

ATTACHMENT 1

PLANNING REPORT

FOR NORTHERN MIDLANDS COUNCIL

Draft Local Provisions Schedule Representations

DRAFT

January 2022



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Johnstone McGee & Gandy Pty Ltd

ABN 76 473 834 852 ACN 009 547 139

www.jmg.net.au

HOBART OFFICE
117 Harrington Street
Hobart TAS 7000
Phone (03) 6231 2555
infohbt@jmg.net.au

LAUNCESTON OFFICE
49-51 Elizabeth Street
Launceston TAS 7250
Phone (03) 6334 5548
infohbt@jmg.net.au

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1. Introduction

On the 6 October 2021, the Commission directed the Northern Midlands planning authority to publicly exhibit its draft LPS. This occurred between the 22 October 2021 – 21 December 2021. During the exhibition period the Council received 49 representations (these are provided in Appendix 1).

This report considered the representations received during this exhibition period. This includes the Council's assessment of each representation and its recommendations on whether the merits of the matters raised necessitate a modification to the draft LPS, and the effect on the draft LPS as a whole as a result of implementing any such recommendations.

2. Section 35F of LUPAA

Section 35F of LUPAA outlines the specific legislative requirements for the post exhibition report. These are reproduced below:

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



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3. Representations received

During the publicly exhibition of the Northern Midlands draft LPS between the 22 October 2021 – 21 December 2021 49 representations were received. Each of these is assessed below against S35F of the LUPAA.

Representation reference no.1	Department of Natural Resources and Environment Tasmania
Matter(s) raised	<ul style="list-style-type: none"> That the Natural Assets Code (NAC), in particular the Priority Vegetation Area Overlay (PVOA), is poorly applied across the landscape including the Agriculture Zone, and that the majority of land will be placed in zones that preclude the application of the NAC. That the application of the Agriculture Zone should be revised to reduce the extent of zone types that exclude NACs (including 'split zoning' on the basis of identifiable features on the ground). That the PVOA has not been mapped correctly and is not in accordance with the MG No. 1 NAC 7 "The priority vegetation area overlay must include threatened native vegetation communities as identified in TASVEG Version 3 mapping" and NAC 8 "For the purposes of applying the priority vegetation area overlay to land containing threatened flora species, any areas mapped within the overlay should be derived from or based on the threatened flora data from the Natural Values Atlas" (examples provided to show where these have not occurred). That the definition of priority vegetation in the LPS is not in accordance with the SPP as many areas important for threatened species have not been included. That further direction is provided on how the NAC will be regulated in relation to development proposals.
Planning Authority response	<p>As noted in the representation, the Planning Authority is not able to apply the Priority Vegetation Area Overlay to the Agriculture Zone, in line with the Ministerial Guideline No. 1, and the SPP. The Council's methodology within the draft LPS has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the land's primary use, with zoning providing the primary mechanism for regulating land use and development.</p> <p>As outlined in the draft LPS methodology (in the 'LPS Supporting Report', February 2021) there is no land zoned Significant Agriculture Zone in the Northern Midlands Interim Planning Scheme 2013 (NMIPS 2013), and as such, a review of all land zoned Rural Resource was required. This was undertaken and was informed by the Ministerial Guideline No. 1 and the Land Potentially Suitable for Agriculture Zone PPU project. Based on the comparison of provisions between existing zones and SPP zones, Council reached the decision that the Agriculture Zone most closely aligned with the current provisions of the Rural Resource Zone in the NMIPS 2013.</p> <p>As such, this is the fundamental transition applied to all land currently zoned Rural Resource, including the Rural Resource zoned land excluded from the PPU project analysis. As part of this process all landowners were notified by Council and advised to check the draft LPS zoning maps to identify the impact on their property or properties.</p> <p>Furthermore, a review of all land transitioned to the Agriculture Zone was undertaken by Northern Midlands Council to identify lots:</p>

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	<ul style="list-style-type: none"> • With known existing strategic non-agricultural uses; • Identified as constrained by the PPU project; and • Surrounding townships (especially smaller constrained lots which could be transitioned to a non-agriculture zone to provide a buffer to the sensitive uses within Townships). <p>Council's rationale is aligned with the following LUDS principles:</p> <ul style="list-style-type: none"> • Apply a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible; • Maintain existing use rights of landowners wherever possible; and • Avoid spot and split zoning wherever possible. <p>On this basis the Agriculture Zone has been applied to such lands, as outlined in the draft LPS.</p> <p>The Natural Assets Code overlay has been applied consistent with the standardised Regional Ecosystem Model methodology developed by Natural Resources Management Pty Ltd, for the preparation of the overlay and application under Ministerial Guideline No. 1. At this stage the Council would be required to undertake further local strategic land use planning outside the draft LPS assessment process to accurately determine whether a more extensive application of the overlay is warranted, that departs from the standardised Regional Ecosystem Model.</p> <p>It is noted that this appears to be the first time that the Department has raised an issue with the Regional Ecosystem Model, and it would appear to be a new issue that would necessitate review as part of a wider process at the appropriate state level.</p> <p>Furthermore, the representor has not provided sufficient evidence that a circumstance relevant to clause LP1.7.5(d) (circumstances providing for modification of a Priority Vegetation Area) of the SPPs exists to support the modification of the Priority Vegetation Area overlay.</p> <p>It is noted that the application of the NAC is governed by the SPP, and as such is not a matter for the LPS to consider.</p>
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.2	ERA Planning and Environment (on behalf of Northern Midlands Council) regarding the application of the Rural Living zone – Area A to the Gibbet Hill Area
Matter(s) raised	Supports the Gibbet Hill area for zoning as Rural Living A.
Planning Authority response	<p>The Northern Midlands Council endorses zoning of the Gibbet Hill area for Rural Living A, and the Council maintains that the land is suitable for the Rural Living Zone A. The representation supports the zone for the following reasons:</p> <ul style="list-style-type: none"> • “The proposed zoning will provide a clear separation between Perth to the south which is zoned General Residential and Devon Hills to the north which is zoned Low Density Residential where lot sizes can be subdivided smaller; • There are topographical challenges in the Devon Hills area which restrict subdivision, due to the undulating land and substantial rocky areas. This is not conducive to sustainable subdivision.

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	<ul style="list-style-type: none"> The area is not currently connected to reticulated water and sewer, and given the rocky topography, there will be limitations to onsite servicing. Finally there are limitations in Council's downstream stormwater network which are impacting upon the ability to manage stormwater and overland flow from the site." <p>It is noted that representations have been received (see Rep. No. 46) that challenge a number of these assertions, and which provide reasonably robust evidence from a suitably qualified person that at least a small number of lots within this area are indeed serviceable.</p> <p>The Council believes that for the purposes of the LPS process that the Rural Living Zone A is suitable for the land, and that wider strategic changes (if necessary) can be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes.</p>
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.3	Peter C Dixon regarding 443 Relbia Road, Relbia
Matter(s) raised	That the land be zoned Rural Residential (it is assumed the representation intends to refer to the Rural Living Zone).
Planning Authority response	<p>The Minister for Planning has consistently advised Councils that the State Government's position is that the LPS process is not a suitable opportunity to undertake significant strategic land use planning reviews. This is clearly identified in the Minister's Advisory Statement from June 2017:</p> <p>"The current process of preparing draft LPS's to give effect to the Tasmanian Planning Scheme is a priority for the Government and the efficient conversion of current interim planning schemes to the LPSs should not be unnecessarily complicated by the introduction of strategic changes that are not related to the facilitation of that process."</p> <p>This is not to preclude or diminish the importance of undertaking these strategic land use planning reviews, rather it identifies that this will largely occur outside of the LPS process, with the drafting of the LPS broadly emphasising administrative translation over strategic improvements.</p> <p>Council recognises the need undertake contemporary review and development of strategic land use plan(s), and such work will occur after the LPS process is completed. Such wider strategic changes can be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes.</p> <p>The expansion of the Rural Living zone in this location also raises the following issues:</p> <ul style="list-style-type: none"> It would be inconsistent with the Northern Tasmania Regional Land Use Strategy. The use of zoning for Rural Areas is identified in the NTRLUS as a legitimate element of settlement strategy to ensure that there is a sustainable approach to urban settlements as well as to constrain the expansion of Rural Residential Areas (now known as Rural Living).

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	<ul style="list-style-type: none"> The land is identified as 'Unconstrained' under the Land Potentially Suitable for Agriculture Zone overlay on the LIST, which would ordinarily mean it would be expected to be zoned for Agriculture. It would result in a 'spot rezoning' within an area of predominantly Agriculture Zone land and would lead to an oddly zoned pocket of land (this is against the methodology outlined in the 'LPS Supporting Report', 2021).
Recommended action	No modifications to draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.4	Mark Graham regarding 502 Hobart Road, Youngtown
Matter(s) raised	That the whole of the site (178406/1) be uniformly zoned (the southern part of the site is currently a Utilities Zone in the interim scheme).
Planning Authority response	The site is split-zoned within the NMIPS 2013, with a small portion of the site zoned Utilities Zone, and the majority of the site zoned Rural Resource. Under the draft LPS the whole of the property is currently zoned as Rural Living, and a 'whole of title' approach has been taken in applying the zone map, consistent with the Zone purpose and Ministerial Guidelines. It appears that the split-zoning has already been addressed, and that no further action is required.
Recommended action	No modifications to draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.5	Stewart McGee Family Trust regarding Bishopbourne and Toiberry (including 95 Brookdene Road, Bishopbourne)
Matter(s) raised	Supports the zoning of land in Bishopbourne and Toiberry as Agriculture Zone, the retention of the current village boundary at Bishopbourne, and the zoning within the village for a variety of uses listed (including Recreation, Community Purpose).
Planning Authority response	Noted.
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.6	Forico Pty Limited
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Matter(s) raised	<ul style="list-style-type: none"> Seeks confirmation that exemption 4.4.1(a) (of the TPS) would apply to its operations. That parcels of state forest are Rural Zone and adjoining Private Timber Reserves is zoned Agriculture Zone.
Planning Authority response	<p>The representation seeks clarification on the application of sections of the SPP, and as such is not a matter for the LPS process to address.</p> <p>The Council's methodology within the draft LPS has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use, with zoning providing the primary mechanism for regulating land use and development.</p> <p>As outlined in the draft LPS methodology (in the 'LPS Supporting Report', February 2021) there is no land zoned Significant Agriculture Zone in the NMIPS 2013, and as such, a review of all land zoned Rural Resource was required. This was undertaken and was informed by the Ministerial Guideline No. 1 and the Land Potentially Suitable for Agriculture Zone PPU project. Based on the comparison of provisions between existing zones and SPP zones, Council reached the decision that the Agriculture Zone most closely aligned with the current provisions of the Rural Resource Zone in the NMIPS 2013. Hence, this is the fundamental transition applied to all land currently zoned Rural Resource, including the Rural Resource zoned land excluded from the PPU project analysis. As part of this process all landowners were notified by Council and advised to check the draft LPS zoning maps to identify the impact on their property or properties.</p> <p>Furthermore, a review of all land transitioned to the Agriculture Zone was undertaken by Northern Midlands Council to identify lots:</p> <ul style="list-style-type: none"> With known existing strategic non-agricultural uses; Identified as constrained by the PPU project; and Surrounding townships (especially smaller constrained lots which could be transitioned to a non-agriculture zone to provide a buffer to the sensitive uses within Townships). <p>Council's rationale is aligned with the following LUDS principles:</p> <ul style="list-style-type: none"> Apply a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible; Maintain existing use rights of landowners wherever possible; and Avoid spot and split zoning wherever possible. <p>The methodology also identifies that Private Timber Reserves are not permanently reserved for the purposes of determining the underlying zone, and in the event that leases, agreements, or covenants are terminated, then the land reverts back to its primary purpose. On this basis the Agriculture Zone has been applied to these lands.</p> <p>The other two parcels of land are not classified under the Land Potentially Suitable for Agriculture Zone study since forestry land was excluded from the original review as it was felt to be better suited to the Rural Zone. The Council's methodology seeks to maintain this zoning, and as such these parcels of land have been zoned as Rural Zone.</p>
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.



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Representation reference no.7	The Poatina Village Body Corporate and Fusion Property Pty Ltd regarding Poatina Village
Matter(s) raised	That the whole of Poatina Village be zoned as a Particular Purpose Zone (PPZ), including the existing golf course and pool, village, and wastewater treatment facility.
Planning Authority response	<p>The Minister for Planning has consistently advised Councils that the State Government's position is that the LPS process is not a suitable opportunity to undertake significant strategic land use planning reviews. This is clearly identified in the Minister's Advisory Statement from June 2017:</p> <p>"The current process of preparing draft LPS's to give effect to the Tasmanian Planning Scheme is a priority for the Government and the efficient conversion of current interim planning schemes to the LPSs should not be unnecessarily complicated by the introduction of strategic changes that are not related to the facilitation of that process."</p> <p>This is not to preclude or diminish the importance of undertaking these strategic land use planning reviews, rather it identifies that this will largely occur outside of the LPS process, with the drafting of the LPS broadly emphasising administrative translation over strategic improvements.</p> <p>Council recognises the need undertake contemporary review and development of strategic land use plan(s), and such work will occur after the LPS process is completed. Such wider strategic changes can be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes.</p> <p>The creation of a PPZ in this location also raises the following issues:</p> <ul style="list-style-type: none"> • The majority of land is classification as 'Unconstrained' under the Land Potentially Suitable for Agriculture Zone overlay on the LIST, which would ordinarily mean it would be expected to be zoned for Agriculture. This zoning would normally seek to protect such agricultural land, where priority is given to agricultural uses. • The land is zoned in the draft LPS as Landscape Conservation Zone which provides a clear priority for the protection of landscape values with residential development largely being discretionary. • The zoning is also in accordance with the NTRLUS's identified regional settlement network and identified preferred locations for growth and expansion. It also accords with the objectives of responding to local and regional environmental values, and avoiding unsustainable impacts on the natural environment, landscape, regional ecosystems, open spaces, and productive agricultural and rural land. • There is no strategic planning work that currently supports this request. Thus, there is no basis on which to justify the zone change against the Ministers Guideline No. 1, and no public consultation on this matter has occurred.
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.
Representation reference no.8	Hydro Tasmania regarding Poatina Penstock (Parts of CT100739 and CID 809692, 30m either side of the penstock), Poatina Tailrace (CT53397/9, CT34/6257,



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	CT150837/1, CT34/6258), and Poatina Reregulation Pond (CT137226/1, CT137226/2, CT137226/3, CT43/6859).
Matter(s) raised	<ul style="list-style-type: none"> That hydro-electric infrastructure (on sites listed above) be zone Utilities rather than Agriculture or Rural. That alterations be made to the Scenic Protection Code in relation to Hydro Tasmania infrastructure within the Great Western Tiers Scenic Protection Area.
Planning Authority response	<p>Council sought to identify all major utilities assets during the drafting of the LPS, however some further parcels of land have been identified by the infrastructure operators themselves during the exhibition period. It is considered that the application of the Utilities Zone for these assets is consistent with the Ministerial Guideline No. 1 and will enable such land to be reserved for infrastructure development. This accords with the principle that has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use.</p> <p>In relation to the Scenic Protection Code overlay it is considered that where this code intersects with infrastructure that is zoned Utilities Zone (such as the existing hard standing or built areas including the Poatina Penstock), that the Scenic Protection Area overlay not be applied. This is in line with Ministerial Guideline No. 1 that states that this code should not apply to the Utilities Zone. This approach is consistent with the approach taken in other LPS and by the TPC.</p>
Recommended action	<p>As such it is recommended:</p> <ul style="list-style-type: none"> To revise the zoning of the following dedicated titles for utilities assets to the Utilities Zone: the 'Poatina Tailrace' (CT53397/9, CT34/6257, CT150837/1, CT34/6258), and the 'Poatina Reregulation Pond' (CT137226/1, CT137226/2, CT137226/3, CT43/6859). To apply the Utilities Zone to a 30m buffer around the 'Poatina Penstock' (parts of CT100739 and CID 809692). To remove the Scenic Protection Code overlay from the areas where it intersects with Hydro Tasmania infrastructure identified as Utilities Zone for the 'Poatina Penstock' (parts of CT100739 and CID 809692).
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.9	John Thompson regarding 188 titles from Agriculture to either Rural or Landscape Conservation Zones
Matter(s) raised	<ul style="list-style-type: none"> That 185 titles that have been zoned Agriculture in the Draft Zone Map, but not identified in the 'Land Potentially Suitable for Agriculture Zone' layer, should be rezoned to either Rural or Landscape Conservation, and the Priority Vegetation Area code applied. 34 of the 35 titles adjoining the World Heritage Area and/or overlain by the NOR-C8.1.5 Great Western Tiers Scenic Protection Area should be rezoned to Landscape Conservation based on Guidelines LCZ1 or LCZ2. A further 22 titles containing Private Reserves protected by conservation covenant should also be rezoned as Landscape Conservation based on Guideline LCZ1. The remaining titles should be zoned Rural unless the demonstrated presence of threatened vegetation communities, flora, fauna or habitat qualifies them for Landscape Conservation under Guideline LCZ2 (a).



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<p>Planning Authority response</p>	<p>In relation to the 185 titles listed, as outlined in the draft LPS methodology (in the 'LPS Supporting Report', February 2021) there is no land zoned Significant Agriculture Zone in the Northern Midlands Interim Planning Scheme 2013 (NMIPS 2013), and as such, a review of all land zoned Rural Resource was required. This was undertaken and was informed by the Ministerial Guideline No. 1 and the Land Potentially Suitable for Agriculture Zone PPU project. Based on the comparison of provisions between existing zones and SPP zones, Council reached the decision that the Agriculture Zone most closely aligned with the current provisions of the Rural Resource Zone in the NMIPS 2013. Hence, this is the fundamental transition applied to all land currently zoned Rural Resource, including the Rural Resource zoned land excluded from the PPU project analysis. As part of this process all landowners were notified by Council and advised to check the draft LPS zoning maps to identify the impact on their property or properties.</p> <p>Furthermore, a review of all land transitioned to the Agriculture Zone was undertaken by Northern Midlands Council to identify lots:</p> <ul style="list-style-type: none"> • With known existing strategic non-agricultural uses; • Identified as constrained by the PPU project; and • Surrounding townships (especially smaller constrained lots which could be transitioned to a non-agriculture zone to provide a buffer to the sensitive uses within Townships). <p>Council's rationale is aligned with the following LUDS principles:</p> <ul style="list-style-type: none"> • Apply a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible; • Maintain existing use rights of landowners wherever possible; and • Avoid spot and split zoning wherever possible. <p>On this basis the Agriculture Zone has been applied to such lands, as outlined in the draft LPS.</p> <p>In relation to the 35 titles listed the Council refers to the draft LPS methodology (outlined in the 'LPS Supporting Report', February 2021), where these titles are currently zoned Rural Resource in the NMIPS 2013. Based on the methodology outlined above (and covered in full in the Supporting Report, 2021), these were identified to best suit the Agriculture Zone.</p> <p>In relation to the individual titles listed that are protected by conservation covenant, the approach is in accordance with the Council's methodology (outlined in the 'LPS Supporting Report', February 2021) that states that Private Conservation Covenants are not permanently reserved for the purposes of determining the underlying zone, and in the event that leases, agreements, or covenants are terminated, then the land reverts back to its primary purpose. This accords with the principle that has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use.</p> <p>The representation has not provided suitable evidence that the land is primarily managed for landscape values (in accordance with Ministerial Guidance No. 1), or that the application of the Great Western Tiers Scenic Protection Area does not provide sufficient protection for these lands.</p> <p>Furthermore, no evidence has been provided that individual landowners support the application of the Landscape Conservation Zone to the properties.</p> <p>Where individual landowners have made representations seeking that their land, under private conservation covenant, be zoned Landscape Conservation, these have been assessed separately under each representation.</p>
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Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.10	Mick Purves (on behalf of site owner) regarding Longford House, 120 Catherine St and 116 Catherine St (CT 168940/1), Longford
Matter(s) raised	<ul style="list-style-type: none"> That the land should be zoned Rural Living. That the increase attenuation buffer over the Austral Bricks site from 200 metres to 500 metres is not consistent with the nature of the activity or its location within an identified growth area for Longford, as identified in the Longford Development Plan.
Planning Authority response	<p>The Minister for Planning has consistently advised Councils that the State Government's position is that the LPS process is not a suitable opportunity to undertake significant strategic land use planning reviews. This is clearly identified in the Minister's Advisory Statement from June 2017:</p> <p>"The current process of preparing draft LPS's to give effect to the Tasmanian Planning Scheme is a priority for the Government and the efficient conversion of current interim planning schemes to the LPSs should not be unnecessarily complicated by the introduction of strategic changes that are not related to the facilitation of that process."</p> <p>This is not to preclude or diminish the importance of undertaking these strategic land use planning reviews, rather it identifies that this will largely occur outside of the LPS process, with the drafting of the LPS broadly emphasising administrative translation over strategic improvements.</p> <p>Council recognises the need undertake contemporary review and development of strategic land use plan(s), and such work will occur after the LPS process is completed. Such wider strategic changes can be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes.</p> <p>Furthermore, Council is currently undertaking a strategic review of the settlement strategy at Longford, and this will inform future land use and development strategies, and which has included consultation with landowners and the community.</p> <p>The Council also refers to the methodology outlined in the 'LPS Supporting Report', February 2021 that outlines why the land has the Agriculture Zone applied.</p> <p>In relation to the proposed attenuation buffer, this has been mapped in accordance with the land use of the Austral Brick site and the State Planning Provisions attenuation distances, and as such is not a matter for the LPS process to address.</p>
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.11	Department of State Growth
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Matter(s) raised	<ul style="list-style-type: none"> • That some State Road network (that have changed since the previous 2018 mapping) be zoned Utilities. • State Growth supports Council's approach to rely on the written application of the Road and Railway Attenuation Area provisions, rather than applying the Attenuation Area via overlay mapping. • That the Natural Assets Code Overlay Maps are removed from the State Road network. • That the land identified as Future Urban Zone south of Perth undertake noise modelling and hydraulic impacts assessments prior to rezoning. • Notes anomalies between Table 6 of Council's LPS Supporting Report and the Exhibited Mapping
Planning Authority response	<p>Council sought to identify all major utilities assets during the drafting of the LPS, however some further parcels of land have been identified by the infrastructure operators themselves during the exhibition period. It is considered that the application of the Utilities Zone for these assets is consistent with the Ministerial Guideline No. 1 and will enable such land to be reserved for infrastructure development. This accords with the principle that has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use. In relation to the upgrading sites identified, it is recommended that these be considered for inclusion in the Utilities Zone when the Department of State Growth provides suitable mapping to accurately identify these assets.</p> <p>In relation to the Natural Assets Code overlay the proposed approach is not supported by the Council. The representor has not provided sufficient evidence that a circumstance relevant to clause LP1.7.5(d) (circumstances providing for modification of a Priority Vegetation Area) of the SPPs exists to support the modification of the Priority Vegetation Area overlay.</p> <p>Furthermore, the sites are not entirely covered by hard surfaces and there remains the possibility that priority vegetation could naturally re-establish. Where other exemptions allow for clearance of vegetation (independent of planning controls), the primary objective in applying the code overlays has been to achieve the code purpose irrespective of any such peripheral rights. This approach is consistent with the approach taken in other LPS and by the TPC.</p> <p>In relation to the matters raised in relation to the Future Urban Zone south of Perth, these matters can only be addressed when the future rezoning of the land, and as such is not a matter for the LPS process to address.</p> <p>In relation to the anomalies noted the Council is recommended to amend the draft LPS maps to show the correct zone for:</p> <ul style="list-style-type: none"> • 1 Archer Street (215539/1) as General Residential Zone • 15962 Midland Highway (165068/7 & 1650688) as Rural Living <p>In relation to the anomalies noted the Council is recommended to make no changes to the draft LPS maps and 'LPS Supporting Report', which are both correct in regard to:</p> <ul style="list-style-type: none"> • 1 Drummond Street (173776/1) that shows the correct portion of the land to be zoned General Residential and Landscape Conservation <p>In relation to the anomalies noted the Council is recommended to amend the 'LPS Supporting Report', and to confirm that the draft LPS maps are correct for:</p> <ul style="list-style-type: none"> • 38 Phillip Street (23463/1) that shows the correct zone as Future Urban • 44 Phillip Street (23463/1) that shows the correct zone as Future Urban • 114 Main Road (23295/2) that shows the correct zone as Future Urban

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Recommended action	<p>To revise the zoning of the following titles for utilities assets to the Utilities Zone:</p> <ul style="list-style-type: none"> Midland Highway – Perth Link Roads; part of the South Perth (CT 114189/1). Midland Highway – Breadalbane Interchange; part of slip lanes (CT 301143/1). <p>To revise the zoning of the following upgrade locations for utilities assets to the Utilities Zone upon receipt of suitable mapping to accurately identify these assets:</p> <ul style="list-style-type: none"> Midland Highway Safety Upgrade – Symmons Plains to south of Perth (acquired adjoining land parcels are not zoned Utilities, per the State Road Casement). Midland Highway Safety Upgrade – Epping Forest to Powranna to Symmons Plains (acquired adjoining land parcels are not zoned Utilities, per the State Road Casement). Evandale Main Road Duplication (acquired adjoining land parcels are not zoned Utilities, per the State Road Casement).
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.12	Bush Heritage Australia
Matter(s) raised	That some land previously zoned as Rural Resource should be rezoned as either Landscape Conservation or Environmental Management, rather than to Agriculture, where land is declared as a Private Nature Reserve (150038/1, 202805/1, and 246184/2).
Planning Authority response	<p>As outlined in the draft LPS methodology (in the 'LPS Supporting Report', February 2021) there is no land zoned Significant Agriculture Zone in the Northern Midlands Interim Planning Scheme 2013 (NMIPS 2013), and as such, a review of all land zoned Rural Resource was required. This was undertaken and was informed by the Ministerial Guideline No. 1 and the Land Potentially Suitable for Agriculture Zone PPU project. Based on the comparison of provisions between existing zones and SPP zones, Council reached the decision that the Agriculture Zone most closely aligned with the current provisions of the Rural Resource Zone in the NMIPS 2013. Hence, this is the fundamental transition applied to all land currently zoned Rural Resource, including the Rural Resource zoned land excluded from the PPU project analysis. As part of this process all landowners were notified by Council and advised to check the draft LPS zoning maps to identify the impact on their property or properties.</p> <p>Furthermore, a review of all land transitioned to the Agriculture Zone was undertaken by Northern Midlands Council to identify lots:</p> <ul style="list-style-type: none"> With known existing strategic non-agricultural uses; Identified as constrained by the PPU project; and Surrounding townships (especially smaller constrained lots which could be transitioned to a non-agriculture zone to provide a buffer to the sensitive uses within Townships). <p>Council's rationale is aligned with the following LUDS principles:</p> <ul style="list-style-type: none"> Apply a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible; Maintain existing use rights of landowners wherever possible; and Avoid spot and split zoning wherever possible.



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	<p>On this basis the Agriculture Zone has been applied to such lands, as outlined in the draft LPS.</p> <p>In relation to the individual titles listed that are protected by conservation covenant, the approach has, in accordance with the Council's methodology (outlined in the 'LPS Supporting Report', February 2021) been that the Private Conservation Covenants are not permanently reserved for the purposes of determining the underlying zone, and in the event that leases, agreements, or covenants are terminated, then the land reverts back to its primary purpose. This accords with the principle that has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use.</p> <p>It is however recommended that where landowners have indicated that the land subject to a private conservation covenant is being managed for landscape values (in accordance with Ministerial Guidance No. 1), and there are significant clusters of such adjoin land, that such land be zoned Landscape Conservation. This approach is consistent with the approach taken in other LPS and by the TPC.</p>
Recommended action	<p>As such it is recommended:</p> <ul style="list-style-type: none"> To revise the zoning of the following titles for Landscape Conservation: 150038/1, 202805/1, and 246184/2.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.13	Plan Place Pty Ltd (on behalf of the site owner) regarding 18 Wilmores Lane, Longford
Matter(s) raised	<ul style="list-style-type: none"> That the Rural Living C Zone be applied to the subject site instead of the Agriculture Zone. That the attenuation buffer applied to the Austral Brickworks site be reduced.
Planning Authority response	<p>The Minister for Planning has consistently advised Councils that the State Government's position is that the LPS process is not a suitable opportunity to undertake significant strategic land use planning reviews. This is clearly identified in the Minister's Advisory Statement from June 2017:</p> <p>"The current process of preparing draft LPS's to give effect to the Tasmanian Planning Scheme is a priority for the Government and the efficient conversion of current interim planning schemes to the LPSs should not be unnecessarily complicated by the introduction of strategic changes that are not related to the facilitation of that process."</p> <p>This is not to preclude or diminish the importance of undertaking these strategic land use planning reviews, rather it identifies that this will largely occur outside of the LPS process, with the drafting of the LPS broadly emphasising administrative translation over strategic improvements.</p> <p>Council recognises the need undertake contemporary review and development of strategic land use plan(s), and such work will occur after the LPS process is completed. Such wider strategic changes can be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes.</p> <p>Furthermore, Council is currently undertaking a strategic review of the settlement strategy at Longford, and this will inform future land use and development</p>

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	<p>strategies, and which has included consultation with landowners and the community.</p> <p>The Council also refers to the methodology outlined in the 'LPS Supporting Report', February 2021 that outlines why the land has the Agriculture Zone applied.</p> <p>In relation to the proposed attenuation buffer, this has been mapped in accordance with the land use of the Austral Brick site and the State Planning Provisions attenuation distances, and as such is not a matter for the LPS process to address.</p>
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.14	Tasmanian Land Conservancy
Matter(s) raised	<ul style="list-style-type: none"> That the Northern Midlands Council implement a process whereby mapping of the Natural Assets Overlays is continually revised, updated and re-evaluated. That the Natural Assets Code, and the application of the Priority Vegetation Area Overlay, should be applied across all zones (including the Agriculture Zone). That land subject to a conservation covenant ought to be zoned Landscape Conservation Zone or the Environmental Management Zone.
Planning Authority response	<p>The Natural Assets Code overlay has been applied consistent with the standardised Regional Ecosystem Model methodology developed by Natural Resources Management Pty Ltd, for the preparation of the overlay and application under Ministerial Guideline No. 1. At this stage the Council would be required to undertake further local strategic land use planning outside the draft LPS assessment process to accurately determine whether a more extensive application of the overlay is warranted, that departs from the standardised Regional Ecosystem Model. Furthermore, the representor has not provided sufficient evidence that a circumstance relevant to clause LP1.7.5(d) (circumstances providing for modification of a Priority Vegetation Area) of the SPPs exists to support the modification of the Priority Vegetation Area overlay.</p> <p>The Planning Authority is not able to apply the Priority Vegetation Area Overlay to the Agriculture Zone, in line with the Ministerial Guideline No. 1, and the SPP. The Council's methodology within the draft LPS has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use, with zoning providing the primary mechanism for regulating land use and development.</p> <p>In relation to land that is protected by conservation covenant, the approach is in accordance with the Council's methodology (outlined in the 'LPS Supporting Report', February 2021) that states that Private Conservation Covenants are not permanently reserved for the purposes of determining the underlying zone, and in the event that leases, agreements, or covenants are terminated, then the land reverts back to its primary purpose. This accords with the principle that has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use.</p> <p>Furthermore, the representation has not provided suitable evidence that the land is primarily managed for landscape values or significant ecological, scientific, cultural, or scenic values (in accordance with Ministerial Guidance No. 1), or that</p>

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	<p>the application of the relevant codes do not provide sufficient protection for these lands.</p> <p>Furthermore, no evidence has been provided that individual landowners support the application of the Landscape Conservation Zone to the properties.</p> <p>Where individual landowners have made representations seeking that their land, under private conservation covenant, be zoned Landscape Conservation, these have been assessed separately under each representation.</p>
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.15	FJA Solutions (on behalf of Mr and Mrs Harrison) regarding 'Norley', 4 Lyttleton St and 97a Wellington St. Longford
Matter(s) raised	That a SAP be applied to the site.
Planning Authority response	<p>The Minister for Planning has consistently advised Councils that the State Government's position is that the LPS process is not a suitable opportunity to undertake significant strategic land use planning reviews. This is clearly identified in the Minister's Advisory Statement from June 2017:</p> <p>"The current process of preparing draft LPS's to give effect to the Tasmanian Planning Scheme is a priority for the Government and the efficient conversion of current interim planning schemes to the LPSs should not be unnecessarily complicated by the introduction of strategic changes that are not related to the facilitation of that process."</p> <p>This is not to preclude or diminish the importance of undertaking these strategic land use planning reviews, rather it identifies that this will largely occur outside of the LPS process, with the drafting of the LPS broadly emphasising administrative translation over strategic improvements.</p> <p>Council recognises the need undertake contemporary review and development of strategic land use plan(s), and such work will occur after the LPS process is completed. Such wider strategic changes can be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes.</p>
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.16	Ilya Brucksch (Launceston Airport)
Matter(s) raised	<ul style="list-style-type: none"> That the Draft LPS does not formally recognise the importance of Launceston Airport, and the need to protect it from encroachment by incompatible uses or developments that may compromise its operations. Supports the application of the new Safeguarding of Airports Code.

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	<ul style="list-style-type: none"> That the noise exposure area overlay includes the airport's N contours, which are mapped in the approved Master Plan, in accordance with NASF Guideline A: Measures for Managing Impacts of Aircraft Noise. That the obstacle limitation area overlay includes the PANS-OPS surfaces in the Master Plan, in addition to the OLS, in accordance with NASF Guideline F: Managing the Risk of Intrusions into the Protected Airspace of Airports. Queries the wording of the Translink Specific Area Plan (NOR-S1.0). That a planning scheme does not apply to a 'Commonwealth place', and the Utilities Zone should be removed from the airport site.
Planning Authority response	<p>The draft LPS recognises the importance of Launceston Airport, through the application of the Translink Specific Area Plan, and the Safeguarding of Airports Code in the State Planning Provisions.</p> <p>In relation to the overlays, it is recommended that the relevant Noise Exposure Area Overlay and Obstacle Limitation Area Overlay be revised within the draft LPS upon receipt of suitably detailed mapping that outlines the extent of the overlay(s).</p> <p>In relation to the wording of the Translink Specific Area Plan (NOR-S1.0), it is our interpretation that where the relevant part of the provision exists in the subservient clause, then the relevant part of the provision is in substitution to that clause, however where there is no relevant part of the provision in the subservient clause, then the relevant part of the provision is in addition to that clause. This is consistent with the application of the clause within the SPP and in other LPSs.</p> <p>In relation to the classification of the airport as a commonwealth place, it is noted that the airport is currently identified as Utilities Zone. The assertions made by the representor that the airport is classified as a commonwealth place are correct, and that the area of the airport should have no zone within the draft LPS.</p>
Recommended action	<p>To revise the zoning of the following overlay(s) upon receipt of suitable mapping to accurately identify these assets:</p> <ul style="list-style-type: none"> Noise Exposure Area Overlay, based on the airport's N contours Obstacle Limitation Area Overlay, based on the airport's PANS-OPS surfaces <p>To revise the zoning of Launceston Airport to no zone to remove it from the planning scheme, in line with the airports classification as a commonwealth place.</p>
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.17	Woolcott Surveys (on behalf of the site owner) regarding 86 Burghley Street, Longford
Matter(s) raised	<ul style="list-style-type: none"> That lot 115134/3 be zoned General Residential (as per permit PLN-19-0070) That lots 115134/8, 115134/7, and 115134/6 be zoned General Residential That lots 115134/2, 115134/1, 115134/9, 115134/5, and 115134/4 be zoned Rural Resource
Planning Authority response	<p>The Minister for Planning has consistently advised Councils that the State Government's position is that the LPS process is not a suitable opportunity to undertake significant strategic land use planning reviews. This is clearly identified in the Minister's Advisory Statement from June 2017:</p> <p>"The current process of preparing draft LPS's to give effect to the Tasmanian Planning Scheme is a priority for the Government and the efficient conversion of current interim planning schemes to the LPSs should not be unnecessarily</p>

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	<p>complicated by the introduction of strategic changes that are not related to the facilitation of that process.”</p> <p>This is not to preclude or diminish the importance of undertaking these strategic land use planning reviews, rather it identifies that this will largely occur outside of the LPS process, with the drafting of the LPS broadly emphasising administrative translation over strategic improvements.</p> <p>Council recognises the need undertake contemporary review and development of strategic land use plan(s), and such work will occur after the LPS process is completed. Such wider strategic changes can be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes.</p> <p>Furthermore, Council is currently undertaking a strategic review of the settlement strategy at Longford, and this will inform future land use and development strategies, and which has included consultation with landowners and the community.</p> <p>The Council also refers to the methodology outlined in the ‘LPS Supporting Report’, February 2021 that outlines why the land has the Agriculture Zone applied.</p> <p>In regard to lot 115134/3, Council can confirm that an extant planning permission exists for this site that provides for the rezoning of this land to General Residential. As such the draft LPS zoning map should be updated to reflect this zone.</p>
Recommended action	To revise the zoning of the following titles to the General Residential Zone (as per permit PLN-19-0070) (115134/3).
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.18	TasNetworks
Matter(s) raised	<p>That the following Communication Sites be zoned Utilities:</p> <ul style="list-style-type: none"> • Black Bottom Hill Communication Site (18951/1) • Mt Rex Communication Site (a 20m radius from the centre of the communications site at PID 3391254) • Poatina Repeater Communication Site (a 20m radius from the centre of the communications site at PID 6753154) <p>That the Landscape Conservation Zone is not applied to:</p> <ul style="list-style-type: none"> • Line 412 Poatina – Palmerston 110kV • Line 505 Poatina – Palmerston (North) 220kV • Line 506 Poatina – Palmerston (South) 220kV <p>Remove Priority Vegetation overlay from:</p> <ul style="list-style-type: none"> • Avoca Substation • Avoca Substation Communication Site • Poatina Repeater Communication Site <p>That the Scenic Protection Code be removed from the Poatina Repeater Communication Site and numerous ETCs.</p>
Planning Authority response	Council sought to identify all major utilities assets during the drafting of the LPS, however some further parcels of land have been identified by the infrastructure operators themselves during the exhibition period. It is considered that the application of the Utilities Zone for these assets is consistent with the Ministerial

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	<p>Guideline No. 1 and will enable such land to be reserved for infrastructure development. This accords with the principle that has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use.</p> <p>In relation to the Scenic Protection Code overlay it is considered that where this code intersects with infrastructure that is zoned Utilities Zone (such as the existing hard standing or built areas including the Poatina Repeater Communication Site and Electricity Transmission Corridors), that the Scenic Protection Area overlay not be applied. This is in line with Ministerial Guideline No. 1 that states that this code should not apply to the Utilities Zone. This approach is consistent with the approach taken in other LPS and by the TPC.</p> <p>As outlined in the Council's methodology (in the 'LPS Supporting Report', February 2021), the Council sought for land that contains areas of high conservation native vegetation, significant landscape, biodiversity or natural values, and not located on land to be zoned Agriculture (or other SPP precluded zones), to be considered for the Landscape Conservation Zone. This is in accordance with the Ministerial Guidance No. 1. Furthermore, the sites listed (transmission lines) are not entirely covered by hard surfaces and there is a high likelihood that surrounding bushland or native vegetation can co-exist within the wider lots on which the lines are located. Where other exemptions allow for clearance of vegetation (independent of planning controls, such as the Electricity Supply Industry Act 1995), the primary objective in applying the zone has been to achieve the zone purpose irrespective of any such peripheral rights. This approach is consistent with the approach taken in other LPS and by the TPC.</p> <p>In relation to the Natural Assets Code overlay the proposed approach is not supported by the Council. The representor has not provided sufficient evidence that a circumstance relevant to clause LP1.7.5(d) (circumstances providing for modification of a Priority Vegetation Area) of the SPPs exists to support the modification of the Priority Vegetation Area overlay. Where the assets in question comprise hard standing (such as the built area of the Avoca Substation), the Council supports the removal of the PVOA from these specific areas of hard standing. In the other areas there remains the possibility that priority vegetation could naturally re-establish. This approach is consistent with the approach taken in other LPS and by the TPC.</p> <p>In relation to the sites listed as transmission lines, these are not entirely covered by hard surfaces and there remains the possibility that priority vegetation could naturally re-establish. Where other exemptions allow for clearance of vegetation (independent of planning controls, such as the Electricity Supply Industry Act 1995), the primary objective in applying the code overlays has been to achieve the code purpose irrespective of any such peripheral rights. This approach is consistent with the approach taken in other LPS and by the TPC.</p>
Recommended action	<p>As such it is recommended:</p> <ul style="list-style-type: none"> • To revise the zoning of the following dedicated title for utilities assets to the Utilities Zone: Black Bottom Hill Communication Site (18951/1). • To apply the Utilities Zone to a 20m buffer around the Mt Rex Communication Site (parts of PID 3391254) and the Poatina Repeater Communication Site (parts of PID 6753154). • To remove the Scenic Protection Code overlay where it intersects with the hardstand area of the Poatina Repeater Communication Site and the relevant Electricity Transmission Corridors, upon receipt of suitably detailed mapping that outlines the extent of the ECTs in question.

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Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.
Representation reference no.19	Erin Eiffe
Matter(s) raised	<ul style="list-style-type: none"> Supports a minimum block size (1 ha) in Perth. Questions why Devon Hills is protected from subdivision. Questions where the protection for wildlife, or for tree and habitat preservation in the draft LPS.
Planning Authority response	<p>It is noted that the restrictions on sub-divisions within the draft LPS reflect the same restrictions as per the NMIPS 2013, and as such provide for a direct carry-over of these provisions. This is in accordance with directions issued by the Minister of Planning that the drafting of the LPS should provide for the efficient conversion of current interim planning schemes to the LPSs, with a focus on administrative translation of existing provisions.</p> <p>The current and proposed zoning (Low Density Residential) regulates land use in the area. Where applicable the state codes are applied to protect significant wildlife, trees/vegetation, and habitat through the application of the NAC. This code has been applied based on the Regional Ecosystems Model. In the area in question no such code overlays exist. Furthermore, general vegetation clearance is covered by the SPP in relation to the application of zone.</p>
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.
Representation reference no.20	Friends of the Great Western Tiers kooparoona niara regarding the zoning of private properties along the Great Western Tiers
Matter(s) raised	That all the privately owned titles along the Great Western Tiers escarpment adjoining the Tasmanian Wilderness World Heritage Area be zoned Landscape Conservation.
Planning Authority response	<p>As outlined in the draft LPS methodology (in the 'LPS Supporting Report', February 2021) there is no land zoned Significant Agriculture Zone in the Northern Midlands Interim Planning Scheme 2013 (NMIPS 2013), and as such, a review of all land zoned Rural Resource was required. This was undertaken and was informed by the Ministerial Guideline No. 1 and the Land Potentially Suitable for Agriculture Zone PPU project. Based on the comparison of provisions between existing zones and SPP zones, Council reached the decision that the Agriculture Zone most closely aligned with the current provisions of the Rural Resource Zone in the NMIPS 2013. Hence, this is the fundamental transition applied to all land currently zoned Rural Resource, including the Rural Resource zoned land excluded from the PPU project analysis. As part of this process all landowners were notified by Council and advised to check the draft LPS zoning maps to identify the impact on their property or properties.</p> <p>Furthermore, a review of all land transitioned to the Agriculture Zone was undertaken by Northern Midlands Council to identify lots:</p>

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	<ul style="list-style-type: none"> • With known existing strategic non-agricultural uses; • Identified as constrained by the PPU project; and • Surrounding townships (especially smaller constrained lots which could be transitioned to a non-agriculture zone to provide a buffer to the sensitive uses within Townships). <p>Council's rationale is aligned with the following LUDS principles:</p> <ul style="list-style-type: none"> • Apply a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible; • Maintain existing use rights of landowners wherever possible; and • Avoid spot and split zoning wherever possible. <p>On this basis the Agriculture Zone has been applied to such lands, as outlined in the draft LPS.</p> <p>In relation to the five titles referred to that are protected by conservation covenant, the approach is in accordance with the Council's methodology (outlined in the 'LPS Supporting Report', February 2021) that states that Private Conservation Covenants are not permanently reserved for the purposes of determining the underlying zone, and in the event that leases, agreements, or covenants are terminated, then the land reverts back to its primary purpose. This accords with the principle that has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use. The representation has not provided suitable evidence that the land is primarily managed for landscape values (in accordance with Ministerial Guidance No. 1), or that the application of the codes does not provide sufficient protection for these lands.</p> <p>Furthermore, no evidence has been provided that individual landowners support the application of the Landscape Conservation Zone to the properties (other than the assertion that several landowners at Liffey have made representations requesting the rezoning of their properties to Landscape Conservation, and these are addressed under each representation individually).</p>
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.21	Rebecca Green & Associates (on behalf of Mr. David Cordell and Ms. Dimity Calvert) regarding 101 Pateena Road, Travellers Rest (CT 122299/6)
Matter(s) raised	That the site (that is across both Meander Valley and Northern Midlands) be consistently zoned Rural Living D.
Planning Authority response	<p>The property title in questions is located partly within Meander Valley (zoned Rural Living in the approved LPS) and partly within the Northern Midlands (currently zoned Rural Resource in the NMIPS 2013, and Agriculture in the draft LPS).</p> <p>As outlined previously in this report, the Planning Authority, following the draft LPS methodology (in the 'LPS Supporting Report', February 2021), has justified where the Rural Resource Zone within the NMIPS 2013 was changed to Agriculture Zone in the draft LPS.</p> <p>This includes on the site in question, where the land has been identified as 'Unconstrained' within the Land Potentially Suitable for Agriculture Zone PPU</p>

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	<p>project, and which would ordinarily mean it would be expected to be zoned for Agriculture.</p> <p>As outlined previously by the Planning Authority in this report, it has been made clear by the Minister that LPS process is not the appropriate process by which to consider strategic changes. This can be considered as part of the usual planning scheme amendment process under LUPAA outside of the LPS process, where there is appropriate strategic planning to support those changes.</p>
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.22	Kaylene Challis regarding Breadalbane township/843 Hobart Road, Breadalbane.
Matter(s) raised	That the land be zoned Rural Living.
Planning Authority response	<p>A number of similar representations have been received in relation to land in Breadalbane.</p> <p>The Minister for Planning has consistently advised Councils that the State Government's position is that the LPS process is not a suitable opportunity to undertake significant strategic land use planning reviews. This is clearly identified in the Minister's Advisory Statement from June 2017:</p> <p>"The current process of preparing draft LPS's to give effect to the Tasmanian Planning Scheme is a priority for the Government and the efficient conversion of current interim planning schemes to the LPSs should not be unnecessarily complicated by the introduction of strategic changes that are not related to the facilitation of that process."</p> <p>This is not to preclude or diminish the importance of undertaking these strategic land use planning reviews, rather it identifies that this will largely occur outside of the LPS process, with the drafting of the LPS broadly emphasising administrative translation over strategic improvements.</p> <p>Council recognises the need undertake contemporary review and development of strategic land use plan(s), and such work will occur after the LPS process is completed. Such wider strategic changes can be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes.</p> <p>The Council also notes that the expansion of the Rural Living Zone in this location raises the following issues:</p> <ul style="list-style-type: none"> • It would be inconsistent with the Northern Tasmania Regional Land Use Strategy. • The use of zoning for Rural Areas is identified in the NTRLUS as a legitimate element of settlement strategy to ensure that there is a sustainable approach to urban settlements as well as to constrain the expansion of Rural Residential Areas (now known as Rural Living).
Recommended action	No modifications to the draft LPS required.

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Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.
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Representation reference no.23	Owner regarding 861 Hobart Road, Breadalbane.
Matter(s) raised	That the land be zoned Rural Living.
Planning Authority response	Please refer to the Planning Authority's response to Rep. No. 22.
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.24	P. Newlands regarding 1 Raeburn Road, Breadalbane.
Matter(s) raised	That the land be zoned Rural Living.
Planning Authority response	Please refer to the Planning Authority's response to Rep. No. 22.
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.25	Owner regarding 861 Hobart Road, Breadalbane.
Matter(s) raised	That the land be zoned Rural Living.
Planning Authority response	Please refer to the Planning Authority's response to Rep. No. 22.
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.26	Prae regarding 3 Raeburn Road, Breadalbane.
Matter(s) raised	That the land be zoned Rural Living.



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Planning Authority response	Please refer to the Planning Authority's response to Rep. No. 22.
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.27	Leonie Westgarth regarding 852 Hobart Road, Breadalbane.
Matter(s) raised	That the land be zoned Rural Living.
Planning Authority response	Please refer to the Planning Authority's response to Rep. No. 22.
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.28	Owner regarding 3 Raeburn Road, Breadalbane.
Matter(s) raised	That the land be zoned Rural Living.
Planning Authority response	Please refer to the Planning Authority's response to Rep. No. 22.
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.29	Paul Westgarth regarding 852 Hobart Road, Breadalbane.
Matter(s) raised	That the land be zoned Rural Living.
Planning Authority response	Please refer to the Planning Authority's response to Rep. No. 22.
Recommended action	No modifications to the draft LPS required.

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Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.
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Representation reference no.30	James Smith regarding 854 Hobart Road, Breadalbane.
Matter(s) raised	That the land be zoned Rural Living.
Planning Authority response	Please refer to the Planning Authority's response to Rep. No. 22.
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.31	Owner regarding 843 Hobart Road, Breadalbane.
Matter(s) raised	That the land be zoned Rural Living.
Planning Authority response	Please refer to the Planning Authority's response to Rep. No. 22.
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.32	Quenton Higgs regarding 1827 Liffey Road, Liffey (CT 45838/1).
Matter(s) raised	That the land be zoned Landscape Conservation.
Planning Authority response	As outlined in the draft LPS methodology (in the 'LPS Supporting Report', February 2021) there is no land zoned Significant Agriculture Zone in the Northern Midlands Interim Planning Scheme 2013 (NMIPS 2013), and as such, a review of all land zoned Rural Resource was required. This was undertaken and was informed by the Ministerial Guideline No. 1 and the Land Potentially Suitable for Agriculture Zone PPU project. Based on the comparison of provisions between existing zones and SPP zones, Council reached the decision that the Agriculture Zone most closely aligned with the current provisions of the Rural Resource Zone in the NMIPS 2013. Hence, this is the fundamental transition applied to all land currently zoned Rural Resource, including the Rural Resource zoned land excluded from the PPU project analysis. As part of this process all landowners were notified by Council and advised to check the draft LPS zoning maps to identify the impact on their property or properties.



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	<p>Furthermore, a review of all land transitioned to the Agriculture Zone was undertaken by Northern Midlands Council to identify lots:</p> <ul style="list-style-type: none"> • With known existing strategic non-agricultural uses; • Identified as constrained by the PPU project; and • Surrounding townships (especially smaller constrained lots which could be transitioned to a non-agriculture zone to provide a buffer to the sensitive uses within Townships). <p>Council's rationale is aligned with the following LUDS principles:</p> <ul style="list-style-type: none"> • Apply a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible; • Maintain existing use rights of landowners wherever possible; and • Avoid spot and split zoning wherever possible. <p>On this basis the Agriculture Zone has been applied to such lands, as outlined in the draft LPS.</p> <p>In relation to the individual titles listed that are protected by conservation covenant, the approach has, in accordance with the Council's methodology (outlined in the 'LPS Supporting Report', February 2021) been that the Private Conservation Covenants are not permanently reserved for the purposes of determining the underlying zone, and in the event that leases, agreements, or covenants are terminated, then the land reverts back to its primary purpose. This accords with the principle that has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use.</p> <p>It is however recommended that where landowners have indicated that the land subject to a private conservation covenant is being managed for landscape values (in accordance with Ministerial Guidance No. 1), and there are significant clusters of such adjoin land, that such land be zoned Landscape Conservation. This approach is consistent with the approach taken in other LPS and by the TPC.</p>
Recommended action	<p>As such it is recommended:</p> <ul style="list-style-type: none"> • To revise the zoning of the following titles for Landscape Conservation: 45838/1.
Effect on recommendations of the draft LPS	<p>The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.</p>

Representation reference no.33	John Hatzinicolaou and Darren George Plunkett regarding Lot 1 Honeysuckle Road, Tooms Lake (213493/1)
Matter(s) raised	That the whole title be zoned Rural Zone (223.8 ha is part of the Little Blue Tier Reserve protected by conservation covenant, and 18.5 ha non-covenanted rectangular area in the middle set aside for other uses), with the Priority Vegetation Area overlay applied to the 223.8 ha Little Blue Tier Reserve protected by conservation covenant but not to the 18.5 ha excluded from the covenanted land.
Planning Authority response	The current zone under the NMIPS 2013 is Environmental Management, and the draft LPS proposes Environment Management. Following the draft LPS methodology (in the 'LPS Supporting Report', February 2021) and Ministerial Guidance, the Council has applied a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible, to maintain existing use rights of landowners wherever possible, and to avoid spot and split zoning wherever possible. The spot rezoning of land is not supported as



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	part of the LPS process and should be undertaken through a rezoning application under LUPAA outside of the LPS process.
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.34	Garry and Marie Stannus regarding 202 Jones Road, Liffey (250902/1).
Matter(s) raised	That the land be zoned Landscape Conservation.
Planning Authority response	<p>As outlined in the draft LPS methodology (in the 'LPS Supporting Report', February 2021) there is no land zoned Significant Agriculture Zone in the Northern Midlands Interim Planning Scheme 2013 (NMIPS 2013), and as such, a review of all land zoned Rural Resource was required. This was undertaken and was informed by the Ministerial Guideline No. 1 and the Land Potentially Suitable for Agriculture Zone PPU project. Based on the comparison of provisions between existing zones and SPP zones, Council reached the decision that the Agriculture Zone most closely aligned with the current provisions of the Rural Resource Zone in the NMIPS 2013. Hence, this is the fundamental transition applied to all land currently zoned Rural Resource, including the Rural Resource zoned land excluded from the PPU project analysis. As part of this process all landowners were notified by Council and advised to check the draft LPS zoning maps to identify the impact on their property or properties.</p> <p>Furthermore, a review of all land transitioned to the Agriculture Zone was undertaken by Northern Midlands Council to identify lots:</p> <ul style="list-style-type: none"> • With known existing strategic non-agricultural uses; • Identified as constrained by the PPU project; and • Surrounding townships (especially smaller constrained lots which could be transitioned to a non-agriculture zone to provide a buffer to the sensitive uses within Townships). <p>Council's rationale is aligned with the following LUDS principles:</p> <ul style="list-style-type: none"> • Apply a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible; • Maintain existing use rights of landowners wherever possible; and • Avoid spot and split zoning wherever possible. <p>On this basis the Agriculture Zone has been applied to such lands, as outlined in the draft LPS.</p> <p>In relation to the individual titles listed that are protected by conservation covenant, the approach has, in accordance with the Council's methodology (outlined in the 'LPS Supporting Report', February 2021) been that the Private Conservation Covenants are not permanently reserved for the purposes of determining the underlying zone, and in the event that leases, agreements, or covenants are terminated, then the land reverts back to its primary purpose. This accords with the principle that has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use.</p> <p>It is however recommended that where landowners have indicated that the land subject to a private conservation covenant is being managed for landscape values</p>

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	(in accordance with Ministerial Guidance No. 1), and there are significant clusters of such adjoin land, that such land be zoned Landscape Conservation. This approach is consistent with the approach taken in other LPS and by the TPC.
Recommended action	As such it is recommended: <ul style="list-style-type: none"> To revise the zoning of the following titles for Landscape Conservation: 250902/1.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.35	Lothar and Judith Reiner regarding Gulf Road, Liffey (115193/1, 115192/2 and 128705/1)
Matter(s) raised	That the land be zoned Landscape Conservation.
Planning Authority response	<p>As outlined in the draft LPS methodology (in the 'LPS Supporting Report', February 2021) there is no land zoned Significant Agriculture Zone in the Northern Midlands Interim Planning Scheme 2013 (NMIPS 2013), and as such, a review of all land zoned Rural Resource was required. This was undertaken and was informed by the Ministerial Guideline No. 1 and the Land Potentially Suitable for Agriculture Zone PPU project. Based on the comparison of provisions between existing zones and SPP zones, Council reached the decision that the Agriculture Zone most closely aligned with the current provisions of the Rural Resource Zone in the NMIPS 2013. Hence, this is the fundamental transition applied to all land currently zoned Rural Resource, including the Rural Resource zoned land excluded from the PPU project analysis. As part of this process all landowners were notified by Council and advised to check the draft LPS zoning maps to identify the impact on their property or properties.</p> <p>Furthermore, a review of all land transitioned to the Agriculture Zone was undertaken by Northern Midlands Council to identify lots:</p> <ul style="list-style-type: none"> With known existing strategic non-agricultural uses; Identified as constrained by the PPU project; and Surrounding townships (especially smaller constrained lots which could be transitioned to a non-agriculture zone to provide a buffer to the sensitive uses within Townships). <p>Council's rationale is aligned with the following LUDS principles:</p> <ul style="list-style-type: none"> Apply a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible; Maintain existing use rights of landowners wherever possible; and Avoid spot and split zoning wherever possible. <p>On this basis the Agriculture Zone has been applied to such lands, as outlined in the draft LPS.</p> <p>In relation to the individual titles listed that are protected by conservation covenant, the approach has, in accordance with the Council's methodology (outlined in the 'LPS Supporting Report', February 2021) been that the Private Conservation Covenants are not permanently reserved for the purposes of determining the underlying zone, and in the event that leases, agreements, or covenants are terminated, then the land reverts back to its primary purpose. This accords with the principle that has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use.</p>



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	It is however recommended that where landowners have indicated that the land subject to a private conservation covenant is being managed for landscape values (in accordance with Ministerial Guidance No. 1), and there are significant clusters of such adjoin land, that such land be zoned Landscape Conservation. This approach is consistent with the approach taken in other LPS and by the TPC.
Recommended action	As such it is recommended: <ul style="list-style-type: none"> To revise the zoning of the following titles for Landscape Conservation: 115193/1, 115192/2 and 128705/1.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.36	TasRail
Matter(s) raised	<ul style="list-style-type: none"> That land (137399/1 and 136913/1) be zoned Utilities Zone. That land zoned for Future Urban Zone be subject to early consultation and consideration be given to the design of vehicle and pedestrian roadways. Raised concerns over the rezoning of several land parcels adjoining the rail corridor from Rural Resource to Rural Living and seeks to ensure that any future proposed developments adjoining the corridor consider exposure to rail noise and vibration, and provides for the adequate discharge of stormwater or other run-off.
Planning Authority response	<p>Council sought to identify all major utilities assets during the drafting of the LPS, however some further parcels of land have been identified by the infrastructure operators themselves during the exhibition period. It is considered that the application of the Utilities Zone for these assets is consistent with the Ministerial Guideline No. 1 and will enable such land to be reserved for infrastructure development. This accords with the principle that has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use.</p> <p>The representor raised concerns regarding the future rezoning of land zoned from Future Urban Zone, and detailed planning concerns regarding land adjacent to the rail corridor, which are not a matter for the LPS process to address.</p>
Recommended action	To revise the zoning of the following dedicated titles for utilities assets to the Utilities Zone: 137399/1 and 136913/1.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.37	Herbert and Sally Staubmann 240 Jones Road, Liffey (CT 23577/1 and CT 209745/1)
Matter(s) raised	That the land be zoned Landscape Conservation.
Planning Authority response	As outlined in the draft LPS methodology (in the 'LPS Supporting Report', February 2021) there is no land zoned Significant Agriculture Zone in the Northern Midlands Interim Planning Scheme 2013 (NMIPS 2013), and as such, a review of all land zoned Rural Resource was required. This was undertaken and was informed by the Ministerial Guideline No. 1 and the Land Potentially Suitable for Agriculture Zone



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	<p>PPU project. Based on the comparison of provisions between existing zones and SPP zones, Council reached the decision that the Agriculture Zone most closely aligned with the current provisions of the Rural Resource Zone in the NMIPS 2013. Hence, this is the fundamental transition applied to all land currently zoned Rural Resource, including the Rural Resource zoned land excluded from the PPU project analysis. As part of this process all landowners were notified by Council and advised to check the draft LPS zoning maps to identify the impact on their property or properties.</p> <p>Furthermore, a review of all land transitioned to the Agriculture Zone was undertaken by Northern Midlands Council to identify lots:</p> <ul style="list-style-type: none"> • With known existing strategic non-agricultural uses; • Identified as constrained by the PPU project; and • Surrounding townships (especially smaller constrained lots which could be transitioned to a non-agriculture zone to provide a buffer to the sensitive uses within Townships). <p>Council's rationale is aligned with the following LUDS principles:</p> <ul style="list-style-type: none"> • Apply a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible; • Maintain existing use rights of landowners wherever possible; and • Avoid spot and split zoning wherever possible. <p>On this basis the Agriculture Zone has been applied to such lands, as outlined in the draft LPS.</p> <p>In relation to the individual titles listed that are protected by conservation covenant, the approach has, in accordance with the Council's methodology (outlined in the 'LPS Supporting Report', February 2021) been that the Private Conservation Covenants are not permanently reserved for the purposes of determining the underlying zone, and in the event that leases, agreements, or covenants are terminated, then the land reverts back to its primary purpose. This accords with the principle that has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use.</p> <p>It is however recommended that where landowners have indicated that the land subject to a private conservation covenant is being managed for landscape values (in accordance with Ministerial Guidance No. 1), and there are significant clusters of such adjoin land, that such land be zoned Landscape Conservation. This approach is consistent with the approach taken in other LPS and by the TPC.</p>
Recommended action	<p>As such it is recommended:</p> <ul style="list-style-type: none"> • To revise the zoning of the following titles for Landscape Conservation: 23577/1 and CT 209745/1.
Effect on recommendations of the draft LPS	<p>The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.</p>

Representation reference no.38	Heath and Trish Clayton regarding Breadalbane township.
Matter(s) raised	That land in Breadalbane be zoned Rural Living.
Planning Authority response	Please refer to the Planning Authority's response to Rep. No. 22.



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Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.39	Mary-Jane Wright regarding Breadalbane township.
Matter(s) raised	That land in Breadalbane be zoned Rural Living.
Planning Authority response	Please refer to the Planning Authority's response to Rep. No. 22.
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.40	Tasmanian Heritage Council
Matter(s) raised	<p>Longford SAP</p> <ul style="list-style-type: none"> That the Longford Specific Area Plan be updated to include the updated precinct master plans The draft Longford SAP should provide corresponding development standards in addition to residential use in response to the Preliminary Master Plan for the Longford Racecourse. <p>Ross SAP</p> <ul style="list-style-type: none"> That the Ross SAP area be extended to include the area bounded by Church Street, Wellington Street, and Fitzroy Street <p>Places or Precincts of Archaeological Potential</p> <ul style="list-style-type: none"> That the Council undertake an archaeological survey/study to develop an Archaeological Zoning Plan (including for sites such as 160 Bridge St, Campbell Town and 868 Illawarra Rd Longford). <p>Scenic Road Corridors</p> <ul style="list-style-type: none"> That the Scenic Road Corridor NOR-C8.2.7 be extended along Hobart Road to Breadalbane roundabout. <p>Overlay Map</p> <ul style="list-style-type: none"> That the overlay map included notating map numbers (27-46) in the legend 'master map' on the right bottom of each page.
Planning Authority response	In relation to the Longford SAP it is noted that there is a revised precinct master plan, and the area of the Longford SAP in the draft LPS (Figure NOR-S.6.2.1) should be updated. In relation to the development standards are not yet finalised and it is recommended that the SAP within the draft LPS be taken forward as drafted, with any material amendments made outside of the LPS process once the final master plan has been approved by Council.



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	<p>The Minister for Planning has consistently advised Councils that the State Government's position is that the LPS process is not a suitable opportunity to undertake significant strategic land use planning reviews. This is clearly identified in the Minister's Advisory Statement from June 2017:</p> <p>"The current process of preparing draft LPS's to give effect to the Tasmanian Planning Scheme is a priority for the Government and the efficient conversion of current interim planning schemes to the LPSs should not be unnecessarily complicated by the introduction of strategic changes that are not related to the facilitation of that process."</p> <p>This is not to preclude or diminish the importance of undertaking these strategic land use planning reviews, rather it identifies that this will largely occur outside of the LPS process, with the drafting of the LPS broadly emphasising administrative translation over strategic improvements.</p> <p>Council recognises the need undertake contemporary review and development of strategic land use plan(s), and such work will occur after the LPS process is completed. Such wider strategic changes can be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes.</p> <p>In relation to the Longford SAP, Council is currently undertaking a strategic review of the settlement strategy at Longford, and this will inform future land use and development strategies, and which has included consultation with landowners and the community.</p> <p>In relation to the Ross SAP, the Council accepts that there is likely to be merit in extending the SAP area to include the area bounded by Church Street, Wellington Street, and Fitzroy Street, that contains significant parts of the town, including areas of heritage significance. Any change to the SAP area would however need to be based on a robust strategic assessment of the area and involve consultation with relevant landowners. As such it is recommended that the SAP area not be changed, and that the proposed amendments be considered outside of the LPS process.</p> <p>In relation to the Places or Precincts of Archaeological Potential the Council accepts that there is likely to be merit in the proposals. However, the proposal would likely result in wider strategic changes and would need to be based on appropriate strategic planning to support those changes. It is recommended that this be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes, outside of the LPS process.</p> <p>In relation to the Scenic Road Corridors, it is noted that the Council accepts that there is likely to be merit in the proposals. It is however noted that NOR-C8.2.7 specifically relates to the Midland Highway which is identified as a "Major north-south tourist route providing views of rural landscape with backdrop of Western Tiers and Ben Lomond Ranges." Further strategic work would be required to determine the scenic value of the additional section of Hobart Road (of which only a very small portion is currently within NOR-C8.2.7 in the draft LPS where Hobart Road intersects with the Midlands Highway). It is recommended that this be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes, outside of the LPS process.</p> <p>In relation to the overlay maps, the concern raised that the overlay map numbers have not been adequately sited on the maps 27-46 is noted, and it is recommended that these be updated on the revised maps.</p>
Recommended action	To amend all overlay maps numbered 27-46 (inclusive) to provide for map numbers in the within the key.

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	To amend the area of the Longford SAP in the draft LPS (Figure NOR-S.6.2.1) in response to the revised Longford Racecourse Preliminary Master Plan.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.41	Rocelyn Ives regarding 111 Gulf Road, Liffey, (204354/1)
Matter(s) raised	That the land be zoned Landscape Conservation.
Planning Authority response	<p>As outlined in the draft LPS methodology (in the 'LPS Supporting Report', February 2021) there is no land zoned Significant Agriculture Zone in the Northern Midlands Interim Planning Scheme 2013 (NMIPS 2013), and as such, a review of all land zoned Rural Resource was required. This was undertaken and was informed by the Ministerial Guideline No. 1 and the Land Potentially Suitable for Agriculture Zone PPU project. Based on the comparison of provisions between existing zones and SPP zones, Council reached the decision that the Agriculture Zone most closely aligned with the current provisions of the Rural Resource Zone in the NMIPS 2013. Hence, this is the fundamental transition applied to all land currently zoned Rural Resource, including the Rural Resource zoned land excluded from the PPU project analysis. As part of this process all landowners were notified by Council and advised to check the draft LPS zoning maps to identify the impact on their property or properties.</p> <p>Furthermore, a review of all land transitioned to the Agriculture Zone was undertaken by Northern Midlands Council to identify lots:</p> <ul style="list-style-type: none"> • With known existing strategic non-agricultural uses; • Identified as constrained by the PPU project; and • Surrounding townships (especially smaller constrained lots which could be transitioned to a non-agriculture zone to provide a buffer to the sensitive uses within Townships). <p>Council's rationale is aligned with the following LUDS principles:</p> <ul style="list-style-type: none"> • Apply a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible; • Maintain existing use rights of landowners wherever possible; and • Avoid spot and split zoning wherever possible. <p>On this basis the Agriculture Zone has been applied to such lands, as outlined in the draft LPS.</p> <p>In relation to the individual titles listed that are protected by conservation covenant, the approach has, in accordance with the Council's methodology (outlined in the 'LPS Supporting Report', February 2021) been that the Private Conservation Covenants are not permanently reserved for the purposes of determining the underlying zone, and in the event that leases, agreements, or covenants are terminated, then the land reverts back to its primary purpose. This accords with the principle that has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use.</p> <p>It is however recommended that where landowners have indicated that the land subject to a private conservation covenant is being managed for landscape values (in accordance with Ministerial Guidance No. 1), and there are significant clusters of such adjoin land, that such land be zoned Landscape Conservation. This approach is consistent with the approach taken in other LPS and by the TPC.</p>

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Recommended action	As such it is recommended: <ul style="list-style-type: none"> To revise the zoning of the following titles for Landscape Conservation: 204354/1.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.42	Conservation Landholders Tasmania
Matter(s) raised	That eleven (11) properties containing Private Reserves protected by conservation covenant with land reserved for the protection of biodiversity should be rezoned fully or partly to Landscape Conservation.
Planning Authority response	<p>In relation to the 11 properties listed, as outlined in the draft LPS methodology (in the 'LPS Supporting Report', February 2021) there is no land zoned Significant Agriculture Zone in the Northern Midlands Interim Planning Scheme 2013 (NMIPS 2013), and as such, a review of all land zoned Rural Resource was required. This was undertaken and was informed by the Ministerial Guideline No. 1 and the Land Potentially Suitable for Agriculture Zone PPU project. Based on the comparison of provisions between existing zones and SPP zones, Council reached the decision that the Agriculture Zone most closely aligned with the current provisions of the Rural Resource Zone in the NMIPS 2013. Hence, this is the fundamental transition applied to all land currently zoned Rural Resource, including the Rural Resource zoned land excluded from the PPU project analysis. As part of this process all landowners were notified by Council and advised to check the draft LPS zoning maps to identify the impact on their property or properties.</p> <p>Furthermore, a review of all land transitioned to the Agriculture Zone was undertaken by Northern Midlands Council to identify lots:</p> <ul style="list-style-type: none"> With known existing strategic non-agricultural uses; Identified as constrained by the PPU project; and Surrounding townships (especially smaller constrained lots which could be transitioned to a non-agriculture zone to provide a buffer to the sensitive uses within Townships). <p>Council's rationale is aligned with the following LUDS principles:</p> <ul style="list-style-type: none"> Apply a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible; Maintain existing use rights of landowners wherever possible; and Avoid spot and split zoning wherever possible. <p>On this basis the Agriculture Zone has been applied to these lands, as outlined in the draft LPS.</p> <p>In relation to the 11 properties listed that are protected by conservation covenant, the approach is in accordance with the Council's methodology (outlined in the 'LPS Supporting Report', February 2021) that states that Private Conservation Covenants are not permanently reserved for the purposes of determining the underlying zone, and in the event that leases, agreements, or covenants are terminated, then the land reverts back to its primary purpose. This accords with the principle that has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use.</p>

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	<p>The representation has not provided suitable evidence that the land is primarily managed for landscape values (in accordance with Ministerial Guidance No. 1), or that the application of the relevant codes does not provide sufficient protection for these lands.</p> <p>Furthermore, no evidence has been provided that individual landowners support the application of the Landscape Conservation Zone to the properties (other than the assertion that landowners will be contacted, where individual representations are received from landowners these are addressed under each representation individually).</p>
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.43	TasWater
Matter(s) raised	That TasWater is satisfied with the Draft LPS and does not wish to submit a representation.
Planning Authority response	Noted.
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.44	Kay Thompson regarding Woodville Estate/Devon Hills
Matter(s) raised	That priority vegetation and threatened species have been sighted in the area.
Planning Authority response	<p>The Natural Assets Code overlay has been applied consistent with the standardised Regional Ecosystem Model methodology developed by Natural Resources Management Pty Ltd, for the preparation of the overlay and application under Ministerial Guideline No. 1. At this stage the Council would be required to undertake further local strategic land use planning outside the draft LPS assessment process to accurately determine whether a more extensive application of the overlay is warranted, that departs from the standardised Regional Ecosystem Model.</p> <p>Furthermore, the representor has not provided sufficient evidence that a circumstance relevant to clause LP1.7.5(d) (circumstances providing for modification of a Priority Vegetation Area) of the SPPs exists to support the modification of the Priority Vegetation Area overlay.</p>
Recommended action	No modifications to the draft LPS required.



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Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.
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Representation reference no.45	Private Forests Tasmania
Matter(s) raised	That Private Forests Tasmania will be providing input through a consolidated Department of State Growth submission.
Planning Authority response	Noted.
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.46	Terra Firma (on behalf of Carlton Dixon and Peter Dixon) regarding various properties.
Matter(s) raised	<p>That various sites should be rezoned and:</p> <ul style="list-style-type: none"> • That 22 Sheridan Court, Longford (Pateena) should be zoned Rural Living Zone C • That 44 Phillip Street, Perth should be zoned General Residential • That the Longford SAP are inappropriately restrictive in areas (specifically 144 Marlborough Street, Longford) • That the attenuation distances at the Austal Brickworks should be reduced • That Fairtlough Street, Perth (117849/2, 178951/2, and 180515/1) be zoned General Residential • That 5 Macquarie Street, Evandale (and the Evandale SAP) amend the subdivision and minimum lot size provision for multiple dwellings • Is supportive of the zoning at 89-113 Clare St, Campbell Town, and 42-56 Franklin St Campbell Town • That 1 Saundridge Road, Cressy be zoned a mix of General Residential and Low Density Residential
Planning Authority response	<p>In relation to 22 Sheridan Court, Longford, it is noted that the Council has applied a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible, to maintain existing use rights of landowners wherever possible, and to avoid spot and split zoning wherever possible. This is in accordance with the Council's methodology outlined in the 'LPS Supporting Report', February 2021. The site is currently zoned Rural Living under the NMIPS 2013, and Rural Living D under the draft LPS, and the current request represents a spot rezoning request. As noted elsewhere in this report, such work will occur after the LPS process is completed and can be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes.</p> <p>In relation to 44 Phillip Street, Perth, it is noted that the Council has applied a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible, to maintain existing use rights of</p>



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	<p>landowners wherever possible, and to avoid spot and split zoning wherever possible. This is in accordance with the Council's methodology outlined in the 'LPS Supporting Report', February 2021. The site is currently zoned Particular Purpose – Future Residential under the NMIPS 2013, and Future Residential under the draft LPS, and the current request represents a spot rezoning request. As noted elsewhere in this report, such work will occur after the LPS process is completed and can be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes.</p> <p>In relation to 144 Marlborough Street, Longford, it is noted that the Council has applied a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible, to maintain existing use rights of landowners wherever possible, and to avoid spot and split zoning wherever possible. This is in accordance with the Council's methodology outlined in the 'LPS Supporting Report', February 2021. The site is currently zoned Low Density Residential under the NMIPS 2013, and Low Density Residential under the draft LPS, and the current request represents a spot rezoning request. As noted elsewhere in this report, such work will occur after the LPS process is completed and can be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes. In addition Council is currently undertaking a strategic review of the settlement strategy at Longford, and this will inform future land use and development strategies, and which has included consultation with landowners and the community. In relation to issues with the draft SAP, the 'LPS Supporting Report', February 2021 outlines the rationale for the Longford SAP and the draft provisions.</p> <p>In relation to the proposed attenuation buffer, this has been mapped in accordance with the land use of the Austral Brick site and the State Planning Provisions attenuation distances, and as such is not a matter for the LPS process to address.</p> <p>In relation to Fairtlough Street, Perth, the Council endorses zoning of the Gibbet Hill area for Rural Living A, and the Council maintains that the land is suitable for the Rural Living Zone A. The Council have a representation (Rep. No. 2) that supports the zone for the following reasons:</p> <ul style="list-style-type: none"> • "The proposed zoning will provide a clear separation between Perth to the south which is zoned General Residential and Devon Hills to the north which is zoned Low Density Residential where lot sizes can be subdivided smaller; • There are topographical challenges in the Devon Hills area which restrict subdivision, due to the undulating land and substantial rocky areas. This is not conducive to sustainable subdivision. • The area is not currently connected to reticulated water and sewer, and given the rocky topography, there will be limitations to onsite servicing. • Finally there are limitations in Council's downstream stormwater network which are impacting upon the ability to manage stormwater and overland flow from the site." <p>It is noted that the representation received here challenges a number of these assertions, and which provides reasonably robust evidence from a suitably qualified person that at least a small number of lots within this area are indeed serviceable.</p> <p>The Council believes that for the purposes of the LPS process that the Rural Living Zone A is suitable for the land, and that wider strategic changes (if necessary) can be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes. This will enable the Council to also consider the surrounding sites within the strategic planning, rather than dealing with isolated spot-zoning. This is in</p>
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	<p>accordance with the 'LPS Supporting Report', February 2021 that outlines the rationale for the Perth SAP and the draft provisions.</p> <p>In relation to 5 Macquarie Street, Evandale, and the Evandale SAP, the 'LPS Supporting Report', February 2021 outlines the rationale for the Evandale SAP and the draft provisions, including the social and economic factors considered. This provides sufficient justification for the provisions outlined in the draft LPS.</p> <p>In relation to 1 Saundridge Road, Cressy, it is noted that the Council has applied a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible, to maintain existing use rights of landowners wherever possible, and to avoid spot and split zoning wherever possible. This is in accordance with the Council's methodology outlined in the 'LPS Supporting Report', February 2021. The site is currently zoned Particular Purpose – Future Residential under the NMIPS 2013, and Future Residential under the draft LPS, and the current request represents a spot rezoning request. As noted elsewhere in this report, such work will occur after the LPS process is completed and can be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes.</p>
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

Representation reference no.47	Brian John Longley and Faye Irene Longley, regarding 1726 Auburn Road, Ross
Matter(s) raised	That the land be zoned for Landscape Conservation where land is protected by conservation covenants, and zoned for Agriculture on the non-covenanted land.
Planning Authority response	<p>In relation to the 11 properties listed, as outlined in the draft LPS methodology (in the 'LPS Supporting Report', February 2021) there is no land zoned Significant Agriculture Zone in the Northern Midlands Interim Planning Scheme 2013 (NMIPS 2013), and as such, a review of all land zoned Rural Resource was required. This was undertaken and was informed by the Ministerial Guideline No. 1 and the Land Potentially Suitable for Agriculture Zone PPU project. Based on the comparison of provisions between existing zones and SPP zones, Council reached the decision that the Agriculture Zone most closely aligned with the current provisions of the Rural Resource Zone in the NMIPS 2013. Hence, this is the fundamental transition applied to all land currently zoned Rural Resource, including the Rural Resource zoned land excluded from the PPU project analysis. As part of this process all landowners were notified by Council and advised to check the draft LPS zoning maps to identify the impact on their property or properties.</p> <p>Furthermore, a review of all land transitioned to the Agriculture Zone was undertaken by Northern Midlands Council to identify lots:</p> <ul style="list-style-type: none"> • With known existing strategic non-agricultural uses; • Identified as constrained by the PPU project; and • Surrounding townships (especially smaller constrained lots which could be transitioned to a non-agriculture zone to provide a buffer to the sensitive uses within Townships). <p>Council's rationale is aligned with the following LUDS principles:</p>

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	<ul style="list-style-type: none"> • Apply a 1 to 1 transition, both spatially and from the ordinance (use class and development provisions) perspective wherever possible; • Maintain existing use rights of landowners wherever possible; and • Avoid spot and split zoning wherever possible. <p>On this basis the Agriculture Zone has been applied to these lands, as outlined in the draft LPS.</p> <p>In relation to the 11 properties listed that are protected by conservation covenant, the approach is in accordance with the Council's methodology (outlined in the 'LPS Supporting Report', February 2021) that states that Private Conservation Covenants are not permanently reserved for the purposes of determining the underlying zone, and in the event that leases, agreements, or covenants are terminated, then the land reverts back to its primary purpose. This accords with the principle that has sought to ensure that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the lands primary use.</p> <p>The representation has not provided suitable evidence that the land is primarily managed for landscape values (in accordance with Ministerial Guidance No. 1), or that the application of the relevant codes does not provide sufficient protection for these lands.</p> <p>Furthermore, in this particular instance the site is within an area of predominantly Agriculture Zone land, and a spot rezoning would lead to an oddly zoned pocket of land (this is against the proposed methodology outlined in the 'LPS Supporting Report', 2021).</p>
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

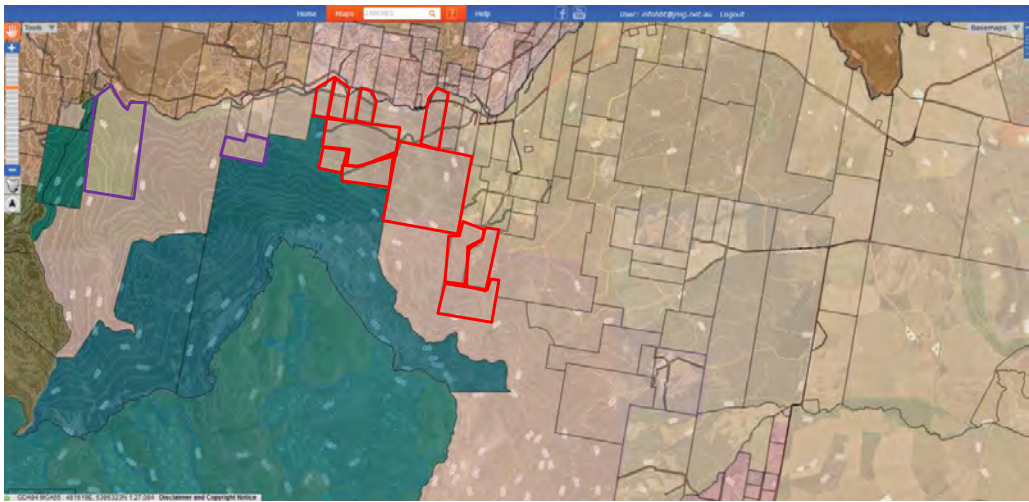
Representation reference no.48	Ivan Badcock regarding land in Bishopsbourne
Matter(s) raised	That the land be zoned Village.
Planning Authority response	<p>The Minister for Planning has consistently advised Councils that the State Government's position is that the LPS process is not a suitable opportunity to undertake significant strategic land use planning reviews. This is clearly identified in the Minister's Advisory Statement from June 2017:</p> <p>"The current process of preparing draft LPS's to give effect to the Tasmanian Planning Scheme is a priority for the Government and the efficient conversion of current interim planning schemes to the LPSs should not be unnecessarily complicated by the introduction of strategic changes that are not related to the facilitation of that process."</p> <p>This is not to preclude or diminish the importance of undertaking these strategic land use planning reviews, rather it identifies that this will largely occur outside of the LPS process, with the drafting of the LPS broadly emphasising administrative translation over strategic improvements.</p> <p>Council recognises the need to undertake contemporary review and development of strategic land use plan(s), and such work will occur after the LPS process is completed. Such wider strategic changes can be considered as part of the usual</p>

ATTACHMENT 1

	<p>planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes.</p> <p>The expansion of the Village zone in this location also raises the following issues:</p> <ul style="list-style-type: none"> • It would be inconsistent with the Northern Tasmania Regional Land Use Strategy. • The use of zoning for Rural Areas is identified in the NTRLUS as a legitimate element of settlement strategy to ensure that there is a sustainable approach to urban settlements as well as to constrain expansion. • The land is identified as 'Unconstrained' under the Land Potentially Suitable for Agriculture Zone overlay on the LIST, which would ordinarily mean it would be expected to be zoned for Agriculture. It is also evident that the land is currently used for agricultural purposes and is in productive use.
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

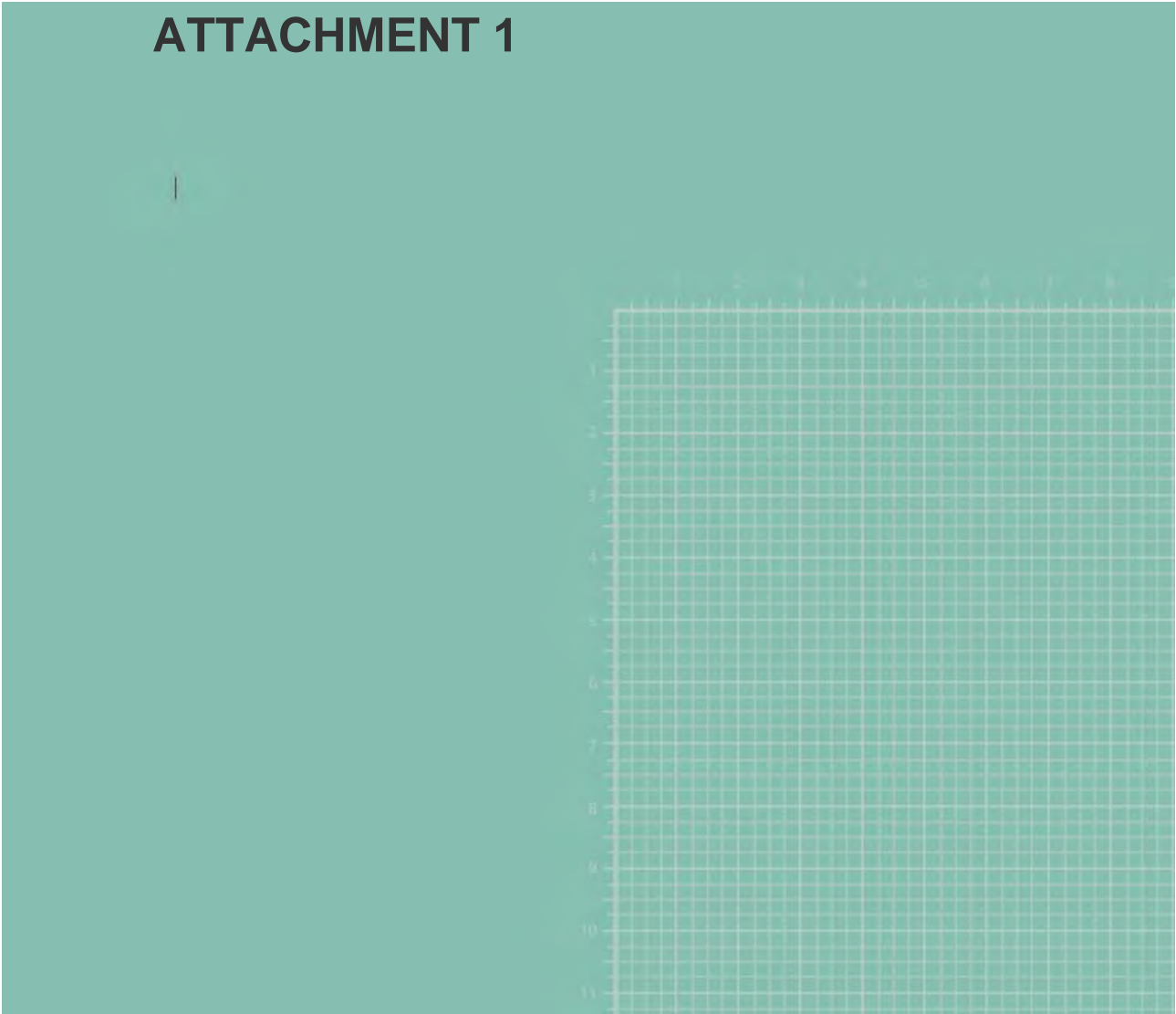
Representation reference no.49	Hugh C Mackinnon regarding land in Perth (174678/1 and 173776/1)
Matter(s) raised	That part of the land be zoned General Residential, and part of the land General Residential/Future Urban.
Planning Authority response	<p>The Minister for Planning has consistently advised Councils that the State Government's position is that the LPS process is not a suitable opportunity to undertake significant strategic land use planning reviews. This is clearly identified in the Minister's Advisory Statement from June 2017:</p> <p>"The current process of preparing draft LPS's to give effect to the Tasmanian Planning Scheme is a priority for the Government and the efficient conversion of current interim planning schemes to the LPSs should not be unnecessarily complicated by the introduction of strategic changes that are not related to the facilitation of that process."</p> <p>This is not to preclude or diminish the importance of undertaking these strategic land use planning reviews, rather it identifies that this will largely occur outside of the LPS process, with the drafting of the LPS broadly emphasising administrative translation over strategic improvements.</p> <p>Council recognises the need to undertake contemporary review and development of strategic land use plan(s), and such work will occur after the LPS process is completed. Such wider strategic changes can be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes.</p>
Recommended action	No modifications to the draft LPS required.
Effect on recommendations of the draft LPS	The Planning Authority recommendation has no impact on the implementation of the draft LPS as a whole, and the LPS criteria in Section 34(2) of LUPAA are maintained.

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Desktop review of all representors seeking land to be placed in Landscape Conservation (purple outline draft LPS Environmental Management Zone, red outline draft LPS Agriculture Zone).

ATTACHMENT 1



Johnstone McGee & Gandy Pty Ltd

ABN 76 473 834 852 ACN 009 547 139

www.jmg.net.au

HOBART OFFICE
117 Harrington Street
Hobart TAS 7000
Phone (03) 6231 2555
infohbt@jmg.net.au

LAUNCESTON OFFICE
49-51 Elizabeth Street
Launceston TAS 7250
Phone (03) 6334 5548
infohbn@jmg.net.au



ATTACHMENT 2

Draft Northern Midlands Council Local Provisions Schedule - Representations

List of representations received during the public exhibition period (22 October 2021 - 21 December 2021)

	Representor
1	Dept of Natural Resources & Environment Tas
2	ERA Planning & Environment
3	Deloitte Private Pty Ltd
4	All Urban Planning
5	Stewart McGee
6	Forico Pty Limited
7	Poatina Body Corporate
8	Hydro Tasmania
9	John Thompson
10	Town Planning Solutions
11	Department of State Growth
12	Bush Heritage Australia
13	Plan Place Pty Ltd
14	Tasmanian Land Conservancy
15	FJA Solutions
16	Launceston Airport
17	Woolcott Surveys
18	TasNetworks
19	Mrs Erin Eiffe
20	Friends of the Great Western Tiers
21	Rebecca Green & Associates
22	Kaylene Challis
23	The Occupier (name illegible)
24	P Newlands
25	Patricia (Last name illegible)
26	P Rae
27	Leonie Westgarth
28	(Name Illegible)
29	Paul Westgarth
30	James Smith
31	Michael Challis
32	Quenton & Christine Higgs
33	John Hatzinicolaou & Darren Plunkett
34	Garry & Marie Stannus
35	Lothar & Judith Reiner
36	TasRail
37	Herbert & Sally Staubmann
38	Heath & Trish Clayton
39	Mary-Jane Wright

40	Tasmanian Heritage Council
41	Rocelyn Ives
42	Conservation Landholders Tasmania
43	TasWater
44	Kay Thompson
45	Tree Alliance
46	Terra Firma Town Planning
47	Brian & Faye Longley
48	Ivan Badcock
49	Hugh Mackinnon

Representation 1 - Dept Natural Resources
& Environment Tas

Department of Natural Resources and Environment Tasmania
OFFICE OF THE SECRETARY

Hobart GPO Box 44, Hobart, Tasmania, 7001
Launceston PO Box 46, Kings Meadows, Tasmania, 7249
Devonport PO Box 303, Devonport, Tasmania, 7310
Ph 1300 368 550
Web nre.tas.gov.au

Our ref: 21/23752



Mr Des Jennings
General Manager
Northern Midlands Council
Via email: lps@nmc.tas.gov.au

Dear Mr Jennings

**EXHIBITION – NORTHERN MIDLANDS COUNCIL DRAFT LOCAL PROVISION
SCHEDULE**

Thank you for your letter of 22 October 2021 seeking comment on the Northern Midlands Councils Draft Local Provisions Schedule.

I can advise that the Department of Natural Resources and Environment Tasmania (the Department) has considered the proposed Local Provisions Schedule and has the following comments.

The comments below relate to the proposed applications of zones, in particular the Agriculture Zone and the application of the Natural Assets Code (NAC). The Department contends that the Priority Vegetation Area Overlay (PVOA) is poorly applied across the landscape. It appears that inadequacies with the NAC may have stemmed, in part, from errors in the Regional Ecosystem Model.

The LPS proposes that a large majority of the Northern Midlands LGA will be placed in zones that do not allow the application of the NAC and that is therefore exempt from the regulations provided by the PVOA.

There are many land parcels proposed for the Agriculture Zone which contain areas of significant native vegetation that is habitat for threatened species (see Figure 1), ideally the zoning would allow for connectivity (biodiversity corridors) between priority vegetation areas, and between environmental management zones to better maintain the viability of threatened species populations and Tasmania's unique ecosystems.



Figure 1: Excerpt of Map 8 from '[Tasmania Planning Scheme – Zones: Northern Midlands LPS](#)', showing two reserves (olive green shading) that are currently connected by native vegetation (not visible on this map), surrounded by Agriculture

zoned land (tan shading). Unregulated clearing of this vegetation between the reserves would result in fragmentation, reduced gene flow for threatened species and could force the reserves to exceed their carrying capacity for particular species.

The LPS Supporting Report states the “application of Rural and Agricultural zones has been extremely limited by the requirement of Guideline 1; namely to zone land to reflect the primary purpose of the land, as much of the land within the Municipality has been provided access to irrigation schemes signaling its primary use for agricultural purposes”.

The Department also notes that Appendix 3 (s3.3) of the Supporting Report also states that the Agriculture Zone mapping is not intended to be a definitive strategic land use planning tool as it is predominantly a desktop analysis and has only focussed on assessing the agricultural potential of the land. “Local planning authorities will need to utilise this data in conjunction with a range of other data sets and information sources in making strategic land use planning decisions about some of the areas identified.”

The Tasmanian Planning Commission’s [‘Guideline No. 1, Local Provisions Schedule \(LPS\): zone and code application’](#) (Guideline No. 1) at AZ6 states that “land identified in the ‘Land Potentially Suitable for Agriculture Zone’ layer may be considered for alternate zoning if... for the identification and protection of significant natural values, such as priority vegetation areas as defined in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone”. The Department recommends that the Council use this to revisit the zoning in light of the comments below.

Natural Assets Code – Priority Vegetation Area Overlay (PVAO)

There are noticeable errors with the PVAO, for example that most of the township of Ross has been mapped as priority vegetation, although it has already been developed (little to no native vegetation) and there are no threatened species records.

Guideline No. 1 specifies the requirements of the PVAO. The PVAO does not appear to meet these requirements in full. For example, NAC 7 states this overlay must include threatened native vegetation communities (TNVC) as shown on ListMap. There are numerous areas mapped as TNVC that have not been included in the PVAO, as highlighted by the snapshot in Figure 2.



Figure 2: Snapshot demonstrating a significant patch of a TNVC (yellow boundary lines) not covered by the PVAO (light green shading). Approximate location: 147.927787 -41.847104 Decimal Degrees.

NAC 8 states that when applying the PVAO to land containing threatened flora, the data from the Natural Values Atlas, as shown in ListMap should be used. It does not seem that this has occurred as many areas with significant numbers of threatened flora records have not been included in the PVAO, as shown in Figure 3.

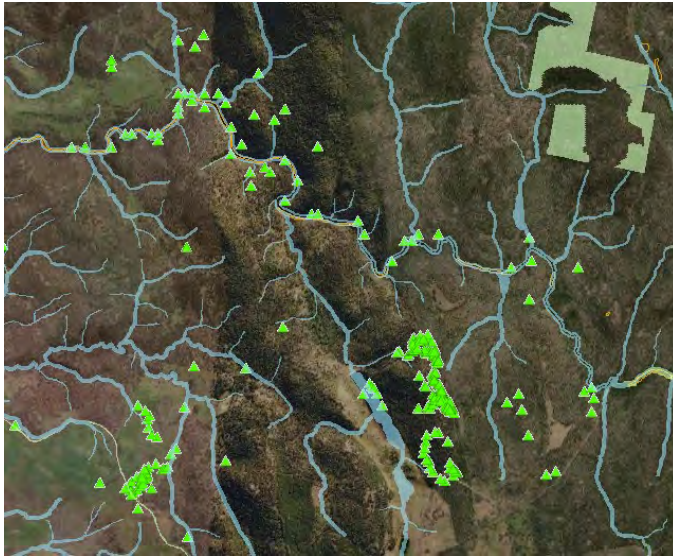


Figure 3: An example of an important area for threatened flora that is not included in the NAC. The green triangles indicate threatened flora records, the light green shading shows the PVAO (Approximate location: 147.655819 - 41.936485 Decimal Degrees).

These examples serve to illustrate the inadequacy of the proposed zonings and the application of the PVAO.

Additionally, the Department notes that that SPP includes threatened flora species in the definition of priority vegetation. It appears that the definition of priority vegetation in the LPS is not in accordance with the SPP as many areas important for threatened species have not been included.

To ensure the LPS is in accordance with the the objectives of the Resource Management and Planning System of Tasmania (including sustainable development) as defined in Schedule I of the *Land Use Planning and Approvals Act 1993* the Department has the following recommendations:

- The proposed zoning allocations be revised to reduce the extent of the zone types that exclude the NAC, in particular the Agriculture Zone, and assign more appropriate zonings such as the Landscape Conservation Zone and Rural Living Zone. Consideration could also be given to split zonings where necessary (based on features that are identifiable on the ground in accordance with TPC Practice Note 7) such as a cadastral parcel that could be part Agricultural Zone and part Environmental Management Zone to protect important natural values.
- Revise the priority vegetation layer to adequately capture significant areas for threatened species (such as where there are numerous records or critically endangered species), include all areas containing threatened vegetation communities, and define biodiversity corridors designed to maximise connectivity between threatened species' populations
- Provide clear direction on how the NAC will be regulated and what information is required for proposed developments within these areas (e.g. recent ecological surveys undertaken, biodiversity offsets provided for all impacts that cannot be avoided or mitigated).

The Department would be happy to meet with Council to provide further advice on the issues we have raised. If you have any questions on this matter please contact Sonia Mellor, Policy Analyst, Strategic Projects and Policy Branch, Strategy and Business Services Division on mobile: 0436 636 279 or via email at sonia.mellor@nre.tas.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Tim Baker', written over a circular stamp or seal.

Tim Baker

SECRETARY

21 December 2021



Representation 2 - ERA Planning & Environment

a: 125A Elizabeth Street, Hobart, 7000

p: (03) 6105 0443

e: enquiries@eraplanning.com.au

abn: 67 141 991 004

20 December 2021

Paul Godier
Senior Planner
PO Box 156
LONGFORD TAS 7301

By email: council@nmc.tas.gov.au

Dear Paul,

GIBBET HILL, PERTH
RURAL LIVING ZONE - AREA A

ERA Planning and Environment have been engaged by Northern Midlands Council to provide a letter of support for the application of the Rural Living zone – Area A to the Gibbet Hill Area. The Gibbet Hill area is defined in Figure 1 and is bounded by the Perth township to the south and Devon Hills rural living area to the north and east.



Figure 1: The Gibbet Hill area (source: www.thelist.tas.gov.au; 20 December 2021)

p2

Currently the Gibbet Hill area is zoned Low Density Residential and includes lots that range in size from 5000m² to 12ha with the majority of the lots being between 1 and 2ha in total area. Many of the lots are developed with single dwellings, and the settlement pattern is consistent with a Rural Living lifestyle area.

Following the implementation of the LPS, the lots are proposed to be zoned Rural Living A. This zoning would allow for minimum lot sizes of 1ha under acceptable solution, down to 8000m² under a performance pathway. Many of the lots appear to already be around this size although the Rural Living A zoning will provide the opportunity to subdivide a number of the larger lots, further.

Northern Midlands Council envision zoning the Gibbet Hill area as a Rural Living zone – Area A settlement for a variety of reasons including:

- The proposed zoning will provide a clear separation between Perth to the south which is zoned General Residential and Devon Hills to the north which is zoned Low Density Residential where lot sizes can be subdivided smaller;
- There are topographical challenges in the Devon Hills area which restrict subdivision, due to the undulating land and substantial rocky areas. This is not conducive to sustainable subdivision.
- The area is not currently connected to reticulated water and sewer, and given the rocky topography, there will be limitations to onsite servicing.
- Finally there are limitations in Council's downstream stormwater network which are impacting upon the ability to manage stormwater and overland flow from the site.

It is our view that zoning this area as Rural Living zone – Area A provides appropriate separation between Perth and Devon Hills, supports the current settlement patterns in the area, and appropriately responds to existing constraints including topographical, geological and servicing considerations.

Yours sincerely,



Caroline Lindus
Principal Planner

Rosemary Jones

From: Dixon, Peter <pdixon@deloitte.com.au>
Sent: Tuesday, 21 December 2021 5:00 PM
To: Local Provision Schedule Feedback
Subject: LPS 443 Relbia Road

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/Madam.

I own significant land at 443 Relbia Road Relbia.

With the absence of any local strategy I think NMC should consider this property adjoining existing development, for Rural Residential zoning.

LCC has just finished its study of Relbia and have supported 2Ha blocks.

My property is ideal for Rural Residential zoning and I ask NMC to develop a strategy to pursue this opportunity.

I would be delighted to show you over the property in order to demonstrate its appeal for a Rural Residential zoning.

Thankyou.

Peter C Dixon

Consultant | Deloitte Private Pty Ltd
Deloitte Private Pty Ltd
117 Cimitiere Street, Launceston, Tas, 7250, Australia
T: +61 (3) 6337 7000 | M: +61 0438 130 751
pdixon@deloitte.com.au | www.deloitte.com.au

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Deloitte

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Rosemary Jones

From: Frazer Read <frazer@allurbanplanning.com.au>
Sent: Tuesday, 21 December 2021 4:57 PM
To: NMC Planning
Subject: Representation - Northern Midlands Council LPS - 502 Hobart Road

Follow Up Flag: Follow up
Flag Status: Completed

Please accept this email as a representation in relation to the current advertising of the Local Provisions Schedule, requesting the relatively minor change in zone boundaries as outlined below to ensure consistent zoning across the property.

Thank you

Regards

Frazer Read
Principal

Call 0400 109 582 Email frazer@allurbanplanning.com.au
19 Mawhera Ave, Sandy Bay Tasmania 7005
allurbanplanning.com.au

AllUrbanPlanning



From: Mark Graham <mark@finneyfunerals.com.au>
Sent: Tuesday, 7 December 2021 7:55 PM
To: Rosemary Jones <rosemary.jones@nmc.tas.gov.au>; Erin Miles <erin.miles@nmc.tas.gov.au>; NMC Planning <planning@nmc.tas.gov.au>
Cc: Frazer Reid <frazer@allurbanplanning.com.au>; Tony Keegan <tony@tmkdesignsolutions.com.au>
Subject: 502 Hobart Road

Hello Erin

I am writing to you in relation to our property Franklin Grove at 502 Hobart Road Youngtown.

Crown land to the southern boundary of this land has been appended to our existing title and has the zoning of utilities.

I am writing to you as the land strategy for the new planning scheme is up for comment and you had spoken to me about sending an email

In relation to this zoning when the comment period was open.

I was hoping we could change the zoning to that of the existing zoning for our existing 502 Hobart Road title.

The appended title is now part of the 502 Hobart Road land title and it would be better for us for consistency to have the same zoning on that particular title.

Could you please let me know what is required for this. I have ccd Frazer Reid on this email from all Urban planning and we are happy to provide anything you would require to assist making the zoning on the title consistent to that of 502 Hobart Road.

I hope this makes sense Erin and if you need any clarification please let me know and I can call through to explain.

I hope you are well.

Thanks

Mark Graham
Managing Director
Phone: 0363432266

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Representation 5 - Stewart McGee

Stewart McGee Family Trust

95 Brookdene Road, Bishopsbourne TAS 7301
0417 920 750 (Stewart); 0438 603 635 (Kerrie)
brookdene95@bigpond.com

20 December 2021
(Ref: ms2122-008)

Att: The General Manager
Northern Midlands Council
PO Box 156
Longford TAS 7301

Dear Mr Jennings,

Draft Northern Midlands Local Provisions Schedule – Tasmanian Planning Scheme

We appreciate the opportunity to make a representation regarding the draft Northern Midlands Local Provisions Schedule.

We live in the Bishopsbourne / Toiberry district and have a farm business here. We have reviewed the Zone Maps and the Specific Area Plans for the Bishopsbourne district and make the following representations:

1. We **support** the zoning of the Bishopsbourne / Toiberry district as 'Agriculture'. The district is a significant agricultural area with productive soils, and has reliable access to irrigation water (through the Cressy Longford Irrigation Scheme and the Whitmore Irrigation Scheme). It is important that the protection of agricultural productivity is provided for through the Planning Scheme. Such zoning provides current and future farm businesses with certainty for planning and investment.
2. We note that the proposed boundary of the village of Bishopsbourne is for it to remain as it currently is - we **support** this. Furthermore, we **support** the zoning of the village of Bishopsbourne as 'Village', with the recreation ground zoned as 'Recreation' and the former Church of the Holy Nativity zoned as 'Community Purpose'.

Should you have any queries, please contact us by return email, or on 0417 920 750 (Stewart) or 0438 603 635 (Kerrie).

Kind regards,



Stewart McGee

oooOOOooo



21/12/2021

General Manager
Northern Midlands Council
PO Box 156
Longford TAS 7300

To the General Manager

In response to the request for representations to the Northern Midlands Council draft Local Provisions Schedule.

Forico Pty Limited as the business operator and authorised agent for the Trust Company (PTAL) Limited atf the Tasmanian Forest Investment Sub Trust (owner of some 2000ha of land within the Northern Midlands municipality) have concerns and wish to raise the following points for consideration in the final draft of the Local Provisions Schedule:

Section 4.0 of the Tasmanian Planning Scheme sets out general exemptions for use and development, whereby if the terms of the exemptions as described in Tables 4.1 – 4.6 are met, a planning permit is not required for the use or development. The exemptions described in Tables 4.1 – 4.6 are not subject to further qualification.

Exemption 4.4.1 relating to vegetation removal is the most relevant to forestry operations and states:

4.4.1 Vegetation removal for safety or in accordance with other Acts:

If for:

- (a) clearance and conversion of a threatened native vegetation community, or the disturbance of a vegetation community, in accordance with a forest practices plan certified under the Forest Practices Act 1985, unless for the construction of a building or the carrying out of any associated development;*
- (b) harvesting of timber or the clearing of trees, or the clearance and conversion of a threatened native vegetation community, on any land to enable the construction and maintenance of electricity infrastructure in accordance with the Forest Practices Regulations 2007;*
- (c) fire hazard management in accordance with a bushfire hazard management plan approved as part of a use or development;*
- (d) fire hazard reduction required in accordance with the Fire Service Act 1979 or an abatement notice issued under the Local Government Act 1993;*

Forico Pty Limited

ABN: 33 169 204 059



16 Techno Park Drive
Kings Meadows
Tasmania 7249 Australia

PO Box 5316
Launceston
Tasmania 7250 Australia



+61 3 6335 5201 (ph)
+61 3 6335 5297 (fax)



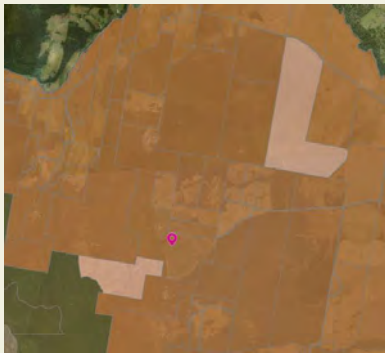
forico@forico.com.au
forico.com.au



- (e) *fire hazard management works necessary to protect existing assets and ensure public safety in accordance with a plan for fire hazard management endorsed by the Tasmanian Fire Service, Sustainable Timbers Tasmania, the Parks and Wildlife Service, or council;*
- (f) *clearance within 2m of lawfully constructed buildings or infrastructure including roads, tracks, footpaths, cycle paths, drains, sewers, power lines, pipelines and telecommunications facilities, for maintenance, repair and protection;*
- (g) *safety reasons where the work is required for the removal of dead wood, or treatment of disease, or required to remove an unacceptable risk to public or private safety, or where the vegetation is causing or threatening to cause damage to a substantial structure or building; or*
- (h) *within 1.5m of a lot boundary for the purpose of erecting or maintaining a boundary fence, or within 3m of a lot boundary in the Rural Zone and Agriculture Zone.*

Forico is seeking confirmation that exemption 4.4.1(a) would apply to its operations, noting that Tasveg 4.0 schedules *Plantations for silviculture – hardwood (FPH)* as one of the listed 'vegetation communities'. Given the recognition afforded forestry operations that clear and convert threatened native vegetation communities in accordance with a certified forest plan, it follows that forestry operations for vegetation of a lesser sensitivity in accordance with a certified forest practices plan, would constitute the 'disturbance' of a vegetation community and therefore be exempt from the planning scheme.

Forico notes the apparent inconsistency between the zoning of State forest and adjoining private land that has a high probability of being maintained in the permanent forest estate. An example is shown below at Blackwood Creek whereby two parcels of State forest are zoned Rural Zone and adjoining private land in PTR's and under extensive plantation establishment is zoned Agriculture Zone. Whilst the use of the land is the same, different zoning will inevitably raise issues of inequitable application of land use and development regulation.



For further information or clarification on any of the points raised above I am happy to assist and field any questions or queries.

Regards



Mark Chopping
Land Manager





**Poatina Village Body Corporate
Strata Title: 120167
Gordon St, Poatina
Tasmania 7302**

21 December 2021

The General Manager
Northern Midlands Council
13 Smith Street, Longford, Tasmania 7301

Representation to the Draft Northern Midlands Local Provisions Schedule

Dear Sir,

We are privileged to submit a written representation jointly between The Poatina Village Body Corporate (PVBC) - Strata Title 120167 and Fusion Property Pty Ltd, the owner of Title 53397/3 to address the Draft Northern Midlands Local Provisions Schedule (LPS) under the *Land Use Planning and Approvals Act 1993* (the Act) for the whole area of interest known as Poatina Village.

This representation outlines the proposal that the whole area known as Poatina Village be zoned as a Particular Purpose Zone (PPZ) with a range of precincts that reflect both the lived experience of the Poatina community, its established purposes and aspirations for economic, social, environmental sustainability and enhancement to provide for future opportunities.

The community was both disappointed and greatly inconvenienced by the lack of consultation in the apparent two years that Northern Midlands Council has been conducting the process to prepare its Draft LPS. Unfortunately, this has significantly disadvantaged the Poatina community by leaving only 60 days to respond with a written representation to a significant and highly complex regulatory framework in the LPS.

This written representation outlines a brief background of the Poatina's community since purchased from Hydro in 1995 and describes the preferred future development precincts within the proposed PPZ, including some general descriptors of what potential uses are relevant to each precinct.

There are four key factors that the Poatina community believes are essential to the submission that Poatina should be a PPZ:

1. Poatina was purchased and established as an intentional community with very strong purpose which endures across generations.
2. Poatina is a self-contained administration because it owns and manages all of its own infrastructure - roads, lighting, sewerage and water - at little to no cost to council or other government funds.
3. The community needs to grow to an optimum population of approximately 180 to enable economic and social sustainability.

4. To thrive as a community and as a village destination, the Poatina community needs the reasonable opportunity to strengthen the economic drivers such as tourism, enterprise and philanthropic partnerships.

Because of the short time frame available to the Poatina community, the community reserves the right to further submit detail in regard to the PPZ for consideration through the LPS assessment process.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John West', with a large, stylized initial 'J'.

John West
Chairperson
Poatina Village Body Corporate

A handwritten signature in blue ink, appearing to read 'Geoff Manton', with a long horizontal line underneath.

Geoff Manton
Chief Executive Officer
Fusion Australia



REPRESENTATION DRAFT NORTHERN MIDLANDS LOCAL PROVISIONS SCHEDULE

1.0 VILLAGE BACKGROUND

Poatina was built by the Hydro-Electric Commission in the late 1950s to house 3000 workers for the power station development. The power station was increasingly run by remote control, so in 1995 the Hydro-Electric Commission sold the remaining brick structures and land in and around the village to Fusion, a national Christian Youth and Community organization.

Poatina became Fusion's national headquarters, residential training centre and a place for rehabilitation of a variety of young people with a range of needs; social, emotional, vocational and educational.

Poatina was set up as a Body Corporate in order to be able to attract people who wanted to join the community and to manage the infrastructure of the village. This provided, and continues to provide, a measure of social cohesion. It also signals to intending residents the nature of the community and the need for significant volunteer contribution to maintain the village and its enterprises.

Since 1995 there have been ebbs and flows and at this time there is available capacity for new ideas and opportunities. The desire to help young people underpins the vision of the village. Key strategies include conferencing, training, arts, sustainability, enterprise, and tourism, underpinned by intentional community life. From 2018-2021 a small school for at-risk students provided a much needed regional service and employment for some people in the village.

Currently Poatina is a community of 109 people. The commercial enterprises consist of a motel/conferencing facility, a general store, a service station, an opportunity shop, a tea lounge with an adjacent art gallery, a part-time post office agency, a golf club and an arts centre in the area to the south of the village itself. These enterprises all depend financially on voluntary contributions – provided by community members. Parents report the community as a beautiful rural setting to raise their children.

The Strata Scheme includes undeveloped land (owned by Fusion Property Pty Ltd) that provides opportunity for existing and potential rural enterprises to develop, e.g. farming fruit and vegetables, animal husbandry, etc. Some of the more scenic forested areas are used for nature-based activities (e.g. walking tracks) and more established activities (e.g. Art Centre and outdoor adventure activities).

The Chalet (motel / backpacker) together with the community hall complex is used for conferences, alongside dedicated guest and tourist accommodation for larger groups e.g. seasonal workers.

The community aims to be economically sustainable, and values partnerships to establish sustainable and appropriate ventures. An increased population will provide additional labour and skills to provide the economic base for a sustainable village.

Over 25 years Fusion and Poatina have worked with others in the Northern Midlands and Northern Tasmania to build a community that brings life to those who spend time in the village, region, and state.

2.0 CONTEXT OF THIS REPRESENTATION

The Tasmanian Planning Scheme represents an ideal opportunity to review the settings for use and development at Poatina and critically analyse whether planning controls are fit for purpose in the context of a long-established settlement.

It is noted that other settlements within the Northern Midlands municipality have been given significant attention in the LPS in regard to localised settings for use and development, through the application of multiple Specific Area Plans. It is in this context that Poatina Village submits that the physical and social circumstances of the settlement warrant unique provisions in the LPS to provide for a sustainable future.

In transitioning to the Tasmanian Planning Scheme, it is noted that there can be no 'translation' of the Interim Planning Scheme due to the differences in regulatory controls, nor is it appropriate to try to replicate current Interim Planning Scheme controls, as these have not served our community well. That being said, Poatina Village is conscious of any potential diminishment of use rights under the current Draft LPS.

In short, the preparation of the Draft Northern Midlands LPS presents an ideal opportunity to reset for the Village's future needs.

3.0 COMMUNITY ASPIRATIONS – ORIGINAL & ENDURING PURPOSE

The original purposes of Poatina as a private and intentional community, after Fusion Australia purchased the property from Hydro in 1995, remains and are enshrined in the Poatina Village Body Corporate By-Laws as a Strata Title under the Strata Titles Act of 1998. The purpose endures in the collaboratively developed update in 2013.

Any future strategic and other development of Poatina must enable and build the capacity of the Poatina Community to achieve those purposes.

The By-Laws of the Poatina Strata Title in the section *The Underlying Philosophy, Aims and Objectives of Poatina Village* explicitly state the original purposes of Poatina Village and its community after it was purchased from Hydro. New owners and residents still sign up to that statement ensuring that these purposes endure.

At the heart of these objectives is the intent to provide a safe secure place for young people and their families, along with programmes and services that support them in their need and provide opportunities for their future. These purposes promote the importance of a supporting community with a diversity of skills and worldviews and entrepreneurship.

These original Purposes were updated in 2012/13 through a comprehensive collaborative process between Fusion Australia, the Community and the Body Corporate and reflects the lived experience and aspirations of the Poatina Community.

The purpose agreed to by all remains essentially the same as the original statement, though it is somewhat more contemporary. The new purposes incorporate in addition, the place of art and creativity; continuing the support of young people and others in vulnerable circumstances; the important place of hospitality for tourism and enterprises; sustainability of all our social, physical, natural and economic environments; supporting Fusion; and the development of programs that build the capacity of all through learning and education.

Economic Drivers for Viability & Thriving

1. Enterprise that turns a profit on its financial and human investment:

The community is in the process of embedding an economic system that is both viable on its own terms and is interdependent with the wider community. The economy is driven financially by the services provided and the high value of human time and effort invested. The list below is a mix of existing and potential/planned enterprises.

a. Tourism, Conferencing, Food, Accommodation & Events

- Tourist / holiday accommodation
- Heritage Highway
- Drive Heartlands
- Key stop-off between the central plateau and the north and south
- Bus Tours stop-off & dining
- Camping
- RV facilities
- Poatina Chalet (Hotel/Motel/Hostel)
- Conference Centre (Business groups / Schools / Churches etc.)
- The View Restaurant
- Terra Populous
- Hard Enduro
- Poatina Hill Climb
- Numerous Cycling Groups & Challenges
- Bush & Nature Walks

Potential includes but not limited to (but environmentally sensitive):

- School adventure learning & permaculture experience
- Aboriginal education
- Sports training camps, schools, preseason training camps
- Art tours
- Eco-adventure and rope courses
- Bike trails
- Further tourist accommodation
- Glamping

b. Micro rural enterprises

- Field & Forest - poultry & pigs
- Rare Breed Roosters and Chickens
- Honey production

Potential includes:

- Bush foods

- Permaculture & Sustainability Education
- c. Existing central (CBD) enterprises
- Poatina General Store
 - Little Shop of Surprises - Gift Shop
 - Community Postal Agency
 - Op Shop
 - The Tiers Tea Lounge
 - Service Station
 - Poatina Tree Art Gallery
- d. Home-based enterprise
- Artisan works
 - Big Bite Dutch Treats (specialist bakery)
 - Holamry Enterprises (maintenance)
 - Carpet Cleaning
 - Various Consulting Businesses
 - Lawn mowing
 - Teaching & home-schooling
 - Food production in registered kitchens
 - Regional Boards & Committees based from homes
- e. Strengthening artist and artisan innovation, creation and sales
- Art Centre - glass blowing and other artists' spaces
 - Art Gallery
 - Local artisan enterprises
 - Film Festival
2. Strengthening economic management to enable a return, on the community's, capital investment:
- For several years, the Poatina Community has been operating under the internationally recognised ABCD model - Asset Based Community Development. This model recognises that a community has a set of capitals it invests in sustaining and growing its life. This is an intentional strategy and a way of the community organising its thinking and planning around economic sustainability.*
- a. **Human capital** - People with commitment, knowledge and skill
- The list above illustrates the place of human capital in the Poatina economy. Without the level of volunteering practiced in the community, it would be impossible to keep the enterprises open and tourist facilities and events available.
- b. **Economic Capital** - Interdependent economy and socially viable enterprise
- The Poatina community sees itself as interdependent in the region. Consequently, there is a valuable interchange between the Poatina community and the regional population. For example, Poatina is the centre for a number of families in the region who choose to home-school their children. Local farmers and residents are regulars at the general store, The Tiers Tea Lounge and events run by the Village.

c. **Built Capital** - Built property and utility assets

The community is over time improving the built assets, upgrading conferencing and accommodation facilities, maintaining and improving roads, underground assets (sewerage & water), lighting and the sewerage 'farm' etc.

d. **Environmental Capital** - natural assets to be preserved and improved

The Poatina community is very committed to improving the natural assets within the Strata Title in a sensitive and sustainable way and make the amenity available to residents, guests and tourists to appreciate the natural beauty of the bush, open grasslands and water courses.

e. **Purpose Capital** - Faith, meaning & purpose

The original reason for the purchase of Poatina - mostly under Strata Title - still holds as a central tenet as to why residents buy and choose to live in Poatina, whilst it is not a religious or exclusive community its purpose for existence remains an important capital in the economy of the owners and residents.

The Ideal Community Population

A central question in maintaining a viable intentional community is what is the optimum or ideal number and composition of a community. Over time there has been a range of anthropological and sociological research done on precisely that question. A common reference point used by anthropologists is what is known as '*Dunbar's Number*', generally in the range of 150 - 180.

Based on the experience of viable intentional communities over the past 50-100 years, it has become clear to the Poatina Community that we should be working to build and maintain a population of approximately 180 permanent residents fully contributing to community life. The current population is 109, with little room for family expansion. See the Housing and Accommodation section for more data on the current situation and reasonable potential for future development.

A population of this level would enable viability on several fronts:

1. Economic Viability and Thriving:

- a. Residential spend on community-run enterprises such as the general store, service station, post office, café, art gallery, op shop etc.
- b. A critical mass of Body Corporate levies-income to ensure infrastructure and common property is fully invested. Because of the community's unique responsibility to own and manage all its own infrastructure (sewerage, lighting, roads, access, and common property etc.) - without Council and other government funding - the more households that can contribute financially and in-kind to the Body Corporate the stronger the capacity of the community will be to develop and thrive.
- c. Innovation and local employment for residents providing services such as mowing, cleaning, mechanics, maintenance, renovation and construction etc.

2. Social and Organisational Viability:

- a. A reasonably sized (approx.180) and diverse population (age, socio-political, faith, professional/vocational background, family and other key characteristics) is most likely to contain a diverse set of skills needed for a strong and sustainable community.
- b. Poatina is heavily reliant on resident volunteers contributing in a wide range of ways to both enterprises and community facilities. Whilst some of the enterprises are employing staff, all are reliant on volunteers to remain viable and to make the tourist and guest experience engaging.
- c. The village is remote from essential services such as public transport, medical and affiliated services, mechanical and hardware services, the community strongly supports each other in meeting those needs. The greater the population (within reason) the better those needs can be met.

3. Environmental Sustainability and Enhancement:

- a. Capacity to manage the land and provide safe and productive grasslands, parklands, golf course, water courses and forests is greatly increased.
- b. Stewardship and perma-culture - the community is seeking an increase in the population of those share these values and come with skills to work in harmony with and enhance the natural environment.

The community is engaging expert input into establishing a development strategy and is having ongoing discussions with potential philanthropists and appropriate investors/owners committed to providing low-cost, innovative, eco-efficient and attractive housing.

Self-owned and Managed Infrastructure

Unlike most township or village communities that are under the administration of a local council and other public utilities, Poatina manages - at its own cost - a comprehensive infrastructure including sewerage, water, lighting, roads, footpaths, public facilities, open spaces and other common property.

When the Poatina Village was purchased in 1995 to meet the objectives outlined in the original and enduring purposes, the Body Corporate inherited an excellent but ageing infrastructure that required both ongoing maintenance and eventually renovation or replacement.

With a few exceptions, funding for the maintenance, renovation and improvement of all infrastructure within the Poatina is raised by levies and resources paid and raised by unitholders. Some of the facilities such as fencing, gates, fire access have been supported from philanthropic resources and resident donations and time.

The exceptions that have received government funding are the education facilities in both the valley precinct and the campus located in the residential precinct, golf course irrigation system, community garden grant, and the Arts Centre in the southern natural precinct known as 'old Poatina.'

The Fire Station is made available by the Village community to the local Tas Fire chapter free of charge including electricity and water. This Fire Station houses the fire truck, PPE and other necessary equipment.

Ambulance Tasmania appointed a Community Emergency Response Team (CERT) in the village in 2012 consisting of village-based Volunteer Ambulance Officers.

Since 2012 The Body Corporate has commenced a program of investing in upgrading an ageing infrastructure (including sewerage plant, roads, sewer mains in the residential precinct, introduction of an LED lighting program for pedestrians etc.) with a focus on both renovation and preventative measures.

The infrastructure improvement program has been an intentional strategy to:

1. Reduce risk of major breakdown and consequent expense,
2. To make every effort to build the foundations for a sustainable future,
3. To meet projected demand created by needed growth and enterprise,
4. Setting the Village up for the next generation and future development by building efficiency and reliability.

4.0 WHY DOESN'T THE DRAFT NORTHERN MIDLANDS LPS WORK FOR POATINA?

The Draft LPS as notified, does not appropriately consider the fact that Poatina is an established settlement and will apply regulations that will undermine the ability of the Village to achieve the goals stated above.

It is noted that there is virtually no reference to Poatina in the supporting report to explain any zoning rationale or any underlying strategy that appropriately considers the future needs of the settlement.

The Draft LPS proposes to carry through the current Village zoning over the primary developed area, Recreation zoning over the golf course and pool and Utilities zoning over wastewater treatment facility. However, the Draft LPS proposes a change to the zoning of the balance of the land, which is currently Rural Resource Zone, to the Landscape Conservation Zone. Presumably this is to reflect the large portion of the site that is subject to the Scenic Protection Overlay, however there has been no apparent scrutiny in regard to the range of allowable uses that will become discretionary or prohibited or the restrictive nature of the operational provisions, with the consequential loss of development and economic opportunity.

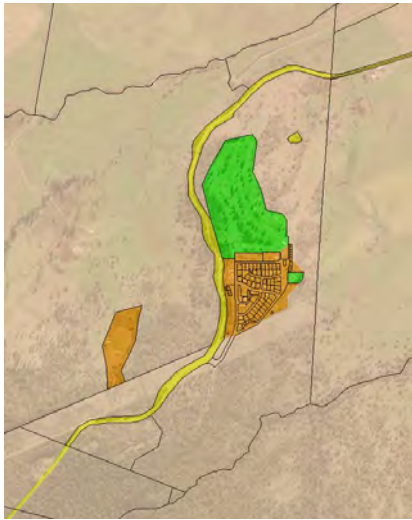


Figure 1: Current zoning

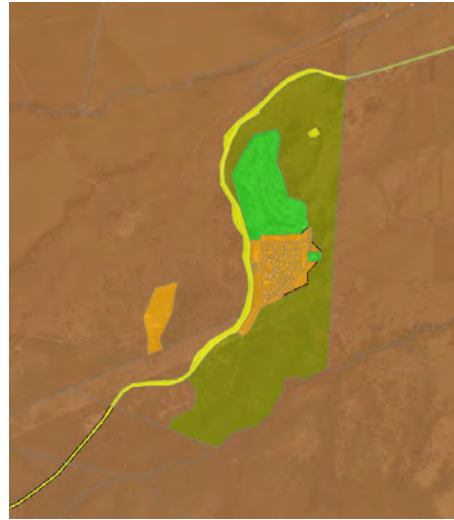


Figure 2: Proposed Draft LPS zoning

The Scenic Protection Area overlay was declared a 'transitional provision', which means that it cannot, in effect, be scrutinized for suitability of application and altered accordingly. The provisions of the Scenic Protection Code include a standard that works are to be below 50m in elevation below the skyline. The entirety of the developed urban area and the golf course are within 15 metres of the crest of the hill and will be subject to discretionary assessment for any buildings or works. Although one could debate at length what constitutes the 'skyline' in this circumstance as there are innumerable vantage points, the point of the submission is that it is entirely inappropriate to apply a scenic protection area to an established urban environment due to the uncertainty and unnecessary discretions this generates.



Photo 1: View southwest to 'Poatina hill' from Poatina Road.

Why do unnecessary discretions matter? ... Because they are expensive for landowners and result in unnecessary delays to reasonable, and entirely anticipated, development.

In consideration of the practical needs and aspirations of the community described above, the combination of the proposed zoning together with the scenic protection area overlay does not adequately provide the flexibility required to achieve community sustainability in the future.

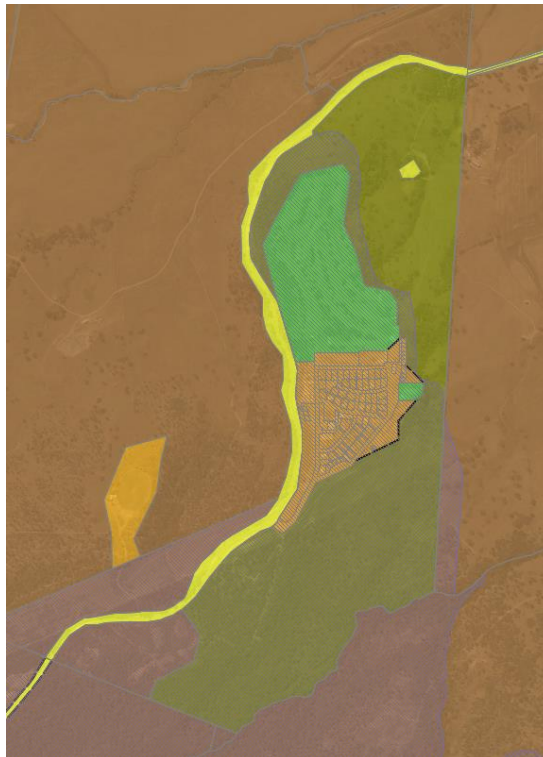


Figure 3: Scenic Protection Area overlay over proposed zoning.

5.0 AN ALTERNATE APPROACH

Poatina Village submits that the land contained within the strata scheme and the 'valley campus' site be zoned Particular Purpose Zone (PPZ) containing various precincts that respond to the characteristics of the site to provide for:

- residential development in appropriate locations to support population growth;
- economic opportunity capitalising on existing infrastructure and the unique environmental and locational attributes; and
- enhancement of the environment to ensure a safe and prosperous community.

The highly unique nature of the Poatina settlement in terms of the strata tenure, size of the settlement and location, makes it ideally suited to a PPZ with regulatory controls that are fit for purpose, enabling the community to be agile in responding to, and pursuing, economic opportunities in progressing a self-sustaining community.

In this regard, it is proposed that each precinct provide for select uses in accordance with the future vision for the site.



Figure 4: Proposed Particular Purpose Zone over the Poatina Village strata scheme and CT53397/3

The proposed precincts are shown in Figure 5 and described below.

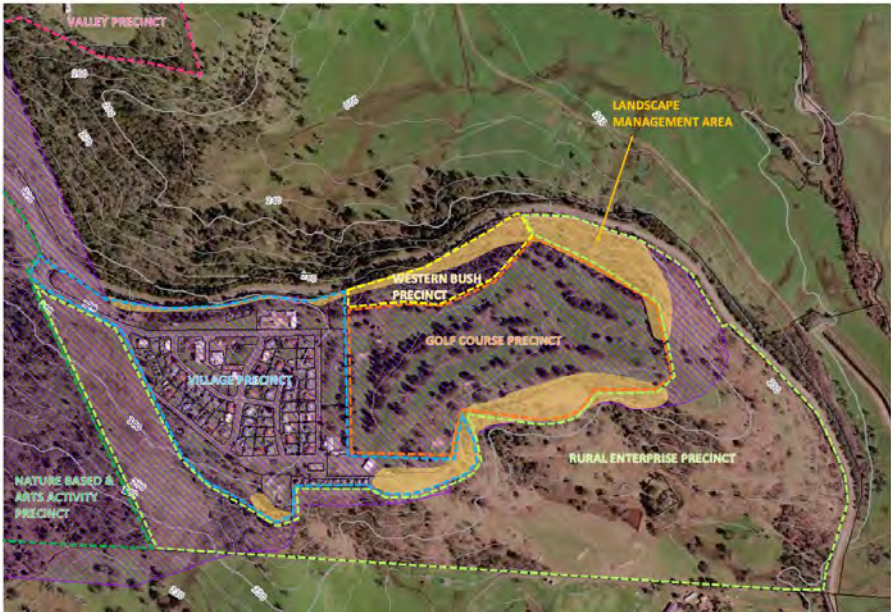


Figure 5: Proposed precincts within the Particular Purpose Zone and the transitioning scenic protection area.

Village Precinct:

The Village Precinct encompasses the main developed urban area together with peripheral undeveloped areas that have potential to locate:

- infill housing amongst the existing housing stock;
- new houses accommodating diverse household sizes;
- visitor accommodation, both stand alone and as an integral part of the Poatina Chalet;
- enhancement and expansion of the golf club facilities;
- enhancement and expansion of the education facility; and
- enhancement and expansion of the conferencing/function centre capability.

Uses would reflect a village environment:

Use Class	Details of existing, planned, and potential uses
Business and Professional Services	Administration office, post office.
Community Meeting and Entertainment	social, religious, and cultural activities, entertainment, and meetings. art and craft centre, place of worship, cinema, civic centre, function centre, library, public art gallery, public hall.
Educational and Occasional Care	educational or short-term care purposes. Examples include a childcare centre, day respite centre, employment training centre.
Emergency Services	Fire station.
Food Services	Examples: cafe, restaurant and take away food premises.
General Retail and Hire	Examples: General store, Art Gallery, Gift Shop, Op Shop.
Natural and Cultural Values Management	Land to protect, conserve or manage ecological systems, habitat, species, cultural sites or landscapes.
Passive Recreation	Public parks, gardens, and playgrounds.
Residential	Self-contained or shared accommodation.
Sports and Recreation	For organised or competitive recreation or sporting purposes Examples: a bowling alley, fitness centre, gymnasium, outdoor recreation facility, children's play centre, swimming pool.

Storage use	Small scale self-storage (within old school building or similar).
Tourist Operation	Specifically, to attract tourists, other than for accommodation. Examples include a theme park, visitor centre or interpretation centre.
Utilities	Collecting, treating, transmitting, storing, or distributing water; or collecting, treating, or disposing of storm or floodwater, sewage, or sullage. electrical sub-station or powerline.
Vehicle Fuel Sales and Service	Ampol service station.
Vehicle Parking	Various spaces associate with the central business district, offices, community hall, village green and the Poatina Chalet provide ample parking.
Visitor Accommodation	Chalet, self-contained cabins, caravan parking and camping.

The available areas that could potentially accommodate additional buildings for both housing and visitor accommodation have been analysed, with the aim of achieving the identified ideal community population of 150 to 180 with a mix of families, singles, and couples with a broad range of ages.

Increased housing required can be achieved largely within the existing village footprint, with some changes to current land use within and around the perimeter of the current village to maximise the advantages of the topography and access to services.

To achieve this, we would consider the following strategies:

1. Utilising land within current residential area occupied by storage and maintenance compounds,
2. Some higher density housing on current residential blocks, and
3. Building on current vacant land.

The current 54 brick houses provide an adequate number of dwellings for family homes. With almost 75% of current houses under-utilised, there is a need for 2BR dwellings for older residents or singles with a smaller footprint so that over time the existing 3BR houses are available for a higher occupancy. There are currently 71 dwellings in total.

Approximately 13 additional dwellings could be achieved through infill, with the balance area of approximately 4.3 hectares of useable vacant land having capability to accommodate a mix of new houses and visitor accommodation units. Ideally, to achieve a sustainable population of 180 people, an additional 35 houses would be required at an occupancy rate of 2 people per dwelling.

The Village Precinct provisions would place an upper cap on the number of additional residential dwellings as an acceptable solution, with performance criteria to assess circumstances where this is exceeded.

Higher density housing considerations:

1. The preference would be duplex and villa type developments, clustering the built footprint to maximise open space producing attractive liveable environment.
2. Consideration of clustering building and orientation of buildings to maximise open space and minimise as much as possible impact on current residences that currently view open space.
3. Where possible, ground level could be lowered to reduce new building height when viewed from current residences.
4. Continue with residential building only being single storey to maintain character of village and minimise visual impact of any new build.

Two primary areas have been identified as most suitable for short term (tourism) accommodation development:

- Chalet and Tourist accommodation:

The area is both north and south of current Poatina Chalet building.

1. Area south of current Chalet building, could be motel unit or self-contained cabins close to current building with a gradual transition to more open space cabins through to caravan and camping. Ensuring there is an attractive “parkland” feel to the development as an entrance statement to Poatina. This could be further enhanced by landscaping the area from opposite the community hall to the labyrinth.
2. Area north of current Chalet building, this area could also be used for cabins/caravans and camping or developed as an extension of current building. A new build would enable improvements to accessibility of accommodation. Maintaining approx. the same height as current building an extension could be two storeys, this would provide magnificent views to the Great Western Tiers. Consideration would need to be given to the impact on view from 30 Gordon St.
3. Area west of current Chalet building, is suitable for building a deck out from the dining area to enhance the experience offered, by providing an alfresco area with uninterrupted views of great Western Tiers. The deck could be continued north to provide outdoor space for commissioner suite and Room 2.

There may be a need to change the roof line of the Chalet building in the future, going to gable roof over part or all the building to overcome some of the ongoing water leak issues inherent in original design.

- Self-contained Tourist accommodation east of village:
 1. As the land slopes away from Wilmot St the ground level could be lowered before building to reduce visual impact on current residential properties and with

appropriate landscaping provide privacy and sense of isolation for guests. Cabins built in this area would have magnificent views across Esk Valley.

2. Building of self-contained cottage type development, which would need to be built in such a way as to provide privacy and sense of private space.

- Utilities - Workshops, equipment storage compound:

To provide suitable and adequate space for storage of equipment required to maintain community areas of the village. The area immediately adjacent and behind the Training centre building facing Denison St could be utilised, purpose built sheds with appropriate placement and screening to ensure minimal visual impact from Denison Av.

Golf Course Precinct:

The area comprising the Golf Course and parts of Lot 64 to the West and North-West of the Golf Course. This includes the areas that are too steep to be cultivated and the burial ground to the north of the Golf Course.

If the Golf Club should close in the future, the area could be used for small-scale rural enterprise or other recreational/tourist uses. Currently, the golf course land could accommodate a small degree of development encroachment from the Village if it were required.

The purpose of the precinct is to provide for passive and active recreation and allow for some future development that will not reduce the area for recreational purposes by more than 30%.

It is submitted that the following uses would be provided for:

Use Classes Included	Details of existing, planned, and potential uses
Natural and Cultural Values Management	
Passive Recreation	
Sports and Recreation	Golf course, Bike paths and walking tracks, Bike and/or Skate park/play ground/adventure playground.
Visitor accommodation	Overnight camping and caravan park. Not exceeding 1 ha in total area.
Utilities	If for minor utilities.
Educational and Occasional Care	Not exceeding 100 person capacity.

Western Bush Precinct:

This area is located west/northwest of the Poatina Golf Course and is comprised largely of steep sloping grassland, aging pine trees and local flora.

It is submitted that the following uses would be provided for:

Use Classes Included	Details of existing, planned, and potential uses
Natural and Cultural Values Management	Bush Food education.
Passive Recreation	Bike tracks Walking Tracks.

Rural Enterprise Precinct:

Currently primarily grass and grazing land, older trees with wild black wattle amongst other regrowth. At the time of Hydro settlement this area was largely grassland with some edge housing. This precinct also holds the site of the wastewater treatment plant.

It is submitted that the following uses would be provided for:

Use Classes Included	Details of existing, planned, and potential uses
Educational and Occasional Care	Bush Food education.
Crematoria and Cemeteries	Burial ground administered by NMC. Not to exceed 100 burials. Erection of a columbarium. Bush Chapel & reflection space.
Motor Racing Facility	Trials.
Passive Recreation	Mini Golf Course, Reflection Spaces, Walking Trails already exist, but could be enhanced and extended.
Resource Development	Grazing, Small scale animal husbandry, Small scale horticulture, Apiary.
Sports and Recreation	
Storage	Maintenance compounds.
Tourist Operation	Esk Valley Vista barbeques and picnic areas.
Visitor Accommodation	RV and camping opportunities, Camping / Glamping overseeing the Esk Valley.
Utilities	Sewerage processing.

Nature Based and Arts Activities Precinct:

This forested area is located south of the main entrance to the Poatina Village and contains the Art Centre and what is known as 'old Poatina' with remnants of Hydro facilities including concrete rafts, roads, and tracks. This area borders on to existing Hydro land.

The Poatina Community is planning to use the precinct as a centre for nature-based learning, art and artisan activities, and other activities utilising the bushland environment.

It is submitted that the following uses would be provided for:

Use Classes Included	Details of existing, planned, and potential uses
Community Meeting and Entertainment	Arts and craft centre.
Educational and Occasional Care	
Food Services	
Motor Racing Facility	Hard Enduro events.
Natural and Cultural Values Management	
Passive Recreation	Bush & Nature walks.
Sports and Recreation	Ropes courses.
Tourist Operation	
Visitor Accommodation	Caretaker's Residence, Artist in residence.
Manufacturing and Processing	Small scale art and artisan production.

Valley Precinct (CT53397/3):

The Valley precinct has previously been utilised as Poatina Oval, part of Trinity College, part of Capstone College.

Future uses under consideration include conference/training facilities; in conjunction with accommodation provided by Poatina Chalet.

Space for extension of village small enterprises

Part of sustainable living (permaculture) training facility/enterprise, with possible accommodation for live in training or small scale sustainable "Eco village" residential.

Additional tourist accommodation, caravan/camping area.

Youth support programs, working with youth at risk/marginalised youth, as a training space and/or "safe space" for counselling. The distance from main village would enhance such programs by providing a quieter, non-confronting venue.

The open space and oval could be developed for outdoor education facilities or sports training facility for school camps and community groups.

It is submitted that the following uses would be provided for:

Use Classes Included	Details of existing, planned, and potential uses
Business and Professional Services	Office for training centre, outdoor recreation, or sustainable living enterprise.
Community Meeting and Entertainment	Meeting rooms for training or other activities.
Domestic Animal Breeding, Boarding or Training	Used by local enterprise for housing or training domestic animals.
Educational and Occasional Care	Training such as sustainable living, art and craft, cultural, religious. And /or outdoor education.
Food Services	In conjunction with other activities, café or restaurant, function centre.
General Retail and Hire	If developed as tourist, eco village or other facility may include small retail or souvenir shop.
Manufacturing and Processing	Small scale enterprises could include Dutch Treats, honey processing, woodworking workshop.
Natural and Cultural Values Management	Preservation of current natural environment and replanting as part of sustainable living enterprise/training.
Passive Recreation	Bush walking, bike riding, playground, park.
Residential	Limited residential accommodation to be associated with enterprise utilising this area such as sustainable living.
Resource Development	Small scale livestock or horticulture.
Sports and Recreation	Sports events utilising current oval or surrounds, both for village and external organisations.
Storage	Self-storage facility
Tourist Operation	Accommodation and activities as part attracting visitors to Poatina, adventure course, bike tracks, display.
Utilities	Current infrastructure or as required as part of enterprises.
Vehicle Parking	Associated with accommodation and facilities/activities.
Visitor Accommodation	Self-contained cabins, caravan park, camping area.

Overriding Provisions – Substitution for the Scenic Protection Area

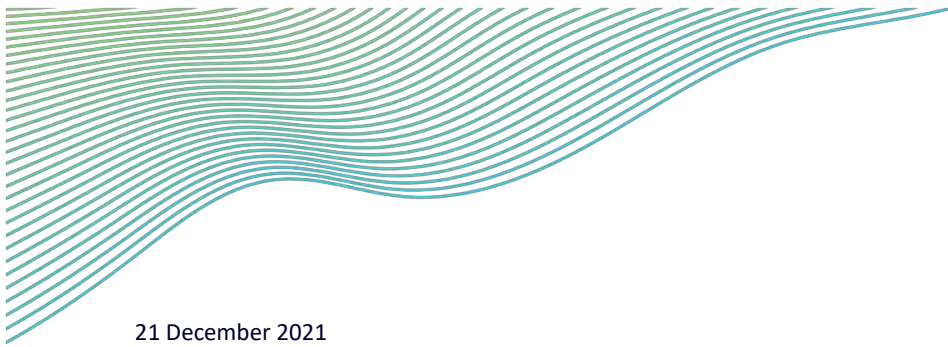
The Act provides that local provisions, through a Particular Purpose Zone, Specific Area Plan or Site Specific Qualification may override the State Planning Provisions through substitution, if it can be demonstrated that the land has social, spatial, environmental or economic qualities that warrant unique provisions.

Assuming acceptance of the submissions above, it is appropriate to utilise the provisions of a particular purpose zone to override the unreasonable impost of the scenic protection area over the Village, Golf Course and part of the Western Bush Precincts. In recognition of the visibility of the 'edges' of Poatina hill and that there is some visual amenity and mitigation in standing vegetation at the periphery of the settlement, it is submitted that 'landscape management areas' are identified instead where standards for light reflectance for building materials are applied (consistent with other provisions of the TPS) together with some reasonable controls for standing vegetation and bushfire protection, to ensure sensitive development responses without unnecessary discretions.

Early discussions have also been held with Tasfire in regard to including recognition of a TFS endorsed Bushfire Hazard Management Plan.

Conclusion:

As described above, Poatina Village considers that the importance of future economic and social sustainability warrants a more substantive consideration of future prospects under the Tasmanian Planning Scheme than has been undertaken to date. We trust that the community's vision for the future is adequately explained and, given the significant disadvantage to Poatina in regard to timeframe when compared to numerous other settlements within the Northern Midlands which have been subject to detailed consideration, we reserve the right to make further submissions in regard to the detail of the proposed LPS content to give effect to our objectives through the LPS process.



Representation 8 - Hydro Tasmania



21 December 2021

Northern Midlands Council
PO Box 156
Longford TAS 7301

Dear Sir or Madam

INVITATION FOR COMMENT DRAFT NORTHERN MIDLANDS PROVISIONS SCHEDULE – TASMANIAN PLANNING SCHEME

We would like to thank you for the opportunity to comment on the Draft Northern Midlands Local Provisions Schedule.

While Hydro Tasmania has no comment to make on the Local Provisions Schedule specifically, we would like to take this opportunity to recommend alterations to the zoning of land and application of codes in the vicinity of Hydro Tasmanian assets in the Northern Midlands Council Municipal area. The purpose of these recommendations is to ensure the consistent application of zones to support the ongoing operation, maintenance, upgrade, replacement and redevelopment of electricity generating assets (i.e. dams, power stations, and water conveyances) that are of critical importance to the social and economic development of the State.

Specifically we recommend that the following hydro-electric infrastructure should be zone Utilities rather than Agriculture or Rural under the Northern Midlands LPS –

- Poatina Penstock (Parts of CT100739 and CID 809692, 30m either side of the penstock)
- Poatina Tailrace (CT53397/9, CT34/6257, CT150837/1, CT34/6258)
- Poatina Reregulation Pond (CT137226/1, CT137226/2, CT137226/3, CT43/6859)

Attachment A includes Plans providing the indicative extent of the proposed zoning. A copy of the final shapefiles of our assets and zones can be provided to allow you to understand the necessary extent of zone boundaries.

This request is consistent with the Tasmanian Planning Commission's Guideline No. 1 - Local Provisions Schedule (LPS): zone and code application which provides the Utilities Zone should be applied to land that is used, or intended to be used for major utilities infrastructure including electricity production facilities including power stations.

4 Elizabeth Street Hobart TAS 7000 | GPO Box 355 Hobart TAS 7001 Australia
t 1300 360 441 | f +61 3 6230 5363 | e contactus@hydro.com.au | w www.hydro.com.au

Hydro-Electric Corporation | ABN 48 072 377 158



Northern Tasmania Regional Land Use Strategy

This recommendation of zoning Hydro Tasmania's assets as Utilities is consistent with the Strategic Direction Goal 1.2 of the Northern Tasmania Regional Land Use Strategy –

Coordinate provision of transport, energy, communities and other infrastructure services with appropriately zoned and located land for development.

As well as Strategic Direction Goal 3.2(d) –

Support renewable/alternative energy by:

- *Promoting and protecting future renewable energy opportunities including wind, tidal, geothermal and hydro generation; and*
- *Strengthening strategic support for the development of renewable energy infrastructure.*

State Planning Provisions

The State Planning Provisions (SPP) recognises the purpose of a Utilities Zone as providing land for major utilities installations and corridors, as well as other compatible uses where they do not adversely impact on the utility.

Hydro Tasmania is of the opinion that a Utilities Zone will:

- better reflect the primary use of the site,
- protect redevelopment options for the asset lifespan,
- appropriately reflect the nature of the asset and allow for the future operation, maintenance and development requirements of the asset, and
- communicate a clear message to the community about the existing and long term use of the site.

Section 8A Guideline No.1 Local Provisions Schedule – LPS Zone and Code Application

The Guideline states that *the Utilities Zone should be applied to land that is used, or intended to be used, for major utilities infrastructure, including: (d) energy production facilities, such as power stations.* It also states that *the Utilities Zone may be applied to land for water storage facilities for the purposes of water supply directly associated with major utilities infrastructure, such as dams or reservoirs.*

As such it is necessary to recognise that the primary objective in the application of particular zones is to achieve the zone purpose to the greatest extent possible. As such we feel that the careful application of the Utilities Zone that reflects the asset footprint is more appropriate and will provide for the protection of existing use rights of infrastructure that is of critical importance to the economic development of Tasmania.



Further, the application of the Utilities zone in this way is consistent with application decisions of the TPC in assessing the Derwent Valley Interim Planning Scheme, Central Highland Interim Planning, and more recent the Meander Valley LPS.

Scenic Protection Code

Similar to the application of the Utilities Zone, we would recommend alterations to the mapping of the Scenic Protection Code in relation to Hydro Tasmania infrastructure within the Great Western Tiers Scenic Protection Area (NORC8.1.5).

While the proposed Scenic Protection Code seeks to protect the values of the Great Western Tiers, the mapping of the code already excludes a number of notable assets, such as the Poatina Power Station access and workshops. Consistent with this approach, and our recommended zoning of the Poatina Penstocks, we propose that the mapping of the Western Tiers Scenic Protection Area (NORC8.1.5) not be applied to the land.

If you wish to discuss this suggestion further, please do not hesitate to contact me on 0402 822265 or at ian.jones@hydro.com.au.

Yours sincerely,

A handwritten signature in black ink, appearing to be "Ian Jones", written in a cursive style.

Ian Jones
Environmental Planning and Policy Specialist



Attachment A.
Poatina Penstock



Poatina Tailrace



Reregulation Pond



Representation 9 - John Thompson

220 Raymond Road
Gunns Plains TAS 7315

21st December 2021

Planning Authority
Northern Midlands Council
PO Box 156
LONGFORD TAS 7301

Via email: lps@nmc.tas.gov.au

Representation about the Northern Midlands Draft LPS – request to rezone 188 titles from Agriculture to either Rural or Landscape Conservation Zones.

Summary

The application of the Agriculture zone to nearly all private properties not identified in the 'Land Potentially Suitable for Agriculture Zone' layer is clearly contrary to the Commission's Guideline No 1 and the intent of the Agricultural Land Mapping Project prepared and published by Department of Justice, Planning Policy Unit. These errors by the Northern Midlands Planning Authority need to be rectified as soon as possible.

It is proposed that the 185 titles that have been zoned Agriculture in the Draft Zone Map, but not identified in the 'Land Potentially Suitable for Agriculture Zone' layer, should be rezoned to either Rural or Landscape Conservation, and the Priority Vegetation Area be applied where indicated by the Regional Ecosystem Model. Three titles at Liffey zoned Agriculture but identified as Potentially Constrained (Criteria 3) should also be rezoned.

34 of the 35 titles adjoining the World Heritage Area and/or overlain by the NOR-C8.1.5 Great Western Tiers Scenic Protection Area should be rezoned to Landscape Conservation based on Guidelines LCZ1 or LCZ2. A further 22 titles containing Private Reserves protected by conservation covenant should also be rezoned as Landscape Conservation based on Guideline LCZ1. The remaining titles should be zoned Rural unless the demonstrated presence of threatened vegetation communities, flora, fauna or habitat qualifies them for Landscape Conservation under Guideline LCZ2 (a).

The owners of some of these titles at Liffey have made representations requesting rezoning to Landscape Conservation and these changes should be applied as modifications during the current Northern Midlands Draft LPS Assessment process under the provisions of Section 35K.

As the remaining changes would constitute a substantial modification, and in the interests of natural justice for all affected landowners who have not made representations, the modified zoning and code overlay for the remaining titles should be exhibited as an Amendment to the LPS under the provisions of Section 35KB. As these changes cannot be made during the current Assessment under the recently amended Act it is imperative that they take effect at the earliest opportunity allowed by the Act.

Page 1 of 32

Representation on behalf of Northern Midlands landowners at Liffey

Building on representations made by various landowners at Liffey requesting rezoning to Landscape Conservation, I have been asked by some of those landowners to submit a separate representation presenting the case for rezoning similar properties zoned Agriculture that were not identified in the 'Land Potentially Suitable for Agriculture Zone' Layer along the Great Western Tiers and elsewhere in the Northern Midlands municipality.

Herbert and Sally Staubmann
Garry and Marie Stannus
Lothar and Judith Reiner
Rocelyn Ives

Titles proposed for rezoning to Rural or Landscape Conservation

The Northern Midlands Draft Zone Map has been compared with the Agricultural Land Mapping Project (ALMP) Mapping Layer 2 which appears in ListMap as the 'Land Potentially Suitable for Agriculture Zone' Layer. It is immediately evident that the Planning Authority has applied the Agriculture Zone to almost all private titles in that Layer, including the uncoloured titles within the ALMP study area.

Table 1, included at the end this representation, lists the 185 privately owned titles in Northern Midlands Draft LPS not identified in the 'Land Potentially Suitable for Agriculture Zone' Layer but zoned as Agriculture. The 185 titles have been further analysed against the following attributes:

- Whether the title contains a conservation covenant or adjoins a conservation covenant
- Whether the title adjoins the Tasmanian Wilderness World Heritage Area
- Whether the title adjoins a Public Reserve under the *Nature Conservation Act 2002* or adjoins a Sustainable Timbers Tasmania Informal Reserve within the Tasmanian Reserve Estate
- The Land Capability Class or Classes applying to the title
- Whether the title is covered by a Scenic Protection Area

Table 2 lists three privately owned titles not identified in the 'Land Potentially Suitable for Agriculture Zone' Layer but zoned as Environmental Management because they fall within the Tasmanian Wilderness World Heritage Area.

Table 3 lists three privately owned titles at Liffey identified as Potentially Constrained (Criteria 3) in the 'Land Potentially Suitable for Agriculture Zone' layer (ALMP Mapping Layer 2) and zoned as Agriculture that should also be rezoned to Landscape Conservation.

Planning Authority's flawed rationale for rezoning the 185 titles from Rural Resource to Agriculture

The Planning Authority's rationale for zoning these titles as Agriculture is simply that they are currently zoned Rural Resource under NMIPS 2013. On p 88 of the Supporting Report it states:

Based on the comparison of provisions between existing zones and SPP zones as documented in Appendix 1, Council reached the decision that the Agriculture zone most closely aligned with the current provisions of the Rural Resource Zone in the NMIPS 2013. Hence, this is the fundamental transition applied to all land currently zoned Rural Resource, including the Rural Resource zoned land excluded from the PPU project analysis.

Map 1 shows the 'Land Potentially Suitable for Agriculture' layer (ALMP Mapping Layer 2) at Liffey to illustrate some the titles (red border) that are the subject of this representation, and Map 2 shows the equivalent Draft Zone Map from the Northern Midlands Draft LPS.

All 185 titles not identified in the 'Land Potentially Suitable for Agriculture Zone' layer were analysed by the ALMP during Steps 1-4 of the their methodology which produced the 'Potential Agricultural Land Initial Analysis' Layer (see Map 3) and this is confirmed in the *Agricultural Land Mapping Project – Background Report – May 2017* on Page 7 under '2.2.1 Step 1 – Definition of study area'.

The Background Report adds on the bottom of p 11

The mapping produced through Steps 1 to 4 created the Potential Agricultural Land Initial Analysis mapping layer (Mapping Layer 1) ...

which confirms that all 185 titles were analysed during Steps 1 to 4 of the methodology.

What the Planning Authority appears to have misunderstood in the Mapping Project methodology is that the land within the Study Area but not classified during Step 6 analysis as:

- Unconstrained agricultural land ;
- Potentially Constrained agricultural land (Criteria 2A);
- Potentially Constrained agricultural land (Criteria 2B); or
- Potentially Constrained (Criteria 3)

was also analysed at Step 5. The Background Report states at the top of p 15:

'Titles with areas less than 50% mapped in Mapping Layer 1 were further analysed by Senior Agricultural Consultants for potential inclusion, taking into consideration the areas of mapped ES Clusters.'

It was during Step 5 that the 185 properties and the other uncoloured titles in Mapping Layer 2 (Map 1) were excluded as candidates for the constraints analysis at Step 6. Under Guideline AZ7 the Commission describes such land as

Land not identified in the 'Land Potentially Suitable for Agriculture Zone' layer.

The reason why these titles were excluded during Step 5 is explained in the Background Report. The ALMP analysts determined that they were not suitable for Agriculture Zone following consideration of five broad Enterprise Suitability clusters in their Table 2 on page 9 of the Background Report. In particular, the ESS Cluster, the most relevant to this land, is based on TASVEG 3.0 and the Land Capability data.

Map 4 shows the 'Land Capability' Layer at Liffey where most of the titles are fully or mostly covered by Land Capability Class 6. According to the Land Capability Handbook 2nd Edition (Grose, 1999) Class 6 is:

Land marginally suitable for grazing because of severe limitations. This land has low productivity, high risk of erosion, low natural fertility or other limitations that severely restrict agricultural use. This land should be retained under its natural vegetation cover.

181 (97.8 %) of the 185 titles contain Class 6 land and 20 (10.8 %) of the 185 titles contain Class 7 land which is:

Land with very severe to extreme limitations which make it unsuitable for agricultural use.

The 'Land Capability' classification for all of these titles by DPIPWE is based on field analysis as shown in the pop-up window for Title Ref 209745/1 at 240 Jones Road, Liffey in Map 4.

Non-compliance with Guideline AZ7 and Practice Note 6

No evidence has been presented by the Planning Authority in its Supporting Report justifying that the 185 titles be included in the Agriculture Zone under Guideline AZ7 (a), (b), (c) or (d), or that it had

regard to the extent of the land identified in the 'Potential Agricultural Land Initial Analysis' layer.

These are necessary conditions for the application of the Agriculture Zone to

Land not identified in the 'Land Potentially Suitable for Agriculture Zone' layer.

Practice Note 6 - Preparing draft Local Provisions Schedules (LPSs) for exhibition - states

The report should also detail any additional information and the rationale where a zone or code has been applied using considerations that vary from those that are set out in Guideline No. 1.

No additional information on the 185 titles has been provided in the Supporting Report and the unsupported rationale is limited to a few bullet points.

Inconsistency of Northern Midlands zoning with neighbouring municipalities

Guideline 3.5 in the Commission's Guideline No 1 states:

The spatial application of zones and codes should as far as practicable be consistent with and coordinated with the LPS that applies to an adjacent municipal area as required by section 34(2)(g) of the Act.

The application of the Rural and Agriculture Zones across the Northern Midlands municipality is neither consistent nor coordinated with the Meander Valley LPS to its north west, or the Draft Southern Midlands LPS to its south.

This is illustrated in Map 5 which shows the extensive use of the Rural Zone along the Great Western Tiers escarpment in the adjoining Meander Valley Zone Map and no use of the Rural Zone along the Great Western Tiers escarpment in the Northern Midlands Draft Zone Map, apart from four Sustainable Timber Tasmania (STT) PTPZ titles on public land which the Planning Authority is required to zone as Rural.

It is further illustrated in Map 6 which again shows the extensive use of the Rural Zone in the Southern Midlands Draft Zone Map along the slopes of the Central Plateau with no use of Rural Zone across the municipality boundary in Northern Midlands apart from one STT PTPZ title on public land.

The blanket application of the Agriculture Zone across nearly all titles zoned Rural Resource in NMIPS 2013 is in stark contrast to the approach taken in other municipalities. The *Decision Tree and Guidelines for Mapping the Agriculture and Rural Zones - 20 April 2018* prepared by AK Consultants for the Southern Councils (including Southern Midlands and Central Highlands), and used by those and many other Councils, has resulted in a relatively consistent use of these two zones in those municipalities. The same consultants were engaged by Meander Valley to inform the use of Rural and Agriculture Zones in their Draft Zone Map.

It is therefore not surprising that the Northern Midlands Draft Zone Map is neither consistent nor coordinated with surrounding municipalities as required under section 34(2)(g) of the *Land Use Planning and Approvals Act 1993*, let alone the rest of the state.

If Northern Midlands Planning Authority had used the AK Consultants Decision Tree it would not have applied Agriculture Zone to Land Capability Class 6 and 7 land and would have applied the Landscape Conservation Zone to all the titles containing Private Reserves (see pages 13-14 of the Decision Tree document). It would also have considered Landscape Conservation Zone as more appropriate than the Rural Zone for other titles as discussed below.

Case for rezoning to Landscape Conservation the 31 of the 32 titles adjoining the World Heritage Area and overlain by the Great Western Tiers Scenic Protection Area

The case for rezoning the five titles at Liffey containing Private Reserves protected by conservation covenant (Title Refs. 202805/1, 246184/2, 204354/1, 45838/1, 150038/1) is based on Guideline LCZ1 as they are already identified for protection and conservation. These titles are the subject of separate representations by the landowners requesting rezoning to Landscape Conservation. The remaining 26 comply with Guideline LCZ2.

Guideline LCZ2 states:

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; ...*

The remaining 26 titles along the Great Western Tiers listed in Table 1 comply with LCZ2 (a), with some of them being the subject of representations by the landowners requesting Landscape Conservation Zone, and all of them complying with LCZ2 (b) as they are overlain by the NOR-C8.1.5 Great Western Tiers Scenic Protection Area (see Map 7). The only title that appears to be used for Plantation Forestry is Title Ref. 234474/1 at Boons Road, Blackwood Creek and this is not included in the 31 titles proposed for Landscape Conservation Zone.

Furthermore, nearly all of these titles, including Title Ref. 234474/1, adjoin the Tasmanian Wilderness World Heritage Area (see Map 8). The Australian Government's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) regulates actions occurring on these titles that are likely to have a significant impact on the World Heritage values of the Tasmanian Wilderness. This restriction on use and development on those properties serves to strengthen the case for applying the Landscape Conservation Zone.

Map 9 shows the Draft Zone Map along the full extent of the Great Western Tiers in Northern Midlands with the Agriculture Zone butting against the Environmental Management Zone. Map 10 shows the Great Western Tiers SPA overlaying all of the private titles along the escarpment. The titles can be seen as the uncoloured titles in Map 11.

In view of the connectivity of the WHA with these private properties (both reserved and unreserved) containing shared natural and scenic values, all clearly unsuitable for and not used for agriculture, and that good strategic planning will apply similar zones across titles with similar values, the case for rezoning these 31 titles to Landscape Conservation is further strengthened. The 31 titles are highlighted in Table 1 by a pale green background.

Case for rezoning to Landscape Conservation the three titles at Liffey identified as Potentially Constrained (Criteria 3)

There are three adjoining titles at Liffey identified as Potentially Constrained (Criteria 3) in the 'Land Potentially Suitable for Agriculture Zone' layer and zoned as Agriculture in the Draft Zone Map (Table 3). CT 45838/1 at 1827 Liffey Road is mostly covered by the Noble Liffey Road Reserve protected by conservation covenant and the other two titles (CT 229083/1 and 119373/1) adjoin covenanted land. All three titles are covered by the Great Western Tiers SPA.

The covenanted title at 1827 Liffey Road should be rezoned to Landscape Conservation based on Guideline LCZ1 and the other two titles based on Guidelines LCZ2 (b) and AZ3 (a), (c) and (d).

Case for rezoning to Landscape Conservation the additional 22 titles containing Private Reserves protected by conservation covenant.

Guideline LCZ1, when read together with Guideline AZ7, requires that 'Landscape Conservation Zone should be applied' to titles containing land within the Tasmanian Reserve Estate as the land contains landscape values 'that are identified for protection and conservation'. The Planners Portal on 22 April 2021 also states:

Guideline No.1 for both the Landscape Conservation Zone (LCZ) and Environmental Management Zone (EMZ) indicate that 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.

The Tasmanian Reserve Estate includes public and private land reserved to be managed for biodiversity conservation under Tasmania's Regional Forest Agreement. All of this land is also part of Australia's National Reserve System thereby contributing to the fulfilment of Australia's obligations under the international *Convention on Biological Diversity 1993*. All of the reserves are listed in the latest version of the Collaborative Australian Protected Area Database (CAPAD 2020) available at <https://www.environment.gov.au/land/nrs/science/capad>.

All covenanted land has a Reserve Status of Private Reserve for the purposes of the Tasmanian Reserve Estate under the Regional Forestry Agreement (see Map 8) as well as Australia's National Reserve System. This applies to all perpetual conservation covenants.

These 22 titles are also highlighted in Table 1 by a pale green background.

Rezoning to Rural or Landscape Conservation Zone will permit the application of the Priority Vegetation Area overlay to these titles

The rezoning of these 188 titles to either Rural or Landscape Conservation Zone will allow the Priority Vegetation Area to be applied to these titles where indicated by the Regional Ecosystem Model and/or conservation covenants as well as other areas containing important natural values identified by individual representations.

Applying Landscape Conservation Zone during the current Assessment process to those titles subject to individual representations

The owners of some of these titles at Liffey have made representations requesting rezoning to Landscape Conservation and these changes should be applied as modifications during the current Northern Midlands Draft LPS Assessment process under the provisions of Section 35K.

Affording natural justice to affected landowners by re-exhibiting the modified zones

To its credit the Northern Midlands Planning Authority wrote to some landowners early in the Exhibition Period informing them about the process and inviting them to make a written

representation. Unfortunately this letter was not received by many ratepayers based on anecdotal evidence. The letter said

Please ensure that you fully inform yourself of any changes that may apply to your property and the Municipality in general.

The letter was foreshadowed on p 88 of the Supporting Report under the heading 'NMC approach to the transition'.

The letter did not explain that the Planning Authority had decided to convert all private titles currently zoned Rural Resource to the new Agriculture Zone, contrary to the Commission's Guideline No 1 and the ALMP analysis, and that they would rely on landowner representations to request otherwise.

It is quite unreasonable to expect the average landowner to have to read the Supporting Report and the ALMP Background Report let alone have understood them, or to engage a planning consultant for independent advice.

In other municipalities the Tasmanian Planning Commission has set a high bar for the rezoning of an exhibited title, i.e. written consent by the landowner. Consequently, this representation requesting the rezoning of 188 titles, mostly without landowner consent, must be treated as a substantial modification to balance the rights of affected landowners with the need to apply the most appropriate Zone consistent with the State Planning Provisions, Guideline No. 1 and the ALMP.

Because most of the owners of these 185 titles are oblivious to the errant rezoning of their properties, or are aware of the Exhibition Period but have trusted their Council to get it right, relying on written representations from individual landowners to request the correct zone for their properties during the current Assessment process will deliver a poor planning outcome for Northern Midlands.

Practice Note 9 (October 2021 update) - Exhibition and reporting of draft Local Provision Schedules (LPSS) states

In making a recommendation to modify the draft LPS, the planning authority may wish to give consideration to whether a proposed modification is a substantial modification [section 35KB].

While the Planning Authority may be inclined to defend their position on the use of Agriculture Zone in the Draft LPS and oppose this representation, the better response would be to support the representation, identify the substantial modification in the Section 35F Report, and work with the landowners and other stakeholders to fine tune the proposed zoning of the 185 titles in anticipation of a Direction from the Commission delegates to submit a Section 35KB amendment.

Yours sincerely

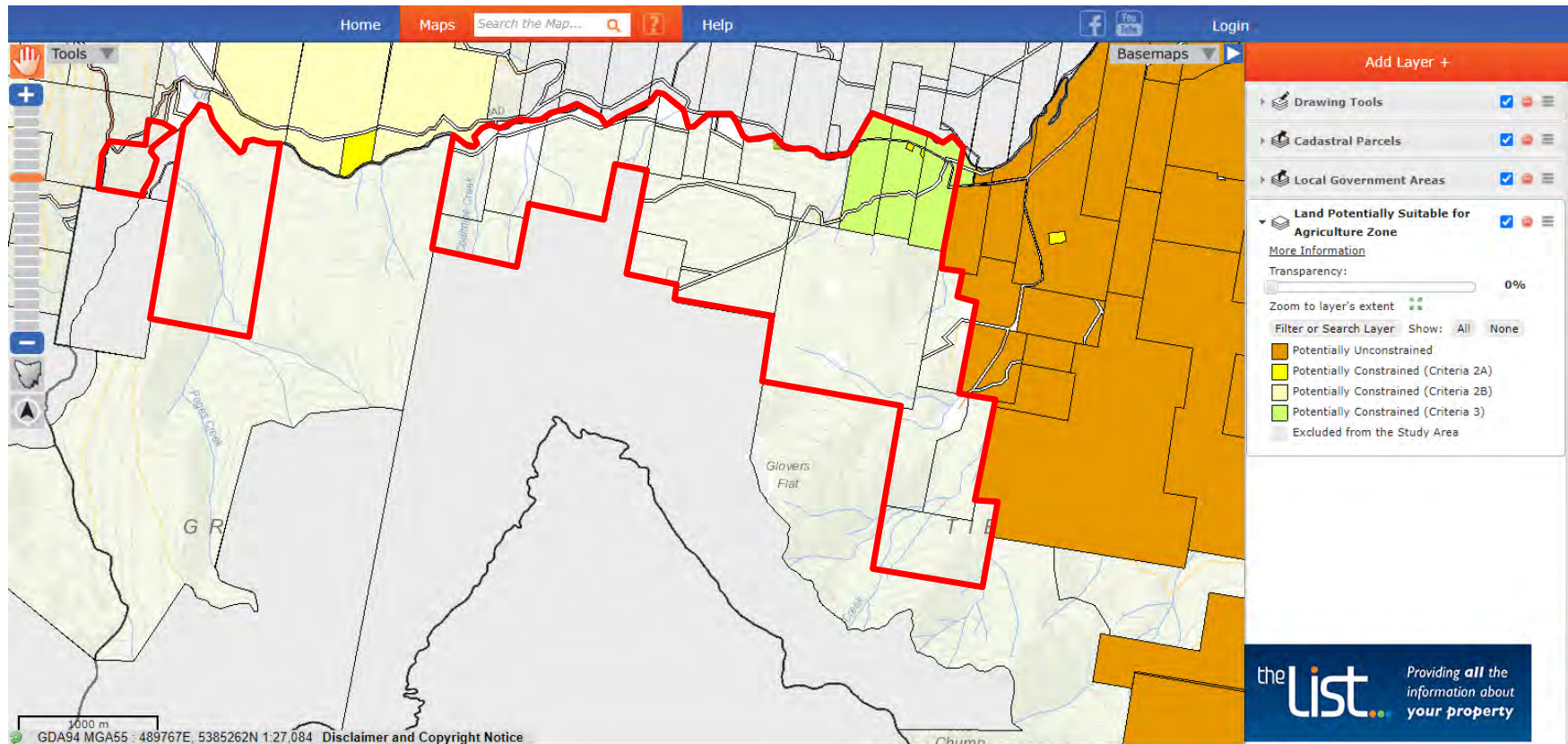
A handwritten signature in blue ink, appearing to read 'John Thompson', with a stylized flourish at the end.

John Thompson

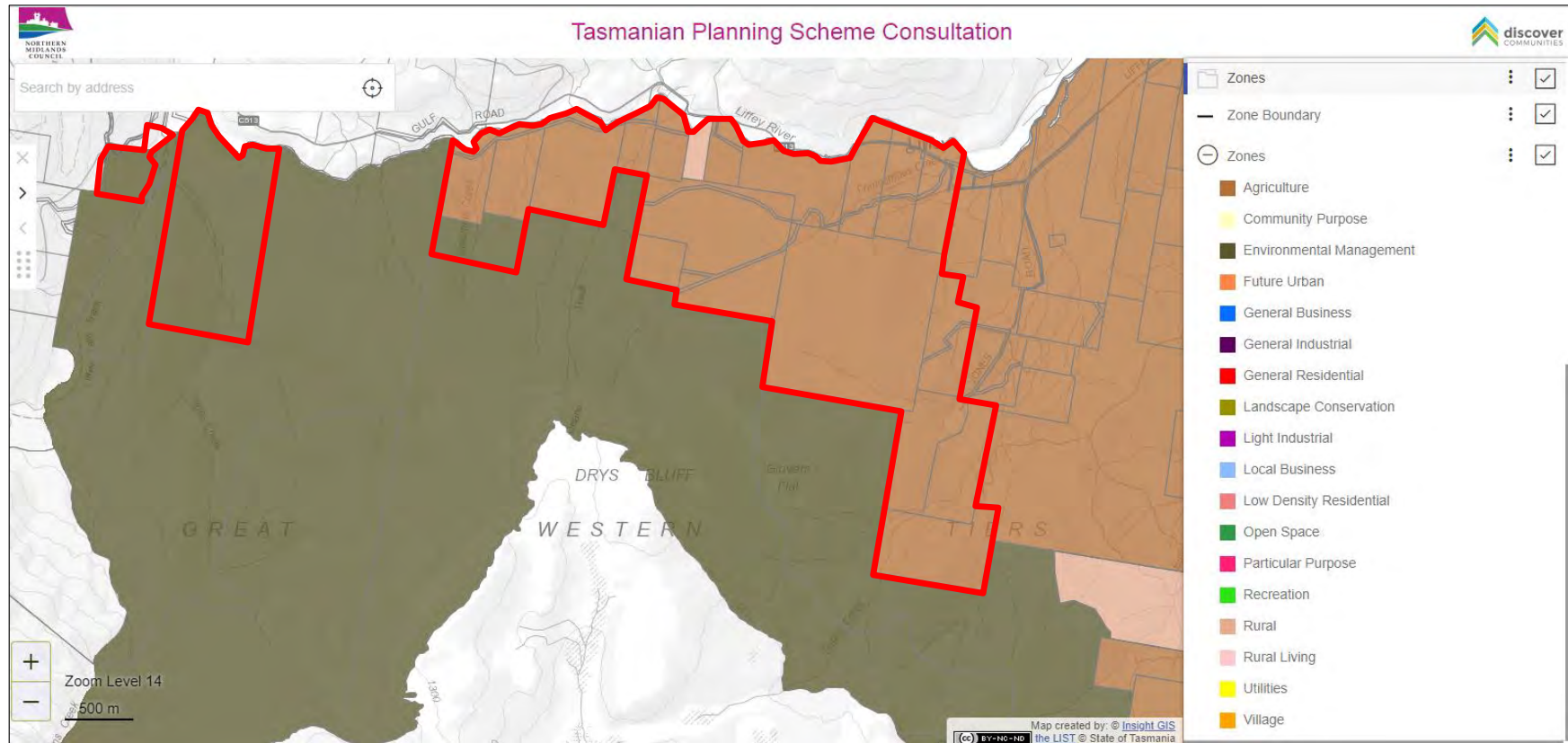
Email: thompsonjohnng@gmail.com

Phone: 0424 055 125

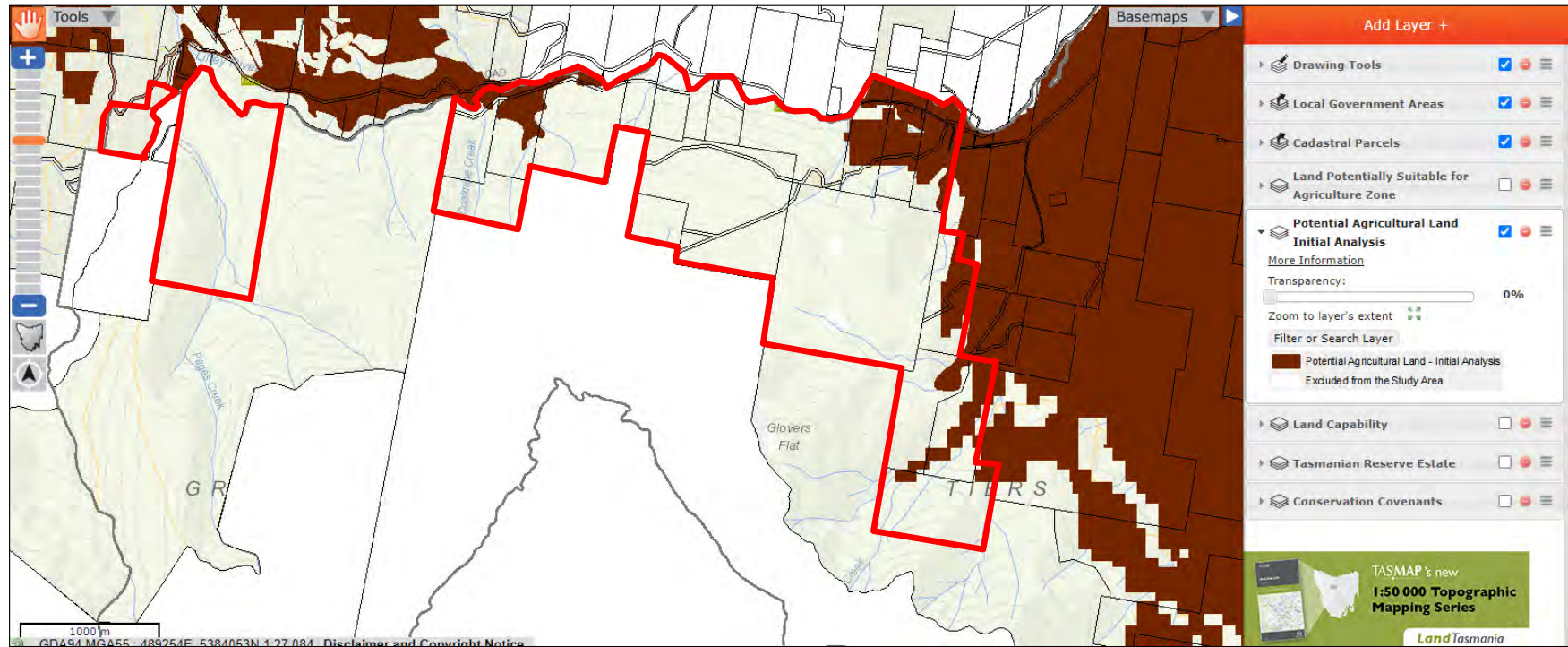
Map 1 - ListMap 'Land Potentially Suitable for Agriculture' layer at Liffey



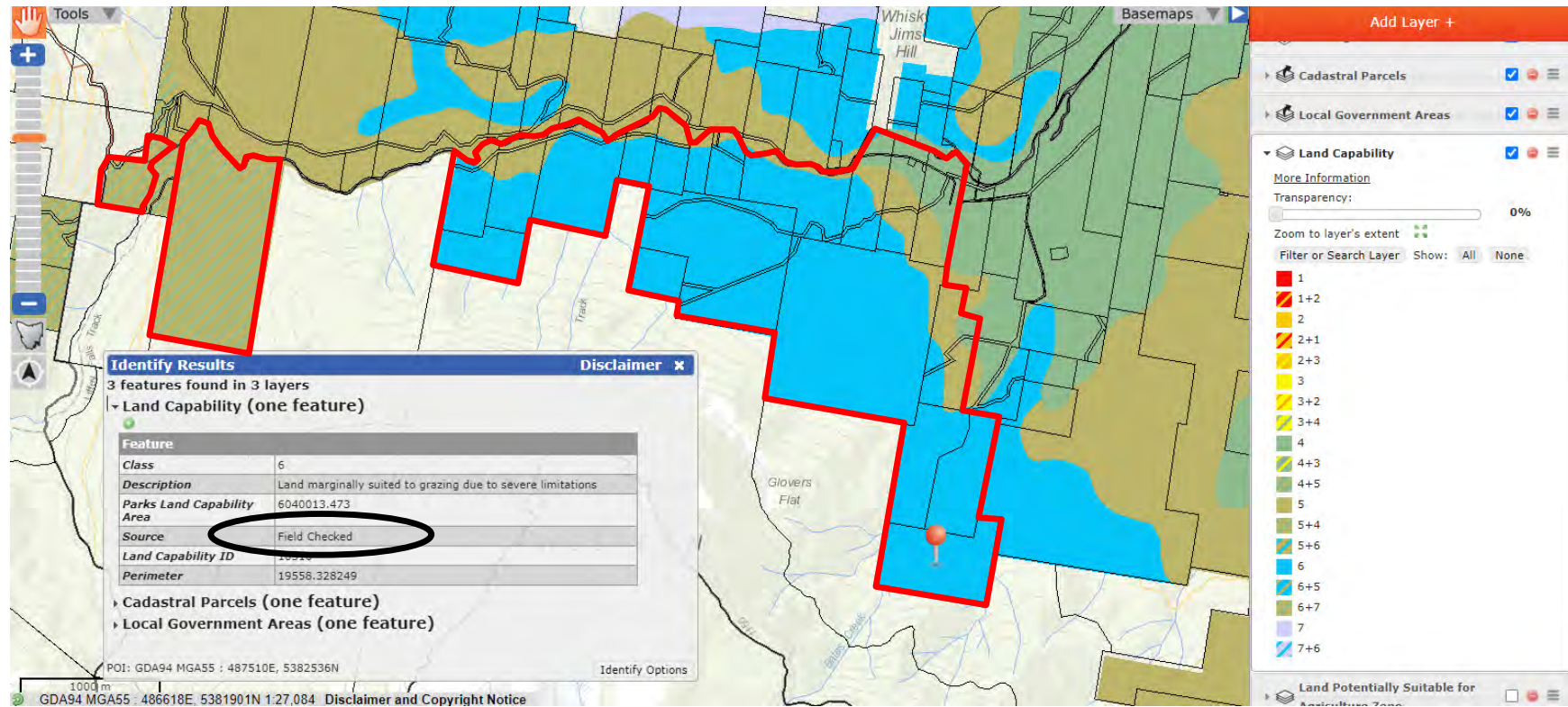
Map 2 - Zone Map from Northern Midlands Draft LPS at Liffey



Map 3 – ListMap ‘Potential Agricultural Land Initial Analysis’ Layer at Liffey

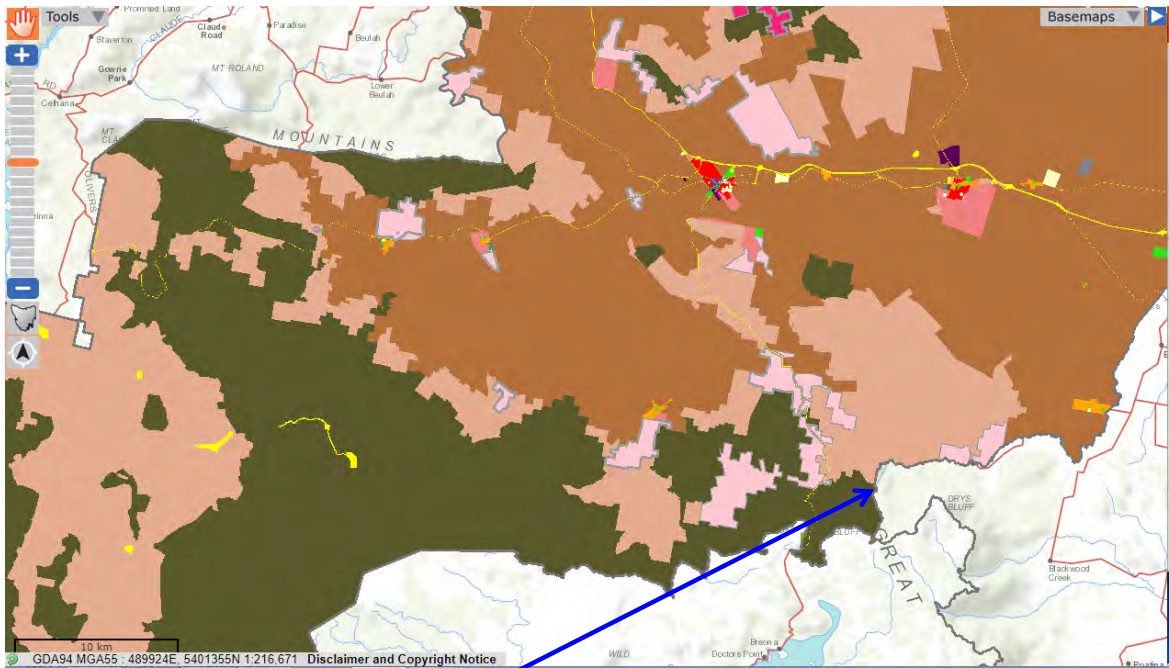


Map 4 – ListMap ‘Land Capability’ Layer at Liffey

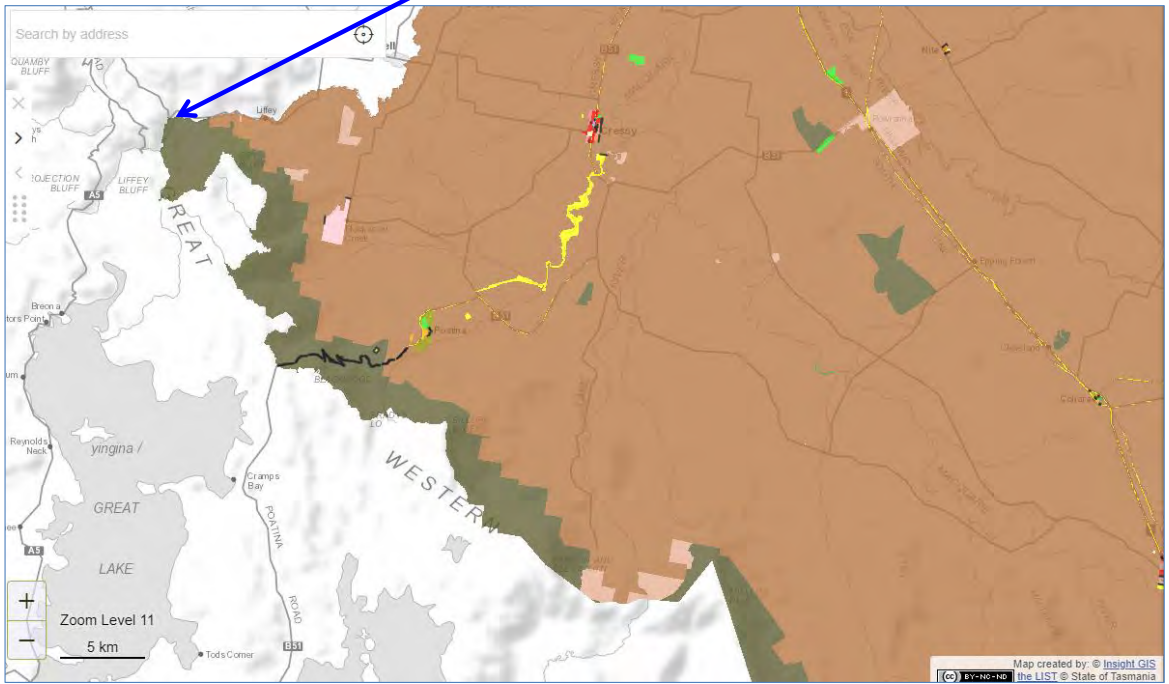


Map 5 – Comparison of zone application between Meander Valley LPS and Northern Midlands Draft LPS in adjoining areas at the same scale

Meander Valley LPS – Note the extensive use of Rural Zone along the Great Western Tiers escarpment

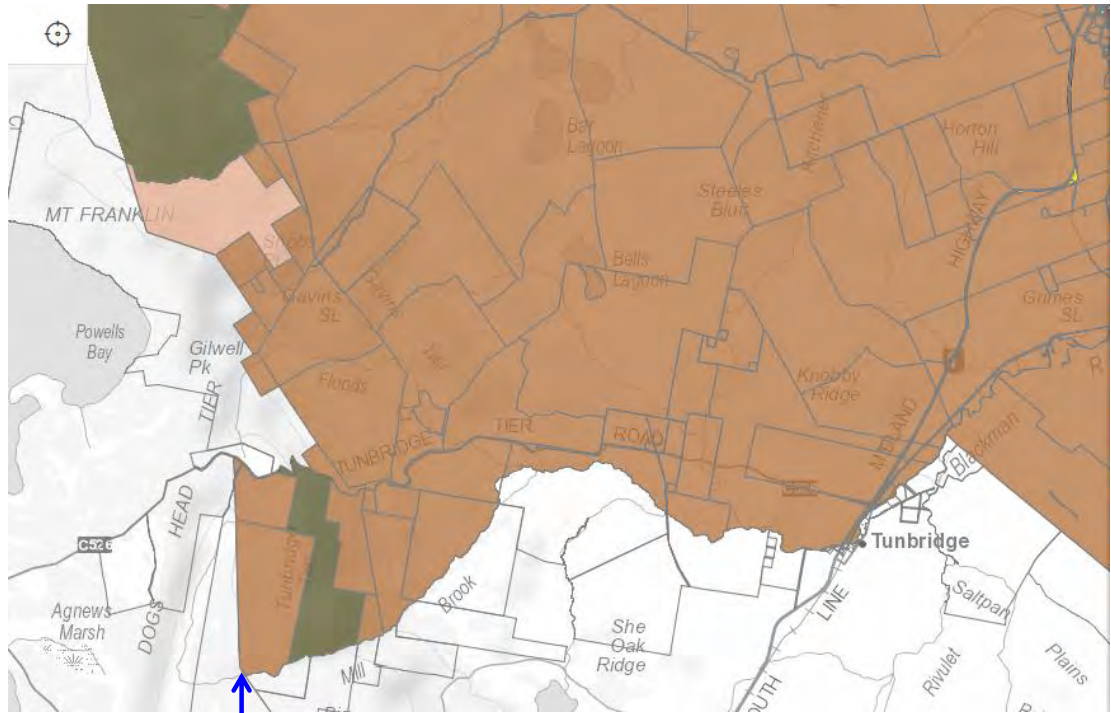


Northern Midlands Draft LPS – Note the minimal use Rural Zone along the Great Western Tiers escarpment

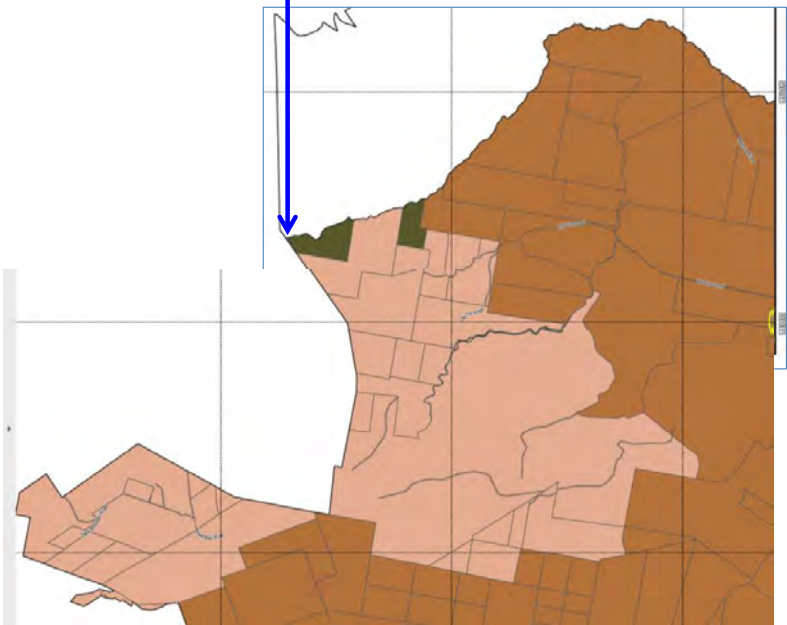


Map 6 – Comparison of zone application between Northern Midlands Draft LPS and Southern Midlands Draft LPS in adjoining areas at the same scale

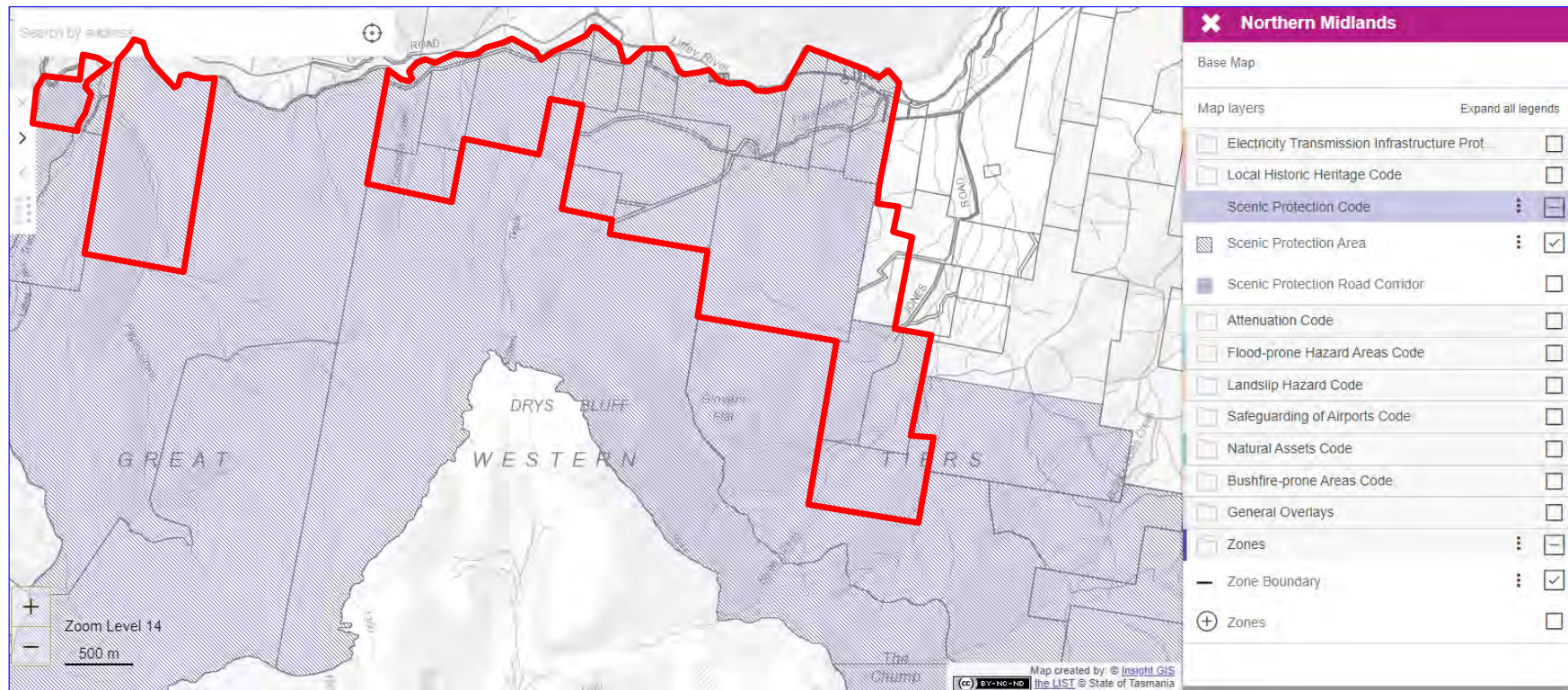
Northern Midlands Draft LPS –Rural Zone not used on any private titles along western slopes



Southern Midlands Draft LPS – Note the widespread use of Rural Zone along the western slopes, all on private land

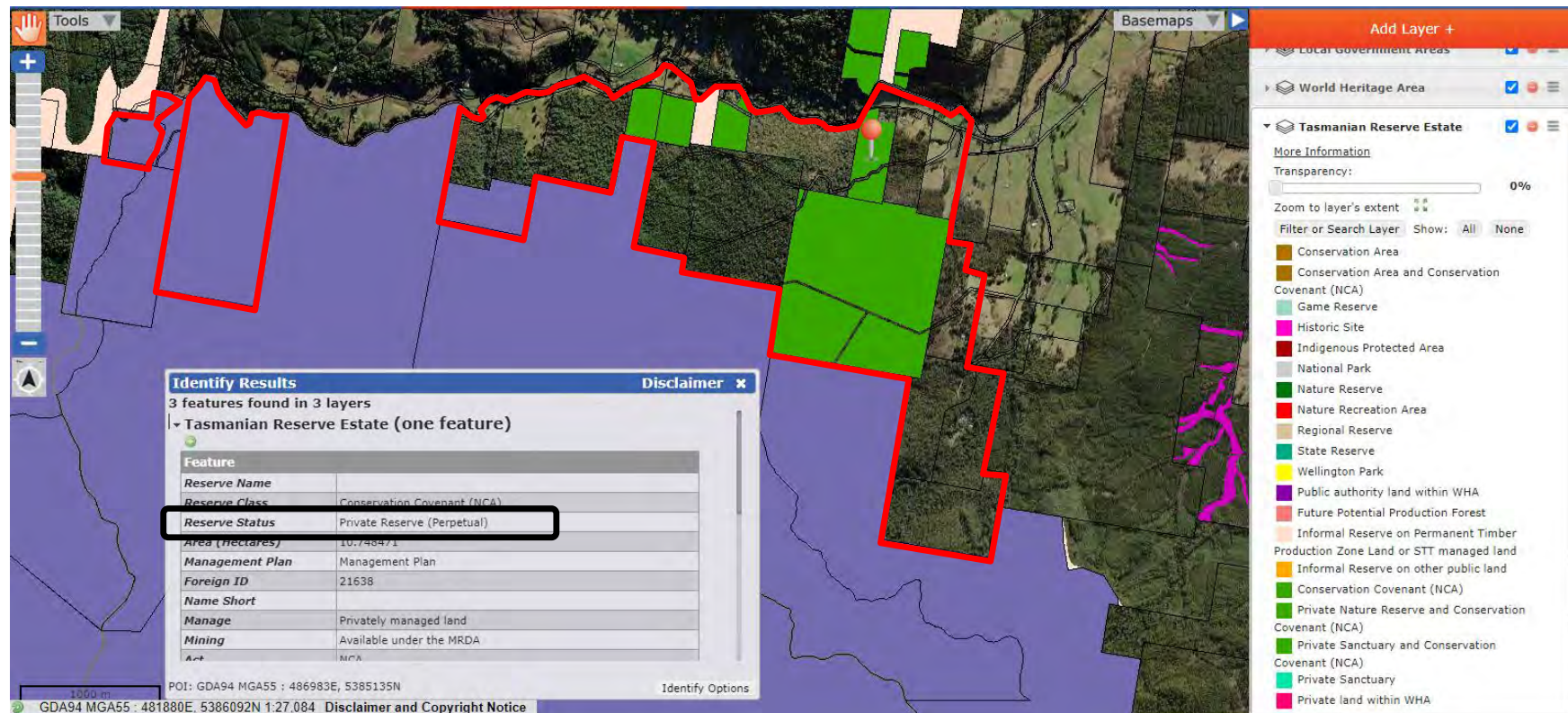


Map 7 – Scenic Protection Area overlay from Northern Midlands Draft LPS at Liffey



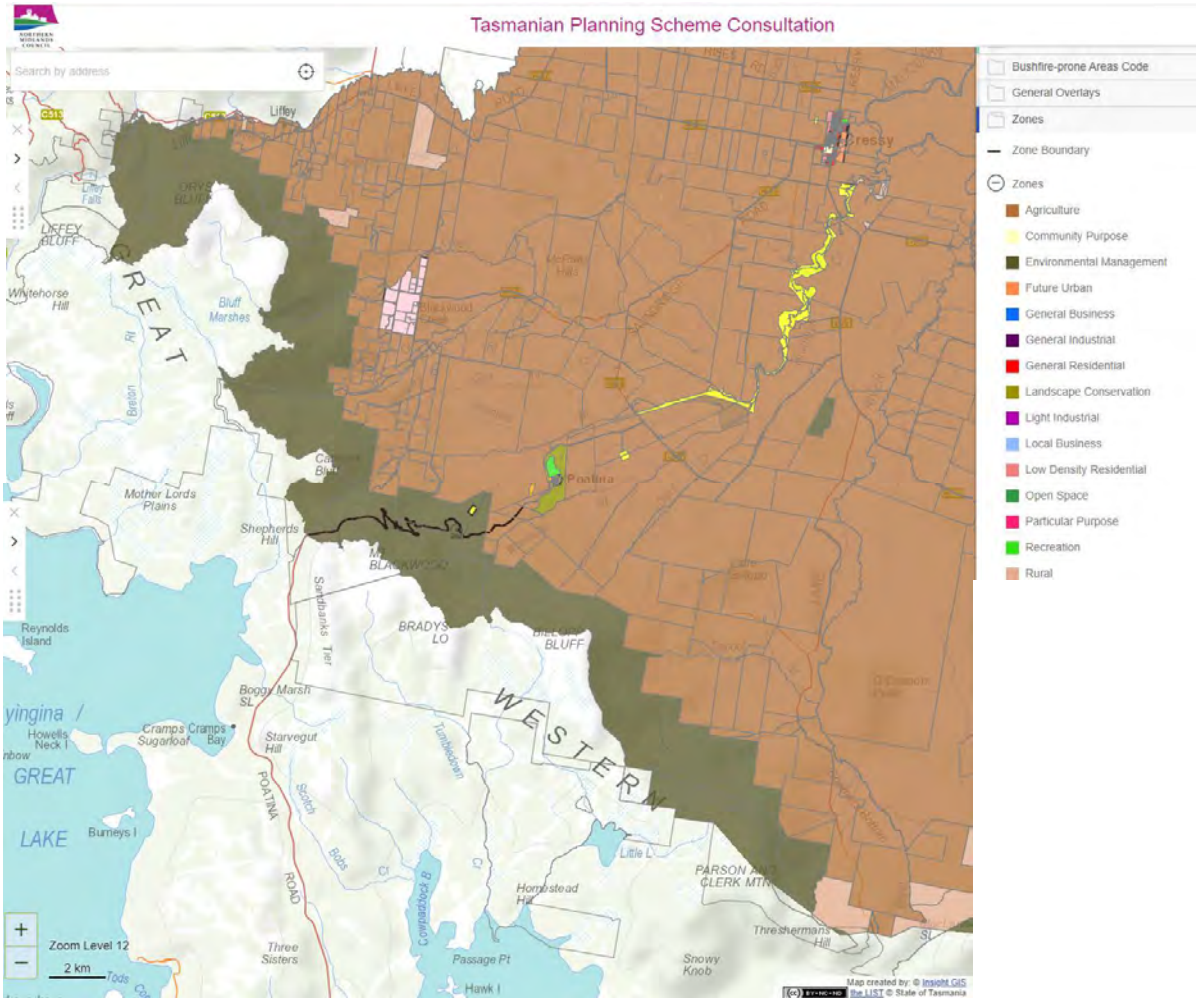
Map 8 – ListMap satellite image with ‘World Heritage Area’ Layer overlaying ‘Tasmanian Reserve Estate’ Layer at Liffey

Pop-up window shows that covenanted land has a Reserve Status of Private Reserve for the purposes of the Tasmanian Reserve Estate under the Regional Forestry Agreement as well as Australia’s National Reserve System. This applies to all perpetual conservation covenants.



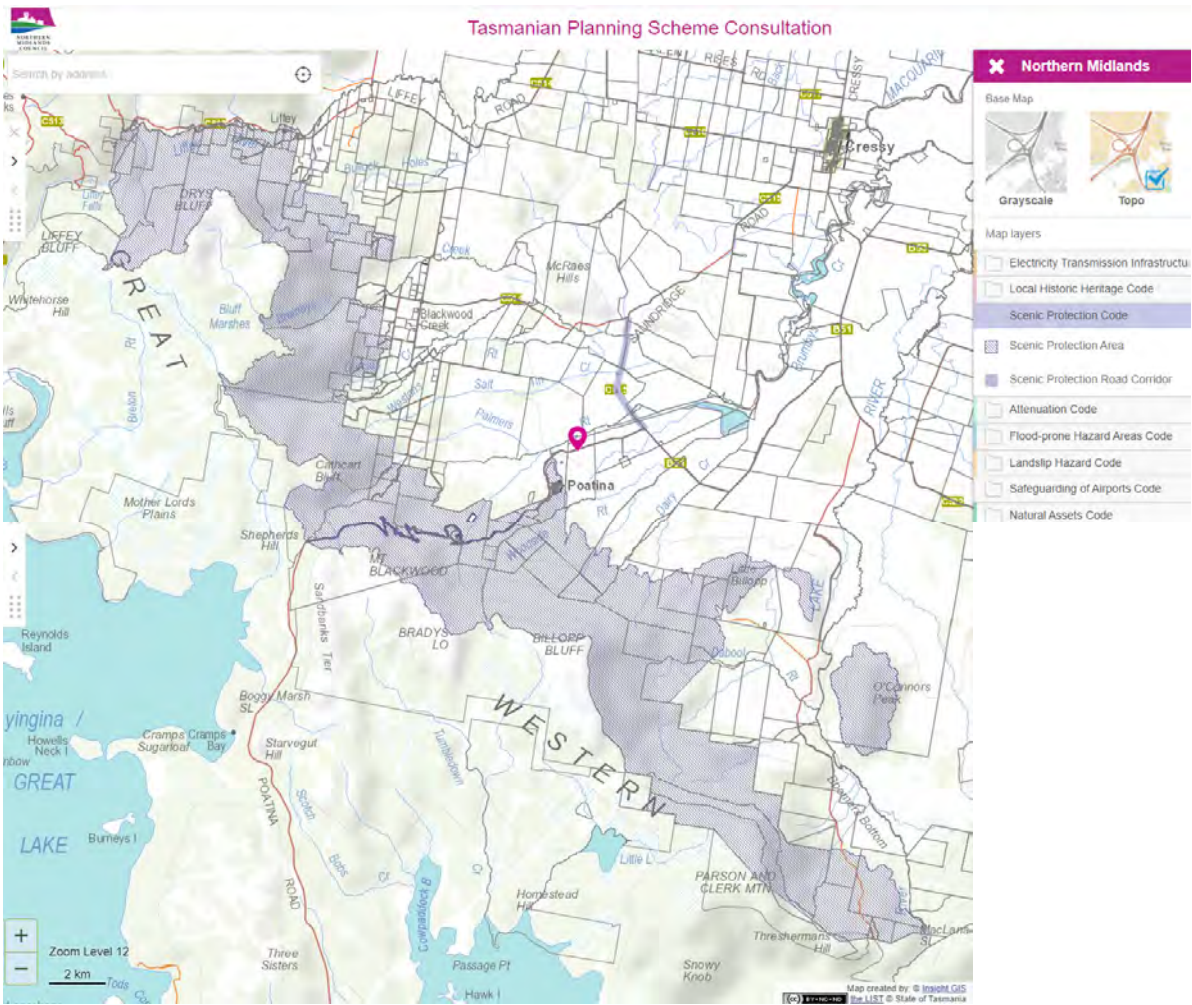
Map 9 – Zone Map from Northern Midlands Draft LPS for the Great Western Tiers

The Agriculture Zone has been applied to all privately owned titles and butts up against the Tasmanian Wilderness World Heritage Area zoned Environmental Management along the full extent of the Great Western Tiers. Rural Zone is only used on public land.



Map 10 – Scenic Protection Code overlays from Northern Midlands Draft LPS for the Great Western Tiers

The Great Western Tiers Scenic Protection Area covers the Great Western Tiers escarpment from Liffey Falls to Parson and Clerk Mountain opposite Campbell Town, the extent of the WHA in the Northern Midlands municipality. It includes both the WHA land and adjoining private titles on the lower slopes.



Map 11 – ‘World Heritage Area’ Layer overlaying the ‘Land Potentially Suitable for Agriculture’ Layer in ListMap for the Great Western Tiers

The 32 private titles that adjoin the ‘World Heritage Area’ Layer (purple) and were considered unsuitable for agriculture by the ALMP can be seen as the uncoloured titles in the ‘Land Potentially Suitable for Agriculture’ Layer in ListMap.

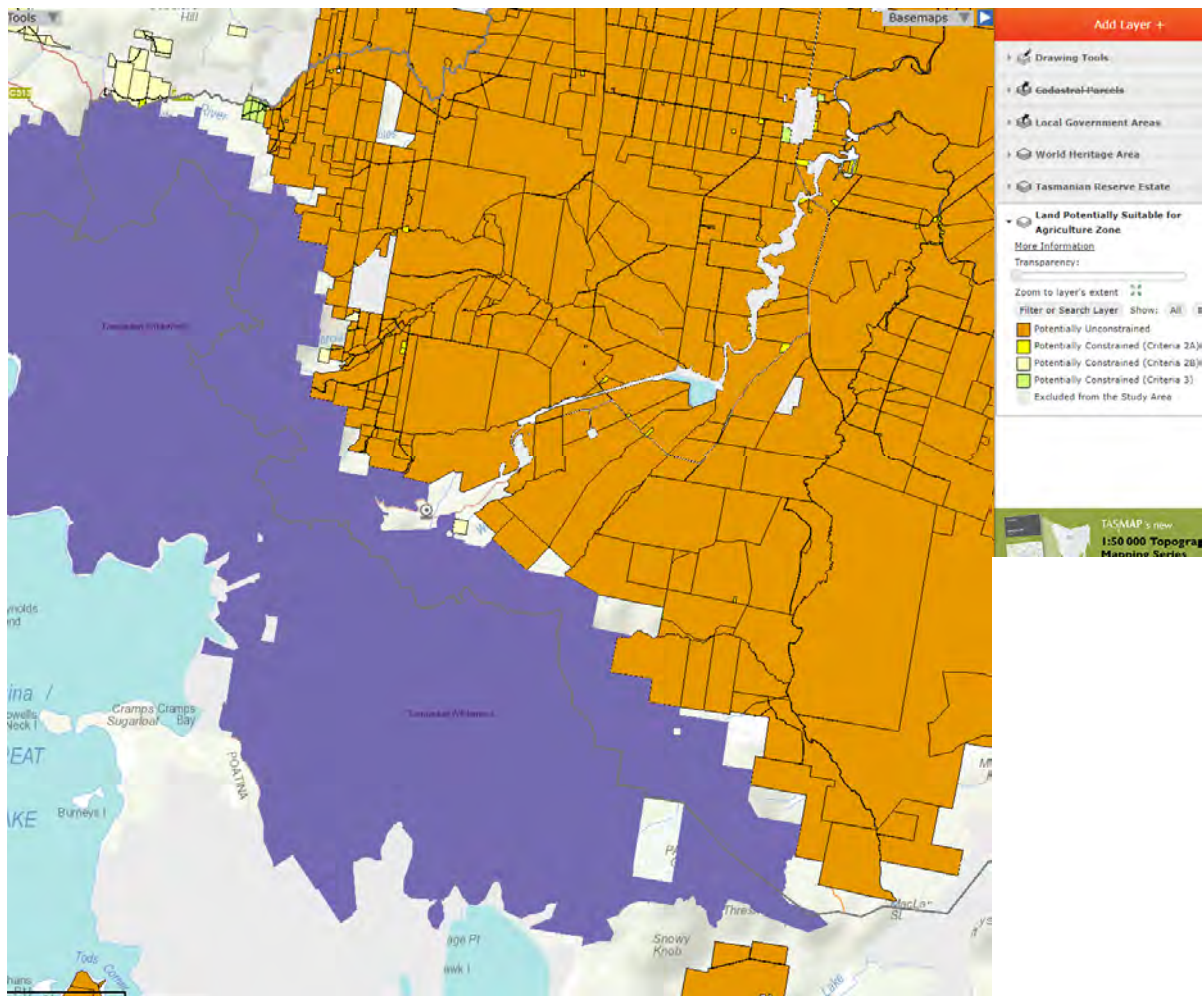


Table 1 - List of Properties in Northern Midlands Draft LPS not identified in the 'Land Potentially Suitable for Agriculture Zone' layer (ALMP Mapping Layer 2) but zoned as Agriculture

Property Address	Property ID	CT	Draft LPS Zone	Covenant	World Heritage Area	Public Reserve	Land Capability Class	Scenic Protection Area
'BAPTIST YOUTH CAMP' - 307 GULF RD LIFFEY TAS 7301	7588388	200276/1	Agriculture	No	Adjoins WHA	Adjoins future CA	6 + 5	Yes
GULF RD LIFFEY TAS 7301	6753812	177651/1	Agriculture	No	Adjoins WHA	Adjoins future CA	6 + 5	Yes
GULF RD LIFFEY TAS 7301	6753812	177651/2	Agriculture	No	Adjoins WHA	Adjoins CA	6 + 5	Yes
159 GULF RD LIFFEY TAS 7301	6753804	202805/1	Agriculture	Yes	Adjoins WHA	Adjoins CA	6 + 5	Yes
GULF RD LIFFEY TAS 7301	6753791	246184/2	Agriculture	Yes	Adjoins WHA	Adjoins CA	6 + 5	Yes
GULF RD LIFFEY TAS 7301	6753783	128705/1	Agriculture	No	Adjoins WHA	Adjoins CA	6	Yes
GULF RD LIFFEY TAS 7301	6753767	115192/2	Agriculture	No	Adjoins WHA	Adjoins CA	6	Yes
GULF RD LIFFEY TAS 7301	6753767	115193/1	Agriculture	No	Adjoins WHA	Adjoins CA	6	Yes
111 GULF RD LIFFEY TAS 7301	6753775	204354/1	Agriculture	Yes	No	No	6 + 5	Yes
1777 LIFFEY RD LIFFEY TAS 7301	6753740	209589/1	Agriculture	No	No	No	6 + 5	Yes
Lot 1 LIFFEY RD LIFFEY TAS 7301	2776136	150038/1	Agriculture	Yes	Adjoins WHA	Adjoins future CA	6 + 5	Yes
202 JONES RD LIFFEY TAS 7301	7241421	250902/1	Agriculture	No	Adjoins WHA	Adjoins future CA	6	Yes
'HABITAT' - 240 JONES RD LIFFEY TAS 7301	2137449	23577/1	Agriculture	No	Adjoins WHA	Adjoins future CA	6	Yes
'HABITAT' - 240 JONES RD LIFFEY TAS 7301	2137449	23577/1	Agriculture	No	Adjoins WHA	Adjoins future CA	6	Yes
128 JONES RD LIFFEY TAS 7301	2077343	136279/2	Agriculture	No	No	No	6 + 5 + 4	No
SMITHS RD BLACKWOOD CREEK TAS 7301	6752617	222752/1	Agriculture	No	Adjoins WHA	Adjoins future CA	6 + 5	Yes
73 LAWRENCES RD BLACKWOOD CREEK TAS 7301	6752756	216245/1	Agriculture	No	Adjoins WHA	Adjoins future CA	6 + 5	Yes
BOONS RD BLACKWOOD CREEK TAS 7301	6752764	213781/1	Agriculture	No	No	No	6 + 5	Yes

Property Address	Property ID	CT	Draft LPS Zone	Covenant	World Heritage Area	Public Reserve	Land Capability Class	Scenic Protection Area
BOONS RD BLACKWOOD CREEK TAS 7301	7188341	234474/1	Agriculture	No	Adjoins WHA	Adjoins future CA	5 + 4	Yes
HOP VALLEY RD BLACKWOOD CREEK TAS 7301	6753927	157965/1	Agriculture	No	Adjoins WHA	Adjoins future CA	6 + 5	Yes
HOP VALLEY RD BLACKWOOD CREEK TAS 7301	6753898	210695/1	Agriculture	No	No	No	5 + 4	Yes
HOP VALLEY RD BLACKWOOD CREEK TAS 7301	6753919	201261/1	Agriculture	No	Adjoins WHA	Adjoins future CA	5	Yes
664 HOP VALLEY RD BLACKWOOD CREEK TAS 7301	7512682	239130/1	Agriculture	No	Adjoins WHA	Adjoins future CA	6 + 5	Yes
Lot 1 HOP VALLEY RD BLACKWOOD CREEK TAS 7301	2917605	49966/1	Agriculture	No	Adjoins WHA	Adjoins future CA	6 + 5	Yes
POATINA RD POATINA TAS 7302	6753142	204293/1	Agriculture	No	Adjoins WHA	Adjoins future CA	5 + 4	Yes
4792 POATINA RD CRESSY TAS 7302	3300690	214285/1	Agriculture	No	Adjoins WHA	Adjoins future CA	6 + 5	Yes
POATINA RD CRESSY TAS 7302	6753484	54087/1	Agriculture	No	Adjoins WHA	Adjoins future CA	6 + 5	Yes
122 GLEN RD CRESSY TAS 7302	2772389	145325/1	Agriculture	No	Adjoins WHA	Adjoins future CA	7 + 5	Yes
'CASEYVILLE' - 1278 LAKE RIVER RD CRESSY TAS 7302	6753003	252139/1	Agriculture	No	Adjoins WHA	Adjoins future CA	7 + 6 + 5 + 4	Yes
LAKE RIVER RD CRESSY TAS 7302	6753046	208908/1	Agriculture	No	Adjoins WHA	Adjoins future CA	7 + 6 + 5	Yes
LAKE RIVER RD CRESSY TAS 7302	6753054	227118/1	Agriculture	No	Adjoins WHA	Adjoins future CA	7 + 6 + 5	Yes
'NOTLIVADIN' - LAKE RIVER RD CRESSY TAS 7302	6753062	133943/1	Agriculture	No	No	No	6	Yes
Lot 1 MACQUARIE RD CAMPBELL TOWN TAS 7210	2680134	249384/1	Agriculture	No	No	Adjoins CA	7 + 6 + 5	No
Lot 1 MACQUARIE RD CAMPBELL TOWN TAS 7210	2680134	132523/8	Agriculture	No	No	No	7 + 6	No
AUBURN RD ROSS TAS 7209	6832836	225637/1	Agriculture	No	No	Adjoins CA	6 + 5	No
AUBURN RD ROSS TAS 7209	6832764	225636/1	Agriculture	No	No	Adjoins CA	6	No

Property Address	Property ID	CT	Draft LPS Zone	Covenant	World Heritage Area	Public Reserve	Land Capability Class	Scenic Protection Area
AUBURN RD ROSS TAS 7209	6832764	248886/3	Agriculture	No	No	Adjoins CA	6	No
'FERNDALDE' - 966 VERWOOD RD ROSS TAS 7209	7951159	248886/2	Agriculture	No	No	No	6 + 5	No
978 VERWOOD RD ROSS TAS 7209	6832684	226848/1	Agriculture	No	No	No	6 + 5	No
'FERNDALDE' - 966 VERWOOD RD ROSS TAS 7209	7951159	248886/1	Agriculture	No	No	No	6	No
'FERNDALDE' - 966 VERWOOD RD ROSS TAS 7209	7951159	228943/1	Agriculture	No	No	No	6 + 5	No
'FERNDALDE' - 966 VERWOOD RD ROSS TAS 7209	7951159	209865/1	Agriculture	No	No	No	6 + 5	No
VERWOOD RD ROSS TAS 7209	6832713	171145/1	Agriculture	No	No	No	6 + 5	No
AUBURN RD ROSS TAS 7209	6832721	248886/4	Agriculture	No	No	No	6	No
TUNBRIDGE TIER RD INTERLAKEN TAS 7030	6833089	223035/1	Agriculture	No	No	Adjoins CA	6	No
TUNBRIDGE TIER RD INTERLAKEN TAS 7030	6833070	208114/1	Agriculture	No	No	Adjoins CA	6	No
TUNBRIDGE TIER RD INTERLAKEN TAS 7030	6833070	201457/1	Agriculture	No	No	Adjoins CA	7 + 6	No
TUNBRIDGE TIER RD INTERLAKEN TAS 7030	6833126	208112/1	Agriculture	No	No	Adjoins CA	6	No
1550 TUNBRIDGE TIER RD INTERLAKEN TAS 7030	6833118	226258/1	Agriculture	No	No	Adjoins CA	6	No
'TREFUSIS' - 1929 TOOMS LAKE RD ROSS TAS 7209	6832297	107876/3	Agriculture	Yes	No	No	6 + 5	No
'TREFUSIS' - 1929 TOOMS LAKE RD ROSS TAS 7209	6832297	107876/4	Agriculture	Yes	No	No	6	No
'TREFUSIS' - 1929 TOOMS LAKE RD ROSS TAS 7209	6832297	107877/5	Agriculture	Yes	No	No	6 + 5	No
'TREFUSIS' - 1929 TOOMS LAKE RD ROSS TAS 7209	6832297	237067/1	Agriculture	Yes	No	No	6 + 5	No
'TREFUSIS' - 1929 TOOMS LAKE RD ROSS TAS 7209	6832297	107877/13	Agriculture	Yes	No	No	6 + 5	No

Property Address	Property ID	CT	Draft LPS Zone	Covenant	World Heritage Area	Public Reserve	Land Capability Class	Scenic Protection Area
'TREFUSIS' - 1929 TOOMS LAKE RD ROSS TAS 7209	6832297	237067/2	Agriculture	Yes	No	No	6 + 5	No
HONEYSUCKLE RD TOOMS LAKE TAS 7209	6831956	231544/1	Agriculture	No	No	Adjoins CA	6 + 5	No
LONG MARSH RD LAKE LEAKE TAS 7210	7381926	214157/1	Agriculture	No	No	No	6 + 5	No
LONG MARSH RD LAKE LEAKE TAS 7210	7381926	120721/3	Agriculture	No	No	No	6 + 5	No
LONG MARSH RD LAKE LEAKE TAS 7210	7381926	243863/1	Agriculture	No	No	No	6	No
LONG MARSH RD LAKE LEAKE TAS 7210	7381926	207210/1	Agriculture	No	No	No	6	No
LONG MARSH RD LAKE LEAKE TAS 7210	7381926	112016/1	Agriculture	No	No	No	6	No
LONG MARSH RD LAKE LEAKE TAS 7210	7381926	120721/1	Agriculture	No	No	No	6	No
3360 LAKE LEAKE RD LAKE LEAKE TAS 7210	9659425	120725/1	Agriculture	No	No	No	6 + 5	No
LAKE LEAKE RD LAKE LEAKE TAS 7210	6206632	129380/1	Agriculture	No	No	No	6 + 5	No
'LAKE YALLEENA HOLIDAY UNITS' - 3340 LAKE LEAKE RD LAKE LEAKE TAS 7210	9659424	136986/1	Agriculture	No	No	No	6 + 5	No
'LAKE YALLEENA HOLIDAY UNITS' - 3340 LAKE LEAKE RD LAKE LEAKE TAS 7210	9659424	103984/2	Agriculture	No	No	No	6 + 5	No
LAKE LEAKE RD LAKE LEAKE TAS 7210	6206608	203516/1	Agriculture	No	No	No	6 + 5	No
LAKE LEAKE RD LAKE LEAKE TAS 7210	6206608	122493/1	Agriculture	No	No	No	6 + 5	No
'SWANBANKS' - 1940 LAKE LEAKE RD CAMPBELL TOWN TAS 7210	7951255	225535/1	Agriculture	No	No	No	6 + 4	No

Property Address	Property ID	CT	Draft LPS Zone	Covenant	World Heritage Area	Public Reserve	Land Capability Class	Scenic Protection Area
'SWANBANKS' - 1940 LAKE LEAKE RD CAMPBELL TOWN TAS 7210	7951255	238250/1	Agriculture	No	No	No	6 + 5	No
Lot 1 LAKE LEAKE RD LAKE LEAKE TAS 7210	3127701	105852/4	Agriculture	No	No	No	6 + 5	No
Lot 1 LAKE LEAKE RD LAKE LEAKE TAS 7210	3127701	105853/5	Agriculture	No	No	No	6 + 5	No
LAKE LEAKE RD CAMPBELL TOWN TAS 7210	2883214	120416/1	Agriculture	No	No	No	6 + 5	No
2346 LAKE LEAKE RD CAMPBELL TOWN TAS 7210	6206560	34537/1	Agriculture	No	No	No	6 + 5	No
2346 LAKE LEAKE RD CAMPBELL TOWN TAS 7210	6206560	34536/1	Agriculture	No	No	No	6 + 5	No
LAKE LEAKE RD CAMPBELL TOWN TAS 7210	2883214	126750/1	Agriculture	No	No	No	6 + 5	No
'SWANBANKS' - 1940 LAKE LEAKE RD CAMPBELL TOWN TAS 7210	7951255	221328/1	Agriculture	No	No	No	6 + 5	No
1787 LAKE LEAKE RD CAMPBELL TOWN TAS 7210	6206544	221329/1	Agriculture	No	No	No	6 + 5	No
1787 LAKE LEAKE RD CAMPBELL TOWN TAS 7210	6206544	105794/4	Agriculture	No	No	No	6 + 5	No
1787 LAKE LEAKE RD CAMPBELL TOWN TAS 7210	6206544	105794/2	Agriculture	No	No	No	6 + 5	No
1787 LAKE LEAKE RD CAMPBELL TOWN TAS 7210	6206544	105794/1	Agriculture	No	No	No	6 + 5	No
1787 LAKE LEAKE RD CAMPBELL TOWN TAS 7210	6206544	221330/1	Agriculture	No	No	No	6 + 5	No
1787 LAKE LEAKE RD CAMPBELL TOWN TAS 7210	6206544	234741/1	Agriculture	No	No	No	6	No
Lot 1 LAKE LEAKE RD LAKE LEAKE TAS 7210	3127701	247815/1	Agriculture	No	No	No	6	No
Lot 1 LAKE LEAKE RD LAKE LEAKE TAS 7210	3127701	220021/1	Agriculture	No	No	No	6	No
Lot 1 LAKE LEAKE RD LAKE LEAKE TAS 7210	3127701	247815/2	Agriculture	No	No	No	6	No

Property Address	Property ID	CT	Draft LPS Zone	Covenant	World Heritage Area	Public Reserve	Land Capability Class	Scenic Protection Area
Lot 1 LAKE LEAKE RD LAKE LEAKE TAS 7210	3127701	210208/1	Agriculture	No	No	No	6	No
Lot 1 LAKE LEAKE RD LAKE LEAKE TAS 7210	3127701	210238/1	Agriculture	No	No	No	6	No
Lot 1 LAKE LEAKE RD LAKE LEAKE TAS 7210	3127701	210206/1	Agriculture	No	No	No	6	No
Lot 1 LAKE LEAKE RD LAKE LEAKE TAS 7210	3127701	210207/1	Agriculture	No	No	No	6 + 5	No
Lot 1 LAKE LEAKE RD LAKE LEAKE TAS 7210	3127701	210205/1	Agriculture	No	No	No	6	No
Lot 1 LAKE LEAKE RD LAKE LEAKE TAS 7210	3127701	53898/1	Agriculture	No	No	No	6	No
Lot 1 LAKE LEAKE RD LAKE LEAKE TAS 7210	3127701	53905/1	Agriculture	No	No	No	6 + 5	No
3041 LAKE LEAKE RD LAKE LEAKE TAS 7210	2811085	121418/1	Agriculture	No	No	No	6 + 5	No
Lot 1 LAKE LEAKE RD LAKE LEAKE TAS 7210	2811093	42722/1	Agriculture	No	No	No	6	No
LAKE RD LAKE LEAKE TAS 7210	7771502	167613/3	Agriculture	No	No	No	6 + 5	No
LAKE RD LAKE LEAKE TAS 7210	7771502	167613/1	Agriculture	No	No	No	6	No
LAKE RD LAKE LEAKE TAS 7210	7771502	173264/1	Agriculture	No	No	No	6 + 5	No
LAKE RD LAKE LEAKE TAS 7210	7771502	173264/2	Agriculture	No	No	Adjoins RR	6 + 5	No
LAKE RD LAKE LEAKE TAS 7210	7771502	167612/2	Agriculture	No	No	Adjoins STT IR	6 + 5	No
LAKE RD LAKE LEAKE TAS 7210	7771502	167612/3	Agriculture	No	No	Adjoins RR	6 + 5	No
Lot 1 LAKE LEAKE RD LAKE LEAKE TAS 7210	3127701	105854/7	Agriculture	No	No	Adjoins STT IR	6 + 5	No
LAKE RD LAKE LEAKE TAS 7210	7771502	167612/5	Agriculture	No	No	Adjoins STT IR	6 + 5	No
LAKE RD LAKE LEAKE TAS 7210	7951327	167612/4	Agriculture	No	No	Adjoins RR	6 + 5	No
LAKE RD LAKE LEAKE TAS 7210	7951327	167612/6	Agriculture	No	No	Adjoins STT IR	6 + 5	No
LAKE RD LAKE LEAKE TAS 7210	7951327	167612/7	Agriculture	No	No	No	6	No
LAKE RD LAKE LEAKE TAS 7210	7951327	167612/8	Agriculture	No	No	Adjoins STT IR	6	No

Property Address	Property ID	CT	Draft LPS Zone	Covenant	World Heritage Area	Public Reserve	Land Capability Class	Scenic Protection Area
LAKE RD LAKE LEAKE TAS 7210	7951327	167612/10	Agriculture	No	No	Adjoins RR	6 + 5	No
LAKE RD LAKE LEAKE TAS 7210	7951327	167612/9	Agriculture	No	No	No	6 + 5	No
LAKE RD LAKE LEAKE TAS 7210	7951327	167612/11	Agriculture	No	No	No	6 + 5	No
LAKE RD LAKE LEAKE TAS 7210	6205330	214009/1	Agriculture	Yes	No	Adjoins RR	6 + 5	No
LAKE RD LAKE LEAKE TAS 7210	6205330	225707/1	Agriculture	Yes	No	No	6	No
TRUELANDS RD CAMPBELL TOWN TAS 7210	6206720	107336/1	Agriculture	Yes	No	No	6 + 5	No
TRUELANDS RD CAMPBELL TOWN TAS 7210	6206720	110897/2	Agriculture	Yes	No	No	6 + 5	No
TRUELANDS RD CAMPBELL TOWN TAS 7210	6206720	110897/1	Agriculture	Yes	No	No	6 + 5	No
TRUELANDS RD CAMPBELL TOWN TAS 7210	6206720	212393/1	Agriculture	Yes	No	No	6 + 5	No
TRUELANDS RD CAMPBELL TOWN TAS 7210	6206720	107335/1	Agriculture	Yes	No	No	6 + 5	No
Lot 1 LAKE LEAKE RD LAKE LEAKE TAS 7210	3127701	105812/6	Agriculture	No	No	Adjoins STT IR	6	No
Lot 1 LAKE LEAKE RD LAKE LEAKE TAS 7210	3127701	105812/8	Agriculture	No	No	Adjoins STT IR	6	No
Lot 1 LAKE LEAKE RD LAKE LEAKE TAS 7210	3127701	105812/7	Agriculture	No	No	Adjoins STT IR	6	No
Lot 1 LAKE LEAKE RD LAKE LEAKE TAS 7210	3127701	248159/2	Agriculture	No	No	No	6 + 5	No
Lot 1 LAKE LEAKE RD LAKE LEAKE TAS 7210	3127701	247815/2	Agriculture	No	No	No	6	No
Lot 1 LAKE LEAKE RD LAKE LEAKE TAS 7210	3127701	105811/3	Agriculture	Adjoins Covenant	No	No	6 + 5	No
Lot 1 LAKE LEAKE RD LAKE LEAKE TAS 7210	3127701	105811/2	Agriculture	No	No	No	6	No
Lot 1 LAKE LEAKE RD LAKE LEAKE TAS 7210	3127701	105811/4	Agriculture	No	No	No	6	No
Lot 1 LAKE LEAKE RD LAKE LEAKE TAS 7210	3127701	105859/18	Agriculture	No	No	No	6	No

Property Address	Property ID	CT	Draft LPS Zone	Covenant	World Heritage Area	Public Reserve	Land Capability Class	Scenic Protection Area
Lot 1 LAKE LEAKE RD LAKE LEAKE TAS 7210	3127701	229576/1	Agriculture	No	No	No	6 + 5	No
Lot 1 LAKE LEAKE RD LAKE LEAKE TAS 7210	3127701	105811/1	Agriculture	No	No	No	6 + 5	No
Lot 1 LAKE LEAKE RD LAKE LEAKE TAS 7210	3127701	248159/1	Agriculture	No	No	Adjoins STT IR	6	No
Lot 1 LAKE LEAKE RD LAKE LEAKE TAS 7210	3127701	209868/1	Agriculture	No	No	No	6	No
Lot 1 LAKE LEAKE RD LAKE LEAKE TAS 7210	3127701	229575/1	Agriculture	No	No	Adjoins STT IR	6 + 5	No
Lot 1 LAKE LEAKE RD LAKE LEAKE TAS 7210	3127701	53902/1	Agriculture	No	No	Adjoins STT IR	6 + 5	No
Lot 1 LAKE LEAKE RD LAKE LEAKE TAS 7210	3127701	53899/1	Agriculture	No	No	Adjoins STT IR	6	No
ROYAL GEORGE RD AVOCA TAS 7213	2883222	53900/1	Agriculture	No	No	No	6	No
ROYAL GEORGE RD AVOCA TAS 7213	2883222	221716/1	Agriculture	No	No	Adjoins STT IR	7 + 6	No
Lot 1 LAKE LEAKE RD LAKE LEAKE TAS 7210	3127701	53903/1	Agriculture	No	No	Adjoins STT IR	7 + 6	No
ROYAL GEORGE RD AVOCA TAS 7213	2883222	53897/1	Agriculture	No	No	Adjoins RR	6 + 5	No
ROYAL GEORGE RD AVOCA TAS 7213	2883222	53906/1	Agriculture	No	No	Adjoins RR	6 + 5	No
'SNOW HILL' - 1328 ROYAL GEORGE RD ROYAL GEORGE TAS 7213	6421076	237227/1	Agriculture	No	No	Adjoins RR	7 + 6 + 5	No
'SNOW HILL' - 1328 ROYAL GEORGE RD ROYAL GEORGE TAS 7213	6421076	210727/1	Agriculture	No	No	No	6 + 5	No
241 WILLIAMS RD ROYAL GEORGE TAS 7213	9892643	204002/1	Agriculture	Yes	No	No	6 + 5	No
241 WILLIAMS RD ROYAL GEORGE TAS 7213	9892643	210788/1	Agriculture	Yes	No	No	6 + 5	No
'SNOW HILL' - 1328 ROYAL GEORGE RD ROYAL GEORGE TAS 7213	6421076	110096/1	Agriculture	Adjoins covenant	No	No	6 + 5	No

Property Address	Property ID	CT	Draft LPS Zone	Covenant	World Heritage Area	Public Reserve	Land Capability Class	Scenic Protection Area
'SNOW HILL' - 1328 ROYAL GEORGE RD ROYAL GEORGE TAS 7213	6421076	242777/1	Agriculture	No	No	No	6 + 5	No
241 WILLIAMS RD ROYAL GEORGE TAS 7213	9892643	213982/1	Agriculture	No	No	No	6	No
'ROCKHOUSE' - 2121 ROYAL GEORGE RD ROYAL GEORGE TAS 7213	7627009	238127/1	Agriculture	No	No	Adjoins CA	6	No
MCSHANES RD ROYAL GEORGE TAS 7213	3078073	53886/1	Agriculture	No	No	No	6 + 5	No
'GLENNAIR' - 1061 ROYAL GEORGE RD AVOCA TAS 7213	6421025	232876/1	Agriculture	No	No	Adjoins RR	6 + 5	No
ROYAL GEORGE RD AVOCA TAS 7213	6421009	224417/1	Agriculture	No	No	Adjoins RR	7 + 6 + 5	No
ROYAL GEORGE RD AVOCA TAS 7213	6421009	149555/1	Agriculture	No	No	Adjoins RR	6 + 5	No
ROYAL GEORGE RD AVOCA TAS 7213	6421009	211238/1	Agriculture	No	No	Adjoins RR	6 + 5	No
Lot 1 STORYS CREEK RD AVOCA TAS 7213	9190864	222693/1	Agriculture	No	No	Adjoins RR	6 + 5	No
Lot 1 STORYS CREEK RD AVOCA TAS 7213	9190864	213141/1	Agriculture	No	No	Adjoins RR	7 + 6 + 5	No
Lot 1 STORYS CREEK RD AVOCA TAS 7213	9190864	213140/1	Agriculture	No	No	Adjoins RR	7 + 6 + 5	No
Lot 1 STORYS CREEK RD AVOCA TAS 7213	9190864	225390/1	Agriculture	No	No	Adjoins RR	6 + 5	No
Lot 1 STORYS CREEK RD AVOCA TAS 7213	9190864	213178/1	Agriculture	No	No	Adjoins STT IR	6 + 5	No
Lot 1 STORYS CREEK RD AVOCA TAS 7213	9190864	212073/1	Agriculture	No	No	Adjoins STT IR	6 + 5	No
Lot 1 STORYS CREEK RD AVOCA TAS 7213	9190864	201543/1	Agriculture	No	No	Adjoins STT IR	6 + 5	No
ROSSARDEN RD ROSSARDEN TAS 7213	1913063	131787/1	Agriculture	No	No	Adjoins STT IR	6 + 5	No
ROSSARDEN RD ROSSARDEN TAS 7213	1913063	131787/2	Agriculture	No	No	No	6 + 5	No
ROSSARDEN RD ROSSARDEN TAS 7213	3128683	240495/1	Agriculture	No	No	No	6 + 5	No

Property Address	Property ID	CT	Draft LPS Zone	Covenant	World Heritage Area	Public Reserve	Land Capability Class	Scenic Protection Area
ROSSARDEN RD ROSSARDEN TAS 7213	3128683	118899/1	Agriculture	No	No	No	6 + 5	No
ROSSARDEN RD ROSSARDEN TAS 7213	3128683	118893/1	Agriculture	No	No	Adjoins STT IR	6 + 5	No
ENGLISH TOWN RD DEDDINGTON TAS 7212	6398232	211707/1	Agriculture	No	No	Adjoins NP	7	No
ENGLISH TOWN RD BEN LOMOND TAS 7212	6398240	235141/1	Agriculture	No	No	Adjoins NP	6 + 5	No
ENGLISH TOWN RD DEDDINGTON TAS 7212	6398216	235140/1	Agriculture	No	No	Adjoins NP	6 + 5	No
689 ENGLISH TOWN RD DEDDINGTON TAS 7212	1971570	235145/1	Agriculture	No	No	No	6 + 5	No
ENGLISH TOWN RD DEDDINGTON TAS 7212	6398187	40675/1	Agriculture	No	No	No	6 + 5	No
ENGLISH TOWN RD DEDDINGTON TAS 7212	6398187	120149/1	Agriculture	No	No	No	6	No
ENGLISH TOWN RD DEDDINGTON TAS 7212	6398152	213176/1	Agriculture	No	No	No	7 + 6	No
ENGLISH TOWN RD DEDDINGTON TAS 7212	6398152	235143/1	Agriculture	No	No	No	7 + 6	No
ENGLISH TOWN RD DEDDINGTON TAS 7212	6398144	177257/1	Agriculture	No	No	No	6	No
314 ENGLISH TOWN RD DEDDINGTON TAS 7212	6398101	223262/1	Agriculture	No	No	No	7 + 6	No
2051 DEDDINGTON RD BLESSINGTON TAS 7212	1984814	229715/1	Agriculture	Adjoins covenant	No	No	6 + 5	No
Lot 1 DEDDINGTON RD BLESSINGTON TAS 7212	2762017	221827/1	Agriculture	No	No	No	6 + 5	No
Lot 1 DEDDINGTON RD BLESSINGTON TAS 7212	2762025	244640/1	Agriculture	No	No	No	6 + 5	No
184 HAYES RD BLESSINGTON TAS 7212	2046256	115662/1	Agriculture	Adjoins covenant	No	No	6 + 5	No
2238 DEDDINGTON RD BLESSINGTON TAS 7212	6398080	218365/1	Agriculture	Adjoins covenant	No	No	6 + 5	No

Property Address	Property ID	CT	Draft LPS Zone	Covenant	World Heritage Area	Public Reserve	Land Capability Class	Scenic Protection Area
1503 DEDDINGTON RD DEDDINGTON TAS 7212	2913938	103886/2	Agriculture	Yes	No	No	6 + 5	No
1503 DEDDINGTON RD DEDDINGTON TAS 7212	2913938	103886/3	Agriculture	Yes	No	No	6 + 5	No
DEDDINGTON RD DEDDINGTON TAS 7212	6397977	103886/5	Agriculture	Yes	No	No	6 + 5	No
DEDDINGTON RD DEDDINGTON TAS 7212	6397977	103886/4	Agriculture	Yes	No	No	6 + 5	No
'ELKINGTON' - 548 LOGAN RD EVANDALE TAS 7212	6398339	175727/1	Agriculture	Yes	No	No	6	No
'ELKINGTON' - 548 LOGAN RD EVANDALE TAS 7212	6398339	175727/5	Agriculture	Yes	No	No	7 + 6	No
Lot 1 HONEYSUCKLE RD ROSS TAS 7209	3360810	169994/1	Agriculture	Yes	No	No	6 + 5 + 4	No

Table 2 - List of Properties in Northern Midlands Draft LPS not identified in the 'Land Potentially Suitable for Agriculture Zone' layer (ALMP Mapping Layer 2) and zoned as Environmental Management

Property Address	Property ID	CT	Draft LPS Zone	Covenant	World Heritage Area	Public Reserve	Land Capability Class	Scenic Protection Area
GULF RD LIFFEY TAS 7301	2003475	38867/1	Environmental Management	Yes	Adjoins WHA	Adjoins SR	7 + 6	Yes
GULF RD LIFFEY TAS 7301	6753839	229083/1	Environmental Management	Yes	Included in WHA	Adjoins future CA	7 + 6	Yes
GULF RD LIFFEY TAS 7301	7588396	119373/1	Environmental Management	Yes	Included in WHA	Adjoins future CA	6	Yes

Table 3 - List of Properties in Northern Midlands Draft LPS at Liffey identified as Potentially Constrained (Criteria 3) in the 'Land Potentially Suitable for Agriculture Zone' layer (ALMP Mapping Layer 2) and zoned as Agriculture

Property Address	Property ID	CT	Draft LPS Zone	Covenant	World Heritage Area	Public Reserve	Land Capability Class	Scenic Protection Area
1827 LIFFEY RD LIFFEY TAS 7301	6753759	45838/1	Agriculture	Yes	No	No	6 + 5 + 4	Yes
GULF RD LIFFEY TAS 7301	6753839	229083/1	Agriculture	Adjoins covenant	No	No	6 + 5 + 4	Yes
GULF RD LIFFEY TAS 7301	7588396	119373/1	Agriculture	Adjoins covenant	No	No	5 + 4	Yes



General Manager
Northern Midlands Council

Email to: lps@nmc.tas.gov.au

Dear Sir

REPRESENTATION TO LOCAL PROVISIONS SCHEDULE

Agriculture zoning for Longford House, 120 Catherine St and 116 Catherine St (CT 168940/1), Longford

Town Planning Solutions Pty Ltd was engaged to make representation to the Northern Midlands Local Provisions Schedule (LPS) on behalf of my clients who owns land at Longford House, 120 Catherine St and the adjoining title at 116 Catherine St, Longford (subject lands).

We submit the Agricultural zoning proposed under the *Local Provisions Schedule* (LPS) is not appropriate for lands identified as part of Council's future growth, based on the requirements of the *Northern Tasmanian Regional Land Use Strategy* (RLUS), *Greater Launceston Plan* (GLP) and *Guideline No. 1 – Local Provisions Schedule: zone and code application* (Guideline No.1).

We also note the increase attenuation buffer over the Austral Bricks site from 200 metres under the *Northern Midlands Interim Planning Scheme 2013* (Interim Scheme) to 500 metres under the LPS/TPS regime. We submit this is not consistent with the nature of the activity or its location within an identified growth area for Longford, as identified in the Longford Development Plan. We urge the Council to review the width of the buffer in this location.



Figure 1 – Location plan and context (source: LISTmap)

The subject lands are highlighted in blue on Figure 1 in relation to the greater Longford area. Figure 2 provides greater detail, with the subject lands shown bordered in red, which also shows the relationship to the existing Longford village to the north and east.

Town Planning Solutions Pty Ltd
PO Box 7688, Launceston TAS 7250
ABN 81 638 854 010

ref: Ref Meeves 20219-01

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Figure 2 – existing site conditions (source: LISTmap)

The subject lands have the following characteristics:

- an approximate combined area of 8.4 hectares;
- frontages to Catherine St for both titles, providing access into the lands to a Council maintained road;
- 120 Catherine St has a second frontage and access point to Wilmore's Lane, with a second access point;
- both titles have frontage to the Burleigh Street road reservation (CT 137103/30);
- 120 Catherine St has a substantive heritage listed house, known as Longford House, and associated gardens occupying approximately half of the title, with other outbuildings, a dam and hedgerows to the boundaries of the title;
- both titles are identified for heritage values at Clause NORC6.1.200 of the LPS as part of the Longford House titles;
- 116 Catherine St contains cleared pasture lands, with hedgerows to title boundaries;
- known historical land use includes residential for Longford House and grazing for 116 Catherine;
- land capability of Class 3 and 4¹; in the Longford Development Plan and LISTmap;
- there are no known hazards associated with the land²; and
- adjoining land uses are described as follows:
 - west rural/agricultural
 - South rural/lifestyle
 - East rural lifestyle
 - North rural
 - Southeast industrial /bulky goods (Austral Bricks site).

¹ P31-32 Longford Development Plan 2012

² Ibid & LISTmap

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LISTmap identifies that the subject land is within the Rural Resource zone of the *Northern Midlands Interim Planning Scheme 2013*, with various overlays.

We also note that the as the property has a Local Heritage Place listing, the provisions of clause 7.4 of the TPS apply to any future proposals. This is similar to clause 9.5 of the Interim Planning Scheme. These clauses allow discretionary consideration of uses that would otherwise be prohibited, on the basis that the proposed use will provide for the restoration or ongoing maintenance of the heritage values of the site listed either under the planning scheme or on the Tasmanian Heritage Register. We support the use of this clause for the subject properties.

ZONING

Local Provisions Schedule

The subject area is identified as within the Agriculture zone of the LPS and subject to a range of overlays under various Codes, as shown in Figure 3 and Figure 4. The subject lands are bordered in black.

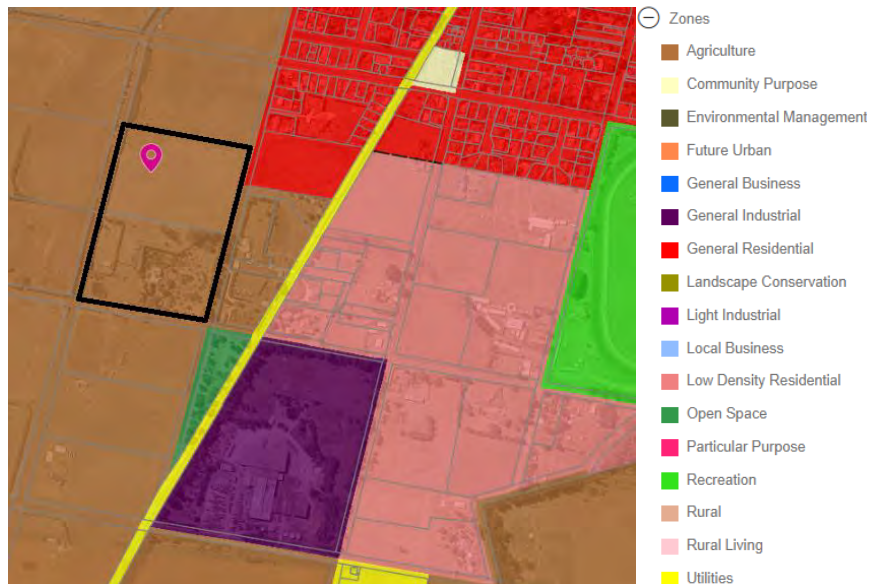


Figure 3 –Extract Northern Midlands LPS zoning regime³

The LPS mapping identifies adjoining properties to the northeast are proposed for the General Residential zone, while properties to the north and east are proposed for the Agriculture zone.

Figure 4 identifies that the titles are subject to the following overlays:

- Local Heritage Place listing (NOR C.6.1.200);
- Airport Obstacle Limitation Area (311-316m AHD, which is well above the properties and unlikely to affect any future proposals on the lands);
- Attenuation area (500m default buffer to Austral Bricks site);
- Bushfire prone areas.

It is understood that the zoning was applied in translation of the zoning regime under the Interim Scheme following the requirements of Guideline No.1 and the zone purpose statements of the TPS. This is confirmed at items 26 and 27 of Table 4 – zone transition rationale of the LPS Supporting Report, which concludes that properties under the Rural Resource zone of the Interim Scheme should transition to the Agriculture zone of under the TPS/LPS regime.

³ <https://planning.discovercommunities.com.au/connect/analyst/mobile/#/main?mapcfg=northernmidlands>

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The LPS Supporting Report identifies that Rural Resource zoned lands were reviewed for strategic uses, constraints identified in the Land Potentially Suitable for Agriculture Zone project by the State and smaller subdivision patterns around townships to provide a buffer between agricultural and more sensitive uses in towns⁴.

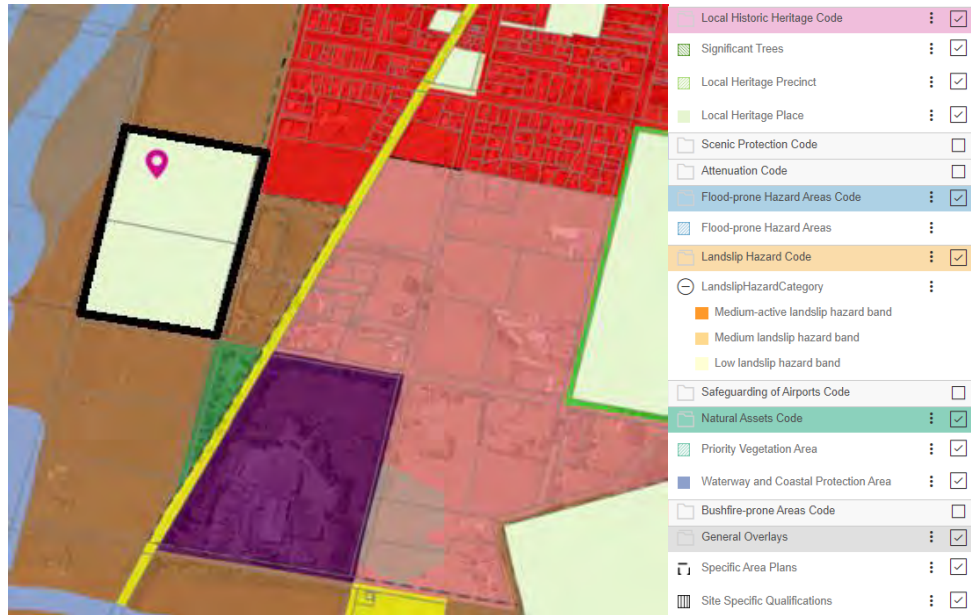


Figure 4 –Extract Northern Midlands LPS Overlays

As identified in Figure 3 and Figure 4, this area displays a fragmented title composition and generally meets these criteria.

The LPS Supporting Report provides a policy and decision framework to support rezoning of the subject and other nearby lands from Agriculture under the LPS to recognise strategic land uses (future residential expansion) and provide a buffer to the General Residential and Low-Density Residential zones within the established township.

Northern Tasmania Regional Land Use Strategy

The *Northern Tasmania Regional Land Use Strategy 2011* (NTRLUS) is the statutory land use plan that establishes the strategic and policy basis for the future development of northern Tasmania, most recently updated in 2021. The NTRLUS establishes a framework, directions for land use and regional planning policies to recognise the role of the Greater Launceston Plan within the region. It describes itself as a living document that facilitates and manages change, growth and development to 2032⁵.

It is generally accepted that maintenance of the NTRLUS has been completed on an operational, rather than strategic, basis. The NTRLUS is understood to have a number of issues that confirm many of the assumptions and the statistical data were out of date and grossly under-projected the extent and nature of growth in Northern Tasmania over the last decade. Nonetheless, it provides guidance through its strategic directions and policies and action.

Longford is identified as a Satellite settlement in Table E.1 Northern Tasmanian Regional Settlement Hierarchy and as a Regional Service Centre in the Regional Activity Centre Hierarchy.

Specific policies and actions under the Regional Activity Centres Strategies are provided at P4 and A5, as follows.

⁴ P88, LPS Supporting Report

⁵ P2, NTRLUS

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<p>RAC-P4</p> <p>Promote and support the role of lower order activity centres, particularly neighbourhood and rural town centres. This will support and strengthen local communities and encourage a viable population base for regional and rural settlements, while promoting the development of new neighbourhood and local centres within <i>Urban Growth Areas</i> where appropriate.</p>	<p>RAC-A5</p> <p>Provide for lower order activity centres to be sustained through a local residential strategy or development plans to create vibrant and sustainable regional and rural communities. It should strengthen their role and function, maintaining and consolidating retail attractions, local employment opportunities, public amenities and services.</p>
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Table E2 Northern Tasmanian Regional Activity Centre Hierarchy inconsistently then defines Longford as a District Service Centre and provides for urban residential growth through infill and consolidation but makes no provision for rural lifestyle and other types of residential development.

Section G Local Provisions Schedule Preparation Addendum of the NTRLUS applies under the terms of the implementation statement. Section G establish key principles and requirements for urban growth areas, with Map G.3 identifying the Regional Framework Plan for Northern Towns including Longford and urban consolidation areas under the RLUS, as shown in Figure 5 (subject lands bordered in black). No growth areas were identified for Longford, Evandale or other key settlements within the Northern Midlands.



Figure 5 - RLUS Regional Framework Plan extract⁶

The dated nature of the assumptions, growth strategies and data that support the NTRLUS did not anticipate the previous 10 years of growth and were not maintained to reflect that outcome.

The Regional Activity Centres Strategies within the NTRLUS provide for future residential growth in and around Longford through local residential strategies or development plans. Longford Development Plan provides this direction, as discussed later in this representation.

⁶ P16 RLUS

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The NTRLUS clearly provides that the lands intended for future residential development, identified through a range of strategies, policies and actions, should not be located in the Agriculture zone of the LPS.

Future conversion of the subject land for residential development is consistent with the NTRLUS.

Greater Launceston Plan

The *Greater Launceston Plan 2014* (GLP) was developed to provide a unified and holistic approach to coordinate the long-term planning and management of the City and greater urban and supporting areas⁷.

The GLP identifies Longford as a Suburban Activity Centre at section 5.9⁸, with growth through consolidation and in accordance with strategic planning studies through to 2021 and then investigation of additional land areas to meet expected demand and maintain a seven-year rolling reserve⁹.

The GLP does not support use of the Agriculture zone on lands that were identified for residential conversion through the Longford Development Plan.

The GLP strategically recognises the need to identify and plan for growth for future residential development within a document prepared through a partnership of Local, State and Federal government.

Longford Development Plan 2012

The *Longford Development Plan 2012* (Development Plan) was completed by Council under the framework established by the RLUS and describes itself as a longer term (20 year) project to identify future lands for urban residential development and expansion of Longford for a target population of 3200 over the life of the document. It is available from the Northern Midlands Council website and described as an adopted development plan, though the date and minute reference for the adoption are not easily available.

The Development Plan forms a specific study under the RLUS and GLP that defines the future planning for the local area within the Activity Centres Hierarchy. It identifies a range of criteria for assessment of candidate areas for future residential development, which were examined in detail. The subject lands were within the study area and identified as a suitable location for future growth.

Site 3 within the Development Plan (refer Figure 6) was identified as follows:

SUMMARY – The class 3 land is an issue with development of this site. This aspect will need further investigation before this site can be recommended as a high priority site. The theoretical yield from this site is 250 dwellings based on the Longford average. This is a natural extension of the township being close to the recently subdivided land in Bulwer St.

The natural way to develop this site, without flooding the market with lots, is to commence development from the north – around Bulwer St and move progressively south. This will give time to consider the impact of development on Longford House and to plan accordingly – maybe with landscaping.¹⁰

Discussions with Council's Senior Planner identified that work has recommenced on implementation of the Development Plan, with the *South Longford Intensification Strategy* under way and expected to identify this and other areas for future residential development. With 10 of the 20-year timeframe for the Development Plan having lapsed and growth over that time having significantly increased land uptake and property sales, it is timely to make provision for further growth as part of the LPS.

⁷ P3, GLP

⁸ P85 GLP

⁹ P109 GLP

¹⁰ P33, Longford Development Plan

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The Development Plan supports removal of the subject lands from the Agriculture zone under the LPS and use of an alternative zone that will reflect its identification for future residential use.

Identification of the subject and adjoining lands within the Development Plan as future growth areas for urban and residential conversion provides a clear basis under a Council adopted development plan to consider an alternative to the Agriculture zoning under the LPS. This is consistent with the strategic basis of both the NTRLUS and GLP.



Figure 6 - Site 3 Longford Development Plan

Guideline No.1

Guidelines AZ1 and AZ6 provide the relevant instruction for use of the Agriculture zone as follows:

- AZ 1** *The spatial application of the Agriculture Zone should be based on the land identified in the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST, while also having regard to:*
- (a) *any agricultural land analysis or mapping undertaken at a local or regional level for part of the municipal area which:*
 - (i) *incorporates more recent or detailed analysis or mapping;*
 - (ii) *better aligns with on-ground features; or*
 - (iii) *addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer, and*
- where appropriate, may be demonstrated in a report by a suitably qualified person, and is consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;*
- ...
- AZ 6** *Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if:*

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- (a) *local or regional strategic analysis has identified or justifies the need for an alternate consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; ...*
- (d) *for the identification, provision or protection of strategically important uses that require an alternate zone; or*
- (e) *it can be demonstrated that: ...*
 - (iii) *the Agriculture Zone is otherwise not appropriate for the land.*

Application of the Agriculture zone to land that is recognised in the NTRLUS, GLP and Longford Development Plan for strategic conversion to residential uses is not consistent with the zone purpose statements, the intent of the Guidelines for long term protection of agricultural lands, the requirements of AZ6(a) and consequentially, the intent and requirements of Guideline AZ1 for application of the Agriculture zone under a LPS.

Designation of this land as Site 3 within local strategies complies with the requirements of Guidelines AZ1 and AZ6 for an alternative zoning to be used.

The RLUS and Guideline No.1 support an alternative zoning of the lands.

While this submission was prepared for the subject lands, the strategic basis of the Longford Development Plan suggests an alternative zoning should be considered for a wider area to reflect the fragmented nature of this area and the identified future needs of the Longford settlement.

The online mapping tool identifies that the General Residential and Low Density Residential zones are located near the subject lands.

Use of the General and Low Density Residential zones is premature at this point, as the concepts within the Development Plan require further investigation. Advice from Council suggests this will occur through the *South Longford Intensification Strategy* (yet to be completed).

As a result, there is no formally adopted strategy of Council to support use of a zone that allows for the intensive development of the subject and adjoining lands. It is likely that multiple zones (Local Business, General Residential, Low Density Residential, Rural Living and Open Space) should be applied to lands within the *South Longford Intensification Strategy*.

The TPS provides two zones for such situations through the Future Urban Zone. Guideline No.1 provides relevant instructions:

- FUZ 1 The Future Urban Zone should be applied to land identified for future urban development to protect the land from use or development that may compromise its future development, consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.*
- FUZ 2 The Future Urban Zone should be applied to land within an interim planning scheme Particular Purpose Zone which provides for the identification of future urban land.*
- FUZ 3 The Future Urban Zone may be applied to land identified in an interim planning scheme code or specific area plan overlay which provides for future urban land.*
- FUZ 4 The Future Urban Zone may be applied to sites or areas that require further structure or master planning before its release for urban development.*

The subject lands are identified through regional and local strategies endorsed by the Council. The Development Plan and pending *South Longford Intensification Strategy* do not support zoning for the identified future uses at this time, as further master planning and investigations are required to determine the ultimate zoning of the lands.

An alternative zoning is provided in Rural Living. This would provide a clear recognition of the future intended use, with a D categorisation preventing any further subdivision of lands for intensive use until the South Longford Intensification Strategy is completed and the LPS is amended by Council. Rural Living is also consistent with the heritage values and nature of use that occurs at Longford House.

Guideline No.1 provides the following for the Rural Living zone:

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

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- (a) *residential areas with larger lots, where existing and intended use is a mix between residential and lower order rural activities (e.g. hobby farming), but priority is given to the protection of residential amenity; or*
 - (b) *land that is currently a Rural Living Zone within an interim planning scheme or a section 29 planning scheme,*
unless RLZ 4 below applies.
- RLZ 2** *The Rural Living Zone should not be applied to land that is not currently within an interim planning scheme Rural Living Zone, unless:*
- (a) *consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; or*
 - (b) *the land is within the Environmental Living Zone in an interim planning scheme and the primary strategic intention is for residential use and development within a rural setting and a similar minimum allowable lot size is being applied, such as, applying the Rural Living Zone D where the minimum lot size is 10 ha or greater.*
- RLZ 3** *The differentiation between Rural Living Zone A, Rural Living Zone B, Rural Living Zone C or Rural Living Zone D should be based on:*
- (a) *a reflection of the existing pattern and density of development within the rural living area; or*
 - (b) *further strategic justification to support the chosen minimum lot sizes consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.*
- RLZ 4** *The Rural Living Zone should not be applied to land that:*
- (a) *is suitable and targeted for future greenfield urban development;*
 - (b) *contains important landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values (see Landscape Conservation Zone), unless the values can be appropriately managed through the application and operation of the relevant codes; or*
 - (c) *is identified in the 'Land Potentially Suitable for Agriculture Zone' available on the LIST (see Agriculture Zone), unless the Rural Living Zone can be justified in accordance with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.*

In response, we provide the following:

- RLZ1** The subject lands are larger lots that contain a significant heritage dwelling and associated gardens that are suited to lower order rural activities, where any significant agricultural activities and operations are unlikely to occur due to the fragmented nature of the area while also likely to detrimentally impact nearby lands within a range of residential zones that contain established dwellings. The subject lands are identified as constrained in the 'Land Potentially Suitable for Agriculture Zone' LISTmap layer and form part of a larger area recognised in the Longford Development Plan and as a result, the NTRLUS and GLP for strategic land use change. Complies with a and b.
- RLZ2** The subject and adjoining lands are recognised in the Longford Development Plan for future residential conversion, as supported through the NTRLUS and GLP. Complies with a, b is not relevant.
- RLZ3** Allocation of a C or D category (5 or 10 hectare minimum lot size) would prevent further subdivision pending completion of the required strategic studies, while recognising their residential use. This is consistent with the Development Plan and the projected future conversion of the lands once additional strategic studies are completed. Complies with a, b is not relevant.
- RLZ4** Part of the subject lands are identified for future greenfield development, however this would result in split zoning of an existing and long term land holding. The subject and adjoining lands were not identified for significant landscape values under the Interim Scheme or the LPS and are identified as potentially constrained under the *Land Potentially Suitable for Agriculture Zone* layer on LISTmap. Complies with a and c, b is not relevant.

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We submit that use of Rural Living C zone complies with the RLZ Guidelines and is appropriate for the subject lands.

ATTENUATION BUFFER

As previously noted, the LPS increases the default buffer that applies to the Austral Bricks site at Cressy Road and Western Street Longford from 200 metres under the Interim Scheme to 500 metres under the LP/TPS regime.

This will significantly increase the number of existing dwellings that are within the buffer from approximately 8 to:

- approximately 55 existing houses;
- areas of the General Residential zone under both the Interim Scheme and LPS at Cracroft Street, Mews and Equus Courts, Marlborough and Catherine Streets;
- approximately 9 existing vacant titles in a residential zone; and
- 3 larger titles within the General Residential zone that can support further subdivision.

We also note that the Austral Bricks site is within the Urban Growth Boundary under the Interim Scheme.

Firstly, we note that C9.0 Attenuation Code does not apply to Level 2 Activities, due to the exemption at clause C9.4.1(a). This suggests that the attenuation overlay should not be applied to the Austral Bricks site under the code and is consistent with the Interim Scheme provision E11.4.1(a).

If the Commission determines that this is not the case, then Guideline No.1 provides instructions for translation

- AC 1 An attenuation area overlay may be applied to an existing activity listed in Tables C9.1 or C9.2 of the Attenuation Code as a variation to the generic attenuation distances to take account of local circumstances, such as:*
- (a) the characteristics of the activity;*
 - (b) the topography of the surrounding area;*
 - (c) the surrounding land uses or zones; or*
 - (d) any existing attenuation measures or buffers.*
- AC 2 Any new attenuation area overlay for an existing activity listed in Tables C9.1 or C9.2, which does not align with an equivalent overlay contained in an interim planning scheme or section 29 planning scheme, must be justified by a suitably qualified person. The attenuation area overlay may apply to an area larger or smaller than the generic attenuation distances specified for the relevant activity.*

Guideline AC1 allows for translation of existing buffers from the Interim Scheme to the LPS, while AC2 requires variations to established overlays to be supported by expert evidence.

Clause E11.2.1 of the Interim Scheme establishes a 200m attenuation area overlay for the Austral Bricks site, under Table E11.1 (category brickworks, 200m for dust and odour). It forms an attenuation area overlay under the Interim Scheme.

Appendix 4 of the LPS Supporting Report recognises the buffer increase from 200 to 500 metres under the TPS/LPS regime and applies the default buffer under the LPS at item 11 of the corresponding table to all of the relevant title.

The available documentation did not include a specific study for the increased attenuation area from the Interim Scheme to the LPS, as required under Guideline AC2. Guideline AC2 refers to an overlay and not to an overlay shown on maps, which means the requirements of the Guideline apply.

The site is managed by Permit 5787 and subject to Environmental Protection Notice 9568/1, (EPN) issued in 2017. The EPN does not establish any increase to the attenuation requirements established under the Interim Scheme.

We request that the Council reviews use of the generic buffers within the TPS for this site and if required, translates the 200 metre from the Interim Scheme under Guideline AC2.

Representation against Northern Midlands Local Provisions Schedule
120 & 116 (CT 168940/1) Catherine St, Longford

CONCLUSION

This representation identified that the Agriculture zone proposed under the LPS is not consistent with the requirements of the RLUS, Greater Launceston Plan, Longford Development Plan and consequently, the requirements of Guideline No.1.

Review of alternative zones within the TPS identified that the General Residential and Low-Density Residential zones were not (yet) appropriate. We agree with the verbal advice from Council officers that the Rural zone is not appropriate to the location, particularly given the proximity to prime agricultural land to the west.

As such, we request:

- the subject lands be removed from the Agriculture zone pursuant to Guidelines AZ1 to AZ4;
- Rural Living zone be applied to the subject lands as a first preference, with a category C to prevent further subdivision, or Future Urban as a second preference in accordance with the existing use of the subject lands and compliance with Guidelines RLZ1 to RLZ4; and
- if required, the 200m attenuation area overlay for the Austral Bricks Site be translated to the LPS from the Interim Scheme, in accordance with Guidelines AC1 and 2.

We also suggest that Council review the zoning of the blocks west of Catherine Street and in the southern Longford area to reflect their strategic identification for future expansion of the Longford Settlement in the Longford Development Plan.

We look forward to discussing this submission with you further informally or at the LPS hearings.

Thank you and regards



Mick Purves
Director
Town Planning Solutions Pty Ltd
20 December 2021

Department of State Growth

Salamanca Building, Parliament Square
4 Salamanca Place, Hobart TAS 7000
GPO Box 536, Hobart TAS 7001 Australia
Phone 1800 030 688 Fax (03) 6233 5800
Email info@stategrowth.tas.gov.au Web www.stategrowth.tas.gov.au
Our Ref: D21/335941 Your Ref:



Mr Des Jennings
General Manager
Northern Midlands Council
PO Box 156
LONGFORD TAS 7301

Via email: lps@nmc.tas.gov.au

Dear Mr Jennings

Northern Midlands Draft Local Provisions Schedule

Thank you for the opportunity to comment on the Northern Midlands Draft Local Provisions Schedule ('Draft LPS').

The Department of State Growth ('State Growth') has reviewed the Draft LPS, supporting mapping and overlay information and believes it largely reflects a sound translation from the *Northern Midlands Interim Planning Scheme 2013* in accordance with the Tasmanian Planning Commission's *Guideline No. 1 Local Provisions Schedule (LPS) zone and code application*.

A detailed review has however highlighted a small number of issues that will require rectification or further discussion with Council officers and the Tasmanian Planning Commission. I have outlined each of the issues in the attached document for your consideration.

Please do not hesitate to contact Patrick Carroll, Principal Land Use Planning Analyst at Patrick.Carroll@stategrowth.tas.gov.au or on 03 6166 4472 who can arrange for relevant officers to respond to the matters raised in this submission.

Yours sincerely

James Verrier
Director, Transport Systems and Planning Policy

20 December 2021

Attachment 1 – State Growth Comments – Northern Midlands Draft Local Provisions Schedule

Attachment I – State Growth Comments – Northern Midlands Draft Local Provisions Schedule

Future Urban Zone, south of Perth

Land to the south of the Perth township, located between Drummond Street and the Midland Highway, is proposed to be zoned Future Urban under the draft LPS. This land is currently zoned Rural Resource under the *Northern Midlands Interim Scheme 2013* (the 'Interim Scheme').

It is noted that the land is identified as a 'Priority Investigation Area – Residential' under the *Northern Tasmania Regional Land Use Strategy* (refer to Figure I), and that the Strategy considers these areas to be within the Urban Growth Area and suitable for rezoning for urban development.



Figure I. Extract of Map D.3 Regional Framework Plan: Northern Townships of the Northern Tasmania Regional Land Use Strategy. The pink hatching denotes the 'Priority Investigation Area – Residential'.

As such, the proposed zoning is considered consistent with FUZ I of Guideline No 1 – Local Provisions Schedule (LPS) zone and code application (the 'Guidelines')¹.

Assuming the proposed LPS zoning is adopted, State Growth requests the following matters be addressed by the proponent prior to any rezoning to residential (e.g. General Residential):

- Noise modelling undertaken for the Midland Highway - Perth Link Roads project in 2017, indicated a significant part of the land is subject to traffic noise impacts. A Noise Impact Assessment should be undertaken, with particular reference to future zoning, any impacts on sensitive uses and the appropriateness of a mapped road attenuation area under the Road and Railway Assets Code.
- Hydrological impacts on the adjacent State Road network.

¹ Tasmanian Planning Commission (2018) Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application. Version 2.0. Accessed at https://www.planning.tas.gov.au/data/assets/pdf_file/0006/583854/Section-8A-Guideline-No.-1-Local-Provisions-Schedule-LPS-zone-and-code-application-version-2.pdf

State Road Network

Zoning of State Road Network

Consistent with UZ 1 of the Guidelines, the State Road network generally appears to be zoned Utilities, based on the State Road Casement layer published on the LIST. This layer was developed in 2018 to assist Councils in drafting their LPSs, with the intent to clearly identify land forming part of the State Road network for inclusion within the Utilities Zone.

However, since 2018, there have been changes to the State Road network. The draft LPS requires corrections or updates for the following parcels:

- Midland Highway – Perth Link Roads (part of South Perth roundabout is not zoned Utilities) – CT 114189/1 - see Figure 2 & 3 below.
- Midland Highway – Breadalbane Interchange (part of slip lanes are not zoned Utilities – CT 301143/1 - see Figure 4 & 5 below.
- Midland Highway Safety Upgrade – Symmons Plains to south of Perth (acquired adjoining land parcels are not zoned Utilities, per the State Road Casement).
- Midland Highway Safety Upgrade – Epping Forest to Powranna to Symmons Plains (acquired adjoining land parcels are not zoned Utilities, per the State Road Casement).
- Evandale Main Road Duplication (acquired adjoining land parcels are not zoned Utilities, per the State Road Casement).



Figure 2 (left): Land at Perth Links Road required to be zoned Utilities.

Figure 3 (right): Proposed Agriculture zoning under draft LPS.



Figure 4 (left): Land at Breadalbane Interchange required to be zoned Utilities.

Figure 5 (right): Proposed Agriculture zoning under draft LPS.

Road and Railway Assets Code - Road and Railway Attenuation Area

State Growth supports Council's approach to rely on the written application of the Road and Railway Attenuation Area provisions, rather than applying the Attenuation Area via overlay mapping. The latter approach would require the overlay mapping to be updated via a planning scheme amendment each time a parcel of land is acquire or disposed of for road development purposes.

The approach taken ensures consistency with other approved LPSs, such as, Brighton, Meander Valley, West Coast, Circular Head, Burnie, Glenorchy and Devonport.

Natural Assets Code – Priority Vegetation Overlay

There are several instances where the Natural Assets Code overlay maps Priority Vegetation Areas over the existing carriageway of the State Road Network. Application of this overlay of the State Road Network has the potential to constrain future use and development of the road network.

As per NAC 11 of the Guidelines, it is requested that – unless sufficient justification can be provided – the draft Natural Assets Code Overlay Maps are removed from the State Road network, which is most appropriately zoned Utilities.

Anomalies

There are several anomalies between Table 6 of Council's LPS Supporting Report and the Exhibited Mapping, as detailed in the table below.

It is requested that Council clarify the proposed zoning for the identified parcels.

Property	Existing Interim Scheme Zoning	Proposed Zoning within LPS Supporting Report	Proposed Zoning within Exhibited Mapping
1 Archer Street, Longford	Rural Resource	General Residential	Rural
Lot 1 Drummond Street, Perth	Rural Resource	General Residential	Landscape Conservation
38 Phillip Street, Perth	Particular Purpose	General Residential	Future Urban
44 Phillip Street, Perth	Particular Purpose	General Residential	Future Urban
114 Main Road, Perth	Rural Resource	Rural Living	Future Urban
15962 Midland Highway, Perth	Rural Resource	Rural Living	Agriculture

Representation

In response to

Draft Northern Midlands Local Provisions Schedule – Tasmanian Planning Scheme 2021

Prepared by

Bush Heritage Australia (A.C.N. 053 639 115)
of Level 1/395 Collins Street, Melbourne VIC 3000
(PO BOX 329 Flinders Lane, Melbourne VIC 8009)

December 2021

Acknowledgements

*Bush Heritage acknowledges the Palawa People as the custodians and Traditional Owners of lutruwita/
Tasmania.*

*Bush Heritage also acknowledges and thanks Mr John Thompson of Conservation Landholders Tasmania
and the Tasmanian Land Conservancy for their gracious support and assistance in the preparation of this
Representation.*

For further information on this Representation, please contact

Sandra Anderson,
Legal Counsel Bush Heritage Australia
E: sandra.anderson@bushheritage.org.au
M: 0474 655 708
P: PO Box 345 Geeveston TAS 7116

Submitted by email: lps@nmc.tas.gov.au Tuesday 21 December 2021



**Bush Heritage Australia's Representation in response to:
Draft Northern Midlands Local Provisions Schedule – Tasmanian Planning Scheme 2021**

Bush Heritage Australia (*Bush Heritage* www.bushheritage.org.au) is a not-for-profit and registered environmental/conservation charity, protecting millions of hectares of ecologically important land for the benefit of nature and all Australians. Bush Heritage operates nationally, to protect and restore to health over 10 million ha of habitat. We prioritise land for acquisition or management through partnership based on the biodiversity values, percent of habitat type already protected in the National Reserve System, threats at play in the landscape and our ability to address those threats effectively.

Bush Heritage submits this Representation, regarding the Draft Northern Midlands Council Local Provisions Schedule (the ***Draft LPS***) pursuant to s 35E(1) of the *Land Use Planning and Approvals Act 1993 (TAS)*. The focus points of this Representation are as follows:

- (1) The Draft LPS will result in the wholesale rezoning of land previously zoned as *Rural Resource* to *Agriculture*, notwithstanding LIST data and legal constraints which the Tasmanian State Planning Scheme and State Planning Provisions direct be taken into consideration for case by case rezoning as either *Landscape Conservation* or *Environmental Management*;
- (2) Land declared as a Private Nature Reserve (designated by conservation covenants registered on title) pursuant to the *Nature Conservation Act 2002 (TAS)*, will be rezoned as *Agriculture* rendering the validity of that otherwise legal land use in question;
- (2) The Draft LPS must be amended to accord with the Tasmanian Planning Scheme and State Planning Provisions and Guidelines No.1 so as to ensure that the wholesale rezoning of Private Nature Reserves and Constrained Land is not permitted, that the most appropriate alternative zone is applied to land that has or will be declared Private Nature Reserves and perverse town planning outcomes are avoided;
- (3) Bush Heritage Australia does not consent to any of its freehold properties as Private Nature Reserves being rezoned from *Rural Resource* to *Agriculture*; and
- (4) All four (4) Bush Heritage Reserves located in the Liffey Region should be transitioned to the *Environmental Management* zone under any approved new, approved Northern Midlands Council Local Provisions Schedule.

Kind regards

Mark Dwyer
 Acting Chief Executive Officer
 Bush Heritage Australia
 21 December 2021



1. Bush Heritage land ownership and interest in the Draft LPS:

- (a) Bush Heritage owns four (4) freehold properties in the Northern Midlands Council (**NMC**) municipality. Two (2) of the four (4) Bush Heritage properties are located in the same local Liffey area, along the same road (Gulf Road, Liffey TAS 7301). All four (4) properties are currently zoned *Rural Resource* (under the Northern Midlands Council Interim Planning Scheme 2013) and Bush Heritage understands that this Zone no longer exists under the Tasmanian Planning Scheme (**TPS**) and therefore is not used in the Draft LPS. Under the Draft LPS - two (2) Bush Heritage properties will be rezoned as *Environmental Management* with the other two (2) properties to be rezoned as *Agriculture*¹ if the Draft LPS is approved by the Minister responsible for administration of the *Land Use Planning and Approvals Act 1993 (TAS)* (**LUPA Act**) and Tasmanian Planning Commission (**TPC**).

Property Address/Private Reserve Name	Volume/Folio	PID	Current Zoning (NMC Interim Planning Scheme 2013)	Proposed Rezoning (DRAFT NMC LPS)
<i>Oura Oura Reserve</i> ² 159 Gulf Road, Liffey TAS 7301	202805/1 246184/2	6753804 6753791	Rural Resource	<i>Agriculture</i>
<i>Liffey River Reserve</i> Gulf Road, Liffey TAS 7301	229083/1	6753839	Rural Resource	<i>Environmental Management</i>
<i>Drys Bluff Reserve</i> Gulf Road, Liffey Valley TAS 7301	150038/1	2776136	Rural Resource	<i>Agriculture</i>
<i>Coalmine Creek Reserve</i> Gulf Road, Liffey TAS 7301	119373/1	7588396	Rural Resource	<i>Environmental Management</i>

- (b) All four (4) properties owned by Bush Heritage have *Nature Conservation Act 2002 (TAS)* conservation covenants registered on title and Bush Heritage has an internal property naming policy by which all properties owned by Bush Heritage are known as "Reserves". This appellation is separate and in addition to, the "Private Nature Reserve" denomination that comes pursuant to sections 12 and 19 with the declaration of conservation covenant pursuant, as defined in section 3 of the *Nature Conservation Act 2002 (TAS)*.
- (c) To be clear, Bush Heritage is not opposed to the proposed rezoning of its' Liffey River and Coalmine Creek Reserves to *Environmental Management*. An assumption has been made that the rezoning of Liffey River and Coalmine Creek Reserves is predicated on those two (2) properties being made part of the World Heritage Area in 2015. This Representation will focus on Bush Heritage's opposition to the proposed rezoning of Oura Oura and Drys Bluff Reserves to *Agriculture*.
- (d) Bush Heritage is of the view that the rezoning of the Oura Oura and Drys Bluff Reserves to *Agriculture*, does not accord with the Guideline No. 1: Local Provisions Schedule – Zone and Code Application (June 2018) (**Guideline No.1**) and, if approved, would result



in a perverse town planning outcome given the proposed rezoning of the immediate and contiguous local region of all four (4) Bush Heritage Reserves adjacent to the rezoning of the World Heritage Area as *Environmental Management*.

- (e) To be rezoned as *Agriculture* would render the historic, current and future land use of both Oura Oura and Drys Bluff Reserves for conservation purposes, as *Discretionary* (and potentially requiring NMC approval via Permit) and or potentially *Prohibited* as being a non-agricultural use and purpose for which there is no Acceptable Solution listed in the Tasmanian Planning Scheme - State Planning Provisions - Clause 21.0 Agricultural Zone Permitted Use Table.

- (f) “*Agricultural use*” and “*agricultural land*” are both defined in clause 3.1 of the TPS as follows:

- “***agricultural land*** means all land that is in agricultural use, or has the potential for agricultural use, that has not been zoned or developed for another use or would not be unduly restricted for agricultural use by its size, shape and proximity to adjoining non-agricultural uses”...

- “***agricultural use*** means use of the land for propagating, cultivating or harvesting plants or for keeping and breeding of animals, excluding domestic animals and pets. It includes the handling, packing or storing of plant and animal produce for dispatch to processors. It includes controlled environment agriculture and plantation forestry.”

The “*agricultural use*” of land is expressly prohibited under the terms of a *Nature Conservation Act 2002 (TAS)* conservation covenant, without prior written consent to the contrary issued by the relevant Minister. This legal constraint effectively removes Private Nature Reserves from consideration as “*agricultural land*” as this term is currently defined in the TPS to mean conservation and agriculture are, still, considered mutually exclusive land management activities from a town planning perspective.

2. Application of Guideline No 1 - Consequence of umbrella rezoning of Rural Resource to Agriculture :

- (a) Clause 21.0 of the Guideline No 1, Zone Application Guidelines for the *Agriculture* zone states:

- “AZ 1 The spatial application of the Agriculture Zone should be based on the land identified in the ‘Land Potentially Suitable for Agriculture Zone’ layer published on the LIST, while also having regard to: ...

- ... (b) any other relevant data sets; ...” and

- “AZ 3 Titles highlighted as Potentially Constrained Criteria 2A, 2B or 3 in the ‘Land Potentially Suitable for Agriculture Zone’ layer may require further investigation as to their suitability for inclusion within the Agriculture Zone, having regard to:



(a) existing land uses on the title and surrounding land:...."³

- (b) Having reviewed the Land Information System Tasmania (**LIST**) data for all four (4) Bush Heritage Reserves, Bush Heritage has formed the view that the rezoning of Oura Oura and Drys Bluff Reserves to *Agriculture* does not accord with clauses 1,3,5 & 6 of Guideline No.1 as to the application of the Agriculture Zone (AZ1 and AZ 3) to a Private Nature Reserve. Less than 50% of the total cadastral boundary for each of Oura Oura and Drys Bluff Reserves falls within Layer 1 'Land Potentially Suitable For Agriculture Zone' and Layer 2 Potentially constrained agricultural land Criteria 2A and 2B (as not adjoining a Residential zone) and both data sets on LIST contain the statement "*Land Capability Class 6 – land marginally suited to grazing due to severe limitations.*"⁴

- (c) Appendix 3 of the Draft LPS Supporting Document titled "*State Mapping Agricultural Land Background Report (May 2017)*" contains the following significant qualification:

*"Despite the sophisticated methodology, the mapping is not intended to be a definitive strategic land use planning tool as it is predominantly a desktop analysis and has only focussed on assessing the agricultural potential of the land. Local planning authorities will need to utilise this data in conjunction with a range of other data sets and information sources in making strategic land use planning decisions about some of the areas identified."*⁵

Therefore, the inclusion of a "Land Capability Class" of constraint for land included in the LIST layer titled '*Land Potentially Suitable for Agriculture Zone*' must be acknowledged as a direction to the relevant planning authority that further investigation of the natural values/title and legal constraints must be had before the *Agriculture* Zone is imposed on that land via an LPS.

- (d) AZ 6 in Clause 21.0 of the Guidelines No. 1 states that:
"Land identified in the 'Land Potentially Suitable for Agriculture Zone' may be considered for alternate zoning if:...
...(c) for the identification and protection of significant nature values, such as priority vegetation areas in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone; ...
...(e) it can be demonstrated that:
(i) the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;
(ii) there are significant constraints to agricultural use occurring on the land; or
*(iii) the Agricultural Zone is otherwise not appropriate for the land."*⁶
- (e) The wholesale transition of *Rural Resource* to *Agriculture* proposed in the Draft LPS:
 (i) does not comply with application of *Agriculture* zoning process set out in Guideline No.1;



- (ii) does not acknowledge nor take into consideration the legal status of the significant natural values and priority vegetation protected under Tasmanian law in perpetuity pursuant to conservation covenants registered on the freehold land title; and
- (iii) does not take into consideration the other available LIST datasets and Land Capability Classes constraints.

3. Application of Guideline No 1 to Private Nature Reserves in the DRAFT LPS:

- (a) Guideline No.1 sets out the following application guidelines for the *Landscape Conservation* and *Environmental Management* zones as follows:
 - “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”⁷; and
 - “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; ...
 - ... (e) any private land containing significant values identified for protection or conservation and where the intention is to limit use and development.”⁸
- (e) Guideline No 1 is clear. Conservation covenanted properties categorised as a Private Nature Reserve (as defined in section 3 of the *Nature Conservation Act 2002 (TAS)*) in the NMC municipality should be uniformly zoned, subject to landholder consent, as *Environmental Management* or *Landscape Conservation*.
- (f) Guideline No 1 must be applied in the NMC draft LPS so as to avoid absurd or perverse town planning outcomes within the NMC municipality, all adjoining land used for similar land purposes in the NMC municipality – namely all four (4) Bush Heritage Private Nature Reserves adjoining the World Heritage Area in the Liffey River region – be uniformly and consistently rezoned to *Environmental Management*.

4. NMC Land Use Development Strategy behind the Draft LPS:

- (a) The NMC’s rationale for the “1:1” transition from *Rural Resource* to *Agriculture* is explicitly predicated on the assumptions that:
 - (i) “...the primary purpose for land in the Northern Midlands Council area is for agricultural uses.”⁹; and
 - (ii) “Properties containing ... Private Conservation Covenants, are not permanently reserved for such purposes and in the event that ...,agreements, or covenants are terminated, then the land reverts back to its primary purpose.”¹⁰



- (b) The framing of a conservation covenant as being *temporary*, is not accurate at law (see: section 35 *Nature Conservation Act 2002 (TAS)* as to the exceptional and limited circumstances in which a conservation covenant can in fact be discharged).
- (c) Pursuant to section 34 of the *Nature Conservation Act 2002 (TAS)* – a conservation covenant is entered into as between the land owner and the responsible Minister on the part of the State Government :-
“...to protect in perpetuity the flora and fauna, water quality and natural diversity of the land...” ...and ...
*“...it is the intention of both parties to the covenant that it will have the effect of binding all future owners as well as the current owner of the land.”*¹¹
- (d) Conservation Covenants are entered into voluntarily between the landowner and the Tasmanian State Government pursuant to the *Nature Conservation Act 2002 (TAS)*, administered by the (renamed in 2021) Department of Natural Resources & Environment (TAS). Management and protection of the natural values of the land is the primary purpose and use of the land under a conservation covenant that covers all or most of the land contained within the cadastral boundary. It is entirely possible for agriculture and conservation to sit side by side and or integrated on the land legal land title, but the principal or primary use of the land is the management and protection of the natural values and not agriculture as a land use conflict.
- (e) Schedule 1 Nature Conservation Act - Private Nature Reserve being a Class 10 –
*“An area of land that contains natural values that - (a) contribute to the natural biological diversity or geological diversity of the area of land, or both; and (b) are unique, important or have representative value.”*¹²
- (f) As pointed out in clause 1(f) above, the terms of a conservation covenant expressly prohibit (without the written consent of the responsible Minister to the contrary) “agricultural uses” as that term is defined in the TPS.
- (g) In the Supporting Document, the NMC justifies the rezoning of all Rural Resource to Agriculture (notwithstanding any land parcel having the declared and registered legal status as a Private Nature Reserve) as being in accordance with the NMC’s Land Use Development Strategy (**LUDS**) as follows:

*“Land containing Private Conservation Covenants was initially considered for transition to Landscape Conservation Zone. However, this often required the split zoning of lots, which is counter to a key zoning principle in the LUDS. Accordingly, such land was transitioned to the primary purpose of the land, predominantly Agriculture Zone.”*¹³
- (h) The NMC LUDS is predicated on the assumption made explicit that the primary use of land in the NMC municipality is agriculture so the rezoning default category for all previously zoned *Rural Resource* is to be *Agriculture* in service of the LUDS. It is a matter



for the NMC to persuade the TPC that the extent to which the Draft LPS is in consistent with the State Planning Provisions (**SPP**) Guidelines is justified by the assumptions made in the LUDS.

- (i) Despite the stated underlying assumption of the NMC LUDS, the Draft LPS Supporting Document contains contradictory statements:
 - (i) by way of introduction to the suite of proposed new Zoning Maps prepared in accordance with the SPP Guideline No.1, that:
*"The Guidelines contain 'should' statements for the zoning of land and in doing so, recognises that there will be circumstances whereby sustainable outcomes are not achieved without variation in zone type, or the inclusion of overriding provisions".*¹⁴; and
 - (ii) in Table 4 of the Draft LPS Supporting Report sets out the *Zone Transition Rationale*: employed by the NMC:
*"... Landscape Conservation...(has)...been applied to preserved existing land uses and provide buffer areas between townships and agricultural land. Existing uses that are either permitted in the Rural Resource zone but prohibited in both the Rural and Agriculture Zone must be allocated an alternative zoning...."*¹⁵
- (j) The zoning of land in the NMC municipality, as a result of a Draft LPS, should not be predicated nor motivated by a desire to *"...avoid the potential for oddly zoned pockets of land throughout the municipality"*.¹⁶ The zoning of land must be done in accordance with the TPS, SPP and Guideline No.1 and accord with all applicable laws of Tasmania including the *Nature Conservation Act 2002 (TAS)*.

5. Application of Guideline No 1 – Existing capacity to rezoning Rural Resource to Landscape Conservation or Environmental Management on case by case basis

- (a) Clauses 1 and 3 of Guideline No.1 sets out the manner in which the available raft of zones and codes are to be applied to Local Planning Provisions and therefore, to the Draft LPS.
- (b) Clause 3.4 of the Guideline No.1 states that *"The primary objective in applying a zone should be to achieve the **zone purpose** to the greatest extent possible"*.
- (c) Clause 5 of the Guideline No.1 (Item 21.0) Agriculture Zone – sets out the **purpose** of the Agriculture zone as:
 - (i) 21.1.1 – *to provide for the use or development of land for agricultural use;*
 - (ii) 21.1.2 – *to minimise conflict with or interference from non-agricultural use or development that precludes the return of the land to agricultural use; and*
 - (iii) 21.1.3 – *to provide for use or development that supports the use of the land for agricultural use.*



- (d) Clause 5 of the Guideline No.1 (Item 21.0) then sets out the Zone Application Guidelines:
- (i) AZ 1 – the spatial application of the Agriculture Zone should be based on the land identified in the ‘Land Potentially Suitable for Agriculture Zone’ layer published on the in LIST whilst having regard to:
 1. detailed local mapping that addresses anomalies in the LIST data and layers;
 2. any other relevant data sets;
 3. better aligns with on ground features.
- (e) The application of the *Agricultural* Zone to conservation covenanted property in the NMC municipality and specifically the Bush Heritage Private Nature Reserves in the Liffey Region adjacent to the World Heritage Area, has not been undertaken in accordance with the Zone Application Guidelines in that:
- (i) the natural environmental features and values of the properties mapped, listed under both State and Federal law and protected in perpetuity by way of conservation covenant registered on title pursuant of the *Nature Conservation Act 2002 (TAS)* have been disregarded;
 - (ii) the known values and data sets published via LIST are directly at odds and conflict with the *purpose* of the *Agriculture* zone defined in the TPS and SPP;
 - (iii) In proposing the rezoning of these properties from *Rural Resource* to *Agriculture*, does not serve the purpose of the Agriculture Zone as defined by the TPS SPP and set out in Guideline No.1; and
 - (iv) Zone Application Guideline APZ 6 specifically states that land identified as falling within the “Land Potentially Suitable for Agriculture Zone” layer may be considered for alternate zoning if:

“...the identification and protection of significant natural values, such as priority vegetation areas as defined in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone;.....” ¹⁷
 - (v) All four (4) of Bush Heritage’s Private Nature Reserves, the subject of this Representation, are currently mapped in LIST as being within one or more of the Potentially Constrained criteria, having Land Capability Class 6 – “*land marginally suited to grazing due to severe limitations*” – which (pursuant to the application of APZ 6) would preclude the proposed application of the *Agriculture* zone pursuant to the SPP and Guideline No.1, without further detailed investigation by the NMC as the relevant planning authority.



References:

¹ Map 6 of 46 Tasmanian Planning Scheme – Zones : Northern Midlands Local Provisions Schedule 2021. Public Exhibition Document. <https://northernmidlands.tas.gov.au/source-assets/lps/Northern%20Midlands%20Draft%20LPS%20-%20Zone%20Maps%20-%20Exhibited%20Version.PDF>

² *Oura Oura Reserve* is comprised of 3 separate freehold land titles, 1 of which (Volume: 160359 Folio: 1 – PID: 3061167) is geographically located North of the Liffey River and is therefore located in the Meander Valley Council municipality and not the Northern Midlands Council municipality. This freehold land title does not have *Nature Conservation Act 2002 (TAS)* conservation covenant registered on title and is not actively managed for conservation purposes - given its' small land area, geographical location and minimal natural values. This freehold land title was rezoned from *Rural Resource* to *Rural Living* under the Meander Valley Council Local Provisions Schedule in April 2021.

³ pages 16 & 17 AZ 1 & 3 Zone Application Guidelines Clause 21.0 Agriculture Zone – Guideline No.1

⁴ Appendix 3 Draft LPS Supporting Document - “State Mapping Agricultural Land Background Report (May 2017)” states that only Land Capability Classes 1-4 qualified for inclusion into 2017 Statewide Mapping of “Land Potentially Suitable for Agriculture Zone”

⁵ page 22 Appendix 3 Draft LPS Supporting Document “State Mapping Agricultural Land Background Report (May 2017)” Agricultural Land Mapping Project - Identifying land suitable for inclusion within the Tasmanian Planning Scheme’s Agriculture Zone Background Report Prepared and published by Department of Justice, Planning Policy Unit in conjunction with Macquarie Franklin and Esk Mapping and GIS.

⁶ page 18 AZ 6 (c) Zone Application Guidelines Clause 21.0 Agriculture Zone – Guideline No.1.

⁷ page 19 LCZ 1 Zone Application Guidelines Clause 22.0 Landscape Conservation Zone – Guideline No. 1.

⁸ pages 20 & 21 EMZ 1 Zone Application Guidelines Clause 23.0 Environmental Management Zone – Guideline No.1.

⁹ page 88 Draft LPS Supporting Report Northern Midlands Council (February 2021)

¹⁰ page 88 Draft LPS Supporting Report Northern Midlands Council (February 2021)

¹¹ Page 2 Objectives 1(b) & (c) Drys Bluff Conservation Covenant Agreement dated 15 February 2005

¹² Schedule 1 *Nature Conservation Act 2002 (TAS)*

¹³ page 47 Draft LPS Supporting Report (February 2021).

¹⁴ page 63 Draft LPS Supporting Report (February 2021).

¹⁵ pages 64-73 inclusive Table 4 Draft LPS Supporting Report (February 2021)

¹⁶ page 89 Draft LPS Supporting Report (February 2021).

¹⁷ page 18 AZ 6 (c) Zone Application Guidelines Clause 21.0 Agriculture Zone – Guideline No.1.



Bibliography:

1. Tasmanian Planning Scheme Zones : Northern Midlands Local Provisions Schedule (Zone Overlay Maps) :
<https://northernmidlands.tas.gov.au/source-assets/lps/Northern%20Midlands%20Draft%20LPS%20-%20Zone%20Maps%20-%20Exhibited%20Version.PDF>
2. Local Provisions Schedule – Supporting Report (February 2021):
<https://northernmidlands.tas.gov.au/source-assets/lps/Northern%20Midlands%20Draft%20LPS%20-%20Supporting%20Report%20-%20Exhibited%20Version.PDF>
3. *Nature Conservation Act 2002 (TAS);*
4. *Land Use Planning and Approvals Act 1993 (TAS)*
5. Guideline No. 1 : Local Provisions Schedule (LPS) Zone & Code Application (June 2018) approved under section 8A *Land Use Planning And Approvals Act 1993 (TAS)*.



20 December 2021

The General Manager
Northern Midlands Council

By email: lps@nmc.tas.gov.au

Dear Sir,

Representation - Northern Midlands draft Local Provisions Schedule

Agriculture Zone - 18 Wilmores Lane, Longford

Plan Place Pty Ltd (Place.) submits this representation concerning the zoning of the property at 18 Wilmores Lane, Longford (the subject site) as proposed in the Northern Midlands draft Local Provisions Schedule (Draft LPS). The property owners of the subject site (refer to Figure 1) consent to Place. submitting the representation on their behalf.

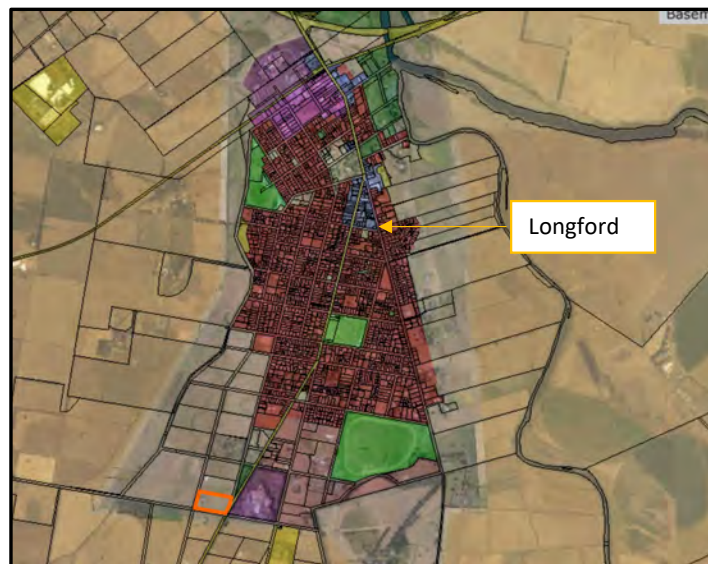


Figure 1: Subject site (orange outline).

Place. - Representation 18 Wilmores Lane

The representation seeks modification to the Draft LPS as follows:

1. Apply the Rural Living C Zone to the subject site instead of the Agriculture Zone; and
2. Review and reduce the extent of the attenuation buffer applied to the Austral Brickworks site subject to EPN No. 9568/1.

The representation demonstrates that the modifications sought to the Draft LPS are in accordance with:

- *Guideline No 1 – Local Provisions Schedule: zone and code application* (Guideline 1); and
- the LPS Criteria under section 34 of the *Land Use Planning and Approvals Act 1993* (LUPA Act).

For these reasons, the representation can be supported.

Subject site – 18 Wilmores Lane

The subject site (Table 1) is at the north-western corner of Wilmores Lane and Cressy Road. It forms part of a vertical spatial column of several small landholdings (with average area per title - 3.5ha), defining the extent of the built-up area of Longford between Lewis Street West and Wilmores Lane. The lot configuration of the single spatial column is quite distinct from the configuration pattern further to the west and north-west of Back Creek, where the average lot size is 47ha, and the largest is more than 100ha. The surrounding land uses of the subject site can be generally described as:

- West, agricultural uses;
- North, rural, lifestyle lots and a heritage property (Longford House);
- South, rural and lifestyle lots;
- East, industrial (Austral Bricks).



Place. - Representation 18 Wilmores Lane

Table 1: Summary of the Subject Site	
Use & Development	Residential, as approved by the Northern Midlands Council The subject site is cleared pasture converted to a Residential use. A house and outbuildings are established on the western side of the property. Trees are planted around the perimeter of the site, offering some visual screening, form adjoining properties. There are no hedgerows established.
Area	±3.1 ha
Frontage	Wilmores Lane – 200m+ (south) Cressy Road (east) Catherine Street (east) Crown Reserve (west)
Access	Single crossover from Wilmores Lane
Heritage	No listing in the Draft LPS or the Tasmanian Heritage Register
Land Capability	Identified as mostly class 4 land as shown on the Land capability survey, the LISTmap (refer to Figure 3).



Figure 3: Land capability of the site and surrounding land (Yellow – Class 3 and Green -Class 4).

Proposed Zone and Code Overlays

The Draft LPS, proposes to spatially apply the Agriculture Zone to the subject site as shown in Figure 3.

The LPS mapping identifies properties east of the subject site in the Open Space Zone, General Industrial Zone and Low Density Residential Zone (refer to Figure 4). The Agriculture Zone is applied to the north, west, and south. Land zoned General Residential Zone will be to the northeast of the subject site.

The interactive mapping website made available on NMC's website shows that the following code overlays apply:

- Airport Obstacle Limitation Area (311-316m AHD, which is well above the properties and unlikely to affect any future proposals on the lands);

Place. - Representation 18 Wilmores Lane

- Attenuation area (500m default buffer to Austral Bricks site); and
- Bushfire prone area.

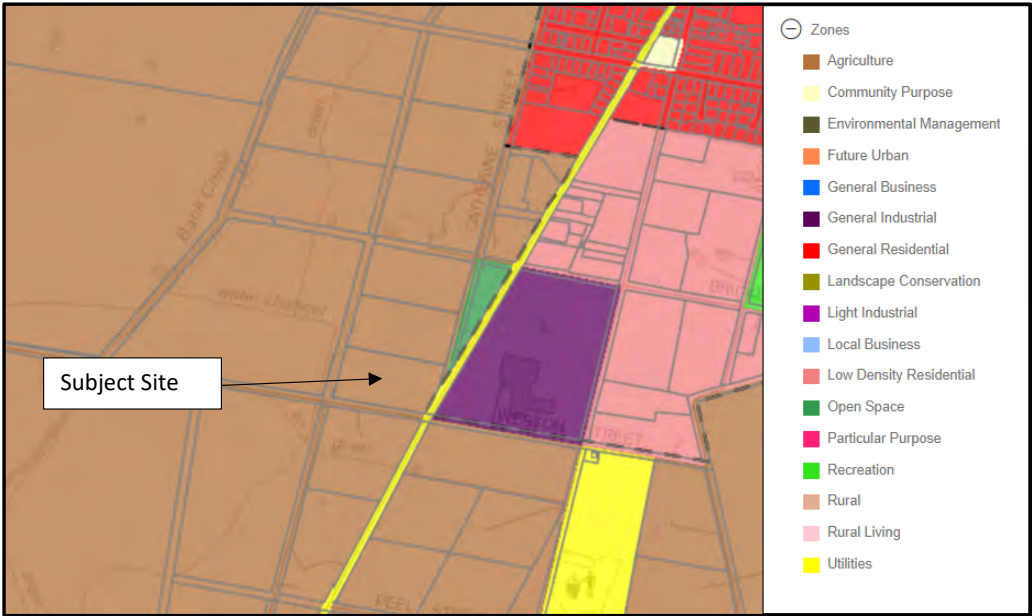


Figure 4: Subject site and zoning proposed in the Draft LPS

The subject site is outside of the following code overlays as shown in Figure 5:

- Flood-prone Hazard Areas;
- Natural Assets Code – ‘Waterway and Coastal Protection Area’ and ‘Priority Vegetation Area’ and
- Landslip hazard band.

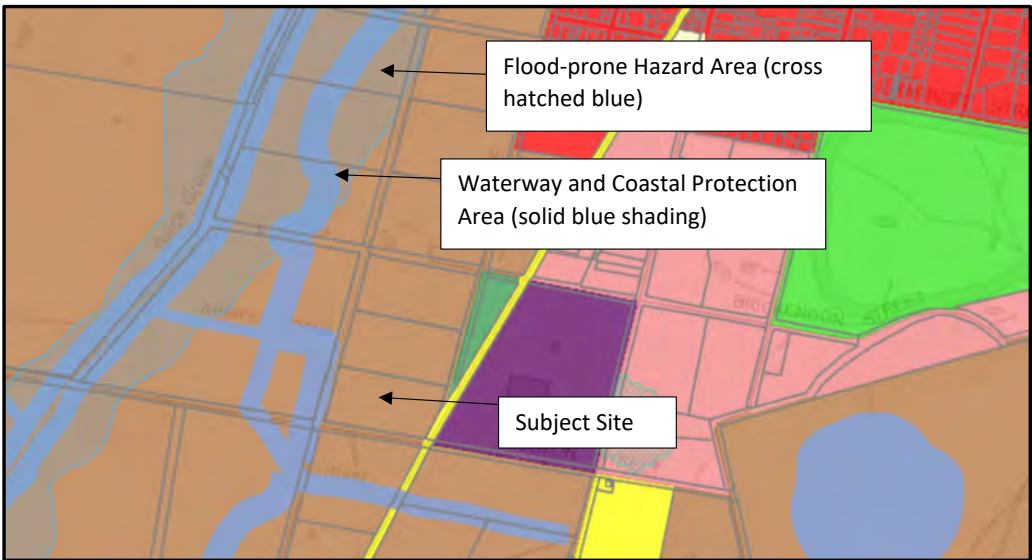


Figure 5: Subject site and proposed zoning and code overlay maps.

Place. - Representation 18 Wilmores Lane

Zone Transition Rationale

The subject site is zoned Rural Resource under the Northern Midlands Interim Planning Scheme 2013 (the Interim Scheme). The Local Provisions Schedule Supporting Report (LPS Supporting Report) on page 88 outlines the Northern Midlands Council (NMC) approach to the zone transition. Table 4 provides the *Zone Transition Rationale* between the zones of the Interim Scheme and zoning in the Draft LPS. Table 4 determines that the Rural Resource Zone under the Interim Scheme is to transition to the Agriculture Zone. There are departures from this rationale, as detailed in Table 6.

The departures are set out in the LPS Supporting Report and review the land areas constrained as identified by the *Land Potentially Suitable for Agriculture Zone* project by the State government. Table 6 details the departures from transition to the Agriculture Zone relying on the modelling of the abovementioned project. The departures set out in Table 6 identify that the land areas are constrained for agricultural uses (Criteria 2A, or 2B or 3) and support the application of the Rural Living Zone instead of the Agriculture Zone. The stated rationale in the LPS Supporting Report is to recognise the importance of land at the periphery of an established township and its role in managing the interface between agricultural and sensitive uses.



Figure 6: Potentially constrained land identified in the *Land Potentially Suitable for Agriculture Zone* project by the State government.

The subject site is Potentially Constrained (Criteria 2B) as it is approved for Residential use and is considered to have no capacity for commercial agricultural use (refer to Figure 6). The LPS Supporting Report provides no rationale of why the NMC approach omits the subject site or the lots immediately to the west, north and northeast as they are all identified to be Potentially Constrained and represent small land holdings that are unlikely to be taken up for agricultural uses at a commercial scale.

Place. - Representation 18 Wilmores Lane

The LPS Supporting Report provides decision making framework for the zoning of the subject site and surrounding land from Agriculture to Rural Living.

Northern Tasmania Regional Land Use Strategy

The Northern Tasmania Regional Land Use Strategy (NTRLUS) is applicable to the municipal area and was recently reviewed and declared on 23rd of June 2021 by the Minister for Planning. The completed review of the NTRLUS was not on a broader strategic basis but more so from an operational perspective and therefore the data and statistics relied upon do not account for the development trends of the last decade.

The revised version of the NTRLUS was amended to include an addendum applying to the preparation of the local provisions schedule. In accordance with the *Implementation Statement*, Part G of the NTRLUS applies to the preparation of the Draft LPS.

G2.2.2 Rural Residential Areas of the NTRLUS directs that Rural Residential Areas will typically be included in the Rural Living Zone.

A Rural Residential Area as set out under G2.2.2 (page 63-64) *is land with limited potential for efficient or practical agricultural or rural resource use on a commercial basis, and where the land use pattern is characterised by:*

- *Predominately residential use, including lifestyle blocks, hobby farms; and*
- *Fragmentation of the cadastral base and property ownership.*

The subject site emulates these attributes as described in the NTRLUS. It is submitted that the zoning of the subject site to Rural Living is as far as practicable consistent with the approach outlined.

Longford Development Plan 2012

The *Longford Development Plan 2012* (Development Plan) was completed by NMC under the framework established by the NTRLUS and is a 20 year plan identifying future location of urban residential development and expansion of Longford over the document's life.

The Development Plan forms a study as referred to in the NTRLUS that defines the future planning for the local area. The Development Plan does not explicitly identify the subject site for residential use. Still, it signifies the strategic importance of the zoning at the edge of the Longford township concerning the proposed sites within the plan.

Since completing the Development Plan, significant growth has occurred in Longford over the last decade. The NMC acknowledges further analysis is required to account for the growth experienced over the last decade.

The application of the SPPs zones is paramount, with uncertainty and incomplete determinations and an absence of a strategic analysis of the surrounding land or the subject site. The retention of a buffer between the Longford township and agricultural land to the west is of great importance for the future development of Site 3 identified in the Development Plan. The application of the Rural Living Zone to the subject site will provide for appropriate use and development of land adjacent to the residential zones in the established township of Longford.

Place. - Representation 18 Wilmores Lane

Guideline No.1

Guidelines AZ1 to AZ6 provide the relevant instruction for the application of the Agriculture Zone as follows:

- AZ 1 The spatial application of the Agriculture Zone should be based on the land identified in the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST, while also having regard to:*
- (a) any agricultural land analysis or mapping undertaken at a local or regional level for part of the municipal area which:*
 - (i) incorporates more recent or detailed analysis or mapping;*
 - (ii) better aligns with on-ground features; or*
 - (iii) addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer, and**where appropriate, may be demonstrated in a report by a suitably qualified person, and is consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;*
 - ...*
- AZ 3 Titles highlighted as Potentially Constrained Criteria 2A, 2B or 3 in the 'Land Potentially Suitable for Agriculture Zone' layer may require further investigation as to their suitability for inclusion within the Agriculture Zone, having regard to:*
- (a) existing land uses on the title and surrounding land;*
 - (b) whether the title is isolated from other agricultural land;*
 - (c) current ownership and whether the land is utilised in conjunction with other agricultural land;*
 - (d) the agricultural potential of the land; and*
 - (e) any analysis or mapping undertaken at a local or regional level consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council*
- AZ 6 Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if:*
- (a) local or regional strategic analysis has identified or justifies the need for an alternate consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; ...*
 - (d) for the identification, provision or protection of strategically important uses that require an alternate zone; or*
 - (e) it can be demonstrated that: (i) the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone; (ii) there are significant constraints to agricultural use occurring on the land; or (iii) the Agriculture Zone is otherwise not appropriate for the land.*

The subject site is adjacent to the Longford township and has a spatial relationship closely linked to the built up area. The area immediately west of the Longford is strategically identified for residential expansion.

Place. - Representation 18 Wilmores Lane

The subject site forms part of several small fragmented land holdings which is also acknowledged in the NTRLUS for its suitable inclusion in the Rural Living Zone. The application of the Agriculture Zone is not consistent with the zone purpose statements, the intent of the Guidelines for long term protection of agricultural land, and the requirements of AZ1, AZ3, AZ6. The retention of the Agriculture Zone in the Draft LPS for the subject site is contrary to Guideline 1.

While there is no formally adopted strategy, the NTRLUS and Guideline No.1 support an alternative zoning of the subject site and adjacent land.

Guideline No.1 provides the following for the Rural Living zone:

RLZ 1 The Rural Living Zone should be applied to:

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

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

- (a) consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; or*
- (b) the land is within the Environmental Living Zone in an interim planning scheme and the primary strategic intention is for residential use and development within a rural setting and a similar minimum allowable lot size is being applied, such as, applying the Rural Living Zone D where the minimum lot size is 10 ha or greater.*

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

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

RLZ 4 The Rural Living Zone should not be applied to land that:

- (a) is suitable and targeted for future greenfield urban development;*
- (b) contains important landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values (see Landscape Conservation Zone), unless the values can be appropriately managed through the application and operation of the relevant codes; or*
- (c) is identified in the 'Land Potentially Suitable for Agriculture Zone' available on the LIST (see Agriculture Zone), unless the Rural Living Zone can be justified in accordance with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.*

In response to the requirements the following is provided:

Place. - Representation 18 Wilmores Lane

- RLZ1 The subject site is a larger lot containing a residential use and is suited to lower order rural activities. While some cropping occurs on the subject site, it is constrained by lot size but also its proximity to nearby residential zones with established dwellings. As identified in the preceding discussion, the subject site is identified as constrained in the *Land Potentially Suitable for Agriculture Zone* project and forms part of a larger area recognised in the Longford Development Plan. The application of the Rural Living Zone complies with RLZ 1(a). Subclause (b) is not applicable as the subject site is not zoned Rural Living in the Interim Scheme.
- RLZ2 The subject site forms part the interface to future urban residential use identified in the Development Plan. Additionally the rationale outlined by the LPS Supporting Report expressly seeks to retain a buffer area between residential zones and agricultural uses. The application of the Rural Living Zone complies with subclause (a). Subclause (b) does not apply to subject site.
- RLZ3 Allocation of a C category (5 hectare minimum lot size) would prevent further subdivision pending completion of the required strategic studies, thereby retaining the existing lot configuration.
- RLZ4 The subject site is strategically positioned to provide an appropriate buffer to future greenfield development. The subject and adjoining lands were not identified for significant landscape values under the Interim Scheme or the LPS and are identified as potentially constrained under the *Land Potentially Suitable for Agriculture Zone* layer on LISTmap. The application of the Rural Living Zone complies with subclauses (a) and (c), (b) is not relevant.

Attenuation Buffer

As previously noted, the LPS increases the default buffer that applies to the Austral Bricks site at Cressy Road and Western Street Longford from 200 metres under the Interim Scheme to 500 metres under the LP/TPS regime.

This will significantly increase the number of existing dwellings that are within the buffer from approximately 8 to approximately 55 existing houses.

We also note that the Austral Bricks site is within the Urban Growth Boundary under the Interim Scheme.

Guideline No.1 provides instructions for translation

- AC 1 *An attenuation area overlay may be applied to an existing activity listed in Tables C9.1 or C9.2 of the Attenuation Code as a variation to the generic attenuation distances to take account of local circumstances, such as:*
- (a) *the characteristics of the activity;*
 - (b) *the topography of the surrounding area;*
 - (c) *the surrounding land uses or zones; or*
 - (d) *any existing attenuation measures or buffers.*
- AC 2 *Any new attenuation area overlay for an existing activity listed in Tables C9.1 or C9.2, which does not align with an equivalent overlay contained in an interim planning scheme or section 29 planning scheme, must be justified by a suitably qualified person. The attenuation area overlay may apply to an area larger or smaller than the generic attenuation distances specified for the relevant activity.*

Guideline AC1 allows for translation of existing buffers from the Interim Scheme to the LPS, while AC2 requires variations to established overlays to be supported by expert evidence.

Place. - Representation 18 Wilmores Lane

The 200m buffer proscribed under the Interim Scheme applies under clause E11.2.1 regardless of the lack of a dedicated overlay on the scheme maps. It forms part of the Interim Scheme, regardless of the overlay mapping.

Appendix 4 of the LPS Supporting Report recognises the buffer increase from 200 to 500 metres under the TPS/LPS regime and applies the default buffer under the LPS at item 11 of the corresponding table to all of the relevant title.

The request that the Council reviews use of the generic buffers within the TPS and translates the 200 metre from the Interim Scheme under Guidelines.

Conclusion

The representation seeks the application of the Rural Living C Zone to the subject site. The representation has demonstrated that it is not appropriate to apply the Agriculture Zone consistent with the requirements of the NTRLUS and Guideline No. 1 and fits with the policy framework applied by the NMC in the Draft LPS.

Additionally, it is recommended that the NMC reconsider the application of the Agriculture Zone of the surrounding land to the subject site, especially to the land located to the north and northeast.

The representation seeks that the attenuation buffer of the Austral Bricks site be translated in accordance with the 200m buffer established under the Interim Scheme. The translation request is consistent with Guidelines AC1 and 2.

For the reasons outlined in the representation, the NMC can support the spatial application of the Rural Living Zone C to the subject site.

Yours sincerely



Heidi Goess
Director
Plan Place Pty Ltd

Representation 14 - Tasmanian Land Conservancy



21 December 2021

The General Manager
Northern Midlands Council
PO Box 156
LONGFORD TAS 7301
E: lps@nmc.tas.gov.au

To The General Manager

NORTHERN MIDLANDS LOCAL PLANNING SCHEDULES (LPS)

The Tasmanian Land Conservancy (TLC) is a for-purpose, apolitical, conservation organisation that protects nature on private land (www.tasland.org.au). Our vision is for Tasmania to be a global leader in nature conservation. Through various programs and initiatives we look after Tasmania's unique natural places, rare ecosystems, and the habitat of threatened plants and wildlife on private land. We value nature and the cultural, social and economic benefits it provides us all.

The TLC works across four main areas of strategic intent:

- NATURE – Conserve areas of high natural value using the best available science applied with adaptability and cultural awareness amid increasing social and environmental change.
- PEOPLE - Provide diverse and practical ways for people to contribute to and be involved in nature conservation.
- INFLUENCE - Lead, learn and contribute to global best practice in nature conservation through science, innovation, collaboration and open communication.
- EXCELLENCE - Demonstrate the highest standards in everything we do, applying exceptional governance and accountability to our work, while leading with respect, equity and fairness in our workplace and relationships.

Read more about our work in the [TLC's Strategic Plan 2020-2025](#) and in the [TLC's 2019-2020 Annual Report](#).

As one of Tasmania's largest private landholders, we protect and manage areas with significant conservation values for nature and for the public good. We also work with the local landholders and the broader community to conserve nature, connecting habitat to build resilience across the landscape.

It is in the state's interest to look after nature, and planning instruments that protect natural values across Tasmania are critical. The public benefit from healthy and intact natural systems includes water quality and retention, ecosystem function, pollination services, soil health and stability, aesthetic values, landscape resilience in a changing climate and personal wellbeing.

The Tasmanian Midlands

The [Tasmanian Midlands](#) are home to one of the most threatened ecosystems in the world - temperate grasslands and grassy woodlands. The area is rich in plant and animal species, many of which are endemic or endangered – including 32 nationally threatened species and more than 180 plants and animals that are threatened in Tasmania. Surrounded by mountains, the Tasmanian Midlands has lower rainfall and is ecologically distinct from the wetter regions of the west, south and east of the state. It is also less well represented in national parks and other designated conservation areas.

In recent decades, as farming practices have changed and intensified, native grasslands and woodlands have declined and increasingly given way to agricultural pastures and cropping. Less than 10% of the original native grasslands and 30% of all vegetation remains, much of it degraded in some way. There is now a pressing need to protect these precious remnants.

Midlands Conservation Fund (MCF)

The TLC has also been directly involved in a range of conservation programs in the Northern Midlands municipal area. In partnership with [Bush Heritage Australia](#), we are working with landowners in the Northern Midlands Municipality to deliver the Midlands Conservation Fund (MCF).

The MCF supports landowners to protect and manage lowland grasses and grassy woodlands through conservation management support and stewardship payments. [Read more.](#)

The program puts nature on the balance sheet while providing practical support for farmers to contribute to nature conservation within their farming enterprise. In the 2019-20 financial year 18 stewardship agreements were in place for the program across 7,217 ha, much of these are within the Northern Midlands. It is important that these areas of conservation value are recognised through the LPS process.

Mapping natural assets

To maintain connectivity in the landscape, natural values must be understood: mapping plays a critical role. The Priority Vegetation layer must be a statewide resource that is current and maintained. The Priority Vegetation Overlay (PVO) is an unreliable guide to vegetation status. The PVO is based on a Regional Ecosystem Model which means it is based on the predicted likelihood of occurrence of different vegetation types based on physical features of the land, occasionally but not consistently validated using aerial photography, satellite imagery or other forms of observation. All species and vegetation communities listed under the *Threatened Species Protection Act*, *Nature Conservation Act* and the *EPBC Act* should be included in the priority vegetation mapping. Beyond the mapping of threatened species and communities, important cross tenure landscape linkages and corridors should also be recognised. In a changing climate, priorities for nature conservation will also change and it is important for the planning system to be able to respond effectively based on current data. TLC suggests that the Northern Midlands Council implement a process whereby mapping of the Natural Assets Overlays is continually revised, updated and re-evaluated.

Reducing fragmentation in the landscape

The connectivity of natural values is critical to achieve conservation outcomes. Connecting habitat from the coastal or riparian zones, to ridgelines enables species movement across habitats while building resilience in the landscape. Fragmentation of natural values impacts ecological function. Permitting development or a land use incongruent with ecological health, will impact the integrity of these systems.

We also believe that the Natural Assets Code, and the application of the Priority Vegetation Layer, should be applied across all zones (including agriculture).

Consistent application of the Natural Assets Code

It is important to have a Natural Assets Code as this is an essential tool in the protection of biodiversity and sustainable use. The [Natural Assets Code information sheet](#) notes that 'The Natural Assets Code provides consistency across the State regarding the protection of important natural values and recognises the significant role that other State and Commonwealth legislation has in biodiversity conservation'.

While claiming to provide consistency, the *Natural Assets Code does not apply to the agricultural zone*. This must be amended as a matter of urgency. Removing planning assessment based on the conservation value of vegetation in the Agricultural Zone diminishes the role of private land in the protection of the state's natural assets and increases the level of threat to Tasmania's listed plant and animal species and. To remedy this, the code also needs a full and thorough review to remove the exemptions, omissions and terminology vagaries. Without a stronger commitment to the protection of our natural assets there will be continued fragmentation and degradation of important habitat. If the priority vegetation layer is not applied across all zones the risk of further extinctions in Tasmania will increase, while also adding more species to the endangered list. There is also a unique opportunity to apply a landscape-scale, cross-tenure approach that identifies habitat linkages, corridors and climate refugia.

Let's not miss the opportunity to ensure that natural assets such as irreplaceable, rare and significant species and vegetation communities are recognised, valued and protected.

Conservation covenants

While the public focus is often on national parks, extensive estate is protected through conservation covenants on private land. The Department of Primary Industries, Parks, Water and Environment (DPIPWE) along with the agricultural sector and regional Natural Resource Management (NRM) committees, acknowledge the significant role of private landowners in conserving Tasmania's natural capital and the public and private benefits that flow from this approach. 'Capable land stewardship conserves the natural environment, providing benefits for future Tasmanians and visitors while enabling landowners to maintain market access and capitalise on new opportunities' ([DPIPWE's Private Land Conservation Program](#)).

Covenants are legally binding under the *Nature Conservation Act (2002)* and are registered on the land title. Usually established in perpetuity, covenants give peace of mind that natural values, such as native flora and fauna, natural wetlands and geo-conservation assets, will persist for generations. Nature conservation on private land makes an enormous contribution to the National Reserve System, Australia's network of protected areas.

Tasmania currently has approximately 900 conservation covenants, protecting 110,000 hectares across a diversity of habitats. Many of these covenants are vegetation communities that are poorly protected on public land. On-title protections identify the conservation values onsite, and the required management to ensure their wellbeing. [Read more here](#).

The Northern Midlands municipality contains 247 properties with covenants across an area of approximately 22,834 hectares, comprising a significant contribution to [Australia's National Reserve Estate](#).

As an organisation with land and associated partnerships throughout the state we have a strong interest in planning provisions, particularly regarding the recognition and protection of natural assets. The TLC welcomes the opportunity to provide feedback on the Northern

Midlands Council Local Provisions Schedule. We also wish to provide some additional general comments on the Tasmanian Planning Scheme Statewide Planning Provisions.

Zoning conservation covenants

In Tasmania, privately protected land covers a smaller area than publicly protected land, but it contains a higher percentage of threatened communities. Despite this, many properties with conservation covenants on title are currently zoned rural.

To ensure that the LPS properly reflects the current and future development potential of covenanted land there must be the application of an appropriate zone to the land. The TLC considers that, as a general rule, land subject to a conservation covenant ought be zoned Landscape Conservation Zone or the Environmental Management Zone. The purposes of these zones properly reflect the underlying purpose to which covenanted land is put – that is (respectively), to “provide for the protection, conservation and management of landscape values” (clause 22.1.1 of the TPS) and to “provide for the protection, conservation and management of land with significant ecological, scientific, cultural or scenic value” (clause 23.1.1 of the TPS) and use compatible with those purposes (clauses 22.1.2 and 23.1.2 respectively).

Private reserves, including all private Conservation Covenants and TLC reserves, have a reserve management plan prepared by experts to protect, conserve and manage the ecological, scientific, cultural and aesthetic values of the area in the public interest. These plans guide the protection and management of the land.

Zoning for the broader landscape should also be carefully considered to avoid diminishing the surrounding natural values through fragmentation.

Future conservation covenants

The TLC runs the [Revolving Fund program](#), where property with high conservation values is bought, and an on-title conservation protection established before the land is sold. Small-scale building envelopes are often defined within the title, identifying a site where disturbance will have the lowest impact on the conservation values that are being protected. A human presence in these natural settings helps to manage the natural values. While the exact location of future Revolving Fund properties cannot currently be discerned, the planning provisions should enable small-scale, appropriate residential opportunities for these situations.

Applying the Precautionary Principle

Furthering the objectives of the Resource Management and Planning System (RMPS) as outlined in Schedule 1 of the *Land Use Planning and Approvals Act 1993* through sustainable development involves:

- ‘managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –
 - (a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and
 - (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
 - (c) avoiding, remedying or mitigating any adverse effects of activities on the environment.’

With unprecedented seasonal variations, natural systems and vegetation communities are changing. Now more than ever, we need good planning, based on the best information available at the time. Applying current research, monitoring and mapping data is critical to

ensure sustainable use. The most up to date information must inform decisions, and when we don't have adequate information, the precautionary principle should apply.

We welcome this opportunity to provide a submission.

Yours sincerely

A handwritten signature in black ink, appearing to be 'JH' followed by a stylized flourish.

James Hattam

CEO, Tasmanian Land Conservancy

Tasmanian Land Conservancy
PO Box 2112
Lower Sandy Bay TAS 7005
Ph 03 6225 1399
E info@tasland.org.au
www.tasland.org.au

XX SPECIAL AREA PLAN**Norley, 4 Lyttleton St and 97a Wellington St, Longford****X.1 Purpose of the Special Area Plan**

The purpose of this Special Area Plan is:

X.1.1 To protect the agricultural potential of the land within the Special Area Plan boundary.

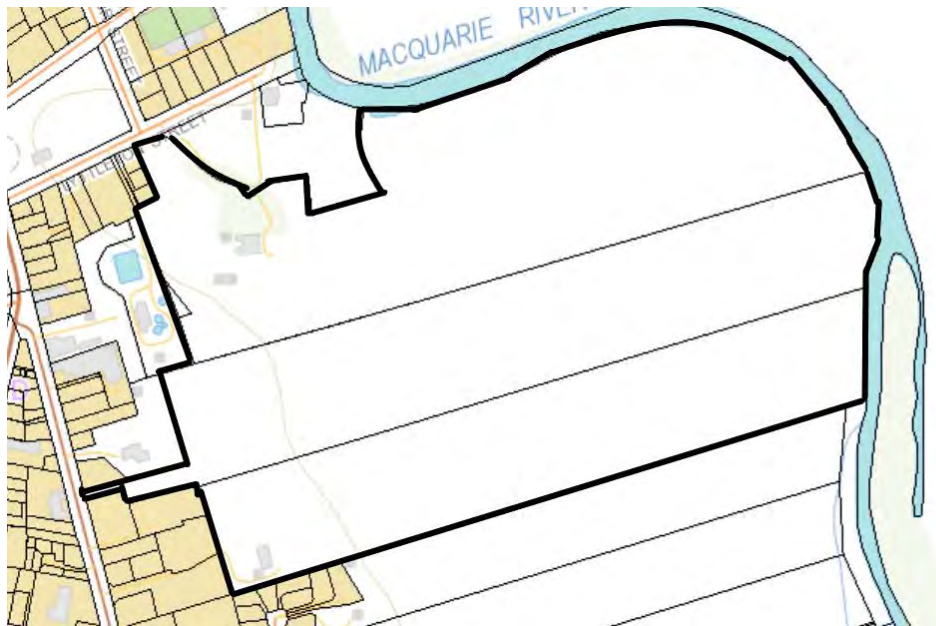
X.1.2 To recognize and preserve the heritage values of Norley

X.1.3 To recognize and protect the landscape values brought about by the hedgerows within the Special Area Plan boundary.

X.1.4 To separate redundant assets from the primary use of Resource Development.

X.2 Application of Special Area Plan

X.2.1 The specific area plan applies to the area of land designated as SAPX – Norley, 4 Lyttleton St and 97a Wellington St, Longford Specific Area Plan shown on the planning scheme overlay maps and in the figure to this clause.

**X.3 Use Table**

No Permit Required	
Use Class	Qualification
Natural and cultural values management	
Passive recreation	
Resource development	If not for: a) plantation forestry on prime agricultural land; or b) controlled environment agriculture on prime agricultural land; or

	c) intensive animal husbandry on prime agricultural land; or d) a dwelling; or e) forestry or plantation forestry on non-prime agricultural land.
Utilities	If for existing uses and the curtilage does not increase by more than 30% as at the effective date and not located on prime agricultural land
Permitted	
Use Class	Qualification
Residential	If for existing uses or home-based business in an existing dwelling, or A single dwelling if to be constructed on a lot formed under the provisions of the Special Area Plan.
Discretionary	
Use Class	Qualification
Utilities	If not a No Permit Use
Prohibited	
All other uses	

X.4 Development Standards**X.3.1 Subdivision**

Objective – To further the objective of the Special Area Plan	
Acceptable Solution	Performance Criteria
A1.1 No Acceptable Solution	P1.1 A subdivision which excises the existing dwelling and forms a new lot on CT199861/1; forms a new Lot on CT76819/1 and consolidates the balance of CT199861/1; CT76819/1; CT 33814/1 and PID 2087680, may be approved having considered: a) The impact of flooding on the proposed subdivision, b) A report which outlines impact on farming continuity, particularly stock refuge areas, during times of flooding of the river flats.
A1.2 No Acceptable Solution	P1.2 A subdivision will generally follow the design shown in Schedule 1 and 2 of the Special Area Plan.
A1.3 No lot will be less than 2500 sqm in area.	P1.3 No Performance Criteria

X.3.2 Access and Services

Objective – To provide each lot with a legal, practical access.	
Acceptable Solution	Performance Criteria
A1 – Access to each lot will be:	P1 -No Performance Criteria

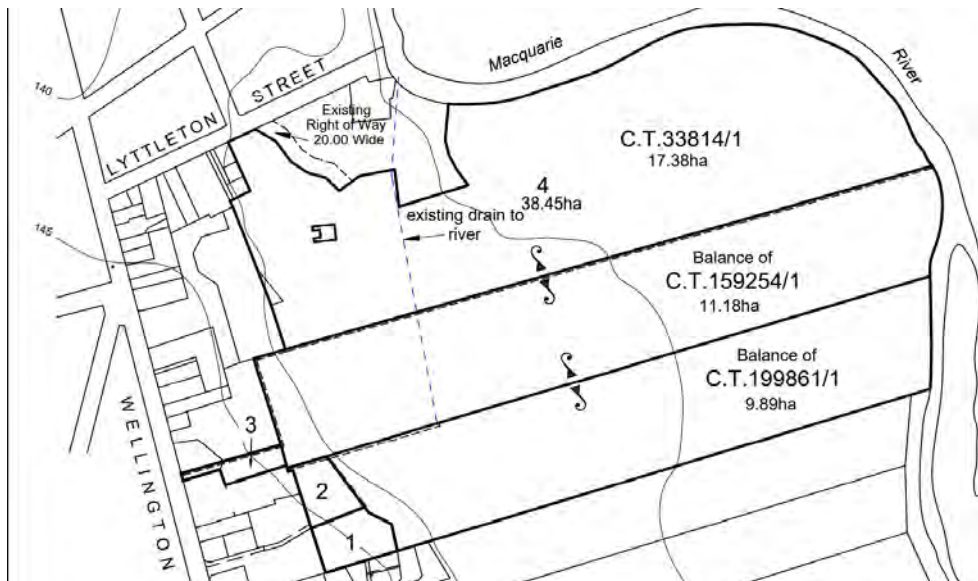
1 From a road managed by a road authority 2 From a registered Right of Way	
A2 - Each lot must be connected to: 1 A sewer system 2 A reticulated water supply 3 A stormwater system managed by the relevant authority.	P2 – Consideration will be given to lots which: 1 Manage waste water through an on-site waste water system 2 Connected to water collected from water tanks. 3 Manages stormwater so as run off does not negatively impact adjoining lots

X.3.3 Hedgerows

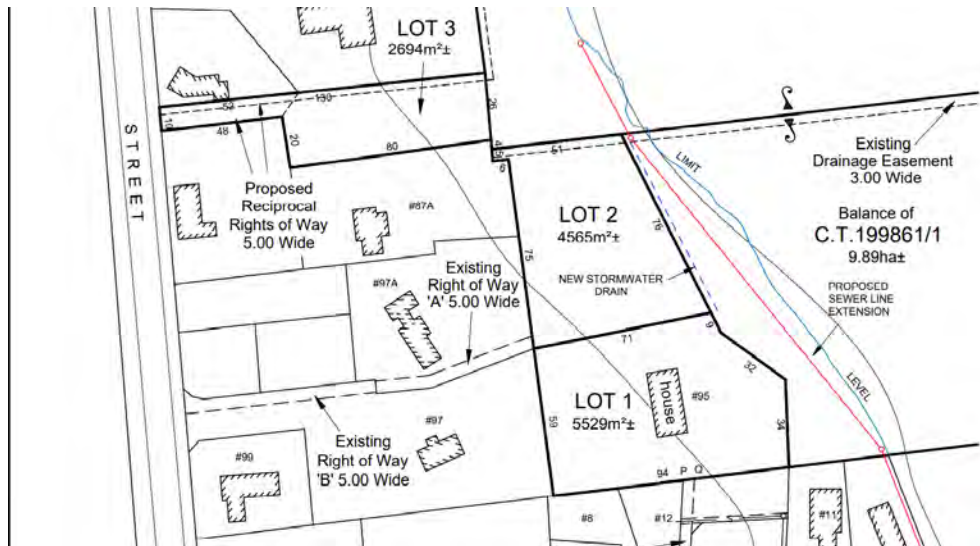
Objective – To preserve the visual impact created by hedgerows within a rural setting	
Acceptable Solution	Performance Criteria
A1 – Hedgerows which exist at the date of approval of the Special Area Plan shall be preserved and maintained.	P1 – Hedgerows will only be removed as a result of an emergency order issued by a relevant authority.

X.4 SCHEDULES

X.4.1 SCHEDULE 1 – Overall Plan



X.4.2 SCHEDULE 2 – Detail of new Lots





Report to Support a Submission to the Northern Midland Local
Planning Scheme

Norley, 4 Lyttleton St and 97a Wellington St. Longford

For

Mr and Mrs Harrison

Prepared by

Ian Abernethy

Nov 2021

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Purpose of this report

The purpose of this report is to support a submission to the advertised Northern Midlands Local Planning Scheme.

Proposal

The proposal related to a significant agricultural homestead and adjoining land known as Norley, 4 Lyttleton St and 97a Wellington St, Longford.

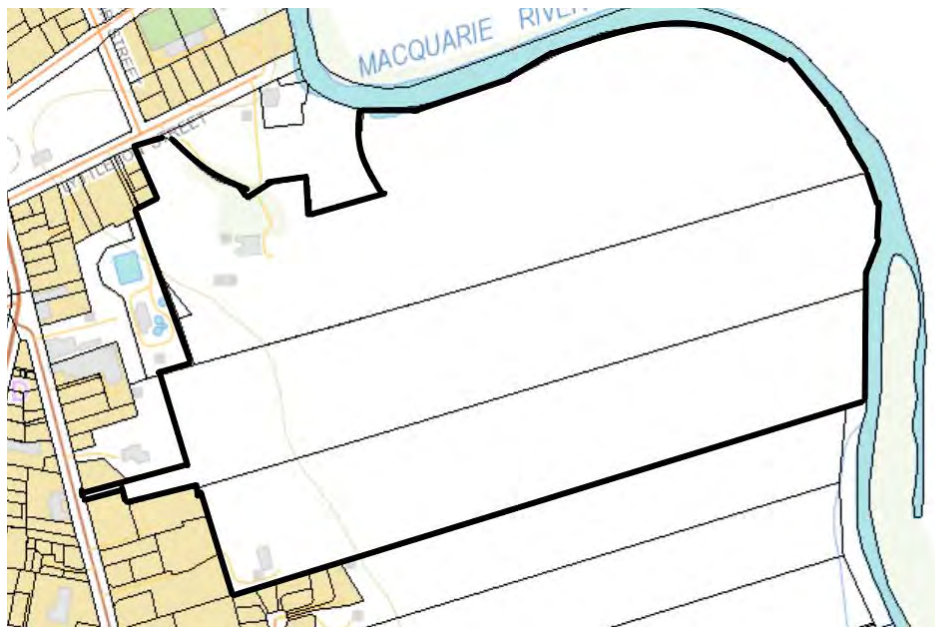
The current owner is a descendant of the early occupiers/owners of Norley. The current owners are strongly committed to retaining Norley and 97a Wellington St as a productive grazing property whilst at the same time recognising and enhancing the heritage values of the property as a whole.

For many years the current owners have been considering how they could set the property up for future succession planning and meeting the following objectives:

- To protect the agricultural potential of the land.
- To recognize and preserve the heritage values of Norley
- To recognize and protect the landscape values brought about by the hedgerows within the site boundary.
- To separate redundant assets from the primary use of Resource Development.

The issue has always been – how can the current owners persuade the Planning Authority that if a subdivision is approved the next step will be a consolidation of titles?

The selected method for bringing certainty to the process is a Special Area Plan, covering the area below (heavy black lines).

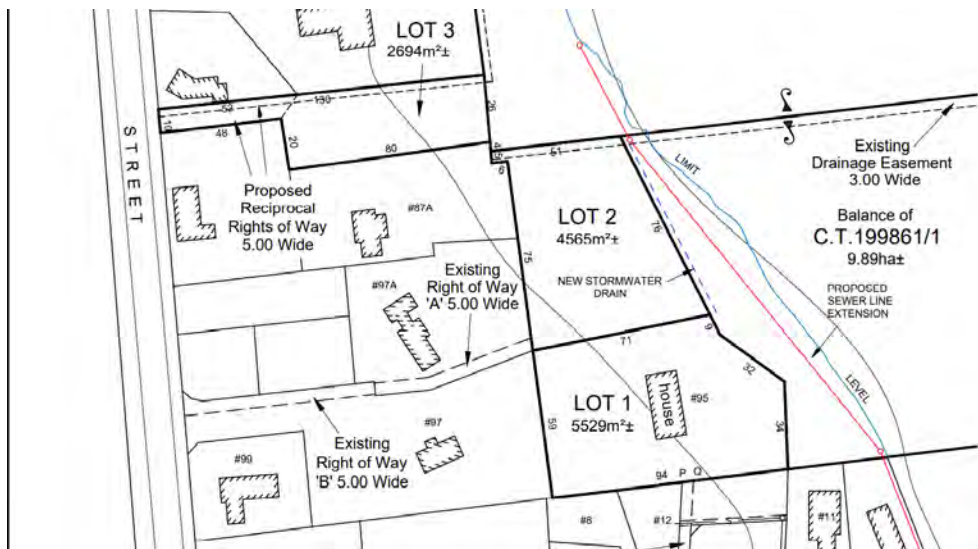
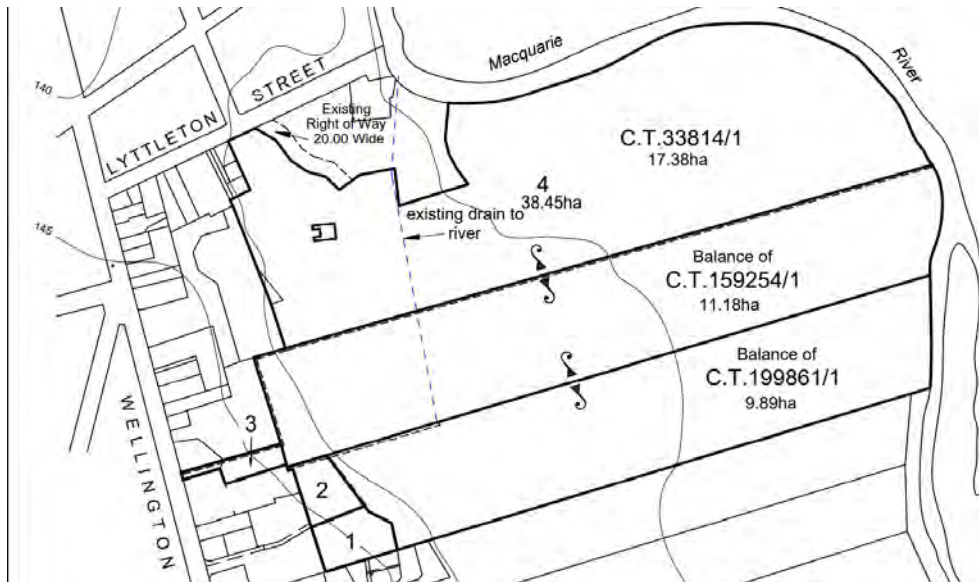


The essence of the proposal is:

- The excision of an existing dwelling

- Forming one new lot for a residence on the land currently zoned Rural Resource
- A further lot for a dwelling on the section of land currently zoned General Residential use
- The consolidation of all balance titles into a single title – based around the Norley homestead and the primary industry infrastructure.

A suggested layout of the Special Area Plan is shown below:



Site

The following titles make up the area of the Special Area Plan:

<i>Property Address</i>	97A WELLINGTON ST LONGFORD TAS 7301 (Norley, 4 Lyttleton St)
<i>Property ID</i>	2087680
<i>Title Reference</i>	33814/1

<i>Property Address</i>	97A WELLINGTON ST LONGFORD TAS 7301 (Strathaird – Dwelling)
<i>Property ID</i>	2087680
<i>Title Reference</i>	159254/1

<i>Property Address</i>	97A WELLINGTON ST LONGFORD TAS 7301
<i>Property ID</i>	2087680
<i>Title Reference</i>	199861/1

Special Area Plan

A Special Area Plan will be inserted into the Northern Midlands Local Planning Scheme – one which meets the objectives described above.

A Special Area Plan (SAP) is the best method of not only meeting the objectives described earlier, but also giving the Planning Authority certainty that all of the parts of the SAP will be completed.

The SAP also limits the Uses which can be applied to the lots created by the SAP – the focus being on single residential lots. Lot size is set at a minimum of 2500 sqm.

Supply and Demand

Many requests for a change in zoning will be asked to complete a supply and demand assessment for vacant residential land.

In this instance the SAP will create two vacant lots; an excised dwelling and a homestead/shedding with extensive river flat grazing land. The onus is on protecting the heritage values of Norley and maintaining and enhancing the agricultural potential of the river flats.

This is not about upsetting some theoretical supply and demand curve – which has been thrown out completely by unprecedented demand for residential use in townships like Longford. It is not about being bound by some line on a map – an Urban Growth Boundary (this site is outside such for Longford) – and resisting all proposals outside that area.

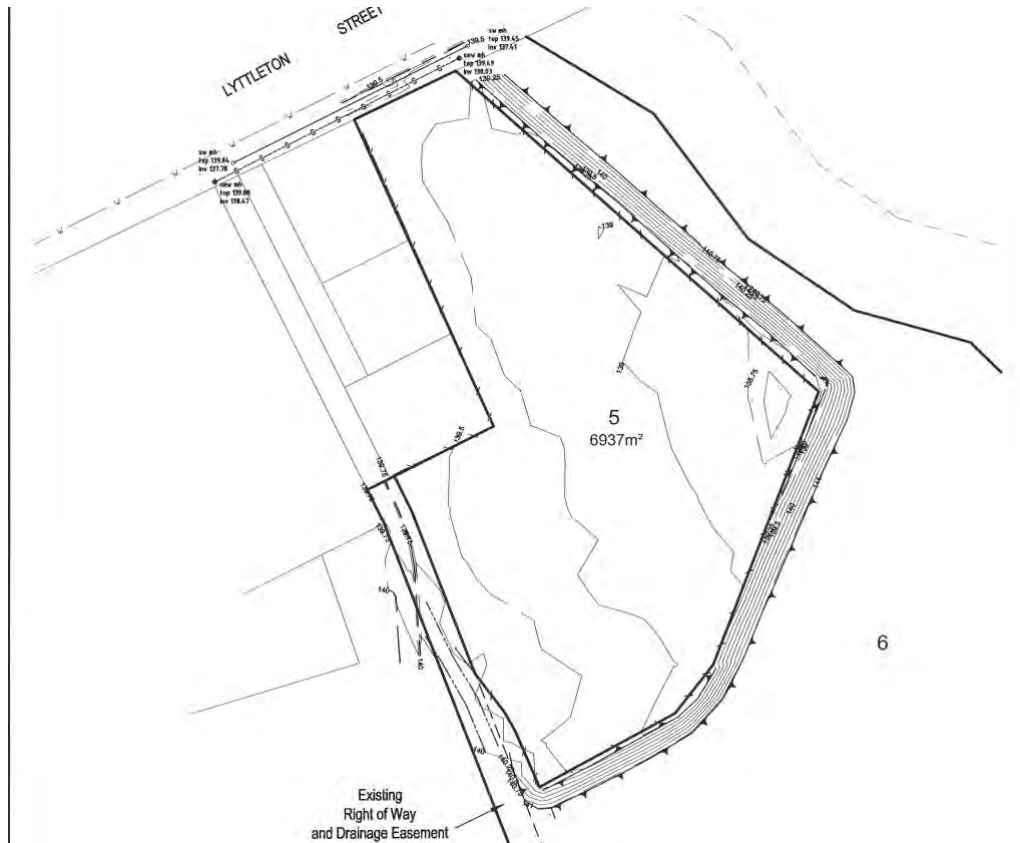
This is about recognising that there are other, equally important matters (heritage and agricultural which need to be considered when making a rational planning decision.

Either way creating two extra vacant lots will not alter the supply/demand curve for residential land in Longford in anyway.

Flooding

Norley was subject to inundation in the flood of 1929 and 1969. The homestead was subsequently restored to the condition one can see today (see the section on Heritage for details).

Since then the homestead has been protected by 2 flood levy banks - one built by Council (shown below) and a levy which was privately constructed.





The Photos above are from the 2016 flood – showing the success of the levy banks in protecting the areas of high ground on the subject sites.



The photo to the left is also 2016 – the one to the right is from 2021

All 3 titles are prone to flooding as a result the 3 titles make up a practical unit for stock management allowing for long periods of flooding over the flood plains by use of the infrastructure on the Norley title.

The modern stock yards and loading races and the all-weather access from Lyttleton Street for stock trucks (shared by Taswater) allow the operation to destock from the property during pro long flood years such as 2016 and 2021.

In the 1929 and 1969 major floods Norley had the high ground between the houses and shops on the back of Wellington Street but since 1975 +- this land was acquired for Regional Water Scheme hence the balance land on the Norley title above flood level has been reduced to about 5% which becomes difficult to manage without the other vacant high land on the balance 2 titles.

Without this additional land the 2016 floods would have covered everything except the area of 6937m2 shown on the plan above and an area giving access to the stock yard facilities. Totalling approximately 1 hectare of practical usage.

Heritage

Given the heritage importance of Norley it is worth presenting a detailed history of the property to outline the reasoning as to why the current owners wish to preserve the future of the property as a grazing property:

History of Norley

During the 1830s, Charles Arthur, nephew of Governor Arthur, became Police Magistrate of Norfolk Plains. Before that he had been Private Secretary to his uncle from 1824-1836. He purchased a 50 acre title from the previous Police Magistrate, a Mr Horne who was the original grantee after the original receiver of the Location, Mr Walsh did not take up the Location. It is believed that at the time the property was bought by Charles Arthur, there was a two roomed cottage in situ, possibly the two rooms facing on to the west-facing verandah.

In 1836 Charles married Mary Allen Reibey, daughter of Thomas Reibey of Entally and granddaughter of Mary Reibey of the \$20 note.

In 1837 Charles and Mary commenced building 'Norley Cottage' as it was then called, named after the residence of his father and uncle, Governor Arthur, in Plymouth, England. There are very obvious similarities with Entally in the house's design.

Charles and Mary lived here until Charles died in 1884, Mary in 1895. It was during their time that the oaks and ash trees were planted in the garden and down the drive.

Their son, the Reverend Charles Reibey Arthur (M.A.Oxon) became the owner in 1895 and he lived here with his wife Lucilla (nee Parker) until his death in 1917.

Their daughter, Lucy, (Australian golf champion, 1913) married Percy Harrison in 1913. They built the house now known as Norley Cottage on the block of land next door that was the original horse pump site near the river. In 1917 Percy bought the Norley property from the estate of his late father-in-law.

Percy and Lucilla remained at Norley Cottage and Norley was rented out to a series of tenants following the death of Lucilla in 1919. Their children were Tom, born in 1914 and Lucilla (Peggy), born in 1915

1929 saw Tasmania's biggest recorded flood event and Norley was inundated by about two metres of water.

It continued to be rented out until 1948 when Percy and Lucy's son, Charles Arthur Harrison, known as Tom, married Dorothy and they moved into Norley. Tom and Dorothy are the parents of the current owner, Robert Harrison. They were the first family inhabitants for nearly 30 years.

Dorothy put much time into planting and maintaining the drive. The garden around Norley consisted of shrubs planted around the mature trees. These include the pittosporums, cherry laurels and viburnum tinus.

In 1969 the house was again flooded. Tom and Dorothy and their four children moved to Norley Cottage, with Tom deciding that Norley would be abandoned as a family home.

Norley was then rented out as two flats.

During the 1980s and 90s, the old farm buildings that created the courtyard on the western side were removed because of their dilapidated condition. These buildings contained the saddlery, blacksmith, stables, carriage house, laundry, possibly a convict cell, and grain lofts. The original kitchen on the southern side had already been demolished. Some of the bricks were retained to build the existing wall. The free-standing building that remains was a stable, with bakery at the rear.

Robert's sister, Susan, lived in the front of the house for 8 years, from 2000. She planted the Jean Tierney roses along the front and the olive trees.

The levee bank was built in 2010, connecting to the Council levee bank behind the house but one metre lower. The levee bank saved the house from inundation in 2016.

In 2012 Jane and Robert moved into Norley after two years of repairs and renovation. The house became a single residence for the first time since the 1970s.

The ornamental garden on the southern side of the house was commenced around 2010 after pushing the farm fence back. Trees planted include a copper beech, Tilia, Magnolia grandiflora,

Daiymo oak, Juniper hedges, silver birch copse and Cornus varieties. Old tree varieties include oak, common ash and Field Maple (Acer campestre). It is believed the buxus hedge inside the entrance gate was planted in the early 1900s during the lifetime of Rev Charles and Lucilla.

The property is registered on the Australian (National) Heritage Database. Extract below:

Old Norley, 4 Lyttleton St, Longford, TAS, Australia

Photographs



List	Register of the National Estate (Non-statutory archive)
Class	Historic
Legal Status	Registered (21/03/1978)
Place ID	12863
Place File No	6/03/071/0043

Statement of Significance

This single storey Colonial Georgian house was built about an earlier cottage in 1838 by Charles Arthur, a nephew and private secretary to Lt-Governor Arthur. It is a fine example of its type and is well complemented by extensive brick outbuildings forming a courtyard at the rear of the house, and an old garden.

(The Commission is in the process of developing and/or upgrading official statements for places listed prior to 1991. The above data was mainly provided by the nominator and has not yet been revised by the Commission.)

Statement of Significance

This single storey Colonial Georgian house was built about an earlier cottage in 1838 by Charles Arthur, a nephew and private secretary to Lt-Governor Arthur. It is a fine example of its type and is well complemented by extensive brick outbuildings forming a courtyard at the rear of the house, and an old garden.

(The Commission is in the process of developing and/or upgrading official statements for places listed prior to 1991. The above data was mainly provided by the nominator and has not yet been revised by the Commission.)

Official Values Not Available

Description

Single storey brick and stucco Georgian house. Six pane dormers and attics. Main facade of five bays - central six panel door, half sidelights and radial fanlight. Twelve pane windows and shutters. Return verandah to three sides. - French doors at ends onto verandah. Extensive two storey brick outbuildings at rear - flooded and condemned - form courtyard. Extensive old garden and driveway.

History Not Available

Condition and Integrity Not Available

Location

4 Lyttleton Street, Longford.

Productive Agricultural Land

The Norley property has been run as one farming unit for well over 50 years when C A Harrison purchased the other 2 titles. The current paddock and laneway layout has been designed for easy stock movement, flood mitigation, cropping, hay making, and stock watering as a single unit. The current shearing shed and yards can be used as a 2 stand shed allowing shearing and crutching of up to 600 sheep in recent years. The cattle yards are designed to hold up to 50 head.

The large flood plain covers about 80% when the Bureau of Meteorology (BOM) code is a "Moderate Flood" 95% when A "Major Flood" of the 3 titles

To move stock in times of floods (BOM coded Minor Flood covers 50% of the property) we sometimes have to take stock from Norley title to the middle (Strathaird) and 97 A Wellington Street titles as they are the higher land on the floodplains by about a metre. This problem has been exacerbated since the 1970's as noted before when the Norley high ground was acquired for the Water Treatment plant.

Problems and lowering of productivity if sold in current configuration.

1. 180 MGL Water Right for Irrigation can only be serviced by the pump from the Norley Title.
 - No irrigation is possible for the other 2 titles.
 - This limits the possibility of Centre Pivot irrigation for the balance Norley title in the future because of the narrow nature of the titles.
2. Shearing shed, 6 bay machinery shed, tractor shed, Laneways, & Stock yards (Cattle & sheep) are all located on Norley title. No infrastructure on the other titles.

3. If sold on existing titles new infrastructure of machinery sheds, shearing sheds, and cattle and sheep yards would need to be on the highest part of these remaining titles in full view and close proximity to existing residential houses between and including 85- 97 Wellington Street.
4. No Stock transport trucks could gain access to the 97 A title due to the narrow ROW and entrance and these would also be coming up the ROW between 89 and 99 Wellington Street as well as any agricultural machinery. This would also be the case on the "Strathaird" title once a residence is built on the current area zoned "General Residential". Again stock trucks and agricultural machinery access would be coming in between the Strathaird residence at 85 Wellington Street and the historic "Goodlands" residence at 89 Wellington Street.
5. All stock water for troughs connected from Norley title pump system and all stock water pipes are designed for the 3 title farming operation. This is not a major issue as the individual owners will be able to connect to Taswater but obviously at a much higher cost.
6. Currently any cropping of the property which in the past includes malting barley and peas could now only be accessed via the Norley title. This would reduce the agricultural production value if the current titles were sold off to different ownership as no access would be available for headers and machinery etc. This would be the same for hay cutting and harvesting.
7. If sold in the current configuration of the 3 separate titles the agricultural output would be reduced significantly as the current operation is complementary and extracts the highest and best use of the infrastructure, water, and most importantly the land.

Consolidation of titles and removal of the surplus assets will assist in retaining the remaining property as an agricultural unit, recognising the heritage importance of Norley and preserving the landscape values brought about by the hedgerows on the floodplain.

Conclusion

This is an important property in the development of Longford. Being in a number of separate titles any owner could sell of each one as a separate entity. Such action would threaten the agricultural viability of the property and ruin the integrity of the heritage values of the area.

The current owners wish to prevent that scenario. They also wish to dispose of surplus assets in order to fund the proposed changes.

The proposed Special Area Plan is a practical way of achieving the objectives outlined in this report and the SAP. Annexing off an existing dwelling and two further lots (one on land currently zoned General Residential use) will have no impact on supply/demand curves for residential land in the Longford area.



Representation 16 - Launceston Airport

P.O. Box 1220
Launceston TAS 7250
Phone 03 6391 6222
Fax 03 6391 8580
launcestonairport.com.au

A.C.N. 081 578 903
A.B.N. 79 081 578 903

20 December 2021

Mr Des Jennings
General Manager
Northern Midlands Council
PO Box 156
Longford TAS 7301

Dear Mr Jennings

DRAFT NORTHERN MIDLANDS LOCAL PROVISIONS SCHEDULE – TASMANIAN PLANNING SCHEME

I refer to your letter dated 25 October 2021, inviting written representations regarding the Draft Northern Midlands Local Provisions Schedule. Thank you for the opportunity to comment on the draft schedule. This letter sets out our queries and comments.

Launceston Airport has a keen interest in the Draft Local Provisions Schedule (LPS) from an airport safeguarding perspective, particularly having regard to implementation of the National Airports Safeguarding Framework (NASF) and the Launceston Airport Master Plan 2020 (the Master Plan).

As you would be aware, the Master Plan was approved by the Commonwealth Minister for Infrastructure, Transport and Regional Development, under the provisions of the Airports Act 1996, in July 2020. The Master Plan includes an Airport Safeguarding Strategy (Section 12).

As noted in Section 4.2.2 of the Master Plan, the current Northern Midlands Interim Planning Scheme (the Planning Scheme) recognises the importance of Launceston Airport. In clause 2.2.2.7 of the Planning Scheme, a stated objective is to:

Protect Launceston Airport from encroachment by incompatible uses or developments that compromise its operations in recognition of its importance and contribution to the Launceston Region and State economy.

In clause 3.1, the current Planning Scheme states:

We are the location of the most significant airport in the state, and the associated industrial area.

Furthermore, in clause 3.2.1 the Planning Scheme states:

NMC hosts the preferred heavy road transport link (Illawarra Rd) from the North South corridor to the North West coast ports. Launceston Airport is the most central to destinations in the state, and is located near the hub of the road transport system. All these transport factors are also significant to NMC's relationship to tourist movement in Tasmania.

Launceston Airport is concerned that the Draft LPS does not seem to contain statements such as those above, to formally recognise the importance of Launceston Airport, and the need to protect it from encroachment by incompatible uses or developments that may compromise its operations.

The current Planning Scheme also contains a code in Part E relating to airport safeguarding: E12 Airports Impact Management Code. The purpose of this code is to:

- a) ensure that use or development within identified areas surrounding airports does not unduly restrict the ongoing security, development and use of airport infrastructure*
- b) provide for management of the land-use implications of those areas relevant to use and development under the scheme.*

This code applies to use or development of land:

- a) within Australian noise exposure forecast contours on the maps*
- b) within prescribed air space.*

The code further stipulates land-use standards relating to noise impacts, and development standards relating to obstacles to aircraft.

It is understood that the current Airports Impact Management Code will be replaced with the new Safeguarding of Airports Code in the State Planning Provisions (SPP) and that this new code will help protect Launceston Airport going forward. This code contains provisions similar to those in the current code, and as such is supported (subject to the comments below regarding other NASF matters).

Clause LP1.7.14 of the SPP requires the LPS to contain an overlay map showing the airport noise exposure area and the airport obstacle limitations area if such information is contained in an airport master plan.

The Local Provision Schedule Supporting Report states that the draft LPS overlay maps have been prepared on revised information provided by the Tasmanian Planning Commission on 11 July 2019.

We have reviewed the overlay maps on the Council website and advise as follows:

- The noise exposure area appears to match the ANEF in the Master Plan.
- The noise exposure area does not include the N Contours in the Master Plan (Figure 12.6).
- The obstacle limitation area appears to match the Obstacle Limitation Surfaces (OLS) in the Master Plan.
- The obstacle limitation area does not include the PANS-OPS surfaces in the Master Plan (Figure 12.11).

We request that the noise exposure area overlay include the airport's N contours, which are mapped in the approved Master Plan, in accordance with NASF Guideline A: Measures for Managing Impacts of Aircraft Noise.

We also request that the obstacle limitation area overlay include the PANS-OPS surfaces in the Master Plan, in addition to the OLS, in accordance with NASF Guideline F: Managing the Risk of Intrusions into the Protected Airspace of Airports. It is noted that the Safeguarding of Airports Code includes reference to PANS-OPS surfaces.

As stated in Section 12.4 of the Master Plan, whilst the Safeguarding of Airports Code provides some protection for Launceston Airport, there is no reference to NASF in the code and it does not address the full range of airport safeguarding matters set out in the NASF guidelines. Pursuant to the NASF agreement, it is the responsibility of each jurisdiction to implement the framework into their respective planning systems.

Launceston Airport would like to discuss with council how the other NASF matters may be addressed in the LPS in accordance with principles and guidelines of NASF. This will probably need to include the State.

It is noted that in discussions between Launceston Airport and the State, when we were developing the current Master Plan, the State acknowledged its role in the implementation of the NASF guidelines through the planning system. In doing so the State identified that the planning system is broader than the relevant planning scheme, and some of the NASF Guidelines may best be implemented through appropriate strategic planning to avoid land use conflicts as opposed to implementing specific use and development standards in the planning scheme.

The State also stated that there are opportunities to address many of the NASF guidelines through the future Tasmanian Planning Policies (TPPs), which will provide the overarching policy guidance for use and development in Tasmania. We were told that the TPPs will guide the allocation of planning zones ensuring the Launceston Airport is protected through any future rezoning proposals. We are not aware of the status of the TPPs. We would welcome further discussions regarding these matters.

In relation to the Translink Specific Area Plan (NOR-S1.0), we have a query regarding the sub-clause that states:

In the area of land this plan applies to, the provisions of the specific area plan are in substitution for, and are in addition to the provisions of ... (d) Safeguarding Airports Code.

This statement is confusing. We are unsure whether the provisions of the specific area plan completely replace the Safeguarding Airports Code for the relevant land, or whether they are in addition to the Code. We would be concerned if they completely replace the Code. If they are in addition to the Code provisions, what happens if there is an inconsistency between the two sets of provisions? Which one takes precedence?

Our final comment regarding the Draft LPS relates to the zoning of the airport site. In the current Planning Scheme and the Draft LPS, the airport site is designated a Utilities Zone. However, under section 52(i) of the Commonwealth Constitution and subject to the *Commonwealth Places (Application of Laws) Act 1970* (Cth), the Commonwealth has exclusive legislative power in relation to places acquired by the Commonwealth for a public purpose. Therefore, it is our understating that a planning scheme does not apply to a 'Commonwealth place'. Any requirement in a planning scheme seeking to regulate the use or development of Commonwealth land is inoperative. As such, we believe the Utilities Zone should be removed from the airport site.

Should you or members of your staff wish to discuss these matters, please contact me on 03 6391 6207.

Yours sincerely



Ilya Brucksch
Manager - Planning and Development
Launceston Airport



Representation 17 - Woolcott Surveys



Submission to the
Northern Midlands Council
draft
Local Provisions Schedule

Representation to rezone property at 86 Burghley Street, Longford
to General Residential and Rural zones

December 2021

Job Number: L180418
Prepared by: Michelle Schleiger (michelle@woolcottsurveys.com.au)
Town Planner
Reviewed by: James Stewart (james@woolcottsurveys.com.au)
Senior Planner

Rev. no	Description	Date
1	Draft	16 December 2021
2	Final	20 December 2021
3		

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Launceston | St Helens | Hobart | Devonport
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1. Introduction

This report has been prepared as a representation to rezone the property at 86 Burghley Street, Longford (the 'subject site'). The representation is lodged under Section 35E of the Land Use Planning and Approval Act 1993 (the Act) in response to Northern Midlands Council advertising the draft Local Provisions Schedule for public consultation.

This application is to be read in conjunction with the following supporting documentation:

Document	Consultant
Agricultural assessment and rezoning report	Pinion Advisory

1.1 Summary

The following is a summary of the representation information:

Address	86 Burghley Street, Longford (and 87 Bulwer Street)
Property ID	9719165
Title	115134/2; 115134/3; 115134/1; 115134/8; 115134/9; 115134/7; 115134/5; 115134/6; 115134/4
Total Site Area	29.95ha approximately
Council	Northern Midlands Council
Planning Scheme Current	Northern Midlands Interim Planning Scheme 2013
Planning Scheme transition	Tasmanian Planning Scheme – Northern Midlands
Zone Current	General Residential Zone (GRZ) Rural Resource Zone (RRZ)
Overlay/s Current	Bushfire Prone Areas Flood Prone Areas
Zone Proposed TPS	Agriculture
Overlays Proposed TPS	Local Heritage Place Bushfire Prone Areas Flood-prone Hazard Areas Waterway and Coastal Protection Attenuation Area Airport Obstacle Limitation Area
Existing Buildings	Cottage and associated outbuildings (vacant) on 115134/2 (heritage)

1.2 The Proposal

This representation proposes that the subject site be considered for the following:

Lot	
115134/3	To retain GRZ as approved by PLN-19-0070
Lots	
115134/8	
115134/7	
115134/6	To be rezoned to GRZ
Lots	
115134/2	
115134/1	
115134/9	
115134/5	
115134/4	To be rezoned to RZ

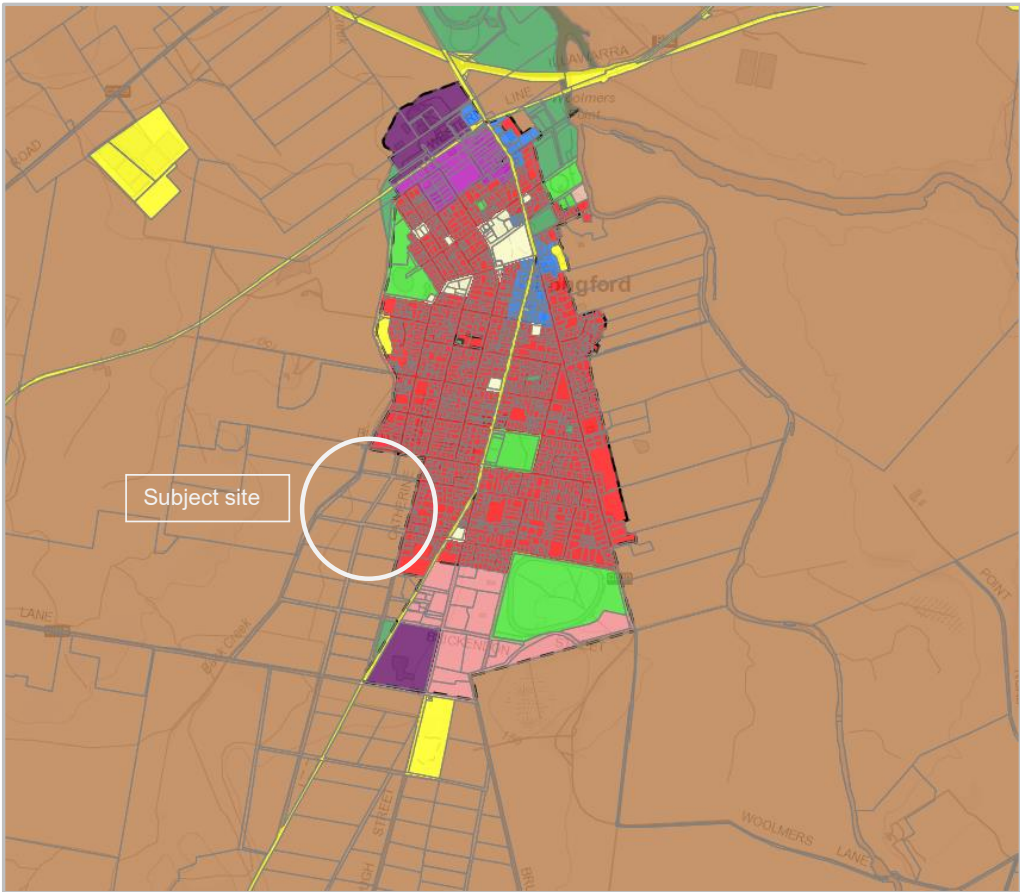


Figure 1 Longford proposed zoning and subject site - see enlargement

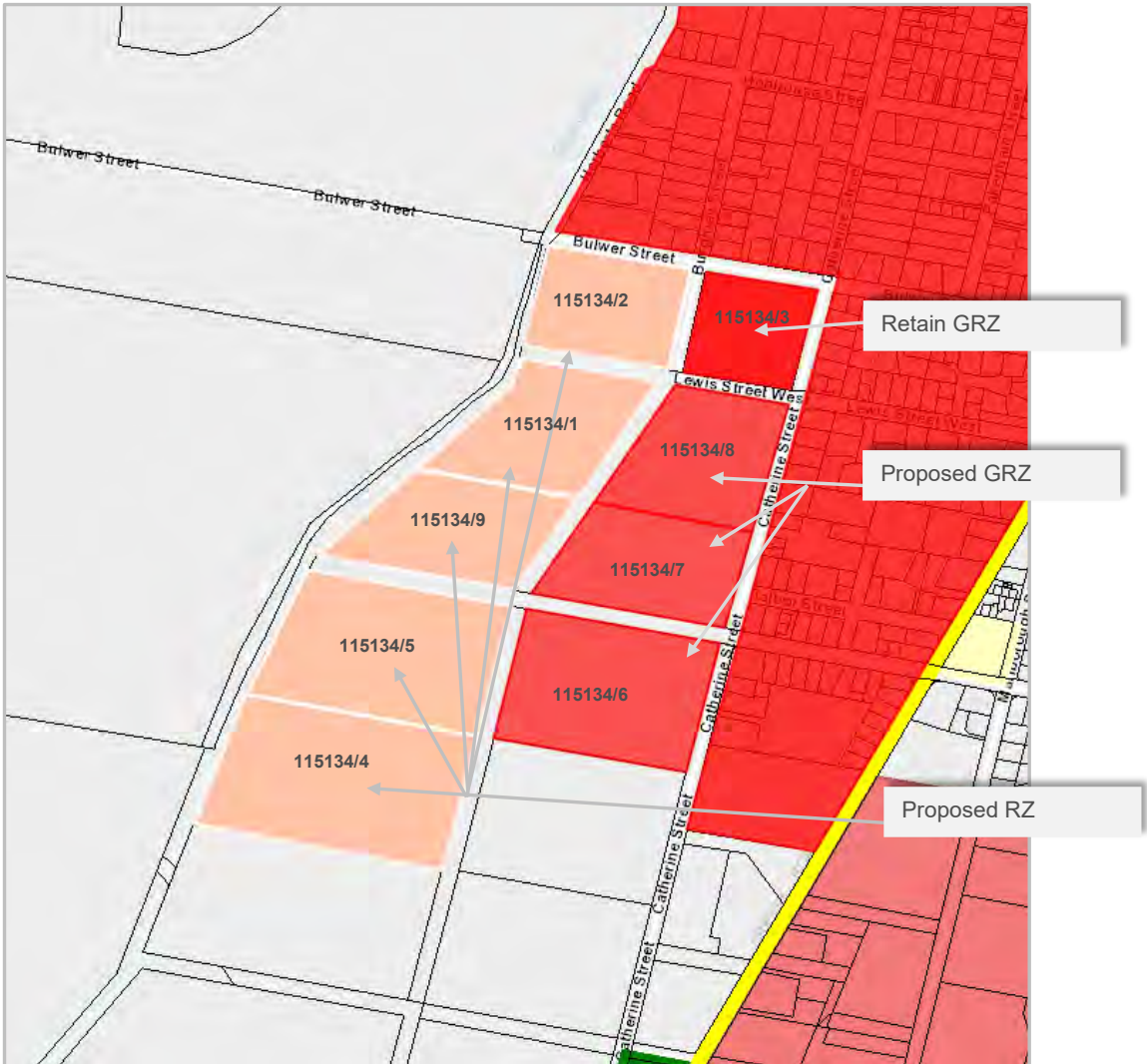


Figure 2 (Enlargement) Subject site at 86 Burghley Street and proposed zoning

2. Zone Assessment

2.2 Northern Tasmania Regional Land Use Strategy response

Regional Planning Policies

Introduction

The following is taken from the Northern Tasmania Regional Land Use Strategy (RLUS) from the Regional Planning Policies section. Regional Planning Policies address the management of regional growth.

The Northern Tasmania Regional Land Use Strategy (RLUS) classifies Longford as a District Service Centre. The subject site adjoins the Supporting Consolidation Area and Urban Area and is contiguous to this identified land.

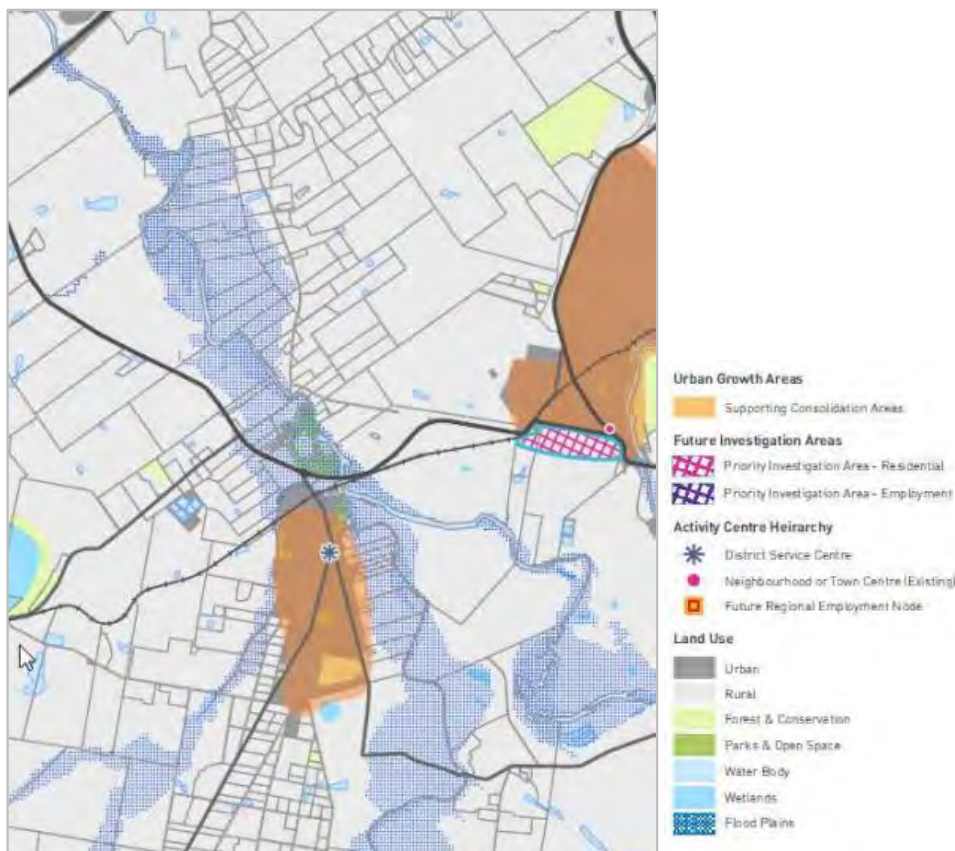


Figure 3 Extracted from the RLUS, Map D.3 Regional Framework Plan

Longford Development Plan

The Longford Development Plan's objective is to provide a broad development framework for guidance on future development.

The subject site is identified throughout the Plan as an area suitable for future development investigation.



Figure 4 Extracted from the Longford Development Plan; Pitt & Sherry 2012



Figure 5 - Deemed suitable for development - Site 3; Pitt and Sherry 2012

The subject site is included in the area identified as Site 3 in the Longford Development Plan. It is described as grazing land with a range of lot sizes, from small lots to the large Longford House. It notes that the Class 3 land could be a limiting factor, and the Agricultural Assessment provided with this submission addresses that. It is described as 'a natural extension of the township being close to the recently subdivided land in Bulwer Street'. The Plan also goes on to suggest that development should begin from the north and move progressively south.

The pattern of recently approved for and applied for development is consistent with this.

3. Assessment and summary

The representation brings to Council's attention the proposed zoning of 115134/3 which has been approved to be zoned as GRZ by the granting of PLN-19-0070. Subdivision of this land for residential lots has commenced with seven approved lots and an application for further subdivision with Council for assessment (PLN-21-0323).

The representation further proposes that land to the south of this lot should also be zoned as GRZ as recommended by the Longford Development Plan. This is further supported by the Agricultural Assessment provided at Annexure 2 which also details the merits of rezoning the land according the Section 8A Guideline No.1 – Local Provisions Schedule (LPS): zone and code application.

Lastly, this representation suggests that the land west of these parcels (adjoining) be zoned Rural, instead of Agricultural. This is also supported by the Agricultural Assessment provided. The land, although classed high, is constrained by surrounding residential development, has a cadastre of small parcels broken up by road lots. While the land may be suited to some agricultural pursuit it will not provide a viable yield.

The land is ideally positioned for incremental expansion of the Longford township. The development and release of lots will relieve some of the pressure felt for suitable residential development in areas suitable for life and work opportunities. Longford, along with other towns in the Northern Midlands Council area are proving to be increasingly popular commuter towns. The rezoning of the subject site would allow sensible contiguous residential development to provide for this.

Annexure 1 – Folio Documents

Annexure 2 – Agricultural Assessment and rezoning report– Pinion Advisory



Land Surveying | Town Planning | Project Management
w woolcottsurveys.com.au e office@woolcottsurveys.com.au

Launceston
Head office
10 Goodman Court
Invermay 7250
p (03) 6332 3760

St Helens
East Coast office
48 Cecilia Street
St Helens 7216
p (03) 6376 1972

Hobart
South office
Rear studio, 132 Davey Street
Hobart 7000
p (03) 6227 7968

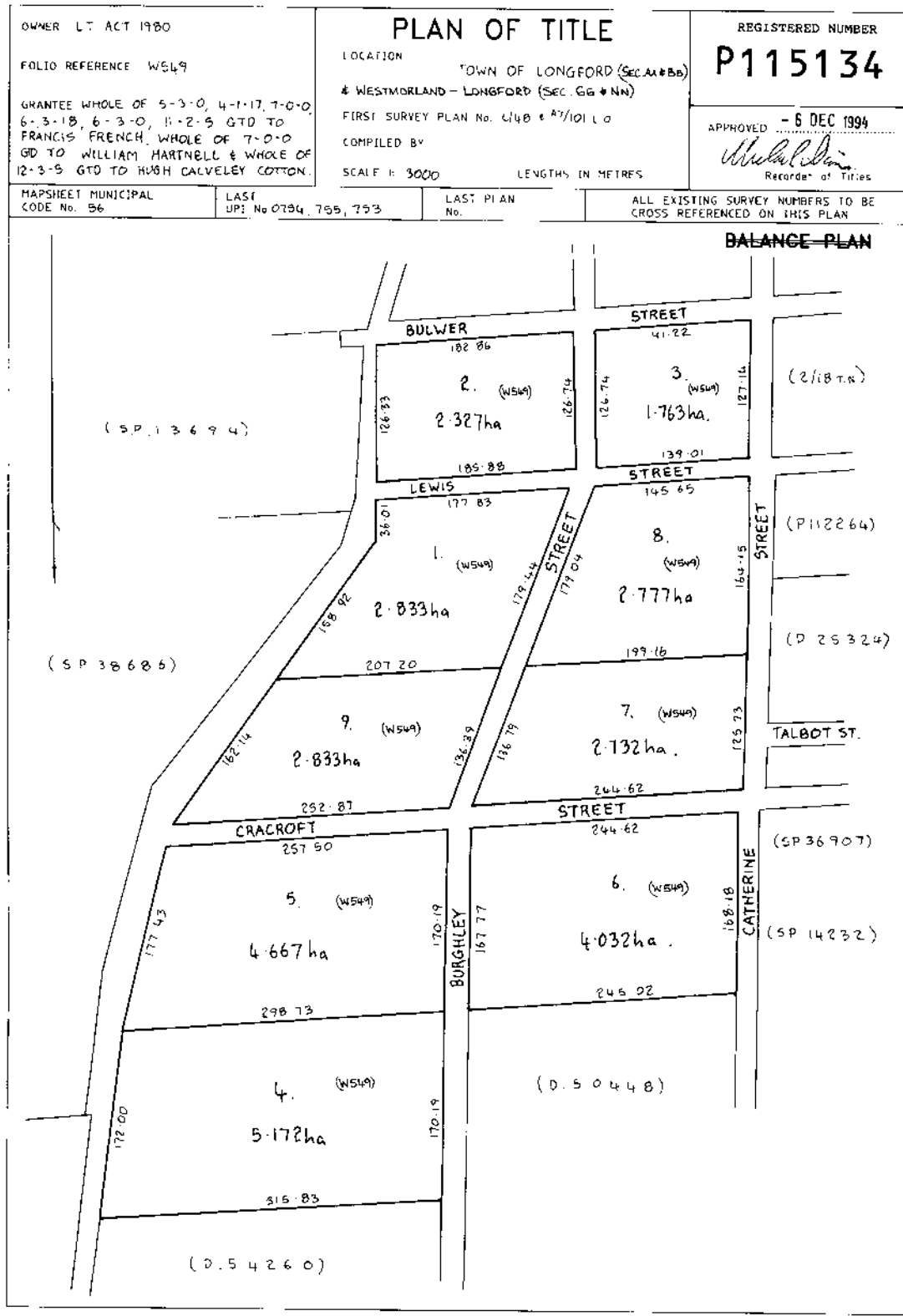
Devonport
North west office
2 Piping Lane
East Devonport 7310
p (03) 6332 3760



FOLIO PLAN

DEPUTY RECORDER OF TITLES

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Volume Number: 115134

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Page 1 of 1

Department of Primary Industries, Parks, Water and Environment

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C/O THE ESTATE OF THE LATE L.D. PITT

Agricultural assessment and rezoning report

86 Burghley Street, Longford TAS 7301

DECEMBER 2021





43 Formby Road, Devonport, Tasmania 7310

Phone: 1300 746 466

Email: admin@pinionadvisory.com

www.pinionadvisory.com

Report author:

Faruq Isu MAppSc (AgrSc)

Jason Barnes BAgSc(Hons)

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Executive Summary

This agricultural assessment and rezoning report has been prepared on behalf of the proponent, Bruce Pitt, and covers the various aspects for the proposed rezoning of the property at 86 Burghley Street, Longford TAS 7301, under the Tasmanian Planning Scheme. Titles 115134/3 (zoned General Residential under the Northern Midlands Interim Planning Scheme), 115134/8, 115134/7 and 115134/6 are proposed to be zoned General Residential while titles 115134/2, 115134/1, 115134/9 115134/5 and 115134/4 are proposed to be zoned Rural.

The property in question covers approximately 29.95ha of land and consists of land capability class 3e, 4e, 4w and 4+5w, of which only 2.55ha is class 3 prime agricultural land. In theory, this land would be suitable for cropping but given the distribution relative to the class 4 and 4+5 land on the property as well as the proximity to dwellings, realistically, this parcel of land is not practical or feasible for cropping. Thus, the property is severely restricted for cropping with slight to moderate limitations to grazing. These soil limitations result in limited pasture production over the winter due to periods of waterlogging and the low-lying areas become temporarily unsuitable for grazing.

There is currently no commercial agricultural activity undertaken at the property, only maintenance grazing conducted by a neighbour. About 60% (western half) of the property falls under the Cressy Longford Irrigation District but, there are no water entitlements available under the irrigation scheme nor is there any irrigation infrastructure present on the property. This area also falls under the 1 in a 100-year flood zone.

The property is bordered to the north and east by general residential zone of Longford. The proximity of these residential dwellings constrains the agricultural operations on the property to abide by agricultural operational buffers (i.e. for spraying). Noise from normal agricultural operations has the potential to create current and future conflict with the neighbouring properties and interference with the agricultural operations and land use. The property is separated from the agriculture land to the west by Back Creek. To the south there are dryland agricultural activities in separate and relatively small titles, some with residential dwellings.

Thus, the property in question is constrained agriculturally and therefore is not able to support a profitable grazing and livestock based agricultural business. It is not able to support a feasible cropping-based enterprise due to the land capability. Therefore, the property is considered to be a lower order rural activities or lifestyle property rather than productive agricultural land. The property has been identified as Potentially Constrained under the 'Land Potentially Suitable Agriculture' layer on the LIST. Titles 115134/3, 115134/8, 115134/7 and 115134/6 have also been recognised as areas of projected urban growth in the Longford Development Plan (Appendix A).

This agricultural assessment finds that 86 Burghley Street, Longford is constrained in terms of the current and future potential agricultural land use activity. It supports the proposed split rezoning of the property from Agriculture to General Residential for titles 115134/3, 115134/8, 115134/7 and 115134/6 and Rural for titles 115134/2, 115134/1, 115134/9 115134/5 and 115134/4 under the Tasmanian Planning Scheme. Failing that, it is recommended that the property is at least zoned Rural to allow a broader range of primary industry land uses.

1 Purpose

This report has been undertaken on behalf of Bruce Pitt and the Estate of the late L.D. Pitt (the proponent) in order to assess the Rural (5 titles) and General Residential (4 titles) Zoning of the property at 86 Burghley Street, Longford TAS 7301, under the Tasmanian Planning Scheme.

Please note that the title 115134/3 was zoned General Residential by the Northern Midlands Council with a 7-lot subdivision approved in April 2021 (Appendix B). This approved zoning has not been acknowledged in the LPS zone maps for the transition to the Tasmanian Planning Scheme. An agricultural assessment for this title is included in this report.

1.1 General Overview

1.1.1 Land Capability

The currently recognised reference for identifying land capability is based on the class definitions and methodology described in the Land Classification Handbook, Second Edition, C.J. Grose, 1999, Department of Primary Industries, Water and Environment, Tasmania.

Most agricultural land in Tasmania has been classified by the Department of Primary Industries and Water at a scale of 1:100,000, according to its ability to withstand degradation. A scale of 1 to 7 has been developed with Class 1 being the most productive for agriculture and resilient to degradation and Class 7 the least suitable to agriculture. Class 1, 2 and 3 is collectively termed “prime agricultural land”. For planning purposes, a scale of 1:100,000 is often unsuitable and a re-assessment is required at a scale of 1:25,000 or 1:10,000. Factors influencing capability include elevation, slope, climate, soil type, rooting depth, salinity, rockiness and susceptibility to wind, water erosion and flooding.

1.1.2 Report Author(s)

In providing the opinion enclosed here, it is to be noted that Faruq Shahriar Isu, holds a Master of Applied Science (Agricultural Science) and has over 2 years’ experience in agribusiness and agricultural research industry in Tasmania. Faruq is trained to carry out land capability and suitability assessments. He has previously used these skills to select trial sites for agricultural research and more recently engaged to undertake agricultural assessment within several municipalities in northern Tasmania.

Jason Barnes possesses a Bachelors of Agricultural Science with Honours and has over 18 years’ experience in the agricultural industry in Tasmania. Jason is skilled to undertake agricultural and development assessments as well as land capability studies. He has previously been engaged by property owners, independent planners, and surveyors to undertake assessments within the, Waratah Wynyard, Circular Head, Break O’Day, Northern Midlands and Launceston municipalities including the Meander Valley. Most of these studies have involved the assessment of land for development purposes for potential conflict with Council Planning Schemes.

1.1.3 Tasmanian Planning Scheme - LPS

The Guideline No.1 Local Provisions Schedule (LPS): zone and code application issued by the Tasmanian Planning Commission under Section 8A of the *Land Use Planning and Approvals Act 1993*, sets out the guidelines for zoning land in the transition to the Tasmanian Planning Scheme.

2 Property details

2.1 Location

The property at 86 Burghley Street, Longford TAS 7301 is owned by Bruce Pitt and John Pitt (Figure 1, Table 1).

Table 1 Property location identification details

Address	Property ID	Title Reference	Hectares (Approx.)
Lot 3 Burghley Street, Longford TAS 7301	9719166	115134/3	1.83ha
86 Burghley Street, Longford TAS 7301	9719165	115134/8	2.86ha
		115134/7	2.83ha
		115134/6	4.13ha
		115134/2	2.38ha
		115134/1	2.96ha
		115134/9	2.95ha
		115134/5	4.70ha
		115134/4	5.31ha
Total			29.95ha

The property is located southwest corner of the township of Longford, along the eastern side of Back Creek. The topography of the property is undulating plains on valley flats and river terraces formed on alluvial quaternary sand, gravel, mud and tertiary clays and gravel. (Figure 2).

Vegetation present in the property consists of predominantly semi-improved pasture species.

The property is held as private freehold land and immediately surrounded by the same, except to the west, where there is a strip of crown land associated with Back Creek and a road reserve (Figure 3).

The property is zoned Rural Resource, except title 115134/3 which is zoned General Residential, under the Northern Midlands Interim Planning Scheme. Zoning surrounding the property is Rural Resource to the west and south, General residential to the north and east (Figure 4). It is proposed to be zoned Agricultural by the Northern Midlands council in the transition to the Tasmanian Planning Scheme. The Agricultural Land Mapping Project (2017) to identify land suitable for Agricultural Zone assessed

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the titles on Bulwer and Catherine Streets as Potentially Constrained (Criteria 3) and the remaining titles as Potentially Constrained (Criteria 2B) (Figure 5).

The western part of the property is under the Cressy Longford Irrigation district while, the eastern part of the property falls outside the irrigation scheme (Figure 6).

There are no Threatened Native Vegetation Communities species present on the property.



Figure 1. Approximate location of the property. Proposed rezoning to General Residential (red outlines) and Rural (blue outlines), under TPS. Red shaded title already zoned General Residential (Source: The LISTMap).

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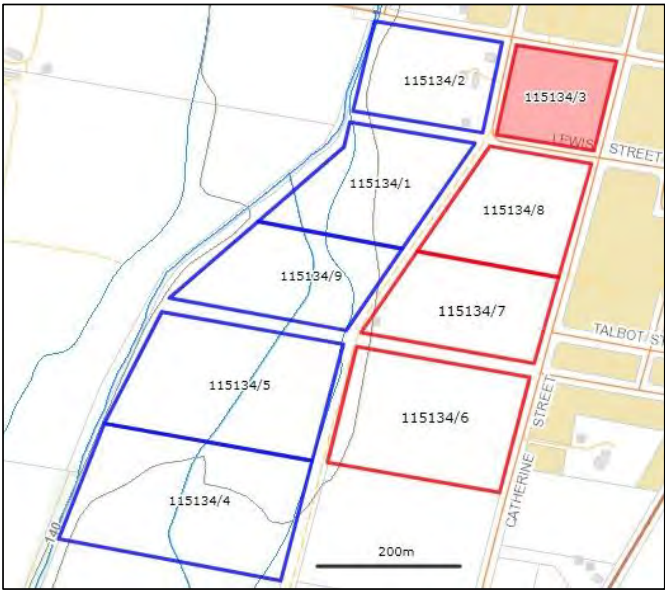


Figure 2. Topographic map of the property (Source: The LISTMap).

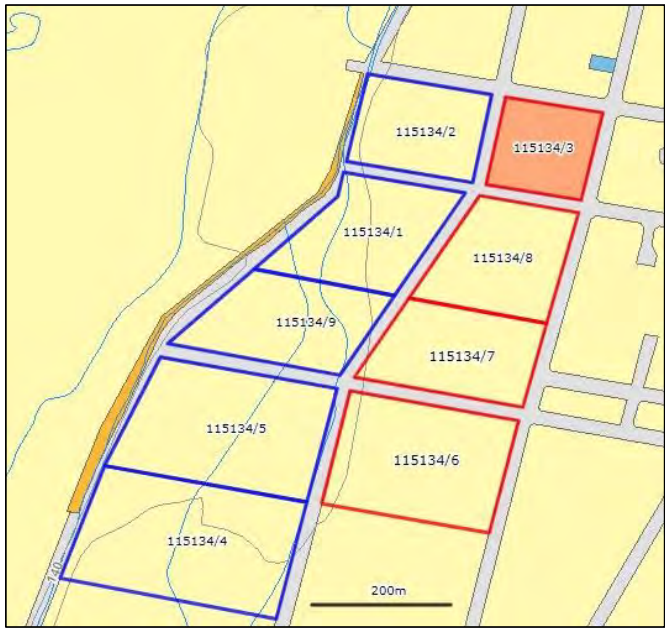


Figure 3. Land tenure on and surrounding property us private freehold (beige). Orange strip is crown land public reserve (Source: The LISTMap).

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Figure 4. Title 115134/3 is zoned General Residential (red) and others are zoned Rural Resource (Pink) (Source: The LISTMap).



Figure 5. 'Land Potentially Suitable for Agriculture Zone' overlay shows titles are potentially constrained for agriculture under criteria 2B (beige) and criteria 3 (green) (Source: The LISTMap).

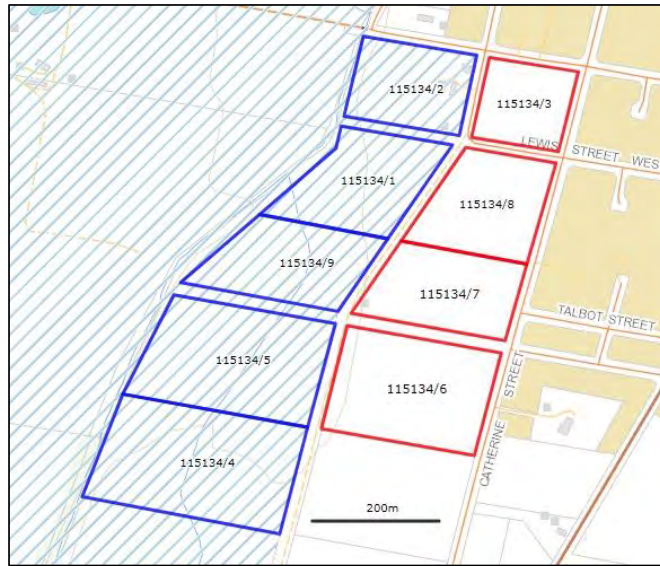


Figure 6. Light blue stripes indicate irrigation scheme coverage. Titles on the western part of property (blue outlines) falls under the Cressy Longford Irrigation District, while the titles on the eastern part (red outlines) falls outside it (Source: The LISTMap).

3 Land capability

Land capability of the property was assessed according to the Tasmanian Land Capability Classification System (Grose, 1999). Land is ranked according to its ability to sustain a range of agricultural activities without degradation of the land resource. Class 1 land is considered to be prime agricultural land and Class 7 land is unsuitable for agriculture due to severe limitations. A wide range of limitations are considered, and the most significant limitation determines its final classification. Limitations in relation to soils include stoniness, topsoil depth, drainage and erosion hazard. Limitations to topography include slope and associated erosion hazard.

The Longford property consists of land capability class 3e, 4e, 4w and 4+5w (Figure 7). The class 3 area is prime agricultural land and suited for cropping and intensive grazing. The class 4 areas are suitable for restricted cropping and suited to pastoral use. The class 4+5 area is only suitable for occasional cropping with slight to moderate limitations to pastoral use.

The class 4w and 4+5w areas are primarily limited by seasonal waterlogging from creek and drainage channel overflows, particularly in winter and including periods in autumn and spring depending on rainfall, resulting in land being unsuitable for grazing during the period. The primary limitation for class 3e and 4e areas is erosion (predominantly aeolian) and therefore, it is recommended that the ground remains under sufficient vegetative cover, with careful management.

While there are areas of Class 3 land, its use is constrained by the limited area and interaction with Class 4 and 4+5 land on the property at the paddock level. It is impractical to manage the Class 3 land separately and to its potential (Figure 7).

Class 3 land is defined as:

Land suitable for cropping and intensive grazing. Moderate levels of limitation restrict the choice of crops or reduce productivity in relation to Class 1 or Class 2 land. Soil conservation practices and sound management are needed to overcome the moderate limitations to cropping use.

Land is moderately productive, requiring a higher level of inputs than Classes 1 and 2. Limitations either restrict the range of crops that can be grown or the risk of damage to the soil resource is such that cropping should be confined to three to five years out of ten in a rotation with pasture or equivalent during normal years.

Class 4 land is defined as:

Land primarily suitable for grazing but which may be used for occasional cropping. Severe limitations restrict the length of cropping phase and/or severely restrict the range of crops that could be grown. Major conservation treatments and/or careful management is required to minimise degradation.

Cropping rotations should be restricted to one to two years out of ten in a rotation with pasture or equivalent, during 'normal' years to avoid damage to the soil resource. In some areas longer cropping phases may be possible but the versatility of the land is very limited. (NB some parts of Tasmania are currently able to crop more frequently on Class 4 land than suggested above. This is due to the climate being drier than 'normal'. However, there is a high risk of crop or soil damage if 'normal' conditions return).

Class 4+5 land is defined as:

At least 60% land well suited to grazing but which is limited to occasional cropping or a very restricted range of crops, up to 40% land unsuited to cropping and with slight to moderate limitations to pastoral use.

The key land capability limitations associated with this property are:

- Erosion (e): caused by wind and/or water if soils are exposed or left bare. Recommended to keep under vegetation cover
- Wetness (w): caused by the movement of water from overflow of creek, drainage channels and surface runoffs accumulating in areas on the flatter soil and depressions. The resulting areas remaining wet for periods in winter and spring. This restricts the usable arable areas in winter predominantly, allowing for grazing during dry periods.

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Figure 7. Land capability map of the property (Source: The LISTMap)

Table 2 Land capability assessment over titles.

Land Capability Class (ha)	Land Characteristics							
	Geology & Soils	Slope (%)	Topography & Elevation	Erosion Type & Severity	Soil Qualities	Agricultural Versatility	Main Land Management Requirements	Climatic Limitations
3e (approx. 2.55ha)	<p>Brown gravelly loam to clay loam topsoil</p> <p>Presence of tertiary deposits or granite throughout the profile.</p> <p>Dermosol</p>	0-10%	<p>Undulating plains and depressions on river terrace and valley flats.</p> <p>140m above sea level.</p>	Moderate sheet and wind erosion risk if soil is exposed.	Imperfectly drained and slowly permeable soil Topsoil depth approximately 20-25cm	<p>Suitable for cropping and intensive grazing.</p> <p>However, being only a small parcel of land area and being surrounded by lower land capability, should be treated as per broader area.</p>	<p>Avoid situations that lead to the exposure of bare soil, therefore maintain sufficient ground cover. The risk of compaction in winter from machinery and stock increases significantly during periods of water saturation and logging.</p>	<p>Minor climatic limitations.</p> <p>This region experiences cold winter and warm summer conditions. Receives an average of 516.96mm annual rainfall, can experience 48 frost days annually, 1010 GDD (October – April) and 1075 chill hours (May – August).</p>

Land Capability Class (ha)	Land Characteristics							
	Geology & Soils	Slope (%)	Topography & Elevation	Erosion Type & Severity	Soil Qualities	Agricultural Versatility	Main Land Management Requirements	Climatic Limitations
4e (approx. 9.88ha)	Brownish grey to brown sandy loam topsoil. Presence of ironstone throughout profile. Chromosol	0-3%	Undulating plains and depressions on river terrace. 140m above sea level.	Moderate sheet and wind erosion risk if soil is exposed.	Imperfectly drained and slowly permeable soil Topsoil depth approximately 20-25cm	Suitable for restricted cropping. Suited to pastoral use with slight limitations.	Avoid situations that lead to the exposure of bare soil, therefore maintain sufficient ground cover. The risk of compaction in winter from machinery and stock increases significantly during periods of water saturation and logging.	Minor climatic limitations. This region experiences cold winter and warm summer conditions. Receives an average of 516.96mm annual rainfall, can experience 48 frost days annually, 1010 GDD (October – April) and 1075 chill hours (May – August).

Land Capability Class (ha)	Land Characteristics							
	Geology & Soils	Slope (%)	Topography & Elevation	Erosion Type & Severity	Soil Qualities	Agricultural Versatility	Main Land Management Requirements	Climatic Limitations
4w (approx. 16.71ha)	Gravelly clay to Light to clay soils, with some ferruginous nodules, over medium to heavy clay subsoils. Soil wet to the touch. Hydrosol	0-3%	Undulating plains and depressions on valley flats. 140m above sea level.	Moderate wind and rill erosion risk if soil is exposed. Low salting possible.	Imperfectly drained and slowly permeable soil Topsoil depth approximately 15-20cm	Suitable for restricted cropping. Suited to pastoral use with slight limitations (when not waterlogged or inundated).	Avoid situations that lead to the exposure of bare soil, therefore maintain sufficient ground cover. The risk of compaction in winter from machinery and stock increases significantly during periods of water saturation and logging.	Minor climatic limitations. This region experiences cold winter and warm summer conditions. Receives an average of 516.96mm annual rainfall, can experience 48 frost days annually, 1010 GDD (October – April) and 1075 chill hours (May – August).

Land Capability Class (ha)	Land Characteristics							
	Geology & Soils	Slope (%)	Topography & Elevation	Erosion Type & Severity	Soil Qualities	Agricultural Versatility	Main Land Management Requirements	Climatic Limitations
4+5w (approx. 0.81ha)	Brownish grey to brown sandy loam topsoil. Presence of ironstone throughout profile. Chromosol	0-3%	Undulating plains and depressions on river terrace. 140m above sea level.	Moderate sheet and wind erosion risk if soil is exposed.	Imperfectly drained and slowly permeable soil Topsoil depth approximately 20-25cm	Severely restricted to cropping with slight to moderate limitations to grazing.	Avoid situations that lead to the exposure of bare soil, therefore maintain sufficient ground cover. The risk of compaction in winter from machinery and stock increases significantly during periods of water saturation and logging.	Minor climatic limitations. This region experiences cold winter and warm summer conditions. Receives an average of 516.96mm annual rainfall, can experience 48 frost days annually, 1010 GDD (October – April) and 1075 chill hours (May – August).

3.1 Soils

Soils present on the property are Chromosols, Dermosols and Hydrosols, which is broadly consistent with that outlined in the Longford Soil Report (1999) and the approximate distribution is shown in Figure 8 below.

Chromosols: Brownish grey to brown sandy loam, with Ironstone pebbles spread across soil profile, is predominantly present on the river terrace on the eastern part of the property.

Dermosol: Brown gravelly loam to clay loam, with some ironstone, on valley flats and depressions predominantly around south – southeast part of property.

Hydrosols: Wet, clay loam to light clay soils with some ferruginous nodules over medium to heavy clay subsoils. Predominantly spread across the western part of the property, along Back Creek bank.

The topography of the property is undulating plains and some depressions on river terrace and valley flats. Back Creek runs along the western boundary of the property with some drainage channels bisecting the land. The soil is generally imperfectly drained and is slowly permeable. Topsoil depth varies according to location, ranging from approximately 15-25cm deep.

The soil types match the topography and elevation, with the Dermosols and Chromosols located on the higher parts of the property. These soils are class 3 and 4 land on clay loam soils characterised by moderately well drained and fertile soils. These soils having good drainage allow grazing in the winter but dry out over the summer. They can be cropped over the summer supported by irrigation.

The Hydrosols are located on the lower lying areas and have medium to heavy clay subsoil. These soils once they reach saturation from winter rainfall are not suitable for grazing during this period. These clay soils have a higher water holding capacity retaining soil moisture later into the season to support more pasture growth into the summer. Cultivating these soils can be difficult as they have a narrow soil moisture range where they can be cultivated well (too wet and they smear, too dry and they are cloddy).

The key limitations associated with the soil type are:

- Wetness (w) resulting in waterlogging during winter or periods of heavy rainfall.
- Erosion (e) when soil exposed without vegetation are subject to rill and wind erosion. Therefore, maintaining sufficient ground cover is advised.

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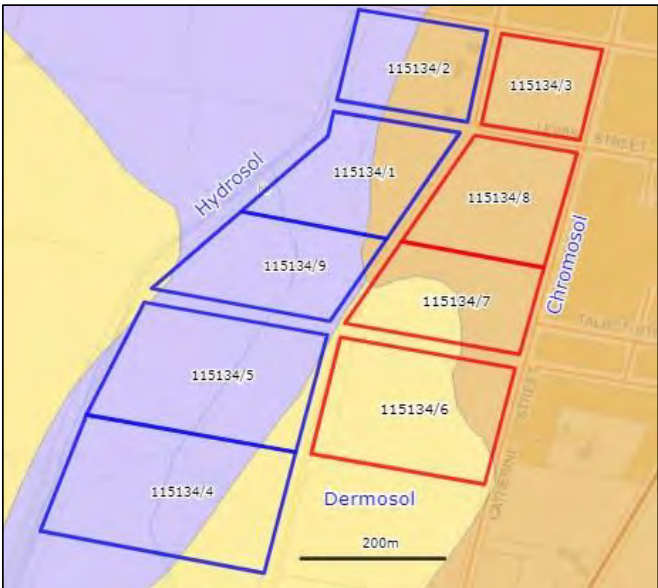


Figure 8. Approximate distribution of the 3 soil types on the property – Chromosol (brown), Dermosol (yellow) and Hydrosol (purple) (Source: The LISTMap).

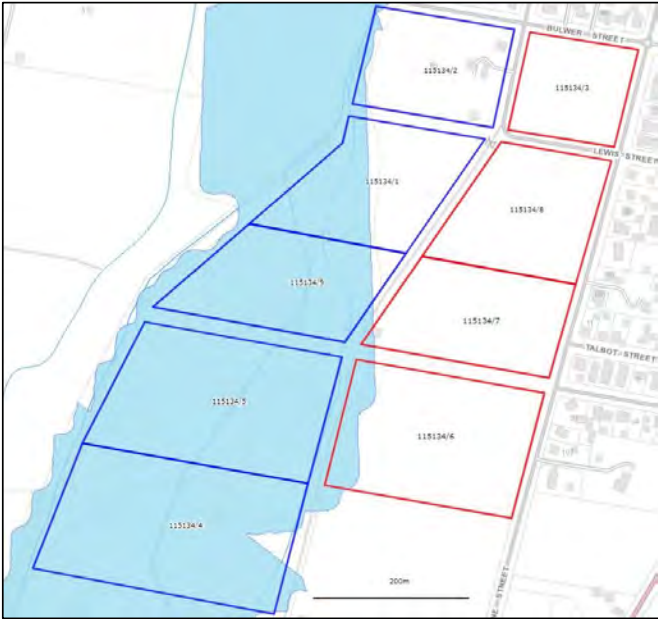


Figure 9. June 2016 flood extent map showing areas prone to periodic waterlogging and inundation (Source: The LISTMap).

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Image 1. Soil profile 1, class 4e land. Chromosol, presence of ironstone throughout profile (taken at site assessment on 24/11/21)



Image 2. Soil profile 2. Dermosol. Ironstone deposits present across profile (taken at site assessment on 24/11/21).

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Image 3. Soil profile 3. Class 4w land. Hydrosol. Some ferrogynous nodules present (taken at site assessment on 24/11/21).



Image 4. Back Creek running along western boundary of the property (taken at site assessment on 24/11/21).

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Image 5. Residential dwellings (General Residential Zone) along Catherine Street on the eastern boundary of the property (taken at site assessment on 24/11/21).



Image 6. Burghley St (casement) dividing the western and eastern titles at the property (taken at site assessment on 24/11/21).

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Image 7. Dwellings in General Residential zone, looking north from title 115134/3 (taken at site assessment on 24/11/21).



Image 8. Existing infrastructure on title 115134/2. Dwellings in residential zone also visible behind hedge plants (taken at site assessment on 24/11/21).

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Image 9. Dwellings in residential zone on Catherine Street, looking east from title 115134/6 (taken at site assessment on 24/11/21).



Image 10. Vegetation on land capability class 4+5w area (taken at site assessment on 24/11/21).

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Image 11. Vegetation on land capability class 4e area (taken at site assessment on 24/11/21).



Image 12. Vegetation on land capability class 4w area (taken at site assessment on 24/11/21).



Image 13. Vegetation on land capability class 3e area (taken at site assessment on 24/11/21).

4 Land Use Activity

4.1 Current agricultural activities conducted

The property at 86 Burghley Street, Longford was acquired through inheritance and currently has no commercial agricultural land use activity. The property is grazed by a neighbour's sheep (informal agistment) in order to maintain pastures and help manage the fire risk. Additional mowing is carried out to reduce fire hazard in dry conditions, as required. Existing infrastructures such as internal fencing, small silo, paddock gates, shed and dwelling are all derelict.

4.1.1 Adjacent land use activity

There are no agricultural activities to the north and east of the property, being General Residential Zone. Grazing on dryland improved pasture is conducted to the south. Irrigated cropping and grazing improved pastures are conducted to the west, past Back Creek.

4.2 Potential agricultural land use activity

4.2.1 Pastoral use

The property is suitable for pastoral use with no limitations on the land capability class 3 land and with slight to moderate limitations on class 4 and 4+5 land. Pastoral use is limited to dryland based as 40% of the property is not located within an Irrigation Scheme and there are no water entitlements available for purchase. There is also no existing irrigation infrastructure present. Based on the property's size, land capability, topography and in conjunction with growing season duration and rainfall, it would be

reasonable to consider that it can support a potential carrying capacity of 9.83 DSE/ha for a total of approximately 294.57 DSE/year.

Thus, it is reasonable to consider that the property has the potential to support 294 head of dry ewes which represents an approximate total annual gross margin of \$13,230 (at a gross margin of \$45/hd) or \$441/ha.

A total farm gross margin income of \$13,230 constitutes a marginal income from an agricultural business and would not cover the basic running costs of the business including rates, repairs and maintenance. Therefore, to develop as an agricultural enterprise (livestock) the property would require a significant investment from the owner to support its financial commitments to land, infrastructure maintenance, replacement livestock purchases, animal husbandry and business operation costs. Thus, it has the economic scale of lower order rural activities or a lifestyle block that required financial support from the owners off-farm employment, business or investment income rather than the farm generated income supporting the agricultural business and its expenses including wages to the owner/manager.

It is relevant to note that livestock enterprises require supervision and attention of livestock regularly during the day and night, particularly during calving/lambing but also other times during weaning, for animal husbandry and animal health and wellbeing. Most livestock tasks are conducted during the day including checking livestock, feeding out and moving livestock to fresh paddocks. However, attending to livestock health and wellbeing requires the use of small machinery and lights during the evening, night and early morning outside normal business hours but is normal for an agricultural operation. This may result in current and future conflicts with local residential landholders if the animals are in close proximity to the residential dwellings.

4.2.2 Cropping use

The property only contains a marginal section of class 3 (2.55ha), prime agricultural land, which is insignificant in the broader scheme in terms of cropping area and unpractical to incorporate with the surrounding land class in the same paddocks, therefore included with class 4 land for gross margin estimates. Given the relatively small size of the property and the restrictive nature of cropping in class 4 land, investment in irrigation infrastructure is unfeasible. There is approximately 29ha of class 4 land (including 4+5land area of 0.81ha and 2.55ha of class 3). Theoretically, class 4 land could be cropped for 2 in every 10 years (Grose 1999). Therefore, 5.8ha could be cropped each year. Dryland cereal production in low rainfall area has a gross margin of \$480/ha (DNRET gross margin analysis). Therefore, a sustainable cropping gross margin on the property would contribute to \$2,784 annually.

It is to be noted that the cropping area would be reduce due to the proximity of dwellings in General Residential zone to the north and east, to account for spray drift buffers and other impacts of agriculture activities on residential amenities.

4.2.3 Perennial horticulture use

While the topography, soil type and climate are suitable to horticultural crops, in the absence of irrigation infrastructure and the close proximity to the residential dwellings in Longford, there are significant constraints and potential conflicts making it unfeasible to operate a horticultural enterprise, including berries and viticulture.

4.3 Impact on agricultural activities and residential amenity of neighbouring land

The potential agricultural land at 86 Burghley Street, Longford borders residential dwellings in General Residential zone to the north and east. There are 27 dwellings that border the property to the north and east with an approximate setback of 26m. Thus, the impact risk on residential amenity would be considered high given the proximity to the agricultural land, if activity is intensified in the future.

In the Tasmanian Planning Scheme, setback distances in agriculture zone (21.4.2) Acceptable solutions A2 states that buildings for sensitive use (i.e., residential dwellings) must be separated from an agriculture zone by not less than 200m. It is noted that when 200m setback circles are placed on every fifth building, to show the setback from the residential dwellings bordering the property to the east and two corner properties to the north, it encroaches approximately 11ha of land area (Figure 11) along the approximate 980m boundary of the property boundary.

After inspecting the site (site assessment completed November 19th, 2021), it has been concluded that the current maintenance grazing use and required buffer distances are insufficient to prevent unreasonable impact, interference and conflict between agriculture and residential amenity and vice versa.

4.4 Impact of agricultural activity on neighbouring land to the proposed re-zoning

This assesses the impact of agricultural land use activities on the neighbouring land uses, including agricultural and residential. An assessment of the key risks is summarised in Table 3. This has been compiled on the basis that the neighbouring farm activities are likely to include cropping and livestock grazing.

Table 3 Potential risk from agricultural land use activities on neighbouring land

Potential Risk from Agricultural Land Activity on Neighbouring properties	Extent of Risk & Possible Mitigation Strategy
1. Spray drift and dust	Risk = High. Residential dwellings and urban streets with foot and vehicle traffic are in close proximity on the windward side to the prevailing north-westerly wind. There is a water course (Back Creek) to the west that requires a buffer zone under the code of practice for ground spraying and the APVMA agricultural chemical labels. Existing buffer distances and Back Creek will mitigate the impact of sprays and dust if applied under normal recommended conditions. Spraying events should be communicated in a timely manner to the inhabitants of all neighbouring dwellings. Spray applications in close proximity to residential dwellings is expected to create concern and conflict with residents. The use and application of agricultural sprays must abide by the Tasmanian Code of practice for ground spraying 2014.
2. Noise from machinery, livestock and dogs.	Risk = High. Machinery traffic will occur when working and undertaking general farming duties. Most traffic would be during normal agricultural working hours (between 6am-8pm). Checking on stock throughout the night is required during lambing or calving using a side-by-side farm vehicle. Stock movements will include dog and farm vehicles.
3. Irrigation water over boundary	Risk = Low. Irrigation is not used on the property. If irrigation was developed in the future there is the risk of irrigation water going onto the road.
4. Stock escaping and causing damage.	Risk = low. Provided that boundary fences are maintained in sound condition and checked regularly.
5. Electric fences	Risk = low. Mitigated by the proponent attaching appropriate warning signs on boundary fencing.

4.5 Impact of proposed re-zoning on agricultural activity

The proposed rezoning, in consideration with the buffer zones, physical barriers and agricultural land use, have all been assessed as low risk impact to agricultural activity on neighbouring land. These potential impacts are usually manifested as complaints that could be made by residents of nearby dwellings. Other risks to neighbouring agricultural activity are outlined in Table 4. Some of these risks rely on an element of criminal intent and it could well be argued that this is very much lower with inhabitants of the dwelling than with other members of the public.

Table 4 Potential risk from proposed rezoning on neighbouring agricultural land use and activity

Potential Risk to Agricultural Land Activity	Extent of Risk & Possible Mitigation Strategy
1. Trespass	Risk = Medium. Mitigation measures include installation and maintenance of sound boundary fencing, lockable gates and appropriate signage to warn inhabitants and visitors about entry onto private land; report unauthorised entry to police.
2. Theft	Risk = Low. Ensure there is good quality boundary fencing on neighbouring properties and appropriate signage to deter inadvertent entry to property; limit vehicle movements, report thefts to police.
3. Damage to property	Risk = Low. As for theft.
4. Weed infestation	Risk = Low. Risks are expected to be negligible, with the proponents committed to the productivity and sustainability of their property and weed control is key activity. Biosecurity practices are followed with dirt covered vehicles washed down before visiting the property and vehicles staying on established gravel roads.
5. Fire outbreak	Risk = Medium. Fire risk can be mitigated by maintaining the pastures and fencelines, grazing or mowing long dry grass. Careful operation of outside barbeques and disposal of rubbish. A bushfire management plan may be required for the proposed development.
6. Dog menace to neighbouring livestock	Risk = Low-Medium. Good fencing on the borders of the property, both rural and residential. Mitigated by ensuring that good communication is maintained between the proponent and residents of the neighbouring properties. Dogs would be managed as per the guidelines determined by the council.

4.6 Impact of proposed development on amenity of dwellings on nearby land

There are approximately 468 residential dwellings within a 1km vicinity of the property. However, the area does cover part of the unbuilt section of the current residential use (Figure 10). As mentioned earlier, there are 27 dwellings bordering the property to the north and east, setback approximately 26m. A 200m circle placed on every 5th building to the east and the corner buildings to the north, show the extent of encroachment of the required setback onto the land of the property in question (Figure 11). This dramatically reduces the area of agricultural land used unconstrained due to the proximity of 27 dwellings that border the property. By zoning the proposed titles as General Residential and Rural Zone it will create a transitional area from the General Residential area of Longford to the surrounding productive and irrigated Agricultural land that will reduce the risk of the respective land uses, General Residential and Agricultural, conflicting with each other and visa versa.



Figure 10. Approximately 468 residential dwelling (blue pins) in a 1km radius (yellow outline) of the property (Source: The LISTMap).

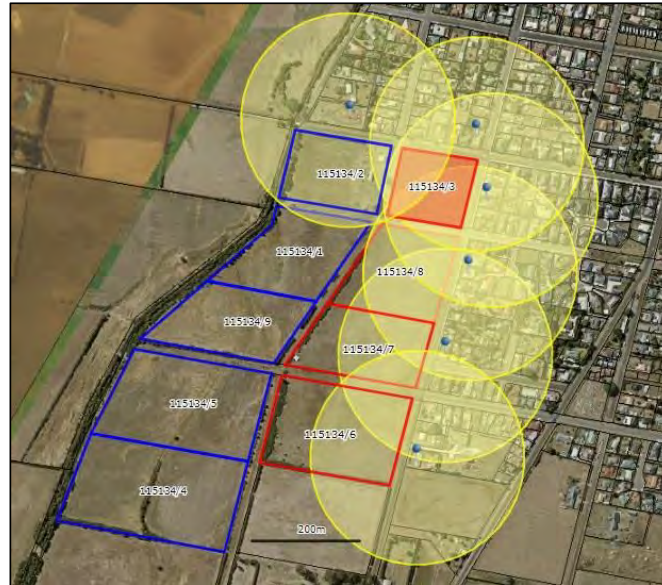


Figure 11. 200m setbacks (yellow circles) from selected residential dwellings (blue pins) bordering the property (Source: The LISTMap).

4.7 Water storage and resources

Five titles (115134/2, 115134/3, 115134/8, 115134/7 and 115134/6) out of nine at the property is connected to water service and four titles (115134/2, 115134/3, 115134/8 and 115134/7) out of nine have sewerage service (The LISTMap).

Western part of the property falls under the Cressy Longford Irrigation District. No water entitlements available for purchase from this irrigation scheme.

There are no current or potential irrigation dam sites on the property.

Therefore, the property is restricted in terms of its current and future diversity and intensity of agricultural land use activity due to the lack of irrigation infrastructure, its size and the proximity to urban area.

5 Local and Regional Agricultural Significance

The property title in question holds a negligible level of recognised local and regional agricultural significance. The percentage of respective land capability class is shown in the table below which shows that the property in question only represents 0.03% of class 3, 0.02% of class 4 and 0.02% of class 4+5 land in the south esk mapped area, which is not significant in the area.

Table 5 Land capability South Esk area.

Land Capability Class	South Esk land capability mapping area		
	Land area (hectares)	Total mapped land area (hectares)	% of land class in mapped area
3	2.55	8622	0.03%
4	26.59	117447	0.02%
4+5	0.81	5063	0.02%

This local area in Longford has seen residential dwellings develop over time with little to no development to agriculture or rural land for primary industry use. The property borders General Residential zone to the north and east with Back Creek separating it from the agriculture land to the west. Some low intensity agriculture, in small land parcels, is carried out to the south. As such, with nowhere else to expand residential development, the eastern titles (115134/3, 115134/8, 115134/7 and 115134/6) on the property have been indicated to be areas of projected urban growth in the 2012 Longford Development Plan (Appendix A).

6 Property Improvement and Development Consideration

Title 115134/3 of the property is already zoned General residential under the current interim planning scheme (Figure 4). Given the estimated gross margin return for livestock and cropping on the property it is not suitable for intensive agricultural land use and investment in infrastructure development would be economically unfeasible.

7 Potential Constraint Analysis

The property titles (titles 115134/3, 115134/8, 115134/7 and 115134/6) have been identified as Potentially Constrained (Criteria 3) for agriculture under the 'Land Potentially Suitable for Agriculture Zone' layer in the LIST (Figure 5). The remaining titles on the property were classified as Potentially Constrained (Criteria 2B) (Figure 5).

Titles 115134/2, 115134/3, 115134/8, 115134/7 and 115134/6 are Potentially Constrained under Criteria 3, due to:

- Title size significantly less than the minimum area for the identified Enterprise Suitability (ES) cluster
- Adjoining residential development

The titles 115134/1, 115134/9 115134/5 and 115134/4 are Potentially Constrained under Criteria 2B, simply defined as:

- Title size significantly less than the minimum area for the identified Enterprise Suitability (ES) cluster
- Not adjoining unconstrained land
- Not adjoining residential development

This supports the alternative zoning to agriculture be considered as more suitable under the Tasmanian Planning Scheme supported by this assessment of the Lands Potentially Suitable for Agricultural Zone analysis.

8 Proposed Rezoning

The proponent wishes to have a split zoning for the property at 86 Burghley Street, Longford under the Tasmanian Planning Scheme. Titles 115134/3, 115134/8, 115134/7 and 115134/6 are proposed to be zoned General Residential (red outlined titles in Figure 1), while titles 115134/2, 115134/1, 115134/9 115134/5 and 115134/4 are proposed to be zoned Rural (blue outlined titles in Figure 1).

The property in question is restricted in terms of the current and future potential agricultural land use activity due to a combination of factors including proximity to General Residential Zone, area of land available, predominantly low level of land capability, subject to waterlogging in low lying areas and erosion and is incapable of supporting commercial scale agricultural land use activity.

8.1 Proposed General Residential Rezoning

In order to support the zoning proposal, responses to key considerations have been provided as per the Local Provision Schedule (LPS) zone and code application:

GRZ 1, GRZ 2 and GRZ 3 for titles 115134/3, 115134/8, 115134/7 and 115134/6 (proposed General Residential Zone).

8.1.1 GRZ 1

The General Residential Zone should be applied to the main urban residential areas within each municipal area which:

- (a) are not targeted for higher densities (see Inner Residential Zone); and*
- (b) are connected, or intended to be connected, to a reticulated water supply service and a reticulated sewerage system.*

Response:

- (a) The titles in question are adjacent to existing General Residential Zoned area and is a logical extension, given that they were shown as projected urban growth in the 2012 Longford Development Plan (Appendix A). It is also to be noted that title 115134/3 is already zoned general residential under the current planning scheme. Thus, they will be consistent with appropriate density requirements for a general residential zone.

- (b) All titles in question are serviced by reticulated water supply. Title 115134/6 is currently not connected to a reticulated sewerage system, but intended to, while the remaining titles are fully serviced (LIST).

8.1.2 GRZ 2

The General Residential Zone may be applied to green-field, brown-field or grey-field areas that have been identified for future urban residential use and development if within the General Residential Zone in an interim planning scheme:

- (a) *within an equivalent zone under a section 29 planning scheme; or*
- (b) *justified in accordance with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; and*
- (c) *is currently connected, or the intention is for the future lots to be connected, to a reticulated water supply service and a reticulated sewerage system,*

Response:

- (a) Title 115134/3 is within the General Residential Zone in the current interim planning scheme. The remaining titles (115134/8, 115134/7 and 115134/6) are within the projected urban growth area in the Longford Development plan (2012) and therefore, would form a natural extension of the current General Residential zone of Longford.
- (b) The area is identified in the Longford Development Plan report prepared for the Northern Midlands Council, as an area of projected urban growth.
- (c) The titles 115134/3, 115134/8, 115134/7 and 115134/6 at 86 Burghley Street, Longford have been identified as Potentially Constrained (Criteria 3) for Agriculture Zoning (see section 7) and identified as projected urban growth area in the Longford Development plan (2012). Additionally, title 115134/3 has already been zoned General Residential in the current scheme (Figure 5) and thus, it is reasonable for the remaining three titles to be zoned General Residential as it forms a natural extension of the zone.
- (d) All titles in question are serviced by Tas water for reticulated water supply service. Title 115134/6 is currently not connected to a reticulated sewerage system, but intended to, while the remaining titles are fully serviced (LIST).

8.1.3 GRZ 3

The General Residential Zone should not be applied to land that is highly constrained by hazards, natural values (i.e. threatened vegetation communities) or other impediments to developing the land consistent with the zone purpose of the General Residential Zone, except where those issues have been taken into account and appropriate management put into place during the rezoning process.

Response:

The titles of the property in question are not constrained by hazards nor does it hold any natural values (i.e., no threatened vegetation communities recorded) or contain any other impediments that would restrict development on the land. These titles are above the 1-in-100 year flood levels.

8.2 Proposed Rural Rezoning

In order to support the zoning proposal, responses to key considerations have been provided as per the Local Provision Schedule (LPS) zone and code application:

RZ 1, RZ 2 and RZ 3 for titles 115134/2, 115134/1, 115134/9 115134/5 and 115134/4 (Proposed Rural Zone).

8.2.1 RZ 1

The Rural Zone should be applied to land in non-urban area with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.

Response:

The titles 115134/2, 115134/1, 115134/9 115134/5 and 115134/4 of the property at 86 Burghley Street, Longford are proposed to be zoned Rural as it is Potentially Constrained (Criteria 2B) for potential agriculture zone (Figure 5) and is separated from the agricultural land to the west by Back Creek. The land associated with these titles are limited for agriculture (primarily suitable for grazing, severely restricted for cropping), due to the land capability classification (Section 3). Rural zoning for titles would aid the transition from General Residential Zone of Longford (east) to the Agriculture Zone (west). Thus, creating a transitional buffer between residential and agricultural land uses by allowing a broader range of primary industry land uses.

The property is limited in its current and potential agricultural land use activity, due to:

- Land capability and soil limitations – frequent waterlogging of areas, wind and water erosion risks.
- Risk of flooding in low lying area periodically.
- Proximity of residential dwellings conflicting with agricultural operational buffer zones (ie crop protection spray application buffer distances), operating hours and noise from machinery and livestock.
- Restricted irrigation water resources – no existing infrastructure or available water entitlements under the Cressy Longford Irrigation Scheme.
- No irrigation water storage options on farm.
- Highly restricted opportunity for diversification in agricultural enterprises beyond dryland low intensity cropping and pastoral activity.

Due to a combination of the economic considerations, limitations to expand the size of the operations and unfeasibility of developing irrigation infrastructure for agricultural land use activity, the property's agricultural productivity is severely limited from being developed any further requiring external investment. The proximity of the general residential area would discourage any investment due to the risks of interference and conflict with the residential dwellings.

Therefore, rural zoning is the most appropriate and suitable zoning for the property under the Tasmanian Planning Scheme, to allow a wider range of primary industry land uses other than exclusively agriculture.



8.2.2 RZ 2

The Rural Zone should only be applied after considering whether the land is suitable for the Agriculture Zone in accordance with the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST.

Response:

The "Land Potentially Suitable for Agriculture Zone" layer in the LIST map indicates that the property at 86 Burghley Street, Longford has been identified as being Potentially Constrained for agriculture (Figure 5). Titles 115134/1, 115134/9 115134/5 and 115134/4 have been identified as being Potentially Constrained under Criteria 2B and title 115134/2 has been identified as being Potentially Constrained under Criteria 3 (see section 7 of the report). Therefore, it would be appropriate and consistent to zone the aforementioned titles as Rural under the Tasmanian Planning Scheme to allow a broader range of land uses, coherent with the surrounding area.

8.2.3 RZ 3

The Rural Zone may be applied to land identified in the 'Land Potentially Suitable for Agriculture Zone' layer, if:

- (a) it can be demonstrated that the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;*
- (b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land;*
- (c) the land is identified for the protection of a strategically important naturally occurring resource which is more appropriately located in the Rural Zone and is supported by strategic analysis;*
- (d) the land is identified for a strategically important use or development that is more appropriately located in the Rural Zone and is supported by strategic analysis; or*
- (e) it can be demonstrated, by strategic analysis, that the Rural Zone is otherwise more appropriate for the land.*

Response:

- (a) The land has been identified as being Potentially Constrained in 'Land Potentially Suitable for Agriculture Zone' layer. The land is limited for agricultural use and is not integral to the management of a larger farm holding that will be within the Agricultural Zone due to:
 - Soil limitations of water logging in the winter and potential inundation from creek overflow.
 - Predominantly class 4w land.
 - Scale of the property.
 - Lack of irrigation water and infrastructure.
 - The property is separated by Back Creek to the agricultural land to the west and bordered by the General Residential Zone to the north and east that has significant risks of conflict with the residential area due to its proximity.
- (b) There are significant constraints to agricultural use due to soil and water limitations, size of the property and the neighbouring residential dwellings impacting agricultural operations within the property. The property has been identified as being potentially constrained for agriculture (see section 7 of this report and figure 5).



- (c) No strategically important naturally occurring resources have been identified on the property.
- (d) The property title in question have been assessed as having no strategic important use or development, rather the land is of particularly low value in terms of agricultural land use in its current developed state.
- (e) Based a review and assessment of the local and regional significance the property titles in question hold no important and/or critical agricultural values. The economic analysis of the grazing and cropping land uses options demonstrate that the land capability cannot support a profitable enterprise of this nature and therefore, should be zoned Rural to allow a broader range of land uses consistent with the surrounding area.

8.3 Inconsistency with Agriculture Zone

In order to support the zoning proposal, responses to key considerations have been provided as per the Local Provision Schedule (LPS) zone and zone application guideline AZ 6, which indicate that the property in question is inconsistent with being in an Agriculture zone.

8.3.1 AZ 6

Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternative zoning if:

- (a) *Local or regional strategic analysis has identified or justified the need for alternate consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;*
- (b) *For the identification and protection of a strategically important naturally occurring resource which requires an alternate zoning;*
- (c) *For the identification and protection of significant natural values, such as priority vegetation area as defined in the Natural Assets Code, which required an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone;*
- (d) *For the identification, provision or protection of strategically important uses the require an alternate zone; or*
- (e) *It can be demonstrated that:*
 - (i) *The land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;*
 - (ii) *There are significant constraints to agricultural use occurring on the land; or*
 - (iii) *The Agriculture Zone is otherwise not appropriate for the land*

Response:

- (a) The property 86 Burghley Street has been identified as Potentially Constrained in the "Land potentially suitable for agriculture zone". Titles 115134/2, 115134/3, 115134/8, 115134/7 and 115134/6 are Potentially Constrained under Criteria 3 and titles 115134/1, 115134/9 115134/5 and 115134/4 are Potentially Constrained under Criteria 2B (Figure 5 and section 7 of the report). The property in question holds a negligible level of local and regional significance in relation to its current and potential future agricultural qualities and/or features. The property borders General Residential Zone to the north and east, with setback distances of approximately



26m. This buffer distance between the agriculture land and residential dwellings is insufficient to prevent adverse impacts on residential amenity and vice versa. The area has been identified in the Longford Development Plan prepared for Council as an area of projected urban growth.

- (b) Not applicable.
- (c) Not applicable.
- (d) The Rural zoning will provide protection of the strategically important general residential zoned township and the important agricultural areas to the west of Back Creek. This strategic zoning would protect each area and effectively manage any current or future conflicts between the two concentrated land uses for agriculture and urban residential living.
- (e) The property titles in question are severely limited to current and potential agricultural land use activity, due to:
 - (i) The land is severely limited for agricultural use based on the and capability assessment that identified the limiting feature of:
 - Soil limitations of water logging in the winter and potential inundation from creek overflow.
 - Predominantly class 4w land.
 - Scale of the property.
 - Lack of irrigation water and infrastructure.
 - The property is bordered by Back Creek to the west and General Residential Zone to the north and east.

These titles cannot be integrated into the management of a larger farm holding due to the separation of Back Creek and the current and future risk of conflict between agricultural land use and the residential dwellings bordering the property on two sides. Water resources are limited and the majority of the land (heavy clay soils on flood plains) is limited in its response to and economic return to develop irrigation.

- (ii) The property is constrained by the adjoining General Residential zoned land. There is a current and future conflict risk due the proximity of the agricultural and residential land that has been avoided to date due to the property not being actively farmed. Furthermore, the property has been identified as projected urban development area in the Longford Development Plan. Therefore, it is reasonable to state that there is significant constraint to agricultural use occurring on the land, as the property would not be capable of supporting intensive agricultural land use activity.
- (iii) The agriculture zoning is not appropriate for the land as it is only suitable for severely restricted agricultural land use activity – dryland low intensity pastoral or cropping use. Given that subdivisions have already been approved on title 115134/3 of the property and zoned General Residential, by extension, the remaining eastern titles (115134/8, 115134/7 and 115134/6) should also be zoned the same. The Rural Zoning of the western titles (115134/2, 115134/1, 115134/9 115134/5 and 115134/4) would allow a broader range of land uses, coherent with the surrounding area, while being an appropriate transition between the General Residential Zone to the east and the Agriculture Zone (past Back Creek) to the west.

9 Conclusion

1. The property consists of land capability Class 3e, 4e, 4w and 4+5w.
2. The property only contains approximately 2.55ha of class 3, prime agricultural land, in a small section. Therefore, is not suitable for cropping in the broader scale with larger surrounding areas of class 4 land. It is not practical to manage the Class 3 land separately and would require the same management as the class 4 land.
3. The property is predominantly restricted to dryland cropping with severe limitations. Pastoral land use activity is moderately limited and realistically only capable of supporting small scale and low intensity intermittent dryland grazing.
4. Limitations to developing the agricultural land uses, now and in the future, with no existing irrigation infrastructure or the capacity to capture and store water on farm. Approximately 40% of the property is located outside the Cressy Longford irrigation districts. The Cressy Irrigation Scheme is fully allocated.
5. The property has been identified as being Potentially Constrained (criteria 2B and 3) under the 'Land Potentially Suitable for Agriculture Zone' layer on the LIST.
6. Agricultural economic returns are not adequate to support the enterprise and employees and is therefore, a large lifestyle property and operations would need to be subsidised by off-farm income to operate commercially.
7. It is not practical or feasible for the property to be integrated into a larger agricultural property given the separation from agricultural land by back creek and the proximity of the residential dwellings.
8. The proximity of surrounding residences impacts a portion of the property's agricultural land use when agricultural buffers are applied to lower the risks of interference and conflict. These buffers would be managed by the agricultural operation which does not protect the agricultural land area for maximum agricultural use.
9. The general residential (titles 115134/3, 115134/8, 115134/7 and 115134/6) and rural (titles 115134/2, 115134/1, 115134/9 115134/5 and 115134/4) zoning of the property in question is commensurate with the current and future potential land use activity that could be conducted on the property and associated limitations associated with this land.
10. Title 115134/3 is already zoned General Residential under the current interim planning scheme, with a 7-lot subdivision approved in April 2021.
11. The proposal is consistent with the Local Provision Schedule (LPS) zone and code application GR 1, GR 2 and GR 3 for titles 115134/3, 115134/8, 115134/7 and 115134/6; RZ 1, RZ 2 and RZ 3 for titles 115134/2, 115134/1, 115134/9 115134/5 and 115134/4.

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Tasmanian Planning Scheme – Rural and Agriculture, Factsheet 4, Department of Justice, Tasmanian Government, 2017.

11 Declaration

I declare that I have made all the enquiries which I consider desirable or appropriate, and no matters of significance which I regard as relevant have, to my knowledge, been withheld.

Faruq Isu

Mr. Faruq Isu MAppSc (AgrSc)
Consultant
Pinion Advisory Pty Ltd
December 2021

Jason Barnes

Mr. Jason Barnes BAgSc (Hons)
Senior Consultant
Pinion Advisory Pty Ltd
December 2021



12 Appendices

Appendix A: Schematic diagram from Longford Development Plan (2012) showing projected urban growth area.

