

Local Provisions Schedule Supporting Report



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1. Introduction

This report supports the submission of the Southern Midlands draft Local Provisions Schedule (LPS) to the Tasmanian Planning Commission (the TPC) under section 35(1) of the *Land Use Planning and Approvals Act 1993* (“LUPAA”) for assessment as to whether it is suitable for approval by the Minister for exhibition, under to section 35B(4).

The report demonstrates that the draft LPS meets the LPS criteria as required by section 34(2).

1.1. Structure of this Report

In preparing the draft LPS it is necessary for Council Officers to provide this report to demonstrate the draft LPS is compliant and consistent with the requirements of LUPAA.

Many of the requirements are captured in the inherent basics of a Planning Scheme. For instance the LPS:

- Cannot stray beyond the powers already conferred on the Planning Authority by LUPAA
- Cannot include the regulation of matters outside of LUPAA or as otherwise excluded by Section 11 and 12 of LUPAA (former Section 20 of LUPAA).
- Must use a map to spatially allocate the zoning
- Written Ordinance must adhere to the Format and Structure of Planning Schemes per Planning Directive No.1 (February 2016)

The spatial application of the draft LPS zoning is generally guided by the document *Guideline No.1 Local Provisions Schedule (LPS): Zone and Code Application*, prepared by Tasmanian Planning Commission (June 2018) (“Guideline No.1”). This document is the formal guidance document approved by the Minister for Planning and Local Government under Section 8A of LUPAA. This document is included in this report as Appendix F. In following these guidelines Council can determine the acceptability of many zone changes and conversions and determine how these zones must be applied and presented. This also ensures that the zoning is presented consistently across the state (all Councils).

The following guidance documents, strategy, directives, legislative determinations, policy (supported by legislation) are at the core of the draft LPS:

- Guideline No.1,
- Series of Practice Notes prepared by TPC
- Minister’s Advisory Statements
- Guidance Documents and Mapping Projects (such as Agricultural Land Mapping and Natural Assets Code Mapping, Electricity Transmission line mapping, State Growth road Mapping)
- The transitional provisions of LUPAA,
- The State Template for the Format and Structure of Planning Schemes per Planning Directive No.1 (February 2016)
- Local Strategic Plans, Documents, Policy and Planning (also Local Master Plans and Structure Plans)
- Regional Land Use Strategy – *Southern Tasmanian Regional Land Use Strategy* (“STRLUS”) Strategic Work
- Departures from the Guideline No.1 supported by Local and Regional Strategy; or
- Matters which are inherently local in nature and can be a justified departure from the transitional provisions (such as Specific Area Plans or Site Specific Qualifications).

To effectively present the supporting information to the LPS, this report is broken into multiple sections. Each section provides a series of descriptors, assessment and compliance statements against the relevant provisions of LUPAA and the relevant supporting strategies and policies. There are also references to further supporting material and core documentation which have been included as a series of Appendices.

The report is structured as follows:

Part 1: Introduction

Part 2: Brief background to the Tasmanian Planning Scheme (and LPS)

Part 3: Overview of the Southern Midlands LPS

Part 4: Compliance of LPS against Section 34(s) of LUPAA.

Part 5: Zoning of Land

- a) Conversion of *Southern Midlands Interim Scheme 2015* Zoning to the SPP Zoning (like for like conversions)
- b) Zone Changes – departure from *Southern Midlands Interim Scheme 2015* and departures from the Guideline No.1

Part 6: Planning Codes

- a) Description and adoption of the SPP Codes

Part 7: Specific Area Plans, Site Specific Qualifications, and Particular Purpose Zones

Part 10: Appendices

- A. Draft Southern Midlands Local Provisions Schedule November 2018 V1.0 (Written Ordinance)
- B. Draft Southern Midlands Local Provisions Schedule Maps November 2018 V1.0 (The Maps and Overlays)
- C. Flow Chart of Process for assessment of LPS, prepared by Tasmanian Planning Commission (October 2017)
- D. Transitional Provisions and Advice from Planning Policy Unit
- E. Summary of the Regional Ecosystem Model of Tasmanian Biodiversity – Mapping of the Priority Vegetation Overlay (for the Natural Assets Codes), prepared by Rod Knight (February 2016)
- F. *Tasmanian Planning Scheme -Explaining the Priority Vegetation Area Overlay – the Regional Ecosystem Model* prepared by Meander Valley Council (May 2018)
- G. *Guideline No.1 Local Provisions Schedule (LPS): Zone and Code Application*, prepared by Tasmanian Planning Commission (June 2018)
- H. *Decision Tree and Guidelines for Mapping the Agriculture and Rural Zones*, prepared by Ak Consultants (May 2018)
- I. *Bushfire-Prone Areas Overlay Southern Midlands LGA Planning Report*, prepared by Tasmanian Fire Service, September 2018

1.2 Glossary

Below are a series of acronyms and definitions that appear regularly in this report:

LUPPA	<i>Land Use Planning and Approvals Act 1993</i>
SPP	State Planning Provisions
LPS	Local Provisions Schedule
SMIPS2015	The <i>Southern Midlands Interim Planning Scheme 2015</i> , which is the current planning scheme
1998 Scheme	The <i>Southern Midlands Planning Scheme 1998</i> , which was in place prior to the current SMIPS 2015
PPU	Planning Policy Unit, the department responsible for the SPPs
TPC	Tasmanian Planning Commission, the independent body responsible for approval of the SPP and LPS
RMPS	Resource Management and Planning System, the suite of legislation that governs resource management and includes LUPPA
STRLUS	<i>Southern Tasmanian Regional Land Use Strategy</i>

TPS	Tasmanian Planning Scheme (overall descriptor for the new planning scheme being both SPPs and LPSs)
The Minister	Minister for Planning and Local Government
SSQ	Site Specific Qualification (where there is a specific departure from the ordinary zone provisions i.e. allowing a particular use on a particular title which is not otherwise allowable in the zone)
PPZ	Particular Purpose Zone (A zone that is created to reflect unique social, economic or environmental values and supported by strategic planning)
SAP	Specific Area Plan (an overlay that is created to reflect unique social, economic or environmental values and supported by strategic planning)
REM	Regional Ecosystem Model (the mapping prepared by Rod Knight for the priority vegetation overlay)

2. Background

The Tasmanian Parliament enacted amendments to LUPAA in December 2015, to provide for a single statewide planning scheme for Tasmania, known as the Tasmanian Planning Scheme (“TPS”). The amendments to LUPAA are in effect a core component of implementing the State Governments Planning Reform Policy.

The Tasmanian Planning Scheme will consist of State Planning Provisions (“SPPs”) and Local Provisions Schedules (“LPSs”) for each municipal area

Declaration of State Planning Provisions

The SPPs were approved by the Minister for Planning and Local Government in February 2017.

They were approved following a legislated public exhibition process and series of hearings held by the TPC. This included a 60 day period, during which representations were invited. Southern Midlands Council made a submission in relation to the provisions dated 18th May 2016 and later attended the hearings.

The TPC received a total 294 representations during the exhibition period and a further nine late representations were accepted. A copy of these representations is available online at <http://iplan.tas.gov.au/Pages/XC.Track.Assessment/SearchAssessment.aspx?id=347>

The TPC submitted a report *Draft State Planning Provisions Report: A report by the Tasmanian Planning Commission as required under section 25 of the Land Use Planning and Approvals Act 1993* to the Minister on 9 December 2016. A full copy of the report is available online at <http://iplan.tas.gov.au/Pages/XC.Track.Assessment/SearchAssessment.aspx?id=347>

The Minister considered the report by the TPC along with further advice from the Planning Policy Unit and the Planning Reform Taskforce and declared the State Planning Provisions (SPPs) with some modifications on the 22 February 2017.

Post Approval Amendments to SPPs

In May 2018 a series of minor amendments to the SPPs were approved by the Minister. These amendments were intended to ensure the SPPs were consistent with the relevant Regional Land Use

Strategies, and also corrected a number of omissions, clerical type errors, or other inconsistencies.

The Minister deemed the modifications did not constitute a substantial change to the SPPs and therefore do not require re-exhibition.

3. Overview of Southern Midlands draft LPS

The content of the draft LPS is comprised of two (2) distinct parts:

- A. Zone and overlay maps; and
- B. The written ordinance

The overlay maps and zone maps spatially define the application of the zones, specific area plans and the applications of certain planning scheme codes. The mapped zones and codes are provided in the SPPs and are then applied by Council through the draft LPS maps.

The written ordinance contains a schedule of all those matters unique to each local Council. This includes the provisions for Specific Area Plans (SAPs), the schedule of Heritage Listed Places and Precincts, the Site Specific Qualifications (SSQs) and any local objectives and land use management prescriptives.

The written draft LPS ordinance is included as Appendix A and the Zone and Overlay maps are included as Appendix B with this report.

The bulk of the TPS is the SPPs as approved by the Minister in February 2017. In summary:

- the format and structure of the scheme
- the suite of zones
- the suite of codes
- the exemptions; and
- administration; including
- terminology, definitions, operation of the scheme; and
- the provisions determining how use and development is to be assessed.

As the SPPs have already been approved by the Minister (per separate formal exhibition and consultation in 2015 - 2017) and are not matters to be considered by Council or Community/stakeholders and TPC/Minister in the assessment of the draft LPS.

Many provisions, in the draft LPS, are similar to those found in the current *Southern Midlands Interim Planning Scheme 2015* (“SMIPS 2015”). Therefore most zoning and those allowable uses within the SPPs and draft LPS are similar to current use and development regulations.

The process of creating the draft LPS is largely a process of converting the current IPS provisions like for like or best fit. Where the translation is not clear or an entirely new provision is introduced then Council Planners are reliant on additional supporting reports or guidance. This is explored in the body of the report.

In general terms, the transitional provisions of LUPAA, and the Guideline No.1 mandate the spatial application of the zoning and overlays. Council simply cannot depart completely from the current planning regulations under the SMIPS 2015 without clear strategic justification; and where such changes occur then they must result in quality planning outcomes per the requirements of LUPAA.

Not all zones and codes provided in the SPPs are used in the Southern Midlands draft LPS i.e. the Inner Residential Zone, Urban Mixed Use Zone, the Safeguarding of Airports Code, and Coastal Erosion Hazard Code are not applicable to the Southern Midlands and are therefore not included in the draft LPS.

4. LPS Criteria – Section 34 of LUPAA

Section 34 (2) of LUPAA sets out the LPS criteria to be met. There are 8 criteria (a-h) that must be met:

- a) contains all the provisions that the SPPs specify must be contained in an LPS; and*
- b) is in accordance with section 32 ; and*
- c) furthers the objectives set out in Schedule 1 ; and*
- d) is consistent with each State policy; and*
- e) is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and*
- f) is consistent with the strategic plan, prepared under section 66 of the Local Government Act 1993 , that applies in relation to the land to which the relevant planning instrument relates; and*
- g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and*
- h) has regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000 .*

Each of the criteria with a compliance statement and assessment is outlined in the following subheadings 4.1 to 4.8 of this report.

4.1. Provisions to be contained in an LPS – Section 34(2) (a)

Section 34 (2) (a) of LUPAA requires that a LPS must contain all of the provisions that SPPs specify must be included.

Section LP1.0 of the SPPs outlines requirements for the content of the SPPs and includes:

- Zone Maps;
- Local Area Objectives;
- Particular Purpose Zones (PPZ's);
- Specific Area Plans (SAP's);
- Site Specific Qualifications (SSQ's);
- Code Overlay maps; and
- Code Lists in Tables.

The Southern Midlands LPS contains all of the mandatory requirements of the SPPs. There are no provisions excluded.

4.2. Contents of LPS – Section 34 (2) (b)

Section 34(2) (b) requires the LPS to be in accordance with Section 32. This Section of LUPAA stipulates the mandatory requirements of the LPS. There are 18 requirements contained in Section 32 as to what can and cannot be included in the draft LPS (and in what form).

Section 32 includes the requirements for introducing SAPS, PPZs and SSQs (this is captured in Section 7 of this report).

The following subheadings provide detail as necessary.

4.2.1. Municipal Area- Section 32 (2) (a)

The LPS specifies that it applies to the Southern Midlands municipal area in accordance with the SPP template.

4.2.2. LPS must contain a provision that the SPPs require to be included in an LPS

Section 32 (2) (b)

The LPS contains all such provisions that the SPPs require to be included in an LPS and are supported by the Planning Directive No.1 and Guideline No.1 (and relevant Practice Notes provided by the TPC).

4.2.3. Spatial Application of the State Planning Provisions - Section 32 (2) (c)

Section 32(2) (c) and (e) requires that a LPS must contain maps, overlays, lists or other provisions that provide for the spatial application of the SPPs.

Section LP1.0 of the SPPs outlines the manner in which the spatial application of the SPPs is to be presented.

The draft LPS is prepared in accordance with the application and drafting instructions included in the SPPs, the Practice Notes and in Guideline No.1.

4.2.4. Sections 11 and 12 of LUPAA - Section 32 (2) (d)

Sections 11 and 12 of LUPAA prescribe the content of planning schemes and make reference to the Tasmanian Planning Scheme (TPS). In particular, the sections outline the matters that a planning scheme may, or may not, regulate. Section 12 recognises the continuing use and development rights for those uses and developments that were in existence before new planning scheme provisions take effect, or that have been granted a permit but have not yet been completed.

The draft LPS does not seek to regulate matters outside the jurisdiction prescribed in Sections 11 and 12. It is noted that the legal protections for existing uses informs decisions about the application of zones to land.

4.2.5. Use of Overlays and Lists- Section 32 (2) (e)

The SPP includes a number of Codes that are only given effect through maps or lists in the LPS.

4.2.6. Land Reserved for Public Purposes- Section 32(2) (g)

The draft LPS does not expressly reserve land for public purposes. However the appropriate zoning has been applied to land(s) that are used or intended to be used for public purposes and the like.

4.2.7. Modification of Application of SPPs and Overriding Provisions- Section (h) - (k)

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

The draft LPS introduces local overriding provisions through the application of Particular Purpose Zones, Specific Area Plans and Site Specific Qualifications in the following circumstances:

- To ensure the LPS is compliant with the Schedule 1 Objectives of LUPAA;
- To ensure consistency with the STRLUS where “like for like” zoning or overlays may result in inconsistency with the STRLUS
- To reflect previously adopted local strategy implemented under the SMIPS 2015; and
- Where allowable under Section 32 (3) (4) for the inclusion of a SAP, or PPZ, or SSQ where use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land.

The rationale for an overriding local provision is demonstrated, through the provisions of the LPS and this supporting report. That is, certain land areas have particular social, economic, and environmental values that should be retained/preserved or created/continued through the introduction of a PPZ, SAP or SSQ.

Where such instances occurs they are considered in full detail in this report.

Most overriding provisions are protected under Schedule 6 Clause 8 Transitional Provisions in which Particular Purpose Zones, Site Specific Qualifications and Specific Area Plans that existed prior to December 2015 can automatically be carried forward from the SMIPS2015 with the consent of the Minister. Advice and recommendations were provided by the PPU in the preparation of the draft LPS

4.2.8. Must not contain a provision that the SPPs specify must not be contained in an LPS

No such provisions are included in the draft LPS.

4.3 Schedule 1 of LUPAA Section 34 (c) LPS is to further the objectives set out in Schedule 1 Objectives

Schedule 1 of LUPAA prescribes the Objectives of the Resource Management and Planning System (RMPS) in Tasmania (Part 1) and the Objectives of the Planning Process (Part 2). Together they emphasize ‘sustainable development’.

The Schedule clarifies that reference to ‘Sustainable Development’ means:

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

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

LUPAA contains competing obligations in that a LPS is required to spatially apply the SPPs through the zoning of land and the application of Codes, along with associated operative provisions, yet, it must also demonstrate that it promotes sustainable use and development in accordance with the Schedule 1 Objectives. In some cases localised provisions (PPZs, SAPs and SSQs) are required to ensure that the Southern Midlands LPS meets these requirements. These overriding provisions and departures from the Guideline No.1 are necessary to achieve quality planning outcomes.

The tables below (*Table 2 – Objectives of LUPAA Part 1*) provides an assessment of the LPS against the Schedule 1 Objectives, highlighting those areas where the SPPs and the objectives are potentially in tension. A detailed discussion of the overriding provisions (such as the new SAPs) are considered against the criteria of section 32 (4) is provided in Section 7.0 of this report.

PART 1 Objectives of LUPAA
<i>(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;</i>
The draft LPS seeks to further the objective primarily through the spatial application of the relevant

SPP Codes and Zones and the relevant local provisions transitioned from the SMIPS2015 into the LPS. Most of the SPP zoning and codes used in the draft LPS are applied by way of converting/translating existing codes and zones (currently in the IPS). Which have already been deemed as acceptably furthering the objectives through the Interim Scheme process.

The orderly and strategic mapping of the zones in the Southern Midlands represents the highest consideration of the objective i.e. restricting urban development to existing settlements and avoidance of zones that maybe constrained for development due to the natural values (or otherwise impact negatively on such values).

The following Zones and Codes are particularly relevant to Objective Part 1 (a) and are provided in the SPPs and are included in the LPS:

- Natural Assets Code
- Environmental Management Zone
- Open Space Zone
- Scenic Protection Code

The following SAPs and Overlays are also relevant and are unique to Southern Midlands LPS:

- Scenic Protection Areas (Highway Scenic Protection)
- Chauncy Vale Specific Area Plan
- Bagdad Unstable Land Specific Area Plan.

Natural Assets Code

The Natural Assets Code is applied through the following overlays:

- waterways and coastal protection areas,
- priority vegetation areas; and
- future coastal refugia areas (not applicable to Southern Midlands).

The overlays are mandatory and must be applied in the LPS:

Waterway and Coastal Protection Area Overlay

The SPPs provides for protection of wetlands, watercourses and the coast through the Natural Assets Code. The code provides an overlay for the recognition and protection of waterways in the Southern Midlands to minimise impact on water quality, riparian reserves/vegetation, bank and land stability and to minimise erosion, sediment run-off and other impacts on the functionality of watercourses and waterbodies.

The overlay applied in the LPS is a translation of the former overlay in the SMIPS2015 and as otherwise provided in the regional model template/state template.

Priority Vegetation Overlay

The SPPs provides for recognition and protection/management of both state and local values through the application of the Priority Vegetation Overlay. The overlay identifies threatened flora, habitat for threatened species, threatened vegetation communities and native vegetation of local importance.

The spatial application of the overlay and the data that informs the overlay for all state and local

values has been undertaken through a separate mapping exercise adapted from the Regional Ecosystem Model developed by consultant Natural Resource Planning (Rod Knight). All Tasmanian Councils have adopted this mapping to create a priority vegetation overlay. The basis for the mapping is provided with this report as Appendix E and F.

The SPP restricts the application of the overlay to certain zones:

- Rural Living Zone
- Rural Zone
- Landscape Conservation Zone
- Utilities Zone
- Community Purposes Zone
- Recreation Zone
- Open Space Zone
- Future Urban Zone
- Particular Purpose Zone
- General Residential Zone; and
- Low Density Residential Zone only for consideration of subdivisions.

Of note is the exclusion of the Agriculture Zone. This is the largest zone area in the Southern Midlands LPS. The draft LPS map series has kept the overlay for exhibition purposes. This is based on advice provided by both the PPU and the TPC in the preliminary considerations of the draft in that the written ordinance excludes its consideration entirely in any use/development matters. Also the Guideline No.1 state the layer should be removed from the Agriculture Zone. The TPC have indicated that Planning Authorities will likely be directed to remove the layer from the Agriculture Zone prior to exhibition.

Keeping the layer in the zone for exhibition has the benefit of informing the community in further considering the application of the Rural and Agriculture Zone.

The current Biodiversity Code in the SMIPS2015 applies to land which is now considered as forming part of the Agriculture Zone in the draft LPS, however, due to the operation of the SPPs those values identified in the current Code are no longer applicable and are not subject to the transitional provisions of Schedule 6 of LUPAA. Also current consideration of native vegetation in the rural zones are no longer applicable under the TPS. The TPS in this sense is a departure from current and previous planning provisions.

As a side note, the absence/exclusion of priority vegetation values in the Agricultural Zone does not, however, influence or negate the existing legal requirements to obtain permits/permission to take, remove, and destroy listed threatened species under separate legislation and nor does it override requirements under the Forest Practices Act.

Overall the complete exclusion of the priority vegetation overlay and absence of any standards for consideration of vegetation removal in the Agriculture Zone appears at odds with the objective and is not supported by any overarching State policies.

Environmental Management Zone

This zone has been included in the LPS as a direct translation of the existing Environmental

Management Zone. It has otherwise been applied per the examples given in Clause EMZ 1 of the Guideline No.1 – that is reserved land, public, crown, state or council owned land reserved primarily for its natural values.

Open Space Zone

The Open Space Zone has been used in the township of Campania only. It has been applied to the public reserve and cemetery on the western side of the railway line per the LPS map. The land is currently village and Environmental Management Zone in the SMIPS2015.

Scenic Protection Code

The code is applied through the scenic road corridor overlay. This is a direct translation of the existing scenic protection overlays in the SMIPS2015. The LPS contains new value and management objectives that acknowledge the environmental and ecological value of the native vegetation found within the road corridors.

Chauncy Vale Specific Area Plan

This SAP has been included in the LPS as a direct translation of the existing SAP.

Bagdad Unstable Land Specific Area Plan

This SAP recognises land in the Green Valley Road area that has been previously recognized in the current SMIPS2015 and the previous 1998 Scheme as containing soils which are highly susceptible to erosion, dispersion and sediment run-off. The SAP promotes avoidance and management of these dispersive soils through standards and best practice guidelines.

(b) to provide for the fair, orderly and sustainable use and development of air, land and water;

Again the orderly and strategic mapping of the zones in the Southern Midlands represents the highest consideration of the objective. That is recognising existing settlement patterns, implementing local and regional strategic planning and generally identifying and recognising natural and built values through the appropriate zoning.

Though difficult to quantify, the LPS provides minimal changes to the zoning of the land from the SMIPS2015. Any departures from the current scheme are detailed in the body of this report.

The largest change to Southern Midlands (and all other Councils) is the inclusion and application of the new Agriculture and Rural Zone in the TPS. Though conceivably similar in nature to the current Rural Resource Zone and Significant Agriculture Zone the standards and spatial application of the zoning represents a significant change.

The introduction of new SAPs in the LPS are intended to best ensure consistency with the STRLUS and to recognise both existing settlement patterns and environmental constraints to development.

(c) to encourage public involvement in resource management and planning;

The content of the LPS and the TPS is an adaption of the current SMIPS2015. This was subject to significant public consultation in 2014-2015 (and then the statutory exhibition and hearings in 2015-2016). The public will be familiar with both the content and format and structure of the LPS.

It is recognized also that the SPPs/TPS were publicly exhibited in 2016 and therefore the majority of the LPSs content has already been approved by the Minister.

The strategic changes introduced in the draft LPS are supported by the STRLUS, Local Strategic Planning, and Council's Strategic Plan. All of which have undergone extensive public consultation.

Council and the community have been informed of the progress of the draft LPS through regular updates at Council meetings and a workshop held in September 2018. The meetings and workshop

<p>allow input into the process from the Council being representatives of the community.</p> <p>When directed to do so, by the TPC, the draft LPS will be exhibited and subject to the 60 day statutory timeframe. This must include notification twice in the newspaper. Council will also undertake further promotion of the draft through Council’s website, Facebook, and Council Meetings. Council will provide opportunity to the public to both view the draft and discuss details with Council and Council Officers.</p>
<p>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c);</p>
<p>The spatial application of the zones and overlays and those overriding local provisions in the draft LPS have all been applied to ensure consistency with the objective. All of which is supported by Guideline No.1</p> <p>The number of exemptions and permitted pathways to new land use and development has been increased under the TPS which reflects the State Government’s policy to reduce “red tape” and to encourage construction and job creation.</p> <p>The newly introduced SAPs aim to find the balance between consideration of environmental factors/constraints and maintaining historical land use patterns without undue impost on the public nor hindrance to economic progress.</p> <p>Overall the draft LPS is consistent with the Guideline No.1. In most parts zones and overlays are applied through a “like for like” approach. A range of economic opportunities both short and long-term (directly and indirectly) are provided in all the zones used in the Southern Midlands.</p>
<p>(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.</p>
<p>The draft LPS does not include any additional overriding provisions that decrease the sharing of responsibilities between spheres of Government, stakeholders, agencies etc.</p> <p>The objective is largely achieved through the operation of the TPS.</p>

Table 2 – Objectives of LUPAA Part 1

<p>PART 2 Objectives of LUPAA</p>
<p>(a) to require sound strategic planning and co-ordinated action by State and local government;</p>
<p>The creation of the draft LPS is another step in the entire planning reform process which has arguably been underway since 2008 with the initiation of the regional planning projects. This has been a co-ordinated approach between State and Local Government which led to the preparation of the STRLUS, the Interim Planning Schemes, the regional template for the Interim Planning Schemes, the TPS, declaration of the SPPs and the preparation of draft state policies.</p> <p>The draft LPS therefore needs to be considered in the context of State and Local Government Planning Reform.</p> <p>Of note the draft LPS is consistent with the STRLUS (as required by Section 34) and has been prepared in conjunction with the other Southern Councils through the Technical Reference Group (TRG) which has lead to:</p> <ul style="list-style-type: none"> • the preparation of the mapping for the Natural Assets Code, • further guidelines for the application of the rural zones; and • guidance for preparing scenic protection value statements and management objectives. <p>This has been a co-ordinated approach between Councils in the region and has involved ongoing</p>

consultation with the PPU and TPC.
(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land;
The TPS is an output of the Planning Reform process and is consistent with the objective. The draft LPS is therefore not considered in isolation of this process. The system for the consideration of land use and development (and future strategic changes to zoning and the like) is long established.
The draft LPS does not include any elements contrary to the existing system.
(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land;
The operation of the Zones, Codes and administrative provisions of the TPS/SPPs have already been considered in their declaration by the Minister in February 2017. These Zones and Overlays have been applied per the Guideline No.1 and in large part are “like for like” to the SMIPS2015 scheme.
In regard to the overriding local provisions the new SAPs in the draft LPS for Tunnack, Tunbridge, Colebrook all share common purpose statements to ensure a balance between economic development, social/cultural values and avoiding undue loading on the local environment through over concentration of onsite waste management systems.
As further comment, and as mentioned in the Part 1 (a) objective, the TPS is overall a departure from previous considerations of the natural environment currently found in the SMIPS2015 and the previous 1998 Scheme.
(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels;
The draft LPS seeks to further the objective through: <ul style="list-style-type: none"> • the application of zoning and overlays per the Guideline No.1, • consistency with the STRLUS, • furthering existing State Policies; and • as otherwise based on existing local strategic planning.
In theory the state policies should inform the STRLUS and Planning Reform generally. However there was a clear absence of new (and needed) state policies in the beginnings of the Planning Reform Process and in preparing the TPS. The Planning Reform Taskforce focused heavily on the operative components of the Scheme and creating more permitted or permit exempt pathways for new land use and development. The absence of Policy around the Natural Assets Code and management of threatened species, vegetation and vegetation communities was a dominant topic at the hearings into the SPPs in 2016 – resulting in the TPC recommending to the Minister that the Code needed additional attention before the SPPs should be declared.
In regard to the draft LPS, local overriding provisions are soundly based on existing local and regional planning strategy and a focus on “like for like” SAPS where necessary. The application of the zones have also taken into account local and regional strategy.
(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals;
The operation of the Zones, Codes and administrative provisions of the TPS/SPPs have already been considered in their declaration by the Minister in February 2017. These Zones and Overlays have been applied per the Guideline No.1 and in large part are “like for like” to the SMIPS2015 scheme. The co-ordination of approvals and assessment is embedded in the TPS and as otherwise

<p>in LUPAA.</p> <p>The draft LPS does not include any elements contrary to the existing system.</p>
<p>(f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania;</p> <p>The operation of the Zones, Codes and administrative provisions of the TPS/SPPs have already been considered in their declaration by the Minister in February 2017. These Zones and Overlays have been applied per the Guideline No.1 and in large part are “like for like” to the SMIPS2015 scheme. The draft LPS furthers the objective through providing a range of zones that allow for different forms of residential development, commercial development, recreation spaces, community spaces and protection of major assets and utilities through codes and overlays.</p> <p>The overriding local provisions of the introduced SAPS for Tunnack, Tunbridge, and Colebrook all take into account livability and amenity of the townships as a primary consideration.</p> <p>The introduction of additional zoning in the townships of Campania and Kempton also seek to improve the livability of the township through the consolidation of residential areas and the promotion of business and community development in the Main Streets and key development areas. All such changes stem from local strategic planning and policy.</p>
<p>(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;</p> <p>The operation of the Zones, Codes and administrative provisions of the TPS/SPPs have already been considered in their declaration by the Minister in February 2017. These Zones and Overlays have been applied per the Guideline No.1 and in large part are “like for like” to the SMIPS2015 scheme. This includes the declaration of the Heritage Code.</p> <p>All places and precincts currently listed in the SMIPS2015 are transitioned to the LPS under Schedule 6 of LUPAA.</p> <p>The overriding local provisions of the introduced SAPS for Tunnack, Tunbridge, and Colebrook are intended to maintain and enhance the historic settlement patterns of the townships and to preserve the rural values of such places.</p>
<p>(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;</p> <p>Significant public infrastructure is mostly protected through the application of the Utilities Zone, Community Purposes Zone and the Future Road Particular Purpose Zone. Other associated use and development is regulated through the suite of codes provided in the TPS.</p> <p>The overriding local provisions of the introduced SAP for Colebrook explicitly requires the consideration of the regulated authority for the installation and connection of new sewerage systems/connections. Such provisions were included in both the SMIPS2015 and the 1998 Scheme.</p>
<p>(i) to provide a planning framework which fully considers land capability.</p> <p>This objective is furthered primarily through the spatial application of the rural and agriculture zones. The spatial application of the zones is primarily based on a layer provided by the State Government described as the ‘Land Potential\ Suitable for Agriculture Layer. This mapping was the primary output of the Agricultural Land Mapping Project by the PPU.</p> <p>The mapping has been applied in response to the existing planning framework, that is, the State Policy on the Protection of Agricultural Land 2009 (“PAL”), the RMPS objectives, the Guideline No.1, additional mapping, consideration and input from qualified agricultural professionals.</p> <p>The draft LPS otherwise does not include any provisions that challenge the objective.</p>

Table 3 – Objectives of LUPAA Part 2

4.4 State Policies - Section 34(2) (d)

Section 34(2) (d) of LUPAA requires that a LPS is consistent with each State Policy. State Policies are made under Section 11 of the *State Policies and Practices Act 1993*.

There are currently three (3) State Policies in Tasmania. There is also the *National Environment Protections Measures (NEPMs)* which is considered under the State Policies.

Each policy is considered below.

4.4.1 State Policy on the Protection of Agricultural Land 2009 (“PAL”)

The purpose of the PAL policy is to:

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

The stated objectives are “to enable the sustainable development of agriculture by minimising:

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

The eleven principles that support the policy relate to the identification of valuable land resources and the matters that can be regulated by planning schemes. The SPP Rural and Agriculture Zone provisions were developed having regard to these principles. The requirement to apply these zones to land necessitates an analysis of land resources to determine which zone is most appropriate.

The Guideline No.1 requires that land to be included in the Agriculture Zone should be based on the land identified in the ‘Land Potentially Suitable for Agriculture Zone’, a methodology developed by the State with a layer published on the LIST. The guideline provides that in applying the zone, a planning authority may “also have regard to any agricultural land analysis or mapping undertaken at a local or regional level for part of the municipal area which:

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

Further analysis of the ‘Land Potentially Suitable for Agriculture Zone’ was undertaken through the engagement of AK Consultants (Agricultural & Natural Resource Management Consultants) to prepare the document *Decision Tree and Guidelines for Mapping the Agriculture and Rural Zone* (7th May 2018). These guidelines are intended to identify constraints to agriculture and to define and describe farming practices. The guidelines look at the viability of enterprises depending on the characteristics of the land, such as, size of area, soil type, availability of water, access to markets and the presence of constraints. The guidelines are intended to refine the layer provided by the State and, as far as practicable, to reach an agreed approach between Councils on addressing any anomalies in the mapping and perceived constraints to agriculture. The guidelines and decision tree takes into account the PAL policy and requires that any prime agricultural land be included in the Agriculture Zone.

The application of the Rural and Agriculture Zone is assessed further in Section 5.3.5 of this report.

4.4.2 State Coastal Policy 1986

The State Coastal Policy 1996 (the Policy) applies to all of Tasmania, including all islands with the exception of Macquarie Island which is subject to separate legislation within 1m from a coastal zone. The Policy is not applicable to the Southern Midlands municipality on the basis that it is located in excess of 1km from the nearest coastal zone.

4.4.3 State Policy on Water Quality Management 1997

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

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

The Policy applies to all surface waters, including coastal waters and ground waters, but excludes privately owned waters that are not accessible to the public and are not connected to waters accessible to the public (and includes, tanks, pipes, cisterns and the like).

The SPPs require the mandatory inclusion in the LPS of the State mapped waterway protection areas in the overlay that applies through the Natural Assets Code. The prescribed buffer distances contained in the definition (and shown in the overlay map) draw from those of the Forest Practices System and trigger assessment of development that occurs within those mapped areas. The SPP's assume compliance with the State Policy in applying the overlay map with associated assessment provisions.

The current SMIPS2015 contains a specific Stormwater Management Code that is directly related to the performance measures and objectives provided in the Policy and subsequent stormwater strategies by Councils and State Government. This Code however is no longer included in the suite of codes provide in the TPS.

Assessment and regulation of stormwater and stormwater quality is limited in the TPS to the Part 6 assessment provisions of the SPPs as to what a Council can and cannot assess and limited to some performance standards embedded in some zones and codes. It was strongly argued at the hearings into the SPPs in 2016 that the removal of the stormwater code from the planning system may cause uncertainty in the assessment of new development.

The draft LPS does not include any specific overriding provisions for stormwater management other than some provisions within the Bagdad Unstable Land Special Area Plan. This SAP is restricted to land in the Green Valley Road area. The SAP is based on the existing Dispersive Soils Code which limited its application to that same area. The SAP provides regulation and control of erosion and subsequent sediment transport and run-off into nearby waterways. The SAP is therefore consistent with the policy. The SAP is discussed further the SAPs section of the report.

4.4.4 National Environment Protection Measures

The current National Environmental Protections (NEPM) relate to the following:

- Ambient air quality;
- Ambient marine, estuarine and fresh water quality;
- The protection of amenity in relation to noise;
- General guidelines for assessment of site contamination;
- Environmental impacts associated with hazardous wastes; and
- The re-use and recycling of used materials.

The NEPMS are not directly implemented through planning schemes, with some matters being outside the jurisdiction prescribed by LUPAA. However some aspects are addressed through various SPP provisions relating to matters such as water quality, amenity impacts on residential uses due to noise emissions and site contamination assessment.

4.5 Southern Tasmanian Regional Land Use Strategy (STRLUS) – Section 34 (e)

4.5.1 Background

The STRLUS was declared by the Minister for Planning pursuant to Section 30 of the LUPAA (former provisions) in October 2011.

Since adoption there have been three (3) amendments. The most recent of which was declared on the 9th May 2018. The recent amendment is relevant to the TPS as it inserted an addendum to the Strategy to ensure that both the SPPs and the Strategy were consistent with one another in both policy, function and general language. The amendments were not intended to be a complete policy change.

The STRLUS is a broad policy document that will facilitate and manage change, growth, and development within Southern Tasmania over the next 25 years (as of 2011). It provides comprehensive land use policies and strategies for the region based upon:

- The vision for the State as outlined by Tasmania Together;
- A more defined regional vision;
- Overarching strategic directions; and
- A comprehensive set of regional planning policies addressing the underlying social, economic, and environmental issues in Southern Tasmania.

Whilst this Land Use Strategy arises from a joint initiative between State and Local Government (the Regional Planning Initiative), it is intended that it be a permanent feature of the planning system, monitored, maintained and reviewed into the future. In other words, this document is the first iteration in an ongoing process of regional and use planning across the State that will ensure the policies and strategies remain relevant and responsive.

All new schemes, scheme amendments and local strategic planning is to be consistent with the regional strategy.

In preparing the draft LPS Council must ensure the content is consistent with the strategy per Section 34 (2).

4.5.2 Consistency with the STRLUS

The draft LPS is found to be consistent with the STRLUS per the series of compliance statements provided in the Table 4 below. Like most of the new draft LPSs in the state (and drafts still in preparation) the zoning, overlays, and codes are in most parts a “like for like” conversion from the interim scheme to the TPS. This should be given weight as the Interim Schemes in the South were found to be consistent with the STRLUS during the interim scheme process of 2014-2016.

Where there is a divergence from this basic conversion such as an overriding local provision or a “new” zone being applied to the land then the rationale (in detail) for such changes are provided in the Zones, Codes and SAPs, PPZs and SSQs sections of this report. Reference is to such changes is otherwise given where appropriate in the Table 4 below.

Biodiversity and Geodiversity Policy		
Policy Reference	Policy	Comments
BNV 1	Maintain and manage the region’s biodiversity and ecosystems and their resilience to the impacts of climate change.	See sub-clauses below
BNV 1.1	<p>Manage and protect significant native vegetation at the earliest possible stage of the land use planning process.</p> <p>Where possible, avoid applying zones that provide for intensive use or development to areas that retain biodiversity values that are</p>	<p>Significant native vegetation is managed through the “priority vegetation overlay” in the SPPs. However the Guideline No.1 and the SPPs do not allow for consideration of the Natural Assets Code in the Agriculture Zone - which on the whole is the dominant zone in the Southern Midlands.</p> <p>The overlay is applied per the Guideline No.1</p>

	to be recognised and protected by the planning scheme.	<p>using the Regional Ecosystem Model (REM) data. The mapping at a local level has, as far as possibly allowed under the SPPs and Guideline No.1, avoided applying the overlay to intensive use or development areas.</p> <p>The spatial application of the rural and agriculture zones have taken into consideration the existence of high priority vegetation communities as one of many factors in determining whether or not the land is constrained for agricultural uses.</p> <p>In such occasions the land has been zoned rural zone which thus affords consideration of the “priority vegetation overlay” in planning assessment.</p>
BNV 1.2	<p>Recognise and protect biodiversity values deemed significant at the local level and in the planning scheme:</p> <ul style="list-style-type: none"> a) specify the spatial area in which biodiversity values are to be recognised and protected; and b) implement an ‘avoid, minimise, mitigate’ hierarchy of actions with respect to development that may impact on recognised and protected biodiversity values. 	<p>The priority vegetation area overlay in the draft LPS provides for protection of natural values at a local level with the REM data.</p> <p>The REM mapping specifically identifies habitat, communities and species that are of higher significance dependent on the local area. Thus deemed “significant” at a local level.</p> <p>No additional mapping to the REM has been prepared for the draft LPS and therefore no additional locally important natural values have been included in the Natural Assets Code.</p> <p>Local provisions such as the Chauncy Vale SAP and Scenic Protection Areas have been transitioned from the SMIPS2015. Such local provisions recognise and protect local biodiversity values as both direct and indirect outcome of planning decisions.</p>
BNV 1.3	<p>Provide for the use of biodiversity offsets if, at the local level, it is considered appropriate to compensate for the loss of biodiversity values where that loss is unable to be avoided, minimised or mitigated.</p> <p>Biodiversity offsets:</p> <ul style="list-style-type: none"> a. are to be used only as a ‘last resort’; b. should provide for a net conservation benefit and security of the offset in perpetuity; 	<p>No local overriding provisions have been included in the draft LPS that provided for such offsets.</p>

	c. are to be based upon 'like for like' wherever possible	
BNV 1.4	Manage clearance of native vegetation arising from use and development in a manner that is generally consistent across the region but allowing for variances in local values.	<p>Controls and assessment of native vegetation clearance is provided through the SPPs. There is however significantly less controls associated with clearance of native vegetation from previous Planning Schemes. This is primarily an issue for the SPPs.</p> <p>The draft LPS has used the REM to map the priority vegetation overlay with the data supplied by Rod Knight.</p> <p>Other vegetation management controls are provided in transitioned local provisions (such as the Chauncy Vale SAP, Scenic Protection Areas).</p> <p>The application of the Open Space Zone and Low Density Residential Zone in Campania is a new and deliberate decision to recognize and manage native vegetation in the reserve and residential land west of the township. This is a departure from the previous mixture of Environmental Management Zone and Village Zoning. This matter is further assessed in the zoning section of this report.</p>
BNV 1.5	Where vegetation clearance and/or soil disturbance is undertaken, provide for construction management plans that minimise further loss of values and encourages rehabilitation of native vegetation.	<p>Clause 6.11(f) in the SPP's allows for conditions to be applied regarding construction management.</p> <p>The waterways and coastal protection overlay in the SPPs also provides for consideration of vegetation, soil and water management in riparian areas.</p> <p>The Bagdad Unstable Land SAP (SOU-S3.0) also takes this policy into account.</p>
BNV 1.6	Include in the planning scheme, preserving climate refugia where there is scientifically accepted spatial data.	The draft LPS does not contain any provisions specific to the policy.
BNV 2	Protect threatened native vegetation communities, threatened flora and fauna species, significant habitat for threatened fauna species, and other native vegetation identified as being of local importance and places important for building resilience and adaptation to climate change for these.	See sub-clauses below
BNV 2.1	Avoid the clearance of threatened native vegetation communities except:	The priority vegetation area includes all areas of threatened native vegetation communities. The LPS is compliant with this policy to the

	<p>a. where the long-term social and economic benefit arising from the use and development facilitated by the clearance outweigh the environmental benefit of retention; and</p> <p>b. where the clearance will not significantly detract from the conservation of that threatened native vegetation community.</p>	<p>fullest extent possible under the terms of the SPP. It is noted that the SPPs do not allow for the consideration of the priority vegetation overlay in the Agriculture Zone. This zone is the largest zone in the Southern Midlands draft LPS.</p>
BNV 2.2	<p>Minimise clearance of native vegetation communities that provide habitat for threatened species.</p>	<p>The REM incorporates habitat for threatened species as required by the TPS. This overlay however does not apply to the Agriculture Zone the largest zone in the Southern Midlands.</p>
BNV 2.3	<p>Advise potential applicants of the requirements of the Threatened Species Protection Act 1995 and their responsibilities under the Environmental Protection and Biodiversity Conservation Act 1999.</p>	<p>This matter is not captured in the draft LPS or TPS.</p> <p>Southern Midlands Council however endeavor to notify/advise applicants of these requirements where-ever possible.</p>
BNV 3	<p>Protect the biodiversity and conservation values of the Reserve Estate.</p>	<p>The draft LPS contains the reserve estate in the Environmental Management Zone as required by the Guidelines.</p>
BNV 4	<p>Recognise the importance of non land use planning based organisations and their strategies and policies in managing, protecting and enhancing natural values.</p>	<p>The policy and objectives of the planning reform process have not explicitly recognised the relationship between the TPS and other bodies such as the Forest Practices Authority or Threatened Species Unit.</p> <p>This regional policy is not within the scope of each individual LPS and is more a regional/state matter.</p>
BNV 4.1	<p>Consult NRM-based organisations as part of the review and monitoring of the Regional Land Use Strategy.</p>	<p>This policy is not directly applicable to the draft LPS.</p>
BNV 5	<p>Restrict the spread of declared weeds under the Weed Management Act 1999 and assist in their removal.</p>	<p>Not expressly required, but such management can be achieved through Clause 6.11.2(f) in the SPPs which allows for conditions to be applied regarding construction management.</p> <p>The Southern Midlands Council is otherwise reliant on NRM organisations, Council's NRM unit and current Weed Management Officer.</p>
BNV 5.1	<p>Provide for construction management plans where vegetation clearance or soil disturbance is undertaken that include weed management actions where the site is known, or suspected, to contain declared weeds.</p>	<p>Such plans can be requested or conditioned through the planning assessment process. The SPPs allow for this.</p> <p>The draft LPS does not specifically require additional weed management during use/development.</p>

BNV 6	Geodiversity:	See sub-clauses below:
BNV 6.1	Improve knowledge of sites and landscapes with geological, geomorphological, soil or karst features and the value they hold at state or local level.	The draft LPS is not specifically relevant to this policy sub clause and does not include any advanced or new recognition of such significant sites in the Southern Midlands.
BNV 6.2	Progress appropriate actions to recognise and protect those values, through means commensurate with their level of significance (state or local).	See above.
Water Resources		
WR 1	Protect and manage the ecological health, environmental values and water quality of surface and groundwater, including waterways, wetlands and estuaries	See sub-clauses below
WR 1.1	Use and development is to be undertaken in accordance with the State Policy on Water Quality Management.	See the assessment under the <i>State Policy on Water Quality Management</i> in this report.
WR 1.2 I	Incorporate total water cycle management and water sensitive urban design principles in land use and infrastructure planning to minimise stormwater discharge to rivers.	<p>The Stormwater Management Code addressed WSUD in SMIPS2015, but has not been transferred to the SPPs.</p> <p>Clause 6.11.2 (g) of the SPPs allow the planning authority to put conditions on permits regarding stormwater and volume controls but there are no tangible standards provided in the SPPs.</p> <p>The absence of a Stormwater Management Code will most likely lead to an inconsistent approach to WSUD across the State.</p>
WR 1.3	Include buffer requirements in the planning scheme to protect riparian areas relevant to their classification under the Forest Practices System.	The draft LPS contains the waterway and coastal protection area overlay which is aimed at protecting riparian areas.
WR 1.4	Where development that includes vegetation clearance and/or soil disturbance is undertaken, provide for construction management plans to minimise soil loss and associated sedimentation of waterways and wetlands.	<p>This is provided for in Clause 6.11.2(f) of the SPPs and the standards provided in the NAC for development in a waterways and coastal protection area.</p> <p>The Bagdad Unstable Land SAP also provides for management criteria and objectives.</p>
WR 2	Manage wetlands and waterways for their water quality, scenic, biodiversity, tourism and recreational values.	See sub-clauses below

WR 2.1	Manage use and development adjacent to Hydro Lakes in accordance with their classification: Remote Wilderness Lake, Recreational Activity Lake or Multiple Use Lakes.	There are no Hydro Lakes in the Southern Midlands.
WR 2.2	Provide public access along waterways via tracks and trails where land tenure allows, where there is management capacity and where impacts on biodiversity, native vegetation and geology can be kept to acceptable levels.	The Environmental Management Zone has been applied to Lake Dulverton, Lake Tiberius and any other riparian reserves and waterways. This zoning would allow for development and per the purpose of the zone encourage public access to this land.
WR 2.3	Minimise clearance of native riparian vegetation.	The standards of the NAC for waterway and coastal protection areas aim to minimise clearance of such vegetation. The overlay is included in the draft LPS. The EMZ has been applied to the reserves where they are delineated by titles.
WR 2.4	Allow recreation and tourism developments adjacent to waterways where impacts on biodiversity and native vegetation can be kept to acceptable levels.	Most zones provided in the suite of zones in the TPS allow for some form of recreation and tourism use and development. These zones are provided in many areas adjacent to waterways in the Southern Midlands. The TPS zones however have minimal consideration of native vegetation in undertaking development unless within an overlay provided in the NAC (and only where such an overlay is applicable).
WR 3	Encourage the sustainable use of water to decrease pressure on water supplies and reduce long term cost of infrastructure provision	The SPPs provide exemptions for rainwater tanks.
WR 3.1	Reduce barriers in the planning system for the use of rainwater tanks in residential areas.	
The Coast		
C 1	Maintain, protect and enhance the biodiversity, landscape, scenic and cultural values of the region's coast.	The Southern Midlands does not contain any coastal land. The Policy is not applicable to the draft LPS.
C 1.1	Use and development is to avoid or minimise clearance of coastal native vegetation.	
C 1.2	Maximise growth within existing settlement boundaries through local area or structure planning for settlements in coastal areas.	
C 1.3	Prevent development on coastal mudflats, unless for the purposes of public access or facilities or for	

	minor infrastructure that requires access to the coast. Prevent development on actively mobile landforms in accordance with the State Coastal Policy 1996.	
C 1.4	Zone existing undeveloped land within the coastal area, Environmental Management, Recreation or Open Space unless: a. The land is utilised for rural resource purposes; or b. It is land identified for urban expansion through a strategic planning exercise consistent with this Regional Land Use Strategy.	
C 2	Use and development in coastal areas is to be responsive to the effects of climate change including sea level rise, coastal inundation and shoreline recession.	
C 2.1	Include provisions in the planning scheme relating to minimising risk from sea level rise, storm surge inundation and shoreline recession and identify those areas at high risk through the use of overlays.	
C 2.2	Growth is to be located in areas that avoid exacerbating current risk to the community through local area or structure planning for settlements and the Urban Growth Boundary for metropolitan area of Greater Hobart.	
C 2.3	Identify and protect areas that are likely to provide for the landward retreat of coastal habitats at risk from predicted sea level rise.	
Managing Risks And Hazards		
MRH 1	Minimise the risk of loss of life and property from bushfires.	See sub-clauses below
MRH 1.1	Provide for the management and mitigation of bushfire risk at the earliest possible stage of the land use planning process (rezoning or if no rezoning required; subdivision) by the identification and protection (in perpetuity) of buffer distances or through the design and layout of lots.	The TPS includes the Bushfire-Prone Area Code. The Code applies to land either within a Bushfire Prone Area overlay to be provided by the Tasmania Fire Service or as identified in the written provisions of the Code. The overlay is included in the Appendix Report prepared by TasFire Service.
MRH 1.2	Subdivision road layout designs are to provide for safe exit points in areas subject to bushfire	Implemented through the Bushfire Prone Areas Code in the SPP.

	hazard.	
MRH 1.3	Allow clearance of vegetation in areas adjacent to dwellings existing at the time that the planning scheme based on this Strategy come into effect, in order to implement bushfire management plans. Where such vegetation is subject to vegetation management provisions, the extent of clearing allowable is to be the minimum necessary to provide adequate bushfire hazard protection.	This policy is implemented through various exemptions and standards within the SPPs.
MRH 1.4	Include provisions in the planning scheme for use and development in bushfire prone areas based upon best practice bushfire risk mitigation and management.	Implemented through the Bushfire Prone Areas Code in the SPP.
MRH 1.5	Allow new development (at either the rezoning or development application stage) in bushfire prone areas only where any necessary vegetation clearance for bushfire risk reduction is in accordance with the policies on biodiversity and native vegetation.	The priority vegetation area will apply to some forms of buildings that are also subject to the SPP bushfire prone areas code.
MRH 1.6	Develop and fund a program for regular compliance checks on the maintenance of bushfire management plans by individual landowners.	Not a consideration for the LPS
MRH 2	Minimise the risk of loss of life and property from flooding.	See sub-clauses below
MRH 2.1	Provide for the mitigation of flooding risk at the earliest possible stage of the land use planning process (rezoning or if no rezoning required; subdivision) by avoiding locating sensitive uses in flood prone areas.	The flood prone hazard areas overlay is used in the draft LPS along the Jordan River, the Coal River, the Pass Creek and other lands/river areas identified in the current "Riverine Inundation Hazard Area" in the SMIPS2015.
MRH 2.2	Include provisions in the planning scheme for use and development in flood prone areas based upon best practice in order to manage residual risk.	This policy is implemented through the Flood-Prone Hazard Areas Code in the SPP and associated overlay in the LPS.
MRH 3	Protect life and property from possible effects of land instability.	See sub-clauses below
MRH 3.1	Prevent further development in declared landslip zones.	There are no declared landslip zones within the Southern Midlands.
MRH 3.2	Require the design and layout of	The LPS adopts the landslip hazard area

	development to be responsive to the underlying risk of land instability.	mapping provided by DPAC through theList.tas.gov.au and as required by the Guideline No.1. Additionally, the Dispersive Soils SAP is included in the Green Valley Road, Huntingdon Tier area of Bagdad.
MRH 3.3	Allow use and development in areas at risk of land instability only where risk is managed so that it does not cause an undue risk to occupants or users of the site, their property or to the public.	This policy is managed through the Landslip Hazard Code in the SPP and the application of the associated overlay and the Dispersive Soils SAP in the LPS.
MRH 4	Protect land and groundwater from site contamination and require progressive remediation of contaminated land where a risk to human health or the environment exists.	The SPP includes a Potentially Contaminated Land Code. The LPS does not include an overlay of contaminated sites. This is an optional component and is not essential for the relevant SPP provisions to apply to any use or development proposal. It should be noted that the Code only considers land that has already been contaminated and there are no standards within the SPP or LPS to regulate contamination of land from a proposed use i.e. regulate a contaminating activity. This is considered to be a gap in the TPS. There is minimal and non-specific allowances in Part 6.11.2 (a) of the TPS which affords the Planning Authority the ability to require “specific acts be done to the satisfaction of the planning authority”. This may include consideration and conditioning of potentially contaminating activities and development – which is currently standard practice by a Council/Planning Authority. A typical example of which is the consideration of new onsite waste water treatment systems and the requirements for such systems to be considered as suitable before development can commence/progress. Another example would be the control of contaminated stormwaters associated with certain land uses such as fuel services, service industries etc.
MRH 4.1	Include provisions in the planning scheme requiring the consideration of site contamination issues.	See above.
MRH 5	Respond to the risk of soil erosion and dispersive and acid sulfate soils.	The LPS includes a specific Dispersive Soils SAP over parts of Bagdad.

		Acid sulfate soils are not addressed in the SPP or LPS. There is some capacity to address the issue through construction management plans.
MRH 5.1	Prevent further subdivision or development in areas containing sodic soils unless it does not create undue risk to the occupants or users of the site, their property or to the public.	See above.
MRH 5.2	Wherever possible, development is to avoid disturbance of soils identified as containing acid sulfate soils. If disturbance is unavoidable then require management to be undertaken in accordance with the Acid Sulfate Soils Management Guidelines prepared by the Department of Primary Industries, Parks, Water and the Environment.	See above.
Cultural Values		
CV 1	Recognise, retain and protect Aboriginal heritage values within the region for their character, culture, sense of place, contribution to our understanding history and contribution to the region's competitive advantage.	<p>There are no aboriginal sites, places or values specifically provided in the TPS suite of zones, code and overlays.</p> <p>There are some minimal and non-specific allowances in Part 6.11.2 (a) of the TPS which affords the Planning Authority the ability to require "specific acts be done to the satisfaction of the planning authority" in any permit issued. This may include an Aboriginal Heritage Survey or Values reporting and assessment be provided before development or operations commence.</p> <p>Consistency with the policy could be better achieved through Part 6.1 "Application Requirements" of the TPS whereby such values and sites could be identified before assessment fully commences or through inclusion of a separate code and overlay that identifies such sites and places.</p>
CV 1.1	Support the completion of the review of the Aboriginal Relics Act 1975 including the assimilation of new Aboriginal heritage legislation with the RMPS.	Not relevant to LPS
CV 1.2	Improve our knowledge of Aboriginal heritage places to a level equal to that for European cultural heritage, in partnership with the Aboriginal community.	The recognition of Aboriginal heritage values in Planning Schemes across the state would improve knowledge and awareness of such values.

CV 1.3	Avoid the allocation of land use growth opportunities in areas where Aboriginal cultural heritage values are known to exist.	The spatial allocation of the zones and overlays is per the Guideline No.1. Most of which are “like for like” conversions of the SMIPS2015 zoning. There are therefore no new or expanded zones that put Aboriginal cultural heritage values at greater risk through the draft LPS.
CV 1.4	Support the use of predictive modelling to assist in identifying the likely presence of Aboriginal heritage values that can then be taken into account in specific strategic land use planning processes.	No modelling of aboriginal heritage values has been undertaken for the TPS. Therefore the spatial application of the zones and overlays per the Guideline No.1 have not taken into account this policy.
CV 2	Recognise, retain and protect historic cultural heritage values within the region for their character, culture, sense of place, contribution to our understanding history and contribution to the region’s competitive advantage.	See sub-clauses below.
CV 2.1	Support the completion of the review of the Historic Cultural Heritage Act 1995.	Not relevant to LPS
CV 2.2	Promulgate the nationally adopted tiered approach to the recognition of heritage values and progress towards the relative categorisation of listed places as follows: a. places of local significance are to be listed within the Local Historic Heritage Code, as determined by the local Council. b. places of state significance are to be listed within the Tasmanian Heritage Register, as determined by the Tasmanian Heritage Council. c. places of national or international significance are listed through national mechanisms as determined by the Australian Government.	Places of local heritage significance and those listed on the Tasmanian Heritage Register are included in the LPS Local Heritage Places Table and have been mapped in the draft LPS.
CV 2.3	Provide for a system wherein the assessment and determination of applications for development affecting places of significance is undertaken at the level of government appropriate to the level of significance: a. Heritage places of local significance: by the local Council acting as a Planning Authority.	Assessment of heritage places with local significance will continue to be undertaken by the planning authority under the LPS.

	b. Heritage places of state significance: by the Tasmanian Heritage Council on behalf of the State Government with respect to heritage values, and by the local Council with respect to other land use planning considerations, with coordination and integration between the two.	
CV 2.4	Recognise and list heritage precincts within the Local Historic Heritage Code and spatially define them by associated overlays.	The LPS includes various heritage precincts which have been translated from the SMIPS2015 under the Schedule 6 transitional provisions. No new precincts are included in the draft LPS.
CV 2.5	Base heritage management upon the Burra Charter and the HERCON Criteria, with the Local Historic Heritage Code provisions in the planning scheme drafted to be consistent with relevant principles therein.	This is relevant to the SPP which provides the criteria to evaluate works to heritage places.
CV 2.6	Standardise statutory heritage management. a. Listings in the planning scheme should be based on a common inventory template, (recognising that not all listings will include all details due to knowledge gaps). b. The Local Historic Heritage Code provisions in the planning scheme should be consistent in structure and expression, whilst providing for individual statements in regard to heritage values and associated tailored development control.	As per transitional arrangements, heritage places can be listed without the full descriptions that are expected under the SPP.
CV 2.7	Provide a degree of flexibility to enable consideration of development applications involving the adaptive reuse of heritage buildings that might otherwise be prohibited.	This is provided in the TPS under Part 7.4 “Change of Use of a Place listed on the Tasmanian Heritage Register or a Local Heritage Place”. The same objectives are provided in the SMIPS2015.
CV 3	Undertake the statutory recognition (listing) and management of heritage values in an open and transparent fashion in which the views of the community are taken into consideration.	The heritage tables in the LPS transition from SMIPS2015. Any future amendments will be open to public comment through the planning scheme amendment process. There is also scope to consider further additions through the public exhibition phase of the draft LPS assessment process.
CV 3.1	Heritage Studies or Inventories should be open to public comment and consultation prior to their finalisation.	Locally listed places and precincts have been previously subject to extensive public consultation in the preparing the IPS, the 1998 Scheme, previous scheme amendments and other heritage projects undertaken by the

		<p>Council.</p> <p>Such places and precincts included in the current SMIPS2015 have all been included in the draft LPS.</p>
CV 4	Recognise and manage significant local historic and scenic landscapes throughout the region to protect their key values.	The LPS includes various heritage precincts and scenic protection areas that are currently provided in the SMIPS2015 and transitioned to the draft LPS. No new precincts and landscapes are included in the draft LPS.
CV 4.1	State and local government, in consultation with the community, to determine an agreed set of criteria for determining the relative significance of important landscapes and key landscape values.	<p>Councils in the Southern Region are currently preparing more detailed landscape management objectives and documented scenic value descriptions in the draft LPSs.</p> <p>It is intended that Southern Midlands will undertake further work to current descriptions applying to the highway scenic protection areas and forward this material to the TPC when complete. This is ultimately a transition of the current highway scenic protection provisions into the new TPS format.</p>
CV 4.2	The key values of regionally significant landscapes are not to be significantly compromised by new development through appropriate provisions within the planning scheme.	<p>The TPS does not specifically allow for the recognition and management of regionally significant landscapes.</p> <p>The draft LPS does not include any overriding provisions related to this policy.</p>
CV 4.3	Protect existing identified key skylines and ridgelines around Greater Hobart by limited development potential and therefore clearance through the zones in the planning scheme.	This is not relevant to the Southern Midlands.
CV 5	Recognise and manage archaeological values throughout the region to preserve their key values.	<p>The draft LPS includes a list of places of archaeological potential. Such places were identified in the SMIPS2015 list of heritage listed places.</p> <p>A separate list of places of archaeological potential is included in the draft LPS. The reason for including this list in the draft LPS is that the TPS provisions and standards of for locally listed places does not allow any consideration of archaeological values. Such values can only be considered if listed separately under “Places or Precincts of Archaeological Potential”.</p>
CV 5.1	Known sites of archaeological	See above.

	potential to be considered for listing as places of either local or state significance within the Local Historic Heritage Code or on the State Heritage Register respectively, as appropriate.	
CV 5.2	Development that includes soil disturbance within an area of archaeological potential is to be undertaken in accordance with archaeological management plans to avoid values being lost, or provide for the values to be recorded, conserved and appropriately stored if no reasonable alternative to their removal exists.	See above.
Recreation and Open Space		
ROS 1	Plan for an integrated open space and recreation system that responds to existing and emerging needs in the community and contributes to social inclusion, community connectivity, community health and well being, amenity, environmental sustainability and the economy.	See sub-clauses below.
ROS 1.1	Adopt an open space hierarchy consistent with the Tasmanian Open Space Policy and Planning Framework 2010, as follows; a. Local b. District c. Sub-regional d. Regional e. State f. National	The preparation of the draft LPS and TPS reflects the hierarchy.
ROS 1.2	Adopt an open space classification system consistent with the Tasmanian Open Space Policy and Planning Framework 2010, as follows; a. Parks; b. Outdoor Sports Venues; c. Landscape and Amenity; d. Linear and Linkage; e. Foreshore and waterway; f. Conservation and Heritage; g. Utilities and Services; and h. Proposed Open Space.	The preparation of the draft LPS and TPS reflects the hierarchy.
ROS 1.3	Undertake a regional open space study, including a gap analysis, to establish a regional hierarchy within a classification system for	This is a regional matter beyond the scope of the LPS.

	open space in accordance with the Tasmanian Open Space Policy and Planning Framework 2010.	
ROS 1.4	Undertake local open space planning projects through processes consistent with those outlined in the Tasmanian Open Space Policy and Planning Framework 2010 (Appendix 3).	<p>The preparation of the draft LPS did not include additional local open space planning projects and strategies. All existing open spaces, open space networks and connectivity are maintained through the draft LPS.</p> <p>Enhancements to future development of such spaces were made to Campania and Kempton through the strategic zoning of land to further concentrate commercial and community development into key development areas. Such changes are based on the <i>Campania Structure Plan 2015</i> and as otherwise allowed/encouraged in the Guideline No.1.</p>
ROS 1.5	Provide for residential areas, open spaces and other community destinations that are well connected with a network of high quality walking and cycling routes.	<p>The subdivision standards in the SPPs are inferior to the current interim schemes for provision of open space and connectivity. The interim schemes had subdivision standards specifically addressing ways and public open space.</p> <p>The General Residential Zone has replaced some areas of Village Zoning in the current SMIPS2015. This was only undertaken in Campania and Kempton. Per above the intention is to concentrate development in key development areas for future enhancement and to promote more orderly development in these townships.</p> <p>An expansion of the Rural Living Zone in the Mangalore area aims improve and expand existing recreation and community spaces and infrastructure through channeling population growth to a key node.</p>
ROS 1.5	Provide for residential areas, open spaces and other community destinations that are well connected with a network of high quality walking and cycling routes.	See above
ROS 1.6	Subdivision and development is to have regard to the principles outlined in 'Healthy by Design: A Guide to Planning and Designing Environments for Active Living in Tasmania'.	<p>Primarily a matter for the SPPs.</p> <p>There are no new residential areas outside of existing settlements provided in the draft LPS and therefore no specific need to consider the policy.</p>
ROS 2	Maintain a regional approach to the planning, construction, management, and maintenance of major sporting facilities to protect the viability of existing and future	There are no new zones, overlays or plans to develop largescale recreation facilities through the draft LPS scheme provisions that would in any way conflict with the policy.

	facilities and minimise overall costs to the community.	
ROS 2.1	Avoid unnecessary duplication of recreational facilities across the region.	There are no new zones, overlays or plans to develop any largescale recreation facilities through the draft LPS scheme provisions that would in any way conflict with the policy.
Social Infrastructure		
SI 1	Provide high quality social and community facilities to meet the education, health and care needs of the community and facilitate healthy, happy and productive lives.	See sub-clauses below
SI 1.1	Recognise the significance of the Royal Hobart Hospital and support, through planning scheme provisions, its ongoing function and redevelopment in its current location.	Not applicable to the Southern Midlands draft LPS.
SI 1.2	Match location and delivery of social infrastructure with the needs of the community and, where relevant, in sequence with residential land release.	There are no new residential areas outside of existing settlements provided in the draft LPS and therefore no specific need to consider this policy.
SI 1.3	Provide social infrastructure that is well located and accessible in relation to residential development, public transport services, employment and education opportunities.	Per above there are no new zones included in the draft LPS that encourage the development of social infrastructure outside the existing settlement areas.
SI 1.4	Identify and protect sites for social infrastructure, particularly in high social dependency areas, targeted urban growth areas (both infill and greenfield) and in identified Activity Centres.	All such sites have been previously identified in the SMIPS2015 and have been translated correctly per the Guideline No.1
SI 1.5	Provide multi-purpose, flexible and adaptable social infrastructure that can respond to changing and emerging community needs over time.	Per above.
SI 1.6	Co-locate and integrate community facilities and services to improve service delivery, and form accessible hubs and focus points for community activity, in a manner consistent with the Activity Centre hierarchy.	All such sites have been previously identified in the SMIPS2015 and have been translated correctly per the Guideline No.1
SI 1.7	Provide flexibility in the planning scheme for the development of aged care and nursing home facilities in areas close to an Activity Centre and with access to public transport.	All such sites have been previously identified in the SMIPS2015 and have been translated correctly per the Guideline No.1

SI 1.8	Provide for the aged to continue living within their communities, and with their families, for as long as possible by providing appropriate options and flexibility within the planning scheme.	All such sites have been previously identified in the SMIPS2015 and have been translated correctly per the Guideline No.1
SI 1.9	Provide for the inclusion of Crime Prevention through Environmental Design principles in the planning scheme.	Crime prevention is given some consideration in the SPPs.
SI 1.10	Recognise the role of the building approvals processes in providing access for people with disabilities.	Not specifically a planning consideration.
SI 2	Provide for the broad distribution and variety of social housing in areas with good public transport accessibility or in proximity to employment, education and other community services.	This is a matter for the SPPs. All residential land previously identified in the SMIPS2015 and has been translated correctly per the Guideline No.1
SI 2.1	Provide flexibility in the planning scheme for a variety of housing types (including alternative housing models) in residential areas.	The SPPs provide flexibility for a range of housing types in residential zones (e.g. multiple dwellings, group homes). All residential land previously identified in the SMIPS2015 has been translated correctly per the Guideline No.1, The draft LPS on the whole provides a range of residential type zones and therefore options for housing types.
SI 2.2	The planning scheme is not to prevent the establishment of social housing in residential areas.	The SPPs do not prevent social housing. All residential land previously identified in the SMIPS2015 has been translated correctly per the Guideline No.1
Physical Infrastructure		
PI 1	Maximise the efficiency of existing physical infrastructure.	See sub-clauses below.
PI 1.1	Preference growth that utilises under-capacity of existing infrastructure through the regional settlement strategy and Urban Growth Boundary for metropolitan area of Greater Hobart.	All residential land previously identified in the SMIPS2015 has been translated correctly per the Guideline No.1.
PI 1.2	Provide for small residential scale energy generation facilities in the planning scheme.	Small scale solar and wind energy facilities are provided for in SPPs.
PI 2	Plan, coordinate and deliver physical infrastructure and	See sub-clauses below

	servicing in a timely manner to support the regional settlement pattern and specific growth management strategies.	
PI 2.1	Use the provision of infrastructure to support desired regional growth, cohesive urban and rural communities, more compact and sustainable urban form and economic development.	<p>All utilities zones previously identified in the SMIPS2015 has been translated correctly per the Guideline No.1.</p> <p>A new Particular Purpose Zone – Future Road Corridor is provided in the draft LPS for the future Bagdad/Mangalore Bypass. The Particular Purpose Zone is a translation of the current zone under the SMIPS2015 under Schedule 6 transitional provisions. The use of a PPZ over the Utilities Zone is a deliberate and strategic decision to protect the highway corridor from adverse development and land use. This matter has been discussed with the Planning Policy Unit.</p>
PI 2.2	Coordinate, prioritise and sequence the supply of infrastructure throughout the region at regional, sub-regional and local levels, including matching reticulated services with the settlement network.	This is largely achieved through the translation of existing zones contained in the SMIPS2015.
PI 2.3	Identify, protect and manage existing and future infrastructure corridors and sites.	A new Particular Purpose Zone – Future Road Corridor is provided in the draft LPS for the future Bagdad/Mangalore Bypass. The Particular Purpose Zone is a translation of the current zone under the SMIPS2015 under Schedule 6 transitional provisions. The use of a PPZ over the Utilities Zone is a deliberate and strategic decision to protect the highway corridor from adverse development and land use. This matter has been discussed with the Planning Policy Unit.
PI 2.4	Use information from the Regional Land Use Strategy, including demographic and dwelling forecasts and the growth management strategies, to inform infrastructure planning and service delivery.	The STRLUS data is based on 2006 Census data and is out of date. It is generally agreed that significant changes socially and economically, as well as supply and demand, have occurred in Southern Tasmania since 2006.
PI 2.5	Develop a regionally consistent framework(s) for developer charges associated with infrastructure provision, with pricing signals associated with the provision of physical infrastructure (particularly water and sewerage) consistent with the Regional Land Use Strategy.	This matter is not within the scope of a draft LPS.

PI 2.6	Recognise and protect electricity generation and major transmission assets within the planning scheme to provide for continued electricity supply.	The LPS includes an overlay to protect transmission infrastructure and the Utilities zone has been provided where necessary.
Land Use and Transport Integration		
LUTI 1	Develop and maintain an integrated transport and land use planning system that supports economic growth, accessibility and modal choice in an efficient, safe and sustainable manner.	See sub-clauses below
LUTI 1.1	Give preference to urban expansion that is in physical proximity to existing transport corridors and the higher order Activity Centres rather than Urban Satellites or dormitory suburbs.	The preparation of a SAP for Tunbridge, Tunnack, Colebrook and the translation of the village zone to low density residential zone in Parattah is a deliberate decision to better conform with the settlement network and to maintain growth in these townships and to encourage growth in the larger activity centres i.e. Oatlands.
LUTI 1.2	Allow higher density residential and mixed use developments within 400 metres, and possibly up to 800 metres (subject to topographic and heritage constraints) of integrated transit corridors.	All such sites have been previously identified in the SMIPS2015 and have been translated correctly per the Guideline No.1.
LUTI 1.3	Encourage residential development above ground floor level in the Primary, Principal and Major Activity Centres.	All such sites have been previously identified in the SMIPS2015 and have been translated correctly per the Guideline No.1. This is only applicable to the General Business Zone located in Oatlands.
LUTI 1.4	Consolidate residential development outside of Greater Hobart into key settlements where the daily and weekly needs of residents are met	All such sites have been previously identified in the SMIPS2015 and have been translated correctly per the Guideline No.1.
LUTI 1.5	Locate major trip generating activities in close proximity to existing public transport routes and existing higher order activity centres.	Allowances for such use and development was previously identified in the SMIPS2015 and have been translated correctly per the Guideline No.1
LUTI 1.6	Maximise road connections between existing and potential future roads with new roads proposed as part of the design and layout of subdivision.	Provided for in SPPs. It is however noted that cul-de-sacs are not discouraged as they were in SMIPS2015.
LUTI 1.7	Protect major regional and urban transport corridors through the planning scheme as identified in Maps 3 & 4.	The Utilities zone is used in the LPS to major transport corridors. Ribbon development and additional accesses onto the highway are avoided as far as practical.

LUTI 1.8	Apply buffer distances for new development to regional transport corridors identified in Map 4 in accordance with the Road and Railway Assets Code to minimise further land use conflict.	Buffer distances are provided for in the SPPs
LUTI 1.9	Car parking requirements in the planning scheme and provision of public car parking is to be consistent with achieving increased usage of public transport.	A matter for the SPPs.
LUTI 1.10	Identify and protect ferry infrastructure points on the Derwent River (Sullivans Cove, Kangaroo Bay and Wilkinson Point) for their potential use into the future and encourage increased densities and activity around these nodes.	Not applicable to the Southern Midlands.
LUTI 1.11	Encourage walking and cycling as alternative modes of transport through the provision of suitable infrastructure and developing safe, attractive and convenient walking and cycling environments.	The subdivision standards provided in the SPPs could be amended to be more consistent with this policy. Otherwise the application of the residential type zones to land is a direct translation of the SMIPS2015 and as allowable under the Guideline No.1 and Section 32 and Section 34(2). The intention is to enhance these areas as healthy living communities through consolidation of residential areas.
LUTI 1.12	Encourage end-of-trip facilities in employment generating developments that support active transport modes.	Not provided for in SPP or LPS.
Tourism		
T 1	Provide for innovative and sustainable tourism for the region	See sub-clauses below
T 1.1	Protect and enhance authentic and distinctive local features and landscapes throughout the region.	Scenic Protection areas are provided in the draft LPS as a translation of existing highway scenic protection areas. Local features and landscapes are otherwise protected through use of the Open Space, Zone and Environmental Management Zones and Heritage Code in the LPS.
T 1.2	Identify and protect regional landscapes, which contribute to the region's sense of place, through the planning scheme.	See above
T 1.3	Allow for tourism use in the Rural Zone and Agriculture Zone where it supports the use of the land for primary production.	Provided for in the SPPs. These are the largest zones in the Southern Midlands.

T 1.4	Provide flexibility for the use of holiday homes (a residential use) for occasional short-term accommodation.	Provided for in SPPs
T 1.5	Provide flexibility within commercial and business zones for mixed use developments incorporating tourism related use and development.	Provided for in SPPs
T 1.6	Recognise, that the planning scheme may not always be able to accommodate the proposed tourism use and development due to its innovative and responsive nature.	This policy is not relevant to the draft LPS as there are not sites/land identified for active rezonings to facilitate certain tourism development. Such sites are subject to a separate planning scheme amendment(s).
T 1.7	Allow for objective site suitability assessment of proposed tourism use and development through existing planning scheme amendment processes (section 40T application).	Provided for in LUPAA.
Strategic Economic Opportunities		
SEO 1	Support and protect strategic economic opportunities for Southern Tasmania.	See sub-clauses below
SEO 1.1	Protect the following key sites and areas from use and development which would compromise their strategic economic potential through the planning scheme provisions: a. Hobart Port (including Macquarie and Princes Wharves); b. Macquarie Point rail yards; and c. Princes of Wales Bay marine industry precinct.	Not applicable to the Southern Midlands
SEO 1.2	Include place specific provisions for the Sullivans Cove area in the planning scheme.	Not applicable to the Southern Midlands.
Productive Resources		
PR 1	Support agricultural production on land identified as significant for agricultural use by affording it the highest level of protection from fettering or conversion to non-agricultural uses.	
PR 1.1	Utilise the Agriculture Zone to identify land significant for agricultural production in the planning scheme and manage that land consistently across the region.	The Agriculture Zone is applied consistent with the Guideline No.1 and additional input from the regional project for the spatial application of the rural and agricultural zones. Further detail on this matter is provided in this

		report.
PR 1.2	Avoid potential for further fettering from residential development by setting an acceptable solution buffer distance of 200 metres from the boundary of the Agriculture Zone, within which the planning scheme is to manage potential for land use conflict.	Provided for in the SPPs
PR 1.3	Allow for ancillary and/or subservient non-agricultural uses that assist in providing income to support ongoing agricultural production.	Provided for in the SPPs. It is noted that the Agriculture Zone provides for a wider range of ancillary and/or subservient uses than the Significant Agriculture Zone in the interim schemes.
PR 1.4	Prevent further land fragmentation in the Agriculture Zone by restricting subdivision unless necessary to facilitate the use of the land for agriculture.	<p>Provided for in the SPPs.</p> <p>It is noted that the subdivision in the SPPs is more flexible than the interim schemes, particularly in regards to existing residential and visitor accommodation buildings which may lead to greater fragmentation than is currently allowed.</p>
PR 1.5	Minimise the use of prime agricultural land for plantation forestry.	<p>The SPPs provides a discretionary pathway for plantation forestry on prime agricultural land. The agricultural zone has been applied consistently to include the highest classes of land capability and land unconstrained and conducive for agriculture.</p> <p>Of note there is minimal prime agricultural land in the Southern Midlands. There is no identified class 1 or 2 land.</p>
PR 2	Manage and protect the value of non-significant agricultural land in a manner that recognises the potential and characteristics of the land.	
PR 2.1	Utilise the settlement strategy to assess conversion of rural land to residential land through rezoning, rather than the potential viability or otherwise of the land for particular agricultural enterprises.	<p>A minor expansion of the Rural Living Zone is included along Blackbrush Road Mangalore in the draft LPS.</p> <p>This land has been previously identified for rezoning in the <i>Bagdad Mangalore Structure Plan 2010</i>. The suitability of this change is explained and assessed under the Settlement Strategy Policies and in further detail under the Zoning section of this report.</p>
PR 2.2	Support opportunities for downstream processing of agricultural products in appropriate locations or 'on-farm' where appropriate supporting infrastructure exists and the use does not create off-	Provided for in the SPPs.

	site impacts.	
PR 2.3	Provide flexibility for commercial and tourism uses provided that long-term agricultural potential is not lost and it does not further fetter surrounding agricultural land.	Provided for in the SPPs.
PR 2.4	The introduction of sensitive uses not related to agricultural use, such as dwellings, are only to be allowed where it can be demonstrated the use will not fetter agricultural uses on neighbouring land.	Provided for in SPPs.
PR 3	Support and protect regionally significant extractive industries.	See sub-clause below
PR 3.1	Existing regionally significant extractive industry sites are to be appropriately zoned, such as the Rural Zone, and are protected by appropriate attenuation areas in which the establishment of new sensitive uses, such as dwellings, is restricted.	There are no identified regionally significant extractive industries in the Southern Midlands. All existing extractive industries are located in either the rural zone or agricultural zone. The rural zone however is the more appropriate zone. The draft LPS has included these sites in the Rural Zone per the Guideline No.1, and the Decision Tree and Guidelines produced for the region.
PR 4	Support the aquaculture industry.	All such sites have been previously identified in the SMIPS2015 and have been translated correctly per the Guideline No.1
PR 4.1	Provide appropriately zoned land on the coast in strategic locations, and in accordance with The Coast Regional Policies, for shore based aquaculture facilities necessary to support marine farming.	Not applicable to the Southern Midlands.
PR 4.2	Identify key marine farming areas to assist in reducing potential land use conflicts from an increasingly industrialised industry.	Not applicable to the Southern Midlands.
PR 5	Support the forest industry.	
PR 5.1	Working forests, including State Forests and Private Timber Reserves (for commercial forestry), are to be appropriately zoned, such as the Rural Zone.	Such land has been identified through the spatial application of the rural and agriculture zone. In most instances the land has been zoned as Rural Zone rather than agriculture zone. The decision to undertake such zoning is supported by the Guideline No.1, the Agricultural Land Mapping Project, and the Guidelines and Decision Tree for the Southern Region.
PR 5.2	Recognise the Forest Practices System as appropriate to evaluate	The Forest Practices System is triggered regardless of the content of the LPS.

	the clearance and conversion of native vegetation for commercial forestry purposes.	It is noted that the priority vegetation area overlay is used in the LPS, and to some extent, may duplicate some parts of the Forest Practices System if it applies to that land. This however has been radically minimized through the implementation of the SPPs and the exclusion of the priority vegetation layer from the Agriculture Zone.
PR 5.3	Control the establishment of new dwellings in proximity to State Forests, Private Timber Reserves or plantations so as to eliminate the potential for land use conflict.	A discretionary pathway is provided in the SPPs.
Industrial Activity		
IA 1	Identify, protect and manage the supply of well-sited industrial land that will meet regional need across the 5, 15 and 30 year horizons.	All such sites have been previously identified in the SMIPS2015 and have been translated correctly per the Guideline No.1
IA 1.1	Industrial land is to be relatively flat and enable easy access to major transport routes, and other physical infrastructure such as water, wastewater, electricity and telecommunications	All such sites have been previously identified in the SMIPS2015 and have been translated correctly per the Guideline No.1
IA 1.2	Locate new industrial areas away from sensitive land uses such as residentially zoned land.	There are no new industrial zones in the draft LPS.
IA 1.3	Provide for a 30-year supply of industrial land, protecting such land from use and development that would preclude its future conversion to industrial land use - in accordance with the recommendations within the Southern Tasmania Industrial Land Strategy 2013.	An industrial land study has not been undertaken specifically for the Southern Midlands.
IA 1.4	Provide a 15-year supply of industrial land, zoned for industrial purposes within the planning scheme – in accordance with the recommendations within the Southern Tasmania Industrial Land Strategy 2013.	See above
IA 1.5	Aim to provide a minimum 5-year supply of subdivided and fully serviced industrial land.	An industrial land study has not been undertaken specifically for the Southern Midlands.
IA 1.6	Take into account the impact on regional industrial land supply, using best available data, prior to rezoning existing industrial land to nonindustrial purposes.	An industrial land study has not been undertaken specifically for the Southern Midlands.
IA 2	Protect and manage existing	Existing export oriented industries are

	strategically located export orientated industries.	protected and managed through the zoning provided in the SMIPS2015. This is mostly agricultural produce located in the rural zones – which actively encourages such land use and development. All such sites have been previously identified in the SMIPS2015 and have been translated correctly per the Guideline No.1
IA 2.1	Identify significant industrial sites through zoning and avoid other industrial uses not related to its existing function from diminishing its strategic importance.	There are no significant industrial sites located in the Southern Midlands. Large scale industrial type activities however have been identified and are included in the Rural Zone. An example is the large scale composting facility located west of Oatlands.
IA 3	Industrial development is to occur in a manner that minimises regional environmental impacts and protects environmental values.	Largely a matter for the SPPs. No separate SAPs, SSQ or the like have been created to further regulate such development. There is also minimal scope for a Council to prepare any such provisions under the TPS. This is primarily because the TPS does not allow for each Council to prepare any “new” codes – which are typically the mechanism to which such development could be regulated under a planning scheme.
IA 3.1	Take into account environmental values and the potential environmental impacts of future industrial use and the ability to manage these in the identification of future industrial land.	See the above comment.
Activity Centres		
AC 1	Focus employment, retail and commercial uses, community services and opportunities for social interaction in well-planned, vibrant and accessible regional activity centres that are provided with a high level of amenity and with good transport links with residential areas.	All such sites have been previously identified in the SMIPS2015 and have been translated correctly per the Guideline No.1. The only relevant changes are the creation of SAPs for Tunnack, Tunbridge, Colebrook and the application of the Low Density Residential Zone in Parratah. The intent of these changes in the draft LPS is to foster and encourage growth in the higher level activity centres.
AC 1.1	Implement the Activity Centre Network through the delivery of retail, commercial, business, administration, social and community and passenger transport facilities.	See above.
AC 1.2	Utilise the Central Business, General Business, Local Business Zones as the main zones to deliver the activity centre	The General Business Zone is applied to Oatlands only.

	network through the planning scheme, providing for a range of land uses in each zone appropriate to the role and function of that centre in the network.	
AC 1.3	Discourage out-of-centre development by only providing for in-centre development within the planning scheme.	There are no new settlement areas provided in the draft LPS.
AC 1.4	Promote a greater emphasis on the role of activity centres, particularly neighbourhood and local activity centres, in revitalising and strengthening the local community.	This appears to be an inherent quality and objective of the STRLUS that has been previously implemented through the zoning provided in the SMIPS2015.
AC 1.5	Encourage high quality urban design and pedestrian amenity through the respective development standards.	There is capacity for improvements to the subdivision design standards in residential and commercial areas in the SPPs.
AC 1.6	Encourage an appropriate mix of uses in activity centres to create multi-functional activity in those centres.	There are no new settlement areas provided in the draft LPS. The change from village zone to low density residential zone in Parratah is as strategic decision to encourage higher growth in Oatlands and still allow a sufficient service level in Parratah.
AC 1.7	Improve the integration of public transport with Activity Centre planning, particularly where it relates to higher order activity centres.	This is primarily a matter for the standards contained in the SPPs.
AC 1.8	Encourage new development and redevelopment in established urban areas to reinforce the strengths and individual character of the urban area in which the development occurs.	The SPP provides a uniform approach to development standards. The LPS includes Local Area Objectives to establish the character of the activity centres, but the way the TPS is structured, these only apply to discretionary uses.
AC 1.9	Require active street frontage layouts instead of parking lot dominant retailing, with the exception of Specialist Activity Centres if the defined character or purpose requires otherwise.	This is provided for in the SPPs
AC 1.10	Activity centres should encourage local employment, although in most cases this will consist of small scale businesses servicing the local or district areas.	The zones applied to activity centres in the draft LPS provide for a range of businesses that encourage local employment.
AC 1.11	Consolidate the Cambridge Park Specialist Activity Centre by restricting commercial land to all that land bound by Tasman	Not applicable to the Southern Midlands.

	Highway and Kennedy Drive, and provide for a wide range of allowable uses, including, but not limited to, service industry, campus-style office complexes and bulky goods retailing.	
AC 1.12	Provide for 10 – 15 years growth of existing activity centres through appropriate zoning within the planning scheme.	All such sites have been previously identified in the SMIPS2015 and have been translated correctly per the Guideline No.1. The expansion of the Rural Living Zone in Mangalore (Blackbrush Road) better conforms with the objectives and recommendations of the Bagdad Mangalore Structure Plan. This encourages a greater residential land supply for the area with flow on to Bagdad and Kempton.
AC 2	Reinforce the role and function of the Primary and Principal Activity Centres as providing for the key employment, shopping, entertainment, cultural and political needs for Southern Tasmania.	Not applicable – there are no Primary and Principal Activity Centres in Southern Midlands.
AC 2.1	Encourage the consolidation of cultural, political and tourism activity within the Primary Activity Centre.	Per above.
AC 2.2	Encourage high quality design for all new prominent buildings and public spaces in the Primary and Principal Activity Centres.	Per above.
AC 2.3	Undertake master planning for the Primary and Principal Activity Centres taking into account this Strategy. These should examine issues of urban amenity, economic development, accessibility, urban design and pedestrian movement.	Per above.
AC 2.4	Encourage structure and economic development planning for lower level Activity Centres by local planning authorities.	The draft LPS is a suitable mechanism to implement the recommendations of the <i>Campania Structure Plan 2015</i> , the outstanding recommendations of the <i>Bagdad Mangalore Structure Plan</i> and opportunity to review and amend zoning in the other settlements. The draft LPS includes a number of local changes that are detailed in the zoning part of this report.
AC 3	Evolve Activity Centres focussing on people and their amenity and giving the highest	Partially achieved through various standards in the SPP and through the translation of most zones under the SMPS2015.

	priority to creation of pedestrian orientated environments.	
AC 3.1	Actively encourage people to walk, cycle and use public transport to access Activity Centres.	Mostly reflected through the existing settlement patters in the Southern Midlands.
AC 3.2	Support high frequency public transport options into Principal and Primary Activity Centres.	Not applicable to Southern Midlands.
AC 3.3	The minimum car parking requirements and associated 'discretion' in the planning scheme for use and development in the Principal and Primary Activity Centres are to encourage the use of alternative modes of transport other than private cars.	Not applicable to Southern Midlands.
AC 3.4	Provide for coordinated and consistent car parking approaches across the Principal and Primary Activity Centres that support improved use of public transport and alternative modes of transports, pedestrian amenity and urban environment.	Not applicable to Southern Midlands.
AC 3.5	Allow flexibility in providing on-site car parking in the lower order Activity Centres subject to consideration of surrounding residential amenity.	Provided for in SPPs through discretionary pathways for new use and development.
Settlement and Residential Development		
SRD 1	Provide a sustainable and compact network of settlements with Greater Hobart at its core, that is capable of meeting projected demand.	See sub-clauses below.
SRD 1.1	Implement the Regional Settlement Strategy and associated growth management strategies through the planning scheme.	All settlements have been previously identified in the SMIPS2015 per the STRLUS. There are no new settlement areas provided in the draft LPS abeit a small expansion of the Rural Living Zone along Blackbrush Road Mangalore.
SRD 1.2	Manage residential growth in District Centres, District Towns and Townships through a hierarchy of planning processes as follows: 1. Strategy (regional function & growth scenario); 2. Settlement Structure Plans (including identification of	The LPS zoning and standards in the SPP follow this planning process. The draft LPS is a suitable mechanism to implement the recommendations of the <i>Campania Structure Plan 2015</i> , the outstanding recommendations of the <i>Bagdad Mangalore Structure Plan</i> and opportunity to review and amend zoning in the other

	<p>settlement boundaries);</p> <p>3. Subdivision Permit;</p> <p>4. Use and Development Permit.</p>	<p>settlements to better conform with this policy.</p>
SRD 1.3	<p>Support the consolidation of existing settlements by restricting the application of the Rural Living Zone:</p> <ol style="list-style-type: none"> 1. to existing rural living communities; or 2. for the purposes of preparing a Local Provision Schedule, to land within an existing Environmental Living Zone in an interim planning scheme if consistent with the purpose of the Rural Living Zone. <p>Land not currently zoned for rural living or environmental living communities may only be zoned for such use where one or more of the following applies:</p> <p>a Recognition of existing rural living communities, regardless of current zoning. Where not currently explicitly zoned for such use, existing communities may be rezoned to Rural Living provided:</p> <ol style="list-style-type: none"> i. the area of the community is either substantial in size or adjoins a settlement and will not be required for any other settlement purpose; and ii. only limited subdivision potential is created by rezoning. <p>b. Replacing land currently zoned for rural living purposes but undeveloped and better suited for alternative purposes (such as intensive agriculture with other land better suited for rural living purposes, in accordance with the following:</p> <ol style="list-style-type: none"> (i) the total area rezoned for rural living use does not exceed that which is back-zoned to other use; (ii) the land rezoned to rural living use is adjacent to an existing rural living community; (iii) the land rezoned to rural 	<p>A minor expansion of the Rural Living Zone is included in the draft LPS for land located north of Blackbrush Road. As identified, in greater detail, under the “zoning” part of this report.</p> <p>The expansion of the rural living zone is applied to an existing rural living community and allows for limited subdivision potential. The land is also adjoining existing rural living zone.</p> <p>The land was previously identified in the <i>Bagdad Mangalore Structure Plan 2010</i> as suitable for rezoning to a rural residential/rural living zone whilst simultaneously backzoning rural residential/rural living zones on the Bagdad Valley floor. All but the land in question was successfully rezoning in 2014.</p> <p>The zoning of the land in Blackbrush Road as Rural Living A is consistent with the policy.</p>

	<p>living use is not designated as Significant Agriculture Land on Map 5 of this Strategy;</p> <p>(iv) the land rezoned to rural living use is not adjacent to the Urban Growth Boundary for Greater Hobart or identified for future urban growth; and</p> <p>(v) the management of risks and values on the land rezoned to rural living use is consistent with the policies in this Strategy.</p> <p>c. Rezoning areas that provide for the infill or consolidation of existing rural living communities, in accordance with the following:</p> <p>(i) the land must predominantly share common boundaries with:</p> <ul style="list-style-type: none"> • existing Rural Living zoned land; or • rural living communities which comply with SRD 1.3(a); <p>(ii) the amount of land rezoned to rural living must not constitute a significant increase in the immediate locality;</p> <p>(iii) development and use of the land for rural living purposes will not increase the potential for land use conflict with other uses;</p> <p>(iv) such areas are able to be integrated with the adjacent existing rural living area by connections for pedestrian and vehicular movement. If any new roads are possible, a structure plan will be required to show how the new area will integrate with the established Rural Living zoned area;</p> <p>(v) the land rezoned to rural living use is not designated as Significant Agricultural Land on Map 5 of this Strategy;</p> <p>(vi) the land rezoned to rural living use is not adjacent to the Urban Growth Boundary for Greater Hobart or identified for future urban growth; and</p> <p>(vii) the management of risks and values on the land rezoned to rural living use is consistent with the policies in this Strategy.</p>	
SRD 1.4	Allow for increased densities in	The Environmental Living Zone in the

	existing rural living areas to an average of 1 dwelling per hectare, where site conditions allow.	<p>Bagdad/Green Valley Road/Huntingdon Tier area under the SMIPS2015 has been converted the Rural Living Zone C Zone (which is the closest comparable lot size).</p> <p>All other current Rural Living Zones have been converted to the Rural Living Zone A.</p> <p>The expansion of the Rural Living Zone in the Blackbrush Road area is the Rural Living Zone A. Consistent with the policy.</p>
SRD 1.5	Encourage land zoned General Residential to be developed at a minimum of 15 dwellings per hectare (net density).	Provided for in SPPs
SRD 2	Manage residential growth for Greater Hobart on a whole of settlement basis and in a manner that balances the needs for greater sustainability, housing choice and affordability.	The Southern Midlands is not located within the Greater Hobart area.
SRD 2.1	Residential growth for Greater Hobart is to occur through 50% infill development and 50% greenfield development.	See above.
SRD 2.2	Manage greenfield growth through an Urban Growth Boundary, which sets a 20 year supply limit with associated growth limits on dormitory suburbs.	See above
SRD 2.3	<p>SRD 2.3 Provide greenfield land for residential purposes across the following Greenfield Development Precincts:</p> <ul style="list-style-type: none"> • Bridgewater North • Brighton South • Droughty Point Corridor • Gagebrook/Old Beach • Granton (Upper Hilton Road up to and including Black Snake Village) • Midway Point North • Risdon Vale to Geilston Bay • Sorell Township East • Spring Farm/Huntingfield South 	See above
SRD 2.4	Recognise that the Urban Growth Boundary includes vacant land suitable for land release as greenfield development through residential rezoning as well as land suitable for other urban purposes including commercial, industrial, public parks, sporting and recreational facilities,	See above

	hospitals, schools, major infrastructure, etc.	
SRD 2.5	Implement a Residential Land Release Program that follows a land release hierarchy planning processes as follows: 1. Strategy (greenfield targets within urban growth boundary); 2. Conceptual Sequencing Plan; 3. Precinct Structure Plans (for each Greenfield Development Precinct); 4. Subdivision Permit; and 5. Use and Development Permit.	See above
SRD 2.6	Increase densities to an average of at least 25 dwellings per hectare (net density) within a distance of 400 to 800 metres of Integrated transit corridors and Principal and Primary Activity Centres, subject to heritage constraints.	See above
SRD 2.7	Distribute residential infill growth across the existing urban areas for the 25 year planning period as follows: Glenorchy LGA 40% (5300 dwellings) Hobart LGA 25% (3312 dwellings) Clarence LGA 15% (1987 dwelling) Brighton LGA 15% (1987 dwellings) Kingborough LGA 5% (662 dwellings)	See above
SRD 2.8	Aim for the residential zones in the planning scheme to encompass a 10 to 15 year supply of greenfield residential land when calculated on a whole of settlement basis for Greater Hobart.	See above
SRD 2.9	Encourage a greater mix of residential dwelling types across the area with a particular focus on dwelling types that will provide for demographic change including an ageing population.	See above
SRD 2.10	Investigate the redevelopment to higher densities potential of rural residential areas close to the main urban extent of Greater Hobart.	See above
SRD 2.11	Increase the supply of affordable housing.	See above

4.6 Southern Midlands Strategic Plan - Section 34(2) (f)

This section of the report will detail how the draft LPS is consistent with the strategic plan prepared under section 66 of the Local Government Act 1993. This is a requirement of Section 34(2) (f) of LUPAA.

As detailed in the body of this report the vast majority of the draft LPS content is a translation of the provisions contained in the current SMIPS2015. The zoning and overlays as applied are consistent with the Guideline No.1 which in most occasions makes reference to a “like for like” translation of the current SMIPS2015. The current Strategic Plan was in effect at the time of adopting the SMIPS2015.

On the whole the draft LPS has no apparent inconsistencies with the Strategic Plan. The Overriding Local Provisions have taken into account specific considerations in the Strategic Plan as did the application of zoning for any departures from the Guideline No.1. Assessment and reference to specific sections of the Plan are provided in Section 5.3 Introduced Zone Changes in the Draft LPS.

4.7 Consistency and coordination with adjacent municipal area - Section 34(g)

Section 34(g) of the LPS Criteria requires that the planning scheme “as far as practicable”, is consistent with and co-ordinated with and LPS’s that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates”.

The Southern Midlands Council shares borders with Brighton, Sorrel, Clarence, Glamorgan Spring Bay, Northern Midlands, Derwent Valley and Central Highlands Councils.

Clarence, Brighton and Glamorgan Spring Bay have all submitted a draft LPS to the TPC. Northern Midlands, Derwent Valley and Sorrell are still in preparing their draft. Central Highlands draft LPS will be prepared by Southern Midlands Council through a resource sharing agreement.

All land immediately adjoining the boundary is either a rural zone or an environmental management zone or environmental living zone. These are generally large parcels of land that, on the whole, are used for either farming, forestry, or a form of conservation. All zones in the draft LPS that adjoin these areas are consistent with one another and conform with the Guideline No.1 or as otherwise modified per the *Decision Tree and Guidelines for Mapping the Agriculture and Rural Zones* (May 2018).

In preparing the Southern Midlands draft LPS the following steps were undertaken to ensure consistency and awareness of the adjoining Council’s LPS:

- Maps and correspondence were exchanged with Brighton and Glamorgan Spring Bay
- The draft Central Highlands map was prepared by the Southern Midlands Council in October 2017 through a resource sharing agreement
- Consultants working on behalf of Northern Midlands Council discussed the application of the Rural and Agriculture Zone to work toward a consistent approach
- The Southern Councils have worked in cooperation in preparing the draft LPSs through the Southern Technical Reference Group.

With these facts in mind there is also a strong likelihood that there are no inconsistencies for the following reasons:

- The strategic direction for each Council is reflected in the STRLUS and assessment of each of their reflective LPS's will need to demonstrate consistency with it;
- Each of the Councils are required to prepare LPS's that are consistent with the Guideline No.1;
- The respective Interim Schemes have demonstrated the required level of coordination and it is anticipated that, far as is practicable, the existing zone and code provisions will be translated on a "like for like" basis as; and
- Many of the Codes rely on mapping produced by the same source, which include the State, Tasnetworks and the Regional Ecosystem Model feeding into the Natural Assets Code.
- Use of the *Decision Tree and Guidelines for Mapping the Agriculture and Rural Zones* (May 2018) as adopted by the Southern Technical Reference Group.

4.8 Gas Pipeline- Section 34(h)

The LPS is to have regard to the safety requirements set out in the standards prescribed under the *Gas Pipelines Act 2000*.

The Act and regulations provide for safety requirements, however these do not have any direct relationship to a planning scheme. More relevantly the Act includes a declared statutory notification corridor for use and development within proximity to the pipeline to ensure its safety and protection. Sections 70C and 70D of the Act require the planning authority to give notice to the pipeline licensee for development within the corridor. The licensee may provide advice to the planning authority as to safety conditions that are to be included on any permit issued. A planning authority cannot include on a permit condition that conflicts with any condition contained in the safety and operating plan for the affected pipeline.

The pipeline traverses the municipality from north to south. The zoning of land and application of overlays to land within in the vicinity of the pipeline and corridor is, aside from the Blackbrush Road expansion of the Rural Living Zone, a translation of the current zoning and overlays per the Guideline No.1 and as otherwise required by the SPPs.

Consideration of the pipeline, in regard to the Black Brush Road Rural Living Zone expansion is specifically made in Section 5.3 Introduced Zone Changes in the Draft LPS.

5. Zoning in Draft LPS

5.1 The Guideline No.1

The revised Guidelines were issued by the TPC in June 2018, 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 sets out the LPS requirements. As mentioned earlier in the report, the Guidelines are the primary guiding document for Councils to acceptably apply zoning and overlays to the land.

The Guideline is also to be read in conjunction with the transitional provisions under Schedule 6 of LUPAA.

5.2 SMIPS2015- SPP Zone Conversions

For the most part, the Southern Midlands draft LPS carries through existing SMIPS2015 zoning, as these correlated with the Zone Application Guidelines. The associated changes in zone standards are generally minor and it is considered that the strategic intent underpinned by the STRLUS and local strategies are not compromised by the SPPs.

The process of LPS development has determined that despite the zone purpose and/or uses of the SPPs being the ‘best fit’ to achieve the primary objective, some associated standards of the zone did not result in sustainable outcomes, and in some areas tension or inconsistency with the STRLUS or in conflict with the requirements of Section 34. These points of conflict have resulted in the LPS including both new SAPs and the application of some new zones which are discussed in section 5.3 and section 7 of this report.

The following table (Table 5) captures the basic zone conversions as mandated by the Guideline No.1:

SPP Zone applied in draft LPS	Current Zone in SMIPS 2015	Comments
General Residential Zone	General Residential Zone	<p>The General Residential zone is currently used in Oatlands only. All land currently zoned General Residential in Oatlands has been transitioned to the draft LPS.</p> <p>NB: CHANGES Parcels of land and key development areas and precincts in Kempton and Campania have been translated from Village Zone to General Residential Zone. The reason and justification for the changes is provided in Section 5.3 of this report.</p>
Rural Living Zone	Rural Living Zone, & Environmental Living Zone	<p>The zone has been applied to all existing Rural Living Zones in Bagdad, Mangalore, and Campania.</p> <p>The zone has also been applied to the Environmental Living Zone in the Huntingdon Tier, Green Valley Road Area. This is a straight conversation of the zone per the Guideline No.1 under RLZ2 (b) as the Environmental Living Zone is no longer included in the suite of zones provided by the State Template.</p> <p>The Environmental Living Zone currently has a minimum lot size of 6ha. The closest minimum lot size provided by the SPPs under the Rural Living Zone is 5ha under the Rural Living Zone “C”. Accordingly this is the closest and best fit match.</p> <p>This is a straight conversion of the Rural Living and Environmental Living Zone</p>

		<p>zone per the Guideline No.1 under RLZ1 and RLZ2.</p> <p>NB: CHANGES The only change is the expansion of the Rural Living Zone to the land north of Black Brush Road. The rationale and justification for the zone expansion is provided in Section 5.3 of this report.</p>
Village Zone	Village Zone	<p>The zone currently applies to the villages of Tunbridge, Parattah, Tunnack, Colebrook, Campania, Bagdad, and Kempton.</p> <p>This is a straight conversion per the Guideline No.1.</p> <p>NB: CHANGES Kempton and Campania have however undergone some structured zoning whereby the Village Zone has been replaced in parts – the rationale and justification is provided in Section 5.3 of this report.</p>
Community Purpose Zone	Community Purpose Zone	<p>Straight conversion per the Guideline No.1.</p>
Recreation Zone	Recreation Zone	<p>Straight conversion per the Guideline No.1.</p> <p>NB: CHANGES Additional land is included in the draft LPS - – the rationale and justification is provided in Section 5.3 of this report.</p>
General Business Zone	General Business Zone	<p>Straight conversion per the Guideline No.1.</p> <p>Applies to Oatlands only.</p>
Light Industrial Zone	Light Industrial Zone	<p>Straight conversion per the Guideline No.1.</p> <p>Applies to Oatlands only.</p>
Rural Zone	Rural Resource Zone	<p>Zoning has been applied per the Guideline No.1 with the data provided from the Agricultural Land Mapping Project and the <i>Decision Tree and Guidelines for Mapping the Agriculture and Rural Zones</i>, AK Consultants (May 2018).</p> <p>NB: CHANGES There are significant changes to the rural zoning in the Southern Midlands – the rationale and justification is provided in</p>

		Section 5.3 of this report.
Agriculture Zone	Rural Resource Zone and Significant Agricultural Zone	Zoning has been applied per the Guideline No.1 with the data provided from the Agricultural Land Mapping Project and the <i>Decision Tree and Guidelines for Mapping the Agriculture and Rural Zones</i> , AK Consultants (May 2018) NB: CHANGES There are significant changes to the rural zoning in the Southern Midlands – the rationale and justification is provided in Section 5.3 of this report.
Environmental Management Zone	Environmental Management Zone	Straight conversion per the Guideline No.1. NB: CHANGES Some additional nature reserves, riparian reserves and other public reserves included per the Guideline No.1– the rationale and justification is provided in Section 5.3 of this report.
Utilities Zone	Utilities Zone	Straight conversion per the Guideline No.1. NB: CHANGES Some additional existing utilities were included per the Guideline No.1– the rationale and justification is provided in Section 5.3 of this report.
Future Urban Zone	Urban Growth Zone	Straight conversion per the Guideline No.1.

Table 5 – “Like for Like” Zone Conversions

5.3 Introduced Zone Changes in the Draft LPS

The following sections of the report details the changes provided in the draft LPS with detail and explanation of the justifiable departures from a straight “like for like” conversion of an existing SMIPS zone to a draft LPS Zone.

Each area/zone change is provided with an explanation and reason for the changes followed by justification under Section 34(2) (a) to (h) – that is:

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

- d) is consistent with each State policy; and
- e) is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and
- f) is consistent with the strategic plan, prepared under section 66 of the Local Government Act 1993 , that applies in relation to the land to which the relevant planning instrument relates; and
- g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and
- h) has regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000

The following table (table 6) captures all the introduced changes (note: further details, where necessary, are provided in the following sub sections of the report and as indicated in the table):

ADDRESS	PID/CT	SMIPS2015 ZONE/S	DRAFT LPS ZONE/S	COMMENT
Kempton Township	Various	Village Zone	General Residential Zone	See Section 5.3.1 of this report for detail.
Campania Township	Various	Village Zone	General Residential Zone	See Section 5.3.2 of this report for detail.
15, 17 Kandara Court, 27 Native Corners road, and 21 Water Lane, Campania	CTs 162947/5, 162947/2, 162947/2, 162947/3	Village Zone	Low Density Residential Zone	See Section 5.3.2 of this report for detail.
Campania Cemetery and part of adjoining open space, Water Lane Campania	CTs 209344/16 209344/16 162947/5	Village Zone	Open Space Zone	See Section 5.3.2 of this report for detail.
TasWater Reservoir, 19 Kandara Court, Campania	162947/4	Village Zone	Utilities Zone	The town reservoir is currently zoned Village. The Utilities Zone is the more appropriate zone per Guideline No.1 UZ4.
Parattah Township	Various	Village Zone	Low Density Residential Zone	All residential lots converted to Low Density Residential Zone.
Parratah Recreation Ground, 645 Tunnack Road Parratah	5841183	Village Zone	Recreation Zone	The zoning is applied to the Parratah Recreation Ground per Guideline No. 1 RecZ 1

22 Russell Street, Parattah	CT 111403/1	Utilities Zone	Low Density Residential Zone	The land is an ordinary residential lot adjoining the railway corridor but with no association with the railway line. The current zoning is not the correct use of the zone. The Low Density Residential Zone is applied for consistency with the remainder of the town under the draft LPS.
Black Brush Road, Mangalore	CTs 152939/6, 123830/1, 14387/1, 47455/1, and 6519/1	Rural Resource Zone	Rural Living Zone "A"	See Section 5.3.4 of this report for detail.
Various riparian reserves on separate title	Various	Rural Resource Zone, Significant Agriculture Zone,	Environmental Management Zone	Per Guideline No.1 EMZ1, and EMZ3. Many of these parcels of land are currently absorbed into the surrounding zoning and not identified by separate zone.

Table 6 – Introduced Zone Changes and Justifiable Departures

5.3.1 Kempton Township

The Kempton Township is delineated by the village zone under the SMIPS2015.

The SMIPS2015 (and former 1998 Scheme) encourages commercial and community type use and development along the Main Street through providing a use qualification in the Use Table (Part 16.2). The use qualification gives a permitted pathway to such uses along the Main Street whilst remaining discretionary in other parts of the town. The standards for non-residential use (Part 16.3.1) also aim to reduce and discourage unreasonable impacts on residential amenity.

The Village Zone, as provided in the SPPs, does not actively encourage development along the main street of a township. Nor does the Schedule 6 transitional provisions allow for Council to carry forward the current qualifications. Advice from the Planning Policy Unit is that the TPS will not allow for site specific qualifications over a multitude of titles - Citing a site specific qualification needs to be specific to a particular parcel of land.

To continue the orderly progress of the Kempton Township a few simple zone changes from village zone to residential zone in key areas of the town would discourage land use that may conflict with the well-established residential amenity of areas or draw undue commercial or community usage away from a burgeoning town centre. Zone changes would achieve a more orderly development and future for the town and protect and enhance the existing settlement pattern of the town. The outcome is primarily to encourage community and commercial use and development into a more centralized area and along the Main Street. The changes are thus:

- Convert the land at the southern entrance to the town to the General Residential Zone recognising the dominant residential land use in this area. As shown on the map "Kempton 4a". This would also discourage any large scale highway services from developing at the entrance to the town and

drawing business activity away from the town centre.

- Convert the north/north western side of the town fronting Burnett Street, Louisa Street, part Erskine Street, part Sophia Street, part Elizabeth Street, Elizabeth Court and part of the Old Hunting Ground Road. As Shown on the map “Kempton 4a”.
- Maintain the village zone on the large parcels of land at:
 - CT 102388/1 at the southern end land recognising the land has an active distillery and cafe and a permit for a large scale distillery, tourist operation and bond stores. The land also has a complete frontage to the Midland Highway with some opportunity for a commercial operator to take advantage of the large volume of daily traffic.
 - CT 123249/1 at the north central end of the town has a live permit for a subdivision, however, the land is also adjacent to the recreation ground and has complete frontage to the Midland highway and frontage to Main Street. The land is in close proximity to established business and community use and exposed to large volume of highway traffic, local foot traffic, local vehicle traffic. It is therefore conceivable that a commercial operator may utilize part or all of this site to the benefit of the township.

The zone changes to the Kempton township are justifiable departures from a straight “like for like” conversion from the SMIPS2015 to the draft LPS per criteria (a) to (h) provided by Section 34(2) of LUPAA – in summary:

- The Residential Zone is a zone provided in the declared SPPs; and
- The use and application of the zone in the draft LPS is in accordance with Section 32. There are no points of conflict or tension or modifications of the zoning as provided by the SPPs.
- There are no apparent points of conflict with any State Policies.
- Per Council’ Strategic Plan 2014-2023:
 - Seek opportunities to increase the number of subdivisions providing affordable land in areas that can utilise the existing water, sewer and road infrastructure within the framework of the Planning Scheme
 - Investigate and pursue innovative responses to residential developments whilst maintaining “village character”
- There are no apparent issues or points of conflict with adjacent municipal areas.
- The gas pipeline is not located in the vicinity of the zoning
- The Guideline No.1:
 - allow for the application of the General Residential zoning to land that is not currently zoned General Residential Zone under an IPS; and
 - should be applied to the main urban residential areas of a municipality where fully serviced and not targeted for high(er) residential development (as is in Kempton)
 - can be applied to land where there are no physical or natural values that would be an impediment to residential development.
- Local analysis demonstrates a clear pattern of community and commercial use and development along the Main Street and capacity for further development between Burnett Street to the north and Dysart House to the south.
- The changes are more consistent with STRLUS than the current IPS.
- The changes further the objectives of LUPAA by facilitating and encouraging orderly development and minimise pressure on service and infrastructure providers. This is achieved through consolidating residential settlement in key areas and consolidating the commercial and community development within a more centralised hub.

5.3.2 Campania Township

The Campania township is defined by the Village Zoning under the SMIPS2015.

Also, like the Kempton township, the current IPS actively encourages development along the

main streets, being Reeve Street and Climie Street through the use table qualifications (part 16.2) and discouraging non-residential use where it may impact residential amenity through the non-residential use standards (part 16.3.1). Again an SSQ for those areas of land is not appropriate per the advice from the PPU and therefore is not included in the draft LPS.

The draft zone changes in the LPS in Campania will continue to encourage commercial use along Climie and Reeve Street and implement the relevant recommendations of the *Campania Structure Plan 2015*. This document was subject to extensive public consultation in 2015. The document is consistent with the STRLUS, and Council's Strategic Plan and provides recommendations for changes based on local strategic analysis.

The changes are provided in "Map 9a" of the draft LPS and:

- Convert the zoning of land between Water Lane and Kandara Court to the west of the township from the Village Zone to the Low Density Residential Zone (CTs 162947/5, 162947/2, 162947/3).
- Convert the zoning of the Campania Cemetery (CT 209344/16) from Village Zone to Open Space Zone together with the adjoining public land CT 209344/16 and CT 162947/5.
- Convert the zoning of land between Water Lane, and lots adjacent to Water Lane along Climie Street ending at the railway line from Village Zone to General Residential Zone.
- Convert all Village Zoned land fronting Alexander Circle to the north of the town and those adjoining lots along Climie Street from Village Zone to General Residential Zone.
- Convert all residential lots between the southern boundary of the town and Campania Hall (CT 248243/5) from village zone to General Residential Zone.
- Convert all residential lots and balance fronting Villeneuve Street, Justitia Court, and end of Hall Street from Village Zone to General Residential Zone
- Convert those residential lots accessing Hall Street, Union Street, Lee Street and part Climie Street (east of Union Street only) from Village Zone to General Residential Zone.

The zone changes to the Campania township are a justifiable departures from a straight "like for like" conversion from the SMIPS2015 to the draft LPS per criteria (a) to (h) provided by Section 34(2) of LUPAA:

- The Low Density Residential Zone is a zone provided in the declared SPPs; and
- The use and application of the zone in the draft LPS is in accordance with Section 32. There are no points of conflict or tension or modifications of the zoning as provided by the SPPs.
- There are no apparent points of conflict with any State Policies.
- Per Council' Strategic Plan 2014-2023:
- Seek opportunities to increase the number of subdivisions providing affordable land in areas that can utilise the existing water, sewer and road infrastructure within the framework of the Planning Scheme
- Investigate and pursue innovative responses to residential developments whilst maintaining "village character"
- Maintain and strengthen Communities in the Southern Midlands
- There are no apparent issues or points of conflict with adjacent municipal areas.
- The gas pipeline is not located in the vicinity of the zoning
- The Guideline No.1:

- allow for the application of the General Residential zoning to land that is not currently zoned General Residential Zone under an IPS; and
- should be applied to the main urban residential areas of a municipality where fully serviced and not targeted for high(er) residential development (as is in Campania)
- can be applied to land where there are no physical or natural values that would be an impediment to residential development.
- Local analysis demonstrates a clear pattern of community and commercial use and development along the central intersection of Climie Street and Reeve Street and further capacity of commercial usage on the former School Farm and the nearby lots; and
- That native vegetation within the recreation area and lots surrounding the cemetery (between Kandara Court and Water Lane and Native Corners Road) CTs 162947/5, 162947/2, 162947/2, 162947/3 presents both a bushfire hazard to nearby development and also contributes to the amenity/scenic values of the town with its natural values. The land is better suited to the Low Density Residential Zone than the much higher residential density and permissible uses in the village zone. The natural environmental values otherwise constrain development allowable in the village zone.
- The changes are more consistent with STRLUS than the current IPS.
- The changes further the objectives of LUPAA by facilitating and encouraging orderly development and minimise pressure on service and infrastructure providers. This is achieved through consolidating residential settlement in key areas and consolidating the commercial and community development within a more centralised hub.
- The changes in the draft LPS are a response to the recommendations of the *Campania Structure Plan 2015*.

5.3.3 Parattah Township

The Parattah township is defined by the Village Zoning under the SMIPS2015.

The draft LPS will convert the current Village Zone to the Low Density Residential Zone. The primary driver for the change is that the Village Zone under the SPPs allows for a significantly higher lot density than the current Village Zone.

The town is a small settlement with a main road, footpaths, a small recreation ground, a public hall, church, and a railway yard. The township has a population of approximately 159 people (2016 Census). There are approximately 80 lots in the township (developed and undeveloped).

The lots vary greatly in size along the main road (Tunnack Road). The smallest lots are located at the northern end of the town, with 5 lots between 480m² and 800m². In the south central part of the town, along Johnston Street, are 5 more small lots averaging 720m². The balance of residential lots (some 70 lots) in the township range between 1200m² and 4.3ha. There is no consistent lot size in the township. There has been only one subdivision (boundary adjustment) in the township in the past 20 years.

The current minimum lot size under the SMIPS2015 is 5000m². This lot size was used in the SMIPS2015 as carry over from the 1998 Scheme and to remain consistent with the STRLUS Activity Centre Network and the Settlement and Residential Development Strategy. The reason for this lot size is thus:

- To ensure adequate land is available for onsite wastewater disposal; and

- To avoid and reduce risk of overconcentration of onsite wastewater systems in close proximity;
- To create larger lots in a small country town to retain and promote the rural town amenity of gardens, paddocks, sheds, workshops, animal keeping and a generally low density of housing.
- To recognise the town's role as a small settlement (with a very low growth strategy), per the STRLUS, that will support the nearby larger township of Oatlands as the Rural Services Centre (with a moderate growth strategy);

The 600m² minimum lot size provided in the SPPs (Part 12.5.1) is a significant change and is inconsistent with the growth strategies of the STRLUS and past local planning objectives.

The Parattah township is approximately 66ha of village zoned land. A 5000m² minimum lot sizes would achieve a density of some 132 lots or 2 lots per hectare. However the SPP translation of Village Zone to Village Zone would allow for some 1,100 lots or approximately 16 lots per hectare (not allowing for roads, POS, etc).

The application of the Low Density Residential Zone would reflect the already smaller lots (already less than 5000m²) and allow for some 440 lots or 6 lots per hectare. This is a more reasonable middle ground between maintaining the status quo through a Specific Area Plan that enforces a 5000m² lot size and directly translating the SMIPS2015 village zone to SPP village zone.

The strategic aim in applying the Low Density Residential Zone is to find a balance between current lot sizes and the function of Parattah as a small regional settlement with limited services and very close to the larger township/service centre of Oatlands.

The zone changes to the Parattah township are a justifiable departure from a straight "like for like" zone translation from the SMIPS2015 to the draft LPS per criteria (a) to (h) provided by Section 34(2) of LUPAA:

- The Low Density Residential Zone is a zone provided in the declared SPPs; and
- The use and application of the zone in the draft LPS is in accordance with Section 32. There are no points of conflict or tension or modifications of the zoning as provided by the SPPs.
- The Guideline No.1 allow for the application of the Low Density Residential Zone:
- to land that cannot be developed to higher densities due to lack of availability or capacity for reticulated infrastructure services (per LDRZ1(a)(i))
- to small settlements without the full range of infrastructure services(per LDRZ1(b))
- to existing low density residential areas where there is strategic justification for or intent not to support higher densities (per LDRZ1 (c))
- Local analysis demonstrates very minor growth and development pressure on the township; and
- The changes are more consistent with STRLUS than the current IPS.
- The changes further the objectives of LUPAA by facilitating and encouraging orderly development in the Southern Midlands and minimise pressure on service and infrastructure providers to extend services to outlying areas. This is achieved through consolidating residential settlement in key areas and consolidating the commercial and community development within a more centralised hub.
- There are no inconsistencies or points of conflict with State Policies.

- There are no impacts on the adjacent municipal areas
- The gas pipeline is not located in the vicinity of the zoning.
- Per Council’ Strategic Plan 2014-2023:
- Seek opportunities to increase the number of subdivisions providing affordable land in areas that can utilise the existing water, sewer and road infrastructure within the framework of the Planning Scheme
- Investigate and pursue innovative responses to residential developments whilst maintaining “village character”
- Expand the concept of the Oatlands Integrated Development Strategy to provide for a municipality wide integrated development strategy
- Maintain and strengthen Communities in the Southern Midlands
- There has been only one (1) minor subdivision in the township in the past 20 years (per current digital Council records)

5.3.4 Expansion of the Mangalore Rural Living Zone

The draft LPS includes an expansion of the Rural Living Zone “A” for five (5) lots fronting Black Brush Road in Mangalore CTs 152939/6, 123830/1, 14387/1, 47455/1, and 6519/1. This represents a total area of approximately 55ha of land currently zoned Rural Resource Zone under the SMIPS2015.

The land is adjacent to the existing Mangalore Rural Living Zone which captures around 95ha of land in the Blackbrush Road, Midland Highway, Mountford Drive area.

This land was previously subject to both a request to rezone by the landowner in 2009 and a Council initiated rezoning in 2013. Both rezoning attempts were ultimately rejected by the Tasmanian Planning Commission. Given this previous history, additional descriptions and supporting information is provided in this section of the report (when compared to other zone changes in other parts of the Municipal Area).

The application of the Rural Living Zone, to this land is a departure from a straight “like for like” translation of the existing zoning under the SMIPS2015 to the draft LPS zoning.

The current zoning under the SMIPS2015 is the Rural Resource Zone so the “like for like” zoning would be either the Rural Zone or Agriculture Zone. The reason for the change to the Rural Living Zone are for the following reasons:

- Per Council’ Strategic Plan 2014-2023:
 - Part 2.1.1 “Increase the resident, rate-paying population in the municipality”
 - Part 3.4.1.1 “Make use of the Joint Land Use Planning Initiative (JLUPI) outcomes to develop the local content for the new planning scheme”
 - Part 5.1.1 “Maintain and strengthen communities in the Southern Midlands” (Part 5.1 Retention [of population])
- To increase the population of the Bagdad Mangalore Valley in accordance with prior strategic plans i.e. Joint Land Use Planning Initiative, Bagdad Mangalore Structure Plan;
- To enhance an existing settlement node in the Bagdad Mangalore Valley through providing further residential development opportunity and promote a higher density population within the boundaries of an identified settlement area; that will
- Facilitate future growth of recreational facilities, further transport opportunities and infrastructure, and generally more attractive to service providers; and also
- Maintain and strengthen an existing community to retain and attract young people and retain elderly people
- Provide opportunity and incentive for business development within an existing settlement; and

aim to

- Provide a rural living area that is better serviced than most rural living land in Southern Tasmania that is:
 - Within walking distance of community and recreation facilities at the Mangalore recreation ground.
 - Within walking distance of the bus stop on the corner of the Midland Highway and Blackbrush Road.
 - A short drive to the Midland Highway - the main vehicle transport route in the State – where it is accessed via a safe junction that incorporates turning lanes.
 - A short drive north to the Bagdad school and Community Club.
 - A short drive south to the new Brighton Bypass section of the Midland Highway and from there access to Hobart is over some of the best highway roads in the State
- To continue the pattern and strategic intent to consolidate residential development (including rural-residential development) in nodes and retain the rural landscape between the nodes. In other words, the rural-residential sprawl that has occurred just south of the Bagdad Mangalore valley either side of the Brighton township is not to be repeated in Southern Midlands.
- To provide dedicated land for residential development in Mangalore that will not impact the long term agricultural use in the locality; and to identify such land through a local area study (strategic plan).
- The draft zoning is ultimately part of a much broader land use strategy to create distinct residential nodes based on existing settlement areas in the Bagdad Mangalore Valley. This in turn will retain and protect the more viable agricultural land. To date, this has been largely achieved through a series of rezonings undertaken in 2014 which “backzoned” a large area of Rural Living Zoning on the valley floor to the Significant Agriculture Zone and Rural Resource Zone under the SMIPS2015. The basis for these rezoning was distilled in the Bagdad Mangalore Structure Plan and then embodied in the objectives SMIPS2015. All such rezoning are also consistent with and supported by the STRLUS; and
- Note that the STRLUS, and the Agricultural Land Mapping Project provides additional and more definitive direction in this regard, particularly in respect of the spatial allocation of Agriculture Zone under the TPS.
- To zone new rural residential land on the sides of the valley adjacent to existing development, especially where not requiring new accesses on the Midland Highway, thereby consolidating and strengthening these rural living areas.
- New rural living opportunities are provided on the edges of the Bagdad-Mangalore Valley adjacent to existing clusters and where not reliant on direct access to the Midland Highway.
- To avoid creating rural living areas on land with high biodiversity and natural values or with potential bushfire, landslide or other natural hazards.
- By expanding a residential node in accordance with a strategic plan it should mitigate ad-hoc responses to future development pressure and residential land demand due to population growth (or other compelling reasons to move outside the greater Hobart area).

The application of the Rural Living Zone “A” to this land is an acceptable application of the zone and inclusion in the draft LPS per criteria (a) to (h) provided by Section 34(2) of LUPAA:

- *(a) contains all the provisions that the SPPs specify must be contained in an LPS; and*

The Rural Living Zone “A” is a zone provided in the declared SPPs.

(b) is in accordance with section 32;

The use and application of the Rural Living Zone “A” in the draft LPS is in accordance with Section 32. There are no points of conflict or tension or modifications of the zoning as provided by the SPPs.

- *(c) furthers the objectives set out in Schedule 1 ; and*

The draft zoning is ultimately part of a much broader land use strategy to create and encourage distinctive residential nodes based on existing settlement patterns and areas in the Bagdad Mangalore Valley.

To date, this strategic planning, has been largely implemented through a series of rezonings undertaken in 2014 which “backzoned” a large area of Rural Living Zoning on the valley floor to the Significant Agriculture Zone and Rural Resource Zone under the SMIPS2015. The basis for these rezonings was distilled in the Bagdad Mangalore Structure Plan and then embodied in the objectives of the SMIPS2015. It is Council’s position that all such rezoning are (and were) consistent with and supported by the STRLUS.

The land in between these nodes will be preserved for predominately agricultural use and protection of the Midland Hwy. This will also preserve the rural landscape values of the valley and prevent rural-residential sprawl or ribbon development.

The overall plan, therefore, provides for the orderly development of the valley without adversely impacting on natural or cultural values and without creating excessive demand on services that cannot be met (and at risk of being stretched over vast areas). It is in accordance with relevant strategic planning documents and will lead to an enhancement of the social and economic well-being of the area.

The information contained in the Bagdad Mangalore Structure Plan, the JLUPI Settlement and Open Space Strategy and the JLUPI Land Use Strategy further demonstrate general compliance with the objectives of the Act.

- *(d) is consistent with each State policy; and*

On the whole, the draft LPS is consistent with the State Policies.

The information contained in the Bagdad Mangalore Structure Plan, the JLUPI Settlement and Open Space Strategy and the JLUPI Land Use Strategy demonstrate general compliance with the State’s few State Policies.

The State Policy most relevant to this land zoning is the Protection of Agricultural Land State Policy. The outcome of this zone change combined with previous, and related, zone changes in the Bagdad Mangalore Valley is to preserve large expanses of good agricultural land on the valley floor from development that would otherwise remove that land from agricultural production permanently or likely cause unplanned or adhoc residential development on otherwise quality farming land. The land is not otherwise prime agricultural land.

The allocation of a dedicated rural living zone (close to services) in the Mangalore Area away from the more productive and irrigated soils of the valley is a suitable means to meeting demand for growth without impacting long-term agricultural land use.

- *(e) is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and*

On the whole, the draft LPS is consistent with the STRLUS.

The following policy statements are desired planning outcomes provided by the STRLUS that are directly relevant to the application of the Rural Living Zone “A” to this land – an assessment of each follows:

NB: The following statements have been selected by the Author as relevant to the application of the Rural Living Zone “A” to these parcels of land and are in addition to those comments and the assessment provided in Section 4.5.2 (Table 4) of this report.

Settlement and Residential Growth

SRD 1.1 Implement the Regional Settlement Strategy and associated growth management strategies through the planning scheme.

All settlements in the Southern Midlands have been previously identified in the SMIPS2015 per the STRLUS. There are no new settlement areas provided in the draft LPS. This expansion of the Rural Living Zone in Mangalore is not considered the creation of a new settlement or in conflict with the growth management strategies.

Bagdad and Mangalore were considered as joint settlements under the Bagdad Mangalore Structure Plan. Bagdad is considered a ‘village’ with a low growth strategy per “Table 3: Growth Management Strategies” and Mangalore is best described as “other Small Settlement or Locality”.

The Joint Land Use Planning Initiative is directly cited in STRLUS. The Regional Settlement Strategy builds upon the Joint Land Use Planning Initiative as “... a whole of region level” (p85, STRLUS). The Bagdad Mangalore Structure Plan is then a bi-product of the Joint Land Use Planning Initiative.

It is clear that the purpose of the Bagdad Mangalore Structure Plan is to consolidate residential growth and settlement to a small defined area as opposed to sprawling or ribbon type development along the Midland Highway.

Given the whole of valley approach to these settlements through the Bagdad Mangalore Structure Plan and recognising that the STRLUS itself has a basis in the Joint Land Use Planning Initiative it is clear that the expansion of the Rural Living Area at Mangalore implements and accords with the Residential Settlement Strategy and associated management strategies.

SRD 1.3 Support the consolidation of existing settlements by restricting the application of the Rural Living Zone:

- 1. to existing rural living communities; or*
- 2. for the purposes of preparing a Local Provision Schedule, to land within an existing Environmental Living Zone in an interim planning scheme if consistent with the purpose of the Rural Living Zone.*

Land not currently zoned for rural living or environmental living communities may only be zoned for such use where one or more of the following applies:

- a. Recognition of existing rural living communities, regardless of current zoning. Where not currently explicitly zoned for such use, existing communities may be rezoned to Rural Living provided:
 - i. the area of the community is either substantial in size or adjoins a settlement and will not be required for any other settlement purpose; and*
 - ii. only limited subdivision potential is created by rezoning.**
- b. Replacing land currently zoned for rural living purposes but undeveloped and better suited for alternative purposes (such as intensive agriculture with other land better suited for rural living purposes, in accordance with the following:
 - i. the total area rezoned for rural living use does not exceed that which is**

- back-zoned to other use;*
 - ii. *the land rezoned to rural living use is adjacent to an existing rural living community;*
 - iii. *the land rezoned to rural living use is not designated as Significant Agriculture Land on Map 5 of this Strategy;*
 - iv. *the land rezoned to rural living use is not adjacent to the Urban Growth Boundary for Greater Hobart or identified for future urban growth; and*
 - v. *the management of risks and values on the land rezoned to rural living use is consistent with the policies in this Strategy.*
- c. *Rezoning areas that provide for the infill or consolidation of existing rural living communities, in accordance with the following:*
 - i. *the land must predominantly share common boundaries with:*
 - *existing Rural Living zoned land; or*
 - *rural living communities which comply with SRD 1.3(a);*
 - ii. *the amount of land rezoned to rural living must not constitute a significant increase in the immediate locality;*
 - iii. *development and use of the land for rural living purposes will not increase the potential for land use conflict with other uses;*
 - iv. *such areas are able to be integrated with the adjacent existing rural living area by connections for pedestrian and vehicular movement. If any new roads are possible, a structure plan will be required to show how the new area will integrate with the established Rural Living zoned area;*
 - v. *the land rezoned to rural living use is not designated as Significant Agricultural Land on Map 5 of this Strategy;*
 - vi. *the land rezoned to rural living use is not adjacent to the Urban Growth Boundary for Greater Hobart or identified for future urban growth; and*
 - vii. *the management of risks and values on the land rezoned to rural living use is consistent with the policies in this Strategy.*

The expansion of the rural living zone is applied to an existing rural living community and allows for limited subdivision potential. The land is also adjoining an existing rural living zone and Community Purpose Zone.

The land was previously identified in the Bagdad Mangalore Structure Plan 2010 as suitable for rezoning to a rural residential/rural living zone whilst simultaneously backzoning rural residential/rural living zones on the Bagdad Valley floor. All but the land in question was successfully rezoned in 2014.

The land adjoins current Rural Resource Zone and Agriculture Zone under the draft LPS. Appropriate lot design and housing design coupled with the Development Standards for Buildings for a sensitive use under the SPPs should not increase the potential for land use conflict with nearby agricultural land use.

The zoning of the land in Blackbrush Road as Rural Living “A” is consistent with the policy.

SRD 1.4 Allow for increased densities in existing rural living areas to an average of 1 dwelling per hectare, where site conditions allow.

The Rural Living Zone “A” will allow for a minimum 1 hectare lot size. This would then equate to 1 dwelling per hectare.

The expansion of the Rural Living Zone in the Blackbrush Road area is the Rural Living

Zone A. Consistent with the policy.

PR 2.1 Utilise the settlement strategy to assess conversion of rural land to residential land through rezoning, rather than the potential viability or otherwise of the land for particular agricultural enterprises.

This land has been previously identified for rezoning in the Bagdad Mangalore Structure Plan 2010.

The settlement strategy has a basis in the Joint Land Use Planning Initiative. The settlement strategy is a primary consideration and driver for consolidating residential development into existing settlements and should counter the need for ad-hoc future rezonings of agricultural land.

Productive Resources

PR 1.2 Avoid potential for further fettering from residential development by setting an acceptable solution buffer distance of 200 metres from the boundary of the Agriculture Zone, within which the planning scheme is to manage potential for land use conflict.

Provided for in the SPPs.

The Rural Living Zone is considered suitable for this land given the provisions for setback contained in the SPPs and given the 1ha lot size. Ultimately the Rural Living Zone allow for some flexibility in subdivision design to avoid conflict with adjoining or nearby agricultural and farming practices. A zone with a much higher residential density may not otherwise be suitable for this land. The Zone Purpose (Part 11.1) states “To provide for compatible agricultural use and development that does not adversely impact on residential amenity”. In other words the purpose of the Rural Living Zone is to create a balance between small scale agricultural uses and residential use. This makes the Rural Living Zone an appropriate zone to abut the adjoining Rural Zone and Agriculture Zone. Residents and Council would acknowledge the rural environment in considering Development Applications and day to day use of the land.

PR 1.1 Utilise the Agriculture Zone to identify land significant for agricultural production in the planning scheme and manage that land consistently across the region.

The Agriculture Zone is applied consistent with the Guideline No.1 and additional input from the regional project for the spatial application of the rural and agricultural zones.

The Guideline No.1 allow for consideration of local strategy in applying either the Rural Zone or the Agriculture Zone and does not mandate the Agriculture Zone or Rural Zone must be applied without due consideration of local planning and Council objectives.

Tourism

T 1.1 Protect and enhance authentic and distinctive local features and landscapes throughout the region.

The nearby Midland Highway is a high use transport and tourism route in Tasmania.

Desired outcomes in the Bagdad Mangalore Structure Plan is to enhance and maintain the rural landscape of the Bagdad Mangalore Valley through directing residential development and associated infrastructure away from the valley floor. Also to avoid as far as practical ribbon development along the Midland Highway.

The implementation of the settlement strategy, coupled with local strategy, will help to protect and enhance the scenic landscape, rural and natural values that characterize the Southern Midlands.

T 1.2 Identify and protect regional landscapes, which contribute to the region's sense of place, through the planning scheme.

See previous comment to T1.1.

Land Use and Transport Integration

LUTI 1.4 Consolidate residential development outside of Greater Hobart into key settlements where the daily and weekly needs of residents are met.

A primary driver for the application of zoning for this land. Increasing the population in a small cluster should result in improved infrastructure and access to nearby services.

Physical Infrastructure

PI 2.1 Use the provision of infrastructure to support desired regional growth, cohesive urban and rural communities, more compact and sustainable urban form and economic development.

One of the desired outcomes in applying the rural living zone to this land is to cluster and encourage residential development into a small node with existing access to the Midland Highway from Black Brush Road. Encouraging residential growth in this area should also encourage greater service provision such as further transport options that can easily access the area and the population within.

Recreation and Open Space

ROS 1 Plan for an integrated open space and recreation system that responds to existing and emerging needs in the community and contributes to social inclusion, community connectivity, community health and well being, amenity, environmental sustainability and the economy.

In general terms the application of the Rural Living Zone is consistent with this clause and the sub-clauses of the Recreation and Open Space Policy in STRLUS for the following reasons:

- to consolidate rural living development in the Bagdad Mangalore Valley into distinct nodes; and
- to increase the local population of such areas; and
- encourage use and further enhancement of the Mangalore recreation ground; and
- to improve access to the recreation ground and nearby bus stop/corner of Midland Highway and Black Brush Road; and
- attract further investment in the community from Council, business and other

service providers.

Further Comment on STRLUS:

It is noted that the rejection of the Rezoning of this land by the TPC in 2014 was for the following reasons:

- a) The draft amendments are inconsistent with SRD1.3 and the Growth Management Strategy of Southern Tasmania Regional Land Use Strategy
- b) The draft amendments are contrary to principles 1, 5 and 7 of the State Policy on the Protection of Agricultural Land.
- c) The draft amendments are contrary to the strategy and relevant zone intents of the Scheme
- d) The draft amendments are not strategically sound and are contrary to objectives contained within Schedule 1 of Act [LUPAA].

In brief the application of the Rural Living Zone “A” in the draft LPS is suitable despite the previous decision of the TPC for the following reasons:

- The Regional Policies of the STRLUS were amended per the Addendum dated 9th May 2018. This included revision of SRD1.3
- The Agricultural Land Mapping Project together with the Guideline No.1 makes allowances for local planning and local desired planning outcomes in regard to the application of the Rural Zone and the Agriculture Zone.
- The zone intents and purpose statements (and the provisions within) are no longer relevant (as in 2014 the rezoning was considered under the 1998 Scheme).
- The Schedule 1 objectives should be reconsidered in light of the state-wide planning objectives and the preparation of the SPPs. Also in light of population growth in the Greater Hobart Area and the improvements to the Midland Highway.
- *(f) is consistent with the strategic plan, prepared under section 66 of the Local Government Act 1993, that applies in relation to the land to which the relevant planning instrument relates; and*

The changes are supported by Council’s Strategic Plan. In Particular:

- Part 2.1.1 “Increase the resident, rate-paying population in the municipality”
 - Part 3.4.1.1 “Make use of the Joint Land Use Planning Initiative (JLUPI) outcomes to develop the local content for the new planning scheme”
 - Part 5.1.1 “Maintain and strengthen communities in the Southern Midlands” (Part 5.1 Retention [of population])
- *(g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and*

The application of the Rural Living Zone “A” to this land has not obvious tangible impact on the adjacent municipal area. The zoning is an outcome of the Joint Land Use Planning Initiative to which the adjacent Councils both endorsed.

- (h) has regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000.

The high pressure north-south gas main runs along the western boundary of CT 152939/6 also known as Lot 6 Black Brush Road owned by Hunter Heritage Developments Pty Ltd (38ha parcel of land). The gas pipeline is indicated by an easement on the title. Previous subdivision lay out plans for the land have shown the gas pipeline would form the rear of the lots.

The gas pipeline operator has previously advised (in the Section 43A Application 2010) that it does not oppose the subdivision of the land but points out that conditions will apply to development close the pipeline, pursuant to existing legislative requirements.

Regardless of the previous advice the current gas pipeline operator will be consulted during the public exhibition of the draft LPS.

5.3.5 Rural and Agriculture Zone

The LPS is required to zone rural land that is currently under the Rural Resource Zone and the Significant Agriculture Zone into the Rural Zone (RZ) and the Agriculture Zone (AZ).

These zones were created to recalibrate the Rural Resource Zone and the Significant Agriculture Zone which were inconsistently used and applied in interim schemes across the State.

The State Government commissioned a State-wide Agricultural Land Mapping Project (ALMP) with the primary aim of identifying Tasmania's existing and potential agricultural land, and to provide guidance to local planning authorities on the spatial application of the Agriculture Zone within their municipal area.

The ALMP identified that the Rural Resource Zone and the Significant Agriculture Zone were not fit for purpose. The Significant Agriculture Zone was too narrow in its scope in and was limited to "land for higher productivity value agriculture dependent on soils as a growth medium".

The Rural Resource Zone then had to capture all other agricultural land that was not deemed as having 'higher productivity value'.

The new AZ is intended to provide a much broader scope for the identification and protection of agricultural land in Tasmania, with priority given to agricultural uses. The ALMP uses the term "Agricultural Estate" to describe the land as an economic asset to Tasmania that should be protected through Planning Scheme provisions.

The RZ provides for the remaining rural land where there is limited or no potential for agriculture. The Rural Zone provides for all agricultural uses to occur in conjunction with a range of rural businesses and industries.

It should be noted that the Project excluded certain land uses such as forestry in their analysis, which was better suited to the RZ as a strategically important naturally occurring resource.

The Mapping

The Project produced two mapping layers that were made available on the LIST website, which included:

1. Potential Agricultural Land Initial Analysis (Layer 1)
2. Land Potentially Suitable For Agriculture (Layer 2)

Layer 2 included a constraints analysis and shows land that is:

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

The constraints analysis is based on the table below:

<i>Unconstrained</i>	<i>Potentially Constrained (Criteria 2A)</i>	<i>Potentially Constrained (Criteria 2B)</i>	<i>Potentially Constrained (Criteria 3)</i>
<ul style="list-style-type: none"> - an area greater than the Criteria 1 size thresholds; or - an area less than the Criteria 1 thresholds, but adjoining another title with an area greater than the Criteria 1 size thresholds and a capital value of less than \$50,000/ha. 	<ul style="list-style-type: none"> - an area less than the Criteria 1 size thresholds; - a capital value of greater than \$50,000/ha; and - not adjoining a residential zone. 	<ul style="list-style-type: none"> - an area less than the Criteria 1 size thresholds; - a capital value of less than \$50,000/ha; - not adjoining a title with an area greater than the Criteria 1 size thresholds; and - not adjoining a residential zone. 	<ul style="list-style-type: none"> - an area less than the Criteria 1 size thresholds; - a capital value of less than \$50,000/ha, or not adjoining a title with an area greater than the Criteria 1 size thresholds; and - adjoining a residential zone.

Zone Application

The Guideline No.1 required the application of the Agriculture Zone to be based on the land identified in Layer 2, but provides for any analysis at a local level that:

- *Incorporates more recent or detailed analysis or mapping;*
- *Better aligns with on-ground features; or*
- *addresses any anomalies or inaccuracies in the layer,*
- *alterations based on further identified constraints to agriculture*

In particular, Guideline AZ3 identifies that titles highlighted as Potentially Constrained Criteria 2A, 2B or 3 in Layer 2 may require further investigation as to their suitability in the Agriculture Zone.

Guideline AZ 5 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.

Guideline AZ 6 provides for alternative zoning of land identified in Layer 2 to be considered if further analysis is done and identifies the following:

- *strategically important natural occurring resources;*
- *protection of significant natural values, such as priority vegetation areas;*
- *strategically important uses; and*
- *the land has limited or no potential for agricultural use.*
- *It can be demonstrated that there are significant constraints to agricultural use*

The Southern Group of Councils, through the Technical Reference Group, engaged AK Consulting to assist with the Agriculture Zone Application. The first output was the “Guidelines for Identifying Areas of Interest” which provided a tool for Council’s to do a “first sweep” of Layer 2.

The second output was the “Decision Tree and Guidelines for Mapping the Agriculture and Rural Zones” which provided a tool for Council’s to do further analysis of the “areas of interest” (attached with this report). This was necessary to maintain a consistent approach between Councils and a consistent interpretation of constraints to agriculture.

The decision by the Minister, through the SPPs, to not to allow the priority vegetation area overlay to apply to the Agriculture Zone is particularly problematic for allocating the AZ and seems at odds with the

objectives of the Act and the STRLUS. The Guideline No.1 provide very little guidance of how this important issue should be dealt with and there is no explanation about why this decision was made and why both agriculture and protection of priority vegetation cannot exist.

The feedback from AK Consulting in a number of instances is that clearing of priority vegetation will still be covered under the Forest Practices Code. However, the forest practices Code does not consider vegetation clearing that is ancillary to agriculture, such as Visitor Accommodation, Tourist Operation, etc.).

Generally a split between the RZ and the AZ has occurred where there is a distinct split between large areas of continuous vegetation, on steeper slopes with poor land capability. Such titles are usually vacant of development and agricultural activity.

The Agriculture Zone is the largest zone in the Southern Midlands, followed by the Rural Zone. In applying the zoning to the draft LPS Council used the ALMP mapping and then refined using the AK consultants Decision Tree and Guidelines.

It is anticipated that some further refinement of the zoning will occur after the public exhibition of the draft LPS.

6. Codes

This section of the report will detail all the Codes applicable to the Southern Midlands and as required by the declared SPPs.

6.1 Signs Code

The Signs Code is utilised in the draft LPS. The equivalent Code under the SMIPS2015 is the Parking and Signs Code.

There is no scope in the TPS for additional overlays, tables or other local provisions relating to the Signs Code other than some consideration to the implications of applying zoning. Whereby the standards in the Code differ from zone to zone. The Signs Code was not taken into account in allocating the zones the in the draft LPS.

The Code is applied through the SPPs.

6.2 Parking and Sustainable Transport Code

The Parking and Sustainable Transport Code is utilised in the draft LPS. The equivalent Code under the SMIPS2015 is the Parking and Sustainable Transport Code.

No local overlays have been created or applied to the LPS mapping.

The Code is applied through the SPPs.

6.3 Road and Railway Assets Code

The Road and Railway Assets Code is utilised in the draft LPS. The equivalent Code under the SMIPS2015 is the Road and Railway Assets Code.

No local “Major Roads” are tabled in the draft LPS. No overlay mapping of attenuation areas for roads or railways is provided in the draft LPS. Operation of the Code in relation to the attenuation areas is reliant on the written ordinance.

The Code is applied through the SPPs.

6.4 Electricity Transmission Infrastructure Code

The Electricity Transmission Infrastructure Code is utilised in the draft LPS. The equivalent Code under the SMIPS2015 is the Electricity Transmission Infrastructure Code.

The Electricity Transmission Infrastructure Protection Code Overlays have been produced by TasNetworks as statewide overlays for the Electricity Transmission Infrastructure Protection Code in the Tasmanian Planning Scheme. The mapping is dated 25th May 2017.

The Electricity Transmission Infrastructure Protection Code applies to land within the:

- electricity transmission corridor overlay;
- communications station buffer area overlay; or
- substation facility buffer area overlay.

The electricity transmission corridor overlay covers land within:

- a specified distance either side of existing overhead transmission lines;
- a specified distance either side of existing underground cabling for electricity transmission; or
- a specified distance from the edge of an easement established by unregistered wayleave agreement under the *Electricity Wayleaves and Easements Act 2000* and regardless of whether containing existing infrastructure or not, whichever is the greater.

The mapped overlay currently applies to the Waddamana to Risdon transmission line corridor in the SMIPS2015. The mapping provided by TasNetworks (via the PPU), and as required by Guideline No.1 ETIPC 1 is expanded and includes an overlay to cover an additional corridor in the Elderslie area. Further details on this corridor were not provided by TasNetworks or PPU.

The Code is otherwise applied through the SPPs.

6.5 Telecommunications Code

The Telecommunications Code is utilised in the draft LPS. The equivalent Code under the SMIPS2015 is the Telecommunications Code.

There is no scope in the TPS for overlays, tables or local provisions relating to the Telecommunications Code.

The Code is applied through the SPPs.

6.6 Local Historic Heritage Code

The Local Historic Heritage Code is utilised in the draft LPS. The equivalent Code under the SMIPS2015 is the Local Historic Heritage Code.

The operation of the Code is reliant on the LPS as the Code only applies to a site, place, precinct, tree, landscape, or archaeological site provided in the LPS. The Code does not apply to a registered place entered on the Tasmanian Heritage Register under the *Historic Cultural Heritage Act 1995*. Further to this, Council and the TPC should note that Part C6.2.3 of the Code states:

“This Code does not apply to a registered place entered on the Tasmanian Heritage Register, unless for the lopping, pruning, removal or destruction of a significant tree as defined in this code”

An issue with this provision is that Council has no scope for assessing the impact of the works on a heritage precinct or landscape. The issue being the heritage values of the place may well differ from the heritage

values of the precinct (which is common) i.e. heritage listed Californian Bungalow in a Georgian Heritage Precinct. The SPPs exclude Council entirely from the assessment process.

The Guideline No.1 allow for the listing of places entered on the Tasmanian Heritage Register in the draft LPS. This is consistent with the current SMIPS2015 and former 1998 Scheme. Many Councils list both state and local places in their Planning Scheme. The draft LPS retains all places currently listed in the Heritage Code.

All current written descriptions, values, statements of significance etc provided in the draft LPS are transitioned under the Schedule 6 transitional arrangements from the SMIPS2015. Some minor administrative changes have been made and are footnoted in the draft LPS. These changes included corrections of addressing or correction of description errors.

Details for the contents of local places, precincts, landscapes are as follows:

Heritage Listed Places

No additional places are listed in the draft LPS.

Some additional places may be entered in the draft LPS after the draft is revised post exhibition. This will likely be in response to representations provided by the community and other stakeholders.

It is noted that one member of the community has written to Council in the lead up to preparing the draft LPS and expressed interest in having a place entered on the local heritage places list – that is 92 Stanley Street, Oatlands. However, given there maybe additional places added or possibly removed from the register post public exhibition it is decided that all changes should be considered in a single suite. This is also a fairer and more equitable approach to dealing with submissions from the community.

Further mapping work, either pre or post exhibition, will likely be undertaken as Council resources allow to accurately map the spatial extent of listed places. The mapping work is refined to reducing the mapped spatial extent of heritage places. This matter was previously identified in the hearings into the SMIPS2015 (in 2016).

In total there are 418 places listed on the Local Heritage Places Table SOU-TableC6.1. Of this amount 255 places are listed on the Tasmanian Heritage Register.

Local Heritage Precincts

The SMIPS2015 has the following precincts:

- Oatlands Township Precinct
- Callington Mill Precinct
- Kempton Township Precinct
- Campania Heritage Precinct

All details provided in the SMIPS2015 TableE13.2 have been translated into the draft LPS format Table SOU-C6.2.

A minor change was made to a word in the design criteria which has been footnoted in the draft.

Local Historic Landscape Precincts

The SMIPS2015 has the following landscape precincts which are described “Cultural Landscape Precincts under Table E13.3:

- Heritage Mile Cultural Landscape Precinct
- Colebrook Cultural Landscape Precinct
- Oatlands Cultural Landscape Precinct

All details provided in the SMIPS2015 TableE13.2 have been translated into the draft LPS format Table SOU-C6.3.

Places of Archaeological Potential

The SMIPS2015 has 23 places listed as having archaeological potential (the list is not reproduced in the body of this report).

All places currently listed as having archaeological potential are separately tabled under SOU-TableC6.4. The details provided in the table are those details currently provided in the SMIPS2015 Table E13.1 translated to the draft LPS format.

The primary driver for capturing these places in the SOU-Table C6.4 is that the standards for a heritage listed place do not consider the archaeological potential of a place and the standards for assessing impacts on archaeological potential are only effective where such a place is listed in the LPS table.

6.7 Natural Assets Code

The Natural Assets Code is utilised in the draft LPS. The equivalent Codes under the SMIPS2015 is the Biodiversity Code and the Waterway and Coastal Protection Code.

The Natural Asset Code comprises of three mapped overlays:

- The waterway and coastal protection area;
- Future coastal refugia area; and
- The priority vegetation area.

The Future Coastal Refugia Area does not apply to the Southern Midlands as we have no coastal land. The term ‘waterway and coastal protection area’ is an all-encompassing term regardless of the location of the land.

The LPS Requirements at Section LP1.7.5 of the SPP’s, specifies the requirements for the Natural Assets Code and each other respective overlays.

6.7.1 Waterway and coastal protection area

The waterway and coastal protection overlay map was derived from the LIST’s ‘Waterway and Coastal Protection Area Guidance Map’ and at this time remains unmodified. It is however acknowledged that future amendments are likely to be required consistent with those envisaged under Guideline NAC 3 which provides for:

- Correction of any identified mapping inaccuracies;
- Recognition of piped water courses; and
- Potentially the removal of the overlay from established urban environments.

6.5.2 Priority Vegetation Area

Section LP1.7.5(c) of the SPP requires that each LPS must contain an overlay map showing priority vegetation areas that:

- include threatened native vegetation communities as identified on TASVEG Version 3 published by DPIWPE;

- be derived from threatened flora data from the Natural Values Atlas published by DPIPWE;
- be derived from threatened fauna data from the Natural Values Atlas for the identification of significant habitat for threatened fauna species, published by DPIPWE.

Section LP1.7.5(d) allows a planning authority to modify the priority vegetation area derived from the above listed datasets, if field verification, analysis or mapping undertaken at a local or regional level by the planning authority, or a suitably qualified person on behalf of the planning authority:

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

The mapping prescribed in section LP1.7.5 of the SPP was of a high level and does not necessarily include vegetation and habitat of 'local importance', which may also contribute to the protection of the State's biodiversity. The mapping also had many identified inaccuracies and in effect covered most of the state.

To that end, the planning authorities across the Southern, Northern & North-West Region engaged Rod Knight of Natural Resource Management Pty Ltd to undertake an analysis based on his 'Regional Ecosystem Model' (REM) and prepare the priority vegetation areas to be mapped as part of the LPSs. Natural Resource Management Pty Ltd is widely regarded as a suitably qualified person to undertake such mapping work on behalf of the Planning Authority. A detailed explanation of the REM and how it relates to the priority vegetation overlay is included in the Appendix.

This approach provides for consistency across all municipal areas that is well-informed and directly comparable when assessing not only the LPS's, but also when assessing future development applications.

The REM is a complex layering of biodiversity values that refines the focus on areas of importance. In summary, the model:

- Integrates spatial data on the distribution of the major components of biodiversity, and the factors affecting them;
- Models key biodiversity attributes that derive from multiple inputs;
- Analyses the relationships among the components of biodiversity and the environment; and
- Spatially identifies areas which have immediate or potential conservation concerns, and provides indicators of their relative importance, to inform approaches and priorities for management.

One challenge with implementing the REM, and the SPP more generally, is that it is not possible to expressively prioritise or preference higher biodiversity values over others.

The current interim planning scheme allows a low, medium and high category to apply to values which correspond to a hierarchy of planning regulation consistent with an minimise, mitigate or avoid outcome focus. In contrast, all priority vegetation is equally important under the SPP framework.

Similarly, the REM also recognises that some biodiversity values are more important than others and assigns each Issue a 'Level of concern' and a Biodiversity Management Priority. The more detailed information provided in the REM may provide planning authorities the ability to create internal policies about how each type of biodiversity value should be managed.

The Guidelines provide very little guidance where there are competing agricultural and priority vegetation values. For the Southern Midlands, previous scheme objectives, sub-regional, and local planning strategy acknowledges both the value of agriculture and the right to farm whilst also acknowledging the importance of the municipalities natural values. This is also captured in Council's Strategic Plan.

The mapped overlay applied to the draft LPS is that map provided through the Southern Regional Technical Reference Group (TRG) without additional variation other than removal of the overlay from the following zones:

- Agriculture Zone. The overlay will be displayed over the Zone through public exhibition as an informal layer to inform the community of the location of the natural values. This deemed necessary as the overlay, to some extent, informed the application of the Agriculture zone and depending on the development of the Agricultural Zone the overlay may be re-applied to land post exhibition (or any further changes). The removal of the layer from the zone is otherwise a requirement of the Guideline No.1 NAC 13 (j)
- General Business Zone in Oatlands per Guideline No.1 NAC 13
- Local Business Zone in Oatlands per Guideline No.1 NAC 13
- Utilities Zone. Removal of the overlay from this zone is a strategic decision to ensure works by on behalf of Council, State Government and other service providers can proceed with minimal or no permit requirements. The removal of the overlay also conforms well with the Zone Purpose (Part 26.1 of the SPPs)
- Light Industrial Zone per Guideline No.1 NAC 13
- Village Zone per Guideline No.1 NAC 13

6.8 Scenic Protection Code

The Scenic Protection Code is utilised in the draft LPS. The equivalent Code under the SMIPS2015 is the Scenic Protection Code.

Additional management objectives and value statements will be provided by Council in the LPS in due course. There was limited scope to provide such detail in the SMIPS2015. The work will be completed once a regional approach is adopted.

The overlay map applied to the draft LPS is a transition of the current overlay in the SMIPS2015.

The Code is applied through the SPPs.

6.9 Attenuation Code

The Attenuation Code is utilised in the draft LPS. The equivalent Code under the SMIPS2015 is the Attenuation Code.

The overlay mapping applied in the draft LPS is a translation of the currently mapped areas in the SMIPS2015. No additional activities are mapped in draft LPS. Two attenuation areas were not transitioned from the SMIPS 2015:

- Former Department of Main Roads quarry located on the Tasman Highway at Orielson PID 5894373 owned by The Crown. This quarry is no longer in use and has otherwise been rehabilitated.
- Former stone works at 8 Stanley Street, Oatlands CT 126301/4. This land was formerly a sandstone works (stone cutting, storage, manufacturing stone products and retail etc) and was closed in approximately 2013. The land has since undergone a change of use to retail only and is currently operated as a Roberts farming equipment store. The attenuation area is no longer necessary.

The reason for retaining all current Attenuation areas is to take into account those that have been modified due to permit conditions, site topography, nature of activity or other reason for reducing, enlarging or modifying the standard recommended attenuation distance (SRAD).

The Attenuation Code is therefore operative through a combination of the mapped overlays and per the Tables C9.1 and C9.2 and as otherwise required by C9.2 of the SPPs.

6.10 Flood-Prone Areas Hazard Code

The Flood-Prone Areas Hazard Code is utilised in the draft LPS. The equivalent Code under the SMIPS2015 is the Flood-Prone Areas Hazard Code.

The Code applies to:

- Development of land with a flood-prone hazard area; that is:
 - Land within a mapped flood prone area shown on an overlay map or has been identified in a report accompanying a Development Application (where the Council reasonably believes land is subject to risk from flood or potential to cause increased risk from flood)
- Change of use of a building or part of a building to a habitable use

The overlays in the draft LPS is a transition of the existing overlays provided in the SMIPS2015. There is currently no statewide mapping available to Councils.

The use of the current overlay in the draft LPS is acceptable per Guideline No.1 FPHAZ2.

6.11 Bushfire-Prone Areas Code

The Bushfire-Prone Areas Code is utilised in the draft LPS. The equivalent Code under the SMIPS2015 is the Bushfire-Prone Areas Code.

The Code is applied by reference to:

- The bushfire-prone area overlay; or
- In the absence of an overlay to land within 100m of an area of bushfire-prone vegetation equal to or greater than 1ha.

The overlay applied to the draft LPS is that provided by the Tasmanian Fire Service. Officer level consultation with Tasmanian Fire Service was undertaken in preparing the overlay. The overlay map is provided in the draft LPS mapping and the report on the preparation of the map, prepared by the Tasmanian Fire Service (September 2018) is included in the Appendix with this report.

The application of the map and use of the mapping data accords with the Guideline No.1 BPAC1.

6.12 Potentially Contaminated Land Code

The Potentially Contaminated Land Code is utilised in the draft LPS. The equivalent Code under the SMIPS2015 is the Potentially Contaminated Land Code.

The Code is applied to land:

- Identified in overlay
- Where the Planning Authority knows has been used for a potentially contaminated activity; or
- Suspects has been used for a potentially contaminated activity; or
- Otherwise impacted by such activities i.e. contamination has migrated; or
- Has been identified in a report lodged with a Development Application

No overlay has been applied to the draft LPS that identifies such sites. Council is currently reliant on data, records and knowledge held within Council to identify such sites in applying the Code under the SMIPS2015.

6.13 Landslip Hazard Code

The Landslip Hazard Code is utilised in the draft LPS. The equivalent Code under the SMIPS2015 is the Landslide Code.

The overlay Mapping is derived from the land slip hazard bands depicted on the Landslip Planning Map – Hazard Bands 20131022 layer published on TheList and is a direct translation of the mapping contained within the current CIPS2015 consistent with the Guideline No.1.

7. Local Overriding Provisions - SAPs, PPZs and SSQs

7.1 Brief

Particular Purpose Zones (PPZs), Specific Area Plans (SAPs), and Site Specific Qualifications (SSQs) are described as “Local Overriding Provisions” as:

- They are local provisions that only apply to a specific spatially defined area of land within the particular municipality i.e. only applicable to an area of land in the Southern Midlands.
- They effectively override related or applicable provisions of the SPPs i.e. a use standard within a SAP may override a use standard in a zone, or are in addition to the standards of a zone.

A number of these provisions are currently used in the SMIPS2015 and were in effect through a separate schedule under the former 1998 Scheme.

LUPAA requires that any SAP, PPZ or SSQ that applied to a planning scheme immediately before the commencement date of 17 December 2015 (when the Act was amended to provide for the TPS) must be included in the LPS [Schedule 6, clause (8)(1)]. In effect Section 32(4) of LUPAA does not apply to these PPZs, SAPs and SSQs and therefore no consideration of their existence is warranted in preparing or endorsing the LPS by Council or in declaration by the Minister.

The Minister can declare that a SAP, PPZ or SSQ is not subject to this requirement after consultation with the Commission. The effect of doing so provides that the SAP, PPZ or SSQ is not automatically contained in the LPS.

To assist Councils in the preparation their LPSs, and in anticipation of the Minister releasing an appropriate advisory statement, the Department of Justice's Planning Policy Unit (PPU) completed an audit of SMIPS2015 local overriding provisions. The PPU audit forms the basis of the transitional arrangements (or otherwise) discussed below.

In circumstances where a PPZ, SAP or SSQ did not apply in a planning scheme prior to 17 December 2015, or alternatively a planning authority proposes the inclusion of a new PPZ, SAP or SSQ they may be included provided they are capable of meeting section 32(4) of LUPAA.

Section 32(4) essentially requires demonstration that an overriding provision will provide significant benefit or is required to cater for unique site qualities.

This section of the report will detail all the SAPs, PPZs or SSQs that were in existence prior to 17th December 2015 and those introduced post the date and those introduced to the draft LPS.

7.2 SAPs

7.2.1 Transitioning SAPs

The SMIPS2015 has two (2) SAPs which have been transitioned under Schedule 6 Clause 8 of LUPAA:

- SOU-S1.0 Oatlands Equestrian Precinct Specific Area Plan
- SOU-S2.0 Chauncy Vale Specific Area Plan.

The two (2) transitioning SAPs have been modified to the extent necessary to meet the TPS format with minor word alterations which have been footnoted in the draft LPS document.

7.2.2 Introduced SAPs

The draft LPS contains 5 introduced SAPs. These are:

- SOU-S3.0 Bagdad Unstable Land Specific Area Plan
- SOU-S4.0 Tunbridge Township Specific Area Plan
- SOU-S5.0 Tunnack Township Specific Area Plan
- SOU-S6.0 Colebrook Township Specific Area Plan
- SOU-S7.0 Water Catchment Specific Area Plan

Advice received from the TPC and PPU to date is that all introduced SAPS must satisfy Section 32 (3) and (4) that is:

(3) Without limiting subsection (2) but subject to subsection (4), an LPS may, if permitted to do so by the SPPs, include –

(a) a particular purpose zone, being a group of provisions consisting of –

- (i) a zone that is particular to an area of land; and
- (ii) the provisions that are to apply in relation to that zone; or

(b) a specific area plan, being a plan consisting of –

- (i) a map or overlay that delineates a particular area of land; and
- (ii) the provisions that are to apply to that land in addition to, in modification of, or in substitution for, a provision, or provisions, of the SPPs; or

(c) a site-specific qualification, being a provision, or provisions, in relation to a particular area of land, that modify, are in substitution for, or are in addition to, a provision, or provisions, of the SPPs.

(4) An LPS may only include a provision referred to in subsection (3) in relation to an area of land if –

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

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

The explanation of the introduced SAPs and the justification under Section 32 is as follows:

SOU-S3.0 Bagdad Unstable Land Specific Area Plan

The equivalent planning provisions in the SMIPS2015 is the Dispersive Soils Code (E21.0) which is applied to the same area of land as the Bagdad Unstable Land Specific Area Plan. That is, an area of land in the Bagdad, Hungtingdon Tier, Green Valley Road area.

The Dispersive Soils Code was used in the interim planning schemes, but not in the SPPs.

The SAP description in the draft LPS is taken from the previous 1998 scheme.

The land is unusually susceptible to various forms of erosion. The dispersive soils can cause tunnel erosion, which occurs when soil is worn away and can manifest as a loss of topsoil, formation of gullies or tunnel formation. Tunnel formation poses a significant risk to infrastructure as it forms underground and is not generally observed until significant soil movement has taken place. This soil movement can result in underground cavities and tunnel that can undermine roads and buildings and destabilise infrastructure associated with development.

The SAP is included in the Draft LPS to minimise risk to homes and infrastructure and ongoing financial risks to Council which result from development on dispersive soils. Management of tunnel erosion once it occurs is costly, difficult and has limited success. The best way to manage development in these areas is by identifying the soils and their risks prior to development occurring and designing the development appropriately.

It is therefore critical that dispersive soils be addressed at the Development Application stage. The SAP also provides landowners and prospective buyers with the knowledge that land is subject to dispersive soils.

The SAP clearly satisfies Section 32(4) (b) of the Act as the land has particular environmental qualities

that require provisions that are unique to the area of land that require an addition to the provisions of the SPPs. There are no equivalent provisions provided in the SPPs.

SOU-S4.0 Tunbridge Township Specific Area Plan

The purpose of the SAP is to maintain the historic settlement pattern, amenity and density of the township of Tunbridge. The SAP gives regard to the town being an un-sewered low density settlement and ensures waste water management is sustainable in the long term through encouraging a “larger” lot size.

In detail, the town is currently zoned Village under the SMIPS2015. The minimum lot size is currently 5000m². This was also the minimum lot size under the 1998 Scheme.

The current lot size was deemed suitably consistent with the STRLUS as the low density aligned well with the settlement strategy with a very low growth strategy that aimed to support and encourage growth in the nearby town of Oatlands as the Rural Services Centre.

The SPPs do not provide a zone that reflects the historic settlement pattern and amenity of the township and nor the strategic intent of maintaining a low density. The closest matched zones under the SPPs are: the Village Zone, which would allow for a minimum lot size of 600m²; and the Low Density Residential Zone which would allow for a minimum lot size of 1200m² (per 10.6.1 P1). The Low Density Residential Zone would also limit the current commercial uses and potential commercial uses along the main road.

These zones are not appropriate for the following reasons:

- Subdivision standards encourage a higher density of residential development in the town; and
- In turn the potential to increase the population of the township beyond capacity; and
- Contrary to the STRLUS Settlement and Residential Development Policies
- Higher density lots would alter the open space and rural village amenity without any strategic basis for such changes
- Higher density lots risk the sustainable future of onsite waste water treatment; as
- There is currently no data or qualified advice provided to Council(s) through the planning reform process that ensures increasing the density of an unsewered township is suitable in all soil types and environments.
- The zones do not provide a means to encourage commercial or community development in a logical and centralized location.

Per Section 34 (a) the SAP supports the local economy through maintaining a lot density that facilitates the sustainable growth of a small rural settlement and supports the township of Oatlands as the nearest township and Rural Service Centre. This aligns well with both current local and regional objectives. The social and economic qualities of the township are captured in the Local Area Objectives of the SAP and through the use qualifications in table SOU-S5.5.

Per Section 34 (b) the SAP recognises the environmental constraints to onsite waste water treatment by requiring a 5000m² lot size that is historically considered sustainable best practice.

SOU-S5.0 Tunnack Township Specific Area Plan

Much like the previous Tunbridge SAP, the purpose of the Tunnack Township SAP is to maintain the historic settlement pattern, amenity and density of the town. The SAP gives regard to the town being an un-sewered low density settlement and ensures waste water management is sustainable in the long term through encouraging a “larger” lot size. The SAP also encourages commercial and community use and development along the Tunnack Main Road through providing a use qualification in the Use Table SOU-

S5.5.

In detail, the town is currently zoned Village under the SMIPS2015. The minimum lot size is currently 5000m². This was also the minimum lot size under the 1998 Scheme.

The current lot size standards was deemed suitably consistent with the STRLUS as the low density aligned well with the settlement strategy with a very low growth strategy that aimed to support and encourage growth in the nearby town of Oatlands as the Rural Services Centre.

The SPPs do not provide a zone that reflects the historic settlement pattern and amenity of the township and nor the strategic intent of maintaining a low density. The closest matched zones under the SPPs are:

- the Village Zone, which would allow for a minimum lot size of 600m²; and
- the Low Density Residential Zone which would allow for a minimum lot size of 1200m² (per 10.6.1 P1). The Low Density Residential Zone would also limit the current commercial uses and potential commercial uses along the main road.

These zones are not appropriate for the following reasons:

- Subdivision standards encourage a higher density of residential development in the town; and
- In turn the potential to increase the population of the township beyond capacity; and
- Contrary to the STRLUS Settlement and Residential Development Policies
- Higher density lots would alter the open space and rural village amenity without any strategic basis for such changes
- Higher density lots risk the sustainable future of onsite waste water treatment; as
- There is currently no data or qualified advice provided to Council(s) through the planning reform process that ensures increasing the density of an unsewered township is suitable in all soil types and environments.
- The zones do not provide a means to encourage commercial or community development in a logical and centralized location.

Per Section 34 (a) the SAP supports the local economy through maintaining a lot density that facilitates the sustainable growth of a small rural settlement and supports the township of Oatlands as the nearest township and service centre. This aligns well with both current local planning objectives and regional objectives. The social and economic qualities of the township are captured in the Local Area Objectives of the SAP and through the use qualifications in table SOU-S5.5.

Per Section 34 (b) the SAP recognises the environmental constraints to onsite waste water treatment by requiring a 5000m² lot size that is historically considered sustainable best practice.

SOU-S6.0 Colebrook Township Specific Area Plan

The purpose of the SAP is to maintain the historic settlement pattern, amenity and density of the town and ensure adequate land is available for the primary treatment and holding of wastewater per the requirements of the Regulated Entity (TasWater).

In detail, the town is currently zoned Village under the SMIPS2015. The minimum lot size is currently 800m².

The SPPs do not provide a zone that reflects the current lot sizing and need for a minimum 800m² for sewerage treatment. Nor do the SPPs adequately reflect the strategic intent of maintaining a low density (and low growth) and maintaining the amenity of the township. The closest matched zones under the SPPs are:

- the Village Zone, which would allow for a minimum lot size of 600m²; and
- the Low Density Residential Zone which would allow for a minimum lot size of 1200m² (per 10.6.1 P1). The Low Density Residential Zone would also limit the current commercial uses and potential commercial uses along the main road.

These zones are not appropriate for the following reasons:

- Subdivision standards encourage a higher density of residential development in the town; and do not take into account the unique septic requirements
- TasWater have previously required the minimum 800m² lot size to ensure adequate land availability for the onsite septic holding tank; and
- SPP zones do not specifically require consideration of the regulated entity
- Contrary to the STRLUS Settlement and Residential Development Policies
- Higher density lots would alter the open space and rural village amenity without any strategic basis for such changes
- Higher density lots risk the sustainable future of onsite waste water treatment; as
- There is currently no data or qualified advice provided to Council(s) through the planning reform process that ensures increasing the density of an unsewered township is suitable in all soil types and environments; and

Per Section 34 (a) the SAP supports the local and regional economy through maintaining a lot density that facilitates the sustainable growth of small rural settlement through consistency with the STRLUS settlement network. This aligns well with both current local planning objectives and regional objectives.

Per Section 34 (b) the SAP recognises the environmental constraints to onsite waste water treatment by requiring a 800m² lot size that applies only to a unique area of land in the Southern Midlands. The larger lot size (relative to the 600m² of the Village Zone) is historically considered sustainable best practice for these septic systems. The SAP introduces subdivision standards that specifically consider the advice of the Regulated Entity (TasWater).

SOU-S7.0 Water Catchment Specific Area Plan

The purpose of the SAP is to protect town water supply catchment areas by maintaining and increasing the water holding capacity of the vegetative cover and by preventing soil erosion and other forms of soil degradation. The SAP ensures development that may cause soil erosion, transport of sediments or other soil degradation is managed and assessed by both the Planning Authority and the Regulated Entity (TasWater) at the Development Application stage of development. The objective is to minimise and avoid negative impact on water quality in potable water supply catchment areas.

The SAP only applies to those catchment areas identified on the overlay maps provided in the draft LPS, that is, Colebrook and land north/north west of Oatlands.

In detail, the potable water supply catchment areas are currently identified by an overlay in the SMIPS2015. Use and development of land within this overlay is regulated and assessed through the standards of the Waterway and Coastal Protection Code (Part E11.0). The Code provides the following standards in regard to assessment of applicable development within the overlay:

E11.7.1 Buildings and Works

Objective:

To ensure that buildings and works in proximity to a waterway, the coast, identified climate change refugia and potable water supply areas will not have an unnecessary or unacceptable impact on natural values.

A3

Buildings and works within a Potable Water Supply Area must be within a building area on a plan of subdivision approved under this planning scheme.

P3

Buildings and works within a Potable Water Supply Area must satisfy all of the following:

- (a) ensure no detriment to potable water supplies;*
- (b) be in accordance with the requirements of the water and sewer authority.*

AND

E11.8.1 Subdivision

Objective:

To ensure that:

- (a) works associated with subdivision in proximity to a waterway, the coast, identified climate change refugia and potable water supply areas will not have an unnecessary or unacceptable impact on natural values;*
- (b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on natural values.*

A1

Subdivision of a lot, all or part of which is within a Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area must comply with one or more of the following:

- (a) be for the purpose of separation of existing dwellings;*
- (b) be for the creation of a lot for public open space, public reserve or utility;*
- (c) no works, other than boundary fencing works, are within a Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area;*
- (d) the building area, bushfire hazard management area, services and vehicular access driveway are outside the Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area.*

P1

Subdivision of a lot, all or part of which is within a Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area, must satisfy all of the following:

- (a) minimise impact on natural values;*
- (b) provide for any building area and any associated bushfire hazard management area to be either:*
 - (i) outside the Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area; or*
 - (ii) able to accommodate development capable of satisfying this code.*

(c) if within a Potable Water Supply Area, be in accordance with the requirements of the water and sewer authority.

A2

Subdivision is not prohibited by the relevant zone standards.

P2

No performance criteria.

The SPPs do not provide any provisions that allow the Planning Authority to assess or consider impacts on town water supply catchment areas.

The SAP is the most appropriate mechanism to recognise this land and to provide assessment provisions in relation to development on such land. The protection of the water supply through the planning scheme clearly furthers the objectives of the RMPS.

Per Section 34 (b) the SAP the area of land has particular environmental, economic, social and spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.

7.3 Site Specific Qualifications

The draft LPS includes five (5) Site Specific Qualifications. All five (5) are currently located in the SMIPS2015 and are subject to the transitional provisions under Schedule 6, Clause 8 of LUPAA. The advice and recommendations of the PPU (included as an Appendix) affirms this position.

The five (5) SSQs are tabled below (Table 7):

Reference Number	Site reference	Folio of the Register	Description (modification, substitution or addition)	Relevant Clause in State Planning Provisions
SOU-20.1	3001 Midland Highway, Kempton	37224/1	Vehicle Fuel Sales and Hire is a discretionary use in addition to the State Planning Provisions.	20.2
SOU-20.2	1172 Midland Highway, Mangalore	112712/1 138003/1	Vehicle Fuel Sales and Hire is a discretionary use in addition to the State Planning Provisions.	20.2
SOU-20.3	21 Blackwell Road, Melton Mowbray	35615/1	Hotel Industry is a discretionary use in addition to the State Planning Provisions.	20.2
SOU-20.4	2120 Mudwalls Road, Colebrook	25976/1	Hotel Industry is a discretionary use in addition to the State Planning	20.2

			Provisions.	
SOU-20.5	Whynyates Street, Oatlands	31884/1 32323/12	Service Industry is a discretionary use in addition to the State Planning Provisions.	20.2

Table 7: Site Specific Qualifications in LPS

7.3 Particular Purpose Zones

The SMIPS2015 has two (2) Particular Purpose Zones (PPZ)

- 32.0 Particular Purpose Zone 1 - Urban Growth Zone
- 33.0 Particular Purpose Zone 2 - Future Road Corridor

Only the “Future Road Corridor” PPZ is included in the draft LPS that is:

- SOU-P1.0 Particular Purpose Zone-Future Road Corridor Zone

This PPZ has been transitioned under Schedule 6 Clause 8 from the SMIPS2015.

The “Particular Purpose Zone 1 - Urban Growth Zone” was not transitioned from SMIPS2015 as an equivalent zone is provided in the SPPs (Future Urban Zone).