

# Break O'Day Draft Local Provisions Schedule

## Section 35F Report

The purpose of this report is to review the representations received during the exhibition of the Break O'Day Draft Local Provisions Schedule (LPS) and provide recommendations to the Tasmanian Planning Commission pursuant to section 35F of the *Land Use Planning and Approvals Act 1993* (the Act)

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## Summary

This report relates to the exhibition of the draft Break O’Day Local Provisions Schedule (LPS) which has been prepared as part of the transition to the Tasmanian Planning Scheme. In accordance with the requirements of section 35F of the *Land Use Planning and Approvals Act 1993*, Council is required to prepare a report to the Tasmanian Planning Commission on the representations received during the public exhibition period, including its opinions on whether the matters raised in those representations are of sufficient merit to necessitate a modification to the draft LPS.

## Background

Through amendments to the *Land Use Planning and Approvals Act 1993* (LUPAA), the State Government has legislated for the introduction of a single state-wide planning scheme to be known as the Tasmanian Planning Scheme.

The Tasmanian Planning Scheme will replace all existing local council planning schemes and will come into effect for each council once the relevant LPS is declared/approved for that local government area.

In general terms, the Tasmanian Planning Scheme will comprise two parts:

- I. A set of standardised state-wide planning provisions – State Planning Provisions;
- II. A Local Provisions Schedule which contains the zone and code overlay maps that apply the State Planning Provisions to a local council area.

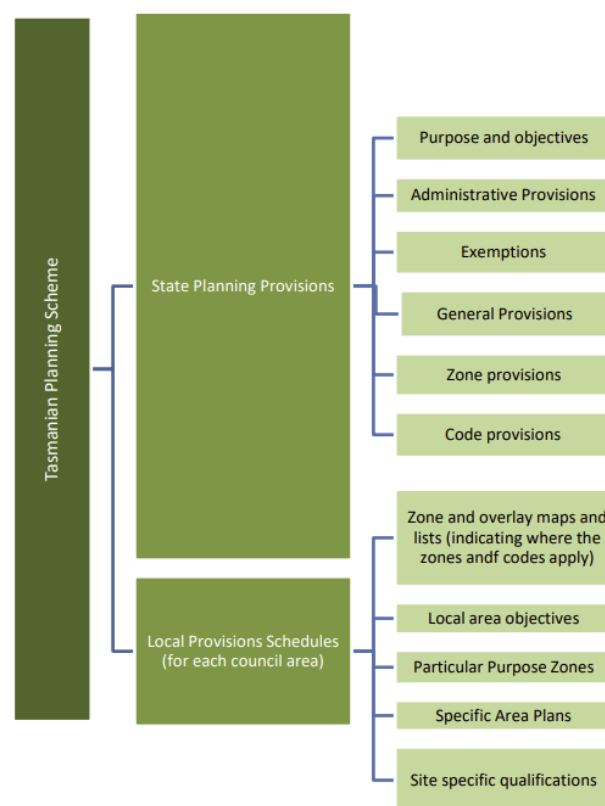


Figure 1. The Tasmanian Planning Scheme

The components of each part are illustrated above in Figure 1, The Tasmanian Planning Scheme.

As part of the transition to the Tasmanian Planning Scheme, each local council is required to prepare a Local Provisions Schedule for its own local government area the contents of which are regulated by section 32 of LUPAA. Particularly relevant to the Break O'Day community, as demonstrated by the topic of representations made, the draft LPS addresses the zone and overlay maps applicable to the local government area.

At its ordinary meeting of 16 August 2021, the Break O'Day Council determined to endorse and submit the draft LPS to the Tasmanian Planning Commission (the Commission) which has been prepared for the Break O'Day local government area. The draft LPS was formally submitted to the Commission on 21 September, 2021. On 24 September 2021, the Commission directed the Break O'Day planning authority to publicly exhibit the draft Break O'Day LPS (Section 35B LUPAA). The statutory period for the exhibition of the draft LPS was 11 October 2021 through to the 10 December 2021 with Council exercising discretion to include in its report any representation received until close of business (5pm) on Friday, 17 December 2021. The Exhibition Period was formally advertised as 11 October 2021 – 13 December, 2021.

### Statutory Requirements

Following the statutory public exhibition of the draft LPS in accordance with sections 35C and 35D of LUPAA, Council has now prepared a report to the Tasmanian Planning Commission detailing representations made by the public and provided for in section 35E of LUPAA. This report aims to satisfy section 35F of LUPAA by providing a report by the planning authority to the Commission concerning the exhibition period and broadly satisfies Practice Note 9 issued by the TPC.

The section 35F report is to include:

- A copy of each representation, including any agreed to be accepted after the end of the exhibition period;
- A response to any LPS criteria outstanding issues notice;
- The planning authority's views on the merit of each representation;
- A recommendation on whether the draft LPS should be modified to take into account the representation and the effect on the draft LPS as a whole in implementing the recommendation; and
- A statement on whether the planning authority is satisfied that the draft LPS meets the LPS criteria.

The legislation requires the planning authority to provide the report within 60 days after the end of the exhibition period. Due to the Christmas holiday period, the scheduling of Council workshops and general meetings in the New Year and resourcing constraints, Council sought an extension of time. Due to the number of representations and extensive content received,

a further extension of time was requested until 6 May 2022. On 22 March 2022, the Tasmanian Planning Commission agreed to extend the reporting period to enable the Break O'Day Council, as the planning authority, to submit the section 35F Report on 6 May, 2022.

### Community Engagement

In accordance with the requirements of LUPAA, the draft LPS was made available for public exhibition for a period of 60 days. The statutory period for the exhibition of the draft LPS was 11 October 2021 through to the 10 December 2021 with Council exercising discretion to include in its report any representation received until close of business (5pm) on Friday, 17 December 2021. During this period, there was one public holiday on 1 November, 2021 dedicated to 'Recreation Day'.

During this period the community could inspect the content of the draft LPS by accessing the documents:

- via the Tasmanian Planning Commission website;
- via Council's webpage which included interactive mapping, information sheets and relevant background information;
- via Council office to view hard copies and interactive mapping.

In addition to the statutory notification requirements, the following also formed part of Council's communications strategy:

- information mail out to all rate payers / property owners;
- email mail out to business and community group database
- drop-in sessions at Fingal, St Marys, Scamander and St Helens during the first week of exhibition;
- Council's planning officer available for one-on-one discussion every Tuesday and Thursday from 10.00am – 12 noon;
- Ability to request further information via Council's planning enquiry forum (verbal and electronic);
- Radio advertising – Star FM
- Print advertising; Full page advert in the Coastal Column and Valley Voice as well as our own newsletter (September 2021) promoting the Drop-in sessions
- Social Media posts on Facebook

Analytics collected on Council's web page during the exhibition period indicates information regarding the draft LPS was viewed a total of 1136 times and spending an average of 4:31 minutes on the page. Council recorded a total of 40 attendees across the drop-in information sessions held in the four townships.



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### Local Provisions Schedule (LPS)

**UPDATE 20 December 2021**

**The Public exhibition period for the Draft Local Provisions Schedule has now CLOSED.**

The exhibition period for the LPS was 11 October – 13 December, 2021.

[Follow this link to see the full Draft BODC LPS](#)

[Follow this link to see the Statewide Planning Provisions](#) (To be implemented once LPS process is complete)

The maps are also available via an [online interactive mapping tool](#), enabling members of the public to search properties and view the property zoning and overlay maps. The interactive mapping tool can be accessed for the duration of the exhibition period, by [CLICKING HERE](#).

Notice of the exhibition period was publicly advertised in the Examiner on 9 October and 23 October, 2021 – you can find a copy of the advert below.



Background

How will the LPS affect me?

What happens now?

Still have Questions

Figure 2 – Council's Web Page

## Representations

During the exhibition period, 77 representations were received. The planning authority further resolved to accept representations received up until close of business on Friday 17 December, resulting in a total of 82 representations to be considered and included in the section 35F Report.

<b>No.</b>	<b>Representor</b>	<b>No.</b>	<b>Representor</b>
1	Gary Luck & Gayle Smythe	2	Denis Buchanan
3	Jeanette & Philip Peryman	4	Julia Weston
5	Peter & Leissa Dane	6	Jim Harris
7	Rodney & Janet Drummond	8	Tilman Ruff
9	Julie and Brett Owers	10	Dion Agius
11	Martin and Vanessa Webb	12	Phillip and Barbara McConnell
13	Peter Power-Lawrence	14	John Campbell-Smith
15	Joanne and Justin Howe	16	John Thompson (on behalf of Jenny Sielhorst)
17	Elizabeth Dean	18	Anna Povey and Michael Fox
19	Jennifer Roberts	20	Michael and Jessie Groves
21	Narelle Ransley	22	Chris Triebe (writing on behalf of Gregory and Beth Colwell)
23	Alan Richmond	24	Christine Hosking
25	Nick Amse	26	Rob Marshall
27	Rebecca Maier	28	Esther Field and Kaylen Jorgensen
29	Tayler Paulsen	30	Beris Hansberry
31	Christopher Barron	32	David Rann
33	Peter Paulsen	34	Kevin, Lorna and Dale Richards
35	Sean Guinane	36	Richard and Heather Prebble
37	Ian Matthews	38	Ross and Jo Williams
39	Hendrik and Greta Jansen	40	Christina Mackeen
41	Leanne Groves	42	Susan and Bill Manning
43	James Stewart (on behalf of Marguerite Gee)	44	Michelle Schleiger (on behalf of Carl Wagner)
45	Michelle Schleiger (on behalf of Darrell Smith)	46	Michelle Schleiger (on behalf of Anthony Swanson)
47	Raoul Harper	48	Maree Willcox
49	James Stewart (on behalf of Lee Hindrum)	50	Geoff and Rosie Murray
51	Alison Bleaney	52	Valerie Legg
53	Paul Thomas	54	Kylie Walker
55	James Stewart (on behalf the owners in Lots 1-4 Vince Lane)	56	James Stewart (on behalf of Bruce Hogarth and Rita Tobler)
57	Heather Sculthorpe	58	John Davies
59	Graeme Beech	60	Abby Gee
61	Abby Gee (on behalf of Ms King)	62	Melissa Manton and Daniel Steiner
63	Department for State Growth	64	Break O'Day Chamber of Commerce and Tourism Inc
65	Tas Rail	66	TasNetworks
67	TasWater	68	St Helens Sailing Squadron
69	Rainforest Rescue	70	Conservation Landholders Tasmania
71	Heritage Tasmania - Department of Natural Resources and Environment Tasmania	72	Woolcott Surveys
73	Friends of the East Coast Inc.	74	Department of Natural Resources and Environment Tasmania

75	Seymour Community Action Group Inc.	76	Department of Communities Tasmania
77	Forico Pty Limited	78	Tasmanian Land Conservancy
79	Heritage Tasmania - Department of Natural Resources and Environment Tasmania	80	Richard Barnes (on behalf of the Directors of Parnella Holdings Pty Ltd)
81	North East Bioregional Network	82	Break O'Day Council

An assessment of each representation and recommendations in response to the matters raised in each representation is provided as Attachment 1.

Copies of each of the received representations are enclosed with Attachment 2

## Background Information prior to Public Exhibition

### Statutory requirements for a draft LPS – the LPS criteria (s.34 (2) LUPAA)

In March 2020, Council resolved that the draft Break O'Day Local Provisions Schedule (draft LPS) met the requirements of Section 34 of the Land Use Planning and Approvals Act 1993 (the Act) and agreed to forward the draft LPS to the Tasmanian Planning Commission (Commission). The documents provided to the Commission included:

- LPS Ordinance
- LPS Supporting Report
- Zone and Code Mapping
- Specific Area Plan Mapping
- Various supporting reports and documentation.

The Commission reviewed the package of information and in July 2020 held a post lodgement conference with Council representatives and GHD. The Commission requested further information and justification with regards to the:

- application of zones
- application of codes
- operation of the new Particular Purpose Zones and Specific Area Plans
- other minor drafting changes.

Updated documentation was provided to the Commission in February 2021. Between February and June 2021, Council responded to further queries from the Commission regarding the draft LPS.

In July 2021, the Commission issued a notice under section 35(5)(b) and Schedule 6, clauses 8C(5)(a) and 8D(9)(a) directing the Break O'Day planning authority to prepare and submit the Break O'Day draft LPS modified in accordance with the requirements specified by the Commission.

Council at its general meeting on 16 August 2021 confirmed that it is satisfied that the Draft Break O'Day Local Provisions Schedule meets the local provisions schedule criteria in section 34(2) of the *Land Use Planning and Approvals Act 1993*. Additionally, formal delegation was



given to the General Manager to modify and re-submit the draft LPS and do all things necessary to exhibit the same in accordance with Section 35C and 35D of the LUPAA.

The draft LPS was formally submitted to the Commission on 21 September, 2021. On 24 September 2021, the Commission directed the Break O'Day planning authority to publicly exhibit the draft Break O'Day LPS (Section 35B LUPAA). At this point in time both the Tasmanian Planning Commission and the Break O'Day planning authority had determined that the draft LPS satisfied the LPS criteria.

The statutory period for the exhibition of the draft LPS was 11 October 2021 through to the Friday, 10 December 2021 with Council formally advising the public that the exhibition period closed on Monday, 13 December 2021. Council further exercised discretion to include in its report any representation received until close of business (5pm) on Friday, 17 December 2021.

### Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application

In 2018 the TPC issued Guideline No. 1 Local Provisions Schedule (LPS): Zone and Code Application (the Guideline) with approval of the Minister, in accordance with section 8A of LUPAA. The purpose of the Guideline is to provide an easy reference guide for the application of all zones and codes for the preparation of draft LPS in accordance with LP1.0 of the SPP which set out the LPS requirements. The Break O'Day Council utilised Guideline No. 1 when considering the representations received.

The Environmental Living Zone (ELZ) within the interim planning scheme has not been carried over to the SPP. Within the municipality, the ELZ predominately applies to coastal areas where existing natural and landscape values are to be retained whilst providing for residential uses or development. The most logical translation for this zone was the Landscape Conservation Zone.

Another notable difference for the Break O'Day local government area, is the removal of the subdivision standard within the ELZ and Rural Resource Zone, which prohibited new lots within 1km from the High Water Mark. This particular provision is unique to Break O'Day and has not been included in the Tasmania Planning Scheme. The LCZ subdivision standards along with other code requirements is considered to adequately protect coastal areas from unsuitable subdivision.

Representations received during the Exhibition stage, highlighted within the community, a common request for land supporting conservation covenants, to transition to the Landscape Conservation Zone. In assessing the representations, in addition to the state guideline, the BODC developed a decision matrix concerning the same.

The Break O'Day Council has applied the following assessment when determining a zone modification to Landscape Conservation Zone on a titles supporting conservation covenants:

- Able to achieve connectivity to land zoned Environmental Management or Landscape Conservation;



- Existing conservation covenant affecting majority of title;
- Landowner consent provided or able to be provided;
- Satisfies LCZ1, LCZ2 and LCZ3

It is noted a number of representations regarding availability of land within a residential zone, e.g. Rural Living, Low Density, and General Residential Zone, were received. Rezoning land to address the representations was outside the scope of the draft LPS and requires further strategic work.

The Agricultural Zone has primarily been applied based on the Agricultural Land Mapping Project provided by the State Government. Similarly the Priority Vegetation overlay has been provided by the State Government. This approach was observed in the preparation of the draft LPS. Analysis of the representations highlighted the conflict between the allocation of Agriculture Zone and threatened vegetation mapping and the inability to apply the Priority Vegetation mapping overlay. This is a common issue across the state that requires a state-wide approach.

### Modifications to the draft LPS following public exhibition

Analysis of representations resulted in the following modifications to the exhibited draft LPS.

Representation Number	Modification
Representation 1	<b>Recommended modification to draft LPS;</b> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT 121906/1 &amp; 121906/2</li> </ul>
Representation 2 (1)	<b>Recommended modification to draft LPS;</b> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT26754/1</li> <li>• Apply the Rural Zone to Titles <i>CT26754/5 and CT26754/6 and CT141750/1 and CT137864/1</i></li> </ul> <p>Apply the Priority Vegetation mapping to all titles as provided in the Rod Knight State wide Mapping.</p>
Representation 2 (2)	<b>Recommended modification to draft LPS;</b> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT26754/1</li> <li>• Apply the Rural Zone to Titles <i>CT26754/5 and CT26754/6 and CT141750/1 and CT137864/1</i></li> </ul> <p>Apply the Priority Vegetation mapping to all titles as provided in the Rod Knight State wide Mapping.</p>
Representation 2 (3)	<b>Recommended modification to draft LPS;</b> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT26754/1</li> <li>• Apply the Rural Zone to Titles <i>CT26754/5 and CT26754/6 and CT141750/1 and CT137864/1</i></li> </ul> <p>Apply the Priority Vegetation mapping to all titles as provided in the Rod Knight State wide Mapping.</p>
Representation 2 (4)	<b>Recommended modification to draft LPS;</b> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT26754/1</li> <li>• Apply the Rural Zone to Titles <i>CT26754/5 and CT26754/6 and CT141750/1 and CT137864/1</i></li> </ul> <p>Apply the Priority Vegetation mapping to all titles as provided in the Rod Knight State wide Mapping.</p>
Representation 2 (5)	<b>Recommended modification to draft LPS;</b> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT26754/1</li> <li>• Apply the Rural Zone to Titles <i>CT26754/5 and CT26754/6 and CT141750/1 and CT137864/1</i></li> </ul>

	<ul style="list-style-type: none"> <li>• Apply the Priority Vegetation mapping to all titles as provided in the Rod Knight State wide Mapping.</li> </ul>
Representation 3	No modification to the draft LPS
Representation 4 (1)	<b>Recommended modification to draft LPS;</b> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT209977/1</li> <li>• Apply the Rural Zone to CT168012/2</li> <li>• Apply the Priority Vegetation mapping to all titles as provided in the Rod Knight State wide Mapping.</li> </ul>
Representation 4 (2)	No modification to the draft LPS
Representation 5	<b>Recommended modification to draft LPS;</b> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT142906/2</li> </ul>
Representation 6	<b>Recommended modification to draft LPS;</b> <ul style="list-style-type: none"> <li>• Apply the Open Space to CT 156731/20</li> </ul>
Representation 7	No modification to the draft LPS
Representation 8	<b>Recommended modification to draft LPS;</b> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT 240592/1</li> </ul>
Representation 9	<b>Recommended modification to draft LPS;</b> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT157275/1</li> </ul>
Representation 10	No modification to the draft LPS
Representation 11	<b>Recommended modification to draft LPS;</b> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT242163/1 only;</li> <li>• Apply the Rural Zone to Titles CT242164/1</li> </ul>
Representation 12	No modification to the draft LPS
Representation 13	<b>Recommended modification to draft LPS;</b> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to portion of site outside of the Private Nature Reserve</li> <li>• Private Nature Reserve zoned EMZ as per TPC direction.</li> </ul>
Representation 14	No modification to the draft LPS
Representation 15	No modification to the draft LPS
Representation 16	No modification to the draft LPS
Representation 17	No modification to the draft LPS
Representation 18 (1)	<b>Recommended modification to draft LPS;</b> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT53948/1</li> </ul>
Representation 18 (2)	No modification to the draft LPS
Representation 18 (3)	No modification to the draft LPS
Representation 18 (4)	No modification to the draft LPS
Representation 18 (5)	No modification to the draft LPS
Representation 18 (6)	No modification to the draft LPS
Representation 18 (7)	No modification to the draft LPS
Representation 19	No modification to the draft LPS
Representation 20	No modification to draft LPS
Representation 21	No modification to draft LPS
Representation 22	No modification to draft LPS
Representation 23	No modification to the draft LPS
Representation 24	No modification to the draft LPS.
Representation 25	<b>Recommended modification to draft LPS;</b> <ul style="list-style-type: none"> <li>• Apply Open Space Zone to CT 156731/20</li> </ul>
Representation 26	No change to the Draft LPS.
Representation 27	No modification to the draft LPS
Representation 28	<b>Recommended modification to draft LPS;</b> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT142906/4</li> </ul>
Representation 29	No modification to the draft LPS
Representation 30	No modification to the draft LPS

Representation 31	<b>Recommended modification to draft LPS;</b> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT142906/5</li> </ul>
Representation 32	No modification to the draft LPS
Representation 33	No modification to the draft LPS
Representation 34	No modification to the draft LPS
Representation 35	No modification to the draft LPS
Representation 36	No modification to the draft LPS
Representation 37	<b>Recommend modification to the draft LPS to:</b> <ul style="list-style-type: none"> <li>• That the four (4) titles at 201 Terrys Hill Road, described as CT 239330/1, 239331/1, 239329/1 and 239332/1 be zoned as Rural Zone and that the Natural Assets Code (including the Priority Vegetation Overlay) be applied to the land (as provided in the Rod Knight state-wide mapping)</li> </ul>
Representation 38	<b>Recommend modification to the draft LPS to:</b> <ul style="list-style-type: none"> <li>• That the Planning Authority response provided in this report is provided on the public record and further discussed at a scheduled hearing.</li> <li>• That the Rural Zone is to remain in the draft LPS until such time as Council consider an amendment to the zoning under a separate application or amendment process once the LPS has come into effect.</li> </ul>
Representation 39	<b>Recommend modification to the draft LPS to:</b> <ul style="list-style-type: none"> <li>• That the three titles at 265 Medeas Cove Road (CT 181557/4 and CT 181557/3 and CT 181557/5) be changed to the Rural Zone under the draft LPS.</li> </ul>
Representation 40	<b>Recommended modification to draft LPS:</b> <ul style="list-style-type: none"> <li>• Apply Open Space Zone to CT 156731/20</li> </ul>
Representation 41	No modification to the draft LPS
Representation 42	No modification to the draft LPS
Representation 43	No modification to the draft LPS
Representation 44	<b>Recommend modification to the draft LPS to:</b> <ul style="list-style-type: none"> <li>• Rezone CT 46572/1 to RLZ (B) based on approved subdivision plan</li> </ul>
Representation 45	<b>Recommend modification to the draft LPS to:</b> <ul style="list-style-type: none"> <li>• Rezone CT 166517/1 to the RZ; as well as</li> <li>• CT 15988/3 (same ownership); CT 148075/1, CT 11929/1, CT 223041/1; CT 181557/5; CT 181557/4; CT 181557/4</li> <li>• Apply the Natural Assets Code as provided in the Rod Knight state-wide mapping</li> </ul>
Representation 46	No modification to the draft LPS
Representation 47 (1)	No modification to the draft LPS
Representation 47 (2)	No modification to the draft LPS
Representation 48	No modification to the draft LPS
Representation 49	No modification to the draft LPS
Representation 50	No modification to the draft LPS
Representation 51	No modification to the draft LPS
Representation 52	No modification to the draft LPS
Representation 53	No modification to the draft LPS
Representation 54	No modification to the draft LPS
Representation 55	No modification to the draft LPS
Representation 56	No modification to the draft LPS
Representation 57	No modification to the draft LPS
Representation 58	No modification to the draft LPS
Representation 59	No modification to the draft LPS
Representation 60	No modification to the draft LPS

Representation 61	No modification to the draft LPS
Representation 62	No modification to the draft LPS
Representation 63	<b>Recommend modification to the draft LPS to:</b> <ul style="list-style-type: none"> <li>• Apply the Utilities Zone to the Binalong Bay Tourist Road</li> <li>• Review the Priority Vegetation layer in relation to State Road parcels once provided by State Growth</li> <li>• Apply Rural Zone to CT 85925/1</li> <li>• Require specific titles in question regarding PTRs</li> </ul>
Representation 64	No modification to the draft LPS
Representation 65	<b>Recommend modification to the draft LPS to:</b> <ul style="list-style-type: none"> <li>• Rezone CT 154750/1 and 6/7644 to UZ</li> </ul>
Representation 66	<b>Recommended modification to draft LPS:</b> <ul style="list-style-type: none"> <li>• Apply the Utilities Zone to PID 2543295 which is the South Sister Communication Site.</li> </ul>
Representation 67	<b>Recommend modification to the draft LPS to:</b> <b>Rezone the following properties to the Utilities Zone</b> <ul style="list-style-type: none"> <li>• Fingal WTP &amp; Storages PID 3229476</li> <li>• St Marys WTP and Storage PID 3253839</li> <li>• Campbell St Scamander Reservoir PID 6812114</li> </ul>
Representation 68	<b>Recommended modification to draft LPS:</b> <ul style="list-style-type: none"> <li>• Include within BRE-P3.4 Use Table the Use Class Sport and Recreation as a Discretionary Use qualified for water based recreational and/or sporting activities, including associated club room.</li> </ul>
Representation 69	<b>Recommended modification to draft LPS:</b> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT238246/1</li> </ul>
Representation 70 (1)	No modification to the draft LPS
Representation 70 (2)	<b>Recommended modification to draft LPS:</b> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to 228407/1; 236472/1; 236471/1</li> </ul>
Representation 70 (3)	<b>Recommended modification to draft LPS:</b> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT238246/1 and 240592/1</li> </ul>
Representation 70 (4)	No modification to the draft LPS
Representation 70 (5)	<b>Recommended modification to draft LPS:</b> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT242163/1 only;</li> <li>• Apply the Rural Zone to Titles CT242164/1</li> </ul>
Representation 70 (6)	<b>Recommended modification to draft LPS:</b> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT209977/1</li> <li>• Retain the Rural Zone to CT168012/2 and 179552/1</li> </ul>
Representation 70 (7)	<b>Recommended modification to draft LPS:</b> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to - <ul style="list-style-type: none"> <li>- CT121906/1</li> <li>- CT 121906/2</li> <li>- CT 157275/1</li> <li>- CT 142906/2</li> <li>- CT 142906/3</li> <li>- CT 142906/4</li> <li>- CT 142906/5</li> </ul> </li> </ul>
Representation 70 (8)	No modification to the draft LPS
Representation 70 (9)	<b>Recommended modification to draft LPS:</b> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT120232/1, CT206762/1 and CT 120054/1</li> <li>• Apply the Rural Zone to CT 218714/1</li> </ul>
Representation 70 (10)	No modification to the draft LPS

Representation 70 (11)	No modification to the draft LPS
Representation 70 (12)	No modification to the draft LPS
Representation 70 (13)	No modification to the draft LPS
Representation 70 (14)	No modification to the draft LPS
Representation 70 (15)	No modification to the draft LPS
Representation 70 (16)	No modification to the draft LPS
Representation 70 (17)	No modification to the draft LPS
Representation 71	<b>Recommend modification to the draft LPS to:</b> Update BRE- Table C6.1 Local Heritage Places to include listings as per THR representation
Representation 72	No modification to the draft LPS
Representation 73	No modification to the draft LPS
Representation 74	<b>Recommend modification to the draft LPS to:</b> <b>Humbug Point</b> <ul style="list-style-type: none"> <li>Recommend site remains as Recreation Zone or rezoned to Open Space Zone</li> </ul> <b>Sorell Street, Final</b> <ul style="list-style-type: none"> <li>TPC to confirm</li> </ul>
Representation 75	No modification to the draft LPS
Representation 76	<b>Recommend modification to the draft LPS to:</b> <ul style="list-style-type: none"> <li>Rezoning balance of land to Community Purpose Zone</li> </ul>
Representation 77	<b>Recommend modification to the draft LPS to:</b> <ul style="list-style-type: none"> <li>Representor to provide further context regarding the UZ request associated with CT 238716/1.</li> <li>Retain CT 155683/2 within the RLZ</li> <li>Retain Agriculture Zone to titles contained within the representation.</li> </ul>
Representation 78	No modification to draft LPS  Please refer to CLT representation regarding the application of zoning to titles with Conservation Covenant.
Representation 79	<b>Recommend modification to the draft LPS to:</b> Update BRE- Table C6.1 Local Heritage Places to include both listings as per THR representation
Representation 80	No modification to the draft LPS
Representation 81 (1)	No modification to the draft LPS
Representation 81 (2)	No modification to the draft LPS
Representation 81 (3)	No modification to the draft LPS
Representation 81 (4)	No modification to the draft LPS
Representation 81 (5)	No modification to the draft LPS
Representation 81 (6)	No modification to the draft LPS
Representation 81 (7)	No modification to the draft LPS
Representation 81 (8)	No modification to the draft LPS
Representation 81 (9)	No modification to the draft LPS
Representation 81 (10)	<ol style="list-style-type: none"> <li>It is recommended the site remain zoned Open Space</li> <li>Refer to Representation 18 Item 1</li> <li>Refer to Representation 18 Item 2</li> <li>No change to the Draft LPS is proposed.</li> <li>No alteration to the Draft LPS is recommended.</li> <li>No change to the draft LPS is supported.</li> <li>It is recommended the site remain in the Rural Zone until such time as a future strategic review is conducted</li> <li>It is recommended the site remain in the Rural Zone until such time as a future strategic review</li> </ol>

	<p>9. It is recommended the site remain in the Rural Zone until such time as a future strategic review is conducted</p> <p>10. It is recommended the site remain in the Rural Zone until such time as a future strategic review</p> <p>11. Whilst the natural values are identified, the modification of zone to EMZ will require a coordinated approach with the state in order to apply reserve status.</p> <p>12. It is recommended the titles remain in the LDRZ.</p> <p>13. The site is recommended to transition to the Open Space Zone and satisfies the recommendation of OSZ1 and OSZ3 of Guideline No. 1</p> <p>14. It is recommend there be no change to the split zoning of the Crown Land. The majority of the title remains within the Environmental Management Zone. This matter can be further considered by the state.</p> <p>15. The site should remain zoned Recreation Zone and provide for active or organised recreational purposes satisfying RecZ 1.</p> <p>16. The identified land is recommended to remain within the General Residential Zone and satisfies GRZ1 and GRZ2.</p> <p>17. It is recommended site remain within the Agriculture Zone in accordance with AZ1 the Planning Authority recommendation has no impact on implementing the draft LPS as a whole. The Planning Authority recommendation meets the LPS criteria.</p> <p>18. It is recommended the following land parcels remain within the Agriculture Zone in accordance with AZ1.</p> <p>122538/1 241306/1 122538/2 54344/1 18361/2 235694/1</p> <p>The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.</p> <p>19. It is recommended the following land parcels remain within the Agriculture Zone in accordance with AZ1.</p> <p>243822/1 243820/1 53715/3 53713/1 123935/1 237865/1</p>
Representation 81 (11)	No modification to the draft LPS
Representation 81 (12)	No modification to the draft LPS
Representation 81 (13)	Recommended modification to draft LPS; <ul style="list-style-type: none"> <li>• Apply the Open Space Zone to CT141663/9</li> </ul>
Representation 81 (14)	No modification to the draft LPS
Representation 81 (15)	No modification to the draft LPS
Representation 81 (16)	No modification to the draft LPS
Representation 81 (17)	No modification to the draft LPS
Representation 81 (18)	No modification to the draft LPS
Representation 81 (19)	No modification to the draft LPS
Representation 81 (20)	No modification to the draft LPS
Representation 81 (21)	No modification to the draft LPS
Representation 81 (22)	No modification to the draft LPS
Representation 81 (23)	No modification to the draft LPS
Representation 81 (24)	No modification to the draft LPS

Representation 82 (1a)	<b>Recommended modification to the draft LPS to:</b> <ul style="list-style-type: none"> <li>• Apply the Open Space Zone to CT141663/9</li> </ul>
Representation 82 (1b)	No modification to the draft LPS
Representation 82 (1c)	Discussion with the Tasmanian Planning Commission regarding the appropriate course of action with the aim of rezoning the parcel of land to General Residential Zone. Noting this parcel of land was not included in the exhibition of the draft LPS.
Representation 82 (2)	<b>Recommended modification to the draft LPS to:</b> <ul style="list-style-type: none"> <li>• CT229216/5 to be included within the Place or precinct or archaeological potential (Red 233, Green 163, Blue 201).</li> <li>• The addition is to be contained within the overlay map showing local heritage places for the application of the Local Historic Heritage Code.</li> </ul>
Representation 82 (3)	<b>Recommended modification to the draft LPS to:</b> <ul style="list-style-type: none"> <li>• To include that portion of the Frome Regional Reserve within the Environmental Management Zone of the Draft LPS.</li> </ul>
Representation 82 (4)	<b>Recommended modification to the draft LPS to:</b> <ul style="list-style-type: none"> <li>• To include that portion of Musselroe Road within the Utilities zone of the draft LPS.</li> </ul>


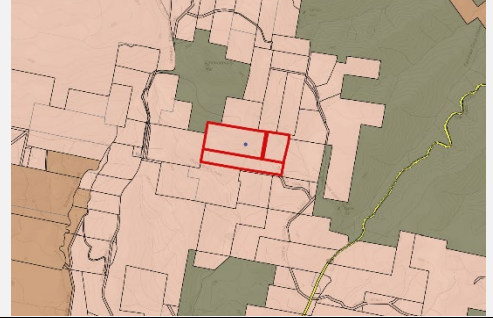
## Attachments

Attachment 1: Representations – Assessment and Recommendations

Attachment 2: Representations – copies

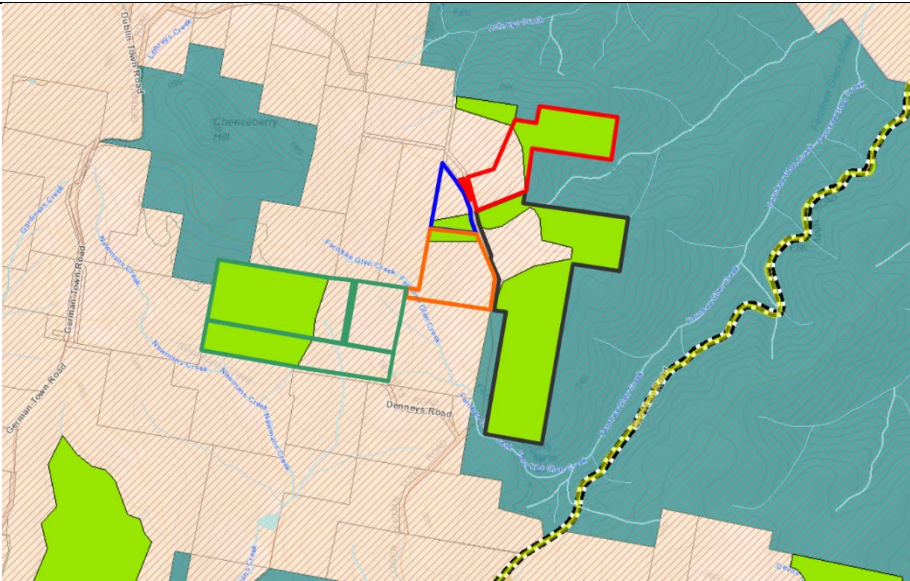
**Attachment 1: Representations – Assessment and Recommendations**



<b>Representation No. 1</b> <b>Related Rep No. 70</b> <b>Item 7</b>	<b>Name:</b> Gary Luck & Gayle Smythe <b>Address (CT Details):</b> 22 Denneys Road, St Marys (121906/1 & 121906/2) <b>PID:</b> 2593962 <b>Land Area:</b> 31.4382777ha <b>IPS Zoning:</b> Rural Resource														
<b>Mapping</b>	 														
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<b>Site Location</b>	<b>Draft LPS Zoning - Rural</b>													
	<p>To support the requested rezoning (<i>Landscape Conservation Zone</i>), the representation provided the following reasons:</p> <ul style="list-style-type: none"> <li>Majority of the property is covered by a conservation covenant (Denneys Road Reserve), approximately 57% of 121906/1 and 54% of 121906 are included under the conservation covenant.</li> <li>Remainder of the property is not being used for commercial agriculture activities and there are not any future plans for this use to be initiated on the land.</li> <li>The sections of the property which are subject to the aforementioned conservation covenant adjoin the 46.5ha Cheeseberry Hill Conservation Area and is also located less than 1km from the St Marys Pass State Reserve (750ha). Representor asserts that their property contributes to an important and substantial area of protected land near St Marys.</li> <li>Covenanted in addition to some uncovenanted sections of the property support a Eucalyptus brookeriana ecosystem, which has been listed as critically endangered under the EPBC ACT.</li> <li>The property supports a number of threatened wildlife species which include the following: Tasmanian Devil, Spot-Tailed Quoll, Eastern Quoll, Platypus, Blind Velvet Worm, White Goshawk and Wedge-Tailed Eagle.</li> <li>Application of the Landscape Conservation Zone is most appropriate for the properties that are covered and or partly covered by a private reserve (more than 50%) where the non-reserved section is not used for agriculture. Representor claims that the requested rezoning of the property to Landscape Conservation Zone is within the Tasmanian Planning Commission Guidelines (Section 8A Guideline No.1)</li> </ul>														
<b>Planning Authority response</b>	<p><b>Consistency Overview:</b></p> <table border="1" data-bbox="469 1541 1394 1727"> <tr> <td data-bbox="469 1541 836 1581">NTRLUS</td> <td data-bbox="836 1541 900 1581"><input checked="" type="checkbox"/></td> <td data-bbox="900 1541 1315 1581">Local Strategy / Policy</td> <td data-bbox="1315 1541 1394 1581"><input type="checkbox"/></td> </tr> <tr> <td data-bbox="469 1581 836 1653">Section 8A Guideline No.1</td> <td data-bbox="836 1581 900 1653"><input checked="" type="checkbox"/></td> <td data-bbox="900 1581 1315 1653">Relate to the drafting / content of the SPP?</td> <td data-bbox="1315 1581 1394 1653"><input type="checkbox"/></td> </tr> <tr> <td data-bbox="469 1653 836 1727">TPC Practice Notes</td> <td data-bbox="836 1653 900 1727"><input checked="" type="checkbox"/></td> <td data-bbox="900 1653 1315 1727">Reflect a like for like conversion of the IPS?</td> <td data-bbox="1315 1653 1394 1727"><input type="checkbox"/></td> </tr> </table> <p><b>Response:</b></p> <p>Located north east of the St Marys Township and in close proximity to the St Marys Pass State Reserve and adjoining the Cheeseberry Hill Conservation Area, the property is situated amongst land that has been proposed to be zoned as Rural within the draft LPS. If the requested rezoning of the property to the Landscape Conservation Zone were to be applied instead, this may contribute to spot zoning as it is not currently co-located with land proposed to contain the requested LPS zone. It is also worth noting that regardless of the zone applied to the property, the conservation covenant present on the property will remain until it is removed by the owner.</p>			NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>												
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TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>												

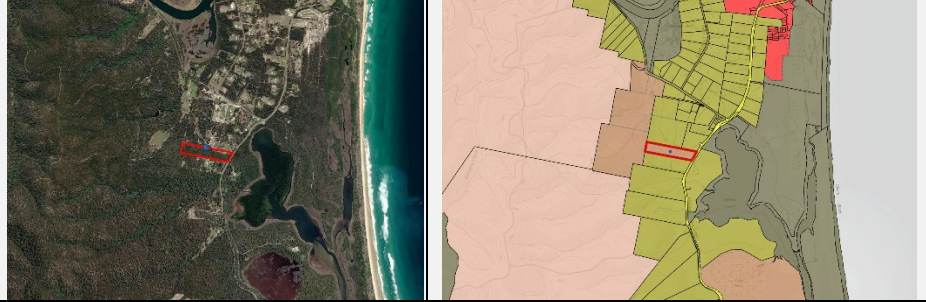
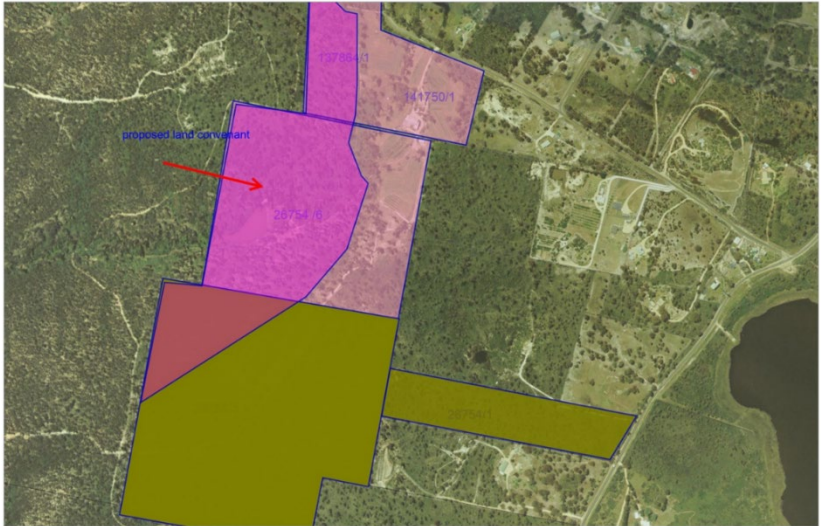
	<p>Regarding the requested application of the Landscape Conservation Zone to the property, the following guideline stipulates the requirements necessary for land to be considered appropriate for the Landscape Conservation Zone (pp.19):</p> <p><i>LCZ 1 The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.</i></p> <p><i>LCZ 2 The Landscape Conservation Zone may be applied to:</i></p> <p><i>(a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;</i></p> <p><i>(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or</i></p> <p><i>(c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.</i></p> <p>Application of the LIST Maps 'Land Potentially Suitable for Agriculture Zone' layer revealed that the property has been identified to align with Criteria 2B 'Potentially Constrained'. When applying the 'Land Capability' layer it is evident that the property is subject both classification 6 ('Land marginally suited to grazing due to severe limitations') and 5 ('Land unsuited to cropping and with slight to moderate limitations to pastoral use') though it is worth noting that the majority of the property is covered by classification 6. Consequently, the aforementioned LIST mapping layers demonstrate that the property has little to no potential for agricultural uses which accordingly aligns with the RZ1 zoning application guideline for the Rural Zone which states (pp. 14):</p> <p><i>RZ 1 The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.</i></p> <p>Due to the assignment of Criteria 2B, the following characteristics may be associated with the property: is smaller than the established Criteria 1 size thresholds (Enterprise Suitability Cluster), has a capital value of less than \$50,000 per hectare, not adjoining a title with an area greater than size thresholds outlined within Criteria 1 and or is not adjoining land subject to a residential zone. Within the context of this representation, the property is not smaller than the Criteria 1 size thresholds, has a capital value more than \$50,000 and is not adjoining residential zoned land. As such, this particular constraint classification indicates that the property has been determined to be meet criteria 1, 2 and 3 of the constraints analysis flow chart provided within the Agricultural Land Mapping Project Background Report.</p> <p>Representor only broadly refers to the Section 8A Guideline No.1 document and does not specify the zoning application guideline which supports the requested rezoning of the property to Landscape Conservation. However, the representor indicates that since the property is partly covered by a private reserve, application of the Landscape Conservation Zone aligns with the TPC guidelines.</p> <p>There is only one strategic planning document that is relevant to the representation which includes:</p> <ul style="list-style-type: none"> <li>Land Use and Development Strategy – Break O'Day Council Municipal Management Plan 2015; specifically section 16 of the strategy concerned with Settlement Character Descriptions and Plans (pp. 104), 'The surrounds of St Marys are currently within the Rural Resource zone or Environmental Living zone, which contain large areas of dense vegetation. Future investigation will be required when undertaking more detailed studies of land proposed for rezoning to identify vegetation corridors to be retained and an appropriate zoning for such land'. The title/s which form the source of this representation are in close proximity to the St Marys Pass State Reserve and the German Town Regional Reserve in addition to</li> </ul>
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	<p>containing a conservation covenant, the proposed LPS Rural Zone for the titles would not be considered consistent with the strategic intent outlined within the Land Use and Development Strategy.</p> <p>From the provided aerial imagery of the property, it can be seen that most of the property is covered by relatively dense vegetation with cleared sections located along the eastern area. Additionally, both the priority vegetation area and waterway and coastal protection overlays from the Natural Assets Code have been applied to the property as seen on Council's provided draft LPS mapping; the property demonstrates that there are some environmental constraints which could inhibit development as evidenced by the presence of the overlays from the Natural Assets Code and dense vegetation coverage. After applying both the LIST mapping layers 'Conservation Covenant' and 'Tasmanian Reserve Estate', it is observable that the property is currently reserved under a conservation covenant and further classed as a private reserve. It is important to note that the conservation covenant applicable to the property was not made by the state which would by default then qualify the property for the Environmental Management Zone (see zoning application guideline LCZ4).</p> <p>Due to the presence of a conservation covenant, substantial levels of vegetation on the land in conjunction with two overlays from the Natural Assets Code; the requested Landscape Conservation Zone could be considered consistent under zoning application guideline LCZ1 and LC2 (a and b). Alternatively it might be important to consider the potential application of the Environmental Management Zone instead (refer to Representation 13 as an example of the proposed LPS zone for a property that contains a conservation covenant and directly adjoins a conservation reserve) as the following zone application guideline could be applicable to the property (pp.20-21):</p> <p><i>EMZ 1 The Environmental Management Zone should be applied to land with significant ecological, scientific, cultural or scenic values, such as:</i></p> <ul style="list-style-type: none"> <li><i>(a) land reserved under the Nature Conservation Act 2002;</i></li> <li><i>(b) land within the Tasmanian Wilderness World Heritage Area;</i></li> <li><i>(c) riparian, littoral or coastal reserves;</i></li> <li><i>(d) Ramsar sites;</i></li> <li><i>(e) any other public land where the primary purpose is for the protection and conservation of such values; or</i></li> <li><i>(f) any private land containing significant values identified for protection or conservation and where the intention is to limit use and development.</i></li> </ul> <p>The Planning Authority acknowledges that the presence of a conservation covenant can indicate environmental values associated with the land, it does not necessarily qualify for the application of the Landscape Conservation Zone. However, due to the close proximity to state reserves and the other four properties within the Lower German Town area requesting to be rezoned to the same zone and also containing conservation covenants (see image below); application of the requested zone to the representor's property can be deemed to demonstrate beneficial strategic planning outcomes. Notably, these outcomes include the avoidance of inconsistent zoning patterns via spot zoning and providing a zoning buffer between land that has been zoned Environmental Management and Rural.</p>
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	 <p>Please see Representation 5, 9, 28, 31 for the locational context of the other four properties. Additionally, please review Rep No. 70 Item 7, related to the Conservation Landholders Tasmania representation</p> <p>The property adjoins titles zoned Environmental Management to the west and further covenanted titles to the east that also adjoin EMZ. The landholder has provided consent and representation is further support by the Conservation Landholders Tasmania (CLT Rep No 70). CLT representation has recommended properties to the east to also be zoned Landscape Conservation and landholder consent has been given.</p> <p>The Break O'Day Council has applied the following assessment when determining a zone modification to Landscape Conservation Zone:</p> <ul style="list-style-type: none"> <li>• Able to achieve connectivity to land zoned Environmental Management or Landscape Conservation;</li> <li>• Existing conservation covenant affecting the majority of the title;</li> <li>• Landowner consent provided or able to be provided;</li> <li>• Satisfies LCZ1, LCZ2 and LCZ3</li> </ul> <p>The subject title satisfies this assessment criteria.</p> <p>It is recommended the title(s) transition to Landscape Conservation Zone.</p>
<b>Recommended action</b>	<p>Recommended modification to draft LPS;</p> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT 121906/1 &amp; 121906/2</li> </ul>
<b>Effect of recommendation on the draft LPS</b>	<p>There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34 (2) of LUPAA is maintained.</p>

<b>Representation No. 2 Item 1</b>	<p><b>Name:</b> Denis Buchanan  <b>Address (CT Details):</b> 89 Upper Scamander Road, Scamander (26754/1)  <b>PID:</b> 2598982  <b>Land Area:</b> Approx. 5.13 ha  <b>IPS Zoning:</b> Rural Resource</p>
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<b>Mapping</b>			
<b>Matter(s) raised in the representation</b>	<table border="1" data-bbox="467 526 1396 593"> <tr> <th data-bbox="467 526 893 593">Site Location</th><th data-bbox="893 526 1396 593">Draft LPS Zoning - Agriculture</th></tr> </table> <p data-bbox="467 593 1396 638">General matters/context raised for the property (including all titles) within the first submission of the representation 23/11/2021:</p> <ul data-bbox="518 638 1396 1198" style="list-style-type: none"> <li>• Land formerly with the title reference 26754/7 has been unsealed and is now comprised of three titles 26754/1, 26754/5 and 26754/6. These titles as well as 137864/1 and 141750/1 are all zoned Agriculture Zone in the draft LPS.</li> <li>• The land capability overlay for these properties as shown in the list map shows that this land is not suitable for cropping (rating is 5 to 6 compared to prime land at 1) . We have many soil analysis to support this claim. As such we are no longer a commercial fruit grower and the orchard located on what is now 26754/5 will be sold for residential development.</li> <li>• It is my understanding that all of these properties including our home site were removed from what was the Environmental Zone or its equivalent and grouped into Rural Resource in the Planning Scheme 2013 simply because we were engaging in a horticultural operation and as stated above a large part of the property was sealed and I was told had to be treated as a single entity.</li> <li>• We believe 26754/5 and 26754/1 should now have the same classification as its neighbours namely the Land Conservation Zone. A small portion of 26754/6 has some agricultural potential and combined with 141750/1 and 137864/1 should be rezoned Rural Living.</li> <li>• Within this group of titles we are expecting to take out a covenant to protect the undeveloped land to the west forming the catchment for our water supply. The amount of land with a native protection order on it could be up to 16hA.</li> </ul> <div data-bbox="529 1205 1353 1729">  </div> <p data-bbox="467 1765 1396 1825">General matters/context raised for the property (including all titles) within the second submission of the representation 08/12/2021:</p> <ul data-bbox="518 1825 1396 2020" style="list-style-type: none"> <li>• Mentioned that part of the property (titles 26754/7, 26754/6 and 26754/) was previously a part of a sealed plan 26754/7 and has recently been unsealed creating three titles.</li> <li>• The property experienced a change of zoning between the 2011 and 2013 Break O'Day Council Interim Planning Scheme. The zone change that occurred included environmental living zone to the Rural Resource zone which the representor claims that when they enquired about the reasons behind the zone change, they were</li> </ul>	Site Location	Draft LPS Zoning - Agriculture
Site Location	Draft LPS Zoning - Agriculture		

	<p>informed that pursuing an agricultural activity on the land was outside of the scope for land zoned as Environmental Living.</p> <ul style="list-style-type: none"> <li>• Commenced a Horticultural operation during 1991 and were made aware that the soil would not support such activities on the land without the intervention of fertilisers. Representor note that though various soil and leaf analysis it has been demonstrated that improvements to the soil chemistry were achieved for a small portion of the property. In addition it is further noted that locating a viable water source and developing an irrigation system was necessary for 'dry farming land'.</li> <li>• Currently, less than 10% of the property (approx. less than 5ha) has been utilised for horticultural paddocks. On the irrigated land various fruit trees have been growing and water security for the property has resulted in the development of a 14 million litre dam with a minimum 2 million litres required for the horticultural operation.</li> <li>• Observe that all of the property has been proposed under the current draft LPS, to be rezoned to the Agriculture Zone has it has been determined to satisfy the Unconstrained criteria outlined within the Agricultural Land Mapping Project Background Report.</li> <li>• Claims that the Agricultural Land Mapping Project Background Report does not provide any indication regarding how the previous zone can be mapped into anything other than the Agricultural or Rural Zone.</li> <li>• Representor proceeds to outline the process that they identified to have influenced the property to be rezoned to the Agriculture Zone which include responding to the 6 steps outlined within the report:</li> <li>• Report indicates that all properties with either the Rural Resource or Significant Agriculture Zone within current interim planning schemes, were selected for the analysis of the potential suitability to the Rural or Agriculture Zone.</li> <li>• Property contains classifications 5 and 6 from the Land Capability handbook/layer available on LIST maps and is of the opinion that this allocation is incorrect. Notes that issue with the soil quality of the property is quite extensive as it has been described by the representor to be ...'very acidic, extremely deficient in nutrients being either sandy or sandy loam'; sought to utilise a clay or mudstone hardpan in combination with fertilisers to remedy the poor soil quality which after conducting leaf and soil tests during the initial years of owning the property. Issues pertaining to soil infertility seemed to have been changed for a small portion of the property but challenges still remain regarding maintaining soil moisture and nutrient levels within sandy soils. The representor notes that the property can be identified Enterprise Cluster (ES1) as seen in 'Table 2 Enterprise Suitably Clusters' within the Agricultural Land Mapping Project Background Report.</li> <li>• Access to water for irrigation purposes is limited to the dam that has been developed on the property, with both catchment and capacity limited to no more than 40 ha and no other potential water sources are within the near vicinity (also quotes Agricultural Land Mapping Project Background Report – 2.2.3 Step 3 – Potential access to water for irrigation, paragraph 1, pp. 9). Representor indicates that the property experiences severe water limitations due to the dry climate associated with land and the inconsistent rate of which the dam may fill up annually.</li> <li>• Most of the property is naturally vegetated, with 18ha intended to be established as a conservation area. The designated areas have old forests, are a recognised bird haven, located on steeper slopes and the soil capability would not allow for sustainable agriculture activities (see the proposed location of the conservation covenant for the property in the image above provided by the representor).</li> <li>• None of the titles on the property had greater than 50% of the land diverted to agricultural activities. Representor does not believe that a Senior Agricultural Consultant viewed what actually exists.</li> <li>• The Draft LPS indicates that all titles associated with the property will be identified as Unconstrained. Criteria 1 size thresholds demonstrates a minimum area of 10ha but the representor asserts that this has not been applied appropriately to the property due to changes made on the title arrangement of the property (refers back to title 26754/7 being unsealed, resulting in the creation of three additional titles: 26754/1, 26754/5 and 26754/6).</li> </ul>
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	<p>Assessing the titles individually against the Constraints Analysis Flow Chart:</p> <ul style="list-style-type: none"><li>• 26754/1 would be considered as Potentially Constrained (note: the representor has not specified which criteria would be applicable but it could be assumed that they might be referring to Criteria 2A based on their comments) as it does not have any agricultural activities associated with the land and as such should be considered for the Landscape Conservation Zone similar to the neighbouring property. Useable area is less than 5ha when removing the land set aside for the Right of Carriageway and this title has a capital value greater than \$50,000/ha.</li><li>• 26754/5 has an area of approximately 24ha which satisfies criteria 1 indicating the Unconstrained classification is applicable.</li><li>• 26754/6 has been identified to satisfy criteria 1 and as such can also be deemed to have the Unconstrained criteria applicable to this title.</li><li>• 141750/1 and 137864/1 have a land area which is less than 5ha, has a capital value greater than \$50,000 and will be adjoined by land that will be zoned as Landscape Conservation. Representor indicates that it could be argued that by utilising the existent criteria, the aforementioned titles should be classified as Potentially Constrained.</li><li>• Representor refers back to section 3.2 of the Agricultural Land Mapping Project Background Report (paragraph 2, pp. 22).</li><li>• Asserts that the provided information sufficiently demonstrates that the proposed application of the Agriculture Zone as seen within the draft LPS has been incorrectly applied to the property; the information instead supports the requested rezoning of the title/s on the property.</li><li>• Establishment and operation of the farm for the past 30 years has made the representor aware of the agricultural potential of the titles situated within the property. Only 5ha out of the total 50ha has been managed for the horticultural operation with many approaches considered to make the land sustainable and produce commercial quantities of fruit. Due to infertile soil and water limitations this has not been possible resulting in limited yields, recent changes within the market for smaller quantities has changed resulting in the representor no longer commercially producing fruit.</li></ul> <p>To support the requested rezoning (<u>Landscape Conservation Zone</u>), the representation provides the following reasons:</p> <ul style="list-style-type: none"><li>• 26754/1 would be considered as Potentially Constrained (Criteria 2A) as it does not have any agricultural activities associated with the land and as such should be considered for the Landscape Conservation Zone similar to the neighbouring property. Useable area is less than 5ha when removing the land set aside for the Right of Carriageway and this title has a capital value greater than \$50,000/ha (as seen above).</li></ul>			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<p><b>Response:</b></p> <p>Located south west of the Scamander Township, the property is situated amongst land that has been proposed to be zoned as Rural within the draft LPS. Notably, land to the west has been designated as a permanent timber production zone and land to the south has been identified as future potential production forest. If the requested rezoning of the property to the Landscape Conservation Zone were to occur, this would consequently result in the property amalgamating with neighbouring Landscape Conservation zoned properties.</p> <p>Regarding the requested application of the Landscape Conservation Zone to the property, the following guideline stipulates the requirements necessary for land to be considered appropriate for the Landscape Conservation Zone (pp.19):</p> <p><i>LCZ 1 The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas,</i></p>			


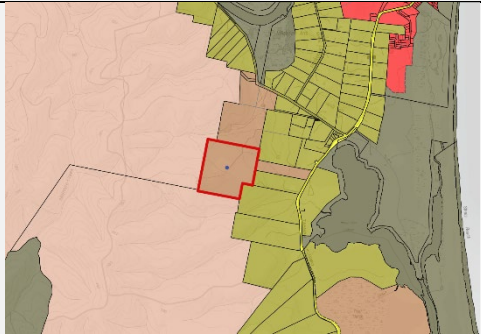
	<p><i>large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.</i></p> <p><i>LCZ 2 The Landscape Conservation Zone may be applied to:</i></p> <p><i>(a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;</i></p> <p><i>(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or</i></p> <p><i>(c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.</i></p> <p>However, in order for CT 26754/1 to be considered for an alternative zone from the currently proposed LPS Agricultural Zone, information contained within the representation will need to address the following requirements outlined within zoning application guideline AZ 6 which stipulates (pp. 17-18):</p> <p><i>AZ 6 Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if:</i></p> <p><i>(a) local or regional strategic analysis has identified or justifies the need for an alternate consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;</i></p> <p><i>(b) for the identification and protection of a strategically important naturally occurring resource which requires an alternate zoning;</i></p> <p><i>(c) for the identification and protection of significant natural values, such as priority vegetation areas as defined in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone;</i></p> <p><i>(d) for the identification, provision or protection of strategically important uses that require an alternate zone; or</i></p> <p><i>(e) it can be demonstrated that:</i></p> <p><i>(i) the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;</i></p> <p><i>(ii) there are significant constraints to agricultural use occurring on the land; or</i></p> <p><i>(iii) the Agriculture Zone is otherwise not appropriate for the land.</i></p> <p>Upon review of the applicable overlays, Council's draft LPS mapping revealed that the property is subject to several overlays including:</p> <ul style="list-style-type: none"> <li>• Coastal Inundation Hazard – Coastal Inundation investigation area (<u>CT 137864/1, 141750/1 and 26754/6</u>).</li> <li>• Waterway and Coastal Protection (<u>CT 137864/1, 141750/1 and 26754/6</u>)</li> <li>• Landslip Hazard – small sections of <u>CT 26754/1</u> and <u>26754/5</u> are subject to the Low Landslip Hazard Band. However, <u>CT 26754/6</u> and <u>137864/1</u> are mostly covered by Low Landslip Hazard Band with some small areas of both titles identified to contain land subject to the Medium landslip hazard band.</li> <li>• Scenic Protection Code – eastern side of <u>CT 26754/1</u> adjoining the Tasman Highway</li> <li>• Bushfire Prone Areas – this overlay has been applied to the entirety of the property</li> </ul> <p>Application of the LIST Maps 'Land Potentially Suitable for Agriculture Zone' layer revealed that CT 26754/1 has been identified to be Unconstrained. This particular constraint classification indicates that the title has been determined to meet criteria 2 of the constraints analysis flow chart provided within the Agricultural Land Mapping Project</p>
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	<p>Background Report. This is due to the land area of the title being less than the Enterprise Suitability Cluster minimum area stipulated within ES1 (10 ha) as the title is just over 5ha. The representor has not provided an agricultural land suitability report to substantiate that the titles associated with the property contain little to no potential to accommodate agricultural activities. Although, CT 26754/1 may not be utilised for agricultural purposes as indicated by the representor, it is subservient to the horticultural operation and while the existent right of way present on this title may not be useable land for agricultural use, it still forms part of the title's overall land area.</p> <p>When applying the 'Land Capability' layer it is evident that the property is largely subject to classification 6 ('Land marginally suited to grazing due to severe limitations') with some small sections of the title receiving classification 5 ('Land unsuited to cropping and with slight to moderate limitations to pastoral use'). Consequently, the aforementioned LIST mapping layers demonstrate that the property has some potential for agricultural uses. Review of the Priority Veg Report available on Council's draft LPS mapping revealed that CT 26754/1 does not contain any threatened flora or fauna species. Furthermore, desktop investigation utilising the LIST layers 'TAS VEG 3.0' revealed that the title only contains one vegetation community group including:</p> <ul style="list-style-type: none"> <li>• <b>Non eucalypt forest and woodland</b> (<u>Vegetation Community Code and Description = NBA Bursaria - Acacia woodland and scrub</u>)</li> </ul> <p>The representor does not utilise the Section 8A Guideline no.1 document nor is there any supporting information provided to demonstrate that the presence of landscape values associated with CT 26754 are important for protection and or conservation purposes. From the provided aerial imagery of the title, it can be seen that it is sparsely vegetated. Since the title has been proposed to be zoned as Agriculture within the draft LPS, none of the overlays associated with the natural assets code as seen on Council's provided draft LPS mapping. However, the scenic protection code overlay has been applied to part of the title adjoining the Tasman Highway. The title demonstrates that there are no significant constraints that could impede upon development and use of the title.</p> <p>Neither current local, regional analysis nor the NTRLUS specifically identifies the need for this title and indeed the other titles associated with the property to be alternatively zoned. It is worth noting that the NTRLUS outlines that there are, '<i>Policy developments in natural resource management highlight the need for a systematic approach to rural land use planning and management. This approach aims to...</i>', and, '<i>...Identify preferred future uses of unproductive lands, recognising that some forms of agricultural production are not necessarily constrained by soil type or fertility...</i>' (pp. 19).</p> <p>However, application of the Rural Zone to CT 26754/1 in addition to the other titles (see Item 2, 3, 4 and 5) is recommended instead as the Planning Authority acknowledges that there might be limited agricultural potential for this title as indicated by the land capability classifications attributed to the land. The requested application of the Landscape Conservation Zone for both CT 26754/1 and CT 26754/5 nor the proposed draft LPS Agricultural Zone to the entire property is not considered an appropriate application of either zone. None of the titles associated with the property demonstrate that there are prominent landscape values present on the property and or intensive uses that require a large area of land dedicated towards agricultural activities. Since the property is adjoining land to the west (Permanent Timber Production Zone) and south (Future Potential Production Forest) which has been proposed to be zoned Rural under the draft LPS, application of the Rural Zone would contribute towards consistent zoning patterns. The following zone application guideline could be applicable to the property (pp.14-15):</p> <p><i>RZ 1 The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.</i></p> <p style="text-align: center;"><b>AND</b></p> <p><i>RZ 3 The Rural Zone may be applied to land identified in the 'Land Potentially Suitable for Agriculture Zone' layer, if:</i></p>
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## Break O'Day Council Attachment 1: Representations – Assessment and Recommendations

	<p>(a) it can be demonstrated that the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;</p> <p>(b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land;</p> <p>(c) the land is identified for the protection of a strategically important naturally occurring resource which is more appropriately located in the Rural Zone and is supported by strategic analysis;</p> <p>CT26754/1 be rezoned to LCZ as per the representors request given proximity to Tasman Highway (Scenic Corridor), existing vegetation and consistent zones (LCZ) to the north and south. The land area will preclude future subdivision of the site and doesn't gift or revoke development rights.</p> <p>CT26754/5 and CT26754/6 and CT141750/1 and CT137864/1 all transition to the Rural Zone given the surrounding RZ to the west and south. This is further supported by land capability assessment ( 5&amp; 6). This will enable the Priority Vegetation to allow.</p> <p>This recommendation reflects the requirements of RZ1 &amp; RZ3.</p>
<b>Recommended action</b>	<p>Recommended modification to draft LPS;</p> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT26754/1</li> <li>• Apply the Rural Zone to Titles CT26754/5 and CT26754/6 and CT141750/1 and CT137864/1</li> </ul> <p>Apply the Priority Vegetation mapping to all titles as provided in the Rod Knight State wide Mapping.</p>
<b>Effect of recommendation on the draft LPS</b>	<p>There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34 (2) of LUPAA is maintained.</p>


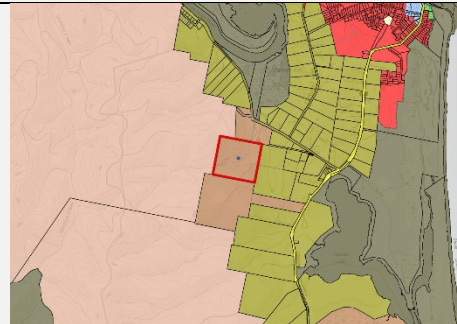
<b>Representation No. 2 Item 2</b>	<p><b>Name:</b> Denis Buchanan  <b>Address (CT Details):</b> 89 Upper Scamander Road, Scamander (26754/5)  <b>PID:</b> 2598982  <b>Land Area:</b> Approx. 23.87 ha  <b>IPS Zoning:</b> Rural Resource</p>	
<b>Mapping</b>	 	
	<b>Site Location</b>	<b>Draft LPS Zoning - Agriculture</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>General matters/context raised for the property (including all titles):</p> <ul style="list-style-type: none"> <li>• Refer to 'Representation No. 2, Item 1' for a detailed outline of matter/s raised within the representation.</li> </ul> <p>To support the requested rezoning (<u>Landscape Conservation</u>), the representation provides the following reasons:</p> <ul style="list-style-type: none"> <li>• Main orchard is located on 26754/5 (1.8ha dedicated to this operation), soil has been characterised as basically sand with high porosity. An analysis of the soil before fertilisation revealed that there was nil phosphorous, potassium and nitrogen (PH 4.5).</li> <li>• Heavy addition of fertiliser has enabled some fruit tree species to grow within the initially poor quality of soil. Shallow root based trees are not viable on the property due to the aforementioned poor quality.</li> </ul>	

## Break O'Day Council Attachment 1: Representations – Assessment and Recommendations

	<ul style="list-style-type: none"><li>Water requirements are difficult to maintain and leaching of nutrients are an added problem for the horticultural operation which make it unsustainable.</li><li>Intend to sell this title for residential development.</li></ul>			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<p><b>Response:</b></p> <p>Review Representation No. 2 Item 1 for a detailed response regarding a requested application of the Landscape Conservation Zone. Furthermore, the property demonstrates identical features (e.g. aforementioned properties are subject to some of the same LIST Layers), however the title within this representation under the 'Land Capability' layer, CT 26754/5 is largely covered by classification 5 (<i>'Land unsuited to cropping and with slight to moderate limitations to pastoral use'</i>) and around some sections of the boundaries classification 6 (<i>'Land marginally suited to grazing due to severe limitations'</i>) has been identified on the title.</p> <p>Regardless of the zone applied to the property, if the representor intends to apply a conservation covenant to part of CT 26754/5, the covenant will remain in effect until it is removed by the owner of the title. Review of the PriorityVeg report available on the council's draft LPS mapping in conjunction with the following layers from the LIST were utilised for desktop investigation of any environmentally significant features that could potentially be associated with the title including: 'TasVeg 3.0', 'Conservation Significance Flora Point', 'Threatened Flora Point' and 'Threatened Native Vegetation Communities 2020'.</p> <p>The Priority Veg Report available on Council's draft LPS mapping revealed that CT 26754/5 does not contain any threatened flora or fauna species an after reviewing the title against the aforementioned layers, it was revealed that there was no flora species identified to be significant for conservation, threatened flora nor threatened native vegetation communities on the title. However, the 'TAS VEG 3.0' layer revealed that the title contains three different vegetation community groups including:</p> <ul style="list-style-type: none"><li><b>Non eucalypt forest and woodland</b> (<u>Vegetation Community Code and Description = NBA Bursaria – Acacia woodland and scrub</u>) – covers majority of the title</li><li><b>Agricultural, Urban and Exotic Vegetation</b> (<u>Vegetation Community Code and Description = FAG Agricultural Land</u>)- covers a section of the title from near the northern boundary and extends southwest towards the western boundary</li><li><b>Dry eucalypt forest and woodland</b> (<u>Vegetation Community Code and Description = DAM Eucalyptus amygdalina forest on mudstone</u>) – coverage of this vegetation community is limited along the northern boundary of the title.</li></ul> <p>Furthermore, the representor has indicated that they intend to sell CT 26754/5 for residential development and have requested for the application of the Landscape Conservation Zone. It is also worth noting that use rights between the proposed LPS Agriculture Zone and the requested Landscape Conservation Zone differ greatly. Notably, if the Landscape Conservation Zone is applied to the title, there would be a substantial limitation with regards to use and development of the title for future owners of the title.</p> <p>CT26754/1 be rezoned to LCZ as per the representors request given proximity to Tasman Highway (Scenic Corridor), existing vegetation and consistent zones (LCZ) to the north and south. The land area will preclude future subdivision of the site and doesn't gift or revoke development rights.</p> <p>CT26754/5 and CT26754/6 and CT141750/1 and CT137864/1 all transition to the Rural Zone given the surrounding RZ to the west and south. This is further supported by land capability assessment ( 5&amp; 6). This will enable the Priority Vegetation to allow.</p> <p>This recommendation reflects the requirements of RZ1 &amp; RZ3.</p>			
Recommended action	Recommended modification to draft LPS; <ul style="list-style-type: none"><li>Apply the Landscape Conservation Zone to CT26754/1</li></ul>			

# Break O'Day Council Attachment 1: Representations – Assessment and Recommendations

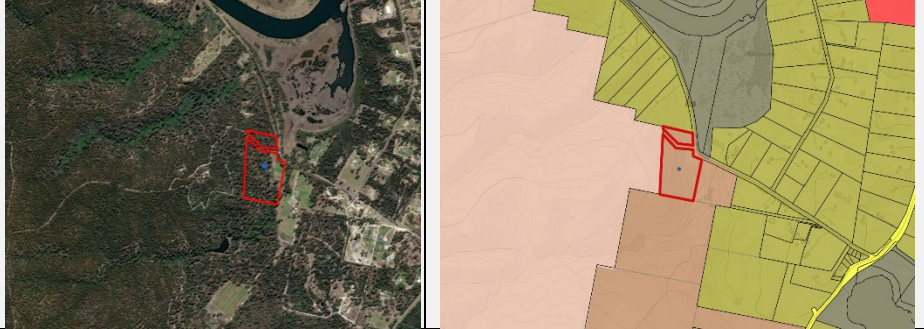
	<ul style="list-style-type: none"> <li>Apply the Rural Zone to Titles <i>CT26754/5 and CT26754/6 and CT141750/1 and CT137864/1</i></li> </ul> <p>Apply the Priority Vegetation mapping to all titles as provided in the Rod Knight State wide Mapping.</p>
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34 (2) of LUPAA is maintained.

Representation No. 2 Item 3	Name: Denis Buchanan Address (CT Details): 89 Upper Scamander Road, Scamander (26754/6) PID: 2598982 Land Area: Approx. 16.08 ha IPS Zoning: Rural Resource			
Mapping				
	Site Location	Draft LPS Zoning - Agriculture		
Matter(s) raised in the representation (including property information details where applicable)	<p>General matters/context raised for the property (including all titles):</p> <ul style="list-style-type: none"><li>Refer to 'Representation No. 2, Item 1' for a detailed outline of matter/s raised within the representation.</li></ul> <p>To support the requested rezoning (<u>Rural</u>), the representation provides the following reasons:</p> <ul style="list-style-type: none"><li>Title/s situated within a valley, close to the dam (within the catchment area), naturally vegetated steep sloping sides of the valley. These fringe areas are infertile and not suitable for agricultural activities.</li><li>The valley contains soil that can be characterised as sandy loam and deficient in nutrients the representor asserts that it has better water and nutrient retention capabilities (able to retain any added nutrients in comparison to the orchard situated on 26754/5).</li><li>Most of the infrastructure is clustered around the existent building on the property on 141750/1.</li><li>Representor believes that the Rural Zone is most appropriate and is further aware that there are no other titles within the Scamander area with previously mentioned zone but point out that there are many within St Helens.</li><li>The representor quotes the purpose statements provided for the Rural Zone within the Section 8A Guideline, specifically 20.1.1, 20.1.2 and 20.1.3 (pp.14).</li></ul>			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response: Review Representation No. 2 Item 1 for a detailed response regarding a requested application of the Landscape Conservation Zone. Furthermore, the property demonstrates identical features (e.g. aforementioned properties are subject to some of the same LIST Layers), however the title within this representation under the 'Land Capability' layer, CT 26754/6 is largely covered by classification 6 ('Land marginally suited to grazing due to severe limitations') and some small sections of the northern and southern boundary are subject to classification 5 ('Land unsuited to cropping and with slight to moderate limitations to pastoral use') has been identified on the title.			

	<p>Regardless of the zone applied to the property, if the representor intends to apply a conservation covenant to part of CT 26754/6, the covenant will remain in effect until it is removed by the owner of the title. Review of the PriorityVeg report available on the council's draft LPS mapping in conjunction with the following layers from the LIST were utilised for desktop investigation of any environmentally significant features that could potentially be associated with the title including: 'TasVeg 3.0', 'Conservation Significance Flora Point', 'Threatened Flora Point' and 'Threatened Native Vegetation Communities 2020'.</p> <p>The Priority Veg Report available on Council's draft LPS mapping revealed that CT 26754/6 does not contain any threatened flora or fauna species and after reviewing the title against the aforementioned layers, it was revealed that there was no flora species identified to be significant for conservation nor threatened native vegetation communities on the title. However the 'Threatened Flora Point' revealed that the title may contain a flora species commonly known as Daddy Longlegs or Caladenia filamentosa which has been listed as rare under the Threatened Species Protection Act 1995. Additionally, the 'TAS VEG 3.0' layer revealed that the title contains three different vegetation community groups including:</p> <ul style="list-style-type: none"> <li>• <b>Non eucalypt forest and woodland</b> (<u>Vegetation Community Code and Description = NBA Bursaria – Acacia woodland and scrub</u>) – covers some of the title along the eastern boundary</li> <li>• <b>Dry eucalypt forest and woodland</b> (<u>Vegetation Community Code and Description = DAM Eucalyptus amygdalina forest on mudstone</u>) – covers most of the title</li> <li>• <b>Agricultural, Urban and Exotic Vegetation</b> (<u>Vegetation Community Code and Description = FUR Urban Areas</u>) - covers a section of the title from near the northern boundary</li> </ul> <p>CT26754/1 be rezoned to LCZ as per the representors request given proximity to Tasman Highway (Scenic Corridor), existing vegetation and consistent zones (LCZ) to the north and south. The land area will preclude future subdivision of the site and doesn't gift or revoke development rights.</p> <p>CT26754/5 and CT26754/6 and CT141750/1 and CT137864/1 all transition to the Rural Zone given the surrounding RZ to the west and south. This is further supported by land capability assessment ( 5&amp; 6). This will enable the Priority Vegetation to allow.</p> <p>This recommendation reflects the requirements of RZ1 &amp; RZ3.</p>
<b>Recommended action</b>	<p>Recommended modification to draft LPS;</p> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT26754/1</li> <li>• Apply the Rural Zone to Titles <i>CT26754/5 and CT26754/6 and CT141750/1 and CT137864/1</i></li> </ul> <p>Apply the Priority Vegetation mapping to all titles as provided in the Rod Knight State wide Mapping.</p>
<b>Effect of recommendation on the draft LPS</b>	<p>There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34 (2) of LUPAA is maintained.</p>

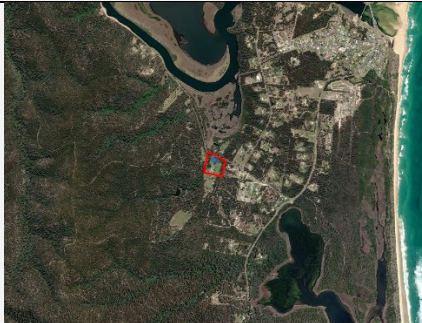
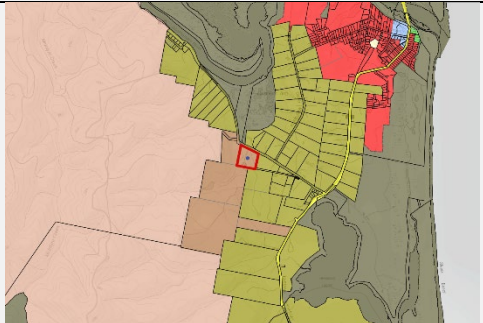
<b>Representation No. 2 Item 4</b>	<p><b>Name:</b> Denis Buchanan  <b>Address (CT Details):</b> 89 Upper Scamander Road, Scamander (137864/1)  <b>PID:</b> 2598982  <b>Land Area:</b> Approx. 5.41 ha  <b>IPS Zoning:</b> Rural Resource</p>
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<b>Mapping</b>														
	<b>Site Location</b>	<b>Draft LPS Zoning - Agriculture</b>												
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>General matters/context raised for the property (including all titles):</p> <ul style="list-style-type: none"> <li>Refer to 'Representation No. 2, Item 1' for a detailed outline of matter/s raised within the representation.</li> </ul> <p>To support the requested rezoning (<i>Rural</i>), the representation provides the following reasons:</p> <ul style="list-style-type: none"> <li>Refer to 'Representation No.2, Item 3' for a detailed outline of reasons provided to support the requested rezoning of the property.</li> </ul>													
<b>Planning Authority response</b>	<p><b>Consistency Overview:</b></p> <table border="1" data-bbox="469 853 1396 1010"> <tr> <td>NTRLUS</td> <td><input type="checkbox"/></td> <td>Local Strategy / Policy</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Section 8A Guideline No.1</td> <td><input checked="" type="checkbox"/></td> <td>Relate to the drafting / content of the SPP?</td> <td><input type="checkbox"/></td> </tr> <tr> <td>TPC Practice Notes</td> <td><input checked="" type="checkbox"/></td> <td>Reflect a like for like conversion of the IPS?</td> <td><input type="checkbox"/></td> </tr> </table>		NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>										
Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>											
TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>											
<p><b>Response:</b></p> <p>Review Representation No. 2 Item 1 for a detailed response regarding a requested application of an alternative zone. Although Item 1 is largely concerned with addressing the application of the Landscape Conservation Zone, the points raised within the Planning Authority's response are applicable to the requested application for the Rural Zone as seen within this Item. Furthermore, the property demonstrates identical features (e.g. aforementioned properties are subject to some of the same LIST Layers), however the title within this representation under the 'Land Capability' layer, CT 137864/1 is predominantly covered by classification 6 (<i>'Land marginally suited to grazing due to severe limitations'</i>) and section spanning from the south east of the title to the northern boundary are subject to classification 5 (<i>'Land unsuited to cropping and with slight to moderate limitations to pastoral use'</i>).</p> <p>Regardless of the zone applied to the property, if the representor intends to apply a conservation covenant to part of CT 137864/1, the covenant will remain in effect until it is removed by the owner of the title. Review of the PriorityVeg report available on the council's draft LPS mapping in conjunction with the following layers from the LIST were utilised for desktop investigation of any environmentally significant features that could potentially be associated with the title including: 'TasVeg 3.0', 'Conservation Significance Flora Point', 'Threatened Flora Point' and 'Threatened Native Vegetation Communities 2020'.</p> <p>The Priority Veg Report available on Council's draft LPS mapping revealed that CT 137864/1 does not contain any threatened flora or fauna species and after reviewing the title against the aforementioned layers, it was revealed that there was no flora species identified to be significant for conservation, threatened flora nor threatened native vegetation communities on the title. However, the 'TAS VEG 3.0' layer revealed that the title contains three different vegetation community groups including:</p> <ul style="list-style-type: none"> <li><b>Non eucalypt forest and woodland</b> (Vegetation Community Code and Description = <u>NBA Bursaria – Acacia woodland and scrub</u>) – covers some of the title along the eastern boundary</li> <li><b>Dry eucalypt forest and woodland</b> (Vegetation Community Code and Description = <u>DAM Eucalyptus amygdalina forest on mudstone</u>) – covers most of the title</li> </ul>														

## Break O'Day Council Attachment 1: Representations – Assessment and Recommendations

	<ul style="list-style-type: none"> <li><b>Agricultural, Urban and Exotic Vegetation</b> (<u>Vegetation Community Code and Description = FUR Urban Areas</u>) - covers a section of the title from near the northern boundary</li> </ul> <p>CT26754/1 be rezoned to LCZ as per the representors request given proximity to Tasman Highway (Scenic Corridor), existing vegetation and consistent zones (LCZ) to the north and south. The land area will preclude future subdivision of the site and doesn't gift or revoke development rights.</p> <p>CT26754/5 and CT26754/6 and CT141750/1 and CT137864/1 all transition to the Rural Zone given the surrounding RZ to the west and south. This is further supported by land capability assessment ( 5&amp; 6). This will enable the Priority Vegetation to allow.</p> <p>This recommendation reflects the requirements of RZ1 &amp; RZ3.</p>
<b>Recommended action</b>	<p>Recommended modification to draft LPS;</p> <ul style="list-style-type: none"> <li>Apply the Landscape Conservation Zone to CT26754/1</li> <li>Apply the Rural Zone to Titles <i>CT26754/5 and CT26754/6 and CT141750/1 and CT137864/1</i></li> </ul> <p>Apply the Priority Vegetation mapping to all titles as provided in the Rod Knight State wide Mapping.</p>
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34 (2) of LUPAA is maintained.


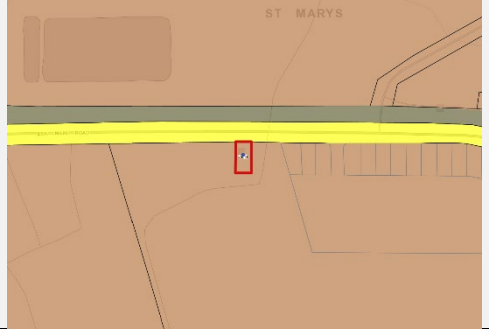
<b>Representation No. 2 Item 5</b>	<b>Name:</b> Denis Buchanan <b>Address (CT Details):</b> 89 Upper Scamander Road, Scamander (141750/1) <b>PID:</b> 2598982 <b>Land Area:</b> Approx. 3.24 ha <b>IPS Zoning:</b> Rural Resource				
<b>Mapping</b>					
	<b>Site Location</b>		<b>Draft LPS Zoning - Agriculture</b>		
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	General matters/context raised for the property (including all titles): <ul style="list-style-type: none"><li>Refer to 'Representation No. 2, Item 1' for a detailed outline of matter/s raised within the representation.</li></ul> To support the requested rezoning ( <i>Rural</i> ), the representation provides the following reasons: <ul style="list-style-type: none"><li>Refer to 'Representation No.2, Item 3' for a detailed outline of reasons provided to support the requested rezoning of the property.</li></ul>				
	<b>Planning Authority response</b>				
<b>Consistency Overview:</b>					
NTRLUS		<input type="checkbox"/>	Local Strategy / Policy		<input type="checkbox"/>
Section 8A Guideline No.1		<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?		<input type="checkbox"/>
TPC Practice Notes		<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?		<input type="checkbox"/>
<b>Response:</b> Review Representation No. 2 Item 1 for a detailed response regarding a requested application of an alternative zone. Although Item 1 is largely concerned with addressing the application of the Landscape Conservation Zone, the points raised within the Planning Authority's response are applicable to the requested application for the Rural Zone as seen					

## Break O'Day Council Attachment 1: Representations – Assessment and Recommendations

	<p>within this Item. Furthermore, the property demonstrates identical features (e.g. aforementioned properties are subject to some of the same LIST Layers), however the title within this representation under the 'Land Capability' layer, CT 141750/1 is largely covered by classification 5 (<i>'Land unsuited to cropping and with slight to moderate limitations to pastoral use'</i>) and a small corner of land between the northern and western boundary spanning are subject to classification 6 (<i>'Land marginally suited to grazing due to severe limitations'</i>).</p> <p>Review of the PriorityVeg report available on the council's draft LPS mapping in conjunction with the following layers from the LIST were utilised for desktop investigation of any environmentally significant features that could potentially be associated with the title including: 'TasVeg 3.0', 'Conservation Significance Flora Point', 'Threatened Flora Point' and 'Threatened Native Vegetation Communities 2020'.</p> <p>The Priority Veg Report available on Council's draft LPS mapping revealed that CT141750/1 does not contain any threatened flora or fauna species and after reviewing the title against the aforementioned layers, it was revealed that there was no flora species identified to be significant for conservation, threatened flora nor threatened native vegetation communities on the title. However, the 'TAS VEG 3.0' layer revealed that the title contains two different vegetation community groups including:</p> <ul style="list-style-type: none"> <li>• <b>Non eucalypt forest and woodland</b> (<u>Vegetation Community Code and Description = NBA Bursaria – Acacia woodland and scrub</u>) – covers some of the title along the eastern boundary</li> <li>• <b>Agricultural, Urban and Exotic Vegetation</b> (<u>Vegetation Community Code and Description = FUR Urban Areas</u>) - covers a section of the title from near the northern boundary</li> </ul> <p>CT26754/1 be rezoned to LCZ as per the representors request given proximity to Tasman Highway (Scenic Corridor), existing vegetation and consistent zones (LCZ) to the north and south. The land area will preclude future subdivision of the site and doesn't gift or revoke development rights.</p> <p>CT26754/5 and CT26754/6 and CT141750/1 and CT137864/1 all transition to the Rural Zone given the surrounding RZ to the west and south. This is further supported by land capability assessment ( 5&amp; 6). This will enable the Priority Vegetation to allow.</p> <p>This recommendation reflects the requirements of RZ1 &amp; RZ3.</p>
<b>Recommended action</b>	<p>Recommended modification to draft LPS;</p> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT26754/1</li> <li>• Apply the Rural Zone to Titles <i>CT26754/5 and CT26754/6 and CT141750/1 and CT137864/1</i></li> </ul> <p>Apply the Priority Vegetation mapping to all titles as provided in the Rod Knight State wide Mapping.</p>
<b>Effect of recommendation on the draft LPS</b>	<p>There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34 (2) of LUPAA is maintained.</p>


<b>Representation No. 3</b>	<p><b>Name:</b> Jeanette &amp; Philip Peryman</p> <p><b>Address (CT Details):</b> 7110 Esk Main Road, St Marys (124755/1)</p> <p><b>PID:</b> 6408269</p> <p><b>Land Area:</b> 672.814m<sup>2</sup></p> <p><b>IPS Zoning:</b> Rural Resource</p>
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<b>Mapping</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning - Agriculture</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>To support the requested rezoning (<i>Rural Living Zone</i>), the representation provides the following reasons:</p> <ul style="list-style-type: none"> <li>Lived at the property for approximately 20 years (used as place of residence) and have electricity, water and garbage services provided to the property.</li> <li>Valuer General classified the land as 'Residential' for the 20 years that the representors have been living at the property. The representors also make note that they have paid rates to Council and the Water Board on this classification since 2001.</li> <li>The allotment is only 670 square meters and it is freehold</li> <li>Due to the relatively small size of the property, it would not be suitable for potential agricultural uses included within the Agricultural Zone and as such request instead for the Rural Living Zone from the LPS to be applied to the property instead.</li> <li>Following activities could be accommodated on the property in future: work from home businesses (i.e. Accountant) and serve as a base for mobile businesses (i.e. mobile dog wash). It is also mentioned that there are safe parking options at the front of the property as a result of recent changes to the highway infrastructure.</li> <li>The representors further note that there are allotments near their property which in the past formed part of a past settlement for miners' homes and were built in the early 1950's by the Agricultural Bank. Notably, the representors are of the belief that the titles have not yet been extinguished and possess some potential future development opportunities which should be zoned as Rural Living. To further their point, the representors note that there is a water main running past the properties, has frontage to the main power line corridor, accessible from the highway and could be connected to the stage 1 sewage treatment complex.</li> <li>To conclude the representors state that their property has never been a part of the old Jubilee subdivision.</li> </ul>	
<b>Planning Authority response</b>	<b>Consistency Overview:</b>	
	NTRLUS	<input type="checkbox"/> Local Strategy / Policy
	Section 8A Guideline No.1	<input type="checkbox"/> Relate to the drafting / content of the SPP?
	TPC Practice Notes	<input type="checkbox"/> Reflect a like for like conversion of the IPS?
	<p><b>Response:</b></p> <p>Located directly west of and in close proximity to the St Marys Township, the property is situated amongst land that has been proposed to be zoned as Agricultural within the draft LPS. If the requested rezoning of the property to the Rural Living Zone were to be applied instead, this may contribute to spot zoning as it is not currently co-located with land proposed to contain the requested LPS zone.</p> <p>Regarding the requested application of the Rural Living Zone to the property, the following guideline stipulates the requirements necessary for land to be considered appropriate for the Rural Living Zone (pp.06-07):</p> <p style="text-align: center;"><i>RLZ 1 The Rural Living Zone should be applied to:</i></p> <p style="text-align: center;"><i>(a) residential areas with larger lots, where existing and intended use is a mix between residential and lower order rural activities (e.g. hobby farming), but priority is given to the protection of residential amenity; or</i></p>	

	<p><i>(b) land that is currently a Rural Living Zone within an interim planning scheme or a section 29 planning scheme,</i></p> <p><i>unless RLZ 4 below applies.</i></p> <p><i>RLZ 2 The Rural Living Zone should not be applied to land that is not currently within an interim planning scheme Rural Living Zone, unless:</i></p> <p><i>(a) consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; or</i></p> <p><i>(b) the land is within the Environmental Living Zone in an interim planning scheme and the primary strategic intention is for residential use and development within a rural setting and a similar minimum allowable lot size is being applied, such as, applying the Rural Living Zone D where the minimum lot size is 10 ha or greater.</i></p> <p style="text-align: center;"><b>AND</b></p> <p><i>RLZ 4 The Rural Living Zone should not be applied to land that:</i></p> <p><i>(a) is suitable and targeted for future greenfield urban development;</i></p> <p><i>(b) contains important landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values (see Landscape Conservation Zone), unless the values can be appropriately managed through the application and operation of the relevant codes; or</i></p> <p><i>(c) is identified in the 'Land Potentially Suitable for Agriculture Zone' available on the LIST (see Agriculture Zone), unless the Rural Living Zone can be justified in accordance with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.</i></p> <p>Application of the LIST Maps 'Land Potentially Suitable for Agriculture Zone' layer, revealed that the property has been identified to be consistent with criteria 2A ('Potentially Constrained'). This particular constraint classification indicates that the property has been determined to be meet criteria 1,2 and 3 of the constraints analysis flow chart provided within the Agricultural Land Mapping Project Background Report. As such, due the property being consistent with criteria 2A the following characteristics have been associated with the property as per the description provided for criteria 2A (pp. 19):</p> <p style="text-align: center;"><b>POTENTIALLY CONSTRAINED</b> (Criteria 2A)</p> <ul style="list-style-type: none"> <li>- high capital value</li> <li>- not adjoining residential development</li> <li>- may or may not adjoin unconstrained land</li> </ul> <p>The 'Land Capability' layer available on the LIST Maps further reveals the property is subject to classification 4 ('Land well suited to grazing but which is limited to occasional cropping or a very restricted range of crops'). This indicates that the property has potential for agricultural activities to be conducted on the land which reflects the surrounding properties that have also been proposed to be rezoned to the Agriculture Zone. Additionally, the property contains a watercourse resulting in only a small portion of the Waterway and Coastal Protection overlay from the Natural Assets Code being applied to the property along both the eastern and southern boundaries. This demonstrates that the property does not contain any significant environmental features that may severely limit any future agricultural use of the property or qualify for a different LPS zone (e.g. Landscape Conservation).</p>
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	<p>There is only one strategic planning document that is relevant to the representation which includes:</p> <ul style="list-style-type: none"> <li>Land Use and Development Strategy – Break O'Day Council Municipal Management Plan 2015; specifically section 16 of the strategy concerned with Settlement Character Descriptions and Plans (pp. 104): <i>'The identification of land for future Rural Living development has been determined based on the need to locate zoned land an acceptable distance from town to provide service access and to ensure protection of agricultural lands. A suitable location for such zones is land to the west of the town on Gardiners Creek Road backing onto the Esk Main Road. (Map Ref 3) The front portion of these allotments is zoned Residential and the rear portions are zoned Rural Resource, as there is some agricultural value in the rear portion. However, given the limited available land within such close proximity, and the potential land residential/agricultural land use conflicts, this land would be more suited to Rural Living or Environmental Living development. Further investigation will also be required for this land in relation to its siting near the sewer ponds, which may remove it from consideration.'</i></li> </ul> <p>The property has not been identified within the suitable location designated for potential future rezoning of land to the Rural Living Zone, the proposed LPS Agricultural Zone for the property would be considered consistent with the strategic intent outlined within the Land Use and Development Strategy unlike the requested Rural Living Zone. Due to a lack of any local or regional strategic analysis which may indicate whether the general area of which the property is located within could potentially receive an alternative zone; the rezoning request to apply the Rural Living Zone cannot be supported by such analysis.</p> <p>Consequently, due to the aforementioned points, the requested application of the Rural Living Zone would not be appropriate for the property specifically when the zone guideline application for the Agriculture Zone states the following (pp.18):</p> <p><i>AZ 6 Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if:</i></p> <ul style="list-style-type: none"> <li><i>(a) local or regional strategic analysis has identified or justifies the need for an alternate consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;</i></li> <li><i>(b) for the identification and protection of a strategically important naturally occurring resource which requires an alternate zoning;</i></li> <li><i>(c) for the identification and protection of significant natural values, such as priority vegetation areas as defined in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone;</i></li> <li><i>(d) for the identification, provision or protection of strategically important uses that require an alternate zone; or</i></li> <li><i>(e) it can be demonstrated that:</i> <ul style="list-style-type: none"> <li><i>(i) the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;</i></li> <li><i>(ii) there are significant constraints to agricultural use occurring on the land; or</i></li> <li><i>(iii) the Agriculture Zone is otherwise not appropriate for the land.</i></li> </ul> </li> </ul> <p>This site has transitioned as per the state requirements for draft LPS and any change to zone would create a spot zoning occurrence which is not consistent with planning principles.</p>
<b>Recommended action</b>	<b>No modification to the draft LPS</b>
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34 (2) of LUPAA is maintained.

<b>Representation No. 4 Item 1 Related Representation No. 70 (6)</b>	<b>Name:</b> Julia Weston <b>Address (CT Details):</b> 686 German Town Road, St Marys (209977/1) <b>PID:</b> 3450015 <b>Land Area:</b> Approx. 48.55ha <b>IPS Zoning:</b> Rural Resource														
<b>Mapping</b>															
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<b>Site Location</b>	<b>Draft LPS Zoning - Rural</b>	<p>To support the requested rezoning (<u>Landscape Conservation Zone</u>), the representation provides the following reasons:</p> <ul style="list-style-type: none"> <li>The property contains 56.8ha of the 81.1ha Seaview Farm Reserve (Private Reserve). Due the presence of the conservation covenant/private reserve, the representor proclaims that the property has been recognised by both the State and Commonwealth Government for protection and conservation of the biodiversity contained within.</li> <li>In addition to the Seaview Farm Reserve covering sections of the titles 209977/1 and 168012/2, it also links to the 935ha German Town Regional Reserve to the North and the 361ha ST Marys Pass State Reserve towards the South-East.</li> <li>Non-reserved portion of 168012/2 and all of 54129/1 are currently used for farming activities</li> <li>Acknowledges and further endorses that that the small pockets of land with a conservation covenant on 168012/2 should be included within the Rural Zone to avoid small pocket zoning, the reserved section of 168012/2 along the northern boundary is requested for the application of the Landscape Conservation Zone instead.</li> <li>Because Seaview Farm Reserve extends across title 209977/1 and 168012/2 and is in close proximity to the two aforementioned reserves which are remaining zoned as Environmental Management, split zoning can be justified to maximise the application of the Landscape Conservation Zone regarding land that has similar values.</li> <li>The representor notes that Conservation Landholders Tasmania has also put forth a case for all of title 209977/1 and part of 168012/2 to be rezoned as Landscape Conservation.</li> <li>Based on the zoning application guidelines provided within the Section 8A Guideline no.1 document, LCZ1 and RZ1 support the application of the Landscape Conservation zone to the title/s.</li> </ul>												
<b>Planning Authority response</b>	<p><b>Consistency Overview:</b></p> <table border="1" data-bbox="469 1624 1394 1780"> <tr> <td>NTRLUS</td> <td><input type="checkbox"/></td> <td>Local Strategy / Policy</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Section 8A Guideline No.1</td> <td><input checked="" type="checkbox"/></td> <td>Relate to the drafting / content of the SPP?</td> <td><input type="checkbox"/></td> </tr> <tr> <td>TPC Practice Notes</td> <td><input checked="" type="checkbox"/></td> <td>Reflect a like for like conversion of the IPS?</td> <td><input type="checkbox"/></td> </tr> </table> <p><b>Response:</b>          Located north of the St Marys Township and in close proximity to the St Marys Pass State Reserve, the property is situated amongst land that has been proposed to be zoned as Rural within the draft LPS. If the requested rezoning of the title/s to the Landscape Conservation Zone were to be applied instead, this may contribute to spot zoning as it is not currently co-located with land proposed to contain the requested LPS zone. It is also worth noting that regardless of the zone applied to the property, the conservation covenant present on the property will remain until it is removed by the owner.</p>			NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>												
Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>												
TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>												

Regarding the requested application of the Landscape Conservation Zone to 209977/1, the following guideline stipulates the requirements necessary for land to be considered appropriate for the Landscape Conservation Zone (pp.19-20):

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

**AND**

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

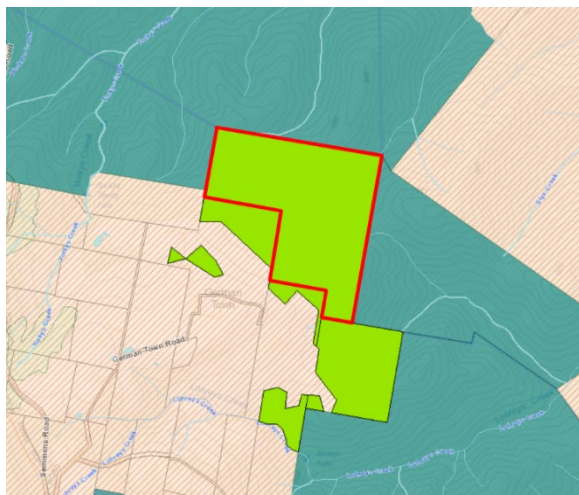
*(a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;*

*(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or  
(c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.*

Application of the LIST Maps 'Land Potentially Suitable for Agriculture Zone' layer revealed that the title is not subject to any of the developed criteria. To further this notion, the application of the 'Land Capability' layer demonstrates that the title is mostly covered by classification 6 ('Land marginally suited to grazing due to severe limitations') and a section of the western area of the title has classification 5 ('Land unsuited to cropping and with slight to moderate limitations to pastoral use'). Consequently, the aforementioned LIST mapping layers demonstrate that the property contains little to no potential for agricultural uses which accordingly aligns with the below RZ1 zone application guideline.

Representor broadly refers to Section 8A Guideline no.1 document to support the requested application of the Landscape Conservation zone to the entirety of 209977/1. The representor notes that part of their property is reserved under a conservation covenant which was privately made as a Private Reserve made under the Nature Conservation Act 2002 (note: reserved privately, not by the State) and proclaims that it has been recognised by both Commonwealth and State Governments for its importance of conserving the natural landscape and biodiversity contained within. Zoning application guidelines LCZ 1 in conjunction with RZ1 were broadly referred to within the representation in order to validate the requested rezoning of the 209977/1. Subsequently, the LPS zoning application guideline for RZ1 states (pp. 14):

*RZ 1 The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.*





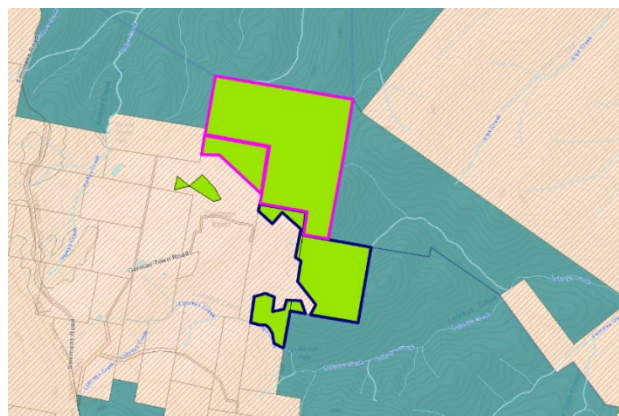
There is only one strategic planning document that is relevant to the representation which includes:

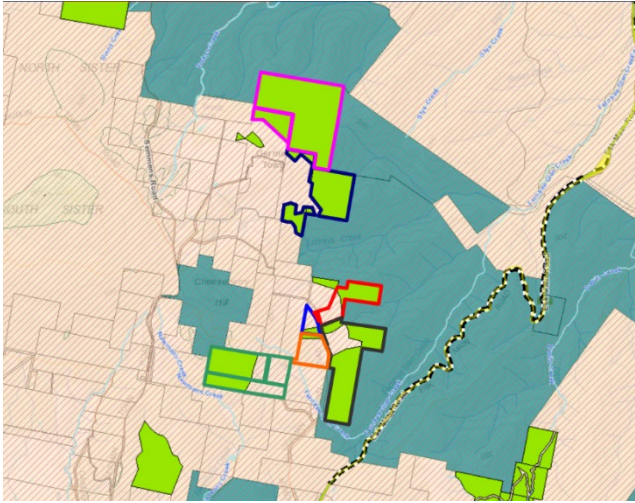
- Land Use and Development Strategy – Break O'Day Council Municipal Management Plan 2015; specifically section 16 of the strategy concerned with Settlement Character Descriptions and Plans (pp.104) , *'The surrounds of St Marys are currently within the Rural Resource zone or Environmental Living zone, which contain large areas of dense vegetation. Future investigation will be required when undertaking more detailed studies of land proposed for rezoning to identify vegetation corridors to be retained and an appropriate zoning for such land'*. The title/s which form the source of this representation are in close proximity to the St Marys Pass State Reserve and the German Town Regional Reserve in addition to containing a conservation covenant, the proposed LPS Rural Zone for the titles would not be considered consistent with the strategic intent outlined within the Land Use and Development Strategy.

From the provided aerial imagery of 209977/1, it can be seen that the majority of the title is covered by dense vegetation. Additionally, both the priority vegetation area and waterway and coastal protection overlays from the Natural Assets Code have been applied to 209977/1 as seen on Council's provided draft LPS mapping; title 209977/1 demonstrates that there are significant environmental constraints which could significantly inhibit development as evidenced by the presence of the overlays from the Natural Assets Code and dense vegetation coverage of the title. Additionally, after applying both the LIST mapping layers 'Conservation Covenant' and 'Tasmanian Reserve Estate', it is observable that the title/s have land that is currently reserved under a conservation covenant. It is important to note that the conservation covenant applicable to the property was not made by the state which would by default then qualify the property for the Environmental Management Zone (see zoning application guideline LCZ4).


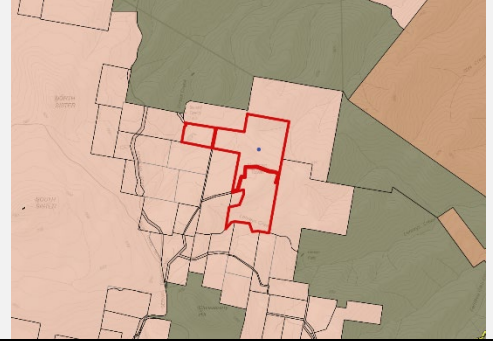
Due to the presence of a conservation covenant, substantial levels of vegetation on the land in conjunction with two overlays from the Natural Assets Code; the requested Landscape Conservation Zone could be considered consistent under zoning application guideline LCZ1 and LC2 (a and b).

The Planning Authority acknowledges that the presence of a conservation covenant can indicate environmental values associated with the land, it does not necessarily qualify for the application of the Landscape Conservation Zone. However, due to the close proximity to a state reserve, five properties from the Lower German Town area also requesting the application of the Landscape Conservation Zone in addition to another title from this property and a neighbouring property requesting to be rezoned; application of the requested zone to the representor's title 209977/1 can be deemed to demonstrate beneficial strategic planning outcomes. Although the application of the Landscape Conservation Zone to the aforementioned properties would result in split-zoning, beneficial strategic planning outcomes can still be achieved including the avoidance of inconsistent zoning patterns via spot zoning and providing a zoning buffer between land that has been zoned Environmental Management and Rural.

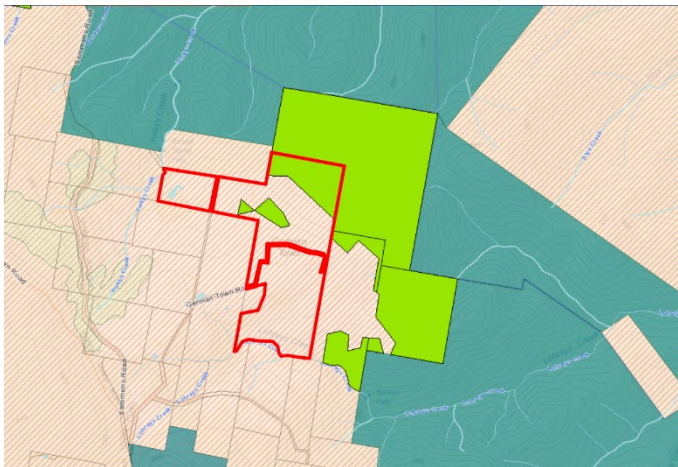


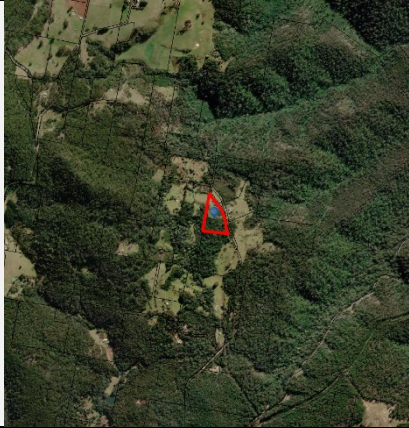
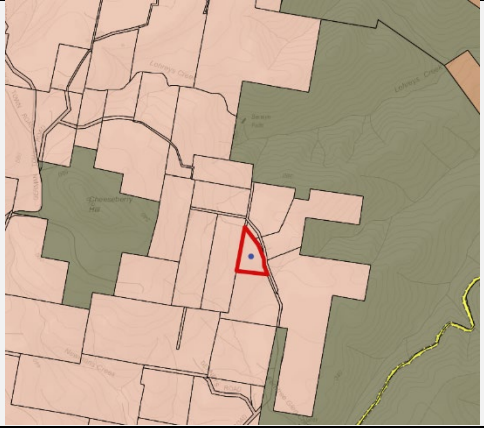
	<p>Please see Representation 4 Item 2 &amp; 19 for the locational context of land requested to be rezoned to the Landscape Conservation Zone specifically within the German Town Road Area</p>  <p>Please see Representations 1, 4 Item 1 &amp; Item 2, 5, 9, 19, 28, 31 for the locational context of properties requesting the application of the landscape Conservation Zone within both the German Town Road and Lower German Town Road Areas. Additionally, please review Rep No. 70 Item 6, related to the Conservation Landholders Tasmania representation</p> <p>The Break O'Day Council has applied the following assessment when determining a zone modification to Landscape Conservation Zone for titles supporting a conservation covenant:</p> <ul style="list-style-type: none"> <li>• Able to achieve connectivity to land zoned Environmental Management or Landscape Conservation;</li> <li>• Existing conservation covenant affecting the majority of the title;</li> <li>• Landowner consent provided or able to be provided;</li> <li>• Satisfies LCZ1, LCZ2 and LCZ3</li> </ul> <p>In this instance whilst the application of the LCZ is isolated, it is considered complimentary to the adjoining EMZ and therefore reflects sound planning principles.</p> <p>The subject title satisfies this assessment criteria.</p> <p>It is recommended the title(s) transition to Landscape Conservation Zone.</p>
<p><b>Recommended action</b></p>	<p><b>Recommended modification to draft LPS;</b></p> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT209977/1</li> <li>• Apply the Rural Zone to CT168012/2</li> <li>• Apply the Priority Vegetation mapping to all titles as provided in the Rod Knight State wide Mapping.</li> </ul>
<p><b>Effect of recommendation on the draft LPS</b></p>	<p>There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34 (2) of LUPAA is maintained.</p>

<p><b>Representation No. 4 Item 2</b></p>	<p><b>Name:</b> Julia Weston  <b>Address (CT Details):</b> 686 German Town Road, St Marys (168012/2)  <b>PID:</b> 3450015  <b>Land Area:</b> Approx. 50.127ha  <b>IPS Zoning:</b> Rural Resource</p>
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Mapping		
Matter(s) raised in the representation (including property information details where applicable)	Site Location	Draft LPS Zoning - Rural
	<p>To support the requested rezoning (<u>Landscape Conservation Zone</u>), the representation provides the following reasons:</p> <ul style="list-style-type: none"> <li>• The property contains 56.8ha of the 81.1ha Seaview Farm Reserve (Private Reserve). Due to the presence of the conservation covenant/private reserve, the representor proclaims that the property has been recognised by both the State and Commonwealth Government for protection and conservation of the biodiversity contained within.</li> <li>• In addition to the Seaview Farm Reserve covering sections of the titles 209977/1 and 168012/2, it also links to the 935ha German Town Regional Reserve to the North and the 361ha ST Marys Pass State Reserve towards the South-East.</li> <li>• Non-reserved portion of 168012/2 and all of 54129/1 are currently used for farming activities</li> <li>• Acknowledges and further endorses that that the small pockets of land with a conservation covenant on 168012/2 should be included within the Rural Zone to avoid small pocket zoning, the reserved section of 168012/2 along the northern boundary is requested for the application of the Landscape Conservation Zone instead.</li> <li>• Because Seaview Farm Reserve extends across title 209977/1 and 168012/2 and is in close proximity to the two aforementioned reserves which are remaining zoned as Environmental Management, split zoning can be justified to maximise the application of the Landscape Conservation Zone regarding land that has similar values.</li> <li>• The representor notes that Conservation Landholders Tasmania has also put forth a case for all of title 209977/1 and part of 168012/2 to be rezoned as Landscape Conservation.</li> <li>• Based on the zoning application guidelines provided within the Section 8A Guideline no.1 document, LCZ1 and RZ1 support the application of the Landscape Conservation zone to the title/s.</li> </ul>	
Planning Authority response	Consistency Overview:	
	NTRLUS	<input type="checkbox"/> Local Strategy / Policy
	Section 8A Guideline No.1	<input type="checkbox"/> Relate to the drafting / content of the SPP?
	TPC Practice Notes	<input type="checkbox"/> Reflect a like for like conversion of the IPS?
	<p><b>Response:</b></p> <p>Review Item 1 of this representation for a detailed response regarded the requested application of the Landscape Conservation Zone. Please note that CT 168012/2 directly adjoins CT 209977/1 and also adjoins the neighbouring property which is requesting for the application of the Landscape Conservation Zone at 774 German Town Road.</p> <p>Application of the LIST Maps 'Land Potentially Suitable for Agriculture Zone' layer revealed that the title is consistent with criteria 2B ('Potentially Constrained'). To further this notion, the application of the 'Land Capability' layer demonstrates that the title is mostly covered by classification 6 ('Land marginally suited to grazing due to severe limitations'), a section of the northern area within the title has classification 5 ('Land unsuited to cropping and with slight to moderate limitations to pastoral use') and a section of the southern area contains classification 4 ('Land well suited to grazing but which is limited to occasional cropping or a very restricted range of crops'). However, it is worth noting that the Conservation Covenant on LIST demonstrates that only a small section of CT 168012/2 contains a conservation</p>	



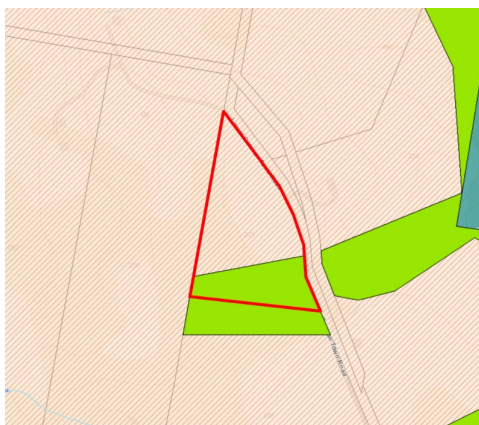
	<p>covenant and the representor only requests the application of the Landscape Conservation Zone to the reserved section along the northern boundary of the property with the remainder of the property to retain the proposed Rural Zone.</p>  <p>In this instance the application of a conservation covenant is partial in coverage and would require split zoning of the title. This approach has not been adopted by the BODC in order to avoid split zoning and instead recognises the protection and management of natural values afforded through the application of the Rural Zone and applicability of the Natural Assets Code and Priority Vegetation mapped overlay.</p>
<b>Recommended action</b>	No modification to the draft LPS
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34 (2) of LUPAA is maintained.

<b>Representation No. 5</b>	<p><b>Name:</b> Peter &amp; Leissa Dane  <b>Address:</b> 225 Lower German Town, St Marys (142906/2)  <b>PID:</b> 2563878  <b>Land Area:</b> 3.2ha  <b>IPS Zoning:</b> Rural Resource</p>	
<b>Mapping</b>	 	
	<b>Site Location</b>	<b>Draft LPS Zoning – Rural</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>To support the requested rezoning (<i>Landscape Conservation</i>), the representation provides the following reasons:</p> <ul style="list-style-type: none"> <li>The non-reserved portion of the property would not be suitable for agricultural activities.</li> <li>Including the representor's property, there are five adjoining properties within the Lower German Town Road area that form part of the St Marys Pass State Reserve. The representors identified their property to be Reserve #2 and further notes that in combination with Reserves #3,4 and 5 located in adjacent properties, the area of</li> </ul>	

	<p>land covered by conservation covenants equates to 38.9ha or 59% out of the total 65.5ha from the five properties.</p> <ul style="list-style-type: none"> <li>Address of the other four properties containing a conservation covenant within Lower German Town Road area include: 203 Lower German Town Road, 224 Lower German Town Road, Lot 5 Lower German Town Road and 22 Denneys Road.</li> <li>The representor notes that Conservation Landholders Tasmania has also put forth a case for all five of the previously mentioned properties, to be rezoned to the Landscape Conservation Zone.</li> </ul>		
Planning Authority response	<b>Consistency Overview:</b>		
	NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy <input checked="" type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP? <input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS? <input type="checkbox"/>
	<p><b>Response:</b></p> <p>Located north east of the St Marys Township and in close proximity to the St Marys Pass State Reserve, the property is situated amongst land that has been proposed to be zoned as Rural within the draft LPS. If the requested rezoning of the property to the Landscape Conservation Zone were to occur, this would result in spot zoning. Although, if the other four properties mentioned earlier were to be rezoned to the Landscape Conservation Zone, this would assist in the avoidance of spot zoning a single property and instead contribute to implementing consistent rezoning as there would be a total of five titles being rezoned (Total Area of Land that could be rezoned to Landscape Conservation = 65.5ha). It is also worth noting that regardless of the zone applied to the property, the conservation covenant present on the property will remain until it is removed by the owner. The property does not adjoin and is not currently in close proximity to any land utilised primarily for agricultural activities.</p> <p>Regarding the requested application of the Landscape Conservation Zone to the aforementioned property, the following zone application guideline stipulates the requirements necessary for land to be considered appropriate for the Landscape Conservation Zone (pp.19-20):</p> <p style="text-align: center;"><i>LCZ 2 The Landscape Conservation Zone may be applied to:</i></p> <p style="text-align: center;"><i>(a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;</i></p> <p style="text-align: center;"><i>(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or</i></p> <p style="text-align: center;"><i>(c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.</i></p> <p>Whilst reviewing LCZ 2 it was determined that the property could meet LCZ 2 requirement (a) and (b). The priority vegetation area overlay from the Natural Assets Code has been applied to part of the property; the property has some environmental constraints which could inhibit development as evidenced by the presence of the priority vegetation area overlay from the Natural Assets Code. It is important to note that the conservation covenant applicable to the property was not made by the state which would by default then qualify the property for the Environmental Management Zone as indicated in the above zone application guideline.</p> <p>There is only one strategic planning document that is relevant to the representation which includes:</p> <ul style="list-style-type: none"> <li>Land Use and Development Strategy – Break O'Day Council Municipal Management Plan 2015; specifically section 16 of the strategy concerned with Settlement Character Descriptions and Plans, 'The surrounds of St Marys are currently within the Rural Resource zone or Environmental Living zone, which contain large areas of dense vegetation. Future investigation will be required when undertaking more detailed studies of land proposed for rezoning to identify vegetation corridors to be retained and an appropriate zoning for such land'. The</li> </ul>		

property is in close proximity to the St Marys Pass State Reserve with a section of the property containing a conservation covenant, the proposed LPS Rural Zone for the property would not be considered consistent with the strategic intent outlined within the Land Use and Development Strategy.

'Conservation Covenant' and 'Land Potentially Suitable for Agriculture Zone' layers from LIST Maps are applicable to the property. The property contains a conservation covenant identified as a Private Reserve and covers approximately 1ha towards the southern end of the property as seen below (reserved in accordance with the Nature Conservation Act 2002). Additionally, under the 'Land Potentially Suitable for Agriculture Zone' layer, the property has been identified to be consistent with Criteria 2B '*Potentially Constrained*'. To further support the previous classification, the 'Land Capability' layer available on LIST demonstrated that the property contained two classifications including 5 ('*Land unsuited to cropping and with slight to moderate limitations to pastoral use*') and 6 ('*Land marginally suited to grazing due to severe limitations*').



When reviewing the property against the Section 8A Guidelines no.1 document, the following zone application guidelines can be deemed somewhat applicable to the property with regards to the proposed draft LPS zone (pp.14-15):

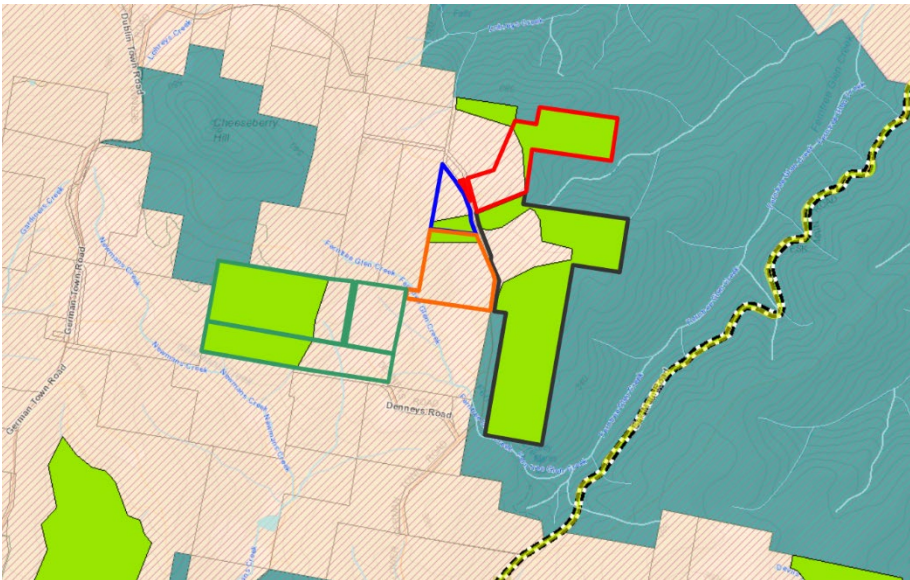
*RZ 2 The Rural Zone should only be applied after considering whether the land is suitable for the Agriculture Zone in accordance with the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST.*

AND

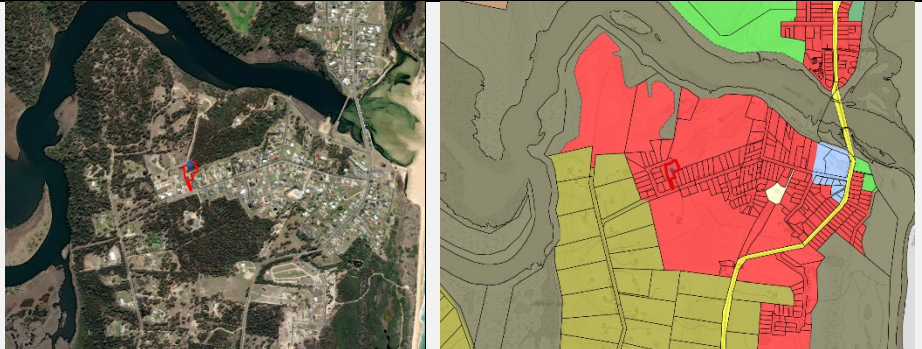
*RZ 3 The Rural Zone may be applied to land identified in the 'Land Potentially Suitable for Agriculture Zone' layer, if:*

- (a) it can be demonstrated that the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;*
- (b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land;*
- (c) the land is identified for the protection of a strategically important naturally occurring resource which is more appropriately located in the Rural Zone and is supported by strategic analysis;*
- (d) the land is identified for a strategically important use or development that is more appropriately located in the Rural Zone and is supported by strategic analysis; or*
- (e) it can be demonstrated, by strategic analysis, that the Rural Zone is otherwise more appropriate for the land.*

The Rural Zone proposed for the property within the draft LPS, demonstrates compliance with RZ 2 and RZ 3 (a). As shown in the provided zone application guideline, applying the Rural Zone requires that the 'Land Potentially Suitable for Agriculture Zone' indicates whether the property can meet requirement RZ 3 (a) and (b). The property has been determined to be meet criteria 1, 2 and 3 of the constraints analysis flow chart provided within the Agricultural Land Mapping Project Background Report. Due to the assignment of Criteria 2B, the following characteristics may be associated with the property: is smaller than the established Criteria 1 size thresholds (Enterprise Suitability Cluster), has a capital value of less than \$50,000 per hectare, not adjoining a title with an area greater than size thresholds outlined within Criteria 1 and or is not adjoining land subject to a residential zone.

	<p>The Planning Authority acknowledges that the presence of a conservation covenant can indicate environmental values associated with the land, it does not necessarily qualify for the application of the Landscape Conservation Zone. However, due to the close proximity to state reserves and the other four properties within the Lower German Town area requesting to be rezoned to the same zone and also containing conservation covenants (see image below); application of the requested zone to the representor's property can be deemed to demonstrate beneficial strategic planning outcomes. Notably, these outcomes include the avoidance of inconsistent zoning patterns via spot zoning and providing a zoning buffer between land that has been zoned Environmental Management and Rural.</p>  <p>Please see Representation 1, 9, 28, 31 for the locational context of the other four properties. Additionally, please review Rep No. 70 Item 7, related to the Conservation Landholders Tasmania representation.</p> <p>The Break O'Day Council has applied the following assessment when determining a zone modification to Landscape Conservation Zone for titles supporting a conservation covenant:</p> <ul style="list-style-type: none"> <li>• Able to achieve connectivity to land zoned Environmental Management or Landscape Conservation;</li> <li>• Existing conservation covenant affecting title;</li> <li>• Landowner consent provided or able to be provided;</li> <li>• Satisfies LCZ1, LCZ2 and LCZ3</li> </ul> <p>The subject title satisfies this assessment criteria.</p> <p>It is recommended the title(s) transition to Landscape Conservation Zone.</p> <p>In this instance the adjoining landowners have submitted a coordinated representation to the draft LPS and the titles collectively provide connectivity to the adjacent EMZ and provide for landscape values.</p>
<b>Recommended action</b>	<p>Recommended modification to draft LPS;</p> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT142906/2</li> </ul>
<b>Effect of recommendation on the draft LPS</b>	<p>There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34 (2) of LUPAA is maintained.</p>


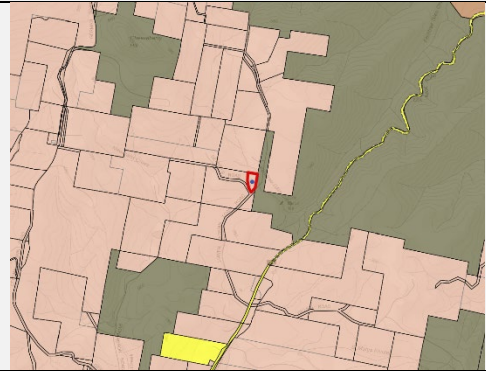


<b>Representation No. 6</b> <b>Related Representation 25, 40, 81</b>	<b>Name:</b> Jim Harris <b>Address (CT Details):</b> 12 Oberon Place, Scamander <b>PID:</b> 2948700 <b>Land Area:</b> 0.3564981ha <b>IPS Zoning:</b> General Residential																		
<b>Mapping</b>																			
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<b>Site Location</b> <b>Draft LPS Zoning – General Residential</b> To support the requested rezoning ( <u>Open Space Zone</u> ), the representation provides the following reasons: <ul style="list-style-type: none"> <li>• Original intent of the subdivision that occurred within the area was to designate this property for public open space.</li> <li>• As a local resident, the representors were attracted to building within the area because of facilities such as public open space within the subdivision.</li> <li>• Council and 'relevant' Councillors were made aware that the local rate payers wanted this land zoned as Open Space as it was supposedly the original intention of the subdivision – for the benefit of the local residents and their families to enjoy.</li> </ul>																		
<b>Planning Authority response</b>	<table border="1"> <tr> <td colspan="4" data-bbox="469 1021 1394 1066"><b>Consistency Overview:</b></td> </tr> <tr> <td data-bbox="469 1066 836 1099">NTRLUS</td> <td data-bbox="836 1066 900 1099"><input type="checkbox"/></td> <td data-bbox="900 1066 1315 1099">Local Strategy / Policy</td> <td data-bbox="1315 1066 1394 1099"><input checked="" type="checkbox"/></td> </tr> <tr> <td data-bbox="469 1099 836 1167">Section 8A Guideline No.1</td> <td data-bbox="836 1099 900 1167"><input checked="" type="checkbox"/></td> <td data-bbox="900 1099 1315 1167">Relate to the drafting / content of the SPP?</td> <td data-bbox="1315 1099 1394 1167"><input type="checkbox"/></td> </tr> <tr> <td data-bbox="469 1167 836 1234">TPC Practice Notes</td> <td data-bbox="836 1167 900 1234"><input type="checkbox"/></td> <td data-bbox="900 1167 1315 1234">Reflect a like for like conversion of the IPS?</td> <td data-bbox="1315 1167 1394 1234"><input type="checkbox"/></td> </tr> </table> <p><b>Response:</b>          Located within the Scamander Township, the property is situated amongst land that will remain zoned as General Residential under the draft LPS. Requested rezoning of the property to the Open Space Zone could be considered appropriate due to the observable existing use of the land. The below response will assess whether the requested LPS zone could be appropriate and justified for the property.</p> <p>Regarding the requested application of the Open Space Zone to the property, the following relevant guideline/s stipulates the requirements necessary for land to be considered appropriate for the Open Space Zone (pp.25):</p> <p><i>OSZ 1 The Open Space Zone should be applied to land that provides, or is intended to provide, for the open space needs of the community, including land identified for:</i></p> <p style="padding-left: 40px;">(a) passive recreational opportunities; or          (b) natural or landscape amenity within an urban setting.</p> <p style="text-align: center;"><b>AND</b></p> <p><i>OSZ 3 The Open Space Zone should generally only be applied to public land, but may be applied to privately owned land if it has been strategically identified for open space purposes.</i></p> <p>The property contains two overlays associated with the Natural Assets Code including priority vegetation which covers most of the property and a small portion of the eastern boundary exhibiting the waterway and coastal protection overlay. From the available aerial imagery of the site, it is evident that the property is heavily vegetated along the northern</p>			<b>Consistency Overview:</b>				NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input checked="" type="checkbox"/>	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
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TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>																

	<p>boundary of the property with the remaining either being entirely cleared or containing minor amount/s of vegetation.</p> <p>There is only one strategic planning document that is relevant to the representation which includes:</p> <ul style="list-style-type: none"> <li>Land Use and Development Strategy – Break O'Day Council Municipal Management Plan 2015; specifically section 16 of the strategy concerned with Settlement Character Descriptions and Plans (pp. 107): <i>'Recreation facilities and open space within Scamander includes the Scamander Sports Complex and a number of foreshore parks and local parks. No additional local or district parks are required. However, to accommodate future residential growth in Scamander (and other towns) the Break O'Day Interim Planning Scheme should be amended to implement guidelines to ensure that local parks dedicated within new estates contain an adequate area of land for passive recreational purposes and are not limited by constraints such as detention basins'.</i></li> </ul> <p>Relevant History of the property for context:</p> <ul style="list-style-type: none"> <li>Apart of an 18 lot subdivision back in 2006 - DA 146/2006, the property (Lot 20) was designated as public open space and can be further seen within the 'Signed Final Plan and Easements' document or the Folio Plan available on LIST Map. Furthermore, the Planning Permit issued for the subdivision provided the following condition in relation to the designated public open space (review planning report, pp. 5): <b>Condition 36 =</b> <i>'The proposed area for public open space provides a benefit to the community but is considered by Council to represent a part of the infrastructure and civil works of the development. The developer is to undertake these works as part of the civil works contribution for the project which will be acknowledged by Council to discount 50% of the necessary contribution of public open space for the development. As such, a \$5,000 cash contribution based on the combined value of Lots 1-19 totalling \$200,000 must be paid to Council.'</i></li> <li>Council acquired the property back in 2012 which notably was subject to the previously established schedule of easements. Referring to the Folio Text on LIST Maps for this property, revealed that there was no unregistered dealings or notations recorded.</li> <li>The property remained to be vacant and largely used as public open space until 2018 when Council listed the property for sale. There was only one prospective buyer that engaged with Council to purchase the property to initiate potential development upon it. A key issue raised by the prospective buyer was that there was a notation for public open space for the property and as such believed that this would severely limit any development opportunities on the property. However due to the aforementioned key issue including some others which were raised during this process, the sale of the property was cancelled as the buyer and their representative were not comfortable proceeding with the purchase of the property. Council though had advised the prospective buyer and their representative that any proposed development for the property would only be subject to the applicable zoning and schedule of easements associated with the property.</li> <li>During 2019 Centre Care Housing proposed to purchase the property in order to develop an affordable housing project. Due to fierce community opposition and a motion passed during a council meeting, Council decided against selling the property. Since 2019 the property has remained vacant and used as public open space by the local community</li> </ul> <p>Although the representor did not provide sufficient supporting information that would assist with arguing the appropriateness of applying the requested LPS Zone, the aforementioned points raised can support the requested Open Space Zone for the property. Specifically the recent history between 2018 and 2019, indicates that neither selling and or developing upon the property have been successful due to community opposition, perceived limitations and decisions made by Council. Therefore, it could be argued that since the property had been designated as public open space previously and has since been used as such, zoning application guideline OSZ1 and OSZ3 can be adequately satisfied.</p> <p>Lot 20 was created as part of a 18 lot subdivision (DA146-2006). The approved subdivision was subject of a Memorandum of Consent prepared by the Resource Management and</p>
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## Break O'Day Council Attachment 1: Representations – Assessment and Recommendations


	<p>Planning Appeal Tribunal (RMPAT Ref: 218/06 S). Approval was for Lots 1 to 19, the road reserves and the detention basin area defined on the plan dated 10/08/2006.</p> <p>The 3567 m2 lot was approved as a public open space lot, with Council currently preparing a Management Plan for the lot. There is considerable community support for the public land and the draft management plan is exploring the management of the site in accordance with passive recreation and nature conservation values recognising portions of the land are disturbed.</p> <p>The site is recommended to transition to the Open Space Zone and satisfies the recommendation of OSZ1 and OSZ3 of Guideline No. 1.</p>
<b>Recommended action</b>	<p>Recommended modification to draft LPS;</p> <ul style="list-style-type: none"> <li>Apply the Open Space to CT 156731/20</li> </ul>
<b>Effect of recommendation on the draft LPS</b>	<p>There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34 (2) of LUPAA is maintained.</p>

<b>Representation No. 7</b>	<p><b>Name:</b> Rodney &amp; Janet Drummond  <b>Address (CT Details):</b> 121 Lower German Town Road, St Marys (168898/1)  <b>PID:</b> 3402945  <b>Land Area:</b> Approx. 1.058ha  <b>IPS Zoning:</b> Rural Resource</p>	
<b>Mapping</b>	 	
	<b>Site Location</b>	<b>Draft LPS Zoning – Rural</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>To support the requested rezoning (<u>Landscape Conservation Zone</u>), the representation provides the following reasons:</p> <ul style="list-style-type: none"> <li>Property adjoins the St Marys Pass State Reserve</li> <li>Neighbouring properties contain conservation covenants and the representor would like to contribute to conserving environmentally significant and protected land which are in close proximity to the St Marys Township.</li> <li>Representor asserts that there is no opportunity for commercial agricultural activities to occur on the property and there are no plans to initiate this land use in future.</li> <li>Believes that rezoning properties situated in the Lower German Town Road area and within the Grey locality to the landscape Conservation Zone would be beneficial to the area. Specifically, offering protection to the unique ecological biodiversity in the area and providing important connectivity as a wildlife corridor into the future.</li> <li>Property is registered as a 'Garden for Wildlife' under the Private Land Conservation Program.</li> <li>Representor states that they have been rehabilitating and improving the land as a refuge for wildlife for 14yrs and the property contains wildlife that has been listed to be threatened native fauna species including: Spotted-Tailed Quoll, Eastern Quoll, Tasmanian Devil and the Blind Velvet Worm. Additionally, they have indicated that their property contains a small Eucalyptus Brookeriana Ecosystem which is listed as critically endangered under the EPBC Act.</li> </ul>	

	<ul style="list-style-type: none"> <li>Application of the requested Landscape Conservation Zone to the property aligns with the Section 8A Guideline no.1 document provided by the Tasmanian Planning Commission.</li> </ul>			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<p><b>Response:</b></p> <p>Located north east of the St Marys Township and in close proximity to the St Marys Pass State Reserve, the property is situated amongst land that has been proposed to be zoned as Rural within the draft LPS. If the requested rezoning of the property to the Landscape Conservation Zone were to be applied instead, this may contribute to spot zoning as it is not currently co-located with land proposed to contain the requested LPS zone.</p> <p>Regarding the requested application of the Landscape Conservation Zone to the property, the following guideline stipulates the requirements necessary for land to be considered appropriate for the Landscape Conservation Zone (pp.19-20):</p> <p><i>LCZ 1 The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.</i></p> <p style="text-align: center;">AND</p> <p><i>LCZ 2 The Landscape Conservation Zone may be applied to:</i></p> <p><i>(a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;</i></p> <p><i>(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or</i></p> <p><i>(c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.</i></p> <p>Application of the LIST Maps 'Land Potentially Suitable for Agriculture Zone' layer revealed that the property is consistent with criteria 2A 'Potentially Constrained'. Additionally, the application of the 'Land Capability' layer demonstrates that the property is entirely covered by classification 5 ('Land unsuited to cropping and with slight to moderate limitations to pastoral use'). Consequently, the aforementioned LIST mapping layers demonstrate that the property contains limited potential for agricultural uses which accordingly does support the below RZ1 zone application guideline.</p> <p>The representation only broadly refers to the LPS zoning guideline and does not provide clarification as to why the Landscape Conservation Zone should be applied to the property. Although, the representor notes that the property is registered as a 'Garden for Wildlife' under the Private Land Conservation Program, the property does not contain a conservation covenant as evident when applying both the 'Conservation Covenant' and the 'Tasmanian Reserve Estate' layers available on LIST maps. As such, it can be ascertained that the property has not been recognised by both Commonwealth and State Governments for its environmental values.</p> <p>From the available aerial imagery, it can be seen that the majority of the property is relatively cleared of vegetation, remaining vegetation on the property is situated along the boundaries and appears to be dense in some locations. Additionally, the property contains minimal presence of the priority vegetation area and waterway and coastal protection associated with the Natural Assets Code. Consequently due to a lack of dense vegetation and overlays associated with the Natural Assets Code which would otherwise demonstrate if there were any significant environmental constraints on the property; it has been determined that the property would not be able to effectively meet the zone application guidelines LCZ1 and LCZ2 for the requested Landscape Conservation Zone.</p>			



	<p>Representor mentions the presence of threatened fauna species on the property (Spotted-Tailed Quoll, Eastern Quoll, Tasmanian Devil and the Blind Velvet Worm) in addition to the small Eucalyptus Brookerian Ecosystem which is listed as critically endangered under the EPBC Act. However, the priority vegetation report available for the property on Council's draft LPS Online Mapping service using data from TasVeg 3.0, revealed that the threatened fauna species that could be present on the property included the Giant Velvet Worm and habitats for both the spotted-tailed quoll and the Tasmanian Devil (note: that the reliability of the report had been classed as variable). Notably, the Eastern Quoll was not mentioned within the report and as such cannot be verified at this stage.</p> <p>Further desktop investigation utilising the LIST layer 'TAS VEG 3.0' has attributed the following vegetation communities to the property:</p> <ul style="list-style-type: none"> <li>• Agricultural, Urban and Exotic Vegetation (<i>Vegetation Community Code and Description = FAG Agricultural Land</i>)</li> <li>• Agricultural, Urban and Exotic Vegetation (<i>Vegetation Community Code and Description = FRG Regenerating Cleared Land</i>)</li> <li>• Non Eucalypt Forest and Woodland (<i>Vegetation Community Code and Description = NAD Acacia dealbata forest</i>)</li> </ul> <p>Further desktop investigation utilising the LIST layer 'Conservation Significance Flora Point', 'Threatened Flora Point' and 'Non Threatened Flora Point' indicate that the land does contain some environmental values. Firstly, the 'Conservation Significance Flora Point' layer revealed that the property may contain Brookers Gum (<i>Eucalyptus Brookeriana</i>) and White Gum (<i>Eucalyptus viminalis subsp. Viminalis</i>) which are listed as a threatened ecological community within the EPBC Act 1999. Please note that White Gum (<i>Eucalyptus viminalis subsp. Viminalis</i>) appeared on the 'Non Threatened Flora Point layer' instead since the data included within this particular layer has not been updated since 2018. No flora species have been noted within the "Threatened Flora Point" layer however the 'Non Threatened Flora Point' layer listed the following three species:</p> <ul style="list-style-type: none"> <li>• Bracken (<i>Pteridium esculentum subsp. Esculentum</i>)</li> <li>• Sagg (<i>Lomandra longifolia</i>)</li> <li>• Stringybark (<i>Eucalyptus obliqua</i>)</li> </ul> <p>Though the property may contain some Threatened Ecological Communities, as ascertained within the previously mentioned LIST layers, the majority of the land appears to have been cleared with the remaining dense vegetation located around the boundaries of the property. Additionally, due to the slight inclusion of the overlays associated with the Natural Assets Code along the eastern boundary, the property does not demonstrate significant environmental values but does indicate that there are possible environmental constraints that may impact upon future development. Due to the aforementioned points, the requested application of the Landscape Conservation Zone would not be appropriate for the property specifically when the zone guideline application for the Rural Zone states the following (pp. 14):</p> <p style="text-align: center;"><i>RZ 1 The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.</i></p>
<b>Recommended action</b>	<b>No modification to the draft LPS</b>
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34 (2) of LUPAA is maintained.
<b>Representation No. 8</b>	<b>Name:</b> Tilman Ruff <b>Address (CT Details):</b> P1535 Forest Lodge Road, Pyengana (240592/1) <b>PID:</b> 6805299

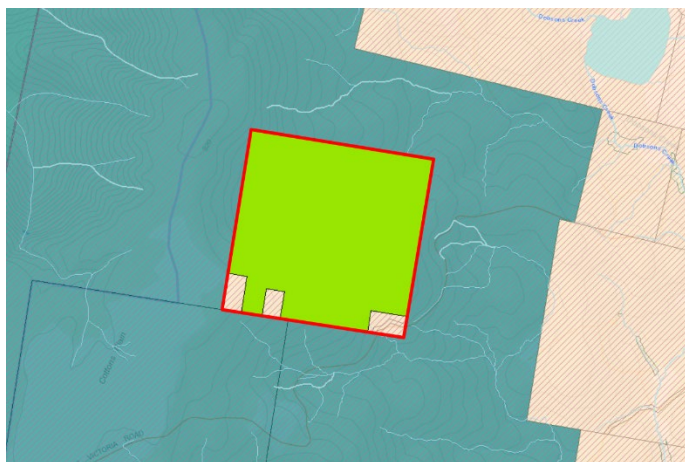
Related Representation: 70 (3)	Land Area: Approx. 99.02ha IPS Zoning: Rural Resource			
Mapping				
	Site Location	Draft LPS Zoning – Rural Zone		
Matter(s) raised in the representation (including property information details where applicable)	<p>To support the requested rezoning (<i>Landscape Conservation Zone</i>), the representation provides the following reasons:</p> <ul style="list-style-type: none"><li>Approximately 94% (93.5ha) of the property contains a conservation covenant and is included within the West Pyengana Reserve.</li><li>Representor asserts that there are three key areas which are not reserved by the aforementioned conservation covenant, and further claims that these areas would not be suitable for agriculture activities.</li><li>After reviewing the Section 8A Guideline no.1 document, the representor believes that zone application guideline LCZ1 and RZ1 supports the requested Landscape Conservation Zone for the property.</li><li>The West Pyengana Reserve is entirely surrounded by the Mount Victoria Regional Reserve which currently is and will further remain to be zoned as Environmental Management.</li><li>The representor notes that Conservation Landholders Tasmania has also put forth a case for their property to be rezoned to the Landscape Conservation Zone.</li></ul>			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<p><b>Response:</b></p> <p>Located northwest from the village of Pyengana, the property is situated near the western boundary of the Planning Authority’s administrative region and has been proposed to be rezoned to Rural under the draft LPS. Notably, the property is surrounded by land that will zoned under the Environmental Management Zone. If the requested rezoning of the property to the Landscape Conservation Zone were to be applied instead, this may contribute to spot zoning as it is not currently co-located with land proposed to contain the requested LPS zone. It is also worth noting that regardless of the zone applied to the property, the conservation covenant present on the property will remain until it is removed by the owner.</p> <p>Regarding the requested application of the Landscape Conservation Zone to the property, the following guideline stipulates the requirements necessary for land to be considered appropriate for the Landscape Conservation Zone (pp.19-20):</p> <p><i>LCZ 1 The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.</i></p> <p style="text-align: center;">AND</p> <p><i>LCZ 2 The Landscape Conservation Zone may be applied to:</i></p> <p><i>(a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;</i></p>			

*(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or  
(c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.*

Application of the LIST Maps 'Land Potentially Suitable for Agriculture Zone' layer revealed that the property is not subject to any of the developed criteria. To further this notion, the application of the 'Land Capability' layer demonstrates that the property is entirely covered by classification 6 ('Land marginally suited to grazing due to severe limitations'). Consequently, the aforementioned LIST mapping layers demonstrate that the property contains little to no potential for agricultural uses which accordingly does support the below RZ1 zone application guideline.

The representation utilising the LPS zoning guideline, provides clarification as to why the Landscape Conservation Zone should be applied to the property. Initially, the representor notes that part of their property is reserved under a conservation covenant made under the Nature Conservation Act 2002 (note: reserved privately, not by the State) and proclaims that it has been recognised by both Commonwealth and State Governments for its importance of conserving the natural landscape and biodiversity contained within. Zoning application guidelines LCZ 1 in conjunction with RZ1 referred within the representation in order to validate the requested rezoning of the property. Subsequently, the LPS zoning application guideline for RZ1 states (pp. 14):

*RZ 1 The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.*




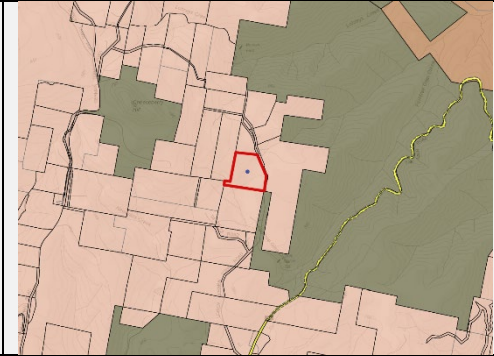
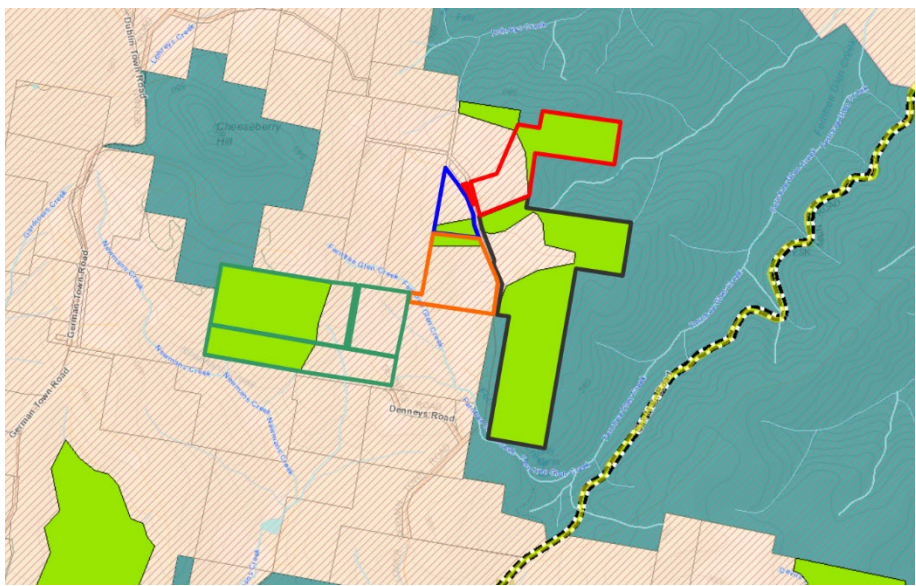
Due to the presence of the Natural Assets Codes as seen on the online LPS mapping provided by Council, two overlays associated with this code are shown to be present on the property. The priority vegetation area and waterway and coastal protection have been applied to the property which aligns with the zoning application guideline for LCZ1 and LC2 (b); the property demonstrates that there are significant environmental constraints that could impede upon any development or uses that could be proposed under the Rural Zone and has been further identified for the conservation of environmental features.

Alternatively it might be important to consider the potential application of the Environmental Management Zone instead (refer to Representation 13 as an example of the proposed LPS zone for a property that contains a conservation covenant and directly adjoins a conservation reserve) as the following zone application guideline could be applicable to the property (pp.20-21):

	<p><i>EMZ 1 The Environmental Management Zone should be applied to land with significant ecological, scientific, cultural or scenic values, such as:</i></p> <p><i>(a) land reserved under the Nature Conservation Act 2002;</i></p> <p><i>(b) land within the Tasmanian Wilderness World Heritage Area;</i></p> <p><i>(c) riparian, littoral or coastal reserves;</i></p> <p><i>(d) Ramsar sites;</i></p> <p><i>(e) any other public land where the primary purpose is for the protection and conservation of such values; or</i></p> <p><i>(f) any private land containing significant values identified for protection or conservation and where the intention is to limit use and development</i></p> <p>The Planning Authority acknowledges that the presence of a conservation covenant can indicate environmental values associated with the land, it does not necessarily qualify for the application of the Landscape Conservation Zone. Due to the presence of a conservation covenant combined with substantial levels of vegetation on the land and the applicability of two overlays from the Natural Assets Code; the requested Landscape Conservation Zone could be considered consistent. However, since the property is adjoining the Mount Victoria Regional Reserve which will remain zoned Environmental Management, applying the Landscape Conservation Zone would not contribute towards consistent zoning patterns.</p> <p>The Break O'Day Council has applied the following assessment when determining a zone modification to Landscape Conservation Zone:</p> <ul style="list-style-type: none"> <li>• Able to achieve connectivity to land zoned Environmental Management or Landscape Conservation;</li> <li>• Existing conservation covenant affecting title;</li> <li>• Landowner consent provided or able to be provided;</li> <li>• Satisfies LCZ1, LCZ2 and LCZ3</li> </ul> <p>The subject title satisfies this assessment criteria and is notably surrounded on all boundaries by the Environmental Management Zone.</p> <p>It is recommended the title(s) transition to Landscape Conservation Zone.</p>
<b>Recommended action</b>	<p><b>Recommended modification to draft LPS;</b></p> <ul style="list-style-type: none"> <li>• <b>Apply the Landscape Conservation Zone to CT 240592/1</b></li> </ul>
<b>Effect of recommendation on the draft LPS</b>	<p>There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34 (2) of LUPAA is maintained.</p>


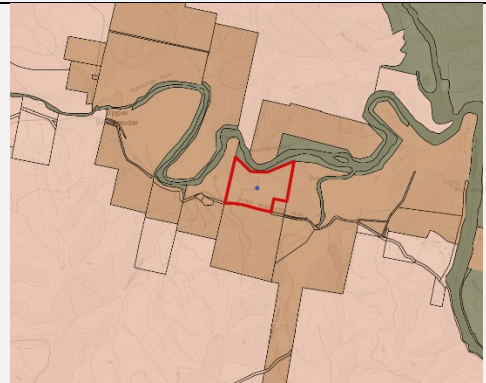
<b>Representation No. 9</b>	<p><b>Name:</b> Julie and Brett Owers</p> <p><b>Address (CT Details):</b> 203 Lower German Town Road, St Marys (157275/1)</p> <p><b>PID:</b> 2966706</p> <p><b>Land Area:</b> Approx. 8.74ha</p> <p><b>IPS Zoning:</b> Rural Resource</p>
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<b>Mapping</b>														
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p><b>Site Location</b></p> <p><b>Draft LPS Zoning – Rural</b></p> <p>To support the requested rezoning (<u>Landscape Conservation Zone</u>), the representation provides the following reasons:</p> <ul style="list-style-type: none"> <li>• The Landscape Conservation Zone is appropriate as a small portion of the northern boundary of the property contains a Private Reserve/Conservation Covenant whereby the non-reserved portion of the property is not used for agricultural activities.</li> <li>• Representor indicates that there is cluster of properties along Lower German Town Road which adjoin the 361ha St Marys Pass State Reserve (mentioned previously within Rep. 5).</li> <li>• The representor notes that Conservation Landholders Tasmania has also put forth a case for their property to be rezoned to the Landscape Conservation Zone.</li> </ul>													
<b>Planning Authority response</b>	<p><b>Consistency Overview:</b></p> <table border="1" data-bbox="469 936 1398 1124"> <tr> <td data-bbox="469 936 836 981">NTRLUS</td><td data-bbox="836 936 893 981"><input checked="" type="checkbox"/></td><td data-bbox="893 936 1321 981">Local Strategy / Policy</td><td data-bbox="1321 936 1398 981"><input type="checkbox"/></td></tr> <tr> <td data-bbox="469 981 836 1048">Section 8A Guideline No.1</td><td data-bbox="836 981 893 1048"><input checked="" type="checkbox"/></td><td data-bbox="893 981 1321 1048">Relate to the drafting / content of the SPP?</td><td data-bbox="1321 981 1398 1048"><input type="checkbox"/></td></tr> <tr> <td data-bbox="469 1048 836 1124">TPC Practice Notes</td><td data-bbox="836 1048 893 1124"><input checked="" type="checkbox"/></td><td data-bbox="893 1048 1321 1124">Reflect a like for like conversion of the IPS?</td><td data-bbox="1321 1048 1398 1124"><input checked="" type="checkbox"/></td></tr> </table> <p><b>Response:</b></p> <p>Review Representation No. 5 for a detailed response regarding a requested application of the Landscape Conservation Zone. Please note that the property specified within Representation No.5 directly adjoins 203 Lower German Town Road and further demonstrates identical features (e.g. both are subject to the same LIST Layers and the classifications mentioned within Rep.5).</p> 		NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input checked="" type="checkbox"/>
NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>											
Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>											
TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input checked="" type="checkbox"/>											

## Break O'Day Council Attachment 1: Representations – Assessment and Recommendations

	<p>Please see Representation 1, 5, 28, 31 for the locational context of the other four properties. Additionally, please review Rep No. 70 Item 7, related to the Conservation Landholders Tasmania representation.</p> <p>The Break O'Day Council has applied the following assessment when determining a zone modification to Landscape Conservation Zone:</p> <ul style="list-style-type: none"> <li>• Able to achieve connectivity to land zoned Environmental Management or Landscape Conservation;</li> <li>• Existing conservation covenant affecting title;</li> <li>• Landowner consent provided or able to be provided;</li> <li>• Satisfies LCZ1, LCZ2 and LCZ3</li> </ul> <p>In this instance the adjoining landowners have submitted a coordinated representation to the draft LPS and the titles collectively provide connectivity to the adjacent EMZ and provide for landscape values.</p> <p>The subject title satisfies this assessment criteria.</p> <p>It is recommended the title(s) transition to Landscape Conservation Zone.</p>
<b>Recommended action</b>	<b>Recommended modification to draft LPS;</b> <ul style="list-style-type: none"> <li>• <b>Apply the Landscape Conservation Zone to CT157275/1</b></li> </ul>
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34 (2) of LUPAA is maintained.


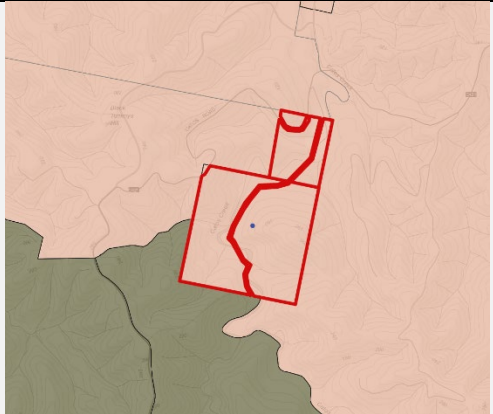
<b>Representation No. 10</b>	<p><b>Name:</b> Dion Agius  <b>Address (CT Details):</b> 546 Upper Scamander Road, Scamander (38787/1)  <b>PID:</b> 7574197  <b>Land Area:</b> Approx. 16.02ha  <b>IPS Zoning:</b> Rural Resource</p>	
<b>Mapping</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning – Agriculture Zone</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>To support the requested rezoning (<u>Rural Zone</u>), the representation provides the following reasons:</p> <ul style="list-style-type: none"> <li>• Intend to submit a development application under the use class 'Community Meeting and Entertainment'. Specifically though this development application concerns being able to host wedding events on the property (note: development of a wedding venue site has not necessarily been clarified within the representation).</li> <li>• Approval has been granted for the development of four units (Visitor Accommodation) on the property with one currently operational and as such by having the ability to host wedding events. The representor consequently asserts that having the ability to host wedding events could facilitate the extension of the experience for visitors.</li> </ul>	

	<ul style="list-style-type: none"> <li>Under the Draft LPS Mapping (if their property were to be rezoned as Rural instead) it would be able to link up to another property north of them that has been rezoned as Rural.</li> </ul>												
Planning Authority response	Consistency Overview:												
	<table border="1"> <tr> <td>NTRLUS</td><td><input type="checkbox"/></td><td>Local Strategy / Policy</td><td><input type="checkbox"/></td></tr> <tr> <td>Section 8A Guideline No.1</td><td><input type="checkbox"/></td><td>Relate to the drafting / content of the SPP?</td><td><input type="checkbox"/></td></tr> <tr> <td>TPC Practice Notes</td><td><input type="checkbox"/></td><td>Reflect a like for like conversion of the IPS?</td><td><input type="checkbox"/></td></tr> </table>	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>									
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>									
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>									
<b>Response:</b>  <p>Located northwest of the Scamander township, the property is situated along the Scamander River and is amongst land that has been proposed to be rezoned under the Agriculture Zone within the draft LPS. If the requested rezoning of the property to the Rural Zone were to be applied instead, this may contribute to spot zoning as it is not currently co-located with land proposed to contain the requested LPS zone.</p> <p>Regarding the requested application of the Rural Zone to the property, the following guideline stipulates the requirements necessary for land to be considered appropriate for the Rural Zone (pp.14-15):</p> <p style="text-align: center;"><i>RZ 2 The Rural Zone should only be applied after considering whether the land is suitable for the Agriculture Zone in accordance with the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST.</i></p> <p style="text-align: center;"><b>AND</b></p> <p><i>RZ 3 The Rural Zone may be applied to land identified in the 'Land Potentially Suitable for Agriculture Zone' layer, if:</i></p> <p style="margin-left: 40px;"> <i>(a) it can be demonstrated that the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;</i>  <i>(b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land;</i>  <i>(c) the land is identified for the protection of a strategically important naturally occurring resource which is more appropriately located in the Rural Zone and is supported by strategic analysis;</i>  <i>(d) the land is identified for a strategically important use or development that is more appropriately located in the Rural Zone and is supported by strategic analysis; or</i>  <i>(e) it can be demonstrated, by strategic analysis, that the Rural Zone is otherwise more appropriate for the land.</i> </p> <p>Application of the LIST Maps 'Land Potentially Suitable for Agriculture Zone' layer, revealed that the property has been identified to be unconstrained. This particular constraint classification indicates that the property has been determined to be meet criteria 1 of the constraints analysis flow chart provided within the Agricultural Land Mapping Project Background Report when it states (pp. 19):</p> <p><i>Is title area greater than minimum area for the identified Enterprise Suitability (ES) Cluster?</i>  <i>ES1 – 10 ha</i>  <i>ES2 – 25 ha</i>  <i>ES3 – 40 ha</i>  <i>ES4 – 133 ha</i>  <i>ES5 – 333 ha</i></p> <p>The 'Land Capability' layer available on the LIST Maps further reveals the property is subject to classification 5 ('Land unsuited to cropping and with slight to moderate limitations to pastoral use'). This indicates that the property has potential for agricultural activities to be</p>													



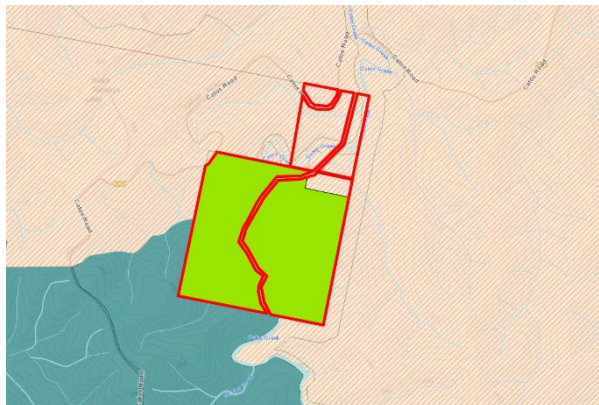
## Break O'Day Council Attachment 1: Representations – Assessment and Recommendations

	<p>conducted on the land which reflects the surrounding properties that have also been proposed to be rezoned to the Agriculture Zone. Additionally, the property only contains a small portion of the Waterway and Coastal Protection overlay from the Natural Assets Code towards the northern boundary. This demonstrates that the property does not contain any significant environmental features that may severely limit any future agricultural use of the property or qualify for a different LPS zone (e.g. Landscape Conservation).</p> <p>Due to a lack of any local or regional strategic analysis which may indicate whether the general area of which the property is located within could potentially receive an alternative zone; the rezoning request to apply the Rural Zone cannot be supported by such analysis.</p> <p>Consequently, due to the aforementioned points, the requested application of the Rural Zone would not be appropriate for the property specifically when the zone guideline application for the Agriculture Zone states the following (pp.18):</p> <p><i>AZ 6 Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if:</i></p> <ul style="list-style-type: none"> <li><i>(b) local or regional strategic analysis has identified or justifies the need for an alternate consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;</i></li> <li><i>(b) for the identification and protection of a strategically important naturally occurring resource which requires an alternate zoning;</i></li> <li><i>(c) for the identification and protection of significant natural values, such as priority vegetation areas as defined in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone;</i></li> <li><i>(d) for the identification, provision or protection of strategically important uses that require an alternate zone; or</i></li> <li><i>(e) it can be demonstrated that:</i> <ul style="list-style-type: none"> <li><i>(i) the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;</i></li> <li><i>(ii) there are significant constraints to agricultural use occurring on the land; or</i></li> <li><i>(iii) the Agriculture Zone is otherwise not appropriate for the land.</i></li> </ul> </li> </ul>
<b>Recommended action</b>	<b>No modification to the draft LPS</b>
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34 (2) of LUPAA is maintained.

<b>Representation No. 11 Related Representation: 70 (5)</b>	<p><b>Name:</b> Martin and Vanessa Webb</p> <p><b>Address (CT Details):</b> 433 Catos Road, Scamander (242163/1 and 242164/1)</p> <p><b>PID:</b> 3336765</p> <p><b>Land Area:</b> Approx. 80.7ha for CT 242163/1</p> <p><b>IPS Zoning:</b> Rural Resource</p>
<b>Mapping</b>	 

	Site Location	Draft LPS Zoning – Rural		
Matter(s) raised in the representation (including property information details where applicable)	To support the requested rezoning ( <i>Landscape Conservation Zone</i> ), the representation provides the following reasons:			
	<ul style="list-style-type: none"><li>Southern section of the property (CT 242163/1) is the focus of the submitted representation. Almost 96% or 77.16ha of the 80.7ha of the Title has been reserved under a conservation covenant within the Catos Creek Reserve.</li><li>The remaining 3.54ha that is not reserved under a conservation covenant is not currently used for agricultural activities and believe that the property would not suitable for such uses.</li><li>After reviewing the Section 8A Guideline no.1 document, the representor believes that zone application guideline LCZ1 and RZ1 supports the requested Landscape Conservation Zone for the property.</li><li>The representor notes that Catos Creek Reserve adjoins the Avenue River Regional Reserve to its southwest which is zoned Environmental Management and there is also a Sustainable Timbers Tasmania Informal Reserve to its east.</li><li>Conservation Landholders Tasmania has also put forth a case for Title Reference 242163/1 on the property to be rezoned to the Landscape Conservation Zone.</li></ul>			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Regarding the requested application of the Landscape Conservation Zone to CT 242163/1, the following guideline stipulates the requirements necessary for land to be considered appropriate for the Landscape Conservation Zone (pp.19-20):  <i>LCZ 1 The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.</i>  AND <i>LCZ 2 The Landscape Conservation Zone may be applied to:</i> <i>(a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;</i> <i>(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or</i> <i>(c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.</i>			
Application of the LIST Maps ‘Land Potentially Suitable for Agriculture Zone’ layer, CT 242163/1 has not been identified to be subject to any of the developed criteria and as such can be deemed that there is no potential for agricultural uses on CT 242163/1. To further this notion, the application of the ‘Land Capability’ layer demonstrates that CT 242163/1 contains two different classifications including 5 ( <i>‘Land unsuited to cropping and with slight to moderate limitations to pastoral use’</i> ) and 6 ( <i>‘Land marginally suited to grazing due to severe limitations’</i> ). Consequently, the aforementioned LIST mapping layers demonstrate that CT 242163/1 contains little to no potential for agricultural uses which does support the below RZ1 zone application guideline.				
The representation utilising the LPS zoning guideline, provides clarification as to why the Landscape Conservation Zone should be applied to CT 242163/1. Initially, the representor notes that part of their property is reserved under a conservation covenant made under the Nature Conservation Act 2002 (note: reserved privately, not by the State) and proclaims that it has been recognised by both Commonwealth and State Governments for its importance of conserving the natural landscape and biodiversity contained within. Zoning application guidelines LCZ 1 in conjunction with RZ1 referred within the representation in order to validate the requested rezoning of the CT 242163/1. Subsequently, the LPS zoning application guideline for RZ1 states (pp. 14):				

*RZ 1 The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.*



Due to the presence of the Natural Assets Codes as seen on the online LPS mapping provided by Council, two overlays associated with this code are shown to be present on CT 242163/1. The priority vegetation area and waterway and coastal protection have been applied to the property which aligns with the zoning application guideline for LCZ1 and LC2 (b); the property demonstrates that there are significant environmental constraints that could impede upon any development or uses that could be proposed and has been further identified for the conservation of environmental features.

Alternatively it might be important to consider the potential application of the Environmental Management Zone instead (refer to Representation 13 as an example of the proposed LPS zone for a property that contains a conservation covenant and directly adjoins a conservation reserve) as the following zone application guideline could be applicable to the property (pp.20-21):

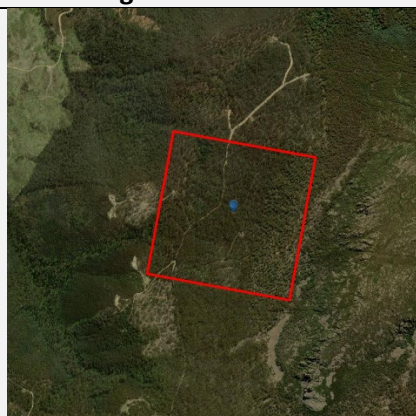
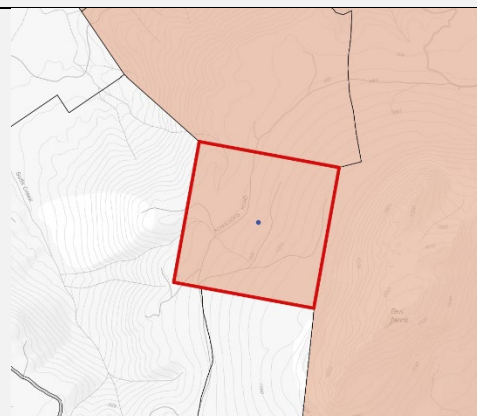
*EMZ 1 The Environmental Management Zone should be applied to land with significant ecological, scientific, cultural or scenic values, such as:*

- (a) land reserved under the Nature Conservation Act 2002;*
- (b) land within the Tasmanian Wilderness World Heritage Area;*
- (c) riparian, littoral or coastal reserves;*
- (d) Ramsar sites;*
- (e) any other public land where the primary purpose is for the protection and conservation of such values; or*
- (f) any private land containing significant values identified for protection or conservation and where the intention is to limit use and development*

The Planning Authority acknowledges that the presence of a conservation covenant can indicate environmental values associated with the land, it does not necessarily qualify for the application of the Landscape Conservation Zone. Due to the presence of a conservation covenant combined with substantial levels of vegetation on the land and the applicability of two overlays from the Natural Assets Code; the requested Landscape Conservation Zone could be considered consistent. However, since the property is adjoining the Avenue River Regional Reserve which will remain zoned Environmental Management and is further surrounded by land that has been proposed to be zoned as Rural, applying the Landscape Conservation Zone would not contribute towards consistent zoning patterns.

## Break O'Day Council Attachment 1: Representations – Assessment and Recommendations

	<p>The Break O'Day Council has applied the following assessment when determining a zone modification to Landscape Conservation Zone:</p> <ul style="list-style-type: none"> <li>• Able to achieve connectivity to land zoned Environmental Management or Landscape Conservation;</li> <li>• Existing conservation covenant affecting title;</li> <li>• Landowner consent provided or able to be provided;</li> <li>• Satisfies LCZ1, LCZ2 and LCZ3</li> </ul> <p>Title 242163/1 satisfies this assessment criteria.</p> <p>It is recommended this title transitions to Landscape Conservation Zone.</p> <p>Title 242164/1 does not support a Conservation Covenant and does not satisfy the above criteria. For this reasons the title is recommended to remain within the Rural Zone and the Natural Assets Code will be applicable.</p> <p><b>Additionally, please review Rep No. 70 Item 5, related to the Conservation Landholders Tasmania representation</b></p>
<b>Recommended action</b>	<p>Recommended modification to draft LPS;</p> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT242163/1 only;</li> <li>• Apply the Rural Zone to Titles CT242164/1</li> </ul>
<b>Effect of recommendation on the draft LPS</b>	<p>There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34 (2) of LUPAA is maintained.</p>

Representation No. 12	Name: Phillip and Barbara McConnell Address (CT Details): Schulhofs Road, Upper Blessington (169864/1) PID: 6417093 Land Area: Approx. 120ha IPS Zoning: Rural Resource			
Mapping				
	Site Location		Draft LPS Zoning – Rural Zone	
Matter(s) raised in the representation (including property information details where applicable)	To support the requested rezoning ( <u>Landscape Conservation Zone</u> ), the representation provides the following reasons: <ul style="list-style-type: none"><li>The property contains a conservation covenant under the class of private nature reserve (refer to S. 16 of the Nature Conservation Act 2002)</li></ul>			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>

	<p><b>Response:</b></p> <p>Located far to the northwest of Fingal, the property is situated along part of the western boundary of the Planning Authority's administrative area. Notably the property is situated amongst land that has been proposed to be rezoned to the Rural Zone under the draft LPS. If the requested rezoning of the property to the Landscape Conservation Zone were to be applied instead, this would notably contribute to spot zoning as it is not currently co-located with land proposed to contain the requested LPS zone. It is also worth noting that land adjoining to the north and west of the property has been identified as a Permanent Timber Production Zone in addition to land to the east designated as future potential production forest.</p> <p>Regarding the requested application of the Landscape Conservation Zone to the property, the following guideline stipulates the requirements necessary for land to be considered appropriate for the Landscape Conservation Zone (pp.19-20):</p> <p><i>LCZ 1 The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.</i></p> <p style="text-align: center;">AND</p> <p><i>LCZ 2 The Landscape Conservation Zone may be applied to:</i></p> <p><i>(a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;</i></p> <p><i>(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or</i></p> <p><i>(c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.</i></p> <p>Upon review of the applicable overlays, Council's draft LPS mapping revealed that the property is subject to several overlays including:</p> <ul style="list-style-type: none"> <li>• Landslip Hazard – majority of the property is subject the Low landslip Hazard Band but the corner between the northern and western boundary contains a small area identified to be subject to the Medium Landslip Hazard Band.</li> <li>• Bushfire Prone Areas – covers the entirety of the property</li> <li>• Priority Vegetation Area – less than half of the property contains the overlay</li> <li>• Waterway and Coastal Protection – there are two water courses that enter into the property</li> </ul> <p>Application of the LIST Maps 'Land Potentially Suitable for Agriculture Zone' layer demonstrates that the property has not been identified to be subject to any of the developed criteria and as such can be deemed that there is no potential for agricultural uses. To further this notion, the application of the 'Land Capability' layer demonstrates that the property contains two different classifications including 6 ('Land marginally suited to grazing due to severe limitations') and 7 ('Land with very severe to extreme limitations that make it unsuitable for agricultural use').</p> <p>Review of the Priority Veg Report available on Council's draft LPS mapping revealed that the property may accommodate 'Threatened Fauna Habitat', specifically the Eastern Quoll has been noted. Desktop investigation utilising the LIST layers 'TAS VEG 3.0' further confirms that the property contains the following vegetation groups have been attributed to the land:</p> <ul style="list-style-type: none"> <li>• <b>Dry eucalypt forest and woodland</b> (Vegetation Community Code and Description = <u>DDE Eucalyptus delegatensis dry forest and woodland</u>)</li> <li>• <b>Wet eucalypt forest and woodland</b> (Vegetation Community Code and Description = <u>WDA Eucalyptus dalrympleana forest</u>)</li> <li>• <b>Rainforest and related scrub</b> (Vegetation Community Code and Description = <u>RMT Nothofagus - Atherosperma rainforest</u>)</li> <li>• <b>Wet eucalypt forest and woodland</b> (Vegetation Community Code and Description = <u>WDR Eucalyptus delegatensis forest over rainforest</u>)</li> <li>• <b>Scrub, heathland and coastal complexes</b> (Vegetation Community Code and Description = <u>SLW Leptospermum scrub</u>)</li> </ul>
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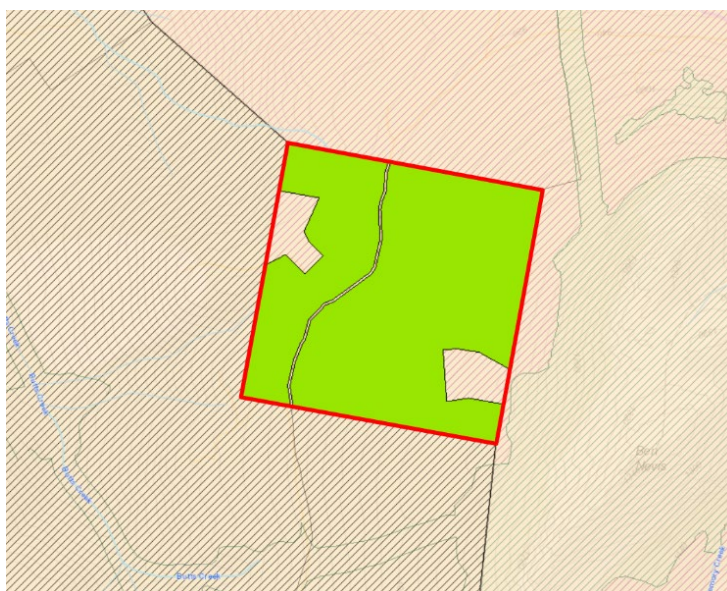


- **Wet eucalypt forest and woodland** (Vegetation Community Code and Description = WDB Eucalyptus delegatensis forest with broad-leaf shrubs)
- **Agricultural, urban and exotic vegetation** (Vegetation Community Code and Description = Permanent easements)

Further desktop investigation utilising the LIST layers 'Threatened Flora Point' and 'Conservation Significance Flora Point', revealed that the land does indeed contain environmental values prioritised for conservation. Notably, the "Threatened Flora Point" revealed that there were no threatened flora species that could be identified to be present on the land. However the 'Conservation Significance Flora Point' demonstrated that the property may contain two flora species that have been identified to be significant for conservation including:

- Mountain White Gum (*Eucalyptus dalrympleana* subsp. *Dalrympleana*)
- Purple Cheeseberry (*Cyathodes glauca*)

The 'Conservation Covenant' layer available on the LIST Maps reveals that the majority of the property contains a conservation covenant classified as a private reserve and moreover aerial imagery demonstrates that the property is heavily vegetated. The Planning Authority acknowledges that the presence of a conservation covenant can indicate environmental values associated with the land, it does not necessarily qualify for the application of the Landscape Conservation Zone.




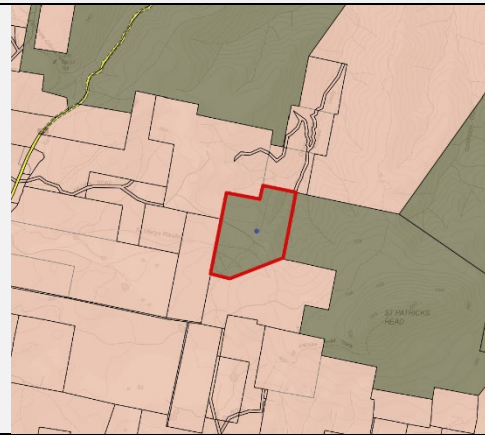
The Planning Authority acknowledges that the presence of a conservation covenant can indicate environmental values associated with the land, it does not necessarily qualify for the application of the Landscape Conservation Zone. Due to the presence of a conservation covenant combined with substantial levels of vegetation on the land and the applicability of two overlays from the Natural Assets Code; the requested Landscape Conservation Zone could be considered consistent. However, since the property is surrounded by land that has been proposed to be rezoned to the draft LPS Rural Zone, applying the Landscape Conservation Zone would not contribute towards consistent zoning patterns.

Furthermore, Environmental Management Zone cannot be considered as a potential alternative zone; if the property had been reserved by the state and or was surrounded by land that is reserved by the state, it could have been deemed applicable. The proposed Rural Zone expressed within the draft LPS can be considered appropriate for the property as the above has demonstrated that there is little potential for agricultural activities to occur upon the land. Notably, RZ1 from the zone application guideline for the Rural Zone states the following (pp.14):

*RZ 1 The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the*

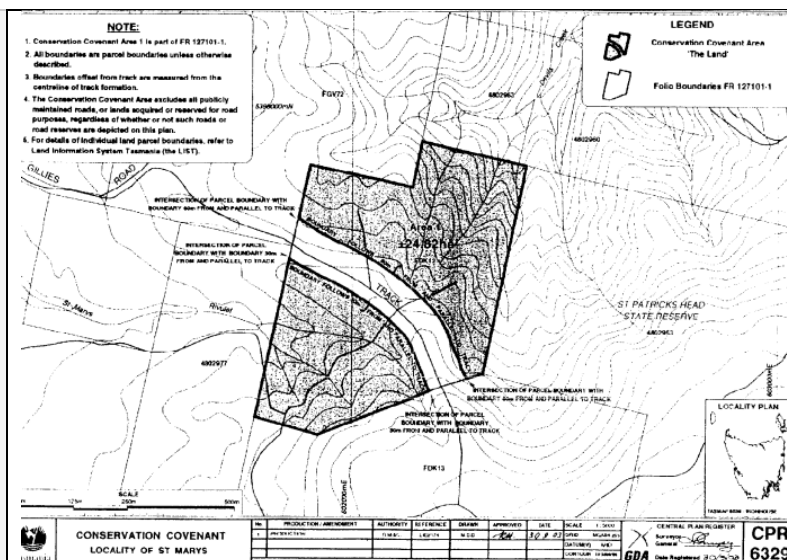
# Break O'Day Council Attachment 1: Representations – Assessment and Recommendations

	<p><i>Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.</i></p> <p>Additionally, please review Rep No. 70 Item 4, related to the Conservation Landholders Tasmania representation</p>
<b>Recommended action</b>	<b>No modification to the draft LPS</b>
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34 (2) of LUPAA is maintained.

<b>Representation No. 13</b>	<b>Name:</b> Peter Power-Lawrence <b>Address (CT Details):</b> 182 Gillies Road, St Marys (CT 127101/1) <b>PID:</b> 1793495 <b>Land Area:</b> 29.4ha <b>IPS Zoning:</b>														
<b>Mapping</b>	<div></div> <div></div>														
	<b>Site Location</b>	<b>Draft LPS Zoning – Environmental Management</b>													
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>To support the requested rezoning (<u>Rural Zone</u>), the representation provides the following reasons:</p> <ul style="list-style-type: none"><li>• The representation objects to the proposed rezoning detailed in the draft LPS and instead requests for the application of the Rural Zone.</li><li>• Representor states that the property backs onto the St Patricks Head State Reserve and that the majority of the property has a private nature reserve/conservation covenant amounting to approximately 25ha out of the 29.4ha property.</li><li>• Remaining 4.94ha that is not subject to any covenant was deliberately established to ensure the property owners could use it for any number of uses which as a result has led to the construction of a dwelling and 3 short term accommodation cabins being approved and built back in 2003.</li><li>• Although the representor understands the reasoning of the proposed Environmental Management Zone to the property under the Draft LPS due to the private nature reserve/conservation covenant encompassing an extensive area of the property; the representor express their desire for the option and security of being able to develop their property not covered by the reserve and they have concerns as to whether the proposed rezoning may impact upon the future sale of the property.</li><li>• Many neighbouring properties are also being rezoned to Rural under the Draft LPS and consequently request for the same zone to be applied to the property.</li></ul>														
<b>Planning Authority response</b>	<b>Consistency Overview:</b> <table><tr><td>NTRLUS</td><td><input type="checkbox"/></td><td>Local Strategy / Policy</td><td><input type="checkbox"/></td></tr><tr><td>Section 8A Guideline No.1</td><td><input checked="" type="checkbox"/></td><td>Relate to the drafting / content of the SPP?</td><td><input type="checkbox"/></td></tr><tr><td>TPC Practice Notes</td><td><input checked="" type="checkbox"/></td><td>Reflect a like for like conversion of the IPS?</td><td><input type="checkbox"/></td></tr></table> <b>Response:</b>			NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>												
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TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>												



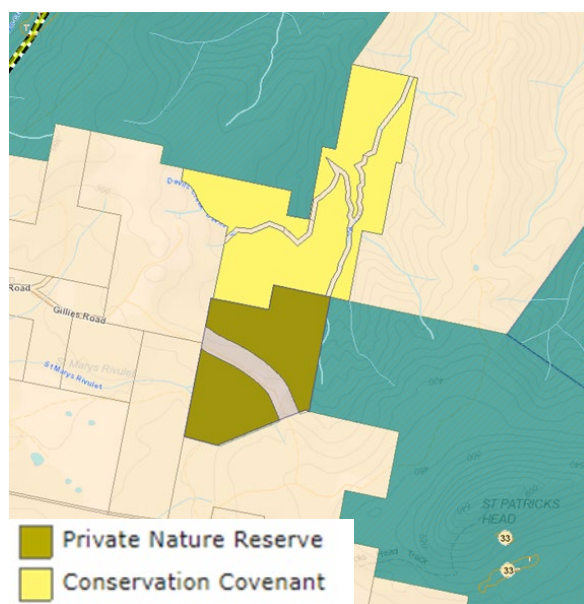
	<p>Located north east of the St Marys Township and adjoining the St Patrick Head State Reserve from the west, the property is situated amongst land that will be zoned as either the proposed LPS Environmental Management or the requested Rural Zone. If the requested rezoning of the property to the Rural Zone were to occur, this would consequently result in the property amalgamating with neighbouring Rural zoned properties. The Land Use and Development Strategy acknowledges land that is currently zoned as either Rural Resource or Environmental Living and which contains extensive amounts of vegetation should be further subject to investigation. Notably, this was in order to ascertain whether vegetation corridors were present within properties containing the mentioned zones and if so, it would be proposed to be rezoned to another zone considered more appropriate.</p> <p>The Section 8A Guideline No.1 document, provides detailed guidance for the application of zones and codes within the draft LPS prepared by the Planning Authority for its administrative area. Regarding the requested application of the Rural Zone to the aforementioned property, the following guideline stipulates the requirements necessary for land to be considered appropriate for the Rural Zone (pp.14):</p> <p><i>RZ 1 The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.</i></p> <p style="text-align: center;">OR</p> <p><i>RZ 2 The Rural Zone should only be applied after considering whether the land is suitable for the Agriculture Zone in accordance with the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST.</i></p> <p>The property was not included within the 'Land Potentially Suitable for Agriculture Zone' layer on the LIST mapping. Although it is worth noting that the property contains two classifications from the 'Land Capability' layer available on LIST Maps including 5 ('<i>Land unsuited to cropping and with slight to moderate limitations to pastoral use</i>') and 6 ('<i>Land marginally suited to grazing due to severe limitations</i>'). As such, it can be seen that the property can only meet one requirement in order to be considered appropriate for the Rural Zone; the property has relatively limited potential for any agricultural activities except for grazing purposes.</p> <p>There is only one strategic planning document that is relevant to the representation which includes:</p> <ul style="list-style-type: none"> <li>Land Use and Development Strategy – Break O'Day Council Municipal Management Plan 2015; specifically section 16 of the strategy concerned with Settlement Character Descriptions and Plans, '<i>The surrounds of St Marys are currently within the Rural Resource zone or Environmental Living zone, which contain large areas of dense vegetation. Future investigation will be required when undertaking more detailed studies of land proposed for rezoning to identify vegetation corridors to be retained and an appropriate zoning for such land</i>'. The property adjoins the St Patrick Head State Reserve and it contains a private nature reserve/conservation covenant, the proposed LPS Environmental Management Zone for the property would be considered consistent with the strategic intent outlined within the Land Use and Development Strategy.</li> </ul> <p>Desktop research for the property via LIST Maps and the online LPS mapping developed by Council, demonstrated that the property is heavily vegetated and further contains a conservation covenant (note: private nature reserve) which covers almost 70% of the property as seen on the 'Conservation Covenant' layer on LIST. Additionally, the online LPS mapping reveals that both the priority vegetation area and waterway and coastal protection overlay from the Natural Assets Code applies to the property.</p> <p>Restrictive Covenant C520035; Section 102 Land Titles Act 1980; Section 34 Nature Conservation Act 2002 Private Nature Reserve C625711 – Section 12 Nature Conservation Act 2002 St Patricks Head Private Nature Reserve</p>
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Due to the prominent presence of the private nature reserve/conservation covenant being identified on the property, the following zone application guideline from the Section 8A Guideline no.1, specifically for the Environmental Management was deemed to be appropriate for the property (pp. 20-21):

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

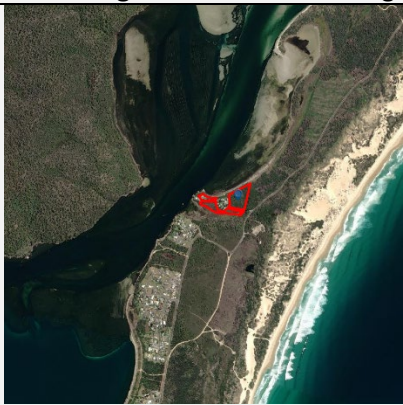
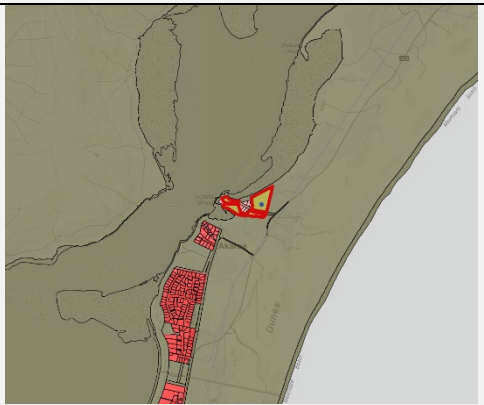
- (a) land reserved under the Nature Conservation Act 2002;
- (b) land within the Tasmanian Wilderness World Heritage Area;
- (c) riparian, littoral or coastal reserves;
- (d) Ramsar sites;
- (e) any other public land where the primary purpose is for the protection and conservation of such values; or
- (f) any private land containing significant values identified for protection or conservation and where the intention is to limit use and development.



The only other potentially related LPS zone that could be applied to the property is the Landscape Conservation Zone. This is evident as the property is privately reserved (not State Reserved) and further contains two of the three overlays associated with the Natural Assets Code (Priority Vegetation Area and Waterway and Coastal Protection). Zone application guideline for the Landscape Conservation Zone, LCZ 2 on pp. 19 states the following:

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

	<p>(a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;</p> <p>(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or</p> <p>(c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.</p> <p>Due to the presence of a conservation covenant, substantial levels of vegetation on the land in conjunction with two overlays from the Natural Assets Code; the requested Rural Zone is not considered consistent but there is some potential to be rezoned to the Landscape Conservation Zone. However, since the property will be surrounded by land that has been proposed for either the Rural or Environmental Management Zone, applying the Landscape Conservation Zone would not contribute towards consistent zoning patterns and as such the proposed Environmental Management Zone under the LPS should be retained.</p> <p>EMZ1 details that the EMZ should be applied to land reserved under the Nature Conservation Act 2002. As this property contains a private nature reserve under this act, the Commission has directed the EMZ to be applied to the site.</p> <p>The site contains a section through the middle that provides for the existing development (Lumera Eco Lodge and Chalet). Consideration should be given to split zoning the property to enable use of the site. In this instance land associated with the Private Nature Reserve would remain EMZ with the portion through the centre of the property alternatively zoned Landscape Conservation Zone. It should be noted that LCZ when adjoining EMZ is considered complimentary zoning rather than spot zoning.</p>
<b>Recommended action</b>	<p>Recommended modification to draft LPS;</p> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to portion of site outside of the Private Nature Reserve</li> <li>• Private Nature Reserve zoned EMZ as per TPC direction.</li> </ul>
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34 (2) of LUPAA is maintained.

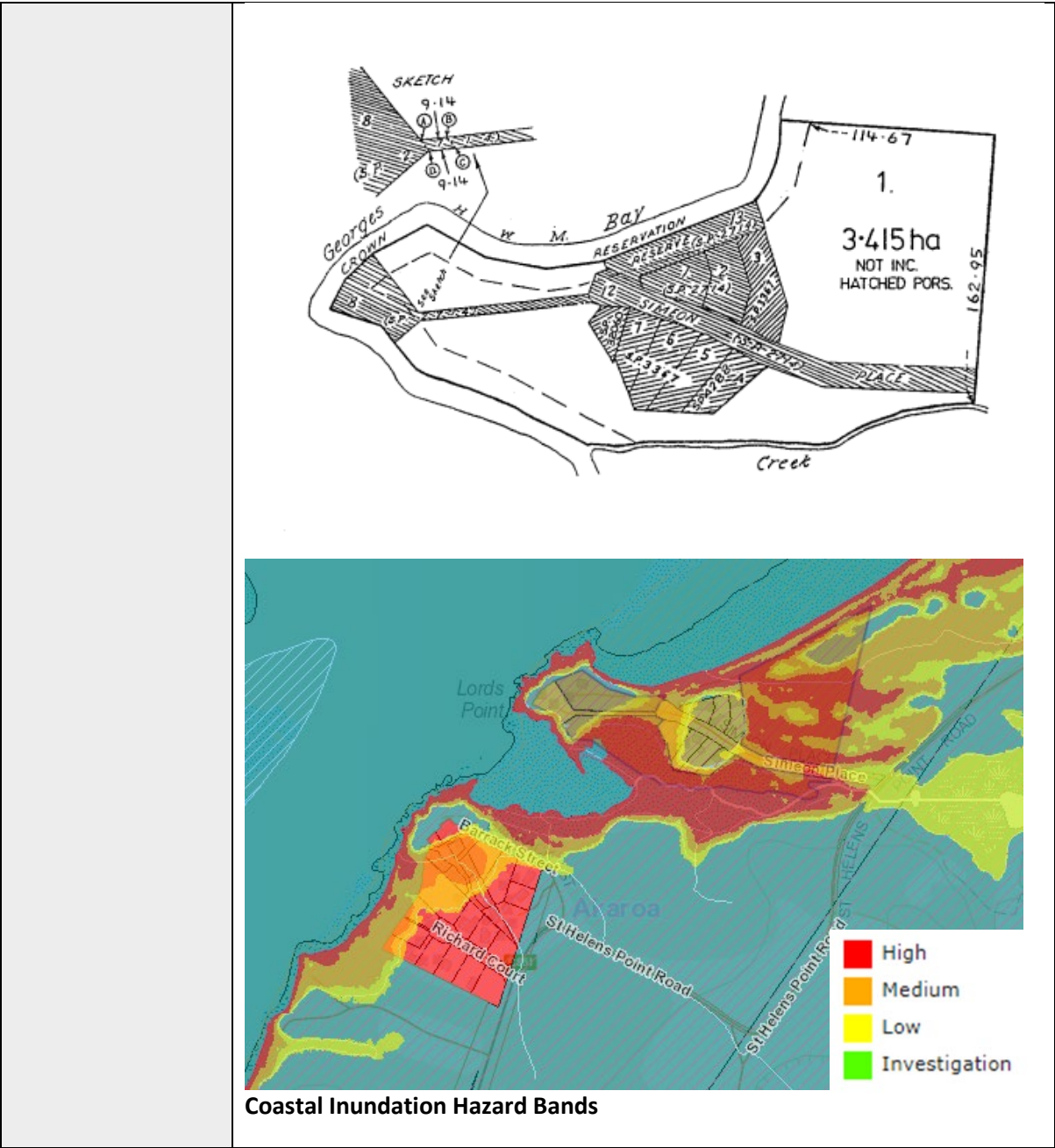
<b>Representation No. 14</b>	<p><b>Name:</b> John Campbell-Smith</p> <p><b>Address (CT Details):</b> 9 Simeon Place, Akaroa (CT 32902/1)</p> <p><b>PID:</b> 7386524</p> <p><b>Land Area:</b> 3.7ha</p> <p><b>IPS Zoning:</b> Environmental Living</p>	
<b>Mapping</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning – Landscape Conservation</b>
<b>Matter(s) raised in the representation</b>	To support the requested rezoning ( <u>Low Density Residential Zone</u> ), the representation provides the following reasons:	

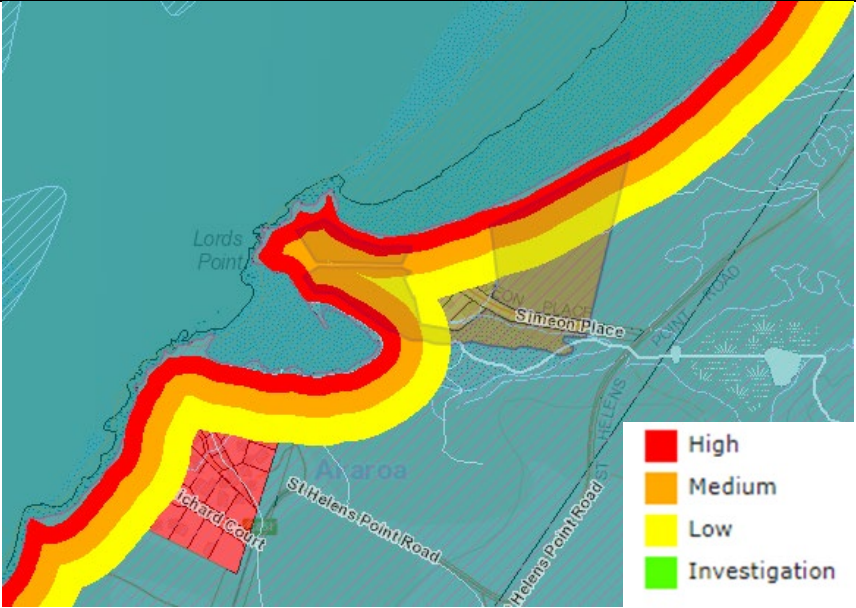
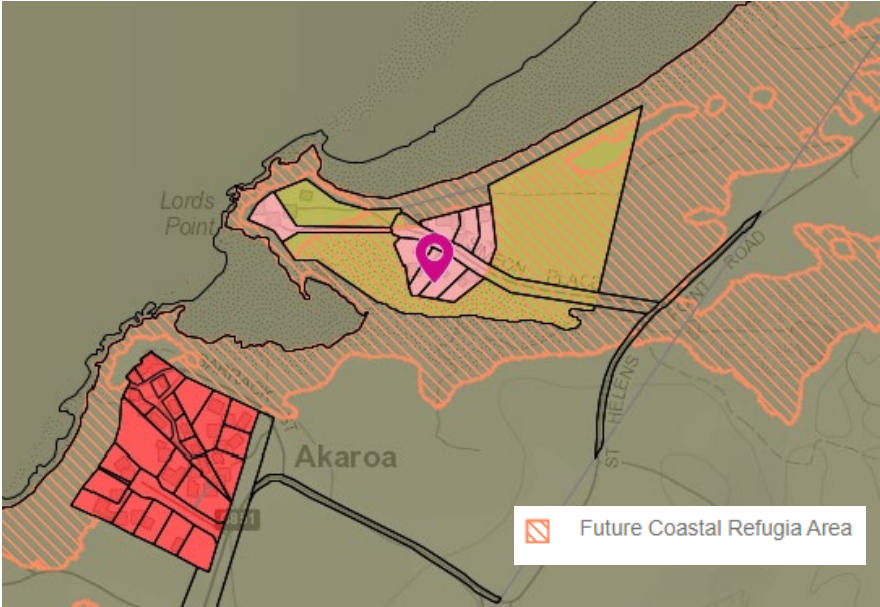
**(including property information details where applicable)**

- The western side of the property has a longstanding residential dwelling developed upon it and adjoins properties to the east that are currently and will remain to be zoned as Low Density Residential. The eastern side of the property has not been developed yet and adjoins properties to the West that are currently and will further remain to be zoned as Low Density Residential. The final area identified as the southern end of the property can be characterised by low lying land which are impacted by the tides.
- Application of the Landscape Conservation Zone to the entirety of the property, ignores that a portion of it has been fully established for a residential residence and is co-located with adjoining properties that are and will remain to be under the Low Density Residential Zone.
- Rezoning the entirety of the property to Landscape Conservation is supposedly inconsistent with the application guideline LCZ 4 contained within the Section 8A Guidelines No.1 (pp. 20) as it is claimed that the general area of Simeon Place is a residential area.
- Objects to the proposed rezoning detailed in the draft LPS and instead requests for the application of the Low Density Residential Zone but concedes to applying the Landscape Conservation Zone towards the southern area of the property.






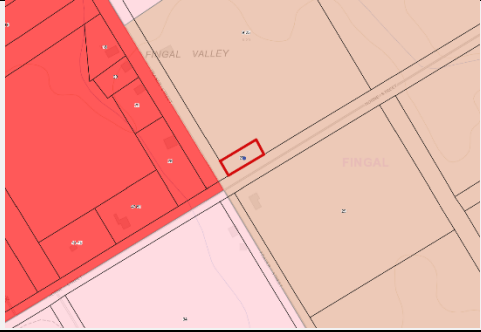


	 <p><b>Coastal Erosion Hazard Bands</b></p>			
				
Planning Authority response	<b>Consistency Overview:</b>			
	NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input checked="" type="checkbox"/>
	<b>Response:</b> Located along the coastline of Akaroa near Lords Point, the property is situated amongst properties that are currently and will remain to be zoned as Low Density Residential. If the requested rezoning of the property to the Low Density Residential Zone were to occur, this would consequently result in the property amalgamating with neighbouring properties to form a greater section of land dedicated towards Low Density Residential uses.  Regarding the requested application of the Low Density Residential Zone to the aforementioned property, the following guideline has the potential to be applicable (pp.5): <i>LDRZ 1 The Low Density Residential Zone should be applied to residential areas where one of the following conditions exist:</i>			



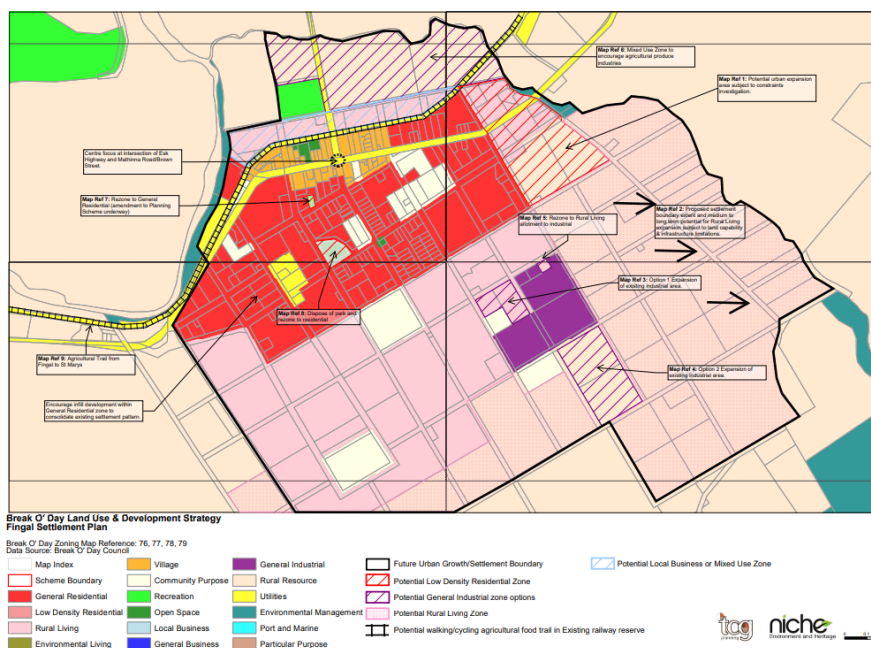
	<p><i>(a) residential areas with large lots that cannot be developed to higher densities due to any of the following constraints:</i></p> <ul style="list-style-type: none"> <li><i>(i) lack of availability or capacity of reticulated infrastructure services, unless the constraint is intended to be resolved prior to development of the land; and</i></li> <li><i>(ii) environmental constraints that limit development (e.g. land hazards, topography or slope); or</i></li> </ul> <p><i>(b) small, residential settlements without the full range of infrastructure services, or constrained by the capacity of existing or planned infrastructure services; or</i></p> <p><i>(c) existing low density residential areas characterised by a pattern of subdivision specifically planned to provide for such development, and where there is justification for a strategic intention not to support development at higher densities.</i></p> <p>The representation provides some clarification on how the rezoning request for the property meets the application guideline requirements for the Landscape Conservation Zone. Utilising LCZ 4 (a), the representor claims that Simeon Place is largely a residential area and as such demonstrates an inconsistent application of the Landscape Conservation Zone to the property. Whilst reviewing LDRZ 1 it was determined that the property would most likely meet requirements (a) and (b). Presence of the bushfire and flood prone areas overlay on the property as seen on the LIST Map, demonstrates there are some environmental constraints present on the property.</p> <p>There are two Strategic Planning documents from Council that are relevant to this representation including:</p> <ul style="list-style-type: none"> <li>Land Use and Development Strategy – Break O'Day Council Municipal Management Plan 2015; specifically section 16 of the strategy concerned with Settlement Character Descriptions and Plans, <i>'Stieglitz and Akaroa will be subject to infill development of existing residentially zoned land only, and will continue to be developed for conventional density development. Residential and visitor accommodation uses are encouraged'</i> (pp. 98). The property is not located within the future urban growth/settlement boundary designated for St Helens (including Steiglitz and Akaroa) and as such any further residential zoning has not been deemed necessary.</li> <li>St Helens and Surrounds Structure Plan, <i>'Stieglitz and Akaroa will function as a hamlet with a low growth scenario. They should be subject to infill development of existing residentially zoned land only, rather than any expansion of the existing urban boundary'</i> (pp.19). Under the Interim Planning Scheme the property has been zoned as Environmental Living; the purpose of this zone is for the provision of residential uses within areas that maintain the conservation of natural and or landscape values associated with the land.</li> </ul> <p>As mentioned in the Land Use and Development Strategy above, the requested rezoning of the property would not align with Council's strategic intent for Akaroa. Although, it is acknowledged that the St Helens and Surrounds Structure Plan indicates that there could be potential for infill development within the Akaroa area; the presence of environmental constraints and hazard constraints (Coastal Erosion Hazard Bands / Coastal Inundation Hazard Bands) may impact upon the potential for residential infill development.</p> <p>After conducting desktop research for the property via the online mapping tool developed for Council's draft LPS, it is apparent that the property contains prominent levels of vegetation along the eastern side, priority vegetation report indicates that there could be Succulent Saline Herbland (Threatened Vegetation Communities) towards the south however the reliability of this data varies from highly to extremely variable. As previously mentioned by the representor the southern area of the property appears to be low lying indicating that flooding and tides impact upon this area of the property and finally the western side contains a single dwelling with some of the vegetation cleared. Although there are approximately seven overlays applicable to the property, three overlays that were applied to the property and of particular interest included the overlays within the Natural Assets Code:</p> <ul style="list-style-type: none"> <li>Priority Vegetation Area</li> </ul>
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	<ul style="list-style-type: none"> <li>• Future Coastal Refugia Area</li> <li>• Waterway and Coastal Protection</li> </ul> <p>Due to the presence of three overlays from the Natural Assets Code being identified on the property, the following zone application guideline from the Section 8A Guideline no.1, specifically for the Landscape Conservation Zone was deemed to be applicable to the property (pp. 19):</p> <p><i>LCZ 2 The Landscape Conservation Zone may be applied to:</i></p> <p><i>(a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species</i></p> <p><i>or other areas of locally or regionally important native vegetation;</i></p> <p><i>(b) land that has significant constraints on development through the application of the</i></p> <p><i>Natural Assets Code or Scenic Protection Code; or</i></p> <p><i>(c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.</i></p> <p>The applicability of the three overlays from the natural Assets Code in conjunction with both the potential presence of Succulent Saline Herbland and prominent levels of vegetation, indicates strong alignment with the application guidelines provided for the Landscape Conservation Zone.</p>
<b>Recommended action</b>	<b>No modification to the draft LPS</b>
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34 (2) of LUPAA is maintained.

<b>Representation No. 15</b>	<p><b>Name:</b> Joanne &amp; Justin Howe</p> <p><b>Address (CT Details):</b> 27 Fraser Street, Fingal (176949/1)</p> <p><b>PID:</b> 6410772</p> <p><b>Land Area:</b> 0.1011859ha</p> <p><b>IPS Zoning:</b> Rural Resource</p>	
<b>Mapping</b>	 	
	<b>Site Location</b>	<b>Draft LPS Zoning - Rural</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>To support the requested rezoning (<i>General Residential</i>), the representation provides the following reasons:</p> <ul style="list-style-type: none"> <li>• Requests for the property to be rezoned to the General Residential Zone instead. Representor also highlights that directly across the street (east from the property) the land has been zoned General Residential and as such sets the precedent for residential zoning of the land.</li> <li>• The representor's property is a smaller sized block which had been sectioned off a larger allotment (property is also located on the corner – corner block).</li> <li>• The property has water mains available (TasWater connection) and are charged for this privilege.</li> <li>• Representor requests that considerations are made to the potential rezoning of the property to the General Residential Zone due to the size of the property, it's within a residential area and there is town water available to the property.</li> </ul>	

<b>Planning Authority response</b>	Consistency Overview:		
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy <input type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP? <input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS? <input type="checkbox"/>
<p><b>Response:</b>          Located within the township of Fingal, the property is directly adjoining land that has been proposed to be rezoned to the LPS Agriculture Zone and is also in close proximity to land that will remain zoned as General Residential. If the requested rezoning of the property were to occur, this would consequently result in the property amalgamating with land designated for the General Residential Zone across the street thus contributing to a slight increase in the land designated for the aforementioned zone.</p> <p>Regarding the requested application of the Rural Living Zone to the property, the following guideline stipulates the requirements necessary for land to be considered appropriate for the General Residential Zone (pp.03):</p> <p><i>GRZ 1 The General Residential Zone should be applied to the main urban residential areas within each municipal area which:</i></p> <p style="padding-left: 40px;"><i>(a) are not targeted for higher densities (see Inner Residential Zone); and</i>  <i>(b) are connected, or intended to be connected, to a reticulated water supply service and a reticulated sewerage system.</i></p> <p><i>GRZ 2 The General Residential Zone may be applied to green-field, brown-field or grey-field areas that have been identified for future urban residential use and development if:</i></p> <p style="padding-left: 40px;"><i>(a) within the General Residential Zone in an interim planning scheme;</i>  <i>(b) within an equivalent zone under a section 29 planning scheme; or</i>  <i>(c) justified in accordance with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;</i>  <i>and</i>  <i>(d) is currently connected, or the intention is for the future lots to be connected, to a reticulated water supply service and a reticulated sewerage system,</i></p> <p>Notably, application of the LIST Maps 'Land Potentially Suitable for Agriculture Zone' layer revealed that the property is consistent with criteria 3 ('Potentially Constrained'). Additionally the 'Land Capability' layer demonstrated that the property is almost entirely covered by classification 5 ('Land unsuited to cropping and with slight to moderate limitations to pastoral use') with only a small portion along the eastern boundary of the property containing classification 4 ('Land well suited to grazing but which is limited to occasional cropping or a very restricted range of crops'). Consequently, the aforementioned LIST mapping layers demonstrate that the property contains some potential for agricultural uses.</p> <p>Due to the assignment of Criteria 3, the following characteristics may be associated with the property: is smaller than the established Criteria 1 size thresholds (Enterprise Suitability Cluster), has a capital value of less than \$50,000 per hectare, not adjoining a title with an area greater than size thresholds outlined within Criteria 1 and is adjoining land subject to a residential zone. Within the context of this representation, the property is significantly smaller than the Criteria 1 size thresholds, has a capital value more than \$50,000 and is across the street from land that is zoned residential. As such, this particular constraint classification indicates that the property has been determined to meet criteria 1, 2 and 3 of the constraints analysis flow chart provided within the Agricultural Land Mapping Project Background Report.</p> <p>There is only one strategic planning document that is relevant to the representation which includes:</p> <ul style="list-style-type: none"> <li>Land Use and Development Strategy – Break O'Day Council Municipal Management Plan 2015; specifically section 16 of the strategy concerned with Settlement Character Descriptions and Plans (pp. 110), 'Some potential expansion opportunities exist for urban growth of the town to the north east where there is</li> </ul>			

existing Rural Living zoning. This land is quite level and suitable for development, while also being close to the commercial centre of Fingal and already substantially subdivided into allotments not suitable for a viable agricultural use. Potential constraints would be public road accessibility and access to services (Map Ref 1)'. As seen below, the property is located within the area outlined 'Map Ref 1: Potential urban expansion area subject to constraints investigation', indicating that the property has previously been identified for potential residential zoning via prior local strategic assessment for the Fingal Township. The proposed draft LPS Agriculture Zone for the property would not be considered consistent with the strategic intent outlined within the Land Use and Development Strategy, though the requested General Residential Zone could be.

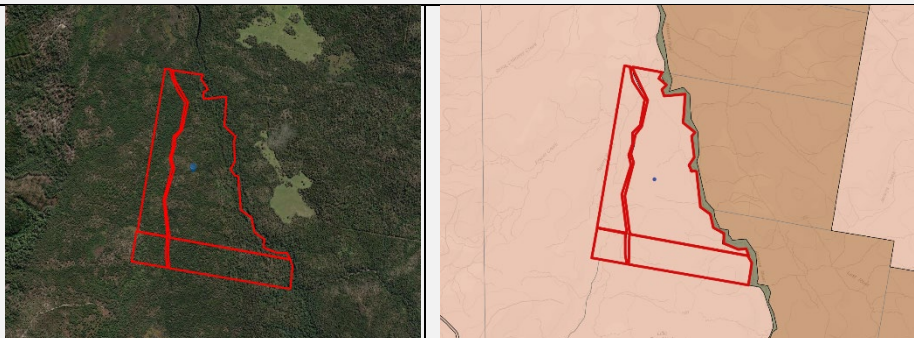


Representor does not refer to the Section 8A Guideline No.1 document and does not specify the zoning application guideline which supports the requested rezoning of the property. However, the representor indicates that since the property is connected to the water mains, situated on a smaller block size and is located in close proximity to land that will remain zoned as General Residential; the provided information/characteristics of the property can aid in supporting the requested application of the General Residential Zone. Whilst reviewing the zoning application guidelines for the requested zone it could be argued that although the property is currently zoned as Rural Resource under the Council's Interim Planning Scheme, due to the current connection to an existing water main (TasWater), located near land designated for the General Residential Zone and Council's Land Use and Development Strategy (as seen above) which identifies and supports alternative zoning of the general area of which the property is situated within; most of zoning application guideline GRZ1 and GRZ2 could be considered satisfied.

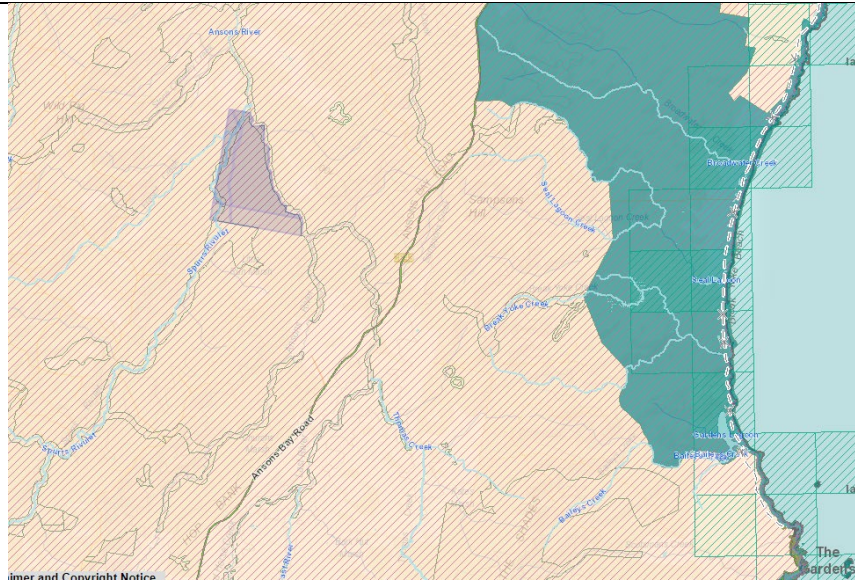
Although, application of the requested General Residential Zone to the property would be considered consistent with both the zoning application guidelines and the strategic planning intentions outlined within the previously mentioned Land Use and Development Strategy; the other two property owners have not requested for a rezoning of their property indicating that they are satisfied with the proposed draft LPS Agriculture zone. It has not been indicated within this representation whether the representor has approached their neighbours to ask if they would prefer to be rezoned differently under the draft LPS and as such to ensure consistent land-use patterns are maximised and unnecessary split zoning is avoided, it is recommended that no modification is made at this time.

**Recommended action**

**No modification to the draft LPS**

Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34 (2) of LUPAA is maintained.			
Representation No. 16 Related Representation: 70 (1)	<b>Name:</b> John Thompson (on behalf of Jenny Sielhorst) <b>Address (CT Details):</b> P621+ Ansons Bay Road (101080/1 & 101081/1) <b>PID:</b> 7184148 <b>Land Area:</b> 163.2530025ha <b>IPS Zoning:</b> Rural Resource			
Mapping				
	Site Location	Draft LPS Zoning - Rural		
Matter(s) raised in the representation (including property information details where applicable)	<p>To support the requested rezoning (<u>Landscape Conservation Zone</u>), the representation provides the following reasons:</p> <ul style="list-style-type: none"><li>• Conservation property is registered under the name Animal Rescue Inc. and is fully covered by the 163.3ha Ansons River Reserve and is protected by conservation covenant.</li><li>• The entirety of the property is covered by a conservation covenant, the property has been recognised by both State and Commonwealth Governments for protection and conservation of the biodiversity it contains.</li><li>• The representor further notes that Conservation Landholders Tasmania has presented a detailed case for the rezoning of this property to the requested Landscape Conservation Zone utilising the zone application guidelines LCZ1 and RZ1 from the Section 8A Guideline no.1 document.</li><li>• Representor asserts that the owner supports Conservation Landholders Tasmania and will provide to the Northern Midlands Planning Authority written consent by Animal Rescue as soon as possible.</li></ul>			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<b>Response:</b> Located far to the south west of the Ansons Bay township, the property is situated along Ansons River also known as the Ansons River Conservation Area. Notably the property is situated amongst land that has been proposed to be rezoned to the Rural Zone and since the property adjoins the Ansons River Conservation Area, the property will also be neighbouring land that has been zoned as Environmental Management under the draft LPS. If the requested rezoning of the property to the Landscape Conservation Zone were to be applied instead, this would notably contribute to spot zoning as it is not currently co-located with land proposed to contain the requested LPS zone.			

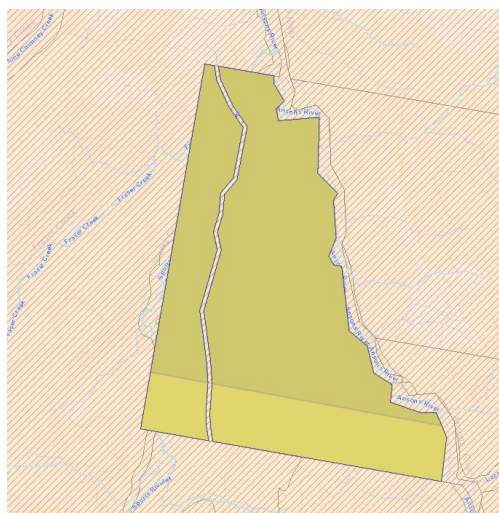





Application of the LIST Maps 'Land Potentially Suitable for Agriculture Zone' layer revealed that the title is not subject to any of the developed criteria. To further this notion, the application of the 'Land Capability' layer demonstrates that the title is entirely covered by classification 5 ('*Land unsuited to cropping and with slight to moderate limitations to pastoral use*'). Consequently, the aforementioned LIST mapping layers demonstrate that the property contains some potential for agricultural uses which accordingly aligns with the below RZ1 zone application guideline.

The representation utilising the LPS zoning guideline, provides clarification as to why the Landscape Conservation Zone should be applied to the property. Initially, the representor notes that part of their property is reserved under a conservation covenant made under the Nature Conservation Act 2002 (note: reserved privately, not by the State) and proclaims that it has been recognised by both Commonwealth and State Governments for its importance of conserving the natural landscape and biodiversity contained within. Zoning application guidelines LCZ 1 in conjunction with RZ1 referred within the representation in order to validate the requested rezoning of the property. Subsequently, the LPS zoning application guideline for RZ1 states (pp. 14):

*RZ 1 The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.*


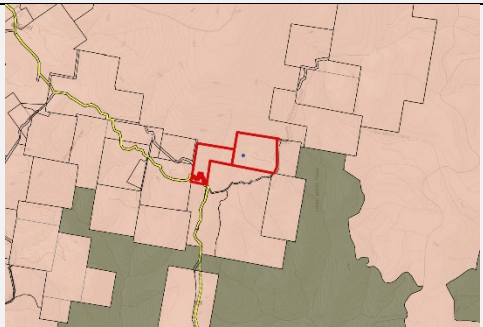




	<div data-bbox="635 203 951 253">  Conservation Covenant </div> <p>From the provided aerial imagery of the property, it can be seen that it is mostly covered by dense vegetation. Additionally, both the priority vegetation area and waterway and coastal protection overlays from the Natural Assets Code have been applied to property as seen on Council's provided draft LPS mapping; the property demonstrates that there are potentially significant environmental constraints which could inhibit development. Additionally, after applying both the LIST mapping layers 'Conservation Covenant' and 'Tasmanian Reserve Estate', it is observable that the title/s have land that is currently reserved under a conservation covenant. It is important to note that the conservation covenant applicable to the property was not made by the state and is a private reserve, if the property was subject to a state reserve this would by default qualify the property for the Environmental Management Zone (see zoning application guideline LCZ4).</p> <p>Alternatively it might be important to consider the potential application of the Environmental Management Zone instead (refer to Representation 13 as an example of the proposed LPS zone for a property that contains a conservation covenant and directly adjoins a conservation reserve) as the following zone application guideline could be applicable to the property (pp.20-21):</p> <p><i>EMZ 1 The Environmental Management Zone should be applied to land with significant ecological, scientific, cultural or scenic values, such as:</i></p> <ul style="list-style-type: none"> <li><i>(a) land reserved under the Nature Conservation Act 2002;</i></li> <li><i>(b) land within the Tasmanian Wilderness World Heritage Area;</i></li> <li><i>(c) riparian, littoral or coastal reserves;</i></li> <li><i>(d) Ramsar sites;</i></li> <li><i>(e) any other public land where the primary purpose is for the protection and conservation of such values; or</i></li> <li><i>(f) any private land containing significant values identified for protection or conservation and where the intention is to limit use and development</i></li> </ul> <p>The Planning Authority acknowledges that the presence of a conservation covenant can indicate environmental values associated with the land, it does not necessarily qualify for the application of the Landscape Conservation Zone. Due to the presence of a conservation covenant combined with substantial levels of vegetation on the land and the applicability of two overlays from the Natural Assets Code; the requested Landscape Conservation Zone could be considered consistent. However, since the property is situated along the Ansons River Conservation Area which will remain zoned Environmental Management and is further surrounded by land that is proposed to be rezoned to the Rural Zone; application of the Landscape Conservation Zone would not contribute towards consistent zoning patterns.</p> <p>Additionally, please review Rep No. 70 Item 1, related to the Conservation Landholders Tasmania representation</p>
<b>Recommended action</b>	<b>No modification to the draft LPS</b>
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole as the landowner is supportive of the recommended change.


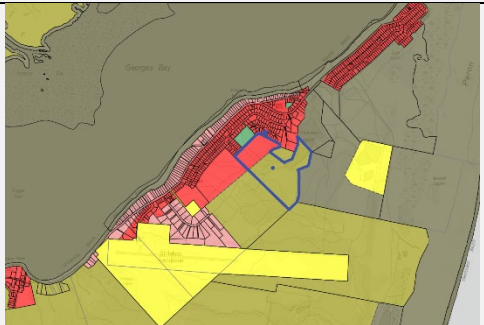
  

<b>Representation No. 17</b>	<b>Name:</b> Elizabeth Dean <b>Address (CT Details):</b> 99 Mount Elephant Road, Gray (46514/1 & <u>102195/2</u> ) <b>PID:</b> 7896487 <b>Land Area:</b> 22.6012984ha
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	<b>IPS Zoning: Rural Resource</b>			
<b>Mapping</b>				
	<b>Site Location</b>		<b>Draft LPS Zoning - Rural</b>	
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>To support the requested rezoning (<i>Landscape Conservation Zone</i>), the representation provides the following reasons:</p> <ul style="list-style-type: none"> <li>• The approx. 22ha property is ideally situated within a corridor that contains significant landscape values.</li> <li>• Purchased the land back in 1995 and has since maintained the native bushland and wildlife habitats of the area – joining the 'Land for Wildlife' program for the protection of the wildlife species present.</li> <li>• Sightings of Tasmanian Devils, Spotted Quoll, Masked Owls, Wedge Tailed Eagles and within areas of interest for both the blind velvet worm and stag beetle.</li> <li>• Individuals from the University of Tasmania frequent the property from time to time to conduct counts.</li> <li>• The property has diverse wet and dry eucalypt forest with a stand of brookeriana forest as well.</li> <li>• The Representor supports the rezoning of the whole area ranging from the Chain of Lagoons, Lower Marshes Creek through Mount Elephant, South Sister/German Town &amp; Mount Nicholas Range in order to maintain high conservation values for both bushland and wildlife.</li> </ul>			
<b>Planning Authority response</b>	<b>Consistency Overview:</b>			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<p><b>Response:</b></p> <p>Located far to the south east of the St Marys township and <b>north west</b> of the Chain of Lagoons, the property is directly adjoining land that has been proposed to be rezoned to the LPS Rural Zone and is also in close proximity to land that will remain zoned as Environmental Management. If the requested rezoning of the property to the Landscape Conservation Zone were to be applied instead, this would notably contribute to spot zoning as it is not currently co-located with land proposed to contain the requested LPS zone.</p> <p>Regarding the requested application of the Low Density Residential Zone to the aforementioned property, the following guideline has the potential to be applicable (pp.5):</p> <p><i>LDRZ 1 The Low Density Residential Zone should be applied to residential areas where one of the following conditions exist:</i></p> <p>(a) residential areas with large lots that cannot be developed to higher densities due to any of the following constraints:</p> <p>(i) lack of availability or capacity of reticulated infrastructure services, unless the constraint is intended to be resolved prior to development of the land; and</p> <p>(ii) environmental constraints that limit development (e.g. land hazards, topography or slope); or</p> <p>(b) small, residential settlements without the full range of infrastructure services, or constrained by the capacity of existing or planned infrastructure services; or</p> <p>(c) existing low density residential areas characterised by a pattern of subdivision specifically planned to provide for such development, and where there is justification for a strategic intention not to support development at higher densities.</p>			

	<p><i>LCZ 2 The Landscape Conservation Zone may be applied to:</i></p> <p><i>(a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;</i></p> <p><i>(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or</i></p> <p><i>(c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.</i></p> <p>Application of the LIST Maps 'Land Potentially Suitable for Agriculture Zone' layer revealed that one title on the property (102195/2) has been identified to be Unconstrained. This particular constraint classification indicates that the property has been determined to be meet criteria 1 of the constraints analysis flow chart provided within the Agricultural Land Mapping Project Background Report. When applying the 'Land Capability' layer it is evident that the property is entirely subject to classification 6 (<i>'Land marginally suited to grazing due to severe limitations'</i>). Consequently, the aforementioned LIST mapping layers demonstrate that the property has some potential for agricultural uses which accordingly aligns with the RZ1 zoning application guideline for the Rural Zone which states (pp. 14):</p> <p><i>RZ 1 The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.</i></p> <p>The representor does not utilise the Section 8A Guideline no.1 document nor is there any supporting information provided which may support the claims made about the presence of the stated flora and fauna species. However, from the provided aerial imagery of the property, it can be seen that it is mostly covered by dense vegetation. Both the priority vegetation area and waterway and coastal protection overlays from the Natural Assets Code have been applied to property as seen on Council's provided draft LPS mapping; the property demonstrates that there are potentially significant environmental constraints which could inhibit development. Additionally, after applying both the LIST mapping layers 'Conservation Covenant' and 'Tasmanian Reserve Estate', it is observable that the title/s have land that is not currently reserved under a conservation covenant.</p> <p>The Priority Vegetation Reference layer on Council's draft LPS mapping reveals that the property may accommodate the following 'Threatened Fauna':</p> <ul style="list-style-type: none"> <li>• Blind Velvet Worm</li> <li>• Swift Parrot</li> </ul> <p>Additionally this layer revealed that the property may contain environmental characteristics associated with 'Potential Threatened Fauna Habitat' including:</p> <ul style="list-style-type: none"> <li>• Spotted-tailed Quoll</li> <li>• Eastern Quoll</li> </ul> <p>Application of the 'TASVEG 4.0' layer available on the LIST maps demonstrated that the following flora species are present on the property:</p> <ul style="list-style-type: none"> <li>• Wet eucalypt forest and woodland</li> <li>• Non eucalypt forest and woodland</li> <li>• Regenerating cleared land</li> <li>• Large portion of 102195/2 has been identified as agricultural land</li> </ul> <p>Unfortunately since the representor's claims of other fauna species on the property are unable to be substantiated without supporting documentation, the above information collated from Council's draft LPS mapping indicates that the property may have some environmental significance regarding both the presence and potentially established habitats for the aforementioned threatened species.</p>
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	<p>Due to the presence of a conservation covenant, threatened fauna species, substantial levels of vegetation including wet eucalypt forest and woodland on the land in conjunction with two overlays from the Natural Assets Code; the requested Landscape Conservation Zone could be considered consistent under zoning application guideline LCZ1 and LC2 (a and b). Alternatively it might be important to consider the potential application of the Environmental Management Zone instead due to the proximity to the Lower Marsh Creek Regional Reserve (refer to Representation 13 as an example of the proposed LPS zone for a property that contains a conservation covenant and directly adjoins a conservation reserve), the following zone application guideline could be applicable to the property (pp.20-21):</p> <p><i>EMZ 1 The Environmental Management Zone should be applied to land with significant ecological, scientific, cultural or scenic values, such as:</i></p> <p><i>(a) land reserved under the Nature Conservation Act 2002;</i></p> <p><i>(b) land within the Tasmanian Wilderness World Heritage Area;</i></p> <p><i>(c) riparian, littoral or coastal reserves;</i></p> <p><i>(d) Ramsar sites;</i></p> <p><i>(e) any other public land where the primary purpose is for the protection and conservation of such values; or</i></p> <p><i>(f) any private land containing significant values identified for protection or conservation and where the intention is to limit use and development.</i></p> <p>Though strongly committed to the preservation and enhancement of the natural environment of the Break O'Day region, without supporting evidence and or local/regional strategic analysis of the environmental characteristics of both the property at 99 Mount Elephant, Gray, and areas listed by the representor (Chain of Lagoons, Lower Marshes Creek through Mount Elephant, South Sister/German Town &amp; Mount Nicholas Range), a rezoning request for these areas may not be considered until such time.</p>
<b>Recommended action</b>	<b>No modification to the draft LPS</b>
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole as the landowner is supportive of the recommended change.

<b>Representation No. 18 Item 1</b>	<p><b>Name:</b> Anna Povey &amp; Michael Fox  <b>Address (CT Details):</b> 11 Shearwater Avenue, Stieglitz (53948/1)  <b>PID:</b> 7828046  <b>Land Area:</b> 24.6694124ha  <b>IPS Zoning:</b> Environmental Living &amp; General Residential</p>	
<b>Mapping</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning – Landscape Conservation &amp; General Residential</b>

Matter(s) raised in the representation (including property information details where applicable)	To support the requested rezoning ( <i>Landscape Conservation Zone</i> ), the representation provides the following reasons: <ul style="list-style-type: none"><li>Split Zoned within Council’s draft LPS (General Residential and Landscape Conservation zone)</li><li>The entire title is covered by a conservation covenant (made under the Nature Conservation Act 2002) indicating that the use of the land is constrained. The title would be more compatible with the Landscape Conservation Zone based upon the <b>Guideline LCZ1</b> (‘The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation’ – landscape values indicating either natural or scenic values) and <b>Guideline LCZ2</b> (The Landscape Conservation Zone may be applied to: (a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation; (b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code...’).</li><li>The title is almost entirely covered by the Priority Vegetation overlay as seen on Council’s draft LPS mapping.</li><li>Northern part of the title (zoned as General Residential, supports many known threatened species including rare <i>Hibbertia virgata</i>, rare <i>Euphrasia collina</i> subsp. <i>deflexifolia</i>, rare <i>Acacia ulicifolia</i> and vulnerable (under both state and federal legislation) <i>Conospermum hookeri</i>. A Natural Values map titled NVA-thrtd-flora-Stieglitz was also provided for this Item.</li></ul>			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<b>Response:</b> <p>Located within Stieglitz, a small suburb contained in the St Helens township, the property is in close proximity to the St Helens Airport and is directly adjoining land that has been proposed to be rezoned to the following LPS Zones: Landscape Conservation, General Residential, Open Space and Environmental Management. If the requested rezoning of the property were to occur, this would consequently result in the property amalgamating with the surrounding land designated for the Landscape Conservation Zone thus still maintaining consistent zoning patterns.</p> <p>Regarding the requested application of the <b>Landscape Conservation Zone</b> to the aforementioned property, the following guideline has the potential to be applicable (pp.5):</p> <p><i>LCZ 1 The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.</i></p> <p><i>LCZ 2 The Landscape Conservation Zone may be applied to:</i> <i>(a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;</i> <i>(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or (c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.</i></p> <p>It is worth noting that within Council’s ‘Land Use and Development Strategy’, the section zoned General Residential of the property is contained within the urban growth boundary and aligns with the recommendations provided within the St Helens and Surrounds Structure Plan when it states (pp. 38), ‘Encourage residential development in St Helens and Stieglitz to occur in locations where there is capacity within the reticulated infrastructure’.</p>			



Consequently, due to the presence of reticulated sewerage as seen within TasWater overlay on Council's current interim planning scheme mapping, the proposed draft LPS zone is consistent with the following zoning application guideline (pp. 3):

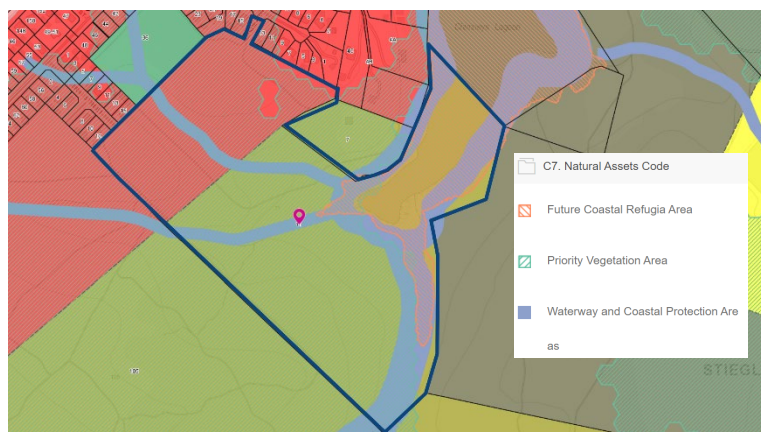
*GRZ 2 The General Residential Zone may be applied to green-field, brown-field or grey-field areas that have been identified for future urban residential use and development if:*

- (a) within the General Residential Zone in an interim planning scheme;*
- (b) within an equivalent zone under a section 29 planning scheme; or*
- (c) justified in accordance with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; and*
- (d) is currently connected, or the intention is for the future lots to be connected, to a reticulated water supply service and a reticulated sewerage system*

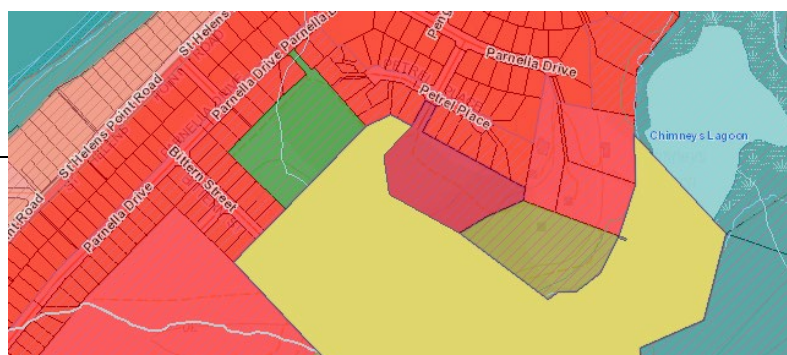
Upon review of the applicable overlays, Council's draft LPS mapping revealed that the property is subject to several overlays including:

- Specific Area Plans – Stormwater Management Specific Area Plan
- Priority Vegetation Area
- Waterway and Coastal Protection
- Coastal Inundation Hazard
- Flood Prone Areas
- Bushfire Prone Areas
- Landslip Hazard – small spots of the land with the Low landslip hazard band
- Safeguarding of Airports

From the provided aerial imagery, it can be seen that the majority of the property is covered by relatively dense vegetation. Additionally, the Priority Vegetation Area, Future Coastal Refugia Area and Waterway and Coastal Protection overlays from the Natural Assets Code have been applied to the property as seen on Council's provided draft LPS mapping; the property demonstrates that there are environmental constraints which could significantly inhibit development as evidenced by the presence of the above listed overlays, all overlays from the Natural Assets Code and dense vegetation coverage.



After applying both the LIST mapping layers 'Conservation Covenant' and 'Tasmanian Reserve Estate', it is observable that the land is currently reserved under a conservation covenant. It is important to note that the conservation covenant applicable to the property was not made by the state which would by default then qualify the property for the Environmental Management Zone (see zoning application guideline LCZ4).







Review of the Priority Veg Report available on Council's draft LPS mapping revealed that the property may accommodate 'Threatened Fauna and Significant Habitat', specifically the Swift Parrot has been noted. Additionally, the Priority Veg Report indicates the presence of 'Threatened Flora' including:

- Eastern Eyebright
- Juniper Wattle
- Superb Greenhood
- Tasmanian Smoke Bush/ *Conospermum hookeri*
- Twiggy Guineaflower
- Potential presence of *Eucalyptus globulus* dry forest and woodland, has been identified as a threatened vegetation community and relative rarity as there is less than 2000ha of this community within the bioregion.

Desktop investigation utilising the LIST layers 'TAS VEG 3.0' further confirms the environmental significance of the property as the following vegetation groups have been attributed to the land:

- **Scrub, Heathland and Coastal Complexes** (Vegetation Community Code and Description = SWH Wet Heathland)
- **Dry Eucalypt Forest and Woodland** (Vegetation Community Code and Description = DAC *Eucalyptus amygdalina* coastal forest and woodland)
- **Agricultural, Urban and Exotic Vegetation** (Vegetation Community Code and Description = FUR Urban Areas)

Additionally, the 'Threatened Native Vegetation Communities 2020' layer available on LIST revealed that there are three different threatened native vegetation communities associated with the property including:

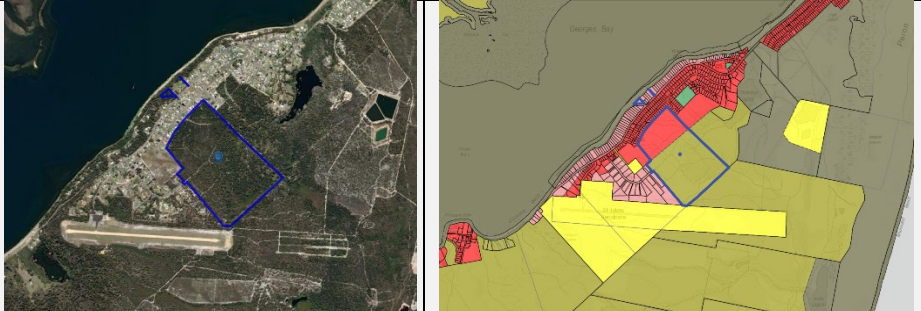
- *Eucalyptus globulus* dry forest and woodland
- *Melaleuca ericifolia* swamp forest
- Wetlands

The St Helens and Surrounds Structure Plan 2013 document had previously directed the Planning Authority during the process of compiling the interim planning scheme, to rezone land north of the St Helens Airport from General Residential to an alternative zone that would reflect the presence of significant vegetation. Subsequently, this particular direction from the structure plan has resulted in the split zoning of the property for both the Interim Planning Scheme and the draft LPS. However, since the entirety of the property including the portion proposed to be zoned as General Residential contains significant environmental features as seen in the above list of threatened flora and fauna species, application of the General Residential Zone is not consistent with the Section 8A Guideline NO.1 document when it states (pp. 03):

*GRZ 3 The General Residential Zone should not be applied to land that is highly constrained by hazards, natural values (i.e. threatened vegetation communities) or other impediments to developing the land consistent with the zone purpose of the General Residential Zone, except*

## Break O'Day Council Attachment 1: Representations – Assessment and Recommendations

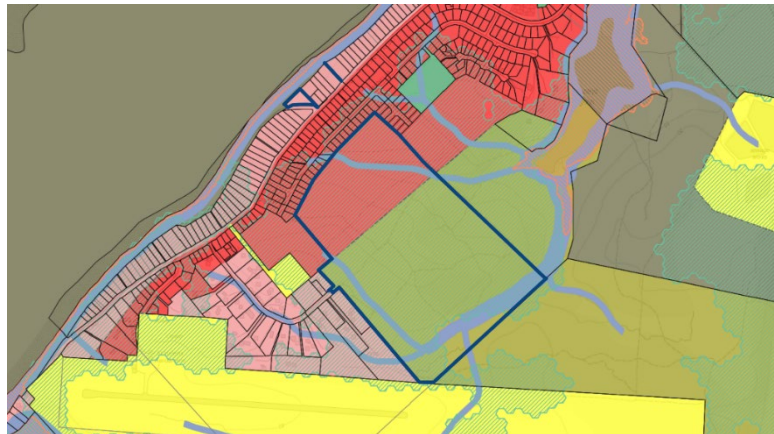
	<p><i>where those issues have been taken into account and appropriate management put into place during the rezoning process.</i></p> <p>Although neither of the threatened native vegetation communities listed above were located within the General Residential Zoned land, the highlighted vegetation groups were discerned to be situated on the land indicating that there are existent natural values associated with the property.</p> <p>The Break O'Day Council has applied the following assessment when determining a zone modification to Landscape Conservation Zone:</p> <ul style="list-style-type: none"> <li>• Able to achieve connectivity to land zoned Environmental Management or Landscape Conservation;</li> <li>• Existing conservation covenant affecting title;</li> <li>• Landowner consent provided or able to be provided;</li> <li>• Satisfies LCZ1, LCZ2 and LCZ3</li> </ul> <p>The subject title satisfies this assessment criteria.</p> <p>It is recommended the title(s) transition to Landscape Conservation Zone.</p> <p>In considering the representors request to modify the zoning to Landscape Conservation Zone, the planning authority considers the request to satisfy the following elements of the Guidelines:</p> <ul style="list-style-type: none"> <li>• GZ3</li> <li>• LZ1, LZ2 and LZ3.</li> </ul> <p>Given the conservation covenant, the natural values identified by the landowner and mapped (threaten vegetation communities) the split zoning is not considered appropriate. Modification of the draft LPS to identify the site to LCZ will assist in identifying available land within the GRZ for future development.</p>
<b>Recommended action</b>	<p>Recommended modification to draft LPS;</p> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT53948/1</li> </ul>
<b>Effect of recommendation on the draft LPS</b>	<p>The Planning Authority recommendation has no impact on implementing the draft LPS as a whole as the landowner is supportive of the recommended change.</p>

<p><b>Representation No. 18 Item 2</b></p>	<p><b>Name:</b> Anna Povey &amp; Michael Fox  <b>Address (CT Details):</b> 105 St Helens Point Road, Stieglitz (45005/1)  <b>PID:</b> 7688776  <b>Land Area:</b> 41.8651359ha  <b>IPS Zoning:</b> Environmental Living, General Residential &amp; Low Density Residential</p>
<b>Mapping</b>	

	Site Location	Draft LPS Zoning – Landscape Conservation & General Residential		
Matter(s) raised in the representation (including property information details where applicable)	To support the requested rezoning ( <u>Landscape Conservation Zone</u> ), the representation provides the following reasons:			
	<ul style="list-style-type: none"><li>Split Zoned within Council’s draft LPS (General Residential, Landscape Conservation zone and Low Density Residential)</li><li>Request the entire title to be rezoned to the Landscape Conservation Zone due to the substantial number of threatened species found on the land (also shown in the attached Natural Values Report), especially in the northern part that is zoned General Residential; use of the land is constrained by the Tasmanian Threatened Species Protection Act AND the Commonwealth Government’s Environmental Protection and Biodiversity Conservation Act, development on the land has been prevented before because of the presence of these threatened species.</li><li>The title is more compatible with Landscape Conservation Zoning based on Guideline LCZ1 (‘The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation’ – landscape values indicating either natural or scenic values) and Guideline LCZ2 (‘The Landscape Conservation Zone may be applied to: (a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation...’).</li><li>The title is almost entirely covered by the Priority Vegetation overlay as seen on Council’s draft LPS mapping.</li><li>Northern part of the title zoned as General Residential under Council’s draft LPS, supports many known threatened species including: rare <i>Hibbertia virgata</i>, rare <i>Euphrasia collina</i> subsp. <i>deflexifolia</i>, rare <i>Acacia ulicifolia</i>, rare <i>Pterostylis grandiflora</i> and vulnerable (under both state and federal legislation) <i>Conospermum hookeri</i>.</li><li>Number of the latter species is such that this property is listed as a major sub-population in the <i>Conospermum Hookeri</i> Threatened Species Listing Statement (attached). This was highlighted due to the immediate threat of development to the site:</li></ul> <p><i>‘However, a site at Parnella Heights that was illegally burnt and bulldozed only recovered to previous numbers of plants following rehabilitation orders “...“One occurrence was illegally burnt and bulldozed in response to failed subdivision proposals and the property is likely to be subject to further development proposals following the end of rehabilitation conditions imposed under the Environment Protection and Biodiversity Conservation Act 1999 in early 2020’</i></p> <p>Other recommended management strategies to improve conservation of this species included some of the following (see pp. 07 of ‘Conospermum-hookeri.pdf’):</p> <ul style="list-style-type: none"><li>- ‘provide adequate information and extension to relevant Natural Resource Management committees, local Councils, Government agencies and the local community on the localities, significance and management of known occurrences, as well as identification and management of potential habitat...’</li><li>- ‘consider avoidance of impacts to the species for proposed developments taking cumulative losses and indirect impacts into consideration...’</li><li>Location of this and other recorded threatened species on the title are shown to be concentrated on the area zoned General Residential (see maps attached: NVA-thrtd-flora-Stieglitz and NVA-Conospermum-hookeri-Parnella-Heights).</li></ul>			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response:			
Located within Stieglitz, a small suburb contained in the St Helens township, the property adjoins the St Helens Airport and is surrounded by land that has been proposed to be rezoned to the following LPS Zones: Landscape Conservation, General Residential, Utilities				

	<p>and Environmental Management. If the requested rezoning of the property were to occur, this would consequently result in the property amalgamating with the surrounding land designated for the Landscape Conservation Zone thus still maintaining consistent zoning patterns.</p> <p>Regarding the requested application of the Landscape Conservation Zone to the aforementioned property, the following guideline has the potential to be applicable (pp.5):</p> <p><i>LCZ 1 The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.</i></p> <p><i>LCZ 2 The Landscape Conservation Zone may be applied to:</i>  <i>(a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;</i>  <i>(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or (c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.</i></p> <p>It is worth noting that similar to Item 1, within Council's 'Land Use and Development Strategy', the section zoned General Residential of the property is contained within the urban growth boundary and aligns with the recommendations provided within the St Helens and Surrounds Structure Plan when it states (pp. 38), 'Encourage residential development in St Helens and Stieglitz to occur in locations where there is capacity within the reticulated infrastructure'. Consequently, due to the presence of reticulated sewerage as seen within TasWater overlay on Council's current interim planning scheme mapping, the proposed draft LPS zone is consistent with the following zoning application guideline (pp. 3):</p> <p><i>GRZ 2 The General Residential Zone may be applied to green-field, brown-field or grey-field areas that have been identified for future urban residential use and development if:</i>  <i>(a) within the General Residential Zone in an interim planning scheme;</i>  <i>(b) within an equivalent zone under a section 29 planning scheme; or</i>  <i>(c) justified in accordance with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; and</i>  <i>(d) is currently connected, or the intention is for the future lots to be connected, to a reticulated water supply service and a reticulated sewerage system</i></p> <p>Upon review of the applicable overlays, Council's draft LPS mapping revealed that the property is subject to several overlays including:</p> <ul style="list-style-type: none"> <li>▪ Specific Area Plans – Stormwater Management Specific Area Plan</li> <li>▪ Priority Vegetation Area</li> <li>▪ Waterway and Coastal Protection</li> <li>▪ Coastal Erosion Hazard</li> <li>▪ Flood Prone Areas</li> <li>▪ Bushfire Prone Areas</li> <li>▪ Landslip Hazard</li> <li>▪ Safeguarding of Airports</li> </ul> <p>From the provided aerial imagery, it can be seen that the majority of the property is covered by relatively dense vegetation. Additionally, the Priority Vegetation Area, Future Coastal and Waterway and Coastal Protection overlays from the Natural Assets Code have been applied to the property as seen on Council's provided draft LPS mapping; the property demonstrates</p>
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that there are some environmental constraints which could potentially inhibit development. It is worth noting that there currently is no conservation covenant (Private Reserve) associated with the property.



Utilising the LIST layer 'TAS VEG 3.0' the property was unable to demonstrate the environmental significance of the land as it has been identified to contain two vegetation group with two different forest structures:

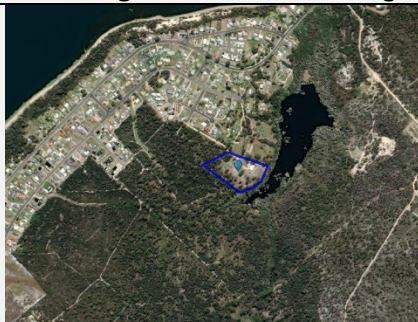
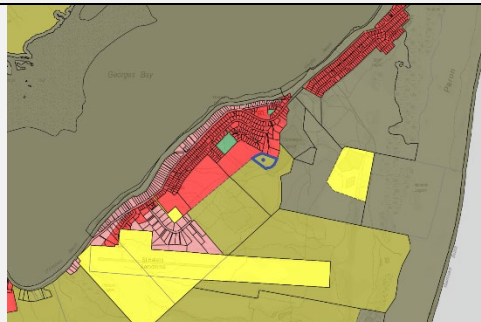
1. **Vegetation group** = Dry eucalypt forest and woodland
  - Vegetation Community Code = DAC
  - Vegetation Community Description = (DAC) Eucalyptus amygdalina coastal forest and woodland
  - Forest Structure = **Woodland** (covers most of the property from the top of the eastern boundary to the western boundary and all the way down to the southern boundary with a portion encroaching towards the eastern boundary) & **Forest** (covers approx. 25% of the south eastern area of the property).
2. **Vegetation group** = Agricultural, Urban and Exotic Vegetation
  - Vegetation Community Code = FUR
  - Vegetation Community Description = (FUR) Urban Areas
  - Forest Structure = Other

However further desktop investigation from the LIST layers 'Threatened Flora Point' and 'Conservation Significance Flora Point', revealed that the land does indeed contain significant environmental values. Firstly, the "Threatened Flora Point" layer revealed that the Tasmanian Smokebush (*Conospermum hookeri*) and the Twiggy Guineaflower (*Hibbertia Virgata*) were identified to be present on the land. Notably both of these vegetation groups were listed within the *Threatened Species Protection Act 1995* and the *Conospermum hookeri* has also been listed as a vulnerable species under the *Environmental Protection and Biodiversity Conservation Act 1999*. Additionally, the 'Conservation Significance Flora Point' demonstrate that the property also contains an extensive list of flora species recognised to be significant for conservation including:

- Black Peppermint
- Musky Finger-Orchid
- Leopard Orchid
- Xanthorrhoea sp.
- Spreading or Black-Anther Flax-Lily
- Tassel Roperush
- Sweet Wattle
- Tree Broomheath
- White Flag Iris
- Native Cranberry
- Scrambling Guineaflower
- Ants Delight
- Lemon Boronia
- Black Sheoak
- Rosy Hyacinth Orchid


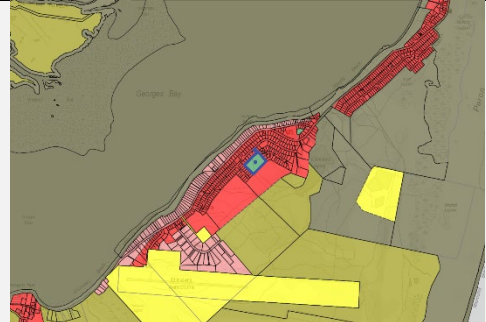
# Break O'Day Council Attachment 1: Representations – Assessment and Recommendations

	<ul style="list-style-type: none"> <li>Narrow Combfern</li> <li>Prawn Greenhood</li> <li>Small Mosquito – Orchid</li> </ul> <p>From Council's available records, it is worth noting that this particular property has an extensive history associated with illegal land clearing which can support the Tasmanian Threatened Species Listing Statement for <i>Conospermum hookeri</i> provided by the representor.</p> <p>Although Council acknowledges that the land contains significant environmental values concerning either threatened vegetation and or vegetation recognised to be significant for conservation purposes, the representor has not stated whether the owner from 105 St Helens Point Road, Stieglitz supports the requested application of the Landscape Conservation to the property. Furthermore, the owner of this property has recently submitted an application to subdivide the land and as such it could be assumed that the owner would not support the requested zoning of the property.</p>
<b>Recommended action</b>	<b>No modification to the draft LPS</b>
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34 (2) of LUPAA is maintained.


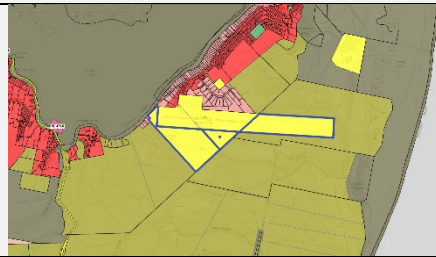
<b>Representation No. 18 Item 3</b>	<b>Name:</b> Anna Povey & Michael Fox <b>Address (CT Details):</b> 7 Shearwater Avenue, Stieglitz (38887/1) <b>PID:</b> 3343404 <b>Land Area:</b> 1.8858679ha <b>IPS Zoning:</b> Environmental Living														
<b>Mapping</b>	<div></div> <div></div>														
	<b>Site Location</b>	<b>Draft LPS Zoning – Landscape Conservation</b>													
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>Support Council’s draft LPS zoning for the property (<u>Landscape Conservation Zone</u>), the representation provides the following reasons:</p> <ul style="list-style-type: none"><li>Proximity to Chimneys Lagoon and consistency with the Landscape Conservation Zone applied to the representors property (11 Shearwater Avenue).</li><li>If development is not carefully considered, there can be large impacts on the water quality and habitat of a wetland like Chimneys Lagoon and as such the land should be zoned accordingly. According to Conservation of Freshwater Values on Listmap (see attached ChimneysLagoonConsPriority), the lagoon has Very High Conservation Management Priority under CFEV Waterbodies. Under the Natural Assets Code, this land is covered by Priority Vegetation and Waterway and Coastal Protection overlays.</li></ul>														
<b>Planning Authority response</b>	<b>Consistency Overview:</b> <table><tr><td>NTRLUS</td><td><input type="checkbox"/></td><td>Local Strategy / Policy</td><td><input type="checkbox"/></td></tr><tr><td>Section 8A Guideline No.1</td><td><input checked="" type="checkbox"/></td><td>Relate to the drafting / content of the SPP?</td><td><input type="checkbox"/></td></tr><tr><td>TPC Practice Notes</td><td><input checked="" type="checkbox"/></td><td>Reflect a like for like conversion of the IPS?</td><td><input checked="" type="checkbox"/></td></tr></table> <b>Response:</b>			NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input checked="" type="checkbox"/>
NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>												
Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>												
TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input checked="" type="checkbox"/>												




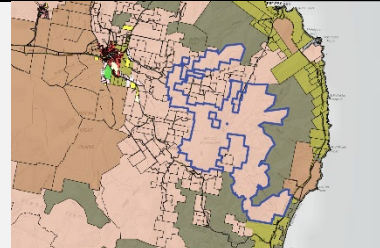
	Support for the proposed LPS zoning of the property by the Representors is acknowledged. Retaining the proposed LPS zone for the property as expressed within the representation is also recommended by the Planning Authority.
<b>Recommended action</b>	<b>No modification to the draft LPS</b>
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole as the landowner is supportive of the recommended change.

<b>Representation No. 18 Item 4 Related Representation: 80</b>	<b>Name:</b> Anna Povey & Michael Fox <b>Address (CT Details):</b> 36 Parnella Drive, Stieglitz (30650/3) <b>PID:</b> 7391024 <b>Land Area:</b> 2.0955161ha <b>IPS Zoning:</b> Open Space		
<b>Mapping</b>	 	<b>Site Location</b>	<b>Draft LPS Zoning – Open Space</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	Support Council's draft LPS zoning for the property ( <u>Open Space Zone</u> ), the representation provides the following reasons: <ul style="list-style-type: none"> <li>• Council owned land which is important for the protection of natural values that remain in the area following a previous subdivision.</li> <li>• Appreciated by the public for its extraordinary wildflowers and native vegetation.</li> <li>• Compatible with the representors property (11 Shearwater Avenue).</li> <li>• The property is almost entirely covered by the Priority Vegetation Area Overlay and has numerous threatened species (see map NVA-thrtd-flora-stieglitz), including rare Hibbertia virgata and rare Acacia ulicifolia.</li> </ul>		
<b>Planning Authority response</b>	<b>Consistency Overview:</b>		
	NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy <input checked="" type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP? <input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS? <input type="checkbox"/>
	<b>Response:</b> Support for the proposed LPS zoning of the property by the Representors is acknowledged. Retaining the proposed LPS zone for the property as expressed within the representation is also recommended by the Planning Authority.		
<b>Recommended action</b>	<b>No modification to the draft LPS</b>		
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole as the landowner is supportive of the recommended change.		

<b>Representation No. 18 Item 5</b>	<b>Name:</b> Anna Povey & Michael Fox <b>Address (CT Details):</b> 21 Aerodrome Road, Stieglitz (214209/1, 112855/1 & 45005/2) <b>PID:</b> 3221175
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Related Representation: 81	Land Area: 92.4335975ha IPS Zoning: Environmental Management & Utilities			
Mapping				
	Site Location	Draft LPS Zoning - Utilities		
Matter(s) raised in the representation (including property information details where applicable)	<p>To support the requested rezoning (<i>Environmental Management or Landscape Conservation Zone</i>), the representation provides the following reasons:</p> <ul style="list-style-type: none"><li>Disagree with the proposed change from the current IPS Environmental Management Zone of the council-owned St Helens Aerodrome title 214209/1 to the Utilities Zone under the draft LPS.</li><li>This title is currently split zoned so that the actual airstrip is appropriately zoned Utilities, while the remainder of the title, covered by natural bushland, is zoned Environmental Management, and this is what we submit that it should remain under the new planning scheme, or else Landscape Conservation to be consistent with the surrounding land.</li><li>There are several records of vulnerable threatened species, <i>Conospermum hookeri</i> (see map NVA-thrtd-flora-Stieglitz) and although there is an effluent disposal sprinkler system it still remains largely intact and contains healthy native vegetation.</li><li>This long strip of land also extends into surrounding bushland which has been appropriately zoned Landscape Conservation as the whole area forms part of a contiguous and almost undeveloped bushland area that covers most of the St Helens Point peninsula, in such a way that its management has a proportionately greater impact than expected for a 20-odd hectare title.</li><li>The Ramsar-listed wetland, Jocks Lagoon, is only 500m southeast of this title. Current slashing management of the airstrip and land immediately around it has led to infestations of the environmental weeds, Spanish Heath, <i>Acacia paradoxa</i> and <i>Kunzea ericoides</i>, which are capable of invading and threatening intact native vegetation over time. To develop the aerodrome further, like a finger into the depths of the surrounding native vegetation, would be to risk extending weed invasion, reducing the quality of the surrounding land and interrupting wildlife movements along the peninsula. Any use of the title should be governed by environmental management principles, such as under Environmental Management or Landscape Conservation zoning.</li><li>Representors also assert that titles 112855/1 and 45005/2 should be zoned Landscape Conservation instead of Environmental Management rather than Utilities due to the prominent presence of native vegetation. At least one population of rare <i>Hibbertia virgate</i> on the titles and potentially more if further surveys are to be conducted. Both titles are covered by Priority Vegetation Overlay. There is also a CFEV-listed wetland that is covered by the Natural Asset Code's Waterway and Coastal Protection overlay.</li></ul>			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy	<input checked="" type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<p><b>Response:</b></p> <p>Review Representation No. 81 Item 3 and 24 for a detailed response regarding the requested application of the Landscape Conservation Zone or the Environmental Management Zone to CT 214209/1, 112855/1 &amp; 45005/2.</p> <p>The Land Use Strategy has identified the land to be zoned Utilities for expansion of the Airport and the BODC has commenced planning in this regard.</p>			


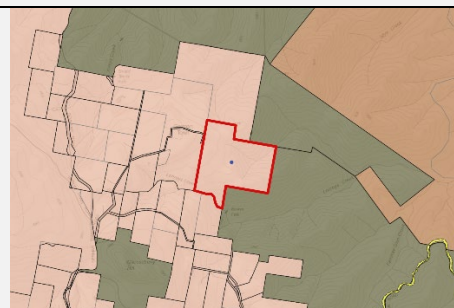
<b>Recommended action</b>	<b>No modification to the draft LPS</b>
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole as the landowner is supportive of the recommended change.

Representation No. 18 Item 6	<b>Name:</b> Anna Povey & Michael Fox <b>Address (CT Details):</b> Mount Elephant Road, Gray (No assigned CT) <b>PID:</b> 2542268 <b>Land Area:</b> 2153.5303658ha <b>IPS Zoning:</b> Rural Resource			
Mapping				
	Site Location		Draft LPS Zoning - Rural	
Matter(s) raised in the representation (including property information details where applicable)	Broadly requests for the application of the landscape Conservation or the Environmental Management Zone. No explanation or supporting information was provided for the requested rezoning of this land  ‘Some gaps, however, that should be addressed include key landscape areas of Mt Elephant (PID 2542268) which should be zoned either Environmental Management or Landscape Conservation’			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<b>Response:</b> Due to insufficient information that could be used to justify the requested rezoning, the Planning Authority will recommend no modification will be required until such time that a local or regional analysis is conducted and indicates otherwise.  The identified land is the subject of additional representation with a common request. The draft LPS has considered this land and recommended Rural Zone as opposed to Agriculture Zone and this was largely based on environmental values, hand holding, lots size, land use and topography. Any consideration to the LCZ is not consistent with the strategy or state guidelines and would require further strategic investigation.			
Recommended action	No modification to the draft LPS			
Effect of recommendation on the draft LPS	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole as the landowner is supportive of the recommended change.			

<b>Representation No. 18 Item 7</b>	<b>Name:</b> Anna Povey & Michael Fox <b>Address (CT Details):</b> N/A <b>PID:</b> N/A <b>Land Area:</b> N/A <b>IPS Zoning:</b> N/A		
<b>Mapping</b>			

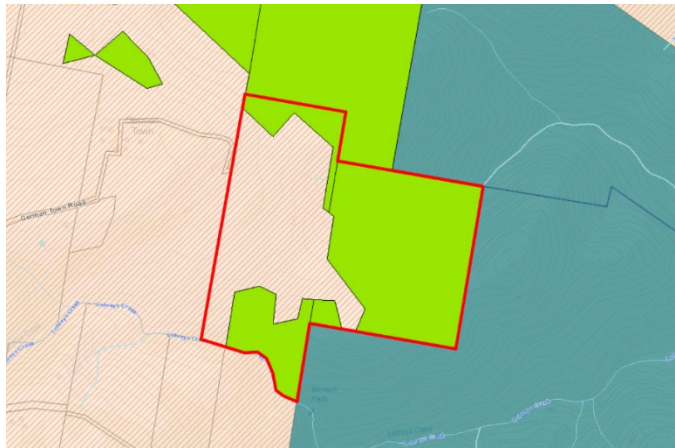
	N/A	N/A
	Site Location	Draft LPS Zoning
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>General points raised by the representors regarding the LPS:</p> <ul style="list-style-type: none"> <li>It is critical to maintain or strengthen current restrictions on subdivision of land within 1km of the coast. The importance of this coastal protection has not changed, so it is necessary to find a suitable mechanism under the new planning scheme – we suggest a Specific Area Plan, combined with abundant use of Landscape Conservation and Environmental Management zones. With the recent increased development interest in Break o'Day, it is critical at this time that we maintain the natural and landscape values that have drawn people to the area and that have supported native flora and fauna on land and in the sea (which is, of course, impacted by management of the land) for time immemorial. We must ensure that the area is not damaged by piecemeal subdivision and development. Of course, each landowner and developer wants to develop a place from which they can admire the view, but individuals do not take account of the collective impact on others' enjoyment or on natural and landscape values – that is why we need the planning scheme to protect the coastal zone for everyone's continued enjoyment.</li> <li>The ability to use loopholes to develop within this coastal zone (and Landscape Conservation zone generally) through strata title and visitor accommodation developments must be stopped, as they subvert the intention of this zone.</li> <li>There should be a thorough analysis and protection of landscape values through implementation of a Scenic Protection overlay that protects all important visual amenity such as naturally vegetated hills and naturally vegetated coastlines, and other areas such as Medeas Cove and other such waterbodies. These are critical and should be protected by more than just a façade of protection along road corridors.</li> <li>We are supportive of the areas already draft zoned as Landscape Conservation in the municipality and congratulate council on their pro-active protection of important areas this way.</li> </ul>	
<b>Planning Authority response</b>	<b>Consistency Overview:</b>	
	NTRLUS	<input type="checkbox"/> Local Strategy / Policy <input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/> Relate to the drafting / content of the SPP? <input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/> Reflect a like for like conversion of the IPS? <input type="checkbox"/>
	<p><b>Response:</b></p> <ul style="list-style-type: none"> <li>With regard to subdivision of land within 1km of the high water mark. The residential type zones such as the Low Density Residential Zone (LDRZ), General Residential Zone (GRZ) and the Rural Living Zone (RLZ) will allow for further subdivision of the land (for residential use) where compliant with the standards for lot size and other standards in the zone (and applicable codes) are met. These residential type zones have only been applied to existing settlements on a 'like for like' basis as a translation from the Interim Planning Scheme. This is consistent with the Section 8A Guidelines.</li> <li>It should be noted that the application of the LCZ, EMZ, Rural Zone (RZ) and Agriculture Zone (AZ) to lands outside of the settlements and within 1km of the coastal high water mark is consistent, as far as practical, with the policy and standards of the Interim Scheme. These zones do not prioritise residential development. These zones discourage 'ribbon development' along the coastline.</li> <li>The LPS process does not relate to the function and application of the <i>Strata Titles Act 1998</i>.</li> </ul> <p><b>Scenic Protection Code</b></p>	

	- The Scenic Management – Tourist Road Corridor, has been transitioned from the interim planning scheme to the draft LPS as per Schedule 6 Clause 8D(2) is a translation of the provisions of the Interim Scheme.
<b>Recommended action</b>	<b>No modification to the draft LPS</b>
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole as the landowner is supportive of the recommended change.

<b>Representation No. 19</b> <b>Related representation: 4 and 70(6)</b>	<b>Name:</b> Jennifer Roberts <b>Address (CT Details):</b> 774 German Town Road, St Marys (179552/1) <b>PID:</b> 3314080 <b>Land Area:</b> 408608.771 <b>IPS Zoning:</b> Rural Resource														
<b>Mapping</b>	<div></div> <div></div>														
	<b>Site Location</b>	<b>Draft LPS Zoning - Rural</b>													
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>To support the requested rezoning (<i>Landscape Conservation Zone</i>), the representation provides the following reasons:</p> <ul style="list-style-type: none"><li>• Understands that the draft LPS proposes to rezone the property from the Rural Resource Zone to the Rural Zone.</li><li>• Property includes 24.3ha of private reserve land which forms part of the Seaview Farm Reserve and is protected by a conservation covenant.</li><li>• Conservation Landholders Tasmania have also submitted a representation on behalf of the representor recommending that the property should be split-zoned with the 24.3ha private reserve land to be rezoned to the Landscape Conservation Zone and the remainder of the property should retain the proposed LPS Rural Zone.</li><li>• Representor expresses support for the representation made by Conservation Landholders Tasmania for their property.</li></ul>														
<b>Planning Authority response</b>	<b>Consistency Overview:</b> <table><tr><td>NTRLUS</td><td><input type="checkbox"/></td><td>Local Strategy / Policy</td><td><input type="checkbox"/></td></tr><tr><td>Section 8A Guideline No.1</td><td><input checked="" type="checkbox"/></td><td>Relate to the drafting / content of the SPP?</td><td><input type="checkbox"/></td></tr><tr><td>TPC Practice Notes</td><td><input checked="" type="checkbox"/></td><td>Reflect a like for like conversion of the IPS?</td><td><input type="checkbox"/></td></tr></table> <p><b>Response:</b> Located north of the St Marys Township and adjoining the St Marys Pass State Reserve, the property is situated amongst land that has been proposed to be zoned as Rural within the draft LPS. If the requested rezoning of the property to the Landscape Conservation Zone were to be applied instead, this may contribute to spot zoning as it is not currently co-located with land proposed to contain the requested LPS zone.</p> <p>Regarding the requested application of the Landscape Conservation Zone to the property, the following guideline stipulates the requirements necessary for land to be considered appropriate for the Landscape Conservation Zone (pp.19):</p> <p><i>LCZ 1 The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas.</i></p>			NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>												
Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>												
TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>												



	<p><i>large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.</i></p> <p><i>LCZ 2 The Landscape Conservation Zone may be applied to:</i>  <i>(a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;</i>  <i>(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or</i>  <i>(c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.</i></p> <p>Application of the LIST Maps 'Land Potentially Suitable for Agriculture Zone' layer revealed that the property has been identified to align with Criteria 2B 'Potentially Constrained'. When applying the 'Land Capability' layer it is evident that the entire property is subject to classification 6 ('Land marginally suited to grazing due to severe limitations'). Consequently, the aforementioned LIST mapping layers demonstrate that the property has little to no potential for agricultural uses which accordingly aligns with the RZ1 zoning application guideline for the Rural Zone which states (pp. 14):</p> <p><i>RZ 1 The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.</i></p> <p>Due to the assignment of Criteria 2B, the following characteristics may be associated with the property: is smaller than the established Criteria 1 size thresholds (Enterprise Suitability Cluster), has a capital value of less than \$50,000 per hectare, not adjoining a title with an area greater than size thresholds outlined within Criteria 1 and or is not adjoining land subject to a residential zone. Within the context of this representation, the property is not smaller than the Criteria 1 size thresholds, has a capital value more than \$50,000 and is not adjoining residential zoned land. As such, this particular constraint classification indicates that the property has been determined to be meet criteria 1, 2 and 3 of the constraints analysis flow chart provided within the Agricultural Land Mapping Project Background Report.</p> <p>There is only one strategic planning document that is relevant to the representation which includes:</p> <ul style="list-style-type: none"> <li>Land Use and Development Strategy – Break O'Day Council Municipal Management Plan 2015; specifically section 16 of the strategy concerned with Settlement Character Descriptions and Plans (pp. 104), <i>'The surrounds of St Marys are currently within the Rural Resource zone or Environmental Living zone, which contain large areas of dense vegetation. Future investigation will be required when undertaking more detailed studies of land proposed for rezoning to identify vegetation corridors to be retained and an appropriate zoning for such land'</i>. The property which forms the source of this representation are in close proximity to the St Marys Pass State Reserve, German Town Regional Reserve and Cheeseberry Hill Conservation Area in addition to containing a conservation covenant, the proposed LPS Rural Zone for the titles would not be considered consistent with the strategic intent outlined within the Land Use and Development Strategy.</li> </ul> <p>The representor does not utilise the Section 8A Guideline no.1 document nor is there any information provided which may demonstrate the environmental significance of the property. However, the representor indicates that since the property is partly covered by a private reserve, application of the Landscape Conservation Zone aligns with the TPC guidelines. Whilst reviewing the zoning application guidelines for the requested zone, it could be argued that due to the presence of a conservation covenant LCZ1 of the guideline could be considered satisfied.</p>
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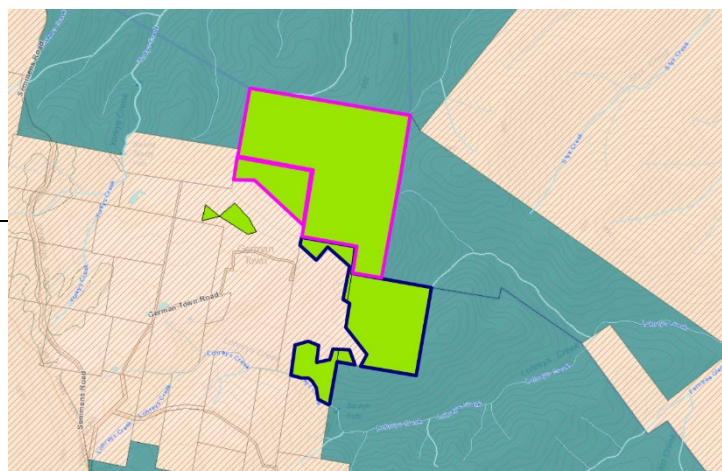


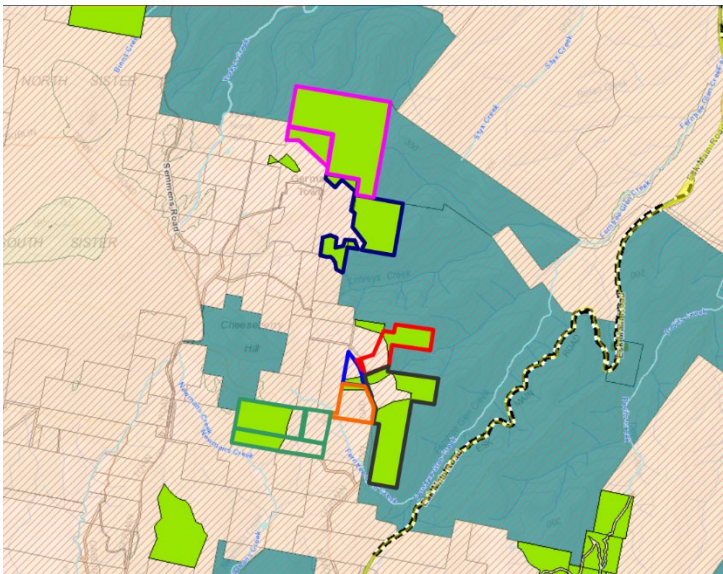
From the provided aerial imagery of the property, it can be seen that most of the western side of the property is cleared of vegetation however the eastern side of the property adjoining the St Marys Pass State Reserve contains relatively dense vegetation. Notably more than 50% of the property is subject to the Low landslip hazard band and Medium landslip hazard band from the Landslip Hazard Code. Additionally, both the priority vegetation area and waterway and coastal protection overlays from the Natural Assets Code have been applied to part of the property as seen on Council's provided draft LPS mapping. The property demonstrates that there are some environmental constraints which could inhibit development as evidenced by the presence of the overlays from the Natural Assets Code and dense vegetation coverage towards the eastern boundary of the property.

After applying both the LIST mapping layers 'Conservation Covenant' and 'Tasmanian Reserve Estate', it is observable that the property is currently reserved under a conservation covenant and further classed as a private reserve. It is important to note that the conservation covenant applicable to the property was not made by the state which would by default then qualify the property for the Environmental Management Zone (see zoning application guideline LCZ4).

Due to the presence of a conservation covenant, two categories from the Landslip Hazard Code, dense vegetation located along the eastern side of the property in conjunction with two overlays from the Natural Assets Code; the requested application of the Landscape Conservation Zone to part of the property currently subject to a conservation covenant could be considered consistent under zoning application guideline LCZ1 and LC2 (a and b).

The Planning Authority acknowledges that the presence of a conservation covenant can indicate environmental values associated with the land, it does not necessarily qualify for the application of the Landscape Conservation Zone. However, due to the close proximity to a state reserve, five properties from the Lower German Town area also requesting the application of the Landscape Conservation Zone in addition to a neighbouring property requesting to be rezoned; application of the requested zone to the representor's property can be deemed to demonstrate beneficial strategic planning outcomes. Although the application of the Landscape Conservation Zone to the aforementioned properties would result in split-zoning, beneficial strategic planning outcomes can still be achieved including the avoidance of inconsistent zoning patterns via spot zoning and providing a zoning buffer between land that has been zoned Environmental Management and Rural.



	<p>Please see Representation 4 Item 1 &amp; Item 2 for the locational context of land requested to be rezoned to the Landscape Conservation Zone specifically within the German Town Road Area</p>  <p>Please see Representations 1, 4 Item 1 &amp; Item 2, 5, 9, 19, 28, 31 for the locational context of properties requesting the application of the landscape Conservation Zone within both the German Town Road and Lower German Town Road Areas. Additionally, please review Rep No. 70 Item 6, related to the Conservation Landholders Tasmania representation</p> <p>The Conservation Covenant applies to 50% of the site. Natural values are able to be addressed through the Natural Assets Code.</p>
<b>Recommended action</b>	<b>No modification to the draft LPS</b>
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole as the landowner is supportive of the recommended change.

<b>Representation No. 20</b>	<b>Name:</b> Michael & Jessie Groves <b>Address (CT Details):</b> various <b>PID:</b> various <b>Land Area:</b> various <b>IPS Zoning:</b> Environmental Living Zone	
<b>Mapping Zoom Level 15</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning</b>
<b>Matter(s) raised in the representation (including property</b>	Representation raised the following matters: <b>Landscape Conservation Zone</b>	

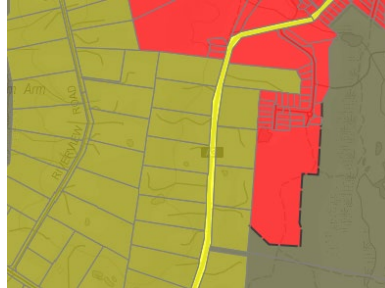
information details where applicable)	<ul style="list-style-type: none"><li>- Land around Riverview Road and Tasman Highway in Scamander has been identified in the draft LPS as being zoned Landscape Conservation Zone (LCZ).</li><li>- These areas were zoned Environmental Living Zone (ELZ) under the Interim Planning Scheme (IPS)</li><li>- Areas are characterised by single dwellings on large bush blocks, a combination of which are cleared, and others that contain native vegetation.</li><li>- Representor’s property adjoins 2/27 Cherrywood Drive which is zoned General Residential and recently obtained preliminary approval for 69 lot subdivision.</li><li>- Application of the LCZ restricts landowners residential use rights. In particular:<ul style="list-style-type: none"><li>o Developers or home builders may be reluctant to purchase land when there is no certainty of being able to build a dwelling</li><li>o Reduction in available housing land further adding to housing crisis</li><li>o Land in ELZ may loose value when transferred to LCZ</li><li>o Banks will be reluctant to finance potential home builders and developers in LCZ where the fundamental right to build is not guaranteed.</li></ul></li><li>• Prioritising natural values and the environment above and beyond the existing residential use, social and economic values of these lots, property owners and communities which will undoubtedly have long lasting impact on the local economy.</li></ul>			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response: <b>Landscape Conservation Zone</b> <ul style="list-style-type: none"><li>- Land in question is shown in the following figures.</li><li>- LCZ been applied to the land within the ELZ as per the State’s direction.</li><li>- Land subject to Scenic Protection Code and Natural Assets Code under the draft LPS</li><li>- Properties range for 1- 4ha in area with the majority including existing buildings.</li><li>- Current ELZ prohibits new subdivision within 1km of the high water mark. Many of the properties in this area are within 1km.</li><li>- The <i>Break O’Day Land Use and Development Strategy 2015</i> (the Strategy) details land to east side of highway as ‘medium term rezoning potential subject to detailed land capability analysis’.</li><li>- The Strategy, further details on page 107 with regards to housing ‘Urban consolidation needs to occur within the existing town, therefore the realisation of the actual potential of these existing sites needs to be determined through detailed analysis of land capability. The other likely location for any potential expansion of the town would be south of Winifred Drive along the eastern side of the Tasman Highway, although</li></ul>			



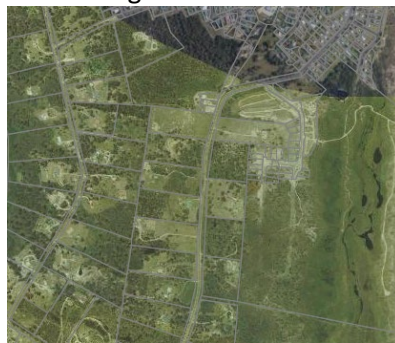
potential acid sulphate soil, low-lying lands need to be determined before any further development occurs in this location’.

- The LCZ is considered the most suitable zone until further land capability and strategic analysis of Scamander is undertaken. Such strategic analysis is outside the scope of the draft LPS process.

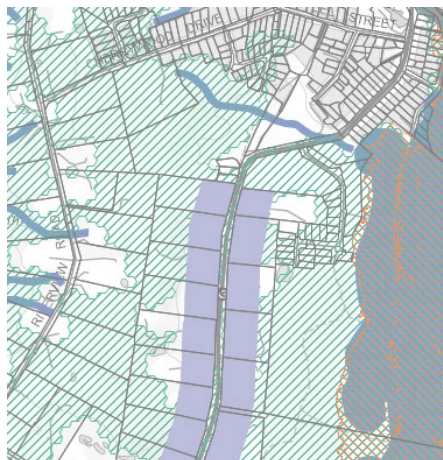
#### Zoning



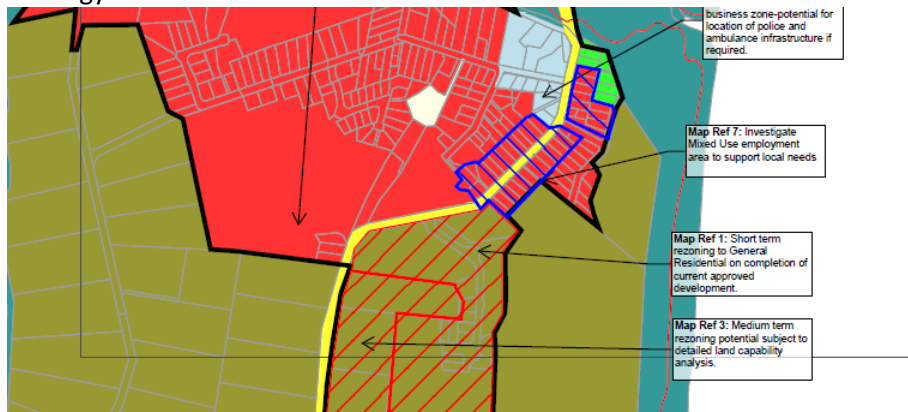
#### Aerial image



#### Natural Values and Scenic Protection Code


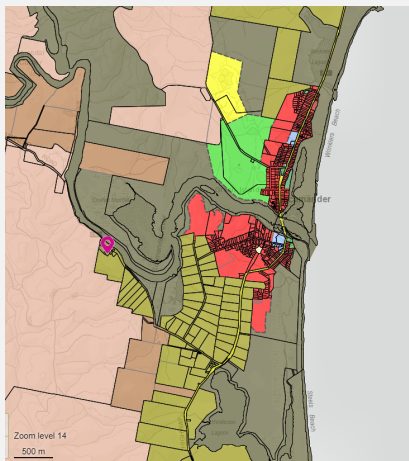
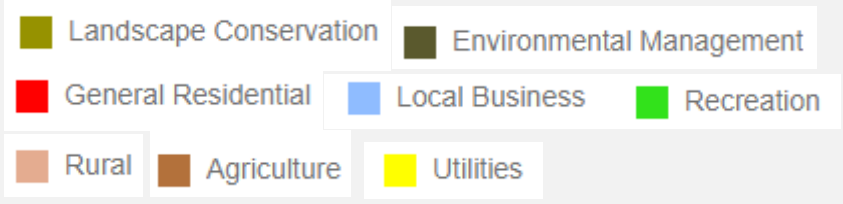


#### Strategy





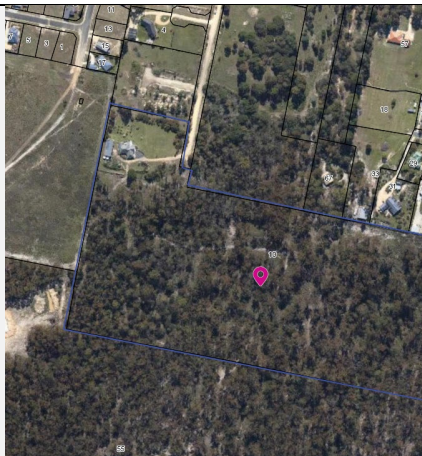
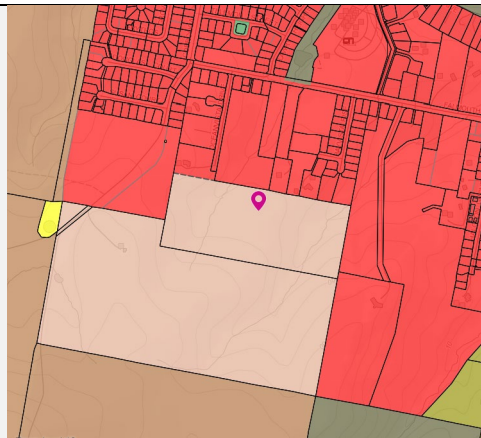
<b>Recommended action</b>	No modification to draft LPS
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

<b>Representation No. 21</b>	<b>Name:</b> Narelle Ransley <b>Address (CT Details):</b> 23185 Tasman Highway, Scamander <b>PID:</b> various <b>Land Area:</b> N/A <b>IPS Zoning:</b> various	
<b>Mapping Zoom Level 15</b>	 	
	<b>Site Location</b>	<b>Draft LPS Zoning</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>Representation raised the following matters:</p> <p><b>Landscape Conservation Zone</b></p> <ul style="list-style-type: none"> <li>- Landscape Conservation Zone (LCZ) is not a replacement zone for the Environmental Living Zone (ELZ)</li> <li>- Land around Riverview Road and Tasman Highway in Scamander has been zoned LCZ in the draft LPS. Under the Interim Planning Scheme (IPS) this land was zoned ELZ</li> <li>- Residential dwellings are permitted in the ELZ and discretionary in the LCZ</li> <li>- Application of LCZ is contradictory to the Guidelines</li> <li>- Application of the LCZ restricts landowners residential use rights. In particular:           <ul style="list-style-type: none"> <li>o Developers or home builders may be reluctant to purchase land when there is no certainty of being able to build a dwelling</li> <li>o Reduction in available housing land further adding to housing crisis</li> <li>o Land in ELZ may lose value when transferred to LCZ</li> </ul> </li> </ul>	

	<ul style="list-style-type: none"> <li>○ Banks will be reluctant to finance potential home builders and developers in LCZ where the fundamental right to build is not guaranteed.</li> <li>○ Prioritising natural values and the environment above and beyond the existing residential use, social and economic values of these lots, property owners and communities which will undoubtedly have long lasting impact on the local economy.</li> </ul> <p><b>Stromwater SAP</b></p> <ul style="list-style-type: none"> <li>- SAP needs to be improved to protect recreational areas in and around Georges Bay from waste discharge and stormwater runoff.</li> <li>- This is referred to in the Environment Management and Pollution Control Act 1994, 2.1.7 page 15, but does not go far enough to protect our inland waterways.</li> <li>- SAP should be improved to include other water waste management in Break O' Day</li> </ul> <p><b>State Policy on protection of agricultural land</b></p> <ul style="list-style-type: none"> <li>- States – 'conserve and protect agricultural land so that it remains available for the sustainable development of agriculture, recognising the particular importance of prime agricultural land'. Does this include area of small acreage in a predominately ELZ area, which would have a direct impact on neighbouring landowners and the natural bush within this ELZ area.</li> <li>- This would restrict landowners rights</li> </ul> <p><b>Other</b></p> <ul style="list-style-type: none"> <li>• Support zoning Future Potential Production Forests (FPPF) land as Environmental Management Zone in recognition of the FPPF areas significant high conservation values and in some cases important scenic values.</li> </ul>			
<b>Planning Authority response</b>	<b>Consistency Overview:</b>			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<p><b>Response:</b></p> <p><b>Landscape Conservation Zone</b></p> <ul style="list-style-type: none"> <li>- Representation mirrors that of representation 20. As such, the same response is provided</li> <li>- Land in question is shown in the figures in representation 20.</li> <li>- LCZ been applied to the land within the ELZ as per the State's direction.</li> <li>- Land subject to Scenic Protection Code and Natural Assets Code under the draft LPS</li> <li>- Properties range for 1- 4ha in area with the majority including existing buildings.</li> <li>- Current ELZ prohibits new subdivision within 1km of the high water mark. Many of the properties in this area are within 1km.</li> <li>- The Break O'Day Land Use and Development Strategy 2015 (the Strategy) details land to east side of highway as 'medium term rezoning potential subject to detailed land capability analysis'.</li> <li>- The Strategy, further details on page 107 with regards to housing 'Urban consolidation needs to occur within the existing town, therefore</li> </ul>			


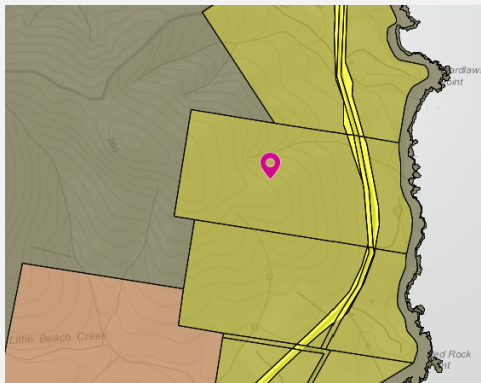

	<p>the realisation of the actual potential of these existing sites needs to be determined through detailed analysis of land capability. The other likely location for any potential expansion of the town would be south of Winifred Drive along the eastern side of the Tasman Highway, although potential acid sulphate soil, low-lying lands need to be determined before any further development occurs in this location’.</p> <ul style="list-style-type: none"> <li>- The LCZ is considered the most suitable zone until further land capability and strategic analysis of Scamander is undertaken. This is out of scope of the draft LPS.</li> </ul> <p><b>Strategy</b></p> <p><b>Stormwater SAP</b></p> <ul style="list-style-type: none"> <li>- Stormwater SAP has been drafted based on direction from the State.</li> <li>- The SPP clause 6.11.2 (g) allows for conditions and restrictions imposed by the planning authority including erosion, and stormwater volume and quality controls.</li> </ul> <p><b>Agricultural Policy</b></p> <p>Unsure of question and specific application. Provisions controlling development between the rural and residential areas also exist in the interim scheme</p>
<b>Recommended action</b>	No modification to draft LPS
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

<b>Representation No. 22</b>	<p><b>Name:</b> Chris Triebe obo G &amp; B Colwell</p> <p><b>Address (CT Details):</b> 10 Oceanvista Drive, St Helens</p> <p><b>PID:</b> 2503525</p> <p><b>TITLE REFERENCE:</b> CT 141663/100</p> <p><b>Land Area:</b> 11.37 ha</p> <p><b>IPS Zoning:</b> Environmental Living (ELZ)</p>

Mapping Zoom Level 15				
	Site Location		Draft LPS Zoning – Split Zoned GRZ & Rural Zone	
Matter(s) raised in the representation (including property information details where applicable)	<p>Representation raised the following matters:</p> <p><b>Rural Living Zone</b></p> <ul style="list-style-type: none"><li>- Seek to rezone land from Environmental Living Zone (ELZ) to Rural Living Zone (RLZ) rather than the Rural Zone (RZ) applied by the draft LPS</li><li>- Site is located within the Future Urban Growth / Settlement Boundary and surrounded by General Residential Zone (GRZ) land to north, east and west.</li><li>- The Strategy states the GRZ is not suitable given the large amounts of available and undeveloped GRZ land surrounding</li><li>- Rezoning to RLZ would provide a buffer between the RZ to the south and GRZ to the north</li><li>- Site is currently split zoned with a portion of the site in the north west falling within the GRZ</li><li>- Site is of limited environmental value</li><li>- Seek RLZ B 2ha be applied which would allow for a 5 lots subdivision</li></ul> <p>Rezoning will allow for better management of land from fire risk</p>			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<p>Response:</p> <p><b>Rural Living Zone</b></p> <ul style="list-style-type: none"><li>- The site is completely covered by the Natural Assets Code including two waterways</li><li>- The site, apart from existing dwelling in the GRZ, appears to be completely covered in vegetation</li><li>- The <i>Break O'Day Land Use and Development Strategy 2015</i> (the Strategy) makes no mention of this site, but it is included within the Urban Growth Boundary (UGB).</li><li>- Draft LPS detailed that the RZ was appropriate given the surrounding land rural land to the south and west</li></ul>			

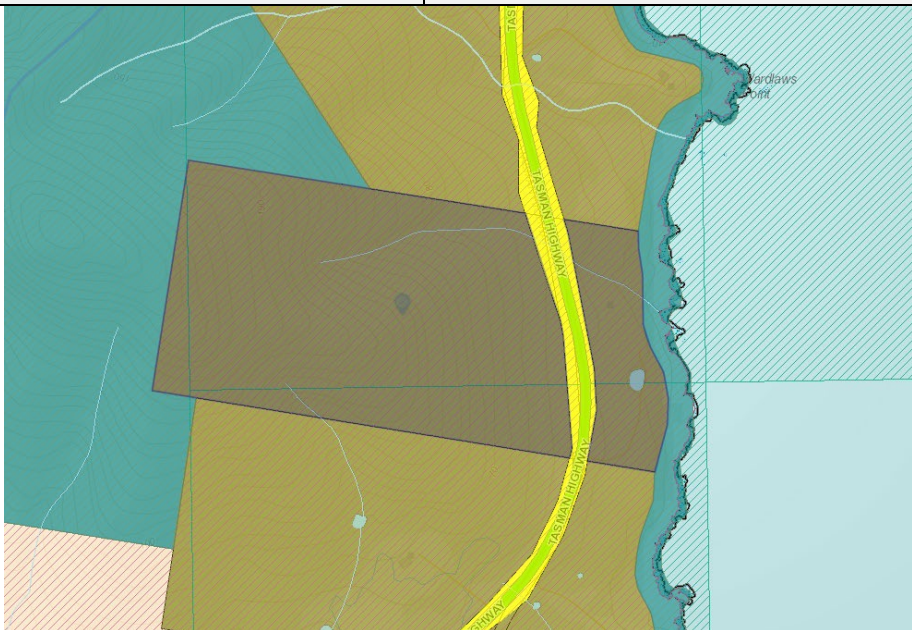
	<ul style="list-style-type: none"> <li>- RLZ would apply a spot zoning and allow for further development of the site. This would not represent a 'like for like' translation from the Interim Planning Scheme.</li> <li>- Other land in proximity to the site has been earmarked by the Strategy for long term Rural Living investigation areas. Given these references in the Strategy, coupled with the significant GRZ land that is undeveloped RLZ B is not supported.</li> </ul> <p>Zoning in draft LPS</p>  <p>Aerial Imagery</p>  <p>Natural Assets Code</p>  <p>Recommended action</p> <p>No modification to draft LPS</p>
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<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.	
<b>Representation No. 23</b>	<b>Name: Alan Richmond</b> <b>Address: 21088 Tasman Highway, Chain of Lagoons</b> <b>Title Reference: 30008/6</b> <b>PID: 7627367</b> <b>Land Area: 40.2 hectares</b> <b>IPS Zoning: Environmental Living</b>	
<b>Mapping Zoom Level 15</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning – Landscape Conservation Zone</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	 <p>Representor has raised the following matters:</p> <ul style="list-style-type: none"> <li>• Support the LCZ applied to his title;</li> <li>• LCZ should be applied to forested properties between Chain of Lagoons and St Marys;</li> <li>• Multiple dwellings and tourist accommodation should not be permitted within the LCZ;</li> </ul>	

	<ul style="list-style-type: none"> <li>• Retain prohibition of subdivision within 1km of the coastal high water mark to prevent ribbon development, urban sprawl and loss of vegetation and habitat;</li> <li>• Development should only occur in serviced areas;</li> <li>• Scenic Protection Code should extend to landscape values across the municipality;</li> <li>• Stormwater SAP requires improving to protect water quality and aquatic ecosystems;</li> <li>• Future Potential Production Forests land should be zoned Environmental Management Zone;</li> <li>• Landscape connectivity and wildlife corridors in farming land should be zoned LCZ;</li> <li>• Vast majority of private land within the LGA is proposed as Rural or Agricultural which allows intensive uses that do not require a planning permit. Forested areas should be zoned LCZ with emphasis on protecting landscape values.</li> </ul>			
<b>Planning Authority response</b>	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<p>Response:</p> <p>The representor has not identified parcels between Chain of Lagoons and St Marys that should be identified in the LCZ. This matter has been raised in other representations (Representation No. 81 for example) and where parcels identified, the matter has been addressed.</p> <p>Matters relating to subdivision within 1 km of the HWM, relate to subdivision provisions within the State Planning Provisions and do not form part of the draft LPS process.</p> <p>The mapping project for the Agricultural Zone excluded certain land use such as forestry in their analysis which was better suited to the Rural Zone as a strategically important naturally occurring resource. Accordingly FPPF land has been identified in the Rural Zone in the draft LPS. The application of the Rural Zone is in accordance with Guideline No. 1 RZ1, RZ2 and RZ3.</p> <p>Eight areas have been identified where Council require that development provides for adequate stormwater management (development standards). These areas have known issues associated with the provision of stormwater infrastructure and the SAP Stormwater provides development standards reflective of the Interim Planning Scheme. How stormwater is addressed through planning instruments, is a topic that will be considered further and will require comprehensive development and consideration. At such time, the representation provided, can be considered further in line with other developing policy initiatives in the state.</p> <p>The Use Standards and Development Standards for the Rural Zone and Agricultural Zone are matters contained within the SPP. Amendment of the</p>			


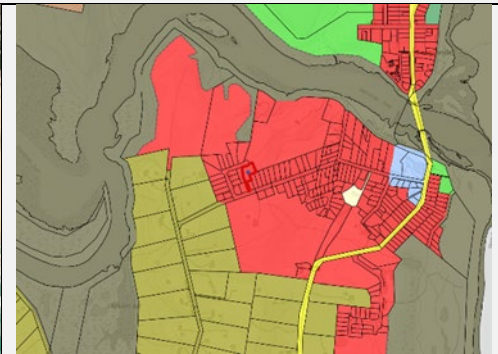
	SPP does not form part of this process. A blanket approach to rezoning all native forested areas to be zoned LCZ does not reflect sound planning principles. The protection afforded to native vegetation on Rural Land will require the Natural Assets Code to be considered. The protection afforded to native vegetation on both Rural Land and Agricultural land, can be considered in the form of restrictive covenants by the land holders. The identification and mapping of threatened vegetation communities is an ongoing strategic approach across the state.
<b>Recommended action</b>	No modification to the draft LPS
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

<b>Representation No. 24</b> <b>Related Representation – No 23</b>	<b>Name: Christine Hosking</b> <b>Address: 21088 Tasman Highway, Chain of Lagoons</b> <b>Title Reference: 30008/6</b> <b>PID: 7627367</b> <b>Land Area: 40.2 hectares</b> <b>IPS Zoning: Environmental Living</b>	
<b>Mapping Zoom Level 15</b>	<b>Site Location</b>	<b>Draft LPS Zoning</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	 <p>Representor has raised the following matters:</p> <ul style="list-style-type: none"> <li>• Multiple dwellings and tourist accommodation should not be permitted within the LCZ as it erodes scenic amenity;</li> <li>• Retain prohibition of subdivision within 1km of the coastal high water mark to prevent ribbon development, urban sprawl and loss of vegetation and habitat;</li> <li>• Development should only occur in serviced areas;</li> <li>• Scenic Protection Code should extend to landscape values across the municipality current mapping is minimalistic;</li> </ul>	

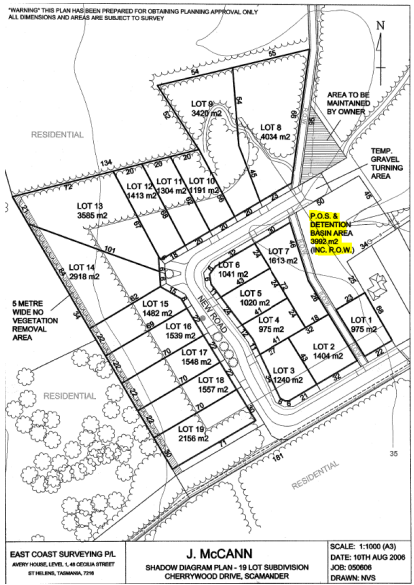
	<ul style="list-style-type: none"> <li>Stormwater SAP requires improving to protect water quality and aquatic ecosystems – reduce overall quantity and improve quality of urban stormwater flows to waterbodies; Council stormwater SAP will not achieve management of stormwater in relation to quality and quantity.</li> <li>Future Potential Production Forests land should be zoned Environmental Management Zone;</li> <li>Use classes within Rural Zone provide less protection to the LCZ. Land between Elephant Pass through to Nicholas Range around St Marys should be zoned LCZ;</li> <li>Landscape connectivity and wildlife corridors in farming land should be zoned LCZ – supportive of split zoning.</li> </ul>			
<b>Planning Authority response</b>	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<p>Response:</p> <p>The representor has not identified parcels between Elephant Pass and Nicholas Range that should be identified in the LCZ. This matter has been raised in other representations (Representation No. 81 for example) and where parcels identified, the matter has been addressed.</p> <p>Matters relating to subdivision within 1 km of the HWM, relate to subdivision provisions within the State Planning Provisions and do not form part of the draft LPS process.</p> <p>The mapping project for the Agricultural Zone excluded certain land use such as forestry in their analysis which was better suited to the Rural Zone as a strategically important naturally occurring resource. Accordingly FPPF land has been identified in the Rural Zone in the draft LPS. The application of the Rural Zone is in accordance with Guideline No. 1 RZ1, RZ2 and RZ3.</p> <p>Eight areas have been identified where Council require that development provides for adequate stormwater management (development standards). These areas have known issues associated with the provision of stormwater infrastructure and the SAP Stormwater provides development standards reflective of the Interim Planning Scheme. How stormwater is addressed through planning instruments, is a topic that will be considered further and will require comprehensive development and consideration. At such time, the representation provided, can be considered further in line with other developing policy initiatives in the state.</p> <p>The Use Standards and Development Standards for the Rural Zone and Agricultural Zone are matters contained within the SPP. Amendment of the SPP does not form part of this process. A blanket approach to rezoning all native forested areas to be zoned LCZ does not reflect sound planning principles. The protection afforded to native vegetation on Rural Land will require the Natural Assets Code to be considered. The protection afforded</p>			



	to native vegetation on both Rural Land and Agricultural land, can be considered in the form of restrictive covenants by the land holders. The identification and mapping of threatened vegetation communities is an ongoing strategic approach across the state.
<b>Recommended action</b>	No modification to the draft LPS.
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

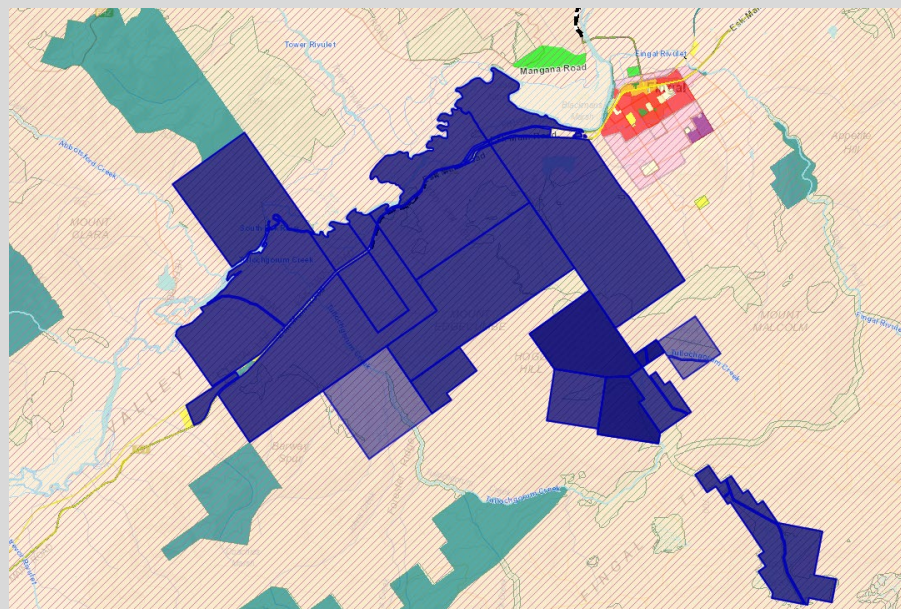
<b>Representation No. 25 Related Representation 6, 40, 81</b>	<b>Name: Nick Amse</b> <b>Address (CT Details): 12 Oberon Place, Scamander (156731/20)</b> <b>PID: 2948700</b> <b>Land Area: Approx. 0.3564981ha</b> <b>IPS Zoning: General Residential Zone</b>	
<b>Mapping</b>	 	
	<b>Site Location</b>	<b>Draft LPS Zoning – General Residential</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>To support the requested rezoning (<i>Open Space Zone</i>), the representation provides the following reasons:</p> <ul style="list-style-type: none"> <li>Folio Plan has labelled the property has 'Public Open Space'</li> <li>There is a watercourse situated on the property indicating that it would not be suitable for residential development. The watercourse connects up to the Scamander River and may pose issues around flooding especially during heavy rainfall events as vast amounts of water has been observed to cascade along this watercourse.</li> <li>Consistent with the Zoning Application guideline OSZ1 from the Section 8A Guideline no.1 document.</li> <li>Representor also makes the following suggestions for additions to the property: walkway, all properties adjoining the land should be fenced due to the large amount of wildlife residing within the area and introduce native flowering shrubs to both enhance the property and increase the bird population.</li> </ul>	
	<b>Consistency Overview:</b>	



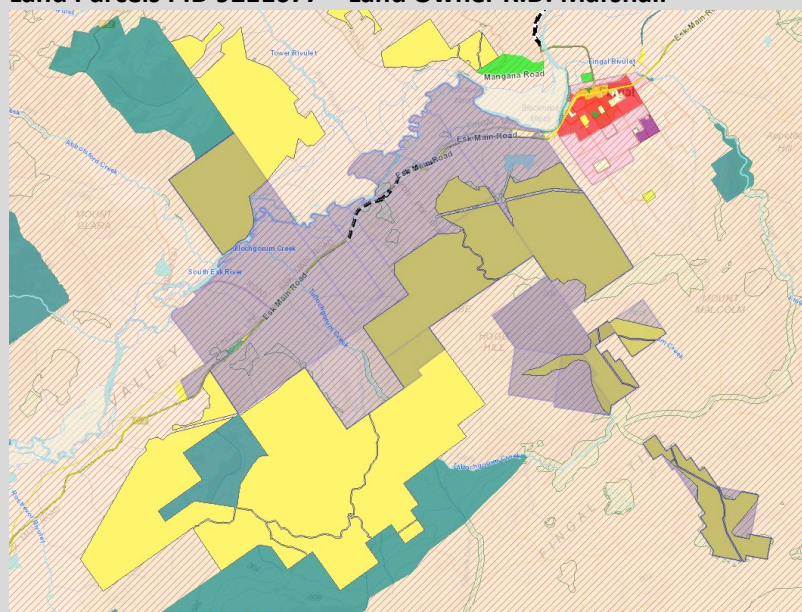
Planning Authority response	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input checked="" type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<p><b>Response:</b> Review Representation No. 6 for a detailed response regarding a requested application of the Open Space Zone to this particular property.</p> <p>Lot 20 was created as part of a 18 lot subdivision (DA146-2006). The approved subdivision was subject of a Memorandum of Consent prepared by the Resource Management and Planning Appeal Tribunal (RMPAT Ref: 218/06 S). Approval was for Lots 1 to 19, the road reserves and the detention basin area defined on the plan dated 10/08/2006.</p> <p>The 3567 m2 lot was approved as a public open space lot, with Council currently preparing a Management Plan for the lot. There is considerable community support for the public land and the draft management plan is exploring the management of the site in accordance with passive recreation and nature conservation values recognising portions of the land are disturbed.</p> <p>The site is recommended to transition to the Open Space Zone and satisfies the recommendation of OSZ1 and OSZ3 of Guideline No. 1</p>			
	 <p style="text-align: center;"><b>Approved Plan</b></p>			
Recommended action	Recommended modification to draft LPS; <ul style="list-style-type: none"> <li>Apply Open Space Zone to CT 156731/20</li> </ul>			
Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34 (2) of LUPAA is maintained.			
Representation No. 26	Name: Robert D. Marshall Address: Tullochgorum Property 4529 Esk Main Road, Fingal Title Reference: Various			

**Related Representation  
No. 70 Item 16.**

**PID: Various  
Land Area: Various  
IPS Zoning: Rural Resource**



**Land Parcels PID 9211677 – Land Owner R.D. Marshall**



**Demonstrating the allocation of Conservation Covenants**

**Titles to which the Representation relates:**

PID	Title Reference	Draft LPS Zone
9211677	174308/1	Agriculture
9211677	181574/2	Agriculture
9211677	121908/1	Agriculture
9211677	103393/4	Agriculture
9211677	121908/2	Rural
9211677	247136/4	Rural
9211677	211236/2	Rural

9211677	211231/1	Rural
9211677	211217/1	Rural
9211677	211218/1	Rural
9211677	247136/3	Rural
9211677	247136/1	Rural

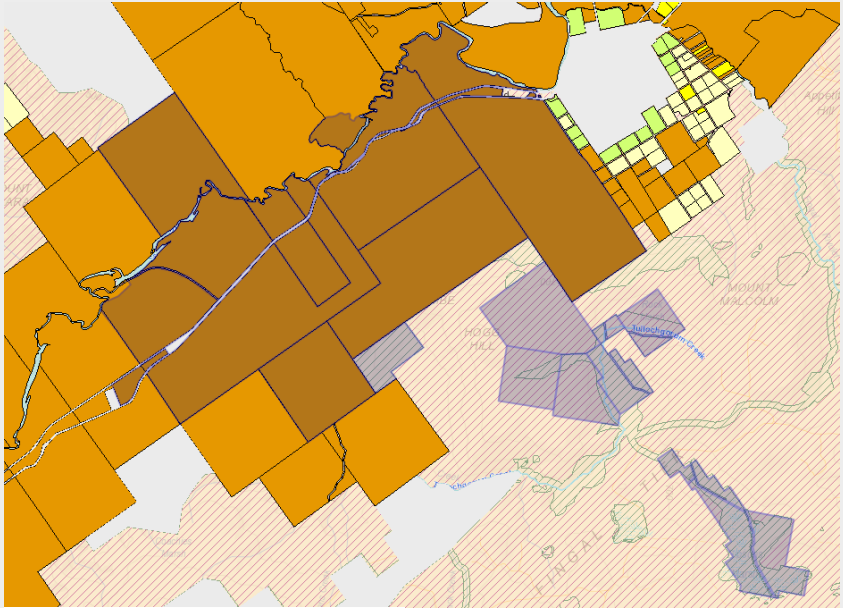
  

<b>Mapping Zoom Level 15</b>		
	<b>Site Location – see above</b>	<b>Draft LPS Zoning – see above</b>

<b>Matter(s) raised in the representation (including property information details where applicable)</b>	Representor has raised the following matters: Landholder does not give permission to change the zoning of land supporting conservation covenants to Landscape Conservation. The landholder has advised that sheep/forestry are managed on all land parcels.			
<b>Planning Authority response</b>	<b>Consistency Overview:</b>			
	NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy	<input checked="" type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response: Titles also include Private Timber Reserve; Conservation Covenants across the titles; All titles, except southern titles, have been identified as unconstrained land potentially suitable for Agriculture Zone.			

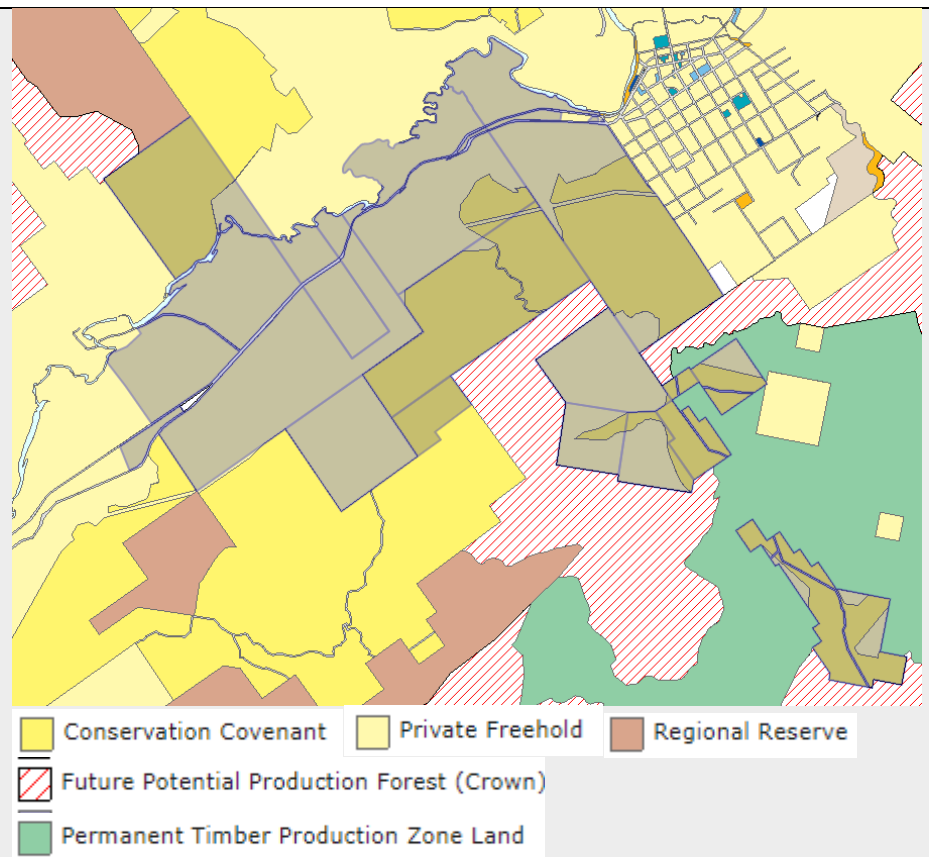
  



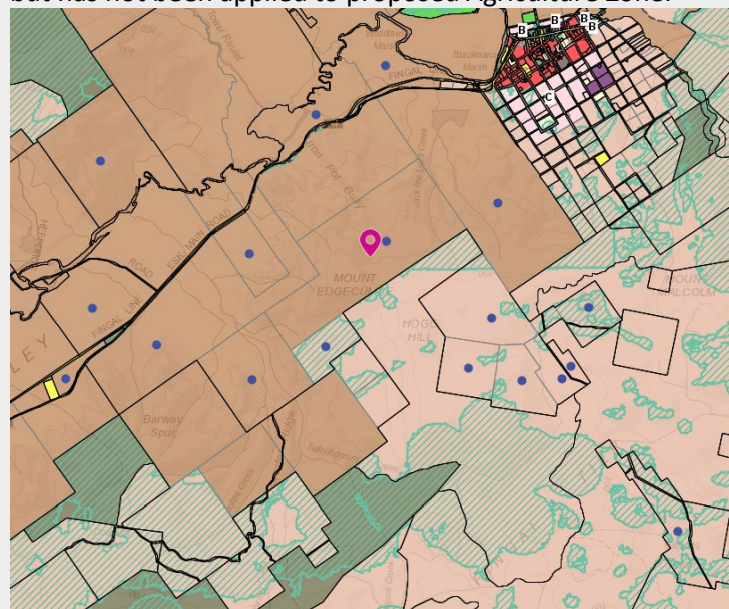
**Land Potentially Suitable for Agriculture Zone**      **Potentially Unconstrained**

The conservation covenant affects all titles to varying degrees (12% - 100%).

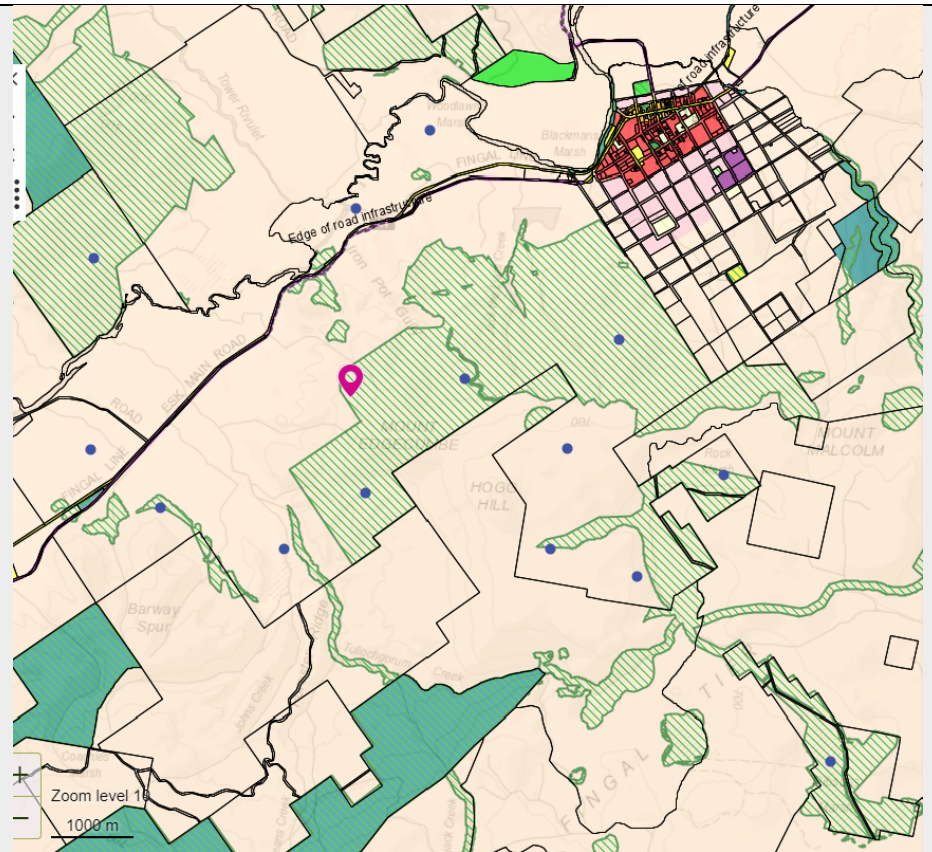




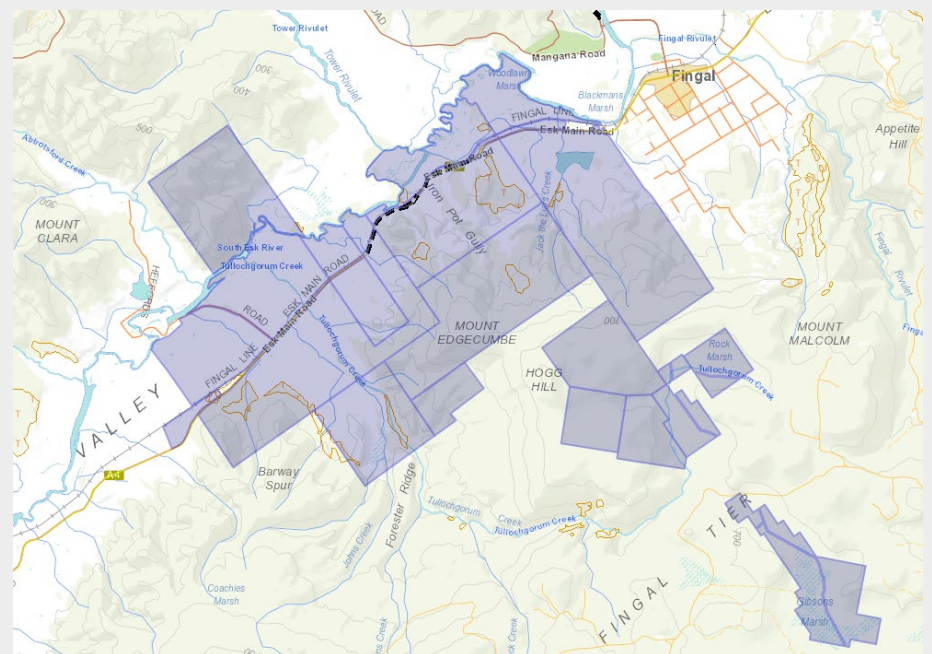
The Conservation Covenant area includes mapped Priority Vegetation Area but has not been applied to proposed Agriculture Zone.



IPS mapping further identifies existing mapped Priority Habitat.





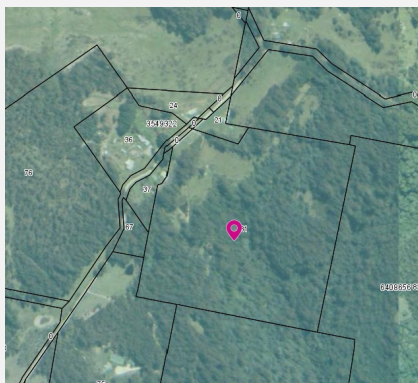
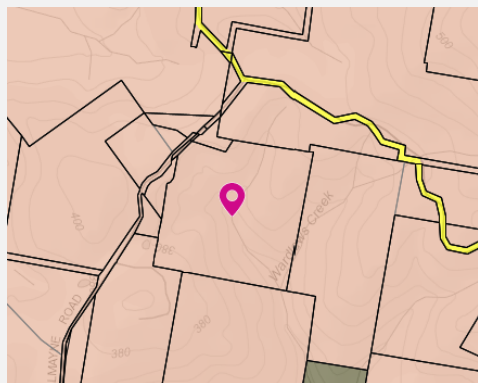
The restrictive covenant documents have identified CAR Values as they relate to the titles. Titles affected by Threatened Vegetation Communities mapping is demonstrated below.



TNVC 2020 14 &amp; 15

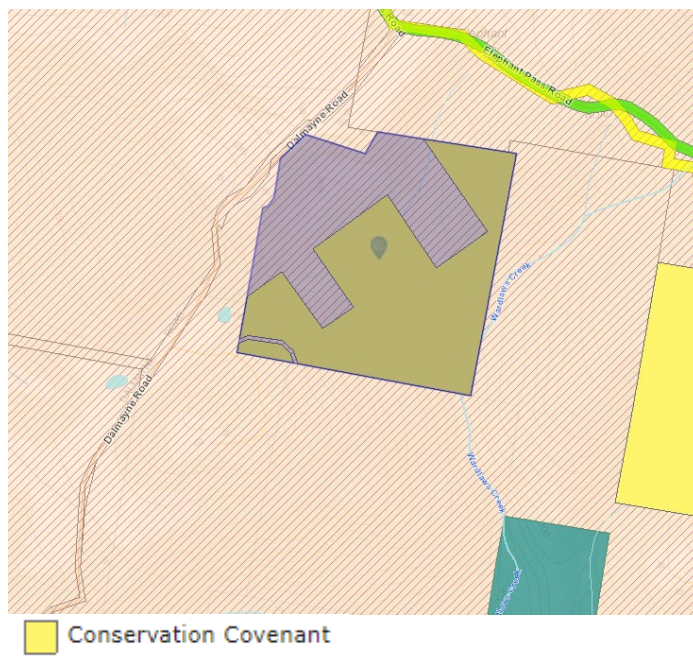


	<p>  14 -Eucalyptus amygdalina forest and woodland on sandstone         </p> <p>  15 - Eucalyptus amygdalina inland forest and woodland on cainozoic deposits         </p> <p>The proposed zoning is Agriculture Zone with the southern-most title zoned as Rural Zone. The restrictive covenant applies regardless of the zoning. The Landscape Values have not been identified.</p> <p>It is recommended all parcels be retained within the Agriculture Zone as restrictive covenant applies regardless of the zoning.</p>
<b>Recommended action</b>	No modification to the Draft LPS.
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole as the landowner is supportive of the recommended change.

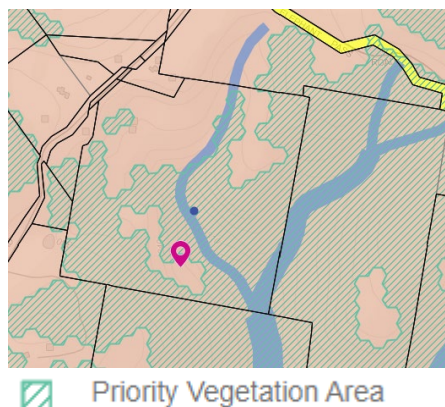
<b>Representation No. 27</b> <b>Related Representation No. 70 Item 13</b>	<b>Name: Rebecca Maier</b> <b>Address: 31 Dalmayne Road, Gray</b> <b>Title Reference: 51295/1</b> <b>PID: 7720238</b> <b>Land Area: 20 ha</b> <b>IPS Zoning: Rural Resource Zone</b>			
<b>Mapping Zoom Level 15</b>				
	<b>Site Location</b>		<b>Draft LPS Zoning – Rural Zone</b>	
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	Representor has raised the following matters: The title should be zoned Landscape Conservation Zone due to covenanted property.			
<b>Planning Authority response</b>	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response: The representer is a part owner of the title.			

Title 51295/1 is identified as 'unconstrained' land potentially suitable for Agriculture Zone. As detailed in the draft LPS, given the topography of the land and the environmental values, the Rural Zone is considered to be a more appropriate zone than the Agriculture Zone.

The title is affected by a Conservation Covenant (60%).



The Conservation Covenant area includes land mapped for Priority Vegetation area.


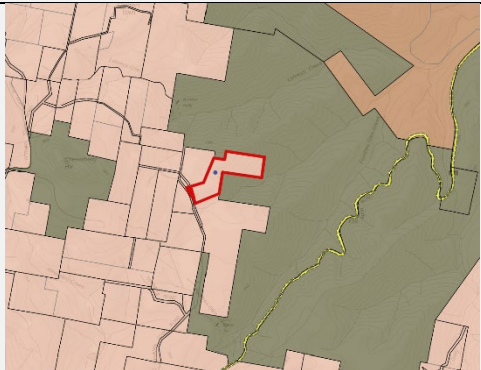


The site does not support mapped threatened native vegetation communities.

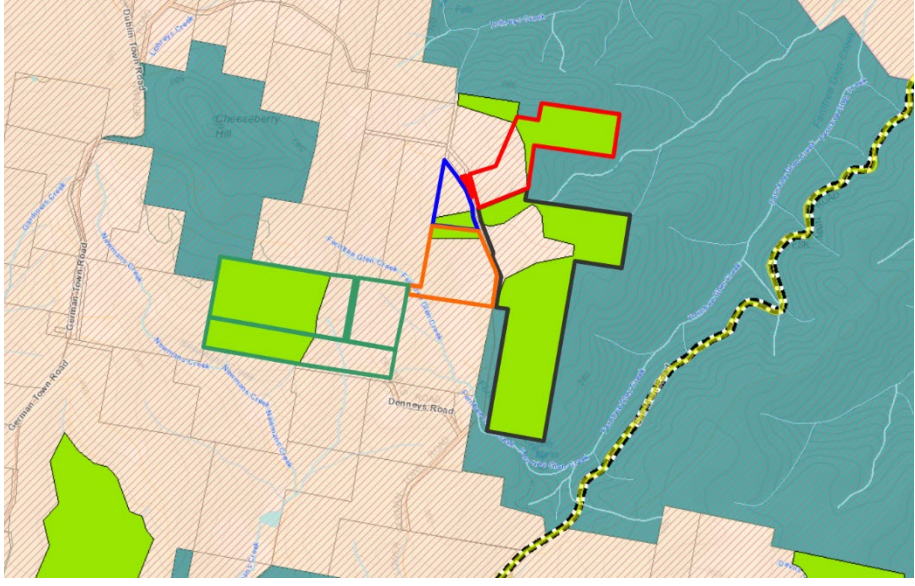
The proposed zoning is Rural Zone and the covenant and the restrictions contained in them, apply regardless of the zoning. The Landscape Values have not been identified.

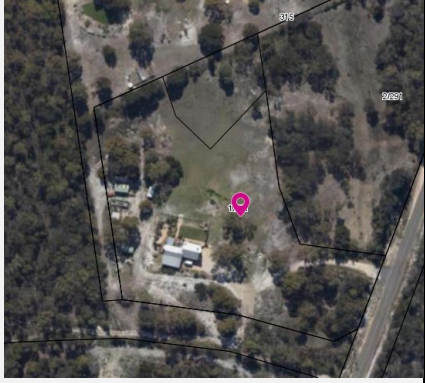
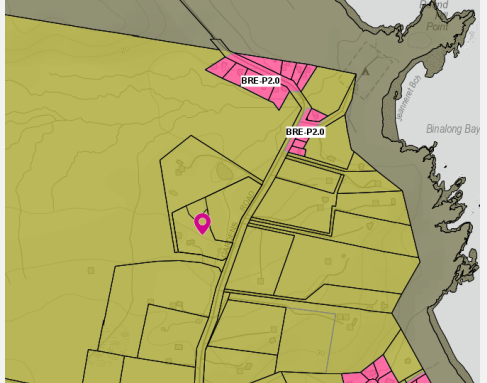
It is recommended the land parcel is retained in the Rural Zone, which recognises land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area in accordance with RZ1 and RZ2 of Guideline 1.

	The retention of Rural Zone within the Draft LPS for the sites, will allow the landholder to consider a range of land uses whilst also ensuring priority vegetation mapping is considered in the application of the Natural Assets Code for any future use or development.
<b>Recommended action</b>	No modification to the draft LPS
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole as the landowner is supportive of the recommended change.


<b>Representation No. 28</b> <b>Related Representation: 70 (7)</b>	<b>Name:</b> Esther Field and Kaylen Jorgensen <b>Address (CT Details):</b> 224 Lower German Town Road, St Marys (142906/4) <b>PID:</b> 2563894 <b>Land Area:</b> 11.8ha <b>IPS Zoning:</b> Rural Resource		
<b>Mapping</b>	 	<b>Site Location</b>	<b>Draft LPS Zoning – Rural Zone</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>To support the requested rezoning (<i>Landscape Conservation Zone</i>), the representation provides the following reasons:</p> <ul style="list-style-type: none"> <li>Property adjoins the St Marys Pass State Reserve.</li> <li>Approximately 7.4ha or 63% of the property is reserved under a conservation covenant/private reserve) in order to protect native flora and fauna. The property is also in close proximity other known protected areas (46.5ha Cheeseberry Hill Conservation Area) and other properties which are also subject to a conservation covenants/private nature reserves.</li> <li>Representor asserts that there is no opportunity for commercial agricultural activities to occur on the property and there are no plans to initiate this land use in future.</li> <li>Believes that rezoning properties situated in the Lower German Town Road area and within the Grey locality to the landscape Conservation Zone would be beneficial the area. Specifically, offering protection to the unique ecological biodiversity in the area and providing important connectivity as a wildlife corridor into the future.</li> <li>The representor notes that Conservation Landholders Tasmania has also put forth a case for their property to be rezoned to the Landscape Conservation Zone.</li> <li>Sightings of threatened native fauna species on the including: Spotted-Tailed Quoll, Eastern Quoll, Tasmanian Devil and the Blind Velvet Worm. The representor asserts that they can substantiate these sightings.</li> <li>Application of the requested Landscape Conservation Zone to the property aligns with the Section 8A Guideline no.1 document provided by the Tasmanian Planning Commission.</li> </ul>		
<b>Planning Authority response</b>	<b>Consistency Overview:</b> NTRLUS <input checked="" type="checkbox"/> Local Strategy / Policy <input type="checkbox"/>		



	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<p><b>Response:</b>  Review Representation No. 5 for a detailed response regarding a requested application of the Landscape Conservation Zone. Please note that the property specified within Representation No.5 directly adjoins 225 Lower German Town Road and is in close proximity to 203 Lower German Town Road.</p> <p>Furthermore, the property demonstrates identical features (e.g. aforementioned properties are subject to the same LIST Layers) however the property within this representation is not subject to any of the developed criteria for the LIST Maps 'Land Potentially Suitable for Agriculture Zone' layer.</p>  <p>Please see Representation 1, 5, 9, 31 for the locational context of the other four properties. Additionally, please review Rep No. 70 Item 7, related to the Conservation Landholders Tasmania representation.</p> <p>The Break O'Day Council has applied the following assessment when determining a zone modification to Landscape Conservation Zone:</p> <ul style="list-style-type: none"> <li>• Able to achieve connectivity to land zoned Environmental Management or Landscape Conservation;</li> <li>• Existing conservation covenant affecting the majority of the title;</li> <li>• Landowner consent provided or able to be provided;</li> <li>• Satisfies LCZ1, LCZ2 and LCZ3</li> </ul> <p>The subject title satisfies this assessment criteria.</p> <p>It is recommended the title(s) transition to Landscape Conservation Zone.</p>			
<b>Recommended action</b>	Recommended modification to draft LPS; <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT142906/4</li> </ul>			
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34 (2) of LUPAA is maintained.			

<b>Representation No. 29</b>	<b>Name:</b> Tayler Paulsen <b>Address (CT Details):</b> 1/291 Gardens Road <b>PID:</b> 9848460 CT 178238/1 <b>Land Area:</b> 1.156 ha <b>IPS Zoning:</b> Environmental Living Zone (ELZ)	
<b>Mapping Zoom Level 15</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning – Landscape Conservation Zone</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>Representation raised the following matters:</p> <p><b>Landscape Conservation Zone</b></p> <ul style="list-style-type: none"> <li>- That the Landscape Conservation Zone (LCZ) has been incorrectly applied to the land.</li> <li>- That the land should be zoned Low Density Residential Zone (LDRZ)</li> <li>- That the Particular Purpose Zone – Coastal Land (PPZ) is excessively broad with its application; and that</li> <li>- That the application of the PPZ is not consistent with Section 32(4) of the Act; and that</li> <li>- A view [by Council] that the State Planning Provisions (SPPs) are not appropriate for the area is not considered [by the representor] to be an adequate reason for a PPZ and does not deliver a planning outcome consistent with the Act.</li> <li>- That the application of the LCZ to land within coastal settlements causes applications for a residential use (i.e. a single dwelling) to be discretionary.</li> <li>- That small coastal enclaves and communities where the LCZ has been changed from the Environmental Living Zone (EMZ) under the Interim Planning Scheme to the LCZ in the draft Local Provisions Schedule (LPS) incorrectly applies the SPPs</li> <li>- That there are other provisions and legislated protections in the planning and building system that mitigate unsustainable coastal development and that the LCZ as a control measure for sustainable development is unnecessary and draconian</li> <li>- That the application of the LCZ and the PPZ is inconsistent with State Government policy to stimulate economic development</li> <li>- That the Gardens Road, Jeaneret Beach and Lyall Road are already defined as residential areas characterised by mixed size of titles and residential homes and accommodation.</li> <li>- That the LCZ should not be applied to land where the priority is for residential use and development per LCZ4 of the Section 8A <i>Guidelines</i></li> </ul>	



	<ul style="list-style-type: none"><li>- That Council has allowed dwellings to be approved and constructed in the Gardens road area whilst the IPS has been in effect.</li><li>- That zoning has been inconsistently applied in LPS through the Binalong Bay area.</li><li>- Disagrees with Council’s reasoning that <u>not</u> applying the LDRZ is to be consistent with the Northern Tasmanian Regional Land Use Strategy; and that</li><li>- The Strategy provides no strategy with regard to preservation of such lands for their scenic, topographic or natural values</li><li>- That the application of the PPZ is not consistent with the Tasmanian Government’s policy and messaging for a faster, fairer, simpler and cheaper planning system.</li><li>- That it is acknowledged and appreciated that the Council planners and elected members have invested a significant amount of resources into preparing the LPS.</li></ul>  <p><i>Figure: Draft LPS map showing the representor’s land, Landscape Conservation Zone, the priority vegetation overlay and waterway and coastal protection overlay and Future Coastal Refugia Area.</i></p>			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response:			
	<b>Landscape Conservation Zone</b> <ul style="list-style-type: none"><li>- The application of the LCZ to the land at 1/291 Gardens Road, Binalong Bay is entirely consistent with how the zone has been applied across the Local Government Area.</li><li>- The land, and the adjoining land, is in the Priority Vegetation Overlay, Scenic Road Corridor and Bushfire Prone Area Overlay under the draft LPS.</li></ul>			

	<ul style="list-style-type: none"> <li>- The land and surrounding land contains a significant amount of native vegetation and provides habitat for threatened flora and fauna species.</li> <li>- It is acknowledged that the land and the adjoining area contains many dwellings, shacks and visitor accommodation places which have been largely constructed over the past 50 years.</li> <li>- The bushland and natural values of the area provide the dominant character of this area.</li> <li>- The land, under the IPS, was zoned as the Environmental Living Zone. Per the Part 2.2.2.3 Purposes and Objectives of the IPS this provided the "Protection of natural assets is through the Environmental Management Zone and the Environmental Living Zone provisions. There are also supporting codes, Scenic Management, Biodiversity Code, Coastal Code and Water Quality Code."</li> <li>- The purpose of the Environmental Living Zone, under the IPS, was per the Part 14.1 Zone Purpose Statements "To provide for residential use or development in areas where existing natural and landscape values are to be retained. This may include areas not suitable or needed for resource development or agriculture and characterized by native vegetation cover, and where services are limited and residential amenity may be impacted on by nearby or adjacent rural activities" and "To provide for a mix of low impact activities that is sensitive to the natural environment". The standards of this zone prioritised the natural values of the area and limiting impact on the natural and landscape values of the land; and accordingly</li> <li>- The Planning Authority (and the Council) has not previously or otherwise strategically prioritised this land or the surrounding land for residential use; and although the Planning Authority has permitted dwellings in this area under the Environmental Living Zone (and previous zones under previous planning schemes) there remains limited infrastructure in the area. There is no water, sewer, footpaths, Council maintained parks or other residential type amenities that imply or otherwise guide residential development in this area.</li> <li>- The LCZ is appropriate for this land and is consistent and otherwise compliant with LCZ 1 and LCZ 2 (b), LCZ 3, LCZ 4. It should be noted that <i>St Helens Structure Plan</i> specifies no further subdivision of The Gardens.</li> <li>- The LCZ is appropriate for this land and the application of the zone in the draft LPS is consistent (and otherwise compliant) with LCZ 1 and LCZ 2 (b), LCZ 3, LCZ 4 of the Section 8A Guidelines.</li> <li>- It is noted that a dwelling remains a discretionary use in the zone and that the zone provides a suite of standards together with the other relevant codes that would be used to both guide and assess an application for a residential use in the zone.</li> <li>- With regard to subdivision of land within 1km of the high water mark. The residential type zones such as the LDRZ, General Residential Zone and the Rural Living Zone will allow for further subdivision of the land (for residential use) where compliant with the standards for lot size and other standards in the zone (and applicable codes) are met. These residential type zones have only been applied to existing settlements on a 'like for like' basis as a translation from the Interim Planning Scheme. This is consistent with the Section 8A Guidelines.</li> </ul>
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	It should be noted that the application of the LCZ, EMZ, Rural Zone and Agriculture Zone to lands outside of the settlements and within 1km of the coastal high water mark is consistent, as far as practical, with the policy and standards of the Interim Planning Scheme. These zones do not prioritise residential development. These zones discourage 'ribbon development' along the coastline.
<b>Recommended action</b>	No modification to the draft LPS
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

<b>Representation No. 30</b>	<b>Name:</b> Beris Hansberry <b>Address (CT Details):</b> Various <b>PID:</b> Various <b>Land Area:</b> Various <b>IPS Zoning:</b> Various				
<b>Mapping Zoom Level 15</b>					
	<b>Site Location</b>		<b>Draft LPS Zoning</b>		
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	Representation raised the following matters: <b>Landscape Conservation Zone</b> <ul style="list-style-type: none"><li>- Council should retain the prohibition on subdivision within 1km of the coastal high water mark.</li><li>- Strata development and multiple dwelling development should not be allowed in the Landscape Conservation Zone (LCZ) or outside of serviced areas.</li></ul> <b>Scenic Protection Code</b> <ul style="list-style-type: none"><li>- The scenic protection code should be further extended and applied to land other than just road corridors.</li></ul> <b>Environmental Management Zone</b> <ul style="list-style-type: none"><li>- Council should support the Future Potential Production Forests as Environmental Management Zone (EMZ), as identified by the Tasmanian Forestry Agreement as having important environmental values needing protection for threatened species. At the time Forestry Tasmania and the Tasmanian Government agreed to this evaluation and have not yet withdrawn their approval of this decision. Council should be proud to have such values under its control and act accordingly.</li></ul> <b>General Comments</b> <ul style="list-style-type: none"><li>- Stormwater from settlements and discharge to natural waterways requires better management. The Stormwater Specific Area Plan does not achieve adequate management.</li><li>- Council should ensure the Priority Vegetation Overlay is more comprehensive and allows for wildlife corridors, biodiversity and habitat.</li></ul>				
<b>Planning Authority response</b>	Consistency Overview:				
	NTRLUS		<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1		<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes		<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>

Response:

**Landscape Conservation Zone**

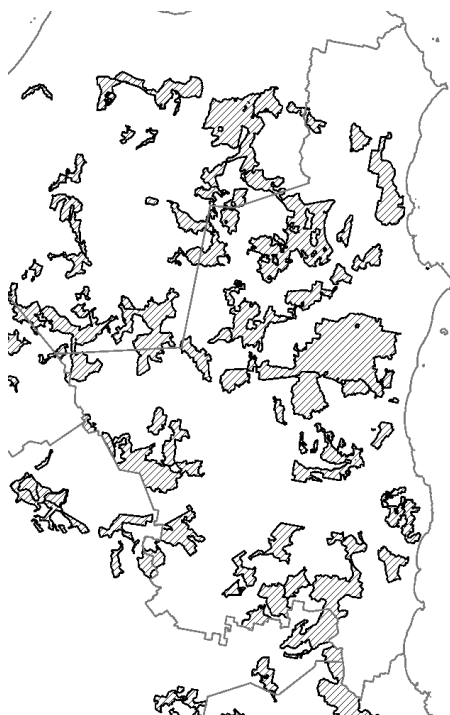
- With regard to subdivision of land within 1km of the high water mark. The residential type zones such as the Low Density Residential Zone (LDRZ), General Residential Zone (GRZ) and the Rural Living Zone (RLZ) will allow for further subdivision of the land (for residential use) where compliant with the standards for lot size and other standards in the zone (and applicable codes) are met. These residential type zones have only been applied to existing settlements on a 'like for like' basis as a translation from the Interim Planning Scheme. This is consistent with the Section 8A Guidelines.
- It should be noted that the application of the LCZ, EMZ, Rural Zone (RZ) and Agriculture Zone (AZ) to lands outside of the settlements and within 1km of the coastal high water mark is consistent, as far as practical, with the policy and standards of the Interim Scheme. These zones do not prioritise residential development. These zones discourage 'ribbon development' along the coastline.
- The LPS process does not relate to the function and application of the *Strata Titles Act 1998*.

**Scenic Protection Code**

- The Scenic Management – Tourist Road Corridor, has been transitioned from the interim planning scheme to the draft LPS as per Schedule 6 Clause 8D(2) is a translation of the provisions of the Interim Scheme.

**Environmental Management Zone**

- The Section 8A Guidelines do not provide scope for the application of the LCZ or EMZ to Future Potential Production Forest.


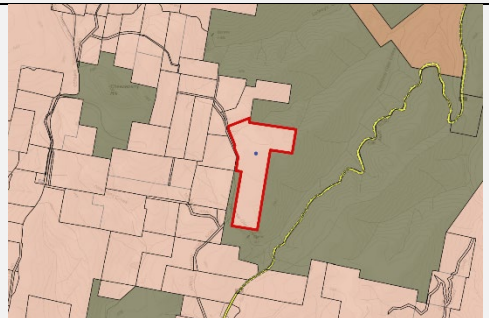


*Figure: Future Potential Production Forest (in hatched areas)*

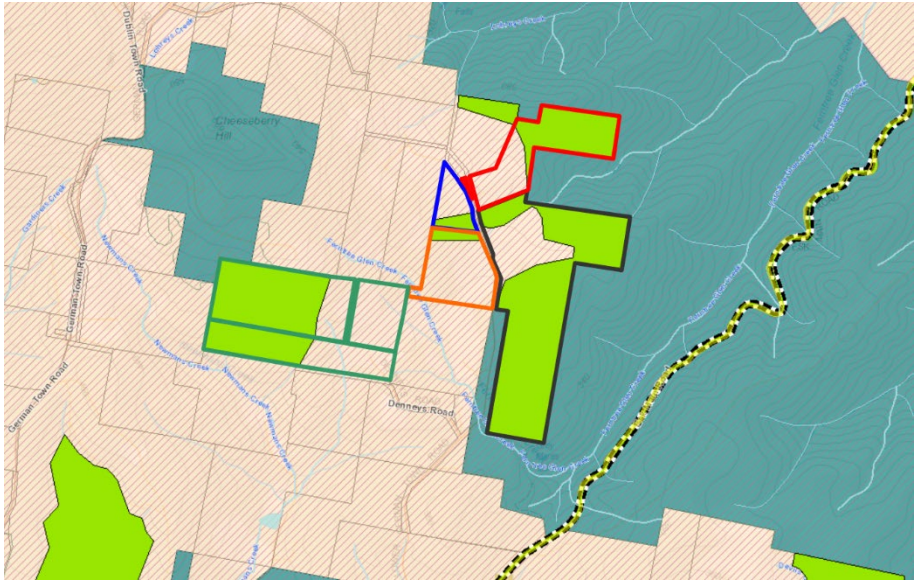
**General Comments**

- The Planning Authority acknowledge the standards and provisions relating to the management and treatment of stormwater in the SPPs are not as adequate or comprehensive (or clear) as those provided in

	<p>the Interim Scheme. Council has drafted a Stormwater Specific Area Plan to further the objectives of the Act and to better address stormwater management in key areas.</p> <p>The Priority Vegetation Overlay, under the Natural Assets Code, has been applied consistently across the Local Government Area and across the State of Tasmania. The Planning Authority may modify the mapping to guide development strategically or where new information or field verification is provided to correct any anomalies or errors in the mapping. Further refinement of the mapping or other modifications may occur from time to time through future planning scheme amendments.</p>
<b>Recommended action</b>	No modification to the draft LPS
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

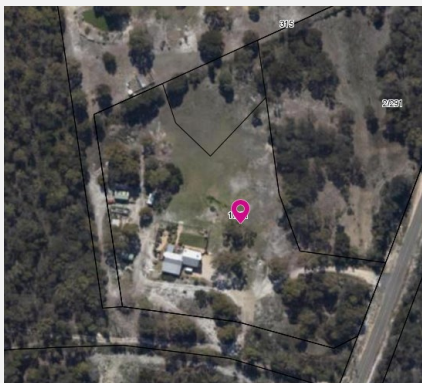
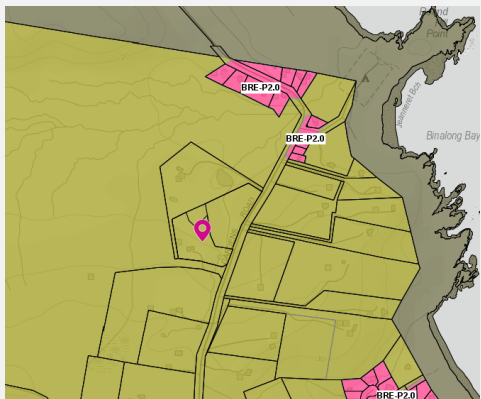
<b>Representation No. 31</b>	<b>Name:</b> Chris Barron <b>Address (CT Details):</b> Lot 5 Lower German Town Road (142906/5) <b>PID:</b> 2563907 <b>Land Area:</b> 339352.745m <sup>2</sup> <b>IPS Zoning:</b> Rural Resource						
<b>Mapping</b>							
	<b>Site Location</b>	<b>Draft LPS Zoning - Rural</b>					
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	To support the requested rezoning ( <u>Landscape Conservation Zone</u> ), the representation provides the following reasons: <ul style="list-style-type: none"><li>Property contains a significant proportion of the Lower German Town Road St Marys Reserve #5 which is protected by a conservation covenant and has therefore been identified by both State and Commonwealth Governments for protection and conservation of the biodiversity it contains.</li><li>The non-covenanted land on the property which notably contains a dwelling is not appropriate for and is not used for any agricultural activities.</li><li>Five adjoining Lower German Town Road St Marys Reserves including the representors, have a combined area covering 59% of the total area from the five titles. The representor's property in addition to Reserve #3 and #4 adjoin the 361ha St Marys Pass State Reserve possessing the Environmental Management Zone.</li><li>Conservation Landholders Tasmania have presented a detailed case for rezoning the five adjoining properties to the requested Landscape Conservation Zone based upon zoning application guidelines LCZ1 and RZ1.</li><li>Representor notes that the Landscape Conservation Zone has been applied to similar clusters of non-reserved titles to the east and south east of St Marys.</li><li>Representor expresses their support for Conservation Landholders Tasmania's case to rezone the five properties which includes their property.</li></ul>						
	<b>Planning Authority response</b>	<b>Consistency Overview:</b> <table><tr><td>NTRLUS</td><td><input type="checkbox"/></td><td>Local Strategy / Policy</td><td><input type="checkbox"/></td></tr></table>			NTRLUS	<input type="checkbox"/>	Local Strategy / Policy
NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>				




	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<p><b>Response:</b></p> <p>Review Representation No. 5 for a detailed response regarding a requested application of the Landscape Conservation Zone. Please note that the property specified within Representation No.28 directly adjoins the representor's property (Lot 5 Lower German Town Road) and is in close proximity to 203 Lower German Town Road.</p> <p>Furthermore, the property demonstrates identical features (e.g. aforementioned properties are subject to the same LIST Layers such as 'Tasmanian Reserve Estate') but the representor's property is only subject to classification 5 ('Land unsuited to cropping and with slight to moderate limitations to pastoral use) as seen within the 'Land Capability' layer on LIST.</p>  <p>Please see Representation 1, 5, 9, 28 for the locational context of the other four properties. Additionally, please review Rep No. 70 Item 7, related to the Conservation Landholders Tasmania representation</p> <p>The Break O'Day Council has applied the following assessment when determining a zone modification to Landscape Conservation Zone:</p> <ul style="list-style-type: none"> <li>• Able to achieve connectivity to land zoned Environmental Management or Landscape Conservation;</li> <li>• Existing conservation covenant affecting the majority of the title;</li> <li>• Landowner consent provided or able to be provided;</li> <li>• Satisfies LCZ1, LCZ2 and LCZ3</li> </ul> <p>The subject title satisfies this assessment criteria.</p> <p>It is recommended the title(s) transition to Landscape Conservation Zone.</p>			
<b>Recommended action</b>	<p>Recommended modification to draft LPS;</p> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT142906/5</li> </ul>			
<b>Effect of recommendation on the draft LPS</b>	<p>The Planning Authority recommendation has no impact on implementing the draft LPS as a whole as the landowner is supportive of the recommended change.</p>			

<b>Representation No. 32</b>	<b>Name:</b> David Rann <b>Address (CT Details):</b> Various <b>PID:</b> Various <b>Land Area:</b> Various <b>IPS Zoning:</b> Various														
<b>Mapping Zoom Level 15</b>															
	<b>Site Location</b>	<b>Draft LPS Zoning</b>													
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	Representation raised the following matters: <b>Rural Living Zone</b> <ul style="list-style-type: none"> <li>- That there is insufficient Rural Living Zone land in the St Helens surrounding area.</li> <li>- That the representor has been seeking land in the Rural Living Zone for the past two (2) years to run a small agricultural fertiliser business and live on the site.</li> <li>- That areas of Environmental Living Zone should be translated to the Rural Living Zone;</li> </ul> <b>Landscape Conservation Zone</b> <ul style="list-style-type: none"> <li>- The Landscape Conservation Zone is not a replacement zone for the Environmental Living Zone.</li> <li>- That an application for a permit may be required to graze livestock in the Landscape Conservation Zone.             <ul style="list-style-type: none"> <li>• That if the representor cannot find suitable land to run the business then the representor may look beyond the boundaries of the Break O'Day LGA.</li> </ul> </li> </ul>														
<b>Planning Authority response</b>	Consistency Overview: <table border="1" data-bbox="459 1093 1394 1281"> <tr> <td>NTRLUS</td><td><input type="checkbox"/></td><td>Local Strategy / Policy</td><td><input type="checkbox"/></td></tr> <tr> <td>Section 8A Guideline No.1</td><td><input type="checkbox"/></td><td>Relate to the drafting / content of the SPP?</td><td><input type="checkbox"/></td></tr> <tr> <td>TPC Practice Notes</td><td><input type="checkbox"/></td><td>Reflect a like for like conversion of the IPS?</td><td><input type="checkbox"/></td></tr> </table>			NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>												
Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>												
TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>												
	Response: <b>Landscape Conservation Zone</b> <ul style="list-style-type: none"> <li>- TPC direction was to transition Environmental Living Zone (ELZ) to the Landscape Conservation Zone (LCZ) and create a Particular Purpose Zone (PPZ) for some coastal settlements in unique areas. The PPZ has been applied to sites currently within the ELZ with limited services, the lots are generally small clusters of lots with an area less than 4,000m<sup>2</sup>, supporting residential uses and located in areas with scenic and natural values.</li> <li>- Applying to Rural Living Zone (RLZ) to lots in the ELZ would gift development rights to landowners and has the potential to alter the existing character of these coastal areas.</li> <li>- The interim scheme includes a provision prohibiting subdivision within 1km of the High Water Mark. By applying the LCZ this supports the like-for-like transition of the interim scheme to the LPS. Further, ELZ (acceptable solution) minimum lot size is 20ha which more closely aligns with the LCZ standards. The RLZ would allow further subdivision even if the maximum lot size classification RLZ D (10ha) is applied.</li> <li>- In other municipal areas where the ELZ has been applied on the periphery of urban areas as a transitioning zone between rural and agricultural land and low density residential and urban areas it makes</li> </ul>														

	<p>logical sense to replace the ELZ with the RLZ. This is not the case within Break O' Day as the ELZ is applied to areas with environmental/scenic value that are often isolated from rural and residential areas.</p> <ul style="list-style-type: none"> <li>- LCZ use standards align more closely with those in the ELZ than the RLZ</li> <li>- Residential development still allowed in LCZ. These sites need to be managed in an appropriate manner</li> <li>- The application of the LCZ is consistent with the LCZ 1 and LCZ 2 of the Guidelines</li> <li>- In regard to the representor's particular circumstances, it is advised that: <ul style="list-style-type: none"> <li>o LCZ allows for a single dwelling as permitted (where located on a building area on a sealed plan) or discretionary</li> <li>o Resource Development (i.e grazing or other agricultural use) is discretionary in the LCZ</li> <li>o A home-based business is a permitted use in the LCZ where associated with a dwelling</li> </ul> </li> </ul> <p>The representor should discuss the details further with the Council Planning Department or seek the services of a consultant planner to provide further advice and guidance on land suitable for the business and dwelling.</p>
<b>Recommended action</b>	No modification to the draft LPS
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

<b>Representation No. 33</b> <b>Related representation No. 29</b>	<p><b>Name:</b> Peter Paulson  <b>Address (CT Details):</b> Unit 1, 291 Gardens Road, Binalong Bay  <b>PID:</b> 9848460 and various other properties  <b>Land Area:</b> Part of strata corporation area 2.6ha (approx.) and Various other properties  <b>IPS Zoning:</b> Environmental Living Zone and Various other properties</p>	
<b>Mapping</b> <b>Zoom Level 15</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning – Landscape Conservation Zone</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>Representation raised the following matters:</p> <p><b>Landscape Conservation Zone</b></p> <ul style="list-style-type: none"> <li>- That the Landscape Conservation Zone (LCZ) has been incorrectly applied to the land.</li> <li>- That the land should be zoned Low Density Residential Zone (LDRZ)</li> </ul>	

	<ul style="list-style-type: none"> <li>- That the Particular Purpose Zone – Coastal Land (PPZ) is excessively broad with its application; and that</li> <li>- That the application of the PPZ is not consistent with Section 32(4) of the Act; and that</li> <li>- A view [by Council] that the State Planning Provisions (SPPs) are not appropriate for the area is not considered [by the representor] to be an adequate reason for a PPZ and does not deliver a planning outcome consistent with the Act.</li> <li>- That the application of the LCZ to land within coastal settlements causes applications for a residential use (i.e. a single dwelling) to be discretionary.</li> <li>- That small coastal enclaves and communities where the LCZ has been changed from the Environmental Living Zone (EMZ) under the Interim Planning Scheme to the LCZ in the draft Local Provisions Schedule (LPS) incorrectly applies the SPPs</li> <li>- That there are other provisions and legislated protections in the planning and building system that mitigate unsustainable coastal development and that the LCZ as a control measure for sustainable development is unnecessary and draconian</li> <li>- That the application of the LCZ and the PPZ is inconsistent with State Government policy to stimulate economic development</li> <li>- That the Gardens Road, Jeaneret Beach and Lyall Road are already defined as residential areas characterised by mixed size of titles and residential homes and accommodation.</li> <li>- That the LCZ should not be applied to land where the priority is for residential use and development per LCZ4 of the Section 8A <i>Guidelines</i></li> <li>- That Council has allowed dwellings to be approved and constructed in the Gardens road area whilst the IPS has been in effect.</li> <li>- That zoning has been inconsistently applied in LPS through the Binalong Bay area.</li> <li>- Disagrees with Council's reasoning that <u>not</u> applying the LDRZ is to be consistent with the Northern Tasmanian Regional Land Use Strategy; and that</li> <li>- The Strategy provides no strategy with regard to preservation of such lands for their scenic, topographic or natural values</li> <li>- That the application of the PPZ is not consistent with the Tasmanian Government's policy and messaging for a faster, fairer, simpler and cheaper planning system.</li> <li>- That it is acknowledged and appreciated that the Council planners and elected members have invested a significant amount of resources into preparing the LPS.</li> </ul>
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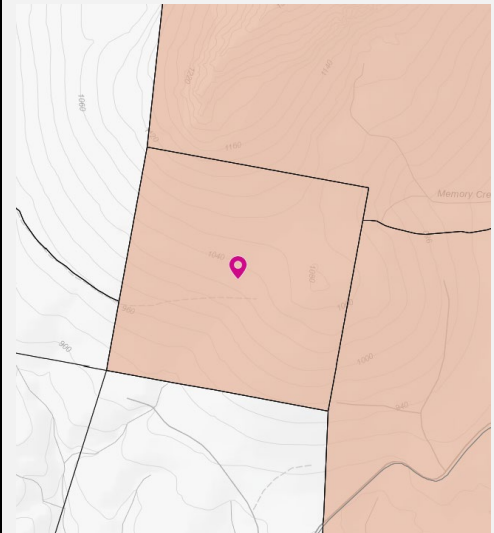
				
	<i>Figure: Draft LPS map showing the representor's land, Landscape Conservation Zone, the priority vegetation overlay and waterway and coastal protection overlay and Future Coastal Refugia Area.</i>			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input checked="" type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response:			
	<b>Landscape Conservation Zone</b> <ul style="list-style-type: none"><li>- The application of the LCZ to the land at 1/291 Gardens Road, Binalong Bay is entirely consistent with how the zone has been applied across the Local Government Area.</li><li>- The land, and the adjoining land, is in the Priority Vegetation Overlay, Scenic Road Corridor and Bushfire Prone Area Overlay under the draft LPS.</li><li>- The land and surrounding land contains a significant amount of native vegetation and provides habitat for threatened flora and fauna.</li><li>- It is acknowledged that the land and the adjoining area contains many dwellings, shacks and visitor accommodation places which have been largely constructed over the past 50 years.</li><li>- The bushland and natural values provide the dominant character of this area.</li><li>- The land, under the IPS, was zoned as the Environmental Living Zone. Per the Part 2.2.2.3 Purposes and Objectives of the IPS this provided the “Protection of natural assets is through the Environmental Management Zone and the Environmental Living Zone provisions. There are also supporting codes, Scenic Management, Biodiversity Code, Coastal Code and Water Quality Code.”.</li><li>- The purpose of the Environmental Living Zone, under the IPS, was per the Part 14.1 Zone Purpose Statements “To provide for residential use</li></ul>			

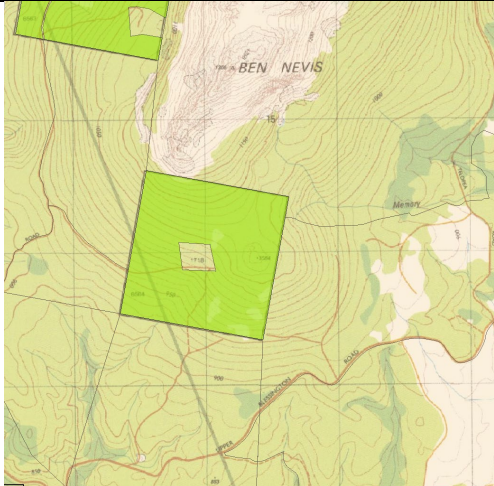
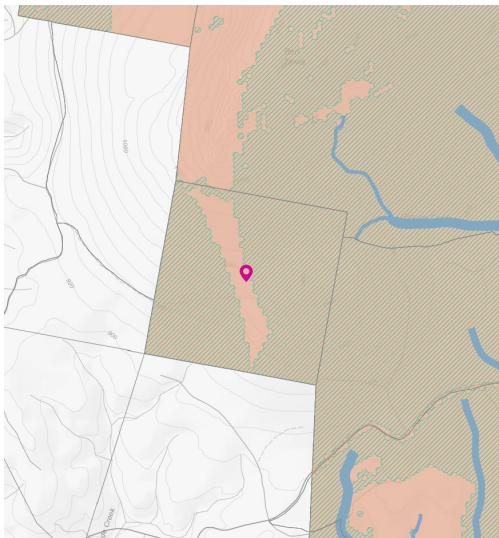


	<p>or development in areas where existing natural and landscape values are to be retained. This may include areas not suitable or needed for resource development or agriculture and characterized by native vegetation cover, and where services are limited and residential amenity may be impacted on by nearby or adjacent rural activities” and “To provide for a mix of low impact activities that is sensitive to the natural environment”. The standards of this zone prioritised the natural values of the area and limiting impact on the natural and landscape values of the land; and accordingly</p> <ul style="list-style-type: none"> <li>- The Planning Authority (and the Council) has not previously or otherwise strategically prioritised this land or the surrounding land for residential use; and although the Planning Authority has permitted dwellings in this area under the Environmental Living Zone (and previous zones under previous planning schemes) there remains limited infrastructure in the area. There is no water, sewer, footpaths, Council maintained parks or other residential type amenities that imply or otherwise guide residential development in this area.</li> <li>- The LCZ is appropriate for this land and is consistent and otherwise compliant with LCZ 1 and LCZ 2 (b), LCZ 3, LCZ 4. It should be noted that <i>St Helens Structure Plan</i> specifies no further subdivision of The Gardens.</li> <li>- The LCZ is appropriate for this land and the application of the zone in the draft LPS is consistent (and otherwise compliant) with LCZ 1 and LCZ 2 (b), LCZ 3, LCZ 4 of the Section 8A Guidelines.</li> <li>- It is noted that a dwelling remains a discretionary use in the zone and that the zone provides a suite of standards together with the other relevant codes that would be used to both guide and assess an application for a residential use in the zone.</li> <li>- With regard to subdivision of land within 1km of the high water mark. The residential type zones such as the LDRZ, General Residential Zone and the Rural Living Zone will allow for further subdivision of the land (for residential use) where compliant with the standards for lot size and other standards in the zone (and applicable codes) are met. These residential type zones have only been applied to existing settlements on a ‘like for like’ basis as a translation from the Interim Planning Scheme. This is consistent with the Section 8A Guidelines.</li> </ul> <p>It should be noted that the application of the LCZ, EMZ, Rural Zone and Agriculture Zone to lands outside of the settlements and within 1km of the coastal high water mark is consistent, as far as practical, with the policy and standards of the Interim Planning Scheme. These zones do not prioritise residential development and largely prohibits further subdivision of the land. These zones discourage and prohibit ‘ribbon development’ along the coastline.</p>
<b>Recommended action</b>	No modification to the draft LPS
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.
<b>Representation No. 34</b>	<p><b>Name:</b> Kevin, Lorna and Dale Richards</p> <p><b>Address (CT Details):</b> 17 Homer Street, St Helens (CT 50226/1) and various</p> <p><b>PID:</b> 7551040 and various</p>

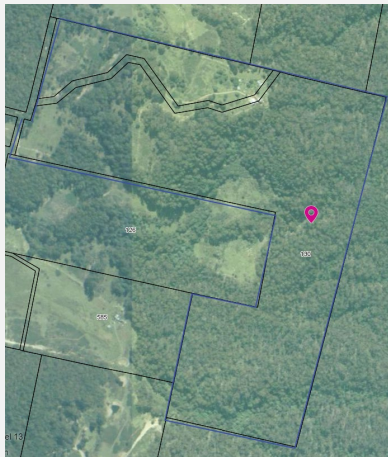
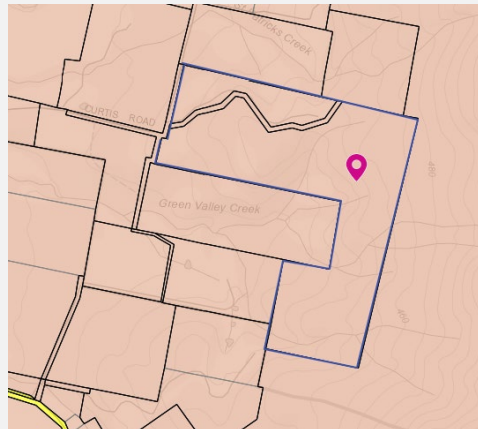
	<b>Land Area:</b> N/A <b>IPS Zoning:</b> General Residential Zone and Utilities Zone			
<b>Mapping</b> <b>Zoom Level 15</b>				
	<b>Site Location</b>	<b>Draft LPS Zoning</b>		
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	Representation raised the following matters: <b>BRE-S1.0 Safeguarding St Helens Aerodrome Specific Area Plan (SAP)</b> <ul style="list-style-type: none"><li>- Concerned that the SAP has been applied to 17 Homer Street, St Helens and concern the SAP will limit use and development of the land.</li><li>- Concerned for the Raptors, Wedge Tailed Eagles, along with the Black &amp; White Sea Eagles. These birds nest close by North &amp; South of the St Helens Airport.</li><li>- Concerned there is some endemic fauna on the eastern end of the airport.</li><li>- Seeks clarification on ground dwelling &amp; low canopy endemic wildlife.</li><li>- Seeks information on the effects on Jocks Lagoon (RamStar Site) and resting place for migratory birds, including the spoon-billed duck; and home for many species of water fowl &amp; birds.</li><li>- Seeks clarification on strategic intent of SAP and potential frequency (or increased frequency of air traffic.</li></ul> <b>Stormwater and Wastewater (St Helens Aerodrome)</b> <ul style="list-style-type: none"><li>- Concern for accumulation of larger volumes of runoff water. Water management systems are at capacity and pumped treated effluent water is currently irrigated onto the vegetation south-east corner of the airport.</li><li>- Water is covered in bright green smelly algae and unattractive or hazardous to people walking and riding nearby. Water runoff is contributing to erosion in the area.</li></ul> <b>General Comment</b> <ul style="list-style-type: none"><li>• Does not oppose further development in area.</li></ul>			
	<b>Planning Authority response</b>	Consistency Overview:		
		NTRLUS	<input type="checkbox"/>	Local Strategy / Policy
Section 8A Guideline No.1		<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
TPC Practice Notes		<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response: <b>BRE-S1.0 Safeguarding St Helens Aerodrome Specific Area Plan (SAP)</b> <ul style="list-style-type: none"><li>- The SAP does not apply to 17 Homer Street, St Helens. However, the ‘BRE-S2.0 Stormwater Management Specific Area Plan’ does apply to this land. As such, the BRE-S1.0 SAP has no effect on this particular land.</li><li>- The purpose of the SAP is to ensure development within the SAP area does not compromise future expansion of the runway and compromise future safe air navigation. This is applicable to land use or development sensitive to airport operations, or large structures that may compromise flight paths or create a hazard to flight paths, or development that may cause a distraction or interference to airport operations.</li><li>- The SAP is inherently strategic in the sense that it protects the aerodrome from development that may inhibit future development of the aerodrome or compromise air safety.</li></ul>			

	<ul style="list-style-type: none"> <li>- The SAP does not have any specific regard for natural values in the area. That is not the purpose of the SAP. The zoning of the aerodrome and surrounding area (together with any overlays) is the mechanism under the Planning Scheme which manages further land use and development.</li> <li>- The SAP operates in conjunction with the other relevant provisions of the Planning Scheme. There are also other bodies of legislation that apply to land use, development, stormwater management that are relevant to works within the area but are not captured in a planning scheme.</li> </ul> <p><b>Stormwater and Wastewater (St Helens Aerodrome)</b> Matters relating to compliance are not within the scope of the LPS assessment process. This is a matter for the Council Planning Authority or Development and Environmental Services team to address as a separate enquiry.</p>
<b>Recommended action</b>	No modification to the draft LPS
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

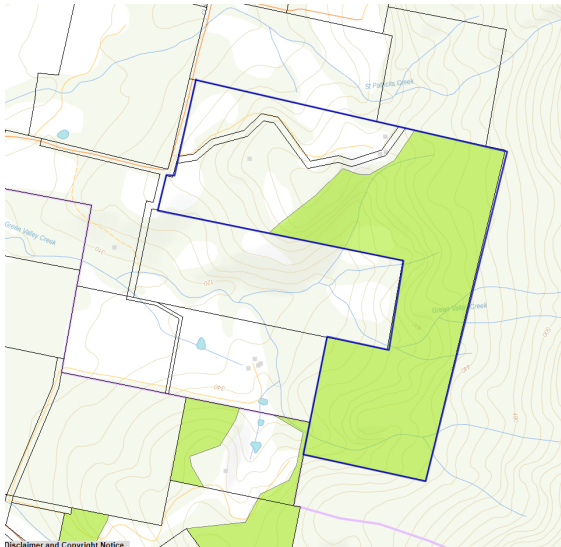
<b>Representation No. 35 Related Representation No. 70 Item 4</b>	<p><b>Name:</b> Sean Guinane  <b>Address (CT Details):</b> Schullofs Road, Blessington (CT 169864/2)  <b>PID:</b> 6417085  <b>Land Area:</b> 120ha  <b>IPS Zoning:</b> Rural Resource Zone</p>	
<b>Mapping Zoom Level 15</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning – Rural Zone</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>Representation raised the following matters:</p> <p><b>Landscape Conservation Zone</b></p> <ul style="list-style-type: none"> <li>- The property is mostly covered by the 115.1 ha Ben Nevis South Reserve protected by conservation covenant which has therefore been identified by both the State and Commonwealth Governments for protection and conservation of the biodiversity it contains. The non-covenanted land is unsuitable and not used for agriculture.</li> </ul>	

	 <p>Figure: Subject title in located in centre of figure. The highlighted green area is the conservation covenant.</p> <ul style="list-style-type: none"><li>- In its representation Conservation Landholders Tasmania (CLT) has presented a detailed case for rezoning the property to Landscape Conservation based on Guidelines LCZ1 and RZ1 and the Tasmanian Planning Commission's advice posted on the Planners Portal on 22 April 2021.<ul style="list-style-type: none"><li>• The owner supports the CLT case for rezoning the property and agree to the property being rezoned to Landscape Conservation.</li></ul></li></ul>			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response:			
	<b>Landscape Conservation Zone</b> <ul style="list-style-type: none"><li>- The land has been mapped as Rural Zone (RZ) in the draft LPS and is mostly covered by the Priority Vegetation Overlay under the Natural Assets Code.</li></ul>  <p>Figure: Rural Zone and Natural Assets Code under the LPS</p>			

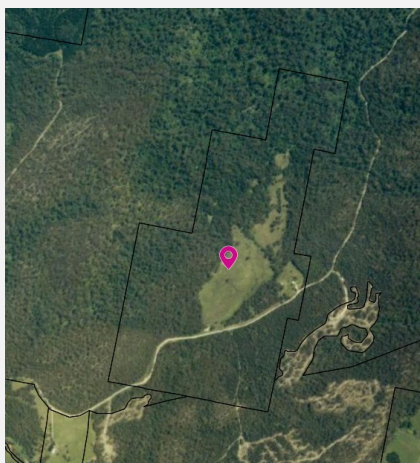
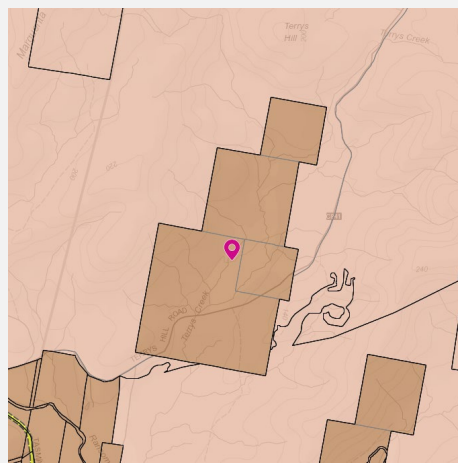
	<ul style="list-style-type: none"> <li>- The land is sloping in places and adjoins the Ben Nevis reserve, similar sloping land with bush and forestry type land adjoins the property. The land is similar to the surrounding Rural Zoned land (under the LPS).</li> <li>- The land is unlikely to be used for agriculture and was not identified as land potentially suitable for the Agriculture Zone on the List Information services.</li> <li>- The application of the LCZ to this standalone title would not be consistent with the application of the LCZ in this area. The land would not be contiguous with other LCZ titles or EMZ titles.</li> </ul> <p>A change to this isolated title would be considered spot zoning and is not supported by the Planning Authority. Spot zoning would amount to an inconsistent approach to the application of the zones in the draft LPS.</p>
<b>Recommended action</b>	<b>No modification to the draft LPS</b>
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

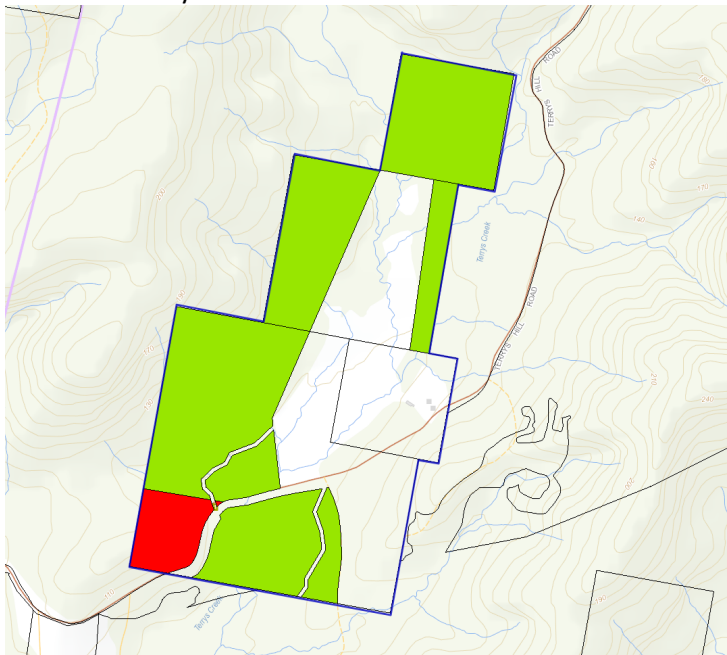
<b>Representation No. 36</b>  <b>Related Representation No 70 Item 11</b>	<b>Name:</b> Richard and Heather Prebble <b>Address (CT Details):</b> 130 Curtis Road, St Marys, CT 121098/1 and 53239/1 <b>PID:</b> 7378807 <b>Land Area:</b> 61.59ha <b>IPS Zoning:</b> Rural Resource Zone	
<b>Mapping Zoom Level 15</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning – Rural Zone</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>Representation raised the following matters:</p> <p><b>Landscape Conservation Zone:</b></p> <ul style="list-style-type: none"> <li>- Natural values are protected by a conservation covenant which has been identified by both State and Commonwealth Governments for protection and conservation of the biodiversity it contains.</li> <li>- The non-covenanted land on CT 121098/1 is not used for agriculture and is considered unsuitable for Agriculture due to the natural constraints.</li> <li>- The reserve offers protection and management of Eucalyptus brookeriana wet forest, tall Eucalyptus obliqua forest, Tasmanipatus anophthalmus (blind velvet worm) habitat and Permian limestone karst</li> </ul>	



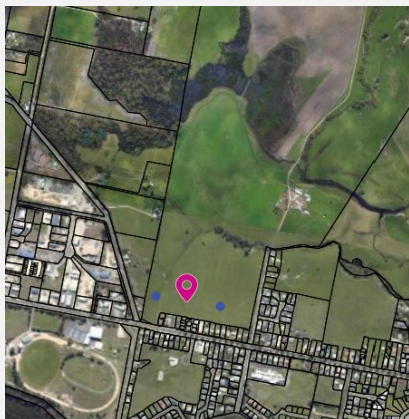
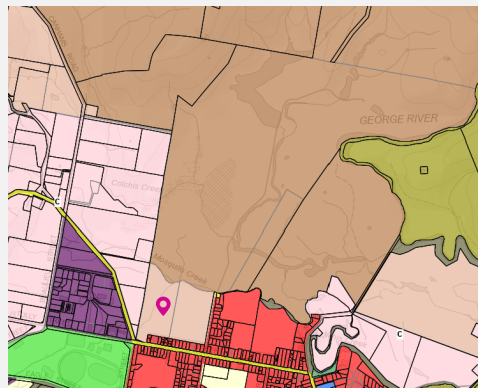
	<p>systems. The eastern side of the reserve backs onto the western face of Mt Elephant (Under the Scenic Protection assessment - North East Tasmania by Geoscene International for the North East Bioregional Network, Tasmania, having the highest level for scenic protection).</p> <ul style="list-style-type: none"><li>- In its representation Conservation Landholders Tasmania has presented a detailed case for rezoning CT 121098/1 to Landscape Conservation Zone based on Guidelines LCZ1 and RZ1; and</li><li>- The representation supports the case and agree to CT 121098/1 being rezoned to Landscape Conservation Zone with CT 53239/1 to remain in the Rural Zone as exhibited.</li></ul>  <ul style="list-style-type: none"><li>• <i>Figure: 130 Curtis Road, St Marys, CT 121098/1 and 53239/1 with the conservation covenanted land highlighted in green.</i></li></ul>												
Planning Authority response	Consistency Overview:												
	<table><tr><td>NTRLUS</td><td><input type="checkbox"/></td><td>Local Strategy / Policy</td><td><input checked="" type="checkbox"/></td></tr><tr><td>Section 8A Guideline No.1</td><td><input checked="" type="checkbox"/></td><td>Relate to the drafting / content of the SPP?</td><td><input type="checkbox"/></td></tr><tr><td>TPC Practice Notes</td><td><input checked="" type="checkbox"/></td><td>Reflect a like for like conversion of the IPS?</td><td><input type="checkbox"/></td></tr></table>	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input checked="" type="checkbox"/>	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input checked="" type="checkbox"/>									
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>									
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>									
Response:													
<ul style="list-style-type: none"><li>- Both titles are in the Rural Zone in the draft LPS</li><li>- The Priority Vegetation Overlay applies to most of the larger title and a small part of the smaller title.</li><li>- The land is mapped as potentially unconstrained for agriculture under the Land Potentially Suitable for Agriculture Zone layer under theList mapping. However, the Planning Authority has undertaken more detailed analysis of this land and determined that the Agriculture Zone is not suitable for the land due to the topographical and natural constraints to agriculture (such as steep slopes, heavy vegetation, protected biodiversity values, non-contiguous with any other farmland)</li><li>- None of the adjoining titles have been zoned Landscape Conservation Zone (LCZ) or Environmental Management Zone (EMZ).</li><li>- The Rural Zone with the Priority Vegetation Overlay is the more appropriate zone for this land as it is consistent with the application of the Zone and Overlay across the LGA and in the immediate area.</li></ul>													

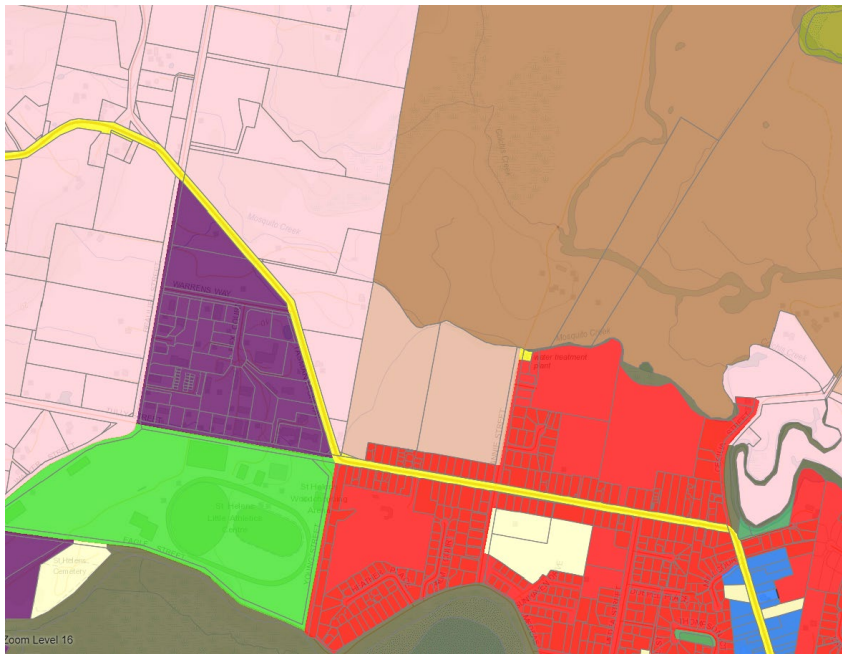
	<ul style="list-style-type: none"> <li>- The application of the LCZ to this standalone title would be inconsistent with the application of the LCZ in this area. The land would not be contiguous with other LCZ titles or EMZ titles.</li> </ul> <p>A change to the LCZ for the land is considered to be spot zoning and is not supported by the Planning Authority under the LPS process. Spot zoning would amount to an inconsistent approach to the application of the zones in the draft LPS.</p>
<b>Recommended action</b>	No modification to the draft LPS
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

<b>Representation No. 37</b>	<p><b>Name:</b> Ian Matthews  <b>Address (CT Details):</b> 201 Terry Hill Road, Goshen, CT 239330/1, CT 239329/1 239331/1 and 239332/1  <b>PID:</b> 6805379  <b>Land Area:</b> 80ha approx.  <b>IPS Zoning:</b> Rural Resource Zone</p>	
<b>Mapping Zoom Level 15</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning – Agriculture Zone</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>Representation raised the following matters:</p> <p><b>Landscape Conservation Zone (LCZ)</b></p> <ul style="list-style-type: none"> <li>- That the four (4) contiguous titles at 201 Terry Hill Road be zoned Landscape Conservation Zone (and not the Agriculture Zone under the draft LPS).</li> <li>- That land is under a conservation covenant for biodiversity values, primarily as habitat for the Bornemissza's Stag Beetle.</li> <li>- That Forestry Tasmania have reviewed plans to log around the property and within the adjoining Future Potential Production Forest (FPPF) due to the natural values, primarily habitat for the Bornemissza's Stag Beetle.</li> </ul> <p><b>Environmental Management Zone (EMZ)</b></p> <ul style="list-style-type: none"> <li>- That the adjoining Future Potential Production Forest (FPPF) be zoned Environmental Management Zone and not the Rural Zone under the draft LPS.</li> </ul>	

	<ul style="list-style-type: none"><li>- That the adjoining FPPF is habitat for the Stag Beetle together with habitat for other threatened species and forms an important biodiversity area.</li></ul> <div></div> <p><i>Figure: 201 Terry Hill Road. The four (4) titles are shown with the conservation covenant.</i></p>			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response:			
	<p><b>Landscape Conservation Zone</b></p> <ul style="list-style-type: none"><li>- The four (4) contiguous titles at 201 Terry Hill Road are in the Agriculture Zone under the draft LPS.</li><li>- Three (3) of the titles were identified as potentially unconstrained for agriculture under the Land Potentially Suitable for Agriculture Zone layer under the List. One (1) title was mapped as potentially constrained.</li><li>- The representation has clearly demonstrated the covenanted land holds important biodiversity values; and</li><li>- That the land (all titles) are not suitable for agriculture.</li><li>- The land has mapped threatened vegetation communities;</li><li>- The Agriculture Zone should not be applied to this land and the Rural Zone applied to the four (4) titles. Notably the Agriculture Zone would prevent the application of the Priority Vegetation Overlay. The overlay should be applied to the land to guide future development and consider impact on the natural values of this land.</li><li>- The application of the Rural Zone is consistent with RZ1, RZ3 (a) and RZ3 (b).</li><li>- The Priority Vegetation Overlay would then apply to the land under the Rural Zone.</li></ul>			

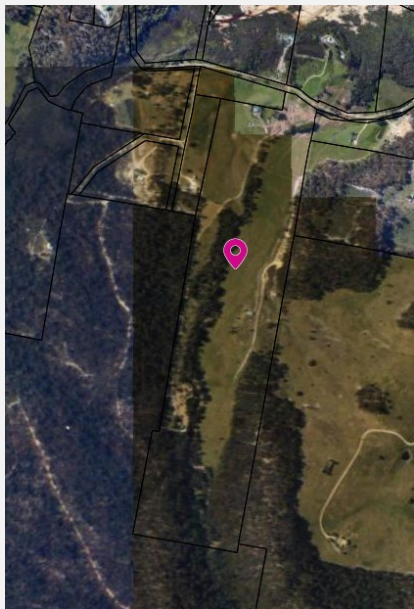
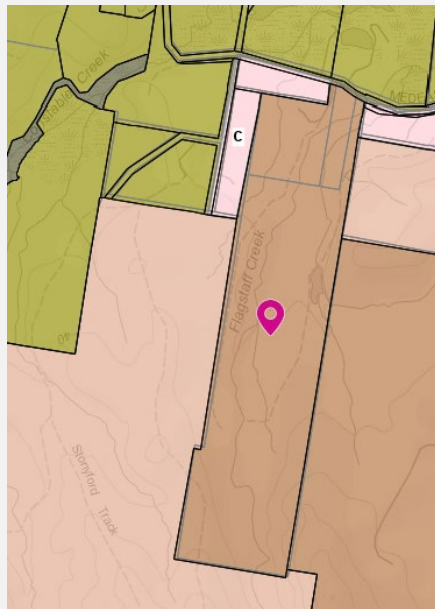
	<p><b>Environmental Management Zone</b></p> <ul style="list-style-type: none"> <li>- The surrounding/adjoining FPPF land owned by the Crown and managed by the State Government is zoned Rural Zone in the draft LPS. Most of this land is then covered by the Priority Vegetation Overlay.</li> <li>- The Planning Authority has not zoned the FPPF in other parts of the LGA as the Environmental Management Zone in the draft LPS. The Section 8A Guidelines do not provide scope for the application of the EMZ to the FPPF.</li> </ul> <p>The Rural Zone with the Priority Vegetation Overlay is the appropriate zone for the land under the LPS process.</p>
<b>Recommended action</b>	Recommend modification to the draft LPS to: That the four (4) titles at 201 Terrys Hill Road, described as CT 239330/1, 239331/1, 239329/1 and 239332/1 be zoned as Rural Zone and that the Natural Assets Code (including the Priority Vegetation Overlay) be applied to the land (as provided in the Rod Knight state-wide mapping)
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.


<b>Representation No. 38</b>	<p><b>Name:</b> Ross and Jo Williams  <b>Address (CT Details):</b> 83 Annie Street, St Helens (CT 125919/1 and CT 241612/1)  <b>PID:</b> 3260158  <b>Land Area:</b> Approximately 12.85ha  <b>IPS Zoning:</b> Rural Resource Zone</p>	
<b>Mapping Zoom Level 15</b>	 	
	<b>Site Location</b>	<b>Draft LPS Zoning - Rural</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>Representation raised the following matters:</p> <p><b>Rural Zone</b></p> <ul style="list-style-type: none"> <li>- That two (2) titles CT 241612/1 and CT 125919/1 at 83 Annie Street, St Helens have been zoned as Rural Zone under the draft LPS.</li> <li>- That the representor seeks further information on the justification for the application of the Rural Zone under the draft LPS to the two (2) titles.</li> </ul> <p><b>General Residential Zone</b></p> <ul style="list-style-type: none"> <li>- That these two (2) titles are adjoining the General Residential Zone.</li> </ul>	

	<ul style="list-style-type: none"><li>- That the two (2) titles should be in the General Residential Zone to suit the adjoining lands and to provide future housing opportunity for St Helens.</li></ul> <div></div> <p>Figure: The two (2) titles CT 241612/1 and CT 125919/1 at 83 Annie Street, St Helens in the Rural Zone under the draft LPS.</p>												
Planning Authority response	<p>Consistency Overview:</p> <table><tr><td>NTRLUS</td><td><input type="checkbox"/></td><td>Local Strategy / Policy</td><td><input type="checkbox"/></td></tr><tr><td>Section 8A Guideline No.1</td><td><input type="checkbox"/></td><td>Relate to the drafting / content of the SPP?</td><td><input type="checkbox"/></td></tr><tr><td>TPC Practice Notes</td><td><input type="checkbox"/></td><td>Reflect a like for like conversion of the IPS?</td><td><input type="checkbox"/></td></tr></table> <p>Response:</p> <p><b>Rural Zone/General Residential Zone</b></p> <ul style="list-style-type: none"><li>- The eastern title CT 241612/1 was identified as suitable for the General Residential Zone in the draft LPS endorsed by the Council.</li><li>- The western title CT 125919/1 was identified as suitable for the Rural Living Zone in the draft LPS endorsed by the Council.</li><li>- However, the zoning for these titles was later changed to the Rural Zone prior to the LPS exhibition. This was the outcome of the post lodgement discussions with the Tasmanian Planning Commission.</li><li>- Council respects the directions given by the Tasmanian Planning Commission during the post lodgement discussions; and</li><li>- Council acknowledges the limitations under the LPS Process as communicated by the Tasmanian Planning Commission during the post lodgement assessment phase;</li><li>- The land may be suitable for an amendment to the planning scheme to rezone the land from the Rural Zone to General Residential Zone and the Rural Living Zone (or zoning as identified and subject to further analysis) once the LPS is in effect.</li></ul> <p>Council maintains a position that the land ought to be considered for a residential zone per the recommendations of the <i>Land Use and Development Strategy Break O’Day Council – Municipal Management Plan</i>, August 2015.</p>	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>										
Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>										
TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>										

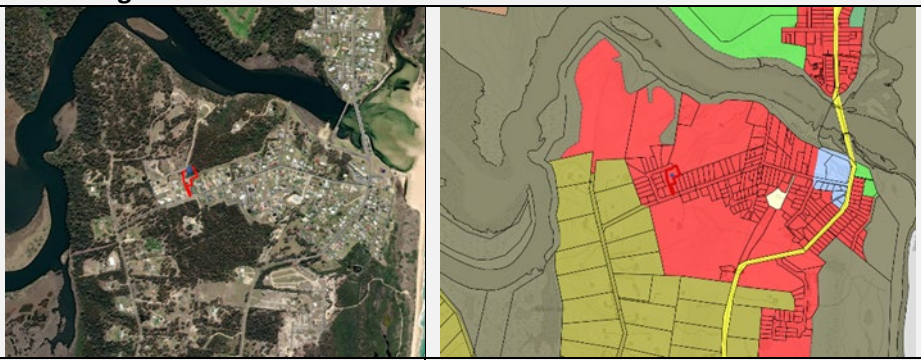


<b>Recommended action</b>	Recommend modification to the draft LPS to: <ul style="list-style-type: none"> <li>- That the Planning Authority response provided in this report is provided on the public record and further discussed at a scheduled hearing.</li> </ul> That the Rural Zone is to remain in the draft LPS until such time as Council consider an amendment to the zoning under a separate application or amendment process once the LPS has come into effect.
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

<b>Representation No. 39</b>	<b>Name:</b> Hendrik and Greta Jansen <b>Address (CT Details):</b> 265 Medeas Cove Road, St Helens Title Reference: 181557/4; 181557/3; 181557/5 <b>PID:</b> 1680466 <b>Land Area:</b> 48ha (approx.) <b>IPS Zoning:</b> Rural Resource Zone	
<b>Mapping Zoom Level 15</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning - Agriculture</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	Representation raised the following matters: <b>Rural Living Zone</b> <ul style="list-style-type: none"> <li>- That two (2) titles at 265 Medeas Cove Road, St Helens described as CT 181557/3 and CT 181557/4 are in the Agriculture Zone in the draft LPS;</li> <li>- That these two (2) titles should be in the Rural Living Zone; and</li> <li>- That the adjoining properties (on either side) of the two (2) titles are in the Rural Living Zone under IPS and draft LPS</li> </ul>	

	 <ul style="list-style-type: none"><li>Figure: Two (2) titles at 265 Medeas Cove Road, St Helens described as CT 181557/3 and CT 181557/4 in the Agriculture Zone under the draft LPS.</li></ul>			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response: <b>Rural Living Zone</b> <ul style="list-style-type: none"><li>The land was identified as unconstrained for agriculture under the Land Potentially Suitable for the Agriculture Zone layer on thelist mapping services.</li><li>The land is in the Rural Resource Zone under the Interim Planning Scheme.</li><li>The land is in the Agriculture Zone under the draft LPS.</li><li>The Section 8A guidelines, per RLZ 4 provide that the Rural Living Zone should not be applied to land that has been identified as potentially suitable for the Agriculture Zone unless supported/justified in accordance with the regional land use strategy or more detailed local strategic analysis.</li><li>The application of the Rural Living Zone is not supported by the regional land use strategy or the <i>Land Use and Development Strategy Break O’Day Council – Municipal Management Plan</i>, August 2015; furthermore</li><li>RLZ1, RLZ2 provide that the Rural Living Zone should not be applied to land unless:<ul style="list-style-type: none"><li>Land is currently in the Rural Living Zone or priority is given to residential amenity in lower order rural activity areas;</li><li>Consistent with the regional land use strategy or more detailed local strategy;</li><li>Land is currently in the Environmental Living Zone and the primary strategic intention is for residential use and development in a rural setting with similar allowable lot size.</li></ul></li><li>The Section 8A guidelines do not provide scope to include these two (2) titles in the Rural Living Zone under the LPS process.</li></ul>			

	<ul style="list-style-type: none"> <li>- However, upon review, the land is potentially constrained for Agriculture and that the Agriculture Zone should not be applied to this land.</li> <li>- The land is adjoining the Rural Living Zone and the land and surrounding land is of limited agricultural value per the Land Capability layer on the List mapping services. This was also identified in the Agricultural Report that accompanied an application to subdivide the nearby property at 48 Brooks Road, St Helens in 2012 for residential use/development. This subdivision has substantially commenced. This will introduce further residential use to this area and further constrain the land for agricultural use.</li> </ul> <p>The Section 8A guidelines support the application of the Rural Zone to these two (2) titles and the adjoining title CT 181557/5 which is under the same ownership as Rural Zone. This is consistent with RZ2 and RZ3 of the Section 8A Guidelines.</p>
<b>Recommended action</b>	Recommend modification to the draft LPS to: That the three titles at 265 Medeas Cove Road (CT 181557/4 and CT 181557/3 and CT 181557/5) be changed to the Rural Zone under the draft LPS.
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

<b>Representation No. 40</b> <b>Related Representation 6, 25, 81</b>	<b>Name:</b> Christina Mackeen <b>Address (CT Details):</b> 12 Oberon Place, Scamander (156731/20) <b>PID:</b> 2948700 <b>Land Area:</b> Approx. 0.3564981ha <b>IPS Zoning:</b> General Residential Zone			
<b>Mapping</b> <b>Zoom Level 15</b>				
	<b>Site Location</b>	<b>Draft LPS Zoning – General Residential</b>		
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>To support the requested rezoning (<i>Open Space Zone</i>), the representation provides the following reasons:</p> <ul style="list-style-type: none"><li>• There is a watercourse present on the property and during high rainfall events it is prone to flooding which indicates that the land would be unsuitable for any residential development</li><li>• Consistent with the zoning application guideline OSZ 1 from the Section 8A Guideline no.1 document</li><li>• Council is aware that in the past, the community within the general area have strongly voiced the need for this property to be used as public open space and for it to be identified as such within the planning scheme.</li></ul>			
<b>Planning Authority response</b>	<b>Consistency Overview:</b>			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input checked="" type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>

	<div data-bbox="469 194 836 253"> TPC Practice Notes <input type="checkbox"/> </div> <div data-bbox="836 194 1318 253"> <input type="checkbox"/> Reflect a like for like conversion of the IPS? <input type="checkbox"/> </div> <div data-bbox="469 253 1398 761"> <p><b>Response:</b> Review Representation No. 6 for a detailed response regarding a requested application of the Open Space Zone to this particular property.</p> <p>Lot 20 was created as part of an 18 lot subdivision (DA146-2006). The approved subdivision was subject of a Memorandum of Consent prepared by the Resource Management and Planning Appeal Tribunal (RMPAT Ref: 218/06 S). Approval was for Lots 1 to 19, the road reserves and the detention basin area defined on the plan dated 10/08/2006.</p> <p>The 3567 m2 lot was approved as a public open space lot, with Council currently preparing a Management Plan for the lot. There is considerable community support for the public land and the draft management plan is exploring the management of the site in accordance with passive recreation and nature conservation values recognising portions of the land are disturbed.</p> <p>The site is recommended to transition to the Open Space Zone and satisfies the recommendation of OSZ1 and OSZ3 of Guideline No. 1</p> </div> <div data-bbox="638 806 1197 1601"> </div>
<b>Recommended action</b>	<b>Approved Plan</b> Recommended modification to draft LPS; <ul style="list-style-type: none"> <li>• Apply Open Space Zone to CT 156731/20</li> </ul>
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34 (2) of LUPAA is maintained.

<b>Representation No. 41</b>	<b>Name:</b> Leanne Groves <b>Address (CT Details):</b> N/A <b>PID:</b> N/A <b>Land Area:</b> N/A <b>IPS Zoning:</b> Various														
<b>Mapping Zoom Level 15</b>															
	<b>Site Location</b>	<b>Draft LPS Zoning</b>													
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	Representation raised the following matters: <b>Landscape Conservation Zone</b> <ul style="list-style-type: none"> <li>- Council retains the prohibition on subdivision within 1km of the coastal high water mark.</li> <li>- Strata development and multiple dwelling development should not be allowed in the Landscape Conservation Zone (LCZ) or outside of serviced areas.</li> </ul> <b>Scenic Protection Code</b> <ul style="list-style-type: none"> <li>- The Scenic Protection Code should be further extended and applied to land other than just road corridors.</li> </ul> <b>Environmental Management Zone (EMZ)</b> <ul style="list-style-type: none"> <li>- Council should support the Future Potential Production Forests (FPPF) as Environmental Management Zone (EMZ), as identified by the Tasmanian Forestry Agreement as having important environmental values needing protection for threatened species. At the time Forestry Tasmania and the Tasmanian Government agreed to this evaluation and have not yet withdrawn their approval of this decision. Council should be proud to have such values under its control and act accordingly.</li> </ul> <b>General Comments</b> <ul style="list-style-type: none"> <li>- Stormwater from settlements and discharge to natural waterways requires better management. The Stormwater Specific Area Plan does not achieve adequate management.             <ul style="list-style-type: none"> <li>• Council should ensure the Priority Vegetation Overlay is more comprehensive and allows for wildlife corridors, biodiversity and habitat.</li> </ul> </li> </ul>														
<b>Planning Authority response</b>	Consistency Overview: <table border="1" data-bbox="459 1451 1394 1635"> <tr> <td>NTRLUS</td><td><input type="checkbox"/></td><td>Local Strategy / Policy</td><td><input type="checkbox"/></td></tr> <tr> <td>Section 8A Guideline No.1</td><td><input type="checkbox"/></td><td>Relate to the drafting / content of the SPP?</td><td><input type="checkbox"/></td></tr> <tr> <td>TPC Practice Notes</td><td><input type="checkbox"/></td><td>Reflect a like for like conversion of the IPS?</td><td><input type="checkbox"/></td></tr> </table> Response: <b>Landscape Conservation Zone</b> <ul style="list-style-type: none"> <li>- With regard to subdivision of land within 1km of the high water mark, the residential type zones such as the Low Density Residential Zone, General Residential Zone and the Rural Living Zone will allow for further subdivision of the land (for residential use) where compliant with the standards for lot size and other standards in the zone (and applicable codes) are met. These residential type zones have only been applied to existing settlements on a 'like for like' basis as a translation from the Interim Planning Scheme. This is consistent with the Section 8A Guidelines.</li> </ul>			NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>												
Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>												
TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>												



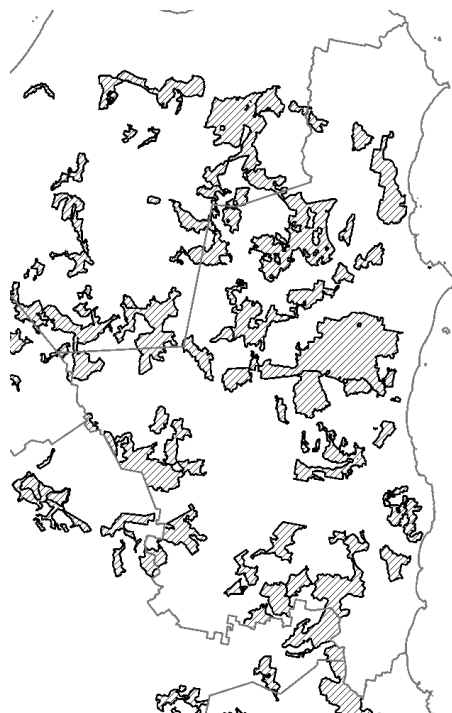
- It should be noted that the application of the LCZ, EMZ, Rural Zone and Agriculture Zone to lands outside of the settlements and within 1km of the coastal high water mark is consistent, as far as practical, with the policy and standards of the Interim Planning Scheme. These zones do not prioritise residential development. These zones discourage 'ribbon development' along the coastline.
- The LPS process does not relate to the function and application of the Strata Titles Act 1998.

#### **Scenic Protection Code**

- The Scenic Management – Tourist Road Corridor, has been transitioned from the interim planning scheme to the draft LPS as per Schedule 6 Clause 8D(2) is a translation of the provisions of the Interim Planning Scheme.

#### **Environmental Management Zone**

- The Section 8A Guidelines do not provide scope for the application of the LCZ or EMZ to Future Potential Production Forest.



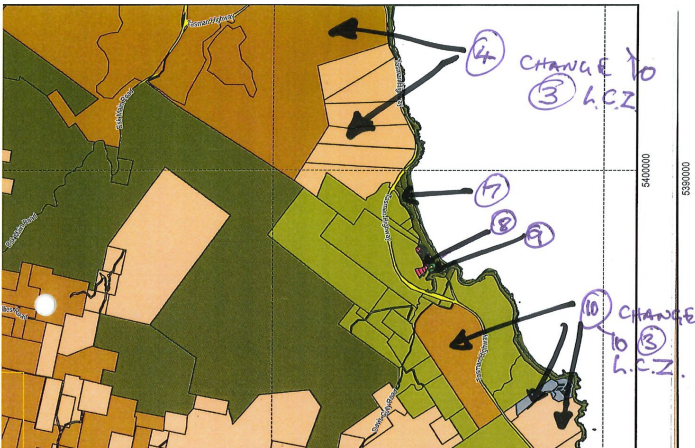
*Figure: Future Potential Production Forest (in hatched areas)*

#### **General Comments**

- The Planning Authority acknowledge the standards and provisions relating to the management and treatment of stormwater in the SPPs are not as adequate or comprehensive (or clear) as those provided in the Interim Planning Scheme. Council has drafted a Stormwater Specific Area Plan to further the objectives of the Act and to better address stormwater management in key areas.

The Priority Vegetation Overlay, under the Natural Assets Code, has been applied consistently across the Local Government Area and across the State of Tasmania. The Planning Authority may modify the mapping to guide development strategically or where new information or field verification is provided to correct any anomalies or errors in the mapping. Further refinement of the mapping or other modifications may occur from time to time through future planning scheme amendments.

<b>Recommended action</b>	No modification to the draft LPS
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

<b>Representation No. 42</b>	<b>Name:</b> Susan and Bill Manning <b>Address (CT Details):</b> Various <b>PID:</b> Various <b>Land Area:</b> Various <b>IPS Zoning:</b> Various	
<b>Mapping Zoom Level 15</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>Representation raised the following matters:</p> <p><b>Landscape Conservation Zone</b></p> <ul style="list-style-type: none"> <li>- Include more coastal land in the Landscape Conservation Zone (LCZ)</li> <li>- Support the LCZ to land south of Falmouth.</li> <li>- Land mapped in the Rural Zone (RZ) with high conservation values should be in the LCZ.</li> <li>- Zone part of the proposed Agriculture Zone title CT 168326/1 to the LCZ around the Falmouth township.</li> <li>- Zone the proposed Rural Zoned titles north of Four Mile Creek to the LCZ.</li> <li>- The LCZ needs to be implemented widely.</li> <li>- Support application of LCZ to land around Four Mile Creek and the vineyard at CT173576/1 on the western side of the Tasman Highway south of Four Mile Creek should also be LCZ.</li> <li>- All land along the coast in private ownership should be in the LCZ without exception.</li> <li>- The LCZ must be the priority zone. The scenic road corridor of 50 or 100m is an insufficient “stop gap” and does not preserve or protect biodiversity.</li> </ul> <p><b>Environmental Management Zone</b></p> <ul style="list-style-type: none"> <li>- Support application of Environmental Management Zone (EMZ) in the draft LPS and along the Falmouth coastline.</li> <li>- The Future Potential Production Forests should be in the EMZ</li> </ul>	
		

*Figure: Exert from Representation and showing titles north of Four Mile Creek.*

- Coastal titles to the north of Four Mile Creek should stay in the EMZ (As they are in draft LPS).

**Particular Purpose Zone**

- Support the Particular Purpose Zone for the Four Mile Creek village area.

**Recreation Zone**

- Support the Recreation Zone for Four Mile Creek recreation area.

**Major Tourism Zone**

- Support Major Tourism Zone for White Sands Resort. But does not support application of this Zone for the title south west of the cluster of White Sands titles (CT 123961/2) – this title is proposed to be Rural Zone but should be LCZ.

**Rural and Agriculture Zone**

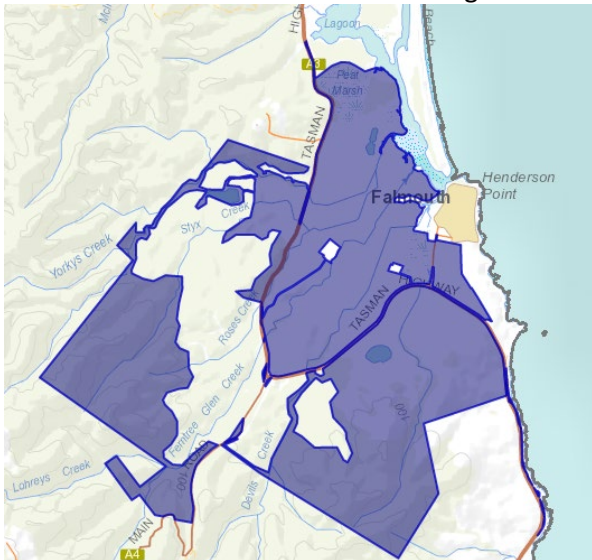
- The proposed application of the Rural Zone needs further landscape assessment to protect land for future generations.
- The Rural Zone has been applied to the six titles owned by Cooltrans Pty Ltd to the north of Four Mile Creek. The zoning should be reconsidered.

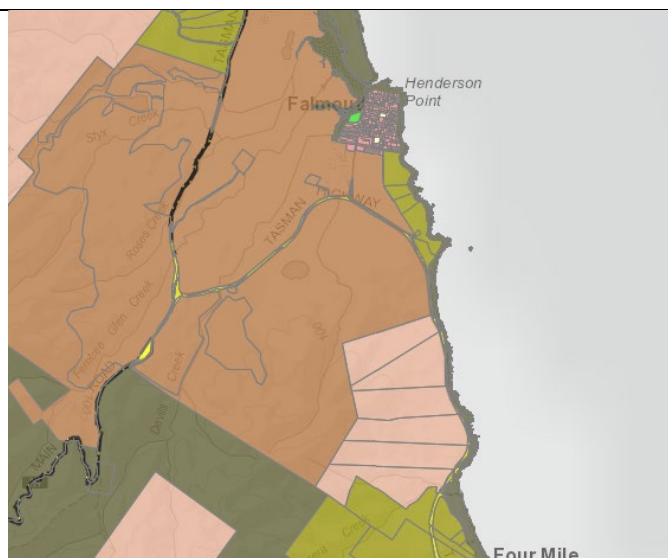


*Figure: 5 titles north of Four Mile Creek are in the Rural Zone in the draft LPS.*

**General Comments**

- The prohibition of subdivision within 1km of the high water mark should continue with the following prohibitions:
- Tourism development outside of the fully serviced areas of St Helens and Bicheno.

	<ul style="list-style-type: none"> <li>- BnBs or similar tourist development outside of fully serviced centres</li> <li>- Strata titles have become a loophole for pseudo subdivision and inappropriate to continue</li> <li>- Streamside management must also be strengthened in the LPS.</li> <li>- There should be no further subdivision of land within the Falmouth town boundary and adjoining lands.</li> <li>- The scenic road corridor is not for protection of biodiversity values. <ul style="list-style-type: none"> <li>• There should be no housing or any development under any circumstances in areas of threatened fauna, flora, landscape values or Aboriginal or European archaeological sites, areas of landslip or highly erodible soils.</li> </ul> </li> </ul>		
Planning Authority response	Consistency Overview:		
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy <input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP? <input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS? <input type="checkbox"/>
	<p>Response:</p> <p><b>Landscape Conservation Zone</b></p> <ul style="list-style-type: none"> <li>- Support of the application of the LCZ and EMZ to coastal properties is noted.</li> <li>- The application of the Agriculture Zone to the farm to the south and west of Falmouth (CT 168326/1) is appropriate and entirely consistent with the Section 8A Guidelines. The land is actively used for farming and will continue to be used for farming. Title shown below</li> </ul>		
			
	<ul style="list-style-type: none"> <li>- A blanket application of the LCZ to all privately owned lands outside of settlements is not supported by the Planning Authority and would be inconsistent with the Section 8A Guidelines. Noting in particular there are significant areas of farmland which are not suitable for the Landscape Conservation Zone.</li> </ul>		



#### **Environmental Management Zone**

- The Section 8A Guidelines do not provide scope for the application of the LCZ or EMZ to Future Potential Production Forest.
- Support for the application of the EMZ in the draft LPS and along the Falmouth coastline is noted.
- Support for the application of the EMZ to the coastal titles to the north of Four Mile Creek is noted.

#### **Particular Purpose Zone**

- Support for the Particular Purpose Zone for the Four Mile Creek village area is noted.

#### **Recreation Zone**

- Support for the Recreation Zone for Fourmile Creek recreation area is noted.

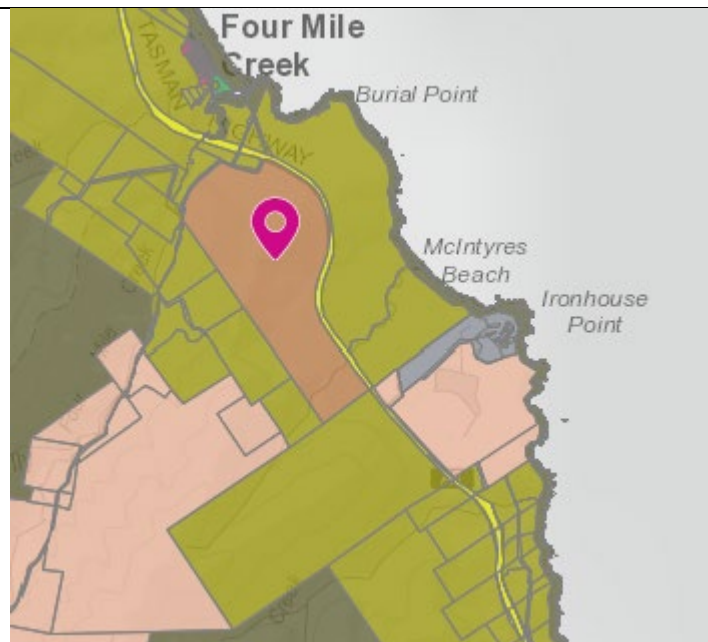
#### **Major Tourism Zone**

- Support for the Major Tourism Zone for White Sands Resort is noted.

#### **Rural and Agriculture Zone**

- The application of the Agriculture Zone to the vineyard to the north west of White Sands (CT 173576/1) is consistent with the Section 8A Guidelines.
- The proposed Rural Zone for the title to the south/south west of the White Sands Resort (CT 123961/2) is consistent with the Section 8A Guidelines and appropriate for land adjoining a Major Tourism Zone.
- Land that is within the Rural Zone and contains areas of identified Priority Vegetation is subject to the Natural Assets Code. The Priority Vegetation Overlay, under the Natural Assets Code, has been applied consistently across the Local Government Area and across the State of Tasmania. The Planning Authority may modify the mapping to guide development strategically or where new information or field verification is provided to correct any anomalies or errors in the mapping. Further refinement of the mapping or other modifications may occur from time to time through future planning scheme amendments.



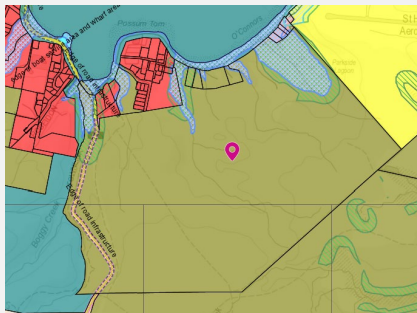
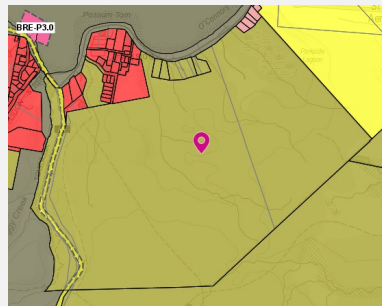



The Rural Zone has been applied to six titles that form part of 22464 Tasman Highway, Falmouth, located to the north of Four Mile Creek. The creation of the titles is a historic multiple boundary adjustment that has frontage to the Tasman Highway.

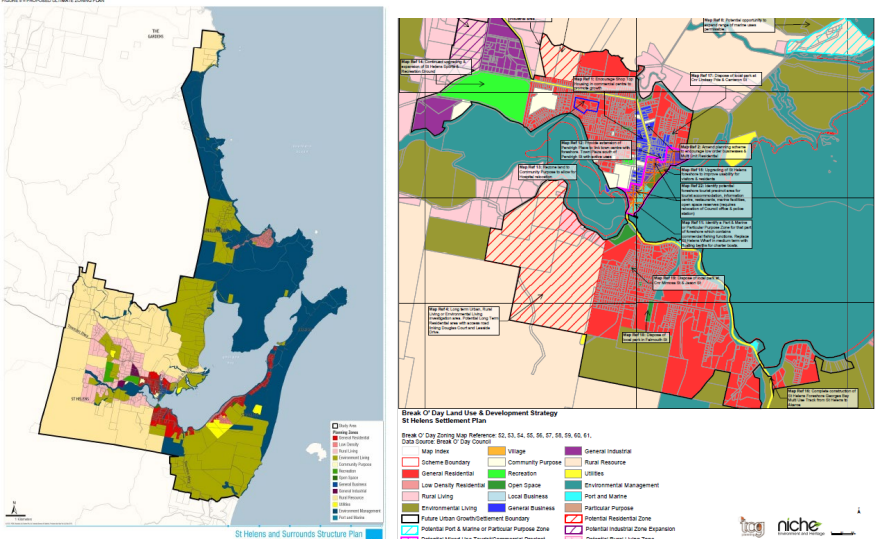
#### General Comments

- With regard to subdivision of land within 1km of the high water mark. The residential type zones such as the LDRZ, General Residential Zone and the Rural Living Zone will allow for further subdivision of the land (for residential use) where compliant with the standards for lot size and other standards in the zone (and applicable codes) are met. These residential type zones have only been applied to existing settlements on a 'like for like' basis as a translation from the Interim Planning Scheme. This is consistent with the Section 8A Guidelines.
- It should be noted that the application of the LCZ, EMZ, RZ and AZ to lands outside of the settlements and within 1km of the coastal high water mark is consistent, as far as practical, with the policy and standards of the Interim Scheme. These zones do not prioritise residential development. These zones discourage 'ribbon development' along the coastline.
- Tourism development and visitor accommodation in some form is allowable in most zones in the Tasmanian Planning Scheme. However, all such development (and use) must also meet the relevant standards of the zone and applicable codes (and overlays).
- The ability to control (or restrict) the strata title of buildings is not a matter for the LPS process.
- The scenic road corridor areas are intended largely for scenic protection and not for protection of biodiversity values.
- The comments regarding better management or standards for managing streamside works and development is noted however these are largely a matter for the State Planning Provisions and in particular the standards and application of the Natural Assets Code.
- The State Planning Provisions together with the Local Provisions Schedule will form the Tasmanian Planning Scheme – Break O'Day. This

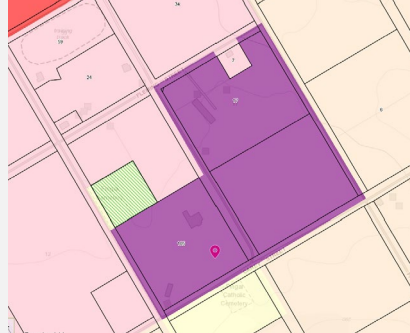
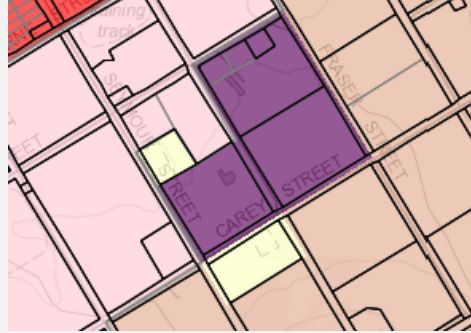
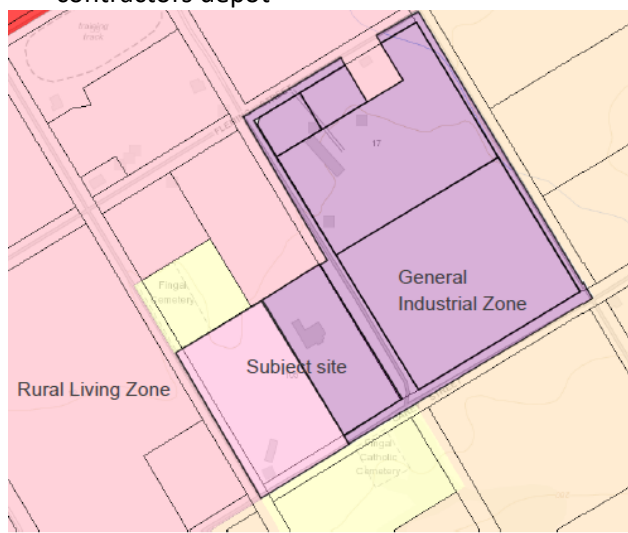

	<p>planning scheme, like all other planning schemes in the State, includes standards for the assessment of works and development in a range of potentially hazardous or environmentally or culturally sensitive. The onus is on the developer to demonstrate to the Planning Authority how a proposed development will be compliant with the relevant standards of the Planning Scheme or otherwise avoid impacts on such areas. The Planning Authority has the role and responsibility to assess such proposals (applications for a permit) against the relevant provisions of the Planning Scheme and make a determination to grant a permit with or without conditions or to refuse to grant a permit.</p> <ul style="list-style-type: none"> <li>- Further subdivision of land within the Low Density Residential Zone (LDRZ) within the Falmouth township may occur. There is no proposed expansion of the LDRZ around the Falmouth township. Land in the Rural Zone or LCZ may be subdivided into 40ha or 50ha lots.</li> </ul> <p>The creation of the titles is a historic multiple boundary adjustment that has frontage to the Tasman Highway.</p>
<b>Recommended action</b>	No modification to the draft LPS
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

<b>Representation No. 43</b>	<p><b>Name:</b> James Stewart (Woolcott) obo M Gee  <b>Address (CT Details):</b> 50 St Helens Point Road, St Helen CT 43185/2 &amp; 181454/1  <b>PID:</b> 6789372  <b>Land Area:</b> 110 ha &amp; 44 ha  <b>IPS Zoning:</b> Environment Living Zone (ELZ)</p>	
<b>Mapping Zoom Level 15</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning – Landscape Conservation Zone</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>Representation raised the following matters:</p> <ul style="list-style-type: none"> <li>- Existing single dwelling on lot 2 which has supported the primary industry and farming activities across the titles</li> <li>- Property named 'Parkside Farm'</li> <li>- Seeks the Rural Living Zone (RLZ) C – 5 ha to apply to the site instead of the Landscape Conservation Zone (LCZ).</li> <li>- In 2018, a flora and fauna assessment for the site was undertaken which identified that the natural values of the site could be managed</li> </ul>	

	<p>through appropriate subdivision design. Values identified as low priority.</p> <ul style="list-style-type: none"> <li>- Based on location of site and St Helen Structure Plan suggest that lot is identified as a lifestyle lot with intended residential use</li> <li>- LCZ is not a residential zone and limits the potential use and development of the site</li> <li>- Site in close proximity to settlements and has capacity to provide for Rural Living expansion</li> <li>- Site has good access to road infrastructure, can accommodate onsite wastewater and not subject to major hazard constraints</li> <li>- Limited land available in St Helens within RLZ.</li> </ul> 		
Planning Authority response	Consistency Overview:		
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy <input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP? <input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS? <input type="checkbox"/>
	<p>Response:</p> <ul style="list-style-type: none"> <li>- Together sites total approx. 154ha. Rezoning to RLZ C which has a minimum lot size of 5 ha would result in considerable release of rural living land. RLZ D – 10 ha would also represent an up-zoning of the site.</li> <li>- Scenic Protection Code applies to western boundary associated with Scenic Tourist Road Corridor</li> <li>- Site is completely covered in Natural Assets Code in LPS and is predominately covered in vegetation.</li> <li>- St Helens Structure Plan (Structure Plan) 2013 predates the Break O Day Land Use and Development Strategy (Strategy) 2015. The Structure Plan does not identify the site for Rural Living in its Proposed Ultimate Zoning Plan. This is further reinforced by the Strategy which excludes the site from its Future Urban Growth / Settlement Boundary. See figures</li> <li>- The Strategy (p97) Opportunities for St Helens – Housing details <i>Implement the recommendations of the Structure Plan which identifies there is significant capacity for residential/rural living development of</i></li> </ul>		

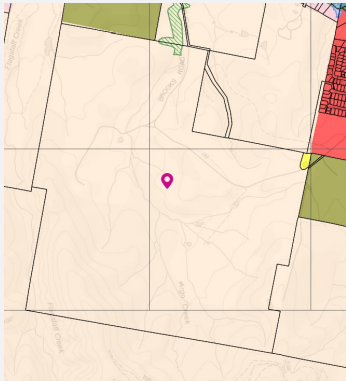
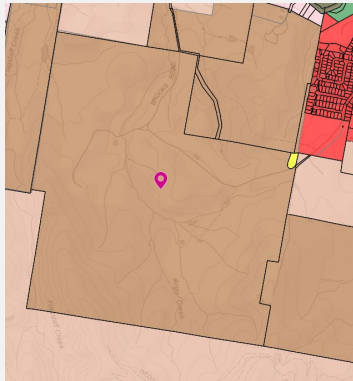
	<p><i>land within the urban boundary.</i> The Strategy identifies a number of potential locations. It does not include the site.</p> <ul style="list-style-type: none"> <li>- While the LCZ may not be the perfect fit, it is the most logical zoning in line with the relevant strategies and on ground features. The LPS process is not a broad scale strategic assessment rather a like-for-like translation.</li> <li>- Further strategic work may identify the site as suitable.</li> </ul>  <p>On 12/02/2020, the Tasmanian Planning Commission issued its decision in relation to a Draft Amendment 01-2018 and permit DA021-2018 to Rezone 50 St Helens Point Rd, St Helens from Environmental Living to Rural Living and 54 lot subdivision (10 Stages). The hearing was held on 25/06/2019 and the TPC advised that the delegates had decided to refuse the permit. The Commission reasoning was that it would be premature to rezone this land to Rural Living at this density without the appropriate strategic analysis and direction being established for the whole of St Helens.</p>
<b>Recommended action</b>	No modification to draft LPS
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.
<b>Representation No. 44</b>	<p><b>Name:</b> Michelle Schleiger (Woolcott) obo C Wagner  <b>Address (CT Details):</b> 105 Seymour St, Fingal CT 46572/1  <b>PID:</b> 7298997  <b>Land Area:</b> 2.049 ha from 3.415 ha  <b>IPS Zoning:</b> General Industrial Zone (GIZ)</p>

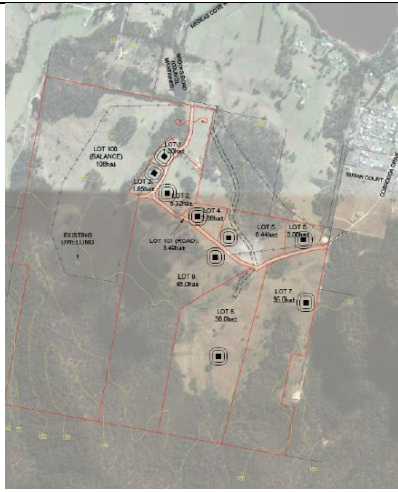
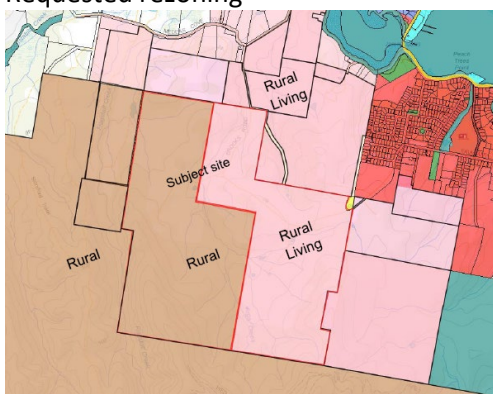


<p><b>Mapping</b> <b>Zoom Level 15</b></p>		
	<p><b>Site Location</b></p>	<p><b>Draft LPS Zoning – General Industrial Zone</b></p>
<p><b>Matter(s) raised in the representation (including property information details where applicable)</b></p>	<p>Representation raised the following matters:</p> <ul style="list-style-type: none"> <li>- Site has recently been approved for subdivision to excise the existing dwelling from the industrial use.</li> <li>- LPS transitioned the General Industrial Zone (GIZ) from the interim scheme.</li> <li>- Request that the new lot that contains the dwelling be rezoned Rural Living Zone (RLZ) B</li> <li>- Remainder of land remain in GIZ and continue to operate as a contractors depot</li> </ul>  <p>7 Potential zoning of the subject site (illustration only).</p> 	



<b>Planning Authority response</b>	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response: - Agree with rezoning based on existing onsite features and recent approvals.			
<b>Recommended action</b>	Recommend modification to the draft LPS to: - Rezone CT 46572/1 to RLZ (B) based on approved subdivision plan			
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.			

<b>Representation No. 45</b>	<b>Name:</b> Michelle Schleiger (Woolcott) obo D Smith <b>Address (CT Details):</b> 48 Brooks Road, St Helens CT 166517/1 <b>PID:</b> 3262428 <b>Land Area:</b> 247.6 ha <b>IPS Zoning:</b> Rural Resource Zone (RRZ)	
<b>Mapping Zoom Level 15</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning – Agriculture Zone</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>Representation raised the following matters:</p> <ul style="list-style-type: none"><li>- Submit that the Rural Zone (RZ) and the Rural Living Zone (RLZ) more suited to land and approved use and development than the Agriculture Zone (AZ) that is applied through the LPS</li><li>- In 2012, a permit was issued for a 9 lot residential subdivision. Substantial commencement has been made and the permit is valid.</li><li>- The subdivision allows for residential development</li><li>- Land has been mapped as ‘Unconstrained’ (orange) in agricultural mapping on LISTMap. Which did not take into account the approved subdivision.</li><li>- Representation supported by Agricultural Report which detailed significant constraints to agricultural use occurring on the land and that the property does not have any prime land rather consists of class 6 and 6.</li></ul> <p>Approved subdivision plan</p>	

	<div><table><tr><th>Lot</th><th>Area</th></tr><tr><td>1</td><td>1.3ha</td></tr><tr><td>2</td><td>1.85ha</td></tr><tr><td>3</td><td>5.32ha</td></tr><tr><td>4</td><td>2.66ha</td></tr><tr><td>5</td><td>8.44ha</td></tr><tr><td>6</td><td>3.0ha</td></tr><tr><td>7</td><td>35.0ha</td></tr><tr><td>8</td><td>30.0ha</td></tr><tr><td>9</td><td>45.0ha</td></tr><tr><td>101 (Road)</td><td>3.49ha</td></tr><tr><td>100 (Balance)</td><td>106.0ha</td></tr></table></div> <div><p>Requested rezoning</p><p>Figure 6 Illustration of potential zoning based on Land capability, lot size, use of the and and proximity to other zones.</p></div>	Lot	Area	1	1.3ha	2	1.85ha	3	5.32ha	4	2.66ha	5	8.44ha	6	3.0ha	7	35.0ha	8	30.0ha	9	45.0ha	101 (Road)	3.49ha	100 (Balance)	106.0ha
Lot	Area																								
1	1.3ha																								
2	1.85ha																								
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4	2.66ha																								
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101 (Road)	3.49ha																								
100 (Balance)	106.0ha																								
<b>Planning Authority response</b>	<div><p><b>Consistency Overview:</b></p><table><tr><td>NTRLUS</td><td><input type="checkbox"/></td><td>Local Strategy / Policy</td><td><input type="checkbox"/></td></tr><tr><td>Section 8A Guideline No.1</td><td><input type="checkbox"/></td><td>Relate to the drafting / content of the SPP?</td><td><input type="checkbox"/></td></tr><tr><td>TPC Practice Notes</td><td><input type="checkbox"/></td><td>Reflect a like for like conversion of the IPS?</td><td><input type="checkbox"/></td></tr></table></div> <div><p><b>Response:</b></p><ul style="list-style-type: none"><li>- Planning Authority’s original report to the Commission detailed that the site is more suited to the RZ than the AZ given the sites surrounding land uses and limited agricultural potential.</li><li>- Zoning in draft LPS shown is Figure 1. Figure 2 is an extract from the original request to the Commission regarding the zoning in this area.</li><li>- Strategy does not identify site for RLZ.</li><li>- Do not support request to apply the RLZ as this is not consistent with the Guidelines.</li><li>- In light of the approved subdivision and agricultural assessment support for the RZ is provided.</li></ul><p>Figure 1 – LPS Zoning</p></div>	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>												
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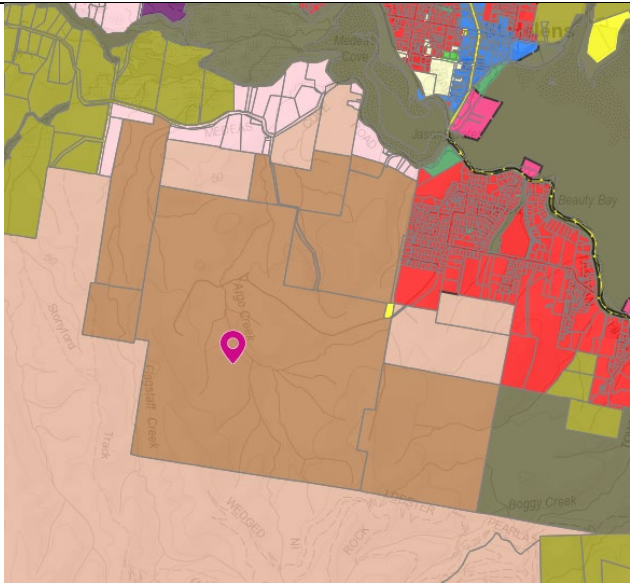
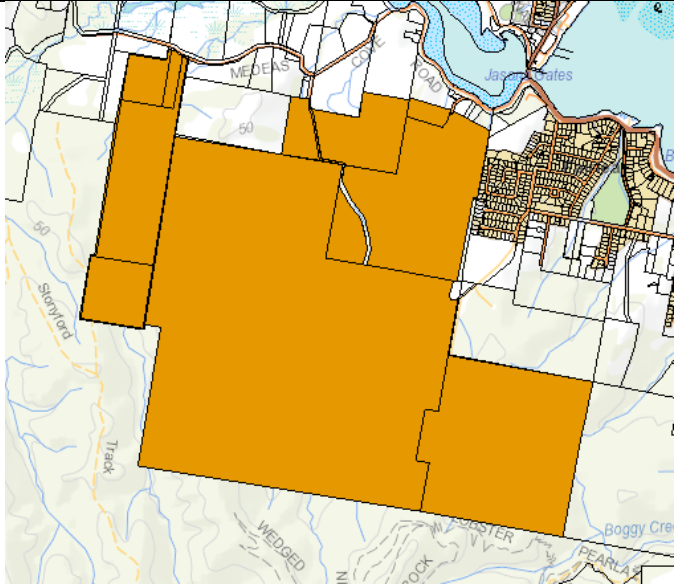
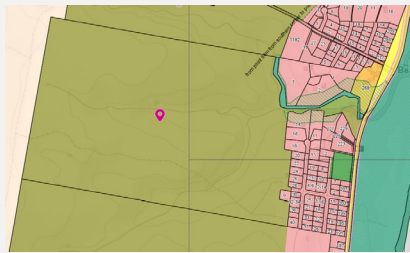
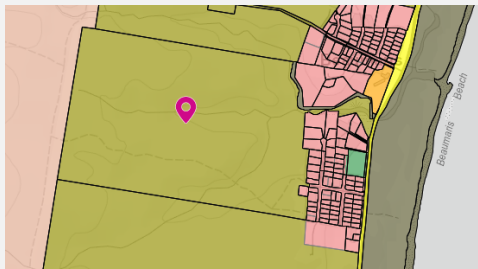


Figure 2 – originally proposed zoning by Planning Authority

St Helens CT44551/1, CT119320/1, CT166517/1, CT223041/1, CT148075/1, CT11929/1, CT15988/3	RRZ	RZ	
Justification	Despite the titles being identified as Potentially Unconstrained they are not considered suitable for the AZ. The RZ is considered to be more appropriate given the surrounding land uses and the limited agricultural potential of the land. The land adjoining to the south currently within the RRZ was not identified in the Mapping Project and as such will transition into the RZ. The application of the RZ will allow for broader range of land uses to occur over this area. The RZ application is consistent with AZ 6, RZ 1, RZ 2 and RZ 3. As discussed in the previous section of this report the adjoining light green titles to the north are to be rezoned to the RLZ. The adjoining ELZ (dark green) sites will also be rezoned to the RZ.		

- This rezoning from AZ to RZ has implication on the adjoining titles proposed in the draft LPS as AZ.
- Considering the Agricultural Report, the approved residential subdivision, surrounding land uses and isolated cluster of lots all lots in the following figure are proposed to be rezoned to RZ.
- These include CT 15988/3 (same ownership); CT 148075/1, CT 11929/1, CT 223041/1; CT 181557/5; CT 181557/4; CT 181557/4
- The Natural Assets Code should be applied as appropriate.

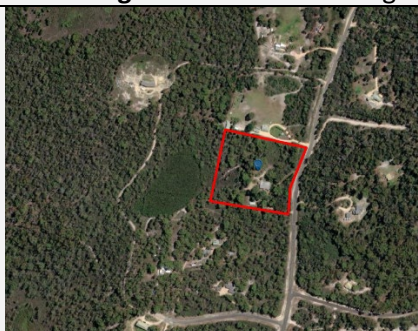
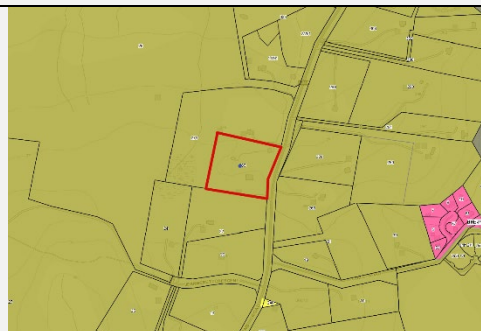
	
<b>Recommended action</b>	<p>Recommend modification to the draft LPS to:</p> <ul style="list-style-type: none"> <li>- Rezone CT 166517/1 to the RZ; as well as</li> <li>- CT 15988/3 (same ownership); CT 148075/1, CT 11929/1, CT 223041/1; CT 181557/5; CT 181557/4; CT 181557/4</li> <li>- Apply the Natural Assets Code as provided in the Rod Knight state-wide mapping</li> </ul>
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

<b>Representation No. 46</b>	<p><b>Name:</b> Michelle Schleiger (Woolcott) obo A Swanson  <b>Address (CT Details):</b> Lot 1 Ocean Drive, Beaumaris CT 141533/1  <b>PID:</b> 2503189  <b>Land Area:</b> 63.75ha  <b>IPS Zoning:</b> Environmental Living Zone (ELZ)</p>	
<b>Mapping Zoom Level 15</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning – Landscape Conservation Zone</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>Representation raised the following matters:</p> <ul style="list-style-type: none"> <li>- Submission seeks for a strip of land that adjoins the Low Density Residential Zone (LDRZ) to be zoned LDRZ</li> <li>- Several landowners of lots within the LDRZ have approached the owner of the subject land in the Landscape Conservation Zone (LCZ)</li> </ul>	

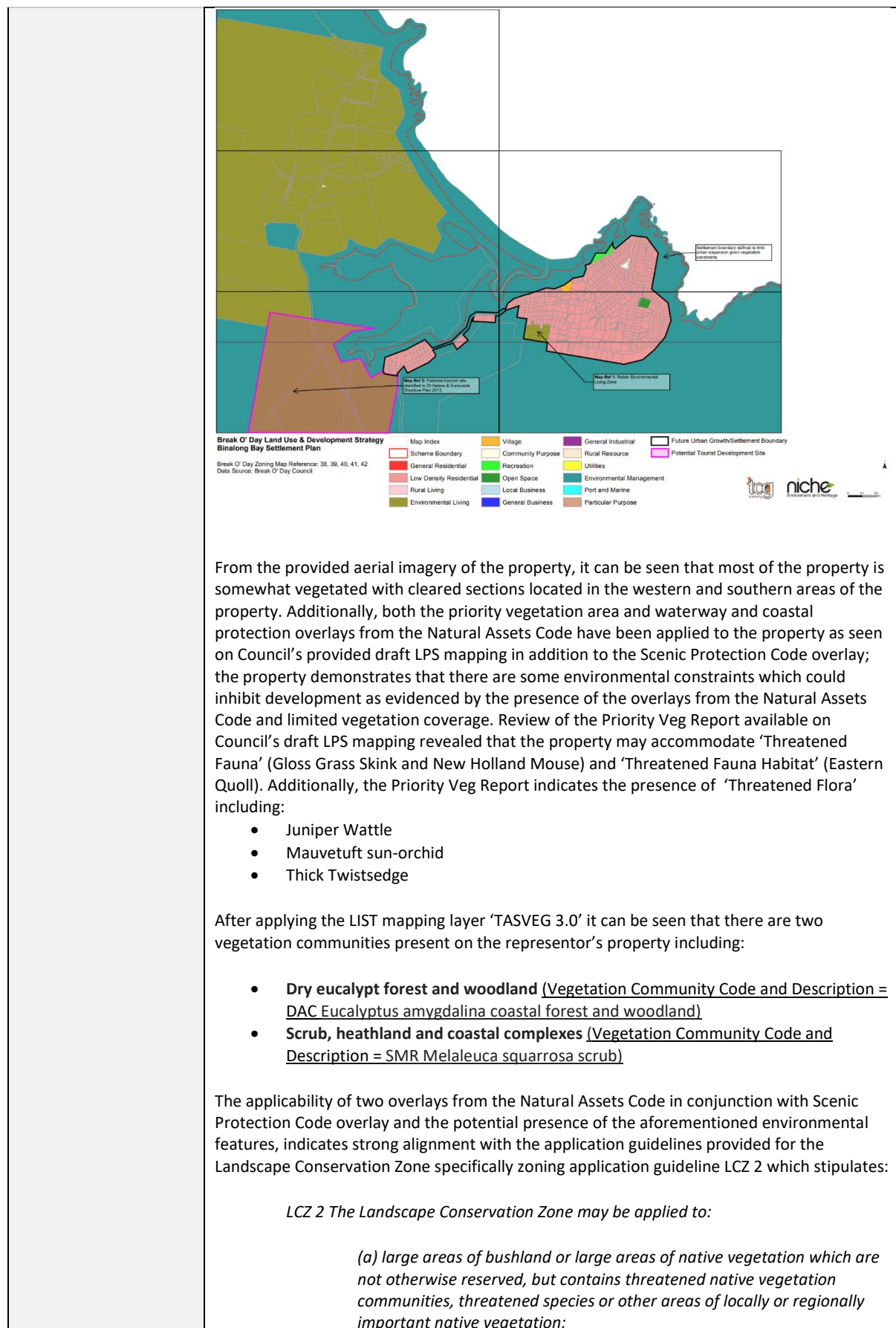
	<ul style="list-style-type: none"><li>- Rezoning would allow the LDRZ lots to increase their land area which would assist in managing weeds, bushfire risk as well as onsite wastewater</li><li>- Proposal not viable under interim scheme given prohibition of subdivision within 1km of High Water Mark.</li><li>- Under LCZ in draft LPS proposal not possible due to minimum lot size requirements.</li><li>- Applying LDRZ would be of no significant consequence to other and would allow orderly extension of these boundary lots.</li></ul> <div></div> <div></div> <p>Figure 4 Example of lot design proposal</p>												
Planning Authority response	<div>Consistency Overview:</div> <table><tr><td>NTRLUS</td><td><input type="checkbox"/></td><td>Local Strategy / Policy</td><td><input type="checkbox"/></td></tr><tr><td>Section 8A Guideline No.1</td><td><input checked="" type="checkbox"/></td><td>Relate to the drafting / content of the SPP?</td><td><input type="checkbox"/></td></tr><tr><td>TPC Practice Notes</td><td><input checked="" type="checkbox"/></td><td>Reflect a like for like conversion of the IPS?</td><td><input type="checkbox"/></td></tr></table> <div>Response:</div> <ul style="list-style-type: none"><li>- Rezoning not identified in Strategy or in accordance with Guideline.</li></ul>	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
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Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>										
TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>										



	<ul style="list-style-type: none"> <li>- Lot 20 (northern lot in example of lot design proposal) has an approximate area 1607m<sup>2</sup>. The boundary adjustment would provide approximately 880m<sup>2</sup> of land to this site, creating a site area of approximately 2487m<sup>2</sup>.</li> <li>- The LDRZ residential density for multiple dwellings includes a Performance Criteria of <i>the site area per dwelling is not less than 1200m<sup>2</sup></i>. The request to gift land in the LCZ to the lots in the LDRZ could result in multiple dwellings occurring on these sites. This is not in character with the balance of lots within Beaumaris.</li> <li>- The Tasmanian Planning Commission has directed that any rezoning in Beaumaris would not be supported without further strategic work.</li> <li>- Rezoning not supported</li> </ul>
<b>Recommended action</b>	No modification to the draft LPS
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

<b>Representation No. 47 Item 1</b>	<b>Name:</b> Raoul Harper <b>Address (CT Details):</b> 265 Gardens Road Binalong Bay (21065/42) <b>PID:</b> 7156198 <b>Land Area:</b> 20032.651m <sup>2</sup> <b>IPS Zoning:</b> Environmental Living Zone			
<b>Mapping</b>				
	<b>Site Location</b>	<b>Draft LPS Zoning – Landscape Conservation Zone</b>		
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	To support the requested rezoning ( <u>Low Density Residential Zone</u> ), the representation provides the following reasons: <ul style="list-style-type: none"><li>• Provision of the draft LPS is inconsistent with the required application of the State Planning Provisions (SPP). The proposed application of the landscape Conservation under the draft LPS has been incorrectly applied to the property due to the residential nature and use of the property.</li><li>• Draft LPS should only apply a provision from the SPP's to 265 Gardens Road, Binalong Bay resulting in the application of the Low Density Residential Zone.</li></ul>			
<b>Planning Authority response</b>	<b>Consistency Overview:</b>			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<b>Response:</b> Located north east of the St Helens Township and in close proximity to the Bay of Fires Conservation Area, the property is situated amongst land that has been proposed to be zoned as Landscape Conservation within the draft LPS. If the requested rezoning of the property to the Low Density Residential were to be applied instead, this may contribute to			

	<p>spot zoning as it is not currently co-located with land proposed to contain the requested LPS zone.</p> <p>Regarding the requested application of the Low Density Residential Zone to the aforementioned property, the following guideline has the potential to be applicable (pp.5):</p> <p><i>LDRZ 1 The Low Density Residential Zone should be applied to residential areas where one of the following conditions exist:</i></p> <p><i>(a) residential areas with large lots that cannot be developed to higher densities due to any of the following constraints:</i></p> <p><i>(i) lack of availability or capacity of reticulated infrastructure services, unless the constraint is intended to be resolved prior to development of the land; and</i></p> <p><i>(ii) environmental constraints that limit development (e.g. land hazards, topography or slope); or</i></p> <p><i>(b) small, residential settlements without the full range of infrastructure services, or constrained by the capacity of existing or planned infrastructure services; or</i></p> <p><i>(c) existing low density residential areas characterised by a pattern of subdivision specifically planned to provide for such development, and where there is justification for a strategic intention not to support development at higher densities.</i></p> <p>The representor makes reference to the Section 8A Guideline No.1 document, particularly zoning application guideline LCZ 4 (a) is used by the representor to support the requested rezoning of the property to Low Density Residential. LCZ 4 (a) stipulates, '<i>The Landscape Conservation Zone should not be applied to: (a) land where the priority is for residential use and development (see Rural Living Zone)...</i>'. The representor claims that due to the residential nature and use of their property, this demonstrates that residential use is the priority for their property and subsequently the Landscape Conservation Zone has not been correctly applied to their property.</p> <p>A key strategic planning document that is relevant to the representation includes the Land Use and Development Strategy – Break O'Day Council Municipal Management Plan 2015; specifically section 16 of the strategy concerned with Settlement Character Descriptions and Plans under the subheadings Housing and Environmental (pp. 119):</p> <p><b>Housing</b></p> <ul style="list-style-type: none"> <li>• '<i>St Helens Structure Plan identifies there is limited capacity for future residential growth within the existing village boundary of Binalong Bay. A clearly defined urban growth boundary has been identified in order to limit potential future growth</i>'.</li> <li>• '<i>Anticipate no increase in density of development and no increase in the amount of land available for residential development due to the surrounding vegetation and potential threatened species where subdivision could occur</i>'.</li> </ul> <p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>• '<i>Surrounding vegetation will limit future growth of the village as will the capacity of the land to cope with on-site sewer disposal</i>'.</li> </ul> <p>The representor's property is not located within the urban growth boundary designated for the Binalong Bay area and as such has not been identified for primarily residential use or development. Furthermore, since the property of the representor is located outside of the urban growth boundary, the Land Use Development Strategy subsequently notes that vegetation outside of this boundary will limit the potential growth of the established village within the boundary.</p>
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	<p><i>(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or</i></p> <p><i>(c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.</i></p> <p><b>Landscape Conservation Zone</b></p> <ul style="list-style-type: none"> <li>- The application of the LCZ to the land at 1/291 Gardens Road, Binalong Bay is entirely consistent with how the zone has been applied across the Local Government Area.</li> <li>- The land, and the adjoining land, is in the Priority Vegetation Overlay, Scenic Road Corridor and Bushfire Prone Area Overlay under the draft LPS.</li> <li>- The land and surrounding land contains a significant amount of native vegetation and provides habitat for threatened flora and fauna.</li> <li>- It is acknowledged that the land and the adjoining area contains many dwellings, shacks and visitor accommodation places which have been largely constructed over the past 50 years.</li> <li>- The bushland and natural values provide the dominant character of this area.</li> <li>- The land, under the IPS, was zoned as the Environmental Living Zone. Per the Part 2.2.2.3 Purposes and Objectives of the IPS this provided the "Protection of natural assets is through the Environmental Management Zone and the Environmental Living Zone provisions. There are also supporting codes, Scenic Management, Biodiversity Code, Coastal Code and Water Quality Code."</li> <li>- The purpose of the Environmental Living Zone, under the IPS, was per the Part 14.1 Zone Purpose Statements "To provide for residential use or development in areas where existing natural and landscape values are to be retained. This may include areas not suitable or needed for resource development or agriculture and characterized by native vegetation cover, and where services are limited and residential amenity may be impacted on by nearby or adjacent rural activities" and "To provide for a mix of low impact activities that is sensitive to the natural environment". The standards of this zone prioritised the natural values of the area and limiting impact on the natural and landscape values of the land; and accordingly</li> <li>- The Planning Authority (and the Council) has not previously or otherwise strategically prioritised this land or the surrounding land for residential use; and although the Planning Authority has permitted dwellings in this area under the Environmental Living Zone (and previous zones under previous planning schemes) there remains limited infrastructure in the area. There is no water, sewer, footpaths, Council maintained parks or other residential type amenities that imply or otherwise guide residential development in this area.</li> <li>- The LCZ is appropriate for this land and is consistent and otherwise compliant with LCZ 1 and LCZ 2 (b), LCZ 3, LCZ 4. It should be noted that <i>St Helens Structure Plan</i> specifies no further subdivision of The Gardens.</li> <li>- The LCZ is appropriate for this land and the application of the zone in the draft LPS is consistent (and otherwise compliant) with LCZ 1 and LCZ 2 (b), LCZ 3, LCZ 4 of the Section 8A Guidelines.</li> <li>- It is noted that a dwelling remains a discretionary use in the zone and that the zone provides a suite of standards together with the other relevant codes that would be used to both guide and assess an application for a residential use in the zone.</li> <li>- With regard to subdivision of land within 1km of the high water mark. The residential type zones such as the LDRZ, General Residential Zone and the Rural Living Zone will allow for further subdivision of the land (for residential use) where compliant with the standards for lot size and other standards in the zone (and applicable codes) are met. These residential type zones have only been applied to existing settlements on a 'like for like' basis as a translation from the Interim Planning Scheme. This is consistent with the Section 8A Guidelines.</li> </ul>
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	The remainder of the representation largely concerned the representors viewpoint and is outside the scope of the draft LPS.
<b>Recommended action</b>	<b>No modification to the draft LPS</b>
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34 (2) of LUPAA is maintained.

<b>Representation No. 47 Item 2</b>	<b>Name:</b> Raoul Harper <b>Address (CT Details):</b> N/A – General commentary on the draft LPS <b>PID:</b> N/A – See above <b>Land Area:</b> N/A – See above <b>IPS Zoning:</b> N/A – See above	
<b>Mapping Zoom Level 15</b>	N/A	N/A
	<b>Site Location</b>	<b>Draft LPS Zoning</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>General matters raised within the representation regarding the Draft LPS:</p> <ul style="list-style-type: none"> <li>Proposed application of the Particular Purpose Zone – Coastal Settlement is excessively broad. This broad scale rezoning with only the 'Coastline' as a site specific qualification does not deliver a planning outcome that could be considered consistent with the Act. The proposed PPZ – Coastal Settlement has been developed to deliver modified standards over a number of local areas because of the view that the State Planning Provision Standards are not appropriate. Representor asserts that this approach is inconsistent with the requirements of Section 32 (4) of the Act.</li> <li>Provides the background and summary of the process for the Tasmanian Planning Scheme (TPS) including the provision of a brief description of the two parts which contribute to the creation the State-Wide Planning System including: <ol style="list-style-type: none"> <li>State Planning Provisions (SPPs)</li> <li>Local Provisions Schedule (LPS)</li> </ol> </li> <li>Draft LPS is inconsistent with the SPPs via the incorrect use and application of the Landscape Conservation Zone as a replacement for the Environmental Living Zone. The proposal to include the a Particular Purpose Zone (Coastal Settlement) to transition the remainder of the previously Environmental living Zoned land also to the Landscape Conservation Zone, does not meet the requirements of Section 32 (4) (a) of LUPPA.</li> <li>The representor quotes LCZ1 and LCZ2 from the document titled 'Break O'Day Council draft LPS 2020 – Supporting Report, pp. 67) and utilises the quote to highlight that the operative wording contained within the statement relates to use and development in natural and undeveloped areas rather than large residential lot areas or other existing settlement areas with existing environmental values that are currently zoned and used for residential purposes.</li> <li>Proposed transition of Environmental Living Zoned area to Landscape Conservation makes residential uses discretionary. Due to the residential nature of these enclaves and communities, the representor asserts that the draft LPS incorrectly applies the SPP and the intent of the TPS on a large number of properties within the municipality. There appears to be a lack of any observable strategic, economic or socially defined reasoning except for the simple desire to protect environmental values associated with the landscape which the importance of these values have seemingly been placed above all existing residential uses and any potential for these areas to be further developed.</li> <li>The representor expresses concerns that if this approach is implemented state-wide this could weaken residential use rights of individuals that own properties located within areas like small enclaves and residential hamlets and further exasperates challenges and costs associated with residing and developing land in and around the coastline of the state.</li> </ul>	



	<ul style="list-style-type: none"> <li>• Representor asserts that there are already a number of preventative measures to mitigate unsustainable development in coastal areas and as such the widespread application of the Landscape Conservation Zone via the transition to the TPS would seem to be draconian given the legislative mantra that brought about the state planning reform process.</li> <li>• Utilising a quote from the then Minister for Planning and Local Government during 24<sup>th</sup> September 2015, the representor used the following quote from Peter Gutwein when he stated:  <i>"For too long, the planning system has acted like a handbrake on our economy. We want to fix the planning system to attract investment, grow our economy and create jobs."</i> <p><i>It's clear the current regionally based approach to planning isn't working, with different rules for different areas making the system complex and difficult to navigate.</i></p> <p><i>That is why we are introducing a new Tasmanian Planning Scheme which will take a statewide approach. This will result in consistency across the State.</i></p> <p><i>Currently, there is only 15 per cent consistency across the 29 councils in the three regional areas.</i></p> <p><i>Under the new Tasmanian Planning Scheme, there will be around 80 percent consistency state-wide, providing more clarity and certainty for everyone.</i></p> <p><i>This is all about creating a planning system that is faster, fairer, simpler and cheaper, making it easier to invest in Tasmania and encouraging more economic development and job creation.</i></p> <p><i>One state-wide planning system will provide confidence for those looking to invest and expand.</i></p> <p><i>It means housing providers, developers, designers, planners, and builders who operate across different council areas from Bicheno to Queenstown, Devonport to Dover, will not need to use a set of different rules for each place."</i></p> </li> <li>• Legislative intent of the government and the intent of the Act is to avoid wherever possible zoning anomalies across the state and since the Liberal government remains in office the representor contends that the position has not changed. Consequently, the proposed PPZ and use of the LCZ outlined within the Break O'Day Council's draft LPS is in conflict with the government's aforementioned intentions for the planning reforms.</li> <li>• Council have been open and transparent about transitioning most of the Environmental Living Zoned areas to the Landscape Conservation Zone instead and have further outlined the challenges experienced whilst seeking to implement the SPPs while attempting to maintain previous integrity and intent of the Environmental Living Zone.</li> <li>• Representor's property (265 Garden Road, Binalong Bay) will not be included in the PPZ. Properties directly to the east of the Gardens Road have been included.</li> <li>• The Gardens Road, Jeanneret Beach and Lyall Road area are already a defined residential area and to those that live here a community. It is characterised by a mixed size of land titles, residential homes, holiday houses and accommodation, including an already approved but not yet built visitor accommodation project of significant size only footsteps from my property, as well as sizeable strata developments and newly built homes. By way of example of the confused use of zoning in this area alone, the DLPS has sought two separate planning pathways to create the same zone intent, in effect of the same community of residents, that being the incorrect use of the LCZ across all titles in this area. The same approach appears to have been implemented in other similar areas of the municipality.</li> <li>• The draft LPS seeks to utilise not only a direct transition for some titles from the ELZ to the LCZ but also a PPZ to transition others also to the LCZ.</li> </ul>
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	<ul style="list-style-type: none"> <li>• The commentary relating to the rationale behind the need for a PPZ to effectively transition lots to the LCZ in coastal areas is in effect the same provided for those lots outside of the PPZ being transitioned also to the LCZ:</li> </ul> <p><i>“5.1 Particular Purpose Zone – Coastal Settlement</i>  <i>The PPZ is proposed in the following locations: The Gardens, Seaton Cove, Jeanneret Beach, Bayview, Diana’s Basin and Four Mile Creek. All sites are currently within the Environmental Living Zone under the interim scheme. Water and sewer infrastructure are not provided in these locations; the lots are generally small clusters of lots, with an area less than 4,000 m2, supporting existing residential uses and located in areas with scenic and natural value.</i></p> <p><i>These sites are isolated from settled areas and land within other residential zones and are located in unique areas that offer no further development in the future. These are primarily in coastal locations, surrounded by land within the Environmental Management Zone or Environmental Living Zone with large lots sizes (that have transitioned to the Landscape Conservation Zone).</i></p> <p><i>In most cases the houses that have been established are of long standing and created at a time when planning controls were not as comprehensive as existing and prior to introduction of the State Coastal Policy.</i></p> <p><i>A review of the SPP Low Density Residential Zone (LDRZ) and Landscape Conservation Zone (LCZ) was undertaken. This analysed the zone purpose, use classifications and acceptable solution standards as detailed in the SPPs as well as the direction on how they should be applied as specified in the 8A Zone Application Guideline.</i></p> <p><i>The review highlights the considerable difference between the two zones and that neither are intended or the desired fit for the established use and character of the sites in question.</i></p> <p><i>To summarise, the LCZ should be applied to:</i></p> <ul style="list-style-type: none"> <li>• <i>large areas of native vegetation (bushland) or scenic values;</i></li> <li>• <i>ELZ land where the primary intention is protection and conservation of landscape values; and</i></li> <li>• <b><i>Should not be applied to land where the priority is for residential use and development.</i></b></li> </ul> <p><i>While the LDRZ should be applied to:</i></p> <ul style="list-style-type: none"> <li>o <i>residential areas with large lots that are constrained i.e. through infrastructure services or attributes of the land; and</i></li> <li>o <i>should not be applied for the purpose of protecting areas of important natural or landscape value.</i></li> </ul> <p><i>There is a clear gap between these two zones. A zone that allows for residential lots on land that is less than an acre, that is not serviced, has established residential character and scenic or natural values that should be preserved. A zone that strikes more of a balance between protection of environmental values and residential character.</i></p> <p><i>This gap between the zones is further identified in reviewing the development and subdivision standards. The LCZ has an Acceptable Solution standard of 10m frontage setback and a 20m side and rear setback. While the LDRZ has an 8m frontage setback and a 5m side and rear setback. Further, the LDRZ allows for multiple dwellings with a site area of 1,500 m2.</i></p> <p><i>If the LCZ was applied to the sites, it is likely that any extension to the existing dwelling would trigger discretion due to the side and rear setback requirements being targeted for significant land holdings. While if the LDRZ was applied to the sites, the side and rear setback, coupled with the</i></p>
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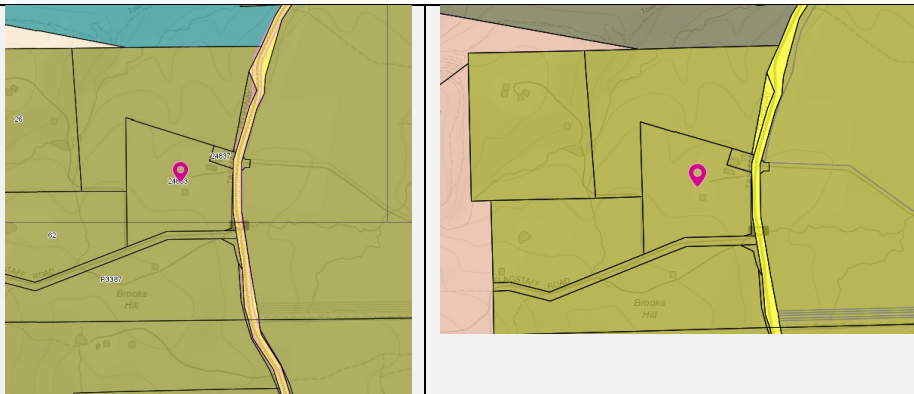

	<p><i>multiple dwelling standards would allow for densification of these coastal shack settlements."</i></p> <ul style="list-style-type: none"> <li>• Representor rejects the following statement: <i>'In most cases the houses that have been established are of long standing and created at a time when planning controls were not as comprehensive as existing and prior to introduction of the State Coastal Policy'</i>. They note that the reason for the rejection of the statement is that submitted and approved development applications and in some cases existing development within the Gardens Road Precinct while the Interim Planning Scheme has been in effect will demonstrate that this statement is patently untrue.</li> <li>• The intent of the SPP is clear and the transitioning of some existing lots zoned as EL inside and outside of the PPZ to the LCZ disregards the predominant residential use already well established in these areas. Many of these areas are residential communities close to the coast that are surrounded or have large lot residential properties abutting them, often some distance from the coastline itself. The two differing types of properties work in harmony to create the sense of place and community that is evident in these areas. Moreover these areas are also characterised in most part by being situated close to or adjacent to the state coastal reserve and/or national parks land. The statement provided by Council in support above is generalised and non-specific. Many of these areas do in fact have the ability for further considered development, and for the most part are not 'isolated' from other residential areas, including nearby townships.</li> <li>• By way of example, Binalong Bay is immediately adjacent to Lyall Road which has a defined residential use, adjoining this area are properties that stretch to Jeanneret Beach, Jeanneret Court, along the length of the Gardens Road both on the east and western side from the intersection of Binalong Bay Road. This enclave and village are a community but under the interim planning scheme and the proposed draft LPS will be zoned entire differently. Binalong Bay, unserviced with either water or sewage, visually prominent and adjoining a coastal reserve, will be zoned LDR while the other parts of the area will be swept into a zone where their existing residential use is effectively unrecognised in favour of landscape conservation of what is already residential land.</li> <li>• All this is proposed to occur right beside unregulated campground(s) on the edge of the coast that stretch from the final houses in the Jeanneret Beach area north to The Gardens. These campgrounds are situated directly on the foreshore, are visually prominent for many residents of the area and have minimal toilets and services for the large number of visitors that utilise the area on a year-round basis. It is difficult as a resident to not see a significant inequity in the planning regime proposed under the draft LPS for the area when visitors can enjoy unfettered use of the coastline directly adjacent to this community.</li> <li>• While the transition may be difficult for the Council, the correct application of the SPP, in particular for the properties to the north of Binalong Bay is the LDRZ. This may well be the case for many parts of the coastal communities that will be affected by the PPZ – Coastal Settlement and the proposed transition from the ELZ to the LCZ.</li> <li>• Council note their concern of the potential impacts of such an approach in the draft LPS report:  <i>"Applying the LDRZ to these lots has the potential to change the character of the locations. If densification in these areas occurred, it would change the local visual amenity as most of the lots are located along or adjacent to the foreshore. All the sites are located in areas that have scenic, topographic and natural value with established residential character. The provisions of the LCZ restrict and don't align with the residential character while the LDRZ would allow for further development/densification of these site which could result in changing of their intrinsic value. Preservation of these sites aligns with the following Strategies detailed in the Northern Tasmanian Regional Land Use Strategy."</i></li> <li>• Representor notes that in the draft quoted above, namely the Northern Tasmanian Regional Land Use Strategy, no strategies as such are provided in support of the statement. I presume this to be an editing error but none the less it is a significant one for a document that presumably relies on these strategies as justification for the proposed PPZ.</li> <li>• The representor then observes that Council further stated:</li> </ul>
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	<p><i>"Further to this, based on the Guidelines the General Residential, Rural Living and Village Zones of the SPP were not considered appropriate to apply to these sites.</i></p> <p><i>The creation of the PPZ – Coastal Settlement was derived from the PPZ – Ansons Bay Small Lot Residential as well as a review of the above-mentioned SPPs zones and other compatible PPZs such as the PPZ – Tomahawk and Mussleroe Bay/Poole Defined Settlement Areas.</i></p> <p><i>The creation of the PPZ satisfies 32(4)(a) of the Act as the titles collectively have significant social, economic and environmental benefits to the municipal area."</i></p> <p><i>Section 32(4)(a) of the Act is very specific in its application and directive that for an area to have a PPZ applied it must meet the following criteria:</i></p> <p><i>"(4) An LPS may only include a provision referred to in subsection (3) in relation to an area of land if –</i></p> <p><i>(a) a use or development to which the provision relates is of significant social, economic or</i></p> <p><i>environmental benefit to the State, a region or a municipal area; or</i></p> <p><i>(b) the area of land has particular environmental, economic, social or spatial qualities that</i></p> <p><i>require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs."</i></p> <ul style="list-style-type: none"> <li>Given the scale that the PPZ – Coastal Settlements relates to in Break O'Day, the draft LPS has not provided a sufficient level of justification as to the significance at a social or economic level of why a PPZ is required. The environmental values of these coastal areas are mapped and already form part of the planning controls that exist in directing sustainable use and development under LUPAA. These will continue under the TPS. The social and economic impacts and constraints on development that the application of the PPZ would apply have not been quantified (or consulted). The existing residential values of the area(s) and the desires of community members who reside in these enclaves as to their support (or not) of considered intensification of the existing residential use equally have not been consulted in any way that the representor is aware of.</li> <li>The impact on property owners and the region more broadly could be significant in economic and social terms, however given the government's desire to make the planning system faster, fairer, simpler and cheaper, it would be difficult to contend that the PPZ as proposed would assist in delivering this goal. The representor contends that the requirements of Section 32(4)(a) of the Act have not been achieved.</li> </ul>			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<b>Response:</b> The representation is largely the viewpoint of the representor and is outside the scope of the draft LPS.			
Recommended action	No modification to the draft LPS			
Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34 (2) of LUPAA is maintained.			

Representation No. 48	Name: Maree Wilcox Address (CT Details): N/A PID: N/A Land Area: Various IPS Zoning: Various			
Mapping Zoom Level 15				
	Site Location		Draft LPS Zoning	
Matter(s) raised in the representation (including property information details where applicable)	Representation raised the following matters: <b>Landscape Conservation Zone</b> <ul style="list-style-type: none"><li>- Supportive of the ability to undertake some subdivision in the Landscape Conservation Zone to 50ha under the Acceptable Solutions and potentially 20ha under the Performance Criteria.</li></ul> <b>General Comments</b> <ul style="list-style-type: none"><li>• Welcomes the state-wide consistent planning provisions.</li></ul>			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response: <b>Landscape Conservation Zone</b> <ul style="list-style-type: none"><li>- The support for the application of the Landscape Conservation Zone is noted.</li><li>- The Planning Authority note that the 20ha minimum lot is subject to the Performance Criteria. It should also be noted that the purpose of the zone is for the protection, conservation and management of landscape values and to provide for development that does not adversely impact on protection conservation and management of landscape values. The zone is not intended to prioritise residential development.</li></ul> <b>General Comments</b> Support for the state-wide consistent planning provisions is noted.			
Recommended action	No modification to the draft LPS			
Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.			

<b>Representation No. 49</b>	<b>Name:</b> James Stewart (Woolcott) obo L Hindrum <b>Address (CT Details):</b> 24833 Tasman Highway, St Helens CT 177177/1 <b>PID:</b> 9180215 <b>Land Area:</b> 6.057ha <b>IPS Zoning:</b> Environmental Living Zone (ELZ)		



Mapping Zoom Level 15				
	Site Location	Draft LPS Zoning – Landscape Conservation Zone		
Matter(s) raised in the representation (including property information details where applicable)	<p>Representation raised the following matters:</p> <ul style="list-style-type: none"><li>- Request Rural Living Zone (RLZ) apply to the site instead of the Landscape Conservation Zone (LCZ)</li><li>- Site subject to Scenic Road Corridor</li><li>- Historic and current use of the site include a range of industrial uses including panel beating, boat repairs, mechanics workshop, water cartage and crane depot. These constitute the use classes of ‘service industry’ and ‘transport depot and distribution’</li><li>- Request a Site Specific Qualification (SSQ) be applied to the site to recognise the existing use under 32 (4)(b)</li><li>- LCZ conflict with existing uses</li><li>- Site currently contains a dwelling, along with other sheds and buildings of an industrial appearance and use.</li></ul>  <p><i>Figure 1 - aerial view of site, showing extent of clearing.</i></p>			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response:			

	<ul style="list-style-type: none"> <li>- More than half of the site subject to the Priority Vegetation Layer in LPS</li> <li>- Scenic Protection Code applies to eastern portion of site</li> <li>- Site is surrounded by the LCZ</li> <li>- The RLZ as does the LCZ prohibits the use classes 'service industry' and 'transport depot and distribution' mentioned in representation.</li> <li>- Applying the LCZ is consistent with how the zone has been applied across the municipality.</li> <li>- The application of the LCZ does not prohibit the existing uses occurring on site.</li> <li>- Rezoning not supported</li> <li>-</li> </ul>
<b>Recommended action</b>	No modification to draft LPS
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

<b>Representation No. 50</b>	<b>Name: G &amp; R Murray</b> <b>Address (CT Details): Binalong Bay</b> <b>PID: Various</b> <b>Land Area: N/A</b> <b>IPS Zoning: N/A</b>	
<b>Mapping Zoom Level 15</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	Representation raised the following matters: <b>Lot Size:</b> <ul style="list-style-type: none"> <li>- There should be sensible limits on the minimum lot sizes depending on the actual zone. For example general residential lots should be limited to 700m<sup>2</sup> or greater</li> </ul> <b>Strata Development:</b> <ul style="list-style-type: none"> <li>- An essential requirement is the implementation of restrictions on strata and multiple dwellings developments to those areas which are appropriately serviced and not within sensitive zones such as the Landscape Conservation Zone.</li> </ul> <b>Ribbon Development</b> <ul style="list-style-type: none"> <li>- Support the retention of prohibition of further subdivisions within one (1) km of the coastline.</li> </ul> <b>Site Coverage</b> <ul style="list-style-type: none"> <li>- Limits on site coverage will encourage retention of the greenery and natural vegetation and minimise the rainwater runoff. Each zone will need to have specific limits and these should not be discretionary and general residential should be no greater than 40%. Furthermore there should be provisions to account for concrete surfaces which should in some proportional ratio add to the site coverage.</li> </ul> <b>Height</b> <ul style="list-style-type: none"> <li>- Ensuring compliance with height envelopes will benefit the community by minimising the overwhelming intrusion of towering buildings in</li> </ul>	

	<p>contrast to the natural trees and vegetation. Whilst these may be some discretion on minor non-compliance these must be minimal.</p> <p><b>Scenic Protection</b></p> <ul style="list-style-type: none"> <li>- Scenic values of this municipality are exceptional and apply across the whole of the region and are not limited to narrow corridors or just the coastline. Accordingly we fully support a wide ranging Scenic Protection Code encompassing valued sites throughout the whole municipality.</li> </ul> <p><b>Stormwater Management</b></p> <ul style="list-style-type: none"> <li>- Appropriate infrastructure needs to be provided to minimise outflows into waterways by means of appropriate treatment/retention facilities. Fortunately so much of the municipality use water tanks whereby the water is a critically important resource to be retained.</li> </ul> <p><b>Environmental Management Zone</b></p> <ul style="list-style-type: none"> <li>- Because of the high conservation values combined with scenic values we support the Future Potential Production Forests (FPPF) as Environmental Management</li> </ul> <p><b>Rural Zone</b></p> <ul style="list-style-type: none"> <li>- There is a need to review the Council's use of the Rural Zone which incorporates area which are clearly not currently nor intended to be rural, but rather serve non-rural purposes. These have scenic and environmental qualities that merit rezoning into the Landscape Conservation Zone.</li> </ul> <p><b>Native Vegetation</b></p> <ul style="list-style-type: none"> <li>- The scenic and conservation values are enhanced by retention and encouragement of much appropriate native vegetation as possible. The Council displays the opposite in so many ways. One example is mowing parks and greenery where the Council so often destroys young native trees with complete disregard or reason. A more enlightened policy will ensure that selective parks management will ensure the retention of young native trees and vegetation.</li> </ul> <p><b>Weed Management</b></p> <ul style="list-style-type: none"> <li>- This is a ubiquitous problem for all Councils and we are aware of the resources required. With reference to the above point where resources are employed to destroy native vegetation, the foreshores in so many areas are polluted with massive weed infestations that need to be removed under a scheduled management plan.</li> </ul> <p><b>Wildlife Protection</b></p> <ul style="list-style-type: none"> <li>- It is a well understood principle that there is an obvious link between protection of the natural environment, particularly the flora and the well-being of the native wildlife. This is further reason for protection of the native vegetation and removal of weeds. A policy that creates wildlife corridors is essential for protection of these creatures and is a feature of so many progressive Councils and should be adopted by this Council.</li> </ul> <p><b>Reticulated Systems</b></p> <ul style="list-style-type: none"> <li>- Septic systems should not be replaced with reticulated system on the basis of efficiency.</li> <li>- The more recent development of a plethora of efficient waste management technologies used throughout the country supports the case for on-site self-contained systems. It is likely that those seeking</li> </ul>
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	<p>sewerage systems at massive expense to all believe it will allow for more concentrated development and subdivision of existing lots.</p> <p><b>Community Consultation</b></p> <ul style="list-style-type: none"> <li>- It is regrettable that so often community comment and advice based on personal experience and common sense have in the past been ignored in the quest for inappropriate development. By means of an example I reference my objection (Jan 2018) to the massive break wall where I foreshadowed the rocks falling into the gulch “the surge will assuredly move any in-fill material “and “issue of repositioning of displaced rocks and material needs to be funded”, and restricted visibility of on-coming waves resulting in boats being washed onto the rocks – both of which have now resulted from this obvious Council-endorsed danger. Warning signs now acknowledge the danger to all mariners using the facility. <ul style="list-style-type: none"> <li>• The point of this is that the community rather than bureaucrats lacking familiarity are in a much better position to make appropriate recommendations.</li> </ul> </li> </ul>		
<b>Planning Authority response</b>	Consistency Overview:		
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy <input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP? <input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS? <input type="checkbox"/>
	<p>Response:</p> <p><b>General:</b></p> <ul style="list-style-type: none"> <li>- The representors comments regarding Lot Size, Strata Development, Ribbon Development, Site Coverage and Height are all noted. The draft LPS primary role is to apply the State Planning Provisions (SPP) which sets out such requirements under specific zones and codes. Amending the zone and code provisions within the SPP is out of scope of the draft LPS.</li> </ul> <p><b>Scenic Protection</b></p> <ul style="list-style-type: none"> <li>- The Scenic Management – Tourist Road Corridor, has been transitioned from the interim planning scheme to the draft LPS as per Schedule 6 Clause 8D(2) is a translation of the provisions of the Interim Planning Scheme.</li> </ul> <p><b>Stormwater Protection</b></p> <ul style="list-style-type: none"> <li>- The Stormwater SAP has been drafted based on direction from the State.</li> <li>- The SPP clause 6.11.2 (g) allows for conditions and restrictions imposed by the planning authority including erosion, and stormwater volume and quality controls.</li> </ul> <p><b>Environmental Management Zone</b></p> <ul style="list-style-type: none"> <li>- The Planning Authority has not zoned the FPPF in other parts of the LGA as the Environmental Management Zone in the draft LPS. The Section 8A Guidelines do not provide scope for the application of the EMZ to the FPPF.</li> </ul> <p><b>Rural Zone</b></p> <ul style="list-style-type: none"> <li>- Comment regarding the application of the RZ are noted.</li> </ul> <p><b>Native Vegetation / Weed Management / Wildlife Protection</b></p> <ul style="list-style-type: none"> <li>- Comments regarding native vegetation, weed management and native vegetation are noted.</li> </ul>		

	<b>Reticulated System</b> - Comments regarding wastewater systems are noted <b>Consultation</b> Comments regarding community consultation are noted
<b>Recommended action</b>	No modification to the draft LPS
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

<b>Representation No. 51</b>	<b>Name:</b> A Bleaney <b>Address (CT Details):</b> N/A <b>PID:</b> N/A <b>Land Area:</b> N/A <b>IPS Zoning:</b> N/A	
<b>Mapping Zoom Level 15</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	Representation raised the following matters: The new plan needs to: <ul style="list-style-type: none"> <li>- Support the retention of a prohibition of subdivision within one (1) km of the high-water mark along the coast to help prevent ribbon development and urban sprawl and focus development in serviced settlements</li> <li>- Stop multiple dwellings and strata developments for tourism accommodation outside serviced areas including in the Landscape Conservation Zone</li> <li>- Support a Scenic Protection Code that protects landscape values across the municipality while noting that the Council has adopted a minimalist position of only looking at scenic protection along narrow road corridors</li> <li>- Improve the proposed Stormwater Specific Area Plan (SAP). A key objective of a Stormwater SAP should be to reduce the overall quantity and improve the quality of urban stormwater flows to waterbodies as part of a comprehensive stormwater management program that is premised on the identification of important aquatic ecosystem values and the need to avoid or minimise any potential ecological impacts. A priority should be the management of stormwater to reduce overland flow and to improve water quality at source and where this is impractical then use treatment processes incorporated into the council stormwater infrastructure. The current Council Stormwater SAP will not achieve these outcomes.</li> <li>- Support zoning Future Potential Production Forests (FPPF) land as Environmental Management Zone in recognition of the FPPF areas significant high conservation values and in some cases important scenic values</li> <li>- Support split zoning of Agricultural zoned land where there are important landscape conservation and or scenic values with non farming areas zoned Landscape Conservation Zone</li> </ul>	



	<ul style="list-style-type: none"> <li>- The Council has also zoned large amounts of private land as Rural. In the Rural Zone forestry and intensive uses such as feedlots and fish farms do not require a planning permit while Landscape Conservation Zoning emphasises protecting landscape values. Areas such as between the bottom of Elephant Pass through to the Nicholas Range around St Marys are environmental lifestyle areas not Rural industry areas. As such the majority of properties in such areas should be zoned Landscape Conservation Zone. <ul style="list-style-type: none"> <li>• Ensure that the biodiversity overlay in the Natural Assets Code is comprehensive and takes into account the importance of landscape connectivity/wildlife habitat corridors</li> </ul> </li> </ul>		
<b>Planning Authority response</b>	Consistency Overview:		
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy <input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP? <input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS? <input type="checkbox"/>
	<p>Response:</p> <ul style="list-style-type: none"> <li>- Representation has raised a number of general comments regarding the application of zones and codes in the draft LPS. The Planning Authority has applied the zones and codes as per the Section 8A Guidelines issued by the State Government. Notwithstanding this, the issues raised in the representation have been noted.</li> <li>- 1km prohibition of subdivision is unable to be included in draft LPS. The LCZ is considered a suitable mechanism to maintain development patterns.</li> <li>- The State Government has directed that all Tasmanian municipal areas and the properties within them transition to the new state-wide Tasmanian Planning Scheme. This effectively means that properties, across the State, will transition to new zones. The LCZ is considered the closest match for land within the ELZ.</li> <li>- The LCZ offers sound protection against further residential subdivision. The purpose of the LCZ is not to prioritise residential use. Limited lots may be subdivided through a Permitted pathway. A Discretionary pathway is also provided which requires public notification. Rural Zone (RZ) between Elephant Pass Road and Nicholas Range around St Marys transitioned from the Rural Resource Zone in the Interim Planning Scheme. Rezoning this land to Landscape Conservation (LCZ) is not consistent with the Strategy or the State Guidelines. Landowner consent for rezoning request has not been provided. As such, rezoning not supported by the Planning Authority.</li> <li>- Stormwater SAP has been drafted based on direction from the State.</li> <li>- The SPP clause 6.11.2 (g) allows for conditions and restrictions imposed by the planning authority including erosion, and stormwater volume and quality controls.</li> <li>- The Planning Authority has not zoned the FPPF in other parts of the LGA as the Environmental Management Zone in the draft LPS. The Section 8A Guidelines do not provide scope for the application of the EMZ to the FPPF.</li> </ul> <p>The Natural Assets Code has been applied based on State mapping.</p>		


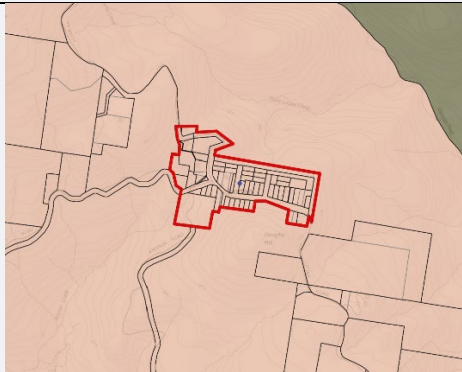
<b>Recommended action</b>	No modification to the draft LPS
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

Representation No. 52	Name: V Legg Address (CT Details): N/A PID: N/A Land Area: N/A IPS Zoning: N/A			
Mapping Zoom Level 15				
	Site Location	Draft LPS Zoning		
Matter(s) raised in the representation (including property information details where applicable)	Representation raised the following matters: <ul style="list-style-type: none"><li>- Over the last 20 year representor has noticed the degradation of the natural environment, replaced by the built environment.</li><li>- Support the retention of the prohibition of subdivision within 1km from the high water mark</li><li>- Landscape Conservation Zone includes additional land uses to the Environmental Living Zone</li><li>- Lifestyle is being eroded with the downsides of urbanisation but none of the benefits.</li><li>- Infrastructure is not keeping pace with the dwellings and tourism. For example, the water restrictions in Scamander in 2019.<ul style="list-style-type: none"><li>• Not in favour of allowing discretionary items to be allow in the Landscape Conservation Zone.</li></ul></li></ul>			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response: <ul style="list-style-type: none"><li>- The State Government has directed that all Tasmanian municipal areas and the properties within them transition to the new state-wide Tasmanian Planning Scheme. This effectively means that properties, across the State, will transition to new zones. The Landscape Conservation Zone (LCZ) is considered the closest match for land within the ELZ.</li><li>- The LCZ offers sound protection against further residential subdivision. The purpose of the LCZ is not to prioritise residential use. Limited lots may be subdivided through a Permitted pathway. A Discretionary pathway is also provided which requires public notification..</li><li>- The discretionary uses within the LCZ represent the most accurate like-for-like translation from the the Environmental Living Zone.</li></ul> Representors general comments regarding infrastructure and natural environmental are noted.			
Recommended action	No modification to the draft LPS			

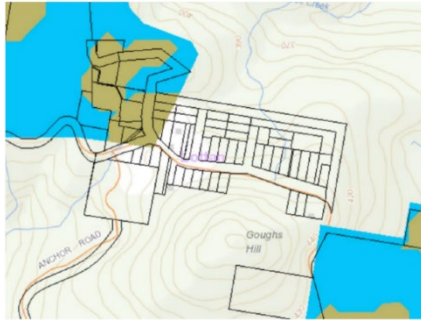
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.
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Representation No. 53	Name: P Thomas Address (CT Details): various PID: N/A Land Area: N/A IPS Zoning: N/A			
Mapping Zoom Level 15				
	Site Location		Draft LPS Zoning	
Matter(s) raised in the representation (including property information details where applicable)	Representation raised the following matters:			
	<div>Subdivision within 1km</div> <ul style="list-style-type: none"><li>- Subdivision compromises the uniqueness of the municipality</li><li>- Development results in loss of native habitat as well as a range of other issues</li><li>- Clearing of vegetation for fire protection alters the landscape indefinitely</li><li>- request the prohibition is upheld</li></ul> <div>Natural Assets Code</div> <ul style="list-style-type: none"><li>- The biodiversity overlay in the code needs bolstering to be thoroughly inclusive regarding wildlife corridors.</li></ul> <div>Tourism</div> <ul style="list-style-type: none"><li>- Strata development and multiple dwelling should not happen or even be considered in the Landscape Conservation Zone</li><li>- Development in these zones would be inappropriate</li></ul> <div>Stormwater SAP</div> <ul style="list-style-type: none"><li>- A considerable amount of stormwater flows to waterbodies</li><li>- SAP is required to be updated to reduce overland flows and increase water quality</li></ul> <div>Rural Land</div> <ul style="list-style-type: none"><li>- There are considerable amounts of private land now zoned as rural, this includes areas between the Nicholas Range and the bottom of Elephant pass. Large areas surrounding St Marys also fall under this zoning. This results in industries with intensive uses not needing planning permits. Given most people have chosen properties in these areas to experience an environmental lifestyle, the majority of these properties should be zoned Landscape Conservation Zone</li></ul> <div>Agricultural Zone</div> <ul style="list-style-type: none"><li>- Support for split zoning agricultural zoned land where there are important landscape conservation and scenic values with non farming areas zone Landscape Conservation Zone</li></ul> <div>Future Potential Production Forests (FPPF)</div> <ul style="list-style-type: none"><li>- Support for zoning FPPF land as Environmental Management Zone</li></ul> <div>Other</div> <ul style="list-style-type: none"><li>• Planning and building codes need to ensure connection with landscape and be of high quality design. Refence of Victorian subdivision standards for Mullum Creek.</li></ul>			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>

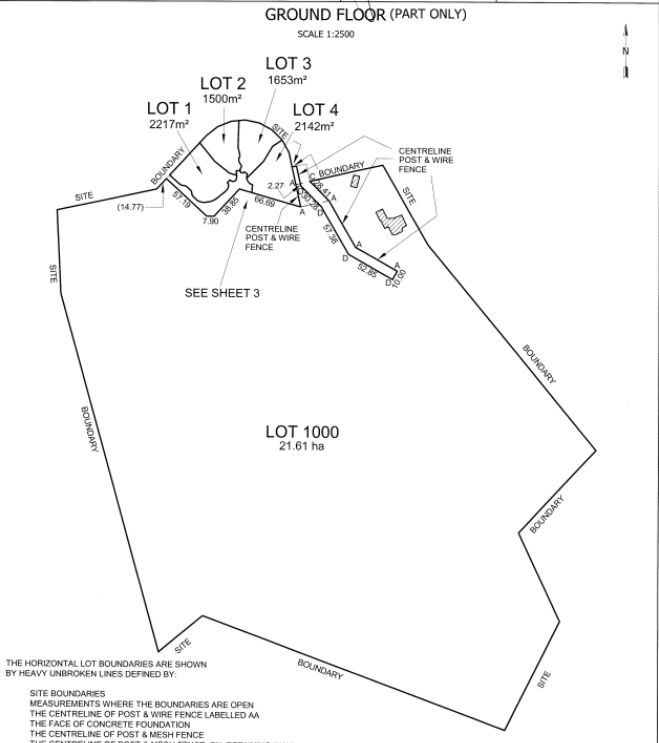
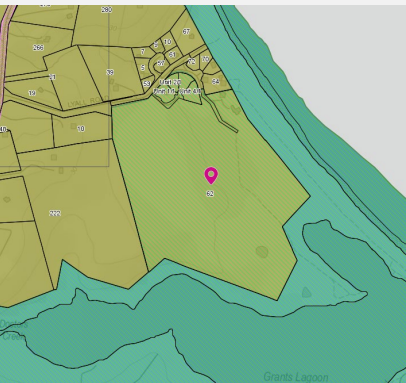
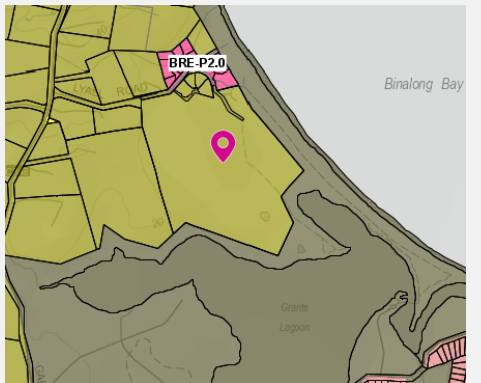
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<p>Response:</p> <p><b>Subdivision</b></p> <ul style="list-style-type: none"> <li>- Representation has raised a number of general comments regarding the application of zones and codes in the draft LPS. The Planning Authority has applied the zones and codes as per the Guidelines issued by the State. Notwithstanding this, the issues raised in the representation have been noted.</li> <li>- The one (1) km prohibition of subdivision is unable to be included in draft LPS. Landscape Conservation Zone (LCZ) considered a suitable mechanism to maintain development patterns.</li> <li>- The State Government has directed that all Tasmanian municipal areas and the properties within them transition to the new state-wide Tasmanian Planning Scheme. This effectively means that properties, across the State, will transition to new zones. The LCZ is considered the closest match for land within the Environmental Living Zone (ELZ).</li> <li>- The LCZ offers sound protection against further residential subdivision. The purpose of the LCZ is not to prioritise residential use. Limited lots may be subdivided through a Permitted pathway. A Discretionary pathway is also provided which requires public notification.</li> </ul> <p><b>Natural Assets Code</b></p> <ul style="list-style-type: none"> <li>- Comments regarding the Biodiversity Code are noted. The code has been applied based on the State-wide mapping</li> </ul> <p><b>Tourism</b></p> <ul style="list-style-type: none"> <li>- As detailed above the LCZ discourages ribbon and strata development.</li> </ul> <p><b>Stormwater</b></p> <ul style="list-style-type: none"> <li>- Stormwater SAP has been drafted based on direction from the State.</li> <li>- The SPP clause 6.11.2 (g) allows for conditions and restrictions imposed by the planning authority including erosion, and stormwater volume and quality controls.</li> </ul> <p><b>Rural Land</b></p> <ul style="list-style-type: none"> <li>- Rural Zone (RZ) between Elephant Pass Road and Nicholas Range around St Marys transitioned from the Rural Resource Zone in the Interim Planning Scheme. Rezoning this land to Landscape Conservation (LCZ) is not consistent with the Strategy or the State Guidelines. Landowner consent for rezoning request has not been provided. As such, rezoning not supported by the Planning Authority.</li> </ul> <p><b>Agricultural land / FPPF</b></p> <ul style="list-style-type: none"> <li>- The Planning Authority has not zoned the FPPF in other parts of the LGA as the Environmental Management Zone in the draft LPS. The Section 8A Guidelines do not provide scope for the application of the EMZ to the FPPF.</li> </ul> <p><b>Other</b></p> <p>Comments regarding planning and building codes are noted.</p>			
	<p><b>Recommended action</b></p> <p>No modification to the draft LPS</p>			


<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.	
<b>Representation No. 54</b>	<b>Name:</b> Kylie Walker <b>Address (CT Details):</b> Lottah, TAS 7216 <b>PID:</b> N/A <b>Land Area:</b> Approx. 14. 7ha <b>IPS Zoning:</b> Rural Resource	
<b>Mapping</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>To support the requested rezoning (<u>Village Zone</u>), the representation provides the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposed LPS Rural Zone applied to the township of Lottah should be reconsidered for a more suitable zone.</li> <li>• Historically, Lottah was a thriving mining town with its own local shops and services in addition to roughly 150 men working within the nearby mine; many of these miners were residents of the township.</li> <li>• The township is substantially diminished due to industry changes that have occurred over time. However, Lottah is known as the gateway to the Blue Tier which includes walking tracks to areas of cultural heritage. The Blue Tier is destination that people like to visit and as such Lottah has been identified by the State Government as a place that could be developed for tourism but there is currently no accommodation within Lottah to provide for visitors.</li> <li>• Under the currently proposed LPS Rural Zone which blankets the whole area, it is very difficult to develop the land. Application of a LPS zone which allows incremental, careful and sustainable development would allow small-scale development to encourage visitor accommodation and other services for both the residents and visitors. This could encourage more economic development opportunities.</li> <li>• The character of Lottah should be preserved and protected which notably includes heritage aspects of the township (remnants of mining operation). Development within Lottah does not need to be intensive and due to the lack of reticulated services this ensures that it will remain so.</li> <li>• The LPS Village Zone would be a more appropriate zone for the township of Lottah to allow development of an appropriate scale.</li> <li>• As seen below within the provided image, the township of Lottah is a contained village with small lots of between 700m<sup>2</sup> to 5000m<sup>2</sup>. The land is zoned Rural Resource, and proposed to be zoned Rural. The land is not suited to agriculture according to the Land Capability mapping on the LISTMap, the land has low agricultural value in the area surrounding Lottah, and the township is not assessed against the 'Land Potentially Suitable for Agriculture Zone'.</li> </ul>	




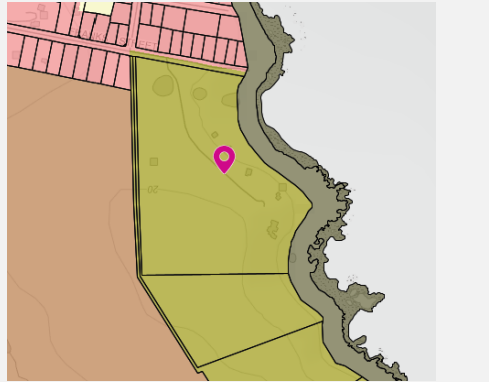
	<div></div> <ul style="list-style-type: none"><li>• A zone more appropriate to small scale development should be considered, specifically the Village Zone. This has been applied to other small towns that have found incremental growth due to tourism, such as Derby.</li><li>• Given the township of Lottah has been earmarked for tourism development, a zone that helps to facilitate this and allow suitable development seems reasonable.</li></ul>												
Planning Authority response	Consistency Overview:												
	<table><tr><td>NTRLUS</td><td><input type="checkbox"/></td><td>Local Strategy / Policy</td><td><input type="checkbox"/></td></tr><tr><td>Section 8A Guideline No.1</td><td><input type="checkbox"/></td><td>Relate to the drafting / content of the SPP?</td><td><input type="checkbox"/></td></tr><tr><td>TPC Practice Notes</td><td><input type="checkbox"/></td><td>Reflect a like for like conversion of the IPS?</td><td><input type="checkbox"/></td></tr></table>	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>									
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>									
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>									
<p><b>Response:</b></p> <p>Located north of the small village of Pyengana and within close proximity to the Blue Tier Regional Reserve, the township of Lottah which has been identified as a rural settlement, is situated amongst land that has been proposed to be zoned as Rural within the draft LPS.</p> <p>Regarding the requested application of the Village Zone to the entirety of the Lottah township, the following guideline has the potential to be applicable (pp.7-8):</p> <p><i>VZ 1 The Village Zone should be applied to land within rural settlements where the Urban Mixed Use Zone is not suitable and there is an unstructured mix of residential, commercial activities and community services and there is a strategic intention to maintain this mix.</i></p> <p><i>VZ 2 The Village Zone may be applied to land where the full range of reticulated infrastructure services are or are not available.</i></p> <p><i>VZ 3 The Village Zone may cover either:</i></p> <p><i>(a) an entire settlement where the settlement is relatively small and no clear town centre exists or is intended to exist; or</i></p> <p><i>(b) part of a settlement where a high degree of use mix exists or is intended in the centre (otherwise refer to Local Business Zone) the remainder of the settlement may be zoned either General Residential or Low Density Residential depending on the characteristics of the settlement.</i></p> <p><i>VZ 4 The Village Zone should not be applied to existing rural settlements where a mix of uses does not exist or where there is no strategic intention to provide a mix of uses.</i></p> <p>Application of the LIST ‘Land Capability’ layer revealed that only the north western corner of the township is subject to classifications derived from the aforementioned layer including 5 (‘Land unsuited to cropping and with slight to moderate limitations to pastoral use’) and 6 (‘Land marginally suited to grazing due to severe limitations’). Further confirming the information provided by the representor, upon the application of the LIST ‘Land Potentially Suitable for Agriculture Zone’ layer it was revealed that the township was not included within the study area as the developed criteria were not applied. Upon review of the applicable overlays, Council’s draft LPS mapping revealed that the property is subject to several overlays indicating potential environmental constraints including:</p>													

	<ul style="list-style-type: none"> <li>• Bushfire Prone Areas</li> <li>• Scenic Protection</li> <li>• Priority Vegetation Area</li> <li>• Landslip Hazard (presence of low landslip hazard band around the edges of Lottah and a small section of the township towards the south contains the Medium landslip hazard band)</li> <li>• Waterway and Coastal Protection</li> </ul> <p>In line with the representor's conclusions, the township and adjoining land which surrounds Lottah has low agricultural potential and some environmental constraints. However such conditions validate the application of the proposed draft LPS Rural Zone as the Section 8A Guideline no.1 states (pp. 14):</p> <p><i>RZ 1 The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.</i></p> <p><i>RZ 2 The Rural Zone should only be applied after considering whether the land is suitable for the Agriculture Zone in accordance with the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST.</i></p> <p>Although the Planning Authority recognises the heritage significance and potential tourism development within Lottah, there has been no strategic intention outlined within either the 'Land Use and Development Strategy – Break O'Day Council Municipal Management Plan' nor the NTRLUS, which indicates the consideration of an alternative zone that would be conducive to small-scale development for tourism (including local shops and services) within the township. The Land Use and Development Strategy does state within the 'Settlement Character Descriptions and Plans' (pp. 134) that, <i>'Environmental Living Zones were proposed under the draft Interim Planning Scheme however, were not included in the final endorsed Interim Scheme. Given the cluster is already subdivided and in different land ownerships, consideration of the application of an Environmental Living Zone could be considered', and, 'Further development within this Rural Settlement of Lottah is discouraged outside the existing subdivided pattern due to the isolation and potential environmental constraints.</i></p> <p>However, the township of Lottah as an existing rural settlement, does not accommodate a mix of uses. This is particularly evident as the lots within the township have largely been allocated the <b>V5</b> – Vacant-Rural Residential land use code in addition to some of the following Land-Use codes: <b>V1</b> – Vacant – Residential, <b>R5</b> – Rural Residential and <b>R1</b> –House or Cottage. Subsequently, the requested application of the Village zone to Lottah cannot be applied due to the zoning application guideline stipulating that (pp. 8):</p> <p><i>VZ 4 The Village Zone should not be applied to existing rural settlements where a mix of uses does not exist or where there is no strategic intention to provide a mix of uses.</i></p> <p>The Planning Authority would like to note that small-scale and sustainable development within Lottah regarding tourism (including local shops and services) is possible under the proposed LPS Rural Zone. This is particularly evident as the SPP contained within the TPS, specifically '20.2 Use Table' (pp. 20. Rural Zone: 1) for the Rural Zone, demonstrates that the types of development advocated for by the representor would be most likely be considered discretionary as seen within the qualification statements.</p>
<b>Recommended action</b>	<b>No modification to the draft LPS</b>
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34 (2) of LUPAA is maintained.

<p><b>Representation No. 55</b></p>	<p><b>Name:</b> James Stewart (Woolcott) obo owners of 1-4 Vince Lane, Binalong Bay  <b>Address (CT Details):</b> 1-4 Vince Lane, Binalong Bay  <b>PID:</b> 170451/0  <b>Land Area:</b>  <b>IPS Zoning:</b> Environmental Living</p> 	
<p><b>Mapping Zoom Level 15</b></p>		
<p><b>Matter(s) raised in the representation (including property information details where applicable)</b></p>	<p><b>Site Location</b></p> <p><b>Draft LPS Zoning – Landscape Conservation Zone.</b></p> <p>Representation raised the following matters:</p> <ul style="list-style-type: none"> <li>- Strata lots range of 1500m2 – 2217m2</li> <li>- Access to each lot via common property off Lyall Road</li> <li>- 1 of the 4 units for visitor accommodation constructed</li> <li>- Strata lots 1-4 all under separate ownership, do not contain landscape values, cleared of vegetation.</li> <li>- Natural assets overlay applies to the site</li> <li>- Once developed, and provided with a Bushfire Hazard Management Area, there will be little native vegetation left on site</li> <li>- Landscape Conservation Zone (LCZ) not considered appropriate.</li> </ul>	

	<ul style="list-style-type: none"> <li>- Suggest zoning should align with other residential properties within Lyall Road, Baileys Court and Burgess Court. These are located within the Particular Purpose Zone Coastal Settlement.</li> <li>- Request the Low Density Residential Zone (LDRZ) be applied to the site and surrounding land</li> <li>- Should council and the Commission continue with the PPZ request the lots be included in the PPZ</li> </ul>			
<b>Planning Authority response</b>	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<p>Response:</p> <ul style="list-style-type: none"> <li>- The strata lots are part of a title that is 22.57ha and predominately covered in native vegetation.</li> <li>- Site and surrounding area subject to Priority Vegetation Area.</li> <li>- Site not identified in Strategy for LDRZ and applying the LDRZ is not in line with application in draft LPS for municipality.</li> <li>- Strata development approved. LCZ considered most appropriate zone based on the Guidelines.</li> <li>- The PPZ has not been applied to any other strata lots.</li> <li>- Given the site's overall area and character the PPZ is not considered suitable.</li> </ul> 			
<b>Recommended action</b>	No modification to draft LPS			
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.			

<b>Representation No. 56</b>	<b>Name: James Stewart (Woolcott) obo B Hogarth &amp; R Tobler</b> <b>Address (CT Details): 36 Franks Street, Falmouth CT 25329/3</b> <b>PID: 7513837</b>
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	<b>Land Area: 10.5ha</b> <b>IPS Zoning:</b>	
<b>Mapping</b> <b>Zoom Level 15</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning –Landscape Conservation Zone</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>Representation raised the following matters:</p> <ul style="list-style-type: none"> <li>- Property contains Saltwater Sunrise Visitor Accommodation which consists of 4 self-contained villas as well as an existing single dwelling and outbuilding.</li> <li>- In 2019, Council approved the development of 15 new accommodation units and changed the use on two of the existing buildings so they could be used as accommodation.</li> <li>- Land is cleared of native vegetation with the majority maintained grassland.</li> <li>- Small pockets of vegetation TasVeg 4.0 identifies as Agricultural Modified Land</li> <li>- Zoned Environmental Living (ELZ) under Interim Scheme</li> <li>- LPS proposed Landscape Conservation (LCZ)</li> <li>- Request amendment to LPS to apply Low Density Residential Zone (LDRZ)</li> <li>- Land has a permit in place for development of 15 visitor accommodation units across the site. Once complete site will operate as one of the largest accommodation and tourism sites on the east coast</li> <li>- LDRZ would allow for continuous application of this zone throughout Falmouth</li> <li>- Guideline details that LCZ should be applied to prioritise protection of native and landscape value, of which the site does not contain any.</li> <li>- LCZ would change the existing residential zone to a non-residential zone.</li> <li>- LCZ includes visitor accommodation as discretionary use which is an established use on the site.</li> <li>- LDRZ has been applied to all of the land on the southern side of Franks Street which under the interim scheme was ELZ.</li> <li>- Following justifications for LDRZ are provided:</li> <li>- Site has existing frontage to existing council maintained road and little constraints on site</li> <li>- Rates well against the NTRLUS Rural Residential Areas</li> <li>- Zoning will not have a detrimental impact on agricultural or environmental values of the land</li> </ul>	

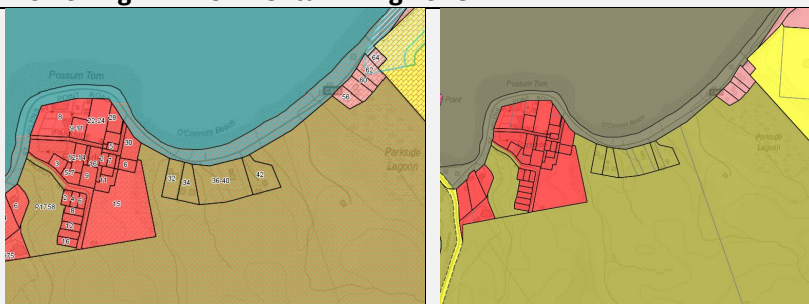


	<ul style="list-style-type: none"> <li>- Site has no environmental values</li> <li>- Site in proximity to St Helens and St Marys</li> <li>- Allows for expansion of Falmouth</li> <li>- Site has good road infrastructure</li> <li>- Site can accommodate onsite wastewater</li> <li>- Site not subject to natural hazards. Only a small portion within erosion hazard band</li> <li>- Minimal land available for subdivision within Falmouth. Site provides logical expansion of the residential settlement to the south</li> <li>- LCZ will have impact on property value</li> <li>- Will impact on ability to obtain a loan</li> </ul>		
<b>Planning Authority response</b>	Consistency Overview:		
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy <input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP? <input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS? <input type="checkbox"/>
	<p>Response:</p> <ul style="list-style-type: none"> <li>- Scenic Protection Code does not apply</li> <li>- Priority Vegetation layer does not apply</li> <li>- Permit in place, LDRZ would allow for more development of site with current approval in place allowing for 'one of the largest accommodation and tourism sites on the east coast'</li> <li>- Rezoning the site to LDRZ would increase the developable land in Falmouth by approximately a third. 10 ha site, Falmouth LDRZ approx. 30 ha.</li> <li>- Representation received by Friends of East Coast raising concerns over this site and overdevelopment of site.</li> <li>- Strategy details maintaining existing town boundaries with the exception of the smaller lots to the south of Franks Street as these reflect existing subdivision pattern and future land use.</li> <li>- Site is not identified for rezoning in Strategy</li> <li>- Falmouth is not identified for further expansion or subdivision</li> <li>- Permit allows for approved development to occur.</li> </ul>		

<b>Recommended action</b>	No modification to the draft LPS
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

Representation No. 57	Name: Heather Sculthorpe, Tasmanian Aboriginal Centre. Address (CT Details): - PID: - Land Area: - IPS Zoning: -			
Mapping Zoom Level 15				
	Site Location		Draft LPS Zoning	
Matter(s) raised in the representation (including property information details where applicable)	Waterfront land should not be available for commercial development; Our submission is that cultural values must be respected especially as there has been no return of land to our community for generations. Please respect the traditional owners and our need to preserve our culture ahead of the private interests that seek financial return to commercial enterprises.			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response: The <i>Land Use Planning and Approvals Act 1994</i> , provides for the application of the Tasmanian Planning Scheme. Any action addressing the representation, is outside the scope of the draft LPS. The representors comments are noted, appreciated and respected.			
Recommended action	No modification to the Draft LPS.			

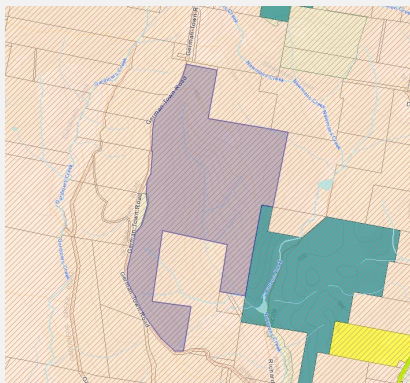
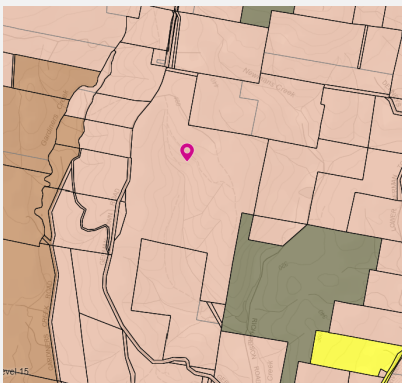
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.
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<b>Representation No. 58</b>	<b>Name: John Davies</b> <b>Address (CT Details): Not given</b> <b>PID: Not given</b> <b>Land Area: Unable to be determined</b> <b>IPS Zoning: Environmental Living Zone</b>			
<b>Mapping Zoom Level 15</b>				
	<b>Site Location</b>	<b>Draft LPS Zoning – Landscape Conservation Zone</b>		
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	The representation has not clearly identified the land and requests the land to be zoned Low Density Zone. The above parcels currently zoned ELZ and zoned LCZ in the draft LPS are interpreted as relating to the representation.			
<b>Planning Authority response</b>	<b>Consistency Overview:</b>			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response: Unable to respond with any accuracy as land has not been identified. Strategic planning documents do not identify the land proposed as LCZ to transition to Low Density Zone.			
<b>Recommended action</b>	No modification to the draft LPS			
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.			

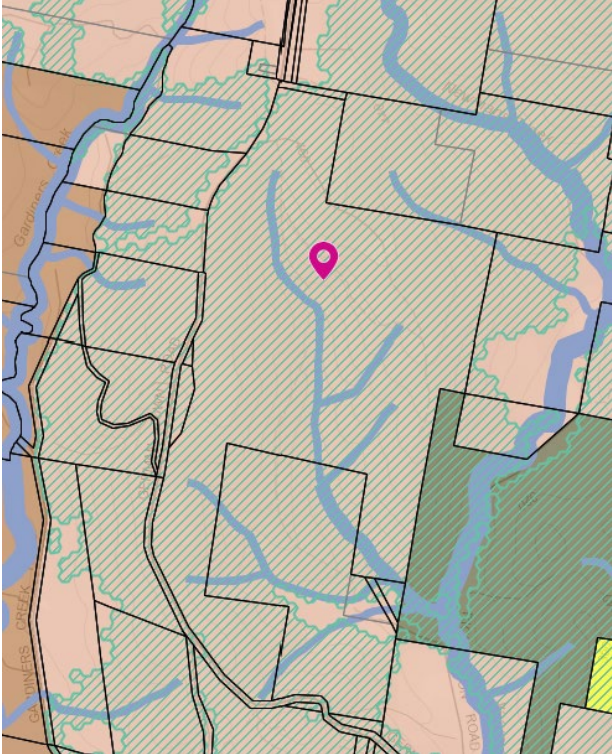


<b>Representation No. 59 Item 1</b>	<b>Name: Graeme Beech</b> <b>Address (CT Details): NA</b> <b>PID: NA</b> <b>Land Area: NA</b> <b>IPS Zoning: Environmental Living Zone and Rural Resource Zone</b>		
<b>Mapping</b>			

Zoom Level 15				
	Site Location	Draft LPS Zoning – Landscape Conservation Zone; Agricultural Zone; Rural Zone.		
Matter(s) raised in the representation (including property information details where applicable)	<ul style="list-style-type: none"><li>• LPS must retain the prohibition of subdivision within 1km of the HWM along the coast outside developed areas;</li><li>• Retention of coastal natural values that attract people to the area;</li><li>• Development should be restricted to serviced areas;</li><li>• Multiple dwellings and strata to be restricted to serviced areas;</li><li>• Re-assessment of the biodiversity overlay in the Natural Assets Code;</li><li>• Landscapes values need to be re-assessed;</li><li>• Future Potential Production Forest (FPPF) land should be zoned Environmental Management given high conservation values and scenic values;</li><li>• Environmental flows in waterways to be protected;</li><li>• Improvement of proposed Stormwater Specific Area Plan (SAP) to protect freshwater and marine assets; Improved stormwater infrastructure to include contemporary techniques such as stormwater retention areas;</li><li>• Some Agricultural land should be zoned Landscape Conservation Zone;</li></ul>			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<p>Response:</p> <p><u>Natural and Landscape Values</u></p> <p>The representation largely relates to development standards within the State Planning Provisions and outside the scope of the draft LPS exhibition process. The representation raises matters that may be interpreted as requesting a change to the SPP. Under section 35E(3) of the Act, a representation about a draft LPS must not be a representation to the effect that the content of a provision of the SPPs should be altered.</p> <p>A review of the overlays relating to the Natural Assets Code or Scenic Protection Areas will require a comprehensive assessment across the local government area and extensive public consultation. Field verification, analysis and mapping undertaken by or on behalf of the planning authority would need to be undertaken in order to amend the overlay.</p> <p>Additionally, as the SPP contains the Natural Assets Code that regulates development for example within the Priority Vegetation Area, any proposed changes or increases in regulation cannot be addressed as part of this process. Any alteration to mapping would need to be supported by studies by or on behalf of the planning authority.</p> <p><u>FPPF Land</u></p> <p>The mapping project for the Agricultural Zone excluded certain land use such as forestry in their analysis which was better suited to the Rural Zone</p>			


	<p>as a strategically important naturally occurring resource. Accordingly the land has been identified in the Rural Zone in the draft LPS.</p> <p><u>Stormwater and Water Quality</u></p> <p>The SPP was considered not to provide the same consideration regarding stormwater infrastructure, which the current scheme provides. The Stormwater Management SAP aims to protect off site stormwater impacts on both private land and public infrastructure for the benefit of the community, similar to the current scheme. The draft LPS process does not preclude the planning authority from further developing policy and standards for development.</p>
<b>Recommended action</b>	No modification to the draft LPS
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.

Representation No. 60 Item 1	Name: Abby Gee Address: 158 German Town Road St Marys Title Reference: 210430/1 PID: 7627105 Land Area: 81.91 hectares IPS Zoning: Rural Resource Zone			
Mapping Zoom Level 15				
	Site Location		Draft LPS Zoning - Rural	
Matter(s) raised in the representation (including property information details where applicable)	Given that the land contains a 50 acre Conservation Covenant, I wish to formally request my conservation property which contains two endangered species be rezoned as Landscape Conservation. I am aware Conservation Landholders Tasmania (Representation 70) has submitted a representation proposing this amendment, to which I agree.			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input checked="" type="checkbox"/>
	Response: The site is proposed to transition to the Rural Zone and is affected by the Priority Vegetation Areas Overlay mapping.			




	 <p> Priority Vegetation Area</p> <p> Waterway and Coastal Protection</p> <p>The site also supports a conservation covenant over approximately 22 hectares of the site with the remainder of the site being a Private Timber Reserve. The conservation covenant and timber reserve and any restrictions contained in them apply regardless of the zoning. The site will be subject to the Natural Assets Code.</p> <p>It is appropriate the title remains in the Rural Zone. While the recommendation is not the same as the representation is seeking, the recommendation will ensure all of the site affected by the Natural Assets Code will be provided appropriate regulation.</p>
<b>Recommended action</b>	No modification to the draft LPS.
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.


<b>Representation No. 61 Item 1</b>	<b>Name:</b> Abby Gee OBO Sharlene King <b>Address:</b> St Patricks Head Road, St Marys <b>Title Reference:</b> 206661/1 <b>PID:</b> 6408074 <b>Land Area:</b> 9.6 hectares approximately <b>IPS Zoning:</b> Rural Resource Zone
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<b>Mapping Zoom Level 15</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning – Rural Zone</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	I wish to formally request her conservation property if being rezoned, be rezoned as Landscape Conservation over agricultural or rural zoning I am writing on behalf of Sharlene King who was not aware of the changes to the LPS until this evening.	
<b>Planning Authority response</b>	Consistency Overview:	
	NTRLUS	<input checked="" type="checkbox"/> Local Strategy / Policy <input type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/> Relate to the drafting / content of the SPP? <input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/> Reflect a like for like conversion of the IPS? <input checked="" type="checkbox"/>
	<p>Response:</p> <p>The land is subject to a Private Timber Reserve (whole of the land). The site is also affected by Priority Vegetation Area and Waterway and Coastal Protection mapping. The Natural Assets Code is applicable within the Rural Zone.</p> <p>It is appropriate the title remains in the Rural Zone. While the recommendation is not the same as the representation is seeking, the recommendation will ensure all of the site affected by the Natural Assets Code will be provided appropriate regulation.</p>	
<b>Recommended action</b>	No modification to the draft LPS.	
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.	

<b>Representation No. 62 Item 1</b>	<b>Name: Melissa Manton &amp; Daniel Steiner</b> <b>Address: 5 Templestowe St. &amp; Champ St. Seymour</b> <b>Title Reference: 156231/1; 155018/1; 155018/2</b> <b>PID: 2930500; 2904345</b> <b>Land Area: 3.498 ha; 2.346ha; 1.792ha</b> <b>IPS Zoning:</b>	

<b>Mapping Zoom Level 15</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning – Landscape Conservation Zone</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	Boundary setbacks shouldn't apply to existing buildings when additions or alterations are proposed. Non-endemic species should not be included in the Priority Vegetation Area layer on these sites.	
<b>Planning Authority response</b>	Consistency Overview:	
	NTRLUS	<input type="checkbox"/> Local Strategy / Policy
	Section 8A Guideline No.1	<input type="checkbox"/> Relate to the drafting / content of the SPP? <input checked="" type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/> Reflect a like for like conversion of the IPS? <input type="checkbox"/>
	<p>Response:</p> <p>Boundary setbacks within any zone relate to development standards within the SPP and are outside of the scope of the draft LPS. Representations must not relate to the drafting or content of the SPP (35E(4)).</p> <p>Native vegetation is defined as plants that are indigenous to Tasmania that have not been planted for domestic or commercial purposes. The Priority Vegetation Area relates to native vegetation only and is a matter of the SPP. Any amendment to draft LPS mapping would require a holistic approach and not confined to individual titles.</p>	
<b>Recommended action</b>	No modification to the draft LPS	
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.	

<b>Representation No. 63</b>	<b>Name:</b> Department of State Growth <b>Address (CT Details):</b> various <b>PID:</b> various <b>Land Area:</b> various <b>IPS Zoning:</b> various	
<b>Mapping Zoom Level 15</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning</b>

<p><b>Matter(s) raised in the representation (including property information details where applicable)</b></p>	<p>Representation raised the following matters:</p> <p><b>Zoning of the State Road Network</b></p> <p>Tasman Highway, Esk Main Road and Elephant Pass Road all zoned Utilities based on the State Road Casement layer as for LISTMap. This Layer has since been updated with the following roads declared State Subsidiary Road – Binalong Bay Tourist Road. Binalong Bay Tourist Road consists of:</p> <ul style="list-style-type: none"> <li>- Quail Street, from its intersection with Cecilia Street, St Helens, to its intersection with Binalong Bay Road, St Helens, for a distance of 0.453 km; and</li> <li>- Binalong Bay Road, from its intersection with Quail Street, St Helens, to a point 108m south of its intersection with Cray Court and Main Road, Binalong Bay, for a distance of 8.367km.</li> </ul> <p>Request rezoning to Utilities Zone</p>  <p><b>Application of Road and Railway Attenuation Area</b></p> <ul style="list-style-type: none"> <li>- State Growth support Council's approach to rely on written application rather than applying the Attenuation Area.</li> </ul> <p><b>Application of Natural Assets Code Overlay</b></p> <ul style="list-style-type: none"> <li>- Several instances where the Priority Vegetation layer applies over State Road Network.</li> <li>- Request layer be removed from all State Road parcels</li> </ul> <p><b>Mineral Resources</b></p> <ul style="list-style-type: none"> <li>- Land contained in CT 85925/1 on Lottah Road, Weldborough is proposed to be zoned Utilities through LPS. Land is subject to a mining lease. Requested Rural Zone be applied.</li> </ul>
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	<b>Forestry</b> <ul style="list-style-type: none"> <li>- There are several parcels of land that are subject to a Private Timber Reserves (PTR) that are not zoned Rural.</li> <li>- State Growth is of the opinion that PTR have limited potential for agriculture and should be zoned Rural.</li> </ul>			
<b>Planning Authority response</b>	Consistency Overview:			
	NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response: <b>Binalong Bay Tourist Road</b> <ul style="list-style-type: none"> <li>- Agree with rezoning to Utilities as road has been declared a State Road.</li> </ul> <b>Road and Railway Attenuation Area</b> <ul style="list-style-type: none"> <li>- No action required</li> </ul> <b>Natural Assets Code</b> <ul style="list-style-type: none"> <li>- Agree in principle to remove Priority Vegetation layer from State Road parcels. State Growth to provide references to titles in question.</li> </ul> <b>Mineral Resources</b> <ul style="list-style-type: none"> <li>- Agree with rezoning to Rural Zone and Extractive Industries is a prohibited use within the Utilities Zone.</li> </ul> <b>Forestry</b> <ul style="list-style-type: none"> <li>- State Growth to provide references to titles in question.</li> </ul>			
<b>Recommended action</b>	Recommend modification to the draft LPS to: <ul style="list-style-type: none"> <li>- Apply the Utilities Zone to the Binalong Bay Tourist Road</li> <li>- Review the Priority Vegetation layer in relation to State Road parcels once provided by State Growth</li> <li>- Apply Rural Zone to CT 85925/1</li> <li>- Require specific titles in question regarding PTRs</li> </ul>			
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.			

<b>Representation No. 64 Related Representation No. 72</b>	<b>Name:</b> Break O Day Chamber of Commerce and Tourism Inc <b>Address (CT Details):</b> <b>PID:</b> <b>Land Area:</b> <b>IPS Zoning:</b>	
<b>Mapping Zoom Level 15</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	Representation raised the following matters: <ul style="list-style-type: none"><li>- Included in this representation is the representation by Woolcott Surveyors (Representation #72) which the Chamber fully support and endorse.</li><li>- Most concerning is the Environmental Living Zone (ELZ) transitioning to the Landscape Conservation Zone (LCZ) without consideration of historic development.</li></ul>	



	<ul style="list-style-type: none"> <li>- This application conflict with the Guideline which state the LCZ is not a replacement zone for the ELZ in the interim scheme</li> <li>- Residential dwelling are permitted in the ELZ whereas they are discretionary in the LCZ. This will impact the economy in the following ways: <ul style="list-style-type: none"> <li>- Developers/ home builder may be reluctant to purchase land when there is no certainty of being able to build a dwelling</li> <li>- A reduction in available housing land for people looking to move to Break O Day further adding to the current housing shortage</li> <li>- Land in ELZ may lose value with transferred to LCZ with the prospect of building a dwelling in doubt</li> <li>- Confidence that Break O Day as a place to invest in or more to will be damaged</li> <li>- Financial institutions and banks will be reluctant to finance potential home builders and developers in LCZ where the right to build is not guaranteed.</li> <li>- Removing the right to build and replacing it with the term discretionary is a disincentive for investment</li> </ul> </li> </ul>			
<b>Planning Authority response</b>	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response: <ul style="list-style-type: none"> <li>- Refer to Representation #72 and Planning Authority's response.</li> <li>- Landscape Conservation Zone (LCZ) has been applied based on direction from the Tasmanian Planning Commission and the State Guidelines.</li> <li>- Rezoning's proposed within the draft LPS have been guided by the Strategy.</li> <li>- The Strategy does not identify broadscale rezoning of land. Further, there is considerable supply of available land within the Low Density Residential, Rural Living and General Residential zones.</li> <li>- No modification to the draft LPS is proposed as a result of Woolcott Surveyors representation.</li> </ul>			
<b>Recommended action</b>	No modification to the draft LPS			
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.			

<b>Representation No. 65</b>	<b>Name:</b> TasRail <b>Address (CT Details):</b> Various <b>PID:</b> Various <b>Land Area:</b> Various <b>IPS Zoning:</b> Various	
<b>Mapping Zoom Level 15</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning</b>
<b>Matter(s) raised in the representation</b>	Representation raised the following matters:	

(including property information details where applicable)

- TasRail notes your advice that significant public infrastructure including the railway and railway assets is protected through the Utilities Zoning consistent with the State Planning Provisions, including adoption of the Road and Rail Assets Code.
- Of the new Specific Area Plans (SAP) being introduced under the Draft LPS, we note one is for Stormwater Management covering areas of Fingal and permitting General Residential, Community Purpose, Village and General Industrial Zones. The majority of the land within this SAP is prone to frequent flood events which also poses a significant risk to the safety, operability and integrity of rail infrastructure and assets. TasRail therefore supports the adoption of an Acceptable Solution that requires future development of lots to be capable of connecting to a public stormwater system or on-site stormwater management system., with the planning authority able to impose conditions and restrictions on a permit as set out in the Draft LPS.
- TasRail has noted your advice that zones from the Interim Planning Scheme have been transferred into the draft LPS to deliver a 'like for like' transition where possible. However, TasRail has identified a total of two areas of State Rail Network land that appear to have the incorrect zoning and/or where the Draft LPS proposes a zoning other than Utilities. Please refer to Attachment A (attached to this email) for details. TasRail requests these land parcels be zoned Utilities.
- CT 154750/1 (Figure 1) and CT 6/7644 (Figure 2) are zoned Environmental Management Zone (EMZ) in LPS as per interim scheme. This is part of the operational Fingal Rail Line (State Rail Network) and request the Utilities Zone (UZ) be applied

Figure 1

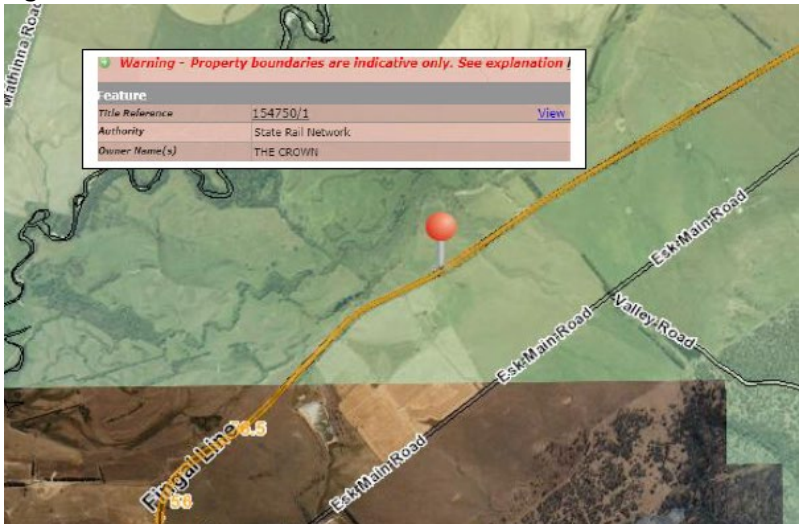
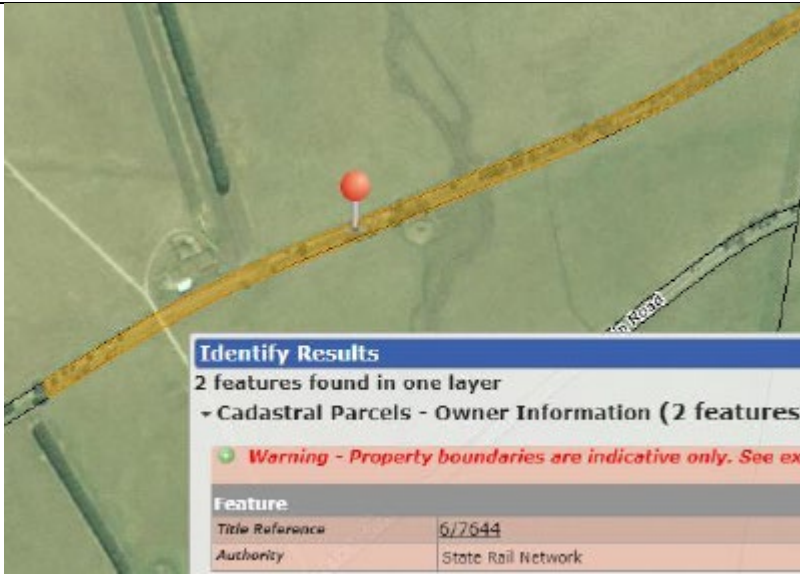
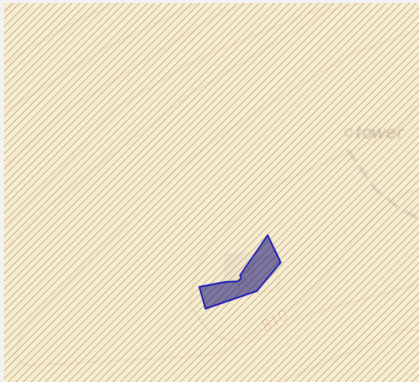
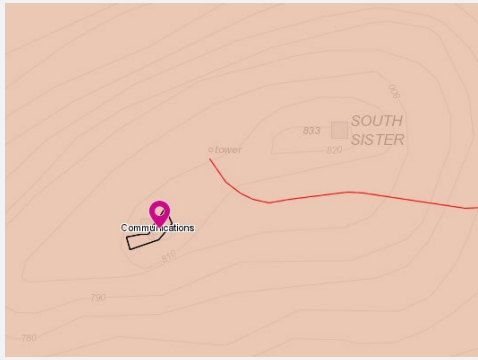


Figure 2

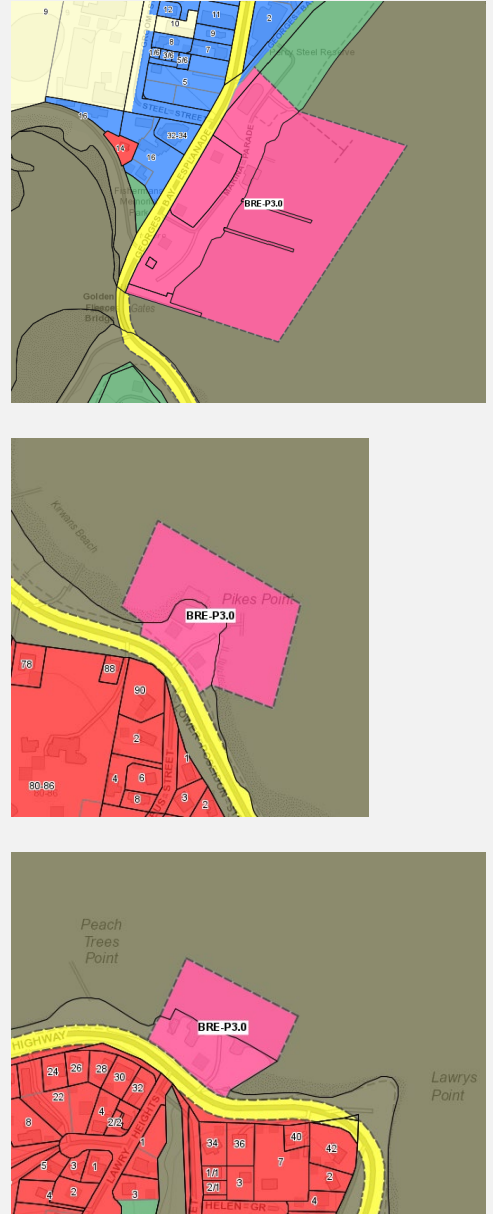
				
<b>Planning Authority response</b>	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response: - Support application of the UZ to the State Rail Network. - Understand this request is in line with others across the State			
<b>Recommended action</b>	Recommend modification to the draft LPS to: Rezone CT 154750/1 and 6/7644 to UZ			
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.			

<b>Representation No. 66</b>	<b>Name: Anita Bourn OBO TasNetworks</b> <b>Address (CT Details):</b> <b>PID: 3385604</b> <b>Land Area:</b> <b>IPS Zoning: Rural Resource</b>		
<b>Mapping Zoom Level 15</b>			
	<b>Site Location</b>	<b>Draft LPS Zoning - Rural</b>	

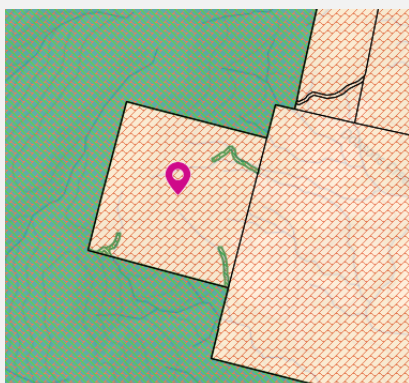
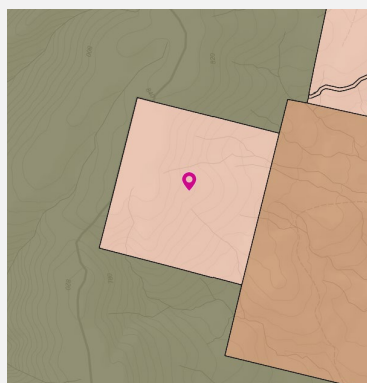
Matter(s) raised in the representation (including property information details where applicable)	<p>1. Rezone South Sister Communication Site from the Rural Zone to the Utilities Zone.</p> <p>2. Ansons Bay Particular Purpose Zone subdivision standard prohibits subdivision required for the provision of Utilities, or required for public use by the Crown, a Council or State Authority. Development Standards in PPZ or SAP should not be drafted without a discretionary approval pathway e.g height limit, and allow subdivision for Utilities in all zones. Clause P1.7 Development Standards for Subdivision within the Ansons Bay Small Lot Residential PPZ prohibits subdivision for public use by the Crown, a council or a State authority as well as subdivision required for the provision of Utilities. Whilst it is understood that this PPZ is transitioning under schedule 6 and amendment cannot be achieved through this process, TasNetworks would like to highlight that the drafting of this provision is inconsistent with the SPPs.</p>			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy	<input checked="" type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<p>Response:</p> <p>TasNetworks assets within the BODC Local Government Area include:</p> <ul style="list-style-type: none"><li>- One substation (St Marys Substation);</li><li>- Two communication sites (St Marys Substation Communication Site; South Sister Communication site);</li><li>- One electricity transmission corridor (Line 457 Avoca – St Marys 110kV).</li></ul> <p><u>South Sister Communication Site</u></p> <p>UZ1 of Guideline No. 1 states that the Utilities Zone should be used for major utilities including energy production facilities. Changing the zone to the Utilities Zone meets the Zone application Guidelines.</p> <p><u>Ansons Bay Particular Purpose Zone</u></p> <p>The submission acknowledges that comments regarding this PPZ cannot be considered by the Planning Authority due to the transitioning provision. Notwithstanding this, TasNetworks would like to highlight the PPZ is drafted inconsistent with the SPP and TasNetworks policy position as it does not provide a discretionary approval pathway for subdivision for the provision of Utilities.</p> <p>Recommendations in response to representations relating to Transitioning provisions should be confined to matters such as numbering, referencing, terminology and give the provisions the same effect as in the IPS and not change the policy intent.</p>			
Recommended action	<p>Recommended modification to draft LPS;</p> <ul style="list-style-type: none"><li>• Apply the Utilities Zone to PID 2543295 which is the South Sister Communication Site.</li></ul>			
Effect of recommendation on the draft LPS	<p>The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.</p>			

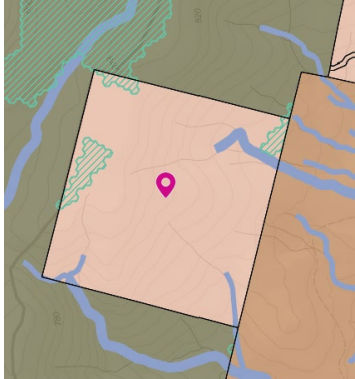
<b>Representation No. 67</b>	<b>Name:</b> TasWater <b>Address (CT Details):</b> various <b>PID:</b> various <b>Land Area:</b> various <b>IPS Zoning:</b> various			
<b>Mapping Zoom Level 15</b>				
	<b>Site Location</b>		<b>Draft LPS Zoning</b>	
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	Representation raised the following matters:			
	<b>Utilities Zone</b> TasWater are of the opinion that treatment plants for both water and sewer, and water storages should be zoned as Utilities, but pump stations are suited to the underlying/surrounding zoning remaining in place. As such TasWater request the following sites to be rezoned to Utilities <ul style="list-style-type: none"><li>- Fingal WTP &amp; Storages (Treatment Plant) located at land owned by TasWater known as Lot 2 Louisa St, Final (CT 165255/2. PID 3229476).</li><li>- St Marys WTP and Storage (Treatment Plant) located at land owned by TasWater known as Lot 1 Gardiners Creek Road, St Marys (CT 166345/1. PID 3253839).</li><li>- Campbell St Scamander Reservoir (Tank) located at land owned by DPIPWE known as Coach Road, Scamander (PID 6812114)</li></ul> <b>Attenuation Areas</b> TasWater are also of the opinion that Attenuation Area buffers around Sewerage Treatment Plants (STP's) should not be mapped in the LPS's. This aligns with Council's decision to have "... the draft LPS rely on the attenuation distances detailed in the code ..." (p79 of Council's Supporting Report). TasWater are undertaking a long-term improvement program involving most STP's in the state, which may impact on attenuation distances and accordingly would prefer to rely on the code, rather than mapping buffers in the LPS's which may soon be out of date or incorrect.			
<b>Planning Authority response</b>	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response: It is understood that the requested rezoning is in line with previous submissions by TasWater on other LPSs. The application of the Utilities Zone is supported and consistent with the Ministerial Guidelines for the application of the Zone.			
<b>Recommended action</b>	Recommend modification to the draft LPS to: Rezone the following properties to the Utilities Zone <ul style="list-style-type: none"><li>- Fingal WTP &amp; Storages PID 3229476</li><li>- St Marys WTP and Storage PID 3253839</li><li>- Campbell St Scamander Reservoir PID 6812114</li></ul>			
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.			

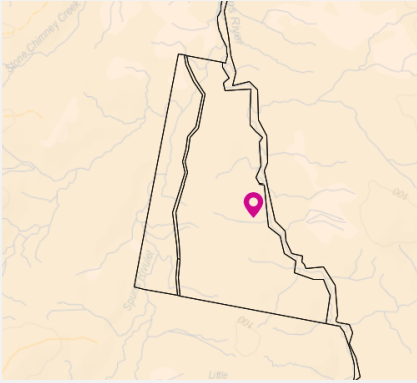
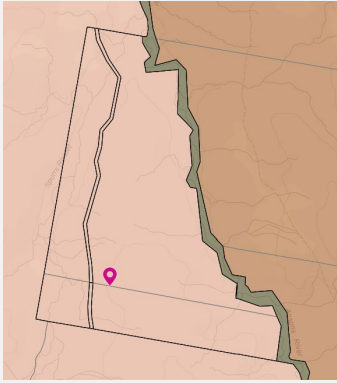


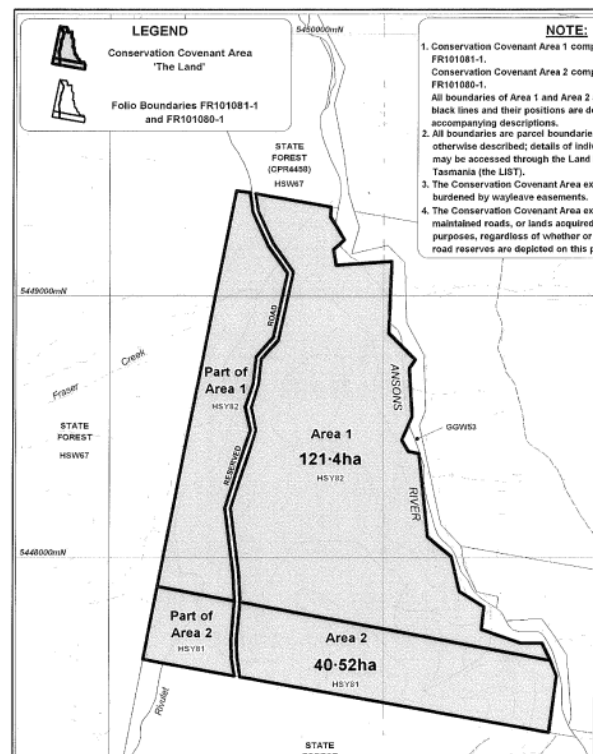
<b>Representation No. 68</b>	<b>Name: Jennifer Binns OBO St Helens Sailing Squadron</b> <b>Address: Pikes Point; Georges Bay Marina; St Helens Slipway</b> <b>Title Reference: -</b> <b>PID: Various</b> <b>Land Area: Various</b> <b>IPS Zoning: Port and Marine</b>		
<b>Mapping Zoom Level 15</b>			
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	The SHSS currently operates from the above sites. The use of the sites falls under the Sports and Recreation Use Class. The Use Class Table does not allow for Sport and Recreation as an allowable use class within the PPZ.		
<b>Planning Authority response</b>	Consistency Overview: NTRLUS <input type="checkbox"/> Local Strategy / Policy <input type="checkbox"/>		

	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<p>Response:</p> <p>The St Helens Sailing Squadron currently operates from the above sites, without a formal clubroom. Currently runs competitive sporting events – seeking grants for a clubroom – seeking permitted use for aquatic based recreation activity – that is passive recreation</p> <p>Provides for Passive Recreation and Pleasure boat facilities;</p> <p>Doesn't provide for a clubroom associated with the sailing club.</p> <p>Sport and Recreation Use Class - Perhaps discretionary if associated with a water sports proposal.</p>			
<b>Recommended action</b>	<p>Recommended modification to draft LPS</p> <ul style="list-style-type: none"> <li>Include within BRE-P3.4 Use Table the Use Class Sport and Recreation as a Discretionary Use qualified for water based recreational and/or sporting activities, including associated club room.</li> </ul>			
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.			

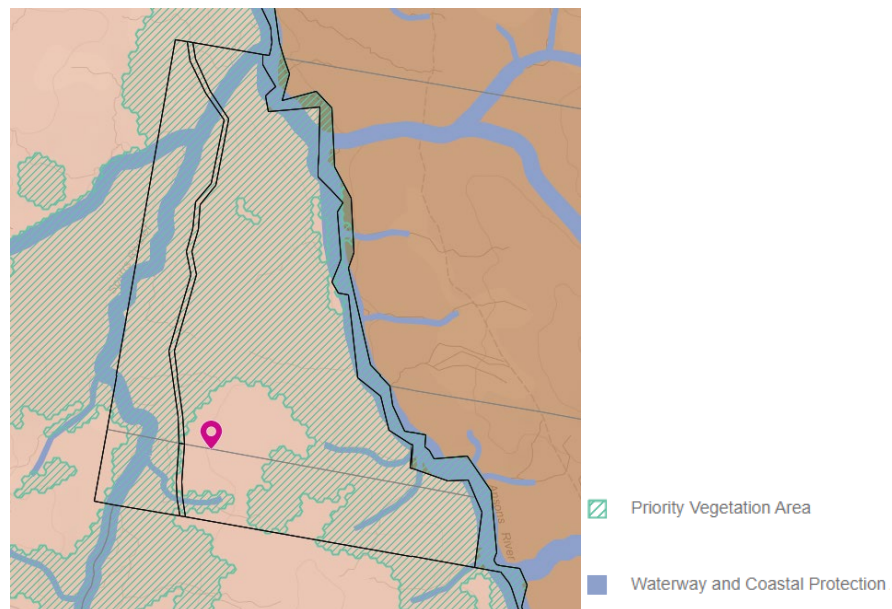
<b>Representation No. 69</b> <b>Related Representation – 70(3)</b>	<b>Name: Branden Barber OBO Rainforest Rescue</b> <b>Address: P1527 Forest Lodge Road, Pyengana</b> <b>Title Reference: 238246/1</b> <b>PID: 6805205</b> <b>Land Area: 80.94 hectares</b> <b>IPS Zoning: Rural Resource Zone</b>			
<b>Mapping</b> <b>Zoom Level 15</b>				
	<b>Site Location</b>		<b>Draft LPS Zoning - Rural</b>	
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	The property is protected by conservation covenant and should be zoned Landscape Conservation. Support representation made by Conservation Landholders Tasmania.			
<b>Planning Authority response</b>	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>

	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<p>Response:</p> <p>The whole of the site is subject to a covenant to protect the Natural Values of the land and a Forestry Covenant (Carbon Sequestration Right). The site is proposed to be zoned Rural within the draft LPS. Conservation covenant applies over all of the site and the restrictions contained in the covenant, apply regardless of the zoning. The site is affected by the Natural Assets Code and provides a regulatory control over the future development of the property through the Priority Vegetation Areas mapping.</p>  <p>The land was excluded from the study area for land potentially suitable for Agriculture and land tenure class is Conservation Covenant. The site adjoins the Mount Victoria Regional Reserve (Environmental Management Zone) along three property boundaries.</p> <p>The Break O'Day Council has applied the following assessment when determining a zone modification to Landscape Conservation Zone for titles supporting a conservation covenant::</p> <ul style="list-style-type: none"> <li>• Able to achieve connectivity to land zoned Environmental Management or Landscape Conservation;</li> <li>• Existing conservation covenant affecting the majority of the title;</li> <li>• Landowner consent provided or able to be provided;</li> <li>• Satisfies LCZ1, LCZ2 and LCZ3</li> </ul> <p>The subject title satisfies this assessment criteria. It is recommended the title(s) transition to Landscape Conservation Zone.</p>			
<b>Recommended action</b>	<p>Recommended modification to draft LPS;</p> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT238246/1</li> </ul>			
<b>Effect of recommendation on the draft LPS</b>	<p>The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.</p>			

<b>Representation No. 70</b> <b>Item 1</b>  <b>Cross Reference:</b> <b>Rep. 16</b>	<b>Name: John Thompson OBO Board of Trustees, Conservation Landholders Tasmania</b> <b>Address : Ansons Bay Road, Ansons Bay</b> <b>Title Reference: 101080/1; 101081/1</b> <b>PID: 7184148</b> <b>Land Area: 40.52 hectares; 121.4 hectares</b> <b>IPS Zoning: Rural Resource</b>			
<b>Mapping</b> <b>Zoom Level 15</b>				
	<b>Site Location</b>	<b>Draft LPS Zoning - Rural</b>		
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	Proposed that both titles and the reserved road are rezoned to Landscape Conservation given the significant size of the Reserve and because it adjoins the Ansons River Conservation Area zoned Environment Management and the STT Informal Reserve. As the cluster of titles share common boundaries with land			
<b>Planning Authority response</b>	<b>Consistency Overview:</b>			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response: The Conservation Covenant applies to both land parcels in total, with no exclusions of area.			



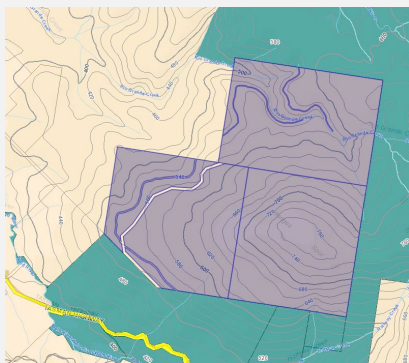
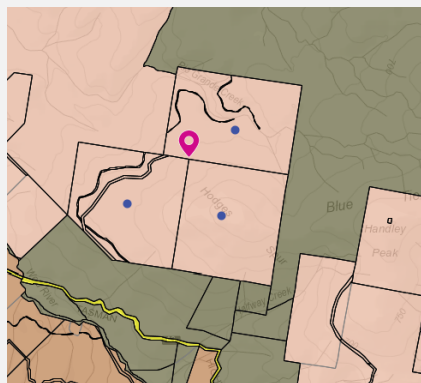
Application of the Landscape Conservation Zone will result in spot zoning with surrounding properties zoned Rural and Agriculture. There are no adjoining properties supporting Conservation Covenants. The site is affected by the Natural Assets Code (Priority Vegetation Area and Waterway and Coastal Protection Area).



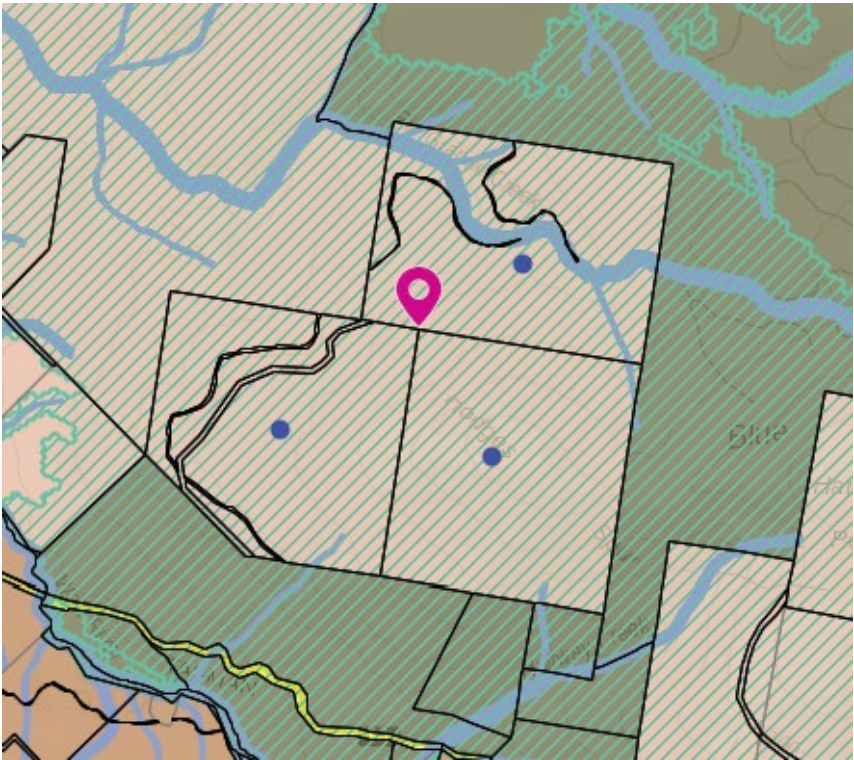
The inclusion of the land within the Rural Zone, enables land affected by the Priority Vegetation Area to be properly considered. Regardless, the landholder is bound by the requirements of the Conservation Covenant, in any case. It is recommended the land parcels remain in the Rural Zone.



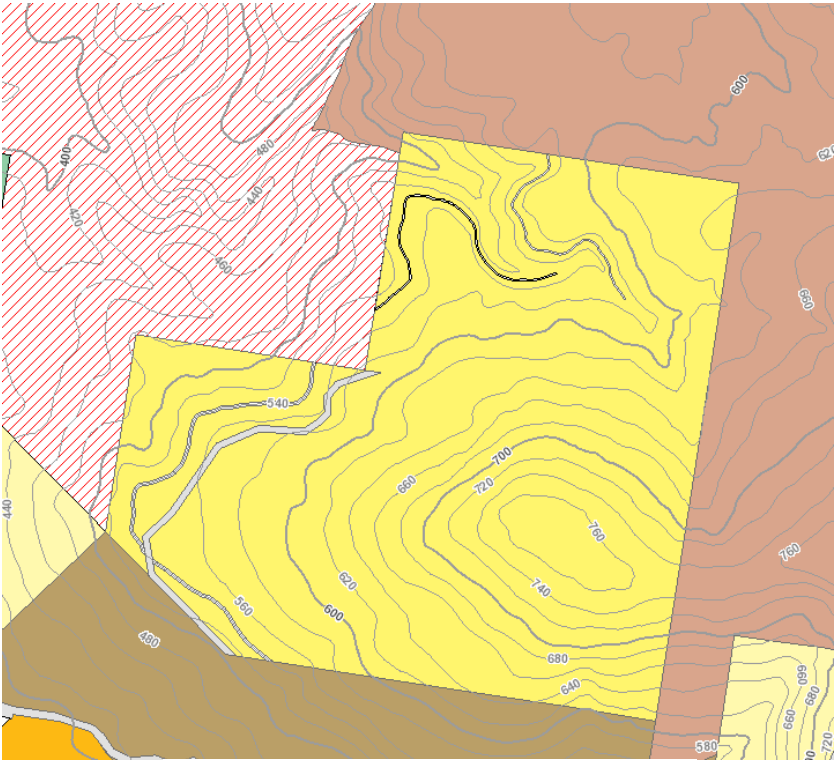
<b>Recommended action</b>	No modification to the Draft LPS.
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.





<b>Representation No. 70 Item 2</b>	<b>Name:</b> John Thompson OBO Board of Trustees, Conservation Landholders Tasmania <b>Address:</b> Hodges Spur Blue Tier Reserve, Tasman Hwy, Weldborough <b>Title Reference:</b> 228407/1; 236472/1; 236471/1 <b>PID:</b> 6807294; 6807307; 6807286 <b>Land Area:</b> 79 ha; 77ha; 79 ha. <b>IPS Zoning:</b> Rural Resource			
<b>Mapping Zoom Level 15</b>				
	<b>Site Location</b>		<b>Draft LPS Zoning - Rural</b>	
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>Hodges Spur Blue Tier Reserve has a combined area of 234 ha and covers 100% of each of the three titles. The Reserve adjoins the Blue Tier Regional Reserve to its north and east and the Weldborough Pass State Reserve to its south.</p> <p>It is proposed that all of the three adjoining title refs.... And the reserved roads within are rezoned to Landscape Conservation.</p>			
<b>Planning Authority response</b>	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response: The three titles are entirely affected by the Conservation Covenants with all titles sharing a common boundary with land zoned Environmental Management. The adjoining land to the north and east is designated Regional Reserve (land tenure), whilst adjoining land to the south is designated State Reserve. Adjoining land to the west is Future Potential Production Forest (Crown). All three titles are affected by the Priority Vegetation Area overlay completely. The Conservation Covenant has identified the CAR Values of the land and are specified in the Third Schedule of the Restrictive Covenant. In this instance, due to the adjoining land zoning, the adjoining land tenure and the large landholding comprising the			

three title cluster with a conservation covenant across 100% of the sites, the titles are recommended to transition to the Landscape Conservation Zone in accordance with LCZ1 and LCZ2.

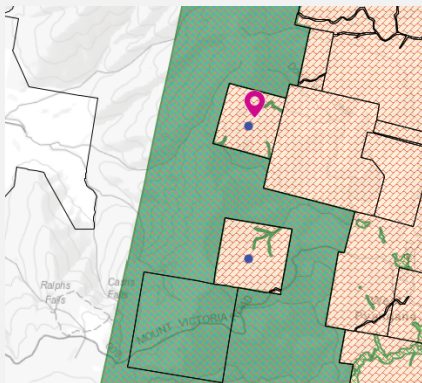
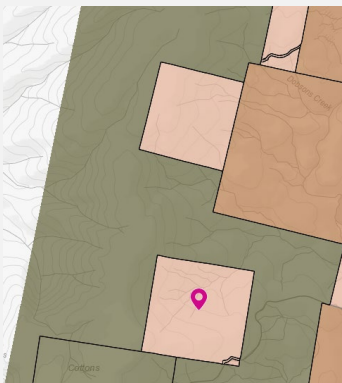


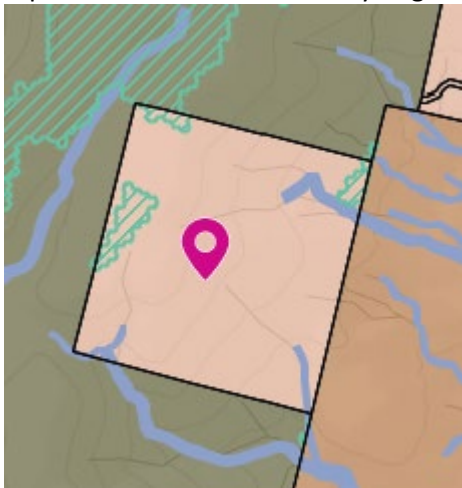
Natural Assets Code




Land Tenure     Future Potential Production Forest (Crown)  
 Conservation Covenant     State Reserve     Regional Reserve

	<p>The landowner has not made a representation on the matter.</p> <p>The Break O'Day Council has applied the following assessment when determining a zone modification to Landscape Conservation Zone for titles supporting a conservation covenant:</p> <ul style="list-style-type: none"> <li>• Able to achieve connectivity to land zoned Environmental Management or Landscape Conservation;</li> <li>• Existing conservation covenant affecting the majority of the title;</li> <li>• Landowner consent provided or able to be provided;</li> <li>• Satisfies LCZ1, LCZ2 and LCZ3</li> </ul> <p>The subject title satisfies this assessment criteria. It is recommended the title(s) transition to Landscape Conservation Zone. It should be noted that landowner consent has not been given. CLT to provide landowner consent and/or opportunity to make representation.</p>
<b>Recommended action</b>	<p>Recommended modification to draft LPS:</p> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to 228407/1; 236472/1; 236471/1</li> </ul>
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.

<b>Representation No. 70 Item 3</b>	<p><b>Name:</b> John Thompson OBO Board of Trustees, Conservation Landholders Tasmania  <b>Address:</b> Forest Lodge Rd, Pyengana  <b>Title Reference:</b> 238246/1; 240592/1  <b>PID:</b> 6805205; 6805299  <b>Land Area:</b> 80.7 ha; 99 ha  <b>IPS Zoning:</b> Rural Resource</p>	
<b>Mapping Zoom Level 15</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning - Rural</b>
<b>Matter(s) raised in the representation (including property)</b>	The Forest Lodge Reserve to the north covers 100% of the title and the West Pyengana Reserve to the south, 94% of the title. It is proposed that all of both of the titles are rezoned to Landscape Conservation Zone.	

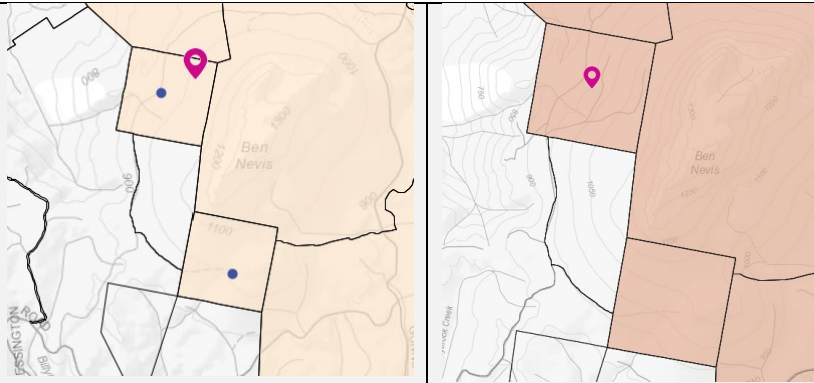
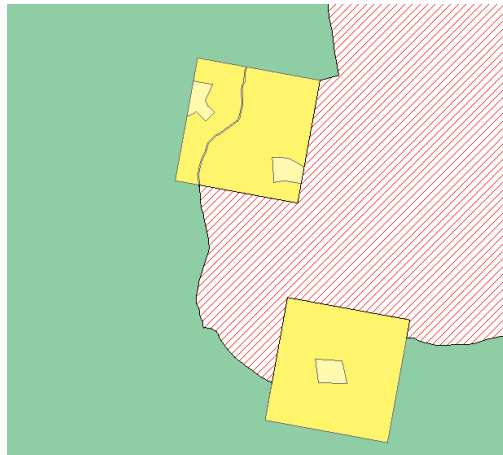
<b>information details where applicable)</b>				
<b>Planning Authority response</b>	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<p>Response:</p> <p>Both titles are affected by Conservation Covenants however the documentation does not identify the values.</p> <p>Both sites are affected by the Natural Assets Code (Priority Vegetation Area and Waterway and Coastal Protection Area). Both sites were excluded from the Agricultural Land Mapping Project.</p> <p>The northern-most site (238246/1) is surrounded on three sides by the Environmental Management Zone (Regional Reserve – Land Tenure), and Agriculture Zone to the east. It is recommended the title remain within the Rural Zone as any proposed future use or development will be subject to assessment against the Natural Assets Code. The Conservation Covenant has not identified the landscape values, however the site is partially represented within the Priority Vegetation Area.</p>  <p>The southern-most site (240595/1) is surrounded on all sides by land within the Environmental Management Zone. It is recommended this title be identified by the Landscape Conservation Zone despite the alteration causing spot zoning. In this instance the zoning will assist in protecting the integrity of the surrounding Reserve Land (Mount Victoria Regional Reserve) with the natural values of adjacent reserve land reasonably expected to carry through to the subject site.</p>			

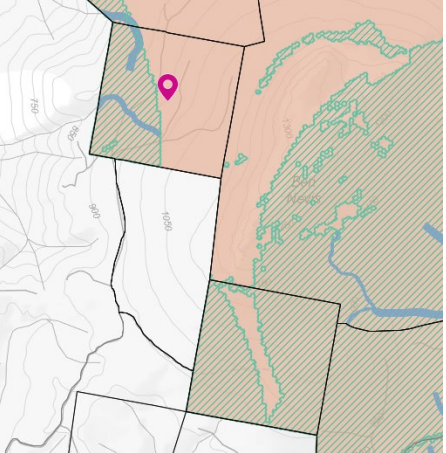



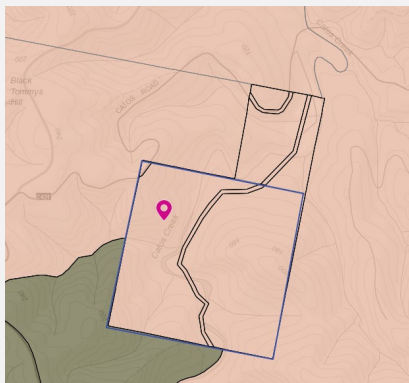
	 <p>The Break O'Day Council has applied the following assessment when determining a zone modification to Landscape Conservation Zone:</p> <ul style="list-style-type: none"> <li>• Able to achieve connectivity to land zoned Environmental Management or Landscape Conservation;</li> <li>• Existing conservation covenant affecting title;</li> <li>• Landowner consent provided or able to be provided;</li> <li>• Satisfies LCZ1, LCZ2 and LCZ3</li> </ul> <p>The subject title satisfies this assessment criteria. It is recommended the title(s) transition to Landscape Conservation Zone.</p>
<b>Recommended action</b>	<p>Recommended modification to draft LPS;</p> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT238246/1 and 240592/1</li> </ul>
<b>Effect of recommendation on the draft LPS</b>	<p>The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.</p>

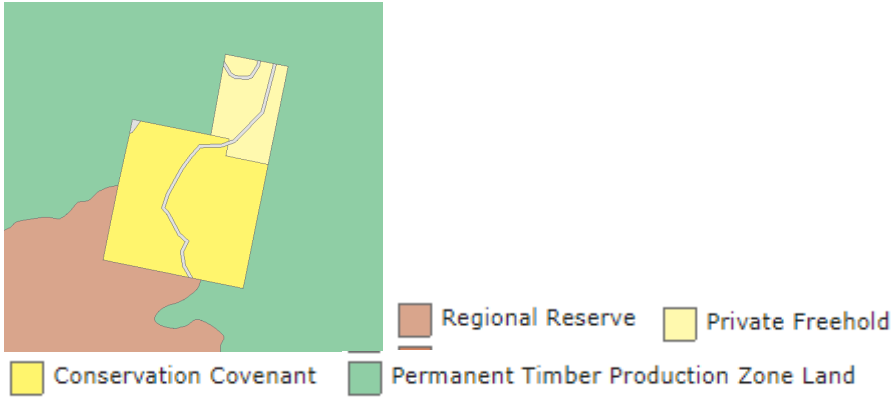
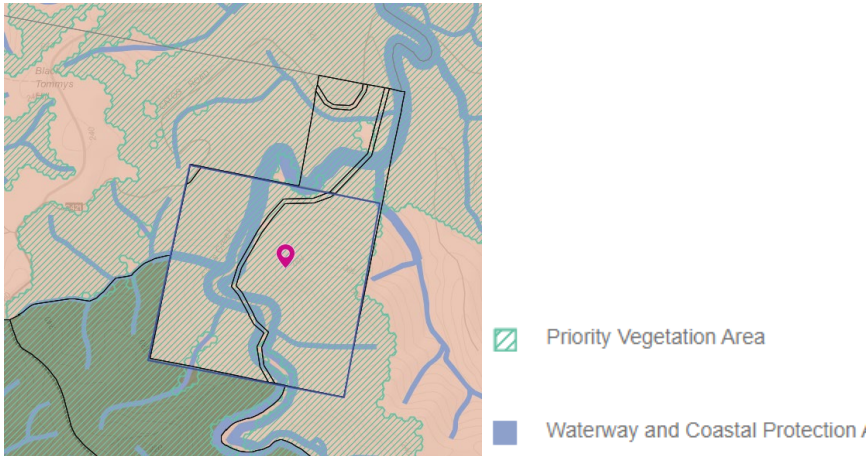
<b>Representation No. 70 Item 4</b>	<p><b>Name:</b> John Thompson OBO Board of Trustees, Conservation Landholders Tasmania  <b>Address:</b> Ben Nevis North Reserve and Ben Nevis South Reserve Schulhofs Rd Upper Blessington  <b>Title Reference:</b> 169864/1; 169864/2  <b>PID:</b> 6417093; 6417085  <b>Land Area:</b> 120 ha; 120 ha.  <b>IPS Zoning:</b> Rural Resource Zone</p>



Mapping Zoom Level 15				
	Site Location	Draft LPS Zoning – Rural Zone		
Matter(s) raised in the representation (including property information details where applicable)	It is proposed that both titles are rezoned to Landscape Conservation Zone as the non-reserved land is unsuitable and not used for agriculture.			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response: Both sites are largely affected by a Conservation Covenant with partial areas retaining freehold land tenure.			
 <div><div><div></div>Conservation Covenant</div><div><div></div>Future Potential Production Forest (Crown)</div><div><div></div>Permanent Timber Production Zone Land</div><div><div></div>Private Freehold</div></div>				
As can be seen above, the land generally to the NE, SE, N, S and West of the titles is associated with permanent timber production land. The land has not been included in the Agricultural Land Mapping Project. The titles do not support any mapped threatened native vegetation communities. The restrictive covenant does not identify any Landscape Values for protection and conservation. The site is affected by the Natural Assets Code with mapped Priority Vegetation Area and Waterway and Coastal Protection Area.				

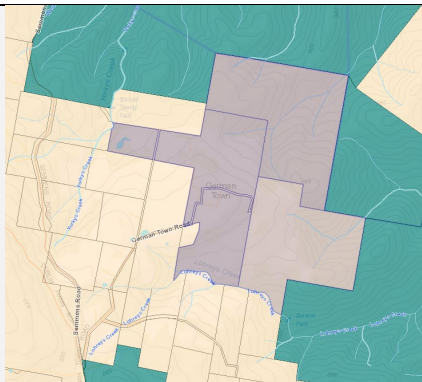
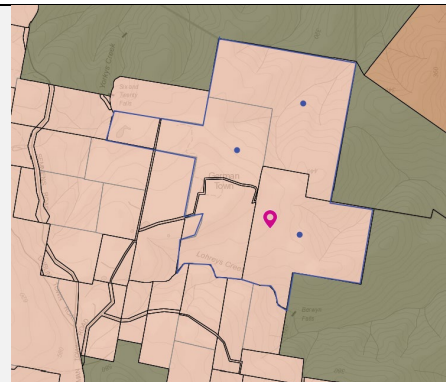
	 <p>It is recommended the land parcels retain the Rural Zone, which recognises land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area in accordance with RZ1 and RZ2 of Guideline 1.</p> <p>The retention of Rural Zone within the Draft LPS for the sites, will allow the landholder to consider a range of land uses whilst also ensuring priority vegetation mapping is considered in the application of the Natural Assets Code for any future use or development.</p>
<b>Recommended action</b>	No modification to the draft LPS
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.

<b>Representation No. 70</b> <b>Item 5</b>	<b>Name: John Thompson OBO Board of Trustees, Conservation Landholders Tasmania</b> <b>Address: Catos Homestead 433 Catos Road, Upper Scamander</b> <b>Title Reference: 242163/1</b> <b>PID: 3336765</b> <b>Land Area: 80.39 ha</b> <b>IPS Zoning: Rural Resource</b>
<b>Mapping</b> <b>Zoom Level 15</b>	<div data-bbox="475 1563 829 1944">  </div> <div data-bbox="906 1563 1316 1944">  </div> <div data-bbox="475 1944 635 1977">Site Location</div> <div data-bbox="906 1944 1201 1977">Draft LPS Zoning - Rural</div>

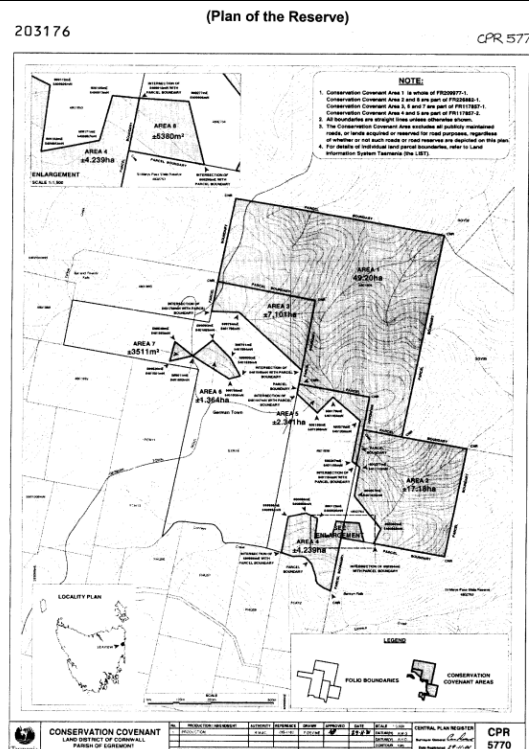
Matter(s) raised in the representation (including property information details where applicable)	It is proposed that all of Title Ref 242163/1 and the Reserved Road (solid white border) is rezoned to Landscape Conservation given that the non-reserved land is unsuitable and not used for agriculture, the significant size of the Reserve and because it adjoins the Avenue River Regional Reserve zoned Environmental Management and the STT Informal Reserve.			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy	<input checked="" type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response: The diagram below demonstrates the varying land tenure.			
<div></div> <p>The regional reserve to the south is identified as Avenue River Regional Reserve.</p> <p>The restrictive covenant has identified within the Third Schedule the CAR Values (conservation values) being protected, namely vegetation communities DSG, DSO, DOB, DVG, DAC. The protected vegetation communities are not listed in Schedule 3A of the Nature Conservatio Act 2002. The Conservation Covenant affects the majority of the site and the covenant and the restrictions contained in them, apply regardless of the zoning.</p> <p>The site is affected by the Natural Assets Code, with the site totally affected by the Priority Vegetatio Area mapping.</p> <div></div>				

	<p>It is recommended the southern land parcel is modified to LCZ and the northern parcel retains the Rural Zone, which recognises land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area in accordance with RZ1 and RZ2 of Guideline 1.</p> <p>The retention of Rural Zone within the Draft LPS for the sites, will allow the landholder to consider a range of land uses whilst also ensuring priority vegetation mapping is considered in the application of the Natural Assets Code for any future use or development.</p> <p>The Break O'Day Council has applied the following assessment when determining a zone modification to Landscape Conservation Zone:</p> <ul style="list-style-type: none"> <li>• Able to achieve connectivity to land zoned Environmental Management or Landscape Conservation;</li> <li>• Existing conservation covenant affecting title;</li> <li>• Landowner consent provided or able to be provided;</li> <li>• Satisfies LCZ1, LCZ2 and LCZ3</li> </ul> <p>Title 242163/1 satisfies this assessment criteria. It is recommended this title transitions to Landscape Conservation Zone. Title 242164/1 does not support a Conservation Covenant and does not satisfy the above criteria. For this reasons the title is recommended to remain within the Rural Zone and the Natural Assets Code will be applicable.</p>
<b>Recommended action</b>	<p>Recommended modification to draft LPS;</p> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT242163/1 only;</li> <li>• Apply the Rural Zone to Titles CT242164/1</li> </ul>
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.

<b>Representation No. 70</b> <b>Item 6</b>  <b>Related Rep. No 4, 19</b>	<b>Name: John Thompson OBO Board of Trustees, Conservation Landholders Tasmania</b> <b>Address: 686 German Town Rd St Marys &amp; German Town Rd St Marys</b> <b>Title Reference: 168012/2; 209977/1; 179552/1</b> <b>PID:3450015 &amp; 3314080</b> <b>Land Area: 49.84 Ha;</b> <b>IPS Zoning: Rural Resource Zone</b>

Mapping Zoom Level 15				
	Site Location		Draft LPS Zoning - Rural	
Matter(s) raised in the representation (including property information details where applicable)	It is proposed that all of 209977/1, the reserved part of 168012/2, adjoining 209977/1 and both reserved parts of 179552/1 rezoned to Landscape Conservation zone with the balance of 168012/2 and 179552/1 remaining in the Rural Zone. Split zoning is justified given the significant size of the reserve and its connectivity with two public reserves zoned Environmental Management.			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response: The titles are all affected by Conservation Covenant C412546 and have identified the CAR Values to be: Brookers gum (Eucalyptus brookeriana) forest, Blackwood (Acacia melanoxylon) forest and Blue Gum (E. globulus) forest. These forests types are considered rare or vulnerable in this region of Tasmania. Areas of private land with these forests also need to be protected in order to reach the reservation targets for these forests. Blind Velvet worm habitat; Swift Parrot. The Conservation Covenant affects the sites and the covenant and the restrictions contained in them, apply regardless of the zoning.			

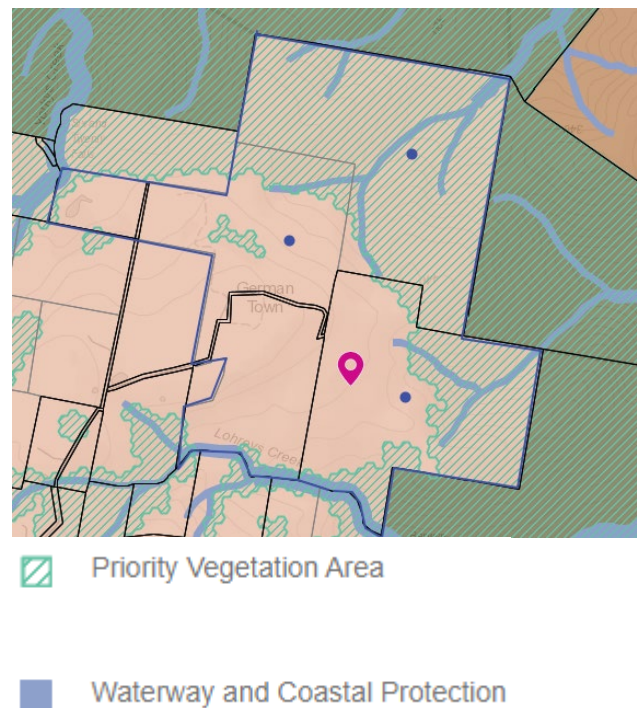




The titles are not affected by Threatened Native Vegetation Communities mapping.

The lots, excluding CT209977/1 are identified as Potentially Constrained (Criteria 2B) within the Agricultural Land Mapping Project with CT209977/1 excluded from the study area.

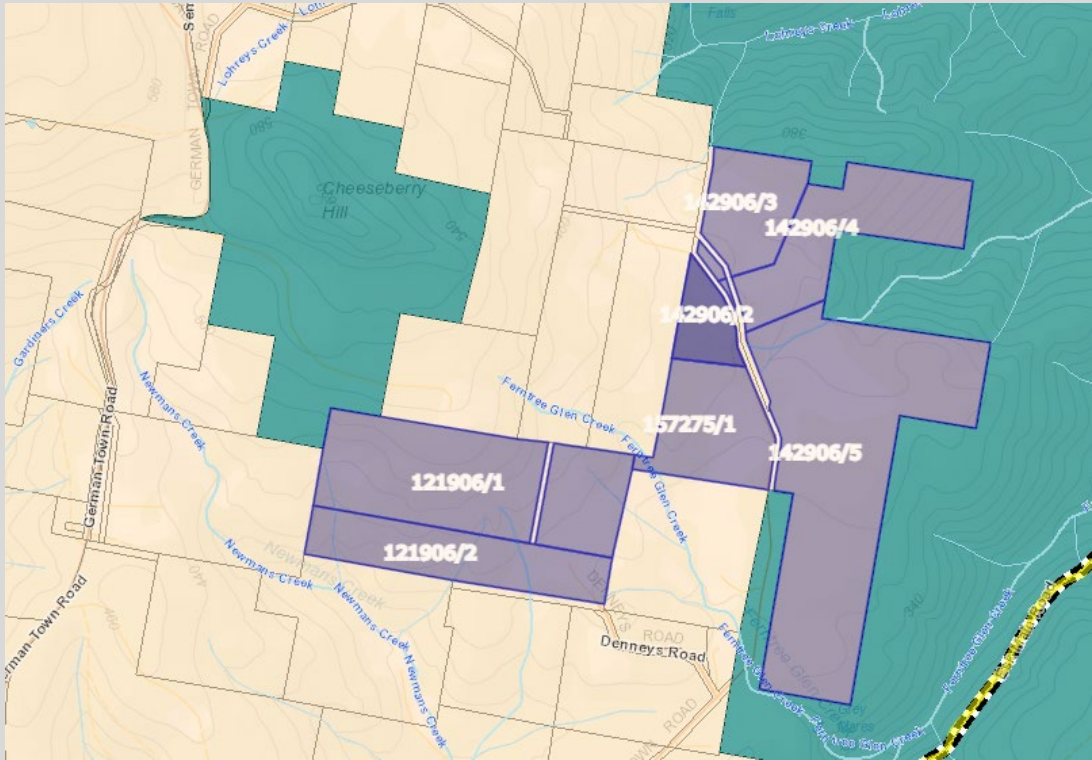
The sites are affected by the Natural Assets Code with all of CT209977/1 affected by the Priority Vegetation area mapping.



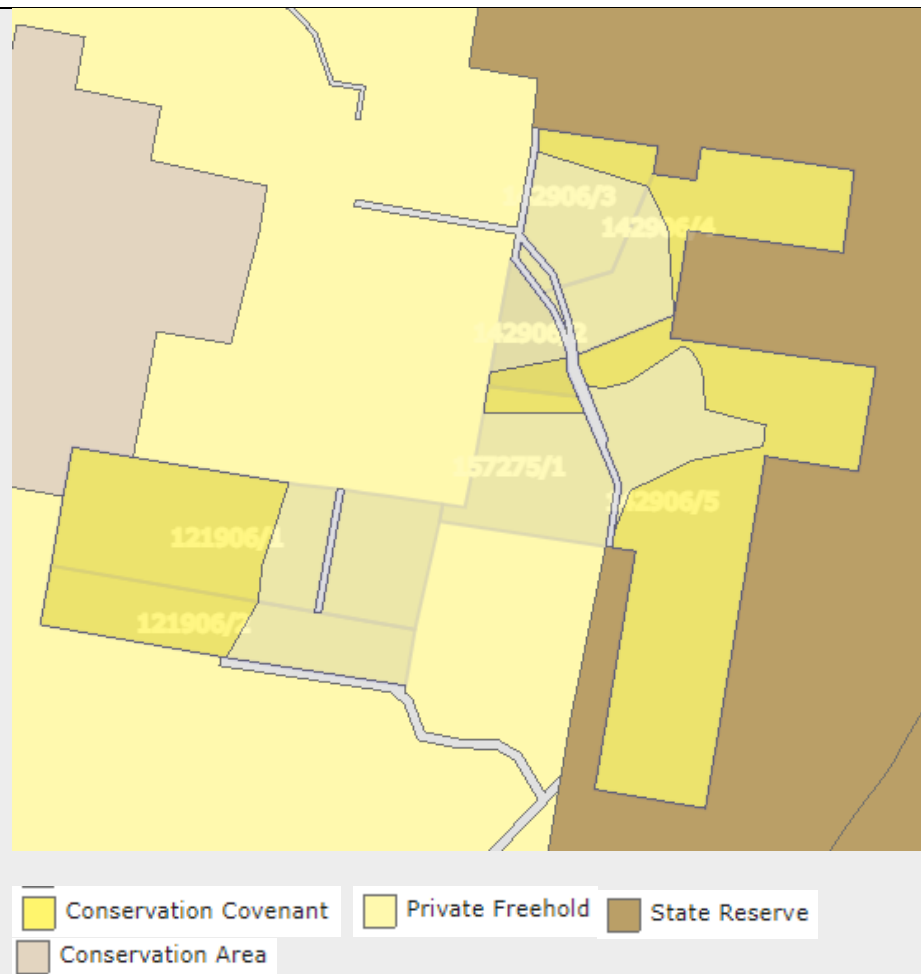
	<p>It is recommended to apply the LCZ to CT209977/1 and the RZ to CT168012/2 and 179552/1.</p> <p>The Break O'Day Council has applied the following assessment when determining a zone modification to Landscape Conservation Zone with regard to land supporting conservation covenants:</p> <ul style="list-style-type: none"> <li>• Able to achieve connectivity to land zoned Environmental Management or Landscape Conservation;</li> <li>• Existing conservation covenant affecting <b>majority</b> of the title;</li> <li>• Landowner consent provided or able to be provided;</li> <li>• Satisfies LCZ1, LCZ2 and LCZ3</li> </ul> <p>In this instance whilst the application of the LCZ is isolated, it is considered complimentary to the adjoining EMZ and therefore reflects sound planning principles.</p> <p>The subject title CT 209977/1 satisfies this assessment criteria.</p> <p>It is recommended the remaining land parcels retain the Rural Zone, which recognises land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area in accordance with RZ1 and RZ2 of Guideline 1.</p> <p>The retention of Rural Zone within the Draft LPS for the sites, will allow the landholder to consider a range of land uses whilst also ensuring priority vegetation mapping is considered in the application of the Natural Assets Code for any future use or development.</p>
<b>Recommended action</b>	<p><b>Recommended modification to draft LPS;</b></p> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT209977/1</li> <li>• Retain the Rural Zone to CT168012/2 and 179552/1</li> </ul>
<b>Effect of recommendation on the draft LPS</b>	<p>The Planning Authority recommendation has no impact on implementing the draft LPS as a whole as the landowner is supportive of the recommended change.</p>

<p><b>Representation No. 70</b> <b>Item 7</b></p> <p><b>Related Rep No. 1, 9, 5, 28, 31</b></p>	<p>Name: John Thompson OBO Board of Trustees, Conservation Landholders Tasmania</p> <p>Address</p> <p>Title Reference:</p> <p>PID:2593962</p> <p>Land Area:</p> <p>IPS Zoning:</p> <p>SEE BELOW</p>
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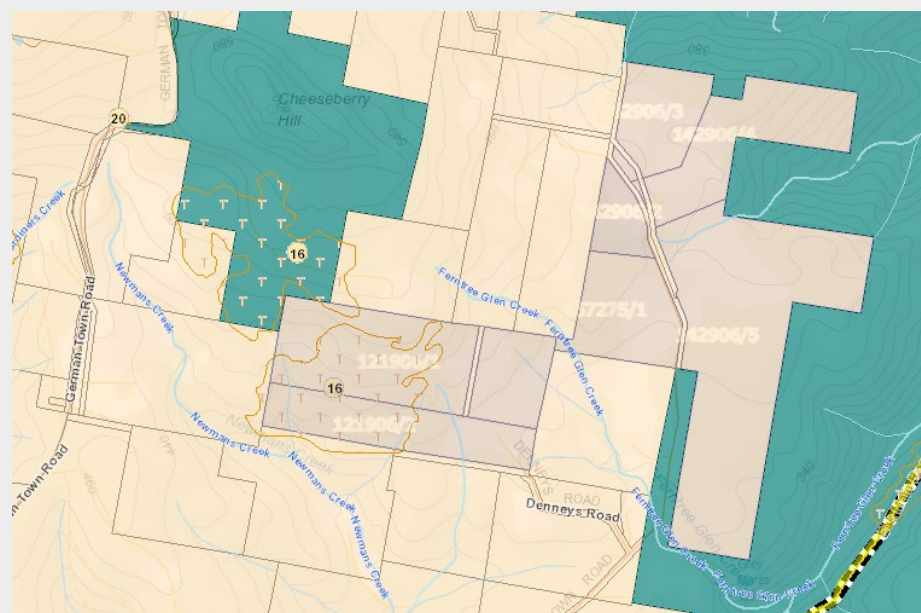
# Break O'Day Council Attachment 1: Representations – Assessment and Recommendations

	Addresses	PIDs	Title Refs	Title Area (ha)	Reserve Area (ha)	Percent reserved
	22 DENNEYS RD ST MARYS TAS 7215	2593962	121906/1 121906/2	21.1 10.3	12.1 5.6	57% 54%
	203 LOWER GERMAN TOWN RD ST MARYS TAS 7215	2966706	157275/1	8.9	0.9	10%
	225 LOWER GERMAN TOWN RD ST MARYS TAS 7215	2563878	142906/2	3.2	1.0	31%
	Lot 3 LOWER GERMAN TOWN RD ST MARYS TAS 7215	2563886	142906/3	7.2	1.8	25%
	224 LOWER GERMAN TOWN RD ST MARYS TAS 7215	2563894	142906/4	11.8	7.4	63%
	Lot 5 LOWER GERMAN TOWN RD ST MARYS TAS 7215	2563907	142906/5	34.4	27.8	81%
						
<b>Mapping Zoom Level 15</b>	See above		See Below			
	<b>Site Location</b>		<b>Draft LPS Zoning - Rural</b>			

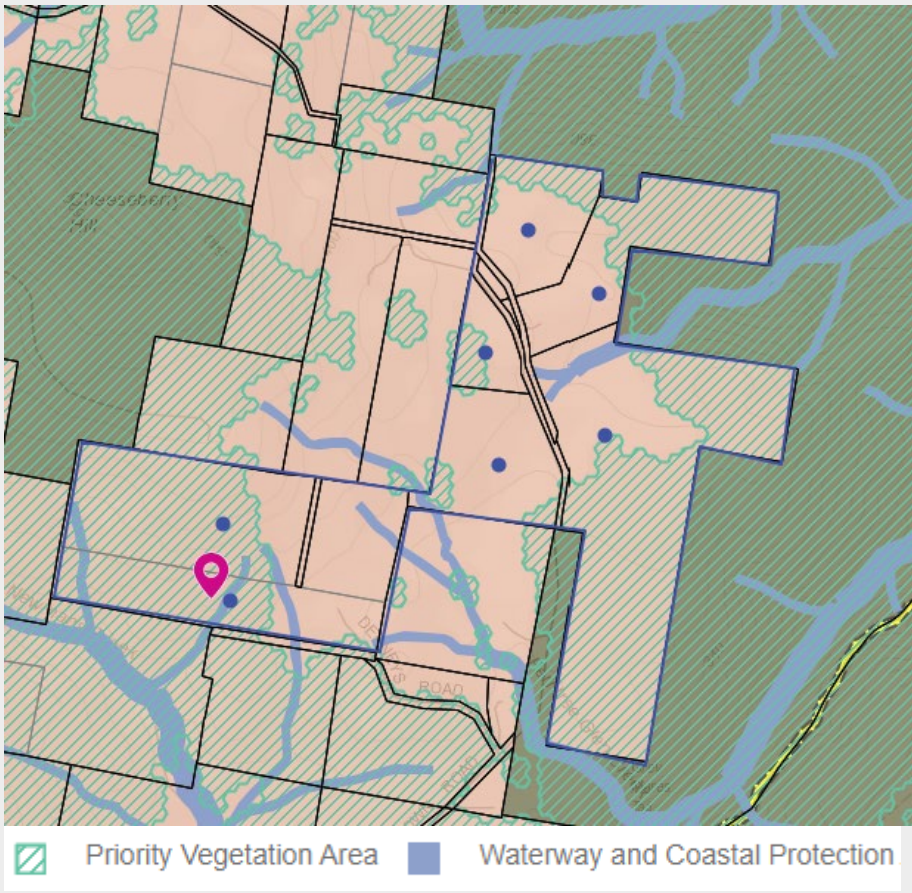
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	Split zoning Landscape Conservation Zone and Rural Zone.		
<b>Planning Authority response</b>	<b>Consistency Overview:</b>		
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy <input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP? <input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS? <input type="checkbox"/>
	<b>Response:</b> The diagram below demonstrates the extent of the conservation covenant (land tenure) affecting the titles.		



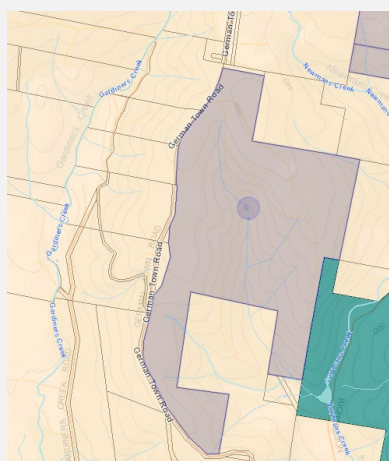
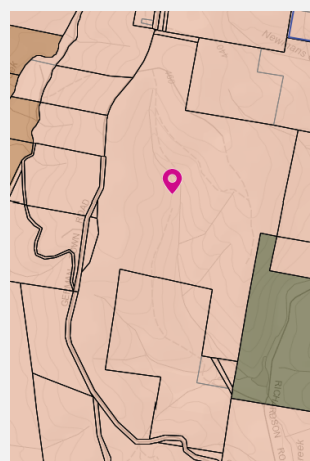
The diagram below demonstrates the application of mapped threatened native vegetation communities affect CT121906/1 and CT121906/2.

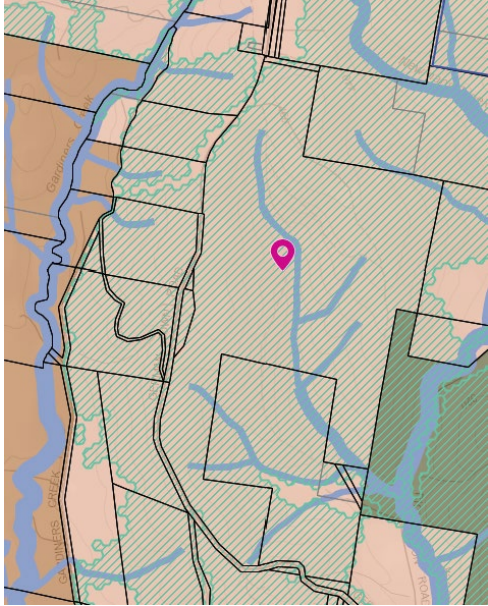
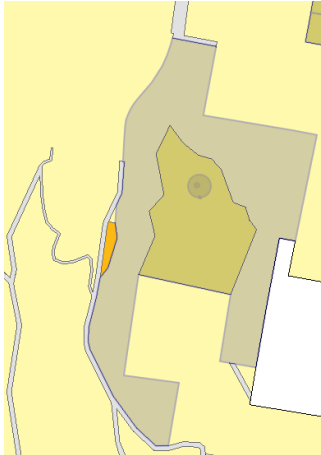


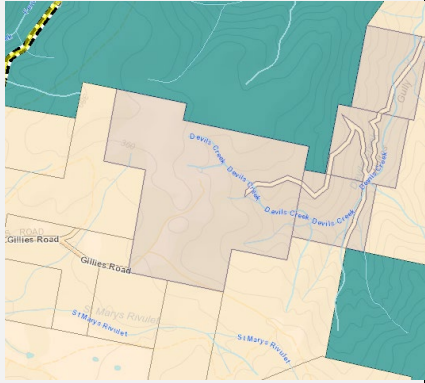
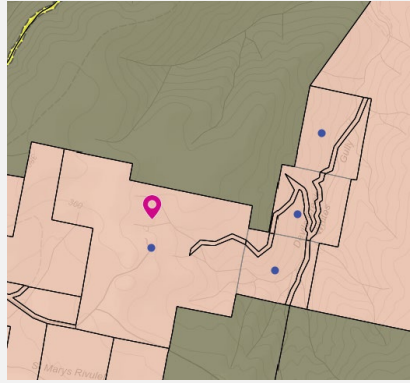


	<p>The spatial extent of the priority vegetation area and application of the Natural Assets Code is demonstrated below and largely replicates the conservation covenant application area.</p>  <p>The Break O'Day Council has applied the following assessment when determining a zone modification to Landscape Conservation Zone <b>with regard to land supporting conservation covenants</b>::</p> <ul style="list-style-type: none"> <li>• Able to achieve connectivity to land zoned Environmental Management or Landscape Conservation;</li> <li>• Existing conservation covenant affecting the majority of the title;</li> <li>• Landowner consent provided or able to be provided;</li> <li>• Satisfies LCZ1, LCZ2 and LCZ3</li> </ul> <p>The subject titles satisfy this assessment criteria. It is recommended the title(s) transition to Landscape Conservation Zone.</p>
<p><b>Recommended action</b></p>	<p><b>Recommended modification to draft LPS;</b></p> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to - <ul style="list-style-type: none"> <li>○ CT121906/1</li> <li>○ CT 121906/2</li> <li>○ CT 157275/1</li> <li>○ CT 142906/2</li> <li>○ CT 142906/3</li> <li>○ CT 142906/4</li> </ul> </li> </ul>

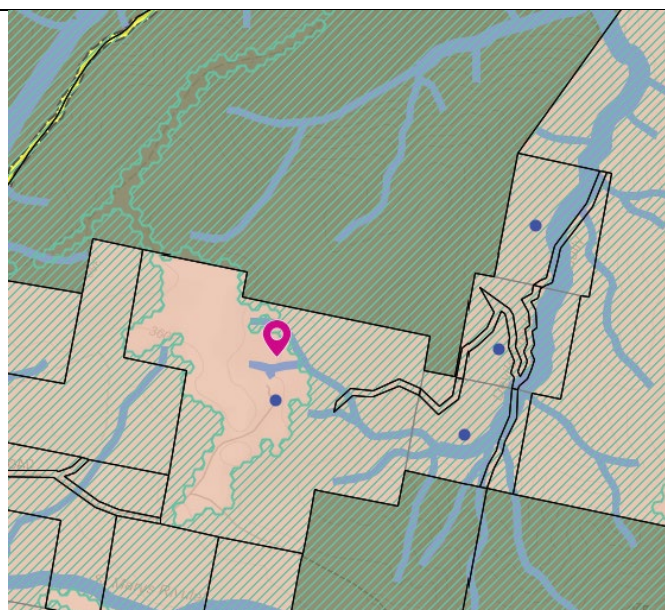
	○ CT 142906/5
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.

<b>Representation No. 70 Item 8</b>	<b>Name: John Thompson OBO Board of Trustees, Conservation Landholders Tasmania</b> <b>Address: 158 German Town Rd St Marys</b> <b>Title Reference: 210430/1</b> <b>PID: 7627105</b> <b>Land Area: 81.91 ha</b> <b>IPS Zoning: Rural Resource</b>			
<b>Mapping Zoom Level 15</b>				
	<b>Site Location</b>		<b>Draft LPS Zoning - Rural</b>	
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	It is proposed that all of the title is rezoned to Landscape Conservation.			
<b>Planning Authority response</b>	Consistency Overview:			
	NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy	<input checked="" type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response: The land parcel has been identified as Unconstrained land potentially suitable for the Agriculture zone, however the draft LPS has identified the land to be zoned Rural Zone rather than Agriculture Zone. This is due to the topography and environmental values. The site is entirely affected by the Priority Vegetation Area mapping and as such, given the Rural Zone, any proposed use or development will need to satisfy the Natural Assets Code.			

	 <p>Priority Vegetation Area</p> <p>The Conservation Covenant extends over 22 ha in the middle of the site. The documentation has not identified the Landscape Values.</p>  <p>Conservation Covenant</p> <p>The proposed zoning is Rural Zone and the covenant and the restrictions contained in them, apply regardless of the zoning. It is recommended the land parcels retain the Rural Zone, which recognises land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area in accordance with RZ1 and RZ2 of Guideline 1.</p> <p>The retention of Rural Zone within the Draft LPS for the sites, will allow the landholder to consider a range of land uses whilst also ensuring priority vegetation mapping is considered in the application of the Natural Assets Code for any future use or development.</p>
<b>Recommended action</b>	No modification to the draft LPS.
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole..

<b>Representation No. 70</b> <b>Item 9</b>	<b>Name: John Thompson OBO Board of Trustees, Conservation Landholders Tasmania</b> <b>Address: 180 Gillies Road, St Marys</b> <b>Title Reference: 120054/1; 206762/1; 120232/1; 218714/1</b> <b>PID:2623893</b> <b>Land Area:</b> <b>IPS Zoning: Rural Resource Zone</b>																						
<b>Mapping</b> <b>Zoom Level 15</b>																							
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	It is proposed that all of the four titles containing the Whites Gully Reserve are rezoned to Landscape Conservation Zone. Title with residence may be split zoned with the zone boundary aligning with the covenant boundary.																						
<b>Planning Authority response</b>	<table border="1"> <tr> <td colspan="4" data-bbox="469 1106 1398 1137">Consistency Overview:</td> </tr> <tr> <td data-bbox="469 1142 836 1173">NTRLUS</td> <td data-bbox="839 1142 895 1173"><input type="checkbox"/></td> <td data-bbox="898 1142 1315 1173">Local Strategy / Policy</td> <td data-bbox="1318 1142 1398 1173"><input type="checkbox"/></td> </tr> <tr> <td data-bbox="469 1178 836 1249">Section 8A Guideline No.1</td> <td data-bbox="839 1178 895 1249"><input type="checkbox"/></td> <td data-bbox="898 1178 1315 1249">Relate to the drafting / content of the SPP?</td> <td data-bbox="1318 1178 1398 1249"><input type="checkbox"/></td> </tr> <tr> <td data-bbox="469 1254 836 1326">TPC Practice Notes</td> <td data-bbox="839 1254 895 1326"><input type="checkbox"/></td> <td data-bbox="898 1254 1315 1326">Reflect a like for like conversion of the IPS?</td> <td data-bbox="1318 1254 1398 1326"><input type="checkbox"/></td> </tr> <tr> <td colspan="4" data-bbox="469 1330 1398 1570">           Response:            All land parcels are under one ownership.            Title 218714/1 is identified as unconstrained land potentially suitable for Agriculture Zone. The remaining titles are Potentially Constrained 2(b) with one title not mapped.            All titles are affected by the Priority Vegetation Area mapping and Waterway and Coastal Protection mapping.         </td> </tr> </table>			Consistency Overview:				NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>	Response: All land parcels are under one ownership. Title 218714/1 is identified as unconstrained land potentially suitable for Agriculture Zone. The remaining titles are Potentially Constrained 2(b) with one title not mapped. All titles are affected by the Priority Vegetation Area mapping and Waterway and Coastal Protection mapping.			
Consistency Overview:																							
NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>																				
Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>																				
TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>																				
Response: All land parcels are under one ownership. Title 218714/1 is identified as unconstrained land potentially suitable for Agriculture Zone. The remaining titles are Potentially Constrained 2(b) with one title not mapped. All titles are affected by the Priority Vegetation Area mapping and Waterway and Coastal Protection mapping.																							





 Priority Vegetation Area  Waterway and Coastal Protection

The land parcels are not affected by mapped threatened native vegetation communities (2020).

Titles 120054/1, 206762/1 and 120232/1 are 100% affected by the Conservation Covenant, in terms of land area. Approximately 29% of the land area of title 218714/1 is affected by the conservation covenant. The Covenant documents have identified the CAR Values to be protected, namely:

- *Eucalyptus obliqua* dry forest – DOB
- *Acacia dealbata* forest – NAD
- *Acacia melanoxylon* forest on rises – NAR
- *Eucalyptus brookeriana* wet forest – WBR
- *Eucalyptus globulus* wet forest – WGL
- *Eucalyptus obliqua* forest with broad-leaf shrubs – WOB

The proposed zoning is Rural Zone and the covenant and the restrictions contained in them, apply regardless of the zoning. The Landscape Values have not been identified.

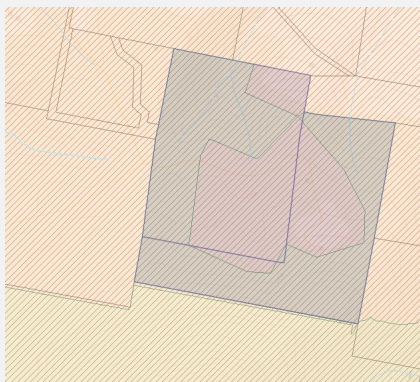
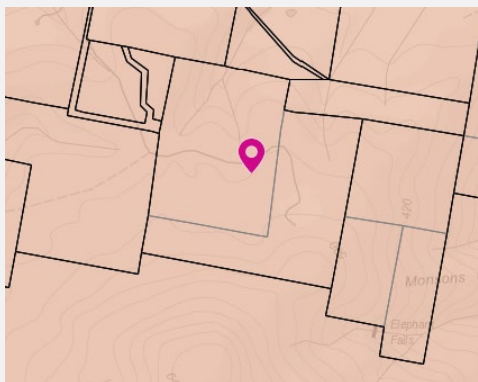
It is recommended title CT 218714/1 retain the Rural Zone, which recognises land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area in accordance with RZ1 and RZ2 of Guideline 1.

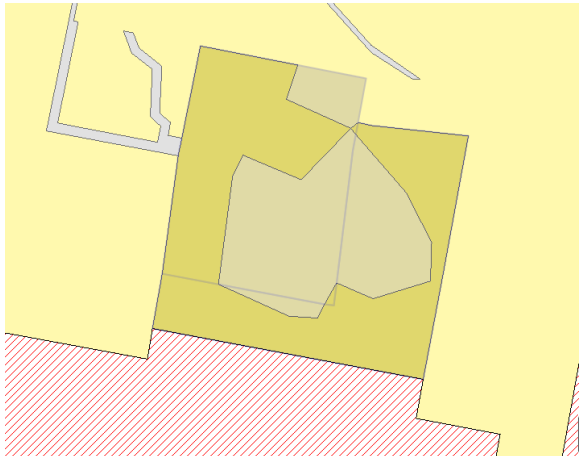


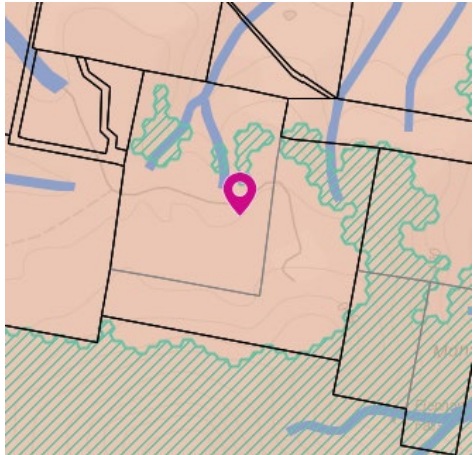


The retention of Rural Zone within the Draft LPS for the sites, will allow the landholder to consider a range of land uses whilst also ensuring priority vegetation mapping is considered in the application of the Natural Assets Code for any future use or development.

It is recommended land titles CT120232/1, CT206762/1 and CT 120054/1 transition to the LCZ. The Break O'Day Council has applied the following assessment when determining a zone modification to Landscape Conservation Zone:

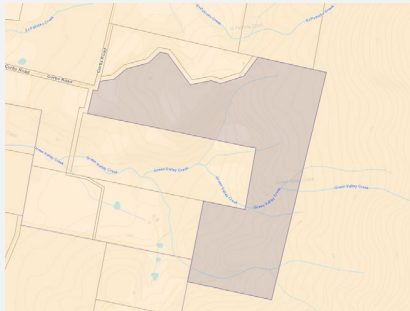
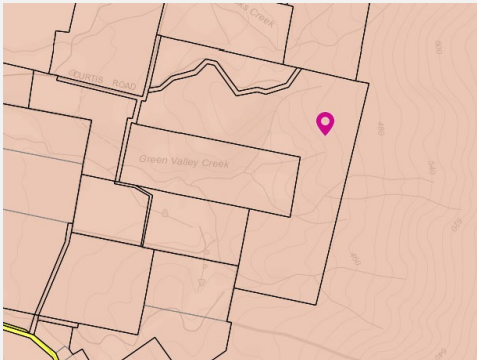


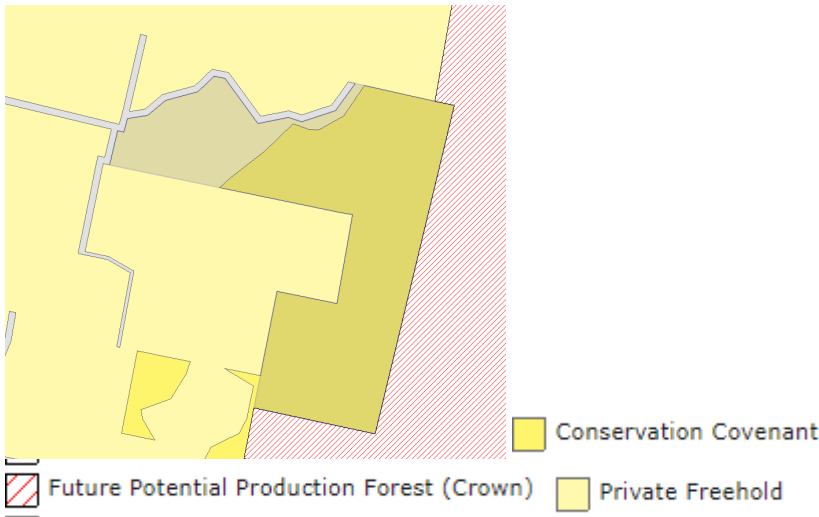
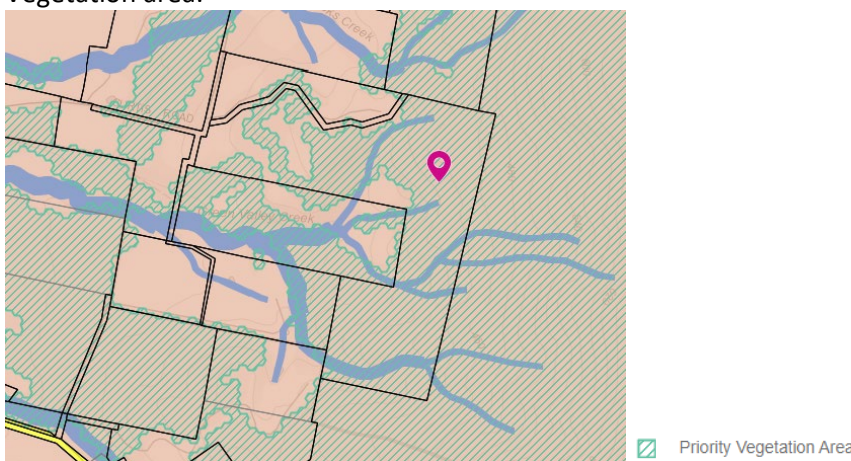
	<ul style="list-style-type: none"> <li>• Able to achieve connectivity to land zoned Environmental Management or Landscape Conservation;</li> <li>• Existing conservation covenant affecting title;</li> <li>• Landowner consent provided or able to be provided;</li> <li>• Satisfies LCZ1, LCZ2 and LCZ3</li> </ul> <p>In this instance whilst the application of the LCZ is isolated, it is considered complimentary to the adjoining EMZ and therefore reflects sound planning principles.</p> <p>The subject titles satisfy this assessment criteria. It is recommended the title(s) transition to Landscape Conservation Zone. It should be noted that landowner consent has not been given. CLT to provide landowner consent and/or opportunity to make representation.</p>
<b>Recommended action</b>	<b>Recommended modification to draft LPS;</b> <ul style="list-style-type: none"> <li>• Apply the Landscape Conservation Zone to CT120232/1, CT206762/1 and CT 120054/1</li> <li>• Apply the Rural Zone to CT 218714/1</li> </ul>
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.

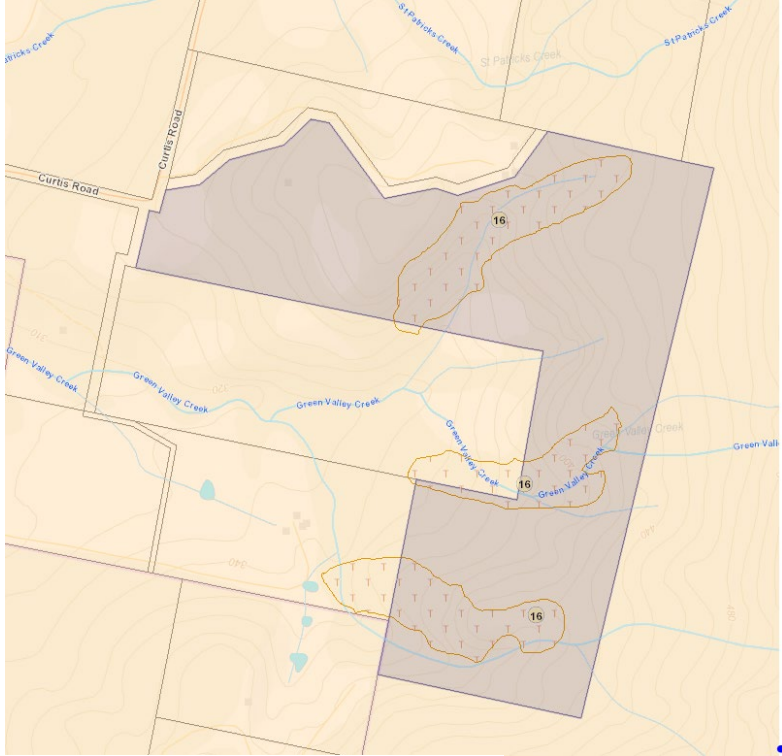
<b>Representation No. 70 Item 10</b>	<b>Name: John Thompson OBO Board of Trustees, Conservation Landholders Tasmania</b> <b>Address: 730 Irish Town Rd, St Marys</b> <b>Title Reference: 112196/1; 245582/1</b> <b>PID: 9566280</b> <b>Land Area: 19.63 ha; 17.4 ha.</b> <b>IPS Zoning: Rural Resource Zone.</b>	
<b>Mapping Zoom Level 15</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning - Rural</b>

<b>Matter(s) raised in the representation (including property information details where applicable)</b>	It is proposed that all of both titles with a combined area of 36.9ha are rezoned to Landscape Conservation as the non-reserved land on both titles is unsuitable and not used for agriculture.			
<b>Planning Authority response</b>	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<p>Response:</p> <p>Title 112196/1 is identified as unconstrained land potentially suitable for Agriculture Zone whilst title 245582/1 has been excluded from the mapping exercise. As detailed in the draft LPS, given the topography of the land and the environmental values, the Rural Zone is considered to be a more appropriate zone than the Agriculture Zone (112196/1).</p> <p>The conservation covenant has been applied irregularly across both titles.</p>  <p> Conservation Covenant</p> <p> Future Potential Production Forest (Crown)</p> <p>The Conservation Covenant area includes land mapped for Priority Vegetation area.</p>  <p> Priority Vegetation Area</p> <p> Waterway and Coastal Protection.</p> <p>The CAR Values have been identified within the Restrictive Covenant documents as Wet Brookers Gum forest and Tall Stringybark Forest</p>			

	<p>Title 112196/1 supports Threatened Native Vegetation Community No 33, Rainforest Fernland.</p> <p>The proposed zoning is Rural Zone and the covenant and the restrictions contained in them, apply regardless of the zoning. The Landscape Values have not been identified.</p> <p>It is recommended the land parcels retain the Rural Zone, which recognises land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area in accordance with RZ1 and RZ2 of Guideline 1.</p> <p>The retention of Rural Zone within the Draft LPS for the sites, will allow the landholder to consider a range of land uses whilst also ensuring priority vegetation mapping is considered in the application of the Natural Assets Code for any future use or development.</p>
<b>Recommended action</b>	No modification to the draft LPS
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.

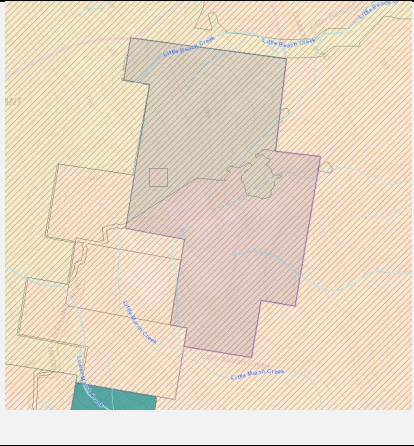
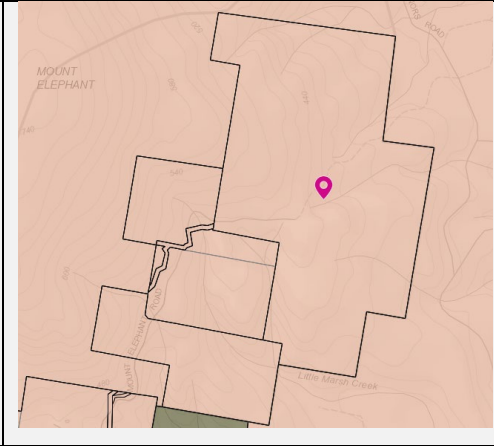
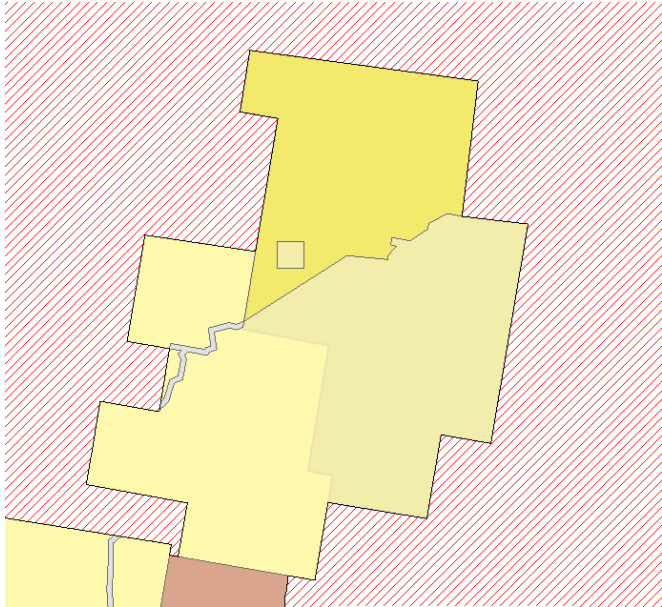




<b>Representation No. 70 Item 11</b>	<b>Name:</b> John Thompson OBO Board of Trustees, Conservation Landholders Tasmania <b>Address:</b> 130 Curtis Rd, St Marys <b>Title Reference:</b> 121098/1 <b>PID:</b> 7378807 <b>Land Area:</b> 53.77 ha <b>IPS Zoning:</b> Rural Resource Zone			
<b>Mapping Zoom Level 15</b>				
	<b>Site Location</b>		<b>Draft LPS Zoning - Rural</b>	
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	It is proposed that all of title reference is rezoned to Landscape Conservation. The reserve contains the threatened vegetation community <i>Eucalyptus brookeriana</i> wet forest.			
<b>Planning Authority response</b>	Consistency Overview:			
	<b>NTRLUS</b>	<input type="checkbox"/>	<b>Local Strategy / Policy</b>	<input type="checkbox"/>
	<b>Section 8A Guideline No.1</b>	<input type="checkbox"/>	<b>Relate to the drafting / content of the SPP?</b>	<input type="checkbox"/>

TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
<p>Response:</p> <p>Title 121098/1 is identified as unconstrained land potentially suitable for Agriculture Zone. As detailed in the draft LPS, given the topography of the land and the environmental values, the Rural Zone is considered to be a more appropriate zone than the Agriculture Zone.</p> <p>The conservation covenant has been applied to approximately 77% of the title.</p> <div></div> <p>The Conservation Covenant area includes land mapped for Priority Vegetation area.</p> <div></div> <p>The CAR Values have been identified within the Restrictive Covenant documents as <i>Eucalyptus bookeriana</i> wet forest.</p> <p>Title 121098/1 supports Threatened Native Vegetation Community No 16, <i>Eucalyptus brookeriana</i> wet forest.</p>			

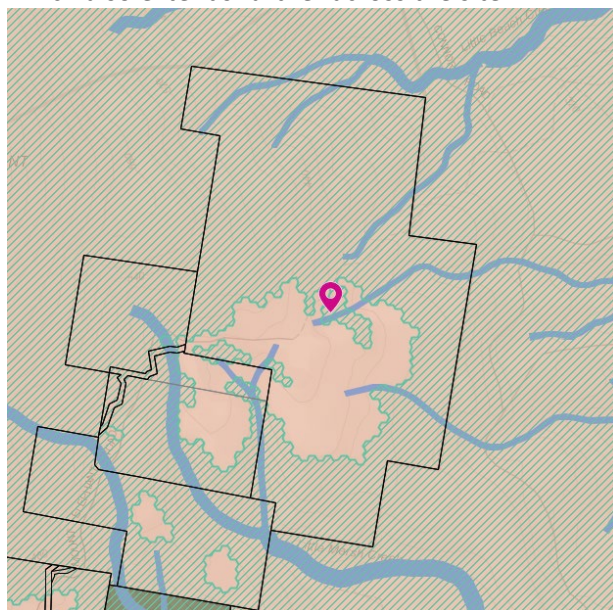
	 <p><b>16 - Eucalyptus brookeriana wet forest</b></p> <p>The proposed zoning is Rural Zone and the covenant and the restrictions contained in them, apply regardless of the zoning. The Landscape Values have not been identified.</p> <p>It is recommended the land parcels retain the Rural Zone, which recognises land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area in accordance with RZ1 and RZ2 of Guideline 1.</p> <p>The retention of Rural Zone within the Draft LPS for the sites, will allow the landholder to consider a range of land uses whilst also ensuring priority vegetation mapping is considered in the application of the Natural Assets Code for any future use or development.</p>
<b>Recommended action</b>	No modification to the draft LPS.
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.

<b>Representation No. 70</b> <b>Item 12</b>	<b>Name: John Thompson OBO Board of Trustees, Conservation Landholders</b> <b>Address: 300 Mount Elephant Road, Gray</b> <b>Title Reference: 200851/1</b> <b>PID: 7298794</b> <b>Land Area: 125.6 ha</b> <b>IPS Zoning: Rural Resource</b>



<b>Mapping</b> <b>Zoom Level 15</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning - Rural</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	It is proposed that all of the Title is rezoned to Landscape Conservation. The reserve contains the threatened vegetation community no 33 Rainforest fernland.	
<b>Planning Authority response</b>	Consistency Overview:	
	NTRLUS	<input type="checkbox"/> Local Strategy / Policy
	Section 8A Guideline No.1	<input type="checkbox"/> Relate to the drafting / content of the SPP?
	TPC Practice Notes	<input type="checkbox"/> Reflect a like for like conversion of the IPS?
Response: Title 200851/1 is identified as unconstrained land potentially suitable for Agriculture Zone. As detailed in the draft LPS, given the topography of the land and the environmental values, the Rural Zone is considered to be a more appropriate zone than the Agriculture Zone.  The conservation covenant covers approximately 44% of the title.		
		
<div> <div> Conservation Covenant</div> <div> Private Freehold</div> <div> Regional Reserve</div> <div> Future Potential Production Forest (Crown)</div> </div>		

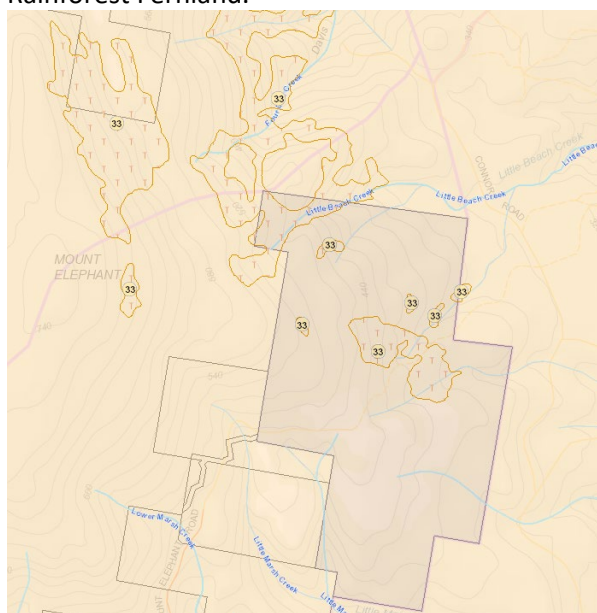
The Conservation Covenant area includes mapped Priority Vegetation Area, which also extends further across the site.




 Priority Vegetation Area

The CAR Values have been identified within the Restrictive Covenant documents as *Eucalyptus brookeriana* wet forest and Tall *Eucalyptus obliqua* forest.

Title 200851/1 supports Threatened Native Vegetation Community No 33, Rainforest Fernland.

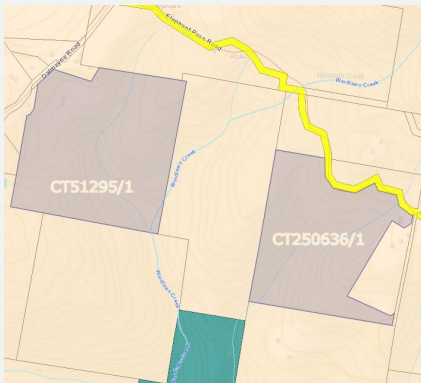
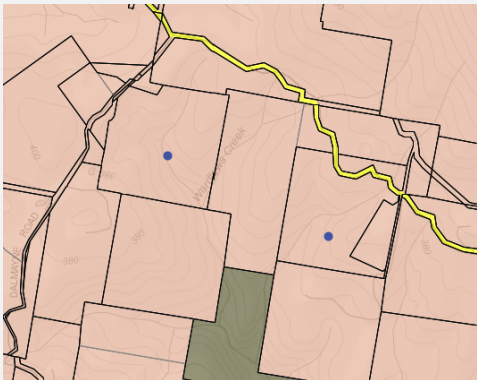


 33 - Rainforest fernland

The proposed zoning is Rural Zone and the covenant and the restrictions contained in them, apply regardless of the zoning. The Landscape Values have not been identified.

It is recommended the land parcels retain the Rural Zone, which recognises land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area in accordance with RZ1 and RZ2 of Guideline 1.

	The retention of Rural Zone within the Draft LPS for the sites, will allow the landholder to consider a range of land uses whilst also ensuring priority vegetation mapping is considered in the application of the Natural Assets Code for any future use or development.
<b>Recommended action</b>	No modification to the draft LPS.
<b>Effect of recommendation on the draft LPS</b>	e.g. The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.

<b>Representation No. 70 Item 13</b>	<b>Name:</b> John Thompson OBO Board of Trustees, Conservation Landholders Tasmania <b>Address:</b> 31 Dalmayne Rd Gray & 822 Elephant Pass Rd Gray <b>Title Reference:</b> 51295/1 & 250636/1 <b>PID:</b> 7720238 & 7320912 <b>Land Area:</b> <b>IPS Zoning:</b> Rural Resource Zone			
<b>Mapping Zoom Level 15</b>				
	<b>Site Location</b>		<b>Draft LPS Zoning - Rural</b>	
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	Both titles rezoned to Landscape Conservation Zone. The reserve contains and provides habitat for the endangered Eastern quoll and Blind Velvet Worm.			
<b>Planning Authority response</b>	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response: Both titles are identified as unconstrained land potentially suitable for Agriculture Zone whilst title 245582/1 has been excluded from the mapping exercise. As detailed in the draft LPS, given the topography of the land and			

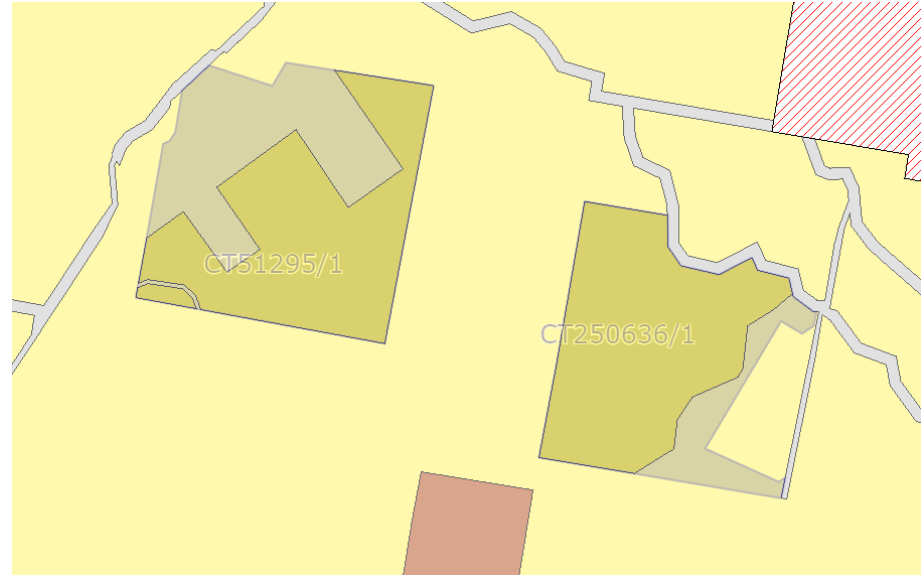


the environmental values, the Rural Zone is considered to be a more appropriate zone than the Agriculture Zone.

A substantial portion of each lot is affected by the Conservation Covenant.

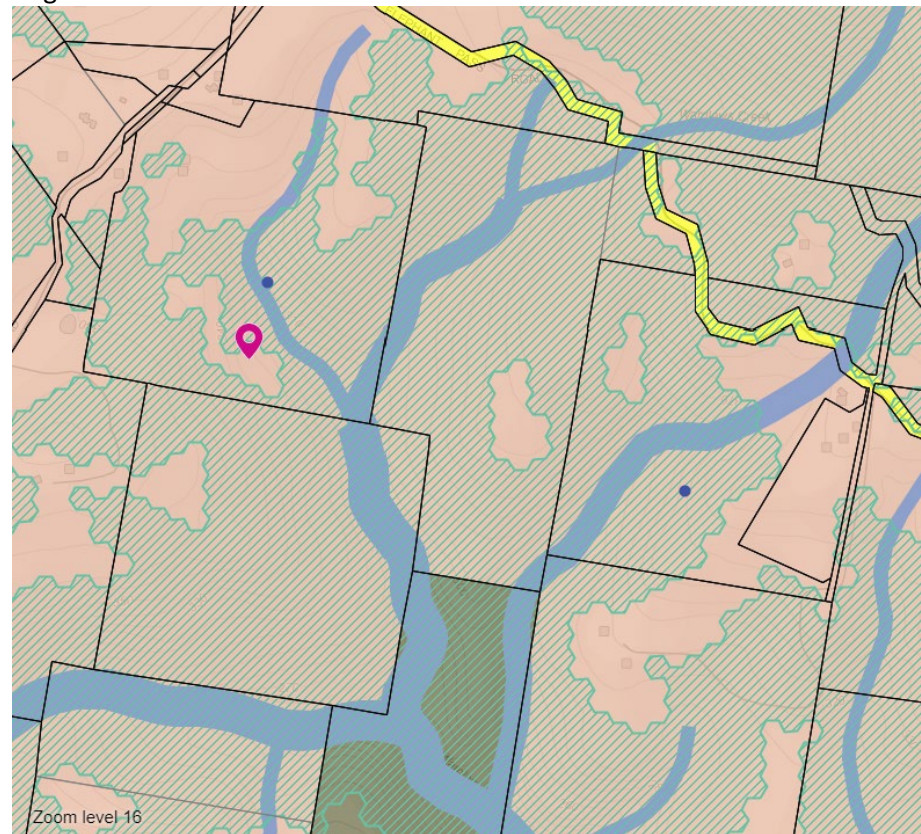
CT51295/1 – 60%;


CT250636/1 – 81%

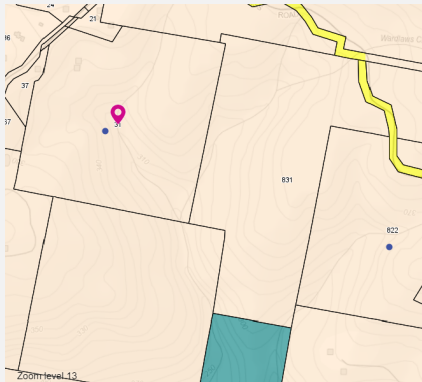
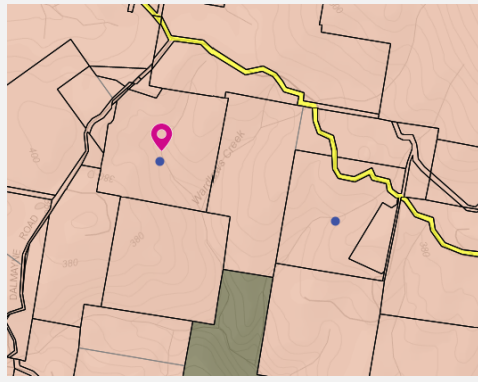


Conservation Covenant
  Private Freehold
  Regional Reserve
  Future Potential Production Forest (Crown)

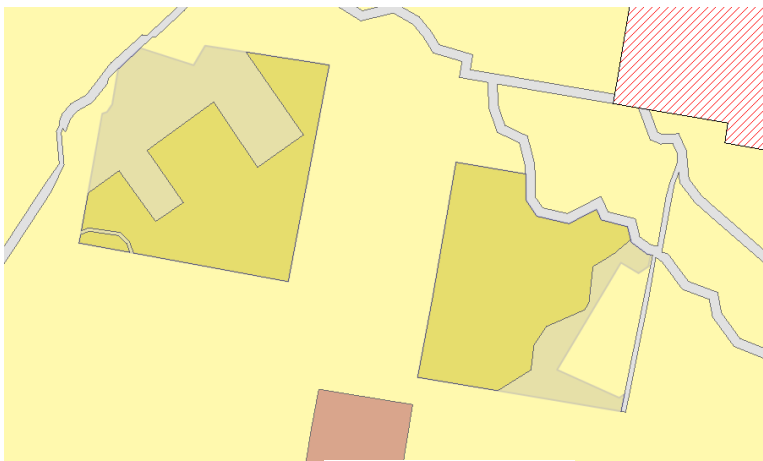

The Conservation Covenant area includes land mapped for Priority Vegetation area.



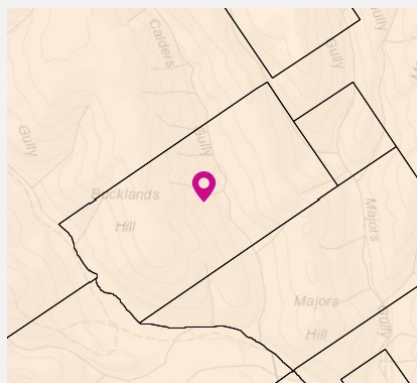
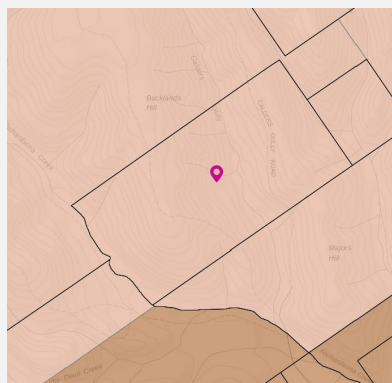
	<p> <b>Priority Vegetation Area</b></p> <p>The sites do not support mapped threatened native vegetation communities.</p> <p>The proposed zoning is Rural Zone and the covenant and the restrictions contained in them, apply regardless of the zoning. The Landscape Values have not been identified.</p> <p>It is recommended the land parcels retain the Rural Zone, which recognises land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area in accordance with RZ1 and RZ2 of Guideline 1.</p> <p>The retention of Rural Zone within the Draft LPS for the sites, will allow the landholder to consider a range of land uses whilst also ensuring priority vegetation mapping is considered in the application of the Natural Assets Code for any future use or development.</p>
<b>Recommended action</b>	No modification to the draft LPS.
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.

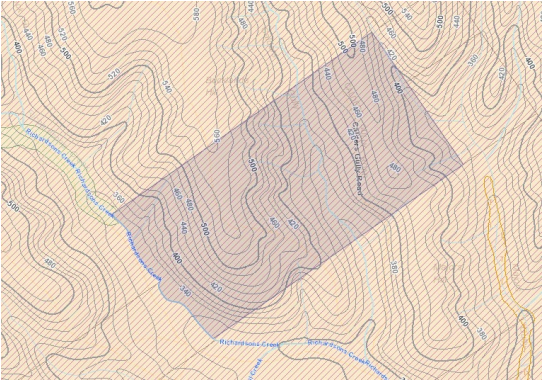
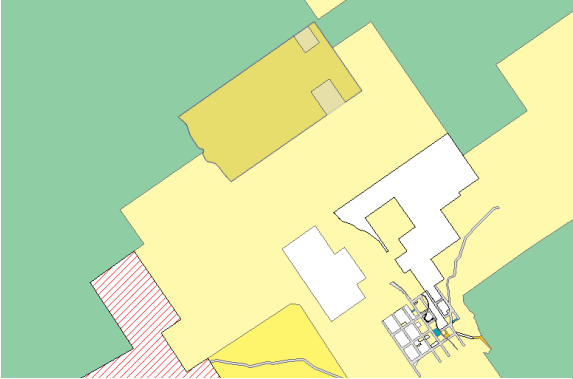







<b>Representation No. 70 Item 14</b>	<b>Name:</b> John Thompson OBO Board of Trustees, Conservation Landholders Tasmania <b>Address:</b> 31 Dalmayne Rd Gray & 822 Elephant Pass Rd Gray <b>Title Reference:</b> CT51295/1 & CT250636/1 <b>PID:</b> 7720238 & 7320912 <b>Land Area:</b> 19.38 ha & 14.8 ha <b>IPS Zoning:</b> Rural Resource Zone			
<b>Mapping Zoom Level 15</b>				
	<b>Site Location</b>		<b>Draft LPS Zoning – Rural Zone</b>	
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	Both titles contain residential dwellings on the non-reserved land. Both titles are close to the Marsh Creek Regional Reserve. Proposed that all of both titles are rezoned to Landscape Conservation Zone.			
<b>Planning Authority response</b>	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>



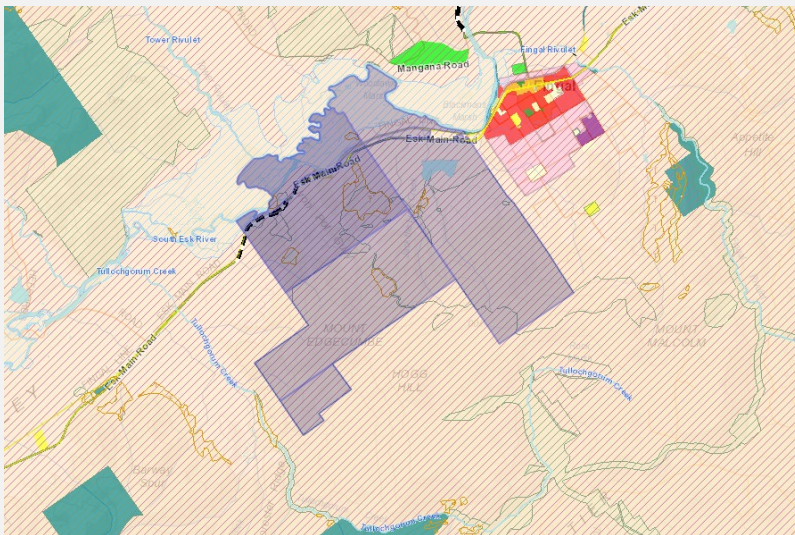
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<p>Response:</p> <p>Both titles are identified as unconstrained land potentially suitable for Agriculture Zone. As detailed in the draft LPS, given the topography of the land and the environmental values, the Rural Zone is considered to be a more appropriate zone than the Agriculture Zone.</p> <p>The conservation covenant covers approximately 60% of the western site and 81% of the eastern site.</p>  <p> <input type="checkbox"/> Conservation Covenant    <input type="checkbox"/> Private Freehold    <input type="checkbox"/> Regional Reserve  <input type="checkbox"/> Future Potential Production Forest (Crown)         </p> <p>The Conservation Covenant area includes mapped Priority Vegetation Area, which also extends further across the site.</p>  <p><input checked="" type="checkbox"/> Priority Vegetation Area</p> <p>The CAR Values have not been identified within the Restrictive Covenant documents.</p> <p>The titles do no support mapped Threatened Native Vegetation Communities.</p>			

	<p>The proposed zoning is Rural Zone and the covenant and the restrictions contained in them, apply regardless of the zoning. The Landscape Values have not been identified.</p> <p>It is recommended the land parcels retain the Rural Zone, which recognises land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area in accordance with RZ1 and RZ2 of Guideline 1.</p> <p>The retention of Rural Zone within the Draft LPS for the sites, will allow the landholder to consider a range of land uses whilst also ensuring priority vegetation mapping is considered in the application of the Natural Assets Code for any future use or development.</p>
<b>Recommended action</b>	No modification to the draft LPS
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole as the landowner is supportive of the recommended change.

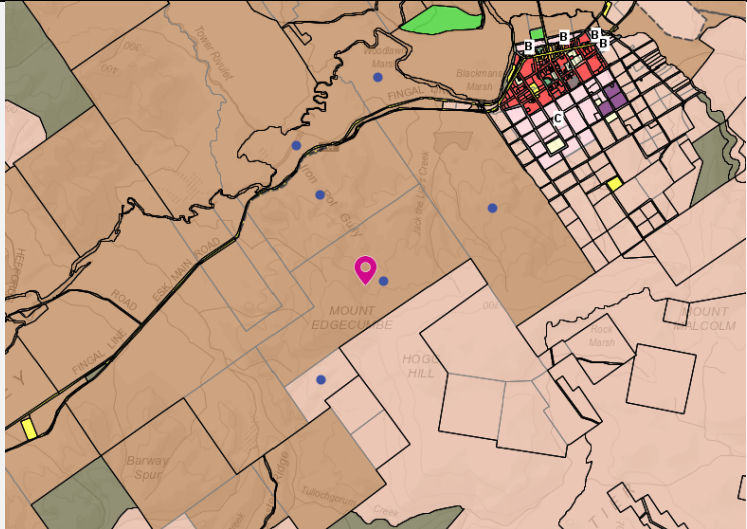
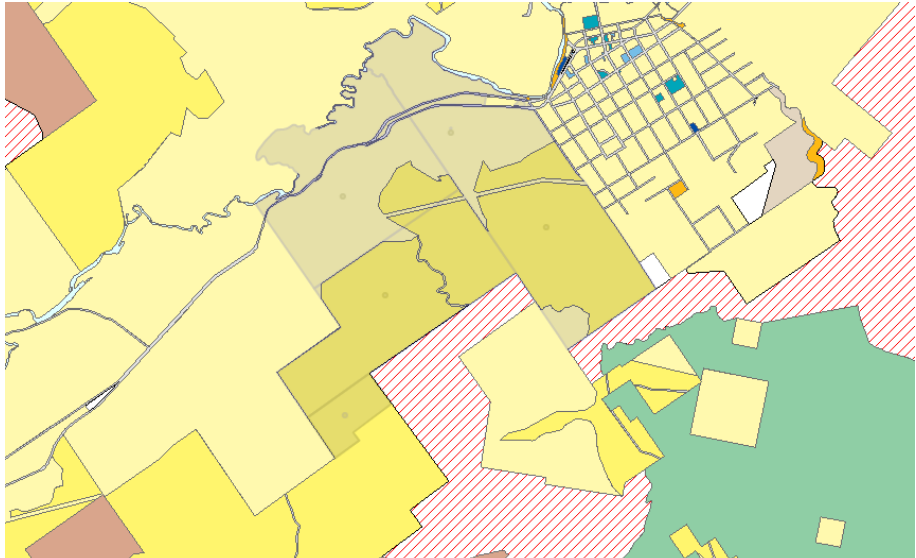
<b>Representation No. 70 Item 15</b>	<b>Name:</b> John Thompson OBO Board of Trustees, Conservation Landholders Tasmania <b>Address:</b> Calders Gully Rd Mangana <b>Title Reference:</b> CT146101/1 <b>PID:</b> 6416832 <b>Land Area:</b> 129.5 ha <b>IPS Zoning:</b> Rural Resource Zone			
<b>Mapping Zoom Level 15</b>				
	<b>Site Location</b>		<b>Draft LPS Zoning - Rural</b>	
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	The 119.1 ha Calders Gully Reserve covers 93% of the title. It is proposed that all of the title is rezoned to Landscape Conservation Zone.			
<b>Planning Authority response</b>	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>

	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<p>Response:</p> <p>Title 146101/1 is land not included in the Agricultural Land Mapping Project and is constrained by topography.</p> 			
	<p>The conservation covenant covers 93% of the title and adjoins land with tenure of Permanent Timber Production Zone land.</p>  <div><div> Conservation Covenant</div><div> Private Freehold</div><div> Permanent Timber Production Zone Land</div><div> Crown Land</div><div> Future Potential Production Forest (Crown)</div></div> <p>The Conservation Covenant area includes land mapped for Priority Vegetation area.</p>  <div><div> Priority Vegetation Area</div></div> <p>The CAR Values have not been identified within the restrictive covenant documents.</p>			

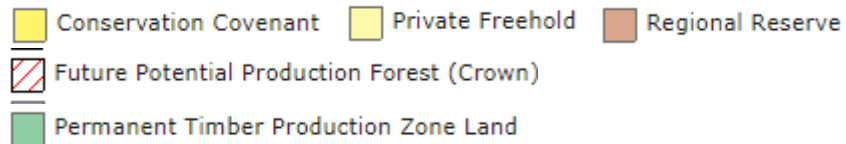
	<p>Title 146101/1 does not support mapped threatened native vegetation communities.</p> <p>The proposed zoning is Rural Zone and the covenant and the restrictions contained in them, apply regardless of the zoning. The Landscape Values have not been identified.</p> <p>It is recommended the land parcels retain the Rural Zone, which recognises land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area in accordance with RZ1 and RZ2 of Guideline 1.</p> <p>The retention of Rural Zone within the Draft LPS for the sites, will allow the landholder to consider a range of land uses whilst also ensuring priority vegetation mapping is considered in the application of the Natural Assets Code for any future use or development.</p>
<b>Recommended action</b>	No modification to the draft LPS.
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.

<b>Representation No. 70</b> <b>Item 16</b>  <b>Related Representation - 26</b>	<p><b>Name: John Thompson OBO Board of Trustees, Conservation Landholders Tasmania</b></p> <p><b>Address: 4529 Esk Main Rd, Fingal</b></p> <p><b>Title Reference: 174308/1, 181574/2, 121908/1, 121908/2</b></p> <p><b>PID: 9211677</b></p> <p><b>Land Area: 597.8 ha; 398.5 ha; 397.4 ha; 58.76 ha.</b></p> <p><b>IPS Zoning: Rural Resource Zone</b></p>
<b>Mapping</b> <b>Zoom Level 15</b>	
	<b>Site Location</b>

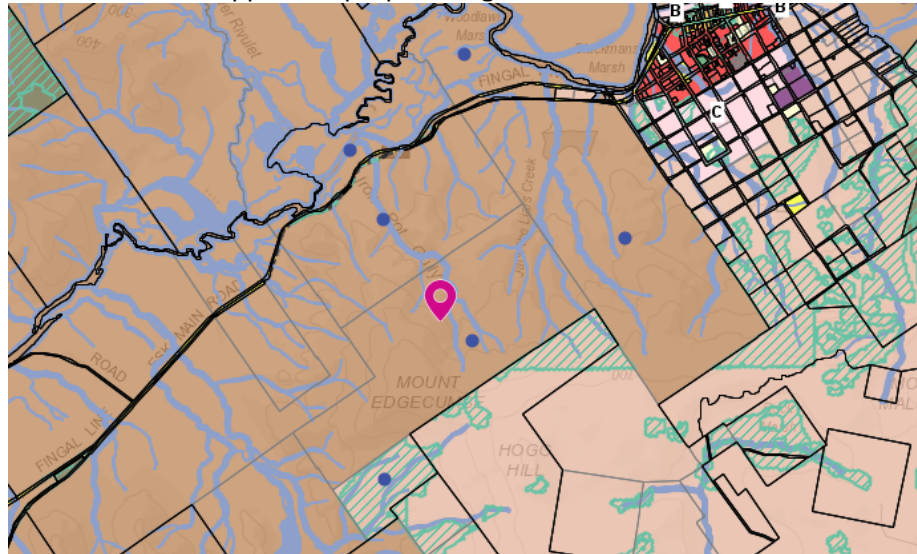


		
	<b>Draft LPS Zoning – Majority of title – Agriculture; Title 121908/2 - Rural</b>	
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	Proposed that 820 hectares of reserved land on the titles mentioned which are contiguous rezoned to Landscape Conservation with balance remaining as Agriculture.	
<b>Planning Authority response</b>	Consistency Overview:	
	NTRLUS	<input type="checkbox"/> Local Strategy / Policy <input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/> Relate to the drafting / content of the SPP? <input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/> Reflect a like for like conversion of the IPS? <input type="checkbox"/>
	<p>Response:</p> <p>Titles also include Private Timber Reserve; Two Conservation Covenants across the titles (C625764 and C625745);</p> <p>All titles, except 12908/2, have been identified as unconstrained land potentially suitable for Agriculture Zone.</p> <p>The conservation covenant affects all titles to varying degrees (12% - 100%).</p> 	

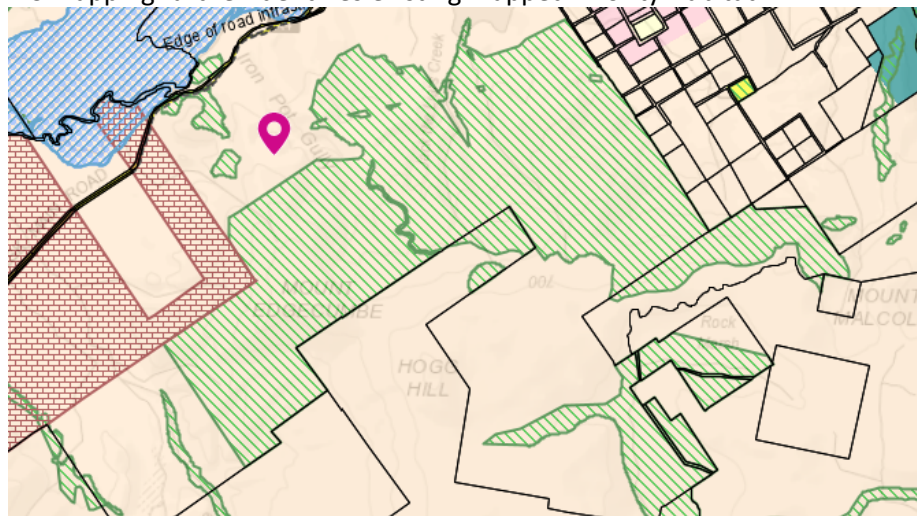




The Conservation Covenant area includes mapped Priority Vegetation Area but has not been applied to proposed Agriculture Zone.



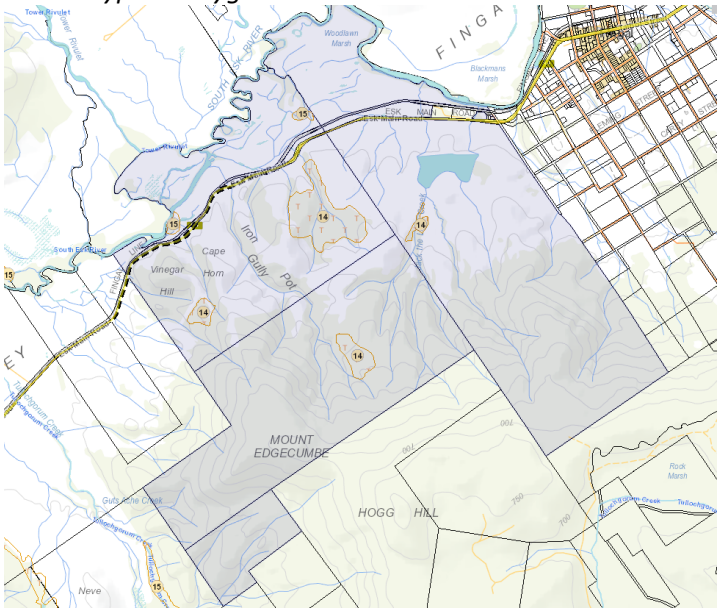
IPS mapping further identifies existing mapped Priority Habitat.



The restrictive covenant documents have identified CAR Values as they relate to the titles.

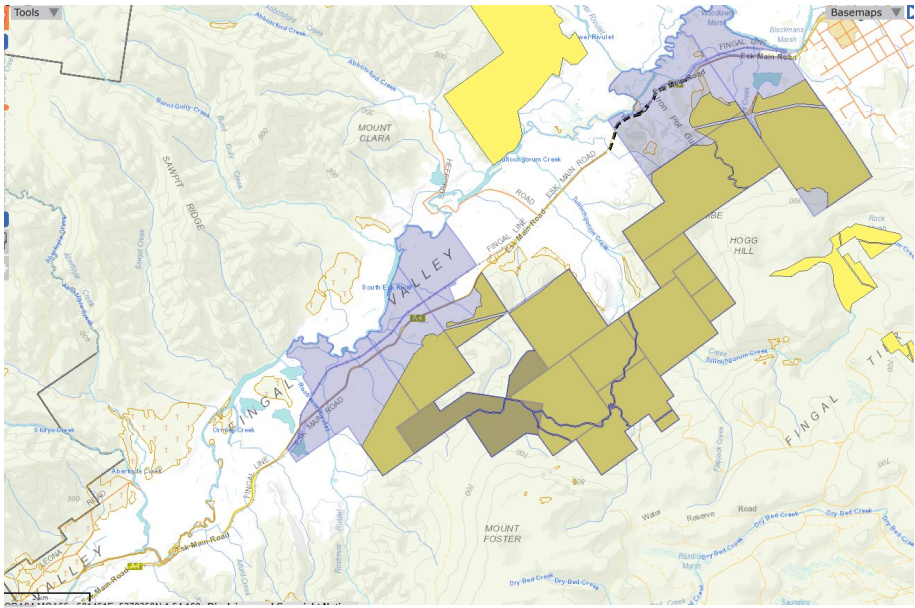
C625745:

- Eucalyptus ovata forest - threatened;
- Eucalyptus rodwayi (swamp peppermint) forest;
- Eucalyptus delegatensis (gum topped stringy bark) forest;
- Eucalyptus dalrympleana and E. pauciflora forest – newly recognised, ecologically distinct community;
- Allocasuarina verticillata (drooping sheoak) forest;
- Eucalyptus viminalis (white gum) grassy forest;
- Eucalyptus amygdalina (black peppermint) forest on dolerite;

	<ul style="list-style-type: none"> <li>• Eucalyptus amygdalina (black peppewrmit) forest on mudstone;</li> <li>• Lowland Poa labillardierei (silver tussock) grassland;</li> <li>• Lowland Themeda triandra (kangaroo grass) grassland;</li> </ul> <p>C625764:</p> <ul style="list-style-type: none"> <li>• Dry Eucalyptus amygdalina forest and woodland on dolerite – DAD</li> <li>• Dry Eucalyptus viminalis grassy forest and woodland – DVG;</li> <li>• Bursaria – Acacia woodland and scrub – NBA;</li> <li>• Dry Eucalyptus amygdalina forest and woodland on sandstone – DAS; - Threatened</li> <li>• Dry Eucalyptus delegatensis forest – DDE;</li> <li>• Dry Eucalyptus amygdalina forest and woodland on mudstone – DAM;</li> <li>• Allocasuarina verticillata forest - NAV</li> </ul> <p>The sites support <u>mapped</u> threatened native vegetation communities:</p> <p>14 – <i>Eucalyptus amygdalina</i> forest and woodland on sandstone;</p> <p>15 <i>Eucalyptus amygdalina</i> inland forest and woodland on Cainozoic deposits.</p>  <p>The proposed zoning is Agriculture Zone with the southern-most title zoned as Rural Zone. The restrictive covenant applies regardless of the zoning. The Landscape Values have not been identified.</p> <p>It is recommended all parcels be retained within the Agriculture Zone as restrictive covenant applies regardless of the zoning.</p>
<b>Recommended action</b>	No modification of draft LPS
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.

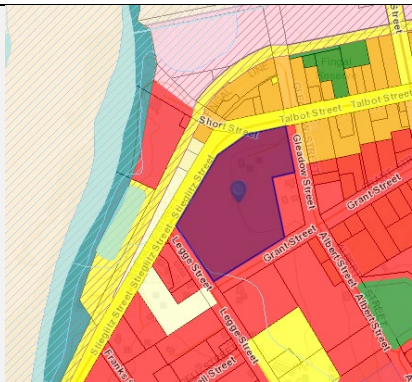
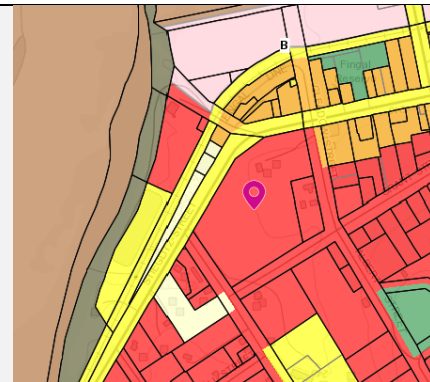


<b>Representation No. 70</b>	<b>Name: John Thompson OBO Board of Trustees, Conservation Landholders Tasmania</b>
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Item 16	Address: Esk Main Road, Fingal Title Reference: various PID: various Land Area: various IPS Zoning: Rural Resource				
Mapping Zoom Level 15					
	Site Location	Draft LPS Zoning – Agriculture and Rural			
Matter(s) raised in the representation (including property information details where applicable)	The combined Fingal #1 and Fingal #2 Reserves have an area of 1589 ha across three properties and 11 titles as listed above. The Reserves enclose the 171 ha Barway Spur Regional Reserve and adjoin the 4402 ha St Pauls Regional Reserve to their south. They also adjoin 820 ha of the Tullochgorum Reserve protected by conservation covenant. It is proposed that all of the reserved land on the 11 titles listed above, which are contiguous, should be considered for rezoning to Landscape Conservation with those titles with mixed use split zoned to align with the covenant boundaries. The balance of the land on the split zoned titles would remain as either Rural or Agriculture Zone (dashed white line) as per the exhibited zoning for those titles. The Fingal #1 and #2 Reserves contain areas of the threatened vegetation communities No 2 Allocasuarina littoralis forest and No 15 Eucalyptus amygdalina inland forest and woodland on cainozoic deposits as listed in Schedule 3A of the Nature Conservation Act 2002. They contain the vulnerable Scleranthus fasciculatus (Spreading knawel and the rare Bossiaea tasmanica (Spiny bossia) as listed in Schedules 4 and 5, respectively, of the Threatened Species Protection Act 1995. They also contain and provide habitat for the endangered Sarcophilus harrisii (Tasmanian devil) and endangered Aquila audax subsp. Fleayi (Tasmanian wedge-tailed eagle) as listed in Schedule 3 of the same Act. Full details of the natural values protected by these Reserves are in the Nature Conservation Plans held by DPIPWE.				


<b>Planning Authority response</b>	<b>Consistency Overview:</b>		
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?
<b>Response:</b>  <p>The proposed zoning is Agriculture Zone with the southern-most title zoned as Rural Zone. The restrictive covenant applies regardless of the zoning. The Landscape Values have not been identified.</p> <p>It is recommended all parcels be retained within the Agriculture Zone and Rural Zone as restrictive covenant applies regardless of the zoning.</p>			
<b>Recommended action</b>	No modification of the draft LPS.		
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.		

<b>Representation No. 71</b>	<b>Name: Tasmanian Heritage Council</b> <b>Address: 2 Talbot Street, Fingal</b> <b>Title Reference: 125334/1</b> <b>PID: 1837101</b> <b>Land Area: 4.128 ha</b> <b>IPS Zoning: General Residential Zone</b>	



Mapping Zoom Level 15				
	Site Location		Draft LPS Zoning – General Residential Zone	
Matter(s) raised in the representation (including property information details where applicable)	<p>Tasmanian Heritage Council has finalised the new entry for the following place or places and resolved to permanently register it in the Tasmanian Heritage Register, under the provisions in section 21(1)(a) and 26(a) of the Historic Cultural Heritage Act 1995 (“the Act”):</p> <p>THR I2017, St Peter’s Anglican Church and Rectory, 2 Talbot Street, Fingal</p> <div data-bbox="485 893 852 1171"></div> <div data-bbox="868 893 1249 1171"></div>			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response: Suggest the Local Heritage Places table be updated.			
Recommended action	Update BRE- Table C6.1 Local Heritage Places to include listings as per THR representation			
Effect of recommendation on the draft LPS	e.g. The Planning Authority recommendation has no impact on implementing the draft LPS as a whole as the landowner is supportive of the recommended change.			



<b>Representation No. 72</b>	<b>Name:</b> Woolcott Surveys <b>Address (CT Details):</b> various <b>PID:</b> Various <b>Land Area:</b> N/A <b>IPS Zoning:</b> Environmental Living Zone (ELZ)	
<b>Mapping Zoom Level 15</b>	<b>Site Location</b>	<b>Draft LPS Zoning</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>Representation raised the following matters:</p> <p><b>Landscape Conservation Zone (LCZ)</b></p> <ul style="list-style-type: none"> <li>- Primary concern relates to residential lots within the ELZ transitioning to the Landscape Conservation Zone (LCZ).</li> <li>- Applying the natural assets and scenic protection codes within particular areas provides protection of such values without the need to apply a non-residential zone.</li> <li>- Rezoning will diminish landowners existing residential rights.</li> </ul> <p>The representation highlights the following areas for rezoning  <b>The Gardens Road, Binalong Bay / The Gardens</b></p>  <p><i>Figure 1 - Aerial view of a portion of the 'Gardens' with our opinion on future LPS zonings.</i></p> <ul style="list-style-type: none"> <li>- Contains established residential single dwellings</li> <li>- Only very small percentage of these developed lots are including within the current Priority Habitat overlay under the Interim Scheme</li> <li>- Appropriate retention of native vegetation within the Rural Living Zone (RLZ) and ELZ was one of the recommendations put forward by the St Helens Structure Plan (p44)</li> <li>- Guideline does not provide clear direction for land within ELZ</li> <li>- Guideline RLZ 2 is applicable: land within ELZ with the strategic intention is for residential use/development within a rural setting RLZ D could be applied</li> </ul>	

- Lots are within a residential area, characterized by single dwellings in a natural environment. Recognition of this use and development is appropriate by the application of the RLZ.

#### Sunshine Court – St Helens



*Figure 2 - Aerial view of lots within Sunshine Court.*

- This is a residential area, characterized by single dwellings on large, cleared lots within a coastal location.
- Access to sites is provided with kerb and channel infrastructure
- Residential subdivision approved and contains lots between 5000 – 7000m<sup>2</sup>.
- Natural Assets Code applies to lots
- Character associated with lifestyle lots and aligns with rural residential landscape.

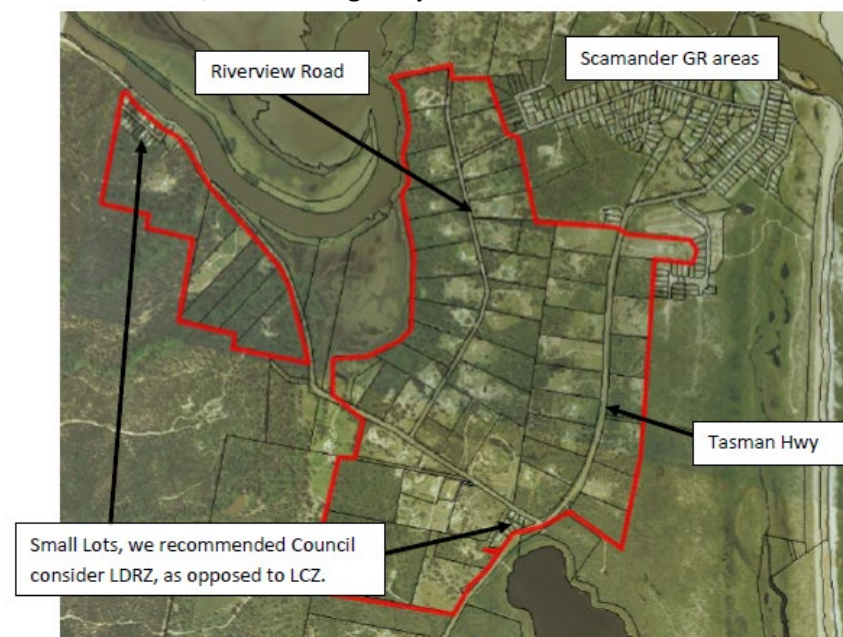
#### Heritage Road / Land South of Golden Fleece Rivulet – St Helens



*Figure 5 - Aerial view of Heritage Road and proposed LCZ zoned areas.*

- Residential lifestyle land should be included in RLZ
- Many lots not impacted by the Natural Assets Code or Scenic Protection Code and cleared of vegetation with established residential uses in the form of a single dwelling.
- Identified in Structure Plan as suitable for RLZ
- Lots used for low order agricultural activities

#### **Riverview Road / Tasman Highway – Scamander**



*Figure 9 - Aerial view of LCZ proposed areas in Scamander. Recommend RLZ be applied to these areas.*

- Characterized by single dwellings on large bush blocks, some cleared, some vegetated.
- Suggested RLZ as per RLZ 1(a)
- Land Use Strategy identifies some sites suitable for GRZ
- Clusters of lots 900 – 2000m<sup>2</sup> suggest Low Density Residential Zone (LDRZ)



### Seabreeze Court – Beaumaris



*Figure 12 - aerial view of lots on Seabreeze Court.*

- Land should be transitioned to RLZ or LDRZ
- Cleared of vegetation and contain established single dwellings

### Rural Living Zone

The submission raises the following concerns regarding the application of the Rural Living Zone (RLZ)

- Main areas of RLZ within St Helens include areas of Baillieu Street, Tasman Highway and Walker Street/Argonaut Road.
- LPS's application of RLZ – C provides a minimum lot size of 5ha with performance criteria of 4ha. While the Interim Scheme provided acceptable solution of 3ha and a performance criteria of 1 ha.
- Break O'Day Land Use and Development Strategy (Strategy) and the St Helens Structure Plan (Structure Plan) make recommendations relating to the Rural Living land around St Helens
- Strategies detail Rural Living areas should not exceed 2ha
- RLZ A or B to existing Rural Living areas more consistent with Guideline.
- Areas east of St Helens around Reservoir Road and Tasman Highway have also been identified in the Strategy for rural living. Most of these lots, especially along Cleland Drive contain single dwellings. The LPS has zoned these Rural Zone (RZ). Submission suggests RLZ is more suitable given on site features and direction from Strategy. Refer to extract from Structure Plan.

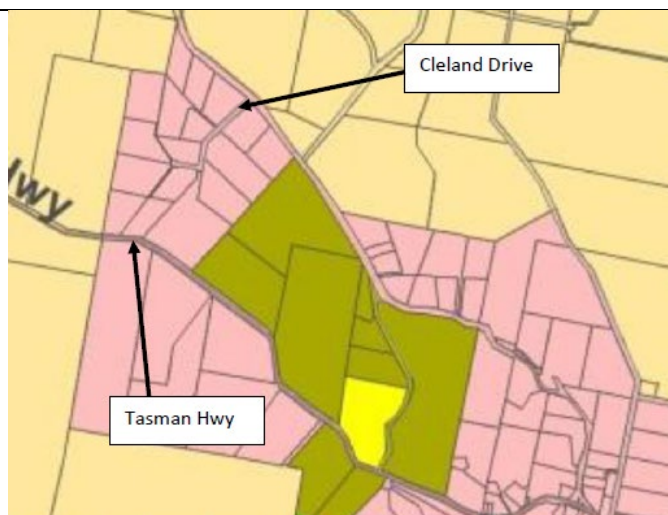


Figure 14 - Area to the north west of St Helens. Ultimate zoning plan. Source: St Helens Structure Plan.

#### Application of Coastal Settlement PPZ (PPZ)

- Primary concern is whether the PPZ met the criteria of the Act
- Suggested the Low Density Residential Zone (LDRZ) is more appropriate
- 10m setback requirement excessive
- Visitor Accommodation should be permitted rather than discretionary. Landowners currently having the option to build Visitor Accommodation which would be revoked
- Overall position on PPZ is that many characteristics of the land are the same to those in areas such as Beaumaris (LDRZ) and Falmouth (LDRZ). Believe the underlying ELZ was incorrect for these areas and the need for the PPZ is not warranted.
- Land at Simeon Place is currently zoned ELZ and has been recommended for LDRZ. Suggest this application is similar to other areas with small residential clusters, in coast location and constrained by services and environmental factors.



Figure 15 - Aerial view of Simeon Place - residential cluster correctly proposed for LDRZ.

#### St Helens Coastal Marine PPZ

- Support for PPZ
- Request Visitor Accommodation be considered as a discretionary use.

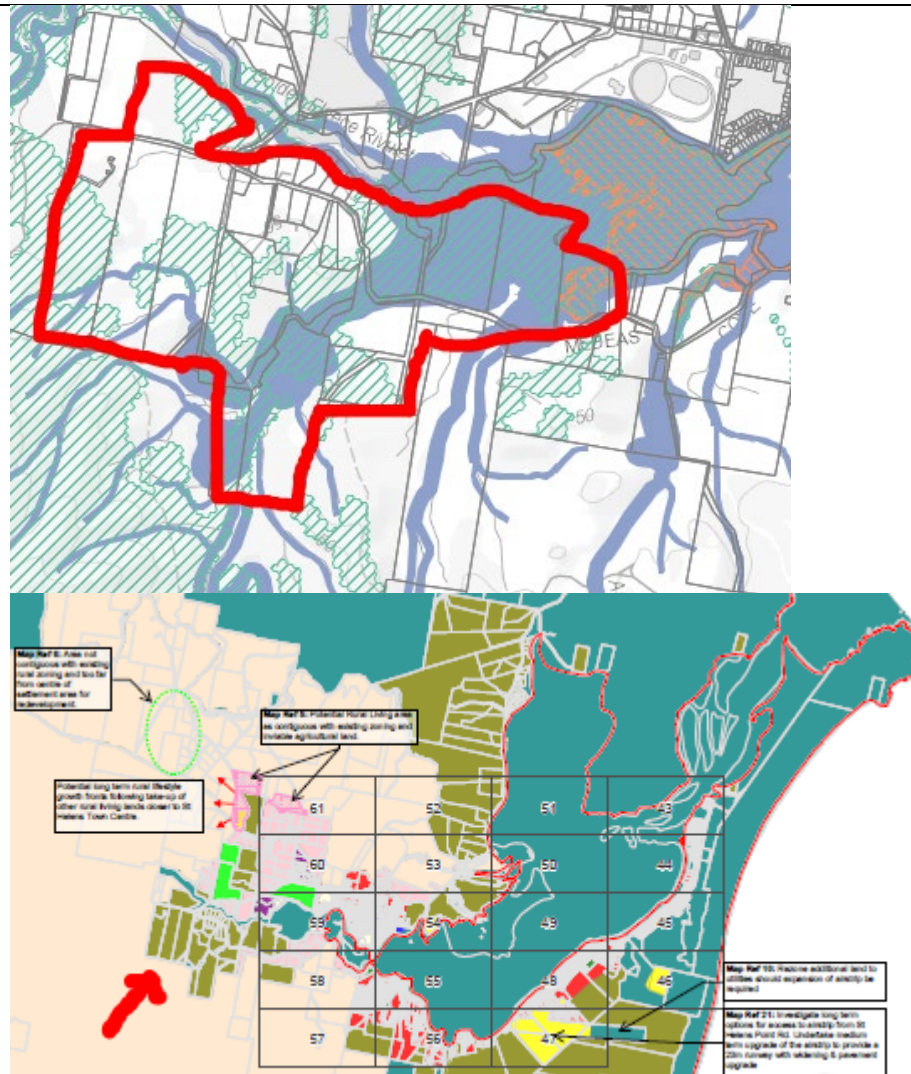
#### Major Tourism Zone

- Agree with application



	<p><b>Stormwater SAP</b></p> <ul style="list-style-type: none"><li>- Council does not need to assess stormwater (outside of subdivision) as part of a planning application</li><li>- Assessment of stormwater is done as part of a plumbing permit and required under the Building Act 2016.</li><li>- Council’s concerns can still be addressed as part of a building application and do not need to be considered at planning.</li><li>- Where an application cannot connect to a reticulated system the development will be discretionary. Mathinna is a particular example of this in the LDRZ</li><li>- Added costs and complexity to approvals process</li></ul> <p><b>Safeguarding St Helens Aerodrome SAP</b></p> <ul style="list-style-type: none"><li>- SAP applies to two sites. Owners of CT 179341/1 expressed a concern that the SAP includes their land and Council has not discussed this with them.</li><li>- Any development of this site will automatically be discretionary</li><li>- Airstrip Feasibility Study 2012 details three stages of expansion. Doesn’t appear that land to the east would compromise the expansion of the runway or future operational airspace.</li><li>- Based on strategic documentation query whether the SAP is required over the land to the east.</li><li>- Supportive of content in SAP but query whether it would be more appropriate to have it solely applied to CT223471/1 and CT214209/1</li></ul> <p><b>Flood Prone Areas</b></p> <ul style="list-style-type: none"><li>- Request that if Council is going to apply the flood prone areas code based on Council’s internal mapping, that Council consider updating the overlay to include more recent information.</li></ul>			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response:			
	<p><b>General Comments:</b></p> <ul style="list-style-type: none"><li>- Unclear if landowners have been notified, provided consent and/or supportive of representation.</li><li>- Agree with conflicting advice in the Guideline regarding how the ELZ should be transitioned in LPS. This is a particularly challenging aspect of the LPS that is largely unique to the municipality given the extensive application of the ELZ in proximity to the coastline.</li><li>- TPC direction was to transition ELZ to the LCZ and create a PPZ for some coastal settlements in unique areas. The PPZ has been applied to sites currently within the ELZ with limited services, the lots are generally small clusters of lots with an area less than 4,000m2, supporting residential uses and located in areas with scenic and natural values.</li></ul>			

	<ul style="list-style-type: none"> <li>- Applying to RLZ to lots in the ELZ would gift development rights to landowners and has the potential to alter the existing character of these coastal areas.</li> <li>- The interim scheme includes a provision prohibiting subdivision within 1km of the High Water Mark. By applying the LCZ this supports the like-for-like transition of the interim scheme to the LPS. Further, ELZ (acceptable solution) minimum lot size is 20ha which more closely aligns with the LCZ standards. The RLZ would allow further subdivision even if the maximum lot size classification RLZ D (10ha) is applied.</li> <li>- In other municipal areas where the ELZ has been applied on the periphery of urban areas as a transitioning zone between rural and agricultural land and low density residential and urban areas it makes logical sense to replace the ELZ with the RLZ. This is not the case within Break O Day as the ELZ is applied to areas with environmental/scenic value that are often isolated from rural and residential areas.</li> <li>- LCZ use standards align more closely with those in the ELZ than the RLZ</li> <li>- Residential development still allowed in LCZ. These sites need to be managed in an appropriate manner</li> </ul> <p><b>The Gardens Road, Binalong Bay / The Gardens</b></p> <ul style="list-style-type: none"> <li>- Large bush blocks with houses</li> <li>- All completely covered by Priority Vegetation layer in LPS</li> <li>- St Helens Structure Plan specifies no further subdivision of The Gardens.</li> <li>- RLZ is not appropriate. RLZ relates to rural land with a mix of residential and rural activities e.g. hobby farming.</li> <li>- Do not agree that RLZ is more appropriate than LCZ</li> <li>- Rezoning not supported</li> </ul> <p><b>Sunshine Court – St Helens</b></p> <ul style="list-style-type: none"> <li>- Agree that lots present as more residential in character – i.e. cleared and standard cul-de-sac subdivision</li> <li>- LPS mapping covers them entirely within the PV layer. Approximately half covered by Scenic Road Corridor layer</li> <li>- The application of the LCZ is consistent with how it has been applied across the municipality. Applying the LDRZ would allow for multiple dwellings on the site given the site areas are predominantly greater than 4000m<sup>2</sup>.</li> <li>- The spot zoning of the RLZ would change the character of the area as there is not other RLZ land within proximity to these sites. These sites are not considered suitable for the Coastal Settlement PPZ given their size.</li> <li>- No evidence that this is landowners' preference.</li> <li>- Don't agree that the RLZ as an appropriate fit.</li> <li>- Rezoning not supported</li> </ul> <p><b>Heritage Road / Land South of Golden Fleece Rivulet – St Helens</b></p> <ul style="list-style-type: none"> <li>- Do not agree with representation stating that Natural Assets Code does not impact sites. See figure 1 below</li> <li>- Area completely outside of 2015 Strategy. See figure 2 below</li> <li>- Rezoning not supported</li> </ul>
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Break O'Day Land Use & Development Strategy

#### Riverview Road / Tasman Highway – Scamander

- Similar discussion previously raised.
- Seek TPC advise on whether RLZ is more appropriate than the LCZ for large residential allotments with native vegetation.
- Do not support the rezoning to LDRZ
- Rezoning not supported

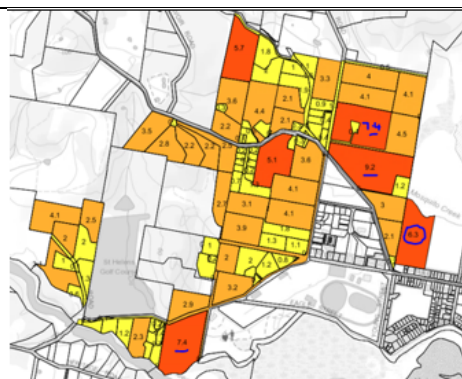
#### Seabreeze Court – Beaumaris

- Beaumaris is earmarked for a structure plan which reviews the development pattern in a holistic manner.
- Applying the LDRZ is not consistent with the Guideline
- LDRZ not identified in Strategy
- Rezoning not supported

#### Rural Living Zone

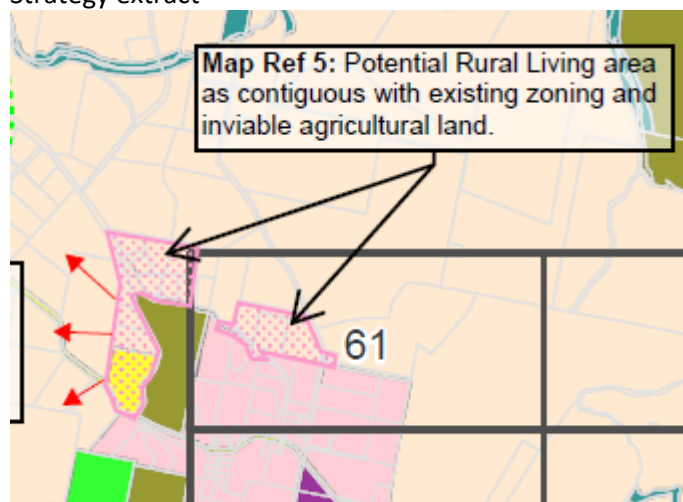
- Refer to attached Rural Living Decision Matrix. Note that extract below is outdated as second point refers to a site that the TPC did not support.
- The Strategy only identifies area for potential RLZ expansion. Further strategic work is required to confirm its suitability.
- Rezoning not supported

Rural Living Decision Matrix extract



- Only 3 lots underlined in blue could be s/d under IPS current 3ha AS
- The circled 6.3 is not included as this has been rezoned from RRZ to RLZ through LPS
- If RLZ-B 2ha applied would allow extensive subdivision within this area as a significant number of lots are over 4ha. This is not supported in Strategy and not in line with surround AZ and RZ development pattern
- Therefore RLZ-C 5ha is most suitable to maintain existing development rights and avoid spot zoning

#### Strategy extract



#### Application of Coastal Settlement PPZ

- TPC support justification and drafting
- Other representations in support of drafting of PPZ and request for areas such as Falmouth to be included
- Disagree with applying the LDRZ as this would significantly change the character of the lots and allow for multiple dwellings.
- Applying the LDRZ is not consistent with the Guideline.
- The lots at Simeon Place are justified in the supporting report and are predominately developed sites and hold a different character to the lots within the PPZ.
- Rezoning not supported

#### St Helens Coastal Marine PPZ

- The PPZ was created as the SPP Port and Marine Zone is intended to provide for functional ports with State or Regional significance. Visitor accommodation is not suitable for the site. The PPZ proposed is considered to be more in line with the current and intended scale / character of St Helens. Visitor Accommodation does not fit this character and was prohibited under the interim scheme
- Amendment to include Visitor Accommodation not supported

#### Stormwater SAP

- It is considered that the SPPs do not provide the same consideration regarding stormwater infrastructure that the current scheme provides.

	<p>It could be possible that development occurs that exceeds the capacity of the existing stormwater infrastructure potentially leading to external costs being borne by the ratepayers or conflicts with the Stormwater Authority obligation under the Urban Drainage Act. As such the SAP is required to protect off site stormwater impacts on both private land and public infrastructure for the benefit of the whole community.</p> <ul style="list-style-type: none"> <li>- Amendments to SAP not supported</li> </ul> <p><b>Safeguarding St Helens Aerodrome SAP</b></p> <ul style="list-style-type: none"> <li>- The privately owned title (CT179341/1 – incorrectly referenced in Supporting Report) has been included in the SAP to safeguard the protection of airspace and to ensure that any potential future building or works do not compromise the potential expansion of the runway and future operational safety of the airport.</li> <li>- Amendments to the SAP not supported</li> </ul> <p><b>Flood Prone Areas</b></p> <ul style="list-style-type: none"> <li>- Flood- Prone Areas Code applies information contained with the State mapping.</li> <li>- Council's internal mapping is not suitable for public distribution.</li> <li>- Amendment to Code not supported.</li> </ul>
<b>Recommended action</b>	<b>No modification to the draft LPS</b>
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.


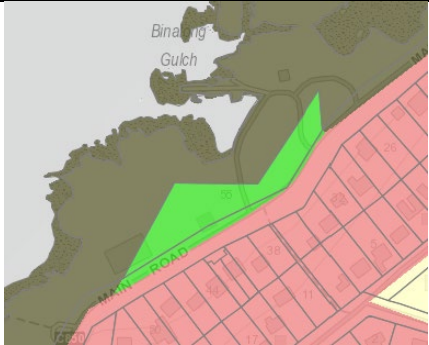
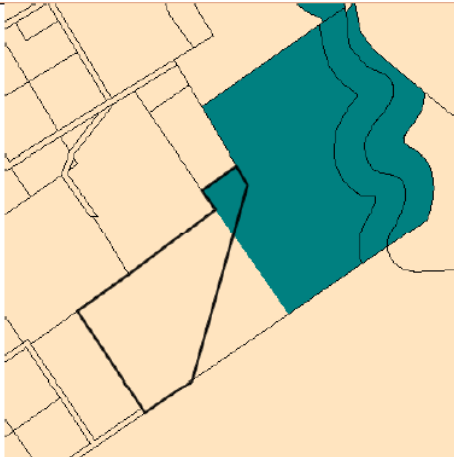
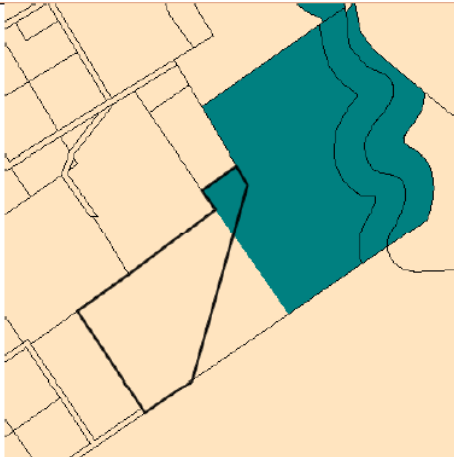
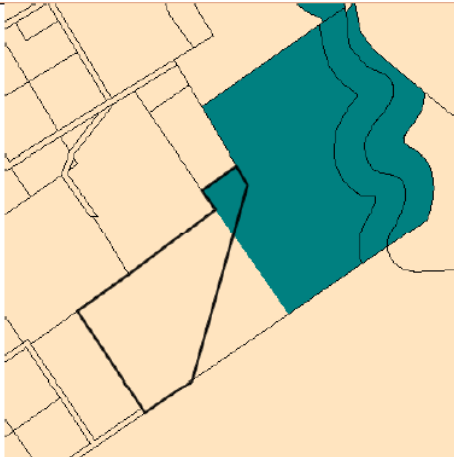
<b>Representation No. 73</b>	<p><b>Name: Friends of the East Coast Inc.</b>  <b>Address (CT Details):</b> various  <b>PID:</b> various  <b>Land Area:</b> various  <b>IPS Zoning:</b> various</p>	
<b>Mapping Zoom Level 15</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>Representation raised the following matters:</p> <p><b>Falmouth</b></p> <ul style="list-style-type: none"> <li>- Request that Falmouth be included in Particular Purpose Zone (PPZ) Coastal Settlement</li> <li>- Falmouth has similar characteristics to land in PPZ including that it is unserviced (water and sewer), lots range 520 – 3500m<sup>2</sup>, located with surrounding scenic area, isolated from other residential areas, coastal location, adjacent land in Agricultural Zone (AZ) with no further subdivision potential, most houses are of long standing.</li> <li>- Changes to Falmouth if included in PPZ include: <ul style="list-style-type: none"> <li>o Visitor accommodation would be Discretionary rather than Permitted</li> <li>o Building height 7m instead of 8.5m</li> <li>o Boundary setbacks increased</li> <li>o Overshadowing restrictions and sunlight requirements improved</li> </ul> </li> </ul>	



	<ul style="list-style-type: none"> <li>○ Subdivision restricted</li> <li>○ Multiple dwellings prohibited.</li> </ul> <ul style="list-style-type: none"> <li>- Representation believes that the PPZ provisions rather than the Low Density Residential Zone would benefit Falmouth from increased density, potential over development.</li> </ul> <p><b>36 Franks Road, Falmouth</b></p> <ul style="list-style-type: none"> <li>- Representation raises concerns regarding historical development of this site under the Environmental Living Zone (ELZ) and expresses concern that the Landscape Conservation Zone (LCZ) will not prevent future subdivision.</li> </ul> <p><b>Removal of prohibition of subdivision within 1km of coast</b></p> <ul style="list-style-type: none"> <li>- Suggest a prohibition of subdivision within 1km of high tide mark could be applied in LPS as a Specific Area Plan (SAP)</li> </ul> <p><b>Rural Resource and Agriculture Zone</b></p> <ul style="list-style-type: none"> <li>- The State Planning Provisions Rural Zone (RZ) and Agriculture Zone (AZ) will allow for vast areas of rural land to be subdivided with residential visitor accommodation and tourist operations Discretionary in Rural Zones.</li> <li>- Agricultural Zone protects further subdivision which is supported.</li> <li>- Concern that Glencoe-Enstone Park farm will not be further subdivided.</li> </ul> <p><b>Solar Access</b></p> <ul style="list-style-type: none"> <li>- The SPP should recognise the need for dwellings to be able to achieve sufficient solar access to enable passive solar design benefits.</li> <li>- The requirements for solar access in the PPZ are more specific and considerably better than those in the LDRZ in the interim scheme or SPP.</li> </ul>			
<b>Planning Authority response</b>	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<p>Response:</p> <p><b>Falmouth</b></p> <ul style="list-style-type: none"> <li>- The application of the Low Density Residential Zone (LDRZ) in Falmouth transitioned from the Interim Scheme to the LPS.</li> <li>- Agree with assessment that character of Falmouth is similar to that for the PPZ. Main difference is that the PPZ has been applied to land that was in the Environmental Living Zone (ELZ) with the rezoning a result of this zones removal.</li> <li>- Falmouth landowners consent for rezoning request is not provided.</li> <li>- Further strategic assessment required to determine if appropriate. As such not supported at this point in time.</li> </ul> <p><b>36 Frank Road, Falmouth</b></p> <ul style="list-style-type: none"> <li>- Representation is more of a statement. Zones have been applied based on the State direction and guidance.</li> </ul> <p><b>Prohibition of subdivision within 1km of coastline</b></p> <ul style="list-style-type: none"> <li>- The State Government has directed that all Tasmanian municipal areas and the properties within them transition to the new state-wide Tasmanian Planning Scheme. This effectively means that properties,</li> </ul>			



	<p>across the State, will transition to new zones. The LCZ is considered the closest match for land within the ELZ.</p> <ul style="list-style-type: none"> <li>- LCZ offers sound protection against further subdivision. Limited lots could actually be subdivided through Permitted pathway. Discretionary pathway allows for public exhibition.</li> <li>- Direction from the State was that the 1km prohibition of subdivision could not be transitioned into the LPS.</li> <li>- The introduction of a SAP requires complex justification. The historic 1km prohibition was not considered sufficient grounds</li> </ul> <p><b>Rural Resource and Agriculture Zone</b></p> <ul style="list-style-type: none"> <li>- The RRZ and AZ have been applied based on State direction and information available.</li> <li>- The draft LPS does not have the ability to modify the SPP.</li> </ul> <p><b>Solar design</b></p> <ul style="list-style-type: none"> <li>- The draft LPS does not have the ability to modify the SPP</li> </ul>
<b>Recommended action</b>	No modification to the draft LPS
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

<b>Representation No. 74</b>	<b>Name:</b> Department of Natural Resources and Environment <b>Address (CT Details):</b> various <b>PID:</b> various <b>Land Area:</b> various <b>IPS Zoning:</b> various			
<b>Mapping Zoom Level 15</b>				
	<b>Site Location</b>	<b>Draft LPS Zoning</b>		
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	Representation raised the following matters: <b>Humbug Point</b> <ul style="list-style-type: none"><li>- Rezone Humbug Point Nature Recreation Area (PID 6797938) from the Recreation Zone to the Environmental Management Zone (EMZ) as in line with its tenure</li></ul> <b>Sorell Street, Fingal</b> <ul style="list-style-type: none"><li>- Located to the eastern boundary of 120261/3</li><li>- Rezoning from Environmental Management to Rural Zone (RZ) not supported as this portion is contained within the Fingal Rivulet Conservation Area and as such should remain in EMZ</li></ul> The Department supports the following rezoning: <ul style="list-style-type: none"><li>- Fingal 120261/3 from RZ to EMZ</li><li>- Ansons River Conservation Area from RZ to EMZ</li><li>- Stieglitz 50226/1 from ELZ to EMZ</li></ul>			
	<b>Planning Authority response</b>	Consistency Overview:		
NTRLUS		<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
Section 8A Guideline No.1		<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
TPC Practice Notes		<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
Response: <b>Humbug Point</b>				

	<div></div> <ul style="list-style-type: none"><li>- Recreation Zone transitioned from interim scheme</li><li>- Site includes tennis courts, toilets, car parking</li><li>- Under LGA ownership;</li><li>- Surrounded by Environmental Management Zone</li><li>- Open Space Zone may be more suitable based on Guideline</li><li>- Guidelines EMZ 2 specifies that EMZ should not be applied to areas for passive recreation (Open Space Zone) or recreational facilities (Recreation Zone).</li><li>- Representation doesn't provide extensive justification for rezoning</li></ul> <div><b>Sorell Street, Fingal</b></div> <table><tr><td>Sorell Street Fingal</td><td>EMZ</td><td>RZ</td><td></td></tr><tr><td>Justification</td><td colspan="3">Revise the zoning of the Crown land at Sorell Street, Fingal located adjacent to the eastern boundary of folio of the Register 120261/3 to RZ. Rezoning is consistent with RZ 1.</td></tr></table> <ul style="list-style-type: none"><li>- Rezoning was proposed by TPC</li></ul>	Sorell Street Fingal	EMZ	RZ		Justification	Revise the zoning of the Crown land at Sorell Street, Fingal located adjacent to the eastern boundary of folio of the Register 120261/3 to RZ. Rezoning is consistent with RZ 1.		
Sorell Street Fingal	EMZ	RZ							
Justification	Revise the zoning of the Crown land at Sorell Street, Fingal located adjacent to the eastern boundary of folio of the Register 120261/3 to RZ. Rezoning is consistent with RZ 1.								
<b>Recommended action</b>	<div>Recommend modification to the draft LPS to:</div> <div><b>Humbug Point</b></div> <ul style="list-style-type: none"><li>- Recommend site remains as Recreation Zone or rezoned to Open Space Zone</li></ul> <div><b>Sorell Street, Fingal</b></div> <ul style="list-style-type: none"><li>- TPC to confirm</li></ul>								
<b>Effect of recommendation on the draft LPS</b>	<div>There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.</div>								
<b>Representation No. 75</b>	<div><b>Name:</b> Seymour Community Action Group Inc.</div> <div><b>Address (CT Details):</b> various</div> <div><b>PID:</b> various</div> <div><b>Land Area:</b> various</div> <div><b>IPS Zoning:</b> various</div>								

Mapping Zoom Level 15		
	Site Location	Draft LPS Zoning
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>Representation raised the following matters:</p> <ul style="list-style-type: none"> <li>- Support the Environmental Management and Landscape Conservation zones application for Seymour area</li> <li>- Request the retention and prohibition for subdivision within 1km of the high-water mark along the coast to minimise future ribbon development, urban sprawl and focus development in serviced areas.</li> <li>- Support a stop to multiple dwellings and strata developments for tourism accommodation outside serviced areas including in the Landscape Conservation Zone</li> <li>- Support a Scenic Protection Code that protects landscape values across the municipality. Council has adopted a minimalist approach of only looking at scenic protection along narrow road corridors</li> <li>- Support for a zoning of Future Potential Production Forests (FPPF) as Environmental Management Zone in recognition of the FPPF areas significant high conservation values and in some cases scenic values</li> <li>- Support split zoning of Agriculture zoned land where there are important landscape conservation or scenic values with non-farming areas. These should be included in the Landscape Conservation Zone</li> <li>- Request that land between the bottom of Elephant Pass through to Nicholas Range around St Marys be rezoned from Rural to Landscape Conservation as these properties are environmental lifestyle areas not rural industrial areas and under the Rural Zone forestry and intensives uses such as feedlots and fish farms do not require a planning permit.</li> <li>- Would like to ensure that the biodiversity overlay in the Natural Assets Code is comprehensive and reflects the importance of landscape connectivity/wildlife habitat corridors</li> <li>- In Seymour the Natural Assets Code is inaccurate. The Radiata Pines out on Long Point should not be included in the Priority Vegetation Area. The Seymour Swamp wetland should include the northern areas in the Waterway and Coastal Protection. The Priority Vegetation Area should be more accurate and extended around the Seymour Swamp wetland. The Priority Vegetation Area is missing on Seymour Beach to the south of Seymour Swamp</li> <li>- The Priority Vegetation Area needs to be extended into the Rural and Agricultural Zones which extend down to the MHWL along the foreshore of the whole LGA</li> <li>- All wooded lots zoned Rural or Agriculture should be included in the LCZ or EMZ if they contain medium to very high CFEV Rivers – Integrated Conservation Value. For example, PID 2984322, 9633879, 9633879 and 9633878</li> <li>- Request improvements to Stormwater SAP. Including to reduce the overall quantity and improve the quality of urban stormwater flows to waterbodies as part of a comprehensive stormwater management program that is premised on the identification of important aquatic ecosystem values and the need to avoid or minimise any potential ecological impacts. A priority should be the management of stormwater to reduce overland flow and to increase water quality at source and</li> </ul>	



	where this is impractical then as part of a local treatment process incorporated into the council stormwater infrastructure.		
<b>Planning Authority response</b>	Consistency Overview:		
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy <input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP? <input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS? <input type="checkbox"/>
	Response: <ul style="list-style-type: none"> <li>- 1km prohibition of subdivision unable to be included in draft LPS. LCZ considered a suitable mechanism to maintain development patterns</li> <li>- Rural Zone (RZ) between Elephant Pass Road and Nicholas Range around St Marys transitioned from the Rural Resource Zone in the interim scheme. Rezoning this land to Landscape Conservation (LCZ) is not consistent with the Strategy or the State Guidelines. Landowner consent for rezoning request not provided. As such, rezoning not supported</li> <li>- Natural Assets Code application in Seymour, as per the whole municipality, has been applied based on the mapping provided by the State.</li> <li>- The Rural and Agriculture Zone has been applied based on direction from the State. This has been applied consistently across the municipality.</li> <li>- Amendments to the Stormwater SAP to be directed by the TPC.</li> </ul>		
<b>Recommended action</b>	No modification to the draft LPS		
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.		

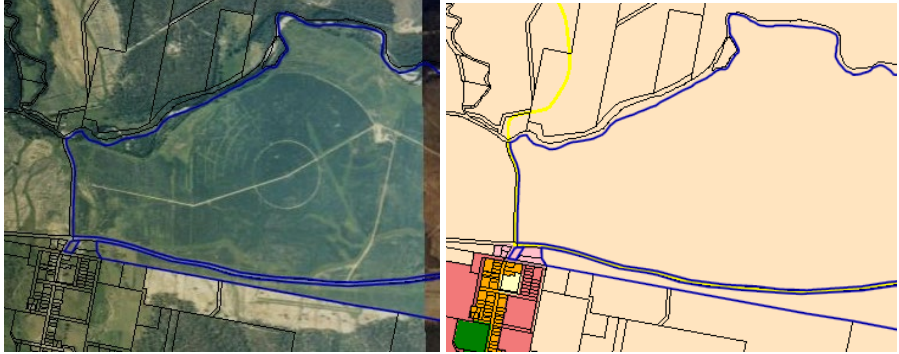
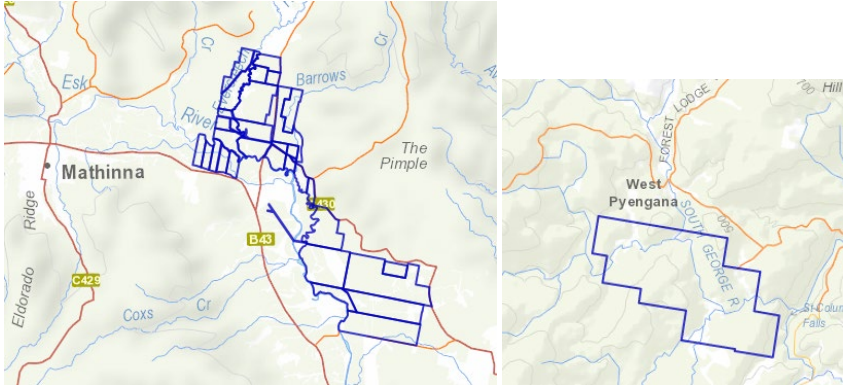
<b>Representation No. 76</b>	<b>Name: Department of Communities Tasmania</b> <b>Address : 25 Circassian St, St Helens</b> <b>Title Reference: 30960/1</b> <b>PID: 6794008</b> <b>Land Area:</b> <b>IPS Zoning: Environmental Management Zone</b>	
<b>Mapping Zoom Level 15</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning – Environmental Management Zone</b>
<b>Matter(s) raised in the representation</b>	Representation raised the following matters:	



<b>(including property information details where applicable)</b>	Communities Tasmania currently progressing with a boundary adjustment for the abovementioned site due to structures being built outside of title. Council is aware of proposal and consents to the land sale. Council correspondence included in representation suggested a representation be lodged to resolve the split zoning.			
<b>Planning Authority response</b>	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<p>Response:</p> <p>On 17/11/2021 Council consented to the sale of Crown Land and consolidation with CT30960/1. The Boundary Adjustment will occur within Crown processes. This addressed the existing situation of structures traversing the property boundary. The proposed adjustment will result in the site being split zoned (Community Purpose Zone / Environmental Management Zone) and Council recommended that the relevant State Government Department addressed the matter by submitting a representation on the Break O'Day Draft Local Provisions Schedule. Agree with request to apply the Community Purpose Zone across the entire site. Environmental Management is not appropriate for the land given the development that has occurred. The rezoning is in line with Guidelines</p>			
<b>Recommended action</b>	<p>Recommend modification to the draft LPS to:</p> <ul style="list-style-type: none"> <li>- Rezoning balance of land to Community Purpose Zone</li> </ul>			
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.			

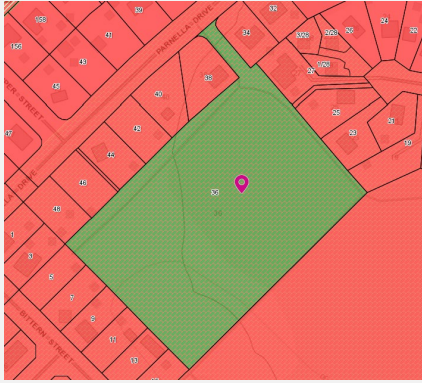
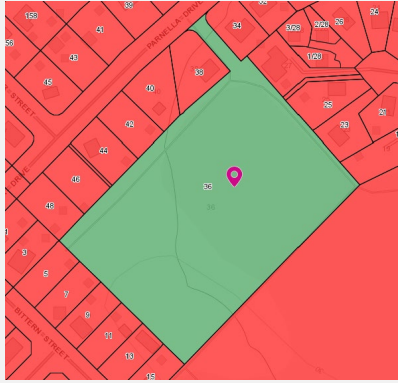
<b>Representation No. 77</b>	<b>Name:</b> Forico Pty Ltd <b>Address (CT Details):</b> various <b>PID:</b> various <b>Land Area:</b> various <b>IPS Zoning:</b> various	
<b>Mapping Zoom Level 15</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>Representation raised the following matters:</p> <p><b>Landslip Code</b></p> <p>Forico manages 6600ha of land across several titles that is within Landslip Hazard Code. Current practice is to harvest and replant resource in accordance with forest practices plan. Request clarification that forestry operations are exempt in the Landslip Hazard Code. Harvesting of the managed plantation would require harvesting of vegetation areas greater than 1000m2.</p> <p><b>Utilities Zone:</b></p> <p>Can it be further defined as to how forestry operation would be regarded when accessing a Utilities Zone from a Rural Zone. E.g. CT 238716/1 from the RZ to the UZ Mathinna Plains road within this title.</p>	

	<b>Zoning:</b> <ul style="list-style-type: none"> <li>- Request CT 155683/2 be rezoned from Rural Living to Rural. Or confirmation if this &lt;1 acre can be subdivided from the balance of CT 155683/2 and excised from the balance of this title.</li> <li>- Request the 85 titles be rezoned Rural as are presently managed within a forestry business currently managed under the Forest Practices Act.</li> </ul>			
<b>Planning Authority response</b>	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<p>Response:</p> <p><b>Landslip Hazard Code</b></p> <ul style="list-style-type: none"> <li>- The Planning Authority through the draft LPS does not have the ability to modify the Landslip Hazard Code in the State Planning Provisions Codes.</li> <li>- For reference - Resource Development is defined in SPP and includes a range of uses including plantation forestry, and forestry operations.</li> <li>- Clause 15.4.1 details uses or development exempt from Landslip Hazard Code which includes               <ul style="list-style-type: none"> <li>(a) use of land within a low or medium landslip hazard band, excluding for a critical use, hazardous use or vulnerable use;</li> <li>(c) use of land for: (iii) Resource Development; and</li> <li>(f) development for Resource Development on land within the low or medium landslip hazard band, if it does not involve significant works.</li> </ul> </li> <li>- With regards to (a) forestry practices are not likely a considered a critical or vulnerable use, it may be a hazardous use depending on if hazardous chemicals are stored.</li> <li>- With regards to (f) Significant works is defined as: (c) felling or removal of vegetation over a contiguous area greater than 1000m<sup>2</sup>.</li> </ul> <p><b>Utilities Zone</b></p> <ul style="list-style-type: none"> <li>- The Planning Authority requires additional clarification regarding representation.</li> <li>- No change from zoning from interim scheme for CT238716/1</li> </ul> <div style="display: flex; justify-content: space-around;">   </div> <p><b>Zoning:</b></p> <p>Rural Living Zone CT 155683/2.</p> <ul style="list-style-type: none"> <li>- The Interim Scheme and LPS both apply the Rural Living Zone (RLZ) to small title on south side of intersection. The balance of land in Interim</li> </ul>			

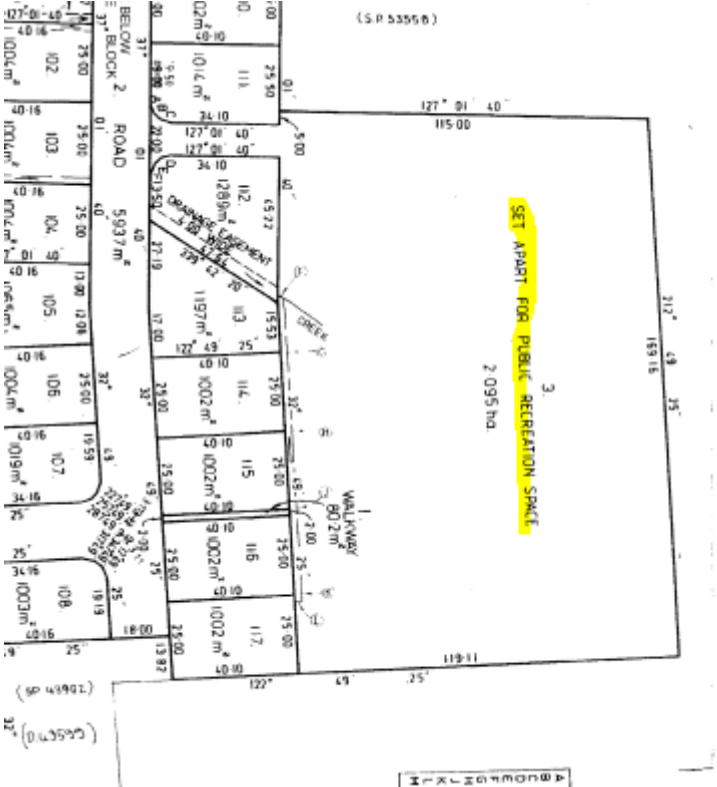
	<p>Scheme is Rural Resource Zone (RRZ) which transitioned to the Agriculture Zone in LPS. Area of RLZ is approx. 4300m<sup>2</sup> which appears to be vacant and surrounded by similar sized lots. Minimum lot size in RLZ is 1ha.</p> <ul style="list-style-type: none"> <li>- If Rural Zone (RZ) is applied, it will be spot zoned.</li> <li>- Rezoning this site to RZ is not supported and instead recommend the RLZ is retained and Council and Commission work with the landowner to resolve boundary issues.</li> </ul>  <p><b>Rural Zone (RZ)</b></p> <ul style="list-style-type: none"> <li>- Representation requests RZ be applied to 85 titles. Of which the RZ has been applied to 57 and the Agriculture Zone (AZ) to 28.</li> <li>- The 28 titles which are within the AZ include 227339-1, 109165-1, 244651-1, 108772-16, 108772-18, 227336-1, 251739-1, 238724-1, 107686-1, 229555-1, 108772-20, 227338-1, 108770-12, 227333-1, 108773-1, 106756-1, 112336-1, 108772-17, 108772-21, 108772-14, 108771-13, 108770-11, 209593-1, 112336-2, 242421-1, 171556-1, 243942-1, 238715-1.</li> <li>- Majority located east of Mathinna and with one title near West Pyengana</li> <li>- The titles were identified within the Agricultural Land Mapping Project which informed the application of the Agriculture Zone. Council recommends the AZ remains as forestry operations continue on the titles. Council has no further information to support a change to the zoning.</li> </ul> 
<p><b>Recommended action</b></p>	<p>Recommend modification to the draft LPS to:</p> <ul style="list-style-type: none"> <li>- Representor to provide further context regarding the UZ request associated with CT 238716/1.</li> <li>- Retain CT 155683/2 within the RLZ</li> <li>- Retain Agriculture Zone to titles contained within the representation.</li> </ul>

Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.			
Representation No. 78	Name: Tasmanian Land Conservancy Address (CT Details): various PID: various Land Area: various IPS Zoning: various			
Mapping Zoom Level 15	Site Location		Draft LPS Zoning	
Matter(s) raised in the representation (including property information details where applicable)	Representation raised the following matters: <b>Mapping natural assets</b> <ul style="list-style-type: none"><li>- The Priority Vegetation Overlay is an unreliable guide to vegetation status</li><li>- Suggest Council implement a process whereby the mapping is continually revised, updated and re-evaluated.</li><li>- Natural Assets Code including the Priority Vegetation Layer should be applied across all zones in particular the Agricultural Zone. Removing planning assessment based on the conservation value of vegetation in the Agricultural Zone diminishes the role of private land in the protection of the state’s natural assets.</li></ul> <b>Conservation Covenants</b> <ul style="list-style-type: none"><li>- The Break O’Day municipality contains 135 properties with conservation covenants.</li><li>- The Landscape Conservation Zone or the Environmental Management zone should be applied to conservation covenants.</li><li>- Avoid fragmentation of natural values through zoning</li></ul>			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response: <b>Mapping natural assets</b> <ul style="list-style-type: none"><li>- Mapping has been applied based on State guidance and direction.</li><li>- Agree that Priority Vegetation layer should be applied to all zoned land however, this is outside the scope of the LPS.</li></ul> <b>Conservation Covenants</b> <ul style="list-style-type: none"><li>- Representation does not make specific reference to title or provide landowner consent.</li></ul>			
Recommended action	No modification to draft LPS Please refer to CLT representation regarding the application of zoning to titles with Conservation Covenant.			
Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.			

<b>Representation No. 79</b>	<b>Name:</b> Heritage Tasmania DNRET <b>Address (CT Details):</b> CT 141662/3 – 22746 Tasman Highway, Falmouth and CT 1683236/1 – 22464 Tasman Highway, Falmouth <b>PID:</b> 2507024 and 3473508 <b>Land Area:</b> <b>IPS Zoning:</b>			
<b>Mapping Zoom Level 15</b>				
	<b>Site Location</b>	<b>Draft LPS Zoning</b>		
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	Representation raised the following matters: - Representation includes formal notification that the abovementioned property is a permanent entry of a place or places in the Tasmania Heritage Register.			
<b>Planning Authority response</b>	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response: Site identified as PID 2507024 is listed in Local Heritage Places Table in LPS. Site identified as PID 3473508 is not. Suggest table be updated to reflect the Tasmanian Heritage Register (THR) listing.			
<b>Recommended action</b>	Recommend modification to the draft LPS to: Update BRE- Table C6.1 Local Heritage Places to include both listings as per THR representation.			
<b>Effect of recommendation on the draft LPS</b>	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.			

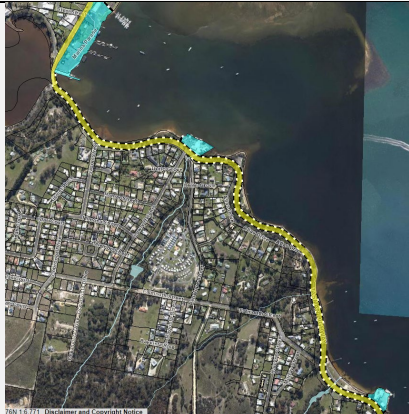
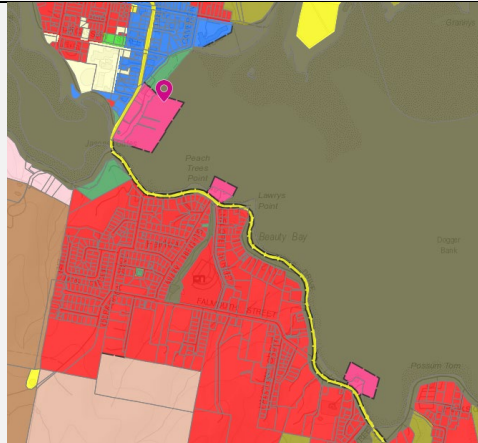
<b>Representation No. 80</b>	<b>Name:</b> Richard Barnes OBO Parnella Holdings Pty Ltd <b>Address (CT Details):</b> 36 Parnella Drive, Stieglitz <b>PID:</b> 7391024 <b>Land Area:</b> 2.095 hectares <b>IPS Zoning:</b> Open Space		
<b>Mapping Zoom Level 15</b>			
	<b>Site Location</b>	<b>Draft LPS Zoning – Open Space</b>	
			
	<b>Site Location</b>	<b>Draft LPS Zoning – Open Space</b>	




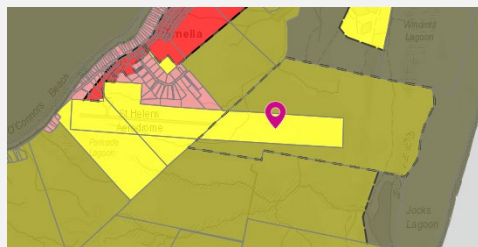
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	Rezoning to Open Space was an administrative error.			
<b>Planning Authority response</b>	Consistency Overview:			
	NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy	<input checked="" type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input checked="" type="checkbox"/>
	<p>Response:</p> <p>The subject land was required as Municipal Reserve Open Space land as part of Condition 11 of Stage V Parnella Heights Subdivision approval (Council reference P31-2/84) approved on 21/02/1984. There is ongoing legal dispute regarding transfer of ownership to Council. Parnella Holdings Pty Ltd is a de-registered company. Adverse possession claim has been denied by the Titles Office. The Folio Plan identifies the land as Public Recreation Space.</p> 			
<b>Recommended action</b>	No modification to the draft LPS			
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole as the landowner is supportive of the recommended change.			

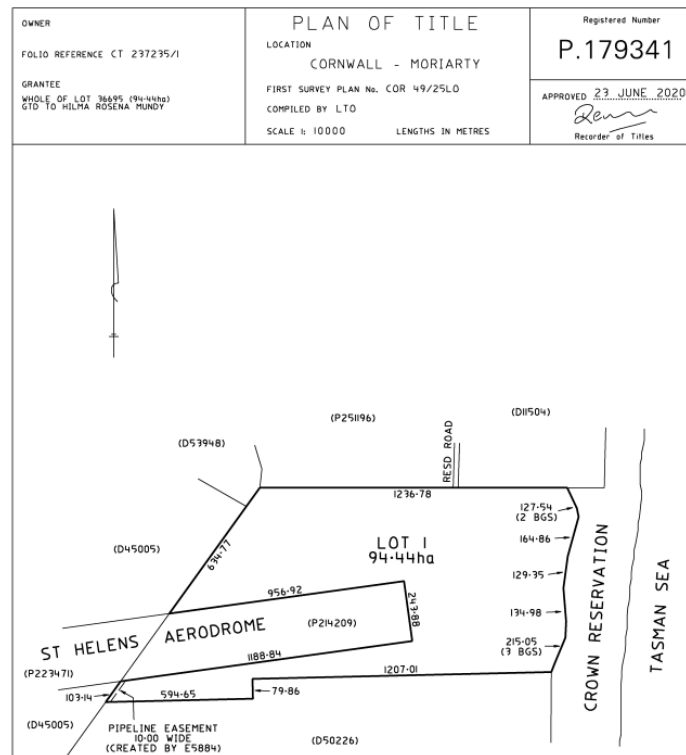
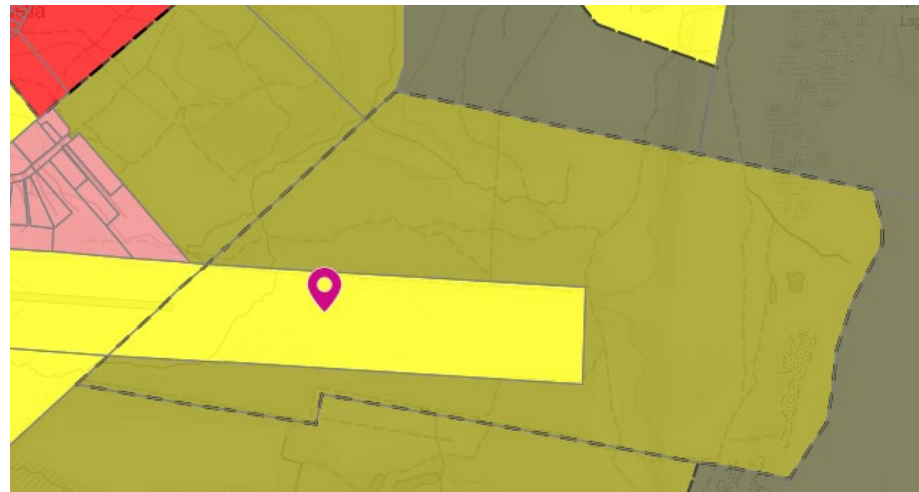
Representation No. 81 Item 1	Name: North East Bioregional Network (NEBN) Address (CT Details): Various PID: Various Land Area: Various IPS Zoning: Various			
Mapping Zoom Level 15	Various	Various		
	Site Location	Draft LPS Zoning		
Matter(s) raised in the representation (including property information details where applicable)	<b>MANAGEMENT OF DEVELOPMENT WITHIN THE COASTAL ZONE</b> <b>Proposed SAP – Coastal Zone</b> The NEBN have proposed an additional Specific Area Plan to apply to the coastal zone within the Break O’Day local government area, and in any case to extend inland 1km from the High Water Mark (HWM). The SAP, proposed title – SAP Coastal Zone – would continue the restriction on subdivision within 1km of the HWM and develop controls to restrict intensification of development within the coastal zone. Specifically to: <ul style="list-style-type: none"><li>Prohibit subdivision in the LCZ, RZ and AZ;</li><li>Prevent inappropriate intensification of development in the LDRZ; and</li><li>Limit the Use Class Visitor Accommodation in the LCZ, RZ and AZ to regulate inappropriate coastal development.</li></ul>			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response: Section 32(3)(b) of the Land Use Planning and Approvals Act 1993, provides for Specific Area Plans (SAP). A SAP may include provisions that apply to that land in addition to, in modification of, or in substitution for, a provision or provision of the SPPs. The representor has suggested a SAP – Coastal Zone due to restrictions within 1km of the HWM being absent in the Zone provisions of the SPP (IPS – Environmental Living Zone and Rural Resource Zone). The representor also has indicated the proposed SAP would provide further development controls within the coastal zone. The SPP provides for Use Standards and Development Standards within the Zones. In particular the SPP includes development standards for subdivision within the zones, noting the Landscape Conservation Zone performance criteria, limits proposed lots to a land area of not less than 20 hectares. It also includes Code provisions for Natural Assets, Coastal Erosion and Coastal Inundation. Furthermore the requirements of the State Coastal Policy 1996 have been integrated into the SPP. Further development controls within 1km of the high water mark, by providing a Specific Area Plan within the Draft LPS is not considered warranted. If issues regarding development within the coastal zone, this should be addressed via an amendment to the State Planning Provisions and consequently relate to the drafting/content of the SPP and outside the scope of this exercise.			

<b>Recommended action</b>	No modification to the Draft LPS
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.

<b>Representation No. 81 Item 2</b>	<b>Name: North East Bioregional Network (NEBN)</b> <b>Address: Georges Bay Esplanade and Tasman Highway, St Helens</b> <b>Title Reference: Crown Land</b> <b>PID: 7184105; Unidentified</b> <b>Land Area: Various</b> <b>IPS Zoning: Port and Marine</b>			
<b>Mapping Zoom Level 15</b>				
	<b>Site Location</b>		<b>Draft LPS Zoning PPZ – St Helens Coastal Maritime</b>	
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<b>BRE-P3.0 PPZ St Helens Coastal Maritime (Attachments A &amp; B)</b> Land within the St Helens Foreshore should be considered for Open Space Zone rather than the PPZ. Additionally, aviation activity is inappropriate for this area. The PPZ commercialises the area and it should remain primarily public open space in combination with boating / port facilities. Development standards should protect scenic amenity.			
<b>Planning Authority response</b>	<b>Consistency Overview:</b>			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<b>Response:</b> The Particular Purpose Zone - St Helens Coastal Maritime provides for a mixture of port and tourist related activity. Strategic documents (St Helens and surrounds structure plan) promotes the foreshore as a place to visit and should provide for a mix of port and tourist related activity. Open space is provided for along the St Helens Foreshore with the PPZ designated areas connected by a multi-user track and open space infrastructure at Beauty Bay. The PPZ does not take away existing recreational opportunities along the St Helens foreshore.			

	<p>The purpose of the Port and Marine Zone (SPP) is to provide for major port and marine shipping and other associated transport facilities and supply and storage. The range of use classes permitted in this zone are extensive. That is operational ports of a regional significance e.g. Hobart and Devonport. This zone was not considered suitable to the St Helens maritime area. The PPZ – St Helens Coastal Maritime is intended to provide for the current and intended scale of St Helens.</p> <p>The Break O'Day Council does not support the representation.</p>
<b>Recommended action</b>	No modification to the draft LPS.
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.

<b>Representation No. 81 Item 3</b>	<b>Name: North Eastern Bioregional Network (NEBN)</b> <b>Address: 21 Aerodrome Road Stieglitz and Aerodrome Road Stieglitz</b> <b>Title Reference: CT179341/1 &amp; CT214209/1</b> <b>PID: 3221175 &amp; 6791747</b> <b>Land Area: Various</b> <b>IPS Zoning: Environmental Management Zone and Environmental Living Zone</b>			
<b>Mapping Zoom Level 15</b>				
	<b>Site Location</b>		<b>Draft LPS Zoning – Utilities and Landscape Conservation</b>	
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<b>BRE – S1.0 SAP Safeguarding St Helens Aerodrome</b> In the opinion of the NEBN there is no justification as to why a SAP is required. NEBN maintains that CT179341/1 (private land) is a high conservation value coastal heathland and heathy woodland in good ecological condition. The NEBN advises that the site has threatened species recorded and is habitat for the rare New Holland Mouse. The SAP is not supported.			
<b>Planning Authority response</b>	<b>Consistency Overview:</b>			
	NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy	<input checked="" type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<b>Response:</b> The SAP applies to two titles: St Helens Aerodrome – 21 Aerodrome Rd Stieglitz (CT214209/1) which is council owned and Aerodrome Rd Stieglitz (CT179341/1).			



The title owned by Council directly relates to the airport and the draft LPS recommends that it be rezoned, in line with the Strategy, to Utilities. The title to the east has been included in the SAP to safeguard the protection of airspace and to ensure that any potential future building or works do not compromise the potential expansion of the runway and future operational safety of the airport.

The SPP Safeguarding Airports Code only applies to the existing runway as such it has been determined that the Safeguarding St Helens Aerodrome SAP is required. This SAP is consistent with Section 32(4)(b) the Land Use Planning and Approvals Act 1993 as it relates to significant social and economic benefits to the municipal area.



<b>Recommended action</b>	No modification to the draft LPS.
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.

<b>Representation No. 81 Item 4</b>	<b>Name: North East Bioregional Network (NEBN)</b> <b>Address: Various</b> <b>Title Reference: Various</b> <b>PID: Various</b> <b>Land Area: Various</b> <b>IPS Zoning: Various</b>			
<b>Mapping Zoom Level 15</b>				
	<b>Site Location</b>		<b>Draft LPS Zoning</b>	
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<b>BRE-S2.0 SAP Stormwater Management</b> Stormwater SAP does not adequately address the environmental impacts arising from deficient management of stormwater. Stormwater SAP does not reflect the potential impact of stormwater flows on natural values. Stormwater management program should be based on important aquatic ecosystem values and potential ecological impacts.			
<b>Planning Authority response</b>	<b>Consistency Overview:</b>			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<b>Response:</b> Eight areas have been identified where Council require that development provides for adequate stormwater management (development standards). These areas have known issues associated with the provision of stormwater infrastructure and the SAP Stormwater provides development standards reflective of the Interim Planning Scheme. How stormwater is addressed through planning instruments, is a topic that will be considered further and will require comprehensive development and consideration. At such time the representation provided can be considered further in line with other developing policy initiatives in the state. No further action in relation to the representation.			
<b>Recommended action</b>	No modification to the Draft LPS.			
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.			

<b>Representation No. 81 Item 5</b>	<b>Name: North East Bioregional Network (NEBN)</b> <b>Address: Various</b> <b>Title Reference: Various</b>			
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	<b>PID: Various</b> <b>Land Area: Various</b> <b>IPS Zoning: Various</b>		
<b>Mapping Zoom Level 15</b>	Various		Various
	<b>Site Location</b>		<b>Draft LPS Zoning</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p><b>BRE – P1.8 Tables</b>  <b>BRE – P1.8.1 Environmental Weeds</b>            Include the following weeds to Environmental Weeds list due to invasion of native bushland in Break O'Day municipality.</p> <ul style="list-style-type: none"> <li>• <i>Acacia retinodes</i>;</li> <li>• <i>Acacia saligna</i>;</li> <li>• <i>Acacia paradoxa</i>;</li> <li>• <i>Kunzea ericoides</i>;</li> <li>• <i>Melaleuca armillaris</i>;</li> <li>• <i>Grevillea rosmarinifolia</i>.</li> </ul> <p><b>BRE – Table C6.5 Significant Trees</b>            Inclusion of 8 mature Tasmanian Blue Gum (<i>Eucalyptus globulus</i>) at St Helens Point conservation Area and PID 2275542 (Dianas Basin).</p>		
<b>Planning Authority response</b>	Consistency Overview:		
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy <input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP? <input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS? <input type="checkbox"/>
	<p>Response:</p> <p>The list of species provided by the representor, has been reviewed by Council's Natural Resources Management Coordinator, who has confirmed the list as being relevant for inclusion within the Break O'Day municipality.</p> <p>The 8 mature Tasmanian Blue Gums' are located on private freehold land and zoned Environmental Management. The title is adjoining the St Helens Conservation Area. The identification of Significant Trees should be achieved through a coordinated, comprehensive assessment that is inclusive across the local government area.</p> <p>BODC agree with the update to local environmental weeds, however this instrument is transitioning into the draft LPS via Schedule 6 at the state's direction and amendments cannot occur to this list at this time (transition arrangements). This issue is able to be revisited at a later date with regard to amending the Local Environmental Weed schedule.</p>		
<b>Recommended action</b>	No modification to the draft LPS.		
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.		

<b>Representation No. 81</b>	<b>Name: North East Bioregional Network (NEBN)</b> <b>Address: St Marys - various</b>
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Item 6	Title Reference: Various PID: Various Land Area: Various IPS Zoning: Various			
Mapping Zoom Level 15	Various		Various	
	Site Location		Draft LPS Zoning	
Matter(s) raised in the representation (including property information details where applicable)	Landscape Conservation Zone – St Marys Increase the spatial extent of the LCZ, applying it instead of the RZ to the north, south and east of St Marys due to the landscape values and the contiguous native vegetation cover.			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy	<input checked="" type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response: Attachment A, D, L, M and N This is a general request, with specific properties considered further in the report. This would require a comprehensive assessment and investigation of the suitability of the application of the zone to multiple land titles.			
Recommended action	No modification to the draft LPS.			
Effect of recommendation on the draft LPS	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.			

<b>Representation No. 81 Item 7</b>	<b>Name: North East Bioregional Network (NEBN)</b> <b>Address: Various</b> <b>Title Reference: Various</b> <b>PID: Various</b> <b>Land Area: Various</b> <b>IPS Zoning: Various</b>			
<b>Mapping Zoom Level 15</b>	Various		Various	
	<b>Site Location</b>		<b>Draft LPS Zoning</b>	
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<b>Scenic Protection Areas</b> Apply scenic protection areas in addition to the scenic road corridor and add the listings to Table C8.2			
<b>Planning Authority response</b>	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>

	<p>Response:</p> <p>The representation includes a draft Table of Scenic Protection Areas. The draft LPS does not include entries within Table C8.1. Any inclusion within this table would require further strategic planning and community consultation.</p> <p>The Scenic Road Corridor provisions have transitioned from the Interim Planning Scheme to the draft LPS as per Schedule 6 and required by the state.</p>
<b>Recommended action</b>	No modification to the draft LPS
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.

Representation No. 81 Item 8	Name: North East Bioregional Network (NEBN) Address: Various Title Reference: Various PID: Various Land Area: Various IPS Zoning: Various			
Mapping Zoom Level 15	Various		Various	
	Site Location		Draft LPS Zoning	
Matter(s) raised in the representation (including property information details where applicable)	Priority Vegetation Area Increase the spatial extent of the PVA as shown in the Code Overlay maps.			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response: Guideline 1, provides guidance on the application of the priority vegetation area overlay. It must include threatened native vegetation communities as identified in TASVEG Version 3 mapping as published on the state website and available on the List. The representor has provided a copy of a report prepared by Dr. N. Fitzgerald, dated 10/12/2021 for the North East Bioregional Network, which was prepared to identify Priority Vegetation Areas within Break O’Day Municipality. Any modification of the overlay would require an assessment which modified the Natural Values Atlas as published on DPIPWE’s website. The PV overlay was provided based on the State’s mapping. The draft LPS did not modify this mapping.			
Recommended action	No modification to the draft LPS.			

<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.
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<b>Representation No. 81 Item 9</b>	<b>Name: North East Bioregional Network (NEBN)</b> <b>Address: Various</b> <b>Title Reference: Various</b> <b>PID: Various</b> <b>Land Area: Various</b> <b>IPS Zoning: Various</b>			
<b>Mapping Zoom Level 15</b>	Various		Various	
	<b>Site Location</b>		<b>Draft LPS Zoning</b>	
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	Apply the Environmental Management Zone to Future Potential Production Forest instead of the Rural Zone.			
<b>Planning Authority response</b>	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response: The representor has provided a report titled “Linking Landscapes – New Reserves for North East Tasmania (2007)” supporting the representation to zone all Future Potential Production Forest (FPPF) to Environmental Management Zone due to landscape values and conservation values. The mapping project for the Agricultural Zone excluded certain land use such as forestry in their analysis which was better suited to the Rural Zone as a strategically important naturally occurring resource. Accordingly FPPF land has been identified in the Rural Zone in the draft LPS. The application of the Rural Zone is in accordance with Guideline A.			
<b>Recommended action</b>	No modification to the draft LPS.			
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.			

<b>Representation No. 81 Item 10</b>	<b>Name: North East Bioregional Network (NEBN)</b> <b>Address: Various</b> <b>Title Reference: Various</b> <b>PID: Various</b> <b>Land Area: Various</b> <b>IPS Zoning: Various</b>		
<b>Mapping Zoom Level 15</b>	Various	Various	



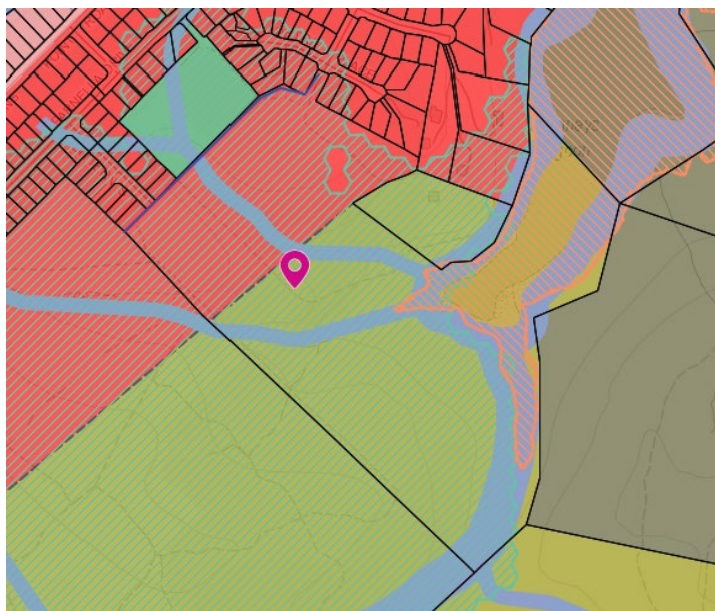
	Site Location	Draft LPS Zoning		
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	Zoning representation on multiple properties. See below			
<b>Planning Authority response</b>	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response:			
<b>Recommended action</b>	See below.			
<b>Effect of recommendation on the draft LPS</b>	See below.			
<b>Meets the LPS criteria</b>	The Planning Authority recommendation meets the LPS criteria.			





**NEBN Representation – Attachment C**

Address	PID	Title Reference	IPS Zone	Draft LPS Zone	Representation	Response
36 Parnella Drive Stieglitz	7391024	30650/3	Open Space	Open Space	Support change of zone to EMZ.	Privately owned; Rep from owner #80 to go to Gen Res Subject of dispute between owner and Council Retain as Open Space. The subject land was required as Municipal Reserve Open Space land as part of Condition 11 of Stage V Parnella Heights Subdivision approval (Council reference P31-2/84) approved on 21/02/1984. There is ongoing legal dispute regarding transfer of ownership to Council. Parnella Holdings Pty Ltd is a de-registered company. Adverse possession claim denied by the Titles Office. North EBN have provided information regarding the natural values. Natural values can be considered as part of ongoing

Break O'Day Council Attachment 1: Representations – Assessment and Recommendations

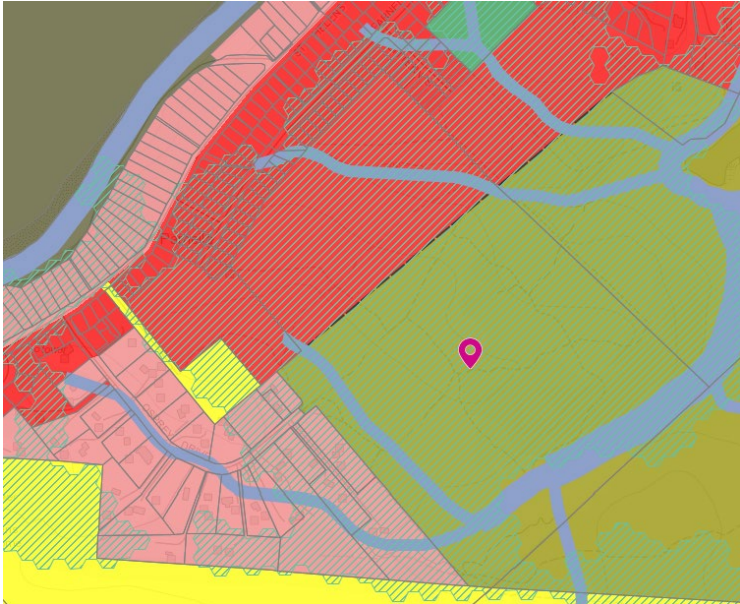




						management of the land pending property ownership resolution. It is recommended the site remain zoned Open Space. <b>No modification to Draft LPS</b>
11 Shearwater Avenue Stieglitz	7828046	53948/1	Split Zoned General Residential Zone & Environmental Living Zone	Split Zoned General Residential Zone & Landscape Conservation Zone	Land should be wholly zoned Landscape Conservation Zone due to Conservation Covenant on the title.	Refer to Representation 18 Item 1 <b>Apply the LCZ to CT53948/1</b>



-  C7. Natural Assets Code
-  Future Coastal Refugia Area
  -  Priority Vegetation Area
  -  Waterway and Coastal Protection Area

Draft LPS Mapping

Break O'Day Council Attachment 1: Representations – Assessment and Recommendations

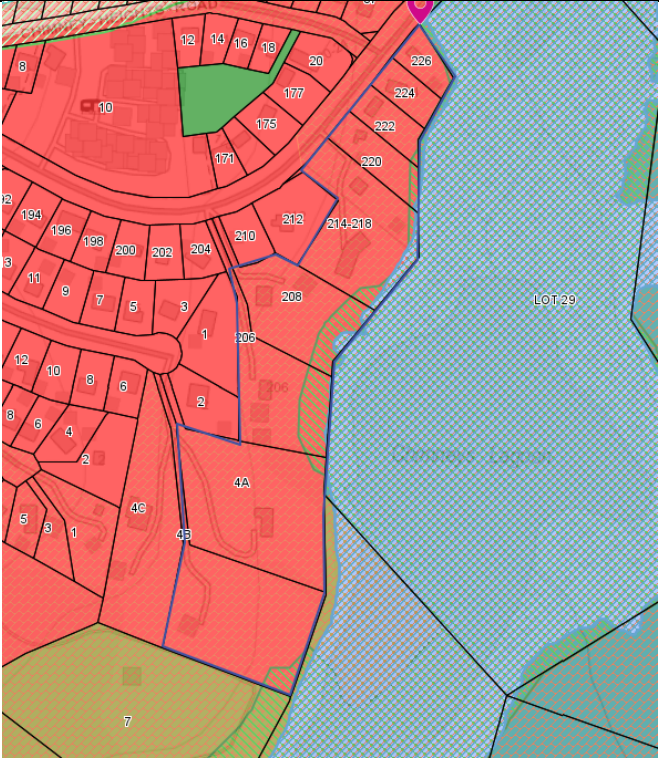
105 St Helens Pt Rd, Stieglitz	7688776	45005/1	Split Zoned General Residential Zone Environmental Living Zone	Split Zoned General Residential Zone & Landscape Conservation Zone	Land should be wholly zoned Landscape Conservation Zone due to: <ul style="list-style-type: none"> <li>Threatened species on site;</li> <li>Forms part of the Chimneys Lagoon catchment area.</li> <li>Urban development threatens natural values.</li> </ul>	Refer to Representation 18 Item 2
<div style="display: flex; align-items: center;">  <div style="margin-left: 20px;"> <p> C7. Natural Assets Code</p> <p> Future Coastal Refugia Area</p> <p> Priority Vegetation Area</p> <p> Waterway and Coastal Protection Area</p> </div> </div> <p style="text-align: center;"><b>Draft LPS Mapping</b></p>						
226 St Helens Pt Rd 224 St Helens Pt Rd	6811613 6811621 6811648 6811656 2742737	15881/1 15881/2 15881/3 15881/4 15881/5	General Residential Zone	General Residential Zone	Titles adjoin Chimney Lagoon Conservation Area and should be zoned Landscape Conservation Zone or controls	The lots are currently zoned General Residential and within the draft LPS are proposed to transition to the General

Break O'Day Council Attachment 1: Representations – Assessment and Recommendations

222 St Helens Pt Rd	7221092	15881/10			provided through the proposed PPZ Coastal Settlement.	Residential Zone. The sites are fully serviced by water and sewer. The lots are also serviced by Council's storm water infrastructure. All sites are affected by the Natural Assets Code map layer and will be considered with any development application that intensifies the use or development of these lots.
220 St Helens Pt Rd	6811736	15881/11			• High density development will impact on natural values;	<u>Guideline No. 1</u>
214-218 St Helens Pt Rd	7610442	39180/1			• North Barker (2009) report identifies urban development represents a high threat to Chimneys Lagoon.	The draft LPS Zoning is in accordance with GRZ 1 as connected to a reticulated water supply service and a reticulated sewage system. Additionally, the proposed zone is in accordance with GRZ2 as the lots are within the GRZ in the interim planning scheme.
208 St Helens Pt Rd	3343412	39180/2				No modification to the draft LPS.
206 St Helens Pt Rd						
4A Parnella Dr						
4B Parnella Dr						

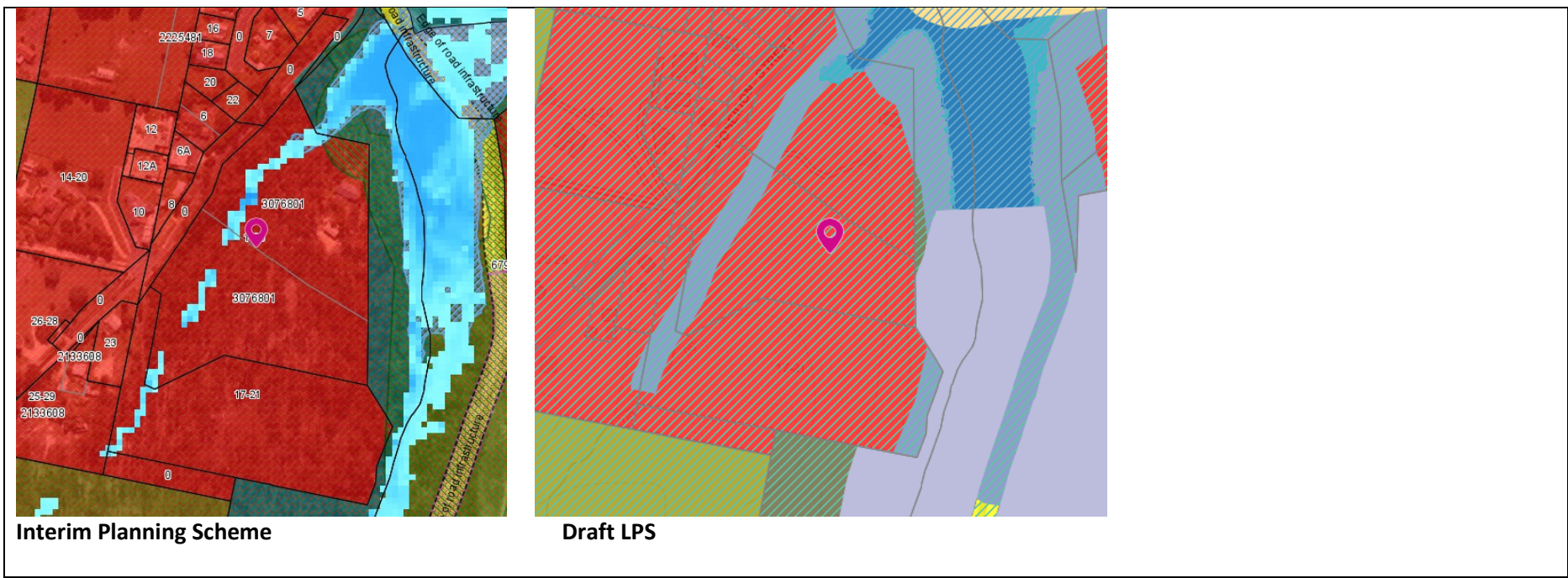


# Break O'Day Council Attachment 1: Representations – Assessment and Recommendations

						
1-15 Poseidon St	3076801 3076801	244229/1 – 1.568 Ha 160405/2 – 1.7 Ha	General Residential zone	General Residential Zone	Lots should be zoned Landscape Conservation Zone. <ul style="list-style-type: none"><li>• Scenically and environmentally sensitive area that is densely forested.</li><li>• Land adjoins Boggy Creek Conservation area</li><li>• North Barker (2009) report notes development.</li></ul>	The lots are currently zoned General Residential within the IPS and proposed to transition to the General Residential Zone within the draft LPS. All lots are fully serviced by TasWater but are unable to be serviced by BODC stormwater infrastructure.
17-21 Poseidon St	3076828	160405/1 – 2.205 Ha				

Break O'Day Council Attachment 1: Representations – Assessment and Recommendations


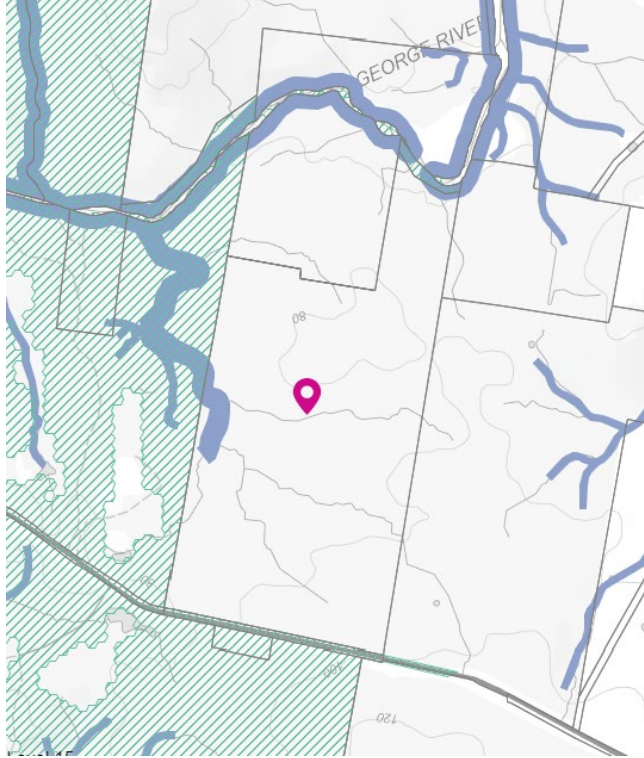
						<p>The sites adjoin Boggy Creek Wetland, for which Council has information on with respect to natural values (Break O'Day Coastal Lagoon Assessment, 2009). No information directly relates to the vegetation on the sites being considered. The sites are identified as supporting <i>Eucalyptus sieberi</i> forest and woodland on granite (DSG) which is not a threatened community.</p> <p>Any future development on the lots will be subject to the Natural Assets Code.</p> <p>No modification to the draft LPS.</p>



<p><b>TASVEG 4 &amp; THREATENED COMMUNITIES</b></p>						
P1484A Tasman Highway St Helens	6792694	128163/1 78.49 ha	Rural Resource Zone	Agriculture Zone	Representor maintains that the lot supports native forest in good ecological condition, including two EPBC listed threatened forest communities, <i>Eucalyptus ovata</i> forest and wet <i>Eucalyptus viminalis</i> forest.	The site is identified as unconstrained land potentially suitable for agriculture zone. Assessment of the natural values of the site has not been documented within an adopted report informing land use. The site is not mapped as supporting vegetation communities of threatened species. Any future natural values



Break O'Day Council Attachment 1: Representations – Assessment and Recommendations


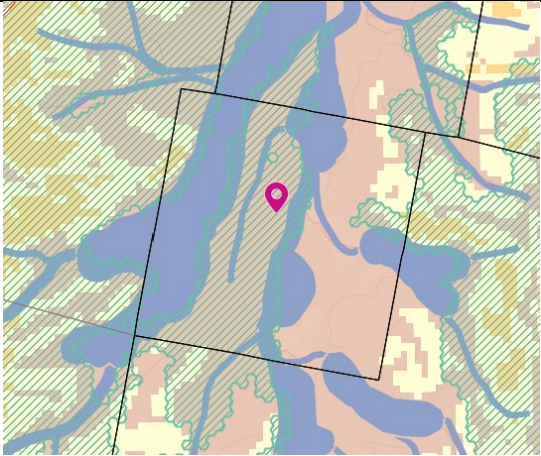
						<p>assessment within the local government area may inform a future dated planning scheme amendment.</p> <p>Guideline , AZ1 supports the land being zoned Agriculture.</p> <p><b>No modification to the draft LPS.</b></p>
<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p>Aerial Photograph</p> </div> <div style="text-align: center;">  <p>Natural Assets Code (draft LPS)</p> </div> </div>						



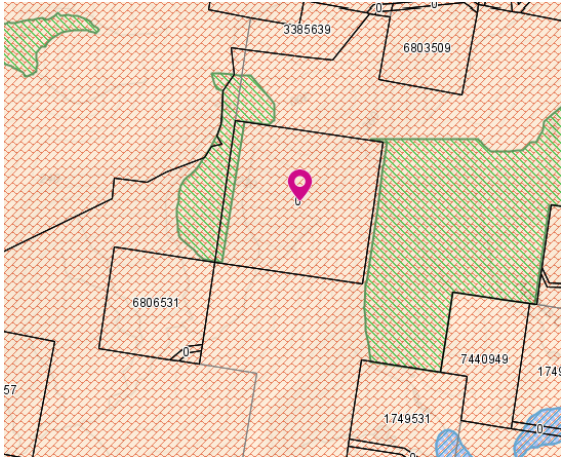
P1479 Ericksons Rd, Goshen	6791835	Crown Land	Rural Resource Zone	Rural Zone	Land is in good ecological condition with threatened vegetation and high quality habitat for native fauna. Land should be zoned Environmental Management due to high conservation values.	The <b>Crown land</b> is identified as Potentially Constrained (Criteria 2B) and has a land area of approximately 82 ha. TASVEG 4.0 mapping indicates the vegetation communities are still intact across the site. The site is intersected by the Hunt Mine Creek and is affected by Council's most recent flood mapping (overland flow associated with watercourse) and Priority Habitat overlay (IPS). The draft LPS mapping includes the Natural Assets Code. The land has not been identified for protection and conservation within any adopted reporting but may be considered at a later date when such strategic assessment is identified. Guideline 1 RZ1 states the RZ should be applied to constrained land and which is not more
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Break O'Day Council Attachment 1: Representations – Assessment and Recommendations

						<p>appropriately included within the LCZ or EMZ for the protection of specific values. This may be considered at a later date when/if specific values are identified.</p> <p>At such time values are identified, an amendment to the LCZ or EMZ may be considered. Any future use or development under the TPS will require assessment and application of the Natural Assets Code. A strategic review of the use of the Environmental Management Zone as it relates to crown land would be required to transition the site to the EMZ.</p> <p>It is recommended the site remain in the Rural Zone until such time as a future strategic review is conducted.</p>
114281/1						

<div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  <p><b>IPS</b></p> </div> <div style="text-align: center;">  <p><b>Draft LPS</b></p> </div> </div>						
Crown Land	-	114281/1	Rural Resource Zone	Rural Zone	<p>Land should be zoned Environmental Management:</p> <ul style="list-style-type: none"> <li>- High quality native forest;</li> <li>- Old growth with hollows;</li> <li>- Habitat for Giant Velvet Worm and Bornemisszas Stag Beetle</li> <li>- Significant conservation value.</li> </ul>	<p>The Crown Land is currently zoned RRZ and proposes to transition to the Rural Zone (draft LPS). Mapping exercise "Land Potentially Suitable for Agriculture Zone" has identified the site as Potentially Constrained (Criteria 2A). The Crown Land is affected by the Natural Assets Code (Priority Vegetation Area) and relevant to surrounding watercourses and catchment signifying significant constraints.</p>

Break O'Day Council Attachment 1: Representations – Assessment and Recommendations

						<p>Any identification of significant natural values, would cause the Crown land to be considered within the Environmental Management Zone. A strategic review of the use of the Environmental Management Zone as it relates to crown land would be required.</p> <p>It is recommended the site remain in the Rural Zone until such time as a future strategic review.</p>
<div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  <p><b>IPS</b></p> </div> <div style="text-align: center;">  <p><b>Draft LPS</b></p> </div> </div>						

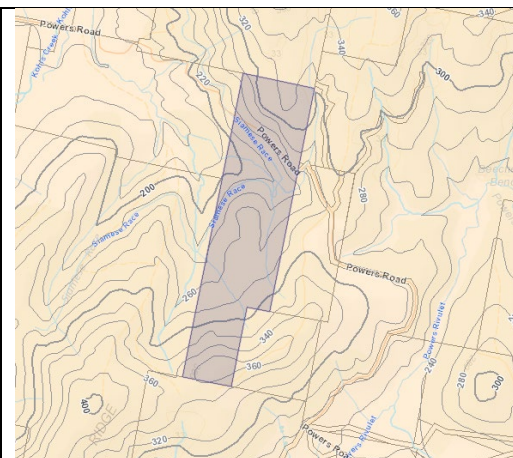
Break O'Day Council Attachment 1: Representations – Assessment and Recommendations

Crown Land Powers Rd, Pyengana	- Adjoining 9317373 – for locating purposes	- Adjoining 243398/1 – for locating purposes	Rural Resource Zone	Rural Zone	Land should be zoned Environmental Management. Land is steep and contains damp E. obliqua forest in good condition with many old growth trees present. There is a record for Giant Velvet Worm on the title and suitable habitat for Simsons Stag Beetle, Spotted Tailed Quoll and Grey Goshawk. Land is in the upper catchment of the George River – safeguard riparian vegetation and water quality.	The Crown Land is intersected to the north by Powers Road and an artificial mapped watercourse, Siamese (Water) Race thought to be associated with historic mining in the area. TasVeg 4 mapping demonstrates the site supports: DSG Dry Eucalypt forest and woodland; WOB Wet Eucalypt forest and woodland; RMT Rainforest and related scrub; RFE Rainforest and related scrub. This rainforest fernland located in the north east corner of the site supports <b>threatened native</b> vegetation community, Rainforest Fernland. The majority of the mapped threatened vegetation is supported on adjoining private land and Forestry Tasmania land with approximately over 2000 m2 supported on the subject land.
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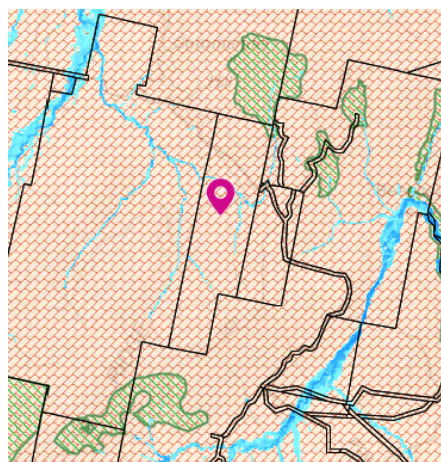


						<p>The Crown Land is affected by the Natural Assets Code (Priority Vegetation Area) and relevant to surrounding watercourses and catchment signifying significant constraints. Any identification of significant natural values, would cause the Crown land to be considered within the Environmental Management Zone.</p> <p>A strategic review of the use of the Environmental Management Zone as it relates to crown land would be required that further determined the ecological, scientific, cultural or scenic values of the land.</p> <p>It is recommended the site remain in the Rural Zone until such time as a future strategic review is conducted.</p>

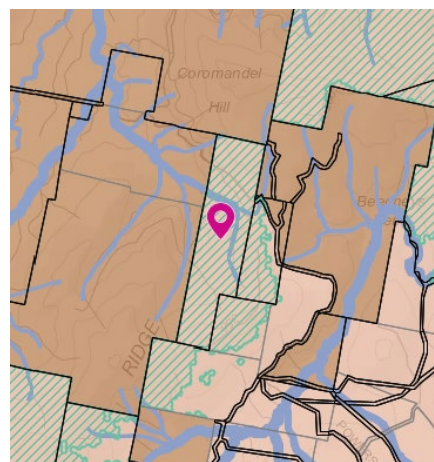
# Break O'Day Council Attachment 1: Representations – Assessment and Recommendations



The List



IPS

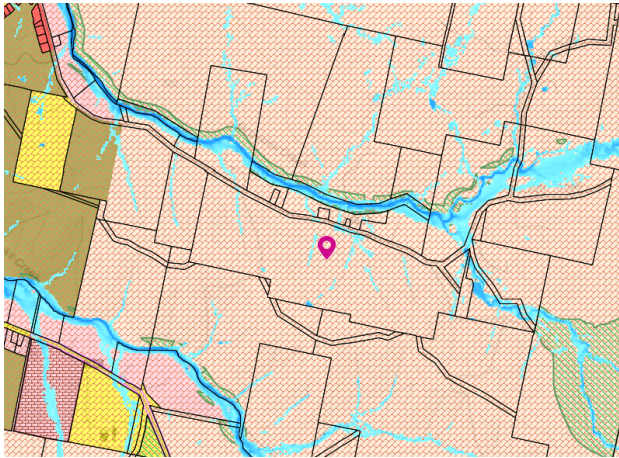
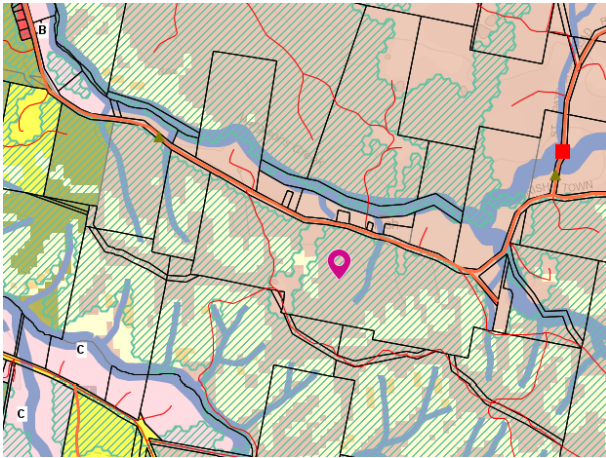


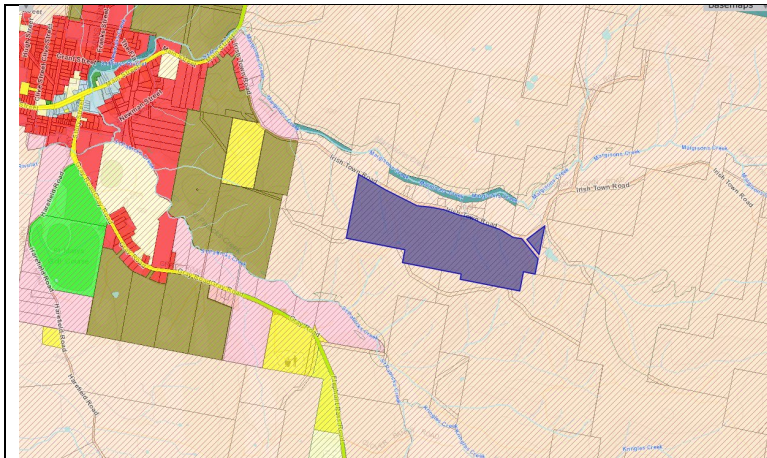
Draft LPS

Crown Land Irish Town Rd, St Marys	-	-	Rural Resource Zone	Rural Zone	Crown Land in good ecological condition which contributes to landscape connectivity in the area. Should be zoned	The Crown Land is served by Irish Town Road and is located in St Marys.
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					Environmental Management Zone.	<p>The agricultural land mapping project has identified the land as potentially unconstrained. Regardless, the site hasn't transitioned to the Agriculture Zone due to topography, surrounding land uses on smaller titles and environmental values. Instead, this title and surrounding titles have transitioned to the Rural Zone. This is consistent with the AZ6, RZ1, RZ 2 and RZ 3 guidelines.</p> <p>Any identification of significant natural values, would cause the Crown land to be considered within the Environmental Management Zone.</p> <p>A strategic review of the use of the Environmental Management Zone as it relates to crown land would be required that further determined the ecological, scientific,</p>
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Break O'Day Council Attachment 1: Representations – Assessment and Recommendations

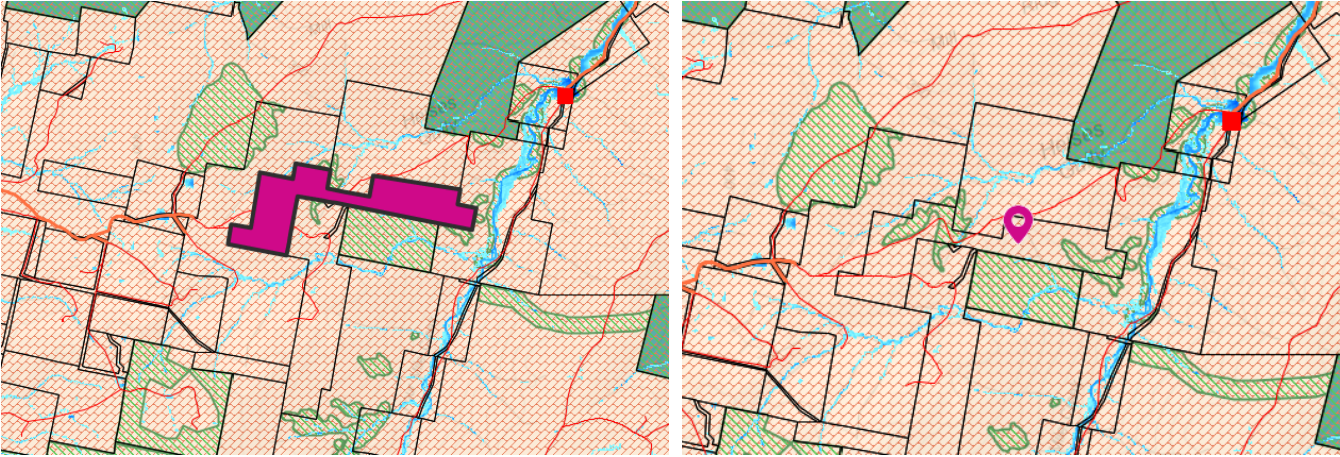
						<p>cultural or scenic values of the land.</p> <p>It is recommended the site remain in the Rural Zone until such time as a future strategic review.</p>
<div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;">  <p>IPS</p> </div> <div style="text-align: center;">  <p>Draft LPS</p> </div> </div>						

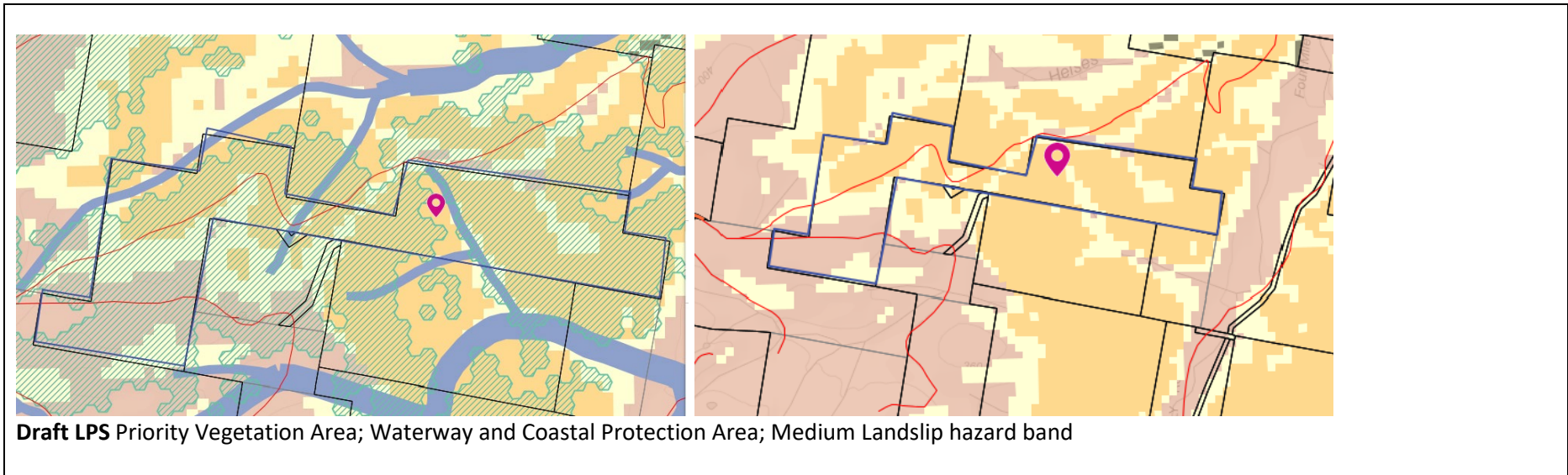


TheList (IPS)

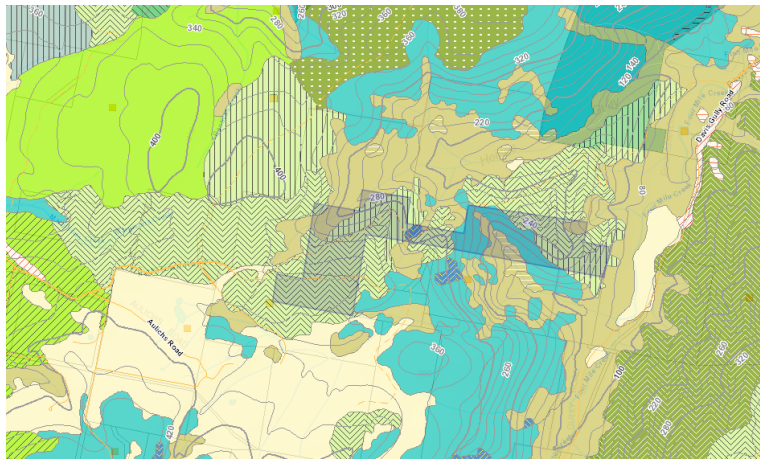
Crown Land End of Irish Town Road	- North of 7229449 as reference point	North of CT161487/1 as reference point	Rural Resource Zone	Rural Zone	Title has a mix of wet, damp and dry Eucalypt forest in good ecological condition. The land is steep and contains known habitat for the Blind Velvet Worm as well as Swift Parrot habitat. Should be zoned EMZ as it has threatened species habitat and contributes to landscape connectivity in the area as well as being in the upper catchment for Four Mile Creek.	The Crown Land is <u>not</u> included in mapping identifying Land Potentially Suitable for Agriculture Zone or identified as potential agricultural land in the initial analysis. The site supports a number of vegetation classes and has been identified as supporting threatened native vegetation communities. The mapping excerpts below demonstrate the link between vegetation mapping, constraint
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						<p>mapping, threatened community mapping and land tenure. The crown land has identified mapped natural values requiring protection and conservation (EMZ1). The site adjoins a public reserve and provides for greater connectivity between crown reserves. Whilst the natural values are identified, the modification of zone to EMZ will require a coordinated approach with the state in order to apply reserve status.</p>
<div>  </div> <p>IPS</p>						







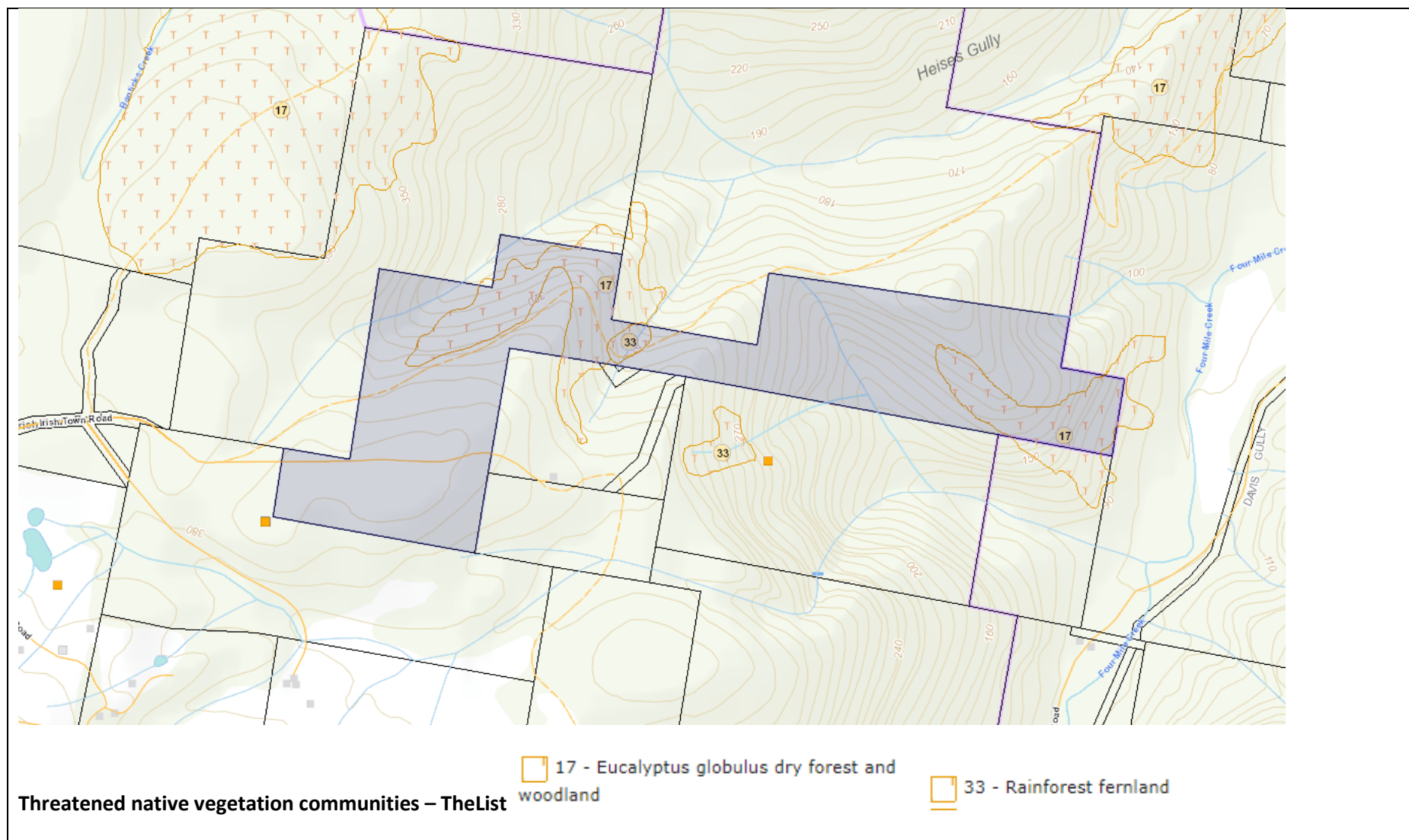
**TASVEG4**

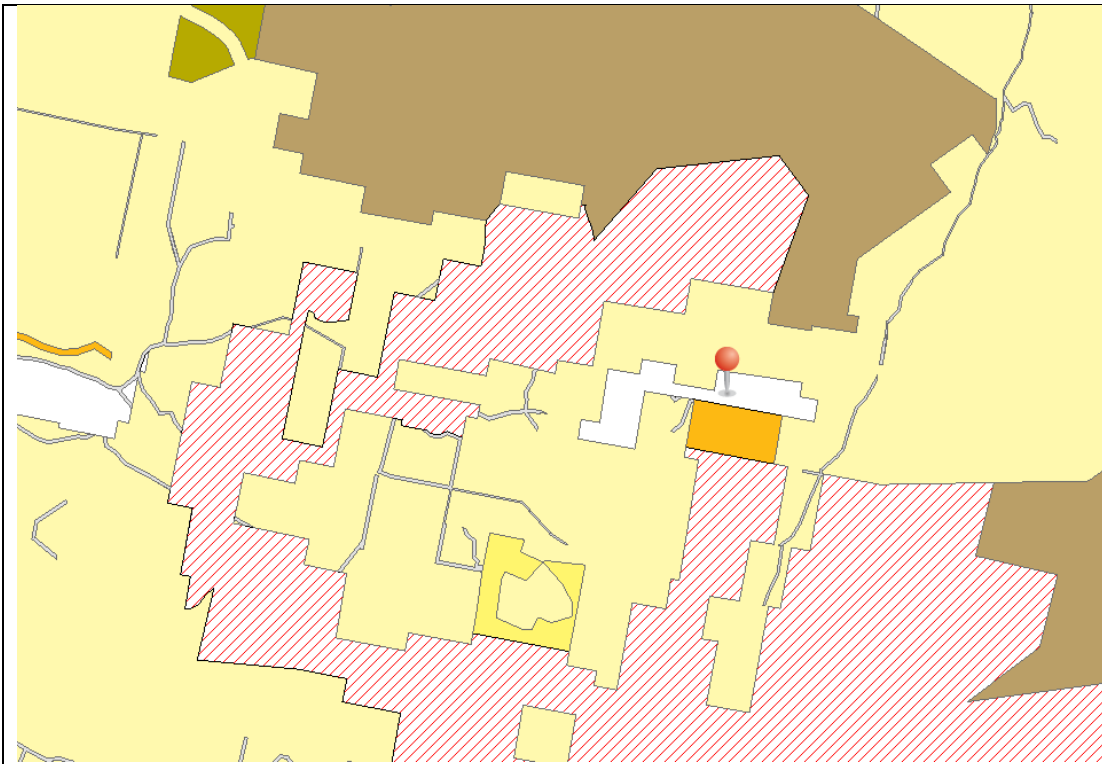
**DOB** Dry eucalypt forest and woodland  
**NAD** Non eucalypt forest and woodland  
**NAR** Non eucalypt forest and woodland  
**DGL** Dry eucalypt forest and woodland  
**RFE** Rainforest fernland  
**WOB** Wet eucalypt forest and woodland



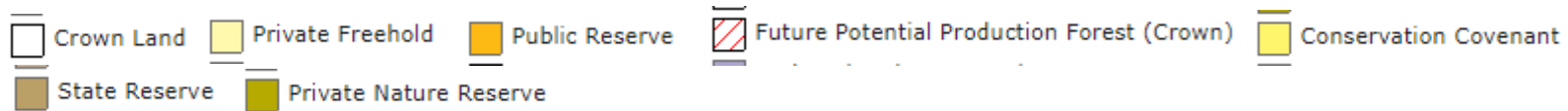
**Threatened Native Vegetation Communities**

**17** Eucalyptus globulus dry forest and woodland  
**33** Rainforest Fernland





**Land Tenure – TheList**



Crown Land Coffey Drive, Binalong Bay	3383967 2663000	49278/14 49278/23 49278/15	Low Density Residential	Low Density Residential	Land should be zoned Environmental Management due to ecological condition.	In 2007, The Crown lodged a development application (DA187-2007)
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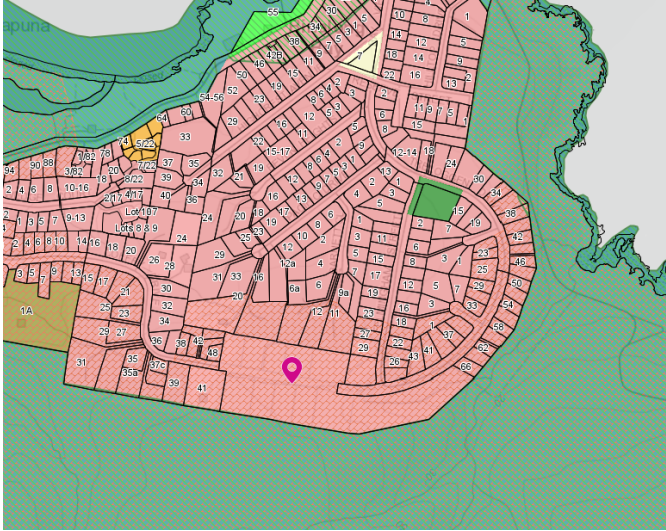
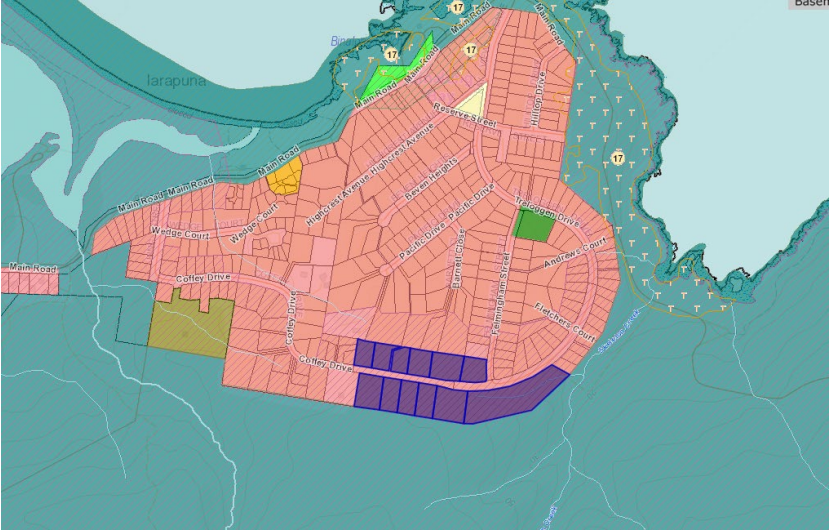


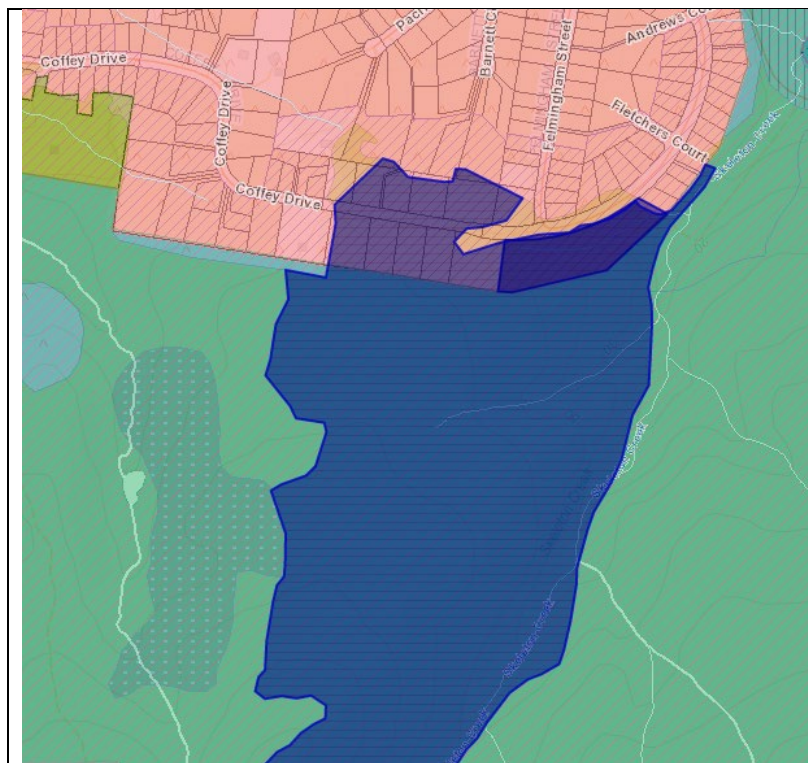
Break O'Day Council Attachment 1: Representations – Assessment and Recommendations

		49278/22 49278/16 49278/21 49278/17 49278/20 49278/18 49278/19 - -			-Chaostola Skipper Butterfly habitat; -Swift Parrot area; -Sea Eagle nest within 500 metres;	with the Break O'Day Council, for a 27 Lot Subdivision over Crown land that at the time comprised 12 titles and had a land area collectively of approximately 5.28 hectares. The application was subsequently withdrawn and those 12 titles remain currently. The Crown withdrew the application on 23/06/2008 citing proximity to an identified White Bellied Sea Eagle nest and associated high conservation status. As a result the Crown retained the existing 12 titles. The proposed subdivision was an outcome of the State Government's Shack Sites Project. The reasoning for withdrawing the subdivision application was based on conservation issues, however it is worth noting that the application received fourteen (14)
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						<p>representations concerning conservation issues and traffic network issues. The sites adjoin Humbug Point Nature Recreation Area. LDRZ 1 and LDRZ 2 (Guideline No. 1) recommends existing low density residential areas to transition to the LDRZ within the Draft LPS. Binalong Bay is not serviced by water or sewer infrastructure. The 12 titles within the LDRZ largely retain native vegetation contiguous with that in the adjacent conservation reserve. North Barker (2004), undertook a Botanical Survey and Fauna Habitat for the proposed subdivision (Crown applicant). The site investigation found that one <b>threatened</b> flora species was recorded in the eastern most lot (Desmodium gunnii). This perennial herb is listed as <b>vulnerable</b> and appears</p>
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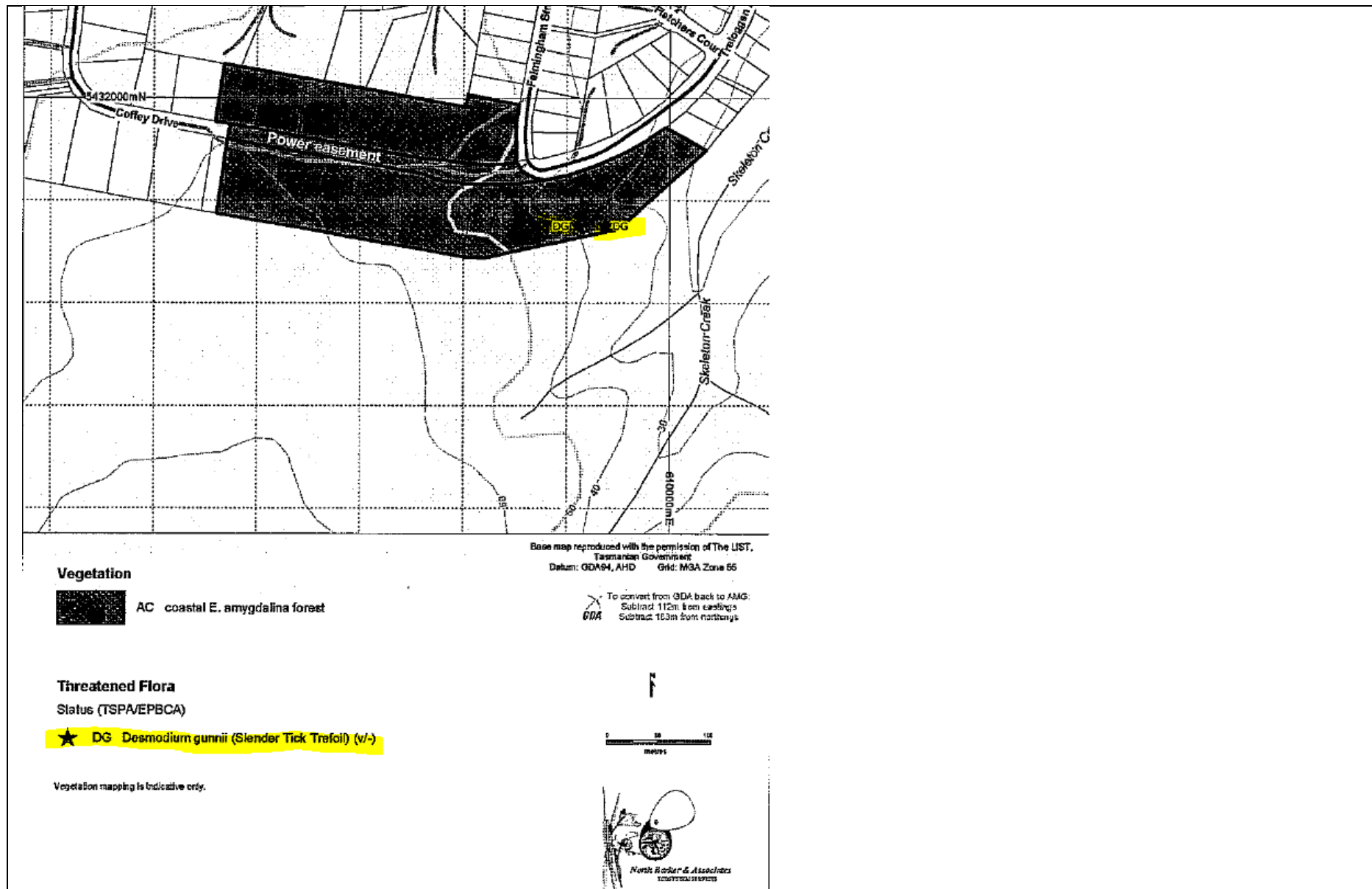
						<p>in Schedule 4 (Part 2 – Flora) of the Threatened Species Protection Act 1995.</p> <p>The report recommended the protection of the habitat of <i>Desmodium gunni</i> by addition of the habitat to the Humbug Point State Reserve or by way of a Conservation Covenant.</p> <p>The remaining lot sizes vary between 2300 m<sup>2</sup> and in excess of 5000 m<sup>2</sup> and are un-serviced. The land currently acts as open space and walking track for local residents. The Department of Natural Resources and Environment Tasmania, did not comment on these particular titles.</p> <p>Whilst the natural values are identified, the modification of zone to EMZ will require a coordinated approach with the state in order to apply reserve status.</p>
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						It is recommended the titles remain in the LDRZ.
<div><p><b>Subject Sites – Binalong Bay – ListMap</b></p></div>						

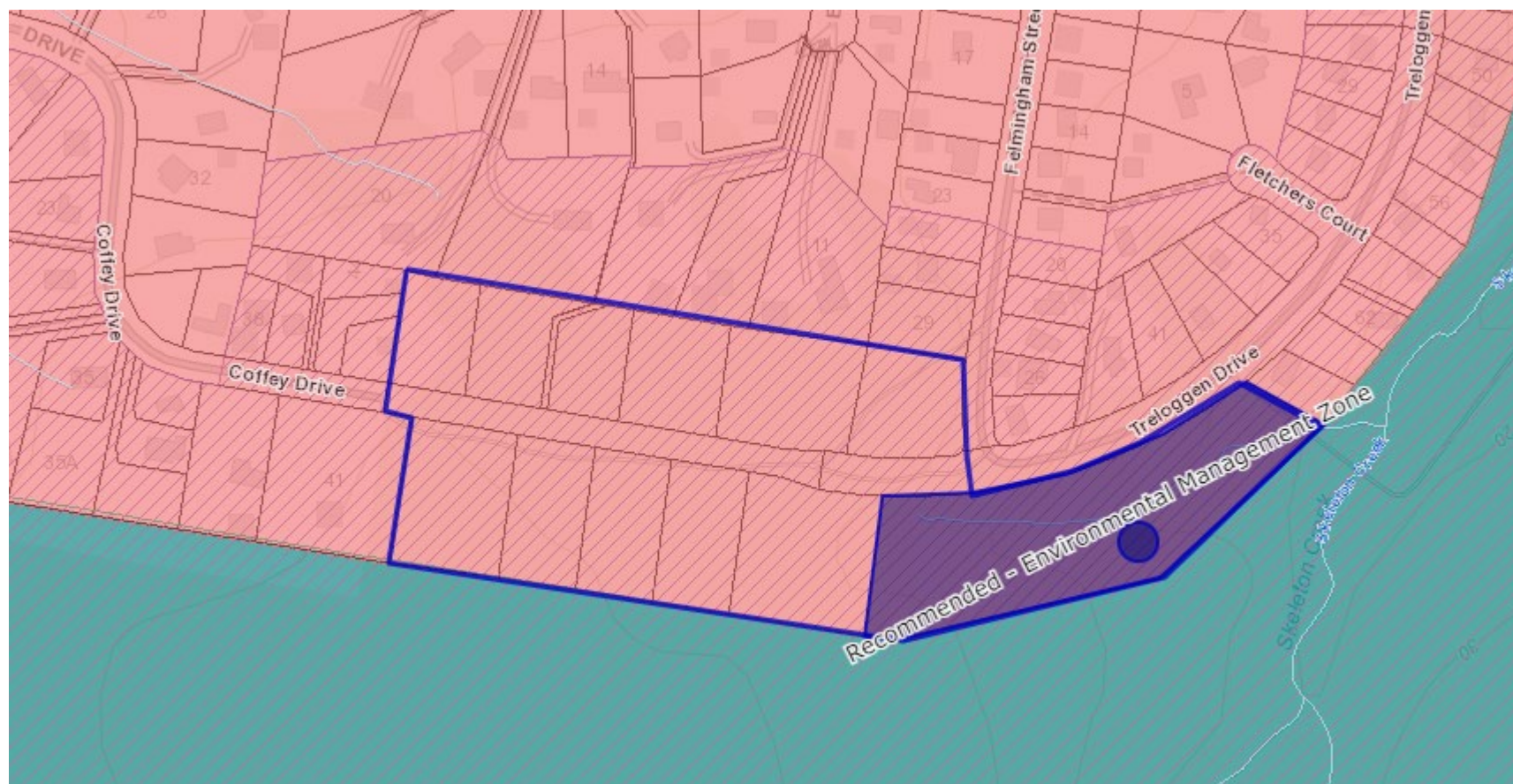


Contiguous Vegetation mapping – WOU Wet eucalypt forest and woodland (*Eucalyptus obliqua* wet forest)





**Identification of threatened flora – North Barker (2004) report.**

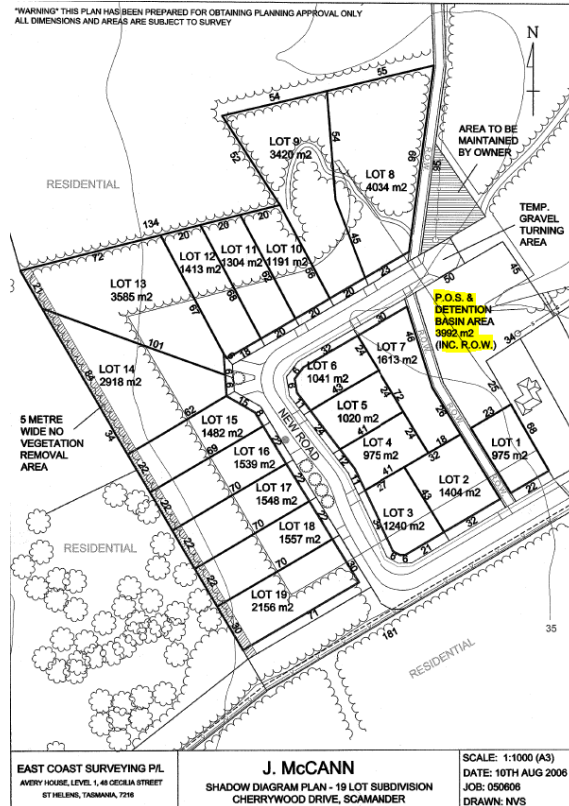


Recommendation – eastern most lot transition to Environmental Management Zone due to cited presence of threatened vegetation.

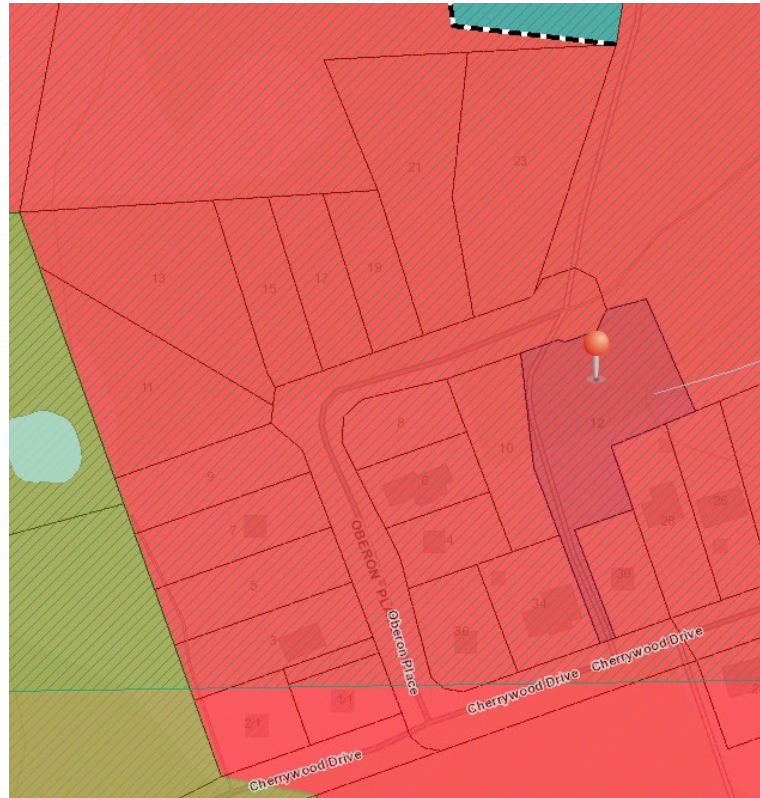
12 Oberon Place Scamander	2948700 Owner – Break O'Day Council	156730/20	General Residential Zone	General Residential Zone	Land was set aside as public open space under a subdivision plan for Oberon Place. The land should be zoned Open Space.	Lot 20 was created as part of a 18 lot subdivision (DA146-2006). The approved subdivision was subject of
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						<p>a Memorandum of Consent prepared by the Resource Management and Planning Appeal Tribunal (RMPAT Ref: 218/06 S). Approval was for Lots 1 to 19, the road reserves and the detention basin area defined on the plan dated 10/08/2006.</p> <p>The 3567 m2 lot was approved as a public open space lot, with Council currently preparing a Management Plan for the lot. There is considerable community support for the public land and the draft management plan is exploring the management of the site in accordance with passive recreation and nature conservation values recognising portions of the land are disturbed.</p> <p>The site is recommended to transition to the Open Space Zone and satisfies the recommendation of</p>
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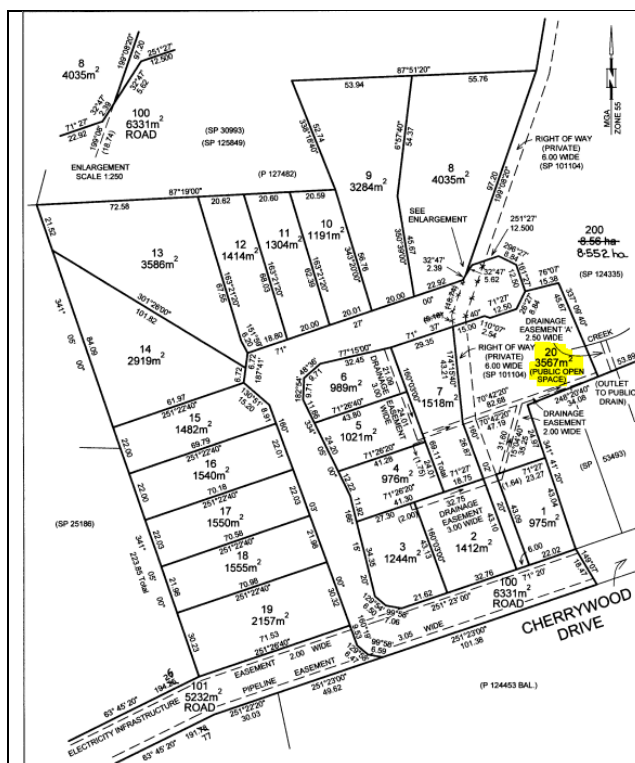


Approved Plan



General Residential Zone – ListMap – Interim Planning Scheme

# Break O'Day Council Attachment 1: Representations – Assessment and Recommendations



**Folio Plan – Lot 20 – 3567 m<sup>2</sup> – Public Open Space**

Crown Land	South and west of council owned land identified as PID3413644 (Scamander Sports Complex).	-	Split Zoned Recreation and Environmental Management	Split Zoned Recreation and Environmental Management	Land should be zoned Environmental Management as it has significant natural values	The land north of the subject land is similarly split zoned (Recreation and Rural Resource) under the IPS. The draft LPS sought to remove the split zoning as the land formed part of the Future Potential Production
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						<p>Forest and is owned by DNRET.</p> <p>The split zoning is recommended to remain as definitive information relating to the reasoning behind the split zoning has not been realised.</p> <p>There is concern that the split zoning relates to the ongoing management of the Scamander Sports Complex.</p> <p>It is recommend there be no change to the split zoning of the Crown Land. The majority of the title remains within the Environmental Management Zone.</p> <p>This matter can be further considered by the state.</p>



The land title is highlighted in orange with the zone boundary line being the black and white dashed line. North and east of the dashed line the land is zoned Recreation and south and west of the dashed line, the land title is zoned Environmental Management (IPS). The draft LPS proposes a transition to the Recreation Zone and Environmental Management Zone respectively.

# Break O'Day Council Attachment 1: Representations – Assessment and Recommendations




**Contours**

1 Coach Road, Scamander Scamander Sports Complex	3413644	166723/1 Break O'Day Council	Recreation Zone	Recreation zone	Land within the Break O'Day owned title contains native vegetation in good ecological condition which is steep and has values in terms of catchment protection. Land should be zoned Environmental Management.	The title is zoned Recreation Zone and provides for the Scamander Sports Complex (Golf Course). The site is affected by the Natural Assets Code and is mapped for Priority Vegetation Area and Waterway and Coastal
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Break O'Day Council Attachment 1: Representations – Assessment and Recommendations

						Protection Area. The proposed draft LPS provides for natural values to be addressed in the event of any future development application. The site should remain zoned Recreation Zone and provide for active or organised recreational purposes satisfying RecZ 1.
Crown Land	POT_PID 2162855	Lon: 148.262944 Lat: - 41.449401	Split Zoned: (i) Utilities Zone (ii) Env. Mgt Zone (iii) Recreation Zone (iv) General Residential Zone.	Split Zoned: (i) Utilities Zone (ii) Env. Mgt Zone (iii) Recreation Zone (iv) General Residential Zone.	The portion zoned General Residential Zone should be zoned Environmental Management Zone.	The Crown land title supports four (4) zones reflecting land use. Two eastern extensions of the title contribute to the existing General Residential Zone titles on either side of the Tasman Highway. The settlement pattern for Scamander has been established as part of the Land Use Strategy (2015) and the Interim Planning Scheme. The General Residential Zone within Scamander, provides for sites capable of being fully serviced (sewer and water) with Scamander being recognised as a medium

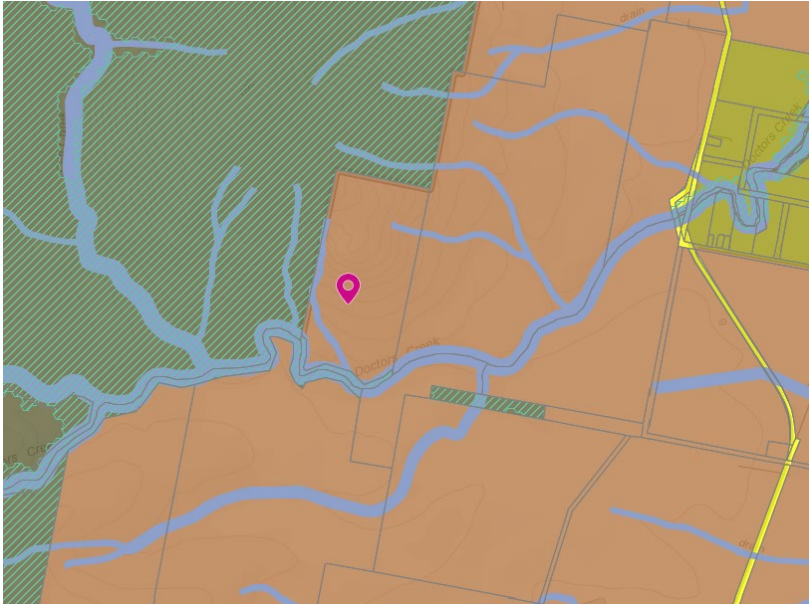
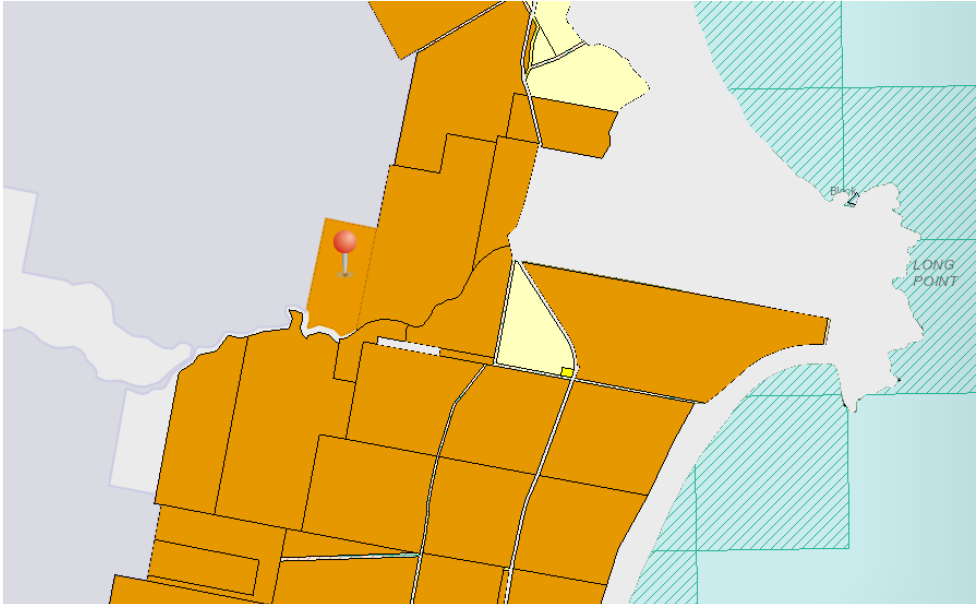
Break O'Day Council Attachment 1: Representations – Assessment and Recommendations

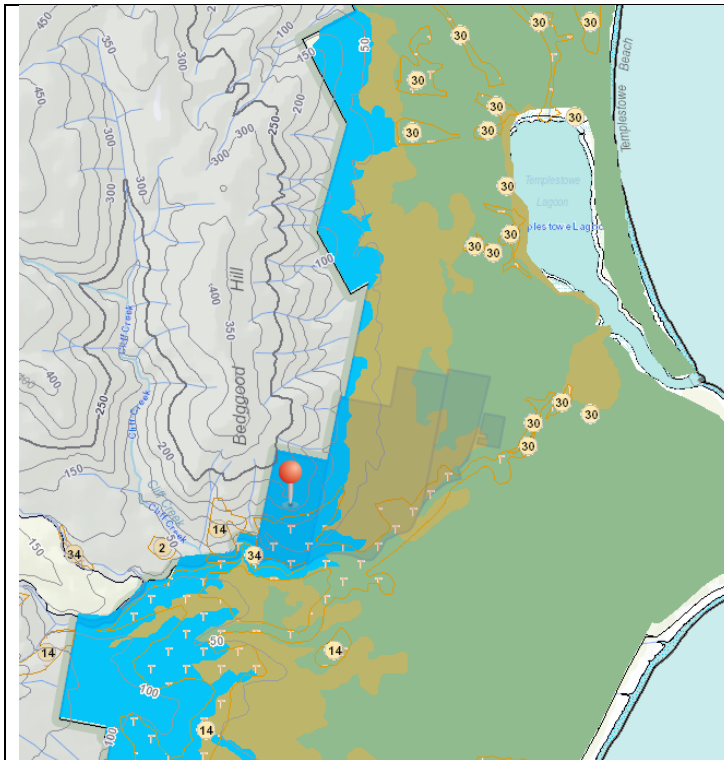
						<p>growth area. Scamander is an existing settlement within the urban growth area. The identified land is recommended to remain within the General Residential Zone and satisfies GRZ1 and GRZ2.</p>
<div>  <b>lon:</b> 148.262944 <b>lat:</b> -41.449401         </div>						



19595 Tasman Highway, Seymour	2984322	209428/1	Rural Resource Zone	Agriculture Zone	Land adjoins the Douglas Aspley National Park and is covered in native forest. The land also has frontage to and is part of the Doctors Creek catchment swchich is the main watercourse feeding Templestowe Lagoon (a high conservation value coastal wetland). Contours indicate the title is steep and not suitable for agriculture.	The site is part of a larger landholding and has been identified as unconstrained land potentially suitable for agriculture zone. Land capability assessment mapping has also identified the land as level 6 – unsuitable for cropping, low pastoral


						<p>suitability and limited land use options. The assessment also identifies the level as requiring major conservation practices and careful management. AZ1 of Guideline 1 directs the draft LPS inclusion of Agriculture Zone should be based on the land identified in the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST. Accordingly the site has been placed in the Agriculture Zone. However the Guideline also requires regard to be had to any other relevant data sets. The site is identified as supporting threatened vegetation (the LIST) and has been assigned a land capability class of 6 indicating the land is generally unsuitable for cropping and has a low pastoral use with limited land use options. Additionally the</p>
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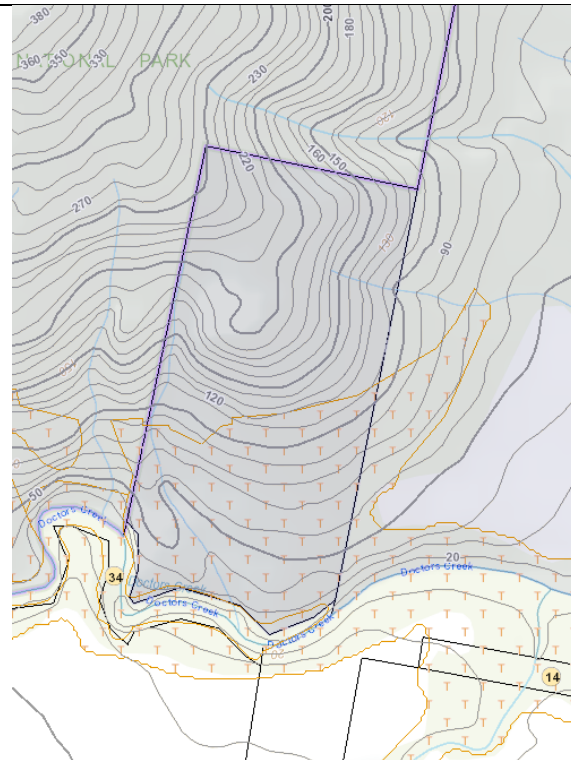
						<p>land contours indicate the site to be steep.</p> <p>It is recommended site remain within the Agriculture Zone in accordance with AZ1</p> <p>The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.</p> <p>The Planning Authority recommendation meets the LPS criteria.</p>
<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p><b>Draft LPS – Agriculture Zone</b></p> </div> <div style="text-align: center;">  <p><b>ListMap – Land Potentially Suitable for Agriculture Zone – Unconstrained.</b></p> </div> </div>						



**ListMap – Threatened Veg and Land Capability**

Threatened Native Vegetation Communities 2020 ID# 14 *Eucalyptus amygdalina* forest and woodland on sandstone & #34 Riparian Scrub

Land Capability  6



**ListMap – Contours and Threaten vegetation mapping**

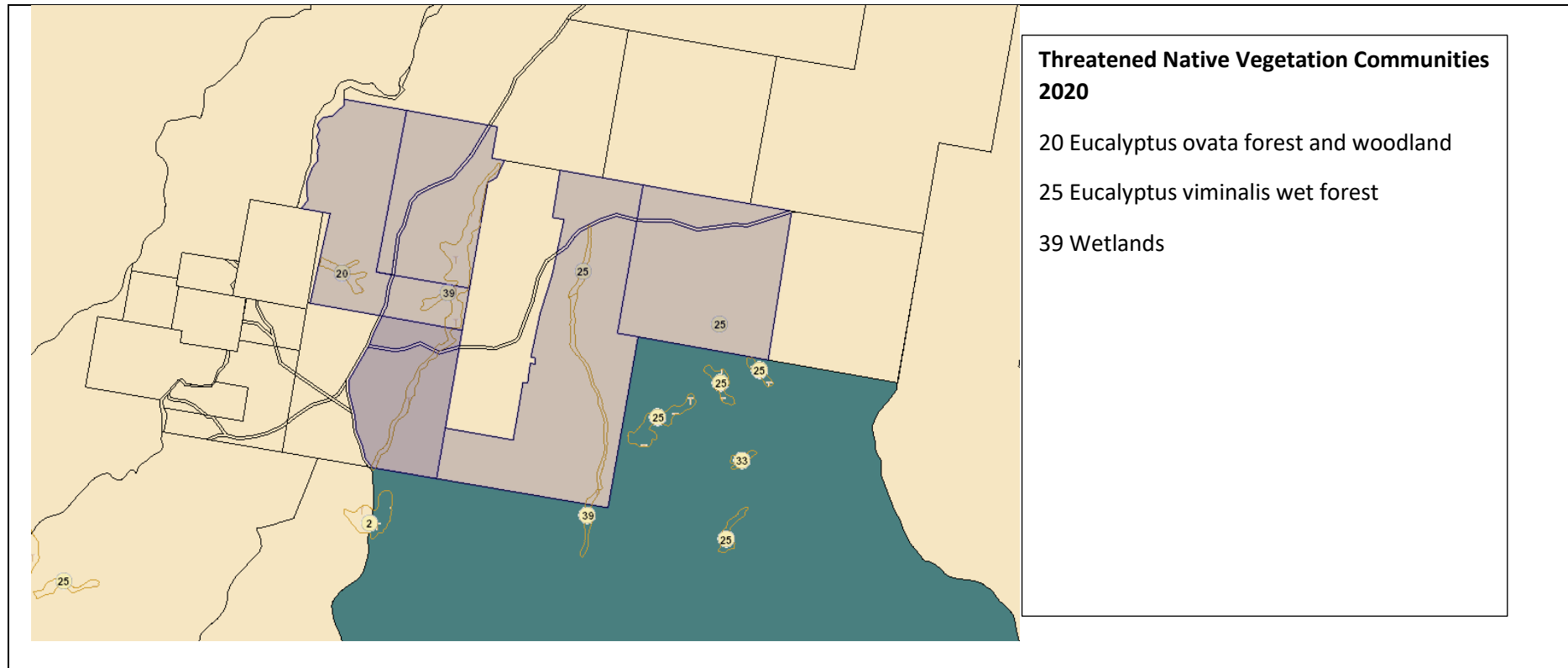
Multiple Land Titles	-	-	Rural Resource Zone	Mix of Rural and Agriculture Zone	Land is zoned Agriculture but also has one of the largest EPBC listed <i>Eucalyptus ovata</i> forest patches left in Tasmania. In such cases high conservation value land should be split zoned to ensure important	The NEBN has made representation on multiple adjoining land titles proposed for the Agriculture Zone due to presence of <i>Eucalyptus ovata</i> forest.
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					<p>conservation values are zoned Landscape Conservation Zone and are subject to adequate environmental protections.</p>	<p>List mapping has identified land parcels supporting threatened vegetation in the southern extent of the multiple land holdings (see highlighted lots below). It should be noted that the Federal Government has commenced an assessment of the proposed conservation status of Eucalyptus ovata forest and woodland in Tasmania, as critically endangered (EPBC Act).</p> <p>The land titles are proposed to be zoned Agriculture Zone and have been identified as potentially unconstrained land potentially suitable for the Agricultural Zone. Additionally the land has been assigned land capability class 5 (unsuitable for cropping with medium pastoral suitability and limited land use options.</p>
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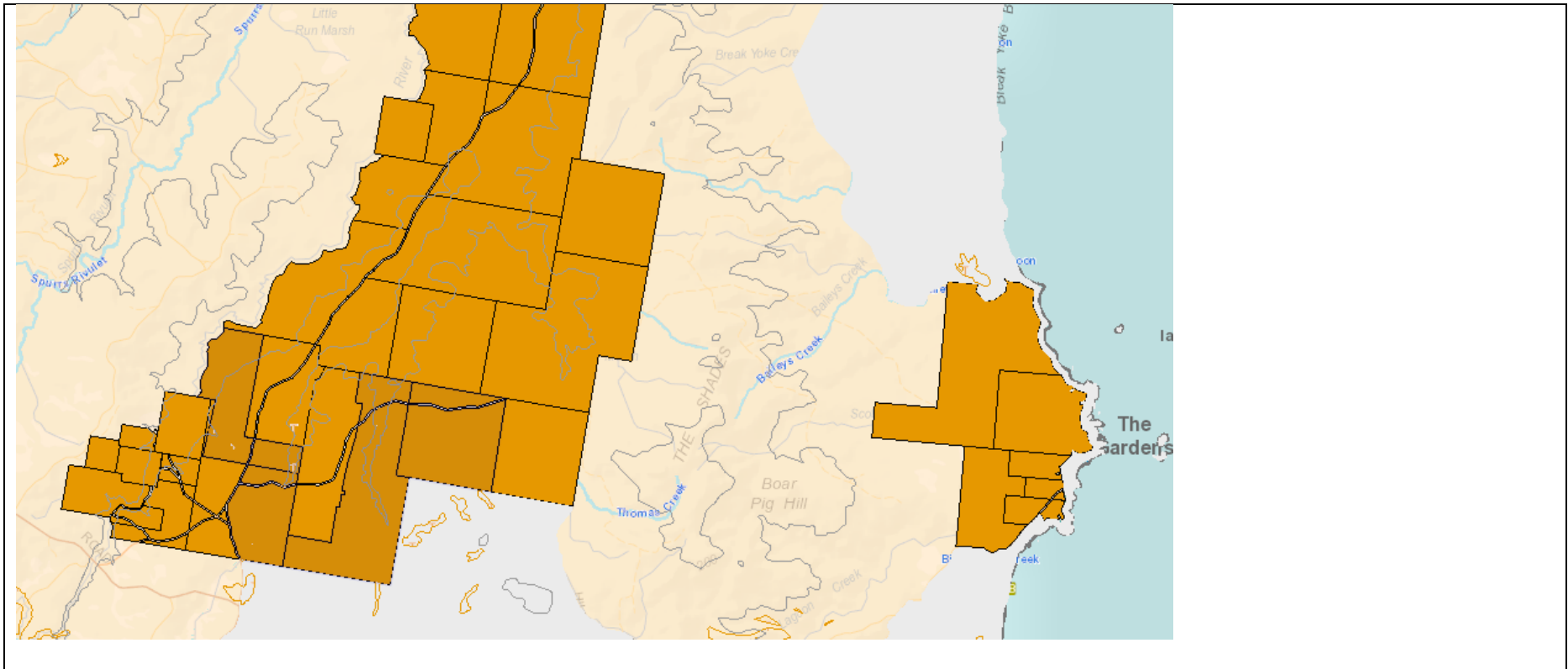


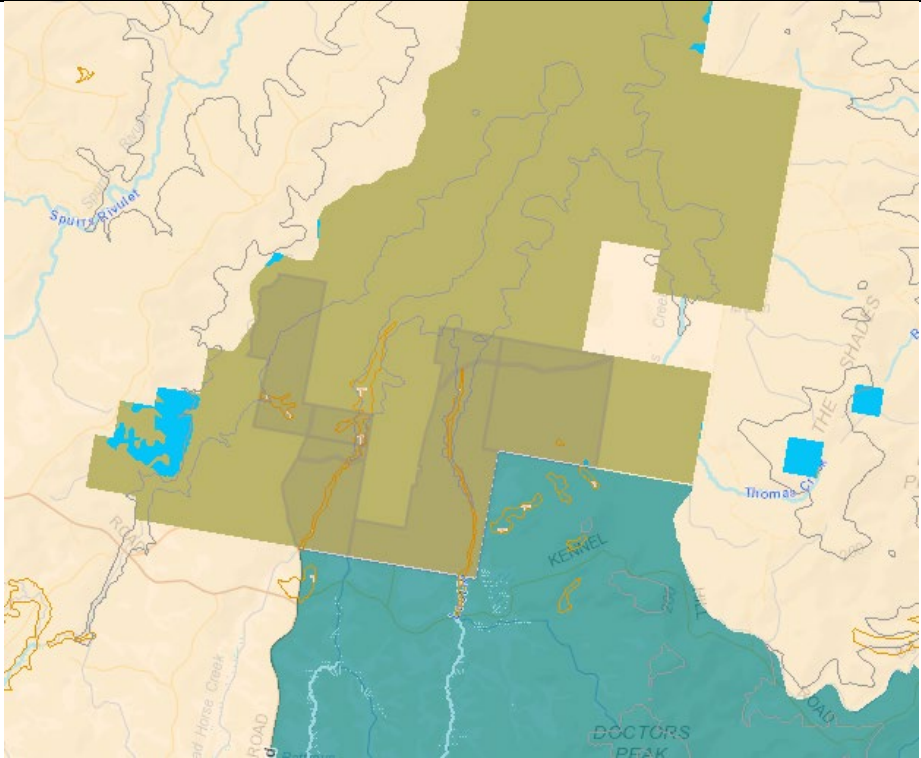
Break O'Day Council Attachment 1: Representations – Assessment and Recommendations

						<p>It is recommended the following land parcels remain within the Agriculture Zone in accordance with AZ1.</p> <ol style="list-style-type: none"> <li>1. 122538/1</li> <li>2. 241306/1</li> <li>3. 122538/2</li> <li>4. 54344/1</li> <li>5. 18361/2</li> <li>6. 235694/1</li> </ol> <p>The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.</p>



Break O'Day Council Attachment 1: Representations – Assessment and Recommendations



						
Various Titles	6408939  6408947	243822/1 243820/1 53715/3 53713/1 123935/1 237865/1	Rural Resource Zone	Agriculture Zone	Land is forested and adjoins or provides a buffer for the Douglas Aspley National Park as well as being important components of coastal catchments. Consider split zoned Landscape Conservation / Agriculture.	The land has been identified as potentially unconstrained land potentially suitable for agriculture zone. However, a proportion of land parcels are also mapped as supporting threatened vegetation

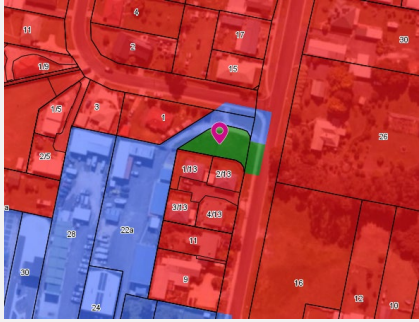
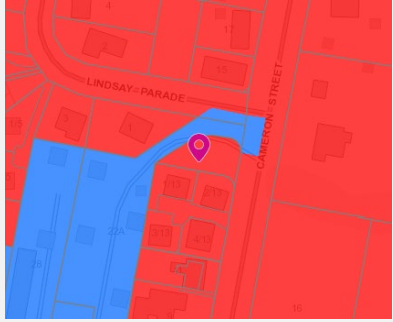
						<p>(see below ListMap extract). Guideline 1, AZ1 guides decision making to consider the application of the Agriculture zone to potentially unconstrained land, while also having regard to any other relevant data sets. The guideline also provides for titles to be split-zoned to align with areas potentially suitable for agriculture and areas on the same title where agriculture is constrained.</p> <p>Additionally the land has been assigned land capability class 5 (unsuitable for cropping with medium pastoral suitability and limited land use options. Those areas identified as threatened vegetation have been assigned the land capability class 6.</p> <p>It is recommended the following land parcels remain within the</p>
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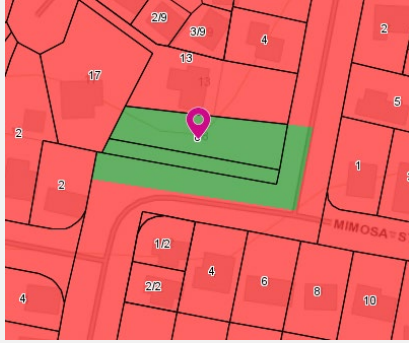
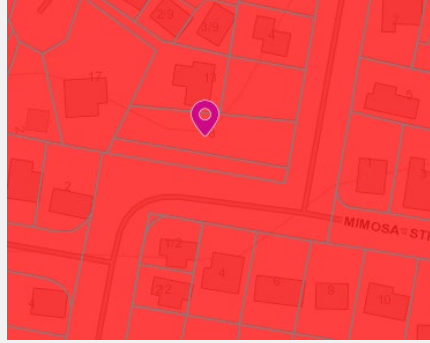
Break O'Day Council Attachment 1: Representations – Assessment and Recommendations


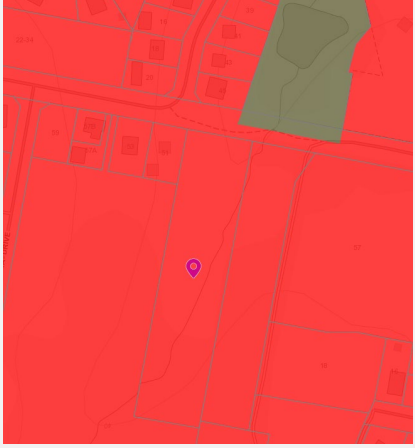
						<p>Agriculture Zone in accordance with AZ1.</p> <ol style="list-style-type: none"> <li>1. 243822/1</li> <li>2. 243820/1</li> <li>3. 53715/3</li> <li>4. 53713/1</li> <li>5. 123935/1</li> <li>6. 237865/1</li> </ol> <p>The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.</p>



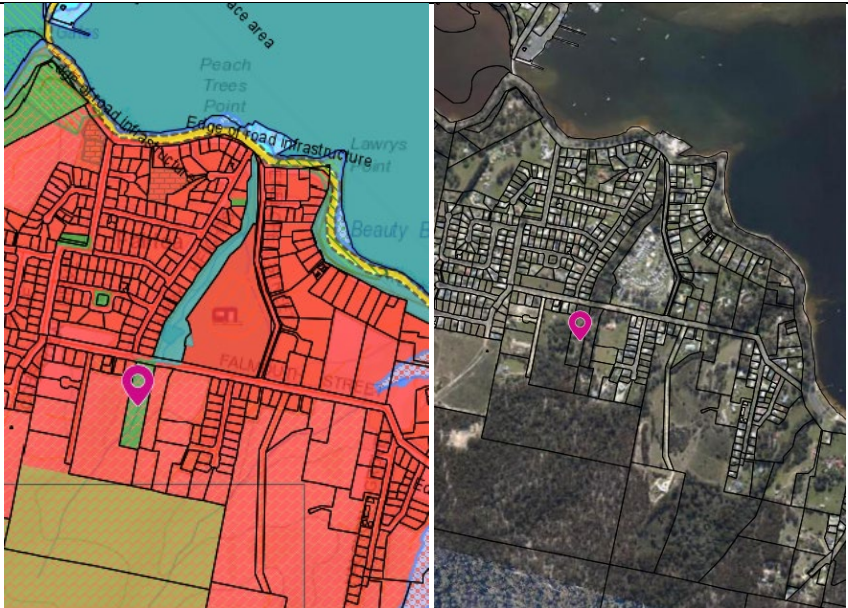
<b>Representation No. 81 Item 11</b>	<b>Name: North East Bioregional Network (NEBN)</b> <b>Address: Cameron Street, St Helens</b> <b>Title Reference: 30649/2</b> <b>PID: 7384350</b> <b>Land Area: 556 m<sup>2</sup></b> <b>IPS Zoning: Open Space</b>		
<b>Mapping Zoom Level 15</b>			
	<b>Site Location</b>		<b>Draft LPS Zoning – General Residential</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	Land should be set aside for treatment of stormwater in the vicinity of the site. A wetland treatment system could be implemented with benefits for water quality and the environment.		
<b>Planning Authority response</b>	Consistency Overview:		
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy <input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP? <input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS? <input type="checkbox"/>
	Response: The land was identified within the Land Use and Development Strategy 2015 as land for disposal. The draft LPS has been prepared in accordance with the strategy. The strategy details that the site has limited level of usability for Open space purposes and is in the vicinity of other useable foreshore parks and local parks in St Helens.		
<b>Recommended action</b>	No modification to the draft LPS		
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole as the landowner is supportive of the recommended change.		

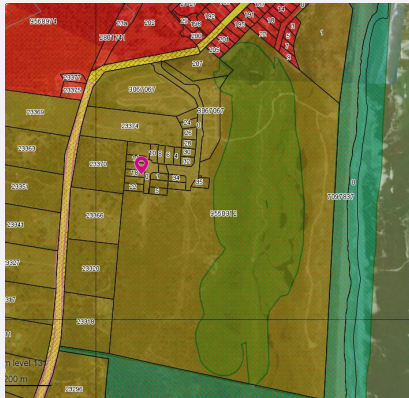
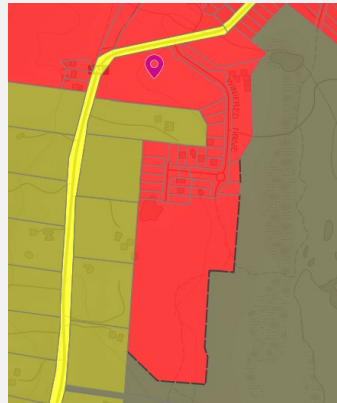
<b>Representation No. 81 Item 12</b>	<b>Name: North East Bioregional Network (NEBN)</b> <b>Address: 8 Jason Street, St Helens</b> <b>Title Reference: 30563/27 &amp; 30563/28</b> <b>PID: 7386428</b> <b>Land Area: 1059 m<sup>2</sup></b> <b>IPS Zoning: Open Space</b>		

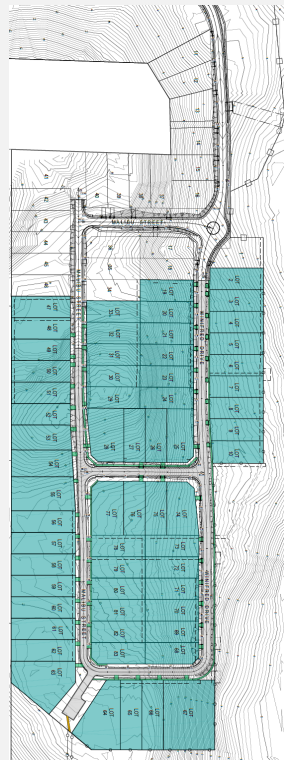
Mapping Zoom Level 15				
	Site Location		Draft LPS Zoning – General Residential	
Matter(s) raised in the representation (including property information details where applicable)	The land is not too steep for open space purposes.			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy	<input checked="" type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response: Council has identified the site for disposal within the Land Use and Development Strategy 2015. The site was identified to transition to the General Residential Zone within the draft LPS and no further information has come forward to alter this recommendation.			
Recommended action	No modification to the draft LPS.			
Effect of recommendation on the draft LPS	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole as the landowner is supportive of the recommended change.			
Representation No. 81 Item 13	Name: North East Bioregional Network (NEBN) Address: Lawry Heights, St Helens Title Reference: 141663/9 PID: 2503461 Land Area: 9864 m <sup>2</sup> IPS Zoning: Open Space			

<b>Mapping</b> <b>Zoom Level 15</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning – General Residential</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	Land is not too steep for use as public open space and in conjunction with crown land to the north, forms a continuous corridor of public land that could be used to create pathways to connect residents with the foreshore multi use track around Georges Bay. Additionally the site has natural values. The land is important riparian vegetation corridor which reduces sediment and pollutants from stormwater entering Georges Bay. Land should remain Open Space Zone	
<b>Planning Authority response</b>	Consistency Overview:	
	NTRLUS	<input checked="" type="checkbox"/> Local Strategy / Policy
	Section 8A Guideline No.1	<input checked="" type="checkbox"/> Relate to the drafting / content of the SPP?
	TPC Practice Notes	<input checked="" type="checkbox"/> Reflect a like for like conversion of the IPS?
	Response: The land was identified within the Land Use and Development Strategy 2015 as land for disposal. Since that recommendation, the land has been identified as important for stormwater and overland flow management. The land has further been identified as providing a corridor of government land extending to Georges Bay that forms an important role in overland flow management. The natural values of the site are also further recognised. The land is recommended to remain within the Open Space Zone.	

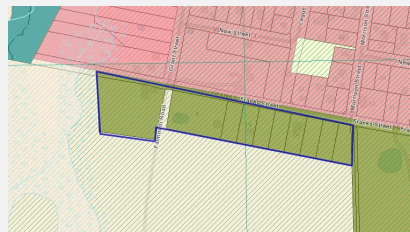
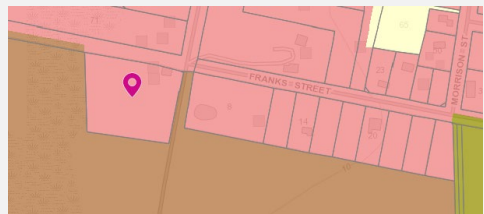


	
<b>Recommended action</b>	Recommended modification to draft LPS; <ul style="list-style-type: none"> <li>Apply the Open Space Zone to CT141663/9</li> </ul>
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole as the landowner is supportive of the recommended change.


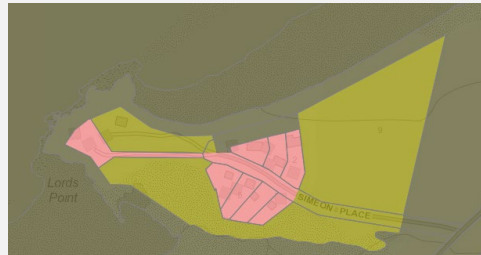
<b>Representation No. 81 Item 14</b>	<b>Name:</b> North East Bioregional Network (NEBN) <b>Address:</b> Title Reference: CT129825/1, CT159724/101, CT176276/920 (partial), CT161875/1, CT159724/17, CT161875/18, CT167461/36, CT170174/35, CT176275/34, CT176275/46, CT176275/45, CT176275/44, CT176275/43, CT172882/42, CT176275/41, CT176275/40, CT169339/39, CT169339/38, CT159724/37, CT159724/15, CT159724/16, CT159725/14, CT159724/13, CT167461/12, CT170985/11,CT159724/100 <b>PID:</b> - <b>Land Area:</b> - <b>IPS Zoning:</b> Environmental Living	
<b>Mapping Zoom Level 15</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning – General Residential</b>

Matter(s) raised in the representation (including property information details where applicable)	The site has natural values and restrictions on density need to be placed over the land to minimise the impacts from urban run off / stormwater. As such retain LCZ zoning and apply NEBN SAP development controls over the land.			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy	<input checked="" type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<p>Response:</p> <p>The rezoning boundary is based on the approved DA (432-2003) for an 83 Lot Subdivision and is further supported in the Strategy. The Land Use and Development Strategy 2015 details - <i>On completion of the subdivision of land around Winifred Drive in accordance with the existing development approval, the land should be rezoned to General Residential to reflect its current and future use.</i> The Strategy identifies the lots within Future Urban Growth / Settlement Boundary. Proposed rezoning to the GRZ is consistent with GRZ 1, GRZ 2 and GRZ 3 and is considered to be the most appropriate zone given the approved subdivision, the removal of the ELZ and that the site is serviced.</p> <p>The balance of the site, to the east along the foreshore, which is within the ELZ is to be rezoned to the EMZ.</p>			
				
Recommended action	No modification to the draft LPS			

<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.
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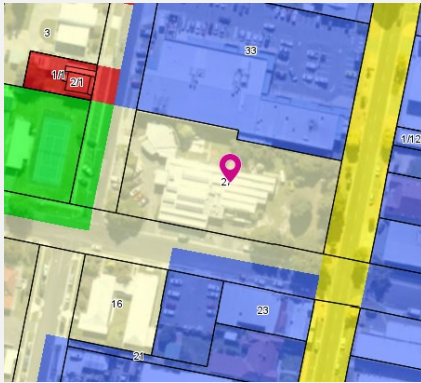
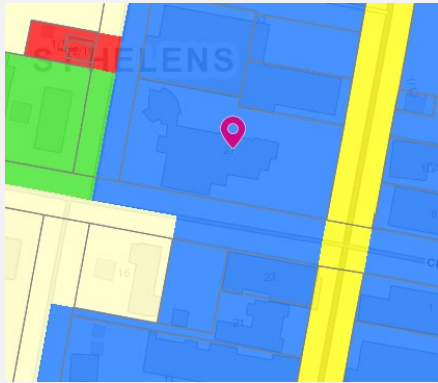
Representation No. 81 Item 15	<b>Name: North East Bioregional Network (NEBN)</b> <b>Address: Falmouth</b> <b>Title Reference: CT136081/1, CT149067/21, CT149067/22, CT149067/23, CT149067/24, CT149067/25, CT149067/26, CT149067/27, CT149067/28, CT168325/4</b> <b>PID: -</b> <b>Land Area: -</b> <b>IPS Zoning: Environmental Living</b>			
Mapping Zoom Level 15				
	Site Location		Draft LPS Zoning – Low Density Residential Zone	
Matter(s) raised in the representation (including property information details where applicable)	As noted on page 84 of this report the Low Density Residential Zone “would allow for further development and densification of these sites which could result in changing of their intrinsic value”. As such LDRZ is not appropriate for Falmouth. Restrictions on subdivision, multiple dwellings and strata need to be put in place to protect the character and amenity of Falmouth and also to ensure stormwater and waste water can be sustainably managed.			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy	<input checked="" type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response: The majority of the unserviced lots have a land area of less than 1800 m <sup>2</sup> . Density achieved on each lot will continue to be managed by the planning instruments and are largely restricted by the ability to provide onsite wastewater management. Strata development is exempt from planning scheme and managed under alternate legislation. Development standards within the Low Density Residential Zone are contained within the State Planning Provisions and do not form part of this consultation process. The LDRZ is considered to be the most logical zone given the removal of the ELZ, the lot sizes and the surrounding development pattern. Further, the sites are not serviced and are not identified within the Strategy’s Future Urban Growth / Settlement Boundary. The rezoning to the LDRZ is consistent with LDRZ 1, LDRZ 2, LDRZ 3 and LDRZ 4. The rezoning is supported by the Strategy which details - Land directly south of the Village currently zoned Environmental Living and			

	already subdivided into allotments generally 1500-1800m <sup>2</sup> should be rezoned to Low Density Residential to reflect the current and future use.
<b>Recommended action</b>	No modification to the draft LPS.
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.

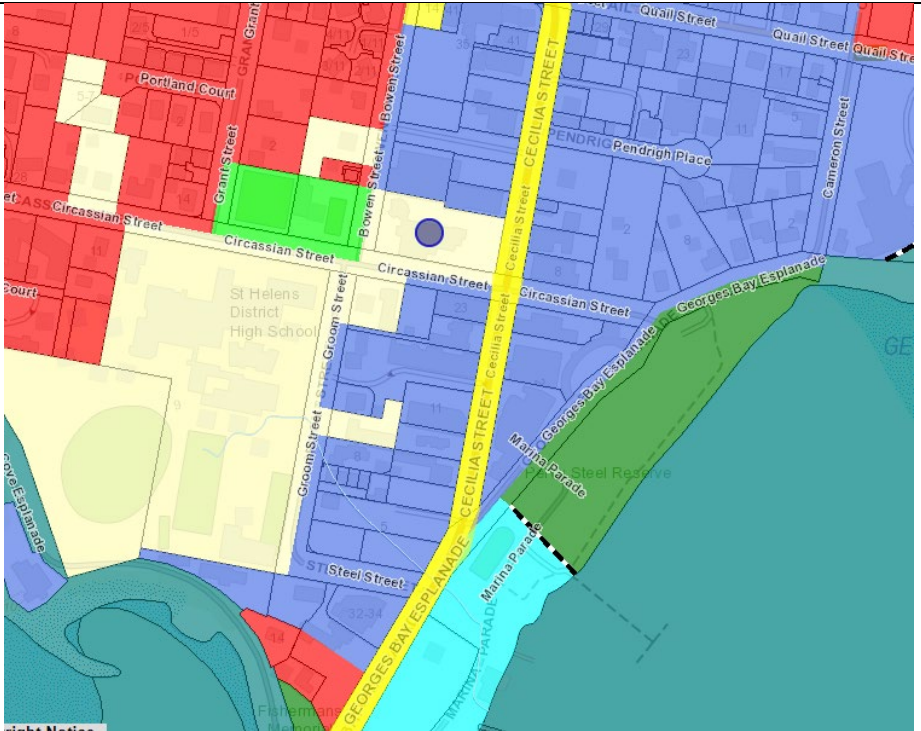
<b>Representation No. 81 Item 16</b>	<b>Name:</b> North East Bioregional Network (NEBN) <b>Address:</b> Akaroa <b>Title Reference:</b> CT54668/3, CT65776/4, CT54668/5, CT54668/6, CT32060/3, CT64450/8, CT64450/1, CT64450/2 <b>PID:</b> - <b>Land Area:</b> - <b>IPS Zoning:</b> Environmental Living			
<b>Mapping Zoom Level 15</b>				
	<b>Site Location</b>		<b>Draft LPS Zoning – Low Density Residential</b>	
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	Land is vulnerable to sea level rise and should be zoned EMZ or LCZ. Lots are scenically and ecologically sensitive being surrounded by the St Helens Point Conservation Area. LDRZ is not fit for purpose for controlling development and density in ecologically sensitive areas.			
<b>Planning Authority response</b>	Consistency Overview:			
	NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	Response: The LDRZ is most practical zone given the removal of the ELZ and the existing and surrounding development pattern. This zoning is consistent with the Guideline and the sites are not serviced, unlike other residential land in Akaroa. The adjoining land within the ELZ all forms part of one title and holds natural values. Given the majority of this land is undeveloped, highly vegetated and includes the foreshore, the LCZ is to be applied. Rezoning of highlighted sites to the LDRZ is consistent with LDRZ 1, LDRZ 2, LDRZ 3 and LDRZ 4. Further the LCZ is not considered appropriate for the highlighted titles.			
<b>Recommended action</b>	No modification to the draft LPS.			

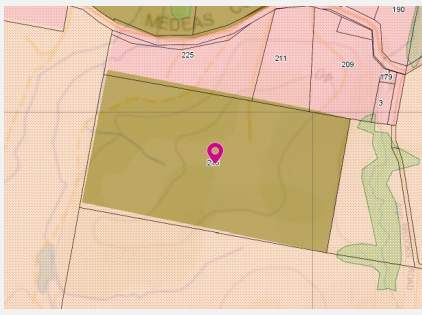
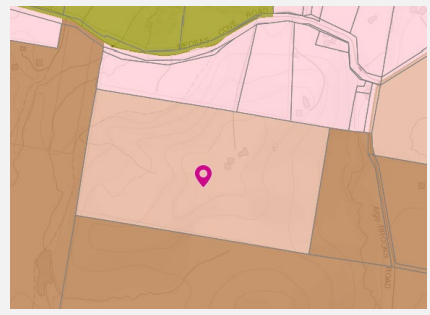


<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.
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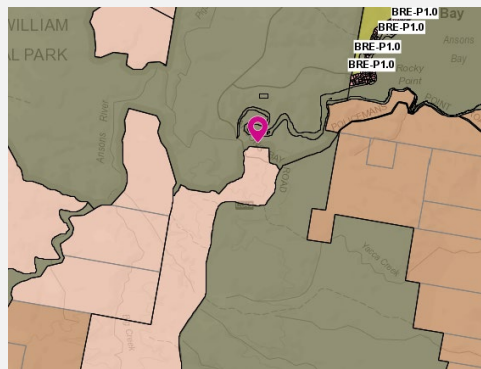
<b>Representation No. 81 Item 17</b>	<b>Name: North East Bioregional Network (NEBN)</b> <b>Address: 27 Cecilia Street, St Helens</b> <b>Title Reference: 147446/1</b> <b>PID: 6793371</b> <b>Land Area: 3951 m<sup>2</sup></b> <b>IPS Zoning: Community Purpose</b>			
<b>Mapping Zoom Level 15</b>				
	<b>Site Location</b>		<b>Draft LPS Zoning - General Business</b>	
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	Part of the site, the grassed and landscaped area fronting Cecilia St should be zoned Open Space.			
<b>Planning Authority response</b>	Consistency Overview:			
	NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy	<input checked="" type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<b>Response:</b> The site identified is the former hospital site in St Helens. The hospital has since been relocated and as such it is appropriate for the site to be rezoned from the CPZ to the GBZ. This rezoning will allow for continuation of GBZ along Cecilia Street, allow for future use and development of the site, and a consolidation of business activity to the central area of St Helens. The rezoning is in accordance with GBZ 1 and GBZ 2. CPZ not considered to be appropriate for site. The Percy Steel Reserve is in close proximity to the business district and provides for open space.			

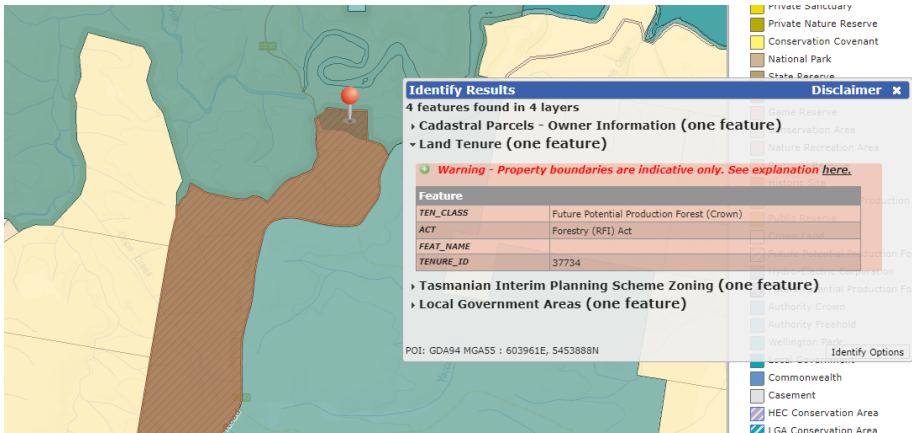


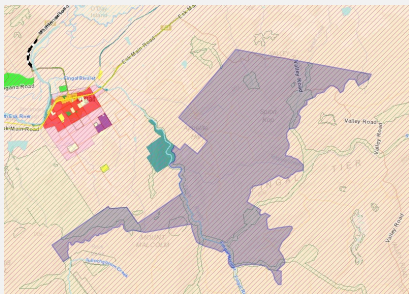
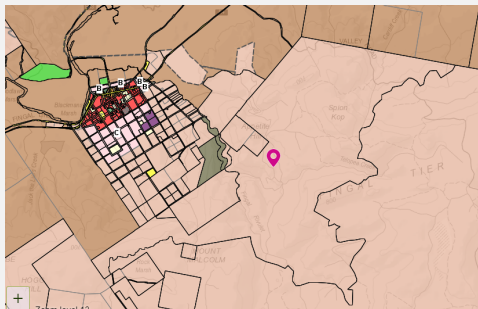
	
<b>Recommended action</b>	No modification to the draft LPS
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.

<b>Representation No. 81 Item 18</b>	<b>Name:</b> North East Bioregional Network (NEBN) <b>Address:</b> 215 Medeas Cove Road, St Helens <b>Title Reference:</b> 121458/1 <b>PID:</b> 7616430 <b>Land Area:</b> 18.7 hectares <b>IPS Zoning:</b> Environmental Living	
<b>Mapping Zoom Level 15</b>		
	<b>Site Location</b>	<b>Draft LPS Zoning - Rural</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	The land still has a significant amount of native vegetation cover on it so is more suited to Landscape Conservation Zone than Rural Zone.	

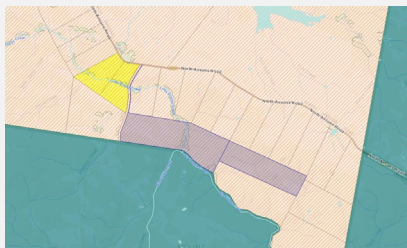
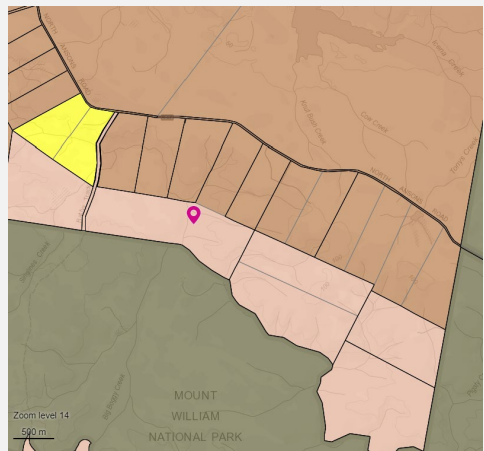
<b>Planning Authority response</b>	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<p>Response:</p> <p>The title is within the ELZ of the interim planning scheme and located outside of the Future Urban Growth / Settlement Boundary within the Strategy. Land to the east, west and south all identified for AZ within the Mapping Project. However, given on ground features and topography as well as proximity to GRZ land (to the east) it has been determined these sites are more suitable for RZ. As such, highlighted title is also to transition to RZ. This application is consistent with RZ 1, RZ 2 and RZ 3.</p>			
<b>Recommended action</b>	No modification to the Draft LPS			
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.			

Representation No. 81 Item 19	Name: North East Bioregional Network (NEBN) Address: The Gardens Title Reference: - PID: 6807980 Land Area: 3943 hectares approximately IPS Zoning: Split Zoned Rural Resource Zone and Environmental Management			
Mapping Zoom Level 15				
	Site Location		Draft LPS Zoning – EMZ & Rural	
Matter(s) raised in the representation (including property information details where applicable)	Maintain EMZ zoning.			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>




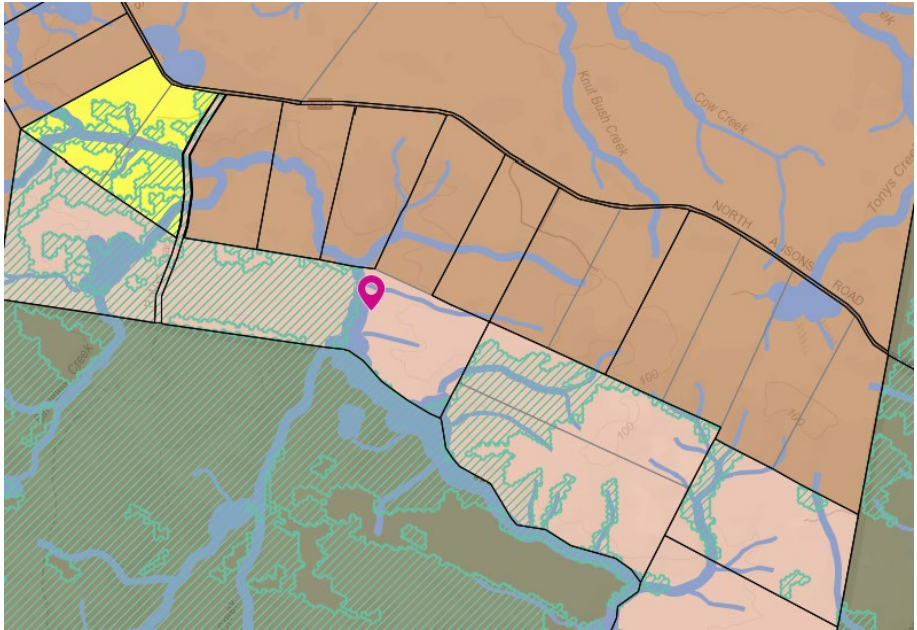
	<p>Response:</p> <p>The large land holding, owned by the Crown is identified as Future Potential Production Forest and this tenure covers the entire title.</p>  <p>Council retains its position to rezone the small portion at the northern end of the site from EMZ RZ to remove split zoning. The rezoning is consistent with RZ1.</p>
<b>Recommended action</b>	No modification to the draft LPS.
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.

<b>Representation No. 81 Item 20</b>	<p><b>Name: North East Bioregional Network (NEBN)</b></p> <p><b>Address: Esk Main Road, Fingal</b></p> <p><b>Title Reference:</b></p> <p><b>PID: 3384177</b></p> <p><b>Land Area: 1826 hectares approximately</b></p> <p><b>IPS Zoning: Rural Resource Zone</b></p>						
<b>Mapping Zoom Level 15</b>							
	<b>Site Location</b>	<b>Draft LPS Zoning - Rural</b>					
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	All FPPF land should be zoned EMZ.						
<b>Planning Authority response</b>	<p>Consistency Overview:</p> <table> <tr> <td>NTRLUS</td> <td><input checked="" type="checkbox"/></td> <td>Local Strategy / Policy</td> <td><input checked="" type="checkbox"/></td> </tr> </table>			NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy	<input checked="" type="checkbox"/>
NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy	<input checked="" type="checkbox"/>				



	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<p>Response:</p> <p>The site is identified as Future Potential Production Forest (Crown - FPPF Land). The conversion of the land to Permanent Timber Production Zone Land (PTPZ Land) requires an explicit order moved and accepted in both Houses of Parliament at which time the views of industry and other key stakeholders in relation to the merit of the change are considered. The mapping project for the Agricultural Zone excluded certain land use such as forestry in their analysis which was better suited to the Rural Zone as a strategically important naturally occurring resource. Accordingly the land has been identified in the Rural Zone in the draft LPS. Additionally the land supports mining lease 1653P/M. The application of the Rural Zone ensures the Priority Vegetation Area Overlay is considered.</p>			
<b>Recommended action</b>	No modification to the Draft LPS.			
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.			

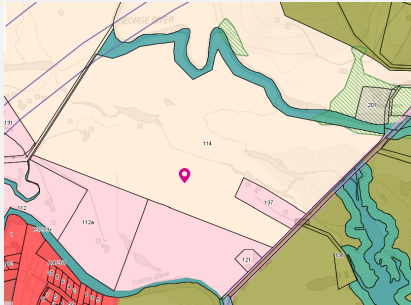
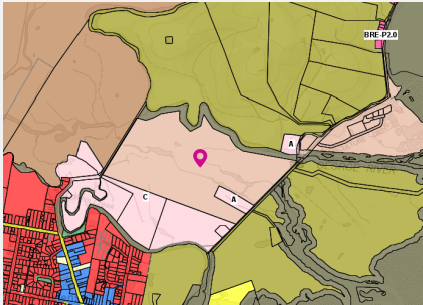
<b>Representation No. 81 Item 21</b>	<b>Name: North East Bioregional Network (NEBN)</b> <b>Address: 1284 North Ansons Road, Ansons Bay &amp; North Anson Road, Ansons Bay</b> <b>Title Reference: CT11915/32 &amp; 11914/31</b> <b>PID: 9287514 &amp; 1876354</b> <b>Land Area:</b> <b>IPS Zoning: Rural Resource</b>			
<b>Mapping Zoom Level 15</b>				
	<b>Site Location</b>		<b>Draft LPS Zoning - Rural</b>	
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	If the land has topographical constraints, extensive areas of native vegetation and is priority vegetation it should not be zoned Rural. Should be zoned Landscape Conservation Zone.			
<b>Planning Authority response</b>	Consistency Overview:			
	<b>NTRLUS</b>	<input type="checkbox"/>	<b>Local Strategy / Policy</b>	<input type="checkbox"/>



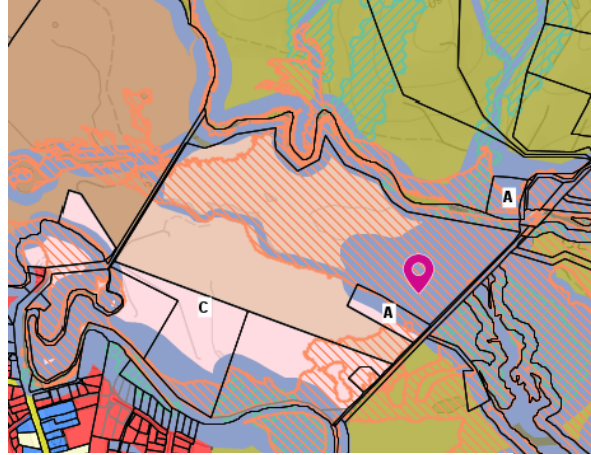
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<p>Response:</p> <p>The sites are partially affected by mapping Potential Agricultural Land Initial Analysis and converted to potentially unconstrained land potentially suitable for agriculture zone.</p>  <p> Potentially Unconstrained     Potential Agricultural Land - Initial Analysis</p> <p>The two titles were excluded from the Agriculture Zone due to areas of native vegetation identified as priority habitat.</p> 			



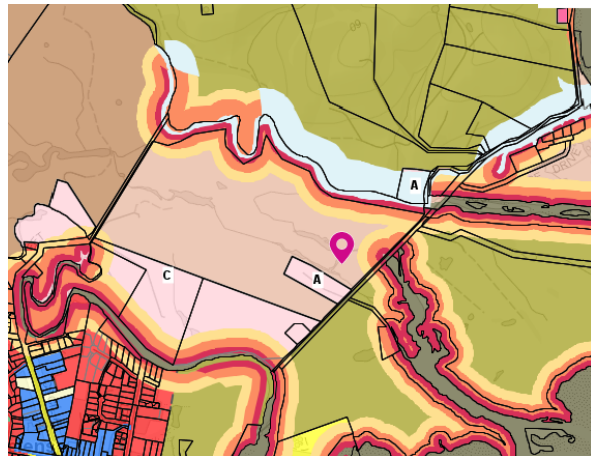
	<p> <b>Priority Vegetation Area</b></p> <p> <b>Waterway and Coastal Protection</b></p> <p>The application of the Rural Zone allows the Natural Assets Code to be considered as well as uses suitable within the Rural Zone. The application of the Rural Zone is consistent with AZ6, RZ1, RZ2 and RZ3 in the Guideline.</p>
<b>Recommended action</b>	No modification to the Draft LPS
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.

<b>Representation No. 81 Item 22</b>	<b>Name: North East Bioregional Network (NEBN)</b> <b>Address: 114 Cecilia Street, St Helens</b> <b>Title Reference: 29213/2</b> <b>PID: 7484992</b> <b>Land Area: 39 hectares approximately</b> <b>IPS Zoning: Rural Resource</b>			
<b>Mapping Zoom Level 15</b>				
	<b>Site Location</b>		<b>Draft LPS Zoning - Rural</b>	
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	The title has some land mapped as Saltmarsh. In addition much of the northern half of the title is subject to sea level rise. Recommend that the northern half of the title be zoned EMZ in recognition of the need to provide inundation pathways and to protect saltmarsh which will expand in this area in the next few decades.			
<b>Planning Authority response</b>	<b>Consistency Overview:</b>			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<b>Response:</b> The draft LPS has identified the title as more appropriately zoned Rural Zone given the lack of agricultural viability of the land, existing uses and surrounding development pattern. The site is affected by:			






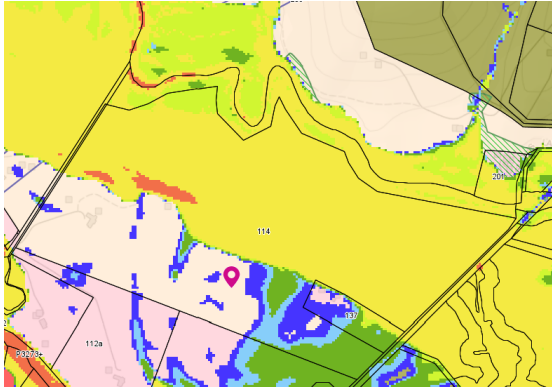






- Future Coastal Refugia Area (potential future coastal saltmarsh and tidal wetland habitat areas);
- Waterway and Coastal Protection Areas
- Coastal Erosion Hazard Code;
- Coastal Inundation Hazard Code;
- Flood Prone Areas (Council's most recent mapping)



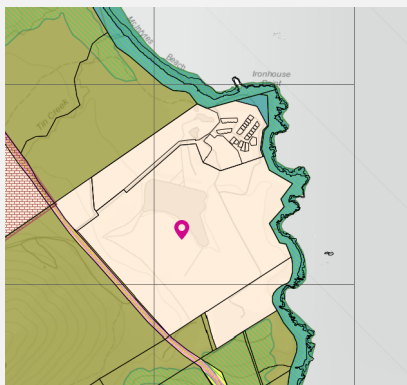
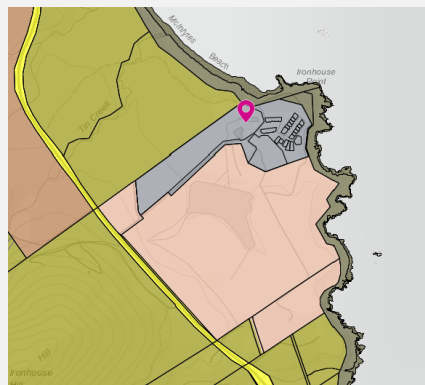
- Waterway and Coastal Protection
- Future Coastal Refugia Area



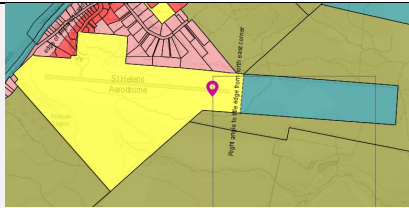
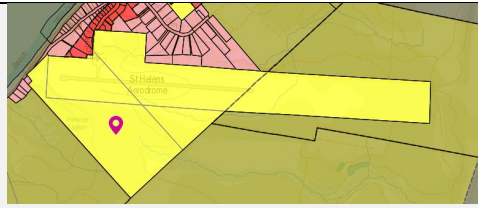
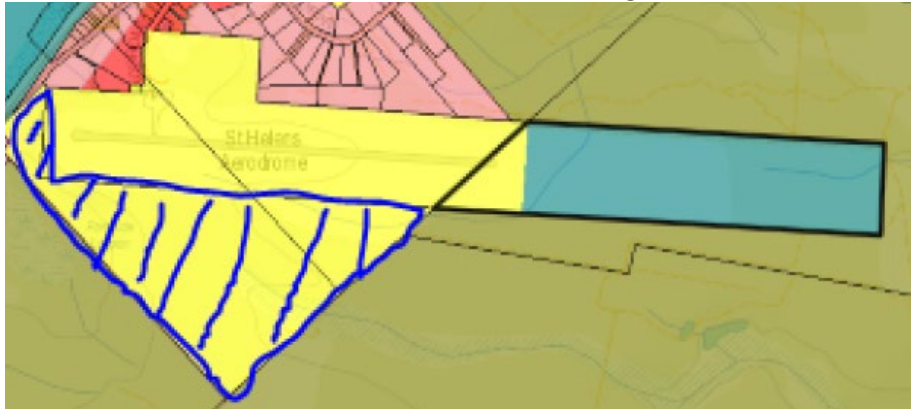
- High coastal erosion hazard band
- Medium coastal erosion hazard band
- Low coastal erosion hazard band

	 <p>  High coastal inundation hazard band   Medium coastal inundation hazard band   Low coastal inundation hazard band </p> <p>  Mun. Flood Hazard 1% AEP </p>  <p>  H1   H2   H3   H4   H5   H6 </p> <p>In accordance with Guideline No 1, the Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area. The lot is severely constrained and the application of the Rural Zone will enable these constraints to be considered in terms of use and development.</p>
<b>Recommended action</b>	No modification to the draft LPS.
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.

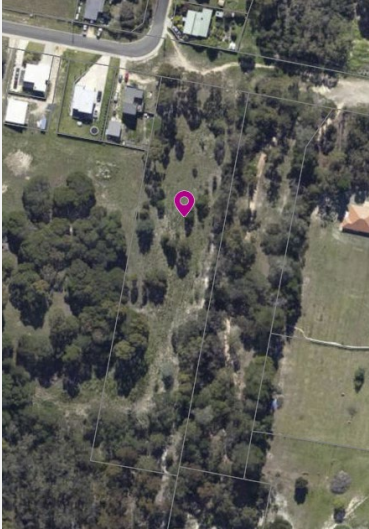
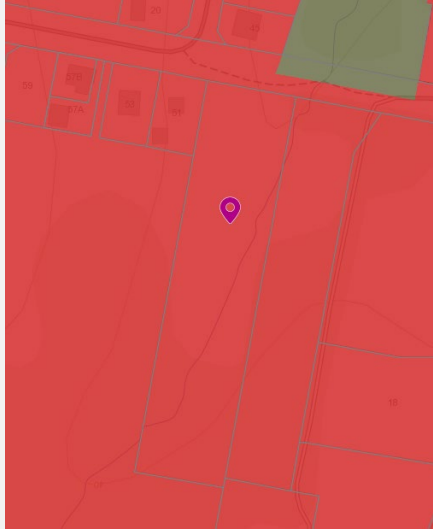
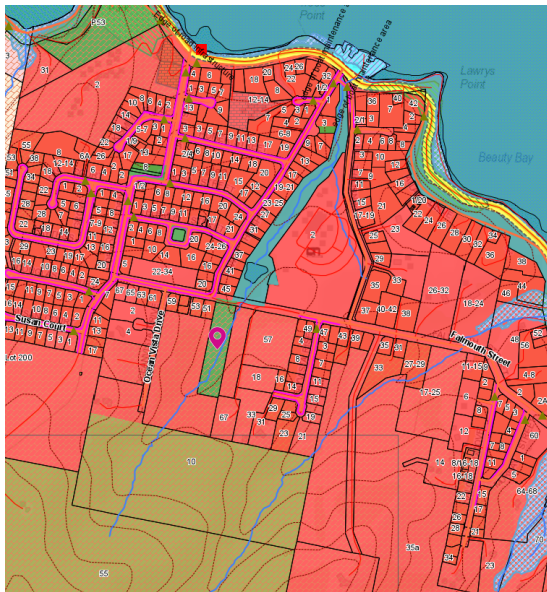
<b>Representation No. 81</b> <b>Item 23</b>	<b>Name:</b> North East Bioregional Network (NEBN) <b>Address:</b> 21554 Tasman Highway & 21603 Tasman Highway, Four Mile Creek <b>Title Reference:</b> 123961/2 & 173576/1 <b>PID:</b> 7896639 & 3526542 <b>Land Area:</b> -
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		<b>IPS Zoning: Rural Resource</b>		
<b>Mapping</b> <b>Zoom Level 15</b>				
	<b>Site Location</b>		<b>Draft LPS Zoning - Rural</b>	
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>The land in question has been cleared of virtually all native vegetation and trellis for the establishment of further vineyards Is being constructed now. As such the land should be zoned Agriculture consistent with the vineyard on the western side of the roads zoning.</p> <p>Additionally:</p> <p>Major Tourism Zone provides very little protection from over development. Our preference would be that the MTZ be scrapped altogether as it is too loose to provide for proper planning controls. It should be limited to the current development footprint.</p>			
<b>Planning Authority response</b>	<b>Consistency Overview:</b>			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<p><b>Response:</b></p> <p>The titles have been determined to not be suitable for the AZ and more suitably zoned Rural due to the adjacent Major Tourism Zone (Iron House Brewery, Distillery, Vineyard and Visitor Accommodation) and consequently the RZ enabling a broader range of uses to occur adjacent to this major tourism use that potentially complement this use.</p> <p>The Major Tourism Zone has been applied in accordance with Guideline No1, MTZ 1 and MTZ 2.</p>			
<b>Recommended action</b>	No modification to the draft LPS.			
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.			


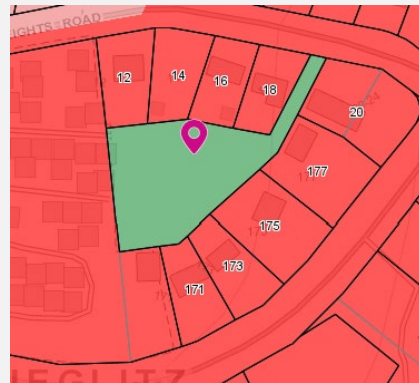
<b>Representation No. 81 Item 24</b>	<b>Name: North East Bioregional Network (NEBN)</b> <b>Address: 21 Aerodrome Rd, Stieglitz</b> <b>Title Reference: CT214209/1</b> <b>PID: 3221175</b> <b>Land Area: -</b> <b>IPS Zoning: Utilities</b>

Mapping Zoom Level 15				
	Site Location		Draft LPS Zoning - Utilities	
Matter(s) raised in the representation (including property information details where applicable)	<p>Hatched area should be zoned Environmental Management Zone.</p>  <p>Contains botanically rich high quality heathland and healthy forest/woodland in good ecological condition with excellent New Holland Mouse habitat and also forms part of the catchment for the RAMSAR listed Jocks Lagoon wetland.</p>			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>
	Section 8A Guideline No.1	<input type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<p>Response:</p> <p>The hatched area is currently zoned Utilities and is proposed to transition to the Utilities zone within the draft LPS and is subject to a Specific Area Plan – Safeguarding St Helens Aerodrome. The land area subject to the representation relates to the airport and supports the future operational safety of the airport and any potential expansion. This directly relates to social and economic benefits for the municipal area.</p>			
Recommended action	No modification to the draft LPS			
Effect of recommendation on the draft LPS	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.			

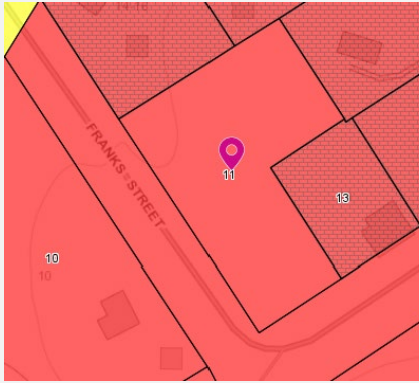
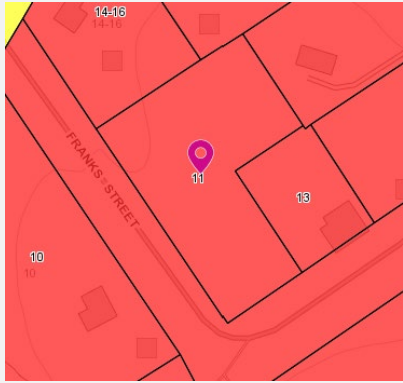


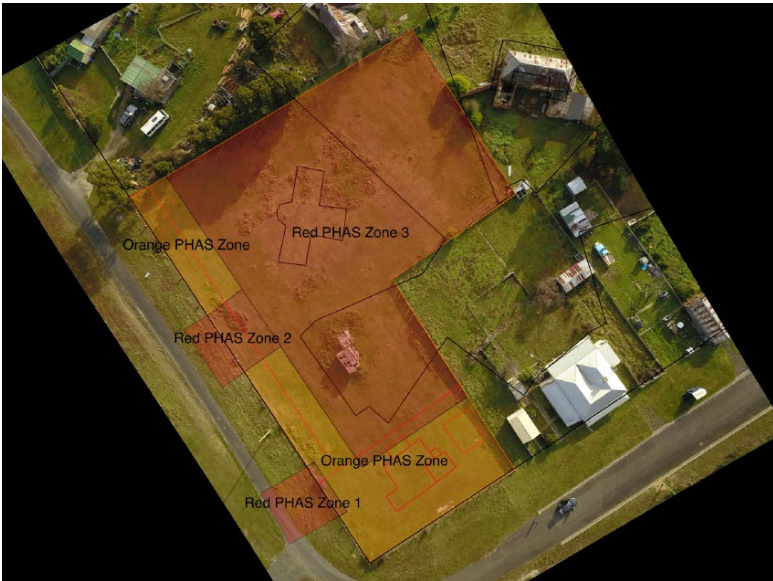

<b>Representation No. 82 Item 1 a)</b>	<b>Name: Break O'Day Council</b> <b>Address: Lawry Heights, St Helens</b> <b>Title Reference: 141663/9</b> <b>PID: 2503461</b> <b>Land Area: 9864 m<sup>2</sup></b> <b>IPS Zoning: Open Space</b>	
<b>Mapping Zoom Level 15</b>		
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<b>Site Location</b>	<b>Draft LPS Zoning – General Residential</b>
	<p>Council had initially identified the site for disposal. The draft LPS recommends the rezoning of the site to GRZ based on the Land Use and Development Strategy 2015 recommendations. However the site supports a mapped watercourse and is an important component of the management of overland flow in the area. Maintaining the site as Open Space provides an opportunity to maintain a corridor of public land extending to Georges Bay and examine further opportunities for stormwater management, overland flow and wildlife corridor planning within the catchment. Additionally, the site does not have access to a formed Council maintained road.</p> 	

	<p> <span style="color: blue;">—</span> Waterways           <span style="color: teal;">■</span> 29.0 Environmental Management           <span style="color: green;">■</span> 19.0 Open Space         </p> <p>The site is recommended to remain within the Open Space Zone within the draft LPS.</p>			
Planning Authority response	Consistency Overview:			
	NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy	<input checked="" type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input checked="" type="checkbox"/>
	<p>Response:</p> <p>OSZ1 states that the Opens Space Zone should be applied to land that provides or is intended to provide for the open space needs of the community, including land identified for passive recreational opportunities or natural or landscape amenity within an urban setting.</p> <p>The site is currently included in the Open Space Zone under the IPS.</p>			
Recommended action	<p>Modification to the draft LPS to</p> <ul style="list-style-type: none"> <li>apply the Open Space Zone to CT141663/9</li> </ul>			
Effect of recommendation on the draft LPS	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.			

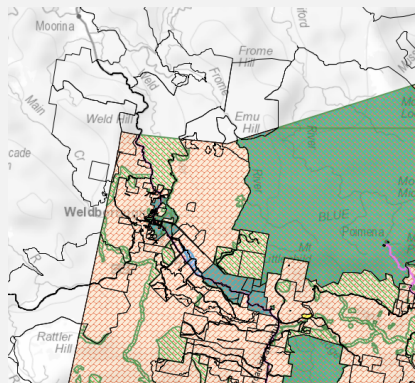
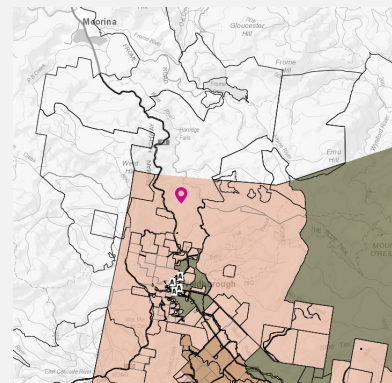
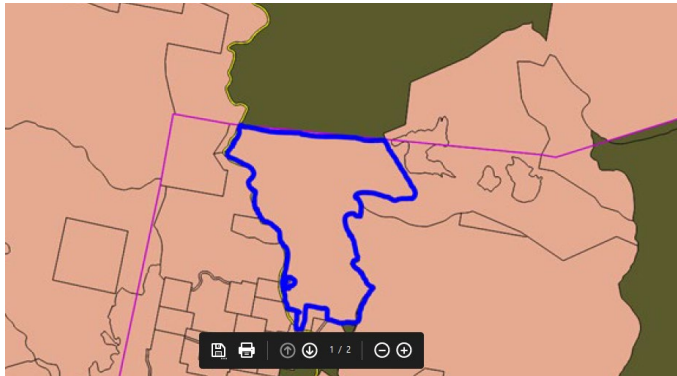
Representation No. 82 Item 1 b)	Name: Break O’Day Council Address: Chimney Heights Road, Stieglitz Title Reference: 8489/53 PID: 2571923 Land Area: 2692 m <sup>2</sup> IPS Zoning: Open Space				
Mapping Zoom Level 15					
	Site Location		Draft LPS Zoning		
Matter(s) raised in the representation (including property information details where applicable)	The Land Use and Development Strategy (2015) identifies the land as an internal lot serviced by an access handle which significantly reduces its level of visibility and useability for open space purposes. The strategy recommends that the park is disposed of and the funds utilised to upgrade other park facilities.				
Planning Authority response	Consistency Overview:				
	NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy		<input checked="" type="checkbox"/>

	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
	<p>Response:</p> <p>GRZ1 of Guideline No. 1 states the General Residential Zone should be applied to the main urban residential areas within each municipal area which are connected to a reticulated water supply service and a reticulated sewerage system. The site is identified in ListMap as Full Service (Water Service Land and Sewer Service Land). The land is not required for Public Open Space.</p>			
<b>Recommended action</b>	Discussion with the Tasmanian Planning Commission regarding the appropriate course of action with the aim of rezoning the parcel of land to General Residential Zone. Noting this parcel of land was not included in the exhibition of the draft LPS.			
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.			

<b>Representation No. 82 Item 2 Heritage Tasmania</b>	<b>Name: Break O'Day Council</b> <b>Address: 11 Russell Street, Fingal</b> <b>Title Reference: 229216/5</b> <b>PID: 6411863</b> <b>Land Area: 5191 m<sup>2</sup></b> <b>IPS Zoning: General Residential Zone</b>		
<b>Mapping Zoom Level 15</b>			
	<b>Site Location</b>		<b>Draft LPS Zoning – General Residential Zone</b>
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	<p>In the course of assessing Development Application 335-2021, Council became aware of heritage issues associated with the site. The site is not affected by the Heritage Overlay and is a vacant lot. Surrounding properties are affected by the Heritage Overlay and relate to the Fingal Probation Station (Pl. Id. 10256). Three buildings associated with the station are still extant in the area, however none of these buildings are located on the site. The site does however support archaeological remains for the station building itself. Additionally an unknown structure and a well are located on the western boundary. Whether the site contains other materials, is not known. High Potential Archaeological Sensitivity and Medium Potential Historical Archaeological Sensitivity sites have been identified.</p>		

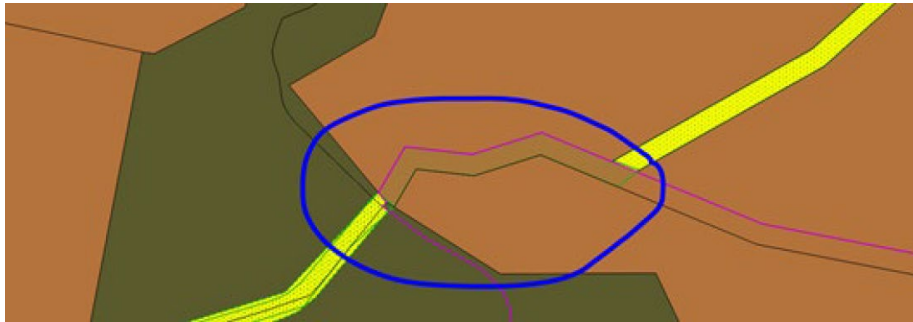
	<div><div><p>Fingal Probation Station PHAS Zones</p><p>Red - High Potential Historical Archaeological Sensitivity</p><p>Orange - Medium Potential Historical Archaeological Sensitivity</p><p>For: Ruth Miller</p><p>Compiled by: Darren Watton using QGIS</p><p>Datum: GDA94, Zone 55</p><p>Date: 30/07/2021</p></div></div> <p>A monitoring plan has been developed for the site. The location of the unknown structure and the potential well are potentially contained within the site including other possible archaeological features. The report concluded that the site is considered to be very highly significant archaeologically with high archaeological potential. The site is being monitored.</p>												
Planning Authority response	<div>Consistency Overview:</div> <table><tr><td>NTRLUS</td><td><input checked="" type="checkbox"/></td><td>Local Strategy / Policy</td><td><input type="checkbox"/></td></tr><tr><td>Section 8A Guideline No.1</td><td><input checked="" type="checkbox"/></td><td>Relate to the drafting / content of the SPP?</td><td><input type="checkbox"/></td></tr><tr><td>TPC Practice Notes</td><td><input type="checkbox"/></td><td>Reflect a like for like conversion of the IPS?</td><td><input type="checkbox"/></td></tr></table> <div>Response: LHHC2 of Guideline No. 1 states that if the planning authority has within its municipal area a place of archaeological potential, the LPS must include an overlay map showing these places for application of the code. The Break O’Day Council has received a Notice of Interest from the Tasmanian Heritage Council.  PLANNING REF: DA 335-2021 THC WORKS REF: #6834 REGISTERED PLACE NO: #10256 FILE NO: 10-65-56THC</div>	NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>	TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>
NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy	<input type="checkbox"/>										
Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>										
TPC Practice Notes	<input type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input type="checkbox"/>										
Recommended action	<div>Modification of the draft LPS:</div> <ul style="list-style-type: none"><li>CT229216/5 to be included within the Place or precinct or archaeological potential (Red 233, Green 163, Blue 201).</li><li>The addition is to be contained within the overlay map showing local heritage places for the application of the Local Historic Heritage Code.</li></ul>												
Effect of recommendation on the draft LPS	<p>The Planning Authority recommendation has no impact on implementing the draft LPS as a whole as the landowner is aware of the heritage potential of the site due to the lodgement of the development application.</p>												



<div>Representation No. 82 Item 3</div>	<div>Name: Break O'Day Council Address: - Title Reference: - PID: West of PID3385006 Land Area: - IPS Zoning: Rural Resource Zone</div>														
<div>Mapping Zoom Level 15</div>	<div><div></div><div></div><div><div>Site Location</div><div>Draft LPS Zoning - Rural</div></div></div>														
<div>Matter(s) raised in the representation (including property information details where applicable)</div>	<div>The extent of the Frome Regional Reserve, situated within the Break O'Day Local Government area, had been incorrectly zoned Agriculture within the draft LPS. The extent contained within the Break O'Day Council area should similarly be zoned Environmental Management within the draft LPS.</div> <div></div>														
<div>Planning Authority response</div>	<div><div>Consistency Overview:</div><table><tr><td>NTRLUS</td><td><input checked="" type="checkbox"/></td><td>Local Strategy / Policy</td><td><input checked="" type="checkbox"/></td></tr><tr><td>Section 8A Guideline No.1</td><td><input checked="" type="checkbox"/></td><td>Relate to the drafting / content of the SPP?</td><td><input type="checkbox"/></td></tr><tr><td>TPC Practice Notes</td><td><input checked="" type="checkbox"/></td><td>Reflect a like for like conversion of the IPS?</td><td><input checked="" type="checkbox"/></td></tr></table><div>Response: A correction is to be made to the draft LPS to include the land parcel (Frome Regional Reserve) within the Environmental Management Zone. EMZ1 of Guideline No. 1 states that the EMZ should be applied to land with significant ecological, scientific, cultural or scenic values such as land reserved under the Nature Conservation Act 2002. The recommendation is in line with the Guideline.</div></div>			NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy	<input checked="" type="checkbox"/>	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input checked="" type="checkbox"/>
NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy	<input checked="" type="checkbox"/>												
Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>												
TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input checked="" type="checkbox"/>												



<b>Recommended action</b>	Modification of the draft LPS: <ul style="list-style-type: none"> <li>to include that portion of the Frome Regional Reserve within the Environmental Management Zone of the Draft LPS.</li> </ul>
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.

<b>Representation No. 82 Item 4</b>	<b>Name:</b> Break O’Day Council <b>Address:</b> Musselroe Road <b>Title Reference:</b> <b>PID:</b> <b>Land Area:</b> <b>IPS Zoning:</b>			
<b>Mapping Zoom Level 15</b>	Various		Various	
	<b>Site Location</b>		<b>Draft LPS Zoning</b>	
<b>Matter(s) raised in the representation (including property information details where applicable)</b>	A small section of Musselroe Road is contained within the Break O’Day local government area that does not continue the Utilities zoning.			
	 <p>This section of state road should continue with compatible zoning “Utilities”.</p>			
<b>Planning Authority response</b>	Consistency Overview:			
	NTRLUS	<input checked="" type="checkbox"/>	Local Strategy / Policy	<input checked="" type="checkbox"/>
	Section 8A Guideline No.1	<input checked="" type="checkbox"/>	Relate to the drafting / content of the SPP?	<input type="checkbox"/>
	TPC Practice Notes	<input checked="" type="checkbox"/>	Reflect a like for like conversion of the IPS?	<input checked="" type="checkbox"/>
	Response: An amendment to the zoning and mapping is recommended to ensure a continuity of the Utilities zone within this area.			
<b>Recommended action</b>	Modification of the draft LPS: <ul style="list-style-type: none"><li>to include that portion of Musselroe Road within the Utilities zone of the draft LPS.</li></ul>			
<b>Effect of recommendation on the draft LPS</b>	The Planning Authority recommendation has no impact on implementing the draft LPS as a whole.			