

TASMANIAN PLANNING COMMISSION



DECISION

Local Provisions Schedule George Town

Date of decision 11 August 2023

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 that the 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 amendment to the Commission after the LPS comes into effect, in accordance with the notice in Attachment 3.

A handwritten signature in black ink, appearing to read 'Ann Cunningham'.

Ann Cunningham
Delegate (Chair)

A handwritten signature in black ink, appearing to read 'Michael Hogan'.

Michael Hogan
Delegate

REASONS FOR DECISION

Background

The George Town Planning Authority (the planning authority) exhibited the George Town draft Local Provisions Schedule (the draft LPS), under section 35D of *Land Use Planning and Approvals Act 1993* (the Act), from 4 July 2022 until 1 September 2022.

On 5 January 2023 the Commission received the report provided by the planning authority under section 35F(1) into 31 representations received on the draft LPS. In addition, five representations (numbers 32, 33, 34, 35 and 36) 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, one submission was accepted by the Commission during the hearing process. A list of the representations and submissions is at Attachment 1.

Date and place of hearing

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

Hearings were held at the George Town Council chambers, 16-18 Anne Street, George Town on 21, 22 and 23 April 2023, and 20 July 2023.

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 that 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 are that the draft LPS:
 - (a) contains all the provisions that the SPPs specify must be contained in an LPS;
 - (b) is in accordance with section 32 of the Act;
 - (c) furthers the objectives set out in Schedule 1 of the Act;
 - (d) is consistent with each State policy;
 - (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;
 - (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;
 - (g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and

- (h) has regard to the safety requirements set out in the standards prescribed under the *Gas Pipelines Act 2000*.
4. The relevant regional land use strategy is the Northern Tasmania Regional Land Use Strategy 2021 (the 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 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, taking into account the relevant particular site and local circumstances and evidence submitted.
 6. The requirements for making modifications to the draft LPS are set out under section 35K of the Act.
 7. The Commission may also reject the draft LPS and request that the planning authority prepare a substitute draft LPS (section 35K(c)).
 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).

Issues raised in the representations

General Residential Zone - 163 Low Head Road, Low Head

Representation: Philip Dawson (4)

10. The representor requested the zoning of 163 Low Head Road, Low Head folio of the Register 42061/1 be revised from the Environmental Management Zone to the General Residential Zone. The representor explained the land contained a Residential use (dwelling) and should be zoned General Residential consistent with other residential properties to the north along Low Head Road.
11. In its section 35F report, the planning authority recommended the property be zoned General Residential because the land contained a dwelling. The planning authority noted the Residential use was consistent with the purpose of the General Residential Zone.

Commission consideration

12. The Commission agrees the General Residential should be applied to the land for the reasons given by the planning authority in the section 35F report. The land contains a dwelling and is connected to reticulated services.

Commission decision

13. Modification:

- Revise the zoning of 163 Low Head Road, Low Head folio of the Register 42061/1 to General Residential.

14. Reason: To apply the General Residential Zone consistent with Guideline No. 1.

General Residential Zone - North Street, George Town

Representation: Department of Communities Tasmania (Homes Tasmania) (21)

15. The representor requested the zoning of North Street, George Town folio of the Register 240776/1 be revised from the Future Urban Zone to the General Residential Zone for the following reasons:
- the land had approximately 480m of existing road frontage;
 - the General Residential Zone was appropriate for the land given its characteristics, proximity to existing land zoned General Residential and its proximity to existing services;
 - the land was not targeted for higher densities and was connected to reticulated water sewerage services; and
 - the land was not highly constrained by natural values or hazards.
16. The representor also requested the Priority Vegetation Area overlay be removed from the land. The request was supported by a natural values assessment undertaken by a suitably qualified person. The assessment concluded the land contained no threatened flora or significant threatened native fauna habitat. On that basis, the assessment stated the land did not have any priority vegetation as defined by the Natural Assets Code of the SPPs.
17. In the section 35F report, the planning authority recommended the General Residential Zone be applied to the land for the following reasons:
- the General Residential Zone was consistent with Guideline No.1 because the land was connected to sewer and water infrastructure, and generally clear of natural hazards and natural values;
 - the land had frontage to two Council-maintained roads and a further undeveloped road reserve;
 - the land was located within a 'Supporting Consolidation Area' under the regional strategy;
 - the land was identified in the George Town Area Structure Plan 2021 as being suitable for residential development, albeit shown as a 'Future Growth Area.' Notwithstanding, the planning authority supported the General Residential Zone because it would provide affordable housing options in the area; and
 - the *Housing Land Supply Act 2018* would provide an alternative process that may provide for the land to be zoned General Residential anyway.
18. The planning authority was also supportive of the removal of the Priority Vegetation Area overlay from the land, because the natural values assessment determined it contained no priority vegetation.
19. At the hearing, Ms Mary Bessell for Homes Tasmania was supportive of the recommendations made in the section 35F report.
20. In response, the planning authority conceded no road connectivity planning had been undertaken to show how the road network in the area would be developed.

Commission consideration

21. The Commission does not agree the General Residential Zone should be applied to the land for the following reasons:
 - there is insufficient evidence about the suitability of the site for General Residential zoning, particularly about bushfire management;
 - the General Residential Zone is not supported by the George Town Area Structure Plan 2021 because the land is identified as proposed for public open space; and
 - further strategic planning work is needed to determine the quantity, type and location of urban residential land required in George Town. Without such work, disorderly rezoning and development of land increases the risk development could occur in an illogical sequence and result in poor outcomes for the road network.
22. The Commission notes there may be a current need for the creation of affordable housing opportunities in the area and that the *Housing Land Supply Act 2018* provides an alternative process to seek rezoning of the land subject to the relevant criteria specified in that Act.
23. The Commission agrees the Priority Vegetation Area overlay should be removed from the land. The Commission accepts the evidence provided by the representor, and considers the removal of the overlay is consistent with the principles of Guideline No. 1.

Commission decision

24. Modification:
 - Revise the Priority Vegetation Area overlay by removing the overlay from North Street, George Town folio of the Register 240776/1.
25. Reason: To apply the Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Living Zone - Hillwood

Representations: Gaylene Slater Wayne Radford (3), Department of State Growth (22)

Submission accepted by the Commission: Sigrid Wilson

26. The representation made by Ms Gaylene Slater and Mr Wayne Radford and the submission made by Ms Sigrid Wilson requested the zoning of 359 Hillwood Road, Hillwood folio of the Register 111263/1 be revised from part Rural Living Zone and part Rural Zone so that it was wholly contained in the Rural Living Zone. Both requests were made on the basis the Rural Living Zone would allow the land to be subdivided.
27. The submission made by Ms Sigrid Wilson was accompanied by documents that had been prepared to support an un-submitted request to amend the zone of the land to Rural Living under the interim planning scheme.
28. The representation made by Department of State Growth raised concern about any increase to the area of the Rural Living Zone at Hillwood because of the impact additional residential lots in the area would have on vehicle access to the East Tamar Highway. The representor noted additional lots along Leam Road, Hillwood Road, Dalrymple Road, Henry Street and Johnstons Road had been included in the Rural Living Zone (subdivision category B). The representor explained existing intersections from Hillwood onto the East Tamar Highway, which was a limited access, category 1 road, would require upgrades to cope with additional traffic movements. It added, that without upgrades, the safety and efficiency of the Highway would be compromised.

29. In the section 35F report, the planning authority did not support any change to the zone of 359 Hillwood Road, Hillwood for the following reasons:
 - the Rural Living Zone (subdivision category B), would create potential for three 3 additional lots on the land;
 - it generally supported expansion of the Rural Living Zone at Hillwood, however a number of past requests to rezone land Rural Living in the area had been refused by the Commission;
 - a number of strategic planning issues, particularly traffic impact, needed to be resolved before land was rezoned; and
 - future rezoning of land may need to be facilitated by a specific area plan to manage infrastructure contributions for road upgrades.
30. The planning authority made the following comments in response to the representation made by the Department of State Growth:
 - the draft LPS did propose to include additional land in the Rural Living Zone;
 - the Zone was applied to existing residential lots that already contained Residential use; and
 - subdivision category B had been applied to prevent creation of new lots due to the impact that additional traffic from new lots would have on the East Tamar Highway.
31. At the hearing, Ms Sigrid Wilson, who had recently purchased 359 Hillwood Road, explained her desire to build a new dwelling on the land and retain the one that existed. She added she would demolish the existing dwelling if an additional one could not be constructed.
32. The Department of State Growth, represented by Ms Claire Armstrong, made the following comments:
 - it was concerned about expansion of the Rural Living Zone at Hillwood because it would cause an increase in traffic in the area;
 - the Department had no immediate plans to upgrade the road network around Hillwood;
 - the Department may not be able to provide additional public transport services to the area;
 - it accepted the additional Rural Living Zone should be applied to land at Leam Road, Hillwood Road, Dalrymple Road, Henry Street and Johnstons Road because there was no increase in subdivision potential; and
 - it would otherwise oppose any expansion of the Rural Living Zone.
33. In response, the planning authority made the following comments:
 - it needed to undertake further strategic planning work to address the issues that resulted in the refusal of previous rezoning requests;
 - there was a large area of land on the southern side of Hillwood that was zoned Rural Living that had the potential to be subdivided into 96 lots, which would provide a supply of rural-residential land for approximately 20 years;
 - it was unable to predict how long it would be until 359 Hillwood Road would be rezoned to Rural Living;
 - application of the Rural Living Zone to 359 Hillwood Road was premature and could not be justified until the planning authority and Department of State Growth undertook strategic planning work for the area, particularly to address vehicle access onto the East Tamar Highway;
 - the planning authority has taken steps to commence strategic planning work for the area; and

- it understood the concerns of the Department of State Growth but was satisfied access onto the East Tamar Highway was safe given lot yield from the Rural Living Zone would not increase.

Commission consideration

34. The Commission accepts the responses to the representations given by the planning authority at the hearing and in the section 35F report. The Commission is not persuaded the draft LPS should be modified for the following reasons:
- there is insufficient evidence 359 Hillwood Road should be rezoned, in particular how the Rural Living Zone is consistent with the regional strategy and the principles of Guideline No. 1;
 - existing undeveloped land in the Rural Living Zone at Hillwood would yield a significant supply of lots;
 - it is unclear whether there is a current need for additional supply of land in the Zone;
 - the Hillwood Structure Plan 2016 supports further application of the Rural Living Zone in the area, however there is insufficient evidence the local road network is suitable for increased traffic;
 - the current Rural Living and Rural zones applied to 359 Hillwood Road would not prevent construction of a new dwelling provided the existing dwelling was demolished or converted to an alternative use that was compliant with the SPPs;
 - the Rural Living Zone applied to land along Leam Road, Hillwood Road, Dalrymple Road, Henry Street and Johnstons Road would recognise existing rural-residential use and development;
 - the expanded Rural Living Zone would increase the potential for new lots that could increase traffic and contribute to an adverse effect on safety or efficiency of access onto East Tamar Highway; and
 - the planning authority may undertake further strategic planning work in future to investigate whether additional land could be zoned Rural Living in future, subject to resolution of local traffic and access issues.

Commission decision

35. The Commission considers that no modifications are required.

Rural Living Zone - Fannys Bay Road, Lullworth

Representation: Louise Nixon (7)

36. The representor requested the zoning of Fannys Bay Road, Lullworth folio of the Register 103027/1 be revised from the Agriculture Zone to the Rural Living Zone.
37. The planning authority recommended no changes to the draft LPS for the following reasons:
- there was no local strategic analysis, such as residential settlement strategy or structure plan, that supported the Rural Living Zone in that location;
 - the regional strategy did not support the Rural Living Zone;
 - the Rural Living Zone was not consistent with RLZ 2 of Guideline No. 1;
 - the land did not contain a dwelling and was not otherwise used for Residential purposes;
 - the land was part of a larger property to the south, which was used for agricultural activities and was proposed to be included in the Agriculture Zone;

- the land was identified as unconstrained in the State land potentially suitable for agriculture zone mapping (agricultural estate mapping) and no evidence was provided to demonstrate a zone other than Agriculture should be applied; and
 - the Agriculture Zone was consistent with AZ 1 of Guideline No. 1.
38. At the hearing, Ms Louise Nixon contended the land should be zoned Rural Living and made the following comments:
- she hoped to build a dwelling on the land;
 - the land was not suitable for agricultural use;
 - the site was covered by sand dunes, which were unsuitable for agricultural use;
 - bushfire management was an issue on the land; and
 - the land had restricted access from Fannys Bay Road because the road was not very well maintained.
39. In response, the planning authority maintained its view the land should remain in the Agriculture Zone and made the following comments:
- if there was evidence the land was not suitable for an agricultural use, then it would be prepared to consider an approval of a dwelling on the land;
 - the land may contain natural values and be subject to natural hazards; and
 - an access licence, right-of-way, or lease to use the land for access to the property would likely be required from the Crown.

Commission consideration

40. The Commission is not persuaded the Rural Living Zone should be applied to the land. The Commission agrees with the planning authority that the Zone is not supported by the regional strategy or a local land use strategy. The Commission also notes the property is identified as unconstrained in the agricultural estate mapping and no assessment of the potential to use the land for agriculture undertaken by a suitably qualified person was submitted as evidence the Agriculture Zone should be replaced. Nevertheless, Residential use is Discretionary in and Agriculture Zone and may be approved by the planning authority, however compliance with the relevant use and development standards of the SPPs, including those related to natural values and hazards, would be required.

Commission decision

41. The Commission considers that no modifications are required.

General Industrial Zone - 4055 East Tamar Highway, Bell Bay and Part of 4053 East Tamar Highway, Bell Bay

Representation: Hydro Tasmania (18)

42. The representor requested the zoning of 4055 East Tamar Highway folio of the Register 152399/1 and part of 4053 East Tamar Highway, Bell Bay folio of the Register 152399/2 be revised from the Utilities Zone to the General Industrial Zone. The representor explained the land at 4055 East Tamar Highway contained the former Bell Bay Power Station, which had been approved for demolition. The representor contended the land be included in the General Industrial Zone so the zoning would be consistent with the land to the south and east.
43. In the section 35F report, the planning authority recommended the General Industrial Zone be applied to the land for the following reasons:

- the Utilities Zone was no longer required for the land because the original use for electricity generation had ceased;
 - the General Industrial Zone was consistent with Guideline No. 1 and the regional land use strategy;
 - the land was considered to be an extension of the existing industrial area, which was recognised in the regional strategy as a key transport hub under C.4.1 Goal 1: Economic Development;
 - the General Industrial Zone provided for Utilities should the use be required in future;
 - the land was in close proximity to key transport routes;
 - the land did not adjoin any sensitive uses; and
 - the land had access to port and berthing facilities on the Tamar River.
44. At the hearing, Mr Ian Jones for Hydro Tasmania made the following comments in support of the representation:
- the Bell Bay Power Station had been in a state of decommission since the early 2000s;
 - the Bell Bay Power Station had been replaced by the gas-operated Tamar Valley Power Station on the adjacent land;
 - the remaining land and assets were largely unused and surplus to the needs of Hydro Tasmania for power generation;
 - most of the surrounding area, apart from the golf course to the north, was zoned General Industrial and it was therefore logical the Zone also be applied to the land;
 - the General Industrial Zone would allow the land to be used in conjunction with the surrounding area, which was a strategically important industrial area;
 - the General Industrial Zone would open up opportunity for a broader range of industrial uses to take place on the land;
 - the land could be serviced by the existing wharf, which was also owned by Hydro Tasmania;
 - part of the wharf was located on Crown land and was proposed to remain in the Utilities Zone;
 - Hydro Tasmania would support application of the General Industrial Zone to the wharf;
 - the wharf was in a poor state of repair; and
 - any environmental impacts caused by future use of the wharf would be managed through the Waterway and Coastal Protection Area overlay, which applied to the land.
45. In response, the planning authority stated it accepted the former power station would be demolished and that the Utilities Zone could only be applied under Guideline No. 1 (UZ1) if the land was intended to be used for major infrastructure.
46. Following the hearing, the planning authority, in response to a Commission direction, provided a statement that recommended the General Industrial Zone also be applied to the wharf. The following comments were made in support:
- the General Industrial Zone was consistent with Guideline No. 1;
 - the Zone would provide for wharf facilities that would support future large-scale industrial uses on the adjacent land; and
 - the wharf was part of a significant marine transport network.
47. Hydro Tasmania provided a diagram that identified how the wharf infrastructure would be included within the boundaries of the General Industrial Zone. The diagram included

coordinates that extended the existing area of the Utilities Zone so that it encompassed the existing infrastructure, which partly extended outside the boundaries of folio of the Register 152399/1 onto Crown land. A further part of the infrastructure included one of the wharf dolphins, which was detached from the remainder of the zoning. A coordinate was provided, with a recommendation a split-zone be applied around the infrastructure with a radius of 12.5m.

48. Two other wharf dolphins, part of folio of the Register 152399/1, were also proposed to be revised from the Utilities Zone to the General Industrial Zone.
49. The planning authority's submission was accompanied by a statement from the Crown that it supported application of the General Industrial Zone to that part of the wharf located on Crown land.

Commission consideration

50. The Commission accepts the land is no longer needed for power generation or other major Utilities use and is therefore persuaded the General Industrial Zone should be applied to the land. The Commission is satisfied the General Industrial Zone is supported by the principles of Guideline No. 1 and the regional strategy. As detailed in the representation and section 35F report, the land is on the periphery of a strategically important industrial estate and is supported by transport networks.
51. The Commission also agrees the wharf should be included in the General Industrial Zone and notes the potential advantages to the area if future industrial uses can be served by shipping. The proposal is supported by the Crown, and details of the proposed split-zoning have been submitted. The Commission accepts the proposed split-zoning, but does not support application of the General Industrial Zone to the northernmost wharf dolphin. The infrastructure does not have a cadastral boundary and split-zoning of the land would be uncoordinated. The Commission notes any future use or development of the land would be subject to the General Industrial Zone under clause 7.11.1 of the SPPs in any case.
52. The Commission also notes the Priority Vegetation Area overlay should be removed from the land because the overlay is incompatible with the General Industrial Zone.

Commission decision

53. Modification:
 - Revise the zoning of 4055 East Tamar Highway folio of the Register 152399/1 and that part of 4053 East Tamar Highway, Bell Bay folio of the Register 152399/2 located to the east of folio of the Register 152399/1 to General Industrial and remove the Priority Vegetation Area overlay; and
 - Revise the zoning of the Crown land identified by the following coordinates to General Industrial:
 - a. easting 491622.37 and northing 5445205.43;
 - b. easting 491613.00 and northing 5445214.57;
 - c. easting 491634.13 and northing 5445237.61;
 - d. easting 491644.17 and northing 5445229.54;
 - e. easting 491716.61 and northing 5445163.16;
 - f. easting 491731.71 and northing 5445149.93;
 - g. easting 491709.68 and northing 5445126.58; and
 - h. easting 491695.41 and northing 5445139.76.
54. Reason: To apply the General Industrial Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

General Industrial Zone - 135 Bell Bay Road, Bell Bay

Representations: TasPorts (25), TasRail (30), Office of the Coordinator-General (34), 6ty° Pty Ltd for Bell Bay Aluminium (36)

55. The representors requested the zoning of part of 135 Bell Bay Road, Bell Bay, folio of the Register 154929/1 be revised from the Agriculture Zone to the Light Industrial, General Industrial and/or Rural zones. The land was located to the north and west of Old Bell Bay Road and the George Town Freight Rail Terminal.
56. The representation made by TasPorts requested the land be zoned Light Industrial as the Zone would provide for uses that would complement the industrial, logistical and storage uses that supported the Port of Bell Bay. The Light Industrial Zone was proposed because it would also help to reduce the impact of industrial use and development on the amenity of the residential areas of George Town. It added the land was not suitable for the Agriculture Zone because it did not reflect the intended existing use of the land, which was to provide a buffer area between Rio Tinto's Bell Bay aluminium plant and George Town. The representation also noted the Light Industrial Zone was supported by the George Town Area Structure Plan 2021. The representor otherwise supported the General Industrial, Port and Marine and Utilities zones applied in the Bell Bay area.
57. The representation made by TasPorts also requested the Priority Vegetation Area and Waterway and Coastal Protection Area overlays be removed from land zoned Utilities at 201 Old Bell Bay Road, Bell Bay folio of the Register 109249/1, 135 Bell Bay Road, and the existing rail line folio of the Register 252678/1. The area included land owned by Rio Tinto, the State Rail Network line owned by TasRail, and the sewerage treatment plant owned by TasWater.
58. The representation made by the Office of the Coordinator-General also requested the Light Industrial Zone be applied to the land as it would provide a transition from the General Industrial Zone to the south and the George Town settlement to the north. It added the land was not suitable for the Agriculture Zone, and that the Light Industrial Zone was supported by the George Town Area Structure Plan 2021. Furthermore, it stated it had undertaken a master planning exercise for the area and determined the land was suitable for light industrial uses, as it could provide for cargo handling and other uses that would be supported by the Port of Bell Bay and State Rail Network.
59. The representation made by 6ty° Pty Ltd for Bell Bay Aluminium (Rio Tinto) proposed the Light Industrial Zone be applied to that part of the land bordered by Old Bell Bay Road, the George Town Freight Rail Terminal and the existing Light Industrial Zone on the southern boundary of George Town. It also proposed the General Industrial Zone be applied to the southern part of the land adjacent to the port because it would provide for industrial use in close proximity to the Port of Bell Bay and State Rail Network. Finally, it proposed the Rural Zone be applied to the remainder of the land because it would reflect the characteristics of the site and act as a buffer between industrial use and the residential area to the north. The representor also agreed the Agriculture Zone was not suitable for the land.
60. The representation made by TasRail shared a similar view the Agriculture Zone was not suitable for the land because it would deter future investment in the area. It requested the General Industrial Zone be applied to the land instead, because it would provide for use that would be supported by the rail link from the rail terminal to the port. It noted the existing link had been damaged by land slip, and TasRail was currently planning to realign the link through the subject site.
61. In the section 35F report, the planning authority recommended the Light Industrial Zone be applied to that part of the land bordered by Old Bell Bay Road, the George Town Freight Rail

Terminal and the existing Light Industrial Zone on the southern boundary of George Town. The planning authority also recommended the Rural Zone be applied to the remainder of the land with the Priority Vegetation Area overlay also applied in accordance with the Regional Ecosystem Model because it was compatible with the Zone. The planning authority made the following comments in support of its recommendation:

- the land had been zoned Agriculture because it was identified as unconstrained in the agricultural estate mapping;
 - the land was zoned Rural Resource in the interim planning scheme;
 - it no longer considered the Agriculture Zone was suitable for the land, particularly because it had limited land capability;
 - the Light Industrial Zone was suitable for the land bordered by Old Bell Bay Road, the George Town Freight Rail Terminal and the existing Light Industrial Zone on the southern boundary of George Town because it adjoined an existing light industrial area and was sufficiently separated from residential areas;
 - the Light Industrial Zone was supported by the George Town Area Structure Plan 2021 and was broadly consistent with the regional strategy and Guideline No. 1;
 - the vegetation on the land, particularly around the Rio Tinto aluminium plant, provided significant screening that made the industrial estate invisible from George Town;
 - the Agriculture Zone had limited control over vegetation removal;
 - the Bell Bay industrial precinct was strategically important as evidenced by statements in the George Town Area Structure Plan 2021, the regional strategy, and by the Federal Government's declaration of the area as a Hydrogen Hub;
 - the Rural Zone would allow the Priority Vegetation Area overlay to be applied to the land to protect native vegetation and maintain the land as a buffer between industrial use and development and George Town;
 - the Rural Zone provided for some industrial activities as Discretionary uses;
 - the Rural Zone should also be applied to the land bordered by Old Bell Bay Road, the George Town Freight Rail Terminal and the existing Light Industrial Zone on the southern boundary of George Town in the event the Light Industrial Zone was not approved;
 - the General Industrial Zone was not supported for the remainder of land because further investigation of the appropriate future use of the land was required;
 - the General Industrial Zone was consistent with the strategic importance of the Bell Bay 'advanced manufacturing zone' and the proximity of the site to significant industrial infrastructure;
 - it was not opposed to the General Industrial Zone, however the physical and visual buffer between the urban area of George Town and the industrial estate was important;
 - the loss of an effective buffer would cause drastic change to the character and identity of George Town;
 - it would consider expansion of the General Industrial Zone provided a buffer remained to manage the impact of industrial use and development on George Town;
 - a specific area plan or Scenic Protection Area overlay could be used to manage land as a visual buffer; and
 - it did not support the changes to the Priority Vegetation Area and Waterway and Coastal Protection Area overlays requested by TasPorts because there was no evidence the land did not contain natural values.
62. Prior to the hearing, the planning authority provided a diagram that showed how the Priority Vegetation Area overlay would be applied to the land it proposed to be zoned Rural. TasPorts

provided a diagram that identified areas of the Priority Vegetation Area, Future Coastal Refugia Area and Waterway and Coastal Protection Area overlays that it proposed to remove from 201 Old Bell Bay Road, 135 Bell Bay Road, and the existing rail line.

63. At the hearing, Mr Frazer Reed for TasPorts, together with Ms Teena Guest, Mr Jarred, Moore and Mr Mark Cooper (TasPorts), made the following comments in support of the representation made by TasPorts:
- the land along the western boundary of the port could be developed further and was located a significant distance away from the residential areas of George Town;
 - TasPorts was sensitive to impacts of industrial use and development on the amenity of surrounding residents, including those on the opposite side of the Tamar River, and had a desire to be a 'good corporate citizen';
 - TasPorts had a desire to be involved in the use and development of the land bordered by Old Bell Bay Road, the George Town Freight Rail Terminal and the existing Light Industrial Zone on the southern boundary of George Town;
 - Bell Bay had significant opportunity for a type of industrial use and development that would complement the port area, that wasn't possible at Hobart, Burnie or Devonport;
 - the western area of the land adjacent to Deceitful Cove was too steep to be developed;
 - it would be prepared to draft a specific area plan that would provide special controls to manage the impact of industrial use and development on residential areas; and
 - amendments to the Priority Vegetation Area, Future Coastal Refugia Area and Waterway and Coastal Protection Area overlays were proposed.
64. In response, the planning authority advised it would support the proposed amendments to the overlays.
65. TasRail, represented by Ms Jennifer Jarvis and Mr Neale Tomlin, made the following comments in support of TasRail's representation:
- it was supportive of the Light Industrial and Rural zones recommended by the planning authority;
 - it also supported use of a buffer to protect the amenity of residential areas; and
 - it had an interest in how the land was used and developed because it provided rail services to the area.
66. The Office of the Coordinator-General, represented by Mr Bret Richardson, made the following comments in support of its representation:
- it supported the Light Industrial Zone proposed for the land bordered by Old Bell Bay Road, the George Town Freight Rail Terminal and the existing Light Industrial Zone on the southern boundary of George Town;
 - it had been in discussions with organisations that had an interest to develop a major industrial use on the land;
 - the potential developers were strategically important to Rio Tinto;
 - the site was attractive to potential developers because it had access to a deep sea port and was an unusually large parcel of land (45ha);
 - the proposed use and development would need the General Industrial Zone to be applied to the land, and so that zone was now proposed for all the other land;
 - the development could include a wharf being constructed at Point Effingham;
 - Beauty Point was a greater source of complaints about the impacts of industrial uses than George Town;

- the land around Deceitful Cove was too steep to develop, which would limit impact on the landscape; and
 - Bell Bay was the most important industrial area in Tasmania.
67. In response, the planning authority stated it may support application of the General Residential Zone, but wanted to ensure a buffer with a suitable width could be provided alongside George Town to protect residential amenity.
68. Mr Ashley Brook (6tyo Pty Ltd) for Bell Bay Aluminium (Rio Tinto), was joined at the hearing by Mr Leigh Darcey and Ms Louise Clark, who made the following comments:
- Bell Bay Aluminium agreed with the planning authority's recommended application of the Light Industrial Zone to the land bordered by Old Bell Bay Road, the George Town Freight Rail Terminal and the existing Light Industrial Zone on the southern boundary of George Town;
 - it supported use of a buffer alongside George Town; and
 - it proposed the Rural Zone for the remainder of the land because it would allow for light industrial use to expand into the northern area of Bell Bay.
69. Following the hearing, the planning authority, in response to a Commission direction, provided a diagram that showed how zoning could be applied to the area. The plan showed the Light Industrial Zone applied to the north of the land, General Industrial Zone applied to the south of the land, and a 150m wide buffer area zoned Open Space, which would extend from Point Effingham to Old Bell Bay Road. The planning authority added the following comments:
- a potential specific area plan had been explored, however it concluded an appropriate buffer to separate George Town from industrial use and development could be achieved through zoning;
 - the use of the Open Space Zone as a buffer provided surrounding industrial land owners with confidence the Light Industrial and General Industrial zones could be expanded without constraints caused by the need to manage residential amenity;
 - the use of a buffer enabled the General Industrial Zone to be applied in accordance with principle GIZ 2 of Guideline No. 1;
 - the Open Space Zone boundary generally followed the 25m contour;
 - large areas of landslip would be included in the Open Space Zone;
 - Utilities was a Discretionary use in the Open Space Zone and would allow for the consideration of a new rail corridor along with any other Utilities uses; and
 - the Light Industrial and General Industrial zones would be divided by an existing watercourse near the entrance to Deceitful Cove.
70. TasPorts provided an alternative plan, which also included the Open Space Zone as a buffer between the industrial estate and George Town, but with a width of 200m and the whole of Point Effingham to the boundary of the port. The remainder of the land was zoned Light Industrial. It added its plan had a similar philosophy to the zoning proposed by the planning authority, however had a greater emphasis on protection of residential amenity of George Town. Its view was a greater buffer would protect the ongoing operation of the broader Bell Bay industrial and port precinct.
71. In response, the Office of the Coordinator-General stated it did not support a specific area plan, and maintained its view the land should be zoned General Industrial for the following reasons:

- the George Town and Bell Bay industrial precinct had a vital strategic role in Tasmania and it was well-connected by land (rail and roads), sea (deep sea port) and air infrastructure to international and domestic markets;
- existing industrial activity in George Town, and future interest in access to scarce industrial land had drawn a range of advanced manufacturing investors to Tasmania, especially as the State could provide renewable hydro power;
- its master planning exercise for the area had identified significant potential for industrial development in the greater Bell Bay area;
- the General Industrial Zone would provide certainty to investors and turn potentially significant investments into reality; and
- the General Industrial Zone would allow potential investment to be actualised quickly.

72. 6ty° Pty Ltd for Bell Bay Aluminium (Rio Tinto) responded with the following comments:

- Bell Bay Aluminium, the owner of the land, had no intention of developing the land, but was aware of its strategic importance;
- the land had potential to form an extension of the adjacent light industrial area;
- the Light Industrial Zone would provide opportunity for light industrial uses to be relocated from the General Industrial Zone to the south that would in turn open up new opportunities for more intensive industrial use and development to be located in the General Industrial Zone; and
- it supported use of the Open Space Zone as a buffer adjacent to the residential areas of George Town.

73. At the reconvened hearing, the parties were broadly supportive of the zoning proposed by the planning authority, including the 150m wide buffer to Point Effingham. However, TasPorts maintained the Light Industrial Zone should also be applied to the south of the watercourse near the entrance to Deceitful Cove for the following reasons:

- the Light Industrial Zone provided for uses that were not dissimilar to the General Industrial Zone;
- the Light Industrial Zone was preferred because more uses would require Discretionary planning assessment, which would enable the impact of industrial uses on George Town to be more closely scrutinised;
- there was no need to risk impact on residential amenity by applying the General Industrial Zone;
- clause 7.6 of the SPPs would still allow access and provision of infrastructure across the proposed wider Open Space buffer near the port;
- the Light Industrial Zone would not prohibit uses proposed by the Coordinator General;
- there was no crucial need for more land in the General Industrial Zone at Bell Bay because land further down the Tamar was already zoned General Industrial;
- it was important to take advantage of the existing buffer, which did not exist at other major ports; and
- the General Industrial Zone would not be appropriate for the land in the event the use and development proposed by the Coordinator General did not go ahead.

74. Mr Richardson made the following comments on behalf of the Coordinator General:

- a memorandum of understanding existed between Rio Tinto and the State government to access the land for industrial use and development;

- it wanted all of the land to be zoned General Industrial because it provided more options for industrial use and development, but would accept the planning authority’s proposed zoning if necessary;
 - although the land was traditionally a buffer, it was very valuable because it had access to transport networks and was relatively flat;
 - a profitable industrial use and development was proposed for the land, however not many details about the proposal could be disclosed;
 - the proposed use and development was not noisy, was very clean, and would not generate waste;
 - the use would be permitted in the General Industrial Zone but would not be allowed in the Light Industrial Zone;
 - he had received a briefing from the Environment Protection Authority on a baseline noise assessment for Bell Bay which showed no concerns;
 - some reconfiguration of roads in the area may be required to serve future use and industrial development of the land; and
 - a master plan was almost complete but didn’t provide much detail about road layouts.
75. Following Mr Richardson’s comments, the Commission discussed several of the matters raised with Mr Richardson and other parties.
76. While Mr Richardson stated the proposed activity would not be allowed in the Light Industrial Zone, the planning authority believed the activity was very likely to be considered as an activity in the Manufacturing and Processing use class which would be permitted in the Zone. Mr Richardson agreed with Council’s opinion.
77. Mr Richardson was asked if he was aware that existing or allowable noise output from the industrial precinct was at a level that would enable additional noise emitting uses to occur on land between existing activities and the township. Mr Richardson said he was not aware of that information and the noise assessment process was ongoing.
78. Ms Jarvis for TasRail spoke about the reconfiguration of rail lines and future development of the rail terminal, and indicated a new road would likely be constructed from the rail terminal to the East Tamar Highway in the future. She added the road may connect with the existing road to the terminal and create a through road into Bell Bay, however TasRail was uncertain if it wanted the road to be public. Furthermore, Ms Jarvis added any future roads proposed would need to be assessed against the Road and Railway Assets Code under the SPPs to assess traffic impact and access.
79. Mr Brook and Mr Darcey for Rio Tinto were supportive of the land being made available for industrial use and development, but raised concern about potential impacts on the amenity of George Town.
80. In response, the planning authority made the following comments:
- the width of its proposed Open Space Zone buffer was arbitrary and considered that some of the vegetation that bordered the General Residential and Low Density Residential zones in George Town was low in some areas;
 - the buffer to the south followed the 25m contour along the ridgeline to preserve some of the natural landscape value;
 - the buffer to the south would contain steep land and allow the flatter land to be zoned for industrial use and development;
 - it understood some future development may be visible behind the buffer where it followed the contour;

- it noted there was a water body between the proposed General Industrial Zone and George Town, and that the closest residential area was Low Density Residential and not General Residential;
- proposed use and development would need to undergo an assessment that would consider the views of the relevant road authority and be supported by a traffic impact assessment;
- it wanted to avoid heavy vehicles accessing the industrial land through residential areas; and
- the future economic benefits of potential industrial use and development of the land could have a major impact on the community.

Commission consideration

81. The Commission agrees with the parties that the Bell Bay industrial estate is strategically important to the State, and is recognised as such by the regional strategy, the Northern Tasmania Industrial Land Study 2014, and the George Town Area Structure Plan 2021. Expansion of the industrial estate has long been anticipated by these strategies to provide for industrial use and development that complements the Port of Bell Bay, the State rail network, road links via the East Tamar Highway, opportunities for electricity connection, and the established industrial uses in the area.
82. While there was some discussion at the hearing about a future activity that may occur on the land, no evidence was provided about this activity, its likely environmental effects, relationship to other activities or its suitability for, and/or dependence on the land. The Commission notes the planning authority was aware of the use and stated it was likely to be permitted in the Light Industrial Zone. The Commission considers that decisions on the appropriate zoning of the land should be weighted towards evidence rather than suppositions.
83. The Commission notes that noise assessments for the precinct are currently being undertaken. The Commission considers that given the range of existing noise generating activities in the General Industrial Zone and the strategic importance of the area, it is important that the level of any reserve capacity in the acoustic environment is fully understood. Specifically, this assessment is a core matter in considering the suitability of expanding the extent of the General Industrial Zone towards the township.
84. The Commission notes the Manufacturing and Processing use class is a permitted use in both the Light Industrial and General Industrial zones. Within the Light Industrial Zone, the planning scheme establishes that this use class and other activities will be managed to minimise off site impacts and conflicts. However the General Industrial Zone provides for Manufacturing and Processing uses and other activities which may have impacts on adjacent uses.
85. Generally, the Commission considers that a combination of the Light Industrial Zone and Open Space Zone is appropriate to enable:
 - the economic opportunities of the area to be realised; and
 - a form and level of activity that maintains a buffer between the Bell Bay industrial precinct and the township.
86. The Commission notes the Attenuation Code will apply to many industrial activities listed in Table C9.1 and Table C9.2 of the Code. The purpose of the Code is to minimise adverse impacts on the health, safety, and amenity of sensitive uses from activities that cause emissions. While the Code will apply irrespective of whether the Light Industrial or General Industrial zone is applied, potential land use conflicts cannot simply be left to be managed by the Code. The Commission considers that use of the Open Space Zone as a 200m wide buffer

is appropriate and consistent with the attenuation distances relevant to light industrial activates listed in Table C9.1 and Table C9.2, as well as providing a visual buffer between industrial development and the townships of George Town and Beauty Point.

87. The Commissions finds the Open Space and Light Industrial zones as shown in the submission made by TasPorts are suitable for the land.
88. The Commission accepts that the area is of strategic importance and there is a need to ensure strategic planning and the completion of master planning is undertaken to ensure the future development and the provision of infrastructure within the area is undertaken in a considered and orderly manner. Specifically this planning work should aim to understand impacts of general industrial use on the residential amenity of George Town and Beauty Point, the appropriate sequencing of development in the area, and investigate the layout of future roads in the area to avoid the possibility heavy vehicles associated with industrial use are not directed through residential areas.
89. The Commission otherwise agrees to the modifications to the Priority Vegetation Area, Waterway and Coastal Protection Area, and Future Coastal Refugia Area overlays proposed by TasPorts. The modifications are proposed in areas that include constructed drains, land that is already maintained as part of the rail line corridor, or should otherwise be removed to ensure the overlays are applied in a practical manner in accordance with the Commission's Practice Note 7. The Commission also notes the Priority Vegetation Area overlay should be applied to the Open Space Zone in accordance with the diagram of the Regional Ecosystem Model submitted by the planning authority on 1 March 2023 in response to a Commission direction.
90. The Commission also notes TasPorts' request to extend the Port and Marine Zone approximately 420m further west along the coast towards Point Effingham. The Commission notes the extension of the zone was not opposed by the planning authority or any of the other parties. Given the potential nature of future shipping activities, it is considered logical to extend the zone accordingly.

Commission decision

91. Modification:
 - Revise the zoning of part of 135 Bell Bay Road, Bell Bay, folio of the Register 154929/1 to the Light Industrial and Open Space zones as shown in the zoning plan attached to the submission made by All Urban Planning Pty Ltd for TasPorts dated 26 May 2023.
 - Revise the zoning of the Crown land adjacent to 135 Bell Bay Road, Bell Bay, folio of the Register 154929/1 to Port and Marine as shown in the zoning plan attached to the submission made by All Urban Planning Pty Ltd for TasPorts dated 26 May 2023.
 - Revise the Priority Vegetation Area overlay consistent with the Regional Ecosystem Model by applying the overlay to that part of 135 Bell Bay Road, Bell Bay, folio of the Register 154929/1 zoned Open Space.
 - Revise the Priority Vegetation Area, Waterway and Coastal Protection Area, and Future Coastal Refugia Area overlays by removing the overlays from those areas of 135 Bell Bay Road, folio of the Register 154929/1, 201 Old Bell Bay Road folio of the Register and folio of the Register 11370/22, Bell Bay as shown in the submission made by TasPorts dated 7 March 2023.
92. Reason: To apply the Light Industrial, Port and Marine and Open Space Zone and Natural Assets Code overlays is consistent with Guideline No. 1 and to ensure the overlays are consistent with the requirements of Practice Note 7.

Commission consideration under section 35KB

93. 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 George Town LPS, after it comes into effect. The draft amendment assessment process would allow further examination of the width of the buffer, particularly that area to the south, which follows the 25m contour.

Commission decision under section 35KB

94. Draft amendment directed to the George Town LPS:
- Revise the zoning of part of 135 Bell Bay Road, Bell Bay, folio of the Register 154929/1 and adjoining road reserves to the road centrelines to the Light Industrial and Open Space zones as shown in the zoning plan attached to the submission made by All Urban Planning Pty Ltd for TasPorts dated 26 May 2023.
 - Revise the zoning of the Crown land adjacent to 135 Bell Bay Road, Bell Bay, folio of the Register 154929/1 to Port and Marine as shown in the zoning plan attached to the submission made by All Urban Planning Pty Ltd for TasPorts dated 26 May 2023.
 - Revise the Priority Vegetation Area overlay consistent with the Regional Ecosystem Model by applying the overlay to that part of 135 Bell Bay Road, Bell Bay, folio of the Register 154929/1 zoned Open Space.
95. Reason:
- To apply the Light Industrial, Port and Marine and Open Space zones and the Priority Vegetation 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 - Permanent Timber Production Zone Land and Future Potential Production Forest Land**Representation:** Department of Natural Resources and the Environment (15)

96. The representor supported application of the Rural Zone to land designated as Permanent Timber Production Zone and Future Potential Production Forest. The representor noted the following parcels of land designated as Future Potential Production Forest had been zoned Environmental Management in the draft LPS and requested the zone be revised to the Rural:
- Bellingham Road, Bellingham PID 2700676 (parcel zoned Rural); and
 - Bridport Road, Pipers Brook PID 2093060.
97. In the section 35F report, the planning authority recommended the Rural Zone be applied to the land for the following reasons:
- the Environmental Management Zone was inconsistent with the principles of Guideline No.1;
 - the land was intended to be used for forestry; and
 - the Rural Zone was consistent with RLZ3 of Guideline No.1.
98. The planning authority also recommended the Rural Zone be applied to a 20ha parcel of land that was surrounded by PID 2700676 because the land was also designated as Future Potential Production Forest. However, the planning authority did not support application of the Rural Zone to that parcel of PID 2700676 that contained sporting facilities and a foreshore reserve because the Environmental Management and Open Space zones were more appropriate for the established uses.

99. The representor, in response to a Commission direction made prior to the hearing, stated it agreed with the Planning Authority's recommendation the Rural Zone also be applied to the parcel of land designated as Future Potential Production Forest that is surrounded by PID 2700676. However, the representor also stated the Rural Zone should be applied to that parcel of PID 2700676 that contained sporting facilities and foreshore reserve because the Zone was consistent with the Government's policy objectives for the management of Future Potential Production Forest.

Commission consideration

100. The Commission notes the management objectives for Future Potential Production Forest land, under Schedule 3 of the *Forestry (Rebuilding the Forest Industry) Act 2014*, are broad ranging and include:
- to conserve natural biological diversity, geological diversity, water quality, and the like;
 - to encourage education, research, tourism, recreational use, and the like;
 - to provide for activities such as the taking of game species, the controlled use of natural resources, exploration activities and taking of mineral resources; and
 - to allow for private, commercial, or industrial uses.
101. It is otherwise noted the *Forestry (Rebuilding the Forest Industry) Act 2014*, provides for special species timber harvesting on land designated as Future Potential Production Forest that, under clause 4.4.1 of the SPPs, is largely exempt where in conformity with a forest practices plan. On that basis, the Commission is satisfied the intended use of the land is consistent with the purpose of the Rural Zone.
102. However, the Commission considers the parcel of PID 2700676 that contains sporting facilities and foreshore reserve should remain in the Environmental Management and Open Space zones. The land has competing uses, that include access tracks to the foreshore and other facilities, that are not consistent with the purpose of the Rural Zone.

Commission decision

103. Modification:
- Revise the zoning of Bellingham Road, Bellingham PID 2700676 (excluding parcel that contains sporting facilities and foreshore reserve), Bridport Road, Pipers Brook PID 2093060, and the parcel of land designated as Future Potential Production Forest that is surrounded by PID 2700676 to Rural.
104. Reason: To apply the Rural Zone is consistent with Guideline No. 1.

Agriculture Zone - 381 Soldiers Settlement Road, George Town

Representation: Winston Archer (31)

105. The representor requested the zoning of 381 Soldiers Settlement Road, George Town folios of the Register 104545/1, 104543/3, 104543/4, 107404/2 and 152982/4 be revised from the Rural Zone to the Agriculture Zone. The reason was the remainder of the property, contained on a further 9 titles, was zoned Agriculture. The representor also requested the Priority Vegetation Area overlay be removed from the land, and questioned whether the overlay had been applied correctly because much of the land was established pasture.
106. In the section 35F report, the planning authority recommended the Agriculture Zone be applied to the land for the following reasons:

- the land was identified as unconstrained in the agricultural estate mapping;
- the Rural Zone had been applied to the land because three of the titles were private timber reserves and another contained a mining lease;
- it applied the Rural Zone to those titles because it was consistent with the principles of Guideline No. 1 and its methodology for application of the Rural and Agriculture zones;
- the landowner supported the Agriculture Zone;
- each parcel of land contained large areas of pasture and was predominantly used for agriculture;
- the Agriculture Zone was compatible with the Extractive Industry and Resource Development uses intended to be undertaken under the mining lease and private timber reserves; and
- the Priority Vegetation Area overlay should be removed from the land in accordance with the requirements of Guideline No.1 as it was not compatible with the Agriculture Zone.

Commission consideration

107. The Commission agrees the land should be zoned Agriculture for the reasons given by the planning authority in the section 35F report. It is logical that a uniform zone is applied to agricultural properties with multiple titles under common ownership. The Commission notes there are a number of reserved roads that dissect the land, which should also be included in the Agriculture Zone as a consequential amendment. The Commission also agrees the Priority Vegetation Area overlay should also be removed from the land because it is incompatible with the Agriculture Zone.

Commission decision

108. Modification:

- Revise the zoning of the following properties to Agriculture and remove the Priority Vegetation Area overlay:
 - a. 381 Soldiers Settlement Road, George Town folios of the Register 104545/1, 104543/3, 104543/4, 107404/2 and 152982/4;
 - b. the reserved road adjoining the northern boundary of folio of the Register 104543/3;
 - c. the reserved road adjoining the northern boundary of folios of the Register 104543/4 and 107404/2; and
 - d. the reserved road adjoining the northern boundary of folio of the Register 152982/4.

109. Reason: To apply the Agriculture Zone consistent with Guideline No.1.

Agriculture Zone - Mount George Road and Musk Vale Road, George Town

Representation: Office of the Coordinator-General (34)

110. The representor requested the zoning of the following land be revised from the Agriculture Zone to the Rural Zone:

- 115 Mount George Road folio of the Register 85014/2;
- 193 Mount George Road folio of the Register 156738/1;
- 195 Mount George Road, folio of the Register 156378/4;
- 395 Musk Vale Road, folio of the Register 225322/1;
- Musk Vale Road, folio of the Register 108583/1;

- Musk Vale Road, folio of the Register 141064/1; and
- Musk Vale Road, folio of the Register 241466/1.

111. The reasons were:

- the land was isolated from other land zoned Agriculture;
- the land was identified as Class 6 in the land capability mapping on the LIST, which indicated it had low-potential to be used for productive agriculture; and
- the Agriculture Zone conflicted with the strategic importance of the General Industrial Zone applied to the Bell Bay industrial estate.

112. In the section 35F report the planning authority did not support application of the Rural Zone to the land for the following reasons:

- the land was identified as unconstrained in the agricultural estate mapping;
- no expert evidence, such as agricultural report, was submitted to demonstrate the Rural Zone should be applied;
- there were few provisions in Agriculture Zone that would result in unreasonable fettering of the nearby General Industrial Zone; and
- the owners of properties had not made representations that indicated they would support a change to the zone of the land.

113. At the hearing, Mr Bret Richardson for the Office of the Coordinator-General stated the land was relatively steep and unlikely to be developed. Mr Richardson added the Office of the Coordinator-General had contemplated whether the Rural Zone would be more complimentary to the General Industrial Zone at Bell Bay, but conceded the zone of the land was not a significant issue.

114. In response, the planning authority reiterated its view that use and development of the Agriculture Zone would be unlikely to compromise the use of the General Industrial Zone. It added the Scenic Protection Area overlay applied to the land, which would reduce potential to develop the land.

Commission consideration

115. The Commission is not persuaded the Rural Zone should be applied to the land. The land is identified as unconstrained in the agricultural estate mapping, and no assessment of the potential to use the land for agriculture undertaken by a suitably qualified person was submitted as evidence the Agriculture Zone should be replaced. The Commission agrees with the planning authority that the provisions of the Agriculture Zone would be unlikely to result in use and development that would conflict with use in the nearby General Industrial Zone.

Commission decision

116. The Commission considers that no modifications are required.

Landscape Conservation Zone - Beechford

Representations: Conservation Landholders Tasmania (5), Department of Natural Resources and Environment Tasmania (15)

117. The representation made by the Department of Natural Resources and Environment Tasmania questioned why the Rural Zone was applied to land at Beechford Road, Beechford folios of the Register 114506/1 and 114506/2. The representor noted a conservation covenant applied to both titles and that the draft LPS supporting report indicated the Landscape Conservation Zone would be applied to such land.

118. The representation made by Conservation Landholders Tasmania supported the Rural Zone for the land in spite of the conservation covenant that applied.
119. In the section 35F report, the planning authority explained the Rural Zone was applied to the land because it was also designated as a private timber reserve. The planning authority therefore favoured the Rural Zone and recommended there be no modification to the draft LPS.
120. Prior to the hearing, the Department of Natural Resources and Environment Tasmania, in response to a Commission direction, made a submission that the land had natural values that included raptor nests, a threatened native vegetation community (*Melaleuca ericifolia* swamp forest), and other native threatened flora.

Commission consideration

121. The Commission accepts the response given by the planning authority in the section 35F report and agrees the land should remain in the Rural Zone. The land has multiple designations, one a conservation covenant, and the other a private timber reserve. Generally a conservation covenant requires land to be managed in a way that conserves areas of land with particular environmental values. In contrast, a private timber reserve indicates a specific use is intended, and it is this factor that is most persuasive in determining the zone.
122. Nevertheless, the Commission observes the principles of Guideline No. 1 and the purpose of the Landscape Conservation Zone both indicate land must have identifiable landscape values to warrant application of the Zone. The Commission notes the evidence of the Department of Natural Resources and Environment Tasmania that the land contains important natural values, but notes such values are managed under the Natural Assets Code of the SPPs through the Priority Vegetation Area overlay. The presence of a conservation covenant is not necessarily reflective of landscape values. Application of zones to land with conservation covenants needs to be considered against a broad range of factors that includes use and the broader pattern of zoning applied to an area.

Commission decision

123. The Commission considers that no modifications are required.

Landscape Conservation Zone - Bellingham

Representations: Scott Bell (2), Conservation Landholders Tasmania (5), Department of State Growth (22)

124. The representation made by Conservation Landholders Tasmania supported application of the Landscape Conservation Zone to the following properties:
 - 94 Gees Marsh Road, Bellingham, folio of the Register 121822/1;
 - 95 Gees Marsh Road, Bellingham, folios of the Register 221928/1 and 121822/2; and
 - 177 Saltwood Road, Pipers Brook folio of the Register 221927/1.
125. The reason was conservation covenants were applied to the land and the Zone was supported by LCZ1, LCZ2, RZ1 and AZ6 of Guideline No. 1.
126. The representation made by Mr Scott Bell, owner of 177 Saltwood Road, was also supportive of the Landscape Conservation Zone.
127. The representation made by Department of State Growth did not support application of the Landscape Conservation Zone to the land for the following reasons:

- the Zone would prevent future extraction of important mineral resources (sand) from the land;
 - demand for sand was increasing because it was becoming less available;
 - the Zone was not consistent with policy ED-P8 of the regional strategy, which required natural resources to be managed sustainably for economic benefit;
 - the Zone was not consistent with action ED-A12 of the regional strategy, which required mineral resources to be protected and opportunities for 'discovery and development of new resources in appropriate areas' to be preserved;
 - the titles were not entirely contained within conservation covenants;
 - the properties contained extensive existing development, including housing and agricultural developments (dams);
 - the land was not covered by the Natural Assets Code overlays or a Scenic Protection Area overlay; and
 - only 94 Gees Marsh Road contained priority habitat.
128. The representation made by the Department of State Growth also recommended the zoning of 135 Bell Bay Road, Bell Bay, folio of the Register 154929/1 be reviewed because the General Industrial Zone would also prevent future extraction of important mineral resources from the land.
129. In the section 35F report, the planning authority recommended there be no change to the draft LPS for the following reasons:
- conservation covenants applied to the land, which identified it for protection and conservation;
 - the land had landscape values;
 - the Landscape Conservation Zone was consistent with LCZ 1 of Guideline No. 1; and
 - land that contained conservation covenants was included in the Tasmanian reserve estate, which is land reserved to be managed for biodiversity conservation under Tasmania's Regional Forest Agreement.
130. At the hearing, Mr Scott Bell made the following comments in support of the Landscape Conservation Zone:
- 177 Saltwood Road was used for wildlife care and as an environmental offset;
 - a conservation covenant applied to approximately 95% of the land; and
 - he had made a submission to Mineral Resources Tasmania that sought to have the land excluded from the area identified as suitable for mining.
131. Mr John Thompson for (Conservation Landholders Tasmania) added the following comments:
- without the protection of the Zone, the land could be mined under the *Mineral Resources Act 1989*;
 - almost all of the land was covered by the Priority Vegetation Area overlay; and
 - the Rural Zone was not justified by Guideline No. 1.
132. Mr Clint Siggins (Mineral Resources Tasmania) and Ms Claire Armstrong for the Department of State Growth made the following comments:
- the area was known to contain sand resources;
 - sand mining activities had previously been undertaken on one of the titles;
 - sand was a 'category 3' construction material;
 - the supply of sand in southern Tasmania would be exhausted in the foreseeable future;
 - the area had the most accessible future sand resources in the State;

- the Act provided exemptions for exploration, but not for extraction;
 - the resource could only be mined if a mining lease was granted;
 - long-term security of the resource was required;
 - the conservation covenants would need to be discharged if mining was to take place in future; and
 - the Department's view was the land was strategically important to a degree that warranted priority over recognition of the conservation covenants by the zone that applied to the land.
133. In response, the planning authority maintained its view the Landscape Conservation Zone should be applied to the land. It added it understood the position of the Department of State Growth, but considered the zone should remain as exhibited. No change to the zoning of 135 Bell Bay Road was recommended.
134. Following the hearing, the Department of State Growth, in response to a Commission direction made the following comments about the terms of the covenants and whether it had involvement in the creation of conservation covenants:
- the covenants applied to 177 Saltwater Road and 94 and 95 Gees Marsh Road allowed mining of mineral resources;
 - Mineral Resources Tasmania did not have any direct input into the creation of conservation covenants; and
 - Mineral Resources Tasmania assessed all new conservation covenants and considered whether the area within the conservation covenant should remain available for future mining or be excluded.
135. In response, submissions were received from Conservation Landholders Tasmania, Mr Scott Bell, Mr Roger Richards and Ms Annabel Richards, who made the following comments:
- fragmentation of the region through changes in zoning could sterilise significant sand resources;
 - the sand resource on the land was only minor in the context of the region;
 - only a small proportion of sand resources were constrained by public or private reserves;
 - the quantity of the sand on the land was over-estimated;
 - the sand resource on the three covenanted properties represented less than 0.2% of the available resource in the northern region;
 - the resource had not been assessed by an inspection on the site to determine the quantity of the resource or the suitability of the sand for use in construction;
 - the owner of 177 Saltwood Road had an assessment of the soil undertaken to support a dwelling construction, which concluded sand depths varied from only 1-2m at the construction site;
 - Extractive Industry did not have priority over other uses;
 - Action ED-A12 of the regional strategy stated extractive industry should be provided for, but 'in appropriate areas';
 - Action BNV-A01 of the regional strategy required biodiversity and habitat for native animals to be conserved and protected; and
 - the conservation covenants were evidence the land had significant natural values.
136. Prior to the reconvened hearing, the Department of State Growth, in response to a Commission direction, made the following comments:
- it was concerned about the cumulative impacts of land being unavailable for extractive industry;

- some potential sand resources in the north-east of the State may not be suitable for extraction;
 - impact on natural values would be considered at the time the land was assessed for a mining lease;
 - conservation of natural values needed to be balanced with the potential economic benefits gained by use of the resource; and
 - the Environmental Management Zone was preferred to the Landscape Conservation Zone and would provide better protection of natural resources, while maintaining potential to use the land for extractive industry. It contended that approach would align with Action ED-A12 of the regional strategy.
137. At the reconvened hearing, Mr Scott Bell and Mr John Thompson, made the following comments in support of the Landscape Conservation Zone, and in response to the submission made by the Department of State Growth:
- the submission made by Mr Thompson was supported by evidence the land did not contain significant sand resources;
 - the submission made by the Department of State Growth did not include evidence about the amount of sand resources on the land;
 - the conservation status of the land should be prioritised over use of the land for mineral extraction;
 - the Environmental Management Zone was not suitable for the land because it was specifically intended for complete preservation of natural values and resources;
 - the land contained a dwelling and the Landscape Conservation Zone provided for Residential use; and
 - the land was contiguous with a broader area of land with landscape value that included Little Pipers River.
138. When the planning authority was asked specifically what values they believed the land had that warranted the application of the Landscape and Conservation Zone the Planning Authority indicated that they had applied the zone purely on the basis of a conservation covenant existing on the land.
139. However the planning authority remained supportive of the Landscape Conservation Zone because the land:
- was somewhat indistinguishable from other land in the area, but had landscape values that was typical of land in a coastal area;
 - provided a border to the adjacent beaches;
 - was generally flat but could still be seen from surrounding areas; and
 - contributed to the broader landscape values of the area, particularly when viewed from Bridport Road.

Commission consideration

140. The Commission is not satisfied the land has landscape values that are consistent with or at a level that is related to the purpose of the Landscape Conservation Zone.
141. The Zone purpose is reflected in the principles of Guideline No. 1, which states the Landscape Conservation Zone should be applied to land with landscape values identified for protection and conservation.
142. The Commission notes that conservation activities are being undertaken on the land which include a 20ha bio service devil breeding enclosure. The Commission notes that a range of Zones including Rural and Agriculture identify 'natural and cultural values management' as a

use that may occur without a planning permit. The Commission considers that the occurrence of the devil breeding activity on the site does not establish a landscape value that warrants application of the Landscape Conservation Zone.

143. No evidence was submitted that the land has significant or locally important cultural values, including scenic values.
144. The Commission accepts the land contains conservation covenants, however the presence of conservation covenant is not necessarily reflective of landscape values. Also the Commission accepts that by definition, land with a conservation covenant is included within the Tasmanian Reserve Estate and consequently the National Reserve System. The inclusion of land within the Tasmanian Reserve Estate is not in itself necessary or sufficient for land to be considered to have landscape values that require the application of the Landscape Conservation Zone.
145. Application of zones to land with conservation covenants 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.
146. While the land is generally close to the Little Piper River which is a significant landscape feature and has aquatic and riparian values, only a very small section of the land is adjacent to the River.
147. The Commission notes that:
 - the land contains threatened species including the green and gold frog and shiny grasstree;
 - is very likely to be habitat for threatened fauna including Tasmanian devils and quolls; and
 - the land contains a number of small wetlands that have been mapped as threatened native vegetation communities.
148. The Commission considers that the natural values of the site largely relate to endemic threatened flora species that occur in specific patches of vegetation and threatened fauna species that will generally have a much broader range and habitat. At a landscape level the site has not been identified as being comprised of a vegetation community or ecosystem that is threatened or requires protection.
149. The Commission considers that the overall landscape values of the land are primarily natural and comparable with a wide range of land in the surrounding district.
150. The land is identified as unconstrained in the agricultural estate mapping; however, the Commission is not satisfied the Agriculture Zone should be applied because:
 - there is evidence the land contains some natural values and has poor land capability (predominantly classes 6 and 7 in the land capability mapping available on the LIST); and
 - the land is not currently used for agricultural purposes.
151. In addition, the Commission notes that under the SPPs the Natural Assets Code would not apply to land that is zoned Agriculture.
152. The Commission agrees with the planning authority, Mr Bell and Mr Thompson that the Environmental Management Zone should not be applied.
153. The Commission considers that future decisions made on use and development of the site made under the Rural Zone would enable a range of uses that require a rural location to occur on the land, in a manner that conserves the natural values of the land. Specifically the Rural Zone is compatible with the Natural Assets Code overlays, in particular the Priority Vegetation

Area overlay, which will provide protection of native vegetation and habitat. The principles of Guideline No. 1 (RZ 3 and AZ 6) support application of the Rural Zone to unconstrained land where there is evidence of natural values and significant constraints to agricultural use.

154. The Commission is not persuaded the Rural Zone should be applied to the land primarily on the basis of the significance of the sand resources of the site. The Commission is not satisfied there was sufficient evidence to support the proposition the Rural Zone is required to protect a strategically important naturally occurring resource (see RZ 3 (c) of Guideline 1).

Commission decision

155. Modification:

- Revise the zoning of the following properties to Rural:
 - a. 94 Gees Marsh Road, Bellingham, folio of the Register 121822/1;
 - b. 95 Gees Marsh Road, Bellingham, folios of the Register 221928/1 and 121822/2;
and
 - c. 177 Saltwood Road, Pipers Brook folio of the Register 221927/1.

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

Commission consideration under section 35KB

157. 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 George Town LPS, after it comes into effect.

Commission decision under section 35KB

158. Draft amendment directed to the George Town LPS:

- Revise the zoning of the following properties to Rural:
 - a. 94 Gees Marsh Road, Bellingham, folio of the Register 121822/1;
 - b. 95 Gees Marsh Road, Bellingham, folios of the Register 221928/1 and 121822/2;
 - c. 177 Saltwood Road, Pipers Brook folio of the Register 221927/1; and
 - d. adjoining road reserve to the road centreline.

159. Reason:

- To apply the Rural Zone consistent with Guideline No. 1.
- The Commission considers that the modification is a substantial modification as there may be a public interest.

Environmental Management Zone - 292 Low Head Road, Low Head

Representations: Annabel Richards (8), Friends of Low Head (23)

160. The representors requested the zoning of that part of 292 Low Head Road, Low Head, folio of the Register 168065/1 proposed to be zoned Agriculture be revised to the Landscape Conservation Zone or the Environmental Management Zone. The reasons were:

- the land, known as Perrins Farm, contained significant natural values identified by the Regional Ecosystem Model;
- a natural values assessment of the area submitted in support of a development application made to develop land in the area had warned that development in the area was a 'significant potential threat to natural values in the district'; and

- the Environmental Management Zone would allow the Priority Vegetation Area overlay to be applied to the land.
161. The representation made by Ms Annabel Richards requested the Landscape Conservation Zone be applied more broadly to coastal areas between Low Head and Bellingham where the Agriculture had been applied.
162. In its section 35F report, the planning authority recommended there be no change to the draft LPS for the following reasons:
- the 292 Low Head Road was large and contained a variety of uses;
 - the part of the land proposed to be zoned Agriculture was identified as unconstrained in the agricultural estate mapping, which indicated the land should be zone Agriculture;
 - there was insufficient evidence the land contained natural values that were significant enough to warrant application of the Environmental Management Zone;
 - there was an 'inherent conflict' between management of natural values and the application of the Agriculture Zone to land because the Zone was not compatible with the Priority Vegetation Area overlay; and
 - the Agriculture Zone applied to the land, and more broadly to coastal areas between Low Head and Bellingham, reflected the policy of the SPPs.
163. At the hearing, Ms Annabel Richards stated the Landscape Conservation Zone or the Environmental Management Zone would allow the Priority Vegetation Area overlay to be applied to the land. She added the overlay would help preserve the natural values on the land. Ms Richards was joined at the hearing by Mr Harvey Gee who had been a manager of Perrins Farm for many years. Mr Gee stated the land was useful for grazing animals, but was not very suitable for cropping because the soil contained a significant amount of rock. Mr Gee supported application of the Rural Zone, which would allow the overlay to apply and therefore protect the natural values of the land.
164. In response, the planning authority understood the concerns of the representors, but did not support any change to the draft LPS for the reasons given in the section 35F report. It added the following comments:
- natural values, including areas of priority vegetation were scattered across the landscape, however identification of natural values, such as threatened species, did not necessarily justify application of a particular zone;
 - there was no expert evidence the land contained natural values that were significant to warrant application of a zone other than Agriculture;
 - it understood the owner of the land intended to care for the natural values of the land irrespective of its zoning; and
 - the Waterway and Coastal Protection Area overlay would apply to parts of the land, which would protect vegetation alongside watercourses.

Commission consideration

165. The Commission is not persuaded an alternate zone should be applied to 292 Low Head Road. The evidence provided by Mr Gee at the hearing about the potential to use the land for agriculture of the land is noted, however the Commission agrees with the planning authority that the policy of the SPPs is the Agriculture Zone should be applied. The land is identified as unconstrained in the agricultural estate mapping, and no assessment of the potential to use the land for agriculture undertaken by a suitably qualified person was submitted as evidence the Agriculture Zone should be replaced. The Commission also notes that no evidence was provided from a suitably qualified person, such as a natural values assessment, to determine if

the natural values present on the land are significant enough to demonstrate the zone of the land should be changed. Furthermore, the Commission also notes the landowner was not involved in the draft LPS assessment process and it is therefore unknown whether it would support application of an alternative zone.

166. This approach to the application of the Rural and Agriculture zones also applied more broadly to application of zones to land along the coastal areas between Low Head and Bellingham. No evidence was provided about the potential to use the land for agriculture, the landscape values or natural values of the land, and the Commission therefore determines no modification of the zoning in that area should be made.

Commission decision

167. The Commission considers that no modifications are required.

Environmental Management Zone – 22 East Beach Road and 356 Low Head Road, Low Head

Representation: Friends of Low Head (23)

168. The representor requested the zoning of 22 East Beach Road, Low Head, folio of the Register 198835/1 and 356 Low Head Road, Low Head folio of the Register 12548/138 be revised from the Open Space Zone to the Environmental Management Zone. The reason was the land contained significant natural values and was part of a wildlife corridor for native animals.
169. In the section 35F report, the planning authority recommended no changes to the draft LPS for the following reasons:
- both sites were owned and maintained by George Town Council as public parks that contained a community garden and car parking facilities;
 - the land was highly modified and also contained maintained lawns, public toilets and change room facilities, and bar-be-que shelters;
 - 22 East Beach Road served as the primary point of public access to East Beach;
 - the Open Space Zone was consistent with the principles of Guideline No. 1 because it provided for passive recreational opportunities and natural amenity within a landscape setting;
 - the land contained some natural values, however the historic and current use of the land meant public recreational opportunities were prioritised; and
 - any natural values the land had were not significant enough to warrant application of the Environmental Management Zone.

Commission consideration

170. The Commission agrees with the planning authority that the Open Space Zone should be applied to the land for the reasons given in the section 35F report.

Commission decision

171. The Commission considers that no modifications are required.

Environmental Management Zone – 456 Low Head Road, Low Head

Representation: Friends of Low Head (23)

172. The representor requested the zoning of part of 456 Low Head Road, Low Head folio the Register 39748/27, be revised from the General Residential Zone to the Environmental Management Zone to match the configuration of similar zoning in the interim planning

scheme. Under the interim planning scheme, the rear of the land to the north-east of the rear boundaries of folios the Register 39748/15 and 146365/1 was zoned Environmental Management. The representor contended application of the General Residential Zone was premature because the land was part of a property listed on the Tasmanian Heritage Register. The representor also contended other matters, particularly the natural values of the land, needed to be examined before the General Residential Zone was applied.

173. In the section 35F report, the planning authority recommended no changes to the draft LPS for the following reasons:

- the land contained an existing dwelling and the land was within the immediate curtilage of the dwelling;
- the particular area of land zoned Environmental Management in the interim planning scheme contained a fenced private yard attached to another residential property;
- the land was largely maintained as a domestic lawn;
- the Priority Vegetation Area overlay did not apply to the land, and there are no other apparent natural values;
- the General Residential Zone was consistent with the existing use of the land; and
- the property was included on the Tasmanian Heritage Register. Consequently, any changes to the land would require approval from the Tasmanian Heritage Council under the *Historic Cultural Heritage Act 1995*.

Commission consideration

174. The Commission notes the land forms part of a property with the adjoining title 456 Low Head Road, Low Head folio the Register 146365/1, which is under common ownership. It is folio of the Register 146365/1 that is listed on the Tasmanian Heritage Register, while folio of the Register 39748/27 is not. Nevertheless, the Commission agrees with the planning authority the land should be wholly included in the General Residential Zone as exhibited for the reasons given in the section 35F report. Additionally, the Commission makes the following observations:

- the Commission's Practice Note 7 - Draft LPS mapping: technical advice encourages zones to be aligned with cadastral parcel boundaries in order to minimise application of split-zones;
- the General Residential Zone is consistent with the principles of Guideline No.1 because the land contains an existing Residential use and is fully serviced by reticulated infrastructure; and
- the principles of Guideline No.1 indicate the Environmental Management Zone is only suitable for private land where there is evidence the land has significant values identified for protection or conservation.

Commission decision

175. The Commission considers that no modifications are required.

General Environmental Issues

Representation: Department of Natural Resources and Environment Tasmania (15)

176. The representor requested that:

- consideration be given to a specific area plans to manage karst features and the impact of acid sulphate soils on development;

- the planning authority give consideration to sea level rise when it assessed future development applications because the Inundation-Prone Hazard Area overlay was based on outdated information; and
- the Environmental Management Zone be applied to the Mount Direction Historic Site PID 2034378 because it was declared as a reserve under the *Nature Conservation Act 2002*.

177. In the section 35F report, the planning authority recommended the Environmental Management Zone be applied to the Mount Direction Historic Site, but did not support specific area plans to manage karst features and the impact of acid sulphate soils on development.

Commission consideration

178. The Commission agrees the Environmental Management Zone should be applied to the Mount Direction Historic Site. The primary objective in zone application should be to achieve the zone purpose to the greatest extent possible. As such, the Commission considers that public land within a formal reserve declared under the *Nature Conservation Act 2002* should be zoned Environmental Management consistent with the principles of Guideline No. 1 (EMZ 1(a)).

179. The Commission otherwise observes the following:

- acid sulphate soils are currently addressed as a technical building issue when an application is made for building approval. The Commission concludes the matter is not managed through the SPPs as a matter of policy;
- strategic direction G3.1(a) of the regional strategy provides that 'sensitive landforms and ecosystems, including coastal landforms and karst features (limestone areas shaped by erosion) should be protected.' The Lilydale to Patersonia karst area is partly located in the George Town municipality. The area is zoned Rural and Agriculture under the draft LPS, which is considered appropriate given the type of use and development provided for in those zones. On that basis, the Commission does not agree a specific area plan is necessary to manage karst features; and
- the representor's concerns about the underlying data used to prepare the Inundation-prone Hazard Area overlay is noted, however Guideline No. 1 requires the use of the State data which was used to prepare the overlay.

Commission decision

180. Modification:

- Revise the zoning of the Mount Direction Historic Site PID 2034378 to Environmental Management.

181. Reason: To apply the Environmental Management Zone consistent with Guideline No. 1.

Port and Marine Zone - East Tamar Highway, Long Reach

Representation: GHD for Austrak TAS Pty Ltd (19)

182. The representor requested the zoning of land located in the Tamar River adjacent to East Tamar Highway, Long Reach folio of the Register 152001/1 be zoned Port and Marine. The land was subject to a Crown lease agreement (No. 46962) that provided for construction of a wharf facility originally intended to be developed for the Gunns pulp mill approved for the land. The representor made the following comments in support of the Zone:

- the Crown lease was intended to facilitate a future wharf subject to the ordinary development approvals process;

- studies undertaken in support of the former Gunns pulp mill proposal found the land/wharf area to be suitable for a deep water port;
 - a wharf would be a significant strategic asset to the Long Reach and Bell Bay industrial area that would facilitate further industrial development;
 - clause 7.11.1 of the SPPs provided that use or development on unzoned land outside the municipality would be considered in accordance with the provisions of the zone that was closest to the site;
 - the coastal reserve and river area adjacent to the lease area was zoned Environmental Management, which would prohibit the use;
 - Austrak TAS Pty Ltd was establishing partnerships for development of the adjacent land under its ownership; and
 - the wharf was imperative for the operation of a regionally significant industrial site.
183. In the section 35F report, the planning authority recommended the Port and Marine Zone be applied to the lease area for the following reasons:
- the purpose of the lease was understood to be to facilitate a deep water port associated with industrial development of folio of the Register 152001/1;
 - the permit for the Gunns pulp mill was understood to include a new berth within the existing lease area;
 - Port and Shipping was a Prohibited use in the Environmental Management Zone;
 - the intended use was consistent with the purpose of the Port and Marine Zone to provide for major port and marine activity related to shipping and other associated transport facilities, supply and storage;
 - the Port and Marine Zone was consistent with PMZ 2 of Guideline No. 1 because it would be applied to land seaward of the high water mark where the land was intended to be used for large scale port and marine activities;
 - the Port and Marine Zone was broadly supported by the regional strategy, which identified Bell Bay as a key transport hub, and highlighted the importance of using land for freight distribution and logistics (strategic direction G1.3);
 - the site was well-connected to the remainder of the State by rail and roads; and
 - the Natural Assets Code would provide for assessment of any environmental impacts caused by future development.
184. Prior to the hearing, the Crown, in response to a Commission direction, stated it had 'no objection' to the proposed Port and Marine Zone.
185. At the hearing, Ms Jen Welch (GHD) for Austrak TAS Pty Ltd was joined by Messrs David Morris, Mr Kyron Johnson and Mr Robert Holbrook (Simmons Wolfhagen Lawyers), and Mr Samuel Martinello (Austrak TAS Pty Ltd) who together made the following comments in support of the representation:
- Austrak TAS Pty Ltd intended to develop a number of sites in the adjacent General Industrial Zone, which would be served by the wharf;
 - Austrak TAS Pty Ltd had studied the location and design of the wharf and was satisfied that it would suit its purposes;
 - a major ammonium facility was proposed for the adjacent industrial land;
 - the design of the wharf would be determined once the actual industries that would be developed on the land were known;
 - the owner would seek to rezone more land to Port and Marine if required in the future;
 - the owner was prepared to reconsider whether the General Industrial Zone was appropriate instead of the Port and Marine Zone;

- it was possible the General Industrial Zone provided for more uses than were needed for the wharf;
- the Crown lease provided for a wharf facility;
- the original wharf was intended to be developed for the pulp mill, however it was also suitable to serve the intended industrial estate on the land;
- the approved pulp mill wharf had a depth along the berthing face that would provide for a vessel with a draft of 13m and a capacity of up to 65,000 dead weight tonnage;
- the approved wharf had a 224m long loading quay (wharf deck) and was 20m wide;
- the ammonium facility only needed a facility that provided for a vessel with a draft of 11m; and
- the ammonium facility proponent and the State Government had an agreement to develop the facility on the adjacent land.

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

- it was satisfied the land was suitable for a wharf;
- it considered the General Industrial Zone an alternative option, but favoured the Port and Marine Zone because the General Industrial Zone provided for uses that may not be appropriate; and
- it agreed with the representor that the Utilities Zone would only be suitable if the land was intended to be used for major infrastructure.

187. Following the hearing, the planning authority, in response to a Commission direction, stated the General Industrial Zone was also a suitable zone to apply to the land because it was consistent with the principles of Guideline No. 1. It noted the Port and Marine Zone would 'better facilitate the development of a general-use port,' but favoured the General Industrial Zone because it would be ancillary to the broader industrial use of the area.

188. In response, Simmons Wolfhagen for Austrak TAS Pty Ltd stated it supported application of the General Industrial Zone. It added an alternative was application of the Port and Marine Zone, possibly with a site-specific qualification to provide for uses that would be conducive to the relationship of the wharf to the General Industrial Zone.

189. The Crown, in response to a Commission direction, stated it had no objection to the proposed General Industrial Zone.

Commission consideration

190. The Commission is persuaded the General Industrial Zone should be applied to the land and notes the Zone is supported by the planning authority, representor and the Crown. The Commission makes the following observations:

- the Crown lease agreement (No. 46962) provides for construction of a wharf facility;
- the Commission is satisfied a wharf facility can be developed on the land with the specifications required for use by vessels that would serve the adjacent industrial land;
- the General Industrial Zone is consistent with the principles of Guideline No. 1 and would provide for use that is more closely related to future use and development of the industrial area;
- the General Industrial Zone was supported by the regional strategy for the reasons specified in the section 35F report;
- the Commission agrees with the representor that a wharf would be a significant strategic asset to the Long Reach and Bell Bay industrial areas that would facilitate further industrial use and development; and

- the Waterway and Coastal Protection Area overlay would apply to the foreshore and provide for assessment of the impact of future development on the natural values of the area against the provisions of the Natural Assets Code.

Commission decision

191. Modification:

- Revise the zoning of the land subject to Crown lease agreement No. 46962 adjacent to East Tamar Highway, Long Reach folio of the Register 152001/1 to General Industrial.

192. Reason: To apply the General Industrial Zone consistent with Guideline No. 1.

Utilities Zone - Water Infrastructure

Representation: TasWater (9)

193. The representor requested the zoning of the Curries River Reservoir and 'The Duck Pond' at Bridport Road, George Town folios of the Register 135618/1 and 135618/2 be revised from the Rural Zone to the Utilities Zone because the land contained water storage infrastructure.

194. In the section 35F report, the planning authority recommended the properties be revised to the Utilities Zone consistent with UZ 4 of Guideline No. 1.

Commission consideration

195. The Commission considers that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent. As such, the Commission considers land that contains water storage infrastructure should be zoned Utilities consistent with the principles of Guideline No. 1.

Commission decision

196. Modification:

- Revise the zoning of the Curries River Reservoir and 'The Duck Pond' at Bridport Road, George Town folios of the Register 135618/1 and 135618/2 to Utilities.

197. Reason: To apply the Utilities Zone consistent with the purpose of the zone and Guideline No. 1.

Utilities Zone - Rail Infrastructure

Representation: TasRail (30)

198. The representor requested the Utilities Zone be applied to the following land because each parcel contained railway line that was part of the State rail network as defined under the *Rail Infrastructure Act 2007*:

- 303 Old Bell Bay Road, Bell Bay folio of the Register 168837/1; and
- Mobil Road, Bell Bay folios of the Register 177658/1, 177658/3 and 177658/4.

199. The representor also requested the Road and Railway Assets Code apply to all land in the State rail network.

200. In the section 35F report the planning authority recommended the Utilities Zone be applied to the land for the reasons given in the representation.

Commission consideration

201. The Commission agrees the land forms part of the State rail network and should be zoned Utilities consistent with the principles of Guideline No.1. The Commission also notes the Road and Railway Assets Code applies to all land within 50m of the State rail network.

Commission decision

202. Modification:
- Revise the zoning of 303 Old Bell Bay Road, Bell Bay folio of the Register 168837/1, and Mobil Road, Bell Bay folios of the Register 177658/1, 177658/3 and 177658/4 to Utilities.
203. Reason: To apply the Utilities Zone consistent with the purpose of the zone and Guideline No. 1.

Utilities Zone - State Road Casement

Representation: Department of State Growth (22)

204. The representor supported application of the Utilities Zone to the State road casement, but noted there were a number of areas needed for new road works that should be included in the Zone. The representor was otherwise supportive of the planning authority's decision not to apply the Road and Railway Attenuation Area overlay.
205. In its section 35F report, the planning authority recommended no changes to the draft LPS, but noted it would consider changes to the Utilities Zone if the representor provided details about the areas where changes were proposed.
206. Following the hearing, the representor, in response to a Commission direction, stated that it could not specify any new areas where the Utilities Zone should be applied.

Commission consideration

207. The Commission is satisfied the Utilities Zone has been applied to the State road casement consistent with the principles of Guideline No. 1 (UZ 1).

Commission decision

208. The Commission considers that no modifications are required.

Open Space Zone - 38 Main Road, George Town

Representation: Department of Communities Tasmania (Homes Tasmania) (21), George Town Council (35)

209. The representation made by George Town Council requested the zoning of 38 Main Road, George Town folio of the Register 6751/59 be revised from the General Residential Zone to the Open Space Zone because the land contained a public park.
210. The representation made by Homes Tasmania supported application of the General Residential Zone that had been exhibited because the zoning would both reduce the value of the land and restrict future use and development options for the site.
211. In the section 35F report, the planning authority recommended the Open Space Zone be applied to the land for the reasons given in the representation made by George Town Council. It added the land was maintained by George Town Council as a public park as part of its works program.

212. At the hearing, Ms Mary Bessell for Homes Tasmania reiterated support for the General Residential Zone, but stated Homes Tasmania had no current plans to develop the land with a Residential use. Ms Bessell added Homes Tasmania had discussed the land with George Town Council's property department, and that it would consider the Open Space Zone in future if a similar quantity of land in the General Residential Zone could be found in George Town to offset the loss. Ms Bessell also added Homes Tasmania supported the continuation of the use of the land as public open space for the time being.
213. In response, the planning authority explained the land had been used as public open space for many years to commemorate a death in a house fire that occurred on the land. It understood there was no formal agreement with the Crown to use the land for that purpose, but was of the opinion the land should be zoned Open Space until the Council and Crown could determine which zone should be applied.

Commission consideration

214. The Commission is not persuaded the Open Space Zone should be applied to the land. The land is not dedicated as public open space, and although it has been used and maintained for that purpose for a period of time, there is no formal agreement with the landowner that the land be used for that purpose. In addition, the Commission is not persuaded the Open Space Zone is supported by any land use strategy, in particular the George Town Area Structure Plan 2021, which does not identify the land as intended for public open space use.

Commission decision

215. The Commission determines that no modifications are required.

Future Urban Zone - Anne Street, George Town

Representation: Office of the Coordinator-General (34)

216. The representor requested the zoning of Anne Street, George Town, folios of the Register 246378/1 and 21588/1 be revised from the Rural Living Zone to the Future Urban Zone. The reasons were:
- the land was owned by George Town Council;
 - the adjacent land was proposed to be zoned General Residential and Future Urban;
 - both lots could be connected to reticulated services;
 - the land could be used to provide affordable housing for workers in the area; and
 - the Future Urban Zone would support anticipated community and economic growth.
217. In the section 35F report, the planning authority recommended no change to the draft LPS for the following reasons:
- the George Town Area Structure Plan 2021 identified the land within a 'minimal residential intensification area', which indicated the lot size provisions applied to the area should be a minimum of 1ha;
 - the land was not appropriate for high-density urban residential development; and
 - the suitability of the land in the proposed Future Urban Zone for the General Residential Zone should be examined before any land zoned Rural Living be considered for an alternative zoning.
218. At the hearing, Mr Bret Richardson for the Office of the Coordinator-General stated there was a significant demand for residential land in the area. Mr Richardson added the Office of the Coordinator-General wanted to ensure residential land would be available in the future for local workers.

219. In response, the planning authority noted further strategic planning work was required to consider whether the land could be included in the Future Urban Zone.

Commission consideration

220. The Commission is not persuaded the Future Urban Zone should be applied to the land for the reasons given in the section 35F report. The Commission notes the planning authority may undertake strategic planning work in future to study whether the land should be included in an alternative zone.

Commission decision

221. The Commission determines that no modifications are required.

Road and Railway Assets Code - Future Railway Overlay

Representation: TasRail (30)

222. The representor requested the Future Railway overlay be applied to 135 Bell Bay Road, Bell Bay folio of the Register 154929/1. The representor explained the existing rail line through the area had been impacted by landslip in 2016 and would require realignment.
223. In the section 35F report, the planning authority recommended the draft LPS be modified to include the Future Railway overlay consistent with Guideline No. 1. However the planning authority noted further detail about the exact location proposed for the alignment of the overlay would be required.
224. Prior to the hearing, the representor, in response to a Commission direction, submitted a map that identified the location of the proposed future railway alignment. The map showed the overlay would apply to a width of 20m over the following land:
- 135 Bell Bay Road, Bell Bay folio of the Register 154929/1;
 - the existing rail line at folio of the Register 11370/22; and
 - 15 Mobil Road, Bell Bay folios of the Register 130510/1 and 165034/1.
225. At the hearing, Ms Jennifer Jarvis and Mr Neale Tomlin for TasRail, explained it had obtained geotechnical information for the area that it was using to determine the exact future rail alignment. Ms Jarvis added the rail line would fit within the corridor identified in the submission and would be of particular service to Rio Tinto.
226. The proposed rail alignment was supported by the Office of the Coordinator-General. The proposed rail alignment and Future Railway overlay was also supported by the owners of the affected land titles, TasPorts and Bell Bay Aluminium.

Commission consideration

227. The Commission is persuaded the Future Railway overlay should be applied to the land. The overlay would identify the land on which the extension to the rail network is intended to be built. The Commission notes the affected landowners are supportive of the proposal.

Commission decision

228. Modification:
- Revise the draft LPS by applying the Future Railway overlay to the following land as identified in the submission made by TasRail dated 2 March 2023:
 - a. 135 Bell Bay Road, Bell Bay folio of the Register 154929/1;
 - b. the existing rail line at folio of the Register 11370/22; and

c. 15 Mobil Road, Bell Bay folios of the Register 130510/1 and 165034/1.

229. Reason: To apply the Future Railway overlay consistent with Guideline No.1.

Electricity Transmission Infrastructure Protection Code - Communications Station Buffer Area Overlay

Representation: TasNetworks (26)

230. The representor requested the Communications Station Buffer Area overlay be removed from the Mount George communications site at Mount George Road, George Town folio of the Register 161559/1 because the site was no longer used as part of the electricity network.

231. In the section 35F report, the planning authority recommended the overlay be removed from the land for the reasons specified in the representation.

Commission consideration

232. The Commission agrees the Communications Station Buffer Area overlay should be removed from the land because the land is no longer used as part of the electricity network.

Commission decision

233. Modification:

- Revise the Communications Station Buffer Area overlay by removing the overlay from the Mount George communications site at Mount George Road, George Town folio of the Register 161559/1.

234. Reason: To apply the Communications Station Buffer Area overlay consistent with Guideline No. 1.

Local Historic Heritage Code - Local Heritage Places

Representations: Annabel Richards (8), Tasmanian Heritage Council (11), Marita Bodman (12), Roger Richards (14), Friends of Low Head (16), Margaret Muir (17), Peter Cox (20), Friends of Low Head (23), Brian Walsh (28), Lorraine Wootton (29)

235. The representors raised concern the draft LPS should include more places and items of local historic heritage significance in Tables C6.1, C6.2, C6.3, C6.4, and C6.5 of the draft LPS. The following comments and requests were made:

- the Low Head area had significant heritage value;
- better protections were needed for heritage places;
- the planning authority should undertake a local heritage study;
- places listed on the Tasmanian Heritage Register should be listed as Local Historic Heritage Places;
- Table C6.1 (Local Historic Heritage Places) should include places of natural value;
- there were places of archaeological potential and significant trees that should be protected;
- Regent Square should be listed as a Local Historic Heritage Place; Perrins Farm at 292 Low Head Road, Low Head folio of the Register 184984/1 should be included in a Local Heritage Precinct;
- the Four Mile Creek Wildlife Sanctuary should be recognised for its cultural and historical significance;
- the George Town Council's strategic plan sought to recognise places of heritage value; and

- a heritage protection plan called the Low Head Maritime Precinct Project was undertaken between 1998 and 2003. The plan was funded by the State Government, however the results of the plan were only able to be partially implemented due to budget constraints. Parts of the plan that were left without implementation included a walking trail through a Low Head heritage precinct and updates to statutory heritage protection measures.
236. Representation 16 made by Friends of Low Head included a statement that outlined a case for the 'former Perrin Farm precinct' to be included in a Local Historic Heritage Precinct.
237. In the section 35F report, the planning authority noted the support of the representor for listings of places of local heritage significance. However, the planning authority did not support any listings for Tables C6.1, C6.2, C6.3, C6.4, and C6.5 because it did not have evidence to support the listings. The planning authority added it was prepared to consider undertaking a baseline heritage study in the future to inform the need for new listings and specific protections outside the requirements of the *Historic Cultural Heritage Act 1995*.
238. In response to the proposed heritage precinct proposed by Friends of Low Head, the planning authority stated it was satisfied the site had considerable potential to warrant inclusion in a Local Historic Heritage Precinct. However, the planning authority was not satisfied a Local Historic Heritage Precinct should be applied because precincts were generally only used 'where broader management outside of a specific heritage place was necessary to preserve local values.'
239. The planning authority added sites identified in the representations were protected by the *Threatened Species Protection Act 1995* or the *Historic Cultural Heritage Act 1995*. In response to the representation made by Mr Brian Walsh, the planning authority stated the land referred to in the representation appeared to be zoned General Industrial, but may have been protected by private nature sanctuaries.
240. At the hearing, Ms Annabel Richards stated heritage protections needed to be included in the draft LPS. Mr Brian Walsh was in agreement and contended Perrins Farm was of heritage significance even though it was not included on the Tasmanian Heritage Register. Mr Walsh also represented Friends of Low Head and added the planning authority had access to existing heritage studies undertaken by the State and Federal governments that could be used to support listings in the draft LPS. Mr Walsh submitted a number of documents as evidence of the heritage value of a number of places within the municipality.
241. Ms Lorraine Wootton made the following comments in support of her representation:
- management of heritage was good for tourism;
 - there was a misalignment between the image of the town and the lack of a heritage places listed in the draft LPS; and
 - the community would be willing to assist the planning authority with work towards a local heritage study.
242. In response, the planning authority made the following comments:
- the interim planning scheme did not contain a heritage list that could be declared a provision that could transition to the draft LPS;
 - the planning authority did not have a local heritage study it could use to support new listings;
 - many properties in the municipality were listed on the Tasmanian Heritage Register and the heritage values of those places were therefore protected;
 - it would consider listing any places that were removed from the Tasmanian Heritage Register;

- there were a number of problems with previous registers, in particular the Register of the National Estate, which had identified a number of properties in error;
- evidence that places were of local significance was required before new listings could be made;
- existing heritage studies undertaken by the State and Federal governments related to places with values of national and State significance;
- it understood the community's concerns, and may be supportive of local listings being included in the draft LPS after it was in effect;
- it would consider undertaking a heritage study that might result in a proposal to amend the draft LPS;
- a significant amount of work would be required to complete a study and it was not possible to undertake the work during the draft LPS assessment process; and
- it was not mandatory to include places of local heritage significance in the draft LPS.

243. Mr Walsh also spoke to his representation about land at Four Mile Creek and outlined his understanding the area was historically listed as a heritage place, but was no longer protected. He added the place in question was located between the East Tamar Highway, Four Mile Creek and Fourteen Mile Creek.

244. In response, the planning authority stated it was uncertain of the location of the place Mr Walsh attempted to identify.

Commission consideration

245. The Commission accepts the position of the planning authority and considers inclusion of places, precincts or other items of local heritage significance is a matter of local policy. The Commission also observes the following:

- places of local heritage significance could be included if deemed required at a later time;
- the LPS requirements of the SPPs, specifically clauses LP1.7.4 and LP1.8.1, provide for places of local heritage significance to be included in the draft LPS, but do not mandate inclusion;
- there may be State and Federal level heritage studies that have been undertaken, however listings in the draft LPS must be for places with local heritage value, which need to be established by a suitably qualified person;
- the information submitted by Mr Walsh about places of heritage significance in the municipality demonstrates there may be places of local heritage significance that should be listed in the draft LPS;
- there is insufficient evidence about the land at Four Mile Creek, particularly from a suitably qualified person, to determine whether the place should be listed as a place of local historic heritage significance; and
- Tables C6.1, C6.2, C6.3, C6.4, and C6.5 relate to places and items of local heritage significance rather than sites with natural values. Places of natural value can be considered for zones such as Landscape Conservation or Environmental Management, or overlays, such as those related to the Natural Assets Code.

246. The Commission notes the planning authority may undertake further work to study the heritage values of the area in the future with the potential to develop lists of places of local heritage significance in Tables C6.1, C6.2, C6.3, C6.4, and C6.5 of the draft LPS. It is further noted the representation made by Friends of Low Head contained a considerable amount of information about the area at Low Head, including the privately owned Perrins Farm, which may assist the planning authority in its future work.

Commission decision

247. The Commission determines that no modifications are required.

Natural Assets Code - Priority Vegetation Area Overlay

Representations: Annabel Richards (8), Roger Richards (14), Friends of Low Head (23), JAC Group (24), John Madison (27)

248. The representors requested various changes be made to the Priority Vegetation Area overlay to protect significant native vegetation and fauna habitat. The representors made the following comments and requests:

- the Regional Ecosystem Model used to produce the overlay was inaccurate and did not recognise areas of significant native vegetation or otherwise applied to areas that no longer contained significant native vegetation;
- the overlay should be applied more broadly in the Low Head area, particularly to protect habitat for native birds;
- there were areas included in the Priority Habitat overlay of the interim planning scheme that were not included in the Priority Vegetation Area overlay, a notable example being East Arm Road, Mount Direction folio of the Register 46549/1; and
- the Agriculture Zone should be replaced with other zones, such as the Environmental Management Zone, which were compatible with the overlay.

249. In the section 35F report, the planning authority did not recommend any changes to the draft LPS for the following reasons:

- the SPPs did not allow the Priority Vegetation Area overlay to be applied to land in the Agriculture Zone, which was the policy approach adopted by the State Government;
- there was insufficient evidence to demonstrate land in the Low Head area had environmental values that warranted application of the Landscape Conservation or Environmental Management zones;
- land zoned Agriculture was identified as unconstrained in the agricultural estate mapping, which indicated the Zone should be applied;
- the overlay was based on the Regional Ecosystem Model, which was compliant with Guideline No. 1; and
- there were areas included in the Priority Habitat overlay in the interim planning scheme that were not included in the Priority Vegetation Area overlay because the interim planning scheme allowed the overlay to apply to all zones, and the overlay was based on a different model.

250. At the hearing, Ms Annabel Richards spoke about the importance of native vegetation in the area, and proposed the Landscape Conservation and Environmental Management zones be applied more broadly to protect native flora and habitat for native fauna. Ms Richards was joined at the hearing by Mr Harvey Gee who had been a manager of Perrins Farm for many years. Mr Gee contended the overlay or Environmental Management Zone should be applied to areas of Perrins Farm at 292 Low Head Road, Low Head folio of the Register 184984/1 to protect native vegetation.

Commission consideration

251. The Commission is not persuaded the Priority Vegetation Area overlay should be amended. The Regional Ecosystem Model used to produce the overlay, is compliant with Guideline No. 1 and there may be significant public interest in it. 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 to determine if the land contains priority vegetation.

252. Zoning is the primary method of use and development control, which should firstly be applied based on the intended use of land. The Commission is satisfied the planning authority has applied the Agriculture Zone consistent with the agricultural estate mapping. Clause C7.2.1 of the Natural Assets Code and NAC 13 of Guideline No. 1 state the Priority Vegetation Area overlay can only be applied to a number of listed zones, and this excludes the Agriculture Zone. The Commission agrees with the planning authority that this is a policy position established in the SPPs. Nevertheless, areas of outstanding natural value can be considered for alternative zoning if evidence is provided that the values are significant enough to fundamentally impact the use of the land. In these circumstances, application of an alternative zone may be warranted. Additionally, the Commission observes many areas of native vegetation not covered by the overlay are zoned Landscape Conservation or Environmental Management, which would otherwise provide some protection of natural values and priority vegetation.

Commission decision

253. The Commission considers that no modifications are required.

Natural Assets Code - Priority Vegetation Area Overlay - Various Properties

Representation: Department of Natural Resources and Environment Tasmania (15)

254. The representor requested the Priority Vegetation Area overlay be applied to various sites that were known to have occurrences of threatened flora and fauna, such as Black Bristlesedge (*Chorizandra enodis*), Soft Bushpea, Variable Bossia (at 720 Beechford Road, Stony Head folio of the Register 127834/1) and raptor nests. The representor noted some use and development within 500m of a raptor nest could cause disturbance of a nesting site and on that basis recommended the overlay be applied with a radius of 1000m from known nesting sites. Soft Bushpea was identified on the following sites:
- 335 Industry Road, Pipers River folio of the Register 203377/1;
 - 4897 Bridport Road, Pipers River folios of the Register 19854/1 and 241349/1; and
 - Hall Road, Pipers Brook folio of the Register 132335/1.
255. The representor also noted the existing overlay prepared using the Regional Ecosystem Model was outdated because more contemporary mapping of vegetation existed, which could be used to update the overlay. In particular, the representor noted the municipality contained areas of threatened native vegetation that were not identified by the overlay. In addition, the representor suggested the Agriculture Zone be reduced so the overlay could be applied more broadly to compatible zones.
256. In the section 35F report, the planning authority recommended no changes to the draft LPS for the following reasons:
- it was unclear whether the Soft Bushpea, Black Bristlesedge, (*Chorizandra enodis*) Variable Bossia (*Bossiaea heterophylla*), had been identified by an inspection of the relevant sites;
 - the representation did not specify the extent of the changes it proposed to the Priority Vegetation Area overlay;
 - the overlay was based on the Regional Ecosystem Model;
 - it was unclear whether affected landowners would support changes to the overlay;

- the overlay was not applied to a number of the properties mentioned in the representation because they were zoned Agriculture, which was not compatible with the overlay; and
- the Agriculture Zone had been applied consistent with the agricultural estate mapping.

257. Prior to the hearing, the representor, in response to a Commission direction, stated it was unable to provide mapping to show areas of the overlay it believed should be updated. However, the representor provided a number of maps that identified the location of threatened fauna, threatened flora, including raptor nests, that could be used to inform changes to the overlay.

Commission consideration

258. The Commission is not persuaded the Priority Vegetation Area overlay should be amended. Zoning is the primary method of use and development control, which should firstly be applied based on the intended use of land. The Commission is satisfied the planning authority has applied the Agriculture Zone consistent with the agricultural estate mapping. Clause C7.2.1 of the Natural Assets Code and NAC 13 of Guideline No. 1 states the Priority Vegetation Area overlay can only be applied to a number of listed zones, and this excludes the Agriculture Zone. The Commission observes this is a policy position established in the SPPs.

259. However, areas of outstanding natural value can be considered for alternative zoning if evidence were provided that the values were significant enough to fundamentally impact the use of the land to a degree that warrants an alternative zone being applied. Nevertheless, the Commission is of the opinion it is not in a position to determine whether the natural values identified in the representation should affect zone application.

260. Otherwise, the Commission is not satisfied the overlay should be amended for the following reasons:

- the Regional Ecosystem Model used to produce the overlay, is compliant with Guideline No. 1 and has been applied in most other municipalities;
- the overlay is consistent with and co-ordinated with the LPSs that apply to adjacent municipal areas as required by section 34(2)(g) of the Act (LPS criteria);
- proposed changes to the overlay have not been verified on-site by the planning authority as required by clause LP1.7.5(d) of the SPPs; and
- there may be significant public interest in changes to the overlay that would result from an update to the Regional Ecosystem Model mapping.

261. The representor provided a number of maps that identified the location of threatened fauna, threatened flora and raptor nests that could be used to inform changes to the overlay, however the information only exists as data that could be used as an input for a model and does not actually demonstrate how the overlay could be amended.

262. The Commission accepts there may be natural values located outside the area where the overlay would apply, and notes it would be useful for the Commission's assessment if the representor could attend future hearings.

Commission decision

263. The Commission considers that no modifications are required.

Natural Assets Code - Priority Vegetation Area Overlay - State Road Casement

Representation: Department of State Growth (22)

264. The representor requested the Priority Vegetation Area overlay be removed from the Utilities Zone that contained the State road casement because it would have the potential to constrain future use and development of the road network. In particular, the representor raised concern the overlay was inconsistent with the vegetation mapping available on the LIST. The representor also noted that vegetation can be removed in accordance with the exemptions at clause 4.2.4 of the SPPs.
265. In the section 35F report, the planning authority did not recommend any change to the draft LPS because the overlay had been applied in accordance with Guideline No.1. The planning authority concluded it would consider the removal of the overlay if supported by a suitably qualified person.

Commission consideration

266. 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 State road casement, but notes the exemptions in clauses 4.2.4 and 4.4.1 of the SPPs would provide for clearance of vegetation associated with general maintenance and minor road works. However, the Commission considers that more extensive road works that may be undertaken from time to time ought to be assessed against the provisions of the Natural Assets Code where the overlay applies.

Commission decision

267. The Commission considers that no modifications are required.

Natural Assets Code - Priority Vegetation Area Overlay - Electricity Infrastructure

Representation: TasNetworks (26)

268. The representor requested the Priority Vegetation Area overlay be removed from George Town Converter Station Communication Site at 6738 Bridport Road, George Town folio of the Register 139714/1.
269. In the section 35F report, the planning authority recommended the overlay be removed from that part of the land developed with hard surfaces.

Commission consideration

270. The Commission agrees with the planning authority that the Priority Vegetation Area overlay should be removed from the part of the land already covered in hard surfaces.

Commission decision

271. Modification:
- Revise the Priority Vegetation Area overlay by removing the overlay from that part of 6738 Bridport Road, George Town folio of the Register 139714/1 covered in hard surfaces, such as concrete or bitumen.
272. 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

Representation: Annabel Richards (8), Tony Saddington (13), Department of State Growth (22)

273. The representors requested the Scenic Protection Area and Scenic Road Corridor overlays be applied more broadly, particularly to land around Low Head, and along coastal areas and roads. The representation made by Department of State Growth opposed application of the Scenic Protection Area overlay at Tippogoree Hills because the land contained mineral resources and the overlay would hinder extraction of the resource.
274. In its section 35F report, the planning authority recommended no changes to the draft LPS.
275. At the hearing, Ms Annabel Richards made the following comments in support of her representation:
- the municipality contained areas of scenic value that warranted protection, particularly those identified in the George Town Area Structure Plan 2021 and other planning studies undertaken by the planning authority;
 - the Scenic Protection Area overlay would help to protect native grasses and protect land being converted to agricultural use;
 - the Scenic Protection Area overlay should be applied to Perrins Farm at 292 Low Head Road, Low Head folio of the Register 184984/1; and
 - the proposal had been discussed with the owner of Perrins Farm. The owner had not taken an interest in an overlay, but expressed a desire to continue to manage the land and vegetation in its present condition.
276. Ms Richards was joined at the hearing by Mr Harvey Gee who had been a manager of Perrins Farm for many years. Mr Gee stated the Scenic Protection Area overlay would protect the skyline that ran through the centre of the land, and prevent vegetation removal that would ruin its appearance.
277. In response, the planning authority maintained its view the draft LPS should not be modified for the following reasons:
- the Scenic Protection Area and Scenic Road Corridor overlays had been declared by the Minister for Planning to be transitioned from the existing interim planning scheme to the draft LPS under the requirements of Schedule 6 of the Act;
 - the transitioning provisions of the Act did not allow the overlays to be modified;
 - the Scenic Protection Area overlay did not apply to Perrins Farm;
 - it was not aware the scenic values had been considered before in any strategic planning work;
 - it did not have any evidence to support new Scenic Protection Area and Scenic Road Corridor overlays;
 - the representations had informed the planning authority where it needed to direct some of its resources to undertake strategic planning; and
 - the planning authority would consult with the community about what controls should apply to Perrins Farm in the event the results of future strategic planning work indicated had scenic value that should be protected.

Commission consideration

278. 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 Scenic Protection Code overlays are warranted. The Commission 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; and
- the overlays have been declared by the Minister for Planning to be provisions that should be transitioned from the existing interim planning scheme to the draft LPS under the requirements of Schedule 6 of the Act. Therefore, the overlay cannot be removed from Tippetogoree Hills at this time as requested in the representation made by Department of State Growth.

279. The Commission also notes a Scenic Protection Area overlay or Scenic Road Corridor overlay must be supported by a suitably qualified person that establishes the scenic values of an area and what management objectives would apply. The planning authority may undertake further work to study the scenic values of the area in the future with the potential to develop overlay mapping.

Commission decision

280. The Commission considers that no modifications are required.

Scenic Protection Code - Scenic Value Statements and Management Objectives for Scenic Protection Areas and Scenic Road Corridors

Representation: George Town Council (35)

281. The representor requested the scenic value statements and management objectives for the Scenic Protection Areas in Table C8.1 and the Scenic Road Corridors in Table C8.2 be revised to clarify how the management objectives should be applied to linear infrastructure, such as power lines. Specifically, the representor contended the scenic value statements and management objectives should recognise the landscape had significant industrial character. The following changes were requested:

- insert an additional scenic value statement for each area in Table C8.1 and Table C8.2 as follows:
 - ‘The presence of existing linear infrastructure, the high visibility of such infrastructure, and the importance of maintaining infrastructure access to adjacent industrial land is acknowledged.’;
- insert an additional management objective for each area in Table C8.1 to read as follows:
 - ‘Linear Infrastructure: i) is to be co-located in existing infrastructure corridors where possible and feasible. ii) is to avoid prominent landscape scarring when viewed from public roads and residential areas of George Town.’; and
- insert an additional management objective for each area in Table C8.2 to read as follows:
 - ‘Linear Infrastructure may be visually prominent immediately adjacent to public roads where road crossings are required or where proximity to the road is essential to the function.’

282. In the section 35F report, the planning authority recommended the draft LPS be modified as requested.

Commission consideration

283. The Commission agrees the scenic value statements and management objectives in Table C8.1 and Table C8.2 should be modified as requested for the reasons given in the representation. The Scenic Protection Areas and Scenic Road Corridors overlays have been declared by the Minister for Planning to be provisions that transitioned from the existing interim planning scheme to the draft LPS under the requirements of Schedule 6 of the Act. Table C8.1 and Table C8.2 are required to be completed in the draft LPS to identify the basis on which the provisions of the Scenic Protection Code are applied to development, and should reflect the intent of the overlays that applied in the interim planning scheme.
284. The Commission considers minor changes should be made to the recommended provisions to satisfy the requirements of Practice Note 8.

Commission decision

285. Modification:
- Revise the draft LPS written document to include modifications to the following clauses in Table C8.1 and Table C8.2 as identified in Annexure A of Attachment 2:

GEO-Table C8.1 Scenic Protection Areas

Reference Number	Scenic Protection Area Name	Description	Scenic Value	Management Objectives
GEO-C8.1.1	Tippogoree Hills	The prominent topography of the Tippogoree Hills	<p>(a) The prominent, vegetated, hilltops appear in a natural state with minimal development and extensive coverage of native vegetation.</p> <p>(b) The Tippogoree Hills are a prominent natural feature when viewed from the Batman Highway heading east, Bridport Road, East Tamar Highway and Dalrymple Road.</p> <p>(c) The Tippogoree Hills are consistent in appearance with most hilltops in the broader Tamar region.</p> <p>(d) The area contains visible linear infrastructure associated with the significant industrial uses in the area, which reflects the important contribution industry makes to the local community.</p>	<p>(a) To avoid significant landscape change on skylines, hilltops, ridgelines and hill faces when viewed from the Batman Highway heading east, Bridport Road, East Tamar Highway and Dalrymple Road.</p> <p>(b) To locate and design development to blend with the landscape and not be obtrusive.</p> <p>(c) To minimise the removal of native vegetation.</p> <p>(d) To manage the visual impact of linear infrastructure by:</p> <p>(i) co-locating infrastructure in existing corridors where possible and feasible; and</p> <p>(ii) minimising impacts on prominent landscapes that can be viewed from public roads and residential areas of George Town.</p>
GEO-C8.1.2	Mount George and George Town Sugarloaf	The prominent topography of Mount George and George Sugarloaf	<p>(a) The prominent, vegetated, hilltops appear in a natural state with minimal development and extensive coverage of native vegetation.</p> <p>(b) Mount George and George Town Sugarloaf together form a</p>	<p>(a) To avoid significant landscape change on skylines, hilltops, ridgelines and hill faces when viewed from the Bridport Road and East Tamar Highway and George Town.</p> <p>(b) To locate and design</p>

			<p>prominent natural feature when viewed from Bridport Road and East Tamar Highway and form a scenic backdrop to George Town.</p> <p>(c) Mount George and George Town Sugarloaf are consistent in appearance with most hilltops in the broader Tamar region.</p> <p>(d) The area contains visible linear infrastructure associated with the significant industrial uses in the area, which reflects the important contribution industry makes to the local community.</p>	<p>development to blend with the landscape and not be obtrusive.</p> <p>(c) To minimise the removal of native vegetation.</p> <p>(d) To manage the visual impact of linear infrastructure by:</p> <p>(i) co-locating infrastructure in existing corridors where possible and feasible; and</p> <p>(ii) minimising impacts on prominent landscapes that can be viewed from public roads and residential areas of George Town.</p>
GEO-C8.1.3	The Buffalo	The prominent topography of The Buffalo	<p>(a) The prominent, vegetated, hilltops appear in a natural state with minimal development and extensive coverage of native vegetation.</p> <p>(b) The Buffalo is a prominent natural feature when viewed from Soldiers Settlement Road and George Town.</p> <p>(c) The Buffalo is consistent in appearance with most hilltops in the broader Tamar region.</p> <p>(d) The area contains visible linear infrastructure associated with the significant industrial uses in the area, which reflects the important contribution industry makes to the local community.</p>	<p>(a) To avoid significant landscape change on skylines, hilltops, ridgelines and hill faces when viewed from Soldiers Settlement Road and George Town.</p> <p>(b) To locate and design development to blend with the landscape and not be obtrusive.</p> <p>(c) To minimise the removal of native vegetation.</p> <p>(d) To manage the visual impact of linear infrastructure by:</p> <p>(i) co-locating infrastructure in existing corridors where possible and feasible; and</p> <p>(ii) minimising impacts on prominent</p>

				landscapes that can be viewed from public roads and residential areas of George Town.
--	--	--	--	---------------------------------------------------------------------------------------

GEO-Table C8.2 Scenic Road Corridors

Reference Number	Scenic Road Corridor Description	Scenic Value	Management Objectives
GEO-C8.2.1	East Tamar Highway from southern municipal boundary to George Town township.	<p>(a) Native vegetation along the highway corridor provides visual amenity to the traveller experience.</p> <p>(b) Views through the trees and across open farmland to the Tamar River and distant hills are an important element in providing visual amenity to the traveller experience.</p> <p>(c) The corridor contains visible linear infrastructure associated with the significant industrial uses in the area, which reflects the important contribution industry makes to the local community.</p>	<p>(a) To minimise the removal of native vegetation.</p> <p>(b) To provide native vegetation screening for any large industrial type developments adjacent to the road.</p> <p>(c) To avoid the need for vegetation clearance adjacent to the highway by setting development back from the road.</p> <p>(d) To minimise the prominence of linear infrastructure immediately adjacent to public roads, except where road crossings are required or where proximity to the road is essential to the function.</p>
GEO-C8.2.2	Batman Highway from western municipal boundary to East Tamar Highway.	<p>(a) Views across open farmland to the Tamar River and distant hills are an important element in providing visual amenity to the traveller experience.</p> <p>(b) The corridor contains visible linear infrastructure associated with the significant industrial uses in the area, which reflects the important contribution industry</p>	<p>(a) To provide for views that enhance the traveller experience by setting development back from the road and minimising building bulk within proximity to the road.</p> <p>(b) To minimise the prominence of linear infrastructure immediately adjacent to public roads, except where road crossings are required or where proximity to the road is essential to the function.</p>

		makes to the local community.	
GEO-C8.2.3	Bridport Road from East Tamar Highway to the eastern municipal boundary.	<p>(a) Native vegetation along the highway corridor provides visual amenity to the traveller experience.</p> <p>(b) Views across open farmland to the distant hills are an important element in providing visual amenity to the traveller experience.</p> <p>(c) The corridor contains visible linear infrastructure associated with the significant industrial uses in the area, which reflects the important contribution industry makes to the local community.</p>	<p>(a) To minimise the removal of native vegetation.</p> <p>(b) To avoid the need for vegetation clearance adjacent to the highway by setting development back from the road.</p> <p>(c) To minimise the prominence of linear infrastructure immediately adjacent to public roads, except where road crossings are required or where proximity to the road is essential to the function.</p>
GEO-C8.2.4	Pipers Brook Road from Bridport Road south to municipal boundary.	<p>(a) Views across open farmland to the distant hills are an important element in providing visual amenity to the traveller experience.</p> <p>(b) The corridor contains visible linear infrastructure associated with the significant industrial uses in the area, which reflects the important contribution industry makes to the local community.</p>	<p>(a) To provide for views that enhance the traveller experience by setting development back from the road and minimising building bulk within proximity to the road.</p> <p>(b) To minimise the prominence of linear infrastructure immediately adjacent to public roads, except where road crossings are required or where proximity to the road is essential to the function.</p>

286. Reason: To ensure the draft LPS is consistent with the Minister's declaration under Schedule 6 of the Act and to ensure the provisions are consistent with the requirements of Practice Note 8.

Flood-Prone Areas Hazard Code - Flood-Prone Hazard Area Overlay

Representation: Department of Police, Fire and Emergency Management - State Emergency Service (32), George Town Council (35)

287. The representation made by George Town Council requested the Flood-Prone Hazard Area overlay be revised so that it was removed from urban areas with an identified depth of

flooding less than 300mm and a depth x velocity product of less than 0.1m/s. The reasons were:

- there was insufficient evidence the areas could be defined as a Flood-Prone Hazard Area;
 - the areas were unlikely to pose a risk to life or property as a result of the shallow depth, slow velocity and presence of piped reticulated stormwater networks; and
 - the thresholds used in the mapping were inappropriate and likely to lead to a requirement for developers to unnecessarily lodge applications for planning permits.
288. The representation made by Department of Police, Fire and Emergency Management (State Emergency Service) was supportive of the recommendations made in the Flussig Spatial Flood Study included in the draft LPS supporting report. It stated Guideline No. 1 did not require the overlay to include areas of flooding that expert opinion had determined should be excluded, because those areas were within a tolerable flood risk threshold. The representor also noted clause C12.2.3 of the SPPs otherwise allowed a planning authority to request information from a suitably qualified person if it was of the opinion land was subject to risk of flooding. It added the State Government was undertaking a project (the Tasmanian Flood Mapping Project) to develop a new Flood-Prone Hazard Areas Code.
289. In the section 35F report the planning authority recommended the overlay be modified as requested.
290. At the hearing, Mr Chris Irvine for the State Emergency Service made the following comments:
- the inclusion of low-risk areas in the overlay would be unfair to landowners who wanted to develop their property because any proposal for development would need to be assessed against the Code;
 - the exhibited overlay was a 'raw and unfiltered' flood map that required refinement to make it a more practical representation of Flood-Prone Hazard Areas;
 - it had not decided what the threshold should be to determine the low-risk areas that should be removed, however the average thickness of the concrete floor of a dwelling was a reasonable guide; and
 - the determination of a threshold required judgement by a hydrologist and could not be decided by predetermined filtering standards.
291. In response, the planning authority agreed with the State Emergency Service, and noted it may need to seek further advice about the depth and velocity thresholds that should be applied to determine which areas should be removed.
292. Following the hearing, the planning authority, in response to a Commission direction, provided a revised overlay map that showed the removal of areas with a depth less than 100mm, a depth x velocity product of less than 0.02m/s, and ponding less than 100m². The revised overlay was accompanied by a statement from a suitably qualified person (Mr Cameron Oakley of Hydronamica) that made the following statements:
- the exhibited mapping was based on a 1% AEP climate change flood extent, depth and hazard obtained through the hydrological and hydraulic modelling of the catchment as documented in the George Town Stormwater System Management Plan (Flussig, 2019);
 - the raw modelling outputs displayed a significant amount of shallow, low-risk flooding areas;
 - the exhibited overlay applied to almost all properties in George Town, which was incorrect representation of Flood-Prone Hazard Areas;
 - other Councils had used thresholds to filter overlay mapping;

- the Flood-Prone Hazard Areas Code required buildings, works, and subdivisions within a Flood-Prone Hazard Area to achieve and maintain a ‘tolerable risk’ from a flood;
- what was ‘tolerable’ was subjective;
- for comparison, Clarence City Council was understood to have applied thresholds that resulted in the removal of areas with a depth less than 50mm, a depth x velocity product of less than 0.02m/s, and ponding less than 500m²;
- also, for comparison, Glenorchy City Council was understood to have applied thresholds that resulted in the removal of areas with a depth less than 50mm, a depth x velocity product of less than 0.02m/s, and ponding less than 100m²;
- the proposed flood depth threshold proposed for George Town was slightly higher, however this was offset by the depth x velocity product, which was less than Clarence, the same as Glenorchy, and the ponding size threshold also less than Clarence and the same as Glenorchy; and
- the proposed thresholds were appropriate, as the depths removed were extremely unlikely to have removed any areas of potential flooding that could enter a dwelling and would cause little to no risk to people or property.

293. In response, the State Emergency Service provided an analysis of the Hydronamica proposal, and made the following comments:

- it supported the thresholds used to determine which low-risk areas should be removed and noted it was consistent with the methods contained in national best-practice guidelines;
- guidance in Australian Rainfall and Runoff (Ball et al. 2016) recognised that all flood modelling requires some level of refinement to suit the purpose for which the model was intended to be used; and
- filtering methods accounted for depth and velocity of water flows, the location and capacity of local stormwater infrastructure, and the physical characteristics of catchments, including the slope of land, soil types, and overland flow paths.

Commission consideration

294. The Commission accepts the evidence submitted by the parties and is persuaded the Flood-Prone Hazard Area overlay should be amended as specified in the advice provided by Hydronamica. The amended overlay is supported by the State Emergency Service. The method to refine the mapping is comparable with the approach taken in other approved LPSs, most notably Clarence and Glenorchy, and has been determined using filtering methods that has considered factors similar to those detailed in the submission from the State Emergency Service.
295. The Commission otherwise notes the planning authority may request information about flood risk under clause C12.2.4 of the SPPs if it considers an area may be flood-prone, but not recognised by the overlay.

Commission decision

296. Modification:

- Revise the Flood-Prone Hazard Area overlay as shown in the submission made by the planning authority dated 1 June 2023.

297. Reason: To apply the Flood-Prone Hazard Area overlay in accordance with Guideline No. 1.

Safeguarding of Airports Code - Airport Obstacle Limitation Area Overlay

Representation: Launceston Airport (10)

298. The representor requested the Airport Obstacle Limitation Area overlay be applied in the draft LPS. The representor proposed the overlay be based on the Procedures for Air Navigation Services - Aircraft Operations (PANS-OPS) surfaces as required by SAC 4 of Guideline No. 1. The PANS-OPS surfaces would cover most of the municipality, with the exception of the northern reaches.
299. In the section 35F report, the planning authority recommended the overlay be included in the draft LPS because it was consistent with Guideline No. 1.
300. At the hearing, Mr Trent Kneebush for Launceston Airport explained the PANS-OPS surfaces were used by aircraft pilots in periods of darkness and poor weather when it is necessary to fly by instrument rather than sight. Mr Kneebush made the following observations about the PANS-OPS surfaces that would form the overlay:
- the PANS-OPS surfaces are complicated and gradually get lower as the surfaces approach the airport;
 - the PANS-OPS surfaces can be sloped or flat, and some are curved to follow flight paths;
 - the obstacle limitation surfaces did not apply to the municipality;
 - the highest geographical feature within the overlay area was 391m Australian Height Datum (Tippogoree Hills), which would still be clear of the overlay by approximately 284m; and
 - the Safeguarding of Airports Code standards would be unlikely to apply to any development because it would not reach the minimum levels of the overlay.
301. In response, the planning authority remained supportive of the overlay and noted the provisions of the Code would not be applicable in almost all circumstances.

Commission consideration

302. The Commission observes the PANS-OPS surfaces are specified in the SPPs as a component of the data that comprises the Airport Obstacle Limitation Area overlay and should therefore be included in the draft LPS. Notwithstanding inclusion of the overlay, the Commission notes it would be unlikely to have any practical application in the municipal area, aside from exceptional circumstances.

Commission decision

303. Modification:
- Revise the Airport Obstacle Limitation Area overlay as shown in the Launceston Airport representation dated 17 August 2022.
304. Reason: To apply the Airport Obstacle Limitation Area overlay in accordance with the requirements of the SPPs.

Bellbuoy Beach Road Specific Area Plan

Representation: 6ty° Pty Ltd for Dennis Lawrence (33)

305. The representor requested a specific area plan be applied to the settlement at Bellbuoy Beach, Low Head to require new lots to connect to the existing reticulated sewerage system. The representor explained the owner of Bellbuoy Beach Road, Low Head, folio of the Register 183917/1 had a planning permit for a 22-lot subdivision that was approved in 2021 and was in

the process of being developed. The representor added the existing reticulated sewerage treatment system would operate more efficiently and effectively if more lots were connected to it.

306. The representor proposed a minimum lot size of 800m² be applied to the land in the Low Density Residential Zone through the provisions of a specific area plan to create more potential for lots to be created and therefore connected to the sewerage scheme. The representor argued a specific area plan would be compliant with section 32(4) of the Act because it would have environmental benefits to the local area.
307. The planning authority was supportive of the request in its section 35F report and made the following comments:
- a large financial investment had been made in the sewerage treatment plant;
 - a specific area plan would be compliant with section 32(4) of the Act on account of the financial benefit to TasWater as the system would require less maintenance if more lots were connected; and
 - the minimum lot size should be 1000m² to ensure new lots were consistent with the existing character of the area.
308. At the hearing, Mr Ashley Brook (6ty° Pty Ltd) was joined by Mr Dennis Lawrence, owner of Bellbuoy Beach Road, Low Head, folio of the Register 183917/1 who together made the following comments in support of the representation:
- the sewerage treatment plant needed to be emptied periodically by TasWater;
 - further connections to the plant would, counter to expectations, result in a requirement to empty the system less frequently;
 - the minimum lot size of 1000m² recommended by the planning authority was acceptable;
 - Mr Lawrence had extended sewer mains to the new subdivision even though he wasn't required to by the planning permit conditions;
 - the access to the sewer mains meant lots with an area of approximately 1000m² could be provided; and
 - the potential to create additional lots would offset the cost of installing the mains.
309. In response, the planning authority made the following comments:
- the land was zoned Village under the interim planning scheme, and no minimum lot size applied to the land;
 - the settlement had a unique character;
 - most developers in the area choose to connect to the sewerage treatment system because TasWater charged for services to the property whether they were connected or not;
 - more effective use of the system would ensure the cost of maintenance was not borne by the community; and
 - low usage of the system, which created a need for more frequent maintenance to extract material from it, caused an amenity issue for surrounding residents as a result of odour released from the plant.
310. Following the hearing, the planning authority, in response to a Commission direction, provided advice from TasWater, which stated it did not support additional connections to the sewerage treatment plant for the following reasons:
- the current system was not operating effectively;
 - additional connections would create a need for material to be extracted from the system more regularly;

- additional truck movements would be required to service the system, which would cause amenity issues, particularly noise and odour, which would result in more complaints being made to TasWater;
- the system was old and provided little treatment benefit;
- significant capital expenditure was required to renew the components within the plant; and
- TasWater was investigating options to construct a pipeline to enable sewerage from Bellbuoy Beach to be pumped to the George Town sewerage treatment plant.

311. In response to the advice of TasWater, the planning authority conceded a specific area plan would make no difference to the operation of the sewerage treatment plant and therefore stated it did not want to pursue the provisions further.

Commission consideration

312. The Commission is not satisfied the proposed specific area plan complies with section 32(4) of the Act. Specifically, there is insufficient evidence a specific area plan would have a significant benefit to the area, or that the area has particular qualities that require unique provisions to be applied. In particular, the Commission notes the opposition of TasWater to a specific area plan, and its concerns further connections to the sewerage treatment plant would have a negative impact on the operation of the system and the amenity of the surrounding area.

313. Otherwise, the Commission considers the Low Density Residential Zone standards of the SPPs are suitable for the Bellbuoy Beach settlement and notes TasWater's advice it is undertaking work to investigate future options to service the area. The planning controls for the area could be revisited in future in the event the current sewerage service issues are solved.

Commission decision

314. The Commission considers that no modifications are required.

Representations in support of the draft LPS

General Residential Zone - 84 Tamar Avenue, George Town

Representation: John and Beverley Franken (1)

315. The representor supported application of the General Residential Zone at 84 Tamar Avenue, George Town folio of the Register 135078/105.

316. In the 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.

Commission consideration

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

Commission decision

318. The Commission considers that no modifications are required.

Rural Living Zone and Site-specific Qualification East Tamar Highway, Mount Direction

Representation: JAC Group (24)

319. The representor supported the Rural Living Zone (subdivision category B) and Site-specific Qualification (Geo-11.1) applied to East Tamar Highway, Mount Direction folio of the Register 149336/1.
320. In the 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.

Commission consideration

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

Commission decision

322. The Commission considers that no modifications are required.

General Industrial Zone - Bell Bay

Representation: Office of the Coordinator-General (34)

323. The representor supported application of the General Industrial Zone at Bell Bay.
324. In the section 35F report, the planning authority recommended no changes to the draft LPS.

Commission consideration

325. The Commission notes the comments made by the representors and is satisfied with the planning authority's response in the section 35F report.

Commission decision

326. The Commission considers that no modifications are required.

Rural Zone and General Industrial Zone - Beechford, Pipers River and Long Reach

Representation: Conservation Landholders Tasmania (5)

327. The representor supported application of the Rural and General Industrial zones applied to the following properties that contained conservation covenants:
- Pipers River Road Lot 2 Pipers River Road, Pipers River folio of the Register 117512/2; and
 - East Tamar Highway, Long Reach folios of the Register 152545/1 and 152001/1.
328. In the 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.

Commission consideration

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

Commission decision

330. The Commission considers that no modifications are required.

Agriculture Zone - Bridport Road, Pipers Brook and Old Bangor Tram Road, Mount Direction

Representation: Conservation Landholders Tasmania (5)

331. The representor supported application of the Agriculture Zone to Bridport Road, Pipers Brook, folio of the Register 145665/2, and Lot 1 Old Bangor Tram Road, Mount Direction, folio of the Register 163247/1 despite conservation covenants being applied to the land.
332. In the 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.

Commission consideration

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

Commission decision

334. The Commission considers that no modifications are required.

Agriculture Zone - 188 Old Bangor Tram Road, Mount Direction

Representation: Keisha Zygmant (6)

335. The representor supported application of the Agriculture Zone to 188 Old Bangor Tram Road, Mount Direction folio of the Register 10493/1.
336. In the 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.

Commission consideration

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

Commission decision

338. The Commission considers that no modifications are required.

Landscape Conservation Zone and Environmental Management Zone - Bellingham Road, Bellingham

Representation: Conservation Landholders Tasmania (5)

339. The representor supported application of the Landscape Conservation Zone to 227 Bellingham Road, Bellingham, folio of the Register 145665/1 and the Environmental Management Zone to Bellingham Road, Bellingham, folios of the Register 136940/1 and 203624/1.
340. In the 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.

Commission consideration

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

Commission decision

342. The Commission considers that no modifications are required.

Port and Marine Zone - Bell Bay

Representation: Office of the Coordinator-General (34)

343. The representor supported application of the Port and Marine Zone at Bell Bay.

344. In the section 35F report, the planning authority recommended no changes to the draft LPS.

Commission consideration

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

Commission decision

346. The Commission considers that no modifications are required.

Utilities Zone - 201 Old Bell Bay Road, Bell Bay

Representation: Office of the Coordinator-General (34)

347. The representor supported application of the Utilities Zone to the George Town Sewage Treatment Plant at Bell Bay at 201 Old Bell Bay Road, Bell Bay folio of the Register 109249/1.

348. In the section 35F report, the planning authority recommended no changes to the draft LPS.

Commission consideration

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

Commission decision

350. The Commission considers that no modifications are required.

State Rail Corridor - Bell Bay

Representation: Office of the Coordinator-General (34)

351. The representor supported application of the Utilities Zone to the State rail network at Bell Bay.

352. In the section 35F report, the planning authority recommended no changes to the draft LPS.

Commission consideration

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

Commission decision

354. The Commission considers that no modifications are required.

Scenic Protection Area Overlay - Tippogoree Hills

Representation: John Madison (27)

355. The representor supported application of the Scenic Protection Area overlay at Tippogoree Hills.

356. In the 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.

Commission consideration

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

Commission decision

358. The Commission considers that no modifications are required.

Coastal Inundation Hazard Code - Table GEO-C11.1

Representation: Department of Police, Fire and Emergency Management - State Emergency Service (32)

359. The representor was supportive of Table GEO-C11.1 in the draft LPS written document and was satisfied the Australian Height Datum levels specified in the Table were consistent with the figures given in the Coastal Hazards Technical Report, December 2016, Department of Premier and Cabinet.

360. In the 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.

Commission consideration

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

Commission decision

362. The Commission considers that no modifications are required.

Other matters

Matters taken not to be a representation

Representations: Annabel Richards (8), Marita Bodman (12), Tony Saddington (13), Roger Richards (14), Department of Natural Resources and Environment Tasmania (15), Friends of Low Head (16), TasNetworks (26), Loraine Wootton (29)

363. Representors raised matters that included:

- the SPPs should include certain provisions or otherwise be revised;
- the draft LPS should include provisions that were beyond the powers of the SPPs; and
- there should be alterations to transitioning provisions.

364. In the section 35F report the planning authority noted the issues.

Commission consideration

365. 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.

366. The Commission considers the parts of representations listed above are outside the considerations under section 35J.

Commission decision

367. The Commission considers that it does not have jurisdiction to assess these matters.

Matters of a technical nature or relevant to implementation

368. 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 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.

369. 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

370. The Commission considers that the draft LPS should:

- minimise numbering and typographical errors and be consistent with the conventions set out in the Commission 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

371. 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) fill any unzoned gaps in the zoning layer;
 - (b) remove any overlaps between adjoining zones;
 - (c) apply the schema set out in Appendix B of Practice Note 7 to each relevant Geographic Information System (GIS) dataset;
 - (d) some overlays supplied by the LIST have been modified since the original versions were published on LIST map (e.g. the Electricity Transmission Infrastructure Protection overlay). Make sure to use the most recent version available;
 - (e) 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;
 - (f) 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;
 - (g) 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;
 - (h) 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
 - (i) present all GIS data in the recommended Geodatabase format provided to council by the Commission.

372. 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 George Town 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.	John and Beverley Franken
2.	Scott Bell
3.	Wayne Radford and Gaylene Slater
4.	Philip Dawson
5.	Conservation Landholders Tasmania
6.	Keisha Zygmant
7.	Louise Nixon
8.	Annabel Richards
9.	TasWater
10.	Launceston Airport
11.	Tasmanian Heritage Council
12.	Marita Bodman
13.	Tony Saddington
14.	Roger Richards
15.	Department of Natural Resources and Environment Tasmania
16.	Friends of Low Head
17.	Margaret Muir
18.	Hydro Tasmania
19.	GHD for Austrak TAS Pty Ltd
20.	Peter Cox
21.	Department of Communities Tasmania (Homes Tasmania)
22.	Department of State Growth
23.	Friends of Low Head
24.	JAC Group
25.	TasPorts
26.	TasNetworks
27.	John Madison
28.	Brian Walsh
29.	Lorraine Wootton
30.	TasRail
31.	Winston Archer

32. Department of Police, Fire and Emergency Management - State Emergency Service
33. 6ty° Pty Ltd for Dennis Lawrence
34. Office of the Coordinator-General
35. George Town Council
36. 6ty° Pty Ltd for Bell Bay Aluminium

Submissions to the originally exhibited draft LPS accepted by the Commission

1. Sigrid Wilson

Attachment 2***Land Use Planning and Approvals Act 1993*****Notice to modify under sections 35K(1)(a)****George Town Draft Local Provisions Schedule**

11 August 2023

The Tasmanian Planning Commission (the Commission) directs that the George Town planning authority modify the George Town draft Local Provisions Schedule (draft LPS) in accordance with the following:

1.0 Code Lists

- 1.1 Revise the draft LPS written document to include modifications to the following clauses in Table C8.1 and Table C8.2 as identified in Annexure A:

GEO-Table C8.1 Scenic Protection Areas

Reference Number	Scenic Protection Area Name	Description	Scenic Value	Management Objectives
GEO-C8.1.1	Tippogoree Hills	The prominent topography of the Tippogoree Hills	<p>(a) The prominent, vegetated, hilltops appear in a natural state with minimal development and extensive coverage of native vegetation.</p> <p>(b) The Tippogoree Hills are a prominent natural feature when viewed from the Batman Highway heading east, Bridport Road, East Tamar Highway and Dalrymple Road.</p> <p>(c) The Tippogoree Hills are consistent in appearance with most hilltops in the broader Tamar region.</p> <p>(d) The area contains visible linear infrastructure associated with the significant industrial uses in the area, which reflects the important contribution industry makes to the local</p>	<p>(a) To avoid significant landscape change on skylines, hilltops, ridgelines and hill faces when viewed from the Batman Highway heading east, Bridport Road, East Tamar Highway and Dalrymple Road.</p> <p>(b) To locate and design development to blend with the landscape and not be obtrusive.</p> <p>(c) To minimise the removal of native vegetation.</p> <p>(d) To manage the visual impact of linear infrastructure by:</p> <p>(i) co-locating infrastructure in existing corridors where possible and feasible; and</p> <p>(ii) minimising</p>

			community.	impacts on prominent landscapes that can be viewed from public roads and residential areas of George Town.
GEO-C8.1.2	Mount George and George Town Sugarloaf	The prominent topography of Mount George and George Sugarloaf	<p>(a) The prominent, vegetated, hilltops appear in a natural state with minimal development and extensive coverage of native vegetation.</p> <p>(b) Mount George and George Town Sugarloaf together form a prominent natural feature when viewed from Bridport Road and East Tamar Highway and form a scenic backdrop to George Town.</p> <p>(c) Mount George and George Town Sugarloaf are consistent in appearance with most hilltops in the broader Tamar region.</p> <p>(d) The area contains visible linear infrastructure associated with the significant industrial uses in the area, which reflects the important contribution industry makes to the local community.</p>	<p>(a) To avoid significant landscape change on skylines, hilltops, ridgelines and hill faces when viewed from the Bridport Road and East Tamar Highway and George Town.</p> <p>(b) To locate and design development to blend with the landscape and not be obtrusive.</p> <p>(c) To minimise the removal of native vegetation.</p> <p>(d) To manage the visual impact of linear infrastructure by:</p> <p>(i) co-locating infrastructure in existing corridors where possible and feasible; and</p> <p>(ii) minimising impacts on prominent landscapes that can be viewed from public roads and residential areas of George Town.</p>
GEO-C8.1.3	The Buffalo	The prominent topography of The Buffalo	<p>(a) The prominent, vegetated, hilltops appear in a natural state with minimal development and extensive coverage of native vegetation.</p> <p>(b) The Buffalo is a</p>	<p>(a) To avoid significant landscape change on skylines, hilltops, ridgelines and hill faces when viewed from Soldiers Settlement Road and George Town.</p>

			<p>prominent natural feature when viewed from Soldiers Settlement Road and George Town.</p> <p>(c) The Buffalo is consistent in appearance with most hilltops in the broader Tamar region.</p> <p>(d) The area contains visible linear infrastructure associated with the significant industrial uses in the area, which reflects the important contribution industry makes to the local community.</p>	<p>(b) To locate and design development to blend with the landscape and not be obtrusive.</p> <p>(c) To minimise the removal of native vegetation.</p> <p>(d) To manage the visual impact of linear infrastructure by:</p> <p>(i) co-locating infrastructure in existing corridors where possible and feasible; and</p> <p>(ii) minimising impacts on prominent landscapes that can be viewed from public roads and residential areas of George Town.</p>
--	--	--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

GEO-Table C8.2 Scenic Road Corridors

Reference Number	Scenic Road Corridor Description	Scenic Value	Management Objectives
GEO-C8.2.1	East Tamar Highway from southern municipal boundary to George Town township.	<p>(a) Native vegetation along the highway corridor provides visual amenity to the traveller experience.</p> <p>(b) Views through the trees and across open farmland to the Tamar River and distant hills are an important element in providing visual amenity to the traveller experience.</p> <p>(c) The corridor contains visible linear infrastructure associated with the significant industrial uses in the area, which</p>	<p>(a) To minimise the removal of native vegetation.</p> <p>(b) To provide native vegetation screening for any large industrial type developments adjacent to the road.</p> <p>(c) To avoid the need for vegetation clearance adjacent to the highway by setting development back from the road.</p> <p>(d) To minimise the prominence of linear infrastructure immediately adjacent to public roads, except where road crossings are required or where proximity to the road is essential to the function.</p>

		reflects the important contribution industry makes to the local community.	
GEO-C8.2.2	Batman Highway from western municipal boundary to East Tamar Highway.	<p>(a) Views across open farmland to the Tamar River and distant hills are an important element in providing visual amenity to the traveller experience.</p> <p>(b) The corridor contains visible linear infrastructure associated with the significant industrial uses in the area, which reflects the important contribution industry makes to the local community.</p>	<p>(a) To provide for views that enhance the traveller experience by setting development back from the road and minimising building bulk within proximity to the road.</p> <p>(b) To minimise the prominence of linear infrastructure immediately adjacent to public roads, except where road crossings are required or where proximity to the road is essential to the function.</p>
GEO-C8.2.3	Bridport Road from East Tamar Highway to the eastern municipal boundary.	<p>(a) Native vegetation along the highway corridor provides visual amenity to the traveller experience.</p> <p>(b) Views across open farmland to the distant hills are an important element in providing visual amenity to the traveller experience.</p> <p>(c) The corridor contains visible linear infrastructure associated with the significant industrial uses in the area, which reflects the important contribution industry makes to the local community.</p>	<p>(a) To minimise the removal of native vegetation.</p> <p>(b) To avoid the need for vegetation clearance adjacent to the highway by setting development back from the road.</p> <p>(c) To minimise the prominence of linear infrastructure immediately adjacent to public roads, except where road crossings are required or where proximity to the road is essential to the function.</p>
GEO-C8.2.4	Pipers Brook Road from Bridport Road south to municipal boundary.	<p>(a) Views across open farmland to the distant hills are an important element in providing visual amenity to the traveller experience.</p> <p>(b) The corridor contains</p>	<p>(a) To provide for views that enhance the traveller experience by setting development back from the road and minimising building bulk within proximity to the road.</p> <p>(b) To minimise the prominence of</p>

		visible linear infrastructure associated with the significant industrial uses in the area, which reflects the important contribution industry makes to the local community.	linear infrastructure immediately adjacent to public roads, except where road crossings are required or where proximity to the road is essential to the function.
--	--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------

Reason: To ensure the draft LPS is consistent with the Minister's declaration under Schedule 6 of the Act and to ensure the provisions are consistent with the requirements of Practice Note 8.

2.0 Zone maps and overlays

No.	Description	Direction and Reason
2.1	163 Low Head Road, Low Head	<p>Revise the zoning of 163 Low Head Road, Low Head folio of the Register 42061/1 to General Residential.</p> <p><i>Reason: To apply the General Residential Zone consistent with Guideline No. 1.</i></p>
2.2	4053 and 4055 East Tamar Highway, Bell Bay	<ul style="list-style-type: none"> • Revise the zoning of 4055 East Tamar Highway folio of the Register 152399/1 and that part of 4053 East Tamar Highway, Bell Bay folio of the Register 152399/2 located to the east of folio of the Register 152399/1 to General Industrial and remove the Priority Vegetation Area overlay; and • Revise the zoning of the Crown land identified by the following coordinates to General Industrial: <ul style="list-style-type: none"> a. easting 491622.37 and northing 5445205.43; b. easting 491613.00 and northing 5445214.57; c. easting 491634.13 and northing 5445237.61; d. easting 491644.17 and northing 5445229.54; e. easting 491716.61 and northing 5445163.16; f. easting 491731.71 and northing 5445149.93; g. easting 491709.68 and northing 5445126.58; and h. easting 491695.41 and northing 5445139.76. <p>Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7.</p> <p><i>Reason: To apply the General Industrial Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.</i></p>
2.3	East Tamar Highway, Long Reach	<p>Revise the zoning of the zoning of the land subject to Crown lease agreement No. 46962 adjacent to East Tamar Highway, Long Reach folio of the Register 152001/1 to General Industrial.</p> <p>Ensure split-zoning annotations are appropriately applied in accordance with Practice Note 7.</p> <p><i>Reason: To apply the General Industrial Zone consistent with Guideline No. 1.</i></p>

2.4	Future Potential Production Forest Land	<p>Revise the zoning of Bellingham Road, Bellingham PID 2700676 (excluding parcel that contains sporting facilities and foreshore reserve), Bridport Road, Pipers Brook PID 2093060, and the parcel of land designated as Future Potential Production Forest that is surrounded by PID 2700676 to Rural.</p> <p>Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7.</p> <p><i>Reason: To apply the Rural Zone is consistent with Guideline No. 1.</i></p>
2.5	381 Soldiers Settlement Road, George Town	<p>Revise the zoning of the following properties to Agriculture and remove the Priority Vegetation Area overlay:</p> <ul style="list-style-type: none"> a. 381 Soldiers Settlement Road, George Town folios of the Register 104545/1, 104543/3, 104543/4, 107404/2 and 152982/4; b. the reserved road adjoining the northern boundary of folio of the Register 104543/3; c. the reserved road adjoining the northern boundary of folios of the Register 104543/4 and 107404/2; and d. the reserved road adjoining the northern boundary of folio of the Register 152982/4. <p>Ensure adjacent public roads are appropriately zoned to centrelines in accordance with Practice Note 7.</p> <p><i>Reason: To apply the Agriculture Zone consistent with Guideline No.1.</i></p>
2.6	Mount Direction Historic Site	<p>Revise the zoning of the Mount Direction Historic Site PID 2034378 to Environmental Management.</p> <p><i>Reason: To apply the Environmental Management Zone consistent with Guideline No. 1.</i></p>
2.7	Water Infrastructure	<p>Revise the zoning of the Curries River Reservoir and 'The Duck Pond' at Bridport Road, George Town folios of the Register 135618/1 and 135618/2 to Utilities.</p> <p><i>Reason: To apply the Utilities Zone consistent with the purpose of the zone and Guideline No. 1.</i></p>
2.8	State Rail Network	<p>Revise the zoning of 303 Old Bell Bay Road, Bell Bay folio of the Register 168837/1, and Mobil Road, Bell Bay folios of the Register 177658/1, 177658/3 and 177658/4 to Utilities.</p> <p><i>Reason: To apply the Utilities Zone consistent with the purpose of the zone and Guideline No. 1.</i></p>

2.9	Future Railway Overlay - Bell Bay	<p>Revise the draft LPS by applying the Future Railway overlay to the following land as identified in the submission made by TasRail dated 2 March 2023:</p> <ul style="list-style-type: none"> a. 135 Bell Bay Road, Bell Bay folio of the Register 154929/1; b. the existing rail line at folio of the Register 11370/22; and c. 15 Mobil Road, Bell Bay folios of the Register 130510/1 and 165034/1. <p><i>Reason: To apply the Future Railway overlay consistent with Guideline No.1.</i></p>
2.10	Mount George Communications Site	<p>Revise the Communications Station Buffer Area overlay by removing the overlay from the Mount George communications site at Mount George Road, George Town folio of the Register 161559/1.</p> <p><i>Reason: To apply the Communications Station Buffer Area overlay consistent with Guideline No. 1.</i></p>
2.11	North Street, George Town	<p>Revise the Priority Vegetation Area overlay by removing the overlay from North Street, George Town folio of the Register 240776/1.</p> <p><i>Reason: To apply the Priority Vegetation Area overlay consistent with Guideline No. 1.</i></p>
2.12	6738 Bridport Road, George Town	<p>Revise the Priority Vegetation Area overlay by removing the overlay from that part of 6738 Bridport Road, folio of the Register 139714/1 covered in hard surfaces, such as concrete or bitumen.</p> <p><i>Reason: To apply the Priority Vegetation Area overlay consistent with Guideline No. 1.</i></p>
2.13	Natural Assets Code	<p>Revise the Priority Vegetation Area, Waterway and Coastal Protection Area, and Future Coastal Refugia Area overlays by removing the overlays from those areas of 135 Bell Bay Road, folio of the Register 154929/1, 201 Old Bell Bay Road folio of the Register and folio of the Register 11370/22, Bell Bay as shown in the submission made by TasPorts dated 7 March 2023.</p> <p><i>Reason: To apply the Natural Assets Code overlays is consistent with Guideline No. 1 and to ensure the overlays are consistent with the requirements of Practice Note 7.</i></p>
2.14	Flood-prone Areas Hazard Code	<p>Revise the Flood-Prone Hazard Area overlay as shown in the submission made by the planning authority dated 1 June 2023.</p> <p><i>Reason: To apply the Flood-Prone Hazard Area overlay in accordance with Guideline No. 1.</i></p>

2.15	Safeguarding of Airports Code	<p>Revise the Airport Obstacle Limitation Area overlay as shown in the Launceston Airport representation dated 17 August 2022.</p> <p><i>Reason: To apply the Airport Obstacle Limitation Area overlay in accordance with the requirements of the SPPs.</i></p>
------	-------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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) reflect modifications consequential to modifications made to the draft LPS written document;
- (b) fill any unzoned gaps in the zoning layer;
- (c) remove any overlaps between adjoining zones;
- (d) apply the schema set out in Appendix B of Practice Note 7 to each relevant Geographic Information System (GIS) dataset;
- (e) 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;
- (f) aggregate adjoining zone or overlay polygons sharing the same category, including zone type, landslip hazard band, and aggregate adjoining overlay polygons that have no required category, such as the priority vegetation areas;
- (g) 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;
- (h) 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
- (i) 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 George Town draft LPS written document

TABLE OF CONTENTS

GEO-Local Provisions Schedule Title

GEO-Effective Date

GEO-Local Area Objectives

GEO-Particular Purpose Zones

GEO-P1.0 Particular Purpose Zone – Low Head Pilot Station

GEO-Specific Area Plans

GEO-Site-specific Qualifications

GEO-Code Lists

GEO-Applied, Adopted and Incorporated Documents

George Town Local Provisions Schedule

GEO-Local Provisions Schedule Title

GEO1.1 This Local Provisions Schedule is called the George Town Local Provisions Schedule and comprises all the land within the municipal area.

GEO-Effective Date

GEO-1.2 The effective date for this Local Provisions Schedule is <insert date>.

GEO-Local Area Objectives

This clause is not used in this Local Provisions Schedule.

GEO-P1.0 Particular Purpose Zone – Low Head Pilot Station

GEO-P1.1 Zone Purpose

The purpose of the Particular Purpose Zone – Low Head Pilot Station is:

- GEO-P1.1.1 To provide for the ongoing use of the Low Head Pilot Station as the oldest operating pilot station on its original site in Australia.
- GEO-P1.1.2 To provide for the retention of the maritime museum.
- GEO-P1.1.3 To allow for other tourism and educational related use and development on the site that will support the maintenance and management of the site's cultural heritage values.
- GEO-P1.1.4 To allow complementary use and development that enhances visitor experiences and appreciation of the site's cultural heritage values.
- GEO-P1.1.5 To allow low-scale use and development that activates the existing harbour, provided that it does not affect ongoing use as a pilot station.
- GEO-P1.1.6 To ensure that new use and development maintains the visual character of the area.

GEO-P1.2 Local Area Objectives

This sub-clause is not used in this particular purpose zone.

GEO-P1.3 Definition of Terms

This sub-clause is not used in this particular purpose zone.

GEO-P1.4 Use Table

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Permitted	
Community Meeting and Entertainment	If for a museum.
Food Services	If within an existing building.
Passive Recreation	
Port and Shipping	If for an existing use.
Discretionary	
Food Services	If not permitted.
Pleasure Boat Facility	

Use Class	Qualification
Port and Shipping	If not permitted.
Tourist Operation	
Visitor Accommodation	
Utilities	If for minor utilities.
Prohibited	
All other uses	

GEO-P1.5 Use Standards

This sub-clause is not used in this particular purpose zone.

GEO-P1.6 Development Standards for Buildings and Works

GEO-P1.6.1 Building design and siting

Objective:	That design and siting of buildings responds appropriately to the cultural values of the site.	
Acceptable Solutions	Performance Criteria	
A1 Development is for works, alterations or extensions to existing buildings provided the floor area of the building is increased by not more than 20%.	P1 The scale, siting and design of new buildings and extensions to existing buildings must complement existing development on the site and not result in development that is individually prominent having regard to the Zone Purpose Statements.	
A2 Building height must be not more than 6m.	P2 Building height must be consistent with the character of existing buildings on the site and not result in buildings that are individually prominent.	
A3 Buildings must have a setback from a frontage of not less than 10m.	P3 Buildings must be sited to be compatible with the streetscape.	

GEO-P1.7 Development Standards for Subdivision

GEO-P1.7.1 Subdivision

Objective:	That there is no further subdivision of land.	
Acceptable Solutions	Performance Criteria	
A1 There is no acceptable solution.	P1 There is no performance criterion.	

GEO-P1.8 Tables

This sub-clause is not used in this particular purpose zone.

GEO-Specific Area Plans

There are no specific area plans in this Local Provisions Schedule.

GEO-Site-specific Qualifications

Reference Number	Site reference	Folio of the Register	Description (modification, substitution or addition)	Relevant Clause in State Planning Provisions
GEO-11.1	Lot 1 East Tamar Highway, Mount Direction	149336/1	<p>A substitution to Acceptable Solution A1 and Performance Criterion P1 for this site is:</p> <p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) be not less than 8000m² with a minimum lot density, calculated across the site, of 1 lot per hectare and:</p> <p>(i) be able to contain a minimum area of 15m x 20m clear of:</p> <p>a. all setbacks required by clause 11.4.2 A2 and A3; and</p> <p>b. easements or other titles restrictions that limit or restrict development; and</p> <p>(ii) existing buildings are consistent with the setback required by clause 11.4.2 A2 and A3;</p> <p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	Rural Living Zone – clause 11.5.1 Lot design

			<p>P1</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <ul style="list-style-type: none"> (a) the relevant acceptable solutions or performance criteria for development of buildings on the lots; (b) the likely location of buildings on the lots; (c) the likely provision of on-site parking and manoeuvrability for vehicles; (d) the topography of the site; (e) the presence of any natural hazards; (f) adequate provision of private open space; (g) fire hazard management; (h) separation from Rural Resource zoned land; (i) the standard of boundary fences; (j) the ability of vegetation to provide buffering; (k) the existing pattern of development in the area; and (l) any relevant local area objectives. 	
GEO-11.2	Brownrigg Street, Hillwood	173877/1 173877/2	<p>A substitution to Acceptable Solution A1 and Performance Criterion P1 for this site is:</p> <p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <ul style="list-style-type: none"> (a) be not less than 8000m² and: <ul style="list-style-type: none"> (i) be able to contain a minimum area of 15m x 20m clear of : <ul style="list-style-type: none"> a. all setbacks required by clause 11.4.2 A2 and A3; and 	Rural Living Zone – clause 11.5.1 Lot design

			<p>b. easements or other titles restrictions that limit or restrict development; and</p> <p>(ii) existing buildings are consistent with the setback required by clause 11.4.2 A2 and A3;</p> <p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p> <p>P1 No Performance Criterion.</p>	
--	--	--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

GEO-Code Lists

GEO-Table C3.1 Other Major Roads

Road	From	To
This table is not used in this Local Provisions Schedule.		

GEO-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
This table is not used in this Local Provision Schedule						

GEO-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 Provision Schedule			

GEO-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 Provision Schedule			

GEO-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 Provision Schedule				

GEO-Table C6.5 Significant Trees

Reference Number	Town/ Locality	Property Name and Street Address	Folio of the Register	Description / Specific Extent	Botanical Name	Common Name	No. of trees
This table is not used in this Local Provision Schedule							

GEO-Table C8.1 Scenic Protection Areas

Reference Number	Scenic Protection Area Name	Description	Scenic Value	Management Objectives
GEO-C8.1.1	Tippogoree Hills	The prominent topography of the Tippogoree Hills	<p>(a) The prominent, vegetated, hilltops appear in a natural state with minimal development and extensive coverage of native vegetation.</p> <p>(b) The Tippogoree Hills are a prominent natural feature when viewed from the Batman Highway heading east, Bridport Road, East Tamar Highway and Dalrymple Road.</p> <p>(c) The Tippogoree Hills are consistent in appearance with most hilltops in the broader Tamar region.</p> <p>(d) The area contains visible linear infrastructure associated with the significant industrial uses in the area, which reflects the important contribution industry makes to the local community.</p>	<p>(a) To avoid significant landscape change on skylines, hilltops, ridgelines and hill faces when viewed from the Batman Highway heading east, Bridport Road, East Tamar Highway and Dalrymple Road.</p> <p>(b) To locate and design development to blend with the landscape and not be obtrusive.</p> <p>(c) To minimise the removal of native vegetation.</p> <p>(d) To manage the visual impact of linear infrastructure by:</p> <p>(i) co-locating infrastructure in existing corridors where possible and feasible; and</p> <p>(ii) minimising impacts on prominent landscapes when viewed from public roads and residential areas of George Town.</p>
GEO-C8.1.2	Mount George and George Town Sugarloaf	The prominent topography of Mount George and George Sugarloaf	<p>(a) The prominent, vegetated, hilltops appear in a natural state with minimal development and extensive coverage of native vegetation.</p> <p>(b) Mount George and George Town Sugarloaf together form a prominent natural feature when viewed from</p>	<p>(a) To avoid significant landscape change on skylines, hilltops, ridgelines and hill faces when viewed from the Bridport Road and East Tamar Highway and George Town.</p>

			<p>Bridport Road and East Tamar Highway and form a scenic backdrop to George Town.</p> <p>(c) Mount George and George Town Sugarloaf are consistent in appearance with most hilltops in the broader Tamar region.</p> <p>(d) The area contains visible linear infrastructure associated with the significant industrial uses in the area, which reflects the important contribution industry makes to the local community.</p>	<p>(b) To locate and design development to blend with the landscape and not be obtrusive.</p> <p>(c) To minimise the removal of native vegetation.</p> <p>(d) To manage the visual impact of linear infrastructure by:</p> <p>(i) co-locating infrastructure in existing corridors where possible and feasible; and</p> <p>(ii) minimising impacts on prominent landscapes when viewed from public roads and residential areas of George Town.</p>
GEO-C8.1.3	The Buffalo	The prominent topography of The Buffalo	<p>(a) The prominent, vegetated, hilltops appear in a natural state with minimal development and extensive coverage of native vegetation.</p> <p>(b) The Buffalo is a prominent natural feature when viewed from Soldiers Settlement Road and George Town.</p> <p>(c) The Buffalo is consistent in appearance with most hilltops in the broader Tamar region.</p> <p>(d) The area contains visible linear infrastructure associated with the significant industrial uses in the area, which reflects the important contribution industry makes to the local community.</p>	<p>(a) To avoid significant landscape change on skylines, hilltops, ridgelines and hill faces when viewed from Soldiers Settlement Road and George Town.</p> <p>(b) To locate and design development to blend with the landscape and not be obtrusive.</p> <p>(c) To minimise the removal of native vegetation.</p> <p>(d) To manage the visual impact of linear infrastructure by:</p> <p>(i) co-locating infrastructure in existing corridors where possible and feasible; and</p>

				(ii) minimising impacts on prominent landscapes when viewed from public roads and residential areas of George Town.
--	--	--	--	---------------------------------------------------------------------------------------------------------------------

GEO-Table C8.2 Scenic Road Corridors

Reference Number	Scenic Road Corridor Description	Scenic Value	Management Objectives
GEO-C8.2.1	East Tamar Highway from southern municipal boundary to George Town township.	<p>(a) Native vegetation along the highway corridor provides visual amenity to the traveller experience.</p> <p>(b) Views through the trees and across open farmland to the Tamar River and distant hills are an important element in providing visual amenity to the traveller experience.</p> <p>(c) The corridor contains visible linear infrastructure associated with the significant industrial uses in the area, which reflects the important contribution industry makes to the local community.</p>	<p>(a) To minimise the removal of native vegetation.</p> <p>(b) To provide native vegetation screening for any large industrial type developments adjacent to the road.</p> <p>(c) To avoid the need for vegetation clearance adjacent to the highway by setting development back from the road.</p>
GEO-C8.2.2	Batman Highway from western municipal boundary to East Tamar Highway.	<p>(a) Views across open farmland to the Tamar River and distant hills are an important element in providing visual amenity to the traveller experience.</p> <p>(b) The area contains visible linear infrastructure that reflects the industrial</p>	To provide for views that enhance the traveller experience by setting development back from the road and minimising building bulk within proximity to the road.

		nature of the area and the important contribution industry makes to the local community.	
GEO-C8.2.3	Bridport Road from East Tamar Highway to the eastern municipal boundary.	<p>(a) Native vegetation along the highway corridor provides visual amenity to the traveller experience.</p> <p>(b) Views across open farmland to the distant hills are an important element in providing visual amenity to the traveller experience.</p> <p>(c) The corridor contains visible linear infrastructure associated with the significant industrial uses in the area, which reflects the important contribution industry makes to the local community.</p>	<p>(a) To minimise the removal of native vegetation.</p> <p>(b) To avoid the need for vegetation clearance adjacent to the highway by setting development back from the road.</p>
GEO-C8.2.4	Pipers Brook Road from Bridport Road south to municipal boundary.	<p>(a) Views across open farmland to the distant hills are an important element in providing visual amenity to the traveller experience.</p> <p>(b) The corridor contains visible linear infrastructure associated with the significant industrial uses in the area, which reflects the important contribution industry makes to the local community.</p>	To provide for views that enhance the traveller experience by setting development back from the road and minimising building bulk within proximity to the road.

GEO-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
Beechford	1.9	2.6	3.2	2.9
Bell Bay	1.5	2.6	3.2	2.9
Bellingham	1.8	2.5	3.1	2.8
George Town	1.8	2.6	3.2	2.9
Hillwood	1.4	2.6	3.2	2.9
Long Reach	1.5	2.6	3.2	2.9
Low Head	1.8	2.6	3.2	2.9
Lulworth	1.8	2.5	3.1	2.8
Weymouth	1.8	2.5	3.1	2.8
All other locations	1.9	2.6	3.2	2.9

GEO-Applied, Adopted or Incorporated Documents

Document Title	Publication Details	Relevant Clause in the LPS
This table is not used in this Local Provision Schedule		

Attachment 3**Land Use Planning and Approvals Act 1993****Notice under section 35KB(1)****George Town Draft Local Provisions Schedule**

11 August 2023

The Tasmanian Planning Commission (the Commission) directs under section 35KB(1) that the George Town planning authority prepare draft amendments under Part 3B of the Act, of the George Town 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.

1.0 135 Bell Bay Road, Bell Bay

- 1.1 Apply the Light Industrial, Port and Marine and Open Space zones to part of 135 Bell Bay Road, Bell Bay, folio of the Register 154929/1 and adjoining road reserves to the road centrelines as shown in Figure 1 below:

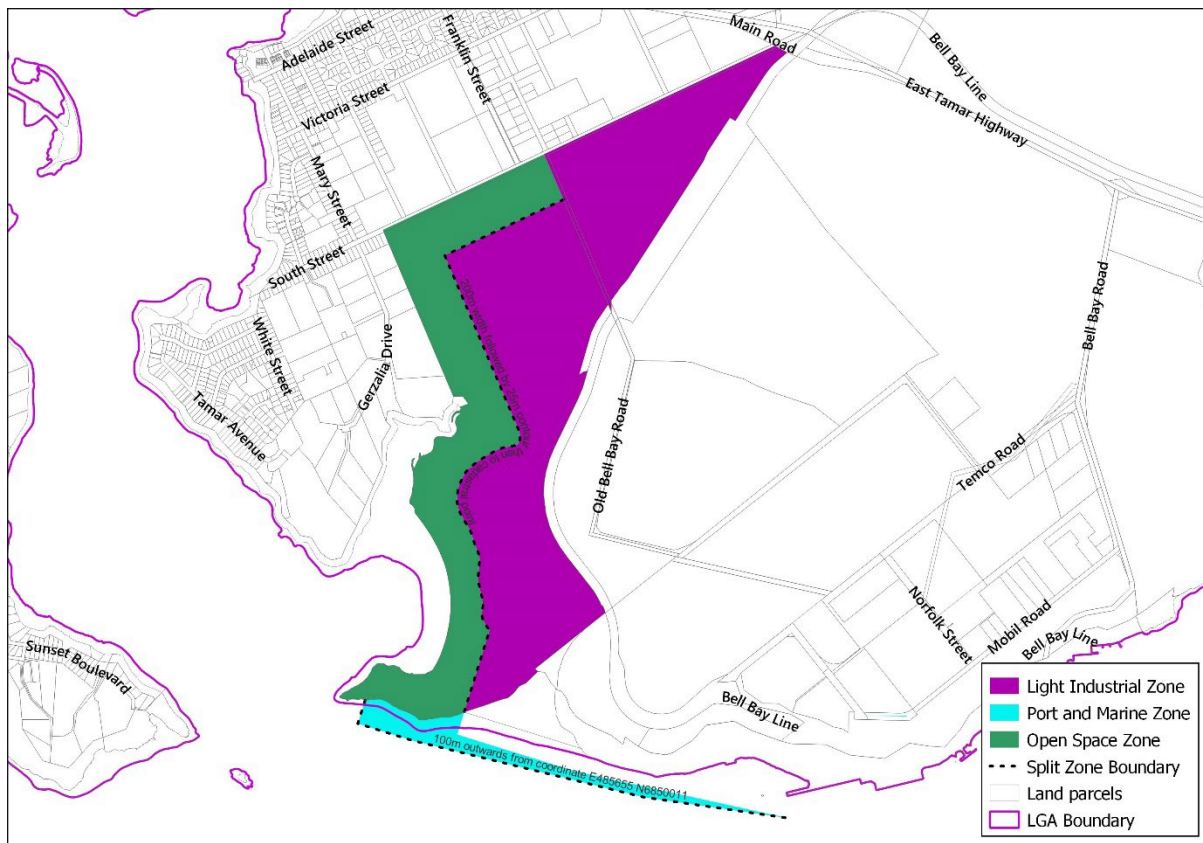


Figure 1 - Application of the Light Industrial, Port and Marine and Open Space zones at Bell Bay

1.2 Apply the Priority Vegetation Area overlay to part of 135 Bell Bay Road, Bell Bay, folio of the Register 154929/1 as shown in Figure 2 below:

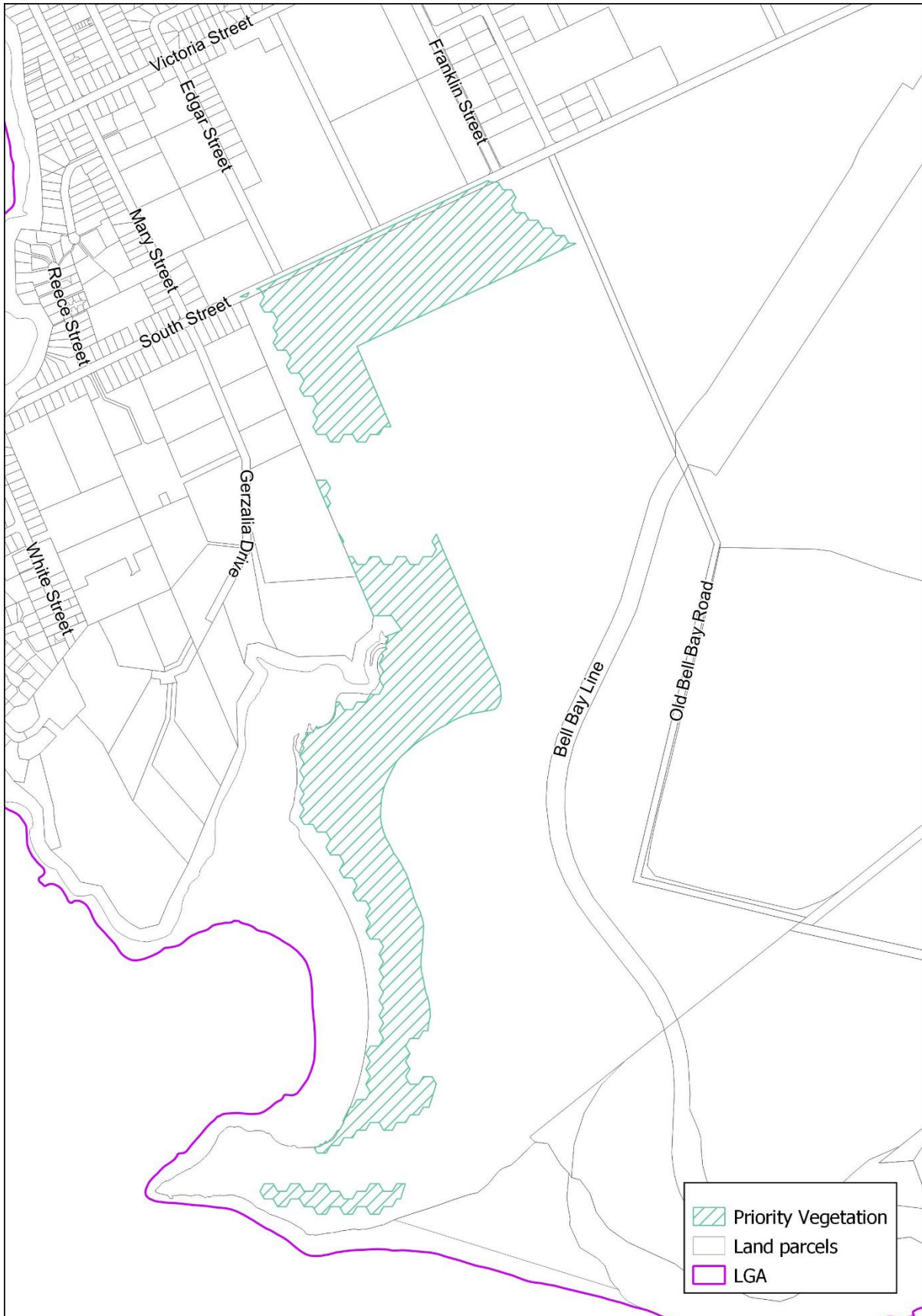


Figure 2 - Application of the Priority Vegetation Area overlay at Bell Bay

2.0 94 and 95 Gees Marsh Road, Bellingham and 177 Saltwood Road, Pipers Brook

2.1 Apply the Rural Zone to the following properties at Bellingham and Pipers Brook as shown in Figure 3 below:

- a. 94 Gees Marsh Road, Bellingham, folio of the Register 121822/1;
- b. 95 Gees Marsh Road, Bellingham, folios of the Register 221928/1 and 121822/2;
- c. 177 Saltwood Road, Pipers Brook folio of the Register 221927/1; and
- d. adjoining road reserve to the road centreline.

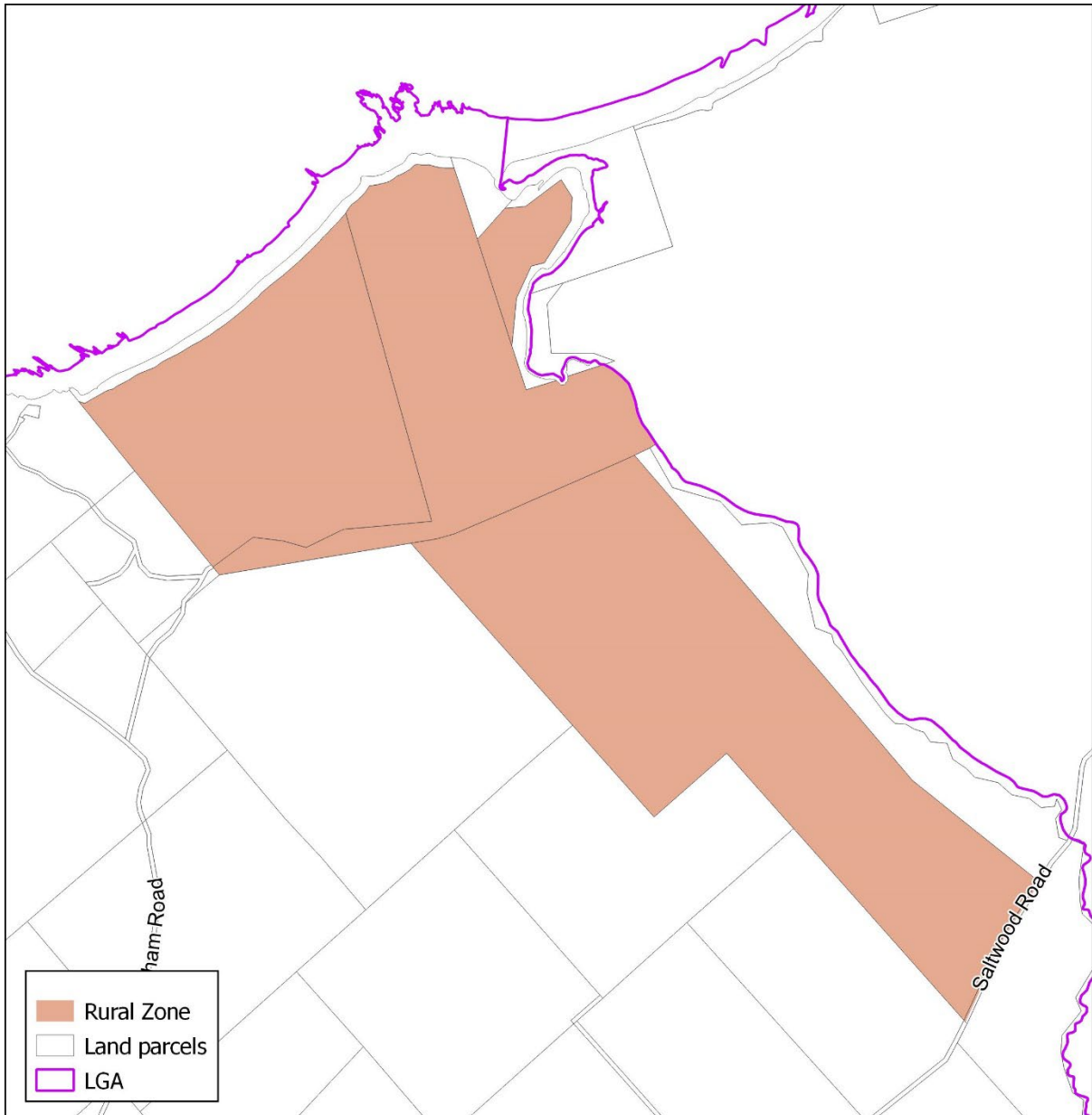


Figure 3 - Application of the Rural Zone at Bellingham and Pipers Brook