

# **AGENDA ATTACHMENTS**

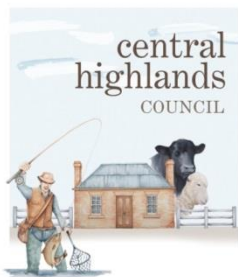
PLANNING COMMITTEE MEETING

TUESDAY 9<sup>TH</sup> MARCH 2021

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**MINUTES OF THE PLANNING COMMITTEE MEETING  
OF THE CENTRAL HIGHLANDS COUNCIL HELD  
IN THE BOTHWELL COUNCIL CHAMBERS  
AT 9.05AM ON TUESDAY 12<sup>TH</sup> JANUARY 2021**

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**1.0 PRESENT**

Clr Allwright (Chairperson), Mayor Triffitt, Clr Poore & Clr Cassidy

**IN ATTENDANCE**

Mrs L Eyles (General Manager), Mr G Rogers (Manager DES), Mr D Mackey (Southern Midlands Council) & Mrs K Bradburn (Minutes Secretary)

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**2.0 APOLOGIES**

Clr Bailey (Proxy) & Clr Honner

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**3.0 PECUNIARY INTEREST DECLARATIONS**

In accordance with Regulation 8 (7) of the Local Government (Meeting Procedures) Regulations 2015, the Chairman requests Councillors to indicate whether they or a close associate have, or are likely to have a pecuniary interest (any pecuniary or pecuniary detriment) in any item of the Agenda.

**Nil**

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**4.0 CONFIRMATION OF MINUTES**

Moved **Clr Poore**

Seconded **Clr Cassidy**

**THAT** the Draft Minutes of the Planning Committee Meeting of Council held on Tuesday 13<sup>th</sup> October 2020 to be confirmed.

***Carried***

**For the Motion:** Clr Allwright, Mayor Triffitt, Clr Poore & Clr Cassidy

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**5.0 QUESTION TIME & DEPUTATIONS**

**Nil**

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## **6.0 DISCUSSION PAPER: DRAFT CENTRAL HIGHLANDS LOCAL PROVISIONS SCHEDULE – FURTHER FEEDBACK FROM THE TASMANIAN PLANNING COMMISSION.**

### **Report By**

Planning Consultant (SMC) Damian Mackey

### **Purpose**

The purpose of this report is to consider Council's response to the latest feedback from the Tasmanian Planning Commission (TPC) regarding Council's draft Local Provisions Schedule for the Tasmanian Planning Scheme.

Following the Planning Committee meeting a more complete report, with recommendations, will be formulated for the next council meeting.

### **Background**

As Councillors are aware, the Tasmanian Planning Scheme will consist of the State Planning Provisions (SPPs) and the Local Provisions Schedules (LPSs) from individual Councils.

Council's initial draft LPS was submitted to the TPC in late 2019. In early July 2020 a conference was held by the TPC with council planning officers to discuss the issues. In late July the TPC provided Council with its response, detailing a list of issues that it considered needed to be further addressed before it would recommend to the Minister that the draft is suitable for public exhibition.

Council formulated its response to most of these matters at its October 2020 meeting, with the final matter - the Lake Meadowbank Specific Area Plan - being considered at its December meeting.

Following a second conference in mid-December, the TPC provided further feedback, which is set out in the enclosed correspondence and attachments thereto.

### **Issue 1 – Zone Mapping:**

#### **Agriculture verses Rural Zone Allocation:**

The only major change in zoning from the existing Interim Planning Schemes in the southern region to the State Planning Scheme is the way rural areas are zoned.

Currently there is the Significant Agriculture Zone which only applies to the relatively small, well defined areas of high-quality agricultural land, and the Rural Resource Zone which is applied almost everywhere else and includes dry-land cropping, pasture land, summer grazing land, native pasture, grazing land under forest cover, forestry land and mining areas.

Under the new State Planning Scheme there will be the Agriculture Zone covering almost all agricultural land and the Rural Zone covering forestry land, major mining operations, and the like.

The allocation of the Rural and Agriculture Zones is very different to the allocation of the Significant Agriculture and Rural Resource Zones and has been a major task for councils.

To assist in this process the State Government undertook an exercise to map the '*Land Potentially Suitable for the Agriculture Zone*'. This map is known as the LPSAZ.

The makers of the LPSAZ utilised generic decision rules and desktop GIS analysis to generate the layer. It did not include local on-ground verification. The constraints analysis that was utilised in the LPSAZ mapping was not designed to provide a comprehensive analysis of all the factors that may contribute to the constraint of agricultural land as it was not feasible to develop a model at the state-wide scale that could incorporate all factors of each individual title that need to be considered.

Fundamentally, therefore, the LPSAZ is a broad-brush tool and not necessarily correct at the property level. Its outcomes are merely a starting suggestion and, whilst correct in the majority of cases, the proposed zoning therein needs to be tested against more detailed local-level analysis.

To provide a more refined property-level methodology, the Southern councils (with State Government funding) engaged a firm called AK Consultants to develop the '*Decision Tree & Guidelines for Mapping the Agriculture and Rural Zones*'. This document takes the LPSAZ as a base and adds a standard methodology to enable planners to consider the facts on the ground and to decide whether land should be Rural or Agriculture Zone. It clearly sets out the circumstances in which land in the LPSAZ should in fact be zoned Rural and, conversely, where land not in the LPSAZ should be zoned Agriculture.

The Decision Tree document states that only if, after its guidelines have been applied, it is still uncertain which zone should be used, it would be necessary for an expert consultant to be engaged to make a determination.

The Decision Tree document is given substantive weight by the State's Guideline No.1 as *an agricultural land analysis undertaken at the regional level which incorporates more recent analysis, better aligns with on-ground features and addresses inaccuracies in the LPSAZ, and which is prepared by a suitably qualified person and adopted by all the Southern Councils*, (Guideline AZ1(a)).

Furthermore, AZ6(a) of Guideline No.1 provides for alternative zoning *if local or region strategic analysis has identified or justifies the need*. The application of the Decision Tree rules enables this.

In addition, at the time the Southern councils initially proposed to organise the creation of the Decision Tree, the idea was put to the TPC and the State Government and received endorsement for the idea.

However, since the December conference with the TPC, it has become apparent that the TPC now gives no weight at all to the Decision Tree document. It has adopted the position that land in the LPSAZ should be zoned Agriculture and land not in the LPSAZ should be zoned Rural, and if a council considers it appropriate to deviate from this it must engage an external consultant to verify it.

This has given rise to the situation where the TPC is insisting that areas clearly dominated by forestry be zoned Agriculture, and that areas clearly used for agriculture should be zoned Rural.

Data sources used by Council to allocate zoning include, (in addition to the LPSAZ), the Land Use 2015 LIST layer, the Agricultural Land Capability layer (i.e. Class 1 to 7 under the Protection of Agricultural Land State Policy), aerial photography layers, Private Timber Reserves, Conservation Covenants, Mining Leases, landownership, local knowledge and site inspection, as per the Decision Tree guidelines. The TPC, in taking the LPSAZ at face value and not utilising the Decision Tree guidelines, has concluded that Council has applied the Rural and Agricultural zones inconsistently.

For example; in regard to Private Timber Reserves, (PTRs), Council's position is that the existence of a PTR should not carry determining weight to zone a piece of land Rural. For example, a PTR making up a small part of a working farm ought to be zoned Agriculture along with the rest of the farm. However, in case of multiple PTRs in an area, along with aerial photographic evidence of forestry land use and predominantly forestry company land ownership indicates an area should be zoned Rural even though it may be mapped in the LPSAZ. The Decision Tree provides the rigour for planners / planning authorities to make this decision. The advice of an external consultant ought not be necessary.

Council has three options to resolve this matter:

1. Zone all land in the unconstrained layer of the LPSAZ as Agriculture and all land not in the unconstrained layer of the LPSAZ as Rural.

Such a blanket adoption of this desk-top broad-brush data set will result in clear instances of the wrong zones being applied.

2. Engage an external consultant to assess all the instances where Council (using the AK Consulting Decision Tree Guidelines) believes it is appropriate to depart from the LPSAZ.

This will require financial resources and delay the progression of the LPS by six or twelve months.

3. Seek clarification from the TPC, and from the State Government if necessary, as to why the AK Consulting Decision Tree Guidelines document appears to have now been dismissed by the TPC, and request that it be given the function and weight it was originally intended to have, and accorded to it by the State's Guidelines No.1 AZ1(a) and AZ6(a).

#### Zoning of Mining Leases:

Many mining operations in the Central Highlands are small quarries on farms and have been zoning Agriculture along with the rest of the farm and surrounding land. The TPC have requested that Council liaise with Mineral Resources Tasmania (MRT) to seek confirmation that the mines are not of regional significance, and therefore appropriate to be zoned this way.

If a mining operation is considered to be of regional or state significance, it would be appropriate to consider a 'spot zoning' on "Rural Zone" applying to the mining lease area.

MRT has been contacted and provided with the details of the mining leases in Central Highlands, and feedback is expected by the end of January.

#### **Issue 2 – Listings for Heritage Places:**

##### The TPC's position:

The TPC continues to insist that the current heritage place list in the Central Highlands Interim Planning Scheme be transitioned into the LPS without any amendments to remove superfluous titles. (It is assumed it will allow correction of incorrect title references and addresses).

Council's position, adopted at the October meeting, was to seek to amend the heritage list to bring the listings in line with the revised Tasmanian Heritage Register listings, which have mostly been amended by the Tasmanian Heritage Council to remove superfluous titles. If the TPC did not consider this to be possible, Council's position was that it would ask the Minister to allow an amended heritage list under Schedule 6, Clause 8D of the *Land Use Planning & Approvals Act 1993* - as per advice contained in the TPC's late-July 2020 response.

However, the TPC has now advised that such an amended list would need to comply with the new information requirements for listed places. This would involve Council engaging a suitably qualified person to create data sheets of all listed places, (amended or not), including a detail description and list of heritage values, etc. for each place. This would take considerable time and financial resources.

##### How did superfluous titles come to be listed in the planning scheme?

The situation has arisen through a series of 'accidents of history':

- In the 1970s and 1980s planning schemes listed heritage properties simply by name (if there was one) and address. The spatial extent of the listing was not defined. This was not generally a problem for listings in cities and towns - on small urban titles. However, for large rural properties, there was always some doubt as to the spatial extent of the listing.
- In the 1990s the Tasmanian Heritage Register (THR) was established. It was created 'overnight' by collating existing listings in council planning schemes and other lists such as the Register of the National Estate and that of the National Trust.

- The legislation underpinning the Tasmanian Heritage Register stated that the spatial extent of each listing must be defined. The default was the title on which the place was located. The title was almost invariably adopted as there were no resources at the time to for expert examination of thousands of listings to define a spatial extent other than the titles. Again, this was not generally a problem for listings in cities and towns.
- However, for large rural properties containing many titles, all the titles within a landholding were often adopted. Therefore, whilst the principle title containing, for example, a heritage house, barn and other historic outbuildings was rightfully included, also included were the property's other titles containing hundreds or even thousands of hectares.
- Many planning schemes drafted after the Tasmanian Heritage Register came into being adopted the same spatial definition as the matching THR listing, including that of Central Highlands Council.
- Thus, properties made up of multiple titles, such as Norton Mandeville in the Central Highlands, now find themselves with hundreds of hectares unintentionally encumbered by a statutory heritage listing.
- In recent years the Tasmanian Heritage Council has been expending considerable resources to review Tasmania's rural listings and make amendments to the THR to remove superfluous titles. Most THR listings in Central Highlands have thus been corrected.
- Such corrections, however, do not automatically flow through to the local listing in the local planning scheme.

#### Council's Position:

Central Highlands Council's long-held position is that it's local list in the planning scheme should just mirror that of the THR.

It could well be argued that the removal of superfluous titles should be seen in exactly the same light as the correction of incorrect title references or street addresses and allowed in the LPS heritage list.

This would remove the unnecessary encumbering of 'heritage listing' from thousands of hectares of Central Highlands land where there is, and never has been, a deliberate decision to list the land.

#### Councils Options:

There appears to be three options available to Council to progress this matter:

1. Transition the current list into the LPS list with no amendments (other than correction of incorrect title references and street addresses), as per the direction of the TPC. This would mean many rural titles will continue to be unnecessarily heritage-listed. This will result in additional expense and time delays in the development application process for future proposed developments on this land.

Clearly, this would run counter to the State Government's declared aims for the whole planning reform process *"to ensure planning in Tasmania will be simpler, fairer and more efficient"* and provide *"greater certainty to investors and the community"*.

2. Engage a suitably qualified expert to review the entire heritage list and create the necessary data sheets to enable them to be included in the LPS list as 'new listings', and in the process remove the superfluous titles.

This would require financial resources and would delay the progression of the LPS by six or twelve months, or more.

3. Remove the heritage list from the LPS entirely. The TPC has advised that this option is allowable. This option works with Council's long-held position that it only list properties that are also on the Tasmanian Heritage Register. The heritage values of these properties would still be protected by virtue of the THR.

In fact, the State Planning Provisions explicitly state that the Heritage Code does not apply if a listed property is also listed on the THR. In other words, in the case of 'dual listed' properties, a heritage assessment and decision to approve or refuse would only be done by the Tasmanian Heritage Council. There is to be no 'double assessment' (and potentially conflicting decision) by the local council and the Heritage Council.

Because of this, if the current Council listings are translated straight into the LPS heritage list, the ridiculous situation will arise in which the local planning authority (Council) would only deal, in a heritage assessment sense, with the superfluous titles on its LPS heritage list. This is because the actual principle heritage titles would be also listed on the THR and therefore the Tasmanian Heritage Council would undertake the assessment of development applications on these titles.

Other Tasmania Councils have adopted the policy position that they will not have locally-listed heritage places, as they prefer to simply rely on the THR to protect the heritage values in their municipal areas. Meander Valley Council is one such example.

### **Issue 3 – The Lake Meadowbank Specific Area Plan (SAP):**

The TPC has sought explanation on how the SAP meets Section 32(4) of the Act and what Council's policies are behind the SAP. Section 32(4) sets out the reasons necessary to justify the existence of the SAP. Council has already provided the TPC with extensive explanation regarding why it believes Section 32(4) of the Act has been met and has detailed its underlying policies supporting the SAP.

As per Council's December 2020 resolution, these are:

1. *Lake Meadowbank is the premier water-skiing facility in Tasmania. Council wants to allow this recreation facility of state-wide strategic importance to expand, both on and off the water. This includes clubrooms and other shore-based facilities, water-edge facilities such as jetties, pontoons, boat ramps and on-water recreational infrastructure. For these reasons the SAP is necessary pursuant to Section 32(4)(a) of the Act.*
2. *These water-edge and on-water facilities, however, also need to be shared and consolidated so that the current unsystematic proliferation trend is halted and potentially reversed. For this reason, the SAP is necessary pursuant to Section 32(4)(b) of the Act.*
3. *As the lake's status as the State's premier water-skiing location grows, more accommodation will need to be allowed around the lake, over a range of modes including camping, caravans and holiday cabins. This needs clear siting criteria to ensure the lake's landscape values are not destroyed by, for example, numerous buildings close to the water's edge. For this reason, the SAP is necessary pursuant to Section 32(4)(b) of the Act.*
4. *Many operational Hydro lakes and have a degree of recreational use. The difference with Lake Meadowbank is the high degree of recreational use arising from its close proximity to greater Hobart, the specific nature of that use (predominantly; the State's premier water-skiing facility) and associated pressures for more accommodation / housing / camping and aquatic structures. A SAP is required to do this. For this reason, the SAP is necessary pursuant to Section 32(4)(a) of the Act.*
5. *This high-level of specific water-based recreational activities and development pressures pose particular management challenges for Hydro Tasmania, over and above that which exist for other lakes where water-based recreation occurs. Development applications for sites close to the foreshore*



*should be referred to Hydro Tasmania for comment. For this reason, the SAP is necessary pursuant to Section 32(4)(b) of the Act.*

6. *The agricultural value of the land is not highly significant, whilst the economic and social values of the lake as the State's premier water-skiing facility are highly significant. The scheme provisions should lean in favour of the recreational use within the SAP area. The SAP is necessary to do this.*
7. *The land around the lake contains highly significant Aboriginal heritage sites. Development applications involving buildings and works should be referred to AHT for comment. The SAP is necessary to do this. For this reason, the SAP is necessary pursuant to Section 32(4)(a) of the Act.*
8. *The Landscape Conservation Zone is not used in the Central Highlands LPS and, in any case, would not suit this special area. The proposed SAP, in part, introduces some aspects of this zone. For this reason, the SAP is necessary pursuant to Section 32(4)(b) of the Act.*

The TPC has not provided any comment on these reasons, either negative or positive, and has simply asked (again) "how the SAP meets 32(4) of the Act".

Council cannot further progress this matter until the TPC provides its rational for, presumably, rejecting Council's existing justification for the SAP under Section 32(4).

There are several other matters raised by the TPC regarding the Lake Meadowbank SAP. The TPC has requested that Council liaise with interested parties to resolve these issues. The interested parties include:

- Hydro Tasmania.
- TasWater
- The Aboriginal Heritage Council
- Marine and Safety Tasmania
- The Lake Meadowbank Water Ski Club

Initial contact has been made with most of these parties and it is anticipated their feedback will be obtained during January.

#### **Issue 4 – Drafting:**

Under this heading the TPC has reiterated its comments regarding the Lake Meadowbank SAP and the local heritage places list, referred to above.

#### **Issue 5 – Supporting Justification Report:**

Under this heading the TPC has essentially pointed out that Council's LPS Supporting Report will need to be amended once all of the above issues are resolved.

This, in and of itself, is quite routine. However, it raises the issue of what the Supporting Report should ultimately say in circumstances where as parts of the Draft Local Provisions Schedule have been imposed by the TPC and are at odds with Council's views.

The purpose of the Supporting Report is to provide the general public with an explanation of all the elements in the LPS, including the proposed zoning of land, the contents of the local heritage list and the provisions of the Lake Meadowbank Specific Area Plan. Fundamental democratic principles would insist that the general public is made aware of what their local elected representatives are responsible for in the LPS and what their State elected representative are ultimately responsible for.

#### **Issue 6 – Process for Further Clarifications:**

Under this section the TPC has flagged that the proposed removal of the now-redundant Attenuation Area Overlay over the now-removed Great Lake Hotel sewerage treatment ponds, which Council endorsed at its October 2020 meeting, cannot happen.

This means that Council, and the Great Lake Hotel owners, will have to allocate significant financial resources and time in the future to undertake and planning scheme amendment to remove this now useless element of the planning scheme.

## **Community Consultation**

When directed to do so by the TPC the Central Highlands Draft Local Provisions Schedule will be publicly exhibited in accordance with statutory requirements.

This will involve:

- The statutory requirements of Division 4 of the Act. These are, in summary:
  - A 60-day exhibition period.
  - Notification of adjacent Councils and Councils in the region; and
  - Notification of State Service Agencies and Authorities as directed by the TPC;
  - Newspaper notice of the exhibition;
  - The exhibition of the draft LPS for public viewing within the municipal area;
  - The exhibition of the draft LPS by the TPC;
  - The opportunity for members of the public to lodge representations on the draft LPS;
  - Consideration of representations by the Council (acting as a Planning Authority).
- Use of Council resources to exhibit and communicate the draft - Council website, and readily available information at Bothwell and Hamilton Offices;
- Information Sessions at key locations (i.e. dedicated drop-in session);
- Officers available to discuss matters with the public and stakeholders.

Proposed details of the mechanics of the public exhibition process (dates, times, locations, displays, etc.) will be subject of a separate report for Council consideration once it is clear when the TPC/Minister will endorse the LPS as suitable for public consultation.

As indicated above, Council will need to give consideration to the explanations provided in the Supporting Report in regard to elements of the LPS that have been imposed by the TPC.

## **External Referrals**

As indicated above, the draft Lake Meadowbank SAP has been referred to a range of interested parties and the mining lease areas have been referred to Mineral Resources Tasmania for comment. For many other issues relevant to State agencies, input has already taken place at the statewide level.

The draft LPS will nevertheless be referred to all State agencies once the formal exhibition period commences.

## **Council Strategic Plan (and Local Planning Strategy)**



The draft LPS is considered to be consistent with the Central Highlands Strategic Plan and local planning objectives and plans, as detailed in the Supporting Report considered at the August 2019 Council meeting.

### **Timeframe**

A timeframe for the exhibition of the draft LPS is dependant on the resolution of the abovementioned matters with the TPC.

### **Financial Implications**

Continuing with the preparation and exhibition of the draft is a core requirement of Council and duty of the Planning Authority. It carries a low financial liability but overall is a resource intensive exercise for the Planning Department.

That said, there are several instances highlighted in this report where compliance with the TPC's requirements would entail very significant expenditure of Council finances in the engagement of a range of external consultants. As explained above, this is considered not necessary, as the reasonable exercise of planning judgement by planning officers, Council acting as a planning authority and the Tasmanian Planning Commission should suffice for the matters at hand.

Moved **Mayor Triffitt**

Seconded **Clr Poore**

**THAT** Council:

A. Respond to the 23 December 2020 correspondence from the Tasmanian Planning Commission pertaining to the Central Highlands Draft Local Provisions Schedule, advising the following:

1. In regard to the allocation of the Rural and Agriculture Zones, Council cannot respond to the Commission's questions until the status of the AK Consulting '*Decision Tree & Guidelines for Mapping the Agriculture and Rural Zones*' is clarified. Whilst Council representatives have been verbally advised that this report does have standing, the Commission's questions indicates it does not.

If it does not have standing in the Commission's eyes, Council seeks an explanation. This report was funded by the State at the express request of the Southern Councils to guide the allocation of the Rural and Agriculture Zones in the formulation of their Local Provisions Schedules. At the time, this approach was endorsed by Government and Commission representatives.

If the AK Consulting Decision Tree cannot be used, Council will be forced to expend considerable financial resources to engage consultants, (which in its view would be unnecessary), and the progression of the draft LPS will be further delayed.

2. In regard to the spatial extent of heritage place listings on rural properties, Council seeks a full explanation as to why the removal of superfluous titles, that have now been removed from the corresponding Tasmanian Heritage Register listings, cannot be allowed in the LPS. These listings unnecessarily encumber thousands of hectares of the Central Highlands. This is land where there is, and never has been, a deliberate decision to list the land.

It could well be argued that the removal of superfluous titles should be seen in exactly the same light as the correction of incorrect title references or street addresses that is being allowed by the Commission in the LPS heritage list.

Noting that Council's policy is that its local heritage list is to only include properties that are on the Tasmanian Heritage Register, Council foreshadows that if its list cannot be corrected as outlined above, it will remove the list entirely from the draft LPS.

3. In regard to the Draft Lake Meadowbank Specific Area Plan, Council cannot respond to the Commission's request that Council provide justification for its inclusion in the LPS until the Commission provides feedback on the rationale Council has already provided.

B. Consult with the Southern Region's Technical Reference Group (Planning) to establish how similar issues are being dealt with by the Tasmanian Planning Commission in other municipal areas, with a view to potentially pursuing areas of common interest jointly with other councils.

C. Seek advice from the Office of the Coordinator General regarding the above.

**Carried**

**For the Motion:** Clr Allwright, Mayor Triffitt, Clr Poore & Clr Cassidy

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## **7.0 OTHER BUSINESS**

Nil

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## **8.0 CLOSURE**

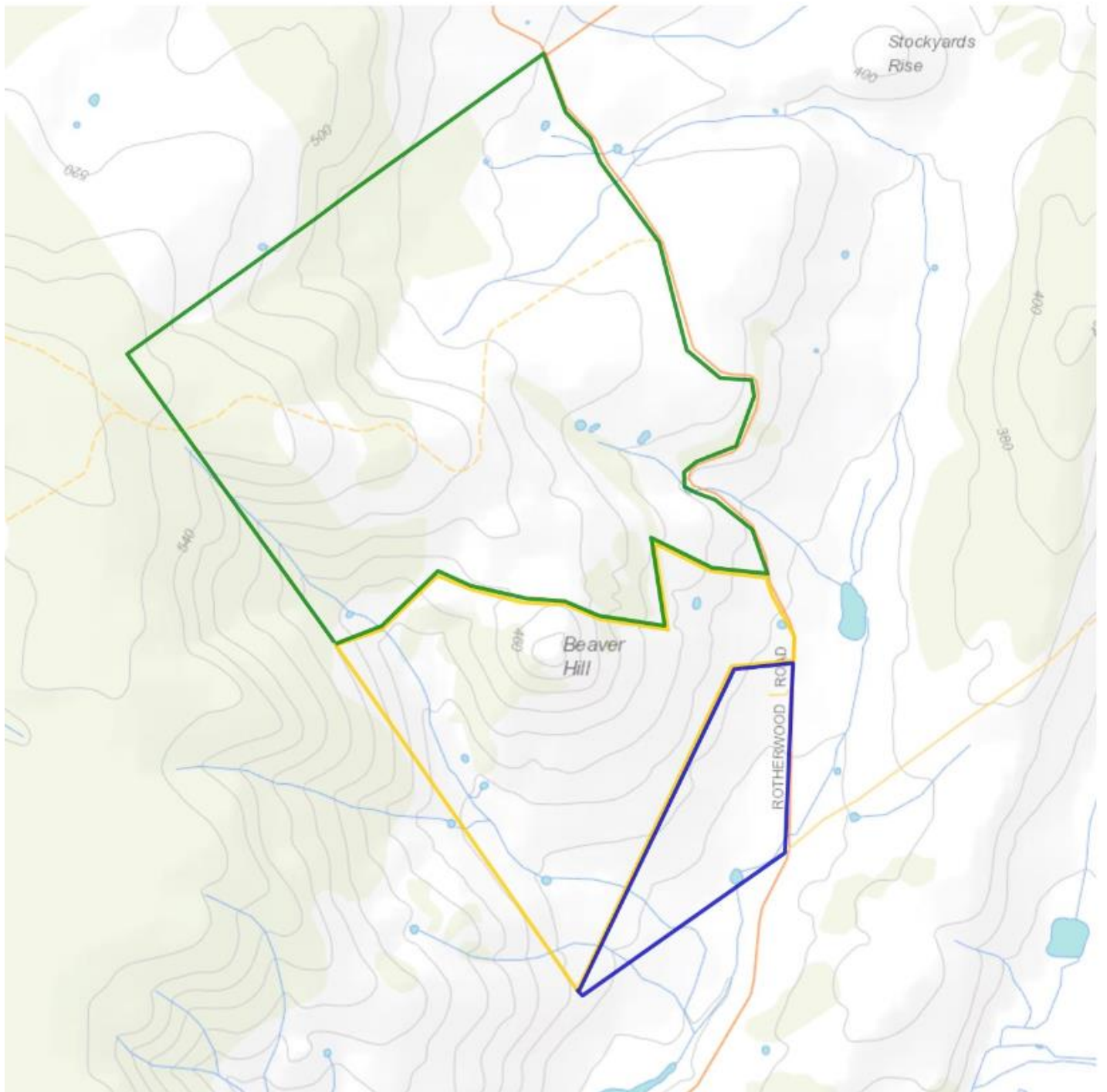
There being no further business the meeting closed at 10.36am

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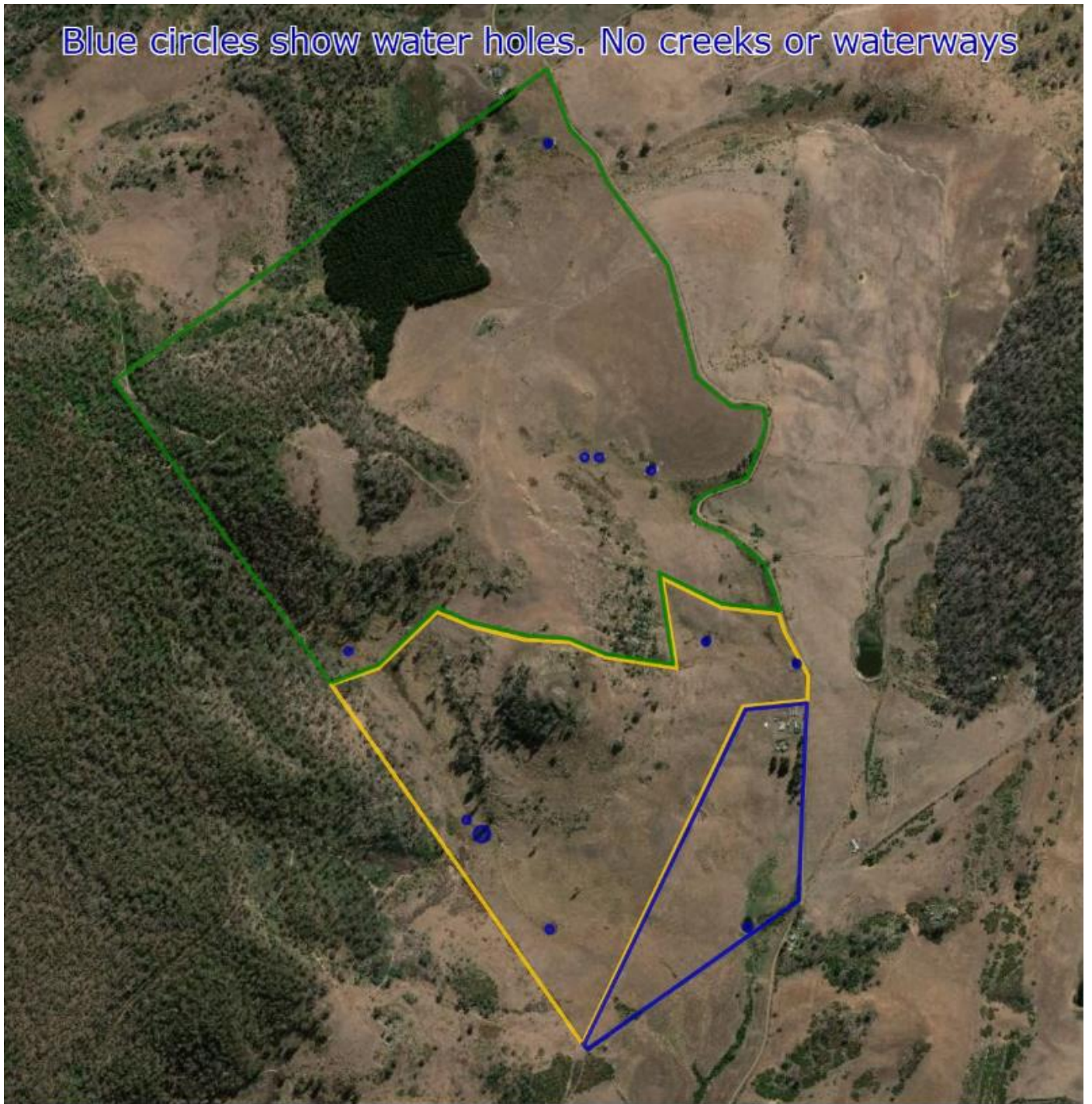








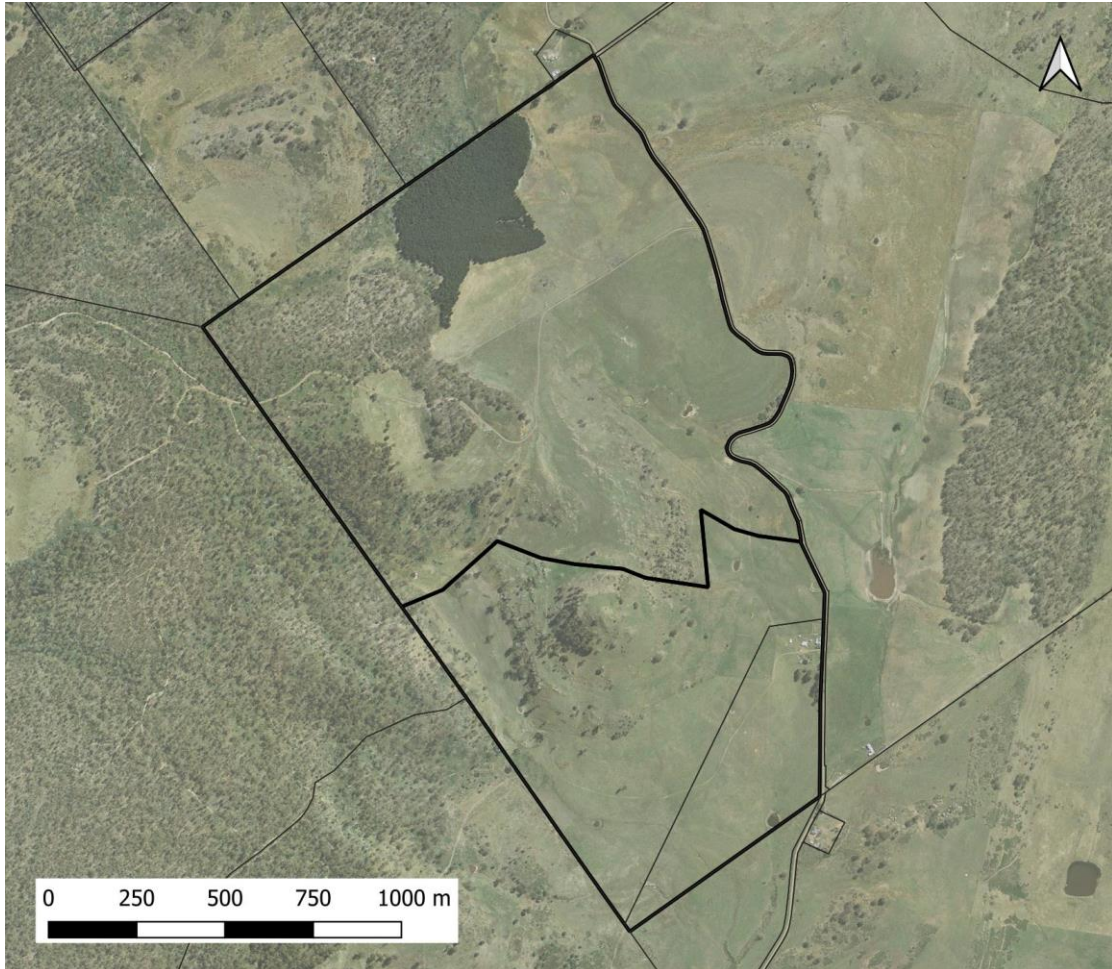
Blue circles show water holes. No creeks or waterways





# Bushfire Hazard Report

For proposed subdivision through reorganisation of boundaries at 289  
Rotherwood Rd, Lower Marshes



Landowner: McShane Rotherwood Pty Ltd and J and T McShane Property Trust  
and Sam Woodward

Author: Jim Mulcahy

Date of Assessment: 4<sup>th</sup> February 2021

Version: V1 – March 2021



16 Collins St Hobart 7001 – [info@enviro-dynamics.com.au](mailto:info@enviro-dynamics.com.au)

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## Executive Summary

The following *Bushfire Hazard Report* has been prepared in support of a proposed subdivision through reorganisation of boundaries located at 289 Rotherwood Rd Lower Marshes (CT 167018/1 and CT 167017/1).

The proposed reorganisation of boundaries occurs in a bushfire prone area pursuant to E1.0 Bushfire Prone Areas Code (the Code) of the *Central Highlands interim Planning Scheme 2015* (the Scheme). The Scheme requires that the bushfire risk to the development and appropriate hazard management responses to those risks be considered during the planning process.

The proposed reorganisation of boundaries has been assessed against the requirements of the Code and *AS 3959-2009 Construction of Buildings in Bushfire Prone Areas* (AS 3959). A Bushfire Hazard Management Plan has been prepared, showing an Indicative Building Area for the vacant lot and Hazard Management Areas which demonstrate the potential for existing and future dwellings to achieve a Bushfire Attack Level (BAL) rating of BAL-19 under Table 2.4.4 of AS 3959.

The Bushfire Hazard Management Plan demonstrates compliance with the acceptable solutions for subdivision under the Code. A certified version of the plan will accompany the final version of this report and will be provided to Central Highlands Council as part of a development application for the proposed subdivision.

**Jim Mulcahy – Enviro-dynamics Pty Ltd**

ACCREDITED BUSHFIRE ASSESSOR (BFP-159)

CERTIFICATE No: ED0305    DATE: 3/3/2021

Signed:





### Disclaimer

All reasonable steps have been taken to ensure that the information and advice contained in this report is an accurate reflection of the fire hazard affecting the proposed development at the time of the assessment and the hazard management measures necessary to meet the standards prescribed in *E1.0 Bushfire Prone Areas Code* of the *Central Highlands Interim Planning Scheme 2015* and *Australian Standard AS 3959-2009*.

The prescribed hazard management measures are designed to reduce bushfire risk to any dwelling(s) constructed on the site. The effectiveness of these measures relies on their implementation in full and their maintenance for the life of the development. No liability can be accepted for actions by landowners or third parties that undermine or compromise the integrity of prescriptions and recommendations contained in this report.

Due to the unpredictable nature of bushfires, particularly under extreme weather conditions, landowners should be aware that implementation and maintenance of the hazard management measures outlined in this report cannot guarantee that a building will survive a bushfire event.

### Australian Standards

*AS3959 – 2009 Construction of Buildings in Bushfire-Prone Areas* has recently been superseded by *AS3959:2018*.

*AS3959 2009* remains relevant for this report and will remain relevant until *E1.0 Bushfire Prone Areas Code* of the various Interim Planning Schemes has been updated to reference the new standard.

In respect of Bushfire Attack Level (BAL) determinations based on vegetation type and slope, the content of Table 2.4.4 in *AS3959-2009* is the same as Table 2.6 in *AS3959:2018*. The new standard does include some changes to the description of Low threat vegetation and the Classification of Vegetation, but these changes do not materially affect the analysis contained in this report. As a result, to the best of the author's knowledge and understanding, the conclusions and prescribed separation distances contained in this report and the attached *Bushfire Hazard Management Plan* are consistent with the provisions of both *AS3959-2009* and *AS3959:2018*.

## 1. Introduction

The following Bushfire Hazard Report has been undertaken to address the provisions of E1.0 Bushfire-Prone Areas Code (the Code) of the *Central Highlands interim Planning Scheme 2015* (the Scheme). The report provides an assessment of the bushfire hazard affecting the development and outlines protective features and controls that must be incorporated to ensure compliance with the Code in respect of hazard management areas, access for fire-fighting and water supplies for fire-fighting.

The analysis in this report has been used to prepare a Bushfire Hazard Management Plan (BHMP) which demonstrates the capacity of current and future dwellings to meet the requirements of BAL-19 under *AS 3959-2009 Construction of Buildings in Bushfire Prone Areas* (AS3959).

### 1.1 Site Details

<u>Landowner:</u>	McShane Rotherwood Pty Ltd and J and T. McShane Property Trust and Sam Woodward
<u>Location:</u>	289 Rotherwood Rd Lower Marshes
<u>Titles:</u>	CT 167018/1 and CT 167017/1
<u>Municipality:</u>	Central Highlands Council
<u>Zoning:</u>	Rural Resource
<u>Planning Overlays:</u>	<i>Landslide Hazard Area</i> (steep slopes); and <i>Waterway &amp; Coastal Protection Area</i> (along watercourses)
<u>Type of Development:</u>	subdivision through reorganisation of boundaries
<u>Date of Assessment:</u>	4 <sup>th</sup> February 2021
<u>Reference Number:</u>	ED0305

### 1.2 Subdivision Proposal

The proposed reorganisation of boundaries will transfer +/- 63.9ha of land around Beaver Hill from CT 167018/1 to CT 167017/1 (see area highlighted in yellow on Figure 1). The new boundary will follow existing fencing infrastructure so there will be no earthworks or new infrastructure.

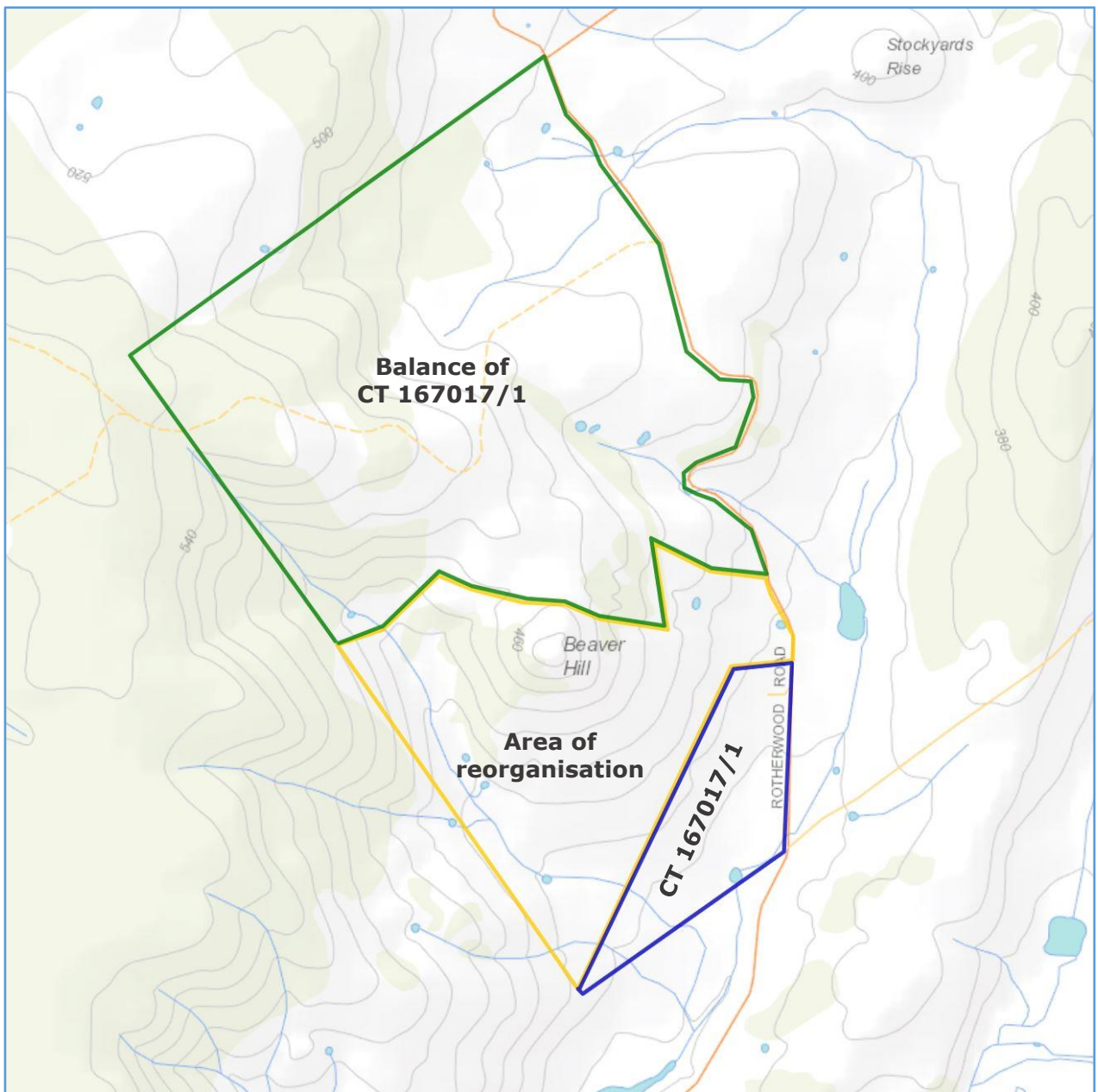


Figure 1 – Proposal Plan (Owners/Proponents, January 2021)

### 1.3 Site Description

The subject land is +/- 236.4ha of land in two titles, located in the vicinity of Beaver Hill at Lower Marshes. The land is bound to the east by Rotherwood Rd and both lots arising from the proposal will retain long frontages to the road. The smaller of the parent lots (CT 167017/1) contains an existing dwelling, while the larger lot is a vacant pastoral lot.

The subject land is zoned Rural Resource under the Scheme and is used for pastoral purposes. It is occupied mostly by exotic pasture, with some remnant forest in the north west and a small area of pine plantation in the central north (see Figures 2 & 3).

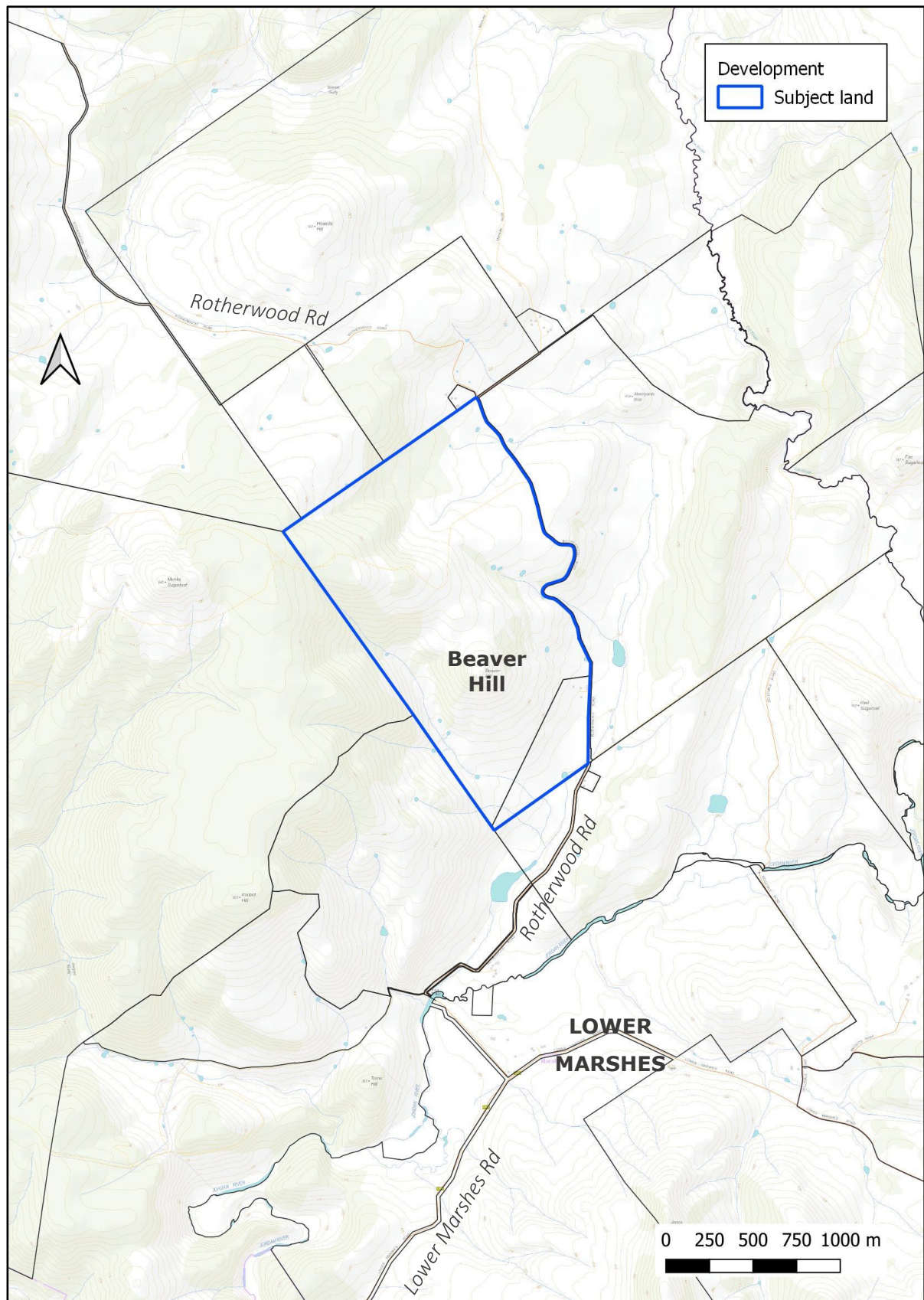


Figure 2 – Site Location (Source: theLIST, 2020)



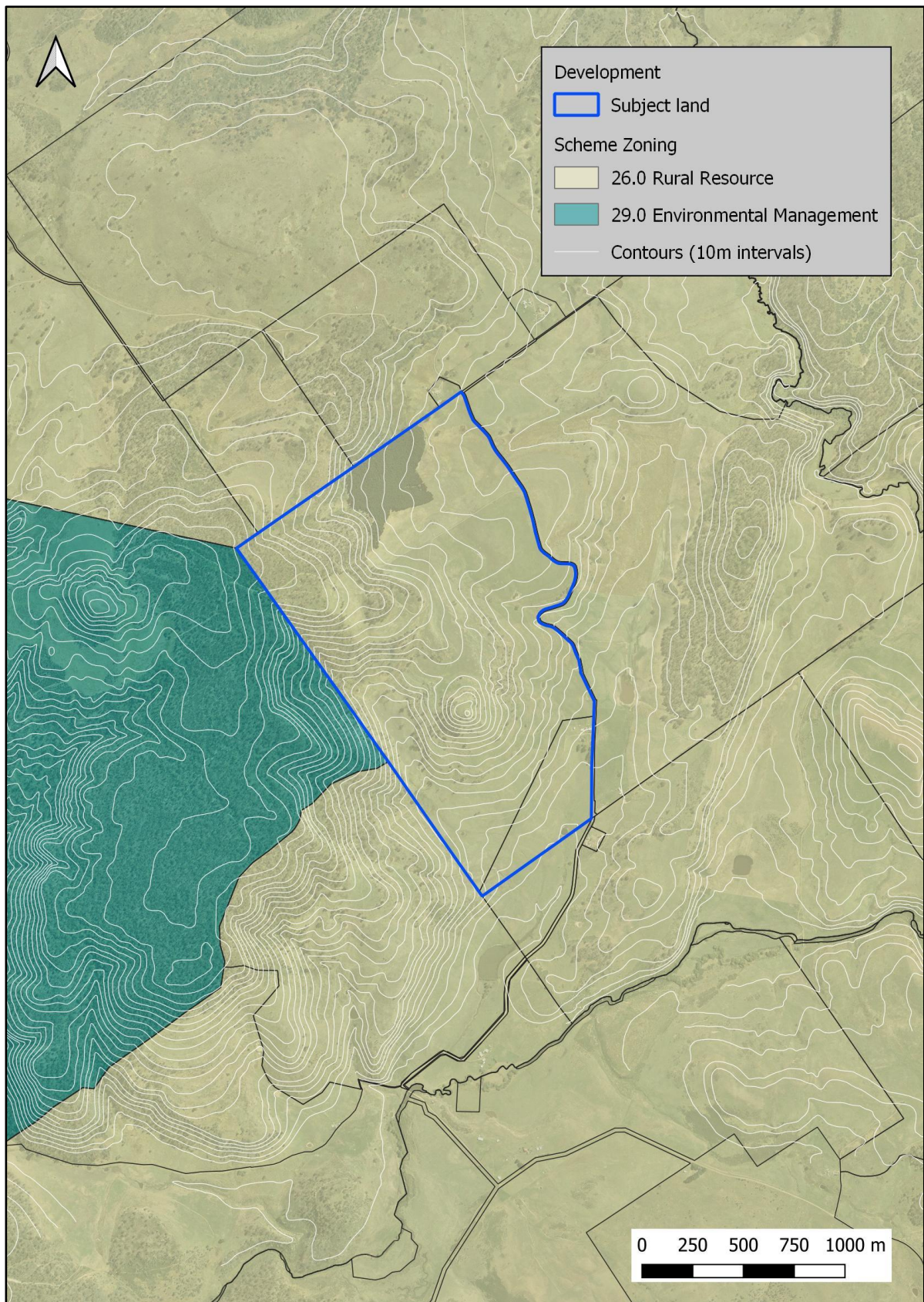


Figure 2 – Site Context and Zoning (Source: theLIST, 2020)

## 2. Bushfire Hazard Assessment

Bushfire Hazard: slope and classified vegetation.

Potential Bushfire Attack Mechanisms: radiant heat, ember attack, wind, flame and smoke.

### Bushfire Threat

In terms of the probability of extreme fire weather conditions, the main threat is from the north. In terms of vegetation, the main bushfire threat is from pasture immediately surrounding existing and future dwellings. If fuel is allowed to build up in these areas of pasture then they could carry a grass fire and pose a bushfire threat.

Fire History: the fire history of the area indicates that small areas of forest west of the subject land were impacted by a bushfire in 2017/18 (TheList, 2021).

Fire Danger Index: FDI 50 (this index applies across Tasmania).

### Classified Vegetation

Vegetation was assessed within 500m of the site for context and in more detail within 100m in all directions from the Existing Dwelling and Indicative Building Area. For the purposes of this assessment, vegetation was classified as per Table 2.3 of AS 3959-2009:

- all pasture/lawn not in the immediate vicinity of the Existing Dwelling has been classified as *G(i) Grassland* (potential).
- all pasture and grassland surrounding the Indicative Building Area on the vacant lot has been classified as *G(i) Grassland* (potential).

Significant Natural Values (potentially limiting hazard management works): there are no significant natural values in the vicinity of the proposed development that would limit hazard management works.

### Hazard Assessment

The subject land and surrounds were surveyed by the author on 4<sup>th</sup> February 2021 with reference to the proposal plan. Information and images were collected which allowed assessment of Bushfire Attack Level (BAL) using Method 1 (Simplified Procedure) of AS3959 (see Tables 1 and 2).

Table 1 – Separation distance calculations for Existing Dwelling on CT 167017/1

Direction	Vegetation Classification <sup>#</sup>	Effective Slope under vegetation	Approx. distance from dwelling (m)	Current BAL rating	Separation distance for BAL-19 (m)	Prescribed minimum hazard management area
North	Low threat* (lawn & garden)	-	12.5	-	-	To fence (10m+)
	G (i). Grassland	Upslope	12.5-100	BAL-19	10-<14	
East to South East	Low threat* (lawn & garden)	-	11	-	-	15m
	G (i). Grassland	+/- flat to downslope 4°	11-100	BAL-19	11-<16	
South	Low threat* (lawn & garden)	-	10	-	-	15m
	G (i). Grassland, low threat* & non-veg*	Downslope 4°	10-100	BAL-29	11-<16	
West	Low threat* (lawn & garden)	-	7.5	-	-	10m
	G (i). Grassland	Upslope	7.5-100	BAL-29	10-<14	

Table 2 – Separation distance calculations for Indicative Building Area on 167018/1

Direction	Vegetation Classification <sup>#</sup>	Effective Slope under vegetation	Approx. distance from IBA (m)	Current BAL rating	Separation distance for BAL-19 (m)	Prescribed minimum hazard management area
North	G (i). Grassland	Downslope 5-9°	0-100	BAL-FZ	13-<19	15m
East	G (i). Grassland	Downslope 5-9°	0-100	BAL-FZ	13-<19	15m
South	G (i). Grassland	+/- flat to downslope 6°	0-100	BAL-FZ	11-<16	15m (for consistency)
West	G (i). Grassland	Upslope	0-100	BAL-FZ	10-<14	15m (for consistency)

\* Exclusion under AS3959-2009 2.2.3.2

<sup>#</sup> Classification as per AS3959-2009 amendment 3, Table 2.3 and Figures 2.4(A)-2.4(G)



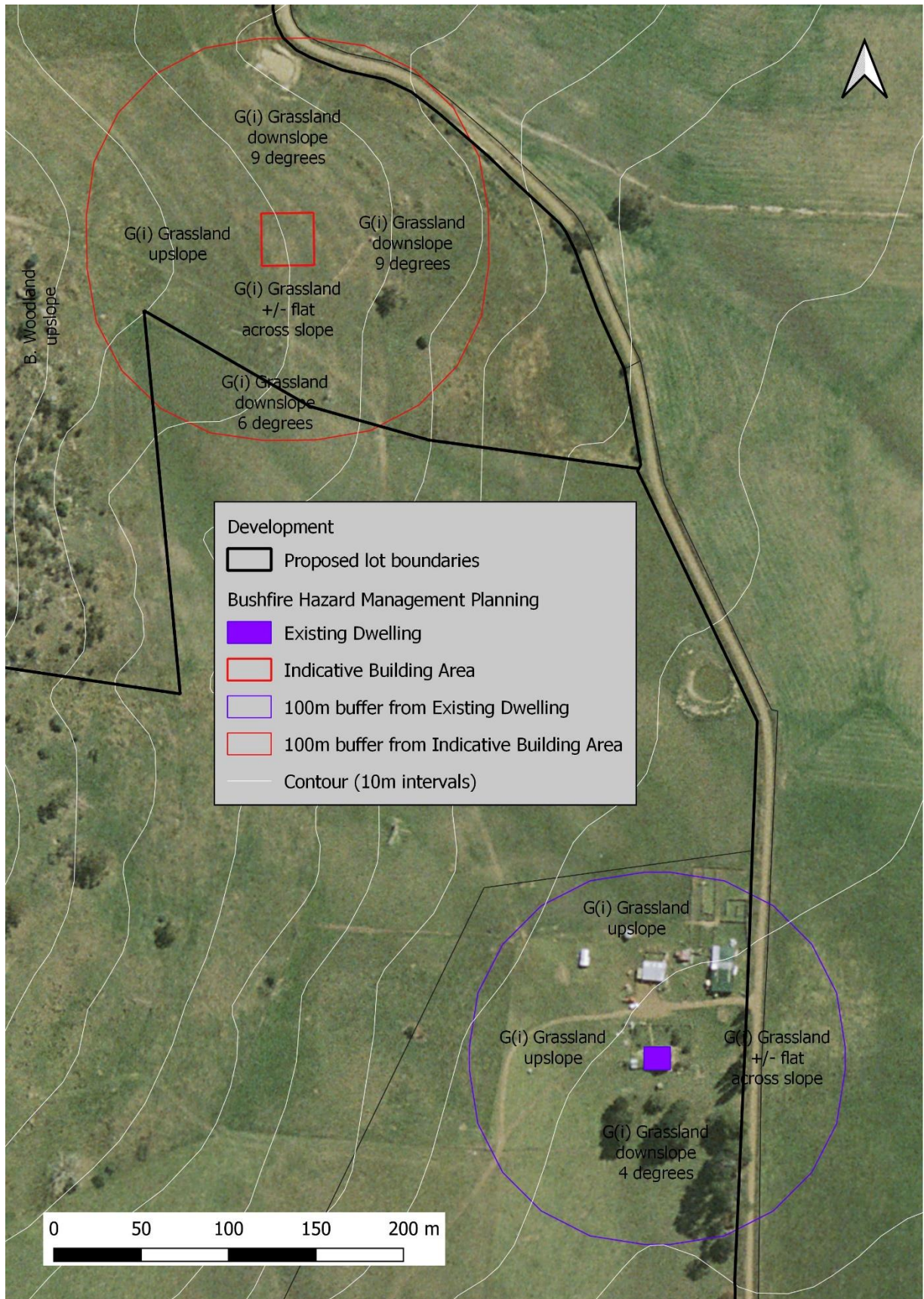


Figure 4 – Bushfire Hazard Assessment Map (Source: TheList 2020)



### 3. Bushfire Management Measures

The site is within a bushfire-prone area pursuant to E1.0 Bushfire Prone Areas Code (the Code) of the *Central Highlands interim Planning Scheme 2015* (the Scheme). The relevant areas of the subject land are occupied by and surrounded by bushfire-prone vegetation as defined under AS3959, in the form of pasture [G(i) Grassland].

The subject land is zoned Rural Resource. While the large vacant lot is unlikely to support habitable buildings in future, the requirements for subdivision in a bushfire-prone area apply to all zones and are set out under the Code. They include:

- provision of Hazard Management Areas (E1.6.1);
- access for fire-fighting (E1.6.2); and
- provision of water supply for fire-fighting purposes (E1.6.3).

The proposed subdivision must comply with the following clauses of the Code (shaded clauses in Table 2).

Table 2 – Compliance with E1.0

CLAUSE	ISSUE
<b>E1.2</b>	<b>Application of Code</b>
E1.3	Definition of terms in this Code
E1.4	Use or development exempt from this Code
E1.5	Use Standards
E1.5.1	Vulnerable Uses
E1.5.2	Hazardous Uses
<b>E1.6</b>	<b>Developments Standards</b>
<b>E1.6.1</b>	<b>Development Standard for Subdivision: Provision of hazard management areas (HMA) for habitable buildings</b>
<b>E1.6.2</b>	<b>Subdivision: Public and fire-fighting access</b>
<b>E1.6.3</b>	<b>Subdivision: Provision of water supply for fire-fighting purposes</b>

## 3.2 Hazard Management Areas

The objectives of providing *Hazard Management Areas* (HMAs) are:

- to facilitate an integrated approach between subdivision and subsequent building on a lot; and
- to provide for sufficient separation of building areas from bushfire-prone vegetation to reduce radiant heat levels, direct flame attack and ember attack at the building area.

HMAs provide cleared space between buildings and bushfire hazards. Any vegetation in this area needs to be maintained in a low fuel state to protect buildings from direct flame contact, ember attack and intense radiant heat, thereby allowing them to be defended from lower intensity bushfires.

Further information on the maintenance of ‘defendable spaces’ (which are equivalent to HMAs) are provided in the Tasmania Fire Service document: *Guidelines for Development in Bushfire Prone Areas of Tasmania (2005)*.

### Requirements

The acceptable solutions under E1.6.1 A1 of the Code require that:

- b) *The proposed plan of subdivision: ...*
- (ii) *shows the building area for each lot; (and)*
  - (iii) *shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of AS3959; ...*

### Compliance

- The bushfire hazard assessment (see Tables 1-2 and Figure 4) indicates that both lots require HMAs to provide separation distances that will allow existing and future dwellings to meet the requirements of BAL-19 under *Table 2.4.4 of AS3959*.
- Existing and future dwellings can achieve separation distances from the lot boundaries that are sufficient for HMAs meeting the requirements of BAL-19 to be accommodated entirely within the lot boundaries.
- The Bushfire Hazard Management Plan (BHMP) at Attachment A shows an Indicative Building Area for the vacant lot and defines HMAs with sufficient separation distances from bushfire prone vegetation to allow existing and future dwellings to meet the requirements of BAL-19.

### Maintenance of Hazard Management Areas

The HMA for the vacant lot (as defined on the attached BHMP) must be established if and when any habitable buildings are constructed in future and must be maintained for the life of the development.

To minimise bushfire hazard to future dwellings, HMAs must be maintained as low threat vegetation and/or non-vegetated land (as defined by Clause 2.2.3.2 of AS3959-2009). The need to maintain effective HMAs into the future must be considered when planting gardens

and making landscaping choices associated with any residential occupation and use of the lots. An annual inspection and maintenance of HMAs should be conducted prior to the bushfire season or any other identified period of high fire risk and any flammable material such as leaves, litter, wood piles should be removed.

### 3.3 Public and Fire-fighting Access

The objectives for roads, property access and fire trails within a subdivision are:

- to allow safe access and egress for residents, fire fighters and emergency services personnel;
- to provide access to the bushfire-prone vegetation that allows both property to be defended when under bushfire attack and for hazard management works to be undertaken;
- to provide access to water supplies for fire appliances;
- that design and construction allow for fire appliances to be manoeuvred; and
- that design allows connectivity, and where needed, offers multiple evacuation points.

#### Requirements

Property access is required to access a fire-fighting water point on both lots. The requirements for property access within a subdivision are detailed in E1.6.2 of the Code:

- (b) *A proposed plan of subdivision showing the ... location of property access to building areas is included in a bushfire hazard management plan that:*
- (i) *demonstrates ... proposed private accesses will comply with Table E2...; and*
  - (ii) *is certified by the TFS or an accredited person.*

#### Current conditions

Rotherwood Rd is a Council maintained gravel road with a formation +/- 5m wide along the frontage to the subject land. There is an existing gravel driveway +/- 4m wide from Rotherwood Rd to the vicinity of the existing dwelling which terminates in a formed parking/turning area.

#### Compliance

- Rotherwood Rd provides property access compliant with the Code.
- Subject to minor upgrades and ongoing maintenance, the driveway and turning area associated with the existing dwelling can provide access compliant with the Code.
- The attached BHMP shows Indicative Property Access provisions for both lots that are capable of being constructed in compliance with Table E2.
- At the time of construction, the developer must ensure that any new property access to the vacant lot is constructed compliant with Table E2 as outlined below.

- The following are the requirements for property access greater than 30m long and less than 200m long pursuant to Table E2 of the Code:
  - all- weather construction;
  - load capacity of at least 20 t, including for bridges and culverts;
  - minimum carriageway width of 4 m;
  - minimum vertical clearance of 4 m;
  - minimum horizontal clearance of 0.5 m from the edge of the carriageway;
  - cross falls of less than 3 degrees (1:20 or 5%);
  - dips less than 7 degrees (1:8 or 12.5%) entry and exit angle;
  - curves with a minimum inner radius of 10 m;
  - maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads, and 10 degrees (1:5.5 or 18%) for unsealed roads; and
  - terminate with a turning area for fire appliances provided by one of the following:
    - a turning circle with a minimum outer radius of 10m; or
    - a property access encircling the building; or
    - a hammerhead “T” or “Y” turning head 4 m wide and 8 m long.

### 3.4 Fire-fighting Water Supply

The objective in provision of water supply for fire-fighting purposes is that:

- adequate, accessible and reliable water supply for the purposes of fire-fighting can be demonstrated at the subdivision stage and allow for the protection of life and property associated with the subsequent use and development of bush fire-prone areas.

#### Requirements

The development occurs in an area not serviced with reticulated water supply and static water supplies will be required for fire-fighting purposes. The requirements for provision of static water supplies for fire-fighting purposes are detailed in E1.6.3 A1:

- (c) *A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.*

#### Current conditions

The existing dwelling is serviced by domestic water tanks, but there is currently no water tank dedicated for fire-fighting purposes.

## Compliance

- The attached BHMP shows Indicative Water Tanks for Fire-fighting that are located within 3m of a hardstand, greater than 6m from the dwelling/Indicative Building Area and within 90m hose lay of the furthest parts of the dwelling/Indicative Building Area. As such, they demonstrate the capacity for both lots to support static water supplies compliant with Table E5.
- At the time of installation, the owners/developers must ensure that any water tanks for fire-fighting purposes comply in all respects with the provisions of Table E5.
- The following are the requirements for static water supplies for fire-fighting purposes pursuant to Table E5 of the Code:

### *Distance between building area to be protected and water supply:*

- The building area to be protected must be located within 90m of the fire-fighting water point of a static water supply; and
- The distance must be measured as a hose lay, between the fire-fighting water point and the furthest part of the building area.

### *Static water supply requirements:*

- May have a remotely located off-take connected to the static water supply;
- May be a supply for combined use (fire fighting and other uses) but the specified minimum quantity of fire fighting water must be available at all times;
- Must be a minimum of 10,000 litres per building area to be protected; this volume of water must not be used for any other purpose including fire fighting sprinkler or spray systems;
- Must be metal, concrete or lagged by non-combustible materials if above ground; and
- If a tank can be located so it is shielded in all directions in compliance with Section 3.5 of AS3959-2009, the tank may be constructed of any material provided that the lowest 400 mm of the tank exterior is protected by: metal, non-combustible material, or fibre-cement a minimum of 6 mm thickness.

### *Fittings and pipework and accessories requirements*

Fittings and pipework associated with a water connection point for a static water supply must:

- have a minimum nominal internal diameter of 50 mm;
- be fitted with a valve with a minimum nominal internal diameter of 50 mm;
- be metal or lagged by non-combustible materials if above ground;
- if buried, have a minimum depth of 300 mm (compliant with AS/NZS 3500.1-2003 Clause 5.23);

- provide a DIN or NEN standard forged Storz 65 mm coupling fitted with a suction washer for connection to fire-fighting equipment;
- ensure the coupling is accessible and available for connection at all times;
- ensure the coupling is fitted with a blank cap and securing chain (minimum 220mm length)
- ensure underground tanks have either an opening at the top of not less than 250 mm dia. or coupling compliant with Table 4.3B, and
- if a remote offtake is installed, ensure the offtake is in a position that is visible; accessible to allow connection by fire-fighting equipment; at working height of 450–600mm above ground level; and protected from possible damage, including damage by vehicles.

*Signage for static water connections requirements:*

- The fire-fighting water point for a static water supply must be identified by a sign permanently fixed to the exterior of the assembly in a visible location. The sign must comply with:
  - Water tank signage requirements within AS 2304-2011 *Water storage tanks for fire protection systems*, or
  - Comply with the Tasmania Fire Service Guideline – be marked with the letter “W” contained within a circle with the letter in upper case of not less than 100 mm in height; marked in fade-resistant material with white reflective lettering and circle on a red background; be located within one metre of the water connection point in a situation which will not impede access or operation; and be no less than 400 mm above the ground.

*Hardstand area for fire appliances requirements:*

- No more than 3m from the fire-fighting water point, measured as a hose-lay (including the minimum water level in dams, swimming pools and the like);
- No closer than 6m from the building area to be protected;
- A minimum width of 3m constructed to the same standard as the carriageway, and
- Connected to the property access by a carriageway equivalent to the standard of the property access.

### **3.5 Construction of Habitable Buildings**

Given that the subject land is zoned Rural Resource, it is unlikely that a dwelling will be constructed on the vacant lot, but this report demonstrates the capacity for the lot to accommodate a dwelling or other habitable building.

The attached BHMP only certifies that a habitable building constructed within the Indicative Building Area can achieve the separation distances from bushfire-prone vegetation required to allow construction to BAL-19. A habitable building constructed to BAL-19 may be located anywhere within the Indicative Building Area and the HMA adjusted to match the actual

building footprint, provided prescribed separation distances from bushfire-prone vegetation are maintained.

Pursuant to Section 11F (2) (a) of the *Tasmanian Building Act 2016 – Building Amendment (Bushfire-Prone Areas) Regulations 2016*, a BHMP undertaken for the purposes of a subdivision approval can be utilised to satisfy the bushfire planning requirements of a subsequent application to build on a lot arising from that subdivision, “unless that bushfire hazard management plan is more than 6 years old.”

## 4. Recommendations

It is recommended that the owner of CT 167017/1 undertake the following upgrades:

- as part of routine maintenance, ensure that the driveway to the existing dwelling supports and maintains compliant turning arcs, vertical clearance widths (4m) and horizontal clearance widths (4m carriageway width and an additional 0.5m clearance width to either side); and
- at the earliest opportunity, install a compliant water tank dedicated for fire-fighting purposes.

## 5. Conclusion

The Bushfire Hazard Management Plan at Attachment A demonstrates the capacity of the development to comply with the Code and AS3959 in respect of (Indicative) Building Areas, Provision of hazard management areas, Public and fire-fighting access and Provision of water supply for fire-fighting purposes. As a result, the Bushfire Hazard Management Plan has been certified.

## 6. Glossary and Abbreviations

**AS – Australian Standard**

**BAL – Bushfire Attack Level** – a means of measuring the severity of a building’s potential exposure to ember attack, radiant heat and direct flame contact, using increments of radiant heat expressed in kilowatts per metre squared, and the basis for establishing the requirements for construction to improve protection of building elements from attack by bushfire (AS3959-2009).

**BFP – Bush Fire Practitioner** certified to undertake assessments of bushfire hazard and certify Bushfire Hazard Management Plans.

**BHMP – Bushfire Hazard Management Plan** – plan for individual house or subdivision identifying separation distances required between a dwelling(s) and bushfire prone vegetation based on the BAL for the site. The BHMP also indicates requirements for construction, property access and fire-fighting water.

**Class 1a building** – is a single dwelling being a detached house; or one of a group of attached dwellings being a town house, row house or the like (NCC 2016).

**FDI – fire danger index** – relates to the chance of a fire starting, its rate of spread, its intensity and the difficulty of its suppression, according to various combinations of air temperature, relative humidity, wind speed and both the long- and short-term drought effects (AS3959-2009).

**ha – hectares; m – meters**

**HMA – Hazard Management Area** – the area, between a habitable building or building area and the bushfire-prone vegetation, which provides access to a fire front for fire-fighting, which is maintained in a minimal fuel condition and in which there are no other hazards present which will significantly contribute to the spread of a bushfire.



## 7. References

AS3959-2009. *Australian Standard for Construction of buildings in bushfire-prone areas*. SAI Global Limited Sydney, NSW Australia.

*Central Highlands interim Planning Scheme 2015*.

<http://www.iplan.tas.gov.au/pages/plan/book.aspx?exhibit=chips>

*Building Act 2016*. The State of Tasmania Department of Premier and Cabinet.

<https://www.legislation.tas.gov.au/view/html/inforce/current/act-2016-025>

*Building Act 2016*. Director's Determination – Requirements for Building in a Bushfire-Prone Area DOC/17/62962. Director of Building Control

[https://www.cbos.tas.gov.au/\\_\\_data/assets/pdf\\_file/0011/405011/Directors-Determination-Requirements-building-bushfire-prone-areas.pdf](https://www.cbos.tas.gov.au/__data/assets/pdf_file/0011/405011/Directors-Determination-Requirements-building-bushfire-prone-areas.pdf)

*Building Regulations 2016*. The State of Tasmania Department of Premier and Cabinet.

<https://www.legislation.tas.gov.au/view/html/inforce/current/sr-2016-110>.

*Guidelines for Development in Bushfire prone Areas of Tasmania. Living with Fire in Tasmania*. Bushfire Planning Group of Tasmania Fire Service, Tasmania (2005).

*LISTMap 2020*. Land Information System Tasmania, Tasmania Government.

<https://maps.thelist.tas.gov.au/listmap/app/list/map>

*National Construction Code 2016 Vol Two, Building Code of Australia Class 1 and Class 10 Buildings*. Australian Building Codes Board, Australia (2016).

## APPENDIX 1 – Illustrative photos of access, site and vegetation



Photo 1: Junction of Lower Marshes Rd with Rotherwood Rd



Photo 2: Typical section of Rotherwood Rd on approach to existing dwelling on CT 167017/1



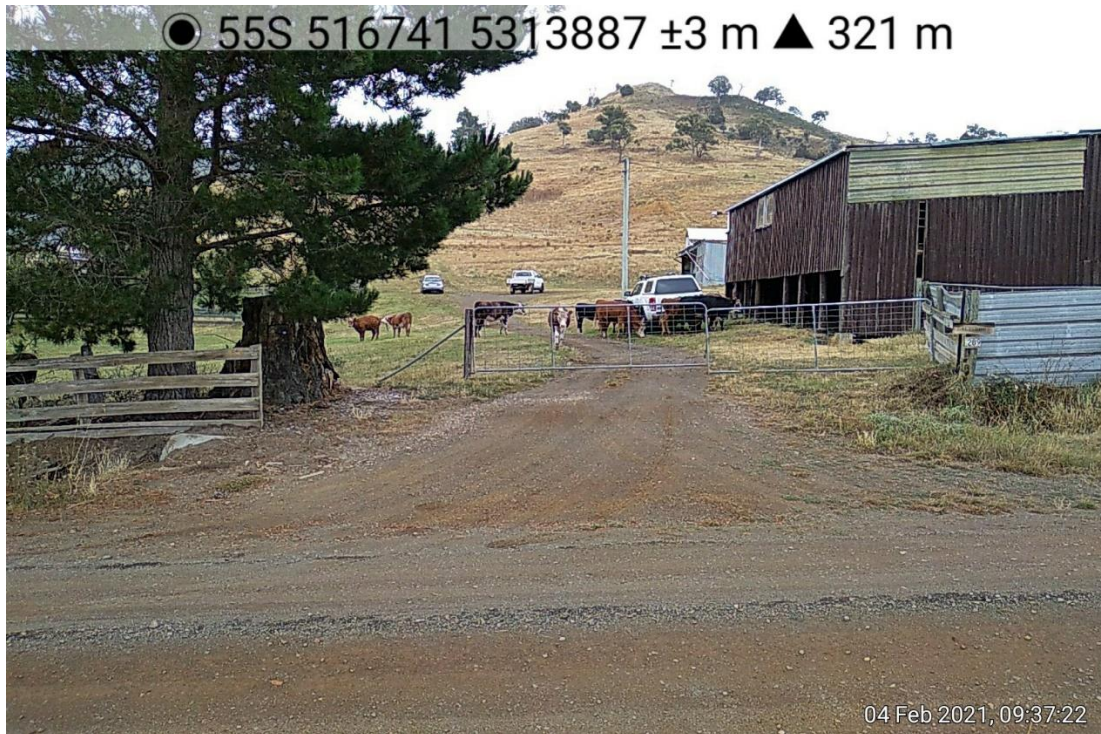


Photo 3: Access to existing dwelling on CT 167017/1



Photo 4: Existing dwelling on CT 167017/1





Photo 5: Turning area for fire-fighting water tank north of existing dwelling on CT 167017/1



Photo 6: Potential site for fire-fighting water tank north of existing dwelling on CT 167017/1





Photo 7: Lawn and pasture (G(i) Grassland) north of existing dwelling on CT 167017/1

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Photo 8: Photo 5: Lawn and pasture (G(i) Grassland) east of existing dwelling on CT 167017/1

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Photo 9: Photo 5: Lawn and pasture (G(i) Grassland) south of existing dwelling on CT 167017/1

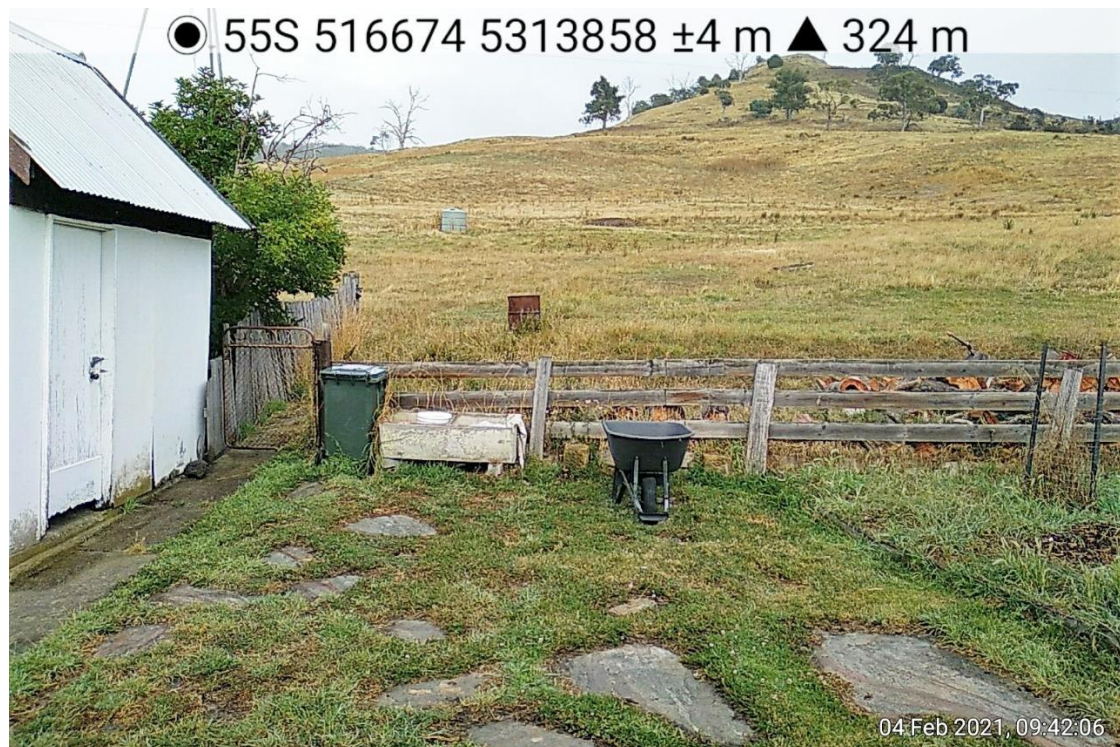


Photo 10: Photo 5: Lawn and pasture (G(i) Grassland) west of existing dwelling on CT 167017/1





Photo 11: Typical section of Rotherwood Rd on approach to Indicative Building Area on CT 167018/1

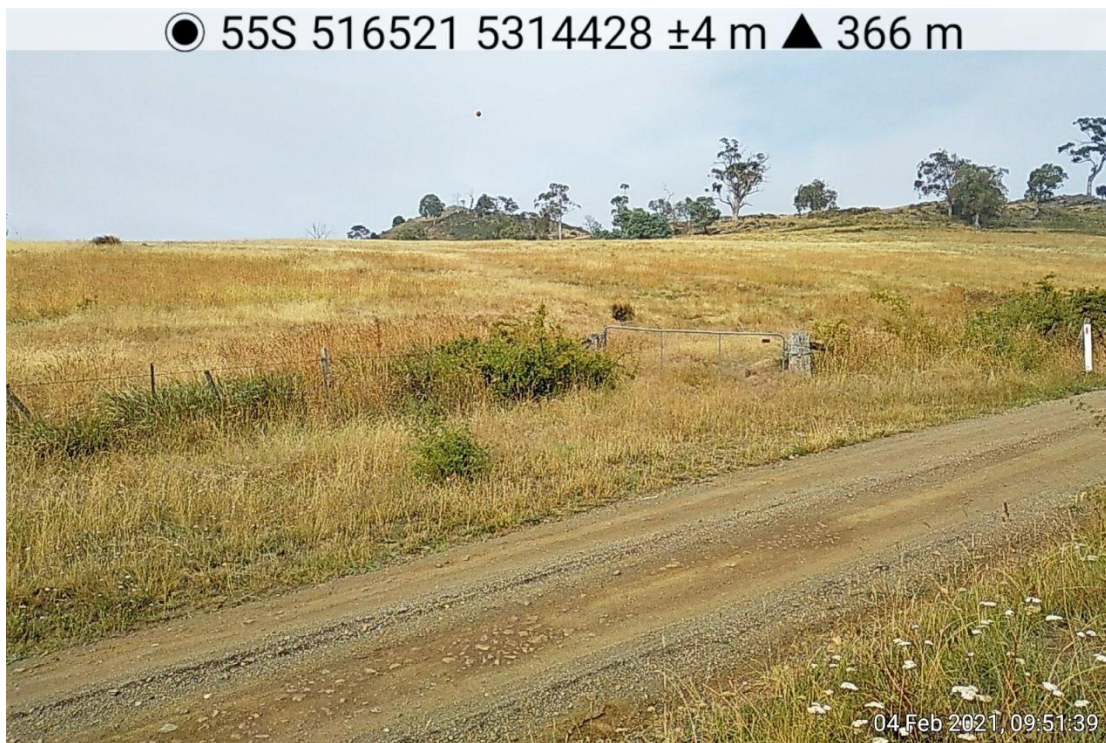


Photo 12: Potential access point to Indicative Building Area on CT 167018/1





Photo 13: Pasture (G(i) Grassland) north of Indicative Building Area on CT 167018/1

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Photo 14: Pasture (G(i) Grassland) east of Indicative Building Area on CT 167018/1

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Photo 15: Pasture (G(i) Grassland) south of Indicative Building Area on CT 167018/1

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Photo 16: Pasture (G(i) Grassland) and B. Woodland west of Indicative Building Area on CT 167018/1



This plan is to be printed at A3 and read in conjunction with the preceding Bushfire Hazard Report for proposed subdivision through reorganisation of boundaries at 289 Rotherwood Rd, Lower Marshes (Enviro-dynamics March 2021).

Hazard Management Areas (HMAs)

- The HMA for the vacant lot must be established if and when any habitable buildings are constructed on the lot and must be maintained as ‘low threat vegetation’ or ‘non-vegetated land’ (as defined by Clause 2.2.3.2 of AS3959) for the life of the development.
- No trees should overhang dwellings and trees should ideally be sited 1.5 times their mature height away from dwellings.
- Trees and shrubs should be separated to create discontinuous ‘clumps’ and a minimum 20m separation should be maintained between clumps.
- A minimum 2m horizontal separation should be maintained between tree canopies and low branches should be removed to create a minimum 2m vertical separation between tree canopy and underlying shrubs or ground cover.
- Grassland, pasture and lawn must be kept short (less than 100mm).
- Fine fuels such as leaves, bark and twigs should be removed from the ground periodically, particularly leading into summer or any other identified period of high fire risk.
- Flammable vegetation should not be retained or planted under or directly adjacent to dwellings (particularly decks, flammable cladding and glazed elements) or in corridors which can act as a ‘wick’ to channel fire to dwellings.
- Flammable material such as firewood, building materials, organic mulch and fuel should not be stored under decks or dwellings nor directly adjacent to dwellings.

Public and Fire-fighting Access

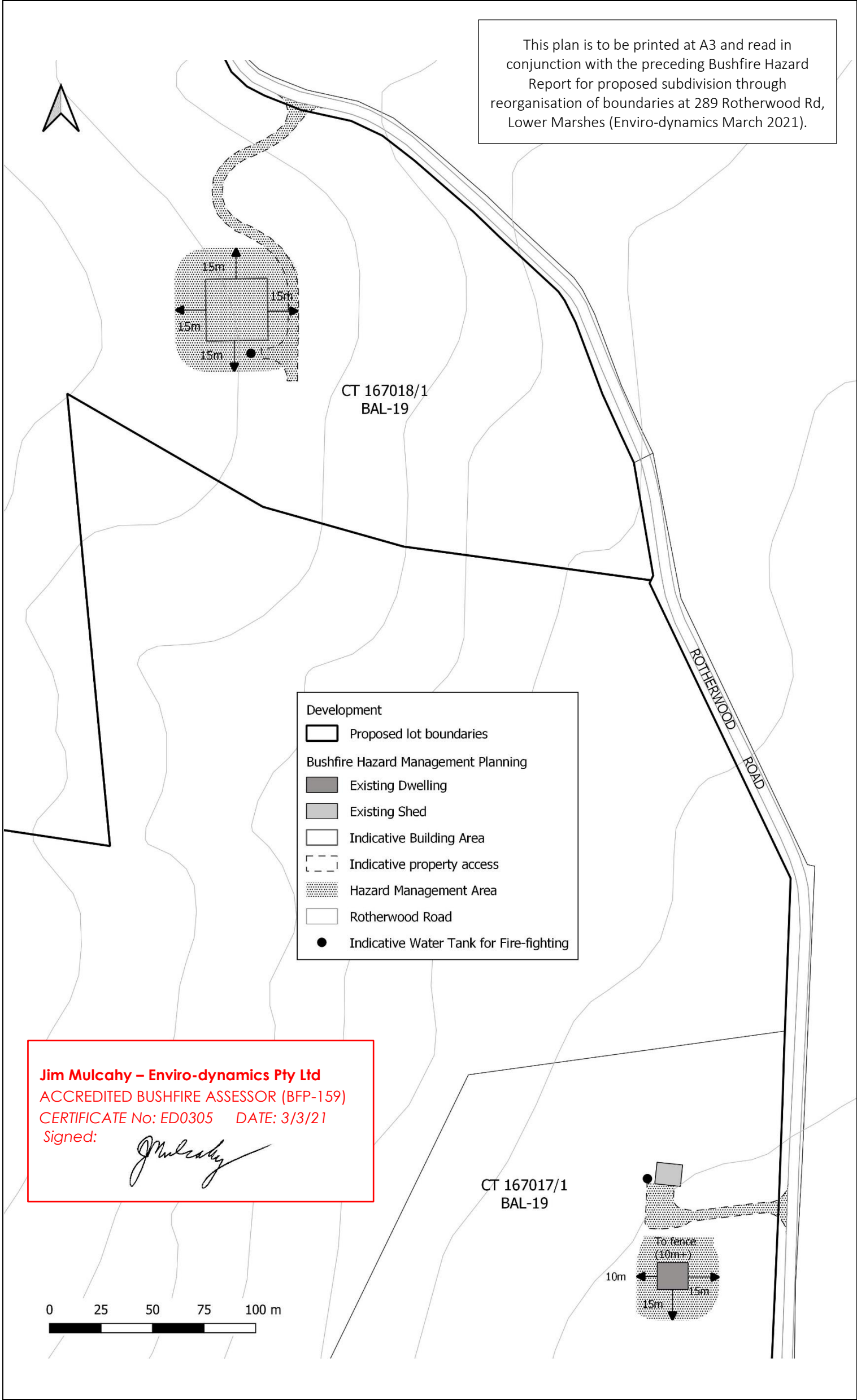
- Rotherwood Rd provides property access compliant with E1.0 *Bushfire Prone Areas Code* (the Code).
- This plan shows Indicative Property Accesses which are 5m wide and demonstrate the capacity of both lots to support property access compliant with Table E2 of the Code.
- At the time of construction, the owner/developer must ensure that any new property access to the vacant lot complies with Table E2 of the Code.

Static Water Supply for Fire-fighting

- This plan shows Indicative Water Tanks for Fire-fighting that are located within 3m of a hardstand, greater than 6m from the dwelling/Indicative Building Area and within 90m hose-lay of the furthest parts of the dwelling/Indicative Building Area.
- As such, they demonstrate the capacity of both lots to support static water supplies compliant with Table E5 of the Code.
- At the time of installation, the owner/developer must ensure that any new water tanks for fire-fighting comply with Table E5 of the Code.

Construction Standards

- This plan only certifies that any future habitable buildings constructed within the Indicative Building Area on the vacant lot can achieve the separation distances required to allow construction to BAL-19.



**Jim Mulcahy – Enviro-dynamics Pty Ltd**  
ACCREDITED BUSHFIRE ASSESSOR (BFP-159)  
CERTIFICATE No: ED0305    DATE: 3/3/21  
Signed: *Jim Mulcahy*

For:            McShane Rotherwood Pty Ltd  
                  and Sam Woodward  
Titles:        167017/1 and 167018/1  
March 2021                      Assessment #:    0305



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## BUSHFIRE-PRONE AREAS CODE

### CERTIFICATE<sup>1</sup> UNDER S51(2)(d) *LAND USE PLANNING AND APPROVALS ACT 1993*

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#### 1. Land to which certificate applies

The subject site includes property that is proposed for use and development and includes all properties upon which works are proposed for bushfire protection purposes.

Street address:

289 Rotherwood Road, Lower Marshes 7030

Certificate of Title / PID:

CT 167017/1/2 & CT 167018/1

#### 2. Proposed Use or Development

Description of proposed Use  
and Development:

Subdivision through reorganisation of boundaries

Applicable Planning Scheme:

*Central Highlands Interim Planning Scheme 2015*

#### 3. Documents relied upon

This certificate relates to the following documents:

Title	Author	Date	Version
Bushfire Hazard Report – for proposed subdivision through reorganisation of boundaries at 289 Rotherwood Road, Lower Marshes	Enviro-dynamics	March 2021	1
Bushfire Hazard Management Plan – reorganisation of boundaries at 289 Rotherwood Road, Lower Marshes	Enviro-dynamics	3 March 2021	1

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<sup>1</sup> This document is the approved form of certification for this purpose and must not be altered from its original form.

#### 4. Nature of Certificate

The following requirements are applicable to the proposed use and development:

<input type="checkbox"/>	<b>E1.4 / C13.4 – Use or development exempt from this Code</b>	
	<b>Compliance test</b>	<b>Compliance Requirement</b>
<input type="checkbox"/>	E1.4(a) / C13.4.1(a)	Insufficient increase in risk

<input type="checkbox"/>	<b>E1.5.1 / C13.5.1 – Vulnerable Uses</b>	
	<b>Acceptable Solution</b>	<b>Compliance Requirement</b>
<input type="checkbox"/>	E1.5.1 P1 / C13.5.1 P1	<i>Planning authority discretion required. A proposal cannot be certified as compliant with P1.</i>
<input type="checkbox"/>	E1.5.1 A2 / C13.5.1 A2	Emergency management strategy
<input type="checkbox"/>	E1.5.1 A3 / C13.5.1 A2	Bushfire hazard management plan

<input type="checkbox"/>	<b>E1.5.2 / C13.5.2 – Hazardous Uses</b>	
	<b>Acceptable Solution</b>	<b>Compliance Requirement</b>
<input type="checkbox"/>	E1.5.2 P1 / C13.5.2 P1	<i>Planning authority discretion required. A proposal cannot be certified as compliant with P1.</i>
<input type="checkbox"/>	E1.5.2 A2 / C13.5.2 A2	Emergency management strategy
<input type="checkbox"/>	E1.5.2 A3 / C13.5.2 A3	Bushfire hazard management plan

<input checked="" type="checkbox"/>	<b>E1.6.1 / C13.6.1 Subdivision: Provision of hazard management areas</b>	
	<b>Acceptable Solution</b>	<b>Compliance Requirement</b>
<input type="checkbox"/>	E1.6.1 P1 / C13.6.1 P1	<i>Planning authority discretion required. A proposal cannot be certified as compliant with P1.</i>
<input type="checkbox"/>	E1.6.1 A1 (a) / C13.6.1 A1(a)	Insufficient increase in risk
<input checked="" type="checkbox"/>	E1.6.1 A1 (b) / C13.6.1 A1(b)	Provides BAL-19 for all lots (including any lot designated as 'balance')
<input type="checkbox"/>	E1.6.1 A1(c) / C13.6.1 A1(c)	Consent for Part 5 Agreement

<input checked="" type="checkbox"/>	<b>E1.6.2 / C13.6.2 Subdivision: Public and fire fighting access</b>	
	<b>Acceptable Solution</b>	<b>Compliance Requirement</b>
<input type="checkbox"/>	E1.6.2 P1 / C13.6.2 P1	<i>Planning authority discretion required. A proposal cannot be certified as compliant with P1.</i>
<input type="checkbox"/>	E1.6.2 A1 (a) / C13.6.2 A1 (a)	Insufficient increase in risk
<input checked="" type="checkbox"/>	E1.6.2 A1 (b) / C13.6.2 A1 (b)	Access complies with relevant Tables

<input checked="" type="checkbox"/>	<b>E1.6.3 / C13.1.6.3 Subdivision: Provision of water supply for fire fighting purposes</b>	
	<b>Acceptable Solution</b>	<b>Compliance Requirement</b>
<input type="checkbox"/>	E1.6.3 A1 (a) / C13.6.3 A1 (a)	Insufficient increase in risk
<input type="checkbox"/>	E1.6.3 A1 (b) / C13.6.3 A1 (b)	Reticulated water supply complies with relevant Table
<input type="checkbox"/>	E1.6.3 A1 (c) / C13.6.3 A1 (c)	Water supply consistent with the objective
<input type="checkbox"/>	E1.6.3 A2 (a) / C13.6.3 A2 (a)	Insufficient increase in risk
<input checked="" type="checkbox"/>	E1.6.3 A2 (b) / C13.6.3 A2 (b)	Static water supply complies with relevant Table
<input type="checkbox"/>	E1.6.3 A2 (c) / C13.6.3 A2 (c)	Static water supplies consistent with the objective

## 5. Bushfire Hazard Practitioner

Name: Jim Mulcahy

Phone No: 0424 505 184

Postal Address: 16 Collins Street  
Hobart 7001

Email Address: jim.mulcahy@enviro-dynamics.com.au

Accreditation No: BFP – 159

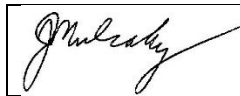
Scope: 1 & 3B, provisional 3C

## 6. Certification

I certify that in accordance with the authority given under Part 4A of the *Fire Service Act 1979* that the proposed use and development:

- ☐ Is exempt from the requirement Bushfire-Prone Areas Code because, having regard to the objective of all applicable standards in the Code, there is considered to be an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measures, or
- ☒ The Bushfire Hazard Management Plan/s identified in Section 3 of this certificate is/are in accordance with the Chief Officer's requirements and compliant with the relevant **Acceptable Solutions** identified in Section 4 of this Certificate.

Signed:  
certifier



Name:

Jim Mulcahy

Date: 3/3/2021

Certificate  
Number: ED0305

(for Practitioner Use only)

# TASMANIAN PLANNING COMMISSION



Our ref: DOC/20/147525  
Officer: Liza Fallon  
Phone: 03 6165 6832  
Email: [tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au)

23 December 2020

Mr Damian Mackey  
Planning Consultant  
Central Highlands Council  
PO Box 20  
Hamilton TAS 7140

By email: [dmackey@southernmidlands.tas.gov.au](mailto:dmackey@southernmidlands.tas.gov.au);  
[council@centralhighlands.tas.gov.au](mailto:council@centralhighlands.tas.gov.au)

Dear Mr Mackey

## **Tasmanian Planning Scheme Central Highlands draft Local Provisions Schedule**

I refer to the post lodgement conference for the Central Highlands draft LPS held on Friday, 11 December 2020.

See the attached table summarising the matters discussed and the outcomes and proposed actions (Attachment 1).

At the conference it was agreed that the planning authority would address the clarifications and issues raised at the conference and in further information provided in the attachments to this letter.

Please submit your responses to [tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au) by COB Friday, 29 January 2021.

If you need clarification on any matters, please contact Liza Fallon, Planning Adviser on 03 6165 6828.

Yours sincerely

Claire Hynes  
**Delegate**

Encl: Attachment 1: Central Highlands draft LPS post lodgement conference,  
11 December 2020 – list of actions and outcomes

Attachment 2: Central Highlands draft LPS post lodgement conference,  
11 December 2020 – zone clarifications table

## ***Attachment 1: Central Highlands draft LPS post lodgement conference - matters discussed***

<b><i>Matters discussed</i></b>	<b><i>Outcomes and proposed action</i></b>
<b><i>1. Zone mapping</i></b>	
<p>(a) Zone mapping application for the Agriculture and Rural zones, including where these zones have not been consistently applied.</p> <p>(b) 'Rezoning' may have not have been justified in the supporting report to the level required to demonstrate compliance with the LPS criteria (section 34(2) of the Act).</p>	<p>(a) and (b) –</p> <p>(i) The Tasmanian Planning Commission (TPC) to provide the planning authority (PA) with a list of zoning issues arising from the second post lodgement conference (refer to Attachment 2). Noting the Council's responses, received 31 October 2020, the PA to confirm the intended zoning of each identified zone change by providing comments in column 4 of the table in Attachment 2.</p> <p>(ii) PA to provide further justification on why the land attached to mining leases has been zoned Agriculture and provide evidence that Mineral Resources Tasmania (MRT) verifies that the mining leases in the municipality are not of regional significance.</p> <p>(iii) PA to provide justification for applying the zone changes, suitable for inclusion as an amendment, or as an addendum, to the Supporting Report. If the zoning comprises an error, the PA is to advise the appropriate zone.</p> <p>(iv) PA to rectify and in due course provide amended zone maps in accordance with section 2.8 of Practice Note 7. Note, changes to the zone mapping will <u>not</u> be required until the section 35(5)(b) directions to modify notice has been issued.</p> <p>Note: If the PA proposes an alternative zone to the Agriculture Zone for land that is mapped as 'unconstrained land' for agriculture, the zoning needs to be verified by a suitably qualified person. Please also refer to Section 8A Guideline No.1, in particular AZ1, AZ6 and RZ3.</p>
<b><i>2. Listings for local heritage places</i></b>	
<p>(a) Listings for Table C6.1 Local Heritage Places, including transitional provisions and permitted alterations.</p>	<p>The Commission advised the requirements and options for transitioning provisions.</p> <p>PA to confirm that the listings for Table C6.1 Local Heritage Places are to remain as transitioning code-applying provisions, and all current listings in the IPS have been transferred to the draft LPS.</p> <p>PA to note the following:</p>



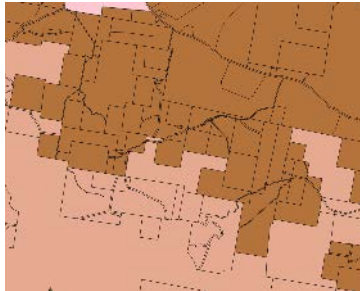

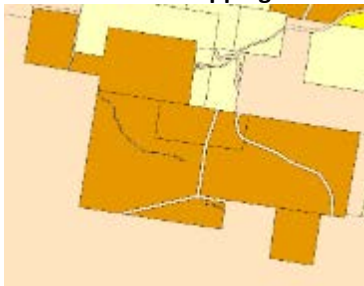
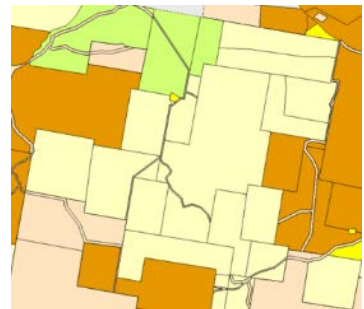
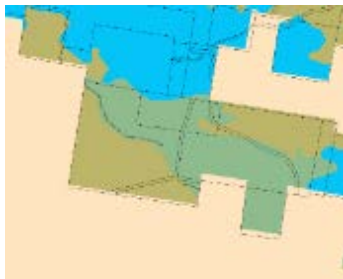
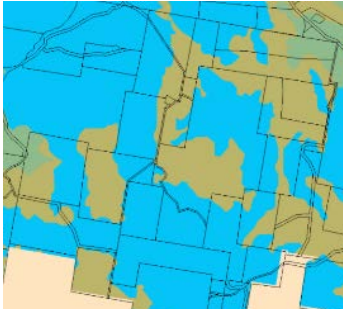
	<p>If Table C6.1 is to remain as transitioning content, then it may only be modified for a purpose specified in Schedule 6, clause 8D(8) of the Act. Transitioning provisions provide a mechanism for planning authorities to transfer existing local heritage places into the Table C6.1 without the need to prepare a statement of local historic heritage significance if one is not already contained in the existing planning scheme.</p> <p>PAs may add new content where the interim planning scheme does not include this information, for example, a statement of local heritage significance and historic heritage values. Where new information is added to a code-applying provision, the supporting report should clearly differentiate between the transitioning and new content.</p> <p>The spatial extent of place listings in the IPS cannot be altered in the draft LPS if they are to remain as transitioning as a code-applying provision. The spatial extent must transition over the same area.</p> <p>If the PA wishes to make changes beyond permitted alterations to Table C6.1 Local Heritage Places, the table will be considered new content and a statement of local historic heritage significance for each listing (prepared and confirmed by a suitably qualified person) is required, in accordance with the SPPs at clauses LP1.8.1 and LP1.8.2 and Practice Note 8. Information for each place listing should be completed as necessary to meet the criterion of local historic heritage significance in sub-clause C6.3.1 of the SPPs and confirmed by a suitably qualified heritage expert.</p>
<b>3. New SAP and section 32(4) of the Act</b>	
<p>(a) Justification in accordance with section 32(4) of the Act for CHI-S1.0 Lake Meadowbank Specific Area Plan (SAP) as it is a new SAP.</p> <p>(b) Clarification of the intended planning policy outcome.</p> <p>(c) Feedback from all parties with an interest in the SAP development.</p>	<p>(a) and (b) –</p> <p>Noting that the revised Lake Meadowbank SAP aims to expand recreational use within the SAP area, both on and off the water, the PA to provide further explanation and clarification on:</p> <ul style="list-style-type: none"> <li>(i) how the SAP meets section 32(4) of the Act, explaining how the SAP provides for the protection of water supply and generation of Hydro Electricity, water quality as the major water storage in the drinking water catchment for the Greater Hobart Area and Aboriginal heritage;</li> <li>(ii) the intended planning policy outcome of the SAP, and what issues are in the existing SAP that warrant the approach in the new SAP (including the introduction of new Use Classes, the application of a master development plan and access standards, and how site specific and cumulative wastewater impacts will be addressed); and</li> <li>(iii) whether it is intended that the allowable uses in the SAP may occur across the entire SAP area, including land zoned Environmental Management in the northern part of the SAP,</li> </ul>

	<p>and further consider whether this northern part of the SAP should be removed from the spatial extent of the SAP.</p> <p>(c) PA to –</p> <ul style="list-style-type: none"> <li>(i) provide feedback from all parties with an interest in the development of the Lake Meadowbank SAP to the TPC by 29 January 2021 (including Hydro Tasmania, TasWater, Aboriginal Heritage Tasmania, Marine and Safety Tasmania and other stakeholders such as the Lake Meadowbank Water Ski Club);</li> <li>(ii) provide the PAs response to the comments provided by the other interested parties; and</li> <li>(iii) verify the number of titles subject to the SAP.</li> </ul> <p>A third post lodgement conference to review the specific drafting of the Lake Meadowbank SAP may be considered, once the PA has addressed the issues raised above.</p>
<b>4. Drafting</b>	
<p>(a) Drafting review of written document, including operational issues, use of purpose statements, and development standards for CHI-S1.0 Lake Meadowbank SAP.</p> <p>(b) Discussion of code-applying provisions as they relate to Table C6.1 Local Heritage Places.</p>	<p>(a) PA to rework the CHI-S1.0 Lake Meadowbank SAP after consulting relevant stakeholders on the intended planning policy outcome of the SAP and the proposed standards.</p> <p>Note: The TPC will review the drafting of the LPS for consistency with SPP LPS requirements and Guidelines after the PA has consulted relevant stakeholders and reworked CHI-S1.0 Lake Meadowbank SAP.</p> <p>(b) As stated above in item 2 above PA to review Table C6.1 Local Heritage Places to ensure it meets code-applying provision requirements as a transitioning provision.</p>
<b>5. Supporting justification report</b>	
<p>(a) Further explanation of several matters.</p> <p>(b) Format for providing additional information.</p>	<p>(a) PA to make modifications to the supporting report to reflect any necessary changes arising from the issues raised above and at the first post lodgement conference, and to remove anomalies and typographical errors. Any alterations made to the supporting report are to be shown as ‘track changes’ or as an addendum for submission to the TPC.</p> <p>For example:</p>



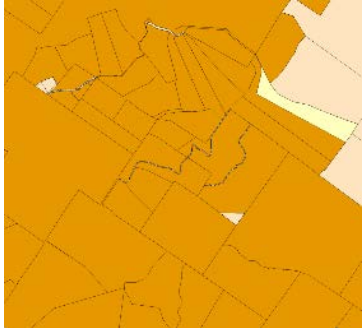
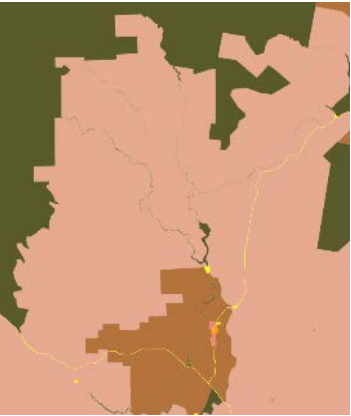
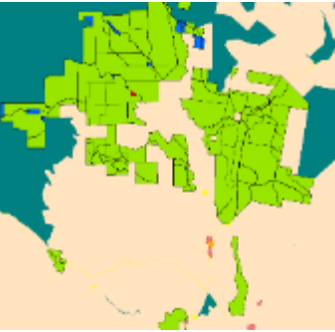
	<ul style="list-style-type: none"> <li>(i) clarification on whether the lake Meadowbank SAP is transitioning or a new SAP – and if new, justification on how the new SAP meets section 32(4)(a) or section 32(4)(b) of the Act, including the intended purpose of the proposed standards;</li> <li>(ii) clarification on whether Table E13.1 Heritage Places in the interim planning scheme is transitioning – and if new, justification to support any changes made to the listings of local historic heritage places, including an explanation of changes made to correct errors and anomalies to addresses and title references;</li> <li>(iii) detailed reasoning on the methodology used to prepare the revised Waterway and Coastal Protection Area overlay;</li> <li>(iv) the reasoning for applying the Priority Vegetation Area overlay to certain lakes identified as habitats for threatened species;</li> <li>(v) more detailed explanation and justification for applying the zone changes in the draft LPS, including the application for the Agriculture and Rural Zones;</li> <li>(vi) the reasoning for dealing with covenanted land in the Agriculture Zone;</li> <li>(vii) the reasoning for dealing with land in the Agriculture Zone that has a Private Timber Reserve (PTR) attached to the land; and</li> <li>(viii) the reasoning for applying the Agriculture Zone or Rural Zone to relevant land covered by a mining lease.</li> </ul>
<b>6. Process for further clarifications</b>	
<ul style="list-style-type: none"> <li>(a) Confirmation of draft LPS endorsement by Council for the zoning of the relocated walkway at Wigrams Way, London Lakes.</li> <li>(b) Overview of process from here including the potential for a third post lodgement conference to consider the SAP.</li> <li>(c) Publishing the agenda for the first post lodgement conference agenda on iplan and the Council website.</li> </ul>	<ul style="list-style-type: none"> <li>(a) PA to submit the Planning Authority's confirmed Minutes, 20 October 2020.</li> <li>(b) PA identified that if any substantial revisions made to the Lake Meadowbank SAP, the modified draft SAP may need to go back to the PA for Resolution.</li> <li>(c) PA agreed to the publishing of the agenda on iplan and the Council's website.</li> </ul> <p>Note: the Attenuation Area overlay is a transitioning provision under the code-applying provisions subject to Schedule 6, clause 8D(2) of the Act, and the proposed removal of the Attenuation Code overlay to the Great Lake Hotel sewerage treatment ponds will need to be considered after the LPS has been approved.</p>

ATTACHMENT 2

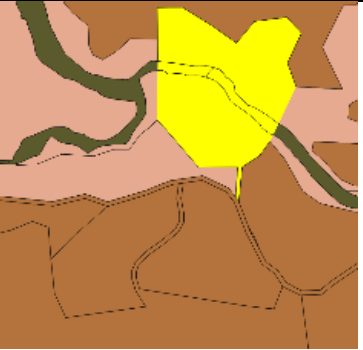

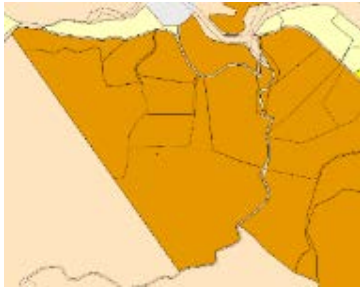
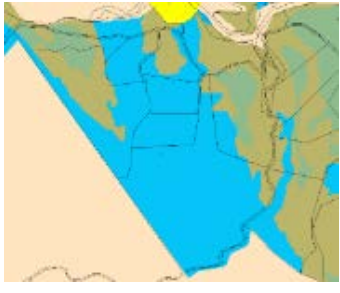
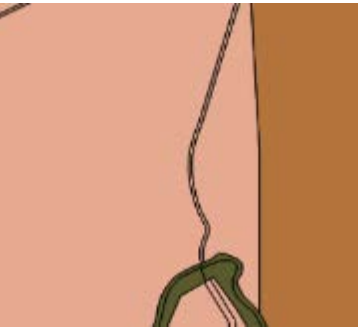
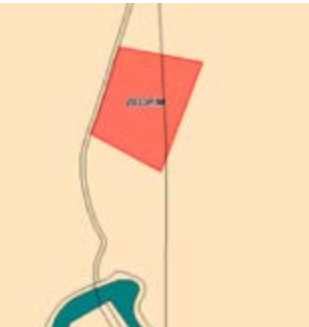

Central Highlands Draft Local Provisions Schedule - Zoning Clarification Table – 11 December 2020


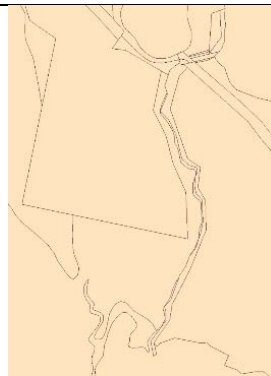
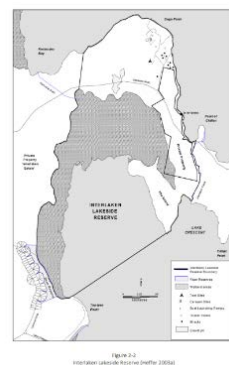
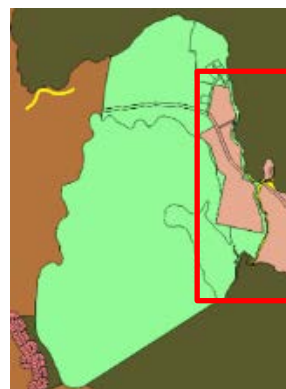
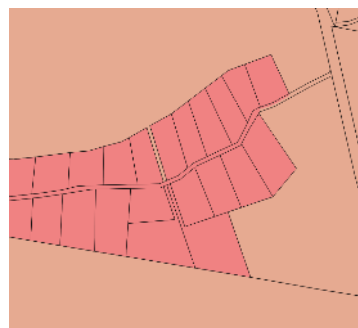
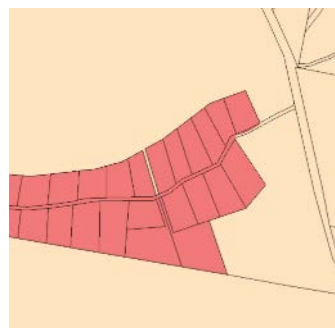
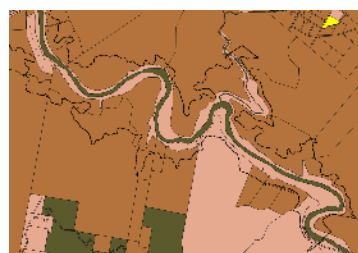
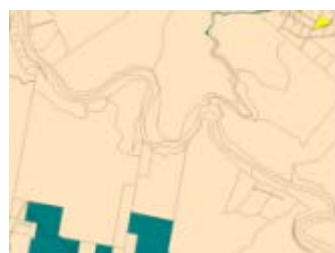
Location	Map Comparison		Commission Comments/Questions	Planning Authority Comments
1: ZONING CHANGES APPLYING THE RURAL AND AGRICULTURE ZONES				
1.1 Example Farming land south of Ellendale  Change of zone from Rural Resource to Agriculture and Rural  For example, titles: FR 107858/1 – Norske Skog Paper Mills (Australia) Limited FR 211913/1 – privately owned FR 204606/1 – privately owned  Another example: FR 53146/1 – privately owned FR 226751/1 – Reliance Forest Fibre Pty Ltd FR 214712/1 – privately owned  Another example: FR 230826/1 – privately owned FR 44761/5 – privately owned FR 52730/3 – privately owned	<b>LPS</b> 	<b>IPS</b> 	<p>The following titles are examples of a broader zoning issue that applies to this area, whereby the application of the Rural Zone and Agriculture Zone to farming land south of Ellendale appears to have been inconsistently applied.</p> <p>For example (see below):</p> <ul style="list-style-type: none"><li>• Application of the Rural Zone to FR 107858/1, FR 211913/1 and FR 204606/1 to land that is mapped as unconstrained land as part of the ‘Land Potentially Suitable for the Agriculture Zone’ layer (the LPSAZ). These titles appear to be relatively flat with a land capability of Class 4 and Class 5. A Private Timber Reserve (PTR) applies to FR 107858/1, however, it is noted that the PA has advised that PTRs are “<i>temporary instruments and therefore should not be given determining weight in allocating zoning</i>”.</li><li>• Application of the Rural Zone and Agriculture Zone to FR 53146/1, FR 44761/5 and FR 214712/1 to land that is mapped as unconstrained land as part of the LPSAZ – two privately owned titles are proposed to be zoned Rural and the title in between (that is owned by a forestry company) is proposed to be zoned Agriculture.</li><li>• Application of the Agriculture Zone to FR 230826/1, FR 44761/5 and FR 52730/3 to land that is mapped as constrained land as part of the LPSAZ and has a land capability of Class 5 and Class 6.</li></ul> <p>If the PA proposes an alternative zone for land that is mapped as ‘unconstrained land’ for agriculture, the zoning needs to be verified by a suitably qualified person.</p>	
			<div><div><b>LPSAZ mapping</b> </div><div></div></div> <div><div><b>Land capability</b> </div><div></div></div>	



<p>1.2 Example Bluff Road Gretna area Change of zone from Rural Resource to Rural For example, titles: FR 140770/2 FR 141864/1 Another example: FR 46845/1 FR 106686/1 FR 157787/3 FR 100979/3</p>	<p><b>LPS</b></p> 	<p><b>IPS</b></p> 	<p>These titles (and this general area) are mapped as ‘unconstrained land’ for agriculture as part of the LPSAZ (see below). Further explanation is required for why the land has been zoned Rural and Agriculture in the context of the methodology used to apply the Rural and Agriculture Zones. If the PA proposes an alternative zone for land that is mapped as ‘unconstrained land’ for agriculture, the zoning needs to be verified by a suitably qualified person.</p> <p><b>LPSAZ mapping</b></p> 	
<p>1.3 Change of zone from Rural Resource to Agriculture and Rural, for land with conservation covenants or a Private Timber Reserve (PTR) attached to the land</p>	<p><b>LPS</b></p> 	<p><b>IPS</b></p> 	<p>The Commission accept the PAs reasoning, received 31 October 2020, for dealing with covenanted land in the Agriculture Zone. This reasoning needs to be included in the PAs supporting report. The Commission also accept the PAs reasoning for dealing with land in the Agriculture Zone that has a PTR attached to the land. This reasoning needs to be included in the PAs supporting report. However, for titles that are mapped as ‘unconstrained land’ as part of the LPSAZ, if the PA proposes an alternative zone for land that is mapped as ‘unconstrained land’ for agriculture, the zoning needs to be verified by a suitably qualified person. Could the PA:</p> <ul style="list-style-type: none"> <li>Confirm application of Environmental Management Zone in accordance with Guideline No 1 EMZ 1(a) for Shepherds Shore (FR 168308/2) which is identified as a Private Sanctuary (Conservation Area), and provide the coordinates for the split-zone boundaries on the title.</li> </ul>	
<p>1.4 PA to provide further clarification on the application of Rural and Agriculture Zones to land identified as ‘unconstrained land’ for agriculture as part of the LPSAZ</p>			<p>Noting the PAs responses, received 31 October 2020, where land is mapped as ‘unconstrained land’ for agriculture as part of the LPSAZ, if the PA proposes an alternative zone for land that is mapped as ‘unconstrained land’ for agriculture, the zoning needs to be verified by a suitably qualified person. Noting Council’s response, could the PA provide specific justification for each of the following areas:</p> <ul style="list-style-type: none"> <li>Lyell Highway/Marked Tree Road, Gretna area – FR 108593/1, FR 102690/3, FR 158526/1 and FR 146220/2 (identified as unconstrained but proposed to be zoned Rural)</li> <li>Interlaken Road and Tunbridge Tier Road, Interlaken – FR 52866/1, FR 52667/1 and FR 246979/6 (identified as unconstrained but proposed to be zoned Rural)</li> <li>Little Den Road, Millers Bluff – FR 230533/1 (identified as unconstrained but proposed to be zoned Rural)</li> <li>'Bashan 5 Mile - Bashan Road, 655 Bashan Road, 'Pt Triangle - Bashan Road, 'Glen Rowan' - 655 Bashan Road and 3136 Victoria Valley Road- FR 118843/1, FR 208347/1, FR 132240/1, FR 208320/1 and FR 153448/1 (identified as unconstrained but proposed to be zoned Rural).</li> </ul>	

			<ul style="list-style-type: none"> <li>Strickland Road, Strickland - FR 248756/2 (identified as unconstrained but proposed to be zoned Rural).</li> </ul>	
1.5 PA to provide further clarification on the application of Rural and Agriculture Zones to land with conservation covenants attached to the land under the <i>Nature Conservation Act 2002</i>			<p>The delegates note the PAs response, received 31 October 2020, in relation to the areas listed below:</p> <p><i>“Refer to response to Section 2.1, above, in regard to land with conservation covenants.”</i></p> <p>Noting Council’s response, could the PA provide specific justification for each of the following areas:</p> <ul style="list-style-type: none"> <li>Lake Echo and Macclesfield Road, Waddamana area (large land holdings such as Bashan+Kluan)</li> <li>Ellendale and Meadowbank areas ( FR 172188/1, FR 168233/3, FR 168233/3, FR 173269/2, FR 37631/2, FR 36399/1, FR 18933/2, FR 163541/1, FR 248137/1, FR 247172/1)</li> <li>Highland Lakes Road, Bothwell area ( FR 112768/1, FR 240372/1, FR 116777/4, FR 116778/5)</li> <li>Interlaken Road, Steppes area (multiple titles including FR 122878/1, FR 156999/1, FR 36492/1)</li> <li>Marked Tree Road, Hamilton area (FR 206786/1, FR 166564/1, FR 166564/2, FR 166564/3, FR 166563/1, FR 166563/2, FR 166563/3)</li> <li>Lyell Highway, Gretna area (FR 146220/3, FR 146220/2, FR 146220/3, FR 158526/1)</li> <li>Bronte Park (FR 241850/1 and FR 243948/1)</li> </ul>	
1.6 Application of the Agriculture Zone to mining leases Hamilton, Bothwell, Meadowbank, Gretna and Ouse areas			<p>Noting Council’s responses, received 31 October 2020, could the PA provide evidence that Mineral Resource Tasmania (MRT) has been consulted and verified that the mining leases in the Central Highlands municipality are current or ‘not strategically important’? Has the PA considered the split zoning of relevant land covered by mining leases?</p> <p>Could the PA:</p> <ul style="list-style-type: none"> <li>provide further explanation on why the land attached to the following mining leases has been zoned Agriculture;</li> <li>provide evidence that MRT verifies these mining leases are not of regional significance; and</li> <li>consider whether the Rural Zone or another zone, or split zoning, ought to be applied to titles that are subject to a mining lease?</li> </ul> <p>Mining leases:</p> <ul style="list-style-type: none"> <li>Mining Lease - 1679P/M</li> <li>Mining Lease - 2082P/M</li> <li>Mining Lease - 2041P/M</li> <li>Mining Lease - 1623P/M</li> <li>Mining Lease - 1418P/M</li> <li>Mining Lease - 1509P/M</li> <li>Mining Lease - 1473P/M</li> <li>Mining Lease - 2016P/M</li> <li>Mining Lease - 1943P/M</li> <li>Mining Lease - 2026P/M</li> <li>Mining Lease - 1560P/M</li> <li>Mining Lease - 1883P/M</li> </ul>	
1.7 Change of zone from Rural Resource to Rural and Mining Lease - 1560P/M	<b>LPS</b>	<b>IPS</b>	<p>The PA proposes to apply the Rural Zone to FR 135131/1, FR 167186/1 (West of Broad River), FR 166928/2, FR 166928/3, FR 166928/4, FR 135129/2 and FR 127707/2. These titles are mapped as ‘unconstrained land’ for agriculture as part of the LPSAZ (see below).</p> <p>For those titles that do not have a mining lease attached to the land and are used for forestry, the PAs justification appears to contradict the PAs general</p>	

<p>871 Dawson Road and Lot 2 Dawson Road</p> <p>FR 166928/4 FR 166928/2 FR 145728/1 FR 46016/5</p>			<p>reasoning for dealing with land in the Agriculture Zone that has a PTR (i.e. used for forestry).</p> <p>If the PA proposes an alternative zone for land that is mapped as 'unconstrained land' for agriculture, and the title does not have a mining lease attached to the land, the zoning needs to be verified by a suitably qualified person.</p> <p>The PA could consider applying the Rural Zone (or another zone, or split zoning) to titles that are subject to a mining lease?</p> <div data-bbox="1121 449 1863 764"> <div> <p><b>LPSAZ mapping</b></p>  </div> <div> <p><b>Land capability</b></p>  </div> </div>	
<p>1.8 Bronte Park area</p> <p>Change of zone from Rural Resource to Agriculture and Rural Fourteen Mile Road</p>	<p><b>LPS</b></p> 	<p><b>IPS</b></p> 	<p>It is noted that a boundary adjustment has been completed to align the title boundary of FR 179798/1 to the mining lease boundary (see below). The adjoining title FR 179798/2 is largely mapped as 'unconstrained land' for agriculture.</p> <p>The boundary between Rural Zone and Agricultural Zone will need to be modified so that the entirety of Mining Lease 2033/M (and its newly amended title, FR 179798/1) is zoned Rural. The entire title FR 179798/2 also needs to be modified so that the entire title is zoned Agriculture.</p> <div data-bbox="1347 1041 1644 1503"> <p><b>The LIST</b></p>  </div>	
<p><b>2. OTHER ZONING CHANGES</b></p>				
<p>2.1 Application of the Utilities to part of the Interlaken Ramsar Site</p> <p>Change of zone from Rural Resource to Utilities</p> <p>FR 7122924 FR 7122924 PID 7122924</p>	<p><b>LPS</b></p> <p><b>Interlaken Ramsar Site</b></p>	<p><b>IPS</b></p> <p><b>Interlaken Ramsar Site</b></p>	<p>With reference to EMZ 1 of Guideline No 1, consider land that forms the Ramsar Site (an internationally listed wetland under the Convention on Wetlands of International Importance) to be zoned Environmental Management.</p> <p>It is noted that PID 7122924 is owned by DPIPWE and identified as the 'Dago Point Camping Ground' at 2716 Interlaken Road, Interlaken. PID 7122924 also forms part of the Interlaken Ramsar Site.</p> <p>All land identified as forming part of the Ramsar Site, including FR 7122924, FR 7122924 and PID 7122924 needs to be revised from the Utilities Zone and zoned Environmental Management.</p> <p>The Australia Government identifies the area of the Ramsar Site below.</p>	

			<b>Interlaken Ramsar Site</b> 	<b>Interlaken Ramsar Site (green)</b> 	
2.2 Walkway – Wigrams Way, London Lakes  Change of zone from Rural Resource to Low Density Residential FR 144620/1	<b>LPS</b> 	<b>IPS</b> 	<p>It is noted that Council has requested, as part of its responses on 31 October 2020 to the post-lodgement conference, an additional zoning change.</p> <p>It is also noted that the zoning of the relocated walkway at Wigrams Way, London Lakes, CT144620/1, to Low Density Residential was endorsed by the Central Highlands Council at the 20 October 2020 meeting.</p> <p>Could the PA provide a copy of the Council minutes that endorses this modification to the draft LPS to the Commission.</p>		
<b>3.0. ZONING IN THE LAKE MEADOWBANK AREA</b>					
3.1 Lake Meadowbank  Change of zone from Rural Resource to Agriculture and Rural Including titles: FR 169820/1 FR 169820/1 FR 163527/1 FR 138542/4	<b>LPS</b> 	<b>IPS</b> 	<p>The titles FR 169820/1, FR 169820/1, FR 163527/1 and FR 138542/4 are mapped as ‘unconstrained land’ for agriculture as part of the LPSAZ, with a land capability of 4 and 5.</p> <p>Noting the PAs responses on 31 October 2020, the PA to review the application of zoning in the Lake Meadowbank area, including to land within the area where the Lake Meadowbank Specific Area Plan applies, in light of responses to the draft Lake Meadowbank SAP in Attachment 1.</p> <p>For titles that are mapped as ‘unconstrained land’ as part of the LPSAZ, if the PA proposes an alternative zone for land that is mapped as ‘unconstrained land’ for agriculture, the zoning needs to be verified by a suitably qualified person.</p>		
<b>4.0 OTHER MATTERS</b>					
4.1 Attenuation Code C9.0 - Overlay  Great Lake Hotel sewerage treatment ponds FR 7148876	<p>The PA advises a modification to the C9.0 Attenuation Code overlay as it applies to the Great Lake Hotel sewerage treatment ponds – given that the ponds have been decommissioned and the hotel is serviced by an onsite wastewater treatment system. The PAs advice is noted that the associated attenuation area is no longer required.</p> <p>It is also noted that the removal of the Attenuation Code overlay from the sewerage treatment ponds at the Great Lake Hotel was endorsed by the Central Highlands Council at the 20 October 2020 meeting.</p>		<p>It is noted that Council has requested, as part of its responses on 31 October 2020, a change to the C9.0 Attenuation Code overlay.</p> <p>The Attenuation Area overlay is a transitioning provision under the code-applying provisions subject to Schedule 6, Clause 8D(2) of the Act.</p> <p>The PA to note that the Attenuation Area overlay is a transitioning provision and therefore, the proposed removal of the Attenuation Code overlay to the Great Lake Hotel sewerage treatment ponds will need to be considered after the LPS has been approved.</p>		





13 January 2021

Ms Claire Hynes  
Delegate  
Tasmanian Planning Commission  
GPO Box 1691  
HOBART TAS 7001

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

Dear Ms Hynes

**DRAFT CENTRAL HIGHLANDS LOCAL PROVISIONS SCHEDULE  
RE: CORRESPONDENCE FROM COMMISSION DATED 23 DECEMBER 2020**

I refer to the correspondence from the Tasmanian Planning Commission dated 23 December 2020 pertaining to the Central Highlands Draft Local Provisions Schedule and advise the following:

1. In regard to the allocation of the Rural and Agriculture Zones, Council cannot respond to the Commission's questions until the status of the AK Consulting report '*Decision Tree & Guidelines for Mapping the Agriculture and Rural Zones*' is clarified. Whilst Council representatives have been verbally advised by Commission officers that this report does have standing, the Commission's questions of 23 December indicates it does not.

If it does not have standing in the Commission's eyes, Council seeks an explanation. This report was funding by the State at the express request of the Southern Councils to guide the allocation of the Rural and Agriculture Zones in the formulation of their Local Provisions Schedules. At the time, this approach was endorsed by Government and Commission representatives.

This was in recognition of the fact that the '*Land Potentially Suitable for the Agriculture Zone*', (the LPSAZ), is a broad-brush tool and not necessarily correct at the property level. Its outcomes are merely a starting point and, whilst correct in the majority of cases, the proposed zoning therein needs to be tested against more detailed local-level analysis.

The makers of the LPSAZ utilised generic decision rules and desktop GIS analysis to generate the layer. The constraints analysis that was utilised was not designed to provide a comprehensive analysis of all the factors that may contribute to the constraint of agricultural land as it was not feasible to develop a model at the state-wide scale that could incorporate all factors of each individual title that need to be considered.

The AK Consulting Decision Tree takes the LPSAZ as a base and adds a standard methodology to enable planners to consider the facts on the ground and to decide whether land should be Rural or Agriculture Zone. It clearly sets out the circumstances in which land in the LPSAZ should in fact be zoned Rural and, conversely, where land not in the LPSAZ should be zoned Agriculture. The Decision Tree document states that only if, after its guidelines have been applied, it is still uncertain which zone should be used, it would be necessary for an expert consultant to be engaged to make a determination.

The Decision Tree document should be given standing by the State's Guideline No.1 (AZ1(a)) as it was developed by suitably qualified agricultural consultants and its application by qualified planners constitutes an agricultural land analysis undertaken at the regional level which incorporates more recent analysis, better aligns with on-ground features and addresses inaccuracies in the LPSAZ, and which is prepared by a suitably qualified person and adopted by all the Southern Councils. It enables planners to enact AZ6(a) of Guideline No.1, which provides for alternative zoning to that suggested by the LPSAZ where *local or region strategic analysis has identified or justifies the need*. The application of the Decision Tree rules provides this.

If the AK Consulting Decision Tree cannot be used, Council will be forced to expend considerable financial resources to engage agricultural consultants, (which in its view would be unnecessary), and the progression of the draft LPS will be further delayed.

2. In regard to the spatial extent of heritage place listings on rural properties, Council seeks a full explanation as to why the removal of superfluous titles, that have now been removed from the corresponding Tasmanian Heritage Register listings, cannot be allowed in the LPS. These listings unnecessarily encumber many hundreds of hectares of Central Highlands land with 'heritage listing' status. This is land where there is, and never has been, a deliberate decision to list the land.

The situation, where rural titles have been unnecessarily included on heritage lists, has arisen through a series of 'accidents of history':

- In the 1970s and 1980s planning schemes listed heritage properties simply by name (if there was one) and address. The spatial extent of the listing was not defined. This was not generally a problem for listings in cities and towns - on small urban titles. However, for large rural properties, there was always some doubt as to the spatial extent of the listing.
- In the 1990s the Tasmanian Heritage Register (THR) was established. It was created 'overnight' by collating existing listings in council planning schemes and other lists such as the Register of the National Estate and that of the National Trust.
- The legislation underpinning the Tasmanian Heritage Register stated that the spatial extent of each listing must be defined. The default was the title on which the place was located. The title was almost invariably adopted as there were no resources at the time for expert examination of thousands of listings to define a spatial extent, other than the title(s). Again, this was not generally a problem for listings in cities and towns.
- However, for large rural properties containing many titles, all the titles within a landholding were often adopted. Therefore, whilst the principle title containing, for example, a heritage

house, barn and other historic outbuildings was rightfully included, also included were the property's other titles containing hundreds of hectares.

- Many planning schemes drafted after the Tasmanian Heritage Register came into being adopted the same spatial definition as the matching THR listing, including that of Central Highlands Council.
- Thus, properties made up of multiple titles now find themselves with hundreds of hectares unintentionally encumbered by a statutory heritage listing.

In recent years the Tasmanian Heritage Council has been expending considerable resources to review Tasmania's rural listings and make amendments to the Tasmanian Heritage Register to remove superfluous titles. Most THR listings in Central Highlands have thus been corrected.

Such corrections, however, do not automatically flow through to the local listing in the local planning scheme. In order to correct these local listings Councils would have to embark on its own expensive and time-consuming planning scheme amendments.

The current creation of the Local Provisions Schedules for the Tasmanian Planning Scheme presents a golden opportunity to correct the great majority of rural listings by simply bringing the local list back into alignment with the state list, which has been amended with due care and involvement of professional assessment. The current interpretation of the legislation by the Commission, however, is allowing this opportunity to slip by.

It could well be argued that the removal of superfluous titles should be seen in the same light as the correction of incorrect title references or street addresses that the Commission is allowing in the LPS list.

Noting that Council's policy is that its local heritage list is to only include properties that are on the Tasmanian Heritage Register, Council foreshadows that if its list cannot be corrected as outlined above, it will remove the list entirely from the draft LPS.

3. In regard to the Draft Lake Meadowbank Specific Area Plan, Council cannot respond to the Commission's request that Council provide justification for its inclusion in the LPS until the Commission provides feedback on the rationale Council has already provided, being:
  - (i). *Lake Meadowbank is the premier water-skiing facility in Tasmania. Council wants to allow this recreation facility of state-wide strategic importance to expand, both on and off the water. This includes clubrooms and other shore-based facilities, water-edge facilities such as jetties, pontoons, boat ramps and on-water recreational infrastructure. For these reasons the SAP is necessary pursuant to Section 32(4)(a) of the Act.*
  - (ii). *These water-edge and on-water facilities, however, also need to be shared and consolidated so that the current unsystematic proliferation trend is halted and potentially reversed. For this reason, the SAP is necessary pursuant to Section 32(4)(b) of the Act.*
  - (iii). *As the lake's status as the State's premier water-skiing location grows, more accommodation will need to be allowed around the lake, over a range of modes including camping, caravans and holiday cabins. This needs clear siting criteria to ensure the lake's landscape values are not destroyed by, for example, numerous buildings close to the water's edge. For this reason, the SAP is necessary pursuant to Section 32(4)(b) of the Act.*

- (iv). *Many operational Hydro lakes and have a degree of recreational use. The difference with Lake Meadowbank is the high degree of recreational use arising from its close proximity to greater Hobart, the specific nature of that use (predominantly; the State's premier water-skiing facility) and associated pressures for more accommodation / housing / camping and aquatic structures. A Specific Area Plan is required to do this. For this reason, the SAP is necessary pursuant to Section 32(4)(a) of the Act.*
- (v). *This high-level of specific water-based recreational activities and development pressures pose particular management challenges for Hydro Tasmania, over and above that which exist for other lakes where water-based recreation occurs. Development applications for sites close to the foreshore should be referred to Hydro Tasmania for comment. For this reason, the SAP is necessary pursuant to Section 32(4)(b) of the Act.*
- (vi). *The agricultural value of the land is not highly significant, whilst the economic and social values of the lake as the State's premier water-skiing facility are highly significant. The scheme provisions should lean in favour of the recreational use within the SAP area. The SAP is necessary to do this.*
- (vii). *The land around the lake contains highly significant Aboriginal heritage sites. Development applications involving buildings and works should be referred to AHT for comment. The SAP is necessary to do this. For this reason, the SAP is necessary pursuant to Section 32(4)(a) of the Act.*
- (viii). *The Landscape Conservation Zone is not used in the Central Highlands LPS and, in any case, would not suit this special area. The proposed SAP, in part, introduces some aspects of this zone. For this reason, the SAP is necessary pursuant to Section 32(4)(b) of the Act.*

It would be appreciated if the Commission's assessment of this rationale can be provided.

To discuss the above, please contact me at on 0499 782 584, or by email on: [dmackey@southernmidlands.tas.gov.au](mailto:dmackey@southernmidlands.tas.gov.au)

Sincerely



Damian Mackey  
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# TASMANIAN PLANNING COMMISSION



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27 January 2021

Mr Damien Mackey  
Planning Consultant  
Central Highlands Council  
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Dear Mr Mackey

## **Draft Central Highlands Local Provisions Schedule**

I refer to your correspondence dated 13 January 2021 in response to the Commission's letter dated 23 December 2020 requesting additional information relating to the Central Highlands Draft Local Provisions Schedule (draft LPS), following the post lodgement conference held on 11 December 2020. The following information is provided in response to the three matters raised by Council.

### *Allocation of Rural and Agriculture Zones*

As discussed at the post lodgement conference, a review of the application of the Rural and Agriculture zones in the draft LPS has identified there are anomalies in how Council has applied these zones. This is with reference to [Guideline No.1<sup>1</sup>](#), the Land Potentially Suitable for the Agriculture Zone mapping layer, and the *Decision Tree and Guidelines for Mapping the Agriculture and Rural Zones* report prepared by AK Consultants for southern councils.

There are circumstances in the draft LPS where the Agriculture Zone has not been applied to land that is mapped as 'potentially unconstrained' without sufficient justification for an alternative zone, in accordance with Guideline No.1. It is also noted that AK Consultant's Decision Tree has been used inconsistently in the zone allocation, e.g. application of the Agriculture Zone to land that is owned by a forestry company in some instances but not others. The Commission therefore requires clarification on a selection of properties where these anomalies have occurred as outlined in Attachment 2 – Zoning Clarification Table – 11 December 2020.

Therefore, in those situations where the methodology for allocating these zones is not clear, further justification is required. Council may either provide a more succinct demonstration of how the anomalies comply with the decision tree guidelines or alternatively, provide justification by a suitably qualified person.

<sup>1</sup> [https://www.planning.tas.gov.au/\\_\\_data/assets/pdf\\_file/0006/583854/Section-8A-Guideline-No.-1-Local-Provisions-Schedule-LPS-zone-and-code-application-version-2.pdf](https://www.planning.tas.gov.au/__data/assets/pdf_file/0006/583854/Section-8A-Guideline-No.-1-Local-Provisions-Schedule-LPS-zone-and-code-application-version-2.pdf)



It is noted that AK Consultants in their report, acknowledge that there will be times where Councils come across anomalies or where the preferred zone is not readily apparent following application of the Decision Tree Rules. At this stage, the report recommended that “*outside expert advice should be sought*” (pg 10).

#### *Spatial extent of heritage place listings*

Whilst it is understood there are inconsistencies with the spatial extent of heritage listings and the Tasmanian Heritage Register listings, the process of making modifications to the extents under the transitional provisions of the Act is not possible. As discussed at the post lodgement conference, previous advice from the Minister in relation to other Councils in similar situations has identified that significant changes to the spatial extent are beyond permitted alterations and not allowable under the transitional provisions.

Schedule 6, Clause 8D(2) of the *Land Use Planning and Approvals Act 1993* (the Act) specifically requires a draft LPS to contain lists that applied under the planning scheme in operation that municipal area immediately before 17 December 2015, unless otherwise declared by the Minister. As the transitional provisions are specifically allowing for heritage lists to be directly translated from interim planning schemes to LPSs without any opportunity for public comment, each listing is to reflect the same spatial extent identified in the interim planning scheme.

#### *Draft Lake Meadowbank Specific Area Plan*

In relation to Council’s request for feedback on the rationale provided against section 32(4) of the Act, whilst the information provided outlines some of the issues that Council considers warrants the implementation of a SAP, the Commission is seeking a more comprehensive justification based upon all of the existing characteristics and qualities of the land affected by the SAP. This includes hazards, values, interests of other relevant parties and how existing and proposed uses will co-exist. As an example of the level of information required to satisfy the test, the document titled “[An approach to applying section 32\(4\)](https://www.planning.tas.gov.au/planners-portal/resources2/commission-resources/An-approach-to-applying-section-324.pdf)”<sup>2</sup> available on the Commission’s planners portal under Commission resources, may assist.

If you need further clarifications on any matters, please contact Claire Wolf on tel. 6165 6818 or email [claire.wolf@planning.tas.gov.au](mailto:claire.wolf@planning.tas.gov.au) .

Yours sincerely



Claire Hynes  
**SENIOR PLANNING CONSULTANT**

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<sup>2</sup> <https://www.planning.tas.gov.au/planners-portal/resources2/commission-resources/An-approach-to-applying-section-324.pdf>

## ***Discussion Paper 1: Extent of Heritage Places***

### ***Draft Central Highlands Local Provisions Schedule.***

**TO** Central Highlands Council Planning Committee

**AUTHOR** Planning Consultant (SMC) Damian Mackey

**DATE** 3 March 2021

#### **The Tasmanian Planning Commission's Position:**

The TPC continues to insist that the current heritage place list in the Central Highlands Interim Planning Scheme be directly transitioned into the LPS without any amendments to remove superfluous titles. (It is assumed it will allow correction of incorrect title references and addresses).

The rationale provided by the TPC in its 27 January 2021 correspondence for heritage lists having to transition exactly into local councils' LPSs is that there is no opportunity for public comment regarding such changes. This is not correct as the draft LPSs, including the heritage lists contained therein, will be subject to formal public exhibition and public hearings, providing the public with that very opportunity prior to coming into force. Nevertheless, the TPC appears intent on not allowing any substantive modification to the heritage list.

Council's position, adopted at the October 2020 meeting, was to seek to amend the heritage list to bring the listings in line with the revised Tasmanian Heritage Register listings, which have mostly been amended by the Tasmanian Heritage Council to remove superfluous titles. If the TPC did not consider this to be possible, Council's position was that it would ask the Minister to allow an amended heritage list under Schedule 6, Clause 8D of the *Land Use Planning & Approvals Act 1993* - as per advice contained in the TPC's late-July 2020 response.

However, the TPC has now advised that such an amended list would need to comply with the new information requirements for listed places. This would involve Council engaging a suitably qualified person to create data sheets of all listed places, (amended or not), including a detail description and list of heritage values, etc. for each place. This would take considerable time and financial resources, and it is not recommended that Council pursue this course of action.

#### **How did superfluous titles come to be listed in the planning scheme?**

The situation has arisen through a series of 'accidents of history':

- In the 1970s and 1980s planning schemes listed heritage properties simply by name (if there was one) and address. The spatial extent of the listing was not defined. This was not generally a problem for listings in cities and towns on small urban titles. However, for large rural properties there was always some doubt as to the spatial extent of the listing.
- In the 1990s the Tasmanian Heritage Register (THR) was established. It was created more or less 'overnight' by collating existing listings in council planning schemes and other lists such as the Register of the National Estate and the National Trust.
- The legislation underpinning the Tasmanian Heritage Register stated that the spatial extent of each listing must be defined. The default was the title on which the place was located. At the time, the title was almost invariably adopted as there were no resources for expert examination of thousands of listings to define a spatial extent other than the title. Again, this was not generally a problem for listings in cities and towns.
- However, for large rural properties containing many titles, all the titles within a landholding were often adopted. Therefore, whilst the principle title containing, for example, a heritage house, barn and other historic outbuildings was rightfully included, also included were the property's other titles, often containing many hundreds of hectares.
- Many planning schemes drafted after the Tasmanian Heritage Register came into being adopted the same spatial definition as the matching THR listing, including that of Central Highlands Council.

- Thus, properties made up of multiple titles, such as Norton Mandeville in the Central Highlands, now find themselves with hundreds of hectares unintentionally encumbered by a statutory heritage listing.
- In recent years the Tasmanian Heritage Council has been expending considerable resources to review Tasmania's rural listings and make amendments to the THR to remove superfluous titles. In some cases the Heritage Council has even go created Rural Exclusion Agreements which define the extent of a heritage listing to just a part of a title, with an accompanying plan formally lodged in the Central Plan Register (CPR). Most rural THR listings in Central Highlands have thus been corrected.
- Such corrections, however, do not automatically flow through to the local listing in the local planning scheme.

### **Possible Solutions:**

Planning scheme amendments would normally be required to make changes to the spatial extent of heritage listings. Each such amendment would be time consuming and costly.

Planning scheme renewal processes provide the only opportunity to renovate planning scheme provisions across the board. Unfortunately the current process does not appear to provide such an opportunity. This is unfortunate as it means the provisions incorporated into the pending Tasmanian Planning Scheme resulting from this whole process will not be the best they can be. Many individual time-consuming and costly amendments will need to be enacted in the future to fix these problems.

### **Councils Options:**

There appears to be three options available to Council to progress this matter:

1. Transition the current list into the LPS list with no amendments (other than correction of incorrect title references and street addresses), as per the direction of the TPC. This would mean many rural titles will continue to be unnecessarily heritage-listed. This will result in additional expense and time delays in the development application process for future proposed developments on this land.

Clearly, this would run counter to the State Government's declared aims for the whole planning reform process "*to ensure planning in Tasmania will be simpler, fairer and more efficient*" and provide "*greater certainty to investors and the community*".

2. Engage a suitably qualified expert to review the entire heritage list and create the necessary data sheets to enable them to be included in the LPS list as 'new listings', and in the process remove the superfluous titles.

This would require financial resources and would delay the progression of the LPS by six or twelve months, or more.

3. Remove the heritage list from the LPS entirely. The TPC has advised that this option is allowable. This option works with Council's long-held position that it only list properties that are also on the Tasmanian Heritage Register. The heritage values of these properties would still be protected by virtue of the THR.

In fact, the State Planning Provisions explicitly state that the Heritage Code does not apply if a listed property is also listed on the THR. In other words, in the case of 'dual listed' properties, a heritage assessment and decision to approve or refuse would only be done by the Tasmanian Heritage Council. There is to be no 'double assessment' (and potentially conflicting decision) by both the Tasmanian Heritage Council and the local Planning Authority (Council).

Because of this, if the current Council listings are translated straight into the LPS heritage list, the ridiculous situation will arise in which the local Planning Authority (Council) would only deal, in a heritage assessment sense, with the superfluous titles on its LPS heritage list. This is because the actual principle heritage titles would be also listed on the THR and therefore the Tasmanian Heritage Council would undertake the assessment of development applications on these titles.

Some other Tasmania Councils have adopted the policy position that they will not have locally-listed heritage places, as they prefer to simply rely on the THR to protect the heritage values in their municipal areas. Meander Valley Council is one such example.

### Examples and Statistics:

The following pages include maps showing examples of local heritage listings which have ‘superfluous titles’ mentioned above. Each set of maps depicts:

- The current Interim Planning Scheme (**IPS**) heritage listing.
- Council’s proposed listing in the Draft Local Provisions Schedule (**LPS**), reduced to just the principal title to match the Tasmanian Heritage Register.
- Where a Rural Exclusion Agreement exists with the Tasmanian Heritage Council, the extent of the listing now included in the THR as per the plan registered in the Central Plan Register (**CPR**).

Currently there is an area of 24,925 hectares within local heritage listings in the Central Highlands Interim Planning Scheme 2015.

Council’s proposed removal of ‘superfluous titles’ in the LPS would reduce this to 21,690 hectares, freeing up 3,235 hectares from unnecessary heritage listing.

Note: The figure of 21,690 hectares remaining under heritage listing is indicative of the large rural titles in the municipality containing heritage houses. Ideally, all such listings will eventually have Rural Exclusion Agreements with the Tasmanian Heritage Council with much reduced areas indicated on plans in the Central Plan Register.

ALLANVALE

Allanvale - IPS



Allanvale - LPS



Allanvale - CPR

N/A



ASHTON

Ashton - IPS



Ashton - LPS



Ashton - CPR

N/A



MONTACUTE

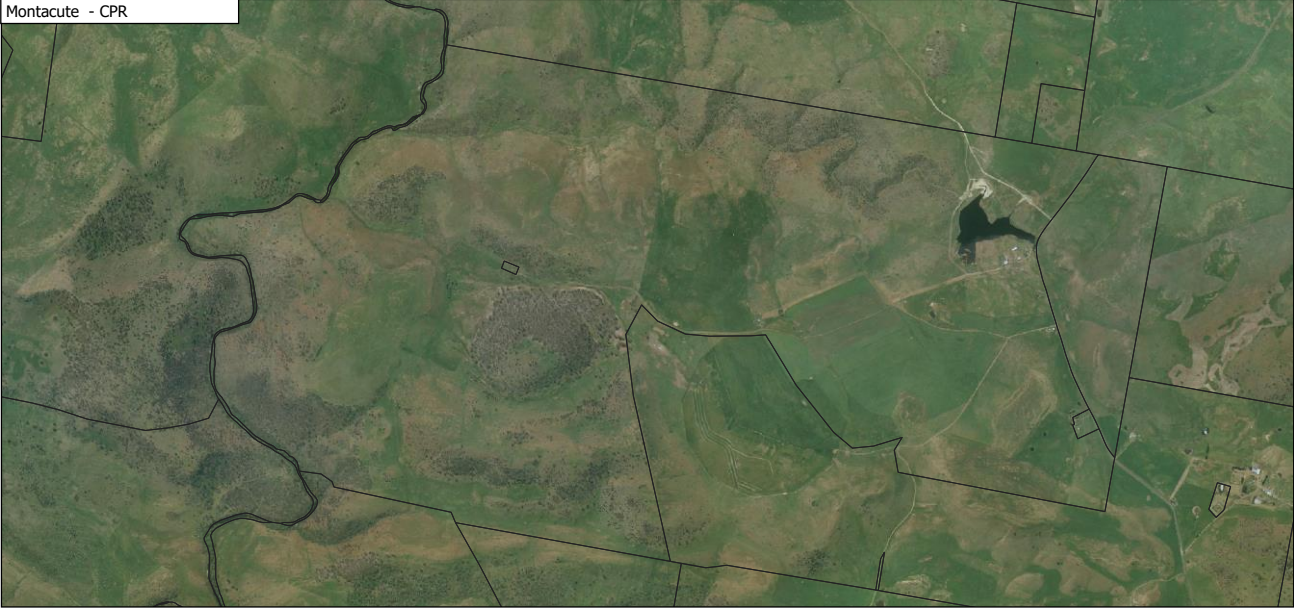
Montacute - IPS



Montacute - LPS



Montacute - CPR





NORTON MANDEVILLE



Norton Mandeville - CPR

N/A



## O'MEAGER'S COTTAGE

O'Meagher's Cottage - IPS



O'Meagher's Cottage - LPS



O'Meagher's Cottage - CPR



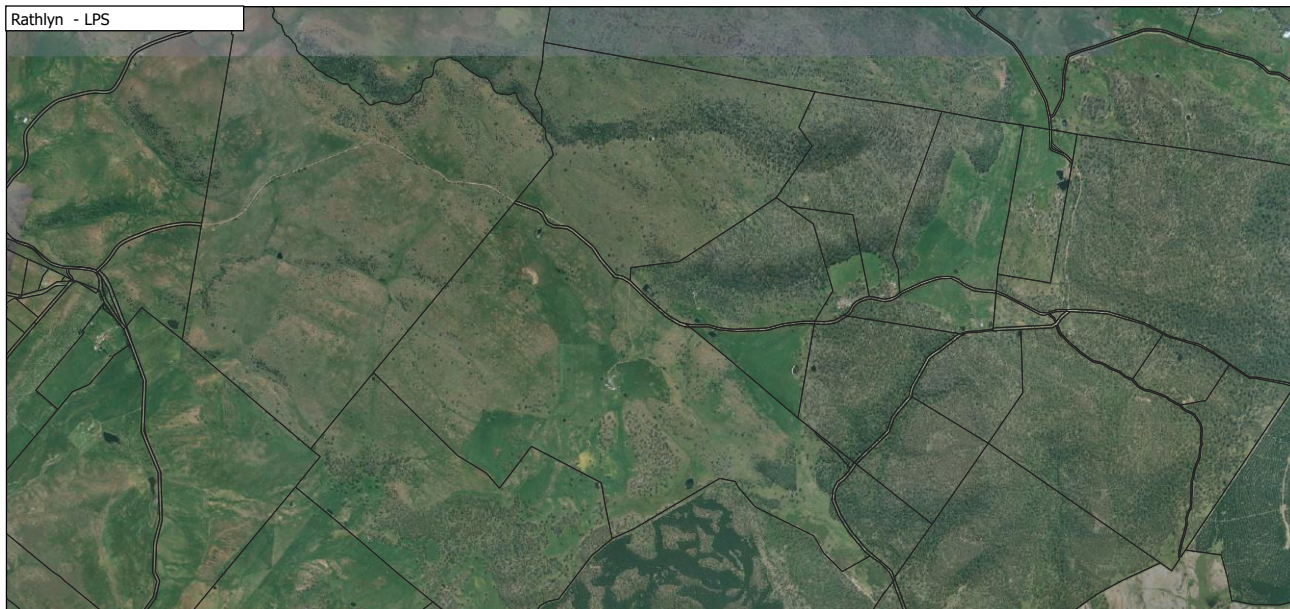


## RATHLYN

Rathlyn - IPS



Rathlyn - LPS



Rathlyn - CPR





## ROSECOT

Rosecot - IPS



Rosecot - LPS

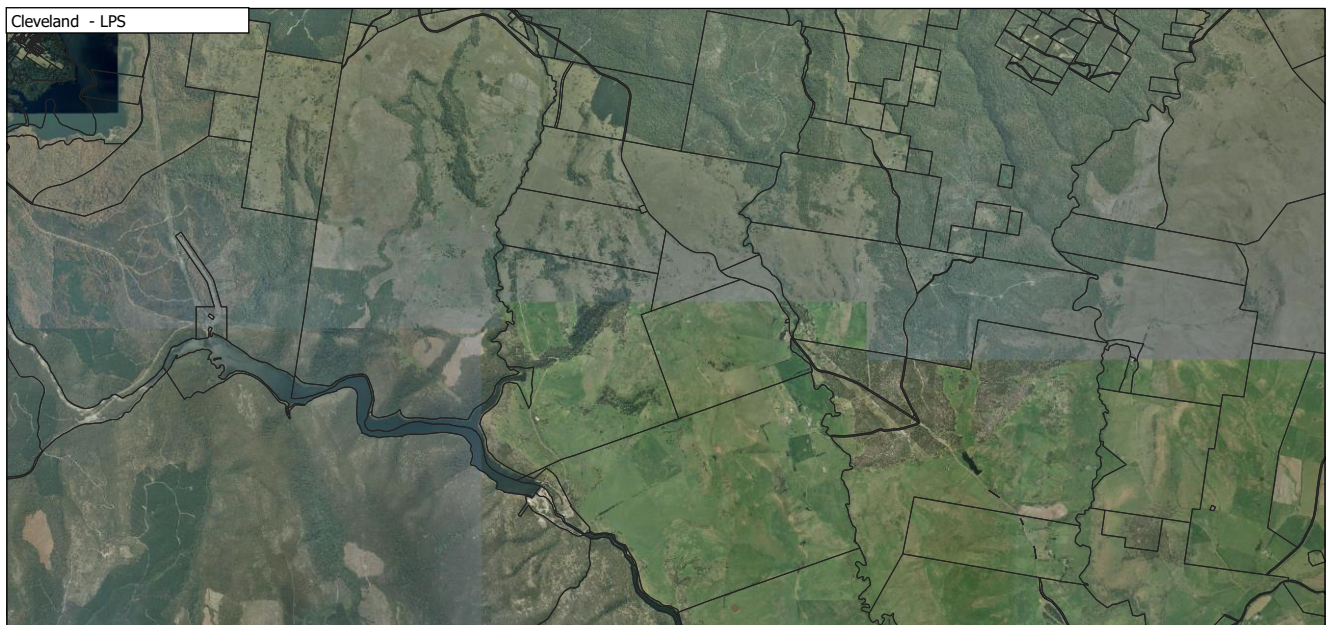


Rosecot - CPR

N/A



**CLEVELAND (A CASE OF AN INCORRECT TITLE CURRENTLY BEING LISTED)**



N/A



## BOTHWELL SANDSTONE KERBS

Bothwell Sandstone - IPS



Bothwell Sandstone - LPS



Bothwell Sandstone - CPR



Inset



***Discussion Paper 2: Mining Leases***  
***Draft Central Highlands Local Provisions Schedule.***

**TO** Central Highlands Council Planning Committee

**AUTHOR** Planning Consultant (SMC) Damian Mackey

**DATE** 3 March 2021

**Zoning of Mining Leases:**

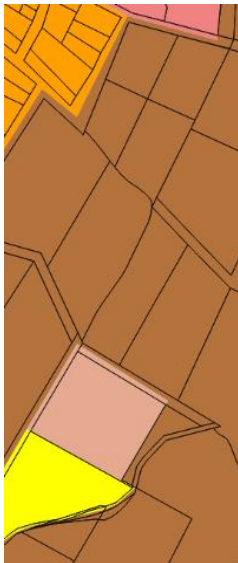
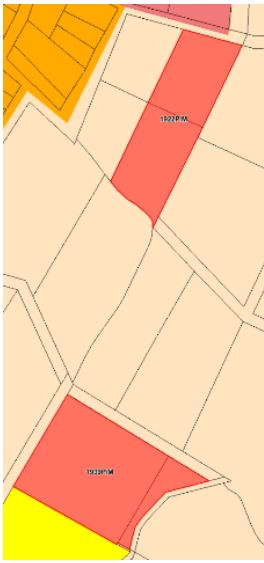
Many mining operations in the Central Highlands are small quarries on farms and have been zoning Agriculture along with the rest of the farm and surrounding land. The TPC have requested that Council liaise with Mineral Resources Tasmania (MRT) to seek confirmation that the mines are not of regional significance, and therefore appropriate to be zoned this way.

If a mining operation is considered to be of regional or state significance, it would be appropriate to consider a 'spot zoning' the mining lease area to Rural.

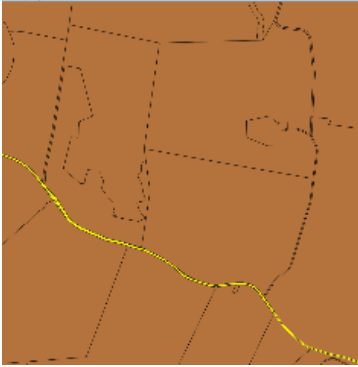
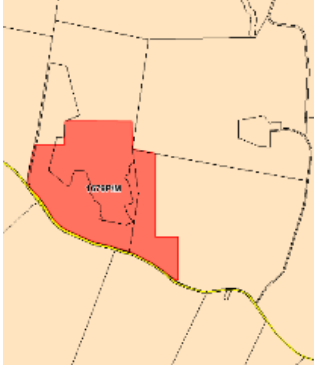
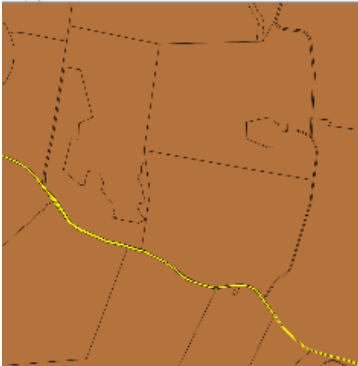
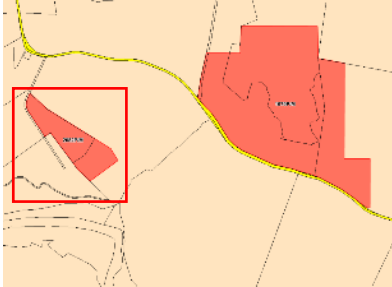
MRT has been contacted and provided with the details of the mining leases in Central Highlands, and formal comment requested on each one. A meeting between Council representatives and MRT officers was held in January.


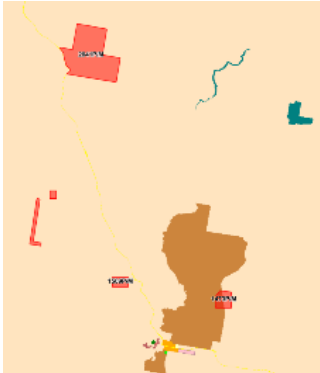
As of 3 March, a formal response had not yet been received. The preliminary view of MRT, as per discussions at the January meeting, is provided in the right-hand column of the table below.







MINING LEASES, WITH EXISTING (IPS) AND PROPOSED (LPS) ZONES				
DETAILS	DRAFT (LPS) ZONES As submitted to the TPC in late 2019	EXISTING (IPS) ZONES	CHC COMMENTS Initial Council comments late 2020	MRT COMMENTS Informal Comments January 2021
<p>Hamilton Area</p> <p>Mining Lease 1939 P/M is attached to FR 224790/1 and FR 159231/1 (also owned by the Council).</p> <p>Mining Lease 1922P/M consists of two titles FR 51/4716 and FR 51/4715.</p> <p>However, the dolerite mining activity appears to extend across FR 51/4715.</p>	<p><b>LPS</b></p> 	<p><b>IPS</b></p> 	<p>FR 224790/1 and FR 159231/1: <b>Extend Rural Zone to FR159231/1.</b></p> <p>FR 51/4716 and FR 51/4715: Mining Lease 1922P/M is currently being modified to extend across FR 5147/15 and be removed from FR 51/4716. <b>Apply Rural Zone to both FR 51/4716 and FR 51/4715.</b></p>	<p>Resource providing road gravel for wide area. Somewhat significant at a local / regional scale.</p> <p>Apply Rural Zone</p>

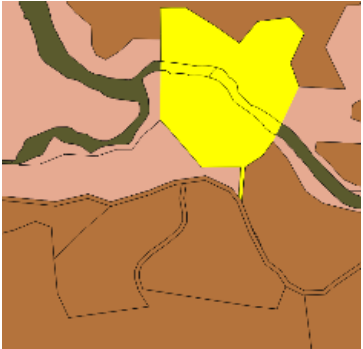
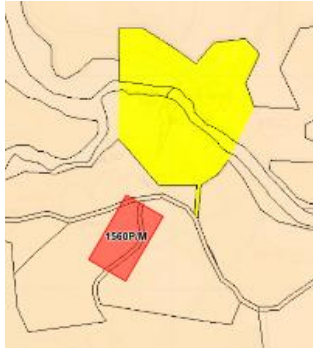


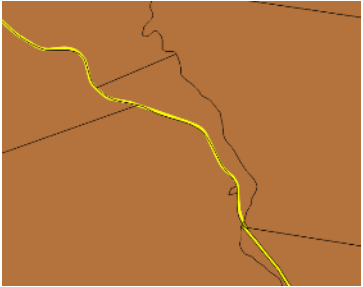
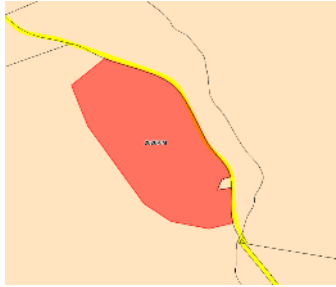
<p>Hamilton Area</p> <p>Mining Lease - 1679P/M</p> <p>Indicoal Coal Mine Site, Hamilton – FR 133550/1 FR 125510/1 FR 133550/2</p>	<p><b>LPS</b></p> 	<p><b>IPS</b></p> 	<p>FR 133550/1, FR 125510/1 and FR 133550/2</p> <p>Surrounded by agricultural land proposed to be Agriculture Zone. <b>Retain Agriculture Zone if mine is to be closed in 2022.</b></p> <p>However, seek comment from MRT. If the mine is regional significant, and is intended to go on after 2022, consider applying Rural Zone to the area of the mine-owned title that is also within the mining lease.</p>	<p>Mining lease term expires in 2022 and resource is close to exhaustion. Likely that lease term will be renewed for some period of time after 2022. s mining proceeds, the exhausted sections are being rehabilitated to agricultural land. Very unlikely that the mine could expand.</p> <p>Retain Agriculture Zone.</p>
<p>Hamilton Area</p> <p>An application for Mining Lease 2082P/M is recorded on The LIST, dated 18 May 2020</p>			<p>Mining Lease Application 2082P/M</p> <p>If this application is approved by the time of the statutory public exhibition of the LPS, Council will consider amending the zone, depending on the level of significance of the proposed mining operation.</p> <p>Seek comment from MRT.</p>	<p>Unlikely to expand.</p> <p>Retain Agriculture Zone.</p>

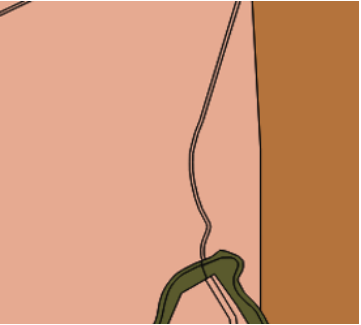

<p>Bothwell Area</p> <p>Mining Leases</p> <p>2041P/M</p> <p>1623P/M</p> <p>1418P/M</p> <p>1509P/M</p> <p>1473P/M</p>	<p><b>LPS</b></p> 	<p><b>IPS</b></p> 	<p>Mining Leases – 2041P/M, 1623P/M, 1418P/M, 1509P/M, 1473P/M</p> <p>All these leases cover small quarries that each form a small part of much larger agricultural properties.</p> <p>They do not appear to constitute a ‘strategically important resource’ that would warrant numerous split-zonings and numerous small spot zonings.</p> <p><b>Retain Agriculture Zone.</b></p> <p>However; seek comment from MRT.</p>	<p>Mostly small.</p> <p>Unlikely to expand.</p> <p>Retain Agriculture Zone.</p>
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<p>Meadowbank and Gretna Areas 584 Meadowbank Road FR 37631/1</p> <p>Mining Lease 2016P/M</p>	<p><b>LPS</b></p> 	<p><b>IPS</b></p> 	<p>Mining Leases – 2016P/M</p> <p>This lease covers a small quarry that form a small part of much larger agricultural property.</p> <p>It does not appear to constitute a ‘strategically important resource’ that would warrant split-zonings and spot zonings.</p> <p><b>Retain Agriculture Zone.</b></p> <p>However; seek comment from MRT.</p>	<p>Sandstone quarry.</p> <p>Retain Agriculture Zone.</p>
<p>Meadowbank and Gretna Areas</p> <p>Mining Leases – 1943P/M</p> <p>4079 Lyell Highway, Gretna FR 150406/1</p>			<p>Mining Leases – 1943P/M</p> <p>This lease covers a small quarries that each form a small part of a much larger agricultural property.</p> <p>They do not appear to constitute a ‘strategically important resource’ that would warrant split-zonings and spot zonings.</p> <p><b>Retain Agriculture Zone.</b></p> <p>However; seek comment from MRT.</p>	<p>Retain Agriculture Zone.</p>





<p>Ouse Area</p> <p>Mining Lease - 1560P/M</p>	<p><b>LPS</b></p> 	<p><b>IPS</b></p> 	<p>Mining Leases - 1560P/M</p> <p>The broader area in which this mining lease is located is steep and covered in native vegetation and numerous forestry plantations. Whilst within the LPSAZ, it's dominant use is forestry, not agriculture.</p> <p><b>Recommend the following titles, which constitute a consolidated large forestry area, are changed to the Rural Zone:</b></p> <p><b>FR 135131/1</b></p> <p><b>FR 167186/1 (West of Broad River)</b></p> <p><b>FR 166928/2</b></p> <p><b>FR 166928/3</b></p> <p><b>FR 166928/4</b></p> <p><b>FR 135129/2</b></p> <p><b>FR 127707/2</b></p> <p>However; seek comment from MRT.</p>	<p>Strategic resource.</p> <p>Norske Skogg – major quarry operating at Level 2.</p> <p>Significant resource serving major forestry operations area.</p> <p>Zone Rural.</p>
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<p>Ouse Area</p> <p>Mining Lease 2026P/M</p>			<p>Mining Leases - 2026P/M</p> <p>This lease covers a small quarry that forms a small part of a much larger agricultural property</p> <p>It does not appear to constitute a 'strategically important resource' that would warrant a split-zoning and spot zoning.</p> <p><b>Retain Agriculture Zone.</b></p> <p>However; seek comment from MRT.</p>	<p>High quality basalt, but part of large agricultural property.</p> <p>Retain Agriculture Zone</p>
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<p>3.6 Bronte Park area Fourteen Mile Road</p> <p>Mining Lease – 2033/M has been split zoned Agriculture and Rural, noting that FR 131904/1 is identified as unconstrained land as part of the ‘Land Potentially Suitable for the Agriculture Zone’ layer.</p>	<p><b>LPS</b></p> 	<p><b>IPS</b></p> 	<p>Mining Lease – 2033/M A boundary adjustment has just been completed to align the title boundary to the mining lease boundary.</p> <p>The mining lease is on the broader area boundary between the Rural and Agricultural Zones.</p> <p><b>Amend boundary between Rural and Agricultural Zones so that the entirety of Mining Lease 2033/M (and its newly amended title) is zoned Rural.</b></p>	<p>Strategic resource. Part of large forestry area. Zone Rural.</p>
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<p>3.7 Waddamana area 'Bashan+Kluan' – 1839 Bashan Road – FR 248810/1 Mining Leases – 1883 P/M</p>	<p><b>LPS</b></p> 	<p><b>IPS</b></p> 	<p>Mining Leases – 1883 P/M</p> <p>This lease covers a small quarry that forms a small part of a much larger agricultural property. It does not appear constitute a 'strategically important resource' that would warrant a split-zoning and spot zoning.</p> <p><b>Retain Agriculture Zone.</b></p> <p>However; seek comment from MRT.</p>	<p>Retain Agriculture.</p>
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***Discussion Paper 3: Rural and Agriculture Zone Allocation***  
***Draft Central Highlands Local Provisions Schedule.***

**TO** Central Highlands Council Planning Committee

**AUTHOR** Planning Consultant (SMC) Damian Mackey

**DATE** 3 March 2021

**Agriculture Verses Rural Zone Allocation:**

The only major change in zoning from the existing Interim Planning Schemes in the southern region to the state-wide Tasmanian Planning Scheme is the way rural areas are zoned.

Currently there is the Significant Agriculture Zone which only applies to the relatively small, well defined areas of high-quality agricultural land, and the Rural Resource Zone which is applied almost everywhere else and includes dry-land cropping, pasture land, summer grazing land, native pasture, grazing land under forest cover, forestry land and mining areas.

Under the new Tasmanian Planning Scheme there will be the Agriculture Zone covering almost all agricultural land regardless of quality and the Rural Zone covering forestry land, major mining operations, and the like. The allocation of the Rural and Agriculture Zones is very different to the allocation of the Significant Agriculture and Rural Resource Zones and has been a major task for councils in the South.

To assist in this process the State Government undertook an exercise to map the '*Land Potentially Suitable for the Agriculture Zone*'. This map is known as the LPSAZ.

The makers of the LPSAZ utilised generic decision rules and desktop GIS analysis to generate the layer. It did not include on-ground verification. The constraints analysis that was utilised in the LPSAZ mapping was not designed to provide a comprehensive analysis of all the factors that may contribute to the constraint of agricultural land as it was not feasible to develop a model at the state-wide scale that could incorporate all factors of each individual title that need to be considered. Fundamentally, therefore, the LPSAZ is a broad-brush tool and not necessarily correct at the property level. Its outcomes are a starting point and, whilst correct in the majority of cases, often needs to be tested against more detailed local-level analysis.

To provide a more refined property-level methodology, the Southern councils (with State Government funding) engaged a firm called AK Consultants to develop the '*Decision Tree & Guidelines for Mapping the Agriculture and Rural Zones*'. This document takes the LPSAZ as a base and adds a standard methodology to enable planners to consider the facts on the ground and to decide whether land should be Rural or Agriculture Zone. It clearly sets out the circumstances in which land in the LPSAZ should in fact be zoned Rural and, conversely, where land not in the LPSAZ should be zoned Agriculture.

The Decision Tree document states that only if, after its guidelines have been applied, it is still uncertain which zone should be used, it would be necessary for an expert consultant to be engaged to make a determination.

The Decision Tree document is given substantive weight by the State's Guideline No.1 as *an agricultural land analysis undertaken at the regional level which incorporates more recent analysis,*

*better aligns with on-ground features and addresses inaccuracies in the LPSAZ, and which is prepared by a suitably qualified person and adopted by all the Southern Councils, (Guideline AZ1(a)).*

Furthermore, AZ6(a) of Guideline No.1 provides for alternative zoning *if local or region strategic analysis has identified or justifies the need*. The application of the Decision Tree rules enables this.

In addition, at the time the Southern councils initially proposed to organise the creation of the Decision Tree, the idea was put to the TPC and the State Government and received endorsement for the idea.

As Councillors are aware, following the 23 December 2020 correspondence from the TPC directed that all proposed zonings that departed from the LPSAZ need to be verified by a suitably qualified person. In other words, the Decision Tree document is to not be used as originally intended by Council (and TPC) planners, and we are simply to engage external consultants. It appeared that the TPC had simply adopted the position that land in the LPSAZ should be zoned Agriculture and land not in the LPSAZ should be zoned Rural, and if a council considers it appropriate to deviate from this it must engage an external consultant to verify it.

This has given rise to the situation where the TPC is insisting that areas clearly dominated by forestry be zoned Agriculture.

Data sources used by Council to allocate zoning include, (in addition to the LPSAZ), the Land Use 2015 LIST layer, the Agricultural Land Capability layer (i.e. Class 1 to 7 under the Protection of Agricultural Land State Policy), aerial photography layers, Private Timber Reserves, Conservation Covenants, Mining Leases, landownership, local knowledge and site inspection, as per the Decision Tree guidelines.

In regard to Private Timber Reserves, (PTRs), Council's position is that the existence of a PTR should not carry determining weight to zone a piece of land Rural. For example, an isolated PTR making up a small part of a working farm ought to be zoned Agriculture along with the rest of the farm. However, in case of multiple PTRs in an area, along with dominating forestry land use and forestry company land ownership indicates an area should be zoned Rural even though it may be mapped in the LPSAZ as unconstrained agricultural land. The Decision Tree provides the rigour for planners / planning authorities to make this decision. The advice of an external consultant ought not be necessary.

Per its letter dated 13 January 2021, Council sought clarification from the TPC as to why the AK Consulting Decision Tree Guidelines document appears to have now been dismissed by the TPC, and request that it be given the function and weight it was originally intended to have, and accorded to it by the State's Guidelines No.1 AZ1(a) and AZ6(a).

In its 27 January letter the TPC confirmed that Council can use the Decision Tree Guidelines to determine the allocation of these zones without having to engage external consultants when departing from the LPSAZ, and only resort to external consultants when the outcome is too unclear.

### **Titles Queried by the TPC and Working Maps**

Below is each section of the table from the TPC's 23 December 2020 correspondence listing the titles for which it has queried Council's proposed Rural / Agriculture zone allocation. Following each section triplets of maps generated by Council's mapping consultant containing the information necessary to apply the Decision Tree Guidelines. These maps will be discussed at the Planning Committee meeting.



## **1.1 Farming land south of Ellendale: Change of zone from Rural Resource to Agriculture and Rural**

Titles:

FR 107858/1 – Norske Skog Paper Mills (Australia) Limited

FR 211913/1 – privately owned

FR 204606/1 – privately owned

FR 53146/1 – privately owned

FR 226751/1 – Reliance Forest Fibre Pty Ltd

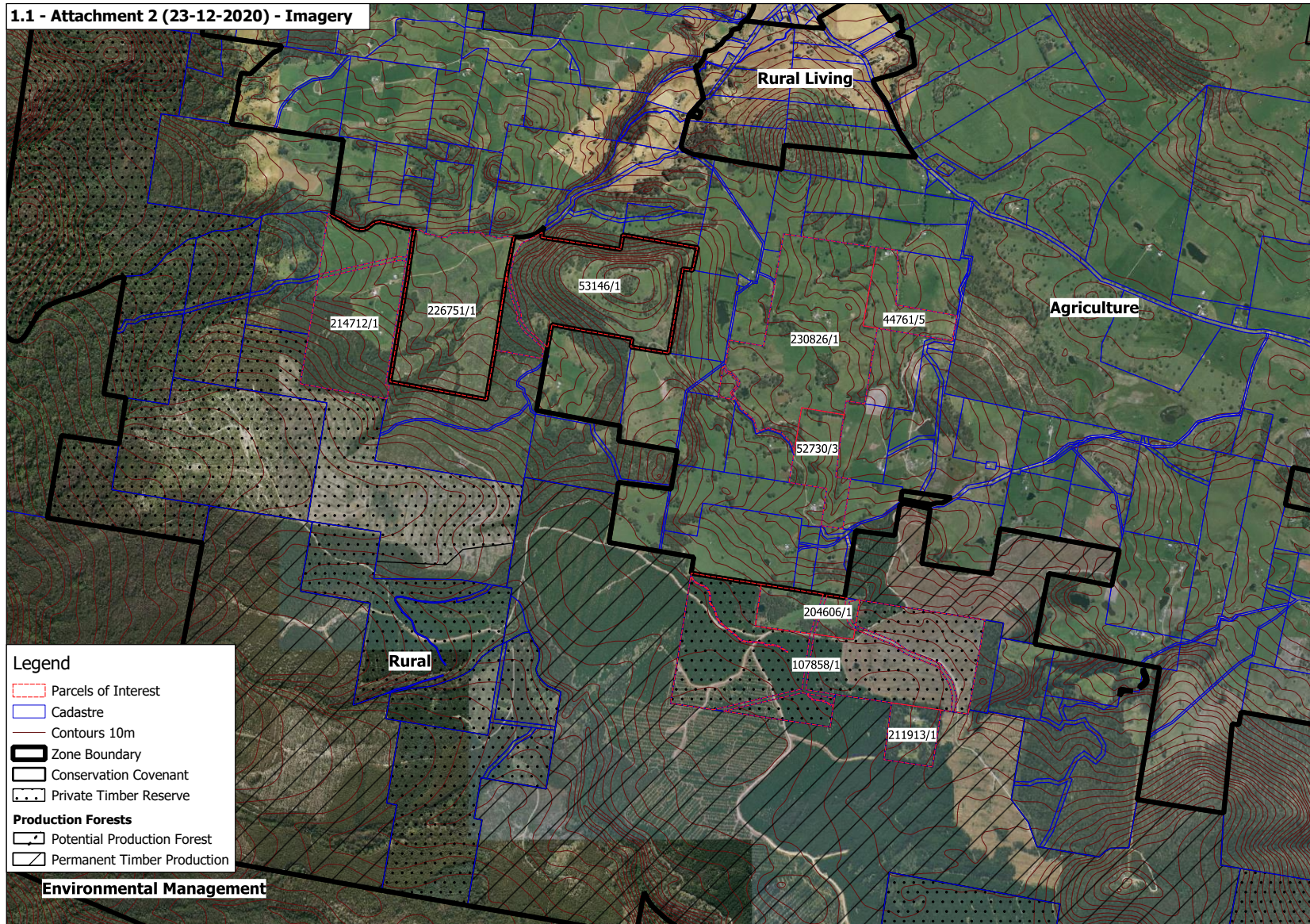
FR 214712/1 – privately owned

FR 230826/1 – privately owned

FR 44761/5 – privately owned

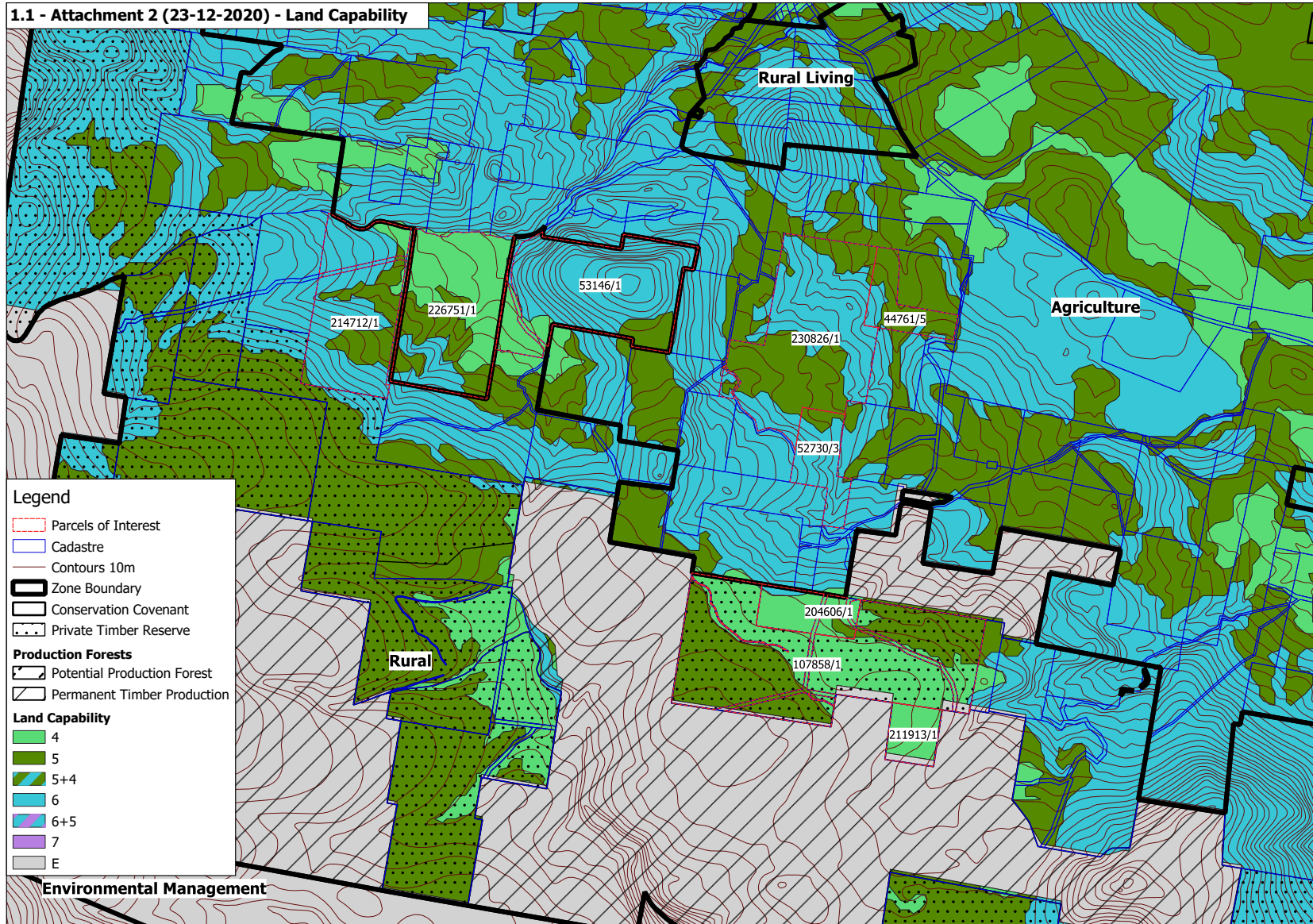
FR 52730/3 – privately owned

1.1 - Attachment 2 (23-12-2020) - Imagery



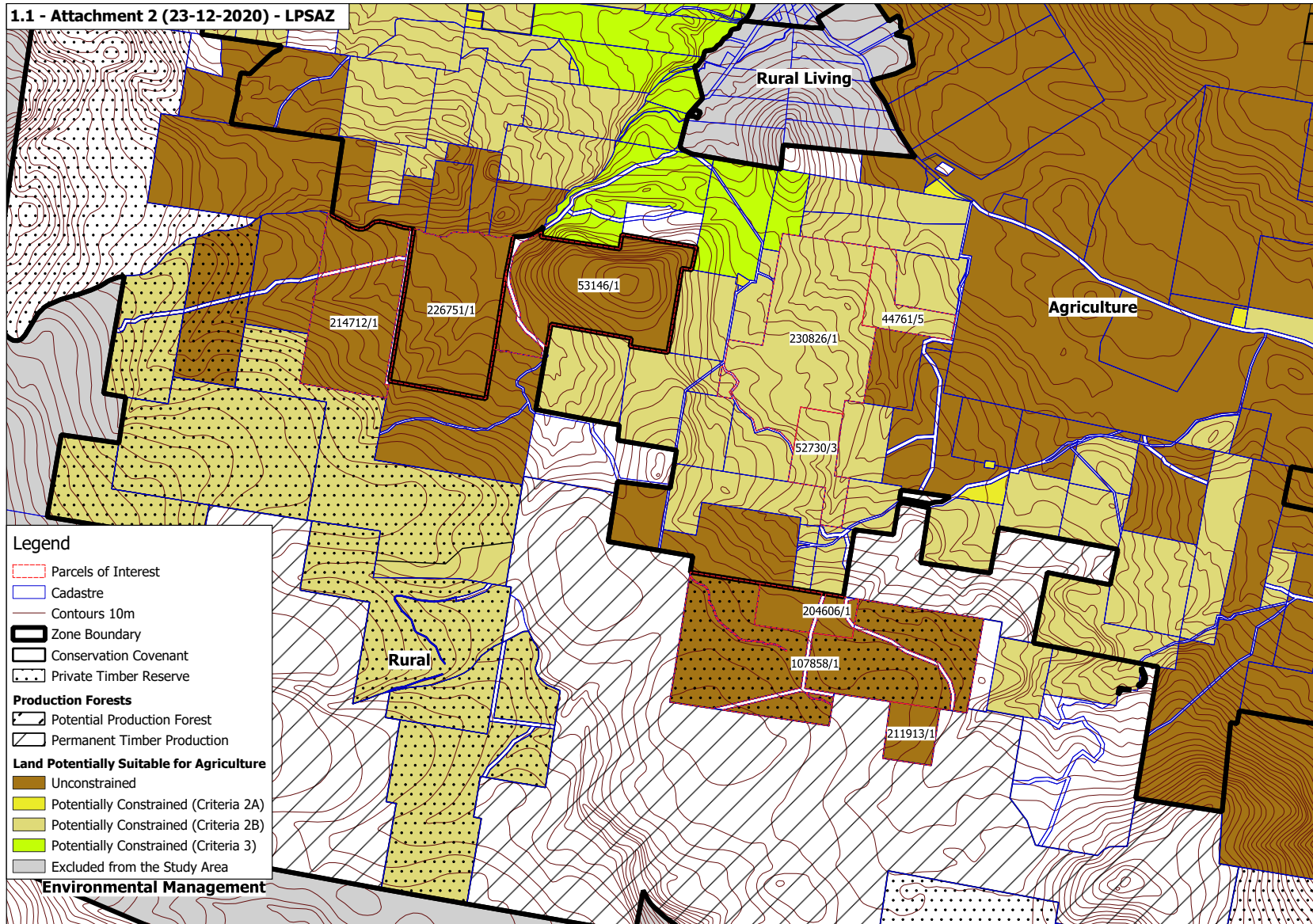


# 1.1 - Attachment 2 (23-12-2020) - Land Capability





1.1 - Attachment 2 (23-12-2020) - LPSAZ



## **1.2 Bluff Road Gretna area: Change of zone from Rural Resource to Rural**

Titles:

FR 140770/2    Steep, bush – propose keep Rural. Same for other titles in this cluster.

FR 141864/1    Currently proposed to split-zone through the neck.

FR 46845/1    ? Outside municipality?

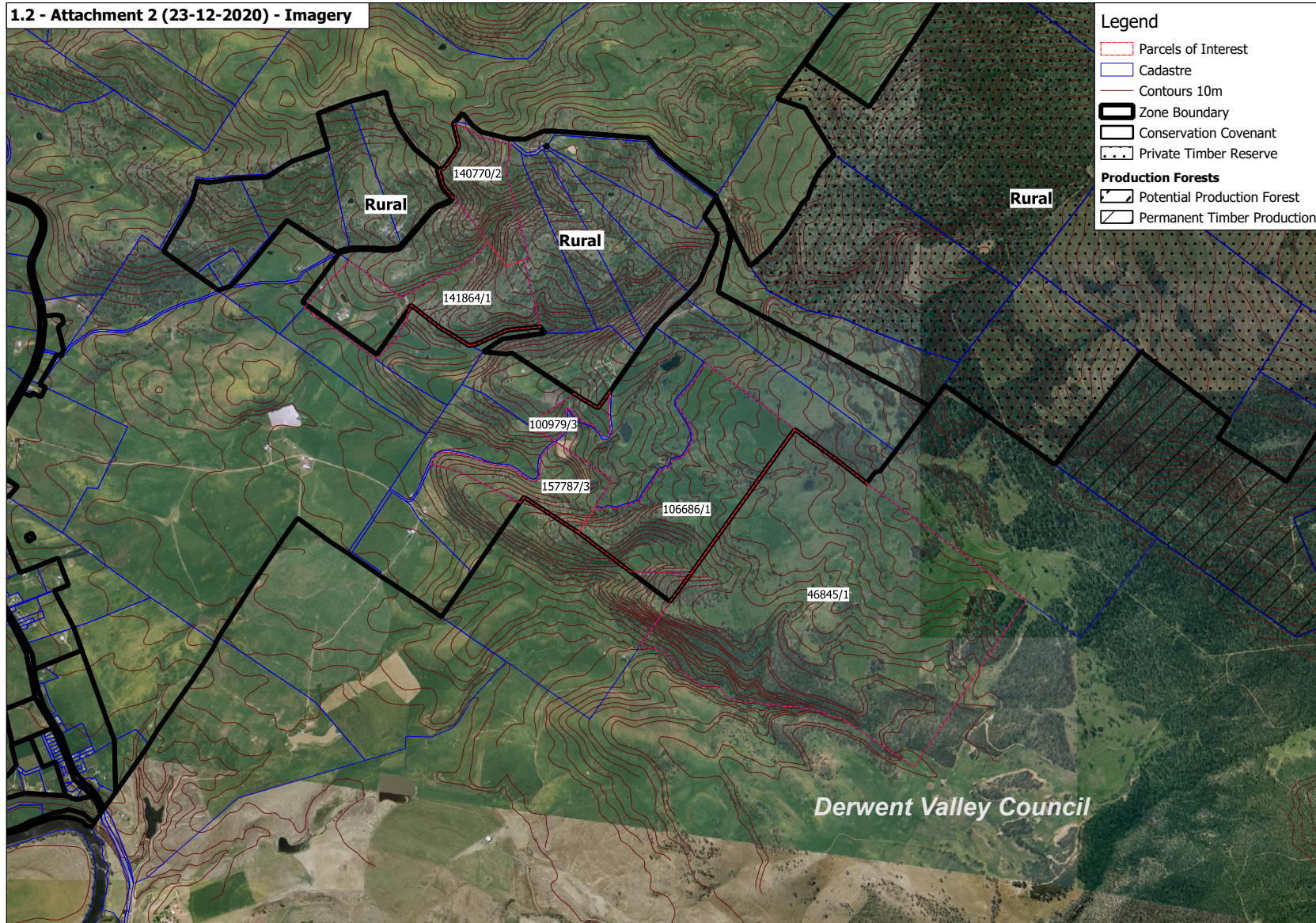
FR 106686/1    ? Already proposed as Agriculture Zone?

FR 157787/3    ? Already proposed as Agriculture Zone?

FR 100979/3    ? Already proposed as Agriculture Zone?

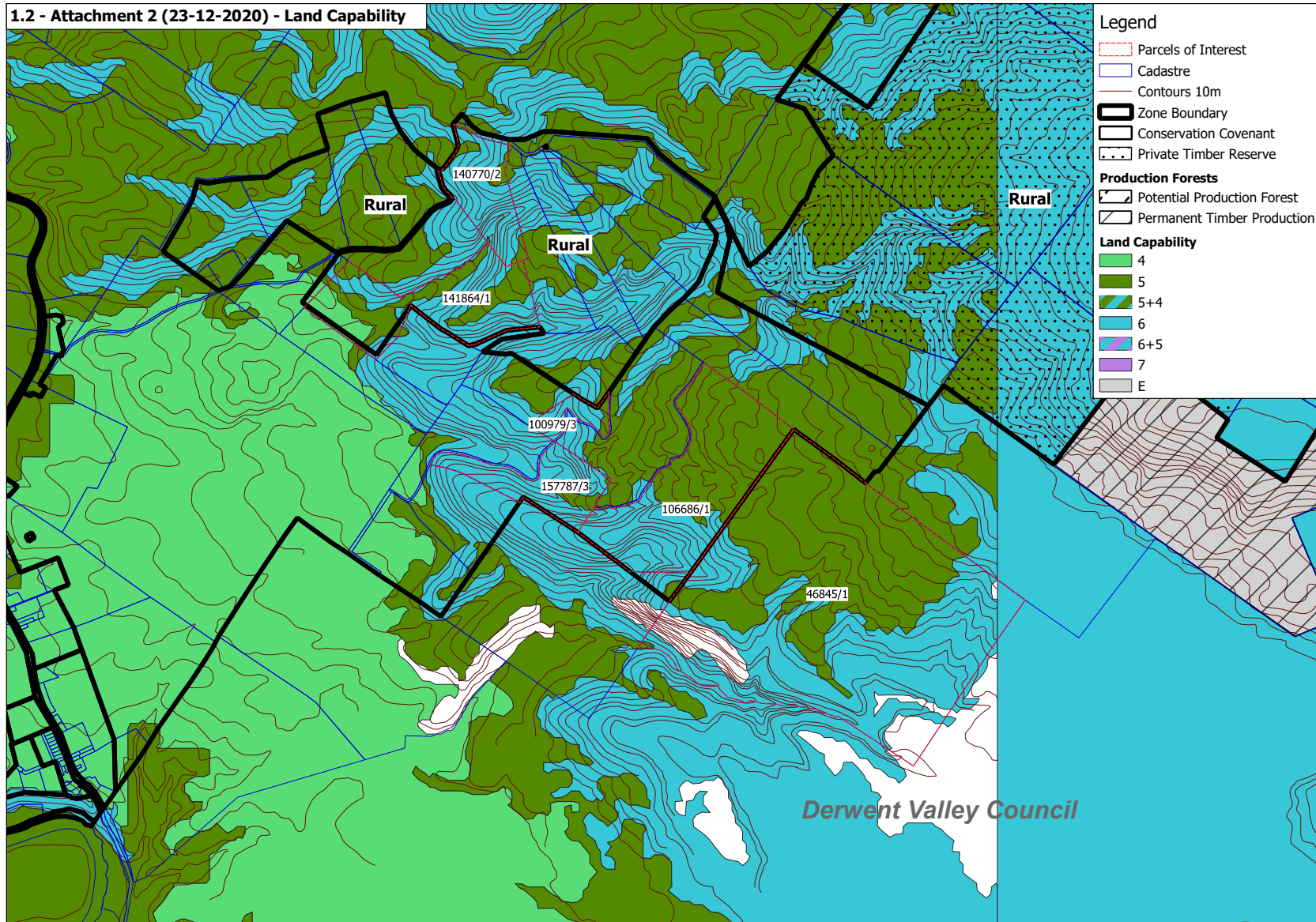


1.2 - Attachment 2 (23-12-2020) - Imagery

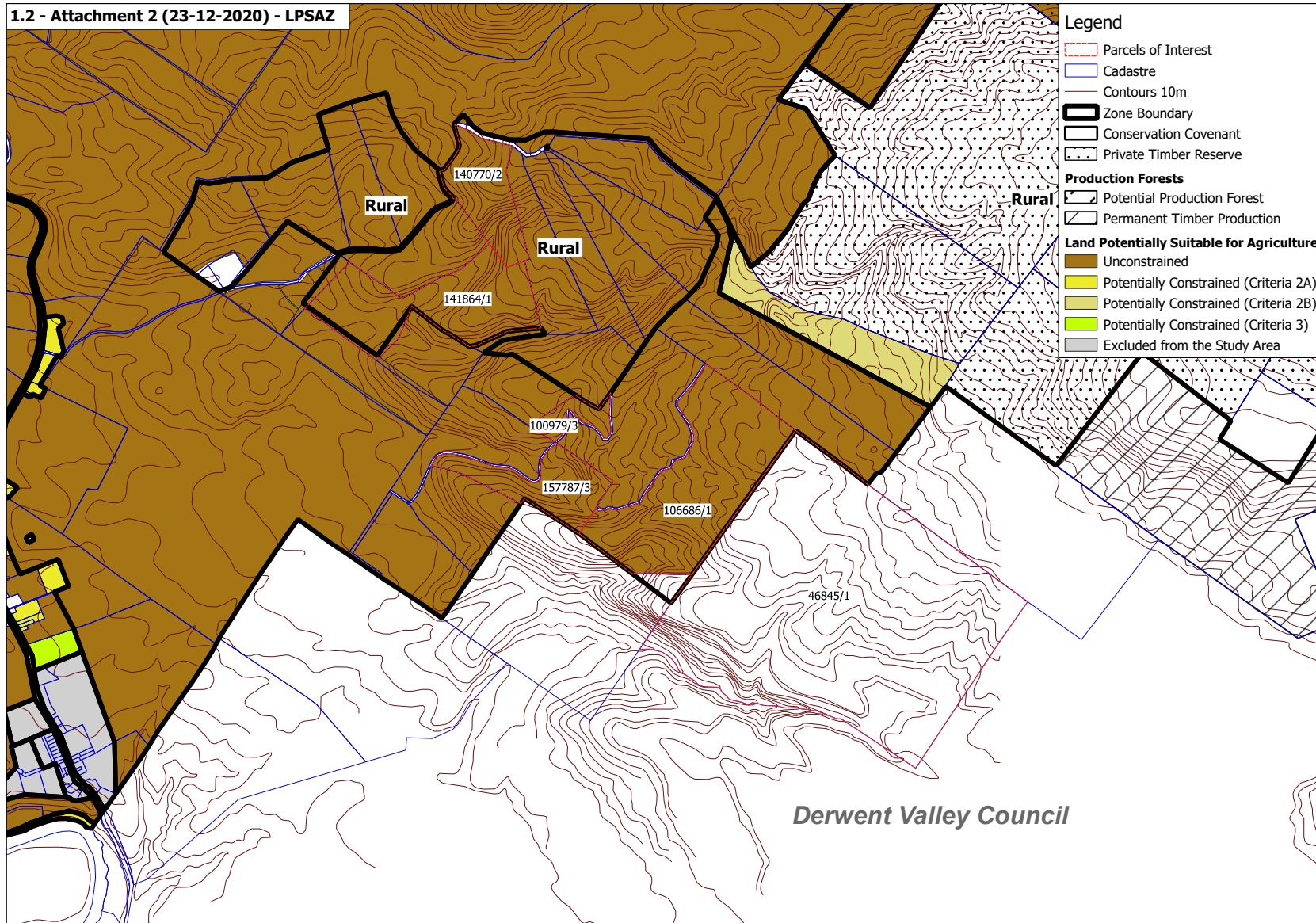




**1.2 - Attachment 2 (23-12-2020) - Land Capability**



1.2 - Attachment 2 (23-12-2020) - LPSAZ



## **1.4 Various locations**

Lyell Highway/Marked Tree Road, Gretna area

FR 108593/1, FR 102690/3, FR 158526/1 and FR 146220/2

(identified as unconstrained but proposed to be zoned Rural)

Interlaken Road and Tunbridge Tier Road, Interlaken

FR 52866/1, FR 52667/1 and FR 246979/6

(identified as unconstrained but proposed to be zoned Rural)

Little Den Road, Millers Bluff

FR 230533/1

(identified as unconstrained but proposed to be zoned Rural)

'Bashan 5 Mile - Bashan Road, 655 Bashan Road, 'Pt Triangle - Bashan Road, 'Glen Rowan' - 655 Bashan Road and 3136 Victoria Valley Road

FR 118843/1, FR 208347/1, FR 132240/1, FR 208320/1 and FR 153448/1

(identified as unconstrained but proposed to be zoned Rural).

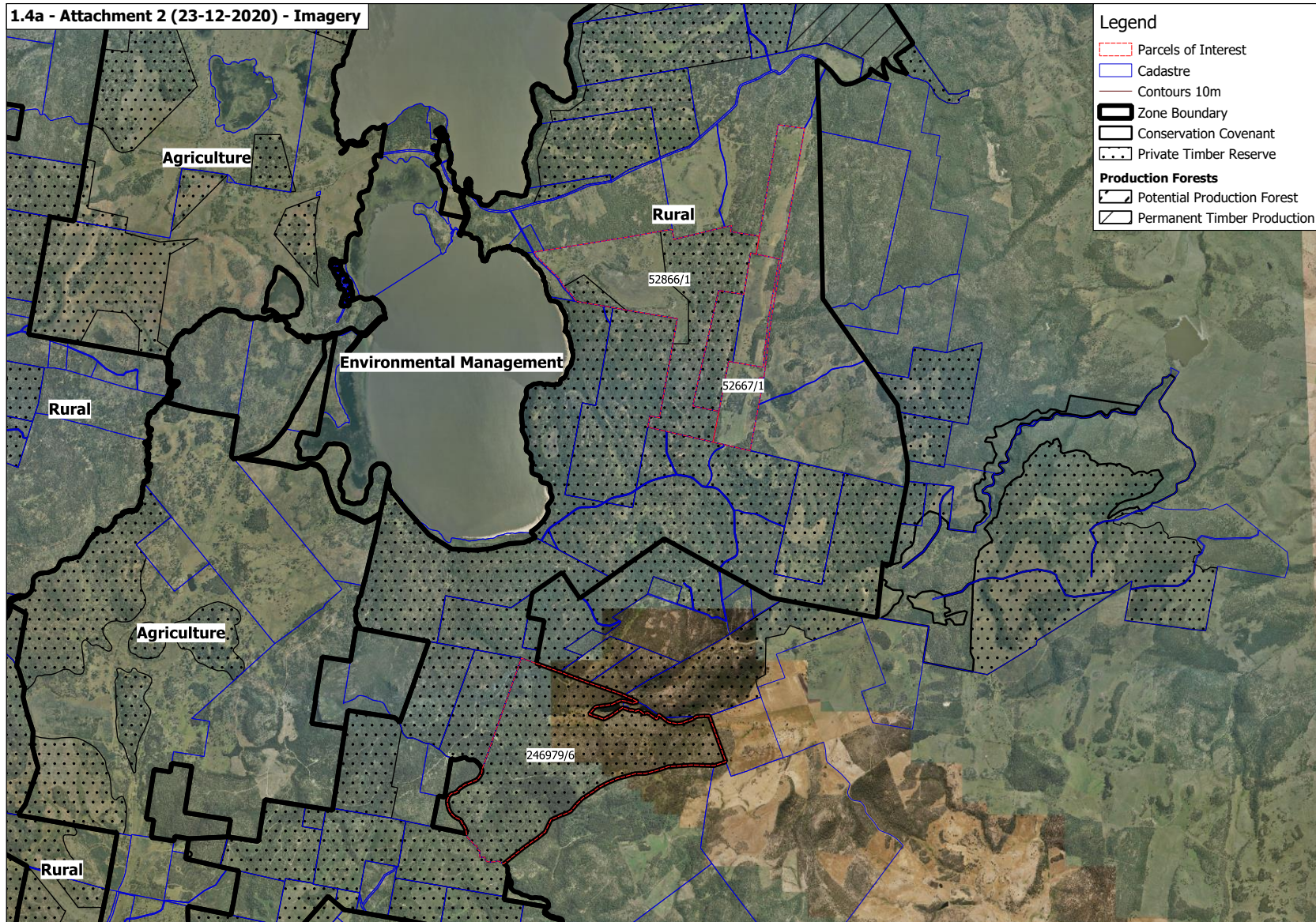
Strickland Road, Strickland

FR 248756/2

(identified as unconstrained but proposed to be zoned Rural).

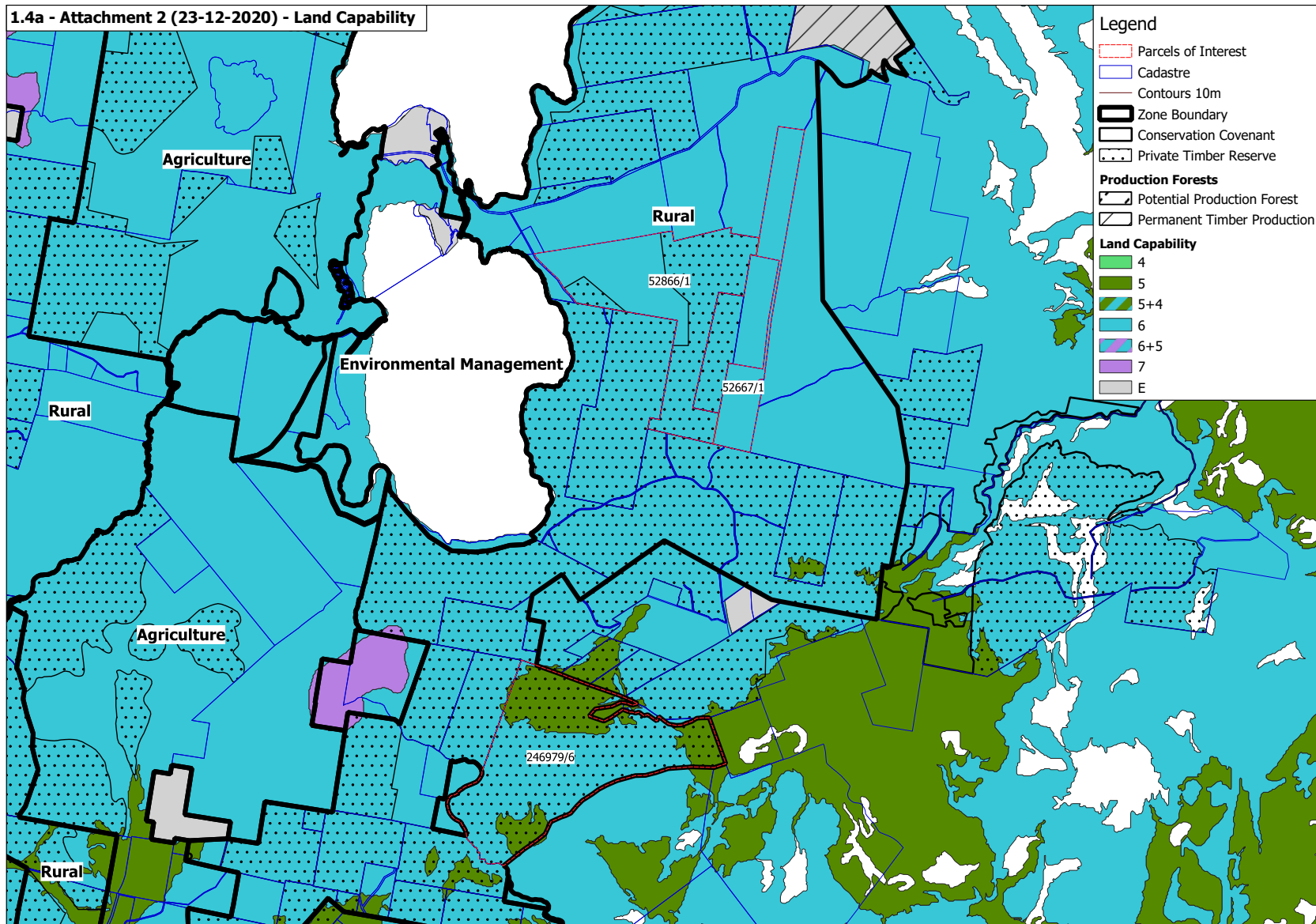


1.4a - Attachment 2 (23-12-2020) - Imagery

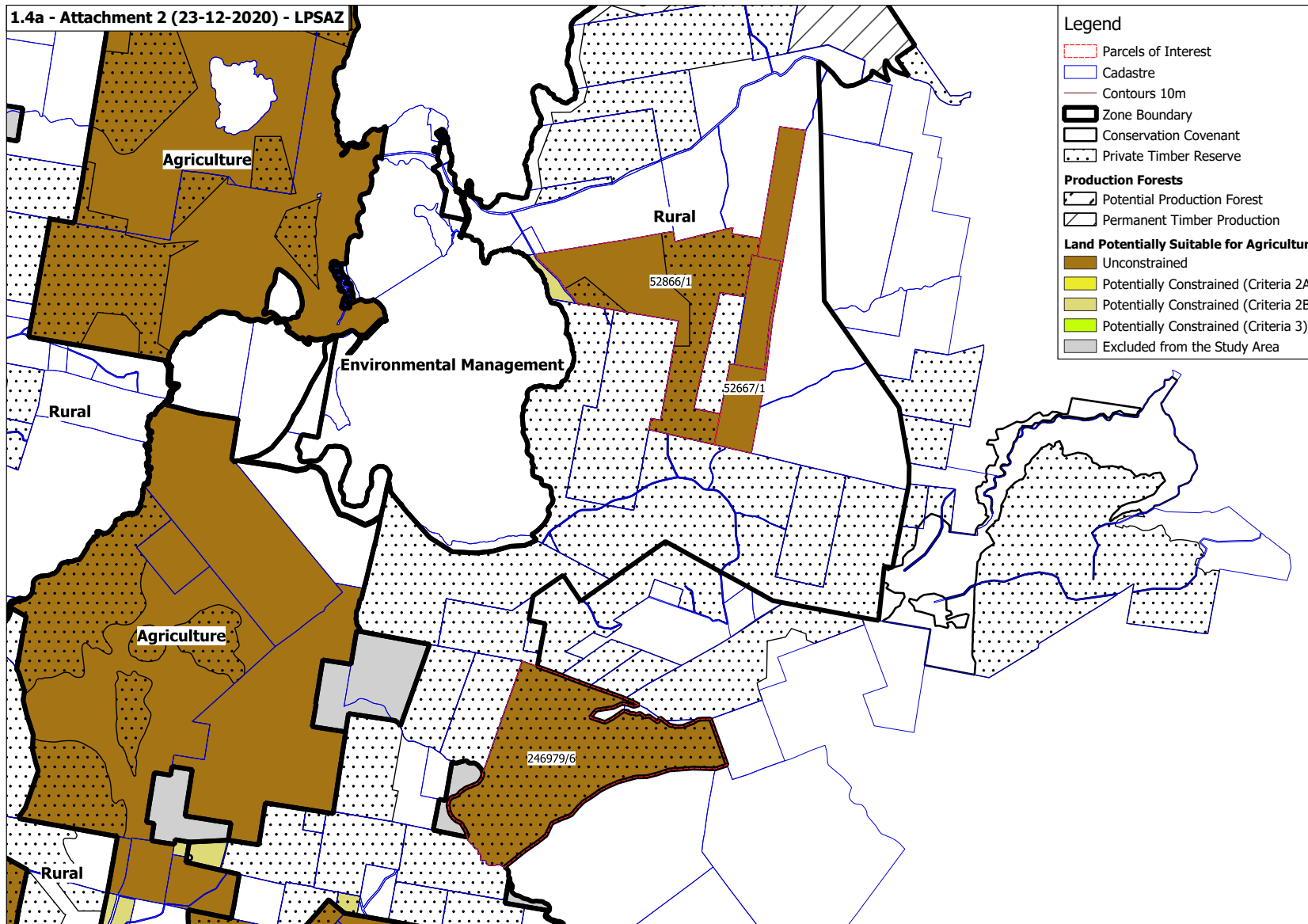




1.4a - Attachment 2 (23-12-2020) - Land Capability

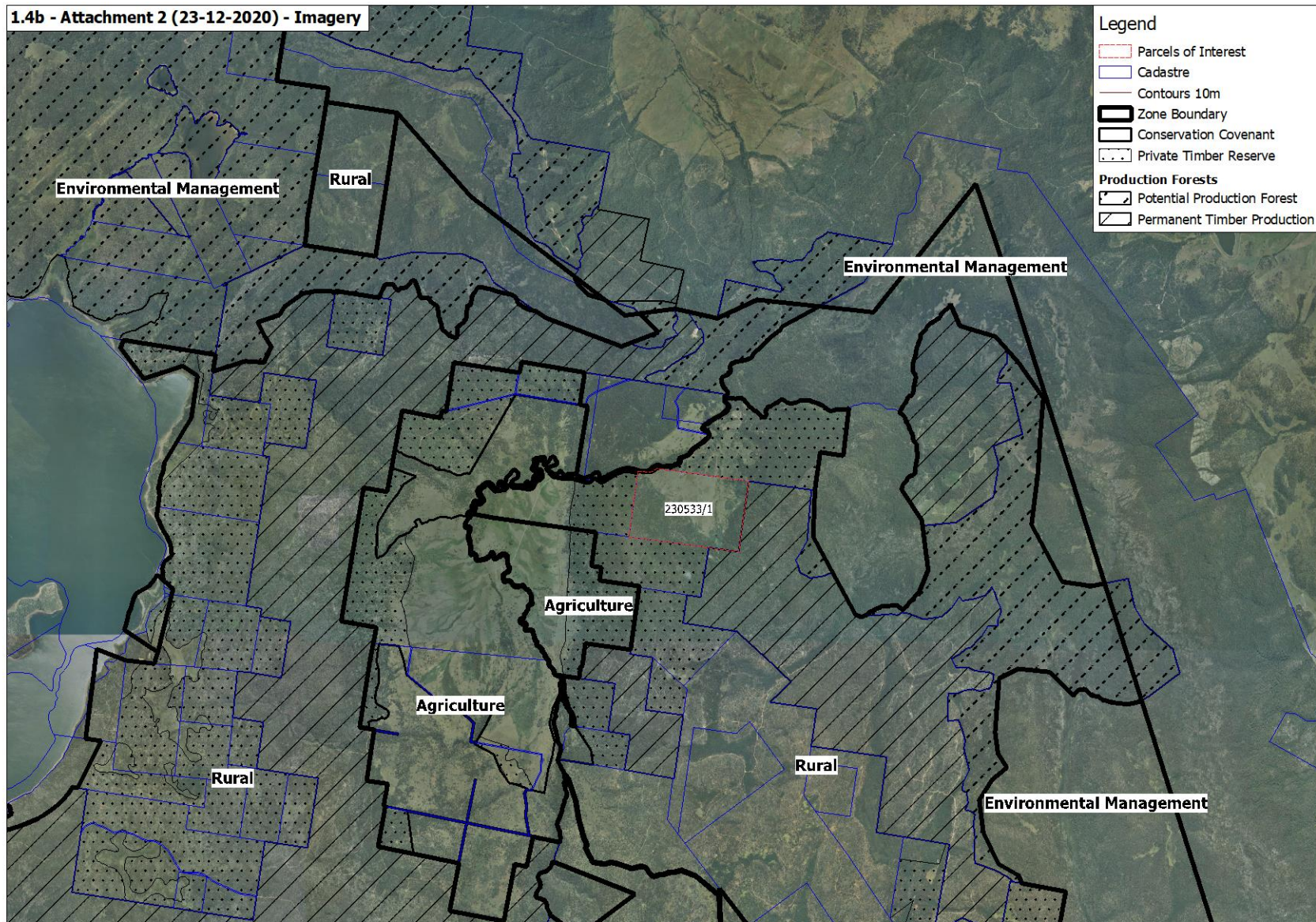


1.4a - Attachment 2 (23-12-2020) - LPSAZ

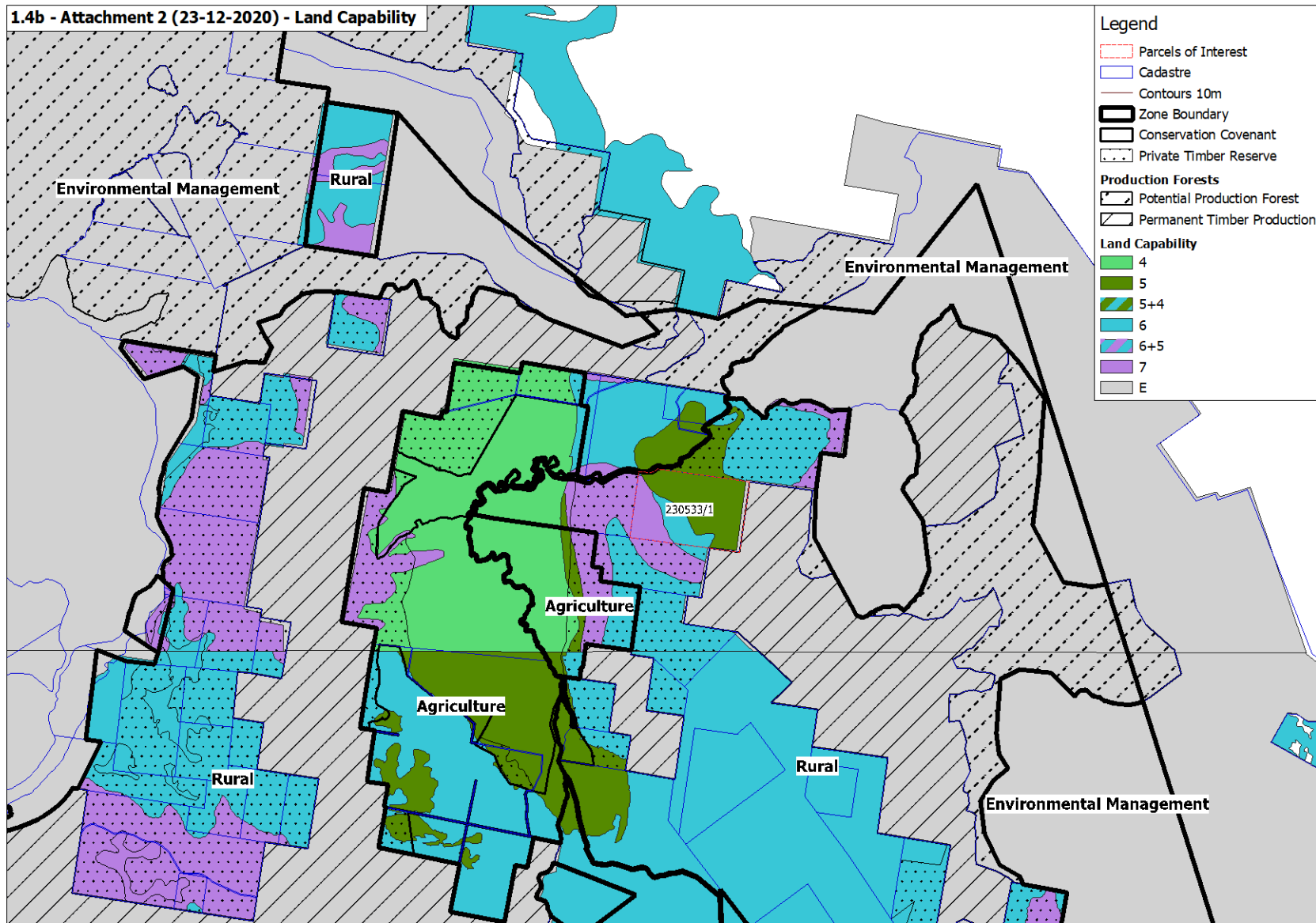




1.4b - Attachment 2 (23-12-2020) - Imagery

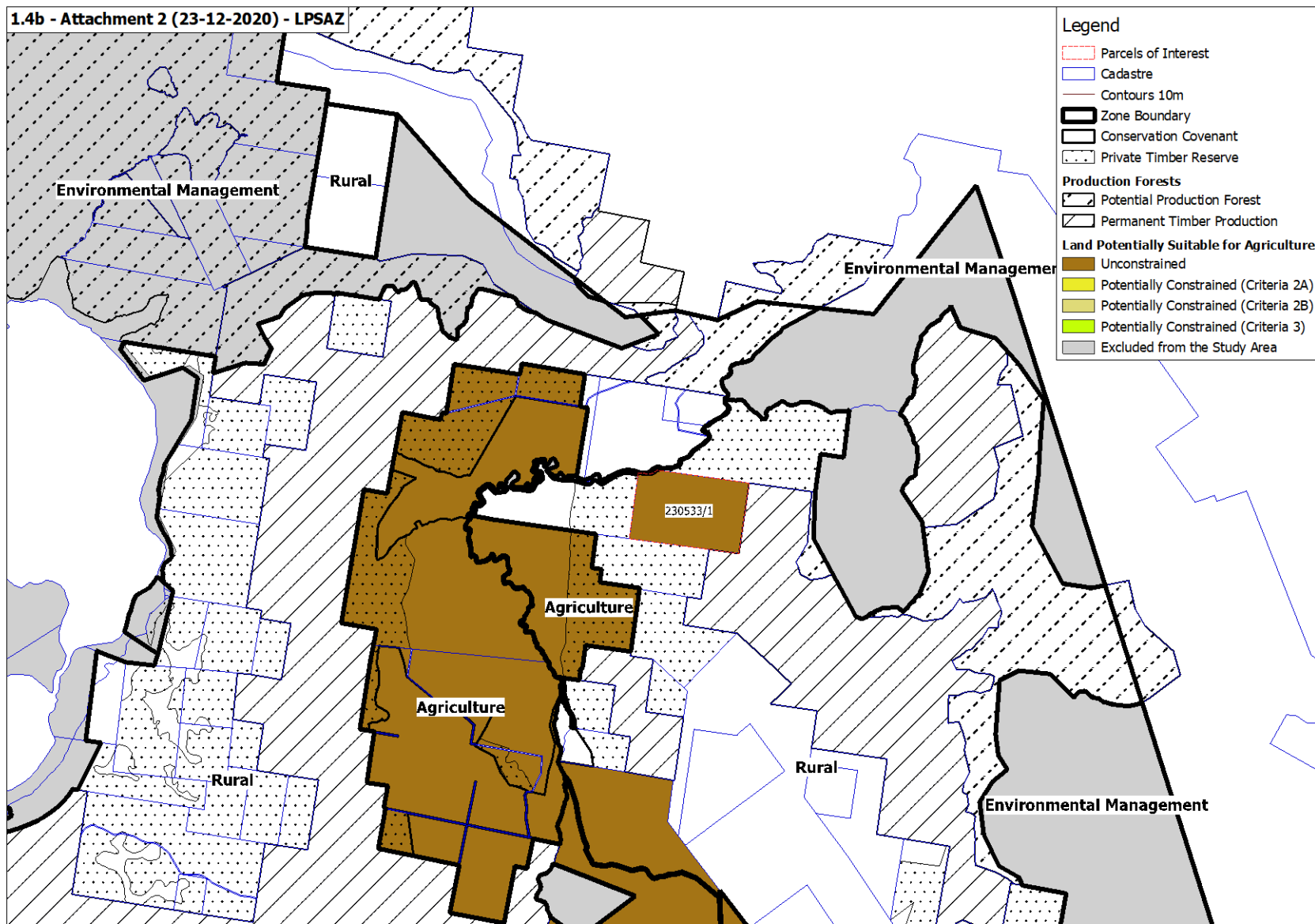


1.4b - Attachment 2 (23-12-2020) - Land Capability



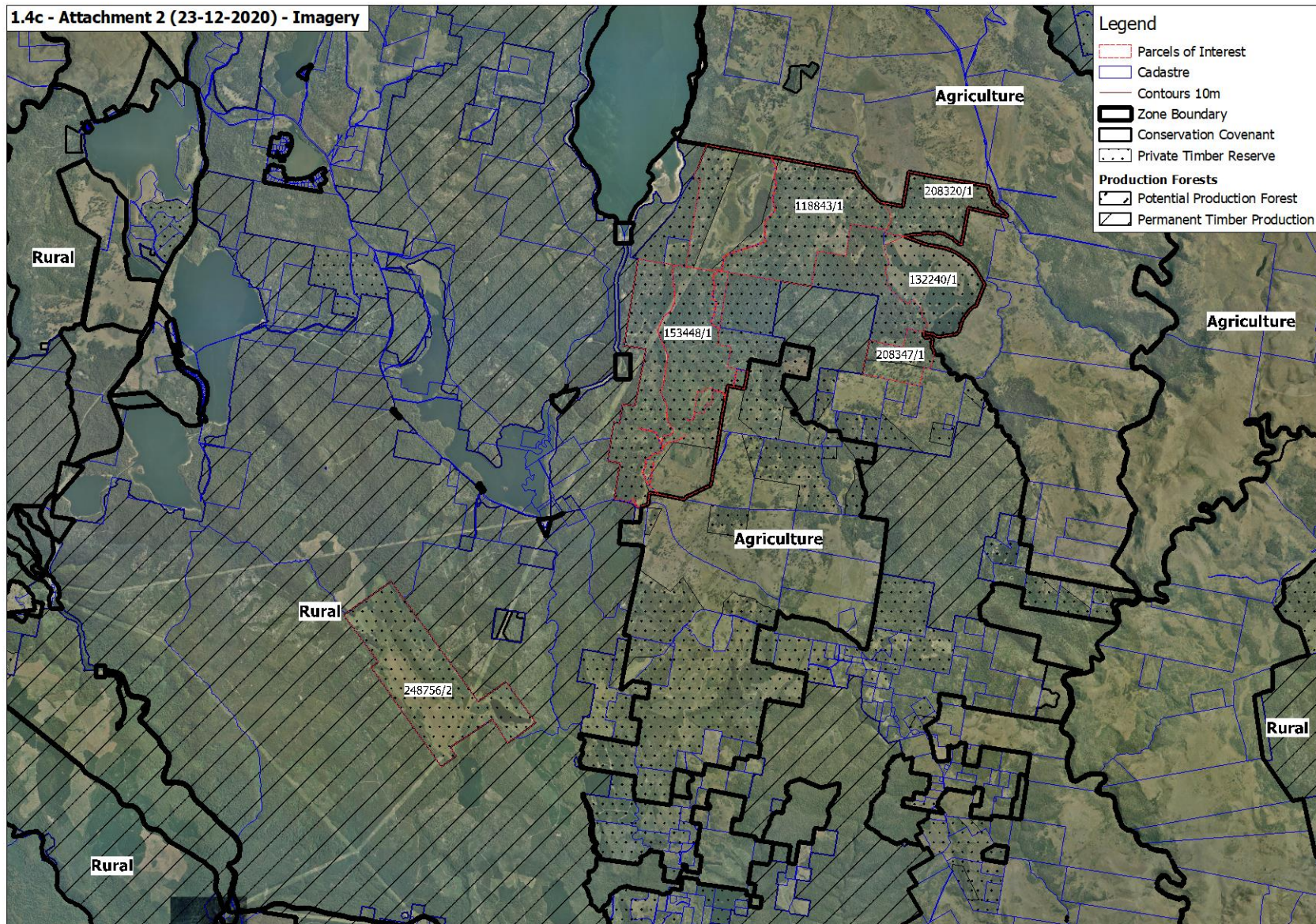


1.4b - Attachment 2 (23-12-2020) - LPSAZ



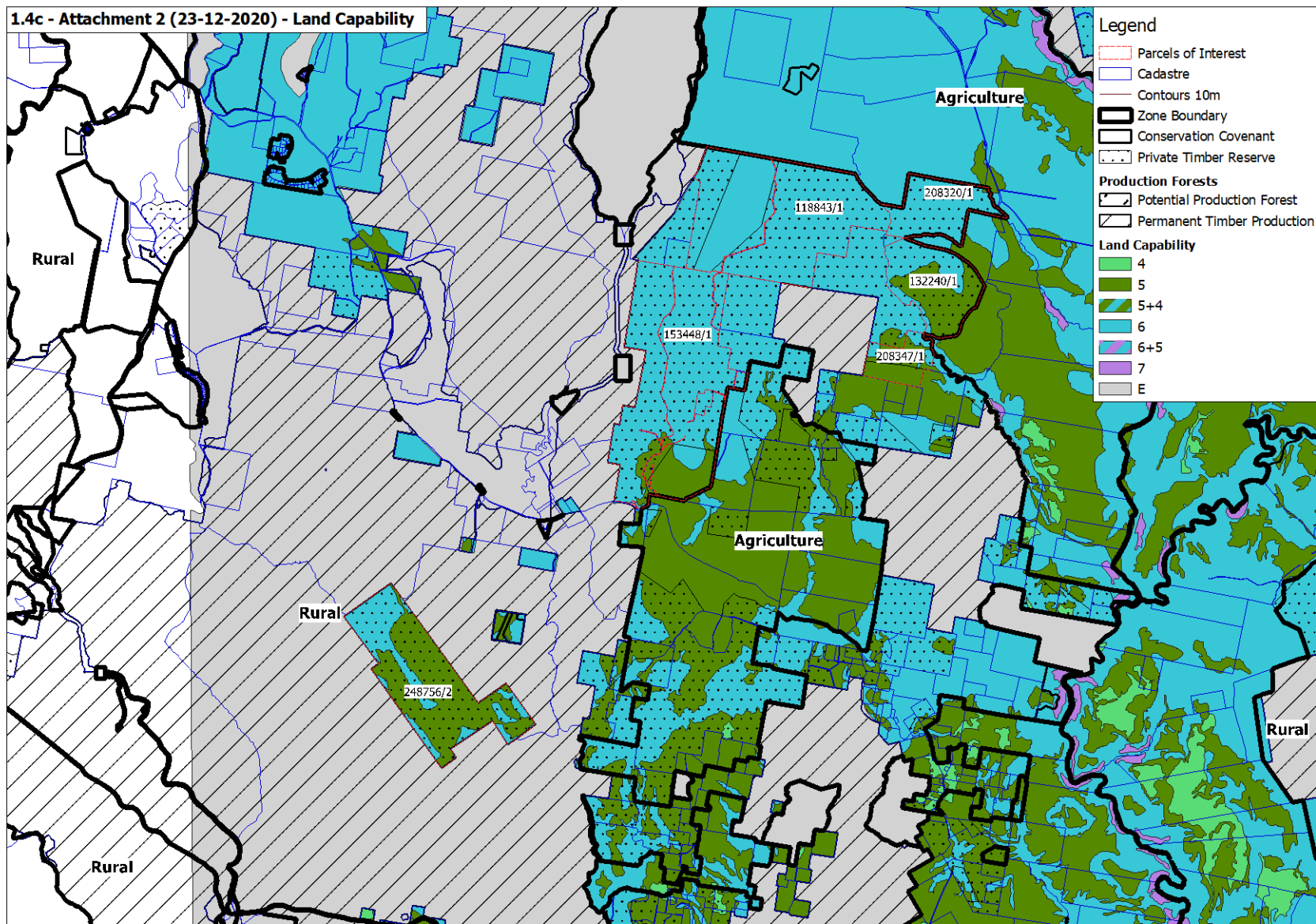


1.4c - Attachment 2 (23-12-2020) - Imagery

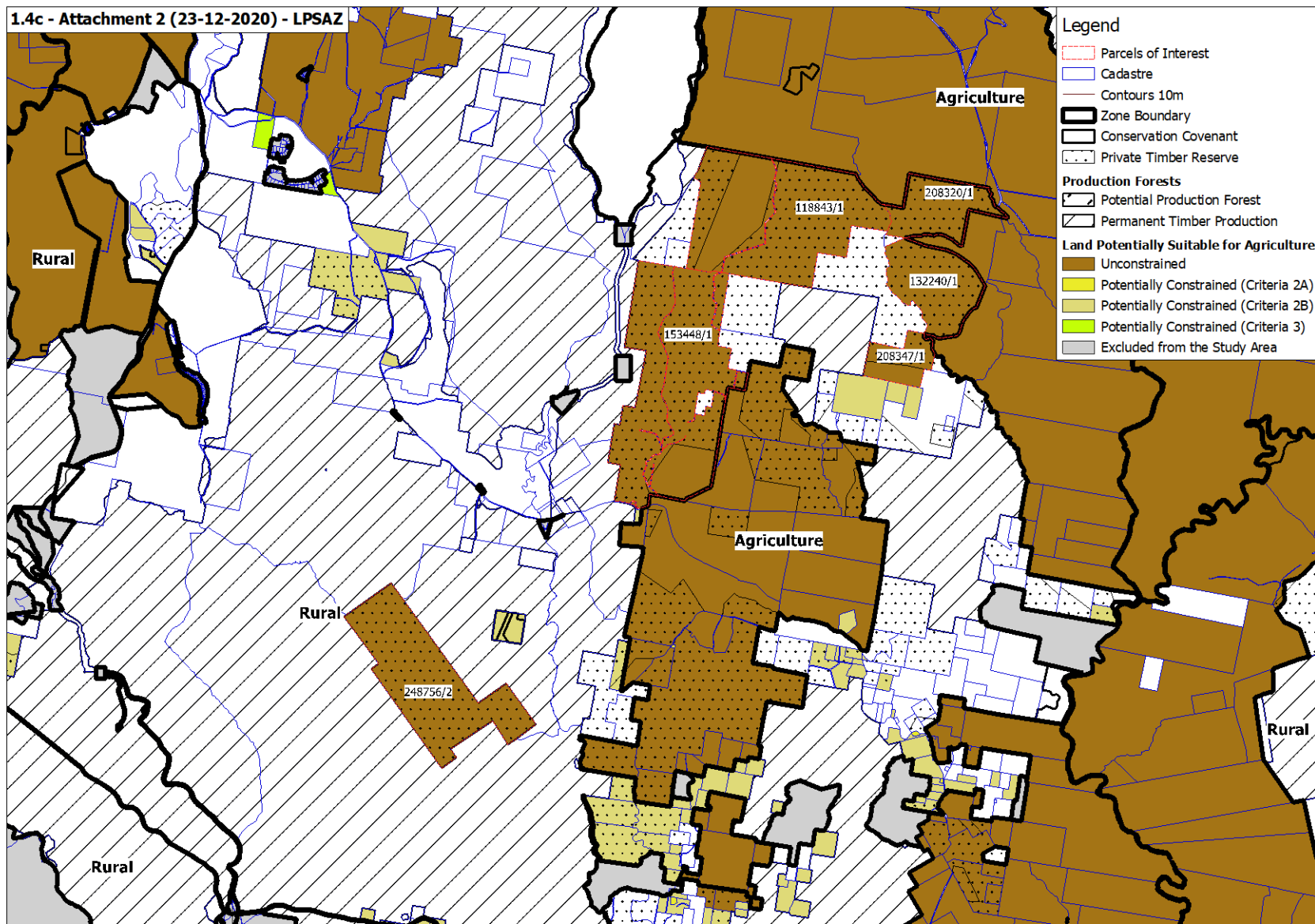




1.4c - Attachment 2 (23-12-2020) - Land Capability

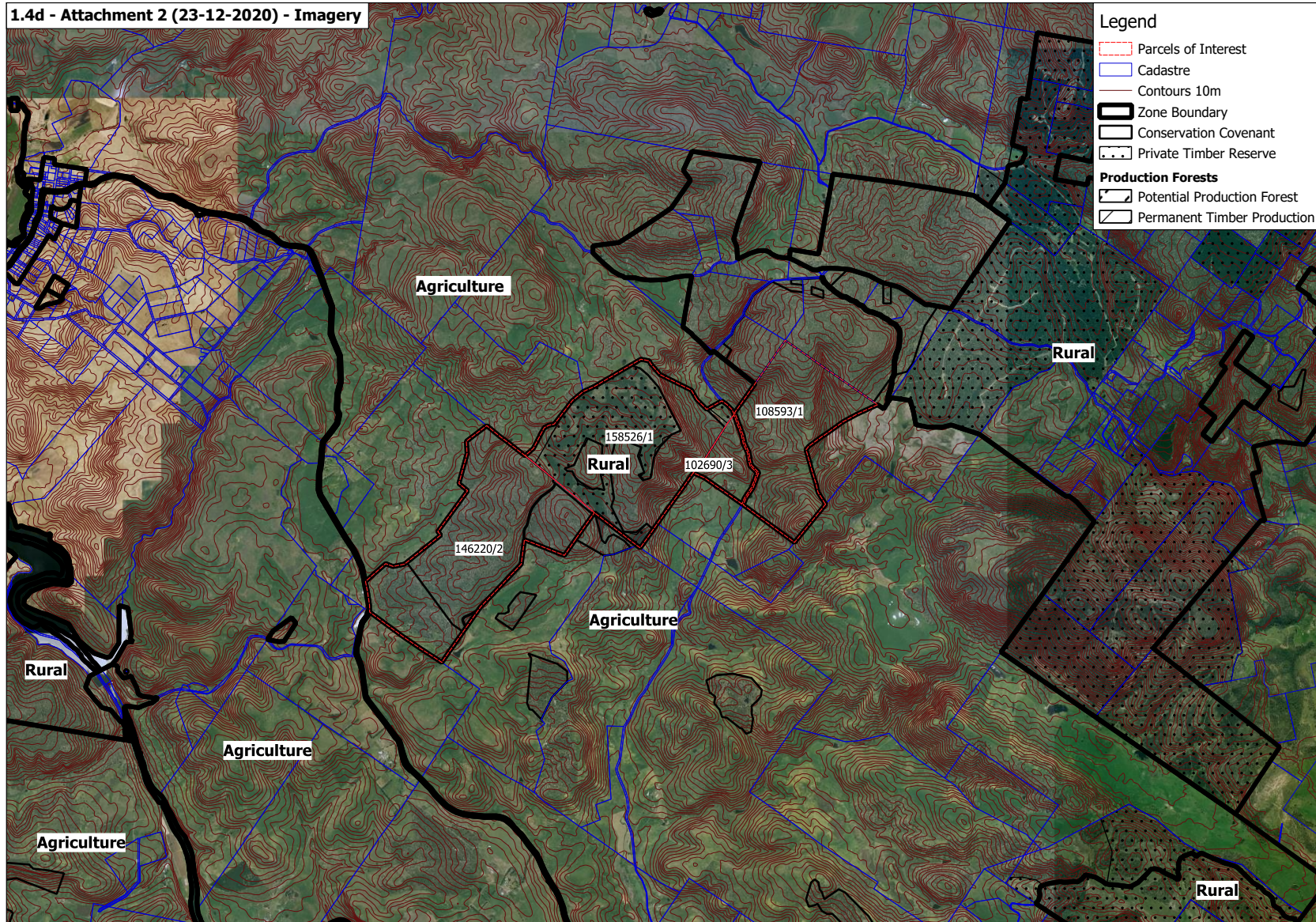


1.4c - Attachment 2 (23-12-2020) - LPSAZ



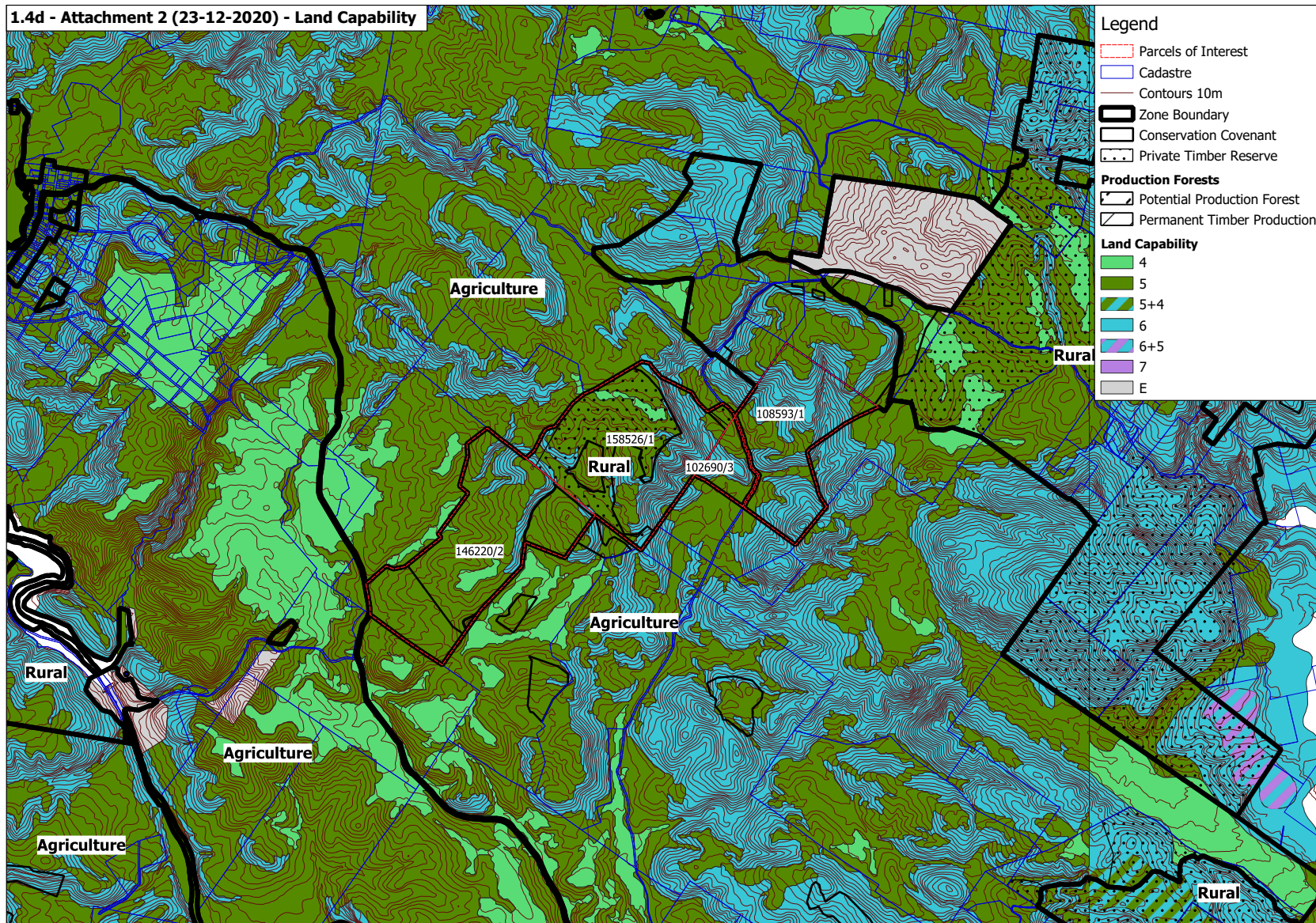


1.4d - Attachment 2 (23-12-2020) - Imagery



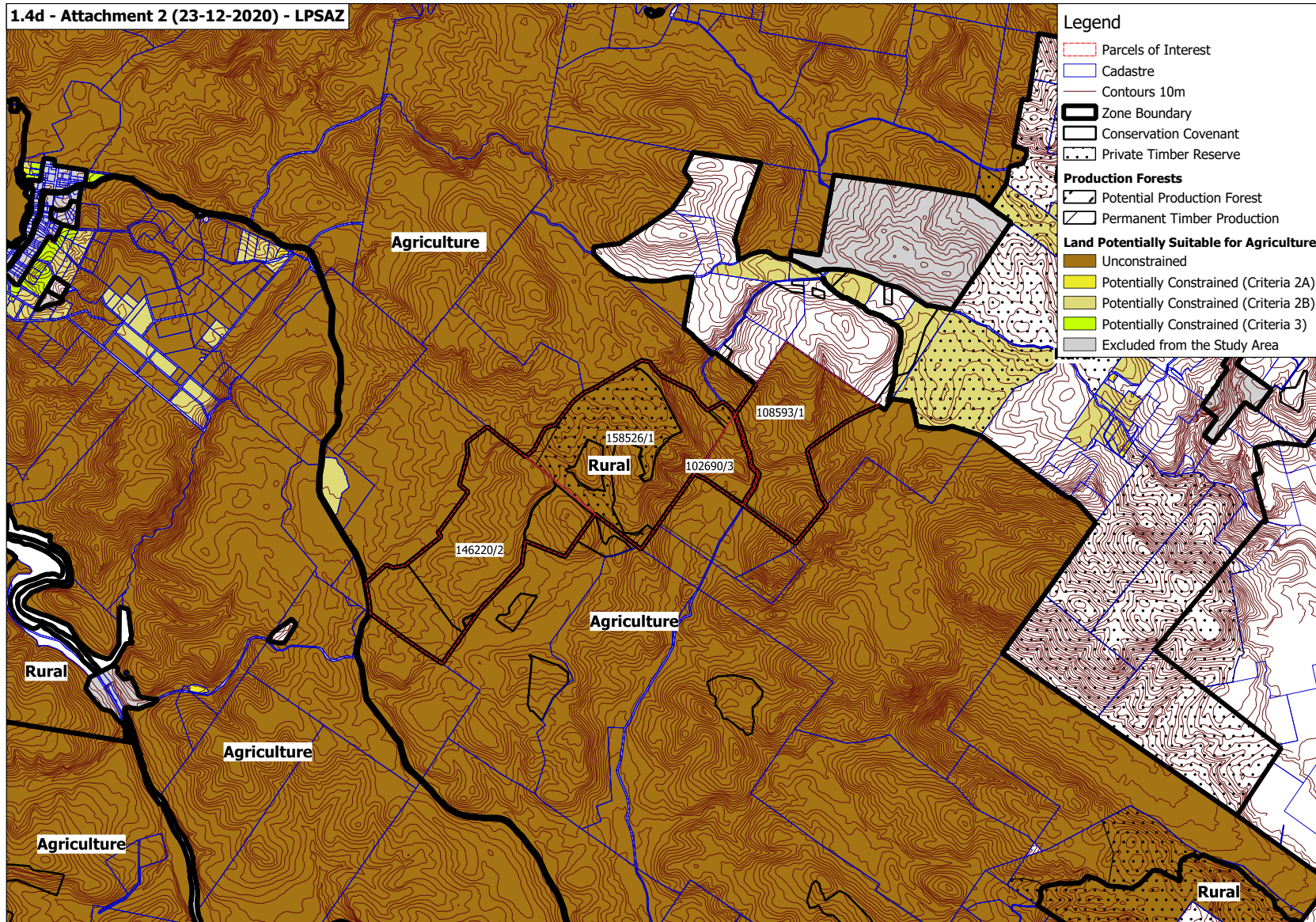


1.4d - Attachment 2 (23-12-2020) - Land Capability





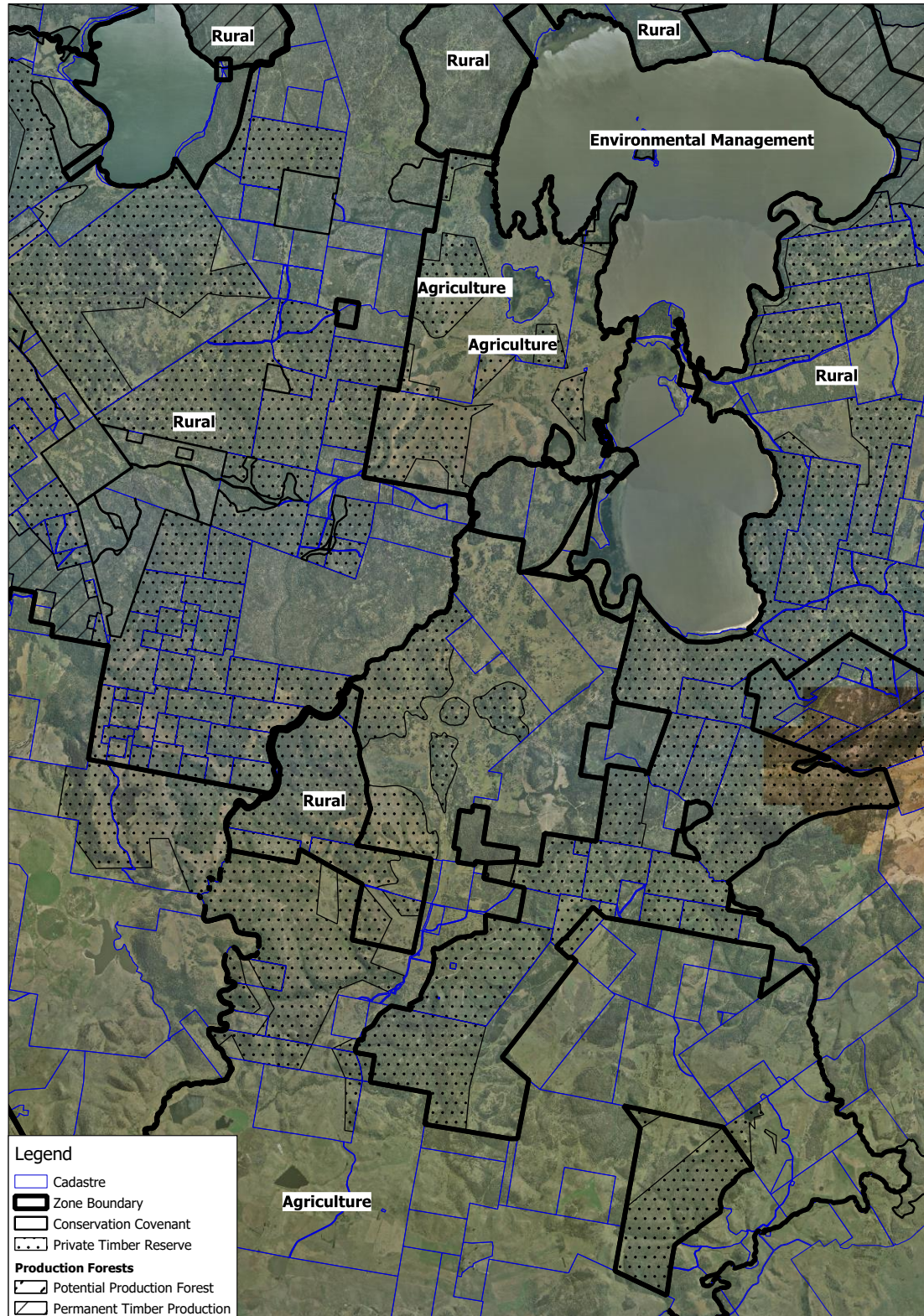
1.4d - Attachment 2 (23-12-2020) - LPSAZ

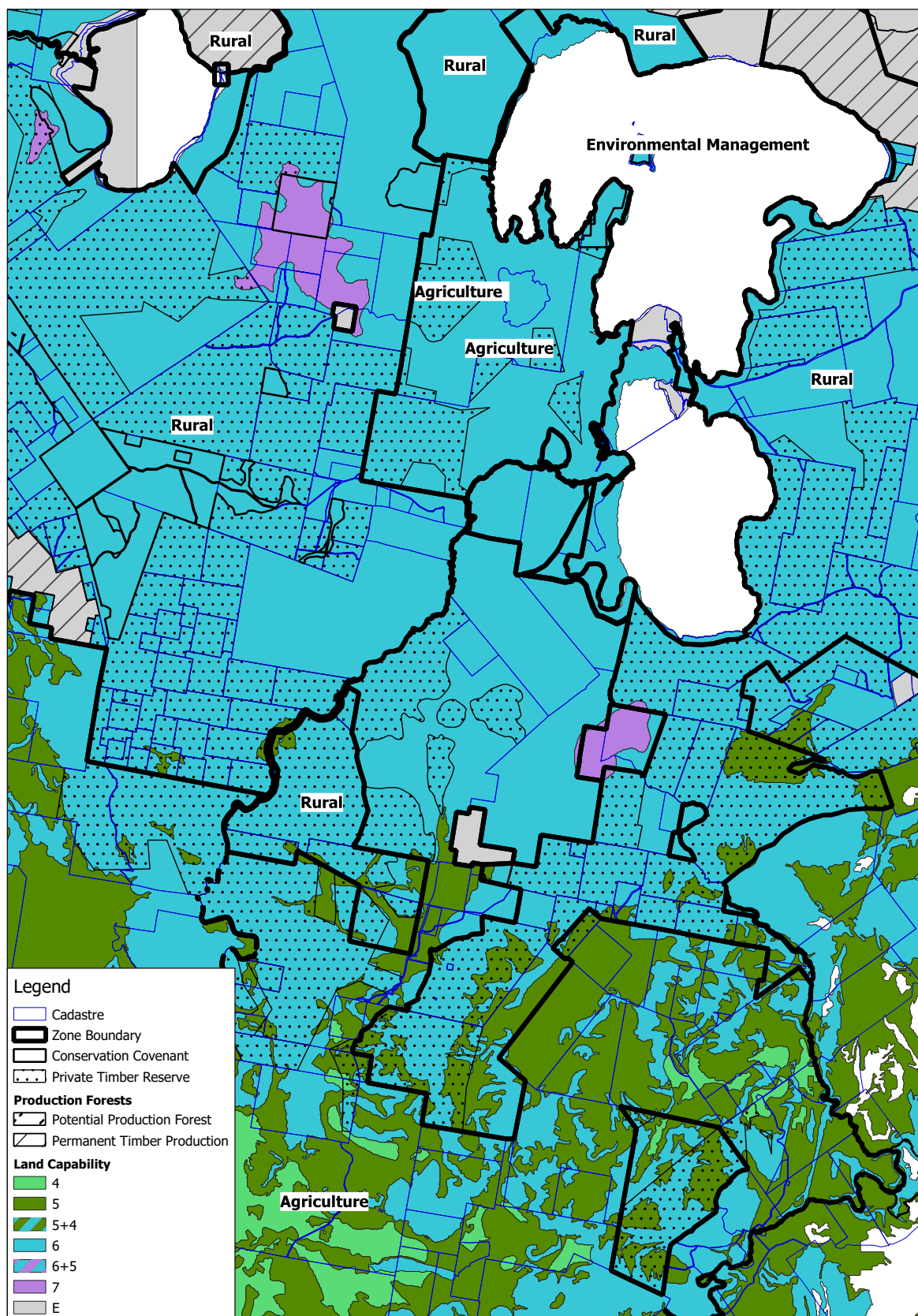




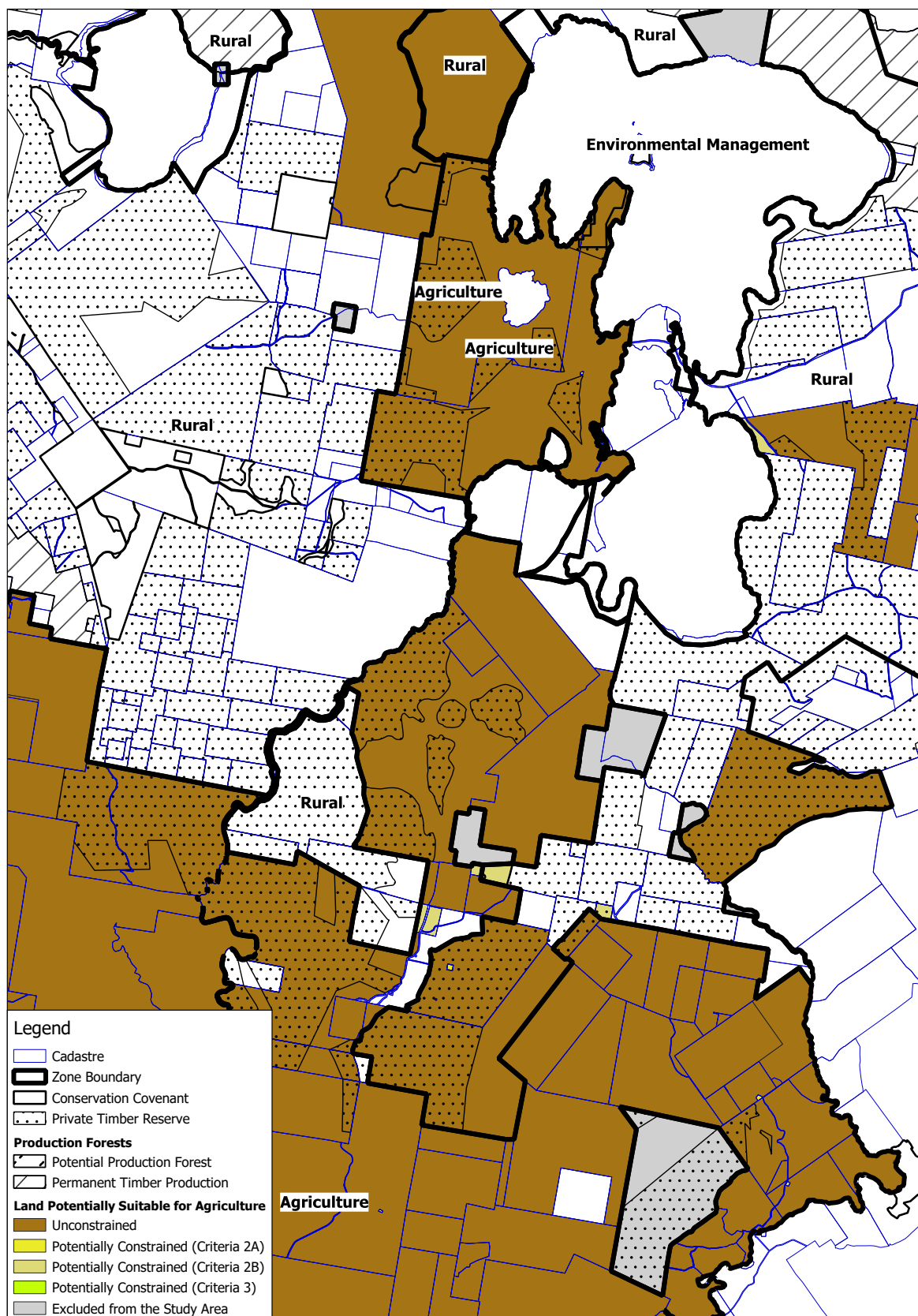
## INTERLAKEN AREA

This area has not been raised by the Tasmanian Planning Commission, but by Council's planning consultant Damian Mackey. Currently, some areas are proposed to be zoned Agriculture, but this needs to be questioned.











***Discussion Paper 4: Lake Meadowbank Specific Area Plan  
Draft Central Highlands Local Provisions Schedule.***

**TO** Central Highlands Council Planning Committee

**AUTHOR** Planning Consultant (SMC) Damian Mackey

**DATE** 3 March 2021

**Liaison with Interested Parties.**

In its correspondence of 23 December 2020 the TPC requested that Council liaise with interested parties involved in Lake Meadowbank:

- Hydro Tasmania.
- TasWater
- The Aboriginal Heritage Council
- Marine and Safety Tasmania
- The Lake Meadowbank Water Ski Club

Contact has been made with all of these parties and meetings have been held. Representatives from the Ski Club provided a tour of their facilities and of the lake.

As of 3 March written feedback had not yet been obtained from most of the parties, although it is imminent. Any such feedback received prior to the Planning Committee meeting will be provided and discussed.

**Justification for the SAP under Section 32(4) of the Act.**

In its July 2020 correspondence the TPC sought further explanation on how the SAP meets Section 32(4) of the Act and what Council's policies are behind the SAP. Section 32(4) sets out the reasons necessary to justify the existence of the SAP.

Council provided the TPC with extensive explanation regarding why it believes Section 32(4) of the Act has been met and has detailed its underlying policies supporting the SAP. As per Council's December 2020 resolution, these are:

1. *Lake Meadowbank is the premier water-skiing facility in Tasmania. Council wants to allow this recreation facility of state-wide strategic importance to expand, both on and off the water. This includes clubrooms and other shore-based facilities, water-edge facilities such as jetties, pontoons, boat ramps and on-water recreational infrastructure. For these reasons the SAP is necessary pursuant to Section 32(4)(a) of the Act.*
2. *These water-edge and on-water facilities, however, also need to be shared and consolidated so that the current unsystematic proliferation trend is halted and potentially reversed. For this reason, the SAP is necessary pursuant to Section 32(4)(b) of the Act.*
3. *As the lake's status as the State's premier water-skiing location grows, more accommodation will need to be allowed around the lake, over a range of modes including camping, caravans and holiday cabins. This needs clear siting criteria to ensure the lake's landscape values are*

*not destroyed by, for example, numerous buildings close to the water's edge. For this reason, the SAP is necessary pursuant to Section 32(4)(b) of the Act.*

- 4. Many operational Hydro lakes and have a degree of recreational use. The difference with Lake Meadowbank is the high degree of recreational use arising from its close proximity to greater Hobart, the specific nature of that use (predominantly; the State's premier water-skiing facility) and associated pressures for more accommodation / housing / camping and aquatic structures. A SAP is required to do this. For this reason, the SAP is necessary pursuant to Section 32(4)(a) of the Act.*
- 5. This high-level of specific water-based recreational activities and development pressures pose particular management challenges for Hydro Tasmania, over and above that which exist for other lakes where water-based recreation occurs. Development applications for sites close to the foreshore should be referred to Hydro Tasmania for comment. For this reason, the SAP is necessary pursuant to Section 32(4)(b) of the Act.*
- 6. The agricultural value of the land is not highly significant, whilst the economic and social values of the lake as the State's premier water-skiing facility are highly significant. The scheme provisions should lean in favour of the recreational use within the SAP area. The SAP is necessary to do this.*
- 7. The land around the lake contains highly significant Aboriginal heritage sites. Development applications involving buildings and works should be referred to AHT for comment. The SAP is necessary to do this. For this reason, the SAP is necessary pursuant to Section 32(4)(a) of the Act.*
- 8. The Landscape Conservation Zone is not used in the Central Highlands LPS and, in any case, would not suit this special area. The proposed SAP, in part, introduces some aspects of this zone. For this reason, the SAP is necessary pursuant to Section 32(4)(b) of the Act.*

In its 23 December 2020 correspondence the TPC did not provided any comment on these reasons, either negative or positive, and simply asked "how the SAP meets 32(4) of the Act".

In its 13 January 2021 correspondence Council again sought comment from the TPC as to its assessment of the above reasons with respect to Section 32(4) of the Act.

However, in its 27 January 2021 reply the TPC did not provided any assessment of these points, instead referring Council to a guidelines document. Whilst this is marginally helpful, it still leaves Council without any particular guidance on the points it has already provided.

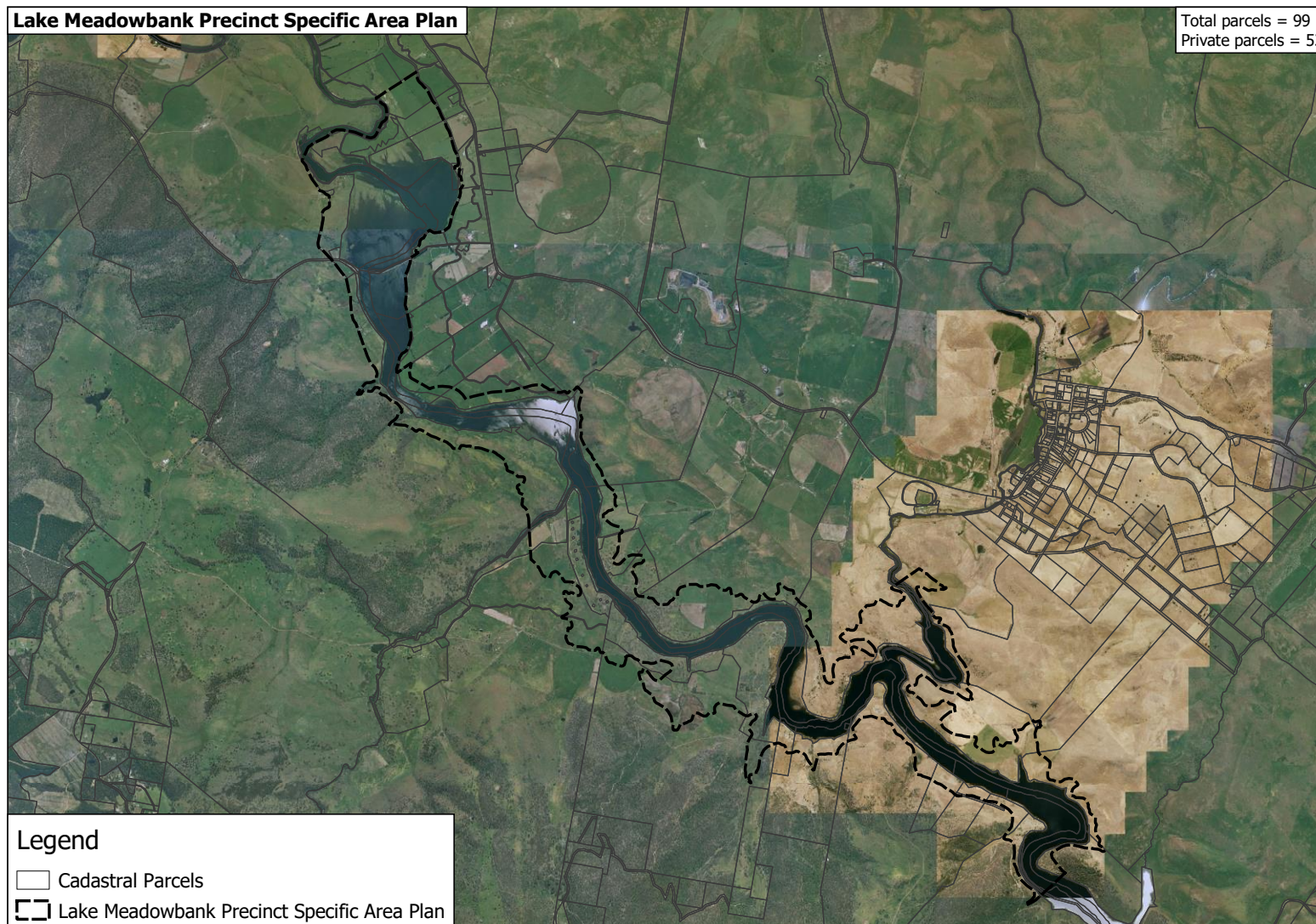
Further comment will be provided at the Planning Committee meeting.

### **Maps of the Area**

For Councillors' information, maps of the Specific Area Plan are provided below. The third map highlights some areas of small misalignment between the boundary of the SAP and property boundaries in the northern section which it appears were intended to align with. It is hoped the TPC will allow correction of these.

**Lake Meadowbank Precinct Specific Area Plan**

Total parcels = 99  
Private parcels = 53





**Lake Meadowbank Precinct Specific Area Plan**

Total parcels = 99  
Private parcels = 53

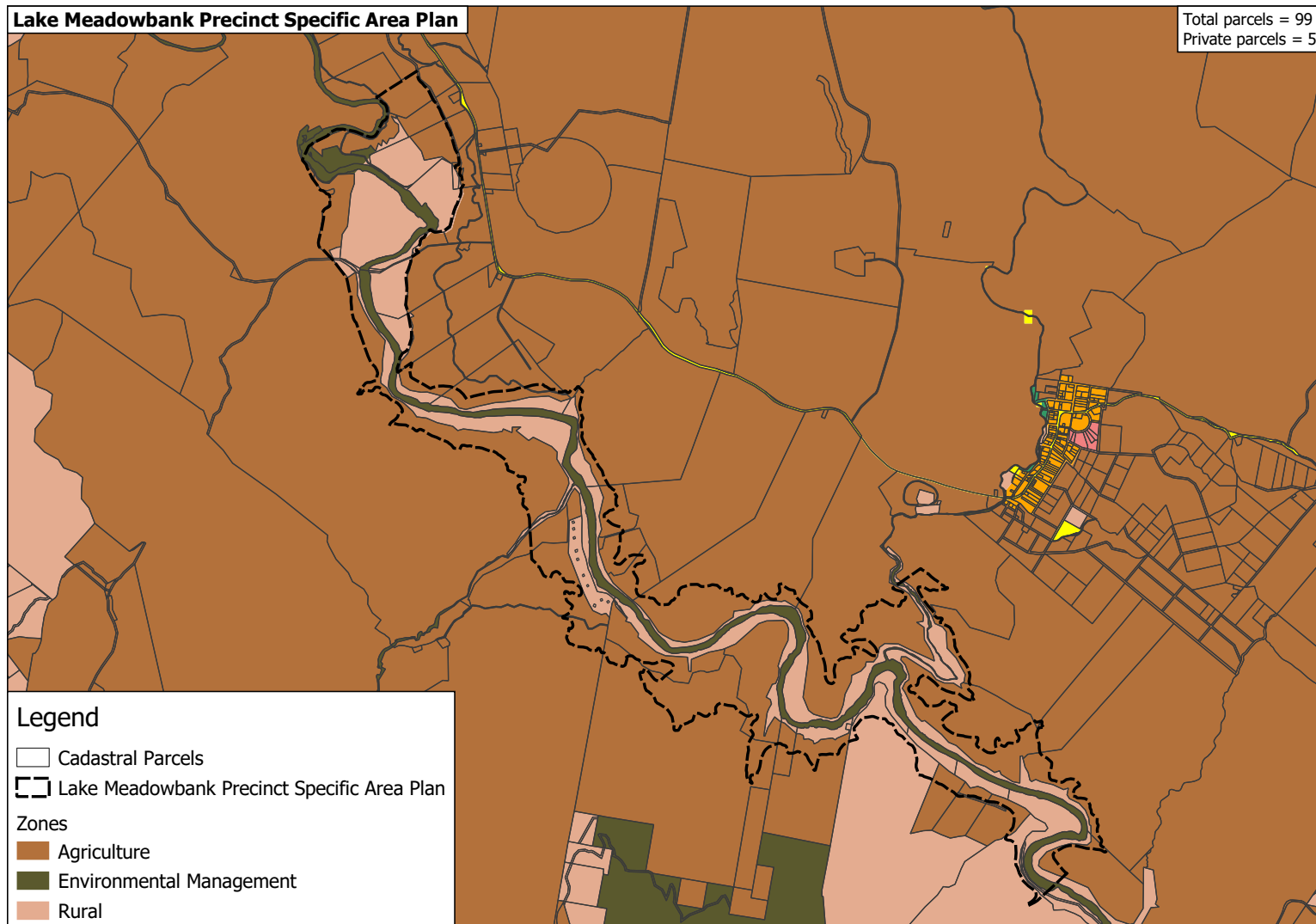
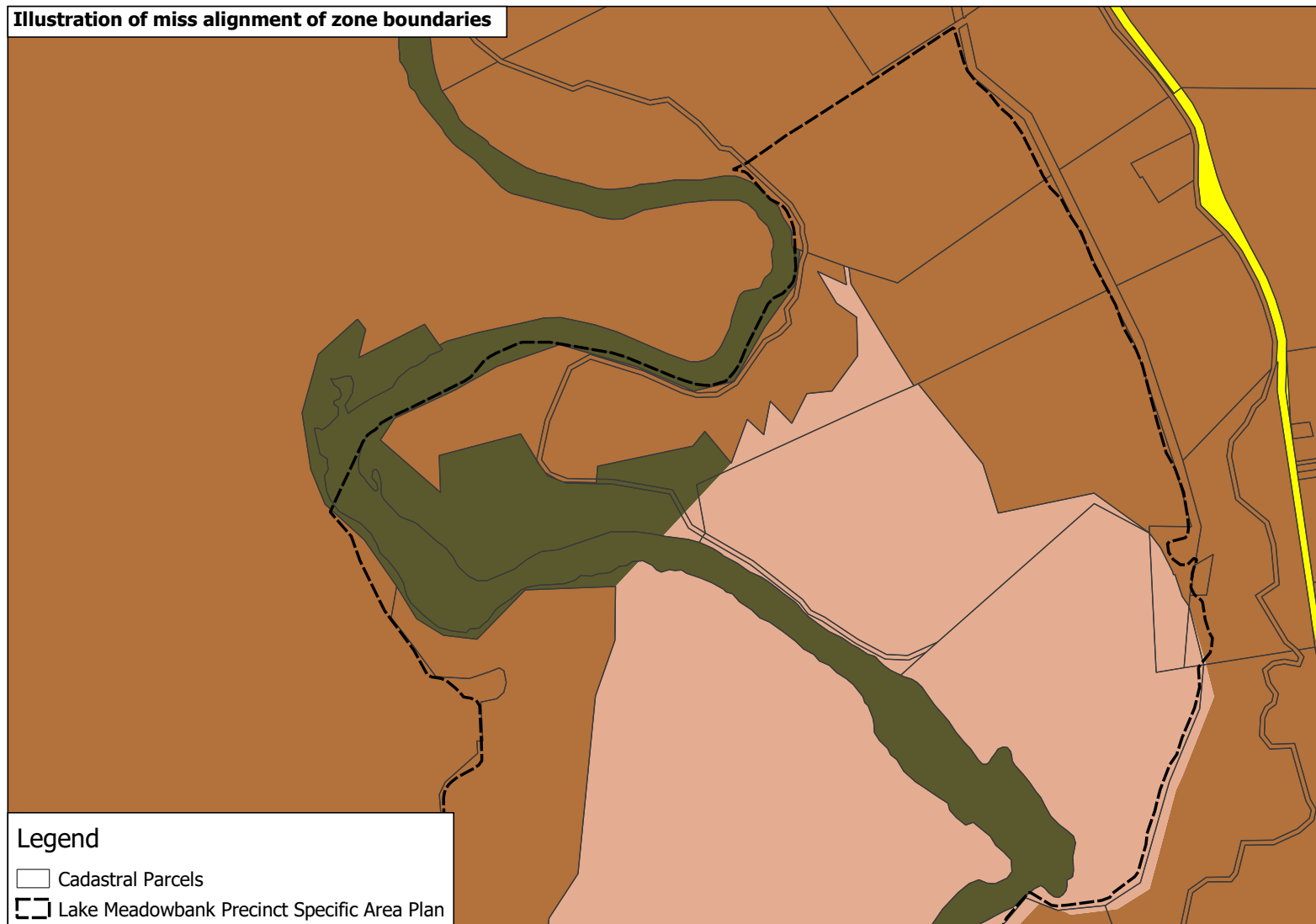


Illustration of miss alignment of zone boundaries



***Discussion Paper 5: Zoning of Land with Conservation Covenants***  
***Draft Central Highlands Local Provisions Schedule.***

**TO** Central Highlands Council Planning Committee

**AUTHOR** Planning Consultant (SMC) Damian Mackey

**DATE** 3 March 2021

**Council's Policy Position:**

Council's policy position on this matter was articulated in Section 2.1 of its 31 October 2020 response to the TPC. This is:

*Council's policy is that the existence of a conservation covenant does not warrant a change of zone from Rural or Agriculture to the Environmental Management Zone. The reasons for this are:*

- Many covenants are temporary. Once they expire, it should not be necessary for a landowner to seek a rezoning to regain agricultural and rural land-use options.*
- At the time of entering into these covenants, many landowners were assured by the State that doing so would not result in their land being zoned to Environmental Management.*
- Council is not willing to impose what would be, in many cases, highly adversarial rezoning on landowners.*
- The adversarial imposition of the Environmental Management Zone on covenanted land would result in significantly fewer covenants being entered into by landowners in the future. This would have a substantial detrimental impact on overall conservation goals.*
- Many covenants permit continuation of some agricultural activities, such as grazing.*
- The Environmental Management Zone is primarily intended for publicly owned reserved land, and only intended to be applied to private land which contains significant values identified for protection or conservation and where the intention is to limit use and development. The intention for any particular piece land post-covenant is not known to Council.*

*It is Council's intention to support the wishes of landowners who expresses a desire for their covenanted land to be zoned Environmental Management during the statutory exhibition of the LPS.*



## **The TPC's Position as of 23 December 2020:**

In its 23 December 2020 correspondence the TPC provided the following:

In Section 1.3 the TPC stated:

- 1.3 Change of zone from Rural Resource to Agriculture and Rural, for land with conservation covenants or a Private Timber Reserve (PTR) attached to the land:*

*The Commission accept the PA's reasoning, received 31 October 2020, for dealing with covenanted land in the Agriculture Zone. This reasoning needs to be included in the PA's supporting report.*

However, paradoxically, in Section 1.5 the TPC then stated:

- 1.5 PA to provide further clarification on the application of Rural and Agriculture Zones to land with conservation covenants attached to the land under the Nature Conservation Act 2002:*

*The delegates note the PA's response, received 31 October 2020, in relation to the areas listed below:*

*"Refer to response to Section 2.1, above, in regard to land with conservation covenants."*

*Noting Council's response, could the PA provide specific justification for each of the following areas:*

- Lake Echo and Macclesfield Road, Waddamana area (large land holdings such as Bashan+Kluan)*
- Ellendale and Meadowbank areas ( FR 172188/1, FR 168233/3, FR 168233/3, FR 173269/2, FR 37631/2, FR 36399/1, FR 18933/2, FR 163541/1, FR 248137/1, FR 247172/1)*
- Highland Lakes Road, Bothwell area ( FR 112768/1, FR 240372/1, FR 116777/4, FR 116778/5)*
- Interlaken Road, Steppes area (multiple titles including FR 122878/1, FR 156999/1, FR 36492/1)*
- Marked Tree Road, Hamilton area (FR 206786/1, FR 166564/1, FR 166564/2, FR 166564/3, FR 166563/1, FR 166563/2, FR 166563/3)*
- Lyell Highway, Gretna area (FR 146220/3, FR 146220/2, FR 146220/3, FR 158526/1)*
- Bronte Park (FR 241850/1 and FR 243948/1)*

## **Proposed Council Response:**

It is proposed that Council advise the TPC that:

Council's policy position on this matter does not change from one property to another. Therefore, in Council's view, specific justification for individual properties is not warranted. If it is the State Government's policy that land with Conservation Covenants should be zoned Environmental Management, then the State Government should articulate this and mandate such zoning in Local Provisions Schedules.