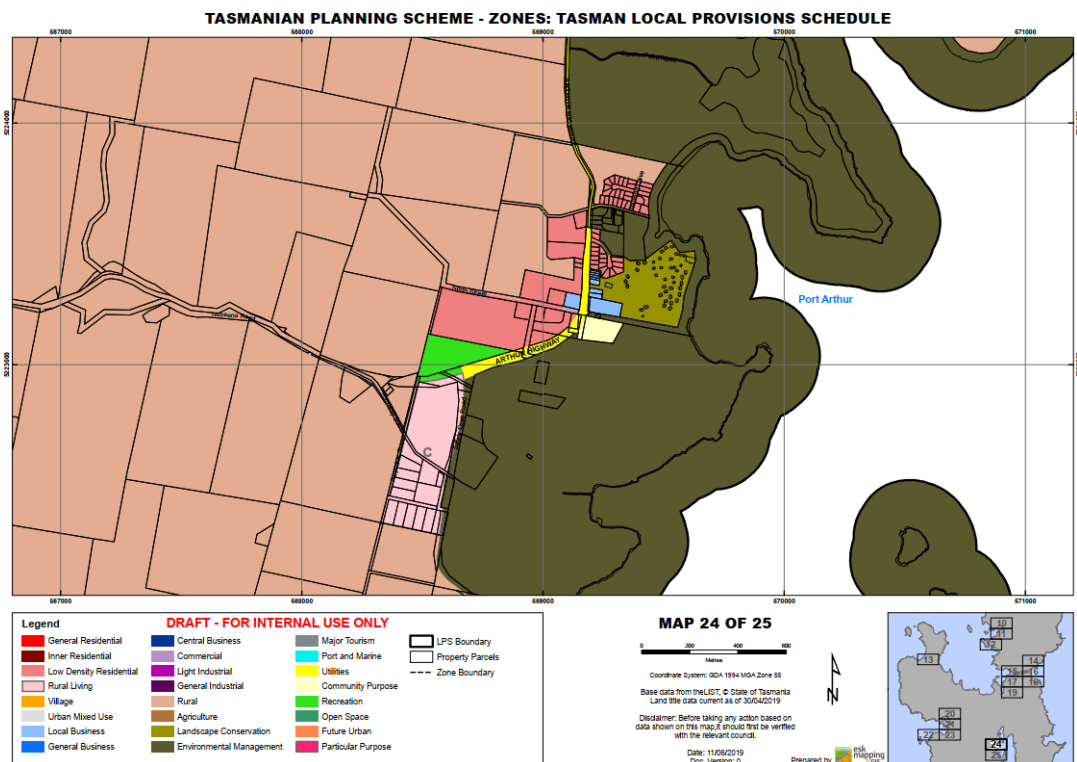




TASMAN COUNCIL

# Local Provisions Schedule (LPS)

## Supporting Report



Version 1 For Council endorsement of draft Local Provisions Schedule and informal consultation

Version 2 For formal Public Exhibition

## Table of Contents

Glossary .....	4
1.0 Introduction .....	5
2.0 Overview of differences between current (interim planning scheme) and draft LPS .....	8
3.0 Draft LPS Zone Mapping .....	17
3.1 General Residential Zone (GRZ) .....	17
3.2 Inner Residential Zone (IRZ) .....	17
3.3 Low Density Residential Zone (LDRZ) .....	17
3.4 Rural Living Zone (RLZ) .....	21
3.5 Village Zone (VZ) .....	31
3.6 Urban Mixed Use Zone (UMUZ) .....	34
3.7 Local Business Zone (LBZ) .....	35
3.8 General Business Zone (GBZ) .....	35
3.9 Central Business Zone (CBZ) .....	35
3.10 Commercial Zone (CZ) .....	35
3.11 Light Industrial Zone (LIZ) .....	35
3.12 General Industrial Zone (GIZ) .....	35
3.13 Rural Zone (RZ) .....	35
3.14 Agriculture Zone (AZ) .....	35
3.15 Landscape Conservation Zone (LCZ) .....	35
3.16 Environmental Management (EMZ) .....	39
3.17 Major Tourism Zone (MTZ) .....	39
3.18 Port and Marine Zone (PMZ) .....	39
3.19 Utilities Zone (UZ) .....	39
3.20 Community Purpose Zone (CPZ) .....	39
3.21 Recreation Zone (RZ) .....	40
3.22 Open Space Zone (OSZ) .....	41
3.32 Future Urban Zone (FUZ) .....	41
3.33 Application of Rural Zone and Agriculture Zone .....	41
4.0 Draft LPS Code Overlay Mapping .....	44
4.1 Code 1.0 Signs Code .....	44
4.2 Code 2.0 Parking and Sustainable Transport Code .....	44
4.3 Code 3.0 Road and Railway Assets Code .....	44



4.4 Code 4.0 Electricity Transmission Infrastructure Protection Code .....	44
4.5 Code 5.0 Telecommunications Code .....	44
4.6 Code 6.0 Local Historic Heritage Code .....	44
4.7 Code 7.0 Natural Assets Code .....	45
4.8 Code 8.0 Scenic Protection Code .....	48
4.9 Code 9.0 Attenuation Code .....	48
4.10 Code 10.0 Coastal Erosion Hazard Code .....	48
4.11 Code 11.0 Coastal Inundation Hazard Area .....	49
4.12 Code 12.0 Flood-Prone Areas Code .....	49
4.13 Code 13.0 Bushfire Prone Areas Code .....	49
4.14 Code 14.0 Potentially Contaminated Land Code .....	49
4.15 Code 15.0 Landslip Hazard Code .....	49
4.16 Code 16.0 Safeguarding of Airports Code .....	49
5.0 Draft LPS Written Document .....	50
5.1 Specific Area Plans .....	50
5.2 Site Specific Qualifications .....	52
6.0 Compliance with the LPS Criteria – Section 34 of LUPAA .....	52
6.1 Structure of LPS as determined by the SPPs .....	52
6.2 Contents of LPS as determined by Section 32 of LUPAA .....	53
6.3 LPS Criteria – Section 34 of LUPAA .....	55
7.0 Attachments .....	75

## **Glossary**

IPS	The Tasman Interim Planning Scheme 2015, which is the current planning scheme
LUPPA	Land Use Planning and Approvals Act 1993
LPS	Local Provisions Schedule
PPU	Planning Policy Unit, the department responsible for the SPP
RMPS	Resource Management and Planning System, the suite of legislation that governs resource management and includes LUPPA
SAPs	Specific Area Plans
SPPs	State Planning Provisions
STRLUS	Southern Tasmanian Regional Land Use Strategy
SSQ	Site Specific Qualifications
TPC	Tasmanian Planning Commission, the independent body responsible for approval of the SPPs and LPS
TPS	Tasmanian Planning Scheme

## **1.0 Introduction**

### **1.1 Purpose of this report**

This report provides explanation and clarification of provisions contained within the draft Tasman LPS to assist with the public exhibition process provided in the *Land Use Planning and Approvals Act 1993* (LUPAA).

A previous version of this report was prepared to assist Council with the submission of the draft LPS to the Tasmanian Planning Commission (TPC) under section 35(1) of LUPAA and, specifically, to detail how the draft LPS complied with the criteria outlined at s.34(2) of LUPAA. Following submission of this draft, the TPC have directed that various modifications be made to the draft pursuant to its powers at 35(5)(b). The current version of this report reflects the modifications made by the TPC.

### **1.2 Background to the new scheme**

A new planning scheme for Tasman Council is necessary to complete the Tasmanian Government's policy with respect to a single Tasmanian Planning Scheme (TPS).

The TPS is the latest of a series of land use planning reforms. This current policy builds upon the regional planning initiative (2008 to 2015) which lead to the current interim planning scheme, standard urban development controls via planning directive 4 & 4.1 and the Southern Tasmanian Regional Land Use Strategy (STRLUS).

The TPS will have two main parts:

1. The State Planning Provisions (SPPs) of 23 zones and 16 codes. The SPPs are the rule-book for the new planning scheme.
2. The Local Provisions Schedule (LPS) which determines the spatial application of the SPPs through zone and overlay maps, as well as providing for site specific provisions.

The detailed structure of the TPS is shown below in Figure 1.

The SPPs have been approved by the Minister for Planning. The LPS is prepared by Council. Once the LPS is complete, the LPS and SPP are effectively combined and the TPS will be operational for the Tasman municipal area. The LPS must approved by the TPC following public consultation and public hearings.

The LPS is, to some extent, similar to the current interim scheme in terms of structure and development controls. There are, however, major differences through new rural zones and new overlay provisions.

### **1.3 Approval process of the LPS**

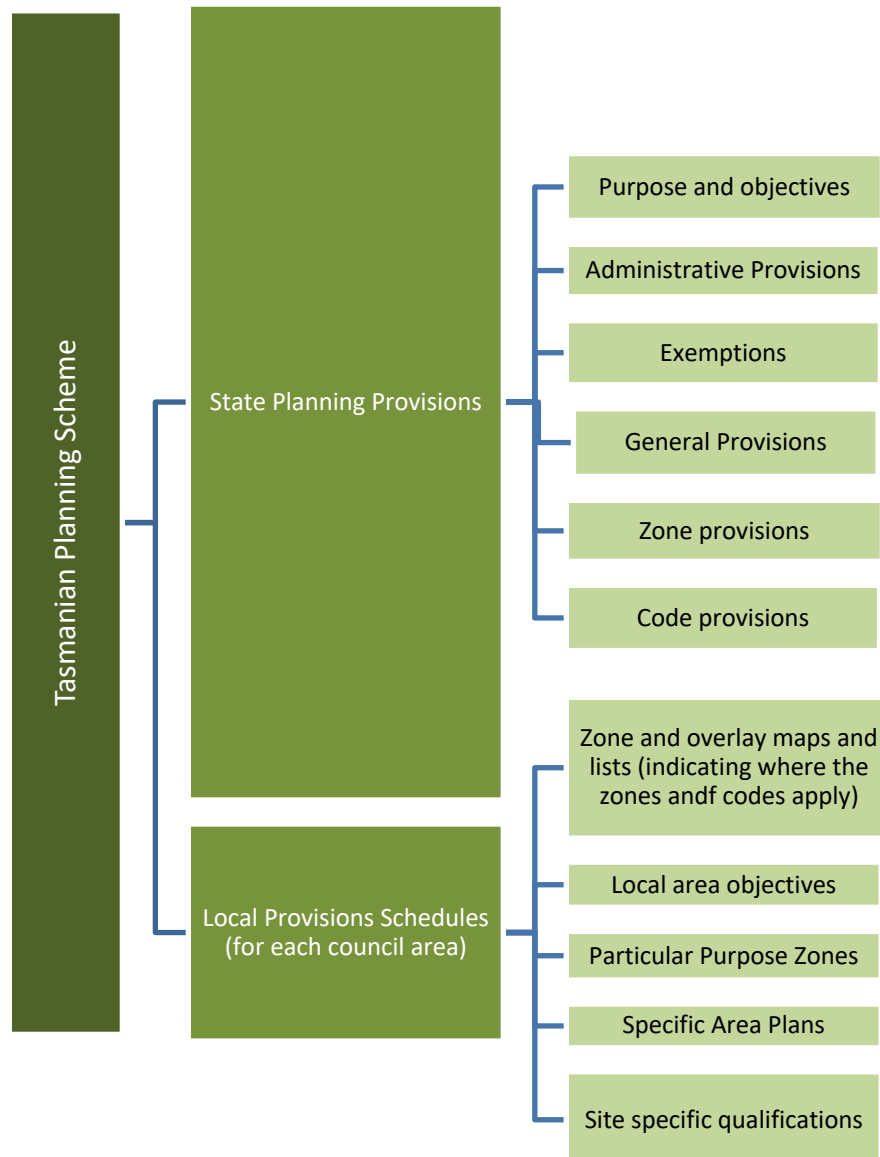
A flow chart of the approval process is provided as Attachment 1.

The major steps of the process are:

- A. Preparation of the LPS (i.e., zone maps, code overlays maps). Complete.
- B. Pre-exhibition submission to the TPC. Complete.
- C. Approval to formally exhibit the LPS. Complete.
- D. 60 days of public exhibition allowing representations to be made. Underway.
- E. Council report in response to public representations. Future.
- F. TPC hearings. Future.
- G. TPC approval. Future.

Following completion of public exhibition, it is expected that the LPS will be approved within six to twelve months.

Figure 1. Structure of Tasmanian Planning Scheme ([www.planningreform.tas.gov.au](http://www.planningreform.tas.gov.au))



#### 1.4 Overview of the Assessment Process

Section 3A of LUPAA specifies the LPS approval process. It sets out the various roles of the Minister, TPC and the Planning Authority and processes for community engagement.

The Minister is required to grant approval for the draft LPS to reach a formal public exhibition stage. It is the responsibility of the TPC to provide the Minister with advice in making that decision. The TPC must have regard to the LPS criteria at section 34(2) of LUPAA. The relevant LPS criteria are:

- (a) *contains all the provisions that the SPPs specify must be contained in an LPS; and*
- (b) *is in accordance with section 32; and*
- (c) *further the objectives set out in Schedule 1; and*

- (d) *is consistent with each State Policy; and*
- (e) *as far as practicable, is consistent with the regional land use strategy ...; and*
- (f) *has regard to the strategic plan ...; and*
- (g) *as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent ...;*

### **1.5 Associated Documents & Plans**

A number of strategies, plans and guidelines informs the Draft LPS. The process of developing the LPS has required consideration of all of the above documents.

**From the Tasmanian Government** (refer [www.planningreform.tas.gov.au](http://www.planningreform.tas.gov.au) & [www.planning.tas.gov.au](http://www.planning.tas.gov.au)):

- The State Planning Provisions - SPPs (i.e., the rule book);
- Section 8A Ministerial Guidelines on the application of the SPPs zones and codes;
- Minister's Advisory Statements;
- Tasmanian Planning Commission Practice Notes;
- The Southern Tasmanian Regional Land Use Strategy (STRLUS);
- The Tasmanian Agricultural Estate map (via consultants Macquarie Franklin);
- Statewide mapping of electricity transmission lines, substations and communication infrastructure;
- Mapping of potential coastal refugia;
- Mapping of bushfire-prone areas;
- Mapping of wetlands and waterways;
- Mapping of coastal inundation hazard areas; and
- Mapping of coastal erosion hazard areas.

### **From Council**

- Vision East;
- Nubeena / White Beach Structure Plan;
- Port Arthur Planning Review;
- The current interim planning scheme, including public submissions received;
- Mapping of priority vegetation, derived from the Regional Ecosystem Model through a project coordinated by the Southern Tasmanian Council's Authority for all southern Councils.
- A regional analysis of agricultural land prepared by AK consultants.

### **1.6 Structure of this Report**

This report provides general information on, and a description of, the LPS to assist the community in understanding the LPS as well as technical justification of each part of the LPS for consideration by the TPC.

Section 2 provides a brief summary of how the current interim zones, overlays and site specific provisions have been 'translated' into the framework of the SPPs. Section 3 provides justification for each instance in which a zone has not been 'translated' from the IPS into the framework of the SPPs. Section 4 provides information on how the codes have been mapped within the draft LPS. Section 5 provides an overview of the written component of the draft LPS. Section 6 provides a series of compliance statements that detail how the draft LPS meets the LPS criteria that are contained within LUPAA.

## **2.0 Overview of differences between current (interim planning scheme) and draft LPS**

In most locations and for most forms of use and development, the LPS will be similar to the current interim scheme. The type of zones and the Standards within each zone have a similar structure, and generally deliver a similar outcome, across the IPS and the SPPs. As such, the draft LPS will generally 'translate' the IPS zones into the closest equivalent zone provided in the SPPs framework.

However, substantive changes will arise due to structural changes, such as the addition or removal of certain zones from the structure of the SPPs. In addition, the Standards in some zones and codes will result in very different development controls.

The draft LPS provides the spatial application of the SPPs. That is, the draft LPS determines where the SPPs zones and codes will apply.

The following provides an overview of the translation between the interim scheme and draft LPS as well as the substantive changes.

### **2.1 Substantive Changes**

Substantive changes in the draft LPS include:

- The spatial application of the new Rural Zone, Agriculture Zone and Landscape Conservation Zone – which to some degree replace the Rural Resource and Environmental Living zones.
- A Priority Vegetation Area, replacing the biodiversity overlay but applicable to certain zones only. The mapping is based on a Regional Ecosystem Model. The Regional Ecosystem Model is being used by all Tasmanian Councils'.
- Adopting the most recent (and more accurate) mapping of coastal inundation & erosion hazard with a new Statewide Code that moves much of the assessment of these hazards from the planning system to the building system.
- Adopting a coastal refugia overlay to consider how saltmarshes and coastal wetlands may shift as sea level rises.
- A number of zoning changes that implement local strategic planning work for Nubeena, White Beach and Port Arthur.

A more in depth description of these changes is provided through this supporting report.

## 2.2 Zone Translation

The following table provides a high level summary of how the zoning used in the interim scheme has been 'translated' into the LPS framework, including information of major changes that will result through differences in Use or Development Standards.

LPS Zones	Equivalent Interim Planning Scheme Zone	Major differences between LPS Zone and equivalent IPS Zone	How the LPS Zone is applied
Low Density Residential Zone (LDRZ)	Low Density Residential Zone	<p>The LPS provides a broader range of discretionary non-residential uses. This flexibility is beneficial. For instance, veterinary and health services can be considered in the LDRZ whereas they are now prohibited.</p> <p>A discretion is provided for lots to be created of 1200m<sup>2</sup> in size whereas 1500m<sup>2</sup> is the IPS minimum.</p> <p>The LPS provides significantly larger front and side setbacks. This will increase the number of applications that require a variation.</p> <p>The General retail and hire use class is limited to a local shop only. This precludes tourism related retail and any hire use. This limitation is concerning given the structure of the local economy.</p>	The LDRZ will apply to all townships and existing areas of LDRZ. The spatial extent of the LDRZ will be very similar in the LPS to what now occurs.
Rural Living Zone (RLZ)	Rural Living Zone	<p>The LPS RLZ must be applied with a minimum lot size of either 1ha, 2ha, 4ha or 10ha. Conversely, the IPS has a standard 1ha size. This change means that some areas of Environmental Living Zone can be included in the RLZ.</p> <p>The side boundary setbacks are 10m (rather than 20m) which is likely to reduce the number of variations sought.</p>	<p>The RLZ will apply to existing areas of RLZ in the interim planning scheme.</p> <p>In addition, the RLZ will apply to some areas now within the Environmental Living Zone. This is necessary as the Environmental Living Zone can no longer be used.</p>

Village Zone (VZ)	Village Zone	The Village Zone was not used in the IPS.	It is proposed to apply the Village Zone to some small areas of Nubeena and Murdunna as the Village Zone offers a mixed-use zone approach.
Local Business Zone (LBZ)	Local Business Zone	The LPS allows for a broader range of permitted and discretionary uses. For instance, bulky goods sales and food and beverage production can now be considered.	The zone will apply to existing areas of LBZ.
Light Industrial Zone (LIZ)	Light Industrial Zone	Nil	The zone will apply to existing areas of LIZ.
Rural Zone (RZ)	Nil – This is a new zone	Nil	The RZ will be the most used zone by area. Applies to areas of current Rural Resource Zone and Environmental Living Zone.
Agriculture Zone (AZ)	Nil – This is a new zone	Nil	The AZ is to apply to better quality and less fragmented rural areas.
Landscape Conservation Zone (LCZ)	Nil – This is a new zone	<p>Nil</p> <p>Note: The use of the Landscape Conservation Zone and the related Scenic Protection Area Code should be considered through future strategic planning work. That work should identify important landscape values and prioritise those that may require protection via the planning scheme. These values are best explored as a separate project to avoid ad hoc regulation and to provide for focus community engagement. Council should seek external funding for such work in conjunction with other Councils.</p>	To some areas of current Environmental Living Zone



Environmental Management Zone (EMZ)	Environmental Management Zone	Nil	The EMZ will apply to reserved land owned by the Crown in the same manner that it currently applies.
Utilities Zone (UZ)	Utilities Zone	Nil	To State highways and major utility installations
Community Purpose Zone	Community Purpose Zone	Nil	To cemeteries and large community assets such as schools.
Recreation Zone (RZ)	Recreation Zone	Nil	To sportsgrounds, golf courses and recreation areas.
Open Space Zone (OSZ)	Open Space Zone	Nil	To foreshores.

The Environmental Living Zone is the IPS consists of an 'A' and a 'B' zone in which 'A' has a 6ha minimum lot size and 'B' has no subdivision potential. The Environmental Living Zone is converted to the Rural Living Zone in the draft LPS as either the Rural Living A, Rural Living B, Rural Living C or Rural Living D based on the circumstances of the site. Each instance is documented at section 3.4 of this report.

### 2.3 Code Translation

The following table provides a high level summary of how the codes used in the interim planning scheme has been 'translated' into the LPS framework, including information of major changes that will result through differences in Use or Development Standards.

<b>LPS Codes</b>	<b>Equivalent Interim Planning Scheme Code</b>	<b>Major differences between LPS Code and equivalent IPS Code</b>	<b>How the LPS Code is applied</b>
Signs Code	Signs Code	Nil	A mandatory code that applies to any application involving signage.

Parking and Sustainable Transport Code	Parking and Access Code	Better reflects differing needs between urban and rural area relative to the current IPS Code. For instance, the SPPs recognised that gravel driveways are appropriate for rural areas.	A mandatory code that applies to use and development generating car parking demand.
Road and Railway Code	Road and Rail Assets Code	The LPS includes an exemption for vehicle access approved under a Council works permit which avoids duplication of approval processes.  Includes a road attenuation buffer area (for traffic noise) which applies by default to category 1, 2 and 3 State roads (none exist within Tasman municipal area) and optionally to other roads.	A mandatory code that applies to use and development with a new access or intensification of access or adjoining a road with a road attenuation buffer.
Electricity Transmission Infrastructure Protection Code	Electricity Transmission Infrastructure Protection Code	Nil	A mandatory code that applies to transmission infrastructure – therefore not applicable to Tasman municipal area
Telecommunications Code	Telecommunications Code	Nil	A mandatory code that applies to proposed telecommunications infrastructure
Local Historic Heritage Code	Local Heritage Code	The LPS Code seeks similar outcomes but is structure very differently. It applies to local heritage places and does not seek dual listing of State and local heritage places in the way the IPS provides.	The Planning Authority determines which places are of local heritage value.  It is proposed to list all current local listed properties, of which there are two only.  Places listed on the Tasmanian Heritage Register are no longer duplicated.
Natural Assets Code  This code combines native vegetation, waterway	Biodiversity Code  Wetlands and Waterways Code	With respect to natural vegetation, the LPS Natural Assets Code does not allow for	The Code applies by mapped overlays.  For Priority Vegetation, each region has engaged Natural Resource Planning Pty

protection and climate refugia.		<p>categorisation of values as low, medium or high. All listed areas are instead of equal significance.</p> <p>The Natural Assets Code does not apply to the Agriculture Zone. Within the LDRZ, the Planning Authority may choose to apply to Code to subdivision however that option is not proposed for Tasman.</p> <p>The Natural Assets Code includes provisions for climate refugia.</p> <p>In applying this Code, it should be acknowledged that the Natural Assets Code was not supported by the TPC. The TPC supported the view of stakeholders and Councils that the Code has a number of deficiencies that warranted a re-write of the Code. However, the Minister, using the authority provided by LUPAA, resolved to accept the Code with minor changes only.</p>	<p>Ltd to provide an initial mapped overlay based on their Regional Ecosystem Model.</p> <p>For Waterway and Coastal Protection Area the mapped overlay is based on a State-wide model which is similar to the current interim planning scheme. The State-wide model must be verified and modified by Planning Authorities.</p> <p>For Future Coastal Refugia, a State-wide map is provided and applies to certain zones.</p>
Scenic Protection Code	Scenic Landscapes Code (not used in Tasman IPS)	The provisions of the Scenic Protection Code are limited in scope compared to the IPS.	This is an optional code that applies by mapped overlay. Refer to earlier comments with respect to the Scenic Landscapes Code.
Attenuation Code	Attenuation Code	The listed of relevant activities and their buffer distances has been modified and updated in the LPS Attenuation Code.	This is a mandatory Code that can apply either by a mapped overlay or by proximity to a use, such as a quarry.

Coastal Erosion Hazard Code	Coastal Erosion Hazard Code	The LPS Coastal Erosion Hazard Code is fundamentally different and in most cases the assessment is removed from the planning scheme and assessed through the <i>Building Act 2016</i> .	The Code is mandatory and applies by a mapped overlay derived from a State-wide hazard mapping project.
Coastal Inundation Hazard Code	Coastal Inundation Hazard Code	The LPS Coastal Inundation Hazard Code is fundamentally different and in most cases the assessment is removed from the planning scheme and assessed through the <i>Building Act 2016</i> .	<p>The Code is mandatory and applies by a mapped overlay derived from a State-wide hazard mapping project.</p> <p>The draft LPS must include minimum floor levels for habitable buildings which have been determined by the Tasmanian Government.</p>
Flood Prone Areas Code	Inundation Prone Areas Code (not used in the Tasman IPS)	Nil	The Code is optional and applies by a mapped overlay. As there is no riverine flood mapping available the Code is not used.
Bushfire-Prone Areas Code	Bushfire-Prone Areas Code	Identical to current interim planning scheme	The Code is mandatory and applies by a mapped overlay developed by the Tasmanian Fire Service.
Potentially Contaminated Land Code	Potentially Contaminated Land Code	Nil	The Code is mandatory and applies either by a mapped overlay or by reference to a list of potentially contaminated activities that may have previously occurred. A mapped overlay is not proposed.

Landslip Hazard Code	Landslip Hazard Code	Nil	The Code is mandatory and applies by a mapped overlay. The mapped overlay is identical to the current IPS overlay.
Safeguarding of Airports Code	Nil	Nil	Applies to a small part of an uninhabited island only.

The IPS includes four Codes which are not included in the SPPs. These Codes are the: (1) Wind and Solar Energy Code; (2) Acid Sulphate Soils Code; (3) On-Site Wastewater Management Code; and (4) Stormwater Code. For the later three, the policy position of the Government is that the *Building Act 2016* adequately regulates these issues.

For on-site wastewater management systems on small lots, the draft LPS includes a Specific Area Plan for certain small sized lots to ensure that the issue is afforded an appropriate degree of oversight and regulation.

## **2.4 Specific Area Plan (SAP) - Translation**

The IPS includes a Specific Area Plan (SAP) for the Port Arthur viewshed. It is proposed that this will be incorporated into the LPS on an 'as is' basis using transitioning powers provided by LUPAA. What this will mean is that the incorporation is to be determined by the Minister for Planning, will not be assessable by the TPC and will not be subject to any representation.

## **2.5 Specific Area Plan (SAP) - Proposed**

To respond to the absence of an Onsite Wastewater Code, a Specific Area Plan is included for certain lots that are 1000m<sup>2</sup> or less in size. The development controls will apply to applications that have a site coverage greater than 30% reflecting a higher risk of issues arising where larger footprint developments are proposed on smaller lots. What this would mean practically is that larger developments on smaller lots would need to incorporate the sizing and siting of wastewater management systems into the design and siting of buildings and driveways.

Further detail on this SAP is provided later in the document.

## **2.6 Site Specific Qualifications**

Site Specific Qualifications (SSQs) are provided with respect to the following:

- 5803 Arthur Highway, Taranna which contains the existing Parks and Wildlife Service (PWS) depot.
- Maintaining the existing qualification for a transport depot at 30 George Street, Taranna (CT 106513/1).
- Maintaining the current permitted status for the Premaydena general store (CT 147094/1, 1 Saltwater River Road, Premaydena).
- Maintaining the permitted status for the Lavender farm retail complex (CT 146020 / 2, 6555 Arthur Highway, Port Arthur).

The SSQ for the PWS depot is considered necessary due to the scale of the use. There are typically nine staff working from the site across a number of workshop buildings and the dwelling which is used for staff accommodation. There is a significant amount of storage of goods and equipment on the site. Whilst a PWS depot could, potentially, be categorised as Natural and Cultural Values Management (a no permit required use on this property), the scale is such that it is appropriately categorised as a depot. A depot would be prohibited on this site without the SSQ. The depot has a critical role in the management of PWS land and assets, which are in turn an important component of the local economy. The depot has been in this location for many years and can be appropriately managed in a residential area given the size of the lot and the separation to adjoining dwelling.

## **2.7 Local Area Objectives**

The current interim planning scheme provides local area objectives for the Low Density Residential Zone, Environmental Living Zone and Local Business Zone. These local area objectives are written in a general, high-level fashion and add little value to the assessment process, which requires more specific and more measurable outcomes.

At this stage, local area objectives are not proposed for the LPS. Local area objectives could be added through later amendments to the LPS but would require careful consideration and drafting to ensure that the value add to the process.

### 3.0 Draft LPS Zone Mapping

The SPPs provide a suite of 23 zones, many of them as similar to the existing IPS zones. As such, often the IPS zones are ‘translated’ across to the SPPs equivalent on a like-for-like basis, as discussed in the previous section.

In the following, a number of instances where a like-for-like translation does not occur are identified and justified. The main document against which these are justified is the Section 8A Guidelines ([www.planningreform.tas.gov.au](http://www.planningreform.tas.gov.au)) which list various criteria for how zones and codes are to be applied.

#### 3.1 General Residential Zone (GRZ)

This zone is not used in the draft LPS and is not used in the IPS.

#### 3.2 Inner Residential Zone (IRZ)

This zone is not used in the draft LPS and is not used in the IPS.

#### 3.3 Low Density Residential Zone (LDRZ)

The provisions of the LDRZ in the SPPs are similar to those contained in the interim planning scheme LDRZ. As such, the interim planning scheme LDRZ is easily translated into the draft LPS. The spatial application of the LDRZ in the draft LPS thus reflects the LDRZ in the interim planning scheme subject to modifications listed in the table below.

The Section 8A Guidelines provide:

*The Low Density Residential Zone should be applied to residential areas where one of the following conditions exist:*

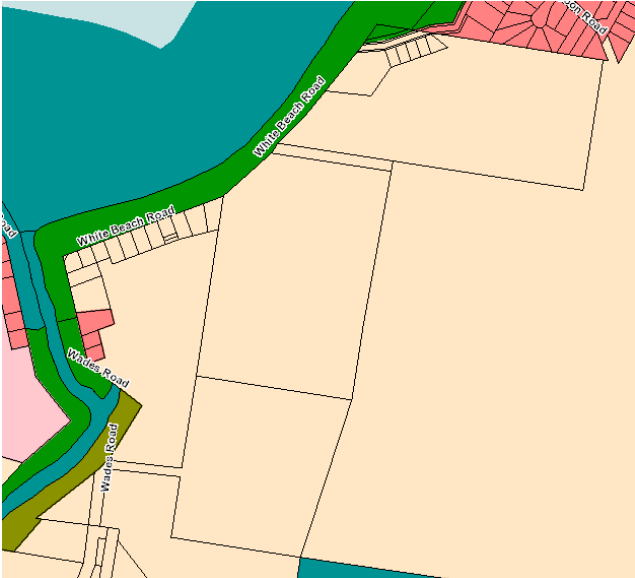
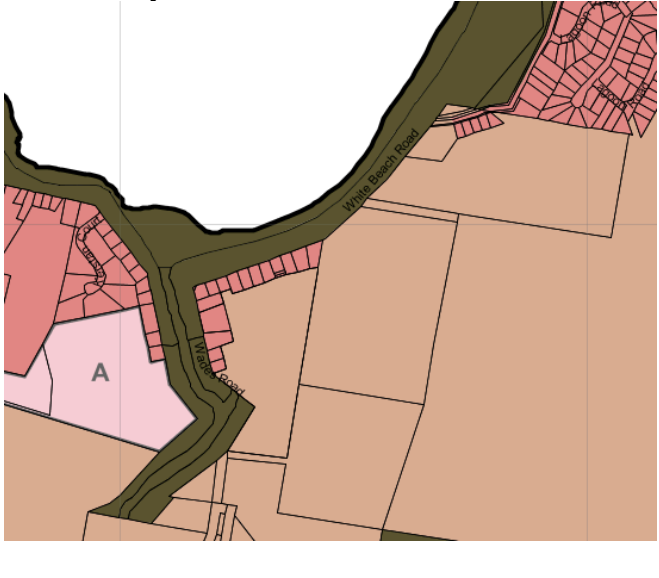
*(a) residential areas with large lots that cannot be developed to higher densities due to any of the following constraints:*

*(i) lack of availability or capacity of reticulated infrastructure services, unless the constraint is intended to be resolved prior to development of the land; and*

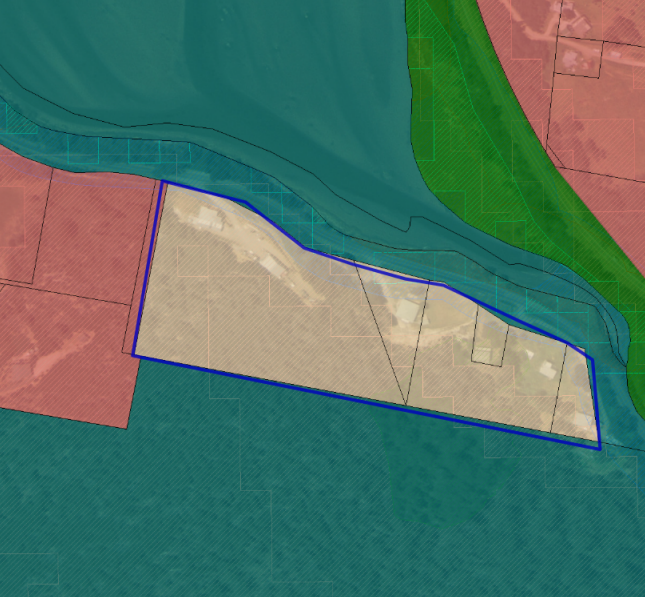

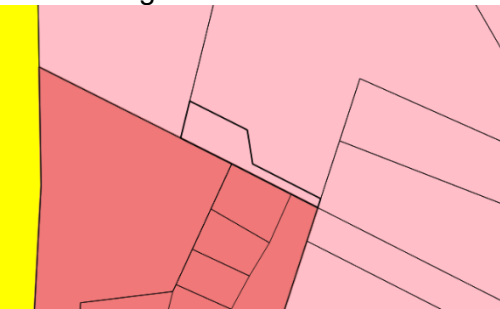
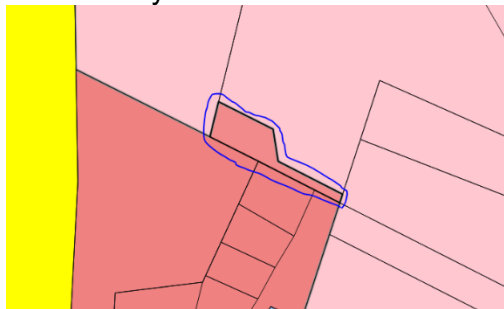
*(ii) environmental constraints that limit development (e.g. land hazards, topography or slope); or*

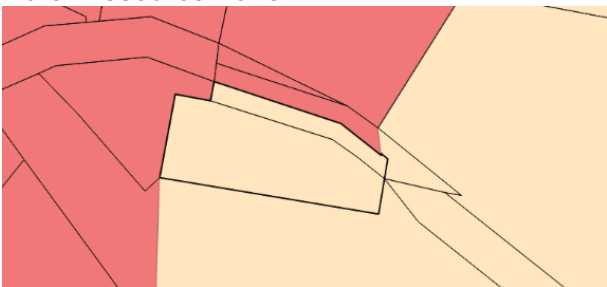
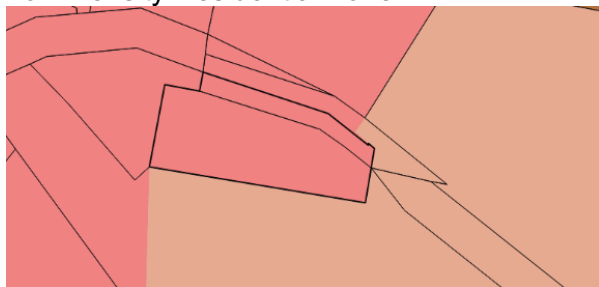
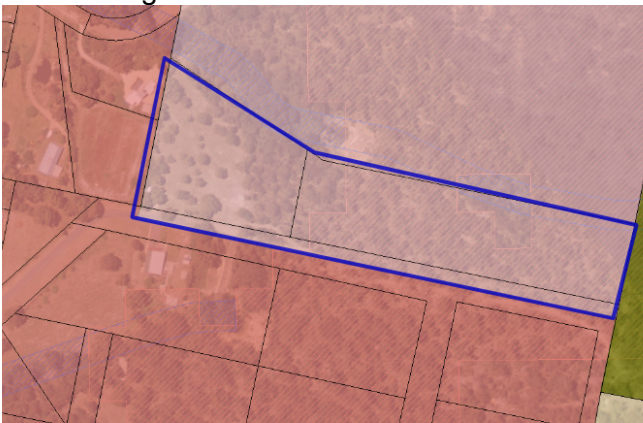
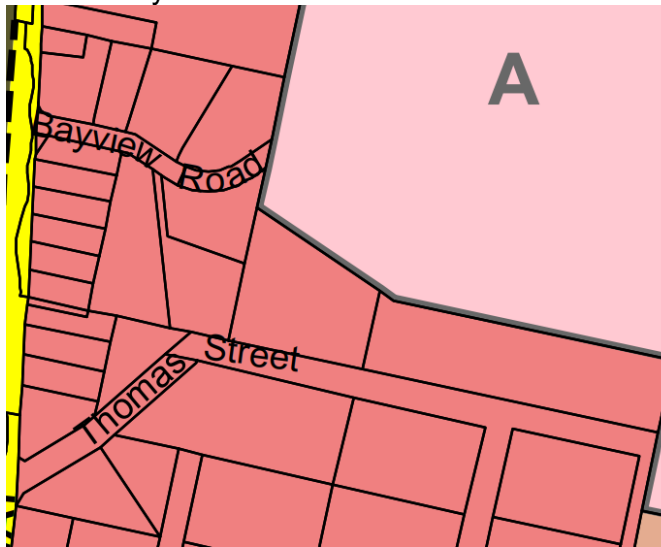
*(b) small, residential settlements without the full range of infrastructure services, or constrained by the capacity of existing or planned infrastructure services; or*

*(c) existing low density residential areas characterised by a pattern of subdivision specifically planned to provide for such development, and where there is justification for a strategic intention not to support development at higher densities.*

Interim Zoning	Draft LPS Zoning
<b>A. 269 – 299 White Beach Road and 319-353 White Beach Road, White Beach</b>	
<p>Rural Resource</p> 	<p>Low Density Residential</p> 
<p><b>Justification and Compliance Statement</b></p> <p>The modifications correct an error in the current interim scheme in which a number of small residential lots were zoned Rural Resource. Specifically, the modification includes 19 residential sized lots which are incorrectly included in the Rural Resource Zone. Of these, only one is large enough to be provided with subdivision potential. The lots, 319-353 White Beach Road, were zoned Coastal Village under the former scheme whilst the other land was zoned Rural A.</p> <p>Three larger parcels (301 and 309 White Beach Road and Lot 1, Wades Road) are identified for residential zoning consistent with the Nubeena / White Beach Structure Plan. The STRLUS recognises that White Beach is a settlement subject to seasonal variations and provides for local structure planning to determine land supply and demand requirements. Consistent with the structure plan, Council proposed that these three lots be included in the Low Density Residential Zone. This was not accepted by the TPC.</p> <p>The modification for the 19 smaller lots aligns with criteria (b) of LDRZ 1. The land is recognised within the structure plan as being part of the White Beach settlement and being both necessary and suitable for residential development.</p>	



Interim Zoning	Draft LPS Zoning
<b>B. 37-69 White Beach Road, White Beach</b>	
Rural Resource	Local Density Residential
	
<p><b>Justification and Compliance Statement</b></p> <p>The modifications are consistent with the Nubeena / White Beach Structure Plan. The STRLUS recognises that White Beach is a settlement subject to seasonal variations and provides for local structure planning to determine land supply and demand requirements.</p> <p>The modification applies to 5 lots, all of which are developed for residential purposes and which are similar in size to the adjacent area of LDRZ. the potential yield of 69 White Beach Road is 13 lots assuming 6 lots per hectare net, whilst 39 White Beach Road has a potential yield of 4 lots. Due to bushfire separation, topography, wastewater and access construction, a reasonable estimation of yield is considered to be 8 from 69 White Beach Road and 3 from 39 White Beach. No other lots are capable of subdivision.</p> <p>The modification aligns with criteria (b) of LDRZ 1. The land is recognised within the structure plan as being part of the White Beach settlement and being both necessary and suitable for residential development.</p>	
Interim Zoning	Draft LPS Zoning
<b>C. 410 Pirates Bay Road FR 107116/12</b>	
Rural Living	Low Density Residential Zone
	
<p><b>Justification and Compliance Statement</b></p> <p>The title is a 943m<sup>2</sup> owned by the Lufra hotel. There is no subdivision potential under either zone, whilst a house is permitted under each zone. The lot size is consistent with the LDRZ land to the</p>	

south-west and inconsistent with the RLZ to the north. It is considered that the LPS complies with LDRZ 1 (c) given the existing pattern of subdivision.	
Interim Zoning	Draft LPS Zoning
<b>D. 60 Nubeena Back Road, Nubeena FR 43654/3</b>	
Rural Resource Zone 	Low Density Residential Zone 
<p><b>Justification and Compliance Statement</b></p> <p>The lot is some 4000m<sup>2</sup> in size and bordered by the LDRZ to the north and west. The proposed zoning would create the potential for one additional lot. The land is included within the residential area of the Nubeena / White Beach Structure Plan.</p> <p>For these reasons, it is considered that the zoning is consistent with LDRZ (1) (c) in that the zoning reflects the existing pattern of development.</p>	
Interim Zoning	Draft LPS Zoning
<b>E. 5481 Arthur Highway and 5841 Arthur Highway, Taranna</b>	
Rural Living 	Low Density Residential 
<p><b>Justification and Compliance Statement</b></p> <p>The current Rural Living Zone reflects a translation of the former Semi-Rural Zone that applied to these two lots and to the lot to the north under the <i>Tasman Planning Scheme 1979</i>. All land to the west and south was zoned Coastal Village and was translated to the Low Density Residential Zone.</p> <p>These two lots are small for Rural Living lot. Further, there is no identifiable reason for why a consistent zone should not apply to both sides of the road. The potential yield is 4 additional lots from CT 159348/1. The eastern lot has no frontage and no potential. It is considered that the lot sizes are consistent with the existing pattern evidence in the current LDRZ and that extension of the LDRZ is consistent with LDRZ 1 (c).</p> <p>The eastern most lot would not have subdivision potential, notwithstanding the modification, as Thomas Street is not constructed as a public road through to the road frontage.</p>	

### 3.4 Rural Living Zone (RLZ)

The provisions of the RLZ in the SPPs are similar to those contained in the interim planning scheme RLZ. As such, the interim planning scheme is translated into the draft LPS. The spatial application of the RLZ in the draft LPS thus reflects the RLZ in the interim planning scheme subject to modifications listed in the table below.

The Ministerial Guidelines for the Rural Living Zone provide:

*RLZ 1 The Rural Living Zone should be applied to:*

- (a) residential areas with larger lots, where existing and intended use is a mix between residential and lower order rural activities (e.g. hobby farming), but priority is given to the protection of residential amenity; or*
- (b) land that is currently a Rural Living Zone within an interim planning scheme or a section 29 planning scheme, unless RLZ 4 below applies.*

*RLZ 2 The Rural Living Zone should not be applied to land that is not currently within an interim planning scheme Rural Living Zone, unless:*

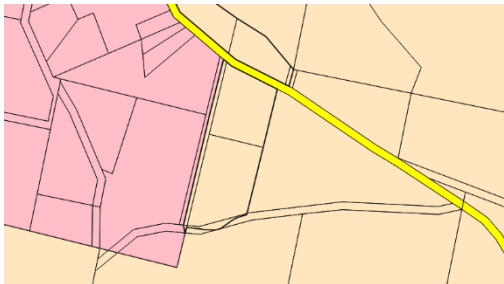
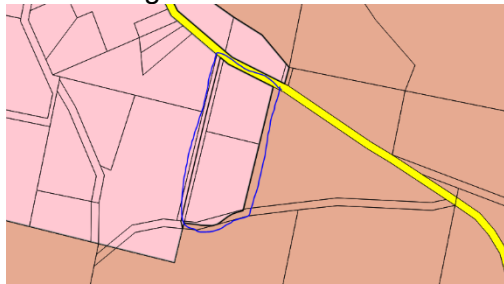
- (a) consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; or*

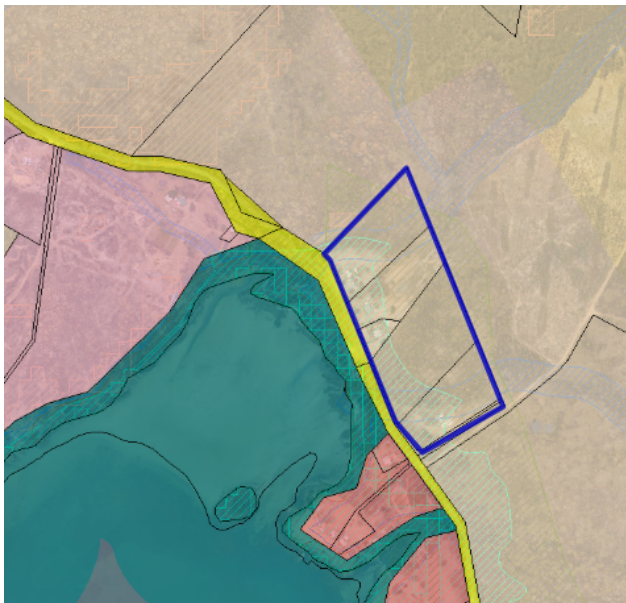
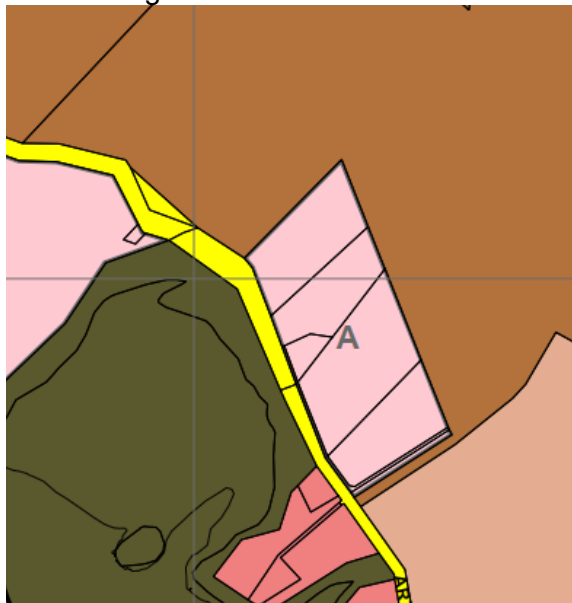
The STRLUS provides the following policy (SRD 1.3) with respect to Rural Living land:

*Support the consolidation of existing settlements by restricting the application of rural living and environmental living zones to existing rural living and environmental living communities. Land not currently zoned for such use may only be zoned for such use where one or more of the following applies:*

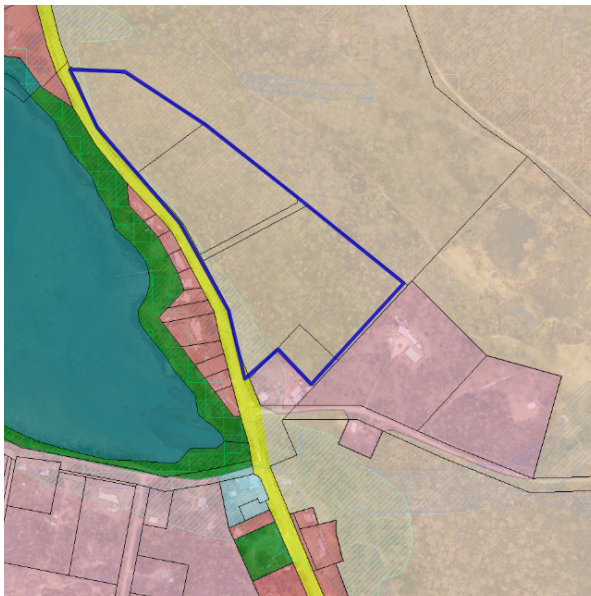
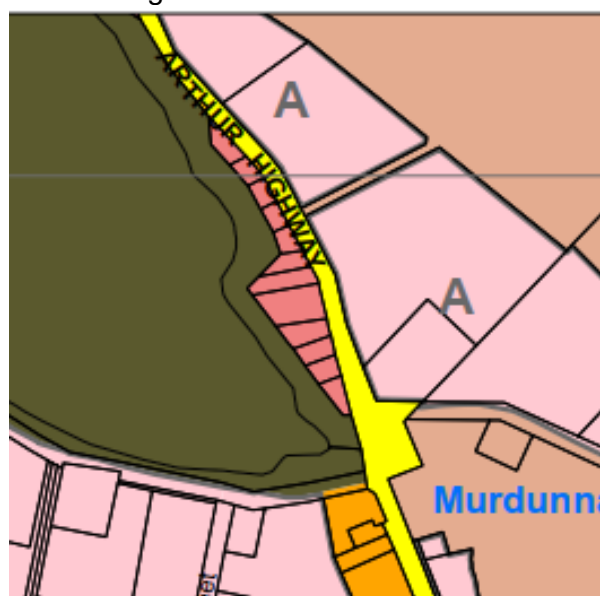
- (a) Recognition of existing rural living or environmental living communities, regardless of current zoning. Where not currently explicitly zoned for such use, existing communities may be rezoned to rural living or environmental living provided:
  - (i) the area of the community is either substantial in size or adjoins a settlement and will not be required for any other settlement purpose; and*
  - (ii) only limited subdivision potential is created by rezoning.**
- (b) Replacing land currently zoned for rural living purposes but undeveloped and better suited for alternative purposes (such as intensive agricultural) with other land better suited for rural living purposes, in accordance with the following:
  - (i) the total area rezoned for rural living use does not exceed that which is back-zoned to other use;*
  - (ii) the land rezoned to rural living use is adjacent to an existing rural living community;*
  - (iii) the land rezoned to rural living use is not designated as Significant Agriculture Land;*
  - (iv) the land rezoned to rural living use is not adjacent to the Urban Growth Boundary for Greater Hobart or identified for future urban growth; and*
  - (v) the management of risks and values on the land rezoned to rural living use is consistent with the policies in this Strategy.**

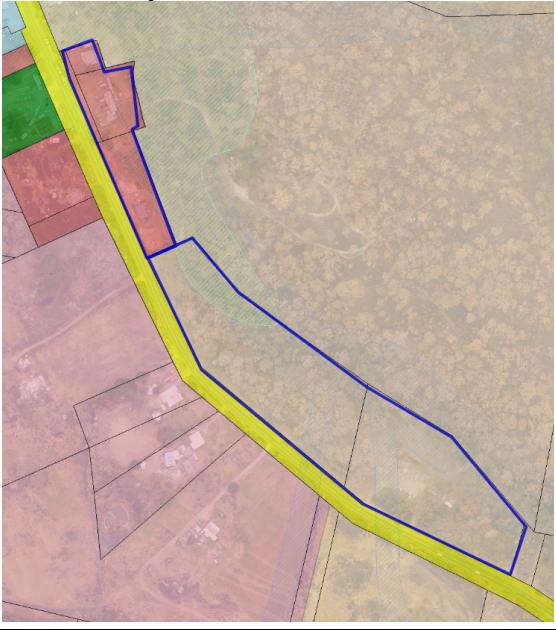
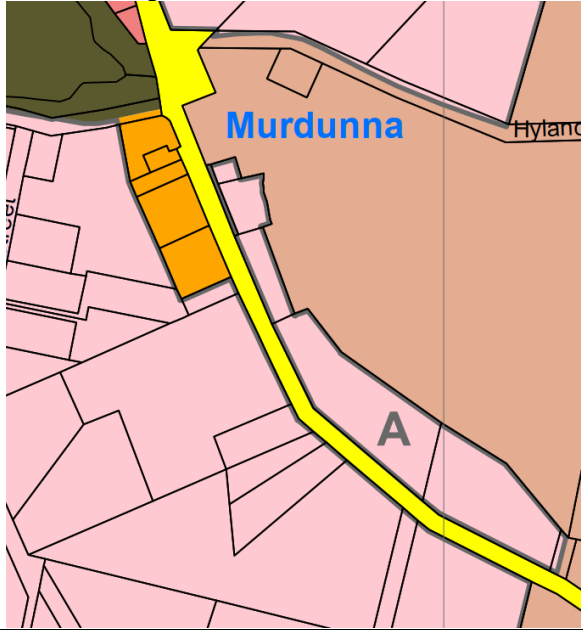
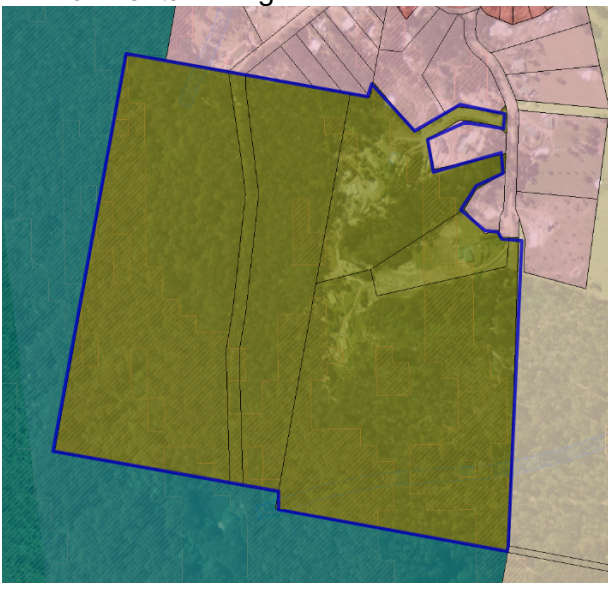
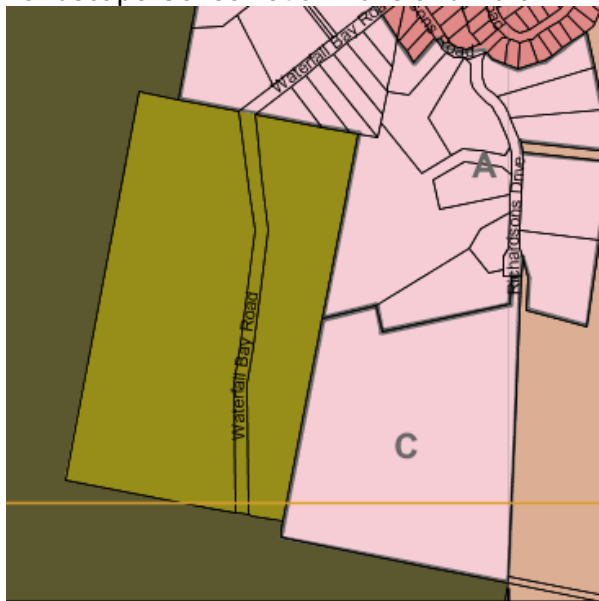
- (c) Rezoning areas that provide for the infill or consolidation of existing rural living communities, in accordance with the following:
- (i) the land must predominantly share common boundaries with:
    - existing Rural Living zoned land; or
    - rural living communities which comply with SRD 1.3(a);
  - (ii) the amount of land rezoned to rural living must not constitute a significant increase in the immediate locality;
  - (iii) development and use of the land for rural living purposes will not increase the potential for land use conflict with other uses;
  - (iv) such areas are able to be integrated with the adjacent existing rural living area by connections for pedestrian and vehicular movement. If any new roads are possible, a structure plan will be required to show how the new area will integrate with the established Rural Living zoned area;
  - (v) the land rezoned to rural living use is not designated as Significant Agricultural Land;
  - (vi) the land rezoned to rural living use is not adjacent to the Urban Growth Boundary for Greater Hobart or identified for future urban growth; and
  - (vii) the management of risks and values on the land rezoned to rural living use is consistent with the policies in this Strategy.

Interim Zoning	Draft LPS Zoning
<b>A. Hawker Street, Murdunna FR 69805/1 and FR 86264/1</b>	
Rural Resource 	Rural Living A 
<p><b>Justification and Compliance Statement</b></p> <p>The extension of the RLZ reflects two existing titles that have a similar subdivision pattern as adjoining land within the RLZ. They are, in fact, smaller than the adjoining land. The potential yield is one additional lot from each lot.</p> <p>For the RLZ, the STRLUS does not provide a growth scenario. Rather, the STRLUS seeks to contain the RLZ and limit expansion.</p> <p>Criteria a of the RLZ policies in the STRLUS provides for extensions of RLZ adjacent to existing settlements where only small-scale subdivision potential is created. The proposed zoning is consistent with these criteria and, by extension, consistent with RLZ 2 (a) of the Section 8A guidelines.</p> <p>With respect to the minimum lot size, there is no identifiable feature or characteristics that would separate these lots into a difficult zone category and the pattern of lot size is consistent with that of the RLZ A.</p> <p>In terms of RLZ 4 (c), the Tasmanian Government mapping of agricultural land identifies the land as constrained.</p>	

Interim Zoning	Draft LPS Zoning
<b>B. 3901, 3907, 3917 &amp; 3937 Arthur Highway, Murdunna</b>	
<p>Rural Resource</p> 	<p>Rural Living A</p> 
<p><b>Justification and Compliance Statement</b></p> <p>The lots are within the settlement of Murdunna, being generally opposite existing Low Density Residential Lots and south of existing Rural Living Zone land. The area is 9.5ha in size and is developed into five existing lots. Under the modified zoning two lots would be afforded subdivision potential.</p> <p>With respect to the STRLUS criteria:</p> <ul style="list-style-type: none"> <li>the modification provides recognition of the existing pattern of lots and their proximity to existing residential zones in Murdunna;</li> <li>the area is small in size;</li> <li>the area is less likely to be utilised for Low Density Residential Area relative to other Rural Living areas of Murdunna due to a higher bushfire hazard and its location on the landward side of the Arthur Highway which has less market appeal;</li> <li>a very limited subdivision potential is created.</li> </ul> <p>It is considered that the STRLUS criteria are satisfied in full and thus the modification complies with the Ministerial Guidelines.</p>	



Interim Zoning	Draft LPS Zoning
<b>C. 4041 Arthur Highway, Murdunna and three unaddressed lots.</b>	
<p>Rural Resource</p> 	<p>Rural Living A</p> 
<p><b>Justification and Compliance Statement</b></p> <p>The lots are within the settlement of Murdunna, being opposite existing Low Density Residential Lots and north of existing Rural Living Zone land off Hylands Road. The area is 7.5ha in size and is developed into four existing lots. Under the modified zoning two lots would be afforded subdivision potential.</p> <p>With respect to the above, the size of each lot cannot support hobby farming and have no agricultural potential. The lots are residential in nature and are in close proximity to lots with residential zonings and, thus, RLZ 1 ad RLZ 2 are satisfied.</p> <p>With respect to the STRLUS, it is noted that:</p> <ul style="list-style-type: none"> <li>the modification provides recognition of the existing pattern of lots and their adjacency to existing Rural Living and Low Density property in Murdunna;</li> <li>the area is small in size;</li> <li>the area is less likely to be utilised for Low Density Residential Area relative to other Rural Living areas of Murdunna due to a higher bushfire hazard and its location on the landward side of the Arthur Highway which has less market appeal;</li> <li>a very limited subdivision potential is created.</li> </ul> <p>It is considered that the STRLUS criteria are satisfied in full and thus the modification complies with the Ministerial Guidelines.</p>	

Interim Zoning	Draft LPS Zoning
<b>D. 4055, 4057, 4059 and 4065 Arthur Highway, Murdunna and one crown 'water reserve' lot.</b>	
Low Density Residential and Rural Resource	Rural Living A
	
<b>Justification and Compliance Statement</b>	
<p>This applies to three existing residential parcels opposite Jackson Park and a further two lots to the south of these. The Rural Living A Zone is proposed as a more consistent approach to zoning. For the modification from Rural Resource to Rural Living, no subdivision potential is provided. It is considered that this modification reflects the existing configuration of land and is fully compliant with the STRLUS policies and Ministerial Guideline criteria referred to earlier.</p> <p>The modification from LDRZ to Rural Living A has no effect on subdivision potential. It is considered that these lots form part of the larger area of Rural Living development through Murdunna rather than an extension of the smaller shack type lots to the north that are seaward of Arthur Highway.</p>	
Interim Zoning	Draft LPS Zoning
<b>E. Waterfall Bay Road &amp; Richardsons Bay Road, Eaglehawk Neck</b>	
Environmental Living	Landscape Conservation Zone and Rural Living C
	

### Justification and Compliance Statement

The area is currently within the Environmental Living A Zone. The proposed modifications seek to provide the Rural Living Zone C, which has a 4ha minimum lot size, to the largest lot as the end of Richardsons Road and the Landscape Conservation Zone off Waterfall Bay Road to reflect the existing conservation covenant on that land.

The Ministerial Guidelines provide the following:

*RLZ 2 The Rural Living Zone should not be applied to land that is not currently within an interim planning scheme Rural Living Zone, unless:*

- (a) ...*
- (b) the land is within the Environmental Living Zone in an interim planning scheme and the primary strategic intention is for residential use and development within a rural setting and a similar minimum allowable lot size is being applied, such as, applying the Rural Living Zone D where the minimum lot size is 10 ha or greater.*

*RLZ 3 The differentiation between Rural Living Zone A, Rural Living Zone B, Rural Living Zone C or Rural Living Zone D should be based on:*

- (a) a reflection of the existing pattern and density of development within the rural living area; or*
- (b) further strategic justification to support the chosen minimum lot sizes consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.*

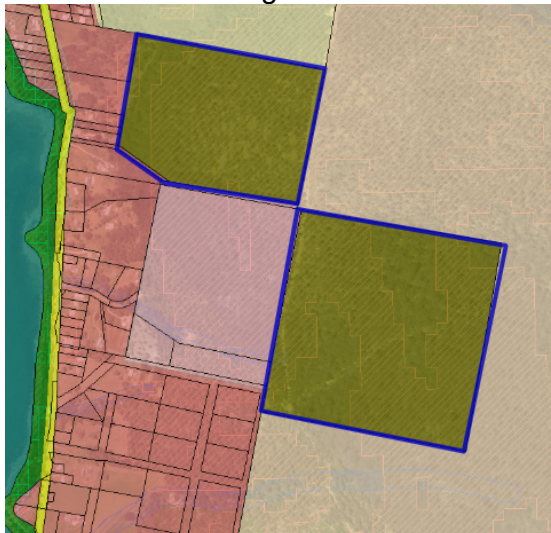
In response to these criteria, the differentiation between Rural Living A and Rural Living C reflects the existing pattern of development. Specifically, the differentiation reflects the larger lot sizes further inland from the coast, the dominant native bushland cover for these lots and their adjacency to the National Park, which warrant the Rural Living C Zone. The Rural Living A Zone reflects the smaller lots fronting the constructed public road and that this pattern of smaller lots has resulted in substantially cleared land.

Interim Zoning

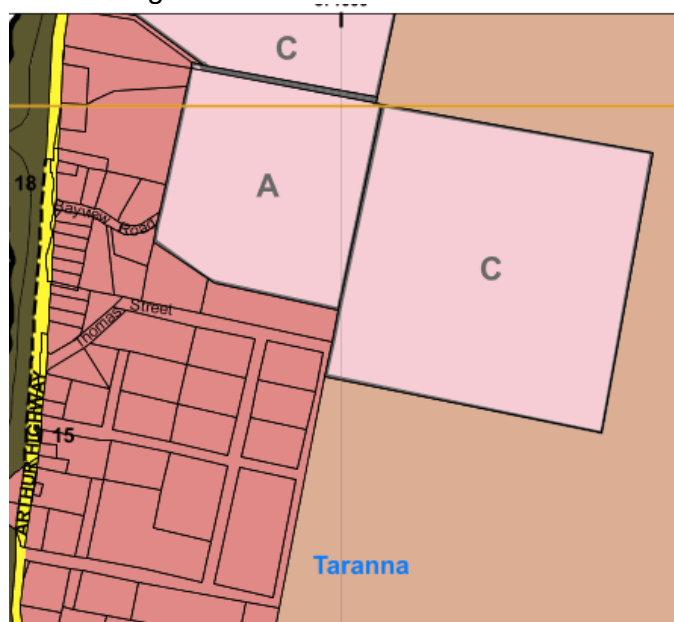
Draft LPS Zoning

### F. 5769 Arthur Highway & 5841 Arthur Highway, Taranna

Environmental Living A



Rural Living C



### Justification and Compliance Statement

The area is currently within the Environmental Living A Zone. The proposed modifications seek to provide the Rural Living Zone C, which has a 5ha minimum lot size.



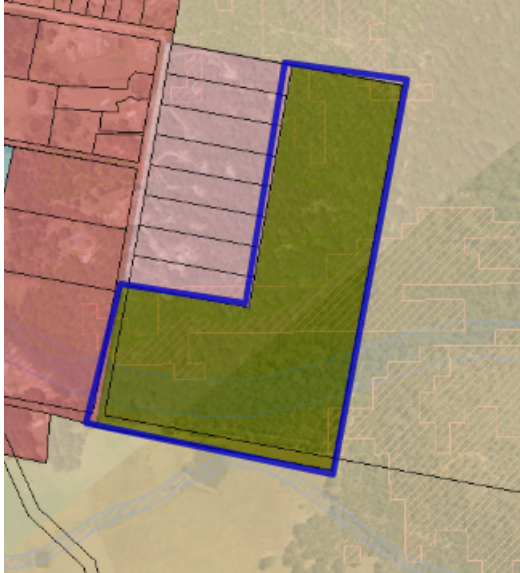
The Rural Living C Zone is the most 'like for like' zone in terms of minimum lot size, as the Environmental Living A zone has a 6ha minimum. The zoning is consistent with criteria RLZ 3 of the Section 8A guidelines.

Interim Zoning

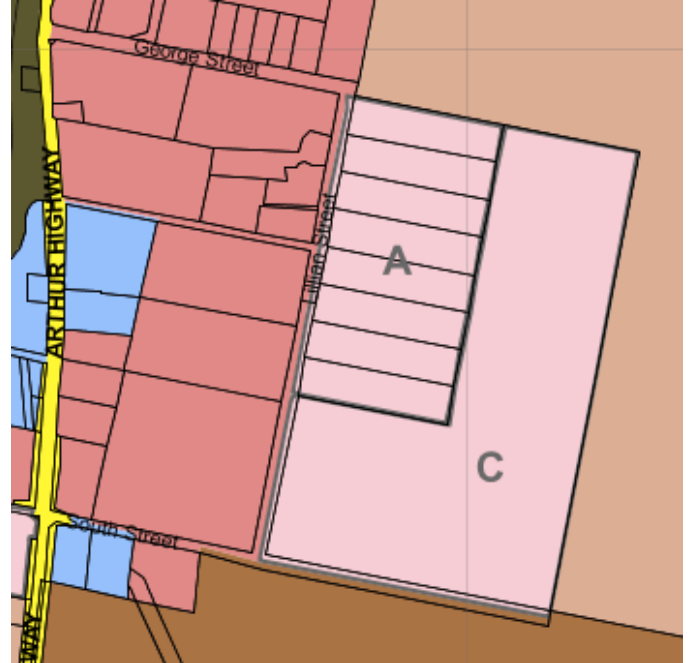
Draft LPS Zone

**G. Lillian Street, Taranna**

Environmental Living A



Rural Living C



**Justification and Compliance Statement**

The area is currently within the Environmental Living A Zone. The proposed modifications seek to provide the Rural Living Zone C, which has a 5ha minimum lot size.

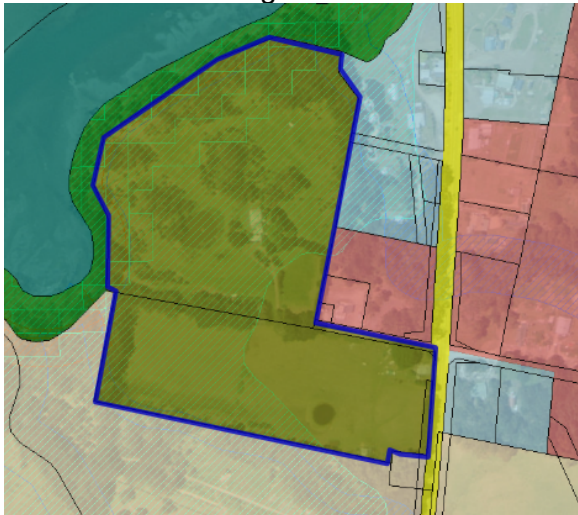
The Rural Living C Zone is the most 'like for like' zone in terms of minimum lot size, as the Environmental Living A zone has a 6ha minimum. The zoning is consistent with criteria RLZ 3 of the Section 8A guidelines.

Interim Zoning

Draft LPS Zoning

**H. South Street, Taranna**

Environmental Living A

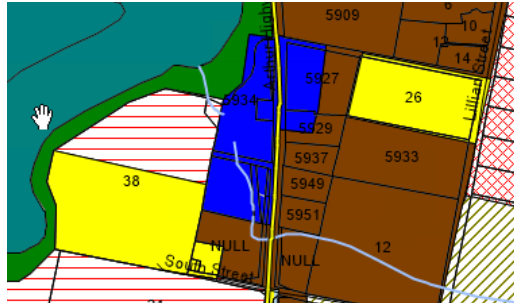


Rural Living C



### Justification and Compliance Statement

The area is currently within the Environmental Living A Zone. The proposed modifications seek to provide the Rural Living Zone C, which has a 5ha minimum lot size. Under the *Tasman Planning Scheme 1979* the area was a mix of zones including a substantial area of public purposes (yellow) as shown below.



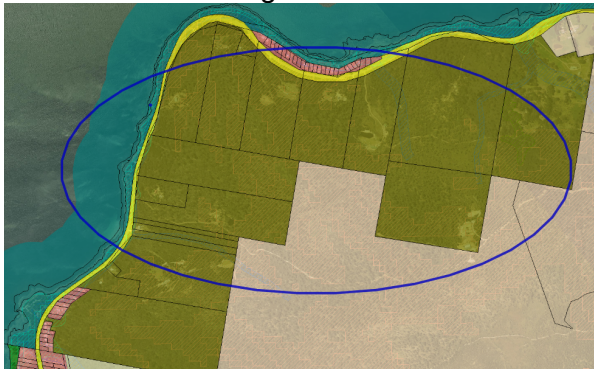
The Rural Living C Zone is the most 'like for like' zone in terms of minimum lot size, as the Environmental Living A zone has a 6ha minimum. The zoning is consistent with criteria RLZ 3 of the Section 8A guidelines.

Interim Zoning

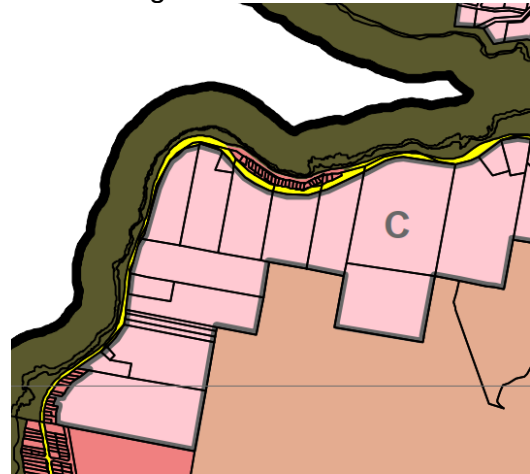
Draft LPS Zoning

#### I. Eaglehawk Neck to Taranna

Environmental Living A

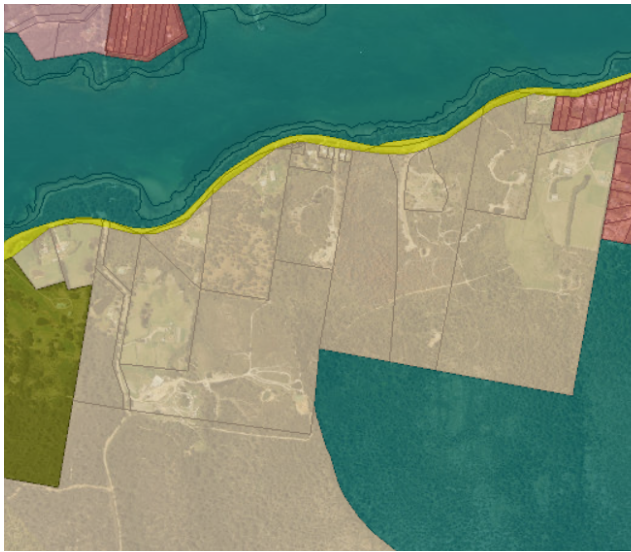
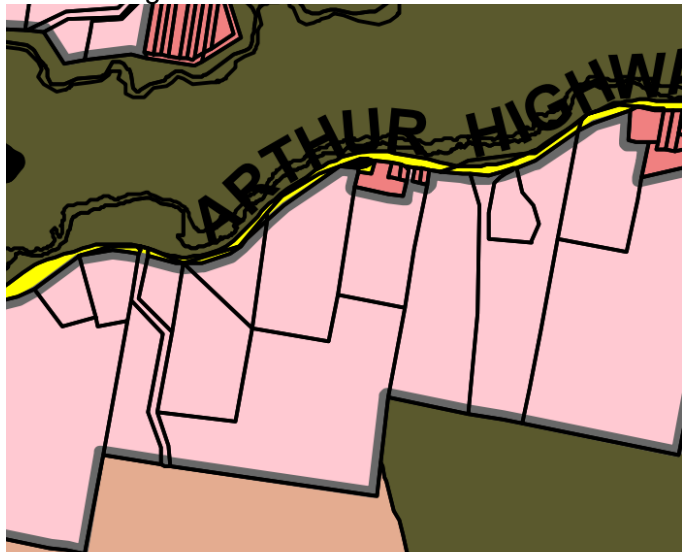



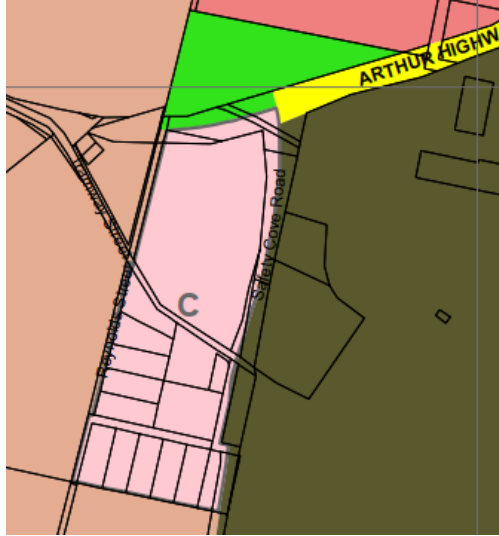
Rural Living C



### Justification and Compliance Statement

The Rural Living C Zone provides a minimum lot size of 4ha which is considered the best 'like-for-like' translation of the current zone which provides a minimum lot size of 6ha.

Interim Zoning	Draft LPS Zoning
<b>J. Eaglehawk Neck to Taranna</b>	
Rural Resource Zone 	Rural Living C 
<p><b>Justification and Compliance Statement</b></p> <p>The modification applies to a section of land between the residential zoning of Eaglehawk Neck and the current Environmental Living Zone that leads into Taranna. As noted above, the Environmental Living Zone will translate to Rural Living C and this zoning would extend that through to the residential area of Eaglehawk Neck. The area is opposite large residential and rural living areas on the northern side of Eaglehawk Bay.</p> <p>The Rural Resource zoned land is 100ha in size and consists of 22 lots. Eight of these lots are proposed for the Low Density Residential Zone as discussed previously. The 14 lots in the Rural Living C Zone have an average lot size of 7ha. Six of the lots are less than 4ha in size and a further four are less than 8ha in size.</p> <p>In response to the STRLUS, it is considered that the area forms part of the existing settlements due to its proximity to residential zoning and the overall pattern of original lots and early subdivisions which create a series of large lots on both sides of Eaglehawk Bay. The proposed zoning also creates limited subdivision potential. Therefore it is considered that the proposal is consistent with the STRLUS and in turn consistent with the Ministerial Guidelines.</p>	

Interim Zoning	Draft LPS Zoning
<b>K. Safety Cove Road, Port Arthur</b>	
<p>Rural Resource</p> 	<p>Rural Living C</p> 
<p><b>Justification and Compliance Statement</b></p> <p>The modification applies to a small number of existing lots. The Rural Living C Zone does not create any subdivision potential. In addition, the zone adjoins the existing settlement. As such, the zoning is consistent with the STRLUS and the Ministerial Guidelines.</p>	

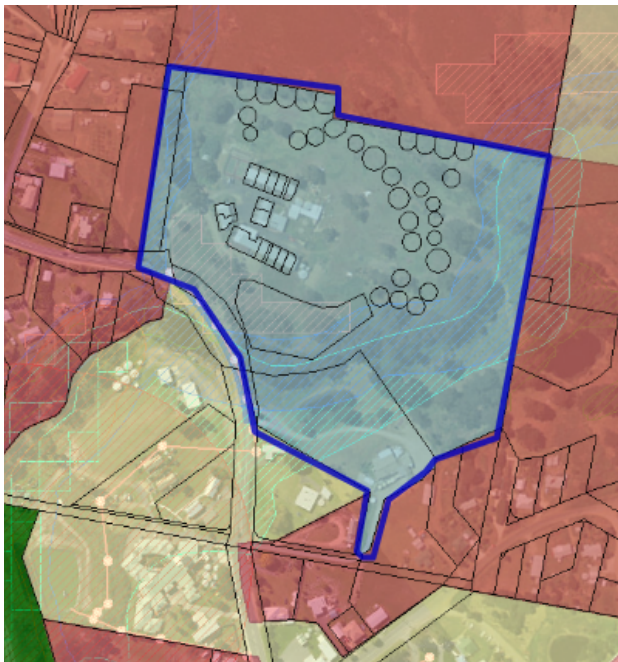
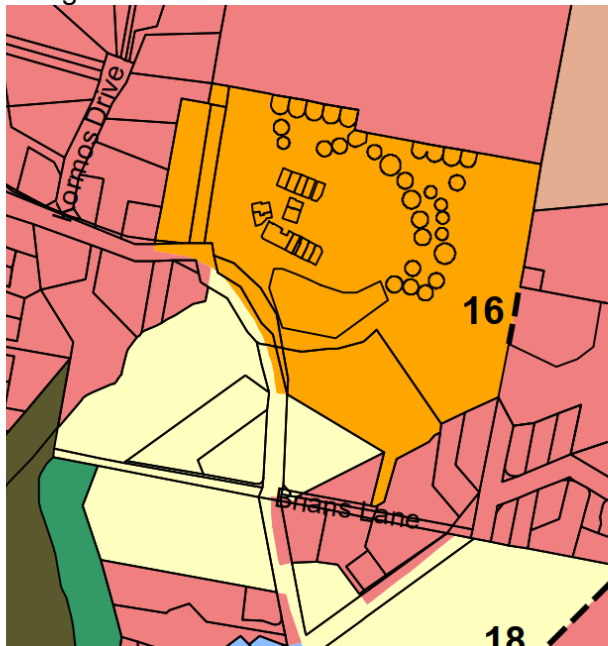


### 3.5 Village Zone (VZ)

The Village Zone is not used in the IPS. The purpose of the Village Zone is:

- To provide for small rural centres with a mix of residential, community services and commercial activities.
- To provide amenity for residents appropriate to the mixed use characteristics of the zone.

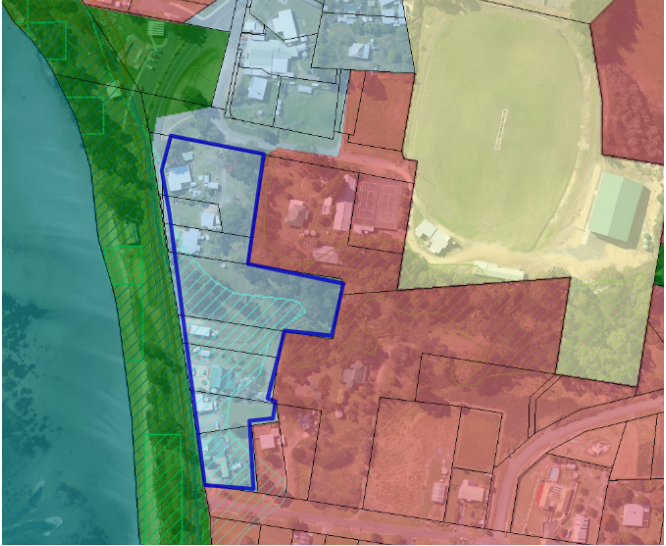
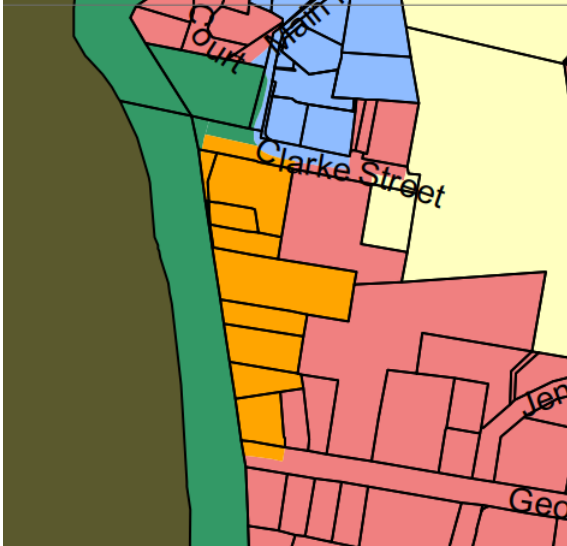
The Village Zone is applied in three areas and more closely reflects the current mix of land uses in these areas.

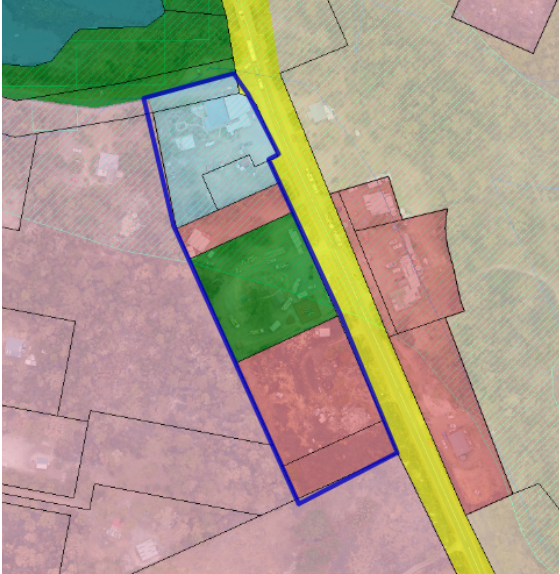
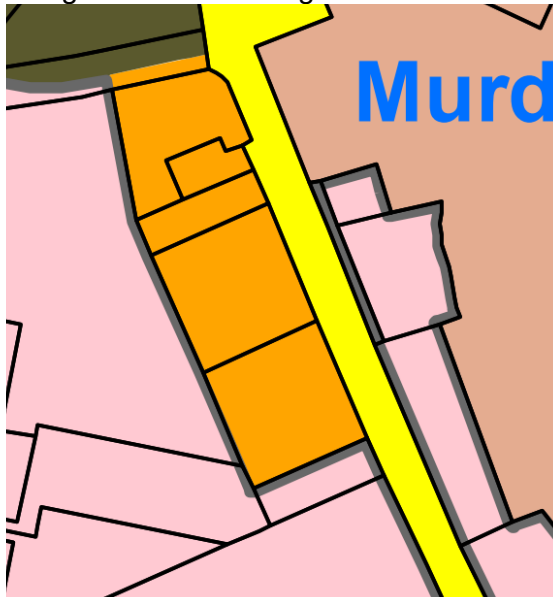
Interim Zoning	Draft LPS Zoning
<b>A. Tasman EcoVillage Nubeena</b>	
<p>Local Business</p> 	<p>Village</p> 
<p><b>Justification and Compliance Statement</b></p> <p>The Tasman EcoVillage (<a href="https://tasmanecovillage.org.au/">https://tasmanecovillage.org.au/</a>) is a co-housing complex with a Council approved Community Development Scheme (CDS) providing for a number of approved dwellings on vacant strata title lots. In addition, the site contains a café, motel, common areas and various agriculture based enterprises. The site is close to but separate from the main commercial area.</p> <p>The current Local Business does provide for all of these activities. However, the Village Zone is preferred. The Village Zone is a mixed-use zone that provides for a range of residential and non-residential activities and is considered a better fit for this site due to the dominance of residential use relative to non-residential use.</p> <p>Ministerial Guideline VZ1 states:</p> <p><i>“The Village Zone should be applied to land within rural settlements where the Urban Mixed Use Zone is not suitable and there is an unstructured mix of residential, commercial activities and community services and there is a strategic intention to maintain this mix”.</i></p> <p>The proposal furthers this guideline. Conversely, LBZ1 states:</p> <p><i>“The Local Business Zone should be applied to land within urban settlements which provides, or is intended to provide, for the business, commercial and community functions within: (a) local shopping</i></p>	

*strips; or (b) town centres for some smaller settlements".* The guidelines also limit the use of the LBZ to single sites.

In terms on land use, the zones are quite similar, as shown in the table below. However, the Use and Development Standards differ significance. In the Village Zone, for instance, residential amenity is afforded consideration that isn't available in the Local Business Zone. The Development Standards in the Village Zone are more reflective of the site and the type of development planned whereas the Local Business Zone has Standards designed to provide active street frontages in a more traditional strip or small retail centre.

Use	Local Business	Village
Bulky Goods Sales	P	D
Business and Professional Services	NPR	P
Community Meeting and Entertainment	P	P
Crematoria and Cemeteries	X	D
Custodial Facility	X	D
Domestic Animal Breeding, Boarding or Training	X	D
Educational and Occasional Care	P	P
Emergency Services	P	P
Equipment and Machinery Sales and Hire	D	D
Extractive Industry	X	X
Food Services use	NPR	P
General Retail and Hire	NPR	P
Hospital Services	X	X
Hotel Industry	P	D
Manufacturing and Processing	D	D
Motor Racing Facility	X	X
Natural and Cultural Values Management	NPR	NPR
Passive Recreation	NPR	NPR
Pleasure Boat Facility	P	D
Port and Shipping	X	X
Recycling and Waste Disposal	X	X
Research and Development	P	D
Residential	D	P
Resource Development	X	X
Resource Processing	D	D
Service Industry	D	P
Sports and Recreation	D	P
Storage	D	P
Tourist Operation	D	D
Transport Depot and Distribution	D	D
Utilities	D	D
Vehicle Fuel Sales and Service	D	D
Vehicle Parking	D	D
Visitor Accommodation	P	P

Interim Zoning	Draft LPS Zoning
<b>B. 1647, 1649, 1651, 1657, 1659, 1661, 1665, &amp; 1669 Main Road, Nubeena</b>	
<p>Local Business</p> 	<p>Village</p> 
<p><b>Justification and Compliance Statement</b></p> <p>There are eight affected lots, six of which contain residential uses and one vacant lot. The change will have minimal impact on potential land uses. From the previous site, the table of use comparison shows that the Village Zone provides a broader range of uses than the Local Business and does not restrict any use relative to the Local Business Zone.</p> <p>The strip of properties has a dominate residential character. The Village Zone Use and Development Standards are more residential in nature and better fit this existing character. This better fit is the major benefit and driver of the change.</p> <p>Ministerial Guideline VZ1 states:  <i>“The Village Zone should be applied to land within rural settlements where the Urban Mixed Use Zone is not suitable and there is an unstructured mix of residential, commercial activities and community services and there is a strategic intention to maintain this mix”.</i> The proposal furthers this guideline.</p> <p>The area is considered to be an unstructured mix of residential and non-residential uses, which is desirable given the proximity to the main commercial area of Nubeena.</p>	

Interim Zoning	Draft LPS Zoning
<b>C. 4050, 4056, 4058 &amp; 4066 Arthur Highway, Murdunna and road reserve</b>	
<p>Local Business, Low Density Residential and Open Space</p> 	<p>Village and Rural Living</p> 
<p><b>Justification and Compliance Statement</b></p> <p>The Rural Living Zone applies to the road reserve. The Village Zone applies to the local store, Jackson's Park and two residential sites. Accommodating these activities in one zone is a more straightforward zoning approach.</p> <p>In terms of the Ministerial Guidelines, LBZ4 discourages small-scale single lot application of the Local Business Zone. The guidelines for the Open Space Zone support, but do not require, the use of the zone to Jackson's Park. The Village Zone provides a NPR status to Passive Recreation uses and is therefore an appropriate option.</p> <p>Ministerial Guideline VZ1 states:  <i>"The Village Zone should be applied to land within rural settlements where the Urban Mixed Use Zone is not suitable and there is an unstructured mix of residential, commercial activities and community services and there is a strategic intention to maintain this mix"</i>. The proposal furthers this guideline.</p> <p>With respect to the residential properties the change will provide a greater potential for non-residential uses. It is considered that this potential, if taken up, would not be out of character or amenity with the area. The store and park have a high number of users which reduces residential amenity and creates some potential for non-residential uses.</p>	

### 3.6 Urban Mixed Use Zone (UMUZ)

This zone is not used in the draft LPS and is not used in the IPS.



### **3.7 Local Business Zone (LBZ)**

The provisions of the LBZ in the SPPs are similar to those contained in the interim planning scheme LBZ. The spatial application of the LBZ in the draft LPS thus reflects the LBZ in the interim planning scheme subject to modifications described earlier in which some current LBZ becomes Village Zone.

### **3.8 General Business Zone (GBZ)**

This zone is not used in the draft LPS and is not used in the IPS.

### **3.9 Central Business Zone (CBZ)**

This zone is not used in the draft LPS and is not used in the IPS.

### **3.10 Commercial Zone (CZ)**

This zone is not used in the draft LPS and is not used in the IPS.

### **3.11 Light Industrial Zone (LIZ)**

This zone is used in the IPS and will translate into the draft LPS on a like-for-like basis.

### **3.12 General Industrial Zone (GIZ)**

This zone is not used in the draft LPS and is not used in the IPS.

### **3.13 Rural Zone (RZ)**

This zone is a new zone. The application of the zone is discussed separately in this report.

### **3.14 Agriculture Zone (AZ)**

This zone is a new zone. The application of the zone is discussed separately in this report.

### **3.15 Landscape Conservation Zone (LCZ)**

This zone is a new zone. The application of the zone is discussed below.

The Ministerial Guidelines provide four criteria:

*LCZ 1 The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.*

*LCZ 2 The Landscape Conservation Zone may be applied to:*

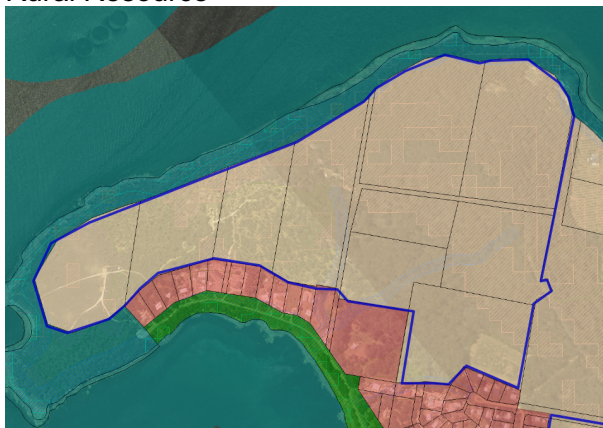
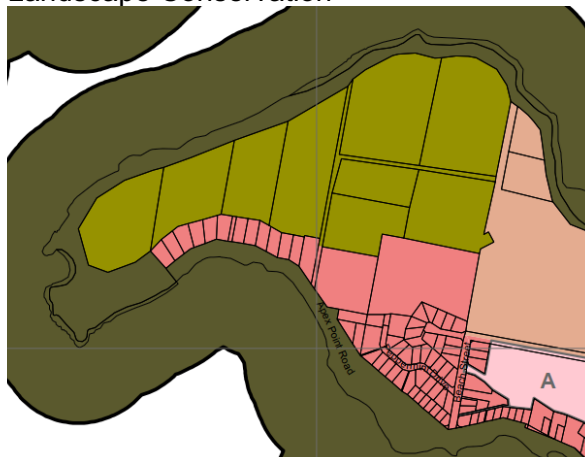
- (a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;*
- (b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or*
- (c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.*

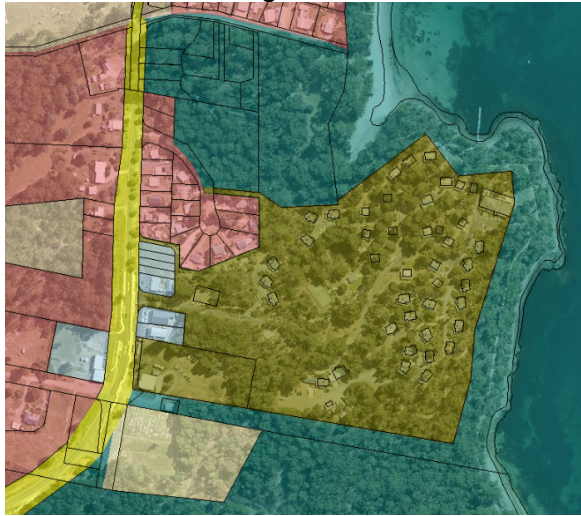

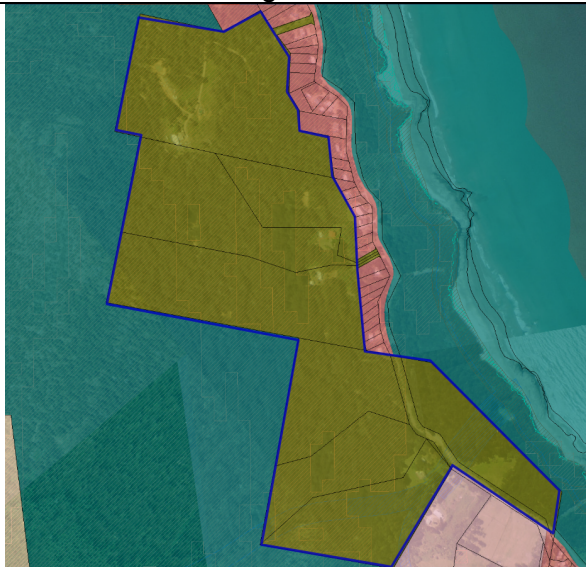
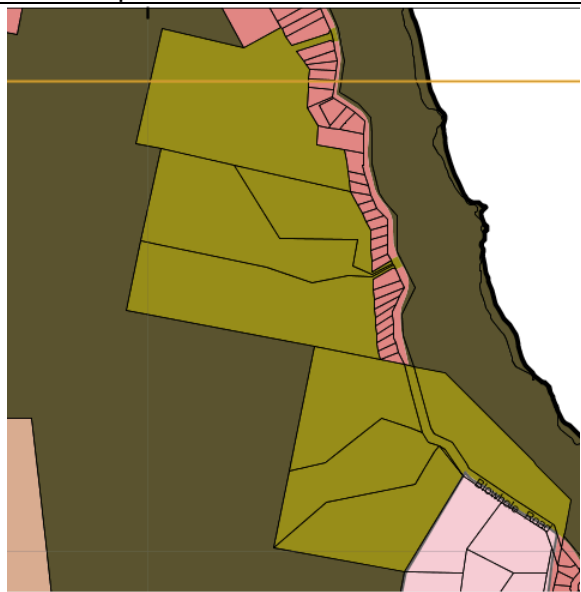
*LCZ 3 The Landscape Conservation Zone may be applied to a group of titles with landscape values that are less than the allowable minimum lot size for the zone.*


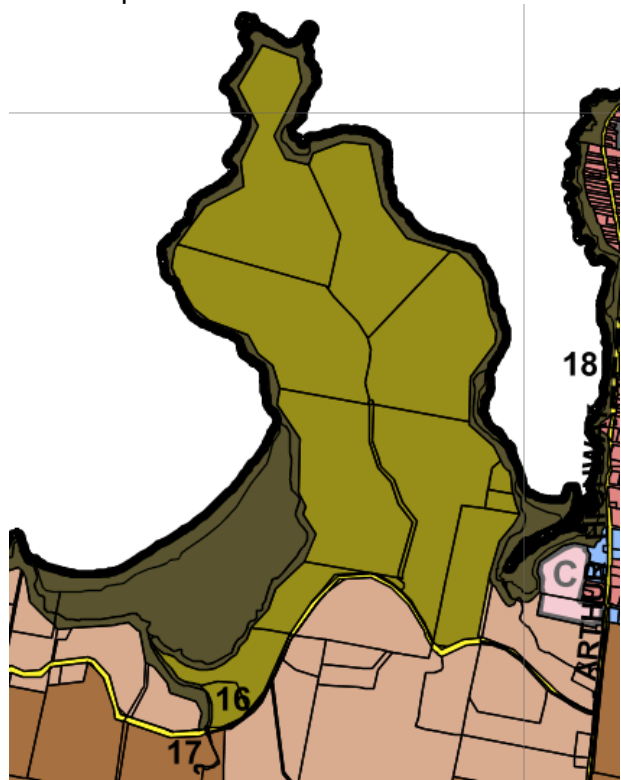
*LCZ 4 The Landscape Conservation Zone should not be applied to:*

*(a) land where the priority is for residential use and development (see Rural Living Zone); or*

*(b) State-reserved land (see Environmental Management Zone).*

Interim Zoning	Draft LPS Zoning
<b>A. Apex Point / Elbow Hill, White Beach</b>	
Rural Resource 	Landscape Conservation 
<p><b>Justification and Compliance Statement</b></p> <p>The application of the Landscape Conservation Zone is consistent with the Structure Plan. The Structure Plan recommended that this area be included in the Environmental Living Zone due to its landscape value and predominate residential use. In the SPPs framework the Landscape Conservation Zone is equivalent to the Environmental Living Zone. The Landscape Conservation Zone would continue to provide opportunities for single dwelling use and a number of non-residential uses but emphasises landscape values.</p> <p>In the SPPs framework, the Rural Zone, which is the equivalent of the Rural Resource Zone allows a range of non-residential uses to occur. A Scenic Landscape Area and a Priority Vegetation Area could be applied above the Rural Zone however the Landscape Conservation Zone is preferable due to its consistency with the Structure Plan.</p> <p>In response to the criteria, the Structure Plan has identified the landscape values as being sufficient to warrant protection but also capable of supporting single dwelling use and development. Threatened native vegetation exists at Apex Point and there are some landslide issues towards Elbow Hill, however both issues can be managed through development controls and can be managed much better under the proposed zone relative to the Rural Zone. The Landscape Conservation Zone has a 20ha minimum lot size so all existing lots subject to the modification are minimum lots which is provided for by LCZ 3. Having regard to the Structure Plan, residential use or development is considered appropriate but not the priority as it recommended an Environmental Living Zone rather than a Rural Living Zone.</p> <p>The modification is considered to be consistent with the Ministerial Guidelines.</p>	



Interim Zoning	Draft LPS Zoning
<b>B. Stewarts Bay Lodge</b>	
Environmental Living	Landscape Conservation Zone
	
<b>Justification and Compliance Statement</b> The Landscape Conservation Zone is applied as a like-for-like translation and is consistent with the Port Arthur Planning Review.	
Interim Zoning	Draft LPS Zoning
<b>J. Blowhole Road</b>	
Environmental Living A	Landscape Conservation Zone
	
<b>Justification and Compliance Statement</b> Many of the above lots are subject to conservatoin covenants and all have landscape values that are reasonably significant. The proposed zoning is considered to meet LCZ 1 and LCZ 2.	

Interim Zoning	Draft LPS Zoning
<b>L. Sympathy Point</b>	
<b>Environmental Living B</b> 	<b>Landscape Conservation Zone</b> 
<b>Justification and Compliance Statement</b> The landscape conservation zone reflects the landscape values of the site and maintains an equivalent set of standards for subdivision. The proposed zoning is considered to meet LCZ 1 and LCZ 2.	



### 3.16 Environmental Management (EMZ)

The provisions of the EMZ in the SPPs are similar to those contained in the interim planning scheme. As such, the IPS EMZ is easily translated into the draft LPS with one modification listed below.

Interim Zoning	Draft LPS Zoning
<b>A. Sommers Bay</b> Open Space 	Environmental Management 
<b>Justification and Compliance Statement</b> The modification seeks to substitute the Open Space Zone to the foreshore with the Environmental Management Zone. Both zones are quite similar and provide for similar outcomes and protection of similar values.	

### 3.17 Major Tourism Zone (MTZ)

This zone is not used in the draft LPS and is not used in the IPS.

### 3.18 Port and Marine Zone (PMZ)

This zone is not used in the draft LPS and is not used in the IPS.

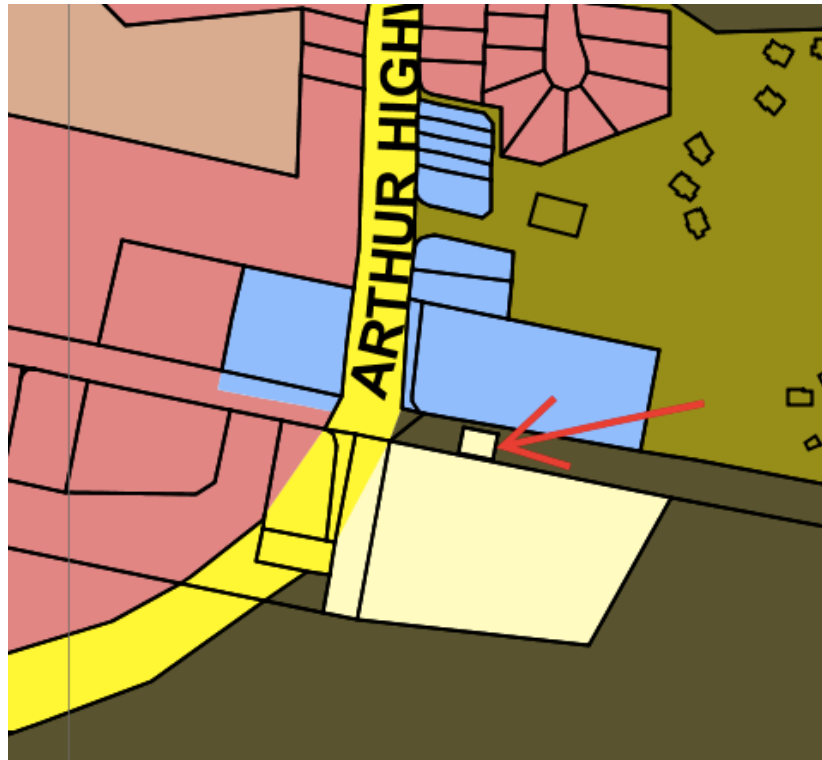
### 3.19 Utilities Zone (UZ)

The provisions of the UZ in the SPPs are similar to those contained in the interim planning scheme. Generally, the UZ is applied in a like-for-like manner in the LPS. Modification are made to include the Nubeena Wastewater Treatment Plan and Nubeena Road in the UZ.

### 3.20 Community Purpose Zone (CPZ)

The provisions of the CPZ in the SPPs are similar to those contained in the interim planning scheme. The CPZ is therefore applied in a like-for-like manner in the LPS.

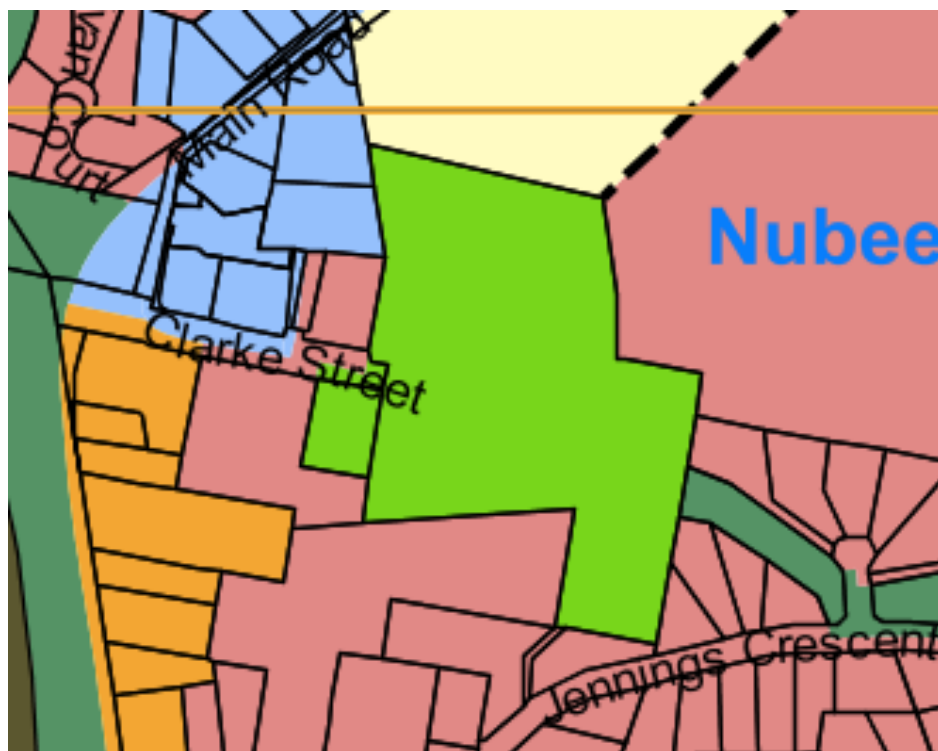
The one change to the Community Purpose Zone is to apply the zone to the Port Arthur Fire Station. Previously, the small lot on which the station sits was within the Environmental Management Zone. The is shown below.



### 3.21 Recreation Zone (RZ)

The provisions of the UR in the SPPs are similar to those contained in the interim planning scheme. The RZ is applied in a like-for-like manner in the LPS.

One modification is proposed which is to change to Nubeena Memorial Oval and Nubeena Tennis Club land from the Community Purpose Zone to the Recreation Zone, as shown below.



### 3.22 Open Space Zone (OSZ)

The provisions of the OSZ in the SPPs are similar to those contained in the interim planning scheme. The OSZ is applied in a like-for-like manner in the LPS.

### 3.32 Future Urban Zone (FUZ)

This zone is not used in the draft LPS and is not used in the IPS.

### 3.33 Application of Rural Zone and Agriculture Zone

The current IPS applies the Rural Resource Zone to almost all private land outside of settlements and rural living areas. Principally, this applies to agricultural and forestry areas. The SPPs provide for the use of either the Rural Zone or Agriculture Zone:

The Agriculture Zone provides for agricultural activities and uses that support agriculture.

The Rural Zone provides a wider range of uses where agricultural potential is limited, such as forestry, or to existing uses that have operational requirements such as buffers or require separation from other uses, such as quarries. It can also be used for lots that are 'constrained' in terms of agricultural use, such as clusters of smaller titles or lots adjoining settlements.

As these zones have no direct equivalent in the current planning scheme, a key issue for the LPS is how to apply these zones.

<i>Key differences between the Agriculture and Rural Zone</i>		
<b>Issue</b>	<b>Agriculture Zone</b>	<b>Rural Zone</b>
Intent	To provide for agricultural activities and avoid unrelated non-agricultural activities.	To provide for less significant agriculture as well as rural activities, forestry & quarries.
Subdivision	Limited potential. Subdivision must either: <ul style="list-style-type: none"><li>• provide for an agricultural use, or</li><li>• excise an existing dwelling or visitor accommodation building subject to a prohibition on a house on the balance lot.</li></ul> If for agriculture purpose the minimum lot size is determined case-by-case to suit operational needs.	Limited potential. Subdivision must: <ul style="list-style-type: none"><li>• provide a 40ha minimum lot size with discretion for smaller lot size is determined case-by-case to suit operational needs and excluding residential use, or</li><li>• excise an existing dwelling or visitor accommodation building subject to prohibition on a house on the balance lot.</li></ul>
Land Uses	Permitted uses include agriculture and activities associated with agriculture including paddock to plate type ventures. Discretionary uses must generally be associated with agriculture (transport, storage, manufacturing, bulky goods sales) but also include education & occasional care, animal boarding & food services & retail not associated with agriculture.	Permitted uses include agriculture and activities associated with agriculture, including paddock to plate type ventures as well as mining and storage among others. Few uses are prohibited, as the zone is a form of a mix use zone where many activities may be appropriate.
Residential	Discretionary. Must be associated with agriculture or located on a lot with no agricultural	Discretionary and must not impact an adjoining use.

	potential & the lot cannot be included in adjoining agricultural lots.	
Native vegetation	No consideration & no restriction. Vegetation clearing for agricultural purposes is regulated by State processes. Clearing for reasons other than agriculture is controlled by the planning scheme.	Code provisions can apply to minimise impact or to prevent clearing where values are significant.
Scenic Landscapes	May be considered via Code / Mapped Overlay.	May be considered via Code / Mapped Overlay.

The Agriculture Zone and Rural Zone must be applied in accordance with criteria specified in Ministerial Guideline No. 1. The Guidelines incorporate the results of the Tasmanian Government Agricultural Land Mapping Project. The project modelled factors such as crop suitability (based on soil, climate & topography) and water supply to identify potential agricultural land.

The Agricultural Land Mapping project had two main outputs. One output is the map of land potential suitable for inclusion in the Agriculture Zone. This is all land that due to crop suitability and water could support some form of agriculture. The second output is a subset of the first and shows lots that are constrained (in terms of being used for agricultural) by small lot size, existing non-agricultural land use such as residential development (based on capital value per ha) or proximity to residential zonings.

To apply the zones, the task of Council is to 'ground-truth' these two outputs in response to the conditions on ground and in response to the criteria set out in Ministerial Guideline No. 1.

The guidelines, as well as information on the mapping can be viewed at [www.planningreform.tas.gov.au](http://www.planningreform.tas.gov.au).

The Agricultural Land Mapping project has taken a largely precautionary approach to defining potential agricultural land. The parameters used in the modelling gave each lot *every opportunity* to be identified in the output as potential agricultural land. The effect of this conservative approach to modelling is a very large amount of land identified as potentially suitable for inclusion in the Agriculture Zone. More importantly for the task of 'ground-truthing', most of this potential area is either native vegetation, forestry or, at face value, has no agricultural potential due to slope, vegetation, and historic land use.

To assist with 'ground-truthing', the Southern Tasmanian Council's Authority engaged AK consultants to provide a more detailed set of guidelines to assist Council planners apply the Agriculture Zone. These guidelines are attached. In addition, AK consultants have reviewed draft zones. The exception to the AK advice is at Koonya (between Nubeena Road and foreshore) which is proposed for the Rural Zone due to existing levels of fragmentation but which AK consulting have recommended the Agriculture Zone.

A key issue with the use of the Rural Zone and Agriculture Zone is the approach given to Private Timber Reserves (PTRs). PTRs are prevalent through the municipal area and generally apply to land with less potential for more productive agricultural output. Consistent with the AK guidelines, the preferred zone for PTRs is Rural. To maintain a consistent zone,



land adjoining or separating a PTR is also zoned Rural where the vegetation cover and topography are similar.

A further issue is the number of small lots outside of settlements, many – but not all - of which are included in the constrained mapping produced by the State Government. Where there is a consistent grouping of such titles the AK guidelines promote the use of the Rural Zone.

The outcome of both issues results in a proposed zoning that is predominately Rural rather than Agriculture. It is also a significant reduction in the amount of Agriculture Zone compared to the initial State mapping. 32,100ha of land was identified in the State Potential as potential Agriculture Zone. The draft zone includes 13,900ha of Agriculture Zone.

Natural values have also been considered but, consistent with the AK guidelines and the Ministerial Guidelines, these values are not a major weighting in the evaluation exercise. This means that some areas of the Agriculture Zone will contain patches of high conservation value vegetation that will not be regulated by the planning scheme, but may be regulated through State or National vegetation.

Attachment 10 provides more detailed information on how these two zones have been applied, including a comparison of zoning against the Agricultural Land Mapping project.

## 4.0 Draft LPS Code Overlay Mapping

The following section outlines the SPPs and describes how the overlay have been mapped in accordance with the Ministerial Guidelines to give effect to the Code provisions.

### 4.1 Code 1.0 Signs Code

This Code is a mandatory Code and applies to all signs. The Code has no link to the LPS and does not require an overlay to operate.

### 4.2 Code 2.0 Parking and Sustainable Transport Code

This Code is a mandatory Code and applies to parking and access. The Code includes a mechanism for the LPS to include a *Precinct Parking Plan* to either lessen or increase default car parking numbers. There are no areas identified in the municipal area that warrant departure from the code provisions given the ability contained within the Code to vary car parking numbers on a case-by-case basis. The Code does not require an overlay to operate.

### 4.3 Code 3.0 Road and Railway Assets Code

This Code is a mandatory Code and applies to major roads. The Code includes a mechanism for the LPS to specify roads (either mapped or in table form) that are to be subject to attenuation provisions that consider noise mitigation within habitable buildings.

This mechanism is relevant for the Arthur Highway. The Arthur Highway is a Category 3 road in the State Road Hierarchy and the default position of the Code is that the attenuation provisions apply to the Arthur Highway. For clarity and certainty, the attenuation buffer is mapped as the overlay is included in the draft LPS.

The attenuation provisions are not warranted with respect to any local road.

### 4.4 Code 4.0 Electricity Transmission Infrastructure Protection Code

This Code provides for the protection of transmission infrastructure such as transmission lines. The Code is not applicable to the municipal area.

### 4.5 Code 5.0 Telecommunications Code

This Code is a mandatory Code. This Code has no link to the LPS and does not require an overlay to operate.

### 4.6 Code 6.0 Local Historic Heritage Code

The Code applies to places of heritage values listed in the LPS.

The following two places are included in the LPS. All other heritage listings provided in the current planning scheme are regulated by the Tasmanian Heritage Council.

41	Coastal reserve, Saltwater River. PID 2165140	Cemetery
42	Premaydena Point (end of Premaydena Point Road) PID 2164850	Cemetery

The Tasmanian Heritage Council is gradually reviewing their listed places to determine if they are of State or Local value. If this review identifies any State listed place that better fits the classification of a place of local heritage significance, amendments to the LPS will be required.

Four local historic landscape precincts were proposed by Council in the initial draft LPS. These were centred upon Saltwater River, Premaydena, Safety Cove and Koonya. All four precincts contain a number of places listed on the Tasmanian Heritage Register with a dominance of convict era listings. The precincts however also reflect the value of later buildings and patterns of agricultural land use which are considered to be of local value. These precincts were not accepted by the Tasmanian Planning Commission.

The Ministerial Guidelines provide no threshold criteria or merit-based test for local historic landscape precincts. The guidelines provide:

*LHHC2      If the planning authority has local historic landscape precincts, local heritage precincts, or places or precincts of archaeological potential, within its municipal area, the LPS must include an overlay map showing these places or precincts for the application of the code.*

Thus, the use of the historic landscape precincts ought to be a matter for the Planning Authority.

#### **4.7 Code 7.0 Natural Assets Code**

The Code has three components:

1. Future coastal refugia
2. Waterway and coastal protection
3. Priority vegetation

##### **4.7.1 Future Coastal Refugia**

The Natural Assets Code includes provisions relating to future coastal refugia for native vegetation under climate change projections. Essentially, the purpose is to identify where coastal vegetation, particularly saltmarshes and wetlands, may shift to under sea level rise.

The spatial extent of future refugia matches the related coastal inundation overlay. It essentially reflects 2100 projections of sea level and therefore where coastal vegetation may shift to if free to move as sea level rises.

The Code includes significant restrictions on use and development in areas of future coastal refugia. These include:

- Works must be for a purpose dependant on a coastal location, which precludes residential.
- Works must not impede future landward transgression of wetlands, saltmarshes and other coastal habitat by impediments or changes to drainage.
- Works must otherwise minimise impact and should generally have a light touch

The future coastal refugia generally applies to crown foreshores, but does apply to private land at Sloping Main, White Beach, Safety Cove, Nubeena and Murdunna. For this private land, the coastal inundation overlay also applies.

The shift of coastal vegetation over time encompasses more tools than planning scheme regulation alone. Such shifts would require an agreed framework across planning, road authorities and land managers to remove physical obstacles to movement, such as roads, culverts or buildings.

Thus, the Ministerial Guidelines recognise that future refugia is predominately for non-urban application and specify which zones the refugia overlay may or may not be used. The draft LPS complies with this approach.

#### **4.7.2 Waterway and Coastal Protection**

The mapped overlay is based on a base 'scientific' map supplied by the Tasmanian Government which applies a 10m, 20m, 30m or 40m buffer to waterways or high water mark dependant on their scale.

#### **4.7.3 Priority Vegetation Area**

Section LP1.7.5(b) of the SPPs requires the LPS to contain a Priority Vegetation Area overlay map that may:

- include threatened native vegetation communities as identified on TASVEG Version 3 published by DPIPWE;
- be derived from threatened flora data from the Natural Values Atlas published by DPIPWE;
- be derived from threatened fauna data from the Natural Values Atlas for the identification of significant habitat for threatened fauna species, published by DPIPWE.

A Planning Authority may modify the above by field verification, analysis or mapping that:

- finds anomalies or inaccuracies in the State data,
- provides more recent or detailed local assessment of the mapping and data; or
- identifies native vegetation or habitat of local importance.

The base TASVEG and Natural Values Atlas data incorporates broad sweeping ranges of threatened fauna and is of mixed accuracy. To provide a more precise and consistent starting point, all Tasmanian Councils have engaged Natural Resource Management Pty Ltd to use their 'Regional Ecosystem Model' (REM). A summary description of the model is included at Appendix 9. The REM is a complex layering of biodiversity values that can be specified to focus on particularly values of importance in a region or of more importance to the planning system due to the nature of impacts in the planning system versus other regulatory systems. In summary, the REM:

- Integrates spatial data on the distribution of the major components of biodiversity, and the factors affecting them, such as habitat mapping;
- Models key biodiversity attributes, such as likely habitat for certain species;
- Analyses the relationships among the components of biodiversity and the environment; and
- Spatially identifies areas which have immediate or potential conservation concerns, and provides indicators of their relative importance, to inform approaches and priorities for management.

The IPS allows for low, medium and high category biodiversity values which correspond to a hierarchy of planning regulation consistent with an minimise, mitigate or avoid outcome focus. This graduation of significance and degree of regulatory intervention does not exist within the SPPs. In reality, some biodiversity values are clearly more important than others particularly those that are relatively scarcer or have experienced a proportionally higher rate of clearance. Within the REM, specific & tailored planning approaches can be considered to prioritise certain values.

The SPPs have regard to four types of biodiversity values. In the following table, these four types are listed in the left-hand side column whilst the middle and right-hand columns broadly describe how those are reflected in the REM. Again, Attachment 9 provides more detail on the REM.

Definition in SPP	Asset/issue as per REM	REM
Forms an integral part of a threatened native vegetation community as prescribed under Schedule 3A of the <i>Nature Conservation Act 2002</i>	Threatened communities	Standard REM attribute.
A threatened flora species	Threatened species	All threatened flora species are modelled based on recorded locations and rule sets for each species
Forms a significant habitat for a threatened fauna species	Threatened species/hollow dwelling habitat	All threatened fauna species modelled habitat, other than those classified as 'Landscape Dependent Fauna'
Native vegetation of local importance	Potential habitat for threatened species	Threatened fauna species modelled habitat for 'Landscape Dependent Fauna'
	Other priority species (non-threatened)	Na
	Relative reservation	Native vegetation communities with <30% reservation in bioregion
	Relative rarity	Native vegetation communities with <2,000 ha in bioregion
	Clearing bias	Na
	Connectivity	Na
	Remnant vegetation	Native vegetation remnants (<200 ha) on land components cleared of >70% of native vegetation
	Riparian vegetation	Na
	Vegetation condition	Na
	Landscape Ecological Function	Na

#### **4.8 Code 8.0 Scenic Protection Code**

This Code is an optional Code. The Code applies when a LPS includes a mapped scenic protection area or scenic protection corridor (i.e., along a road).

The current interim planning scheme does not include any scenic protection area or scenic protection corridor and, as such, none are proposed in the LPS.

The identification of scenic values for specific regulation is not a simple matter. It requires landscape values to be identified, described and prioritised and for specific management objectives for each instance to be prepared. It is best pursued as a specific project.

#### **4.9 Code 9.0 Attenuation Code**

This Code is a mandatory Code. The purpose of the Attenuation Code is to address potential conflict through noise, odour or other issues that can be generated from industrial scale use.

The LPS may include a mapped overlay around specific sites. If the LPS does not include a mapped overlay the Code will apply based on distances specified in the SPPs for specific land uses. For instance, there are standard distances around abattoirs. If a house is proposed within the attenuation distance, it is discretionary and is assessed on the basis that a house must not impact the existing abattoir. Conversely, if a new abattoir wishes to establish with a lesser distance to an existing house then the abattoir must protect the established residential amenity.

The interim planning scheme relies on the non-mapped approach. A non-mapped approach is retained in the LPS.

There are advantages and disadvantages to this. The mapped approach is more transparent and better assists in due diligence by purchasers of land, etc. It is also far simpler to administer. Conversely, mapped approaches are fixed, unresponsive to new or up-scaled activities and, if wrong, difficult to correct.

Ideally, the best of both approaches would exist through a non-statutory map on a public website with the statutory process triggered by the table of distances. A non-statutory map could be developed outside of the LPS process.

#### **4.10 Code 10.0 Coastal Erosion Hazard Code**

This Code is a mandatory Code. The LPS must include a mapped overlay developed by the Department of Premier and Cabinet (DPAC), through the Office of Security and Emergency Management's natural hazard mitigation program.

The mapping provides four levels of hazards: low, medium, high and investigation. Specifically, the LPS must adopt 'Version 3' of the erosion mapping, which is an update from 'Version 1' used in the interim planning scheme. More detailed information on the mapping is available at <http://www.dpac.tas.gov.au/divisions/osem>

The 'investigation' area applies where there is some uncertainty on the underlying geology which must be resolved by on-ground verification. DPAC are working on a simple assessment form for owners to undertake this verification and limit the need for expert assessment. The investigation area applies most commonly to undeveloped coastline. The Premaydena Store and adjoining title are the only two private properties included in the investigation area.

The full overlay does affect a number of lots at Sloping Main, White Beach, Nubeena, Stewards Bay and Carnarvon Bay. It also applies to several sections of roads.

Importantly, the SPPs differs to the current scheme. Within existing settlements most planning applications will be exempt from the Code regardless of whether the development is within the overlay or not. Rather, the response to coastal erosion is regulated by the building permit process. This approach is based on the premise that erosion hazards require a technical or engineering on-site response only.

With respect to road works, minor widening is exempt. Major road reconstruction incorporating shoreline protection works or lateral movements away from the shoreline are likely to be subject to the Code.

#### **4.11 Code 11.0 Coastal Inundation Hazard Area**

This Code is a mandatory Code. Similar to coastal erosion, the LPS must include a mapped overlay provided by the Department of Premier and Cabinet (DPAC), through the Office of Security and Emergency Management's natural hazard mitigation program.

The mapped overlay is 'version 3' mapping produced by DPAC. The mapping is significantly more accurate and reliable than the mapping in the current interim planning scheme. This is because of more detailed elevation data that is available for settlements.

Similar to the coastal erosion code, the SPPs defer consideration of coastal inundation to the building permit process.

#### **4.12 Code 12.0 Flood-Prone Areas Code**

This Code is an optional Code that considers riverine flood risk. This Code is not used in the LPS.

#### **4.13 Code 13.0 Bushfire Prone Areas Code**

This Code is a mandatory Code. The Code can apply by either a mapped overlay or text-based description. The Tasmanian Fire Service have prepared a mapped overlay, which is adopted into the LPS. Other than for relatively small parts of Nubeena and White Beach, all areas are considered bushfire prone.

#### **4.14 Code 14.0 Potentially Contaminated Land Code**

The Code is a mandatory Code. The LPS can include a mapped overlay of alternatively the Code will apply based on provisions in the SPPs that list activities that may have contaminated land. The draft LPS does not include a mapped overlay.

#### **4.15 Code 15.0 Landslip Hazard Code**

This Code is a mandatory Code. The LPS must include a mapped overlay which is provided by the Department of Premier and Cabinet (DPAC), through the Office of Security and Emergency Management's natural hazard mitigation program. This mapped overlay is the same as what applies to the current interim planning scheme.

#### **4.16 Code 16.0 Safeguarding of Airports Code**

This Code is applicable to a very small part of the municipal area.

## 5.0 Draft LPS Written Document

Section 34(2) of LUPAA requires that an LPS must contain all the provisions that the SPPs specify. Some of these provisions are mandatory while others are optional. The mapping requirements have been discussed in detail above. The structure of the written component of an LPS is outlined in the SPPs at Appendix A of the LPS requirements, and includes:

- Local Area Objectives (LAO);
- Particular Purpose Zones (PPZs);
- Specific Area Plans (SAPs);
- Site Specific Qualifications (SSQs);
- Code lists for the Local Historic Heritage Code and Coastal Inundation Code.

The Draft LPS does not include any LAO or any PPZs. The current IPS does include LAO which, in practice, offer little assistance in decision-making and are therefore not brought forward into the LPS. The IPS does not include in PPZs.

### 5.1 Specific Area Plans

The draft LPS includes the SAP for viewshed protection around the Port Arthur Historic Site. This SAP apply to the LPS via transitional provisions that exclude it from public submissions and merits-based assessment.

The principle behind transitioning provisions is that the specific planning policy they express have been tested through a public process and should be preserved and continue to apply, albeit in the context of the TPS. Because the planning policy has been through a public process, transitioning provisions are not subject to representations.

Schedule 6, clause 8C(3) of LUPPA provisions for transitioning provisions to include 'permitted alterations'. Permitted alterations include changes to reflect terminology used in the SPPs and structural adjustments necessary to match the SPPs structure.

With respect to onsite wastewater management, additional controls are necessary due to the reliance across the Tasman municipal area on such systems.

There are varying types of wastewater management systems, but they all consist of a treatment tank (i.e., a septic tank or a mechanised tank) and a land application area usually being either subsurface trenches or irrigation.

Among other matters, the capacity of any lot to accommodate dwellings, outbuildings, driveways and land application areas is dependent upon the size of the lot, the soil type, the surrounding environment and the size of buildings.

Each onsite wastewater management system will require a permit under the *Building Act 2016*. Each system is designed by accredited consultations based on onsite investigations and soil and water conditions and in accordance with *Australian Standard 1547 On-site domestic wastewater management*. This is a technical assessment of the functioning of the proposed system relative to the area of the site on which it is to be located. Council considers that that sustainable wastewater management involves more than a technical assessment. Rather, matters such as future private open space, car parking and access, boat storage and impervious surfaces such as paving must all be considered upfront as each can adversely impact the functioning of a technically compliant system.



Good practice is for the design of buildings to occur in conjunction with the design of on-site wastewater management system. If this does not occur, then insufficient and/or inadequate area may be provided at the planning stage which must then be rectified at the building stage. In some instance, rectification may not be possible or will incur additional cost or delay.

In Council's interim planning scheme a wastewater code existed to manage the legacy issues.

Looking to the SPPs there is no mechanism to alert developers of the restrictions placed on smaller lots for wastewater disposal when designing their dwellings. This is problematic when great expense goes into preparing development plans that potentially cannot accommodate wastewater disposal adequately.

The purpose of the SSQ is to address these issues in a simple, consistent manner without changing the approval pathway for any application and thus minimising the effect of additional regulation to the cost of administrating the planning scheme or to applicants. The SSQ applies by a mapped overlay to all land within the Low Density Residential Zone and provides a mechanism to consider wastewater disposal at the earliest point possible.

The SAP is drafted to:

- be as simple as possible;
- not impose any technical requirements with the potential of conflicting with the requirements of section 9 the *Building Act 2016*;
- not alter the approval pathway for any application and thus minimising the effect of additional regulation to the cost of administrating the planning scheme or to applicants.

The premise is that whenever the site coverage Acceptable Solution is exceeded, the additional building footprint leads to a greater risk that onsite wastewater management systems will not correctly function. Thus, for any such circumstance on a legacy lot of less than 1000m<sup>2</sup> then consideration must be given to the design of the onsite wastewater management system. The lot size of 1000m<sup>2</sup> is used as this is the minimum lot size for the zone in the SPPs. Across the municipal area there are numerous lots ranging in size from 600-1000m<sup>2</sup> that are a legacy of previous subdivision approvals. The ongoing development of these lots for dwellings larger than the Acceptable Solution of 30% site coverage may result in insufficient area being available to accommodate onsite wastewater disposal within the lot boundaries.

The SAP provides one development standard. The acceptable solution is that development does not cover more than 30% of the site. This is equivalent to the site coverage standard in the Low Density Residential Zone as provided in the SPPs. The performance criteria require that there is sufficient area for onsite wastewater management having regard to topography, size and shape, soil, existing buildings, private open space, and potential environmental impacts.

This additional Performance Criteria is not considered onerous as the SPPs already include in the Performance Criteria for a site coverage variation that has regard to the amount of impervious area for stormwater management purposes. Onsite wastewater management is a far more important matter than stormwater.

Section 32(4) of LUPPA provides the merit criteria for whether the SSQ can apply to the LPS. The section states that the SSQ must be necessary for reasons that the land *“has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or in modification of, the provisions of the SPPs”*.

The additional level of difficulty of servicing smaller lots is well recognised. This can create problems to owners of the land and adjoining property owners. This issue is exacerbated where it is concentrated in specific locations and is compounded by a number of smaller properties disposing of wastewater within close proximity to each other.

Tasman Council acknowledges that reticulated sewerage services are highly likely to be provided by TasWater. This is important with respect to the economic component of the s32(4) test. In other areas, failure to adequately manage onsite wastewater has resulted in public sewerage systems being installed or being investigated. The southern beaches, Lauderdale and Coles Bay are current examples of these issues. These are contested, costly, and large-scale public works necessary to rectify inadequate management of private systems.

Sorell Council have proposed a SAP that also addresses wastewater management but does so with a much higher degree of complexity and which consequently requires a higher level of assessment. Effectively, this approach requires the detailed design of on-site wastewater management to be assessed at both the planning and building stages. A detailed, duplicated planning stage assessment may be required for more challenging sites, but this will not always be the case and the SAP proposed by Tasman Council retains some flexibility. In doing so Tasman Council acknowledges that the building permit system is the main regulatory of on-site wastewater management and seeks to support developers achieve acceptable outcomes of that system through a relatively small intervention that ensures on-site wastewater management is factored into the initial design work for challenging sites.

## **5.2 Site Specific Qualifications**

Site Specific Qualifications (SSQs) can vary use or development standards for individual, or multiple, sites. The LPS includes SSQs with respect to:

- 5803 Arthur Highway, Taranna which contains the existing Parks and Wildlife Service depot.
- Maintaining the existing qualification for a transport depot at 30 George Street, Taranna (CT 106513/1).
- Maintaining the current permitted status for the Premaydena general store (CT 147094/1).
- Maintaining the permitted status for the Lavender farm retail complex (CT 146020 / 2, 6555 Arthur Highway, Port Arthur).

## **6.0 Compliance with the LPS Criteria – Section 34 of LUPAA**

The following provides a statement of compliance in support of the draft LPS against the provisions of LUPPA and is structured to respond to each criteria in the legislation in turn.

### **6.1 Structure of LPS as determined by the SPPs**

Section 34(2) of LUPAA requires that a LPS (Local Provisions Schedule) must contain provisions (i.e., the zones and codes) as specified within the SPPs (State Planning Provisions)

at Clause LP1.0. The Tasman LPS will include zone maps, overlap maps, code provisions, specific area plans and local area objectives.

## **6.2 Contents of LPS as determined by Section 32 of LUPAA**

Section 32 provides a list of matters that an LPS must, or may, contain. These are addressed in turn. The relevant clauses which may be viewed at [www.thelaw.tas.gov.au](http://www.thelaw.tas.gov.au).

### **6.2.1 Municipal Area (32(2)(a))**

The LPS specifies that it applies to the Tasman municipal area in accordance with the SPPs template.

### **6.2.2 Mandatory SPP requirements for an LPS (32(2)(b))**

The mandatory requirements are adopted in full.

### **6.2.3 Spatial Application of the SPPs (32(2)(c))**

Section 32(2)(c) and (e) requires that a LPS must contain maps, overlays, lists or other provisions that provide for the spatial application of the SPPs. Section LP1.0 of the SPPs outlines the manner in which the spatial application of the SPP's is to be represented.

The draft LPS is prepared in accordance with the application and drafting instructions included in the SPPs and in Guideline No.1 - Local Provisions Schedule Zone and Code Application issued by the TPC. Further clarification of how the zones and codes have been applied is found throughout this report.

### **6.2.4 Section 11 and 12 of LUPAA (32(2)(d) & (f))**

Section 11 & 12 of LUPAA outline the matters that a planning scheme may, or may not, regulate.

The LPS has been prepared in a manner consistent with the scope of powers provided at clauses 11(2), 11(3) & 11 (4). The LPS does not propose any provisions that refer to a code of practice (11(6)) and there are no proclaimed wharf areas in the municipal area.

Section 12 recognises the continuing use and development rights for those uses and developments that were in existence before new planning scheme provisions take effect, or that have been granted a permit but have not yet been completed. Some, but not all, non-conforming uses that are protected by section 12 are identified in the body of the report.

The draft LPS does not seek to regulate matters outside the jurisdiction prescribed in sections 11 & 12 of LUPAA.

### **6.2.5 Use of Overlays and Lists (32(2)(e))**

The SPPs include a number of Codes that are only given effect through maps or lists in the LPS. These are listed at section 2.1 of this report.

### **6.2.6 Land Reserved for Public Purposes (32(2)(g))**

The draft LPS does not expressly reserve land for public purposes. The true meaning of this clause is not clear. For instance, the 1979 Tasman Planning Scheme included 'reservations' for parks, forestry or other purposes rather than zoning the land. Some of the zones applied in the LPS do limit the use of land for public benefit such as the application of the Community Purpose and Open Space Zones to public facilities and public open space. However, the use of these zones is not considered relevant for s32(2)(g)

#### **6.2.7 Application of the detail of the SPPs to a particular place or matter (32(2)(h))**

The LPS applies to SPP via zones and overlays consistent with Ministerial Guideline No. 1.

#### **6.2.8 Overriding Provisions (32(2)(i))**

Overriding provisions exist through Site Specific Qualifications (SSQs). Justification for each of these is provided for by this report.

#### **6.2.9 Modification of Application of SPPs (32(2)(j))**

The draft LPS does not seek to modify the application of the SPPs. The SPPs are applied to land, use and development in accordance with the directions prescribed in Section LP1.0 of the SPP's and in consideration of Ministerial Guideline No.1.

#### **6.2.10 Limitations of LPS (32(2)(k) & (l))**

The provisions at s32(2)(k) & (l) prevent an LPS from including provisions that:

- the SPP specifies cannot be included in an LPS;
- otherwise exist in the SPP; and
- are inconsistent with the SPP.

The draft LPS is compliant with these limitations.

#### **6.2.11 LPS may include (32(3), (4) & (5))**

The LPS may include particular purpose zones, SAPs and SSQs.

A SAP is proposed for the Port Arthur viewshed which is to be adopted via transitional arrangements within LUPPA. A number of SSQs are also proposed. Section 32 (4) provides a merit based test of what an LPS may include via a particular purpose zone, specific area plan or site specific qualifications. For an LPS to include these provisions, it must be shown that:

*(a) a use or development to which the provision relates is of **significant social, economic or environmental benefit** to the State, a region or a municipal area; or*

*(b) the area of land has **particular environmental, economic, social or spatial qualities** that require provisions, that are **unique** to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.*

In terms of (a) 'a region' is not defined. It may mean the southern region, a sub-region such as the 'south east' or part of the Tasman municipal area. Thus, the main considered under (a) is that there is a significant benefit to social, economic and environmental factors. In terms of (b) the test is whether there are unique qualities to an area that require additional planning provisions. For both (a) and (b) the tests of significance and uniqueness create a high bar for justifying provisions that are to override the SPP.

## 6.3 LPS Criteria – Section 34 of LUPAA

### 6.3.1 Schedule 1 of LUPAA – Objectives (34 (2) (c))

The first priority of a planning scheme is to meet the overarching objectives of LUPAA. LUPAA emphasis ‘sustainable development’, which is defined as:

*managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while:*

- a) Sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and*
- b) Safeguarding the life supporting capacity of air, water, soil and ecosystems; and*
- c) Avoiding, remedying or mitigating any adverse effects of activities on the environment.*

Above this, LUPAA contains various Schedule 1 Objectives which expand upon the above concept.

The following provides an overview of how the LPS will address the sustainable development objectives.

*Part 1 Objective: (a) To promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity.*

The priority vegetation area in the draft LPS is based on the Regional Ecosystem Model (REM). The REM is being used by all Tasmanian Councils to prepare their priority vegetation area.

The SPP restricts the priority vegetation area to certain zones only. Of note, the Agriculture Zone and Low Density Residential Zone (other than for subdivision) is excluded from the priority vegetation area.

The SPP policy of excluding agricultural land from the priority vegetation area has regard to other legislation within Tasmania. This includes the Forest Practices System, which applies to land clearing for agricultural purposes, and the *Threatened Species Protection Act 1995* which applies to any threatened species regardless of what provisions apply in a planning scheme. However, the operational effect of the SPP is that vegetation removal in the Agriculture Zone for visitor accommodation, dwellings or other buildings will effectively be exempt from planning assessment regardless of any conservation value.

The purpose of the Agriculture Zone is to provide for potential agricultural activities. Agricultural landscapes have numerous patches of native vegetation with variable levels of conservation significance. It is not practical to exclude these patches from the Agricultural Zone nor possible under the SPP and associated guidelines.

The other operational effect of the SPP is to two different tiers of protection for native vegetation.

The LPS must be prepared in accordance with the provisions of the SPP. However, it is not clear that the LPS will further the above RMPS objective to the extent necessary given the limitations associated with the priority vegetation area.

Looking beyond the priority vegetation issue, the LPS otherwise provides adequate protection to natural and physical resources by:

- protection of natural watercourses and wetlands, in a manner similar to the interim planning scheme;
- applying the Environmental Management Zone to reserves;
- having regard to potential coastal refugia;
- using the best available data and method to prepare the priority vegetation area through the Regional Ecosystem Model; and
- containing settlements to existing footprints.

*Part 1 Objective: (b) to provide for the fair, orderly and sustainable use and development of air, land and water.*

With the exception of rural areas, the LPS provides minimal change to the zoning of land from the current interim planning scheme.

Within towns, some relatively minor changes are proposed and these are specifically identified in Section 6

In rural areas, the Rural Zone, Agriculture Zone and Landscape Conservation Zone are essentially new zones. Use and development control within each zone is established by the SPP, and the application of the zones informed by Ministerial Guidelines.

Attachments to this report provide a high level summary of changes between the IPS and the SPP which, among other elements, identifies where use rights (permitted or discretionary) vary.

*Part 1 Objective: (c) to encourage public involvement in resources management and planning.*

The LPS must undergo public exhibition for 60 days prior to being approved.

*Part 1 Objective: (d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c).*

Provided (a), (b) and (c) are delivered without unreasonable or unnecessary constraints on development opportunity the above objective will be facilitated.

*Part 1 Objective: (e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.*

This objective is pursued through legislative processes and ongoing relationships between local government and State agencies. A number of State agencies have been consulted to date.

*Part 2 Objective: (a) to require sound strategic planning and co-ordinated action by State and local government.*

The new scheme will incorporate Council and State strategic planning, including the identification of land hazards and the SPP.



*Part 2 Objective: (b) to establish a system of planning instruments to be the principle way of setting objectives, policies and controls for the use, development and protection of land;*

This is a procedural objective.

*Part 2 Objective: (c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.*

The LPS will apply zones in a manner that has consideration of environmental, social and economic effects.

*Part 2 Objective: (d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation, and resource management policies at State, regional and municipal levels.*

This is a procedural objective.

*Part 2 Objective: (e) to provide for the consolidation of approvals for land use and development and related matters, and to co-ordinate planning approvals with related approvals.*

This is a procedural objective.

*Part 2 Objective: (f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania.*

The draft LPS furthers this objective through:

- Including the best available information and mapping on land hazards.
- Providing sufficient zoning for residential and visitor accommodation development within settlements for the medium term.
- Providing opportunities for commercial use in settlements through appropriate zoning.
- Providing opportunities for industrial development in appropriate locations.
- Providing the Recreation Zone and Open Space Zone where appropriate and including provisions in the SPP to consider walkability in new subdivisions.
- Applying appropriate zone and overlay controls to key public infrastructure.

*Part 2 Objective: (g) to conserve those buildings and areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*

The Local Heritage List maintains all existing heritage listings. The list includes private and public owned land, however public reserves and national parks include a number of other heritage and cultural places of value.

*Part 2 Objective: (h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.*

All major public infrastructure is included in the Utilities Zone.

The SPPs have a lesser consideration of stormwater infrastructure relative to the interim planning scheme does. It could be possible that development occurs that exceeds existing stormwater infrastructure capacity leading to external costs being borne by ratepayers or to conflicts with decisions of the Council when acting as a Stormwater Authority under the *Urban Drainage Act 2013*.

Council is required to prepare a Stormwater System Management Plan identifying management strategies to address capacity, environmental performance or risk mitigation as necessary. A Stormwater System Management Plan could fill the regulatory gap left by the SPPs

*Part 2 Objective: (i) to provide a planning framework which fully considers land capability.*

The State methodology that produced the 'Land Potentially Suitable for Agriculture Layer' to provide a recommendation for the State's agricultural estate, has taken into account land capability.

The draft LPS has examined at a more local level the constraints to land and the capability of the land.

### **6.3.2 State Policies (s34(2)(d))**

Section 34(2)(d) of LUPAA requires that a LPS is consistent with each State Policy. State Policies are made under Section 11 of the *State Policies and Practices Act 1993*. There are three State Policies and a number of National Environment Protection Measures (NEPM's) which have the effect of being State Policies.

#### **State Policy on the Protection of Agricultural Land 2009**

The purpose of the State Policy is to:

*conserve and protect agricultural land so that it remains available for the sustainable development of agriculture, recognising the particular importance of prime agricultural land.*

The stated objectives of the policy are:

to enable the sustainable development of agriculture by minimising:

- (a) conflict with or interference from other land uses; and
- (b) non-agricultural use or development on agricultural land that precludes the return of that land to a agricultural use”.

The eleven principles that support the policy relate to the identification of valuable land resources and the matters that can be regulated by planning schemes.

The SPP's were examined against the principles of the PAL Policy in the development of the Rural and Agriculture Zone provision.

Ministerial Guideline No.1 requires that land to be included in the Agriculture Zone should be based on the 'Land Potentially Suitable for Agriculture Zone', a methodology developed by the State through consultants Macquarie Franklin ([www.planningreform.tas.gov.au](http://www.planningreform.tas.gov.au)). The guidelines state:

*The guideline provides that in applying the zone, a planning authority may:*

*also have regard to any agricultural land analysis or mapping undertaken at a local or regional level for part of the municipal area which:*

- (i) incorporates more recent or detailed analysis or mapping;*
- (ii) better aligns with on-ground features; or*
- (iii) addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer.*

Further local analysis of the results of the State layer was undertaken for the draft LPS to determine the land that should be included in the Agriculture Zone.

### **Tasmanian State Coastal Policy 1996**

The *State Coastal Policy 1996* (SCP) applies to the site as it is within 1 km of the high water mark.

The SCP three main guiding principles are:

- Natural and cultural values of the coast shall be protected.
- The coast shall be used and developed in a sustainable manner.
- Integrated management and protection of the coastal zone is a shared responsibility.

The SCP incorporates a number of themes, all of which have associated policy statements, including:

- Natural Resources & Ecosystems
- Cultural & Historic Resources

- Cultural Heritage
- Coastal Hazards
- Coastal Uses & Development
- Marine Farming
- Tourism
- Urban & Residential Development
- Transport
- Public Access & Safety
- Public Land
- Recreation

Many of these themes are addressed in equivalent terms in other strategic documents including the STRLUS and Nubeena / White Beach structure plans.

Largely, the SCP is implemented via the application of zones and the provisions within the SPPs. Public reserves and foreshore reserves are in the Environmental Management Zone or Open Space Zone. Urban zoning maintains current settlement footprints.

The SPP has regard to coastal development works, similar to the interim planning scheme.

In addition, overlays apply to:

- Within 40m of high water mark and along all watercourses
- Coastal inundation and erosion hazards
- Local heritage places within 1km of the coast

### **State Policy on Water Quality Management 1997**

The State Policy on Water Quality Management 1997 (the Policy) is concerned with achieving:

*sustainable management of Tasmania's surface water and groundwater resources by protecting or enhancing their qualities while allowing for sustainable development in accordance with the objectives of Tasmania's Resource Management and Planning System.*

The SPP require the mandatory inclusion in the LPS of the State mapped waterway protection areas, which are based on buffer distances contained in the current interim planning scheme and derived from the Forest Practices System.

The SPP also provides for the ability to condition permits to require sound construction practices such as soil and water management – which is also a requirement of the *Building Act 2016*.

### **National Environmental Protection Measures**

National Environmental Protection Measures (NEPMs) have the effect of being a State Policy and include:

- National Environment Protection (Air Toxics) Measure
- National Environment Protection (Ambient Air Quality) Measure
- National Environment Protection (Assessment of Site Contamination) Measure
- National Environment Protection (Diesel Vehicle Emissions) Measure

- National Environment Protection (Movement of Controlled Waste between States and Territories) Measure
- National Environment Protection (National Pollutant Inventory) Measure
- National Environment Protection (Used Packaging Materials) Measure

Some NEPMs are outside the jurisdiction of LUPAA. However, some aspects are addressed through various SPP provisions relating to matters such as water quality, amenity impacts on residential uses due to noise emissions and site contamination assessment.

### 6.3.3 Southern Tasmanian Regional Land Use Strategy 2010 – 2035 (STRLUS) (s34(2)(e))

The draft LPS is consistent with the various policy positions. Attachment 3 provides a statement against each specific policy.

#### 6.3.3.1 STRLUS Growth Management Strategies

A major aim of the STRLUS is to make efficient use of existing land and infrastructure through compact settlement strategies. Through compact settlements, other policy position relating to maintaining agricultural and natural resources are optimised.

The draft LPS maintains current urban boundaries to make use of existing infrastructure and minimise the encroachment of urban land into agricultural or natural landscapes. Urban growth will be provided through a combination of subdivision of larger titles within settlement footprints and smaller subdivisions. Multiple dwelling development are a minor component based in past approvals.

Table 3 and 4 of the STRLUS provide a growth management strategy for each settlement. This includes both a growth strategy, which outlines projected demand for dwellings and a percentage of growth allowed, and growth scenario, which specifies if such growth should be from infill, greenfield or a mix of both. An extract of Table 3 and Table 4 is shown below.

TABLE 3: GROWTH MANAGEMENT STRATEGIES FOR SETTLEMENTS

SETTLEMENT	PROPOSED REGIONAL FUNCTION	GROWTH STRATEGY**	GROWTH SCENARIO
Nubeena	Township	Moderate	Mixed
Orford	Township	Low	Consolidation
Swansea	Township	Moderate	Consolidation
Ouse	Township	Low	Consolidation
Hamilton	Township	Low	Consolidation
Richmond	Township	Moderate	Consolidation
Dunalley	Township	Low	Consolidation
Adventure Bay, Alonnah, Bagdad, Buckland, Campania, Colebrook, Coles Bay, Eaglehawk Neck, Ellendale, Gretna, Kettering, Maydena, Miena, Murdunna, Pontville, Port Arthur, Taranna, Tarraleah, Westerway, Woodbridge	Village	Low	Mixed
All other settlements	Other Small Settlements or Locality	Very Low	Consolidation

\*For all settlements categorised as 'township' or lesser, the growth strategy indicated does not preclude growth possible under existing capacity

**TABLE 4: GROWTH MANAGEMENT STRATEGIES FOR SETTLEMENTS**

SETTLEMENT	INFLUENCES ON POPULATION FLUCTUATIONS
Bicheno	Tourism Industry & Shack/Holiday Homes
Bruny Island Settlements	Tourism Industry & Shack/Holiday Homes
Coles Bay (including Swanick)	Tourism Industry & Shack/Holiday Homes
Eaglehawk Neck (including Pirates Bay)	Primarily Shack/Holiday Homes
Highland Lakes Settlements	Tourism Industry & Shack/Holiday Homes
Nubeena/White Beach	Primarily Shack/Holiday Homes
Orford/Spring Beach	Primarily Shack/Holiday Homes
Port Arthur (including Stewarts Bay)	Tourism Industry & Shack/Holiday Homes
Swansea	Tourism Industry & Shack/Holiday Homes

Table 3 specifies the percentage-based growth management strategy as well as the growth scenario for settlements. The purpose of Table 4 is to recognise the particular growth pressures and management challenges facing popular holiday and shack locations.

The STRLUS states that Table 4 “*identifies settlements which are subject to seasonal fluctuations in population and which require more detailed local level structure planning to ensure both residential and tourism related growth is managed appropriately having regard to infrastructure, environmental and social issues.*”

The STRLUS was prepared following a series of background reports. Page 19 of Background Report 14 notes:

*The ‘Shack’ and Holiday Homes*

*The demand projections for the region do not include demand for new dwellings for use as holiday homes. Tasmania has a strong ‘shack’ culture. Long established shack settlements are evident across the region. These are either in coastal areas, often directly adjacent to beach front locations, or scattered throughout the highland lakes district, capturing opportunities for pastimes such as trout fishing.*

*While the character of many shack settlements within the region has evolved there remain evidence of continuing demand for additional dwellings for holiday purposes. Within the Central Highlands, Glamorgan Spring Bay and Tasman municipal areas the analysis of dwelling approvals against population growth across the last 10 years shows strong dwelling growth that exceeds the demand generated from population growth and demographic change combined. This is supported by strong physical evidence that these construction trends can be attributed to growth in holiday homes. Hotspots for holiday home growth include White Beach, Eaglehawk Neck, Coles Bay (including Swanwick), Orford/Spring Beach and the Highland Lakes (see Table 26 under Background Report No. 2).*

Thus, Table 4 provides for local level planning to accommodate the additional demand (i.e., above that specified in Table 3) for housing stock or land due to tourism and seasonal population fluctuations.

Table 4 does not set aside the ceiling on growth determined at Table 3, but could allow additional residential zoning to be considered in order provide for tourism related growth through motels, holiday units or other forms of visitor accommodation. Estimating the

additional demand due to visitor accommodation is difficult for a number of reasons. One particular issue is that the current regulation of short-stay accommodation provides little practical difference between visitor accommodation use and residential use. Both uses are typically no permit required or permitted in the Low Density Residential Zone, and owners can therefore switch from short-stay to permanent use with limited or no planning intervention or control. Short-stay accommodation platforms are a market innovation that did not exist when the STRLUS was developed.

### **6.3.3.2 Interpretation of STRLUS Growth Management Strategies**

There are a number of interpretation challenges with the growth management strategies, including lack of prescribed boundaries in the STRLUS and no baseline data to measure the percentage of growth from.

The STRLUS was adopted when the former *Tasman Planning Scheme 1979* and *Sorell No 46 Planning Scheme 1992* were in place. Thus, the growth management strategies informed the allocation of residential zoned land in the current interim planning scheme, however the specifics of this were not documented. Accordingly, it is necessary to:

- State the spatial extent of the location referred to in Table 3 and Table 4;
- Review the amount of residential zoned land and the subdivision potential afforded by the 1979 and 1993 planning schemes;
- Review the amount of residential zoned and the subdivision potential afforded by the current interim planning scheme; and finally
- Review the modifications proposed in the LPS.

The table below details how the growth management strategies have been applied since the adoption of the STRLUS.

#### **What rules apply to White Beach**

Table 3 refers to Nubeena but does not refer to White Beach. Table 4 refers to “Nubeena / White Beach”. The omission at Table 3 is considered an error. As can be seen in Table 3, other Tasman Peninsula settlements of Eaglehawk Neck, Murdunna, Taranna and Port Arthur are grouped together and specified. White Beach has a higher population than any of these and it would be unreasonable to have included White Beach as one of the “All other settlements” listed at the bottom of Table 3. Given Table 4, the error is that “Nubeena” was listed rather than “Nubeena / White Beach”. The alternative to this would be that White Beach was omitted from Table 3 and therefore has no growth management strategy.

Moreover, Nubeena and White Beach are planned together at a local level through the Nubeena / White Beach Structure Plan and are also combined in Table 4 of the RLUS.

#### **Interpreting Table 3 and 4.**

##### ***Potential lots and dwellings***

The potential number of lots in a location is a direct function of the zone applied and the minimum lot size. There may be other constraints on potential lots such as road frontage, infrastructure, individual financial capacity, individual desire to develop, existing lot sizes and existing development, however such detail consideration is unnecessary and a level of



detail beyond that considered in the STRLUS. This view is evident by the lack of any detailed analysis behind the growth management strategies expressed in Table 3. It is considered appropriate to have regard to the permitted minimum lot size, rather than any discretionary pathway.

As multiple dwellings are uncommon within the Tasman municipal area, there is in turn a one to one relationship between potential lots and potential dwellings.

### ***Spatial extent of the locations***

The STRLUS does not make it clear if the locations referred to relate to a suburb or a discrete location. For instance, the Eaglehawk Neck suburb includes Doo Town, Pirates Bay and Penzance whilst the locality is much small. In Table 3, 'Eaglehawk Neck' is used whilst Table 4 refers to 'Eaglehawk Neck (including Pirates Bay)' but makes no mention of Doo Town.

State suburb boundaries are a widely used and relatively fixed spatial boundary and it is considered reasonable that the authors of the STRLUS would refer to these. State suburb boundaries however include residential and non-residential areas. As Table 3 and 4 address residential land only, the spatial extent would be all land within the Low Density Residential Zone within the State suburb boundary.

As Rural Living land use is addressed elsewhere in the STRLUS, Rural Living zones are not relevant, along with all rural type zones.

### ***Baseline Housing Stock***

The STRLUS provides for a percentage increase above an unknown base level of housing stock. The STRLUS is prepared based on the 2006 census but was approved after the 2011 census. The housing stock recorded at the 2011 census is relevant as it is the closest point in time measurement. There are two limitations of the census figures:

1. Any point in time count is complicated by lags between the issue of building permits, and the issue of occupancy certificates and completions and their subsequent inclusion in census data.
2. The census data is available at either a Urban Centre Location (UCL) boundary or State Suburb boundary. The UCL has been used for Nubeena and for White Beach, and the State Suburb boundary for others. Both these boundaries include Rural Living and Rural areas, leading to more houses included in the baseline than would be the case if only houses in the Low Density Residential Zone were counted.

For these reasons, the baseline housing stock shown in the table below is considered to be an overcount; but it is the best available count.

### ***Findings***

The move from the 1979 and 1992 planning schemes into the interim planning scheme significantly increased the minimum lot size for most locations. As such, the potential number of lots was substantially reduced below the existing potential. As shown in the following table, for all settlements the lot potential measured in gross terms is below the allowable increase for each town that is provided in Table 3 of the STRLUS.

As such, Table 4 has not been applied.

The draft LPS submitted by Council included a number of additional areas of residential zonings that were not accepted by the TPC. It is considered that the additional zones do comply with the growth requirements of Table 3. The TPC have not expressed stated to the contrary but it is understood that they have not accepted the rationale in Table 3. Looking ahead, consideration of the additional zoning provided by Table 4 will be relevant in any re-consideration of these zones.

Application of STRLUS Growth Management Strategies for draft LPS as proposed								
A. STRLUS Location & Strategy	B. Baseline Housing Stock	C. Allowable Dwelling by STRLUS	D. Gross Density pre STRLUS	E. Gross Density in IPS	F. Additional Gross Density in LPS	G. Yield Analysis	H. Net <sup>1</sup> Change from pre STRLUS to LPS	H. Summary
Nubeena  Moderate & Mixed under Table 3	154	16	1766 lots;  55ha Closed Residential <sup>2</sup> @ 800m <sup>2</sup> (nominal) is 688; and  86.2ha Coastal Village @ 800m <sup>2</sup> is 1078	864 lots;  129.6 ha LDRZ @ 1500m <sup>2</sup> is 864	Additional 4300m <sup>2</sup> of LDRZ.  4300m <sup>2</sup> of LDRA @ 1500m <sup>2</sup> is 2 lots	Yield Analysis: +2 lots (43654/3)	Negative 904 based on estimated LPS yield and LPS gross density	LPS complies with Table 3
White Beach  Moderate & Mixed under Table 3	479	96	2242 lots;  98.1ha Closed Residential @ 800m <sup>2</sup> nominal is 1226;  97.3ha Coastal Village @ 800m <sup>2</sup> is 1216	1498 lots;  224.7ha @ 1500m <sup>2</sup> is 1498	Additional 26.9 ha of LDRZ.  26.9 ha @ 1500m <sup>2</sup> is 179 lots	Yield Analysis: +120 lots being:  + 105 lots (136169/1 & others; +5 lots (61237/1 & others);	Negative 624 based on estimated LPS yield and negative 565 based on LPS gross density	LPS complies with Table 3

<sup>1</sup> IPS zones are to centreline of road which can add several thousands of square metres to the zone areas. The calculations include land occupied by roads.

<sup>2</sup> The former Closed Residential Zone has no minimum lot size. The minimum lot size of the Coastal Village Zone is applied in lieu.

Application of STRLUS Growth Management Strategies for draft LPS as proposed								
A. STRLUS Location & Strategy	B. Baseline Housing Stock	C. Allowable Dwelling by STRLUS	D. Gross Density pre STRLUS	E. Gross Density in IPS	F. Additional Gross Density in LPS	G. Yield Analysis	H. Net <sup>1</sup> Change from pre STRLUS to LPS	H. Summary
Port Arthur  Low & Mixed under Table 3	293	30	496 lots;  Carnarvon Bay: 35ha Coastal Village @ 800m <sup>2</sup> is 438  Illawong Dr and Kurvale Road: 4.6ha Coastal Village @ 800m <sup>2</sup> is 58	373 lots;  Additional 16.4 ha from commercial and rural landscape @ 1500m <sup>2</sup> is 109;  39.6ha @ 1500m <sup>2</sup> is 264	No change from IPS	No change from IPS	Negative 123	LPS complies with Table 3
Taranna  Low & Mixed under Table 3	200	20	779 lots;  57.8ha Coastal Village @ 800m <sup>2</sup> is 723 lots;  13.4ha Village Infill @ 4000m <sup>2</sup> is 34 lots;  1.7ha Closed Residential @ 800m <sup>2</sup> is 22 lots	487 lots;  73 ha @ 1500m <sup>2</sup> is 487 lots	Additional 2.1ha of LDRZ  2.1ha of LDRZ @ 1500m <sup>2</sup> is 14 lots.	Yield Analysis:  +4 lots at 5481 & 5841 Arthur Hwy (1.25ha lacks frontage).	Negative 288 based on estimated LPS yield and negative 278 based on LPS gross density	LPS complies with Table 3
Murdunna  Low & Mixed under Table 3	35	36	619 lots;  62.7 ha Village Township <sup>3</sup> @ 1012M <sup>2</sup> is 619 lots	418 lots;  62.7 ha plus 1.8ha @ 1500m <sup>2</sup> is 418 lots	No change from IPS	No change from IPS	Negative 201	LPS complies with Table 3

<sup>3</sup> The subdivision standard stated "Generally the minimum 'lot', in this area shall be in accordance with the 'Act' subject to the approval of the Municipal Health Surveyor ...". The Local Government Act 1962 applied and provided a minimum lot for a country building area of one rood (1012m<sup>2</sup>).

Application of STRLUS Growth Management Strategies for draft LPS as proposed								
A. STRLUS Location & Strategy	B. Baseline Housing Stock	C. Allowable Dwelling by STRLUS	D. Gross Density pre STRLUS	E. Gross Density in IPS	F. Additional Gross Density in LPS	G. Yield Analysis	H. Net <sup>1</sup> Change from pre STRLUS to LPS	H. Summary
Eaglehawk Neck  Low & Mixed under Table 3	408	40	814 lots;  41.7ha Village Township @ 1012m <sup>2</sup> is 412;  23ha Village Infill @ 4000m <sup>2</sup> is 58;  11.5 Coastal Village @ 800m <sup>2</sup> is 144;  16ha Closed Residential @ 800m <sup>2</sup> is 200.	691 lots;  103.7ha @ 1500m <sup>2</sup> is 691	Additional 17.4ha of LDRZ  17.4ha of LDRZ @ 1500m <sup>2</sup> is 116 lots.	Yield Analysis:  +20 lots being;  +10 lots (178 Blowhole Road & surrounds);  +7 lots (32389/1 & 129078/1); and +3 lots (527 Arthur and surrounds)	Negative 103 lots based on estimated LPS yield and negative 7 lots based on LPS gross density	LPS complies with Table 3

#### **6.4 Tasman Council Ten Year Strategic Plan, 2015-2025 (s34(2)(f))**

The Tasman Council Ten Year Strategy Plan, 2015-2025, describes a number of key issues facing Tasman municipal area over the planning period, outlines the Council's vision and provides five key focus areas of:

- Develop productive advocacy, alliance and engagement partnerships.
- Continue to develop and maintain supportive relationships with the community.
- Manage the opportunities and challenges associated with increased visitation to the area.
- Strive for a balance between development, environment and lifestyle and retain natural, heritage and social values.
- Identify funding needs and revenue opportunities.

Of these focus areas, the first two are considered minor with respect to land use planning.

The third focus area, which considers the opportunities and challenges of growing visitations, is principally relevant to land use planning through opportunities created which generate new business or dwelling demand, which creates challenges that are captured through the fourth key focus area. This fourth key focus area is the focus for considering section 34(2)(f) of LUPAA.

Overall it is considered that the draft LPS provides a balance between the identified values. Opportunities are provided for in each settlement for continual growth for residential, community or commercial purposes. The rural and agricultural zones also provide opportunity for expansion of agriculture and rural activity. This is important given the significant potential for paddock to plate type activities to capture increased local expenditure from Port Arthur visitors and to create additional activities to promote overnight stays rather than day-trips.

Balance with potential and necessary development is provided for by a number of standards in the planning scheme. When natural values or hazards are present, the planning scheme will require consideration of biodiversity, waterway protection, heritage, bushfire management and management of coastal hazards. More restrictive zones are also applied to Crown land and foreshore areas which set a higher bar for potential developers. Finally, the inclusion of historic landscape precincts at older settlement areas and convict sites, as well as the continuation of the Port Arthur viewshed, protect key social and economic landscapes for the benefit of the community.

The final focus area is relevant given revenue and asset management implications from new development. In this regard, settlement zonings do not seek to extend the spatial extent and future development will have no implications for new infrastructure but may affect asset renewal or maintenance programs depending on market demand for land or housing. As no expansion is proposed however the revenue of any future development is likely to meet or exceed road and stormwater servicing costs.

##### **6.4.1 Nubeena / White Beach Structure Plan**

Land supply and housing approvals for Nubeena and White Beach has been discussed previously. Other key points of the Structure Plan include:

## Vision

---

### ***The vision for the future of Nubeena and White Beach for the next 20 years is:***

*The Structure Plan adopts a cohesive approach to planning in the Nubeena/ White Beach settlement, supporting distinctive but complementary roles for each.*

*Nubeena will be promoted as the principal employment, retail and educational centre for the settlement with emphasis placed on high quality architectural design, a more compact urban form and strengthened links to existing facilities. White Beach will be developed as the principal holiday accommodation destination, with emphasis placed on protecting and strengthening its picturesque hamlet style character.*

*The settlement area will be marketed as a key tourist destination within the Tasman Peninsula, the gateway to the Three Capes Walk and a popular location for food tourism.*

*Together the settlements will develop as a vibrant coastal area which continues to provide a strong educational and medical focus for the region, supports opportunities for future investment and fosters balanced population growth.*

The objectives and recommended actions in Section 9 provide support for and further this vision.

## Assessment Criteria

15 criteria were identified to assess potential options identified in the structure planning process (ref: Table 22).

## Identification of Options

Seven potential options were identified and evaluation against the criteria.

## Recommended Option

The recommended option incorporated:

- *The provision of strategically identified, suitable and limited expansion locations (Option 1)*
- *The promotion of infill residential development (Option 2).*
- *Consolidating the town centre into one main activity node (Option 4).*
- *Ensuring village housing developments are located around the town centre (Option 7).*

The recommended option is considered consistent with the vision statement by:

- *Providing a diversity of housing choice responsive to natural hazards and attributes.*
- *Strengthening the role and form of Nubeena's town centre.*
- *Promoting sustainable land use through infill development and unit developments around the town centre.*



### Settlement Structure

The description of the settlement structure notes that each area is contained within the coastline and undulating hills which has produced a linear layout albeit one that is broken up by the undulating topography and low points. Key issues identified include the fragmented settlement structure, lack of defined public spaces and entrances to the settlements, limited pedestrian connectivity and inconsistent commercial streetscapes.

### Infrastructure

The Structure Plan notes that reticulated sewer is limited to a small TasWater asset serving some commercial and community properties. Reticulated water is not available.

There are no planned reticulated services. Under the SPP framework and ministerial guidelines, the lack of services means that the Low Density Residential Zone must be applied. This zoning precludes higher densities.

NBN fixed wireless services are available. Electricity reticulated is provided by TasNetworks.

### Population

Key points noted in the Structure Plan include:

- *The median age in Nubeena White Beach is higher than the state average.*
- *The median housing loan repayment amount in Nubeena White Beach is significantly lower than the state median.*
- *Tasman and Nubeena White Beach has a significantly below state average median weekly household income.*
- *Unemployment rates in 2006 were higher than the state and regional average, particularly in Nubeena.*
- *Nubeena has a higher than average indigenous population.*

### Dwelling Supply & Demand

The Structure Plan notes that between 2008 and 2030, the population of both Nubeena and White Beach is projected to increase by 71 persons using the high growth scenario from the 2008 State Demographic Change Advisory Council. This requires 91 additional dwellings for permanent residents (4.1 per year on average) and a further 130 holiday houses (5.9 per year on average).

### Urban Design

The Structure Plan recommends a number of good design outcomes for commercial and residential development. For White Beach, for instance, use of eaves to add visual interest through light and shade and use of a range of colours, including bright colours reflecting boating colour schemes. In Nubeena, new building should be respectful of scale of existing.

## **6.4.2 Port Arthur Planning Review**

The Port Arthur Planning Review 2018 was undertaken in the context of the current transition from the Tasman Interim Planning Scheme (2015) to the Tasmanian Planning Scheme.

The review focused on the opportunity to review whether the current interim planning scheme

zoning would facilitate land use that meet current and projected future needs of residents and visitors. This requires consideration of various issues and particularly tourism growth generated by visitors to the Port Arthur Historic Site and the Three Capes Walk, among other destinations and activities.

The review incorporated various documents including the Port Arthur Streetscape Plan, March 2017 and the Tasman Peninsula 3-4 Star Accommodation Investment Feasibility and Business Case Study, July 2016.

All recommendations of the Port Arthur Planning Review are implemented in the draft LPS.

The review is available at:

[https://www.tasman.tas.gov.au/download/Port\\_Arthur\\_Planning\\_Review/Port-Arthur-Planning-Review-Draft-for-Community-Consultation.pdf](https://www.tasman.tas.gov.au/download/Port_Arthur_Planning_Review/Port-Arthur-Planning-Review-Draft-for-Community-Consultation.pdf)

#### **6.4.3 Tasman Tourism Development Strategy 2011-2016**

The goal of the Tasman Tourism Development Strategy is to increase overnight visitor stays in the Tasman Region.

A number of governance, marketing and destination development actions are listed.

Actions relevant to land use planning include:

- 3.2.1 Develop an investment program which identifies gaps and opportunities, potential sites for development, potential partners (asset owners) to implementation stage
- 3.3.1 Support and encourage food and beverage establishments and adventure and activity operators through the identification of existing assistance programs for small businesses
- 3.3.2 Develop an innovative experience for the loop road to encourage visitors around the Peninsula.
- 3.11 Adopt the six Key Principles for Tourism Development Planning within the planning framework:
  - Principle 1 Adoption of national standards and accreditation for developments
  - Principle 2 Consistency with planning reform at regional and state levels
  - Principle 3 Flexibility in planning controls, particularly for visitor accommodation
  - Principle 4 Use of appropriate consultation processes
  - Principle 5 Encouragement of adaptive reuse of heritage sites for tourism developments
  - Principle 6 Recognition of significant visual and cultural landscapes
- 3.13 Implement a new planning approach to tourism developments:
  - 3.13.1 Prepare a new Planning Scheme that covers the entire Tasman municipal area to provide greater consistency for developers and the local community; this should be based on the Common Key Elements Template and the directions of the Southern regional Planning Framework

- 3.13.2 Develop a development guidance document for tourism proposals which deals with location, design, construction materials, heritage and environmental assessments, access, services and landscape setting
- 3.13.3 Incorporate greater flexibility in planning instruments to reflect the diversity of tourism activities, visitor accommodation types and local economic factors
- 3.13.4 Implement a simplified development approval process for short-term accommodation facilities.

The SPPs are enabling of the actions listed. The Low Density Residential Zone, Village Zone, Local Business Zone, Rural Zone, and Agriculture Zone provide for tourism attractions and visitor accommodation, including food and beverage establishments. The planning scheme maintains an open discretion for heritage listed buildings for adaptive reuse purposes.

Visual landscapes are not directly regulated in the LPS. At the time of writing the southern region has engaged Inspiring Place Pty Ltd to progress an initial project on identifying visually significant landscapes, which is a long-outstanding action from the Southern Tasmanian Regional Land Use Strategy implementation plan. This can be pursued as a separate project.

#### **6.4.4 Tasman Destination Action Plan 2016-2018**

The Tasman Destination Action Plan seeks to increase visitor numbers, length of stay, expenditure, satisfaction and regional dispersal. It outlines the opportunities and challenges faced by the local industry and provides six priority areas related to brand identity, improved facilities and services, infrastructure and product development, investment attraction, leveraging existing large-scale activities and leadership. Given the need for most new tourism ventures and new or upgraded infrastructure to obtain land use permits, the destination action plan is the useful and relevant document to consider.

The Tasman Destination Action Plan is provided at Attachment 8.

## **6.5 Adjoining Municipal Areas and Coordination (s34(2)(g))**

Section 34(g) requires that the planning scheme:

*as far as practicable, is consistent with and co-ordinated with and LPS's that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates.*

At the time of writing, adjoining municipal areas do not have advanced draft LPSs to review. At the boundary with Sorell land to either side will be Rural or Agriculture together with foreshore areas in the Environmental Management Zone. The shared land boundary is minimal in distance and the significance of s34(2)(g) accordingly limited.

## **6.6 Gas Pipelines Act 2000 (s34(2)(h))**

This is not applicable to the municipal area.

## **7.0 Attachments**

### **7.1 Attachment 1 – Flow Chart of Process**

See separate PDF document

### **7.2 Attachment 2 – Differences between the State Planning Provisions and current planning scheme.**

See separate PDF document

### **7.3 Attachment 3 - STRLUS Compliance Statement**

See separate PDF document

### **7.4 Attachment 4 – AK Consulting Guidelines for Rural and Agricultural Zones**

See separate PDF document

### **7.5 Attachment 5 – Regional guidance on scenic landscape identification**

See separate PDF document

### **7.6 Attachment 6 – Council Strategic Plan**

See separate PDF document

### **7.7 Attachment 7 – Destination Action Plan**

See separate PDF document

### **7.8 Attachment 8 – Regional Ecosystem Model**

See separate PDF document

### **7.0 Attachment 9 – Rural and Agriculture Zoning**

See separate PDF document