

Our Ref: AMD2022002

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3 July 2023

Mr Michael Hogan  
Delegate (Chair)  
Tasmanian Planning Commission

[tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au)

Dear Mr Hogan

**Response to Directions – Draft Amendment AMD02/2022  
Rezone various lots from the Environmental Management Zone**

I refer to your letter of 21 December 2022 and enclose a response to the directions issued.

Also enclosed is a request to modify the amendment with the inclusion of an additional privately owned property at 9 Aldridge Street, York Town which is proposed to be included in the Landscape Conservation Zone.

Through the section 40K report on representations concerning the amendment, Council proposed a modification of the amendment to include 637 Greens Beach Road, York Town (CT 21561/3) be included entirely in the Rural Zone.

The owner of the property has provided additional information in relation to the continuing farming operations on the property since the 1980's. This letter has been included in Appendix 6.

If you would like to discuss this matter further please contact me on 6323 9300 or via email at [michelle.riley@wtc.tas.gov.au](mailto:michelle.riley@wtc.tas.gov.au).

Yours faithfully



**Michelle Riley  
MUNICIPAL PLANNER**

## Request to modify draft amendment

### 9 Aldridge Street, York Town

Council requests a modification to the amendment to include an additional privately owned property in York Town.

Address	Title Reference	PID
9 Aldridge Street, York Town	Not available	6107052



The property was inadvertently excluded in the original amendment and most likely wasn't identified in queries for privately owned properties as a title reference is not available.

A modified draft amendment is included in Appendix 1.

The Executor of the Estate has consented to the property being included in the amendments (see Appendix 2).

The assessment included in Council's draft amendment provided under section 40F(4) of the *Land Use Planning and Approvals Act 1993* (the Act) regarding York Town equally apply to this property and the responses to the directions below have been prepared with this property included.

The inclusion of 9 Aldridge Street, York Town in the Landscape Conservation Zone is not a significant change to the amendment as it is:

- supported by the consent of the landowner (see Appendix 2);
- consistent with the proposed amendment of zoning surrounding the property;
- one additional lot amongst 32 properties in this location that are subject to the proposed amendment;

- the natural features and constraints on the property are similar to those of surrounding properties and have been considered in the original request and the response to directions included in this submission and the conclusions of that assessment is not different, and does not raise additional constraints or considerations;
- It meets the LPS criteria as demonstrated in the original assessment against the LPS criteria and the response to directions below;
- There is a general understanding amongst property owners in this location that the amendment is intended to relate to all privately owned properties and I unlikely to have resulted in additional or different representations during public exhibition of the amendment; and
- is unlikely to attract additional representations as a result of its inclusion.

## Response to Directions

### 1. Coastal hazards and values

A number of the titles subject to the draft amendment contain coastal hazard overlays. These coastal hazards may include coastal erosion, coastal inundation, future coastal refugia areas, and waterway and coastal protection areas.

The planning authority is to provide information on the suitability of the proposed zones and the permitted uses applicable in these zones, where pre-existing hazards and values apply. While the Commission requests a response to this matter for all sites with coastal hazard / values overlays and within 1km of the high water mark, specific reference is made to the following sites:

- 1180 Greens Beach Road, Kelso
- various titles in York Town
- 154, 156 and 166 Flinders Street, Beauty Point
- 4432 West Tamar Highway, Beauty Point
- 14 and 52 Stony Brook Road, Blackwall
- 162, 164, 180 and 188 Gravelly Beach Road, Blackwall
- 82A Gravelly Beach Road, Blackwall
- 2 Rosevears Drive, Rosevears
- 4 Rosevears Drive, Rosevears.

Specifically the information should address how the proposed amendment relates to the strategic planning principles in the Coastal Hazards in Tasmania Summary Report of Coastal Hazards Technical Report, Dec 2016 (Department of Premier and Cabinet).

### Conclusions

The amendment is consistent with the Tasmanian State Coastal Policy.

The proposed zoning of each property within the coastal zone satisfies the strategic objectives included in the Coastal Hazards Technical Report. Each property:

- has sufficient area to accommodate development outside of the mapped hazard areas; or
- the Coastal Inundation Hazard Code, Coastal Erosion Hazard Code and *Building Act 2016* requirements provide appropriate regulation to ensure the risk is tolerable.

In addition the Natural Assets Code will apply for properties affected by the Waterway and Coastal Protection Overlay and the Future Coastal Refugia Overlay where in a non-urban zone. This is consistent with the State Planning Provisions and Guideline No. 1.

### Detailed response

The [Coastal Hazards Technical Report – Mitigating Natural Hazards through Land Use Planning and Building Control](#) was developed by the Department of Premier and Cabinet (DPAC) in 2016 to provide ‘guidance on mechanisms to mitigate the risks from erosion and inundation through land use planning and building controls’. It specifically provides guidance in relation to coastal erosion and coastal inundation hazards.

On advice from DPAC, the full technical report, rather than the summary report, is referenced in the assessment that follows.

The report includes a planning matrix for each of the hazards which includes guidance about how the hazards should be considered at the **strategic planning level**:

*agreed measures that should be employed through strategic planning to determine if the benefits to the community of requiring consideration of whether development in certain areas is subject (or likely to be subject) to a natural hazard outweigh the costs to the community and individuals.*

The planning objectives are replicated for each of the hazard areas below to provide context for the assessment of each of the properties listed that follows.

### Coastal Erosion hazard – Planning Matrix (strategic planning)

Planning Objectives	Low	Medium	High
<b>Strategic objectives</b>	When broader planning considerations support the development of the area, the low and medium hazard band classification should not challenge the existing zoning.  However, if an area is to be rezoned to a more intensive use consideration of the hazard is required so that future development minimises the impact of the hazard.		This area should be zoned for non-residential or industrial use, and ensure new use or development on actively mobile landforms is not permitted with exception of works that minimise the areas need for engineering or remediation works to protect land property, and human life.  Coastal defences, critical, hazardous, or vulnerable use and development are not permitted on actively mobile landforms unless they are part of works that minimise the area need for engineering or remediation works to protect land property, and human life.
<b>Outside the Urban Growth Boundary</b>	New use or development not requiring a building permit is allowed subject to demonstrating a tolerable risk to coastal erosion can be achieved while minimising the increase in risk to public asset or reliance on defensive structures.  Vulnerable, hazardous, critical uses or coastal defences associated with an existing dwelling or a coastally-dependent use are allowed subject to demonstrating that they achieve the relevant objectives in Table 10.		If the area is an actively mobile landform then development is not permitted except for engineering or remediation works to protect land, property and human life. If the area is not a actively mobile landform then: <ul style="list-style-type: none"> <li>• Strategies should not permit zonings that allow new development. The exception being for utilities that cannot be reasonably located elsewhere or coastally-dependent uses that meet the objectives in Table 10 and minimise the need for engineering or remediation works.</li> <li>• Coastally-dependent or temporary use and development are allowed subject to demonstrating that they will meet the objectives in Table 10 and minimise the need for engineering or remediation works.</li> <li>• Other use or development, including and vulnerable, hazardous, critical uses or coastal defences not associated with an existing dwelling or a coastally-dependent use or development is not permitted.</li> </ul>

Planning Objectives	Low	Medium	High
<p><b>Inside the Urban Growth Boundary</b></p>	<p><b>Infill use or development</b></p> <p>Infill use or development will be managed through building control measures.</p> <p>Vulnerable, hazardous, critical uses or coastal defences are discretionary, subject to demonstrating that they achieve the relevant objectives in Table 10.</p> <p><b>Existing use or development</b></p> <p>Work to existing buildings will be managed through building control measures. The substantial intensification of vulnerable, hazardous, critical uses or coastal defences are discretionary, subject to demonstrating that they achieve the relevant objectives in Table 10.</p>		<p><b>Infill use or development</b></p> <p>If the area is an actively mobile landform then development is not permitted except for engineering or remediation works to protect land, property and human life. If the area is not a actively mobile landform then:</p> <ul style="list-style-type: none"> <li>• New use or development, including and vulnerable, hazardous, critical uses not associated with a coastally-dependent use or development is prohibited.</li> <li>• Utilities that cannot be reasonably located elsewhere meet the objectives in Table 10 and minimise the need for engineering or remediation works.</li> <li>• Coastally-dependent (including coastal defences) or temporary use and development are allowed subject to demonstrating that they meet the objectives in Table 10 and minimise the need for engineering or remediation works.</li> </ul> <p><b>Existing use or development</b></p> <p>If the area is an actively mobile landform then development is not permitted except for engineering or remediation works to protect land, property and human life. If the area is not a actively mobile landform then:</p> <ul style="list-style-type: none"> <li>• Work to existing buildings will be managed through building control measures.</li> <li>• The substantial intensification of vulnerable, hazardous, critical uses or coastal defences are discretionary, subject to demonstrating that they achieve the relevant objectives in Table 10.</li> </ul>

**Coastal Inundation Hazard – Planning Matrix (strategic planning)**

Planning Objectives	Low	Medium	High
<b>Strategic Objectives</b>	<p>When broader planning considerations support the development of the area, the low band should not change existing zoning.</p> <p>However, if an area is outside the urban growth boundary and is to be rezoned to a more intensive use, or is within a urban growth boundary undergo substantial infill development through intensification or redevelopment, consideration of the hazard is required so that future development minimises the impact of the hazard.</p> <p>Critical, hazardous, vulnerable or defensive works are allowed (ie. permitted or discretionary)</p>	<p>Strategies should indicate appropriate zoning outside the urban growth boundary includes open space, rural, agricultural or environmental purposes.</p> <p>The exception is for vital community infrastructure that cannot be reasonably located elsewhere or coastal-dependent developments.</p> <p>Existing use and development may be retained, maintained or redeveloped, but the opportunity to intensify development for infill develop these areas must be minimised so as not to increase public risk.</p> <p>Critical, hazardous, vulnerable or defensive works not associated with a coastal dependent use are prohibited.</p>	
<b>Outside the Urban Growth Boundary</b>	<p>New use or development not requiring a building permit is allowed subject to demonstrating a tolerable risk to coastal inundation can be achieved while minimising the increase in risk to public asset or reliance on defensive structures.</p> <p>Vulnerable, hazardous, critical uses or coastal defences not associated with a coastally dependent use or development are prohibited.</p> <p>Vulnerable, hazardous, critical uses or coastal defences associated with an existing dwelling or a coastally-dependent use are allowed subject to demonstrating that they achieve the relevant objectives in Table 12.</p>	<p>Coastally-dependent or temporary use and development are allowed. They must demonstrate a tolerable risk to coastal inundation is achievable for the duration of the proposed use and development.</p> <p>Other use or development, including and vulnerable, hazardous, critical uses or coastal defences not associated with an existing dwelling or coastally-dependent use or development are prohibited.</p> <p>The uses associated with coastal- dependent uses must demonstrate that they achieve the relevant objectives in Table 12.</p>	
<b>Inside the Urban Growth Boundary</b>	<p><b>Infill use or development</b></p> <p>Infill use or development requiring a building permit will be managed through building control measures.</p> <p>Coastally-dependent or temporary use and development, including associated coastal defences are allowed. They must demonstrate a tolerable risk to coastal inundation is achievable for the duration of the proposed use and development.</p> <p>Vulnerable, hazardous, critical uses or coastal defences are discretionary subject to demonstrating that they achieve the relevant objectives in Table 12.</p>	<p><b>Infill use or development</b></p> <p>Infill use or development requiring a building permit will be managed through building control measures.</p> <p>Coastally-dependent or temporary use and development, including associated coastal defences are allowed. They must demonstrate a tolerable risk to coastal inundation is achievable for the duration of the proposed use and development.</p> <p>Vulnerable, hazardous, critical uses or coastal</p>	<p><b>Infill use or development</b></p> <p>Coastally-dependent (including associated defensive works) or temporary use and development are allowed, subject to demonstrating that they achieve the relevant objectives in Table 12.</p> <p>Infill use or development is prohibited. Coastal defences are discretionary, subject to demonstrating that they achieve the relevant objectives in Table 12.</p> <p><b>Existing use or development</b></p> <p>Changes to existing use and development are allowed and</p>

Planning Objectives	Low	Medium	High
	<p><b>Existing use or development</b></p> <p>Changes to existing use and development are allowed and will be managed through building control measures.</p> <p>Vulnerable, hazardous or critical use, including coastal defences, are discretionary subject to demonstrating that they achieve the relevant objectives in Table 12.</p>	<p>defences are discretionary subject to demonstrating that they achieve the relevant objectives in Table 12.</p> <p><b>Existing use or development</b></p> <p>Changes to existing use and development are allowed and will be managed through building control measures.</p> <p>Vulnerable, hazardous or critical use, including coastal defences, are discretionary subject to demonstrating that they achieve the relevant objectives in Table 12.</p>	<p>will be managed through building control measures.</p> <p>Vulnerable, hazardous or critical use, including coastal defences, are discretionary subject to demonstrating that they achieve the relevant objectives in Table 12.</p>







**Properties proposed to be included in the General Residential Zone**

**154, 156, 166 Flinders Street**

<b>Proposed Zone</b>	General Residential – Part of the lots
<b>Permitted uses</b> in addition to those that are permitted in the EM Zone	<p>No Permit Required</p> <ul style="list-style-type: none"> <li>• Residential – if for a single dwelling</li> <li>• Utilities – if for minor utilities</li> </ul> <p>Permitted</p> <ul style="list-style-type: none"> <li>• Residential - if not listed as No Permit Required</li> <li>• Visitor Accommodation</li> </ul>
<b>Existing development</b>	Each property contains an existing dwelling and outbuildings (none vacant)
<b>Other relevant matters</b>	<p>Inside the Urban Growth Boundary of the Northern Tasmanian Regional Lands Use Strategy (RLUS).</p> <p>The areas subject to the proposed rezoning were zoned Environmental Management under the Interim Planning Scheme due to their previous public ownership.</p> <p>They were sold to private ownership following decisions by the State that public ownership was no longer appropriate (see response to Direction 2).</p>

**Assessment**

<b>Coastal hazards and values</b>	<b>Assessment</b>
<p><b>Coastal erosion hazard</b></p> 	<p><b>Low coastal erosion hazard band</b> affecting a small area of 156 Flinders Street. This part of the property is already in the General Residential Zone.</p> <p>The proposed zone amendment does not affect the area proposed to be changed from the Environmental Management Zone.</p> <p>No further assessment required.</p>


Coastal hazards and values	Assessment
<p data-bbox="204 280 497 306"><b>Coastal inundation hazard</b></p> 	<p data-bbox="735 280 1331 342">The coastal inundation hazard bands do not affect the properties.</p> <p data-bbox="735 360 1091 389">No further assessment required.</p>
<p data-bbox="204 801 456 828"><b>Future Coastal Refugia</b></p> 	<p data-bbox="735 801 1331 864">The Future Coastal Refugia overlay does not affect the properties.</p> <p data-bbox="735 882 1091 911">No further assessment required.</p>
<p data-bbox="204 1323 639 1350"><b>Waterway and Coastal Protection Area</b></p> 	<p data-bbox="735 1323 1383 1350"><b>Partly within the Waterway and Coastal Protection Area.</b></p> <p data-bbox="735 1368 1366 1433">That Natural Assets Code applies to development on land within the waterway and coastal protection area.</p> <p data-bbox="735 1451 1370 1610">The code provisions in relation to waterway and coastal protection areas apply regardless of the zoning and will apply to any future development of the land and consider any potential impacts on the values of the waterway and coastal protection area.</p> <p data-bbox="735 1628 1383 1756">Under the TPS an application involving buildings or works would require assessment against the performance criteria at C7.6.1 P1.1 and be discretionary as the acceptable solution A1 could not be met as:</p> <ul style="list-style-type: none"> <li data-bbox="735 1774 1286 1839">a. There are no building areas on the sealed plan approved under the TPS;</li> <li data-bbox="735 1843 1331 1908">b. The nature of the sites would mean a watercourse crossing or bridge would not be proposed; and</li> <li data-bbox="735 1912 1335 1966">c. The sites are above mean high water mark and the listed infrastructure is not present.</li> </ul>


Coastal hazards and values	Assessment
	<p>Changing the zone of part of each of the lots from the Environmental Management Zone to the General Residential Zone does not affect the applicability of the code or the assessment that would be undertaken for proposed development.</p> <p>As all three properties have existing dwellings and associated infrastructure, there is no need to identify a developable area outside this overlay, nor does the overlay require works to be located outside of the area.</p>
<p><b>Conclusions</b></p>	<p>The General Residential Zone is appropriate having regard to the relevant strategic planning objectives for coastal hazards and values as:</p> <ul style="list-style-type: none"> <li>• No part of the site proposed to be rezoned is subject to the Coastal Erosion Hazard bands, Coastal Inundation Hazard bands or Future Coastal Refugia Area; and</li> <li>• Where the Waterway and Coastal Protection Area applies, the Natural Assets Code provides appropriate regulation to ensure any building or works proposed will be required to minimise adverse impacts on natural assets.</li> </ul>

**82A Gravelly Beach Road**


<b>Proposed Zone</b>	General Residential
<b>Permitted uses</b> in addition to those that are permitted in the EM Zone	<p>No Permit Required</p> <ul style="list-style-type: none"> <li>• Residential – if for a single dwelling</li> <li>• Utilities – if for minor utilities</li> </ul> <p>Permitted</p> <ul style="list-style-type: none"> <li>• Residential if not listed as No Permit Required</li> <li>• Visitor Accommodation</li> </ul>
<b>Existing development</b>	The site contains an existing outbuilding and forms part of the curtilage of the existing dwelling at 82 Gravelly Beach Road.
<b>Other relevant matters</b>	<p>Inside the Urban Growth Boundary of the RLUS.</p> <p>It is likely that the historic inclusion of the property in the Recreation Zone and then the Environmental Management Zone was due to the previously unconfirmed ownership of the land. An application for a Vesting Order based on Long Possession was made in December 2018. A Vesting Order was made in June 2019 by the Land Titles Office that confirms the private ownership of the land and that it does not form part of the public reserve.</p> <p>For reasons unknown, the State determined it appropriate to provide a separate title to the subject land rather than including it within the adjoining title.</p>

**Assessment**

<b>Coastal hazards and values</b>	<b>Assessment</b>
<p><b>Coastal erosion hazard</b></p> 	<p>The Coastal Erosion Hazard overlay does not affect the property.</p> <p>No further assessment required.</p>

Coastal hazards and values	Assessment
<b>Coastal inundation hazard</b>	<p>Included in the <b>low and medium coastal inundation hazard bands.</b></p>
	<p><b>Strategic objective</b></p> <p>The RLUS defines urban growth areas as being identified on Maps D.1, D.2 or D.3 of as settlements described in Table E.1 of illustrated in Map E.1.</p> <p>82A Gravelly Beach Road is mapped within the Exeter District Centre on Map E.1 and is therefore considered to be inside the urban growth boundary.</p> <p>As the site is within the urban growth boundary, the strategic objectives state that the opportunity to intensify development for infill development in these areas must be minimised so as to not increase public risk. As detailed below, the application of the Coastal Inundation Hazard Code as part of the State Planning Provisions, and the requirements of the <i>Building Act 2016</i> provide appropriate regulation of use and development in this location and will ensure any risk is tolerable.</p> <p><b>Inside the urban growth boundary</b></p> <p>The planning objectives outlined in the Technical Report state that infill use or development or existing use or development can be made through building control measures with vulnerable, hazardous or critical use being discretionary.</p> <p><b>Application of the Coastal Inundation Hazard Code</b></p> <p>The Coastal Inundation Hazard Code applies to use and development in the hazard area.</p> <p>Development requiring authorisation under the <i>Building Act 2016</i> would not require assessment under the code, as that assessment would be completed as part of the building assessment process. This would be the case even if the Environmental Management Zone continued to apply and the existing non-conforming use clause was used to facilitate development.</p> <p>The use standards in the code would only apply in an urban zone if a critical use, hazardous use or vulnerable use. Visitor Accommodation which accommodates more than 12 guests is a vulnerable use and is a permitted use in the General Residential Zone. A vulnerable use must be protected from coastal inundation in a 1% annual exceedance probability event in 2100 (C11.5.4 P4).</p> <p>The development standards for building and works requires demonstration of tolerable risk and a coastal inundation hazard report that demonstrates that the works do not cause or contribute to coastal inundation on the site or adjacent land or infrastructure and can achieve and maintain a tolerable risk (C11.6.1).</p>

Coastal hazards and values	Assessment
<p><b>Future Coastal Refugia</b></p> 	<p>The Coastal Inundation Hazard Code and the <i>Building Act 2016</i> will appropriately regulate development activity on the site and ensure the risk of the hazard is addressed.</p> <p>The site is mapped <b>within the Future Coastal Refugia</b> overlay.</p> <p>In relation to the application of the Natural Assets Code, Guideline No. 1 suggests that the Future Coastal Refugia overlay is not compatible with the General Residential Zone and shouldn't be applied over this zone. If the proposed amendment for this property is approved, it would be appropriate to also amend the Future Coastal Refugia Area mapping to exclude this property.</p> <p>If the overlay were to continue to apply the Natural Assets Code applies to development in the Future Coastal Refugia Area.</p> <p>As there is not a building area on a sealed plan approved under the TPS, and development within the Future Coastal Refugia Area would be discretionary requiring assessment against relevant performance criteria. This would include that it must be for a use that relies on a coastal location to fulfil its purpose (C7.6.1 P2.1 &amp; P2.2). Given that the site is within the urban growth area and, with its private ownership confirmed due to the historic possession of the land and association with the use of 82 Gravelly Beach Road, the restrictions imposed by being included in a non-urban zone are not appropriate for this site.</p> <p>While inclusion in the General Residential Zone would mean the Future Coastal Refugia Area could no longer apply, this is unlikely to have a significant impact on the outcome sought through the Natural Assets Code as development is likely to be limited as the site is only 384m<sup>2</sup> and provides limited opportunity for retreat of species due to the size of the site and the road to the north, the existing urban zone and development to the south and west further limit the potential for retreat of species. Further the site is already modified and maintained as part of the curtilage of 82 Gravelly Beach Road and there is no intention for its use to revert to its natural state.</p>


Coastal hazards and values	Assessment
<b>Waterway and Coastal Protection Area</b>	<b>Within the Waterway and Coastal Protection Area.</b>
	<p>That Natural Assets Code applies to development on land within the waterway and coastal protection area.</p> <p>The code provisions in relation to waterway and coastal protection areas apply regardless of the zoning and will apply to any future development of the land and consider any potential impacts on the values of the waterway and coastal protection area.</p> <p>Under the TPS an application involving buildings or works would require assessment against the performance criteria at C7.6.1 P1.1 and be discretionary as the acceptable solution A1 could not be met as:</p> <ol style="list-style-type: none"> <li>There are no building areas on the sealed plan approved under the TPS;</li> <li>The nature of the sites would mean a watercourse crossing or bridge would not be proposed; and</li> <li>The sites are above mean high water mark and the listed infrastructure is not present.</li> </ol> <p>Changing the zone of the property to the General Residential Zone does not affect the applicability of the code or the assessment that would be undertaken for proposed development.</p>
<b>Conclusions</b>	<p>The General Residential Zone is appropriate having regard to the relevant strategic planning objectives for coastal hazards and values as:</p> <ul style="list-style-type: none"> <li>No part of the site is subject to the Coastal Erosion Hazard bands,</li> <li>The Coastal Inundation Hazard bands apply however as the site is within the urban growth boundary, the existing regulation through building control measures is appropriate and is achieved through the Coastal Inundation Hazard Code and the <i>Building Act 2016</i>;</li> <li>While inclusion in the General Residential Zone would mean the Future Coastal Refugia Area could no longer apply, this is unlikely to have a significant impact on the outcome sought through the Natural Assets Code as development is likely to be limited on the 384m<sup>2</sup> site, it provides limited opportunity for retreat of species due to the size of the site, the road to the north and existing urban zone to the south; and</li> <li>The site is within the Waterway and Coastal Protection Area and the Natural Assets Code provides appropriate regulation to ensure any building or works proposed will be required to minimise adverse impacts on natural assets.</li> </ul>

**Properties proposed to be included in the Low Density Residential Zone**

**162, 164, 180 & 188 Gravelly Beach Road**

<b>Proposed Zone</b>	Low Density Residential & subject to the Residential Supply and Density Specific Area Plan
<b>Permitted uses</b> in addition to those that are permitted in the EM Zone	<p>No Permit Required</p> <ul style="list-style-type: none"> <li>Residential – if for a single dwelling</li> <li>Utilities – if for minor utilities</li> </ul> <p>Permitted</p> <ul style="list-style-type: none"> <li>Residential - if for a home based business</li> <li>Visitor Accommodation</li> </ul>
<b>Existing development</b>	All four properties contain existing dwellings and outbuildings.
<b>Other relevant matters</b>	<p>Inside the Urban Growth Boundary of the RLUS.</p> <p>Inclusion in the Residential Supply and Density SAP prohibits multiple dwellings and increases the minimum lot size for subdivision to 5000m<sup>2</sup>.</p>

**Assessment**

<b>Coastal hazards and values</b>	<b>Assessment</b>
<p><b>Coastal erosion hazard band</b></p> 	<p>Included in the <b>Coastal erosion investigation area</b>.</p> <p><b>Strategic objective</b></p> <p>The Northern Tasmanian Regional Land Use Strategy (RLUS) defines urban growth areas as being identified on Maps D.1, D.2 or D.3 of as settlements described in Table E.1 of illustrated in Map E.1.</p> <p>Gravelly Beach Road is mapped within the Exeter District Centre on Map E.1 and is therefore considered to be inside the urban growth boundary.</p> <p>As the site is within the urban growth boundary, the strategic objectives state that the opportunity to intensify development for infill development in these areas must be minimised so as to not increase public risk. As detailed below, the application of the Coastal Erosion Hazard Code as part of the State Planning Provisions, and the requirements of the <i>Building Act 2016</i> provide appropriate regulation of use and development in this location and will ensure any risk is tolerable.</p> <p><b>Inside the urban growth boundary</b></p> <p>The planning objectives outlined in the Technical Report state that infill use or development or existing use or development can be made through building control measures with vulnerable, hazardous or critical use being discretionary.</p>



Coastal hazards and values	Assessment
	<p data-bbox="724 259 1249 286"><b>Application of the Coastal Erosion Hazard Code</b></p> <p data-bbox="724 309 1281 336">The Low Density Residential Zone is an urban zone.</p> <p data-bbox="724 358 1318 416">The Code provides that development is exempt where authorised under the <i>Building Act 2016</i>.</p> <p data-bbox="724 439 1382 564">In a coastal erosion investigation area, a report must be provided that demonstrates if the site is included in any of the hazard bands. If it is, then the relevant provisions of the code apply (C10.5.4).</p> <p data-bbox="724 586 1382 801">The use standards in the code would only apply if the investigation area report demonstrates that the site is in a hazard band. Visitor Accommodation which accommodates more than 12 guests is a vulnerable use and is a permitted use in the Low Density Residential Zone. Under the code, a vulnerable use must be protected from coastal erosion (C10.5.3 P4).</p> <p data-bbox="724 824 1390 918">The development standards for buildings and works similarly require a report to determine the hazard bands for the site and respond to the relevant criteria.</p> <p data-bbox="724 940 1374 1155">As building works for a dwelling would be authorised under the <i>Building Act 2016</i>, provided the report did not identify that the high hazard band applied, a dwelling or extension would be exempt from assessment against the code. This would be the case even if the Environmental Management Zone continued to apply and the existing non-conforming use clause was used to facilitate development.</p> <p data-bbox="724 1178 1374 1303">If the zone were to change to the Low Density Residential Zone, the Coastal Erosion Hazard Code and the <i>Building Act 2016</i> applies and provides an appropriate method to regulate potential impact on or from the hazard.</p> <p data-bbox="724 1326 1382 1482">Note that all four properties have existing dwellings and application of the Residential Supply and Density SAP also ensures multiple dwellings are prohibited and the minimum lot size for subdivision is 5000m<sup>2</sup> which will limit further development and density.</p>
<b>Coastal Inundation hazard band</b>	<p data-bbox="724 1525 1350 1583"><b>Low, medium and high coastal inundation hazard bands</b> affect the properties.</p> <p data-bbox="724 1606 932 1632"><b>Strategic objective</b></p> <p data-bbox="724 1655 1369 1749">Gravelly Beach Road is mapped within the Exeter District Centre on Map E.1 and is therefore considered to be inside the urban growth boundary.</p> <p data-bbox="724 1771 1369 1989">As the site is within the urban growth boundary, the strategic objectives state that the opportunity to intensify development for infill development in these areas must be minimised so as to not increase public risk. As detailed below, the application of the Coastal Inundation Hazard Code as part of the State Planning Provisions, and the requirements of the <i>Building Act 2016</i> provide appropriate</p>

## Coastal hazards and values



## Assessment

regulation of use and development in this location and will ensure any risk is tolerable.

Note that including the lots within the Residential Supply and Density Specific Area plan will also mean multiple dwellings are prohibited, so the existing density of development (being the existing dwellings) is unlikely to change.

Notwithstanding, each property contains existing development. Despite this, each property has at least 1000m<sup>2</sup> outside of the hazard bands to accommodate future development.

#### Inside the urban growth boundary

The planning objectives outlined in the Technical Report state that infill use or development or existing use or development can be made through building control measures with vulnerable, hazardous or critical use being discretionary.

#### Application of the Coastal Inundation Hazard Code

The Coastal Inundation Hazard Code applies to use and development in the hazard area.



The Low Density Residential Zone is an urban zone.

Development requiring authorisation under the *Building Act 2016* is exempt under the Code. This would be the case even if the Environmental Management Zone continued to apply and the existing non-conforming use clause was used to facilitate development.

The use standards in the code would only apply in an urban zone if a critical use, hazardous use or vulnerable use. Visitor Accommodation which accommodates more than 12 guests is a vulnerable use and is a permitted use in the Low Density Residential Zone. A vulnerable use must be protected from coastal inundation in a 1% annual exceedance probability event in 2100 (C11.5.4 P4).

The development standards for building and works require demonstration of tolerable risk and a coastal inundation hazard report that demonstrates that the works do not cause or contribute to coastal inundation on the site or adjacent land or infrastructure and can achieve and maintain a tolerable risk (C11.6.1).

The Coastal Inundation Hazard Code and the *Building Act 2016* will appropriately regulate development activity on the site and ensure the risk of the hazard is addressed.

Coastal hazards and values	Assessment
<p><b>Future Coastal Refugia</b></p> 	<p>The Future Coastal Refugia area <b>applies to part of properties.</b></p> <p>The Natural Assets Code considerations in Guideline No. 1 suggests that the Future Coastal Refugia overlay is not compatible with the Low Density Residential Zone and shouldn't be applied over this zone. If the proposed amendment for this property is approved, it would be appropriate to also amend the Future Coastal Refugia Area mapping to exclude this property.</p> <p>If the overlay were to continue to apply the Natural Assets Code applies to development in the Future Coastal Refugia Area.</p> <p>As there is not a building area on a sealed plan approved under the TPS, any development within the Future Coastal Refugia Area would be discretionary requiring assessment against relevant performance criteria. This would include that it must be for a use that relies on a coastal location to fulfil its purpose (C7.6.1 P2.1 &amp; P2.2).</p> <p>As the sites are developed for existing urban uses, consistent with the Low Density Residential Zone there will be limited practical opportunity for the retreat of coastal species as the existing assets and curtilage will continue to be maintained and likely sought to be protected. As a result, exclusion from the Future Coastal Refugia overlay will have no practical impact on the ability to meet the purpose of the Natural Assets Code to allow for retreat of vulnerable coastal species.</p>
<p><b>Waterway and Coastal Protection Area</b></p> 	<p>The <b>Waterway and Coastal Protection Area applies</b> across all properties.</p> <p>That Natural Assets Code applies to development on land within the waterway and coastal protection area.</p> <p>The code provisions in relation to waterway and coastal protection areas apply regardless of the zoning and will apply to any future development of the land and consider any potential impacts on the values of the waterway and coastal protection area.</p> <p>Under the TPS an application involving buildings or works would require assessment against the performance criteria at C7.6.1 P1.1 and be discretionary as the acceptable solution A1 could not be met as:</p> <ol style="list-style-type: none"> <li>There are no building areas on the sealed plan approved under the TPS;</li> <li>The nature of the sites would mean a watercourse crossing or bridge would not be proposed; and</li> <li>The sites are about mean high water mark and the listed infrastructure is not present.</li> </ol> <p>Changing the zone of the property to the Low Density Residential Zone does not affect the applicability of the code</p>

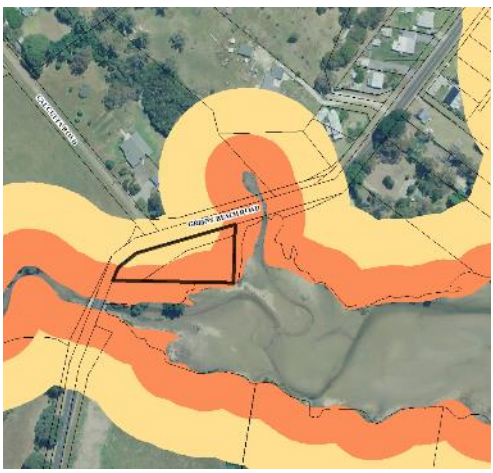
Coastal hazards and values	Assessment
	or the assessment that would be undertaken for proposed development.
<b>Conclusions</b>	<p>The Low Density Residential Zone is appropriate having regard to the relevant strategic planning objectives for coastal hazards and values as:</p> <ul style="list-style-type: none"> <li>• The site is inside the Urban Growth boundary and the management of hazards through development and building controls is consistent with the technical reports;</li> <li>• The inclusion in the Residential Supply and Density SAP further limits further development and density by prohibiting multiple dwellings and imposing a 5000m<sup>2</sup> minimum lot size;</li> <li>• While inclusion in the Low Density Residential Zone would mean the Future Coastal Refugia Area could no longer apply, this is unlikely to have a significant impact on the outcome sought through the Natural Assets Code as all four sites are already developed and the practical opportunity for species to retreat will be limited; and</li> <li>• The site is within the Waterway and Coastal Protection Area and the Natural Assets Code provides appropriate regulation to ensure any building or works proposed will be required to minimise adverse impacts on natural assets.</li> </ul>


**Properties proposed to be included in the Rural Living Zone**


**1180 Greens Beach Road, Kelso**

<b>Proposed Zone</b>	Rural Living Zone A
<b>Permitted uses</b> in addition to those that are permitted in the EM Zone	No Permit Required <ul style="list-style-type: none"> <li>• Residential - If for a single dwelling</li> <li>• Utilities - If for minor utilities</li> </ul> Permitted <ul style="list-style-type: none"> <li>• Residential – if for a home-based business</li> <li>• Visitor Accommodation</li> </ul>
<b>Existing Development</b>	There is an existing structure on the site.
<b>Other relevant matters</b>	Council does not hold any records in relation to a building approval for the structure, however the Premium Property Report available via ListMap indicates there is a small dwelling constructed in 1950.

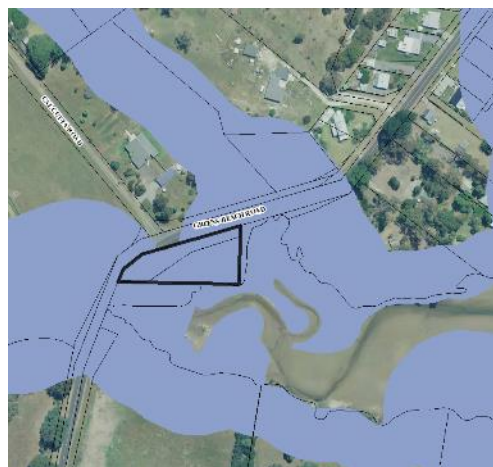
**Assessment**

Coastal hazards and values	Assessment
<p><b>Coastal erosion hazard band</b></p> 	<p>The site is subject to the <b>low and medium coastal erosion hazard bands</b>.</p> <p><b>Strategic Objectives</b></p> <p>As the zone is proposed to change to the Rural Living Zone A, which is reasonably considered to permit more intensive use than the Environmental Management Zone, consideration of the hazard is required to ensure future development minimises impact of the hazard.</p> <p>The Rural Living Zone permits relatively low intensity development. There are existing structures on site (although no records of approvals on Councils records and they may predate the requirement for approval), and the site is 1440m<sup>2</sup>. The size of the site, and the requirements of the Coastal Erosion Hazard Code to demonstrate a tolerable risk would likely prevent other discretionary uses from establishing on the site. It is likely that a single dwelling would be the highest intensity use on the site and it is unlikely that higher intensity development would occur as a result of the change in zone.</p> <p><b>Outside the Urban Growth Boundary</b></p> <p>The site is outside the Urban Growth boundary and the Rural Living Zoning would mean it continues to be a non-urban zone.</p> <p>The Planning Objectives state that outside the urban growth boundary, new use of development is allowed subject to demonstration of tolerable risk.</p>

Coastal hazards and values	Assessment
	<p><b>Application of the Coastal Erosion Hazard Code</b></p> <p>The Coastal Erosion Hazard Code applies to the site. The Rural Living Zone is a non-urban zone (as is the Environmental Management Zone).</p> <p>As the site is predominantly in the medium hazard area, use or development that requires authorisation under the <i>Building Act 2016</i>, such as a dwelling extension, is exempt from the code. This excludes a critical use, hazardous use or vulnerable use or coastal protection works. This applies equally in the Environmental Management Zone if the existing non-conforming use provisions under clause 7.1 are utilised.</p> <p>Otherwise, a proposed use or development would need to achieve and maintain a tolerable risk.</p> <p>The same requirements apply in the Rural Living Zone as the Environmental Management Zone in relation to the regulation of use and development in the hazard area.</p>
<p><b>Coastal Inundation hazard band</b></p> 	<p>The <b>low, medium and high coastal inundation hazard bands</b> apply to the site.</p> <p><b>Strategic Objectives</b></p> <p>The strategic objectives suggest that open space, rural, agricultural or environmental purpose zones are appropriate outside the urban growth boundary and that opportunities to intensify development should be minimised so as not to increase public risk.</p> <p>Around 790m<sup>2</sup> of the site is subject to the hazard area (~275m<sup>2</sup> in the low hazard band) leaving around 650m<sup>2</sup> of the site that is not affected by the hazard area.</p> <p>Other properties in the locality with similar or greater impacts from the coastal inundation hazard bands, some where the entire property is included in the hazard area, are included in the Rural Living Zone and rely on the Code provisions and the <i>Building Act 2016</i> requirements to regulate development and assess potential risk – for example properties between 1204 and 1222 Greens Beach Road.</p> <p><b>Outside the Urban Growth Area</b></p> <p>The planning principles state that use or development within a hazard area should be for a coastal dependent use in the medium and high inundation areas.</p> <p>As mentioned above, despite that hazard area affecting around 925m<sup>2</sup> including the area in the low hazard band where tolerable risk is able to be demonstrated and 650m<sup>2</sup> clear of the inundation hazard area.</p> <p><b>Application of the Coastal Inundation Hazard Code</b></p> <p>The Coastal Inundation Hazard Code provisions will apply to future use and development.</p>

Coastal hazards and values	Assessment
	<p>The Rural Living Zone is a non-urban zone, which means:</p> <ul style="list-style-type: none"> <li>• A use in the high or medium hazard band must be for a use which relies on a coastal location to fulfil its purpose (C11.5.1 and C11.5.2) and a residential use does not rely on a coastal location and therefore cannot be approved; and</li> <li>• A use in the low hazard band must achieve and maintain a tolerable risk (C11.5.3).</li> </ul> <p>There is approximately 650m<sup>2</sup> outside of the inundation hazard area on the site. This may be a sufficient area to accommodate a small dwelling and associated infrastructure, subject to an assessment against the requirements of the <i>Building Act 2016</i>.</p> <p>Note that for properties with existing uses, intensification of that use is exempt from the code and alterations or extensions in the high hazard band if less than 20m<sup>2</sup> is also exempt (C11.4).</p> <p>Where outside of the high hazard band, development requiring authorisation under the <i>Building Act 2016</i> is exempt from the code. This would include extensions to an existing building.</p> <p>The impact on use or development in areas at risk from coastal inundation hazard is mitigated by the Coastal Inundation Hazard Code and the <i>Building Act 2016</i> which will ensure any future use or development is either outside of the hazard bands or demonstrates a tolerable level of risk.</p>
<p><b>Future Coastal Refugia</b></p> 	<p><b>Part of the property is within the Future Coastal Refugia Area.</b></p> <p>As there is not a building area on a sealed plan approved under the TPS, development within the Future Coastal Refugia Area would be discretionary requiring assessment against relevant performance criteria. This would include that it must be for a use that relies on a coastal location to fulfil its purpose (C7.6.1 P2.1 &amp; P2.2).</p> <p>Guideline No.1 established the Future Coastal Refugia Guidance Map as the relevant information source for assessment in strategic assessments and defined the Environmental Management Zone as compatible, without recognition of the residential use entitlement provided through the West Tamar Interim Planning Scheme 2013.</p> <p>Application of the Rural Living zone will not provide subdivision opportunity, but will enable development outside the overlay.</p> <p>The Rural Living zone will not alter the risk management and assessment requirements established under the SPPs.</p>

Coastal hazards and values	Assessment
<b>Waterway and Coastal Protection Area</b>	<p>That Natural Assets Code applies to development on land <b>within the waterway and coastal protection area.</b></p> <p>Guideline No.1 established the Waterway &amp; Coastal Protection Area Guidance Map as the relevant information source for assessment in strategic assessments. The overlay was approved over the entirety of the subject lands consistent with that information source and the amendment does not seek to alter the overlay.</p> <p>The code provisions in relation to waterway and coastal protection areas apply regardless of the zoning and will apply to any future development of the land and consider any potential impacts on the values of the waterway and coastal protection area.</p> <p>Under the TPS an application involving buildings or works would require assessment against the performance criteria at C7.6.1 P1.1 and be discretionary as the acceptable solution A1 could not be met as:</p> <ol style="list-style-type: none"> <li>There are no building areas on the sealed plan approved under the TPS;</li> <li>The nature of the sites would mean a watercourse crossing or bridge would not be proposed; and</li> <li>The sites are about mean high water mark and the listed infrastructure is not present.</li> </ol> <p>Changing the zone to the Rural Living Zone does not affect the applicability of the code or the assessment that would be undertaken for proposed development.</p>
<b>Conclusions</b>	<p>The Rural Living Zone is appropriate having regard to the relevant strategic planning objectives for coastal hazards and values as:</p> <ul style="list-style-type: none"> <li>The Rural Living Zone would not permit further subdivision of the land, and while there is potential for a new dwelling to replace the existing structure, this would require assessment of the coastal erosion and inundation hazards;</li> <li>There is land outside of the coastal inundation area and future coastal refugia area that could potentially support a new dwelling on the site;</li> <li>this property is the only privately owned property in the locality that is not currently in the Rural Living Zone despite similar constraints applying; and</li> <li>the relevant overlays will continue to apply to future use and development and will require tolerable risk to be demonstrated and that adverse impacts on natural assets is minimised.</li> </ul>



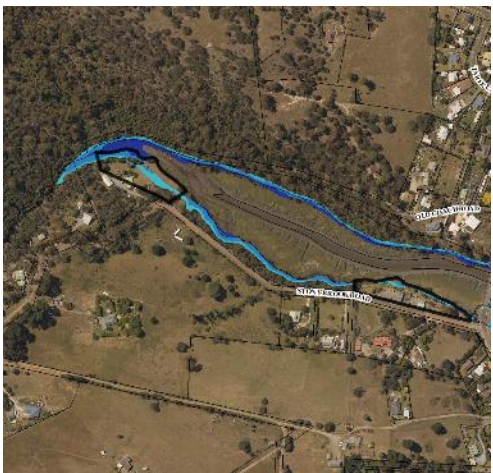


**14 and 52 Stony Brook Road, Blackwall**



<b>Proposed Zone</b>	Rural Living Zone A
<b>Permitted uses</b> in addition to those that are permitted in the EM Zone	No Permit Required <ul style="list-style-type: none"> <li>Residential - If for a single dwelling</li> <li>Utilities - If for minor utilities</li> </ul> Permitted <ul style="list-style-type: none"> <li>Residential – if for a home-based business</li> <li>Visitor Accommodation</li> </ul>
<b>Existing Development</b>	Both sites contain an existing dwelling and associated outbuildings.
<b>Other relevant matters</b>	Inside the Urban Growth Boundary of the RLUS.

**Assessment**

Coastal hazards and values	Assessment
<p><b>Coastal erosion hazard</b></p> 	<p>The site is included in the <b>Coastal erosion investigation area</b>.</p> <p><b>Strategic Objectives</b></p> <p>The Technical Report suggests that the areas are included in the Investigation Area where insufficient information was available to classify it into a hazard band.</p> <p>Technical investigations are required to allocate a hazard band to apply the planning and building controls. No guidance was provided in relation to strategic planning decisions to allocate a particular zoning.</p> <p>Both sites have existing dwellings. The change in zone to the Rural Living Zone more appropriately reflects the existing use and intended future use of the properties. Should future development be proposed, the Rural Living Zone also contains appropriate development standards for the residential uses and would limit the intensity of development on the sites.</p> <p>It is also noted that the investigation area applies to properties in the General Residential Zone which would have capacity to accommodate higher intensity development such as multiple dwellings.</p> <p><b>Inside the Urban Growth Area</b></p> <p>Stony Brook Road is mapped within the Exeter District Centre on Map E.1 and is therefore considered to be inside the Urban Growth Boundary.</p> <p>As the site is within the Urban Growth Boundary, the strategic objectives for medium or high hazard bands state that the opportunity to intensify development for infill development in these areas must be minimised so as to not increase public risk. As detailed below, the application of the Coastal Inundation Hazard Code as part of the State Planning Provisions, and the requirements of the <i>Building Act 2016</i></p>

Coastal hazards and values	Assessment
	<p>provide appropriate regulation of use and development in this location and will ensure any risk is tolerable.</p> <p>Further, the Rural Living Zone provisions and the existing dwellings on the property mean additional infill opportunities would not be facilitated.</p> <p>The planning objectives outlined in the Technical Report state that infill use or development or existing use or development can be undertaken through building control measures with vulnerable, hazardous or critical use being discretionary.</p> <p><b>Application of the Coastal Erosion Hazard Code</b></p> <p>Should the amendment be approved, the Rural Living Zone is a non-urban zone.</p> <p>The Code provides that development is exempt where it requires authorisation under the <i>Building Act 2016</i>.</p> <p>In a coastal erosion investigation area, a report must be provided that demonstrates if the site is included in any of the hazard bands. If it is, then the relevant provisions of the code apply (C10.5.4).</p>
<p><b>Coastal Inundation hazard</b></p> 	<p>Part of the properties are within the <b>Low, medium and high hazard bands</b>.</p> <p><b>Strategic Objectives</b></p> <p>As the site is within the urban growth boundary, the strategic objectives state that the opportunity to intensify development for infill development in these areas must be minimised so as to not increase public risk. As detailed below, the application of the Coastal Inundation Hazard Code as part of the State Planning Provisions, and the requirements of the <i>Building Act 2016</i> provide appropriate regulation of use and development in this location and will ensure any risk is tolerable.</p> <p>Both properties have established dwellings and associated infrastructure and are contained within the urban growth boundary. Inclusion in the Rural Living Zone would not permit subdivision or further intensity in relation to additional dwellings.</p> <p>The Coastal Inundation Hazard bands affect a narrow strip of land along the northern boundary of 14 Stony Brook Road retaining most of the property - more than 3 300m<sup>2</sup> - for potential development.</p> <p>Similarly, 52 Stony Brook Road is only partly affected by the hazard bands but has approximately 3 600m<sup>2</sup> of area not affected by the hazard bands.</p> <p>It is reasonable, given only part of the property is identified in the hazard area and there is a remaining area capable of accommodating development, and there are no particular natural features on the site as most of the sites are either developed or modified that qualify it for inclusion in the</p>

Coastal hazards and values	Assessment
	<p>Environmental Management Zone, that it be included in the Rural Living Zone.</p> <p>Notwithstanding, each property contains existing development. Despite this, each property has more than 3000m<sup>2</sup> outside of the hazard bands to accommodate future development.</p> <p><b>Inside the urban growth boundary</b></p> <p>The planning objectives outlined in the Technical Report state that infill use or development or existing use or development can be made through building control measures with vulnerable, hazardous or critical use being discretionary.</p> <p><b>Application of the Coastal Inundation Hazard Code</b></p> <p>The Coastal Inundation Hazard Code provisions will apply to future use and development.</p> <p>The Rural Living Zone is a non-urban zone, which means:</p> <ul style="list-style-type: none"> <li>• A use in the high or medium hazard band must be for a use which relies on a coastal location to fulfil its purpose (C11.5.1 and C11.5.2) and a residential use does not rely on a coastal location and therefore cannot be approved; and</li> <li>• A use in the low hazard band must achieve and maintain a tolerable risk (C11.5.3).</li> </ul> <p>There is over 3000m<sup>2</sup> outside of the inundation hazard area on the sites. This is sufficient to accommodate the existing dwellings and associated infrastructure. Any additional development would be subject to an assessment against the requirements of the <i>Building Act 2016</i>.</p> <p>Note that for properties with existing uses, intensification of that use is exempt from the code and alterations or extensions in the high hazard band if less than 20m<sup>2</sup> is also exempt (C11.4).</p> <p>Where outside of the high hazard band, development requiring authorisation under the <i>Building Act 2016</i> is exempt from the code. This would include extensions to an existing building.</p> <p>The impact on use or development in areas at risk from coastal inundation hazard is mitigated by the Coastal Inundation Hazard Code and the <i>Building Act 2016</i> which will ensure any future use or development is either outside of the hazard bands or demonstrates a tolerable level of risk.</p>

Coastal hazards and values	Assessment
<p><b>Future Coastal Refugia</b></p> 	<p>The Future Coastal Refugia area <b>applies to part of the properties.</b></p> <p>As there is not a building area on a sealed plan approved under the TPS, development within the Future Coastal Refugia Area would be discretionary requiring assessment against relevant performance criteria. This would include that it must be for a use that relies on a coastal location to fulfil its purpose (C7.6.1 P2.1 &amp; P2.2).</p> <p>Changing the zone to the Rural Living Zone would not compromise the protection of the area.</p> <p>Both properties contain existing dwellings. Extensions to the property could be facilitated outside of the Future Coastal Refugia Area if they were proposed.</p>
<p><b>Waterway and Coastal Protection Area</b></p> 	<p>The <b>Waterway and Coastal Protection Area applies to both properties.</b></p> <p>That Natural Assets Code applies to development on land within the Waterway and Coastal Protection Area.</p> <p>The code provisions apply regardless of the zoning and will apply to any future development of the land and consider any potential impacts on the values of the waterway and coastal protection area.</p> <p>As there are no building areas on the sealed plan approved under the TPS (C7.6.1 A1(a)) an application involving buildings or works would require assessment against the performance criteria and be discretionary among other criteria that will be required to be met.</p> <p>Changing the zone of the property from the Environmental Management Zone to the Rural Living Zone does not affect the applicability of the code or the assessment that would be undertaken for proposed development.</p>
<p><b>Conclusions</b></p>	<p>The Rural Living Zone is appropriate having regard to the relevant strategic planning objectives for coastal hazards and values as:</p> <ul style="list-style-type: none"> <li>• The Rural Living Zone would not permit further subdivision of the land or additional dwellings. Any development would require assessment against the coastal erosion and inundation hazard codes;</li> <li>• There is land outside of the coastal inundation area and future coastal refugia area that could potentially support additional development on the site; and</li> <li>• the relevant overlays will continue to apply to future use and development and will require tolerable risk to be demonstrated and that adverse impacts on natural assets are minimised.</li> </ul>

### Properties proposed to be included in the Landscape Conservation Zone

The Coastal Hazards Technical Report identifies the following strategic objective for the Coastal Erosion low and medium hazard bands:

*However, if an area is to be rezoned to a more intensive use consideration of the hazard is required so that future development minimises the impact of the hazard.*

A similar objective applies to the Coastal Inundation low hazard band. The planning objectives for the Coastal Inundation medium hazard band also states that ‘appropriate zoning outside the urban growth boundary includes open space, rural, agricultural or environmental purposes’.

#### **Does the Landscape Conservation Zone have an environmental purpose?**

The Technical report does not define which zones in the SPP have an environmental purpose. Based on the context of the above statement, it is presumed that the reference refers to zones that place priority on the environmental or naturalistic values rather than other uses, such as residential or agricultural.

The purpose of the Landscape Conservation Zone is:	The purpose of the Environmental Management Zone is:
<p>22.1.1 To provide for the protection, conservation and management of landscape values.</p> <p>22.1.2 To provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values.</p>	<p>23.1.1 To provide for the protection, conservation and management of land with significant ecological, scientific, cultural or scenic value.</p> <p>23.1.2 To allow for compatible use or development where it is consistent with:</p> <p>(a) the protection, conservation and management of the values of the land; and</p> <p>(b) applicable reserved land management objectives and objectives of reserve management plans.</p>

Guideline No. 1 states:

*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.*

Guideline No. 1 also states ‘Together the Landscape Conservation Zone and the Environmental Management Zone, provide a suite of environmental zones to manage use and development in natural areas’.

Based on the purpose of the zone and the Guideline No. 1 statement, the Landscape Conservation Zone is considered to have an environmental purpose in the application of the Technical Report.

**Does the Landscape Conservation Zone facilitate 'more intensive use'?**

Appendix 3 provides a comparison between the Environmental Management Zone and the Landscape Conservation Zone. It identifies where the same wording or similar intent applies and where the provisions are different.

Not only does the Landscape Conservation Zone have an environmental purpose, but the range of permitted and discretionary uses in the Landscape Conservation Zone are more limited than in the Environmental Management Zone and provide for fewer uses that have the potential for environmental harm. For example, the Environmental Management Zone identifies Extractive Industry, Food Services, General Retail and Hire and Resource Processing as discretionary uses in the zone, regardless of the ownership of the land or the scale of the use. The Landscape Conservation Zone prohibits Extractive Industry and Resource Processing and places qualifications on Food Services and General Retail and Hire.

A Home-based business is a permitted use in the Landscape Conservation Zone, however as it would need to occur within an existing building, the impacts on or from the coastal hazards are unlikely.

A single dwelling would be permitted in the Landscape Conservation Zone only if located within a building area shown on a sealed plan. The potential for this is considered so low that it could reasonably be considered that a single dwelling would never qualify as permitted in the Landscape Conservation Zone without an assessment against the planning scheme having first established the building area. There are no building areas on sealed plans on lots proposed to be included in the Landscape Conservation Zone. The process to include a building area on a sealed plan is not a simple one (as described below), or one that can be undertaken without the assessment of Council. In most instances, applicable codes will trigger a discretionary assessment of the application where there are landscape values to be considered, even if permitted status under the Landscape Conservation Zone were established. Regardless, a single dwelling could not reasonably be considered a more intense use than the range of discretionary uses in the Environmental Management Zone.

In addition, the Landscape Conservation Zone provides for a clear assessment pathway for use and development on privately owned land, whereas the use standards for discretionary uses relate only to reserved land (see clause 23.3.1 objective). Use of private land is therefore more intensively regulated within the Landscape Conservation zone than under the Environmental Management zone.

Based on the above, Council's position is that the Landscape Conservation Zone does not facilitate a more intensive use of the site.

**How is a building area included on a sealed plan?**

The Commission requested advice on suitability of the Landscape Conservation Zone for the subject lots, with particular reference to permitted uses. A single dwelling is only permitted if within a building area on a sealed plan.

Ordinarily building areas are placed on sealed plans at the time of subdivision or other development and would be enacted through a Part 5 agreement to which the Council is a party. For example, a building area might be required to be identified where there are particular constraints or values that require the building area to be in a particular location, for example to minimise potential impacts on or from natural hazards or to minimise impact on natural values. In this instance, a planning assessment will have been completed to ensure the Part 5 agreement is consistent with the Planning Scheme in place at the time the application was determined.

Once a plan is sealed, the most common way to amend a sealed plan is under section 103 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* (LGBMP). This requires Council approval but does not specify the parameters under which Council's make a decision about whether to approve an amendment to a sealed plan, noting that a process for consultation and hearings is included.

The Land Titles Office have identified two other potential pathways for a building area to be placed on a sealed plan:

- registration of an Instrument Creating Restrictive Covenants under section 102 of the *Land Titles Act 1980*; or

- registration of an Instrument Creating Covenants in Gross in favour of the Crown or of any public authority or local authority pursuant to section 90AB of the *Conveyancing and Law of Property Act 1884*.

A covenant is an agreement between the owner and another party to do or not do something – in this instance it would be to build in a certain area of the property. This means the owner would need to agree with another party that this restriction be imposed and cannot make the covenant with themselves. The most logical parties for a covenant to be made in relation to establishing a building area would either be the Council or the Department of Natural Resources and Environment Tasmania (eg for a private nature reserve under the *Nature Conservation Act 2002*) as the parties requiring an action to be taken or not taken. Further, when assessing a planning application, covenants to which Council is not a party are not taken into account.

However, Councils are bound to act in accordance with the requirements of *the Local Government Act 1993* (LG Act) when making decisions. Section 20 of the LG Act states:

**20. Functions and powers**

(1) *In addition to any functions of a council in this or any other Act, a council has the following functions:*

(a) *to provide for the health, safety and welfare of the community;*

(b) *to represent and promote the interests of the community;*

(c) *to provide for the peace, order and good government of the municipal area.*

(2) *In performing its functions, a council is to consult, involve and be accountable to the community.*

(3) *A council may do anything necessary or convenient to perform its functions either within or outside its municipal area.*

....

West Tamar Council has refused to endorse part 5 agreements and covenants that either regulate or relate to matters addressed through the planning scheme and associated applications since 2008. Any Sealed Plan Amendment process requires a delegation or committee to determine the petition, and is therefore subject to the requirements of the LG Act that regulate the powers and actions of general managers (s.62) and the provision of qualified advice (s.65).

While it seems unlikely that an applicant would first seek to amend the sealed plan to include a building area to try to avoid a discretionary application under the Landscape Conservation Zone, it would also be contrary to the LG Act for a Council to approve an amendment to place a building area on the sealed plan without first considering the impacts and implications under the Planning Scheme as Council is required to *'represent and promote the interests of the community'* and *'provide for the peace, order and good government of the municipal area.'*

It is Council's view that the probability of an application for a dwelling on the sites proposed to be included in the Landscape Conservation Zone meeting the qualification of 'located within a building area, if shown on a sealed plan' to be permitted without a proper assessment of the landscape values is so low it could reasonably be considered impossible.


Despite this very low risk, the Natural Assets Code states in the relevant acceptable solutions that the works must 'be within a building area on a sealed plan approved under this planning scheme' (see C7.6.1 A1, A2, and C7.6.2 A1).

Of the 15 properties that are proposed to be included in the Landscape Conservation Zone that are vacant, all properties are affected by the Priority Vegetation Area and removal of vegetation in that area would be subject to the Natural Assets Code and require an assessment on the impacts on the priority vegetation. The applications would also require assessment against the performance criteria and would therefore also become discretionary.


**Various titles in York Town**



<b>Proposed Zone</b>	Landscape Conservation Zone
<b>Permitted uses</b> in addition to those that are permitted in the EM Zone	Permitted <ul style="list-style-type: none"> <li>Residential - If for a: (a) home-based business; or (b) single dwelling located within a building area, if shown on a sealed plan</li> <li>Utilities - If for minor utilities.</li> </ul>
<b>Existing Development</b>	17 properties have existing dwellings  2 properties have a commercial use (landscaping depot and self contained caravan park)  13 properties are vacant
<b>Other relevant matters</b>	York Town Settlement Site on the Tasmanian Heritage Register affects part of the area

**Assessment**

Coastal hazards and values	Assessment
<p><b>Coastal erosion hazard band</b></p> 	<p><b>Low and medium hazard bands</b> apply to parts of the properties.</p> <p><b>Strategic Objectives</b></p> <p>As previously established, the Landscape Conservation Zone does not facilitate a more intensive use of the land and therefore the Landscape Conservation Zone meets the objectives.</p> <p><b>Outside the Urban Growth Area</b></p> <p>New use or development must demonstrate a tolerable risk. This can be reasonably established through the assessment of a planning application or building application dependent on how the Coastal Erosion Hazard Code applies.</p> <p><b>Application of the Coastal Erosion Hazard Code</b></p> <p>The Coastal Erosion Hazard Code applies to use and development in a coastal erosion hazard area. The Landscape Conservation Zone is a non-urban zone and where the properties are subject to either the low or medium hazard band applications for a use of development will trigger a discretionary assessment and be required to demonstrate that a tolerable risk can be achieved and maintained (C10.5.2 and C10.6.1).</p> <p>Where the use or development requires authorisation under the <i>Building Act 2016</i>, the code may not apply, with the hazard assessed through a building approval process.</p> <p>CT 124515/7 and CT 19737/6 on Aldridge Street are vacant and would not contain a building area clear of the hazard bands for development, however, there is an established assessment pathway to determine if a tolerable level of risk can be achieved for the proposed use of the site. This is the same process that would be required if the sites were to</p>



Coastal hazards and values	Assessment
Coastal Inundation hazard band	<p>remain in the Environmental Management Zone and a use, such as Visitor Accommodation, were proposed.</p> <p>30 Bowens Road (CT 208911/1 &amp; 39763/2) is a developed site and accommodates an established landscape depot. Most of the site is in the low or medium hazard bands. If a change in use, or a new use proposed it would be also subject to a requirement to demonstrate tolerable risk.</p> <p>All other sites are considered to have sufficient area clear of the hazard bands for development.</p>
	<p><b>Low, medium and high hazard bands</b> apply to parts of the properties.</p> <p><b>Strategic Objectives</b></p> <p>The Landscape Conservation Zone is a zone with an environmental purpose. The Coastal Hazards Technical Report states that zones with an environmental purpose are an appropriate zone in the high and medium hazard bands.</p> <p><b>Outside the Urban Growth Area</b></p> <p>Each property has sufficient area outside of the inundation hazard bands to accommodate development and associated infrastructure.</p> <p>If use or development is proposed within the hazard areas, the Coastal Inundation Hazard Code would apply.</p> <p><b>Application of the Coastal Inundation Hazard Code</b></p> <p>The Coastal Inundation Hazard Code provisions will apply to future use and development.</p> <p>The Landscape Conservation Zone is not considered an urban zone, which means:</p> <ul style="list-style-type: none"> <li>• A use in the high or medium hazard band must be for a use which relies on a coastal location to fulfil its purpose (C11.5.1 and C11.5.2) and a residential use does not rely on a coastal location and therefore cannot be approved; and</li> <li>• A use in the low hazard band must achieve and maintain a tolerable risk (C11.5.3).</li> </ul> <p>Note that for properties with existing uses, intensification of that use is exempt from the code and alterations or extensions in the high hazard band if less than 20m<sup>2</sup> is also exempt (C11.4). However none of the existing development in this area is within the coastal inundation hazard area.</p> <p>The impact on use or development in areas at risk from coastal inundation hazard is mitigated by the combination of the Landscape Conservation Zone provisions and the Coastal Inundation Hazard Code.</p>

Coastal hazards and values	Assessment
<p><b>Future Coastal Refugia</b></p> 	<p>Future Coastal Refugia <b>applies to part of properties.</b></p> <p>As there is not a building area on a sealed plan approved under the TPS, development within the Future Coastal Refugia Area would be discretionary requiring assessment against relevant performance criteria. This would include that it must be for a use that relies on a coastal location to fulfil its purpose (C7.6.1 P2.1 &amp; P2.2).</p> <p>Each property has an area outside of the Future Coastal Refugia Area that could accommodate development.</p> <p>Changing the zone to the Landscape Conservation Zone would not compromise the protection of the area.</p>
<p><b>Waterway and Coastal Protection Area</b></p> 	<p>Waterway and Coastal Protection Area <b>applies to in the locality.</b></p> <p>That Natural Assets Code applies to development on land within the waterway and coastal protection area.</p> <p>The code provisions in relation to waterway and coastal protection areas apply regardless of the zoning and will apply to any future development of the land and consider any potential impacts on the values of the waterway and coastal protection area.</p> <p>As there are no building areas on the sealed plan approved under the TPS and the other acceptable solutions criteria would be unlikely to apply to permitted development (C7.6.1 A1) an application involving buildings or works would require assessment against the performance criteria and be discretionary among other criteria that will be required to be met.</p> <p>Changing the zone to the Landscape Conservation Zone does not affect the applicability of the code or the assessment that would be undertaken for proposed development.</p>

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Coastal hazards and values	Assessment
<b>Conclusions</b>	<p>The Landscape Conservation Zone is appropriate having regard to the relevant strategic planning objectives for coastal hazards and values as:</p> <ul style="list-style-type: none"><li>• The Landscape Conservation Zone has an environmental purpose;</li><li>• The Landscape Conservation Zone would not permit further subdivision of the land and any proposed land uses, such as a single dwelling, would be required to be compatible with the landscape values.</li><li>• As previously established there is not a permitted pathway for development under the Landscape Conservation Zone; and</li><li>• The relevant overlays will continue to apply to future use and development and will require tolerable risk to be demonstrated and that adverse impacts on natural assets are minimised.</li></ul>




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**4432 West Tamar Highway, Beauty Point**

<b>Proposed Zone</b>	Landscape Conservation Zone
<b>Permitted uses</b> in addition to those that are permitted in the EM Zone	Permitted <ul style="list-style-type: none"> <li>Residential - If for a: (a) home-based business; or (b) single dwelling located within a building area, if shown on a sealed plan</li> <li>Utilities - If for minor utilities.</li> </ul>
<b>Existing Development</b>	The site is vacant.
<b>Other relevant matters</b>	Nil

**Assessment**

Coastal hazards and values	Assessment
<p><b>Coastal erosion hazard band</b></p> 	<p><b>Low and medium hazard bands</b> on part of the property.</p> <p><b>Strategic Objectives</b></p> <p>As previously established, the Landscape Conservation Zone does not facilitate a more intensive use of the land and therefore the Landscape Conservation Zone meets the objectives.</p> <p><b>Outside the Urban Growth Area</b></p> <p>The Coastal Erosion Hazard bands affect a relatively minor portion of the site.</p> <p>While it is considered unlikely that use or development would be proposed in the hazard area, new use or development must demonstrate a tolerable risk. This can be reasonably established through the assessment of a planning application or building application dependent on how the Coastal Erosion Hazard Code applies to the proposal.</p> <p><b>Application of the Coastal Erosion Hazard Code</b></p> <p>The Coastal Erosion Hazard Code applies to use and development in a coastal erosion hazard area. The Landscape Conservation Zone is a non-urban zone and where the properties are subject to either the low or medium hazard band applications for a use of development will trigger a discretionary assessment and be required to demonstrate that a tolerable risk can be achieved and maintained (C10.5.2 and C10.6.1).</p> <p>Where the use or development requires authorisation under the <i>Building Act 2016</i>, the code may not apply, with the hazard assessed through a building approval process.</p> <p>Even if a proposal for a single dwelling could meet the qualification to be a permitted use (noting that there is not an existing building area on the sealed plan), the site at over 6ha in area, the majority of that outside of the Coastal Erosion hazard areas provide sufficient area at no risk from the hazard to accommodate development. In the unlikely circumstance that development was proposed within the hazard area, the Coastal Erosion Hazard and the <i>Building Act</i></p>


Coastal hazards and values	Assessment
<p><b>Coastal Inundation hazard band</b></p> 	<p>2016 would apply and an assessment of the risk would be undertaken.</p>
<p><b>Coastal Inundation hazard band</b></p> 	<p><b>Low, medium and high hazard bands</b> on part of the property.</p> <p><b>Strategic Objectives</b></p> <p>The Landscape Conservation Zone is a zone with an environmental purpose. The Coastal Hazards Technical Report states that zones with an environmental purpose are an appropriate zone in the high and medium hazard bands.</p> <p><b>Outside the Urban Growth Area</b></p> <p>The property has sufficient area outside of the inundation hazard bands to accommodate development and associated infrastructure.</p> <p><b>Application of the Coastal Inundation Hazard Code</b></p> <p>The Coastal Inundation Hazard Code provisions will apply to future use and development.</p> <p>The Landscape Conservation Zone is not considered an urban zone, which means:</p> <ul style="list-style-type: none"> <li>• A use in the high or medium hazard band must be for a use which relies on a coastal location to fulfil its purpose (C11.5.1 and C11.5.2) and a residential use does not rely on a coastal location and therefore cannot be approved; and</li> <li>• A use in the low hazard band must achieve and maintain a tolerable risk (C11.5.3).</li> </ul> <p>The impact on use or development in areas at risk from coastal inundation hazard is mitigated by the combination of the Landscape Conservation Zone provisions and the Coastal Inundation Hazard Code in addition to significant area of the site that is not subject to the hazard area.</p>
<p><b>Future Coastal Refugia</b></p> 	<p>Future Coastal Refugia <b>applies to part of the property.</b></p> <p>As there is not a building area on a sealed plan approved under the TPS, development within the Future Coastal Refugia Area would be discretionary requiring assessment against relevant performance criteria. This would include that it must be for a use that relies on a coastal location to fulfil its purpose (C7.6.1 P2.1 &amp; P2.2).</p> <p>The property has a large area outside of the Future Coastal Refugia Area that could accommodate development.</p> <p>Changing the zone to the Landscape Conservation Zone would not compromise the protection of the area.</p>

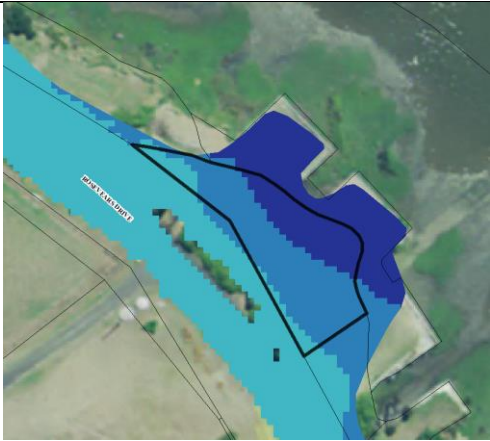


Coastal hazards and values	Assessment
<b>Waterway and Coastal Protection Area</b> 	<p>Waterway and Coastal Protection Area <b>applies to part of the property.</b></p> <p>That Natural Assets Code applies to development on land within the waterway and coastal protection area.</p> <p>The code provisions in relation to waterway and coastal protection areas apply regardless of the zoning and will apply to any future development of the land and consider any potential impacts on the values of the waterway and coastal protection area.</p> <p>As there are no building areas on the sealed plan approved under the TPS an application for a permitted use, involving buildings or works would require assessment against the performance criteria and be discretionary (C7.6.1 A1) among other criteria that will be required to be met.</p> <p>Changing the zone to the Landscape Conservation Zone does not affect the applicability of the code or the assessment that would be undertaken for proposed development.</p>
<b>Conclusions</b>	<p>The Landscape Conservation Zone is appropriate having regard to the relevant strategic planning objectives for coastal hazards and values as:</p> <ul style="list-style-type: none"> <li>• The Landscape Conservation Zone has an environmental purpose;</li> <li>• The Landscape Conservation Zone would not permit further subdivision of the land and any proposed land uses, such as a single dwelling, would be required to be compatible with the landscape values.</li> <li>• As previously established there is not a permitted pathway for development of a single dwelling under the Landscape Conservation Zone; and</li> <li>• The relevant overlays will continue to apply to future use and development and will require tolerable risk to be demonstrated and that adverse impacts on natural assets are minimised noting that there is sufficient area on the site to accommodate development where the overlays do not apply.</li> </ul>

## 2 Rosevears Drive, Rosevears

<b>Proposed Zone</b>	Landscape Conservation Zone
<b>Permitted uses</b> in addition to those that are permitted in the EM Zone	Permitted <ul style="list-style-type: none"> <li>Residential - If for a: (a) home-based business; or (b) single dwelling located within a building area, if shown on a sealed plan</li> <li>Utilities - If for minor utilities.</li> </ul>
<b>Existing Development</b>	Existing dwelling
<b>Other relevant matters</b>	Nil

### Assessment

Coastal hazards and values	Assessment
<p><b>Coastal erosion hazard band</b></p> 	<p>The <b>medium coastal erosion hazard band</b> affects the whole property.</p> <p><b>Strategic Objectives</b></p> <p>As previously established, the Landscape Conservation Zone is not considered to facilitate more intensive development than the Environmental Management Zone.</p> <p><b>Outside the Urban Growth Area</b></p> <p>There is an existing dwelling on the site.</p> <p>The Coastal Erosion Hazard Code or the <i>Building Act 2016</i> would apply to any future use, which would require tolerable risk to be demonstrated.</p> <p><b>Application of the Coastal Erosion Hazard Code</b></p> <p>The Coastal Inundation Hazard Code provisions will apply to future use and development.</p> <p>The Landscape Conservation Zone is not considered an urban zone, which means medium hazard band must demonstrate a tolerable risk from the hazard.</p> <p>Noting that there is an existing dwelling on the site, intensification of that use is exempt from the code and extensions to the dwelling would require authorisation under the <i>Building Act 2016</i> so would also meet the exemption from the code. Assessment of the hazard would therefore be undertaken under the <i>Building Act 2016</i>.</p>
<p><b>Coastal Inundation hazard band</b></p>	<p><b>Low, medium and high hazard bands</b> affect the property.</p> <p><b>Strategic Objectives</b></p> <p>The Landscape Conservation Zone is a zone with an environmental purpose. The Coastal Hazards Technical Report states that zones with an environmental purpose are an appropriate zone in the high and medium hazard bands.</p> <p><b>Outside the Urban Growth Area</b></p> <p>There is an existing dwelling on the site which is afforded particular exemptions if an extension were to be proposed.</p>

Coastal hazards and values	Assessment
	<p>Otherwise, the code will apply and essentially prohibit uses that don't rely on a coastal location.</p> <p><b>Application of the Coastal Inundation Hazard Code</b></p> <p>The Coastal Inundation Hazard Code provisions will apply to future use and development should any be proposed.</p> <p>The Landscape Conservation Zone is not considered an urban zone, which means:</p> <ul style="list-style-type: none"> <li>• A use in the high or medium hazard band must be for a use which relies on a coastal location to fulfil its purpose (C11.5.1 and C11.5.2); and</li> <li>• A use in the low hazard band must achieve and maintain a tolerable risk (C11.5.3).</li> </ul> <p>Note that as there is an existing dwelling on the site, intensification of that use is exempt from the code and alterations or extensions in the high hazard band if less than 20m<sup>2</sup> is also exempt (C11.4).</p> <p>The impact of development in areas at risk from coastal inundation hazard is mitigated by the combination of the Landscape Conservation Zone provisions and the Coastal Inundation Hazard Code.</p>
<p><b>Future Coastal Refugia</b></p> 	<p>Future Coastal Refugia area <b>applies to the whole property.</b></p> <p>As there is not a building area on a sealed plan approved under the TPS, development within the Future Coastal Refugia Area would be discretionary requiring assessment against relevant performance criteria. This would include that it must be for a use that relies on a coastal location to fulfil its purpose (C7.6.1 P2.1 &amp; P2.2).</p> <p>Changing the zone to the Landscape Conservation Zone would not compromise the protection of the area.</p>
<p><b>Waterway and Coastal Protection Area</b></p> 	<p>Waterway and Coastal Protection Area <b>applies to the whole property.</b></p> <p>That Natural Assets Code applies to development on land within the waterway and coastal protection area.</p> <p>The code provisions in relation to waterway and coastal protection areas apply regardless of the zoning and will apply to any future development of the land and consider any potential impacts on the values of the waterway and coastal protection area.</p> <p>As there are no building areas on the sealed plan approved under the TPS an application involving buildings or works would require assessment against the performance criteria</p>




Coastal hazards and values	Assessment
	<p>and be discretionary (C7.6.1 A1) among other criteria that will be required to be met.</p> <p>Including the property in the Landscape Conservation Zone does not affect the applicability of the code or the assessment that would be undertaken for proposed development.</p>
<b>Conclusions</b>	<p>The Landscape Conservation Zone is appropriate having regard to the relevant strategic planning objectives for coastal hazards and values as:</p> <ul style="list-style-type: none"> <li>• The site has an existing dwelling;</li> <li>• The Landscape Conservation Zone has an environmental purpose;</li> <li>• The Landscape Conservation Zone would not permit further subdivision of the land and any new land uses would be very limited due to the size of the property and the existing development;</li> <li>• As previously established there is not a permitted pathway for development under the Landscape Conservation Zone; and</li> <li>• The relevant overlays will continue to apply to future use and development and will require tolerable risk to be demonstrated and that adverse impacts on natural assets are minimised.</li> </ul>


**4 Rosevears Drive, Rosevears**

<b>Proposed Zone</b>	Landscape Conservation Zone
<b>Permitted uses</b> in addition to those that are permitted in the EM Zone	Permitted <ul style="list-style-type: none"> <li>Residential - If for a: (a) home-based business; or (b) single dwelling located within a building area, if shown on a sealed plan</li> <li>Utilities - If for minor utilities.</li> </ul>
<b>Existing Development</b>	A single dwelling is established on site
<b>Other relevant matters</b>	Nil

**Assessment**

Coastal hazards and values	Assessment
<p><b>Coastal erosion hazard band</b></p> 	<p><b>Low and medium hazard bands</b> affect the property.</p> <p><b>Strategic Objectives</b></p> <p>As previously established, the Landscape Conservation Zone is not considered to facilitate more intensive development than the Environmental Management Zone.</p> <p><b>Outside the Urban Growth Area</b></p> <p>There is an existing dwelling on the site.</p> <p>The Coastal Erosion Hazard Code or the <i>Building Act 2016</i> would apply to any future use, which would require tolerable risk to be demonstrated.</p> <p><b>Application of the Coastal Erosion Hazard Code</b></p> <p>The Coastal Erosion Hazard Code provisions will apply to future use and development.</p> <p>The Landscape Conservation Zone is not considered an urban zone, which means medium hazard band must demonstrate a tolerable risk from the hazard.</p> <p>Noting that there is an existing dwelling on the site, intensification of that use is exempt from the code and extensions to the dwelling would require authorisation under the <i>Building Act 2016</i> so would also meet the exemption from the code. Assessment of the hazard would therefore be undertaken under the <i>Building Act 2016</i>.</p>
<p><b>Coastal Inundation hazard band</b></p>	<p><b>Low, medium and high hazard bands</b> affect part of the property.</p> <p><b>Strategic Objectives</b></p> <p>The Landscape Conservation Zone is a zone with an environmental purpose. The Coastal Hazards Technical Report states that zones with an environmental purpose are an appropriate zone in the high and medium hazard bands.</p> <p><b>Outside the Urban Growth Area</b></p> <p>There is an existing dwelling on the site which is afforded appropriate exemptions if an extension were to be</p>

Coastal hazards and values	Assessment
	<p>proposed. Otherwise, the code will apply and essentially prohibit uses that don't rely on a coastal location.</p> <p><b>Application of the Coastal Inundation Hazard Code</b></p> <p>The Coastal Inundation Hazard Code provisions will apply to future use and development should any be proposed within the hazard area.</p> <p>The property has sufficient area outside of the inundation hazard bands to accommodate development and associated infrastructure and has an established dwelling on site.</p> <p>The Coastal Inundation Hazard Code provisions will apply to future use and development.</p> <p>The Landscape Conservation Zone is not considered an urban zone, which means:</p> <ul style="list-style-type: none"> <li>• A use in the high or medium hazard band must be for a use which relies on a coastal location to fulfil its purpose (C11.5.1 and C11.5.2) and a residential use does not rely on a coastal location and therefore cannot be approved;</li> <li>• A use in the low hazard band must achieve and maintain a tolerable risk (C11.5.3).</li> </ul> <p>The impact on use or development in areas at risk from coastal inundation hazard is mitigated by the combination of the Landscape Conservation Zone provisions, the Coastal Inundation Hazard Code and the <i>Building Act 2016</i>.</p>
<p><b>Future Coastal Refugia</b></p> 	<p>The Future Coastal Refugia <b>applies to part of property</b>.</p> <p>As there is not a building area on a sealed plan approved under the TPS, development within the Future Coastal Refugia Area would be discretionary requiring assessment against relevant performance criteria. This would include that it must be for a use that relies on a coastal location to fulfil its purpose (C7.6.1 P2.1 &amp; P2.2).</p> <p>Noting that there is an existing dwelling on the property, it also has an area outside of the Future Coastal Refugia Area that could potentially accommodate development.</p> <p>Changing the zone to the Landscape Conservation Zone would not compromise the protection of the area.</p>

Coastal hazards and values	Assessment
<b>Waterway and Coastal Protection Area</b> 	<p>The Waterway and Coastal Protection Area <b>applies to the whole property.</b></p> <p>That Natural Assets Code applies to development on land within the waterway and coastal protection area.</p> <p>The code provisions in relation to waterway and coastal protection areas apply regardless of the zoning and will apply to any future development of the land and consider any potential impacts on the values of the waterway and coastal protection area.</p> <p>As there are no building areas on the sealed plan approved under the TPS an application involving buildings or works would require assessment against the performance criteria and be discretionary (C7.6.1 A1) among other criteria that will be required to be met.</p> <p>Including the property in the Landscape Conservation Zone does not affect the applicability of the code or the assessment that would be undertaken for proposed development.</p>
<b>Conclusions</b>	<p>The Landscape Conservation Zone is appropriate having regard to the relevant strategic planning objectives for coastal hazards and values as:</p> <ul style="list-style-type: none"> <li>• The site has an existing dwelling;</li> <li>• The Landscape Conservation Zone has an environmental purpose;</li> <li>• The Landscape Conservation Zone would not permit further subdivision of the land and any additional land uses would need to be consistent with the landscape values of the site;</li> <li>• As previously established there is not a permitted pathway for use or development under the Landscape Conservation Zone; and</li> <li>• The relevant overlays will continue to apply to future use and development and will require tolerable risk to be demonstrated and that adverse impacts on natural assets are minimised.</li> </ul>

**Other properties within the coastal zone but not listed in the directions**

Property	Coastal overlays	Proposed Zone	Comments
Lot 1 Badger Head Road (PID 9283953)	Waterway and Coastal Protection Area	Rural Living	No coastal hazard overlays affect the property.  Established residential subdivision. Appears Environmental Management Zone was mistakenly applied in the Interim Planning Scheme as the 2008 Planning Scheme included most of the property in the Rural Living Zone.
28 Ocean View Drive (PID 7793189)	N/A	Landscape Conservation	No coastal hazard overlays affect the property.  Located west of the established Greens Beach community.
Fernlack Road (PID 7793197)	Waterway and Coastal Protection Area	Landscape Conservation	No coastal hazard overlays affect the property.  Located west of the established Greens Beach community.
65 West Bay Road (PID 6105508)	Coastal Inundation Hazard  Future Coastal Refugia  Waterway and Coastal Protection Area	Rural Living	Site approximately 25m <sup>2</sup> in area and functionally part of the adjoining property which is currently in the Rural Living Zone.  Relevant Codes will apply and ensure the State Coastal Policy is complied with.
267 Gravelly Beach Road (PID 6060143)	Coastal Inundation Hazard  Future Coastal Refugia  Waterway and Coastal Protection Area	Low Density Residential	The site is on the western side of Gravelly Beach Road. A small area at the front of the property is affected by the low coastal inundation hazard band and the future coastal Refugia area. There is an existing dwelling on the property. The proposed zoning reflects the current and intended future use of the property with the code providing appropriate regulation to ensure compliance with the State Coastal Policy.

## 2. Landslip hazard

A number of titles subject to the draft amendment contain areas identified in the landslip hazard overlay. In particular, there are four titles identified which are within a declared Landslip A area.

The Commission requests information from the planning authority that addresses the suitability of the proposed zones to be applied to land subject to a landslip hazard band.

While the Commission requests a response for all sites with medium and high landslide hazard bands, specific reference is made to the following sites:

- 154, 156 and 166 Flinders Street, Beauty Point
- Various titles along Aldridge Street, York Town.

Specifically the information should address how the proposed amendment relates to the strategic planning principles in the Landslide Planning Report, version 5 – 19 August 2013 (Department of Premier and Cabinet).

The Commission also advises that it is seeking advice from Mineral Resources Tasmania.

### Conclusions

The proposed zoning of properties at Beauty Point and York Town ensure landslip hazard is appropriately managed as:

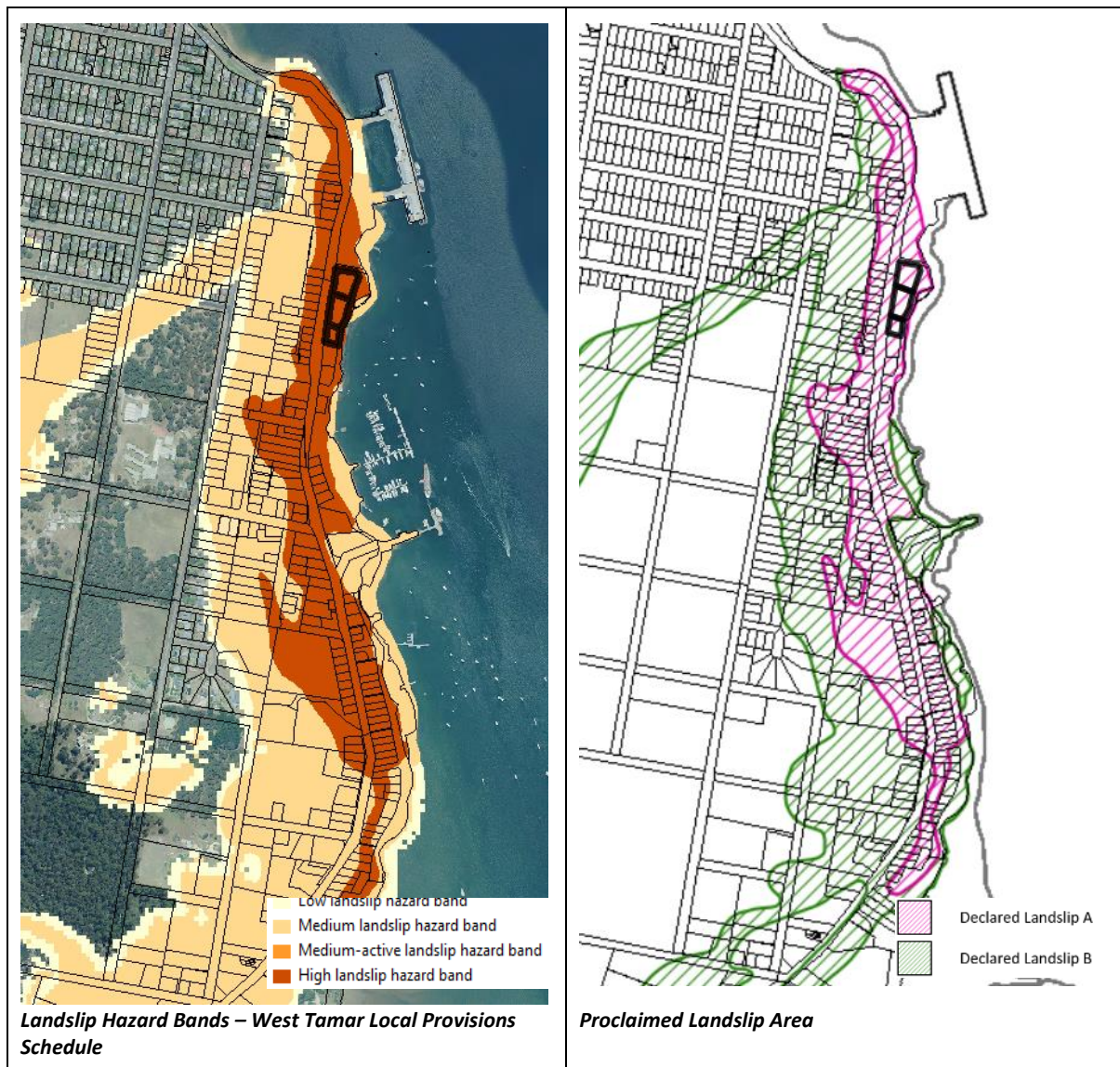
- The inclusion of 154, 156 and 166 Flinders Street Beauty Point entirely in the General Residential Zone is consistent with all other privately owned properties in the Declared Landslip Area. The combination of the Landslip Hazard Code and the *Building Act 2016* requirements appropriately regulate development to ensure any risk is tolerable.
- The properties along Aldridge Street, York Town are proposed to be included in the Landscape Conservation Zone which has an environmental purpose. This is consistent with the Landslide Planning Report which supports the use of zones with an environmental purpose in the medium landslip hazard area and use of development regulations such as the Landslip Hazard Code and the *Building Act 2016* in the low hazard area.
- The proposed zoning of all other properties within a landslip hazard area is appropriate having regard to the Landslide Planning Report.

### Detailed response

Part 5.2 of the *Landslide Planning Report* prepared by the Department of Premier and Cabinet provides a Landslide Planning Matrix to inform public policy on land use planning at the strategic and development control levels. The following assessment considers this matrix.

**154, 156 and 166 Flinders Street, Beauty Point**

The sites are included in the High Landslip Hazard Band and in the Proclaimed Landslip Area A as shown in the map extracts below.



**Background**

The Landslip (Beaconsfield) Order 1984 was given on 27 April 1984. This order also revoked a previous order of 1977.

The order, that the land is within a proclaimed landslip area, is also noted on the title of each property subject to the order.

When the 1986 Planning Scheme was declared (9 March 1990) the sites were included in the partly Recreation Zone and partly in the Closed Residential Zone. There were also identified as 'Doubtful Land Stability' with the area generally consistent with the proclaimed landslip area.



**1986 Beaconsfield Planning Scheme map (at 2 March 1990) with current cadastre overlaid**

Between 2002 and 2004, after the proclaimed landslip area was in place, the State Government sold the parts of 154, 156 and 166 Flinders Street currently in the Environmental Management Zone:

- 154 Flinders Street –transferred from the state to private ownership on 14 June 2002;
- 156 Flinders street – transferred ownership from the state to the private owner on 22 December 2003; and
- 166 Flinders Street - transferred ownership from the state to the private owner on 9 January 2004.

Other lots – transferred from the state to private owners include:

- 144 Flinders Street (CT 106255/6)– 31 July 1995 – included in the General Residential Zone
- 148 Flinders Street (CT 106255/5) – 31 July 1995 – included in the General Residential Zone
- 152 Flinders Street (CT 131965/1) – CT 106255/4 transferred 17 February 1995, Adhesion Order 22 March 1999 (106255/4 & D130736) new CT approved 12 May 1999. Included in the General Residential Zone.

Given the knowledge of the historic landslip and potential for continuing landslip activity, the previous purchase of several properties as a result of landslip activity, it is interesting to note that the state government sold land to private owners knowing there was risk of landslip in these locations.



Between the commencement of the 1986 planning scheme (in 1990) and the commencement of the 2006 planning scheme (in 2008) there was some minor changes to the zoning of the Flinders Street properties, generally aligning the Closed Residential Zone with the previous boundaries of the privately owned properties. Council has not been able to locate any formal planning scheme amendments that resulted in these changes.

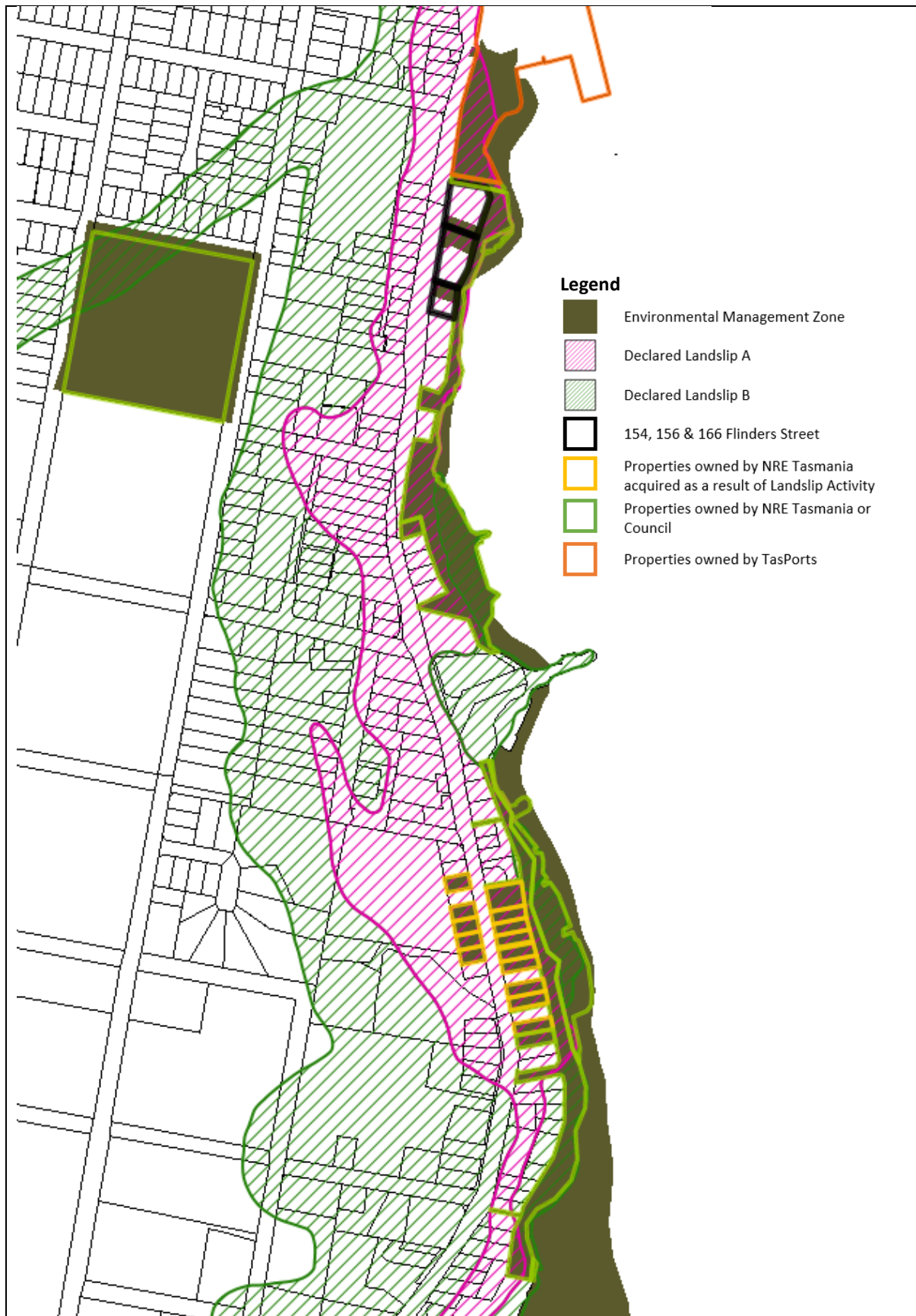
The 2006 Planning Scheme included part of 166 Flinders Street in the Residential Zone. This is the part that was privately owned prior to the transfer of land in 2004. It is possible that the initial zoning was drafted prior to the transfers being made and not revisited following this however this cannot be confirmed.

As part of the preparation of the 2013 Interim Planning Scheme, Council specifically determined to change the zone of the properties that were compensated and acquired by the State Government as a result of landslip activity to the Environmental Management Zone – see extract of Council minutes below. These sites are indicated in yellow outline in the below map. These properties were in the Residential Zone in the 2008 Planning Scheme and a mix of the Recreation Zone, Closed Residential Zone and Low Density Residential A Zone under the 1986 Planning Scheme.

**Extract from Council Meeting minutes 12 June 2012**

- f) rezone properties that were compensated and acquired by the State Government as a result of Landslip Activity to the Environmental Management zone as follows:

Title reference	Address
55256/3	93 to 95 Flinders Street, Beauty Point
55256/5	(formerly 89) Flinders Street, Beauty Point
55256/6	87 Flinders Street, Beauty Point
55256/7	85 Flinders Street, Beauty Point
55256/8	(formerly 81) Flinders Street, Beauty Point
PID 2087867	(formerly 96) Flinders Street, Beauty Point
76143/11	(formerly 94) Flinders Street, Beauty Point
76143/12	(formerly 92) Flinders Street, Beauty Point
76143/13	90 Flinders Street, Beauty Point
76143/14	(formerly 88) Flinders Street, Beauty Point
76143/15	86 Flinders Street, Beauty Point
76143/17	(formerly 82) Flinders Street, Beauty Point
76143/18	(formerly 80) Flinders Street, Beauty Point
76143/20	(formerly 76) Flinders Street, Beauty Point
249414/1	Deviot Road, Deviot (between 500 & 514)
83987/21	78 Beach Road, Legana
83150/20	80 Beach Road, Legana
81350/19	82 Beach Road, Legana
77532/	Beach Road, Legana (between 82 & 84)



Ownership of land in declared landslip area and the Environmental Management Zone – Beauty Point

No specific mention of 154, 156 and 166 Flinders Street has been located in relation to their zoning in background papers for the 2008 or 2013 planning scheme. The zoning between the 2008, 2013 and 2022 planning scheme remained the same indicating that the 2008 zoning was transferred across to the new planning schemes without reconsidering any strategic reason to retain the Environmental Management Zone over part of the lots.

### **Landslide Planning Report - Strategic Planning Principles**

For sites included in the high hazard band, the following Strategic Planning principle applies:

*Strategies should discourage all development except vital community infrastructure that cannot be reasonably located elsewhere. Strategies must indicate appropriate zoning and overlays to provide a clear message to the public and the drafters of local government planning scheme to ensure use and development is generally prohibited except under special circumstances.*

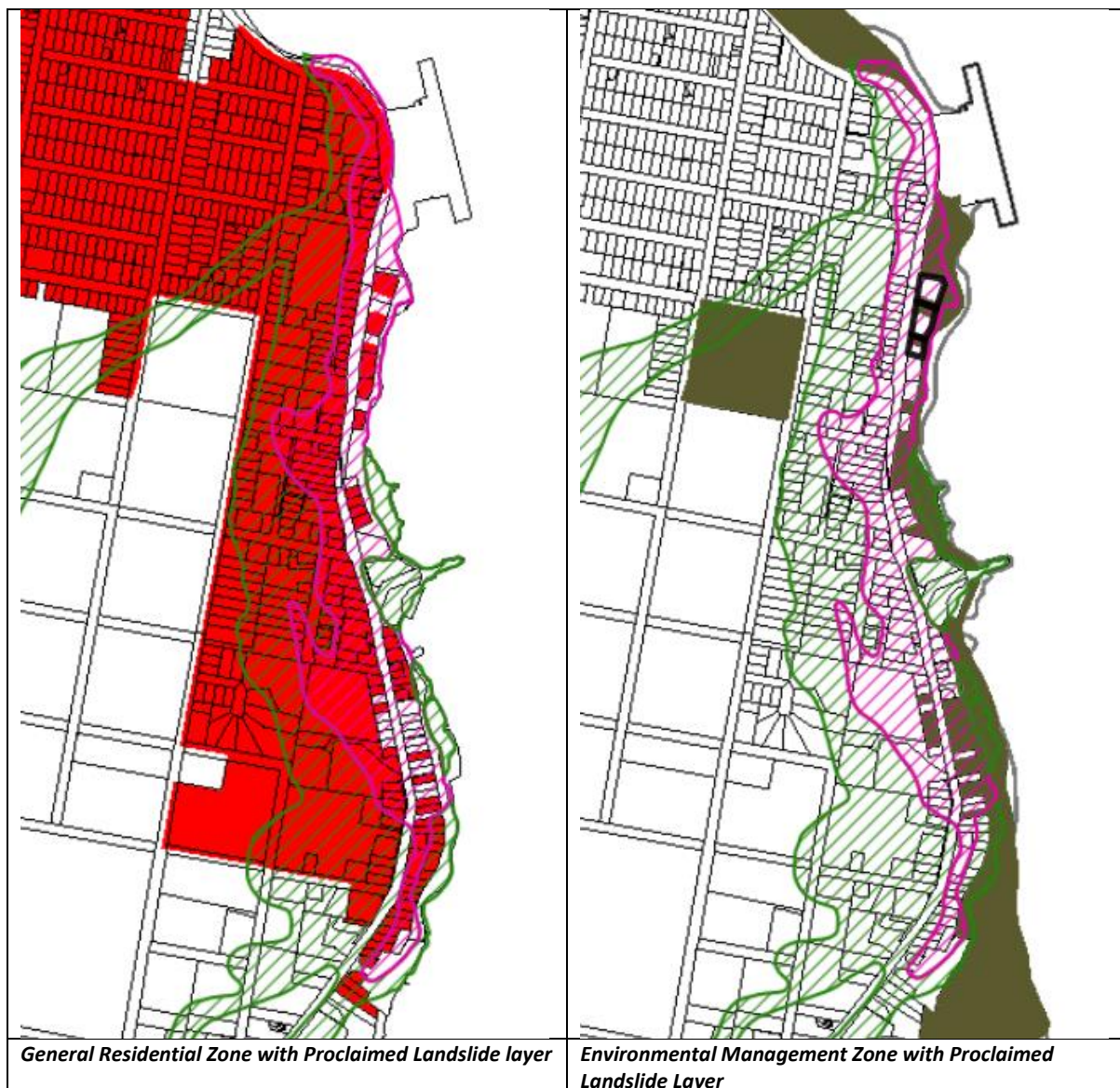
154, 156 and 166 Flinders Street all contain existing residential uses and there are existing residential uses to the south and east. It would be appropriate to conclude that this is an existing residential area and all three properties have existing residential uses.

The declared Landslip A area is approximately 21.36ha. The majority of this area is included in the General Residential Zone with two lots in the Low Density Residential Zone. The zoning reflects the historic residential land use of the locality. They rely on the Landslip Hazard Code and the *Building Act 2016* requirements to regulate future development of the sites and address the risk associated with potential landslip. This was accepted as part of the approval of the West Tamar Local Provisions Schedule and the zoning included in previous planning schemes.

The remainder of the declared landslip A area is included in the Environmental Management Zone or Open Space Zone with a small area in the Marine and Port Zone. Most of these properties are owned by State or local government or by TasPorts, a state government owned company.

These three properties are the only privately owned properties in the declared landslip A area at Beauty Point to have been partly included in the Environmental Management Zone. There is no apparent higher risk of landslip over the 2 151m<sup>2</sup> of land included in the Environmental Management Zone at 154, 156 or 166 Flinders Street than in any other part of the declared area. There is no evidence that Council has been able to locate that identifies a strategic intent to retain the Environmental Management Zone as a stronger or different method of restricting development on the properties due to a higher risk of landslip than any other property.

If included in the General Residential Zone, any use or development will be subject to the regulatory controls relevant to land in the high hazard band under the planning scheme and the *Building Act 2016*.



Mineral Resources Tasmania's response to the Tasmanian Planning Commission's directions is acknowledged and their position that development should be discouraged in high hazard areas is noted. However, Beauty Point is not an area without historical development or zoning, having a long history of urban residential development. Were the entire properties currently included in the Environmental Management Zone, or for that matter surrounding properties, it would be a straightforward assessment that the zone should not change and there should be no further development on the properties, however this is not the case.

There are over 50 properties in the declared landslip A area that are also included in the General Residential Zone. Several of which are vacant or have a theoretical development potential for subdivision or multiple dwellings, however these properties all rely on the Landslip Hazard Code and the *Building Act 2016* controls to manage development without an underlying zone signalling the restrictions on development potential.

While Council accepts that the strategic planning principle in the Landslide Planning Report that the zone should discourage development is the preferred approach to strategic planning in area of high landslip hazard, it remains unclear why a different approach should be applied to these three properties than for other properties subject to the same level of hazard in the same locality.

### Various titles along Aldridge Street, York Town

The Landslip Hazard Area overlay was established under the LPS based on the Landslide Planning Map and directions provided through Guideline No.1. The Landslip Hazard Area affecting Aldridge Street, York Town is shown below.



Both the low and medium landslip hazard bands are identified. The Landslide Planning Report includes the following strategic planning principles:

*Low hazard band*      *Where broader planning considerations support the development of the area, the low hazard band should not inhibit use or development.*

*Medium hazard band*      *Where there is no compelling reason to include land identified in this band for development, it should be zoned for open space, rural or environmental purposes.*

*Compelling reasons may include that it is in an existing residential area and further development will be infill. Alternatively a landslide risk assessment may be required to demonstrate that a proposed zoning is reasonable and avoids areas of high or very high risk.*

For areas in the low hazard band, the principles defer to broader planning considerations for the selection of the zone, which is further examined in response to item 4 of the directions to Council.

As discussed above in responding to item 1 of the directions relating to coastal hazards, the Landscape Conservation Zone is considered to have an environmental purpose. The proposal to

include these properties in the Landscape Conservation Zone is therefore consistent with the strategic planning principles for medium landslip hazard areas.

The use of the Landscape Conservation Zone in this location is supported by Mineral Resources Tasmania in their response to the Tasmanian Planning Commission directions.

AM02-22 does not seek to alter the overlay, policy or regulatory settings under the TPS, so the requirement for specific assessment reports was not triggered to determine compliance with the Landslip Hazard Code application guidelines under Guideline No.1. As noted within this submission, the practice of managing development in areas within the overlay was established through determination of the LPS.

Council submits that the proposed Landscape Conservation zoning for the subject titles in Aldridge Street is consistent with the planning principles in the Landslide Planning Report.

**Other properties subject to the Landslip Hazard overlay mapping but not listed in the directions**

Property	Hazard band	Proposed Zone	Comments
65 West Bay Road, Rowella (PID 6105508)	Low (most) Medium (small area)	Rural Living A	Small area (~26m <sup>2</sup> ) adjacent to a larger parcel in the same ownership. Could not be developed independently.  Mostly in the low hazard band so can rely on development controls in the SPP and <i>Building Act 2016</i> to manage risk.
117 Motor Road, Deviot (PID 6099873)	Low & medium in scattered locations	Rural	Existing dwelling not affected by the hazard bands so future development unlikely to be affected by the hazard bands however can rely on development controls in the SPP and <i>Building Act 2016</i> to manage risk.
Motor Road, Deviot (PID 7324075)	Low & medium in scattered locations	Rural	Site is vacant however there is sufficient area away from the hazard bands to accommodate a future dwelling if proposed.  As the low and medium hazard bands area affecting the property, development controls in the SPP and <i>Building Act 2016</i> can appropriately manage risk.
14 Stony Brook Road, Blackwall (PID 6067599)	Low & medium over part of the property	Rural Living A	Established dwelling on the property.  As the low and medium hazard bands area affecting the property, development controls in the SPP and <i>Building Act 2016</i> can appropriately manage risk.
4 Rosevears Drive, Rosevears (PID 6074991)	Medium-active, medium and low	Landscape Conservation	Established dwelling on the property.  The Landscape Conservation Zone is an environmental purposes zone and appropriate for the medium-active hazard area.
2 Rosevears Drive, Rosevears (PID 6075011)	Low and medium over part of the property.	Landscape Conservation	Established dwelling on the property.  As the low and medium hazard bands area affecting the property, development controls in the SPP and <i>Building Act 2016</i> can appropriately manage risk.
Holwell Road, Holwell (PID 2287885)	Low	Landscape Conservation	Part of the area proposed to be included in the Landscape Conservation Zone is in the low hazard band. It is a large property with an existing dwelling. Should any future development be proposed in that part in the low hazard band development controls in the SPP and <i>Building Act 2016</i> can appropriately manage risk.

### 3. Bushfire Risk

The Commission requests advice and relevant information on:

- the level of potential bushfire hazard based on the existing landscape conditions of the local area surrounding the northern section of York Town
- the suitability of Aldridge Street to provide a means of access and egress given the potential bushfire hazard of the area
- the suitability of the proposed application of the Landscape Conservation zone to the northern section of York Town given the potential bushfire hazard.

Please note that the Commission is also seeking advice from the Tasmania Fire Service on the level of potential bushfire hazard in this area.

#### Conclusions

The Landscape Conservation Zone is a compatible and appropriate zone for properties within bushfire-prone areas as:

- The Landscape Conservation Zone is a zone with an environmental purpose. As this is often because of its native bushland qualities, most properties in the Landscape Conservation Zone will likely also be in a bushfire-hazard area.
- There are no vegetation clearing exemptions relating to bushfire hazard prior to the establishment of the use therefore addressing bushfire risk does not negate the need for the landscape values to be considered in assessing the suitability of the site for use or development.
- The Landscape Conservation Zone provisions and the Natural Assets Code ensure any proposals that require removal of vegetation will be assessed to ensure any adverse impact on the landscape and biodiversity values is minimised. A single dwelling will not qualify as a permitted use on any of the sites.
- The Bushfire-prone Areas Code and/or the *Building Act 2016* requirements will ensure access and egress via Aldridge Street will meet the minimum standards for evacuation and for emergency services access.

#### Detailed response

##### ***The level of potential bushfire hazard based on the existing landscape conditions of the local area surrounding the northern section of York Town***

Council defers to the assessment completed by the Tasmanian Fire Service (TFS) and submitted to the Tasmanian Planning Commission on 9 March 2023 in relation to the potential fire hazard and potential bushfire management areas if dwellings were proposed in the northern section of York Town.



***The suitability of Aldridge Street to provide a means of access and egress given the potential bushfire hazard of the area***

The advice from the TFS about the existing condition and suitability of Aldridge Street is acknowledged.

Aldridge Street is not a Council maintained road.

The existing dwellings on Aldridge Street within the area proposed to be included in the Landscape Conservation Zone were constructed between 1989 and 2005.

While Aldridge Street may not meet contemporary standards, should a landowner propose to build a new dwelling on one of the currently vacant properties, they would need to demonstrate compliance with the access standards as part of their building approval process. Depending on where the dwelling is proposed, this might include widening the road width or installing passing bays so that contemporary standards are met. This is part of the established regulatory approach to managing bushfire risk and applies in numerous situations where the current access would not meet the required bushfire standards. For example, this is the case for existing properties in the Rural Living and Rural Zones where dwellings are permitted and discretionary respectively.

The potential for dwellings to be proposed on these properties and the existing standard or access should not prevent the proposed amendment to the Landscape Conservation Zone noting that appropriate regulatory controls are in place to address bushfire risks, and the Landscape Conservation Zone is not a residential zone.

***The suitability of the proposed application of the Landscape Conservation zone to the northern section of York Town given the potential bushfire hazard***

The Landscape Conservation Zone has an environmental purpose.

None of the properties proposed to be included in the Landscape Conservation Zone has an existing building area on a sealed plan, therefore any proposed dwelling would be discretionary. The assessment of the discretionary application will require consideration of the impact on landscape values – including any removal or management of vegetation to meet bushfire standards. With the exception of 3 properties, the Priority Vegetation overlay also applies. Even if a building area were placed on the properties without assessment through the Planning Scheme, the Natural Assets Code would require a discretionary assessment for the removal of vegetation in a Priority Vegetation Area as clause C7.6.2 A1 'requires a building area on a sealed plan approved under this planning scheme' to meet the acceptable solution and avoid a discretionary assessment.

The current Environmental Management zoning identifies uses such as visitor accommodation as discretionary uses, which have a form and function similar to a dwelling and a building classification that would require consideration of bushfire risk. The assessment of bushfire risk required for a building application in this instance would equally require consideration of access and vegetation management and the assessment against the planning scheme would require assessment of the impact on environmental values. This has the equivalent level of impact and assessment requirements as a proposal for a dwelling in the Landscape Conservation Zone.

It is also noted that inclusion in the Landscape Conservation Zone does not provide any exemptions for vegetation clearing associated with bushfire management prior to an assessment against the planning scheme (see table below).

The Bushfire-prone Area overlay affects the vast majority of the municipality. This includes parts of the General Residential Zone, Low Density Residential Zone and Rural Living Zone where residential dwellings are no permit required and permitted. The combination of the planning scheme and *Building Act 2016* requirements provides appropriate regulation of bushfire risk and does not require resolution of the risk prior to the zoning of the land, rather this is addressed when development is proposed.

The combination of the Landscape Conservation Zone provisions, Natural Assets Code and the *Building Act 2016* requirements will provide appropriate regulation of both the environmental values and the bushfire risk associated with future development.

#### Exemptions relating to vegetation clearing and bushfire management

	Use or Development	Requirements	Application if draft amendment approved - Aldridge Street, York Town
4.4.1	vegetation removal for safety or in accordance with other Acts	(c) fire hazard management in accordance with a bushfire hazard management plan <b>approved as part of a use or development</b> ;	No change Only applies once the use or development is approved. Vegetation removal on existing vacant lots will require assessment against the planning scheme
		(d) fire hazard reduction required in accordance with the Fire Service Act 1979 or an abatement notice issued under the Local Government Act 1993;	No change Applies regardless of zone and would be the same under the EM Zone or the LC Zone
		(e) fire hazard management works necessary to protect <b>existing assets</b> and ensure public safety in accordance with a plan for fire hazard management endorsed by the Tasmania Fire Service, Sustainable Timbers Tasmania, the Parks and Wildlife Service, or council;	No change Applies regardless of zone and would be the same under the EM Zone or the LC Zone.

#### 4. Landscape Values

In instances where land is proposed to have the Landscape Conservation Zone applied to it, the Commission requests an assessment of the following matters:

- how the draft amendment relates to the zone application guidelines of Guidelines No. 1, 2019
- the existing natural or cultural landscape values of the land
- how the development of permitted uses and associated vegetation removal would complement the objectives of the Landscape Conservation Zone.

#### Conclusions

The assessment of the above matters concludes:

- Including the selected properties in the Landscape Conservation Zone meets the zone application guidelines of Guideline No. 1, and that there are no reasonable alternative zones for the properties (see summary of assessment over page).
- Retaining the properties in the Environmental Management Zone is contrary to the zone application guidelines of Guideline No. 1. Of the 39 properties proposed to be included in the Landscape Conservation Zone, 24 are currently developed with dwellings or other uses and would result in prohibited uses being located on most of the properties subject to this amendment.
- There is no intention or need to limit development to the extent of the Environmental Management Zone provisions.
- Each property has landscape values that satisfy the requirements of Guideline No.1 for inclusion in the Landscape Conservation Zone.
- The assessment criteria established in the TPS through the Landscape Conservation Zone provisions and Natural Assets Code provides adequate and appropriate regulation of vegetation removal to ensure any use or development will complement the objectives of the Landscape Conservation Code.

## Summary of assessment against the zone application guidelines of Guideline No. 1

Guideline No. 1 criteria		Location				
		Greens Beach <sup>1</sup>	York Town <sup>2</sup>	4432 West Tamar Highway	2 Rosevears Drive	4 Rosevears Drive
Landscape Conservation	LCZ1	✓	✓	✓	✓	✓
	LCZ2	✓	✓	✓	✓	✓
	LCZ3	✓	✓	✓	✓	✓
	LCZ4	✓	✓	✓	✓	✓
Environmental Management	EMZ1	✗	✗	✗	✗	✗
	EMZ2	✗	✗	✗	✗	✗
	EMZ3	✗	✗	✗	✗	✗
Low Density Residential	LDRZ1	-	✓	-	-	-
	LDRZ2	-	✗	-	-	-
	LDRZ3	-	✗	-	-	-
	LDRZ4	-	✓	-	-	-
Rural Living	RLZ1	✗	✗	✗	✗	✗
	RLZ2	✗	✗	✗	✗	✗
	RLZ3	●	●	●	●	●
	RLZ4	✓	✓	✓	✓	✓
Rural	RZ1	✓	✓	✓	✗	✗
	RZ2	✓	✓	✓	✓	✓
	RZ3	●	●	●	●	●
Agriculture	AZ1	✗	✗	✗	✗	✗
	AZ2	✗	✗	✗	✗	✗
	AZ3	✗	✗	✗	✗	✗
	AZ4	✗	✗	✗	✗	✗
	AZ5	✗	✗	✗	✗	✗
	AZ6	✗	✗	✗	✗	✗
	AZ7	✗	✗	✗	✗	✗

<sup>1</sup> Greens Beach assessment included 28 Ocean View Drive (PID 7793789) and Fernlack Road (PID 7793197)

<sup>2</sup> York Town assessment included all properties proposed to be included in the Landscape Conservation Zone as shown in Appendix 1.

Key	
✓	Satisfies guidelines
✗	Does not satisfy guidelines
●	Not applicable
-	Not considered

### Detailed response

39 properties are proposed to be included in the Landscape Conservation Zone (including the additional property on Aldridge Street, York Town PID 6107052 which forms the request to modify the draft amendment included with this response). Of these properties 15 are vacant or not approved for permanent occupancy.

32 of these properties are located in York Town.

### **What are landscape values?**

The Australian Institute of Landscape Architects have produced a *Guidance Note for Landscape and Visual Assessment*<sup>1</sup> (the Guidance Note) which also provides insight into what are landscape values.

It defines the following terms:

Landscape	Landscape is an all-encompassing term that refers to areas of the earth's surface at various scales. It includes those landscapes that are: urban, peri-urban, rural, and natural; combining bio-physical elements with the cultural overlay of human use and values.
Values	Any aspect of landscape or views that people consider to be important. Landscape and visual values may be reflected in local, state or federal planning regulations, other published documents or be established through community consultation and engagement, or as professionally assessed.

The Guidance Note goes onto explain that:

- water and natural elements are preferred over urban scenes;
- Mountains and hills are preferred over flat land;
- views are preferred which include both mid-ground elements (with some detail discernible) and a background;
- views with skyline features and views which include focal points are preferred; and
- views from accessible public spaces (streets, lookouts, parks etc) are valued more than views from a private residence.

Landscape values can therefore have a broad interpretation based on any aspect that people consider to be important and include the physical features that sit within that landscape, be they natural features like vegetation, built features and the views from or of the landscape.

Guideline No. 1 provides some examples of what may be considered a landscape value. LCZ1 cites *'bushland areas, large areas of native vegetation, or areas of important scenic values'* which implies the higher value placed on naturalistic settings, however acknowledges that scenic values are just as valuable as the quality or rarity of native or endangered vegetation.

### **Permitted uses in the Landscape Conservation Zone**

The purpose of the Landscape Conservation Zone is:

*22.1.1 To provide for the protection, conservation and management of landscape values.*

*22.1.2 To provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values.*

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<sup>1</sup> Australian Institute of Landscape Architects (2018) *Guidance Note for Landscape and Visual Assessment*, Australian Institute of Landscape Architects [www.aila.org.au](http://www.aila.org.au)

The Landscape Conservation Zone has an environmental purpose. As part of the State Planning Provisions, the allocated assessment categories for permitted uses and the relevant standards have been prepared to ensure future use or development does not compromise the objectives of the zone.

The use table for the Landscape Conservation Zone identifies the following permitted uses:

Residential	<p>If for a:</p> <p>(a) home-based business; or</p> <p>(b) single dwelling located within a building area, if shown on a sealed plan.</p>
Utilities	<p>If for minor utilities.</p> <p><i>minor utilities means use of land for utilities for local distribution or reticulation of services and associated infrastructure such as a footpath, cycle path, stormwater channel, water and sewer pipes, retention basin, telecommunication lines, gas pipelines or electricity substations and power lines up to but not exceeding 110kV.</i></p>

As detailed in the response to Direction 1, a single dwelling will not meet the qualification for a permitted use on any of the properties proposed to be included in the Landscape Conservation Zone as none of the sealed plans include a building area.

A home-based business must be conducted in a dwelling and therefore would not include development, including the removal of vegetation. It would therefore not impact the objectives of the Landscape Conservation Zone.

Minor utilities would be the only permitted use. Review of the relevant Acceptable Solutions finds that any works that involve the removal of vegetation will trigger assessment against the performance criteria as none of the properties have a building area shown on a sealed plan. In most circumstances, the Natural Assets Code would also apply.

On this basis, as detailed in response to Direction 1, given there are no building areas shown on a sealed plan for any of the lots proposed to be included in the Landscape Conservation Zone, all applications for permitted uses involving the removal of vegetation will be discretionary and subject to the performance criteria under clause 22.4.4 which relate to protection of the landscape values. This is the approved statewide approach to protect the landscape values and therefore meet the objectives and purpose of the zone.

It is also apparent that where the site is subject to the Natural Assets Code (if within a priority vegetation area, waterway and coastal protection area or future coastal refugia area) the impacts on those natural assets would be assessed. The only exception is where there is a building area on a sealed plan approved under the TPS. Even in the small probability that a building area is placed on a sealed plan without an assessment in relation to the natural or landscape values, clearing vegetation would still require a planning scheme assessment.

As the performance criteria are designed to deliver outcomes consistent with the purpose and objectives of the zone, a favourable assessment against the performance criteria must therefore mean the development, including any proposed vegetation clearing, is compatible with the purpose of the zone.

An assessment of each site / group of sites proposed to be included in the Landscape Conservation zone against the matters requested in the direction follows, noting that 234 Frankford Highway, Exeter and Holwell Road, Holwell are considered under direction 6.

### Greens Beach - 28 Ocean View Drive (PID 7793789) and Fernlack Road (PID 7793197)



#### Landscape values

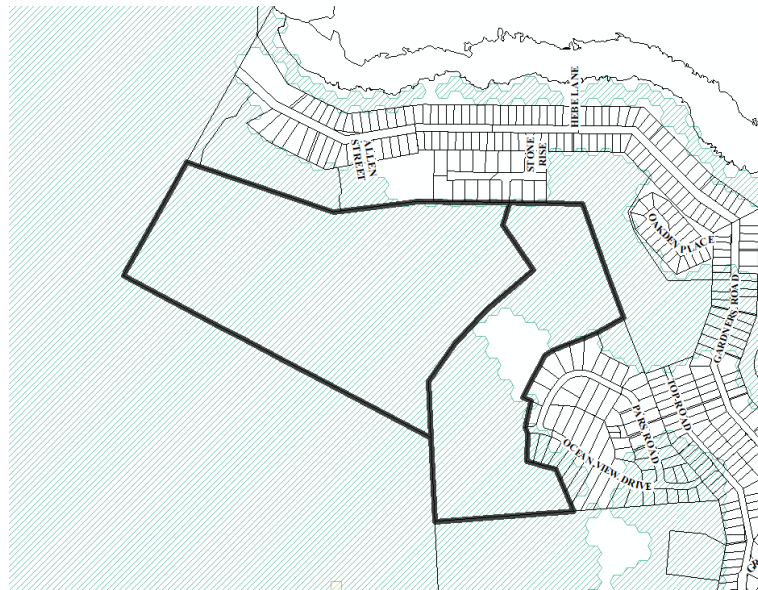
The 50ha site is heavily vegetation, sloping from 25m in the north to 65m in the south. Greens Beach is a highly desirable location for visitors and residents – this desirability is established not only through the coastal location but the natural setting established through the contribution this site makes to the vegetated slopes behind the township leading to Narawntapu National Park.

The site is within the Priority Vegetation Area and Tasmanian Devils have been observed on site.

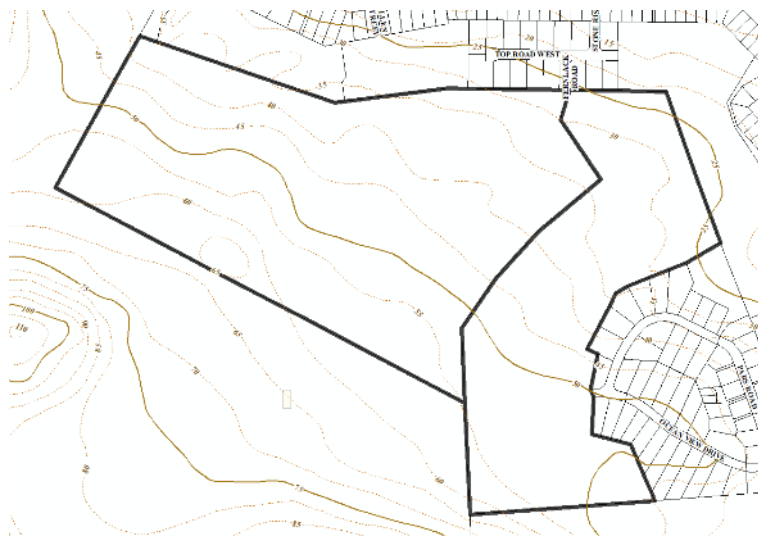
The contribution of the landscape characteristics of the site with the continuously vegetated area is valuable over and above the ecological values that are present. The site provides significant contribution to the landscape values and characteristics of the area through the continuous vegetation with the adjoining reserve areas. The site provides this function locally when viewed from within Greens Beach, and also within the wider landscape when viewed from the area around West Head, within Bass Strait and the eastern side of the Tamar River and Low Head area.



3D Image of the site contributing to the landscape setting of Greens Beach



Priority Vegetation Area



Site contours



**Guideline No. 1****Landscape Conservation Zone**

LCZ1	<p>✓</p> <p>As described above the vegetated slopes on this site contribute to the landscape character and view-scape from Greens Beach to Narawntapu National Park.</p> <p>The Environmental Management Zone and Landscape Conservation Zone are considered complementary zones providing a congruous strategic application of zoning to particular areas to manage use and development in natural areas with use standards for public and privately owned lands respectively.</p> <p>In this way, the use of the Landscape Conservation Zone adjacent to the National Park provides consistency in recognising the natural values, the contribution the site makes to the naturalistic setting, and allows appropriate low-scale development.</p>
LCZ2	<p>✓</p> <p>Large area of native bushland with threatened fauna species observed. Also forms part of the scenic landscape backdrop to Greens Beach.</p> <p>The majority of the site is in the Priority Vegetation Area. There are no other known significant constraints.</p> <p>The property was included in the Environmental Management Zone in the Interim Planning Scheme, noting that this zone was used with similar effect to the Environmental Living Zone used in other planning schemes, where small scale residential development was supported, with a focus on preserving the landscape values.</p>
LCZ3	<p>✓</p> <p>The minimum lot size in the Landscape Conservation Zone is 50ha. Collectively, the properties are 50ha however LCZ3 allows lots sizes to be smaller than the minimum.</p>
LCZ4	<p>✓</p> <p>The priority is not residential use and development, however development compatible with the landscape values is supported.</p> <p>Not State reserved land.</p>

**Consideration of alternative Zones**

The assessment below provides that the sites do not meet the criteria for inclusion in the Environmental Management Zone.

The analysis below suggests that the Rural Zone may be suitable alternative. This has not been discussed with the landowners who were both supportive of inclusion in the Landscape Conservation Zone.

The Natural Assets Code would apply to the Priority Vegetation Area in the Rural Zone noting that assessment against the Natural Assets Code focuses on biodiversity values rather than the contribution that vegetation may make to the landscape values of the area. Council's view is that this does not provide sufficient regulation of the landscape values of the site. If the site were included in the Rural Zone, where there would be no consideration of the landscape values, uses such as resource development would be no permit required and has a higher potential for

more vegetation removal than the uses anticipated in the Landscape Conservation Zone.

The Landscape Conservation Zone is the most suitable zone to limit the impact of development to small scale, retain the maximum amount of vegetation coverage within the landscape setting of Greens Beach and retain the continuous habitat area with Narawntapu National Park.

Environmental Management Zone

EMZ1	<p>✘</p> <table border="1"> <tr> <td>✘</td> <td>(a) land reserved under the Nature Conservation Act 2002;</td> </tr> <tr> <td>✘</td> <td>(b) land within the Tasmanian Wilderness World Heritage Area;</td> </tr> <tr> <td>✘</td> <td>(c) riparian, littoral or coastal reserves;</td> </tr> <tr> <td>✘</td> <td>(d) Ramsar sites;</td> </tr> <tr> <td>✘</td> <td>(e) any other public land where the primary purpose is for the protection and conservation of such values; or</td> </tr> <tr> <td>✘</td> <td>(f) any private land containing significant values identified for protection or conservation and where the intention is to limit use and development.</td> </tr> </table> <p>While the properties are large areas of bushland, the values are not of such significance to be identified for protection or conservation and there is no intention to limit use and development in accordance with the Environmental Management Zone.</p> <p>EMZ1 is therefore not met.</p>	✘	(a) land reserved under the Nature Conservation Act 2002;	✘	(b) land within the Tasmanian Wilderness World Heritage Area;	✘	(c) riparian, littoral or coastal reserves;	✘	(d) Ramsar sites;	✘	(e) any other public land where the primary purpose is for the protection and conservation of such values; or	✘	(f) any private land containing significant values identified for protection or conservation and where the intention is to limit use and development.
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✘	(e) any other public land where the primary purpose is for the protection and conservation of such values; or												
✘	(f) any private land containing significant values identified for protection or conservation and where the intention is to limit use and development.												
EMZ2	<p>✘</p> <p>Not seaward of the high water mark</p>												
EMZ3	<p>✘</p> <p>Not a water storage facility</p>												

Rural Living Zone

RLZ1	<p>✘</p> <p>Not in a Rural Living Zone under the Interim Planning Scheme.</p> <p>Could be considered larger residential lots, particularly in light of the approved subdivision described in the next point, however not intended for lower order rural activities and the intent is to prioritise landscape values over residential.</p> <p>2006 approved subdivision on the Fernlack Road property indicates residential development was supported and appropriate for the site, noting that at that time the site was in the Reserved Residential Zone and had anticipated potential subdivision into smaller lots subject to a future rezoning which has not eventuated. No reticulated services are available to the properties.</p> <p>The properties have been included in the Environmental Management Zone since the commencement of the 2008 planning scheme which does not support a priority for residential development.</p>
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RLZ2	✘ Not consistent with the RLUS unless considered an existing rural residential area and no endorsed local strategic analysis.
RLZ3	If it were included in the Rural Living Zone, Rural Living D would be the most appropriate category and is consistent with the approved subdivision.
RLZ4	✔ Land is not targeted for future greenfield urban development. Large bushland area, however the Priority Vegetation Area overlay applies to the Rural Living Zone providing for appropriate regulation of vegetation clearing (but not landscape values). Residential for a single dwelling, Resource Development for grazing and minor utilities are no permit required and Home-based Business and Visitor Accommodation are permitted in the Rural Living Zone. Not identified as land potentially suitable for agriculture.

## Rural Zone

RZ1	✔ Non-urban area with no or limited potential for agriculture. Priority Vegetation Area overlay applies to the Rural Zone providing for regulation of vegetation clearing. Consideration of whether this is sufficient given the range of permitted and no-permit required uses in the Rural Zone.
RZ2	✔ Not identified as land potentially suitable for agriculture.
RZ3	Not applicable - Not identified as land potentially suitable for agriculture.

## Agriculture Zone

AZ1	✘ Not identified as land potentially suitable for agriculture.
AZ2	✘ Not previously included in a significant agriculture zone.
AZ3	✘ Not identified as land potentially suitable for agriculture.
AZ4	✘ Not identified as land potentially suitable for agriculture.
AZ5	✘ Split zone not appropriate or necessary.
AZ6	✘ Not identified as land potentially suitable for agriculture.

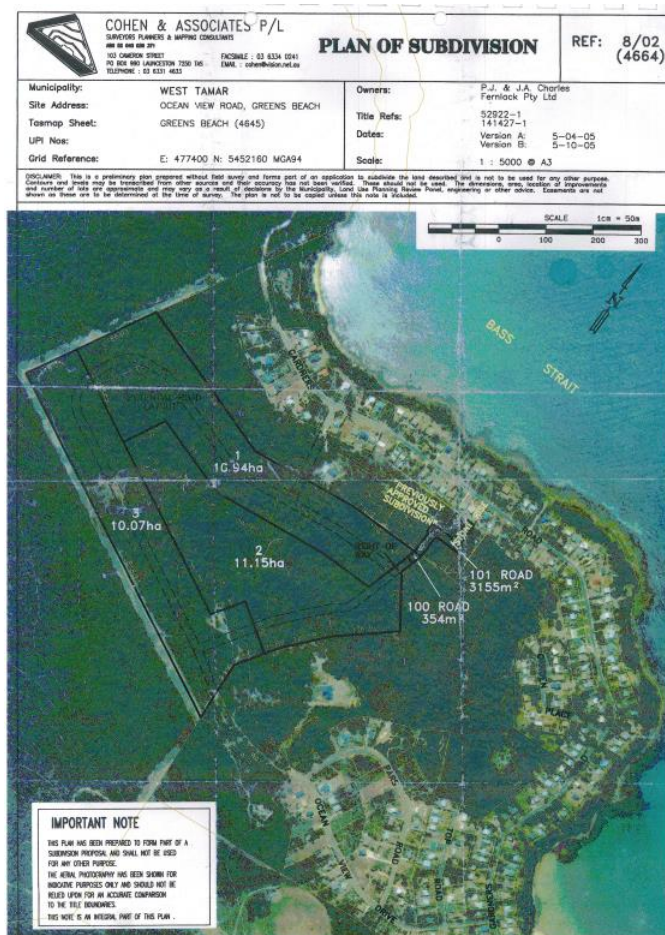
AZ7	✘	<p>No local analysis suggests the land is potentially suitable for agriculture and there is no evidence to suggest it is suitable for agriculture.</p> <p>Further, the Priority Vegetation Area of the Natural Assets Code does not apply to the Agriculture Zone so the existing vegetation would have limited protection under the planning scheme.</p>
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**Are permitted uses complementary to the objectives?**

No building areas have been approved on these properties.

28 Ocean View Drive contains an existing dwelling and outbuildings. A home-based business would be permitted on this site, however would not involve any vegetation removal and would therefore be compatible with the objectives of the zone.

The Fernlack Road property is vacant with an approved 3 lot subdivision which has substantially commenced but has not been completed. The subdivision approval does not contain provision for a building area to be placed on the sealed plan noting that a condition requires a 25m firebreak along the boundaries with the National Park which cannot be built on.



As there are no defined building areas on a sealed plan, any application for a dwelling in the Landscape Conservation Zone will be discretionary and require an assessment of the impact on the landscape values and against the Natural Assets Code. Given the size of the properties (and the approved subdivision lots) together with the discretionary assessment required for the removal of vegetation, appropriate regulations are in place to consider the potential impacts with the

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majority of vegetation on the sites to be protected and development is likely to establish compatibility with the objectives.

The only other permitted use is minor utilities. Unless exempt, works for minor utilities would also need to be within a building area on a sealed plan, and as there are none, the performance criteria under clause 22.4.4 would apply.

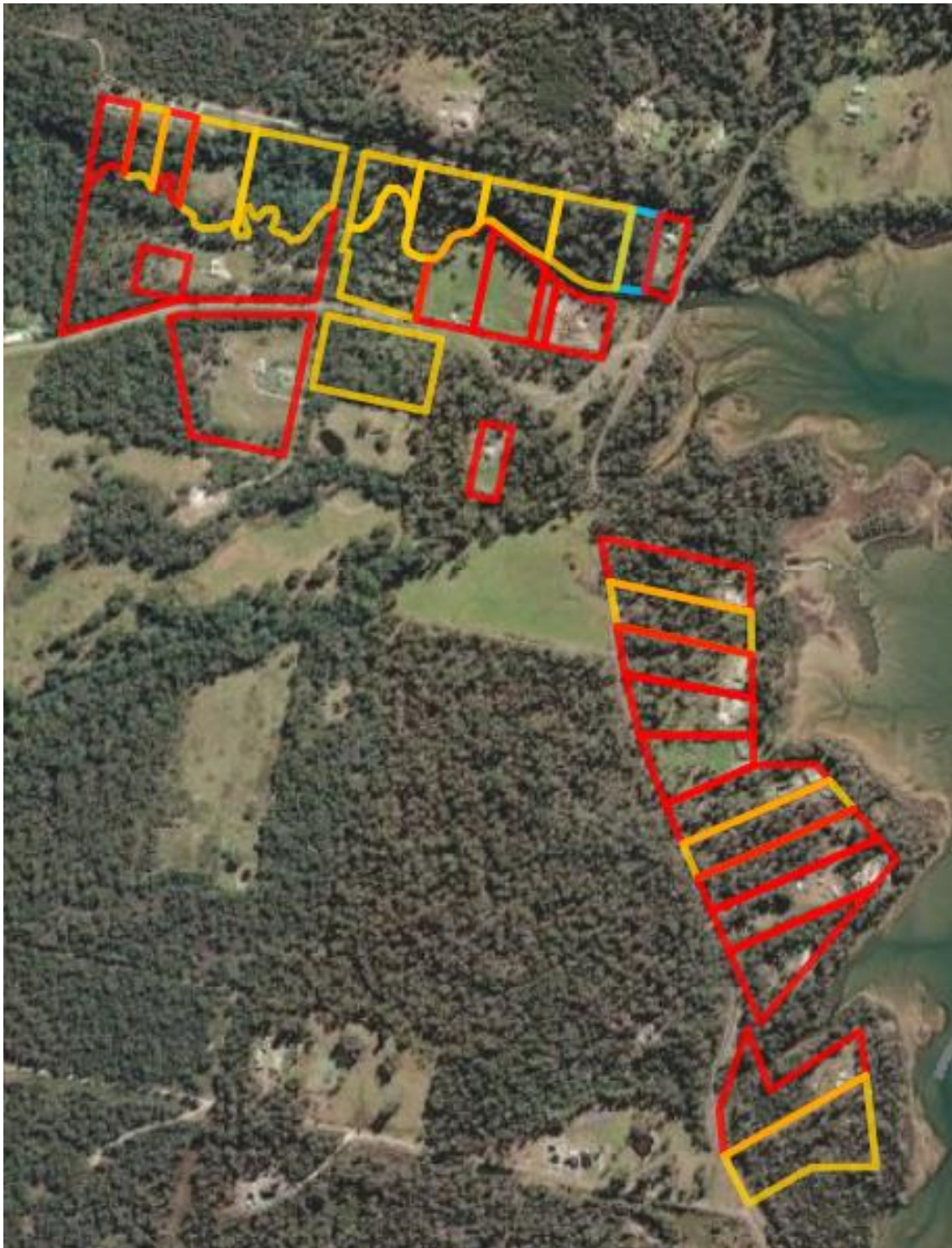
Given the location of the site, it is unlikely that utilities, apart from those to provide local connections will traverse the properties. These are in place for 28 Ocean View Drive. Impacts of clearing required to install services and provide vehicular access within the properties will be considered through assessment against the Landscape Conservation Zone provisions and the Natural Assets Code.

Note that while the properties are highly vegetated, they are not identified as threatened vegetation. Removal of limited vegetation will be able to facilitate the retention of the scenic landscape values and an ecological values assessment will be required to support a request to clear vegetation ensuring impacts are minimised.

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York Town

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*Properties proposed to be included in the Landscape Conservation Zone*

(Yellow outline – vacant; red outline – not vacant; blue outline – proposed modification to amendment)

**Landscape values**

York Town historic settlement site heritage listing affects much of the township. The site is a rare representative example of an early European settlement site where recognised heritage values include the significant landscape characteristics of the place. The heritage listing protects:

- the landscape character of the settlement and visual links between key features of the site; and
- archaeological remains, including those which are visible in the ground surface and those which survive below ground and may not be visible.

The Heritage Register datasheet for the area states:

*The landscape remains largely undeveloped and is particularly evocative. Visitors can stand on Store Point and experience the landscape much as Paterson himself would have done more than 200 years ago....*

*The visual nature of the site, enhanced by the wooded backdrop of Mt Albany, is an important characteristic of the site today....*

*The landscape has remained largely undeveloped and scatters of bricks, chimney bases, footings, drainage networks, artefact deposits and mounds are still evident on the sites surface.*

The vegetation and landscape values contribute to the overall character of the area and support the heritage listing which is largely based on the landscape values.

The images below show a 3D interpretation of the landscape.



York Town from the east



York Town from the southern approach



*York Town viewed from the north*

Low scale development has occurred in the locality – predominantly single dwellings with associated outbuildings – which has maintained the landscape character of the area. Existing mature trees and vegetation provide a strong element to the landscape of the area when experienced from Greens Beach Road.



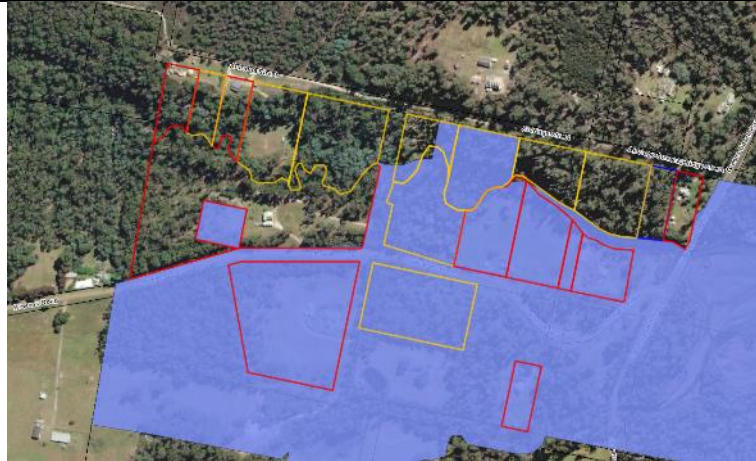
*Example of mature trees along Greens Beach Road contributing to the landscape values*

Priority Vegetation Area and Threatened Vegetation Communities also reflect the vegetation cover over many of properties in the area which contributes to its landscape character of the area.

The eastern boundary of the area adjoins the West Arm Conservation Area which is included in the Environmental Management Zone. This adjoins the properties on the southern approach to York Town. These properties have low scale development mostly hidden in the coastal vegetation contributing to the naturalistic views in the approach to York Town opening to the West Arm Conservation Reserve and estuary. The only property on the southern approach to York Town on the eastern side of Greens Beach Road where buildings are visible from the road is 616 Greens Beach Road. Equally, the view of existing development would be limited from West Arm Conservation Reserve providing the appearance of continuous coastal environment.

These landscape values establish a connection with the history of the place and provide a naturalistic coastal setting with endemic vegetation and limited visual built form.

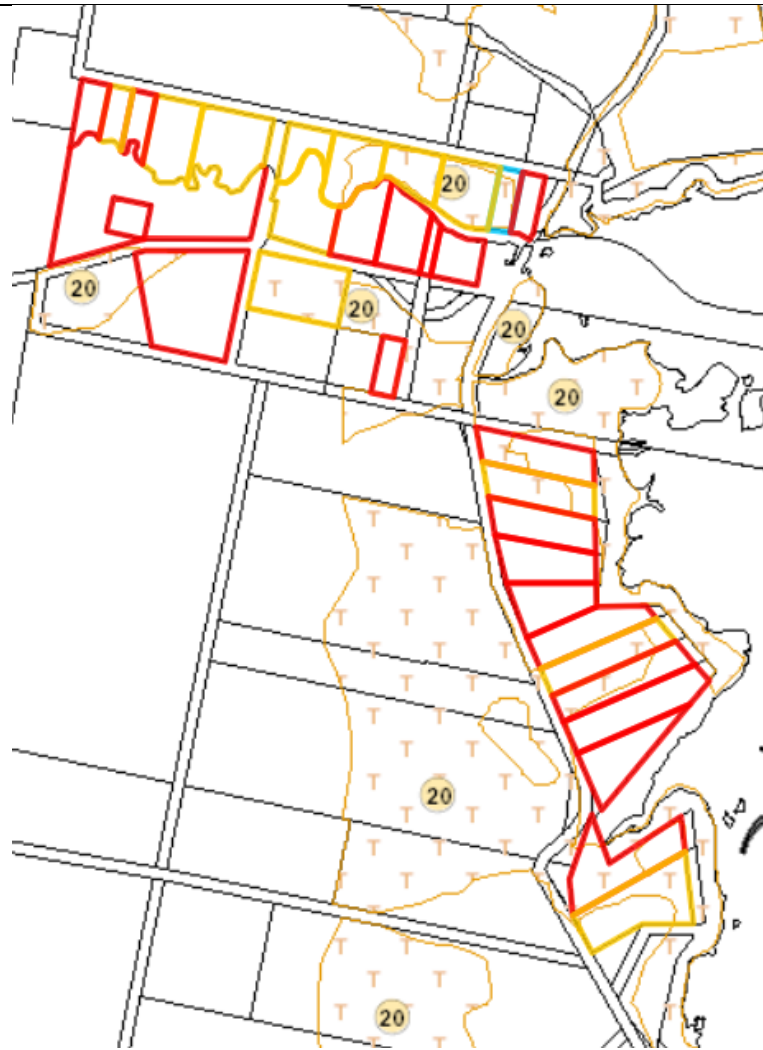




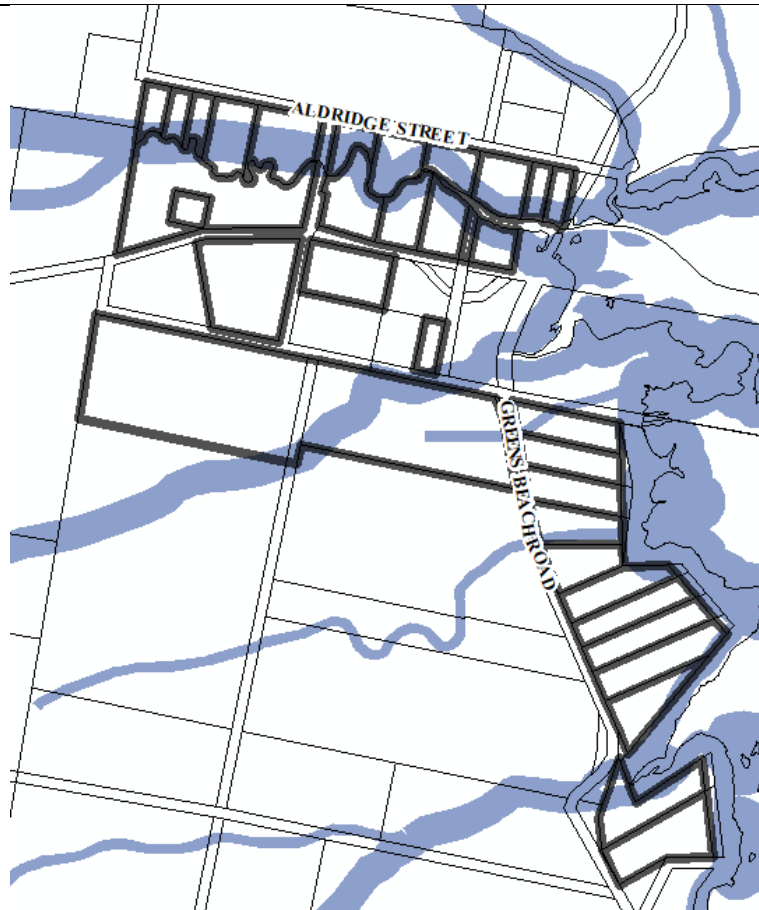
Tasmanian Heritage Register



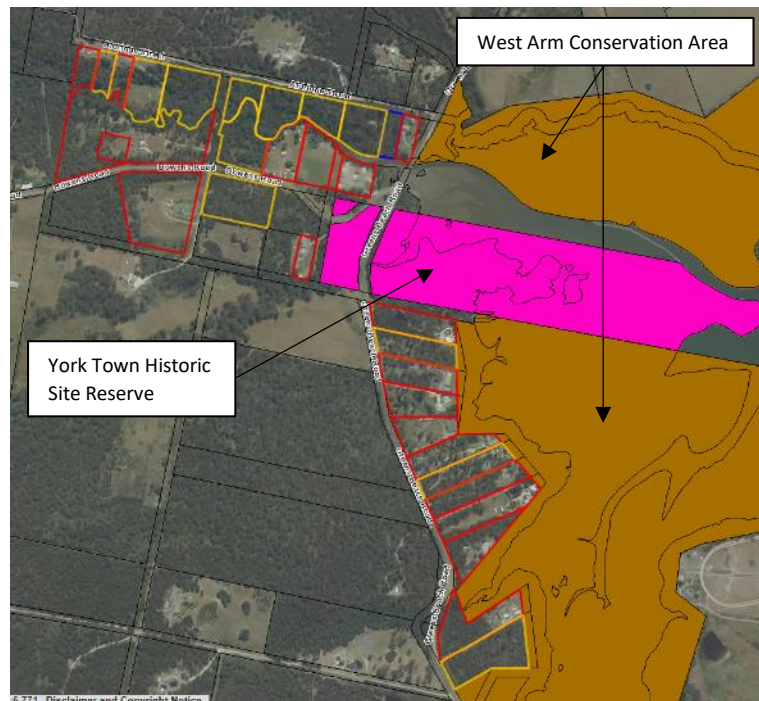
Priority Vegetation Area



Threatened Vegetation Communities



Waterway and coastal protection area



Tasmania's Reserve Estate

## Guideline No. 1

## Landscape Conservation Zone

LCZ1	<p>✓</p> <p>The combination of cultural heritage significance and the sense of place which establishes a connection to the history of the site, the natural vegetation and low scale development establish the landscape values of the area not only as an early European settlement site, but as an example of an estuarine environment with low scale development. These values are described further above.</p> <p>In addition, the Priority Vegetation Area, Threatened Vegetation Communities and the adjoining West Arm Conservation Area and other reserves establishes an environment where consideration of the future use and development of the land, in the context of the impact on these landscape values should be considered.</p> <p>As exemplified by existing development in the area, low scale development in this location may be appropriate and can complement the landscape values.</p> <p>Guideline No.1 states together the Environmental Management Zone and Landscape Conservation Zone provide a suite of environmental zones to manage use and development in natural areas, so when applied on adjoining, land provide complementary zoning outcomes on public and privately owned land respectively.</p>
LCZ2	<p>✓</p> <p>Most of the area is subject to the Natural Assets Code Priority Vegetation Area and threatened species are also mapped over the area. Landslip, coastal erosion and coastal inundation hazards also affect part of the area. The properties proposed to be included in the Landscape Conservation Zone are privately owned and not part of a formal reserve.</p> <p>While the area was included in the Environmental Management Zone in the Interim Planning Scheme, for West Tamar, was the similar to the Environmental Living Zone and provided for low scale development.</p> <p>While the amendment is seeking opportunity for appropriate private use of the land, this is in consideration of the important landscape values and the Landscape Conservation Zone provisions that require adverse impacts to be minimised.</p>
LCZ3	<p>✓</p> <p>There is a group of titles proposed to be included that contribute to the landscape values despite being less than the 50ha minimum lot size.</p>
LCZ4	<p>✓</p> <p>The priority is not for residential development.</p> <p>It is not State-reserved land.</p>

**Alternative Zones**

The assessment below indicates that the Rural Zone may be appropriate for this area. Council’s view is that the Rural Zone does not provide sufficient regulation of the landscape values when considering the use or development for the area.

Equally, there may also be a case to include the land in the Rural Living Zone given land to the north is included in the Rural Living Zone and the existing subdivision pattern of the area which would support similar residential uses. Given the landscape values and the historic strategic intent to prioritise the landscape values of the area this also would not be Council’s preferred approach.

The assessment also identifies that the sites do not meet the criteria for inclusion in the Environmental Management Zone. Further:

- 17 properties have existing dwellings;
- 2 properties have a commercial use (landscaping depot and self-contained caravan park); and
- 13 properties are vacant.

The existing use and development would largely be prohibited in the Environmental Management Zone. Retaining the Environmental Management Zone would therefore mean existing uses are inconsistent with the purpose of the zone.

The Landscape Conservation Zone is the most suitable zone to limit the impact of development to small scale and retain the maximum amount of vegetation coverage to preserve the landscape values of the area.

**Environmental Management Zone**

EMZ1	<p style="color: red; text-align: center;">✘</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30px; text-align: center; color: red;">✘</td> <td>(a) land reserved under the Nature Conservation Act 2002;</td> </tr> <tr> <td style="text-align: center; color: red;">✘</td> <td>(b) land within the Tasmanian Wilderness World Heritage Area;</td> </tr> <tr> <td style="text-align: center; color: red;">✘</td> <td>(c) riparian, littoral or coastal reserves;</td> </tr> <tr> <td style="text-align: center; color: red;">✘</td> <td>(d) Ramsar sites;</td> </tr> <tr> <td style="text-align: center; color: red;">✘</td> <td>(e) any other public land where the primary purpose is for the protection and conservation of such values; or</td> </tr> <tr> <td style="text-align: center; color: red;">✘</td> <td>(f) any private land containing significant values identified for protection or conservation and where the intention is to limit use and development.</td> </tr> </table> <p>While the properties have landscape values, the values are not of such significance to be identified for protection or conservation and there is no intention to limit use and development.</p> <p>EMZ1 is therefore not met.</p>	✘	(a) land reserved under the Nature Conservation Act 2002;	✘	(b) land within the Tasmanian Wilderness World Heritage Area;	✘	(c) riparian, littoral or coastal reserves;	✘	(d) Ramsar sites;	✘	(e) any other public land where the primary purpose is for the protection and conservation of such values; or	✘	(f) any private land containing significant values identified for protection or conservation and where the intention is to limit use and development.
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✘	(f) any private land containing significant values identified for protection or conservation and where the intention is to limit use and development.												
EMZ2	<p style="color: red; text-align: center;">✘</p> <p>Not seaward of the high water mark</p>												
EMZ3	<p style="color: red; text-align: center;">✘</p> <p>Not a water storage facility</p>												

## Low Density Residential Zone

LDRZ1	✓ As more than half the properties have a dwelling or other development, it may be considered a residential area with large lots. The lot sizes are generally larger than the 1500m <sup>2</sup> anticipated for the Low Density Residential Zone however the area could be included in the Residential Supply and Density SAP with a minimum lot size of 5000m <sup>2</sup> .  Reticulated services are not available and environmental constraints limit development.  Possible to consider this area a small residential settlement without the full range of services.  Pattern of development is low density with, where developed, single dwellings. No intention to support higher densities.
LDRZ2	✗ Was not included in the Low Density Residential Zone in the Interim Planning Scheme
LDRZ3	✗ There are natural and landscape values that are considered important for protection. While the Priority Vegetation Area applies over the Low Density Residential Zone, it only triggers assessment against the Natural Assets Code for subdivision. Otherwise assessment of vegetation removal would not be assessed against the planning scheme.
LDRZ4	✓ Area not targeted for greenfield development.

## Rural Living Zone

RLZ1	✗ Not in a Rural Living Zone under the Interim Planning Scheme.  Could be considered larger residential lots, however not intended or appropriate for lower order rural activities and the intent is to prioritise landscape values over residential.  The properties have been included in the Environmental Management Zone since the commencement of the 2008 planning scheme which does not support a priority for residential development – noting that under the previous planning schemes, a dwelling was not prohibited and small scale development was support subject to consideration of the environmental values.  Land to the north is included in the Rural Living Zone D. Inclusion in the Rural Living Zone could provide a continuous area of the same zoning. The Priority Vegetation Area Overlay applies in the Rural Living Zone so assessment of the removal of native vegetation would be applicable to future development.
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RLZ2	✘ Not consistent with the RLUS unless considered an existing rural residential area and no endorsed local strategic analysis.
RLZ3	If it were included in the Rural Living Zone, Rural Living B would be the most appropriate and would not permit further subdivision, noting that the properties to the north are included in the Rural Living Zone D and this precinct could be selected for consistency.
RLZ4	✔ Land is not targeted for future greenfield urban development. Bushland area, however the Priority Vegetation Area overlay applies to the Rural Living Zone providing for appropriate regulation of vegetation clearing Residential for a single dwelling, Resource Development for grazing and minor utilities are no permit required and Home-based business and Visitor Accommodation are permitted in the Rural Living Zone. Not identified as land potentially suitable for agriculture noting that this is possibly because of its historic inclusion in the Environmental Management Zone.

## Rural Zone

RZ1	✔ Non-urban area with no or limited potential for agriculture. Priority Vegetation Area overlay applies to the Rural Zone providing for regulation of vegetation clearing but not the contribution towards the character of the area. A broad range of uses are potentially permitted in the Rural Zone.
RZ2	✔ Not identified as land potentially suitable for agriculture.
RZ3	Not applicable - Not identified as land potentially suitable for agriculture.

## Agriculture Zone

AZ1	✘ Not identified as land potentially suitable for agriculture.
AZ2	✘ Not previously included in a significant agriculture zone.
AZ3	✘ Not identified as land potentially suitable for agriculture.
AZ4	✘ Not identified as land potentially suitable for agriculture.
AZ5	✘ Split zone not appropriate or necessary.

AZ6	<p style="text-align: center;">✘</p> <p>Not identified as land potentially suitable for agriculture.</p>
AZ7	<p style="text-align: center;">✘</p> <p>No local analysis suggests the land is potentially suitable for agriculture and there is no evidence to suggest it is suitable for agriculture.</p> <p>Further, the Priority Vegetation Area of the Natural Assets Code does not apply to the Agriculture Zone so the existing vegetation would have limited protection under the planning scheme.</p>

**Are permitted uses complementary to the objectives?**

There are no building areas on sealed plans for any of the properties subject to the amendment so a dwelling would be discretionary.

Minor utilities would be permitted, however if removal of vegetation is proposed the acceptable solutions could not be met and the application would be discretionary.

Any application would be assessed against the provisions of the Landscape Conservation Zone which considers impacts on the landscape values and the Natural Assets Code in relation to removal of vegetation in the Priority Vegetation Area.



**4432 West Tamar Highway ,Beauty Point (PID 7764521)**



**Landscape values**

The site is a 6.5ha, densely vegetation and prominent headland with over 1km of river / estuary frontage. Coastal sites are rated highly for their water views and, in this instance, near natural state.

The District Land Charts available on ListMap indicate that it has been in single ownership for over 30 years.

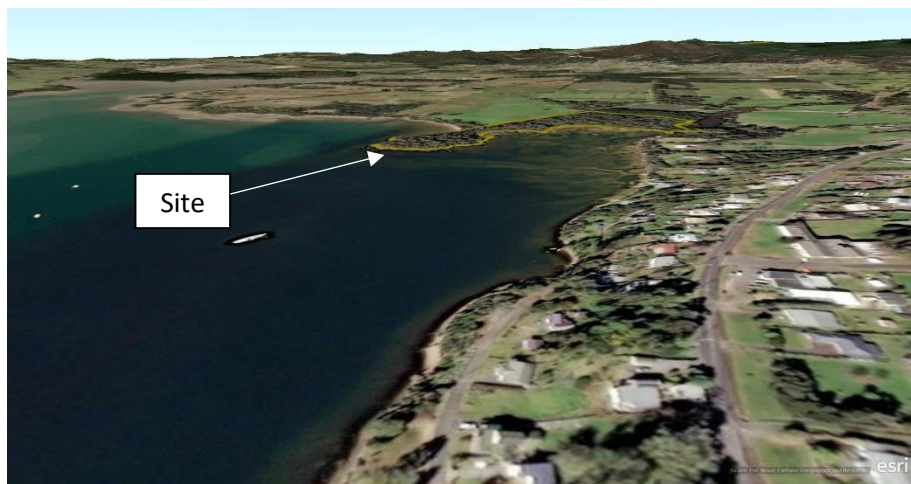
The images below show the site is one of a few along the western side of the Tamar River to remain in its near natural state and is visible from Beauty Point, the Tamar River and the eastern shore.

Most of property is also identified as containing threatened vegetation communities (Eucalyptus ovata forest and woodland) and is within the Priority Vegetation Area.





Aerial view of the site from the North



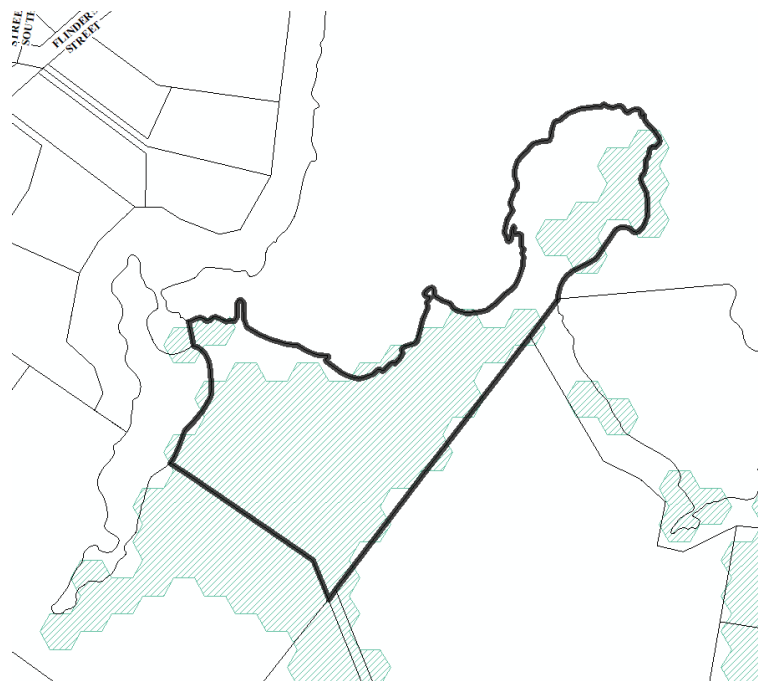
Vegetated headland at the southern reach of Beauty Point



Extract of the District Lands Chart showing historic ownership in 'Haslam' name



Threatened Vegetation Communities



Priority Vegetation Area

**Guideline No. 1**

**Landscape Conservation Zone**

LCZ1	<p>✓</p> <p>Prominent headland contributing to the scenic values and natural coastal bushland as described above.</p> <p>Large area of native bushland, including threatened vegetation. Small scale use or development may be appropriate subject to assessment of the impacts.</p>
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LCZ2	<p>✓</p> <p>Large area of native vegetation containing threatened native vegetation communities.</p> <p>Natural Assets Code applies through Priority Vegetation Area, Future Coastal Refugia and waterway and coastal protection area.</p>
LCZ3	<p>✓</p> <p>It is less than the 50ha minimum lot size for subdivision, however its location, features and intent to prioritise the landscape values make it suitable for inclusion in the zone.</p>
LCZ4	<p>✓</p> <p>The priority for this site is not residential use and it is not state-reserved land.</p>

**Alternative Zones**

The analysis below suggests that the Rural Zone may be an alternative to the Landscape Conservation Zone. However, as a prominent headland, in a near natural state, future uses and development should be undertaken in consideration of the landscape values that are present and to minimise not just the extent of vegetation clearing (which is addressed through the Natural Assets Code) but also the visual impact of development such as height and building finishes.

Further, there is a wider range of no-permit required and permitted uses in the Rural Zone which may result in additional clearing of native vegetation.

The assessment also identifies that the site does not meet the criteria for inclusion in the Environmental Management Zone.

Strategically, the Landscape Conservation Zone is the most suitable zone to limit the impact of development to small scale, retain the maximum amount of vegetation coverage and to require assessment not just of the biodiversity values but also the landscape values of the site.

An alternative zone has not been discussed with the landowner however it is noted that they were not supportive of the Landscape Conservation Zone or the Environmental Management Zone.

**Environmental Management Zone**

EMZ1	<p>✗</p> <table border="1" data-bbox="580 1563 1342 1895"> <tr> <td data-bbox="580 1563 639 1599">✗</td> <td data-bbox="639 1563 1342 1599">(a) land reserved under the Nature Conservation Act 2002;</td> </tr> <tr> <td data-bbox="580 1599 639 1664">✗</td> <td data-bbox="639 1599 1342 1664">(b) land within the Tasmanian Wilderness World Heritage Area;</td> </tr> <tr> <td data-bbox="580 1664 639 1700">✗</td> <td data-bbox="639 1664 1342 1700">(c) riparian, littoral or coastal reserves;</td> </tr> <tr> <td data-bbox="580 1700 639 1736">✗</td> <td data-bbox="639 1700 1342 1736">(d) Ramsar sites;</td> </tr> <tr> <td data-bbox="580 1736 639 1800">✗</td> <td data-bbox="639 1736 1342 1800">(e) any other public land where the primary purpose is for the protection and conservation of such values; or</td> </tr> <tr> <td data-bbox="580 1800 639 1895">✗</td> <td data-bbox="639 1800 1342 1895">(f) any private land containing significant values identified for protection or conservation and where the intention is to limit use and development.</td> </tr> </table>	✗	(a) land reserved under the Nature Conservation Act 2002;	✗	(b) land within the Tasmanian Wilderness World Heritage Area;	✗	(c) riparian, littoral or coastal reserves;	✗	(d) Ramsar sites;	✗	(e) any other public land where the primary purpose is for the protection and conservation of such values; or	✗	(f) any private land containing significant values identified for protection or conservation and where the intention is to limit use and development.
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<p>While the property contains a large areas of bushland which is identified as threatened vegetation, the values are not of such significance to be identified for protection or conservation and there is</p>													

	no intention or need to limit use and development under the Environmental Management Zone. EMZ1 is therefore not met.
EMZ2	✘ Not applicable – the coastline layer on the List indicates the property boundary is consistent with the Mean High Water Mark.
EMZ3	✘ Not a water storage facility

## Rural Living Zone

RLZ1	✘ Not in a Rural Living Zone under the Interim Planning Scheme. Not considered a larger residential lots, and is not intended or suitable for lower order rural activities given the native vegetation on site.
RLZ2	✘ Not consistent with the RLUS and no endorsed local strategic analysis.
RLZ3	If it were included in the Rural Living Zone, Rural Living D would be the most appropriate and would not support further subdivision.
RLZ4	✓ Land is not targeted for future greenfield urban development. Large bushland area, however the Priority Vegetation Area overlay applies to the Rural Living Zone providing for appropriate regulation of vegetation clearing Residential for a single dwelling, Resource Development for grazing and minor utilities are no permit required and Home-based business and Visitor Accommodation are permitted in the Rural Living Zone. Not identified as land potentially suitable for agriculture.

## Rural Zone

RZ1	✓ Non-urban land, however the landscape values make it more suitable for the Landscape Conservation Zone to provide appropriate protection of those values and send a clear intent that the landscape values take precedence.
RZ2	✓ Not identified as potentially suitable for agriculture.
RZ3	Not applicable not identified as land potentially suitable for agriculture.

## Agriculture Zone

AZ1	✘ Not identified as potentially suitable for agriculture.
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AZ2	✘ Not applicable, no Significant Agriculture Zone in the Interim Planning Scheme.
AZ3	✘ Not identified as land potentially suitable for agriculture.
AZ4	✘ Not identified as land potentially suitable for agriculture.
AZ5	✘ Split title is not necessary or appropriate.
AZ6	✘ Not identified as land potentially suitable for agriculture.

**Are permitted uses complementary to the objectives?**

The site is currently vacant and the sealed plan does not identify a building area. Therefore a single dwelling in this location cannot meet the qualification for a permitted use.

Minor utilities may be permitted, however, the absence of a building area on a sealed plan will trigger assessment against the performance criteria under clause 22.4.4 should any clearing be proposed.

In addition to the requirements of the Landscape Conservation Zone and the Natural Assets Code, development that required clearing of vegetation would also require a permit to take under the *Threatened Species Protection Act 1995*. The combination of regulatory tools will ensure any clearing is assessed and is complementary to the purpose of the zone.

**2 Rosevears Drive, Rosevears (PID 6075011)**



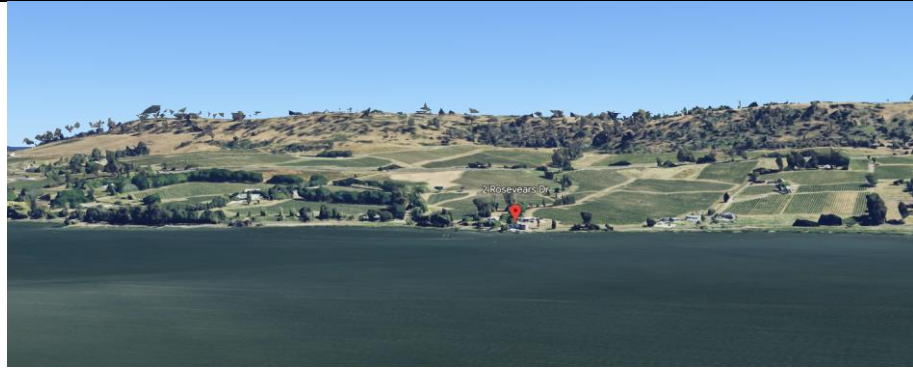
**Landscape values**

2 Rosevears Drive is one of only two privately owned properties with an existing dwelling on the eastern side of Rosevears Drive between Legana and Lanena. Rosevears Drive is a popular scenic coastal road which follows the banks of the kanamaluka/Tamar River estuary. Other privately owned properties are residuary balance titles which ostensibly function as part of the road reserve or an extension to the coastal reserve.

The landscape values for this site are derived from its location within the kanamaluka/Tamar River estuary view scape from the Rosevears Drive and the elevated properties to the west. Any future development of these sites has the potential to impact the landscape values.



2 Rosevears Drive



*2 Rosevears Drive with elevated landscape behind*



*2 Rosevears Drive from the west looking towards the south east*

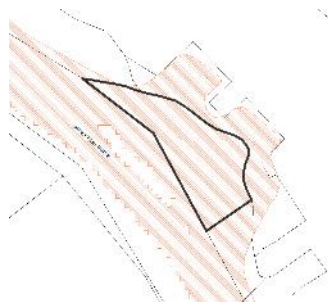


*Rosevears Drive*

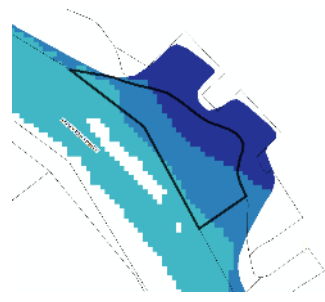




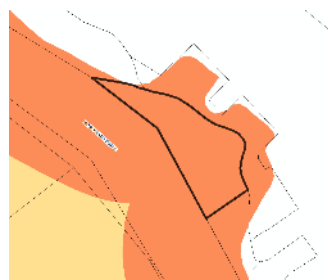
2 Rosevears Drive in the Broader context of the largely undeveloped river frontage



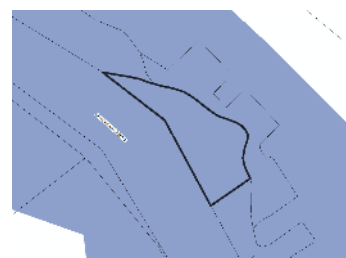
Future Coastal Refugia Area



Coastal inundation hazard



Coastal Erosion Hazard area



Waterway and Coastal protection Area

**Guideline No. 1**

**Landscape Conservation Zone**

<p>LCZ1</p>	<p>✓ A visually prominent site on a scenic coastal road. Small scale development can be managed through the Landscape Conservation Zone provisions to ensure impacts on the landscape values is minimised.</p>
<p>LCZ2</p>	<p>✓ In addition to the scenic values, there are significant constraints due to the Natural Assets Code future coastal refugia Area and coastal erosion and inundation hazard codes.</p>
<p>LCZ3</p>	<p>✓ Significantly less than the 50ha minimum lot size however subdivision should not be supported in this location.</p>

LCZ4	<p style="text-align: center;">✓</p> <p>While the site is primarily used for residential purposes, the Landscape Conservation Zone remains the most appropriate zone to ensure appropriate consideration of the scenic landscape values associated with the land and surrounds.</p> <p>Not State reserved land.</p>
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### Alternative Zones

The assessment below does not provide a pathway for an alternative zone to the Landscape Conservation Zone.

The assessment also identifies that the site does not meet the criteria for inclusion in the Environmental Management Zone.

### Environmental Management Zone

EMZ1	<p style="text-align: center;">✗</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 5%;">✗</td> <td>(a) land reserved under the Nature Conservation Act 2002;</td> </tr> <tr> <td>✗</td> <td>(b) land within the Tasmanian Wilderness World Heritage Area;</td> </tr> <tr> <td>✗</td> <td>(c) riparian, littoral or coastal reserves;</td> </tr> <tr> <td>✗</td> <td>(d) Ramsar sites;</td> </tr> <tr> <td>✗</td> <td>(e) any other public land where the primary purpose is for the protection and conservation of such values; or</td> </tr> <tr> <td>✗</td> <td>(f) any private land containing significant values identified for protection or conservation and where the intention is to limit use and development.</td> </tr> </table> <p>No significant values have been identified for protection or conservation and there is no intention to limit use and development.</p> <p>EMZ1 is therefore not met.</p>	✗	(a) land reserved under the Nature Conservation Act 2002;	✗	(b) land within the Tasmanian Wilderness World Heritage Area;	✗	(c) riparian, littoral or coastal reserves;	✗	(d) Ramsar sites;	✗	(e) any other public land where the primary purpose is for the protection and conservation of such values; or	✗	(f) any private land containing significant values identified for protection or conservation and where the intention is to limit use and development.
✗	(a) land reserved under the Nature Conservation Act 2002;												
✗	(b) land within the Tasmanian Wilderness World Heritage Area;												
✗	(c) riparian, littoral or coastal reserves;												
✗	(d) Ramsar sites;												
✗	(e) any other public land where the primary purpose is for the protection and conservation of such values; or												
✗	(f) any private land containing significant values identified for protection or conservation and where the intention is to limit use and development.												
EMZ2	<p style="text-align: center;">✗</p> <p>Not applicable – the coastline layer on the List indicates the property is landward of the Mean High Water Mark.</p>												
EMZ3	<p style="text-align: center;">✗</p> <p>Not a water storage facility</p>												

### Rural Living Zone

RLZ1	<p style="text-align: center;">✗</p> <p>Not in a Rural Living Zone under the Interim Planning Scheme.</p> <p>Not intended or suitable for lower order rural activities given the native vegetation on site.</p>
RLZ2	<p style="text-align: center;">✗</p> <p>Not consistent with the RLUS and no endorsed local strategic analysis.</p>
RLZ3	<p>If it were included in the Rural Living Zone, Rural Living A would be acceptable and would not support further subdivision.</p>

RLZ4	<p>✓</p> <p>Land is not targeted for future greenfield urban development.</p> <p>Large bushland area, however the Priority Vegetation Area overlay applies to the Rural Living Zone providing for appropriate regulation of vegetation clearing</p> <p>Residential for a single dwelling, Resource Development for grazing and minor utilities are no permit required and Home-based business and Visitor Accommodation are permitted in the Rural Living Zone.</p> <p>Not identified as land potentially suitable for agriculture.</p>
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Rural Zone

RZ1	<p>✗</p> <p>Non-urban land with no potential for agriculture. Characteristics of the area, particularly its coastal location and isolation from other developable properties make it unsuitable for the Rural Zone.</p>
RZ2	<p>✓</p> <p>Not identified as potentially suitable for agriculture.</p>
RZ3	<p>Not applicable not identified as land potentially suitable for agriculture.</p>

Agriculture Zone

AZ1	<p>✗</p> <p>Not identified as potentially suitable for agriculture.</p> <p>While the Agriculture Zone is directly across the road, the location, lot size and existing use does not make it conducive or appropriate for agricultural activities on the site.</p>
AZ2	<p>✗</p> <p>No Significant Agriculture Zone in the Interim Planning Scheme.</p>
AZ3	<p>✗</p> <p>Not identified as land potentially suitable for agriculture.</p>
AZ4	<p>✗</p> <p>Not applicable not identified as land potentially suitable for agriculture.</p>
AZ5	<p>✗</p> <p>Split title is not necessary or appropriate.</p>
AZ6	<p>✗</p> <p>Not identified as land potentially suitable for agriculture.</p>

**Is vegetation removal for permitted uses complementary to the objectives?**

No native vegetation is present on the almost entirely developed site.

**4 Rosevears Drive, Rosevears (PID 6074991)**



**Landscape values**

4 Rosevears Drive is one of only two privately owned properties with an existing dwelling on the eastern side of Rosevears Drive between Legana and Lanena. Rosevears Drive is a popular scenic coastal road which follows the banks of the Kanamaluka/Tamar River estuary. Other privately owned properties are residuary balance titles which ostensibly function as part of the road reserve or an extension to the coastal reserve.

The landscape values for this site are derived from its location within the Kanamaluka/Tamar River estuary viewscape from the Rosevears Drive and the elevated properties to the west. Any future development of these sites has the potential to impact the landscape values.



*4 Rosevears Drive from the east*



4 Rosevears Drive from the north showing Rosevears Drive and the river edge



Coastal Vegetation significance (red = endangered)



Coastal Fauna significance (orange = vulnerable)



TasVeg3.0 (+ area is Spartina Marshland adjacent to site)

**Guideline No. 1 Landscape Conservation Zone**

LCZ1	✓ A visually prominent site on a scenic coastal road. Small scale development can be managed through the Landscape Conservation Zone provisions to ensure impacts on the landscape values is minimised.
LCZ2	✓ In addition to the landscape values, there are constraints for future development due to the Natural Assets Code Waterways and Coastal Protection Area and the landslip and coastal erosion hazard areas.
LCZ3	✓ Significantly less than the 50ha minimum lot size, however, in combination with the Environmental Management Zone on either side of the property provides for opportunity to manage the future scale and impact of potential development.
LCZ4	✓ Residential use is not a priority for the site noting there is an existing dwelling.  It is not State- reserved land.

**Alternative Zones**

The assessment below does not provide a pathway for an alternative zone to the Landscape Conservation Zone.

The assessment also identifies that the site does not meet the criteria for inclusion in the Environmental Management Zone.

**Environmental Management Zone**

EMZ1	✗ <table border="1" style="width: 100%;"> <tr> <td>✗</td> <td>(a) land reserved under the Nature Conservation Act 2002;</td> </tr> <tr> <td>✗</td> <td>(b) land within the Tasmanian Wilderness World Heritage Area;</td> </tr> <tr> <td>✗</td> <td>(c) riparian, littoral or coastal reserves;</td> </tr> <tr> <td>✗</td> <td>(d) Ramsar sites;</td> </tr> <tr> <td>✗</td> <td>(e) any other public land where the primary purpose is for the protection and conservation of such values; or</td> </tr> <tr> <td>✗</td> <td>(f) any private land containing significant values identified for protection or conservation and where the intention is to limit use and development.</td> </tr> </table> <p>No significant values have been identified for protection or conservation and there is no intention or need to limit use and development in accordance with the Environmental Management Zone provisions.  EMZ1 is therefore not met.</p>	✗	(a) land reserved under the Nature Conservation Act 2002;	✗	(b) land within the Tasmanian Wilderness World Heritage Area;	✗	(c) riparian, littoral or coastal reserves;	✗	(d) Ramsar sites;	✗	(e) any other public land where the primary purpose is for the protection and conservation of such values; or	✗	(f) any private land containing significant values identified for protection or conservation and where the intention is to limit use and development.
✗	(a) land reserved under the Nature Conservation Act 2002;												
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✗	(c) riparian, littoral or coastal reserves;												
✗	(d) Ramsar sites;												
✗	(e) any other public land where the primary purpose is for the protection and conservation of such values; or												
✗	(f) any private land containing significant values identified for protection or conservation and where the intention is to limit use and development.												
EMZ2	✗ The coastline layer on the List indicates the property is predominantly landward of the Mean High Water Mark.												
EMZ3	✗ Not a water storage facility												

## Rural Living Zone

RLZ1	✘ Not in a Rural Living Zone under the Interim Planning Scheme. Not intended or suitable for lower order rural activities given the native vegetation on site. Several properties are in the Rural Living Zone A to the north west of the property and could potentially form an extension to this area.
RLZ2	✘ Not consistent with the RLUS and no endorsed local strategic analysis noting that it is one additional lot only and could reflect the existing use of the land for residential purposes.
RLZ3	If it were included in the Rural Living Zone, Rural Living A would be acceptable and would not support further subdivision.
RLZ4	✔ Land is not targeted for future greenfield urban development. Residential for a single dwelling, Resource Development for grazing and minor utilities are no permit required and Home-based business and Visitor Accommodation are permitted in the Rural Living Zone. Not identified as land potentially suitable for agriculture.

## Rural Zone

RZ1	✘ Non-urban land with no potential for agriculture. Characteristics of the area, particularly its coastal location and isolation from other properties in the Rural Zone make it unsuitable.
RZ2	✔ Not identified as potentially suitable for agriculture.
RZ3	Not applicable not identified as land potentially suitable for agriculture.

## Agriculture Zone

AZ1	✘ Not identified as potentially suitable for agriculture. While the Agriculture Zone is directly across the road, the location, lot size and existing use does not make it conducive or appropriate for agricultural activities on the site.
AZ2	✘ No Significant Agriculture Zone in the Interim Planning Scheme.
AZ3	✘ Not identified as land potentially suitable for agriculture.
AZ4	✘ Not identified as land potentially suitable for agriculture.

AZ5	<p style="text-align: center;">✘</p> <p>Split title is not necessary or appropriate.</p>
AZ6	<p style="text-align: center;">✘</p> <p>Not identified as land potentially suitable for agriculture.</p>

<p><b>Is vegetation removal for permitted uses complementary to the objectives?</b></p>	<p>The area is not included in the Priority Vegetation Area.</p> <p>If included in a zone other than Landscape Conservation Zone or Environmental Management Zone there would be no consideration under the planning scheme as to the impact of the removal of vegetation on the landscape values.</p> <p>Note that works to removal vegetation in the medium-active landslip area would require a permit under the Landslip Hazard Code unless exempt under Clause 4.0.</p>
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## 5. Ecological values

The Commission requests advice from the planning authority which assesses the cumulative impact of development and vegetation removal associated with permitted uses on properties with native vegetation.

Information on land with the potential to contain ecological values is available from data on listmap including:

- threatened vegetation communities
- coastal vegetation significance
- coastal fauna significance
- FPA mature habitat.

Please note that the Commission is also seeking advice from the Tasmania Fire Service on the extent of vegetation removal associated with hazard management.

## Conclusions

Ecological values have been appropriately considered in selecting the proposed zones. The relevant zone provisions and Natural Assets Code provides for appropriate assessment of ecological values, noting:

- 51 of 67 properties subject to this amendment are identified as within the Priority Vegetation Area overlay which indicates the presence of native vegetation.
- Where native vegetation removal is proposed, a discretionary assessment will nearly always be required for the sites subject to this amendment. The pathway for uses or development to be permitted where vegetation removal is proposed is very limited with the combination of the zone provisions (particularly in the Landscape Conservation Zone where) and the Natural Assets Code.
- The exception is the two properties proposed to be included in the Low Density Residential Zone where vegetation clearing is only assessable as part of an application for subdivision.
- 37 or 51 properties are proposed to be included in the Landscape Conservation Zone which provides strong regulation on minimising impacts on landscape values in addition to the Natural Assets Code requirements in relation to biodiversity.

## Detailed response

The focus of this direction is future development impact on native vegetation, and whether permitted development in the proposed zones will result in additional removal of trees.

There is difficulty in quantifying the cumulative impact on vegetation removal associated with permitted uses, given the wide range of permitted uses and how the design and siting of such uses will impact on the need for vegetation removal and the qualities of the vegetation proposed to be removed. As the amendment does not include an application for a planning permit for any of the sites, it is considered appropriate to consider whether the regulatory controls will be sufficient to

appropriately manage those impacts – which is what the response to this direction will predominantly focus.

The Priority Vegetation Areas layer was developed using the Regional Ecosystem Model (REM). The REM adopted a comprehensive methodology, which has been accepted through the LPS assessment process, and used a number of data inputs including:

- Native vegetation identified in the TasVeg mapping;
- Priority species habitat;
- Threatened vegetation communities under the *Nature Conservation Act 2002* and the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*;
- Habitat for hollow dwelling species;
- Riparian vegetation noting that the majority of the ‘coastal’ areas in West Tamar would be riparian as they are within the Kanamaluka / Tamar River estuary.

Given the complex range of data analysed, it is unsurprising that the Priority Vegetation Area overlay largely corresponds to the areas with potential ecological values listed in the directions – particularly where vegetation is clearly evident on the site.

As the directions relate to the potential removal of native vegetation in areas of ecological values, the methodology used to derive the Priority Vegetation Area overlay, it is considered appropriate to filter the considerations to those properties that are subject to the Priority Vegetation Areas overlay as potentially containing habitat of importance. Appendix 4 also provides an analysis of when the above mentioned layers apply to the properties included in the amendment package.

The Priority Vegetation Area affects 51 of the 67 properties subject to this amendment. The 51 properties are proposed to be included in the:

- Landscape Conservation Zone (37 properties);
- Rural Zone (10 properties);
- Rural Living Zone (2 properties); or
- Low Density Residential Zone (2 properties).

Appendix 5 provides a detailed analysis of the assessment categories for uses in each of the zones used as part of this amendment where the priority vegetation area overlay applies and highlights where the assessment category is lower than in the Environmental Management Zone. A summarised version of assessment categories highlighting No Permit Required and Permitted uses is included below.

**Assessment categories - No Permit Required and Permitted Uses highlighted**

Use Class	Environmental Management	Landscape Conservation	Rural	Rural Living	Low Density Residential	Low Density Residential (SAP)
Bulky Goods Sales	X	X	D	X	D	D
Business and Professional Services	X	X	P	D	X	X
Community Meeting and Entertainment	D	D	D	D	D	D
Crematoria and Cemeteries	X	X	D	X	X	X
Custodial Facility	X	X	D	X	X	X
Domestic Animal Breeding, Boarding or Training	X	D	P	D	X	X
Educational and Occasional Care	D	X	P	D	D	D
Emergency Services	D	D	P	D	D	D
Equipment and Machinery Sales and Hire	X	X	X	X	X	X
Extractive Industry	D	X	P	X	X	X
Food Services	D	D	P	D	D	D
General Retail and Hire	D	D	P	D	D	D
Hospital Services	X	X	X	X	X	X
Hotel Industry	X	X	X	X	X	X
Manufacturing and Processing	X	X	P	D	X	X
Motor Racing Facility	X	X	D	X	X	X
Natural and Cultural Values Management	NPR	NPR	NPR	NPR	NPR	NPR
Passive Recreation	NPR	NPR	NPR	NPR	NPR	NPR
Pleasure Boat Facility	D	X	P	X	X	X
Port and Shipping	X	X	X	X	X	X
Recycling and Waste Disposal	X	X	D	X	X	X
Research and Development	D	X	P	X	X	X
Residential – single dwelling	X	P	P	NPR	NPR	NPR
Residential – home based business	X	P	P	P	P	P
Residential – Multiple dwellings	X	X	X	X	D	X
Residential - other	X	X	X	X	D	D
Resource Development	D	D	NPR	NPR	X	X
Resource Processing	D	X	P	D	X	X
Service Industry	X	X	D	X	X	X
Sports and Recreation	D	D	D	D	D	D
Storage	X	X	P	X	X	X
Tourist Operation	D	D	D	X	X	X
Transport Depot and Distribution	X	X	D	X	X	X
Utilities	D	P	NPR	NPR	NPR	NPR
Vehicle Fuel Sales and Service	X	X	X	D	X	X
Vehicle Parking	D	X	X	X	X	X
Visitor Accommodation	D	D	P	P	P	P

Key			
NPR	No Permit Required	Grey shading	The same or higher assessment category to the Environmental Management Zone
P	Permitted	Blue shading	No Permit Required or Permitted
D	Discretionary	Green text	The same assessment category as the Environmental Management Zone
X	Prohibited		

In addition to the use category allocated in the relevant use table, non-compliance with any acceptable solution will result in a discretionary assessment against the relevant performance criteria.

Removal of vegetation is considered to be ‘works’ under the planning scheme which is defined under the Act as:

***works** includes any change to the natural or existing condition or topography of land including the removal, destruction or lopping of trees and the removal of vegetation or topsoil, but does not include forest practices, as defined in the Forest Practices Act 1985, carried out in State forests.*

The use and development standards which would apply to the sites subject to this amendment relating to the clearance of native vegetation are included in the Landscape Conservation Zone (where proposed to be included in the Landscape Conservation Zone) and the Natural Assets Code. While many other codes or zones consider the assessment of ‘works’ this is not in relation to the impact of the removal of native vegetation.

It is also important to note that assessment of removal of native vegetation may also be required outside of the planning process under the Act, including:

- *Nature Conservation Act 2022* where the site also contains threatened vegetation communities for a permit to take threatened species; and
- *Forest Practices Act 1985* requirements for a Forest Practices Plan.

Removal of native vegetation as a result of development will vary and require site specific considerations of required vegetation removal specific to the proposed development and the biodiversity values of that vegetation.

### ***Removal of native vegetation in the Landscape Conservation Zone***

The Landscape Conservation Zone provides a high level of protection of landscape values and native vegetation. 37 properties are proposed to be included in the Landscape Conservation Zone.

There are only two permitted uses in this zone being:

- **Residential** - if for a:
  - home-based business; or
  - single dwelling located within a building area, if shown on a sealed plan.
- **Utilities** – if for minor utilities.

A home-based business can only occur in a dwelling, and it can reasonably be concluded that an application for a home-based business would not include any works, and therefore no removal of vegetation.

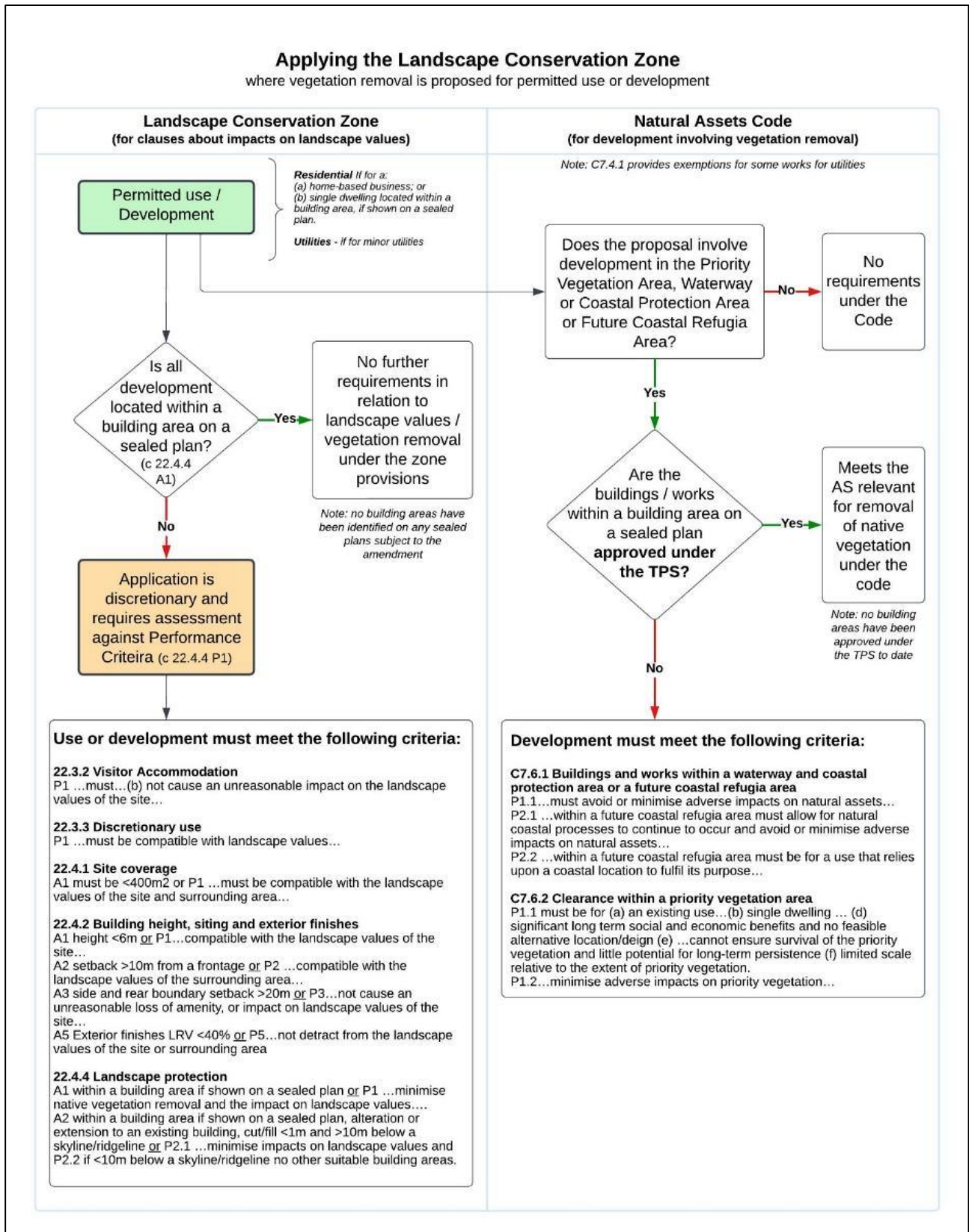
A single dwelling is only permitted if located within a building area shown on a sealed plan. Review of the sealed plan for each of the properties has not identified any existing building areas. None of the sites subject to this amendment would therefore meet the qualification for a permitted single dwelling.

Utilities, while afforded several exemptions both under clause 4.0 and clause C7.4.1 in relation to works undertaken by or on behalf of the Crown, state authority or local government, would be permitted if minor utilities and otherwise are discretionary.

The flowchart below illustrates the assessment pathway for permitted uses through the Landscape Conservation Zone and Natural Assets Code provisions. It is notable that the Natural Assets Code does not provide for a permitted pathway unless the building area on a sealed plan is approved under the TPS. No building areas have been approved under the TPS on a sealed plan subject to this amendment.

Council's analysis is therefore that, unless there are specific exemptions which apply to utilities, there would be no permitted uses or development in the Landscape Conservation Zone where vegetation removal was proposed. The relevant use and development standards in both the Landscape Conservation Zone and the Natural Assets Code would trigger a discretionary assessment and provide robust assessment criteria to determine if clearance of native vegetation was acceptable.

Adequate regulatory controls are in place to ensure the proposed removal of vegetation on these sites will be appropriately assessed and regulated.




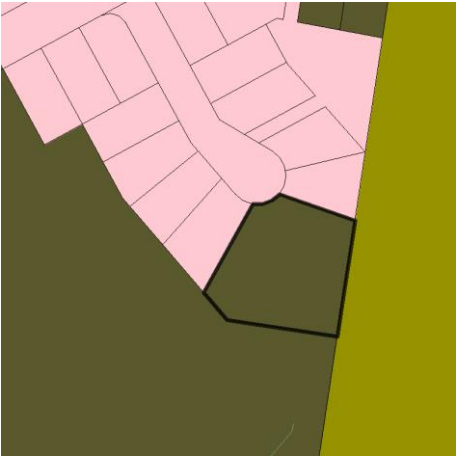
**Removal of native vegetation in the Rural, Rural Living or Low Density Residential Zones**

14 properties are proposed to be included in the Rural, Rural Living or Low Density Residential Zones that are also subject to the Priority Vegetation Area overlay.

There is a wide range of no permit required and permitted uses within the zones which may involve works and potentially clearance of native vegetation.

The relevant zone provisions do not address the clearance of vegetation or the cumulative impact of the removal of vegetation. Therefore, the Natural Assets Code is the primary tool for regulating clearing of vegetation in these zones.

The following table examines each of the sites with priority vegetation area or the ecological values identified above and considers if potential clearing will be appropriately regulated through the planning scheme or other mechanisms.

Aerial image of site and Priority Vegetation Area overlay	Comments about values and regulation of vegetation clearing
<p data-bbox="204 846 679 880"><b>Lot 1 Badger Head Road (PID 9283953)</b></p> 	<p data-bbox="919 846 1286 880"><b>Proposed Zone: Rural Living A</b></p> <p data-bbox="919 898 1385 965">Almost entirely cleared and developed for a residential dwelling.</p> <p data-bbox="919 987 1385 1160">Forms part of the residential street and logical for the property to be included as the same zones with similar features in the same street as shown on the zoning plan below.</p>  <p data-bbox="919 1648 1326 1682">No further investigation required.</p>

**253 & 273 Batman Highway, Sidmouth (PID 610314 & 6103393)**



**Proposed zone: Rural**

Existing dwellings on both properties.



Properties identified as containing threatened vegetation (Eucalyptus amygdalina forest and woodland on sandstone).

Removal of vegetation under the planning scheme would trigger the Natural Assets Code for assessment – even if the proposal was to establish resource development which is no permit required in the Rural Zone, the relevant exemption under C7.4.1(c) refers to clearance on existing pasture or crop production land (which neither of these sites are).

The Rural Zone was selected as the appropriate zone as the Priority Vegetation Area under the Natural Assets Code can be applied (whereas the TPS does not currently apply this layer in the Agriculture Zone). This approach has been taken for the property to the north-east which has been included in the Rural Zone and contains threatened vegetation. A reasonable alternative may be the Rural Living Zone which is consistent with properties to the west which would reduce the number of permitted and no permit required uses. Further a permit to take is required under the Nature Conservation Act for removal of any threatened vegetation.



**Aerial image of site and Priority Vegetation Area overlay**

**Comments about values and regulation of vegetation clearing**

The Natural Assets Code provides appropriate regulation for any future proposals for vegetation clearing.



**Motor Road, Deviot (PID 6099873, 6110155, 7807771, 7324075)**

**Proposed Zone: Rural**



Threatened native vegetation (Eucalyptus amygdalina forest and woodland on sandstone) identified on the site.

The Rural Zone was selected as the most appropriate zone as the Priority Vegetation Area under the Natural Assets Code can be applied (whereas the TPS does not currently apply this layer in the Agriculture Zone). Further a permit to take is required under the Nature Conservation Act for removal of any threatened vegetation.

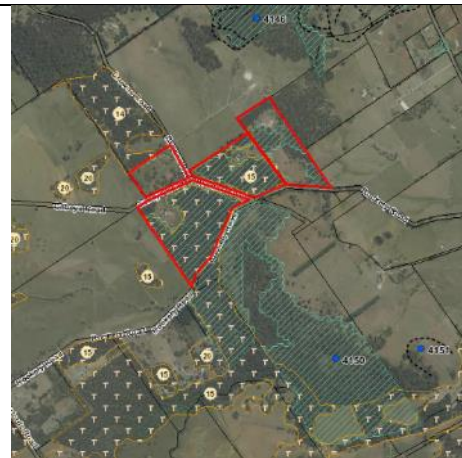
Removal of vegetation under the planning scheme would trigger the Natural Assets Code for assessment –

Aerial image of site and Priority Vegetation Area overlay	Comments about values and regulation of vegetation clearing
<p>Loira properties (PID 7507445; 7507453; 6095792 and 6095805)</p>	<p><b>Proposed zone: Rural</b></p> <p>All four properties contain existing dwellings and associated outbuildings.</p> <p>The Priority Vegetation Area and threatened vegetation do not apply to <b>47 Browns Road</b>. Based on this mapping, limited tree cover, and negligible hollows classification there are no ecological values on this site that require particular protection.</p> <p>The three properties with <b>frontage to Rookery Road</b> are partly vegetated with two identified as containing threatened vegetation. The Priority Vegetation Area applies to all three properties. Inclusion in the Rural Zone will mean removal of vegetation will trigger assessment against the Natural Assets Code (except where exemptions apply).</p>



**Aerial image of site and Priority Vegetation Area overlay**

**Comments about values and regulation of vegetation clearing**




Threatened vegetation communities (Eucalyptus amygdalina inland forest and woodland on cainozoic deposits) identified on site, noting threatened vegetation communities are identified on many nearby properties, including in the Agriculture Zone (see below zoning with priority vegetation areas and threatened vegetation overlaid).



Inclusion in the Rural Zone ensure the Natural Assets Code will apply to future development. The Rural Zone is consistent with properties to the south. The size of the properties and the natural values based on the available mapping do not suggest that an environmental management zone is required on this site.

It is also interesting to consider the locations context where threatened vegetation is identified on several

Aerial image of site and Priority Vegetation Area overlay	Comments about values and regulation of vegetation clearing
<p data-bbox="204 887 770 913"><b>52 Stony Brook Road, Blackwall (PID 6058043)</b></p> 	<p data-bbox="919 300 1396 618">surrounding properties included in the Agriculture Zone. The Planning Scheme does not regulate vegetation clearing in the Agriculture Zone. Many of these sites are larger with more extensive vegetated area and rely only on the requirements for a Forest Practices Plan and approvals to take to regulate clearing.</p> <p data-bbox="919 640 1396 846">With existing dwellings and protected vegetation, the need for additional clearing is anticipated to be low. The regulation provided through the Natural Assets Code and the Nature Conservation Act is appropriate.</p> <p data-bbox="919 887 1286 913"><b>Proposed Zone: Rural Living A</b></p> <p data-bbox="919 936 1396 1218">The site contains an existing dwelling, and outbuildings. Inclusion in the Rural Living Zone A would not facilitate subdivision or any significant further development of the land. The site is identified in the Priority Vegetation Area despite much of the site being developed and cleared.</p> <p data-bbox="919 1240 1396 1375">The site is not mapped as containing threatened vegetation species and the FPA mature habitat identifies the Hollows Class as negligible.</p> <p data-bbox="919 1397 1396 1711">The edges of the property are identified under the coastal vegetation significance mapping as endangered (red area in image below) but predominantly in the non-native category (yellow). The aerial image suggests that although there are several trees in this location, the area is modified.</p>

**Aerial image of site and Priority Vegetation Area overlay**

**Comments about values and regulation of vegetation clearing**



The Coastal Fauna significance mapping suggests areas of sensitive (yellow) and vulnerable (orange) habitat over a relatively small area of the site.



As the site is included in the Priority Vegetation Area, the Natural Assets Code applies to future development, and where not exempt, would require a planning permit prior to removal of vegetation.

Given the limited vegetation on site and the existing dwelling and outbuildings the likelihood of further vegetation removal is considered low. The Natural Assets Code provides appropriate regulation to minimise any potential impacts.

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**Aerial image of site and Priority Vegetation Area overlay**
**Comments about values and regulation of vegetation clearing**


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**Reatta Road, Trevallyn (PID 1281713 and 2081350)**

**Proposed Zone: Low Density Residential**

Both properties are included within the Priority Vegetation Area and the Natural Assets Code will apply to future development for subdivision.

Threatened vegetation communities have not been identified on either property.

109 Reatta Road (the western property) contains an existing dwelling and inclusion in the Low Density Residential Zone with the Residential Supply and Density SAP applying will not facilitate further subdivision or multiple dwellings. It shares common boundaries with TasWater and Crown land.

93 Reatta Road contains an existing radio station and associated infrastructure. It is more sparsely vegetated and shares a common boundary with properties in the General Residential Zone to the east. As it is not proposed to apply the Residential Supply and Density Supply SAP to the site there is potential for subdivision or multiple dwellings albeit at a low density.

The location of both of these properties within the urban area do not appear to require a different approach than other sites included in the Low Density Residential Zone to the north.

The combination of the Low Density Residential Zone limiting the density of future development and the Natural Assets Code provides appropriate regulation to minimise the removal of vegetation.

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**Aerial image of site and Priority Vegetation Area overlay**

**Comments about values and regulation of vegetation clearing**

**Coastal properties not subject to Priority Vegetation where other ecological values may be present**

**14 Stony Brook Road, Blackwall (PID 6067599)**



**Proposed Zone: Rural Living A**

The property is developed with a dwelling and outbuildings and predominantly cleared.

Not included in the Priority Vegetation Area overlay.

No threatened species identified.

FPA mature vegetation hollows class is negligible.

The coastal vegetation significance mapping identifies non-native vegetation (yellow) and endangered vegetation (red) – see map below. The endangered vegetation comprises 3 to 4 trees in a modified environment.



The Coastal fauna significance mapping identifies a similar area as vulnerable (orange) in the map below.

Aerial image of site and Priority Vegetation Area overlay	Comments about values and regulation of vegetation clearing
	<p>The modified vegetation and maintenance suggests that the existing vegetation forms part of the garden area. Vegetation removal or management would likely be exempt under clause 4.4.2 regardless of the zoning. Given there is no evidence of ecological values that require protection, inclusion in the Environmental Management Zone does not meet the requirements of Guideline No. 1.</p> <p>The Rural Living Zone is an appropriate Zone for the site.</p>
<p><b>Gravelly Beach Road properties (PID 6066588; 6066561; 6066553 and 9809439)</b></p>	<p><b>Proposed Zone: Low Density Residential</b></p> <p>Each property has an existing dwelling with associated outbuildings and managed gardens.</p> <p>The Priority Vegetation Area overlay does not apply. The TasVeg3.0 mapping identifies the sites as urban and Agriculture, Urban and Exotic vegetation.</p> <p>As the properties contain managed gardens, vegetation management or removal would be exempt under clause 4.4.2.</p> <p>The coastal vegetation significance mapping identifies non-native vegetation (yellow), non-threatened</p>



**Aerial image of site and Priority Vegetation Area overlay**



**Comments about values and regulation of vegetation clearing**

vegetation (green) and threatened vegetation (red).



Similarly, the Coastal Fauna significance mapping identified rare (green) and vulnerable (orange) habitat – see map below.



The properties contain modified gardens and while there is vegetation on each of the sites, the ecological values do not warrant inclusion in the Environmental Management Zone and the restrictions on future development that it imposes.

The Residential Supply and Density SAP is proposed to apply which will

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<b>Aerial image of site and Priority Vegetation Area overlay</b>	<b>Comments about values and regulation of vegetation clearing</b>
	limit potential subdivision and multiple dwellings retaining large lots with single dwellings. The restrictions on the future density of development will likely limit future vegetation removal.

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## 6. Reserves under the Nature Conservation Act

Information is to be provided which addresses the suitability of the existing and proposed zoning on land that has been declared a Private Nature Reserve. Specifically the information should address the zone application guidelines included in Guideline No. 1, June 2018.

### Conclusions

The Landscape Conservation Zone is the appropriate zone for 234 Frankford Road, Exeter and part of the Holwell Road site that is subject to the Private Nature Reserve as the proposed zoning:

- Meets the zone application guidelines for the Landscape Conservation Zone under Guideline No. 1; and
- Provide appropriate regulation of potential vegetation clearing which would impact the landscape values of the land.

### Detailed response

Two properties subject to the proposed amendment contain Private Nature Reserves, being:

- 234 Frankford Road, Exeter (PID 60625278) – Private Nature Reserve and Conservation Covenant, Private Reserve (perpetual) – a reserve under section 16(10) of the *Nature Conservation Act 2002*; and
- Holwell Road, Holwell (PID 2287885) – Conservation Covenant, Private Reserve (perpetual).

Both properties currently have a split zoning with that part of the property subject to the Private Nature Reserve / Covenant being included in the Environmental Management Zone and the balance in the Agriculture Zone.

Under Guideline No. 1:

*EMZ 1 The Environmental Management Zone should be applied to land with significant ecological, scientific, cultural or scenic values, such as:*

*(a) land reserved under the Nature Conservation Act 2002;*

*(b) land within the Tasmanian Wilderness World Heritage Area;*

*(c) riparian, littoral or coastal reserves;*

*(d) Ramsar sites;*

*(e) any other public land where the primary purpose is for the protection and conservation of such values; or*

*(f) any private land containing significant values identified for protection or conservation and where the intention is to limit use and development.*

The Landscape Conservation Zone provides for:

*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.*

Guideline No. 1		234 Frankford Road	Holwell Road
Landscape Conservation Zone	LCZ 1	✓ The landscape values of have been established through the sites identification as a private nature reserve. The process to include part of the site in a Private Nature Reserve is complex and requires detailed consideration of the natural values prior to declaration.	✓ The landscape values of have been established through the sites identification as a private nature reserve. The process to include part of the site in a Private Nature Reserve is complex and requires detailed consideration of the natural values prior to declaration.
	LCZ 2	✓ Large area of native bushland.	✓ Large area of native bushland.
	LCZ 3	✓ At 22.35ha is less than the 50ha minimum lot size	✓ 20.25ha (or 28% of the 71.25ha)
	LCZ 4	✓ Priority is not residential use and is not State-reserved land	✓ Priority is not residential use and is not State-reserved land
Environmental Management Zone	EMZ 1	✓ Land reserved under the Nature Conservation Act	✓ Land reserved under the Nature Conservation Act
	EMZ 2	✗ No part of the properties is seaward of the high water mark	✗ No part of the properties is seaward of the high water mark
	EMZ 3	✗ Land not used for water storage facilities	✗ Land not used for water storage facilities

The above assessment against Guideline No. 1 indicates both zones are potentially suitable and meet the Guideline No.1 zone application guidelines. The Planner's Portal provides further advice:

*'...land which contains a conservation covenant will invariably have values that can result in the land being suitable for zoning in either the EMZ or LCZ.*

*But that land may also be suitable for inclusion in the Rural or Agriculture Zone (and potentially others such as Rural Living). The values that are identified in the conservation covenant are managed or protected by the terms of the covenant and that management or protection is not dependent on the zoning of the land for land use planning purposes. Determining the zone to apply to land with a conservation covenant needs to be balanced with application of zones based on sound planning principles, such as, minimising spot zoning and applying the zoning that satisfies the Guideline No. 1 and the regional strategy.*

*The application of zoning, as the primary method of the control of use and development, should firstly be undertaken irrespective of whether a covenant applies, with weight given to the existence and content of a covenant when multiple zoning options may be available.*

*Therefore, the LCZ should not simply be applied on the basis that a conservation covenant is in place. However, areas that have extensive conservation covenants (such as, a cluster of many, a large area, or both, or connectivity with other land zoned for similar values) may demonstrate good strategic planning merit for applying this zone.*

*Where a conservation covenant applies to a small portion of a large landholding that is appropriately zoned Rural or Agriculture or another relevant zone, it may not be appropriate or necessary to apply the LCZ to the area covered by the covenant as the values will be protected by the terms of the covenant, and at the same time be compatible with the wider use of that land.'*

At 19.31ha (or 86% of the 22.35ha Frankford Road site) and 20.25ha (or 28% of the 71.25ha Holwell Road site) the conservation areas are not insignificant in size and could constrain the agricultural use of that part of the land, including for grazing. The balance of both sites is currently the Agriculture Zone.

The Conservation Covenants relevant to the sites specifically state that that the following cannot occur within the reserve area:

- Removal of soil, gravel, sand, clay, mineral or other natural resources; and
- Grazing of stock (noting that the Director's approval is required to graze stock at 234 Frankford Road).

Under the Environmental Management Zone, Extractive Industry and Resource Development are discretionary without qualification. Further the Environmental Management Zone provisions are tailored to Reserved Land. It is unclear if 'Reserved Land' extends to private nature reserves, however it is unclear if the assessment provisions for discretionary uses would apply.

Under the Landscape Conservation Zone, Extractive Industry is prohibited and Resource Development (if not for intensive animal husbandry or plantation forestry) is a discretionary.

**Alternative options for zones:**

The table below examines alternative options for the zoning of the two properties subject to private nature reserves.

Options	234 Frankford Road	Holwell Road
Retain as is – partly in the Environmental Management Zone, partly in Agriculture Zone	<p>✘</p> <p>Not preferred.</p> <p>The Priority Vegetation Area does not apply to the Agriculture Zone and given the reserve status of the balance of the site and the continuous area of vegetation, the application of the natural Assets Code is considered important over the whole site.</p> <p>The site is not identified as land potentially suitable for agriculture and therefore the Rural Zone would be more appropriate for the balance of the site in consideration of Guideline No. 1. Only 14% of the site is within the Agriculture Zone with the reserve area significantly constraining any agricultural activities on the site.</p>	<p>✔</p> <p>Not preferred but would be supported.</p> <p>Maintains the status quo and the owner has previously indicated they have no preference for the zoning of that part of the land subject to the Conservation Covenant being aware of the restrictions for future use and development.</p> <p>Note that the discretionary status of Extractive Industry in the Environmental Management Zone is inconsistent with the requirements of the covenant.</p>
Include whole property in Agriculture Zone	<p>✘</p> <p>Not supported. The Natural Assets Code does not apply to the Agriculture Zone and therefore the planning scheme would provide no regulation or indication that the area is protected and there are limitations on use and development on the site.</p> <p>Not discussed with land owners.</p>	
Include whole property in Rural Zone	<p>✘</p> <p>Not supported</p> <p>Provides minimal protection of landscape and environmental values as the Priority Vegetation Area overlay and the Natural Assets Code would apply to the property.</p> <p>Does not provide a clear signal or strong protection of the environmental values of the site.</p> <p>Would result in a single Rural Zoned property with Agriculture Zone to the north, east and west and Rural Living Zone to the south.</p> <p>Not discussed with landowner.</p>	<p>✘</p> <p>Not supported</p> <p>Provides minimal protection of landscape and environmental values as the Priority Vegetation Area overlay and the Natural Assets Code would apply to the property.</p> <p>Does not provide a clear signal or strong protection of the environmental values of the site.</p> <p>Would provide a continuous area of Rural Zone with land to the west.</p> <p>Not discussed with landowner.</p>

Options	234 Frankford Road	Holwell Road
Include whole property in the Landscape Conservation Zone	<p>✓</p> <p><b>Recommended</b></p> <p>Provides appropriate protection of landscape and environmental values as the Priority Vegetation Area overlay would apply to the property in addition to the Landscape Conservation Zone provisions.</p> <p>Only 3.05ha of land is currently included in the Agriculture Zone which is not sufficient to accommodate an agricultural use of the land and is not identified as potentially suitable for agriculture.</p> <p>Supported by the landowner.</p>	<p>✗</p> <p>Not supported.</p> <p>The balance of the site has largely been cleared and is being used for agricultural purposes. This area does not contain landscape values to meet the requirements of Guideline No. 1 for inclusion in the Landscape Conservation Zone.</p> <p>Not discussed with landowner.</p>
Include the whole property in the Environmental Management Zone	<p>✗</p> <p>Not supported.</p> <p>There is an existing dwelling on the site with the owner's intent to continue to occupy the site and potentially extend the existing residential buildings.</p> <p>The Environmental Management Zoning is not consistent with the use of part of the land for small scale use, such as residential, which would be appropriate. The restrictions on private use are not necessary to be extended to the entire property.</p>	<p>✗</p> <p>Not supported.</p> <p>The balance of the site has largely been cleared and is being used for agricultural purposes. This area does not contain sufficient environmental values to meet the requirements of Guideline No. 1 for inclusion in the Environmental Management Zone.</p>
Include partly in Landscape Conservation Zone, partly in Agriculture Zone	<p>✗</p> <p>Not supported.</p> <p>The Priority Vegetation Area does not apply to the Agriculture Zone and given the reserve status of the balance of the site and the continuous area of vegetation, the application of the natural Assets Code is considered important.</p> <p>The site is not identified as land potentially suitable for agriculture and therefore the Rural Zone would be more appropriate in consideration of Guideline No. 1.</p>	<p>✓</p> <p><b>Recommended</b></p> <p>Acknowledges and appropriately regulated proposed development in the covenanted areas of the site through the landscape Conservation Zone and retains the existing Agriculture Zone consistent with the current use of the site. It is also consistent with Guideline No. 1 which directs land that is identified as unconstrained in the land potentially suitable for agriculture mapping to be included in the Agriculture Zone.</p>

Options	234 Frankford Road	Holwell Road
<p>Include partly in Landscape Conservation Zone, partly in Rural Zone</p>	<p>✓</p> <p>Not proposed but would be supported.</p> <p>The Rural Zone balance would permit rural resource activities on the largely cleared balance of the property and introduce the Priority Vegetation Area to parts of the site not subject to the covenant that are currently in the Agriculture Zone.</p> <p>Not identified as land potentially suitable for agriculture.</p> <p>Would create an isolated Rural Zoned portion of land.</p>	<p>✗</p> <p>Does not satisfy Guideline No. 1. The Land Potentially Suitable for Agriculture mapping identifies the site as unconstrained and Guideline No. 1 suggests the preference is to include the balance area in the Agriculture Zone.</p> <p>The Rural Zone balance would permit rural resource activities on the largely cleared balance of the property and introduce the Priority Vegetation Area to parts of the site not subject to the covenant that are currently in the Agriculture Zone. Adjacent to and contiguous with land in the Rural Zone to the west.</p>

The analysis above concludes that:

- Applying the Landscape Conservation Zone over the whole of 234 Frankford Road provides the best strategic response to the zoning by providing appropriate regulation of activities within the covenant area and enabling the priority vegetation area overly to apply over the entire property. It also preserves the option for low scale activities, such as the existing dwelling.
- A split zoning of the Holwell Road site, applying the Landscape Conservation Zone over the area subject to the private nature reserve is appropriate and provides the appropriate level of regulation and recognition of the covenanted area. Any proposed development would be subject to the zone provisions and the Natural Assets Code.



## Appendix 1 – Requested modification to amendment for York Town

### WEST TAMAR LOCAL PROVISIONS SCHEDULE

#### DRAFT AMENDMENT 02/22 – REQUESTED MODIFICATION

1. Apply the **Landscape Conservation Zone** to the following properties as shown in Figure 1:

• 13 Bowens Road, York Town	CT 27417/2	7837102
• Lot 2 Bowens Road, York Town	CT 39763/2	3364715
• Bowens Road, York Town	CT 39763/3	3364723
• Bowens Road, York Town	CT 39763/1	3364723
• Bowens Road, York Town	CT 208911/1	3364723
• Bowens Road, York Town	CT 19737/5	2732248
• Bowens Road, York Town	CT 19737/6	2732248
• 47 Bowens Road, York Town	CT 1509/2	6096488
• Bowens Road, York Town	CT 1509/1	2732248
• 49 Bowens Road, York Town	CT 156568/2	2954916
• Greens Beach Road, York Town	CT 108420/1	6107554
• Aldridge Street, York Town	CT 100857/1	7298436
• Greens Beach Rd, York Town	CT 238403/1	2085060
• Greens Beach Rd, York Town	CT 238402/1	2056681
• 652 Greens Beach Rd, York Town	CT 38737/1	2012662
• 652 Greens Beach Rd, York Town	CT 38737/2	2012662
• Aldridge Street, York Town	CT 28428/7	2913049
• Aldridge Street, York Town	CT 28428/8	2913049
• 586 Greens Beach Rd, York Town	CT 95989/10	7690470
• Aldridge Street, York Town	CT 108744/1	6107060
• Aldridge Street, York Town	CT 124515/7	6096461
• 60 Bowens Road, York Town	CT 110797/1	6096509
• 600 Greens Beach Rd, York Town	CT 239527/1	6107546
• 614 Greens Beach Rd, York Town	CT 37493/1	7599474
• 616 Greens Beach Rd, York Town	CT 38736/5	7599466
• 630 Greens Beach Rd, York Town	CT 38736/4	7599458
• 638 Greens Beach Rd, York Town	CT 51252/1	6107503
• 693 Greens Beach Rd, York Town	CT 205658/1	6107044
• 604 Greens Beach Rd, York Town	CT 240277/1	7690489
• Aldridge Street, York Town	CT 104520/1	7298452
• Aldridge Street, York Town	CT 104304/1	7298444
• 9 Aldridge Street, York Town		6107052

2. Apply the **Rural Zone** to:

• 637 Greens Beach Road, York Town	CT 21561/3	6107028
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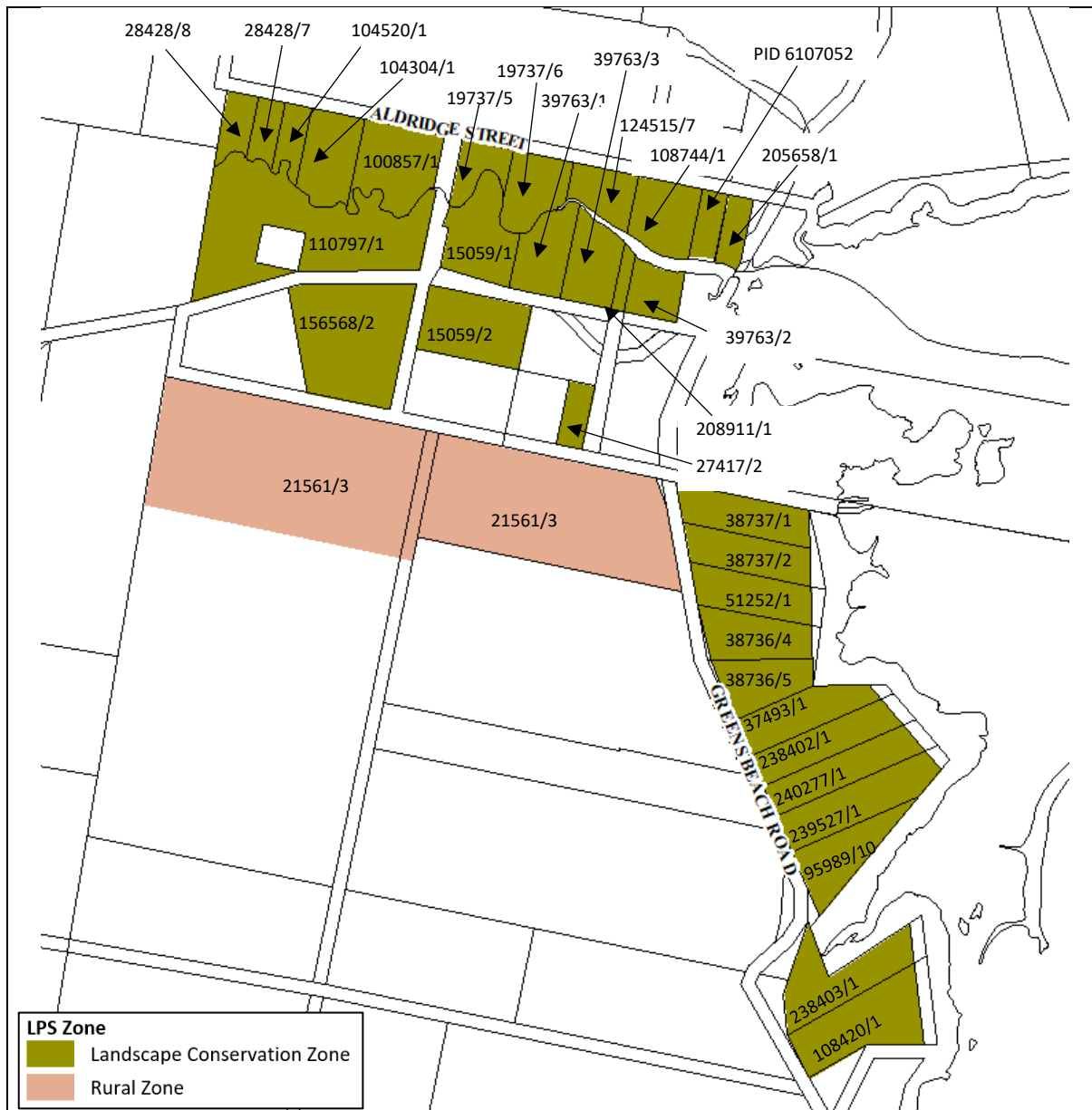


Figure 1 - Application of the Landscape Conservation Zone and Rural Zone at York Town

## Appendix 2 – Owners consent – 9 Aldridge Street

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**From:** susan singline <smsingline@gmail.com>  
**Sent:** Wednesday, 1 February 2023 11:36 AM  
**To:** Michelle Riley  
**Cc:** kelscountry2@bigpond.com  
**Subject:** I2023222988 - Re: 9 Aldridge Street, York Town  
**Attachments:** image001.gif; image001.gif  
**SynergySoft:** I2023222988

Hi Michelle.  
Thankyou for the information.  
Please include 9 Aldridge St in regards to zone amendments, so that we may have the opportunity to build at a later date.  
Kind regards  
Susan Singline  
Executor of estate Gareth John Chandler

On Mon, 30 Jan 2023, 2:52 pm Michelle Riley, <[michelle.riley@wtc.tas.gov.au](mailto:michelle.riley@wtc.tas.gov.au)> wrote:

Hi Susan – thank you for speaking with me this morning.

As promised, I've included some information below about the proposed planning scheme amendments affecting properties currently in the Environmental Management Zone. With your consent (as you and your cousin hold the power of attorney for the property) I will request that the Tasmanian Planning Commission also include 9 Aldridge Street in the amendments. You may also have a different view about which zone the property should be in and you should also make those views known at this time.

### **Why is an amendment proposed?**

About 12 months ago the Tasmanian Planning Scheme (TPS) started to apply in the West Tamar municipality. When Council was preparing to adopt the TPS, in most cases the previous zoning was applied – for example for 9 Aldridge Street, the Environmental Management Zone has applied since 2008 and the new Environmental Management Zone was applied as a result.

However, under the TPS, there are some differences in the Environmental Management Zone that may affect what you can do with your property in the future, particularly in relation to building a house. The TPS makes building a house on a privately owned property in the Environmental Management Zone prohibited which means you cannot even lodge an application for a house. It was not Council's intent to restrict development to this extent.

### **What is proposed?**

It is proposed to change the zone for privately owned lots at York Town to the Landscape Conservation Zone which Council believes more closely aligns with the nature of the properties being privately owned and to provide the owners with the option of apply to build a house in the future.

I've attached an extract of our report that deals with York Town to explain this in more detail. I do note that 9 Aldridge Street was mistakenly omitted from this assessment, and I apologise for this, however we can try to remedy this now.

I've also attached a copy of both the Environmental Management Zone and Landscape Conservation Zone provisions for your information.

You can also view all of the documentation regarding the amendment by following this link. This includes representations from other York Town land owners (including some that don't support the proposed changes).

<https://www.planning.tas.gov.au/assessments-and-hearings/current-assessments-and-hearings/am-wta-amd-02-22>

I also note that 9 Aldridge Street has a number of other constraints that may affect how / whether the property can be developed in the future including:

- Bushfire risk
- Coastal erosion and inundation
- Landslip
- Priority vegetation and Threatened Vegetation
- Waterway and coastal protection area.

#### **What is the process?**

Council has prepared the draft amendments, undertaken public exhibition and the amendments are now with the Tasmanian Planning Commission to assess and decide if the amendments can be made. We would need to request that the Commission also include 9 Aldridge Street in the amendments now, and given it is one property and sites around it are included hopefully they agree to this update.

At the moment, Council is preparing a response to a number of questions that the Commission has raised about the amendments. Once we have responded to these questions, there will be hearings about the amendments and representations received.

I am more than happy to speak with you and Kelly again if you have any questions or need some further information.

Thank you, and once again, I apologise for the error in excluding the property from the amendments until now.

Kind regards

Michelle

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**Michelle Riley**  
**Municipal Planner**

Telephone: 03 6323 9321

Mobile: 0499 551 894

Facsimile: 03 6323 9349

[www.wtc.tas.gov.au](http://www.wtc.tas.gov.au)



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## Appendix 3 – Comparison of the Environmental Management and Landscape Conservation zones

The same wording

Different wording but similar intent

Different standards

Environmental Management Zone		Landscape Conservations Zone	
<b>23.1</b>	<b>Zone Purpose</b>	<p>The purpose of the Environmental Management Zone is:</p> <p>23.1.1 To provide for the protection, conservation and management of land with significant ecological, scientific, cultural or scenic value.</p> <p>23.1.2 To allow for compatible use or development where it is consistent with:</p> <ul style="list-style-type: none"> <li>(a) the protection, conservation and management of the values of the land; and</li> <li>(b) applicable reserved land management objectives and objectives of reserve management plans.</li> </ul>	<p><b>22.1</b></p> <p><b>Zone Purpose</b></p> <p>The purpose of the Landscape Conservation Zone is:</p> <p>22.1.1 To provide for the protection, conservation and management of landscape values.</p> <p>22.1.2 To provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values.</p>

Environmental Management Zone	Landscape Conservation Zone
<b>No Permit Required</b>	
Natural and Cultural Values Management	Natural and Cultural Values Management
Passive Recreation	Passive Recreation
<b>Permitted</b>	
<b>Community Meeting and Entertainment</b> If an authority under the National Parks and Reserve Management Regulations 2019 is granted by the Managing Authority, or approved by the Director-General of Lands under the Crown Lands Act 1976.	
<b>Educational and Occasional Care</b> If an authority under the National Parks and Reserve Management Regulations 2019 is granted by the Managing Authority, or approved by the Director-General of Lands under the Crown Lands Act 1976.	
<b>Emergency Services</b> If an authority under the National Parks and Reserve Management Regulations 2019 is granted by the Managing Authority, or approved by the Director-General of Lands under the Crown Lands Act 1976.	
<b>Food Services</b> If an authority under the National Parks and Reserve Management Regulations 2019 is granted by the Managing Authority, or approved by the Director-General of Lands under the Crown Lands Act 1976.	
<b>General Retail and Hire</b> If an authority under the National Parks and Reserve Management Regulations 2019 is granted by the Managing Authority, or approved by the Director-General of Lands under the Crown Lands Act 1976.	
<b>Pleasure Boat Facility</b> If an authority under the National Parks and Reserve Management Regulations 2019 is granted by the Managing Authority, or approved by the Director-General of Lands under the Crown Lands Act 1976.	
<b>Research and Development</b> If an authority under the National Parks and Reserve Management Regulations 2019 is granted by the Managing Authority, or approved by the Director-General of Lands under the Crown Lands Act 1976.	

Environmental Management Zone	Landscape Conservation Zone
<p><b>Residential</b></p> <p>If:</p> <ul style="list-style-type: none"> <li>(a) for reserve management staff accommodation; and</li> <li>(b) an authority under the National Parks and Reserve Management Regulations 2019 is granted by the Managing Authority, or approved by the Director-General of Lands under the Crown Lands Act 1976.</li> </ul>	<p><b>Residential</b></p> <p>If for a:</p> <ul style="list-style-type: none"> <li>(a) home-based business; or</li> <li>(b) single dwelling located within a building area, if shown on a sealed plan.</li> </ul>
<p><b>Resource Development</b></p> <p>If:</p> <ul style="list-style-type: none"> <li>(a) for grazing; and</li> <li>(b) an authority under the National Parks and Reserve Management Regulations 2019 is granted by the Managing Authority, or approved by the Director-General of Lands under the Crown Lands Act 1976.</li> </ul>	
<p><b>Sports and Recreation</b></p> <p>If an authority under the National Parks and Reserve Management Regulations 2019 is granted by the Managing Authority, or approved by the Director-General of Lands under the Crown Lands Act 1976.</p>	
<p><b>Tourist Operation</b></p> <p>If an authority under the National Parks and Reserve Management Regulations 2019 is granted by the Managing Authority, or approved by the Director-General of Lands under the Crown Lands Act 1976.</p>	
<p><b>Utilities</b></p> <p>If:</p> <ul style="list-style-type: none"> <li>(a) for minor utilities; and</li> <li>(b) an authority under the National Parks and Reserve Management Regulations 2019 is granted by the Managing Authority, or approved by the Director-General of Lands under the Crown Lands Act 1976.</li> </ul>	<p><b>Utilities</b></p> <p>If for minor utilities</p>
<p><b>Visitor Accommodation</b></p> <p>If an authority under the National Parks and Reserve Management Regulations 2019 is granted by the Managing Authority, or approved by the Director-General of Lands under the Crown Lands Act 1976.</p>	
<b>Discretionary</b>	
<p><b>Community Meeting and Entertainment</b></p> <p>If not listed as Permitted.</p>	<p><b>Community Meeting and Entertainment</b></p> <p>If for a place of worship, art and craft centre or public hall.</p>
	<p><b>Domestic Animal Breeding, Boarding or Training</b></p>



Environmental Management Zone	Landscape Conservation Zone
<b>Educational and Occasional Care</b> If not listed as Permitted.	
<b>Emergency Services</b> If not listed as Permitted.	Emergency Services
<b>Extractive Industry</b>	
<b>Food Services</b> If not listed as Permitted.	Food Services If for a gross floor area of not more than 200m2
<b>General Retail and Hire</b> If not listed as Permitted.	General Retail and Hire If associated with a Tourist Operation
<b>Pleasure Boat Facility</b> If not listed as Permitted.	
<b>Research and Development</b> If not listed as Permitted.	
	<b>Residential</b> If for a single dwelling.
<b>Resource Development</b> If not listed as Permitted.	Resource Development If not for intensive animal husbandry or plantation forestry.
<b>Resource Processing</b>	
<b>Sports and Recreation</b> If not listed as Permitted	Sports and Recreation If for an outdoor recreation facility
<b>Tourist Operation</b> If not listed as Permitted.	Tourist Operation
<b>Utilities</b> If not listed as Permitted.	Utilities If not listed as Permitted.
<b>Vehicle Parking</b>	
<b>Visitor Accommodation</b> If not listed as Permitted.	Visitor Accommodation

Environmental Management Zone		Landscape Conservations Zone	
<b>23.3 Use Standards</b>		<b>22.3 Use Standards</b>	

Environmental Management Zone	Landscape Conservations Zone	
	<b>22.3.1 Community Meeting and Entertainment, Food Services, and General Retail and Hire uses.</b>	
	Objective:	That Community Meeting and Entertainment, Food Services, and General Retail and Hire uses operate at a scale and in a manner that does not cause an unreasonable impact on landscape values.
	<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
	<b>A1</b> Hours of operation for Community Meeting and Entertainment, Food Services, and General Retail and Hire must be within the hours of 8.00am to 6.00pm.	<b>P1</b> Hours of operation for Community Meeting and Entertainment, Food Services, and General Retail and Hire must not cause an unreasonable impact on the landscape values having regard to:  (a) the duration or extent of vehicle movements; and  (b) noise, lighting or other emissions.
	<b>22.3.2 Visitor Accommodation</b>	
	Objective:	That Visitor Accommodation is of a scale that is:  (a) compatible with the landscape values of the site and surrounding area; and

Environmental Management Zone		Landscape Conservations Zone	
			(b) does not impact the safety and efficiency of local roads or private rights of way.
		<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
		<p><b>A1</b></p> <p>Visitor Accommodation:</p> <p>(a) guests are accommodated in existing buildings; and</p> <p>(b) has a gross floor area of no more than 300m<sup>2</sup>.</p>	<p><b>P1</b></p> <p>Visitor Accommodation must:</p> <p>(a) be of a scale that respects the character of use in the area;</p> <p>(b) not cause an unreasonable impact on the landscape values of the site; and</p> <p>(c) not adversely impact the safety and efficiency of the local road network or unreasonably disadvantage owners and users of rights of carriageway.</p>
<b>23.3.1 Discretionary Uses</b>		<b>22.3.3 Discretionary use</b>	
Objective	That uses listed as Discretionary recognise and reflect the relevant values of the reserved land.	Objective:	That the location, scale and extent of a use listed as Discretionary is compatible with landscape values.
<b>Acceptable solutions</b>	<b>Performance Criteria</b>	<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p><b>A1</b></p> <p>No Acceptable Solution.</p>	<p><b>P1</b></p> <p>A use listed as Discretionary must be consistent with the values of the land, having regard to:</p>	<p><b>A1</b></p> <p>No Acceptable Solution.</p>	<p><b>P1</b></p> <p>Use listed as Discretionary must be compatible with landscape values, having regard to:</p>

Environmental Management Zone		Landscape Conservations Zone	
	<ul style="list-style-type: none"> <li>(a) the significance of the ecological, scientific, cultural or scenic values;</li> <li>(b) the protection, conservation, and management of the values;</li> <li>(c) the specific requirements of the use to operate;</li> <li>(d) the location, intensity and scale of the use;</li> <li>(e) the characteristics and type of the use;</li> <li>(f) traffic and parking generation;</li> <li>(g) any emissions and waste produced by the use;</li> <li>(h) the measures to minimise or mitigate impacts;</li> <li>(i) the storage and handling of goods, materials and waste; and</li> <li>(j) the proximity of any sensitive uses.</li> </ul>		<ul style="list-style-type: none"> <li>(a) the nature, scale and extent of the use;</li> <li>(b) the characteristics and type of the use;</li> <li>(c) the landscape values of the site;</li> <li>(d) the landscape value of the surrounding area; and</li> <li>(e) measures to minimise or mitigate impacts.</li> </ul>
<b>23.4 Development Standards for Buildings and Works</b>		<b>22.4 Development Standards for Buildings and Works</b>	
23.4.1 Development area		22.4.1 Site coverage	
Objective	<p>That the development area is:</p> <ul style="list-style-type: none"> <li>(a) compatible with the values of the site and surrounding area; and</li> <li>(b) minimises disturbance of the site.</li> </ul>	Objective:	<p>That the site coverage is compatible with the protection, conservation and management of the landscape values of the site and surrounding area.</p>

Environmental Management Zone		Landscape Conservations Zone	
Acceptable Solutions	Performance Criteria	Acceptable Solutions	Performance Criteria
<p>A1</p> <p>The development area must:</p> <p>(a) be not more than 500m<sup>2</sup>;</p> <p>(b) be in accordance with an authority under the <i>National Parks and Reserved Land Regulations 2009</i> granted by the Managing Authority or the <i>Nature Conservation Act 2002</i>; or</p> <p>(c) be in accordance with an approval of the Director-General of Lands under the <i>Crown Lands Act 1976</i>.</p>	<p>P1</p> <p>The development area must not cause an unreasonable impact on the values of the site and surrounding area, having regard to:</p> <p>(a) the design, siting, scale and type of development;</p> <p>(b) the operation of the use;</p> <p>(c) the impact of the development on the values of the site and surrounding area;</p> <p>(d) the need for the development to be located on the site;</p> <p>(e) how any significant values are managed; and</p> <p>(f) any protection, conservation, remediation or mitigation works.</p>	<p>A1</p> <p>Site coverage must be not more than 400m<sup>2</sup>.</p>	<p>P1</p> <p>Site coverage must be compatible with the landscape values of the site and surrounding area, having regard to:</p> <p>(a) the topography of the site;</p> <p>(b) the capacity of the site to absorb run-off;</p> <p>(c) the size and shape of the site;</p> <p>(d) the existing buildings and any constraints imposed by existing development;</p> <p>(e) the need to remove vegetation;</p> <p>(f) the location of development in relation to cleared areas; and</p> <p>(g) the location of development in relation to natural hazards.</p>
<b>23.4.2 Building height, setback and siting</b>		<b>22.4.2 Building height, siting and exterior finishes</b>	
<p>Objective:</p>	<p>That the design and siting of buildings responds appropriately to the values of the site and surrounding area.</p>	<p>Objective:</p>	<p>That building height, siting and exterior finishes:</p> <p>(a) protects the amenity of adjoining properties;</p>

Environmental Management Zone		Landscape Conservations Zone	
			<p>(b) minimises the impact on the landscape values of the area; and</p> <p>(c) minimises the impact on adjoining agricultural uses.</p>
Acceptable Solutions	Performance Criteria	Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Building height must:</p> <p>(a) be not more than 6m;</p> <p>(b) be in accordance with an authority under the <i>National Parks and Reserved Land Regulations 2009</i> granted by the Managing Authority or <i>Nature Conservation Act 2002</i>; or</p> <p>(c) be in accordance with an approval of the Director-General of Lands under the <i>Crown Lands Act 1976</i>.</p>	<p><b>P1</b></p> <p>Building height must be compatible with the values of the site and surrounding area, having regard to:</p> <p>(a) the bulk and form of proposed buildings;</p> <p>(b) the height, bulk and form of existing buildings;</p> <p>(c) the topography of the site;</p> <p>(d) the appearance when viewed from roads and public places; and</p> <p>(e) the character of the surrounding area.</p>	<p><b>A1</b></p> <p>Building height must be not more than 6m.</p>	<p><b>P1</b></p> <p>Building height must be compatible with the landscape values of the site, having regard to:</p> <p>(a) the height, bulk and form of proposed buildings;</p> <p>(b) the height, bulk and form of existing buildings;</p> <p>(c) the topography of the site;</p> <p>(d) the visual impact of the buildings when viewed from roads and public places; and</p> <p>(e) the landscape values of the surrounding area.</p>
<p><b>A2</b></p> <p>Buildings must have a setback from all boundaries:</p> <p>(a) not less than 10m;</p> <p>(b) not less than the existing building for an extension;</p>	<p><b>P2</b></p> <p>Buildings must be sited to be compatible with the values of the site and surrounding area, having regard to:</p> <p>(a) the bulk and form of proposed buildings;</p>	<p><b>A2</b></p> <p>Buildings must have a setback from a frontage not less than 10m.</p>	<p><b>P2</b></p> <p>Building setback from a frontage must be compatible with the landscape values of the surrounding area, having regard to:</p> <p>(a) the topography of the site;</p>

Environmental Management Zone		Landscape Conservations Zone	
<p>(c) in accordance with an authority under the <i>National Parks and Reserved Land Regulations 2009</i> granted by the Managing Authority and/or <i>Nature Conservation Act 2002</i>; or</p> <p>(d) be in accordance with an approval of the Director-General of Lands under the <i>Crown Lands Act 1976</i>.</p>	<p>(b) the height, bulk and form of existing buildings;</p> <p>(c) the topography of the site;</p> <p>(d) the appearance when viewed from roads and public places;</p> <p>(e) the retention of vegetation;</p> <p>(f) the safety of road users; and</p> <p>(g) the character of the surrounding area.</p>		<p>(b) the frontage setbacks of adjacent buildings;</p> <p>(c) the height, bulk and form of existing and proposed buildings;</p> <p>(d) the appearance when viewed from roads and public places;</p> <p>(e) the safety of road users; and</p> <p>(f) the retention of vegetation.</p>
		<p><b>A3</b></p> <p>Buildings must have a setback from side and rear boundaries not less than 20m.</p>	<p><b>P3</b></p> <p>Buildings must be sited to not cause an unreasonable loss of amenity, or impact on landscape values of the site, having regard to:</p> <p>(a) the topography of the site;</p> <p>(b) the size, shape and orientation of the site;</p> <p>(c) the side and rear setbacks of adjacent buildings;</p> <p>(d) the height, bulk and form of existing and proposed buildings;</p> <p>(e) the need to remove vegetation as part of the development;</p> <p>(f) the appearance when viewed from roads and public places; and</p>

Environmental Management Zone		Landscape Conservations Zone	
			(g) the landscape values of the surrounding area.
<p><b>A3</b></p> <p>Buildings for a sensitive use must be separated from an adjoining Rural Zone or Agriculture Zone:</p> <p>(a) not less than 200m; or</p> <p>(b) where an existing building for a sensitive use on the site is within 200m of that boundary, not less than the existing building.</p>	<p><b>P3</b></p> <p>Buildings for a sensitive use must be sited to not conflict or interfere with an agricultural use in the Rural Zone or Agriculture Zone, having regard to:</p> <p>(a) the size, shape and topography of the site;</p> <p>(b) the prevailing setbacks of any existing buildings for sensitive uses on adjoining properties;</p> <p>(c) the existing and potential use of land in the adjoining zone; and</p> <p>(d) any proposed attenuation measures.</p>	<p><b>A4</b></p> <p>Buildings for a sensitive use must be separated from the boundary of an adjoining Rural Zone or Agriculture Zone a distance of:</p> <p>(a) not less than 200m; or</p> <p>(b) if the setback of an existing building for a sensitive use on the site is within 200m of that boundary, not less than the existing building.</p>	<p><b>P4</b></p> <p>Buildings for a sensitive use must be sited to not conflict or interfere with uses in the Rural Zone or Agriculture Zone, having regard to:</p> <p>(a) the size, shape and topography of the site;</p> <p>(b) the separation from those zones of any existing buildings for sensitive uses on adjoining properties;</p> <p>(c) the existing and potential use of land in the adjoining zones;</p> <p>(d) any buffers created by natural or other features; and</p> <p>(e) any proposed attenuation measures.</p>
<b>23.4.3 Exterior finish</b>			
Objective:	That exterior finishes are not prominent and blend with the character of the site and surrounding area.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>		
A1	<b>P1</b>	<b>A5</b>	<b>P5</b>



Environmental Management Zone		Landscape Conservations Zone	
<p>Exterior building finishes must:</p> <p>(a) be coloured using colours with a light reflectance value not more than 40% in dark natural tones of grey, green or brown;</p> <p>(b) be in accordance with an authority under <i>National Parks and Reserved Land Regulations 2009</i> granted by the Managing Authority or the <i>Nature Conservation Act 2002</i>; or</p> <p>(c) be in accordance with an approval of the Director-General of Lands under the <i>Crown Lands Act 1976</i>.</p>	<p>Exterior building finishes must be compatible with the character of the site and surrounding area, having regard to:</p> <p>(a) the topography of the site;</p> <p>(b) the existing vegetation;</p> <p>(c) the dominant colours of the vegetation and surrounding area;</p> <p>(d) the nature of the development;</p> <p>(e) the nature of the exterior finishes;</p> <p>(f) the appearance when viewed from roads and public places; and</p> <p>(g) the character of the surrounding area.</p>	<p>Exterior building finishes must have a light reflectance value not more than 40%, in dark natural tones of grey, green or brown.</p>	<p>Exterior building finishes must not cause an unreasonable loss of amenity to occupiers of adjoining properties or detract from the landscape values of the site or surrounding area, having regard to:</p> <p>(a) the appearance of the building when viewed from roads or public places in the surrounding area;</p> <p>(b) any screening vegetation; and</p> <p>(c) the nature of the exterior finishes.</p>
<p>See 23.3.1, P1 (f) for traffic related impacts</p>		<b>22.4.3 Access to a road</b>	
		Objective:	That new dwellings have appropriate vehicular access to a road maintained by a road authority.
		<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
		<b>A1</b> New dwellings must be located on lots that have frontage with access to a road maintained by a road authority.	<b>P1</b> New dwellings must have legal access, by right of carriageway, to a road maintained by a road authority that is sufficient for the intended use, having regard to:

Environmental Management Zone		Landscape Conservations Zone	
		<ul style="list-style-type: none"> <li>(a) the number of users of the access;</li> <li>(b) the length of the access;</li> <li>(c) the suitability of the access for use by the occupants of the dwelling;</li> <li>(d) the suitability of the access for emergency services vehicles;</li> <li>(e) the topography of the site;</li> <li>(f) the construction and maintenance of the access; and</li> <li>(g) the construction, maintenance and usage of the road.</li> </ul>	
<b>23.4.4 Vegetation management</b>		<b>22.4.4 Landscape protection</b>	
Objective:	That the site contributes to the values of the surrounding area by restricting vegetation removal.	Objective:	That the landscape values of the site and surrounding area are protected or managed to minimise adverse impacts.
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b> Building and works must: <ul style="list-style-type: none"> <li>(a) be located on land where the native vegetation cover has been lawfully removed; or</li> <li>(b) be in accordance with an authority under <i>National Parks</i></li> </ul>	<b>P1</b> Building and works must be located to minimise native vegetation removal and the impact on values of the site and surrounding area, having regard to: <ul style="list-style-type: none"> <li>(a) the extent of native vegetation to be removed;</li> </ul>	<b>A1</b> Building and works must be located within a building area, if shown on a sealed plan.	<b>P1</b> Building and works must be located to minimise native vegetation removal and the impact on landscape values, having regard to:

Environmental Management Zone		Landscape Conservations Zone	
<p><i>and Reserved Land Regulations 2009 granted by the Managing Authority or the Nature Conservation Act 2002.</i></p>	<ul style="list-style-type: none"> <li>(b) any proposed remedial, mitigation or revegetation measures;</li> <li>(c) provision for native habitat for native fauna;</li> <li>(d) the management and treatment of the balance of the site or native vegetation areas; and</li> <li>(e) the type, size and design of development.</li> </ul>		<ul style="list-style-type: none"> <li>(a) the extent of the area from which vegetation has been removed;</li> <li>(b) the extent of native vegetation to be removed;</li> <li>(c) any remedial or mitigation measures or revegetation requirements;</li> <li>(d) provision for native habitat for native fauna;</li> <li>(e) the management and treatment of the balance of the site or native vegetation areas;</li> <li>(f) the type, size, and design of development; and</li> <li>(g) the landscape values of the site and surrounding area.</li> </ul>
		<p><b>A2</b></p> <p>Buildings and works must:</p> <ul style="list-style-type: none"> <li>(a) be located within a building area, if shown on a sealed plan; or</li> <li>(b) be an alteration or extension to an existing building providing it is not more than the existing building height; and</li> <li>(c) not include cut and fill greater than 1m; and</li> </ul>	<p><b>P2.1</b></p> <p>Buildings and works must be located to minimise impacts on landscape values, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the size and shape of the site;</li> <li>(c) the proposed building height, size and bulk;</li> <li>(d) any constraints imposed by existing development;</li> </ul>

Environmental Management Zone		Landscape Conservations Zone	
		(d) be not less than 10m in elevation below a skyline or ridgeline.	(e) visual impact when viewed from roads and public places; and (f) any screening vegetation. <b>P2.2</b> If the building and works are less than 10m in elevation below a skyline or ridgeline, there are no other suitable building areas.
23.5 Development Standards for Subdivision		22.5 Development Standards for Subdivision	
23.5.1 Lot design		22.5.1 Lot design	
Objective:	That each lot: (a) has an area and dimensions appropriate for use and development in the zone; and (b) is provided with appropriate access to a road.	Objective:	That each lot: (a) has an area and dimensions appropriate for use and development in the zone; (b) contain areas which are suitable for development, located to protect and conserve landscape values; and (c) is provided with appropriate access to a road.
Acceptable Solutions	Performance Criteria	Acceptable Solutions	Performance Criteria
<b>A1</b> Each lot, or a lot proposed in a plan of subdivision, must be:	<b>P1</b> Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable	<b>A1</b> Each lot, or a proposed lot in a plan of subdivision, must:	<b>P1</b> Each lot, or a proposed lot in a plan of subdivision, must have sufficient

Environmental Management Zone		Landscape Conservations Zone	
<p>(a) required for public use by the Crown, a council, or a State authority;</p> <p>(b) required for the provision of Utilities;</p> <p>(c) for the consolidation of a lot with another lot, provided each lot is within the same zone;</p> <p>(d) in accordance with an authority under the <i>National Parks and Reserved Land Regulations 2009</i> granted by the Managing Authority or <i>Nature Conservation Act 2002</i>; or</p> <p>(e) in accordance with an approval of the Director-General of Lands under the <i>Crown Lands Act 1976</i>.</p>	<p>area and dimensions suitable for its intended use, having regard to:</p> <p>(a) the relevant Acceptable Solutions for development of buildings on the lots;</p> <p>(b) existing buildings and the location of intended buildings on the lot;</p> <p>(c) the ability to retain vegetation and protect the values of the land on each lot;</p> <p>(d) the topography of the site;</p> <p>(e) the presence of any natural hazards;</p> <p>(f) the need for the subdivision; and</p> <p>(g) any advice of the managing authority.</p>	<p>(a) have an area of not less than 50ha and:</p> <p>(i) be able to contain a minimum area of 25m x 25m, where native vegetation cover has been removed, with a gradient not steeper than 1 in 5, clear of:</p> <p>a. all setbacks required by clause 22.4.2 A2, A3 and A4; and</p> <p>b. easements or other title restrictions that limit or restrict development; and</p> <p>(ii) existing buildings are consistent with the setback required by clause 22.4.2 A2, A3 and A4;</p> <p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	<p>useable area and dimensions suitable for its intended use, having regard to:</p> <p>(a) the relevant Acceptable Solutions for development of buildings on the lots;</p> <p>(b) existing buildings and the location of intended buildings on the lot;</p> <p>(c) the ability to retain vegetation and protect landscape values on each lot;</p> <p>(d) the topography of the site; and</p> <p>(e) the pattern of development existing on established properties in the area,</p> <p>and must have an area not less than 20ha.</p>
<p><b>A2</b></p> <p>No Acceptable Solution.</p>	<p><b>P2</b></p>	<p><b>A2</b></p>	<p><b>P2</b></p>

Environmental Management Zone		Landscape Conservations Zone	
	<p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended purpose, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;</li> <li>(b) the anticipated nature of vehicles likely to access the site;</li> <li>(c) the topography of the site;</li> <li>(d) the pattern of development in the area; and</li> <li>(e) the ability for emergency services to access the site,</li> </ul> <p>and must have a frontage of not less than 3.6 m.</p>	<p>Each lot, or a proposed lot in a plan of subdivision, excluding those for public open space, a riparian or littoral reserve or Utilities must have a frontage of not less than 40m.</p>	<p>Each lot, or a proposed lot in a plan of subdivision, must be provided with a frontage, or legal connection to a road by a right of carriageway that is sufficient for the intended use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;</li> <li>(b) the topography of the site;</li> <li>(c) the functionality and useability of the frontage;</li> <li>(d) the anticipated nature of vehicles likely to access the site;</li> <li>(e) the ability to manoeuvre vehicles on the site;</li> <li>(f) the ability for emergency services to access the site; and</li> <li>(g) the pattern of development existing on established properties in the area,</li> </ul> <p>and is not less than 3.6m wide.</p>
<p><b>A3</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of</p>	<p><b>P3</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a</p>	<p><b>A3</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of</p>	<p><b>P3</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a</p>

Environmental Management Zone		Landscape Conservations Zone	
the lot to a road in accordance with the requirements of the road authority.	boundary of a lot, <b>or building area on the lot</b> , if any, having regard to: <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the length of the access;</li> <li>(c) the distance between the lot or building area and the carriageway;</li> <li>(d) the nature of the road and the traffic;</li> <li>(e) <b>any vegetation removal; and</b></li> <li>(f) <b>the protection of values on the site.</b></li> </ul>	the lot to a road in accordance with the requirements of the road authority.	boundary of a lot, if any, having regard to: <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the length of the access;</li> <li>(c) the distance between the lot or building area and the carriageway;</li> <li>(d) the nature of the road and the traffic; and</li> <li>(e) <b>the anticipated nature of vehicles likely to access the site.</b></li> </ul>
<b>23.5.2 Services</b>			
<b>Objective:</b>	<b>That each lot provides for appropriate wastewater disposal.</b>		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>		
<b>A1</b> No Acceptable Solution.	<b>P1</b> Each lot, or a lot proposed in a plan of subdivision, must be capable of accommodating an on-site wastewater management system adequate for the intended use and development of the land, which minimises any environmental impacts.	<b>A4</b> No Acceptable Solution.	<b>P4</b> Each lot, or a lot proposed in a plan of subdivision, must be capable of accommodating an on-site wastewater management system adequate for the intended use and development of the land, which minimises any environmental impacts.

Appendix 4 – Property Analysis

Property Details							Amendment	Codes / Overlays													Ecological values			
Address	Locality	Volume	Folio	PID	Area m <sup>2</sup>	Improvements	Proposed zone	Electricity Transmission Infrastructure Protection	Scenic Protection	Flood-prone hazard	Coastal Erosion Hazard	Coastal Inundation Hazard	Landslip Hazard	Safeguarding of airports	Priority Vegetation Area	Future Coastal Refugia Area	Waterway and Coastal Protection Area	Bushfire-prone areas	Attenuation Area	Threatened Native Vegetation Communities	Coastal Vegetation Significance	Coastal Fauna Significance	FPA Mature Habitat	
Lot 1 Badger Head Road	Badger Head	179143	1	9283953	2690	Dwelling	Rural Living A	N/A	N/A	N/A	N/A	N/A	Part - Low	N/A	All	N/A	Part	All	N/A	N/A	N/A	N/A	Negligible	
28 Ocean View Drive	Greens Beach	52922	2	7793189	180650	Dwelling	Landscape Conservation	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Most	N/A	N/A	All	N/A	N/A	N/A	N/A	All Low & Med	
Fernlack Road	Greens Beach	52922	1	7793197	324391	Vacant	Landscape Conservation	N/A	N/A	N/A	N/A	N/A	N/A	N/A	All	N/A	Part	All	N/A	N/A	N/A	N/A	All Low, Med & high	
1180 Greens Beach Road	Kelso	120320	1	7507963	1440	Dwelling	Rural Living A	N/A	N/A	N/A	All Med & low	Part Low, med & high	N/A	N/A	N/A	Part	All	N/A	N/A	N/A	All Non-threatened	All Sensitive	Negligible	
Greens Beach Road	Kelso	32766	2	-	-	Acquired Road	Rural Living A	N/A	N/A	N/A	All Low & med	Part Low	N/A	N/A	N/A	Part	Most	All	N/A	N/A	All Non-threatened & non-native	All Sensitive	Negligible	
13 Bowens Road	York Town	27417	2	7837102	4042	Dwelling	Landscape Conservation	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Part	N/A	Part	All	N/A	N/A	N/A	N/A	Negligible	
Lot 2 Bowens Road	York Town	39763	2	3364715	6443	Landscaping depot	Landscape Conservation	N/A	N/A	N/A	Most Low & med	Part Low, med & high	N/A	N/A	Part	Part	Part	All	N/A	N/A	Part Endangered & Non Native	Part Sensitive	Negligible	
Bowens Road	York Town	39763	3	3364723	10677	Dwelling	Landscape Conservation	N/A	N/A	N/A	Part low & med	Part Low, med & high	Part low	N/A	Part	Part	Part	All	N/A	N/A	Part Endangered & Non-native	Part Sensitive	Negligible	
Bowens Road	York Town	39763	1	3364723	10384	Dwelling	Landscape Conservation	N/A	N/A	N/A	Part low & med	Part Low, med & high	Part low	N/A	Part	Part	Part	All	N/A	N/A	Part Endangered & Non-native	Part endangered & sensitive	Negligible	
Bowens Road	York Town	208911	1	3364723	1970	Dwelling	Landscape Conservation	N/A	N/A	N/A	Part low & med	Part Low, med & high	Part Low	N/A	Part	Part	Part	All	N/A	N/A	Part Endangered & Non-native	Part Sensitive	Negligible	
Bowens Road	York Town	19737	5	2732248	5569	Vacant	Landscape Conservation	N/A	N/A	N/A	Part Low -	Part Low & med	Most Med & low	N/A	All	Part	Most	All	N/A	N/A	Part Vulnerable & Endangered	Part Endangered	Part High, Low & High & negligible	
Bowens Road	York Town	19737	6	2732248	9382	Vacant	Landscape Conservation	N/A	N/A	N/A	Part Low & med	Part Low, med & high	Part med & low	N/A	Most	Part	Part	All	N/A	Part (20)	Part Vulnerable & Endangered	Part Endangered & sensitive	Part Low, High & negligible	



Property Details							Amendment	Codes / Overlays												Ecological values			
Address	Locality	Volume	Folio	PID	Area m <sup>2</sup>	Improvements	Proposed zone	Electricity Transmission Infrastructure Protection	Scenic Protection	Flood-prone hazard	Coastal Erosion Hazard	Coastal Inundation Hazard	Landslip Hazard	Safeguarding of airports	Priority Vegetation Area	Future Coastal Refugia Area	Waterway and Coastal Protection Area	Bushfire-prone areas	Attenuation Area	Threatened Native Vegetation Communities	Coastal Vegetation Significance	Coastal Fauna Significance	FPA Mature Habitat
47 Bowens Road	York Town	15059	2	6096488	16165	Shack / outbuilding	Landscape Conservation	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Most	N/A	N/A	All	N/A	All	N/A	N/A	Part Med
Bowens Road	York Town	15059	1	2732248	13505	Vacant	Landscape Conservation	N/A	N/A	N/A	Part Low	Part Low & med	Part Low	N/A	Part	Part	Part	All	N/A	N/A	Part Endangered	Part Endangered	Negligible
49 Bowens Road	York Town	156568	2	2954916	29499	Dwelling	Landscape Conservation	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Part	N/A	N/A	All	N/A	Part (20)	N/A	N/A	Part Low
637 Greens Beach Road	York Town	21561	3	6107028	348801	Farm improvements	Rural (modification)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Part	Part	Part	All	N/A	Part (20)	Part Non-Native	N/A	Part Low & Med balance negligible
Greens Beach Road	York Town	108420	1	6107554	17542	Vacant	Landscape Conservation	N/A	N/A	N/A	N/A	N/A	N/A	N/A	All	N/A	N/A	All	N/A	Part (20)	Part Vulnerable	Part Sensitive	Most Low
Aldridge Street	York Town	100857	1	7298436	14930	Vacant	Landscape Conservation	N/A	N/A	N/A	N/A	N/A	Part Low & med	N/A	All	N/A	Part	All	N/A	N/A	N/A	N/A	Most High & low
Greens Beach Road	York Town	238403	1	2085060	15184	Dwelling	Landscape Conservation	N/A	N/A	N/A	N/A	Part Low, med & high	Part low & med	N/A	All	Part	Part	All	N/A	All (20)	Part Vulnerable	All Sensitive	Most Low
Greens Beach Road	York Town	238402	1	2056681	11491	Unapproved dwelling	Landscape Conservation	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Most	N/A	N/A	All	N/A	Most (20)	Part Vulnerable	Part Sensitive	All Low, Med & negligible
652 Greens Beach Road	York Town	38737	1	2012662	11783	Dwelling	Landscape Conservation	N/A	N/A	N/A	Part Low	N/A	N/A	N/A	Part ~ 30%	N/A	Part	All	N/A	Part (20)	Part Endangered & non-native	Part Sensitive	Part Med & negligible
652 Greens Beach Road	York Town	38737	2	2012662	11239	Vacant	Landscape Conservation	N/A	N/A	N/A	Part Low	N/A	N/A	N/A	Part ~50%	N/A	Part	All	N/A	Most (20)	Part Endangered & Vulnerable	Part Sensitive	Most Med & negligible
Aldridge Street	York Town	28428	7	2913049	4079	Vacant	Landscape Conservation	N/A	N/A	N/A	N/A	N/A	Most Med, some low	N/A	Most	N/A	Part	All	N/A	N/A	N/A	N/A	Part High & Low & negligible
Aldridge Street	York Town	28428	8	2913049	4791	Cottage	Landscape Conservation	N/A	N/A	N/A	N/A	N/A	Most Med, some low	N/A	Most	N/A	Part	All	N/A	N/A	N/A	N/A	Most High & negligible
586 Greens Beach Road	York Town	95989	10	7690470	11530	Dwelling	Landscape Conservation	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Part	N/A	Part	All	N/A	N/A	Part Vulnerable & Non-native	Part Sensitive	Part Low & negligible

Property Details							Amendment	Codes / Overlays											Ecological values				
Address	Locality	Volume	Folio	PID	Area m <sup>2</sup>	Improvements	Proposed zone	Electricity Transmission Infrastructure Protection	Scenic Protection	Flood-prone hazard	Coastal Erosion Hazard	Coastal Inundation Hazard	Landslip Hazard	Safeguarding of airports	Priority Vegetation Area	Future Coastal Refugia Area	Waterway and Coastal Protection Area	Bushfire-prone areas	Attenuation Area	Threatened Native Vegetation Communities	Coastal Vegetation Significance	Coastal Fauna Significance	FPA Mature Habitat
Aldridge Street	York Town	108744	1	6107060	10808	Vacant	Landscape Conservation	N/A	N/A	N/A	Part Low & med	Part low med & high	Part med & low	N/A	Most	Part	Part	All	N/A	Most (20)	Most Endangered & vulnerable	Most Sensitive	Most High
Aldridge Street	York Town	124515	7	6096461	6358	Vacant	Landscape Conservation	N/A	N/A	N/A	Most Low & med	Part Low, med & high	Most Low & med	N/A	Most	Part	Part	All	N/A	Most (20)	Part Endangered & Vulnerable	Most Sensitive	Part High, Low, negligible
60 Bowens Road	York Town	110797	1	6096509	44253	Dwelling	Landscape Conservation	N/A	N/A	N/A	N/A	N/A	Part Low	N/A	Part ~50%	N/A	Part	All	N/A	N/A	N/A	N/A	Part high, low & negligible (balance)
600 Greens Beach Road	York Town	239527	1	6107546	15057	Dwelling	Landscape Conservation	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Part ~25%	N/A	Part	All	N/A	N/A	Part Vulnerable & non-native	Part Sensitive	Part Low & negligible
614 Greens Beach Road	York Town	37493	1	7599474	11692	Dwelling	Landscape Conservation	N/A	N/A	N/A	N/A	Part Low	N/A	N/A	Part	Part	Part	All	N/A	N/A	Part vulnerable & non-native	Part Sensitive	Negligible
616 Greens Beach Road	York Town	38736	5	7599466	9922	Dwelling	Landscape Conservation	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Part	N/A	Part	All	N/A	N/A	Part sensitive	Part Sensitive	Negligible
630 Greens Beach Road	York Town	38736	4	7599458	11197	Dwelling	Landscape Conservation	N/A	N/A	N/A	N/A	Part Low & Med	N/A	N/A	N/A	Part	Part	All	N/A	N/A	Part non-native	N/A	Negligible
638 Greens Beach Road	York Town	51252	1	6107503	11217	Dwelling	Landscape Conservation	N/A	N/A	N/A	Part Low	N/A	N/A	N/A	Part	N/A	Part	All	N/A	N/A	Part vulnerable & non-native	Part Sensitive	Negligible
693 Greens Beach Road	York Town	205658	1	6107044	4144	Dwelling	Landscape Conservation	N/A	N/A	N/A	Part low & med	Part low & med	Part Low	N/A	Part ~50%	Part	Part	All	N/A	N/A	Part endangered & non-native	Part Sensitive	Negligible
604 Greens Beach Road	York Town	240277	1	7690489	12245	Dwelling	Landscape Conservation	N/A	N/A	N/A	N/A	Part Low	N/A	N/A	Part ~50%+	Part	Part	All	N/A	Part (20)	Part vulnerable	Part Sensitive	Part medium, low & low, balance negligible
73 Aldridge Street	York Town	104520	1	7298452	4400	Dwelling	Landscape Conservation	N/A	N/A	N/A	N/A	N/A	Most Med & low	N/A	Part ~20%	N/A	Part	All	N/A	N/A	N/A	N/A	Part high & low, balance Negligible

Property Details							Amendment	Codes / Overlays											Ecological values				
Address	Locality	Volume	Folio	PID	Area m <sup>2</sup>	Improvements	Proposed zone	Electricity Transmission Infrastructure Protection	Scenic Protection	Flood-prone hazard	Coastal Erosion Hazard	Coastal Inundation Hazard	Landslip Hazard	Safeguarding of airports	Priority Vegetation Area	Future Coastal Refugia Area	Waterway and Coastal Protection Area	Bushfire-prone areas	Attenuation Area	Threatened Native Vegetation Communities	Coastal Vegetation Significance	Coastal Fauna Significance	FPA Mature Habitat
Aldridge Street	York Town	104304	1	7298444	11574	Temp dwelling	Landscape Conservation	N/A	N/A	N/A	N/A	N/A	Part med & low	N/A	Part ~15%	N/A	Part	All	N/A	N/A	N/A	N/A	Part high & low, balance Negligible
9 Aldridge Street	York Town	-	-	6107052	4356.3	Vacant	Landscape Conservation (modification)	N/A	N/A	N/A	Part low & med	Part low & med	Part low	N/A	Most	Part	Part ~30%	All	N/A	Most	Most endangered, small area non-native	Most Sensitive	Part high, part Negligible
154 Flinders Street	Beauty Point	136490	1	2131557	1164	Dwelling	General Residential	N/A	N/A	N/A	N/A	N/A	All declared landslip A	N/A	N/A	N/A	Part	N/A	N/A	N/A	All Non-Native & Non-Threatened	Part Rare	Negligible
156 Flinders Street	Beauty Point	140355	2	2514312	2591	Dwelling	General Residential	N/A	N/A	N/A	Part Low	N/A	All declared landslip A	N/A	N/A	N/A	Part	N/A	N/A	N/A	All Non Threatened	Rare	Negligible
166 Flinders Street	Beauty Point	140355	1	2514291	2728	Dwelling	General Residential	N/A	N/A	N/A	N/A	N/A	All declared landslip A	N/A	N/A	N/A	Part	N/A	N/A	N/A	All Non-Native & Non-Threatened	Part Rare	Negligible
4432 West Tamar Highway	Beauty Point	53925	2	7764521	65190	Vacant	Landscape Conservation	N/A	N/A	N/A	Part low and med	Part low, med & high	N/A	N/A	Most	Part	Part	All	Part (mine )	Most (20)	All Endangered & vulnerable	All Sensitive	Most Medium
65 West Bay Road	Rowella	213533	1	6105508	25	Dwelling	Rural Living A	N/A	N/A	N/A	N/A	All Low, med, & high	All Low & med	N/A	N/A	All	All	All	N/A	N/A	Non-native	N/A	Negligible
253 Batman Highway	Sidmou h	235699	1	6103414	44477	Dwelling	Rural	N/A	Part	N/A	N/A	N/A	N/A	N/A	Part	N/A	N/A	All	N/A	Part (14) - ~60%	N/A	N/A	Part Low
273 Batman Highway	Sidmou h	215680	1	6103393	112262	Dwelling	Rural	N/A	Part	N/A	N/A	N/A	N/A	N/A	Part	N/A	N/A	All	N/A	Part (14) - ~75%	N/A	N/A	Part Low
117 Motor Road	Deviot	12260	1	6099873	40328	Dwelling	Rural	N/A	N/A	N/A	N/A	N/A	Part Low & med	N/A	All	N/A	N/A	All	N/A	Part (14) - ~60%	N/A	N/A	Negligible
155 Motor Road	Deviot	17916	1	6110155	80773	Dwelling	Rural	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Part	N/A	N/A	All	N/A	N/A	N/A	N/A	N/A
157 Motor Road	Deviot	49166	1	7807771	44957	Dwelling	Rural	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Part	N/A	N/A	All	N/A	N/A	N/A	N/A	Part medium, otherwise negligible

Property Details							Amendment	Codes / Overlays												Ecological values			
Address	Locality	Volume	Folio	PID	Area m <sup>2</sup>	Improvements	Proposed zone	Electricity Transmission Infrastructure Protection	Scenic Protection	Flood-prone hazard	Coastal Erosion Hazard	Coastal Inundation Hazard	Landslip Hazard	Safeguarding of airports	Priority Vegetation Area	Future Coastal Refugia Area	Waterway and Coastal Protection Area	Bushfire-prone areas	Attenuation Area	Threatened Native Vegetation Communities	Coastal Vegetation Significance	Coastal Fauna Significance	FPA Mature Habitat
Motor Road	Deviot	28612	1	7324075	242436	Vacant	Rural	N/A	N/A	N/A	N/A	N/A	Part Low & med	N/A	Most	N/A	Part	All	N/A	Part (14)	N/A	N/A	Negligible
102 Rookery Road	Loira	121232	2	7507445	88370	Dwelling	Rural	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Part	N/A	N/A	All	N/A	Small area (15)	N/A	N/A	Part low, otherwise Negligible
106 Rookery Road	Loira	36120	2	7507453	80675	Dwelling	Rural	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Part	N/A	Part	All	N/A	Most (15)	N/A	N/A	Part Low ~50% and Negligible
19 Gilbeys Road	Loira	117081	3	6095792	141349	Dwelling	Rural	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Part	N/A	Part	All	N/A	Most (15)	N/A	N/A	All Low
47 Browns Road	Loira	117081	2	6095805	41035	Dwelling	Rural	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Part	N/A	N/A	All	N/A	N/A	N/A	N/A	Negligible
267 Gravelly Beach Road	Gravelly Beach	154456	2	6060143	353	Dwelling	Low Density Residential	N/A	N/A	N/A	N/A	Part	N/A	N/A	N/A	Part	All	N/A	N/A	N/A	Non native	N/A	Negligible
14 Stony Brook Road	Blackwa II	135144	2	6067599	4084	Dwelling	Rural Living A	N/A	N/A	N/A	All Investigation area	Part low & med	Part low & med	N/A	N/A	Part	All	All	N/A	N/A	Part endangered ~40% otherwise non-native	Part vulnerable ~40%	Negligible
52 Stony Brook Road	Blackwa II	199870	1	6058043	4791	Dwelling	Rural Living A	N/A	N/A	N/A	Most Investigation area	Part low & med	Most Low	N/A	Most	Part	Part	All	N/A	N/A	Part endangered ~30%	Part sensitive ~15%, part vulnerable ~15%	Negligible
162 Gravelly Beach Road	Blackwa II	206558	1	6066596	4660	Dwelling	Low Density Residential & SAP	N/A	N/A	N/A	All Investigation area	Part Low, med & high	N/A	N/A	N/A	Part	All	N/A	N/A	N/A	Part endangered ~40% otherwise non-native	Part vulnerable ~40%	Negligible
164 Gravelly Beach Road	Blackwa II	214689	1	6066588	4890	Dwelling	Low Density Residential & SAP	N/A	N/A	N/A	All Investigation area	Part Low, med & high	N/A	N/A	N/A	Part	Most	N/A	N/A	N/A	Part endangered ~60%	Part vulnerable ~60%	Negligible
180 Gravelly Beach Road	Blackwa II	63791	2	6066561	3437	Dwelling	Low Density Residential & SAP	N/A	N/A	N/A	All Investigation area	Part Low, med & high	N/A	N/A	N/A	Part	All	N/A	N/A	N/A	Part endangered ~20%, otherwise non-native	Part vulnerable ~20%	Negligible

Property Details							Amendment	Codes / Overlays												Ecological values				
Address	Locality	Volume	Folio	PID	Area m <sup>2</sup>	Improvements	Proposed zone	Electricity Transmission Infrastructure Protection	Scenic Protection	Flood-prone hazard	Coastal Erosion Hazard	Coastal Inundation Hazard	Landslip Hazard	Safeguarding of airports	Priority Vegetation Area	Future Coastal Refugia Area	Waterway and Coastal Protection Area	Bushfire-prone areas	Attenuation Area	Threatened Native Vegetation Communities	Coastal Vegetation Significance	Coastal Fauna Significance	FPA Mature Habitat	
188 Gravelly Beach Road	Blackwa ll	221346	1	6066553	5295	Dwelling	Low Density Residential & SAP	N/A	N/A	N/A	All Investigation area	Part Low, med & high	N/A	N/A	N/A	Part	Most	N/A	N/A	N/A	N/A	Part non-threatened ~50% otherwise non-native	Part rare ~50%	Negligible
82a Gravelly Beach Road	Blackwa ll	176436	1	9809439	384	Dwelling	General Residential	N/A	N/A	N/A	N/A	Most Low & med	N/A	N/A	N/A	Most	All	N/A	N/A	N/A	N/A	Non-native	N/A	Negligible
4 Rosevears Drive	Roseve ars	107225	1	6074991	8085	Dwelling	Landscape Conservation	N/A	N/A	N/A	All Med & low	Part Low med & high	All med-active, med & low	N/A	N/A	Part	All	N/A	N/A	N/A	N/A	Part endangered, part non-native	Part vulnerable	Negligible
2 Rosevears Drive	Roseve ars	105819	1	6075011	913	Dwelling	Landscape Conservation	N/A	N/A	N/A	All med	All low, med & high	Part low & med	N/A	N/A	Most	All	N/A	N/A	N/A	N/A	non-native	N/A	Negligible
109 Reatta Road	Trevally n	123760	1	1281713	6103	Dwelling	Low Density Residential & SAP	N/A	N/A	N/A	N/A	N/A	N/A	All	All	N/A	N/A	All	N/A	N/A	N/A	N/A	N/A	All Low
93 Reatta Road	Trevally n	142349	2	2081350	15719	Radio station	Low Density Residential	N/A	N/A	N/A	N/A	N/A	N/A	All	All	N/A	N/A	All	N/A	N/A	N/A	N/A	N/A	Negligible
Stokes Run, 234 Frankford Highway	Exeter	23899	1	6065278	223011	Dwelling	Landscape Conservation & Apply Priority Vegetation Area	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Most	N/A	Part	All	N/A	Most (15 & 20)	N/A	N/A	Part low & Negligible	
Holwell Road	Holwell	244859	1	2287885	711254	Dwelling & farm	Landscape Conservation for part currently in the EM Zone	Part	N/A	N/A	N/A	N/A	Part	N/A	Part	N/A	Part	All	N/A	Part (30)	N/A	N/A	Negligible	

## Appendix 5 – Assessment Category (for privately owned land)

Excludes qualification 'If an authority under the National Parks and Reserve Management Regulations 2019 is granted by the Managing Authority, or approved by the Director-General of Lands under the Crown Lands Act 1976.

Use Class	Interim Planning Scheme Environmental Management Zone	TPS Environmental Management	Landscape Conservation	Rural	Rural Living	Low Density Residential	Low Density Residential with WTA-3.0 Residential Supply and Density SAP
Bulky Goods Sales	X	X	X	D - If for: (a) a supplier for Extractive Industry, Resource Development or Resource Processing; (b) a garden and landscaping materials supplier; (c) a timber yard; or (d) rural supplies.	X	D - If for a consulting room, medical centre, veterinary centre, child health clinic or for the provision of residential support services.	D - If for a consulting room, medical centre, veterinary centre, child health clinic or for the provision of residential support services.
Business and Professional Services	X	X	X	P - if for a veterinary centre or an agribusiness consultant or agricultural consultant D - otherwise	D - if for a veterinary centre	X	X
Community Meeting and Entertainment	X	D	D - if for a place of worship, art and craft centre or public hall	D	D - if for a place of worship, art and craft centre or public hall	D - if for a place of worship, art and craft centre or public hall	D - if for a place of worship, art and craft centre or public hall
Crematoria and Cemeteries	X	X	X	D	X	X	X
Custodial Facility	X	X	X	D	X	X	X
Domestic Animal Breeding, Boarding or Training	X	X	D	P	D	X	X
Educational and Occasional Care	X	D	X	P - if associated with Resource Development or Resource Processing D - otherwise	D - if for (a) a childcare centre or primary school; or (b) an existing respite centre	D - if not for a tertiary institution	D - if not for a tertiary institution
Emergency Services	D	D	D	P	D	D	D
Equipment and Machinery Sales and Hire	X	X	X	X	X	X	X
Extractive Industry	D	D	X	P	X	X	X
Food Services	X	D	D - if for a GFA >200m2	P - if associated with Resource Development or Resource Processing D - otherwise	D - if for a GFA >200m2	D - if not for a take away food premises with a drive through facility	D - if not for a take away food premises with a drive through facility
General Retail and Hire	X	D	D - if associated with a Tourist Operation	P - if associated with Resource Development or Resource Processing D - otherwise	D - if for (a) primary produce sales; (b) sales related to Resource Development; or (c) a local shop.	D - if for a local shop	D - if for a local shop
Hospital Services	X	X	X	X	X	X	X
Hotel Industry	X	X	X	X	X	X	X

Use Class	Interim Planning Scheme Environmental Management Zone	TPS Environmental Management	Landscape Conservation	Rural	Rural Living	Low Density Residential	Low Density Residential with WTA-3.0 Residential Supply and Density SAP
Manufacturing and Processing	X	X	X	P - if for the processing of materials from extractive industry D - otherwise	D - if for alterations or extensions to existing Manufacturing or Processing	X	X
Motor Racing Facility	X	X	X	D	X	X	X
Natural and Cultural Values Management	NPR	NPR	NPR	NPR	NPR	NPR	NPR
Passive Recreation	NPR	NPR	NPR	NPR	NPR	NPR	NPR
Pleasure Boat Facility	D	D	X	P - if for a boat ramp D - otherwise	X	X	X
Port and Shipping	X	X	X	X	X	X	X
Recycling and Waste Disposal	X	X	X	D	X	X	X
Research and Development	X	D	X	P - if associated with Resource Development or Resource Processing D - otherwise	X	X	X
Residential	D - if for single dwelling or home-based business	X	P - if home-based business or a single dwelling located within a building area, if shown on a sealed plan D - if for a single dwelling	P - if for a home-based business In an existing dwelling or alterations or extensions to an existing dwelling D - if for a single dwelling and not restricted by a s71 agreement	NPR - if for a single dwelling P - if for a home-based business	NPR - if for a single dwelling P - if for a home-based business D - if not NPR or P	NPR - if for a single dwelling P - if for a home-based business D - if not for multiple dwellings or NPR or P
Resource Development	D - if for existing uses and the curtilage does not increase by more than 30%	D	D - if not for intensive animal husbandry or plantation forestry	NPR	NPR - if for grazing D - if (a) not for intensive animal husbandry or plantation forestry; or (b) not listed as No Permit Required.	X	X
Resource Processing	X	D	X	P	D - if not for an abattoir, animal saleyard or sawmilling	X	X
Service Industry	X	X	X	D - if associated with Extractive Industry, Resource Development or Resource Processing	X	X	X
Sports and Recreation	D	D	D - if for an outdoor recreation facility	D	D - if for an outdoor recreation facility	D - if for a fitness centre, gymnasium, public swimming pool or sports ground	D - if for a fitness centre, gymnasium, public swimming pool or sports ground

Use Class	Interim Planning Scheme Environmental Management Zone	TPS Environmental Management	Landscape Conservation	Rural	Rural Living	Low Density Residential	Low Density Residential with WTA-3.0 Residential Supply and Density SAP
Storage	X	X	X	P - if for (a) a contractors yard; (b) freezing and cooling storage; (c) grain storage; (d) a liquid, solid or gas fuel depot; or (e) a wood yard. D - otherwise	X	X	X
Tourist Operation	D	D	D	D	X	X	X
Transport Depot and Distribution	X	X	X	D	X	X	X
Utilities	P - if for minor utilities D - if not minor utilities	D	P - if for minor utilities D - otherwise	NPR - if for minor utilities P - if not NPR	NPR - if for minor utilities P - if not NPR	NPR - if for minor utilities D- otherwise	NPR - if for minor utilities D- otherwise
Vehicle Fuel Sales and Service	X	X	X	X	D	X	X
Vehicle Parking	X	D	X	X	X	X	X
Visitor Accommodation	D	D	D	P - if for guests in an existing building D - otherwise	P	P	P

**Key**

No shading	The same or higher assessment category to the TPS Environmental Management Zone
Orange shading	No Permit Required or Permitted where the assessment category is lower than the TPS Environmental Management Zone
Yellow shading	Discretionary where the assessment category is lower than the TPS Environmental Management Zone
NPR	No Permit Required
P	Permitted
D	Discretionary
X	Prohibited



## Appendix 6 – additional supporting information 637 Greens Beach Road, York Town

# Bowen Springs Pastoral



Richard & Michelle Phillips  
111 Bowens Road  
Yorktown  
Tasmania  
7270  
Richard 0418 834 611  
Michelle 0490 073 485  
ABN: 90 020 944 113

8/12/2022

To Whom it May Concern

Dear Sir/Madam

**Ref: "Massey Glen" 637 Greens Beach Road Yorktown**

The property in question has been farmed since the mid 80's by my late father and myself to date.

This is for the current owner Brett Victory and the previous two owners.

We have carried out agricultural operations such as fattening cattle, hay and silage production on this property over the years. We are cutting this property for hay again this year 2022.

If you should have any further questions, don't hesitate to contact me anytime.

Kind Regards

A handwritten signature in black ink that reads "R Phillips". The signature is written in a cursive, flowing style.

Richard Phillips

Manager