

TASMANIAN PLANNING COMMISSION



DECISION

Local Provisions Schedule

West Tamar

Date of decision

17 December 2021

Under section 35K(1)(a) of *Land Use Planning and Approvals Act 1993* (the Act), the Commission directs the planning authority to modify the West Tamar 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 a draft amendment, under Part 3B, of the West Tamar LPS and to submit the draft amendment to the Commission after the LPS comes into effect, in accordance with the notice in Attachment 3.

Ann Cunningham
Delegate (Chair)

Claire Hynes
Delegate

REASONS FOR DECISION

Background

The West Tamar Planning Authority (the planning authority) exhibited the West Tamar draft Local Provisions Schedule (the draft LPS), under section 35D of *Land Use Planning and Approvals Act 1993* (the Act) from 22 February 2021 until 30 April 2021.

On 23 July 2021, the planning authority provided the Commission with a report under section 35F(1) into 66 representations received on the draft LPS, 3 of which were received and accepted by the planning authority after the end of the exhibition period. A list of representations is at Attachment 1.

Parts of the Act relating to draft LPS assessment were amended on 14 July 2021. This enabled the Commission to direct that substantial modifications become draft amendments to an approved LPS.

Date and place of hearing

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

A hearing was held at the Tamar Function Centre, 1 Windsor Drive, Riverside on the 8, 9, 21 and 22 September 2021 and the Commission's office at Level 3, 144 Macquarie Street, Hobart on the 14 of September 2021.

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:
 - (a) contains all the provisions that the State Planning Provisions (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 (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 under section 8A of the Act.
 6. Parts of the Act relating to draft LPS assessment were amended on 14 July 2021. The requirements for making modifications to the draft LPS are set out under Section 35K of the Act. Sections 35K, 35L and 35KB of the Act (as amended) apply in relation to the draft LPS, allowing for substantial modifications, if suitable, to be made via draft amendments to the West Tamar LPS after it comes into effect.
 7. 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).
 8. 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(1) of the Act (see Attachment 3).

Consideration of subsequent amendments to the West Tamar Interim Planning Scheme 2013 under section 35KA

Amendment AP-WTA-AMD-02-19 – rezoning of 152 Cormiston Road, Riverside

9. Amendment AP-WTA-AMD-02-19 to rezone 152 Cormiston Road, Riverside (folio of the Register 14740/1) from the Rural Resource Zone to the General Residential Zone came into effect on the 4 August 2020.

Commission consideration

10. In the draft LPS, the land is contained within the Rural Zone. The Landslip Hazard Area Overlay (low and medium hazard bands), Bushfire-Prone Area Overlay and Priority Vegetation Area Overlay apply to the site. No specific area plans or site-specific qualifications apply.
11. The Commission finds that a relevant modification should be made to reflect the change in zoning to the General Residential Zone by amendment AP-WTA-AMD 02-19. No consequential changes to applicable overlays are required as a result of the zoning change.
12. It is noted that a separate representation (representation 40 – Item 1) was received on this matter in relation to the draft LPS.

Commission decision

13. Modification:

- Revise the zoning of 152 Cormiston Road, Riverside from the Rural Resource Zone to the General Residential Zone.

14. Reason:

- To include relevant modifications under section 35KA of the Act corresponding to amendment AP-WTA-AMD-02-19 to the West Tamar Interim Planning Scheme 2013 (the interim planning scheme).

Amendment AP-WTA-AMD-02-20 – rezoning and overlay variation 5A Eiger Court, Grindelwald

15. Amendment AP-WTA-AMD-02-20 to rezone 5A Eiger Court, Grindelwald (folio of the Register 169533/1) from the Rural Resource Zone to the Low Density Residential Zone and to modify the Priority Habitat Overlay came into effect on the 15 July 2021.

Commission consideration

16. In the draft LPS, the land is contained within the Agriculture Zone. The Landslip Hazard Area Overlay (low and medium hazard bands), the Bushfire-Prone Area Overlay apply, and the Priority Habitat Overlay to the site. No specific area plans or site-specific qualifications apply.
17. In the draft LPS, the Priority Vegetation Area Overlay does not apply as the Agriculture Zone has been applied. The planning authority submitted that the Priority Vegetation Area Overlay should be applied to the same spatial extent as established by the Priority Habitat Overlay under amendment AP-WTA-AMD-02-20.
18. The Commission finds that a relevant modification should be made to reflect amendment AP-WTA-AMD-02-20. No consequential changes to the applicable overlays are required as a result of the zoning and overlay changes. It is noted that separate representations (representation 7 and representation 40 – Item 2) were received on this matter in relation to the draft LPS.

Commission decision

19. Modification:

- Revise the zoning of 5A Eiger Court, Grindelwald (folio of the Register 169533/1) from the Agriculture Zone to the Low Density Residential Zone.
- Apply the Priority Vegetation Area Overlay to 5A Eiger Court, Grindelwald (folio of the Register 169533/1) consistent with the spatial extent of the application of the Priority Habitat Overlay in approved amendment AP-WTA-AMD-02-20 to the West Tamar Interim Planning Scheme 2013, as shown in Figure 1 below.

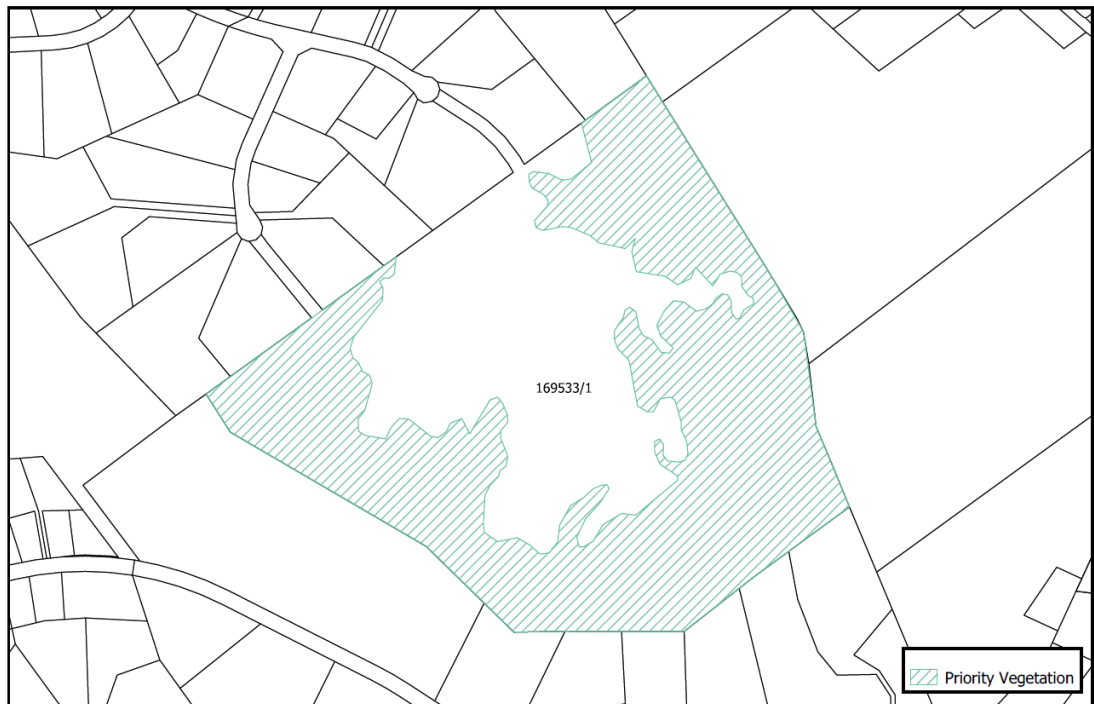


Figure 1 – Application of the Priority Vegetation Area Overlay to 5A Eiger Court, Grindelwald

20. Reason:

- To include relevant modifications under section 35KA of the Act corresponding to amendment AP-WTA-AMD-02-20 to the West Tamar Interim Planning Scheme 2013.

Amendment AP-WTA-AMD-02-21 – rezoning of 39 Ecclestone Road, Riverside

21. Amendment AP-WTA-AMD-02-21 to rezone part of 39 Ecclestone Road, Riverside (folio of the Register 180653/1000) and the adjoining road reserve on Greenfield Drive from the Local Business Zone to the General Residential Zone came into effect on the 24 November 2021.

Commission Consideration

22. In the draft LPS, the land and adjoining road reserves to the centre line are contained within the Local Business Zone. The Landslip Hazard Area Overlay (low and medium hazard bands), the Bushfire-prone Areas Overlay and Waterway and the Coastal Protection Area Overlay apply to parts of the site. No specific area plans or site-specific qualifications apply.
23. The Commission finds that a relevant modification should be made to reflect the change in zoning by amendment AP-WTA-AMD-02-21. No consequential changes to the applicable overlays are required as a result of the zoning and overlay changes.

Commission decision

24. Modification:

- Revise the zoning of 39 Ecclestone Road, Riverside and adjoining road reserves to the centre line, from Local Business Zone to the General Residential Zone, as shown in Figure 2 below:

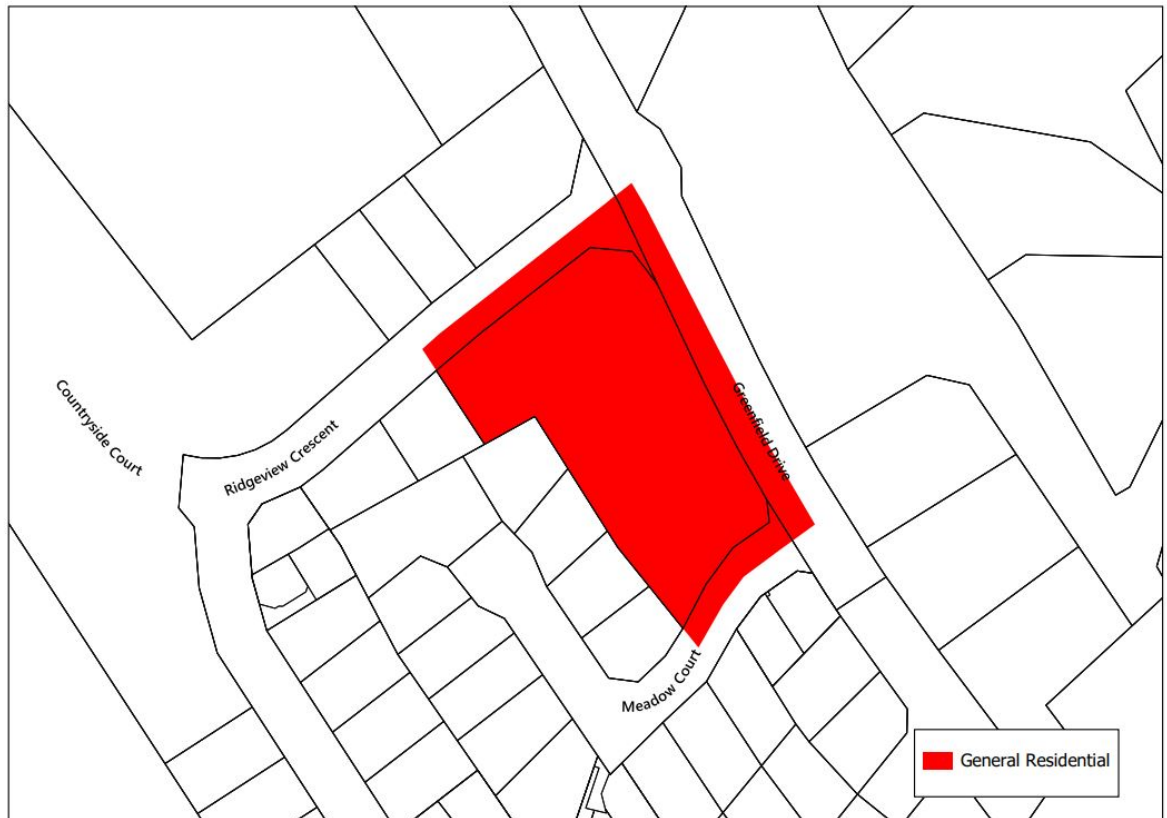


Figure 2 – Application of the General Residential Zone to 39 Ecclestone Road and adjoining road reserves, Riverside

25. Reason:

- To include relevant modifications under section 35KA of the Act corresponding to amendment AP-WTA-AMD-02-21 to the interim planning scheme and to apply the Priority Vegetation Area Overlay consistent with Guideline No. 1.

Issues raised in the representations

General Residential Zone – 54 Ridge Road, Legana

Representation: Mark and Annette Crawford (1)

26. The representor requested land at 54 Ridge Road, Legana (folio of the Register 5381/1) be revised from the Rural Living Zone A to the General Residential Zone. The reasons include:

- proximity of the property to other land zoned General Residential; and
- subdivision activity occurring within the surrounding area.

27. In the section 35F report, the planning authority recommended no modification to the draft LPS. The reasons include:

- there are landslip constraints present within the Muddy Hill Precinct (name of precinct within the Legana Structure Plan which 54 Ridge Road is located within), meaning the retention of the Rural Living Zone is the most appropriate outcome; and

- due to landslip constraint, development within the Muddy Hill Precinct would be of a lower density than that envisaged under the Legana Structure Plan. The application of the Rural Living Zone A supports this outcome.

Commission consideration

28. The Commission accepts the planning authority's recommendation that there is insufficient strategic evidence to justify the application of the General Residential Zone at this site. Despite the recommendations of the Legana Structure Plan, which contemplates an urban outcome for the Muddy Hill Precinct, the Commission accepts that the precinct is constrained due to landslip so the higher density outcome is not feasible. No expert evidence is available to justify a higher density residential zone to this land or surrounding titles.
29. The landforms part of a larger area that is currently zoned Rural Living. The Commission supports the views of the planning authority and is satisfied that the land should remain in the Rural Living Zone and this is consistent with RLZ 1 and RLZ 3 of Guideline No.1.

Commission decision

30. The Commission considers that no modification is required.

General Residential Zone – 144, 148, 152, 154, 156 and 166 Flinders Street, Beauty Point

Representation: West Tamar Council (40 – Item 5)

31. The representor requested the application of the General Residential Zone to the entirety of land at 144, 148, 152, 154, 156 and 166 Flinders Street, Beauty Point (folios of the Register 106255/6, 106255/5, 131965/1, 136490/1, 140355/2 and 140355/1) instead of split zoning with the Environmental Management Zone. The representation also requests removal of the split zoning from that part of the adjoining Crown land, located to the south of 144 and 148 Flinders Street, so that only the Environmental Management Zone is applied. The reasons include:
 - the zone boundaries for 144, 148, 152 and 154 Flinders Street have been transferred from the interim planning scheme. Since allocation of the zoning, it is likely the cadastre has been adjusted to be more accurate however the zone boundaries were not adjusted with these updates;
 - the incorporation of Crown land, resulting in the current configuration of 154, 156 and 166 Flinders Street has resulted in the creation of lots which feature split zoning. Including these sites entirely within the General Residential Zone reflects the intended use of the land. Given those lot parts are no longer Crown Land, there is no need for the land to be retained in the Environmental Management Zone;
 - there are no existing environmental values that warrant the retention of the Environmental Management Zone, with that zone being reflective only of its former allocation as Crown land; and
 - the inclusion of adjoining Crown land wholly within the Environmental Management Zone is consistent with Guideline No. 1.
32. In the section 35F report, the planning authority recommended that the draft LPS be modified to apply the General Residential Zone and Environmental Management Zone as requested in the representation. The reasons include:

- Practice Note 7 requires zone boundaries that do not follow property boundaries to be minimized and should only be used for planning reasons;
- the split zonings referred to in the representation are an error that has come about due to cadastre alignment updates following changes in boundary locations due to the purchase of Crown land;
- while the planning authority has not engaged directly with the owners of the affected properties, the changes are considered minor and would result in a positive outcome for the owners by reducing regulation should future development be proposed in those parts of the properties currently zoned Environmental Management. It is unlikely that the owners are aware of the split zones; and
- the adjacent Crown land should be included in the Environmental Management Zone which is consistent with EMZ 2 of Guideline No. 1.

Commission consideration

33. The Commission notes in the interim planning scheme, all adjoining Crown land is contained within the Environmental Management Zone; 144, 148 and 152 Flinders Street are contained within the General Residential Zone; and 154, 156 and 166 Flinders Street are shown split zoned General Residential and Environmental Management.
34. The Commission also notes the draft LPS, similarly shows 144, 148 and 152 Flinders Street as being wholly contained within the General Residential Zone, 154, 156 and 166 Flinders Street split between the General Residential Zone and Environmental Management Zone and all surrounding Crown land wholly contained within the Environmental Management Zone with no encroachment of the General Residential Zone.
35. It is noted that the subject land is included within a declared Landslip A Area pursuant to the *Mineral Resources Development Act 1995*. The landslip declaration informs the administrative functions of the *Building Act 2016* and the *Building Regulations 2016*, resulting in extensive restrictions on development. This is reflected in the application of the Landslip Hazard Area Overlay within the draft LPS, identifying a high hazard band over 144, 148, 152, 154, 156 and 166 Flinders Street.
36. The Commission considers application of the Environmental Management Zone to 154, 156 and 166 Flinders Street is appropriate given high risk associated with landslip and the absence of any geotechnical evidence by a suitably qualified person to manage that risk.
37. Non-conforming use provisions, available under the Act and the SPPs, are considered adequate to protect ongoing existing residential use of land within the Environmental Management Zone, which is primarily confined to the accommodation of gardens and minor outbuildings.
38. Application of the Environmental Management Zone to 154, 156 and 166 Flinders Street is considered to meet GRZ 3 of Guideline No. 1 which states the General Residential Zone should not be applied to land which is highly constrained by hazards, natural values or other impediments preventing development consistent with the purpose of the zone, except where those issues have been taken into account and deemed manageable during the rezoning process.

Commission decision

39. The Commission considers that no modification is required.

General Residential Zone – 10 Barwing Crescent, Riverside

Representation: West Tamar Council (40 – Item 8)

40. The representor requested land at 10 Barwing Crescent, Riverside (folio of the Register 138757/1) be revised from part General Residential Zone and part Rural Zone so as to be wholly contained within the General Residential Zone. The reasons include:
- inclusion of the site wholly within the General Residential Zone better reflects the current and intended use of the site.
41. In the section 35F report, the planning authority recommended the General Residential Zone be applied to the whole of 10 Barwing Crescent, Riverside (folio of the Register 138757/1). The reasons include:
- Practice note 7 seeks to ensure zone boundaries follow property boundaries and where this does not occur, it is necessary for planning reasons; and
 - the split zoning has arisen due to a boundary realignment which incorporated a 6m wide access strip from adjoining land in the Rural Resource Zone.
42. In response to the Commission's direction of 16 August 2021 the planning authority submitted that the owners did not object to the proposed zone change.

Commission consideration

43. The Commission accepts the planning authority's recommendation that the zoning should be revised as the current split zoning does not serve a planning purpose, following the boundary alignment which removed a portion of the site (6m wide access strip) from the land to the rear (29B Cleghorn Avenue) to form part of 10 Barwing Crescent.

Commission decision

44. Modification:
- revise the zoning of part of 10 Barwing Crescent, Riverside (folio of the Register 138757/1) to the General Residential Zone.
45. Reason:
- To apply the General Residential Zone consistent with Guideline No. 1.

General Residential Zone – 15, 17 and 19 Sunrise Drive, Legana

Representation: West Tamar Council (40 – Item 9)

46. The representor requested land at 15, 17 and 19 Sunrise Drive, Legana (folios of the Register 157760/4, 157760/3 and FR 157760/2) be revised from part General Residential Zone and part Low Density Residential Zone so that it is wholly contained within the General Residential Zone. The reasons include:
- there is no planning reason why the rear of the properties should remain within the Low Density Residential Zone.
47. In the section 35F report, the planning authority recommended the General Residential Zone be applied to the whole of 15, 17 and 19 Sunrise Drive, Legana (folios of the Register 157760/4, 157760/3 and FR 157760/2). The reasons include:
- Practice note 7 seeks to ensure zone boundaries follow property boundaries and where this does not occur, it is necessary for planning reasons; and

- the split zoning is a consequence of a subdivision approved in 2009 which did not follow zone boundaries. The application of the General Residential Zone will update the zoning in response to the approved subdivision.
48. In response to the Commission's direction of 16 August 2021, the planning authority submitted that they had written to the owners of each property seeking support for the proposed zone change, but no responses had been received by the due date.

Commission consideration

49. The Commission accepts the recommendation of the planning authority and agrees that the current split zoning reflects a historical zone boundary which was not rectified when the land was subdivided to create the current lots in 2009.
50. The Commission considers the requested zone change to remove the split zone boundary from the rear of the three properties is minor, and would have no practical impact on the existing use or potential use and development of the land.

Commission decision

51. Modification:
- revise the zoning of 15 Sunrise Drive, Legana (folio of the Register 157760/4), 17 Sunrise Drive, Legana (folio of the Register 157760/3) and 19 Sunrise Drive, Legana (folio of the Register 157760/2) so that the land is wholly contained within the General Residential Zone.
52. Reason:
- To apply the General Residential Zone consistent with Guideline No. 1.

General Residential Zone – 785-789 West Tamar Highway, Legana

Representation: Kate Springer for Elizabeth and Matthew Springer (43)

53. The representor requested land at 785-789 West Tamar Highway, Legana (folio of the Register 140355/1) be revised from the Low Density Residential Zone to the General Residential Zone. The reasons include:
- the significant demand for residential land in the Legana area;
 - the proximity of the land to local essential services such as medical services, shops, transport and a proposed new school; and
 - the site provides a logical boundary between land which should be included in the General Residential Zone and Low Density Residential Zone land further to the west.
54. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS. The reasons include:
- that an assessment against regional planning policies has not been completed as required by GRZ 2(c) of Guideline No. 1. Notwithstanding, the locational attributes of the site suggest a revision to the General Residential Zone may be consistent with the regional strategy. The issue at hand however is not acknowledgement of the site's future urban role but when such development should occur. The timing of development must be based upon whether additional land is required to accommodate population growth at this time. More detailed local planning must be undertaken to determine existing supply and future demand, as well as infrastructure requirements. The review of the regional strategy and a closer examination of demand and supply for housing will support this process; and

- the Future Urban Zone may also be suitable, however the preference is for the retention of the Low Density Residential Zone which will allow a degree of development. The Future Urban Zone is restrictive by design and would essentially prevent development is not seen as desirable.

Commission consideration

55. The Commission accepts the planning authority's submission that there is insufficient strategic evidence to justify the application of the General Residential Zone at this site, at this time. Although the site is partially located within a Supporting Consolidation Area under the regional strategy (reference to Map D.1), land supply should only be increased with evidence that additional land is required. To this end, further local planning is required to understand supply and demand factors in this area.
56. The Commission notes a Council initiated review dated April 2019, undertaken by Urbis, into the economic basis of the Legana Structure Plan and Legana Town Centre Structure Plan. The review concludes that population growth has slowed in more recent years and that the number of residential lots allowed for within the structure plans sufficiently caters for growth up until 2036 if not beyond (discounting the residential lot yield previously envisaged for the Muddy Hill Precinct). The review anticipates that by 2036 only around 25-35% of total supply will have been absorbed, leaving some 1800 to 2000 lots available.
57. The Commission is not satisfied that a higher density residential zone for this land is appropriate without justification including further work into housing supply and demand in the area.

Commission decision

58. The Commission considers that no modification is required.

General Residential Zone – Corner Elouera and Allawah Streets and Newlands Street, Trevallyn

Representation: Hydro Tasmania (56)

59. The representor requested land at the corner of Elouera and Allawah Streets and Newlands Street, Trevallyn (folios of the Register 13979/66, 54755/101 and 54755/102) be revised from the Utilities Zone to the General Residential Zone. The reasons include:
 - the sites are located within areas intended for urban development, being priority consolidation areas under the regional strategy. For this reason the sites are suitable for inclusion in the General Residential Zone;
 - the sites display characteristics making them suitable candidates, including access to available services, their size and proximity to existing residential land; and
 - the inclusion of the sites within the General Residential Zone will assist in meeting objectives relating to urban consolidation.
60. In the section 35F report, the planning authority recommended that the land be revised from the Utilities Zone to the General Residential Zone. The reasons include:
 - the report notes that the properties have been zoned Utilities due to the ownership of the land rather than the actual use of the land for utility purposes;
 - the three lots are currently vacant and adopt subdivision forms consistent with the surrounding residential neighbourhood;

- an acknowledgement that the sites are subject to overlay controls. Folio of the Register 13979/66 is subject to the Substation Facility Buffer Area Overlay and the Landslip Hazard Area Overlay (low and medium hazard bands). This may necessitate noise and geotechnical assessments being required to support an application for a planning permit or a building permit (depending on what is required). Folios of the Register 54755/101 and 54755/102 are partially affected by the Electricity Transmission Corridor Overlay, but due to the location of this control towards the rear of the lots, it is unlikely that the Electricity Transmission Infrastructure Protection Code would be applicable. The section 35F report also notes that the Priority Vegetation Area Overlay applies to these lots, however the Natural Assets Code would only be applicable if subdivision of the land is proposed; and
 - the zone revision was not considered to be of public interest.
61. Prior to the hearing, the planning authority submitted a response to a direction issued by the Commission on 16 August 2021. The direction required the planning authority to seek the views of TasNetworks (owner and operator of an adjoining electricity sub-station) in relation to the revised zoning of folio of the Register 13979/66. The views of TasNetworks were considered important given the application of the General Residential Zone will allow for the establishment of dwellings which are considered to be a sensitive use.
62. The Commission also directed the planning authority to seek the views of the owner of 5 Allawah Street, Trevallyn about the revised zoning. TasNetworks provided written confirmation to the planning authority that it had no objection to the application of the General Residential Zone to folios of the Register 13979/66, 54755/101 and 54755/102. No response was received from the owners of 5 Allawah Street, Trevallyn.

Commission consideration

63. The Commission accepts the planning authority's submission that it is appropriate to include the three identified parcels within the General Residential Zone. The lots are located within established residential areas zoned General Residential and are of a size suitable for residential use. Given the lots are surplus to the needs of Hydro Tasmania, the logical replacement zone is the General Residential Zone to ensure zone consistency.

Commission decision

64. Modification:
- revise the zoning of land on the corner of Elouera and Allawah Streets and Newlands Street, Trevallyn (folios of the Register 13979/66, 54755/101 and 54755/102) to General Residential Zone.
65. Reason:
- To apply the General Residential Zone consistent with Guideline No. 1.

General Residential Zone – 38 Bagot Street, Beauty Point

Representation: Plan Place Pty Ltd for Nicolas Daoud and Co Pty Ltd (60)

66. The representor requested land at 38 Bagot Street, Beauty Point (folio of the Register 244231/1) be revised from the Community Purpose Zone to the General Residential Zone. The reasons include:
- application of the Community Purpose Zone is reflective of the site's former use and ownership by the University of Tasmania (as the Australian Maritime College). The

land is now held in private ownership and no longer operates as an educational facility;

- application of the Low Density Residential Zone is not appropriate as the property can be developed to a higher density due to connection to a full range of reticulated service, and this zone will not provide a permit pathway to reuse buildings as Multiple Dwellings, although a pathway is provided for Visitor Accommodation. Landslide hazard is not identified and bushfire hazard can be managed. The application of the Low Density Residential Zone will not comply with LDRZ 1(a)(i) of Guideline No. 1;
- application of the Community Purpose Zone does not comply with Guideline No. 1 due to the fact that the site no longer caters for an educational use and does not support any other social infrastructure within the Beauty Point community;
- the property contains an extensive array of buildings and structures and is a converted site within the urban footprint of Beauty Point. The opportunity to adapt the existing buildings and structures is paramount to the reuse of the property. The existing buildings, for instance, are suitable for use as multiple dwellings;
- Australian Bureau of Statistics census data suggests permanent occupancy is higher in Beauty Point than other coastal locations in Tasmania, meaning the population base is less seasonal than found in equivalent locations;
- the property is part of the urban footprint of Beauty Point, being sandwiched between residential development on its eastern and western sides;
- further subdivision in Beauty Point for residential purposes is constrained by proclaimed landslip areas; and
- application of the General Residential Zone conforms with the objectives of the regional strategy as it concerns land which is contained within an existing settlement with access to reticulated water and sewer services. The proposed zoning also upholds the objectives of the West Tamar Council's Strategic Plan 2018-2028.

67. In the section 35F report, the planning authority recommended that the land be revised from the Community Purpose Zone to the Low Density Residential Zone without the application of the Residential Supply and Density Specific Area Plan which applies to other Low Density Residential Zone land at Beauty Point. The reasons include:

- acknowledgement that the former educational use has been abandoned;
- the site is not targeted for higher densities (scale of development otherwise warranting application of the Inner Residential Zone) and is within a reticulated water and sewer land area;
- the site is not within the General Residential Zone under the interim planning scheme, however the site is considered to meet with the General Residential Zone requirements in Guideline no. 1, meaning the application of the General Residential Zone should be considered;
- a local strategic analysis however has not been undertaken. Local planning needs to consider demand for residential development and existing supply in addition to whether this location is the most appropriate to accommodate growth, should additional supply be required. This planning work has not been completed;
- the site is identified as urban land within Map D.2 of the regional strategy;
- the site is not considered to be highly constrained by natural hazards or values;

- the zone should be revised to the Low Density Residential Zone thereby preserving equivalent use and development rights available in the interim planning scheme and not be subject to the Residential Supply and Density Specific Area Plan in recognition of the site's connection to reticulated water and sewerage; and
 - given the urban nature of the site, it is reasonable to assume that community expectation would recognise a higher density than that prescribed by the Specific Area Plan and that the change would be not be of public interest.
68. At the hearing, the representor submitted two further documents being an "Information Memorandum, 38 Bagot Street (Main site) Bagot Street (Vacant land), Beauty Point", prepared by NAI Harcourts (marked as Exhibit R1) and "38 Bagot Street – Potential Development – Sewer and Water Demand", prepared by Rare Innovation engineers and dated 6 September 2021 (marked as Exhibit R2).
69. Exhibit R1 presents property information and Exhibit R2 provides an engineering assessment on sewer and water capacity in relation to 38 Bagot Street, Beauty Point which can be summarised as follows:
- the assessment assumes a maximum yield potential of 65 lots;
 - assuming 65 lots, future development of the site would reduce overall sewage flow from the site. The existing development generates a total sewage flow of 11.10 L/s with future development likely to generate a total sewage flow of 4.30 L/s;
 - the existing sewage connection will have sufficient capacity to service the development;
 - the site is supplied with water from the Beauty Point reservoir. Due to potential pressure losses within the network from the reservoir to the site, it is likely that a majority of the site will not be adequately serviced by the Beauty Point reservoir. It may however be possible to extend water supply from the Beaconsfeld reservoir to create an adequate pressure head able to service the development; and
 - the assessment appears to indicate that there is sufficient pressure available from the Beauty Point reservoir to service necessary fire hydrants.

Commission consideration

70. The Commission accepts that there is insufficient strategic evidence to justify the application of the General Residential Zone at this time. It is acknowledged that the land is connected to reticulated water and sewer and in this way displays a characteristic typical of land within that zone, however this fact alone is not the determining factor. More importantly, the land is not currently zoned General Residential under the interim planning scheme and is not referenced in any detailed local strategic analysis as being appropriate for inclusion in that zone (referring to GRZ 2(a) and (c) of Guideline no. 1).
71. Beauty Point is identified as a rural town in the regional strategy and 38 Bagot Street is included within a land use category identified as 'urban' (refer to Map D.2). This categorisation shows that the land is not otherwise 'rural' or a 'natural environment area' and as such forms part of the Beauty Point urban extent. This 'urban' categorisation captures land in a variety of zones, including the Low Density Residential Zone, and does not offer guidance as to the application of the General Residential Zone.
72. It is appropriate that local planning be undertaken, to understand land supply and demand factors, prior to the inclusion of additional land within the General Residential Zone. It is the Commission's view that the site should be included within the Low Density Residential Zone.

73. It is the Commission's view that the Residential Supply and Density Specific Area Plan should apply. All land zoned Low Density Residential at Beauty Point is subject to the Specific Area Plan under the draft LPS, which includes lots similarly connected to reticulated water and sewer. The purpose of the Specific Area Plan is to provide for residential use and development in low density areas where there are infrastructure limitations. The Specific Area Plan aims to replicate development standards currently found within the interim planning scheme, as they relate to minimum lot size.
74. The Specific Area Plan will have the effect of introducing a minimum lot size of 5000m², overriding the SPPs which provides for a minimum lot size of 1500m² as an acceptable solution. The Commission has also reached the view that the Specific Area Plan should also apply to 38 Bagot Street in order to uphold the integrity of the Specific Area Plan.

Commission decision

75. Modification:
- revise the zoning of 38 Bagot Street, Beauty Point (folio of the Register 244231/1) to Low Density Residential Zone; and
 - revise the Specific Area Plan Overlay mapping to include 38 Bagot Street, Beauty Point (folio of the Register 244231/1) in the Residential Supply and Density Specific Area Plan.
76. Reason:
- To apply the Low Density Residential Zone consistent with Guideline No. 1.
 - To apply the Residential Supply and Density Specific Area Plan overlay to land zoned Low Density Residential with servicing infrastructure constraints to limit density of development.

General Residential Zone and Low Density Residential Zone – 833 West Tamar Highway, Legana and 3A Outreach Drive, Legana

Representations: Rebecca Green and Associates for Richard Bejah, Richard G Bejah Insurance and Financial Services Pty Ltd (25) and Woolcott Surveys for Jaffa International (27)

77. Representation 25 requested that land at 833 West Tamar Highway, Legana (folio of the Register 130353/2) be revised from the Rural Zone to a zone split between the General Residential Zone (where land can be serviced) and the Low Density Residential Zone (western portion of the site). The reasons include:
- the agricultural potential of the land is constrained due to soil type (Class 4 and 5), proximity of existing residential uses, lack of water rights for irrigation and topography;
 - the proximity of the site to the Legana town centre and public transport, makes the site suitable to rezone for residential purposes; and
 - the site is surrounded on nearly all sides by residential zoned land, ranging from General Residential to Rural Living.
78. Representation 27 requested that land at 3A Outreach Drive, Legana (folio of the Register 53738/1) be revised from the Low Density Residential Zone to a split between the General Residential Zone and the Low Density Residential Zone. The reasons provided by the representor include:

- the proposed rezoning is in accordance with the regional strategy, being predominantly located within a Supporting Consolidation Area; and
 - the landslip issues identified at the Muddy Hill precinct will mean this area is no longer viable from a development perspective, a land supply deficit will emerge, within the growth scenario anticipated by the Legana Structure Plan. The rezoning of 3A Outreach Drive to General Residential will fill this void.
79. In the section 35F report, the planning authority considered both representations did not warrant modification to the draft LPS. The reasons include:
- the planning authority, while acknowledging that both sites fall within an Urban Growth Area identified within the regional strategy, states that timing for when the rezoning of this land should occur needs to be based upon the supply of zoned land and whether additional land is required; and
 - infrastructure provision requires further consideration and more detailed local planning.

Commission consideration

80. The Commission accepts the planning authority's recommendation that there is insufficient strategic evidence to justify the application of the General Residential and Low Density Residential zones at these sites, at this time. Although the sites are located within a Growth Corridor and a Supporting Consolidation Area under the regional strategy (reference to Map D.1), land supply should only be increased at that time additional land is required and can be demonstrated. To this end, further local planning is required to understand supply and demand factors.
81. The Commission notes a Council initiated review dated April 2019, undertaken by Urbis, into the economic basis of the Legana Structure Plan and Legana Town Centre Structure Plan. The report entitled "Review of Legana Structure Plans" was submitted to the Commission following a direction issued on the 16 August 2021 and concludes that population growth has slowed in more recent years, with the number of residential lots allowed for within the structure plans sufficiently catering for growth up until 2036 if not beyond (discounting the residential lot yield previously envisaged for the Muddy Hill Precinct). In fact, the review anticipates that by 2036 only around 25-35% of total supply will have been absorbed, leaving some 1800 to 2000 lots available.
82. In this light and until further work into housing supply and demand is completed, it is the Commission's determination that the site remain in the Rural Zone.

Commission decision

83. The Commission considers that no modification is required.

Low Density Residential Zone – 5A Eiger Court, Grindelwald

Representation: GHD for Craggy Ridge Investment Corporation Pty Ltd (7)

84. The representation requested that the draft LPS incorporate the recently approved interim planning scheme amendment (AP-WTA-AMD-02-20) that applies to 5A Eiger Court, Grindelwald. In particular, the representor requested land at 5A Eiger Court, Grindelwald (folio of the Register 169533/1) be revised from the Agriculture Zone to the Low Density Residential Zone. The representor contends that application of the Agriculture Zone is inappropriate given surrounding land uses and features which will fetter agricultural activities, and noted that the land is located within an urban growth area under the regional strategy.

85. In the section 35F report, the planning authority supported the transition of the interim planning scheme amendment, for the following reasons and subject to the following conditions:
- as the amendment has been approved by the Commission, the zone change should be reflected in the final LPS;
 - the site should be subject to the Residential Supply and Density Specific Area Plan to ensure a minimum lot size of 5000m² is applied to the area; and
 - The Priority Habitat Overlay approved under the amendment should be applied to the land through the LPS as the Priority Vegetation Area Overlay.
86. Following a direction sent to the representor on the 28 September 2021, the assessment which underpinned the creation of the Priority Habitat Overlay approved under the amendment was submitted to the Commission. The assessment titled *Craggy Ridge Investment Corporation, Botanical Survey and Fauna Habitat Assessment Report, August 2020* by GHD set out a recommendation regarding modified Priority Habitat mapping for the site. The modified mapping is based upon the presence of a native vegetation community prescribed under Schedule 3A of the *Nature Conservation Act 2002* (NC Act), a threatened flora species, significant habitat for a threatened fauna species, and identified native vegetation of local importance.

Commission consideration

87. The Commission's consideration under section 35KA of applying the Low Density Residential Zone and the Priority Vegetation Area Overlay to the land to reflect the changes under approved amendment AP-WTA-AMD-02-20 are addressed in this decision under 'Amendment AP-WTA-AMD-02-20 – rezoning and overlay variation 5A Eiger Court, Grindelwald'.
88. In regard to the application of the Residential Supply and Density Specific Area Plan, it is noted that the interim planning scheme amendment was accompanied by an application seeking approval to subdivide. The layout of the approved subdivision will create lots of between 8243m² to 2.7ha. Without the application of the specific area plan, the potential for further subdivision is possible, allowing for the creation of lots with a minimum area of 1500m² as an acceptable solution under the Low Density Residential Zone.
89. The purpose of the specific area plan is to provide for subdivision of lots at a density appropriate to the identified servicing infrastructure constraints in low density residential areas across the municipality, which includes land at Grindelwald. Essentially, the specific area plan mirrors the current development standards for subdivision in the interim planning scheme, maintaining the 'status quo' for lot density in identified low density residential areas.
90. On 1 October 2021, and following the Commission's direction of the 16 August 2021, the representor on behalf of the land owner informed the Commission that it has no objection to the application of the Residential Supply and Density Specific Area Plan to the subject land.
91. To ensure consistency and to maintain existing lot size and density for land zoned Low Density Residential in the Grindelwald area, the Commission finds it is appropriate for the specific area plan be applied to the land.

Commission decision

92. Modification:

- apply the Residential Supply and Density Specific Area Plan to 5A Eiger Court, Grindelwald (folio of the Register 169533/1).

93. Reason:

- To apply the Residential Supply and Density Specific Area Plan overlay to land zoned Low Density Residential with servicing infrastructure constraints to limit density of development.

Low Density Residential Zone – 613 West Tamar Highway, Riverside

Representation: Paul and Janine Targett (15)

94. The representor posed several questions about the planning controls of the Low Density Residential Zone that would apply to the land at 613 West Tamar Highway, Riverside. Specifically the representor asked whether it would be possible to construct a second dwelling on the land.

95. In the section 35F report, the planning authority made the following comments:

- the site is proposed to be zoned Low Density Residential and the Residential Supply and Density Specific Area Plan would apply;
- the subject site is 2.81ha in area and is capable of being subdivided, subject to the requirements of the SPPs; and
- there is a variation between access and minimum frontage provisions in the interim planning scheme and the LPS, with the LPS provisions potentially enabling subdivision of the lot once the SPPs are operational.

Commission consideration

96. The Commission notes the planning authority's response to the representation, and agrees that the Low Density Residential Zone and the the Residential Supply and Density Specific Area Plan are appropriate for the land.

Commission decision

97. The Commission considers that no modification is required.

Low Density Residential Zone – 185 Gravelly Beach, Blackwall and 64 Glen Ard Mohr Road, Exeter

Representation: PDA Surveyors for Brett and Vicki Gillie (19) and Darryl Carey (66)

98. Representation 19 requested land at 185 Gravelly Beach Road, Gravelly Beach (folio of the Register 111727/1) be revised from the Rural Living Zone C to the Low Density Residential Zone. The reasons include:

- the current Exeter Structure Plan refers to 185 Gravelly Beach Road, Gravelly Beach and suggests including the lot within the Low Density Residential Zone. The reason for recommending the zone is to facilitate the creation of a road connection through the property, linking Gravelly Beach Road and Glen Ard Mohr Road, with such a connection forming part of a future subdivision.

99. Representation 66 requested land at 64 Glen Ard Mohr Road, Exeter (folio of the Register 146190/1) be revised from the Rural Living Zone C. Although the representation did not specify a replacement zone, in order to undertake subdivision as desired, the Low Density Residential Zone or General Residential Zone would need to apply. The reason included the

location of the property at the edge of an established residential area and proximity to schools and the main shopping area.

100. In the section 35F report, the planning authority considered the representations did not warrant modification to the draft LPS. The reasons include:
- the Exeter Structure Plan is currently under review, and although there may be strategic merit to rezoning the land, the review of the structure plan should be completed first. The review process will also need to take into account the regional strategy.

Commission consideration

101. The Commission accepts the planning authority's submission that the review of the Exeter Structure Plan and future local strategic planning needs to be completed to justify the application of the Low Density Residential Zone at this stage and to be consistent with Guideline No.1.
102. The Commission considers there is insufficient evidence to demonstrate how application of the Low Density Residential Zone meets the LPS criteria, including that is it as far as is practicable consistent with the regional strategy.

Commission decision

103. The Commission considers that no modification is required.

Low Density Residential Zone – Kelso

Representation: West Tamar Council (40 – Item 13)

104. The representor requested land at Kelso, referred to in the representation as "Area A" (folios of the Register 199284/2, 94138/41, 94138/42, 122481/1, 75190/5, 75190/6, 199285/1, 122483/1, 249875/1 and 131699/1 and PID 6100483) and "Area B" (folios of the Register 44293/1, 28427/1, 29634/1 and 37656/1) be revised from Rural Living C and A zones respectively to the Low Density Residential Zone.
105. The representor also requested that the Residential Supply and Density Specific Area Plan be revised to include a 5ha minimum lot size for that land identified as "Area A" in the representation. The reasons include:
- the representation has identified Rural Living-zoned land within Kelso is affected by the medium coastal inundation hazard band, which effectively prohibits the use of the land for residential purposes, including the construction of a single dwelling, as such use is not dependent upon a coastal location;
 - it is unlikely these lots will be able to accommodate a dwelling outside of the hazard area;
 - given the intent of the Rural Living Zone is to provide for residential use and development within a rural setting, it is important to retain dwelling rights;
 - the Low Density Residential Zone is considered to be an urban zone in the Coastal Inundation Hazard Code and will allow for the consideration of residential uses subject to a demonstrated tolerable risk level;
 - the proposed modification of the Residential Supply and Demand Specific Area Plan to introduce a minimum lot size of 5ha, will ensure that further subdivision does not occur beyond that which would have possible under the provisions of the Rural Living Zone C; and

- there are a small number of lots located within the vicinity of Kelso Jetty Road, which if the Low Density Residential Zone were to apply, would be below the SPPs minimum lot size of 1500m². In this instance, the application of the Residential Supply and Demand Specific Area Plan is not required as the lots are not able to be further subdivided.
106. In the section 35F report, the planning authority supports the recommendation for the following reasons:
- the introduction of the Coastal Inundation Hazard Code has the potential to significantly impact on existing use rights of land zoned Rural Living, limiting any potential for developing a dwelling;
 - the planning authority wrote to all landowners of properties in Area A and B, and received responses from 5 landowners, of which three agreed to the zone change, one agreed to the rezoning but not the min lot size and one did not agree to the rezoning;
 - the areas identified as “A” and “B” are those areas which do not accommodate dwellings;
 - the change to Low Density Residential Zone meets Guideline No.1 as it applies to residential areas with large lots that cannot be developed to higher densities due to constraints, and the zone also forms a continuous zoning with properties along the Kelso foreshore; and
 - there are no natural justice issues as all affected landowners have been contacted to advise them of the proposed change and given the opportunity for input.
107. At the hearing, the owner of 19 Ferguson Street, Kelso (folio of the Register 199284/2) supported the application of planning controls which allow for subdivision, and in particular, the creation of a 1.9ha lot that would allow a new vacant lot to be created.

Commission consideration

108. The Commission notes that no expert evidence prepared by a suitably qualified person has been submitted that provides a risk assessment for the scenario of permitting consideration of dwellings and visitor accommodation on land comprising Area A and Area B, which is identified as being subject to both flooding and coastal inundation.
109. The Commission notes the planning authority’s views that the introduction of the Coastal Inundation Hazard Code has the potential to significantly impact on existing use rights on land zoned Rural Living at Kelso (which is considered non-urban), primarily in Areas A and B. However, without the benefit of a flood risk assessment prepared by a suitably qualified person, the Commission is not in a position to consider a zone change which would facilitate the construction of dwellings without understanding the level of risk.
110. The Commission observes the policy position established in the SPPs by the Coastal Inundation Hazard Code and associated hazard band mapping is to ensure use and development subject to risk from coastal inundation is appropriately located and managed so that people, property and infrastructure is not exposed to an unacceptable level of risk. Further, the overlay map has been produced by the Department of Premier and Cabinet based on expert evidence and technical assessment for the application of the Code.

Commission decision

111. The Commission considers that no modification is required.

Low Density Residential Zone split with the Rural Living Zone A – Tomah Place, Gravelly Beach

Representation: Woolcott Surveys for Carlton Dixon (24)

112. The representation requested land at Tomah Place, Gravelly Beach (folio of the Register 172085/3) be revised from the Rural Living Zone C to the Low Density Residential Zone and the Rural Living Zone A, with the split zoned defined by a continuation of Tomah Place on its current alignment to the northwest.
113. The representation also requested that should the Low Density Residential Zone apply to the land, that the Residential Supply and Density Specific Area Plan not be applied. The reasons include:
- application of the Low Density Residential Zone will allow for contiguous development at a similar density, increasing the residential population which in turn will benefit the existing community, by making better use of existing services and strengthening the role of Exeter as a district centre;
 - application of the Rural Living Zone A is seen as an appropriate transition between residential land to the east and agricultural land to the west;
 - the land is vacant and suitable for modern on-site wastewater treatment systems. Therefore the Residential Supply and Density Specific Area Plan should not apply; and
 - Taree Crescent is not included within the Residential Supply and Density Specific Area Plan, which demonstrates that land nearby is suitable for the management of on-site wastewater.
114. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS. The reasons include:
- a review of the Exeter Structure Plan is currently being undertaken, which will include Gravelly Beach. The review will consider the demand for additional housing and allocation of land for that purpose and ensure consistency with the regional strategy; and
 - the review process will ensure local planning supports any proposed zone changes and will allow for public input.

Commission consideration

115. The Commission accepts the planning authority's submission that the review of the Exeter Structure Plan and future local strategic planning needs to be completed before a change to a split zone with the Low Density Residential Zone and the Rural Living Zone A can be considered for the land, to provide sufficient justification and to be able to demonstrate consistency with Guideline No.1.
116. The Commission considers there is insufficient evidence to demonstrate how application of the Low Density Residential Zone or Rural Living Zone A on the land meets the LPS criteria, including that it is as far as is practicable consistent with the regional strategy.

Commission decision

117. The Commission considers that no modification is required.

Rural Living Zone A – 25 Paper Beach Road, Swan Point

Representation: Greg McEvoy (8)

118. The representation requested land at 25 Paper Beach Road, Swan Point (folio of the Register 108517/1) be revised from the Rural Living Zone C to the Rural Living Zone A. Although the representor did not request the application of a specific sub-zone in the representation, sub-zone A would allow for the creation of lots commensurate with the size of the lots shown in a diagram included in the representation. The reasons include:
- economic benefit for both the landowner and Council;
 - precedence and consistency as there are numerous other lots in the area which are of a similar size; and
 - the proposed subdivision will make better use of road access during creek flooding.
119. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS. The reasons include:
- Agronomists AK Consultants were commissioned to complete an assessment of the application of sub-zones, producing a report titled Rural Living Sub Zone Assessment. The purpose of the assessment was to assist in the allocation of the sub-zones across the municipality. The assessment identified the site as being within a large group of titles generally around 5ha in area. Sub-zone C was subsequently recommended;
 - sub-zone C was applied taking into consideration prevailing lot size. In this way, the application of the sub-zone is consistent with Guideline No. 1, RLZ 3(a); and
 - additional strategic work has not been completed that supports an alternative recommendation. Guideline No. 1 requires sub-zones to reflect existing lot sizes and density and as such, sub-zone allocation should not provide capacity for further subdivision.

Commission consideration

120. The Commission acknowledges the assessment undertaken by AK Consultants, which forms part of the exhibition documents, and notes the planning authority's reliance upon this strategic work in preparing the LPS and applying the four Rural Living Zone areas. The Commission accepts this expert advice and the planning authority's submission, and agrees that the applied Rural Living sub zone is appropriate for the land and is consistent with Guideline No.1.

Commission decision

121. The Commission considers that no modification is required.

Rural Living Zone A – 44 Glen Ard Mohr Road, Exeter

Representation: Scott Older and Dianne Rabl (30)

122. The representation requested land at 44 Glen Ard Mohr Road, Exeter (folio of the Register 146190/2) be revised from the Rural Living Zone C to the Rural Living Zone A. The reasons include:
- the site is considered to be close enough to Exeter to warrant a lesser minimum lot size and the creation of new lots of 1ha would maintain a rural feel and allow for hobby farming; and
 - previous subdivision of the property has occurred, which created lots of around the size envisaged under the Rural Living Zone A.
123. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS. The reasons include:

- the Exeter Structure Plan is currently being reviewed. Part of this process will include consideration of demand for additional housing and whether the current allocation of land meets this demand; and
- subject to completion of the review, the Exeter Structure Plan will be finalized. The process will ensure local planning supports any proposed zone changes and consistency with the regional strategy is achieved.

Commission consideration

124. The Commission accepts the planning authority's submission that the review of the Exeter Structure Plan and future local strategic planning needs to be completed before any change to the Rural Living sub zones can be considered, to provide sufficient justification and to be able to demonstrate consistency with Guideline No.1.
125. The Commission also notes the assessment undertaken by AK Consultants which forms part of the exhibition documents and provides expert evidence and guidance in relation to the application of the Rural Living Zone sub-zones in the municipality.

Commission decision

126. The Commission considers that no modification is required.

Rural Living Zone A – 81 Oxford Street, Beauty Point

Representation: 6ty° for Kent and Kelly Wright (53)

127. The representor requested land at 81 Oxford Street, Beauty Point (folio of the Register 53917/1) be revised from the Rural Living Zone C to the Rural Living Zone A. The reasons include:
 - the land is able to be connected to reticulated services. This recognition has informed previous zonings of the land (e.g. application of the Closed Residential Zone under the former Beaconsfield Planning Scheme 1986);
 - sub-zone A is considered to be a better reflection of the surrounding area. The site is adjoined by land in the General Residential Zone and Low Density Residential Zone, meaning a 1ha minimum lot size will provide a better graduation from these zones to the Rural Zone;
 - the regional strategy favours intensification of existing rural-residential areas rather than rezoning new land. The proposed zoning is considered to accord with the regional strategy as the site is located within an existing Rural Living Zone node; and
 - it is unlikely that the site will be needed for future urban purposes given Council's decision to include the land in the Rural Living Zone under the interim planning scheme. The use of sub-zone A recognises the site's full potential.
128. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS. The reasons include:
 - the Rural Living Zone sub-zone assessment completed by AK Consultants recommended inclusion of the site within the Rural Living Zone C as the potential for increased subdivision would constrain surrounding agriculture activity;
 - it is difficult to conclude that adopting sub-zone A is a reflection of the existing pattern and density of development;

- a sand mine to the south of the site is afforded an attenuation distance of 300m which affects part of the site. In the absence of a report by a suitably qualified person, the impact on the site and future dwellings is not known;
 - The Rural Living Zone has been categorised to minimise potential for new lots to be created. The sub-zone assessment identifies the potential creation of 220 lots, noting that 72 of these lots will be located within the Legana Urban Growth Area;
 - there is some potential that the land could be required for urban purposes in the future. There is merit in undertaking a local planning exercise to strategically consider land requirements for urban purposes; and
 - while assessment against the regional strategy identifies there may be planning merit to intensification in this area, two matters require further consideration; the potential impacts from the nearby sand mine and whether the land may be required for urban purposes in the future. While issues around attenuation could possibly be resolved through the permit application process, the allocation of the land for future urban purposes requires undertaking a local planning exercise. On this basis, the planning authority recommends no change to the draft LPS at this time.
129. The representation also makes reference refers to Planning Permit No. 137/08 issued for an 8 lot subdivision, which required connection of the lots to reticulated water and sewer. The representation states that the subdivision has not been completed resulting in the Commission issuing a direction to the planning authority on the 16 August 2021 asking for a copy of the permit, endorsed plans and the opinion of the planning authority as to the validity or otherwise of the permit. The planning authority provided the required information and its opinion that the permit is not valid because the development was not substantially commenced before it expired.

Commission consideration

130. The Commission accepts that there is insufficient strategic justification to support a change to the draft LPS at this time. The Commission also notes the assessment undertaken by AK Consultants which forms part of the exhibition documents and provides expert evidence and guidance in relation to the application of the Rural Living Zone sub-zones in the municipality.

Commission decision

131. The Commission considers that no modification is required.

Rural Living Zone B – 19 Masons Road, Rosevears

Representation: West Tamar Council (40 – Item 7)

132. The representor requested land at 19 Masons Road, Rosevears (folio of the Register 162727/24) be revised from part Agriculture Zone and part Rural Living Zone B so that it is wholly contained within the Rural Living Zone B. The reasons include:
- Practice Note 7 requires zone boundaries that do not follow property boundaries to be minimised and should only be necessary for planning reasons;
 - no apparent reason for partly locating the site within the Agriculture Zone, other than being a translation of the interim planning scheme zones; and
 - application of Rural Living Zone B to whole of the site will not create additional opportunities for subdivision.

133. In the section 35F report, the planning authority recommended that the Rural Living Zone B be applied to the whole of the land. The reasons include:
- the change is viewed as minor; and
 - the area zoned Agriculture would not have any practical application as an agricultural unit.
134. The Commission directed on the 16 August 2021 that the planning authority seek the support of the landowner in regard to the zone change. On the 1 September 2021, the planning authority advised that a written response had not been received from the landowner by the due date.

Commission consideration

135. The Commission accepts the submission of the planning authority and agrees that the current split zoning appears to be a translation from the interim planning scheme but has no strategic planning purpose. The requested change to Rural Living Zone B is considered to be minor.
136. The Commission notes no response from the landowner has been received, but the land is used and developed primarily for residential purposes, meaning that application of the Rural Living Zone best reflects the existing use of the land.

Commission decision

137. Modification:
- revise the zoning of land 19 Masons Road, Rosevears (folio of the Register 162727/24) so that it is wholly contained within the Rural Living Zone B.
138. Reason:
- To apply the Rural Living Zone consistent with Guideline No. 1.

Rural Living Zone C – 37 Lamont Road, Glengarry

Representation: Angela Peerman (42)

139. The representor requested land at 37 Lamont Road, Glengarry (folio of the Register 112664/1) be revised from the Rural Living Zone D to the Rural Living Zone C. The reasons include:
- the property is disjointed due to a right of way servicing adjoining land. If the sub-zone is revised it would be possible to create a lot of at least 5ha to the north of the right of way.
140. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS. The reasons include:
- there is insufficient information to make an alternative recommendation to that presented within AK Consultant's 'Rural Living "Sub-Zone" Assessment'. The planning authority has not completed additional strategic work upon which an alternative recommendation could be based; and
 - RLZ 3 (a) and (b) of Guideline No. 1 requires sub-zones to be allocated upon the basis of existing pattern and density of development or strategic justification or local strategic analysis consistent with the regional strategy. The assessment prepared by AK Consultants identified a cluster of titles, within which 37 Lamont Road is located, as suitable for inclusion within sub-zone D based upon an average lot size of 6.3ha.

It is the intention of Guideline No. 1, given need for sub-zone allocation to reflect the existing lot sizes, that the allocation not provide capacity for further subdivision. From the cluster, within which the site is located, three lots could potentially be created.

Commission consideration

141. The Commission accepts the planning authority's submission that there is insufficient strategic evidence to justify application of sub-zone C at this site. The Commission notes the assessment undertaken by AK Consultants which forms part of the exhibition documents and provides expert evidence and guidance in relation to the application of the Rural Living sub-zones.

Commission decision

142. The Commission considers that no modification is required.

Rural Living Zone C – Lot 32 Clarence Point Road, Clarence Point

Representation: Joshua Piscioneri (52)

143. The representor requested land at Lot 32 Clarence Point Road, Clarence Point (folio of the Register 109831/32) be revised from the Rural Zone to the Rural Living Zone C. The reasons include:

- due to the application of sub-zones to match existing lot sizes, there will be limited opportunity for existing Rural Living-zoned land to be further subdivided;
- applying the Rural Living Zone C will allow for the creation of an additional lot;
- application of the Rural Living Zone C is consistent with RLZ 3(a) in terms of compatibility with the existing pattern and density of development within the surrounding area and also consistent with the regional strategy; and

144. In the section 35F report, the planning authority supports the representation. The reasons include:

- RLZ 4 of Guideline No. 1 states that the Rural Living Zone should not be applied to land identified in the 'Land Potentially Suitable for Agriculture Zone' layer, available on theLIST, unless the Rural Living Zone can be justified in accordance with the regional strategy or supported by more detailed local strategic analysis which is consistent with the regional strategy and endorsed by the relevant Council;
- folio of the Register 109831/32 is identified in the 'Land Potentially Suitable for Agriculture Zone' mapping as being potentially constrained (Criteria 3). This mapping also identifies lots to the east of folio of the Register 109831/32, in the same category, which demonstrates that the use of the site for residential purposes would not further fetter agricultural activities on adjacent sites;
- regional strategy policy D2.2.2 describes rural residential areas as being predominantly used for residential purposes, including lifestyle blocks, hobby farms and low density residential subdivision, displaying a fragmented cadastral base and property ownership, and may include topographical constraints resulting in physical impediment to rural resource use of connectivity, including biodiversity protection and/or conservation. There is unlikely to be any impact on the agricultural values of the land or surrounding area. The site is identified as containing priority vegetation however there is a sufficient clear area on the site to accommodate a dwelling.

- it is likely a planning permit would be issued for a dwelling even if the site were to remain in the Rural Zone;
- land to the west of the site is included within the Rural Living Zone C, so if the zone were to change, it would be appropriate to include the site in this sub-zone to ensure a contiguous zone type; and
- a change in zone would generate the possibility that one additional lot could be created which would not result in adverse impacts to infrastructure or nearby agricultural uses.

Commission consideration

145. The Commission does not agree with the planning authority's submission that application of Rural Living Zone C is appropriate for this land. The land is not considered to form part of an established rural residential area, as defined in the regional strategy, and the site itself is not occupied by an existing dwelling. Although the land adjoins the Rural Living Zone it also adjoins land in the Rural Zone.
146. In absence of further strategic analysis including consideration of the assessment undertaken by AK Consultants which forms part of the exhibition documents and provides expert evidence and guidance in relation to the application of the Rural Living sub-zones, the rezoning of the land cannot be supported.
147. The Commission also considers application of the Rural Living Zone should be based upon housing need identified through local planning work and where identified, the selection of appropriate locations.

Commission decision

148. The Commission considers that no modification is required.

Rural Living Zone D – Bridgenorth Road, Legana/Bridgenorth

Representations: Mark and Rebecca Purton (18), David Smith (34) and David Isaks (48)

149. The representors' request land at 419 Bridgenorth Road, Legana (folio of the Register 21917/2), 421 Bridgenorth Road, Legana (folio of the Register 21917/3) and 437 Bridgenorth Road, Bridgenorth (folio of the Register 250146/1) be revised from the Rural Zone to the Rural Living Zone. The representors' did not specify a sub-zone. The reasons include:
 - transition to a rural residential zone would be in keeping with zoning of other Bridgenorth Road properties;
 - a change in zone would allow for the undertaking of boundary adjustments and use of the land to its full potential; and
 - previous representations made through the draft interim planning scheme process also requested rezoning, however this was not supported due to the scheme implementation being an exercise in direct translation only.
150. A report undertaken by AK Consultants was submitted in support of rezoning of 437 Bridgenorth Road, which indicates that it would not be unacceptable to zone the land as Rural Living. The zone reflect the current use of the land for lifestyle purposes and would not negatively impact upon adjoining land used for rural purposes.
151. In the section 35F report, the planning authority supported application of the Rural Living Zone D to all three properties. The reasons include:

- RLZ 1 of Guideline No. 1 provides justification for the zone as the lots display rural residential characteristics and are not considered to be viable from an agricultural perspective;
- the Bridgenorth Road area, including the representor's lots, are considered to have the characteristics of an established rural residential area under the regional strategy. The revision meets with objectives relating to intensification of an established rural residential area, rather than the establishment of new areas; and
- the lots are adjacent to land in the proposed Rural Living Zone D. Although each lot will have the potential to create one additional lot, the lot size dimensions will be capable of ensuring an adequate buffer to activities on adjoining agricultural land.

Commission consideration

152. The Commission notes that all lots were identified as being unconstrained under the Land Potentially Suitable for Agriculture layer in theLIST. Further refinement of the appropriate zone to satisfy LPS criteria was provided through recommendations outlined in the assessment undertaken by AK Consultants, forming part of the exhibition documents. The report identified the Bridgenorth Road properties and, although unconstrained, recommended application of the Rural Zone owing to the presence of dwellings, existing land use (referred to in the report as being "generally native vegetation"), and the proximity of adjacent land in Rural Living Zone.
153. It is acknowledged that there are dwellings on each of the lots and that the lots may not be used currently for agricultural purposes. It is also acknowledged that the proximity of Rural Living-zoned land may constrain the land in terms of agricultural enterprise. It is also apparent that the application of the Rural Living Zone D would allow for some level of subdivision.
154. However, the Commission is not persuaded that the requested zone change is consistent with Guideline No. 1. RLZ 2 states that the Rural Living Zone should not be applied to land that is not currently in an interim planning scheme Rural Living Zone unless consistent with the regional strategy or supported by local strategic analysis.
155. Application of the Rural Living Zone to the Bridgenorth Road sites is considered to be an extension of the Rural Living Zone rather than recognition of established rural residential land use patterns, as defined in the regional strategy. The Commission is not satisfied that expansion of the Bridgenorth Road Rural Living Zone is appropriate at this time, in absence of a supply and demand analysis and assessment of the impact of higher lot yield in this area.

Commission decision

156. The Commission considers that no modification is required.

Rural Living Zone D – 132 Jay Dee Road, Glengarry

Representations: Woolcott Surveys for B Scott-Aitken (44)

157. The representor requested land at 132 Jay Dee Road, Glengarry (folio of the Register 31843/1) be revised from the Rural Zone to the Rural Living Zone D. The reasons include:
 - the Rural Living Zone better reflects the current use of the land, which is primarily for residential purposes and has limited agricultural potential; and

- should the existing dwelling be damaged or destroyed, planning permission to rebuild maybe refused, given a single dwelling is a Discretionary use within the Rural Zone.

158. In the section 35F report, the planning authority supported application of the Rural Living Zone D. The reasons include:

- the site displays rural residential characteristics and Guideline No. 1 requires site attributes to be taken into consideration when selecting a zone;
- the site is considered to be constrained from an agricultural perspective;
- the land is identified as unconstrained in the Land Potentially Suitable for Agriculture layer in the LIST, but was therefore included in the Rural Zone due to identified constraints;
- the site is considered to meet the characteristics of an established rural residential area under the regional strategy, and if zoned Rural Living, will constitute an intensification of established rural residential area rather than the establishment of a new area; and
- sub-zone D is proposed, as the site adjoins an extent of land included in sub-zone D. As a minimum lot size of 10ha will apply, no subdivision further subdivision would be possible.

Commission consideration

159. The Commission notes the submissions from the representor and the planning authority, and agrees that the site does display rural residential characteristics and forms part of an established rural residential land use pattern in the area. The Commission is satisfied that the land should be included within the Rural Living Zone D as it would reflect the current use of the land and will not result in further subdivision.

Commission decision

160. Modification:

- revise the zoning of 132 Jay Dee Road, Glengarry (folio of the Register 31843/1) to the Rural Living Zone D.

161. Reason:

- To apply the Rural Living Zone consistent with Guideline No. 1.

Rural Living Zone D – 899 and 977 Badger Head Road, Badger Head

Representations: Town Planning Solutions Pty Ltd for owners of 899 and 977 Badger Head Road, Badger Head (47)

162. The representor requested a portion of land at 899 Badger Head Road, Badger Head (folio of the Register 231321/1) and the entirety of 977 Badger Head Road, Badger Head (folio of the Register 208349/1) be revised from the Agriculture Zone to the Rural Living Zone D. The reasons include:

- the use of the Environmental Management Zone is not appropriate given the land is in private ownership. The SPPs does not permit the construction of a dwelling in the Environmental Management Zone; and

- those portions zoned Environmental Management Zone are better suited to transitioning to the Rural Living Zone D on the basis of compliance with Guideline No. 1, RLZ 1, RLZ 2b and RLZ 4.
163. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS. The reasons include:
- should the Environmental Management Zone be replaced, the application of the Agriculture Zone is the most logical choice as the land is unconstrained in the Land Potentially Suitable for Agriculture mapping; and
 - mapping on the LIST identifies the presence of *Melaleuca ericifolia* swamp forest; and
 - the planning authority intends to undertake a future review of the Environmental Management Zone and Landscape Conservation Zone. At that time, application of the Environmental Management Zone can be reviewed.
164. At the hearing, a desktop agricultural assessment prepared by RMCG (formerly AK Consultants) was tabled (Exhibit R4) and accepted by the Commission. The findings of the report can be summarised as follows:
- the report provides comment on 977 Badger Head Road, Badger Head (folio of the Register 208349/1) and the entire holding of 899 Badger Head Road, Badger Head (comprising folios of the Register 231321/1, 211689/1, 237579/1, 247096/1 and 247096/2);
 - a natural values assessment was conducted at 977 Badger Head, Badger Head which confirmed the presence of *Melaleuca ericifolia* swamp forest;
 - the land has some agricultural potential which includes not just those areas currently zoned Rural Resource, but also areas zoned Environmental Management that are managed as pasture. The report states that while agricultural uses could be developed on the land, it is constrained by the Environmental Management Zone;
 - the larger holding is surrounded by the Narawntapu National Park to the north and south and there are mapped areas of natural value across the holding; and
 - based upon the characteristics of the land, adopting a split zone between the Agriculture Zone and Environmental Management Zone, across the holding, does not appear to be the most practical in terms of maximising the use of agricultural land, whilst protecting natural values. The Rural Zone is put forward as a better compromise, allowing existing agricultural use to continue, with some intensification and also protecting identified natural values. If the entire holding were to be zoned Rural, it is recommended that adjoining land at folio of the Register 211391/1 also be zoned Rural to avoid spot zoning. Folio of the Register 211391/1 does not form part of the holding and is held in separate ownership.
165. At the hearing, the planning authority acknowledged that although the use of the Environmental Management Zone was a replacement of the current zone with an equivalent zone, the inability to construct a dwelling was problematic. The replacement of the Environmental Management Zone with the Landscape Conservation Zone was put forward as a compromise, given this zone allows for the construction of a dwelling. This was particularly relevant to 977 Badger Head Road, Badger Head. The Landscape Conservation Zone was viewed by the planning authority as a suitable alternative zone, given the land contains threatened vegetation and adjoins a national park.
166. The representor confirmed, that the Rural Zone was sought across the entirety of the 899 Badger Head Road, Badger Head and 977 Badger Head Road, Badger Head (folio of the

Register 208349/1). The representor added that they would not be opposed to the application of the Landscape Conservation Zone to 977 Badger Head Road.

167. At the hearing, Michael Tempest of RMCG gave evidence for the representor. His view was that a decision to apply the Rural Zone would bring the land back into the agricultural estate and provide a better compromise given limited agricultural potential.
168. Following the hearing, the Commission issued a direction to the planning authority and the representor seeking further submissions in relation to 899 and 977 Badger Head, Badger Head about the findings of the agricultural assessment, the position of appropriate zoning, and confirmation of the actual land being the subject of the representation. The direction also sought mapping showing the location of the Priority Vegetation Area Overlay and the zoning of several road reserves in the event that the zoning was revised, and evidence of landowner support for the proposed zoning (including the owners of folio of the Register 211391/1).
169. A submission was received from the planning authority on the 6 October 2021 indicating that the executor for the owner of folio of the Register 211391/1 offered no objection to the application of the Rural Zone to that land. The planning authority was not opposed to the replacement of the Agriculture Zone with the Rural Zone owing to the ability to apply the Priority Vegetation Area Overlay. The planning authority also recommended replacement of the Environmental Management Zone with the Landscape Conservation Zone, although the Environmental Management Zone was reduced to the northwest corner of 899 Badger Head Road. The planning authority recommended application of the Landscape Conservation Zone over 977 Badger Head Road. The use of the Landscape Conservation Zone was seen as providing a buffer to the adjoining national park.
170. A submission was received from the representor on the 6 October 2021. The representor confirmed the extent of the 899 Badger Head Road holding being folios of the Register 231321/1, 211689/1, 237579/1, 247096/1 and 247096/2. The representor clarified that the Rural Zone was sought across the entirety of 899 Badger Head Road and 977 Badger Head Road. A further agricultural assessment from RMCG, following a site visit by the consultancy, was submitted. It maintained its position that the use of the Rural Zone presents as a better compromise to manage limited agricultural potential and natural values. The findings of the assessment can be summarised as follows:
 - 977 Badger Head Road was not assessed further due to an understanding the site was proposed to be included within the Landscape Conservation Zone;
 - 899 Badger Head Road is comprised of Class 5 and 6 land;
 - dryland grazing is currently undertaken at a “hobby-scale” level;
 - there is some potential to use the land more intensively for grazing and some occasional cropping; and
 - *Melaleuca ericifolia* swamp forest was identified across the property (although a natural values assessment was not undertaken). There are areas with high conservation values to the east, west and north.
171. On the 1 November 2021, the representor confirmed that all owners of 977 Badger Head Road, Badger Head supported application of the Landscape Conservation Zone.

Commission consideration

172. The Commission accepts the expert evidence of RMCG in regard to land capability and agrees that the Rural Zone should apply to all land comprising 899 Badger Head Road, including application of the Priority Vegetation Area Overlay. The Commission accepts the

planning authority's view that the Landscape Conservation Zone would act as a buffer between farming activity to the south and the national park to the north, however there are other instances where land in a zone other than the Landscape Conservation Zone has a direct interface with the national park. Application of the Priority Vegetation Area Overlay will minimise impacts on identified priority vegetation and minimise clearance of significant habitat on land which is not cleared and otherwise currently used for pasture.

173. In regard to 977 Badger Head Road, the Commission is satisfied that this land should be included in the Landscape Conservation Zone. The decision allows for the replacement of the Environmental Management Zone with a similar zone type under the SPPs while still addressing limiting factors around dwelling permissibility. The application of the Rural Zone is considered problematic given the land was ultimately not included in the agricultural assessment and the majority of the property is covered by the Priority Vegetation Area Overlay. The application of the Landscape Conservation Zone will result in the zoning of an isolated parcel, however the Commission considers in this instance due to the size of the title, existing natural values and proximity to land zoned Environmental Management, there is sufficient strategic merit to support the change in zone to Landscape Conservation Zone.

Commission decision

174. Modification:

- revise the zoning of 899 Badger Head Road, Badger Head comprising folios of the Register 231321/1, 211689/1, 237579/1, 247096/1 and 247096/2 (and all adjacent road and reserved roads) to Rural Zone;
- revise the Priority Vegetation Area Overlay to include 899 Badger Head Road, Badger Head comprising folios of the Register 231321/1, 211689/1, 237579/1, 247096/1 and 247096/2 (and all adjacent road and reserved roads) as shown in Figure 3 below;

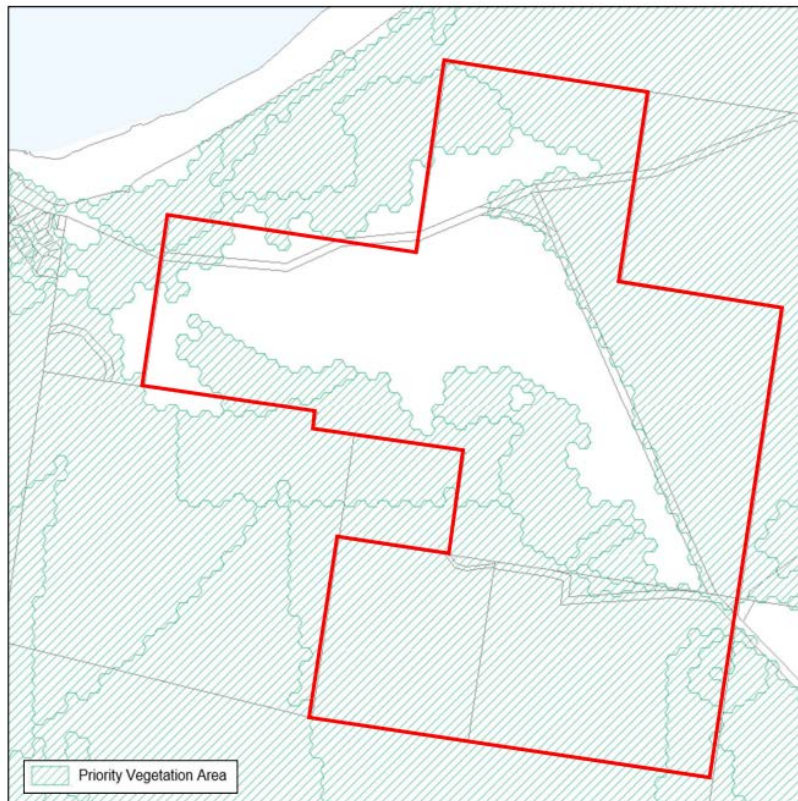


Figure 3 – Application of the Priority Vegetation Area Overlay to 899 Badger Head Road, Badger Head

- revise the zoning of 977 Badger Head Road, Badger Head (folio of the Register 208349/1) to Landscape Conservation Zone;
- revise the zoning of Badger Head Road, Badger Head (folio of the Register 211391/1) to Rural Zone; and
- revise the Priority Vegetation Area Overlay to include Badger Head Road, Badger Head (folio of the Register 211391/1) as shown in Figure 4 below:



Figure 4 – Application of the Priority Vegetation Area Overlay to Badger Head Road, Badger Head (folio of the Register 211391/1)

175. Reason:

- To apply the Rural Zone, Landscape Conservation Zone and the Priority Vegetation Area Overlay consistent with Guideline No. 1.

Rural Living Zone D – Lot 2 Ecclestone Road, Riverside

Representations: Town Planning Solutions (49)

176. The representor requested land at Lot 2 Ecclestone Road, Riverside (folio of the Register 158334/2) be revised from the Agriculture Zone to the Rural Living Zone D. The reasons include:

- the land should be rezoned in recognition of the strategic value in rezoning through the regional strategy; and
- the owner's experience is that the land is not suited to ongoing commercially sustainable agricultural operations. There are also limitations created by the presence of native vegetation that is worthy of inclusion in the Priority Vegetation Area Overlay.

177. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS. The reasons include:

- it is acknowledged that the site is identified under the regional strategy as a Strategic Reserve Investigation Area;
 - prior to the rezoning of a Future Investigation Area, an appropriate level of strategic justification and suitability assessment needs to be completed. That work is yet to be undertaken; and
 - RLZ 4 of Guideline No. 1 states that the Rural Living Zone should not be applied to land targeted for future greenfield urban development. A change in zone to the Rural Living Zone is considered to be premature and may impact upon the orderly development of the site for urban development in the future.
178. The Commission issued a direction on the 16 August 2021, requesting the submission of the agricultural assessment referred to in the representation. An agricultural assessment prepared by Pinion Advisory was submitted to the Commission on the 31 August 2021. The findings of the report can be summarised as follows:
- the property is not covered by prime agricultural land and consists of Class 4, 5 and 6 land;
 - the property has negligible value as an agricultural resource due to constraints with limited potential for adhering the land to adjoining land zoned Rural ; and
 - if rezoned to Rural Living, no additional constraints or impacts would be imposed upon neighbouring farms, or conversely, neighbouring farms would not constrain or impact land zoned Rural Living.
179. At the hearing, the representor sought the inclusion of the land within the Rural Zone rather than the requested Rural Living Zone D and indicated acceptance of the application of the Priority Vegetation Area Overlay. The planning authority did not oppose the inclusion of the site within the Rural Zone but considered that it may result in a spot zoning.

Commission consideration

180. The Commission agrees with the planning authority that it is not appropriate to include the site within the Rural Living Zone D but is persuaded that application of the Rural Zone is an acceptable outcome based the strength of the expert evidence and guidance in the submitted agricultural assessment. On this basis, application of the Rural Zone complies with RZ 3 of Guideline No. 1.
181. In regard to the concern about spot zoning, the Commission considers application of the Rural Zone in this instance will provide an acceptable buffer between land in the Agriculture Zone to the south and land in the Rural Living Zone and Low Density Residential Zone to the north.

Commission decision

182. Modification:
- revise the zoning of Lot 2 Ecclestone Road, Riverside (folio of the Register 158334/2) to Rural Zone; and

- revise the Priority Vegetation Area Overlay map to include Lot 2 Ecclestone Road, Riverside (folio of the Register 158334/2) as shown in Figure 5 below:

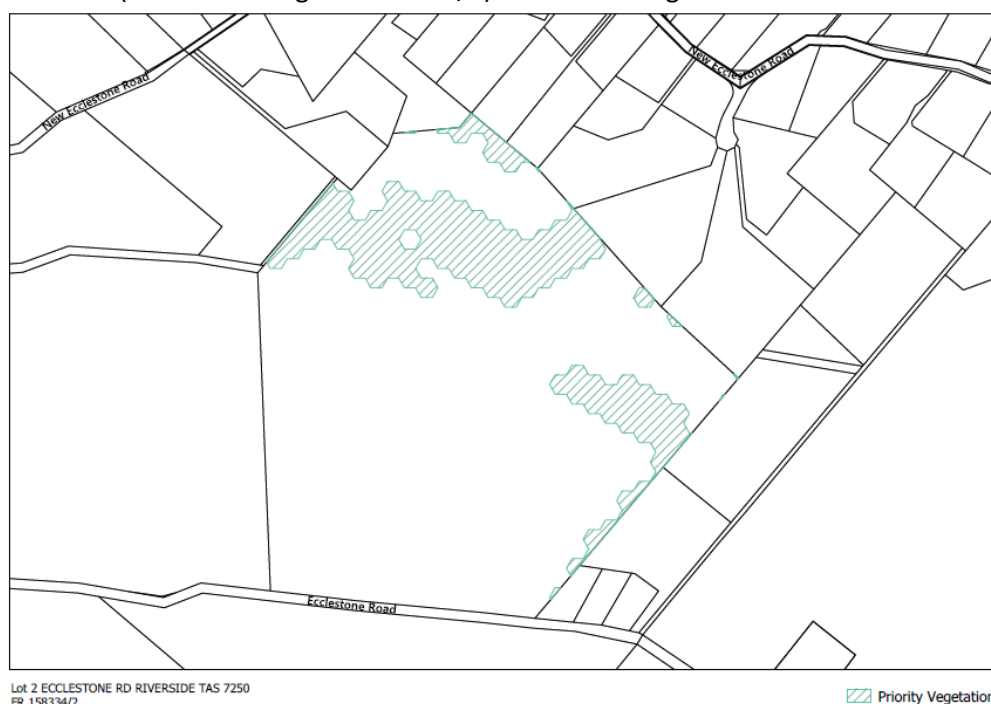


Figure 5 – Application of the Priority Vegetation Area Overlay to Lot 2 Ecclestone Road, Riverside

183. Reason:

- To apply the Rural Zone and Priority Vegetation Area Overlay consistent with Guideline No. 1.

Rural Living Zone – 18 Masons Road, Rosevears

Representation: John Oldenhof (22)

184. The representor requested land at 18 Masons Road, Rosevears (folio of the Register 167405/1) be revised from the Agriculture Zone to the Rural Living Zone. It is noted that the representation did not identify a proposed sub-zone. The reasons for the requested revision include:

- the site is rocky and steep in parts;
- it is not economically viable to farm;
- the front half of the site is suitable for rural residential purposes;
- other land in the area is also zoned Rural Living; and
- there is a demand for rural-residential land.

185. In the section 35F report, the planning authority considered the representation did not warrant modification of the draft LPS. The reasons include:

- there is no local strategy which identifies the creation of rural-residential land in this location;
- the regional strategy expresses a preference for intensification of existing rural residential areas rather than the creation of new rural residential areas;

- the statement that the land is not productive, cannot be verified as a land capability assessment has not been undertaken; and
- while adjacent to Rural Living-zoned land, the site is not within an existing rural living settlement.

Commission consideration

186. The Commission notes there has been no local planning strategy work undertaken to justify application of the Rural Living zone to this land or surrounding titles.
187. The Commission supports the views of the planning authority and is satisfied that the land should remain in the Agriculture Zone and this is consistent with AZ 1 of Guidelines No.1. No expert evidence was submitted to support consideration of an alternative zoning, as provided for under AZ 6 of Guideline No.1. The proposed zoning would seem to be contrary to the objectives of the regional strategy which preferences intensification or expansion of existing rural residential areas as opposed to creation of new rural residential areas.
188. The Commission further notes avoidance of spot-zoning in order to maintain harmonious zoning patterns is a priority as a matter of good planning practice.

Commission decision

189. The Commission considers that no modification is required.

Rural Living Zone – Lot 102 West Arm Road, Beauty Point

Representation: ERA for Dourias Group Holdings (35)

190. The representor requested land at West Arm Road, Beauty Point (folios of the Register 156126/102 and 64199/1) be revised from the Agriculture Zone to the Rural Living Zone (sub-zone not specified). The reasons include:
- the Agriculture Zone has been incorrectly applied and is not consistent with Guideline No. 1;
 - the land is constrained (primarily from proximity to land in residential zones) and for this reason application of the Agriculture Zone is not appropriate, resulting in potential land use conflict;
 - a natural values survey, was undertaken in 2019 by North Barker which has identified “outstanding natural values” including stands of *Melaleuca ericifolia* swamp forest and the presence of the green gold frog;
 - the land is not contiguous with land currently being farmed. The Rural Living Zone is a better transition zone, providing a buffer between residential land and farming land; and
 - rezoning to the Rural Living Zone will fill a forecasted gap once land in the Low Density Residential Zone has been more extensively developed (as identified in the Legana Structure Plan).
191. In the section 35F report, the planning authority considered the representation did not warrant modification of the draft LPS. The reasons include:
- proximity of the Beauty Point sewerage treatment plant, stating that attenuation distances set out within the Attenuation Code of the SPPs, will make further residential development undesirable. An attenuation buffer of 550m from existing lagoons (based on table C9.2 in the Code) takes in that part of the site zoned Agriculture. A noise and odour report did not accompany the representation; and

- rural residential objectives in the regional strategy have not been met as such rezoning would amount to the establishment of a new rural residential area for which further local planning needs to be undertaken. Future consideration could be given to rezoning providing constraints around proximity to the sewerage treatment plant can be managed and demand for additional lots can be demonstrated.
192. On the 16 August 2021, the Commission issued a direction requesting submission of the natural values assessment referred to in the representation. The natural values assessment was received by the Commission on the 18 August 2021 and can be summarised as follows:
- the property is predominantly characterised by pasture;
 - native vegetation is limited to patches of bushland and a moderate sized, constructed water body with associated drainage ditches;
 - the study area contains one threatened community listed under the NC Act, being *Melaleuca ericifolia* swamp forest which has an approximate area of 1.14ha (in three unconnected patches);
 - the threatened green and gold frog inhabits the site in the wetland created by the dam and drainage channels. The site may be an important habitat within the context of Beauty Point;
 - natural values are concentrated on the western side of the property, in that part of the land zoned Rural Resource under the interim planning scheme;
 - the green and gold frog will be impacted by any loss or degradation of the dam and drainage lines. Future projects should avoid the loss of both. Any loss of the drains could be off-set by improving the habitat of the dam;
 - priority habitat is currently mapped incorrectly on the property, likely due to inaccurate TASVEG mapping;
 - the Rural Resource Zone in the interim planning scheme does not sufficiently protect natural values and permitted land uses may have an adverse impact; and
 - the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) (Cth) may be called up if gold and green frog habitat is proposed to be disturbed.
193. On the 13 September 2021, the Commission issued a further direction requesting the submission of an agricultural report. On the 14 September 2021, a report was submitted prepared by Jason Lynch, Pinion Advisory. The report can be summarised as follows:
- the property titles are covered by Class 4 and 5 land;
 - the land is suitable for inclusion in the General Residential Zone being a logical extension of the adjoining zone to the east;
 - the land is only capable of supporting non-commercial scale agricultural activity;
 - the property is subject to high level fettering from adjacent and nearby residential dwellings; and
 - rezoning for residential purposes is compliant with the *State Policy on the Protection of Agricultural Land 2009* (PAL Policy).

Commission consideration

194. The Commission has considered the weight of the expert evidence as it relates to natural values and is satisfied that application of the Rural Zone and the Priority Vegetation Area

Overlay to that portion of folio of the Register 156126/102 zoned Agriculture in the draft LPS and folio of the Register 64199/1 is consistent with Guideline No. 1.

195. In regard to the proposed application of the Rural Living Zone, the Commission accepts the submission of the planning authority that there is insufficient strategic justification to allow for the rural residential use of the land at this time. This will need to include analysis of future residential supply and demand. The Commission does not consider the land forms part of an established rural residential area under the regional strategy, and further a noise and odour assessment has not been submitted relevant to the attenuation area for the Beauty Point Treatment Plant.
196. The findings of the natural values assessment in relation to incorrect mapping of *Melaleuca ericifolia* in TASVEG 3.0 are noted and the Commission's decision to apply the Rural Zone will also necessitate a variation to the application of the Priority Vegetation Area Overlay in order to include identified natural assets.
197. The Commission notes the agricultural assessment and accepts the land is not capable of supporting commercial scale agricultural activity and it is subject to high level fettering from adjacent and nearby dwellings. This expert evidence was considered in determining an alternative zoning to Agriculture under AZ 6 of Guideline No.1. The Commission considered the Rural Zone as the most appropriate zone, taking into account the existing characteristics and use of the land, including native vegetation and identified threatened flora and fauna and as discussed proximity to the sewerage treatment plant.

Commission decision

198. Modification:

- revise the zoning of that part of West Arm Road, Beauty Point (folios of the Register 156126/102 and 64199/1) currently zoned Agriculture to the Rural Zone; and
- revise the Priority Vegetation Area Overlay to accord with the mapped *Melaleuca ericifolia* swamp forest identified by North Barker Ecosystems Services, in the report "Lot 102 West Arm Road, Beauty Point Natural Values Assessment", dated 21 January 2019 and apply to West Arm Road, Beauty Point (folio of the Register 156126/102 as shown in Figure 6 below:

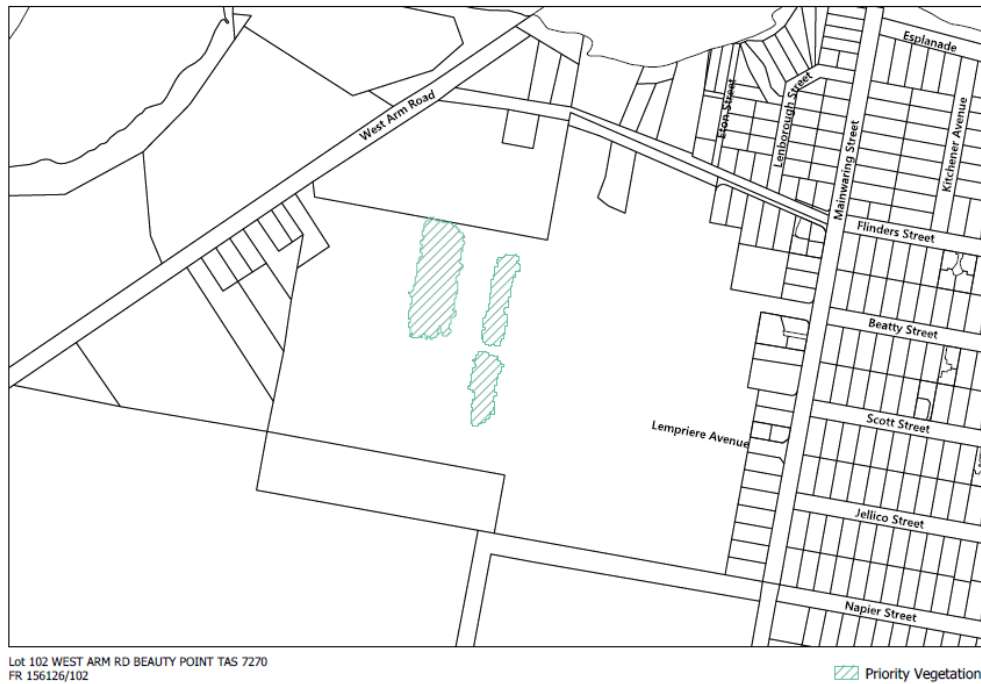


Figure 6 – Application of the Priority Vegetation Area Overlay to West Arm Road, Beauty Point (folio of the Register 156126/102)

199. Reason:

- To apply the Rural Zone and Priority Vegetation Area Overlay consistent with Guideline No. 1.

Rural Living Zone – 152 Notley Hills Road, Notley Hills

Representation: Karen Poke (46)

200. The representor requested land at 152 Notley Hills Road, Notley Hills (folio of the Register 126438/1) be revised from the Rural Zone to the Rural Living Zone. It is noted that the representation did not specify a sub-zone. The representor seeks controls that would provide for subdivision and construction of new dwelling.

201. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS as the change would result in a spot zoning.

Commission consideration

202. The Commission accepts the position of the planning authority and is satisfied that the land should remain in the Rural Zone, consistent with RZ 1 of Guideline No.1. No further assessment was submitted to support consideration of the Rural Living Zone as being consistent with RZ 4 of Guideline No.1, which states the Rural Living Zone should not be applied to land that is identified in the 'Land Potentially Suitable for Agriculture Zone' available on theLIST map.

203. The Commission notes that while the land in its isolation may be suitable for Rural Living Zone, avoidance of spot-zoning in order to maintain harmonious zoning patterns is a priority as a matter of good planning practice.

Commission decision

204. The Commission considers that no modification is required.

Local Business Zone– 96 Weld Street, Beaconsfield

Representation: Leah and Adam Turmine (4)

205. The representation requested to transition a site-specific qualification for the land at 96 Weld Street, Beaconsfield (folio of the Register 71041/1) from the interim planning scheme to the draft LPS. Alternatively, the representor would support application of the Local Business Zone to land. The representor sought provisions that would provide for the continuation of the existing commercial business which operates from the site.
206. In the section 35F report, the planning authority proposes a modification to the draft LPS to apply the Local Business Zone for the following reasons:
- the Local Business Zone is reflective of the current use of the site;
 - there are concerns relating to previous land use which may render the land unsuitable for residential occupation;
 - the land adjoins the Local Business Zone; and
 - the provisions of the SPPs can support the ongoing operation of the existing business rather than providing substitution through a site-specific qualification.

Commission consideration

207. The Commission accepts the planning authority's submission and observes that application of the Local Business Zone provides an orderly pathway forward for the ongoing commercial use. Application of the Local Business Zone to the site will form part of a continuous area zoned Local Business along Weld Street, which forms the Beaconsfield main commercial strip.
208. Under the draft LPS, the site is bound by the Local Business Zone to north, the Recreation Zone to the east and the General Residential Zone to the south. The Local Business Zone provisions will provide adequate protection of existing residential amenity for that property adjoining to the south.

Commission decision

209. Modification:
- revise the zoning of 96 Weld Street, Beaconsfield (folio of the Register 71041/1) to the Local Business Zone.
210. Reason:
- To apply the Local Business Zone consistent with Guideline No. 1.

Local Business Zone – 232-236 West Tamar Highway, Riverside

Representation: Woolcott Surveys for Graham Midson (20)

211. The representor requested land at 232-236 West Tamar Road, Riverside (folio of the Register 119794/1) be revised from the General Residential Zone to the Local Business Zone. The reasons include that the Local Business Zone:
- will provide certainty in relation to land use in reducing requirements around planning approvals and discretion;
 - will assist in creating vibrancy by reducing tenancy vacancy due to current zone prohibitions;
 - better acknowledges the current land use; and

- is warranted because the site already provides adequate car parking and interaction at a pedestrian level.
212. In the section 35F report, the planning authority supports the application of the Local Business Zone for the following reasons:
- in regard to LBZ 3 of Guideline No. 1, the provisions of the General Residential Zone limit the range of possible business or commercial uses and does not provide flexibility should uses change without the need for planning permission. This point is considered to be relevant given the site has been recognised as a commercial site since 1987; and
 - although LBZ 4 of Guideline No. 1 discourages spot zonings of isolated shops, the site is in single ownership, but is comprised of three separate tenancies. For this reason the building should be considered as a group of business premises.

Commission consideration

213. The Commission accepts the planning authority's submission. The Local Business Zone use and development provisions will provide adequate protection of existing residential amenity relevant to the existing commercial use and characteristics of the site and its surrounds. The zone revision is considered to meet with the intent of LBZ 3 of Guideline No. 1 as the site accommodates established commercial tenancies.

Commission decision

214. Modification:
- revise the zoning of 232-236 West Tamar Road, Riverside (folio of the Register 119794/1) to the Local Business Zone.
215. Reason:
- To apply the Local Business Zone consistent with Guideline No. 1.

Commercial Zone— 4423 West Tamar Highway, Beauty Point

Representation: Inas, Ashraf and Alex Sedrak (39)

216. The representor requested land at 4423 West Tamar Highway, Beauty Point (folio of the Register 154763/1) be revised from the Rural Living Zone C to a residential and/or commercial zone. The reasons include:
- rezoning will allow for subdivision enabling creation of affordable residential land and land that is able to accommodate a medical centre which would be a beneficial service for Beauty Point;
 - increased population will result in the Tamar Cove restaurant reopening; and
 - a medical centre and more residential land will bolster the Beaconsfield mine.
217. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS. The reasons include:
- revising the zone to Local Business Zone or Village Zone will not meet with Guideline No. 1 criteria; and
 - the representation was not specific in terms of proposing a residential zone. In looking at the potential to apply the Low Density Residential Zone, if the reason behind seeking a rezoning is to facilitate construction of a medical centre, then a

medical centre would be better located within the township rather than in a peripheral location.

Commission consideration

218. The Commission notes the planning authority's comments that the site is outside the identified urban area of Beauty Point under the regional strategy, and that applying the Local Business Zone or the Village Zone to this site would not meet the relevant criteria under Guideline No.1. The Commission accepts the planning authority's submission and agrees that the sought zone revision would be contrary to Guideline No. 1.

Commission decision

219. The Commission considers that no modification is required.

Rural Zone – 2922 West Tamar Highway, Loira

Representation: Peter and Jo Voller (9)

220. The representor requested land at 2922 West Tamar Highway, Loira (folio of the Register 155682/1) be revised from the Agriculture Zone to the Rural Zone. The reasons include:
- the Rural Zone better reflects current use of the land, being rural residential with some grazing, alongside nature conservation;
 - the Agriculture Zone does not seek to protect natural assets, in particular native vegetation;
 - the SPPs are flawed due to natural values not being recognised within the Agriculture Zone;
 - the Rural Zone is viewed as being a more consistent zone, providing a more appropriate interface zone with adjoining land contained within the Environmental Management Zone (being a Crown reserve under the control of DPIPW); and
 - the Rural Zone will be better able to support habitat corridors and recognises reduced site capability due to flooding and water logging.
221. In the section 35F report, the planning authority supports the representation for the following reasons:
- the inclusion of the site within the Rural Zone will not result in the creation of an isolated parcel of land, not connected to another lot in the Rural Zone;
 - the section 35F report notes that although an agricultural land suitability assessment was not submitted, the representation presents a thorough and technical assessment of agricultural suitability and acknowledges the representor has relevant expertise in this area;
 - the planning authority has formed a view that there are no significantly different use rights between the Agriculture Zone and the Rural Zone that would benefit the landowner, except for the desire to protect natural values on the site and that more correctly identify the site as suitable for inclusion in the Rural Zone. The grazing that is currently occurring on the site can continue to occur under the Rural Zone; and
 - a change of zone to Rural will necessitate the application of the Priority Vegetation Area Overlay. This forms part of the recommendation outlined in the section 35F report.

Commission consideration

222. The Commission notes that the representation was not accompanied with an independent land capability assessment prepared by a suitably qualified person, but accepts the relevant expertise and qualifications of the representors in relation to assessing agricultural potential of the land and the detailed analysis of the agricultural capability of the land finding that it is limited due to natural values, characteristics of the land and fragmentation of the area into smaller lots that cannot be reasonably be part of a larger farm holding.
223. Both theLIST layer and assessment undertaken by AK Consultants, identify the land as being suitable for inclusion within the Agriculture Zone. In relying upon RZ 3(a) of Guideline No. 1, the key is determining whether the site is integral to the management of a large farm holding and for that reason should be included within the Agriculture Zone. The Commission accepts the planning authority's submission that the site cannot reasonably be considered part of a larger farm holding due to fragmentation and the particular characteristics of the site.
224. The Commission agrees with the planning authority that inclusion of the site within the Rural Zone will not result in a spot zoning as the land will form part of a congruous zoning pattern with land zoned Rural located to the north of the site, and the immediately adjoining Crown land reserve zoned Environmental Management is an anomaly based upon land tenure only.
225. The Commission is also satisfied that the Priority Vegetation Area overlay should be applied to the land, consistent with the Regional Ecosystem Model of Tasmanian biodiversity (REM) mapping that supports application of the Natural Assets Code.

Commission decision

226. Modification:

- revise the zoning of 2922 West Tamar Highway, Loira (folio of the Register 155682/1) to Rural Zone; and
- revise the Priority Vegetation Area Overlay mapping to include 2922 West Tamar Highway, Loira (folio of the Register 155682/1) in accordance with the Regional Ecosystem Model of Tasmanian biodiversity (REM) mapping.

227. Reason:

- *To apply the Rural Zone and Priority Vegetation Area Overlay consistent with Guideline No. 1.*

Rural Zone – 400 Auburn Road, Beaconsfield

Representation: Louise Moylan (16)

228. The representor requested land at 400 Auburn Road, Beaconsfield (folio of the Register 125243/1) be revised from the Agriculture Zone to the Rural Zone. The reasons include that retention of vegetation along the waterway on the land will maintain habitat link along the Tamar River and along Goaty Hill ridges, which is more effective than isolated patches of vegetation.
229. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS as the site is within a larger area of land included in the Agriculture Zone and application of the Rural Zone would result in a spot zoning.

Commission consideration

230. The Commission notes the land is identified as 'potentially constrained' in the state land potentially suitable for the agriculture zone mapping on theLIST. The Commission accepts

the planning authority's submission that there is insufficient evidence to justify application of an alternative zoning at this site, consistent with consideration of AZ 6 of Guideline No.1.

Commission decision

231. The Commission considers that no modification is required.

Rural Zone – 72 Beach Crescent, Greens Beach

Representation: PDA for Don Pitt (33)

232. The representor requested land at 72 Beach Crescent, Greens Beach (folios of the Register 121074/1, 197444/1, 197444/2, 234611/1, 250323/1, 250324/1, 250326/1, 250338/1, 89081/1, 89235/31 and 94138/25 be revised from the Agriculture Zone to the Rural Zone.

The reasons include:

- it can be demonstrated that there are sufficient constraints which would limit farming potential, meaning that application of the Agriculture Zone is not warranted. AZ 6 of Guideline No. 1 provides justification for application of an alternative zone; and
- the agricultural assessment report submitted with the representation concludes that the land comprising the Ivy Lawn property at 72 Greens Crescent, Greens Beach has a low level of land capability, is in a degraded state and only able to support a significantly reduced level of agricultural land use activity, and that likely costs relating to land improvement would not be considered economically feasible due to high costs relative to agricultural returns. The report also concludes that application of the Rural Zone is commensurate with current and future agricultural potential of the land and that the application of the Rural Zone would not impact on land use activity on adjoining land.

233. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS. The reasons include that:

- the provision of expert evidence in relation to land capability is acknowledged and it is agreed that the requested revision to the Rural Zone meets with RZ 3 of Guideline No. 1 (qualifying the land for inclusion in the Rural Zone).
- the recommendation to not modify the draft LPS has to do with two parcels of land (held in separate ownership being Paranalpe Road (folio of the Register 94138/26) and Lot 1, Paranalpe Road (folio of the Register 170415/1), Kelso which do not form part of the representation and would otherwise remain in the Agriculture Zone. To ensure a uniformly zoned area and to avoid spot zoning pattern, the planning authority made contact with the two landowners, one of which is opposed to application of the Rural Zone. The reasons given relate to perceived agricultural potential across the larger holding. The landowner also contended that the degradation of the land identified in the report has been caused by lack of property maintenance rather than poor land capability.

Commission consideration

234. The Commission accepts the expert evidence and advice given in the agricultural assessment for the land identified as Ivy Lawn property at 72 Greens Beach Crescent. This evidence supports application of the Rural Zone in accordance with Guideline No.1, in particular RZ 3 and AZ 6 which provide for this zone to be applied to land identified as unconstrained in the

state land potentially suitable for the agriculture zone if supported by detailed local strategic analysis.

235. The Commission notes that the representor's land forms part of a larger area of Agriculture zoned land that includes two other titles in different ownership which have similar agricultural land suitability profile as the Ivy Lawn property. The Commission is satisfied based on the submitted expert evidence and the characteristics of the land that the Rural Zone is also appropriate to be applied to these properties. The Commission finds in this instance that avoidance of spot zoning and facilitating a congruous zoning pattern is a priority and that the land should be zoned Rural.
236. The Commission also finds that the Priority Vegetation Area overlay consistent with the Regional Ecosystem Model of Tasmanian biodiversity (REM) mapping that supports application of the Natural Assets Code, should be applied to the land.

Commission consideration under section 35KB

237. Revising the zoning from Agriculture to Rural and applying the Priority Vegetation Area Overlay to 72 Beach Crescent, Greens Beach and folios of the Register 94138/26 and 170415/1 would be a substantial modification as there may be a public interest in the modification. 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 West Tamar LPS, after it comes into effect.

Commission decision under section 35KB

238. Draft amendment directed to the West Tamar LPS:

- Rezone the following properties from the Agriculture Zone to the Rural Zone as shown in Attachment 3:
 - (a) 72 Beach Crescent, Greens Beach folios of the Register 121074/1, 197444/1, 197444/2, 234611/1, 250323/1, 250324/1, 250326/1, 250338/1, 89081/1, 89235/31 and 94138/25;
 - (b) Paranaple Road, Kelso folio of the register 94138/26; and
 - (c) Lot 1 Paranaple Road, Kelso folio of the register 170415/1 (being only that portion of the site zoned Agriculture under the exhibited LPS).
- Apply the Priority Vegetation Area Overlay to the following properties, consistent with the Regional Ecosystem Model of Tasmanian biodiversity (REM) mapping, as shown in Attachment 3:
 - (a) 72 Beach Crescent, Greens Beach folios of the Register 121074/1, 197444/1, 197444/2, 234611/1, 250323/1, 250324/1, 250326/1, 250338/1, 89081/1, 89235/31 and 94138/25;
 - (b) Paranaple Road, Kelso folio of the register 94138/26; and
 - (c) Lot 1 Paranaple Road, Kelso folio of the register 170415/1 (being only that portion of the site zoned Agriculture under the exhibited LPS).

239. Reason:

- To apply the Rural Zone and Priority Vegetation Area Overlay consistent with Guideline No. 1.
- The Commission considers that the modifications are a substantial modification as there may be a public interest in the modifications.

Rural Zone – 232 Loop Road, Glengarry

Representation: Jock Hamilton (37)

240. The representor requested land at 232 Loop Road, Glengarry (folio of the Register 31410/3) be revised from the Agriculture Zone to the Rural Zone. The reasons include:
- the Rural Zone will allow the Priority Vegetation Area Overlay to be applied, which will provide additional protection of the native vegetation through application of the Natural Assets Code.
241. In the section 35F report, the planning authority supported the representation for the following reasons:
- although the representation was not accompanied with a land capability assessment, it is noted that 40 per cent of the site is subject to a conservation covenant. The use of the Rural Zone will allow for the display of the Priority Vegetation Area Overlay. The rezoning to Rural is further justified by the fact it adjoins land in the Rural Zone, so would not be an example of spot zoning.

Commission consideration

242. The Commission notes the land is identified as unconstrained in the state land potentially suitable for the agriculture zone mapping on the LIST. The Commission also notes the representation was not accompanied with expert evidence providing an assessment of the site's agricultural potential. The primary evidence remains that prepared by AK Consultants forming part of the exhibited documents that supported the draft LPS. The conservation covenant itself will continue to offer protection to the natural environment, which is its purpose.
243. Without supporting expert evidence, the Commission is not satisfied that the Rural Zone should be applied, with consideration of Guideline No.1, in particular RZ 3 and RZ 6 which provides for the Rural Zone to be applied to unconstrained land if supported by detailed local strategic analysis.

Commission decision

244. The Commission considers that no modification is required.

Rural Zone – Land within the Legana Urban Growth Area

Representation: West Tamar Council (40 – Item 11)

245. The representor requested land that all land located within the Legana Urban Growth Area which is zoned Agriculture be revised to the Rural Zone. The reasons include that:
- the Rural Zone is a more appropriate “holding” zone until further urban growth occurs; and
 - use of the Rural Zone will allow for the application of the Priority Vegetation Area Overlay, which is an important consideration in determining suitability of land for urban development and impact upon natural features.
246. In the section 35F report, the planning authority supports the representation and stated that the request meets requirements under RZ 3(d) and (e) of Guideline No. 1. The land is identified in the regional strategy and located within an urban growth corridor. The regional strategy foreshadows future urban use of the land. The planning authority added that the Rural Zone would be reflective of an ongoing intent to use the land for agricultural purposes,

but did not agree that the zone should be used as a “holding” zone for future residential development.

Commission consideration

247. The Commission acknowledges that there are areas of land zoned Agriculture located within the Legana Urban Growth Area in the regional strategy, however it is not convinced that the Rural Zone will function as a “holding zone” any more so than the Agriculture Zone. By reference to “holding zone”, the Commission takes this to refer to a zone which guards against fragmentation or development which may jeopardise realisation of the Legana Structure Plan and in an orderly and efficient pattern and sequence of development. The Commission does not hold a view on whether the Rural or Agriculture Zone would fulfil this purpose any better than the other.
248. In applying the LPS criteria, the Commission would have benefited from the submission of a land capability assessment exploring the agricultural potential of that land within the Legana Urban Growth Area with a view to its replacement with the Rural Zone. Given this and without more detailed strategic analysis justifying an alternative zoning for this land, the Commission is not satisfied that the draft LPS should be modified.

Commission decision

249. The Commission considers that no modifications are required.

Rural Zone – 190 Valley Road, Sidmouth

Representation: Janne and Rodney Pinnington (50)

250. The representor requested that land at 190 Valley Road, Sidmouth (folio of the Register 10248/2) be revised from the Agriculture Zone to the Rural Zone. The reasons include that:
- the land not suitable for agricultural purposes;
 - the land is not viable as a stand-alone business;
 - the surrounding land is held in separate ownership; and
 - any use of land would be compatible with agriculture, with no interference caused to adjoining land.
251. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS. The reasons include that:
- while the property is not highly valued for agriculture, it is part of a consistent zoning pattern;
 - retention of the lot in the Agriculture Zone meets with Guideline No. 1; and
 - in terms of constructing a dwelling, it may be possible to satisfy the Discretionary provisions of the Agriculture Zone.

Commission consideration

252. The Commission accepts the planning authority’s submission and notes its reliance upon strategic assessment undertaken by AK Consultants in preparing the draft LPS and applying the Agriculture Zone. The Commission is satisfied that the land should remain in the Agriculture Zone and this is consistent with AZ1 of Guideline No.1. No expert evidence was submitted to support consideration of an alternative zoning, as provided for under AZ 6 of Guideline No.1.

Commission decision

253. The Commission considers that no modification is required.

Rural Zone – Private Timber Reserves

Representation: Department of State Growth (57)

254. The representor requested land set aside as Private Timber Reserves be included within the Rural Zone rather than the Agriculture Zone where appropriate.

255. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS. The reasons include:

- Guideline No. 1 does not provide direction in relation to the application of the Rural Zone or Agriculture Zone for Private Timber Reserves; and
- The representation does not provide guidance on which sites are of strategic importance or provide a strategic analysis to support a change in zone from the Agriculture Zone to the Rural Zone.

Commission consideration

256. The Commission notes section 11(3) of the Act states:

Nothing in a planning scheme or the Tasmanian Planning Scheme affects -

a) forestry operations conducted on land declared as a private timber reserve under the *Forest Practices Act 1985*; or ...

257. The Commission agrees with the planning authority's submission. Without specific land examples provided and an assessment of site context, it is difficult to undertake a review of the applied zoning subject to this representation. Within the West Tamar draft LPS, there are Private Timber Reserves located within the Agriculture Zone and the Rural Zone. In regard to existing Private Timber Reserves, the Commission has not formed a view that the Rural Zone is any less prohibitive than the Agriculture Zone. Ultimately the application of the Agriculture Zone is based upon land capability and compliance with Guideline No. 1.

Commission decision

258. The Commission considers that no modification is required.

Agriculture Zone and Rural Living Zone D – 101A and 103 New Ecclestone Road, Riverside

Representation: West Tamar Council (40 – Item 10)

259. The representor requested land at 101A and 103 New Ecclestone Road, Riverside (folios of the Register 179026/1 and 179026/2) be revised from being split between the Agriculture Zone and Rural Living Zone D to allow the titles to be wholly contained within the Agriculture Zone and Rural Living Zone B, respectively. The reasons include:

- a boundary realignment was approved in 2020 in order to ensure that two dams were wholly contained within each lot; and
- the revision is logical and will not result in any loss of existing land use rights.

260. In the section 35F report, the planning authority considers the representation does warrant modification to the draft LPS. The reasons include:

- Practice Note 7 requires zone boundaries that do not follow property boundaries to be minimised and only used for planning reasons; and
- rezoning will address the discrepancy caused by the boundary adjustment.

261. The Commission directed on the 16 August 2021 that the planning authority seek the support of the landowners in regard to the proposed zone change. On the 1 September 2021, the planning authority advised that a written response in support of the zone change had been received from the landowner of 101A New Ecclestone Road, Riverside but that a response had not been received from the landowner of 103 New Ecclestone Road, Riverside by the due date.

Commission consideration

262. The Commission accepts the submission of the planning authority and agrees that the current split zoning is not necessary for planning reasons and the best outcome is for the zone boundary in this instance to align with the revised cadastral parcel boundaries. The revision in zone boundary is considered minor for both properties and will not affect existing use or development rights.

Commission decision

263. Modification:

- revise the zoning of land at 101A New Ecclestone Road, Riverside (folio of the Register 179026/1) so that it is wholly contained within the Agriculture Zone and revise the Priority Vegetation Area Overlay by removing the Overlay from applying to the land.
- revise the zoning of land at 103 New Ecclestone Road, Riverside (folio of the Register 179026/2) so that it is wholly contained within the Rural Living Zone D and apply the Priority Vegetation Area Overlay in accordance with the Regional Ecosystem Model (REM) mapping as shown in Figure 7 below:

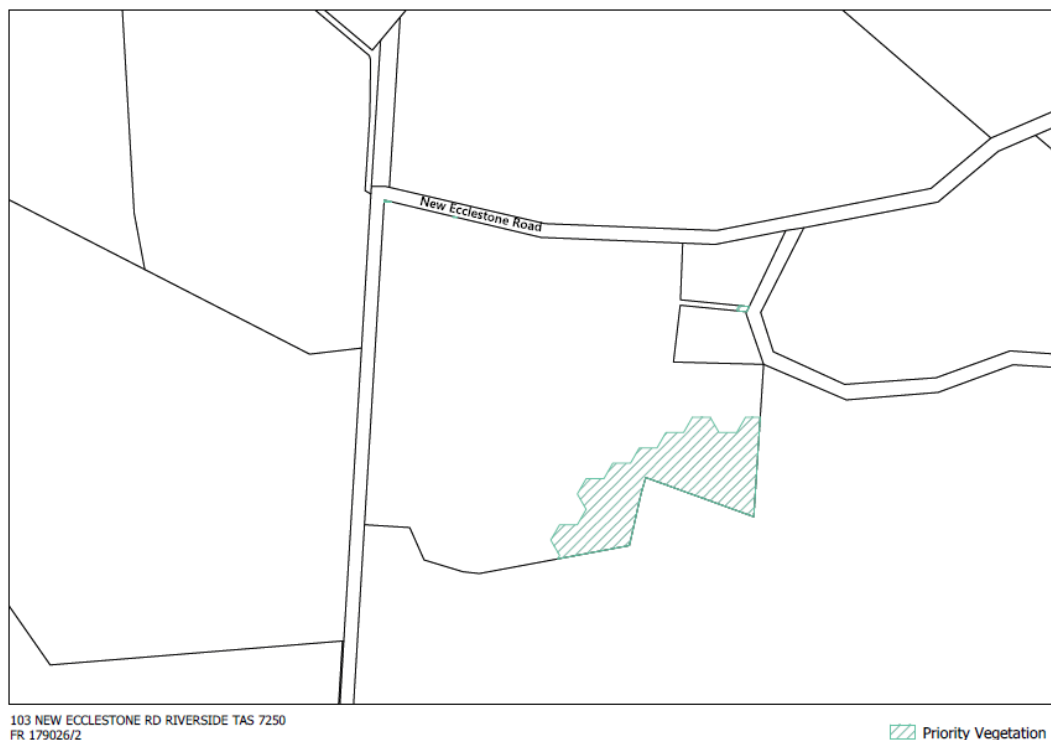


Figure 7 – Removal and application of the Priority Vegetation Area Overlay to 101A and 103 New Ecclestone Road, Riverside

264. Reason:

- To apply the Agriculture Zone, Rural Living Zone and Priority Vegetation Area Overlay consistent with Guideline No. 1.

Landscape Conservation Zone – Various Properties

Representations: Conservation Landholders Tasmania (2), Stephen and Kassandra Jones (5), Perry and Linda Curwen (6), John Forbes (11), Charmian Eckersley and Ian McKenzie (29) and Richard Atkinson (38)

265. The representors' requested that various parcels of land be revised from the Rural Zone to the Landscape Conservation Zone. The reasons include:

- the application of the Landscape Conservation Zone is considered to be in accordance with Guideline No. 1 and best recognises the ecological significance of those properties with registered conservation covenants or declared private reserves/sanctuaries;
- the properties are partly or fully reserved for the protection of biodiversity through conservation covenants;
- the natural values within the reserves have already been identified for protection and conservation through legislation by both the State and Federal governments; and
- the AK Consultants Decision Tree indicates that either the Environmental Management Zone or Landscape Conservation Zone should be applied to private reserves, consistent with LCZ1, RZ1 and AZ6 of Guideline No.1.

266. In the section 35F report, the planning authority considered the representations did not warrant modification to the draft LPS for the following reasons:

- the planning authority intends to undertake a strategic view of the allocation of the Landscape Conservation Zone and Environmental Management Zone. Until that time, it is recommended that limited zone changes be made until a review is completed; and
- eight of the nine sites identified in representation 2 will be subject to the Priority Vegetation Area Overlay, which generally aligns with the existing conservation covenants.

267. In regard to 232 Loop Road, Glengarry (folio of the Register 31410/3) which is referred to within representation 2, it is noted that the landowner has made a separate representation (representation 37) and does not agree with the application of the Landscape Conservation Zone to the property as outlined in representation 2. Separate comment is made in relation to representation 37 and the position of the planning authority in regard to the sought revision.

268. The Commission issued a direction on the 16 August 2021 requiring Conservation Landholders Tasmania to submit written evidence that the owners of Holwell Road, Holwell (folio of the Register 244859/1), 234 Frankford Road, Exeter (folio of the Register 23899/1) and Mitchelsons Road, Notley Hills (folio of the Register 108262/1) support the zone change to apply the Landscape Conservation Zone to their respective properties. On the 26 August

2021, Conservation Landholders Tasmania advised that as no response had been received from these three landowners, and wished to withdraw these properties from their representation.

- 269. On the 18 August 2021, the Commission received advice from the planning authority that the owners of 1663 Greens Beach Road, Greens Beach (folio of the Register 50485/1) wished to withdraw their representation (representation 6). It is noted that this property is also referenced in representation 2.
- 270. Number 2127 West Tamar Highway, Lanena (folio of the Register 158572/1) is referenced in representation 2 and is also the subject of a separate representation (representation 11). The Commission issued a further direction on the 13 September 2021 to the owners of 2127 West Tamar Highway requiring evidence that all registered owners supported the application of the Landscape Conservation Zone to that land. This was not provided.

Commission consideration

- 271. As a general observation, determining the zone to apply to land subject of a conservation covenant needs to be balanced with application of zones based on sound planning principles, such as, minimizing spot zoning and applying the zoning that satisfies Guideline No.1 and the regional strategy.
- 272. The Commission also observes that conservation covenants are not reserves. The application of zoning, as the primary method of control of use and development, should firstly be undertaken irrespective of whether a covenant applies, with weight given to the existence and content of a covenant when multiple zoning options are available.
- 273. The Commission agrees with the planning authority's submission for not applying the Landscape Conservation Zone as requested, to isolated titles, in an effort to avoid of spot-zoning. Such practices are consistent with good planning principles that intend to produce planning controls that provide for fair, orderly and sustainable use and development of air, land and water, as required by the objectives of the Resource Management and Planning System of Tasmania.
- 274. The Landscape Conservation Zone should not simply be applied on the basis that a conservation covenant is in place. Areas that have extensive conservation covenants (such as, a cluster of many, a large area, or both) may demonstrate good strategic planning merit for applying this zone provided that broader landscape values (not biodiversity values) are demonstrated.
- 275. To reiterate, the purpose of the Landscape Conservation Zone is for the management of landscape values, not biodiversity values. The presence of biodiversity values is not irrelevant, however representors have not necessarily demonstrated the foremost requirement i.e. that each property has landscape value. In the event that land has biodiversity value, but no landscape value, then it is more likely that a zone such as the Rural Zone would need to be applied in combination with the Priority Vegetation Area Overlay in order to meet the requirements of Guideline No. 1.
- 276. In regard to Holwell Road, Holwell (folio of the Register 244859/1), 234 Frankford Road, Exeter (folio of the Register 23899/1) and Mitchelsons Road, Notley Hills (folio of the Register 108262/1), which are referred to in representation 2, the Commission considers that adequate protection of vegetation is provided in the draft LPS in the form of the Rural Zone with the Priority Vegetation Area Overlay or partial use of the Environmental Management Zone where land is surrounded by the Agriculture Zone. The use of the Priority Vegetation Area Overlay and Environmental Management Zone generally aligns with areas subject to conservation covenants or recognized as a private nature reserve. The covenant

operates outside of the planning framework and provides protection regardless of the zone. The Commission considers no modification is required in this instance.

277. Similarly, the Commission is not satisfied that the Landscape Conservation Zone is appropriate to be applied to 2127 West Tamar Highway, Lanena (folio of the Register 158572/1) for reasons outlined above, and the Commission was not satisfied with the evidence submitted that all registered landowners were in support of the zone change.
278. Badger Head Road, Badger Head (folio of the Register 8108/2) is referred to representation 2 but is also the subject of a separate representation (representation 29). Both representations request that the zone for the land be revised to the Landscape Conservation Zone. In this instance, the Commission sees merit in applying the Landscape Conservation Zone due to the size of the parcel (104ha) and its abuttal to the Narawntapu National Park which is zoned Environmental Management.
279. In relation to requests to withdraw representations, the Act does not provide for representations to be withdrawn. The Commission must consider the representations. In this instance, the Commission does not agree to modify the draft LPS as it relates to Holwell Road, Holwell (folio of the Register 244859/1), 234 Frankford Road, Exeter (folio of the Register 23899/1), and Mitchelsons Road, Notley Hills (folio of the Register 108262/1).

Commission decision

280. Modification:

- revise the zoning of Badger Head Road, Badger Head (folio of the Register 8108/2) to Landscape Conservation Zone.

281. Reason:

- To apply the Landscape Conservation Zone consistent with Guideline No. 1.

Landscape Conservation Zone – Notley Hills

Representation: Gillian Zacks (10)

282. The representation requested all properties along Mitchelsons Road and those around the Notley Fern Gorge Reserve area be revised from the Agriculture Zone to either Landscape Conservation Zone or Rural Zone with the application of the Priority Vegetation Area Overlay. The representor expressed the view that the Priority Vegetation Area Overlay should be applied across all zones.
283. In the section 35F report made the following points:
- the rezoning of the land to Landscape Conservation Zone is not supported as there is an intention to do further strategic work in relation to the implementation of the Landscape Conservation Zone and Environmental Management Zone; and
 - the display of Priority Vegetation Area Overlay within the Agriculture Zone is supported as interpretation of Guideline No. 1 offers discretion in this regard. Notwithstanding, the provisions of the Natural Assets Code would not apply to Priority Vegetation Areas in the Agriculture Zone.

Commission consideration

284. The Commission notes the planning authority's submission that further strategic work is required to identify if there are any other areas within the planning area that warrant application of the Landscape Conservation Zone in accordance with Guideline No. 1.

285. The Commission notes the concerns raised by both the planning authority and representors that the removal of the Priority Vegetation Area Overlay from certain zones will result in a devaluation of habitat and poor understanding of interconnected vegetation communities.
286. However, clause C7.2.1 of the Natural Assets Code states the Priority Vegetation Area overlay can only apply to a number of listed zones, and this excludes the Agriculture Zone. NAC 13 of Guidelines No.1 explicitly states that this overlay should not be applied to land that is within the Agriculture Zone. The Commission observes this is a policy position established in the State Planning Provisions.
287. It is the Commission's view that there are adequate sources of information available to inform property owners of natural values and habitat which may be present on their land (for instance TASVEG spatial mapping available on theLIST). The Priority Vegetation Area Overlay is a tool used only in the administration of the planning scheme. As the Natural Assets Code is not triggered in the Agriculture Zone by the Priority Vegetation Area Overlay, it is correct that the overlay not be displayed.
288. Consideration of a revision of the Agriculture Zone to any alternative zone, such as the Rural Zone must generally be supported by expert evidence, which did not accompany the representation.

Commission decision

289. The Commission considers that no modification is required.

Major Tourism Zone – 1764 Greens Beach Road, Greens Beach

Representation: Greens Beach Golf Club Inc (45)

290. The representor requested land at 1764 Greens Beach Road, Greens Beach (folios of the Register 147538/1, 115234/1 and 95360/3) be revised from the Recreation Zone to the Major Tourism Zone. The reasons include:
 - the Recreation Zone does not allow for realisation of the golf club's strategic plan which includes future residential development; and
 - the land is contained within the Major Tourism Zone under the interim planning scheme and it was expected that the land would also be zoned Major Tourism under the draft LPS.
291. In the section 35F report, the planning authority while not supporting the representation, offers up an alternative recommendation, for the following reasons:
 - the draft LPS proposes the application of the Local Business Zone around the existing club house, tennis courts and associated infrastructure at the corner of Greens Beach Road. The draft LPS Local Business Zone supports the golf club's intention to upgrade existing club house facilities;
 - the Major Tourism Zone is no longer considered to be an appropriate zone to apply to the whole of the land;
 - carrying the interim planning scheme Greens Beach Golf Club Specific Area Plan forward into the draft LPS was not appropriate given the intent of the Specific Area Plan is no longer the preferred development pattern for the site. The Specific Area Plan contains provisions relating to reticulated sewerage which are not feasible;
 - consideration can be given to the potential application of the Low Density Residential Zone or the Future Urban Zone. The Low Density Residential Zone appears to best represent the density of development envisaged by the golf club,

particularly given that reticulated sewerage is unlikely to be provided. It is not considered possible to apply the Low Density Residential Zone at this time given uncertainty around location and site assessment and the amount of land to be included within the zone. Instead the application of the Future Urban Zone is considered to be a viable solution, allowing the representor to retain some level of residential use right consistent with the interim planning scheme; and

- the application of the Future Urban Zone is acceptable, given the need for the Golf Club to pursue a future planning scheme amendment in order to realise the actual residential zoning sought. The boundaries of the Future Urban Zone can be based upon a similar zone type found previously within the Beaconsfield Planning Scheme 1986 being the former Reserved Residential Zone, which previously applied to the site in the same location, and operated in a similar fashion to the SPP Future Urban Zone. Over a period of time, a residential use right has existed in one form or another and it is appropriate that the draft LPS reflect this.

Commission consideration

292. The Commission is of the opinion that it is appropriate for the Recreation Zone to apply to the majority of the land, given the existing use of the land is a golf course. The zone is compliant with RecZ 1 of Guideline No. 1.
293. The Local Business Zone proposed in the draft LPS around existing club house buildings and structures, is also appropriate as it will support any intensification of these facilities in line with those intentions expressed in the representation. It is also noted that the proposed Local Business Zone will adjoin land also within the Local Business Zone (currently zoned Village in the interim planning scheme), featuring a retail premises, which will create a commercial focal point within Greens Beach.
294. The Commission acknowledges the Golf Club's historic intention to undertake some form of residential development on the land. It is also acknowledged that various controls have applied to the land, over a period of time, which have supported the prospect of residential development on part of the site. It is the planning authority's view that to remove such rights is an unjust outcome.
295. The Commission accepts the planning authority's submission that the application of the Future Urban Zone to part of the site will reflect the residential potential currently available under the existing Specific Area Plan in the interim planning scheme. A future amendment to the LPS would be required to facilitate that residential potential, which would involve assessment of appropriate density and provision of services. It is also considered reasonable that the boundaries of the Future Urban Zone reflect those formerly occupied by the Reserved Residential Zone in the Beaconsfield Planning Scheme 1986. It is noted that this area is generally covered by the existing "residential precinct" shown in the Specific Area Plan currently in the interim planning scheme. FUZ 3 of Guideline No. 1 is considered to justify application of the Future Urban Zone to the relevant part of the site.

Commission decision

296. Modification:
- Revise the zoning of that part of 1764 Greens Beach Road, Greens Beach (folios of the Register 115234/1 and 147538/1) zoned Reserved Residential under the Beaconsfield Planning Scheme 1986 to Future Urban Zone.
297. Reason:
- To apply the Future Urban Zone consistent with Guideline No. 1.

Utilities Zone – Water Infrastructure – Havenbrook Drive, Trevallyn

Representation: TasWater (12)

298. The representation requested Havenbrook Drive (folio of the Register 52294/63), which is owned by TasWater be revised from the General Residential Zone to the Utilities Zone as the land contains a water reservoir.
299. In the section 35F report, the planning authority agreed that the Utilities Zone should be applied in accordance with UZ 4 in Guideline No. 1.

Commission consideration

300. The Commission accepts the position of the planning authority and agrees that the application of the Utilities Zone to the parcel identified by TasWater is appropriate in this instance, and this is consistent with UZ 1 of Guideline No.1.

Commission decision

301. Modification:
- revise the zoning of Havenbrook Drive (folio of the Register 52294/63) to Utilities Zone.
302. Reason:
- To apply the Utilities Zone consistent with Guideline No. 1.

Utilities Zone – Road Infrastructure

Representation: Department of State Growth (57)

303. The representor requested land at West Tamar Highway near Craythorne Road intersection (folio of the Register 151920/3) be revised from the Agriculture Zone to a split-zone of Agriculture and Utilities. The representor also requests the removal of the Future Coastal Refugia Area Overlay and the Priority Vegetation Area Overlay from State roads. The reasons include that:
- folio of the Register 151920/3 forms part of the State road network and ensures that adequate sight distance is provided for traffic around the intersection of Craythorne Road and the West Tamar Highway; and
 - the Future Coastal Refugia Area Overlay and the Priority Vegetation Area Overlay can constrain future use and development.
304. In the section 35F report, the planning authority made the following comments:
- although folio of the Register 151920/3 is not depicted within the State road casement mapping available on theLIST, it is understood that this parcel is part of the functional road and for this reason should be wholly contained within the Utilities Zone;
 - NAC 4 of Guideline No. 1 states that modifications may be made to the Future Coastal Refugia Area Overlay if it can be demonstrated that constraints on major infrastructure will occur. In general the overlay has been removed from the State road casement, however where this has not occurred, the mapping should be amended to be consistent with this approach; and
 - Guideline No. 1 does not provide exceptions for the display of the Priority Vegetation Area Overlay within the Utilities Zone.

Commission consideration

305. The Commission accepts the planning authority's submission as it relates to folio of the Register 151920/3, and agrees that the entire parcel should be included within the Utilities Zone, rather than a split zone as proposed by the representor. At the hearing, the representor offered support for the application of the Utilities Zone to the whole of the parcel.
306. The Commission accepts that State roads constitute major infrastructure and that there should not be any overlap between the Future Coastal Refugia Area Overlay and the State road easement Utilities Zone, as prescribed by Guideline No.1. A direction is included in the section 35K(1)(a) notice to ensure that final mapping does not include any overlaps, with the exception of the Batman Bridge Utilities Zone which will display the Future Coastal Refugia Overlay. In this instance, the overlay control will apply to land underneath the bridge rather than the road surface itself.
307. The Commission accepts the planning authority's submission and agrees that Guideline No. 1 does not exempt the Utilities Zone from displaying the Priority Vegetation Area Overlay.

Commission decision

308. Modification:

- revise zoning of folio of the Register 151920/3 to Utilities Zone; and
- revise the Future Coastal Refugia Area Overlay by removing any overlaps with the Utilities Zone as it applies to the State road easement, with the exception of that area mapped underneath the Batman Bridge

309. Reason:

- To apply the Utilities Zone to be consistent with Guideline No. 1; and
- To meet technical requirements of Practice Note 7.

Utilities Zone – Electricity Infrastructure

Representation: GHD for TasNetworks (61)

310. The representor requested the following revisions to the draft LPS:

- removal of the Priority Vegetation Area Overlay from the Trevallyn sub-station (Elouera Street, Trevallyn folio of the Register 137349/4);
- removal of the Communications Station Buffer Area Overlay from the Trevallyn sub-station (Elouera Street, Trevallyn folio of the Register 137349/4);
- removal of the Communications Station Buffer Area Overlay from the Trevallyn Dam in-take (Reatta Road, Trevallyn folio of the Register 127958/2);
- rezoning of the Holwell Communications Site (Holwell Road, Holwell PID 1755421) from Rural Zone to Utilities Zone; and
- removal of the Priority Vegetation Area Overlay from the Holwell Communications Site (Holwell Road, Holwell PID 1755421).

311. The reasons include:

- in regard to the removal of the Priority Vegetation Area Overlay from the Trevallyn sub-station, a revision is sought as the Overlay serves no purpose due to the

presence of the asset. The removal of the Overlay supports the strategic value of the site and sends clear messaging to the community regarding the use of the site;

- in regard to the Communications Station Buffer Area Overlay which applies to the Trevallyn sub-station and the Trevallyn Dam intake, the representation states that both of these stations are to be decommissioned, meaning the overlay control is not required;
- in regard Holwell Communications Site, communication sites should be zoned Utilities where the communications facility is the primary use of the land. This reflects the primary use of the site and the nature of the asset. The zone will allow for future operation, maintenance, modification and development of the asset as required. This is particularly important for communications sites as these do not enjoy exemptions under the *Electricity Supply Industry Act 1995* (ESI Act) once established; and
- in regard to the Holwell Communications Site, the removal of the Priority Vegetation Area Overlay is requested as the site is required to be cleared for safety and maintenance purposes and clearing is exempt in any case under the ESI Act. The Overlay serves no purpose as the asset already exists and will continue to impact upon natural assets for the lifespan of the asset. The removal of the Overlay supports the strategic value of the site and sends clear messaging to the community regarding the use of the site.

312. In the section 35F report, the planning authority responded as follows:

- in regard to the removal of the Priority Vegetation Area Overlay from the Trevallyn sub-station and the Holwell Communications Site, given exemptions available under the ESI Act in regard to asset maintenance and vegetation clearing, the removal of the Overlay is not considered necessary. The application of the Overlay mapping is considered to meet with Guideline No. 1 and any modification of the mapping would require the submission of suitable evidence;
- in regard to the removal of the Communications Stations Buffer Area Overlay present on the Trevallyn sub-station and Trevallyn dam intake, it is recommended that the draft LPS be modified in this way to correct inaccurate mapping; and
- in regard to the zoning of the Holwell Communications Site, UZ1 of the Guideline No. 1 states that the Utilities Zone should be used for major utilities including energy production facilities. Application of the Utilities Zone meets the zone application guidelines.

313. The Commission issued a direction on the 16 August 2021 to the representor requesting confirmation of owner support for the rezoning of land comprising the Holwell Communications Site. Owner consent was submitted to the Commission on the 31 August 2021.

Commission consideration

314. The Commission accepts the planning authority's submission as it relates to the removal of the Communications Stations Buffer Area Overlay from the Trevallyn sub-station and the Trevallyn dam intake, the inclusion of the Holwell Communications Site within the Utilities Zone and the retention of the Priority Vegetation Area Overlay across the Holwell Communications Site.

315. The Commission accepts the representor's submission and recommendation that the Priority Vegetation Area Overlay should be modified and not apply to the Trevallyn sub-station. This

site has been extensively developed to cater for its existing use, and is located within an urban setting.

Commission decision

316. Modification:

- revise the Priority Vegetation Area Overlay to remove from the Trevallyn sub-station (Elouera Street, Trevallyn folio of the Register 137349/4);
- revise the Communications Station Buffer Area Overlay to remove from the Trevallyn sub-station (Elouera Street, Trevallyn folio of the Register 137349/4; Elouera Street, Trevallyn folio of the Register 137349/3; Lot 1, West Tamar Highway, Trevallyn folio of the Register 140694/1 and the adjoining reserved road folio of the Register 137349/100); and
- revise the Communications Station Buffer Area Overlay to remove from the Trevallyn dam intake (Reatta Road, Trevallyn folio of the Register 127958/1; Frankford Road, Frankford PID 3389496 and Reatta Road, Trevallyn folio of the Register 127958/2).

317. Reason:

- To apply the Utilities Zone Communications Station Buffer Area Overlay and Priority Vegetation Area Overlay consistent with Guideline No. 1.

Community Purpose Zone – 33 Grubb Street, Beaconsfield and Nos. 28 and 31 Glen Ard Mohr Road, Exeter

Representation: Department of Education (3)

318. The representor requested land at 28 Glen Ard Mohr Road, Exeter (all land forming PID 7898044 including folio of the Register 131528/1), 31 Glen Ard Mohr Road, Exeter (all land forming PID 6058019) and 33 Grubb Street, Beaconsfield (all land comprising PID 3066806 with the exception of land to the south of folio of the Register 160751/1 which will remain in the Rural Living Zone D) be revised from the General Residential Zone, Rural Living Zone D, and Local Business Zone to the Community Purpose Zone. The land contains the Exeter Primary School, the Exeter High School, the Beaconsfield Primary School, the Beaconsfield Child and Family Centre and the Beaconsfield Library.

319. The reasons include:

- the existing services being provided on the identified parcels are key community facilities that provide educational or community-based services. It is appropriate that these sites be zoned Community Purpose as opposed to the General Residential, Rural Living, and Local Business zones.

320. In the section 35F report, the planning authority supported the application of the Community Purpose Zone because it is reflective of the existing uses that are of a scale which warrants inclusion in the Community Purpose Zone. The change reflects community expectations for the future development of the schools and associated services.

Commission consideration

321. The Commission accepts the planning authority's position and agrees that the application of the Community Purpose Zone to those parcels identified and owned by the Department of Education is appropriate considering the existing use and development on the land. Application of the Community Purpose Zone is consistent with CPZ 1 of Guideline No. 1.

322. It is noted that following the receipt of the representation, title boundaries have been altered within the holding comprising 33 Grubb Street, Beaconsfield. Land surrounding 23 Grubb Street, Beaconsfield (folio of the Register 243911/1 has been consolidated and adjusted. An adjoining road reserve has also been enclosed, coming under the control of the Department of Education. The boundary adjustments are considered to be minor and it is therefore appropriate that the Community Purpose Zone also apply to that land.

Commission decision

323. Modification:

- revise the zoning of 28 Glen Ard Mohr Road, Exeter (all land forming PID 7898044 including folio of the Register 131528/1) to Community Purpose Zone;
- revise the zoning of 31 Glen Ard Mohr Road, Exeter (all land forming PID 6058019) to Community Purpose Zone; and
- revise the zoning 33 Grubb Street, Beaconsfield (all land comprising PID 3066806 with the exception of land adjoining folio of the Register 160751/1 to the south and including the enclosed road reserve adjoining Grubb Street and located between that land zoned General Residential and Rural Living Zone D in the draft LPS) to Community Purpose Zone.

324. Reason:

- To apply the Community Purpose Zone consistent with Guideline No. 1.

Community Purpose Zone – 52-54 Shaw Street, Beaconsfield

Representation: Architects Designhaus (28)

325. The representor requested land at 52-54 Shaw Street, Beaconsfield (PID 2591035, being those parcels fronting Shaw Street between 50 and 56 Shaw Street, Beaconsfield) be revised from the General Residential Zone to the Community Purpose Zone. The zone would provide for construction of a new ambulance station.
326. In the section 35F report, the planning authority noted that it is expecting an amendment application to be lodged soon, comprising a request to amend the interim planning scheme to change the zone to Community Purpose and a text amendment to make Emergency Services a Permitted use in the zone on the site.
327. The planning authority considered the representation and formed a view that the proposal should form an amendment to the interim planning scheme seeking the above, then application of the Community Purpose would be supported.
328. At the hearing, the planning authority has advised that it had now received a draft amendment to the interim planning scheme seeking application of the Community Purpose Zone to the land and some associated textual amendments to the ordinance.
329. A direction was issued to the representor on the 16 August 2021 asking for further details in relation to the proposed ambulance station, and also confirmation that the owner of the land was supportive of the zone change. A response was received on the 3 September 2021 providing amendment material recently submitted to the planning authority.
330. Following the hearing, a further direction was issued on the 28 September 2021 seeking evidence from surrounding landowners of support for the change to the Community Purpose Zone as set out in the SPPs. A response was not received.

Commission consideration

331. The Commission notes the SPP General Residential Zone lists Emergency Services as a Discretionary use, so it will be possible under the proposed General Residential Zone to apply for Discretionary approval for an ambulance station.
332. Based on the submitted evidence and analysis, the Commission is not satisfied that the Community Purpose Zone is more appropriate than the General Residential Zone in this instance. CPZ 1 of Guideline No.1 states the Community Purpose Zone should be applied to land that provides, or is intended to provide, for key community facilities, including emergency facilities. The Commission determines that there is insufficient strategic evidence to justify that this site is appropriate for the Community Purpose Zone based on the representor's submission and response from the planning authority. The Commission notes no evidence has been submitted from adjoining and adjacent landowners supporting the proposed zone change, which includes an adjoining dwelling to the east at 50 Shaw Street and residential development located to the south on the adjacent side of Shaw Street. The Commission therefore cannot be satisfied that there is no public interest.
333. The Commission notes there is currently a draft combined permit and amendment to the interim planning scheme that includes changing the zoning of this land to the Community Purpose Zone, plus a permit for an ambulance station. This is currently being assessed under a separate process. Should the LPS come into effect prior to determination of the amendment, the savings provisions under the Act will provide for the continuing consideration as a draft amendment to the LPS.

Commission decision

334. The Commission considers that no modification is required.

Community Purpose Zone – Lot 2 Murray Street and Murray Street, Exeter

Representation: West Tamar Council (40 – Item 4)

335. The representor requested land at Lot 2 Murray Street, Exeter (folio of the Register 156040/2) and Murray Street, Exeter (folio of the Register 240442/1) be revised from the Local Business Zone to the Community Purpose Zone. The representor seeks the change to support a planned expansion of community hub services including library, neighbourhood centre, dog park and recreation facilities.
336. In the section 35F report, the planning authority supports the representation for the following reasons:
- the desire to expand services at this location is widely known within the community;
 - the removal of the Local Business Zone would reduce a possible community perception that there is an oversupply of commercially zoned land within Exeter; and
 - the application of the Community Purpose Zone is compatible with the intent of the Exeter Structure Plan.

Community consideration

337. The Commission notes that the Exeter Structure Plan is currently under review. Until this review is completed, the Commission is of the view that there is insufficient strategic evidence to justify application of the Community Purpose Zone at this time, particularly as the sought zone is reflective of future intention only.

Community decision

338. The Commission considers that no modification is required.

Community Purpose Zone and Recreation Zone – 612 West Tamar Highway, Legana

Representation: West Tamar Council (40 – Item 3)

339. The representor requested land at 612 West Tamar Highway, Legana (folio of the Register 179381/1) be partially revised from the Agriculture Zone to the Community Purpose Zone and Recreation Zone to provide for a new primary and sporting precinct.

340. In the section 35F report, the planning authority supports the representation and provided further details and recommendations on the proposal as follows:

- the Legana Primary School and Legana recreation grounds has been a long-term proposal by the Department of Education and West Tamar Council;
- a rigorous assessment process has been deployed and there is wide spread community awareness;
- subsequent master planning since the representation was made now suggests the application of the Community Purpose Zone alone better represents the integrated nature of the school and recreation grounds; and
- the Legana Structure Plan anticipates the construction of both a primary and secondary school in the southern precinct. Although the school will be located in a different position to that shown on the plan, the intent of the structure plan is not compromised.

341. Prior to the hearing, the Commission directed West Tamar Council (as the representor) to provide further information on the proposed zone change, including details of any subdivision approvals and landowners support, details on technical reports, such as bushfire, attenuation, contamination, traffic impact and natural values assessment, and any other supporting information such as an agricultural assessment of the land.

342. On 1 September 2021, the planning authority provided responses to the directions, which included a letter of support from the Department of Education and a copy of a planning submission to form part of a request to amend the interim planning scheme.

343. At the hearing, Brett Chandler from the Department of Education advised the department has undertaken community consultation on the new school precinct, but was unable to provide or confirm details on the breadth and scope of consultation or the content of responses received.

Commission consideration

344. The Commission notes the representor's submission, including that the Legana Primary School and Legana recreation grounds has been a long term proposal by the Department of Education. However, based on the information submitted, the Commission is not satisfied that a modification to the draft LPS to revise the zoning of part of this site to the Community Purpose Zone can be supported.

345. Under this process, the Commission has not received sufficient evidence of public participation, including any comment or support from adjoining or adjacent landowners (including land currently zoned Light Industrial), the community in general, or relevant state agencies, such the Department of State Growth or Department of Primary Industries, Parks, Water and Environment (DPIPWE).

346. The Commission is not persuaded on the information received to enable it to determine the potential land use conflicts with adjoining and nearby uses and developments, to be satisfied

that application of the Community Purpose Zone is appropriate to this portion of the site, and this includes the adjoining land currently zoned Light Industrial and the proposed balance lot which is zoned Agriculture. The Commission also observes the land is mapped as unconstrained under the Land Potentially Suitable for Agriculture layer in the LIST, but no agricultural assessment by a suitably qualified person has been submitted. Further, the Commission has also not received any technical reporting on potential impacts on natural values which includes the patch of threatened vegetation community (*Melaleuca ericifolia*) located on the proposed balance lot adjacent to the eastern boundary of the envisioned school lot.

347. The Commission notes that following the hearing, the planning authority submitted a draft amendment for assessment that includes rezoning a portion of the land at 612 West Tamar Highway, Legana from Rural Resource to Community Purpose Zone, amending the Community Purpose use table to allow a number of new uses to be Permitted on the land, and amending the Rural Resource Use Table to allow the qualification of Utilities as Discretionary use. Should the LPS come into effect prior to determination of the amendment, the savings provisions under the Act will provide for the continuing consideration as a draft amendment to the LPS.

Commission decision

348. The Commission considers that no modification is required.

Open Space Zone – Legana

Representation: Leon Murray (59)

349. The representor requested land known as 35 St Clair Road, Legana (folio of the Register 108809/208), Freshwater Point Road, Legana (folio of the Register 108809/209) and Freshwater Point Road, Legana (folio of the Register 101050/204) be revised from the General Residential Zone to the Open Space Zone. The representor's view was that if land is to be used for public recreation purposes, the zone selected should recognise this.
350. In the Section 35F report, the planning authority supports the representation as the three properties are owned by West Tamar Council and are identified as public open space. It is appropriate that the zoning reflects their intended purpose.

Commission consideration

351. The Commission agrees with the planning authority's submission and considers that the Open Space Zone should be applied to the three identified properties to reflect their existing use and development. This is consistent with OSZ 1 of Guideline No.1.

Commission decision

352. Modification:

- revise the zoning of 35 St Clair Road, Legana (folio of the Register 108809/208) to Open Space Zone;
- revise the zoning of Freshwater Point Road, Legana (folio of the Register 108809/209) to Open Space Zone; and
- revise the zoning of Freshwater Point Road, Legana (folio of the Register 101050/204) to Open Space Zone.

353. Reason:

- To apply the Open Space Zone consistent with Guideline No. 1.

Open Space Zone – Miners Park, West Street and 61 Shaw Street, Beaconsfield

Representation: West Tamar Council (40 – Item 6)

354. The representor requested land at 61 Shaw Street, Beaconsfield (folio of the Register 202685/4) and West Street, Beaconsfield (folio of the Register 160488/1) be revised from the Local Business Zone to the Open Space Zone as the land is contained within a park owned by the West Tamar Council (Miners Park) and should be zoned Open Space to reflect the existing land use.
355. In the section 35F report, the planning authority agreed with the representor.

Commission consideration

356. The Commission agrees with the planning authority's submission and considers that the Open Space Zone should be applied to the two identified properties to reflect their existing use and development. This is consistent with OSZ 1 of Guideline No.1.

Commission decision

357. Modification:
- revise the zoning of 61 Shaw Street, Beaconsfield (folio of the Register 202685/4) to Open Space Zone; and
 - revise the zoning of West Street, Beaconsfield (folio of the Register 160488/1) to Open Space Zone.
358. Reason:
- To apply the Open Space Zone consistent with Guideline No. 1.

Road and Railway Assets Code

Representation: Terry Eaton (58)

359. The representor requested Pitt Avenue to Pomona Road Riverside, Ecclestone Road Riverside, Freshwater Point Road Legana and West Tamar Highway through the Beaconsfield Shopping Centre be listed as major roads under Table C3.1 of the draft LPS. The representor contends that identification of these roads as major roads would help the development of an efficient road transport network.
360. In the section 35F report, the planning authority considered the representation did not warrant modification of the draft LPS as a road hierarchy has not been developed to define major roads within the municipality. The planning authority added that consideration will be given to undertaking this work in the future.
361. The representor tabled a further submission at the hearing, which was accepted by the Commission (Exhibit R3). The submission provided further background to the representation and held that the roads should be included in Table C3.1.

Commission consideration

362. The Commission accepts the position of the planning authority that further work to identify major roads for potential inclusion in Table C3.1 is required. The LPS requirements of the SPPs, specifically LP1.8.1 and LP1.8.2, provide for major roads to be included in the code lists, but does not mandate inclusion, and as such the incorporation of the listings is a matter of local policy by the planning authority.

Commission decision

363. The Commission considers that no modification is required.

Electricity Transmission Infrastructure Protection Code – Intersection of the Electricity Transmission Corridor Overlay with the Scenic Protection Area Overlay

Representation: GHD for TasNetworks (61)

364. The representor was in opposition to application of the Scenic Protection Area Overlay to the Electricity Transmission Corridor overlays. The representor noted that the Scenic Protection Area Overlay is a transitioning provision under the Act.
365. In the section 35F report, the planning authority considered the representation did not warrant modification of the draft LPS. The reasons include:
- Guideline No. 1 does not provide specific guidance about the application of the Scenic Protection Code when it coincides with the Electricity Transmission Corridor; and
 - While the Scenic Protection Code does not provide exemptions for works associated with the corridor, the ESI Act provides the exemption sought and the code would not apply. As such, there is no need to amend the Scenic Road Corridor mapping.

Commission consideration

366. The Commission agrees with the planning authority that the ESI Act provides adequate regulation to enable on-going maintenance of electricity transmission corridors independent of planning controls.

Commission decision

367. The Commission considers that no modification is required.

Local Historic Heritage Code – Swan Point

Representation: Peter Stoops, Bruce Trappes, Mary Harper, Stuart Phillips, Frances Graham, Harry and Nichola Tatsi, and Cheryl Swan (54)

368. The representation requested the application of Local Historic Heritage Code overlays to land in Swan Point, putting forward the Local Heritage Precinct or the Local Historic Landscape Precinct as suitable. The reasons include a recognition of Swan Point's holiday character, which has developed over time and is considered to be a rare example, deserving of protection through the Local Historic Heritage Code
369. In the section 35F report, the planning authority considered the representation did not warrant modification of the draft LPS. The reasons include:
- the identification of a precinct for inclusion in the Local Historic Heritage Code overlays can only be considered where evidence is provided by a suitably qualified person. There is insufficient evidence available at this time to consider the merits of the representation.
370. At the hearing, further submissions prepared by Peter Stoops were tabled and accepted by the Commission (Exhibits R5 and R6). The submissions can be summarised as follows:
- Exhibit R5 provides a spatial indication of where a Local Historic Heritage Code overlay could apply, this covering the interface of Paper Beach Road properties to the adjoining foreshore reserve (within which the Supply River walking track is located);
 - Exhibit R5 reiterated the themes of the original representation and outlined qualifications held by Mr Stoops; and

- Exhibit R6 provided photographic examples of the places which would be included in the Local Historic Heritage Code overlay.

Commission consideration

371. The Commission accepts the position of the planning authority that new local heritage places or precincts listings must be supported by documented evidence prepared by a suitably qualified person and demonstrate how each listing would meet a criterion in the definition of local historic heritage significance in clause C6.3.1 of the SPPs.

372. Under the SPPs, a suitably qualified person is defined as:

means a person who can demonstrate relevant tertiary qualifications (or equivalent) and experience in a recognised field of knowledge, expertise or practice with direct relevance to the matter under consideration.

373. The statement of local historic heritage significance must incorporate the historic heritage values of the place or precinct. This evidence has not been submitted, and therefore the request does not demonstrate it is consistent with Guideline No.1.

Commission decision

374. The Commission considers that no modification is required.

Natural Assets Code – Priority Vegetation Area Overlay

Representations: Gillian Zacks (10), West Tamar Landcare Group (14), West Tamar Council (40), Victoria Wilkinson (41) and Sven Gunnarson-Wiener (62)

375. The representators request that the Priority Vegetation Area Overlay be displayed across all zones, in particular the Agriculture Zone. The reasons include:

- planning controls should reflect West Tamar’s “clean, green image”;
- display of the mapping will cause resource developers to seek further information on relevant controls;
- TASVEG 4.0 mapping should be relied upon as this is more up to date than TASVEG 3.0 mapping;
- the SPPs should allow the Overlay to apply to the Agriculture Zone;
- the lack of mapping means there is no visibility of the presence of priority habitat and therefore a perception that habitat is not important. Connection and contribution of vegetation to local and regional biodiversity values will not be clearly understood as the perception will stand that values do not extend into the Agriculture Zone; and
- the Natural Assets Code contains adequate provisions around vegetation removal to provide certainty for agricultural producers and to advance PAL Policy. The application of the overlay advances Schedule 1 objectives that relate to sustainable development of natural and physical resources.

376. Representation 62 refers specifically to land at Hendersons Lane, Gravelly Beach (folios of the Register 29720/1 and 7083/1), requesting that mapping be revised to display the Priority Vegetation Area Overlay across the property. The representation states further that the Overlay should apply to the property as the site has elevated areas favoured by eagles. Given that shooters are active on the property, the application of the Priority Vegetation Area Overlay would alert owners to the requirements of the EPBC Act.

377. In the section 35F report, the planning authority was generally supportive of the proposal of the representors for the following reasons:

- the planning authority supports the display of the overlay in the Agriculture Zone, as Guideline No. 1 allows it to be applied; and
- while it is proposed that the Priority Vegetation Area Overlay be displayed within the Agriculture Zone, it would not actually apply under the SPPs.

Commission consideration

378. As outlined above in response to representation 10, clause C7.2.1 of the Natural Assets Code states the Priority Vegetation Area overlay can only apply to a number of listed zones, and this excludes the Agriculture Zone. NAC 13 of Guidelines No.1 explicitly states that this overlay should not be applied to land within a number of zones, including within the Agriculture Zone. The Commission observes this is a policy position established in the State Planning Provisions.

379. The Commission confirms that that the Overlay should not apply in areas where it cannot be administered under the SPPs.

Commission decision

380. The Commission considers that no modification is required.

Natural Assets Code – Priority Vegetation Area Overlay at 13 Grouse Avenue Legana, West Tamar Highway Exeter, Lot 1 Deviot Road Robigana, folio of the Register 109293/1 and Swan Point Road, Swan Point

Representations: Sven Gunnarson-Wiener, (Denver Glen Pty Ltd and Svea Estates (Vic)) Pty Ltd (62)

381. The representor requested the Priority Vegetation Area Overlay mapping that applies to 13 Grouse Avenue, Legana (folios of the Register 144753/15, 144753/16, 150316/17 and 150316/32), West Tamar Highway, Exeter (folios of the Registers 167031/1 and 198618/1), Lot 1 Deviot Road, Robigana (folio of the Register 54159/1), folio of the Register 109293/1 and Swan Point Road, Swan Point (folio of the Register 38534/3) be replaced with the interim planning scheme Priority Habitat Overlay. The reasons include:

- 13 Grouse Street, Legana currently has the Priority Habitat Overlay across its entirety. It is unclear why the vegetation on its northern part is not worthy of inclusion in the Priority Vegetation Area Overlay. A large dead tree on the northern part provides valuable habitat for animals and birds. Blackberries are also an important food source for wildlife. West Tamar Council has a policy of eliminating blackberries from the municipality and because of this, there aren't many other stands of blackberries nearby. The threatened species *Brunonia australis* is known to have been sighted on adjoining land at 95 Beach Road, Legana;
- in relation to land known as folio of the Register 167031/1, users of the property have found that the region of the property where the Priority Habitat Overlay applies is subject to toxic stormwater flows from Winkleigh Road. The value of habitat in this region is diminished compared to the remainder of the property. The proposed area where the Priority Vegetation Area Overlay will apply to is considered to be inappropriate in this light. Those areas which receive Winkleigh Road stormwater should not be subject to the Natural Assets Code;
- in relation to land known as folio of the Register 198618/1, and priority vegetation Area Overlay mapping covers a greater extent of the property, than the current Priority Habitat Overlay. The extent of the existing Priority Habitat Overlay is

considered to be sufficient and should be replaced Priority Vegetation Area Overlay displaying the same extent. The question is posed as to what level of natural values assessment for the property has occurred since 2013.

- the Priority Habitat Overlay currently located on Lot 1 Deviot Road, Robigana and folio of the Register 38534/3 is proposed to be extended, as a Priority Vegetation Area Overlay area, across the entirety of the property. The extent of the existing Priority Habitat Overlay is considered to be sufficient and should be replaced Priority Vegetation Area Overlay displaying the same extent.

382. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS. The reasons include:

- NAC 7 and NAC 13 of Guideline No. 1 provide guidance on the preparation of the Priority Vegetation Area Overlay. It is understood that the methodology for preparing the Overlay is different to that used to prepare the Priority Habitat Overlay under the interim planning scheme. A flora and fauna report prepared by a suitably qualified person is required to consider any variation to the Priority Vegetation Area Overlay, which was not provided with the representation. There is insufficient information to justify a change to the mapping.

Commission consideration

383. The Commission observes that the Regional Ecosystem Model (REM) mapping that supports application of the Natural Assets Code, has been accepted for use in the draft LPS, and the Priority Vegetation Area overlay has been applied in accordance with the REM mapping, which is based on expert evidence. The Commission accepts that the overlay has been applied as required by Guideline No.1 and is consistent with the LPS requirements of the SPPs.

384. No other local evidence or information prepared by a suitably qualified person has been submitted. Supporting evidence capable of satisfying Guideline No. 1 was not included with the representation and as such a variation to the mapping cannot be supported.

Commission decision

385. The Commission considers that no modification is required.

Scenic Protection Code – Scenic Road Corridor Overlay at 30 Swan Point Road, Swan Point

Representation: Peter (55)

386. The representation requested land at 30 Swan Point Road, Swan Point (folio of the Register 34968/1) be revised to include it within the Scenic Road Corridor Overlay. The representor's view is that the Overlay would provide for protection of environment that native hens feed in during winter, and that the Overlay would help manage the aesthetic appeal of Swan Point Road.

387. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS. The reasons include:

- SPC 3 of Guideline No. 1 does not permit the application of the Scenic Road Corridor Overlay in the Low Density Residential Zone.

Commission consideration

388. The Commission notes that Guideline No. 1 does not allow the Scenic Road Corridor Overlay to be applied to land within the Low Density Residential Zone.

Commission decision

389. The Commission considers that no modification is required.

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

Representation: Department of Police, Fire and Emergency Management – State Emergency Service (13)

390. The representor requested the Flood-Prone Hazard Areas Overlay be revised to correlate with the flood mapping relied upon by the Launceston Flood Authority (LFA) within the LFA Rules 2020. The representor stated that this would consolidate the Overlay map with the LFA's powers to be involved in the assessment of use and development applications involving flood-prone areas within the West Tamar municipality.
391. The representation notes the inclusion of the Coastal Inundation Hazard Overlay within the draft LPS and offers support.
392. In the section 35F report, the planning authority supported the representor's proposal and made the following comment:
- the flood mapping supplied by City of Launceston is slightly more extensive than the draft LPS mapping, however when the extent of coastal inundation mapping is taken into account, additional properties, which may be captured in the extended flood overlay are likely already affected by the coastal inundation control. In this light, potential impact, by way of additional regulation is not considered significant.
393. The Commission requested information from the LFA on the 16 August 2021 as to the basis of flood mapping shown within the LFA Rules 2020. The LFA advised that the boundaries of the flood map shown within the rules are representative of a flood with an annual exceedance probability (AEP) of 0.5%.
394. At the hearing, the representor emphasised the likelihood of inconsistency in determining planning permit applications, should flood mapping relied upon by the planning authority not align with mapping utilised by the LFA.

Commission consideration

395. The Commission notes that the Flood-Prone Hazard Area Overlay is transitioning from the interim planning scheme and is based on a 1% AEP event, which is also the standard for new mapping in the LPS that would be assessed against Guideline No. 1. The flood map shown in the LFA Rules 2020 is for a 0.5% AEP flood event and is therefore unsuitable for inclusion in the draft LPS.
396. The Commission notes comments from the representor in regard to the Coastal Inundation Hazard Overlay.

Commission decision

397. The Commission considers that no modification is required.

Bushfire-Prone Areas Code – Bushfire-Prone Area Overlay

Representations: Tasmania Fire Service (17) and West Tamar Council (40 – Item 15)

398. The representors' requested that the Bushfire-Prone Areas Overlay be removed from the following properties:
- 16 Braeburn Parade, Legana (folio of the Register 173340/130);

- 18 Braeburn Parade, Legana (folio of the Register 173340/129);
- 20 Braeburn Parade, Legana (folio of the Register 173340/128);
- 22 Braeburn Parade, Legana (folio of the Register 173340/127);
- 24 Braeburn Parade, Legana (folio of the Register 173340/126);
- 26 Braeburn Parade, Legana (folio of the Register 173340/125);
- 28 Braeburn Parade, Legana (folio of the Register 173340/124);
- 36 Sundowner Avenue, Legana (folio of the Register 175159/15);
- 37 Sundowner Avenue, Legana (folio of the Register 175159/160);
- 39 Sundowner Avenue, Legana (folio of the Register 179144/161);
- 41 Sundowner Avenue, Legana (folio of the Register 179144/162);
- 43 Sundowner Avenue, Legana (folio of the Register 179144/163);
- 45 Sundowner Avenue, Legana (folio of the Register 179144/164);
- 47 Sundowner Avenue, Legana (folio of the Register 179674/165);
- 49 Sundowner Avenue, Legana (folio of the Register FR 179674/166);
- 2 Tayah Court, Legana (folio of the Register 179144/16);
- 4 Tayah Court, Legana (folio of the Register 179144/17);
- 3 Michael Court, Legana (folio of the Register 175159/14);
- 1 Pippin Crescent, Legana (folio of the Register 179674/123);
- folio of the Register 179144/205 (road reserve) creating Nashi Grove and sections of Sundowner Avenue, Pippin Crescent and Taylah Crescent;
- folio of the Register 175159/204 (road reserve) creating sections of Sundowner Avenue;
- 78 Greenfield Drive, Riverside (folio of the Register 172044/1);
- 80 Greenfield Drive, Riverside (folio of the Register 180653/93);
- 82 Greenfield Drive, Riverside (folio of the Register 180653/94);
- 1 Meadow Court, Riverside (folio of the Register 172044/2);
- 3 Meadow Court, Riverside (folio of the Register 171046/96);
- 5 Meadow Court, Riverside (folio of the Register 171046/97);
- 7 Meadow Court, Riverside (folio of the Register 171046/98);
- U 1/9-11 Meadow Court, Riverside (folio of the Register 175112/1);
- U 2/9-11 Meadow Court, Riverside (folio of the Register 175112/2);
- U 3/9-11 Meadow Court, Riverside (folio of the Register 175112/3);
- 9-11 Meadow Court, Riverside (folio of the Register 175112/0);
- 13 Meadow Court, Riverside (folio of the Register 173144/1);
- U 1/23 Ridgeview Crescent, Riverside (folio of the Register 175698/1);

- U 2/23 Ridgeview Crescent, Riverside (folio of the Register 175698/2);
- 23 Ridgeview Crescent, Riverside (folio of the Register 175698/0);
- 25 Ridgeview Crescent, Riverside (folio of the Register 176939/83);
- 27 Ridgeview Crescent, Riverside (folio of the Register 176939/84);
- 29 Ridgeview Crescent, Riverside (folio of the Register 176939/85);
- 31 Ridgeview Crescent, Riverside (folio of the Register 176939/86);
- 33 Ridgeview Crescent, Riverside (folio of the Register 176939/87);
- 35 Ridgeview Crescent, Riverside (folio of the Register 177729/88);
- 37 Ridgeview Crescent, Riverside (folio of the Register 177729/89);
- 39 Ridgeview Crescent, Riverside (folio of the Register 177729/90);
- 41 Ridgeview Crescent, Riverside (folio of the Register 177729/91); and
- 43 Ridgeview Crescent, Riverside (folio of the Register 177729/92).

399. The reasons include that:

- all identified land is zoned General Residential and located within developing estates;
- future building work on the identified properties would likely be assessed as BAL-LOW under *Australian Standard 3959:2018 Construction of buildings in bushfire-prone areas*, meaning no special bushfire protections measures would be required; and
- grassland fuels on the lots can be managed through normal hazard abatement practices and eventually permanently removed as the lots are developed.

400. In the section 35F report, the planning authority recommended that the Overlay be revised as proposed as BPAC 1 of Guideline No. 1 states that any overlay map applied should be approved by the Tasmania Fire Service (TFS) and any modification to an overlay map approved by the TFS should be made in consultation with the TFS.

Commission consideration

401. The Commission accepts the evidence of the representor and the advice of the planning authority. Modifications are recommended to incorporate the latest bushfire-prone areas overlay mapping.

Commission decision

402. Modification:

- Revise the Bushfire-Prone Areas Overlay to exclude the following properties:
 - 16 Braeburn Parade, Legana (folio of the Register 173340/130);
 - 18 Braeburn Parade, Legana (folio of the Register 173340/129);
 - 20 Braeburn Parade, Legana (folio of the Register 173340/128);
 - 22 Braeburn Parade, Legana (folio of the Register 173340/127);
 - 24 Braeburn Parade, Legana (folio of the Register 173340/126);
 - 26 Braeburn Parade, Legana (folio of the Register 173340/125);

- 28 Braeburn Parade, Legana (folio of the Register 173340/124);
- 36 Sundowner Avenue, Legana (folio of the Register 175159/15);
- 37 Sundowner Avenue, Legana (folio of the Register 175159/160);
- 39 Sundowner Avenue, Legana (folio of the Register 179144/161);
- 41 Sundowner Avenue, Legana (folio of the Register 179144/162);
- 43 Sundowner Avenue, Legana (folio of the Register 179144/163);
- 45 Sundowner Avenue, Legana (folio of the Register 179144/164);
- 47 Sundowner Avenue, Legana (folio of the Register 179674/165);
- 49 Sundowner Avenue, Legana (folio of the Register FR 179674/166);
- 2 Tayah Court, Legana (folio of the Register 179144/16);
- 4 Tayah Court, Legana (folio of the Register 179144/17);
- 3 Michael Court, Legana (folio of the Register 175159/14);
- 1 Pippin Crescent, Legana (folio of the Register 179674/123);
- folio of the Register 179144/205 (road reserve) creating Nashi Grove and sections of Sundowner Avenue, Pippin Crescent and Taylah Crescent;
- folio of the Register 175159/204 (road reserve) creating sections of Sundowner Avenue;
- 78 Greenfield Drive, Riverside (folio of the Register 172044/1);
- 80 Greenfield Drive, Riverside (folio of the Register 180653/93);
- 82 Greenfield Drive, Riverside (folio of the Register 180653/94);
- 1 Meadow Court, Riverside (folio of the Register 172044/2);
- 3 Meadow Court, Riverside (folio of the Register 171046/96);
- 5 Meadow Court, Riverside (folio of the Register 171046/97);
- 7 Meadow Court, Riverside (folio of the Register 171046/98);
- U 1/9-11 Meadow Court, Riverside (folio of the Register 175112/1);
- U 2/9-11 Meadow Court, Riverside (folio of the Register 175112/2);
- U 3/9-11 Meadow Court, Riverside (folio of the Register 175112/3);
- 9-11 Meadow Court, Riverside (folio of the Register 175112/0);
- 13 Meadow Court, Riverside (folio of the Register 173144/1);
- U 1/23 Ridgeview Crescent, Riverside (folio of the Register 175698/1);
- U 2/23 Ridgeview Crescent, Riverside (folio of the Register 175698/2);
- 23 Ridgeview Crescent, Riverside (folio of the Register 175698/0);
- 25 Ridgeview Crescent, Riverside (folio of the Register 176939/83);
- 27 Ridgeview Crescent, Riverside (folio of the Register 176939/84);
- 29 Ridgeview Crescent, Riverside (folio of the Register 176939/85);
- 31 Ridgeview Crescent, Riverside (folio of the Register 176939/86);

- 33 Ridgeview Crescent, Riverside (folio of the Register 176939/87);
- 35 Ridgeview Crescent, Riverside (folio of the Register 177729/88);
- 37 Ridgeview Crescent, Riverside (folio of the Register 177729/89);
- 39 Ridgeview Crescent, Riverside (folio of the Register 177729/90);
- 41 Ridgeview Crescent, Riverside (folio of the Register 177729/91); and
- 43 Ridgeview Crescent, Riverside (folio of the Register 177729/92).

403. Reason:

- To apply the Bushfire-Prone Areas Code consistent with Guideline No. 1.

Bushfire-Prone Areas Code – Bushfire-Prone Area Overlay at West Tamar Highway, Exeter

Representation: Sven Gunnarson-Wiener for Denver Glen Pty Ltd (62)

404. The representor requested the Bushfire-Prone Areas Overlay be removed from land at West Tamar Highway, Exeter (folio of the Register 167031/1) as there are no trees or bushes present, apart from bracken fern.
405. In the Section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS as the representor did not provide a report prepared by a suitably qualified person to confirm the area is not subject to risk from bushfire (as required by BPAC 1 of Guideline No. 1).

Commission consideration

406. The Commission accepts the planning authority's submission and agrees that any change to the mapping must be supported with qualified advice.

Commission decision

407. The Commission considers that no modification is required.

Landslip Hazard Code – Landslip Hazard Area Overlay and Landslip Hazard Area Overlay at 13 Gosling Grove, Legana

Representation: Department of State Growth (57) and Sven Gunnarson-Wiener for Scandia Documentary Photography Pty Ltd and Denver Glen Pty Ltd (62)

408. Representation 57 offers support for overlay mapping work undertaken in relation to the Landslip Hazard Code.
409. Representation 62 requested land at 13 Gosling Grove, Legana (folio of the Register 171400/25) be revised to remove the Landslip Hazard Area Overlay (medium landslip hazard band) as 'the land is relatively flat and therefore seems unjustified.'
410. In the Section 35F report, the planning authority considered representation 62 did not warrant modification to the draft LPS as the representor has not provided a report prepared by a suitably qualified person to justify a change to the mapping (as required by LHC 1 of Guideline No. 1). Representation 57 was noted.

Commission consideration

411. The Commission accepts the planning authority's submission and agrees that any change to the mapping must be supported with qualified advice. Representation 57 is noted.

Commission decision

412. The Commission considers that no modification is required.

Safeguarding of Airports Code – Launceston Airport

Representation: West Tamar Council (40 – Item 14)

413. The representor requested that the Obstacle Limitation Area Overlay be updated to accord with the Launceston Airport Masterplan 2020 (the Master Plan 2020).

414. In the section 35F report, the planning authority supports the representation, and notes since the draft LPS was submitted to the Commission the Master Plan 2020 was adopted, after having undergone a process of public exhibition and approval.

Commission consideration

415. The Commission accepts the submission of the planning authority and agrees that the overlay mapping should be updated to be consistent with the Master Plan 2020. This is consistent with SAC 4 of Guideline No.1.

Commission decision

416. Modification:

- Revise the Obstacle Limitation Area Overlay so that it accords with the Launceston Airport Masterplan 2020.

417. Reason:

- *To apply the Obstacle Limitation Area Overlay consistent with Guideline No. 1.*

Specific Area Plan – Residential Supply and Density Specific Area Plan

Representations: D.J. McCulloch Surveying for Ralf Mueller (26), Town Planning Solutions Pty Ltd for owners of 62B New Ecclestone Road, Riverside (31), Town Planning Solutions Pty Ltd for Pino and Clare Tedeschi (32), Denis Hume (36), Plan Place Pty Ltd for Nicolas Daoud and Co Pty Ltd (60) and Anneke Barwick (63)

418. The representors' requested various modifications to the Residential Supply and Density Specific Area Plan or that the Specific Area Plan not apply at all. The requested modifications include:

- representation 26 proposes a modification to the performance criteria in the Specific Area Plan suggesting a minimum lot size of 2000m² is an acceptable outcome. The reasons put forward include a lot size of 2000m² would be consistent with the character of Swan Point and appropriate infrastructure can be provided to service any new lots created;
- the performance criteria in the Specific Area Plan modified to allow assessment of lots that are 20% less in area, which is consistent with the convention evident within the drafting of subdivision standards for some zones in the SPPs. There should be variation between the minimum lot sizes specified in the acceptable solution and performance criteria of the Specific Area Plan. Representations 31 and 32 both propose an alternative minimum lot size for the performance criteria of 4000m²;
- representations 36 and 63 both propose a modification to the acceptable solution and the performance criteria within the Specific Area Plan. The representors' state that if appropriate infrastructure exists, or can be provided, lots much smaller than 5000m² should be achievable. The representors' state further that this lack of

flexibility in the Specific Area Plan does not match the purpose of the plan which refers to the provision of lots at a density appropriate to infrastructure constraints.

- the representors' request that the plan be modified to reflect a minimum lot size of 2500m² for the acceptable solution and 2000m² for the performance criteria; the minimum lot sizes should be consistent with the Low Density Residential Zone in the SPPs (acceptable solution of 1500m² and performance criteria of 1200m²);
- it was expected that the development standards within the SPPs would apply, allowing for a minimum lot size of 1500m² as an acceptable solution and a minimum lot size of 1200m² subject to meeting performance criteria; and
- representation 60 proposes that the Specific Area Plan not apply to land in Beauty Point at all (Bagot Street, folio of the Register 207767/1) due to the ability to seek specialised advice in relation to managing on-site wastewater and TasWater confirmation that infrastructure services are available, but require further investigation to determine what upgrades are required.

419. In the section 35F report, the planning authority did not support any variation to the Specific Area Plan for the following reasons:

- the rationale behind the Residential Supply and Density Specific Area Plan revolves around character, on-site wastewater performance, and infrastructure capacity concerns should the SPPs for Low Density Residential Zone provisions prevail; and
- the Specific Area Plan introduces a higher minimum lot size which generally matches that found within the interim planning scheme controls. Should any decrease in the minimum lot size set out in the Specific Area Plan occur, it will present issues for Council in managing the impacts of increased subdivision potential across the municipality.

Commission consideration

420. The Commission accepts that the Specific Area Plan is required for management of residential use and development in areas where there are infrastructure constraints, particularly absence of reticulated sewer.
421. The Commission also notes that while this is not captured in the purpose of the Specific Area Plan, the section 32(4) justification in the draft LPS supporting report indicates that the Specific Area Plan is also required to manage character of the settlements, and residential growth, which is a requirement of the regional strategy. These reasons are subliminal in the provisions of the Specific Area Plan.

Commission decision

422. The Commission considers that no modification is required.

Site-specific Qualification – 100 Weld Street, Beaconsfield

Representation: Department of State Growth (57)

423. The representor requested that a site-specific qualification be included in the draft LPS to provide for the existing use of a fresh air rise shaft at 100 Weld Street, Beaconsfield (folio of the Register 232659/1). The shaft is connected to the Beaconsfield mine and is critical to the operation of the mine.
424. The representor's view was that the planning protection of the shaft was inadequate in light of potential for the site to be separately disposed of or replaced with another use. The representor proposed the application of a site-specific qualification which would have the

effect of making extractive industry a Permitted use and prohibiting Residential and Visitor Accommodation uses.

425. In the section 35F report, the planning authority's view was that existing non-conforming use provisions offer adequate protection, that a site-specific qualification is unnecessary, and that the site-specific qualification, as drafted by the representor was unworkable.

Commission consideration

426. The Commission acknowledges concerns held by the representor regarding potential separate sale of 100 Weld Street and a desire to use the planning scheme to protect existing infrastructure. The Commission considers that sale of the land in isolation of the mine, is highly unlikely given the strategic importance to the future operation of the mine, and accepts the planning authority's view that the non-conforming use provisions in section 12 of the Act provide adequate protection for the continuation of the existing use.

Commission decision

427. The Commission considers that no modification is required.

Gravelly Beach foreshore – environmental protection

Representation: Caroline Larner (65)

428. The representor requested the draft LPS be modified to provide planning controls, particularly the listing of heritage places, that would protect the Gravelly Beach foreshore.
429. The representor's view is that recognition and protection of the foreshore for community and stakeholders is important, and that the draft LPS did not support the unique qualities of Gravelly Beach.
430. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS and stated that the draft LPS already contained controls that would manage impact upon the foreshore.
431. At the hearing, the representor reiterated the issues raised in the representation.

Commission consideration

432. The Commission accepts the planning authority's submission. Although the representation did not define the extent of foreshore it relates to, it is apparent that the foreshore is protected by the Environmental Management Zone (being that part not otherwise private land) and a number of overlay controls.

Commission decision

433. The Commission considers that no modification is required.

Representations in support of the draft LPS

Port and Marine Zone

Representation: Department of State Growth (57)

434. The representation offers support for the application of the Port and Marine Zone in the draft LPS.
435. In the section 35F report, the planning authority notes the representation.

Commission consideration

436. The Commission notes the representation.

Commission decision

437. The Commission considers that no modification is required.

Low Density Residential Zone – Lot 1 Top Road, Greens Beach and Greens Beach Road, Greens Beach

Representation: Woolcott Surveys for Tasmanian Timber Specialists (21) and GHD for Greens Beach Development Super Fund (23)

438. The representors' offer support for the application of the Low Density Residential Zone in the draft LPS and the exclusion of the sites from the proposed Residential Supply and Density Specific Area Plan. In the case of Greens Beach Road, Greens Beach additional support is offered for the removal of the Greens Beach Golf Specific Area Plan.

439. In the section 35F report, the planning authority notes both representations and recommended no modifications as a result of the representations.

Commission consideration

440. The Commission notes the representations and that the representors' comments are in support of the draft LPS and is satisfied with the planning authority's response in the section 35F report.

Commission decision

441. The Commission considers that no modification is required.

Rural Zone – Lot 2 Atkinsons Road, Legana

Representation: Sukhpal Kaur

442. The representation offers support for the application of the Rural Zone in the draft LPS to land at Lot 2 Atkinsons Road, Legana (folio of the Register 149200/2) due to the fragmented nature of the surrounding area.

443. In the section 35F report, the planning authority notes the representation.

Commission consideration

444. The Commission notes the representation.

Commission decision

445. The Commission considers that no modification is required.

Other matters

Matters taken not to be a representation

Representations: Peter Dingemanse (51), Peter Stoops, Bruce Trappes, Mary Harper, Stuart Phillips, Frances Graham, Harry and Nichola Tatsi, and Cheryl Swan (54), GHD for TasNetworks (61) and Sven Gunnarson-Wiener for Denver Glen Pty Ltd and Svea Estates (Vic) Pty Ltd (62)

446. Representors' raised matters about fence exemption provisions in the SPPs, the transitioning Future Coastal Refugia Overlay, the transitioning Scenic Road Corridor Overlay and the transitioning Windsor Community Precinct Specific Area Plan.

447. In the section 35F report, the planning authority recommended that there be no modification to the draft LPS as a result of the issues raised.

Commission consideration

448. The Commission notes that:

- section 35F 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 this consideration under section 35J; and
- during its consideration, it has sought to establish how all the matters raised relate to the draft LPS and if the matters can be included within the draft LPS under Section 32 of the Act.

449. The Commission considers that the parts of the representations listed above are outside the consideration under section 35J.

Commission decision

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

Attachments

Attachment 1 – List of representations

Attachment 2 – Notice under section 35K(1)(a) to modify the draft LPS

Attachment 3 – Notice under section 35KB to prepare and submit an amendment of the LPS after the LPS comes into effect

List of Representations

No	Name
1.	Mark and Annette Crawford
2.	John Thompson for Conservation Landholders Tasmania
3.	Department of Education
4.	Adam and Leah Turmine
5.	Stephen and Kassandra Jones
6.	Perry and Linda Curwen
7.	GHD for Craggy Ridge Investment Corporation Pty Ltd
8.	Greg McEvoy
9.	Peter and Jo Voller
10.	Gillian Zacks
11.	John Forbes
12.	TasWater
13.	Department of Police, Fire and Emergency Management - State Emergency Service
14.	West Tamar Landcare Group Inc
15.	Paul and Janine Targett
16.	Louise Moylan
17.	Tasmania Fire Service
18.	Mark and Rebecca Purton
19.	PDA Surveyors for Brett and Vicki Gillie
20.	Woolcott Surveys for Graham Midson
21.	Woolcott Surveys for Tasmanian Timber Specialists
22.	B Oldenhof
23.	GHD for Greens Beach Development Super Fund
24.	Woolcott Surveys for Carlton Dixon
25.	Rebecca Green and Associates for Richard Bejah, Richard G Bejah Insurance and Financial Services Pty Ltd
26.	D.J. McCulloch Surveying for Ralf Mueller
27.	Woolcott Surveys for Jaffa International
28.	Architects Designhaus for Department of Health
29.	Ian McKenzie and Charmian Eckersley
30.	Scott Older and Dianne Rabl
31.	Town Planning Solutions

32. Town Planning Solutions
33. Allan Brooks for Don Pitt
34. David Smith
35. ERA Planning and Environment for Dourias Group Holdings
36. Denis Hume
37. Jock Hamilton
38. Richard Atkinson
39. Inas Sedrak, Ashraf Sedrak and Alex Sedrak
40. West Tamar Council
41. Victoria Wilkinson
42. Angela Peerman
43. Kate Springer for Matthew and Elizabeth Springer
44. Woolcott Surveys for B Scott-Aitken
45. Greens Beach Golf Club
46. Karen Poke
47. Town Planning Solutions
48. David Isaks
49. Town Planning Solutions
50. Rodney and Janne Pinnington
51. Peter Dingemanse
52. Joshua Piscioneri
53. 6ty Degrees for Kent and Kelly Wright
54. Peter Stoops, Bruce Trappes, Mary Harper, Stuart Phillips, Frances Graham, Harry and Nichola Tatsi, and Cheryl Swan
55. Peter
56. Hydro Tasmania
57. Department of State Growth
58. Terry Eaton
59. Leon Murray
60. Plan Place Pty Ltd for Nicolas Daoud and Co Pty Ltd
61. GHD for TasNetworks
62. Sven Gunnarson-Wiener (Denver Glen Pty Ltd and Svea Estates (Vic)) Pty Ltd
63. Anneke Barwick
64. Sukhpal Kaur
65. Caroline Larner
66. Darryl Carey

Attachment 2

Land Use Planning and Approvals Act 1993

Notice to modify under sections 35K(1)(a)

West Tamar Draft Local Provisions Schedule

17 December 2021

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

1.0 Site-specific Qualification – 96 Weld Street, Beaconsfield

- 1.1 In table WTA-Site-specific Qualifications, remove the WTA-8.1 site-specific qualification from the table, including all references to site reference, folio of the Register, description (modification, substitution or addition) and relevant clause in State Planning Provisions, as set out in Annexure A.

Reason: To accord with the Ministerial declaration dated 13 December 2021

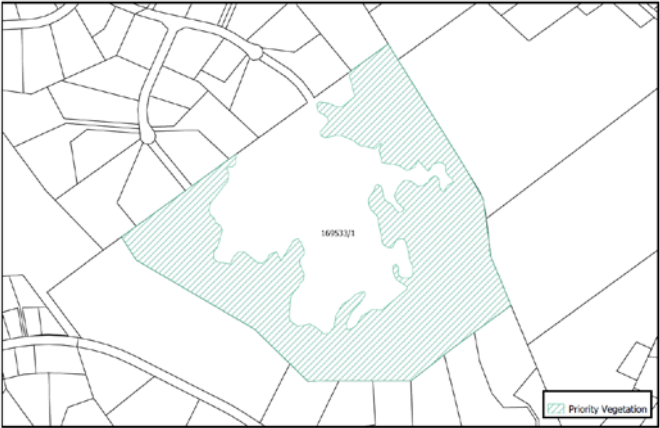
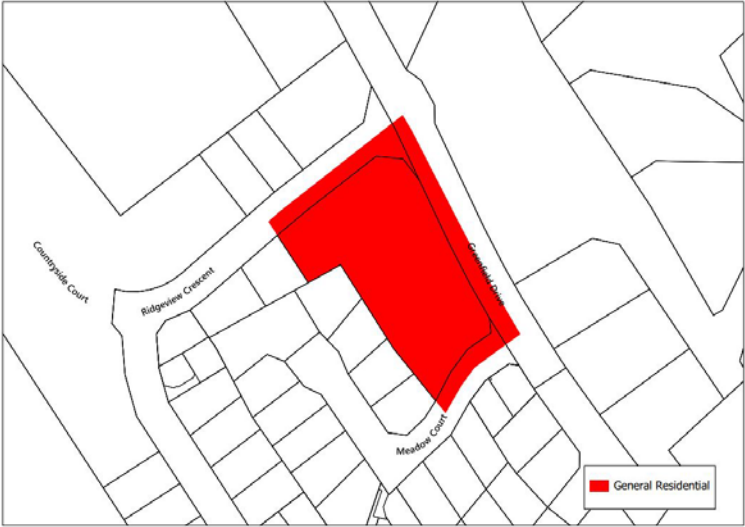
- 1.2 In table WTA-Site-specific Qualifications, renumbering of the WTA-8.2 site-specific qualification to be the WTA-8.1 site-specific qualification within the table, as set out in Annexure A.

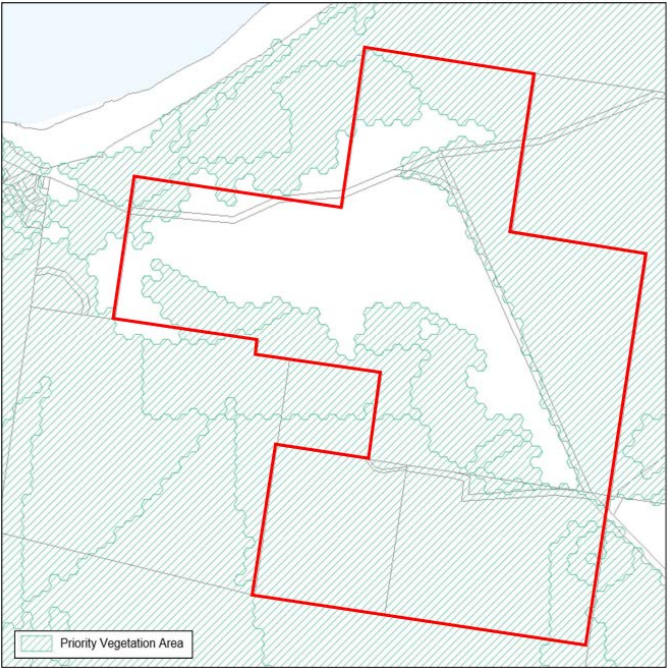
Reason: To accord with the Ministerial declaration dated 13 December 2021


2.0 Zone maps and overlays


No.	Description	Direction and Reason
2.1	10 Barwing Crescent, Riverside	Revise the zoning of land at 10 Barwing Crescent, Riverside (folio of the Register 138757/1) so that the land is wholly contained within the General Residential Zone. <i>Reason: To apply the General Residential Zone consistent with Guideline No. 1.</i>
2.2	15, 17 and 19 Sunrise Drive, Legana	Revise the zoning of land at 15, 17 and 19 Sunrise Drive, Legana (folios of the Register 157760/4, 157760/3 and 157760/2) so that the land is wholly contained within the General Residential Zone. <i>Reason: To apply the General Residential Zone consistent with Guideline No. 1.</i>
2.3	Land in the corner of Elouera and Allawah Streets, Trevallyn	Revise the zoning of land on the corner of Elouera and Allawah Streets, Trevallyn (folio of the Register 13979/66) to General Residential Zone. <i>Reason: To apply the General Residential Zone consistent with Guideline No. 1.</i>


No.	Description	Direction and Reason
2.4	Newlands Street, Trevallyn	Revise the zoning of Newlands Street, Trevallyn (folios of the Register 54755/101 and 54755/102) to General Residential Zone. <i>Reason: To apply the General Residential Zone consistent with Guideline No. 1.</i>
2.5	152 Cormiston Road, Riverside	Revise the zoning of 152 Cormiston Road, Riverside (folio of the Register 14740/1) to General Residential Zone. <i>Reason: To include relevant modifications under 35KA of the Act corresponding to amendment AP-WTA-AMD-02-19 to the West Tamar Interim Planning Scheme 2013.</i>
2.6	38 Bagot Street, Beauty Point	Revise the zoning of 38 Bagot Street, Beauty Point (folio of the Register 244231/1) to Low Density Residential Zone. <i>Reason: To apply the Low Density Residential Zone consistent with Guideline No. 1.</i>
2.7	38 Bagot Street, Beauty Point	Revise the Residential Supply and Density Specific Area Plan Overlay to include 38 Bagot Street, Beauty Point (folio of the Register 244231/1). <i>Reason: To apply the Residential Supply and Density Specific Area Plan overlay to land zoned Low Density Residential with servicing infrastructure constraints to limit density of development.</i>
2.8	5A Eiger Court, Grindelwald	Revise the zoning of 5A Eiger Court, Grindelwald (folio of the Register 169533/1) to Low Density Residential Zone. <i>Reason: To include relevant modifications under section 35KA of the Act corresponding to amendment AP-WTA-AMD-02-20 to the West Tamar Interim Planning Scheme 2013.</i>
2.9	5A Eiger Court, Grindelwald	Revise the Residential Supply and Density Specific Area Plan Overlay to include 5A Eiger Court, Grindelwald (folio of the Register 169533/1). <i>Reason: To apply the Residential Supply and Density Specific Area Plan overlay to land zoned Low Density Residential with servicing infrastructure constraints to limit density of development.</i>
2.10	5A Eiger Court, Grindelwald	Apply the Priority Vegetation Area Overlay to 5A Eiger Court, Grindelwald (folio of the Register 169533/1) consistent with the spatial extent of the application of the Priority Habitat Overlay in approved amendment AP-WTA-AMD-02-20 to the interim planning scheme, as shown in Figure 1 below:



No.	Description	Direction and Reason
		 <p><i>Figure 1 – Application of the Priority Vegetation Area Overlay to 5A Eiger Court, Grindelwald</i></p> <p><i>Reason: To include relevant modifications under section 35KA of the Act corresponding to amendment AP-WTA-AMD-02-20 to the West Tamar Interim Planning Scheme 2013.</i></p>
2.11	39 Ecclestone Road, Riverside	<p>Revise the zoning of 39 Ecclestone Road, Riverside (folio of the Register 180653/1000) and adjoining road reserves to the centre line to General Residential Zone, as shown below in Figure 2:</p>  <p><i>Figure 2 – Application of the General Residential Zone to 39 Ecclestone Road and adjoining road reserves, Riverside</i></p> <p><i>Reason: To include relevant modifications under 35KA of the Act corresponding to amendment AP-WTA-AMD-02-21 to the West Tamar Interim Planning Scheme 2013.</i></p>
2.12	19 Masons Road, Rosevears	<p>Revise the zoning of land 19 Masons Road, Rosevears (folio of the Register 162727/24) so that it is wholly contained within the Rural Living Zone B.</p> <p><i>Reason: To apply the Rural Living Zone consistent with Guideline No. 1.</i></p>

No.	Description	Direction and Reason
2.13	132 Jay Dee Road, Glengarry	<p>Revise the zoning of 132 Jay Dee Road, Glengarry (folio of the Register 31843/1) to Rural Living Zone D.</p> <p><i>Reason: To apply the Rural Living Zone consistent with Guideline No. 1.</i></p>
2.14	977 Badger Head Road, Badger Head	<p>Revise the zoning of 977 Badger Head Road, Badger Head (folio of the Register 208349/1) to the Landscape Conservation Zone.</p> <p><i>Reason: To apply the Landscape Conservation Zone consistent with Guideline No. 1.</i></p>
2.15	899 Badger Head Road, Badger Head	<p>Revise the zoning of 899 Badger Head Road, Badger Head comprising folios of the Register 231321/1, 211689/1, 237579/1, 247096/1 and 247096/2 (and all adjacent road and reserved roads) to the Rural Zone.</p> <p><i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i></p>
2.16	899 Badger Head Road, Badger Head	<p>Revise the Priority Vegetation Area Overlay to include 899 Badger Head Road, Badger Head comprising folios of the Register 231321/1, 211689/1, 237579/1, 247096/1 and 247096/2 (and all adjacent road and reserved roads) as shown in Figure 3 below:</p>  <p><i>Figure 3 – Application of the Priority Vegetation Area Overlay to 899 Badger Head Road, Badger Head</i></p> <p><i>Reason: To apply the Priority Vegetation Area Overlay consistent with Guideline No. 1</i></p>
2.17	Badger Head Road, Badger Head	<p>Revise the zoning of Badger Head Road, Badger Head (folio of the Register 211391/1) to the Rural Zone.</p>

No.	Description	Direction and Reason
		<i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i>
2.18	Badger Head Road, Badger Head	<p>Revise the Priority Vegetation Area Overlay to include Badger Head Road, Badger Head (folio of the Register 211391/1) as shown in Figure 4 below:</p>  <p><i>Figure 4 – Application of the Priority Vegetation Area Overlay to Badger Head Road, Badger Head (folio of the Register 211391/1)</i></p> <p><i>Reason: To apply the Priority Vegetation Area Overlay consistent with Guideline No. 1</i></p>
2.19	96 Weld Street, Beaconsfield	<p>Revise the zoning of 96 Weld Street, Beaconsfield (folio of the Register 71041/1) to the Local Business Zone.</p> <p><i>Reason: To apply the Local Business Zone consistent with Guideline No. 1.</i></p>
2.20	96 Weld Street, Beaconsfield	<p>Revise the Site-specific Qualification Overlay by deleting SSQ WTA-8.1 for 96 Weld Street, Beaconsfield (folio of the Register 71041/1) and revising the number for SSQ WTA-8.2 at 14 Fysh Street, Beaconsfield (folio of the Register 134620/1) as WTA-8.1 as shown in the written document.</p> <p><i>Reason: To accord with the Minister's declaration dated 13 December 2021</i></p>
2.21	28 Glen Arh Mohr Road, Exeter	<p>Revise the zoning of 28 Glen Ard Mohr Road, Exeter (all land forming PID 7898044 including folio of the Register 131528/1) to the Community Purpose Zone;</p> <p><i>Reason: To apply the Community Purpose Zone consistent with Guideline No. 1.</i></p>
2.22	31 Glen Arh Mohr Road, Exeter	<p>Revise the zoning of 31 Glen Ard Mohr Road, Exeter (all land forming PID 6058019) to the Community Purpose Zone.</p>

No.	Description	Direction and Reason
		<i>Reason: To apply the Community Purpose Zone consistent with Guideline No. 1.</i>
2.23	33 Grubb Street, Beaconsfield	<p>Revise the zoning 33 Grubb Street, Beaconsfield (all land comprising PID 3066806 with the exception of land adjoining folio of the Register 160751/1 to the south and including the enclosed road reserve adjoining Grubb Street and located between that land zoned General Residential and Rural Living Zone D in the draft LPS) from the General Residential Zone and the Rural Living Zone D to the Community Purpose Zone.</p> <p><i>Reason: To apply the Community Purpose Zone consistent with Guideline No. 1.</i></p>
2.24	232-236 West Tamar Road, Riverside	<p>Revise the zoning of 232-236 West Tamar Road, Riverside (folio of the Register 119794/1) to the Local Business Zone.</p> <p><i>Reason: To apply the Local Business Zone consistent with Guideline No. 1.</i></p>
2.25	Lot 2 Ecclestone Road, Riverside	<p>Revise the zoning of Lot 2 Ecclestone Road, Riverside (folio of the Register 158334/2) to Rural Zone.</p> <p><i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i></p>
2.26	Lot 2 Ecclestone Road, Riverside	<p>Revise the Priority Vegetation Area Overlay to include Lot 2 Ecclestone Road, Riverside (folio of the Register 158334/2) as shown in Figure 5 below:</p>  <p><small>Lot 2 ECCLESTONE RD RIVERSIDE TAS 7250 FR 158334/2</small></p> <p><small>Priority Vegetation</small></p> <p><i>Figure 5 – Application of the Priority Vegetation Area Overlay to Lot 2 Ecclestone Road, Riverside</i></p> <p><i>Reason: To apply the Priority Vegetation Area Overlay consistent with Guideline No. 1.</i></p>

No.	Description	Direction and Reason
2.27	West Arm Road, Beauty Point	<p>Revise the zoning of that part of West Arm Road, Beauty Point (folios of the Register 156126/102 and 64199/1) currently zoned Agriculture to the Rural Zone.</p> <p><i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i></p>
2.28	West Arm Road, Beauty Point	<p>Revise the Priority Vegetation Area Overlay mapping to accord with the findings of the North Barker, Natural Values Assessment, 21 January 2019 and apply to Lot 102 West Arm Road, Beauty Point (folios of the Register 156126/102 and 64199/1 as shown in Figure 6 below:</p>  <p><small>Lot 102 WEST ARM RD BEAUTY POINT TAS 7270 FR 156126/102</small></p> <p><i>Figure 6 - Application of the Priority Vegetation Area Overlay to West Arm Road, Beauty Point (folio of the Register 156126/102)</i></p> <p><i>Reason: To apply the Priority Vegetation Area Overlay consistent with Guideline No. 1.</i></p>
2.29	101A New Ecclestone Road, Riverside	<p>Revise the zoning of land at 101A New Ecclestone Road, Riverside (folio of the Register 179026/1) so that it is wholly contained within the Agriculture Zone and revise the Priority Vegetation Area Overlay by removing the Overlay from applying to the land.</p> <p><i>Reason: To apply the Agriculture Zone and the Priority Vegetation Area Overlay consistent with Guideline No. 1.</i></p>
2.30	103 New Ecclestone Road, Riverside	<p>Revise the zoning of land at 103 New Ecclestone Road, Riverside (folio of the Register 179026/2) so that it is wholly contained within the Rural Living Zone D and apply the Priority Vegetation Area Overlay in accordance with the Regional Ecosystem Model (REM) mapping as shown in Figure 7 below:</p>

No.	Description	Direction and Reason
		 <p>103 NEW ECCLESTONE RD RIVERSIDE TAS 7250 FR 179026/2</p> <p>Priority Vegetation</p> <p><i>Figure 7 - Application of the Priority Vegetation Area Overlay to 101A and 103 New Ecclestone Road, Riverside</i></p> <p><i>Reason: To apply the Agriculture Zone and the Priority Vegetation Area Overlay consistent with Guideline No. 1.</i></p>
2.31	2922 West Tamar Highway, Loira	<p>Revise the zoning of 2922 West Tamar Highway, Loira (folio of the Register 155682/1) to Rural Zone.</p> <p><i>Reason: To apply the Rural Zone consistent with Guideline No. 1.</i></p>
2.32	2922 West Tamar Highway, Loira	<p>Revise the Priority Vegetation Area Overlay to include 2922 West Tamar Highway, Loira (folio of the Register 155682/1) in accordance with the Regional Ecosystem Model (REM) mapping as shown below in Figure 8:</p>  <p>2922 WEST TAMAR HWY LOIRA TAS 7275 FR 155682/1</p> <p>Priority Vegetation</p> <p><i>Figure 8 - Application of the Priority Vegetation Area Overlay to 2922 West Tamar Highway, Loira</i></p> <p><i>Reason: To apply the Priority Vegetation Area Overlay consistent with Guideline No. 1.</i></p>

No.	Description	Direction and Reason
2.33	1764 Greens Beach Road, Greens Beach	Revise the zoning of that part of 1764 Greens Beach Road, Greens Beach (folios of the Register 115234/1 and 147538/1) zoned Reserved Residential under the Beaconsfield Planning Scheme 1986 from the Recreation Zone to the Future Urban Zone. <i>Reason: To apply the Future Urban Zone consistent with Guideline No. 1.</i>
2.34	Badger Head Road, Badger Head	Revise the zoning of Badger Head Road, Badger Head (folio of the Register 8108/2) to the Landscape Conservation Zone. <i>Reason: To apply the Landscape Conservation Zone consistent with Guideline No. 1.</i>
2.35	Havenbrook Drive, Trevallyn	Revise the zoning of Havenbrook Drive, Trevallyn (folio of the Register 52294/63) to Utilities Zone. <i>Reason: To apply the Utilities Zone consistent with Guideline No. 1.</i>
2.36	Land near the Craythorne Road/West Tamar Highway intersection	Revise the zoning of Land near the Craythorne Road/West Tamar Highway intersection (folio of the Register 151920/3) to Utilities Zone. <i>Reason: To apply the Utilities Zone consistent with Guideline No. 1.</i>
2.37	Road casements	Revise the Future Coastal Refugia Area Overlay by removing any overlaps with the Utilities Zone as it applies to the State road casement, with the exception of that area mapped underneath the Batman Bridge <i>Reason: To meet technical requirements of Practice Note 7.</i>
2.38	Elouera Street, Trevallyn	Revise the Priority Vegetation Area Overlay to exclude Elouera Street, Trevallyn (folio of the Register 137349/4). <i>Reason: To apply the Priority Vegetation Area Overlay consistent with Guideline No. 1.</i>
2.39	Elouera Street, Trevallyn (Trevallyn sub-station)	Revise the Communications Station Buffer Area Overlay to remove from the Trevallyn sub-station (Elouera Street, Trevallyn folio of the Register 137349/4; Elouera Street, Trevallyn folio of the Register 137349/3; Lot 1, West Tamar Highway, Trevallyn folio of the Register 140694/1 and the adjoining reserved road folio of the Register 137349/100). <i>Reason: To apply the Electricity Transmission Infrastructure Protection Code consistent with Guideline No. 1.</i>

No.	Description	Direction and Reason
2.40	Reatta Road, Trevallyn (Trevallyn dam intake)	<p>Revise the Communications Station Buffer Area Overlay to remove from the Trevallyn dam intake (Reatta Road, Trevallyn folio of the Register 127958/1; Frankford Road, Frankford PID 3389496 and Reatta Road, Trevallyn folio of the Register 127958/2).</p> <p><i>Reason: To apply the Electricity Transmission Infrastructure Protection Code consistent with Guideline No. 1.</i></p>
2.41	35 St Clair Road, Legana	<p>Revise the zoning of 35 St Clair Road, Legana (folio of the Register 108809/208) to the Open Space Zone.</p> <p><i>Reason: To apply the Open Space Zone consistent with Guideline No. 1.</i></p>
2.42	Freshwater Point Road, Legana	<p>Revise the zoning of Freshwater Point Road, Legana (folio of the Register 108809/209) to the Open Space Zone.</p> <p><i>Reason: To apply the Open Space Zone consistent with Guideline No. 1.</i></p>
2.43	Freshwater Point Road, Legana	<p>Revise the zoning of Freshwater Point Road, Legana (folio of the Register 101050/204) to the Open Space Zone.</p> <p><i>Reason: To apply the Open Space Zone consistent with Guideline No. 1.</i></p>
2.44	61 Shaw Street, Beaconsfield	<p>Revise the zoning of 61 Shaw Street, Beaconsfield (folio of the Register 202685/4) to the Open Space Zone.</p> <p><i>Reason: To apply the Open Space Zone consistent with Guideline No. 1.</i></p>
2.45	West Street, Beaconsfield	<p>Revise the zoning of West Street, Beaconsfield (folio of the Register 160488/1) to the Open Space Zone.</p> <p><i>Reason: To apply the Open Space Zone consistent with Guideline No. 1.</i></p>
2.46	Bushfire-Prone Areas Overlay	<p>Revise the Bushfire-Prone Areas Overlay to exclude the following properties:</p> <ul style="list-style-type: none"> • 16 Braeburn Parade, Legana (folio of the Register 173340/130); • 18 Braeburn Parade, Legana (folio of the Register 173340/129); • 20 Braeburn Parade, Legana (folio of the Register 173340/128); • 22 Braeburn Parade, Legana (folio of the Register 173340/127);

No.	Description	Direction and Reason
		<ul style="list-style-type: none"> • 24 Braeburn Parade, Legana (folio of the Register 173340/126); • 26 Braeburn Parade, Legana (folio of the Register 173340/125); • 28 Braeburn Parade, Legana (folio of the Register 173340/124); • 36 Sundowner Avenue, Legana (folio of the Register 175159/15); • 37 Sundowner Avenue, Legana (folio of the Register 175159/160); • 39 Sundowner Avenue, Legana (folio of the Register 179144/161); • 41 Sundowner Avenue, Legana (folio of the Register 179144/162); • 43 Sundowner Avenue, Legana (folio of the Register 179144/163); • 45 Sundowner Avenue, Legana (folio of the Register 179144/164); • 47 Sundowner Avenue, Legana (folio of the Register 179674/165); • 49 Sundowner Avenue, Legana (folio of the Register FR 179674/166); • 2 Tayah Court, Legana (folio of the Register 179144/16); • 4 Tayah Court, Legana (folio of the Register 179144/17); • 3 Michael Court, Legana (folio of the Register 175159/14); • 1 Pippin Crescent, Legana (folio of the Register 179674/123); • folio of the Register 179144/205 (road reserve) creating Nashi Grove and sections of Sundowner Avenue, Pippin Crescent and Taylah Crescent; • folio of the Register 175159/204 (road reserve) creating sections of Sundowner Avenue; • 78 Greenfield Drive, Riverside (folio of the Register 172044/1); • 80 Greenfield Drive, Riverside (folio of the Register 180653/93); • 82 Greenfield Drive, Riverside (folio of the Register 180653/94);

No.	Description	Direction and Reason
		<ul style="list-style-type: none"> • 1 Meadow Court, Riverside (folio of the Register 172044/2); • 3 Meadow Court, Riverside (folio of the Register 171046/96); • 5 Meadow Court, Riverside (folio of the Register 171046/97); • 7 Meadow Court, Riverside (folio of the Register 171046/98); • U 1/9-11 Meadow Court, Riverside (folio of the Register 175112/1); • U 2/9-11 Meadow Court, Riverside (folio of the Register 175112/2); • U 3/9-11 Meadow Court, Riverside (folio of the Register 175112/3); • 9-11 Meadow Court, Riverside (folio of the Register 175112/0); • 13 Meadow Court, Riverside (folio of the Register 173144/1); • U 1/23 Ridgeview Crescent, Riverside (folio of the Register 175698/1); • U 2/23 Ridgeview Crescent, Riverside (folio of the Register 175698/2); • 23 Ridgeview Crescent, Riverside (folio of the Register 175698/0); • 25 Ridgeview Crescent, Riverside (folio of the Register 176939/83); • 27 Ridgeview Crescent, Riverside (folio of the Register 176939/84); • 29 Ridgeview Crescent, Riverside (folio of the Register 176939/85); • 31 Ridgeview Crescent, Riverside (folio of the Register 176939/86); • 33 Ridgeview Crescent, Riverside (folio of the Register 176939/87); • 35 Ridgeview Crescent, Riverside (folio of the Register 177729/88); • 37 Ridgeview Crescent, Riverside (folio of the Register 177729/89); • 39 Ridgeview Crescent, Riverside (folio of the Register 177729/90);

No.	Description	Direction and Reason
		<ul style="list-style-type: none"> 41 Ridgeview Crescent, Riverside (folio of the Register 177729/91); and 43 Ridgeview Crescent, Riverside (folio of the Register 177729/92). <p><i>Reason: To apply the Bushfire-Prone Areas Code consistent with Guideline No. 1.</i></p>
2.47	Obstacle Limitation Area Overlay	<p>Revise the Obstacle Limitation Area Overlay so that it accords with the Launceston Airport Masterplan 2020.</p> <p><i>Reason: To apply the Safeguarding of Airports Code consistent with Guideline No. 1.</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) To meet ministerial declaration;
- (b) correct references to relevant provisions;

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) align zoning and overlays, based on the cadastral parcels dataset, with the most recent version of the cadastral parcels dataset available from the LIST;
- (c) fill any unzoned gaps in the zoning layer;
- (d) remove any overlaps between adjoining zones;
- (e) apply the schema set out in Appendix B of Practice Note 7 to each relevant GIS dataset;
- (f) remove any overlaps between features in the same overlay later that have different categories (excluding for transitioning specific area plans), such as: coastal inundation investigation areas and low coastal inundation hazard band;
- (g) 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 priority vegetation area;
- (h) 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;
- (i) 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
- (j) 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 West Tamar draft LPS written document

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West Tamar Local Provisions Schedule

WTA-Local Provisions Schedule Title

WTA-1.1 This Local Provisions Schedule is called the West Tamar Local Provisions Schedule and comprises all the land within the municipal area.

WTA-Effective Date

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

WTA-Local Area Objectives

This clause is not used in this Local Provisions Schedule.

WTA-Particular Purpose Zones

There are no particular purpose zones in this Local Provisions Schedule.

WTA-S1.0 Windsor Community Precinct Specific Area Plan

WTA-S1.1 Plan Purpose

The purpose of the Windsor Community Precinct Specific Area Plan is:

- WTA-S1.1.1 To provide for the ongoing use of a multi-purpose community, leisure, health and wellbeing centre at the Windsor Community Precinct, Windsor Park in Riverside, while maintaining the dominant recreational use of the site.

WTA-S1.2 Application of this Plan

- WTA-S1.2.1 The specific area plan applies to the area of land designated as Windsor Community Precinct Specific Area Plan on the overlay maps and in Figure WTA-S1.1.
- WTA-S1.2.2 In the area of land this plan applies to, the provisions of the specific area plan are in substitution for the provisions of the Recreation Zone as specified in the relevant provision.

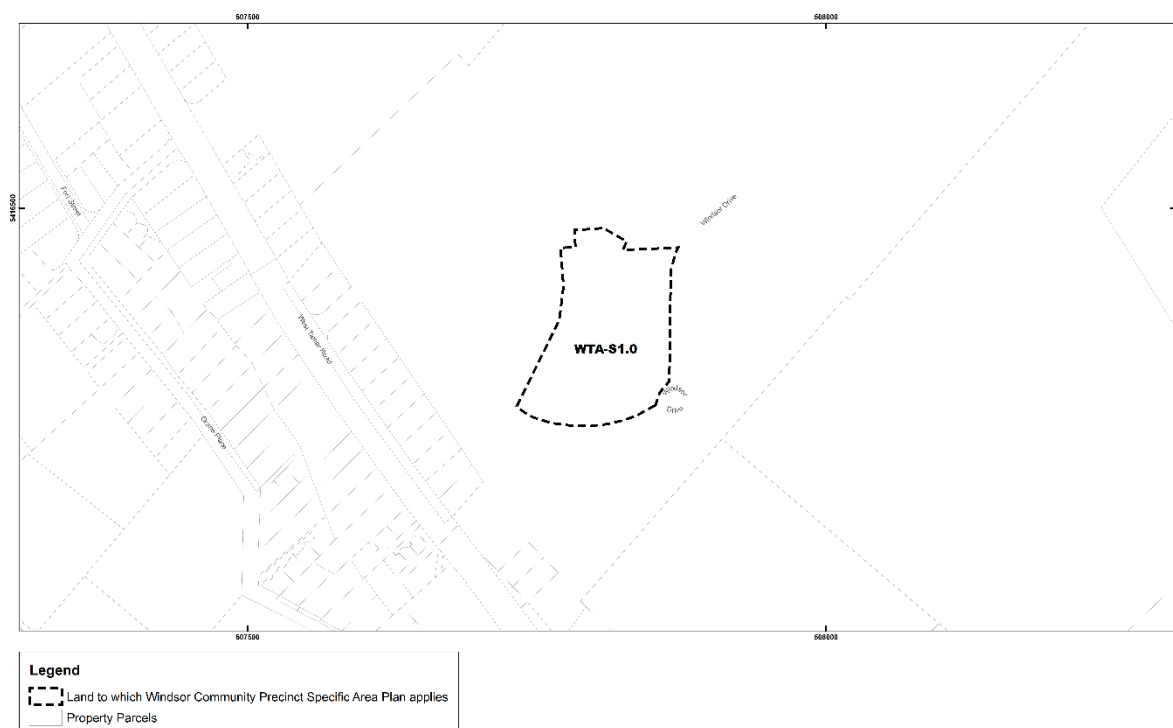


Figure WTA-S1.1 Windsor Community Precinct Specific Area Plan as required by clause WTA-S1.2.1

WTA-S1.3 Local Area Objectives

This sub-clause is not used in this specific area plan.

WTA-S1.4 Definition of Terms

This clause is not used in this specific area plan.

WTA-S1.5 Use Table

This clause is in substitution for Recreation Zone – clause 28.2 Use Table.

Use Class	Qualification
No Permit Required	
No uses	
Permitted	
Business and Professional Services	If for a consulting room for health practitioner or medical centre.
Educational and Occasional Care	If for child care or an employment training centre.
Discretionary	
Food Services	
General Retail and Hire	If for a pharmacy.
Prohibited	
All other uses	

WTA-S1.6 Use Standards

This sub-clause is not used in this specific area plan.

WTA-S1.7 Development Standards for Buildings and Works

This sub-clause is not used in this specific area plan.

WTA-S1.8 Development Standards for Subdivision

This sub-clause is not used in this specific area plan.

This sub-clause is not used in this specific area plan.

WTA-S2.6 Use Standards

WTA-S2.6.1 Sensitive use

This clause is in substitution for Attenuation Code – clause C9.5.2 Sensitive use within an attenuation area.

Objective:	That: (a) temporary or permanent sensitive uses do not unreasonably fetter quarry operations; and (b) exposure to air blast overpressure is reduced.
Acceptable Solutions	Performance Criteria
A1 Use must not be for a sensitive use.	P1 No Performance Criterion.

WTA-S2.7 Development Standards for Buildings and Works

This sub-clause is not used in this specific area plan.

WTA-S2.8 Development Standards for Subdivision

This sub-clause is not used in this specific area plan.

WTA-S2.9 Tables

This sub-clause is not used in this specific area plan.

WTA-S3.0 Residential Supply and Density Specific Area Plan

WTA-S3.1 Plan Purpose

The purpose of the Residential Supply and Density Specific Area Plan is:

- WTA-S3.1.1 To provide for residential use and development in residential areas where there are infrastructure constraints that necessitate a limit on the density of development.
- WTA-S3.1.2 To provide for subdivision of lots at a density appropriate to the infrastructure constraints in low density residential areas at Beaconsfield, Beauty Point, Blackwall, Rosevears, Deviot, Exeter, Gravelly Beach, Grindelwald, Legana (North and South), Riverside, and Swan Point.

WTA-S3.2 Application of this Plan

- WTA-S3.2.1 The specific area plan applies to the area of land designated as Residential Supply and Density Specific Area Plan on the overlay maps.
- WTA-S3.2.2 In the area of land to which this plan applies, the provisions of the specific area plan are in substitution for the provisions of the Low Density Residential Zone, as specified in the relevant provision.

WTA-S3.3 Local Area Objectives

This sub-clause is not used in this specific area plan.

WTA-S3.4 Definition of Terms

This sub-clause is not used in this specific area plan.

WTA-S3.5 Use Table

This clause is in substitution for Low Density Residential Zone – clause 10.2 Use Table.

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Residential	If for a single dwelling.
Utilities	If for minor utilities.
Permitted	
Residential	If for a home-based business.

Use Class	Qualification
Visitor Accommodation	
Discretionary	
Business and Professional Services	If for a consulting room, medical centre, veterinary centre, child health clinic or for the provision of residential support services.
Community Meeting and Entertainment	If for a place of worship, art and craft centre or public hall.
Educational and Occasional Care	If not for a tertiary institution.
Emergency Services	
Food Services	If not for a take away food premises with a drive through facility.
General Retail and Hire	If for a local shop.
Residential	If not: (a) for multiple dwellings; or (b) listed as No Permit Required or Permitted.
Sports and Recreation	If for a fitness centre, gymnasium, public swimming pool or sports ground.
Utilities	If not listed as No Permit Required.
Prohibited	
All other uses	

WTA-S3.6 Use Standards

This sub-clause is not used in this specific area plan.

WTA-S3.7 Development Standards for Buildings and Works

This sub-clause is not used in this specific area plan.

WTA-S3.8 Development Standards for Subdivision

WTA-S3.8.1 Lot design

This clause is in substitution for Low Density Residential Zone – clause 10.6.1 Lot design A1 and P1.

Objective:	That each lot: (a) has an area and dimensions appropriate for use and development within low density residential areas; and (b) is provided with an appropriate level of infrastructure.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision must:</p> <p>(a) have an area not less than 5,000m², and:</p> <p>(i) be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of:</p> <p>a. all setbacks required by Low Density Residential Zone - clause 10.4.3 Setback A1 and A2; and</p> <p>b. easements or other title restrictions that limit or restrict development; and</p> <p>(ii) existing buildings are consistent with the setback required by Low Density Residential Zone - clause 10.4.3 Setback A1 and A2;</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 be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	<p>P1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <p>(a) the relevant requirements for development of buildings on the lots;</p> <p>(b) the intended location of buildings on the lots;</p> <p>(c) the topography of the site;</p> <p>(d) adequate provision of private open space;</p> <p>(e) adequate provision of drainage;</p> <p>(f) the pattern of existing lots or development existing on established properties in the area; and</p> <p>(g) any constraints to development, and must have an area not less than 5,000m².</p>

WTA-S3.9 Tables

This sub-clause is not used in this specific area plan.

WTA-Site-specific Qualifications

Reference Number	Site reference	Folio of the Register	Description (modification, substitution or addition)	Relevant Clause in State Planning Provisions
WTA-8.1	14 Fysh Street, Beaconsfield	134620/1	<p>Additional Discretionary Use Class for this site is Manufacturing and Processing with the qualification "if:</p> <ul style="list-style-type: none"> - within an existing building and associated car park at 14 Fysh Street, Beaconsfield (FR 134620/1); - as described in permit PA2016022; and - operating in accordance with environmental controls required by permit PA2016022." 	General Residential Zone – clause 8.1 Use Table
WTA-11.1	360 Loop Road and 22 Millers Road, Glengarry	172723/1 172723/2	<p>A substitution for this clause is:</p> <p>A1</p> <p>Each lot, or a lot in a plan of subdivision of FR 233372/1 must be in accordance with permit number PA2016118, effective 20 October 2016.</p>	Rural Living Zone – clause 11.5.1 Lot design

WTA-Code Lists

WTA-Table C3.1 Other Major Roads

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

WTA-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						

WTA-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			

WTA-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			

WTA-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				

WTA-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							

WTA-Table C8.1 Scenic Protection Areas

Reference Number	Scenic Protection Area Name	Description	Scenic Value	Management Objectives
This table is not used in this Local Provision Schedule				

WTA-Table C8.2 Scenic Road Corridors

Reference Number	Scenic Road Corridor Description	Scenic Value	Management Objectives
WTA-C8.2.1	West Tamar Highway between Riverside and Legana.	Captured views to the diverse landscapes of the West Tamar River and beyond to surrounding mountain ranges.	To provide for, and be sensitive to, views that enhance the traveller experience by setting development back from the road and minimising building bulk within proximity to the road.
WTA-C8.2.2	West Tamar Highway between Legana and Lanena.	Captured views to the diverse landscapes of the West Tamar River and beyond to surrounding mountain ranges.	To provide for, and be sensitive to, views that enhance the traveller experience by setting development back from the road and minimising building bulk within proximity to the road.
WTA-C8.2.3	West Tamar Highway between Exeter and Beaconsfield.	Views of native vegetation and mixed agricultural pursuits provides visual amenity to the traveller experience.	To provide for, and be sensitive to, views that enhance the traveller experience by setting development back from the road and minimising building bulk within proximity to the road.
WTA-C8.2.4	Batman Highway between West Tamar Highway and the Batman Bridge, including Spring Hill Road.	Views of native vegetation and mixed agricultural pursuits provides visual amenity to the traveller experience.	To provide for, and be sensitive to, views that enhance the traveller experience by setting development back from the road and minimising building bulk within proximity to the road.
WTA-C8.2.5	West Tamar Highway between Beaconsfield and Beauty Point.	Views of native vegetation and mixed agricultural pursuits provides visual amenity to the traveller experience.	To provide for, and be sensitive to, views that enhance the traveller experience by setting development back from the road and minimising building bulk within proximity to the road.
WTA-C8.2.6	Rowella Road between Batman Road and Auburn Road.	Captured views to the diverse landscapes of the West Tamar River and beyond to surrounding mountain ranges.	To provide for, and be sensitive to, views that enhance the traveller experience by setting development back from the road and minimising building bulk within proximity to the road.

WTA-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
Badger Head	1.8	2.6	3.2	2.9
Beauty Point	1.5	2.6	3.2	2.9
Clarence Point	1.7	2.6	3.2	2.9
Deviot	1.4	2.6	3.2	2.9
Exeter	1.5	2.6	3.2	2.9
Gravelly Beach	1.5	2.6	3.2	2.9
Greens Beach	1.8	2.6	3.2	2.9
Kayena	1.4	2.6	3.2	2.9
Kelso	1.8	2.6	3.2	2.9
Lanena	1.5	2.6	3.2	2.9
Legana	1.8	2.6	3.2	2.9
Riverside	1.8	2.6	3.2	2.9
Robigana	1.4	2.6	3.2	2.9
Rosevears	1.6	2.6	3.2	2.9
Rowella	1.5	2.6	3.2	2.9
Sidmouth	1.4	2.6	3.2	2.9
Swan Point	1.4	2.6	3.2	2.9
Trevallyn	1.8	2.6	3.2	2.9
All other locations	1.8	2.6	3.2	2.9

WTA-Applied, Adopted or Incorporated Documents

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

Land Use Planning and Approvals Act 1993

Notice under section 35KB(1)

West Tamar Draft Local Provisions Schedule

17 December 2021

The Tasmanian Planning Commission (the Commission) directs under section 35KB(1) that the West Tamar planning authority prepare draft amendments under Part 3B of the Act, of the West Tamar Local Provisions Schedule (LPS) as follows, and must submit the draft amendment to the Commission within 42 days after the LPS comes into effect:

1.0 Land at 72 Beach Crescent and Paranaple Road, Greens Beach

1.1 Apply the Rural Zone to the following properties at Greens Beach as shown in Figure 1 below:

- 72 Beach Crescent, Greens Beach folios of the Register 121074/1, 197444/1, 197444/2, 250323/1, 250324/1, 250326/1, 250338/1, 89081/1, 89235/31 and 94138/25;
- Paranaple Road, Kelso folio of the register 94138/26; and
- Lot 1 Paranaple Road, Kelso folio of the register 170415/1 (being only that portion of the site zoned Agriculture under the exhibited LPS).

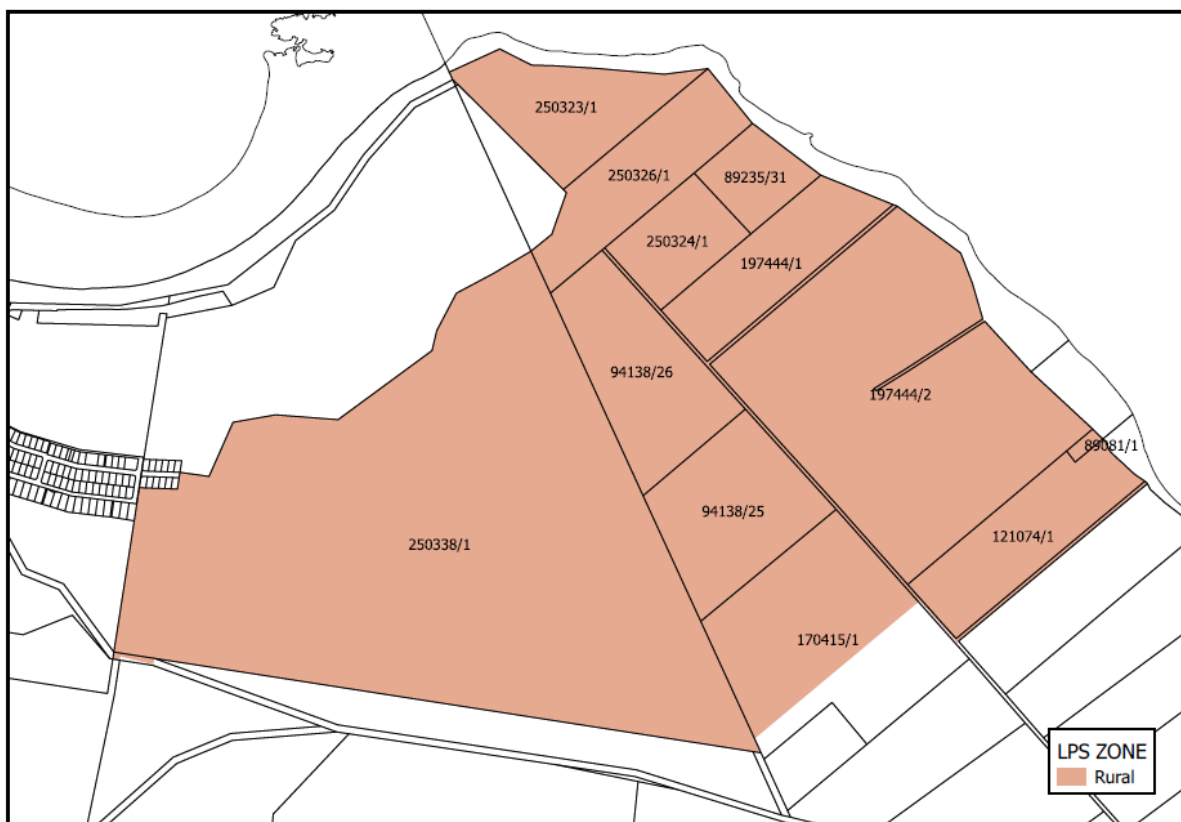


Figure 1 – Application of the Rural Zone to land at Greens Beach

- 1.2 Apply the Priority Vegetation Area Overlay to the following properties at Greens Beach as shown in Figure 2 below:
- 72 Beach Crescent, Greens Beach folios of the Register 121074/1, 197444/1, 197444/2, 250323/1, 250324/1, 250326/1, 250338/1, 89081/1, 89235/31 and 94138/25;
 - Paranaple Road, Kelso folio of the register 94138/26; and
 - Lot 1 Paranaple Road, Kelso folio of the register 170415/1 (being only that portion of the site zoned Agriculture under the exhibited LPS).

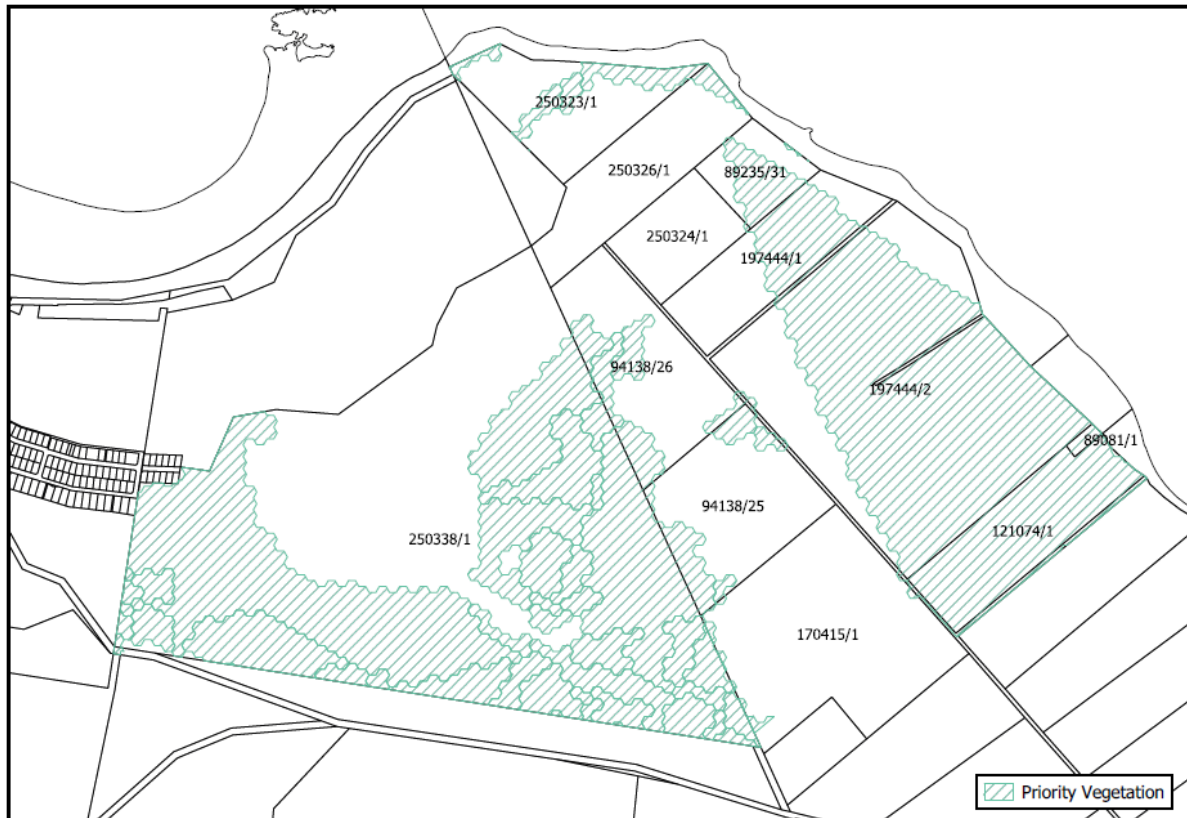


Figure 2 – Application of the Priority Vegetation Area Overlay to land at Greens Beach