

10 April 2019

Tasmanian Planning Commission  
GPO Box 1691  
HOBART 7001

Attn: Peter Fischer, Acting Executive Commissioner

Dear Peter

**RE: Draft Meander Valley Local Provisions Schedule – Submission of planning authority reports under sections 35F and 35G of the Land Use Planning & Approvals Act 1993**

Council advises that it has considered the representations to the notification of the Draft Meander Valley Local Provisions Schedule at its meeting of 9 April 2019. Council resolved to submit the attached report, pursuant to section 35F of the Act.

As a result of consideration of the representations, Council has also resolved to recommend amendments to the State Planning Provisions and hereby provides the planning authority notice and associated report pursuant to section 35G of the Act.

Council looks forward to the directions hearing set down for 2 May 2019 at Council's chambers.

If you have any queries regarding the above, please do not hesitate to call Council's Senior Strategic Planner, Jo Oliver on 6393 5325.

Yours faithfully



Martin Gill  
**GENERAL MANAGER**

## **PLANNING AUTHORITY 2**

Reference No. 63/2019

### **REPORT ON REPRESENTATIONS TO THE DRAFT MEANDER VALLEY LOCAL PROVISIONS SCHEDULE**

**AUTHOR:** Jo Oliver  
SENIOR STRATEGIC PLANNER

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#### **1) Introduction**

The purpose of this report is to consider the representations to the Draft Meander Valley Local Provisions Schedule (LPS) and provide recommendations to the Tasmanian Planning Commission (TPC) pursuant to section 35F and 35G of the *Land Use Planning and Approvals Act* (LUPAA) 1993.

#### **2) Recommendation**

***It is recommended that the Planning Authority:***

- 1. endorse the attached document '1.0 Planning Authority Report under Section 35F of the Land Use Planning and Approvals Act 1993 – Consideration of Representations to the Draft Meander Valley Local Provisions Schedule' as its report pursuant to Section 35F of the Act and forward to the Tasmanian Planning Commission.**
- 2. that the planning authority endorse the attached document '2.0 Planning Authority Notice under Section 35G of LUPAA – Recommended Amendments to the State Planning Provisions' as its notice pursuant to Section 35G of the Act and forward to the Tasmanian Planning Commission.**
- 3. That the planning authority delegate to the General Manager its powers and functions to:**
  - a) modify the reports submitted under recommendations 1. and 2. if a request is received from the Tasmanian Planning Commission for further information; and**
  - b) represent the planning authority at hearings pursuant to Section 35H.**

### **3) Background**

The Draft Meander Valley Local Provisions Schedule (LPS) was endorsed by the planning authority at its meeting on 12 December 2017 and submitted to the Tasmanian Planning Commission (TPC). The TPC directed that the Draft LPS be publicly notified in accordance with the Act on 9 October 2018.

The draft LPS was publicly notified for 60 days on 20 October 2018, with the period for the submission of representations closing on 21 December 2018. In accordance with the requirements of the Act, a notice was placed in two Saturday editions of the Examiner and Advocate newspapers and an article placed on Council's website under 'Latest News'. In addition to the requirements of the Act, a letter was sent to each property owner identified in Council's rates database notifying property owners that the Draft LPS is on public exhibition and where to access the documents for viewing.

At the conclusion of the exhibition period, 41 representations had been received.

### **4) Strategic/Annual Plan Conformance**

Furthers the objectives of the Council's Community Strategic Plan 2014 to 2024, in particular:

- Future Direction (1) - A sustainable natural and built environment
- Future Direction (2) - A thriving local economy
- Future Direction (4) - Innovative leadership and community governance

### **5) Policy Implications**

Not applicable.

### **6) Legislation**

Following public exhibition of the Draft LPS, Section 35F of the Act requires the planning authority to prepare a report containing:

- a copy of each representation made under s.35E(1);
- a statement of the planning authority's opinion as to the merit of each representation made, in particular as to:
  - whether the draft LPS should be modified; and

- if recommended to be modified, the effect on the draft LPS as whole;
- a statement as to whether the planning authority is satisfied that the draft LPS meets the LPS criteria;
- the recommendation of the planning authority in relation to the draft LPS.

Having considered the representations, Section 35G of the Act provides for the planning authority to provide advice to the TPC in a notice, that the planning authority is of the opinion that the State Planning Provisions (SPP's) should be altered. The Act however, contains a particular complexity in that any submissions by a party that the SPP's should be altered cannot be regarded as a representation.

This report, and the subsequent decision of the planning authority, is made up of two parts that address separately the planning authority's report under Section 35F and the planning authority's notice under Section 35G.

Following receipt of the planning authority report under Section 35F, the TPC will hold hearings into the representations made. The TPC will then seek the agreement of the Minister for Planning for the final form of the Meander Valley LPS before it is approved and commences operation.

There is no legislative process prescribed for a notice submitted by the planning authority under Section 35G.

## **7) Risk Management**

Not applicable.

## **8) Consultation with State Government and other Authorities**

The TPC issued a schedule of State agencies and authorities to be directly notified of the exhibition of the Draft LPS. Each of the agencies and authorities were notified in accordance with this direction. Representations are addressed in the attached report table.

## **9) Community Consultation**

The Draft Meander Valley LPS has been subject to the statutory public exhibition requirements of the Act. In addition, after-hours public information sessions were held at Westbury, Deloraine and Prospect Vale.

## 10) Financial Impact

Not applicable.

## 11) Alternative Recommendations

The planning authority may choose to amend the recommendations in response to particular representations and provide associated reasons.

## 12) Officers Comments

Representations submitted generally related to the following topics:

- zoning of particular properties or land;
- overlay mapping on particular properties or land;
- the effect of provisions on particular areas, properties and uses;
- suggestions for additional Specific Area Plans or modifications to proposed Specific Area Plans;
- suggestions for modifications to the Particular Purpose Zone;
- deficiencies of the Natural Assets Code provisions relating to the Priority Vegetation Area overlay;
- protection of local heritage through the Local Historic Heritage Code;
- provision of scenic management measures through the Scenic Protection Code;
- Regional Land Use Strategy of Northern Tasmania; and
- the Tasmanian Planning Scheme and State Planning Provisions – relating to some specific matters and also general dissatisfaction.

The matters raised in representations are addressed in accordance with the requirements of the Act in the attached table '**1.0 Planning Authority Report under Section 35F of LUPAA – Consideration of Representations to the Draft Meander Valley Local Provisions Schedule**'.

Matters raised in the representations that warrant consideration of amendments to the State Planning Provisions are addressed in accordance with the requirements of the Act in the attached report '**2.0 Planning Authority Notice under Section 35G of LUPAA – Recommended Amendments to the State Planning Provisions**'.

Council's reports, together with the representations, are available as a separate attachment to this agenda.

### **13) Voting Requirements**

Simple Majority

### **DECISION:**

## 1.0 Planning Authority Report under Section 35F of LUPAA – Consideration of Representations to the Draft Meander Valley Local Provisions Schedule

STATE AGENCIES	
1 Hydro Tasmania	
<ul style="list-style-type: none"> <li>• Submit for Utilities zoning of dam walls/generation sites and some above ground infrastructure such as flumes and communications towers at the following sites: <ul style="list-style-type: none"> <li>- Rowallan Dam and Power Station</li> <li>- Lemonthyme Power Station and Penstock</li> <li>- Fisher Power Station and Penstock</li> <li>- Parangana Dam and Power Station</li> <li>- Lake Mackenzie Dam and Fisher Canal</li> <li>- Trevallyn Dam</li> <li>- Western Bluff Communications Site</li> </ul> </li> <li>• Submits that the request is consistent with Guideline No.1 for the application of zones and codes.</li> <li>• Seeking consistent approach to the zoning of infrastructure across the State.</li> </ul>	<p><b>Comment</b></p> <p>Drafting guidance for the preparation of an LPS describes a preference for zoning based on cadastral boundaries, however provides for zoning based on other identifiable characteristics. Whilst Guideline No.1 states that the primary objective <i>"should be to achieve the zone purpose to the greatest extent possible"</i>, there is a context of the logical and/or dominant pattern of land use in an area or that land is utilised for range of uses, but has prevailing values for resource production or conservation for example.</p> <p>The infrastructure submitted for Utilities zoning is mostly located on Crown land for State forest or the World Heritage Area. The instruction in Guideline No. 1 is that the World Heritage Area is zoned Environmental Management and State forest as Rural Zoning. These land tenures both experience multiple uses including tourism, recreation, agriculture, forestry, extractive industries as well as utilities for electricity generation and distribution and telecommunications.</p> <p>A concern with the requested zoning is the precedent this sets for other types of utilities and other uses that occur within a mixed use landscape that has a dominant purpose for conservation or resource development. inconsistent across the State as new assets are constructed.</p>

	<p>It is noted that Hydro Tasmania enjoy a privileged position under the Water Management Act 1999 and the Electricity Supply Industry Act 1995. The WM Act provides for extensive exemptions for Water Entities from the need to obtain planning approval for works associated with dam construction and maintenance, including electricity generation facilities. The ESI Act also provides for extensive exemptions for electricity distribution. The legislation enables electricity utility providers to function without unnecessary regulatory intervention. It appears as though the majority (if not all) of Hydro's daily activities would be exempt from the planning scheme irrespective of zoning. The only intervention of planning legislation relates to new generation facilities (not replacement on same site), new high voltage powerlines on private land (not replacement on same site) and new access roads. The proposed zoning of infrastructure will not capture any of these works to provide the 'protections' being sought by the representation.</p> <p>Utilities zoning based on buffers, generalized areas around infrastructure or linear infrastructure for channels, flumes, transmission corridors and the like is not supported. The assets are effectively co-located with other resources such as State forest or environmental assets which are the dominant landscape types. This type of zoning approach sets a difficult precedent for other infrastructure that may be public or private, yet serves a broad public purpose. Examples are irrigation scheme assets (dams, pump stations, outfalls), commercial or State communications towers eg. Telstra, Optus, State forest. When new infrastructure is established, this then creates an inconsistency in land zoning that will require a subsequent planning scheme amendment. This is considered to be an unnecessary regulatory burden that serves no practical purpose given the protected operations of Hydro activities under other legislation.</p> <p>Council's zoning methodology reflects the preference in the guidance documents that dedicated titles for Utilities assets are zoned for that purpose. It is noted that the Trevallyn Dam wall infrastructure is contained within a dedicated title and is not</p>
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	<p>fully zoned Utilities and should be corrected.</p> <p>There is no compelling reason why Hydro Tasmania assets should be provided a specific zoning arrangement that is not consistent with the broader zoning methodology.</p>
<b>Recommendation for Draft LPS</b>	
That the cadastral parcel containing the Trevallyn Dam wall owned by Hydro Tasmania is zoned Utilities Zone.	
<b>Effect on Draft LPS as a Whole</b>	
The recommendation relates to specific cadastral parcel only and does not affect the draft LPS as whole.	
<b>LPS Criteria</b>	
<p>The recommendation corrects an error in zoning which provides greater consistency with SPP requirements and drafting instruction.</p> <p>The planning authority is satisfied that the draft LPS meets the LPS criteria.</p>	
<b>2 TasNetworks</b>	
<ul style="list-style-type: none"> <li>• Submits for Utilities zoning of communications sites</li> <li>• Submits for the removal of Priority Vegetation Area overlay from the transmission corridors, Hadspen substation and communication sites.</li> <li>• Submits for removal of the Scenic Road Corridor overlay from the transmission corridors.</li> <li>• Submits for modifications to the ETIPC overlay</li> <li>• Submits for additional provisions for Utilities in various Specific Area Plans.</li> </ul>	<p><b>Comment</b></p> <p>Zoning:</p> <p>Comments regarding the Hydro Tasmania submission for Utilities zoning of the same or similar infrastructure are reiterated in response to the TasNetworks submission. Utilities zoning based on buffers or generalized areas around infrastructure is not supported. The specific purpose of the ETIPC is to provide protection of the State's electricity infrastructure from land use conflict and is sufficient to achieve that purpose.</p> <p>Sites that are contained within dedicated cadastral parcels are supported for Utilities zoning. These are communications sites listed as:</p> <ul style="list-style-type: none"> <li>- Cluan Tier Road PID (PID 3012277)</li> </ul>

	<ul style="list-style-type: none"> <li>- Martha Creek Hill, Lake Mackenzie Road (PID2531227)</li> </ul> <p>Priority Vegetation Area Overlay:</p> <p>Removal of Priority Vegetation Area overlay where it intersects with ETIPC overlay is not supported. The PVA model draws on proximity and interactions between identified areas. The model results should remain as intact as possible with other legislative exemptions or SPP operational requirements determining when it does, or does not, apply. It is noted Council did not support the removal of the overlay from non-applicable zones, preferring that the model results be presented intact in the mapping to properly represent the context of the results, which cross zoning and land use boundaries. If the overlay is eroded spatially to cater for individualised preferences, the overlay and the role it plays through the Natural Assets Code becomes inconsistent. Whilst it is recognised the natural values management system that TasNetworks administers under other legislation is robust, the role of the planning scheme is to spatially represent its own policy for land use and natural values management. There are numerous agencies that administer natural values management systems, such as Hydro Tasmania, Sustainable Timber Tasmania, Parks &amp; Wildlife Service that are subject to legislative exemptions from assessment under a planning scheme. Removal of the PVA overlay on the basis of tenure and other legislative exemptions would create a difficult precedent if the principle were applied consistently. The PVA overlay also includes environments that are not forest, are located on private land within a transmission corridor and may not be subject to maintenance for safety. Removal of the overlay within the transmission corridor would void any assessment of landowner works within those areas.</p> <p>Comments regarding the accuracy of the data for the PVA overlay are noted. The variability in accuracy of the prescribed State data is well known and documented in Council's supporting report. The reality is that much of the area contained within the PVA overlay will reveal different results on the ground when an assessment is undertaken. It is not sufficient reason to erode the model results represented in the</p>
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	<p>overlay on a landowner basis, because that landowner/agency administers its own statutory system for managing natural values.</p> <p>The operational reality is that vegetation removal for the purposes of safeguarding the State's electricity infrastructure is exempt from any consideration under the planning scheme. TasNetworks is not disadvantaged by maintaining the PVA overlay in its current form.</p> <p>Scenic Protection Code:</p> <p>Removal of the Scenic Road Corridor or Scenic Protection Area overlay where it intersects the ETIPC transmission corridor is not supported. The corridors traverse private land and this would allow for other use or development that TasNetworks may allow in the easement to be located within the area that Council has prioritised for visual impact management without any assessment for visual impact. Any maintenance works within the transmission corridors conducted by TasNetworks are exempt from the planning scheme. TasNetworks is not disadvantaged by maintaining the scenic protection overlays in its current form.</p> <p>ETIPC overlay modifications:</p> <p>The SPP's require the inclusion of the overlay as provided by TasNetworks and therefore the overlay map will be amended in accordance with revised data.</p> <p>Status of Utilities use and standards within SAPs:</p> <ul style="list-style-type: none"> <li>• MEA-S1.0 Birralee Rd Industrial Precinct</li> </ul> <p>MEA-S17.2 Front setback</p> <p>The mandatory front setback within the precinct is recommended for modification to</p>
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	<p>provide for the SPP performance criteria for the Industrial Zone in response to representation no. 40. This will enable consideration of utilities.</p> <p>MEA-S1.7.5 Landscaping</p> <p>The landscaping buffer area allows for infrastructure that is not buildings. A blanket exclusion for utilities is not supported as this would allow development that would undermine the purpose of the buffer for aesthetic presentation.</p> <p>MEA-S1.8.1 Lot design</p> <p>Support an acceptable solution for utilities or public use, consistent with SPP's for subdivision in the Industrial Zone.</p> <p>MEA-S1.8.2 Services</p> <p>Support the exclusion of a lot for utilities from connection to a water supply as it may not be required unless it is within the bushfire prone area. However, exclusion from connection to the stormwater system is not supported as lots may require hardstand areas and drainage.</p> <ul style="list-style-type: none"> <li>• MEA-S3.0 Carrick SAP Transitional Provision – Suggested amendment is beyond a permitted alteration.</li> <li>• MEA-S4.0 Harley Parade SAP Transitional Provision – Suggested amendment is beyond a permitted alteration.</li> <li>• MEA-S12.0 – MEA-S17.0 SAPs Support the submitted exclusion of lots for utilities from the prohibition on new lots at Pumicestone Ridge, Jackey's Marsh, Weegen and Western Creek. The provision relates to the creation of lots for habitation in the Low Density or Rural Living Zone in those areas.</li> </ul> <p>MEA-S14.0 Kimberley SAP and MEA-S15.0 Upper Golden Valley SAP are</p>
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	<p>recommended for modification to remove the prohibition on new lots. Refer to Representations 33 and 37 below. Lots for utilities are recommended to be considered consistent with the SPP's for the Rural Living Zone in these areas.</p> <p>MEA-S19 Westbury Road SAP This SAP was developed with a focus on very specific lot arrangements and aesthetic/urban design outcomes. An acceptable solution providing lots for utilities is not supported due to the potential to undermine the objectives of the precinct. It is unlikely that there will be the need for such a lot, however lots for utilities are considered through the performance criteria.</p>
<b>Recommendation for Draft LPS</b>	
<ol style="list-style-type: none"> <li>1. Zone the two cadastral parcels for communications infrastructure listed below as Utilities Zone: <ul style="list-style-type: none"> <li>- Cluan Tier Road PID (PID 3012277)</li> <li>- Martha Creek Hill, Lake Mackenzie Road (PID2531227)</li> </ul> </li> <li>2. Modify the ETIPC overlay in accordance with revised data provided by TasNetworks.</li> <li>3. Modify the Birralelee Road Industrial Precinct SAP acceptable solution MEA-S1.8.1 Lot design to include the SPP standard provisions for utilities or public use, consistent with SPP's for subdivision in the Industrial Zone.</li> </ol> <p><b>MEA-S1.8.1 Lot design</b></p> <p><b>A1</b></p> <p>Each lot, or lot proposed in a plan of subdivision, must:</p> <ol style="list-style-type: none"> <li>(a) be in accordance with the Outline Development Plan in Figure S1.1;</li> <li>(b) provide for a minimum lot size of 5000m<sup>2</sup> with folios of the Register 136796/1, 24832/2 and 28921/1 being subdivided such that at least 1 lot has a minimum area of 2ha or greater and that no more than 40%</li> </ol>	

of the land area has lots with an area of less than 1ha,

- (c) **be required for public use by the Crown, a council or a State authority; or**
- (d) **be required for the provision of utilities.**

4. Modify the acceptable solution for MEA-S1.8.2 Services to exclude utilities from the requirement to connect to the water supply service.

#### **MEA-S1.8.2 Services**

##### **A1**

Each lot, or lot proposed in a plan of subdivision, excluding for **utilities or** a drainage reserve, must be connected to a full water supply service.

5. Modify the acceptable solution to exclude lots for utilities from the prohibition on new lots at Pumicestone Ridge, Jackey's Marsh, Weegenah and Western Creek.

#### **MEA-S12.8.1, MEA-S13.8.1, MEA-S16.0 and MEA-S17.0 New lot prohibition**

##### **A1**

**Except for utilities,** subdivision must not create additional lots.

#### **Effect on Draft LPS as a Whole**

The recommended modifications relate to specific sites or narrow circumstances within a SAP area and do not affect the draft LPS as whole.

#### **LPS Criteria**

The recommended modifications provide greater consistency with SPP requirements and drafting instructions.

The particular qualities described for the justification of SAP provisions under s.32(4) of LUPAA for the Birralee Road Industrial Precinct, Pumicestone Ridge, Jackey's Marsh, Weegenah and Western Creek areas, are not affected by the recommended modifications.

The planning authority is satisfied that the draft LPS meets the LPS criteria.

### 3 Department of State Growth

- Submit for utilities zoning of State road casements – Lake Highway
- Submits for removal of the PVA overlay over Pioneer Park at Mole Creek and some road casements.

#### Comment

Support zoning of road casements for Lake Highway. GIS data has now been provided by the department.

Removal of Priority Vegetation Area overlay where it intersects with road casements is not supported. As described above in response to the TasNetworks representation, the model results should remain as intact as possible with other legislative exemptions or SPP operational requirements determining when it does, or does not, apply. It is noted Council did not support the removal of the overlay from non-applicable zones, preferring that the model results be presented intact in the mapping to properly represent the context of the results, which cross zoning and land use boundaries. This is particularly evident where the overlay applies to Utilities Zone on state road corridors, yet not either side which is Agriculture zoned land, an example at the Bass Highway South Esk River crossing shown in the map excerpts below.



Regional Ecosystem Model



PVA overlay

<b>Recommendation for Draft LPS</b>	
That the Utilities Zone be applied to the State road casement data, where the revised data includes areas not currently zoned Utilities Zone (Lake Highway).	
<b>Effect on Draft LPS as a Whole</b>	
The recommendation relates to specific parcels for State road casements only and does not affect the draft LPS as whole.	
<b>LPS Criteria</b>	
<p>The recommendation corrects an outstanding matter for zoning which ensures greater consistency with SPP requirements and drafting instruction.</p> <p>The planning authority is satisfied that the draft LPS meets the LPS criteria.</p>	
<b>4. Tasfire</b>	
<ul style="list-style-type: none"> <li>Support the SAP provision MEA-S1.8.3 Subdivision within the bushfire-prone area for Valley Central.</li> <li>Suggested modification of the objective to refer to buildings areas as well.</li> </ul>	<p><b>Comment</b></p> <p>Support minor amendment of objective to improve expression and interpretation of the standard.</p>
<b>Recommendation for Draft LPS</b>	
<p>Modify MEA-S1.0 Birralelee Road Industrial Precinct SAP - Section MEA-S1.8.3 Subdivision within the bushfire-prone area to include reference to building area in the objective as follows:</p> <p>Objective: That subdivision within the Birralelee Road Industrial Precinct is designed to provide appropriate <b>building areas</b>, road access and water supply to enable protection of life and property from bushfire.</p>	
<b>Effect on Draft LPS as a Whole</b>	
The recommendation relates to specific area of land within the SAP only and does not affect the draft LPS as whole.	



<b>LPS Criteria</b>	
<p>The recommendation improves expression in accordance with SPP drafting instruction.</p> <p>The planning authority is satisfied that the draft LPS meets the LPS criteria.</p>	
<b>5. Department of Police, Fire and Emergency Management – State Emergency Service</b>	
<ul style="list-style-type: none"> <li>Query regarding the flood prone area overlay and management of areas not mapped.</li> </ul>	<p><b>Comment</b></p> <p>Flood prone area mapping is included over areas that have been subject to specific flood modelling studies a together with areas previously mapped under the State flood plain data set. This is described in the Draft LPS supporting report. To date, no additional flood modelling is available, though it is noted that the State government has commenced a project to map flood prone areas across the State.</p> <p>The 2016 flood event has confirmed anecdotally, all areas zoned for development can be developed for their primary zoned purpose or are already urban areas, such as Deloraine and Mole Creek.</p> <p>Subdivision in these areas may be limited however, by the ‘safety net’ in the application of the Flood Prone Areas Code, whereby Council can require that an area of land be subject to flood assessment and modelling upon receipt of an application, even if the area is not mapped, if Council has reason to believe that it is potentially subject to flood risk.</p>
<b>Recommendation for Draft LPS</b>	
No recommendation	
<b>Effect on Draft LPS as a Whole</b>	
Not applicable	

<b>LPS Criteria</b>	
The planning authority is satisfied that the draft LPS meets the LPS criteria.	
<b>6. Taswater</b>	
<ul style="list-style-type: none"> <li>Utilities zoning of larger reservoirs and water treatment facilities.</li> </ul>	<p><b>Comment</b></p> <p>Support Utilities zoning of dedicated cadastral parcels only, consistent with response to TasNetworks and Hydro representations above.</p>
<b>Recommendation for Draft LPS</b>	
<p>That the Utilities Zone be applied to the following titles:</p> <p>CT173792/1 Mole Creek  Ct167684/1 Mole Creek  CT23068/8 Prospect Vale  CT135041/1 Carrick  CT165355/1 Bracknell</p>	
<b>Effect on Draft LPS as a Whole</b>	
The recommendation relates to specific parcels of land and does not affect the draft LPS as whole.	
<b>LPS Criteria</b>	
<p>The recommended modifications provide greater consistency with SPP requirements and drafting instructions.</p> <p>The planning authority is satisfied that the draft LPS meets the LPS criteria.</p>	
<b>LOCAL GOVERNMENT</b>	
<b>Local Government Association of Tasmania</b>	
<ul style="list-style-type: none"> <li>Natural Assets Code - Priority Vegetation Area overlay</li> </ul>	<p><b>Comment</b></p>

Discussed the unworkability of the Code provisions.	Requires submission by MVC under s. 35G to amend the SPP Code provisions relating to the Priority Vegetation Overlay.  Refer discussion under Section 2.0 – Planning Authority Notice under Section 35G of LUPAA – Recommended amendments to the State Planning Provisions.
<b>Recommendation for Draft LPS</b>	
No recommendation	
<b>Effect on Draft LPS as a Whole</b>	
Not applicable	
<b>LPS Criteria</b>	
The planning authority is satisfied that the draft LPS meets the LPS criteria.	
<b>7. Meander Valley Council</b>	
Council has made submission on matters that include: <ul style="list-style-type: none"> <li>• zoning corrections;</li> <li>• Improving the Karst SAP provisions,</li> <li>• Zoning and provisions for Entally Lodge;</li> <li>• Natural Assets Code - Priority Vegetation Area overlay</li> </ul>	<b>Comment</b>  The planning authority supports the merits of its own submission.  Discussion relating to the best zoning and future use of land at Entally Lodge is discussed below in response to representation no.27 by the landowner.  Matters involving the Natural Assets Code requires submission by MVC under s. 35G to amend the SPP Code provisions relating to the Priority Vegetation Overlay. Refer discussion under Section 2.0 – Report under s.35G.
<b>Recommendation for Draft LPS</b>	
1. Replace MEA-S5.0 Karst Management Specific Area Plan with the revised version attached to the representation.  2. Modify MEA-S1.0 Birralea Road Specific Area Plan provisions as follows:	

### **MEA-S1.7.5 Landscaping**

#### **A1**

Landscaping buffer areas:

- (a) adjoining the frontage of Birralelee Road in Figure S1.1, must have:
  - (i) a width of not less than 15m and not be developed for buildings;
  - (ii) no less than a single row of trees that will achieve a height of not less than 12m; and
  - (iii) no less than 20% of the area planted with shrubs and groundcover plants; and
- (b) not adjoining the frontage of Birralelee Road in Figure S1.1, must have no less than a single row of trees that will achieve a height of not less than **15m**.

### **MEA-S1.8.1 Lot Design**

Replace P3 No Performance Criterion with the following:

#### **P3**

***Each lot, or a lot proposed in a plan of subdivision, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:***

- (a) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;***
- (b) the topography of the site;***
- (c) the functionality and useability of the frontage;***
- (d) the anticipated nature of vehicles likely to access the site;***
- (e) the ability to manoeuvre vehicles on the site;***
- (f) the ability for emergency services to access the site; and***
- (g) the pattern of development existing on established properties in the area.***

3. Modify MEA-S8.0 Deloraine Specific Area Plan provisions as follows:

### **MEA-S8.8.1 Lot design**

#### **A1**

Each lot, or a lot proposed in a plan of subdivision, must:

- (a) have an area not less than 5000m<sup>2</sup> and:
    - (i) be able to contain a 50m diameter circle with a gradient not steeper than 1 in 5; and
    - (ii) existing buildings are consistent with the setback required by clause 10.4.3 A1 and A2; or
  - (b) where the lot can connect to reticulated water supply, sewer and stormwater services, have an area of not less than 1500m<sup>2</sup> and:**
    - (i) be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of:**
      - a. all setbacks required by clause 10.4.3 A1 and A2; and**
      - b. easements or other title restrictions that limit or restrict development; and**
    - (ii) existing buildings are consistent with the setback required by clause 10.4.3 A1 and A2; or**
  - (c) be required for public use by the Crown, a council or a State authority;
  - (d) be required for the provision of Utilities; or
  - (e) be for the consolidation of a lot with another lot provided each lot is within the same zone.
4. The Rural Zone is applied to the following 3 cadastral parcels containing the Sibelco quarry at Mole Creek:
- CT223679/1
- PID 7287876

#### **Effect on Draft LPS as a Whole**

The recommendation relates to specific areas of land for zoning or Specific Area Plans and does not affect the draft LPS as whole.

#### **LPS Criteria**

The recommended modifications provide greater consistency with SPP requirements and improved expression in accordance with drafting instructions.

The planning authority is satisfied that the draft LPS meets the LPS criteria.

<b>ZONING OF LAND AND SPECIFIC AREA PLANS</b>	
<b>Zoning at Westbury: Multiple Representors</b>	
<p>15 D Badcock</p> <p>Submits for residential zoning of constrained land located between William, Waterloo, Lyttleton and Taylor Streets.</p>	<p><b>Comment</b></p> <p>Due to various submissions relating to zoning and the future development of Westbury, a review of residential development has been compiled that draws on building and subdivision data since 2006.</p> <p>The review seeks to appreciate the more recent trends in residential land take-up and housing development to understand:</p> <ul style="list-style-type: none"> <li>• if the rate of development of General Residential zoned land for houses and multiple dwellings has increased and if there is sufficient future land supply; and</li> <li>• if changes to subdivision provisions in the Low Density Residential Zone for the Interim Planning Scheme in 2013 have provided for demand for low density housing development consistent with Council's strategy to promote population growth through housing choice in Westbury.</li> </ul> <p>• The review has produced the following results:</p>
<p><b>Low Density Residential Zoning</b></p>	
<p>16 A Harris</p> <p>17 J Carins (Roberts Real Estate)</p> <p>18 PDA Surveyors</p> <p>Support SAP provisions providing for subdivision in the Low Density Residential Zone to the southern side of Westbury.</p>	
<p>10 D Pyke</p> <p>19 B Murray</p> <p>20 S Hartam</p> <p>21 M Cresswell</p> <p>22 D Smink &amp; M Cresswell</p> <p>23 J Donaldson</p> <p>24 M Burns</p> <p>Object to current SAP provisions providing for subdivision in the Low Density Residential Zone to the southern side of Westbury.</p>	

			Lots developed	Availability
		General Residential and Urban Mixed Use Zone	Existing lots pre 2006: • 30 lots developed for houses • 9 lots to 40 multi-unit dwellings (incl. 10 independent living)	3 vacant lots 35 Lots pending approval/issue Total: 38 + 22 potential future lots  2008-2011 = 12-15 per year 2012-2016 = 4-10 per year 2017-2018 = 10-13 per year 7 years definite supply @ 5 per year 2.8 years supply on 2017-2018 average With potential future lots : 12 years supply @ 5 per year 4.4 years supply on 2017-2018 average
			Lots created by subdivision 2006 to current: • 21 lots developed for houses • 2 lots to 4 multi-unit dwellings	
			Total – 60 lots = 5 per year, Including multi-units = 3.6 per year	
		Low Density Residential Zone	Existing lots pre Oct 2013 to current: • 23 houses = 1.9 per year	22 subdivided lots to be available upon sealing. Of the 38 total - 17 houses were constructed from July 2017 to present date on a range of land sizes. 5 of these were on pre 2013 lots.
			Lots created by subdivision 2013 to current: • 15 houses = 3 per year	

	<p>The results provide the following indicators for land demand and supply in Westbury:</p> <p>General Residential Zone</p> <ul style="list-style-type: none"> <li>Land supply in the General Residential Zone is limited based on more recent, increasing rates of demand and construction. Ideally a 15-20 year rolling supply should be provided in order to properly account for the costs of infrastructure provision. Lot supply becomes even more constrained when taking into account the uncertainty about whether internal cul de sac roads are financially feasible in Westbury for subdivision of some larger internal lots. Potentially there is less than 4 years land supply and the provision of new General Residential zoned land should be investigated.</li> <li>Census results at the SA1 level indicate that Westbury is experiencing an ageing demographic with an older median age in the General Residential and Urban Mixed Use Zone areas, suggesting that these zones are attractive to a retiree market.</li> <li>Multiple dwelling development is rapidly taken up in Westbury.</li> </ul> <p><b>Recommendation:</b></p> <p>The representation by Mr Badcock relates to the only remaining significant parcel of land within the Westbury township that can achieve gravity service for sewer. This is a critical factor in future land supply in smaller regional settlements due to lower financial returns on subdivision when compared to that in metropolitan areas. In short, it is not financially feasible to develop land that requires a pump station to achieve sewer servicing.</p> <p>The land, bound by William, Waterloo, Lyttleton and Taylor Streets, which includes two other parcels adjoining the Badcock land, is suitable to be considered as the longer term urban growth area for Westbury due to:</p> <ul style="list-style-type: none"> <li>provision for approximately 200 lots over 17 hectares, adjacent to existing</li> </ul>
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General Residential zoning;

- ability to connect to reticulated services;
- frontage to Council maintained roads;
- proximity to shops and services;
- limitations on the ability to conduct agriculture.

The representation by Mr Badcock is supported in principle. Council will commence investigations with Taswater for the purpose of preparing a draft amendment for the rezoning of the land to the General Residential Zone. The diagram below shows an outline of the land that will be the subject of the amendment.

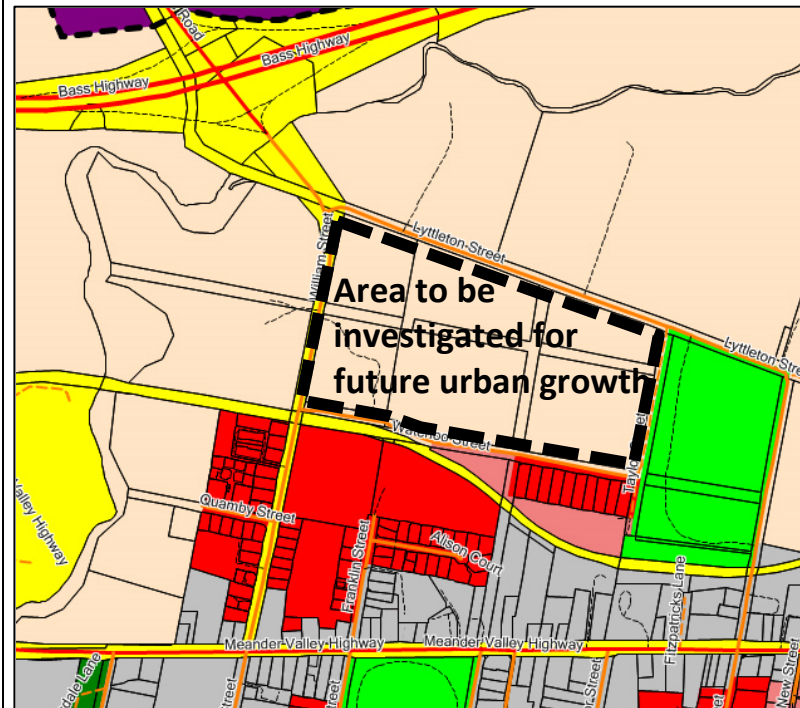


Figure 1 - Diagram of existing zoning showing the area to be investigated for zoning for future urban growth.

	<p>Low Density Residential Zone</p> <p>There are 305 land owners within the Low Density Residential Zone to the southern side of Westbury. Some have acted on the development opportunity afforded through the Interim Planning Scheme in 2013 which has provided a range of low density lot sizes from the minimum 5000m<sup>2</sup> through to 1 and 2 hectare lots. The available lots and subsequent dwelling construction activity is producing some interesting results that leads to the following observations:</p> <ul style="list-style-type: none"> <li>• There is clear demand for lower density lots in a range of sizes, with both 5000m<sup>2</sup> and 1 hectare lots being taken up and built on at about the same rate;</li> <li>• Lots are taken up rapidly when they become available to the market;</li> <li>• There remains some demand for existing 2 hectare lots, although are taken up at a slower rate than the 1 hectare and 5000m<sup>2</sup> lots.</li> <li>• The area has a younger demographic with lower median age than the General Residential/Urban Mixed Use zone core.</li> </ul> <p>Council's strategy for Westbury, consistent with the Northern Tasmania Region Land Use Strategy (NTRLUS) was (and is) to encourage growth in a diverse population, particularly attracting a younger family demographic to support the school and other services. This is particular challenge experienced by many of the State's smaller rural settlements. The potential supply of low density residential lots provides for a market incentive for this type of housing choice that is in very short supply within commutable distance to Launceston, acting as an attractor. In addition, this housing choice supplies a population that is employed more locally in rural industries or industry at the Valley Central Industrial estate at Westbury, which is continuing to grow. Westbury has the unique ability to do this through infill development and better utilisation of land within the historical, gazetted town boundaries. Representors 16,17 and 18 support this strategy for growth through infill lots.</p>
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	<p>Submissions objecting outright to the subdivision provisions of MEA-S11.0 Westbury Specific Area Plan raise issues of concern regarding the impact of increasing density on character and amenity. The representations submit that Westbury's historic character of 5 acre lots should be maintained to protect the existing character and amenity. The representation by D Pyke reinforces the appreciation of the character of the area, but suggests that it is a combination of elements that includes dwelling density, the historic hedgerow plantings and the cottages that date from the time early settlement and the soldier's land grants. Mr Pyke suggests that growth could be accommodated through a slightly lesser density and character and amenity can be maintained through the retention of the hedgerows and historic buildings.</p> <p>Mr Pyke's representation also raises concerns regarding the potential for multiple dwellings to undermine the character of the area due to the enabling provisions in the Low Density Residential Zone. This position is supported in principle due to the ability to achieve 1 dwelling per 2500m<sup>2</sup>, which is considerably higher in density than the current subdivision provisions. This would also be true of the other settlements with Low Density Residential zoning that is subject to a SAP. The general consensus of market stakeholders is that there is little prospect for this type of arrangement as it would require common land and services (if available) to be shared between the dwellings and also that development permits are granted before any strata lots can be issued which incurs a reasonable expense. The low density residential market is not generally an investment market for multiple dwellings (in stark contrast to urban zones) with land owners preferring singular, unencumbered properties. However, it is a possible outcome that is not desirable within any of the Low Density Residential Zone SAPs. For absolute certainty, a recommendation is included to prohibit multiple dwellings within the Low Density Residential Zone SAP areas.</p> <p>The observations made in submissions regarding the unique character of the southern area of Westbury have merit. There is no other settlement in Tasmania that has such a distinct pattern of streets and lots, defined by largely intact historic</p>
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	<p>hedgerows. The apparent low density character of the area however is not dependent on lot size only. It is reinforced by the hedgerows at boundaries as they obscure views from street level and properties through to individual properties and beyond. This reinforces the perception of privacy and amenity for residents. There is no definitive pattern dwelling setback, either to the street or each other. In fact, despite very large lot sizes, many dwellings are set quite close together in adjacent corners of lots or immediately opposite across the street. Well established vegetation often provides for privacy and amenity, reinforcing the low density and long established character. It is noted that currently, the hedgerow plantings do have any form of regulatory protection or management, despite their pivotal role in the character of the area. They are largely intact, however have been eroded somewhat over years as numerous landowners have gradually sought to remove them. It is clear that if all hedgerows were to be removed, the unique character and amenity of the area would be severely undermined. The submission of Mr Pyke is supported in that the perceived character and amenity is an aggregate of the elements.</p> <p>It is considered that the strategy for growth can still be accommodated and the character and amenity of the area protected by through the management of lot size, proximity of dwellings to one another through setbacks and the retention of hedgerows to reinforce the enclosed nature of lots and limit views through lots. The unique character of this area is worthy of a higher degree of intervention by the planning scheme to protect the characteristics that the residents value. However, it also essential to provide opportunity to attract a diverse population as this is a critical factor in maintaining services in small rural settlements.</p> <p><b>Recommendation:</b></p> <p>It is recommended that Council's strategy for infill growth in this area of Westbury is maintained as it is clear that there is demand and Council's strategy for population attraction is taking effect. However, it is considered that the approach can be refined further through some modifications to the SAP provisions that tempers the provision</p>
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	<p>of new lots. If the minimum lot size is increased to 1 hectare (with a mandatory minimum of 8000m<sup>2</sup> consistent with the SPP approach), and additional provisions are included for greater setbacks of buildings to boundaries and retention of hedgerows, this will not only provide for amenity through greater distance between dwellings and limited views, it will provide for further densification through subdivision in years to come if land becomes fully taken up and Council's strategy is to pursue another phase of infill growth. With these provisions working together to reflect the character of the area, the degree of change will be softened.</p>
<p>25 G Sackley</p> <p>Submits for Low Density Residential zoning to the area of land currently proposed to be Rural Zone at 1 Meander Valley Road Westbury</p>	<p><b>Comment</b></p> <p>The representation is supported. Effectively the change is a zone correction to be consistent with neighbouring land. The land is constrained by Emu Plains Road and the rail corridor and has no prospect of being utilised in conjunction with nearby agricultural land. The property is the first building of the Village Zone strip that is the historical development along Meander Valley Road and provides good opportunity for infill development whilst maintaining appropriate setbacks from the rail corridor. The proposed zoning of the property in the draft LPS is shown in the map below. It is noted that the adjoining Crown road reserve will also consequentially require a zoning change to Utilities Zone to be compatible with the rail corridor adjoining.</p>



Change zoning of road  
reserve parcel from  
Rural Zone to Utilities

Change zoning from  
Rural Zone to Low  
Density Residential  
Zone

Figure 2 – Draft LPS zoning of 1 Meander Valley Road and proposed modifications.

### Recommendation for Draft LPS

1. Modify MEA-S6.0 Chudleigh Specific Area Plan, MEA-S7.0 Davis Road Specific Area Plan, MEA-S8.0 Deloraine Specific Area Plan, MEA-S9.0 Elizabeth Town Specific Area Plan, MEA S10.0 Meander Specific Area Plan, MEA-S11.0 Westbury Specific Area Plan, MEA-S12.0 Pumicestone Ridge Specific Area Plan, provisions as follows:
  - a) Insert a use table that prohibits multiple dwelling use:

**MEA-S11.5 Use Table**

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

Use Class	Qualification
<b>No Permit Required</b>	
Natural and Cultural Values Management	
Passive Recreation	
Residential	If for a single dwelling. <b>If not for multiple dwellings</b>
Utilities	If for minor utilities.
<b>Permitted</b>	
Visitor Accommodation	
Residential	If for a home-based business. <b>If not for multiple dwellings</b>
<b>Discretionary</b>	
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 listed as No Permit Required or Permitted. <b>If not for multiple dwellings</b>
Sports and Recreation	If for a fitness centre, gymnasium, public swimming pool or sports ground.

Utilities	If not listed as No Permit Required.
<b>Prohibited</b>	
All other uses	

2. Modify MEA-S11.0 Westbury Specific Area Plan as follows:

Insert new provisions for buildings and works at MEA-S11.8:

**MEA-S11.8 Development Standards for Buildings and Works**

MEA-S11.8.1 Setback

This clause is in substitution for Low Density Residential Zone – clause 10.4.3

Objective:	<p>That the siting of development:</p> <ul style="list-style-type: none"> <li>a) is consistent with the local area objectives for land within the Westbury Specific Area Plan; and</li> <li>b) provides for setbacks between dwellings that is compatible with the greater separation distances that make up the low density character of the land within the Westbury Specific Area Plan.</li> </ul>	
<b>Acceptable Solutions</b>		<b>Performance Criteria</b>
<p><b>A1</b></p> <p>Buildings must have a setback from a frontage of:</p> <ul style="list-style-type: none"> <li>(a) not less than 15m; or</li> <li>(b) not less than existing buildings on the site.</li> </ul>		<p><b>P1</b></p> <p>The siting of a building must be compatible with the streetscape and character of development existing on established properties in the area, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the setbacks of surrounding buildings;</li> <li>(c) the height, bulk and form of existing and proposed</li> </ul>



		buildings; (d) the appearance when viewed from roads; (e) mitigation of visual impacts through the retention of any vegetation; (f) the ability to screen or offset view lines between dwellings; and (g) the safety of road users.	
<b>A2</b>	Buildings must have a setback from side and rear boundaries: (a) not less than 15m; or (b) not less than existing buildings on the site.	<b>P2</b> The siting of a building must provide for separation distances compatible with the low density character of development existing on established properties in the area, having regard to: (a) the topography of the site; (b) the setbacks of surrounding buildings; (c) the height, bulk and form of existing and proposed buildings; (d) impacts on sunlight to private open space and windows of habitable rooms on adjoining properties; (e) the appearance when viewed from roads; (f) the ability to screen or offset view lines between dwellings for privacy or visual impacts; and (g) mitigation of visual impacts through the retention of any vegetation.	

#### MEA-S11.8.2 Hawthorn Hedgerows

This clause is in addition to Low Density Residential Zone – clause 10.4 Development Standards for Buildings and Works

Objective:	To retain the Hawthorn hedgerows on land within the Westbury Specific Area Plan: <ul style="list-style-type: none"><li>a) to maintain the historic visual character of the arrangement of lots and streets;</li><li>b) to screen view lines into properties when viewed from the street and between properties.</li></ul>	
Acceptable Solutions		Performance Criteria
<b>A1</b>  Hawthorn (botanical name) plants located along lot boundaries must not be removed.		<b>P1</b>  The removal of Hawthorn plants located on lot boundaries must not substantially diminish the visual character of the lot arrangement between surrounding streets or substantially diminish screening from the road and other properties, having regard to: <ul style="list-style-type: none"><li>a) the condition of the vegetation;</li><li>b) works required to maintain the vegetation to provide for viable condition; and</li><li>c) the need to remove the vegetation to provide access to a lot, repair fencing or maintain the property,</li></ul> unless an arborist report demonstrates that the removal or treatment of noxious weeds within the hedgerow cannot be undertaken without removing the hedgerow.

## MEA-S11.8 Development Standards for Subdivision

### MEA-S11.8.1 Lot design

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

Objective:	To provide for: <ul style="list-style-type: none"><li>(a) density and dimensions of lots consistent with the character of the historic lot pattern and the intended character of the Westbury low density area;</li><li>(b) dimensions of lots that enables building areas that are substantially separated; and</li><li>(c) area and dimensions of lots that are appropriate to accommodate a dwelling and associated on-site drainage and on-site wastewater requirements.</li></ul>	
Acceptable Solutions		Performance Criteria
<b>A1</b> Each lot, or a lot proposed in a plan of subdivision, must: <ul style="list-style-type: none"><li>(a) have an area not less than <b>1 hectare</b> and:<ul style="list-style-type: none"><li>(i) be able to contain a 70m diameter circle with a gradient not steeper than 1 in 5; and</li></ul></li></ul>	<b>P1</b> 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: <ul style="list-style-type: none"><li>(a) the local area objectives;</li><li>(b) the relevant requirements for development of buildings on the</li></ul>	

<ul style="list-style-type: none"> <li>(ii) existing buildings are consistent with the setback required by clause 10.4.3 A1 and A2; or</li> <li>(b) be required for public use by the Crown, a council or a State authority;</li> <li>(c) be required for the provision of Utilities; or</li> <li>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</li> </ul>	<ul style="list-style-type: none"> <li>(c) the intended location of buildings on the lots and whether the lots can achieve 50m separation between new building areas and between new and existing building areas;</li> <li>(d) the topography of the site;</li> <li>(e) adequate provision of private open space;</li> <li>(f) adequate provision of drainage and on-site wastewater disposal;</li> <li>(g) the pattern of development existing on established properties in the area; and</li> <li>(h) any constraints to development,</li> </ul> <p><b>and must have an area not less than 8000m<sup>2</sup>.</b></p>	
<p>3. The Low Density Residential Zone is applied instead of Rural Zone to 1 Meander Valley Road, Westbury (CT43629/1).</p> <p>The Utilities Zone is applied to the adjacent road reserve parcel (no identifier) instead of Rural Zone.</p>		
<p><b>Effect on Draft LPS as a Whole</b></p>		
<p>The recommendations refine the requirements for various specific area plans and relate to the zoning of one title only. The recommendations do not effect the draft LPS as whole.</p>		

<b>LPS Criteria</b>	
<p>The recommended modifications for the Westbury Specific Area Plan expand on the social and spatial qualities described in justification of the SAP under section 32(4) of LUPAA. The additional provisions secure the maintenance of the particular character of the area whilst enabling growth and housing choice in accordance with the policies and actions of the Northern Tasmania Regional Land Use Strategy.</p> <p>The recommended zoning change is consistent with the State Policy on the Protection of Agricultural Land as the land is not agricultural land. The planning authority is satisfied that the draft LPS meets the LPS criteria.</p>	
<b>26 J &amp; R Hawkins – Chudleigh Open Space Zone and Low Density Residential Zone</b>	
<p>Zoning of titles at Bentley Estate (and other) at Chudleigh:</p> <ul style="list-style-type: none"> <li>• Submits for Open Space zoning of multiple titles containing the private Mayo arboretum</li> <li>• Submits for Low Density Residential zoning of title containing restored chapel and cleared land at Burnett Street.</li> </ul>	<p><b>Comment</b></p> <ul style="list-style-type: none"> <li>• Support submitted zoning of Open Space Zone for the arboretum.</li> </ul> <p>The arboretum of Tasmanian eucalypts, planted over approximately 10 hectares across multiple titles, is an extraordinary undertaking by private individuals that has been established for approximately 15 years. It is showing evidence that it provides an important environmental and aesthetic service for the township of Chudleigh and is an important asset to be protected. The purpose of the Open Space zone reflects the owners intentions to enhance the land for natural and landscape amenity. Long term protection of the arboretum is best provided through Open Space zoning. It is noted that the edge of arboretum containing a significant drain is located on the Bentley agricultural title and is not listed in the table in the representation. There is potential to also include this section in the Open Space Zone by a split zoning which can be discussed through the LPS hearing process.</p> <ul style="list-style-type: none"> <li>• Support Low Density Residential zoning of CT 16802/10. This 8700m<sup>2</sup> title contains a restored historic building on cleared land. It is surrounded by the arboretum and Low Density Residential zoned land to the western side of Burnett Street. The land is not agricultural land and is well</li> </ul>

	<p>buffered to agricultural use to the east by the arboretum. The most appropriate zone is the Low Density Residential Zone consistent with the settlement zoning to the west.</p> <ul style="list-style-type: none"> <li>• There is an inconclusive submission regarding a single title containing a dwelling at 17 Sorrell Street, Chudleigh. This title has an area 4000m<sup>2</sup> and is effectively the first building of the 'village strip' along the main road through Chudleigh. Inclusion within the Village Zone instead of the Agriculture Zone has merit.</li> </ul>
<b>Recommendation for Draft LPS</b>	
<p>Modify the zoning of land as follows and as shown in the map below:</p> <ol style="list-style-type: none"> <li>1. The Low Density Residential Zone is applied instead of the Agriculture Zone to CT16802/10.</li> <li>2. The Open Space Zone is applied of the Agriculture Zone to CT's 16802/11, 16802/7, 228281/8, 16802/9, 140238/1, 216123/5, 16802/8, 20327/3, 203673/1, 138417/2, 138417/2, 138417/2, 16802/6, 138417/3 &amp; 138417/3.</li> </ol>	

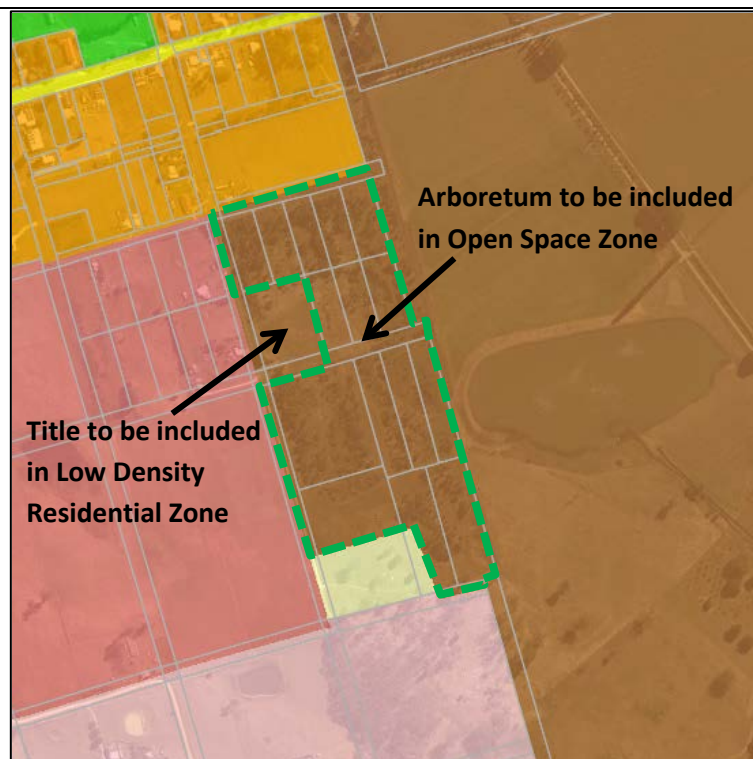


Figure 3 – Diagram of Draft LPS zoning of titles and proposed modifications

**Effect on Draft LPS as a Whole**

The recommendation relates to the zoning of specific titles at Chudleigh and does not affect the draft LPS as a whole.

**LPS Criteria**

The recommended zoning change is consistent with the State Policy on the Protection of Agricultural Land as the land is not agricultural land. The planning authority is satisfied that the draft LPS meets the LPS criteria.

## 27 Woolcott Surveys obo Entally Lodge – Local Business Zone and General Residential Zone

Submits for modified zoning from Local Business to General Residential Zone and a Specific Area Plan for multi-unit residential development.

### Comment

Support submitted zoning to General Residential Zone together with a SAP to provide for an extension of the existing, higher density cluster to the natural boundaries of the defined by roads and existing development.

Council's own representation highlights the particular characteristics of this site that warrant a more considered approach to future use and development. The particular concern with the current Local Business zoning arrangement is the risk it poses to sustainable development of a new town centre as part of the Hadspen urban expansion, due to the separation distance from the centre of the Hadspen settlement. The strategic priority is to facilitate and progress a major expansion of the Hadspen settlement in accordance with the Specific Area Plan transitioned into this LPS.

The most logical use for the area of land submitted is residential use. There is approximately 5 hectares of land bound by both the Meander Valley and Rutherglen Roads and the existing Rutherglen development to the east. In the context of the dwelling yield anticipated for the Hadspen expansion, the land constitutes a small supplement to a very large project. Investigating measures to provide pedestrian connection from both the Rutherglen/Entally Lodge site and Entally house opposite is part of the Hadspen urban growth project.

The proposed SAP describes a market for 'independent living' type units. The allowable density for multiple dwellings is consistent with that existing in the Rutherglen complex. The design promoted by the SAP provides for a contemporary response to supported care type units. The provision of housing to cater for an ageing population or disability is supported by the policies of the Northern



	<p>Tasmania Regional Land Use Strategy.</p> <p>The proposed SAP provides for visual and recreational amenity through the inclusion of landscaping buffer to the frontage of Meander Valley Road that will also serve as link to Entally House opposite. A publicly owned heritage asset, Entally House provides a unique recreational opportunity within close proximity to the site.</p>
<b>Recommendation for Draft LPS</b>	
<ol style="list-style-type: none"> <li>1. Modify the zoning of part of the land at CT's 20627/2, 111014/2 and 127277/1 to apply the General Residential Zone instead of the Local Business Zone in accordance with the site plan submitted by Woolcott Surveys.</li> <li>2. Include the Entally Lodge Specific Area Plan submitted as MEA-S20 Entally Lodge Specific Area Plan in the Meander Valley LPS.</li> </ol>	
<b>Effect on Draft LPS as a Whole</b>	
The recommendation relates to a single site location at Hadspen and does not affect the draft LPS as a whole.	
<b>LPS Criteria</b>	
<p>The recommended zoning change is consistent with the State Policy on the Protection of Agricultural Land as the land is not agricultural land.</p> <p>As an historic development, the Rutherglen/Entally Lodge site has particular spatial and social qualities that are a product of its location and the nature of the original 'retirement village' and tourism purpose of the community.</p> <p>The planning authority is satisfied that the draft LPS meets the LPS criteria.</p>	
<b>28 R Hilder – Community Purpose Zone</b>	
Submits for Community Purpose zoning for all Council land at Alveston Drive.	<p><b>Comment</b></p> <p>Support reversion to Community Purpose Zone.</p> <p>The future use of the land is not yet resolved by Council following the recreation feasibility study. Until such time as future use is determined, the land will be used as part of the Alveston Drive complex.</p> <p>Consistent with SPP zone application directions, the land should be zoned</p>

	Community Purpose Zone.
<b>Recommendation for Draft LPS</b>	
Apply the Community Purpose Zone to CT117059/4 at Alveston Drive, Deloraine , instead of the General Residential Zone.	
<b>Effect on Draft LPS as a Whole</b>	
The recommendation relates to the zoning of a single title only and does not affect the Draft LPS as whole.	
<b>LPS Criteria</b>	
<p>The recommended zoning is consistent with the drafting instructions for the application of SPP zones.</p> <p>The planning authority is satisfied that the draft LPS meets the LPS criteria.</p>	
<b>29 PDA Surveyors obo A Winnell – Blackstone Heights Low Density Residential Zone</b>	
Submits for SAP over Blackstone Heights Low Density Residential Zone to provide for consideration of lots smaller than 1200m <sup>2</sup> .	<p><b>Comment</b></p> <p>Whilst the issues described in the representation are understood and agreed in principle, the suggested inclusion of a SAP addressing lot size restrictions is not recommended at this stage.</p> <p>Council has determined that a planning scheme amendment to implement the Prospect Vale – Blackstone Heights Structure Plan will follow soon after the LPS process is concluded. The undeveloped areas of Blackstone Heights are the subject of detailed planning in PVBH Structure Plan that addresses housing density, lot size and distribution, road layout and public open space. A SAP will be prepared for the area that will incorporate all of these elements. The land that is the subject of the representation will be part of the justification for the plan in its entirety, which will be able to demonstrate a more cohesive logic. It is not possible to establish a convincing case under s.32(4) for a SAP that only addresses lot size.</p>

<b>Recommendation for Draft LPS</b>	
No recommendation	
<b>Effect on Draft LPS as a Whole</b>	
Not applicable	
<b>LPS Criteria</b>	
The planning authority is satisfied that the draft LPS meets the LPS criteria.	
<b>14 The Environment Association – Elizabeth Town Low Density Residential Zone and Rural Living Zone</b>	
<p>Elizabeth Town zoning and provisions:</p> <ul style="list-style-type: none"> <li>Northern end of Elizabeth Town containing conservation covenants should be zoned Landscape Conservation Zone (currently Low Density residential and Rural Living) - makes a contribution to landscape amenity.</li> <li>1 ha lot size is too dense for on-site wastewater, water supply, traffic and bushfire hazard.</li> <li>Should include scenic protection &amp; vegetation retention provisions when viewed from the Bass Highway.</li> </ul>	<p><b>Comment</b></p> <ul style="list-style-type: none"> <li>The seven titles under conservation covenant are shown in the map below in green. Four of the covenanted lots under common or associated ownership are not currently developed or approved for residential development. The lots for the most part reflect the surrounding pattern of development and are zoned based on consistent purpose and pattern. The existence of conservation covenants of itself is not reason enough apply the Landscape Conservation Zone, with this zone determined to be too restrictive for existing uses where another cluster of covenants was considered suitable for a Particular Purpose Zone.</li> </ul> <p>Future change to the land will be restricted due to the covenants with future development areas known. In addition, the land is subject to the Priority Vegetation Area overlay (refer to Section 2.0 – Notice under s.35G). The restrictions of the covenants and the priority vegetation area overlay preclude the need for separate zoning as there are no definitive landscape boundaries in topography or land use that inform the application of third zone to the settlement.</p>

The zoning submission is not supported.

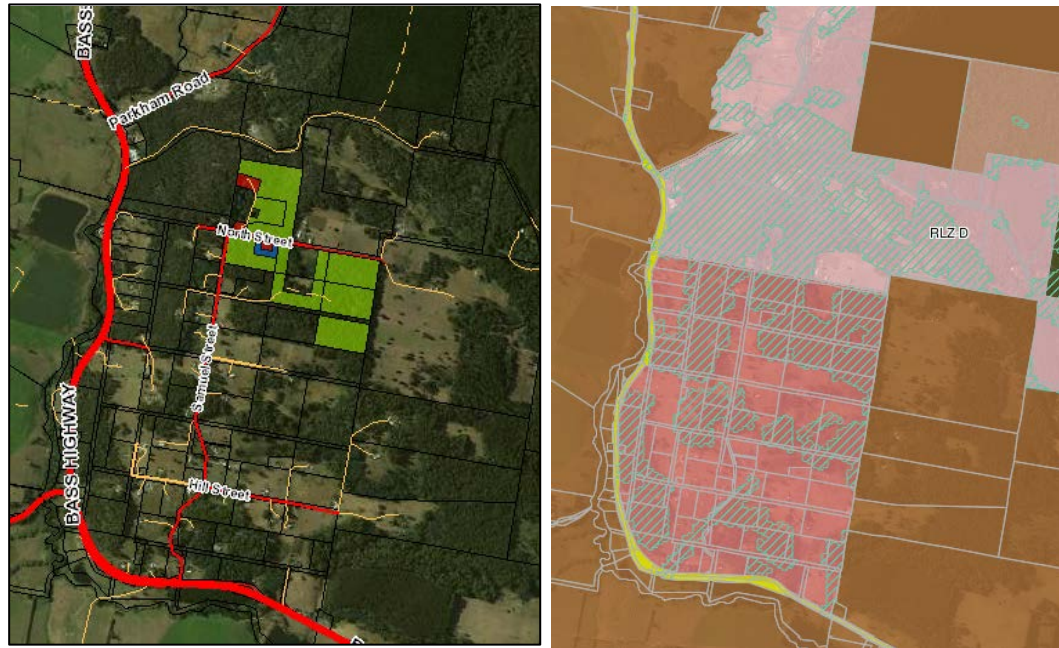


Figure 4 - Maps of Elizabeth Town showing conservation covenants at left and proposed zoning and Priority vegetation Area overlay at right.

- The 1 hectare lot size for Elizabeth Town was determined as the density at which bushfire protection, on-site wastewater and access could be readily accommodated, noting that covenanted titles cannot be subdivided.
- Given the degree of development visible at Elizabeth Town, additional provisions to manage scenic character is not considered warranted.

#### Recommendation for Draft LPS

No recommendation

<b>Effect on Draft LPS as a Whole</b>	
Not applicable	
<b>LPS Criteria</b>	
The planning authority is satisfied that the draft LPS meets the LPS criteria.	
<b>Larcombes Road Particular Purpose Zone - Multiple Representors</b>	
<p>30 A Woodward</p> <p>Particular Purpose Zone - Larcombes Road, Reedy Marsh</p> <ul style="list-style-type: none"> <li>• Support zone</li> <li>• Some suggested changes to address visitor accommodation, shed size limitations, domestic infrastructure such as water tanks and wind turbines.</li> <li>• Suggests change in zone name.</li> <li>• Objects to setback to Agriculture Zone.</li> </ul>	<p><b>Comment</b></p> <ul style="list-style-type: none"> <li>• Support is noted.</li> <li>• The provisions of the Particular Purpose Zone reflect consultation with the landowners in the zone whereby a good consensus was reached regarding reasonable provisions that provided for residential development in a manner that also protected natural and visual values. The suggested changes not supported due to their variation to the prior consensus of landowners. Council is satisfied that the provisions as proposed in the draft LPS are a good outcome for the area.</li> <li>• Zone name change – Council’s position is neutral on this matter. No recommendation is made.</li> <li>• The 200m setback to the Agriculture Zone for sensitive uses only is consistent with the SPP zones. There is no compelling reason to vary the setback in this zone.</li> </ul>
<b>Recommendation for Draft LPS</b>	
No recommendation	
<b>Effect on Draft LPS as a Whole</b>	
Not applicable	
<b>LPS Criteria</b>	

The planning authority is satisfied that the draft LPS meets the LPS criteria.	
<p>32 A Ricketts</p> <ul style="list-style-type: none"> <li>• Describes concerns regarding the removal of the Environmental Living Zone from the SPP's.</li> <li>• Support zone – provides detailed background to the settlement of the area and conservation covenants.</li> <li>• Some suggested changes to address visitor accommodation, shed size limitations, domestic infrastructure such as water tanks and wind turbines.</li> <li>• Concerns regarding impacts of increased traffic on Larcombes Road as a result of allowable uses.</li> <li>• Objects to setback to Agriculture Zone</li> </ul>	<p><b>Comment</b></p> <ul style="list-style-type: none"> <li>• Support is noted.</li> <li>• The provisions of the Particular Purpose Zone reflect consultation with the landowners in the zone whereby a good consensus was reached regarding reasonable provisions that provided for residential development in a manner that also protected natural and visual values. The suggested changes not supported due to their variation to the prior consensus of landowners. Council is satisfied that the provisions as proposed in the draft LPS are a good outcome for the area.</li> <li>• Traffic – the PPZ provides for a very modest level of development. The part of the road this is not Council maintained is only impacted by the representor's and one other property, which means that those parties will effectively be responsible for the degree of intensification for that section of road. Where the road is under Council jurisdiction, intensified or new uses can be required to contribute to an upgrade of the road if is considered to be too low a standard. If the area does experience an increase in use, measures such as signage for speed or wildlife can be installed to assist those unfamiliar with the area to take more care.</li> <li>• Zone name change – Council's position is neutral on this matter. No recommendation is made.</li> <li>• The 200m setback to the Agriculture Zone for sensitive uses only is consistent with the SPP zones. There is no compelling reason to vary the setback in this zone.</li> </ul>
<b>Recommendation for Draft LPS</b>	
No recommendation	

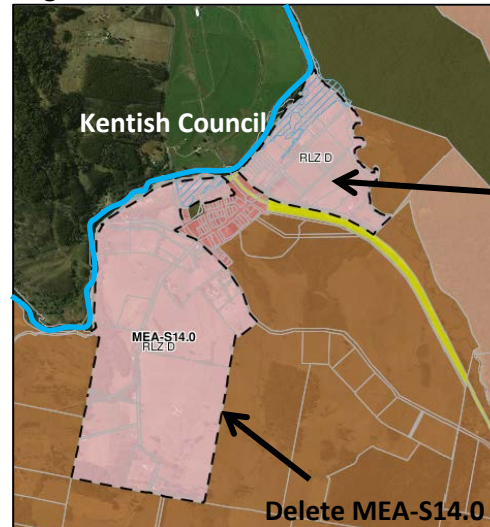
<b>Effect on Draft LPS as a Whole</b>	
Not applicable	
<b>LPS Criteria</b>	
The planning authority is satisfied that the draft LPS meets the LPS criteria.	
31 S Westley <ul style="list-style-type: none"> <li>Support zone</li> <li>Wishes to include additional land adjoining to the south, currently under negotiation to purchase.</li> <li>Suggests change in zone name.</li> </ul>	<b>Comment</b> <ul style="list-style-type: none"> <li>Support is noted.</li> <li>Support, in principle, the inclusion of adjoining land to the south of the Particular Purpose Zone due to consistent significant natural values. However, it is appropriate to consider the change when a land transfer is secure to ensure there will be an appropriate lot created. This may be concluded by the hearing date.</li> <li>Zone name change – Council’s position is neutral on this matter. No recommendation is made.</li> </ul>
<b>Recommendation for Draft LPS</b>	
No recommendation	
<b>Effect on Draft LPS as a Whole</b>	
Not applicable	
<b>LPS Criteria</b>	
The planning authority is satisfied that the draft LPS meets the LPS criteria.	
<b>33 D Masters – Kimberley Rural Living Zone</b>	
Rural Living Zone provisions at Kimberley. Submits for removal of subdivision prohibition in MEA-S14.0 Specific Area Plan and to apply Rural Living Zone B.	<b>Comment</b> Support the representation.

	<p>The TPC issued a s.35 notice to Council to modify the draft LPS prior to public exhibition, to remove the proposed SAP restricting the Low Density Residential Zone lot size to 5000m<sup>2</sup> and applying instead the SPP subdivision provisions which have a minimum lot size of 1500m<sup>2</sup>. This enables multiple additional lots and intensification at Kimberley. This creates a perverse outcome where the adjoining Rural Living Zone land is penalised as it cannot enjoy the same entitlement for densification due to the prohibition on subdivision for new lots contained in MEA-S14.0 Kimberley Specific Area Plan, despite this land being more suitable for densification than the Low Density Residential Zone. If the Kimberley settlement is considered a suitable location to allow densification, the approach should take in the settlement as a whole, otherwise the LUPAA objectives for fair and orderly development are contradicted.</p> <p>The Rural Living Zone at Kimberley can be promoted for densification whilst maintaining the lower density character to the peripheral areas of the settlement to the east and west. The settlement meets the NTRLUS criteria for densification of a rural residential area as:</p> <ul style="list-style-type: none"> <li>• it is located less than 15 minutes drive from Railton and 8 minutes drive from Elizabeth Town for basic services;</li> <li>• the land is mainly cleared and can provide for development areas that are free of flood and bushfire hazard;</li> <li>• it is served by through roads in the event of bushfire and access is maintained in the event of a flood;</li> <li>• it can provide for appropriate buffering to adjoining resource development activities.</li> </ul> <p>It is recommended that the Rural Living Zone at Kimberley should provide for densification and that MEA-S14.0 should be deleted. The eastern side of the settlement is suitable for application of Rural Living Zone B with a minimum lot size of 2 hectares due to the occurrence of numerous smaller lots in this area, the ability</p>
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to access public roads and the natural boundaries of the area including the Low Density Residential Zone, railway corridor and State reserve. The western side of the settlement is suitable for Rural Living Zone D, providing for the creation of larger lots as a transition to adjoining agricultural land.

The zone is located on the municipal boundary shared with Kentish Council along the Mersey River. Though not yet submitted, it is anticipated that the adjoining zoning will be Agriculture Zone and Rural Zone in accordance with the State agriculture mapping and State forest being located on the opposite side of the Mersey River. In effect, the flood prone area along the river will provide ample buffering to the uses opposite as it will require any new sensitive uses to be located at a substantial set back from the river. The river plain is currently developed for dwellings over numerous lots. Any densification as a result of the proposed modification will not intensify current land use arrangements to any substantial degree.



Rural Living Zone area to the east of Railton Road recommended for modification to Rural Living Zone B

Figure 5 – Kimberley zoning

<b>Recommendation for Draft LPS</b>	
<ol style="list-style-type: none"> <li>1. Delete MEA-S14.0 Kimberley Specific Area Plan.</li> <li>2. Apply Rural Living Zone Area B to the extent of the Rural Living Zone to the east of Railton Road.</li> </ol>	
<b>Effect on Draft LPS as a Whole</b>	
The recommendations relate only to the settlement of Kimberley and do not affect the draft LPS as whole.	
<b>LPS Criteria</b>	
<p>The recommended zoning change is consistent with the State Policy on the Protection of Agricultural Land as the land is not agricultural land and the application of the SPP's will appropriately protect adjoining agricultural land.</p> <p>The recommendation is consistent with the policies of the NTRLUS.</p> <p>The recommendation furthers the objectives set out in Schedule 1 of LUPAA.</p> <p>The planning authority is satisfied that the draft LPS meets the LPS criteria.</p>	
<b>Weegen a Rural Living Zone : Multiple Representors</b>	
34 A Andrews 35 S Andrews 36 C Andrews Object to any provision allowing for subdivision in the Weegen a Rural Living Zone.	<b>Comment</b>  Currently subdivision to create to new lots is prohibited in the Rural Living Zone at Weegen a through MEA-S16.0 Weegen a Specific Area Plan. There is no proposal to change this provision.
<b>Recommendation for Draft LPS</b>	
No recommendation	
<b>Effect on Draft LPS as a Whole</b>	
Not applicable	

<b>LPS Criteria</b>	
The planning authority is satisfied that the draft LPS meets the LPS criteria.	
<b>37 PDA obo D Steer – Golden Valley Rural Living Zone</b>	
Submits for removal of the removal of the subdivision prohibition in the Upper Golden Valley Rural Living Zone SAP	<p><b>Comment</b></p> <p>Support the representation, subject to a limitation that requires access must be provided on to a Council Maintained side road.</p> <p>The Upper Golder Valley area denotes the area of rural residential land use that has developed as a strip along the Lake Highway. The Department of State Growth has historically expressed concern about the densification of additional accesses along this strip of Lake Highway, citing issues of road category and function.</p> <p>The lower area of Golden Valley Rural Living zoning obtains access primarily through side roads with reasonable junctions to the Lake Highway. The area of Upper Golden Valley around Tiers View Road can obtain access to the Lake Highway via this Council maintained side road, in the same manner as Lower Golden Valley. In context, this area is a minor difference in the time and distance to access services at Deloraine and it is considered that the circumstances sufficiently meet the criteria of the NTRLUS for the allowable densification of residential uses. Enabling the densification of additional lots, but with a qualification that access must be via a Council maintained road and not directly to the lake Highway only provides for Tiers View Road, however it provides greater consistency in regulatory controls and opportunity for like circumstances.</p>

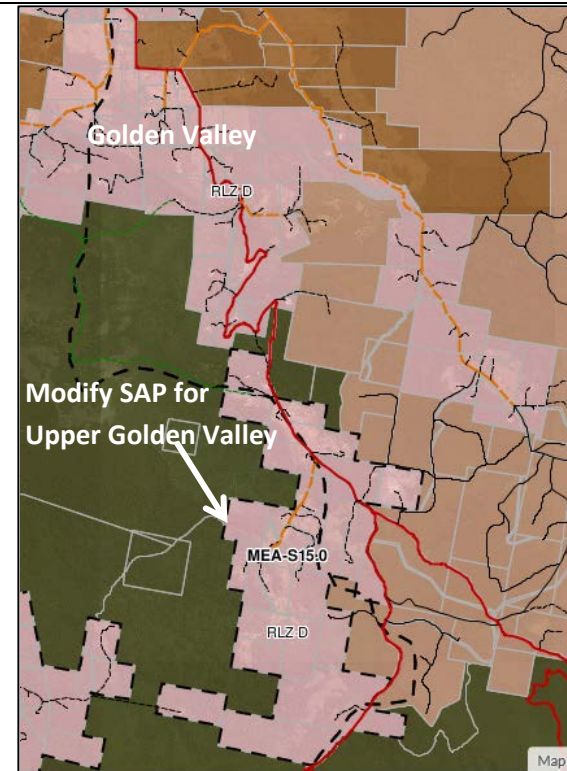


Figure 6 – Golden Valley Rural Living Zone areas

### Recommendation for Draft LPS

Modify Specific Area Plan MEA-S15.0 Upper Golden Valley Specific Area Plan as follows:

#### **MEA-S15.1 Plan Purpose**

MEA-S15.1.1 **To prohibit direct access to the Lake Highway at Upper Golden Valley for additional lots.**

#### **MEA-S15.8 Development Standards for Subdivision**

MEA-S15.8.1 **Access to additional lots**

This clause is **in addition to** Rural Living Zone – clause 11.5.1, Lot design A1 and P1.

Objective:	<b>To prohibit direct access to the Lake Highway for additional lots at Upper Golden Valley. Golden Valley.</b>
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b> <b>Subdivision must not require direct access to the Lake Highway for additional lots.</b>	<b>P1</b> No Performance Criterion.

#### Effect on Draft LPS as a Whole

The recommendation relates to the Golden Valley Rural Living Zone area only and does not affect the Draft LPS as a whole.

#### LPS Criteria

The recommendation is consistent with the policies of the NTRLUS.

The recommendation furthers the objectives set out in Schedule 1 of LUPAA.

The planning authority is satisfied that the draft LPS meets the LPS criteria.

#### 14 The Environment Association - Rural Living Zone Provisions and Locations

<ul style="list-style-type: none"> <li>Submits for variation in provisions for site coverage and setbacks in some Rural Living zones, noting similarity with Low Density Residential Zone requirements.</li> <li>Submits for Rural Living zoning for Four Springs, East Meander and Liena.</li> </ul>	<b>Comment</b> <ul style="list-style-type: none"> <li>The representation highlights the similarities in the SPP's for the Low Density Residential Zone and the Rural Living Zone site coverage and setback provisions. The representation submits that the SPP standards should reflect the much lower density arrangements that exist in Rural Living zones through larger setbacks and a greater allowance for site coverage given that rural residential lots</li> </ul>
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	<p>generally require more outbuildings for property maintenance or small enterprises, than those in a low density residential area.</p> <p>This observation is supported in principle as the SPP's provide Low Density Residential Zone lots an acceptable solution of 500m<sup>2</sup> site coverage (based on the minimum 1500m<sup>2</sup> lot size) whereas Rural Living Zone lots have an acceptable solution of 400m<sup>2</sup>. This is a somewhat contrary outcome given that Rural Living lots are more likely to accommodate greater site coverage without any impacts on adjoining properties. However, despite the disadvantage to Rural Living properties, it is not considered a significant enough aberration to warrant the inclusion of specific area plans across multiple Rural Living zones due to the inherent difficulty in justifying the need for particular social, spatial, environment or economic qualities under section 32(4) of LUPAA. It is noted that these issues were raised during submissions to the statutory consultation of the SPP's to no avail.</p> <ul style="list-style-type: none"> <li>• The additional areas submitted for Rural Living zoning are not supported as there are not sufficient number of dwellings on lots to form an area that is considered to be an 'established rural residential area' as defined in the NTRLUS.</li> </ul>
<b>Recommendation for Draft LPS</b>	
No recommendation	
<b>Effect on Draft LPS as a Whole</b>	
Not applicable	
<b>LPS Criteria</b>	
The planning authority is satisfied that the draft LPS meets the LPS criteria.	

## Reedy Marsh Rural Living Zone: Multiple Representors

30 A Woodward

- Submits for variation in provisions for setbacks in the Reedy Marsh Rural Living Zone to reflect the character of the area where most dwellings are screened from the road and other properties due to larger setbacks and the retention of vegetation.
- Submits for variation in provisions for site coverage at Reedy Marsh to reflect the need for larger allowances for areas for outbuildings etc.
- Objects to 200 metre setback to Rural and Agriculture Zones
- Submits that subdivision minimum lot size should maintain the current 15ha standard through a SAP.

### Comment

- The Rural Living Zone at Reedy Marsh has unique spatial and environmental qualities in that it contains a significant number of dwellings and residents in the zone, however these are not evident when driving on roads in the locality or from within individual properties due to the high number of dwellings being set back from the road at a larger distance and the retention of vegetation between the dwelling and the road. This particular feature of the area makes a significant contribution to the local resident's values of privacy and amenity and is more pronounced than in any of the other Rural Living zones in Meander Valley.

The requirements for bushfire hazard management areas around dwellings for bushland stipulate a full clearance area of at least 20 metres, with approximately another 15 metres of understorey vegetation clearance. The front setback provision is 20 metres in the Rural Living Zone, which means a compliant dwelling would likely require full vegetation clearance to the front boundary. In the context of the 10 hectare minimum lot size, a greater setback to the road and vegetation retention can be accommodated without any real disadvantage to the developer.

It is considered that the visual spatial qualities of the Reedy Marsh Rural Living Zone require unique provisions for front setback and vegetation retention within that setback to properly maintain the visual character of the area. The only mechanism to do this is through the inclusion of a new Specific Area Plan for the Reedy Marsh Rural Living Zone.

- Do not support variation to the 200 metre setback to Agriculture or Rural zones. The 200m setback to the Agriculture Zone for sensitive uses only is consistent with the SPP zones. There is no compelling reason to vary the

	<p>setback in this zone.</p> <ul style="list-style-type: none"> <li>• Site Coverage</li> </ul> <p>Comments regarding site coverage allowances being 400m<sup>2</sup> irrespective of whether the lot is 1 hectare or 10 hectares are noted and supported in principle. Ideally, site coverage for the range of lot sizes should also be based on a sliding scale reflective of the area of land. However, the issue is not considered a significant enough impediment to warrant a recommendation to amend the SPP's, nor can each of the Rural Living Zone areas be described as having spatial, social, environmental or economic qualities that require unique provisions for site coverage, as required under s.32(4) of LUPAA.</p> <ul style="list-style-type: none"> <li>• It is considered that the 10 hectare SPP minimum lot size can be accommodated and provide for the refined setback provisions described above. It is noted that a 30% change in lot size allowance does not automatically translate to 30% more lots on the ground, divided by area of land. Subdivision assessment will take into account road access and environmental circumstances relating to watercourses and priority vegetation areas (noting that Council is submitting for improvements to the SPP's - refer Section 2.0 – Report under s.35G). The physical differences for potential development across the zone area as result of the change in current lot size provisions to the SPP minimum lot size are not considered to be significant enough to warrant a specific area plan. It is not possible to justify the difference under s.32(4) whereby the area has particular social, spatial, environmental or economic qualities that require unique provisions.</li> </ul>
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### Recommendation for Draft LPS

Include a new Specific Area Plan for the Rural Living Zone at Reedy Marsh that provides for a front setback and vegetation retention within that setback to protect the existing character of the area. The recommended provision is:

#### MEA-S19.7.1 Landscape amenity

This clause is in substitution for Rural Living Zone – 11.4.2 Building height, setback and siting A2 and P2 and in addition to 11.4.2.

Objective:	That the vegetated landscape and amenity values of property frontages in Reedy Marsh are protected or managed to minimise the visual impact of development when viewed from roads.
Acceptable Solutions	Performance Criteria
<b>A1</b> Buildings must have a setback from a frontage of not less than 35m.	<b>P1</b> Buildings must be sited to be compatible with the vegetated landscape character of the area , having regard to: (a) the topography of the site; (b) the size and shape of the site; (c) the proposed building height, size and bulk; (d) the location of existing development; (e) requirements for hazard management areas; (f) visual impact when viewed from roads and public places; and (g) any screening vegetation to be retained.

<p><b>A2</b></p> <p>Native vegetation is retained within 15 metres of the frontage, except for the provision of access.</p>	<p><b>P2</b></p> <p>The removal of native vegetation must be compatible with the vegetated landscape character of the area, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the size and shape of the site;</li> <li>(c) views into the site from roads;</li> <li>(d) the visibility of proposed buildings;</li> <li>(e) the location of existing development;</li> <li>(f) requirements for hazard management areas;</li> <li>(g) vegetation to be retained that provides screening.</li> </ul>	
<p><b>Effect on Draft LPS as a Whole</b></p>		
<p>The recommendation relates to the Reedy Marsh area only and does not affect the Draft LPS as a whole.</p>		
<p><b>LPS Criteria</b></p>		
<p>The recommended modification responds to the particular spatial and environmental qualities of the Reedy Marsh area that should ideally have unique provisions to protect those qualities.</p> <p>The planning authority is satisfied that the draft LPS meets the LPS criteria.</p>		
<p>32 A Ricketts</p> <p>Reedy Marsh</p> <ul style="list-style-type: none"> <li>• Submits that an additional 3 lots at Reedy Marsh should be Rural Living Zone.</li> </ul>	<p><b>Comment</b></p> <p>The additional properties mentioned for inclusion in the zone are not specified, therefore no comment can be made on the merits of inclusion.</p>	

<b>Recommendation for Draft LPS</b>	
No recommendation	
<b>Effect on Draft LPS as a Whole</b>	
Not applicable	
<b>LPS Criteria</b>	
The planning authority is satisfied that the draft LPS meets the LPS criteria.	
<p>14 The Environment Association</p> <ul style="list-style-type: none"> <li>• Submits that subdivision minimum lot size should maintain the current 15ha standard through a SAP. The default 8 hectare through performance criteria is too low a standard.</li> <li>• Potential impacts on important vegetation and habitat such as Ovata forest. Historic failure to protect important vegetation in the area.</li> <li>• Submits for variation in provisions for setbacks in the Reedy Marsh Rural Living Zone to reflect the character of the area where most dwellings are screened from the road and other properties due to larger setbacks and the retention of vegetation.</li> <li>• Submits for variation in provisions for site coverage at Reedy Marsh to reflect the need for larger allowances for areas for outbuildings etc.</li> <li>• Plantation forestry should be prohibited in the Reedy Marsh Zone.</li> <li>• Visitor accommodation should be discretionary use.</li> <li>• Objects to 200 metre setback to Rural and Agriculture Zones.</li> </ul>	<p><b>Comment</b></p> <ul style="list-style-type: none"> <li>• Refer to comments above in response to representation no. 30 relating to subdivision lot size, setbacks and site coverage. Noting Council's submission in this agenda item in Section 2.0 for amendment to the SPP's under s.35G of the LUPAA, the matter of impacts on critical and threatened vegetation such as Ovata forest should be addressed at TPC hearings.</li> <li>• Plantation forestry is prohibited in the Rural Living Zone, with the exception of a small number of titles that have PTR status;</li> <li>• The status of visitor accommodation is consistent with the current planning directive that has been carried through to numerous zones in the SPP's. There is no prospect of demonstrating that this use should have a different use status under section 32(4), which requires Council to demonstrate that Reedy Marsh has particular social, spatial, environmental or economic qualities that require visitor accommodation should be a discretionary use. This submission is not supported.</li> </ul>

<b>Recommendation for Draft LPS</b>	
No recommendation	
<b>Effect on Draft LPS as a Whole</b>	
Not applicable	
<b>LPS Criteria</b>	
The planning authority is satisfied that the draft LPS meets the LPS criteria.	
<b>38 K &amp; C Gleich - Quamby Brook Rural Living Zone</b>	
Submits for Rural Living zoning of property at 521 Quamby Brook Road (CT 16399/3).	<p><b>Comment:</b></p> <p>Support extending the Quamby Brook Rural Living Zone C zoning by one lot.</p> <p>The lot is 16 hectares in size and is effectively the last of the contiguous rural residential properties along Quamby Brook Road. Land use surrounding the lot is agriculture and forestry in larger holdings made up of multiple titles. The location of the existing dwelling, watercourses to the northern side, riparian vegetation and Quamby Brook Road prevents the land from being utilised in conjunction with adjoining properties. There is no real prospect of the lot being used for viable agriculture due its small size.</p> <p>Rural Living Zone C would potentially provide for one additional lot by subdivision, which is reasonably consistent with the character of rural residential uses along Quamby Brook Road. The zone, and the subject lot, at Quamby Brook meets the criteria of the NTRLUS as:</p> <ul style="list-style-type: none"> <li>• it is located a short distance from Deloraine services;</li> <li>• the land is mainly cleared and can provide for development areas that are free of flood and bushfire hazard;</li> <li>• it is served by through roads in the event of bushfire;</li> </ul>

- it can provide for appropriate buffering to adjoining resource development activities.



Include 521 Quamby Brook Road in Rural Living Zone C

Figure 7 – zoning and priority vegetation/REM overlay at Quamby Brook

#### **Recommendation for Draft LPS**

Zone 521 Quamby Brook Road (CT 16399/3) as Rural Living Zone C.

#### **Effect on Draft LPS as a Whole**

The modification relates a single title only and does not affect the Draft LPS as a whole.

#### **LPS Criteria**

The recommendation is consistent with the policies of the NTRLUS.

The recommendation furthers the objectives set out in Schedule 1 of LUPAA.

The planning authority is satisfied that the draft LPS meets the LPS criteria.

### **Agriculture Zone and Rural Zone: Multiple Representors**

31 S Westley

Reedy Marsh:

- Submits that areas subject to the Priority Vegetation Area overlay adjoining the Particular Purpose Zone at Reedy Marsh should not be zoned Agriculture Zone as the land is not suitable for agriculture due to natural values.
- More suitable for either Rural or Landscape Conservation zones

#### **Comment**

Zoning based on the PVA overlay is not supported in general.

Whilst Guideline No.1 issued by the TPC provides for consideration of alternate zoning to that mapped as suitable for agriculture in the State's agricultural mapping project, a site specific analysis of land is required to determine if the values are significant enough to warrant a different zoning.

Council's methodology for determining the agriculture zone (or an alternate zone) is included in its supporting report to the Draft LPS. Council's position is that it is not going to undertake detailed ground truthing work for agricultural suitability or the presence of significant natural values based on the PVA overlay due to the vast area that would need to be analysed across the local government area. It is important to understand that the PVA overlay is a habitat model based on existing State data that is known to be highly variable in accuracy. The overlay acts as a 'first pass' mechanism to refine a site assessment for significant natural values where native vegetation is proposed to be removed. It is not, of itself, a detailed analysis of all the values that exist on a site, nor is it a statement of preferred land use. It does not preclude the future use of the land for agriculture as the lots may also be subject to an assessment under the forest practices system that provides for land clearance for grazing, cropping or forestry, a process which is removed from the planning system.

Put simply, not enough is known about the land to conclude that agriculture is constrained or that natural values are significant enough to preclude it in the future to argue for a different zone. The existence of grazing and forestry activities are sufficient in the first instance to reinforce the conclusions of the State agricultural

	<p>mapping.</p> <p>It is noted that Meander Valley Council strongly objected to the approach taken by the SPP's to divide rural areas into Rural and Agriculture zones, and to remove natural values assessment from a large part of it. Council argued on the basis of its extensive knowledge of the nuances in the way rural land uses interact, to no avail. However, the State's policy is clear and Council's position in drafting its LPS is that it is not going to inflate the substance of the PVA overlay into more than was intended for the purposes of the Tasmanian Planning Scheme nor is it going to undertake an enormous ground truthing project.</p>
<b>Recommendation for Draft LPS</b>	
No recommendation.	
<b>Effect on Draft LPS as a Whole</b>	
Not applicable.	
<b>LPS Criteria</b>	
The planning authority is satisfied that the draft LPS meets the LPS criteria.	
<p>32 A Ricketts</p> <ul style="list-style-type: none"> <li>Objects to Agriculture Zone on land surrounding the Reedy Marsh Rural Living Zone due to high natural values and marginal value for agriculture.</li> </ul>	<p><b>Comment</b></p> <p>Zoning based on the PVA overlay is not supported in general. Refer to comments above in response to representation no.31.</p>
<b>Recommendation for Draft LPS</b>	
No recommendation.	
<b>Effect on Draft LPS as a Whole</b>	
Not applicable.	

<b>LPS Criteria</b>	
The planning authority is satisfied that the draft LPS meets the LPS criteria.	
14 The Environment Association <ul style="list-style-type: none"> <li>State Agricultural mapping project did not include any public consultation in order to understand the implications of the operation of the TPS.</li> <li>Land capability has not been considered adequately.</li> <li>200m setback for sensitive uses to the Agriculture Zone generally.</li> </ul>	<b>Comment</b> <ul style="list-style-type: none"> <li>Submissions regarding consultation deficiencies for a part of the TPS that results in a significant impact on land use regulation and changes to current practices are noted.</li> <li>Land capability has been included as part of the State mapping methodology. The background report to the State project is available through LISTmap at <a href="http://www.thelist.tas.gov.au">www.thelist.tas.gov.au</a> Council's position is that it is not going pursue the methodology of the State mapping project or the policy for its application beyond the submissions it has already made to the hearings of the SPP's.</li> <li>Submissions regarding the 200m setback approach for sensitive uses generally in the SPP's are noted. This is a policy of the State that carries through the entire planning scheme. Council does not support challenging this policy.</li> </ul>
<b>Recommendation for Draft LPS</b>	
No recommendation.	
<b>Effect on Draft LPS as a Whole</b>	
Not applicable.	
<b>LPS Criteria</b>	
The planning authority is satisfied that the draft LPS meets the LPS criteria.	
<b>14 The Environment Association - Environmental Management Zone</b>	
<ul style="list-style-type: none"> <li>Concerns regarding the lack of meaningful oversight by Council of development in State reserves.</li> </ul>	<b>Comment</b>



<ul style="list-style-type: none"> <li>• Development opportunity is too open in reserves with no statutory management plan. Watering down of the zone intent through the expanded use range.</li> <li>• Absence of community consultation and appeal rights in range of permitted uses.</li> <li>• Requests Council advocate for tightening of 'unfettered discretion' in the zone, or alternatively, use SAPs to refine the zone to limit uses in areas where there is no statutory management plan.</li> <li>• Consider Open Space as a zone alternative to limit uses.</li> </ul>	<p>Concerns regarding development controls in the zone are noted and many of the issues cited were raised in the hearings to the SPP's by numerous parties. Do not support challenging the operational policy and zoning intent for the Environmental Management Zone. The status of development where it obtains an approval from the State authority may be the subject of public concern, however it is not legally dysfunctional in operation. It is understood that the State Government is currently working on amending processes for Reserve Activity Assessments to provide for community consultation with similar timeframes to that of LUPAA.</p> <p>Do not support the use of SAP's to restrict uses in State reserves where there is no statutory management plan. Justification is not feasible under section 32(4) of LUPAA for particular spatial, environmental, social or economic qualities that would differentiate these reserves from others such that they should not be provided the same opportunities. For the same reasons, Open Space zoning is also not considered appropriate.</p>
<b>Recommendation for Draft LPS</b>	
No recommendation.	
<b>Effect on Draft LPS as a Whole</b>	
Not applicable.	
<b>LPS Criteria</b>	
The planning authority is satisfied that the draft LPS meets the LPS criteria.	

### 39 Veris obo M Schrepfer - Travellers Rest Landscape Conservation Zone

#### MEA-S18.0 Travellers Rest Specific Area Plan

- Submits for additional SAP development standards to address the specific topography of the area and unintended restrictions:
  - Reasonable boundary adjustments are prohibited by the minimum lot size in the zone and the potential inability to meet minor boundary adjustment provisions of Section 7.3;
  - Concerns regarding the increase from existing 6 metre front setback and 5 metre side and rear setback to 10 metres and 20 metres respectively will create unnecessary discretions and associated assessment difficulties;
  - Concerns regarding building height being decreased from current 8 metre allowance to 6 metres and the restrictions on new development.

#### Comment:

Support additional SAP standards to reflect the existing development character in Travellers Rest to reduce unnecessary discretions and restrictions.

The representation raises issues of targeted development control that have merit. Travellers Rest has been submitted for a SAP in the Draft LPS because the SPP Landscape Conservation Zone, whilst generally appropriate in purpose, does not reflect the unique nature of this area brought about by historic development. It is considered appropriate for the SAP to further refine the standards for Travellers Rest to meet the predictable needs of future residential development as it can be reasonably known that current development characteristics, together with vegetation removal standards, provides appropriate management of the landscape and meets the objectives for the area. In consideration of the particular spatial qualities of the area, there is no need to unnecessarily trigger discretions for development, which will improve current regulations whereby all development is discretion on the basis of being located within the scenic management overlay. The various aspects are discussed below that are recommended for additional standards in the SAP.

- Boundary adjustment

There is no history of boundary adjustment in Travellers Rest, however this does preclude it being needed in the future and that it may be reasonable to approve. The representation is correct in that any adjustment that cannot be considered as minor will be prohibited if the lots are under 20 hectares in size. It is not clear if this is intended by the SPP's or not, however given the circumstances at Travellers Rest it is considered reasonable to provide for it. It is recommended that the SAP be modified to include an additional subdivision standard for

	<p>boundary adjustment, whereby if the adjustment can meet the setback standards to existing buildings it is permitted development. If setback standards are not met, performance criteria can reasonably determine if the adjustment is appropriate.</p> <ul style="list-style-type: none"> <li>• Site coverage</li> </ul> <p>The prevailing site coverage of residential development in the area is already greater than 400m<sup>2</sup>. Dwellings tend toward larger sizes with numerous outbuildings being a common feature. In the context of lot sizes that range from 1 hectare to 6 hectares, these larger building areas do not overwhelm the area or create a detrimental visual impact due to the degree of vegetation retention that is also a feature. It is considered appropriate to increase the allowable site coverage to provide for the normal character of development in the area and to remove an unnecessary impediment to predictable residential development. However, 30% is not considered an appropriate measure, despite current planning scheme controls, as this measure reflects much smaller lot sizes associated with the Low Density Residential Zone. An allowance of approximately 3000m<sup>2</sup> site coverage is an outcome that is significantly divergent from the prevailing character of the area. It is recommended that the area allowed be increased to 600m<sup>2</sup>. This provides for a large dwelling and several standard outbuildings consistent with the higher degree of existing site coverage in the zone.</p> <ul style="list-style-type: none"> <li>• Setbacks</li> </ul> <p>The current range of existing setbacks to roads and side and rear boundaries varies significantly from 7 metres to 150 metres. There is no typical pattern, with landowners generally responding to the sloping topography on a particular lot, together with preferences for separation from neighbouring dwellings and the</p>
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	<p>road. Almost all of the lots within the zone are already developed for residential use (with no additional lots to be created) and as such, future development subject to the setback provisions will be extensions and outbuildings. Given that many of the existing circumstances will already have setbacks less than 20 metres from the side or rear boundary (noting that the smallest existing setback from a road is 10 metres and from a side boundary is 7 metres), it is reasonable to provide for a setback that responds to anticipated development in this area without unnecessary regulatory intervention.</p> <p>It is considered that a setback of 10 metres to front, side and rear boundaries is an appropriate reflection of the character of the area and the capability of lots to readily accommodate the setback.</p> <ul style="list-style-type: none"> <li>• Building Height</li> </ul> <p>A large number of dwellings in the area are two storey and exceed the 6 metre standards of the zone. The greater height has not historically proven to be an issue for visual management as it is always considered in conjunction with the retention of large trees that provide appropriate screening. It is considered that the 6 metre height in the zone is an unnecessary restriction for this area. It is recommended that the 8.5 metre height that is the standard in other residential zones is included in the SAP for Travellers Rest.</p> <ul style="list-style-type: none"> <li>• Excavation</li> </ul> <p>Although not raised in the representation, the zone also contains a standard in the acceptable solution of 22.4.4 <i>Landscape protection</i> that limits cut and fill to 1 metre. The Travellers Rest area has significant slopes that range in gradients from 1:10 to 1:5 and typically building areas are cut into the slope at a greater depth than 1 metre. Better visual integration of buildings into a slope generally</p>
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	<p>occurs if they can be cut in, however the low threshold of 1 metre for cut will inevitably trigger a discretion for development and act as a disincentive for development that would better meet the objectives for the area if it could be cut in further. As such, it is recommended that the standard for cut and fill provide for 3 metres of cut given that this is a likely requirement on a 1:5 slope and it will not be visible if standing vegetation is retained.</p> <p>In summary, the recommended modifications appropriately reflect the unique historical development of the Travellers Rest area more comprehensively providing reasonable regulations for development.</p>				
<b>Recommendation for Draft LPS</b>					
<p>It is recommended that MEA-S18.0 Travellers Rest Specific Area Plan is modified to include the following standards:</p> <p><b>MEA-S18.7 Development Standards for Buildings and Works</b></p> <p>MEA-S18.7.1 Site Coverage</p> <p>This clause is in substitution for Landscape Conservation Zone – 22.4.1 Site Coverage A1 and P1.</p> <table border="1" data-bbox="219 963 1408 1142"> <tr> <td data-bbox="219 963 407 1078">Objective:</td><td data-bbox="407 963 1408 1078">That the site coverage is compatible with the protection, conservation and management of the landscape values of the Travellers Rest area.</td></tr> <tr> <td data-bbox="219 1078 804 1142"><b>Acceptable Solutions</b></td><td data-bbox="804 1078 1408 1142"><b>Performance Criteria</b></td></tr> </table>		Objective:	That the site coverage is compatible with the protection, conservation and management of the landscape values of the Travellers Rest area.	<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
Objective:	That the site coverage is compatible with the protection, conservation and management of the landscape values of the Travellers Rest area.				
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>				

<p><b>A1</b></p> <p>Site coverage must be not more than 600m<sup>2</sup> .</p>	<p><b>P1</b></p> <p>Site coverage must be compatible with the landscape values of the surrounding area, having regard to:</p> <ul style="list-style-type: none"><li>(a) the topography of the site;</li><li>(b) the capacity of the site to absorb run-off;</li><li>(c) the size and shape of the site;</li><li>(d) the existing buildings and any constraints imposed by existing development;</li><li>(e) the existing site coverage of buildings in the surrounding area;</li><li>(f) the need to remove vegetation;</li><li>(g) screening provided by retained vegetation</li><li>(h) the location of development in relation to cleared areas; and</li><li>(i) the location of development in relation to natural hazards.</li></ul>
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MEA-S18.7.2 Building height and siting

This clause is in substitution for Landscape Conservation Zone – 22.4.2 Building height, siting and exterior finishes A1 & P1, A2 & P2 and A3 & P3.

Objective:	That building height and siting: <ul style="list-style-type: none"><li>(a) protects the amenity of adjoining properties;</li><li>(b) minimises the impact on the landscape values of the Travellers Rest area.</li></ul>
Acceptable Solutions	Performance Criteria

<p><b>A1</b></p> <p>Building height must be not more than 8.5m.</p>	<p><b>P1</b></p> <p>Building height must be compatible with the landscape values of the area, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the height, bulk and form of proposed buildings;</li> <li>(b) the height, bulk and form of existing buildings;</li> <li>(c) the topography of the site;</li> <li>(d) the visual impact of the buildings when viewed from roads and public places; and</li> <li>(e) the landscape values of the surrounding area.</li> </ul>	
<p><b>A2</b></p> <p>Buildings must have a setback from a frontage not less than 10m.</p>	<p><b>P2</b></p> <p>Building setback from a frontage must be compatible with the landscape values of the surrounding area, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the frontage setbacks of adjacent buildings;</li> <li>(c) the height, bulk and form of existing and proposed buildings;</li> <li>(d) the appearance when viewed from roads and public places;</li> <li>(e) the safety of road users; and</li> <li>(f) the retention of vegetation.</li> </ul>	

<p><b>A3</b></p> <p>Buildings must have a setback from side and rear boundaries not less than 10m.</p>	<p><b>P3</b></p> <p>Buildings must be sited to not cause an unreasonable loss of amenity, or impact on landscape values of the site, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the size, shape and orientation of the site;</li> <li>(c) the side and rear setbacks of adjacent buildings;</li> <li>(d) the height, bulk and form of existing and proposed buildings;</li> <li>(e) the need to remove vegetation as part of the development;</li> <li>(f) the appearance when viewed from roads and public places; and</li> <li>(g) the landscape values of the surrounding area.</li> </ul>	
<p>MEA-S18.7.3 Landscape Protection</p> <p>This clause is in substitution for Landscape Conservation Zone – 22.4.4 Landscape protection A2 &amp; P2.1 and P2.2.</p>		
Objective:	That the landscape values of the site and surrounding area are protected or managed to minimise adverse impacts.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	



<p><b>A1</b></p> <p>Buildings and works must:</p> <ul style="list-style-type: none"> <li>(a) be located within a building area, if shown on a sealed plan; or</li> <li>(b) be an alteration or extension to an existing building providing it is not more than the existing building height; and</li> <li>(c) not include cut greater than 3m and fill greater than 1m; and</li> <li>(d) be not less than 10m in elevation below a skyline or ridgeline.</li> </ul>	<p><b>P1</b></p> <p>Buildings and works must be located to minimise impacts on landscape values, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the size and shape of the site;</li> <li>(c) the proposed building height, size and bulk;</li> <li>(d) any constraints imposed by existing development;</li> <li>(e) visual impact when viewed from roads and public places; and</li> <li>(f) any screening vegetation, and</li> </ul> <p><b>P2.2</b></p> <p>If the building and works are less than 10m in elevation below a skyline or ridgeline, there are no other suitable building areas.</p>	
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### MEA-S18.8 Development Standards for Subdivision

This clause is in substitution for Landscape Conservation Zone – clause 22.5.1 Lot design A1 and P1.

Objective:	To provide for subdivision for boundary adjustment.
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>

	<p><b>A1</b> Subdivision must not create additional lots.</p>	<p><b>P1</b> Each lot, or a proposed lot in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the relevant Acceptable Solutions for development of buildings on the lots;</li> <li>(b) existing buildings and the location of intended buildings on the lot;</li> <li>(c) the ability to retain vegetation and protect landscape values on each lot;</li> <li>(d) the topography of the site; and</li> <li>(e) the pattern of development existing on established properties in the area,</li> </ul> <p>and must not create additional lots.</p>	
<p><b>Effect on Draft LPS as a Whole</b></p>			
<p>The recommended modifications relate to the SAP over the Landscape Conservations Zone at Travellers Rest only and do not affect the Draft LPS as whole.</p>			
<p><b>LPS Criteria</b></p>			
<p>The particular social and environmental qualities of Travellers Rest are described in Council's supporting report to its draft LPS. The recommended modifications to the draft LPS respond to the particular spatial qualities of the area to apply more appropriate regulatory controls in recognition of the values and development already in place. This supports LUPAA objectives for fair, orderly and sustainable use of land.</p> <p>The planning authority is satisfied that the draft LPS meets the LPS criteria.</p>			

#### 40 Rebecca Green obo Tasbuilt – Birralelee Road Industrial Precinct Specific Area Plan

MEA-S1.0 Birralelee Road Industrial Precinct Specific Area Plan

Submits for performance criteria for front setback consistent with SPP General Industrial Zone.

**Comment:**

Support modification to make front setback performance criteria consistent with the SPP Industrial Zone. The intent of the Valley Central Precinct is to provide for industrial development without unnecessary regulatory intervention. The mandatory front setback requirement is more limiting than the provision in the General Industrial Zone.

#### Recommendation for Draft LPS

Modify MEA-S1.7.2 Setback to a frontage as follows:

MEA-S1.7.2 Setback to a frontage

This clause is in substitution for General Industrial Zone – clause 19.4.2 Setback

Objective:	To provide for appropriate building setbacks to roads.	
Acceptable Solutions		Performance Criteria
<b>A1</b> Buildings must have a setback from a frontage of not less than 15m to the Birralelee Road frontage.		<b>P1</b> No Performance Criterion.

<p><b>A2</b></p> <p>Buildings must have a setback from a frontage of not less than:</p> <ul style="list-style-type: none"> <li>(a) 8m to a primary frontage on all roads other than Birralelee Road; and</li> <li>(b) 3m to all other frontages other than Birralelee Road.</li> </ul>	<p><b>P2</b></p> <p>Buildings must have a setback from a frontage that provides adequate space for vehicle access, parking and landscaping, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the setback of buildings on adjacent properties; and</li> <li>(c) the safety of road users.</li> </ul>	
<p><b>Effect on Draft LPS as a Whole</b></p>		
<p>The recommendation relates to the MEA-S1.0 Birralelee Road Industrial Precinct Specific Area Plan only and does not affect the Draft LPS as a whole.</p>		
<p><b>LPS Criteria</b></p>		
<p>The recommended modification provides greater consistency with the SPP's.</p> <p>The planning authority is satisfied that the draft LPS meets the LPS criteria.</p>		

<b>41 GHD obo Kilpatrick's Joinery – Westbury Road Specific Area Plan</b>	
<p>MEA-S19.0 Westbury Road Specific Area Plan and SSQ MEA-15.2.</p> <ul style="list-style-type: none"> <li>Support of elements of SAP for protection of and provision for existing joinery use.</li> </ul>	<p><b>Comment:</b></p> <p>Support is noted.</p> <p>The provisions of MEA-S19.0 are transitional provisions approved by the Minister under Schedule 6 of LUPAA to be included in the draft LPS. As such the provisions are required to be included without alteration.</p>
<b>Recommendation for Draft LPS</b>	
No recommendation.	
<b>Effect on Draft LPS as a Whole</b>	
Not applicable.	
<b>LPS Criteria</b>	
The planning authority is satisfied that the draft LPS meets the LPS criteria.	
<b>MEA-S5.0 Karst Management Area Specific Area Plan: Multiple Representors</b>	
<p>14 TEA</p> <ul style="list-style-type: none"> <li>Submits that MEA-S5.0 Karst Management Area Specific Area Plan as written diminishes the protections of the former Code in the Interim Planning Scheme due to the inapplicability to forestry use and the removal of the acceptable solution relating to a forest practices plan;</li> <li>Council should continue to assess permit applications for forestry, preferably under discretionary status.</li> </ul>	<p><b>Comment</b></p> <p>The Karst Management Area SAP is a transitional provision under Schedule 6 of LUPAA. Modifications can only be made for greater consistency with the SPP's. Clearance and conversion, or disturbance of a vegetation community for forest practices subject to a certified FPP is exempt from the operation of the planning scheme under section 4.4.1(a), although it is noted that there are ambiguities in this description that do not provide clarity as to whether this includes the removal of non-threatened native vegetation as 'disturbance' (despite repeated requests for clarification from State Government and TPC). The exemption does not appear to relate to the establishment of new forestry plantations on pasture, which remains as</p>

	<p>an acceptable solution in the SAP.</p> <p>Council presented its position for the continued involvement in the assessment of all activities in the karst area, including forestry, at the hearings of the SPP's to no avail. The State position is that the Forest Practices System appropriately assesses impacts on karst landforms.</p> <p>It is not recommended that Council submit for changes to the SPP's under s.35G.</p>
<b>Recommendation for Draft LPS</b>	
No recommendation.	
<b>Effect on Draft LPS as a Whole</b>	
Not applicable.	
<b>LPS Criteria</b>	
The planning authority is satisfied that the draft LPS meets the LPS criteria.	
<p>8 Meander Valley Council</p> <p>Submits for revision of MEA-S5.0 Karst Management Area Specific Area Plan for improved construction and operation.</p>	<p><b>Comment</b></p> <p>Meander Valley Council supports the merits of its own submission.</p>
<b>Recommendation for Draft LPS</b>	
1. Replace MEA-S5.0 Karst Management Specific Area Plan with the revised version attached to the Meander Valley Council representation.	
<b>Effect on Draft LPS as a Whole</b>	
The recommendation relates to the area of land contained within the Karst Management Specific Area Plan and does not affect the draft LPS as a whole.	

<b>LPS Criteria</b>	
<p>Noting that the Karst Management Specific Area Plan is a transitional provision with limitations on the degree of modification that can be applied to the LPS, the particular environmental qualities of the karst system are highly complex and the operation of the planning scheme would benefit from the improvement of expression.</p> <p>The planning authority is satisfied that the draft LPS meets the LPS criteria.</p>	
<b>CODES</b>	
<b>Natural Assets Code – Priority Vegetation Area: Multiple Representors</b>	
<p>14 TEA</p> <p>Describes issues/failures regarding non-applicability of the overlay to the Agriculture Zone:</p> <ul style="list-style-type: none"> <li>• Cannot determine complete extent of the PVA overlay and may mislead a landowner that there may not be any priority values present as it is not shown over the zone;</li> <li>• Inconsistent with the waterway approach which is over every zone;</li> <li>• Non-applicability over the Agriculture Zone will mean no priority natural values assessment at all for buildings due to Forestry Act regulations. It is unacceptable to remove natural values assessment from a large proportion of the municipal area;</li> <li>• PVA overlay covers 20% of the Agriculture Zone area – fails to meet LUPAA objectives.</li> </ul>	<p><b>Comment</b></p> <p>Submission is noted.</p> <p>The MVC submission to the TPC when the Draft LPS was submitted was that the PVA overlay should be shown in full in the maps and applicability determined through the Code provision to ensure a coherent map and show the context of the Regional Ecosystem Model results. Council was instructed to remove the overlay from non-applicable zones.</p> <p>MVC and LGAT submissions similarly note failures of the SPP's to provide clear and meaningful assessment of the Priority Vegetation Area through the performance criteria of the Natural Assets Code. Refer to the agenda item section 2.0 Planning Authority Notice under Section 35G of LUPAA – Recommended amendments to the State Planning Provisions. The anticipated operational inconsistencies with other legislation have potential to be corrected when the stakeholders are alerted to the degree of dysfunction in conjunction with forestry legislation which will be discussed through the TPC process under section 35G of the LUPAA. The SPP circumstances whereby there will be no natural values assessment at all where buildings are proposed in the Agriculture Zone (unless there is destruction of a species listed as</p>

	<p>threatened under the Threatened Species Protection Act 1995) was the subject of numerous submissions to the hearings of the SPP's.</p> <p>Council does not propose to pursue the application of the Priority Vegetation Area overlay to the Agriculture Zone, however will continue to emphasise the inconsistencies through the TPC process for considering Council's notice under s.35G.</p>
<b>Recommendation for Draft LPS</b>	
No recommendation.	
<b>Effect on Draft LPS as a Whole</b>	
Not applicable.	
<b>LPS Criteria</b>	
The planning authority is satisfied that the draft LPS meets the LPS criteria.	
<p>7 Local Government Association of Tasmania</p> <p>Submission on behalf of the local government sector on the unworkability of the Code provisions.</p>	<p><b>Comment</b></p> <p>Refer to agenda item 2.0 Planning Authority Notice under Section 35G of LUPAA – Recommended amendments to the State Planning Provisions.</p>
<b>Recommendation for Draft LPS</b>	
No recommendation.	
<b>Effect on Draft LPS as a Whole</b>	
Not applicable.	
<b>LPS Criteria</b>	
The planning authority is satisfied that the draft LPS meets the LPS criteria.	



<p>8 Meander Valley Council</p> <p>Submission on the unworkability of the Code provisions.</p>	<p><b>Comment</b></p> <p>Refer to agenda item 2.0 Planning Authority Notice under Section 35G of LUPAA – Recommended amendments to the State Planning Provisions.</p>
<p><b>Recommendation for Draft LPS</b></p>	
<p>No recommendation.</p>	
<p><b>Effect on Draft LPS as a Whole</b></p>	
<p>Not applicable.</p>	
<p><b>LPS Criteria</b></p>	
<p>The planning authority is satisfied that the draft LPS meets the LPS criteria.</p>	
<p><b>Local Historic Heritage Code: Multiple Representors</b></p>	
<p>9 J Dent &amp; D Watten</p> <ul style="list-style-type: none"> <li>Review Davies study to include local heritage places in MEA-Table C6.1.</li> <li>Include sites of archaeological significance in MEA-TableC6.4 Places or Precincts of Archaeological Potential – numerous probation station sites at Westbury, Carrick, Hadspen, Traveller’s Rest, Westbury Road.</li> </ul>	<p><b>Comment:</b></p> <p>Representations submit that the Draft Meander Valley LPS fails to meet the LUPAA Schedule 1 objective to “<i>conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value</i>” as it does not include any Local Heritage Places or precincts as part of the Local Historic Heritage Code and does not recognise cultural heritage landscapes. Several representations also submit that the Draft LPS is inconsistent with the regional land use strategy.</p>

	<p>The NTRLUS (27 June 2018) contains the following policies and actions which have been identified by representors:</p> <p><b>CH-P01</b>  <i>Recognise, retain and protect cultural heritage values in the region for their character, culture, sense of place, contribution to our understanding of history.</i></p> <p><b>CH-P02</b>  <i>Recognise, manage and preserve regional archaeological values.</i></p> <p><b>CH-A01</b>  <i>Investigate planning means to recognise and list places, precincts of heritage significance within planning schemes and spatially define them with associated map overlays.</i></p> <p><b>CH-A02</b>  <i>Planning schemes are to require an assessment of impacts on heritage-listed places, precincts and landscapes.</i></p> <p><b>CH-A03</b>  <i>Provide for the protection of identified significant cultural heritage and archaeological sites.</i></p> <p><b>CH-A04</b>  <i>Ensure that development is undertaken in accordance with an archaeological management plan where soil disturbance within areas of archaeological significance is proposed.</i></p>
<p>11 M Butson</p> <p>Include a local heritage list of places and precincts</p> <p>MVC should comply with the regional land use strategy which requires the consideration of local heritage in planning schemes.</p>	
<p>12 K Grigson</p> <p>Include a local heritage list of places and precincts</p>	<p>(note: TEA representation references the RLUS version as at Dec 2017 – amended 27.6.18)</p>
<p>13 G Sheridan</p> <ul style="list-style-type: none"> <li>Concerns regarding the protection of heritage in</li> </ul>	<p>The Davies heritage study undertaken in 2004 is a significant document and remains unresolved from a Council and Heritage Council perspective in regard to items to be</p>

<p>the State, particularly Meander Valley. The devolvement of places on the National Heritage Estate back to the states in 2012 has left a gap in heritage management and protection.</p> <ul style="list-style-type: none"> <li>• Include a local heritage list of places and precincts. Refers to Davies study and ICOMOS international atlas of Historic Rural Landscapes.</li> <li>• Cultural heritage landscapes are at risk if they are not included for protection through local planning schemes.</li> <li>• Westbury is an example of a heritage precinct town.</li> <li>• Requires greater balance of place, character and meaning.</li> </ul>	<p>included on the State Heritage Register and the role of a local heritage register in the planning scheme.</p> <p>There is no recommendation to include local heritage places in the Draft LPS. Council maintains its position that the appropriate mechanism for heritage protection regulation is through the Tasmanian Heritage Register and that the Act objective and policies and actions of the NTRLUS are reasonably achieved through sites that are listed under the Historic Cultural Heritage Act 1995.</p>
<p>14 TEA</p> <p>Include a local heritage list of places and precincts.</p> <p>Draw on the 2006 Davies report to populate the list of local places and precincts. This report identifies a large number of heritage assets not currently protected in any way. The report indicates that Council should be involved in protecting some of the municipality's heritage, consistent with COAG agreement.</p> <p>The lack of recognition means that demolition, substantial alteration or significant vegetation removal cannot be rejected on heritage grounds.</p> <p>Meander valley municipality has an abundance of cultural heritage landscapes that should be recognized and protected in the LPS. There is a correlation between</p>	

the visual landscape, the setting and heritage aspects.	
<p>10 D Pyke</p> <p>Submits for protections for Westbury hedgerows and remaining cottages.</p>	<p><b>Comment</b></p> <p>The contribution made by the hedgerows to the character of the broader low density residential area of Westbury is discussed above in regard to provisions for the Westbury Specific Area Plan. Management of the hedgerows is recommended as part of a suite of provisions that are recommended to protect the character and amenity of the area long term.</p> <p>Individual buildings however, are considered in the context of other representations relating to local heritage places above and are not recommended for inclusion in the Draft LPS.</p>
<b>Recommendation for Draft LPS</b>	
No recommendation.	
<b>Effect on Draft LPS as a Whole</b>	
Not applicable.	
<b>LPS Criteria</b>	
The planning authority is satisfied that the draft LPS meets the LPS criteria.	
<b>14 The Environment Association - Scenic Protection Code</b>	
<ul style="list-style-type: none"> <li>Describes history of planning scheme scenic management in the municipality and reiterates Council's commitment to implementing a regional approach to scenic management when the regional work is undertaken.</li> <li>Objects to the lack of scenic protection, other than</li> </ul>	<p><b>Comment</b></p> <p>The NTRLUS contains the following policies and actions:</p> <p><b>LSA-P01</b></p> <p><i>Consider the value of protecting the scenic and landscape amenity of key regional tourism routes having regard to the routes identified in Map E3 and local</i></p>

<p>for Travellers Rest/Blackstone Hills and the tourist road corridors. The Blackstone Hills are no more important than many other areas.</p> <ul style="list-style-type: none"> <li>• Other local roads also have value where scenic amenity and quality is important. The scenic management corridors do little more than protect roadside verges, needs to be greater than 100 metres for some and could be less on local roads;</li> <li>• Scarring has degraded the Meander Valley scenery over time;</li> <li>• Many other topographical features warrant scenic protection areas – Council has never responded to the 2004 Inspiring Place study - ‘Meander Valley Scenic Management Strategy’ 2002, which should be used as the basis for scenic management areas;</li> <li>• The cultural landscape heritage elements and recommendations for management outlined in the Davies Heritage Study of 2006 should be implemented through the scenic management or local heritage provisions of the LPS.</li> <li>• Draft LPS is inconsistent in an uneven application of the Scenic Protection Code;</li> <li>• Draft LPS does not comply with obligations under NTRLUS, which recognises the economic importance of protecting scenic landscapes (noting changes in the June 2018 version which diminish obligations for scenic protection – refer comments below regarding NTRLUS);</li> <li>• The Meander Valley Land Use and Development Strategy 2005 makes numerous commitments in</li> </ul>	<p>circumstances, as well as the:</p> <ul style="list-style-type: none"> <li>• Importance of scenic landscapes as viewed from major roads and tourist routes/destinations as contributing to economic basis of the tourism industry as well as local visual amenity;</li> <li>• Importance of natural/native vegetation in contributing to scenic values of rural and coastal areas generally, with particular emphasis on prominent topographical features; and</li> <li>• Need to protect skylines and prominent hillsides from obtrusive development/works.</li> </ul> <p><b>LSA-PO2</b></p> <ul style="list-style-type: none"> <li>• Protect specific topographic or natural features of significant scenic/landscape significance.</li> </ul> <p>The LPS Criteria in s.34 of LUPAA were amended in late 2018 and modified the criteria relating to the NTRLUS to “(e) as far as practicable, [ the draft LPS] is consistent with the regional land use strategy, if any, for the regional in which is situated the land to which the relevant planning instrument relates”.</p> <p>The NTRLUS was amended in June 2018 and removed the commitment to undertake a regional scenic management project, relying instead on each Council to determine what are ‘specific topographic or natural features of significant scenic/landscape significance’ in their area. The NTRLUS identifies the intra-regional tourist routes for the identification of scenic corridors, however Councils may add other routes to local tourist features.</p> <p>Council’s 2005 strategy is now out of date and is superseded by the NTRLUS, which is a statutory document. References to State projects for a ‘system of landscape management’ (related to the partnership agreement with the State which appear defunct) are no longer relevant when that project did not eventuate, instead moving to system of regional policies and actions in 2007. As described above, the regional</p>
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<p>regard to landscape that have not been followed through.</p> <ul style="list-style-type: none"> <li>• Require legislated protection of cultural heritage landscapes for every planning scheme in the State.</li> <li>• Economic importance of scenic protection in support of tourism now outweighs that of extractive industries.</li> <li>• Objects to the exclusion of forestry from scenic impact consideration in the planning system. No longer a landscape specialist in the FPA with assessment being left to individual forest practices officers. Landscape scarring as result is long lasting and at times irretrievable.</li> <li>• In regard to cultural heritage landscapes, other Australian states, Europe and USA all have developed policy whereas Tasmania does not.</li> <li>• Inconsistent with adjoining municipalities that have a comprehensive methodology;</li> <li>• Submits for additional places and features and scenic road corridors to tourist destinations and Targa routes.</li> </ul>	<p>approach was amended in mid 2018, changing the focus to a more local response, albeit still with an obligation under the Act to consider how the regulatory controls are consistent and avoid conflict across municipal boundaries.</p> <p>The draft LPS includes scenic road corridors over major highways as tourist routes and has included the prominent Blackstone Hills due to it being a 'gateway' feature to Launceston that is subject development pressure (refer comments above regarding Travellers Rest in response to representation 39). These road corridor routes continue through adjoining municipalities to provide for consistency across adjoining Council areas within the region. Council does not consider that it is practicable to include all prominent features due to the prolific nature of prominent topographical features in Meander Valley, particularly the Great Western Tiers and foot hills, and the lack of development pressure on agricultural, forestry and environmental reserve landscapes.</p> <p>The submitted additional places for scenic protection areas are not supported. Council's maintains its position that the areas included in the Draft LPS are sufficient to address the policies and actions of the NTRLUS, noting that other Councils may choose to include more. If the State introduces a future Tasmanian Planning Policy that requires identification of cultural or scenic landscapes, Council will be required to address it at that time.</p>
<b>Recommendation for Draft LPS</b>	
No recommendation.	
<b>Effect on Draft LPS as a Whole</b>	
Not applicable.	
<b>LPS Criteria</b>	
The planning authority is satisfied that the draft LPS meets the LPS criteria.	

<b>14 The Environment Association - Regional Land Use Strategy of Northern Tasmania (NTRLUS)</b>	
<ul style="list-style-type: none"> <li>• Objects to changes to the NTRLUS – July 2017</li> <li>• June 2018 version not legitimate due to changes being beyond a 'policy neutral' conversion to be compatible with the SPP's and no public consultation process was held for a statutory document.</li> <li>• Elements of the LPS are inconsistent with NTRLUS (see comments above)</li> <li>• Failure to abide by the NTRLUS is a major weakness</li> </ul>	<p><b>Comment</b></p> <p>Submission is noted – The NTRLUS is authorised by the Minister and is not subject to representation as part of this process.</p> <p>Compliance with the NTRLUS is described in the supporting report to the Draft LPS and in response to recommended modifications arising from the representations.</p>
<b>Recommendation for Draft LPS</b>	
No recommendation.	
<b>Effect on Draft LPS as a Whole</b>	
Not applicable.	
<b>LPS Criteria</b>	
The planning authority is satisfied that the draft LPS meets the LPS criteria.	
<b>14 TEA - Various Matters</b>	
<ul style="list-style-type: none"> <li>• Dissatisfaction with TPS and SPP's generally: <ul style="list-style-type: none"> <li>- Legislation has become vastly more complex and subsequently, so has the Tasmanian Planning Scheme. Regards TPS as an abject failure;</li> <li>- Limited opportunity to change the SPP's;</li> <li>- Undesirable increases in permitted use and development resulting in community anger;</li> <li>- Primacy to developer, development at any cost;</li> </ul> </li> </ul>	<p><b>Comment</b></p> <ul style="list-style-type: none"> <li>• Submissions in regard to dissatisfaction with the SPP's are noted. Whilst Council may be concerned about numerous aspects of the SPP's, it made its submissions to the hearings into the SPP's conducted by the TPC and is not compelled to pursue them again. The matters Council is pursuing for amendments to the SPP's are contained in section 2.0 to the agenda item.</li> <li>• Local Area Objectives provide for statements relating to desired future</li> </ul>

<ul style="list-style-type: none"> <li>- Less appeal rights and rights of objection;</li> <li>- Diminishes Council's ability to modify and improve developments via conditions;</li> <li>- Reduced strategic consultation;</li> <li>- Reduced protection of the natural environment and heritage;</li> <li>- Zone primacy has weakened the effect of Codes, fails to meet objectives of LUPAA, Codes should apply across all zones;</li> <li>- Removed ability to have Desired Future Character Statements.</li> </ul> <ul style="list-style-type: none"> <li>• Notification letter did not adequately describe SPP's</li> <li>• Presentation of SPP's and LPS separately diminishes public understanding.</li> <li>• Aboriginal heritage is not included as a place of identified archaeological heritage.</li> <li>• Forestry permits are now exempt from the TPS.</li> <li>• Future Potential Production Forest should be zoned Landscape Conservation Zone, Environmental Management Zone or Open Space Zone.</li> <li>• Densification of Low Density Residential Zones may be better suited to Rural Living zoning.</li> <li>• Land between Emu Bay Road, Mole Creek Road and Johnstones Land is suited to a zone other than agriculture due to constraint.</li> <li>• Climate change ignored in planning scheme (content not forwarded at time of drafting this report).</li> </ul>	<p>character and many are included in the draft LPS.</p> <ul style="list-style-type: none"> <li>• Council's notification letter to all property owners within the municipality was in addition to the statutory notification requirements for the draft LPS under LUPAA. There is no possible way to adequately describe the complexity of the TPS and SPP's .... Council made a good attempt.</li> <li>• The structure of the planning scheme with the LPS ordinance at the end of the SPP ordinance is a statutory requirement. It will be complicated for the general public to understand how the two section operate together.</li> <li>• Aboriginal heritage is provide for under the Aboriginal Heritage Act 1975.</li> <li>• There is some degree of confusion as to the extent of the exemption in Section 4.4.1. of the SPP's. Council is seeking clarification of its operation from the State and TPC.</li> <li>• Future Potential Production Forest - WHA and other conservation reserves in the Tasmanian Reserve Estate are zoned Environmental Management as instructed in Guideline No.1. It is noted that areas of FPP forest are located outside of the World Heritage Area (WHA) at Brushy Lagoon, Jackey's Marsh and Mole Creek. These are mapped within the Tasmanian Reserve Estate and are under the management jurisdiction of DPIPW. These areas adjoin both conservation reserves that are included in the Environmental Management Zone or State Forest that is included in the Rural Zone. There is no clear guidance from the State as to which is the most appropriate zone. Council is open to alternate zoning of Environmental Management Zone or Landscape Conservation Zone of those areas outside the WHA as a reflection of the management jurisdiction (i.e not State production forest). Future forestry activities would be discretionary use in either of those zones.</li> <li>• Council has determined the appropriate degree of densification for Low Density Residential Zones and has included SAP's to particularly manage density. In the proper application of zoning in accordance with section 34 of LUPAA, zoning should be based on use and purpose, not a perceived density impact arising from an SPP provision.</li> </ul>
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<p><i>Note: representation refers to numerous attachments which were not forwarded to the planning authority at the time of drafting this report. These may be tabled at hearings at the discretion of the TPC.</i></p>	<ul style="list-style-type: none"> <li>• Land described at Deloraine is part of a larger farm holding. Opportunities, such as for tourism, can be explored when they arise.</li> <li>• Climate change is included in updated flood modelling for the flood prone area.</li> </ul>
<b>Recommendation for Draft LPS</b>	
No recommendation.	
<b>Effect on Draft LPS as a Whole</b>	
Not applicable.	
<b>LPS Criteria</b>	
The planning authority is satisfied that the draft LPS meets the LPS criteria.	

## **2.0 Planning Authority Notice Under Section 35G of the Land Use Planning & Approvals Act 1993 – Recommended Amendments to the State Planning Provisions**

Section 35G of the Land Use Planning & Approvals Act (LUPAA) 1993 provides for a planning authority to advise the Tasmanian Planning Commission by notice, that having considered the draft LPS and the representations made in relation to the draft LPS during public exhibition, it is of the opinion that the State Planning Provisions (SPP's) should be altered.

The Commission is required to consider the merits of the advice and provide the notice to the Minister for Planning together with its opinion in relation to the advice. The Minister is then required to consider the notice and the Commission's opinion.

Consideration of the representations has highlighted matters that warrant consideration for amendments to the State Planning Provisions, to provide for improved expression and legal operation of the Tasmanian Planning Scheme.

The following outlines the issues and recommended amendments that are the subject of this notice pursuant to Section 35G of the LUPAA:

### **2.1 Issue:** Exempt development in conflict with Electricity Infrastructure Corridors and Easements

**Representor/s:** TasNetworks

**SPP Provision:** 4.0 Exemptions

#### **Planning Authority Submission:**

The TasNetworks representation has highlighted potential conflicts arising from development that is exempt from consideration under the Electricity Transmission Infrastructure Protection Code (ETIPC) due to Section 4 of the SPP's, which exempt assessment of some development under the planning scheme. TasNetworks describe how there are circumstances where development that is not subject to planning approval is wrongly interpreted to be free of any obligation to seek the approval of the electricity authority when located within an actual or implied easement, resulting in numerous circumstances where development must be relocated after construction. This is a situation that is likely to be exacerbated by the SPP's now that the electricity infrastructure is recognized in the planning scheme and the type and size of development that is exempt is expanded under the SPP's.

Removing buildings and service infrastructure etc. after construction is a very costly exercise for both the landowner and TasNetworks and is a situation that is ideally avoided in the first instance. Particularly if there is a safety risk in the interim period before discovery of the hazard.

The TasNetworks representation at Appendix 1 provides a table of examples where exempt development would conflict with transmission infrastructure. This could be alleviated by utilizing the ETIPC as a mechanism to provide a qualification in the exemption that if the development is located within the Electricity Transmission Corridor or an Inner Protection Area that the development is not exempt and is subject to an assessment. The most likely outcome is that this qualification will act as an early incentive to locate the development outside of these overlay areas to avoid the need for a permit. Where this is not the case, the development would be subject to liaison with TasNetworks and critical safety issues will be identified early before the landowner spends money on development that may need to be removed. A qualification on the exemptions will act as a pause to properly consider the electricity infrastructure and prevent wasted expense. This is a consistent approach to some exemptions that are qualified to apply other Codes such as the Safeguarding of Airports and Local Historic Heritage Codes.

**Recommended Amendment to SPP:**

Include a qualification in section 4.0 Exemptions for the development listed at Appendix 1 of the TasNetworks representation as follows:

*"unless the Electricity Transmission Corridor or an Inner Protection Area of the Electricity Transmission Infrastructure Protection Code applies and requires a permit for the use and development".*

**2.2 Issue:** C7.0 Natural Assets Code - Provisions for vegetation clearance and subdivision within the Priority Vegetation Area

**Representor/s:** Meander Valley Council  
Local Government Association of Tasmania (LGAT)  
TEA

**SPP Provision/s:** C7.3 Definition of terms  
C7.6.2 Clearance within a priority vegetation area  
C7.7.2 Subdivision within a priority vegetation area

**Planning Authority Submission:**

Meander Valley Council, together with LGAT on behalf of member Councils, raised in their representations numerous operational inconsistencies between the data that is prescribed to make up the Priority Vegetation Area (PVA) in section LP1.7.5(c) of the SPP's and the objectives and performance criteria relating to the clearance of native vegetation contained in C7.6.2 Clearance within a priority vegetation area and C7.7.2 Subdivision within a priority vegetation area.

The representations submit that the SPP's as written:

- fail the objectives of LUPAA to maintain ecological processes and genetic diversity;
- fail to deliver its stated Code purpose to *"minimise impacts on identified priority vegetation"* and *"to manage impacts on threatened fauna species, by minimizing clearance of significant habitat ;*
- fail to implement a cogent division of responsibility between agencies charged with the responsibility of regulating the management of native vegetation through the interaction between the Forest Practices System and the planning scheme and does not account for the different overarching objectives of scale, the land use practices under each system or a hierarchy of controls;
- fail to outline clear responsibilities and expectations for land owners and developers so that in proposing land use and development, it is understood what the code purpose of 'minimising impacts' and 'minimising clearance' actually means. In particular, there is no foundation in data or scientific practice to determine what "unreasonable loss of priority vegetation", the fundamental premise for the operation of Section C7.6.2, actually is. Section C7.6.2 is inoperable, as it is without meaning and has no prospect of measurement. This will inevitably end in confused, inconsistent and inconclusive administration of the planning scheme provision.

In the first instance, the objectives and criteria of the relevant provisions must relate in purpose and expression to the overlay map that initiates consideration of the issue and, in particular, should relate to the data that underpins the overlay to guide an outcome that can

be interpreted or expressed 'on the ground'. Too often, planning authority decisions, RMPAT appeals or court proceedings are frustrated by circular arguments due to vague expressions of intended outcomes.

The prescribed data requirements for the PVA overlay map at LP1.7.5(c) include the State datasets for Threatened Native Vegetation Communities, scheduled under the Nature Conservation Act 2002, threatened flora data and data for threatened fauna and associated significant habitat. Council's supporting report describes the very blunt, far reaching and unworkable nature of the prescribed data and also describe the adoption by 28 of the 29 Councils in the State of the *Regional Ecosystem Model* as the basis of the PVA under LP1.7.5(d). The model, developed by Rod Knight, effectively refines the prescribed State data into a comprehensive spatial model of biodiversity values through components that can be more readily interrogated for values, and subsequently assessed for actual impact in regard to use and development. The summary explanation of the *Regional Ecosystem Model* was appended to Council's supporting report to its LPS.

Sections C7.6.2 and C7.7.2 of the SPP's are drafted in a manner that is inconsistent with the balance of the SPP's, which does not assist understanding of their operation and no guidance in policy or intended outcome has yet been provided by the State to date. LPS drafting instructions require that planning scheme standards are to be set out with clear objectives for a matter, with a preference for separating matters to assist clarity, with measurable acceptable solutions that automatically achieve the objective and the performance criteria being the *"range of matters that are to be considered in making a discretionary decision . The Acceptable Solutions and Performance Criteria must be consistent with the objective for the standard"* (TPC Practice Note 8). Section 3.0 of the SPP's define the 'standard' as *"the means for satisfying that objective through either an acceptable solution or performance criterion presented as the tests to meet the objective"*.

The objectives for the clearance of native vegetation in C7.6.2 includes preventing 'unreasonable loss of priority vegetation' (refer comments above), management to "adequately protect identified priority vegetation" and "minimise and appropriately manage impacts from construction and development activities". P1.1 then goes on to mostly specify a list of scenarios that the clearance 'must be for', rather than provide a range of matters to be considered to determine if the objective is met. When considering the data that is required to be included in the overlay, there are many potential circumstances where complying with one of the scenarios will not automatically protect priority vegetation or minimise impacts. There will also be reasonable circumstances for vegetation removal that do not fall into

the scenarios described and will therefore be prohibited. P1.2 requires the 'minimisation' of adverse impacts on priority vegetation having regard to various aspects of development and works, but does not make the appropriate distinction between minimising and adequate protection for when the two are at odds. These illogical outcomes are a result of a failure to provide performance criteria that are consistent with the objective and the failure to connect the objective to the data that is its foundation.

In practical terms, the provision should just seek to answer the question ... 'should this native vegetation be cleared'? It does not need to confine what it is for as this is not an influencing factor in the elements that enable biodiversity. The provision should be about the maintenance of habitat where it is required to provide the best circumstances possible for the ongoing survival of priority species. There will be a multitude of ways this objective can be met and the provisions need to describe the matters to be looked at with relevance to the data in the overlay, so that the question can be answered on a site-specific level with sufficient flexibility for the proposed development that avoids illogical outcomes and unnecessary intervention, yet ensures there is proper process to intervene when the objective is jeopardised. Many of the considerations contained in P1.2 are incidental to the assessment of development against the performance criteria and objectives, with the Act providing an appropriate head of power to apply conditions to manage works. Irrespective of the performance criteria, there are statutory limitations on the extent of change to an application that can be required by conditions to address compliance with the performance criteria and objective.

A question of law exists in regard to the powers of a planning scheme to regulate off-site offsets. By its very nature, an offset is most logically an off-site mechanism. P1.2 refers only to an 'on-site bio-diversity offset', however with the proper construction of planning scheme criteria and objective, the on-site biodiversity values are protected if they are of a level that site assessment determines they should be protected. If they are not, there is no purpose in requiring retention. An offset is effectively a 'trade' for securing values in perpetuity in exchange for the loss of values on a development site. It should be an action of last resort, however the State incorporates offset principles and practice in other systems requiring natural values assessment such as dams and forestry and the matter is worthy of consideration for development assessment.

Ideally, the SPP's should close the substantive loophole for certified forest practices plans in the exemption from the Code that defeats the purpose of the provision. The purpose of this exemption is to prevent the duplication of assessment, however it fails to account for

the different appreciation of scale of forestry practices compared to development practices and the differing assessment models. An example of this would be in the Rural Living or Landscape Conservation Zones and the consideration of future development areas and biodiversity values in co-existence. The provisions should provide for considered solutions. Council's recommended amendments to the SPP's below do not include a suggested solution to this issue, however raise it as an important element to be discussed further with agencies and individuals that are qualified to explain the nature of assessment and the objectives to be achieved in order to properly investigate whether the systems align, or if in fact there exists a gap that results in potentially irreparable impacts.

In describing the components that make up the Regional Ecosystem Model, there are elements that can be drawn on that have established scientific parameters represented in State data, policies and commitments that align with intergovernmental agreements such as the Regional Forest Agreement, EPBC Act, Comprehensive, Adequate and Reserved (CAR) priorities. Whilst not perfect science, and the variable accuracy of State data (including that prescribed by LP1.7.5(c)) is well known, these components have physical characteristics on the ground that can be assessed for their contribution to important landscape conditions that support priority species. The table below describes the components of the Regional Ecosystem Model that makes up the Priority Vegetation Area and expands on the outcomes that the model represents in regard to its purpose of refining habitat identification and subsequent analysis of actual value on the ground.

#### **Priority Vegetation Area – Components of objectives and criteria**

Component	What	What are we trying to do with it ? Objectives	Criteria
Biological significance	A combination of threatened species and the native vegetation that supports those species and	<ul style="list-style-type: none"> <li>Identify whether on-ground extent and condition of vegetation are important to the maintenance of threatened flora or fauna species.</li> <li>Determine whether the removal of vegetation can occur without</li> </ul>	<ul style="list-style-type: none"> <li>The habitat has been compromised to the extent that it is unlikely to continue to support threatened flora or fauna species or maintain the ecological viability of TNVC's in the area.</li> <li>The habitat has been compromised to</li> </ul>

	Threatened Native Vegetation Communities	<p>compromising the viability of threatened flora or fauna species populations in an area.</p> <ul style="list-style-type: none"> <li>• Determine whether the removal of TNVC's can occur without compromising the representation of the community in the bio-region or the ecological viability of the community.</li> <li>• If assessment under objectives above finds that there is an adverse impact on important vegetation, is a site of 'least impact' available on the land that would provide an alternative?</li> </ul>	<p>the extent that any further loss of vegetation will result in the habitat being unlikely to continue to support threatened flora or fauna species or maintain the ecological viability of TNVC's in the area.</p> <ul style="list-style-type: none"> <li>• That the ecological viability of TNVC's in the area is maintained having regard to: <ul style="list-style-type: none"> <li>a) the measured extent of the community within the bio-region;</li> <li>b) the extent of the community within reservations; and</li> <li>c) the condition of the vegetation community.</li> </ul> </li> <li>• Does the habitat have particular locational or physical features that are important to the viability of threatened flora or fauna species populations or the ecological viability of TNVC's in the area, including but not limited to: <ul style="list-style-type: none"> <li>a) vegetation condition;</li> <li>b) riparian areas;</li> <li>c) tree hollows, burrows or dens;</li> <li>d) contiguous extent of native vegetation; and</li> <li>e) connectivity and configuration of native vegetation in the landscape;</li> <li>f) the measured extent of the TNVC within the bio-region</li> </ul> </li> </ul>
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Landscape ecological function	Characteristics of the landscape at multiple scales and its ability to maintain elements of biodiversity	<ul style="list-style-type: none"> <li>• Minimise broad scale habitat loss</li> <li>• Maintain vegetation connectivity and configuration in the landscape.</li> <li>• Maintain vegetation condition that is important for localized populations of threatened flora and fauna species.</li> </ul>	<ul style="list-style-type: none"> <li>• Is the vegetation important for threatened species movement, particularly between patches of remnant vegetation and/or through riparian environments?</li> <li>• Is the vegetation condition important for the viability of threatened flora or fauna species populations or the ecological viability of TNVC's in the area, having regard to: <ul style="list-style-type: none"> <li>a) Structure;</li> <li>b) Composition;</li> <li>c) Intactness of natural ecological presentation.</li> </ul> </li> </ul> <p>(Repeat criteria under Biological Significance)</p>
TNVC's	Veg communities listed under Tas NCA 2002 & EPBC Act 1999	<ul style="list-style-type: none"> <li>• State objectives for conservation of TNVC's</li> </ul>	<ul style="list-style-type: none"> <li>• That the ecological viability of TNVC's in the area is maintained having regard to: <ul style="list-style-type: none"> <li>a) the measured extent of the community within the bio-region;</li> <li>b) the extent of the community within reservations; and</li> <li>c) the condition of the vegetation community.</li> </ul> </li> </ul>

Relative Reservation	CAR reserve system % extent of community within a bio-region that is poorly reserved or not in reserves.	<ul style="list-style-type: none"> <li>To maintain geographical and bio-physical representation in the landscape.</li> </ul>	<ul style="list-style-type: none"> <li>That the ecological viability of the community in the area is maintained having regard to:               <ol style="list-style-type: none"> <li>the measured extent of the community within the bio-region;</li> <li>the extent of the community within reservations; and</li> <li>the condition of the vegetation community.</li> </ol> </li> </ul>
Relative Rarity	< 2000Ha of veg community in bio-region (FPA threshold – Permanent Forest Estate Policy)	<ul style="list-style-type: none"> <li>To maintain recognized geographical and bio-physical representation in the landscape</li> </ul>	<ul style="list-style-type: none"> <li>Is the community important to representation in the bio-region?</li> <li>That the ecological viability of the community in the area is maintained having regard to:               <ol style="list-style-type: none"> <li>the measured extent of the community within the bio-region;</li> <li>the extent of the community within reservations; and</li> <li>the condition of the vegetation community.</li> </ol> </li> </ul>
Threatened Species	Threatened flora and fauna species listed under Threatened	<ul style="list-style-type: none"> <li>Occurrence informs modelled habitat</li> <li>Identify whether on-ground extent and condition of vegetation are important to the maintenance of threatened flora or</li> </ul>	<ul style="list-style-type: none"> <li>The habitat has been compromised to the extent that it is unlikely to continue to support threatened flora or fauna species in the area.</li> </ul>

	Species Protection Act 1995 or Environment Protection & Biodiversity Conservation Act 1999	<p>fauna species.</p> <ul style="list-style-type: none"> <li>• Determine whether the removal of vegetation can occur without compromising the viability of threatened flora or fauna species populations in an area.</li> </ul>	<ul style="list-style-type: none"> <li>• The habitat has been compromised to the extent that any further loss of vegetation will result in the habitat being unlikely to continue to support threatened flora or fauna species in the area.</li> <li>• Does the habitat have particular locational or physical features that are important to the viability of threatened flora or fauna species populations in the area, including but not limited to: <ul style="list-style-type: none"> <li>a) vegetation condition;</li> <li>b) riparian areas;</li> <li>c) tree hollows, burrows or dens;</li> <li>d) contiguous extent of native vegetation; and</li> <li>e) connectivity and configuration of native vegetation in the landscape.</li> </ul> </li> </ul>
Remnant Vegetation	'Islands' of vegetation < 200Ha within cleared landscape (>70% clearance of land system components)	<ul style="list-style-type: none"> <li>• Maintain vegetation connectivity and configuration in the landscape that is important for localized threatened fauna species.</li> <li>• Maintain vegetation condition that is important for localized threatened flora and fauna species and ecological viability of TNVC's.</li> </ul>	<ul style="list-style-type: none"> <li>• Is the scale/size/condition of vegetation patch important to support the species population?</li> <li>• Is the vegetation important to maintain threatened fauna species movement between patches of remnant vegetation?</li> </ul>

Resources:

- Tasmanian Natural Values Atlas (NVA)
- Tasmanian Threatened Species Handbook
- DPIPWE Threatened Species Link
- TASVEG Vegetation Condition Manual 2006 (under review for updates)

**Recommended Amendment to SPP:**

The proposed amendments to provisions C7.6.2 and C7.7.2 provide a direct and assessable link between the data and methodology that underpins the Priority Vegetation Area overlay and appropriate outcomes on the ground. There are scientifically recognized habitat attributes associated with vegetation type, condition and distribution that qualified persons draw on to assess whether vegetation is viable as habitat for priority species. Tasmania is party to various agreements and thresholds for the maintenance of particular priority biodiversity values that the State practices through numerous regulatory systems associated with forestry, dam construction, threatened species permits and EPA assessment. Noting that the State data and science is not perfect, with available resources being unable to accurately capture detailed habitat data due to the sheer scale of the task, The State information, together with the methodology behind the Regional Ecosystem Model, at least provides some guidance on the intended outcomes, rather than relying on vague and indefinable terms. The proposed SPP amendments uses terminology that more closely aligns with the assessment practices of State systems and the available State information.

It is recommended that provisions C7.3, C7.6.2 and C7.7.2 are amended as follows:

C7.3 Definition of Terms:

Add the following definition:

Clearance of native vegetation	means the removal of native vegetation by cutting, pushing or otherwise removing or destroying the vegetation.
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Reason:

The provisions at C7.6.2 and C7.7.2 use the term 'clearance' as the principal action that requires assessment under the standard, however there is no clear, corresponding definition in the ordinance. Common meaning could be used, however the inclusion of the Forest Practices Act definition of 'clearance and conversion' in Section 3 creates an inconsistency in the operation of these standards. This is also the case if the SPP's are not amended. This is due to the term 'clearance and conversion' only being related to the clearance of a Threatened Native Vegetation Community, whereas the PVA overlay includes other types of native vegetation for assessment which is captured by the action that activates the performance criteria. The proposed definition draws form the definition for the 'Clearing of Trees' in the Forest Practices Act 1985.

Delete the following definition:

Priority Vegetation	means native vegetation where any of the following apply: (a) it forms an integral part of a threatened native vegetation community as prescribed under Schedule 3A of the <i>Nature Conservation Act 2002</i> ; (b) is a threatened flora species; (c) it forms a significant habitat for a threatened fauna species; or (d) it has been identified as native vegetation of local importance.
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Reason:

The definition does not appropriately relate to the components of the data that make up the Priority Vegetation Area overlay. There is no need to define priority vegetation due to the overlay being the expression of the aggregated data. The provision should express the action without further question of its meaning within the operation of the objective and performance criteria.

## C7.6 Development Standards for Buildings and Works

Replace provisions C7.6.2 and C7.7.2 as follows:

### C7.6.2 Native vegetation clearance within a priority vegetation area

Objective:	To provide for appropriate protection and management of native vegetation: <ul style="list-style-type: none"><li>a) that is important for the viability of threatened flora and fauna populations in an area;</li><li>b) that is important for the ecological viability of a Threatened Native Vegetation Community or vegetation communities that are rare or poorly reserved; and</li><li>c) that is important for the maintenance of species populations by providing for species movement across the landscape.</li></ul>	
Acceptable Solution		Performance Criteria
<b>A1</b> Clearance of native vegetation within a priority vegetation area must be within a building area on a sealed plan approved under this planning scheme.		<b>P1.1</b> Clearance of native vegetation within a priority vegetation area must not diminish the viability of threatened flora and fauna populations in the area having regard to: <ul style="list-style-type: none"><li>(a) whether the habitat has been compromised to extent that it is unlikely to continue to support threatened flora or fauna species populations;</li><li>(b) whether the habitat has particular locational or physical features that</li></ul>

	<p>are important to the viability of threatened flora or fauna species populations, including but not limited to:</p> <ul style="list-style-type: none"> <li>(i) vegetation condition;</li> <li>(ii) riparian areas;</li> <li>(iii) tree hollows, burrows or dens;</li> <li>(iv) contiguous extent of native vegetation; and</li> <li>(v) connectivity and configuration of native vegetation in the landscape;</li> </ul> <p>(c) the scale and extent of clearance; and</p> <p>(d) where there is an adverse impact on the viability of threatened flora or fauna populations in an area, whether:</p> <ul style="list-style-type: none"> <li>(i) there is an alternate location for the use and development on the site that meets the objective; or</li> <li>(ii) the use and development will result in significant long term social and economic benefits and there is no feasible alternate location or design.</li> </ul>
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	<p><b>P1.2</b></p> <p>Clearance of a Threatened Native Vegetation Community, poorly reserved or rare vegetation community must not diminish the ecological viability of the community in the area having regard to:</p> <ul style="list-style-type: none"> <li>(a) the measured extent of the community within the bio-region;</li> <li>(b) the extent of the community that is under reservation; and</li> <li>(c) the condition of the vegetation community.</li> </ul>
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### C7.6.2 Subdivision within a priority vegetation area

Objective:	That works associated with subdivision and lots created for future development, provide for appropriate protection and management of priority vegetation: (a) that is important for the viability of threatened flora and fauna populations in an area; and (b) that is important for the ecological viability of a Threatened Native Vegetation Community or vegetation communities that are rare or poorly reserved.
Acceptable Solution	Performance Criteria
<b>A1</b> Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must: (a) be for the purposes of creating separate lots for existing buildings; (b) be required for public use by the Crown, a council, or a State authority; (c) be required for the provision of Utilities; (d) be for the consolidation of a lot; or (e) not include any works (excluding boundary fencing), building area, bushfire hazard management area, services or vehicular access within a priority vegetation area.	<b>P1</b> Subdivision within a priority vegetation area must not diminish the viability of threatened flora and fauna populations in the area having regard to: (a) whether the habitat has been compromised to extent that it is unlikely to continue to support threatened flora or fauna species populations; (b) whether the habitat has particular locational or physical features that are important to the viability of threatened flora or fauna species populations, including but not limited to:

	<ul style="list-style-type: none"> <li>(i) vegetation condition;</li> <li>(ii) riparian areas;</li> <li>(iii) tree hollows, burrows or dens;</li> <li>(iv) contiguous extent of native vegetation; and</li> <li>(v) connectivity and configuration of native vegetation in the landscape;</li> </ul> <p>(c) the scale and extent of clearance required for subdivision works;</p> <p>(d) the scale and extent of clearance required for likely future development or hazard management areas; and</p> <p>(e) where there is an adverse impact on the viability of threatened flora or fauna populations in an area, whether:</p> <ul style="list-style-type: none"> <li>(i) there are locations for likely future use and development that can be confined to areas on the site that meet the objective; or</li> <li>(ii) the subdivision will result in use and development that will have significant long term social and economic benefits and there is no</li> </ul>
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	<p>feasible alternate location or design.</p> <p><b>P1.2</b></p> <p>Subdivision within a priority vegetation area must not diminish the ecological viability of a Threatened Native Vegetation Community, poorly reserved or rare vegetation community in the area having regard to:</p> <ul style="list-style-type: none"> <li>(f) the measured extent of the community within the bio-region;</li> <li>(g) the extent of the community under reservation; and</li> <li>(h) the condition of the vegetation community;</li> <li>(i) the scale and extent of clearance required for subdivision works;</li> <li>(j) the scale and extent of clearance required for likely future development or hazard management areas.</li> </ul>
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## **63/2019      REPORT ON REPRESENTATIONS TO THE DRAFT MEANDER VALLEY LOCAL PROVISIONS SCHEDULE**

### **1) Introduction**

The purpose of this report is to consider the representations to the Draft Meander Valley Local Provisions Schedule (LPS) and provide recommendations to the Tasmanian Planning Commission (TPC) pursuant to section 35F and 35G of the *Land Use Planning and Approvals Act* (LUPAA) 1993.

### **2) Recommendation**

***It is recommended "that the Planning Authority:***

- 1. endorse the attached document '1.0 Planning Authority Report under Section 35F of the Land Use Planning and Approvals Act 1993 – Consideration of Representations to the Draft Meander Valley Local Provisions Schedule' as its report pursuant to Section 35F of the Act and forward to the Tasmanian Planning Commission.**
- 2. that the planning authority endorse the attached document '2.0 Planning Authority Notice under Section 35G of LUPAA – Recommended Amendments to the State Planning Provisions' as its notice pursuant to Section 35G of the Act and forward to the Tasmanian Planning Commission.**
- 3. That the planning authority delegate to the General Manager its powers and functions to:**
  - a) modify the reports submitted under recommendations 1. and 2. for administrative corrections or if a request is received from the Tasmanian Planning Commission for further information; and**
  - b) represent the planning authority at hearings pursuant to Section 35H."**

Cr Bower moved and Cr Cameron seconded ***"that the Planning Authority:***

#### **1. endorse the attached document:**

***'1.0 Planning Authority Report under Section 35F of the Land Use Planning and Approvals Act 1993 – Consideration of Representations***

***to the Draft Meander Valley Local Provisions Schedule' as its report pursuant to Section 35F of the Act and forward to the Tasmanian Planning Commission.***

***2. endorse the attached document:***

***'2.0 Planning Authority Notice under Section 35G of LUPAA – Recommended Amendments to the State Planning Provisions' as its notice pursuant to Section 35G of the Act and forward to the Tasmanian Planning Commission.***

***3. delegate to the General Manager its powers and functions to:***

- a) modify the reports submitted under recommendations 1. and 2. for administrative corrections or if a request is received from the Tasmanian Planning Commission for further information; and***
- b) represent the planning authority at hearings pursuant to Section 35H."***

***The motion was declared CARRIED with Councillors Bower, Cameron, Johnston, Kelly, Nott and Sherriff voting for the motion and Councillors King and Temple voting against the motion.***

Comments by Cr Tanya King

On Page 21 of the Agenda we find that "There is no other settlement in Tasmania that has such a distinct pattern of streets and lots"

The Interim Planning Scheme has resulted in a number of subdivisions at the expense of the existing amenity.

The attempt at 'tempering' the provision of new lots is acknowledged, however, the proposed minimum lot size of 1 hectare or 2.47 acres is still too small to maintain the character of the area.

Cr Bower left the meeting at 4.34pm