
From: Rong Zheng <rzheng@huonvalley.tas.gov.au>
Sent: Wednesday, 6 December 2023 1:14 PM
To: Graham, Linda
Cc: McCrossen, Samuel; Edgell, Chloe
Subject: RE: Huon Valley draft LPS - confirmation of minutes in relation to Council meetings of 27 September and 10 October 2023
Attachments: 27 September 35F report Addendum September 2023.pdf; 27 September 2023 Minutes re 35F report.pdf; 25 October 35F report Addendum October 2023.pdf; 25 October Minutes re 35F report.pdf

Hi Linda

Yes, I can confirm the minutes for September and October Council meeting. Please see the minutes and s35F attachments.

Cheers
Rong



Rong Zheng
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Huon Valley Council
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We acknowledge the Traditional Custodians of the South East Nation, the Melukerdee people of the Huon River and the Lyluequonny people of the Far South. We recognise their continuing connection to land, water and culture, and pay respects to the Elders past, present and emerging.

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From: Graham, Linda <Linda.Graham@planning.tas.gov.au>
Sent: Wednesday, December 6, 2023 9:24 AM
To: Rong Zheng <rzheng@huonvalley.tas.gov.au>
Cc: McCrossen, Samuel <Samuel.McCrossen@planning.tas.gov.au>; Edgell, Chloe <Chloe.Edgell@planning.tas.gov.au>
Subject: Huon Valley draft LPS - confirmation of minutes in relation to Council meetings of 27 September and 10 October 2023

Hi Rong

Are you able to confirm the minutes for the above Council agendas which contained reports relating to Commission direction responses? Once you're able to confirm, we will go ahead and publish the reports with Council resolutions on our website.

Thanks, Linda

Linda Graham (she, her, hers)

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TASMANIAN PLANNING COMMISSION

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We act with

Integrity

Respect

Accountability

Our workplaces are

Inclusive

Collaborative

In recognition of the deep history and culture of this Island, we would like to acknowledge and pay our respects to all Tasmanian Aboriginal people; the past and present custodians of the Land.

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**HUON VALLEY
COUNCIL**

**SUMMARY OF REPRESENTATIONS
AND PLANNING AUTHORITY
RESPONSES TO THE DRAFT HUON
VALLEY LOCAL PLANNING
SCHEDULE**

**REPORT MADE UNDER SECTION 35F OF
THE *LAND USE PLANNING AND
APPROVALS ACT 1993***

ADDENDUM September 2023

Direction 36 30 May 2023	Ivan Boshoff and Scott Fuller
Matters raised	<p>The representation was concerned about the property at Lot 2 Garden Island Creek Road, Garden Island Creek (PID: 9467910, CT: 129058/2) to be zoned from Environmental Living zone to Landscape Conservation Zone.</p> <p>Representation general comments:</p> <p>The owners only recently purchased this property (Settlement on 6 April 2023) and have only become privy to the proposed changes to their zone. They are pursuing a hearing as the concern lies in the zoning change of their property under the Draft LPS. As owners understand it, their property will change from an Environmental Living Zone to a Landscape Conservation Zone. The representor has purchased Lot 2 Garden Island Creek intending to relocate to Southern Tasmania to continue their teaching careers and integrate more into the community. They plan to build a single, small residential dwelling on the property and revegetate some areas. The owners specifically waited for a property such as Lot 2 Garden Island Creek to come up for sale in the area, as it meant they would not have to demolish any vegetation to build – the property contains no trees and is flat. The representor was gravely concerned this new zoning will stop them from building a home on the (cleared) land – this will significantly impact their future, mental health, lifestyle, finances, and their ability to work in local schools.</p> <p>As the owners were only made aware of this re-zoning after the purchase, they have yet to engage with the appropriate legal/planning counsel to address the relevant points on their behalf or to seek further advice. Therefore, they shall abstain from making further comment unless requested by The Commission; and they ask to be afforded an opportunity to present and have their matter heard at the Tasmanian Planning Commission’s hearing.</p>

		
<p>Planning Authority response</p>	<p>Submission 5 Lot 2, Garden Island Creek Road, Garden Island Creek, folio of the Register 129058/2</p> <p>This title is zoned Environmental Living under the <i>Huon Valley Interim Planning Scheme 2015</i> and Landscape Conservation under the draft LPS. The submission does not request a particular zone, rather it appears to request that the applicable zone provides for a single dwelling as a no permit required, or a permitted use. The site is cleared of native vegetation, is 5.14 ha and adjoins land to the north and south recommended for the Rural zone in response to direction 10 of 30 May 2023. Given the site is cleared of native vegetation, it adjoins land recommended to go into the Rural zone and there is no strategic intent for this area of Garden Island Creek to become an area for residential use and development within a rural setting, the most appropriate zone for the title is Rural.</p>	
<p>Recommended action</p>	<p>Change FR 129058/2 to Rural in the draft LPS.</p>	
<p>Effect of recommended action on the draft LPS</p>	<p>There is no effect on the draft LPS resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.</p>	
<p>Meets LPS criteria</p>	<p>The Planning Authority recommendation meets the LPS criteria.</p>	

<p>Direction 84 30 May 2023</p>	<p>Shane Pritchard</p>	
<p>Matters raised</p>	<p>The representation requests properties at Lot 6 and 7 Mary Street, Cygnet (PID: 3238321, CT: 165335/6 and PID: 3238313, CT: 165335/7) to be zoned residential zone rather than future urban zone.</p>	

Representation general comments:

The representor states that the population of Cygnet grew by an average of 2.57% per annum from 2016-2021 based on recent census data. The growth rate has far exceeded previous treasury projections. In 2020, *Cygnet Residential Demand and Supply Analysis* report prepared by SGS Economics for Huon Valley Council concluded that there is an acute shortage to meet all residential demand particularly within the urban growth boundary. The representor commissioned SGS Economics to update their housing demand model for Cygnet. Now SGS Economics predicts additional housing demand of 789 up to 2036 but says demand could reach as high as 1118 net additional dwellings in the Cygnet area by 2036. The 2020 SGS report also found only 110 blocks had been created within the urban growth boundary in the previous 9 years and hence the majority of Cygnet's population growth has been occurring outside the Urban Growth Boundary.

The owner also states that Cygnets population in line with the rest of Tasmania is experiencing an aging profile with the dominant age group anticipated to shift from 45 to 64 in 2016 to 65 to 75 by 2036 according to the SGS report in 2020. It is expected most of the older people in Cygnet will remain living independently, particularly if housing options are provided for them. The owner also mentioned that the Cygnet Association identified the need for independent living units as a result of the aging population. Conclusively, based on recent Census data and SGS modelling the acute shortage of residential land within the urban growth boundary could now be classified as dire. Additionally, there are no current provisions to cater for the change in the population mix. A lack suitable blocks and housing types will lead to an exodus of the elderly over the next 10 years which would be a very poor social outcome for the community.

The owner purchased the land in a consortium in 2022. The land is 30,000 sqm in size with approximately one third zoned Local Business and available for immediate development. The balance is zoned Future Urban. The representor is keen to get started now and work closely with the community to come up with the best result to meet the towns needs and facilitate a 'good' development. The owner has identified the need for smaller blocks located on the flat in easy walking

distance to the town centre to suit the aging population. Based on the compelling analysis provided by SGS Economics, the representor requests the land currently zoned Future Urban to be rezoned Residential. The owner also provided the supporting documents including Draft subdivision layout, Flood Study, Environmental Study, Land Survey, and SGS Economics Cygnet – Updated Housing Demand Analysis.

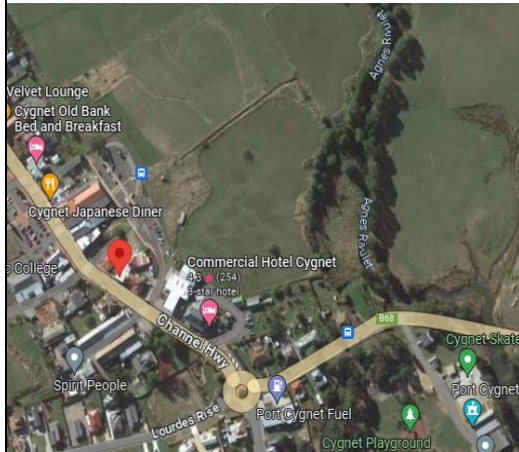


Figure 1 Site Location

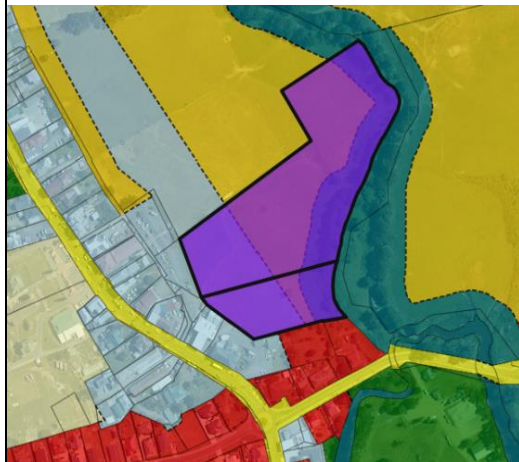


Figure 2 Site location and existing zoning

Planning Authority response	<p><u>Population Growth and Housing Demand</u></p> <p>It is evident from the data and studies presented that Cygnet has experienced significant population growth in recent years, surpassing initial projections. The studies by SGS Economics indicate a pressing need for additional residential land to meet the rising demand for housing within the urban growth boundary.</p> <p><u>Heritage and Townscape Preservation</u></p> <p>Cygnet is renowned for its unique heritage, streetscape, and townscape. The draft Land Use Development Strategy (2023) recognises the need to protect these valuable assets. While the Planning Authority does not object to the rezone request, we emphasise the importance of preserving the local heritage and townscape given the location of the sites. To achieve this, the Planning Authority will need to develop design standards or other provisions to support amendments to the Local Provisions Schedule of the planning scheme, which may include a Heritage Code or a Specific Area Plan (SAP) before any rezone can occur. Please be aware that this exercise/study may be conducted after TPS takes effect and is subject to Council's Strategic Plan and/or Annual Plan process.</p>
Recommended action	In principle, the Planning Authority Supports the rezoning of Future Urban of FR 165335/6 and FR 165335/7 to General Residential in draft LPS but not until such time the design standards or other provisions are developed by the Council
Effect of recommended action on the draft LPS	There is no effect on the draft LPS resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.
Meets LPS criteria	The Planning Authority recommendation meets the LPS criteria.

Direction 29 9 August 2023	Jo Birch
Matters raised	<p>This representation requests 133 Howards Rd, Geeveston (PID: 9910696, CT: 229740/1) be zoned Rural rather than Agriculture.</p> <p>Representation general comments:</p>

The representor stated that they are currently zoned as Rural Resource in the HVIPS, but are proposed to shift to Agriculture, despite properties to their west remaining Rural.

The property is mapped as Land Capability Class 4 and 5. It is high in the landscape and has shallow topsoil on the higher ground, and waterlogged landslip ground in the lower gully area. Being close to the top of the ridge, the owner's gullies don't have sufficient water infiltration catchment to be able to irrigate from during the dry season. It can support low-scale grazing, but not cropping. The representor would also like to build a home on the property and have currently applied for a Development Application.



Figure 1 Site Location

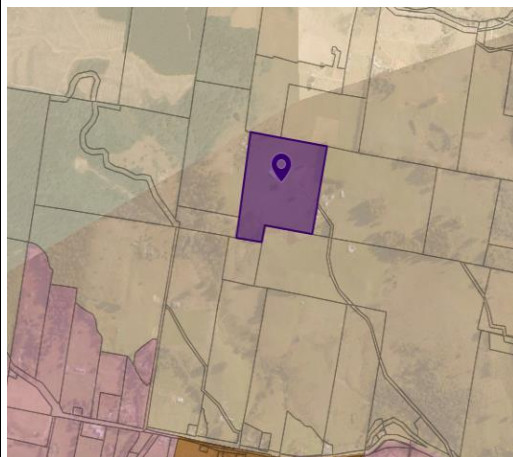


Figure 2 Site location and existing zoning

<p>Planning Authority response</p>	<p>Submission 17 relating to 100 Howards Road Geeveston (CT 229740/1), request Rural rather than Ag. It is zoned Rural Resource under the Interim Planning Scheme.</p> <p>In February 2019 RMCG looked at a cluster of titles west Geeveston which were proposed for the Ag zone. The cluster included this one. At that time, RMCG considered this title appropriate for the Ag zone with the rest of the cluster because it is well connected and predominantly pasture.</p> <p>The title is on the western edge of the proposed Ag zone with Rural zone adjacent to the western boundary. It is 10ha of mainly pasture with a south westerly aspect. It is well connected to other titles with similar characteristics to the north, east and south. There are 3 dwellings in close proximity to the boundaries. The land to the east is predominantly used for pasture including fodder conservation to the east and northeast. All on small individually owned lots.</p> <p>Land Capability on the majority of the title is shown as Class 4 land, as is the land to the northwest, north, east and southeast. Whilst irrigation water resources do look to be limited for the area, as Class 4 land is some of the better land in the district and it is well connected to other Class 4 land in the Ag zone the title should remain in the Ag zone.</p> <p>It is understood that at the hearings on 31 July 2023 the directions issued for Submission 17 was to consider this title for 'Rural' and the cluster to the south.</p> <p>Local knowledge raised at the hearings indicated that the land further south (south of Arve Rd) which is Class 4 land is appropriately zoned Ag, but this subject title (CT 229740/1) and the land immediately south is potentially more suitable for Rural mainly because of the aspect and landslip. The land at the top of the rise is very exposed which limits the growing season. This area also has no irrigation water resources.</p> <p>The subject title and the land to the south to Arve Rd has been reviewed again utilising Google Earth historical imagery and LIST map overlays (10m contours and land slide hazard mapping).</p> <p>The largest title (CT 245462/1) in this cluster is 25ha, has some 'Low' Landslide Hazard as well as a small area (<1ha) of 'Medium' Landslide Hazard. The band of 'Low' Landslide Hazard extends to the east, predominantly between the 70 to 100m contour. Imagery also indicates small patches of landslip scattered across the hillslope between Arve Rd and Howards Rd. Crookes Rivulet is at the bottom</p>
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	<p>of the hillslope north of Arve Rd and tributaries of Crookes Rd drain the hillslope. Based on the 10m contours there are several potential dam sites on Crookes Rivulet. On the western extent of this cluster CT49863/1 and CT 45506/1 have previously supported orchards. On the eastern side of this cluster CT 26882/3 has previously supported orchards. In the centre of this cluster areas on CT 23390/1 and CT 245462/1 have previously been utilised for fodder conservation as have the titles to the west which previously supported orchards.</p> <p>This cluster also provides continuity between the orchard land to the north between Howards Rd and Fourfoot Rd and orchards south of Arve Rd. Based on the above analysis the areas of landslip are small and can be managed. The area supports pasture-based activities and has supported horticulture activity in the past. There is insufficient reason to remove this cluster, or the subject title CT 229740/1, from the Ag zone.</p>
Recommended action	No modification to the draft LPS is required.
Effect of recommended action on the draft LPS	There is no effect on the draft LPS resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.
Meets LPS criteria	The Planning Authority recommendation meets the LPS criteria.

The Mayor advised that the Council is acting as a Planning Authority as at 6.26pm.

Title	REPORT UNDER SECTION 35F OF THE <i>LAND USE PLANNING AND APPROVALS ACT 1993</i> ON REPRESENTATIONS RECEIVED BY THE PLANNING AUTHORITY FOLLOWING EXHIBITION OF THE DRAFT <i>HUON VALLEY LOCAL PROVISIONS SCHEDULE</i> (LPS-HUO-TPS)
Agenda Number	10.014/23*
Strategic Plan Reference	5
File Reference	17/74
Author	Project Manager – Strategic Land Use
Responsible Officer	Project Manager – Strategic Land Use
Reporting Brief	The Acting Director Governance Strategy and Sustainable Development presenting a report from the Project Manager – Strategic Land Use under Section 35F of the <i>Land Use Planning and Approvals Act 1993</i> for consideration of representations received by the Planning Authority following exhibition of the Draft <i>Huon Valley Local Provisions Schedule</i> (LPS-HUO-TPS).
Attachments	A. Draft Section 35F Report Addendum Summary of Representations and Planning Authority Responses to the Draft Huon Valley Local Provisions Schedule

Background

1. Acting as a Planning Authority, the Council at its ordinary meeting of 25 January 2023 considered the draft section 35F of the *Land Use Planning and Approvals Act 1993* (the Act) report on representations made for exhibition of the Draft Local Planning Schedules.
2. Council approved the Section 35F Report at the meeting and it was forwarded to the Tasmanian Planning Commission (TPC) on 27 January 2023 as required.
3. The TPC has accepted new submissions and further submissions to the original submissions during the hearing process. The TPC has then directed the Planning Authority to provide a statement on the merits of each submission through a list of Directions. See below list:

Direction 36 – 30 May 2023	Ivan Boshoff and Scott Fuller
Direction 84 – 30 May 2023	Shane Pritchard
Direction 29 – 9 August 2023	Jo Birch

4. The purpose of this report is to bring the submissions before the Council for finalisation through a further addendum to the Section 35F Report to be forwarded to the TPC.

Council Policy

5. The Council does not have a policy on the development of the LPS.

Legislative requirements

6. The provisions that apply to the submission of the Section 35F Report to the Commission are as follows:

35F. Report by planning authority to Commission about exhibition

- (1) *A planning authority, within 60 days after the end of the exhibition period in relation to a draft LPS in relation to the municipal area of the planning authority or a longer period allowed by the Commission, must provide to the Commission a report in relation to the draft LPS.*
 - (2) *The report by the planning authority in relation to the draft LPS is to contain –*
 - (a) *a copy of each representation made under [section 35E\(1\)](#) in relation to the relevant exhibition documents in relation to the draft LPS before the end of the exhibition period in relation to the draft LPS, or, if no such representations were made before the end of the exhibition period, a statement to that effect; and*
 - (b) *a copy of each representation, made under [section 35E\(1\)](#) in relation to the relevant exhibition documents in relation to the draft LPS after the end of the exhibition period in relation to the draft LPS, that the planning authority, in its discretion, includes in the report; and*
 - (ba) *a statement containing the planning authority's response to the matters referred to in an LPS criteria outstanding issues notice, if any, in relation to the draft LPS; and*
 - (c) *a statement of the planning authority's opinion as to the merit of each representation included under [paragraph \(a\)](#) or [\(b\)](#) in the report, including, in particular, as to –*
 - (i) *whether the planning authority is of the opinion that the draft LPS ought to be modified to take into account the representation; and*
 - (ii) *the effect on the draft LPS as a whole of implementing the recommendation; and*
 - (d) *a statement as to whether it is satisfied that the draft LPS meets the LPS criteria; and*
 - (e) *the recommendations of the planning authority in relation to the draft LPS.*
 - (3) *Without limiting the generality of [subsection \(2\)\(e\)](#), the recommendations in relation to a draft LPS may include recommendations as to whether –*
 - (a) *a provision of the draft LPS is inconsistent with a provision of the SPPs; or*
 - (b) *the draft LPS should, or should not, apply a provision of the SPPs to an area of land; or*
 - (c) *the draft LPS should, or should not, contain a provision that an LPS is permitted under [section 32](#) to contain.*
7. This Report, previous reports and Attachment A meet the requirements of Section 35F and deliver on the Planning Authority's legislative obligations.

Risk Implications

8. The section 35F Report is a statutory requirement of the Act and must be undertaken by all councils acting as Planning Authority in Tasmania.
9. It is important that the Council expresses a view on all representations that have been made regarding the draft Local Planning Schedule.

Engagement

10. The Report follows the statutory engagement process for the public exhibition of the Draft LPS and for the submission and consideration of the representations received by the Planning Authority following the public exhibition period.
11. Engagement associated with this decision will be undertaken at Inform Level by inclusion within the Council meeting Minutes that will be available to the public on the Council's website and at the Customer Service Centre.
12. In addition, the representors will be advised that the decision has been made and the Section 35F Report will be updated on the website.

Human Resource and Financial Implications

13. The statutory planning processes referred to in this report are being undertaken by Council in its role as Planning Authority.
14. These processes have required significant human and financial resources which, to date, have been prepared in accordance with existing budget allocations.
15. The Planning Authority's legislative requirements related to the Section 35H hearings and subsequent actioning of minor and major LPS changes required by the TPC will continue to require substantial human and financial resources particularly through Officer time and engagement of consultants where necessary.

Discussion

16. The TPC directs the planning authority to provide a statement on the merits of each submission.
17. A Draft section 35F Report Addendum is included as Attachment A to this Report.
18. The Draft Addendum is wholly relied upon for the purpose of this Report.

Conclusion and Recommendation

19. It will be recommended to approve the addendum as presented.

That:

- a) The report under Section 35F of the Land Use Planning and Approvals Act 1993 for consideration of representations received by the Planning Authority following exhibition of the Draft Huon Valley Local Provisions Schedule (LPS-HUO-TPS) be received and noted.
- b) The addendum to the report under Section 35F of the Land Use Planning and Approvals Act 1993 for consideration of representations in Attachment B received by the Planning Authority following exhibition of the Draft Huon Valley Local Provisions Schedule (LPS-HUO-TPS) included in Attachment A to this Report be endorsed.
- c) Pursuant to Section 35F(2)(c) of the Land Use Planning and Approvals Act 1993, the Planning Authority endorses the statements in Attachment A on the merit of each representation, as to:
 - i. Whether the Draft Huon Valley Local Provisions Schedule ought to be modified to take into account the representation; and
 - ii. The effect on the Draft Huon Valley Local Provisions Schedule as a whole of implementing the recommendation;
- d) Pursuant to Section 35F(2)(d) of the Land Use Planning and Approvals Act 1993, the Planning Authority endorses the recommendations in Attachment A for each representation as to whether the Draft Huon Valley Local Provisions Schedule meets the LPS Criteria set out in Section 34(2) of the Land Use Planning and Approvals Act 1993.
- e) Pursuant to Section 35F(2)(e) of the Land Use Planning and Approvals Act 1993, the Planning Authority endorses the recommendations in Attachment A as to the Draft Huon Valley Local Provisions Schedule.
- f) Pursuant to section 6 of the Land Use Planning and Approvals Act 1993, Council delegates to the General Manager its powers and functions to:
 - i. Modify the report submitted under Section 35F of the Land Use Planning and Approvals Act 1993 if a request is received from the Tasmanian Planning Commission requesting a modification, or a direction is made by the Tasmanian Planning Commission for a modification to be made to the report or to the Draft Huon Valley Local Provisions Schedule;
 - ii. Represent or appoint a representative for the Planning Authority at hearings pursuant to Section 35H of the Land Use Planning and Approvals Act 1993.
- g) Pursuant to Section 35F(2)(a) of the Land Use Planning and Approvals Act 1993, a copy of each original representation received by the Planning Authority following exhibition of the Draft Huon Valley Local Provisions Schedule (LPS-HUO-TPS), in accordance with Section 35F(2)(b) of the Land Use Planning and Approvals Act be provided to the Tasmanian Planning Commission.

- h) Pursuant to Section 35F(2) of the Land Use Planning and Approvals Act 1993, the Addendum to the Section 35F Report on the representations be forwarded to the Tasmanian Planning Commission.**

Councillors Doyle, Thorpe, Gibson, Armstrong, O'Neill, Jessop, Cambers-Smith, Temby and Burgess voted for the motion and no Councillors voted against the motion.



**HUON VALLEY
COUNCIL**

**SUMMARY OF REPRESENTATIONS AND
PLANNING AUTHORITY RESPONSES TO THE
DRAFT HUON VALLEY LOCAL PLANNING
SCHEDULE**

**REPORT MADE UNDER SECTION 35F OF THE
*LAND USE PLANNING AND APPROVALS
ACT 1993***

ADDENDUM October 2023

Direction 10 30 May 2023	Tasmania Planning Commission
Matters raised	<p>Following the hearing of representations 71, 98, 120 and 232 (land at Garden Island Creek):</p> <ul style="list-style-type: none"> • a diagram showing the planning authority’s recommended application of a split zone between the Landscape Conservation Zone and Rural Living Zone (with appropriate sub zone) to that land located along Garden Island Creek Road, Garden Island Creek, including consideration of land at 30 Igglesden Road, Garden Island Creek (folio of the Register 159844/2); • advice in relation to the attributes upon which the zone boundaries have been determined; • street addresses and title details for all land identified in the diagram; and • contact details for all affected landowners (including postal addresses and email addresses (if available). <p>It is the intention of the Commission to contact affected landowners to seek their views in relation proposed zoning changes."</p>
Planning Authority response	<p>During the Huon Valley LPS hearing process, the Tasmanian Planning Commission directed the Planning Authority to conduct a comprehensive analysis for the Garden Island Creek area in order to determine the most appropriate zoning in the draft LPS.</p> <p>The consulting firm, ERA, was subsequently tasked with conducting the analysis, focusing on the land currently designated as part of the Environmental Living zone in Garden Island Creek.</p> <p>The following steps were undertaken as part of this analysis:</p> <ul style="list-style-type: none"> • Insight GIS conducted a mapping exercise to identify titles within the study area that meet the following criteria: • Used for residential purposes to align with RLZ1 (a) of the zone application guidelines, which prioritizes the protection of residential amenity. • Contain less than 80% native vegetation coverage, which is one of the criteria in the broader application of the Landscape Conservation zone in the municipality. • Include lots that are 10 hectares or below to align with the application of the Rural Living zones A, B, C, and D, which provide for lot sizes of 1 ha, 2 ha, 5 ha, and 10 ha, respectively.

	<ul style="list-style-type: none"> • A review of the zoning regulations that applied to the study area under the <i>Port Cygnet Planning Scheme 1988</i> was conducted to understand the consistency, or lack thereof, with RLZ2 (b). RLZ2 (b) allows for the application of the Rural Living zone to land designated as Environmental Living, especially when the primary strategic intent is for residential use and development within a rural setting. <p>The study also considered the Huon Valley Land Use and Development Strategy 2007 version and the Southern Tasmania Regional Land Use Strategy. The zoning recommendations were then drawn to a conclusion. The detailed analysis can be found in Attachment B and map in Attachment D.</p>
Recommended action	<p>change 126704/1, 129059/4, 129059/3, 129058/2, 200428/1, 127283/2, 113944/1, 113944/2, 10617/2, 20040/1, 228451/1, 246178/2, 17184/1, 203930/1, 73288/1, 7276/1, 11328/1, 7364/2 from LCZ to Rural in draft LPS.</p> <p>change 243866/1, 246178/1, 221598/1, 244029/1, 84031/1, 55933/1, 32598/1, 159844/1, 44887/1, 243638/1, 102906/1, 251346/1, 197189/1, 60188/1, 213257/1, 25979/1, 25979/14, 158417/2, 158417/1, 25979/11, 103370/2, 103370/1, 38576/1, 25979/9, 25979/8, 25979/7, 25979/6, 46943/1, 46428/1, 25979/4, 25979/3, 25979/2, 228452/1, 22013/1, 25590/1, 25590/2, 22672/1, 232395/1, 143514/1, 143514/2, 143514/3 from LCZ to Rural Living D in draft LPS.</p> <p>change 200680/1, 239324/1, 137517/1, 235791/1, 143005/1, 143005/2 and 123855/1 from LCZ to Split zone along 30m contour – Rural Zone/LCZ in draft LPS.</p> <p>change 203932/1 from LCZ to Split Zone (To the west of Garden Island Creek Road to be zoned Rural and to the east – LCZ) in draft LPS.</p> <p>change 130488/1 from LCZ to Split Zone (To the west of Garden Island Creek Road to be zoned Rural and to the east – Rural Living) in draft LPS.</p> <p>change 33001/1 from LCZ to Split Zone (To the west of Garden Island Creek Road to be zoned Rural and to the east – Rural Living) in draft LPS.</p> <p>change 159844/2 from LCZ to Split Zone - LCZ (above 30m contour) and Rural Living Zone (Area D) (below 30m contour) in draft LPS.</p>

Effect of recommended action on the draft LPS	There is no effect on the draft LPS resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.
Meets LPS criteria	The Planning Authority recommendation meets the LPS criteria.

Direction 34 30 May 2023	Tasmania Planning Commission
Matters raised	<p>Following the hearing of representations 86, 91 and 206 (land at Pelverata):</p> <ul style="list-style-type: none"> • a diagram showing the planning authority's recommended application of the Rural Zone to land zoned Landscape Conservation in the draft LPS; • street addresses and title details for all land identified in the diagram; and • contact details for all affected landowners (including postal addresses and email addresses, if available). <p>It is the intention of the Commission to contact affected landowners to seek their views in relation proposed zoning changes.</p>
Planning Authority response	<p>During the Huon Valley LPS hearing process, the Tasmanian Planning Commission directed the Planning Authority to undertake an investigation as to whether the Rural Zone ought to apply to the land at 180 Middle Road, Pelverata (folio of the Register 49031/1). This direction is in addition to Direction 34 issued on the 30 May 2023, which relates to representations 86, 91, and 206 seeking recommendations from the planning authority in relation to the application of the Rural Zone to land in Pelverata. It is understood that the intent of these directions is for the Planning Authority to undertake an analysis of the broader Pelverata area and the application of the zones under the draft LPS.</p> <p>The consulting firm, ERA, was subsequently tasked with conducting the analysis, focusing on the land currently designated as part of the Pelverata area.</p> <p>The following steps were undertaken as part of this analysis:</p> <ul style="list-style-type: none"> • Insight GIS conducted a mapping exercise to identify titles within the study area that meet the following criteria:

	<ul style="list-style-type: none"> • Used for residential purposes to align with RLZ1 (a) of the zone application guidelines, which prioritizes the protection of residential amenity. • Contain less than 80% native vegetation coverage, which is one of the criteria in the broader application of the Landscape Conservation zone in the municipality. • Include lots that are 10 hectares or below to align with the application of the Rural Living zones A, B, C, and D, which provide for lot sizes of 1 ha, 2 ha, 5 ha, and 10 ha, respectively. • A review of the zoning regulations that applied to the study area under the <i>Huon Planning Scheme 1979</i> was conducted to understand the consistency, or lack thereof, with RLZ2 (b). RLZ2 (b) allows for the application of the Rural Living zone to land designated as Environmental Living, especially when the primary strategic intent is for residential use and development within a rural setting. <p>The study also considered the Huon Valley Land Use and Development Strategy 2007 version and the Southern Tasmania Regional Land Use Strategy. The zoning recommendations were then drawn to a conclusion. The detailed analysis can be found in Attachment C and map in Attachment E.</p>
Recommended action	<p>change 205379/1, 127980/1, 40809/1, 111267/1, 111267/2, 117007/1, 37897/2, 21463/2, 208415/1, 205379/1, 159913/3, 138560/3, 138560/9, 129173/1, 37898/1, 131675/1, 233664/1, 201489/1, 246241/2, 139603/1, 112315/3, 128140/1, 167809/1, 17958/1, 147203/3, 147203/4, 143574/1, 143574/2, 112315/3, 143574/3, 167809/1, 167809/2, 17958/1 and 128140/1 from LCZ to Rural in draft LPS.</p> <p>change 127979/1, 30151/1, 14543/1, 127699/5, 127699/1, 127699/2, 127699/3, 239795/1, 127699/4, 163590/2, 163590/1, 45666/1, 46941/1, 232492/1, 122100/1, 161537/1, 158937/1, 158937/2, 87758/1, 39350/5, 45869/1, 44715/1, 248302/2, 159421/1, 153677/2, 127915/1, 153677/1, 203283/1, 244148/1, 35747/1, 206643/1, 227263/1, 24485/1, 176636/1, 159131/1, 176635/1, 219206/1, 162112/1, 162112/2, 63952/1, 159420/1, 25284/2, 139908/1, 25284/1, 156309/1, 128757/2, 128942/1, 130481/1, 130481/3, 128757/1, 147203/1, 147203/2, 128757/2, 101586/1, 101580/2, 101580/1, 100019/1,</p>

	<p>18731/1, 113744/1, 113743/1, 34946/1, 45797/1, 45797/2 and 34130/1 from LCZ to Rural Living D in draft LPS.</p> <p>change 156309/2 from LCZ to Split zone (To the east of Pelverata Road to be zoned Landscape Conservation and to the west – Rural) in draft LPS.</p>
Effect of recommended action on the draft LPS	There is no effect on the draft LPS resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.
Meets LPS criteria	The Planning Authority recommendation meets the LPS criteria.

The Mayor advised that the Council is acting as a Planning Authority as at 6.50pm.

Title	REPORT UNDER SECTION 35F OF THE <i>LAND USE PLANNING AND APPROVALS ACT 1993</i> ON REPRESENTATIONS RECEIVED BY THE PLANNING AUTHORITY FOLLOWING EXHIBITION OF THE DRAFT <i>HUON VALLEY LOCAL PROVISIONS SCHEDULE (LPS-HUO-TPS)</i>
Agenda Number	10.017/23*
Strategic Plan Reference	5
File Reference	17/74
Author	Project Manager – Strategic Land Use
Responsible Officer	Project Manager – Strategic Land Use
Reporting Brief	The Director Governance Strategy and Sustainable Development presenting a report from the Project Manager – Strategic Land Use under Section 35F of the <i>Land Use Planning and Approvals Act 1993</i> for consideration of representations received by the Planning Authority following exhibition of the Draft <i>Huon Valley Local Provisions Schedule (LPS-HUO-TPS)</i> .
Attachments	A. Draft Section 35F Report Addendum Summary of Representations and Planning Authority Responses to the Draft Huon Valley Local Provisions Schedule B. Garden Island Creek zoning analysis – ERA C. Peverata zoning analysis – ERA D. Proposed Garden Island Creek Zone Mapping – InsightGIS E. Proposed Peverata Zone Mapping – InsightGIS

Background

1. Acting as a Planning Authority, the Council at its ordinary meeting of 25 January 2023 considered the draft section 35F of the *Land Use Planning and Approvals Act 1993* (the Act) report on representations made for exhibition of the Draft Local Planning Schedules.
2. Council approved the Section 35F Report at the meeting and it was forwarded to the Tasmanian Planning Commission (TPC) on 27 January 2023 as required.
3. The TPC has directed the Planning Authority to provide a comprehensive analysis for the Garden Island Creek and Peverata area in order to determine the most appropriate zoning in the draft LPS. See below directions:

Direction 10 30 May 2023 Tasmania Planning Commission Direction 34 30 May 2023 Tasmania Planning Commission
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4. The purpose of this report is to bring the analysis before the Council for finalisation through a further addendum to the Section 35F Report to be forwarded to the TPC.

Council Policy

5. The Council does not have a policy on the development of the LPS.

Legislative requirements

6. The provisions that apply to the submission of the Section 35F Report to the Commission are as follows:

35F. Report by planning authority to Commission about exhibition

- (1) *A planning authority, within 60 days after the end of the exhibition period in relation to a draft LPS in relation to the municipal area of the planning authority or a longer period allowed by the Commission, must provide to the Commission a report in relation to the draft LPS.*
 - (2) *The report by the planning authority in relation to the draft LPS is to contain –*
 - (a) *a copy of each representation made under [section 35E\(1\)](#) in relation to the relevant exhibition documents in relation to the draft LPS before the end of the exhibition period in relation to the draft LPS, or, if no such representations were made before the end of the exhibition period, a statement to that effect; and*
 - (b) *a copy of each representation, made under [section 35E\(1\)](#) in relation to the relevant exhibition documents in relation to the draft LPS after the end of the exhibition period in relation to the draft LPS, that the planning authority, in its discretion, includes in the report; and*
 - (ba) *a statement containing the planning authority's response to the matters referred to in an LPS criteria outstanding issues notice, if any, in relation to the draft LPS; and*
 - (c) *a statement of the planning authority's opinion as to the merit of each representation included under [paragraph \(a\)](#) or [\(b\)](#) in the report, including, in particular, as to –*
 - (i) *whether the planning authority is of the opinion that the draft LPS ought to be modified to take into account the representation; and*
 - (ii) *the effect on the draft LPS as a whole of implementing the recommendation; and*
 - (d) *a statement as to whether it is satisfied that the draft LPS meets the LPS criteria; and*
 - (e) *the recommendations of the planning authority in relation to the draft LPS.*
 - (3) *Without limiting the generality of [subsection \(2\)\(e\)](#), the recommendations in relation to a draft LPS may include recommendations as to whether –*
 - (a) *a provision of the draft LPS is inconsistent with a provision of the SPPs; or*
 - (b) *the draft LPS should, or should not, apply a provision of the SPPs to an area of land; or*
 - (c) *the draft LPS should, or should not, contain a provision that an LPS is permitted under [section 32](#) to contain.*
7. This Report, previous reports and Attachment A meet the requirements of Section 35F and deliver on the Planning Authority's legislative obligations.

Risk Implications

8. The Section 35F Report is a statutory requirement of the Act and must be undertaken by all councils acting as Planning Authority in Tasmania.
9. It is important that the Council expresses a view on all representations that have been made regarding the draft Local Planning Schedule.

Engagement

10. The Report follows the statutory engagement process for the public exhibition of the Draft LPS and for the submission and consideration of the representations received by the Planning Authority following the public exhibition period.
11. Engagement associated with this decision will be undertaken at Inform Level by inclusion within the Council meeting Minutes that will be available to the public on the Council's website and at the Customer Service Centre.
12. In addition, the Section 35F Report will be updated on the website.

Human Resource and Financial Implications

13. The statutory planning processes referred to in this report are being undertaken by Council in its role as Planning Authority.
14. These processes have required significant human and financial resources which, to date, have been prepared in accordance with existing budget allocations.
15. The Planning Authority's legislative requirements related to the Section 35H hearings and subsequent actioning of minor and major LPS changes required by the TPC will continue to require substantial human and financial resources particularly through Officer time and engagement of consultants where necessary.

Discussion

16. The TPC directs the planning authority to provide a comprehensive analysis for the Garden Island Creek and Pelverata area.
17. A Draft Section 35F Report Addendum is included as Attachment A to this Report.
18. Supporting information for the Addendum is contained in Attachments B, C, D and E to this Report.
19. The Draft Addendum and Attachments are wholly relied upon for the purpose of this Report.

Conclusion and Recommendation

20. It will be recommended to approve the addendum as presented.

That:

- a) The report under Section 35F of the Land Use Planning and Approvals Act 1993 for consideration of representations received by the Planning Authority following exhibition of the Draft Huon Valley Local Provisions Schedule (LPS-HUO-TPS) be received and noted.
- b) The addendum to the report under Section 35F of the Land Use Planning and Approvals Act 1993 for consideration of representations in Attachment B received by the Planning Authority following exhibition of the Draft Huon Valley Local Provisions Schedule (LPS-HUO-TPS) included in Attachment A to this Report be endorsed.
- c) Pursuant to Section 35F(2)(c) of the Land Use Planning and Approvals Act 1993, the Planning Authority endorses the statements in Attachment A on the merit of each representation, as to:
 - i. Whether the Draft Huon Valley Local Provisions Schedule ought to be modified to take into account the representation; and
 - ii. The effect on the Draft Huon Valley Local Provisions Schedule as a whole of implementing the recommendation;
- d) Pursuant to Section 35F(2)(d) of the Land Use Planning and Approvals Act 1993, the Planning Authority endorses the recommendations in Attachment A for each representation as to whether the Draft Huon Valley Local Provisions Schedule meets the LPS Criteria set out in Section 34(2) of the Land Use Planning and Approvals Act 1993.
- e) Pursuant to Section 35F(2)(e) of the Land Use Planning and Approvals Act 1993, the Planning Authority endorses the recommendations in Attachment A as to the Draft Huon Valley Local Provisions Schedule.
- f) Pursuant to section 6 of the Land Use Planning and Approvals Act 1993, Council delegates to the General Manager its powers and functions to:
 - i. Modify the report submitted under Section 35F of the Land Use Planning and Approvals Act 1993 if a request is received from the Tasmanian Planning Commission requesting a modification, or a direction is made by the Tasmanian Planning Commission for a modification to be made to the report or to the Draft Huon Valley Local Provisions Schedule;
 - ii. Represent or appoint a representative for the Planning Authority at hearings pursuant to Section 35H of the Land Use Planning and Approvals Act 1993.
- g) Pursuant to Section 35F(2)(a) of the Land Use Planning and Approvals Act 1993, a copy of each original representation received by the Planning Authority following exhibition of the Draft Huon Valley Local Provisions Schedule (LPS-HUO-TPS), in accordance with Section 35F(2)(b) of the Land Use Planning and Approvals Act be provided to the Tasmanian Planning Commission.

- h) Pursuant to Section 35F(2) of the Land Use Planning and Approvals Act 1993, the Addendum to the Section 35F Report on the representations be forwarded to the Tasmanian Planning Commission.**

Councillors Doyle, Thorpe, Gibson, Armstrong, O'Neill, Jessop, Cambers-Smith and Burgess voted for the motion and no Councillors voted against the motion.