land was located on a prominent hillside and included a hilltop, valley depressions and ridgelines, which contributed to a larger vegetated area;
- mapping of vegetation in the area indicated part of the site contained threatened *Eucalyptus globulus* dry forest and woodland;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- the land reflected of the broader landscape value of the area;
- only small-scale use or development was appropriate because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

1900. At the hearing, the planning authority made the following comments:

- the area contained six properties that had been zoned Landscape Conservation;
- it was not clear whether all six properties should be zoned Rural or Landscape Conservation;
- the land was elevated and contained significant areas of bushland but was in a broader area of land zoned Rural;
- it considered all six properties should be zoned Rural because the bushland it contained was not contiguous with a larger area of bushland; and
- the Priority Vegetation Area overlay would otherwise apply and protect vegetation of significant natural value.

1901. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the properties it recommended be zoned Rural. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of five letters were sent and two responses were received, both of which were in support of the Rural Zone.

Commission consideration

1902. The Commission is persuaded the Rural Zone should be applied to the land as recommended by the planning authority for the following reasons:

- five of the six lots are included in the agricultural estate mapping (four unconstrained and one potentially constrained), which indicates the Rural or Agriculture zones are appropriate;
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
- the land proposed to be zoned Rural has little to no landscape value (see Commission decision on general issues) because the bushland contains large areas that are cleared of vegetation;
- the Rural Zone would provide a more consistent application of zones to the surrounding area; and

1903. impact on any vegetation of significant natural value present would be primarily managed through the Priority Vegetation Area overlay applied to the land.
1904. Otherwise, the Commission notes several reserved roads intersect or adjoin the land that would be zoned Landscape Conservation and determines the roads should also be included in the Rural Zone to ensure zoning is applied contiguously.

Commission decision

1905. Modification:

- Revise the zoning of the following properties to Rural:
 - a. 251 Silver Hill Road, Cygnet folio of the Register 35468/1;
 - b. 252 Silver Hill Road, Cygnet folios of the Register 24047/1 and 214611/1;
 - c. 306 Silver Hill Road, Cygnet folio of the Register 139542/7;
 - d. 93 Geards Road, Cygnet folio of the Register 30494/3;
 - e. 139 Geards Road, Cygnet folio of the Register 30494/2;
 - f. the reserved road intersecting folio of the Register 35468/1; and
 - g. the reserved road adjoining folios of the Register 139542/7 and 214611/1 as necessary to produce a uniform zoning pattern.

1906. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - Clarks Road, Lower Longley

Representations: Guy Greener (291)

1907. The representor requested the zone of Clarks Road, Lower Longley folio of the Register 234634/1 be revised from Landscape Conservation to Rural. The reasons were:
- there was an area of approximately 2-3ha in the north-west corner of the land that could be used and developed for rural activities;
 - the Landscape Conservation would unnecessarily limit the use and development potential of that part of the land;
 - the requirement that buildings in the Landscape Conservation Zone be located at least 200m from the boundary of the land that adjoined the Rural Zone was too onerous;
 - the land was used for grazing sheep, and historically used for grazing cattle and harvesting hay;
 - the Priority Vegetation Area overlay applied to an area of the land that contained pine trees;
 - the land contained some threatened fauna and habitat however native fauna numbers were diminishing, possibly due to attacks by feral cats;
 - the owner wanted to construct a dwelling on the land; and
 - the Rural Zone was more consistent with the character of the land.
1908. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the land was zoned Rural Resource in the interim planning scheme;
 - RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
 - the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
 - LCZ 1 of Guideline No. 1 required the Landscape Conservation Zone be applied to land with features such as bushland and areas of native vegetation that were of landscape value;

- the land was substantially covered in native vegetation and contained numerous valley depressions;
- the land was part of a larger bushland area;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- the land reflected of the broader landscape value of the area;
- only small-scale use or development was appropriate because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

1909. At the hearing, the planning authority made the following comments:

- it was aware the adjoining land in the Kingborough draft LPS was initially proposed by the Kingborough planning authority to be zoned Landscape Conservation;
- its natural values expert Mr Jim Mulcahy had noted the land may have contained general threatened fauna habitat; and
- it was prepared to reassess whether the land should be split-zoned Landscape Conservation and Rural.

1910. Following the hearing, the Commission contacted the representor and requested their opinion on the split-zone boundary identified at the hearing.

1911. In response, Mr Greener provided a submission to state he agreed with the proposed split-zone, which provided for an area of approximately 3ha in the north-west corner of the land to be zoned Rural.

Commission consideration

1912. The Commission is persuaded the Rural Zone should be applied to the cleared area of the land at the northern end of the property (see Commission decision on general issues - split-zones) for the following reasons:

- the land is identified in the agricultural estate mapping (unconstrained), which indicates the Rural or Agriculture zones are appropriate;
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
- the land proposed to be zoned Rural has little to no landscape value (see Commission decision on general issues - landscape value) because it is cleared pasture and is not significantly elevated, being mostly below the 330m AHD contour;
- the Rural Zone would be consistent with the zone of the broader area to the north, south and west; and
- the Priority Vegetation Area overlay would apply to the land and protect any significant natural values present.

Commission decision

1913. Modification:

- Revise the zoning of that part of Clarks Road, Lower Longley folio of the Register 234634/1 located north of the boundary identified by coordinates E 511821.11 and N 5244044.34, E 512059.45 and N 5244002.05, and E 512083.28 and N

5244137.22 as shown in the diagram in the Commission's direction to Guy Greener dated 12 March 2023 to Rural.

1914. Reason: To apply the Rural Zone consistent with Guideline No.1.

Rural Zone - 343 and 355 North Huon Road, Ranelagh

Representations: Kelly Walker and David Bourne (298 and 299)

1915. The representor requested the zone of 343 and 355 North Huon Road, Ranelagh folios of the Register 199157/1 and 62635/1 be revised from Agriculture to Rural. The reasons were:

- the owner wanted to build a dwelling at 343 North Huon Road;
- 355 North Huon Road already contained a dwelling;
- the land had a land capability classification of class 5, which made it unsuitable for cropping;
- it was more appropriate to zone both titles Rural;
- a surveyor and agriculture expert undertook an assessment of the property and determined 343 North Huon Road was suitable for construction of a dwelling and horticulture, specifically apple and cherry orchards; and
- horticulture was possible but would be significantly constrained by building setback requirements.

1916. In its section 35F report, the planning authority recommended no change to the draft LPS because its agriculture expert (RMCG) investigated the potential to use the land for agriculture and determined the Agriculture Zone should be applied. The planning authority included the following advice from its agriculture expert:

- potential to use 343 North Huon Road for agriculture was somewhat constrained by residential use that surrounded the land;
- horticulture use was not required to be located 200m from dwellings under the SPPs;
- historic aerial imagery captured in approximately 2006 showed the land previously contained an orchard alongside the existing dwellings that were still location on the surrounding properties;
- the Rural Zone would not provide a consistent zone pattern; and
- 355 North Huon Road did not have any potential to be used for agriculture but should also remain in the Agriculture Zone so that a consistent zone pattern was applied.

1917. At the hearing, Ms Astrid Ketelaar (RMCG) for the planning authority added a fish farm was located approximately 200m to the south of the land and provided wastewater to surrounding farms for irrigation. It was therefore possible a source of irrigation could be provided to the land to support a horticultural enterprise.

Commission consideration

1918. The Commission is not persuaded the Rural Zone should be applied to the land for the reasons given by the planning authority's agriculture expert. The land is identified in the agricultural estate mapping, which identifies 343 North Huon Road as unconstrained. The Commission notes the advice provided to the representor by their own agriculture expert, however the advice relates to construction of a dwelling and is not a commentary on whether the Rural or Agriculture zones should be applied to the land.

1919. Number 355 North Huon Road is not suitable for agriculture due to its small area of approximately 1,200m², however application of the Rural Zone would result in the

land being spot-zoned, which should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict.

Commission decision

1920. The Commission determines no modifications are required.

Rural Zone - Cliffords Road, Deep Bay

Representations: Nicholas Direen (301)

1921. The representor requested the zone of Cliffords Road, Deep Bay folio of the Register 157269/3 be revised from Landscape Conservation to Rural. The reasons were:

- the property was used for agriculture and to graze livestock;
- the land was not of scenic value;
- the land contained approximately 5ha of a radiata pine plantation that had a total area of approximately 25ha located across several titles under similar ownership;
- the land was used to graze animals during winter months; and
- the land had access to irrigation from a natural waterway located on the property.

1922. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
- the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
- the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
- the land was located at the base of a hillside, was substantially vegetated, and included valley depressions and ridgelines that contributed to a major vegetated landscape feature;
- resource development was a discretionary use in the Landscape Conservation Zone;
- the Landscape Conservation Zone would not impact existing forestry or agriculture uses;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- only small-scale use or development was appropriate because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

1923. At the hearing, the representor made the following comments in support of the representation:

- the property was comprised of eight titles and contained a sawmill;
- the three titles zoned Landscape Conservation should be zoned Rural;
- folio of the Register 157269/3 was used to harvest timber;
- the two larger titles were not used to harvest timber;
- the land was in a gully and was not highly visible from surrounding areas; and

- the Rural Zone was preferred for all three lots, however the Landscape Conservation Zone would be acceptable for the two larger lots provided the land could be used for recreation.

1924. In response, the planning authority made the following comments:

- the largest of the three titles had an area of approximately 47ha;
- the land was substantially covered in bushland;
- the land could be used for passive recreation;
- the Priority Vegetation Area overlay would control native vegetation clearance;
- its natural values expert Mr Jim Mulcahy, advised the type of vegetation on the land could not be verified without a site inspection, but added the land may have contained black peppermint forest, silver forest, and Tasmanian devil, swift parrot, and raptor nesting habitat; and
- the Rural Zone was recommended for folio of the Register 157269/3, however the two larger lots should remain in the Landscape Conservation Zone.

Commission consideration

1925. The Commission is persuaded the Rural Zone should be applied to folio of the Register 157269/3 for the following reasons:

- the land is identified in the agricultural estate mapping (unconstrained), which indicates the Rural or Agriculture zones are appropriate;
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
- part of the land contains a forestry plantation;
- the land may have some landscape value (see Commission decision on general issues), however it is not significant enough to warrant application of the Landscape Conservation Zone given it has been modified by the existing forestry plantation and the land is located at the base of the Devils Royals range, which limits its visibility; and
- impact on any features of natural value present would be primarily managed through the Priority Vegetation Area overlay would apply to the land, which would also assist the retention of vegetation and incidental retention of any features of landscape value.

Commission decision

1926. Modification:

- Revise the zoning of Cliffords Road, Deep Bay folio of the Register 157269/3 to Rural.

1927. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - Norris Road, Surveyors Bay

Representations: Conservation Landholders Tasmania (9), Betty and Lee Norris (305, 306 and 307)

1928. The representation made by Betty and Lee Norris (305, 306 and 307) requested the zone of 46 Norris Road folios of the Register 138477/3 and 208395/1 and Norris Road, Surveyors Bay folio of the Register 208378/1 be revised from Landscape Conservation to Rural because the land was substantially cleared of vegetation. The representor added several certified forest practices plans applied to folios of the Register 138477/3 and 208378/1.

1929. The representation made by Conservation Landholders Tasmania (9) supported application of the Landscape Conservation Zone to 46 Norris Road, Surveyors Bay folio of the Register 138477/3 because the land contained a conservation covenant.
1930. In its section 35F report, the planning authority recommended no change to the zone of 46 Norris Road folio of the Register 208395/1 and Norris Road folio of the Register 208378/1 for the following reasons:
- the land was zoned Rural Resource in the interim planning scheme;
 - RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
 - the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
 - the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
 - 46 Norris Road was located on a hillside, was substantially covered in native vegetation, had slope depressions, a ridgeline that ran diagonally through the land, and formed part of a contiguous bushland area that adjoined the Russell Ridge Conservation Area;
 - Norris Road folio of the Register 208378/1 was located on a hillside, was substantially covered in native vegetation and contributed to a larger bushland area;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
 - the land reflected of the broader landscape value of the area;
 - only small-scale use or development was appropriate because it would limit impact on the landscape; and
 - the Landscape Conservation Zone was the most appropriate zone for the land.
1931. However, the planning authority recommended the Rural Zone be applied to 46 Norris Road, Surveyors Bay folio of the Register 138477/3 for the following reasons:
- the land was zoned Rural Resource in the interim planning scheme;
 - the Landscape Conservation Zone was applied because the land was perceived to have landscape value due to its native vegetation coverage, which included various types of threatened native vegetation; and
 - it had reassessed the characteristics of the land and considered the Rural Zone should be applied because vegetation coverage was limited, and the Priority Vegetation Area and Waterway and Coastal Protection Area overlays applied and would protect any features of natural value.
1932. At the hearing, Mr John Thompson for Conservation Landholders Tasmania stated he supported application of the Rural Zone to 46 Norris Road, Surveyors Bay folio of the Register 138477/3 as recommended by the planning authority.
1933. The planning authority made the following comments:
- the certified forest practices plan that applied to Norris Road folio of the Register 208378/1 had expired;
 - the land contained a conservation covenant;
 - the Rural Zone could be considered for part of 46 Norris Road folio of the Register 138477/3 so the cleared area of the land could be zoned Rural; and
 - a zone boundary could be provided in the vicinity of the 200m AHD contour with the land to the east of the boundary zoned Rural.

1934. Following the hearing, the Commission contacted the owner and requested their opinion on the split-zone boundary proposed by the planning authority at the hearing.
1935. At the reconvened hearing, Mr Lee Norris made the following comments:
- he supported application of the Landscape Conservation Zone to those parts of the land covered by conservation covenants;
 - some areas of the land were cleared and should be zoned Rural;
 - certified forest practices plans applied to folios of the Register 138477/3 and 208378/1, which is used for forestry; and
 - the skyline was already protected by the requirements of the *Forest Practices Act 1985*.
1936. In response, the planning authority stated the proposed split-zone boundary should be located along the brow of the ridge with the Landscape Conservation Zone applied to the ridgeline and the Rural Zone applied to the remainder of the land.

Commission consideration

1937. The Commission considers the Rural Zone should be applied to the whole of 46 Norris Road folios of the Register 208395/1 and 138477/3 for the following reasons:
- the land is identified in the agricultural estate mapping (unconstrained), which indicates the Rural or Agriculture zones are appropriate;
 - the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
 - the Rural Zone would be consistent with the surrounding zone and would ensure a spot-zone is not applied;
 - a certified forest practices plan (see Commission decision on general issues - forestry land use) applies to folio of the Register 138477/3 and established the intended future use of the land, which should be reflected by its zone;
 - although the land may have some landscape value (see Commission decision on general issues - landscape value), it is not significant enough to warrant application of the Landscape Conservation Zone in preference to the use that has been established by existing forestry uses; and
 - conservation covenants and the Priority Vegetation Area overlay would apply to parts of the land and protect any significant vegetation or other features of significant natural value present.
1938. However, the Commission is not persuaded the Rural Zone should be applied to Norris Road folio of the Register 208378/1 because the land is high in elevation near the summit of Mount Esperance and significantly visible from surrounding areas. The Commission is satisfied the land has landscape value that warrants application of the Landscape Conservation Zone for the reasons given by the planning authority in its section 35F report. Furthermore, the Commission notes the forest practices plan that applied to the land has now expired.

Commission decision

1939. Modification:
- Revise the zoning of 46 Norris Road, Surveyors Bay folios of the Register 138477/3 and 208395/1 and the reserved roads intersecting folio of the Register 138477/3 to Rural.
1940. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - 85 and 115 Crabtree Road, Grove

Representation: Amelia Lovell (312), Robert Green (369)

1941. The representation made by Amelia Lovell (312) requested the zone of 115 Crabtree Road, Grove folio of the Register 30262/5 be revised from Agriculture to Rural. The reason was the residential use and character of the land was consistent with the surrounding land, which was zoned Rural.
1942. The representation made by Robert Green (369) raised concern the Rural Zone would be applied to 85 Crabtree Road, Grove folio of the Register 30262/2. The representor also requested the Priority Vegetation Area overlay be removed from the land. The reasons were:
 - the land had been farmed for 21 years;
 - the land was used to graze animals and was previously used as a dairy farm; and
 - the land did not contain waterways or threatened flora and fauna.
1943. In its section 35F report, the planning authority recommended the Rural Zone be applied to 115 Crabtree Road (Lovell) because the zone was consistent with AZ 6 of Guideline No. 1. The planning authority recommended the Agriculture Zone be applied to 85 Crabtree Road (Green) for the following reasons:
 - the Agriculture Zone was consistent with AZ 2 of Guideline No. 1 because the land was zoned Significant Agriculture in the interim planning scheme; and
 - the land did not contain significant native vegetation, which warranted application of the Priority Vegetation Area overlay.
1944. The planning authority included the following advice from its agriculture expert (RMCG) about the zoning of 115 Crabtree Road (Lovell):
 - the land had an area of approximately 20ha and a summer allocation of 22.5 megalitres of irrigation from Mountain River;
 - the land had a land capability classification of class 4 and class 5;
 - historic aerial imagery captured in approximately 2005 showed the land had been used for pasture-based activities;
 - the land was isolated from other land zoned Agriculture;
 - surrounding land zoned Rural was used for similar purposes; and
 - the Rural Zone was recommended because it would be consistent with the zone of the surrounding area.
1945. At the hearing, the planning authority made the following comments:
 - its agriculture expert considered both titles were more suited to the Rural Zone;
 - in the event 85 Crabtree Road was changed to the Agriculture Zone, 115 Crabtree Road should also be retained in the Agriculture Zone;
 - its natural values expert noted the original condition of the land was heavily impacted, and that there may be a threatened forest community in the area; and
 - the Rural Zone and Priority Vegetation Area overlay should be applied to both lots as recommended by its experts.
1946. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that showed how the Priority Vegetation Area overlay should be applied to 115 Crabtree Road (Lovell) consistent with advice provided by its natural values expert Mr Jim Mulcahy.

Commission consideration

1947. The Commission is persuaded the Rural Zone should be applied to the land for the reasons given by the planning authority's agriculture and natural values experts.

Both lots are included in the agricultural estate mapping (potentially constrained), which indicates the Rural or Agriculture zones are appropriate. The Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural.

1948. The Commission consequently determines the Priority Vegetation Area overlay should be applied to 115 Crabtree Road (Lovell) consistent with the advice of the planning authority's natural values expert to protect native vegetation, as the overlay is compatible with the Rural Zone. The policy intent of the SPPs is that the overlay be applied to compatible zones, and no evidence was submitted from a suitably qualified person to demonstrate the land does not contain priority vegetation.

Commission decision

1949. Modification:

- Revise the zoning of 115 Crabtree Road, Grove folio of the Register 30262/5 to Rural and apply the Priority Vegetation Area overlay consistent with the diagram in the planning authority's submission in response to direction 69 (30 May 2023) dated 29 July 2023.

1950. Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Zone - 8391 Channel Highway, Cradoc

Representation: Chris Cato (315)

1951. The representor requested the zone of 8391 Channel Highway, Cradoc folio of the Register 133624/1 be revised from part Rural and part Environmental Management to Rural. The reasons were:

- nearby land that had similar geographical and ecological characteristics and was zoned Rural and subject to similar overlays;
- the overlays would apply to the land and manage flood and coastal inundation hazards;
- a significant part of the land zoned Environmental Management had been used for animal grazing in the past;
- the land contained important natural values, however it partly contained pasture and could be used to graze animals; and
- the Environmental Management Zone would unreasonably limit use and development potential of the land and created a need to obtain approval for various uses from an authority under the *National Parks and Reserved Land Regulations 2009*.

1952. In its section 35F report, the planning authority recommended the part of the land zoned Environmental Management be replaced with the Landscape Conservation Zone. The reasons were:

- the Environmental Management Zone was applied because the land contained salt marsh and black gum woodland;
- the land was located alongside the Egg Islands in an area with features of sensitive scenic and ecological values;
- the Environmental Management Zone was applied to the same area in the interim planning scheme; and
- the features of significant landscape and natural value could be managed by the provisions of the Landscape Conservation Zone.

1953. At the hearing, the planning authority added the following comments:

- its natural values expert was supportive of the recommendation;
- the representor suggested some of the cleared land was within the Environmental Management Zone however it was not satisfied the land was cleared; and
- it was satisfied the Landscape Conservation Zone could directly replace the Environmental Management Zone rather than provide a straighter boundary between the two zones.

Commission consideration

1954. The Commission agrees the part of the land zoned Environmental Management should be replaced with the Landscape Conservation Zone for the reasons given by the planning authority in its section 35F report. The Landscape Conservation Zone is a more appropriate zone to apply to privately-owned land. The Commission is not persuaded the Rural Zone should be applied in place of the Environmental Management Zone given evidence the land contains features of significant natural value.

Commission decision

1955. Modification:

- Revise the zoning of that part of 8391 Channel Highway, Cradoc folio of the Register 133624/1 zoned Environmental Management to Landscape Conservation.

1956. Reason: To apply the Landscape Conservation Zone consistent with Guideline No. 1.

Rural Zone - Grove and Huonville

Representations: Howard Hansen and Jake Norris (316), Red Seal Planning for Raymond and Laura Tierney (351)

1957. The representation made by Howard Hansen and Jake Norris (316) requested the zone of parcels of land be revised from Agriculture and Landscape Conservation to Rural. The properties were:

- 11 Basin Road, Grove folios of the Register 51126/1, 152465/1, 51127/1, 84042/1, 204250/1, 152465/3, 65413/1, 246593/2, 201218/1, 152464/1, 179551/1 and 152464/2;
- Crabtree Road, Grove folios of the Register 147388/1, 162207/1 and 162207/2;
- 20 Hansens Road, Grove folio of the Register 138515/1;
- 21 Hansens Road, Grove folio of the Register 138515/2
- 2009 Huon Highway, Grove folios of the Register 171485/1 and 111552/3;
- 2125 Huon Highway, Grove folios of the Register 119181/1, 44369/1 and 180709/1;
- 2461 Huon Highway, Huonville folios of the Register 82757/2 and 238636/1;
- Huon Highway, Grove folio of the Register 178953/2; and
- 204 Main Street, Huonville folio of the Register 46649/4 (now owned by the Crown - acquired road).

1958. The representor also requested 2459 Huon Highway, Huonville folios of the Register 82757/1 and 71465/1 be split-zoned General Residential and Rural.

1959. The representation made by Red Seal Planning for Raymond and Laura Tierney (351) requested the zone of 49 Allens Road, Grove folio of the Register 106638/1 be revised from Landscape Conservation to Rural. The land adjoined 2125 Huon Highway (Hansen). The reasons were:

- the owner intended to use the land to grow lavender;
 - the land was incorrectly excluded from the agricultural estate mapping and was capable for being used for agriculture;
 - the land was agricultural land as defined by the PAL Policy because it was being used for agriculture;
 - the land was zoned Rural Resource in the interim planning scheme;
 - the Rural Zone was consistent with the use and character of the land;
 - the use and character of the land was not consistent with the purpose of the Landscape Conservation Zone;
 - any vegetation of significant natural value would be protected by the Priority Vegetation Area overlay;
 - resource development was discretionary in the Landscape Conservation Zone;
 - the land had some constraints and was not suitable for the Agriculture Zone;
 - the surrounding land should also be zoned Rural; and
 - the Landscape Conservation Zone was inconsistent with Guideline No. 1.
1960. The representor also submitted a farm management plan for the land, which indicated the land was suitable for growing lavender subject to appropriate preparation of the land. The plan was prepared by a suitably qualified expert.
1961. In its section 35F report, the planning authority recommended 11 Basin Road folio of the Register 152464/1 (Hansen) be zoned Rural because its agriculture expert (RMCG) investigated the potential to use the land for agriculture and determined the Rural Zone should be applied.
1962. The planning authority recommended no change to the Landscape Conservation Zone applied to 11 Basin Road folio of the Register 201218/1, 2125 Huon Highway folio of the Register 119181/1 and part of 21 Hansens Road folio of the Register 138515/2 (Hansen) for following reasons:
- the land was zoned Rural Resource in the interim planning scheme;
 - RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
 - the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
 - the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
 - the land was steep, covered with native vegetation and formed part of a larger bushland area;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
 - the land reflected of the broader landscape value of the area;
 - only small-scale use or development was appropriate because it would limit impact on the landscape; and
 - the Landscape Conservation Zone was the most appropriate zone for the land.
1963. The planning authority recommended no change to the zone of the remaining land for the following reasons:
- the Agriculture Zone was consistent with AZ 2 of Guideline No. 1 because the land was zoned Significant Agriculture in the interim planning scheme;
 - its agriculture expert (RMCG) investigated the potential to use the land for agriculture and determined the Agriculture Zone should be applied; and

- the Rural Zone should be applied to the parts of folios of the Register 152465/1 and 179551/1 (Hansen) that were zoned Rural Resource in the interim planning scheme to allow the Priority Vegetation Area overlay to be applied to protect native vegetation.
1964. The planning authority included the following advice from its agriculture expert:
- 11 Basin Road folio of the Register 152464/1 (Hansen) should be zoned Rural because it had a small area, contained a dwelling, was located adjacent to an orchard, and had no potential to be used for Agriculture;
 - 2125 Huon Highway, Grove folios of the Register 119181/1, 44369/1 and 180709/1 (Hansen) was used to graze livestock;
 - the Agriculture Zone should be applied to folios of the Register 44369/1 and 180709/1 (Hansen) because it would reflect the existing use of the land and the surrounding zone pattern; and
 - the Rural Zone could be applied to folio of the Register 119181/1 (Hansen) because the land contained native bush.
1965. The agriculture expert otherwise recommended there be no change to the zone of the remaining titles for the following reasons:
- the land was already zoned Rural (11 Basin Road folio of the Register 152464/2);
 - the land contained orchards;
 - the land was managed in conjunction with larger holdings;
 - the land had access to irrigation;
 - the land was surrounded by other properties with agriculture use; and
 - the zone was consistent with the pattern of zones applied to the surrounding area.
1966. The planning authority recommended no change to the zone of 49 Allens Road (Tierney) for the following reasons:
- the land was zoned Rural Resource in the interim planning scheme;
 - RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
 - the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
 - the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
 - the land was steep and was substantially covered in native vegetation that was contiguous with a larger bushland area;
 - the lavender farm only covered a relatively small area of the site;
 - resource development was a discretionary use in the Landscape Conservation Zone;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
 - the land reflected of the broader landscape value of the area;
 - only small-scale use or development was appropriate because it would limit impact on the landscape; and
 - the Landscape Conservation Zone was the most appropriate zone for the land.
1967. At the hearing, Mr Mat Clark (JMG Engineers and Planners) represented Mr Howard Hansen and Mr Jake Norris who together made the following comments:

- much of the land had been farmed since 1944;
- some small lots had been created over time because it was possible to make a living from small areas of land;
- the area once had 2000 apple growers, which had decreased to about 20;
- residential use throughout the area impacted capacity to undertake agriculture;
- many properties in the area were used for rural living purposes irrespective of the zone of land;
- the Landscape Conservation Zone applied to 11 Basin Road folio of the Register 201218/1, 2125 Huon Highway folio of the Register 119181/1 and part of 21 Hansens Road folio of the Register 138515/2 would impact potential to farm the land and decrease the value of the land;
- 11 Basin Road, 2125 Huon Highway and 21 Hansens Road had similar characteristics to other land in the area, particularly land at Bullock Hill, which was zoned Rural;
- the whole of 11 Basin Road should be zoned Rural;
- 2125 Huon Highway folios of the Register 44369/1 and 180709/1 should be zoned Rural because the area of each lot was small; and
- 2125 Huon Highway had a land capability classification of class 5 and class 6 and were identified in the agricultural estate mapping as potentially constrained.

1968. In response, the planning authority made the following comments:

- 11 Basin Road, 2125 Huon Highway and 21 Hansens Road were steep and covered in native vegetation;
- it was concerned the Rural Zone would allow significant development to be undertaken on 11 Basin Road, 2125 Huon Highway and 21 Hansens Road, which would impact areas of land with landscape value;
- its natural values expert advised that part of 11 Basin Road located south of Basin Road contained threatened native vegetation including white peppermint;
- its natural values expert advised the land was in the vicinity of wedge-tailed eagle nests;
- it was prepared to consider whether 11 Basin Road should be split-zoned;
- that part of 11 Basin Road located south of Basin Road was proposed to be zoned Landscape Conservation, which was consistent with its methodology for application of the Zone (stated in its draft LPS supporting report) because more than 80% of the land was covered in native bushland;
- its agriculture expert (Mr Michael Tempest) agreed 2125 Huon Highway was potentially constrained by the small area of the lots, presence of dwellings, lack of irrigation and the suitability of the land for horticulture;
- Mr Tempest also raised concern the land would be spot-zoned if zoned Rural; and
- it was prepared to consider whether the Rural Zone should be applied to 2125 Huon Highway and several other adjacent properties.

1969. Mr Trent Henderson (Red Seal Planning) also attended the hearing and represented Mr Raymond Tierney who together made the following comments:

- Mr Tierney intended to operate a lavender farm and produce lavender oil;
- the soil was of a quality that could grow lavender but was not suitable for other types of crops;
- Mr Tierney intended to remove some of the vegetation on the land to plant lavender;
- the Landscape Conservation Zone was not required because the Priority Vegetation Area and Scenic Protection Area overlays would apply to the land and protect features of natural and scenic value; and

- resource development was still possible in the Landscape Conservation Zone however it was discretionary and therefore more expensive to obtain a planning permit for use and development.

1970. In response, the planning authority made the following comments:

- approximately 4ha of the land was cleared;
- its natural values expert advised mapping of vegetation in the area indicated the land contained threatened vegetation;
- its natural values expert was satisfied the Priority Vegetation Area overlay would adequately protect the threatened vegetation; and
- it maintained the Landscape Conservation Zone should be applied to the land.

1971. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the properties it recommended be zoned Rural. The response also included a diagram that showed how the Priority Vegetation Area overlay should be applied to the land in the event it was zoned Rural. The overlay diagram was provided by its natural values expert Mr Jim Mulcahy. Furthermore, the planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of five letters were sent. No responses were received.

1972. At the reconvened hearing, Mr Hansen and Mr Norris raised concern the Priority Vegetation Area overlay would be applied to 2125 Huon Highway folios of the Register 119181/1, 44369/1 and 180709/1. In response, the planning authority's natural values expert was prepared to consider an amendment to the overlay if the representor provided a natural values assessment of the land.

1973. No natural values assessment was submitted by the representor.

Commission consideration

1974. The Commission is persuaded the Rural Zone should be applied to the whole area of the following properties as recommended by the planning authority:

- 20 Basin Road folio of the Register 157340/3;
- 2071 Huon Highway folio of the Register 242598/1;
- 2073 Huon Highway folio of the Register 103378/2; and
- 2125 Huon Highway folios of the Register 44369/1 and 180709/1.

1975. The Commission notes the following:

- the Rural Zone is supported by the planning authority's agriculture expert;
- the land is identified in the agricultural estate mapping (potentially constrained), which indicates the Rural or Agriculture zones are appropriate;
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural; and
- impact on any vegetation of significant natural value present would be primarily managed through the Priority Vegetation Area overlay applied to the land.

1976. The Commission also determines the Rural Zone should be applied to 2073 Huon Highway folio of the Register 103378/1 to ensure a uniform zone pattern is applied to the area. The land would be surrounded by land zoned Rural and would be an effectual spot-zone. Spot-zoning should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict. The land is under similar ownership to folio of the Register 103378/2, has a small area of approximately 1ha, and contains a dwelling.

1977. Otherwise, the Commission notes a reserved road intersects 2125 Huon Highway that would be zoned Agriculture and determines the road should also be included in the Rural Zone to ensure zoning is applied contiguously.
1978. However, the Commission is not persuaded the Landscape Conservation Zone at 11 Basin Road folio of the Register 201218/1, 2125 Huon Highway folio of the Register 119181/1, 21 Hansens Road folio of the Register 138515/2 (Hansen) and 49 Allens Road, Grove folio of the Register 106638/1 (Tierney) should be replaced with the Rural Zone for the following reasons:
- the land is heavily vegetated except for some small clearings;
 - the land is elevated and visible from surrounding areas;
 - the land adjoins larger bushland areas to the south of the respective properties;
 - each property has landscape value (see Commission decision on general issues) that warrants application of the Landscape Conservation Zone; and
 - resource development is a discretionary use in the Landscape Conservation Zone and can be considered by the planning authority, which is considered appropriate in the circumstances given the competing natural and landscape values.
1979. The Commission otherwise supports application of the Rural and Agriculture zones applied to the remaining parcels of land subject to representation 316 (Howard Hansen and Jake Norris) for the reasons given in its section 35F report and the planning authority's agriculture expert.
1980. The Commission's view is the Priority Vegetation Area overlay should not be removed from land unless supported by the advice of a suitably qualified person who has undertaken a detailed site assessment. No evidence was submitted from a suitably qualified person to demonstrate 2125 Huon Highway folios of the Register 119181/1, 44369/1 and 180709/1 did not contain priority vegetation.
1981. The Commission consequently determines the Priority Vegetation Area overlay should be applied to the Rural Zone consistent with the advice of the planning authority's natural values expert to protect native vegetation, as the overlay is compatible with the Rural Zone. The policy intent of the SPPs is that the overlay be applied to compatible zones, and no evidence was submitted from a suitably qualified person to demonstrate any of the affected parcels do not contain priority vegetation.

Commission decision

1982. Modification:
- Revise the zoning of the following properties to Rural and apply the Priority Vegetation Area overlay as identified in the diagrams included in the planning authority submission in response to direction 35 dated 29 June 2024:
 - a. 20 Basin Road, Grove folio of the Register 157340/3;
 - b. 2071 Huon Highway, Grove folio of the Register 242598/1;
 - c. 2073 Huon Highway, Grove folio of the Register 103378/1 and 103378/2; and
 - d. 2125 Huon Highway, Grove folios of the Register 44369/1 and 180709/1 and the intersecting reserved road.
1983. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - Brittain's Road and Dalys Hill Road, Garden Island Creek

Representation: Michael Kelly (324)

1984. The representor requested the zone of Brittain's Road folio of the Register 39880/1 and 97 Dalys Hill Road, Garden Island Creek folio of the Register 180918/1 be revised from Landscape Conservation to Rural. The reasons were:

- the land was used for residential purposes;
- the owner intended to harvest the timber in future to generate income; and
- the Landscape Conservation would limit potential to use the land to generate family income.

1985. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land had landscape value as evidenced by its vegetation coverage and elevated position;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- only small-scale use or development was appropriate because it would limit impact on the landscape;
- the Landscape Conservation Zone was the most appropriate zone for the land; and
- the Rural Living Zone was not an appropriate alternative zone.

1986. At the hearing, the representor Mr Michael Kelly was represented by Mr Robert Patterson and Mr Caleb Elcock who together made the following comments in support of the representation:

- the Priority Vegetation Area overlay did not apply to the land;
- the land did not have landscape value or contribute to an area of broader landscape value;
- the titles had a small area, which combined, amounted to an area of approximately 18ha;
- the land was not part of the nearby Dalys Hill ridgeline;
- the property contained a sawmill that was of significant size and had been established for number of years;
- the land could not be seen from surrounding areas;
- the land to the north of the site was zoned Rural;
- the Landscape Conservation Zone would limit the use and development potential of the land; and
- 97 Dalys Hill Road, Garden Island Creek folio of the Register 13973/1 was owned by Mr Kelly's son and should also be included in the Rural Zone.

1987. In response, the planning authority made the following comments:

- the land was substantially vegetated and adjoined land that had similar character;
- the Landscape Conservation Zone was the best zone to apply to the land however a split-zone could be considered that would allow the existing sawmill to be within the Rural Zone;
- the Rural zone could result in land use conflict with adjoining dwellings; and
- the Landscape Conservation Zone should be applied contiguously with the land to the south and east.

Commission consideration

1988. The Commission is persuaded the Rural Zone should be applied to Brittain's Road folio of the Register 39880/1 and 97 Dalys Hill Road folio of the Register 180918/1 for the following reasons:

- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
- the land may have some landscape value (see Commission decision on general issues), however it is not significant enough to warrant application of the Landscape Conservation Zone given it has been modified by the development of the sawmill and use of the land for forestry;
- the land is in an area characterised by forestry plantations; and
- there is no evidence the land contains vegetation of significant natural value as the Priority Vegetation Area overlay does not apply to the land.

1989. Otherwise, the Commission notes a reserved road and 'unknown easement' parcel adjoins or intersects parts of the land and determines that that land should also be included in the Rural Zone to ensure zoning is applied uniformly.

1990. However, the Commission is not persuaded the Rural Zone should be applied to 97 Dalys Hill Road folio of the Register 13973/1 at this time. The land would be almost surrounded on all its sides by the Landscape Conservation Zone. Application of the Rural Zone would therefore cause the land to be spot-zoned. Spot-zoning should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict. Nevertheless, the land and surrounding properties to the south, east and west share similar qualities that might be characterised as consistent with the provisions of the Rural Zone. The Commission notes the planning authority, at the hearings, outlined an intent to undertake strategic planning work for the municipality, which may help determine the appropriate future zone for the land. An alternative zone could be applied by draft amendment to the LPS in future if supported by the outcomes of such strategic planning work.

Commission decision

1991. Modification:

- Revise the zoning of Brittain's Road folio of the Register 39880/1 and 97 Dalys Hill Road, Garden Island Creek folio of the Register 180918/1, the intersecting reserved road on the northern side of folio of the Register 180918/1, and the unknown easement adjoining both titles to Rural.

1992. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - 33 Smiths Road, Huonville

Representations: Ireneinc Planning for Iris Lam (339)

1993. The representor requested the zone of 33 Smiths Road, Huonville folio of the Register 149545/2 be revised from Agriculture to Rural. The reasons were:

- the adjoining land at 23 Smiths Road was used for residential purposes;
- the land was previously used as a cherry orchard;
- many of the cherry trees remained on the land and were in good condition;
- the land had an area of approximately 5.7ha, which constrained its potential to be used for agriculture;
- the Rural Zone would allow agriculture use to continue but would be more favourable to residential use and development and other rural uses;

- the Rural Zone was consistent with policy 16.5 (productive resources) of the regional strategy;
- the land had a land capability classification of class 4 and class 5 and was not prime agricultural land; and
- the property had a high capital value, which meant it was unlikely to be amalgamated with adjoining land used for agriculture in future.

1994. In its section 35F report, the planning authority recommended there be no change to the draft LPS because its agriculture expert (RMCG) investigated the potential to use the land for agriculture and determined the Agriculture Zone should be applied. The planning authority included the following advice from its agriculture expert:

- most of the land had a land capability classification of class 4 and was used for growing pasture and cherries;
- the land was well-connected to other land zoned Agriculture to the south-west;
- the land had frontage to the Huon River; and
- the Rural Zone would cause the land to be spot-zoned.

Commission consideration

1995. The Commission is not persuaded the Rural Zone should be applied to the land for the reasons given by the planning authority's agriculture expert. Although the land is identified in the agricultural estate mapping as potentially constrained, application of the Rural Zone would result in the land being spot-zoned, which should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict.

Commission decision

1996. The Commission determines no modifications are required.

Rural Zone - 34 Evans Road, Port Huon and 54 Doodys Hill Road, Port Huon

Representations: Timothy Sanderson (57), Amy Robertson (344)

1997. The representation made by Timothy Sanderson (57) related to land at 54 Doodys Hill Road, Port Huon folio of the Register 236136/1, which was zoned Rural Living B in the exhibited draft LPS. The representation did not specifically request a revision to the draft LPS but sought an opportunity to address the Commission to review any perceived property impacts as a consequence of the proposed draft LPS provisions.

1998. The representation made by Amy Robertson (344) requested the zone of 34 Evans Road, Port Huon folio of the Register 224515/1 be revised from Landscape Conservation to Rural. The reasons were:

- the property contained dams and irrigation infrastructure associated with a cherry orchard;
- the Landscape Conservation Zone could present difficulties in managing or developing the property;
- the property had been used for occasional firewood harvesting and grazing; and
- present grey goshawk and eastern barred bandicoot habitat would not be hindered by rural activities occurring on the property.

1999. In relation to representation 57, the planning authority recommended in its section 35F report, that no change to the draft LPS was warranted and confirmed its view the Rural Living Zone was appropriate for the land.

2000. In relation to representation 344, the planning authority in its section 35F report, recommended no change to the draft LPS for the following reasons:

- although the property was zoned Rural Resource in the interim planning scheme, the Rural Resource Zone and the new Rural Zone were not similar because there was a clear policy distinction between the zones;
 - the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
 - the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
 - the site was reflective of the important landscape values found in the wider area, including vegetated hills and valleys which frame cleared agricultural land; and
 - it was appropriate that only small-scale use or development be permitted.
2001. Mr Sanderson attended the hearing and spoke to his representation. At the hearing it emerged that although Mr Sanderson agreed with application of the Rural Living Zone, he did not agree with the use of Rural Living Zone B (Acceptable Solution with a minimum lot size of 2ha) and wished for a subdivision category that would permit subdivision of his property. Failing that, Mr Sanderson raised the prospect of applying the Low Density Residential Zone.
2002. In response, the planning authority re-iterated its position that Rural Living Zone B reflected the surrounding pattern of subdivision and as such was appropriate. The planning authority also spoke to the status of the Huon Valley Land Use and Development Strategy and noted Port Huon was included within the Geeveston settlement area. The planning authority stated preliminary strategic work had commenced to determine supply and demand of land based on estimated population growth.
2003. Hearing discussion turned from zoning to the application of the Priority Vegetation Area overlay to 54 Doodys Hill Road, Port Huon. The planning authority's natural values expert, Mr Jim Mulcahy, noted the encroachment of vegetation identified as *Eucalyptus viminalis* grassy forest and woodland in mapping of the vegetation was likely due to tree canopy shadowing from bushland on adjoining land at 13, 23 and 25 Evans Road, Port Huon. Mr Mulcahy stated 54 Doodys Hill Road, Port Huon did not contain priority vegetation and that it was acceptable to remove the overlay.
2004. Ms Robertson attended the hearing and spoke to her representation in relation to 34 Evans Road, Port Huon. During the hearing, the planning authority indicated a willingness to investigate the zoning of 34 Evans Road, Port Huon and on that basis the Commission issued a direction on the 30 May 2023 requiring the planning authority to prepare a diagram showing recommended zoning for the property and surrounding Landscape Conservation-zone land. The direction required the planning authority to consult with Ms Robertson in relation to the preparation of the diagram and to provide contact details for affected landowners to enable the Commission to undertake notification of those landowners to seek their views in relation to a possible zone revision.
2005. The planning authority responded to the direction on 1 September 2023 and provided a diagram, which recommended the Rural Zone be applied to the following properties:
- 80 Doodys Hill Road, Port Huon folio of the Register 120538/4;
 - Doodys Hill Road, Port Huon folio of the Register 120538/3; and
 - 34 Evans Road, Port Huon folio of the Register 224515/1.
2006. The planning authority further recommended the Rural Living Zone B be applied to the following properties because the lot areas and use was consistent with adjoining land zoned Rural Living:
- 13 Evans Road, Port Huon folio of the Register 174297/100;

- 15 Evans Road, Port Huon folio of the Register 159488/2;
- 21 Evans Road, Port Huon folio of the Register 174297/1;
- 23 Evans Road, Port Huon folio of the Register 174297/3;
- 25 Evans Road, Port Huon folio of the Register 174297/4;
- 29 Evans Road, Port Huon folio of the Register 174297/2; and
- 31 Evans Road, Port Huon folio of the Register 169873/1.

2007. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of 10 letters were sent and one response was received, from the owners of 29 Evans Road, which supported revision of the property from the Landscape Conservation Zone to the Rural Living Zone.

Commission consideration

2008. Following evidence heard at the hearing, the Commission is persuaded the Priority Vegetation Area overlay ought to be removed from 54 Doodys Hill Road, Port Huon. The Commission also supports the planning authority's recommendation the Rural Living Zone B is an appropriate zone to apply to the land. The Commission accepts the planning authority has applied the Rural Living Zone throughout the municipality with a view to limiting further subdivision potential. The Commission also acknowledges the planning authority intends to undertake a review of its settlements to determine what land is required to accommodate future population growth. Except where the Commission considers that there are unique circumstances, the Commission view is that it is appropriate that any densification of the municipality's Rural Living Zone be considered upon completion of that strategic work and not through the draft LPS assessment process. In any case, it is noted that 54 Doodys Hill Road has a lot area of 1.8ha, which is less than the 2ha minimum lot size under the relevant Acceptable Solution.

2009. In regard to representation 344 (Amy Robertson) and the further recommendations from the planning authority, the Commission agrees the Rural Zone ought to apply to those properties identified by the planning authority, including 34 Evans Road. The Commission also agrees the Rural Living Zone B ought to apply to the remaining properties identified by the planning authority. The proposed zones will replace the exhibited Landscape Conservation Zone. The properties were found to not contain landscape value (see Commission decision on general issues) sufficient to warrant application of the Landscape Conservation Zone. Those values which are present can be suitably managed through the Rural and Rural Living zone provisions together with the requirements of the Priority Vegetation Area overlay. In regard to 13, 15, 21, 23, 25 and 29 Evans Road, it is considered these properties would likely be used for residential purposes given the relatively small areas of the lots and the presence of dwellings on 15 and 21 Evans Road. The Rural Living Zone more aptly reflects the intended purpose of the land than the Landscape Conservation Zone.

2010. Otherwise, the Commission notes there are reserved roads that intersect or adjoin the land that should also be included in the Rural Living Zone and Rural Zone to ensure zoning is applied contiguously.

Commission decision

2011. Modification:

- Revise the zoning the following properties to Rural Living B:
 - a. 13 Evans Road, Port Huon folio of the Register 174297/100;

- b. 15 Evans Road, Port Huon folio of the Register 159488/2;
 - c. 21 Evans Road, Port Huon folio of the Register 174297/1;
 - d. 23 Evans Road, Port Huon folio of the Register 174297/3;
 - e. 25 Evans Road, Port Huon folio of the Register 174297/4;
 - f. 29 Evans Road, Port Huon folio of the Register 174297/2;
 - g. 31 Evans Road, Port Huon folio of the Register 169873/1; and
 - h. the reserved road adjoining the eastern boundary of folio of the Register 169873/1 as necessary to produce a uniform zoning pattern.
- Revise the zoning the following properties to Rural:
 - a. Doodys Hill Road, Port Huon folio of the Register 120538/3;
 - b. 80 Doodys Hill Road, Port Huon folio of the Register 120538/4;
 - c. 34 Evans Road, Port Huon folio of the Register 224515/1; and
 - d. and the reserved road adjoining the eastern boundary of folios of the Register 120538/3, 120538/4 224515/1 and as necessary to produce a uniform zoning pattern.
 - Remove the Priority Vegetation Area overlay from 54 Doodys Hill Road, Port Huon folio of the Register 236136/1.

2012. Reason: To apply the Rural Living Zone, Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Zone - 71 Glenbervie Road, Dover

Representations: Owen Careless and Alison Stebbing (349)

2013. The representor requested the zone of 71 Glenbervie Road, Dover folio of the Register 24293/1 be revised from Landscape Conservation to Rural. The reasons were:

- the land contained a dwelling;
- the land was used for rural purposes and was partly cleared;
- less than 80% of the land was covered in native vegetation;
- the Landscape Conservation Zone was inconsistent with LCZ 2 of Guideline No. 1 because it had a maximum elevation of 90m AHD;
- the Rural Zone was consistent with RZ 1 of Guideline No. 1 because it had historically been logged and grazed by animals; and
- the land did not contain native vegetation in all the areas identified in the Priority Vegetation Area overlay.

2014. In its section 35F report, the planning authority recommended the Rural Zone be applied to the land for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
- LCZ 1 of Guideline No. 1 required the Landscape Conservation Zone be applied to land with features such as bushland and areas of native vegetation that were of landscape value;
- the Landscape Conservation Zone had not been applied in a manner that was consistent with the planning authority's methodology for application of the Zone (stated in its draft LPS supporting report) because less than 80% of the land was covered in native bushland;
- planning approval had been granted for further removal of native vegetation from the land; and
- the Priority Vegetation Area overlay would otherwise apply to the land and protect native vegetation.

2015. At the hearing, Mr Owen Careless made the following comments in support of the representation:

- the land had an area of approximately 8ha;
- a dwelling had recently been constructed on the property;
- the land contained a significant amount of scrubland; and
- the Landscape Conservation Zone was not supported by LCZ 1 or LCZ 2 of Guideline No. 1.

Commission consideration

2016. The Commission is persuaded the Rural Zone should be applied to the land as recommended by the planning authority for the following reasons:

- the property is identified in the agricultural estate mapping (unconstrained), which indicates the land should be included in the Rural Zone or Agriculture Zone;
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
- the land may have some landscape value (see Commission decision on general issues), however it is not significant enough to warrant application of the Landscape Conservation Zone given it has been historically modified to a significant degree; and
- the Priority Vegetation Area overlay would also apply to the land and protect vegetation of significant natural value and may incidentally protect features of landscape value.

2017. Otherwise, the Commission's view is the Priority Vegetation Area overlay should not be removed from land unless supported by the advice of a suitably qualified person who has undertaken a detailed site assessment. No evidence was submitted from a suitably qualified person to demonstrate any of the affected land does not contain priority vegetation.

Commission decision

2018. Modification:

- Revise the zoning of 71 Glenbervie Road, Dover folio of the Register 24293/1 to Rural.

2019. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - 368 Braeside Road, Franklin (Franklin Cluster 5)

Representations: Anne Kovach (364)

2020. The representor requested the zone of 368 Braeside Road, Franklin folio of the Register 141613/2 be revised from Landscape Conservation to Rural as the zone was more consistent with the character of the land.

2021. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
- the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;

- LCZ 1 of Guideline No. 1 required the Landscape Conservation Zone be applied to land with features such as bushland and areas of native vegetation that were of landscape value;
- the land was located on a steep slope and was substantially covered in native vegetation that was part of a larger bushland area;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- the land reflected of the broader landscape value of the area;
- only small-scale use or development was appropriate because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

2022. At the hearing, the planning authority made the following comments:

- its natural values expert Mr Jim Mulcahy had noted the native forest on the land may have been regrowth rather the original vegetation; and
- it was prepared to reassess whether the land had landscape value and consider whether the Rural Zone should be applied to the land and several other adjacent titles instead.

2023. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that identified the properties it recommended be zoned Rural. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of three letters were sent and one response was received, which was supportive of the proposed Rural Zone.

Commission consideration

2024. The Commission considers the Rural Zone should be applied to the land, and three other titles to the east as recommended by the planning authority for the following reasons:

- two of the titles are identified in the agricultural estate mapping (unconstrained), which indicates the land should be included in the Rural Zone or Agriculture Zone;
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
- the land may have some landscape value (see Commission decision on general issues), however it is not significant enough to warrant application of the Landscape Conservation Zone given much of the vegetation appears to be regrowth as identified by the planning authority's natural values expert and aerial photography of the land; and
- the surrounding land is zoned Rural, and the Zone would provide a more uniform application of zoning across the broader area.

2025. Otherwise, the Commission notes there are reserved roads that intersect or adjoin the land that should also be included in the Rural Zone to ensure zoning is applied contiguously.

Commission decision

2026. Modification:

- Revise the zoning of the following properties to Rural:
 - a. 368 Braeside Road, Franklin folio of the Register 141613/2;
 - b. 281 Jacksons Road, Franklin folio of the Register 182469/1;
 - c. 293 Jacksons Road, Franklin folios of the Register 28783/1 and 28783/2;
 - d. the reserved roads intersecting folios of the Register 28783/1 and 141613/2; and
 - e. the reserved roads adjoining folios of the Register 28783/1 and 28783/2 as necessary to produce a uniform zoning pattern.

2027. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - 200 Kermandie River Road, Geeveston

Representations: Jason Browning (378)

2028. The representor requested the zone of 200 Kermandie River Road, Geeveston folio of the Register 121400/1 be revised from Landscape Conservation to Rural. The reasons were:

- the land contained a dwelling and was used for small-scale hobby farming;
- the land was surrounded by plantation forestry and did not have landscape value;
- the land could not be seen from surrounding areas;
- the land did not contain threatened native vegetation;
- the land was included in the agricultural estate mapping; and
- the Rural Zone would be consistent with the zone of all the surrounding land.

2029. In its section 35F report, the planning authority recommended the Rural Zone be applied for the following reasons:

- the Landscape Conservation Zone had been applied to manage the potential impact of development on the landscape;
- it had reassessed whether the Landscape Conservation Zone should be applied and considered the Rural Zone should be applied because the land was isolated and surrounded by land zoned Rural;
- the land was not entirely covered by native vegetation; and
- the Priority Vegetation Area overlay would apply and protect any natural values that were present on the land.

2030. At the hearing, Mr Brady Paul (PDA Surveyors, Engineers and Planners) represented Mr Jason Browning and made the following comments:

- the land was spot-zoned, which should be avoided;
- about 50% of the lot was cleared, particularly the undergrowth vegetation; and
- the Priority Vegetation Area overlay would apply and protect any vegetation of significant natural value, particularly swift parrot habitat.

Commission consideration

2031. The Commission considers the Rural Zone should be applied to the land for the following reasons:

- the property is identified in the agricultural estate mapping (unconstrained), which indicates the land should be included in the Rural Zone or Agriculture Zone;
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
- the land may have some landscape value (see Commission decision on general issues), however it is not significant enough to warrant application of the

Landscape Conservation Zone given it is isolated in a landscape otherwise characterised by plantation forestry; and

- application of the Landscape Conservation Zone would result in the land being spot-zoned, which should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict.

Commission decision

2032. Modification:

- Revise the zoning of 200 Kermandie Road, Geeveston folio of the Register 121400/1 to Rural.

2033. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - 93 Griggs Road, Lucaston

Representations: Huon Valley Council (406)

2034. The representor requested 93 Griggs Road, Lucaston folio of the Register 239333/1 be wholly included in the Rural Zone because the Agriculture Zone had been applied to part of the access strip to the lot in error.

2035. In its section 35F report, the planning authority recommended the Rural Zone be applied.

Commission consideration

2036. The Commission agrees the Rural Zone should be applied to the land and accepts of the access strip to the lot was zoned Agriculture in error.

Commission decision

2037. Modification:

- Revise the zoning of 93 Griggs Road, Lucaston folio of the Register 239333/1 so the whole of the property is zoned Rural.

2038. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - 99 Lonnavele Road, Judbury

Representations: Huon Valley Council (407)

2039. The representor requested 99 Lonnavele Road, Judbury folio of the Register 71684/1 be wholly included in the Rural Zone because the Agriculture Zone had been applied to part of the lot in error.

2040. In its section 35F report, the planning authority recommended the Rural Zone be applied.

Commission consideration

2041. The Commission agrees the Rural Zone should be applied to the land and accepts part of the land was zoned Agriculture in error as it was possibly mistaken for a road reservation.

Commission decision

2042. Modification:

- Revise the zoning of 99 Lonnavele Road, Judbury folio of the Register 71684/1 to Rural.

2043. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - 2438 Huon Highway, Huonville

Submission accepted by the Commission: Robert and Thu-Ha McKenna (Submission 12)

2044. The submission requested the zone of 2438 Huon Highway, Huonville folio of the Register 64394/4 be revised from Agriculture to Rural or Low Density Residential. The reasons were:

- the land had an area of approximately 2ha and was too small to contain a viable agriculture use;
- the land was located near the centre of Huonville; and
- the Rural Zone would be a better zone for the land and would provide for a small rural business such as a veterinary hospital, storage facility or farm supplier.

2045. Prior to the hearing, the planning authority, in response to a Commission direction, provided a response to the submission and recommended no change to the draft LPS for the following reasons:

- the land was well-connected with the orchards to the north, north-east and south-east;
- the land connected surrounding land also zoned Agriculture;
- the land did not contain non-agricultural use; and
- the land was suitable for agriculture.

2046. At the hearing, the planning authority made the following comments:

- a planning permit had been granted to construct a dwelling on the land;
- its agriculture expert considered the land provided a contiguous link between land zoned Agriculture to the north and south;
- its agriculture expert considered the land could be farmed in conjunction with the land to the north and could sustain an orchard despite its small area; and
- it recommended the Rural Zone be applied to the land despite the advice of its agriculture expert.

2047. Following the hearing, the planning authority, in response to a Commission direction, provided a copy of the planning permit granted for the construction of the dwelling and outbuildings on the land. The permit was granted on 16 June 2023 and contained conditions, which required the following:

- the dwelling and outbuildings to be located a minimum of 40m from the property boundaries;
- the residential use be required to 'support agricultural use of the property at all times unless the planning scheme in effect no longer required it'; and
- the outbuildings were approved as part of the agricultural use only.

Commission consideration

2048. The Commission is not persuaded the Rural Zone or Low Density Residential Zone should be applied to the land for the following reasons:

- while the land contains a dwelling, it has been approved on the basis the land is primarily used for agriculture;
- the planning permit is evidence of the intended future use of the land for agriculture;
- the Agriculture Zone would recognise the approved agriculture use;
- the Agriculture Zone would provide a more consistent pattern of zone application across the broader area; and

- the planning authority's agriculture expert provided evidence the land could be farmed in conjunction with the land to the north.

Commission decision

2049. The Commission determines no modifications are required.

Rural Zone - 136 Rocky Creek Road, Crabtree

Submission accepted by the Commission: Thomas Mistry (Submission 13)

2050. The submission requested the zone of 136 Rocky Creek Road, Crabtree folios the Register 168351/2 and 252686/2 be revised from Landscape Conservation to Rural. The reasons were:

- the Landscape Conversation Zone would cause the value of the property to decline;
- the Landscape Conservation Zone would unreasonably limit the use and development potential of the land;
- the land had productive value and could be used for agriculture or animal husbandry; and
- considerable parts of the land were already cleared or had been cleared in the past.

2051. The planning authority, in response to a Commission direction, recommended the Landscape Conservation Zone be applied to the land for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- the land was substantially covered in native vegetation;
- mapping of the vegetation indicated the land contained *Eucalyptus globulus* dry forest and woodland, which was a threatened vegetation community;
- the land was steep and formed part of a larger contiguous bushland area that adjoined Wellington Park; and
- the land was most appropriately zoned Landscape Conservation.

2052. At the hearing, Mr Thomas Mistry made the following comments in support of his submission:

- the land was not visible from the surrounding area;
- he would consider split-zoning of the land so the Rural Zone would apply to the productive areas of the land and the Landscape Conservation Zone would apply to the steep forested areas with natural value;
- a split-zone boundary could be applied to folio the Register 168351/2 in the vicinity of the 430m AHD contour with the area below the contour zoned Rural; and
- the Rural Living Zone could also be applied to the land.

2053. In response, the planning authority made the following comments:

- the Scenic Protection Area overlay did not apply to the land;
- the land shared a boundary with Wellington Park;
- the Landscape Conservation Zone had been applied because the land was part of a larger bushland area, which was heavily forested; and
- it was prepared to consider whether there was the possibility the Rural Zone could be applied to part of the land.

2054. Following the hearing, Mr Mistry made a written submission, which made the following comments:

- the Huon Valley had distinct land use patterns, and diverse land uses, particularly rural and agriculture activities, which surrounded settlements and areas of natural value;
- rural activities were important to the local community and the local economy;
- rural use of land was consistent with broader landscape value of the area and did not require special protection by a zone;
- the Rural Zone would be consistent with the zone of the surrounding area, which contained a quarry, farms, and a water processing plant and associated industrial buildings;
- the intensity of use the Rural Zone provided for would be consistent with the character of the surrounding area;
- historic aerial photography of the land indicated the area was used to graze livestock in the past; and
- the lower area of the land did not contain features of significant natural value.

2055. The planning authority, in response to a Commission direction, made a submission, which stated it remained open to split-zoning the land but considered the Landscape Conservation Zone should still be applied for the following reasons:

- the Landscape Conservation Zone was consistent with its methodology for application of the zone because the land was almost completely forested, was steep, was elevated, adjoined Wellington Park, and contained threatened vegetation communities;
- mapping of the vegetation in the area indicated it contained threatened dry blue gum (*Eucalyptus globulus*) forest and woodland;
- *Eucalyptus globulus* provided significant habitat for the critically endangered swift parrot; and
- the Rural Zone would result in the land being spot-zoned.

2056. At the reconvened hearing, Mr Mistry was represented by Ms Amy Robertson who made the following comments:

- the land could be used for forestry in future;
- the land contained some vegetation of significant natural value, which could be protected by the Priority Vegetation Area overlay;
- she had prepared a draft forest practices plan for the land;
- a zone boundary could be located between the junction of the south-west boundary of the land and the junction in the north-east boundary of the land in the vicinity of the 440M AHD contour;
- the eastern side of the land would be zoned Landscape Conservation and contain the steepest, most elevated, and most visible part of the land;
- Mr Mistry had a clear intent to use the land for rural activities, particularly forestry;
- the Rural Zone would be more favourable to forestry use;
- the proposed split-zone would allow access to the centre of the site for forestry;
- a portable sawmill could be used on the flat area of the land; and
- the Rural Zone would connect with other land zoned Rural in its south-west corner.

2057. In response, the planning authority's natural values expert, Mr Jim Mulcahy, made the following comments:

- some of the land on its western side was flatter and more useful for rural activities;
- it favoured the Landscape Conservation Zone for the land;
- it was prepared to consider the split-zone boundary identified by Ms Robertson but considered the boundary should be located approximately 80m to the west in the vicinity of the 420m AHD contour;

- a reasonable amount of the land was already cleared; and
 - it accepted Mr Mistry intended to use the land for forestry.
2058. Following the hearing, Mr Mistry, in response to a Commission direction, provided a diagram to identify the split-zone boundary proposed by Ms Robertson at the hearing. The submission also provided information about the natural value of the vegetation on the land, the prospect of harvesting timber from the land, and the visual impact of timber harvesting. The submission contended any selective or 'patch harvest' of the trees on the land would not be significantly visible from surrounding areas.
2059. In response, the planning authority made a submission, which stated it favoured the split-zone boundary it suggested at the hearing for the following reasons:
- the land was situated at the northern end of the Crabtree Rivulet Valley at a point where the valley divided into several separate gully tributaries;
 - the land was located on the north-east facing slope of Rocky Creek;
 - the land would not be significantly visible from the Huon Valley to the south, but would be visible from Crabtree Road and Mitchells Road to its west;
 - the proposed split-zone would provide for the vegetation and other features of significant natural value to be managed appropriately; and
 - the lower boundary would provide a greater buffer to Wellington Park.

Commission consideration

2060. The Commission is persuaded the Rural Zone should be applied to that part of the land west of the boundary (see Commission decision on general issues - split-zones) identified by Ms Robertson at the reconvened hearing for the following reasons:
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
 - the land proposed to be zoned Rural has little to no landscape value (see Commission decision on general issues - landscape value) because it is partly cleared and is not significantly visible from the surrounding area, particularly from the Huon Valley to the south, as demonstrated in the submission made by Mr Mistry following the reconvened hearing;
 - there is no meaningful difference between the zone boundaries nominated by Mr Mistry and the planning authority;
 - the Rural Zone would complement the similar zone applied to the land to the south and west; and
 - the Priority Vegetation Area overlay would apply to the land and protect any vegetation of significant natural value present.
2061. Otherwise, the Commission notes there is a reserved road that intersects and adjoins the western side of the land that should also be included in the Rural Zone to ensure zoning is applied contiguously.

Commission decision

2062. Modification:

- Revise the zoning of that part of 136 Rocky Creek Road, Crabtree folio the Register 168351/2 located on the western side of the boundary marked 'corners' in the diagram in the submission made by Thomas Mistry (Response to direction 20 issued on 21 February 2024) dated 29 February 2024 and the intersecting and adjoining reserved road to Rural.

2063. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Rural Zone - 133 Howards Road, Geeveston

Submission accepted by the Commission: Jo Birch (Submission 17)

2064. The submission requested the zone of 133 Howards Road, Geeveston folio of the Register 229740/1 be revised from Agriculture to Rural. The reasons were:

- the land was zoned Rural Resource in the interim planning scheme;
- the land had a land capability classification of class 4 and class 5, which meant it was not suitable for agriculture;
- the land was high in elevation;
- the higher area of the land had shallow topsoil and the lower area of the land would become waterlogged;
- the land could not be irrigated;
- the land was suitable for small-scale grazing but could not be cropped; and
- the property owners intended to build a dwelling on the land.

2065. At the hearing, Ms Jo Birch was represented by Mrs Amy Robertson who together made the following comments in support of the submission:

- the land was subject to landslip;
- the owner did not possess the resources to use the land for agriculture;
- a development application for a dwelling had been submitted to the planning authority and remained under consideration;
- there were three dwellings located either side of the property, which constrained agriculture use;
- the property contained a dam however it was not suitable for irrigation;
- wind prevented agriculture use;
- the land was formerly part of a much larger cattle farm;
- the land could not be farmed in conjunction with other land;
- land to the west contained plantation forestry; and
- the area had a rural living character.

2066. In response, Ms Astrid Ketelaar (RMCG) made the following comments on behalf of the planning authority:

- it had considered whether the land should be included in a cluster of properties zoned Rural;
- there were dwellings in the area;
- the land had a land capability classification of class 4 and was in a broader area that was relatively productive;
- windy conditions did not prevent agriculture use but indicated possibility the Agriculture Zone was not the preferred zone to apply to the land; and
- it was prepared to reconsider whether the Rural Zone should be applied but still preferred the Agriculture Zone.

2067. Following the hearing, the planning authority, in response to a Commission direction, recommended no change to the zone of the land for the following reasons:

- the land had an area of approximately 10ha, predominantly contained pasture and was well-connected to the land in the Agriculture Zone to the east, which also contained pasture;
- land to the east was zoned Rural; and
- irrigation supply to the area was limited, however the area was historically productive, especially production of stone fruit, and should remain in the Agriculture Zone.

Commission consideration

2068. The Commission agrees with the planning authority that the land should remain in the Agriculture Zone for the reasons given by its agriculture expert. The land is identified as unconstrained in the agricultural estate mapping and is mostly surrounded on three sides by land zoned Agriculture, which is used for agricultural purposes. The Commission is not satisfied there is evidence to support application of an alternative zone. No alternative expert evidence about the potential to use the land for agriculture was provided.
2069. Nevertheless, residential use is discretionary in the Agriculture Zone and may be considered by the planning authority. However, compliance with the relevant use and development standards of the SPPs is required, including those related to landslip hazard.

Commission decision

2070. The Commission determines no modifications are required.

Rural Zone - 8695 Channel Highway, Woodstock

Submission accepted by the Commission: Graeme Combes (Submission 18)

2071. The submission raised concern the Landscape Conservation Zone had been applied to 8695 Channel Highway, Woodstock folio of the Register 181411/3. The submission stated some of the lower areas of the land were used as winter shelter for livestock (cattle) and could be used for agriculture in future.
2072. At the hearing, Mr Graeme Combes made a written submission and the following comments:
- the land was part of a farm made up of multiple titles with an area of approximately 350ha;
 - the farm had operated continuously since 1830;
 - the farm was used as a source of income and produced 1500 tonnes of vegetable seed per year for Simplot;
 - the farm specialised in growing trial varieties of seed;
 - \$2 million had been invested in the infrastructure required to produce seed;
 - the farm usually employed about five workers during harvest season;
 - the business was important for the local economy;
 - the Landscape Conservation Zone was not appropriate for the land and had been applied to almost half of the farm;
 - the land was previously logged about 100 years ago and was now 'scrubby bush';
 - the land was needed for agriculture;
 - the Landscape Conservation Zone would reduce the value of the land;
 - the lower area of the land had previously been cropped; and
 - he was prepared to consider a split-zone of the land, which would allow the Rural Zone to be applied to the lower part of land with the zone boundary in the vicinity of the 70m AHD contour.
2073. In response, the planning authority made the following comments:
- the land had an area that was unusually large in the Huon Valley;
 - the land was substantially covered in vegetation and formed part of a larger bushland area;
 - most of the land should remain in the Landscape Conservation Zone however the part of the land that contained agriculture use could be split-zoned;

- it was concerned the Agriculture Zone would not allow the Priority Vegetation Area overlay to be applied;
- it was prepared to consider a split-zone of the land, which would allow the Rural Zone to be applied to the lower area;
- the Rural Zone was compatible with the Priority Vegetation Area overlay; and
- its natural values expert advised the lower area of the land contained important features of natural values, which included black gums, white peppermint forest, and two wedge-tailed eagle nests in the gully that ran through the centre of the lot.

2074. Following the hearing, the planning authority, in response to a Commission direction, recommended a split-zone be applied to the land. The submission contained a diagram, which showed a zone boundary along the 80m AHD contour.

2075. At the reconvened hearing, Mr Combes stated he supported the split-zone proposed by the planning authority.

Commission consideration

2076. The Commission is persuaded the Rural Zone should be applied to that part (see Commission decision on general issues - split-zones) of the land below the 80m AHD contour as recommended by the planning authority for the following reasons:

- the land is included in the agricultural estate mapping (unconstrained), which indicates the Rural or Agriculture zones are appropriate;
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
- the land proposed to be zoned Rural has little to no landscape value (see Commission decision on general issues - landscape value) because it is cleared pasture and is not significantly elevated, being below the 80m AHD contour;
- the Rural Zone would complement the Agriculture Zone applied to the remainder of the farm to the south; and
- the Rural Zone would allow the Priority Vegetation Area overlay to remain on the land and protect any vegetation of significant natural value.

2077. The Commission also determines the Rural Zone should be applied to 8794 Huon Highway folio of the Register 181410/1 to ensure a uniform zone pattern is applied to the area. The land would be surrounded by land zoned Rural and would be an effectual spot-zone. Spot-zoning should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict. The land has a small area of approximately 1.9ha, contains a dwelling, outbuildings, and storage areas, and has minimal native vegetation.

Commission decision

2078. Modification:

- Revise the zoning of 8794 Huon Highway folio of the Register 181410/1 and that part of 8695 Channel Highway, Woodstock folio of the Register 181411/3 located below the 80m AHD contour as shown in Figure 1 of the planning authority's response to direction 30 dated 18 December 2023 to Rural.

2079. Reason: To apply the Rural Zone consistent with Guideline No.1.

Rural Zone - Arve Road, Geeveston

Submission accepted by the Commission: Amy Robertson for Troy Cordwell
(Submission 20)

2080. The submission requested the zone of Arve Road, Geeveston folio of the Register 206894/1 be revised from Landscape Conservation to Rural. The submission also requested the Priority Vegetation Area overlay be removed from areas of the land, which were intended to be cleared. The reasons were:

- the land had been historically logged;
- a forest practices plan was certified in 2021 and provided for the clearing of 20ha of *Eucalyptus regnans* forest from the land;
- approximately 8ha of the land had been cleared;
- the owner intended to complete the clearing permitted by the forest practices plan and build a dwelling on the land;
- the current cleared area was not visible from Arve Road, and was unlikely to be visible when completed due to the location of screening vegetation, which surrounded the land;
- the Landscape Conservation Zone had not been applied in a manner that was consistent with the planning authority's methodology for application of the Zone (stated in its draft LPS supporting report) because less than 80% of the land was covered in native bushland;
- the owner intended to use the cleared area to graze sheep, cattle, and horses; and
- the Priority Vegetation Area overlay should be removed from the areas of the land permitted to be cleared by the forest practices plan.

2081. Prior to the hearing, the planning authority, in response to a Commission direction, recommended the Rural Zone be applied to the land for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- the land had an area of approximately 40ha and was surrounded by forestry land zoned Rural; and
- an active forest practices plan applied to the land, which identified a long-term intention to use the land as pasture to graze animals.

2082. At the hearing, Mr Troy Cordwell was represented by Mrs Amy Robertson who submitted a copy of the forest practices plan and together made the following comments:

- the land was purchased to construct a dwelling and to undertake farming activities;
- the land had been historically logged twice;
- the forest practices plan had a buffer zone to protect swift parrot habitat; and
- the forest practices plan did not expire until 2025.

2083. In response, the planning authority stated it supported the Rural Zone for the reasons given by the representor.

Commission consideration

2084. The Commission is persuaded the Rural Zone should be applied to the land as recommended by the planning authority for the following reasons:

- the land is identified in the agricultural estate mapping (unconstrained), which indicates the Rural or Agriculture zones are appropriate;

- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 3), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
- the Rural Zone would be consistent with the surrounding zone and would ensure a spot-zone is not applied;
- a certified forest practices plan applies to the land (see Commission decision on general issues - forestry land use) that has established the intended future use of the land, which should be reflected by its zone; and
- although the land may have some landscape value (see Commission decision on general issues - landscape value), it is not significant enough to warrant application of the Landscape Conservation Zone in preference to the use that has been established by the certified forest practices plan.

2085. The Commission also agrees the Priority Vegetation Area overlay should be removed from the area of the land identified in the forest practices plan to be cleared. The forest practices plan has been completed by a suitably qualified person, and clause 4.4.1 of the SPPs provides an exemption for clearance of vegetation in accordance with that plan.

Commission decision

2086. Modification:

- Revise the zoning of Arve Road, Geeveston folio of the Register 206894/1 to Rural and remove the Priority Vegetation Area overlay from that part of the land identified as 'cleared area' in the forest practices plan shown in Hearing Submission R75 - Troy Cordwell dated 31 July 2023.

2087. Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No.1.

Rural Zone - Mining Leases

Submission accepted by the Commission: Department of State Growth (Submission 2)

2088. The submission requested the zone of mining lease 2M/2013 at Eddy Creek (owned by Parks and Wildlife) be revised from the Rural Zone to the Landscape Conservation or Environmental Management Zone. The request was contingent on the mining activity being ceased prior to a decision on the draft LPS. The submission explained mining of the land was expected to conclude when the existing lease expired on 13 June 2025. The land would then be managed as part of the surrounding Tasmanian Wilderness World Heritage Area.

2089. The submission also requested the zone of the following mining leases be revised from the Landscape Conservation Zone to the Rural Zone because the land was used for extractive industry and the Landscape Conservation Zone would prohibit the lessees from being able to apply to extend the leases:

- mining lease 1719P/M at 383 Lonnavele Road, Judbury folio of the Register 258504/27;
- mining lease 1148P/M at Liddells Road, Crabtree folios of the Register 157841/1 and 157841/2;
- land to the north and east of mining lease 1915P/M at Nicholls Rivulet Road, Nicholls Rivulet folio of the Register 66677/1; and
- mining lease 1797P/M at Pelverata Road, Upper Woodstock folio of the Register 126703/12.

2090. At the hearing, Mr Clint Siggins (Mineral Resources Tasmania) made the following comments in support of the representation:

- it was possible the mining lease at Eddy Creek could be renewed beyond 2025;
- unlawful mining had been undertaken outside mining lease 1719P/M at 383 Lonnavele Road; and
- the owner of 383 Lonnavele Road needed to prepare a mining plan and submit it with an application for a mining lease over the area to demonstrate the mining activity would not have an unreasonable visual impact on the landscape.

2091. Following the hearing, the planning authority, in response to a Commission direction, made a submission with the following comments:

- it supported application of the Environmental Management Zone to mining lease 2M/2013 at Eddy Creek;
- 383 Lonnavele Road, Judbury folio of the Register 258504/27 (land adjoining mining lease 1719P/M) was substantially covered in native vegetation, contained a prominent topographical feature (Wallis Hill), was situated directly above the Huon River, formed part of a contiguous bushland area, and should remain in the Landscape Conservation Zone;
- the land to the north and east of mining lease 1148P/M at Liddells Road, Crabtree folios of the Register 157841/1 and 157841/2 was generally steep, substantially covered in native vegetation, formed part of a larger contiguous bushland area, and should remain in the Landscape Conservation Zone;
- land to the north and east of mining lease 1915P/M at Nicholls Rivulet Road, Nicholls Rivulet folio of the Register 66677/1 was contained ridgelines, was substantially covered in native vegetation, and should remain in the Landscape Conservation Zone;
- Pelverata Road, Upper Woodstock folio of the Register 126703/12 (mining lease 1797P/M) was already split-zoned Rural and Landscape Conservation;
- the mining lease at Pelverata Road was already in the land zoned Rural; and
- the balance of the land at Pelverata Road was steep and should remain in the Landscape Conservation Zone.

Commission consideration

2092. The Commission is not persuaded the Environmental Management Zone should be applied to the mining lease at Eddy Creek because the land contains a mine that remains active and operates under a valid mining lease. The Commission notes Mr Siggins' advice it is possible the mining lease could be extended beyond June 2025 and Department of State Growth's request the zone only be changed in the event mining ceased prior to a decision on the draft LPS. The planning authority or the Department of State Growth could pursue a draft amendment to the LPS after it comes into effect in the event the mine ceases to operate in the future.

2093. The Commission otherwise agrees with the planning authority there be no change to the zone of any other land for the reasons provided in its submission and notes the respective mining leases are already contained in the Rural Zone.

Commission decision

2094. The Commission determines no modifications are required.

Agriculture Zone - 545 North Huon Road, Ranelagh

Representations: Julie Sade, Derek and Valerie Smith (229)

2095. The representor raised questions about the provisions of the Agriculture Zone that would apply to an application for an additional dwelling and visitor accommodation on the land at 545 North Huon Road, Ranelagh folio of the Register 159990/10.

2096. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the Agriculture Zone was consistent with AZ 2 of Guideline No. 1 because the land was zoned Significant Agriculture in the interim planning scheme; and
- its agriculture expert (RMCG) investigated the potential to use the land for agriculture and determined the Agriculture Zone should be applied.

2097. At the hearing, Ms Astrid Ketelaar (RMCG) made the following comments on behalf of the planning authority:

- the Agriculture Zone was most appropriate given the characteristics of the land and surrounding area;
- the land did not contain threatened native vegetation; and
- proposed use and development would need to be assessed against the provisions of the SPPs.

Commission consideration

2098. The Commission notes the representor did not specifically oppose the Agriculture Zone and is satisfied with the planning authority's response in its section 35F report. The land is identified as unconstrained in the agricultural estate mapping, which indicates the Agriculture Zone should be applied. No assessment of the potential to use the land for agriculture was submitted. Nevertheless, residential and visitor accommodation uses are discretionary in the Agriculture Zone. Both uses may be approved by the planning authority, however compliance with the relevant use and development standards of the SPPs, would need to be demonstrated.

Commission decision

2099. The Commission determines no modifications are required.

Landscape Conservation Zone - General Issues

Representations: Conservation Landholders Tasmania (9), Fiona Brine (134), Rejane Belanger (197), James Duff (198), Tasmanian Land Conservancy (263), Nicole den Exter (289)

2100. The representation made by Conservation Landholders Tasmania (9) supported the planning authority's methodology used to apply the Landscape Conservation Zone, which included most of the properties in the municipality subject to conservation covenants.

2101. The representation made by Fiona Brine (134) contended more land zoned Rural and Rural Living should be included in the Landscape Conservation Zone to protect areas of significant natural and landscape value.

2102. The representations made by Rejane Belanger (197) and James Duff (198) raised concern the Landscape Conservation Zone had been applied broadly. The representors made the following comments:

- the Landscape Conservation Zone had been applied with properties that had less than 80% coverage with vegetation, which was inconsistent with the planning authority's methodology for application of the Zone;
- the Landscape Conservation Zone applied to many properties that were otherwise subject to the Scenic Protection Code and Natural Assets Code overlays;
- the Landscape Conservation Zone would reduce the value of properties to which it applied; and

- the Landscape Conservation Zone should not be applied to properties that were already developed and did not contain native vegetation.
2103. The representation made by the Tasmanian Land Conservancy (263) requested all land with a conservation covenant declared under the *Nature Conservation Act 2002* be zoned Landscape Conservation or Environmental Management. The reasons were:
- land subject to conservation covenants was already recognised as having natural value, which should be reflected by the zoning of the land;
 - the Landscape Conservation Zone would be consistent with Guideline No. 1;
 - land subject to conservation covenants was part of the Tasmanian Reserve Estate, which was land reserved to be managed for biodiversity conservation under Tasmania's Regional Forest Agreement;
 - land subject to conservation covenants was also part of Australia's National Reserve System and therefore contributed to the fulfilment of Australia's obligations under the international Convention on Biological Diversity 1993;
 - all land subject to conservation covenants was listed in the latest version of the Collaborative Australian Protected Area Database;
 - privately protected land in Tasmania covered a smaller area than publicly protected land, but contained a higher percentage of threatened communities;
 - private reserves, including all private conservation covenants and Tasmanian Land Conservancy reserves, had a reserve management plan prepared by experts to protect, conserve, and manage the ecological, scientific, cultural, and aesthetic values of the area in the public interest; and
 - zoning of the broader landscape around conservation covenants should be carefully considered to avoid fragmentation of the land that might impact on features of natural value.
2104. The representation made by Nicole den Exter (289) supported the planning authority's methodology for application of the Landscape Conservation Zone and made the following comments:
- use of split-zoning was supported so that the Landscape Conservation Zone could be applied to bushland on land otherwise zoned Rural or Agriculture;
 - the Agriculture Zone should not be applied to land of significant natural value because it did not allow the Priority Vegetation Area overlay to be applied;
 - 'urban-type' zones, especially the Low Density Residential Zone, should not be applied to small coastal settlements with significant natural value because it did not allow the Priority Vegetation Area overlay to be applied; and
 - the Waterway and Coastal Area overlay buffers should be extended into water below high-water mark to allow the provisions of the Natural Assets Code to apply.
2105. In its section 35F report, the planning authority noted the various concerns of the representors but recommended no change to the draft LPS.

Commission consideration

2106. The Commission notes the comments made by the representors and is satisfied with the planning authority's response in its section 35F report.
2107. The Commission observes conservation covenants are made under the *Nature Conservation Act 2002* but are not reserves because conservation covenants are not specifically identified as reserves in the interpretation in Part 3, or Schedule 1 of the *Nature Conservation Act 2002*. These sections list each type of reserve, including private nature sanctuaries and private nature reserves. Under the *Nature Conservation Act 2002*, the definition of 'reserved' (as opposed to the definition for

‘reserved land’) means land that is ‘set aside or acquired for a conservation purpose.’ This means the use of land must be primarily for conservation purposes because of having the status of a reserve of a type listed in Schedule 1 of the *Nature Conservation Act 2002*.

2108. The Commission also notes the different processes prescribed for declaration of reserves (made for private land under section 12 of the *Nature Conservation Act 2002*), versus the process for the Minister to ‘enter into’ a conservation covenant with a landowner (made as a covenant that ‘runs with’ the land under section 34 of the *Nature Conservation Act 2002*). Unlike a reserve, a conservation covenant ‘runs with’ the land like a contract and the land is not ‘set aside’, meaning that it is not taken to be primarily in effect for conservation purposes.
2109. There may be good strategic planning merit in the application of the Landscape Conservation or Environmental Management zones to areas that have extensive conservation covenants (such as a cluster of several titles, a large area, or both) provided that broader landscape values (not only biodiversity values) are demonstrated consistent with the purpose of the zone. The zone that should apply to land that contains a conservation covenant needs to be balanced with application of zones based on sound planning principles. For example, spot-zoning and split-zoning of land should generally be avoided (see Commission decision on general issues) and the zone should be consistent with the regional strategy and the principles of Guideline No. 1. The application of zoning as the primary method of the control of use and development, should firstly be undertaken irrespective of whether a covenant or overlay applies, with weight given to the existence and content of a covenant or an overlay when multiple zoning options are available.
2110. The Commission otherwise notes the Waterway and Coastal Area overlay has been applied in the draft LPS based on the Waterway and Coastal Area Guidelines Map published on the LIST and consistent with the principles of Guideline No. 1. Furthermore, the Commission notes a considerable amount of the land seaward of the high-watermark would be zoned Environmental Management, or subject to the Priority Vegetation Area or Future Coastal Refugia Area overlays, which would protect any features of natural value present.

Commission decision

2111. The Commission determines no modifications are required.

Landscape Conservation Zone - 23 Flakemores Road, Eggs and Bacon Bay (Eggs and Bacon Bay Cluster)

Representations: Steven Gibson (37)

2112. The representor opposed application of the Landscape Conservation Zone at 23 Flakemores Road, Eggs and Bacon Bay folio of the Register 30982/6.
2113. In its section 35F report, the planning authority noted the representation did not seek any changes to the draft LPS and on that basis recommended that it should not be modified.
2114. At the hearing, the planning authority made the following comments:
 - it was unsure whether the land should be zoned Landscape Conservation or Rural Living;
 - the Rural Zone was inappropriate because of the intensity of the uses it provided;
 - it was prepared to consider whether the Rural Living Zone should be applied to the land; and

- Rural Living Zone B (Acceptable Solution with a minimum lot size of 2ha) would prevent subdivision of the land.
2115. Following the hearing, the planning authority, in response to a Commission direction, recommended the Rural Living Zone B be applied to the land and several other surrounding properties. The planning authority also provided the contact details of the affected landowners. The Commission subsequently notified the landowners of the recommendation and sought their opinion on the proposed changes. A total of 20 letters were sent and 3 responses were received. Only one of the responses, made by the owner of 261 Randalls Bay Road opposed the change on the basis the land contained significant native vegetation that was best protected by the Landscape Conservation Zone.
2116. At the hearing Mr Paul Thomas was joined by Dr Bob Brown who made a written submission and the following comments in support of the Landscape Conservation Zone:
- the lots had an area between 1ha and 3ha;
 - the land contained native vegetation of significant natural value including threatened *Eucalyptus tenuiramis* forest;
 - the land provided habitat for threatened native fauna including the Tasmanian devil, the swift parrot, the eastern native quoll, bettongs, barred and brown bandicoots, boobook owls, Tasmanian masked owls, pink robins, wedge-tailed and white-bellied sea eagles, golden brush tailed possums, and native frogs and reptiles;
 - the land was of landscape value, particularly when viewed from the Huon River;
 - land in the broader area was of significant natural value as recognised by conservation covenants;
 - the land was part of a wildlife corridor;
 - other property owners in the area supported the Landscape Conservation Zone;
 - a local community group, known as Friends of Randalls Bay, had produced an environmental management plan for the area;
 - the land adjoined the Randalls Bay Conservation Area, which was located along the foreshore reserve; and
 - residents were concerned the land could be cleared if zoned Rural Living.
2117. In response, the planning authority made the following comments:
- its natural values expert advised the *Eucalyptus tenuiramis* forest was a vegetation community of significance;
 - the land contained habitat for the swift parrot;
 - the historic subdivision had impacted the natural values of the land in that area;
 - its natural values expert supported the Landscape Conservation Zone because it would help to protect the native vegetation in the area; and
 - it was prepared to consider whether the eastern part of the settlement should be zoned Rural Living with the remainder zoned Landscape Conservation.

Commission consideration

2118. The Commission is not persuaded the Rural Living Zone should be applied to the land for the following reasons:
- there is no evidence the Rural Living Zone is supported by the regional strategy or a local land use strategy;
 - the land contains residential use and development however there is no evidence the land contains rural living use and development including hobby farming and the like; and

- the land is part of a heavily vegetated area that extends around the Eggs and Bacon Bay settlement and foreshore, which is valued for its relationship to the Huon River.

Commission decision

2119. The Commission determines no modifications are required.

Landscape Conservation Zone - Huon Highway, Dover

Representations: Rowan and Craig Hull (76)

2120. The representor requested the zone of part of Huon Highway, Dover folio of the Register 227734/1 be revised from Environmental Management to Landscape Conservation consistent with the north-east corner of the land. The reasons were:

- the draft LPS had applied the Environmental Management Zone in error because the land was privately owned and was not a reserve;
- the Landscape Conservation Zone should be applied to the whole title and was supported by Guideline No. 1;
- the Priority Vegetation Area overlay would be applied to the land to protect native vegetation;
- the Environmental Management Zone was not required to protect features of scenic value as the land was not included in the nearby Reeves Hill Scenic Protection Area (HUO-C8.1.22);
- it was not clear the land was of outstanding natural value; and
- the Landscape Conservation Zone would achieve similar outcomes to the Environmental Management Zone, remove an unnecessary split-zoning, and would be consistent with the zoning of adjacent land.

2121. In its section 35F report, the planning authority recommended the Landscape Conservation Zone be applied to the land because it was privately owned, was not part of the Tasmanian Reserve Estate, and was supported by Guideline No. 1.

Commission consideration

2122. The Commission agrees the Landscape Conservation Zone should be applied to the whole area of the land for the reasons given in its section 35F report. Generally, the Environmental Management Zone is not applied to private land unless the land is of outstanding natural value. The Commission agrees with the representor the Landscape Conservation Zone, together with the Priority Vegetation Area overlay, would appropriately provide for the management features of natural and landscape value. The land contains a considerable amount of native vegetation, is elevated, and provides a natural backdrop to Dover, which is evidence of its landscape value (see Commission decision on general issues).

Commission decision

2123. Modification:

- Revise the zoning of that part of Huon Highway, Dover folio of the Register 227734/1 zoned Environmental Management and the intersecting reserved roads, and the reserved road adjoining the eastern boundary of the land to Landscape Conservation.

2124. Reason: To apply the Landscape Conservation Zone consistent with Guideline No. 1.

Landscape Conservation Zone - 180 Morrisons Road, Huonville

Representations: Andrew Jurd (161)

2125. The representor opposed the Landscape Conservation Zone applied to 180 Morrisons Road, Huonville folio of the Register 40459/1 for the following reasons:

- the land had little conservation value and contained regrowth woodland;
- the land was not visible from public roads; and
- the owner intended to further develop the land and remove vegetation.

2126. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land had landscape value as evidenced by its vegetation coverage and elevated position;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- only small-scale use or development was appropriate because it would limit impact on the landscape;
- the land contained significant vegetation of natural value that included *Eucalyptus globulus* dry forest and woodland and *Eucalyptus globulus* wet forest, which was primary foraging habitat for the critically endangered swift parrot; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

2127. At the hearing, the planning authority made the following comments:

- the land was in a significant area zoned Landscape Conservation that stretched from Huonville to Glen Huon Road;
- the land was in a bushland area that could be seen from Huonville and Glen Huon;
- this land was substantially vegetated; and
- the Rural Living Zone was an alternative zone however there was no strategic intent for the area to be zoned Rural Living.

Commission consideration

2128. The Commission agrees with the planning authority for the reasons given in its section 35F report. The land is surrounded by land also zoned Landscape Conservation, and application of an alternative zone would also result in the land being spot-zoned. Spot-zoning should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict.

Commission decision

2129. The Commission determines no modifications are required.

Landscape Conservation Zone - 59 Meadow Road, Judbury

Representations: Stephen Newson and Andrew Stevens (239)

2130. The representor requested the zone of 59 Meadow Road, Judbury folio of the Register 143791/4 be revised from Rural to Landscape Conservation. The reasons were:

- the Landscape Conservation Zone would be consistent with all other properties in Meadow Road;

- the land had an area of approximately 24ha, which exceeded the minimum lot size of 20ha prescribed in the Zone; and
- the land contained threatened vegetation and habitat for threatened fauna such as the eastern quoll, masked owl, and Tasmanian devil.

2131. In its section 35F report, the planning authority recommended the Landscape Conservation Zone be applied to the land for the following reasons:

- the Landscape Conservation Zone was not applied because it did not meet its general methodology the Zone should only be applied to land covered with at least 80% native bushland;
- only 70% of the land was covered in native vegetation;
- it had reconsidered whether the Landscape Conservation Zone should be applied;
- it determined the Landscape Conservation Zone should be applied because the land was located on a prominent slope (She Oak Hills) and contained Lowland grassland complex, which was an uncommon vegetation community in the Huon Valley; and
- the land was bordered by the Landscape Conservation Zone on three of its four sides.

Commission consideration

2132. The Commission agrees with the planning authority for the reasons given in its section 35F report. The Landscape Conservation Zone would result in a more uniform application of zones to the area as the land is mostly surrounded by land in a similar zone.

Commission decision

2133. Modification:

- Revise the zoning of 59 Meadow Road, Judbury folio of the Register 143791/4 to Landscape Conservation.

2134. Reason: To apply the Landscape Conservation Zone consistent with Guideline No. 1.

Landscape Conservation Zone - Liddells Road, Crabtree

Representations: Jenny Cambers-Smith (247, 393, 394, 395 and 397)

Submission accepted by the Commission: Rachel Foster (Submission 9)

2135. Representation 247 (Jenny Cambers-Smith) requested the zone of Liddells Road, Crabtree folios of the Register 183274/1 and 183274/3 (owned by Mr David Prisk) and Liddells Road, Crabtree folios of the Register 183274/2 (other owner) and 183274/4 (owned by Mr Chris and Mrs Winsome Duggan) be revised from Rural to Landscape Conservation. The reasons were:

- the land was of significant natural value;
- the properties did not contain any buildings except for a shed on one of the southern titles;
- much of the land was extremely steep, was heavily forested and peppered with rocky outcrops;
- the land was surrounded almost entirely by land reserved for conservation, including Wellington Park to the north;
- the land was subject to the Waterway and Coastal Protection Area, Priority Vegetation Area, Bushfire-prone Hazard Area, and Landslip Hazard Area overlays;

- the TasWater drinking water catchment area should be included in the Waterway and Coastal Protection Area overlay; and
 - the Waterway and Coastal Protection Area overlay could be modified under Guideline No. 1.
2136. Representation 393 (Cambers-Smith) requested the zone of 80 Mitchells Road, Crabtree folio of the Register 247721/1 (owned by Mr Jeremy Smutny) be revised from Rural to Landscape Conservation because the land was extensively covered in native vegetation. The representor also requested the Priority Vegetation Area overlay be applied more broadly to the land because the land contained significant bushland and habitat for threatened native fauna that included spotted-tailed quolls, eastern quolls, and Tasmanian devils. The representor contended the land outside of the existing dwelling, dam, gardens, and sheds, was unsuitable for further use and development.
2137. Representation 394 (Cambers-Smith) was supportive of the Rural Zone applied to 56 Mitchells Road, Crabtree folio of the Register 172017/2 (Cambers-Smith) but requested the Priority Vegetation Area and Waterway and Coastal Protection Area overlays be applied more broadly to the land.
2138. Representation 395 (Cambers-Smith) requested Liddells Road, Crabtree PID 3392222 (owned by Sustainable Timber Tasmania) be included in the Russell Ridge Conservation Area because the land was a 'stranded asset.' The representor added the land created an essential wildlife corridor between Wellington Park and the World Heritage Area to the west.
2139. Representation 397 (Cambers-Smith) requested a Scenic Protection Area overlay be applied to the Crabtree Valley because the land was of scenic value and was unprotected.
2140. The submission made by Rachel Foster (Submission 9) requested the zone of Liddells Road, Crabtree folio of the Register 183274/5 be revised to Rural because she intended to use and develop the land for rural living purposes.
2141. In its section 35F report, the planning authority recommended the Landscape Conservation Zone be applied to the following properties:
- Liddells Road, Crabtree folios of the Register 183274/1 and 183274/3 (Prisk);
 - Liddells Road, Crabtree folio of the Register 183274/2 (other owner);
 - Liddells Road, Crabtree folio of the Register 183274/4 (Duggan); and
 - 80 Mitchells Road, Crabtree folio of the Register 247721/1 (Smutny).
2142. The reasons were:
- the land was zoned Rural Resource in the interim planning scheme;
 - RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
 - the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;
 - the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
 - the land was steep, was substantially covered in native vegetation, was adjacent to Wellington Park and Russell Ridge Conservation Area, and formed part of a large, contiguous bushland area;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and

contained waterways that were characteristic of the landscape value of the Huon Valley;

- the land reflected of the broader landscape value of the area;
- only small-scale use or development was appropriate because it would limit impact on the landscape;
- the Landscape Conservation Zone was the most appropriate zone for the land; and
- although folios of the Register 183274/3 (Prisk) and 183274/4 (Dugan) were substantially cleared of vegetation, the land was on the edge of Wellington Park and would result in a spot-zone if the Rural Zone was applied.

2143. The planning authority was generally supportive of additions to the Priority Vegetation Area and Waterway and Coastal Protection Area overlays but noted the following:

- NAC 1 of Guideline No. 1 required the Waterway and Coastal Protection Area overlay to be derived from the Waterway and Coastal Protection Area Guidance Map;
- the guidance map did not include any drinking water catchments; and
- the Waterway and Coastal Protection Area overlay could be used to protect the wetland at 56 Mitchells Road (Cambers-Smith).

2144. The planning authority recommended no change to the zone of Liddells Road, Crabtree PID 3392222 (Sustainable Timber Tasmania) because the land was designated as Permanent Timber Production Zone land. The planning authority also recommended no change to the Scenic Protection Area overlay because further strategic planning work was required to determine if new Scenic Protection Areas should be applied, including work to establish the scenic values and management objectives that should apply.

2145. Prior to the hearing, the planning authority, in response to a Commission direction, provided a response to the submission made by Rachel Foster and recommended the land (Liddells Road, Crabtree folio of the Register 183274/5) be split-zoned with the Rural Zone being applied to the southern area of the land below the 320m AHD contour. The reason was the northern section of the land was substantially vegetated, was steep and formed part of a large contiguous area of bushland area. The southern area of the land was partly cleared of native vegetation.

2146. At the hearing, Ms Jenny Cambers-Smith made the following comments in support of her representations:

- the land at Liddells Road was previously owned by the Council;
- the Waterway and Coastal Protection Area overlay applied to a major watercourse on the land;
- the land was steep, elevated, and could be seen from surrounding areas;
- the land had only recently been subdivided into four lots;
- the Landscape Conservation Zone was consistent with Guideline No. 1;
- properties to the west contained conservation covenants;
- other land surrounding the lots was zoned Landscape Conservation and Environmental Management;
- the Rural Zone was an anomaly;
- the land was briefly grazed in the past but was not suitable for agriculture because it became too wet during winter months;
- she understood Liddells Road, Crabtree PID 3392222 (owned by Sustainable Timber Tasmania) was Permanent Timber Production Zone land and that such land was conventionally zoned Rural; and

- the Scenic Protection Area overlay was required because there had been unapproved clearance of land in the area.

2147. In response, the planning authority made the following comments:

- the Landscape Conservation Zone would impact the uses that could be undertaken on the land;
- the land should be split-zoned so the Landscape Conservation Zone could be applied to land of landscape value and another zone applied to land that could be used for other purposes;
- it had reconsidered its methodology for application of the Landscape Conservation Zone expressed in its draft LPS supporting report;
- the owners of the affected lots had not been contacted about the recommended changes;
- the forest in the area provided foraging habitat for native animals, including the wedge-tailed Eagle and grey goshawk;
- 56 Mitchells Road (Cambers-Smith) may have contained a wetland, however it was not mapped;
- there was no evidence to support further application of the Waterway and Coastal Protection Area overlay;
- some of the land in the area was mapped as agricultural land;
- some lots were mostly cleared; and
- it would need to undertake separate work outside the draft LPS assessment process to determine if new Scenic Protection Areas should be applied.

2148. Mr Chris Duggan attended the hearing and made a written submission about the zone of his land at Liddells Road, Crabtree folio of the Register and 183274/4. Mr Duggan also represented Mr David Prisk, owner of Liddells Road, Crabtree folios of the Register 183274/1 and 183274/3, who submitted his land should be zoned Rural. Mr Duggan made the following comments in support of the Rural Zone originally proposed for all three titles:

- the land was not steep;
- the land had been separated into four lots from an original parent lot;
- the Waterway and Coastal Protection Area overlay applied to a watercourse on the land;
- the watercourse was not a factor that should affect the zone of the land;
- the Landscape Conservation Zone was not supported by Guideline No. 1;
- the Rural Zone was compatible with the surrounding Landscape Conservation and Environmental Management zones;
- the land historically contained a significant beef cattle farm;
- Mr Duggan intended to use his land to graze goats in future;
- the Rural Zone was more favourable to residential and other uses;
- family members wanted to harvest some of the timber on the land;
- the land contained a good quality driveway;
- many farmers use bushland to run cattle for winter feed; and
- the land was used for rural purposes despite some native vegetation coverage.

2149. Ms Jacqui Moore attended the hearing for her father Mr Jeremy Smutny and made a written submission and the following comments in support of the Rural Zone originally proposed for his land at 80 Mitchells Road, Crabtree folio of the Register 247721/1:

- the land contained residential use and development;
- the surrounding land to the north, south and east was zoned Rural;

- the Landscape Conservation Zone would cause the Sustainable Timber Tasmanian land to be a spot-zone;
- the top of the land was steep and not suitable for use or development;
- approximately 30% of the land at the bottom of the lot was cleared;
- parts of the land were used to grow raspberries;
- the Landscape Conservation Zone would unreasonably restrict the use and development potential of the land;
- the Landscape Conservation Zone was inconsistent with Guideline No. 1;
- the Landscape Conservation Zone would diminish the value of the land;
- Guideline No. 1 indicated the Rural Zone was intended to be applied to rural land with little or no potential to be used for agriculture; and
- the Priority Vegetation Area overlay would apply to the land and protect the native vegetation but did not significantly constrain the land.

2150. In response, Mr Mulcahy noted the land owned by Mr Smutny, Mr Duggan and Mr Prisk contained significant native vegetation which was contiguous with the surrounding area.

2151. Ms Rachel Foster also attended the hearing and made the following comments in support of her request the Rural Zone be applied to Liddells Road, Crabtree folio of the Register 183274/5:

- she had purchased the land in recent times as an investment;
- the land was zoned Rural Resource in the interim planning scheme;
- the Landscape Conservation Zone would cause the value of the land to decline;
- the land was not particularly steep and was used by her family for recreation;
- the land should be zoned Rural; and
- she would consider the possibility the land be split-zoned Rural and Landscape Conservation.

2152. In response, the planning authority made the following comments:

- it recommended the land be split-zoned Rural and Landscape Conservation with the lower triangular part of the land zoned Rural because it was mostly cleared;
- the higher part of the land contained dense vegetation that was contiguous with the surrounding bushland;
- its natural values expert advised the area contained threatened vegetation and habitat for threatened fauna, including the grey goshawk;
- the forest in the area was important and should be retained;
- the Priority Vegetation Area overlay would apply and protect the native vegetation on the land; and
- the Landscape Conservation Zone would provide additional protection of the native vegetation.

2153. Following the hearing, the planning authority, in response to a Commission direction, made the following recommendations in response to the submissions made by Mr Duggan, Mr Smutny and Ms Foster:

- Liddells Road folios of the Register 183274/3 (Prisk) and 183274/4 (Duggan) should remain in the Rural Zone;
- Liddells Road folio of the Register 183274/1 (Prisk) should be zoned Landscape Conservation;
- Liddells Road folio of the Register 183274/2 (other owner) should be split-zoned Rural and Landscape Conservation with the south-east part of the land zoned Rural;

- 80 Mitchells Road (Smutny) should be split-zoned Rural and Landscape Conservation with the land below the 340m AHD contour zoned Rural because it was mostly cleared; and
- Liddells Road folio of the Register 183274/5 (Foster) should be split-zoned Rural and Landscape Conservation with the lower triangular part of the land zoned Rural because it was mostly cleared.

Commission consideration

2154. The Commission is not persuaded the Landscape Conservation Zone should be applied to the land, including Liddells Road folio of the Register 183274/5 (Foster) and determines the Rural Zone should be applied for the following reasons:
- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
 - Liddells Road, Crabtree PID 3392222 (Sustainable Timber Tasmania) is designated as Permanent Timber Production Zone land, which is intended to provide for forestry, which is a use consistent with the purpose of the Rural Zone;
 - Liddells Road, Crabtree PID 3392222 is allied with other land zoned Rural, which ensures spot-zoning of the land is avoided;
 - Liddells Road, Crabtree folios of the Register 183274/1 and 183274/3 (Prisk) adjoin lots under similar ownership and should be included in the same zone (Rural);
 - the land contains various cleared areas that disrupt continuous areas of native bushland;
 - there is evidence the various parts of the land were used for rural activities in the past, particularly to graze animals;
 - the land does not have a degree of landscape value (see Commission decision on general issues) that warrants application of the Landscape Conservation Zone to specifically provide for the protection, conservation and management of landscape values as specified in the zone purpose; and
 - impact on any features of natural value present on the land, including threatened vegetation and habitat for threatened native fauna, would be primarily managed through the Priority Vegetation Area overlay applied to the land.
2155. Otherwise, the Commission notes there is a reserved road that intersects part of the land that should also be included in the Rural Zone to ensure zoning is applied contiguously.
2156. The Commission's view is the Priority Vegetation Area and Waterway and Coastal Protection Area overlays should not be amended unless supported by the advice of a suitably qualified person who has undertaken a detailed site assessment. No evidence was submitted from a suitably qualified person to demonstrate 56 Mitchells Road or the TasWater drinking water catchment area contains areas of natural value that should be included in the overlays.
2157. The Commission accepts the view of the planning authority that further local strategic planning outside the draft LPS process is required to determine whether further areas should be included in the Scenic Protection Area overlay. The Commission notes the following:
- there may be areas of significant scenic value in the municipality that should be included in the Scenic Protection Area overlay;
 - the LPS requirements of the SPPs, specifically clauses LP1.7.6 and LP1.8.1, provide for Scenic Protection Code overlays to be included in the draft LPS, but do not mandate inclusion;

- incorporation of the overlays is a matter of local policy for the planning authority;
- there may be significant public interest in new overlays;
- Guideline No. 1 and the SPPs specify what zones are compatible with the overlays; and
- the overlays have been declared by the Minister for Planning to be controls that should be transitioned from the existing interim planning scheme to the draft LPS under the provisions of Schedule 6 of the Act.

Commission decision

2158. Modification:

- Revise the zoning of Liddells Road, Crabtree folio of the Register 183274/5 and the intersecting reserved road to Rural.

2159. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Landscape Conservation Zone - 7332 and 7354 Channel Highway, Cygnet

Representations: Elizabeth Smith (274)

2160. The representor requested the zone of 7332 and 7354 Channel Highway, Cygnet folios of the Register 142190/3 and 142190/4 be revised from Agriculture to Landscape Conservation. The reasons were:

- the land was historically used for agriculture (Cygnet saleyards);
- the land had been revegetated with native plants and contained residential use;
- the use and character of the land was not consistent with the purpose of the Agriculture Zone; and
- the Landscape Conservation Zone should be applied to the land.

2161. In its section 35F report, the planning authority recommended the Rural Zone be applied to the land and the adjoining title (7356 Channel Highway, Cygnet folio of the Register 181039/1) because its agriculture expert (RMCG) investigated the potential to use the land for agriculture and determined the Rural Zone should be applied. The planning authority included the following advice from its agriculture expert:

- the land to the north and east was zoned Agriculture;
- the land to the south on the opposite side of Channel Highway was zoned Future Urban; and
- the land could be retained in the Agriculture Zone because it would provide a more consistent zone pattern, however the Rural Zone was preferred.

2162. Prior to the hearing, the Commission directed the planning authority to provide evidence the owner of 7356 Channel Highway supported application of the Rural Zone to the land however no response was forthcoming.

2163. At the hearing, Ms Elizabeth Smith advised the vegetation planted on the land included *Eucalyptus ovata*.

2164. In response, the planning authority made the following comments:

- subdivision of the land on the opposite side of Channel Highway was expected in future because it was zoned Future Urban;
- more strategic planning work was required to determine how the land area should be developed;
- it had engaged a consultant to prepare a land use and development strategy on its behalf; and

- the strategy would examine what zones should be applied to the major settlements in the municipality in future.

Commission consideration

2165. The Commission is not persuaded the Landscape Conservation Zone should be applied to the land for the following reasons:

- the land is identified in the agricultural estate mapping (potentially constrained), which indicates the Rural or Agriculture zones are appropriate;
- the land does not have landscape value (see Commission decision on general issues) that would warrant application of the Landscape Conservation Zone given it is not significantly elevated or visible from surrounding areas, and is isolated in a landscape otherwise characterised by farmland; and
- application of the Landscape Conservation Zone would result in the land being spot-zoned, which should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict.

2166. Similarly, the Commission is not persuaded the Rural Zone should be applied to the land the following reasons:

- the surrounding land to the north and east is zoned Agriculture;
- aerial photography of the area indicates the land to the north and east is used for intensive agriculture, including horticulture; and
- there is no evidence the owner of 7356 Channel Highway supports application of the Rural Zone.

2167. The advice of the planning authority's agriculture expert is accepted, however the Commission considers the potential future use of the land zoned Future Urban on the southern side of Channel Highway is an additional factor that should be more closely examined. The Commission notes both titles are developed with dwellings and used for residential purposes and that the application of the Agriculture Zone will not impact the continued use of the land for this purpose. Additionally, the Commission notes the planning authority's intent to undertake strategic planning work for settlements in the municipality, which may help determine the appropriate future zones that should apply to the area.

Commission decision

2168. The Commission determines no modifications are required.

Landscape Conservation Zone - Norms Road, Glen Huon

Representation: Robert Clark (292)

2169. The representor opposed the Landscape Conservation Zone applied to Norms Road, Glen Huon folios of the Register 210040/1 and 244379/1 because it was not favourable to residential use and would cause the value of the land to decline. The owner intended to build a dwelling on the land.

2170. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- RZ 1 of Guideline No. 1 required the planning authority to consider whether land previously zoned Rural Resource should be zoned Landscape Conservation;
- the Rural Zone provided for uses with an intensity that were not appropriate for the area and could result in clearance of vegetation;

- the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1 because the land featured bushland areas and large areas of native vegetation that had landscape value;
- the land was substantially covered in native vegetation and contributed to a larger area of vegetated hillsides;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
- only small-scale use or development was appropriate because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

Commission consideration

2171. The Commission considers the Rural Zone should be applied to the land for the following reasons:

- the Rural Zone is consistent with the principles of Guideline No. 1 (RZ 1), which provide that land with limited or no potential to be used for agriculture should be zoned Rural;
- the land may have some landscape value (see Commission decision on general issues), however it is not significant enough to warrant application of the Landscape Conservation Zone given it is isolated in a landscape otherwise characterised by farmland; and
- application of the Landscape Conservation Zone would result in the land being spot-zoned, which should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict.

2172. Otherwise, the Commission notes an 'unknown casement' intersects part of the land and determines the land should also be included in the Rural Zone to ensure zoning is applied uniformly.

Commission decision

2173. Modification:

- Revise the zoning of Norms Road, Glen Huon folios of the Register 210040/1 and 244379/1 and the unknown casement intersecting folio of the Register 244379/1 to Rural.

2174. Reason: To apply the Rural Zone consistent with Guideline No. 1.

Landscape Conservation Zone - 235 Lune River Road, Lune River

Representations: Christina Wren Fraser (332)

2175. The representor opposed the Landscape Conservation Zone applied to 235 Lune River Road, Lune River folio of the Register 227453/1 because it would limit use and development potential of the land.

2176. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land was primarily covered in native vegetation and formed part of a contiguous bushland area that adjoined the Southwest National Park, Lune River and Hastings Bay;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared

agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;

- the land reflected the broader landscape value of the area;
- only small-scale use or development was appropriate because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

Commission consideration

2177. The Commission agrees with the planning authority for the reasons given in its section 35F report. The land is surrounded by land zoned Landscape Conservation and Environmental Management to the west and south. The Landscape Conservation would contribute to a uniform zoning pattern being applied to the broader area.

Commission decision

2178. The Commission determines no modifications are required.

Landscape Conservation Zone - 91 Lords Road, Pelverata and 1706 and 1806 Pelverata Road, Upper Woodstock

Representation: Simon Roberts and Joanne Wheat (348)

2179. The representor requested the zone of 91 Lords Road, Pelverata folios of the Register 138939/1 and 138560/10 and 1706 and 1806 Pelverata Road, Upper Woodstock folios of the Register 123202/2 and 123202/3 (other owners) be revised from Rural to Landscape Conservation. The reasons were:

- the Landscape Conservation Zone was consistent with LCZ 1 and LCZ 2 of Guideline No. 1 because the land was covered in native vegetation;
- the land was zoned Rural Resource in the interim planning scheme;
- the methodology specified in the draft LPS supporting report indicated the Landscape Conservation Zone should have been applied;
- the land formed part of a larger contiguous area of bushland;
- the land contained threatened native vegetation communities and habitat for threatened native fauna, including *Eucalyptus ovata*, *Eucalyptus globulus* and *Eucalyptus viminalis*;
- the land had significant constraints on development most evident through the application of the Priority Vegetation Area overlay;
- the land had recently been assessed and accepted for an ecological covenant program for the protection of swift parrot breeding populations administered by NRM South and funded by the Australian Government National Landcare Program;
- the Scenic Protection Area overlay should be applied to the land above the 100m AHD contour because it was a prominent landscape feature that could be seen from the Channel Highway, Huon Highway and Pelverata Road;
- the Scenic Protection Area overlay should also be applied to the remainder of the Shorts Hill area and the corresponding slopes on the western side of Kellaways Creek up to the Snug Tiers reserve; and
- more properties in the Pelverata and Upper Woodstock area could be considered for inclusion in the Landscape Conservation Zone as many had substantial areas of significant native vegetation.

2180. The representation was also accompanied by management plans for 91 Lords Road titled 'Protecting Black or Brookers Gum Forest' and 'Protecting Breeding Populations of Swift Parrot' both prepared by the Tasmanian Land Conservancy.
2181. In its section 35F report, the planning authority recommended the Landscape Conservation Zone be applied to the land for the following reasons:
- the land was steep, and had substantial tracts of bushland that were contiguous with larger areas of native vegetation that incorporated waterways, valleys and ridgelines, including Shorts Hill;
 - the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills and valleys, which framed cleared agricultural land that was interspersed with remnant areas of bushland, and contained waterways that were characteristic of the landscape value of the Huon Valley;
 - only small-scale use or development was appropriate because it would limit impact on the landscape; and
 - the Landscape Conservation Zone was the most appropriate zone for the land.
2182. At the hearing, the representor, Dr Simon Roberts made the following comments:
- 91 Lords Road was steep had been used for grazing in the past;
 - the Landscape Conservation Zone would protect the natural value of the land but would also allow the property to be used for a range of rural activities;
 - he wanted to preserve and enhance the natural value of the land;
 - the land was significantly visible from surrounding areas;
 - Guideline No. 1 required consideration of how the natural value of land contributed to the value of the landscape;
 - a broad view of landscape value was required because value was more than what could be seen; and
 - the Oxford Dictionary and Wikipedia definitions for landscape identified value was increased by landforms and how land was integrated with natural and manmade features.
2183. In response, the planning authority made the following comments:
- its methodology did not support application of the Landscape Conservation Zone to 1706 and 1806 Pelverata Road;
 - the Scenic Protection Area overlay was a provision declared by the Minister for Planning as transitioning from the interim planning scheme, which could not be altered through the draft LPS assessment process; and
 - further work would need to be undertaken to determine if new Scenic Protection Areas should be applied, including work to establish the scenic values and management objectives.

Commission consideration

2184. The Commission agrees the Landscape Conservation Zone should be applied to 91 Lords Road (Roberts and Wheat) for the reasons given by the planning authority in its section 35F report. The land adjoins land to the north and west that is also zoned Landscape Conservation. The Commission is satisfied the property has landscape value (see Commission decision on general issues) that warrants application of the Landscape Conservation Zone as it is connected to a broader area of native bushland.
2185. However, the Commission does not agree the Landscape Conservation Zone should be applied to 1706 and 1806 Pelverata Road. Neither of the property owners made a representation about the zone of the land and aerial photography

indicates both properties have previously been used for rural activities. It is also noted 1806 Pelverata Road was included in the agricultural estate mapping (unconstrained), which indicates the Rural or Agriculture zones are appropriate. The Commission is satisfied the Rural Zone should be applied to both titles consistent with the principles of Guideline No. 1 (RZ 1 and RZ 3).

2186. The Commission accepts the view of the planning authority that further local strategic planning outside the draft LPS process is required to determine whether further areas should be included in the Scenic Protection Area overlay. The Commission notes the following:
- there may be areas of significant scenic value in the municipality that should be included in the Scenic Protection Area overlay;
 - the LPS requirements of the SPPs, specifically clauses LP1.7.6 and LP1.8.1, provide for Scenic Protection Code overlays to be included in the draft LPS, but do not mandate inclusion;
 - incorporation of the overlays is a matter of local policy for the planning authority;
 - there may be significant public interest in new overlays;
 - Guideline No. 1 and the SPPs specify what zones are compatible with the overlays; and
 - the overlays have been declared by the Minister for Planning to be controls that should be transitioned from the existing interim planning scheme to the draft LPS under the provisions of Schedule 6 of the Act.

Commission decision

2187. Modification:

- Revise the zoning of 91 Lords Road, Pelverata folio of the Register 138939/1 and 138560/10 to Landscape Conservation.

2188. Reason: To apply the Landscape Conservation Zone consistent with Guideline No. 1.

Utilities Zone - Rileys Creek Road, Geeveston

Submission accepted by the Commission: Tasmanian Irrigation (Submission 1)

2189. The submission requested the zone of the dam at Rileys Creek Reservoir, Rileys Creek Road, Geeveston folio of the Register 245793/1 be revised from Environmental Management to Utilities. The reasons were:

- the dam created Riley's Creek Reservoir, which provided water for aquaculture, agriculture, and residential uses in the area;
- the Environmental Management Zone would limit potential to maintain and upgrade the dam;
- the use of the land was consistent with the purpose of the Utilities Zone; and
- the Utilities Zone was consistent with UZ 4 of Guideline No. 1 because the land contained infrastructure for a water storage facility.

2190. In response, the planning authority provided a submission (in response to a Commission direction), which recommended the Utilities Zone be applied to the land consistent with UZ 4 of Guideline No. 1.

Commission consideration

2191. The Commission considers the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent. As such, land that contains infrastructure uses for water storage should be zoned Utilities consistent with the principles of Guideline No. 1.

Commission decision

2192. Modification:

- Revise the zoning of Rileys Creek Road, Geeveston folio of the Register 245793/1 to Utilities.

2193. Reason: To apply the Utilities Zone consistent with Guideline No. 1.

Utilities Zone - State Road Casement

Submission accepted by the Commission: Department of State Growth (Submission 2)

2194. The submission requested the Utilities Zone be applied to several parcels of land it considered part of the State road network because it was consistent with UZ 1 of Guideline No. 1. The parcels were:

- acquired road, Huon Highway, Huonville folio of the Register 224439/1;
- part of the Crown land at Huon Highway, Franklin folios of the Register 229422/1, 225299/1, 229573/1, 247961/1 and 215403/1;
- acquired road, Huon Highway, Port Huon folio of the Register 207962/1;
- Crown land, Huon Highway, Port Huon folios of the Register 150052/2, 150052/1 and 148016/1;
- acquired road, 102 Glen Huon Road, Huonville folio of the Register 138910/1 (private owner);
- the intersection of Glen Huon Road and Sunny Hills Road, Glen Huon so that Sunny Hills Road was zoned Utilities to its centreline between acquired roads folios of the Register 140477/4 and 140477/5;
- Channel Highway, Cradoc folios of the Register 115816/1 and 115816/2; and
- acquired roads, Channel Highway, Cradoc folios of the Register 121592/3, 121592/2 and unidentified parcel located between folios of the Register 121592/4, 125576/1, 125575/1, 121592/3 and the Channel Highway.

2195. The submission also requested the Utilities Zone be applied to the proposed Huon Link Road alignment between the Huon Highway and the Particular Purpose Zone - Future Road Corridor. The parcels were 204 Main Street, Huonville folio of the Register 46649/4, and acquired roads folios of the Register 183736/2 and 183736/3.

2196. The submission also requested the following amendments:

- the Utilities Zone be removed from the area of the road reserve alongside folio of the Register 141214/1 in line with the fence shown on recent aerial photographs (because a dwelling was located on the land) and replaced with the Rural Zone;
- the area of the Utilities Zone be reduced to the area of the actual road corridor at the intersection of Glen Huon Road and Crane Road, Glen Huon; and
- the Utilities Zone be removed from part of Ferry Road, Cradoc including folios of the Register 114688/1, 114688/2 and 226849/1.

2197. At the hearing, Ms Claire Armstrong (Department of State Growth) confirmed the land that would contain the Huon link Road corridor had been acquired, and an application for a planning permit to undertake the road works lodged with the planning authority for consideration.

2198. Following the hearing, the planning authority, in response to a Commission direction, stated it was supportive of all the proposed changes except the land at Ferry Road, Cradoc including folios of the Register 114688/1, 114688/2 and 226849/1. The planning authority noted part of the land contained a Council maintained road and considered it should remain in the Utilities Zone.

2199. The Department of State Growth, also in response to a Commission direction provided a diagram that showed the area of the Crown land, Huon Highway,

Franklin folios of the Register 229422/1, 225299/1, 229573/1, 247961/1 and 215403/1 that should be included in the Utilities Zone.

2200. The Department of Natural Resources and the Environment, also in response to a Commission direction, stated it had 'no objection' to the split-zone proposed for Huon Highway, Franklin folios of the Register 229422/1, 225299/1, 229573/1, 247961/1 and 215403/1.

Commission consideration

2201. The Commission accepts the land is, or is intended, to form part of the State road network and should be zoned Utilities consistent with the principles of Guideline No. 1 (UZ 1(a) and UZ 2). However, the Commission is not satisfied the acquired road that is part of privately owned land at 102 Glen Huon Road, Huonville folio of the Register 138910/1 should be included because the owner was not involved in the hearings and may not be aware of the proposed changes.
2202. The Commission accepts the land at Ferry Road contains a Council maintained public road and agrees the land should remain in the Utilities Zone as requested by the planning authority.
2203. The Commission notes the land at Huon Highway, Franklin folios of the Register 229422/1, 225299/1, 229573/1, 247961/1 and 215403/1 is currently zoned Particular Purpose - Future Road Corridor, which has been declared by the Minister for Planning to be a control that should be transitioned from the existing interim planning scheme to the draft LPS under the provisions of Schedule 6 of the Act. Notwithstanding, Schedule 6 of the Act provides 'permitted alterations' can be made to a transitioning provision. Permitted alterations may be made to transitioning provisions provided the effect intended by the relevant provisions is achieved. The proposed alteration to the area of the Particular Purpose Zone to allow the Highway to be recognised by the Utilities Zone is considered minor in its context. Consequently, the Commission is satisfied the change constitutes a permitted alteration under Schedule 6 of the Act and agrees the change be made.

Commission decision

2204. Modification:

- Revise the zoning of the following land to Utilities:
 - a. Crown land, Huon Highway, Franklin folios of the Register 229422/1, 225299/1, 229573/1, 247961/1 and 215403/1 consistent with the diagram in the submission made by the Department of State Growth dated 10 July 2023;
 - b. acquired road, Huon Highway, Port Huon folio of the Register 207962/1;
 - c. Crown land, Huon Highway, Port Huon folios of the Register 150052/2, 150052/1 and 148016/1;
 - d. the intersection of Glen Huon Road and Sunny Hills Road, Glen Huon so that Sunny Hills Road is zoned Utilities to its centreline between acquired roads folios of the Register 140477/4 and 140477/5;
 - e. Channel Highway, Cradoc folios of the Register 115816/1 and 115816/2; and
 - f. acquired roads, Channel Highway, Cradoc folios of the Register 121592/3, 121592/2 and unidentified parcel located between folios of the Register 121592/4, 125576/1, 125575/1, 121592/3 and the Channel Highway.
- Revise the zoning of the road reserve alongside folio of the Register 141214/1 south of a line identified by coordinates 497298.47 E 5235805.18 N and 497366.48 E 5235771.64 N to Rural.

- Revise the zoning of the intersection of Glen Huon Road and Crane Road, Glen Huon consistent with the diagram in the submission made by the Department of State Growth dated 6 April 2023 and replace the zoning with the Rural, Agriculture and Environmental Management zones as necessary to produce a uniform zoning pattern.
- Revise the zoning of the following land to Utilities:
 - a. 204 Main Street, Huonville folio of the Register 46649/4;
 - b. acquired roads folios of the Register 183736/2 and 183736/3;
 - c. acquired road, Huon Highway, Huonville folio of the Register 224439/1;
 - d. Flood Road from the intersection with Sale Street to Channel Highway including folios of the Register 183736/8, 105650/1, 157268/103, 157687/10, 183733/2, 183733/1, 54067/1 and 145768/3;
 - e. Flood Road part of folio of the Register 44670/100 to the intersection of Burwood Street;
 - f. intersection of Huon Link Road and Knights Road, Huonville including acquired road folio of the Register 183736/6, 183736/7 and 34336/24; and
 - g. that part of Knights Road, Huonville folios of the Register 251350/1, 183742/1 and 111738/1 identified in Figure 1 of Attachment 2 with the remaining part of the land zoned General Residential or Agriculture as necessary to provide a uniform zone pattern.
- Revise the Priority Vegetation Area overlay by removing the overlay from that part of Knights Road, Huonville folio of the Register 111738/1 zoned Agriculture.

2205. Reason: To apply the Utilities Zone consistent with Guideline No. 1.

Community Purpose Zone - Educational Facilities

Representations: Department of Education (2)

2206. The representor requested the following properties be zoned Community Purpose because the sites contained key community facilities that provided educational or community-based services:

- Cygnet Library at 27 Mary Street, Cygnet folio of the Register 243024/1 (zoned Local Business);
- Wayraparattee Child and Family Centre at 4879 Huon Highway, Geeveston PID 5255061 (zoned Village); and
- Franklin Primary School at 10 New Road, Franklin PID 5709406 (zoned Village).

2207. In its section 35F report, the planning authority recommended the Community Purpose Zone be applied.

Commission consideration

2208. The Commission agrees the Community Purpose Zone should be applied because the properties contain established community services and educational facilities.

Commission decision

2209. Modification:

- Revise the zoning of the following properties to Community Purpose:
 - a. Cygnet Library at 27 Mary Street, Cygnet folio of the Register 243024/1;
 - b. Wayraparattee Child and Family Centre at 4879 Huon Highway, Geeveston PID 5255061; and
 - c. Franklin Primary School at 10 New Road, Franklin PID 5709406.

2210. Reason: To apply the Community Purpose Zone consistent with Guideline No. 1.

Future Urban Zone - 44 Fords Road and 19 Duke Street, Geeveston

Representations: PDA Surveyors, Engineers and Planners for Ricky and Christine Clark, Kellie Clark, Brigitte Nobel and Scott and Heidi Rydquist (338)

2211. The representor requested the zone of 19 Duke Street, Geeveston folio of the Register 156229/2, 14 Fords Road, Geeveston folio of the Register 107778/1, 44 Fords Road, Geeveston folio of the Register 168171/1 and 46 Fords Road, Geeveston folio of the Register 168170/1 be revised from Rural to Future Urban for the following reasons:

- the land was zoned Closed Residential under the Esperance Planning Scheme 1989;
- the Rural Zone is not appropriate given the location of the land adjacent to the existing settlement;
- a planning permit was granted in 2008 for an urban-residential-type subdivision of the land;
- the Future Urban Zone would provide for future consolidation of the settlement consistent with the policies of the regional strategy;
- the land could be provided with reticulated services;
- the Huon Valley Land Use Strategy 2007 identified Geeveston as a major settlement; and
- a residential supply and demand analysis dated March 2012 was an addendum to the Huon Valley Land Use Strategy 2007 and identified there was not an oversupply of residential land at the time.

2212. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the Future Urban Zone was not supported by FUZ 1 of Guideline No. 1 because the land was not identified for future urban development by a regional or local land use strategy;
- there was no detailed local strategic analysis for Geeveston that supported application of the Future Urban Zone;
- the regional strategy identified Geeveston would experience a low rate of growth; and
- the Rural Zone was most appropriate for the land.

2213. At the hearing Mr Hugh Clement (PDA Surveyors, Engineers and Planners) stated the land was zoned as reserved residential in past planning schemes, and a similar zone should be applied to reinstate prior development potential.

2214. In response, the planning authority made the following comments:

- there was no recognised strategy that identified a demand for more residential land at Geeveston;
- the Future Urban Zone was not supported by the regional strategy, because the land was not in the urban growth boundary;
- it had engaged a consultant to prepare a land use and development strategy on its behalf; and
- the strategy would examine what zones should be applied to the major settlements in the municipality in future.

Commission consideration

2215. The Commission is not persuaded the Future Urban Zone should be applied to the land. Specifically, there is insufficient evidence the Future Urban Zone is supported by the regional strategy or a local land use strategy or whether there is demand for more urban-residential land at Geeveston. The Commission notes the planning

authority's intent to undertake strategic planning work for settlements in the municipality, which may help determine the appropriate future zone for the land.

2216. Otherwise, the Commission notes it was identified at the hearing that ten recently created lots adjoining the site at John Street are zoned Future Urban. The lots are provided with reticulated services and have been created for urban-residential use and development. The Commission determines the land should be zoned General Residential consistent with the principles of Guideline No. 1 (GRZ 1).

Commission decision

2217. Modification:

- Revise the zoning of the following properties to General Residential:
 - a. 35 John Street, Geeveston folio of the Register 184274/1;
 - b. 37 John Street, Geeveston folio of the Register 184274/2;
 - c. 39 John Street, Geeveston folio of the Register 184274/3;
 - d. 41 John Street, Geeveston folio of the Register 184274/4;
 - e. 43 John Street, Geeveston folio of the Register 184274/5;
 - f. 45 John Street, Geeveston folio of the Register 184274/6;
 - g. 47 John Street, Geeveston folio of the Register 184274/7;
 - h. 49 John Street, Geeveston folio of the Register 184274/8;
 - i. 51 John Street, Geeveston folio of the Register 184274/9;
 - j. School Road, Geeveston folio of the Register 184274/10 and
 - k. John Street, Geeveston folio of the Register 55928/58.

2218. Reason: To apply the General Residential Zone consistent with Guideline No. 1.

Future Urban Zone - land adjoining 11 Norris Street, Cygnet

Representations: Huon Valley Council (405)

2219. The representor requested the zone of a narrow area of land that adjoined 11 Norris Street, Cygnet folio of the Register 170664/1 be revised from Rural to Future Urban because it would be consistent with the zone of the surrounding land.

2220. In its section 35F report, the planning authority recommended the Future Urban Zone be applied.

Commission consideration

2221. The Commission is satisfied the Future Urban Zone should be applied to the land as it is intended to provide for future urban-residential use and development.

Commission decision

2222. Modification:

- Revise the zoning of the road reserve adjoining 11 Norris Street, Cygnet folio of the Register 170664/1 to Future Urban.

2223. Reason: To apply the Future Urban Zone consistent with Guideline No. 1 and to meet the requirements of Practice Note 7.

Future Urban Zone - 55 Garthfield Avenue, Cygnet

Representations: Derek Turnbull and Angela Boden (415)

2224. The representor requested the zone of 55 Garthfield Avenue, Cygnet folio of the Register 111743/1 be revised from Rural to Future Urban. The reasons were:

- the land had an area of approximately 9.5ha and adjoined other land zoned Future Urban at Cygnet;
- the regional strategy indicated Cygnet was a 'medium growth area' and that future growth should be provided through a mix of infill and greenfield development;
- the Cygnet Residential Demand and Supply Analysis 2020 by SGS Economics noted expansion of residential zones may be required dependant on the yield capacity and vacancy of the existing urban growth zones;
- information in the draft LPS Supporting Report indicated there was not sufficient land currently zoned General Residential in Cygnet Township to provide for expected growth over the forthcoming 10-15 years;
- the Huon Valley Council Priority Projects 2021 document stated Cygnet had a high demand for housing, with an estimated 524 dwellings required between 2020 and 2036;
- a large portion of the land already zoned Future Urban adjoined Agnes Rivulet and was subject to inundation, which was likely to restrict potential to use of the land for residential use and development;
- 55 Garthfield Avenue was a natural extension of the adjoining land already zoned Future Urban;
- the land could be provided with reticulated services;
- the land was cleared and did not contain features of significant natural value;
- the land also had the potential to be zoned Low Density Residential, which would provide a better buffer to the adjoining land zoned Agriculture;
- the agricultural estate mapping indicated the land was potentially constrained;
- the Future Urban Zone was consistent with the objectives of the Act and supported by the principles of Guideline No. 1, including AZ 6, which provided for a zone other than Agriculture to be applied if the land had limited or no potential for agricultural use;
- the land had limited potential for to be used for agriculture because its soil was of poor quality and the use would be constrained by surrounding residential and recreational use;
- the land could be provided with public transport as required by the policies of the regional strategy; and
- the land adjoined other land zoned Future Urban.

2225. Prior to the hearing, the planning authority, in response to a Commission direction, provided a response to the representation and recommended there be no change to the draft LPS for the following reasons:

- the land was zoned Rural Resource in the interim planning scheme;
- the Future Urban Zone was not supported by FUZ 1 of Guideline No. 1 because the land was not identified for future urban development by the regional strategy or a local land use strategy;
- the land was located outside the town boundary identified in the Huon Valley Land Use Strategy 2007; and
- the Rural Zone was most appropriate for the land.

2226. At the hearing, the representor, Mr Derek Boden made the following comments:

- he had decided to request the Low Density Residential Zone be applied to the land;
- the Low Density Residential Zone would address the planning authority's concerns;
- the Low Density Residential Zone was consistent with LDRZ 1 of Guideline No. 1 because the land had environmental constraints;

- the Low Density Residential Zone would have less visual impact than the Future Urban or General Residential zones;
- the Priority Vegetation Area overlay would apply to the southern part of the land;
- the Low Density Residential Zone was supported by the Huon Valley Land Use Strategy 2007;
- residential use of the land close to the town centre would encourage residents to walk and cycle to shops;
- the land was connected to adjacent recreational spaces; and
- the Low Density Residential Zone would increase the diversity of properties available in the area.

2227. In response, the planning authority made the following comments:

- recent strategic planning work (a discussion paper) had replaced the Huon Valley Land Use Strategy 2007 and indicated the suitability of the land for urban use should be investigated in future;
- it supported the Future Urban Zone because of its recent work;
- it did not support the Low Density Residential Zone because the land had the potential to be provided with reticulated services;
- master planning and design would need to be done to determine how reticulated services would be provided;
- further work on supply and demand for residential land was still required, however it was clear current supply did not meet demand at Cygnet; and
- the land currently zoned Future Urban elsewhere at Cygnet had constraints that would impact its development potential.

Commission consideration

2228. The Commission is not persuaded the Low Density Residential Zone or Future Urban Zone should be applied to the land at this time. Specifically, there is insufficient evidence either zone is supported by the regional strategy or a local land use strategy, or whether there is demand for more urban-residential land at Cygnet in this location. The Commission notes the planning authority's intent to undertake strategic planning work for settlements in the municipality, which may help determine the appropriate future zone for the land. This work may help to determine the following:

- how much land is needed at Cygnet to meet anticipated population growth;
- how many lots could be provided on land already zoned Future Urban given potential constraints, such as flooding;
- whether the current area of land zoned Future Urban could meet anticipated population growth;
- how the land could be provided with reticulated services and be connected to the road network;
- what constraints the land is subject to, which may influence whether it was suitable for high or low density residential development;
- whether local services, including public transport services, are adequate to provide for future use and development; and
- whether the land has any potential to be used for agriculture or other purposes.

Commission decision

2229. The Commission determines no modifications are required.

General Zoning

Representation: Huon Valley Zoning Association (368), Jenny Cambers-Smith (396)

2230. The representation made by Huon Valley Zoning Association (368) raised general concern about the application of zones and overlays throughout the municipality, particularly the Landscape Conservation Zone. The reasons were:
- the application of the Landscape Conservation Zone applied to the land was not consistent with other municipalities;
 - the Landscape Conservation Zone should be applied based on identified landscape values rather than biodiversity values, which were managed through the Priority Vegetation Area and Waterway and Coastal Protection Area overlays;
 - the Priority Vegetation Area overlay contained errors because it applied to areas with outdated native fauna sightings;
 - the Landscape Conservation Zone should not be applied to properties with residential and rural uses;
 - the Landscape Conservation Zone had been applied to land that was pasture or contained minimal native vegetation;
 - the Landscape Conservation Zone would have a negative impact on property values and economic productivity; and
 - split-zones should be applied to land with multiple uses where relevant.
2231. The representation made by Jenny Cambers-Smith (396) supported the application of the Landscape Conservation Zone throughout the municipality for the following reasons:
- a dwelling was a discretionary use, which was appropriate and like the Rural and Agriculture zones;
 - the Landscape Conservation Zone was suitable for small-scale use or development;
 - existing uses that were lawfully established could continue in the Landscape Conservation Zone;
 - the Landscape Conservation Zone had not been applied more widely that it had in other municipalities, however needed to be applied to smaller properties;
 - forested mountains and highly biodiverse wet bushland area needed to be protected from over-development;
 - the Rural Zone provided for uses such as quarries, which were inappropriate in many areas;
 - many properties proposed to be zoned Landscape Conservation were zoned Rural Resource in the interim planning scheme, which listed residential use as discretionary;
 - the use and development potential of many properties was limited by the Priority Vegetation Area or Waterway and Coastal Protection Area overlays anyway; and
 - the Landscape Conservation Zone was unlikely to make much difference to the overall use and development potential of land.
2232. In its section 35F report, the planning authority recommended no change to the draft LPS.
2233. At the hearing, the Huon Valley Zoning Association (HVZA) made a range of submissions in support of an alternative draft LPS that included the following documents:
- Critique of Huon Valley Council's Draft LPS;
 - HVZA Map Set: Huon Valley Zoning Association's Possible Alternative LPS for the Huon Valley Municipal Area;

- HVZA Map Set: HVC 35F with Council's Responses for the Huon Valley Municipal Area;
- HVZA Map Set: HVC 35F with STRM (radar topography data) and LCZ for the Huon Valley Municipal Area;
- HVZA Map Set: Viewshed for the Huon Valley Municipal Area;
- Analysis of Data to Support HVZA's focus on specific areas of HVC's Zoning Process;
- Possible Alternative LPS;
- Brief Zone assessment of Council's Application of LCZ per Locality; and
- A Manual for Forest Landscape Management Chapter 2 (Republished 24-10-2006 — Forest Practice Authority, Tasmania).

2234. At the hearing, the Huon Valley Zoning Association was represented by Mr Caleb Elcock, Mr Nathaniel Elcock and Ms Amy Robertson who together made the following comments:

- it difficult to obtain support from financial institutions for new development if land was zoned Landscape Conservation;
- the Huon Valley Zoning Association had submitted a petition with the Huon Valley Council in opposition to the Landscape Conservation Zone, which contained several hundred signatures;
- it had prepared an alternative draft LPS for consideration;
- the Landscape Conservation Zone was proposed to be applied to over 2000 titles;
- Guideline No. 1 stated the Landscape Conservation Zone should be applied to land with landscape value, not biodiversity value;
- conservation covenants were not necessarily an indication the Landscape Conservation Zone should be applied;
- it may not be appropriate to apply the Landscape Conservation Zone to land that contained private timber reserves or was subject to certified forest practices plans;
- the Commission's decision on the Flinders draft LPS indicated the Landscape Conservation Zone should be applied to land that was significantly visible from surrounding areas;
- the Commission's decision on the Flinders draft LPS indicated the Landscape Conservation Zone should be applied where there were visible features of landscape value provided there was a need to control use;
- the planning authority had not considered visibility of land and quality of its vegetation;
- statements in the draft LPS supporting report indicated the Landscape Conservation Zone had been applied in a manner inconsistent with Guideline No. 1;
- the planning authority's definition of a group of titles was wrong because two titles were a pair, not a group;
- it understood the planning authority's reluctance to apply the Rural Zone because of the intensity of the uses the Rural Zone provided for, however the Attenuation Code would apply so that land use conflicts could be managed or avoided;
- the Landscape Conservation Zone had been applied to isolated titles that resulted in spot-zones; and
- the Landscape Conservation Zone had been inappropriately applied to land that contained airstrips, sawmills, and rural living properties that contained dwellings on small lots.

2235. In response, the planning authority made the following comments:

- there was some inconsistency in the application of zones, due to a range of factors, such as existing and historic use, that influenced zone choice;
- the Huon Valley had a diverse landscape that was different to the other municipalities;
- the representor had compared some discreet areas with others where landscape features were considerably more visible; and
- the Rural Zone provided for uses with an intensity that were not appropriate in particular areas.

2236. Following the hearing, the planning authority, in response to a Commission direction, maintained its recommendation there be no changes to the draft LPS. The planning authority added it had applied the Landscape Conservation Zone consistently with its methodology expressed in its draft LPS Supporting Report and had considered the topography of land, land title structure, historical land use and native vegetation coverage.

Commission consideration

2237. The Commission acknowledges the considerable work undertaken by the Huon Valley Zoning Association in support of its representation but is not persuaded there should be a fundamental change to application of the Landscape Conservation Zone. The Commission is satisfied the broad application of the Landscape Conservation Zone is consistent with the principles of Guideline No. 1 (see Commission decision on general issues). The Commission notes the following:

- the existing use of isolated parcels of land, including forestry use on land subject to private timber reserves or certified forest practices plans, is important but not more important than consistent application of zones across larger areas;
- application of zones to land needs to be considered against a broad range of interrelated planning factors that includes use and the broader pattern of zoning applied to an area;
- use of split-zones and spot-zones is not preferable and should generally be avoided according to accepted land use planning principles to reduce potential for land use conflict;
- the Commission is prepared to consider use of split-zones and spot-zones in circumstances where there is a demonstrated positive land use outcome;
- the purpose of the Landscape Conservation Zone is reflected in the principles of Guideline No. 1, which state the Landscape Conservation Zone should be applied to land of landscape value identified for protection and conservation;
- the 'Viewshed for the Huon Valley Municipal Area' is based on the Forest Landscape Management Manual (2006) and Guidelines for Scenic Values Assessment Methodology and Local Provisions Schedules (2020) but used the lower visibility thresholds detailed in the Forest Landscape Management Manual rather than the Guidelines for Scenic Values Assessment Methodology and Local Provisions Schedules, which is more relevant to land use planning (6km threshold vs a 12km threshold);
- it is unclear that the viewshed maps had sufficient detail or accuracy to represent landscape values in the area, due to the limited field of view and lack of sufficient viewpoints used in the analysis; and
- the analysis was limited to those roads where the Scenic Road Corridor overlay was applied.
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2238. The application of the Landscape Conservation Zone was the subject of many representations (approximately 180) and the merits of which were heard and determined on a case-by-case application as detailed in this decision. The

Commission is satisfied that process provided for the review and modification to the exhibited draft LPS where warranted. Otherwise, the Commission notes the ongoing review of the SPPs and that the representors or planning authority could make a submission at the appropriate time about potential amendments to the Landscape Conservation Zone provisions. The Commission also notes the planning authority's intent to undertake strategic planning work for the municipality to investigate the appropriate future zones or other provisions that should apply to land in the municipality in future. This work may include land affected by the Landscape Conservation Zone.

Commission decision

2239. The Commission determines no modifications are required.

Natural Assets Code - Priority Vegetation Area Overlay - Various properties

Representations: Paul and Sandra Mommers (60), Martin Wohlgemuth (126), Lois Alexander (131), Ryan and Daniel Kay (141), Joanne Goodman (242), Nicole den Exter (289), Christine Lewis and Alex Parker (302), Dion and Amy Robertson (313), Amy Robertson (343), Amy Robertson, Terry Ware and Belinda Yaxley (367)

2240. The following representations requested modification of the Priority Vegetation Area overlay:

- Paul and Sandra Mommers (60) - 32 Pine Lodge Road, Glen Huon folio of the Register 140815/2;
- Martin Wohlgemuth (126) - 17 Chapman Avenue, Dover folio of the Register 108741/1;
- Lois Alexander (131) - 6757 Channel Highway, Deep Bay folio of the Register 60781/2;
- Ryan and Daniel Kay (141) - Channel Highway, Gardners Bay folio of the Register 46193/1;
- Joanne Goodman (242) - 3 Church Street, Cygnet folio of the Register 155455/2;
- Nicole den Exter (289) - municipality wide;
- Christine Lewis and Alex Parker (302) - 10 Sorell Street, Port Huon folios of the Register 153957/1 and 117160/4;
- Dion and Amy Robertson (313) - 101 Sorell Street, Port Huon folios of the Register 200395/1, 100280/2, 129343/5 and 129343/9;
- Amy Robertson (343) - 39 Crooke Street folio of the Register 117160/3, 34 Evans Road folio of the Register 224515/1, Evans Road folio of the Register 84116/1, 4572 Huon Highway, folio of the Register 224514/1, 10 Sorell Street folio of the Register 117160/4, 27 Sorell Street folio of the Register 117160/6, 104 Sorell Street folio of the Register 141157/1, 120 Sorell Street folios of the Register 138947/1, 132 Sorell Street folio of the Register 138947/2; 131 Sorell Street folio of the Register 129343/4 and 55 Sorell Street, Port Huon folio of the Register 117161/2 (formerly Lot 2 Sorell Street, Port Huon); and
- Amy Robertson, Terry Ware and Belinda Yaxley (367) - municipality wide.

2241. The representation made by Paul and Sandra Mommers (60) requested the Priority Vegetation Area overlay be removed from 32 Pine Lodge Road, Glen Huon folio of the Register 140815/2. The reasons were:

- the only native vegetation on the property was a eucalypt tree;
- other than the location of primary production infrastructure, the rest of the property presented as paddocks which were used for grazing; and
- it was unclear as to why the overlay had been applied and what evidence was used to form the opinion that the overlay was necessary.

2242. In its section 35F report, the planning authority supported modification of the overlay for the following reasons:
- the overlay had been applied to transformed land and this had likely occurred due to data associated with a nearby raptor nest;
 - as the overlay would not have any meaningful application to transformed land, it should be removed; and
 - the removal of the overlay from transformed areas across the municipal area should be supported.
2243. At the hearing, the applicability of the overlay to 32 Pine Lodge Road (Mommers) was discussed. Mr Jim Mulcahy, the planning authority's natural values expert, referred to the proximity of a raptor nest and the general need to protect buffer areas around nests. Mr Mulcahy noted however that the representation appeared to request the removal of the overlay from non-native vegetation. The planning authority clarified that it was its preference that the overlay be removed from pasture and other modified land which could not be defined as priority vegetation. In providing further clarification regarding its recommendations in its section 35F report, the planning authority stated that in terms of the hearing process, each representation requesting modification of the overlay should be considered on a case by case basis and that any large-scale modification of the overlay to remove it from transformed land, would need to be the subject of a future planning scheme amendment.
2244. The representation made by Martin Wohlgemuth (126) requested the overlay be applied to 17 Chapman Avenue, Dover folio of the Register 108741/1. The reasons were:
- there were large eucalyptus trees present which provided an important refuge for bird species;
 - the swift parrot, during seasonal migration, fed amongst the trees, especially the blue gums which formed part of its habitat; and
 - the overlay was absent from the property.
2245. In its section 35F report, the planning authority recommended no change to the draft LPS as applying the overlay to the site would be inconsistent with Guideline No. 1.
2246. At the hearing, the applicability of the overlay to 17 Chapman Avenue, Dover was discussed. The Commission stated that should the overlay be applied, evidence confirming the presence of priority vegetation would need to be submitted. The planning authority noted that given such evidence was not available, the overlay ought not to apply.
2247. The representation made by Lois Alexander (131) requested the Priority Vegetation Area overlay applied to 6757 Channel Highway, Deep Bay folio of the Register 60781/2 be removed from areas containing a dwelling, driveway, and other cleared areas.
2248. In its section 35F report, the planning authority recommended modification of the overlay because it had been applied in error and should only be applied to native vegetation as far as practicable.
2249. At the hearing, the Commission noted expert evidence would need to be submitted to support the modification.
2250. Following the hearing, a direction was issued to the planning authority on 30 May 2023 that required a diagram of the proposed modified overlay to be submitted. The direction also required that the modified overlay be supported with written advice from the planning authority's natural values expert.

2251. The planning authority provided a response to the direction on 29 June 2023, which featured a modified overlay showing the removal of the overlay from developed areas of the land and the adjoining property at 6755 Channel Highway, Deep Bay folio of the Register 60781/1.
2252. The representation made by Ryan and Daniel Kay (141) requested the Priority Vegetation Area overlay be removed from Channel Highway, Gardners Bay folio of the Register 184575/1. The reasons were:
 - vegetation at the top of the property had been cleared by previous owners;
 - there were no significant trees or trees within the cleared areas; and
 - the overlay should be removed where it was inaccurate.
2253. In its section 35F report, the planning authority recommended no change to the draft LPS for the reasons:
 - the property was extremely constrained because it was entirely covered with saltmarsh; and
 - saltmarsh was considered to be priority vegetation and as such the overlay ought to be retained.
2254. At the hearing it became apparent that the location of the representor's property was uncertain and consequently the planning authority may have provided a recommendation on land which was not the land referred to in the representation. The planning authority's section 35F report erroneously referred to land at folios of the Register 222894/1 and 145249/1, whereas the property thought to be the subject of the representation was Channel Highway, Gardners Bay folio of the Register 184575/1.
2255. Following the hearing, the Commission issued a direction to the representor on 29 May 2023 requesting confirmation of the property location. The representor responded on 30 May 2023 and confirmed that the location of the property was indeed Channel Highway, Gardners Bay folio of the Register 184575/1. The submission also expressed concern regarding application of the Landscape Conservation Zone and possible property devaluation.
2256. At the hearing, the representor referred to a natural values assessment undertaken for the property in relation to a development application. The representor stated the assessment found there were no natural values present in the cleared section of the land.
2257. The planning authority noted that the land was substantially covered in vegetation. Mr Mulcahy indicated a willingness to review the natural values assessment.
2258. Following the hearing, the Commission issued a direction on 9 August 2023 that requested the representor submit the natural values assessment.
2259. A response to the direction was received on 16 November 2023, which provided the natural values assessment. The direction issued on 9 August 2023 also required the planning authority to respond to the submission of the assessment.
2260. On 15 December 2023 the planning authority provided a response to the submission. The planning authority suggested that unapproved works resulting in vegetation clearance may have been undertaken on the property in advance of planning approval. The planning authority also noted that a specialist report on raptors referred to in the assessment, had not been included with the report. The planning authority concluded that due to these factors, it was unable to make a recommendation on whether the overlay should be modified.

2261. The matter was again listed to be heard where the planning authority noted that the property was possibly subject to enforcement due to works being undertaken without planning approval.
2262. The representation made by Joanne Goodman (242) requested the Priority Vegetation Area overlay be applied to 3 Church Street, Cygnet folio of the Register 155455/2. The reasons were:
- the property contained wildlife habitat and corridors for many local fauna species;
 - wildlife corridors should remain in semi-urban areas as escape routes and habitats and be protected and maintained; and
 - the property was larger than other surrounding properties.
2263. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the property was zoned General Residential and 'the Natural Assets Code was excluded from this zone'; and
 - the representor's request was a 'matter outside LPS considerations.'
2264. At the hearing it was noted that evidence regarding whether vegetation present on the land was priority vegetation was not available.
2265. The representation made by Nicole den Exter (289) requested the overlay be modified so that it applied to all native vegetation. The reasons were:
- the Regional Ecosystem Model was based primarily on desk top mapping and was not reliable for indicating the presence or absence of priority vegetation due to it not being subject to field verification by a suitably qualified person;
 - the Regional Ecosystem Model was not fit for purpose at the scale of an individual development; and
 - the overlay should be extended to include all native vegetation allowing for determination of whether vegetation was priority vegetation to occur as part of a development application.
2266. In its section 35F report, the planning authority noted the representation.
2267. The representation made by Christine Lewis and Alex Parker (302) requested the Priority Vegetation Area overlay be removed from 10 Sorell Street, Port Huon folios of the Register 153957/1 and 117160/4. The representor also requested that the Landslip Hazard Area overlay be removed from the property and the Waterway and Coastal Protection Area overlay be reduced in width. The reasons were:
- the Priority Vegetation Area overlay covered pasture;
 - historically the property did not contain native trees;
 - vegetation was incorrectly classified as priority vegetation;
 - the landslip hazard area was a strange shape and encroached on flat land in an impractical and illogical way; and
 - the Waterway and Coastal Protection Area overlay should be reviewed and narrowed as pasture adjoined a waterway, which passed through the property.
2268. In its section 35F report, the planning authority recommended the Priority Vegetation Area overlay be removed from non-native vegetation areas.
2269. In regard to the Landslip Hazard Area and Waterway and Coastal Protection Area overlays, the planning authority did not recommend that the overlays be removed or modified.
2270. At the hearing, the representor referred to the majority of the property being comprised of pasture and expressed uncertainty as to why the Landslip Hazard Area and Waterway and Coastal Protection Area overlays had been applied.

2271. The planning authority reiterated its position that the Priority Vegetation Area overlay should be removed. This position was supported by Mr Mulcahy who stated that the spatial extent of the overlay was likely informed by the presence of goshawk nests on adjoining land, which resulted in the overlay being applied as a buffer around the nests. Given priority vegetation was not present within the buffer areas, the removal of the overlay was supported.
2272. The representation made by Dion and Amy Robertson (313) requested the Priority Vegetation Area overlay be removed from parts of 101 Sorell Street, Port Huon folios of the Register 200395/1, 129343/5, 100280/2 and 129343/9. The reasons were:
- *Acacia dealbata* forest vegetation did not exist on the property;
 - the area was former pasture and stocked with paddock trees;
 - *Eucalyptus globulus* dry forest and woodland should not be mapped by the overlay as it was an area of former pasture deliberately stocked with plantation species;
 - *Eucalyptus globulus* wet forest shown in TASVEG mapping should not be mapped by the overlay as it was instead an area of commonly occurring *Eucalyptus obliqua* wet forest;
 - there were only two areas of native forest remaining on the property which comprised a mix of *Eucalyptus obliqua*, *Eucalyptus globulus* and *Eucalyptus viminalis* with drier forest on the upper east-facing slopes, and wet forest on lower areas and around streams; and
 - the overlay should be only applied to a 100m radius around goshawk nests.
2273. At the hearing, Ms Robertson reiterated that significant vegetation was not present on the site. Mr Mulcahy indicated a willingness to consider modification of the overlay to remove mapping associated with the goshawk buffer given its extension over pasture.
2274. Following the hearing, the Commission issued a direction on 30 May 2023 requiring the planning authority to prepare a modified overlay in consultation with the representor.
2275. The representation made by Amy Robertson (343) requested the overlay be removed from parts of the following properties:
- 39 Crooke Street folio of the Register 117160/3;
 - 34 Evans Road folio of the Register 224515/1;
 - Evans Road folio of the Register 84116/1;
 - 4572 Huon Highway, folio of the Register 224514/1;
 - 10 Sorell Street folio of the Register 117160/4;
 - 27 Sorell Street folio of the Register 117160/6;
 - 55 Sorell Street, Port Huon folio of the Register 117161/2;
 - 104 Sorell Street folio of the Register 141157/1;
 - 120 Sorell Street folios of the Register 138947/1;
 - 131 Sorell Street folio of the Register 129343/4; and
 - 132 Sorell Street folio of the Register 138947/2.
2276. The reasons were:
- the overlay should be removed from pasture as it did not represent the intent of the overlay and would result in development restrictions; and
 - some of the properties had areas of disturbance evidenced by the presence of gorse, bracken, and small, shrubby regrowth.

2277. At the hearing, it was recognised that there was an overlap between representations 313 (related to 101 Sorell Street) and 343 (related to the properties listed above). Both representations spoke to the accuracy of the overlay and sought modification of the overlay for land at 101 Sorell Street, Port Huon and those lots surrounding 101 Sorell Street, Port Huon as identified by Ms Robertson.
2278. Following the hearing, the Commission issued a direction on 30 May 2023 in relation to representation 343 and requested the planning authority to prepare a diagram showing a modified overlay in consultation with the representor. The direction also required contact details for affected landowners to enable the Commission to undertake notification of possible modifications to the overlay.
2279. A submission was received from Ms Robertson on 6 December 2023. The submission was in response to the planning authority's consultation on the direction. The submission included a proposed overlay prepared by Ms Robertson and made the following points:
- although the overlay proposed by the planning authority showed removal of the overlay from modified areas it continued to apply to vegetation which could not be defined as priority vegetation;
 - the alternative overlay only applied to threatened native vegetation communities which had been identified by Ms Robertson's expertise as a forest practices officer; and
 - application of the overlay as proposed by the planning authority would impact upon activities, such as timber harvesting, occurring outside of forest practice plans that applied to 101 Sorell Street.
2280. A further submission was received from Mr Mulcahy on 6 December 2023 in response Ms Robertson's submission. The submission made the following points:
- established forest containing significant habitat for the grey goshawk was present on 101 Sorell Street, which was corroborated by known nesting activity recorded in the Natural Values Atlas;
 - inclusion of significant habitat for threatened fauna species within the overlay was consistent with NAC 10 of Guideline No. 1;
 - the use of the Regional Ecosystem Model by the planning authority to inform the overlay was arguably consistent with NAC 12 of Guideline No. 1;
 - the overlay was not a map of what was known, but rather a map of potential priority values that would identify whether an assessment of the natural values was required at the time of any future development applications; and
 - goshawks provided an example of the need to factor dynamism into the system as there is not predictability in where goshawks may choose to nest from year to year.
2281. The matter was again listed to be heard. At the reconvened hearing, Ms Robertson presented the proposed overlay included in her submission of 6 December 2023. Ms Robertson's overlay encompassed all land which was the subject of representations 313 and 343. Ms Robertson spoke to the perceived inadequacies of the Regional Ecosystem Model.
2282. Mr Mulcahy referred to 101 Sorell Street, noting the presence of both modified and remnant vegetation and that this had formed the basis for the planning authority's proposed modifications to the overlay.
2283. Following the reconvened hearing, a direction was issued by the Commission on 21 February 2024, which combined previous directions relating to land identified by Ms Robertson in representations 313 and 343. The direction again required the planning authority to prepare a diagram showing recommended modifications to the overlay and to provide affected landowner contact details.

2284. A direction response from the planning authority, showing a proposed overlay, was received by the Commission on 7 March 2024. The Commission undertook notification of affected landowners on 18 March 2024 seeking views on the modified overlay. Two responses were received from the owners of:
- 120 and 132 Sorell Street folios of the Register 138947/1 and 138947/2; and
 - 131 Sorell Street folio of the Register 129343/4.
2285. The owners of 120 and 132 Sorell Street did not support modification of the overlay as proposed by the planning authority. The landowners of 131 Sorell Street, Port Huon did support the proposed modification of the overlay.
2286. The representation made by Amy Robertson, Terry Ware and Belinda Yaxley (367) requested the Priority Vegetation Area overlay be amended to accurately reflect areas of threatened vegetation throughout the municipality. The reasons were:
- the overlay was derived from the Regional Ecosystem Model which identified vegetation that was not threatened or locally important;
 - it was impossible to understand how the overlay was derived from the Regional Ecosystem Model;
 - the Regional Ecosystem Model was useful at a broad level but should not be used for on-ground management of vegetation;
 - the Regional Ecosystem Model was conceptual only and omitted known threatened native vegetation communities;
 - the overlay would create unnecessary bureaucracy and prevent the purpose of the SPPs being fulfilled;
 - potentially suitable sites for development may be avoided due to unnecessary burden associated with having to source an expert report to support applications for development; and
 - the overlay could be improved by:
 - the removal of cleared or modified vegetation from the overlay;
 - utilisation of more recent TASVEG 4.0 data to inform the model;
 - utilisation of more recent threatened fauna habitat data based on occupancy records from the Natural Values Atlas records;
 - the use of management constraints practiced by the Forest Practices Authority; and
 - the ability to undertake all of these changes as a GIS-based task.
2287. At the hearing, Ms Robertson spoke to the representation and reiterated the points made. Mr Mulcahy noted that the Regional Ecosystem Model was a proprietary product to which the Council had access and the purpose of the overlay was to identify potentially important values which could then be further investigated. General discussion regarding the origins and application of the Regional Ecosystem Model occurred.

Commission consideration

2288. In relation to representations 60 (Mommers), 131 (Alexander) and 302 (Lewis and Parker) the Commission is persuaded that evidence submitted by the planning authority provides sufficient justification to support modification of the Priority Vegetation Area overlay. Principle NAC 11 of Guideline No. 1 permits the overlay to be based on any field verification, analysis or mapping undertaken by or behalf of the planning authority to address anomalies or inaccuracies in mapping and data called up by NAC 7, NAC 8 and NAC 10.
2289. In relation to the requests to either remove or modify the Landslip Hazard Area and Waterway and Coastal Protection Area overlays made in representation 302 (Lewis and Parker), the Commission notes that both overlays are informed by State

guidance mapping and the requirements of Guideline No. 1. In the absence of evidence from a suitably qualified person, it is appropriate that both overlays are applied consistent with the guidance maps.

2290. In relation to representations 126 (Wohlgemuth), 141 (Kay), 242 (Goodman), 289 (den Exter) and 367 (Robertson, Ware and Yaxley) the Commission is satisfied that no change to the draft LPS is warranted.
2291. In regard to representation 126 (Wohlgemuth), the Commission notes that the Priority Vegetation Area overlay does not apply to the land which is the subject of the representation. It is noted further that the land is proposed to be zoned Community Purpose and is owned by the Huon Valley Council. The Community Purpose Zone is compatible with the Priority Vegetation Area overlay. In this instance however, the Commission agrees with the planning authority, that without suitable evidence, the overlay ought not be applied.
2292. In regard to representation 141 (Kay), the Commission agrees with the planning authority that given uncertainty around the lawful removal of vegetation, a precautionary approach should be employed and no modification to the overlay made. The Commission is also persuaded that the Landscape Conservation Zone is appropriate given the extent of vegetation present on the site and its connection to bushland on adjoining land, which is also included in the Landscape Conservation Zone. This meets principle LCZ 1 of Guideline No. 1.
2293. In regard to representation 242 (Goodman), the Commission notes that the Priority Vegetation Area overlay does not apply to the land which is the subject of the representation. It is noted further that the land is proposed to be zoned General Residential. The General Residential Zone is compatible with the Priority Vegetation Area overlay but only applies in the event subdivision of the land is proposed. In this instance however, the Commission agrees with the planning authority, that without suitable evidence, the overlay ought not be applied.
2294. In regard to representations 289 (den Exter) and 367 (Robertson, Ware and Yaxley), the Commission is satisfied that Regional Ecosystem Model has provided an overlay that would allow for adequate administration of the Natural Assets Code. The Commission notes that there is some correlation between the representations and broad recommendations made by the planning authority in its section 35F report. Specifically, the planning authority, in its section 35F report, has signalled a policy position that the overlay ought not apply to modified land. This position could form the basis of a future planning scheme amendment to modify the overlay in order to improve accuracy.
2295. In regard to representations 313 (Dion and Amy Robertson) and 343 (Amy Robertson), the Commission notes that the possible modification of the overlay affects a number of properties. The Commission notes further that despite undertaking notification, not all landowners participated. Accordingly, landowner support, or otherwise, for modifying the overlay could not be confirmed beyond those responses received and outlined above.
2296. The Commission considers that the land which is the subject of representations 313 and 343 should be considered collectively as a whole and that sufficient evidence has been submitted by the planning authority indicating that the overlay ought to be modified.
2297. The Commission notes further that the following properties are not included within the planning authority's modified overlay but are identified within representation 343:
 - 27 Sorell Street folio of the Register 117160/6;
 - 4572 Huon Highway, folio of the Register 224514/1; and

- 10 Sorell Street folio of the Register 117160/4.

2298. These properties present predominantly as pasture but are subject to the overlay. Given the likely absence of priority vegetation and the position of the planning authority on removing the overlay from modified land, it is considered appropriate to include these properties within the collective.

Commission decision

2299. Modification:

- Revise the Priority Vegetation Area overlay by removing the overlay from 32 Pine Lodge Road, Glen Huon folio of the Register 140815/2 and 10 Sorell Street, Port Huon folios of the Register 153957/1 and 117160/4.
- Modify the Priority Vegetation Area overlay at 6757 Channel Highway, Deep Bay folio of the Register 60781/2 as shown in Figure 2 of the planning authority's response to direction 50 dated 29 June 2023.
- Remove the Priority Vegetation Area overlay from 6755 Channel Highway, Deep Bay folio of the Register 60781/1.
- Revise the Priority Vegetation Area overlay by applying the overlay to the following properties as identified in the diagram included in submission made by Amy Robertson in response to direction 51 dated 6 December 2023:
 - a. 39 Crooke Street, Port Huon folio of the Register 117160/3;
 - b. 34 Evans Road, Port Huon folio of the Register 224515/1;
 - c. Evans Road, Port Huon folio of the Register 84116/1;
 - d. 4572 Huon Highway, Port Huon folio of the Register 224514/1;
 - e. 10 Sorell Street, Port Huon folio of the Register 117160/4;
 - f. 27 Sorell Street, Port Huon folio of the Register 117160/6;
 - g. 55 Sorell Street, Port Huon Port Huon folio of the Register 117161/2;
 - h. 101 Sorell Street, Port Huon folio of the Register 141157/1;
 - i. 104 Sorell Street, Port Huon folio of the Register 141157/1;
 - j. 120 Sorell Street, Port Huon folios of the Register 138947/1;
 - k. 131 Sorell Street, Port Huon folio of the Register 129343/4; and
 - l. 132 Sorell Street, Port Huon folio of the Register 138947/2.

2300. Reason: To apply the Priority Vegetation Area overlay consistent with Guideline No. 1.

Commission consideration under section 35KB

2301. The Commission finds that the amendment involving the land at Sorell Street and other locations at Port Huon is a substantial modification as there may be a public interest in the amendment. Under section 35KB, the Commission considers the substantial modifications required are suitable to be made by way of an amendment, under Part 3B of the Act, of the Huon Valley LPS, after it comes into effect.

2302. The modification will afford opportunity for further engagement.

Commission decision under section 35KB

2303. Draft amendment directed to the Huon Valley LPS:

- Revise the Priority Vegetation Area overlay by applying the overlay to the following properties as identified in Attachment 3:
 - a. 39 Crooke Street, Port Huon folio of the Register 117160/3;
 - b. 34 Evans Road, Port Huon folio of the Register 224515/1;
 - c. Evans Road, Port Huon folio of the Register 84116/1;
 - d. 4572 Huon Highway, Port Huon folio of the Register 224514/1;

- e. 10 Sorell Street, Port Huon folio of the Register 117160/4;
- f. 27 Sorell Street, Port Huon folio of the Register 117160/6;
- g. 55 Sorell Street, Port Huon Port Huon folio of the Register 117161/2;
- h. 101 Sorell Street, Port Huon folio of the Register 141157/1;
- i. 104 Sorell Street, Port Huon folio of the Register 141157/1;
- j. 120 Sorell Street, Port Huon folios of the Register 138947/1;
- k. 131 Sorell Street, Port Huon folio of the Register 129343/4; and
- l. 132 Sorell Street, Port Huon folio of the Register 138947/2.

2304. Reason:

- To apply the Priority Vegetation Area overlay consistent with Guideline No. 1; and
- The Commission considers that the modification is a substantial modification as there may be a public interest.

Natural Assets Code - Priority Vegetation Area Overlay - Electricity Infrastructure

Representation: TasNetworks (417)

2305. The representor requested the Priority Vegetation Area overlay be removed from the following sites:

- Kermandie substation and communication site at 4664 Huon Highway, Geeveston folio of the Register 213124/1;
- Huon River substation at 552 Southwood Road, Lonnavele folio of the Register 137916/1; and
- Grey Mountain communication site at Snug Falls Road, Snug PID 5793513.

2306. In its section 35F report, the planning authority recommended the overlay be removed from those parts of the properties that contained hard surfaces.

Commission consideration

2307. The Commission agrees with the planning authority that the Priority Vegetation Area overlay should be removed from those parts of the properties already covered in hard surfaces.

Commission decision

2308. Modification:

- Remove the Priority Vegetation Area overlay from that part of the following sites covered in hard surfaces, such as concrete or bitumen as identified in the representation made by TasNetworks dated May 2022:
 - a. Kermandie substation and communication site at 4664 Huon Highway, Geeveston folio of the Register 213124/1;
 - b. Huon River substation at 552 Southwood Road, Lonnavele folio of the Register 137916/1 identified by coordinates E 484977.27 and N 5233197.05; and
 - c. Grey Mountain communication site at Snug Falls Road, Snug PID 5793513 identified by coordinates E 509484.37 and N 5229054.15.

2309. Reason: To apply the Priority Vegetation Area overlay consistent with Guideline No. 1.

Scenic Protection Code - Scenic Protection Area Overlay and Scenic Road Corridor Overlay

Representations: Shane Johnson (45), Lisa Litjens and Alan Kemp (80), Fiona Brine (134), Rejane Belanger (197), Paul Gibson (218), Cygnet Living History Museum (271), Elizabeth Smith (293)

2310. The representors requested various changes to the Scenic Protection Area and Scenic Road Corridor overlays. The following requests and comments were made:

- the Scenic Protection Area overlay should be applied to the hillside behind Franklin to include more areas of native bushland that provide a scenic backdrop to Franklin;
- the overlays should be applied to land around Cygnet, particularly the land around Port Cygnet between Cygnet and Gardners Bay;
- the overlays should be applied to more generally throughout the municipality to protect the visual appeal of the Huon Valley;
- further application of the overlays would be consistent with Guideline No. 1; and
- the overlays applied to some areas in the interim planning scheme that were not included in the overlays applied in the draft LPS.

2311. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- SPC 3 of Guideline No. 1 required the overlays only be applied to compatible zones, which included the Rural Living, Rural, Agriculture, Landscape Conservation, Environmental Management and Open Space zones;
- the overlays could not be applied to land zoned Future Urban; and
- further strategic planning work would need to be undertaken to support application of the overlays to new Scenic Protection Areas and Scenic Road Corridors and to establish what scenic values and management objectives should apply.

2312. At the hearing, Ms Rejane Belanger for the Cygnet Living History Museum made the following comments:

- it was understood the overlays could not be applied to incompatible zones under the SPPs;
- the foreshore area of Port Cygnet had features of significant natural and scenic value; and
- tourists were attracted to the Cygnet area because it was of significant scenic quality.

2313. Ms Elizabeth Smith also attended the hearing, made a written submission, and contended a Scenic Road Corridor overlay should be applied along the Channel Highway.

Commission consideration

2314. The Commission accepts the view of the planning authority that further local strategic planning is required to determine whether further Scenic Protection Code overlays should be applied. The Commission also notes the following:

- there may be areas of significant scenic value in the municipality that may be suitable for inclusion in overlays;
- the LPS requirements of the SPPs, specifically clauses LP1.7.6 and LP1.8.1, provide for Scenic Protection Code overlays to be included in the draft LPS, but do not mandate inclusion;
- incorporation of the overlays is a matter of local policy for the planning authority;

- there may be significant public interest in new overlays;
- Guideline No. 1 and the SPPs specify what zones are compatible with the overlays;
- the overlays are not applied to incompatible zones; and
- the overlays have been declared by the Minister for Planning to be controls that should be transitioned from the existing interim planning scheme to the draft LPS under the provisions of Schedule 6 of the Act.

Commission decision

2315. The Commission determines no modifications are required.

Flood-Prone Areas Hazard Code - Flood-Prone Hazard Area Overlay

Representation: Department of Police, Fire and Emergency Management - State Emergency Service (22), Huon Valley Council (404)

2316. The representation made by the Department of Police, Fire and Emergency Management - State Emergency Service (22) noted the Flood-Prone Hazard Area overlay had not been included in the draft LPS and made the following comments:

- a Flood-Prone Hazard Area overlay could be prepared and included in the draft LPS using the information in the Huon Valley Flood Resilience 2017, Mountain River Flood Study 2018, Kermadie River Flood Study 2018, and Skinners Creek Flood Study 2018;
- the planning authority would need to rely on clause C12.2.4 of the SPPs for application of the Flood-Prone Areas Hazard Code to test the merits of proposed use and development if an overlay was not included;
- the State government was working on guidelines to assist planning authorities to determine whether land was subject to risk from flood or had the potential to cause increased risk from flood as required by clause C12.2.3 of the SPPs;
- the State government was undertaking a project (the Tasmanian Flood Mapping Project) to provide State-wide flood mapping for implementation in all local provisions schedules;
- it was satisfied Table C11.1 matched the figures given in the Coastal Hazards Technical Report, December 2016, Department of Premier and Cabinet; and
- it supported the zone and specific area plans proposed in the draft LPS, particularly the use of zones that provided for management of density in Flood-prone and Coastal Inundation Hazard areas.

2317. The representation made by Huon Valley Council (404) requested the Flood-Prone Hazard Area overlay be transitioned from the interim planning scheme to the draft LPS as provided by schedule 6 of the Act. The reasons were:

- further work was required before a new Flood-Prone Hazard Area overlay could be prepared using the existing flood studies; and
- where possible, it preferred to use mapping to determine which areas of its municipality were flood-prone and therefore required application of the Flood-Prone Areas Hazard Code.

2318. In its section 35F report, the planning authority recommended the Riverine Inundation Hazard Area overlay be transitioned from the interim planning scheme to the draft LPS as the Flood-Prone Hazard Area overlay.

2319. Prior to the hearing, the planning authority, in response to a Commission direction, provided a copy of the overlay mapping.

2320. At the hearing, Mr Chris Irvine for State Emergency Service stated he agreed with the planning authority's proposal to transition the overlay from the interim planning

scheme to the draft LPS, which would map known flood-prone areas until the mapping could be replaced by an overlay based on contemporary studies.

2321. Following the hearing, the Minister for Planning, provided a declaration, which required the Riverine Inundation Hazard Area overlay be transitioned from the interim planning scheme to the draft LPS as the Flood-Prone Hazard Area overlay.

Commission consideration

2322. The Commission notes the declaration made by the Minister for Planning and determines the Riverine Inundation Hazard Area overlay be transitioned from the interim planning scheme to the draft LPS as the Flood-Prone Hazard Area overlay consistent with the mapping provided by the planning authority.
2323. The Commission otherwise notes the representation made by State Emergency Service is in support of the draft LPS and the planning authority has noted the information provided about assessment of flood-prone areas.

Commission decision

2324. Modification:

- Apply the Flood-prone Hazard Area overlay consistent with the planning authority's submission 1.16 dated 31 March 2023.

2325. Reason: To apply the Flood-Prone Hazard Area overlay consistent with Guideline No. 1 and to meet the declarations made by the Minister for Planning under Schedule 6 of the Act.

Bushfire-Prone Areas Code - Bushfire-Prone Hazard Area Overlay

Representation: Department of Police, Fire and Emergency Management - Tasmania Fire Service (50)

2326. The representor requested the Bushfire-Prone Hazard Area overlay be updated to reflect changes to hazard areas made because of recent urban-residential subdivisions.
2327. In its section 35F report, the planning authority recommended the overlay be updated as requested.
2328. Prior to the hearing, the representor, in response to a Commission direction, provided a submission that identified six areas at Huonville where the overlay should be removed.

Commission consideration

2329. The Commission is satisfied the proposed changes to the overlay have been recommended by a suitably qualified person and agrees the overlay be amended as requested.

Commission decision

2330. Modification:

- Remove the Bushfire-Prone Hazard Area overlay from the land identified in the submission made by Tasmania Fire Service dated 22 June 2023.

2331. Reason: To apply the Bushfire-Prone Hazard Area overlay consistent with Guideline No. 1.

Specific Area Plans - Cygnet

Representations: Rejane Belanger (197), James Duff (198), Nicole den Exter (289), Red Seal Planning for Cygnet Association Inc (319)

2332. The representators requested the draft LPS include a specific area plan for a traffic bypass of Cygnet. The representators also requested the draft LPS include a specific area plan that would control redevelopment of the former school site at 8 and 14 George Street folios of the Register 106267/7, 179328/1 and 179328/2 and 20 Golden Valley Road, Cygnet folio of the Register 135234/1. The reasons were:

- traffic was increasing in the main street (Mary Street) of Cygnet and was a serious hazard;
- a traffic corridor for a future bypass of the town centre was required;
- the corridor could be located to the east of Mary Street and link Thorp Street and Garthfield Avenue;
- a bypass would make Cygnet a nicer place to live and Mary Street more accessible for pedestrians;
- a bypass would improve traffic flow and create more parking along the new road;
- a bypass was supported by the community;
- a specific area plan was required to extend from the Particular Purpose Zone - Future Road Corridor, which was intended as a service street, through to Thorp Street so it was a through road;
- the population of Cygnet was expected to grow;
- a bypass would assist in time of flooding;
- the purpose of the specific area plan would be to ensure development was located clear of an expected road site;
- the former school site, known as 'Old School Farm,' was expected to be developed with new dwellings and should have controls that would ensure development was sensitive to the character of the town;
- development of the land should be done in consultation with the community;
- provisions were required to manage the natural value of the land, including potential swift parrot habitat;
- a specific area plan should include provisions that would allow greater dwelling density;
- controls were required to ensure development would benefit the community; and
- a master plan be incorporated into the provisions.

2333. In its section 35F report, the planning authority recommended there be no modification to the draft LPS because further strategic planning work, such as a town structure plan, was required to determine whether provisions for a bypass and development of the Old School Farm site was required. The planning authority added the proposed specific area plan had merit.

2334. At the hearing, Mr Trent Henderson (Red Seal Planning) represented Mr Patrick Synge (Cygnet Association Inc) who together made a written submission and the following comments:

- the Cygnet Association was formed after a previous community group managed by the Council was disbanded;
- the Cygnet Association conducted community consultations about matters that affected the Cygnet community;
- the Old School Farm site had been vacant since the land was sold by the Department of Education to the Huon Valley Council in 2007;
- it had explored how the land could be developed through a concept plan of subdivision that included a road through the site;

- the link road through the land would be beneficial and would help alleviate problems caused by increasing traffic numbers;
- it had put forward a more recent proposal to develop the land with 18 independent living units;
- a specific area plan for the Old School Farm site would not control use;
- a specific area plan would make provision for a community swimming pool; and
- the Cygnet Association wanted to see the community's vision for the site fulfilled.

2335. In response, the planning authority made the following comments:

- the specific area plans should be explored outside of the draft LPS assessment process;
- the specific area plans required some work to improve the standards;
- more strategic planning work was required to determine what provisions should apply to Cygnet in the future;
- it had engaged a consultant to prepare a land use and development strategy on its behalf;
- it intended to formally consult the community to help it prepare the strategy;
- the proposed link roads were an important idea;
- its strategic planning work would examine how roads should be planned;
- strategic planning work for Cygnet was a priority; and
- it was conscious of the need to ensure land was developed in an orderly manner.

Commission consideration

2336. The Commission considers the proposed provisions have merit but is not persuaded there is sufficient strategic planning basis for the inclusion of the specific area plans at this time. The Commission notes the planning authority's intent to undertake strategic planning work for Cygnet to investigate the appropriate future zones or other provisions that should apply to land in the municipality. In particular, such strategic planning work would need to examine what reticulated and community services are required, the current supply of and demand for residential land, and how the road network should be planned. This may be undertaken through a structure plan that could identify the preferred engineering solutions. The Commission notes the planning authority intends to consult the local community about its vision for the settlement and considers that should take place before the use and development standards are determined. The planning authority could pursue a draft amendment to the LPS after it comes into effect in the event it determines new provisions are required.

2337. The Commission otherwise acknowledges the considerable work undertaken by the Cygnet Association in support of the specific area plans and considers its work may be useful to the planning authority in its endeavours to plan for the future of Cygnet.

Commission decision

2338. The Commission determines no modifications are required.

Specific Area Plans - Stormwater Management

Representations: Simon Roberts and Joanne Wheat (350)

2339. The representor requested the draft LPS include a Stormwater Management Specific Area Plan to manage the quality of stormwater in a manner that would limit the impact of development on waterways and the coastal environment. The representation made the following comments:

- development and clearing of land near freshwater and estuarine systems could have a significant impact on ground water quality;
- clearance of vegetation could lead to increased stormwater flow;
- freshwater ecosystems, estuarine and coastal lagoons in Australia were particularly susceptible to stormwater pollution;
- residential development increased levels of nutrients, toxicants, and sediments, which impacted waterways;
- estuaries and coastal lagoons were particularly susceptible to impacts from changes in land use;
- the *State Policy on Water Quality Management 1997* required planning schemes to ensure development minimised off-site stormwater pollution;
- development should be consistent with water sensitive urban design principles;
- water conservation needed to be encouraged, particularly through collection and reuse of stormwater;
- new developments should be designed to limit the quantity of stormwater runoff, particularly through limitation of impervious surfaces;
- a Stormwater Management Specific Area Plan would further the objectives set out in Schedule 1 of the Act;
- application of the Landscape Conservation Zone more broadly, and restrictions on subdivision, would reduce impact of stormwater runoff on water quality;
- the State Stormwater Strategy 2010 promoted controls that required stormwater to be treated and stored;
- the draft LPS should include a Stormwater Management Specific Area Plan applied to all development within the coastal zone (land within 1km of the coastal high-water mark) and within 40m of a waterway;
- provisions of the Stormwater Management Specific Area Plan should include an acceptable solution that would require development to meet the stormwater quality and quantity management targets identified in the State Stormwater Strategy 2010; and
- a performance criteria should specify stormwater must be treated, stored and infiltrated on-site.

2340. In its section 35F report, the planning authority recommended no change to the draft LPS because the proposed Stormwater Management Specific Area Plan did not meet the requirements of section 32(4) of the Act.

2341. At the hearing, the representor, Dr Simon Roberts made a written submission (in the form of an example of a Stormwater Specific Area Plan) and the following comments:

- he was a former water quality scientist;
- the closer development was to a watercourse, the higher the chance that it would cause toxicants to flow into watercourses;
- the information he provided was intended to assist the planning authority;
- he was unable to provide a Specific Area Plan that could be inserted into the draft LPS but was able to provide scientific reasons why one was required; and
- the Stormwater Management Specific Area Plan that was in the Break O' Day LPS was not suitable for the Huon Valley draft LPS but could provide the basis for one.

Commission consideration

2342. The Commission acknowledges the information provided by Dr Roberts in support of a Stormwater Management Specific Area Plan. The Commission also acknowledges the impact that impervious surfaces can have on stormwater flows and the effective management of stormwater. It also acknowledges that in some

locations there is a need to manage the impact of stormwater flows into sensitive aquatic environments. The location of impervious surfaces and their proximity to those environments is one management measure that can be applied.

2343. However, the Commission is not persuaded a Stormwater Management Specific Area Plan should be included in the draft LPS. A specific area plan could be considered in future if supported by information establishing its spatial application and proposed written standards. Additionally, further evidence would be required to demonstrate how the Specific Area Plan meets section 32(4)(a) or (b) of the Act.
2344. Otherwise, the Commission notes the ongoing review of the SPPs and that the representor or planning authority could make a submission at the appropriate time about potential provisions being included in the SPPs.

Commission decision

2345. The Commission determines no modifications are required.

Specific Area Plans - Potential Acid Sulfate Soils and Potential Dispersive Soils

Representations: Huon Valley Council (410)

2346. The representor requested the following specific area plans be included in the draft LPS:

- HUO-S4.0 Grove to Cockle Creek Potential Acid Sulfate Soils Specific Area Plan; and
- HUO-S5.0 Grove to Cockle Creek Potential Dispersive Soils Specific Area Plan.

2347. The reasons were:

- land in the municipality potentially contained acid sulfate and dispersive soils that could adversely impact development;
- the specific area plans contained development and subdivision standards that required development be limited by its type or extent (acceptable solution), or otherwise be designed, sited and constructed to minimise the risks acid sulfate and dispersive soils posed to property and the environment (performance criteria);
- the specific area plans would apply to development that included driveways;
- the specific area plans would provide for conditions to be included on planning permits that would ensure soils were appropriately managed during and after a development;
- dispersive soils could cause tunnel erosion that could damage infrastructure and needed to be considered before development was undertaken;
- the specific area plans were supported by reports from a suitably qualified person that demonstrated section 32(4)(b) of the Act was met; and
- the reports were evidence the land had environmental (soil-based) qualities that required specific local planning provisions apply.

2348. In its section 35F report, the planning authority recommended the specific area plans be included in the draft LPS for the following reasons:

- the specific area plans met section 32(4)(b) of the Act because both would apply to land that had particular characteristics that required unique provisions to apply;
- the specific area plans were supported by the advice of a suitably qualified person; and
- the specific area plans would allow the risk presented by acid sulphate and dispersive soils to be managed.

2349. Prior to the hearing, the planning authority, in response to a Commission direction, provided a map to show where the specific area plans would apply. The Potential Acid Sulfate Soils Specific Area Plan would apply to small areas of land zoned Rural, Agriculture, Landscape Conservation and Environmental Management west of the Huon River and generally clear of settlements. The Grove to Cockle Creek Potential Dispersive Soils Specific Area Plan would apply to land zoned General Residential, Rural Living, Commercial, Rural, Agriculture, Landscape Conservation, Environmental Management, Utilities Zone, and Community Purpose in the north-eastern area of the municipality.

Commission consideration

2350. The Commission accepts the evidence provided by the planning authority that customised planning provisions are required for consideration of development within areas affected by acid sulfate and dispersive soils. The Commission is persuaded the proposed specific area plans meet section 32(4) of the Act for the following reasons:

- the Dispersive Soils Areas and Acid Sulfate Soils Areas reports dated February 2022 have been completed by a suitably qualified person and identify potential risk to development in defined areas;
- some of the defined areas, particularly those subject to potential dispersive soils contain parts of settlements or are located near settlements, which therefore increases the risk that development would be impacted by dispersive soils; and
- land subject to the specific area plans has particular environmental qualities that require provisions, that are unique to the area of land to apply (section 32(4)(b) of the Act).

2351. The Commission notes some areas of the Potential Dispersive Soils Specific Area Plan overlay along the eastern boundary of the municipality require minor amendments to ensure the Specific Area Plan is aligned with the boundary. The amendments will ensure the overlay is applied to the areas of land intended by the planning authority.

Commission decision

2352. Modification:

- Revise the draft LPS written document by inserting HUO-S4.0 Grove to Cockle Creek Potential Acid Sulfate Soils Specific Area Plan and HUO-S5.0 Grove to Cockle Creek Potential Dispersive Soils Specific Area Plan.
- Revise the Specific Area Plan overlay and apply the Grove to Cockle Creek Potential Acid Sulfate Soils Specific Area Plan and Grove to Cockle Creek Potential Dispersive Soils Specific Area Plan as shown in the planning authority's submission in response to Direction 1.17 dated 31 March 2023.

2353. Reason: To meet the requirements of the SPPs and the technical requirements of Practice Note 7.

Commission consideration under section 35KB

2354. The Commission finds that the amendment is a substantial modification as there may be a public interest in the amendment. Under section 35KB, the Commission considers the substantial modifications required are suitable to be made by way of an amendment, under Part 3B of the Act, of the Huon Valley LPS, after it comes into effect.

Commission decision under section 35KB

2355. Draft amendment directed to the Huon Valley LPS:

- Revise the draft LPS written document by inserting HUO-S4.0 Grove to Cockle Creek Potential Acid Sulfate Soils Specific Area Plan and HUO-S5.0 Grove to Cockle Creek Potential Dispersive Soils Specific Area Plan as shown in Attachment 3; and
- Revise the Specific Area Plan overlay and apply the Grove to Cockle Creek Potential Acid Sulfate Soils Specific Area Plan and Grove to Cockle Creek Potential Dispersive Soils Specific Area Plan as shown in Attachment 3.

2356. Reason:

- To meet the requirements of section 32(4) of the Act; and
- The Commission considers that the modification is a substantial modification as there may be a public interest.

Site-specific Qualification - Ida Bay Road, Ida Bay

Representations: Claire and Timothy Lovell (257)

2357. The representor requested a site-specific qualification be applied to Ida Bay Road, Ida Bay folio of the Register 112795/1. The reasons were:

- the land was proposed to be zoned Landscape Conservation in the draft LPS;
- a site-specific qualification was required to modify clause 22.4.3 (Access to a road) of the SPPs, which prevented residential development on land that did not have legal access to a road maintained by a road authority;
- a modified standard would enable a shed to be constructed on the land; and
- the land did not have a road frontage and could only be accessed legally via the Ida Bay railway line or by boat.

2358. In its section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:

- the land was zoned Environmental Living in the interim planning scheme;
- the land formed part of contiguous bushland area around Jagers Bay and adjoined the Ida Bay state reserve and the Southport Lagoon Conservation Area;
- the zone of the land needed to be considered in the context of the wider municipal area, which featured vegetated hills, which together with the Huon River and tributary waterways was a key characteristic and landscape value of the Huon Valley;
- only small-scale use or development was appropriate because it would limit impact on the landscape; and
- the Landscape Conservation Zone was the most appropriate zone for the land.

2359. At the hearing, Mr Timothy Lovell made the following comments:

- he was concerned the provisions of the Landscape Conservation Zone would prevent development of the land;
- he had purchased the property when residential use of the land was discretionary;
- he wanted to use the land for indigenous cultural purposes in future;
- a site-specific qualification could provide a unique provision to suit the circumstances;
- the land previously had access from Ida Bay Road;
- he believed the previous access was maintained by the Huon Valley Council, however the Parks and Wildlife Service had more recently constructed a gate across the road, which prevented access; and

- there were no neighbours who lived nearby.

2360. In response, the planning authority made the following comments:

- the Landscape Conservation Zone did not preclude development;
- the issue of legal access was not relevant to the zone that should be applied to the land;
- a site-specific qualification could resolve the legal access issue but it was not satisfied the provision would meet section 32(4) of the Act;
- there were four other lots in the area that were zoned Landscape Conservation and appeared to have similar legal access issues;
- it was not opposed to application of the Rural Living Zone, which did not contain a similar requirement for legal access;
- it would consider whether it should make a report to the Commission under section 35G of the Act and recommend that clause 22.4.3 of the SPPs should be modified; and
- its natural values expert advised the area contained vegetation of significant natural value as evidenced by a recent discovery of forty-spotted pardalote in the area.

2361. Following the hearing, the Department of Natural Resources and Environment, in response to a Commission direction, advised there was no legal right, through an agreement, lease or licence, to use the railway corridor or any other land as access to the subject site.

Commission consideration

2362. The Commission is not satisfied the site-specific qualification meets section 32(4)(a) or (b) of the Act. Section 32(4) provides a site-specific qualification may only be included in an LPS if it relates to a use or development that would be of significant social, economic or environmental benefit to the State, a region or a municipal area, or the land has particular environmental, economic, social or spatial qualities that require unique provisions.

2363. The Commission agrees with the planning authority the legal access issue is not directly relevant to the zone that should apply to the land. The Commission also notes the planning authority stated it would consider lodgement of a report under section 35G of the Act to put forward an opinion on whether an amendment to the SPPs should be made to better manage legal access to land zoned Landscape Conservation.

2364. The Commission is otherwise satisfied the land has landscape value (see Commission decision on general issues) that warrants application of the Landscape Conservation Zone for the reasons given by the planning authority in its section 35F report. The Commission is not persuaded the Rural Living Zone should be applied to the land. There is no evidence the Rural Living Zone is supported by the regional strategy or a local land use strategy. Furthermore, there is no evidence the land is part of a 'rural living community or that there is a primary strategic intention for the land be used for residential use and development within a rural setting' as required by policy SRD 1.3 of the regional strategy.

Commission decision

2365. The Commission determines no modifications are required.

Site-specific Qualification - 46 and 60 Lymington Road, Cygnet

Representations: E3 Planning for Port Cygnet Cannery (265)

2366. The representor requested a site-specific qualification be applied to 46 and 60 Lymington Road, Cygnet folios of the Register 164743/3 and 164743/1. The reasons were:

- the land would be zoned Rural under the draft LPS;
- the land did not contain agriculture use and none was possible on the land;
- the property contained the Port Cygnet Cannery that was developed as a hub of businesses that related to food, beverage, and agriculture;
- the uses on the land included a restaurant and function centre, a hemp processing facility, a coffee roaster, a winery and a 'contractors shed';
- the site-specific qualification would provide for food services and general retail and hire as a permitted uses on the land;
- the site-specific qualification would recognise the importance of the Cannery and ensure future use and development of the land similar to the existing use and development would not be limited by the normal provisions of the SPPs;
- there would be no significant impact on surrounding properties;
- land to the north and west of the site was used to graze animals and was too steep to be used for intensive horticulture;
- millions of dollars had been invested in the facility, which was serviced by carparks and stormwater treatment systems;
- the use table (clause 20.2) and the use standard for discretionary uses (clause 20.3.1) in the Rural Zone essentially prohibited the existing and intended future uses of the Cannery as these uses were required to have a rural location or be associated with resource development or resource processing use of the land, which was not the case;;
- the Cannery was a strategic asset to the municipality as it had reimagined an abandoned industrial agricultural facility and turned it into an entertainment hub for the community and the Huon Valley; and
- the Cannery provided employment and career pathways for many people and was a creative outlet for artisans and producers.

2367. In its section 35F report, the planning authority recommended no change to the draft LPS because it was not satisfied food services would be prohibited by the Rural Zone or that the proposed site-specific qualification met section 32(4) (a) or (b) of the Act.

2368. At the hearing, Mr Evan Boardman (E3 Planning) made a submission and the following comments in support of the representation:

- the proposed site-specific qualification met section 32(4)(a) of the Act on the basis it would provide for use that would have a significant economic and social benefit to the municipality;
- the Rural Zone did not recognise the established uses on the site;
- he was not satisfied the planning authority would accept food services and general retail and hire uses as permitted because it may be difficult to demonstrate the uses were associated with resource development or resource processing; and
- clause 7.2 of the SPPs (Development for Existing Discretionary Uses) would not apply if a use was substantially intensified.

2369. In response, the planning authority made the following comments:

- it considered food services and general retail and hire uses could be demonstrated to be associated with resource development or resource processing;
- both uses were still discretionary in the Rural Zone and could be considered;
- it was concerned additional general retail and hire use at the site with no qualifications or limits on floor area could impact the businesses in the Cygnet town centre and have a negative impact on its retail hierarchy;
- some retail use on the site was appropriate but should be limited;
- it was less concerned about the use of the land for food services;
- food services could be approved though a discretionary planning assessment if it was demonstrated the use relied on a rural location;
- the performance criteria in clause 20.3.1 (use standard for discretionary uses) of the Rural Zone allowed the unique nature of the site to be recognised; and
- it was receptive to a site-specific qualification for food services but not for general retail and hire.

Commission consideration

2370. The Commission is persuaded customised planning provisions are required for food services use on the land and a site-specific qualification meets section 32(4) of the Act. In particular, the Commission is satisfied the evidence provided by the representor demonstrates the use has an economic benefit to the municipality on the basis it offers local employment, is an outlet for local artisans and producers, and attracts visitors to the area. The Commission considers it reasonable the existing food services use recognised with a site-specific qualification and provides the opportunity for a degree of expansion.
2371. However, the Commission is not satisfied the site-specific qualification should also provide for general retail and hire use. The Commission agrees with the planning authority that expanded retail activity at the site could have a negative impact on Cygnet's retail hierarchy. No evidence was provided to demonstrate this component of the site-specific qualification would be consistent with retail strategies provided in the regional strategy or a local land use strategy. Consequently, the Commission is not persuaded the site-specific qualification for general retail and hire meets section 32(4)(a) or (b) of the Act.

Commission decision

2372. Modification:

- Revise the Site-specific Qualifications overlay map by applying Site-specific Qualification overlay and clause number HUO-20.2 to 46 and 60 Lymington Road, Cygnet folios of the Register 164743/3 and 164743/1; and
- Revise the draft LPS written document by inserting Site-specific Qualification HUO-20.2 to 46 and 60 Lymington Road, Cygnet folios of the Register 164743/3 and 164743/1 as follows:

Reference Number	Site Reference	Folio of the Register	Description (modification, substitution or addition)	Relevant Clause in State Planning Provisions
HUO-20.2	46 and 60 Lymington Road, Cygnet	164743/3 and 164743/1	A substitution for the qualification in Permitted Use Class - Food Services is: 'No qualification applies.'	Rural Zone - 20.2 Use Table

2373. Reason: To meet the requirements of section 32(4) of the Act, the SPPs and the technical requirements of Practice Note 7.

Site-specific Qualification - 39 Golden Valley Road, Cygnet

Representations: Red Seal Planning for Pieter Lunstedt (361)

2374. The representor requested that a site-specific qualification or specific area plan be applied to 39 Golden Valley Road, Cygnet folio of the Register 6135/1. The reasons were:

- the land was zoned General Residential and contained a large shed with a gross floor area of 687m²;
- the land had been used as an industrial site since 1975;
- the site was historically used for manufacture of mattresses, and a transport depot;
- both uses were prohibited in the General Residential Zone and were activities usually undertaken in the Light Industrial Zone;
- the Light Industrial Zone was not appropriate for the land given the site was surrounded by residential use;
- the current use of the site was self-contained 'artisan-style' manufacturing, which included a boat builder, tiny home builder, and other 'small-craft' construction trades;
- businesses that used the site often required more space and had to move to larger premises;
- a site-specific qualification or specific area plan would provide for the uses currently undertaken on the site to continue without a change to the underlying zone;
- a site-specific qualification or specific area plan would allow the site to continue to be used without reliance on non-conforming use rights; and
- noise emissions and similar environmental issues would still be managed by the provisions of the *Environmental Management and Pollution Control Act 1993*.

2375. In its section 35F report, the planning authority recommended no change to the draft LPS because further evidence was required to demonstrate the proposed site-specific qualification or specific area plan met 32(4) (a) or (b) of the Act (inclusion of a particular purpose zone, specific area plan or site-specific qualification in an LPS).

2376. At the hearing, Mr Trent Henderson (Red Seal Planning) represented Mr Pieter Lunstedt who together made the following comments:

- the existing uses were lawfully established under the Port Cygnet Planning Scheme 1988;
- it was unclear if the former transport depot contaminated the land;
- there was unconsolidated fill on the land, which may make future building construction difficult;
- the buildings required expansion to retain the small businesses that operated there;
- if a site-specific qualification or specific area plan was not appropriate, a change of zone would be required;
- it was an important business in the centre of Cygnet that should be recognised;
- the site contained four businesses that employed approximately 12 people;
- current uses included a diesel heating business that installed heating systems in recreational vehicles;
- reliance on non-conforming use rights made it difficult to obtain support from financial institutions for new development;

- a site-specific qualification could provide for discretionary consideration of further intensification beyond what clause 7.1 of the SPPs offered (Changes to an Existing Non-conforming use); and
- the dwellings located behind the site were constructed more recently than the existing shed.

2377. In response, the planning authority made the following comments:

- there was no evidence the use had unique qualities or a significant economic benefit that demonstrated the proposed site-specific qualification or specific area plan met section 32(4) of the Act;
- clause 7.1 of the SPPs allowed the use to be altered or buildings to be developed provided the use was not substantially intensified;
- intensification of the existing use could cause land use conflict; and
- a site-specific qualification or specific area plan could be considered as an amendment to the LPS in future.

Commission consideration

2378. The Commission is not satisfied the site-specific qualification or specific area plan meets section 32(4)(a) or (b) of the Act of the Act. Section 32(4) provides a specific area plan or site-specific qualification may only be included in an LPS if it relates to a use or development that would be of significant social, economic, or environmental benefit to the State, a region or a municipal area, or the land has particular environmental, economic, social or spatial qualities that require unique provisions. The Commission considers further work would need to be undertaken to clarify exactly what provisions would be inserted into the draft LPS written document and how the provisions would meet section 32(4) of the Act. Alternative controls could be applied in future through an amendment to the LPS. This would also allow the local community to be properly consulted before the preparation of a draft amendment or post its certification as part of the statutory exhibition process. Any future amendment would likely need to examine how land use conflicts with the surrounding residential area could be managed.

Commission decision

2379. The Commission determines no modifications are required.

Representations in support of the draft LPS

Rural Zone - 778 Cygnet Coast Road, Petcheys Bay

Representations: Andrew Bullock (107)

2380. The representor supported application of the Landscape Conservation Zone to 778 Cygnet Coast Road, Petcheys Bay folio of the Register 34527/2 and the broader application of zones in the draft LPS.

2381. In its section 35F report, the planning authority noted the representation did not seek any changes to the zones applied to land and therefore recommended no change to the draft LPS.

Commission consideration

2382. The Commission notes the comments made by the representor and is satisfied with the planning authority's response in its section 35F report.

Commission decision

2383. The Commission determines no modifications are required.

Landscape Conservation Zone - 86 Kubes Road, Petcheys Bay

Representations: Fiona Brine (134)

2384. The representor supported application of the Landscape Conservation Zone to 86 Kubes Road, Petcheys Bay folio of the Register 11137/2.

2385. In its section 35F report, the planning authority noted the representation did not seek any changes to the zone of the land and therefore recommended no change to the draft LPS.

Commission consideration

2386. The Commission notes the comments made by the representor and is satisfied with the planning authority's response in its section 35F report.

Commission decision

2387. The Commission determines no modifications are required.

Landscape Conservation Zone - 275 and 299 Francistown Road, Dover

Representations: Arthur Clarke (391 and 392)

2388. The representor supported application of the Landscape Conservation Zone to 275 Francistown Road folio of the Register 41395/4 and 299 Francistown Road, Dover folio of the Register 129688/1. The representor otherwise raised general questions about the application of overlays and the interpretation of Codes in the SPPs.

2389. The planning authority noted the representor's comments in its section 35F report and clarified how codes and overlays were expected to be applied.

Commission consideration

2390. The Commission notes the comments made by the representor and is satisfied with the planning authority's response in its section 35F report.

Commission decision

2391. The Commission determines no modifications are required.

Environmental Management Zone - 328 Lune River Road, Ida Bay

2392. Representation: Ida Bay Railway Preservation Society (390)

2393. The representor supported application of the Environmental Management Zone to 328 Lune River Road, Ida Bay folio of the Register 238040/1. The representor otherwise raised general questions about the application of overlays and the interpretation of codes in the SPPs.

2394. The planning authority noted the representor's comments in its section 35F report and clarified how codes and overlays were expected to be applied.

Commission consideration

2395. The Commission notes the comments made by the representor and is satisfied with the planning authority's response in its section 35F report.

Commission decision

2396. The Commission determines no modifications are required.

Utilities Zone - Water and Sewer Infrastructure

Representations: TasWater (14)

2397. The representor supported application of the Utilities Zone applied to various sites that contained sewer and water network infrastructure.

2398. In its section 35F report, the planning authority noted the representation did not seek any changes to the zones applied to its land and therefore recommended no change to the draft LPS.

Commission consideration

2399. The Commission notes the comments made by the representor and is satisfied with the planning authority's response in its section 35F report.

Commission decision

2400. The Commission determines no modifications are required.

Other matters

Matters taken not to be a representation

Representations: Abetz Curtis for Sustainable Timber Tasmania (47), Bronwyn Clarke (97), Fiona Brine (134), Lynda House and Tony Mayhood (151), Alin Vasile Muresan and Loredana Adina Muresan (171), James Duff (198), Luke Heywood (238), Ivette Mendoza (279), Johnson (308), TasNetworks (417)

2401. Representors raised matters that involved:

- whether the SPPs should include certain provisions or otherwise be revised;
- whether the draft LPS should include provisions that were beyond the powers of the SPPs;
- how the SPPs would be applied and interpreted; and
- whether there should be alterations to transitioning provisions including the Particular Purpose Zone - Southwood Integrated Timber Processing Site and the Franklin Heritage Specific Area Plan.

2402. In its section 35F report the planning authority noted the issues.

Commission consideration

2403. The Commission notes that:

- section 35E of the Act sets out the matters not to be taken to be a representation;
- other matters not subject to Part 3A of the Act cannot be considered as part of its consideration under section 35J; and
- during its consideration, it has sought to establish how all matters raised relate to the draft LPS and if the matters could be included within the draft LPS under section 32 of the Act.

2404. The Commission considers the parts of representations listed above are outside the considerations under section 35J.

2405. The Commission otherwise considers the alignment of the Particular Purpose Zone - Southwood Integrated Timber Processing Site to the property boundaries of 552 Southwood Road, Lonnavele folio of the Register 137916/1 has merit, however the

Particular Purpose Zone is a transitioning provision declared by the Minister for Planning, which cannot be altered through this assessment process.

Commission decision

2406. The Commission considers that it does not have jurisdiction to assess these matters.

Matters of a technical nature or relevant to implementation

2407. The Commission notes the draft LPS contains matters that are relevant to section 35J(2) of the Act, including:

- minor numbering and typographical errors in the draft LPS;
- instances where the draft LPS, or proposed modifications, do not apply the writing style and conventions set out in Practice Note 5 - Tasmanian Planning Scheme drafting conventions or Practice Note 8 - Draft LPS written document: technical advice;
- instances where the draft LPS zone and overlay maps or Geographic Information System (GIS) datasets contain overlaps, gaps and errors, or do not apply the technical advice or conventions set out in Practice Note 7 - Draft LPS mapping: technical advice;
- instances where the spatial representation of the cadastral parcels dataset have changed after the production of the PDF maps for exhibition that result in minor misalignment between cadastral parcel boundaries and zones or code overlays based on those boundaries;
- instances where the draft LPS zone and overlay maps or GIS datasets may apply outside the municipal area; and
- instances where a modification to the draft LPS written document or draft LPS maps and overlays requires a consequent modification to the other.

2408. The Commission further notes that Division 1 - Electronic database and documents of Part 6 of the Act, requires the Commission to maintain a database containing an electronic planning map.

Commission consideration

2409. The Commission considers that the draft LPS should:

- minimise numbering and typographical errors and be consistent with the conventions set out in the Commission's practice notes;
- contain zone and overlay maps that reflect current cadastral parcel boundaries, and the municipal area according to the Central Plan Register (CPR) map (including notes), current low water mark on the LIST, and any areas described by section 35J(2) of the Act; and
- be free from technical anomalies such as gaps and overlaps and be provided in a form suitable for being made under section 35L of the Act and inclusion in an electronic database.

Commission decision

2410. Modification:

- Revise the draft LPS written document to include the technical modifications identified in Annexure A of Attachment 2 to:
 - (a) meet the LPS requirements of the SPPs;
 - (b) correct references to relevant provisions;
 - (c) provide for the effective operation of the provisions; and

- (d) reflect the terminology used in the SPPs.
- Revise the draft LPS zone and overlay maps to:
 - (a) meet the declarations made by the Minister for Planning under Schedule 6 of the Act;
 - (b) reflect modifications consequential to modifications made to the draft LPS written document;
 - (c) fill any unzoned gaps in the zoning layer;
 - (d) remove any overlaps between adjoining zones;
 - (e) apply the schema set out in Appendix B of Practice Note 7 to each relevant Geographic Information System (GIS) dataset;
 - (f) apply the most recent version of overlays supplied by the LIST as some may have been modified since the original versions were published (e.g. the Electricity Transmission Infrastructure Protection overlay);
 - (g) remove any overlaps between features in the same overlay layer that have different categories (excluding for transitioning local area objectives of SAPs and PPZs), such as: coastal inundation investigation areas and low coastal inundation hazard band;
 - (h) aggregate adjoining zone or overlay polygons sharing the same category, such as: zone type, landslip hazard, band, and aggregate adjoining overlay polygons that have no required category, such as the priority vegetation areas;
 - (i) align the boundaries of zones and parcel dependant overlays with parcel boundaries, based on the most recent version of the parcels dataset available from the LIST;
 - (j) remove any zone or overlay shown outside the municipal area according to the Central Plan Register (CPR) map (including notes), current low water mark map on the LIST, and any areas described by section 35J(2) of the Act; and
 - (k) present all GIS data in the recommended Geodatabase format provided to council by the Commission.

2411. Reason: To make modifications of a technical nature or relevant to the implementation of the Local Provisions Schedule if the Local Provisions Schedule were approved under section 35L of the Act and to be consistent with the Minister's declaration under Schedule 6, clauses 8 and 8A(1) of the Act.

Attachments

1. Attachment 1 - List of Representations
2. Attachment 2 - Notice under section 35K(1)(a) to modify draft LPS
3. Attachment 2 - Annexure A - Modifications to Huon Valley draft LPS written document
4. Attachment 3 - Notice under section 35KB to prepare and submit an amendment of the LPS after the LPS comes into effect

Attachment 1

List of Representations

No.	Name

1.	Richard and Sally Robinson
2.	Department of Education
3.	Tyler Duffield
4.	Rachel and Shaun Dale
5.	Michael McGrath
6.	Michael and Janet McGlynn
7.	Paul Ryder and Jane Wilson
8.	Ireneinc Planning for Grant and Karen Beadle
9.	Conservation Landholders Tasmania
10.	Gray Planning for Don Latham
11.	Tim and Kerrie-Rae Doyle
12.	Ireneinc Planning for Matthew Anning
13.	Ireneinc Planning for Patrick and Alison Ryan
14.	TasWater
15.	Gray Planning for Steven Milverton
16.	Gray Planning for Justin and Amy Ward
17.	Graeme Corney
18.	Amelia Hannaford and Jamie Smith
19.	Kent and Trudy Wells
20.	Jason Whitehead for Leprena Trust
21.	Pakana Services
22.	Department of Police, Fire and Emergency Management - State Emergency Service
23.	SOS Labour Solutions
24.	Alan Quarmby
25.	Commercial Project Delivery for Huon Aquaculture
26.	Jeanette and Edmund Gormley
27.	Stuart Smith
28.	Ochre Rain
29.	Tasmanian Land Conservancy
30.	Jean-Pierre Thebault, Ambassador of France to Australia
31.	Joe Shemesh
32.	Jean-Philippe Beaulieu
33.	GHD for Joel Wright
34.	Penelope Ellicot
35.	Michael Vaughan
36.	Andrew Young and Scott Cunnington
37.	Steven Gibson
38.	Olivia Direen and Fred Thorpe

39. Gray Planning for Caleb Elcock
40. Carl Hinson and Sarah Harris
41. Stephen Eedy
42. Gray Planning for Elaine and Peter Smith
43. Ben and Sharna Rainer
44. Ireneinc Planning for Martin and Robyn Bell
45. Shane Johnson
46. Gray Planning for Barbara and Graham Walker
47. Abetz Curtis for Sustainable Timber Tasmania
48. Victoria Horton-Szar and Richard Gooding
49. Aidan Direen
50. Department of Police, Fire and Emergency Management - Tasmania Fire Service
51. Ronette Piva
52. Robert Patterson
53. Susan Nelson
54. Russell Lempa
55. Catherine Temby
56. Erik Hayward and Lisa Searle
57. Timothy Sanderson
58. Ian Stanley for Sue Stanley, Sharon Bigwood, Lynette Collins, Gary and John Pedder
59. Nerissa Davis
60. Paul and Sandra Mommers
61. Nora Bertoz
62. Claire Byers
63. Pierre Provin and Allison Fooks
64. Eric Johnson
65. Lisa Sullivan and David Rowland
66. Anne Holst
67. Paul Doust
68. John Lockwood
69. Glenn Corner
70. Jacinta and Dennis Cantwell
71. Allison Morgan
72. Scott and Rose Wilson
73. Michael and Patricia Pook
74. Don Hasell
75. William and Gaye Reynolds
76. Rowan and Craig Hull
77. Ashika Gray
78. Tara Thurrowgood
79. Tara Thurrowgood
80. Lisa Litjens and Alan Kemp

81. Kayla Roberts
82. Carl Burden
83. Alan and Rosemarie Robson
84. Olivia Jones for Manuel and Tracey Defelice
85. Olivia Jones for Lynne and Anton Compton
86. Alison Callaghan
87. Prue and Peter de Vries
88. Peirce Baehr and Margaret Sonnemann for Pilgrim Hill Association Inc
89. David Pannell
90. Peter and Robyn Bishop
91. Bill Hilston
92. Olivia Jones for Gary Skinner
93. Olivia Jones for Gary Skinner
94. Selena Meure
95. Matthew Williams and Luke Hearnden
96. Linda Anggraiani
97. Bronwyn Clarke
98. Ross Thorne
99. Leanne and Matthew McLean
100. Port Huon Progress Association
101. James Campbell
102. Eo Greensticks
103. Gray Planning for Cheryl and Steve Townend
104. Ireneinc Planning for William Austin and Emma Stevenson
105. Ian Stanley for Robert and Blair Maass
106. PDA Surveyors, Engineers and Planners for Aidan and Deborah Direen
107. Donald Bullock
108. Carolyn Kitchener, Grant McCall, Michael and Amanda George
109. Natalie Rivers
110. Craig Tristram and Sharon Webb
111. Valerian and Johanna Cirvydas
112. Lauren Blackburn and Amy Purdy
113. Ronnie and Leeann Gudden
114. Keith Biffin
115. Scott and Maria Greene
116. Red Seal Planning for Reardon, on Consolidated Farms
117. Ron and Denise Goodwin
118. Brett McCormack
119. E3 Planning for Helen Welling, Paul Welling and Kalavani Nadaraju
120. Jason Garard
121. E3 Planning for Adrian Harris
122. Marek Havlat and Megan Davies

123. Ireneinc Planning for Lawrence and Josephine Port
124. Ireneinc Planning for Adrian and Lyndon Stevenson
125. Ireneinc Planning for Anthony and Anne Reardon
126. Martin Wohlgemuth
127. Robert and Helen Romyn
128. Ireneinc Planning for David Miller
129. Ireneinc Planning for Justin and Melissa Innes
130. Ireneinc Planning for Paul and Stephanie Clark
131. Lois Alexander
132. Geoffrey Cowen
133. Stephen Cronin and Darryl Murray
134. Fiona Brine
135. Ireneinc Planning for Roger Lowe
136. Declan and Ellen Pickering, Helen Jolly, Anthony and Josephine McIntyre and Andrew Nandan
137. Alan Baldry and Joan Armstrong
138. Carolyn Demaine and Robin Legge
139. Nigel Goodwin
140. Matthew and Ester Griggs
141. Ryan and Daniel Kay
142. Jacinta Marr
143. Ireneinc Planning for Alfred and Lianne Clark
144. Felicity Rea
145. Jane Smith
146. Abbey Fancourt and Samuel Hauritz
147. Elise Fancourt
148. Lawrence and Margot Willmott
149. Ireneinc Planning for David Miller
150. Jennifer Nowakowski
151. Lynda House and Tony Mayhood
152. Lynne and Kim Delaney
153. Sean and Victoria Light
154. Marie Tibuliac
155. Brett and Anne Carson
156. Kenneth Hay and Karen Sutherland
157. Colin Dowling
158. Richard van Grinsven and Alexis Bouteloup
159. JMG Engineers and Planners for Kieran and Sheila Keshan
160. Jonathan Cruickshank and Monica Wedd
161. Andrew Jurd
162. Pwyll Reeve
163. Susan Duff

164. Peter Gane
165. Malcolm and Karin Boyle
166. Diana Lubimowski
167. Stephen Bartels
168. Stephen Bartels
169. Stephen Bartels
170. Stephen Bartels
171. Alin Vasile Muresan and Loredana Adina Muresan
172. Marlene Smith
173. Gayle O'Brien
174. Wesley McMaster
175. Geoffrey Lovell
176. Eve Merfield and Anthony Munnings
177. Eve Merfield and Anthony Munnings
178. Eve Merfield and Anthony Munnings
179. Eve Merfield and Anthony Munnings
180. Robyn Giec
181. Sandra Lewis
182. Christine Valentine and Nick Day
183. Helen Lovell
184. James Boyce
185. David de Burgh
186. Paul Hensley
187. Steven Payne
188. Steven Payne
189. Rangi Yates
190. Ann and Mark Baldwin
191. Rani Klubal
192. Tricia Phillips
193. Tricia Phillips
194. Tricia Phillips
195. Bradley Griggs
196. Adrian and Neil Bennett
197. Rejane Belanger
198. James Duff
199. Andrew Griggs
200. Andrew Griggs
201. Andrew Griggs
202. Andrew Griggs
203. Andrew Griggs
204. Lenny Holland
205. Robin and Joanne Dance

206. Angela Fraser and Allan Wright
207. Mark and Helen Jessop
208. Mark and Helen Jessop
209. Mark and Helen Jessop
210. Mark and Helen Jessop
211. Mark and Helen Jessop
212. Alexandra Uitdenbogerd, and John Harnett
213. Jane and Matthew Lock
214. Stephen Ashworth
215. Belinda Yaxley
216. Mark McBride
217. Paul Gibson
218. Paul Gibson
219. Paul Gibson
220. Stephanie Beeston
221. Stacey Carlton and Andrew Page
222. Don Kim and Linda Lee
223. Stephen and Heather Lucas
224. James McEwan
225. James McEwan
226. Joshua Davison
227. Geoffrey Swan
228. Melvin and Mhainie Lee
229. Julie Sade, Derek and Valerie Smith
230. Giuseppe and Catherine Biondi
231. Alex and Christine Mooibroek
232. Catriona and David Fletcher
233. Darren Harvey and Natasha Newman
234. Rafael and Melanie Muggeridge
235. Rafael and Melanie Muggeridge
236. Maree Innes
237. Phillip Wright
238. Luke Heywood
239. Stephen Newson and Andrew Stevens
240. Carly Robson
241. Ian Kirton
242. Joanne Goodman
243. Julie Flakemore and Peter Young
244. Joe Leary and Kristy Robson
245. Joe Leary and Kristy Robson
246. Lance and Jennifer Hadaway
247. Jenny Cambers-Smith

248. Jennifer Flakemore
249. Gray Planning for Tim Wark and Stuart Ayliffe
250. Jenny Coad and Warren Innes
251. Jenny and Paul Coad
252. Warren Innes
253. Eiluned Wright
254. Eiluned Wright
255. Eiluned Wright
256. Eiluned Wright
257. Claire and Timothy Lovell
258. Darrell Bone
259. Jody Watkins
260. Angela Direen and Alan Webster
261. Kathie Flakemore
262. Andrew Jones
263. Tasmanian Land Conservancy
264. CBM Sustainable Design Pty Ltd
265. E3 Planning for Port Cygnet Cannery
266. Janet and Peter Crosbee
267. Patrick and Shaun Ransom
268. Danielle and Matthew Zimmerman
269. E3 Planning for Adam Crane
270. Corinne and Steven Coombs
271. Cygnet Living History Museum
272. Homelands for Robyn Trewarn
273. Lauren Abbot and Daniel Cupitt
274. Elizabeth Smith
275. Lachlan Kranz and Madeleine Gasparinatos
276. Sharee Burgess
277. Isabella and Derek Muir-Kelly
278. Jingyuan He and Junting Cui
279. Ivette Mendoza
280. George and Maxwell Miller
281. Louise and Kristoff Bakkes
282. Paul Evans
283. Jenny Robinson
284. Jenny Robinson
285. Margaret Sonnemann
286. Nanette and Thomas Botha
287. Gary and Jane Weiley
288. Piers Gordon and Cassandra Long
289. Nicole den Exter

290. Adam Bayliss and Aidan Mulhall
291. Guy Greener
292. Robert Clark
293. Elizabeth Smith
294. Kirk Daly and Dimitra Papavassiliou
295. JMG Engineers and Planners for Tasiheel Kennels
296. Chris and Winsome Duggan
297. Braiden Muir and Robyn Martin-Simpson
298. Kelly Walker and David Bourne
299. Kelly Walker and David Bourne
300. Rebecca and Lee McKay
301. Nicholas Direen
302. Christine Lewis and Alex Parker
303. Simone Brinsmead and Matthew Burge
304. Bogdan Michalkowski
305. Betty and Lee Norris
306. Betty and Lee Norris
307. Betty and Lee Norris
308. Shane Johnson
309. Bernard Cleary for Leslie Hyde
310. Joel Smith and Daniel Webb
311. David Crawford
312. Amelia Lovell
313. Amy and Dion Robertson
314. Nathan Jones and Sirpa Loevendie
315. Chris Cato
316. Howard Hansen and Jake Norris
317. Red Seal Planning for Toby Welstead and Samantha Haddon
318. JMG Engineers and Planners for Albert de-Kleine
319. Red Seal Planning for Cygnet Association Inc.
320. Martin Riddle and Deb van Velzen
321. Mark and Angela Kadziolka
322. Siobhan Fernantzen
323. Bernadette Dean
324. Michael Kelly
325. Shane and Jane Johnson, Martin Riddle and Deb van Velzen
326. Stephen Hall
327. Jane Gallichan
328. Shane and Jane Johnson, Martin Riddle and Deb van Velzen
329. Catherine Shearer
330. Odette Lennane
331. Rosalind Skinner

332. Christina Wren Fraser
333. Chris and Winsome Duggan
334. Homelands for Robyn Trewarn
335. Red Seal Planning for Ron and Yvonne Mitchell
336. Red Seal Planning for Dale Duggan
337. Red Seal Planning for Donald and Kelly Gordon
338. PDA Surveyors, Engineers and Planners for Ricky and Christine Clark, Kellie Clark, Brigitte Nobel and Scott and Heidi Rydquist
339. Ireneinc Planning for Iris Lam
340. Mignon Jolly
341. E3 Planning for Charlotte and Mark Rabone
342. Ireneinc Planning for Angela Young
343. Amy Robertson
344. Amy Robertson
345. Michael Turner
346. Red Seal Planning for Roderick Roberts
347. Steve Smith
348. Simon Roberts and Joanne Wheat
349. Owen Careless and Alison Stebbing
350. Simon Roberts and Joanne Wheat
351. Red Seal Planning for Raymond and Laura Tierney
352. Red Seal Planning for Ellen Blyth and Julian Fielding
353. Red Seal Planning for Shane and Pauline O'Neill
354. Red Seal Planning for Mark and Jayneen Sanders, Travers O'Neill and Jean Lancaster, P and K Leitch, Robert and Kathryne Steinert, Amy Carnes, Cristian and Amelia Newbon, Mark Donaghy and Ciel Boucher, and Faster Than Expected Pty Ltd
355. Red Seal Planning for Vivian and Ivan Walker
356. Red Seal Planning for Kerrie-Lyn O'Neill
357. Red Seal Planning for Pat McCarty
358. Red Seal Planning for Juan Ramirez
359. Red Seal Planning for Narelle Gane
360. Red Seal Planning for Stan Watson
361. Red Seal Planning for Pieter Lunstedt
362. Red Seal Planning for Paul Molnar
363. PDA Surveyors, Engineers and Planners for Phillip and Loretta Wilcox
364. Anne Kovach
365. Michael Brewster
366. Janni and Paul de Zwart
367. Amy Robertson, Terry Ware and Belinda Yaxley
368. Huon Valley Zoning Association (Caleb Elcock, Amy Robertson, Mark Jessop, Nathaniel Elcock, Belinda Yaxley)
369. Robert Green
370. Daniel Gray-Barnett and Daniel Barnett

371. Daniel Gray-Barnett and Daniel Barnett
372. Lance and Helen Lovell
373. Daniel Gray-Barnett and Daniel Barnett
374. Daniel Gray-Barnett and Daniel Barnett
375. Jayne Martin-Lewis
376. Bruce and Evelyn Bond
377. Robert Brackenbury
378. Jason Browning
379. Angelo Kessarios
380. Darrin and Sharon Davie
381. Angelo Kessarios
382. Mark O'May
383. Paul Kenny
384. Mark O'May
385. Andrew Simpson
386. Andrew Lloyd and Jane Binning
387. Malcolm Thomas
388. Duncan Mills
389. Jayne Martin-Lewis
390. Arthur Clarke for Ida Bay Railway Preservation Society
391. Arthur Clarke
392. Arthur Clarke
393. Jenny Cambers-Smith
394. Jenny Cambers-Smith
395. Jenny Cambers-Smith
396. Jenny Cambers-Smith
397. Jenny Cambers-Smith
398. Josh Graeme-Evans
399. Josh Graeme-Evans
400. Josh Graeme-Evans
401. Amy and Andrew Smyth
402. Kane Ebel
403. Shane Pritchard
404. Huon Valley Council
405. Huon Valley Council
406. Huon Valley Council
407. Huon Valley Council
408. Huon Valley Council
409. Huon Valley Council
410. Huon Valley Council
411. Huon Valley Council
412. Martin and Carol Brereton

- 413. Matthew Brereton and Tracy Marriot
- 414. Dale Duggan
- 415. Derek Turnbull and Angela Boden
- 416. Bernard Cleary for Robert and Leslie Hyde
- 417. TasNetworks

Submissions to the originally exhibited draft LPS accepted by the Commission

- 1. Tasmanian Irrigation
- 2. Department of State Growth
- 3. George and Doreen Czaplinski
- 4. Michelle and Daniel Becker
- 5. Ivan Boshoff and Scott Fuller
- 6. Annette Sugden and Dale Chatwin
- 7. Lisa Britzman
- 8. Lynette Goodwin
- 9. Rachel Foster
- 10. Mike Stainer
- 11. Craig Jessep-Pond and Matt Williams
- 12. Robert and Thu-Ha McKenna Submission
- 13. Thomas Mistry
- 14. Andrew Quilliam
- 15. Michael Zodins
- 16. Karl Price
- 17. Jo Birch
- 18. Graeme Combes
- 19. Angelo Kessarios
- 20. Amy Robertson for Troy Cordwell

Attachment 2

Land Use Planning and Approvals Act 1993

Notice to modify under sections 35K(1)(a) Huon Valley Draft Local Provisions Schedule

12 July 2024

The Tasmanian Planning Commission (the Commission) directs that the Huon Valley planning authority modify the Huon Valley draft Local Provisions Schedule (draft LPS) in accordance with the following:

1.0 Site-specific Qualifications

- 1.1 Revise the draft LPS written document by inserting Site-specific Qualification HUO-20.1 to 4015 Huon Highway, Castle Forbes Bay folio of the Register 181865/1 as follows and as identified in Annexure A:

Reference Number	Site Reference	Folio of the Register	Description (modification, substitution or addition)	Relevant Clause in State Planning Provisions
HUO-20.1	4015 Huon Highway, Castle Forbes Bay folio of the Register 181865/1	181865/1	A substitution for the qualification in Permitted Use Class -Manufacturing and Processing: 'No qualification applies.'	Rural Zone - 20.2 Use Table

Reason: To meet the requirements of section 32(4) of the Act.

- 1.2 Revise the draft LPS written document by inserting the following Site-specific Qualification as follows and as identified in Annexure A:

Reference Number	Site Reference	Folio of the Register	Description (modification, substitution or addition)	Relevant Clause in State Planning Provisions
HUO-20.2	46 and 60 Lymington Road, Cygnet	164743/3 and 164743/1	A substitution for the qualification in Permitted Use Class -Food Services is: 'No qualification applies.'	Rural Zone - 20.2 Use Table

Reason: To meet the requirements of section 32(4) of the Act.

2.0 Zone maps and overlays

No.	Description	Direction and Reason
2.1	Esperance Road, Southport	Revise the zoning of Esperance Road, Southport folios of the Register 201428/1 and 100088/1 and the road reserve

		adjoining the southern boundary of folio of the Register 201428/1 to Low Density Residential. Ensure adjacent public roads (Wilsons Road) are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Low Density Residential Zone consistent with Guideline No. 1.</i>
2.2	12 Walton Street, Huonville	Revise the zoning of that part of 12 Walton Street, Huonville folio of the Register 167352/2 identified in Figure 1 of representation 269 made by E3 Planning and dated 28 May 2022 to General Residential and apply the Priority Vegetation Area overlay to that part of the land zoned General Residential consistent with the Regional Ecosystem Model mapping. Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. <i>Reason: To apply the General Residential Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.</i>
2.3	42 Hill Street, Geeveston	Revise the zoning of 42 Hill Street, Geeveston folio of the Register 61195/4 to General Residential. <i>Reason: To apply the General Residential Zone consistent with Guideline No. 1.</i>
2.4	11 Aurora Court, Southport	Revise the zoning of 11 Aurora Court, Southport folio of the Register 174299/1 Landscape Conservation to Low Density Residential. <i>Reason: To apply the Low Density Residential Zone consistent with Guideline No. 1.</i>
2.5	Flakemores Road, Eggs and Bacon	Revise the zoning of the following properties to Low Density Residential: a. 16A Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/10; b. 16B Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/11; c. 16C Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/12; d. 16D Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/13; e. 16E Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/14; f. 18A Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/15; g. 18B Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/16; h. 18C Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/17; i. 48 Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/18; and

		j. Footway Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/23. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. Revise the Future Coastal Refugia Area overlay by removing the overlay from the following properties: a. 16C Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/12; b. 16D Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/13; c. 16E Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/14; d. 18A Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/15; e. 18B Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/16; f. 18C Flakemores Road, Eggs and Bacon Bay folio of the Register 8131/17; and g. Subdivision road folio of the Register 8131/22. <i>Reason: To apply the Low Density Residential Zone and Future Coastal Refugia Area overlay consistent with Guideline No. 1.</i>
2.6	Huon Highway, Franklin	Revise the zoning of the following properties to Rural and apply the Priority Vegetation Area overlay to 3250 and 3260-3262 Huon Highway consistent with the Regional Ecosystem Model mapping: a. 3240 Huon Highway, Franklin folio of the Register 136277/2; b. 3242 Huon Highway, Franklin folio of the Register 136277/1; c. 3250 Huon Highway, Franklin folio of the Register 155629/2; d. 3252 Huon Highway, Franklin folio of the Register 220628/1; e. 3258 Huon Highway, Franklin folio of the Register 155629/1; and f. 3260-3262 Huon Highway, Franklin folio of the Register 65373/3. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.</i>
2.7	Constance Road and Wylies Road, Cygnet	Revise the zoning of the following properties to Rural: a. 9 Constance Road, Cygnet folio of the Register 129169/1; b. 12 Constance Road, Cygnet folio of the Register 129170/1; c. 16 Constance Road, Cygnet folio of the Register 109251/1;

		d. 17 Constance Road, Cygnet folio of the Register 33359/1; e. 88 Wylies Road, Cygnet folio of the Register 52901/1; and f. the reserved road that adjoins folios of the Register 129169/1 and 52901/1 as necessary to provide a uniform zone pattern. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.8	Lavender Lane, Dover	Revise the zoning of 11 Lavender Lane, Dover folio of the Register 163491/1, 24 Lavender Lane, Dover folio of the Register 109938/1 and 27 Lavender Lane, Dover folio of the Register 133602/1 to Rural. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.9	5 Sunset Drive, Garden Island Creek	Revise the zoning of 5 Sunset Drive, Garden Island Creek folio of the Register 114087/1 to Low Density Residential. <i>Reason: To apply the Low Density Residential Zone consistent with Guideline No. 1</i>
2.10	Surges Bay	Revise the zoning of the following properties to Rural Living D: a. 11 Coast Road, Surges Bay folio of the Register 143569/1; b. 3 Esperance Coast Road, Surges Bay folio of the Register 33048/3; c. 35 Esperance Coast Road, Surges Bay folio of the Register 200380/1; d. 46 Esperance Coast Road, Surges Bay folio of the Register 228201/3; e. 77 Esperance Coast Road, Surges Bay folio of the Register 104331/3; f. 78 Esperance Coast Road, Surges Bay folio of the Register 135217/1; g. 103 Esperance Coast Road, Surges Bay folio of the Register 104331/2; h. 104 Esperance Coast Road, Surges Bay folio of the Register 148064/2; i. 105 Esperance Coast Road, Surges Bay folio of the Register 104331/4; j. 106 Esperance Coast Road, Surges Bay folio of the Register 148064/1; k. 107 Esperance Coast Road, Surges Bay folio of the Register 104331/5; l. 109 Esperance Coast Road, Surges Bay folio of the Register 104331/6;

		m. 111 Esperance Coast Road, Surges Bay folio of the Register 104331/1; n. 124 Esperance Coast Road, Surges Bay folio of the Register 172577/12; o. 133 Esperance Coast Road, Surges Bay folio of the Register 125584/1; p. 139 Esperance Coast Road, Surges Bay folio of the Register 125584/4; q. 140 Esperance Coast Road, Surges Bay folio of the Register 172577/11; r. 141 Esperance Coast Road, Surges Bay folio of the Register 125584/2; s. 142 Esperance Coast Road, Surges Bay folio of the Register 125584/13; t. 143 Esperance Coast Road, Surges Bay folio of the Register 125584/3; u. 144 Esperance Coast Road, Surges Bay folio of the Register 125584/14; v. 145 Esperance Coast Road, Surges Bay folio of the Register 125584/5; w. 147 Esperance Coast Road, Surges Bay folios of the Register 125584/6 and 125584/8; x. 149 Esperance Coast Road, Surges Bay folio of the Register 125584/7; y. 152 Esperance Coast Road, Surges Bay folio of the Register 125584/10; z. 154 Esperance Coast Road, Surges Bay folio of the Register 125584/9; aa. 160 Esperance Coast Road, Surges Bay folio of the Register 101367/1; bb. 165 Esperance Coast Road, Surges Bay folio of the Register 30990/1; cc. 167 Esperance Coast Road, Surges Bay folio of the Register 33553/2; dd. 177 Esperance Coast Road, Surges Bay folio of the Register 33553/3; ee. 178 Esperance Coast Road, Surges Bay folio of the Register 159726/2; ff. 180 Esperance Coast Road, Surges Bay folio of the Register 159726/1; gg. 182 Esperance Coast Road, Surges Bay folio of the Register 101367/2; hh. 187 Esperance Coast Road, Surges Bay folio of the Register 33553/4; ii. 197 Esperance Coast Road, Surges Bay folios of the Register 33048/4 and 33048/1; jj. 203 Esperance Coast Road, Surges Bay folio of the Register 33048/2; kk. 213 Esperance Coast Road, Surges Bay folio of the Register 26693/1; ll. 215 Esperance Coast Road, Surges Bay folio of the Register 26693/2; mm. 239 Esperance Coast Road, Surges Bay folio of the Register 232952/1;

		nn. 241 Esperance Coast Road, Surges Bay folio of the Register 109631/1; oo. 265 Esperance Coast Road, Surges Bay folio of the Register 138584/1; pp. 283 Esperance Coast Road, Surges Bay folio of the Register 138584/3; qq. 285 Esperance Coast Road, Surges Bay folio of the Register 138584/4; rr. 287 Esperance Coast Road, Brooks Bay folio of the Register 135836/1; ss. 300 Esperance Coast Road, Brooks Bay folio of the Register 45391/1; tt. 307 Esperance Coast Road, Brooks Bay folio of the Register 109629/1; uu. Esperance Coast Road, Surges Bay folio of the Register 138584/2; vv. Esperance Coast Road, Surges Bay folio of the Register 149578/1; ww. 5789 Huon Highway, Surges Bay folio of the Register 143569/2; xx. 5791 Huon Highway, Surges Bay folio of the Register 143569/3; yy. 5803 Huon Highway, Surges Bay folio of the Register 111336/1; zz. 5821 Huon Highway, Surges Bay folio of the Register 159437/2; aaa. 5823 Huon Highway, Surges Bay folio of the Register 159437/3; bbb. 5825 Huon Highway, Surges Bay folio of the Register 159437/4; ccc. 5827 Huon Highway, Surges Bay folio of the Register 159437/5; ddd. that part of 5849 Huon Highway, Surges Bay folio of the Register 25020/1 zoned Landscape Conservation in the exhibited version of the draft LPS; eee. 15 Stella Court, Surges Bay folio of the Register 156601/3; fff. 16 Stella Court, Surges Bay folio of the Register 156601/7; ggg. 17 Stella Court, Surges Bay folio of the Register 156601/2; hhh. 18 Stella Court, Surges Bay folio of the Register 156601/6; iii. 19 Stella Court, Surges Bay folio of the Register 156601/1; jjj. 20 Stella Court, Surges Bay folio of the Register 156601/5; kkk. 9 Swifts Road, Surges Bay folio of the Register 156601/4; lll. 12 Swifts Road, Surges Bay folio of the Register 156601/9; mmm. 48 Swifts Road, Surges Bay folio of the Register 156601/8; nnn. 9 White Cliffs Road, Brooks Bay folio of the Register 45391/2;

		ooo. 16 White Cliffs Road, Brooks Bay folio of the Register 142280/10; ppp. 18 White Cliffs Road, Brooks Bay folio of the Register 156940/9; qqq. 21 White Cliffs Road, Brooks Bay folio of the Register 45391/3; rrr. 25 White Cliffs Road, Brooks Bay folio of the Register 45391/4; sss. 28 White Cliffs Road, Brooks Bay folio of the Register 45391/8; ttt. White Cliffs Road, Brooks Bay folio of the Register 118988/6; uuu. White Cliffs Road, Brooks Bay folio of the Register 45391/5; vvv. White Cliffs Road, Brooks Bay folio of the Register 118988/7; and www. the reserved roads intersecting folio of the Register 125584/13, folio of the Register 26693/2, folio of the Register 232952/1 and three reserved road parcels adjoining Swifts Road as necessary to produce a uniform zoning pattern. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Living Zone consistent with Guideline No. 1.</i>
2.11	Bull Oak Way, Grovenor Rise and Turn Creek Road, Grove	Revise the zoning of the following properties to Rural Living C: a. 10 Bull Oak Way, Grove folio of the Register 181367/2; b. 16 Bull Oak Way, Grove folio of the Register 181367/3; c. 18 Bull Oak Way, Grove folio of the Register 181367/4; d. 19 Bull Oak Way, Grove folio of the Register 180249/20; e. 23 Bull Oak Way, Grove folio of the Register 181367/19; f. 26 Bull Oak Way, Grove folio of the Register 181367/5; g. 31 Bull Oak Way, Grove folio of the Register 181367/18; h. 34 Bull Oak Way, Grove folio of the Register 181367/6; i. 39 Bull Oak Way, Grove folio of the Register 181367/17; j. 42 Bull Oak Way, Grove folio of the Register 181367/7; k. 49 Bull Oak Way, Grove folio of the Register 181367/16; l. 54 Bull Oak Way, Grove folio of the Register 181367/8; m. 61 Bull Oak Way, Grove folio of the Register 181367/15; n. 62 Bull Oak Way, Grove folio of the Register 181367/9; o. 65 Bull Oak Way, Grove folio of the Register 181367/14; p. 74 Bull Oak Way, Grove folio of the Register 181367/10;

		q. 75 Bull Oak Way, Grove folio of the Register 181367/13; r. 76 Bull Oak Way, Grove folio of the Register 181367/11; s. 77 Bull Oak Way, Grove folio of the Register 181367/12; t. 29 Grovenor Rise, Grove folio of the Register 180249/28; u. 41 Grovenor Rise, Grove folio of the Register 180249/27; v. 42 Grovenor Rise, Grove folio of the Register 180249/1; w. 73 Grovenor Rise, Grove folio of the Register 180249/26; x. 77 Grovenor Rise, Grove folio of the Register 180249/25; y. 79 Grovenor Rise, Grove folio of the Register 180249/24; z. 80 Grovenor Rise, Grove folio of the Register 180249/21; aa. 107 Grovenor Rise, Grove folio of the Register 180249/23; bb. 108 Grovenor Rise, Grove folio of the Register 180249/22; cc. 20 Hansens Road, Grove folio of the Register 8304/1; dd. 9 Turn Creek Road, Grove folio of the Register 31675/2; ee. 15 Turn Creek Road, Grove folios of the Register 25598/4 and 25598/3; ff. 35 Turn Creek Road, Grove folio of the Register 25598/5; gg. 37 Turn Creek Road, Grove folio of the Register 25598/8; hh. 39 Turn Creek Road, Grove folio of the Register 168574/1; ii. 43 Turn Creek Road, Grove folio of the Register 168574/2; jj. 61 Turn Creek Road, Grove folio of the Register 130807/7; kk. 66 Turn Creek Road, Grove folio of the Register 111552/1; ll. 71 Turn Creek Road, Grove folio of the Register 33461/1; mm. 106 Turn Creek Road, Grove folio of the Register 45249/1; nn. 125 Turn creek Road, Grove folio of the Register 33461/3; oo. 129 Turn Creek Road, Grove folio of the Register 29620/1; pp. 139 Turn Creek Road, Grove folio of the Register 161389/1 qq. 140 Turn Creek Road, Grove folio of the Register 142886/1; rr. 169 Turn Creek Road, Grove folio of the Register 161389/2; and

		ss. Turn Creek Road, Grove folio of the Register 33461/2. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Living Zone consistent with Guideline No. 1.</i>
2.12	Caseys Road, Nicholls Rivulet	Revise the zoning of the following properties to Rural: a. 99 Caseys Road, Nicholls Rivulet folio of the Register 113943/1; b. 169 Caseys Road, Nicholls Rivulet folio of the Register 126621/1; c. 170 Caseys Road, Nicholls Rivulet folio of the Register 126620/2; and d. those parts of 144 Caseys Road folio of the Register 32417/1, 171 Caseys Road folio of the Register 126620/1 and 173 Caseys Road, Nicholls Rivulet folio of the Register 239822/1 located south of the zone boundary identified in the diagram included in the planning authority's response to direction 12 dated 7 March 2024. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.13	Petcheys Bay and Wattle Grove	Revise the zoning of that part of 560 Cygnet Coast Road folio of the Register 160835/3 south of a boundary delineated by coordinates 500333.31 E 5218878.5 N and 500340.68 E 5218883.91 N to Rural. Revise the zoning of the following properties to Rural Living D: a. 1 Brooke Street, Petcheys Bay folio of the Register 138669/1; b. 49 Brooke Street, Petcheys Bay folio of the Register 120423/6; c. 59 Brooke Street, Petcheys Bay folio of the Register 120423/5; d. 61 Brooke Street, Petcheys Bay folio of the Register 140121/5; e. 63 Brooke Street, Petcheys Bay folio of the Register 120423/4; f. 69 Brooke Street, Petcheys Bay folio of the Register 140121/3; g. 71 Brooke Street, Petcheys Bay folio of the Register 120423/2; h. Brooke Street, Petcheys Bay folio of the Register 140121/4; i. 582 Cygnet Coast Road, Petcheys Bay folio of the Register 157975/1;

		j.	658 Cygnet Coast Road, Petcheys Bay folio of the Register 151370/2;
		k.	684 Cygnet Coast Road, Petcheys Bay folio of the Register 151370/1;
		l.	694 Cygnet Coast Road, Petcheys Bay folio of the Register 120423/9;
		m.	720 Cygnet Coast Road, Petcheys Bay folio of the Register 120423/8;
		n.	730 Cygnet Coast Road, Petcheys Bay folio of the Register 141160/1;
		o.	754 Cygnet Coast Road, Petcheys Bay folio of the Register 120423/7;
		p.	758 Cygnet Coast Road, Petcheys Bay folio of the Register 146285/2;
		q.	760 Cygnet Coast Road, Wattle Grove folio of the Register 146285/1;
		r.	778 Cygnet Coast Road, Petcheys Bay folio of the Register 34527/2;
		s.	794 Cygnet Coast Road, Petcheys Bay folio of the Register 34527/3;
		t.	808 Cygnet Coast Road, Petcheys Bay folio of the Register 202696/1;
		u.	816 Cygnet Coast Road, Wattle Grove folio of the Register 201011/1;
		v.	820 Cygnet Coast Road, Petcheys Bay folio of the Register 120423/3;
		w.	836 Cygnet Coast Road, Wattle Grove folio of the Register 240675/1;
		x.	844 Cygnet Coast Road, Wattle Grove folio of the Register 47314/1;
		y.	850 Cygnet Coast Road, Wattle Grove folio of the Register 47314/2;
		z.	856 Cygnet Coast Road, Wattle Grove folio of the Register 47314/3;
		aa.	860 Cygnet Coast Road, Wattle Grove folio of the Register 141903/2;
		bb.	866 Cygnet Coast Road, Wattle Grove folio of the Register 141903/1;
		cc.	875 Cygnet Coast Road, Wattle Grove folio of the Register 32467/1;
		dd.	889 Cygnet Coast Road, Wattle Grove folio of the Register 32792/1;
		ee.	896 Cygnet Coast Road, Wattle Grove folio of the Register 47314/6;
		ff.	900 Cygnet Coast Road, Wattle Grove folio of the Register 48985/1;
		gg.	919 Cygnet Coast Road, Wattle Grove folio of the Register 182832/1;
		hh.	939 Cygnet Coast Road, Wattle Grove folio of the Register 182677/1;
		ii.	902a Cygnet Coast Road, Wattle Grove folio of the Register 160899/2;
		jj.	902b Cygnet Coast Road, Wattle Grove folio of the Register 165572/1;

		kk. 902c Cygnet Coast Road, Wattle Grove folio of the Register 149310/1; ll. 902d Cygnet Coast Road, Wattle Grove folio of the Register 149310/2; mm. 902E Cygnet Coast Road, Wattle Grove, folio of the Register 149310/3; nn. 902h Cygnet Coast Road, Wattle Grove folio of the Register 167756/2; oo. 902j Cygnet Coast Road, Wattle Grove folio of the Register 165573/2; pp. 904 Cygnet Coast Road, Wattle Grove folio of the Register 160899/1; qq. 923 Cygnet Coast Road, Wattle Grove folio of the Register 30493/5; rr. 939 Cygnet Coast Road, Wattle Grove folio of the Register 182677/1; ss. 944 Cygnet Coast Road, Wattle Grove folio of the Register 50379/4; tt. 960 Cygnet Coast Road, Wattle Grove folio of the Register 61214/1; uu. 966 Cygnet Coast Road, Wattle Grove folio of the Register 158758/1; vv. 998 Cygnet Coast Road, Wattle Grove folio of the Register 139903/2; ww. 1004 Cygnet Coast Road, Wattle Grove folio of the Register 121709/3; xx. Cygnet Coast Road, Wattle Grove folio of the Register 238889/1; yy. that part of 560 Cygnet Coast Road, Petcheys Bay folio of the Register 160835/3 north of a boundary delineated by coordinates 500333.31 E 5218878.5 N and 500340.68 E 5218883.91 N; zz. 3 Walters Road, Wattle Grove folio of the Register 229897/1; aaa. 9 Walters Road, Wattle Grove folio of the Register 50379/1; bbb. 12 Walters Road, Wattle Grove folio of the Register 50379/2; ccc. 31 Walters Road, Wattle Grove folio of the Register 158758/2; ddd. 32 Walters Road, Wattle Grove folio of the Register 50379/3; eee. 37 Walters Road, Wattle Grove folio of the Register 139903/1; fff. 40 Walters Road, Wattle Grove folio of the Register 161127/1; ggg. 49 Walters Road, Wattle Grove folio of the Register 152335/3; hhh. 78 Walters Road, Wattle Grove folio of the Register 165213/2; iii. 81 Walters Road, Wattle Grove folio of the Register 121709/6; jjj. 96 Walters Road, Wattle Grove folio of the Register 165213/1; and

		kkk. the intersecting reserved roads as necessary to produce a uniform zone pattern. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. <i>Reason: To apply the Rural Living Zone consistent with Guideline No. 1.</i>
2.14	Lanes Road and Glen Huon Road, Glen Huon	Revise the zoning of the following properties to Rural Living C: a. 588 Glen Huon Road, Glen Huon folio of the Register 126462/1; b. 590 Glen Huon Road, Glen Huon folio of the Register 13216/1; c. 614 Glen Huon Road, Glen Huon folio of the Register 211157/1; d. 620 Glen Huon Road, Glen Huon folio of the Register 40326/3; e. 628 Glen Huon Road, Glen Huon folio of the Register 40326/1; f. 629 Glen Huon Road, Glen Huon folio of the Register 102193/4; g. 636 Glen Huon Road, Glen Huon folio of the Register 40326/1; h. 655 Glen Huon Road, Glen Huon folio of the Register 140812/1; i. 56 Lanes Road, Glen Huon folio of the Register 140811/1; j. 117 Lanes Road, Glen Huon folio of the Register 150012/1; k. 121 Lanes Road, Glen Huon folio of the Register 150012/3; l. 135 Lanes Road, Glen Huon folio of the Register 32442/1; m. 145 Lanes Road, Glen Huon folio of the Register 110876/2; n. 155 Lanes Road, Glen Huon folio of the Register 131634/2; o. 165 Lanes Road, Glen Huon folio of the Register 131634/1; p. 169 Lanes Road, Glen Huon folio of the Register 39076/2; q. 173 Lanes Road, Glen Huon folio of the Register 39076/1; and r. 175 Lanes Road, Glen Huon folio of the Register 39076/3. Revise the zoning of the following properties to Rural: a. Glen Huon Road, Glen Huon folio of the Register 140814/4; b. 25 Lanes Road, Glen Huon folio of the Register 129776/2;

		c. 105 Lanes Road, Glen Huon folio of the Register 129776/3; d. 119 Lanes Road, Glen Huon folio of the Register 150012/2; e. 180 Lanes Road, Glen Huon folio of the Register 41147/3; and f. 184 Lanes Road, Glen Huon folio of the Register 42537/1. Revise the Priority Vegetation Area overlay by removing the overlay from 173 Lanes Road, Glen Huon folio of the Register 39076/1. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Living Zone, Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.</i>
2.15	Judds Creek Road and North Huon Road, Judbury	Revise the zoning of the following properties to Rural Living C: a. 10 Judds Creek Road, Judbury folio of the Register 113652/1; b. 22 Judds Creek Road, Judbury folio of the Register 30595/1; c. 34 Judds Creek Road, Judbury folio of the Register 172374/2; d. 36 Judds Creek Road, Judbury folio of the Register 172374/1; e. 958 North Huon Road, Judbury folios of the Register 131119/1, 131119/2 and 29618/1; f. 960 North Huon Road, Judbury folio of the Register 46513/2; g. 962 North Huon Road, Judbury folio of the Register 113653/1; h. the reserved road intersecting folio of the Register 29618/1; and i. the reserved road adjoining folios of the Register 29618/1, 46513/2 and 113653/1. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Living Zone consistent with Guideline No. 1.</i>
2.16	Lady Bay Road, Southport	Revise the zoning of 96 Lady Bay Road, Southport folio of the Register 115676/1 and Lady Bay Road, Southport folio of the Register 115677/1 to Rural Living C. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Living Zone consistent with Guideline No. 1.</i>

2.17	Bakers Creek Road and Lucas Road, Lucaston	Revise the zoning of that part of Bakers Creek Road, Lucaston folio of the Register 153992/2 identified as Priority Vegetation Area overlay in Figure 2 of the planning authority's submission dated 29 August 2023 to Rural and apply the Priority Vegetation Area overlay to the same area. Revise the zoning of the following properties to Rural Living D and apply the Priority Vegetation Area overlay consistent with Figure 2 of the planning authority's submission dated 29 August 2023: a. 221 Bakers Creek Road, Lucaston folio of the Register 207407/1; b. 238 Bakers Creek Road, Lucaston folio of the Register 12206/5; c. 249 Bakers Creek Road, Lucaston folio of the Register 119725/1; d. 259 Bakers Creek Road, Lucaston folio of the Register 52828/3; e. 279 Bakers Creek Road, Lucaston folio of the Register 52828/1; f. 310 Bakers Creek Road, Lucaston folio of the Register 152495/2; g. 311 Bakers Creek Road, Lucaston folio of the Register 12206/10; h. 318 Bakers Creek Road, Lucaston folio of the Register 126415/1; i. 320 Bakers Creek Road, Lucaston folio of the Register 152495/1; j. 324 Bakers Creek Road, Lucaston folio of the Register 7621/1; k. 325 Bakers Creek Road, Lucaston folio of the Register 45868/3; l. 330 Bakers Creek Road, Lucaston folio of the Register 144201/3; m. 348 Bakers Creek Road, Lucaston folio of the Register 56504/2; n. 357 Bakers Creek Road, Lucaston folio of the Register 130338/1; o. 359 Bakers Creek Road, Lucaston folio of the Register 139434/1; p. 360 Bakers Creek Road, Lucaston folio of the Register 56504/1; q. 378 Bakers Creek Road, Lucaston folio of the Register 155179/1; r. 384 Bakers Creek Road, Lucaston folio of the Register 50983/3; s. Bakers Creek Road, Lucaston folios of the Register 119725/2, 12206/6, 12206/7, 147069/1 and 52828/2; t. 7 Lucas Road, Lucaston folio of the Register 12206/11; and u. the reserved road located between folios of the Register 7621/1 and 144201/3.

		Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Living and Rural zones consistent with Guideline No. 1.</i>
2.18	Delaney Lane, Esperance Coast Road, Police Point Road, Klasen Road, Police Point and Eva Gully Road, Brooks Bay	Revise the zoning of the following properties to Rural Living D: a. 2 Delaney Lane, Police Point folio of the Register 41394/2; b. 5 Delaney Lane, Police Point folios of the Register 106792/4 and 106792/2; c. 12 Delaney Lane Police Point folio of the Register 41394/1; d. 410 Esperance Coast Road, Police Point folio of the Register 169211/1; e. 412 Esperance Coast Road, Police Point folio of the Register 169211/2; f. 415 Esperance Coast Road, Police Point folio of the Register 149479/1; g. 425 Esperance Coast Road, Police Point folio of the Register 149479/2; h. 450 Esperance Coast Road, Police Point folio of the Register 142096/6; i. 456 Esperance Coast Road, Police Point folio of the Register 142096/2; j. 458 Esperance Coast Road, Police Point folio of the Register 109457/5; k. 462 Esperance Coast Road, Police Point folio of the Register 109457/4; l. 481 Esperance Coast Road, Police Point folio of the Register 159372/2; m. 496 Esperance Coast Road, Police Point folio of the Register 40745/1; n. 502 Esperance Coast Road, Police Point folio of the Register 200641/1; o. 537 Esperance Coast Road, Police Point folio of the Register 115370/1; p. 548 Esperance Coast Road, Police Point folio of the Register 245000/1; q. 564 Esperance Coast Road, Police Point folios of the Register 212369/1 and 159362/1; r. 572 Esperance Coast Road, Police Point folio of the Register 44038/1; s. 574 Esperance Coast Road, Police Point folio of the Register 28070/1; t. 581 Esperance Coast Road, Police Point folio of the Register 24422/1; u. 600 Esperance Coast Road, Police Point folio of the Register 157053/1; v. 637 Esperance Coast Road, Police Point folio of the Register 249930/1; w. 656 Esperance Coast Road, Police Point folio of the Register 152177/1;

		x. 658 Esperance Coast Road, Police Point folio of the Register 29768/1; y. 670 Esperance Coast Road, Police Point folio of the Register 33528/4; z. 700 Esperance Coast Road, Police Point folio of the Register 105711/1; - aa. 716 Esperance Coast Road, Police Point folio of the Register 39100/3; - bb. 718 Esperance Coast Road, Police Point folio of the Register 52924/1; - cc. 722 Esperance Coast Road, Police Point folio of the Register 39100/1; - dd. 726 Esperance Coast Road, Police Point folio of the Register 119908/1; - ee. 892 Esperance Coast Road, Police Point folio of the Register 60619/1; - ff. 934 Esperance Coast Road, Police Point folio of the Register 106792/3; - gg. 936 Esperance Coast Road, Police Point folio of the Register 11487/1; - hh. 938 Esperance Coast Road, Police Point folio of the Register 144990/4; ii. 952 Esperance Coast Road, Police Point folio of the Register 144990/2; - jj. Esperance Coast Road, Police Point folio of the Register 118218/1; - kk. Esperance Coast Road, Police Point folio of the Register 142096/1; - ll. Esperance Coast Road, Police Point folio of the Register 40745/2; - mm. Esperance Coast Road, Police Point folio of the Register 106792/1; - nn. Esperance Coast Road, Police Point folio of the Register 105710/1; - oo. Esperance Coast Road, Police Point folio of the Register 159372/1; - pp. Esperance Coast Road, Police Point folio of the Register 142096/3; - qq. Esperance Coast Road, Police Point folio of the Register 159372/3; - rr. 11 Eva Gully Road, Brooks Bay folio of the Register 31370/2; - ss. 13 Eva Gully Road, Brooks Bay folio of the Register 170686/1; - tt. 21 Eva Gully Road, Brooks Bay folio of the Register 170686/2; - uu. 23 Eva Gully Road, Brooks Bay folio of the Register 131668/2; vv. 25 Eva Gully Road, Brooks Bay folio of the Register 131668/1; - ww. 61 Eva Gully Road, Brooks Bay folio of the Register 125750/3; xx. Eva Gully Road, Brooks Bay folio of the Register 125750/1;

		yy. Eva Gully Road, Brooks Bay folio of the Register 125750/2; zz. 4 Klasen Road, Police Point folio of the Register 155404/5; aaa. 8 Klasen Road, Police Point folio of the Register 155404/6; bbb. 11 Klasen Road, Police Point folio of the Register 28070/7; ccc. 19 Klasen Road, Police Point folio of the Register 28070/8; ddd. 21 Klasen Road, Police Point folio of the Register 28070/9; eee. 25 Klasen Road, Police Point folio of the Register 28070/10; fff. 29 Klasen Road, Police Point folio of the Register 28070/11; ggg. 30 Klasen Road, Police Point folio of the Register 28070/14; hhh. 31 Klasen Road, Police Point folio of the Register 28070/12; iii. 36 Klasen Road, Police Point folio of the Register 28070/4; jjj. 42 Klasen Road, Police Point folio of the Register 28070/15; kkk. 44 Klasen Road, Police Point folio of the Register 28070/3; lll. 46 Klasen Road, Police Point folio of the Register 28070/2; mmm. 47 Klasen Road, Police Point folio of the Register 28070/13; nnn. 50 Klasen Road, Police Point folio of the Register 28070/16; ooo. 67 Klasen Road, Police Point folio of the Register 152176/1; ppp. 502 Police Point Road, Police Point folio of the Register 44038/4; qqq. 568 Police Point Road, Police Point folio of the Register 30128/6; rrr. 573 Police Point Road, Police Point folios of the Register 33528/1, 33528/2 and 574 574 Police Point Road, Police Point folio of the Register 30128/7; sss. 588 Police Point Road, Police Point folio of the Register 33528/6; ttt. Police Point Road, Police Point folio of the Register 33528/5; uuu. 33528/3; and vvv. intersecting and adjoining reserved roads as necessary to produce a uniform zone pattern. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Living Zone consistent with Guideline No. 1.</i>

2.19	Frypan Road and Bermuda Road, Glen Huon	Revise the zoning of the following properties to Rural: a. 38 Frypan Road, Glen Huon folio of the Register 49931/1; b. 42 Frypan Road, Glen Huon folio of the Register 44120/1 and 208045/1; c. 91 Frypan Road, Glen Huon folio of the Register 133190/1; d. 92 Frypan Road, Glen Huon folio of the Register 40644/2; e. 667 Bermuda Road, Glen Huon folio of the Register 49931/3; f. 684 Bermuda Road, Glen Huon folio of the Register 133190/2; g. 692 Bermuda Road, Glen Huon folio of the Register 52787/1; h. 701 Bermuda Road, Glen Huon folio of the Register 54055/1; and i. Bermuda Road, Glen Huon PID 7183962. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7, and adjoining reserved roads are also included in the Rural Zone as necessary. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.20	Garden Island Creek	Revise the zoning of the following properties to Rural Living C: a. 64 Scarrs Road, Garden Island Creek folio of the Register 38576/1; b. 82 Scarrs Road, Garden Island Creek folio of the Register 25979/9; c. 91 Scarrs Road, Garden Island Creek folio of the Register 103370/1; d. 100 Scarrs Road, Garden Island Creek folio of the Register 25979/7; e. 101 Scarrs Road, Garden Island Creek folio of the Register 25979/11; f. 110 Scarrs Road, Garden Island Creek folio of the Register 25979/6; g. 120 Scarrs Road, Garden Island Creek folio of the Register 46943/1; h. 122 Scarrs Road, Garden Island Creek folio of the Register 46428/1; i. 156 Scarrs Road, Garden Island Creek folio of the Register 25979/4; j. 157 Scarrs Road, Garden Island Creek folio of the Register 158417/2; k. 159 Scarrs Road, Garden Island Creek folio of the Register 158417/1; l. 164 Scarrs Road, Garden Island Creek folio of the Register 25979/3;

		m. 174 Scarrs Road, Garden Island Creek folio of the Register 25979/2; n. 197 Scarrs Road, Garden Island Creek folio of the Register 25979/14; o. 202 Scarrs Road, Garden Island Creek folio of the Register 25979/1; p. Scarrs Road, Garden Island Creek folio of the Register 103370/2; and q. Scarrs Road, Garden Island Creek folio of the Register 25979/8. Revise the zoning of the following properties to Rural Living D: a. 29 Brittain's Road, Garden Island Creek folio of the Register 55933/1; b. 56 Brittain's Road, Garden Island Creek folio of the Register 159844/1; c. 61 Brittain's Road, Garden Island Creek folio of the Register 32598/1; d. 70 Brittain's Road, Garden Island Creek folio of the Register 25590/1; e. 79 Brittain's Road, Garden Island Creek folio of the Register 22013/1; f. 90 Brittain's Road, Garden Island Creek folio of the Register 25590/2; g. 97 Brittain's Road, Garden Island Creek folio of the Register 228452/1; h. 99 Brittain's Road, Garden Island Creek folio of the Register 22672/1; i. 125 Brittain's Road, Garden Island Creek folio of the Register 232395/1; j. 138 Brittain's Road, Garden Island Creek folio of the Register 143514/1; k. 144 Brittain's Road, Garden Island Creek folio of the Register 143514/3; l. Brittain's Road, Garden Island Creek folio of the Register 137277/1; m. Brittain's Road, Garden Island Creek folio of the Register 143514/2; n. 6066 Channel Highway, Garden Island Creek folio of the Register 213257/1; o. 6070 Channel Highway, Garden Island Creek folio of the Register 60188/1; p. 6080 Channel Highway, Garden Island Creek folio of the Register 197189/1; q. 6104 Channel Highway, Garden Island Creek folio of the Register 251346/1; r. 2 Garden Island Creek Road, Garden Island Creek folio of the Register 102906/1; s. 11 Garden Island Creek Road, Garden Island Creek folio of the Register 7276/1; t. 50 Garden Island Creek Road, Garden Island Creek folio of the Register 84031/1; u. 68 Garden Island Creek Road, Garden Island Creek folio of the Register 244029/1;

		v. 76 Garden Island Creek Road, Garden Island Creek folio of the Register 221598/1; w. 78 Garden Island Creek Road, Garden Island Creek folio of the Register 246178/1; x. 110 Garden Island Creek Road, Garden Island Creek folio of the Register 243866/1; y. 12 Igglesden Road, Garden Island Creek folio of the Register 125601/1; z. 22 Igglesden Road, Garden Island Creek folio of the Register 243638/1; aa. 29 Igglesden Road, Garden Island Creek folio of the Register 44887/1; bb. that part of 26 Garden Island Creek Road, Garden Island Creek folio of the Register 130488/1 located on the eastern side of Garden Island Creek Road; cc. that part of 50 Garden Island Creek Road, Garden Island Creek folios of the Register 33001/1 located on the eastern side of Garden Island Creek Road; dd. that part of 30 Igglesden Road, Garden Island Creek folio of the Register 159844/2 below the 30m AHD contour; and ee. any intersecting reserved roads, Crown land or similar as necessary to produce a uniform zone pattern. Revise the zoning of the following properties to Rural: a. 5898 Channel Highway, Garden Island Creek folio of the Register 7364/2; b. 6008 Channel Highway, Garden Island Creek folio of the Register 11328/1; c. that part of 5808 Channel Highway, Garden Island Creek folio of the Register 7364/2 located on the western side of the reserved road that intersects the land (use reserved road as the zone boundary); d. that part of 5808 Channel Highway, Garden Island Creek folio of the Register 143005/2 located on the western side of the reserved road that intersects the land (use reserved road as the zone boundary); e. that part of 5910 Channel Highway, Garden Island Creek folio of the Register 143005/1 below the 30m AHD contour; f. that part of 5940 Channel Highway, Garden Island Creek folio of the Register 235791/1 below the 30m AHD contour; g. that part of 5978 Channel Highway, Garden Island Creek folio of the Register 137517/1 below the 30m AHD contour; h. 69 Garden Island Creek Road, Garden Island Creek folio of the Register 73288/1; i. 78 Garden Island Creek Road, Garden Island Creek folio of the Register 246178/2; j. 119 Garden Island Creek Road, Garden Island Creek folios of the Register 10617/2 and 113944/2; k. 165 Garden Island Creek Road, Garden Island Creek folio of the Register 113944/1;

		l. 302 Garden Island Creek Road, Garden Island Creek folios of the Register 200428/1 and 127283/2; m. 391 Garden Island Creek Road, Garden Island Creek folio of the Register 129059/4; n. 433 Garden Island Creek Road, Garden Island Creek folio of the Register 126704/1; o. Garden Island Creek Road, Garden Island Creek folio of the Register 129059/3; p. Garden Island Creek Road, Garden Island Creek folio of the Register 203930/1; q. Garden Island Creek Road, Garden Island Creek folio of the Register 228451/1; r. Garden Island Creek Road, Garden Island Creek folio of the Register 129058/2; s. that part of 6002 Channel Highway, Garden Island Creek folio of the Register 123855/1 below the 30m AHD contour; t. that part of 6028 Channel Highway, Garden Island Creek folio of the Register 239324/1 below the 30m AHD contour; u. that part of 6054 Channel Highway, Garden Island Creek folio of the Register 200680/1 below the 30m AHD contour; v. that part of 26 Garden Island Creek Road, Garden Island Creek folio of the Register 130488/1 located on the western side of Garden Island Creek Road; w. that part of Garden Island Creek Road, Garden Island Creek folio of the Register 203932/1 located on the western side of Garden Island Creek Road; x. 10 Pottery Road, Garden Island Creek folio of the Register 20040/1; y. 38 Pottery Road, Garden Island Creek folio of the Register 17184/1; z. any intersecting reserved roads, Crown land or similar as necessary to produce a uniform zone pattern. Revise the Priority Vegetation Area overlay by removing the overlay from 6095 Channel Highway, Garden Island Creek folio of the Register 175624/1. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.</i>
2.21	14 Thompsons Road, Huonville	Revise the zoning of 14 Thompsons Road, Huonville folio of the Register 160923/2 to Rural Living B. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Living Zone consistent with Guideline No. 1.</i>

2.22	Lowes Road, Garden Island Creek	Revise the zoning of 76 Lowes Road folio of the Register 141774/1 and 80 Lowes Road, Garden Island Creek folio of the Register 141774/2 to Rural Living C. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Living Zone consistent with Guideline No. 1.</i>
2.23	Cygnet Coast Road and Porta Drive, Cradoc and Graces Road, Glaziers Bay	Revise the zoning of the following properties to Rural Living D: a. 1528 Cygnet Coast Road, Cradoc folio of the Register 160800/1; b. 1600 Cygnet Coast Road, Cradoc folio of the Register 38636/1; c. 1602 Cygnet Coast Road, Cradoc folio of the Register 40279/1; d. 1650 Cygnet Coast Road, Cradoc folio of the Register 160800/4; e. 1654 Cygnet Coast Road, Cradoc folio of the Register 160800/3; f. 1656 Cygnet Coast Road, Cradoc folio of the Register 160800/2; g. 1682 Cygnet Coast Road, Cradoc folio of the Register 118197/4; h. 1682A Cygnet Coast Road, Cradoc folio of the Register 118197/3; i. 1684 Cygnet Coast Road, Cradoc folio of the Register 138476/2; j. 1686 Cygnet Coast Road, Cradoc folio of the Register 138476/1; k. 1706 Cygnet Coast Road, Cradoc folio of the Register 118197/1; l. 1712 Cygnet Coast Road, Cradoc folio of the Register 118197/2; m. 1714 Cygnet Coast Road, Cradoc folio of the Register 118197/6; n. 1728 Cygnet Coast Road, Cradoc folio of the Register 153256/1; o. 1748 Cygnet Coast Road, Cradoc folio of the Register 245457/1; p. 1746 Cygnet Coast Road, Cradoc folio of the Register 163406/2; q. 1790 Cygnet Coast Road, Cradoc folio of the Register 28222/1; r. 1794 Cygnet Coast Road, Cradoc folio of the Register 250702/2; s. 1802 Cygnet Coast Road, Cradoc folio of the Register 47388/1; t. 1804 Cygnet Coast Road, Cradoc folio of the Register 47273/1; u. 1820 Cygnet Coast Road, Cradoc folios of the Register 241929/4 and 51992/2;

		v. 1830 Cygnet Coast Road, Cradoc folio of the Register 51992/1; w. 1854 Cygnet Coast Road, Cradoc folio of the Register 143303/1; x. Cygnet Coast Road, Cradoc folio of the Register 163407/1; y. 34 Graces Road, Glaziers Bay folio of the Register 41669/3; z. 35 Graces Road, Glaziers Bay folio of the Register 15473/1; aa. 43 Graces Road, Glaziers Bay folios of the Register 129215/2 and 129215/3; bb. 45 Graces Road, Glaziers Bay folio of the Register 129215/1; cc. 69 Graces Road, Glaziers Bay folio of the Register 129215/5; dd. 72 Graces Road, Glaziers Bay folio of the Register 41669/2; ee. 82 Graces Road, Glaziers Bay folio of the Register 41669/1; ff. 89 Graces Road, Glaziers Bay folio of the Register 39295/1; gg. 92 Graces Road, Glaziers Bay folio of the Register 21971/1; hh. 11 Porta Drive, Cradoc folio of the Register 174791/1; ii. 23 Porta Drive, Cradoc folio of the Register 175500/2; jj. 26 Porta Drive, Cradoc folio of the Register 174791/9; kk. 39 Porta Drive, Cradoc folio of the Register 176700/3; ll. 40 Porta Drive, Cradoc folio of the Register 175500/8; mm. 41 Porta Drive, Cradoc folio of the Register 176700/4; nn. 44 Porta Drive, Cradoc folio of the Register 176700/7; oo. 45 Porta Drive, Cradoc folio of the Register 176700/5; pp. 46 Porta Drive, Cradoc folio of the Register 176700/6; qq. that part of 1823 Cygnet Coast Road, Cradoc folio of the Register 25652/1 zoned Landscape Conservation in the exhibited version of the draft LPS; rr. that part of 10 McMullens Road, Glaziers Bay folio of the Register 233805/1 zoned Landscape Conservation in the exhibited version of the draft LPS; ss. the reserved road intersecting folios of the Register 129215/2 and 129215/1; tt. the reserved road intersecting folio of the Register 174791/9; uu. the reserved roads intersecting folios of the Register 175500/2, 176700/3, 160800/3, 160800/2 and 118197/3; vv. the reserved road intersecting folios of the Register 138476/1, 138476/2, 118197/6, 118197/2 and 118197/1; and ww. the reserved road adjoining the north and east boundaries of folios of the Register 163406/2 and 163407/1.

		Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. <i>Reason: To apply the Rural Living Zone consistent with Guideline No. 1.</i>
2.24	Arthurs Road, Crosswells Road, Halls Track Road, Lords Road, Middle Road, Pelverata Road and Vincents Road, Pelverata	Revise the zoning of the following properties to Rural: a. 70 Arthurs Road, Pelverata folio of the Register 112315/3; b. Crosswells Road, Pelverata folio of the Register 167504/1; c. 905 Halls Track Road, Pelverata folio of the Register 40809/1; d. 907 Halls Track Road, Pelverata folio of the Register 111267/1; e. 909 Halls Track Road, Pelverata folio of the Register 111267/2; f. 1044 Halls Track Road, Pelverata folio of the Register 127980/1; g. 1059 Halls Track Road, Pelverata folio of the Register 205379/1; h. 13 Lords Road, Pelverata folio of the Register 37898/1; i. 22 Lords Road, Pelverata folio of the Register 138560/9; j. 70 Lords Road, Pelverata folio of the Register 159913/3; k. Lords Road, Pelverata folio of the Register 138560/3; l. 165 Middle Road, Pelverata folio of the Register 11707/1; m. 180 Middle Road, Pelverata folio of the Register 49031/1; n. Middle Road, Pelverata folio of the Register 37897/2; o. 944 Pelverata Road, Pelverata folio of the Register 21463/2; p. 1052 Pelverata Road, Pelverata folio of the Register 147203/3; q. 1059 Pelverata Road, Pelverata folios of the Register 143574/1 and 143574/2; r. 1084 Pelverata Road, Pelverata folio of the Register 147203/4; s. 1488 Pelverata Road, Pelverata folio of the Register 129173/1; t. 1513 Pelverata Road, Pelverata folio of the Register 131675/1; u. 1616 Pelverata Road, Pelverata folio of the Register 233664/1; v. 1642 Pelverata Road, Pelverata folio of the Register 156309/1; w. 1659 Pelverata Road, Pelverata folio of the Register 139603/1; x. 1689 Pelverata Road, Upper Woodstock folio of the Register 246241/2; y. 1690 Pelverata Road, Upper Woodstock folio of the Register 201489/1;

		z. 99 Vincents Road, Pelverata folios of the Register 17958/1 and 208415/1; aa. 142 Vincents Road, Pelverata folio of the Register 143574/3; bb. Unit 2 147 Vincents Road, Pelverata folio of the Register 167809/2; cc. 149 Vincents Road, Pelverata folio of the Register 167809/1; dd. 189 Vincents Road, Pelverata folio of the Register 128140/1; ee. that part of 1632 Pelverata Road, Pelverata folio of the Register 156309/2 located west of Pelverata Road; ff. the intersecting and adjoining reserved roads as necessary to provide a uniform zone pattern. Revise the zoning of the following properties to Rural Living D: a. 15 Crosswells Road, Pelverata folio of the Register 244148/1; b. 16 Crosswells Road, Pelverata folio of the Register 24485/1; c. 79 Crosswells Road, Pelverata folio of the Register 203283/1; d. 1056 Halls Track Road, Pelverata folio of the Register 127979/1; e. 1078 Halls Track Road, Pelverata folio of the Register 30151/1; f. 1081 Halls Track Road, Pelverata folio of the Register 14543/1; g. 1089 Halls Track Road, Pelverata folio of the Register 239795/1; h. 1090 Halls Track Road, Pelverata folio of the Register 127699/5; i. 1100 Halls Track Road, Pelverata folio of the Register 127699/1; j. 1102 Halls Track Road, Pelverata folio of the Register 127699/2; k. 1104 Halls Track Road, Pelverata folio of the Register 127699/3; l. 1106 Halls Track Road, Pelverata folio of the Register 127699/4; m. 1150 Halls Track Road, Pelverata folio of the Register 45666/1; n. 29 Middle Road, Pelverata folios of the Register 163590/1 and 163590/2; o. 174 Middle Road, Pelverata folio of the Register 130481/3; p. 176 Middle Road, Pelverata folio of the Register 130481/1; q. 178 Middle Road, Pelverata folio of the Register 128942/1; r. that part of 29 Middle Road, Pelverata folio of the Register 238240/1 shown in Figure 1 of the planning authority's response to direction 10 dated 7 March

		2024 (zone boundary to be aligned with the eastern boundary of folio of the Register 49031/1); s. 932 Pelverata Road, Kaoota folio of the Register 18731/1; t. 955 Pelverata Road, Pelverata folio of the Register 101580/2; u. 988 Pelverata Road, Pelverata folio of the Register 101586/1; v. 995 Pelverata Road, Pelverata folio of the Register 100019/1; w. 1014 Pelverata Road, Pelverata folio of the Register 128757/1; x. 1048 Pelverata Road, Pelverata folio of the Register 147203/1; y. 1050 Pelverata Road, Pelverata folio of the Register 147203/2; z. 1145 Pelverata Road, Pelverata folio of the Register 185803/1; aa. 1199 Pelverata Road, Pelverata folio of the Register 158937/1; bb. 1201 Pelverata Road, Pelverata folio of the Register 158937/3; cc. 1203 Pelverata Road, Pelverata folio of the Register 158937/2; dd. 1205 Pelverata Road, Pelverata folio of the Register 161537/1; ee. 1206 Pelverata Road, Pelverata folio of the Register 87758/1; ff. 1217 Pelverata Road, Pelverata folio of the Register 156939/2; gg. 1219 Pelverata Road, Pelverata folio of the Register 156939/1; hh. 1225 Pelverata Road, Pelverata folio of the Register 127915/1; ii. 1226 Pelverata Road, Pelverata folios of the Register 185803/2 and 185803/3; jj. 1227 Pelverata Road, Pelverata folio of the Register 153677/2; kk. 1227a Pelverata Road, Pelverata folio of the Register 153677/1; ll. 1229 Pelverata Road, Pelverata folio of the Register 35747/1; mm. 1238 Pelverata Road, Pelverata folio of the Register 39350/5; nn. 1238a Pelverata Road, Pelverata folio of the Register 46941/1; oo. 1240 Pelverata Road, Pelverata folio of the Register 45869/1; pp. 1242 Pelverata Road, Pelverata folio of the Register 44715/1; qq. 1252 Pelverata Road, Pelverata folios of the Register 159421/1, 206643/1 and 248302/2; rr. 1264 Pelverata Road, Pelverata folio of the Register 159420/1;

		ss. 1265 Pelverata Road, Pelverata folio of the Register 227263/1; tt. 1266 Pelverata Road, Pelverata folio of the Register 184260/1; uu. 1268 Pelverata Road, Pelverata folio of the Register 139908/1; vv. 1278 Pelverata Road, Pelverata folio of the Register 159131/1; ww. 1305 Pelverata Road, Pelverata folio of the Register 176635/1; xx. 1326 Pelverata Road, Pelverata folio of the Register 219206/1; yy. 1333 Pelverata Road, Pelverata folio of the Register 162112/1; zz. 1337 Pelverata Road, Pelverata folio of the Register 63952/1; aaa. 1389 Pelverata Road, Pelverata folio of the Register 25284/1; bbb. Pelverata Road, Pelverata folio of the Register 128757/2; ccc. Pelverata Road, Pelverata folio of the Register 162112/2; ddd. Pelverata Road, Pelverata folio of the Register 25284/2; eee. Pelverata Road, Pelverata folio of the Register 176636/1; fff. 30 Vincents Road, Pelverata folio of the Register 101580/1; ggg. 49 Vincents Road, Pelverata folio of the Register 45797/2; hhh. 50 Vincents Road, Pelverata folio of the Register 34946/1; iii. 59 Vincents Road, Pelverata folio of the Register 45797/1; jjj. 77 Vincents Road, Pelverata folio of the Register 113744/1; kkk. 84 Vincents Road, Pelverata folio of the Register 34337/1; lll. 85 Vincents Road, Pelverata folio of the Register 113743/1; mmm. 130 Vincents Road, Pelverata folio of the Register 34130/1; nnn. the intersecting and adjoining reserved roads as necessary to provide a uniform zone pattern. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. <i>Reason: To apply the Rural Living Zone consistent with Guideline No. 1.</i>
2.25	Lymington Road and 30 and 40	Revise the zoning of 112 Lymington Road, Cygnet folio of the Register 159545/1, 30 Jetty Road, Cygnet folio of the

	Jetty Road, Cygnet	Register 151216/2 and 40 Jetty Road, Cygnet folio of the Register 120001/1 to Rural Living B. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Living Zone consistent with Guideline No. 1.</i>
2.26	Lady Bay Road, Southport	Revise the zoning of Lady Bay Road, Southport folio of the Register 209347/1 to Rural Living A. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Living Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.</i>
2.27	Hastings Caves Road, Hastings and Huon Highway, Southport	Revise the zoning of the following properties to Rural Living D: a. 17 Hastings Caves Road, Hastings folio of the Register 14937/1; b. 25 Hastings Caves Road, Hastings folio of the Register 94086/1; c. 80 Hastings Cave Road, Hastings folio of the Register 243171/1; d. 100 Hastings Cave Road, Hastings folio of the Register 168313/1; e. 116 Hastings Caves Road, Hastings folio of the Register 168312/1; f. 189 Hastings Caves Road folio of the Register 181878/1; g. 220 Hastings Caves Road, Hastings folio of the Register 24636/1; h. 237 Hastings Caves Road, Hastings folios of the Register 46083/1 and 199875/1; i. 240 Hastings Cave Road, Hastings folios of the Register 46086/1 and 46085/1; j. 241 Hastings Cave Road, Hastings folio of the Register 44833/4; k. 270 Hastings Cave Road, Hastings folio of the Register 238754/1; l. Hastings Cave Road, Hastings folio of the Register 120022/1; m. 8528 Huon Highway, Southport folio of the Register 151824/2; n. 8546 Huon Highway, Southport folio of the Register 151824/1; o. 8568 Hastings Cave Road, Hastings folio of the Register 16585/8; p. 8605 Huon Highway, Southport folio of the Register 105129/1; q. 8648 Huon Highway, Southport folio of the Register 62552/1; r. that part of 8605 Huon Highway, Southport folio of the Register 122965/1 north of the existing zone boundary;

		s. that part of 218 Hastings Caves Road, Hastings folio of the Register 43915/1 south of the line identified in the planning authority's submission dated 24 July 2023; t. that part of Huon Highway, Southport folio of the Register 150993/1 zoned Landscape Conservation; and u. the reserved roads adjoining the eastern boundary of folio of the Register 46086/1, intersecting folio of the Register 46083/1, the eastern boundary of folio of the Register 168313/1, intersecting folio of the Register 151824/2, intersecting folio of the Register 122965/1 and both reserved roads intersecting folio of the Register 105129/1. Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. <i>Reason: To apply the Rural Living Zone consistent with Guideline No. 1.</i>
2.28	151 and 153 Kent Beach Road, Dover	Revise the zoning of 151 and 153 Kent Beach Road, Dover folios of the Register 104783/5 and 15529/1 to Rural Living B. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Living Zone consistent with Guideline No. 1.</i>
2.29	Maxfields Road, Franklin	Revise the zoning of 98 Maxfields Road folios of the Register 95394/1 and 95394/2, Maxfields Road, Franklin folios of the Register 28375/2 and 28375/3, that part of 2978 Huon Highway, Franklin folio of the Register 169242/2 adjoining folio of the Register 95394/2 and the surrounding reserved road as necessary to provide a uniform zoning pattern to Rural. Remove the Priority Vegetation Area overlay from 98 Maxfields Road folio of the Register 95394/2 and apply the Priority Vegetation Area overlay to 98 Maxfields Road folio of the Register 95394/1 consistent with the diagram in the planning authority's submission in response to direction 8 (21 February 2024) dated 7 March 2024. <i>Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.</i>
2.30	Bakers Creek Road, Lucaston folio of the Register 41338/1	Revise the zoning of that part of Bakers Creek Road, Lucaston folio of the Register 41338/1 below the 300m AHD contour to Rural. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>

2.31	342 Woolleys Road, Lonnavele	Revise the zoning of that part of 342 Woolleys Road, Lonnavele folio of the Register 101973/1 located south of the boundary identified by coordinates E 486933.44 and N 5243948.63, E 487031.14 and N 5243870.92, E 487073.4 and N 5243725.24, and E 487279.92 and N 5243650.78 as shown in Figure 1 of the planning authority's response to direction 6 dated 18 December 2023 to Rural. Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No.1.</i>
2.32	Innes Road and Spencer Street, Lymington	Revise the zoning of 50 Innes Road folio of the Register 105227/1, 11 Spencer Street folios of the Register 251361/1 and 105227/2, and 33 Spencer Street, Lymington folio of the Register 10477/1 to Rural Living C. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Living Zone consistent with Guideline No. 1.</i>
2.33	Kingfish Beach Road, Southport	Revise the zoning of 62 Kingfish Beach Road folio of the Register 166032/2 and Kingfish Beach Road, Southport folio of the Register 241873/1 and subdivision road folio of the Register 166032/1 to Rural Living C, and the zoning of Southport Catholic Cemetery adjoining the eastern boundary of folio of the Register 241873/1 to Community Purpose. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Living and Community Purpose zones consistent with Guideline No. 1.</i>
2.34	39 Bolton Road, Raminea	Revise the zoning of 39 Bolton Road, Raminea folio of the Register 235763/1 to Rural Living C. <i>Reason: To apply the Rural Living Zone consistent with Guideline No. 1.</i>
2.35	Ballantyne Heights, Deering Street, De Winton Street, Forest Road, Huon Highway, New Road, Old Road, Paddys Lane, Rankins Road, Seabrooks Road and Smyley Street, Franklin	Revise the zoning of 3492 Huon Highway, Franklin folio of the Register 168664/1 and Old Road, Franklin folio of the Register 29232/1 to Rural. Revise the zoning of the following properties to Rural Living D: a. 9 Ballantyne Heights, Franklin folio of the Register 144971/1; b. 20 Ballantyne Heights, Franklin folio of the Register 154579/9; c. 25 Ballantyne Heights, Franklin folio of the Register 154579/1;

		d. 33 Ballantyne Heights, Franklin folio of the Register 154579/2; e. 41 Ballantyne Heights, Franklin folio of the Register 154579/3; f. 46 Ballantyne Heights, Franklin folio of the Register 154579/8; g. 54 Ballantyne Heights, Franklin folio of the Register 154579/7; h. 55 Ballantyne Heights, Franklin folio of the Register 154579/4; i. 58 Ballantyne Heights, Franklin folio of the Register 154579/6; j. 59 Ballantyne Heights, Franklin folio of the Register 154579/5; k. 15 Deering Street, Franklin folio of the Register 141849/2; l. 16 Deering Street, Franklin folio of the Register folio of the Register 151619/1; m. 17 Deering Street, Franklin folio of the Register 108765/4; n. 31 Deering Street, Franklin folio of the Register 108765/2; o. 38 Deering Street, Franklin folio of the Register 50892/1; p. Deering Street, Franklin folio of the Register 151619/2; q. 22 De Winton Street, Franklin folio of the Register 219187/5; r. De Winton Street, Franklin folio of the Register 104032/2; s. 7 Forest Road, Franklin folio of the Register 141849/1; t. 18 Forest Road, Franklin folio of the Register 104032/3; u. Forest Road, Franklin folio of the Register 104032/1; v. 169 New Road, Franklin folio of the Register 54116/2; w. 173 New Road, Franklin folio of the Register 100190/5; x. 184 New Road, Franklin folio of the Register 144364/3; y. 186 New Road, Franklin folio of the Register 144364/1; z. 187 New Road, Franklin folio of the Register 95797/1; aa. 208 New Road, Franklin folio of the Register 144364/2; bb. 228 New Road, Franklin folio of the Register 45861/1; cc. 245 New Road, Franklin folio of the Register 122303/1; dd. New Road, Franklin folio of the Register 156764/1; ee. New Road, Franklin folio of the Register 155370/2; ff. New Road, Franklin folio of the Register 230456/1; gg. New Road, Franklin folio of the Register 120089/1; hh. 139 Old Road, Franklin folio of the Register 54116/1; ii. 6 Paddys Lane, Franklin folio of the Register 37801/1; jj. 23 Paddys Lane, Franklin folio of the Register 61964/1;

		kk. 27 Paddys Lane, Franklin folio of the Register 119727/1; ll. 39 Paddys Lane, Franklin folio of the Register 23157/1; mm. 6 Rankins Road, Franklin folio of the Register 37052/1 and 249545/2; nn. Rankins Road, Franklin folio of the Register 37319/1; oo. Rankins Road, Franklin folio of the Register 122304/1; pp. 2 Seabrooks Road, Franklin folio of the Register 145197/2; qq. 7 Seabrooks Road, Franklin folio of the Register 133384/1; rr. 22 Seabrooks Road, Franklin folio of the Register 145197/1; ss. 26 Seabrooks Road, Franklin folio of the Register 134283/2; tt. 28 Seabrooks Road, Franklin folio of the Register 134283/1; uu. 30 Seabrooks Road, Franklin folio of the Register 128515/1; vv. Seabrooks Road, Franklin folio of the Register 120962/1; ww. 14 Smyley Street, Franklin folio of the Register 249545/1; xx. 45 Smyley Street, Franklin folio of the Register 48358/1; yy. 58 Smyley Street, Franklin folio of the Register 133383/1; zz. 67 Smyley Street, Franklin folio of the Register 100191/9; aaa. 69 Smyley Street, Franklin folio of the Register 123275/1; bbb. 81 Smyley Street, Franklin folio of the Register 53926/1; ccc. 89 Smyley Street, Franklin folio of the Register 152751/1; ddd. 97 Smyley Street, Franklin folio of the Register 40328/2; eee. that part of 97 Smyley Street, Franklin folio of the Register 152751/2 zoned Landscape Conservation in the exhibited version of the draft LPS; and fff. the intersecting and adjoining reserved roads as necessary to provide a uniform zone pattern. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. <i>Reason: To apply the Rural Living Zone and Rural Zone consistent with Guideline No. 1.</i>
2.36	614 Lady Bay Road, Southport	Revise the zoning of 614 Lady Bay Road, Southport folio of the Register 121159/1 to Rural Living Zone C and the

		onshore waterbody adjoining the south-west boundary of the land to Environmental Management. <i>Reason: To apply the Rural Living and Environmental Management zones consistent with Guideline No. 1.</i>
2.37	115 Cemetery Road, Dover	Revise the zoning of 115 Cemetery Road, Dover folio of the Register 100627/1 to Rural. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.38	103 Tongue Road, Hastings	Revise the zoning of 103 Tongue Road, Hastings folio of the Register 50720/1 and Tongue Road, Hastings folio of the Register 135040/1 (public road) to Rural and apply the Priority Vegetation Area overlay consistent with Figure 2 in the planning authority's submission in response to direction 14 (9 August 2023) dated 14 December 2023. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.</i>
2.39	Batchelors Road, Nicholls Rivulet Road, Sculthorpes Road and Underwoods Road, Nicholls Rivulet	Revise the zoning of the following properties to Rural Living D: a. 63 Batchelors Road, Nicholls Rivulet folio of the Register 122839/4; b. 65 Batchelors Road, Nicholls Rivulet folio of the Register 122839/5; c. Batchelors Road, Nicholls Rivulet folio of the Register 122839/3; d. 1133 Nicholls Rivulet Road, Nicholls Rivulet folio of the Register 207571/1; e. 1187 Nicholls Rivulet Road, Nicholls Rivulet folio of the Register 153350/3; f. 1203 Nicholls Rivulet Road, Nicholls Rivulet folio of the Register 146393/1; g. 1205 Nicholls Rivulet Road, Nicholls Rivulet folio of the Register 208301/1; h. 1237 Nicholls Rivulet Road, Nicholls Rivulet folio of the Register 122839/2; i. Nicholls Rivulet Road, Nicholls Rivulet folio of the Register 153350/1; j. Nicholls Rivulet Road, Nicholls Rivulet folio of the Register 153350/2; k. 20 Sculthorpes Road, Nicholls Rivulet folio of the Register 122839/1; l. 26 Sculthorpes Road, Nicholls Rivulet folio of the Register 122839/7; m. 27 Sculthorpes Road, Nicholls Rivulet folio of the Register 146393/2; n. 37 Sculthorpes Road, Nicholls Rivulet folio of the Register 146393/3;

		o. 47 Sculthorpes Road, Nicholls Rivulet folio of the Register 146393/4; p. 50 Sculthorpes Road, Nicholls Rivulet folio of the Register 122839/6; q. 11 Underwoods Road, Nicholls Rivulet folio of the Register 178870/2; r. 23 Underwoods Road, Nicholls Rivulet folio of the Register 30205/5; s. 26 Underwoods Road, Nicholls Rivulet folio of the Register 30205/4; t. 51 Underwoods Road, Nicholls Rivulet folio of the Register 110596/1; u. 56 Underwoods Road, Nicholls Rivulet folio of the Register 131236/1; and v. the reserved road intersecting folio of the Register 207571/1. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Living Zone consistent with Guideline No. 1.</i>
2.40	Huon View Road, Lower Longley	Revise the zoning of the following properties to Rural Living C: a. 39 Huon View Road, Lower Longley folio of the Register 133552/9; b. 41 Huon View Road, Lower Longley folio of the Register 10561/8; and c. 42 Huon View Road, Lower Longley folio of the Register 142338/3. <i>Reason: To apply the Rural Living Zone consistent with Guideline No. 1.</i>
2.41	3347 Huon Highway, Franklin	Revise the zoning of 3347 Huon Highway, Franklin folios of the Register 170797/1 and 170797/2 so that both properties are wholly zoned Village. <i>Reason: To apply the Village Zone consistent with Guideline No. 1.</i>
2.42	65 Wilmot Road, Huonville	Apply the Priority Vegetation Area overlay to 65 Wilmot Road, Huonville folios of the Register 132549/1, 184322/2 and 184322/1 consistent with Figure 2 in the planning authority's submission in response to direction 28 (9 August 2023) dated 15 December 2023. <i>Reason: To apply Priority Vegetation Area overlay consistent with Guideline No. 1.</i>
2.43	Crouchs Hill Road, Lucaston and Franklins Road, Crabtree	Revise the zoning of the following properties to Rural: a. 154 Crouchs Hill Road, Lucaston folio of the Register 152441/1; b. 164 Crouchs Hill Road, Lucaston folio of the Register 156729/1;

		c. 200 Crouchs Hill Road, Lucaston folio of the Register 168847/1; d. 230 Crouchs Hill Road, Lucaston folio of the Register 169521/1; e. 69 Franklins Road, Crabtree folio of the Register 129699/3; and f. that part of the intersecting reserved road within folio of the Register 152441/1 so that the Zone aligns with the southern boundary of the land. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.44	Bennetts Road, Mountain River Road and Wattle Hill Road, Mountain River	Revise the zoning of 754 Mountain River Road, Mountain River folio of the Register 27866/1 to Rural. Revise the zoning of the following properties to Rural Living B: a. 5 Bennetts Road, Mountain River folio of the Register 6717/1; b. 22 Bennetts Road, Mountain River folio of the Register 114726/1; c. 33 Bennetts Road, Mountain River folio of the Register 12766/1; d. 535 Mountain River Road, Mountain River folio of the Register 59863/1; e. 543 Mountain River Road, Mountain River folio of the Register 251702/1; f. 571 Mountain River Road, Mountain River folio of the Register 27368/1; g. 573 Mountain River Road, Mountain River folio of the Register 13027/1; h. 594 Mountain River Road, Mountain River folio of the Register 109125/1; i. 635 Mountain River Road, Mountain River folio of the Register 217057/1; j. 655 Mountain River Road, Mountain River folio of the Register 74538/1; k. 693 Mountain River Road, Mountain River folio of the Register 34900/1; l. 705 Mountain River Road, Mountain River folio of the Register 46084/1; m. 725 Mountain River Road, Mountain River folio of the Register 44759/1; n. 759 Mountain River Road, Mountain River folios of the Register 80440/3 and 51997/3; o. 771 Mountain River Road, Mountain River folio of the Register 251273/1; p. 835 Mountain River Road, Mountain River folio of the Register 24922/2; q. 4 Wattle Hill Road, Mountain River folio of the Register 237895/1; r. 15 Wattle Hill Road, Mountain River folio of the Register 8441/5;

		s. 33 Wattle Hill Road, Mountain River folio of the Register 13351/1; t. that part of 49 Wattle Hill Road, Mountain River folio of the Register 171819/1 located south of the reserved road, which intersects the land; u. that part of 67 Wattle Hill Road, Mountain River folio of the Register 171819/2 located south of the reserved road, which intersects the land; and v. intersecting and adjoining reserved roads as necessary to produce a uniform zone pattern. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Living and Rural zones consistent with Guideline No. 1.</i>
2.45	Fourfoot Road and Harwoods Road, Geeveston	Revise the zoning of the following properties to Rural: a. 6 Harwoods Road, Geeveston folio of the Register 14546/1; b. 80 Fourfoot Road, Geeveston folio of the Register 149468/2; c. 112 Fourfoot Road, Geeveston folio of the Register 158860/4; d. 114 Fourfoot Road, Geeveston folio of the Register 168520/1; e. 116 Fourfoot Road, Geeveston folio of the Register 158860/1; f. 120 Fourfoot Road, Geeveston folio of the Register 43334/1; g. 124 Fourfoot Road, Geeveston folio of the Register 6857/1; h. 138 Fourfoot Road, Geeveston folio of the Register 133579/1; and i. Fourfoot Road, Geeveston folio of the Register 149136/1. Apply the Priority Vegetation Area overlay to the following properties as shown in the planning authority's response to direction 2 (9 August 2023) dated 29 August 2023: a. 6 Harwoods Road, Geeveston folio of the Register 14546/1; b. 80 Fourfoot Road, Geeveston folio of the Register 149468/2; c. 112 Fourfoot Road, Geeveston folio of the Register 158860/4; d. 114 Fourfoot Road, Geeveston folio of the Register 168520/1; e. 116 Fourfoot Road, Geeveston folio of the Register 158860/1; f. 120 Fourfoot Road, Geeveston folio of the Register 43334/1; g. 124 Fourfoot Road, Geeveston folio of the Register 6857/1;

		h. 138 Fourfoot Road, Geeveston folio of the Register 133579/1; and i. Fourfoot Road, Geeveston folio of the Register 149136/1. Revise the zoning of Harwoods Road, Geeveston folios of the Register 84499/1 and 45264/1, part of Harwoods Road, Geeveston folio of the Register 52907/1 and the three intersecting and adjoining parcels of reserved roads and Crown land as necessary to provide a uniform zone pattern to Agriculture and remove the Priority Vegetation Area overlay. Revise the zoning of Harwoods Road, Geeveston folio of the Register 52907/1 and adjoining parcels of reserved road and Crown land to Environmental Management consistent with the Environmental Management applied in the interim planning scheme. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural and Agriculture zones and Priority Vegetation Area overlay consistent with Guideline No. 1.</i>
2.46	Winns Road, Cygnet	Revise the zoning of 106 Winns Road, Cygnet folio of the Register 173351/1 and 120 Winns Road Cygnet folio of the Register 9932/1 to Rural. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.47	128 Sculthorpes Road, Nicholls Rivulet	Revise the zoning of that part of 128 Sculthorpes Road, Nicholls Rivulet folio of the Register 171155/2 and the intersecting acquired road north of a boundary delineated by coordinates E 513408.90, N 5222419.15 and E 513779.86, N 5222753.54 to Rural. Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.48	654 Abels Bay Road, Eggs and Bacon Bay	Revise the zoning of 100 Randalls Bay Road, Randalls Bay folio of the Register 229352/1 and that part of Abels Bay Road, Abels Bay folio of the Register 244204/1 located south of a boundary identified by coordinates E 508143.12 and N 5212316.73, E 508142.61 and N 5212402.35, E 508440.83 and N 5212509.93, E 508820.43 and N 5212399.01, E 509057.87 and N 5212408.14, and E 509306.56 and N 5212398.78 to Rural with the remainder of the land zoned Agriculture and apply the Priority Vegetation Area overlay to that part of folio of the Register 244204/1 zoned Rural.

		Apply the Priority Vegetation Area overlay to 82 Randalls Bay Road folio of the Register 183842/1 and 100 Randalls Bay Road folio of the Register 137938/3 as shown in the planning authority's response to direction 10 (14 July 2023) dated 15 December 2023. Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.</i>
2.49	Braeside Road, Chittys Road, Heriots Rise and Huon Highway, Franklin and Fleurty's Road, Castle Forbes Bay	Revise the zoning of the following properties to Rural: a. 72 Braeside Road, Franklin folio of the Register 7899/4; b. 115 Braeside Road, Franklin folio of the Register 150198/2; c. 15 Chittys Road, Franklin folio of the Register 7899/5; d. 34 Fleurty's Road, Castle Forbes Bay folio of the Register 151133/1; e. 48 Fleurty's Road, Castle Forbes Bay folio of the Register 118121/1; f. 65 Fleurty's Road, Castle Forbes Bay folio of the Register 118120/1; g. 78 Fleurty's Road, Castle Forbes Bay folio of the Register 90774/1; h. that part of 48 Fleurty's Road, Castle Forbes Bay folio of the Register 129856/3 zoned Landscape Conservation and Environmental Management; i. that part of 71 Fleurty's Road, Castle Forbes Bay folio of the Register 118121/2 zoned Landscape Conservation; j. 66 Heriots Rise, Franklin folio of the Register 170385/1; k. Heriots Rise, Franklin folio of the Register 182420/1; l. 3770 Huon Highway, Franklin folio of the Register 141133/2; m. 3790 Huon Highway, Franklin folio of the Register 25049/1; and n. Huon Highway, Franklin folio of the Register 170385/2. o. Crown land General Law deed 51/5156; p. Crown land folio of the Register 182420/2; q. subdivision road folio of the Register 150198/10; and r. road reserve located between folios of the Register 170385/1 and 170385/2. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. Ensure redundant split-zone annotations are removed. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.50	128 Kellys Road, Cradoc	Revise the zoning of that part of 128 Kellys Road, Cradoc folio of the Register 33285/1 located north of the boundary identified by coordinates E 504495, N 522577 and E 504237, N 5225685 to the north-east boundary corner as

		shown in Figure 1 of the planning authority's response to direction 17 dated 7 March 2024 to Rural. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.51	Lady Bay Road, Southport	Revise the zoning of Lady Bay Road, Southport folios of the Register 105027/5 and 248247/1 and 61 Lady Bay Road, folios of the Register 125835/1, 125835/2, 252088/2, 125835/3, 125835/4, 144274/1, and that part of folios of the Register 238698/1 and 178403/5 zoned Agriculture and the intersecting reserved roads to Rural and apply the Priority Vegetation Area overlay consistent with the Regional Ecosystem Model mapping. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.</i>
2.52	Helen Street, Ranelagh	Revise the zoning of 18 Helen Street folio of the Register 153267/1 and Helen Street, Ranelagh folio of the Register 179997/1 to Rural Living C. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Living Zone consistent with Guideline No. 1.</i>
2.53	Lune Mill Road and Lune River Road, Lune River	Revise the zoning of the following properties to Rural Living D: a. 10 Lune Mill Road, Lune River folio of the Register 102237/1; b. 23 Lune Mill Road, Lune River folios of the Register 52408/14 and 138178/1; c. 175 Lune River Road, Lune River folio of the Register 123372/1; d. 179 Lune River Road, Lune River folio of the Register 126370/1; e. 180 Lune River Road, Lune River folio of the Register 52408/15; f. 196 Lune River Road, Lune River folio of the Register 52408/16; g. 198 Lune River Road, Lune River folio of the Register 14015/1; h. 199 Lune River Road, Lune River folio of the Register 102237/2;

		i. 205 Lune River Road, Lune River folio of the Register 102237/3; j. 211 Lune River Road, Lune River folio of the Register 102237/4; k. 213 Lune River Road, Lune River folio of the Register 102237/5; l. 214 Lune River Road, Lune River folio of the Register 102237/10; m. 215 Lune River Road, Lune River folio of the Register 102237/6; n. 216 Lune River Road, Lune River folio of the Register 102237/11; o. 217 Lune River Road, Lune River folio of the Register 102237/7; p. Lune River Road, Lune River folio of the Register 102237/8; q. Lune River Road, Lune River folio of the Register 102237/9; r. Lune River Road, Lune River folio of the Register 204483/1; and s. LGA subdivision road folios of the Register 102237/13, 102237/12, 102237/14 and 12238/1. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Living Zone consistent with Guideline No. 1.</i>
2.54	Narrows Road, Huon Highway and Darcy Links, Strathblane	Revise the zoning of the following properties to Rural: a. 68 Narrows Road, Strathblane folio of the Register 100017/1; b. 7558 Huon Highway, Strathblane folio of the Register 100016/1; c. 7827 Huon Highway folio of the Register 117823/2; d. Huon Highway, Strathblane folio of the Register 124000/2; e. Huon Highway, Strathblane folio of the Register 124000/1; f. Huon Highway, Strathblane folio of the Register 211406/1; g. Huon Highway, Strathblane folio of the Register 152300/1; h. Huon Highway, Strathblane folio of the Register 152300/2; i. Huon Highway folios of the Register 124001/1 and 124001/1; j. the public reserve (NRE Tas) zoned Landscape Conservation at Darcy Link and surrounded by folio of the Register 152300/2; and k. those parts of the acquired and reserved roads alongside folios of the Register 100017/1, 100016/1 and 211406/1, and off Darcy Link as necessary to produce a uniform zoning pattern.

		Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.55	Cowmeadows Road and Slaters Road, Cradoc	Revise the zoning of 30 Cowmeadows Road, Cradoc folio of the Register 125511/1, 3 Slaters Road, Cradoc folio of the Register 125503/1 and 25 Slaters Road, Cradoc folio of the Register 28992/4 to Rural and apply the Priority Vegetation Area overlay consistent with the diagram in the planning authority's submission in response to direction 32 (30 May 2023) dated 29 June 2023. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.</i>
2.56	Channel Highway, Cradoc	Revise the zoning of the following properties to Rural and apply the Priority Vegetation Area overlay consistent with the diagram in the planning authority's submission in response to direction 60 (30 May 2023) dated 29 August 2023: a. 8480 Channel Highway, Cradoc folio of the Register 163072/2 (already zoned Rural); b. 8495 Channel Highway, Cradoc folio of the Register 114683/1; c. 8507 Channel Highway, Cradoc folio of the Register 8582/1; d. 8520 Channel Highway, Woodstock folio of the Register 139543/4; and e. Channel Highway, Cradoc folio of the Register 139543/3. <i>Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.</i>
2.57	Bakers Creek Road, Cloverside Road and Windsor Road, Lucaston	Revise the zoning of the following properties to Rural: a. that part of 394 Bakers Creek Road, Lucaston folio of the Register 176285/1 identified the diagram in the planning authority's submission dated 1 September 2023; b. that part of 194 Cloverside Road, Lucaston folio of the Register 204472/1 east of a boundary delineated by coordinates E 504052.95, N 5243777.47 and E 504157.76, N 5243324.24; c. that part of 236 Cloverside Road, Lucaston folio of the Register 152022/3 north of a boundary delineated by coordinates E 504359.54, N 5243746.42 and E 504272.26, N 5243736.04; d. 264 Cloverside Road, Lucaston folio of the Register 152022/2; e. 407 Cloverside Road, Lucaston folio of the Register 139274/5;

		f. 410 Cloverside Road, Lucaston folio of the Register 139274/4; g. Cloverside Road, Lucaston folio of the Register 139382/2; h. Windsor Road, Lucaston folios of the Register 148860/4 and 205697/1; and i. the reserved road intersecting folio of the Register 139274/5. Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.58	649 and 663 North Huon Road, Judbury	Revise the zoning of 649 and 663 North Huon Road, Judbury folios of the Register 102364/1 and 229333/1 to Rural. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.59	230 Fyfes Road and 124 Wattle Hill Road, Mountain River	Revise the zoning of 230 Fyfes Road folio of the Register 235100/1 and 124 Wattle Hill Road, Mountain River folio of the Register 210464/1 to Rural. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.60	Turners Road, Cradoc	Revise the zoning of 54 Turners Road folio of the Register 9337/1, 75 Turners Road folio of the Register 149629/1 and 100 Turners Road, Cradoc folio of the Register 237651/1 to Rural and apply the Priority Vegetation Area overlay consistent with the diagram in the planning authority's submission in response to direction 33 (30 May 2023) dated 29 June 2023. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.</i>
2.61	85 Whale Point Road, Port Huon	Revise the zoning of that part of 85 Whale Point Road, Port Huon folio of the Register 142071/3 currently zoned Landscape Conservation to Rural. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>

2.62	106 Mitchells Road, Crabtree	Revise the zoning of 106 Mitchells Road, Crabtree folio of the Register 246888/1 and the intersecting reserved road to Rural. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.63	Constance Road and Slab Road, Cygnet	Revise the zoning of 50 Constance Road, Cygnet folios of the Register 167107/1 and 167107/2 and the intersecting and reserved roads, and that part of 390 Slab Road, Cygnet folio of the Register 224326/1 east of the reserved road to Rural. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.64	Cygnet Coast Road, Drip Beach Road and Lymington Road, Lymington	Revise the zoning of the following properties to Rural: a. 15 Drip Beach Road, Lymington folio of the Register 225673/1; b. 740 Lymington Road, Lymington folios of the Register 199168/1, 108515/1 and 108515/2; c. 755 Lymington Road, Lymington folio of the Register 8963/1; d. Lymington Road, Lymington folio of the Register 8963/2; and e. Cygnet Coast Road, Lymington PID 5852528. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.65	Dillons Road, Gardners Bay and Nicholls Rivulet Road, Nicholls Rivulet	Revise the zoning of 69 Dillons Road, Gardners Bay folio of the Register 237940/1 and 1371 Nicholls Rivulet Road folios of the Register 53508/5, 53508/4 and 53508/3 and that part of 1371 Nicholls Rivulet Road, Nicholls Rivulet folio of the Register 53509/1 located north and east of a line between the intersection of folios of the Register 53509/1, 250133/1 and 209669/1, coordinates E 511745.77 and N 5221029.22, and the south-west corner of folio of the Register 72849/2 to Rural. Apply the Priority Vegetation Area overlay to 69 Dillons Road, Gardners Bay folio of the Register 237940/1 consistent with the diagram in the planning authority's submission in response to direction 53 (30 May 2023) dated 29 June 2023. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7.

		<i>Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.</i>
2.66	884 Glen Huon Road, Glen Huon	Revise the zoning of 884 Glen Huon Road, Glen Huon folio of the Register 141188/3 to Rural. <i>Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.</i>
2.67	510 Maxfields Road, Franklin	Revise the zoning of that part of 510 Maxfields Road, Franklin folio of the Register 105671/1 located south of the reserved road that dissects the land to Rural. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.68	Swamp Road, Franklin	Revise the zoning of 340 Swamp Road, Franklin folios of the Register 127097/1 and 216638/1, 350 Swamp Road, Franklin folio of the Register 177547/1, Swamp Road, Franklin folio of the Register 31021/1 and intersecting reserved roads to Rural. Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.69	971 Lonnavaale Road, Lonnavaale	Revise the zoning of that part of 971 Lonnavaale Road, Lonnavaale folio of the Register 112834/2 east of a line identified by coordinates E 485805.91, N 5242656.61 and E 485729.59, N 5242265.20 to Rural. Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.70	Vincent's Road, Pelverata and Umfrevilles Road, Kaoota	Revise the zoning of 2/147 Vincent's Road, Pelverata folio of the Register 167809/2, 275 Umfrevilles Road folio of the Register 13679/3, 293 Umfrevilles Road folio of the Register 236603/1, Umfrevilles Road, Kaoota folio of the Register 245440/1, and the reserved road intersecting folio of the Register 236603/1 to Rural. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.71	Crabtree Road and Sharpes Road, Crabtree	Revise the zoning of Crabtree Road folio of the Register 122351/2, 139 Clear View Road folio of the Register 211393/1 and 16 Sharpes Road, Crabtree folio of the Register 157468/1 to Rural. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>

2.72	Lonnavele Road and Russell Road, Lonnavele	Revise the zoning of the following properties to Rural: a. 71 Russell Road, Lonnavele folio of the Register 236667/1; b. 149 Russell Road, Lonnavele, folio of the Register 242786/1; c. Russell Road, Lonnavele folios of the Register 115827/1 and 115827/2; and d. that part of 1333 Lonnavele Road, Lonnavele folio of the Register 242407/1 located north of the boundary identified in Figure 1 of the planning authority's response to direction 5 dated 18 December 2023. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.73	1010 Halls Track Road, Pelverata	Revise the zoning of that part of 1010 Halls Track Road, Pelverata folio of the Register 108640/1 located east of the boundary identified in Figure 1 of the planning authority's response to direction 11 dated 8 March 2024. Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No.1.</i>
2.74	149 Narrows Road, Strathblane	Revise the zoning of 149 Narrows Road, Strathblane folio of the Register 200986/1 to Rural and amend the Priority Vegetation Area overlay to match the area shown in the figure in the planning authority's response to direction 13 (21 February 2024) dated 7 March 2024. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.</i>
2.75	118 Denison Road, Lonnavele Road, She Oak Road, Williscroft Road, Judbury	Revise the zoning of 383 Lonnavele Road, Judbury folio of the Register 158396/19 to Agriculture. Revise the zoning of that part of 383 Lonnavele Road, Judbury folio of the Register 158397/23 located south of the boundary identified by coordinates E 490572.14 and N 5240659.44, E 490719.66 and N 5240667.57, E 490691.62 and N 5240532.62, E 490912.44 and N 5240463.1, E 491010.58 and N 5240363.21, E 490997.73 and N 5240297.78, and E 491119.05 and N 5240236.16 to Rural as shown in Plan 2 of the planning authority's response to direction 19 issued 30 May dated 18 December 2023. Revise the zoning of 383 Lonnavele Road, Judbury folio of the Register 158398/13, so that the boundary between the

		Rural and Agriculture zones is consistent with Plan 2 of the planning authority's response to direction 19 issued 30 May dated 18 December 2023 with the Rural Zone to the south, and the Agriculture Zone to the north of the boundary identified by coordinates E 488391.85 and N 5240496.9, E 488437.41 and N 5240476.27, E 488517.28 and N 5240491.43, E 488568.69 and N 5240549.27, and E 488624.1 and N 5240538.22. Revise the zoning of the following properties to Rural: a. 118 Denison Road, Lonnavele folio of the Register 163647/1; b. 246 Lonnavele Road folio of the Register 24398/1; c. 383 Lonnavele Road, Judbury folios of the Register 158504/30, 158504/31, 158504/32, 163647/2, 158504/29, 158560/15, 165973/1, 250912/3, 210262/1, 144294/2, 250912/2 and 135413/1; d. that part of 383 Lonnavele Road, Judbury folio of the Register 53305/4, located north of the boundary identified by coordinates E 491660.26 and N 5240627.91, E 491642.38 and N 5240587.24, E 491666.62 and N 5240565.92, E 491728.26 and N 5240582.86, E 491785.21 and N 5240574.68, E 491810.33 and N 5240529.41, E 491813.84 and N 5240508.96, and E 491842.89 and N 5240495.35 as shown in Plan 2 of the planning authority's response to direction 19 issued 30 May dated 18 December 2023; e. that part of 383 Lonnavele Road, Judbury folio of the Register 53305/2 located north of the boundary identified by coordinates E 491448.93 and N 5240593.77, E 491538.34 and N 5240573.17, and E 491619.72 and N 5240635.23 as shown in Plan 2 of the planning authority's response to direction 19 issued 30 May dated 18 December 2023; f. that part of 383 Lonnavele Road, Judbury folio of the Register 111744/1 located north of the boundary identified by coordinates E 488729.90 and N 5239251.93, E 488810.25 and N 5239268.15, E 488863.12 and N 5239300.28, E 488983.17 and N 5239305.54, E 489036.62 and N 5239299.40, E 489062.32 and N 5239326.57, E 489116.65 and N 5239303.20, E 489141.77 and N 5239302.91, E 489234.66 and N 5239364.54, E 489252.18 and N 5239369.8, E 489267.37 and N 5239384.69, E 489288.40 and N 5239390.24, E 489331.34 and N 5239412.44, E 489386.25 and N 5239474.66, and E 489461.52 and N 5239542.28 as shown in Plan 2 of the planning authority's response to direction 19 issued 30 May dated 18 December 2023; g. that part of 383 Lonnavele Road, Judbury folio of the Register 158560/16 located east of the boundary identified by coordinates E 489034.05 and N 5239796.81, and E 489088.05 and N 5239888.5 as shown in Plan 2 of the planning authority's response to direction 19 issued 30 May dated 18 December 2023;

		h. that part of 383 Lonnave Road, Judbury folio of the Register 111744/2 located south of the boundary identified by coordinates E 488624.1 and N 5240534.60, E 488704.22 and N 5240493.19, E 488753.56 and N 5240482.09, E 488780.75 and N 5240561.24, E 488789.22 and N 5240614.99, E 488833.03 and N 5240618.20, E 488882.39 and N 5240600.68, E 488908.39 and N 5240553.65, E 489019.68 and N 5240545.76, E 489031.36 and N 5240569.42, E 489074.3 and N 5240578.77, E 489250.43 and N 5240540.21, E 489385.76 and N 5240374.66, E 489445.97 and N 5240235.42, E 489370.7 and N 5240083.01, E 489496.77 and N 5240015.27, E 489521.23 and N 5240013.39, E 489568.27 and N 5239932.48, and E 489564.16 and N 5239888.89 as shown in Plan 2 of the planning authority's response to direction 19 issued 30 May dated 18 December 2023; i. 444 Lonnave Road, Lonnave folio of the Register 63049/1; j. 450 Lonnave Road, Judbury folio of the Register 208976/1; k. Lonnave Road, Lonnave PID 5699674; l. 569 She Oak Road, Judbury folio of the Register 149202/3; m. that part of 715 She Oak Road, Judbury folios of the Register 132716/1 and 132716/2 located west of the boundary identified by coordinates E 489327.7 and N 5237775.52, E 489378.37 and N 5237790.72, E 489369.99 and N 5237839.3, E 489378.37 and N 5237887.88, and E 489429.43 and N 5237976.27 as shown in Plan 1 of the planning authority's response to direction 19 issued 30 May dated 18 December 2023; n. 33 Williscroft Road, Judbury folio of the Register 208255/1; and o. intersecting reserved roads as necessary to provide a uniform zone pattern. Apply the Priority Vegetation Area overlay to the following properties consistent with the diagram in the planning authority's response to direction 15 issued 21 February dated 8 March 2024: a. 383 Lonnave Road, Judbury folios of the Register 158395/5, 158504/27, 209099/1, 158560/16, 130738/1, 165973/1, 111744/2, 204708/1, 111744/1, 158398/9, 209064/1, 158504/32, 158398/13, 158504/28, 158397/23, 53305/2, 158395/1, 158395/3, 135413/1, 158396/4, 247452/2, 144294/2, 158504/30, 158504/29, 158395/2, 158504/31, 163647/3, 163647/2, 53305/4, 158560/15 and 158560/14; b. Lonnave Road, Judbury folio of the Register 112176/1; c. 33 Williscroft Road, Judbury folio of the Register 208255/1; d. Williscroft Road, Judbury folio of the Register 53248/1; e. 207 Woolleys Road, Lonnave folio of the Register 231048/1; and

		f. intersecting reserved roads, including reserved road intersecting folio of the Register 209099/1. Remove the Priority Vegetation Area overlay from the following properties consistent with the diagram in the planning authority's response to direction 15 issued 21 February dated 8 March 2024: a. 132 Herons Road, Judbury folio of the Register 144294/1; b. 383 Lonnavele Road, Judbury folios of the Register 158396/11, 158396/19, 158397/22, 210262/1, 250912/2 and 250912/3; c. 444 Lonnavele Road, Judbury folio of the Register 63049/1; d. 450 Lonnavele Road, Judbury folio of the Register 208976/1; e. Lonnavele Road, Judbury PID 5699674; f. intersecting or adjoining roads, including reserved and public roads intersecting folios of the Register 158395/5, 163647/3, 158396/4, 204708/1, 158396/19, 158398/9 and 158397/23; g. road easement along Lonnavele Road to the north of folio of the Register 158397/22; h. road easement along Lonnavele Road within folio of the Register 112176/1; i. road easement along the southern boundary of folio of the Register 144294/1; j. that part of 383 Lonnavele Road, Judbury folios of the Register 111744/1, 111744/2, 158397/23, 158398/13, 53305/2 and 53305/4 zoned Agriculture. Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone, Agriculture Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.</i>
2.76	Golden Valley Road, Kings Hill Road and Wattle Grove Road, Cygnet	Revise the zoning of the following properties to Rural: a. Golden Valley Road, Cygnet folio of the Register 104390/1; b. 184 Kings Hill Road, Cygnet folios of the Register 183440/1 and 183440/2; c. Kings Hill Road, Cygnet folios of the Register 163643/1 and 163643/2; d. Wattle Grove Road, Cygnet folio of the Register 228333/1; e. Wattle Grove Road, Cygnet folio of the Register 120252/1; and f. the reserved roads intersecting folio of the Register 183440/2 as necessary to provide a uniform zone pattern.

		Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.77	Emma Street, Golden Valley Road and Silver Hill Road, Cygnet	Revise the zoning of the following properties to Rural and apply the Priority Vegetation Area overlay consistent with the Regional Ecosystem Model mapping: a. 18 Emma Street, Cygnet folio of the Register 12881/1; b. 130 Golden Valley Road, Cygnet folio of the Register 214928/1; c. 157 Golden Valley Road, Cygnet folio of the Register 156985/1; d. 119 Silver Hill Road, Cygnet folios of the Register 106802/1, 106801/1 and 106801/2; e. 398 Silver Hill Road, Cygnet folio of the Register 238321/1; and f. the reserved roads intersecting and adjoining folios of the Register 12881/1 and 238321/1 as necessary to provide a uniform zone pattern. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.</i>
2.78	Ayres Road, Ranelagh	Revise the zoning of 188 Ayres Road, Ranelagh folio of the Register 143900/1 to Rural and the zoning of 168 Ayres Road, Ranelagh folio of the Register 141426/1 and 171 Ayres Road, Ranelagh folio of the Register 144366/1 to part Rural consistent with the diagram in the planning authority's submission dated 24 July 2023, and the intersecting and adjoining reserved roads to Rural as necessary to produce a uniform zoning pattern. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.79	Lymington Road, Lymington	Revise the zoning of 416 Lymington Road folio of the Register 123255/4 and Lymington Road, Lymington folios of the Register 204212/1, 133699/1 and 229343/1 and the intersecting and adjoining reserved roads as necessary to produce a uniform zoning pattern to Rural. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.80	123 Glocks Road, Waterloo	Revise the zoning of 123 Glocks Road, Waterloo folios of the Register 46125/5, 40694/1 and 128455/1, Huon

		Highway, Waterloo PID 2169109 and the reserved road intersecting folio of the Register 128455/1 to Rural. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.81	1, 15 and 31 Swamp Road, Franklin	Revise the zoning of 1, 15 and 31 Swamp Road, Franklin folios of the Register 102757/1 and 43033/1 to Rural. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.</i>
2.82	155 and 158 Sawyers Creek Road, Mountain River	Revise the zoning of 155 Sawyers Creek Road, Mountain River folio of the Register 174325/4 and 158 Sawyers Creek Road, Mountain River folio of the Register 174325/1 and the reserved road intersecting folio of the Register 174325/4 to Rural. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.83	59 and 75 Guys Road, Cygnet	Revise the zoning of 59 Guys Road, Cygnet folios of the Register 38224/2 and 39039/1 and 75 Guys Road folio of the Register 12466/1 to Rural. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.84	Klynes Road and Lymington Road, Lymington	Revise the zoning of the following properties to Rural: a. 85 Klynes Road, Lymington folio of the Register 231747/3; b. Klynes Road, Lymington folio of the Register 146712/1; c. Klynes Road, Lymington folio of the Register 120389/5; d. 681 Lymington Road, Lymington folios of the Register 158284/11 and 158284/10 e. Lymington Road, Lymington folios of the Register 106649/1 and 160456/6; f. subdivision road folio of the Register 160456/6; and g. the intersecting and adjoining reserved roads as necessary to provide a uniform zone pattern. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.85	174 Sunny Hills Road, Glen Huon	Revise the zoning of that part of 174 Sunny Hills Road, Glen Huon folio of the Register 29616/2 located south-east of the boundary identified by coordinates E 497021 and N

		5234661.48, E 497151.28 and N 5234751.19, and E 497350.61 and N 5234718.25 as shown in Figure 1 of the planning authority's response to direction 6 dated 15 December 2023 to Rural. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No.1.</i>
2.86	Goodwins Road and Grandmere Road, Upper Woodstock	Revise the zoning of 172 Goodwins Road, Upper Woodstock folio of the Register 142648/2, 21 Grandmere Road, Upper Woodstock folio of the Register 205708/1 and Goodwins Road, Upper Woodstock PID 7177036 to Rural. Ensure redundant split-zone annotations are removed from Goodwins Road, Upper Woodstock PID 7177036. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.87	63 Newbon Road, Lucaston	Revise the zoning of that part of 63 Newbon Road, Lucaston folio of the Register 36413/1 located north-east of the boundary identified by coordinates E 502787.03 and N 5241293.75, and E 502990.11 and N 5241137.7 to Rural. Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.88	155 Francistown Road, Hopetoun Road and Huon Highway, Dover	Revise the zoning of the following properties to Rural and apply the Priority Vegetation Area overlay consistent with the Regional Ecosystem Model mapping: a. 155 Francistown Road, Dover folio of the Register 162543/2; b. 171 Francistown Road folio of the Register 26123/1; c. 188 Francistown Road folio of the Register 34949/1; d. that part of 155 Francistown Road, Dover folio of the Register 36624/3 north of the existing zone boundary; e. 26 Hopetoun Road, Dover folio of the Register 162543/1; f. 7304 Huon Highway, Dover folio of the Register 31297/1; g. that part of 7304 Huon Highway, Dover folio of the Register folio of the Register 12249/1 north of the existing zone boundary; and h. intersecting reserved roads as necessary to produce a uniform zoning pattern. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7.

		<i>Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.</i>
2.89	Bay Link and Flakemore Road, Franklin, and Harwoods Road, Castle Forbes Bay	Revise the zoning of the following properties to Rural: a. 34 Bay Link, Franklin folio of the Register 249012/1; b. Castle Forbes Road, Castle Forbes Bay folio of the Register 229458/1; c. 54 Flakemore Road, Franklin folio of the Register 164715/4; d. 433 Harwoods Road, Castle Forbes Bay folios of the Register 53182/1 and 167418/2; e. 460 Harwoods Road, Castle Forbes Bay folio of the Register 215507/1; f. Harwoods Road, Castle Forbes Bay folio of the Register 180867/2; g. Harwoods Road, Castle Forbes Bay folio of the Register 175557/3; h. Harwoods Road, Castle Forbes Bay folio of the Register 13859/6; i. Harwoods Road, Castle Forbes Bay folio of the Register 248735/1; j. the reserved road, tramway and Crown land between folios of the register 53182/1 and 249012/1; k. the reserved road adjoining the northern boundary of folio of the register 53182/1; l. the reserved road between folios of the register 175557/3 and 53182/1; m. the reserved road between folios of the register 175557/3 and 13859/6; n. the reserved road adjoining the northern boundaries of folios of the register 248735/1, 248735/1 and 215507/1; o. the reserved road intersecting folio of the Register 229458/1; and p. the reserved road between folios of the Register 229458/1 and 215507/1. Apply the Priority Vegetation Area overlay to 433 Harwoods Road, Castle Forbes Bay folios of the Register 53182/1 consistent with the Regional Ecosystem Model mapping. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.90	Pine Lodge Road, Glen Huon	Revise the zoning of 119 Pine Lodge Road, Glen Huon folio of the Register 35753/6 and that part of Pine Lodge Road, Glen Huon folio of the Register 35753/2 north-west of a line identified by coordinates E 500405.41, N 5234864.42 and E 500671.35, N 5234922.94 to Rural. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7.

		Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.91	Cemetery Road, Cradoc	Revise the zoning of 41 Cemetery Road, Cradoc folio of the Register 154428/1 to Rural and apply the Priority Vegetation Area overlay consistent with the Regional Ecosystem Model mapping and revise the zoning of 46 Cemetery Road, Cradoc folio of the Register 34737/1 to Rural and apply the Priority Vegetation Area overlay consistent with the diagram in the planning authority's submission in response to direction 67 (30 May 2023) dated 29 June 2023. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.</i>
2.92	North Huon Road, Ranelagh	Revise the zoning of 540 North Huon Road, Ranelagh folio of the Register 213051/1 and North Huon Road, Ranelagh folio of the Register 201822/1 to Rural. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.93	Banksia Road and Cudgee Road, Mountain River and Huon View Road, Lower Longley	Revise the zoning of the following properties to Rural and amend the Priority Vegetation Area overlay to match the area shown in the figure in the planning authority's response to direction 5 dated 19 April 2024: a. 77 Banksia Road, Mountain River folio of the Register 47027/5; b. Banksia Road, Mountain River folio of the Register 186299/1; c. 56 Cudgee Road, Mountain River folio of the Register 186300/1; d. 130 Cudgee Road, Mountain River folio of the Register 145379/6; and e. Huon View Road, Lower Longley folio of the Register 160523/4. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.</i>
2.94	35 Clear View Road, Crabtree	Revise the zoning of 35 Clear View Road, Crabtree folio of the Register 164986/1 to Rural. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7.

		<i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.95	Channel Highway and Sandhill Road, Cradoc	Revise the draft LPS as follows: a. revise the zoning of 7891 Channel Highway, Cradoc, folio of the Register 171691/1 to include the whole of the land in the Agriculture Zone and remove the Priority Vegetation Area overlay; b. revise the zoning of the reserved road intersecting 7891 Channel Highway, Cradoc, folio of the Register 171691/1 to Agriculture; c. revise the zoning of acquired road General Law deed 18/2905 to Agriculture and remove the Priority Vegetation Area overlay; and d. revise the zoning of 7943 Channel Highway folio of the Register 47781/1 and 6 Sandhill Road, Cradoc folio of the Register 125580/1 to the Rural Zone and apply the Priority Vegetation Area overlay to folio of the Register 47781/1 consistent with the Regional Ecosystem Model mapping. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural and Agriculture zones and Priority Vegetation Area overlay consistent with Guideline No. 1.</i>
2.96	Turn Creek Road, Grove	Revise the zoning of the 250 Turn Creek Road, Grove folio of the Register 44169/2, 317 Turn Creek Road, Grove folio of the Register 217078/1 and Turn Creek Road, Grove folios of the Register 202985/1 and 226619/1, 239187/1 and 48875/1 and the intersecting reserved roads to Rural and apply the Priority Vegetation Area overlay to 250 Turn Creek Road, Grove folio of the Register 44169/2 consistent with the diagram in the planning authority's submission in response to direction 11 (14 July 2023) dated 18 December 2023. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.97	68 O'Hallorans Road, Geeveston and Whale Point Road, Port Huon	Revise the zoning of 68 O'Hallorans Road, Geeveston folio of the Register 153917/1 and Whale Point Road, Port Huon folios of the Register 152992/2, 142071/1 and 152992/4 to Rural. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>

2.98	Huon Highway, Port Huon	Revise the zoning of Huon Highway, Port Huon folios of the Register 124936/8 and 124934/6 to Rural. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.99	Cygnnet Coast Road, Lymington	Revise the zoning of 67 Cygnnet Coast Road folio of the Register 181879/1, 101 Cygnnet Coast Road folio of the Register 48938/1 and 109 Cygnnet Coast Road, Lymington folio of the Register 38413/1 to Rural, and the zoning of the following properties to part Rural consistent with the diagram in the planning authority's submission dated 24 July 2023: a. 108 Cygnnet Coast Road, Lymington folio of the Register 147012/4; b. 122 Cygnnet Coast Road, Lymington folio of the Register 147012/3; c. 142 Cygnnet Coast Road, Lymington folio of the Register 171140/2; and d. 148 Cygnnet Coast Road, Lymington folio of the Register 171140/1. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. <i>Reason: To apply the Rural and Landscape Conservation zones consistent with Guideline No. 1.</i>
2.100	80 Bonds Road, Judbury	Revise the zoning of that part of 80 Bonds Road, Judbury folio of the Register 243901/1 located below the 240m AHD contour and the intersecting reserved road to Rural. Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.101	Fairy Falls Road, Geeveston	Revise the zoning of 161 Fairy Falls Road, Geeveston folio of the Register 37335/2 and 163 Fairy Falls Road, Geeveston folio of the Register 37335/1, the reserved road intersecting folio of the Register 37335/2, and the reserved road adjoining the eastern boundary of folio of the Register 37335/2 as necessary to produce a uniform zoning pattern to Rural. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>

2.102	159 and 162 Lloyds Road	Revise the zoning of 159 Lloyds Road, Franklin folio of the Register 33185/1 and 162 Lloyds Road folio of the Register 135702/5 and the reserved roads adjoining folio of the Register 33185/1 as necessary to provide a uniform zone pattern to Rural. <i>Reason: To apply the Rural Zone consistent with Guideline No.1.</i>
2.103	813 Nicholls Rivulet Road, Nicholls Rivulet	Revise the zoning of that part of 813 Nicholls Rivulet Road, Nicholls Rivulet folio of the Register 251581/1 located north-west of the boundary identified in Figure 1 of the planning authority's response to direction 13 dated 19 December 2023 to Rural. Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No.1.</i>
2.104	6150 Channel Highway, Garden Island Creek	Revise the zoning of 6150 Channel Highway, Garden Island Creek folio of the Register 28322/1 to Rural. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.105	283 Kent Beach Road, Dover	Revise the zoning of 283 Kent Beach Road, Dover folio of the Register 176601/1 to Rural and apply the Priority Vegetation to match the area shown in the figure in the planning authority's response to direction 7 dated 19 April 2024. <i>Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.</i>
2.106	7495 Huon Highway, Strathblane	Revise the zoning of 7495 Huon Highway, Strathblane folio of the Register 127603/1 to Rural. <i>Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.</i>
2.107	109 Fourfoot Road, Geeveston	Revise the zoning of 109 Fourfoot Road, Geeveston, folios of the Register 114861/1 and 114861/2 to Rural and apply the Priority Vegetation Area overlay consistent with the Regional Ecosystem Model mapping. <i>Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.</i>
2.108	789 Judds Creek Road, Judbury	Revise the zoning of 789 Judds Creek Road, Judbury folio of the Register 208297/1 and the intersecting Judds Creek as necessary to produce a uniform zoning pattern to Rural. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.109	Kiles Road, Castle Forbes	Revise the zoning of 3 Kiles Road folio of the Register 7692/1, 9 Kiles Road folio of the Register 7692/2, 135

	Road and Huon Highway, Castle Forbes Bay	Castle Forbes Road folio of the Register 119742/1 and 4015 Huon Highway, Castle Forbes Bay folio of the Register 181865/1 and that part of 126 Castle Forbes Road folio of the Register 121882/1 located on the southern side of Castle Forbes Road to Rural. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.110	94 Rifle Range Road, Cygnet	Revise the zoning of that part of 94 Rifle Range Road, Cygnet folio of the Register 38864/1 located below the 150m AHD contour at the western end of the property to Rural as shown in Figure 1 of the planning authority's response to direction 12 dated 15 December 2023. Land below the 150m AHD contour at the eastern end of the property must remain in the Landscape Conservation Zone. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No.1.</i>
2.111	Cudjee Road, Dip Road, Mountain River Road and Waggs Road, Mountain River	Revise the zoning of the following properties to Rural: a. 30 Cudjee Road, Mountain River folio of the Register 143302/1; b. 9 Dip Road, Mountain River folio of the Register 109436/2; c. 23 Dip Road, Mountain River folio of the Register 155678/2; d. 61 Dip Road, Mountain River folio of the Register 155678/1; e. 234 Mountain River Road, Mountain River folio of the Register 50730/2; f. 318 Mountain River Road, Mountain River folio of the Register 109436/1; g. 410 Mountain River Road, Mountain River folio of the Register 117544/1; h. 446 Mountain River Road, Mountain River folio of the Register 241223/1; i. Mountain River Road folio of the Register 182622/1; j. 1 Waggs Road, Mountain River folio of the Register 136005/1; k. 29 Waggs Road, Mountain River folio of the Register 136005/3; l. 36 Waggs Road, Mountain River folio of the Register 122929/4; m. that part of 25 Banksia Road, Mountain River folio of the Register 143302/2 located north of a line identified by coordinates E 509844.53 and N 5243577.7, E 509913.00 and N 243550.00, and E 510101.90 and N 5243612.96;

		n. that part of 25 Banksia Road, Mountain River folio of the Register 143302/2 located south of a line identified by coordinates E 509779.25 and N 5243319.60, E 509980.00 and N 5243413.00, E 510075.00 and N 5243336.00, E 510079.00 and N 5243230.00, E 510109.00 and N 5243150.00, E 510172.00 and N 5243142.00, E 510246.00 and N 5243275.00, E 510219.00 and N 5243304.00, and E 510425.36 and N 5243413.66; o. that part of 55 Cudgee Road, Mountain River folio of the Register 160209/1 located north and east of a line identified by coordinates E 510058.72 and N 5242866.08, E 510111.00 and N 5242866.00, and E 510227.99 and N 5242694.36, and east and south of Cudgee Road and the acquired road that dissects the property; p. that part of Dip Road, Mountain River folio of the Register 241136/1 located west of a line identified by coordinates E 509449.05 and N 5242718.8, and E 509510.71 and N 5242448.26; q. that part of 422 Mountain River Road, Mountain River folio of the Register 39901/3 located west of a line between the northernmost title corner of folio of the Register 45008/1 and the southernmost title corner of folio of the Register 241223/1; and r. the intersecting reserved roads as necessary to produce a uniform zone pattern. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. Revise the area of the Priority Vegetation Area overlay applied to the following properties so that it matches the area as shown in the figure in the planning authority's response to direction 16 dated 15 March 2024, except that the overlay must apply to the whole of that part of 55 Cudgee Road, Mountain River folio of the Register 160209/1 located south of Cudgee Road: a. 25 Banksia Road, Mountain River folio of the Register 143302/2 (align with zone boundary identified above where necessary); b. 55 Cudgee Road, Mountain River folio of the Register 160209/1 (align with zone boundary identified above where necessary); c. Dip Road, Mountain River folio of the Register 241136/1 (align with zone boundary identified above where necessary); d. 234 Mountain River Road, Mountain River folio of the Register 50730/2; e. 29 Waggs Road, Mountain River folio of the Register 136005/3; and

		f. 36 Waggs Road, Mountain River folio of the Register 122929/4. <i>Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.</i>
2.112	212 Scotts Road, Geeveston and 385 Scotts Road, Scotts Road, Barnard Road and Dawson Road, Cairns Bay	Revise the zoning of that part of 212 Scotts Road, Geeveston folio of the Register 237626/1 east of a line identified by coordinates E 495914.55 and N 5218750.80, and E 495968.53 and N 5218673.65 to Rural. Revise the zoning of the northern part of 129 Jetty Road, Waterloo, folio of the Register 168260/1 to Rural (zone boundary between title corners) and apply the Priority Vegetation Area overlay as identified in the diagrams included in the planning authority submission in response to direction 2 (10 April 2024) dated 19 April 2024. Revise the zoning of the following properties to Rural and apply the Priority Vegetation Area overlay to the land as identified in the diagrams included in the planning authority submission in response to direction 1 (9 August) dated 29 August 2023: a. 20 Dawson Road, Cairns Bay folio of the Register 224433/1; b. 70 Dawson Road, Cairns Bay folio of the Register 52374/1; c. 385 Scotts Road, Cairns Bay folio of the Register 237624/1 (shown Agriculture in the diagram); d. 388 Scotts Road, Cairns Bay folio of the Register 165935/2; e. 390 Scotts Road, Cairns Bay folio of the Register 165935/1; f. that part of 40 Phillips Road, Cairns Bay, folios of the Register 113657/1 and 160295/2 located south-west of a line identified by coordinates E 495924.5 and N 5217885.66, E 495981.32 and N 5217861.23, E 496048.85 and N 5217844.76, E 496103.74 and N 5217827.43, E 496194.88 and N 5217798.65, E 496156.73 and N 5217618.03, E 496184.45 and N 5217603.75, E 496193.51 and N 5217592.22, E 496207.51 and N 5217596.07, E 496210.53 and N 5217608.42, E 496320.88 and N 5217713, and E 496427.93 and N 5217714.65; and g. the reserved road adjoining the southern boundary of folio of the Register 237624/1. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.</i>

2.113	Silver Hill Road and Geards Road, Cygnet	Revise the zoning of the following properties to Rural: a. 251 Silver Hill Road, Cygnet folio of the Register 35468/1; b. 252 Silver Hill Road, Cygnet folios of the Register 24047/1 and 214611/1; c. 306 Silver Hill Road, Cygnet folio of the Register 139542/7; d. 93 Geards Road, Cygnet folio of the Register 30494/3; e. 139 Geards Road, Cygnet folio of the Register 30494/2; f. the reserved road intersecting folio of the Register 35468/1; and g. the reserved road adjoining folios of the Register 139542/7 and 214611/1 as necessary to produce a uniform zoning pattern. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.115	Clarks Road, Lower Longley	Revise the zoning of that part of Clarks Road, Lower Longley folio of the Register 234634/1 located north of the boundary identified by coordinates E 511821.11 and N 5244044.34, E 512059.45 and N 5244002.05, and E 512083.28 and N 5244137.22 as shown in the diagram in the Commission's direction to Guy Greener dated 12 March 2023 to Rural. Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.116	Cliffords Road, Deep Bay	Revise the zoning of Cliffords Road, Deep Bay folio of the Register 157269/3 to Rural. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.117	46 Norris Road, Surveyors Bay	Revise the zoning of 46 Norris Road, Surveyors Bay folios of the Register 138477/3 and 208395/1 and the reserved roads intersecting folio of the Register 138477/3 to Rural. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.118	115 Crabtree Road, Grove	Revise the zoning of 115 Crabtree Road, Grove folio of the Register 30262/5 to Rural and apply the Priority Vegetation Area overlay consistent with the diagram in the planning authority's submission in response to direction 69 (30 May 2023) dated 29 July 2023.

		Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.</i>
2.119	8391 Channel Highway, Cradoc	Revise the zoning of that part of 8391 Channel Highway, Cradoc folio of the Register 133624/1 zoned Environmental Management to Landscape Conservation. Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. <i>Reason: To apply the Landscape Conservation Zone consistent with Guideline No. 1.</i>
2.120	Basin Road and Huon Highway, Grove	Revise the zoning of the following properties to Rural and apply the Priority Vegetation Area overlay as identified in the diagrams included in the planning authority submission in response to direction 35 dated 29 June 2024: a. 20 Basin Road, Grove folio of the Register 157340/3; b. 2071 Huon Highway, Grove folio of the Register 242598/1; c. 2073 Huon Highway, Grove folio of the Register 103378/2; and d. 2125 Huon Highway, Grove folios of the Register 44369/1 and 180709/1 and the intersecting reserved road. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.121	Brittains Road and Dalys Hill Road, Garden Island Creek	Revise the zoning of Brittains Road folio of the Register 39880/1 and 97 Dalys Hill Road, Garden Island Creek folio of the Register 180918/1, the intersecting reserved road one the northern side of folio of the Register 180918/1, and the unknown casement adjoining both titles to Rural. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.122	Doodys Hill Road and Evans Road, Port Huon	Revise the zoning the following properties to Rural Living B: a. 13 Evans Road, Port Huon folio of the Register 174297/100; b. 15 Evans Road, Port Huon folio of the Register 159488/2; c. 21 Evans Road, Port Huon folio of the Register 174297/1; d. 23 Evans Road, Port Huon folio of the Register 174297/3; e. 25 Evans Road, Port Huon folio of the Register 174297/4;

		f. 29 Evans Road, Port Huon folio of the Register 174297/2; g. 31 Evans Road, Port Huon folio of the Register 169873/1; and h. the reserved road adjoining the eastern boundary of folio of the Register 169873/1 as necessary to produce a uniform zoning pattern. Revise the zoning the following properties to Rural: a. Doodys Hill Road, Port Huon folio of the Register 120538/3; b. 80 Doodys Hill Road, Port Huon folio of the Register 120538/4; c. 34 Evans Road, Port Huon folio of the Register 224515/1; and d. and the reserved road adjoining the eastern boundary of folios of the Register 120538/3, 120538/4 224515/1 and as necessary to produce a uniform zoning pattern. Remove the Priority Vegetation Area overlay from 54 Doodys Hill Road, Port Huon folio of the Register 236136/1. <i>Reason: To apply the Rural Living Zone, Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.</i>
2.123	71 Glenbervie Road, Dover	Revise the zoning of 71 Glenbervie Road, Dover folio of the Register 24293/1 to Rural. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.124	Norms Road, Glen Huon	Revise the zoning of Norms Road, Glen Huon folios of the Register 210040/1 and 244379/1 and the unknown casement intersecting folio of the Register 244379/1 to Rural. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.125	91 Lords Road, Peverata	Revise the zoning of 91 Lords Road, Peverata folio of the Register 138939/1 and 138560/10 to Landscape Conservation. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Landscape Conservation Zone consistent with Guideline No. 1.</i>
2.126	Rileys Creek Road, Geeveston	Revise the zoning of Rileys Creek Road, Geeveston folio of the Register 245793/1 to Utilities. <i>Reason: To apply the Utilities Zone consistent with Guideline No. 1.</i>

2.127	State Road Casement	Revise the zoning of the following land to Utilities: a. Crown land, Huon Highway, Franklin folios of the Register 229422/1, 225299/1, 229573/1, 247961/1 and 215403/1 consistent with the diagram in the submission made by the Department of State Growth dated 10 July 2023; b. acquired road, Huon Highway, Port Huon folio of the Register 207962/1; c. Crown land, Huon Highway, Port Huon folios of the Register 150052/2, 150052/1 and 148016/1; d. the intersection of Glen Huon Road and Sunny Hills Road, Glen Huon so that Sunny Hills Road is zoned Utilities to its centreline between acquired roads folios of the Register 140477/4 and 140477/5; e. Channel Highway, Cradoc folios of the Register 115816/1 and 115816/2; and f. acquired roads, Channel Highway, Cradoc folios of the Register 121592/3, 121592/2 and unidentified parcel located between folios of the Register 121592/4, 125576/1, 125575/1, 121592/3 and the Channel Highway. Revise the zoning of the road reserve alongside folio of the Register 141214/1 south of a line identified by coordinates 497298.47 E 5235805.18 N and 497366.48 E 5235771.64 N to Rural. Revise the zoning of the intersection of Glen Huon Road and Crane Road, Glen Huon consistent with the diagram in the submission made by the Department of State Growth dated 6 April 2023 and replace the zoning with the Rural, Agriculture and Environmental Management zones as necessary to produce a uniform zoning pattern. Revise the zoning of the following land to Utilities: a. 204 Main Street, Huonville folio of the Register 46649/4; b. acquired roads folios of the Register 183736/2 and 183736/3; c. acquired road, Huon Highway, Huonville folio of the Register 224439/1; d. Flood Road from the intersection with Sale Street to Channel Highway including folios of the Register 183736/8, 105650/1, 157268/103, 157687/10, 183733/2, 183733/1, 54067/1 and 145768/3; e. Flood Road part of folio of the Register 44670/100 to the intersection of Burwood Street; f. intersection of Huon Link Road and Knights Road, Huonville including acquired road folio of the Register 183736/6, 183736/7 and 34336/24; and g. that part of Knights Road, Huonville folios of the Register 251350/1, 183742/1 and 111738/1 identified in Figure 1 of Attachment 2 with the remaining part of the land zoned General Residential or Agriculture as necessary to provide a uniform zone pattern.

Revise the Priority Vegetation Area overlay by removing the overlay from that part of Knights Road, Huonville folio of the Register 111738/1 zoned Agriculture.

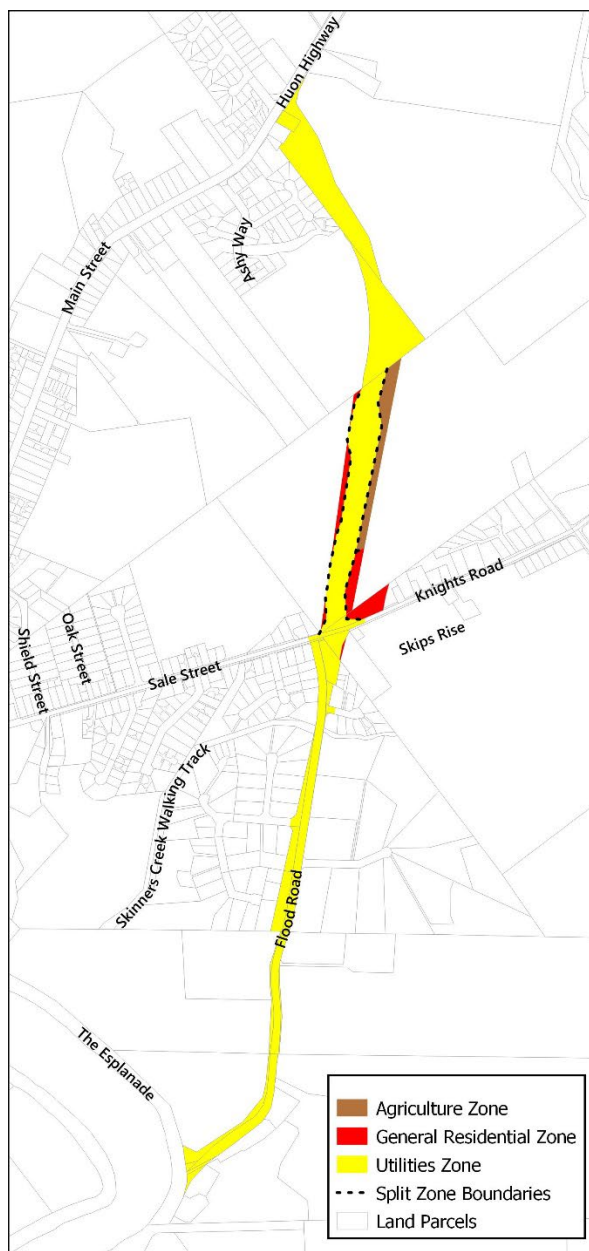


Figure 1 - Zoning of Huon Link Road

Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7.

Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7.

Reason: To apply the Utilities Zone consistent with Guideline No. 1.

2.128 Braeside Road
and Jacksons
Road, Franklin

Revise the zoning of the following properties to Rural:
a. 368 Braeside Road, Franklin folio of the Register 141613/2;

		b. 281 Jacksons Road, Franklin folio of the Register 182469/1; c. 293 Jacksons Road, Franklin folios of the Register 28783/1 and 28783/2; d. the reserved roads intersecting folios of the Register 28783/1 and 141613/2; and e. the reserved roads adjoining folios of the Register 28783/1 and 28783/2 as necessary to produce a uniform zoning pattern. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.129	200 Kermandie Road, Geeveston	Revise the zoning of 200 Kermandie Road, Geeveston folio of the Register 121400/1 to Rural. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.130	93 Griggs Road, Lucaston	Revise the zoning of 93 Griggs Road, Lucaston folio of the Register 239333/1 so the whole of the property is zoned Rural. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.131	99 Lonnavele Road, Judbury	Revise the zoning of 99 Lonnavele Road, Judbury folio of the Register 71684/1 to Rural. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.132	136 Rocky Creek Road, Crabtree	Revise the zoning of that part of 136 Rocky Creek Road, Crabtree folio the Register 168351/2 located on the western side of the boundary marked 'corners' in the diagram in the submission made by Thomas Mistry (Response to direction 20 issued on 21 February 2024) dated 29 February 2024 and the intersecting and adjoining reserved road to Rural. Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.133	8695 Channel Highway, Woodstock	Revise the zoning of 8794 Huon Highway folio of the Register 181410/1 and that part of 8695 Channel Highway, Woodstock folio of the Register 181411/3 located below the 80m AHD contour as shown in Figure 1 of the planning authority's response to direction 30 dated 18 December 2023 to Rural.

		Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone consistent with Guideline No.1.</i>
2.134	Arve Road, Geeveston	Revise the zoning of Arve Road, Geeveston folio of the Register 206894/1 to Rural and remove the Priority Vegetation Area overlay from that part of the land identified as 'cleared area' in the forest practices plan shown in Hearing Submission R75 - Troy Cordwell dated 31 July 2023. Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7. <i>Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No.1.</i>
2.135	Huon Highway, Dover folio of the Register 227734/1	Revise the zoning of that part of Huon Highway, Dover folio of the Register 227734/1 zoned Environmental Management and the intersecting reserved roads, and the reserved road adjoining the eastern boundary of the land to Landscape Conservation. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Landscape Conservation Zone consistent with Guideline No. 1.</i>
2.136	59 Meadow Road, Judbury	Revise the zoning of 59 Meadow Road, Judbury folio of the Register 143791/4 to Landscape Conservation. <i>Reason: To apply the Landscape Conservation Zone consistent with Guideline No. 1.</i>
2.137	Liddells Road, Crabtree	Revise the zoning of Liddells Road, Crabtree folio of the Register 183274/5 and the intersecting reserved road to Rural. <i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.138	Educational and Community Facilities	Revise the zoning of the following properties to Community Purpose: a. Cygnet Library at 27 Mary Street, Cygnet folio of the Register 243024/1; b. Wayraparattee Child and Family Centre at 4879 Huon Highway, Geeveston PID 5255061; and c. Franklin Primary School at 10 New Road, Franklin PID 5709406. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Community Purpose Zone consistent with Guideline No. 1.</i>

2.139	John Street, Geeveston	Revise the zoning of the following properties to General Residential: a. 35 John Street, Geeveston folio of the Register 184274/1; b. 37 John Street, Geeveston folio of the Register 184274/2; c. 39 John Street, Geeveston folio of the Register 184274/3; d. 41 John Street, Geeveston folio of the Register 184274/4; e. 43 John Street, Geeveston folio of the Register 184274/5; f. 45 John Street, Geeveston folio of the Register 184274/6; g. 47 John Street, Geeveston folio of the Register 184274/7; h. 49 John Street, Geeveston folio of the Register 184274/8; i. 51 John Street, Geeveston folio of the Register 184274/9; j. School Road, Geeveston folio of the Register 184274/10 and k. John Street, Geeveston folio of the Register 55928/58. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the General Residential Zone consistent with Guideline No. 1.</i>
2.140	32 Pine Lodge Road, Glen Huon and 6757 Channel Highway, Deep Bay	Revise the Priority Vegetation Area overlay by removing the overlay from 32 Pine Lodge Road, Glen Huon folio of the Register 140815/2 and 10 Sorell Street, Port Huon folios of the Register 153957/1 and 117160/4. Modify the Priority Vegetation Area overlay at 6757 Channel Highway, Deep Bay folio of the Register 60781/2 as shown in Figure 2 of the planning authority's response to direction 50 dated 29 June 2023. Remove the Priority Vegetation Area overlay from 6755 Channel Highway, Deep Bay folio of the Register 60781/1. <i>Reason: To apply the Priority Vegetation Area overlay consistent with Guideline No. 1.</i>
2.141	11 Norris Street, Cygnet	Revise the zoning of the road reserve (to its centreline) adjoining 11 Norris Street, Cygnet folio of the Register 170664/1 to Future Urban. Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7. <i>Reason: To apply the Future Urban Zone consistent with Guideline No. 1 and to meet the requirements of Practice Note 7.</i>

2.142	Electricity Infrastructure	Remove the Priority Vegetation Area overlay from that part of the following sites covered in hard surfaces, such as concrete or bitumen as identified in the representation made by TasNetworks dated May 2022: a. Kermandie substation and communication site at 4664 Huon Highway, Geeveston folio of the Register 213124/1; b. Huon River substation at 552 Southwood Road, Lonnavele folio of the Register 137916/1 identified by coordinates E 484977.27 and N 5233197.05; and c. Grey Mountain communication site at Snug Falls Road, Snug PID 5793513 identified by coordinates E 509484.37 and N 5229054.15. <i>Reason: To apply the Priority Vegetation Area overlay consistent with Guideline No. 1.</i>
2.143	Flood-prone Hazard Area Overlay	Apply the Flood-prone Hazard Area overlay consistent with the Riverine Inundation Hazard Area overlay in the Huon Valley Interim Planning Scheme 2015. <i>Reason: To apply the Flood-prone Hazard Area overlay consistent with Guideline No. 1 and to meet the declarations made by the Minister for Planning under Schedule 6 of the Act.</i>
2.144	Bushfire-Prone Hazard Area Overlay	Remove the Bushfire-Prone Hazard Area overlay from the land identified in the submission made by Tasmania Fire Service dated 22 June 2023. <i>Reason: To apply the Bushfire-Prone Hazard Area overlay consistent with Guideline No. 1.</i>
2.145	4015 Huon Highway, Castle Forbes Bay	Revise the Site-specific Qualifications overlay map by applying Site-specific Qualification overlay and clause number HUU-20.1 to 4015 Huon Highway, Castle Forbes Bay folio of the Register 181865/1. <i>Reason: To meet the technical requirements of Practice Note 7.</i>
2.146	46 and 60 Lymington Road, Cygnet	Revise the Site-specific Qualifications overlay map by applying Site-specific Qualification overlay and clause number HUU-20.2 to 46 and 60 Lymington Road, Cygnet folios of the Register 164743/3 and 164743/1. <i>Reason: To meet the technical requirements of Practice Note 7.</i>
2.147	15 Louisa Street, Cygnet	Revise the zoning of that part of 15 Louisa Street, Cygnet folio of the Register 136883/1 shown in the diagram below to General Residential:

		 General Residential <table border="1"> <thead> <tr> <th>MAP KEY</th> <th>EASTING</th> <th>NORTHING</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>505761.287</td> <td>5221742.895</td> </tr> <tr> <td>2</td> <td>505790.142</td> <td>5221750.884</td> </tr> <tr> <td>3</td> <td>505790.569</td> <td>5221749.540</td> </tr> <tr> <td>4</td> <td>505806.430</td> <td>5221754.027</td> </tr> <tr> <td>5</td> <td>505809.180</td> <td>5221739.215</td> </tr> <tr> <td>6</td> <td>505810.386</td> <td>5221739.543</td> </tr> <tr> <td>7</td> <td>505820.423</td> <td>5221887.861</td> </tr> </tbody> </table> <i>Reason: To include relevant modifications under section 35KA of the Act corresponding to amendment PSA-2-2019 to the Huon Valley Interim Planning Scheme 2015.</i>	MAP KEY	EASTING	NORTHING	1	505761.287	5221742.895	2	505790.142	5221750.884	3	505790.569	5221749.540	4	505806.430	5221754.027	5	505809.180	5221739.215	6	505810.386	5221739.543	7	505820.423	5221887.861
MAP KEY	EASTING	NORTHING																								
1	505761.287	5221742.895																								
2	505790.142	5221750.884																								
3	505790.569	5221749.540																								
4	505806.430	5221754.027																								
5	505809.180	5221739.215																								
6	505810.386	5221739.543																								
7	505820.423	5221887.861																								

3.0 Consequential and technical issues

- 3.1 Revise the draft LPS to include the technical modifications identified in Annexure A, to:
 - (a) meet the LPS requirements of the SPPs;
 - (b) correct references to relevant provisions;
 - (c) provide for the effective operation of the provisions; and
 - (d) reflect the terminology used in the SPPs.
- 3.2 Revise the draft LPS zone and overlay maps to:
 - (a) meet the declarations made by the Minister for Planning under Schedule 6 of the Act;
 - (b) reflect modifications consequential to modifications made to the draft LPS written document;
 - (c) fill any unzoned gaps in the zoning layer;
 - (d) remove any overlaps between adjoining zones;
 - (e) apply the schema set out in Appendix B of Practice Note 7 to each relevant Geographic Information System (GIS) dataset;
 - (f) apply the most recent version of overlays supplied by the LIST as some may have been modified since the original versions were published (e.g. the Electricity Transmission Infrastructure Protection overlay);
 - (g) remove any overlaps between features in the same overlay later that have different categories (excluding for transitioning local area objectives of SAPs and PPZs), such as: coastal inundation investigation areas and low coastal inundation hazard band;
 - (h) aggregate adjoining zone or overlay polygons sharing the same category, including zone type, landslip hazard bands, and aggregate

adjoining overlay polygons that have no required category, such as the priority vegetation areas;

- (i) align the boundaries of zones and parcel dependent overlays with parcel boundaries, based on the most recent version of the parcels dataset available from the LIST;
- (j) remove any zone or overlay shown outside the municipal area according to the Central Plan Register (CPR) map (including notes), current low water mark map on the LIST, and any areas described by section 35J(2) of the Act; and
- (k) present all GIS data in the recommended Geodatabase format provided to council by the Commission.

Reason: To make modifications of a technical nature or relevant to the implementation of the Local Provisions Schedule if the Local Provisions Schedule were approved under section 35L of the Act and to be consistent with Guideline No. 1.

Annexure A

Modifications to Huon Valley draft LPS written document

Huon Valley Local Provisions Schedule

HUO-Local Provisions Schedule Title

HUO1.1 This Local Provisions Schedule is called the Huon Valley Local Provisions Schedule and comprises all the land within the municipal area.

HUO-Effective Date

HUO-1.2 The effective date for this Local Provisions Schedule is <insert date>.

HUO-Local Area Objectives

HUO-28.0 Recreation Zone Local Area Objectives

Reference Number	Area Description	Local Area Objectives
HUO-28.1	Huonville Recreation Ground shown on an overlay map as HUO-28.1.	(a) To provide for a suitable mix of uses that: (i) are complementary and subservient to the primary role of the site as public open space for sporting, recreational and community use for the broader Huon Valley region; and (ii) fosters the integration, co-location and sharing of sporting, recreational and community facilities.

HUO-29.0 Open Space Zone Local Area Objectives

Reference Number	Area Description	Local Area Objectives
HUO-29.1	Huonville shown on an overlay map as HUO-29.1	(a) To provide for the area to be utilised as a regional open space and recreation destination, of a scale and quality which: (i) attracts visitation to the town from outside of the Huon Valley; and (ii) facilitates economic activity beyond its role as a Rural Service Centre; (b) To provide for a suitable mix of uses that support and activate the regional open space and recreation destination, which are small scale and/or connected with recreational uses, such as:

		(i) a kiosk/café or an outlet for hire of recreation equipment such as bikes or kayaks; (ii) space for uses such as food trucks/vans or a market; and (iii) social enterprise, recreational facilities and activities; which are sympathetic to the primary recreational use. (c) To provide for a suitable mix of uses which facilitate public recreational facilities within proximity to the Huon River, including: (i) small scale water access infrastructure, to facilitate the on-water linkages between Huonville and nearby townships; and (ii) display of art, and interpretation. (d) To provide for a suitable mix of uses that: (i) enable views of the Huon River particularly from public open space; and (ii) facilitate public foreshore access. (e) To maximise walkability and connectivity with safe, efficient and convenient movement for pedestrians and cyclists: (i) between residential, commercial and recreational areas within Huonville and to the Huon River; and (ii) between Huonville and nearby townships.

HUO-P1.0 Particular Purpose Zone - Future Road Corridor

HUO-P1.1 Zone Purpose

The purpose of the Particular Purpose Zone - Future Road Corridor is:

- HUO-P1.1.1 To identify land that may be required for a road corridor in the future.
- HUO-P1.1.2 To protect the corridor from use or development, including on adjacent land, which may affect the future safety, efficiency and amenity of the road corridor or the use or development on adjoining land.
- HUO-P1.1.3 To not compromise future road corridors by allowing use or development that prevents the road being constructed through its chosen route, as a result of an increase in social or economic costs.

HUO-P1.2 Local Area Objectives

This sub-clause is not used in this particular purpose zone.

HUO-P1.3 Definition of Terms

This sub-clause is not used in this particular purpose zone.

HUO-P1.4 Use Table

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Permitted	
Passive Recreation	
Resource Development	If for agricultural use excluding for controlled environment agriculture, tree farming and plantation forestry.
Utilities	If for minor utilities or road infrastructure.
Discretionary	
Resource Development	If not listed as Permitted.
Utilities	If not listed as Permitted.
Prohibited	
All other uses	

HUO-P1.5 Use Standards

This sub-clause is not used in this particular purpose zone.

HUO-P1.6 Development Standards for Buildings and Works**HUO-P1.6.1 Buildings and works**

Objective:	That buildings and works are for road infrastructure or do not prejudice the future use and development of land for road infrastructure.	
Acceptable Solutions		Performance Criteria
A1	Buildings or works are for the development of a road by, or under the direction of, the road authority.	P1 Buildings or works must not preclude the future use and development of land for road infrastructure.
A2	Buildings and other permanent improvements must comply with the consent of the Minister pursuant to section 9A(5) of the <i>Roads and Jetties Act 1935</i> , where the land is declared to be the intended line of a state highway or subsidiary road.	P2 No Performance Criterion.

HUO-P1.7 Development Standards for Subdivision**HUO-P1.7.1 Subdivision**

Objective:	That the subdivision of land does not prejudice the future use of land for road infrastructure.	
Acceptable Solutions		Performance Criteria
A1	Subdivision is for the purposes of creating a lot for the development of a road by, or under the direction of, the road authority.	P1 No Performance Criterion.
A2	Subdivision must comply with the consent of the Minister pursuant to section 9A(5) of the <i>Roads and Jetties Act 1935</i> , where the land is declared to be the intended line of a state highway or subsidiary road.	P2 No Performance Criterion.

HUO-P1.8 Tables

This sub-clause is not used in this particular purpose zone.

HUO-P2.0 Particular Purpose Zone - Southwood Integrated Timber Processing Site

HUO-P2.1 Zone Purpose

The purpose of the Particular Purpose Zone - Southwood Integrated Timber Processing Site is:

- HUO-P2.1.1 To recognise the regional economic importance of Southwood and its strategic location for timber, mineral and rural resources.
- HUO-P2.1.2 To integrate infrastructure and use within the site.
- HUO-P2.1.3 To provide for the protection of water resources.

HUO-P2.2 Local Area Objectives

This sub-clause is not used in this particular purpose zone.

HUO-P2.3 Definition of Terms

This sub-clause is not used in this particular purpose zone.

HUO-P2.4 Use Table

Use Class	Qualification
No Permit Required	
No uses	
Permitted	
Bulky Goods Sales	If for a timber yard.
Extractive Industry	
Manufacturing and Processing	If for the primary input is timber, mineral or agricultural resource.
Natural and Cultural Values Management	
Resource Processing	If primary input is timber, mineral or agricultural resource.
Service Industry	If primarily related to machinery or vehicles associated with timber, mineral or agricultural resource.
Storage	If for liquid fuel depot, solid fuel depot or wood yard.
Utilities	
Discretionary	
Emergency Services	

Use Class	Qualification
Food Services	
Manufacturing and Processing	If not listed as Permitted.
Research and Development	
Recycling and Waste Disposal	
Resource Processing	If not listed as Permitted.
Transport Depot and Distribution	
Vehicle Fuel Sales and Services	If primarily related to vehicles associated with timber, mineral or agricultural resource.
Prohibited	
All other uses	

HUO-P2.5 Use Standards

HUO-P2.5.1 Discretionary uses

Objective:	That Discretionary uses protect the operational efficiency of existing uses.	
Acceptable Solutions		Performance Criteria
A1 No Acceptable Solution.		P1 Discretionary uses must: (a) not compromise the operational efficiency of any existing use in the zone through conflicts over matters including vehicular access, amenity, operational hours, use and capacity of existing infrastructure; and (b) be of a scale or purpose that can complement existing uses.

HUO-P2.5.2 Location of use

Objective:	That Discretionary uses benefit from the site's strategic positioning.	
Acceptable Solutions		Performance Criteria
A1 No Acceptable Solution.		P1 Discretionary uses must benefit from the location of the site, existing infrastructure or forestry road network to the extent that the use cannot reasonably be located in a Light Industrial Zone or General Industrial Zone elsewhere in the municipal area.

HUO-P2.6 Development Standards for Buildings and Works

HUO-P2.6.1 Setback

Objective:	To protect the aesthetic and environmental qualities of the Huon River.
Acceptable Solutions	Performance Criteria
A1 Buildings must have a setback from the Huon River of not less than 100m excluding for a building with a gross floor area not more than 20m ² .	P1 Buildings must be sited to: (a) minimise adverse impact on the landscape as viewed from the Huon River; and (b) maintain soil and water quality alongside of the Huon River.

HUO-P2.7 Development Standards for Subdivision

This sub-clause is not used in this particular purpose zone.

HUO-P2.8 Tables

This sub-clause is not used in this particular purpose zone.

HUO-P3.0 Particular Purpose Zone - Franklin Marine and Tourism Precinct

HUO-P3.1 Zone Purpose

The purpose of the Particular Purpose Zone - Franklin Marine and Tourism Precinct is:

- HUO-P3.1.1 To provide for boat and ship building activities alongside education, recreation and tourism activities.
- HUO-P3.1.2 To retain and enhance access to the Huon River.

HUO-P3.2 Local Area Objectives

Reference Number	Area Description	Local Area Objectives
HUO-P3.2.1	Franklin Evaporators shown on an overlay map as HUO-P3.2.1 and in Figure HUO-P3.1.	To provide for: (a) the former industrial site, Franklin Evaporators (folio of the Register 45212/1), to become a tourism drawcard with a range of uses that complement and benefit from proximity to established boat building facilities and the Huon River. (b) To provide for a range of complementary uses.
HUO-P3.2.2	Franklin Marine and Tourism Precinct, within 15m of Main Road/Huon Highway, Franklin shown on an overlay map as HUO-P3.2.2 and in Figure HUO-P3.1.	To provide for: (a) development of a modest, single storey scale and design that is respectful of traditional residential form, exemplified by existing buildings along Main Road/Huon Highway, Franklin, that are located within the Franklin Heritage Specific Area Plan; and (b) commercial or community use.

HUO-P3.3 Definition of Terms

This sub-clause is not used in this particular purpose zone.

HUO-P3.4 Use Table

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Permitted	
Educational and Occasional Care	If not for a childcare centre, day respite facility, kindergarten and primary school.
General Retail and Hire	If related to boating or shipping.
Manufacturing and Processing	If related to boat or ship building.
Service Industry	If for the cleaning, maintenance or repair of boats or ships.
Sports and Recreation	If for an outdoor recreation facility.
Discretionary	
Community Meeting and Entertainment	
Food Services	
General Retail and Hire	If not for department store or supermarket.
Hotel Industry	If located on Folio of the Register 172539/1.
Pleasure Boat Facility	
Port and Shipping	
Research and Development	
Resource Processing	
Tourism Operation	
Visitor Accommodation	If located on Folio of the Register 172539/1.
Prohibited	
All other uses	

HUO-P3.5 Use Standards

This sub-clause is not used in this particular purpose zone.

HUO-P3.6 Development Standards for Buildings and Works**HUO-P3.6.1 Building height**

Objective:	That building height contributes positively to the streetscape and does not result in unreasonable adverse impact on amenity to adjoining land.
Acceptable Solutions	Performance Criteria
A1 Building height must be not more than: (a) 5m if within 20m of the centreline of Main Road/Huon Highway, Franklin; (b) 9m elsewhere.	P1 Building height must: (a) be the minimum necessary for the purpose of the building; (b) prevent visual impact when viewed from adjoining properties, due to bulk and height; (c) be consistent with the scale of other buildings in the zone; (d) not unreasonably overshadow adjacent public space; and (e) be not more than 8m if within 20m of the centreline of Main Road/Huon Highway, Franklin.

HUO-P3.6.2 Design

Objective:	That building design is sympathetic to typical buildings forms within the zone and within Franklin.
Acceptable Solutions	Performance Criteria
A1 Building design must address the street by: (a) providing the main pedestrian entrance to the building at the frontage; (b) avoiding large expanses of blank walls in the front façade and facades facing other public space boundaries; (c) screening mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar from view from the street and other public spaces; (d) incorporating roof-top service infrastructure, including service plants and lift structures, within the design of the roof; and (e) providing roof materials that consist of painted or unpainted tin, metal, Colorbond or equivalent.	P1 Building design must enhance the streetscape by: (a) providing the main access to the building in a way that addresses the street or other public space boundary; (b) treating large expanses of blank wall in the front façade and facing other public space boundaries with architectural detail or public art, so as to contribute positively to the streetscape and public space; (c) ensuring the visual impact of mechanical plant and miscellaneous equipment, such as heat pumps, air conditioning units, switchboards, hot water units or similar, is insignificant when viewed from the street; (d) ensuring roof-top service infrastructure, including service plants and lift structures, is screened so as to have insignificant visual impact; (e) having a roof pitch that when viewed in combination the height, scale, bulk and form of

	other building elements, complements typical building forms elsewhere in Franklin; (f) providing roof materials that consist of painted or unpainted tin, metal, Colorbond or equivalent; and (g) being consistent with any local area objectives provided for the area.
A2 No Acceptable Solution.	P2 A new building must: (a) have a height, scale, bulk and form that does not dominate other buildings in the zone; (b) if within 20m of the centreline of Main Street/Huon Highway have a height, scale, bulk and form that provides a strongly defined street edge and is respectful of traditional building patterns elsewhere in Franklin; and (c) not imitate any building listed on the Tasmanian Heritage Register or a Local Historic Heritage Code list in this planning scheme.

HUO-P3.6.3 No build areas

Objective:	To maintain important vistas of the Huon River from the Huon Highway and side roads.	
Acceptable Solutions		Performance Criteria
A1 Buildings and works within the area marked 'No Build Area' in Figure HUO-P3.1 must have a maximum height above existing ground level of not more than 0.25m.		P1 Buildings and works within the area marked 'No Build Area' in Figure HUO-P3.1 must have minimal intrusion on views of the Huon River from a public road.

HUU-P3.6.4 Public access

Objective:	To maintain public access to the Huon River.
Acceptable Solutions	Performance Criteria
A1 Buildings and works must not impede public access to the Huon River.	P1 Buildings and works must be designed or sited to maintain or enhance public access to the Huon River.

HUU-P3.7 Development Standards for Subdivision

HUU-P3.7.1 Maximum number of new lots off Main Street / Huon Highway

Objective:	To preserve the heritage and character values of Franklin by limiting the number of new lots that can be created if fronting Main Road/Huon Highway, Franklin.
Acceptable Solutions	Performance Criteria
A1 For a lot with frontage to Main Road/Huon Highway, Franklin, subdivision must create no more than one new lot from a parent lot in existence as at 1 July 2012.	P1 No Performance Criterion.

HUU-P3.7.2 Subdivision

Objective:	That subdivision is sympathetic to the historic pattern of subdivision and does not create potential for future incompatible development.
Acceptable Solutions	Performance Criteria
A1 No Acceptable Solution.	P1 Each lot, or a lot proposed in a plan of subdivision must not result in: (a) detriment to the heritage and character values of Franklin; (b) a pattern of subdivision unsympathetic to the heritage and character values of Franklin or the prevailing subdivision pattern; (c) size and shape of lots unsympathetic to the heritage and character values of Franklin or the prevailing subdivision pattern; (d) loss of curtilage to an existing building that contributes to the heritage and character values of Franklin; (e) potential for a confused understanding of the development of Franklin; and

	(f) an increased likelihood of future development that is incompatible with the heritage and character values of Franklin.

HUO-P3.8 Tables

This sub-clause is not used in this particular purpose zone.



Figure HUO-P3.1 No build areas

HUO-S1.0 Franklin Heritage Specific Area Plan

HUO-S1.1 Plan Purpose

The purpose of the Franklin Heritage Specific Area Plan is:

- HUO-S1.1.1 To recognise and protect the heritage and character values of Franklin that are set out in Table S1.9.1.
- HUO-S1.1.2 To provide for sympathetic building height, scale, bulk and form and subdivision design.
- HUO-S1.1.3 To recognise and protect vistas to and from the Franklin foreshore.

HUO-S1.2 Application of this Plan

- HUO-S1.2.1 The specific area plan applies to the area of land designated as Franklin Heritage Specific Area Plan on the overlay maps.

- HUO-S1.2.2 In the area of land to which this plan applies, the provisions of the specific area plan are in substitution for, and are in addition to, the provisions of:

- (a) Low Density Residential Zone;
 - (b) Rural Living Zone;
 - (c) Village Zone;
 - (d) Rural Zone;
 - (e) Recreation Zone;
 - (f) Open Space Zone;
 - (g) Environmental Management;
 - (h) Utilities zone;
 - (i) Signs Code; and
 - (j) Parking and Sustainable Transport Code,
- as specified in the relevant provision.

- HUO-S1.2.3 In addition to any other application requirements, the planning authority may require the applicant to provide any of the following information to determine compliance with development standards:

- (a) a conservation plan;
- (b) photographs, drawings or photomontages necessary to demonstrate the impact of the proposed development on the heritage values of the place;
- (c) a statement of significance; and/or
- (d) a heritage impact statement.

HUO-S1.3 Local Area Objectives

This sub-clause is not used in this specific area plan.

HUO-S1.4 Definition of Terms

This sub-clause is not used in this specific area plan.

HUO-S1.5 Use Table

This sub-clause is not used in this specific area plan.

HUO-S1.6 Use Standards

This sub-clause is not used in this specific area plan.

HUO-S1.7 Development Standards for Buildings and Works

HUO-S1.7.1 Building height

This clause is in substitution for Low Density Residential Zone - clause 10.4.2 Building height and clause 10.5.1 Non-dwelling development A1 and P1, Rural Living Zone - clause 11.4.2 Building height, setback and siting A1 and P1, Village Zone - clause 12.4.2 Building height, Rural Zone - clause 20.4.1 Building height, Recreation Zone - clause 28.4.1 Building height, setback and siting A1 and P1 and Open Space Zone - clause 29.4.1 Building height, setback and siting A1 and P1.

Objective:	That building height is sympathetic to the heritage and character values of Franklin and does not result in unreasonable impact on amenity of adjoining land.	
Acceptable Solutions		Performance Criteria
A1 Building height, excluding for an outbuilding or a fence, must be not more than: (a) 4m in the Open Space Zone; or (b) 5m otherwise.		P1 Building height must: (a) be consistent with the heritage and character values of Franklin. (b) be consistent with the height of existing buildings on adjoining properties, particularly any building on the Tasmanian Heritage Register; (c) be proportional to the scale, bulk and form of the building having regard to the heritage and character values of Franklin and any specific heritage values of adjacent buildings; (d) minimise loss of view to and from the Huon River foreshore from public land and roads; and (e) not cause an unreasonable loss of residential amenity on adjoining properties by: (i) overlooking and loss of privacy; (ii) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining properties to less than 3 hours between 9.00 am and 5.00 pm on June 21 or further decrease sunlight hours if already less than 3 hours; and (iii) visual impact when viewed from adjoining properties, due to bulk and height.

A2 A dwelling must have no more than one habitable storey excluding for a dormer room.	P2 No Performance Criterion.

HUU-S1.7.2 Setback

This clause is in substitution for Low Density Residential Zone - clause 10.4.3 Setback and clause 10.5.1 Non-dwelling development A2 and P2 and A3 and P3, Rural Living Zone - 11.4.2 Building height, setback and siting A2, P2, A3 and P3, Village Zone - clause 12.4.3 Setback, Rural Zone - clause 20.4.2 Setbacks, Recreation Zone - clause 28.4.1 Building height, setback and siting A2, P2, A3, P3, A4 and P4, Open Space Zone - 29.4.1 Building height, setback and siting A2, P2, A3, P3, A4 and P4.

Objective:	That building setback is sympathetic to the heritage and character values of Franklin, is sympathetic to the prevailing building setback from a frontage and does not result in unreasonable adverse impact on residential amenity to adjoining land.
Acceptable Solutions	Performance Criteria
A1 Buildings must be parallel to the frontage and have a setback from a frontage of: (a) not more than 3m; or (b) not less than an existing building on site if for an addition.	P1 Building setback from frontage must: (a) be compatible with the heritage and character values of Franklin; (b) be consistent with the prevailing building setback from frontage of other buildings on the same side of a road and within 100m of the site, generally maintaining a continuous building line in the streetscape; and (c) be sympathetic with the building setback from frontage of any building on the Tasmanian Heritage Register on or adjoining the site.
A2 Buildings must have a setback from side and rear boundaries of not less than 3m.	P2 Buildings must be sited from side and rear boundaries: (a) to retain existing or potential vehicular access to the rear of the site; (b) be appropriate for the height, scale, bulk and form of the building and other buildings in the streetscape having regard to the heritage and character values of Franklin; (c) be sympathetic to any building on the Tasmanian Heritage Register on or adjoining the site having regard to the height, scale, bulk and form; and (d) be sufficient to prevent an unreasonable loss of residential amenity to adjoining properties by: (i) overlooking and loss of privacy; (ii) overshadowing and reduction of sunlight to habitable rooms and private open space on

	adjoining properties to less than 3 hours between 9.00 am and 5.00 pm on June 21 or further decrease sunlight hours if already less than 3 hours; and (iii) visual impact, when viewed from adjoining properties, through building bulk and massing.

HUO-S1.7.3 Design

This clause is in addition to Low Density Residential Zone - clause 10.4 Development Standards for Dwellings and clause 10.5 Development Standards for Non-dwellings, Rural Living Zone - clause 11.4 Development Standards for Buildings and Works, Village Zone - clause 12.4 Development Standards for Buildings and Works, Rural Zone - clause 20.4 Development Standards for Buildings and Works, Recreation Zone - clause 28.4 Development Standards for Buildings and Works and Open Space Zone - clause 29.4 Development Standards for Buildings and Works.

Objective:	That building design is sympathetic to the heritage and character values of Franklin.	
Acceptable Solutions		Performance Criteria
A1 No Acceptable Solution.		P1 Building design for a new structure, excluding an outbuilding or a fence, must: (a) provide a height, scale, bulk and form that complements buildings within 100m of the site; (b) is sympathetic to any building on the Tasmanian Heritage Register within 100m of the site; (c) not result in detriment to the heritage and character values of Franklin; and (d) avoid imitation of a building on the Tasmanian Heritage Register within this Specific Area Plan.
A2 An addition to an existing building must be located to the rear of that building as viewed from the primary frontage.		P2 Additions to a building must complement the heritage and character values of Franklin.
A3 A building, excluding an outbuilding, must have a roof pitch no less than 22.5 degrees.		P3 A building, excluding an outbuilding, must have a roof pitch that when viewed in combination with the height, scale, bulk and form of other building elements complements the heritage and character values of Franklin.
A4 External wall cladding of a building must not be comprised of face brick, steel, masonry, cement		P4 External wall cladding of a building must when viewed in combination with the height, scale, bulk and form of

sheet, concrete or equivalent materials to more than 10% of the surface area.	the building complement the heritage and character values of Franklin.
A5 Roof materials must be tin, metal, Colorbond or equivalent.	P5 No Performance Criterion.

HUO-S1.7.4 Landscaping

This clause is in addition to Low Density Residential Zone - clause 10.4 Development Standards for Dwellings and clause 10.5 Development Standards for Non-dwellings, Rural Living Zone - clause 11.4 Development Standards for Buildings and Works, Village Zone - clause 12.4 Development Standards for Buildings and Works, Rural Zone - clause 20.4 Development Standards for Buildings and Works, Recreation Zone - clause 28.4 Development Standards for Buildings and Works and Open Space Zone - clause 29.4 Development Standards for Buildings and Works.

Objective:	That a safe and attractive landscaping treatment enhances the appearance of sites for non-residential use.	
Acceptable Solutions		Performance Criteria
A1 Landscaping along the frontage of a site is not required if: (a) development is associated with a residential use; or (b) an existing or proposed building extends across the width of the frontage (excluding for vehicular access ways) with a setback to frontage of less than 1m.	P1 Landscaping must be provided for sites for non-residential use to: (a) enhance the appearance of the development; (b) provide a range of plant height and forms to create diversity, interest and amenity; (c) not create concealed entrapment spaces; and (d) be compatible with the heritage and character values of Franklin.	

HUO-S1.7.5 Outdoor Storage Areas

This clause is in substitution for Low Density Residential Zone - clause 10.5.1 Non-residential development A6 and P6, Village Zone - clause 12.46 Outdoor storage areas, Recreation Zone - clause 28.4.2 Outdoor storage areas and Open Space Zone 29.4.2, and in addition to Rural Living Zone - clause 11.4 Development Standards for Buildings and Works and Rural Zone - clause 20.4 Development Standards for Buildings and Works.

Objective:	That outdoor storage areas for non-residential use do not detract from the appearance of the site or the locality.	
Acceptable Solutions		Performance Criteria
A1 Outdoor storage areas for a non-residential use must: (a) be located behind the building line and the goods and materials stored therein screened from public view; and	P1 Outdoor storage areas for a non-residential use must: (a) be located, treated or screened to not cause unreasonable loss of visual amenity of the locality; and	

(b) not encroach upon car parking areas, driveways or landscaped areas.	(b) not encroach upon car parking areas, driveways or landscaped areas.

HUO-S1.7.6 Fencing

This clause is in substitution for Low Density Residential Zone - clause 10.4.5 Frontage fences for all dwellings and clause 10.5.1 Non-dwelling development A5 and P5, Village Zone - clause 12.4.5 Fencing, and is in addition to Rural Living Zone - clause 11.4 Development Standards for Buildings and Works, Rural Zone - clause 20.4 Development Standards for Buildings and Works, Recreation Zone - clause 28.4 Development Standards for Buildings and Works and Open Space Zone - clause 29.4 Development Standards for Buildings and Works.

Objective:	That the height and design of a front fence is consistent with the heritage and character values of Franklin.	
Acceptable Solutions		Performance Criteria
A1 Fencing must: (a) fences and gates of greater height than 0.7m must not be erected within 4.5m of the frontage; and (b) fences along a frontage must be 60% transparent.		P1 Fencing must contribute positively to the heritage and character values of Franklin. having regard to: (a) the height of the fence which must be no more than 1m within 4.5m of a frontage; (b) the transparency of the fence which must be no less than 20% if along a frontage; (c) the prevailing height and transparency of fences along a frontage within 100m of the site; (d) the design of the fence; (e) the fence materials and construction; and (f) the nature of the use.

HUO-S1.7.7 Outbuildings

This clause is in addition to Low Density Residential Zone - clause 10.4 Development Standards for Dwellings and clause 10.5 Development Standards for Non-dwellings, Rural Living Zone - clause 11.4 Development Standards for Buildings and Works, Village Zone - clause 12.4 Development Standards for Buildings and Works, Rural Zone - clause 20.4 Development Standards for Buildings and Works, Recreation Zone clause - 28.4 Development Standards for Buildings and Works and Open Space Zone - clause 29.4 Development Standards for Buildings and Works.

Objective:	That the size, number and siting of outbuildings does not detract from the heritage and character values of Franklin.	
Acceptable Solutions		Performance Criteria
A1 Outbuildings (including garages and carports not incorporated within the dwelling) must: (a) have a combined floor area not more than 60m ² ; (b) have an individual floor area not more than 36m ² ; (c) have a building height not more than 4.5m; and		P1 Outbuildings (including garages and carports not incorporated within the dwelling) must be designed and located to: (a) not be visually prominent from the road; (b) maintain the primacy of the presentation of an existing or proposed dwelling or other commercial building on the site;

(d) have a setback from a frontage of not less than 5m greater than the setback of the existing or proposed dwelling on the site.	(c) be consistent with the scale of outbuildings on the site or in close visual proximity; and (d) be compatible with the heritage and character values of Franklin.

HUO-S1.7.8 Siting of car parking

This clause is in addition to Parking and Sustainable Transport Code - clause C2.0.

Objective:	That the location of uncovered car parking spaces does not detract from the heritage and character values of Franklin.	
Acceptable Solutions		Performance Criteria
A1 The siting of uncovered parking spaces for cars, boats or other vehicles must only be to the rear of the main building on the site as viewed from the primary frontage.		P1 The siting of uncovered parking spaces for cars, boats or other vehicles must satisfy all of the following: (a) maintain the primacy of the presentation of an existing or proposed dwelling or other commercial building on the site; and (b) be compatible with the heritage and character values of Franklin.

HUO-S1.7.9 Demolition

This clause is in addition to Low Density Residential Zone -clause 10.4 Development Standards for Dwellings and clause 10.5 Development Standards for Non-dwellings, Rural Living Zone - clause 11.4 Development Standards for Buildings and Works, Village Zone - clause 12.4 Development Standards for Buildings and Works, Rural Zone - clause 20.4 Development Standards for Buildings and Works, Recreation Zone clause - 28.4 Development Standards for Buildings and Works and Open Space Zone - clause 29.4 Development Standards for Buildings and Works.

Objective:	That the demolition in whole or in part of buildings or works does not detract from the heritage and character values of Franklin.	
Acceptable Solutions		Performance Criteria
A1 Demolition must not result in the loss of: (a) not more than 20m² of floor area; and (b) buildings or works within 20m of the frontage.		P1 Demolition must not result in the loss of: (a) buildings or works that are integral to the heritage and character values of Franklin; (b) contributory fabric or landscape elements, including plants, trees, fences, paths, outbuildings and other items, that contribute to the heritage and character values of Franklin; or (c) unless all of the following apply; (i) there are, environmental, social, economic or safety reasons of greater value to the

	community than the elements that contribute to heritage and character values of Franklin; (ii) there are no prudent or feasible alternatives; (iii) opportunity is created for a replacement building that must be more complementary to the heritage and character values of Franklin.

HUO-S1.7.10 Signs on local heritage places and in local heritage precincts and local historic landscape precincts

This clause is in substitution for Signs Code - clause C1.6.4 Signs.

Objective:	That the size, design and siting of signs complements and does not impact on the heritage and character values of Franklin that are set out in Table S1.9.1.
Acceptable Solutions	Performance Criteria
A1 No Acceptable Solution.	P1 A sign must: (a) be located in a manner that minimises impact on the heritage and character values of Franklin; (b) be placed so as to allow the architectural details of the building to remain prominent; (c) be of a size and design that must not substantially diminish the heritage and character values of Franklin; (d) be placed in a location on the building that would traditionally have been used as an advertising area if possible; (e) not dominate or obscure any historic signs forming an integral part of a building's architectural detailing or cultural heritage values; (f) have fixtures that do not damage historic building fabric, including but not restricted to attachments to masonry and wood, such as to using non-corrosive fixings inserted in mortar joints; (g) not project above an historic parapet or roof line if such a projection impacts on the cultural heritage significance of the building; (h) be of a graphic design that minimises modern trademark or proprietary logos not sympathetic to heritage character; and (i) not use internal illumination in a sign unless it is demonstrated that such illumination will not detract from the character and cultural heritage values of the building.

HUO-S1.7.11 No build areas

This clause is in addition to Low Density Residential Zone - clause 10.4 Development Standards for Dwellings and clause 10.5 Development Standards for Non-dwellings, Rural Living Zone - clause 11.4 Development Standards for Buildings and Works, Village Zone - clause 12.4 Development Standards for Buildings and Works, Rural Zone - clause 20.4 Development Standards for Buildings and Works, Recreation Zone clause - 28.4 Development Standards for Buildings and Works and Open Space Zone - clause 29.4 Development Standards for Buildings and Works.

Objective:	To preserve important vistas of the Huon River from side streets and lanes and from the Huon Highway near the entrance to Franklin.
Acceptable Solutions	Performance Criteria
A1 Buildings or works are not located within the areas depicted by grey hatching and marked 'no build areas' on the planning scheme maps.	P1 Buildings or works located within the areas depicted by grey hatching and marked no build areas on the planning scheme maps must have minimal intrusion into views of the Huon River from a public road.

HUO-S1.7.12 Multiple Dwelling Density

This clause is in addition to Low Density Residential Zone - clause 10.4.1 Residential density for multiple dwellings and Village Zone - clause 12.4.1 Residential density and servicing for multiple dwellings.

Objective:	To preserve the heritage and character values of Franklin by limiting the density of multiple dwellings.
Acceptable Solutions	Performance Criteria
A1 No more than two dwellings per site as in existence at 1 July 2012.	P1 No Performance Criterion.

HUO-S1.8 Development Standards for Subdivision

HUO-S1.8.1 Maximum Number of New Lots off Main Street / Huon Highway

This clause is in addition to Low Density Residential Zone - clause 10.6.1 Lot design, Rural Living Zone - clause 11.5.1 Lot design, Village Zone - clause 12.5.1 Lot design, Rural Zone - clause 20.5.1 Lot design, Recreation Zone - clause 28.5.1 Lot design and Open Space Zone - clause 29.5.1 Lot design.

Objective:	To preserve the heritage and character values of Franklin by limiting the number of new lots that can be created if fronting Main Road / Huon Highway.
Acceptable Solutions	Performance Criteria
A1 For a lot with frontage to Main Road / Huon Highway, subdivision must create no more than one new lot from a parent lot in existence as at 1 July 2012.	P1 No Performance Criterion.

HUO-S1.8.2 Subdivision

This clause is in addition to Low Density Residential Zone - clause 10.6.1 Lot design, Rural Living - clause 11.5.1 Lot design, Village Zone - clause 12.5.1 Lot design, Rural Zone - clause 20.5.1 Lot design, Recreation Zone - clause 28.5.1 Lot design and Open Space Zone - clause 29.5.1 Lot design.

Objective:	That subdivision is sympathetic to the historic pattern of subdivision and does not create potential for future incompatible development.
Acceptable Solutions	Performance Criteria
A1 No Acceptable Solution.	P1 Subdivision must not result in: (a) detriment to the heritage and character values of Franklin; (b) a pattern of subdivision unsympathetic to the heritage and character values of Franklin or the prevailing subdivision pattern; (c) size and shape of lots unsympathetic to the heritage and character values of Franklin or the prevailing subdivision pattern; (d) loss of curtilage to an existing building that contributes to the heritage and character values of Franklin; (e) potential for a confused understanding of the development of Franklin; and (f) an increased likelihood of future development that is incompatible with the heritage and character values of Franklin.

HUO-S1.9 Tables

Table S1.9.1 Heritage and character values in Franklin

Description	Franklin is a small, riverside rural township. Franklin's origins lie with the philanthropy of Lady Jane Franklin who formed 'the Settlement' during the 1830's in an area now known as Franklin. Franklin has since developed with a unique sense of place informed by its riverside setting and surrounding rural hinterland together with the form, scale and positioning of buildings. Franklin's numerous historic cultural heritage places also contribute to the sense of place of Franklin. The design, scale, bulk and form of all buildings contribute to the character of Franklin and its streetscapes.

Heritage and character values of Franklin.	Heritage and character values of Franklin, that are to be maintained, are as follows: (a) a strong linear form positioned between the Huon River and rural hills affording extensive views of the river and creating a strong sense of place; (b) the established and well-defined approaches to Franklin from the north and south; (c) evidence of the boundaries of 'the Settlement'; (d) the extensive reclaimed foreshore area providing opportunities for open space and recreation; (e) a mix of land uses, particularly along Main Street / Huon Highway, resulting in part from the lack of a central commercial area; (f) a dominance of single storey, modest dwellings with the majority dating from either pre-1910 or the inter-war period; (g) public and commercial buildings of a scale commensurate with older dwellings or, in some instances, key landmarks in the streetscape through the unique use of height, scale and brick facade; (h) a dominance of timber cladding and corrugated iron roofs (or modern equivalents) in buildings; (i) the strong street presence of dwellings and commercial buildings achieved through minimal frontage setbacks and design elements such as a front verandah or patio, that clearly define the main pedestrian access, which is positioned to face the street; (j) garages, carports, outbuildings and car parking areas positioned to the rear of buildings enhancing the street presence and primacy of dwellings and commercial buildings in the streetscape; (k) small-scale, transparent front fencing often complemented by incorporated low-level landscaping or physical front fencing substituted by low-level landscaping; (l) relatively narrow roads and lanes leading off Main Street / Huon Highway that exhibit low level road engineering, with the absence of kerb and gutter or a concrete footpath, and rise up towards the western slopes in, at times, ad hoc alignments.

HUO-S2.0 Eggs and Bacon Bay Specific Area Plan

HUO-S2.1 Plan Purpose

The purpose of the Eggs and Bacon Bay Specific Area Plan is:

HUO-S2.1.1 To retain the existing character of modest single storey shacks and dwellings set amongst native coastal vegetation.

HUO-S2.1.2 To provide for continued public access to the foreshore.

HUO-S2.2 Application of this Plan

HUO-S2.2.1 The specific area plan applies to the area of land designated as Eggs and Bacon Bay Specific Area Plan on the Planning Scheme maps.

HUO-S2.2.2 In the area of land this plan applies to, the provisions of the specific area plan are in substitution for, and/or in addition to, the provisions of:

- (a) Low Density Residential Zone;
 - (b) Landscape Conservation Zone; and
 - (c) Utilities Zone,
- as specified in the relevant provision.

HUO-S2.3 Local Area Objectives

This sub-clause is not used in this specific area plan.

HUO-S2.4 Definition of Terms

This sub-clause is not used in this specific area plan.

HUO-S2.5 Use Table

This sub-clause is in substitution for Low Density Residential Zone - clause 10.2 Use Table and Landscape Conservation Zone - clause 22.2 Use Table.

Use Class	Qualification
No Permit Required	
No uses	
Permitted	
Natural and Cultural Values Management	

Use Class	Qualification
Passive Recreation	
Residential	If for single dwelling, ancillary dwelling or home based business. Excluding on Folio of the Register 138460/11.
Utilities	If located on Folio of the Register 138460/11.
Visitor Accommodation	
Discretionary	
Utilities	Excluding if Permitted.
Prohibited	
All other uses	

This sub-clause is in substitution for Utilities Zone - clause 26.2 Use Table.

Use Class	Qualification
No Permit Required	
No uses	
Permitted	
Natural and Cultural Values Management	
Passive Recreation	
Utilities	If located on Folio of the Register 55788/21 and for the treatment of sewage.
Discretionary	
Sports and Recreation	
Utilities	Excluding if Permitted.
Prohibited	
All other uses	

HUO-S2.6 Use Standards

This sub-clause is not used in this Specific Area Plan.

HUO-S2.7 Development Standards for Buildings and Works

HUO-S2.7.1 Building Height

This clause is in substitution for Low Density Residential Zone - clause 10.4.2 Building height and 10.5.1 Non-dwelling development and Utilities Zone - clause 26.4.1 Building height, and Landscape Conservation Zone - clause 22.4.2 A1 and P1 Building Height, siting and exterior finishes.

Objective:	That building height: (a) contributes positively to the landscape; and (b) retains a modest scale of buildings.
Acceptable Solutions	Performance Criteria
A1 Building height must be no more than 5m.	P1 No Performance Criterion.

HUO-S2.7.2 Setback

This clause is in substitution for 10.0 Low Density Residential Zone - clause 10.4.3 Setback and clause 10.5.1 Non-dwelling development and 26.0 Utilities Zone - clause 26.4.2 Setbacks, and Landscape Conservation Zone - clause 22.4.2 A2 and P2, A3 and P3, and A4 and P4 Building Height, siting and exterior finishes.

Objective:	That building setback: (a) contributes positively to the coastal landscape; and (b) does not result in unreasonable adverse impact on residential amenity.
Acceptable Solutions	Performance Criteria
A1 Outbuildings must have a setback from a: (a) frontage of not less than 3m; (b) side boundary of not less than 3m; and (c) rear boundary of not less than 8m.	P1 Buildings must be sited to: (a) be sufficient to prevent an unreasonable loss of residential amenity by: (i) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining properties to less than 3 hours between 9.00 am and 5.00 pm on June 21 or further decrease sunlight hours if already less than 3 hours; (ii) overlooking and loss of privacy; (iii) visual impact when viewed from adjoining properties; (b) minimise adverse impact on the landscape and loss of native vegetation.

HUO-S2.7.3 Maximum gross floor area per lot

This clause in addition to Low Density Residential Zone - clause 10.4 Development Standards for Dwellings and clause 10.5.1 Non-dwelling development.

Objective:	That buildings are of a modest scale.
Acceptable Solutions	Performance Criteria

A1 Floor area of a building must not exceed the amount specified for the lot in Table S2.9.1.	P1 No Performance Criterion.

HUO-S2.8 Development Standards for Subdivision

HUO-S2.8.1 Subdivision

This clause is in substitution for 10.0 Low Density Residential Zone - clause 10 .6.1 Lot design and Utilities Zone - clause 26.5.1 Subdivision, and Landscape Conservation Zone - clause 22.5.1 Lot design.

Objective:	To prevent the subdivision of land within the Specific Area Plan.
Acceptable Solutions	Performance Criteria
A1 No subdivision.	P1 No Performance Criterion.

HUO-S2.9 Tables

Table S2.9.1 Maximum gross floor area per lot

Lot	Maximum gross floor area, excluding for an outbuilding	Maximum gross floor area for an outbuilding
138460/2	130	18
138460/3	130	18
138460/4	81	18
138460/5	102	18
138460/6	130	18
138460/7	125	18
138460/8	130	18
138460/9	115	18
138460/10	130	18

HUO-S3.0 Green Point Specific Area Plan

HUO-S3.1 Plan Purpose

The purpose of the Green Point Specific Area Plan is:

HUO-S3.1.1 To limit the number of buildings for residential and visitor accommodation use.

HUO-S3.2 Application of this Plan

HUO-S3.2.1 The specific area plan applies to the area of land designated as Green Point Specific Area Plan on the Planning Scheme maps.

HUO-S3.2.2 In the area of land this plan applies to, the provisions of the specific area plan are in substitution for, and/or in addition to, the provisions of:

- (a) Rural Living Zone,
as specified in the relevant provision.

HUO-S3.3 Local Area Objectives

This sub-clause is not used in this specific area plan.

HUO-S3.4 Definition of Terms

This sub-clause is not used in this specific area plan.

HUO-S3.5 Use Table

This sub-clause is in substitution for Rural Living Zone - clause 11.2 Use Table.

Use Class	Qualification
No Permit Required	
No uses	
Permitted	
Residential	If for a single dwelling.
Visitor Accommodation	
Discretionary	
No uses	
Prohibited	
All other uses	

HUO-S3.6 Use Standards

This sub-clause is not used in this specific area plan.

HUO-S3.7 Development Standards for Buildings and Works

HUO-S3.7.1 Maximum number of buildings for residential and visitor accommodation use

This clause is in addition to the Rural Living Zone - clause 11.4 Development Standards for Buildings and Works.

Objective:	To retain established limitations on residential development to protect the scenic landscape.	
Acceptable Solutions		Performance Criteria
A1	For the Residential Use Class no more than two single dwellings and no other residential use are to be constructed excluding for non-habitable structures.	P1 No Performance Criterion.
A2	For the Visitor Accommodation Use Class no more than two structures are to be constructed except for non-habitable buildings.	P1 No Performance Criterion.

HUO-S3.8 Development Standards for Subdivision

HUO-S3.8.1 Subdivision

This clause is in substitution for Rural Living Zone - clause 11.5.1 Lot design.

Objective:	To prevent the subdivision of land within the area to which this specific area plan applies.	
Acceptable Solutions		Performance Criteria
A1	Subdivision is prohibited.	P1 No Performance Criterion.

HUO-S3.9 Tables

This sub-clause is not used in this specific area plan.

HUO-Site-specific Qualifications

Reference Number	Site reference	Folio of the Register	Description (modification, substitution or addition)	Relevant Clause in State Planning Provisions
HUO-10.1	3494 Huon Highway, Franklin	170363/2	Additional Discretionary Use Classes for this site are: (a) Resource Development with the following qualification: ‘If for agriculture’; (b) Tourist Operation; and (c) Vehicle Parking.	Low Density Residential Zone - clause 10.2 Use Table
HUO-10.2	3300 Huon Highway, Franklin	169799/1	An additional Discretionary Use Class for this site is: Resource Processing with the following qualification: ‘Only if for the treating, processing and packing of produce (plant resources) from the area, for a brewery, cidery, distillery, winery, or similar, located not less than 100m from the Huon Highway frontage.’	Low Density Residential Zone - clause 10.2 Use Table
HUO-14.1	43 Mary Street, Cygnet	174298/0	An additional Permitted Use Class for this site is: Manufacturing and Processing with the following qualification: ‘Only for addition or alteration to existing glass manufacturing.’	Local Business Zone - clause 14.2 Use Table
HUO-19.1	85 Whale Point Road, and Whale Point Road, Port Huon	Land at Whale Point Road, Port Huon contained within 142071/4; and land, including any accretion to the sea, adjoining the Huon River identified as HUO-19.1 on the Site-specific Qualifications overlay map.	An additional Discretionary Use Class for this site is: Resource Development with the following qualification: ‘Only for aquaculture or a marine farming shore facility.’	General Industrial Zone - clause 19.2 Use Table
HUO-20.1	4015 Huon Highway, Castle Forbes Bay folio of the Register 181865/1	181865/1	A substitution for the qualification in Permitted Use Class -Manufacturing and Processing: ‘No qualification applies.’	Rural Zone - 20.2 Use Table

HUO-20.2	46 and 60 Lymington Road, Cygnet	164743/3 and 164743/1	A substitution for the qualification in Permitted Use Class -Food Services is: 'No qualification applies.'	Rural Zone - 20.2 Use Table
HUO-22.1	1118 Nicholls Rivulet Road, Nicholls Rivulet	143492/1	An additional Discretionary Use Class for this site is: Education and occasional care with the following qualification: 'Only if for a childcare centre, kindergarten, primary school, and/or secondary school.'	Landscape Conservation Zone - clause 22.2 Use Table
HUO-23.1	Wellington Park as defined in the <i>Wellington Park Act</i> 1993 ¹	Not applicable	An additional standard for the Environmental Management Zone is: Notwithstanding any other provision of this planning scheme, use or development of land in Wellington Park must be undertaken in accordance with the provisions of the management plan approved under section 23 of the <i>Wellington Park Act</i> 1993.	Environmental Management Zone - Clause 23.2

¹ Wellington Park means:

- (a) the area of land indicated as bounded by a heavy black line on Plan No. 2789 in the Central Plan Register, a reduced copy of which is set out, by way of illustration only, in Schedule 1 (*Wellington Park Act 1993*); or
- (b) that area of land as varied under sections 6, 7 and 8 of the *Wellington Park Act 1993*.

HUO-Code Lists

HUO-Table C3.1 Other Major Roads

Road	From	To
This table is not used in the Local Provisions Schedule.		

HUO-Table C6.1 Local Heritage Places

Reference Number	THR Number	Town /Locality	Street Address	Property Name	Folio of the Register	Description, Specific Extent, Statement of Local Historic Heritage Significance and Historic Heritage Values
HUO-C6.1.1	Not applicable	Huonville	138 Glen Road	Not applicable	138685/1	Refer to attached datasheet - HUO-C6.1.1.
HUO-C6.1.2	Not applicable	Franklin	12 Jacksons Road	Not applicable	251619/1	Refer to attached datasheet - HUO-C6.1.2.
HUO-C6.1.3	Not applicable	Glen Huon	672 Glen Huon Road	Valleyfield House	141089/1	Refer to attached datasheet - HUO-C6.1.3.
HUO-C6.1.4	Not applicable	Brooks Bay	23 White Cliffs Road, 352,354,364,368 , 376 Esperance Coast Road and adjoining Crown land	The Settlement	52146/7, 52146/8, 157639/2, 157639/4, 141531/1, 38182/1, 5269/1 52146/3	Refer to attached datasheet - HUO-C6.1.4. Specific Extent: Includes road reservation and foreshore reserves as shown on the overlay as HUO-C6.1.4.
HUO-C6.1.5	Not applicable	Dover	6626 Huon Highway	Not applicable	162218/1	Refer to attached datasheet - HUO-C6.1.5.
HUO-C6.1.6	Not applicable	Dover	Hope Island	Not applicable	Not applicable	Description: Hope Island ruins (Crown land) - Refer to attached datasheet - HUO-C6.1.6.
HUO-C6.1.7	Not applicable	Dover	6963 Huon Highway	Not applicable	7691/2	Refer to attached datasheet - HUO-C6.1.7.
HUO-C6.1.8	Not applicable	Geeveston	5093 Huon Highway	Not applicable	139166/1	Refer to attached datasheet - HUO-C6.1.8.
HUO-C6.1.9	Not applicable	Geeveston	68 O'Halloran's Road	Not applicable	152992/3	Refer to attached datasheet - HUO-C6.1.9.
HUO-C6.1.10	Not applicable	Geeveston	13 Church Street	Not applicable	34294/1	Refer to attached datasheet -

						HUO-C6.1.10.
HUO-C6.1.11	Not applicable	Geeveston	105 Fourfoot Road	Not applicable	114235/1	Refer to attached datasheet - HUO-C6.1.11.
HUO-C6.1.12	Not applicable	Waterloo	Land adjacent to 5528 Huon Highway	Not applicable	115970/1	Refer to attached datasheet - HUO-C6.1.12.

HUO-Table C6.2 Local Heritage Precincts

Reference Number	Town/Locality	Name of Precinct	Description, Statement of Local Historic Heritage Significance, Historic Heritage Values and Design Criteria / Conservation Policy
This table is not used in this Local Provisions Schedule.			

HUO-Table C6.3 Local Historic Landscape Precincts

Reference Number	Town/Locality	Name of Precinct	Description, Statement of Local Historic Heritage Significance, Historic Heritage Values and Design Criteria / Conservation Policy
This table is not used in this Local Provisions Schedule.			

HUO-Table C6.4 Places or Precincts of Archaeological Potential

Reference Number	Town/Locality	Property Name / Address/ Name of Precinct	Folio of the Register	Description, Specific Extent and Archaeological Potential
This table is not used in this Local Provisions Schedule.				

HUO-Table C6.5 Significant Trees

Reference Number	Town/Locality	Folio of the Register	Description / Specific Extent	Botanical Name	Common Name	No. of trees

This table is not used in the Local Provisions Schedule.						

HUO-Table C8.1 Scenic Protection Areas

Reference Number	Scenic Protection Area Name	Description	Scenic Value	Management Objectives
HUO-C8.1.1	Mountain River	The Mountain River Scenic Protection Area is in two parts, just outside Wellington Park. Both sections are on the slopes of Buzzietop. The Scenic Protection Areas occur to the west of the river, generally above the 250m contour and extending to a maximum elevation of 530m. Buzzietop has a summit elevation of 889m, with a high, prominent ridge at the head of the valley. The areas contain predominantly eucalypt forest with some cleared agricultural land in the larger area.	(a) The eucalypt forest on the steep slopes contributes to the apparent naturalness and remoteness of the Scenic Protection Area. (b) The Mountain River Trail passes through the smaller Scenic Protection Area on its way between Mountain River Road and Wellington Park. (c) The Huon Highway is a State managed highway, which is promoted as part of the Huon Trail connecting Hobart with visitor destinations to the south. (d) The scenic values are often enhanced by dramatic weather conditions including storms, fog in the valley and snow-capped hills and mountains.	(a) That vegetation is maintained as the dominant landscape element when viewed from public roads and places; (b) That development and works avoids impact on skylines; (c) That development and works minimises visibility from prominent view lines from roads and public places; and (d) That visual contrast between buildings and works and the natural bushland is minimised.
HUO-C8.1.2	Crabtree 1 (north-east of Crabtree Rivulet)	Crabtree Scenic Protection Area 1 is located about 600m to the north-east of Crabtree Road and is adjacent to Wellington Park which is located to the north. This area is located on the lower slopes of Buzzietop, above the 250m contour and extends to a maximum elevation of 530m on its eastern boundary. Buzzietop has a summit elevation of 889m, with a high, prominent ridge at the head of the valley.	(a) The eucalypt forest on the steep slopes, extending from Wellington Park, contributes to the naturalness and remoteness of the Scenic Protection Area. (b) The Huon Highway is a State managed highway, which is promoted as part of the Huon Trail connecting Hobart with visitor destinations to the south. (c) The scenic values are often enhanced by dramatic weather conditions including storms, fog in the valley and snow-capped hills and mountains.	(a) That vegetation is maintained as the dominant landscape element when viewed from public roads and places; (b) That development and works avoids impact on skylines; and (c) That visual contrast between buildings and works and the natural bushland is minimised.

		The area is predominantly eucalypt forest with small areas of cleared land.		
HUO-C8.1.3	Crabtree 2 (Blue Hill)	The Crabtree 2 (Blue Hill) Scenic Protection Area is located approximately 450m to the south-west of Crabtree Road, on the slopes of Blue Hill, which is between Crabtree Rivulet and Bakers Creek. The area is located above the 350m contour and extends to the summit of Blue Hill. Blue Hill has a summit elevation of 802m. The area is predominantly forested with a couple of small, cleared areas.	(a) The eucalypt forest on the ridgeline/skyline and steep slopes contributes to the naturalness and remoteness of the Scenic Protection Area. (b) The scenic values are often enhanced by dramatic weather conditions including storms, fog in the valley and snow-capped hills and mountains.	(a) That vegetation is maintained as the dominant landscape element when viewed from public roads and places; (b) That development and works avoids impact on skylines; and (c) That visual contrast between buildings and works and the natural bushland is minimised.
HUO-C8.1.4	Crabtree 3 (Crouchs Hill)	The Crabtree 3 (Crouchs Hill) Scenic Protection Area is located about 450m to the south-west of Crabtree Road and to the south-east of Mount Ruddy. It is located above the 250m contour and extends over the summit of Crouchs Hill and up to 430m in elevation up the slopes of Mount Ruddy. Crouchs Hill has a summit elevation of 352m and Mount Ruddy has an elevation of 440m. Crouchs Hill is a prominent landscape feature in the upper Huon Valley. It is predominantly forested with some cleared land on ridge lines and the summit of Crouchs Hill.	(a) The eucalypt forest on the ridgelines and skyline and steep slopes contributes to the naturalness of the Scenic Protection Area. (b) The Huon Highway is a State managed highway, which is promoted as part of the Huon Trail connecting Hobart with visitor destinations to the south. (c) The scenic values are often enhanced by dramatic weather conditions including storms, fog in the valley and snow-capped hills and mountains.	(a) That vegetation is maintained as the dominant landscape element when viewed from public roads and places; (b) That development and works avoids impact on skylines; and (c) That visual contrast between buildings and works and the natural bushland is minimised.

HUO-C8.1.5	Ranelagh (Wallers Hill and Newbons Hill)	The Ranelagh (Wallers Hill and Newbons Hill) Scenic Protection Area is between Bakers Creek Road, Lucaston and Browns Road Ranelagh. It is located immediately to the east of Mount Misery, starting just below the summit of Newbons Hill and running down-hill to the east and south to Wallers Hill, down to the 200m contour. Newbons Hill has a summit elevation of 490m elevation, and Wallers Hill has a summit elevation of 282m. Mount Misery has a summit elevation 697m.	(a) The size, rugged topography and extensive forest contributes to the naturalness and remoteness of the Scenic Protection Area. (b) The area is predominantly eucalypt forest with some agricultural land cleared on the ridge top accessible from Victoria Road. (c) The Huon Highway is a State managed highway, which is promoted as part of the Huon Trail connecting Hobart with visitor destinations to the south. (d) The scenic values are often enhanced by dramatic weather conditions including storms, fog in the valley and snow-capped hills and mountains.	(a) That vegetation is maintained as the dominant landscape element when viewed from public roads and places; (b) That development and works avoids impact on skylines; and (c) That visual contrast between buildings and works and the natural bushland is minimised.
HUO-C8.1.6	Grove (Basin Hill)	The Grove (Basin Hill) Scenic Protection Area is south-east of Grove. It covers much of Basin Hill, which dominates the landscape east of the highway, at the entry to the valley. The Scenic Protection Area is located above the 200m or 250m contour and extends to the summit of Basin Hill. The area is on the lower slopes of Herringback, which extends up to 748m. The area is located approximately 1km to the south of the Huon Highway. Basin Hill has a summit elevation of 503m.	(a) The eucalypt forest, very steep slopes and continuation of the undisturbed forest up to the Herringback above, contributes to the naturalness and remoteness of the Scenic Protection Area. (b) The area is covered with eucalypt forest with a cleared linear easement underneath high-voltage powerlines. (c) The Huon Highway is a State managed highway, which is promoted as part of the Huon Trail connecting Hobart with visitor destinations to the south. (d) The scenic values are often enhanced by dramatic weather conditions including storms, fog in the valley and snow-capped hills and mountains.	(a) That vegetation is maintained as the dominant landscape element when viewed from public roads and places; (b) That development and works avoids impact on skylines; and (c) That visual contrast between buildings and works and the natural bushland is minimised.
HUO-C8.1.7	Grove (Paradise Hill)	The Grove (Paradise Hill) Scenic Protection Area is located over the unnamed ridge to the north-west of Paradise Hill.	(a) The eucalypt forest on the slopes contributes to the naturalness of the Scenic Protection Area. (b) The area is predominantly forested with some cleared	(a) That vegetation is maintained as the dominant landscape element when viewed from public roads and places;

		The area is located above the 150m contour and extends to the 280m contour. It is located approximately 500m to the south-east of the Huon Highway. Paradise Hill has a summit elevation of 361m.	agricultural land on ridgetops. (c) The Huon Highway is a State managed highway, which is promoted as part of the Huon Trail connecting Hobart with visitor destinations to the south. (d) The scenic values are often enhanced by dramatic weather conditions including storms, fog in the valley and snow-capped hills and mountains.	(b) That development and works avoids impact on skylines; and (c) That visual contrast between buildings and works and the natural bushland is minimised.
HUO-C8.1.8	Huonville (Paradise Hill)	The Huonville (Paradise Hill) Scenic Protection Area is located on the lower western and southern slopes of Paradise Hill (summit elevation 361m). The area is located above the 150m contour and extends to the 320m contour. Paradise Hill has a summit elevation of 361m. The area is a forested area, sitting in front of a much higher forested ridge.	(a) The eucalypt forest within the area and the continuation of forested slopes up to the high ridge behind, contributes to the naturalness of the Scenic Protection Area. (b) The Huon River is a significant viewing point for visitors and locals, and Paradise Hill can be seen from the Huon River. (c) The Huon Highway is a State managed highway, which is promoted as part of the Huon Trail connecting Hobart with visitor destinations to the south. (d) The scenic values are often enhanced by dramatic weather conditions including storms, fog in the valley and snow-capped hills and mountains.	(a) That vegetation is maintained as the dominant landscape element when viewed from public roads and places; (b) That development and works avoids impact on skylines; and (c) That visual contrast between buildings and works and the natural bushland is minimised.
HUO-C8.1.9	Huonville (Shorts Hill)	The Huonville (Shorts Hill) Scenic Protection Area is located on the western slopes of Shorts Hill (summit elevation 573m). The area is located above the 100m contour and extends to the 500m contour. It is located approximately 300m to the east of the Channel Highway and 1km to the east the Huon Highway. Shorts Hill has a summit elevation of 573m.	(a) The eucalypt forest, steep slopes and high elevation contribute to the naturalness and remoteness of the Scenic Protection Area. (b) The Huon River is a significant viewing point for visitors and locals, and Shorts Hill can be seen from the Huon River. (c) The Huon Highway is a State managed highway, which is promoted as part of the Huon Trail connecting Hobart with visitor destinations to the south. (d) The Channel Highway connects Huonville to Cygnet and other coastal	(a) That vegetation is maintained as the dominant landscape element when viewed from public roads and places; (b) That development and works avoids impact on skylines; and (c) That visual contrast between buildings and works and the natural bushland is minimised.

		The area is predominantly forested with some cleared land on ridges.	towns in the Huon area, as well as to the municipal area of Kingborough. (e) The scenic values are often enhanced by dramatic weather conditions including storms, fog in the valley and snow-capped hills and mountains.	
HUO-C8.1.10	Woodstock (Woodstock Hill)	The Woodstock (Woodstock Hill) Scenic Protection Area covers all of Woodstock Hill, above the 150 m contour up to the summit at 356m. The area is 600m to the east of the Channel Highway and 2km east of the Huon Highway, across the Huon River. The area is predominantly forested, but includes some cleared land, particularly on the eastern side.	(a) The forested slopes and the setting of the area; surrounded by larger forested hills, contributes to the naturalness and remoteness of this Scenic Protection Area. (b) The Huon River and Franklin Foreshore are significant viewing points for visitors and locals, with the rowing course and sports ground also attracting large numbers of participants and spectators. (c) The Huon Highway is a State managed highway, which is promoted as part of the Huon Trail connecting Hobart with visitor destinations to the south. (d) The Channel Highway connects Huonville to Cygnet and other coastal towns in the Huon area, as well as the municipal area of Kingborough. (e) The scenic values are often enhanced by dramatic weather conditions including storms, fog in the valley and snow-capped hills and mountains.	(a) That vegetation is maintained as the dominant landscape element when viewed from public roads and places; (b) That development and works avoids impact on skylines; and (c) That visual contrast between buildings and works and the natural bushland is minimised.
HUO-C8.1.11	Cradoc/Cygnet (Balfes Hill)	The Cradoc/ Cygnet (Balfes Hill) Scenic Protection Area covers Balfes Hill, from the 150m contour up to the summit at 269m. It is about 400m east of the Channel Highway between Cradoc and Cygnet. It is 4.5km east of the Huon Highway at Castle Forbes Bay, on the other side of the Huon River.	(a) The eucalypt forest, steep slopes and backdrop of higher hills to the east and north contribute to the naturalness and remoteness of the Scenic Protection Area. (b) The Huon River is a significant viewing point for visitors and locals and the area is visible from the river. (c) The Huon Highway is a State managed highway, which is promoted as part of the Huon Trail connecting	(a) That vegetation is maintained as the dominant landscape element when viewed from public roads and places; (b) That development and works avoids impact on skylines; and (c) That visual contrast between buildings and works and the natural bushland is minimised.

		The area is predominantly forested with some cleared areas.	Hobart with visitor destinations to the south. (d) The Channel Highway connects Huonville to Cygnet and other coastal towns in the Huon area, as well as to the municipal area of Kingborough. (e) The scenic values are often enhanced by dramatic weather conditions including storms, fog in the valley and snow-capped hills and mountains.	
HUO-C8.1.12	Wattle Grove/Lower Wattle Grove	The Wattle Grove/ Lower Wattle Grove Scenic Protection Area is located on the western slopes of Silver Hill and Coads Hill, between Silver Hill Road and Wattle Grove Road. The area is between the 90m contour and the summit of Coads Hill and extends up to the 190m contour on Silver Hill. The area is a minimum of 350m east of Cygnet Coast Road and 2km east of the Huon Highway, on the other side of the Huon River. Coads Hill has an elevation of 308m, and Silver Hill has a summit elevation of 285m. The area is predominantly forested.	(a) The relatively undisturbed eucalypt forest on the slopes contributes to the naturalness of this Scenic Protection Area. (b) The Huon River acts as a significant viewing point for visitors and locals. (c) The Huon Highway is a State managed highway, which is promoted as part of the Huon Trail connecting Hobart with visitor destinations to the south. (d) The Cygnet Coast Road is an alternative 'scenic route' connecting Huonville to Cygnet. (e) The scenic values are often enhanced by dramatic weather conditions including storms, fog in the valley and snow-capped hills and mountains.	(a) That vegetation is maintained as the dominant landscape element when viewed from public roads and places; (b) That development and works avoids impact on skylines; and (c) That visual contrast between buildings and works and the natural bushland is minimised.
HUO-C8.1.13	Petcheys Bay (Mount Windsor to Black Jack Ridge)	The Petcheys Bay (Mount Windsor to Black Jack Ridge) Scenic Protection Area extends from the summit of Mount Windsor, south and east to the slopes of Black Jack Ridge, down to the 150m contour. The area is 500m north-east of Cygnet Coast Road at its closest points is 3.5km east of the Huon Highway, on the other side of the Huon River.	(a) The relatively undisturbed eucalypt forest on the slopes contributes to the naturalness of this Scenic Protection Area. (b) The Huon Highway is a State managed highway, which is promoted as part of the Huon Trail connecting Hobart with visitor destinations to the south. (c) The area is viewed from the Huon River, which is a significant viewing point for visitors and locals. Black Jack Ridge can also be viewed from Port Cygnet.	(a) That vegetation is maintained as the dominant landscape element when viewed from public roads and places; (b) That development and works avoids impact on skylines; and (c) That visual contrast between buildings and works and the natural bushland is minimised.

		Mount Windsor has a summit elevation of 384m, The area incorporates most of the forested land on the ridges, with only minor clearing and road development within its boundaries.	(d) The Cygnet Coast Road is an alternative 'scenic route' connecting Huonville to Cygnet. (e) The scenic values are often enhanced by dramatic weather conditions including storms, fog in the valley and snow-capped hills and mountains.	
HUO-C8.1.14	Lymington (Langdons Hill)	The Lymington (Langdons Hill) Scenic Protection Area runs from the summit of Langdons Hill, elevation 226m, down to the 50m contour, immediately north of Lymington. The area is approximately 350m north-west of Cygnet Coast Road. The area is predominantly forested with one area of cleared agricultural land in the north-east corner.	(a) The relatively undisturbed eucalypt forest on the steep slopes contributes to the naturalness of this Scenic Protection Area. (b) The Channel Highway connects Huonville to Cygnet, and other coastal towns in the Huon area, as well as to the municipal area of Kingborough. (c) The Cygnet Coast Road is an alternative 'scenic route' connecting Huonville to Cygnet. (d) The scenic values are often enhanced by dramatic weather conditions including storms, fog in the valley and snow-capped hills and mountains.	(a) That vegetation is maintained as the dominant landscape element when viewed from public roads and places; (b) That development and works avoids impact on skylines; and (c) That visual contrast between buildings and works and the natural bushland is minimised.
HUO-C8.1.15	Deep Bay/ Gardners Bay (Thomas Hill)	Deep Bay/Gardners Bay (Thomas Hill) Scenic Protection Area overlays Thomas Hill, and two unnamed ridges to the north, running down to the 100m contour. The area is located approximately 400m east of the Channel Highway. Thomas Hill has a summit elevation of 224m. The area is predominantly undisturbed forest with some cleared land on the northern side and some track development.	(a) The unbroken eucalypt forest on the ridges and the large, forested area of Mt Cygnet behind, contribute to the naturalness and remoteness of the Scenic Protection Area. (b) Thomas Hill can be viewed from Port Cygnet, which is a significant viewing point for visitors and locals. (c) The Channel Highway connects Huonville to Cygnet, and other coastal towns in the Huon area, as well as the municipal area of Kingborough. (d) The Cygnet Coast Road is an alternative 'scenic route' connecting Huonville to Cygnet. (e) The scenic values are often enhanced by dramatic weather conditions including storms, fog in the valley and	(a) That vegetation is maintained as the dominant landscape element when viewed from public roads and places; (b) That development and works avoids impact on skylines; and (c) That visual contrast between buildings and works and the natural bushland is minimised.

			snow-capped hills and mountains.	
HUO-C8.1.16	Glen Huon/ Huonville (Cannells Hill)	The Glen Huon/ Huonville (Cannells Hill) Scenic Protection Area is located on the northern and eastern slopes of Cannells Hill, above the 150m contour up to a maximum elevation of 410m. The area is west of Scenic Hill Road. The area is 560m west of the Huon Highway at its closest point, near the Huonville Bridge. The area is 800m west of the Channel Highway at its closest point, on the other side of the Huon River. Cannells Hill has a summit elevation of 442m.	(a) The size, height and steepness of Cannells Hill contributes to the naturalness of this Scenic Protection Area. (b) The Huon River is a significant viewing point for visitors and locals, and Cannells Hill can be seen from the Huon River. (c) The Huon Highway is a State managed highway, which is promoted as part of the Huon Trail connecting Hobart with visitor destinations to the south. (d) The Channel Highway connects Huonville to Cygnet and other coastal towns in the Huon area, as well as the municipal area of Kingborough. (e) The scenic values are often enhanced by dramatic weather conditions including storms, fog in the valley and snow-capped hills and mountains.	(a) That vegetation is maintained as the dominant landscape element when viewed from public roads and places; (b) That development and works avoids impact on skylines; and (c) That visual contrast between buildings and works and the natural bushland is minimised.
HUO-C8.1.17	Franklin (Lower slopes of Mansfields Hill)	The Franklin (lower slopes of Mansfields Hill) Scenic Protection Area is located to the west of Franklin, on the eastern slopes below Mansfields Hill. The area is located above the 150m contour and extends up to 350m. The area is a minimum of 450m west of the Huon Highway at Franklin. It is 2km west of the Channel Highway, on the other side of the Huon River. Mansfields Hill has a summit elevation of 516m. The area is a mix of forested and cleared land including a cleared powerline easement.	(a) The Huon River is a significant viewing point for visitors and locals, with the rowing course and sports ground attracting large numbers of participants and spectators. (b) The Huon Highway is a State managed highway, which is promoted as part of the Huon Trail connecting Hobart with visitor destinations to the south. (c) The Channel Highway connects Huonville to Cygnet, and other coastal towns in the Huon area, as well as to the municipal area of Kingborough. (d) The scenic values are often enhanced by dramatic weather conditions including storms, fog in the valley and snow-capped hills and mountains.	(a) That vegetation is maintained as the dominant landscape element when viewed from public roads and places; (b) That development and works avoids impact on skylines; and (c) That visual contrast between buildings and works and the natural bushland is minimised.

HUO-C8.1.18	Port Huon (Hynes Hill and Doodys Hill)	The Port Huon (Hynes Hill and Doodys Hill) Scenic Protection Area is located to the north-west of Port Huon, on the south-eastern slopes of Hynes Hill. It also includes the summit and goes down to the 150m contour. The area is about 600m to the west and north of the Huon Highway at its closest point. Hynes Hill and Doodys Hill have a summit elevation of 360m. The area has patches of native forest between cleared paddocks and roads. A high-voltage powerline easement runs through the area.	(a) The areas of eucalypt forest on the steep slopes, and the dominance of these hills on the skyline as viewed from nearby towns, contributes to the scenic value of the Scenic Protection Area. (b) The area is viewed from the Huon River, which is a significant viewing point for visitors and locals. (c) The Huon Highway is a State managed highway, which is promoted as part of the Huon Trail connecting Hobart with visitor destinations to the south. (d) The Cygnet Coast Road is an alternative 'scenic route' connecting Huonville to Cygnet. (e) The scenic values are often enhanced by dramatic weather conditions including storms, fog in the valley and snow-capped hills and mountains.	(a) That vegetation is maintained as the dominant landscape element when viewed from public roads and places; (b) That development and works avoids impact on skylines; and (c) That visual contrast between buildings and works and the natural bushland is minimised.
HUO-C8.1.19	Geeveston North	The Geeveston North Scenic Protection Area is a small area to the north of Geeveston, on an unnamed hill on the lower southern slopes of Doodys Hill. The area is located between the 20 and 110m contours. The area is located approximately 100m north of Arve Road and 200m north-west of the Huon Highway. Doodys Hill has a summit elevation of 360m. The area is mostly eucalypt forest with two cleared areas and a road.	(a) The Huon Highway is a State managed highway, which is promoted as part of the Huon Trail connecting Hobart with visitor destinations to the south. (b) The scenic values are often enhanced by dramatic weather conditions including storms, fog in the valley and snow-capped hills and mountains.	(a) That vegetation is maintained as the dominant landscape element when viewed from public roads and places; (b) That development and works avoids impact on skylines; and (c) That visual contrast between buildings and works and the natural bushland is minimised.
HUO-C8.1.20	Geeveston South	The Geeveston South Scenic Protection Area covers an unnamed hill between the 40m and 120m contours, on the	(a) The eucalypt forest contributes to the naturalness of the Scenic Protection Area. (b) The area is predominantly forested with a cleared area	(a) That vegetation is maintained as the dominant landscape element when viewed from public roads and places;

		lower north-western slopes of Ashlin Hill. The area is located approximately 220m to the east of the Huon Highway. Ashlin Hill has a summit elevation of 280m.	around a TasWater tank and access road. (c) The Huon Highway is a State managed highway, which is promoted as part of the Huon Trail connecting Hobart with visitor destinations to the south. (d) The scenic values are often enhanced by dramatic weather conditions including storms and fog.	(b) That development and works avoids impact on skylines; and (c) That visual contrast between buildings and works and the natural bushland is minimised.
HUO-C8.1.21	Port Huon (Whale Point Hill)	The Port Huon (Whale Point Hill) Scenic Protection Area is in two parts, to the south of Port Huon, on the upper slopes of Whale Point Hill, from the 150m contour up to the summit which has an elevation of over 230m, and over the nearby unnamed hilltop to the south-west. The area is approximately 420m north-east of the Huon Highway and 2km west of Cygnet Coast Road, on the other side of the Huon River. The area is mostly cleared land with scattered paddock trees, with eucalypt forest on the south-east-facing slopes.	(a) The Cygnet Coast Road is an alternative 'scenic route' connecting Huonville to Cygnet. (b) The area is visible from the Huon River, which is a significant viewing point for visitors and locals. (c) The Huon Highway is a State managed highway, which is promoted as part of the Huon Trail connecting Hobart with visitor destinations to the south. (d) The scenic values are often enhanced by dramatic weather conditions including storms, fog in the valley and snow-capped hills and mountains.	(a) That vegetation is maintained as the dominant landscape element when viewed from public roads and places; (b) That development and works avoids impact on skylines; and (c) That visual contrast between buildings and works and the natural bushland is minimised.
HUO-C8.1.22	Dover East (Reeves Hill)	The Dover East (Reeves Hill) Scenic Protection Area is north and east of Dover, on the upper slopes of Reeves Hill. It covers the summit and extends down as low as the 150m contour. The area is approximately 750m north-east of the Huon Highway. Reeves Hill has a summit elevation of 328m. The area is predominantly forested, with two areas of cleared	(a) The extensive area of relatively undisturbed forest contributes to the naturalness of the Scenic Protection Area. (b) The area is viewed from Port Esperance, which is a significant viewing point for visitors and locals. (c) The Huon Highway is a State managed highway, which is promoted as part of the Huon Trail connecting Hobart with visitor destinations to the south. (d) The scenic values are often enhanced by dramatic weather conditions including storms, fog in the valley and	(a) That vegetation is maintained as the dominant landscape element when viewed from public roads and places; (b) That development and works avoids impact on skylines; and (c) That visual contrast between buildings and works and the natural bushland is minimised.

		land and some partially cleared forest at the summit.	snow-capped hills and mountains.	
HUO-C8.1.23	Dover West	The Dover West Scenic Protection Area is north-west of Dover, on the slopes of an unnamed hill south of Wallaby Flat. The area is located above the 150m contour and extends up to the summit of the hill, at 250m. The area is approximately 400m west of the Huon Highway. The area has regrowth forest and cleared paddocks on the lower slopes and is cleared around the top of the hill, with large areas of Private Timber Reserve.	(a) The area is viewed from Port Esperance, which is a significant viewing point for visitors and locals. (b) The Huon Highway is a State managed highway, which is promoted as part of the Huon Trail connecting Hobart with visitor destinations to the south. (c) The scenic values are often enhanced by dramatic weather conditions including storms, fog in the valley and snow-capped hills and mountains.	(a) That vegetation is maintained as the dominant landscape element when viewed from public roads and places; (b) That development and works avoids impact on skylines; and (c) That visual contrast between buildings and works and the natural bushland is minimised.

HUO-Table C8.2 Scenic Road Corridors

Reference Number	Scenic Road Corridor Description	Scenic Value	Management Objectives
HUO-C8.2.1	<i>Huon Highway: Lower Longley to Grove (northern section)</i> The Northern Gateway into the Huon Valley. The road corridor winds through the vegetated hills (Crawfords Hill and Bullock Hill) of Lower Longley and then at Grove the road descends into the valley which is characterised by productive agricultural land. <i>Huon Highway: Grove to Huonville (southern section)</i> The road corridor extends through a mixture of pasture, and orchards within a relatively narrow strip of land between the Huon Highway and Mountain River to the north-west and vegetated hills (Paradise Hill, Basin Hill) to the south-east of the highway. The Huon Highway is a State managed highway, which is promoted as part of the Huon	<i>Huon Highway</i> (a) The descent from Lower Longley down into Grove is the gateway to the Huon Valley and contributes significantly to the scenic values of Southern Tasmania. (b) The scenic value of this area is often enhanced by dramatic weather patterns including fog in the valley and snow-capped hills and mountains. (c) The Scenic Road Corridor provides visual amenity to the traveller experience and establishes a sense of place for residents. <i>Huon Highway, Lower Longley to Grove (northern section)</i> (a) In the northern section, the native vegetation within the road corridor and beyond, interspersed with rural residential properties, provides diversity in views to the traveller, and is important in creating a transition in character to the agricultural/rural landscapes to the south. (b) Views to the surrounding vegetated hills, and mountains enhance the scenic value of the corridor. <i>Huon Highway, Grove to Huonville (southern section)</i> (a) In the southern section, there are agricultural/rural landscapes with a mixture of orchards and open, rural grazing land with gentle undulations in the topography in the valley. (b) Exotic trees and hedgerows within the scenic road corridor and beyond provide visual diversity and character, seasonal change can be seen with attractive displays of spring blossom and autumnal leaves on deciduous trees. (c) Small patches of native vegetation within the scenic road corridor and beyond provide visual diversity and contribute to the natural appeal of the area. (d) Views from the Scenic Road Corridor include the historic residential and farm buildings, orchards and grazing animals which make up the rural character of the valley in the foreground; (e) Views to the surrounding vegetated hills, and mountains enhance the scenic value of the corridor.	(a) To provide and maintain view corridors along the road alignment that enhance the traveller experience, through the set back of buildings from the road corridor and minimising building bulk in proximity to the road; (b) That development and works minimises visual obtrusion on prominent view lines; (c) That impacts on prominent sightlines to local heritage places listed in Table C6.1 seen from the highway are minimised; and (d) That tourism visitor information system (TVIS) signage or other coordinated and branded commercial signage, is encouraged over individual signage, or otherwise unreasonably interferes with the character of the landscape.

	Trail connecting Hobart with visitor destinations to the south. An increasing number of local residents use this road on a daily basis to commute between Hobart and Huonville.	(f) The strong contrast between the developed foreground along the valley floor and the background of the surrounding vegetated hill-faces contributes to the scenic value.	
HUO-C8.2.2	<i>Huon Highway: Huonville to Franklin</i> The road corridor extends through a mixture of pasture and orchards to the west and has a relatively narrow strip of land between the Huon Highway and the Huon River to the east. The Huon Highway is a State managed highway, which is promoted as part of the Huon Trail connecting Hobart with visitor destinations to the south. An increasing number of local residents use this road on a daily basis to commute between Hobart and Huonville.	(a) The Huon River is a major river estuary that contributes significantly to the scenic values of Southern Tasmania. (b) Views to the surrounding vegetated hills, peaks and mountains enhance the scenic value of the corridor. (c) Views from the Scenic Road Corridor include: (i) the Huon River and flood plains in the foreground; (ii) the Egg Islands, which contribute to the natural aesthetic appeal of the Scenic Road Corridor. (d) Views of the Huon River and floodplains can consist of: (i) wildlife such as migratory birds, (ii) river craft, including rowing and sailing boats, which can often be seen on the water; and (iii) jetties with moored boats, which provide a point of interest in the landscape. (e) The strong contrast between the developed foreground along the road corridor, and the background of the surrounding vegetated hill-faces, to the north-west of the highway and to the north-east of the Huon River in the middle ground contributes to the scenic value. (f) The Scenic Road Corridor provides opportunities to view the historic residential and farm buildings, orchards and grazing animals which make up the rural character of the valley in the foreground. (g) Exotic trees and hedgerows within the scenic road corridor and beyond provide visual diversity and character, seasonal change can be seen with attractive displays of spring blossom and autumnal leaves on deciduous trees.	(a) To provide and maintain view corridors along the road alignment that enhance the traveller experience, through the set back of buildings from the road corridor and minimising building bulk in proximity to the road; (b) That development and works minimises visual obstruction on prominent view lines to visually significant and notable local landforms, waterforms, vegetation and/or cultural features, such as the Wellington Range (Sleeping Beauty); (c) That impacts on prominent sightlines to local heritage places listed in Table C6.1 seen from the highway are minimised; and (d) That tourism visitor information system (TVIS) signage or other coordinated and branded commercial signage, is encouraged over individual signage, or otherwise unreasonably interferes with the character of the landscape.

		(h) Small patches of native vegetation within the scenic road corridor and beyond provide visual diversity and contribute to the natural appeal of the area. Seasonal change can be seen with attractive displays of flower blossom, the most visible being the Silver Wattle (<i>Acacia dealbata</i>) in Spring. (i) The scenic value of this area is often enhanced by remarkable reflections in the calm river waters, and dramatic weather patterns including fog in the valley, and snow-capped hills and mountains. (j) Views to Sleeping Beauty to the north and Tongatabu to the south in the mid to far background. (k) The Scenic Road Corridor provides visual amenity to the traveller experience and establishes a sense of place for residents.	
HUO-C8.2.3	<i>Huon Highway: Franklin to Castle Forbes Bay to Port Huon</i> The road corridor extends through a mixture of pasture and orchards to the west and has a relatively narrow strip of land between the Huon Highway and the Huon River to the east. The Huon Highway is a State managed highway, which is promoted as part of the Huon Trail connecting Hobart with visitor destinations to the south.	(a) The Huon River is a major river estuary that contributes significantly to the scenic values of Southern Tasmania. (b) The Scenic Road Corridor provides opportunities to view the Huon River and flood plains in the foreground and middle-ground. (c) The Huon River and floodplains allows viewing of wildlife including migratory birds. (d) Views to the Egg Islands contribute to the natural aesthetic appeal of the Scenic Road Corridor. (e) River craft, including rowing and sailing boats, can often be seen on the water and moored boats and jetties also provide a point of interest in the landscape. (f) There is a strong contrast between the developed foreground along the road corridor, and the background of the surrounding vegetated hill-faces, to the north-west of the highway and to the north-east of the Huon River. (g) The Scenic Road Corridor provides opportunities to view the historic residential and farm buildings, orchards and grazing animals which make up the rural character in the foreground. (h) Exotic trees and hedgerows within the scenic road corridor and beyond provide visual diversity and character, seasonal change can be seen with attractive displays of spring blossom and autumnal leaves on deciduous trees. (i) Small patches of native vegetation within the scenic road corridor and beyond provide visual diversity and contribute to the natural appeal of the area. Seasonal	(a) To provide and maintain view corridors along the road alignment that enhance the traveller experience, through the set back of buildings from the road corridor and minimising building bulk in proximity to the road; (b) That development and works minimises visual obstruction on prominent view lines to visually significant and notable local landforms, waterforms, vegetation and/or cultural features, such as the Huon River, Sleeping Beauty, Tongatabu and other significant landmarks seen from the highway; (c) That impacts on prominent sightlines to local heritage places listed in Table C6.1 seen from the highway are minimised; and (d) That tourism visitor information system (TVIS) signage or other coordinated and branded commercial signage, is encouraged over individual signage, or otherwise unreasonably interferes with the character of the landscape.

		change can be seen with attractive displays of flower blossom, the most visible being the Silver Wattle (<i>Acacia dealbata</i>) in spring. (j) The scenic value of this area is often enhanced by remarkable reflections in the calm river waters, and dramatic weather patterns including fog in the valley, and snow-capped hills and mountains. (k) Views to the surrounding vegetated hills, and mountains enhance the scenic value of the corridor. (l) The Scenic Road Corridor provides visual amenity to the traveller experience and establishes a sense of place for residents.	
HUO-C8.2.4	<i>Huon Highway: Geeveston to Waterloo to Surges Bay</i> The Huon Highway is a State managed highway, which is promoted as part of the Huon Trail connecting Hobart with visitor destinations to the south.	(a) The Huon River is a major river estuary that contributes significantly to the scenic values of Southern Tasmania. (b) The Scenic Road Corridor provides opportunities to view glimpses of the Huon River and its eastern shore. (c) Views of note along this stretch of road include those to Rileys Creek Reservoir and Surges Creek. (d) There is a strong contrast between the developed foreground along the road corridor and the background of the surrounding vegetated hill-faces to the west of the highway in the middle ground. (e) The Scenic Road Corridor provides opportunities to view the historic residential and farm buildings, orchards and grazing animals which make up the rural character in the foreground. (f) Exotic trees and hedgerows within the scenic road corridor and beyond provide visual diversity and character, seasonal change can be seen with attractive displays of spring blossom and autumnal leaves on deciduous trees. (g) Native vegetation within the scenic road corridor and beyond provides visual diversity and contributes to the natural appeal of the area. Seasonal change can be seen with attractive displays of flower blossom, the most visible being the Silver Wattle (<i>Acacia dealbata</i>) in spring. (h) The scenic value of this area is often enhanced by dramatic weather patterns including fog and snow-capped hills and mountains. (i) The Scenic Road Corridor provides visual amenity to the traveller experience and establishes a sense of place for residents.	(a) To provide and maintain view corridors along the road alignment that enhance the traveller experience, through the set back of buildings from the road corridor and minimising building bulk in proximity to the road; (b) That development and works minimises visual obstruction on prominent view lines to visually significant and notable local landforms, waterforms, vegetation and/or cultural features, such as the Huon River; (c) That impacts on prominent sightlines to local heritage places listed in Table C6.1 seen from the highway are minimised; and (d) That tourism visitor information system (TVIS) signage or other coordinated and branded commercial signage, is encouraged over individual signage, or otherwise unreasonably interferes with the character of the landscape.

HUO-C8.2.5	Huon Highway Surges Bay to Glendevie to Dover The Huon Highway is a State managed highway, which is promoted as part of the Huon Trail connecting Hobart with visitor destinations to the south. The Scenic Road Corridor between Surges Bay and Glendevie is predominantly characterised by native vegetation within the road corridor, and opportunities to view rural residential and farm buildings, and grazing animals.	(a) Views to the surrounding vegetated hills, and mountains enhance the scenic value of the corridor. (b) The Scenic Road Corridor between Glendevie and Dover is a mixture of stretches of road with native vegetation within the road corridor, areas of more open rural/ agricultural land with some historic dwellings and farm buildings, exotic trees and pasture with grazing animals, and some areas of land with pine and eucalypt plantations. (c) Exotic trees, hedgerows and private gardens within the scenic road corridor and beyond provide visual diversity and character. Seasonal change can be seen with attractive displays of spring blossom and autumnal leaves on deciduous trees. (d) Native vegetation within the scenic road corridor and beyond provides visual diversity and contributes to the natural appeal of the area. Seasonal change can be seen with attractive displays of flower blossom, the most visible being the Silver Wattle (<i>Acacia dealbata</i>) in spring. (e) The scenic value of this area is often enhanced by dramatic weather patterns including fog, and snow-capped hills and mountains. (f) The Scenic Road Corridor provides visual amenity to the traveller experience and establishes a sense of place for residents.	(a) To provide and maintain view corridors along the road alignment that enhance the traveller experience, through the set back of buildings from the road corridor and minimising building bulk in proximity to the road; (b) That development and works minimises visual obstruction on prominent view lines to visually significant and notable local landforms, waterforms, vegetation and/or cultural features, such as the Tongatabu and other significant landmarks seen from the highway; (c) That impacts on prominent sightlines to local heritage places listed in Table C6.1 seen from the highway are minimised; and (d) That tourism visitor information system (TVIS) signage or other coordinated and branded commercial signage, is encouraged over individual signage, or otherwise unreasonably interferes with the character of the landscape.
HUO-C8.2.6	Huon Highway Dover to Raminia to Strathblane to Southport The Huon Highway is a State managed highway, which is promoted as part of the Huon Trail connecting Hobart with visitor destinations to the south. The Scenic Road Corridor adjacent to the Huon Highway to the south of Dover is a mixture of rural	(a) Raminia provides opportunities to view the Esperance River and flood plains in the foreground and middle-ground to the south-east of the Huon Highway, with potential for observation of wildlife including migratory birds. (b) Moored boats and jetties at Raminia also provide a point of interest in the landscape. (c) Views to the surrounding vegetated hills, and mountains enhance the scenic value of the corridor. (d) The town of Strathblane is predominantly characterised by rural residential and farm buildings, orchards and grazing animals with views to vegetated hills beyond. (e) There are a number of rural/agricultural properties entering Southport with some historic dwellings and farm buildings, exotic trees and pasture with grazing animals. (f) Exotic trees and hedgerows provide visual diversity and character. Seasonal change	(a) To provide and maintain view corridors along the road alignment that enhance the traveller experience, through the set back of buildings from the road corridor and minimising building bulk in proximity to the road; (b) That development and works minimises visual obstruction on prominent view lines to visually significant and notable local landforms, waterforms, vegetation and/or cultural features, such as Adamsons Peak, the Esperance River, and other significant landmarks; (c) That impacts on prominent sightlines to local heritage places listed in Table C6.1 seen from the highway are minimised; and

	properties, forestry and native vegetation.	can be seen with attractive displays of spring blossom and autumnal leaves on deciduous trees. (g) Native vegetation within the scenic road corridor and beyond provides visual diversity and contributes to the natural appeal of the area. Seasonal change can be seen with attractive displays of flower blossom, the most visible being the Silver Wattle (<i>Acacia dealbata</i>) in spring. (h) The scenic value of this area is often enhanced by remarkable reflections in the calm river waters, and dramatic weather patterns including fog, and snow-capped hills and mountains. (i) The Scenic Road Corridor provides visual amenity to the traveller experience and establishes a sense of place for residents.	(d) That tourism visitor information system (TVIS) signage or other coordinated and branded commercial signage, is encouraged over individual signage, or otherwise unreasonably interferes with the character of the landscape.
HUO-C8.2.7	Hastings Caves Road Southport turnoff to Hastings (to Hastings Caves) Hastings Caves Road is promoted as part of the Huon Trail, connecting Hobart with visitor destinations in the National Parks to the south. Hastings Caves Road is located to the south of the Southport turn-off, adjacent land is a mixture of rural properties, forestry and native vegetation.	(a) The Scenic Road Corridor entering into and within Hastings provides opportunities to view Hastings Bay and flood plains in the foreground with potential for observation of wildlife, including migratory birds and beyond to the land formation known as 'The Tongue' in the middle-ground to the south-west of Hastings Caves Road. (b) Views to the surrounding vegetated hills, peaks and mountains enhance the scenic value of the corridor. (c) The Scenic Road Corridor along the Hastings Caves Road beyond the Lune River Road turn-off contains native vegetation with forestry land beyond. (d) Native vegetation within the Scenic Road Corridor and beyond provides visual diversity and contributes to the natural appeal of the area. (e) The scenic value of this area is often enhanced by dramatic weather patterns including fog and snow-capped hills and mountains. (f) The Scenic Road Corridor provides visual amenity to the traveller experience and establishes a sense of place for residents.	(a) To provide and maintain view corridors along the road alignment that enhance the traveller experience, through the set back of buildings from the road corridor and minimising building bulk in proximity to the road; (b) That development and works minimises visual obtrusion on prominent view lines to visually significant and notable local landforms, waterforms, vegetation and/or cultural features, such as Hastings Bay and other significant landmarks; (c) That impacts on prominent sightlines to local heritage places listed in Table C6.1 seen from the highway are minimised; and (d) That tourism visitor information system (TVIS) signage or other coordinated and branded commercial signage, is encouraged over individual signage, or otherwise unreasonably interferes with the character of the landscape.
HUO-C8.2.8	Lune River Road Hastings to Lune River to Ida Bay Lune River Road is promoted as part of the Huon	(a) Views to the surrounding vegetated hills, peaks and mountains enhance the scenic value of the corridor. (b) The bridge over the Lune River provides an opportunity to view the river in the foreground and middle ground to the north and south.	(a) To provide and maintain view corridors along the road alignment that enhance the traveller experience, through the set back of buildings from the road corridor and

	Trail, connecting Hobart with visitor destinations in the National Parks and World Heritage areas to the south. The Scenic Road Corridor along the Lune River Road contains native vegetation with forestry land beyond.	(c) The Scenic Road Corridor provides opportunities to view historic residential and outbuildings, which make up the character of this area in the foreground, with views to mountains in the more distant background. (d) The Scenic Road Corridor overlays the parcel/s of land on which the Tasmanian Heritage Register listed Ida Bay Railway is located. (e) The scenic value of this area is often enhanced by dramatic weather patterns including fog and snow-capped hills and mountains. (f) The Scenic Road Corridor provides visual amenity to the traveller experience and establishes a sense of place for residents.	minimising building bulk in proximity to the road; (b) That development and works minimises visual obtrusion on prominent view lines to visually significant and notable local landforms, waterforms, vegetation and/or cultural features, such as the Lune River and other significant landmarks; (c) That impacts on prominent sightlines to local heritage places listed in Table C6.1 seen from the highway, including historic buildings associated with the Ida Bay Railway, are minimised; and (d) That tourism visitor information system (TVIS) signage or other coordinated and branded commercial signage, is encouraged over individual signage, or otherwise unreasonably interferes with the character of the landscape.
HUO-C8.2.9	South Cape Road Ida Bay to Recherche and into the World Heritage Area. South Cape Road is promoted as part of the Huon Trail, connecting Hobart with visitor destinations in the National Parks and World Heritage areas to the south. (a) This section of Scenic Road Corridor along the South Cape Road contains native vegetation with Forestry land or	(a) Views to the surrounding vegetated hills, peaks and mountains enhance the scenic value of the corridor. (b) The bridge over the D'Entrecasteaux River provides an opportunity to view the river in the foreground and middle ground to the east and west. (c) The scenic value of this area is often enhanced by weather patterns including fog and snow-capped hills and mountains. (d) The scenic value of this area is often enhanced by reflections in the calm river waters, and dramatic weather patterns including fog in the valley, and snow-capped hills and mountains. (e) The Scenic Road Corridor provides visual amenity to the traveller experience and establishes a sense of place for residents.	(a) To provide and maintain view corridors along the road alignment that enhance the traveller experience, through the set back of buildings from the road corridor and minimising building bulk in proximity to the road; (b) That development and works minimises visual obtrusion on prominent view lines to visually significant and notable local landforms, waterforms, vegetation and/or cultural features; (c) That impacts on prominent sightlines to local heritage places listed in Table C6.1 seen from the highway are minimised; and (d) That tourism visitor information system (TVIS) signage or other coordinated and branded commercial signage, is encouraged over individual signage, or otherwise unreasonably interferes with the character of the landscape.

	National Park and World Heritage Area beyond.		
HUO-C8.2.10	Cockle Creek Road Recherche to Catamaran to Cockle Creek Cockle Creek Road is promoted as part of the Huon Trail, connecting Hobart with visitor destinations in the National Parks and World Heritage areas to the south. The Scenic Road Corridor along the Cockle Creek Road contains native vegetation with World Heritage Area beyond. To the west of the road is the small 'shack' town of Recherche, which is made up of some small parcels of privately owned land. Several of the D'Entrecasteaux Expedition Sites are located within the Road Corridor. 1792 expedition sites are concentrated around Pigsties Bay at the northern end of	(a) The section of road entering into and within Recherche provides opportunities to view Pigsties Bay, and Recherche Bay to the east in the foreground, with potential for observation of wildlife, including migratory birds, 'and beyond to the land formation in the middle-far ground to the east. (b) The 'shacks' and surrounding kept gardens and lawn are located within a clearing to the west of the road which provides a strong contrast with the background of natural bushland on the surrounding hill-faces and the white sandy beach to the east of the road. (c) The D'Entrecasteaux Expedition Sites contribute historic traces and human context to a predominantly natural landscape. (d) There are views to several rocky outcrops which are stand out landmarks along this stretch of Road Corridor including Mazeys Rocks, and Ryans Point. (e) The approach to Catamaran River and view up and downstream to the north-east and south-west is of particular scenic value. (f) Views from the Road Corridor to Waterhole Cove are of particular scenic value, with the road being located directly adjacent to the shoreline to the east and native vegetation growing right up to the road on the western side. (g) Views from the Road Corridor to Sayers Beach and Hutchins Island to the east are of particular scenic value, although in parts obscured by sand dunes which are located within the Road Corridor. (h) The southern end of the Road Corridor terminates at the Cockle Creek bridge with views to the south-west looking upstream in the foreground and to Moulders Hill in the background. Views to the east include the mouth of the creek in the foreground, with Rocky Bay beyond.	(a) To provide and maintain view corridors along the road alignment that enhance the traveller experience, through the set back of buildings from the road corridor and minimising building bulk in proximity to the road; (b) That development and works minimises visual obtrusion on prominent view lines to visually significant and notable local landforms, waterforms, vegetation and/or cultural features, such as Pigsties Bay, and Recherche Bay, Ryans Point, Gillams Beach, Finns Beach, Catamaran River, Mary Ann Point, Waterhole Cove, Evoralls Point, Rocky Bay, Hutchins Island, Sayers Beach, Cockle Creek, Adams Point, mountains and other significant landmarks; (c) That impacts on prominent sightlines to local heritage places listed in Table C6.1 seen from the highway are minimised; and (d) That tourism visitor information system (TVIS) signage or other coordinated and branded commercial signage, is encouraged over individual signage, or otherwise unreasonably interferes with the character of the landscape.

	Recherche Bay, centred on the northeast peninsula around Bennetts Point, and to the west of Pigsties Bay at Moss Glen. Most of the historical and archaeological sites of French activity related to the 1792 and 1793 visits of D'Entrecasteaux are ephemeral, with no apparent physical evidence today. Some sites have the potential to include the archaeological remains of structures or landforms associated with the activity of the French expeditioners, whilst all sites have some potential to include artefactual material from the expeditions.		
HUO-C8.2.11	Esperance Coast Road Surges Bay to Brooks Bay to Police Point to Surveyors Bay to Dover Esperance Coast Road is an alternative 'scenic route' between Surges Bay and Dover. Esperance Coast Road winds its way around the	(a) Distant water views to the Huon River and across to the vegetated hill-faces (Black Jack Ridge) and mountains (Mount Windsor and Mount Cygnet) on the other side of the river can be seen through gaps in the roadside vegetation to the east and in clearings and coastal settlements. (b) South along the section of the road entering into Brooks Bay the view of the river to the east in the foreground (with potential for observation of wildlife, including migratory birds) with the 'Settlement' below in the middle-far ground with vegetated hill-faces beyond. (c) As a group the whole valley reads as a landscape unit with various buildings, some inside the Scenic Road Corridors, others which fall outside this area.	(a) To provide and maintain view corridors along the road alignment that enhance the traveller experience, through the set back of buildings from the road corridor and minimising building bulk in proximity to the road; (b) That development and works minimises visual obtrusion on prominent view lines to visually significant and notable local landforms, waterforms, vegetation and/or cultural features, such as to the 'Settlement', Brooks Bay, Desolation Bay, Desolation Point, Granny

	western shore of the Huon River. The Scenic Road Corridor between Surges Bay and Brooks Bay is predominantly characterised by native vegetation within the road corridor, with lightly vegetated hills interspersed with rural residential and outbuildings, and pasture with grazing animals. There is a fine apple shed located on the water's edge, partially on filled and reclaimed land. The Road Corridor between Police Point and Surveyors Bay contains less native vegetation than elsewhere along Esperance Coast Road as the properties in this area are part of a large holding, which is used for grazing cattle. The Road Corridor overlays the small 'shack' town at Little Roaring Beach, which is made up of some small parcels of privately owned land.	(d) The 'Settlement' and surrounding gardens provide a strong contrast between the developed foreground and the background of natural bushland on the hill-faces to the west and the sandy beach to the east. (e) The section of road between Brooks Bay and Police Point provides many opportunities to see water views over the Huon River to the east, with the clearing around the waterfront at Desolation Bay enabling expansive views from the foreground through to the background, the eastern shore of the Huon River and mountain ranges beyond. (f) 180 degree views of the Huon River are not obstructed by the native vegetation, which is less dense in this area, development, including residential and farm buildings, is therefore more visible from the road as a result. (g) The 'shacks' and surrounding gardens provide a strong contrast between the developed foreground and the background of natural bushland on the hill-faces to the west of the town and the white sandy beach to the east. (h) The southern end of the Road Corridor terminates at Kent Beach Road, with 180 degree views to Kent Beach in the foreground and to Port Esperance in the middle ground, and Hope Island in the background.	Gibbons Bay, Barretts Bay, Hideaway Bay, Roaring Bay, Little Roaring Bay Beach, Kent Beach, Hope Island, mountains and other significant landmarks seen from the highway; (c) Impacts on prominent sightlines to local heritage places listed in Table C6.1 seen from the highway, (d) That impacts on prominent sightlines to local heritage places listed in Table C6.1 seen from the highway including historic buildings within 'The Settlement', are minimised; and (e) That tourism visitor information system (TVIS) signage or other coordinated and branded commercial signage, is encouraged over individual signage, or otherwise unreasonably interferes with the character of the landscape.
HUO-C8.2.12	Arve Road Geeveston to Lonnavale	(a) Views to surrounding hill-faces and mountains are largely restricted to locations where vegetation has been thinned or removed within the road	(a) To provide and maintain view corridors along the road alignment that enhance the traveller experience, through

	(Tahune Forest Airwalk) Arve Road is a principal visitor touring route and is promoted as part of the Huon Trail. The Scenic Road Corridor along the Arve Road contains native vegetation with Forestry land beyond.	corridor, including bridge crossings, road intersections, picnic area clearings and lookouts, such as West Creek Lookout.	the set back of buildings from the road corridor and minimising building bulk in proximity to the road; (b) That development and works minimises visual obtrusion on prominent view lines to visually significant and notable local landforms, waterforms, vegetation and/or cultural features, such as Sleeping Beauty and other significant landmarks; (c) That impacts on prominent sightlines to local heritage places listed in Table C6.1 seen from the highway are minimised; and (d) That tourism visitor information system (TVIS) signage or other coordinated and branded commercial signage, is encouraged over individual signage, or otherwise unreasonably interferes with the character of the landscape.
HUO-C8.2.13	The Esplanade and Channel Highway Huonville to Woodstock to Cradoc The Channel Highway is a State managed highway connecting Taroona and Huonville. An increasing number of local residents use this road on a daily basis to commute between Cygnet and Huonville, (and then continue on to Hobart via the Huon Highway). The Channel Highway is a principal visitor	(a) The Huon River is a major river estuary that contributes significantly to the scenic values of Southern Tasmania. (b) The Scenic Road Corridor provides opportunities to view the Huon River and flood plains in the foreground and middle-ground. (c) River craft can often be seen on the water and moored boats and jetties also provide a point of interest in the landscape. (d) Views to the Egg Islands to the west contribute to the natural aesthetic appeal of the Scenic Road Corridor. (e) The Huon River and floodplains allows viewing of wildlife including migratory birds. (f) There is a strong contrast between the developed foreground along the road corridor and the background of natural bushland on the surrounding hill-faces. (g) The Scenic Road Corridor provides opportunities to view historic residential and farm buildings, stone walls, orchards and grazing animals which make up the rural character of the valley in the foreground. (h) Views to the surrounding vegetated hills, peaks and mountains enhance the scenic value of the corridor.	(a) To provide and maintain view corridors along the road alignment that enhance the traveller experience, through the set back of buildings from the road corridor and minimising building bulk in proximity to the road; (b) That development and works minimises visual obtrusion on prominent view lines to visually significant and notable local landforms, waterforms, vegetation and/or cultural features, such as the Wellington Range (Sleeping Beauty), the Huon River and other significant landmarks; (c) That impacts on prominent sightlines to local heritage places listed in Table C6.1 seen from the highway are minimised; and (d) That tourism visitor information system (TVIS) signage or other coordinated and branded commercial signage, is encouraged over individual signage, or

	touring route and is promoted as part of the Huon Trail.	(i) The historic town of Franklin can be seen on the western shore of the Huon River. (j) Views to mountains, such as the Wellington Range (Sleeping Beauty), Adamsons Peak and Grey Mountain, in the background also contribute to the scenic value. (k) Exotic trees and hedgerows within the scenic road corridor and beyond provide visual diversity and character. Seasonal change can be seen with attractive displays of spring blossom and autumnal leaves on deciduous trees. (l) Small patches of native vegetation within the scenic road corridor and beyond provide visual diversity and contribute to the natural appeal of the area. (m) The scenic value of this area is often enhanced by reflections in the calm river waters, and dramatic weather patterns including fog in the valley, and snow-capped hills and mountains. (n) The Scenic Road Corridor provides visual amenity to the traveller experience and establishes a sense of place for residents.	otherwise unreasonably interferes with the character of the landscape.
HUO-C8.2.14	Channel Highway Cradoc to Cygnet There is a strong contrast between the developed foreground along the road corridor and the background of the surrounding vegetated hill-faces. The Scenic Road Corridor provides opportunities to view historic residential and farm buildings, stone walls, orchards, vineyards, crops and grazing animals which make up the rural character of the valley in the foreground.	(a) Views to the surrounding vegetated hills, peaks and mountains enhance the scenic value of the corridor. (b) Exotic trees and hedgerows within the scenic road corridor and beyond provide visual diversity and character. Seasonal change can be seen with attractive displays of spring blossom and autumnal leaves on deciduous trees. (c) Patches of native vegetation within the scenic road corridor and beyond provide visual diversity and contribute to the natural appeal of the area. Seasonal change can be seen with attractive displays of flower blossom, the most visible being the Silver Wattle (<i>Acacia dealbata</i>) in spring. (d) The scenic value of this area is often enhanced by dramatic weather patterns including fog in the valley and snow-capped hills and mountains. (e) The Scenic Road Corridor provides visual amenity to the traveller experience and establishes a sense of place for residents.	(a) To provide and maintain view corridors along the road alignment that enhance the traveller experience, through the set back of buildings from the road corridor and minimising building bulk in proximity to the road; (b) That development and works minimises visual obstruction on prominent view lines to visually significant and notable local landforms, waterforms, vegetation and/or cultural features, such as Sleeping Beauty and other significant landmarks; (c) That impacts on prominent sightlines to local heritage places listed in Table C6.1 seen from the highway are minimised; and (d) That tourism visitor information system (TVIS) signage or other coordinated and branded commercial signage, is encouraged over individual signage, or otherwise unreasonably interferes with the character of the landscape.

HUO-C8.2.15	Channel Highway Cygnet to Gardners Bay to Deep Bay to Randalls Bay to Garden Island Creek to Verona Sands	(a) The Scenic Road Corridor between Cygnet and Deep Bay provides opportunities to view Port Cygnet and floodplains in the foreground, middle-ground and background. (b) Views to Port Cygnet and the Huon River provide opportunities for observation of wildlife, including migratory birds. (c) The Huon River is a major river estuary that contributes significantly to the scenic values of the Huon Valley. (d) River craft, including rowing and sailing boats, can often be seen on the water and moored boats and jetties also provide a point of interest in the landscape. (e) There is a strong contrast between the developed foreground along the road corridor and the background of surrounding vegetated hill-faces. (f) The Scenic Road Corridor provides opportunities to view historic residential and farm buildings, orchards and grazing animals which make up the rural character of the valley in the foreground, (g) Exotic trees and hedgerows within and beyond the Scenic Road Corridor provide visual diversity and character. Seasonal change can be seen with attractive displays of spring blossom and autumnal leaves on deciduous trees. (h) Patches of native vegetation within the scenic road corridor and beyond provide visual diversity and contribute to the natural appeal of the area. (i) Views to the surrounding vegetated hills, peaks and mountains enhance the scenic value of the corridor. (j) Views to Garden Island and Huon Island also contribute to the natural aesthetic appeal of the Scenic Road Corridor. (k) The scenic value of this area is often enhanced by reflections in the calm river waters, and dramatic weather patterns including fog in the valley, and snow-capped hills and mountains. (l) The Scenic Road Corridor provides visual amenity to the traveller experience and establishes a sense of place for residents.	(a) To provide and maintain view corridors along the road alignment that enhance the traveller experience, through the set back of buildings from the road corridor and minimising building bulk in proximity to the road; (b) That development and works minimises visual obtrusion on prominent view lines to visually significant and notable local landforms, waterforms, vegetation and/or cultural features, such as the Huon River and other significant landmarks; (c) That impacts on prominent sightlines to local heritage places listed in Table C6.1 seen from the highway are minimised; and (d) That tourism visitor information system (TVIS) signage or other coordinated and branded commercial signage, is encouraged over individual signage, or otherwise unreasonably interferes with the character of the landscape.
HUO-C8.2.16	Cygnet Coast Road/ Lymington Road Cradoc To Glaziers Bay to Lower Wattle Grove to Wattle	(a) The Huon River is a major river estuary that contributes significantly to the scenic values of Southern Tasmania. (b) Views to Port Cygnet and the Huon River provide opportunities for observation of wildlife, including migratory birds.	(a) To provide and maintain view corridors along the road alignment that enhance the traveller experience, through the set back of buildings from the road corridor and

	Grove to Petchey's Bay to Lymington to Cygnet	(c) River craft, including rowing and sailing boats, can often be seen on the water and moored boats and jetties also provide a point of interest in the landscape. (d) Opportunities to view the Huon River and flood plains in the foreground, and Egg Islands in the middle-ground, contribute to the natural aesthetic appeal of the Scenic Road Corridor. (e) The views to the water are in some locations quite immediate, as the road is close to the shoreline and just above the high tide mark. In other locations, the native vegetation between the road and the river enhances the water views. (f) Historic residential and farm buildings, orchards, vineyards, and grazing animals make up much of the rural character in the foreground. (g) Views to the surrounding vegetated hills, peaks and mountains enhance the scenic value of the corridor. (h) Exotic trees and hedgerows within the scenic road corridor and beyond provide visual diversity and character. Seasonal change can be seen with attractive displays of spring blossom and autumnal leaves on deciduous trees. (i) Areas of native vegetation within the scenic road corridor and beyond provide visual diversity and contribute to the natural appeal of the area. (j) The scenic value of this area is often enhanced by reflections in the calm river waters, and dramatic weather patterns including fog in the valley, and snow-capped hills and mountains. (k) The Scenic Road Corridor provides visual amenity to the traveller experience and establishes a sense of place for residents.	minimising building bulk in proximity to the road; (b) That development and works minimises visual obstruction on prominent view lines to visually significant and notable local landforms, waterforms, vegetation and/or cultural features, such as the Huon River and other significant landmarks; (c) That impacts on prominent sightlines to local heritage places listed in Table C6.1 seen from the highway are minimised; and (d) That tourism visitor information system (TVIS) signage or other coordinated and branded commercial signage, is encouraged over individual signage, or otherwise unreasonably interferes with the character of the landscape.

HUO-Table C11.1 Coastal Inundation Hazard Bands AHD Levels

Locality	High Hazard Band (m AHD)	Medium Hazard Band (m AHD)	Low Hazard Band (m AHD)	Defined Flood Level (m AHD)
	Sea Level Rise 2050	1% annual exceedance probability 2050 with freeboard	1% annual exceedance probability 2100 (design flood level) with freeboard	1% annual exceedance probability 2100
Abels Bay	0.9	1.8	2.5	2.2
Cairns Bay	0.9	1.8	2.5	2.2
Castle Forbes Bay	0.9	1.8	2.5	2.2

Charlotte Cove	0.9	1.8	2.5	2.2
Cradoc	0.9	1.8	2.5	2.2
Cygnet	0.9	1.8	2.5	2.2
Deep Bay	0.9	1.8	2.5	2.2
Dover	0.9	1.8	2.5	2.2
Eggs and Bacon Bay	0.9	1.8	2.5	2.2
Franklin	0.9	1.8	2.5	2.2
Garden Island Creek	0.9	1.8	2.5	2.2
Gardners Bay	0.9	1.8	2.5	2.2
Geeveston	0.9	1.8	2.5	2.2
Glaziers Bay	0.9	1.8	2.5	2.2
Glen Huon	0.9	1.8	2.5	2.2
Hastings	0.9	1.8	2.4	2.1
Huonville	0.9	1.8	2.5	2.2
Lune River	0.9	1.8	2.4	2.1
Lymington	0.9	1.8	2.5	2.2
Police Point	0.9	1.8	2.5	2.2
Port Huon	0.9	1.8	2.5	2.2
Randalls Bay	0.9	1.8	2.5	2.2
Ranelagh	0.9	1.8	2.4	2.1
Recherche	0.9	1.8	2.4	2.1
Southport	0.9	1.8	2.4	2.1
Strathblane	0.9	1.8	2.5	2.2
Surges Bay	0.9	1.8	2.5	2.2
Surveyors Bay	0.9	1.8	2.5	2.2
Waterloo	0.9	1.8	2.5	2.2
Wattle Grove	0.9	1.8	2.5	2.2
All other locations	0.9	1.8	2.5	2.2

HUO-Applied, Adopted or Incorporated Documents

Document Title	Publication Details	Relevant Clause in the LPS
This table is not used in this Local Provisions Schedule		

Appendix A: Local Historic Heritage Places Datasheets

HUO-Table C6.1 Local Historic Heritage Places Datasheet - HUO-C6.1.1

Description

House and c1970 Oast House, 138 Glen Road, Huonville.

Specific Extent

The specific extent of the local historic heritage place is shown on the overlay as HUO-C6.1.1.

Statement of local historic heritage significance and historic heritage values

(a) Significance of the local heritage place and its historic heritage values because of its role in, representation of, or potential for contributing to the understanding of:
(i) local history; The oast house is able to demonstrate the development of the hop industry in the Huon Valley. Whilst a recent structure, the oast house remains a rare example of a particular type of oast house in the Huon Valley.
(ii) creative or technical achievements; On its completion the oast house was considered one of the most modern in the State, so it can demonstrate the technological achievements of a specific period in the hop industry in the Huon Valley.
(iii) a class of building or place; The oast house demonstrates the principal characteristics of a post-war oast house. These characteristics are found in the external form, construction methods and detailing both externally and internally.
(iv) aesthetic characteristics; Not applicable.
(b) Significance of the local heritage place and its values because of its association with:
(i) a particular community or cultural group for social or spiritual reasons; 138 Glen Road's association with the Frankcomb and Stillwell families, who were deemed significant members of the Ranelagh and Huonville communities.
(ii) the life or works of a person, or group of persons, of importance to the locality or region. The oast house represents an aspect of Huon Valley's past that contributes to the local identity.

HUO-Table C6.1 Local Historic Heritage Places Datasheet - HUO-C6.1.2**Description**

Franklin Catholic Cemetery, 12 Jacksons Road, Franklin.

Specific Extent

The specific extent of the local historic heritage place is shown on the overlay as HUO-C6.1.2.

Statement of local historic heritage significance and historic heritage values

(a) Significance of the local heritage place and its historic heritage values because of its role in, representation of, or potential for contributing to the understanding of:
(i) local history; or The Jackson's Point Catholic Cemetery demonstrates the development of the Franklin township during the mid-to-late 19th century and because it demonstrates the prominence of the Catholic Church in 19th century rural communities and the growth of a Catholic community in the Franklin area.
(ii) creative or technical achievements; or The Jackson's Point Catholic Cemetery gravestones provide information about members of the community that contribute to a broader knowledge of the local area.
(iii) a class of building or place; or The Jackson's Point Catholic Cemetery has the potential to yield important information about our knowledge of dietary, health and lifestyle issues that could contribute to a greater understanding of the Huon Valley history. As a good, albeit modest, example of a 19th century Catholic cemetery, the Jackson's Point Catholic Cemetery is of historic heritage significance because it can demonstrate the principal characteristics of a particular class of cultural place. The Jackson's Point Catholic Cemetery demonstrates high levels of artistic achievement and even though the cemetery is modest, there are some fine examples of headstones.
(iv) aesthetic characteristics; Not applicable.
(b) Significance of the local heritage place and its values because of its association with:
(i) a particular community or cultural group for social or spiritual reasons; or The Jackson's Point Catholic Cemetery's social and spiritual associations have special meaning to the Franklin community and because of its association with the Franklin Catholic community.
(ii) the life or works of a person, or group of persons, of importance to the locality or region. The Jackson's Point Catholic Cemetery's association with Father Murphy, who established the cemetery, is buried in the cemetery, and was a significant figure in the Huon Valley Catholic community during the mid-to-late 19th century.

HUO-Table C6.1 Local Historic Heritage Places Datasheet - HUO-C6.1.3**Description**

Federation (c1910) weatherboard house and c1870 barn, 672 Glen Huon Road, Glen Huon.

Specific Extent

The specific extent of the local historic heritage place is within 100m of the house and of the barn.

Statement of local historic heritage significance and historic heritage values

(a) Significance of the local heritage place and its historic heritage values because of its role in, representation of, or potential for contributing to the understanding of:
(i) local history; or 672 Glen Huon Road is one of the few parcels of land within the Huon Valley that has remained relatively unchanged and in ownership of the same family since the 1860s, so it is able to demonstrate an important period in the history of the Huon Valley. The house demonstrates different phases of development and architectural styles in the Huon Valley. The stone barn/hop kiln is one of the earliest known physical structures demonstrating the importance of the hops industry in the Huon Valley.
(ii) creative or technical achievements; or The stone barn/hop kiln is the only known extant example of a stone hop kiln in the Huon Valley and is a rare surviving example of a traditional 19th century construction method that dates from that period of development.
(iii) a class of building or place; or The house demonstrates the changing characteristics of vernacular residential buildings in the Huon Valley during the 19th and 20th century. These characteristics are found in the external form, construction methods and detailing both externally and internally. The stone barn/hop kiln demonstrates the principal characteristics of a 19th century simple stone building. These characteristics are found in the external form, construction methods and detailing both externally and internally.
(iv) aesthetic characteristics; Not applicable.
(b) Significance of the local heritage place and its values because of its association with:
(i) a particular community or cultural group for social or spiritual reasons; or 672 Glen Huon Road has a historic and ongoing association with the Wright family who were, and remain, an important family within the Glen Huon area.
(ii) the life or works of a person, or group of persons, of importance to the locality or region. Not applicable.

HUO-Table C6.1 Local Historic Heritage Places Datasheet - HUO-C6.1.4**Description**

Isolated hamlet of houses, outbuildings, apple shed and scenic landscape, The Settlement, Brooks Bay.

Specific Extent

The specific extent of the local historic heritage place is shown on the overlay as HUO-C6.1.4.

Statement of local historic heritage significance and historic heritage values

(a) Significance of the local heritage place and its historic heritage values because of its role in, representation of, or potential for contributing to the understanding of:
(i) local history; or Brooks Bay is of historic heritage significance because the extant buildings and landscape demonstrate the development of the Huon Valley apple and orchard industry in the 19th and 20th century. Brooks Bay is a rare example of a historic apple orchard landscape that is physically connected to the Huon River, which is reinforced by the location of the apple shed on the water's edge. Whilst the individual buildings have varying degrees of heritage significance, as a collection of buildings that were constructed by a single family to support the historic use of the land for the apple and orchard industry, Brooks Bay has historic heritage significance because it has the principal characteristics of a small-scaled orchard settlement in the Huon Valley.
(ii) creative or technical achievements; or Not applicable.
(iii) a class of building or place; or Not applicable.
(iv) aesthetic characteristics; or The apple shed at Brooks Bay is a particularly intact example of a class of place that can demonstrate the principal characteristics of an early 20th century apple industry building. Brooks Bay is of aesthetic significance because the individual elements and features, both natural and constructed, have picturesque and scenic qualities that are appreciated by the Huon Valley community.
(b) Significance of the local heritage place and its values because of its association with:
(i) a particular community or cultural group for social or spiritual reasons; or Brooks Bay has historic heritage significance because of its association with the Rowe family who were critical to the development of Brooks Bay and who were important members of Brooks Bay and broader Port Esperance community.
(ii) the life or works of a person, or group of persons, of importance to the locality or region. Not applicable.

HUO-Table C6.1 Local Historic Heritage Places Datasheet - HUO-C6.1.5**Description**

c1890 weatherboard house, 6626 Huon Highway, Dover.

Specific Extent

The specific extent of the local historic heritage place is the shown on the overlay as HUO-C6.1.5.

Statement of local historic heritage significance and historic heritage values

(a) Significance of the local heritage place and its historic heritage values because of its role in, representation of, or potential for contributing to the understanding of:
(i) local history; or 6626 Huon Highway is of historic heritage significance because it demonstrates the importance of the timber industry in the Huon Valley and its expansion north of Dover. 6626 Huon Highway is of historic heritage significance because its prominent location along the Huon Highway can still be read in conjunction with the surrounding forestry landscape that originally supported its construction. 6626 Huon Highway, and the land surrounding 6626 Huon Highway, is of historical heritage significance because of its association with the Stanmore Mill and the possibility that there are surface and subsurface remnants of the mill and associated railway that can provide information about the early timber industry in the Huon Valley.
(ii) creative or technical achievements; or Not applicable.
(iii) a class of building or place; or 6626 Huon Highway is of historic heritage significance as a rare example of a Victorian Filigree styled residential dwelling and its ability to demonstrate the principal characteristics of a Victorian Filigree building. These characteristics are found in the external form, construction methods and external detailing.
(iv) aesthetic characteristics; or Not applicable.
(b) Significance of the local heritage place and its values because of its association with:
(i) a particular community or cultural group for social or spiritual reasons; or Not applicable.
(ii) the life or works of a person, or group of persons, of importance to the locality or region. 6626 Huon Highway is of historic heritage significance because of its association with the Clennett family, and in particular William Longstaff Clennett, who was a prominent member of the Dover community.

HUO-Table C6.1 Local Historic Heritage Places Datasheet - HUO-C6.1.6**Description**

Hope Island.

Specific Extent

The specific extent of the local historic heritage place is the entire island.

Statement of local historic heritage significance and historic heritage values

(a) Significance of the local heritage place and its historic heritage values because of its role in, representation of, or potential for contributing to the understanding of:
(i) local history; or The former convict probation station use of the site is of historic heritage significance for its ability to demonstrate a pattern of Tasmanian life related to early convict sites and their role in agriculture and building settlements. Convict sites are by their nature rare and, despite the remnant state of the elements remaining on the island, they are now rare features of the landscape. There are relatively few convict sites identified in the Huon Valley area and Hope Island has historical cultural significance for its ability to demonstrate a significant period in the history and development of the Huon Valley. Surface and subsurface remains of the Hope Island probation outstation are of historic heritage significance because they have the potential to yield valuable information of an archaeological nature that may contribute to a greater understanding of Tasmania's convict past. The archaeological remains may also demonstrate aspects of 19th century land-use, architectural and technology, including information about the later uses of the island by private lessees.
(ii) creative or technical achievements; or Extant structures of Hope Island probation outstation represent and demonstrate aspects of 19th century penal land use, design and technology. In particular the assistant superintendent quarters, which demonstrates the principal characteristics of a simple Colonial Georgian dwelling and also provides an opportunity to gain an insight into local building techniques.
(iii) a class of building or place; or Hope Island is part of a broader collection of convict probation stations found throughout Tasmania, all of which contribute to an understanding of the convict system of settlement in Tasmania. Hope Island has aesthetic significance based on its iconic status as the largest of the three islands in Port Esperance and its visual and historic relationship with the surrounding area.
(iv) aesthetic characteristics; or Not applicable.
(b) Significance of the local heritage place and its values because of its association with:
(i) a particular community or cultural group for social or spiritual reasons; or Not applicable.
(ii) the life or works of a person, or group of persons, of importance to the locality or region. Hope Island's association with the use of the island to support the Dover Probation Station and the later private landholders who leased the island, including John Boothman, who was an important early local identity in Dover, and the Sawers brothers who were both esteemed members of the Dover community.

HUO-Table C6.1 Local Historic Heritage Places Datasheet - HUO-C6.1.7

Description

Former St Paul's Church, 6963 Huon Highway, Dover.

Specific Extent

The specific extent of the local historic heritage place is shown on the overlay as HUO-C6.1.7.

Statement of local historic heritage significance and historic heritage values

(a) Significance of the local heritage place and its historic heritage values because of its role in, representation of, or potential for contributing to the understanding of:
(i) local history; or 6963 Huon Highway Dover demonstrates the development of the township of Dover in the mid-to-late 19th century and the prominence of the Anglican Church in rural communities.
(ii) creative or technical achievements; or Not applicable.
(iii) a class of building or place; or 6963 Huon Highway Dover is a rare extant example of a mid-to-late 19th century place of worship that is significantly intact.
(iv) aesthetic characteristics; or 6963 Huon Highway Dover demonstrates the principal characteristics of a Victorian Carpenter Gothic style rural church building. These characteristics are demonstrated in its timber frame with weatherboard cladding, steep pitched roof clad in corrugated iron, pointed arches and constructions details.
(b) Significance of the local heritage place and its values because of its association with:
(i) a particular community or cultural group for social or spiritual reasons; or 6963 Huon Highway Dover is valued by the community as a religious and townscape landmark.
(ii) the life or works of a person, or group of persons, of importance to the locality or region. Not applicable.

HUO-Table C6.1 Local Historic Heritage Places Datasheet - HUO-C6.1.8

Description

c1890 weatherboard house, 5093 Huon Highway, Geeveston.

Specific Extent

The specific extent of the local historic heritage place is shown on the overlay as HUO-C6.1.8.

Statement of local historic heritage significance and historic heritage values

(a) Significance of the local heritage place and its historic heritage values because of its role in, representation of, or potential for contributing to the understanding of:
(i) local history; or Not applicable.
(ii) creative or technical achievements; or Not applicable.
(iii) a class of building or place; or The house at 5093 Huon Highway, Geeveston is of historic significance for its ability to demonstrate the principal characteristics of a late-Victorian Gothic weatherboard residential building. These characteristics are found in the external form, construction methods and detailing both externally and internally.
(iv) aesthetic characteristics; or Not applicable.
(b) Significance of the local heritage place and its values because of its association with:
(i) a particular community or cultural group for social or spiritual reasons; or Not applicable.
(ii) the life or works of a person, or group of persons, of importance to the locality or region. Not applicable.

HUO-Table C6.1 Local Historic Heritage Places Datasheet - HUO-C6.1.9**Description**

c1850 weatherboard house, 68 O'Halloran's Road, Geeveston.

Specific Extent

The specific extent of the local historic heritage place is within 100m of the house.

Statement of local historic heritage significance and historic heritage values

(a) Significance of the local heritage place and its historic heritage values because of its role in, representation of, or potential for contributing to the understanding of:
(i) local history; or The house and the broader site is of historic heritage significance because of its association with the commencement of the timber industry in the Huon Valley. The main dwelling at 68 O'Halloran's Road has some historic heritage significance because it allows an understanding of the pattern of development in the early phase of settlement of the Huon Valley.
(ii) creative or technical achievements; or Not applicable.
(iii) a class of building or place; or Despite multiple alterations and additions, the main dwelling retains some historic heritage significance because elements of the building demonstrate the principal characteristics of an early housing typology within the Huon Valley area.
(iv) aesthetic characteristics; or Not applicable.
(b) Significance of the local heritage place and its values because of its association with:
(i) a particular community or cultural group for social or spiritual reasons; or Not applicable.
(ii) the life or works of a person, or group of persons, of importance to the locality or region. The house and the broader site's association with the Hill family, and in particular Richard Hill, who was prominent in business, orchards, milling, commerce, and community activity within the Geeveston area.

HUO-Table C6.1 Local Historic Heritage Places Datasheet - HUO-C6.1.10

Description

1954 brick commercial building, 13 Church Street, Geeveston.

Specific Extent

The specific extent of the local historic heritage place is shown on the overlay as HUO-C6.1.10.

Statement of local historic heritage significance and historic heritage values

(a) Significance of the local heritage place and its historic heritage values because of its role in, representation of, or potential for contributing to the understanding of:
(i) local history; or The commercial building at 13 Church Street is of historic heritage significance because it demonstrates the importance of townships within the largely rural setting of the Huon Valley and the quality of the building shows the importance of banks and institutions to small communities.
(ii) creative or technical achievements; or Not applicable.
(iii) a class of building or place; or The building is of historic heritage significance for its ability to demonstrate the principal characteristics of an inter-war Stripped Classical building. These characteristics are found in the external form, construction methods and detailing both externally and internally.
(iv) aesthetic characteristics; or Not applicable.
(b) Significance of the local heritage place and its values because of its association with:
(i) a particular community or cultural group for social or spiritual reasons; or The building has some historic heritage significance and community esteem because of its contribution to the overall quality of the townscape and for its ability to reinforce the community's sense of place.
(ii) the life or works of a person, or group of persons, of importance to the locality or region. Not applicable.

HUO-Table C6.1 Local Historic Heritage Places Datasheet - HUO-C6.1.11**Description**

c1880 weatherboard house and c1860 weatherboard cottage, 105 Fourfoot Road, Geeveston.

Specific Extent

The specific extent of the local historic heritage place is shown on the overlay as HUO-C6.1.11.

Statement of local historic heritage significance and historic heritage values

(a) Significance of the local heritage place and its historic heritage values because of its role in, representation of, or potential for contributing to the understanding of:
(i) local history; or The late-Victorian Georgian house at 105 Fourfoot Road demonstrates an important period of settlement, from early simple cottages to more substantial housing that became the quintessential house form in the Huon Valley area from the Victorian area through to the Second World War and it is an important link to its antecedent structure to the north. The late-Victorian Georgian house demonstrates the principal characteristics of a Victorian Georgian building. These characteristics are found in the external form, construction methods and detailing both externally and internally. The mid-Victorian cottage demonstrates the change from early simple housing typologies to more substantial housing. It is an excellent, albeit altered, example of early settlement housing.
(ii) creative or technical achievements; or The mid-Victorian cottage has the ability to reveal early construction details and information that is rapidly disappearing from the Huon Valley area.
(iii) a class of building or place; or Not applicable.
(iv) aesthetic characteristics; or The mid-Victorian cottage is a rare surviving example of this type of early simple housing typology within the Huon Valley area and for its ability to demonstrate the principal characteristics of buildings during the early stages of settlement within the Huon Valley. These characteristics are found in the external form, construction methods and detailing both externally and internally.
(b) Significance of the local heritage place and its values because of its association with:
(i) a particular community or cultural group for social or spiritual reasons; or Not applicable.
(ii) the life or works of a person, or group of persons, of importance to the locality or region. Not applicable.

HUO-Table C6.1 Local Historic Heritage Places Datasheet - HUO-C6.1.12**Description**

Three weatherboard apple packing sheds on timber stumps, on land adjacent to 5528 Huon Highway, Waterloo.

Specific Extent

The specific extent of the local historic heritage place is within 50m of the three sheds.

Statement of local historic heritage significance and historic heritage values

(a) Significance of the local heritage place and its historic heritage values because of its role in, representation of, or potential for contributing to the understanding of:
(i) local history; or The buildings on land adjacent to 5528 Huon Highway, Waterloo demonstrate the development of the Huon Valley apple and orchard industry in the late 19th to early 20th century and, individually and combined, are rare extant examples of significantly intact late 19th to 20th century buildings associated with the Huon Valley apple industry.

(ii) creative or technical achievements; or Not applicable.
(iii) a class of building or place; or The buildings individually and combined, are excellent examples of a broader class of place within the Huon Valley and demonstrate the principal characteristics of late 19th to 20th century apple industry buildings.
(iv) aesthetic characteristics; or Not applicable.
(b) Significance of the local heritage place and its values because of its association with:
(i) a particular community or cultural group for social or spiritual reasons; or Not applicable.
(ii) the life or works of a person, or group of persons, of importance to the locality or region. The buildings association with Len Rowe and the Calvert family who were prominent members of the Waterloo and Port Esperance community.

Attachment 3

Land Use Planning and Approvals Act 1993

Notice under section 35KB(1)

Huon Valley Draft Local Provisions Schedule

12 July 2024

The Tasmanian Planning Commission (the Commission) directs under section 35KB(1) that the Huon Valley planning authority prepare draft amendments under Part 3B of the Act, of the Huon Valley draft Local Provisions Schedule (LPS) as follows and must submit the draft amendments to the Commission within 42 days after the LPS comes into effect. The draft amendments are described below.

1.0 Blackswan Lagoon Scenic Protection Area

- 1.1 Revise the Scenic Protection Area overlay by applying the overlay to the area of land identified in Figure 1 below:

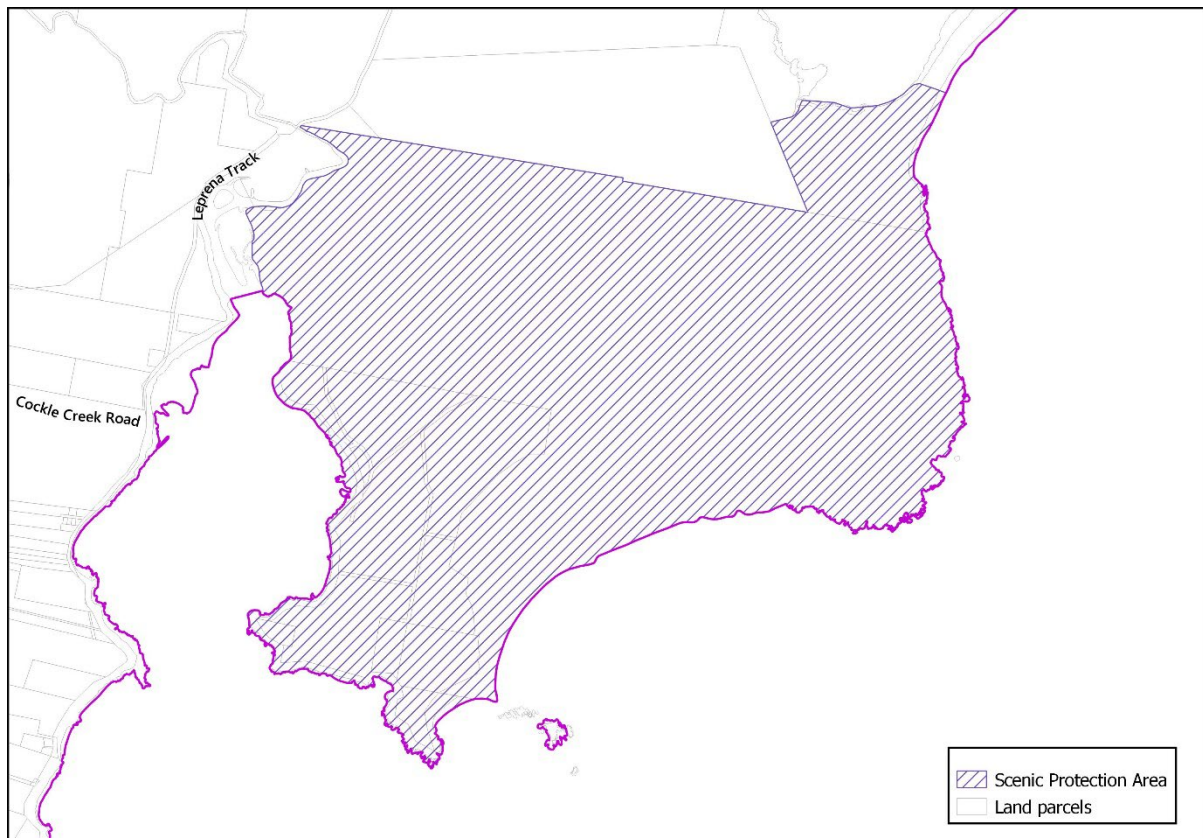


Figure 1 - Application of the Scenic Protection Area overlay at Blackswan Lagoon

1.2 Insert the following clause HUO-C8.1.24 in Table C8.1 of the LPS written document:

HUO-Table C8.1 Scenic Protection Areas

Reference Number	Scenic Protection Area Name	Description	Scenic Value	Management Objectives
HUO-C8.1.24	Blackswan Lagoon	A low-lying coastal peninsular, covered in native forest, moorland and button grass plains, which includes coastal dunes, wetlands, scrubland, sandy beaches, rocky shorelines, tidal flats, rivers, streams, and coastal lagoons. Evidence of development on the peninsular is limited to a few revegetated ruins that are only visible when standing at some locations. The area features a few disused vehicle tracks that are evident from the air but are less visible from coastal and water locations. The area includes: (a) the forested hills north and east of Eliza Point and Bowdens Mistake (up to an elevation of approximately 63m AHD), the connecting saddles and adjacent spurs to the south and east that descend to sea-level and to open plains to the north and west; (b) an open ridge east of Blackswan Lagoon with an elevation of approximately 47m AHD continues northward via a	(a) The natural undeveloped visual aesthetic. (b) Vegetation, water forms and landform features. (c) Undeveloped areas of forest and areas of open vegetation that area visually distinctive.	(a) That vegetation is maintained as the dominant landscape element when viewed from public roads and places; (b) That development and works avoids impact on vegetation; (c) That visual contrast between buildings and works and vegetated areas is minimised; (d) That evidence of development, except for works related to existing access tracks, is minimised; (e) That development of new vehicle or bicycle tracks is minimised; (f) That vegetation removal or any disturbance to forest canopy cover, including that required for bushfire protection measures is minimised; (g) That development of roofed buildings is minimised; (h) That development of non-roofed buildings and structures or temporary buildings are located in areas of existing use or development, such as camping areas, where possible; (i) That development of new walking tracks around the coastal

		forested saddle and then descends north as an open vegetated spur; (c) forested hills north and west of Blackswan lagoon that continue to Sullivans Point; (d) a forested rise ascending from the coast on the east side of Pigsties Bay and the D'Entrecasteaux River; (e) numerous hills up to an elevation of 54m AHD in an area of open and forested vegetation; (f) the Little Lagoon Beach dune ridge; (g) the isthmus between Big Lagoon Beach and Southport Lagoon; (h) Blackswan Lagoon; (i) the coastal land and south-eastern foreshore of Southport Lagoon down to the mean high water mark; (j) the coastal land and foreshore from Big Lagoon Beach and around the coast to Pigsties Bay; and (k) land to the mean high water mark of the eastern bank of D'Entrecasteaux River to the location of the former Leprena Track Bridge.		foreshore, or the foreshore of Blackswan Lagoon, or inland between Quiet Cove and Blackswan Lagoon or Little Lagoon Beach (including parts of folios of the Register 203691/1, 137404/1, 203443/6 and 203411/1) is minimised; (j) That development of new walking tracks, including signage, is minimised; (k) That development of new walking tracks is aligned with the route of existing access tracks where possible; and (l) That development on sand dunes is minimised.

2.0 Priority Vegetation Area Overlay - Port Huon

2.1 Apply the Priority Vegetation Area overlay to the following properties as shown in Figure 2 below:

- a. 39 Crooke Street, Port Huon folio of the Register 117160/3;
- b. 34 Evans Road, Port Huon folio of the Register 224515/1;
- c. Evans Road, Port Huon folio of the Register 84116/1;
- d. 4572 Huon Highway, Port Huon folio of the Register 224514/1;
- e. 10 Sorell Street, Port Huon folio of the Register 117160/4;
- f. 27 Sorell Street, Port Huon folio of the Register 117160/6;

- g. 55 Sorell Street, Port Huon folio of the Register 117161/2;
- h. 101 Sorell Street, Port Huon folio of the Register 141157/1;
- i. 104 Sorell Street, Port Huon folio of the Register 141157/1;
- j. 120 Sorell Street, Port Huon folios of the Register 138947/1;
- k. 131 Sorell Street, Port Huon folio of the Register 129343/4; and
- l. 132 Sorell Street, Port Huon folio of the Register 138947/2.

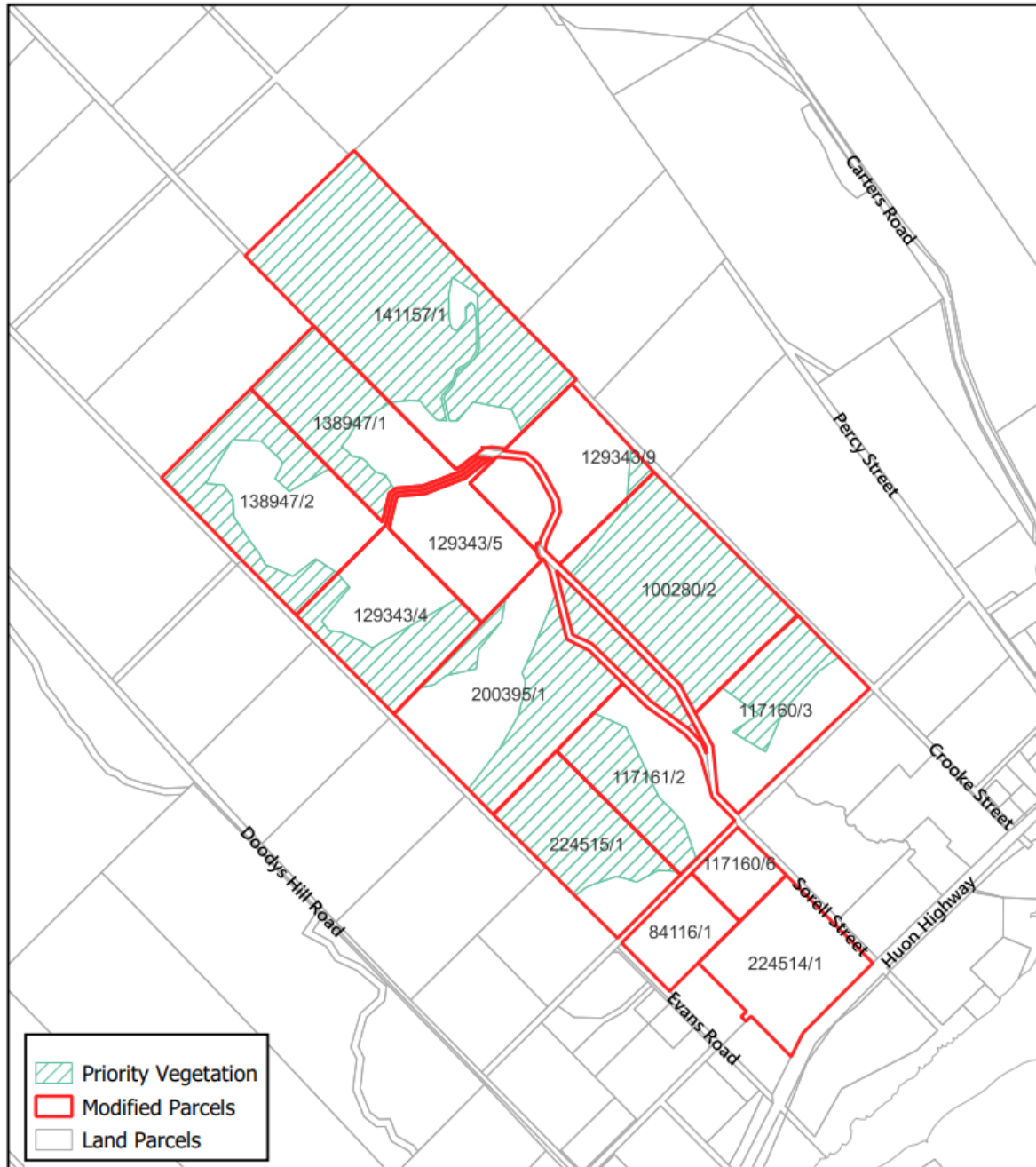


Figure 2 - Application of the Priority Vegetation Area overlay at Port Huon

3.0 HUO-S4.0 Grove to Cockle Creek Potential Acid Sulfate Soils Specific Area Plan

- 3.1 Insert HUO-S4.0 Grove to Cockle Creek Potential Acid Sulfate Soils Specific Area Plan into the LPS as set out in Annexure A to Attachment 3.
- 3.2 Apply the Specific Area Plan overlay as shown in Annexure B to Attachment 3.

3.3 Insert the following document in Table HUO-Applied, Adopted or Incorporated Documents of the LPS written document:

Document Title	Publication Details	Relevant Clause in the LPS
<i>Tasmanian Acid Sulphate Soils Management Guidelines</i>	Department of Primary Industries, Water and Environment, Hobart, 2009	HUO-S4.4 Definition of Terms

4.0 HUO-S5.0 Grove to Cockle Creek Potential Dispersive Soils Specific Area Plan

- 4.1 Insert HUO-S5.0 Grove to Cockle Creek Potential Dispersive Soils Specific Area Plan into the LPS as set out in Annexure A to Attachment 3.
- 4.2 Apply the Specific Area Plan overlay as shown in Annexure B to Attachment 3.
- 4.3 Insert the following documents in Table HUO-Applied, Adopted or Incorporated Documents of the LPS written document:

Document Title	Publication Details	Relevant Clause in the LPS
<i>Dispersive Soils and their Management: Technical Reference Manual</i>	Hardie, M, Department of Primary Industries, Water and Environment, Hobart, 2009	HUO-S5.4 Definition of Terms
<i>Dispersive Soils and their Management: Guidelines for Landowners, Planners and Engineers</i>	Department of Primary Industries, Water and Environment, Hobart, 2009	HUO-S5.4 Definition of Terms

Attachment 3: Annexure A

Modifications to Huon Valley LPS written document

HUO-S4.0 Grove to Cockle Creek Potential Acid Sulfate Soils Specific Area Plan

HUO-S4.1 Plan Purpose

The purpose of the Grove to Cockle Creek Potential Acid Sulfate Soils Specific Area Plan is:

- HUO-S4.1.1 To minimise and mitigate adverse impacts from development occurring on land that contains potentially acid sulfate soils.

HUO-S4.2 Application of this Plan

- HUO-S4.2.1 The specific area plan applies to an area of land designated as HUO-S Grove to Cockle Creek Potential Acid Sulfate Soils Specific Area Plan on the overlay maps.

- HUO-S4.2.2 In the area of land this plan applies to, the provisions of the specific area plan are in addition to the provisions of:

- (a) Rural Living Zone;
 - (b) Rural Zone;
 - (c) Agriculture Zone;
 - (d) Landscape Conservation Zone; and
 - (e) Environmental Management Zone,
- as specified in the relevant provision.

HUO-S4.3 Local Area Objectives

This sub-clause is not used in this specific area plan.

HUO-S4.4 Definition of Terms

HUO-S4.4.1 In this Specific Area Plan, unless the contrary intention appears:

Terms	Definition
acid sulfate soil	means soil or sediment containing highly acidic soil horizons or layers affected by the oxidation of iron sulfides.
acid sulfate soil management plan	means a report prepared by a suitably qualified person in accordance with <i>Department of Primary Industries, Parks, Water and Environment (2009), Tasmanian Acid Sulphate Soils Management Guidelines</i> that details: (a) the acid sulfate soils or potential acid sulfate soils in the vicinity of the proposed development; (b) the potential for the development to cause potential acid sulfate soils to be exposed to air or oxidised;

	(c) an analysis of the level of risk to the development and the level of risk to users of the development; (d) an analysis of the level of risk to the environment; and (e) proposed management measures to reduce risk to an acceptable level if necessary.
potential acid sulfate soil	means soil or sediment that because of its coastal location, or inland location in or near water bodies, has the potential to be an acid sulfate soil.

HUO-S4.5 Use Table

This sub-clause is not used in this specific area plan.

HUO-S4.6 Use Standards

This sub-clause is not used in this specific area plan.

HUO-S4.7 Development Standards for Buildings and Works

HUO-S4.7.1 Development on Acid Sulfate Soils

This clause is in addition to Rural Living Zone - clause 11.4 Development Standards for Buildings and Works, Rural Zone - clause 20.4 Development Standards for Buildings and Works, Agriculture Zone - clause 21.4 Development Standards for Buildings and Works, Landscape Conservation Zone - clause 22.4 Development Standards for Buildings and Works and Environmental Management Zone - clause 23.4 Development Standards for Buildings and Works.

Objective:	That development subject to, or having potential to cause, an acid sulfate soil hazard is appropriately located and managed so that risk to property and the environment is reduced to an acceptable level.	
Acceptable Solutions		Performance Criteria
A1 Development must be: (a) works not involving the exposing or disturbance of sub-surface soils or the drainage of groundwater; (b) excavation of no more than 100m³ of soil or sediment; (c) deposition of less than 500m³ of fill to a depth of no more than 0.5m; (d) additions or alterations to an existing building, or the construction of a non-habitable building, provided the development area is no more than 100m² and the maximum depth of excavation is 0.75m; or (e) forestry operations in accordance with a certified forest practices plan.		P1 Development must be designed, sited, and constructed to minimise the risks of acid sulfate soil to property and the environment, having regard to: (a) the acid sulfate or potential acid sulfate soils in the vicinity of proposed works involving excavation or disturbance of soil or sediment, or drainage of groundwater; (b) the potential for those works to cause potential acid sulfate soils to be exposed to air or oxidised; (c) the potential for the development to be affected by acid sulfate soils; (d) the level of risk and potential consequences for human health, property, and the environment; (e) management measures to reduce risk to an acceptable level; and (f) the advice contained in an acid sulfate soil management plan.

HUO-S4.8 Development Standards for Subdivision

This sub-clause is not used in this specific area plan.

HUO-S4.9 Tables

This sub-clause is not used in this specific area plan.

HUO-S5.0 Grove to Cockle Creek Potential Dispersive Soils Specific Area Plan

HUO-S5.1 Plan Purpose

The purpose of the Grove to Cockle Creek Potential Dispersive Soils Specific Area Plan is:

- HUO-S5.1.1 To minimise and/or mitigate adverse impacts from development occurring on land that contains potential dispersive soils.

HUO-S5.2 Application of this Plan

- HUO-S5.2.1 The specific area plan applies to the area of land designated as the HUO-S5.0 Grove to Cockle Creek Potential Dispersive Soils Specific Area Plan on the overlay maps.

- HUO-S5.2.2 In the area of land to which this plan applies to, the provisions of the specific area plan are in addition to the provisions of the:

- (a) General Residential Zone;
 - (b) Rural Living Zone
 - (c) Commercial Zone;
 - (d) Rural Zone;
 - (e) Agriculture Zone;
 - (f) Landscape Conservation Zone;
 - (g) Environmental Management Zone;
 - (h) Utilities Zone; and
 - (i) Community Purpose Zone,
- as specified in the relevant provision.

HUO-S5.3 Local Area Objectives

This sub-clause is not used in this specific area plan.

HUO-S5.4 Definition of Terms

- HUO-S5.4.1 In this Specific Area Plan, unless the contrary intention appears:

Terms	Definition
dispersive soil	means soil or sediment with an exchangeable sodium percentage greater than 6% or which demonstrates dispersive behaviour when in contact with fresh water.
dispersive soil management plan	means a report prepared by a suitably qualified person in accordance with Hardie, M. (2009): <i>Dispersive Soils and their Management: Technical Reference Manual and DPIW (2009), Dispersive Soils and their Management: Guidelines for Landowners, Planners and Engineers</i> that details: (a) the dispersive potential of soils in the vicinity of the proposed

	development; (b) the potential for the development to cause or contribute to gully or tunnel erosion; (c) an analysis of the level of risk to the development and the level of risk to users of the development; and (d) proposed management measures to reduce risk to an acceptable level if necessary.
potential dispersive soil	means soil or sediment that may have an exchangeable sodium percentage more than 6% or that might demonstrate dispersive behaviour when in contact with fresh water.

HUO-S5.5 Use Table

This sub-clause is not used in this specific area plan.

HUO-S5.6 Use Standards

This sub-clause is not used in this specific area plan.

HUO-S5.7 Development Standards for Buildings and Works

HUO-S5.7.1 Development on Potential Dispersive Soils

This clause is in addition to General Residential Zone - clause 8.4 Development Standards for Dwellings, General Residential Zone - clause 8.5 Development Standards for Non-dwellings, Rural Living Zone - clause 11.4 Development Standards for Buildings and Works, Commercial Zone - clause 17.4 Development Standards for Buildings and Works, Rural Zone - clause 20.4 Development Standards for Buildings and Works, Agriculture Zone - clause 21.4 Development Standards for Buildings and Works, Landscape Conservation Zone - clause 22.4 Development Standards for Buildings and Works, Environmental Management Zone - clause 23.4 Development Standards for Buildings and Works, Utilities Zone - clause 26.4 Development Standards for Buildings and Works and Community Purpose Zone - clause 27.4 Development Standards for Buildings and Works.

Objective	That development with the potential to disturb dispersive soil is appropriately located or managed: (a) to minimise the potential to cause erosion; and (b) so that risk to property and the environment is reduced to an acceptable level.
Acceptable Solutions	Performance Criteria
A1 Development must be for: (a) works not involving the release of concentrated water or the disturbance of soils; (b) additions or alterations to an existing building, or the construction of a non-habitable building, provided the development area is no more than 100m²; or (c) forestry operations in accordance with a certified forest practices plan.	P1 Development must be designed, sited and constructed to minimise the risks associated with dispersive soil to property and the environment, having regard to: (a) the dispersive potential of soils in the vicinity of proposed buildings, driveways, services and the development area generally; (b) the potential of the development to affect or be affected by erosion, including gully and tunnel erosion;

	(c) the dispersive potential of soils in the vicinity of water drainage lines, infiltration areas and trenches, water storages, ponds, dams and disposal areas; (d) the level of risk and potential consequences for property and the environment from potential erosion, including gully and tunnel erosion; (e) management measures that would reduce risk to an acceptable level; and (f) the advice contained in a dispersive soil management plan.

HUO-S5.8 Development Standards for Subdivision

HUO-S5.8.1 Subdivision on Potential Dispersive Soils

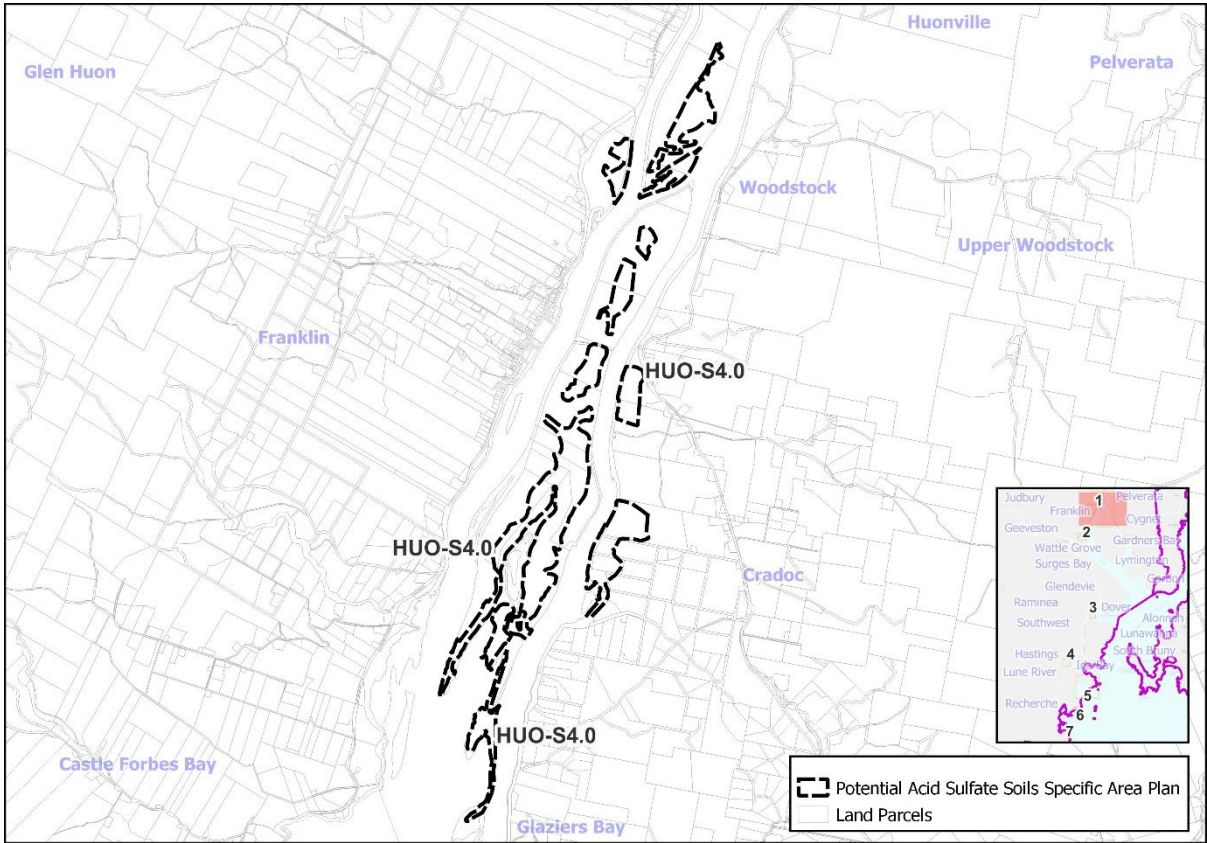
This clause is in addition to General Residential Zone - clause 8.6 Development Standards for Subdivision, Rural Living Zone - clause 11.5 Development Standards for Subdivision, Commercial Zone - clause 17.5 Development Standards for Subdivision, Rural Zone - clause 20.5 Development Standards for Subdivision, Agriculture Zone - clause 21.5 Development Standards for Subdivision, Landscape Conservation Zone - clause 22.5 Development Standards for Subdivision, Environmental Management Zone - clause 23.5 Development Standards for Subdivision, Utilities Zone - clause 26.5 Development Standards for Subdivision and Community Purpose Zone - clause 27.5 Development Standards for Subdivision.

Objective	That subdivision within an area of potentially dispersive soil minimises the potential for development to cause erosion and risk to property and the environment.
Acceptable Solutions	Performance Criteria
A1 No Acceptable Solution.	P1 Each lot, or a lot proposed in a plan of subdivision, must minimise the risks associated with dispersive soil to property and the environment, having regard to: (a) the dispersive potential of soils in the vicinity of proposed building areas, driveways, services and the development area generally; (b) the potential of the subdivision to affect or be affected by erosion, including gully and tunnel erosion; (c) the dispersive potential of soils in the vicinity of water drainage lines, infiltration areas and trenches, water storages, ponds, dams and disposal areas; (d) the level of risk and potential consequences for property and the environment from potential erosion, including gully and tunnel erosion; (e) management measures that would reduce risk to an acceptable level; and (f) the advice contained in a dispersive soil management plan.

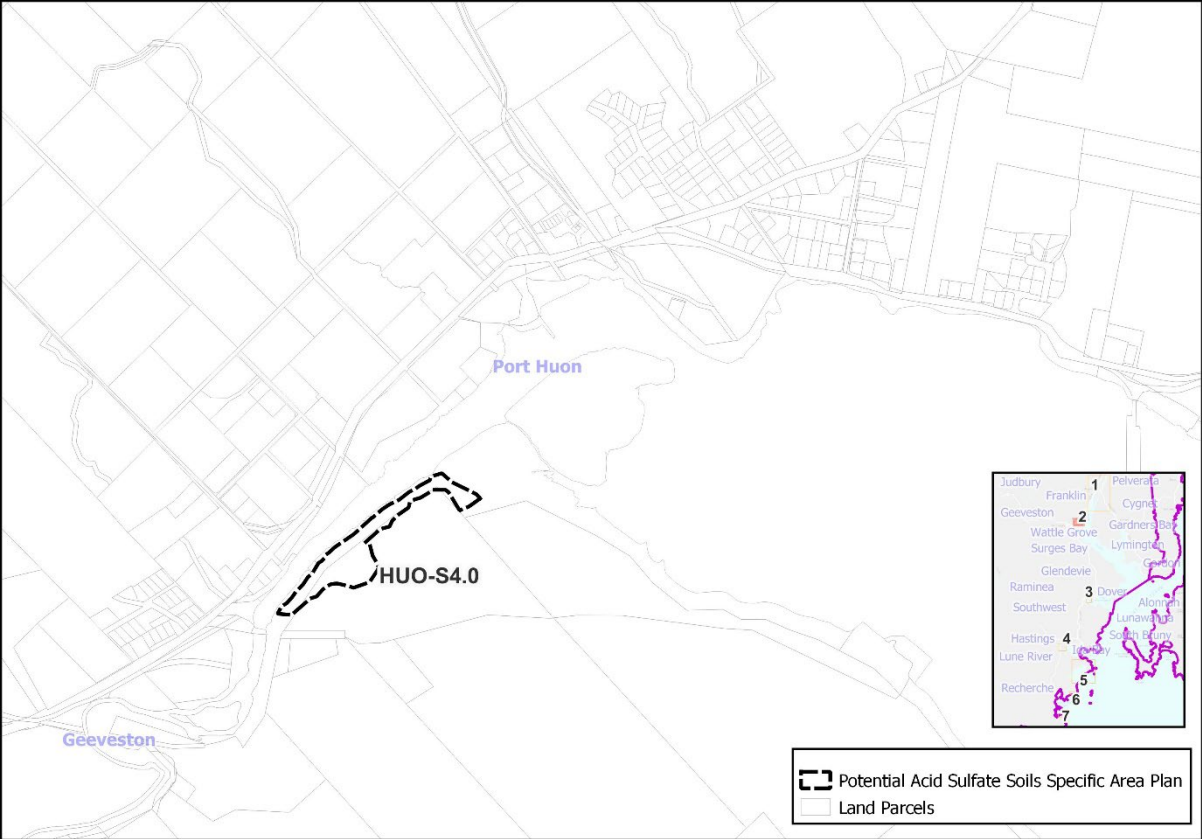
HUO-S5.9 Tables

This sub-clause is not used in this specific area plan.

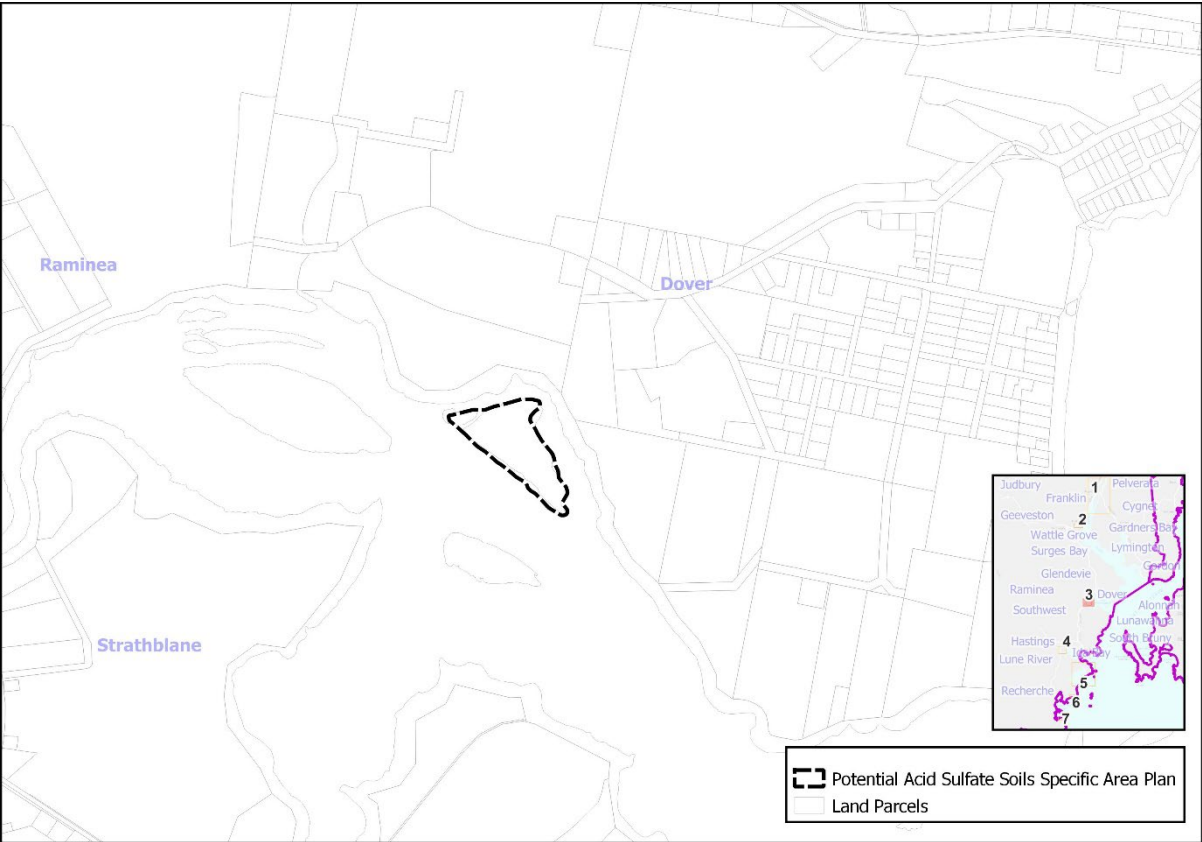
Attachment 3: Annexure B
Grove to Cockle Creek Potential Acid Sulfate Soils Specific Area
Plan and Grove to Cockle Creek Potential Dispersive Soils Specific
Area Plan



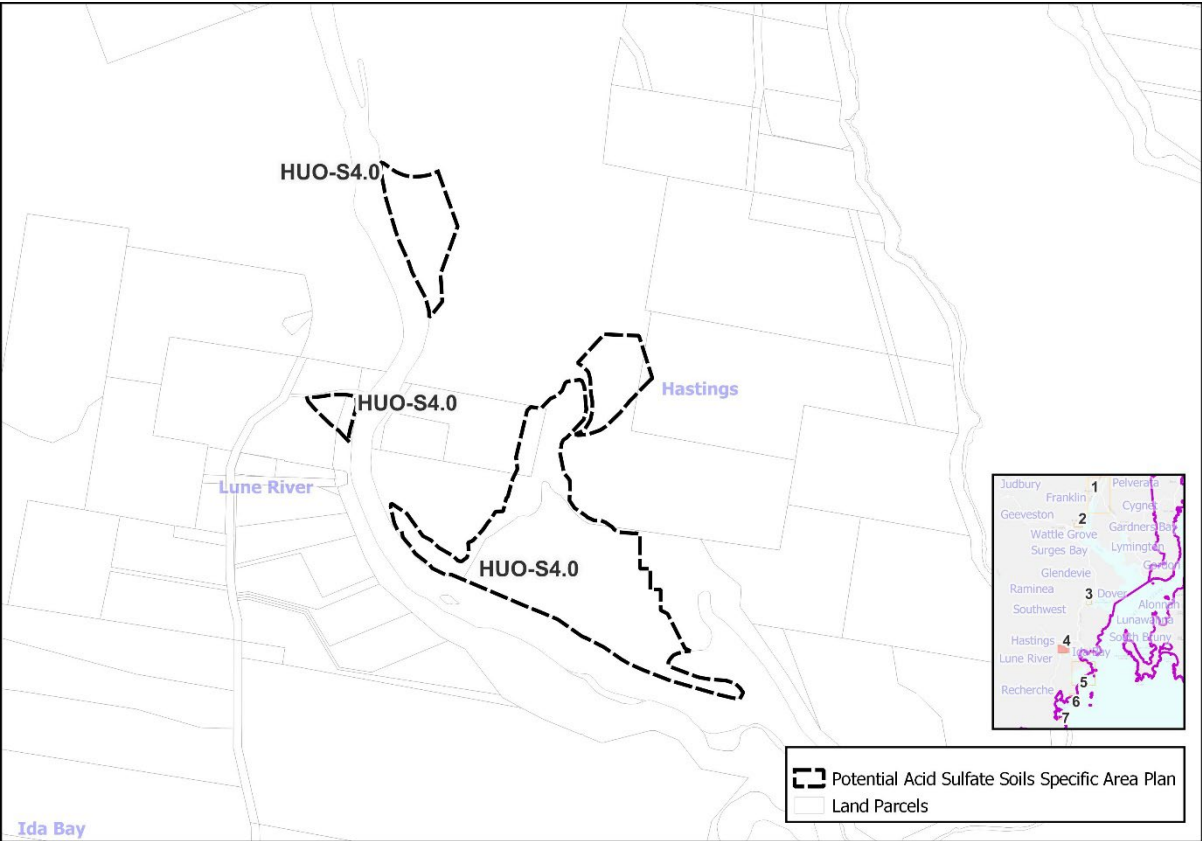
HUO-S4.0 Grove to Cockle Creek Potential Acid Sulfate Soils Specific Area Plan Map 1



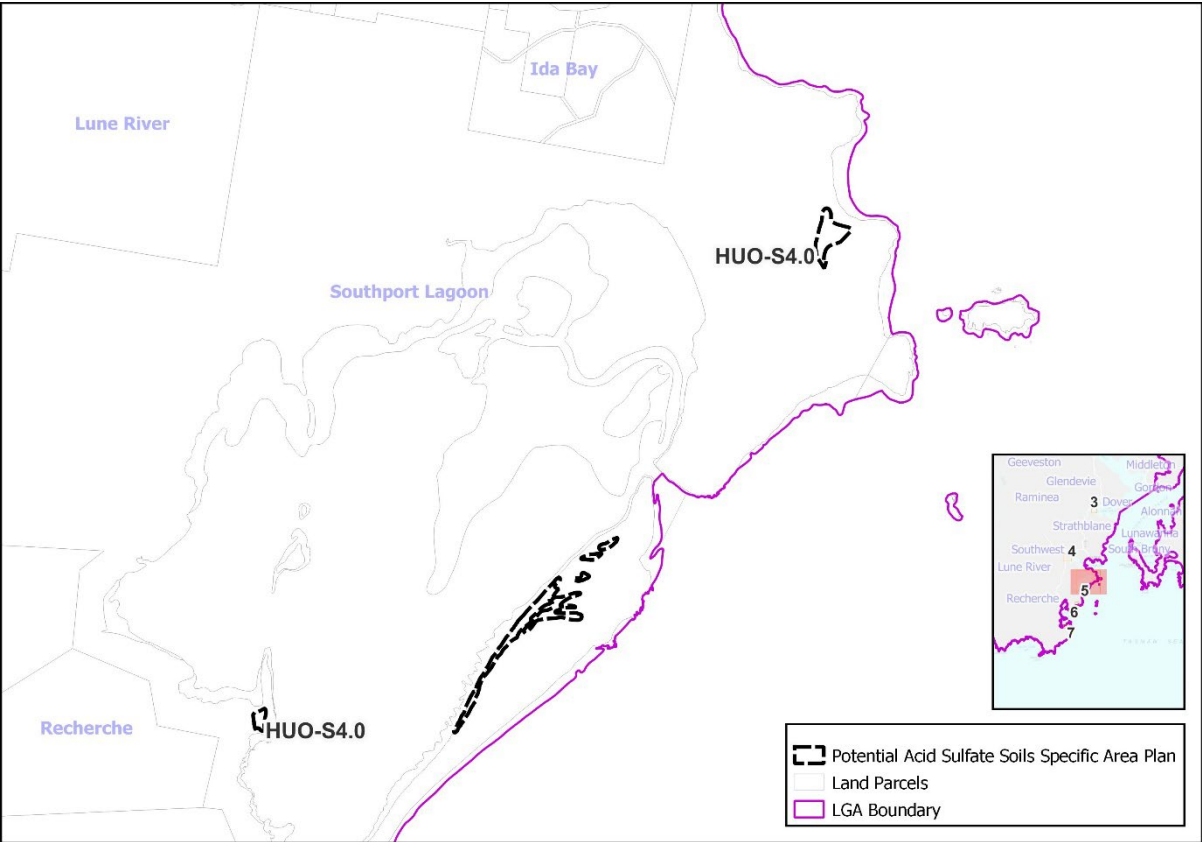
HUO-S4.0 Grove to Cockle Creek Potential Acid Sulfate Soils Specific Area Plan Map 2



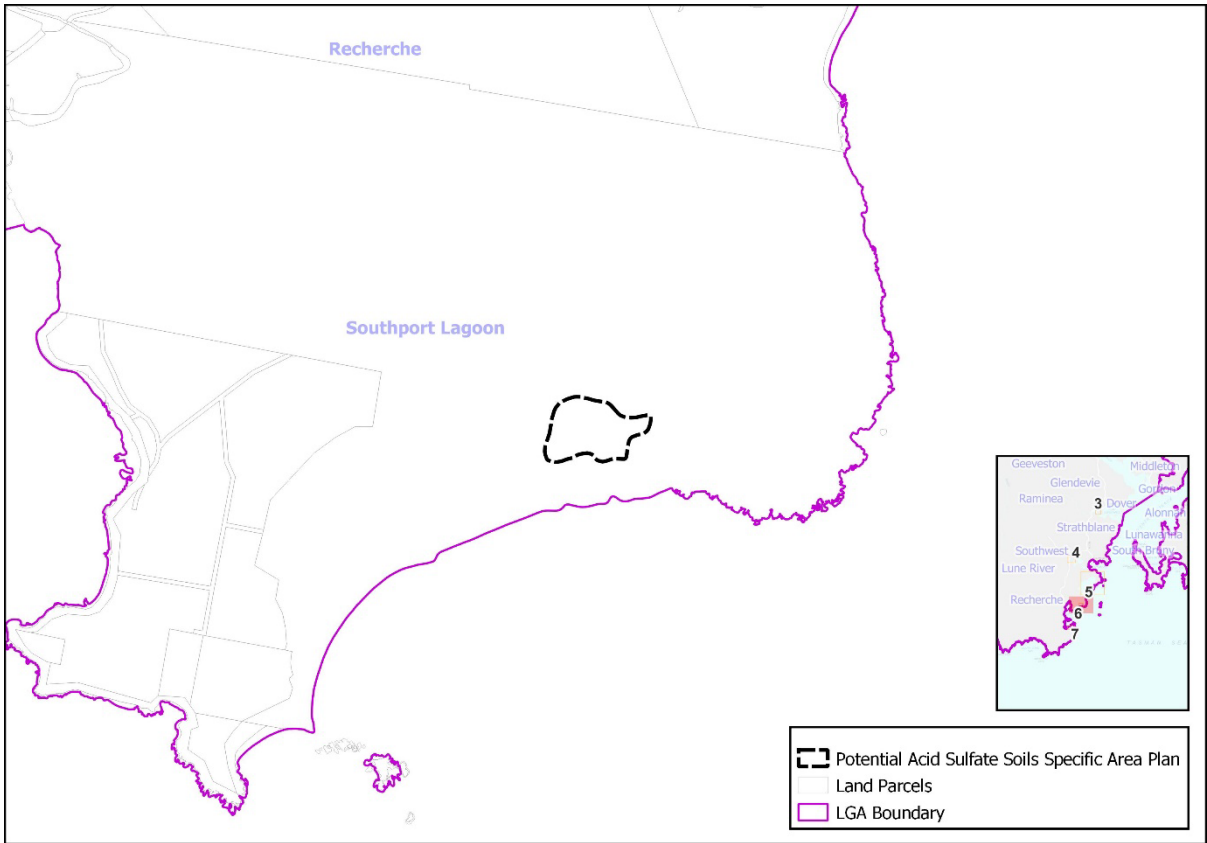
HUO-S4.0 Grove to Cockle Creek Potential Acid Sulfate Soils Specific Area Plan Map 3



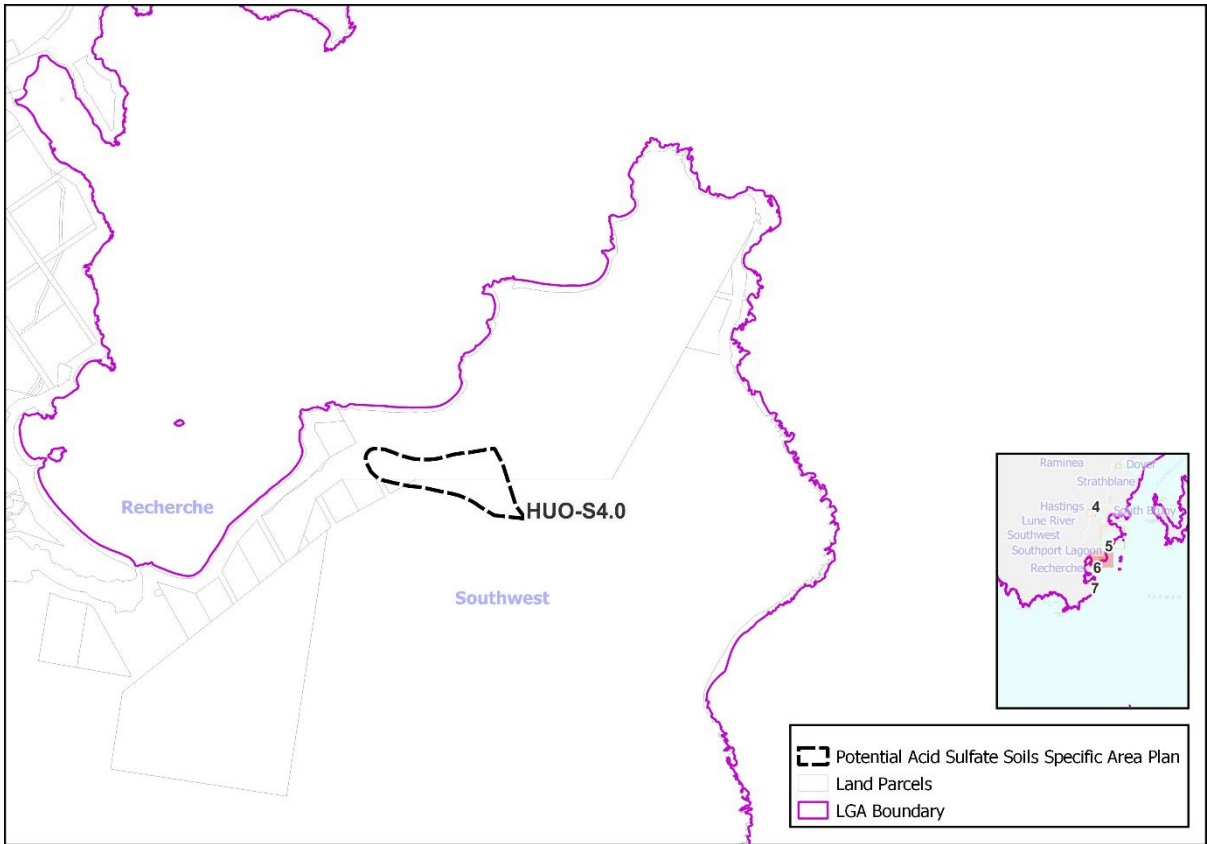
HUO-S4.0 Grove to Cockle Creek Potential Acid Sulfate Soils Specific Area Plan Map 4



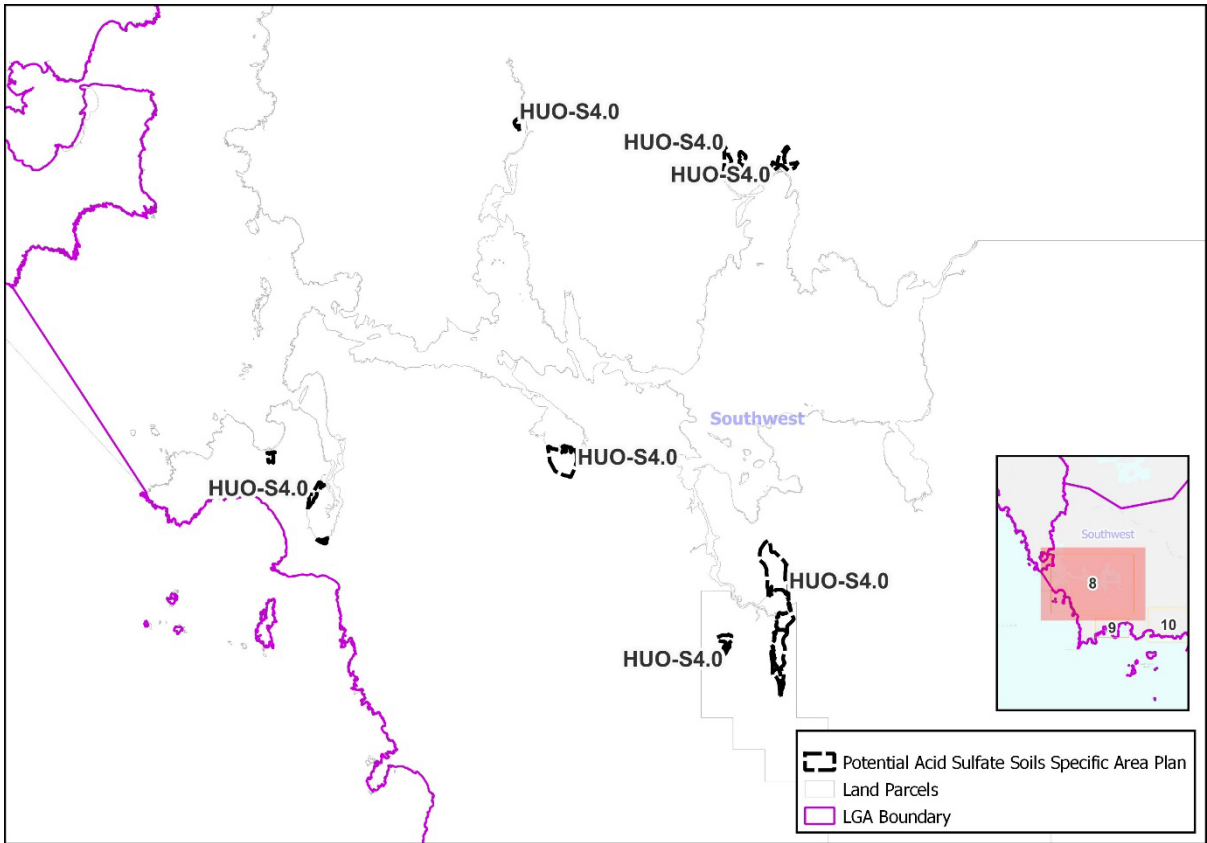
HUO-S4.0 Grove to Cockle Creek Potential Acid Sulfate Soils Specific Area Plan Map 5



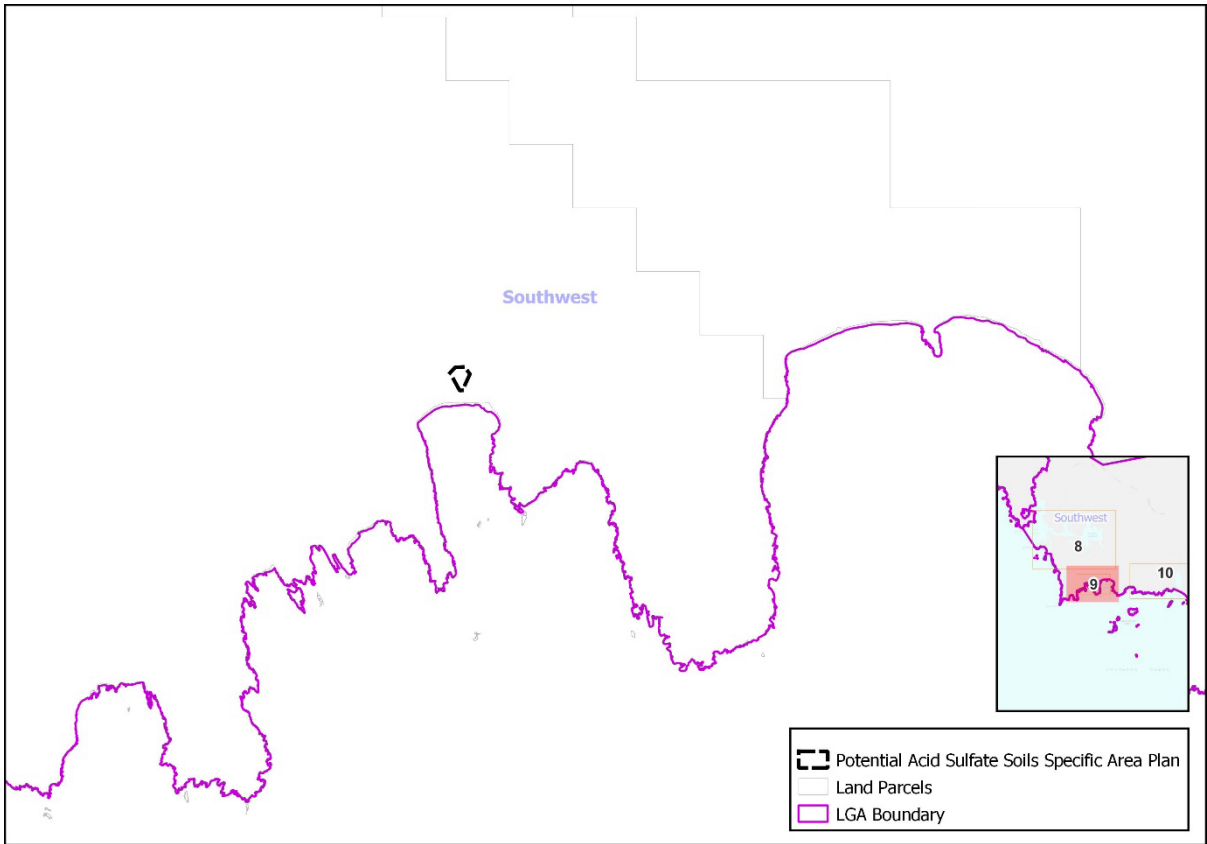
HUO-S4.0 Grove to Cockle Creek Potential Acid Sulfate Soils Specific Area Plan Map 6



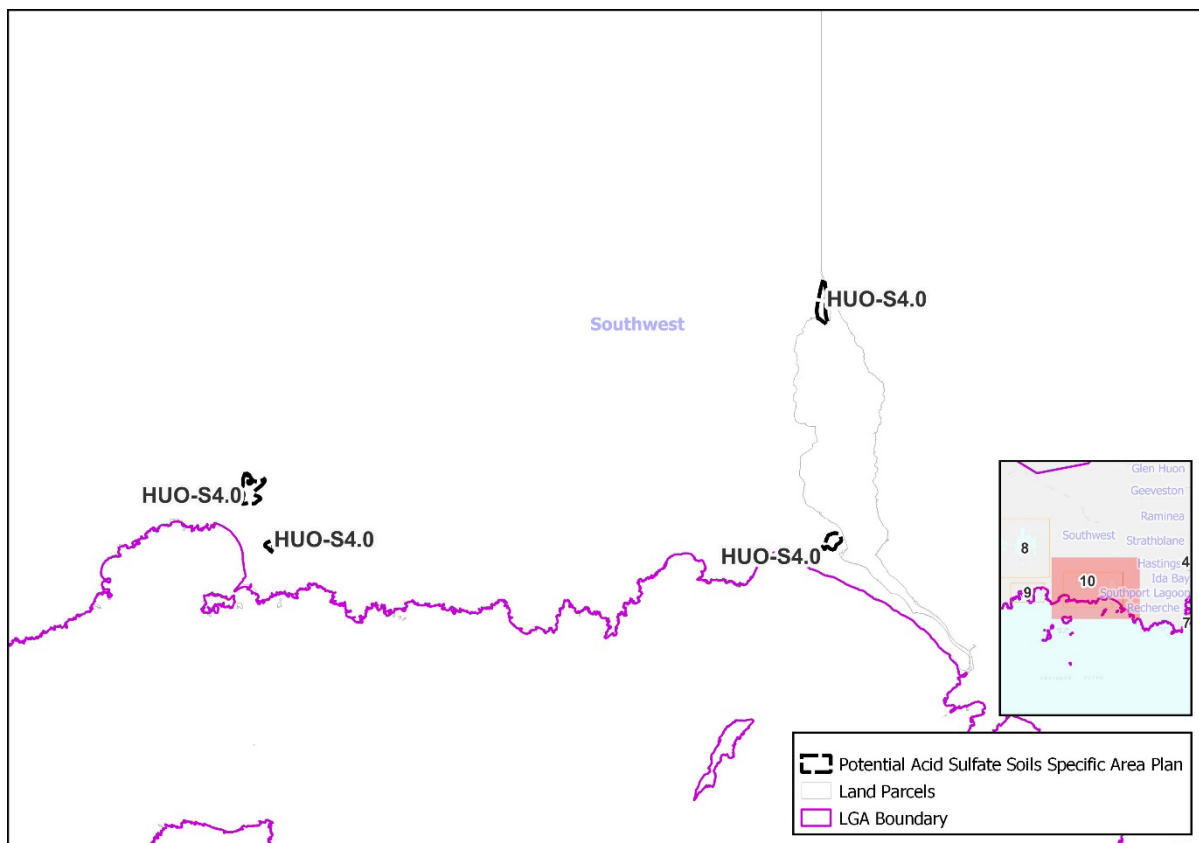
HUO-S4.0 Grove to Cockle Creek Potential Acid Sulfate Soils Specific Area Plan Map 7



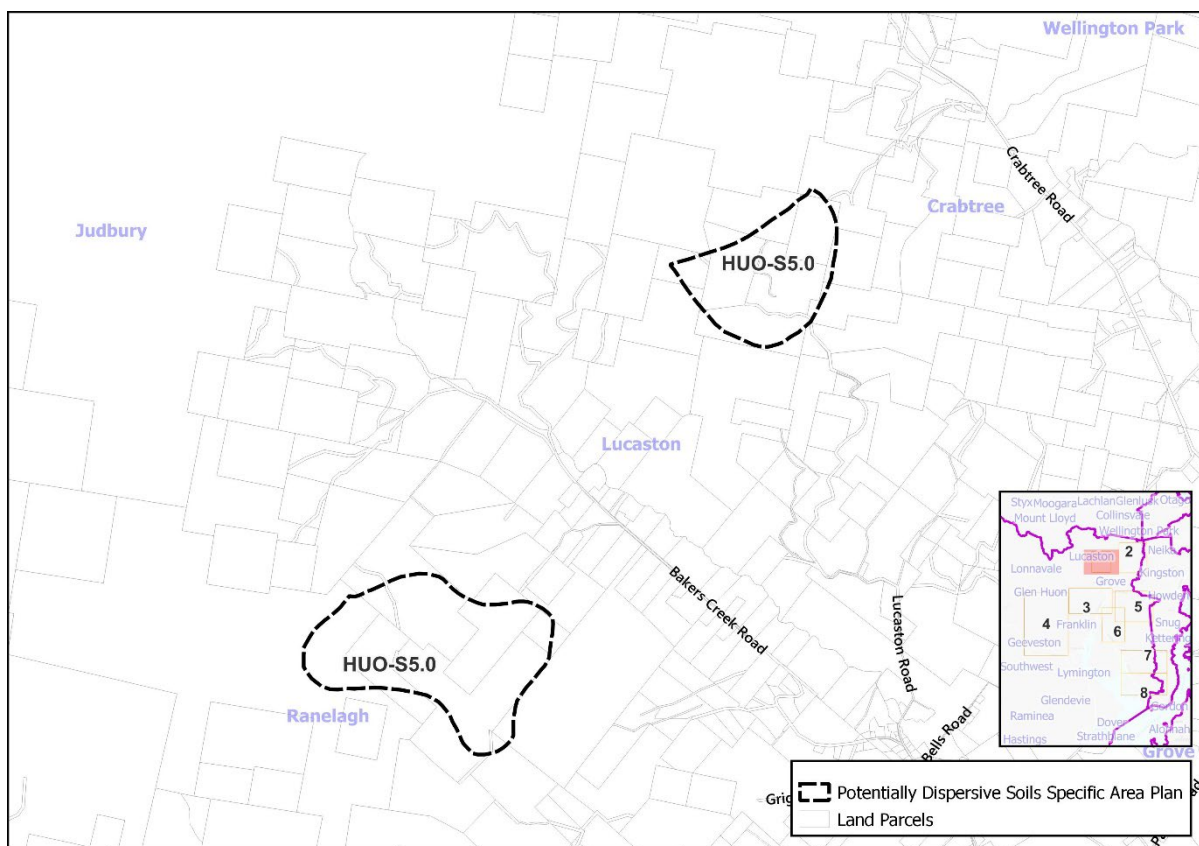
HUO-S4.0 Grove to Cockle Creek Potential Acid Sulfate Soils Specific Area Plan Map 8



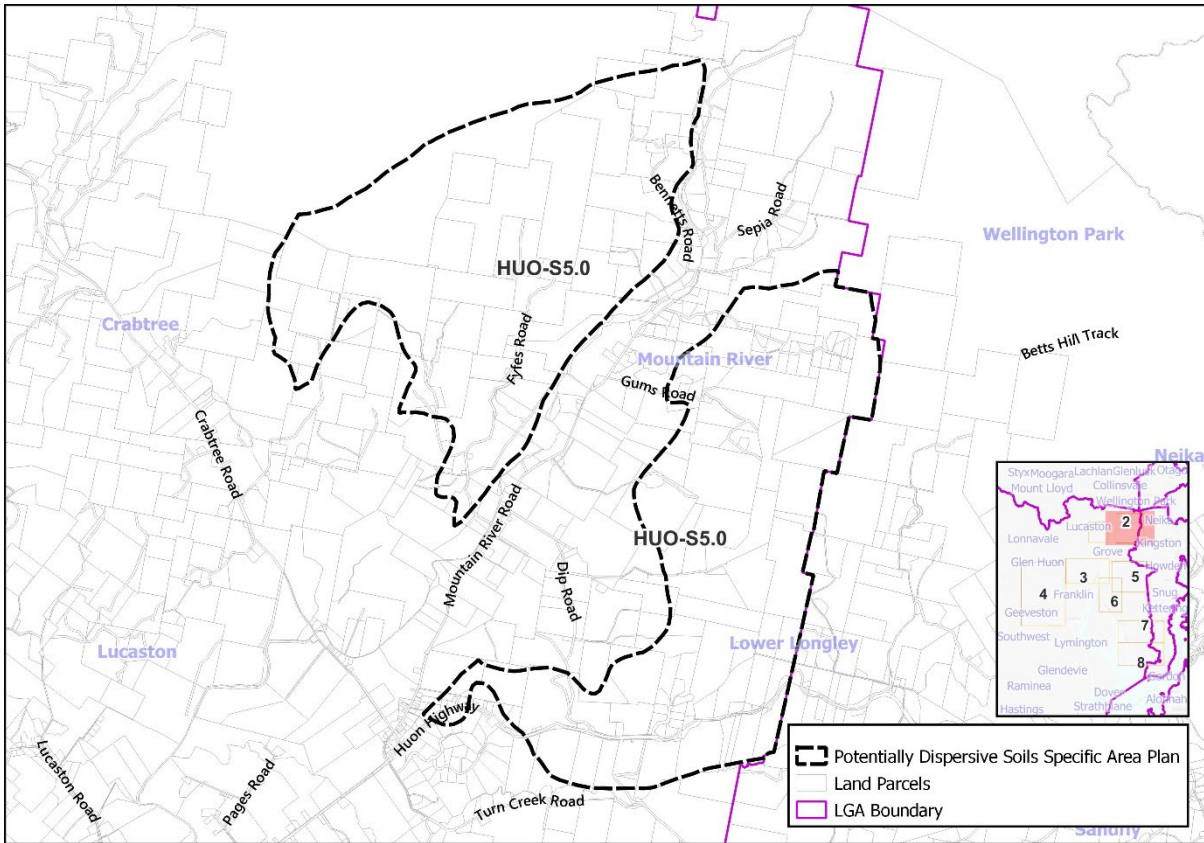
HUO-S4.0 Grove to Cockle Creek Potential Acid Sulfate Soils Specific Area Plan Map 9



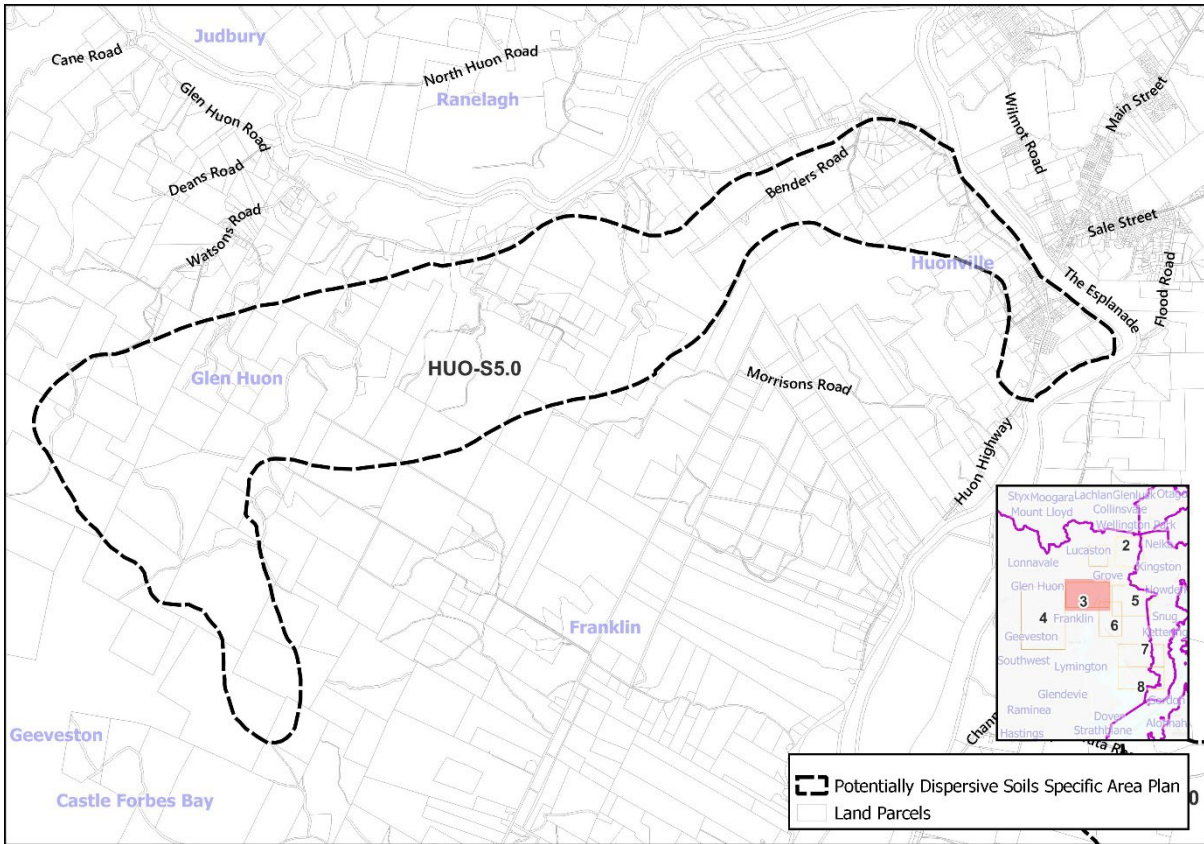
HUO-S4.0 Grove to Cockle Creek Potential Acid Sulfate Soils Specific Area Plan Map 10



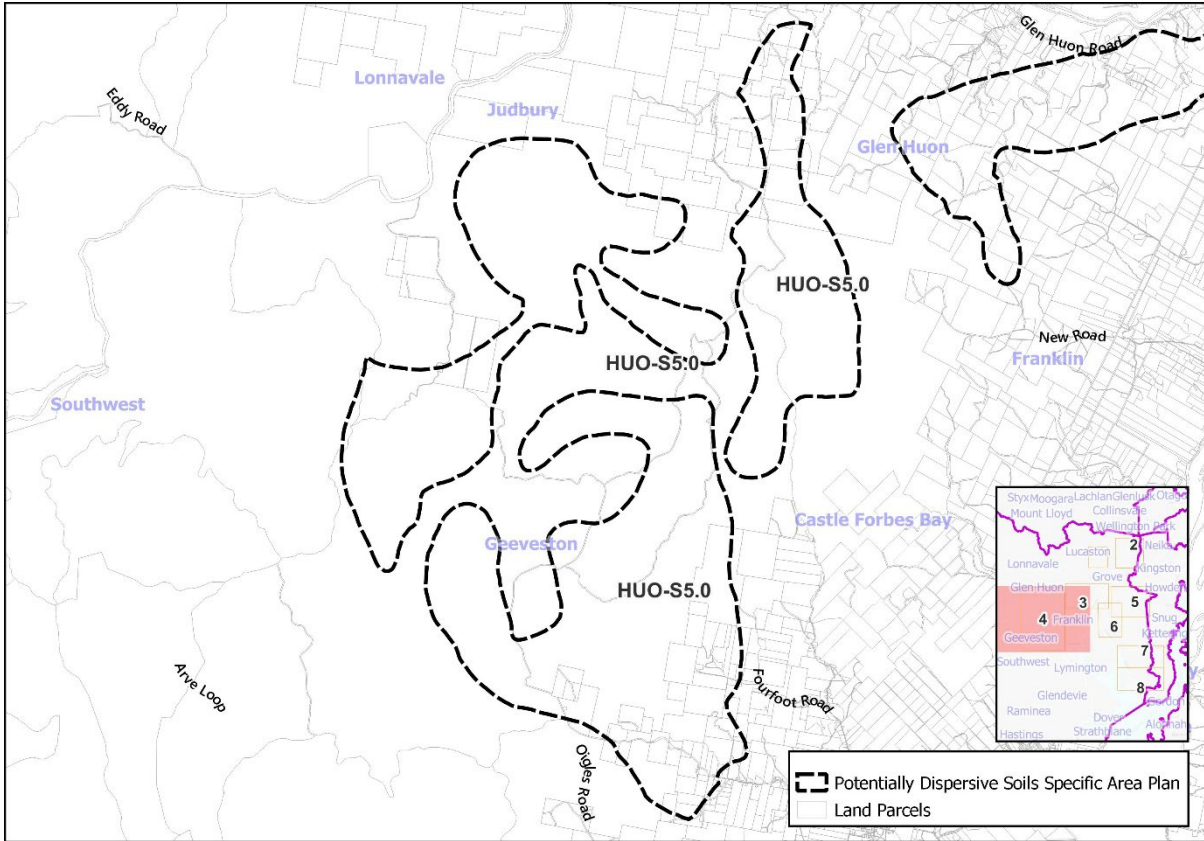
HUO-S5.0 Grove to Cockle Creek Potential Dispersive Soils Specific Area Plan Map 1



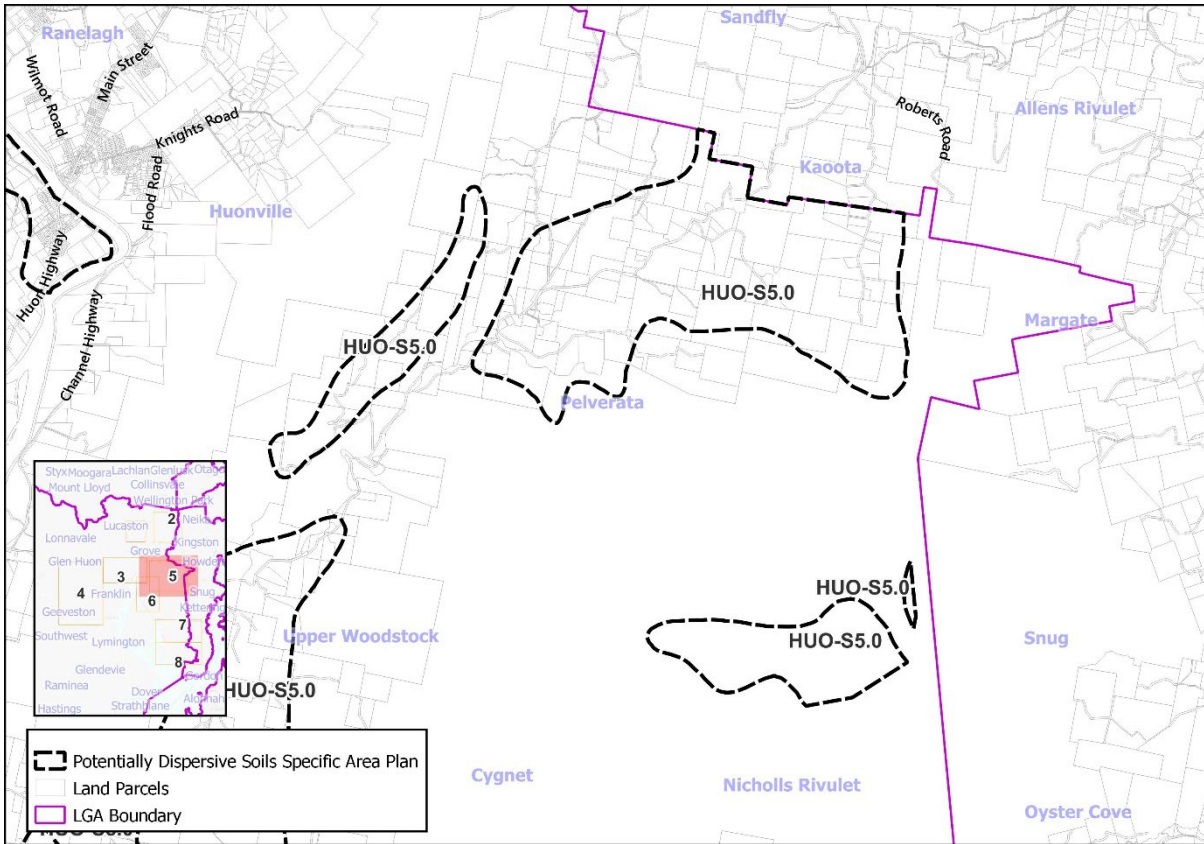
HUO-S5.0 Grove to Cockle Creek Potential Dispersive Soils Specific Area Plan Map 2



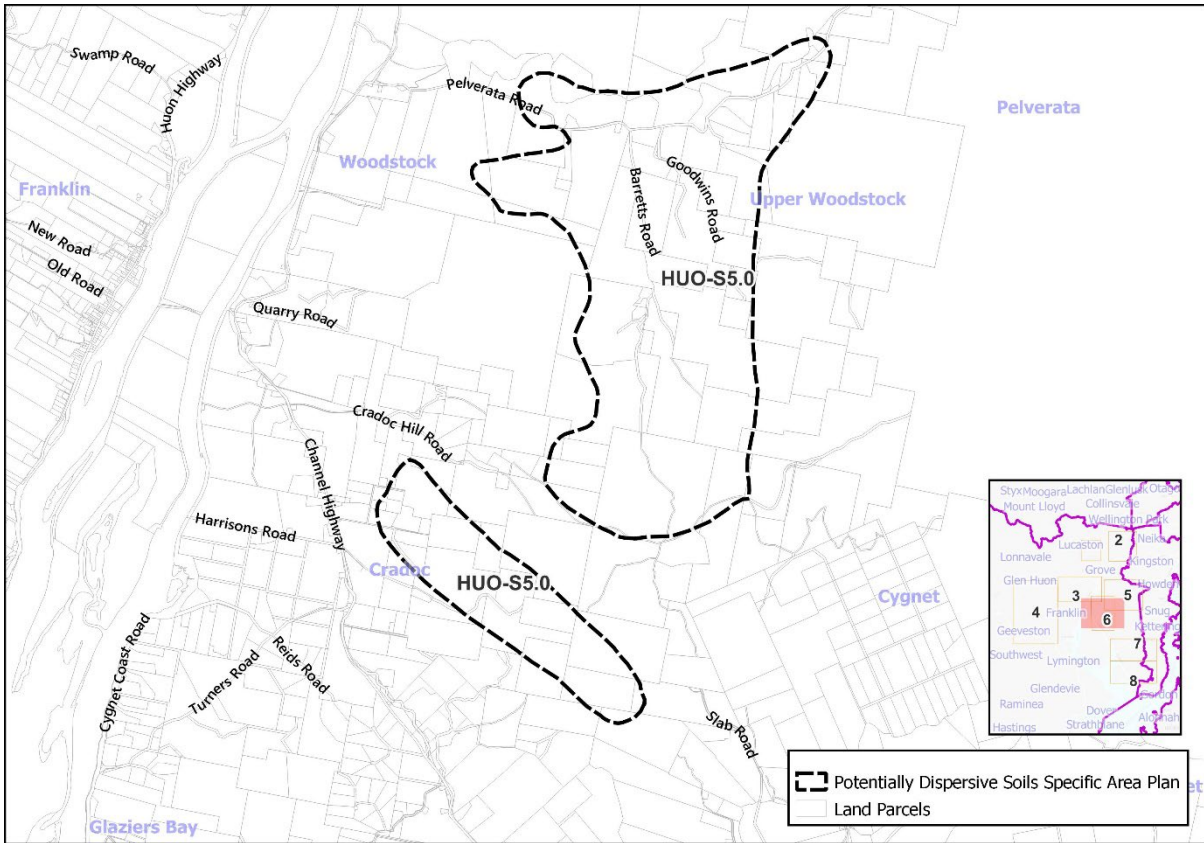
HUO-S5.0 Grove to Cockle Creek Potential Dispersive Soils Specific Area Plan Map 3



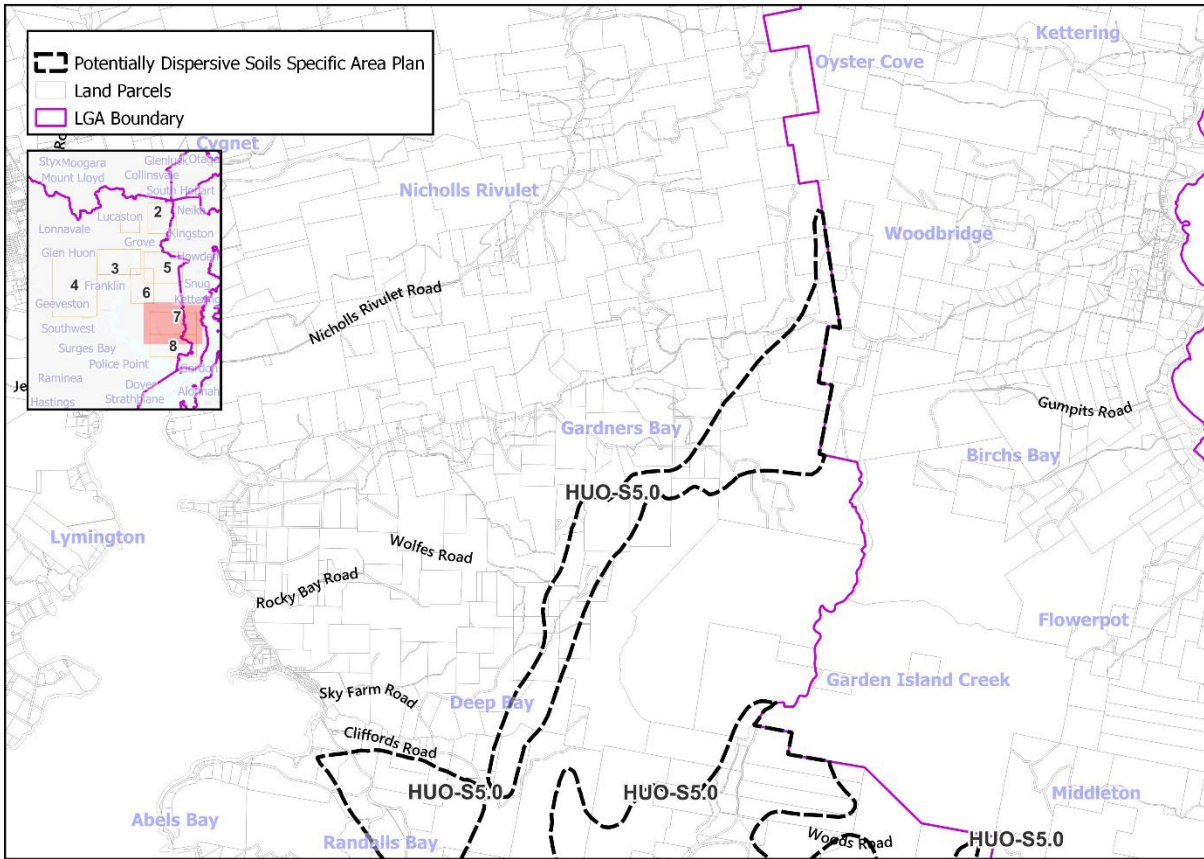
HUO-S5.0 Grove to Cockle Creek Potential Dispersive Soils Specific Area Plan Map 4



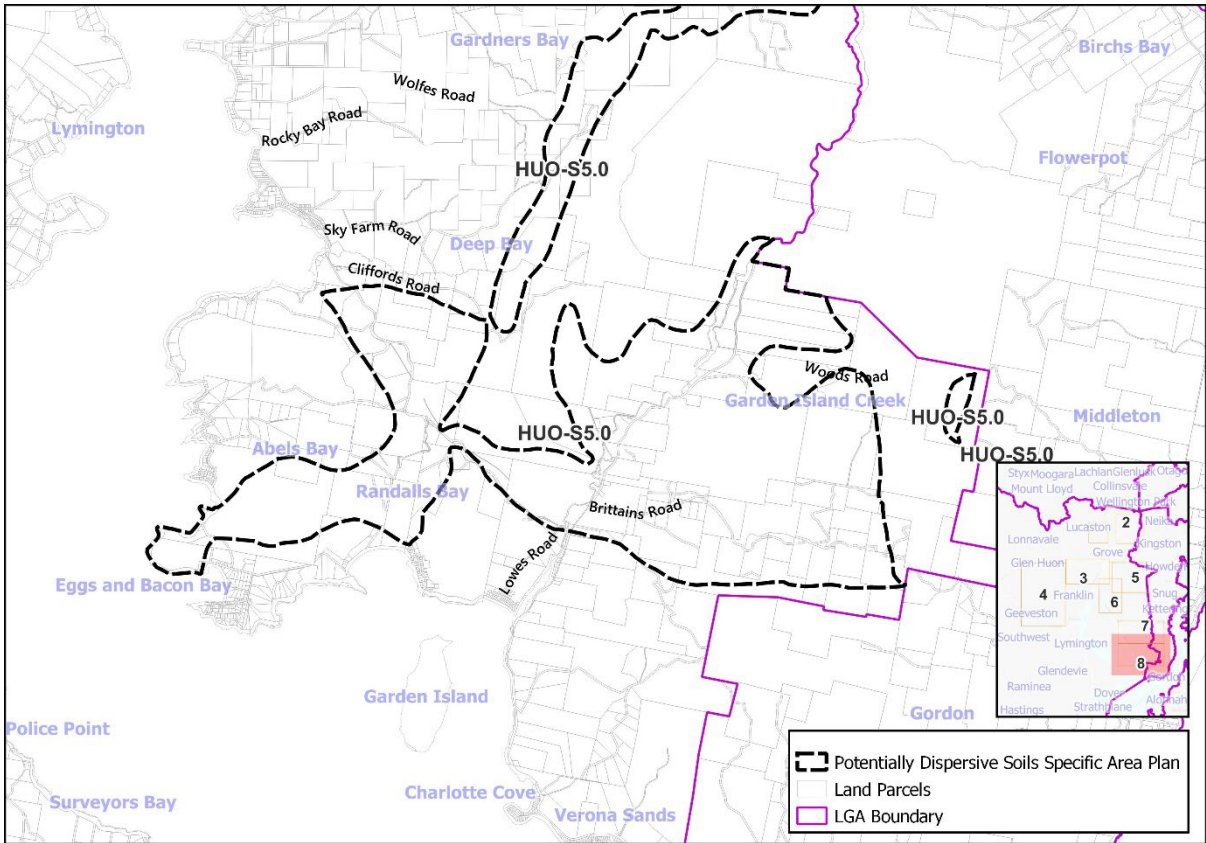
HUO-S5.0 Grove to Cockle Creek Potential Dispersive Soils Specific Area Plan Map 5



HUO-S5.0 Grove to Cockle Creek Potential Dispersive Soils Specific Area Plan Map 6



HUO-S5.0 Grove to Cockle Creek Potential Dispersive Soils Specific Area Plan Map 7



HUO-S5.0 Grove to Cockle Creek Potential Dispersive Soils Specific Area Plan Map 8