

2022-10-24 ORDINARY MEETING OF COUNCIL - OPEN COUNCIL ATTACHMENTS	
6.1 COUNCIL COMMITTEES - CONFIRMATION OF MINUTES.....	7
6.1.1 2022 09 Recycling Cttee Minutes.....	7
6.1.2 Minutes MPMC General Meeting 14 Th September 2022.....	12
6.1.3 10 - 2022-10-04 RLDC Minutes.....	13
6.1.4 2022-10-04 CTDF Minutes.....	20
6.1.5 2022-10-04 PLDC Meeting Minutes.....	24
6.1.6 10 - LLDC Minutes 2022-10-05.....	37
6.1.7 2022-09-28 - CLDC Minutes - Rescheduled To 5 October 2022.....	40
8.4 PETITIONS.....	43
8.4.1 Petition.....	43
8.17 TASMANIAN PLANNING SCHEME - DRAFT LOCAL PROVISIONS SCHEDULE -	
NOTICE UNDER SECTION 35K(1)(A) AND SECTION 35KB(4)(A).....	49
8.17.1 Northern Midlands Draft LPS - Attachment~Rity - Decision And Direction To Modify Under Section 35 K(.....	49
8.17.2 Northern Midlands Draft LPS - Attachment A - Decision Under Section 35 K(1)(A) To Modify Draft LP S,.....	51
10.2 POLICY UPDATES: LANDSCAPING REQUIREMENTS FOR DEVELOPMENT	
PROPOSALS & SHIPPING CONTAINER POLICY.....	333
10.2.1 Landscaping Requirements For Development Proposals Updated.....	333
10.2.2 Shipping Container Policy Updated.....	334
11.2 ASSISTANCE FOR EVENTS: ROUND 2.....	336
11.2.1 Special Events 2022-23.....	336

12.2 SAFETY AT THE INTERSECTION OF MULGRAVE AND SECCOMBE ST.....	337
12.2.1 Seccombe St Intersection Crash Report.....	337
15.1 PLN22-0101 - MULTIPLE DWELLINGS: 20 LEWIS STREET, LONGFORD.....	338
15.1.1 Applications Docs.....	338
15.1.2 Tas Water- 20 LEWIS S T, LONGFORD.....	364
15.1.3 1. Representation.....	366
15.2 PLN22-0174 - 4 LOT SUBDIVISION: 37 BRIDGE STREET, ROSS.....	368
15.2.1 APPLICATION.....	368
15.2.2 Annexure 1 - Folio Plan-130352-1.....	369
15.2.3 Proposal V 1.3 070722.....	370
15.2.4 L 211128 - Planning Report - Subdivision - 37 Bridge St.....	371
15.2.5 L 211128 - W S 93 - Bushfire Hazard Package -4 Lot Subdivision - 37 Bridge Street, Ross.....	390
15.2.6 Letter Regarding POS Contribution.....	422
15.2.7 SPAN TWDA 2022-01486- NMC - Copy.....	423
15.2.8 1) Representation - Thorpe.....	425
15.2.9 2. Representation - Tuffin.....	439
15.2.10 Response To Reps PL N-22-0174.....	440
15.2.11 EOT Proforma - PL N 22-0174 - Signed.....	442
15.3 PLN22-0190 - PART CHANGE OF USE TO FOOD SERVICES: 108 HIGH STREET, CAMPBELL TOWN.....	443
15.3.1 Application Documents.....	443
15.3.2 DSG Response - No Comment.....	458

15.3.3 Tas Water Submission To Planning Authority Notice TWDA 2022 01525-	
NMC.....	460
15.3.4 1. Representation - W Goodearth Complete.....	462
15.4 PLN22-0185 - 6 LOT SUBDIVISION: 81 BRICKENDON STREET, LONGFORD.....	473
15.4.1 Proposal Page.....	473
15.4.2 L 220733 - Planning Report - Subdivision - 81 Brickendon St 08092022.....	474
15.4.3 Annexure 1 - Folio Plan-124312-1.....	493
15.4.4 Annexure 2 - Proposal Plan V 2.1 080922.....	494
15.4.5 Annexure 3 - TIA - RE P-0-81 Brickendon Street Subdivision.....	496
15.4.6 Annexure 3 - NMC Confirm Adequacy Of TIA.....	520
15.4.7 Annexure 4 - Onsite Wastewater Report - 81 Brickendon St, Longford	
Subdivision - Aug 22.....	522
15.4.8 Annexure 5 - Onsite Stormwater Report - 81 Brickendon Street, Longford	
Performance Solution Report R.....	542
15.4.9 Annexure 6 - L 220733 - Letter Regarding POS Contribution.....	555
15.4.10 Annexure 7 - L 220733 - W S 91 - Bushfire Hazard Report -6 Lot Subdivision	
- 81 Brickendon Street L.....	556
15.4.11 P D 22 109757 81 BRICKENDON S T, LONGFORD Tas Water Submission To	
Planning Authority Notice - Cond.....	587
15.4.12 WI Referral PL N-22-0185 81 Brickendon Street Longford.....	590
15.4.13 Referralto EHO.....	594
15.4.14 1. Representation - Tas Racing.....	595
15.4.15 2. Representation - Morris.....	598

15.4.16 3. Representation - Cornes.....	603
15.4.17 4. Representation - Collier.....	604
15.4.18 5. Representation - Archer.....	605
15.4.19 6. Representation - Tubb.....	607
15.5 PLN22-0160 - ANCILLARY DWELLING: 662 CRESSY ROAD, LONGFORD.....	609
15.5.1 APPLICATION FORM.....	609
15.5.2 Plan.....	610
15.5.3 NEW AUXILLARY BUILDING - PLANNING DA 02.....	611
15.5.4 1. Representation - Billet Legal.....	614
15.5.5 B Vote And C Jenkins Letter To Northern Midlands Council.....	617
15.5.6 EOT Proforma - PL N 22-0160 - Signed.....	618
15.6 PLN22-0203 - 9 LOT SUBDIVISION: 144 MARLBOROUGH STREET,.....	619
15.6.1 Application Documents.....	619
15.6.2 144 MARLBOROUGH S T, LONGFORD Tas Water Submission To Planning Authority Notice DA 2022-1524- NMC.....	721
15.7 PLN22-0214, GARAGE AND SHEDS, 310 PERTH MILL ROAD, PERTH.....	724
15.7.1 Proposal Page.....	724
15.7.2 Folio Plan-182213-3.....	725
15.7.3 Schedule Of Easements-182213-3.....	726
15.7.4 Advertised Plans.....	729
15.7.5 Steve Jordan Plans Rev A Received 4 October 2022 Deck Removed.....	737
15.7.6 NMC Additional Information Request.....	745
15.7.7 Tas Water Request For Additional Information.....	746

15.7.8 Tas Water Infrastructure Plan.....	748
15.7.9 Tas Water Submission To Planning Authority Notice TWDA 2022 01546- NMC.....	749
15.7.10 Tas Networks Response.....	750
15.7.11 1. Representation - Golle.....	754
15.7.12 2. Representation - Gray.....	762
15.8 PLN22-0101, 4 LOT SUBDIVISION, 274 PERTH MILL ROAD, PERTH.....	764
15.8.1 Proposal Page.....	764
15.8.2 Planning Report - Woolcott Surveys - July 2022.....	765
15.8.3 Annexure 1 - Folio Plan-15669-4.....	774
15.8.4 Annexure 1 - Folio Plan-15829-1.....	775
15.8.5 Annexure 2 - Proposal Plans V 1.4 - 7 September 2022.....	776
15.8.6 Annexure 3 - Railway Noise & Vibration Assessment - Pitt& Sherry.....	778
15.8.7 Annexure 4 - Traffic Impact Assessment - Midson Traffic.....	781
15.8.8 Annexure 5 - Bushfire Hazard Report - Woolcott Surveys.....	795
15.8.9 Annexure 6 - Civil Design (Water Mains) - Rare Engineering.....	828
15.8.10 Additional Information Request PL N-22-0188.....	834
15.8.11 274 PERTH MILL R D, PERTH Tas Water SPAN Request For Additional Information DA 2022-1450- NMC.....	835
15.8.12 231005- C TW SPAN RAI Response.....	837
15.8.13 274 PERTH MILL R D, PERTH Tas Water Submission To Planning Authority Notice DA 2022-01450- NMC.....	843
15.8.14 TIA Approval.....	846

15.8.15 WI Referral PL N-22-0188 274 Perth Mill Road And Perth Mill Road Road

Reserve Perth.....847

15.8.16 Tas Rail.....850

15.8.17 Representation T & B Peters.....852

Minutes of the Northern Midlands Recycling Committee meeting held Tuesday 27 September 2022 commencing at 4.10pm

MINUTES

1 ATTENDANCE

Present:

Cr Ian Goninon (IG)	Mayor Mary Knowles (MK)	Lisa McEachern (LM)
Owen Diefenbach (OD)	Roderick Cuthbert (RC)	Daniel Stearnes (DS)

In Attendance:

Apologies:

Jonathan Galbraith (JG)

Absent:

Sarah Benson (SB)

2 DECLARATION OF ANY PECUNIARY INTEREST BY A MEMBER OF A SPECIAL COMMITTEE OF COUNCIL

In accordance with the provisions of the Local Government Act 1993, a member of a Special Committee must not participate in any discussion or vote on any matter in respect to which the member:

a) has an interest; or

b) is aware or ought to be aware that a close associate has an interest.

A member has an interest in a matter if the matter was decided in a particular manner, receive, or have an expectation of receiving or likely to receive a pecuniary benefit or pecuniary detriment.

3 CONFIRMATION OF MINUTES

Recommendation

The minutes of the meeting of the Local Recycling Committee held on Tuesday 30th August 2022 be confirmed as a true and correct record of proceedings. Proposed RH seconded RC that the minutes be accepted

Lisa McEachern

Seconded: Roderick Cuthbert

4 BUSINESS ARISING FROM THE MINUTES

4.1 Develop program for use of recycling trailer

Ian has met with Jonathan and Daniel to start work on a program for the trailer

As per (appendix A) members have been assigned action to contact possible places in the community

*Action: DS to verify letter with Lorraine Wyatt and then email to committee members
IG to email DS/JG program excel sheet to record and track progress*

4.2 Recycling Trailer Education Campaign

A campaign is needed to communicate the existence of the trailer and increase usage. A letter has been drafted for distribution to the Northern Midlands Business Association and other community groups.

Same as above.

Action: DS create as one item in next agenda

4.3 Single use plastics policy

Policy to be considered by Council. To be taken to a future workshop. Jonathan has contacted Jess Nesbit at Launceston Council who advised that they don't have a policy

Decided to investigate into a Council policy for single use plastics to set an example to the community.

Action: NMC to research into other Councils and what policies they may have around single use plastics.

4.4 Volunteer induction

Some members have not completed the online induction. Information has been sent so that this can be completed.

Links have been received by required members. Members can complete this in their own time.

Action: DS to inform Cr Goninon directly if required to complete it again

4.5 Recycling Apps

Investigate further into regarding 'recycle mate' & possibly 'recycle coach' apps to discuss its potential at next meeting.

Australian Local Government Association (ALGA) promote a recycling app.

Action:

- Mayor Knowles will investigate what app the association promotes*
- DS/JG to ask Ben Badcock (Trainee IT officer) to set example for next meeting of the apps*
- DS/JG ask Lorraine Wyatt to attend next meeting to discuss possible advertisement of a recycling app.*

4.6 Advertisement for new committee member(s)

Are further committee members still required? / Non-attendance of committee members

DS/JG to follow up with Lorraine Wyatt

5 NEW BUSINESS

5.1 Plastic Bin Toppers

Alternative to bin covers, these plastic toppers will allow the label the different types of bins.

Benefits:

- Plastic easy to clean
- Simple to install
- Changes the shape of bin opening to discourage incorrect disposals

Action: DS to provide photos, supply, and budget information for next meeting

5.2 Longford Recycling Shed

Action: DS/JG to possibly email recycling shed data

5.3 WMRR Forum

This event will be held at Peppers Silo Launceston 89-91 Lindsay Street Launceston, TAS 7248 on Thursday, 11 November 2021 from 12pm – 7.30pm. Price for registration is \$180.

Action: JG to investigate within Council if able to allocate budget in allowing committee members to attend

6 IDEAS

6.1 Priority Ideas

6.1.1 Recycling Fridge Magnet

Launceston Council have a good fridge magnet which shows how products can be recycled. Possible outlook of incorporating our magnets into the same stock as Launceston Council for a possible cheaper option. Look into whether this can be sent out with the next rates notices. – committee noted information, perhaps to be considered with next year's rates mail out. Prices to be investigated within Council.

Discussed the creation of a one-page recycling information sheet. Instead of a magnet an information sheet is also compostable to further promote usage of recyclable/compostable materials. Addition of recycling committee promotion on information sheet.

Action: DS/JG to ask Lorraine Wyatt if she would be able to design this information sheet. Change item to "Recycling document for fridges"

6.1.2 Promotional Materials

The committee was advised there are several resources available and that it is just a matter of deciding what is required and what the budget allocation is for promotional materials.

Action: On hold

6.2 Future Ideas

- 6.2.1 Updates to recycling information sent out with rates
As per item 6.1.1
- 6.2.2 Recycling at sports clubs – Status: On hold
Action: On hold
- 6.2.3 Recycling bins at Council Park & Reserves
Discussions within Works Department on recycling collection vehicle/compartment
Action: On hold
- 6.2.4 Labelling of clothing for businesses – Status: On Hold
- 6.2.5 Using tyres in asphalt
- 6.2.6 Compostable Doggie Bags - Require FOGO collection
Action: Council to look into costing of implementing compostable doggie bags
- 6.2.7 Plazrock advancements in Queensland – Status: On Hold
Action: On hold
- 6.2.8 Consider education/community workshop prior to the introduction of FOGO collection
Council have been promoting up-coming FOGO
Action: On hold
- 6.2.9 Replace plastic bottles
Action: Council to discourage use of single use plastics including plastic bottles. And find better environmental alternative
- 6.2.10 *School Involvement in recycling*
Northern Tasmanian Waste Management Group (NTWM) have program for school recycling participation. Possible idea for committee program to create school recycling events or “challenges”

7 CLOSURE

Chairperson closed meeting at: 5:07pm 27th September

Next meeting: 4:00pm 25th October

8 APPENDIX A

RECYCLING TRAILER PROGRAM

Possible location	Contact details	Action
Evandale School		<i>IG</i>
Cressy School		<i>DS</i>
Campbell Town School		<i>IG</i>
Longford School	John Collinson	<i>JG</i>
Perth School	Dean, Abbi <abbi.dean@education.tas.gov.au>	<i>DS/JG</i>
Longford Council Chambers		<i>n/a</i>
Arthur Thorpe	therossthorpes@iinet.net.au	
Avoca Museum / district committee	<i>Sherly Freeman</i>	<i>MK</i>
Campbell Town IGA		<i>IG</i>
Evandale visitor centre		<i>IG</i>
Evandale Market (Peter Woof)	6391 9191	<i>DS</i>
Perth Honey Company	<i>Julia Wolfhagen</i>	<i>DS</i>
Nutrien Campbell Town		<i>IG</i>
Hill St, Longford		<i>LM</i>
Nutrien Longford		<i>LM</i>
Campbell Town district committee	<i>Jill Clark</i>	<i>DS</i>
Devon Hills garage sale	phill_canning@bigpond.com	<i>IG</i>
<i>Northern Business Association</i>		<i>IG</i>

Morven Park Management & Development Association Inc.

Minutes for General Meeting of the Morven Park Management Committee held at the Morven Park Clubrooms on Wednesday 14th September 2022.

Meeting opened at: 7.40pm

Present: David Houghton, Gilbert Ness, John Hughes, Ian Pease, Chris Ross, Scott Oppermann, Richard Goss, Rhonda Whitmore

Apologies: Scott Hill (EFC), Patrick Davey (EFC), Brendon Crosswell (MPG)

Minutes of previous General Meeting held on 10th August 2022 to be read and confirmed

Moved: Chris Ross

Seconded: Gilbert Ness

CARRIED

Business Arising from 10th August meeting:

1. Financial arrangement with ELRS - Awaiting information from Council
2. Macrocarpa tree removal - Council Action Item (refer NMC minutes 15082022)
3. Cleaning up trees and shrubs on Barclay Street boundary - Customer request lodged
4. Upgrading of Barclay Street fence - Customer request lodged
5. Updating of Morven Park Management & Development Association Rules - Update and implementation suggestions as noted by David. Special general meeting to be called prior to next meeting.
6. Expression of interest in Campbell Town mower. - Lodged with Council
7. Bird proofing on new building – Urgent Customer request lodged
8. Bollard replacement at base of light tower replacement. - Customer request lodged
9. First Aid kit - Purchase wall mounted kit for installation in kitchen - Agreed

Correspondence:

In: Letter from NMC – approval for 3 grants - Camera & UPS installed, Gas being followed up, Ticket box upgrade dependant on weather.

ELRS – Email regarding electricity invoice - already issued copy to be provided

BBQ trailer hire request - refused as only to be used within Morven Park Grounds

Invoice CCTV Camera Installation

NMC - Volunteer Register - list to be obtained from council and updated with new volunteers.

NMC Building Audit - to occur at change of tenancy together with maintenance list.

Invoice - Hill Investments

Letter from Des Jennings re request for information on storage sheds and ELRSS payments to

Football and Cricket Clubs

Out: Meeting minutes - reminder and agenda

Thank you to Amanda Bond on departure from NMC (Executive Officer)

Letter to Des Jennings providing information on storage sheds and ELRSS payments to Football and Cricket Clubs

Financial Report: \$ 8,732.26 Moved: John Hughes Seconded: Ian Pease CARRIED

Clarify with council if \$500 was received for Radio Campbell Town.

Westpac Account - 3 debit cards to be issued to Ian, John and Brendon for purchases.

User Groups:

Cricket – lease document no longer required, pitch uncovered and new storage area for matting required.

Football - Nil

Tennis _ Nil

Skate Park - All Good

Primary School - Nil

Light Rail - Volunteer numbers recently impacted by illness and 2 members passing & seeking new members. Projects progressing well.

Village Fair - Nil

Morven Park Grounds - Ground mowed today and couple of areas of issue near goal posts and Barclay street boundary

Northern Midlands Council - Happy with use of facility and continue to seek funding for drainage and watering ground system, Council in election mode,

General Business:

Morven Park road repairs needed to bitumen & gravel – request council complete next time doing task in area.

Meeting Closed: 9.05pm

Next Meeting: 7.30pm Wednesday 12th October 2022

MINUTES

THE ROSS LOCAL DISTRICT COMMITTEE MEETING HELD AT THE READING ROOM, ROSS, ON TUESDAY 4th OCTOBER 2022, COMMENCING AT 11.15AM.

1 PRESENT

Arthur Thorpe (Chairperson), Christine Robinson, Michael Smith, Jill Bennett, Sally Langridge, Ann Thorpe (Hon Secretary).

2 IN ATTENDANCE

Dr Neil Davidson, Councillor Michael Polley, Councillor Janet Lambert, Margaret Papa, Herbert Johnson, Leisa Gordon, Phil Brown (until 11:55am), Keith Blacklock (until 11:55), Dennis Rule, Martin Cullodie, Russell Thompson.

3 APOLOGIES

Councillor Andrew Calvert, Marcus Rodrigues, Helen Davies, Candy Hurren.

4 DECLARATION OF ANY PECUNIARY INTEREST BY A MEMBER OF A SPECIAL COMMITTEE OF COUNCIL

In accordance with the provisions of the *Local Government Act 1993*, Part 5, S48A – S56, a member of a Special Committee must not participate in any discussion or vote on any matter in respect to which the member:

- a) has an interest; or
- b) is aware or ought to be aware that a close associate has an interest.

A member has an interest in a matter if the matter was decided in a particular manner, receive or have an expectation of receiving or likely to receive a pecuniary benefit or pecuniary detriment.

It should be noted that any person declaring an interest is required to notify the General Manager, in writing, of the details of any interest declared within 7 days of the declaration.

Nil Declared

5 CONFIRMATION OF MINUTES

That the minutes of the meeting of the Ross Local District Committee held on Tuesday 6th September, 2022 be confirmed as a true and correct record of proceedings.

Christine Robinson / Jill Bennett

6 BUSINESS ARISING FROM THE MINUTES

6.1 Clearing The Macquarie River

The issues of concern are infestations of Cumbungi weeds and debris from previous floods needing removal.

Correspondence with various Government Departments regarding weed management and debris removal have been forwarded to Council, who advise that they are in discussions with NRET (previously DPIPWE) and will advise when spraying is scheduled. A low river level is necessary for debris clearance.

Probably summer before the river is low enough to commence work.

No further update. Matter ongoing.

6.2 Condition Of Trees in Ross

Council's Works Manager, Mr Leigh McCullagh, has advised that the Victorian tree inspection company ENSPEC have inspected the Elms in Church Street, and will be returning to Ross in April to inspect the trees in other streets.

The August inspection was conducted and NMMC are awaiting a final report. ENSPEC conducted inspections for a number of Tasmanian Council areas, therefore the report may not be available for some time.

Awaiting report. Matter ongoing.

6.3 Weather Damage to Ross Reading Room

The cornerstones and the bottom course of sandstone bricks at the entrance of the reading room are weathering away and in need of attention.

NMC has carried out cleaning and rectification of the southern gutters of the building, which should now route rainwater directly to the stormwater drains. It is still to be determined if a drain does in fact run along the eastern base of the building.

Inspection revealed no drain has been found. The fine fill currently in the trench will be removed and coarser aggregate will be inserted to aid drainage. The sandstone is actually in quite good condition and remediation work to the damaged sandstone will be carried out by a stonemason once the weather warms up.

No further update. Matter ongoing.

6.4 Missing (Stolen) Street Sign Nivelle Street

Customer request 61740 has been lodged with Council requesting the missing (stolen) sign be reinstalled. Chair followed up and was advised that the sign was ordered 12 months ago, however has not yet arrived.

Matter ongoing.

6.5 Damaged Wall South End Of Church Street

Wall at the top (south end) of Church Street has top stones missing and looks very disordered. Customer request 61699 has been raised requesting rectification. Council's Works Manager has advised that repairs to this wall will be a major undertaking; it almost needs rebuilding.

Part of the issue is sourcing the appropriate sandstone as a large amount required.

No update. Matter ongoing.

6.6 Damaged Sandstone Kerbing.

Kerbing in the centre car parking area opposite the Town Hall has been damaged by a truck, needs to be repaired.

Chair has asked Council to repair the kerbing in conjunction with the sandstone wall at the southern end of Church Street, refer Customer request 61699.

No further update. Matter ongoing.

6.7 Warning Sign High Street Pedestrian Rail Crossing

The warning sign on the village side of the High Street pedestrian railway crossing is dilapidated and requires upgrading. Chair advised that Council has been instructed by TasRail that the pedestrian crossing is dangerous and must be closed off.

Chair to follow up with Mr McCullough.

A number of Ross residents are unhappy with the closure of this crossing, including Mr Rule, who addressed the meeting and distributed correspondence he received from TasRail. Mr Rule said the rumours circulating were that the RLDC recommended the crossing be closed, however he knew this to be untrue as he had documentation from TasRail stating they were insisting it be closed. TasRail advised that the crossing does not meet their safety standards. If a crossing is required, it is up to NMC to put forward a plan to reinstitute the crossing to TasRail and they would consider it. However, NMC would be required to fund the crossing.

A number of Ross residents and visitors use this crossing, including those that camp at the sports ground. High Street itself was originally open to car and foot traffic many years ago, however no-one can recall why it was closed off. The rail line is a double line and this issue would make the pedestrian crossing more complicated.

Community members advised the Committee, that NMC staff had already closed the crossing. Mr Brown stated to the meeting that the committee recommended the crossing should be closed. The Chair advised that at no time did the Committee ask for the crossing to be closed, the directive came from TasRail directly to the NMC on safety grounds. The Chair then read the previous meeting minutes, which stated:

“Councils Works Manager advised that they will not be replacing the signs if the crossing is to be closed. Chair mentioned to the Works Manager that it would be pertinent to close the crossing before any houses are built on the new subdivision adjacent to the rail crossing, before residents came to expect an open pedestrian railway crossing”.

Mr Brown and Mr Blacklock then left the meeting 11. 55.

After discussions, the Chair advised the RLDC would liaise with NMC regarding the prospect of legalising and rebuilding the crossing. At this point Mr Rule was asked if he was happy with the outcome, as he was the person initially raising the issue. Mr Rule replied he was happy with the discussion and outcome.

Councillors Lambert and Polley would take this matter back to NMC and Chair to follow up formally with NMC.

Mr Rule’s email from TasRail which he tabled at the meeting is attached, and forms part of these minutes.

6.8 Bus Parking Sign for School Bus Area

Discussion was held regarding the correspondence received from State Growth and NMC regarding signage for the morning pick up area for the Launceston Redline school bus.

Committee does not support the installation of a “buses only between 7:00 – 7:30am” sign being installed outside the historic Ross Post Office. There are no other parking advisory signs in the main heritage block in Ross. NMC staff were understanding of this fact, however State Growth were harder to convince.

Discussions have been held with the Redline Bus Driver, who has no problems with picking up outside the Town Hall in Bridge Street. Awaiting return from leave of State Growth’s Brendan Moloney to progress this matter further.

7 NEW BUSINESS

7.1 Dr Neil Davidson, Restoration Ecologist, Senior Lecturer UTAS

Presented on the Species Hotels site, tree planting around Ross including on either side of the Midlands highway where it crosses the Macquarie River at Ross. The biodiversity of the Midlands, the experiments being conducted to identify hardy trees that will suit the new climate of the Midlands and the concept of landscape scale connection.

The Species Hotel Site, has been a multi-disciplinary project between a number of disciplines at UTAS. Dr Louise Wallace, (Lecturer in the School of Architecture and Design at UTAS) thought to set an exercise where Architectural Design students could be involved in a totally different design field. They in turn liaised with botanists, ecologist, etc., to complete this exercise.

After 200 years of farming, we are all aware of how the landscape has changed. One concern is that birds, bats and small animals have nowhere to hide. Neil became involved as he has been working on rural tree decline and is aware of Julian von Bibra’s interest in this area.

The projects aim was to make a biodiversity corridor, via the most significant natural remnants in the landscape. There are two significant remnants; one is through Ross and the other through Epping Forrest.

Bush Heritage, DPIWE, the University and local farmers are all working together to achieve a successful outcome. Corridors along the river which are not good for stock, are happily being returned into riparian corridors.

How do you establish plants in not ideal conditions? The project used tree plantation techniques which has worked very well, where other models have failed. Climate change also dictates what trees / plants will grow. The project has so far, 1,800 hectares of trees / plants. Also need to consider that a warmer climate will change the evaporation rate and cause desiccation of the landscape. Dr Davidson has collected tree populations from all over Tasmania and looked at which genus will survive in the altered climate. Normally they would grow local indigenous plants, but now climate provenance is changing. A number of PhD students looking at animals and what plants they will need to survive.

This is one of the few projects in the world where there are multi-disciplinary units working together to achieve the success of the project.

Dr Davidson said that education is clearly needed; an experiment where school children were shown African animals versus Australian endangered species and the children could pick the African ones over the Australian ones. Another project that is very popular is where outdoor classroom teaching at night shows the animals in their habitat and the information is absorbed by both children and adults alike.

When asked how the RLDC could assist, it was mentioned that a sign pointing to where the Species Hotel is and what it is would be of assistance. The Committee will follow up with NMC regarding this request, once Dr Davidson has formalised and advised the RLDC as to what the sign should contain.

Councillor Lambert mentioned it would be a great story for the Midland Courier (Lana Best) to publish and enable the information to be given to the public.

7.2 Round Table Discussion

A Thorpe

- Advised the insulation and wire that had been left by Tas Networks has been cleaned up and removed.
- Sports ground sign near the Town Hall; Chair has requested either remove or add additional signs to the next two eastern intersections.
- Apologised that he had neglected to bring the matter of washed out footpaths to Works Managers attention, however will include in the next lot of requests. If Michael would be able to obtain some photos, this would help explain the situation.

Clr M Polley

- Addressed the meeting and stated that being a member of any committee can be a thankless task, however he felt the committee was doing a good job and were quite passionate about their town. Clr Polley also confirmed that Minutes of all NMC Committees are included in the meeting papers for Monthly Council Meetings, and are also on the NMC website for public viewing.

S Langridge

- Town Hall guttering needs cleaning out as it has vegetation growing in it. This is causing

flooding which is leaking into the supper room. Chair to photograph and raise Customer Request.

M Smith

- There is a non-council sign on the footpath outside the small playground near the swimming pool, which looks very decrepit and untidy, and which has been there for a considerable period of time. Could this please be removed.

Margaret Papa

- Margaret presented a petition asking NMC to allow dogs on leashes in the Village Green and to install a doggie bag container. As a business owner opposite the Green, she sees visitors on a regular basis with dogs on and off leash, ignoring the signs. Locals would use the green on a more regular basis, if dogs were allowed. Discussions followed which included the issue of Tasmanian State law not allowing dogs within 10 metres of a children's playground. The petition was handed to Councillor Lambert for submission. This matter will be discussed by Council to look at possible solutions.

8 NEXT MEETING/CLOSURE

The Chair closed the meeting at 12:09 pm.

Next meeting – Tuesday 1st November 2022 commencing 11.15am in the Ross Reading Room.

Closure of Railway Crossing in High Street Ross Tasmania.

From: Jennifer Jarvis <Jennifer.Jarvis@tasrail.com.au>

Sent: Monday, 3 October 2022 10:49 AM

To: taourist52@hotmail.com <taourist52@hotmail.com>

Cc: Online Enquiries <onlineenquiries@tasrail.com.au>

Subject: FW: Closure of Railway Crossing in High Street Ross Tasmania.

Hello Dennis, thank you for contacting TasRail.

The reasons why the legacy crossing at High Street is closed include (1) it is not a formal and licensed/authorised crossing (2) it has not been constructed as a crossing and does not have a safe surface nor other safety controls required to protect public safety and (3) it does not comply with the required Australian Standard (AS1742:7) for pedestrian crossings.

The informal status of the crossing was identified in 2021 when TasRail and the Northern Midlands Council were finalising their joint Safety Interface Agreement (SIA). The SIA is a mandated requirement under National Rail Safety Law and applies to all level crossings. Under this Law, a pedestrian crossing has the same meaning as a Level Crossing meaning the NMC Council has the same legal obligations as apply to any other road/rail crossing within its municipality. The SIA sets out the respective roles and responsibilities for the responsible management of all rail interfaces within the municipality including all Level Crossings and any other relevant interfacing assets such as cycleways etc. The SIA also lists each of these interfaces along with other information including the surface type, safety controls etc. FYI I have included below an extract from the current NMC SIA for listed Council Pedestrian Crossings and which specifically includes a footnote about the status of the informal access at High Street.

In short, it is a matter for the Council to determine if it wants to make an application for a pedestrian crossing on High Street. The Council is aware of the process to apply for a pedestrian crossing on High Street. FYI it's a matter of the Council submitting a formal request/application to TasRail, and then TasRail and NMC undertaking a formal and joint risk assessment to determine the required safety controls commensurate with the location and use. Council would be responsible for the cost to install a compliant pedestrian crossing.

I can confirm that TasRail has not received any such request or application, and therefore the access remains closed. I trust the above information provides clarity as to the reasons for the closure as well as the process for an authorised crossing at High Street should Council wish to pursue this.

Kind regards Jennifer

Minutes for the Campbell Town District Forum Meeting held 4 October 2022
--

MINUTES

1 OPENING

2 ATTENDANCE

Jillian Clarke	Chairperson
Jill Davis	Member
Sally Hills	Member
Owen Diefenbach	Member
Danny Saunders	Member
Jo Taylor	Member
Christopher Beach	Member

IN ATTENDANCE

Lorraine Wyatt	Minutes
Cr Michael Polley	Councillor
Leisa Gordon	Electoral Candidate

APOLOGIES

Tracy Spencer-Lloyd	Member
Elizabeth Porter	Member
Cr Andrew Calvert	Council Representative

ABSENT

Nil

2 DECLARATION OF ANY PECUNIARY INTEREST BY A MEMBER OF A SPECIAL COMMITTEE OF COUNCIL

In accordance with the provisions of the Local Government Act 1993, a member of a Special Committee must not participate in any discussion or vote on any matter in respect to which the member:

- a) has an interest; or*
- b) is aware or ought to be aware that a close associate has an interest.*

A member has an interest in a matter if the matter was decided in a particular manner, receive or have an expectation of receiving or likely to receive a pecuniary benefit or pecuniary detriment.

3 CONFIRMATION OF MINUTES

Recommendation

The minutes of the meeting of the Campbell Town District Forum held on **Tuesday, 6 September 2022** be confirmed as a true and correct record of proceedings.

Committee Recommendation

Moved Danny Saunders, seconded Sally Hills

The minutes of the meeting of the Campbell Town District Forum held on **Tuesday, 6 September 2022** be confirmed as a true and correct record of proceedings.

CARRIED

4 BUSINESS ARISING FROM THE MINUTES

4.1 Outcome of recommendations made to Council discussed at the Council meeting held 26 September 2022.

King Street Reserve: *That representatives from the Campbell Town District Forum be invited by Council to participate in discussions regarding the King Street Oval Development.*

MINUTE NO. 22/303

DECISION

Cr Adams/Cr Polley

That Council engages with Campbell Town District Forum at the appropriate stage regarding any proposed development of the King Street Reserve.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Cr Adams, Cr Brooks, Cr Calvert, Cr Davis, Cr Goninon, Cr Lambert and Cr Polley

Voting Against the Motion:

Nil

Cr Polley reminded members that the Campbell Town community needs to increase its infrastructure including accommodation to remain a vibrant progressive community particularly as it was likely the community would be bypassed by the highway in the years to come.

Community Safety – Police Presence in Campbell Town: *That Council lobby Tas Police to increase their presence within the Campbell Town community.*

MINUTE NO. 22/304

DECISION

Cr Goninon/Cr Calvert

That Council officers contact Tasmania Police to discuss the Campbell Town community concerns before formally lobbying for an increased police presence.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Cr Adams, Cr Brooks, Cr Calvert, Cr Davis, Cr Goninon, Cr Lambert and Cr Polley

Voting Against the Motion:

Nil

Sale Land in Glenelg Street

Cr Polley advised that the land would no longer be marketed for sale.

Sally Hills provided an update the committee regarding a submission made to Council that would require community involvement to clean up the area including the gardens.

4.2 Actions from the Previous Minutes

Swimming Pool

Facebook posts requesting expressions of interest from community members to form a committee to manage the swimming pool have revealed community angst with lots of people saying "but . . ."

Issues raised:

- Early morning swim (6.30am)
- Accessibility
- Guaranteed hours for lifeguards
- Community ownership
- Funding
- Additional ablution block to replace the old one which was removed.

Cr Polley and Leisa Gordon expressed support for the Campbell Town community in taking ownership of the running of the swimming pool however, Cr Polley reminded members that prerequisites such as a new toilet block, would impact progression as Council has a limited budget and an additional ablution block will grossly exceed \$100,000 and grants are tied to specific projects.

Committee Recommendation

Moved Jill Davis, seconded Sally Hills

That Council call a public meeting to be held in Campbell Town to discuss community concern and the future of the swimming pool.

CARRIED

Jillian Clark left the meeting at 10.30am and did not return.

Jill Davis assumed the Chair for the remainder of the meeting.

5 NEW BUSINESS

5.1 - Vandalism

Members expressed concerns and Cr Polley reiterated Council's concerns also.

5.2 - Flag Raising Ceremony at the Hospital

There will be a Flag Raising Ceremony at the Campbell Town Hospital on 3 November at 11.00am.

5.3 - Responsible Dog Ownership

Members reported dogs defecating in the street while being walked and owners disregarding the requirement to clean up after the animal. It was agreed that there is no excuse for this kind of behaviour particularly as special provisions are made for dogs throughout the municipality.

5.4 – Underpass

Members expressed concern about the safety of the underpass given it is flooded.

5.5 – Heavy Haulage on Barton/McQuarrie/Valleyfield Roads

Members reported near misses and damage to the roads because of heavy haulage traversing the roads and enquired if there was an alternative route the trucks could use and/or, who would be responsible for the rectification of the road surface?

Concern was also raised that the roads were not wide enough.

5.6 - Christmas Function

Save the Date: Wednesday 30 November 2022 at Zeps commencing at 6.30pm. Formal invitations to follow.

6 CLOSURE

The Acting Chairperson thanked everyone for their attendance and input. There being no further business, the meeting closed 10.47am.

7 NEXT MEETING

Next meeting to be held on **1 November 2022 commencing at 9.30am** at the Town Hall, upstairs meeting room.

Minutes of PLDC held on Tuesday October 4th 2022 and held at Perth Community Hall
commencing at 5.32pm

In Attendance: Russell MacKenzie, Jo Saunderson, Don Smith, Sam Beattie Jon Targett, Michelle Elgersma, Councillor Jan Davis Councillor Janet Lambert

Apologies. Tony Purse

Guest. Paul Terrett

Acknowledgement of Country

Russell conducted The Acknowledgement of Country

1a. Confirmation of previous minutes

Previous minutes accepted as accurate.

MOVED: Sam Beattie

SECONDED: Don Smith

2. DECLARATION OF ANY PECUNIARY INTEREST BY A MEMBER OF A SPECIAL COMMITTEE OF COUNCIL

In accordance with the provisions of the Local Government Act 1993, Part 5, S48A- 556, a member of a Special Committee must not participate in any discussion or vote on any matter to which the member

- A) has an interest or
- B) Is aware or ought to be aware that a close associate has an interest.

A member has an interest in a matter if the matter was decided in a particular manner, receive or have an expectation of receiving or likely to receive a pecuniary benefit or pecuniary detriment.

It should be noted that any person declaring an interest is required to notify the general man

Noted that Mr Tony Purse is consulting and/or has an involvement in the following projects currently being undertaken by Council

- * Perth Community Centre Master plan
- * Perth Recreation Master plan
- * South Esk River Parkland Proposal, including owner/developer of adjacent property
- * Perth Streetscape improvements

PRESENTATION BY JOSH. FROM TASWATER

5.30pm - 6.13pm Power point presentation to be provided by Taswater

REPORT:

Don Smith gave a report on his meeting with Works Manager Leigh McCullagh

Mr McCullagh stated that the Northern Midlands Council does not have a Playground Policy.

MOTION:

The PLDC requests that a Playground Policy be developed for the Northern Midlands Council Municipality with particular reference to equipment, shelter and inclusivity

Don's report noted that the Works manager did have a works program and was forthcoming about both planned and ongoing works in Perth and that some projects were delayed because of lack of tradies and materials.

The works manager stated that he was approachable at all times. He seemed to have very definite opinions and opposition to shade sails and the provision of facilities for older children and youth.

Mr McCullagh also stated, when asked about the tree sculptures at the train park, that Mr Freeman said the sculptures were beyond repair and that he would create new ones.

MOTION: Could the PLDC be informed of the reason there was no community consultation as to whether these sculptures should be replaced, other types of art work installed or the budgeted money be used for other facilities in the park ie. inclusive play equipment or shade sails. Are the new sculptures going to cost the same as the budgeted repair cost of \$8,000 . When will the sculptures be finished and installed as the concrete pads and temporary fencing has been in place for some months.

ONGOING BUSINESS ARISING FROM PREVIOUS MINUTES

1. Drummond St Corner (Old servo). The owners have been served notice to clean up site and have till December 14th to respond.
It was noted that work on this corner (as part of the streetscape) was supposed to be started last year.
- 2 It was requested of Gail that the table of ongoing budgeted projects be included in each agenda.
- 3 Jan Davis informed committee that the painting of yellow parking lines in Clarence St development were to go ahead.
4. Conversation was held regarding the naming of bridge over creek at William St. Council had been motioned to consider naming the bridge in honour of John Stagg for his long involvement of local history and the PLDC. On reflection and information received it was decided the name of the bridge should more reflect it's location (both indigenous and historical).
It was decided to finance a seat with suitable plaque honouring John Stagg to be sited near the bridge on it's completion. This money was to come out of the \$2500 that the committee has allocated to it.

MOTION:

To ask Council to honour John Stagg with a seat and plaque rather than naming William St bridge after him as previously proposed and the seat be sited near the bridge. This seat and plaque be paid for out of allocated PLDC secretarial money
Suitable name for the bridge be proposed by the PLDC at a later date

5. Christmas function to be held at The Queens Head on Thursday Nov 24th

Meeting closed at 7pm

Next meeting to be held on Nov 1st at community hall commencing at 5.30pm

TasWater Update

Perth Local District Committee

4 October 2022



Local projects of Interest

Projects

- Longford Sewage Treatment Plant (STP) upgrade
- Paton Street, Longford, Sewerage Pump Station (SPS) upgrade

Renewals Program

- Longford Water Treatment Plant (WTP) Fluoride day tank replacement
- Longford Water Treatment Plant (WTP) Fluoride tank replacement
- Northern Midlands Meter Renewal Program – Phase 1

Longford Sewage Treatment Plant (STP) upgrade

- The Longford STP upgrade is delivering better environmental outcomes by improving the quality of effluent discharged from the plant
- The new state of the art STP features odour capture and treatment technology
- The final step to complete the upgrade is to repurpose one of the existing lagoons (currently underway)



Water Meter renewal program – Northern Midlands

- The Water Meter renewal program is delivering on our commitment to deliver outcomes that are in the best interest of the community
- The new meters use the latest technology and meet Australian standards
- The new meters can be read remotely
- The renewal program is currently in progress, with the latest work taking place in Perth.



Water loss reduction



Longford Distribution Network

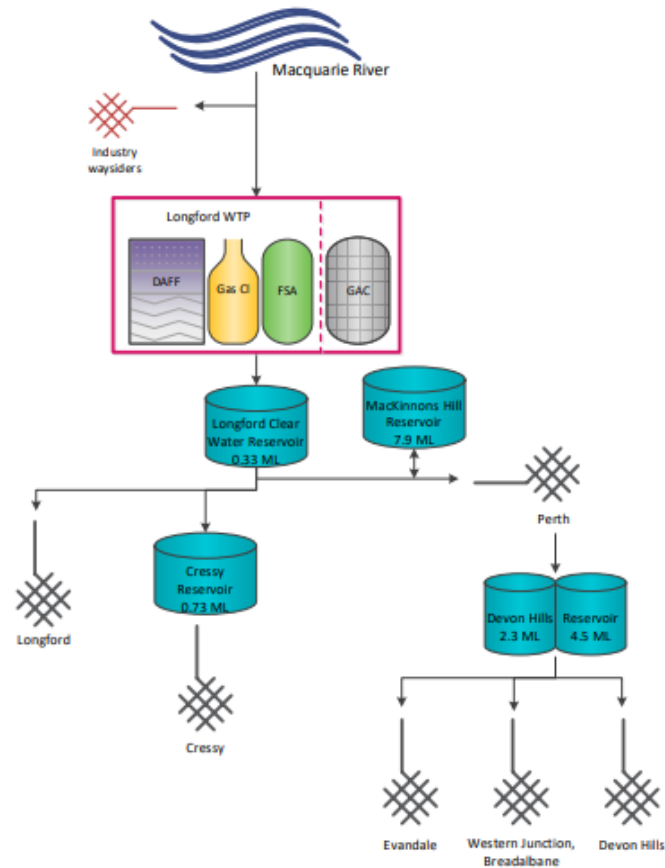


Figure 3 Longford Distribution Network

Perth – Water Supply

- Raw water is drawn from the Macquarie River and treated at the Longford Water Treatment Plant (WTP)
 - WTP nameplate hydraulic capacity: 12 ML/day
 - Average daily demands: 4-4.5 ML/day
 - Peak daily demands: 9-10 ML/day
- The WTP supplies drinking water to Longford, Perth, Cressy, Evandale, Devon Hills, Western Junction and Breadalbane
- Approximately 4,700 water connections
- Drinking water is transferred from the Longford WTP to the Mckinnons Hill Reservoir (7.9 ML), which supplies Perth
- Bulk transfer mains between Longford and Perth were installed within the past 5 years and are adequate for current demands

Longford Drinking Water Safety Plan

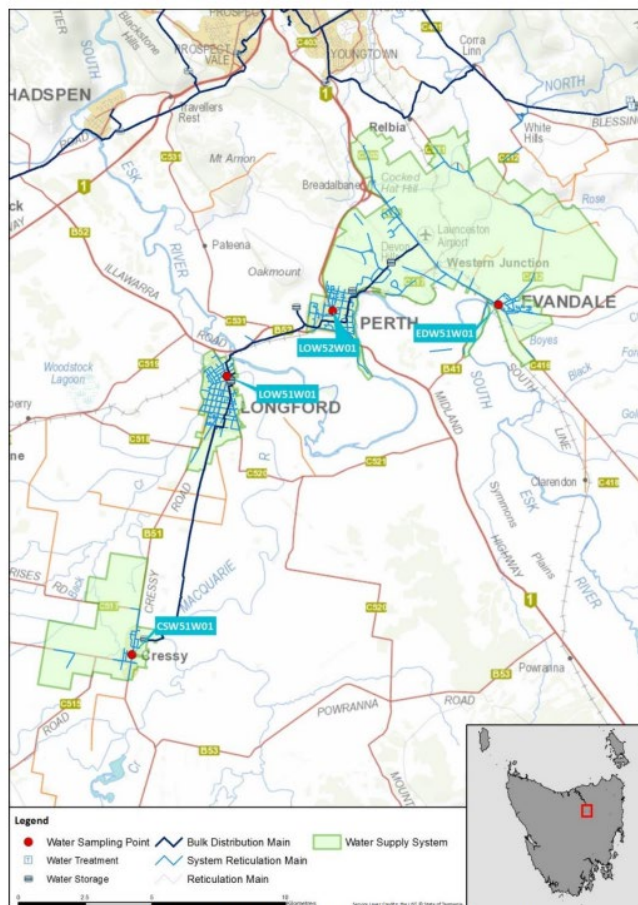


Figure 4 Longford Distribution Network Water Sampling Points

Perth – Water Supply

What are we working on?

- A WTP capacity assessment is underway to better understand our ability to provide water in peak demand periods
- Master planning work is underway for Greater Launceston and Longford to ensure customers receive a reliable supply of water over a 50-year planning horizon

Perth – Sewer System

- The STP consists of a primary aerated lagoon, secondary lagoon and reuse dam
- Classified as low risk on our Environmental Risk Assessment
- 85-90% of effluent is sent to an adjacent reuse scheme
- Growth in Perth is relatively high at over 2%
- We are progressing the Meander Valley Strategy
 - A Strategic Business Case which looks at rationalisation of Perth (including Western Junction, Evandale via Perth) to Longford STP
 - The outcome of this study should be concluded before the end of 2022 and looks likely for rationalisation



Q & A



**MINUTES FOR THE MEETING OF THE LLDC HELD AT THE LONGFORD RSL MEMORIAL CLUB
ON WEDNESDAY 05 OCTOBER 2022, COMMENCING AT 5.30PM**

MINUTES

1. PRESENT

Tim Flanagan, , Annette Aldersea, Neil Tubb, Peter Munro, Doug Bester, Bronwyn Baker, Dennis Pettyfor, and Simon Bower.

2. IN ATTENDANCE

Cr Dick Adams

3. APOLOGIES

Cr Matthew Brooks, Jo Clarke, Lorraine Wyatt

4. WELCOME NEW MEMBER

Not applicable

5. DECLARATION OF ANY PECUNIARY INTEREST BY A MEMBER OF A SPECIAL COMMITTEE OF COUNCIL

In accordance with the provisions of the Local Government Act 1993, a member of a Special Committee must not participate in any discussion or vote on any matter in respect to which the member:

a) has an interest; or

b) is aware or ought to be aware that a close associate has an interest.

A member has an interest in a matter if the matter was decided in a particular manner, receive, or have an expectation of receiving or likely to receive a pecuniary benefit or pecuniary detriment.

6. CONFIRMATION OF MINUTES

The minutes of the meeting of the Longford Local District Committee held on September 07, 2022 to be confirmed as a true and correct record of proceedings.

7. BUSINESS ARISING FROM THE MINUTES

7.1 Signage for Longford Roundabout (cf minutes 7.2 & 9.5).

Nil further action until after council election.

7.2 Traffic study of main street (cf minutes 6.4)

Peter Munro advised that no answer had been received from State growth regarding his concerns. Neil Tubb suggested a community demonstration might be required.

Several committee members intent on advocating a 50 km/h speed limit in Marlborough Street, ironically at odds with Longford's racing heritage.

6.3 Men's Shed – Dennis Pettyfor (cf minutes from August meeting 12.6) Concern was raised about the lack of parking now that new housing development has taken place.

6.4 Mill Dam toilets (cf minutes 6.6) nil further

6.5 'NMC to investigate and replace the poorly adherent vision impaired dots placed in the main street across the road in the main street of Longford. (cf minutes 6.7).

NMC minutes 22/306 noted. "That council officers investigate the condition of tactile ground surface indicators installed throughout the municipality and schedule required maintenance or replacement accordingly."

This LLDC proposed motion was carried unanimously at council.

6.6 Pullover area on Pateena Road (cf minutes 7.3)

Further discussion. Committee members encouraged to take more photos of their preferred sites on Pateena Rd, eg Bowthorpe, Norwich Drive, Saltmarsh's farm, Mt Ireh gatehouse.

7. NEW BUSINESS

7.1 - Signage for longford Roundabout.

Nil further.

7.2 - Wellington Street Crossing (Traffic Refuges)

Further discussion. Councillor Dick Adams indicated that council had listened to community disquiet and were awaiting advice on how cyclists and agricultural machinery might be better accommodated in new plans.

The danger of right hand turns into oncoming traffic was again highlighted.

Chairman Flanagan summarised committee's deliberations in suggesting that council write to State Growth to make the case for a prohibition of right turns from Wellington St and William St at Sticky Beaks corner.

7.3 - Memorial Hall – Village Green Development, including plans to have the Longford Library and an exhibition building on the Village Green (cf Council Agenda 26.09.2022 – 8.15 Intergrated Priority Plans Update – Item 5.3). The plan for a Motor Museum on the Village Green was also highlighted in the NM Courier (September 15-28, pp 4 & 5), article re Longford Motor Racing.

A motion was proposed by Annette Aldersea, seconded by Peter Munro.

"LLDC does not support an exhibition building or motor sport museum being located on the Longford Village green. The green must remain as open public space for historic, social and environmental reasons. Subject to alternate location and further discussion LLDC would support an exhibition building in a more appropriate setting" Carried.

7.4 - Wellington & Marlborough Streets Intersection (Sticky Beaks)

Waiting on Council. See above.

7.5 - Danger to cyclists & pedestrians on South Esk River vehicular bridges.

Awaiting response from Minister Michael Ferguson.

7.6 - Verge gardens

See email from Lorraine Wyatt 08.09.2022, noting they are currently not allowed.

7.7 – Induction

C/f email from Lorraine Wyatt dated 12.09.2022

Committee members reported variable success.

8. REPORTS FROM SUB COMMITTEES

Railway Committee

Cr Dick Adams reported further interest in a model trains exhibition

Longford Legends

Meeting this morning. More photos planned for lych gate.

Longford Town Hall Arts Committee

Cr Dick Adams reported on a successful art exhibition at Deloraine

9. OTHER BUSINESS

Christmas Dinner for the Northern District Committees, provided by the NMC, has been scheduled for Thursday 24 November in Perth.

Noted, to be held at the Queen's (*sic*) Head Inn.

Discussion about dumping of concrete tailings in Longford streets, a register to help protect historic trees, updates on the NMC weed site to include both noxious and environmental weeds

10. CLOSURE 6.54 pm

There being no further business the Chair thanked everyone and declared the meeting closed at 6.54pm.

11. NEXT MEETING

The next meeting will be November 02, 2022

MINUTES

MEETING OF THE CRESSY LOCAL DISTRICT COMMITTEE HELD AT THE CRESSY TOWN HALL ON
WEDNESDAY, 5 OCTOBER 2022 COMMENCING AT 7:00 PM

1 PRESENT

MAURITA TAYLOR, ANN GREEN, HELEN WILLIAMS, ANDY BIARD, HELEN HOWARD, DANIEL
ROWBOTTOM AND ANGELA JENKINS

2 IN ATTENDANCE

LISA GREEN

3 APOLOGIES

KATIE LAMPREY AND PETER GOSS

4 DECLARATION OF ANY PECUNIARY INTEREST BY A MEMBER OF A SPECIAL COMMITTEE OF COUNCIL

In accordance with the provisions of the *Local Government Act 1993*, Part 5, S48A – S56,
a member of a Special Committee must not participate in any discussion or vote on any matter
in respect to which the member:

- a) has an interest; or
- b) is aware or ought to be aware that a close associate has an interest.

A member has an interest in a matter if the matter was decided in a particular manner, receive
or have an expectation of receiving or likely to receive a pecuniary benefit or pecuniary
detriment.

**It should be noted that any person declaring an interest is required to notify the general
manager, in writing, of the details of any interest declared within 7 days of the declaration.*

5 CONFIRMATION OF MINUTES

RECOMMENDATION

*That the minutes of the Cressy Local District Committee meeting held on 27 July 2022 be
confirmed as a true and correct record of proceedings.*

Moved by Helen W, seconded by Ann G.

6 BUSINESS ARISING FROM THE MINUTES

6.1 Cressy Recreation Ground development

Stage 2 to be completed in conjunction with Stage 2 of the pool works. Both projects being completed by Council building staff.

Can council please provide what is involved in stage 2?

6.2 Cressy Swimming Pool

Stage 2 pool works have commenced and are progressing well.

Request for heated pool signs was presented to Council at its May meeting and a review requested.

Committee advised things are progressing well. What is happening with the heated pool sign?

6.3 Bartholomew Park Name Sign and Explanation Plinth

Sign to be resized and reinstalled when Building Officer available.

Ongoing

6.4 Acquire land at Macquarie Street for recreation area

Concept plan and survey provided to planner to progress rezone and subdivision.

Ongoing

6.5 Minutes

Cressy District High School have agreed to provide two senior students for purpose of minutes.

Council staff finalising details.

This is yet to commence. Ongoing

6.6 Netball / Basketball hoops

Council agreed to investigate installation of netball / basketball hoops in Cressy. Has been referred to Project Officer for investigation as part of the Cressy Recreation Ground redevelopment.

A motion was moved by Andy seconded by Maurita to investigate the feasibility to request to have another one placed at the park. Carried.

7 NEW BUSINESS

1. Mural on the water tower. Is this going ahead? If so at what progress has been made?
2. Prune Trees: the 3rd one from the entrance to Cressy (north) has died. Also 49-51 Main Street. A request has been made by a committee member, but to date no action has been taken.
3. Committee requested if there is a current planning for Cressy involving residential planning in particular?
4. War Memorial: Loose tiles are evident. Council is aware and when will action be taken?
5. Clock at War Memorial: this needs to be adjusted due to DLS.
6. Australia Day: Andy will co-ordinate the event on behalf of the CLDC.
7. There is concern about the drop off (where witches hats are placed) along Cressy Road. Very dangerous and needs to be rectified.
8. Community Hall Cressy: Suggestions for use of the hall.
 - Market
 - Flower Show
 - Concerts by community members.

8 CLOSURE & NEXT MEETING

The Chairperson closed the meeting at 8 pm.

The next meeting to be held on **Wednesday 30 November 2022.**

Ann Green tabled her apologies for this meeting.

①

PETITION SUBJECT:**This is a petition to allow dogs on lead in the Ross Village Green.**

Currently dogs (except for guide/assistance dogs) are excluded from the Ross Village Green by order of the Northern Midlands Council.

To the Chairperson Ross Local District Committee

Dear Arthur

I wish to submit an objection on behalf of community signatories below regarding the exclusion of dog access at the community Village Green at Church Street, Ross.

We propose that dogs should be allowed in the Village Green in a "dogs on lead" basis and that dog waste bags be made available at the entrance of the Village Green for use by dog owners.

As it currently stands the Village Green is being used by visitors to our town as a dog on and off lead area despite signage being in place to the contrary. I personally observe this activity from my business at 28 Church Street, Ross on a regular basis. As there is no policing of the Village Green, I'm sure this practice will continue, making it extremely unfair to our local community who would like to use the Village Green for picnics etc. but cannot as they won't (and shouldn't have to) leave their fur family members at home.

The Village Green was established for the whole community, however, being non dog friendly has excluded many community members and visitors from using it.

Name (Mandatory)	Address	Postcode (Mandatory)	Signature (Mandatory)
Michael Brown	Ross	7209	M Brown
Pete Shegog	Ross	7209	P Shegog
JAMES LARKMAN	Ross	7209	J Larkman
KAY MORRIS	Ross	7209	K Morris
J Booth	Ross	7209	J Booth
G Melvin	Ross	7209	G Melvin
G Benson	Ross	7209	G Benson
J BROWN	Ross BARNES ST	7209	J Brown
G Boyd	Ross	7209	G Boyd
R Harrison	Ross	7209	R Harrison
G. LARKMAN	Ross	7209	G Larkman
B. MORRIS	Ross	7209	B Morris
G. MCKAY	Ross	7209	G McKay
D. HORTLE	Ross	7209	D Hortle
Ray Richardson	Ross	7209	Ray Richardson
Kim Crosswell	Ross	7209	Kim Crosswell
JANE CROSSWELL	Ross	7209	Jane Crosswell
PAT LOCKETT	Ross	7209	Pat Lockett
JANE MORRIS	Ross	7209	Jane Morris
ROSE GROSS	Ross	7209	Rose Gross
F. Doe	Ross	7209	F Doe
J. Silk	Ross	7209	J Silk

②

(2)

PETITION SUBJECT:

This is a petition to allow dogs on lead in the Ross Village Green.
Currently dogs (except for guide/assistance dogs) are excluded from the Ross Village Green by order of the Northern Midlands Council.

To the Chairperson Ross Local District Committee

Dear Arthur

I wish to submit an objection on behalf of community signatories below regarding the exclusion of dog access at the community Village Green at Church Street, Ross.

We propose that dogs should be allowed in the Village Green in a "dogs on lead" basis and that dog waste bags be made available at the entrance of the Village Green for use by dog owners.

As it currently stands the Village Green is being used by visitors to our town as a dog on and off lead area despite signage being in place to the contrary. I personally observe this activity from my business at 28 Church Street, Ross on a regular basis. As there is no policing of the Village Green, I'm sure this practice will continue, making it extremely unfair to our local community who would like to use the Village Green for picnics etc. but cannot as they won't (and shouldn't have to) leave their fur family members at home.

The Village Green was established for the whole community, however, being non dog friendly has excluded many community members and visitors from using it.

Name (Mandatory)	Address	Postcode (Mandatory)	Signature (Mandatory)
VARDON	6 CHURCH ST	7209	[Signature]
Rachel Watson	9 HILL ST ROSS	7209	[Signature]
Aaron Smith	Tooms Lake Road	7209	[Signature]
KEITH BLACKLOCK	28 PARK ST Ross	7209	[Signature]
MARLENE RICHARDSON	29 WATERLOO ST ROSS	7209	[Signature]
J. Williams	High St	Ross 7209	[Signature]
J. P. MAN	BRIDGE ST	ROSS 7209	[Signature]
K. Draper	54 CHURCH ST	Ross 7209	[Signature]
J. Draper	54 CHURCH ST	Ross 7209	[Signature]
B. Harris	High St.	Ross 7209	[Signature]
A. Morris	Bond St.	Ross 7209	[Signature]
E. Howard	High St	Ross 7209	[Signature]
T. Ogilvy	Windle St	Ross 7209	[Signature]
TOM FLINTOFF	MAINLAND	2646	[Signature]
F. Freeman	31 BADGERS ST ROSS	Ross 7209	[Signature]
L. DENNIS	29 Church St ROSS	7209	[Signature]
J. Dennis	29 Church St ROSS	7209 Ross	[Signature]
G. SMITH	Ross C/way	7209 Ross	[Signature]
C. BROWN	31 Bond St	7209 Ross	[Signature]
S. KAY	12 PARK ST ROSS	7209 Ross	[Signature]

D. Jackson 36 Bond St 7209 Ross [Signature]

D. Brown 7210 [Signature]

E. Freeman Ross 7209 [Signature]

(23)

3

PETITION SUBJECT:			
<p>This is a petition to allow dogs on lead in the Ross Village Green.</p> <p>Currently dogs (except for guide/assistance dogs) are excluded from the Ross Village Green by order of the Northern Midlands Council.</p>			
<p>To the Chairperson Ross Local District Committee</p> <p>Dear Arthur</p> <p>I wish to submit an objection on behalf of community signatories below regarding the exclusion of dog access at the community Village Green at Church Street, Ross.</p> <p>We propose that dogs should be allowed in the Village Green in a "dogs on lead" basis and that dog waste bags be made available at the entrance of the Village Green for use by dog owners.</p> <p>As it currently stands the Village Green is being used by visitors to our town as a dog on and off lead area despite signage being in place to the contrary. I personally observe this activity from my business at 28 Church Street, Ross on a regular basis. As there is no policing of the Village Green, I'm sure this practice will continue, making it extremely unfair to our local community who would like to use the Village Green for picnics etc. but cannot as they won't (and shouldn't have to) leave their fur family members at home.</p> <p>The Village Green was established for the whole community, however, being non dog friendly has excluded many community members and visitors from using it.</p>			
Name (Mandatory)	Address	Postcode (Mandatory)	Signature (Mandatory)
MARIAN BOOTH	18 BADAJOS ST ROSS	7209	M.B. Booth
J. BOOTH	"	"	J. Booth
M. Papa		7209	M. S. Papa
K. Downan	38 Ross St Ross	7209	K. Downan
K. Morris	34 Church St Ross	7209	K. Morris
C. Thompson	2 Church St Ross	7209	C. Thompson
L. Gaffey	41 Ross St Ross	7209	L. Gaffey
M. Gaffey	41 Ross St Ross	7209	M. Gaffey
David Wilkins	12 Montpelier St Oatlands	7120	David Wilkins
Rebecca Lomis	Marlborough St Oatlands	7120	Rebecca Lomis
S. THOROUGH	TAGHAN ST	7209	S. THOROUGH
A. THOROUGH	TASMAN	7209	A. THOROUGH
N. RICHARDSON	60 GLENVIEW ST ROUGHAMPTON	4700	N. Richardson
J. MACHADO	OATLANDS	7120	J. Machado
M. Jukes	Oatlands	7120	M. Jukes
M. Hamilton	41 PIPER ST	4703	M. Hamilton
S. JOHN	BOYSDALE	3222	S. John
L. THOMPSON	ROSS	7209	L. Thompson
S. Smith	Hobart	7000	S. Smith
M. Thomas	Hobart	7000	M. Thomas

20

PETITION SUBJECT:

This is a petition to allow dogs on lead in the Ross Village Green.
Currently dogs (except for guide/assistance dogs) are excluded from the Ross Village Green by order of the Northern Midlands Council.

To the Chairperson Ross Local District Committee

Dear Arthur

I wish to submit an objection on behalf of community signatories below regarding the exclusion of dog access at the community Village Green at Church Street, Ross.

We propose that dogs should be allowed in the Village Green in a "dogs on lead" basis and that dog waste bags be made available at the entrance of the Village Green for use by dog owners.

As it currently stands the Village Green is being used by visitors to our town as a dog on and off lead area despite signage being in place to the contrary. I personally observe this activity from my business at 28 Church Street, Ross on a regular basis. As there is no policing of the Village Green, I'm sure this practice will continue, making it extremely unfair to our local community who would like to use the Village Green for picnics etc. but cannot as they won't (and shouldn't have to) leave their fur family members at home.

The Village Green was established for the whole community, however, being non dog friendly has excluded many community members and visitors from using it.

Name (Mandatory)	Address	Postcode (Mandatory)	Signature (Mandatory)
Andrew	Hobart	7209	[Signature]
Amber Wilson	30 Bond St	7209	A.W
Danny Whelan	30 Bond St	7209	[Signature]
A. Morris	Bond St.	7209	[Signature]
W Oger	11 High St	7209	[Signature]
F. Sarmiento	113 Waterloo	7209	[Signature]
P. Hargreaves	24 Sutter St	7209	[Signature]
C. Charles	14 Park St	Ross. 7209.	Charles
Queen Mary	12 Park St.	Ross 7209	[Signature]
H. J. Avic	17 Franklin St	C.T 7210	[Signature]
L. Vany B. Loe	146 High St, Campbelltown		[Signature]
A. Johnson	Cuppsland	3831	[Signature]
D Cadogan-Couper	Ross	7209	[Signature]
N Cooper	16 Church Ross	7209	N Cooper
T Lengkeek	16 Church Ross	7209	T Lengkeek
J. Smith	32 Bond St Ross	7209	[Signature]
GAURANES SINGH	14 Monash St. Mowbray	7248	[Signature]
Rachel Fulford	Launceston	7250	[Signature]
MARTIN WULF	36 Church St Ross	7209	[Signature]
NIKKI PHILLIPS	35 Church St Ross	7209	[Signature]

(5)

PETITION SUBJECT:			
<p>This is a petition to allow dogs <u>on lead</u> in the Ross Village Green.</p> <p>Currently dogs (except for guide/assistance dogs) are excluded from the Ross Village Green by order of the Northern Midlands Council.</p>			
<p>To the Chairperson Ross Local District Committee</p> <p>Dear Arthur</p> <p>I wish to submit an objection on behalf of community signatories below regarding the exclusion of dog access at the community Village Green at Church Street, Ross.</p> <p>We propose that dogs should be allowed in the Village Green in a "dogs on lead" basis and that dog waste bags be made available at the entrance of the Village Green for use by dog owners.</p> <p>As it currently stands the Village Green is being used by visitors to our town as a dog on and off lead area despite signage being in place to the contrary. I personally observe this activity from my business at 28 Church Street, Ross on a regular basis. As there is no policing of the Village Green, I'm sure this practice will continue, making it extremely unfair to our local community who would like to use the Village Green for picnics etc. but cannot as they won't (and shouldn't have to) leave their fur family members at home.</p> <p>The Village Green was established for the whole community, however, being non dog friendly has excluded many community members and visitors from using it.</p>			
Name (Mandatory)	Address	Postcode (Mandatory)	Signature (Mandatory)
Bailey Freeman	Ross	7209	B. Free
Jack Wener	Campbelltown	7210	James
Peter	Helm	7209	Peter -
Penning Fogle	Ross	7209	Penning Fogle
Kate Wood	Ross	7209	Kate Wood
Pro.	Ross	7209	Pro.
Patrick Sawford	Ross	7209	Patrick Sawford
Carol B	Ros	7209	Carol B
T. Brennan	Ross	7209	T. Brennan
M. Davidson	Campbelltown	7210	M. Davidson
S. Davidson	CAMPBELL TOWN	7210	S. Davidson

(11)

PETITION SUBJECT:

This is a petition to allow dogs on lead in the Ross Village Green.
Currently dogs (except for guide/assistance dogs) are excluded from the Ross Village Green
by order of the Northern Midlands Council.

Dear Arthur

We propose that dogs should be allowed in the Village Green in a “dogs on lead” basis and that dog waste bags be made available at the entrance of the Village Green for use by dog owners.

The Village Green was established for the whole community, however, being non dog friendly has excluded many community members and visitors from using it.

I have collected the following number of signatures in support of the proposal *"that dogs should be allowed in the Village Green in a "dogs on lead" basis and that dog waste bags be made available at the entrance of the Village Green for use by dog owners"*.

Name: MARGARET PAPA.

Address: Ross 7209 TAS

Signature: 911 S. paper

TASMANIAN PLANNING COMMISSION

Our ref: DOC/22/78246
Officer: Samuel McCrossen
Phone: 03 6165 6833
Email: tpc@planning.tas.gov.au

4 October 2022

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

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

Dear Mr Jennings,

**Northern Midlands Local Provisions Schedule
Notice under section 35K(1)(a) and section 35KB(4)(a)**

Further to the hearing of this matter, the delegates have finalised their consideration of the Northern Midlands draft Local Provisions Schedule (draft LPS) under section 35J of the *Land Use Planning and Approvals Act 1993* (the Act).

The Commission considers, in order for the draft LPS to meet the LPS Criteria, modifications are required. A decision under section 35K(1) and 35KB is enclosed and has been published on the Commission's website.

The Commission directs the planning authority:

- (a) modify the draft LPS, under section 35K(1)(a) of the Act, in accordance with the notice at Attachment 2 to the decision;
- (b) submit the modified draft LPS to the Commission under section 35K(2)(a) within 28 days (1 November 2022);
- (c) to prepare draft amendments under section 35KB(4)(a)(i) of the Act in the terms specified in the notice at Attachment 3 to the decision; and
- (d) to submit the draft amendments to the Commission under section 35KB(4)(a)(ii) of the Act within 42 days after the Northern Midlands LPS comes into effect.

A PDF of the written document, modified in accordance with Annexure A of the notice under section 35K(1)(a), is also enclosed. This copy is suitable for submission under section 35K(2).

For approval of the draft LPS, the Commission requires a GIS version of the zones, zone boundaries and overlays in Geodatabase format based on the most recent cadastral data, that includes the modifications. A PDF version of the zone and overlay maps is also required for official approval under section 35L(4) of the Act.

Please submit the modified draft LPS, GIS layers and PDFs to tpc@planning.tas.gov.au.

When the modified draft LPS is in order, the Commission will seek the agreement of the Minister to approve the draft LPS under section 35L(1)(b) of the Act.

Level 3, 144 Macquarie Street Hobart Tasmania GPO Box 1691 Hobart TAS
Ph: 03 6165 6828 Email: tpc@planning.tas.gov.au
www.planning.tas.gov.au

Note that section 51 applies to a planning authority directed under section 35K(1)(a); it details when decisions on permit applications must be in accordance with the provisions of the draft LPS as modified, and the SPPs, as if they were in effect.

If you require further information please contact Samuel McCrossen, Planning Adviser, on 6165 6833.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ann Cunningham', with a stylized flourish at the end.

Ann Cunningham
Delegate (Chair)

Encl.

- Northern Midlands draft LPS – decision to modify the draft LPS (including section 35K(1)(a) notice, and section 35KB notice)

[2022] TASPComm 35

TASMANIAN PLANNING COMMISSION

DECISION

Local Provisions Schedule Northern Midlands

Date of decision 4 October 2022

Under section 35K(1)(a) of *Land Use Planning and Approvals Act 1993* (the Act), the Commission directs the planning authority to modify the draft LPS in accordance with the notice at Attachment 2.

When the directed modifications have been undertaken under section 35K(2), the Commission is satisfied that the LPS meets the LPS criteria and is in order for approval under section 35L(1).

The Commission finds that the draft LPS requires substantial modification and accordingly, under section 35KB of the Act, the Commission directs the planning authority to prepare an amendment, under Part 3B, of the LPS and to submit the amendment to the Commission after the LPS comes into effect, in accordance with the notice in Attachment 3.



Ann Cunningham
Delegate (Chair)



Roger Howlett
Delegate

Disclosure statement

Roger Howlett, a Commission delegate disclosed at a hearing held on 8 June 2022 that he is an indirect relative of Mr. Matthew Clarke, of JMG Planners and Engineers who represented the planning authority.

There were no objections to Mr. Howlett determining the matter.

REASONS FOR DECISION

Background

The Northern Midlands Planning Authority (the planning authority) exhibited the Northern Midlands draft Local Provisions Schedule (the draft LPS), under section 35D of *Land Use Planning and Approvals Act 1993* (the Act), from 22 October 2021 until 21 December 2021.

On 4 May 2022 the Commission accepted the report provided by the planning authority under section 35F(1) into 49 representations received on the draft LPS. A list of representations is at Attachment 1.

Date and place of hearing

The Commission must hold a hearing into representations to the draft LPS under section 35H of the Act.

Hearings were held at the Northern Midlands Council Offices, 13 Smith Street, Longford on 8, 9 and 10 June 2022.

Consideration of the draft LPS

1. Under section 35J(1) of the Act the Commission must consider:
 - the planning authority section 35F(1) report and the draft LPS to which it relates;
 - the information obtained at the hearings;
 - whether it is satisfied that the draft LPS meets the LPS criteria under section 34; and
 - whether modifications ought to be made to the draft LPS.
2. Under section 35J(2) of the Act the Commission may also consider whether there are any matters that relate to issues of a technical nature or may be relevant to the implementation of the LPS if the LPS were approved.
3. The LPS criteria to be met by the draft LPS are:
 - (a) contains all the provisions that the SPPs specify must be contained in an LPS;
 - (b) is in accordance with section 32 of the Act;
 - (c) furthers the objectives set out in Schedule 1 of the Act;
 - (d) is consistent with each State policy;
 - (e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates;
 - (f) has regard to the strategic plan, prepared under section 66 of the Local Government Act 1993, that applies in relation to the land to which the relevant planning instrument relates;
 - (g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and

Northern Midlands draft Local Provisions Schedule

- (h) has regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000.
- 4. The relevant regional land use strategy is the Northern Tasmania Regional Land Use Strategy 2021 (the regional strategy).
- 5. In addition to the LPS criteria, the Commission has considered Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application (Guideline No. 1) issued under section 8A of the Act.
- 6. The requirements for making modifications to the draft LPS are set out under section 35K of the Act. The modifications can be broadly categorised as modifications under section 35K(1)(a) and (b).
- 7. Under section 35KA, the Commission may also direct under section 35K(1)(a) or (b) that a draft LPS be modified to include relevant modifications, which are subsequent planning scheme amendments that have been approved and contain provisions of a kind that may be included in a draft LPS. Relevant modifications may be varied to meet requirements and terminology of the SPPs and will achieve the effect intended by the amendment of the planning scheme.
- 8. The Commission may also reject the draft LPS and request that the planning authority prepare a substitute draft LPS [section 35K(c)].
- 9. Where the Commission has determined modifications ought to be made, these are set out in a notice under sections 35K(1)(a) of the Act (see Attachment 2).
- 10. The decisions on relevant modifications considered under section 35KA of the Act are set out below.
- 11. Where the Commission has determined substantial modifications ought to be made to the draft LPS and such modifications are suitable to be made as an amendment, under Part 3B, to the LPS, it may direct the planning authority to prepare the amendment and submit to the Commission after the LPS comes into effect. These are set out in a notice under section 35KB of the Act (see Attachment 3).

Consideration of subsequent amendments to the Northern Midlands Interim Planning Scheme 2013 under section 35KA

Amendment – AM-NOR-02-2019 – General Residential Zone – 87 Bulwer Street, Longford

- 12. Amendment AM-NOR-02-2019 to rezone land at 87 Bulwer Street, Longford (folio of the Register 115134/3) from the Rural Resource Zone to the General Residential Zone came into effect on 26 April 2021.

Commission consideration

- 13. The land is zoned Rural Resource in the draft LPS. The Commission finds that the draft LPS should be modified to reflect the amendment. No changes to other controls in the draft LPS are required as a consequence. The Commission notes that the original area of the land is now comprised of seven lots.

Northern Midlands draft Local Provisions Schedule

Commission decision

14. Modification:
 - Revise the zoning of 87, 89, 91, 93, 95 and 97 Bulwer Street, Longford (folios of the Register 183271/1, 183271/2, 183271/3, 183271/4, 183271/5, 183271/6, 183271/301) to General Residential.
15. Reason: To include relevant modifications under section 35KA of the Act corresponding to amendment AM-NOR-02-2019 to the Northern Midlands Interim Planning Scheme 2013.

Amendment – AM-NOR-06-2019 – General Residential Zone – part of 74 Marlborough Street, Longford

16. Amendment AM-NOR-06-2019 to rezone part of the land at 74 Marlborough Street, Longford (folio of the Register 222877/1) from the Community Purpose Zone to the General Residential Zone came into effect on 19 October 2020.

Commission consideration

17. The land is zoned Community Purpose in the draft LPS. The Commission finds that the draft LPS should be modified to reflect the amendment. No changes to other controls in the draft LPS are required as a consequence. The Commission notes that the original area of the land is now comprised of six lots.

Commission decision

18. Modification:
 - Revise the zoning of 74A, 74B, 74C, 74D and 24A Marlborough Street, and Marlborough Street, Longford (folios of the Register 181488/2, 181488/3, 181488/4, 181488/5, 181488/6 and 181488/7) to General Residential.
19. Reason: To include relevant modifications under section 35KA of the Act corresponding to amendment AM-NOR-06-2019 to the Northern Midlands Interim Planning Scheme 2013.

Amendment – AM-NOR-01-2020 – General Residential Zone – 41-43 Wellington Street, Longford

20. Amendment AM-NOR-01-2020 to rezone land at 41-43 Wellington Street, Longford (folio of the Register 159522/1) from the Community Purpose Zone to the General Residential Zone came into effect on 19 March 2020.

Commission consideration

21. The land is zoned Community Purpose in the draft LPS. The Commission finds that the draft LPS should be modified to reflect the amendment. No changes to other controls in the draft LPS are required as a consequence.
22. Modification:
 - Revise the zoning of 41-43 Wellington Street, Longford (folio of the Register 159522/1) to General Residential.
23. Reason: To include relevant modifications under section 35KA of the Act corresponding to amendment AM-NOR-01-2020 to the Northern Midlands Interim Planning Scheme 2013.

Northern Midlands draft Local Provisions Schedule

Amendment – AM-NOR-02-2020 – General Residential Zone – 21 Napoleon Street, Perth

24. Amendment AM-NOR-02-2020 to rezone land at 21 Napoleon Street, Perth (folio of the Register 240512/1) from the Light Industrial Zone to the General Residential Zone came into effect on 13 August 2020.

Commission consideration

25. The land is zoned Light Industrial in the draft LPS. The Commission finds that the draft LPS should be modified to reflect the amendment. No changes to other controls in the draft LPS are required as a consequence.

Commission decision

26. Modification:
- Revise the zoning of 21 Napoleon Street, Perth (folio of the Register 240512/1), to General Residential.
27. Reason: To include relevant modifications under section 35KA of the Act corresponding to amendment AM-NOR-02-2020 to the Northern Midlands Interim Planning Scheme 2013.

Amendment - AM-NOR-01-2021 – Translink Specific Area Plan – 13 Richard Street, Western Junction

28. Amendment AM-NOR-01-2021 to insert Resource Processing (only if at 13 Richard Street folio of the Register 129904/5) as a Discretionary use in clause F1.3.2 within Area 2 of the Translink Specific Area Plan came into effect on 30 September 2021.

Commission consideration

29. The Commission finds that the draft LPS should be modified to reflect the amendment. No changes to other controls in the draft LPS are required as a consequence.

Commission decision

30. Modification:
- Revise the draft LPS written document by inserting Resource Processing in the Use Table at clause NOR-S1.5.2 - Area 2 of NOR-S1.0 Translink Specific Area Plan as a Discretionary use after Manufacturing and Processing with the qualification 'if at 13 Richard Street, Western Junction folio of the Register 129904/5' as shown in Annexure A of Attachment 2.
31. Reason: To include relevant modifications under section 35KA of the Act corresponding to amendment AM-NOR-01-2021 to the Northern Midlands Interim Planning Scheme 2013.

Amendment - AM-NOR-02-2021 – Translink Specific Area Plan

32. Amendment AM-NOR-02-2021 to insert Storage (if not a liquid fuel depot or solid fuel depot and only at 74 Evandale Road folio of the Register 150770/1, 86 Evandale Road folio of the Register 150770/2 and 2 Translink Avenue folio of the Register 150770/3) as a Discretionary use in clause F1.3.6 within Area 6 of the Translink Specific Area Plan came into effect on 5 January 2022. The amendment also included a modification to clause F1.4.3 A1 of the Specific Area Plan to include Area 6 as an area where 'a variety of building forms must be used rather than single monolithic structures.'

Commission consideration

33. The Translink Specific Area Plan is contained within the Draft LPS. The amendment to the Specific Area Plan, having been approved subject to modifications to delete clauses referred to as F1.4.7 A9/P9, relates to land at Evandale Road and Translink Avenue. The Translink Specific Area Plan however also relates to land not subject to this amendment. The Commission finds that the draft LPS should be modified to reflect the amendment. No changes to other controls in the draft LPS are required as a consequence.

Commission decision

34. Modification:
- Revise the draft LPS written document by inserting Storage in the Use Table at clause NOR-S1.5.2 - Area 6 of NOR-S1.0 Translink Specific Area Plan as a Discretionary use after General Retail and Hire with the qualification 'if at 74 Evandale Road, Western Junction folio of the Register 150770/1, 86 Evandale Road, Western Junction folio of the Register 150770/2, or 2 Translink Avenue folio of the Register 50770/3 as shown in Annexure A of Attachment 2.
 - Revise the draft LPS written document by amending NOR-S1.7.3 A1 to read 'within Areas 1, 2, 3 and 6 a variety of building forms must be used rather than single monolithic structures' as shown in Annexure A of Attachment 2.
35. Reason: To include relevant modifications under section 35KA of the Act corresponding to amendment AM-NOR-02-2021 to the Northern Midlands Interim Planning Scheme 2013.

Issues raised in the representations

General Residential Zone and Low Density Residential Zone – 1 Saundridge Road, Cressy

Representation: Terra Firma Planning for Carlton and Peter Dixon (46)

36. The representor requested that the land at 1 Saundridge Road, Cressy be revised from the Future Urban Zone to a combination of the General Residential and Low Density Residential zones. The reasons include:
- Cressy is well-placed to accommodate additional housing, likely of a more affordable price range than if located closer to Launceston as it is serviced with a school, childcare centre, shops and public facilities; and
 - the draft LPS includes precinct master plans for select sites in the Cressy Specific Area Plan that are a combination of General Residential and Low Density Residential zoning. In the interests of fairness and equity, it is submitted that the Future Urban Zone to the eastern side should be treated in the same manner.
37. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS because it would result in a spot-zoning of the land. The planning authority added that it intended to undertake further strategic planning assessment following the draft LPS assessment and may consider an amendment to the LPS when in effect.
38. At the hearing, the representor made the following points:
- the land is, in conjunction with other land at the east of Cressy, able to be serviced; and
 - there is a risk that the current land available for residential development may never be developed. Therefore, the subject site could be added to the current supply.

Northern Midlands draft Local Provisions Schedule

39. In response, the planning authority added that it had considered potential residential growth in Cressy and there are identified areas zoned Future Urban.

Commission consideration

40. The Commission is not satisfied that there is sufficient information available to determine whether the proposed General Residential and Low Density Residential zones is consistent with the regional strategy or Guideline No. 1.
41. The Commission notes that the planning authority may undertake strategic planning work following the draft LPS assessment to determine whether the land should be rezoned. In particular, this work would need to establish the capacity of the land to be serviced with reticulated sewer and water services.

Commission decision

42. The Commission considers that no modifications are required.

General Residential or Rural Zone – 86 Burghley Street, Longford

Representation: Woolcott Surveys for owner (17)

43. The representor requested that part of the land at 86 Burghley Street, Longford be revised from the Agriculture Zone to the General Residential Zone and Rural Zone. The reasons include:
- the lots fronting Catherine Street (folios of the Register 115134/6, 115134/7, and 115134/8) are deemed suitable for urban residential development as per the Longford Development Plan (Pitt and Sherry 2012); and
 - the adjoining land to the west of these parcels (folios of the Register 115134/1, 115134/2, 115134/5, 115134/9, and 115134/4) has limited agricultural potential and therefore ought to be zoned Rural.
44. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS because further strategic land use planning review of the area would be required.
45. At the hearing, the representor was joined by Mr. Faruq Isu of Pinion Advisory, who spoke to the agricultural report which supported the representation. Mr. Isu made the following comments:
- the titles in question are constrained under criteria 3 of the State land potentially suitable for the agriculture zone mapping because it is adjoining residential land and features land titles with small area;
 - the land cannot be irrigated because it is partly outside the adjoining water district and the district is fully allocated anyway; and
 - the titles can be connected to the reticulated sewer.
46. The planning authority stated that flood modelling has been undertaken and there is concern that the land could be flooded. It added that it could not support the application of the General Residential Zone without more investigation of the potential constraints and hazards. Furthermore, it added that the Rural Zone was not supported because it would provide for uses that may not be appropriate for the area.

Commission consideration

47. The Commission notes that AZ6(e) of Guideline No. 1 provides that land identified as potentially suitable for agriculture may be considered for alternative zoning if the land has limited or no potential for agriculture. The Commission therefore considers that the

Northern Midlands draft Local Provisions Schedule

agricultural assessment provides sufficient evidence to support the conclusion that the land has limited agricultural potential and that the Rural Zone is warranted for the titles listed.

48. With regard to the suitability for General Residential zoning, it is understood there is an intent recorded in the Longford Development Plan 2012, for urban growth in this direction. However, it is considered that in the absence of detailed strategic planning work that any change in the zone is premature.

Commission decision

49. Modification:

- Revise the zoning of 86 Burghley Street, Longford folios of the Register 115134/1, 115134/2, 115134/4, 115134/5, 115134/6, 115134/7, 115134/8 and 115134/9 to Rural.

Reason: To apply the Rural Zone consistent with Guideline No. 1.

General Residential Zone – 44 Phillip Street, Perth

Representation: Terra Firma Planning for Carlton and Peter Dixon (46)

50. The representor requested that the land at 44 Phillip Street, Perth be revised to the General Residential Zone. The reasons include:
- the Perth Structure Plan identifies the area for urban growth and states that “based on prior studies and analysis, this area is highly underutilised and represents an opportunity for future residential development”;
 - the demand and supply assumptions outlined in the Perth Structure Plan are outdated and the land is needed for residential use and development given current demand for new housing; and
 - infrastructure matters for resolution that are described in the Structure Plan and the Northern Midlands Council Land Use and Development Strategy can be addressed adequately through the subdivision provisions of the State planning provisions (SPPs).
51. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS. The reasons include:
- the site is currently zoned Particular Purpose – Future Residential under the Northern Midlands Interim Planning Scheme 2013 (interim planning scheme), and Future Urban under the draft LPS;
 - the General Residential Zone would result in a spot-zoning; and
 - further strategic planning would be undertaken after the draft LPS assessment and that a draft amendment for the General Residential could be considered where there is appropriate strategic planning to support those changes.
52. At the hearing, the representor reiterated that there was a high demand for residential-zoned land in the Perth area, that the land has been zoned Future Residential for some time, and that the General Residential Zone could be considered infill of the existing area.
53. In response, the planning authority added that stormwater flows impact the easternmost part of Future Urban zoned land on the adjacent property at 38 Phillip Street, but was supportive of the application of the General Residential Zone.
54. After the hearing, a submission from TasWater in response to a Commission direction was provided noting that subject to detailed design, the provision of potable water and sewerage infrastructure was entirely feasible; further noting that a sewer pump station or upgrade of an existing sewer pump station may be required.

Northern Midlands draft Local Provisions Schedule

Commission consideration

55. The Commission is persuaded that the General Residential Zone should be applied instead of the Future Urban Zone at 38 and 44 Phillip Street. The Commission is satisfied that sufficient demand for the land exists given current housing affordability and supply issues in the area. The Commission is also satisfied that the General Residential Zone is consistent with the regional strategy, the Perth Structure Plan and the Northern Midlands Council Land Use and Development Strategy. The Commission notes that the land can be serviced as required to meet the requirements of GRZ 1 of Guideline No. 1.
56. The Commission is not satisfied that the General Residential Zone should be applied in place of the Future Urban Zone at 30 Phillip Street until further details about the flood-risk to that land can be provided.

Commission decision

57. Modification:
 - Revise the zoning of 38 and 44 Phillip Street, Perth (folios of the Register 23463/1 and 23463/2) to General Residential.
58. Reason: To apply the General Residential Zone consistent with Guideline No. 1.

Commission consideration under section 35KB

59. The Commission finds that the amendment is a substantial modification as there may be a public interest in the amendment. Under section 35KB, the Commission considers the substantial modifications required are suitable to be made by way of an amendment, under Part 3B of the Act, of the Northern Midlands LPS, after it comes into effect.

Commission decision under section 35KB

60. Draft amendment directed to the Northern Midlands LPS:
 - Revise the zoning of 38 and 44 Phillip Street, Perth (folios of the Register 23463/1 and 23463/2) to General Residential as shown in Attachment 3.
61. Reason:
 - To apply the General Residential Zone consistent with Guideline No. 1.
 - The Commission considers that the modification is a substantial modification as there may be a *public interest*.

General Residential Zone – Drummond Street, Perth folio of the Register 173776/1

Representations: Hugh Mackinnon (49)

62. The representor requested that part of Drummond Street, Perth, folio of the Register 173776/1 located to the east of the Midland Highway, be revised from the Rural Zone and Landscape Conservation Zone to the General Residential Zone, or the Future Urban Zone. The reasons include:
 - Perth is a satellite suburb independent of Launceston;
 - the Perth Structure Plan identifies the land as providing strategic reserves for future residential growth; and
 - the Midland Highway establishes a new and appropriate “hard edge” to the Perth settlement, delineating parcels of land presently undeveloped and previously utilised for agriculture which are severed from the main farming areas of the remainder of the property located on the western side of the Midland Highway.

Northern Midlands draft Local Provisions Schedule

63. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS because further strategic land use planning of the area was required before an alternative zone could be applied.
64. At the hearing, the representor was represented by Ms. Justine Brooks of PDA Surveyors who provided a further submission to the representation and made the following comments:
 - the response given in the s.35F report relates to ministerial advice given in 2017, without regard for more contemporary advice on the ability to address the housing crisis, provided in the 2022 State of the State address;
 - the planning authority has already undertaken strategic work through the Perth structure plan;
 - the owner has commissioned a land use review and farm management plan (included in the submission);
 - the planning authority only proposes the Rural Zone because it intends to acquire the land for a public sporting facility, and that the Rural Zone would lower the value of the land;
 - the owner had a current request for a rezoning of the land that was under assessment by the planning authority;
 - the Rural Zone is inconsistent with RZ1 of Guideline No. 1. The land is located within an urban area and adjoins a General Residential Zone on the southern boundary;
 - the Landscape Conservation Zone is inconsistent with LCZ1 of Guideline No. 1 because the land does not contain landscape value identified in any layers available on the LIST;
 - the General Residential Zone is consistent with Guideline No. 1 in that the site is not targeted for higher densities and is able to be connected to reticulated services. The site is also identified as urban residential land in the Perth Structure Plan; and
 - flood mapping of Sheep Wash Creek (shown as drain) identifies inundation as an issue, however it is not one that engineering mitigations could not address, and there is a potential that modelling to determine flood risk is outdated.
65. In response, the planning authority stated that there are substantial areas that are already zoned General Residential or Future Urban in Perth, but was supportive of the Future Urban Zone being applied to protect the land from inappropriate use and development that may compromise the use and development of the land for housing. The planning authority added that it had applied the Landscape Conservation Zone to the southern portion of the land to avoid potential use and development of the land being impacted by noise from the highway.

Commission consideration

66. The Commission accepts that the land is significantly fettered for agricultural or other rural uses by virtue of the land's proximity to sensitive uses within Perth, and a lack of cohesion with the majority of the holding to the west. The Commission also considers that the land does not contain landscape values that warrant application of the Landscape Conservation Zone.
67. The Commission is therefore of the view that the Future Urban Zone should be applied to the land in order to protect it from use and development that might compromise its future conversion to urban residential land. The Commission is satisfied that the regional strategy (Supporting Consolidation Area - Map D.1), the Greater Launceston Plan and the Perth Structure Plan identify a strategic intention for the land to be used and developed as urban residential land in the future. Any issues such as management of flooding around Sheepwash Creek to the north east, and the potential impacts that the Perth Bypass to the west could have on residential amenity, are able to be assessed at the time the land is proposed to be rezoned to General Residential.

Commission decision

68. Modification:

- Revise the zoning of that part of Drummond Street, Perth folio of the Register 173776/1 located to the east of the Midland Highway, Perth to Future Urban; and
- Revise those parts of reserved roads adjacent to the above properties to the Future Urban Zone.

69. Reason: To apply the Future Urban Zone consistent with the purpose of the zone and Guideline No. 1.

Rural Living Zone – Breadalbane

Representations: Kaylene Challis (22), Occupier of 861 Hobart Road, (23) Patricia Newlands (24), Patricia (25), P Rae (26), Paul and Leonie Westgarth (27) and (29), Occupier of 3 Raeburn Road, (28) James Smith (30), Michael Challis (31), Heath Clayton (38), Mary-Jane Wright (39)

70. The representors requested that the following parcels of land at Breadalbane be revised from the Agriculture Zone to the Rural Living A or B Zone:

- 832 Hobart Road, Breadalbane (folio of the Register 109407/1);
- 843 Hobart Road, Breadalbane (folio of the Register 35634/2);
- 852 Hobart Road, Breadalbane (folio of the Register 43352/1);
- 854 Hobart Road, Breadalbane (folio of the Register 65418/1);
- 861 Hobart Road, Breadalbane (folio of the Register 32317/1, 2, 3, 4, 5, 6 and 7);
- 1 Raeburn Road, Breadalbane (folio of the Register 25731/2); and
- 3 Raeburn Road, Breadalbane (folio of the Register 53667/1).

71. The reasons include:

- Breadalbane is a historic township of small holdings with multiple uses;
- the history of Breadalbane is one of supporting the surrounding agricultural land, but does not contain agriculture as a primary use;
- a report by JMG titled “Zone and Code Recommendations” was prepared to assist the Northern Midland Council in its review of land use. In this report JMG suggested that land identified as potentially constrained and located adjacent to multiple lots should be included in the Rural Living Zone instead of the Agriculture Zone;
- the land is not identified as prime agriculture land under the land capability mapping available on the LIST; and
- the area is well-serviced with infrastructure.

72. All of the representors noted support for the representation made by Mr. Heath Clayton.

73. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS. The reasons include that the LPS is not a suitable opportunity to undertake significant strategic land use planning, and the expansion of the Rural Living Zone would be inconsistent with the regional strategy.

74. At the hearing, Mr. Clayton reiterated the content of the representations and added that the average lot size in Breadalbane is less than Devon Hills and an agricultural assessment was undertaken on land in the area in the past, which identifies that the area has class 4 and 5 soils.

75. In response, the planning authority stated that the change was too significant and may not accord with the regional strategy because Breadalbane was not identified as a settlement.

Commission consideration

76. The area contains up to 27 small titles, ranging in area from 300m² to 2.6ha. Half of these parcels are near 1000m². The land is sited within a broader area of land zoned Agriculture.
77. The Commission accepts the representor's views that the Agriculture Zone is not suitable for isolated titles within the settlement, however the identification of an appropriate alternative zone is not evident at this time. The Commission considers that application of the Rural Living Zone is premature in the absence of a strategic planning study to identify the extent of the mixed uses of Breadalbane and is of the opinion that the zoning of the area should be reviewed by the planning authority in future.

Commission decision

78. The Commission considers that no modifications are required.

Rural Living Zone – Gibbet Hill, Perth

Representations: ERA Planning and Associates for Northern Midlands Council (2), Erin Eiffe (19), Terra Firma Planning for Carlton and Peter Dixon (46)

79. The representations made by ERA Planning and Associates (2) and Erin Eiffe (19) were supportive of the Rural Living Zone A for the following reasons:
 - the proposed zoning would 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; and
 - the area is not currently connected to reticulated water and sewer and there are limitations to onsite servicing and the downstream stormwater network.
80. The representation made by Terra Firma Planning (46) was opposed to application of the Rural Living Zone in the area and requested that the land at 65, 83 and Lot 2 Fairtlough Street (folios of the Register 117849/2, 180515/1 and 178951/2) be revised to the General Residential Zone, on the following grounds:
 - the Rural Living Zone would result in the land being under-utilised
 - the land is fully serviceable, subject to feasible upgrading; and
 - Perth has natural and constructed peripheral constraints that make expansion for future housing very difficult to achieve.
81. In the section 35F report, the planning authority was supportive of the Rural Living Zone. The planning authority made the following comments in response to the proposed General Residential Zone at Fairtlough Street:
 - the Rural Living Zone A is suitable for the land at this time, as justified in the draft LPS Supporting Report, February 2021 that outlines the rationale for the Perth SAP and the draft provisions; and
 - wider strategic changes (if necessary) can be considered as part of the usual planning scheme amendment process where there is appropriate strategic planning to support such changes. This would enable consideration of the strategic merit of including surrounding land in the same zone, rather than dealing with isolated spot-zoning.
82. At the hearing, the owner of the land at 65 Fairtlough Street, Perth, Mr. Carlton Dixon and his representative spoke to the serviceability of the southern part of Gibbet Hill, and expressed the view that if the land can be serviced, it should be General Residential.

Northern Midlands draft Local Provisions Schedule

83. In response, the planning authority provided that the Rural Living Zone A is the most appropriate because it would generally maintain existing development rights in the area and would be consistent with the character of the area. The planning authority also noted that the stormwater drainage system in the area may not be suitable to accept further connections at this time, and noted that expansion of the General Residential Zone and urban residential use and development was prioritised in other areas of the settlement at this time.

Commission consideration

84. The Commission is satisfied that the Rural Living Zone is consistent with RLZ1(a) and RLZ2(a) of Guideline No. 1 and notes that RSN-P22 of the regional strategy supports application of the Rural Living Zone to reflect existing established rural-residential areas. The Commission accepts the rationale provided in the planning authority's supporting report that the land in the Gibbet Hill Area is not intended to provide for the residential demand projected in the Northern Midlands Council Development Strategy.
85. The Commission also notes the planning authority's comments that the zoning of the broader area at the northern end of Fairtlough Street can be considered in future, including whether appropriate stormwater infrastructure can be provided to service new lots in the event that the land is zoned for higher density residential development.

Commission decision

86. The Commission considers that no modifications are required.

Rural Living Zone – 443 Relbia Road, Relbia

Representation: Peter Dixon (3)

87. The representor requested that the land at 443 Relbia Road, Relbia be revised from the Agriculture Zone to the Rural Living Zone. The reasons include that the property adjoins existing Rural Living Zone properties to the north.
88. In the section 35F report, the planning authority considered the representation did not warrant revision for the following reasons:
- it would be inconsistent with the regional strategy, which does not encourage the expansion of the Rural Living Zone;
 - the land is identified as unconstrained in the State land potentially suitable for the agriculture zone mapping, which would ordinarily mean it would be expected to be zoned Agriculture; and
 - it would result in a spot-zoning within an area predominantly zoned Agriculture Zone.
89. At the hearing, the representor contended that the land should be zoned Rural Living because it adjoined an existing Rural Living Zone to the north, and because it had poor agricultural capability.

Commission consideration

90. The Commission considers the extension of the Rural Living Zone to include unconstrained agriculture land is contrary to the State Policy on the Protection of Agricultural Land. The Commission notes the representor's view the land is of lesser quality than the rest of the holding, however the land may still be used in conjunction with the higher quality land and therefore should remain in the Agriculture Zone.
91. The application of the Rural Living Zone is inconsistent with RLZ4(c) of Guideline No. 1.

Commission decision

92. The Commission considers that no modifications are required.

Rural Living Zone – 1095 Bishopsbourne Road, Bishopsbourne

Representations: Stewart McGee for the Stewart McGee Family Trust (5) and Ivan Badcock (48)

93. Mr. Ivan Badcock (48) requested that the land at 1095 Bishopsbourne Road, Bishopsbourne be revised from part Village Zone and part Agriculture Zone to the Village Zone. The reasons include:
 - the area is within the original survey recording of the township of Bishopsbourne;
 - rezoning to Village would establish a buffer zone around the Recreation Ground and Community Centre, reducing the effects of intense agriculture activities from dust, noise and potential spray drift; and
 - a similar request to rezone the area to Village was approved by the planning authority, but not proceeded with.
94. The representation made by Mr. Stewart McGee (5) was supportive of the Village Zone and Agriculture Zone as exhibited. The reasons were that the area is a significant agricultural area, with productive soils and access to irrigation water.
95. In the section 35F report, the planning authority recommended that where that part of the land was zoned Agriculture, it should be revised to the Rural Living Zone because application of the Rural Living Zone B would allow for Discretionary subdivision of lots to 1.6ha instead, which is consistent with the area of the property at 1105 Bishopsbourne Road.
96. Prior to the hearing, in response to a direction the planning authority provided further details in relation to the recommended change to rezone the land to Rural Living B, with regard for the regional strategy as follows:
 - RSN-P21 - 1095 Bishopsbourne Road is outside an urban area;
 - RSN-P24 - the location will use existing roads, with access to services in Longford in approximately 12 minutes by car and in Launceston approximately 30 minutes by car;
 - RSN-A20 - the proposal for Rural Living B is based on the larger lot sizes within Bishopsbourne; and
 - RSN-A24 - the proposal to zone 1095 Bishopsbourne Rural Living B would result in the Rural Living Zone adjacent to agricultural land to the north, east and south (over Bishopsbourne Road).
97. The planning authority further noted that the development of a dwelling on any future lot would require assessment against clause 21.4.2 of the SPPs, which requires a 200m setback from land zoned Agriculture under the Acceptable Solution A2. The planning authority acknowledged that the land surrounding was unconstrained under the State land potentially suitable for the agriculture zone mapping, had a land capability of class 3 (land suited to cropping and intensive grazing with moderate limitations to use) and class 4 (land well suited to grazing but which is limited to occasional cropping or a very restricted range of crops). The land proposed for the Rural Living Zone (1095 Bishopsbourne Road) was class 3.
98. At the hearing, Mr. and Mrs. McGee made the following comments in support of representation 5:
 - the inherent value of the soils has been recognised in Land Capability Surveys with most of the district mapped as Class 3;
 - the area has access to two proclaimed irrigation districts (Cressy Longford Irrigation Scheme, and Whitemore Irrigation Scheme);
 - land within irrigation districts must to be protected from conversion to non-agricultural use;

Northern Midlands draft Local Provisions Schedule

- the land subject to representation (48) should retain its Agriculture zoning because it is prime agricultural land and its conversion to non-agricultural use would be contradictory to the State Policy on the Protection of Agricultural Land 2009;
 - smaller blocks like the subject site are still useful for people to enter the Agriculture industry;
 - rezoning would add to the complexity of the management of the adjoining agricultural land;
 - the surrounding farm involves extended hours of operation during the harvest seasons, including light emissions from tractor headlights and irrigator noise, each of which are incompatible with residential amenity; and
 - wandering dogs have degraded farm products and the introduction of further residences would increase this risk.
99. At the hearing, Mr. Badcock made the following comments in support of his representation:
- the area to be rezoned is small; and
 - additional residences would provide local options for workers and may ameliorate the loss of services and facilities the town has previously held.
100. In response, the planning authority maintained its support for the Rural Living Zone B, particularly noting the availability of services and the distance to Longford, adding it is the most logical extension of the existing settlement.

Commission consideration

101. The Commission agrees with the submissions made by Mr. and Mrs. McGee. The extension of the Rural Living Zone over unconstrained agriculture is contrary to the State Policy on the Protection of Agricultural Land and Guideline No. 1. Application of the Rural Living Zone is inconsistent with RLZ4 (c) of Guideline No. 1. Additionally, the Commission disagrees with the planning authority that the Rural Living Zone is consistent with the regional strategy.

Commission decision

102. The Commission considers that no modifications are required.

Rural Living Zone – 22 Sheridan Court, Longford

Representation: Terra Firma Planning for Carlton and Peter Dixon (46)

103. The representor requested that the land at 22 Sheridan Court, Longford be revised from the Rural Living Zone D to the Rural Living Zone C. The reasons include:
- the property is ideally suited to provide for additional rural-residential opportunities through subdivision, without impact on character;
 - the Rural Living Zone D presents an under-utilisation of land; and
 - in the absence of an apparent local strategy for Rural Living, the regional strategy is relevant and the subject site clearly has the attributes to support modest densification.
104. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS. The reasons include:
- the planning authority has attempted to apply provisions that are similar to the provisions of the interim planning scheme, both spatially and from the ordinance (use class and development provisions) wherever possible; and
 - the Rural Living D sub-zone would result in an effective spot-zoning; and
 - further strategic planning work is intended to be undertaken when the assessment of the draft LPS process is completed, with amendments considered as part of the usual

Northern Midlands draft Local Provisions Schedule

planning scheme amendment process where there is appropriate strategic planning to support such changes.

105. At the hearing, the representor spoke to the locality and the immediate vicinity of the site as being distinguishable as a court, that could be densified as provided for by the Regional Strategy.
106. After the hearing, in response to directions issued by the Commission, the representor provided a statement that clarified how the Rural Living C sub-zone would comply with the regional strategy. The response included the following comments:
 - Sheridan Court is located close to the periphery of Launceston's urban area, specifically Prospect Vale;
 - the nature of the lots fronting a court rather than an arterial road provides better opportunity for densification without linear intensification of accesses;
 - a 4ha minimum lot size allows for sufficient area to manage wastewater onsite;
 - there are mechanisms for the management of natural values both through the Scheme and agreements entered into under section 71 of the Act;
 - potential lot sizes and the absence of a need for significant works, cause for a highly probable situation where development may proceed outside of the mapped Landslip Hazard Area overlay; and
 - the land has been identified as an established rural-residential area and the densification of rural-residential areas is provided for in the strategy where a number of matters are to be balanced; specifically, impact on agricultural and environmental values of land in the surrounding area and impact on conversion of agricultural land; and
 - the regional strategy supports the provision of rural-residential opportunities through densification in appropriate locations as a general policy that it is a legitimate part of the housing mix for the city and for other towns and villages. Whilst Launceston does not rely on rural-residential land use as a significant population contributor, a large part of the city's attraction is that it has a range of housing choices within close proximity.

Commission consideration

107. The Commission is not persuaded that the Rural Living Zone C should be applied to the land in the absence of a local strategy that examines the subdivision density for all of the land zoned Rural Living along Pateena Road and Norwich Drive.
108. The Commission considers that there is insufficient information to determine whether the Rural Living Zone C is consistent with the regional strategy and Guideline No. 1, in particular RLZ 2(a), and RLZ3(a)..
109. The Commission notes that the lot sizes in the area (usually between 8-15ha) are generally commensurate with the larger 10ha minimum lot size provided by the Rural Living Zone D. Although there are three smaller lots around the intersection of Sheridan Court and Pateena Road, these lots are not typical of the broader area.
110. However, the Commission acknowledges some merit in the argument put forward by the representor that the Rural Living Zone C is consistent with the regional strategy and Guideline No. 1. Specifically, the Commission notes the proximity of the land to Launceston's urban area, the potential for densification without undue land use conflict with surrounding use, impact on natural values, impact on access to existing roads and services and the desire for a range of housing options.
111. Nevertheless, the Commission considers that the Rural Living Zone C should not be applied in isolation of the surrounding Rural Living Zone, as adjustments to the subdivision density of the surrounding land may also be warranted. The Commission notes that the planning authority

Northern Midlands draft Local Provisions Schedule

may undertake strategic planning work following the draft LPS assessment to determine whether an alternative subdivision density should be applied to the subject site and surrounding land.

Commission decision

112. The Commission considers that no modifications are required.

Rural Living Zone – 116 and 120 Catherine Street, and 18 Wilmores Lane Longford

Representations: Town Planning Solutions for Andrew and Meredith Meeves (10), Plan Place for Leigh and Aleisha Barrett (13).

113. The representors requested that the land at 116 and 120 Catherine Street and 18 Wilmores Lane Longford be revised from the Agriculture Zone to the Rural Living Zone C. The reasons include:
- the Rural Living Zone request is consistent with RLZ 1 to RLZ 4 of Guideline No. 1;
 - the subject site is potentially constrained (Criteria 2B) under the State land potentially suitable for the agriculture zone mapping, as it is approved for residential use and is considered to have no capacity for commercial agricultural use; and
 - 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 Longford is strategically identified for residential expansion.
114. In the section 35F report, the planning authority opposed the request on the basis that it was currently undertaking a strategic review of the settlement strategy at Longford, which would determine if any changes to the zoning was warranted. In addition, the planning authority noted that the land was located within an attenuation area for the Austral Brick site at 15 Weston Street, Longford proposed in the Attenuation Area overlay.
115. Prior to the hearing the planning authority provided further details to support its position and made the following comments:
- the site is not in an urban area;
 - the land is outside the urban growth area, but partially within the projected urban growth boundary of the Longford Development Plan;
 - the land is located at the outskirts of Longford, but is provided with local services; and
 - the land is identified in the State land potentially suitable for the agriculture zone mapping.
116. At the hearing, Mr. Purves for Andrew and Meredith Meeves spoke generally to his contention that Rural Living Zone C is more appropriate than the Agriculture Zone because of the type of existing land use in the immediate locality. Further, application of the Attenuation Area overlay was not suitably justified in the draft LPS supporting report.
117. Ms. Goess for Leigh and Aleisha Barrett noted that the land would not achieve the primary purpose of the Agriculture Zone and that the Rural Living Zone offers a transition between urban and agricultural use on the fringe of the settlement.
118. In response to the statements made by the representors, the planning authority was persuaded that the Rural Living Zone C should be applied.
119. After the hearing, the representors each provided submissions of points in closing. These include:
- there is a demonstrable experience of change in land use, as evident by the release and sale of titles from historic grants and the prevailing pattern of single dwellings on larger allotments within southern Longford; and

Northern Midlands draft Local Provisions Schedule

- the Agriculture Zone should not be applied. There is expert evidence on the agricultural potential of the land broadly, which has been provided with representation 17, which relates to the adjacent land at 86 Burley Street.
120. The planning authority provided evidence that the owner of 130 Brickendon Street was supportive of application of the Rural Living Zone C, however no response to the proposal had been received from the owner of 140 Catherine Street.

Commission consideration

121. The Commission is satisfied that the land has limited agricultural potential, and also accepts that the surrounding residential uses in southern Longford constrain agricultural use. Consequently, the Commission accepts that the land is not conducive to uses which would give effect to the purpose of the Agriculture Zone, and that an alternative zone should be applied.
122. The Commission agrees that the Rural Living Zone C is consistent with the regional strategy, and therefore is consistent with RLZ 2 (a). The Commission is of the opinion that the Rural Living Zone C should also be applied to 140 Catherine Street and 130 Brickendon Street in order to provide a contiguous zoning pattern in the area.

Commission decision

123. Modification:
- Revise the zoning of 18 Wilmores Lane (folio of the Register 116434/3), 116 Catherine Street (folio of the Register 168940/1) and 120 Catherine Street (folio of the Register 168940/2), 140 Catherine Street (folio of the register 116434/2) and 130 Brickendon Street, Longford (folio of the register 116434/1) to Rural Living Zone C.
124. Reason: To apply the Rural Living Zone consistent with Guideline 1.

Commission consideration under section 35KB

125. The Commission finds that the amendment relating to the application of the Rural Living Zone is a substantial modification as there may be a public interest in the amendment. Under section 35KB, the Commission considers the substantial modifications required are suitable to be made by way of an amendment, under Part 3B of the Act, of the Northern Midlands LPS, after it comes into effect.

Commission decision under section 35KB

126. Draft amendment directed to the Northern Midlands LPS:
- Revise the zoning of 18 Wilmores Lane (folio of the Register 116434/3), 116 Catherine Street (folio of the Register 168940/1) and 120 Catherine Street (folio of the Register 168940/2), 140 Catherine Street (folio of the register 116434/2) and 130 Brickendon Street, Longford (folio of the register 116434/1) to Rural Living Zone C.
127. Reason:
- To apply the Rural Living Zone consistent with Guideline No. 1.
 - The Commission considers that the modification is a substantial modification as there may be a public interest.

Rural Living Zone D – 101 Pateena Road, Travellers Rest

Representation: Rebecca Green and associates for David Cordell and Dimity Calvert (21)

128. The representor requested that part of the land at 101 Pateena Road, Travellers Rest be revised from the Agriculture Zone to the Rural Living Zone D. The reasons include:

Northern Midlands draft Local Provisions Schedule

- the property should align to the zoning of the remainder of the portion of land which lies within the Meander Valley Council municipality; and
 - there is no agricultural potential for the site owing to the land use pattern (adjacent to land zoned Rural Living), as identified in an agricultural assessment submitted with the representation.
129. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS because the land is mapped as unconstrained in the State land potentially suitable for the agriculture zone mapping, and any changes to the proposed zoning should be considered outside of the draft LPS assessment process.
130. At the hearing, the planning authority acknowledged the expertise of the representor's accompanying agricultural assessment, and also noted that a municipal boundary adjustment to include the whole title within the municipality was likely to occur in the near future.

Commission consideration

131. The Commission acknowledges the limited potential for agriculture, and agrees that the zoning of the land should be revised from Agriculture Zone to the Rural Living Zone D. These changes also ensure that the draft LPS meets the requirements of section 34(2)(g) of the Act. The Commission also notes that the land contains priority vegetation and is of the opinion that the Priority Vegetation Area overlay should be applied to the land.

Commission decision

132. Modification:
- Revise the zoning of 101 Pateena Road, Travellers Rest (folio of the register 122299/6) to Rural Living D apply the Priority Vegetation Area overlay consistent with the Regional Ecosystem Model.
133. Reason: To ensure the draft LPS meets the requirements of section 34(2)(g) of the Act and Guideline No 1.

Rural living Zone adjoining the Rail Corridor – Evandale, Ross and Campbell Town

Representation: TasRail (36)

134. The representor raised concern with the application of the Rural Living Zone to parcels of land at Evandale (folios of the Register 80904/5 and 131225/8), Ross (folios of the Register 115864/2 and 115864/3) and Campbell Town (folios of the Register 243740/1, 243742/4 and 243741/3). The reasons include:
- development adjoining the (rail) corridor should consider the exposure to rail noise and vibration; and
 - there should be no assumption that the rail corridor drainage system is available for discharge of stormwater or other run-off.
135. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS, because it is of the opinion that it is not a matter for the LPS Process to address.

Commission consideration

136. The Commission considers the representation largely relates to future development which may occur in the Rural Living Zone, rather than direct concern with the application of the zone. The Commission notes that the provisions of the Road and Railway Assets Code will apply to use and development for sensitive uses within 50m of the rail corridor.

Commission decision

137. The Commission considers that no modifications are required.

Rural Zone – Private Timber Reserves

Representation: Forico Pty Ltd (6)

138. The representor noted an inconsistency with the application of the Agriculture Zone, where land is part of a State forest and private land with a high probability of being maintained in the permanent forest estate. Particular concern was raised, noting while use of the land is the same, different zoning will inevitably raise issues of inequitable application of land use and development regulation. The representor particularly noted an area of land at Blackwood Creek that featured a number of private timber reserves that were zoned Agriculture, that were adjacent to two parcels of Permanent Timber Production Zone land that were zoned Rural.
139. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS. The reasons include:
- the Agriculture Zone most closely aligns with the current provisions of the Rural Resource Zone in the interim planning scheme, which the planning authority sought to maintain;
 - private timber reserves do not warrant application of a particular zone, and in the event that leases, agreements, or covenants are terminated, the land could revert back to its primary purpose provided for by the Agriculture Zone; and
 - the two parcels of Permanent Timber Production Zone land at Blackwood Creek mentioned by the representor were not classified under the State land potentially suitable for the agriculture zone mapping since forestry land was excluded from the original review as it was considered to be better suited to the Rural Zone.
140. Prior to the hearing, the representor provided the following list of properties that it proposed to be zoned Rural:
1. Musk Valley Road, Blackwood Creek, folio of the Register 248112/1;
 2. Musk Valley Road, Blackwood Creek, folio of the Register 246872/1;
 3. 1066 Blackwood Creek Road, Blackwood Creek, folio of the Register 149669/1 (PID 2807377);
 4. Lot 1 Blackwood Creek Road, Blackwood Creek, folio of the Register 149669/1 (PID 2779329);
 5. Hayes Road, Blessington folio, of the Register 226558/1;
 6. English Town Road, Deddington, folio of the Register 120555/1;
 7. English Town Road, Deddington, folio of the Register 200870/1;
 8. English Town Road, Deddington, folio of the Register 40675/1;
 9. English Town Road, Deddington, folio of the Register 120149/1;
 10. Storys Creek Road, Rossarden, folio of the Register 246874/1;
 11. Storys Creek Road, Rossarden, folio of the Register 224044/1;
 12. Storys Creek Road, Rossarden, folio of the Register 224043/1;
 13. Storys Creek Road, Rossarden, folio of the Register 224045/1;
 14. Storys Creek Road, Rossarden, folio of the Register 224042/1;
 15. Storys Creek Road, Rossarden, folio of the Register 224041/1;
 16. Storys Creek Road, Rossarden, folio of the Register 224040/1;
 17. Lot 1 Rossarden Road, Rossarden, folio of the Register 118894/1;
 18. Merrywood Road, Royal George, folio of the Register 239075/1;
 19. 560 Merrywood, Royal George, folios of the Register 211162/1, 247612/2, 213306/1, 213305/1, 247612/1, and 109032/1.

Northern Midlands draft Local Provisions Schedule

141. At the hearing, Ms. Jo Oliver for the representor made the following comments:

- given the ownership of the land and the use of the land for permanent forestry activity, the land should be zoned Rural, so as to align to that methodology for a State forest;
- the land is generally part of a continuous forestry network, an interacting network of infrastructure that should be included in the same Rural Zone. The activities spread across that network include felling, processing and forwarding of logs, road construction, quarrying of material for roads and transportation of logs. The representor identified there is a difference in outcome for the use of the land related to quarrying activities, where those activities may not be specifically tied to forestry operations; and
- the land should be zoned according to the likely use of the land, which is forestry.

142. The planning authority was persuaded by the representor's view, but added that an exception would not be made for prime agricultural land.

Commission consideration

143. The Commission accepts that the long term intended purpose of the land identified by the representor is for forestry operations, and notes that none of the properties contain prime agricultural land. Therefore, the Commission considers that application of the Rural Zone is consistent with Guideline No. 1 and the purpose of the Zone.

Commission decision

144. Modification:

- Apply the Rural Zone to the following properties:
 1. Musk Valley Road, Blackwood Creek, folio of the Register 248112/1;
 2. Musk Valley Road, Blackwood Creek, folio of the Register 246872/1;
 3. 1066 Blackwood Creek Road, Blackwood Creek, folio of the Register 149669/1 (PID 2807377);
 4. Lot 1 Blackwood Creek Road, Blackwood Creek, folio of the Register 149669/1 (PID 2779329);
 5. Hayes Road, Blessington folio of the Register 226558/1;
 6. English Town Road, Deddington, folio of the Register 120555/1;
 7. English Town Road, Deddington, folio of the Register 200870/1;
 8. English Town Road, Deddington, folio of the Register 40675/1;
 9. English Town Road, Deddington, folio of the Register 120149/1;
 10. Storys Creek Road, Rossarden, folio of the Register 246874/1;
 11. Storys Creek Road, Rossarden, folio of the Register 224044/1;
 12. Storys Creek Road, Rossarden, folio of the Register 224043/1;
 13. Storys Creek Road, Rossarden, folio of the Register 224045/1;
 14. Storys Creek Road, Rossarden, folio of the Register 224042/1;
 15. Storys Creek Road, Rossarden, folio of the Register 224041/1;
 16. Storys Creek Road, Rossarden, folio of the Register 224040/1;
 17. Lot 1 Rossarden Road, Rossarden, folio of the Register 118894/1;
 18. Merrywood Road, Royal George folio of the Register 239075/1; and
 19. 560 Merrywood, Royal George, folios of the Register 211162/1, 247612/2, 213306/1, 213305/1, 247612/1, and 109032/1.
- Apply the Priority Vegetation Area overlay to the following properties:
 1. Musk Valley Road, Blackwood Creek, folio of the Register 248112/1;
 2. Musk Valley Road, Blackwood Creek, folio of the Register 246872/1;
 3. 1066 Blackwood Creek Road, Blackwood Creek, folio of the Register 149669/1 (PID 2807377);

Northern Midlands draft Local Provisions Schedule

4. Lot 1 Blackwood Creek Road, Blackwood Creek, folio of the Register 149669/1 (PID 2779329);
 5. Hayes Road, Blessington folio of the Register 226558/1;
 6. English Town Road, Deddington, folio of the Register 120555/1;
 7. English Town Road, Deddington, folio of the Register 40675/1;
 8. English Town Road, Deddington, folio of the Register 120149/1;
 9. Storys Creek Road, Rossarden, folio of the Register 246874/1;
 10. Storys Creek Road, Rossarden, folio of the Register 224044/1;
 11. Storys Creek Road, Rossarden, folio of the Register 224043/1;
 12. Storys Creek Road, Rossarden, folio of the Register 224045/1;
 13. Storys Creek Road, Rossarden, folio of the Register 224042/1;
 14. Storys Creek Road, Rossarden, folio of the Register 224041/1;
 15. Storys Creek Road, Rossarden, folio of the Register 224040/1;
 16. Lot 1 Rossarden Road, Rossarden, folio of the Register 118894/1;
 17. Merrywood Road, Royal George folio of the Register 239075/1; and
 18. 560 Merrywood, Royal George, folios of the Register 211162/1, 247612/2, 213306/1, 213305/1, 247612/1, and 109032/1.
145. Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Zone – 500 and 502 Hobart Road, Youngtown

Representation: All Urban Planning for Finney Funeral Services (4)

Submission accepted by the Commission: All Urban Planning for Finney Funeral Services

146. The representor requested that the land at 502 Hobart Road, Youngtown (folio of the Register 178406/1) be revised from part Utilities Zone and part Rural Living Zone D so that it is wholly included in the Rural Living Zone D.
147. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS because the land was already wholly included in the Rural Living Zone D.
148. The Commission notes that the representor also made a submission that related to the same land and the adjacent land at 502 Hobart Road, Youngtown after the exhibition of the draft LPS, which closed on 21 December 2021. The submission was received on 3 June 2022 and tabled at the hearing on 10 June 2022, where it was accepted by the Commission with the agreement of the planning authority. The submission made a request that the Rural Zone be applied to the land for the following reasons:
 - 502 Hobart Road is used as an existing funeral chapel and crematorium for Finney Funerals. The owners of Finney Funerals recently purchased the adjacent property at 500 Hobart Road to provide for future improvements, extension, and associated services to complement the funeral chapel and crematorium as well as to provide for a buffer around the existing facility;
 - given consideration of the allowable uses in the Rural Resource Zone of the interim planning scheme, it is requested that both 500 and 502 be Zoned Rural rather than Rural Living D; and
 - the owners are reviewing their options for future zoning of 500 Hobart Road, in particular whether the land should be zoned Light Industrial.
149. The planning authority was supportive of the Rural Zone.

Northern Midlands draft Local Provisions Schedule

Commission consideration

150. The Commission notes that the Rural Living Zone was applied to the land so that the zone was consistent with the zoning of the land to the east, partially in the Launceston planning area, despite use of the land at 502 Hobart Road for an existing funeral chapel and crematorium. The Commission notes that site-specific qualification NOR-11.4 was applied to provide for the use of Crematoria and Cemeteries as Discretionary given it is normally prohibited in a Rural Living Zone under the SPPs.
151. The Commission notes however, that the landowner's recent acquisition of the adjacent property in March 2022 has changed the circumstances upon which the planning authority applied the Rural Living Zone and site-specific qualification. The Commission agrees that the Rural Zone should be applied to the land because it provides for the existing and intended future use. A consequential amendment to remove site-specific qualification NOR-11.4 is therefore required.

Commission decision

152. Modification:
 - Revise zoning of the land at 500 and 502 Hobart Road, Youngtown (folios of the Register 178406/1 and 141258/1) to Rural.
 - Revise the draft LPS written document by deleting Site-specific Qualification NOR-11.4; and
 - Revise the Site-specific Qualifications overlay map by deleting Site-specific Qualification NOR-11.4.
153. Reason: To apply the Rural Zone consistent with the RZ 1 of Guideline No.1

Commission consideration under section 35KB

154. The Commission finds that the amendment is a substantial modification as there may be a public interest in the amendment. Under section 35KB, the Commission considers the substantial modifications required are suitable to be made by way of an amendment, under Part 3B of the Act, of the Northern Midlands LPS, after it comes into effect.

Commission decision under section 35KB

155. Draft amendment directed to the Northern Midlands LPS:
 - Revise zoning of the land at 500 and 502 Hobart Road, Youngtown (folios of the Register 178406/1 and 141258/1) to Rural.
 - Revise the draft LPS written document by deleting Site-specific Qualification NOR-11.4 as shown in Annexure A to Attachment 2; and
 - Revise the Site-specific Qualifications overlay map by deleting Site-specific Qualification NOR-11.4.
156. Reason:
 - To apply the Rural Zone consistent with Guideline No. 1.
 - The Commission considers that the modification is a substantial modification as there may be a public interest.

Rural Zone – Honeysuckle Road, Tooms Lake folio of the register 213493/1

Representation: John Hatzinicolaou and Darren Plunkett (33)

Northern Midlands draft Local Provisions Schedule

157. The representors requested that the land at Honeysuckle Road, Tooms Lake (folio of the register 213493/1) be revised from the Environmental Management Zone to the Rural Zone. The reasons include:
 - it is the only private title in the planning area zoned Environmental Management;
 - the Environmental Management Zone is inappropriate based on Guideline No.1; and
 - the Rural Zone is considered the most appropriate due to the intended future use of the site.
158. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS because the planning authority had attempted to apply provisions that are similar to the provisions of the interim planning scheme, both spatially and from the ordinance (use class and development provisions) wherever possible.
159. At the hearing, the representors tabled a written submission that made the following comments:
 - the claim by the planning authority that changing the zone of an individual property during the current process is not supported, is contrary to section 35E(3) of the Act which affords the right to a landowner to make a representation about the zoning of their land during the draft LPS Assessment exhibition period. Ensuring that the most appropriate zone is applied to land is central to the current Draft LPS Assessment process;
 - the Commission advised planning authorities on 25 May 2017 that the 1 to 1 conversion of equivalent zones without justification was not acceptable and that planning authorities were required to determine whether the new zone 'provisions were still applicable to the land in question'; and
 - there was no specific justification provided in the draft LPS supporting report for retaining the Environmental Management Zone for the property, and when given the opportunity to provide that justification in the section 35F Report, the planning authority chose not provide one.
160. Mr. John Thompson spoke briefly on behalf of the representors and noted there is no pathway for private land holders to have a residential use in the Environmental Management Zone, adding that in his view, this is the only private property zoned such in the municipality.
161. The representors, Mr. Plunkett and Mr. Hatzinicolaou submitted that there is an access track to the land, although no evidence of an existing right of access to the land was provided. They further stated that they had purchased the property with the intention of developing within the area excluded from the conservation covenant located on the land, and noted that the conservation covenant had been applied to the land for a financial incentive.

Commission consideration

162. The Commission observes that EMZ 1(f) of Guideline No. 1 states that the Environmental Management Zone can be applied to private land that has significant environmental values. The land is adjacent to the Snaky Creek Conservation Area and contains a conservation covenant that recognises the natural values of the land. The land also contains part of the summit of 'Little Blue Tier', and contains significant native bushland. The Commission considers that there is insufficient information to determine whether an alternative zone should apply, and what such a zone should be.

Commission decision

163. The Commission considers that no modifications are required.

Landscape Conservation Zone – General Issues

Representations: Tasmanian Land Conservancy (14), Conservation Landholders Tasmania (42),

164. The representors requested that all land with a conservation covenant declared under the *Nature Conservation Act 2002* be zoned Landscape Conservation or Environmental Management. The reasons include:
- land that contains conservation covenants are already recognised for natural values. The zone of the land should reflect the use and development potential of such land;
 - application of the Landscape Conservation Zone would satisfy Guideline No. 1;
 - conservation covenants are part of the Tasmanian Reserve Estate, which is land reserved to be managed for biodiversity conservation under Tasmania's Regional Forest Agreement. The land is also part of Australia's National Reserve System and therefore contributes 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;
 - in Tasmania, privately protected land covers a smaller area than publicly protected land, but it contains a higher percentage of threatened communities;
 - private reserves, including all private conservation covenants and Tasmanian Land Conservancy 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; and
 - that zoning of the broader landscape around conservation covenants should be carefully considered to avoid fragmentation of the land that might impact natural values.
165. In the section 35F report, the planning authority recommended against the blanket inclusion of all land with a conservation covenant in the Landscape Conservation and Environmental Management zones and noted that the primary objective in applying zones should be to achieve the zone purpose to the greatest possible extent considering the primary use of each property.

Commission consideration and observation

166. The Commission observes that conservation covenants are made under the *Nature Conservation Act 2002*, but are not reserves. The reason is that conservation covenants are not specifically identified as reserves in the interpretation in Part 3, or Schedule 1 of the *Nature Conservation Act 2002*. These sections list each type of reserve, including private nature sanctuaries and private nature reserves. The definition of 'reserved' given in the *Nature Conservation Act 2002* (as opposed to the definition for 'reserved land') means land that is 'set aside or acquired for a conservation purpose.' This means that the use of the land must be primarily for conservation purposes i.e. by having the status of a reserve of a type listed in Schedule 1 of the *Nature Conservation Act 2002*.
167. The Commission also notes the different processes prescribed for declaration of reserves (made for private land under section 12 of the *Nature Conservation Act 2002*), versus the process for the Minister to 'enter into' a conservation covenant with a landowner (made as a covenant that 'runs with' the land under section 34 of the *Nature Conservation Act 2002*). Unlike a reserve, a conservation covenant 'runs with' the land like a contract and the land is not 'set aside', meaning that it is not taken to be primarily in effect for conservation purposes.
168. Areas that have extensive conservation covenants (such as a cluster of many, a large area, or both) may demonstrate good strategic planning merit for applying this zone provided that broader landscape values (not only biodiversity values) are demonstrated. Determining the zone to apply to land that contains a conservation covenant needs to be balanced with application of zones based on sound planning principles, such as, minimising spot-zoning and

Northern Midlands draft Local Provisions Schedule

applying the zoning that satisfies Guideline No. 1 and the regional strategy. The application of zoning as the primary method of the control of use and development, should firstly be undertaken irrespective of whether a covenant applies, with weight given to the existence and content of a covenant when multiple zoning options are available.

169. Apart from the specific parcels of land considered elsewhere in this decision, the Commission generally supports the Rural and Agriculture zoning that has been applied by the planning authority. The Commission's consideration of representations that requested zoning changes to specific sites and provided significant further detail are outlined below.

Landscape Conservation Zone – Various Properties

Representations: John Thompson (9), Friends of the Great Western Tiers (20), Quenton and Christine Higgs (32), Garry and Marie Stannus (34), Lothar and Judith Reiner (35), Herbert and Sally Staubmann (37), Rocelyn Ives (41), Conservation Landholders Tasmania (42), Brian and Faye Longley (47)

170. The representors requested that land subject to conservation covenants, or land which is not included in the State land potentially suitable for the agriculture zone mapping, be revised to the Landscape Conservation Zone or the Rural Zone. The representors spoke in general terms, in addition to representations 9, 20, 32, 34, 35, 37, 41, 42 and 47, where specific examples of land subject to the request for revision were provided. The reasons for the request were:
- the blanket application of the Agriculture Zone is not consistent with the approach taken to application of zoning in other draft LPSS;
 - titles not identified in the State land potentially suitable for the agriculture zone mapping were analysed by the Agricultural Land Mapping Project and excluded from the potential constraints analysis; and
 - the rezoning of these titles to either the Rural Zone or Landscape Conservation Zone would allow the Priority Vegetation Area overlay to be applied.
171. The representation made by Mr. John Thompson (9) identified 185 titles of land proposed to be zoned Agriculture, which to varying degrees shared the below features, precluding a consideration of the Agriculture Zone because the land:
- contained conservation covenants;
 - is in close proximity to the Tasmanian Wilderness World Heritage Area;
 - is in close proximity to public reserve land;
 - has poor land capability (broadly between classes 5 and 6); and
 - is subject to the Scenic Protection Area overlay.
172. Representations 20, 32, 34, 35, 37, and 41 requested that the following properties be zoned Landscape Conservation:
- 1827 Liffey Road, Liffey (folio of the Register 45838/1) - representation 32 (Higgs);
 - 202 Jones Road, Liffey (folio of the Register 250902/1) - representation 34 (Stannus);
 - Gulf Road Liffey (folios of the Register 115193/1, 115192/2 and 128705/1) - representation 35 (Reiner);
 - 240 Jones Road, Liffey (folios of the Register 23577/1 and 209745/1) - representation 37 (Staubman); and
 - 111 Gulf Road, Liffey (folio of the Register 204354/1) - representation 41 (Ives).
173. The reasons were that the land:
- contained threatened vegetation communities and/or threatened flora, fauna or habitat;

Northern Midlands draft Local Provisions Schedule

- adjoined the Tasmanian Wilderness World Heritage Area which, under the Australian Government's *Environment Protection and Biodiversity Conservation Act 1999*, restricts uses and developments that are likely to have a significant impact on the world heritage values;
 - is covered by the Scenic Protection Area overlay;
 - contained private reserves protected by conservation covenants;
 - none of titles were identified in the State land potentially suitable for the agriculture zone mapping;
 - the Rural Zone is inappropriate because the titles contained scenic and natural values that required protection under either the Landscape Conservation Zone or the Environmental Management Zone; and
 - the Landscape Conservation Zone allows the application of the Priority Vegetation Area overlay.
174. The representation made by Brian and Faye Longley requested that the Landscape Conservation Zone be applied to 1726 Auburn Road, Ross folios of the Register 212952/1, 212953/1, 199138/1, 35605/1, 35606/1, 208425/1, 49207/1, 49207/2 and 49207/3 for the following reasons:
- 673ha of the property is protected by conservation covenant and has therefore been identified by both State and Commonwealth governments for protection and conservation of the biodiversity it contains; and
 - the land is unsuitable for agriculture.
175. In the section 35F report, the planning authority generally opposed application of the Landscape Conservation Zone to land identified in representations 9, 20, 42, and 47 for the following reasons:
- 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;
 - the representations have not provided suitable evidence that the land is primarily managed for landscape values, or that the application of the Scenic Protection Area overlay does not provide sufficient protection for land; and
 - no evidence has been provided that individual landowners support the application of the Landscape Conservation Zone to the properties.
176. The planning authority supported application of the Landscape Conservation Zone to the land subject to representations 20, 32, 34, 35, 37, and 41 as the landowners had indicated that the land subject to a private conservation covenant is being managed for landscape values, and there are significant clusters of such adjoining land that would also be zoned Landscape Conservation.
177. At the hearing, Mr. John Thompson spoke to representations 9 and 42 and made the following comments:
- the rezoning of titles not subject to separate representations by the landowners during the exhibition period should, in the interests of natural justice, be treated as a substantial modification under section 35KB of the Act;
 - 185 titles have been incorrectly rezoned from Rural Resource in the interim planning scheme to Agriculture in the draft LPS based on a misinterpretation of the State land potentially suitable for the agriculture zone mapping and Guideline No. 1;
 - the Agriculture Zone application is inconsistent with the methodology expressed in the draft LPS supporting report;

Northern Midlands draft Local Provisions Schedule

- land included in the Agriculture Zone, but not included in the State land potentially suitable for the agriculture zone mapping, has not been subject to local analysis as required by AZ7 of Guideline No. 1;
 - conservation covenants are permanently reserved and recognised by both the State and Federal governments; and
 - the rezoning of 673.1 ha to Landscape Conservation would demonstrate good strategic planning merit as it is widely visible in the landscape and spans nine adjoining covenanted titles across a very large area.
178. In response, the planning authority explained the decision methodology for application of the Agriculture Zone and noted that application of the zone had relied heavily on the State land potentially suitable for the agriculture zone mapping.
179. Mr. Thompson contended that none of the 185 titles that he had identified in his representation were subject to the State land potentially suitable for the agriculture zone mapping. Mr. Thompson particularly noted the landscape values of the land on the periphery of the Tasmanian Wilderness World Heritage Area.
180. Following the hearing, in response to directions issued by the Commission, the planning authority provided further consideration of whether any of a further 22 titles around the edge of the Tasmanian Wilderness World Heritage Area should be revised from the Agriculture Zone to the Rural Zone or Landscape Conservation Zone. The submission included an assessment rationale and made a recommendation on whether the zone should be revised to the Landscape Conservation Zone, the Rural Zone, or remain in the Agriculture Zone.
181. The planning authority recommended that the following titles be zoned Landscape Conservation:
- 307 Gulf Road, Liffey (folio of the Register 200276/1);
 - Gulf Road Liffey, (folio of the Register 246184/2);
 - 1777 Liffey Road, Liffey (folio of the Register 209589/1);
 - Smiths Road, Blackwood Creek (folio of the Register 222752/1);
 - 73 Lawrences Road, Blackwood Creek (folio of the Register 216245/1);
 - Boons Road, Blackwood Creek (folio of the Register 213781/1);
 - Hop Valley Road, Blackwood Creek (folio of the Register 157965/1);
 - Poatina Road, Poatina (folio of the Register 204293/1);
 - 4792 Poatina Road, Cressy (folio of the Register 214285/1);
 - Poatina Road, Cressy (folio of the Register 54087/1); and
 - Lake River Road, Cressy (folio of the Register 227118/1).
182. The planning authority recommended that the following titles be zoned Rural:
- 128 Jones Road, Liffey (folio of the Register 136279/2);
 - Hop Valley Road, Blackwood Creek (folio of the Register 210695/1);
 - 1278 Lake River Road, Cressy (folio of the Register 252139/1); and
 - Lake River Road, Cressy (folio of the Register 133943/1).
183. The planning authority recommended that the following titles be zoned Agriculture (no change):
- Gulf Road, Liffey (folio of the Register 177651/1);
 - Boons Road Blackwood Creek (folio of the Register 234474/1);
 - Hop Valley Road, Blackwood Creek (folio of the Register 201261/1);
 - 664 Hop Valley Road, Blackwood Creek (folio of the Register 239130/1);
 - Hop Valley Road, Blackwood Creek (folio of the Register 49966/1);

Northern Midlands draft Local Provisions Schedule

- 122 Glen Road, Cressy (folio of the Register 145325/1); and
- Lake River Road, Cressy (folio of the Register 208908/1).

Commission consideration

184. The Commission accepts the planning authority's approach to application of the Agriculture Zone, however agrees with Mr. Thompson that the areas of land located on the periphery of the Tasmanian Wilderness World Heritage Area, which are excluded from the State land potentially suitable for the agriculture zone mapping, have landscape values that warrant closer inspection. The Commission agrees that those titles which evidently are not included in the State land potentially suitable for the agriculture zone mapping, do not immediately warrant inclusion in the Agriculture Zone. Consideration should be given to which zone may be applied, either Agriculture as allowable under AZ7 of Guideline No. 1, or an alternative zone where respective guidelines allow, so as to give effect to that zone purpose to the greatest extent. Importantly, and in addressing the tenor of the representations, even where application of the Agriculture Zone may not be immediately warranted for reasons above, application of the Landscape Conservation Zone is not automatically the alternative.
185. In considering what is the appropriate zone for the land subject to representation 9, and appreciating many titles in the appendix to representation 9 are similarly subject to independent representations, the Commission considers there are distinct groupings of land within the 185 titles listed, which assist in considering any modifications as follows:
 - (a) five holdings in the Liffey area where conservation covenants apply, and evidently, the land is intended to be managed for landscape values;
 - (b) 22 titles along the Great Western Tiers;
 - (c) covenanted land which is not included in (a) or (b); and
 - (d) various land not included in the State land potentially suitable for the agriculture zone mapping, which is not subject to a covenant.
186. The five holdings at Liffey are considered to have landscape values, by the combination of extensive vegetative cover and topography. The land rises in elevation toward the Tasmanian Wilderness World Heritage Area and this is viewable from Gulf Road. To this end, a modification to the Landscape Conservation Zone is considered warranted and is supported by the planning authority for the following land:
 - 1827 Liffey Road, Liffey (folio of the Register 45838/1);
 - 202 Jones Road, Liffey (folio of the Register 250902/1);
 - Gulf Road Liffey (folios of the Register 115193/1, 115192/2 and 128705/1);
 - 240 Jones Road, Liffey (folios of the Register 23577/1 and 209745/1); and
 - 111 Gulf Road, Liffey (folio of the Register 204354/1).
187. For the 22 titles along the Great Western Tiers, similar to the five holdings at Liffey, many titles are covered with native vegetation, are highly visible from the Blackwood Creek and Liffey area, and so are considered to have landscape values. With the exception of existing plantation forestry, or lots identified as private timber reserves, agricultural use is considered limited by the coverage of native vegetation and the topography.
188. The planning authority has provided detailed consideration for each title, dependant on a set of circumstances as outlined in the preceding paragraphs. Though AZ7 provides that land not included in the State land potentially suitable for the agriculture zone mapping can be included in the Agriculture Zone; for 11 of the 22 titles along the Great Western Tiers reliance on AZ7 is not warranted, on account of their landscape values and lack of demonstrable agricultural potential. Application of an alternative zone is therefore necessary and where the

Northern Midlands draft Local Provisions Schedule

land is covered extensively by native vegetation and has demonstrable landscape values, the appropriate zone is Landscape Conservation consistent with LCZ 2 (a) of Guideline No. 1.

189. The Commission therefore considers that a revision to the Landscape Conservation Zone is required for the following parcels of land:
- 307 Gulf Road, Liffey (folio of the Register 200276/1);
 - Gulf Road Liffey, (folio of the Register 246184/2);
 - 1777 Liffey Road, Liffey (folio of the Register 209589/1);
 - Smiths Road, Blackwood Creek (folio of the Register 222752/1);
 - 73 Lawrences Road, Blackwood Creek (folio of the Register 216245/1);
 - Boons Road, Blackwood Creek (folio of the Register 213781/1);
 - Hop Valley Road, Blackwood Creek (folio of the Register 157965/1);
 - Poatina Road, Poatina (folio of the Register 204293/1);
 - 4792 Poatina Road, Cressy (folio of the Register 214285/1);
 - Poatina Road, Cressy (folio of the Register 54087/1); and
 - Lake River Road, Cressy (folio of the Register 227118/1).
190. Other titles identified which contain conservation covenants, and were either excluded from the State land potentially suitable for the agriculture zone mapping, or located adjacent to unmapped land are:
- 'Preston' - 1726 Auburn Road, Ross folios of the Register 212952/1, 212953/1, 199138/1, 35605/1, 35606/1, 208425/1, 49207/1, 49207/2 and 49207/3 - approximately 816ha (unconstrained agriculture in State mapping);
 - 'Lilyburn' - 1504 Deddington Road, Deddington folios of the Register 172586/1 and 172587/1 - approximately 1054ha (unconstrained agriculture in State mapping);
 - 'Marathon', Deddington Road, Deddington folios of the Register 103886/2, 103886/3, 103886/4 and 103886/5 - approximately 965ha (not included in agriculture in State mapping);
 - 'Elkington' 548 Logan Vale Road, Evandale folios of the Register 175727/1 and 175727/5 - approximately 455ha (not included in agriculture in State mapping); and
 - 'Burburys Tier' - Honeysuckle Road, Ross folio of the Register 169994/1 - approximately 390ha (not included in agriculture in State mapping).
191. The Commission accepts the representor's view that the suitability of each property for inclusion in the Agriculture Zone must be considered, however also notes that the each property must have demonstrable landscape values to warrant application of the Landscape Conservation Zone.
192. For land at Preston in Ross, it is accepted the land is identified in the State land potentially suitable for the agriculture zone mapping as unconstrained and therefore regard must be given to AZ 1 of Guideline No. 1. It is evident through representations 9 and 47 that a large extent of the land (exceeding 800ha), forms part of the Comprehensive, Adequate and Representative (CAR) Reserve System, which is considered a relevant dataset per AZ 1 (b) of Guideline No. 1. Therefore, in giving effect to the guidelines, it is considered the limitations of agricultural use imposed by the covenant, as well as extensive cover of native vegetation, warrant consideration of an alternative zone. Having regard to LCZ 2 (a) of Guideline No. 1, the Landscape Conservation Zone is considered appropriate for those parcels subject to a conservation covenant, because the land features elevated native bushland with demonstrable landscape values. With regard to AZ 5, a split-zoning aligning to the covenant is considered appropriate for those titles where agricultural use is unconstrained.

Northern Midlands draft Local Provisions Schedule

193. Lilyburn at Deddington is comprised of two titles and exhibits many of the qualities of land at Preston, where agricultural use is restricted for the covenanted area, although undertaken on the unrestricted portion. Lilyburn is predominately a single title with a vegetated covenanted portion, and a cleared portion where agricultural uses are undertaken. The covenanted area exceeds 700ha. The land features elevated native bushland and ridgeline with demonstrable landscape values. A split-zoning aligning to the covenant is considered appropriate to allow existing agricultural use to continue.
194. Parts of the remaining properties at Marathon, Elkington, and Burburys Tier are not identified in the State land potentially suitable for agriculture zone mapping. These properties contain conservation covenants that cover most of each title. The properties are all feature native bushland and ridgelines with demonstrable landscape values. The Landscape Conservation Zone for these properties is therefore appropriate.
195. The Commission is of the opinion that there is insufficient evidence that any of the remaining properties identified in the representations have landscape values that warrant application of the Landscape Conservation Zone.
196. The Commission is also not convinced that the Rural Zone should be applied to 128 Jones Road, Liffey, Hop Valley Road, Blackwood Creek (folio of the Register 210695/1), 1278 Lake River Road, Cressy of Lake River Road, Cressy (folio of the Register 133943/1) as it would result in spot-zoning and would interrupt the prevailing zoning pattern. All four properties are surrounded or located adjacent to the Agriculture Zone and share the same characteristics.
197. The Commission notes that a number of reserved roads located within land to which the Landscape Conservation Zone would be applied would also need to be included in the zone as detailed in the modification below.

Commission decision**198. Modification:**

- Revise the zoning of the following properties to Landscape Conservation and apply the Priority Vegetation Area overlay consistent with the Regional Ecosystem Model:
 - a. 1827 Liffey Road, Liffey (folio of the Register 45838/1);
 - b. 202 Jones Road, Liffey (folio of the Register 250902/1);
 - c. Gulf Road Liffey (folios of the Register 115193/1, 115192/2 and 128705/1);
 - d. 240 Jones Road, Liffey (folios of the Register 23577/1 and 209745/1); and
 - e. 111 Gulf Road, Liffey (folio of the Register 204354/1).
 - f. 307 Gulf Road, Liffey (folio of the Register 200276/1);
 - g. Gulf Road Liffey, (folio of the Register 246184/2);
 - h. 1777 Liffey Road, Liffey (folio of the Register 209589/1);
 - i. Smiths Road, Blackwood Creek (folio of the Register 222752/1);
 - j. 73 Lawrences Road, Blackwood Creek (folio of the Register 216245/1);
 - k. Boons Road, Blackwood Creek (folio of the Register 213781/1);
 - l. Hop Valley Road, Blackwood Creek (folio of the Register 157965/1);
 - m. Poatina Road, Poatina (folio of the Register 204293/1);
 - n. 4792 Poatina Road, Cressy (folio of the Register 214285/1);
 - o. Poatina Road, Cressy (folio of the Register 54087/1);
 - p. Lake River Road, Cressy (folio of the Register 227118/1);
 - q. that part of 1726 Auburn Road, Ross (folios of the Register 212952/1, 212953/1, 199138/1, 35605/1, 35606/1, 208425/1, 49207/1, 49207/2 and 49207/3) subject to a conservation covenant, as shown in CPR Plan No. 8898, to the Landscape Conservation Zone with the split-zone boundary to be determined by the extent of the covenanted land within the CPR Plan;

Northern Midlands draft Local Provisions Schedule

- r. that part of 1504 Deddington Road, Deddington (folios of the Register 172586/1 and 172587/1)) subject to a conservation covenant, as shown in CPR Plan No. 8898, to the Landscape Conservation Zone with the split-zone boundary to be determined by the extent of the covenanted land within the CPR Plan;
- s. Deddington Road, Deddington (folios of the Register 103886/2, 103886/3, 103886/4 and 103886/5);
- t. 548 Logan Vale Road, Evandale (folios of the Register 175727/1 and 175727/5);
- u. Honeysuckle Road, Ross (folio of the Register 169994/1); and
- v. those parts of reserved roads intersecting the above properties.

199. Reason: To apply the Landscape Conservation Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Commission consideration under section 35KB

200. The Commission considers the substantial modification required is suitable to be made by way of a draft amendment to the Northern Midlands LPS, after it comes into effect, under Part 3B of the Act.

Commission decision under section 35KB

201. Draft amendment directed to the Northern Midlands LPS:

- Revise the zoning of the following properties to Landscape Conservation and apply the Priority Vegetation Area overlay consistent with the Regional Ecosystem Model:
 - a. that part of 1726 Auburn Road, Ross (folios of the Register 212952/1, 212953/1, 199138/1, 35605/1, 35606/1, 208425/1, 49207/1, 49207/2 and 49207/3) contained within the conservation covenant shown in CPR Plan No. 8898 to Landscape Conservation with the split-zone to be determined by the boundary defined by the CPR Plan;
 - b. that part of 1504 Deddington Road, Deddington (folios of the Register 172586/1 and 172587/1 - approximately 1054ha) contained within the conservation covenant shown in CPR Plan No. 5499 to Landscape Conservation with the split-zone to be determined by the boundary defined by the CPR Plan;
 - c. Deddington Road, Deddington (folios of the Register 103886/2, 103886/3, 103886/4 and 103886/5);
 - d. 548 Logan Vale Road, Evandale (folios of the Register 175727/1 and 175727/5);
 - e. Honeysuckle Road, Ross (folio of the Register 169994/1); and
 - f. those parts of reserved roads intersecting the above properties.

202. Reason:

- To apply the Landscape Conservation Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.
- The Commission considers that the modification is a substantial modification as there may be a public interest.

Environmental Management Zone - Liffey Road and Gulf Road, Liffey

Representation: Bush Heritage Australia (12)

203. The representor requested that the following land be revised from the Agriculture Zone to the Environmental Management Zone:

- 'Oura Oura Reserve', 159 Gulf Road, Liffey, (folio of the Register 202805/1 and 246184/2); and
- Drys Bluff Reserve, Gulf Road, Liffey Valley (folio of the Register 150038/1).

Northern Midlands draft Local Provisions Schedule

204. The reasons include:

- the Agriculture Zone is inconsistent with Guideline No. 1;
- agricultural use is expressly prohibited under the terms of a Nature Conservation Act 2002 conservation covenant without prior written consent to the contrary issued by the relevant Minister.

205. In the section 35F report, the planning authority recommended the land be revised from the Agriculture Zone to the Landscape Conservation Zone because it was satisfied that the conservation covenant indicated the land was being managed for its landscape values.

Commission consideration

206. The Commission accepts that the land has local landscape values that warrants application of the Landscape Conservation Zone. There is no evidence the Environmental Management Zone, which is intended for land with significant ecological, scientific, cultural and scenic values is appropriate. All three titles are steep, covered in native bushland and visible from the surrounding area, particularly Gulf Road and Liffey Road. The Commission notes the land is not included in the State land potentially suitable for agriculture zone mapping, which therefore provides for an alternative zone to be applied consistent with Guideline No. 1.

Commission decision

Modification:

- Revise the zoning of the following properties to Landscape Conservation and apply the Priority Vegetation Area overlay consistent with the Regional Ecosystem Model:
 - a. 159 Gulf Road, Liffey, (folio of the Register 202805/1 and 246184/2);
 - b. Gulf Road, Liffey (folio of the Register 150038/1); and
 - c. those parts of reserved roads dissecting the above properties.

207. Reason: To apply the Landscape Conservation Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Commission consideration under section 35KB

208. The Commission considers the substantial modification required is suitable to be made by way of a draft amendment to the Northern Midlands LPS, after it comes into effect, under Part 3B of the Act.

Commission decision under section 35KB

209. Draft amendment directed to the Northern Midlands LPS:

- Revise the zoning of the following properties to Landscape Conservation and apply the Priority Vegetation Area overlay consistent with the Regional Ecosystem Model:
 - a. 159 Gulf Road, Liffey, (folio of the Register 202805/1 and 246184/2);
 - b. Gulf Road, Liffey (folio of the Register 150038/1); and
 - c. those parts of reserved roads dissecting the above properties.

210. Reason:

- To apply the Landscape Conservation Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.
- The Commission considers that the modification is a substantial modification as there may be a public interest.

Future Urban Zone – 5 Eskleigh Road, Perth

Representations: Department of State Growth (11), TasRail (36)

211. The representors requested that the impacts of future residential use and development on the land between Drummond Street and the Midland Highway, Perth (5 Eskleigh Road (folio of the Register 177503/1) on the State road and rail network should be considered for the following reasons:
- development adjoining the rail corridor should consider the exposure to rail noise and vibration;
 - there should be no assumption the rail corridor drainage system is available for discharge of stormwater or other run-off;
 - noise modelling undertaken for the Midland Highway and Perth Link Roads project in 2017 indicated that 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 or Railway Attenuation Area overlay under the Road and Railway Assets Code; and
 - hydrological impacts on the adjacent State Road network should be understood at the time of rezoning.
212. In the section 35F report, the planning authority noted these matters were not matters which the draft LPS assessment process could address.
213. At the hearing, the Department of State Growth provided a visual of the Noise Modelling with respect to Perth. This modelling projected the extent of road noise at 63dBA, which extended upwards of 200m from the Perth bypass - in excess of the 50m distance prescribed under the SPPs. However, the Department of State Growth accepted that the Road or Railway Attenuation Area overlay was not mapped.

Commission consideration

214. The Commission considers that the Future Urban Zone should be applied to the land in order to protect it from use and development that might compromise its future conversion to urban residential use.

Commission decision

215. The Commission considers that no modifications are required.

Utilities Zone – Hydro Electricity Infrastructure

Representation: Hydro Tasmania (8)

216. The representor requested that the Poatina penstock and tailrace be revised from the Rural and Agriculture zones respectively to the Utilities Zone.
217. In the section 35F report, the planning authority recommended that the land identified by Hydro Tasmania be revised to the Utilities Zone because the land is used for major infrastructure. Consequently, the planning authority recommended the Scenic Protection Area overlay should not be applied as it is incompatible with the Utilities Zone.
218. Prior to the hearing, the representor submitted a diagram, which identified the extent of the application of the Utilities Zone sought around the Poatina Penstock.

Commission consideration

219. The Commission notes that the land is used for electricity generation, transmission and associated infrastructure as detailed in the representations, and intended to be used for major utilities infrastructure, consistent with UZ 1 of Guideline No. 1. The Commission agrees that a consequential amendment should be made to the Scenic Protection Area overlay to ensure it is not applied to the incompatible Utilities Zone.

Commission decision

220. Modification:
- Revise the zoning of that part of Poatina Road, Poatina (folio of the Register 100739/1), and the land adjacent to the southwest owner by Hydro Tasmania that is identified in the Hydro Tasmania submission dated 1 June 2022 to Utilities and remove the Scenic Protection Area overlay.
 - Revise the zoning of the Poatina tailrace (folios of the Register 53397/9, 150837/1, 137226/1, 137226/2, 137226/3, and General Law deeds 34/6257 and 34/6258) to Utilities and remove the Scenic Protection Area overlay.
221. Reason: To apply the Utilities Zone consistent with the purpose of the zone and Guideline No. 1.

Utilities Zone – Transmission Electricity Infrastructure

Representation: TasNetworks (18)

222. The representor requested that the following sites be zoned Utilities:
- Black Bottom Hill communication site at Lake Leake Road, Campbell Town (folio of the Register 18951/1);
 - Mt. Rex Storys Creek Road, Avoca (folio of the Register 182429/1); and
 - Poatina repeater at Poatina Road, Poatina (folio of the Register 1000739/1).
223. The representor also requested that the Priority Vegetation Area overlay be removed from the Poatina repeater at Poatina Road, Poatina (folio of the Register 1000739/1) because clearance of vegetation is required for safety and maintenance of electricity infrastructure.
224. In the section 35F report, the planning authority recommended that the land be zoned Utilities because the land is used for electricity infrastructure, however recommended that the Priority Vegetation Area overlay be retained at the Poatina repeater site as the advice of a suitably qualified person was not provided to support removal of the overlay.
225. Prior to the hearing the representor submitted a diagram which identified the extent of the application of the Utilities Zone sought around the communication site at Poatina Road, Poatina (folio of the Register 100739/1) which showed the Utilities Zone with a 20m radius around the infrastructure.
226. At the hearing, the representor added that the Mt. Rex facility is on a single title (folio of the Register 182429/1) and it would be appropriate for that title to be zoned Utilities, contrary to the content of the representation which sought a buffer in the absence of title boundaries. The representor also noted that the Poatina repeater site is cleared and extensively covered with hardstand.
227. The planning authority was in general agreement with the proposed modification to the overlay, although noted a preference that the removal of the overlay not be based on arbitrary radii, but the extent of hardstand on a case by case basis.

Commission consideration

228. The Commission considers that as the land is currently used for major utilities infrastructure including electricity generation, holding transmission and other associated infrastructure, that the Utilities Zone should be applied consistent with UZ 1 of Guideline No. 1. The Commission agrees that a consequential amendment should be made to the Scenic Protection Area overlay to ensure it is not applied to the incompatible Utilities Zone.
229. The Commission is of the view that the Priority Vegetation Area overlay should be removed from that part of the land containing the Poatina repeater that would be zoned Utilities.

Commission decision

230. Modification:
- Revise the zoning of Lake Leake Road, Campbell Town (folio of the Register 18951/1) and Storys Creek Road, Avoca (folio of the Register 182429/1) to Utilities.
 - Revise the zoning of that part of Poatina Road, Poatina (folio of the Register 1000739/1) identified with a 20m radius circle around the centre of the communications site as identified in the TasNetworks submission dated 9 June 2022 to Utilities and remove the Priority Vegetation Area and Scenic Protection Area overlays.
231. Reason: To apply the Utilities Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Utilities Zone – State Road Casement

Representation: Department of State Growth (11)

232. The representor requested that various parcels of acquired road be revised to the Utilities Zone and commented on anomalies between the supporting report and the LPS zone maps. Specifically to be consistent with the State Road Casement layer published on the LIST. The representor also sought removal of the Priority Vegetation Area overlay from the State road casement. The representor also noted a number of discrepancies between the draft LPS maps and the intended zoning noted in the draft LPS supporting report.
233. In the section 35F report, the planning authority recommended the land be revised to the Utilities Zone. The reasons include that the application of the Utilities Zone for these assets is consistent with Guideline No. 1 and would enable such land to be reserved for infrastructure development.
234. Prior to the hearing, the representor submitted a list of land parcels which were requested to be included in the Utilities zone:
- Midland Highway, Perth (folios of the Register 171693/2, 171693/3, 171693/5, 171693/6, 171693/10, 171693/11, 171693/12, 171693/13, 171693/14, 171693/15, 171693/16, 171693/17, 171693/18, 171693/19, 171693/24, 171693/70 and 171693/80);
 - Midland Highway, Perth to Leighlands Road, Evandale (folio of the Register 180865/1 (Road));
 - Midland Highway, Powranna (folio of the Register 173223/6, 173223/7, 173223/8, 173223/9, 173223/10);
 - Midland Highway, Epping Forest (folio of the Register 173222/1, 173222/2, 173222/3, 173222/4, 173222/5, 173222/6);
 - Midland Highway and Ashby Road, Ross (folio of the Register 46763/1);
 - Ashby Road, Ross (folio of the Register 46763/3); and
 - Midland Highway and Ashby Road, Ross (folio of the Register 46763/4).

Northern Midlands draft Local Provisions Schedule

235. The representor provided split zoning diagrams for part of the land at 16735 Midland Highway, Breadalbane (folio of the Register 30143/1) and part of the land bound by Eskleigh Road, Perth (folio of the Register 114189/1). The representor also provided GIS files that showed the proposed location of the Utilities Zone over land that did not have folio of the Register reference.
236. At the hearing, the representor spoke to the inclusion of land comprised within the parcels provided in the submission, or provided as shown by diagram. Further, the representor spoke to the inclusion of the Priority Vegetation Area overlay, identifying areas where the overlay applies though devoid of vegetation. Finally, the representor noted commentary on zoning anomalies between the exhibited draft LPS and the supporting report.
237. In response, the planning authority provided that the Priority Vegetation Area overlay had been applied consistent with the Regional Ecosystem Model.

Commission consideration

238. The Commission considers where the State road casement has been expanded, it is in accordance with UZ1 of Guideline No. 1 and should be zoned Utilities.
239. The Priority Vegetation Area overlay has been applied consistent with the Regional Ecosystem Model mapping and any departure from it would need to be supported by the advice of a suitably qualified person. The Commission does not agree to remove the overlay from the State road casement, but notes that the exemptions in clause 4.4.1 of the SPPs would provide for clearance of vegetation associated with general maintenance and minor road works.
240. With respect to the zoning anomalies identified by the department, it is noted that the LPS zone maps take precedence over itemisation within the supporting report, and as such no modification is necessary.

Commission decision

241. Modification:
 - Revise the zoning of the following properties to Utilities:
 - a. Midland Highway, Perth (folios of the Register 171693/2 and 171693/15);
 - b. Midland Highway, Perth to Leighlands Road, Evandale (folios of the Register 180865/1 (Road));
 - c. Midland Highway, Powranna (folios of the Register 173223/8, 173223/9, 173223/10);
 - d. Midland Highway, Epping Forest (folios of the Register 173222/1, 173222/2, 173222/3, 173222/4, 173222/5, 173222/6);
 - e. Midland Highway and Ashby Road, Ross (folio of the Register 46763/1);
 - f. Ashby Road, Ross (folio of the Register 46763/3);
 - g. Midland Highway and Ashby Road, Ross (folio of the Register 46763/4);
 - h. that part of the land at 16735 Midland Highway, Breadalbane (folio of the Register 30143/1) that is identified in the Department of State Growth submission dated 3 June 2022;
 - i. that part of the land bound by Eskleigh Road, Perth (folio of the Register 114189/1) that is identified in the Department of State Growth submission dated 3 June 2022; and
 - j. that part of land not identifiable by reference to folio of the Register and that is identified in the Department of State Growth submission dated 3 June 2022.
242. Reason: To apply the Utilities Zone consistent with the purpose of the zone and Guideline No. 1.

Utilities Zone – State Rail Network

Representation: TasRail (36)

243. The representor requested that land at Wellington Street, Longford (folios of the Register 137399/1, and 136913/1) be revised from the Light Industrial Zone to the Utilities Zone in accordance with Guideline No. 1.
244. In the section 35F report, the planning authority recommended the land be revised to the Utilities Zone.

Commission consideration

245. The Commission agrees that the land forms part of the State rail network and should be zoned Utilities.

Commission decision

246. Modification:
 - Revise the zoning of Wellington Street, Longford (folios of the Register 137399/1 and 136913/1) to Utilities.
247. Reason: To apply the Utilities Zone consistent with the purpose of the zone and Guideline No. 1

Particular Purpose Zone – Poatina

Representation: Poatina Village Body Corporate and Fusion Australia (7)

248. The representors requested that the land known as Poatina village, be revised to a Particular Purpose Zone. The reasons include:
 - Poatina was purchased and established as an intentional community;
 - the community needs to grow to an optimum population of approximately 180 to enable economic and social sustainability;
 - the Poatina village needs reasonable opportunity to strengthen economic drivers such as tourism, enterprise and philanthropic partnerships; and
 - the importance of future economic and social sustainability warrants a more substantive consideration of future prospects under the SPPs than has been undertaken to date.
249. In the section 35F report, the planning authority recommended the land be included in a particular purpose zone.
250. Prior to the hearing, the planning authority submitted a draft Particular Purpose Zone. In addition to the written document, the planning authority provided a statement that contended the Particular Purpose Zone complied with section 32(4)(a) and (b) of the Act for the following reasons:
 - the Poatina Village is a unique settlement in its isolation and is privately owned. It offers a housing choice where active contribution to the community is integral to the ethos and in turn offers particular advantages, often to more vulnerable members of society;
 - the provisions in the SPPs are designed for typical circumstances and do not comfortably fit the privately owned, 'strata scheme town';
 - the Poatina Village is one of the State's largest strata schemes, however is unique in the State in that it provides commercial, tourist and amenity services to the public due to its location. The ability to enhance existing commercial activities and increase the resident population is critical to the long-term, financial sustainability of the settlement; and

Northern Midlands draft Local Provisions Schedule

- the majority of the site is subject to the Scenic Protection Area overlay, which is a transitioning provision and should be removed.
251. At the hearing, Ms. Jo Oliver for the representor made the following comments:
- it is intended that the Particular Purpose Zone would apply precincts;
 - the purpose of the Particular Purpose Zone is to have flexibility of boundaries within the Zone;
 - the standard blunt zoning approach of the SPPs is unworkable;
 - the Particular Purpose Zone has scenic management provisions to apply in the absence of the Scenic Protection Area overlay, which may not apply to a Particular Purpose Zone under Guideline No. 1; and
 - a landscape management area is intended to apply over a number of precincts.
252. In response, the planning authority stated that the representation had merit, however noted that the Particular Purpose Zone as drafted, had issues in operation and purpose.
253. Following the hearing, in response to directions issued by the Commission, the planning authority provided a revised written document which incorporated figures, further definitions, amended substitution clauses and revised Local Area Objectives and Zone Purpose Statements. The representor was supportive of the changes subject to minor revisions to the map that identified the precincts.

Commission consideration

254. The Commission considers that broadly the Particular Purpose Zone has merit with respect to section 32(4) of the Act.
255. However the Particular Purpose Zone is not in a form which in the Commissions view, could be approved without significant modification. In particular, the following issues are noted:
- the intended development potential of the precincts is not commensurate with existing uses;
 - the inclusion of a standard relating to Strata Division;
 - distinct terms within the Particular Purpose Zone are not defined.
256. The Commission finds that application of the current Village, Landscape Conservation and Recreation Zones is most appropriate in the circumstances and notes that an application for a draft amendment to insert a Particular Purpose Zone can be made once the LPS has been finalised.

Commission decision

257. The Commission considers that no modifications are required.

Specific Area Plan – Evandale Specific Area Plan**Representation: Terra Firma Planning for Carlton and Peter Dixon (46)**

258. The representor requested that clause NOR-S5.7.1 Residential density for multiple dwellings be removed from the Evandale Specific Area Plan because the density of 1 dwelling per 400m² was too restrictive in comparison to the density of 1 dwelling per 325m² provided by the General Residential Zone of the SPPs.
259. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS for the reasons given for the clause in the draft LPS Supporting Report, which include that the standard would ensure that the density of 1 dwelling per 400m² would maintain the established village character of Evandale.

Commission consideration

260. The Commission accepts the views of the planning authority, and notes that no evidence was provided to justify an alternative dwelling density requirement.

Commission decision

261. The Commission considers that no modifications are required.

Longford Specific Area Plan

Representation: Terra Firma Planning for Carlton and Peter Dixon (46)

262. The representor raised concern that the provisions of the Longford Specific Area Plan were too restrictive. The reasons include:
- the land is within an area that is characterised by small lots zoned Low Density Residential;
 - much of the area does not interface with surrounding agricultural land and the Austral Brick site at 15 Weston Street, Longford and therefore does not require substantive setbacks for buffering; and
 - the land is serviceable, with inappropriately large lot size restrictions amounting to underutilisation of services and growth opportunity.
263. The representor further suggested that the draft LPS should provide for a more sophisticated arrangement in the Specific Area Plan, with the more central areas providing for the normal standards of the SPPs to apply. This would provide a minimum lot size of 1500m² (1200m² under performance criteria) for lots that can access services, graduating to larger lots at the periphery of the settlement adjoining the Agriculture Zone.
264. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS because it had attempted to reflect the provisions of the interim planning scheme to maintain existing use rights of landowners wherever possible, and to avoid spot-zoning and split-zoning wherever possible.
265. At the hearing, the representor tabled a copy of R Archer and N Tubb v Northern Midlands Council and C Dixon [2022] TASCAT 32. The decision provided a permit for a 44 lot subdivision at 145, 153, and 173 Marlborough Street in Longford with lot sizes generally about 1200m². The representor made the following comments:
- only the southernmost part of the area identified within the Longford Specific Area Plan should be considered the Rural Fringe, noting the existing approval for a 44 lot subdivision;
 - the dominant area is of an urban character; and
 - it is manifestly inappropriate to have a minimum lot size of 8000m².
266. The planning authority reiterated the intention of the Specific Area Plan was to provide controls that would retain lot sizes that the interim planning scheme had provided for (the land was zoned Rural Living and there was no minimum lot size), and to align the zoning with the Rural Living Zone of the SPPs. The Rural Living Zone was proposed in the initial version of the draft LPS, however the land is within an urban growth area in the regional strategy which precludes Rural Living zoning. The planning authority added that further strategic work on the provisions that should apply to the area is currently being undertaken.

Northern Midlands draft Local Provisions Schedule

Commission consideration

267. The Commission notes that strategic work is currently being undertaken by the planning authority to investigate the potential future subdivision density for the area. The requested amendments to the Specific Area Plan are therefore considered premature, however the Commission notes that the issue could be considered as a draft amendment to the LPS once the planning authority has completed its strategic review

Commission decision

268. The Commission considers that no modifications are required.

Longford Specific Area Plan - Longford Racecourse Masterplan

Representation: Tasmanian Heritage Council (40)

269. The representor requested that the Longford Specific Area Plan be amended to include the outcomes of the preliminary masterplan for the Longford Racecourse.
270. In the section 35F report, the planning authority recommended the precinct plan of the Longford Specific Area Plan be revised, but added that any amendments to the written document be made as a draft amendment following the draft LPS assessment and once the final masterplan has been approved by the Council.
271. Prior to the hearing, the planning authority provided a copy of the masterplan and a revised Specific Area Plan, which included a revised Figure NOR-S.6.2.1 to exclude the Low Density Residential Zone from land to which the masterplan would apply.
272. At the hearing, the planning authority clarified that the masterplan should not be included in the Longford Specific Area Plan, and the precinct plan should not be amended, noting this was an alternative view to the one expressed in the section 35F report and the submission dated 31 May 2022.

Commission consideration

273. The Commission accepts that to give effect to the intent of the masterplan, the Longford Specific Area Plan requires specific provisions, and so in that respect its inclusion is premature at this stage.
274. The Commission notes that the planning authority or the representor could make a request for a draft amendment to change the provisions once the masterplan has been endorsed by the Council and further details of the intended provisions are available.

Commission decision

275. The Commission considers that no modifications are required.

Ross Specific Area Plan

Representation: Tasmanian Heritage Council (40)

276. The representor requested that the Ross Specific Area Plan be amended to include the area bounded by Church Street, Wellington Street, and Fitzroy Street.
277. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS, noting any inclusion should be based on a robust strategic assessment of the area.

Commission consideration

278. The Commission considers the extension of the Specific Area Plan at Ross is unwarranted, noting the provisions of the Specific Area Plan substitute the provisions of the General

Northern Midlands draft Local Provisions Schedule

Residential Zone and the Open Space Zone only, and there is no intention at present to change the existing zoning of the subject sites. Therefore, any extension of the Specific Area Plan would have no effect.

Commission decision

The Commission considers that no modifications are required.

Specific Area Plan – ‘Norley’, Longford

Representation: FJA Solutions for owner (15)

279. The representor requested that a specific area plan be inserted, which would apply to the property known as Norley at 97A Wellington Street, Longford because the controls would facilitate succession planning, and would:
 - protect the agricultural potential of the land;
 - recognize and preserve the heritage values of Norley;
 - recognize and protect the landscape values brought about by the hedgerows within the site boundary; and
 - separate redundant assets from the primary use of Resource Development.
280. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS because further strategic land use planning of the merits would be required.
281. At the hearing, the representor provided a submission further summarising the intention of the specific area plan and responding to the planning authority’s 35F report, stating particularly that:
 - the current owners are desirous of setting up a long term estate planning process for Norley; and
 - the significance of the proposal is not so great that it should be considered as unable to be approved as part of the LPS process.
282. The representor stated that:
 - if the property was sold, the disparate ownerships could cause conflicts between agriculture use and amenity of surrounding residences; and
 - the provisions of the specific area plan would allow for consolidation as part of the subdivision whereas the SPPs do not allow for forced consolidation.
283. In response, the planning authority submitted that:
 - in its view, the proposal did not satisfy section 32(4) of the Act; and
 - the planning authority is currently undertaking a strategic study as to whether any existing residential areas of Longford should be expanded and the provisions of the subject land would be considered under that process.

Commission consideration

284. The Commission is not persuaded that a satisfactory argument has been submitted in order to satisfy section 32(4) (a) or (b) of the Act. Further, the specific area plan as drafted in the representation, does not conform to the structure of the draft LPS as specified in the SPPs, nor does it accord to the drafting conventions and writing style of the Commission’s Practice Note 5 – Tasmanian Planning Scheme Drafting Conventions. However, the Commission notes the commitment to further strategic planning review of the area, including the future provisions that may apply to the site.

Northern Midlands draft Local Provisions Schedule

Commission decision

285. The Commission considers that no modifications are required.

Local Historic Heritage Code

Representation: Tasmanian Heritage Council (40)

286. The representor requested that additional areas of archaeological potential be examined through an archaeological survey.

287. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS, noting the proposal would result in wider strategic changes and would need to be based on appropriate strategic planning.

Commission consideration

288. The Commission considers in the absence of evidence, no modification should be made to the draft LPS.

Commission decision

289. The Commission considers that no modifications are required.

Natural Assets Code - Priority Vegetation Area Overlay - Woodville Estate Reserve, Devon Hills

Representation: Kay Thompson (44)

290. The representor requested that the Priority Vegetation Area overlay be revised to include land where flora and fauna had been sighted at the Woodville Estate Reserve at 140 Perth Mill Road, Western Junction (folio of the Register 10850/24).

291. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS, the reasons include:

- the 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 Guideline No. 1;
- 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; and
- 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 overlay.

Commission consideration

292. The Commission accepts the rationale of the planning authority and notes that no evidence has been provided to show that a variation of the Regional Ecosystem Model is appropriate. It is considered the Priority Vegetation Area overlay has been applied consistently with Guideline No. 1.

Commission decision

293. The Commission considers that no modifications are required.

Natural Assets Code - Priority Vegetation Area Overlay

Representation: Department of Natural Resources and the Environment (1)

Northern Midlands draft Local Provisions Schedule

294. The representor raised concern that the application of the Agriculture Zone across much of the municipal area precluded the application of the Priority Vegetation Area overlay.
295. The representor requested that the proposed zoning allocations be revised to reduce the extent of the zone types that exclude the Natural Assets Code, in particular the Agriculture Zone, and assign more zonings such as the Landscape Conservation Zone and Rural Living Zone that are compatible with the overlay. The representor also contended that there are noticeable errors with the overlay, for example that most of the township of Ross has been mapped as priority vegetation, although it has already been developed and there are no threatened species records.
296. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS, the reasons include:
 - the Priority Vegetation Area overlay is not able to be applied to the Agriculture Zone;
 - the application of the Agriculture Zone is in accordance with the methodology of the supporting report; and
 - the overlay has been applied consistent with the standardised regional ecosystem model methodology developed by Natural Resources Management Pty Ltd for the draft LPS and Guideline No. 1. The planning authority would need to undertake further local strategic land use planning outside the draft LPS assessment process to accurately determine whether any changes that depart from the standardised Regional Ecosystem Model are warranted.

Commission consideration

297. Clause C7.2.1 of the Natural Assets Code states the Priority Vegetation Area overlay can only apply to a number of listed zones, and this excludes the Agriculture Zone. NAC 13 of Guideline No. 1 states that this overlay should not be applied to land within a number of zones, including the Agriculture Zone. The Commission observes this is a policy position established in the SPPs.
298. The Commission accepts the rationale of the planning authority and notes that no evidence has been provided to show that a variation of the Regional Ecosystem Model is appropriate. It is considered the Priority Vegetation Area overlay has been applied consistent with Guideline No. 1.

Commission decision

299. The Commission considers that no modifications are required.

Scenic Protection Code – Scenic Road Corridor Overlay

Representation: Tasmanian Heritage Council (40)

300. The representor requested that the Scenic Road Corridor overlay applied to Hobart Road, Evandale be extended because the section of road encompasses significant rural pastoral landscape that should be protected from development that would adversely impact on the rural scenery.
301. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS, though noted the following:
 - 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 Midland Highway). It is recommended that this be considered as part of the usual planning scheme amendment process where there is appropriate strategic planning to support those changes.

Commission consideration

302. The Commission notes that the Scenic Road Corridor overlay is a transitioning provision declared by the Minister for Planning and that any modifications to the overlay must be limited to permitted alterations allowed under the Act. Irrespective of the ability to include new areas no evidence has been provided to show that the overlay should be extended.

Commission decision

303. The Commission considers that no modifications are required.

Attenuation Code – Attenuation Area Overlay – Longford

Representations: Town Planning Solutions (10) Plan Place (13), and Terra Firma Planning for Carlton and Peter Dixon (46)

304. The representors requested that the application of the Attenuation Area overlay related to the Austral Brick site at 15 Weston Street, Longford be reduced. The reasons include:
- the specified 500m distance for a Level 2 Activity under the *Environmental and Pollution Control Act 1994* now takes in a substantive number of residential properties to the north and northeast of the site, including an approved subdivision site at 145, 153, and 173 Marlborough Street, Longford;
 - the brickworks is subject to an Environmental Protection Notice that prohibits the causing of a nuisance at the nearest residence, and a recent qualified report has confirmed that it is meeting these requirements; and
 - given the preceding qualified assessment and the current Environmental Protection Notice, the Council should include a map overlay of a significantly reduced attenuation area, reflecting the scientific results of that assessment and removing the unreasonable regulatory burden from anticipated residential development in the area.
305. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS because the overlay has been mapped in accordance with the land use of the Austral Brick site and the SPPs attenuation distances.
306. Prior to the hearing, the planning authority submitted a copy of the Environmental Protection Notice for the brickworks.
307. At the hearing, Ms. Jo Oliver (representation 46) contended that the brickworks is operating in accordance with of the Environmental Protection Notice applicable to the land, and as such, an extensive overlay was not warranted.
308. Ms. Heidi Goess (representation 13) contended the attenuation at 500m does not accord with Guideline No. 1.
309. The planning authority responded that it considered a revised attenuation overlay to 200m was warranted in light of the representation, and also that it expects Austral bricks should be able to make comment on such changes.
310. Following the hearing, the planning authority provided a copy of a Noise and Dust Assessment report for the recent application made for a 44 lot subdivision at 145, 153, and 173 Marlborough Street, Longford as mentioned above. The report concluded that residents of the subdivision located diagonally opposite the brickworks on Marlborough Street, but approximately 250m from the actual operations, would not be exposed to unacceptable environmental harm or environmental nuisance as a result of noise or dust emissions from the brickworks.
311. In response to the planning authority's submission, representors 10 and 13 each provided a response that there is a lack of justification from a suitably qualified person under AC2 of

Northern Midlands draft Local Provisions Schedule

Guideline No. 1, for the application of an attenuation buffer greater than the distance provided in the interim planning scheme. The planning authority also agreed that AC2 was not met and the buffer could be retained at 200m and made the following comments:

- a report has been submitted which addresses environmental harm and nuisance emanating from the brickworks; and
- in recognising a suitably qualified person authored the report, and has indicated a 200m attenuation distance is adequate, the 500m attenuation area is no longer supported.

Commission consideration

312. The Commission notes the following:

- the attenuation distance under the interim scheme is a default distance specified in Table E11.1 and is not mapped. The attenuation distance for a brickworks is set at 200m;
- the exhibited version of the draft LPS provides an overlay which is derived from a 500m attenuation distance from the boundaries of the brickworks at 15 Weston Street; and
- the planning authority indicated in the draft LPS supporting report that it was intended to include overlays for a number of activities, to improve communication of scheme requirements to the community. The overlay areas applied are based on the attenuation distances in Table C9.1 Attenuation Distances of the SPPs.

313. AC1 of Guideline No. 1 provides that an overlay may be applied as a variation to the generic distances specified in Table C9.1 of the SPPs; though in this instance, the 500m distance is not a variation, it is a reflection of the distance nominated in the table.

314. AC2 of Guideline No. 1 provides that a variation must be justified by a suitably qualified person. The proposed 500m buffer is a variation between requirement of the interim scheme and the proposed overlay. Therefore, the exhibited overlay neither accords with AC1 or AC2.

315. In consideration of an alternative overlay, a 200m mapped overlay may be amenable to the parties present, but there is insufficient evidence available to the Commission to apply a 200m buffer in response to local circumstances as required by AC1. The Commission notes that a report has been submitted that relates to the recent subdivision application, however it is not clear that the author of the report would support reduction of the overlay from the standard 500m specified for a Level 2 activity brickworks. In particular, it is unknown how local environmental characteristics such as prevailing winds and type and location of vegetation could change environmental impacts in certain directions around the brickworks.

316. The Commission therefore finds that the overlay should be removed from around the brickworks at this time, and that the standard 500m distance specified in Table C9.1 of the SPPs be used to apply the standards of the Attenuation Code until an amendment to the Attenuation Area overlay can be supported by a suitably qualified person.

Commission decision

317. Modification:

- Revise the Attenuation Area overlay by removing the buffer area applied around the Austral Bricks site at 15 Weston Street, Longford (folio of the register 230762/1).

318. Reason: To ensure the use of attenuation overlays over the generic distances of the table are informed by local circumstances in accordance with the guidelines.

Safeguarding of Airports Code – Launceston Airport

Representation: Launceston Airport (16)

319. The representor requested the following:

Northern Midlands draft Local Provisions Schedule

- that the Airport Noise Exposure Area overlay include the 'N contours' for the airport, which are mapped in the Launceston Airport Masterplan 2020;
 - that the Obstacle Limitation Area overlay include the PANS-OPS surfaces; and
 - that the Utilities Zone be removed from the airport land.
320. The reasons include:
- that the updates to the overlays would implement the National Airports Safeguarding Framework; and
 - that the SPPs cannot be applied to Commonwealth land as detailed in section 52(i) of the *Constitution and Commonwealth Places (application of Laws) Act 1970 (cth)*.
321. In the section 35F report, the planning authority was supportive of the proposed amendments to the draft LPS.
322. At the hearing, the representor reiterated points made in the representation about its view on a need for a State policy that would provide for the principles of the National Airports Safeguarding Framework to be translated to planning controls.
323. After the hearing, in response to a direction issued by the Commission, the representor provided the following:
- a list of titles which the Airport lease covers to which it proposed the Utilities Zone be removed as follows:
 - 311 Evandale Road, Western Junction (folios of the Register 31731/1, 80983/1, 80983/3, 80983/4 and 128763/1; and
 - Evandale Road, Western Junction (folio of the Register 225834/1);
 - modified mapping of the Airport Noise Exposure Area overlay that included the N contours;
 - modified mapping of the Airport Noise Exposure Area overlay that reflected the mapping given in the Launceston Airport Masterplan 2020. The revised Airport Noise Exposure Area overlay generally applied to the same area as the exhibited version of the overlay, with the noticeable differences being an extension of approximately 500m to the north and 1000m to the south; and
 - modified GIS mapping of the Airport Obstacle Limitation Area overlay that included the OLS and the PANS-OPS surfaces as a combined lowest common surface, for implementation in the planning scheme.

Commission consideration

324. The Commission agrees that the Utilities Zone should not be applied. The operation of the Airports Act 1996 (cth) excludes the operation of state land use planning laws. Therefore it is considered appropriate to respond to the provisions of that legislation in this instance, which would also ensure that the airport is treated in the same way as the unzoned Hobart International Airport, being the only comparable facility in the State.
325. The Commission also agrees that the Airport Noise Exposure Area overlay should be amended as proposed, which is consistent with the requirements of SAC 1 and SAC 3 of Guideline No. 1.
326. The Commission acknowledges the GIS mapping of the Airport Obstacle Limitation Area overlay provided by the representor includes the OLS and the PANS-OPS, combined into a single overlay as required by Guideline No. 1. The Commission considers that the Airport Obstacle Limitation Area overlay as exhibited, should be modified to reflect the submission as made, and it is reasonable to approve the draft LPS subject to such a modification.

Northern Midlands draft Local Provisions Schedule

327. The Commission otherwise notes the representor's general concerns about State planning controls for airports, but that any perceived deficiencies of the Safeguarding of Airports Code are matters for the review of the SPPs.

Commission decision

328. Modification:

- Revise the zoning, by removing the Utilities Zone from 311 Evandale Road, Western Junction (folios of the Register 31731/1, 80983/1, 80983/3, 80983/4 and 128763/1) and Evandale Road, Western Junction (folio of the Register 225834/1).

329. Reason: To align the draft LPS with the requirements of the *Airports Act 1996* (cth).

- Revise the Airport Noise Exposure Area overlay as shown in the Launceston Airport submission received 27 June 2022.

330. Reason: To apply the Airport Noise Exposure overlay in accordance with SAC 1 and SAC 3 of Guideline No. 1.

- Revise the Airport Obstacle Limitation Area overlay as shown in the Launceston Airport submission received 26 August 2022.

331. Reason: To apply the Airport Obstacle Limitation Area overlay in accordance with SAC 4 and SAC 5 of Guideline No. 1.

Commission consideration under section 35KB

332. The Commission finds that the amendments relating to the application of the Airport Noise Exposure Area and the Airport Obstacle Limitation Area overlay is a substantial modification, as there may be a public interest in the amendment. Under section 35KB, the Commission considers the substantial modifications required are suitable to be made by way of an amendment, under Part 3B of the Act, of the Northern Midlands LPS, after it comes into effect.

Commission decision under section 35KB

333. Draft amendment directed to the Northern Midlands LPS:

- Revise the Airport Noise Exposure Area overlay as shown in the Launceston Airport submission received 27 June 2022.
- Revise the Airport Obstacle Limitation Area overlay as shown in the Launceston Airport submission received 26 August 2022.

334. Reason: To apply the Airport Noise Exposure overlay in accordance with SAC 1 and SAC 3 of Guideline No. 1. and to apply the Airport Obstacle Limitation Area overlay consistent with Guideline No. 1.

335. The Commission considers that the modification is a substantial modification as there may be a public interest.

Private Forests – Various

Representations: Private Forests Tasmania (45)

336. The representor made no specific request, though provided that a further submission would be made in cooperation with the Department of State Growth.
337. In the section 35F report, the planning authority considered the representation did not warrant modification to the draft LPS.

Northern Midlands draft Local Provisions Schedule

338. At the hearing, the planning authority noted that no consolidated representation had been received, nor any other further information from the representor who was not present.

Commission consideration

339. The Commission finds that in the absence of specific requests, evidence or otherwise, there is nothing to consider.

Commission decision

340. The Commission considers that no modifications are required.

Representations in support of the draft LPS

Low Density Residential Zone – Campbell Town

Representation: Terra Firma Planning for Carlton and Peter Dixon (46)

341. The representor supported application of the Low Density Residential Zone to Campbell Town, with specific regard for 89-113 Clare Street, Campbell Town and 42-56 Franklin Street, Campbell Town.
342. In the section 35F report the planning authority recommended no modifications as a result of this representation.
343. At the hearing no other information was submitted.

Commission consideration

344. The Commission notes the representor's comments are in support of the draft LPS and is satisfied with the planning authority's response in the section 35F report.

Commission decision

345. The Commission considers that no modifications are required.

General Comment on Draft LPS

Representation: TasWater (43)

346. The representor indicated support for the draft LPS.
347. In the section 35F report the planning authority recommended no modifications as a result of this representation.
348. At the hearing no other information was submitted.

Commission consideration

349. The Commission notes the representor's comments are in support of the draft LPS and is satisfied with the planning authority's response in the section 35F report.

Commission decision

350. The Commission considers that no modifications are required.

Matters taken not to be a representation

Representations: Mark Chopping for Forico (6), TasNetworks (18),

351. Representors raised matters including:
- the SPPs should include certain provisions or otherwise be revised;
 - the SPPs failed to consider matters or otherwise provided too much or too little discretion;

Northern Midlands draft Local Provisions Schedule

- querying how the LPS and/or SPP provisions should be interpreted or how discretion in provisions should be exercised in the future implementation of the Tasmanian Planning Scheme;
 - that the format or provisions permitted to be included in the LPS by the SPPs should be changed or otherwise revised; and
 - that the regional strategy was not valid or otherwise should be revised.
352. In the section 35F report the planning authority made no recommendations on these matters, nor did the planning authority provide a section 35G report.

Commission consideration

353. The Commission notes that:
- section 35E of the Act sets out the matters not to be taken to be a representation;
 - other matters not subject to Part 3A of the Act cannot be considered as part of its consideration under section 35J; and
 - during its consideration, it has sought to establish how all raised matters relate to the draft LPS and if the matter can be included within the draft LPS under section 32 of the Act.
354. The Commission considers that the matters raised by the representors itemised above are outside the considerations under section 35J.

Commission decision

355. The Commission considers that it does not have jurisdiction to assess these matters.

Matters of a technical nature or relevant to implementation

356. The Commission notes the draft LPS contains matters that are relevant to section 35J(2) of the Act, including:
- minor numbering and typographical errors in the draft LPS;
 - instances where the draft LPS, or proposed modifications, do not apply the writing style and conventions set out in Practice Note 5: Tasmanian Planning Scheme drafting conventions or Practice Note 8: Draft LPS written document - technical advice;
 - instances where the draft LPS zone and overlay maps or Geographic Information System (GIS) datasets contain overlaps, gaps and errors, or do not apply the technical advice or conventions set out in Practice Note 7 - Draft LPS mapping; technical advice ;
 - instances where the spatial representation of the cadastral parcels dataset have changed after the production of the PDF maps for exhibition that result in minor misalignment between cadastral parcel boundaries and zones or code overlays based on those boundaries;
 - instances where the draft LPS zone and overlay maps or Geographic Information System (GIS) datasets apply outside the municipal area; and
 - instances where a modification to the draft LPS written document or draft LPS maps and overlays requires a consequent modification to the other.
357. The Commission further notes that Division 1 – Electronic database and documents of Part 6 of the Act, requires the Commission to maintain a database containing an electronic planning map.

Commission consideration

358. The Commission considers that the draft LPS should: