

# AGENDA ATTACHMENTS

20<sup>TH</sup> AUGUST 2019

ORDINARY COUNCIL MEETING  
BOTHWELL COUNCIL CHAMBERS

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# Central Highlands Council

## DRAFT Minutes – ORDINARY MEETING – 16<sup>th</sup> July 2019

**Draft Minutes of an Open Ordinary Meeting of Central Highlands Council held at Hamilton Council Chambers, on Tuesday 16<sup>th</sup> July 2019, commencing at 9am.**

### 1.0 OPENING

The Mayor advises the meeting and members of the public that Council Meetings, not including Closed Sessions, are audio recorded and published on Council's Website.

Mayor L Triffitt opened the meeting at 9.00am.

### 2.0 PRESENT

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A Bailey, Clr S Bowden, Clr R Cassidy, Clr J Honner, Clr J Poore, Mrs Lyn Eyles (General Manager), Mr Adam Wilson (Deputy General Manager, arrived at 10.15am) and Mrs Michaela Herbert (Minutes Secretary).

### 3.0 APOLOGIES

Clr A Campbell (leave of absence)

### 4.0 PECUNIARY INTEREST DECLARATIONS

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

Clr J Poore – Item 16.12 CENTRAL HIGHLANDS VISITORS INFORMATION CENTRE

Clr A Archer – Item 16.17 USE OF COUNCIL CHAMBERS MEETING ROOMS

Clr S Bowden - Item 16.17 USE OF COUNCIL CHAMBERS MEETING ROOMS

### 5.0 CLOSED SESSION OF THE MEETING

Regulation 15 (1) of the *Local Government (Meeting Procedures) Regulations 2015* states that at a meeting, a council by absolute majority, or a council committee by simple majority, may close a part of the meeting to the public for a reason specified in sub-regulation (2).

As per *Regulation 15 (1) of the Local Government (Meeting Procedures) Regulations 2015*, this motion requires an absolute majority

**Moved:** Clr J Honner

**Seconded:** Clr R Cassidy

**THAT** pursuant to *Regulation 15 (1) of the Local Government (Meeting Procedures) Regulations 2015*, Council, by absolute majority, close the meeting to the public to consider the following matters in Closed Session

Item Number	Matter	<i>Local Government (Meeting Procedures) Regulations 2015</i>
1	Confirmation of the Closed Session Minutes of the Meeting held on 18 June 2019	15 (2)(g) – information of a personal and confidential nature or information provided to Council on the condition it is kept confidential
2	Legal Update on Matters	Regulation 15 (4)(a) A Council or Committee may close

		part of a meeting when it is acting or considering as referred to in subregulation (3) if it is to consider any matter relating to (a) legal action taken by, or involving, the council
3	Confidential Report from the General Manager	15 (2)(g) – information of a personal and confidential nature or information provided to Council on the condition it is kept confidential
4	Consideration of Matters for Disclosure to the Public	Regulation 15 (8) - While in a closed meeting, the Council, or Council Committee, is to consider whether any discussions, decisions, reports or documents relating to that closed meeting are to be kept confidential or released to the public, taking into account privacy and confidentiality issues

**CARRIED BY ABSOLUTE MAJORITY**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A Bailey, Clr S Bowden, Clr R Cassidy, Clr J Honner and Clr J Poore.

*Mrs Michaela Herbert left the meeting at 9.03am.*

**5.1 MOTION OUT OF CLOSED SESSION**

**Moved:** Clr A Bailey

**Seconded:** Deputy Mayor J Allwright

**THAT** the Council:

- (1) Having met and dealt with its business formally move out of the closed session; and
- (2) Resolved to report that it has determined the following:

Item Number	Matter	Outcome
1.	Confirmation of the Closed Session Minutes of the Meeting held on 18 June 2019	Minutes were confirmed
2.	Legal Update on Matters	Council noted the update provided
3.	Confidential Report from the General Manager	Council noted the contents of the report and the Mayor is to disseminate information regarding advice received from Huon Regional Care that they will not be renewing their contract to provide medical services at Bothwell
4.	Consideration of Matters for Disclosure to the Public	Matters were considered

**CARRIED BY ABSOLUTE MAJORITY**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A Bailey, Clr S Bowden, Clr R Cassidy, Clr J Honner and Clr J Poore.

**OPEN MEETING TO PUBLIC**

The meeting opened to the public at 10.00am.

*Mrs Michaela Herbert returned to the meeting 10.00am.*

## 6.0 DEPUTATIONS

10.00 – 10.15 Rob Clark – Westerway Community Hall Group (will now be attending the August Council Meeting)

*Clr A Archer left the meeting at 10.03am.*

## 6.1 PUBLIC QUESTION TIME

NIL

## 7.0 MAYORAL COMMITMENTS

12 <sup>th</sup> June 2019	Business of Council
13 <sup>th</sup> June 2019	Independent Living Unit Committee Meeting Meeting with Ratepayers x 6 Telephone meeting with the Hon Rebecca White- Opposition Leader Telephone Meeting with West Tamar Council Mayor
14 <sup>th</sup> June 2019	Westerway Hall Meeting
15 <sup>th</sup> June 2019	Business of Council
16 <sup>th</sup> June 2019	Business of Council
17 <sup>th</sup> June 2019	Business of Council
18 <sup>th</sup> June 2019	Ordinary Council Meeting- Bothwell Meeting with Bothwell Anglers Association
19 <sup>th</sup> June 2019	Meeting with Ms Elaine Herlihy regarding the Hamilton Street Library Meeting with the General Manager
20 <sup>th</sup> June 2019	Health Meeting
21 <sup>st</sup> June 2019	Great Lake Community Centre Meeting
24 <sup>th</sup> -28 <sup>th</sup> June 2019	Wild Drake Appeal Hobart
1 <sup>st</sup> July 2019	Business of Council
2 <sup>nd</sup> July	Fire Unit take over with the General Manager, West Tamar Mayor and Deputy Mayor
3 <sup>rd</sup> July- 5 <sup>th</sup> July 2019	LGAT Conference
5 <sup>th</sup> July 2019	SOS Church Meeting – Hobart
6 <sup>th</sup> July 2019	Business of Council re ratepayer
8 <sup>th</sup> July 2019	Mayors Monday ABC Interview Business of Council
9 <sup>th</sup> July 2019	Business of Council
15 <sup>th</sup> July 2019	Business of Council
16 <sup>th</sup> July 2019	Ordinary Meeting of Council – Hamilton

## NOTED

## 7.1 COUNCILLOR COMMITMENTS

### Deputy Mayor J Allwright

18 <sup>th</sup> June 2019	Ordinary Council Meeting – Bothwell
9 <sup>th</sup> July 2019	Planning Committee Meeting Planning Scheme Workshop

### Clr R Cassidy

18 <sup>th</sup> June 2019	Ordinary Council Meeting – Bothwell
2 <sup>nd</sup> July 2019	Provide photographic support for West Tamar Council and Central Highlands Council – Bothwell
9 <sup>th</sup> July 2019	Planning Committee Planning Scheme Workshop

**Clr S Bowden**18<sup>th</sup> June 20199<sup>th</sup> July 2019

Ordinary Council Meeting – Bothwell  
 Planning Committee Meeting – Bothwell  
 Planning Scheme Workshop – Bothwell

**Clr J Honner**18<sup>th</sup> June 201919<sup>th</sup> June 20199<sup>th</sup> July 2019

Ordinary Council Meeting  
 Bothwell Football Club & Community Centre Management Committee Meeting  
 Planning Scheme Workshop

**NOTED****7.2 GENERAL MANAGER'S COMMITMENTS**18<sup>th</sup> June 201919<sup>th</sup> June 201920<sup>th</sup> June 201921<sup>st</sup> June 201924<sup>th</sup>-28<sup>th</sup> June 20192<sup>nd</sup> July 20193<sup>rd</sup>-5<sup>th</sup> July 20199<sup>th</sup> July 201910<sup>th</sup> July 2019

Council Meeting  
 Meeting with Mayor & Mrs Elaine Herlihy  
 Community Health & Wellbeing Meeting  
 Great Lake Community Centre Meeting  
 Wild Drake Appeal Hobart  
 Photoshoot re donation from West Tamar Council  
 LGAT Annual Conference  
 Planning Committee Meeting  
 Planning Scheme Workshop  
 Meeting CBA

**NOTED****7.3 DEPUTY GENERAL MANAGER'S COMMITMENTS**19<sup>th</sup> June 201920<sup>th</sup> June 201928<sup>th</sup> June 20193<sup>rd</sup> July 201916<sup>th</sup> July 2019

Southern Region Social Recovery Committee Meeting  
 Bothwell Football Club & Community Centre Meeting  
 Community Health & Wellbeing Plan - working group meeting  
 LGAT Health and Wellbeing Forum  
 MAV Insurance Best Practice Forum  
 Council Meeting

**NOTED****8.0 NOTIFICATION OF COUNCIL WORKSHOPS HELD**

Planning Scheme Workshop – 9<sup>th</sup> July 2019 held at the Bothwell Council Chambers

**NOTED****8.1 FUTURE WORKSHOPS**

Council Workshop – Information Session for Councillors on the Statutory Review of the Aboriginal Heritage Act (13<sup>th</sup> August 2019, after the Planning Committee Meeting).

Planning Scheme Workshop – Thursday 25<sup>th</sup> of July 9.30am to be held at the Bothwell Council Chambers.

*Clr A Archer returned to the meeting 10.05am.*

## 9.0 MAYORAL ANNOUNCEMENTS

The Mayor advised that the Hamilton Street Library that has been proudly planned by Ms Elaine Herlihy and constructed by the Men's Shed has now been put up and there will be an opening on the 26<sup>th</sup> July at 10.30am.

The handover of firefighting units took place on the 2<sup>nd</sup> of July at the Bothwell Council Chambers with the West Tamar Mayor Christina Holmdahl.

## 10.0 MINUTES

### 10.1 RECEIVAL DRAFT MINUTES ORDINARY MEETING

**Moved:** Clr A Bailey

**Seconded:** Clr J Honner

**THAT** the Draft Minutes of the Open Council Meeting of Council held on Tuesday 18<sup>th</sup> June 2019 be received.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A Bailey, Clr S Bowden, Clr R Cassidy, Clr J Honner and Clr J Poore.

### 10.2 CONFIRMATION OF MINUTES ORDINARY MEETING

**Moved:** Clr J Honner

**Seconded:** Clr R Cassidy

**THAT** the Minutes of the Open Council Meeting of Council held on Tuesday 18<sup>th</sup> June 2019 be confirmed.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A Bailey, Clr S Bowden, Clr R Cassidy, Clr J Honner and Clr J Poore.

### 10.3 RECEIVAL DRAFT OF MINUTES BOTHWELL FOOTBALL CLUB & COMMUNITY CENTRE MANAGEMENT COMMITTEE MEETING

**Moved:** Clr J Honner

**Seconded:** Clr J Poore

**THAT** the Minutes of the Bothwell Football Club & Community Centre Management Committee Meeting held on Wednesday 19<sup>th</sup> June 2019 be received.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A Bailey, Clr S Bowden, Clr R Cassidy, Clr J Honner and Clr J Poore.

## 10.4 RECIEVAL DRAFT MINUTES PLANNING COMMITTEE MEETING

**Moved:** Clr J Poore

**Seconded:** Deputy Mayor J Allwright

**THAT** the Draft Minutes of the Planning Committee Meeting held on Tuesday 9<sup>th</sup> July 2019 be received.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A Bailey, Clr S Bowden, Clr R Cassidy, Clr J Honner and Clr J Poore.

## 11.0 BUSINESS ARISING

- 14.1 Correspondence sent to applicant by Development & Environmental Services
- 14.2 Correspondence sent to applicant by Development & Environmental Services
- 14.6 Correspondence sent to applicant by Development & Environmental Services
- 16.2 Signage ordered by Development & Environmental Services
- 16.4 Correspondence sent to applicant by General Manager
- 16.5 Correspondence sent to applicant by General Manager
- 16.8 Correspondence sent to applicant by General Manager
- 16.9 Correspondence sent to applicant by General Manager
- 16.10 Review Team contacted to determine proposed workshop date (Review Team available on the 30 July 2019) Review Team not available on the 6 August 2019.
- 16.11 Manager Development & Environmental Services to report to Council
- 16.12 Mayor and General Manager attended LGAT Annual General Meeting & General Meeting
- 16.15 Correspondence sent to Southern Tasmanian Councils Authority
- 16.16 Correspondence sent to Country Women's Association
- 16.17 Policy 2014-24 updated
- 16.18 Policy 2014-27 updated
- 16.19 Policy 2014-22 updated
- 16.20 Policy HR-020 revoked

**NOTED**

## 12.0 DERWENT CATCHMENT PROJECT REPORT

**Moved:** Deputy Mayor J Allwright

**Seconded:** Clr A Bailey

**THAT** the Derwent Catchment Project report be received.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A Bailey, Clr S Bowden, Clr R Cassidy, Clr J Honner and Clr J Poore.

### 13.0 FINANCE REPORT

**Moved:** Clr J Honner

**Seconded:** Clr J Poore

**THAT** the Finance Report be received.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A Bailey, Clr S Bowden, Clr R Cassidy, Clr J Honner and Clr J Poore.

**Moved:** Clr J Poore

**Seconded:** Deputy Mayor J Allwright

**THAT** Council's accountant David Doyle review the interest rates on investments and look at other opportunities of interest rates through other financial institution.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A Bailey, Clr S Bowden, Clr R Cassidy, Clr J Honner and Clr J Poore.

*Mr Adam Wilson (Deputy General Manager) entered the meeting at 10.15am.*

### MOVE TO 15.0 WORKS & SERVICES

**Moved:** Clr R Cassidy

**Seconded:** Clr J Honner

**THAT** Council move to Item 15.0 WORKS & SERVICES

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A Bailey, Clr S Bowden, Clr R Cassidy, Clr J Honner and Clr J Poore.

### 15.0 WORKS & SERVICES

**Moved:** Clr J Honner

**Seconded:** Clr A Bailey

**THAT** the Works & Services Report be received.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A Bailey, Clr S Bowden, Clr R Cassidy, Clr J Honner and Clr J Poore.

*Mr Jason Branch (Manager of Works & Services) entered the meeting at 10.18am.*



## 15.1 BRONTE LAGOON ROAD EXTENSIONS

**Moved:** Deputy Mayor J Allwright

**Seconded:** Cllr A Bailey

**THAT** Council write to Kingborough Anglers Association and inform them that Council have not budgeted for this upgrade and that the road will remain in the current status.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Cllr A Archer, Cllr A Bailey, Cllr S Bowden, Cllr R Cassidy, Cllr J Honner and Cllr J Poore.

*Mr Graham Rogers (Manager of Development & Environmental Services) entered the meeting at 10.31am.*

*Ms Jacqui Tyson (Contract Planner) entered the meeting at 10.32am.*

*Cllr A Bailey left the meeting at 10.37am.*

**Moved:** Cllr R Cassidy

**Seconded:** Cllr S Bowden

**THAT** the Mayor and Works & Services Manager write to Department of State Growth in regards to safety concerns with a major intersection in Bothwell

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Cllr A Archer, Cllr S Bowden, Cllr R Cassidy, Cllr J Honner and Cllr J Poore.

Cllr A Bailey returned to the meeting at 10.39am.

## 15.2 BLACK SPOT PROGRAMME 2020-21

**NOTED**

## MOVE TO 14.0 DEVELOPMENT & ENVIRONMENTAL SERVICES

**Moved:** Cllr R Cassidy

**Seconded:** Cllr A Bailey

**THAT** Council move to Item 14.0 DEVELOPMENT & ENVIRONMENTAL SERVICES

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Cllr A Archer, Cllr A Bailey, Cllr S Bowden, Cllr R Cassidy, Cllr J Honner and Cllr J Poore

## 14.0 DEVELOPMENT & ENVIRONMENTAL SERVICES

In accordance with Regulation 25(1) of the Local Government (Meeting Procedures) Regulations 2015, the Mayor advises that the Council intends to act as a Planning Authority under the Land Use Planning and Approvals Act 1993, to deal with the following items:

**Moved:** Clr J Poore

**Seconded:** Clr J Honner

**THAT** the Development & Environmental Services Report be received.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A Bailey, Clr S Bowden, Clr R Cassidy, Clr J Honner and Clr J Poore.

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Clr A Bailey left the meeting at 10.54am and returned at 10.56am

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## 14.1 DA2019/35: DWELLING AND OUTBUILDING: CT250731/1 HIGHLAND LAKES ROAD, MIENA

**Moved:** Clr R Cassidy

**Seconded:** Clr J Poore

**THAT** in accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority Approve the Development Application DA2019/35 for a dwelling and outbuilding at CT250731/1 Highland Lakes Road, Miena, subject to the following conditions:

### General

1. The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
2. This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, whichever is later, in accordance with section 53 of the Land Use Planning And Approvals Act 1993.

### Approved Use

3. The outbuilding is approved as ancillary to the Residential use only and must not be used for any other purpose unless in accordance with a permit issued by Council or as otherwise permitted by Council's planning scheme.

### Services

4. The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.

### Stormwater and wastewater

5. Drainage from the proposed development must be retained on site and drain to a legal discharge point to the satisfaction of Council's General Manager and in accordance with any requirements of the Building Act 2016.

### External Finishes

6. All external building surfaces must be clad in non-reflective pre-coated metal sheeting or painted in a dark colour with a light reflectance value not greater than 40% to the satisfaction of the Council's Planning Officer.
7. Evidence (photographs) of the finished external surfaces must be provided to Council's Planning Officer within three (3) months of the date of this permit.

### The following advice applies to this permit:

- a) This permit does not imply that any other approval required under any other legislation has been granted.
- b) The issue of this permit does not ensure compliance with the provisions of the Threatened Species Protection Act 1995. Further information is available from the Department of Primary Industries, Parks, Water and Environment.

- c) The issue of this permit does not ensure compliance with the provisions of the Aboriginal Heritage Act 1975. If any suspected Aboriginal heritage items are located during construction the provisions of the Act must be complied with.
- d) This permit is in addition to a building permit. Construction and site works must not commence until approval has been issued in accordance with the Building Act 2016.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Cllr A Archer, Cllr A Bailey, Cllr S Bowden, Cllr R Cassidy, Cllr J Honner and Cllr J Poore.

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*Deputy Mayor J Allwright left the meeting at 10.58am.*

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**14.2 DA2019/04: SUBDIVISION (REORGANISATION OF BOUNDARIES): 4 LINNET STREET, 6 LINNET STREET & CT108763/8 BOOMER ROAD, HAMILTON**

**Moved:** Cllr J Honner

**Seconded:** Cllr A Bailey

**THAT** in accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority Approve the Development Application DA2019/04 for subdivision (reorganisation of boundaries) at 4 Linnet Street, 6 Linnet Street and CT108763/8 Boomer Road, Hamilton, subject to the following conditions:

**General**

1. The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
2. This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this permit unless, as the applicant and the only person with a right of appeal, you notify Council in writing that you propose to commence the use or development before this date, in accordance with Section 53 of the Land Use Planning and Approvals Act 1993.

**Services**

3. The Subdivider must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.

**Subdivision**

4. Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's Municipal Engineer. The cost of locating and creating the easements shall be at the subdivider's full cost.

**Final plan**

5. A final approved plan of survey and schedule of easements as necessary, together with one copy, must be submitted to Council for sealing. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
6. A fee of \$160.00, or as otherwise determined in accordance with Council's adopted fee schedule, must be paid to Council for the sealing of the final approved plan of survey.
7. All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage.
8. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.

**The following advice applies to this permit:**

- a) This permit does not imply that any other approval required under any other legislation has been granted.
- b) If you notify Council that you intend to commence the use or development before the date specified above you forfeit your right of appeal in relation to this permit.

**CARRIED****FOR the Motion:**

Mayor L Triffitt, Cllr A Archer, Cllr A Bailey, Cllr S Bowden, Cllr R Cassidy, Cllr J Honner and Cllr J Poore.

*Deputy Mayor J Allwright returned to the meeting at 11.00am.  
Cllr J Poore left the meeting at 11.04am and returned at 11.06am.*

### **14.3 CONSIDERATION OF COMPLAINT: NOTICE OF SUSPECTED CONTRAVENTION OF THE PLANNING SCHEME PURSUANT TO SECTION 63B OF THE LAND USE PLANNING AND APPROVAL ACT 1993: 39**

**Moved:** Deputy Mayor J Allwright**Seconded:** Cllr A Bailey

**THAT** in response to the Notice of suspected contravention of the Planning Scheme pursuant to Section 63B of the *Land Use Planning & Approvals Act 1993* pertaining to damage to a tree at 39 Franklin Place, Hamilton:

- (a) No charges be brought against the accused party;
- (b) No planning infringement notice be issued to the accused party;
- (c) The complainant be advised of the above and of their right to commence civil enforcement proceedings at the Resource Management & Planning Appeals Tribunal under Section 64 of the Act if they wish to take the matter further; and
- (d) Council write to the parties to inform them all that any further works to the tree requires Council approval and that other matters that may be in dispute, such as fencing and boundary location, are civil matters that Council cannot assist with.

**CARRIED****FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Cllr A Archer, Cllr A Bailey, Cllr S Bowden, Cllr R Cassidy, Cllr J Honner and Cllr J Poore.

### **14.4 AFFORDABLE HOUSING**

**Moved:** Cllr R Cassidy**Seconded:** Cllr S Bowden

**THAT** the DES Manager further investigate opportunities regarding Independent Living Units at Bothwell and Ellendale.

**CARRIED****FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Cllr A Archer, Cllr A Bailey, Cllr S Bowden, Cllr R Cassidy, Cllr J Honner and Cllr J Poore.

## 14.5 REQUEST FOR REDUCTION OF FEES

**Moved:** Cllr J Honner

**Seconded:** Cllr A Bailey

**THAT** Council remit the fees of \$740.00.

**CARRIED 7 / 1**

### **FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Cllr A Bailey, Cllr S Bowden, Cllr R Cassidy, Cllr J Honner and Cllr J Poore.

### **AGAINST the Motion:**

Cllr A Archer

## 14.6 UPDATE ON SOLAR POWER ON COUNCIL BUILDINGS

**NOTED**

## 14.7 LOCAL PLANNING SCHEME

**RESOLVED THAT** Local Planning Scheme workshop is to be held on Thursday 25<sup>th</sup> July 2019 at 9.30am.

## 14.8 DES BRIEFING REPORT

### **PLANNING PERMITS ISSUED UNDER DELEGATION**

The following planning permits have been issued under delegation during the past month.

#### **PERMITTED USE**

DA NO.	APPLICANT	LOCATION	PROPOSAL
2019 / 00037	Engineering Plus	2693 Marlborough Road, Little Pine Lagoon	Dwelling
2019 / 00044	P & J Sheds	11 Watkins Road, Tods Corner	Outbuilding

#### **DISCRETIONARY USE**

DA NO.	APPLICANT	LOCATION	PROPOSAL
2019 / 00025	PDA Surveyors	(Part Of) 56 & 90 Woodmoor Road, Ouse	Subdivision (Boundary Reorganisation)
2019 / 00027	T N Woolford & Associates	Wihareja" 4244A Waddamana Road, Steppes	Realignment of Road and Associated Adjustment of Titles
2019 / 00032	C W Queale	6 William Street, Bothwell	Shed

**NOTED**

*Mr Graham Rogers and Ms Jacqui Tyson left the meeting at 11.30am.*

*The Works and Services Manager advised Council that he has been having discussions with the Department of State Growth regarding a large gumtree that will be removed along Highland Lakes Road as it is deemed to be dangerous and if the tree was to fall it will head straight towards the road.*

*The proposed works to the Hunterston Bridge have been put on hold due to the crane not being able to gain access to complete the works. The situation is currently being assessed and we are looking at other options to get the works completed.*

*Mr Jason Branch left the meeting at 11.39am  
 Clr A Archer left the meeting at 11.39am and returned at 11.40am.*

## 16.0 ADMINISTRATION

### 16.1 TASWATER TAKEOVER OF COUNCIL STORMWATER

NOTED

### 16.2 LAND ACQUISITION WAYATINAH ROAD, WAYATINAH – WAYATINAH WATER TREATMENT PLANT

**Moved:** Clr J Poore

**Seconded:** Clr J Honner

**THAT** Council agree to transfer Lot 82 which is part of title C.T.131361/82 to TasWater.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A Bailey, Clr S Bowden, Clr R Cassidy, Clr J Honner and Clr J Poore.

### 16.3 ESTATE OF CECIL FENN CHARLES PARSONS – TRANSFER OF THE ROAD TITLES

**Moved:** Clr A Bailey

**Seconded:** Clr J Poore

**THAT** Council:

- a) Agree to the transfer of titles Volume 132701 Folio 100 and Volume 152500 Folio 101 from the estate of Cecil Fenn Charles Parsons to Central Highlands Council; and
- b) The General Manager be authorised to sign the State Revenue Office Transferee Information Form on behalf of Council.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A Bailey, Clr S Bowden, Clr R Cassidy, Clr J Honner and Clr J Poore.

### 16.4 DRAFT BURIAL AND CREMATION BILL 2019

NOTED

### 16.5 JUSTICE LEGISLATION (ORGANISATIONAL LIABILITY FOR CHILD ABUSE) AMENDMENT BILL 2019

NOTED

## 16.6 HOUSING AFFORDABILITY SELECT COMMITTEE

**Moved:** Clr J Honner

**Seconded:** Clr A Bailey

**THAT** any feedback on the Housing Affordability Select Committee be provided to the General Manager by the close of business on Tuesday the 16 July 2019 so the General Manager can provide the feedback to Local Government Association of Tasmania for a whole of Local Government submission

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A Bailey, Clr S Bowden, Clr R Cassidy, Clr J Honner and Clr J Poore.

## 16.7 TASWATER NEW CAPITAL DELIVERY OFFICE

**NOTED**

## 16.8 FUEL REDUCTION PROGRAM

**NOTED**

## 16.9 ROYAL FLYING DOCTOR SERVICE TASMANIA

**Moved:** Clr A Bailey

**Seconded:** Clr R Cassidy

**THAT** a donation of \$1,000.00 be made to the Royal Flying Doctors Service Tasmania.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A Bailey, Clr S Bowden, Clr R Cassidy, Clr J Honner and Clr J Poore.

Clr A Bailey left the meeting at 11.59am and returned at 12.02pm.

## 16.10 EMERGENCY SERVICE MEDAL NOMINATIONS – 2020

**Moved:** Clr J Honner

**Seconded:** Clr A Bailey

**THAT** Council nominate Teressa Nichols (if eligible) for the Emergency Service Medal Nomination.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A Bailey, Clr S Bowden, Clr R Cassidy, Clr J Honner and Clr J Poore.

*Clr J Poore left the meeting at 12.05pm and returned at 12.07pm.  
Mr Adam Wilson left the meeting at 12.05pm and returned at 12.09pm.*

## 16.11 PARTICIPATION IN NATIONAL REDRESS SCHEME

**Moved:** Clr R Cassidy

**Seconded:** Deputy Mayor J Allwright

**THAT** Council agree to sign the MOU for Participation in the National Redress Scheme.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A Bailey, Clr S Bowden, Clr R Cassidy, Clr J Honner and Clr J Poore.

## 16.12 CENTRAL HIGHLANDS VISITORS INFORMATION CENTRE

**MOTION 1:**

**Moved:** Clr S Bowden

**Seconded:** Clr A Bailey

**THAT** Councillor Poore be authorised be purchase another table at the value of \$200.00 for the Central Highlands Visitor Information Centre.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A Bailey, Clr S Bowden, Clr R Cassidy and Clr J Honner.

**MOTION 2:**

**Moved:** Clr J Poore

**Seconded:** Clr R Cassidy

**THAT** Council approach the Queen Victoria Museum the Tasmanian Museum and Art Gallery requesting a loan of suitable furniture for displays in the Central Highlands Visitor Information Centre.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A Bailey, Clr S Bowden, Clr R Cassidy and Clr J Honner.

*Deputy Mayor J Allwright left the meeting at 12.18pm.*

## 16.13 BOTHWELL INTERNATIONAL HIGHLANDS SPININ AND FIBRE FESTIVAL

**RESOLVED THAT** this item be deferred until the Ordinary Meeting of Council in August.

*Deputy Mayor J Allwright returned to the meeting at 12.19pm.*

## 16.14 FOOD CONNECT PROJECT

**NOTED**



## 16.15 TASMANIAN WILDERNESS WORLD HERITAGE AREA TOURISM MASTER PLAN

NOTED

## 16.16 LOCAL GOVERNMENT LEGISLATION REVIEW

**Moved:** Clr J Honner

**Seconded:** Deputy Mayor J Allwright

**THAT** Council hold a workshop following the Planning Committee Meeting on the 10<sup>th</sup> September 2019 to discuss the Local Government Legislation Review.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A Bailey, Clr S Bowden, Clr R Cassidy, Clr J Honner and Clr J Poore.

*Clr A Bailey left the meeting at 12.38pm and returned at 12.40pm.*

## 16.17 USE OF COUNCIL CHAMBERS MEETING ROOMS

**Moved:** Clr R Cassidy

**Seconded:** Clr A Bailey

**THAT** the Council Chambers Meeting Rooms be made available for bookings from the general public subject to availability.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A Bailey, Clr S Bowden, Clr R Cassidy, Clr J Honner and Clr J Poore.

## 17.0 SUPPLEMENTARY AGENDA ITEMS

**Moved:** Clr J Honner

**Seconded:** Clr R Cassidy

**THAT** Council consider the matters on the Supplementary Agenda.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A Bailey, Clr S Bowden, Clr R Cassidy, Clr J Honner and Clr J Poore.

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## 17.1 DRAFT STATE WASTE ACTION PLAN

**Moved:** Deputy Mayor J Allwright

**Seconded:** Cllr S Bowden

**THAT** the Environmental Health Officer provide Council at the August Council meeting with a report on the draft State Waste Action Plan.

**CARRIED**

**FOR the Motion:**

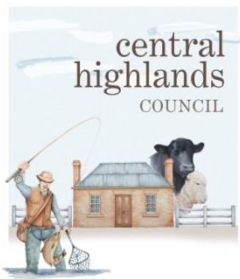
Mayor L Triffitt, Deputy Mayor J Allwright, Cllr A Archer, Cllr A Bailey, Cllr S Bowden, Cllr R Cassidy, Cllr J Honner and Cllr J Poore.

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## 18.0 CLOSURE

Mayor L Triffitt closed the meeting at 12.52pm.

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**MINUTES OF THE CENTRAL HIGHLANDS VISITOR  
CENTRE MANAGEMENT COMMITTEE  
MANAGEMENT GROUP  
HELD AT THE CENTRAL HIGHLANDS VISITOR CENTRE  
AT 3.00PM ON THURSDAY 11<sup>TH</sup> JULY 2019**

**1.0 PRESENT**

Clr Poore (Chairperson), Mr K Allcock (Bothwell Historical Society) and Mrs L Jeffery (Australasian Golf Museum)

**IN ATTENDANCE**

Mr D Dyson & Mrs K Brazendale (Minutes Secretary)

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**2.0 APOLOGIES**

Mr W Doran (Bothwell Historical Society)

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**3.0 CONFIRMATION OF MINUTES OF 22<sup>ND</sup> MAY 2019**

Noted

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**4.0 NEW ARRANGEMENTS FOR CENTRES FINANCE AFFAIRS**

It has been agreed with Council that monies can be held with Council and payments of invoices will also be forwarded to Council. Mr L Jeffery requested that Council send through a letter acknowledging this.

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**5.0 DISCUSSION ON REVISED LAYOUT**

Clr Poore discussed the recent changes and the upcoming location of the TV and display cabinets, room dividers are also available for the front room or Visitor Centre.

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**6.0 PROPOSAL TO REQUEST COUNCIL TO APPROACH QUEEN VICTORIA MUSEUM**

Clr Poore has requested that a letter be sent to the Queen Victoria Museum and also the Tasmanian Museum and Art Gallery. If items are available Clr Poore and Mr K Allcock will make a trip to obtain their suitability for the Centre.

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**7.0 UPDATE ON ANGLING CLUB ROOMS**

Council have approached the Angling Club and they are happy to move their things to the building at the back of the Council Chambers at Bothwell.

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## **8.0 FUTURE DISPLAYS**

Chris from Inland Fishers has been approached and is willing to put a display in the Centre for the upcoming Fly Fishing Championships.

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## **9.0 UPDATE ON SIGNAGE**

The proof of the sign for the front of the Tourism Centre was received today. A Brass plaque needs to be relocated on the School House and a new one made up for the Headmasters Cottage, (wording needs to be required).

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## **10.0 VOLUNTEERS FOR CENTRES**

It was noted that the centre has added 2 more volunteers for the centre.

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## **11.0 ANY OTHER BUSINESS**

Nil

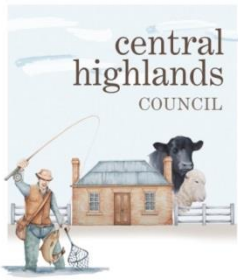
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## **12.0 NEXT MEETING**

Meeting to be scheduled for 10<sup>th</sup> October 2019 with the time to be confirmed.

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There being no further business Clr Poore thanked everyone for attending and closed the meeting at 3.58pm.



**MINUTES OF THE PLANNING COMMITTEE MEETING  
OF THE CENTRAL HIGHLANDS COUNCIL HELD  
IN THE BOTHWELL COUNCIL CHAMBERS  
AT 9.00AM ON TUESDAY 13<sup>th</sup> AUGUST 2019**

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**1.0 PRESENT**

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

**IN ATTENDANCE**

Mrs L Eyles (General Manager), Ms J Tyson (Senior Planning Officer) & Mrs K Bradburn (Minutes Secretary), Mr P Headlam

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**2.0 APOLOGIES**

Nil

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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 Cassidy**

Seconded **Clr Poore**

**THAT** the Draft Minutes of the Planning Committee Meeting of Council held on Tuesday 9<sup>th</sup> July 2019 to be confirmed.

***Carried***

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

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**5.0 QUESTION TIME & DEPUTATIONS**

Nil

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**6.0 DA2019/13: SUBDIVISION (3 LOTS): 3 VICTORIA VALLEY ROAD, OUSE**

**Report by**

Jacqui Tyson (Senior Planning Officer)

**Applicant**

PDA Surveyors

**Owner**

Morgan Cooper Consulting Services Pty Ltd

**Discretions**

Village Zone - 16.5 Subdivision

**Proposal**

The proposal is for subdivision of an existing vacant title in Ouse into three (3) lots.

The existing title has an area of 6848m<sup>2</sup> and is located east of the intersection between Victoria Valley Road and the Lyell Highway, with partial frontage to both roads.

Under the proposal three (3) lots will be created as follows:

- Lot 1 – 1283m<sup>2</sup> with 18m frontage to Victoria Valley Road
- Lot 2 – 1626m<sup>2</sup> with 18m frontage to Victoria Valley Road
- Lot 3 – 3939m<sup>2</sup> with frontage to Victoria Valley Road and Lyell Highway

The lots can be serviced by reticulated water and sewerage services. Taswater have provided conditions to be attached to any permit issued.

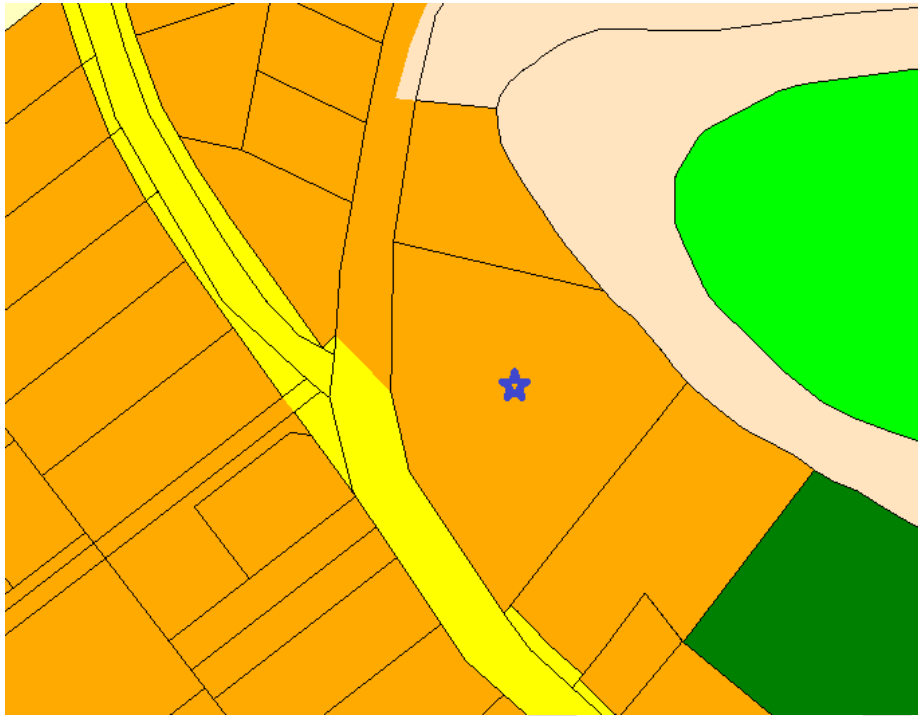
All three lots will be provided with new access crossovers to Victoria Valley Road.

Subdivision is a Discretionary use and development in the Village Zone.

**Subject site and Locality.**

The existing title is a vacant parcel of 6848m<sup>2</sup> with frontage to Victoria Valley Road and the Lyell Highway. A minor waterway and dam are present on the property and will be contained on Lot 3.

The site is adjoined by other Village zoned properties that are developed with dwellings and adjoins the River Ouse at the rear (north eastern) boundary. The Ouse township includes properties with a range of sizes and shapes and the proposed lots are generally in character with the surrounding area.



**Fig 1.** Location and zoning of the subject land (marked with star) in the Village zone (orange). Surrounding land includes the Rural Resource Zone (cream), Open Space Zone (dark green) and the Recreation zone (light green) and the highway is in the Utilities Zone (yellow). (Source: LISTmap)



**Fig 2.** Aerial photo of the subject land and surrounding area (Source: LISTmap)

### **Exemptions**

Nil

### **Special Provisions**

Nil

### **Village Zone - Development standards for subdivision**

The subject land is located in the Village Zone. The proposal must satisfy the requirements of the following development standards, relevant to subdivisions:

<b>16.5.1 Lot design</b> To provide for new lots that: <ul style="list-style-type: none"> <li>(a) have appropriate area and dimensions to accommodate development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements;</li> <li>(b) contain building areas which are suitable for development, consistent with the Zone Purpose, located to avoid hazards and values;</li> <li>(c) are capable of providing for a high level of residential amenity including privacy, good solar access; and passive surveillance of public spaces;</li> <li>(d) are not internal lots, except if the only reasonable way to provide for efficient use of land;</li> <li>(e) are provided in a manner that provides for the efficient and ordered provision of infrastructure.</li> </ul>		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<b>A1</b>  The size of each lot must be no less than as specified below, except if for public open space, a riparian or littoral reserve or utilities: <ul style="list-style-type: none"> <li>(a) no less than 1,000 m<sup>2</sup>.</li> </ul>	<b>P1</b>  No Performance Criteria.	All of the proposed lots exceed 1000m <sup>2</sup> , complying with the Acceptable Solution.
<b>A2</b>  The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities: <ul style="list-style-type: none"> <li>(a) clear of the frontage, side and rear boundary setbacks;</li> <li>(b) not subject to any codes in this planning scheme;</li> <li>(c) clear of title restrictions such as easements and restrictive covenants;</li> <li>(d) has an average slope of no more than 1 in 5;</li> <li>(e) has the long axis of</li> </ul>	<b>P2</b>  The design of each lot must contain a building area able to satisfy all of the following: <ul style="list-style-type: none"> <li>(a) be reasonably capable of accommodating residential use and development;</li> <li>(b) meets any applicable standards in codes in this planning scheme;</li> <li>(c) enables future development to achieve maximum solar access, given the slope and aspect of the land;</li> <li>(d) minimises the need for earth works, retaining walls, and fill and excavation associated with future development;</li> </ul>	The proposed lots each contain a building area that complies with the design requirements of Acceptable Solution A2.



<p>the developable area facing north or within 20 degrees west or 30 degrees east of north;</p> <p>(f) is a minimum of 10 m x 15 m in size.</p>	<p>(e) provides for sufficient useable area on the lot for both of the following;</p> <p>(i) on-site parking and manoeuvring;</p> <p>(ii) adequate private open space.</p>	
<p><b>A3</b></p> <p>The frontage for each lot must be no less than 15 m, except if for public open space, a riparian or littoral reserve or utilities or if an internal lot.</p>	<p><b>P3</b></p> <p>The frontage of each lot must satisfy all of the following:</p> <p>(a) provides opportunity for practical and safe vehicular and pedestrian access;</p> <p>(b) provides opportunity for passive surveillance between residential development on the lot and the public road,</p> <p>(c) is no less than 6m.</p>	<p>Each of the proposed lots is provided with more than 15m frontage, complying with Acceptable Solution A3.</p>
<p><b>A4</b></p> <p>No lot is an internal lot.</p>	<p><b>P4</b></p> <p>An internal lot must satisfy all of the following:</p> <p>(a) the lot gains access from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land;</p> <p>(b) it is not reasonably possible to provide a new road to create a standard frontage lot;</p> <p>(c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot;</p> <p>(d) the lot will contribute to the more efficient utilisation of residential land and infrastructure;</p>	<p>There are no internal lots proposed, complying with Acceptable Solution A4.</p>

	<p>(e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;</p> <p>(f) the lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m;</p> <p>(g) passing bays are provided at appropriate distances to service the likely future use of the lot;</p> <p>(h) the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road;</p> <p>(i) a sealed driveway is provided on the access strip prior to the sealing of the final plan.</p> <p>(j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces.</p>	
<b>A5</b>  Setback from a new boundary for an existing building must comply with the relevant Acceptable Solution for setback.	<b>P5</b>  Setback from a new boundary for an existing building must satisfy the relevant Performance Criteria for setback.	The site does not have any existing buildings, so assessment against this clause is not required.

## **Codes**

### ***E1.0 Bushfire Prone Areas Code***

The site is located in a bushfire prone area in accordance with the definitions of the Code. A Bushfire Hazard Report including a Bushfire Hazard Management Plan has been prepared by an accredited person to support the application and address the requirements of the Code.

#### **E1.6.1 Subdivision: Provision of hazard management areas**

Objective: Subdivision provides for hazard management areas that:

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

c) provide protection for lots at any stage of a staged subdivision.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p><b>A1</b></p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or</p> <p>(b) The proposed plan of subdivision:</p> <p>(i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;</p> <p>(ii) shows the building area for each lot;</p> <p>(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 Australian Standard AS 3959 – 2009 Construction of buildings in bushfire-prone areas; and</p> <p>(iv) is accompanied by a bushfire hazard management plan that addresses all the individual lots and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS 3959 – 2009 Construction of buildings in bushfire-prone areas; and</p> <p>(c) If hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under</p>	<p><b>P1</b></p> <p>A proposed plan of subdivision shows adequate hazard management areas in relation to the building areas shown on lots within a bushfire-prone area, having regard to:</p> <p>(a) the dimensions of hazard management areas;</p> <p>(b) a bushfire risk assessment of each lot at any stage of staged subdivision;</p> <p>(c) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability;</p> <p>(d) the topography, including site slope;</p> <p>(e) any other potential forms of fuel and ignition sources;</p> <p>(f) separation distances from the bushfire-prone vegetation not unreasonably restricting subsequent development;</p> <p>(g) an instrument that will facilitate management of fuels located on land external to the subdivision; and</p> <p>(h) any advice from the TFS.</p>	<p>A Bushfire Hazard Report (BHR) including a Bushfire Hazard Management Plan (BHMP) by an accredited person has been completed for the subdivision.</p> <p>The BHMP identifies building areas on each lot that can meet the required BAL 19, complying with A1 (b).</p> <p>All hazard management area are contained on the subject land so no agreements are required under (c).</p> <p>The proposal complies with the Acceptable Solution.</p>

section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.		
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### **E1.6.2 Subdivision: Public and fire fighting access**

Objective: Access roads to, and the layout of roads, tracks and trails, in a subdivision:

- a) allow safe access and egress for residents, firefighters and emergency service personnel;
- b) provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack and for hazard management works to be undertaken;
- c) are designed and constructed to allow for fire appliances to be manoeuvred;
- d) provide access to water supplies for fire appliances; and
- e) are designed to allow connectivity, and where needed, offering multiple evacuation points.

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p><b>A1</b></p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire fighting; or</p> <p>(b) A proposed plan of subdivision showing the layout of roads, fire trails and the location of property access to building areas is included in a bushfire hazard management plan that:</p> <p>(i) demonstrates proposed roads will comply with Table E1, proposed private accesses will comply with Table E2 and proposed fire trails will comply with Table E3; and</p> <p>(ii) is certified by the TFS or an accredited person.</p>	<p><b>P1</b></p> <p>A proposed plan of subdivision shows access and egress for residents, fire-fighting vehicles and emergency service personnel to enable protection from bushfires, having regard to:</p> <p>(a) appropriate design measures, including:</p> <ul style="list-style-type: none"> <li>(i) two way traffic;</li> <li>(ii) all weather surfaces;</li> <li>(iii) height and width of any vegetation clearances;</li> <li>(iv) load capacity;</li> <li>(v) provision of passing bays;</li> <li>(vi) traffic control devices;</li> <li>(vii) geometry, alignment and slope of roads, tracks and trails;</li> <li>(viii) use of through roads to provide for connectivity;</li> <li>(ix) limits on the length of cul-de-sacs and dead-end roads;</li> <li>(x) provision of turning areas;</li> </ul>	<p>A Bushfire Hazard Report (BHR) including a Bushfire Hazard Management Plan (BHMP) by an accredited person has been completed for the subdivision.</p> <p>The BHR and BHMP certify that access will be provided to meet the requirements of A1 (b).</p> <p>The proposal complies with the Acceptable Solution.</p>

	<p>(xi) provision for parking areas;</p> <p>(xii) perimeter access; and</p> <p>(xiii) fire trails;</p> <p>(b) the provision of access to:</p> <p>(i) bushfire-prone vegetation to permit the undertaking of hazard management works; and</p> <p>(ii) fire fighting water supplies; and</p> <p>(c) any advice from the TFS.</p>	
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#### **E1.6.3 Subdivision: Provision of water supply for fire fighting purposes**

Objective: 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 bushfire-prone areas.

a)

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p><b>A1</b></p> <p>In areas serviced with reticulated water by the water corporation:</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire fighting purposes;</p> <p>(b) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table E4; or</p> <p>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the</p>	<p><b>P1</b></p> <p>No Performance Criterion.</p>	<p>A Bushfire Hazard Report (BHR) including a Bushfire Hazard Management Plan (BHMP) by an accredited person has been completed for the subdivision.</p> <p>The property is serviced by reticulated water.</p> <p>The BHR certifies that reticulated water supply is available to meet the requirements of A1 (b).</p> <p>The proposal complies with the Acceptable Solution.</p>

provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.		
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**E5.0 Road and Railway Assets Code:**

This Code applies to use and development that involves changes to access arrangements.

The proposed subdivision will require construction of three new access points to Victoria Valley Road, one for each lot.

The design and location of the proposed accesses complies with the requirements of the Code and conditions are recommended in regard to this.

**E7.0 Stormwater Management Code:**

This Code applies to all use and development.

In this case the proposed subdivision is located in an area with no reticulated stormwater system.

Stormwater drainage for any future development on the lots will need to be managed onsite and will be assessed at the time of application.

**E11.0 Waterway and Coastal Protection Code:**

Part of the land is subject to a Waterway Protection Area under this Code due to the proximity to the Ouse River.

The building envelopes for each lot will be located near the frontage to Victoria Valley Road, as far from the river bank as possible. It is expected that future development of the lots can be undertaken without impacting the river or riparian area and in accordance with the requirements of this Code.

**Representations**

The proposal was advertised for the statutory 14 days period from 21<sup>st</sup> June 2019 until 14<sup>th</sup> July 2019.

No representations were received.

**Conclusion**

The proposal is for subdivision of an existing vacant title in Victoria Valley Road, Ouse into three (3) lots is assessed to comply with the applicable standards of the Village Zone and the relevant codes of the *Central Highlands Interim Planning Scheme 2015* as outlined in the body of this report.

The proposal was advertised for public comment and no representations were received.

It is recommended that the application be approved, subject to conditions.

**Legislative Context**

The purpose of the report is to enable the Planning Authority to determine the Development Application DA2019/13 in accordance with the requirements of the *Land Use Planning and Approvals Act 1993* (LUPAA). The provisions of LUPAA require a Planning Authority to take all reasonable steps to ensure compliance with the Planning Scheme.

This report details the reasons for the officers Recommendation. The Planning Authority must consider the report but is not bound to adopt the Recommendation. Broadly, the Planning Authority can either: (1) adopt the Recommendation, (2) vary the Recommendation by adding, modifying or removing recommended conditions or (3) replacing an approval with a refusal.

This determination has to be made no later than 21<sup>st</sup> August 2019, which has been extended beyond the usual 42 day statutory time frame with the consent of the application.

Any decision that is an alternative to the Recommendation requires a full statement of reasons to ensure compliance with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*. Section 25 (2) of the *Local Government (Meeting Procedures) Regulations 2015* states:

**25 (2):** *The general manager is to ensure that the reasons for a decision by a council or council committee acting as a planning authority are recorded in the minutes of the meeting.*

### **Options**

The Planning Authority must determine the Development Application DA2019/17 in accordance with one of the following options:

**1. Approve in accordance with the Recommendation:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2019/13 for subdivision (3 lots) at 2 Victoria Valley Road, Ouse, subject to conditions in accordance with the Recommendation.

**2. Approve with altered conditions:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2019/13 for subdivision (3 lots) at 2 Victoria Valley Road, Ouse, subject to conditions as specified below.

*Should Council opt to approve the Development Application subject to conditions that are different to the Recommendation the modifications should be recorded below, as required by Section 25(2) of the Local Government (Meeting Procedures) Regulations 2015:*

Alteration to Conditions:-

**3. Refuse to grant a permit:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Refuse** the Development Application DA2019/13 for subdivision (3 lots) at 2 Victoria Valley Road, Ouse, for the reasons detailed below.

*Should the Planning Authority opt to refuse to grant a permit contrary to the officers Recommendation, the reasons for the decision should be recorded below, as required by Section 25(2) of the Local Government (Meeting Procedures) Regulations 2015:*

Reasons :-

### **RECOMMENDATION FROM PLANNING COMMITTEE**

Moved **Clr Poore**

Seconded **Clr Cassidy**

**THAT** the Planning Committee recommends approval in accordance with Option 2:

**Approve with altered conditions:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2019/13 for subdivision (3 lots) at 2 Victoria Valley Road, Ouse, subject to conditions as specified below.



## Alteration to Conditions:-

### *Public Open Space*

- As insufficient provision has been made for recreational space, and having formed the opinion that such a provision should be made in respect of the proposal, Council requires that an amount equal to five percent (5%) of the unimproved value of Lots 1 and 2 must be provided as cash-in-lieu of public open space in accordance with the provisions of Section 117 of the Local Government (Building & Miscellaneous Provisions) Act 1993. The subdivider must obtain a valuation for the unimproved value of the subdivision from a registered Valuer in order to determine the amount payable.

### **Conditions**

#### *General*

- 1) The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- 2) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this permit unless, as the applicant and the only person with a right of appeal, you notify Council in writing that you propose to commence the use or development before this date, in accordance with Section 53 of the Land Use Planning and Approvals Act 1993.

#### *Services*

- 3) The Subdivider must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.

#### *Subdivision*

- 4) Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's Municipal Engineer. The cost of locating and creating the easements shall be at the subdivider's full cost.

#### *Final plan*

- 5) A final approved plan of survey and schedule of easements as necessary, together with one copy, must be submitted to Council for sealing. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
- 6) A fee of \$210.00, or as otherwise determined in accordance with Council's adopted fee schedule, must be paid to Council for the sealing of the final approved plan of survey.
- 7) All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage.
- 8) It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.

#### **The following advice applies to this permit:**

- a) This permit does not imply that any other approval required under any other legislation has been granted.
- b) If you notify Council that you intend to commence the use or development before the date specified above you forfeit your right of appeal in relation to this permit.



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

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**6.1 DA2019/17: SUBDIVISION (REORGANISATION OF BOUNDARIES): 6 & 8 TARLETON, HAMILTON**

**Report by**

Jacqui Tyson (Senior Planning Officer)

**Applicant**

Brooks, Lark and Carrick Surveyors

**Owner**

Central Highlands Council & Taswater

**Discretions**

**Village Zone -16.5** Subdivision  
**Utilities Zone - 28.5** Subdivision

**Proposal**

The proposal is for a reorganisation of boundaries and consolidation of existing titles that contain the Central Highlands Council office and depot and the sewerage treatment ponds in Tarleton Street, Hamilton.

There are currently three titles covering these properties and the boundaries do not align with the management/ownership of the assets. Under the proposal, the three titles will be consolidated into two to achieve a separation of Council and Taswater assets.

The proposed Lot 1 will be 7631m<sup>2</sup> and contain all the Council assets. Lot 2 will have an area of 1.061ha and contain the sewerage lagoons, owned by Taswater.

Lot 2 is located to the rear of Lot 1 and will have a Right of Way over the existing access from Tarleton Street to provide legal access.

No works for access or other services will be required to carry out this subdivision.

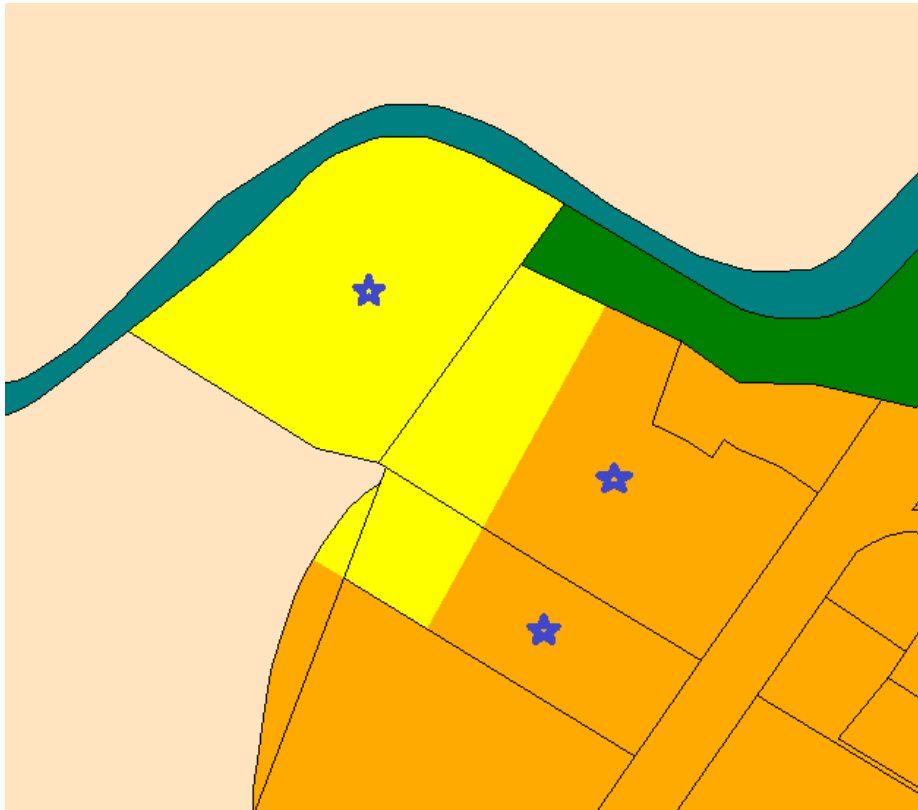
Some of the Council buildings are listed on the Tasmanian Heritage Register. An exemption has been issued by Heritage Tasmania for the proposed boundary reorganisation.

Subdivision, including boundary reorganisation, is a Discretionary use and development in the Village and Utilities Zones.

**Subject site and Locality.**

The existing CT157052/2 and CT30123/1 contain the existing Council buildings and depot yard and part of the sewerage lagoons. These titles have a split zoning, with part of them zoned Village and part Utilities. CT32989/1 is located to the rear and contains a sewerage lagoon. This title is zoned Utilities.

The properties are located on the western side of the Hamilton township, with access from Tarleton Street. The Clyde River adjoins the site with farm land beyond.



**Fig 1.** Location and zoning of the subject land (marked with stars) in the Village zone (orange) and Utilities Zone (yellow). Surrounding land includes the Rural Resource Zone (cream), Environmental Management Zone (teal green) and the Open Space Zone (dark green). (Source: LISTmap)



**Fig 2.** Aerial photo of the subject land and surrounding area (Source: LISTmap)

## **Exemptions**

Nil

### **Special Provisions**

Nil

### **Village Zone - Development standards for subdivision**

Part of the subject land is located in the Village Zone. The proposal must satisfy the requirements of the following development standards, relevant to subdivisions:

<b>16.5.1 Lot design</b> To provide for new lots that: <ul style="list-style-type: none"><li>(a) have appropriate area and dimensions to accommodate development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements;</li><li>(b) contain building areas which are suitable for development, consistent with the Zone Purpose, located to avoid hazards and values;</li><li>(c) are capable of providing for a high level of residential amenity including privacy, good solar access; and passive surveillance of public spaces;</li><li>(d) are not internal lots, except if the only reasonable way to provide for efficient use of land;</li><li>(e) are provided in a manner that provides for the efficient and ordered provision of infrastructure.</li></ul>		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<b>A1</b>  The size of each lot must be no less than as specified below, except if for public open space, a riparian or littoral reserve or utilities: <ul style="list-style-type: none"><li>(a) no less than 1,000 m2.</li></ul>	<b>P1</b>  No Performance Criteria.	Lot 1 will contain all of the land in the Village Zone.  Lot 1 will have an area of 7631m2, easily complying with the Acceptable Solution.
<b>A2</b>  The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities: <ul style="list-style-type: none"><li>(a) clear of the frontage, side and rear boundary setbacks;</li><li>(b) not subject to any codes in this planning scheme;</li><li>(c) clear of title restrictions such as easements and restrictive covenants;</li><li>(d) has an average slope of no more than 1 in 5;</li></ul>	<b>P2</b>  The design of each lot must contain a building area able to satisfy all of the following: <ul style="list-style-type: none"><li>(a) be reasonably capable of accommodating residential use and development;</li><li>(b) meets any applicable standards in codes in this planning scheme;</li><li>(c) enables future development to achieve maximum solar access, given the slope and aspect of the land;</li><li>(d) minimises the need for earth works, retaining walls, and fill</li></ul>	The proposed lots are already developed or partly developed.  In any case, Lot 1 will comply with the design requirements of Acceptable Solution A2.

<p>(e) has the long axis of the developable area facing north or within 20 degrees west or 30 degrees east of north;</p> <p>(f) is a minimum of 10 m x 15 m in size.</p>	<p>and excavation associated with future development;</p> <p>(e) provides for sufficient useable area on the lot for both of the following;</p> <p>(i) on-site parking and manoeuvring;</p> <p>(ii) adequate private open space.</p>	
<p><b>A3</b></p> <p>The frontage for each lot must be no less than 15 m, except if for public open space, a riparian or littoral reserve or utilities or if an internal lot.</p>	<p><b>P3</b></p> <p>The frontage of each lot must satisfy all of the following:</p> <p>(a) provides opportunity for practical and safe vehicular and pedestrian access;</p> <p>(b) provides opportunity for passive surveillance between residential development on the lot and the public road,</p> <p>(c) is no less than 6m.</p>	<p>Lot 1 will have frontage over 15m to a Council maintained road (Tarleton Street), complying with Acceptable Solution A3.</p>
<p><b>A4</b></p> <p>No lot is an internal lot.</p>	<p><b>P4</b></p> <p>An internal lot must satisfy all of the following:</p> <p>(a) the lot gains access from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land;</p> <p>(b) it is not reasonably possible to provide a new road to create a standard frontage lot;</p> <p>(c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot;</p> <p>(d) the lot will contribute to the more efficient utilisation of residential land and</p>	<p>There are no internal lots proposed in the Village Zone (as Lot 2 is in the Utilities Zone – see assessment below), complying with Acceptable Solution A4.</p>

	<p>infrastructure;</p> <p>(e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;</p> <p>(f) the lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m;</p> <p>(g) passing bays are provided at appropriate distances to service the likely future use of the lot;</p> <p>(h) the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road;</p> <p>(i) a sealed driveway is provided on the access strip prior to the sealing of the final plan.</p> <p>(j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces.</p>	
<p><b>A5</b></p> <p>Setback from a new boundary for an existing building must comply with the relevant Acceptable Solution for setback.</p>	<p><b>P5</b></p> <p>Setback from a new boundary for an existing building must satisfy the relevant Performance Criteria for setback.</p>	<p>The setback to all existing buildings will comply with the relevant development standard for setback.</p> <p>Acceptable Solution A5 is met.</p>

#### **Utilities Zone - Development standards for subdivision**

Part of the subject land is located in the Utilities Zone. The proposal must satisfy the requirements of the following development standards, relevant to subdivisions:

##### **28.5.1 Lot design**

To provide for lots appropriate to accommodate development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements.

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
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<p><b>A1</b></p> <p>Subdivision is for the purpose of providing lots for public open space, a riparian or littoral reserve or utilities.</p>	<p><b>P1</b></p> <p>Subdivision is for the purpose of providing a lot for an allowable use.</p>	<p>All of the land in the Utilities Zone will be consolidated into Lot 2. This land contains the sewerage lagoons which is a utilities use that is owned and operated by a public authority.</p> <p>The Acceptable Solution is satisfied.</p>
<p><b>A2</b></p> <p>The frontage for each lot must be no less than 15 m.</p>	<p><b>P2</b></p> <p>The frontage of each lot must be capable of adequately serving the intended purpose.</p>	<p>Lot 2 will not have direct frontage to a road. It will be provided with access via a Right of Way over Lot 1. This arrangement provides adequate access to meet the needs of the established use and formalises the existing access pattern, complying with P2.</p>
<p><b>A3</b></p> <p>Services capable of adequately serving the intended purpose must be connected to each lot.</p>	<p><b>P3</b></p> <p>Where reticulated services are unavailable but needed for the intended purpose, the lots must be capable of:</p> <ul style="list-style-type: none"> <li>(a) being self sufficient for potable water adequate for the intended purpose;</li> <li>(b) accommodating an wastewater management system adequate for the intended purpose;</li> <li>(c) accommodating an on-site stormwater management system adequate for the intended purpose,</li> </ul> <p>as the case may be.</p>	<p>Each lot already has services connected as required, complying with A3.</p>

## **Codes**

### ***E6.0 Parking and Access Code:***

This Code applies to all use and development.

The proposed boundary adjustment will not change any existing access or parking arrangements, which are all satisfactory. No further assessment against the Code is required.

### ***E7.0 Stormwater Management Code:***

This Code applies to all use and development.



In this case the proposed boundary adjustment will not change any existing stormwater drainage so further assessment against the Code is not required.

### **Representations**

The proposal was advertised for the statutory 14 days period from 3<sup>rd</sup> July 2019 until 16<sup>th</sup> July 2019.

No representations were received.

### **Conclusion**

The proposal is for boundary adjustments to consolidate the Council and Taswater properties in Tarleton Street, Hamilton to align with the current use and management. The proposal is assessed to comply with the applicable standards of the Village Zone, Utilities Zone and the relevant codes of the *Central Highlands Interim Planning Scheme 2015* as outlined in the body of this report.

The proposal was advertised for public comment and no representations were received.

It is recommended that the application be approved, subject to conditions.

### **Legislative Context**

The purpose of the report is to enable the Planning Authority to determine the Development Application DA2019/17 in accordance with the requirements of the *Land Use Planning and Approvals Act 1993* (LUPAA). The provisions of LUPAA require a Planning Authority to take all reasonable steps to ensure compliance with the Planning Scheme.

This report details the reasons for the officers Recommendation. The Planning Authority must consider the report but is not bound to adopt the Recommendation. Broadly, the Planning Authority can either: (1) adopt the Recommendation, (2) vary the Recommendation by adding, modifying or removing recommended conditions or (3) replacing an approval with a refusal.

Any decision that is an alternative to the Recommendation requires a full statement of reasons to ensure compliance with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*. Section 25 (2) of the *Local Government (Meeting Procedures) Regulations 2015* states:

**25 (2):** *The general manager is to ensure that the reasons for a decision by a council or council committee acting as a planning authority are recorded in the minutes of the meeting.*

### **Options**

The Planning Authority must determine the Development Application DA2019/17 in accordance with one of the following options:

#### **1. Approve in accordance with the Recommendation:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2019/17 for subdivision (reorganisation of boundaries) at 6 & 8 Tarleton Street, Hamilton, subject to conditions in accordance with the Recommendation.

#### **2. Approve with altered conditions:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2019/17 for subdivision (reorganisation of boundaries) at 6 & 8 Tarleton Street, Hamilton, subject to conditions as specified below.

*Should Council opt to approve the Development Application subject to conditions that are different to the Recommendation the modifications should be recorded below, as required by Section 25(2) of the Local Government (Meeting Procedures) Regulations 2015:*

Alteration to Conditions:-

**3. Refuse to grant a permit:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Refuse** the Development Application DA2019/17 for subdivision (reorganisation of boundaries) at 6 & 8 Tarleton Street, Hamilton, for the reasons detailed below.

*Should the Planning Authority opt to refuse to grant a permit contrary to the officers Recommendation, the reasons for the decision should be recorded below, as required by Section 25(2) of the Local Government (Meeting Procedures) Regulations 2015:*

Reasons :-

**RECOMMENDATION FROM PLANNING COMMITTEE**

Moved **Mayor Triffitt**

Seconded **Clr Poore**

**THAT** the Planning Committee recommends approval in accordance with Option 1:

**Approve in accordance with the Recommendation:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2019/17 for subdivision (reorganisation of boundaries) at 6 & 8 Tarleton Street, Hamilton, subject to conditions in accordance with the Recommendation.

**Conditions**

*General*

- 1) The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- 2) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this permit unless, as the applicant and the only person with a right of appeal, you notify Council in writing that you propose to commence the use or development before this date, in accordance with Section 53 of the Land Use Planning and Approvals Act 1993.

*Services*

- 3) The Subdivider must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.

*Subdivision*

- 4) Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's Municipal Engineer. The cost of locating and creating the easements shall be at the subdivider's full cost.

*Final plan*

- 5) A final approved plan of survey and schedule of easements as necessary, together with one copy, must be submitted to Council for sealing. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.



- 6) A fee of \$210.00, or as otherwise determined in accordance with Council's adopted fee schedule, must be paid to Council for the sealing of the final approved plan of survey.
- 7) All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage.
- 8) It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.

**The following advice applies to this permit:**

- a) This permit does not imply that any other approval required under any other legislation has been granted.
- b) If you notify Council that you intend to commence the use or development before the date specified above you forfeit your right of appeal in relation to this permit.

**Carried**

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

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**6.2 DA 2019/45: SUBDIVISION (BOUNDARY REORGANISATION) OF 2 TITLES: 7561A & CT130056/1 HIGHLAND LAKES ROAD, MIENA**

**Report by**

Jacqui Tyson (Senior Planning Officer)

**Applicant**

Peter Thiessen

**Owner**

Peter Thiessen Family Super Pty Ltd & P J Downie

**Discretions**

**Low Density Residential Zone -  
Rural Resource Zone - 26.5.2** Reorganisation of boundaries

**Proposal**

The proposal is for the reorganisation of the boundaries of two large existing titles located on the south western edge of the Miena settlement.

The existing titles are both dual zoned, with an area of Low Density Residential Zone land at the northern edge and the remainder of each title in the Rural Resource Zone. Both titles are undeveloped.

Under the proposal the boundary of the two titles will be altered to create Lot 1 with an area of 2110ha and Lot 2 with an area of 58.2ha. Lot 2 will encompass the area closest to the Miena settlement and contain all of the Low Density Residential zoned land (approximately 10.5ha). Lot 1 will absorb the remainder of the land into the larger title.

Subdivision is a Discretionary use and development in the Low Density Residential Zone and Rural Resource Zone.

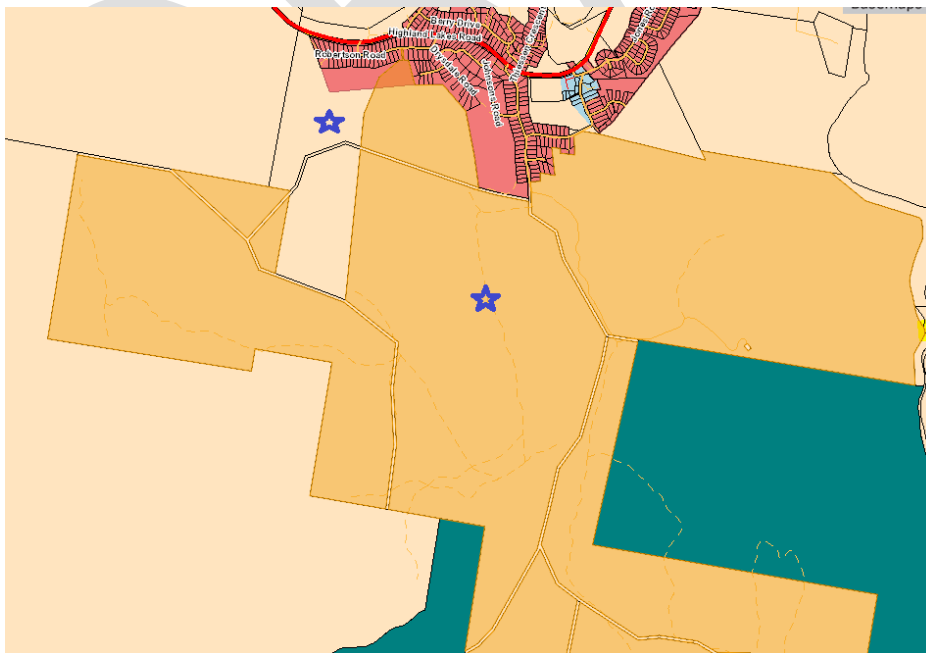
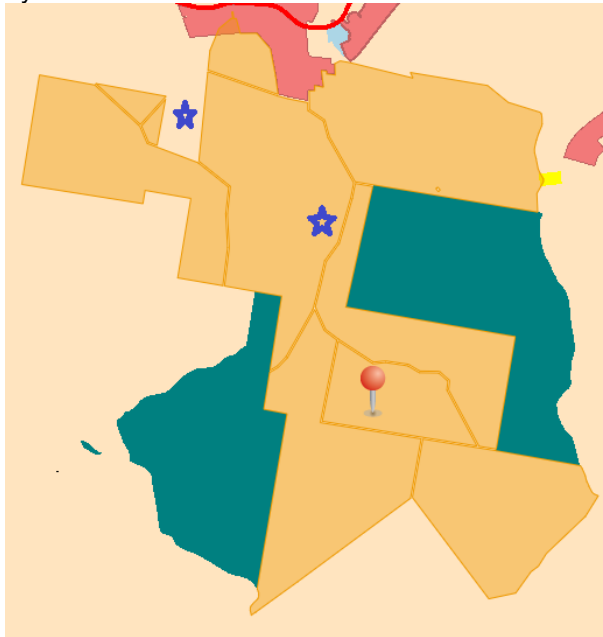
**Subject site and Locality.**

7561A Highland Lakes Road (CT134100/1) is a 2034ha parcel extending south and south west of Miena towards Shannon River and Lagoon and the Shannon settlement and southwest towards the River Ouse.

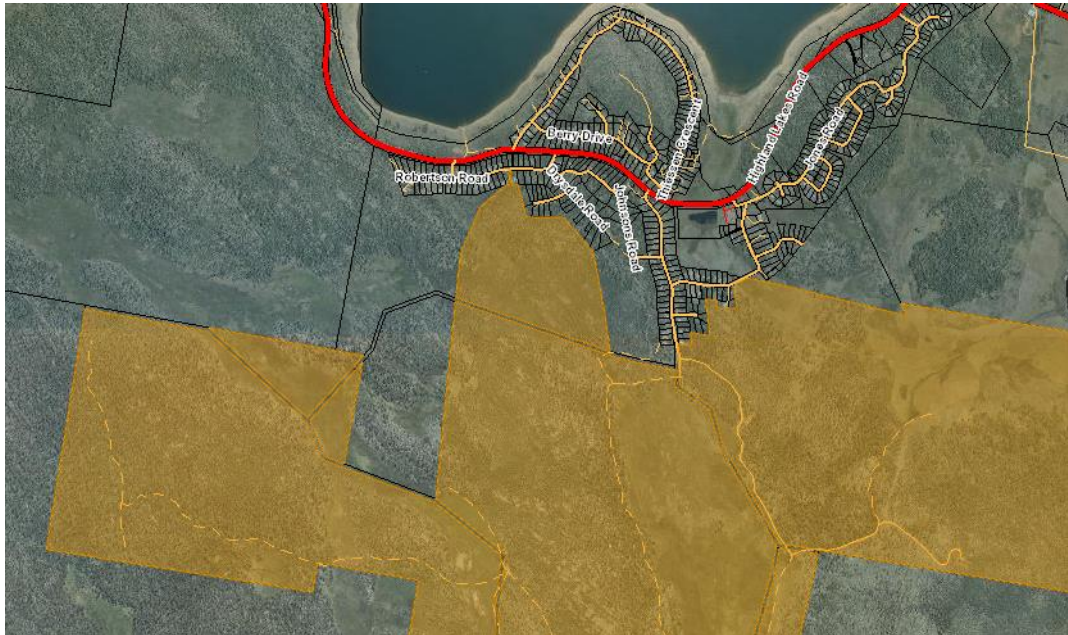
The second title (CT130056/1) is 100ha in area, extending south of Miena.

The land is undeveloped and is generally covered by a mix of highland forest and open scrubland, with patches of marsh and watercourses throughout. There are some cleared areas on the larger title.

The land adjoins the Miena township to the north and other large properties to the south, east and west. Adjoining land includes permanent forest reserves and two conservation reserves (Five Mile Pinnacles Conservation Area and Remarkable Rock Conservation Area) managed by Parks and Wildlife Service.



**Fig 1 and 2.** Location and zoning of the subject land (marked with stars) in the Rural Resource Zone (cream) and the Low Density Residential Zone (pink). Other land in the area includes Environmental Management Zone (dark green), Local Business Zone (light blue) and the Utilities Zone (yellow). (Source: LISTmap)



**Fig 2.** Aerial photo of the subject land and surrounding area (Source: LISTmap)

### **Exemptions**

Nil

### **Special Provisions**

Nil

### **Low Density Residential Zone - Development standards for subdivision**

Part of the subject land is located in the Low Density Residential Zone. The proposal must satisfy the requirements of the following development standards for Lot 2, relevant to subdivisions:

#### **12.5.1 Lot design**

To provide for new lots that:

- (a) have appropriate area and dimensions to accommodate development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements;
- (b) contain building areas which are suitable for residential development, located to avoid hazards and values and will not lead to land use conflict and fettering of resource development use on adjoining rural land;
- (c) are not internal lots, except if the only reasonable way to provide for desired residential density.

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<b>A1</b>  The size of each lot must be in accordance with the following, except if for public open space, a riparian or littoral reserve or utilities:  as specified in Table 12.1. (Lot size is 1500m <sup>2</sup> )	<b>P1</b>  No Performance Criteria.	Lot 2 will contain all of the Low Density Residential Zone and has an overall area of 58.2ha, complying with the Acceptable Solution.
<b>A2</b>	<b>P2</b>	The proposed lot contains a

<p>The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities;</p> <p>(a) clear of the frontage, side and rear boundary setbacks;</p> <p>(b) not subject to any codes in this planning scheme;</p> <p>(c) clear of title restrictions such as easements and restrictive covenants;</p> <p>(d) has an average slope of no more than 1 in 5;</p> <p>(e) is a minimum of 10 m x 15 m in size.</p>	<p>The design of each lot must contain a building area able to satisfy all of the following:</p> <p>(a) is reasonably capable of accommodating residential use and development;</p> <p>(b) meets any applicable standards in codes in this planning scheme;</p> <p>(c) enables future development to achieve reasonable solar access, given the slope and aspect of the land;</p> <p>(d) minimises the requirement for earth works, retaining walls, and cut &amp; fill associated with future development;</p>	<p>building area that complies with the design requirements of Acceptable Solution A2.</p>
<p><b>A3</b></p> <p>The frontage for each lot must be no less than the following, except if for public open space, a riparian or littoral reserve or utilities and except if an internal lot:</p> <p>30m.</p>	<p><b>P3</b></p> <p>The frontage of each lot must provide opportunity for reasonable vehicular and pedestrian access and must be no less than:</p> <p>6 m.</p>	<p>Lot 2 will have two frontages to Robertson Road and over 30m of frontage to the Highland Lakes Road, complying with Acceptable Solution A3.</p>
<p><b>A4</b></p> <p>No lot is an internal lot.</p>	<p><b>P4</b></p> <p>An internal lot must satisfy all of the following:</p> <p>(a) access is from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land;</p> <p>(b) it is not reasonably possible to provide a new road to create a standard frontage lot;</p> <p>(c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot;</p> <p>(d) the lot will contribute to the</p>	<p>There are no internal lots proposed, complying with Acceptable Solution A4.</p>

	<p>more efficient utilisation of living land;</p> <p>(e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;</p> <p>(f) the lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m;</p> <p>(g) passing bays are provided at appropriate distances along the access strip to service the likely future use of the lot;</p> <p>(h) the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road;</p> <p>(i) a sealed driveway is provided on the access strip prior to the sealing of the final plan.</p> <p>(j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces.</p>	
<b>A5</b>  Setback from a new boundary for an existing building must comply with the relevant Acceptable Solution for setback.	<b>P5</b>  Setback from a new boundary for an existing building must satisfy the relevant Performance Criteria for setback.	The site does not have any existing buildings, so assessment against this clause is not required.

#### **Rural Resource Zone - Development standards for subdivision**

Part of the subject land is located in the Rural Resource Zone. The proposal must satisfy the requirements of the following development standards, relevant to subdivisions:

##### **26.5.2 Reorganisation of Boundaries**

To promote the consolidation of rural resource land and to allow for the rearrangement of existing titles, where appropriate, to provide for a better division of land.

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<b>A1</b>	<b>P1</b>	The proposal must be assessed against the

<p>A lot is for public open space, a riparian or littoral reserve or utilities.</p>	<p>The reorganisation of boundaries must satisfy all of the following:</p> <p>(a) all existing lots are adjoining or separated only by a road;</p> <p>(b) no existing lot was formally a crown reserved road or other reserved land;</p> <p>(c) provide for the sustainable commercial operation of the land by either:</p> <p>(i) encompassing all or most of the agricultural land and key agricultural infrastructure (including the primary dwelling) in one lot, the 'primary agricultural lot', as demonstrated by a whole farm management plan,</p> <p>(ii) encompassing an existing or proposed non-agricultural rural resource use in one lot;</p> <p>(d) if a lot contains an existing dwelling, setbacks to new boundaries satisfy clause 26.4.2;</p> <p>(e) if containing a dwelling, other than the primary dwelling, the dwelling is surplus to rural resource requirements of the primary agricultural lot;</p> <p>(f) a new vacant lot must:</p> <p>(i) contain land surplus to rural resource requirements of the primary agricultural lot;</p> <p>(ii) contain a building area capable of accommodating residential development satisfying clauses 26.4.2 and 26.4.3.</p>	<p>Performance Criteria P1 as the subdivision is not for public open space, utilities or a reserve.</p> <p>(a) Complies – the existing lots are adjoining.</p> <p>(b) Complies – none of the lots were a crown reserved road or other reserved land.</p> <p>(c) Complies The proposal will largely consolidate the rural portion of the land that is suitable for primary production into Lot 1.</p> <p>(d) There are no existing dwellings on the land.</p> <p>(e) The land is vacant.</p> <p>(f) If required, both lots contain suitable building areas complying with setbacks.</p>
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	<p>(iii) not result in a significant increase in demand for public infrastructure or services;</p> <p>(g) all new lots must comply the following:</p> <p>(i) be no less than 1ha in size;</p> <p>(ii) have a frontage of no less than 6m;</p> <p>(iii) be serviced by safe vehicular access arrangements;</p> <p>(h) be consistent with any Local Area Objectives or Desired Future Character Statements provided for the area.</p>	<p>There will be no significant increase in demand for public infrastructure or services created by the proposal.</p> <p>(g) (i) Complies - The lots are well over 1ha.</p> <p>(ii) Both lots will have frontages of more than 6m.</p> <p>(iii) Both lots have suitable existing accesses.</p> <p>(h) There are no Local Area Objectives or Desired Future Character Statements in the Rural Resource zone.</p>
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## **Codes**

### ***E1.0 Bushfire Prone Areas Code:***

The Bushfire Prone Areas Code applies to development for subdivision.

A Bushfire Management Report has been provided with the application to demonstrate compliance with the applicable standards of the Code.

### ***E7.0 Stormwater Management Code:***

This Code applies to all use and development.

In this case the proposed subdivision will not change the existing conditions on the ground and does not require stormwater infrastructure.

## **Codes**

### ***E1.0 Bushfire Prone Areas Code***

The site is located in a bushfire prone area. The proposed boundary reorganisation does not include any development or changes to existing conditions that require assessment under the Code.

### ***E11.0 Waterway and Coastal Protection Code:***

Parts of the land are subject to a Waterway Protection Area under this Code around waterways and waterbodies.

The proposal does not include any works that could impact waterways, so further assessment is not required.

## **Representations**

The proposal was advertised for the statutory 14 days period from 9<sup>th</sup> July 2019 until 2<sup>nd</sup> July 2019.

No representations were received.

### **Conclusion**

The proposal is for a boundary reorganisation between two large titles south of the Miena township. The application is assessed to comply with the applicable standards of the Low Density Residential and Rural Resource Zones and the relevant codes of the *Central Highlands Interim Planning Scheme 2015* as outlined in the body of this report.

The proposal was advertised for public comment and no representations were received.

It is recommended that the application be approved, subject to conditions.

### **Legislative Context**

The purpose of the report is to enable the Planning Authority to determine the Development Application DA2019/45 in accordance with the requirements of the *Land Use Planning and Approvals Act 1993* (LUPAA). The provisions of LUPAA require a Planning Authority to take all reasonable steps to ensure compliance with the Planning Scheme.

This report details the reasons for the officers Recommendation. The Planning Authority must consider the report but is not bound to adopt the Recommendation. Broadly, the Planning Authority can either: (1) adopt the Recommendation, (2) vary the Recommendation by adding, modifying or removing recommended conditions or (3) replacing an approval with a refusal.

This determination has to be made no later than 21<sup>st</sup> August 2019, which has been extended beyond the usual 42 day statutory time frame with the consent of the application.

Any decision that is an alternative to the Recommendation requires a full statement of reasons to ensure compliance with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*. Section 25 (2) of the *Local Government (Meeting Procedures) Regulations 2015* states:

**25 (2):** *The general manager is to ensure that the reasons for a decision by a council or council committee acting as a planning authority are recorded in the minutes of the meeting.*

### **Options**

The Planning Authority must determine the Development Application DA2019/17 in accordance with one of the following options:

#### **1. Approve in accordance with the Recommendation:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2019/45 for subdivision (boundary reorganisation) of 2 titles at 7561A & CT130056/1 Highland Lakes Road, Miena, subject to conditions in accordance with the Recommendation.

#### **2. Approve with altered conditions:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2019/45 for subdivision (boundary reorganisation) of 2 titles at 7561A & CT130056/1 Highland Lakes Road, Miena, subject to conditions as specified below.

*Should Council opt to approve the Development Application subject to conditions that are different to the Recommendation the modifications should be recorded below, as required by Section 25(2) of the Local Government (Meeting Procedures) Regulations 2015:*

Alteration to Conditions:-



### 3. Refuse to grant a permit:-

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Refuse** the Development Application DA2019/45 for subdivision (boundary reorganisation) of 2 titles at 7561A & CT130056/1 Highland Lakes Road, Miena, for the reasons detailed below.

*Should the Planning Authority opt to refuse to grant a permit contrary to the officers Recommendation, the reasons for the decision should be recorded below, as required by Section 25(2) of the Local Government (Meeting Procedures) Regulations 2015:*

Reasons :-

### **RECOMMENDATION FROM PLANNING COMMITTEE**

Moved **Clr Cassidy**

Seconded **Clr Poore**

**THAT** the Planning Committee recommends approval in accordance with Option 1:

#### **Approve in accordance with the Recommendation:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2019/17 for subdivision (reorganisation of boundaries) at 6 & 8 Tarleton Street, Hamilton, subject to conditions in accordance with the Recommendation.

### **Conditions**

#### *General*

- 1) The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- 2) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this permit unless, as the applicant and the only person with a right of appeal, you notify Council in writing that you propose to commence the use or development before this date, in accordance with Section 53 of the Land Use Planning and Approvals Act 1993.

#### *Services*

- 3) The Subdivider must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.

#### *Subdivision*

- 4) Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's Municipal Engineer. The cost of locating and creating the easements shall be at the subdivider's full cost.

#### *Final plan*

- 5) A final approved plan of survey and schedule of easements as necessary, together with one copy, must be submitted to Council for sealing. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
- 6) A fee of \$210.00, or as otherwise determined in accordance with Council's adopted fee schedule, must be paid to Council for the sealing of the final approved plan of survey.

- 7) All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage.
- 8) It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.

**The following advice applies to this permit:**

- a) This permit does not imply that any other approval required under any other legislation has been granted.
- b) If you notify Council that you intend to commence the use or development before the date specified above you forfeit your right of appeal in relation to this permit.

**Carried**

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

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**6.3 DA2019/43: NEW DWELLING & CHANGE OF USE (EXISTING DWELLING TO VISITOR ACCOMMODATION): 5987 LYELL HIGHWAY, HAMILTON**

**Report by**

Jacqui Tyson (Senior Planning Officer)

**Applicant**

E3 Planning Pty Ltd

**Owner**

P J Headlam

**Discretions**

**26.2** Use table (Visitor accommodation)

**26.3.** Use standards

**Proposal**

The proposal is for the construction of a new dwelling and change of use of an existing dwelling to Visitor accommodation on a rural property at 5967 Lyell Highway, Hamilton.

The proposed new dwelling is a single storey family home with a floor area of approximately 300m<sup>2</sup>. The dwelling will contain five bedrooms, two bathrooms, study, bathroom, laundry, living spaces, outdoor courtyard and decks. The dwelling will be clad in proprietary panel wall cladding with a Colorbond roof.

The new dwelling is to be located approximately 260m north west of the existing dwelling, with setbacks of 185m to the Lyell Highway frontage and 146m to the north western side boundary. Access to the dwelling will be via the existing entry from the Lyell Highway, with the internal gravel driveway to be extended to the new dwelling site.

Following construction of the proposed new dwelling, the use of the existing dwelling will change to Visitor accommodation, allowing it to be used for a commercial short stay accommodation facility. The building contains four bedrooms, one bathroom, laundry and storage and open plan living spaces. It also has an attached carport and a deck. No physical changes to this building are proposed.

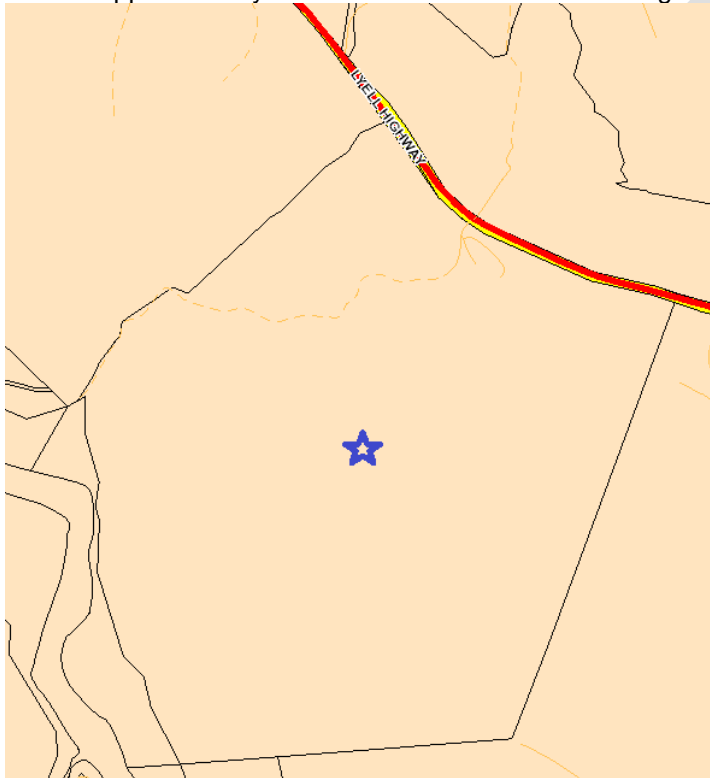
The proposal is Discretionary and is assessed against the relevant standards for the Rural Resource Zone pursuant to section 26.0 of the Central Highlands Interim Planning Scheme 2015.

### **Subject site and Locality.**

The subject title has an area of 215.6ha and is used for farming purposes. The property is located on the southern side of the Lyell Highway, extending to Meadowbank Lake to the south west.

The northern part of the land nearest the road is relatively flat, before rising to the Sendace Hills and then falling away to Meadowbank Lake. The north western boundary of the property follows a low point in the land between the Sendace Hills and Tent Hill on the neighbouring property.

The locality is largely characterised by farm land, much of which is irrigated. Hamilton is located approximately 4.5km to the east of the site along the Lyell Highway.



**Fig 1.** Location and zoning of the subject land (marked by a star) in the Rural Resource zone. (Source: LISTmap)



**Fig 2.** Aerial photo of the subject land and surrounding area (Source: LISTmap)

## Exemptions

Nil

## Special Provisions

Nil

## Rural Resource Zone - Use standards

<b>26.3.1 Sensitive Use (including residential use)</b> To ensure sensitive use does not unreasonably convert agricultural land or conflict with or fetter non-sensitive use.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<b>A1</b>  A sensitive use is for a home based business or an extension or replacement of an existing dwelling or existing ancillary dwelling, or for home-based child care in accordance with a licence under the Child Care Act 2001.	<b>P1</b>  A sensitive use must not unreasonably convert agricultural land or conflict with or fetter non-sensitive use on adjoining land having regard to all of the following:  (a) the characteristics of the proposed sensitive use;  (b) the characteristics of the existing or likely non-sensitive use on adjoining land;  (c) setback to site boundaries and separation distance between the proposed sensitive use and existing or likely non-sensitive use on adjoining land;  (d) any characteristics of the site and adjoining land that would buffer the proposed sensitive use from the adverse impacts on residential amenity from existing or likely non-sensitive use.	<p>The proposal includes a new dwelling and visitor accommodation which are both sensitive uses. The proposal is assessed against the Performance Criteria.</p> <p>The Visitor accommodation will use an existing building and as such it does not convert agricultural land for another purpose.</p> <p>The proposed new dwelling has been sited on land with low productive value, being a hillock that is currently occupied by some non-native trees. The property is relatively large and the small area of land to be used to support the new dwelling will not impact the overall productive value of the property through conversion of agricultural land.</p> <p>The new dwelling will be setback at least 146m from the boundary with the neighbouring property and the existing dwelling/proposed Visitor accommodation is setback further. It is considered that the proposed siting is sufficient to provide protection of residential amenity from non-sensitive uses on the neighbouring land and surrounding area.</p> <p>In regard to (b), it is noted that Council have been advised by the EPA that a 'Notice of Intent' has been lodged for development of an aquaculture facility on land adjoining the subject site. A</p>

		<p>'Notice of Intent' is the first step for a level 2 development application, where basic information is provided to the EPA so that guidelines for assessment can be provided to the applicant to assist them in preparing comprehensive application documents. If/when the proponent decides to proceed with a proposal they must then lodge a detailed application with EPA and Council for assessment. In this case the NOI document is 'Commercial in Confidence' and is not available to the public and the project has not progressed to a Development Application at this time.</p> <p>Generally the planning scheme provides limited opportunity to consider future or proposed uses before they are approved, but it is considered relevant to this clause to give some consideration to the impact an aquaculture facility may have on the proposed dwelling and Visitor accommodation. The Attenuation Code of the planning scheme designates attenuation areas for uses that have a higher potential to create emissions that conflict with sensitive uses. The most relevant Activity listed in Table E19.1 of the current planning scheme is Fish processing (primary) with an attenuation distance of 100m. For reference, Table C9.1 in the Tasmanian Planning Scheme also lists an attenuation distance of 100m for land based aquaculture operations.</p> <p>The sensitive uses proposed in this development application are sited more than 100m from the boundary to the adjoining land subject to the potential aquaculture application. The separation distance between any future aquaculture facility and the proposed dwelling is likely to be over 200m, double the attenuation area.</p>
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		This provides a good indication that the proposed sensitive uses can be protected from any adverse impacts from future use of the neighbouring property for aquaculture.
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### 26.3.2 Visitor accommodation

To ensure visitor accommodation is of a scale that accords with the rural character and use of the area.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p><b>A1</b></p> <p>Visitor accommodation must comply with all of the following:</p> <p>(a) is accommodated in existing buildings;</p> <p>(b) provides for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site;</p> <p>(c) has a floor area of no more than 160m<sup>2</sup>.</p>	<p><b>P1</b></p> <p>Visitor accommodation must satisfy all of the following:</p> <p>(a) not adversely impact residential amenity and privacy of adjoining properties;</p> <p>(b) provide for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site;</p> <p>(c) be of an intensity that respects the character of use of the area;</p> <p>(d) not adversely impact the safety and efficiency of the local road network or disadvantage owners and users of private rights of way;</p> <p>(e) be located on the property's poorer quality agricultural land or within the farm homestead buildings precinct;</p> <p>(f) not fetter the rural resource use of the property or adjoining land.</p>	<p>The proposal includes conversion of an existing dwelling to farm stay style Visitor accommodation after the new dwelling is constructed.</p> <p>The building to be used for Visitor accommodation has a floor area of approximately 185m<sup>2</sup>. Assessment against the Performance Criteria is therefore required.</p> <p>(a) The Visitor accommodation is sited over 90m from the nearest property boundary (Lyell Highway) and is separated from the nearest dwellings by 270m (north), 800m+ (east) and over 1km (west). The Visitor accommodation is not expected to impact the amenity or privacy of adjoining properties.</p> <p>(b) The Visitor accommodation exists as a dwelling and has sufficient access, parking and manoeuvring space to meet the needs of the proposed use without any physical changes.</p> <p>(c) The proposed Visitor accommodation will be one building only that could accommodate a family or several couples at a time. The intensity of the proposed use is considered to respect the character of the area.</p> <p>(d)</p>

		<p>The Visitor accommodation will continue to use the existing access from the Lyell Highway, which will be shared with the proposed new dwelling. The increase in traffic can easily be accommodated safely and efficiently by the access and the road network.</p> <p>(e) The Visitor accommodation will utilise an existing building/dwelling located near the farm yard area with outbuildings and other improvements.</p> <p>(f) The proposed Visitor accommodation will use an existing building, is described as a 'farm stay' style and is sited with generous setbacks to avoid fettering of rural resource uses on the land and surrounds.</p>
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### 26.3.3 Discretionary Use

To ensure discretionary non-agricultural uses do not unreasonably confine or restrain the agricultural use of agricultural land.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p><b>A1</b></p> <p>No acceptable solution.</p>	<p><b>P1</b></p> <p>A discretionary non-agricultural use must not conflict with or fetter agricultural use on the site or adjoining land having regard to all of the following:</p> <p>(a) the characteristics of the proposed non-agricultural use;</p> <p>(b) the characteristics of the existing or likely agricultural use;</p> <p>(c) setback to site boundaries and separation distance between the proposed non-agricultural use and existing or likely agricultural use;</p> <p>(d) any characteristics of the site and adjoining land that would</p>	<p>Visitor accommodation is a discretionary non-agricultural use which is assessed against the Performance Criteria.</p> <p>As discussed above, the proposed Visitor accommodation will be accommodated in the existing dwelling after the proposed new dwelling is constructed.</p> <p>The building is sited with generous setbacks to boundaries and neighbouring dwellings.</p> <p>The building is screened from the road by mature vegetation and further surrounded by mature trees and gardens, providing some visual and amenity screening from rural resource uses on the site and surrounds.</p> <p>Overall it is considered that the proposed use and</p>



	buffer the proposed non-agricultural use from the adverse impacts on amenity from existing or likely agricultural use.	development is appropriate for the site and any impacts to uses on adjoining land will be manageable.
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#### **Rural Resource Zone - Development standards**

The subject land is located in the Rural Resource Zone. The proposal must satisfy the requirements of the following development standards:

##### **26.4.1 Building Height**

To ensure that building height contributes positively to the rural landscape and does not result in unreasonable impact on residential amenity of land.

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<b>A1</b> Building height must be no more than:  8.5 m if for a residential use.  10 m otherwise.	<b>P2</b> Building height must satisfy all of the following:  (a) be consistent with any Desired Future Character Statements provided for the area;  (b) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by overlooking and loss of privacy;  (c) if for a non-residential use, the height is necessary for that use.	The height of the new dwelling is less than 8.5m, complying with the Acceptable Solution.

##### **26.4.2 Setback**

To minimise land use conflict and fettering of use of rural land from residential use, maintain desirable characteristics of the rural landscape and protect environmental values in adjoining land zoned Environmental Management.

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<b>A1</b> Building setback from frontage must be no less than:  20 m.	<b>P2</b> Building setback from frontages must maintain the desirable characteristics of the surrounding landscape and protect the amenity of adjoining lots, having regard to all of the following:  (a) the topography of the site;  (b) the size and shape of the site;  (c) the prevailing setbacks of existing buildings on nearby lots;	The new dwelling will be setback more than 20m from the frontage to the Lyell Highway, complying with the Acceptable Solution.

	<p>(d) the location of existing buildings on the site;</p> <p>(e) the proposed colours and external materials of the building;</p> <p>(f) the visual impact of the building when viewed from an adjoining road;</p> <p>(g) retention of vegetation.</p>	
<p><b>A2</b> Building setback from side and rear boundaries must be no less than:</p> <p>50 m.</p>	<p><b>P2</b> Building setback from side and rear boundaries must maintain the character of the surrounding rural landscape, having regard to all of the following:</p> <p>(a) the topography of the site;</p> <p>(b) the size and shape of the site;</p> <p>(c) the location of existing buildings on the site;</p> <p>(d) the proposed colours and external materials of the building;</p> <p>(e) visual impact on skylines and prominent ridgelines;</p> <p>(f) impact on native vegetation.</p>	<p>The new dwelling will be setback over 100m from the new boundary, easily complying with the Acceptable Solution.</p>
<p><b>A3</b> Building setback for buildings for sensitive use must comply with all of the following:</p> <p>(a) be sufficient to provide a separation distance from a plantation forest, Private Timber Reserve or State Forest of 100 m;</p> <p>(b) be sufficient to provide a separation distance from land zoned Significant Agriculture of 200 m.</p>	<p><b>P3</b> Building setback for buildings for sensitive use (including residential use) must prevent conflict or fettering of primary industry uses on adjoining land, having regard to all of the following:</p> <p>(a) the topography of the site;</p> <p>(b) the prevailing setbacks of existing buildings on nearby lots;</p> <p>(c) the location of existing buildings on the site;</p> <p>(d) retention of vegetation;</p>	<p>Not Applicable.</p> <p>The site does not adjoin a Private Timber Reserve, State Forest or land zoned Significant Agriculture.</p>

	<p>(e) the zoning of adjoining and immediately opposite land;</p> <p>(f) the existing use on adjoining and immediately opposite sites;</p> <p>(g) the nature, frequency and intensity of emissions produced by primary industry uses on adjoining and immediately opposite lots;</p> <p>(h) any proposed attenuation measures;</p> <p>(i) any buffers created by natural or other features.</p>	
<p><b>A4</b> Buildings and works must be setback from land zoned Environmental Management no less than:</p> <p>100 m.</p>	<p><b>P4</b> Buildings and works must be setback from land zoned Environmental Management to minimise unreasonable impact from development on environmental values, having regard to all of the following:</p> <p>(a) the size of the site;</p> <p>(b) the potential for the spread of weeds or soil pathogens;</p> <p>(c) the potential for contamination or sedimentation from water runoff;</p> <p>(d) any alternatives for development.</p>	<p>Not Applicable.</p> <p>The site does not adjoin land in the Environmental Management Zone.</p>

## **Codes**

### ***E5.0 Road and Railway Assets Code:***

The proposed dwelling and Visitor accommodation will continue to use the existing access point from the Lyell Highway. The sight distances of the existing access are adequate.

The increase in traffic movements will be minimal and will not increase more than 10% or 10 vehicle movements above the existing level in accordance with the requirements of the Code.

### ***E6.0 Parking and Access Code:***

This Code applies to all use and development.

The proposal includes parking for the dwelling and Visitor accommodation and construction of a suitable internal access, complying with all applicable standards.

### ***E7.0 Stormwater Management Code:***

This Code applies to all use and development.

Stormwater from the proposed development can be disposed of onsite to satisfy the Code standards.

## Representations

The proposal was advertised for the statutory 14 days period from 9<sup>th</sup> July 2019 until 22<sup>nd</sup> July 2019.

A total of one (1) representation was received. The issues raised in the representation are presented in the table below.

The representation was referred to the applicant for response, which have been incorporated into the officer comments below where relevant.

<b>Representation 1</b>	
<b>Issues</b>	<b>Officer comments</b>
<p>I understand from Council's notice that E3 Planning has made an application on behalf of P J Headlam for construction of a new dwelling and change of use of an existing dwelling on the site to visitor accommodation. The subject land is an agricultural property. The new house is to be setback 146m from the north western side boundary and 185m from the front boundary with the Lyell Highway to the north. I understand that there is an existing dwelling and outbuildings on the site further to the east. There are two floor plans included in the application. The first, an illegible hand drawn floor plan in blue pen. The second, a floor plan prepared by Leon Jenkins of a 5 bedroom dwelling including separate rumpus room, family room, dining room, study, decks and outdoor living areas. The dimensions of the floor plan are not legible.</p> <p>The application documentation provided to you by Council, 9 July 2019 is of very poor quality and in my assessment lacks critical detail to satisfy the minimum requirements for an application for a planning permit under Clause 8.1 of the planning scheme. In particular, the proposal does not include the following mandatory information:</p> <ul style="list-style-type: none"> <li>• A full description of the proposed use and development (Clause 8.1.2(c));</li> <li>• A description of the manner in which the proposed use and development will operate (Clause 8.1(d))</li> </ul> <p>In that absence of this descriptive information and the very poor quality of the plans provided, in my assessment the application does not meet the minimum requirements of 8.1.2 and is therefore invalid.</p> <p>Notwithstanding this fundamental flaw, in my assessment the following additional information is necessary and desirable and should have been requested by Council under Clause 8.1.3 of the planning scheme:</p> <ul style="list-style-type: none"> <li>• A site analysis and site plan at an acceptable scale showing existing and proposed uses on the site,</li> </ul>	<p>While the application documents may not be of the highest quality, it is considered that sufficient information is provided for Council to understand the intent of the proposal and make an assessment under the planning scheme.</p> <p>Applicant response:  <i>The application includes a floor plan for the proposed new dwelling depicting its size and scale. The size of the dwelling and individual features are specified on the plans. The external appearance of the dwelling is detailed in the elevations provided. The location of the proposed dwelling is detailed through both a location and site plan.</i></p> <p><i>The site plan also shows the location of the existing dwelling. The floor plan of the existing dwelling is depicted by sketch plans. No development is sought in this regard, only a change of use.</i></p> <p><i>The application details the nature of the proposed use and provides further detail as to the manner in which the proposed residential and visitor accommodation uses will operate.</i></p> <p><i>It is unreasonable to suggest that the application is invalid. It was of course open to Council to request further information if it took the view that such information was required to complete its assessment.</i></p> <p><i>I have assumed, in the absence of such a request, the Council considers that it holds adequate information in order to determine whether the relevant standards are satisfied. The application is for a single residential dwelling and for a change of use to visitor accommodation for the existing dwelling. This change of use would provide a further revenue stream to the existing agricultural use of the property and enhance the visitor experience within the Municipality. The proposed use and development is minor, with almost no potential to impact the amenity of the</i></p>

<p>topography including contours showing AHD levels and major site features, an assessment of soil type and drainage, the location and use of existing buildings on the site, the location of existing adjoining properties, adjacent buildings and their uses, proposed car parking areas and the dimensions of proposed driveway (Clause 8.1.3(a));</p> <ul style="list-style-type: none"> <li>• Floor plans, elevations of proposed buildings at a scale of 1:100 or 1:200 with dimensions and natural ground levels (Clause 8.1.3(b));</li> <li>• Other critical information discussed below that is necessary to determine whether applicable standards and purpose statements of the Zone and Codes are satisfied (Clause 7.5)</li> </ul> <p>Without this information it is not possible to demonstrate that the use and development complies with the relevant standards and purpose statements in the zone and codes.</p>	<p><i>surrounding area. The information sought would be commensurate with that of some major proposal. Council can be confident that the detail in the application is more than sufficient to meet the requirements of its planning scheme.</i></p>
<p>The site and surrounding land is zoned Rural Resource. The Purpose of the Zone (26.1.1) is:</p> <p>26.1.1.1 <b><u>To provide for the sustainable use or development of resources for agriculture, aquaculture,</u></b> forestry, mining and other primary industries, including opportunities for resource processing.</p> <p>26.1.1.2 <b><u>To provide for other use or development that does not constrain or conflict with resource development uses.</u></b></p> <p>26.1.1.3 To provide for non-agricultural use or development, such as recreation, conservation, tourism and retailing, <b><u>where it supports existing agriculture, aquaculture,</u></b> forestry, mining and other primary industries.</p> <p>26.1.1.4 To allow for residential and other uses not necessary to support agriculture, aquaculture and other primary industries provided that such uses do not:</p> <p>(a) <b><u>fetter existing or potential rural resource use and development on other land;</u></b></p> <p>(b) add to the need to provide services or infrastructure or to upgrade existing infrastructure;</p> <p>(c) <b><u>contribute to the incremental loss of productive rural resources.</u></b></p> <p>26.1.1.5 <b><u>To provide for protection of rural land so future resource</u></b></p>	<p>Zone purpose statements are useful for understanding what the main objective of the zone is and where it should be applied.</p> <p>Part 7.5 of the planning scheme does not allow for reference to the Purpose statements when considering whether a Development Application complies with the applicable Use and Development standards of a zone. This is because the use and development standards should be written to effectively express the Purpose of the zone.</p> <p>The matters highlighted in the zone Purpose statements by the representor are well addressed in the Use and Development standards of the zone.</p> <p>The assessment against the Use standards provided above details why the proposal is considered to comply with the Use standards, and therefore by extension the Purpose statements of the Rural Resource Zone.</p>

<p><b><u>development opportunities are no lost.</u></b> I have underlined key aspects of the Zone purpose statements above. Having regard to these the underlying intent of the zone is to prevent the incremental loss or fettering of productive rural land for resource development including agriculture and aquaculture.</p>	
<p>Proposals for likely future use of adjoining land at 56 Woodmoor Road As Council is aware, Tassal Group Limited lodged a Notice of Intent with the EPA in April 2019 for the use and development of 56 Woodmoor Road, directly adjoining the site to the north west for a recirculated aquaculture hatchery. The application for 5987 Lyell Highway should include sufficient information to assess the impact of the proposal on this likely future Resource Development Use of the adjoining land.</p>	<p>This matter is addressed in the assessment of Clause 26.3.1 above.</p> <p>As discussed there, the NOI documentation for the project is 'Commercial in Confidence' so details cannot be presented. However, considering the setbacks of the proposed development of sensitive uses under consideration will exceed the attenuation area identified for aquaculture the risk of land use conflict is considered to be adequately addressed sufficiently given the early stage that proposal is at and the information available.</p> <p>Applicant response: <i>It may be fact that TASSAL Group Limited have lodged a Notice of Intent with the EPA, however no information is publicly available, no development application has been lodged with Council and there is no information available on the EPA website other than that listed in the <b>Assessments in Progress as at May 2019</b> document referable to "documentation in preparation" obtained from the EPA Website. The status of any application, including whether it is capable of approval, is unknown such that it cannot be concluded that any proposal by Tassal is a "likely" agricultural or non-sensitive use. Indeed, as "aquaculture" any such proposal would not meet the definition of agricultural use. It is impossible for Council or the applicant to make any assessment of impact of the proposal against a hypothetical proposal. (the representor) would appear to expect Council to refuse my Client's application on the basis that his client TASSAL 'may want' to do something fish farm related on the adjacent property.</i></p>
<p>Use I understand that the proposal is to change the use of an existing dwelling on the site to visitor accommodation and construct a new dwelling. I note multiple dwellings are a prohibited use in the zone. <u>Visitor Accommodation is defined under Planning Directive No. 6 Exemption and Standards for <i>Visitor Accommodation in Planning Schemes</i> as:</u> use of land for providing short or medium</p>	<p>While it is accepted that 'holiday cabin' may not be the best description for a house converted to Visitor accommodation, this is the only example term used in the definition of Visitor accommodation that can be applied to this very common circumstance.</p> <p><i>Holiday cabin</i> is not further defined in part 4 of the scheme as <i>bed and breakfast establishment</i> is. It is considered to be the 'best fit'.</p>



<p>term accommodation, for persons away from their normal place of residence, on a commercial basis or otherwise available to the general public at no cost. Examples include a backpackers hostel, bed and breakfast establishment, camping and caravan park, holiday cabin, holiday unit, motel, overnight camping area, residential hotel and serviced apartment.</p> <p><i>The Use Class is relatively broad and includes a nonexclusive list of examples including a backpackers hostel, bed and breakfast establishment, camping and caravan park, holiday cabin, <u>holiday unit, motel, overnight camping area, residential hotel and serviced apartment.</u> There may be other uses in an addition to these examples.</i></p> <p>The test of the Visitor Accommodation Use Class is that it be for short or medium term accommodation, for persons away from their normal place of residence. This use Class however is overlaid by the following Use Qualification in the Use Table (26.2):</p> <p style="padding-left: 40px;">Only if backpackers hostel, bed and breakfast establishment, camping and caravan park, holiday cabin, overnight camping area or seasonal workers accommodation.</p> <p>The proposed conversion of the existing single dwelling to visitor accommodation must therefore meet one of these use descriptions if it is to be able to be considered as a discretionary application. The proposal is clearly not a backpackers hostel, camping and caravan park or overnight camping area. It is also not a bed and breakfast establishment, a defined term under the planning scheme meaning:</p> <p style="padding-left: 40px;"><b><u>part of a dwelling used by its resident to provide,</u></b> on a short-term commercial basis, accommodation and breakfast for persons away from their normal place of residence.</p> <p>In the absence of adequate plans it is not possible to characterise the proposal as a <i>holiday cabin</i>.</p> <p>No information is provided with the application that confirms that proposal is to be used as seasonal workers accommodation.</p> <p>On the basis that the application does not include sufficient information to demonstrate that the proposed use would be appropriately categorised as one of these descriptions, the use is prohibited and must be refused.</p>	<p>It is considered that the use qualification in the Rural Resource Zone does not seek to prohibit the use of a dwelling (part time or full time) as <i>Visitor accommodation</i>. This has become a very common application type in all zones, including Rural Resource</p>
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<p>Use Standards (26.3) In the absence of adequate floor plans for the existing dwelling on the site it is not possible to assess the proposal under the Use Standards for Sensitive Use, Visitor Accommodation or Discretionary Use under Clause 26.3.1 - 26.3.3.</p> <ul style="list-style-type: none"> <li>• In particular the application does not provide adequate information to demonstrate that: The proposal will not unreasonably convert agricultural land or conflict with or fetter non sensitive use on or adjoining the site;</li> <li>• The uses are located on the property's poorer quality agricultural land; and</li> </ul> <p>The proposal will not impact on the existing or likely non-sensitive use on adjoining land.</p>	<p>It is considered that sufficient information is provided in the application for assessment of the Use standards (see above).</p> <p>Applicants response: <i>It is suggested that it is not possible to assess the proposal against the relevant use standards contained in cl.26.3.1, 26.3.2 and 26.3.3 and goes on to identify particular issues. The relevant information is outlined the supporting letter dated 19 June 2019 which contains responses to all relevant acceptable solutions and performance criteria.</i></p> <p><i>The proposal is assessed differently against the different standards and care needs to be taken to ensure that each standard is applied to the specific use under consideration. For example, (the representor) contends that there has been a failure to demonstrate that "the uses are located on the property's poorer quality agricultural land". Such a requirement arises under cl.26.3.2, PI (e) which applies only to the proposed visitor accommodation use. This use is proposed to replace the existing residential use of the existing dwelling. It is reasonable to conclude that the existing dwelling represents the poorer quality agricultural land as it is not available for agricultural use, and in any event it is within the area of the existing farm buildings as to meet the alternate limb of the criterion.</i></p> <p><i>At its core, the representation contends that the proposed dwelling may fetter the underlying agricultural use, which is a non-sensitive use, of the adjoining property. The existing and likely agricultural use of the land is best understood as productive grazing land. The setback proposed together with the fact that the dwelling here proposed is intended to support farming operations on the subject land, support the conclusion that the use will not conflict with or fetter agricultural use.</i></p>
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### **Conclusion**

The proposal for the construction of a new dwelling and change of use of an existing dwelling to Visitor accommodation at 5967 Lyell Highway, Hamilton is assessed to comply with the applicable standards of the Rural Resource Zone and the relevant codes of the *Central Highlands Interim Planning Scheme 2015* as outlined in the body of this report.

The proposal was advertised for public comment and one representation was received. The concerns raised in the representation are considered above.

It is recommended that the application be approved, subject to conditions.

### **Legislative Context**



The purpose of the report is to enable the Planning Authority to determine the Development Application DA2019/43 in accordance with the requirements of the *Land Use Planning and Approvals Act 1993* (LUPAA). The provisions of LUPAA require a Planning Authority to take all reasonable steps to ensure compliance with the Planning Scheme.

This report details the reasons for the officers Recommendation. The Planning Authority must consider the report but is not bound to adopt the Recommendation. Broadly, the Planning Authority can either: (1) adopt the Recommendation, (2) vary the Recommendation by adding, modifying or removing recommended conditions or (3) replacing an approval with a refusal.

This determination has to be made no later than 21<sup>st</sup> August 2019, which has been extended beyond the usual 42 day statutory time frame with the consent of the application.

Any decision that is an alternative to the Recommendation requires a full statement of reasons to ensure compliance with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*. Section 25 (2) of the *Local Government (Meeting Procedures) Regulations 2015* states:

**25 (2):** *The general manager is to ensure that the reasons for a decision by a council or council committee acting as a planning authority are recorded in the minutes of the meeting.*

### **Options**

The Planning Authority must determine the Development Application DA2019/43 in accordance with one of the following options:

#### **1. Approve in accordance with the Recommendation:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2019/43 for a new dwelling and change of use of an existing dwelling to Visitor accommodation at 5967 Lyell Highway, Hamilton, subject to conditions in accordance with the Recommendation.

#### **2. Approve with altered conditions:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2019/43 for a new dwelling and change of use of an existing dwelling to Visitor accommodation at 5967 Lyell Highway, Hamilton, subject to conditions as specified below.

*Should Council opt to approve the Development Application subject to conditions that are different to the Recommendation the modifications should be recorded below, as required by Section 25(2) of the Local Government (Meeting Procedures) Regulations 2015:*

Alteration to Conditions:-

#### **3. Refuse to grant a permit:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Refuse** the Development Application DA2019/43 for a new dwelling and change of use of an existing dwelling to Visitor accommodation at 5967 Lyell Highway, Hamilton, for the reasons detailed below.

*Should the Planning Authority opt to refuse to grant a permit contrary to the officers Recommendation, the reasons for the decision should be recorded below, as required by Section 25(2) of the Local Government (Meeting Procedures) Regulations 2015:*

Reasons :-

### **RECOMMENDATION FROM PLANNING COMMITTEE**

**THAT** the Planning Committee recommends approval in accordance with Option 1:

**Approve in accordance with the Recommendation:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2019/17 for subdivision (reorganisation of boundaries) at 6 & 8 Tarleton Street, Hamilton, subject to conditions in accordance with the Recommendation.

**Conditions**

*General*

- 1) The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- 2) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this permit unless, as the applicant and the only person with a right of appeal, you notify Council in writing that you propose to commence the use or development before this date, in accordance with Section 53 of the Land Use Planning and Approvals Act 1993.

*Approved Use*

- 3) Once the new dwelling is occupied the approved *Visitor accommodation* must be used for that purpose only. It must not be used for any other purpose, including as a residential dwelling, or be extended or intensified without prior Council approval.

*Exterior finishes*

- 4) All external metal building surfaces of the new dwelling must be clad in non-reflective pre-coated metal sheeting or painted in a colour with a light reflectance value not exceeding 40% and to the satisfaction of the General Manager.

*Stormwater*

- 5) Drainage from the proposed development must be retained on site or drain to a legal discharge point to the satisfaction of Council's Permit Authority and in accordance with any requirements of the *Building Act 2016*.

*Services*

- 6) The Subdivider must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.

*Access*

- 7) The areas set-aside for parking, access and vehicle manoeuvring:
  - a. Must provide for a vehicle to enter and leave the site in a forward direction.
  - b. The driveway access must be located over existing tracks or along natural contours to reduce visual impact through excavation and filling and erosion from water run-off.
  - c. Have an all-weather pavement constructed and surfaced to the satisfaction of Council's Works Manager.
  - d. Incorporate suitable drainage to avoid erosion and run-off.

*Protection of Water Quality*

- 8) Before any work commences a soil and water management plan (SWMP) prepared in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South, must be approved by Council's Planning Officer before development of the land commences (refer to advice below). The SWMP shall form part of this permit when approved.

- 9) Before any work commences install temporary run-off, erosion and sediment controls in accordance with the recommendations of the approved SWMP and maintain these controls at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South and to the satisfaction of Council's Planning Officer.
- 10) Wastewater from the development must discharge to an on-site waste disposal system in accordance with a Plumbing Permit issued by the Permit Authority.

*Construction Amenity*

- 11) The development must only be carried out between the following hours unless otherwise approved by the Council's Manager of Development and Environmental Services:
  - Monday to Friday 7:00 a.m. to 6:00 p.m.
  - Saturday 8:00 a.m. to 6:00 p.m.
  - Sunday and State-wide public holidays 10:00 a.m. to 6:00 p.m.
- 12) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
  - a. Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
  - b. The transportation of materials, goods and commodities to and from the land.
  - c. Obstruction of any public roadway or highway.
  - d. Appearance of any building, works or materials.
  - e. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager of Development and Environmental Services.
- 13) The developer must make good and/or clean any road surface or other element damaged or soiled by the development to the satisfaction of the Council's Manager of Works and Technical Services.

**The following advice applies to this permit:**

- a) This permit does not imply that any other approval required under any other legislation has been granted.
- b) If you notify Council that you intend to commence the use or development before the date specified above you forfeit your right of appeal in relation to this permit.

**Carried**

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

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Mr Headlam advised that he did not have anything further to contribute and thanked Councillors and left the meeting at 9.10am

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**6.4 DA2019/06: SUBDIVISION – 16 LOTS IN 6 STAGES: CT 27874/1 AND 6 BANNISTER ROAD, TODS CORNER**

Council's Senior Planning Officer, Jacqui Tyson, advised that the Tasmania Fire Service endorsed Bushfire Report has not yet been received. As such this application will need to be deferred until the Ordinary Meeting of Council to be held on the 20<sup>th</sup> August 2019.

Clr Allwright enquired about road construction standards. Ms J Tyson advised that this application falls under the Bushfire Code and therefore the road standards are taken from the Code which are different to the standards specified in the Central Highlands Council Subdivision Guidelines 2015.

#### **RECOMMENDATION FROM PLANNING COMMITTEE**

Moved **Clr Poore**

Seconded **Clr Cassidy**

**THAT** Development Application DA2019/06 for subdivision of sixteen (16) lots in 6 stages at CT27874/1 & 6 Bannister Road, Tods Corner be deferred until the endorsed Bushfire Report has been received.

**Carried**

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

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#### **7.0 OTHER BUSINESS**

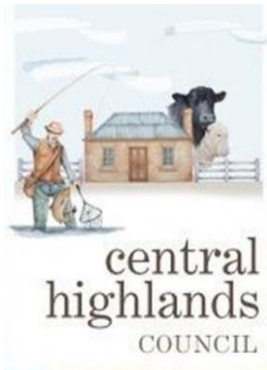
- Clr Allright advised that he has had some discussions with Damian Mackey about flood zone mapping and that some Councils have this mapping separate from the Planning Scheme. Damian Mackey will be attending the August Council Meeting and will discuss this further.
- Ms J Tyson advised that the report on Enforcements will be placed on next months agenda.
- Clr Poore advised that he will be absent for the September Planning Committee Meeting.

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#### **8.0 CLOSURE**

There being no further business the meeting closed at 9.25am

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2019

# Central Highlands Council Local Provisions Schedule Supporting Report



August 2019

Central Highlands Council



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## 1. Introduction

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

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

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

### 1.1. Preparation of the draft LPS and this Report

There are approximately 110 different requirements for preparation of a Planning Scheme. This also applies to the content, purpose and structure of the LPS. Many of these requirements have already been satisfied in the absolute basics of a Planning Scheme. For instance, the LPS:

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

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

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

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

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



The structure and content of the report is consistent with the outline provided by the TPC in the *Practice Note 6* dated October 2017.

The report is structured as follows:

**Part 1:** Introduction

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

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- B. Draft Central Highlands Local Provisions Schedule Maps June 2019 V1.0 (The Maps and Overlays)
- C. Flow Chart of Process for assessment of LPS, prepared by Tasmanian Planning Commission (October 2017)
- D. Transitional Provisions and Advice from Planning Policy Unit
- E. Summary of the Regional Ecosystem Model of Tasmanian Biodiversity – Mapping of the Priority Vegetation Overlay (for the Natural Assets Codes), prepared by Rod Knight (February 2016)
- F. *Tasmanian Planning Scheme -Explaining the Priority Vegetation Area Overlay – the Regional Ecosystem Model* prepared by Meander Valley Council (May 2018)
- G. *Guideline No.1 Local Provisions Schedule (LPS): Zone and Code Application*, prepared by Tasmanian Planning Commission (June 2018)
- H. *Decision Tree and Guidelines for Mapping the Agriculture and Rural Zones*, prepared by Ak Consultants (May 2018)
- I. *Bushfire-Prone Areas Overlay Central Highlands LGA Planning Report*, prepared by Tasmanian Fire Service, May 2019

## 1.2 Glossary

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

LUPPA	<i>Land Use Planning and Approvals Act 1993</i>
SPP	State Planning Provisions
LPS	Local Provisions Schedule
CHIPS2015	The <i>Central Highlands Interim Planning Scheme 2015</i> , which is the current planning scheme
1998 Scheme	The <i>Central Highlands Planning Scheme 1998</i> , which was in place prior to the current SMIPS 2015
PPU	Planning Policy Unit, the department responsible for the SPPs
TPC	Tasmanian Planning Commission, the independent body responsible for approval of the

	SPP and LPS
RMPS	Resource Management and Planning System, the suite of legislation that governs resource management and includes LUPPA
STRLUS	<i>Southern Tasmanian Regional Land Use Strategy</i>
TPS	Tasmanian Planning Scheme (overall descriptor for the new planning scheme being both SPPs and LPSs)
The Minister	Minister for Planning and Local Government
SSQ	Site Specific Qualification (where there is a specific departure from the ordinary zone provisions i.e. allowing a particular use on a particular title which is not otherwise allowable in the zone)
PPZ	Particular Purpose Zone (A zone that is created to reflect unique social, economic or environmental values and supported by strategic planning)
SAP	Specific Area Plan (an overlay that is created to reflect unique social, economic or environmental values and supported by strategic planning)
REM	Regional Ecosystem Model (the mapping prepared by Rod Knight for the priority vegetation overlay)

## 2. Background

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

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

### *Declaration of State Planning Provisions*

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

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

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

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

The Minister considered the report by the TPC along with further advice from the Planning Policy Unit

and the Planning Reform Taskforce and declared the State Planning Provisions (SPPs) with some modifications on the 22 February 2017.

#### ***Post Approval Amendments to SPPs***

In May 2018 a series of minor amendments to the SPPs were approved by the Minister. These amendments were intended to ensure the SPPs were consistent with the relevant Regional Land Use Strategies, and also corrected a number of omissions, clerical type errors, or other inconsistencies.

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

### **3. Overview of Central Highlands draft LPS**

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

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

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

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

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

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

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

The SPPs have already been approved by the Minister (per separate formal exhibition and consultation in 2015 - 2017) and are not matters to be considered by Council or Community/stakeholders and TPC/Minister in the assessment of the draft LPS. However Councils do decide, where the *Guidelines No.1* allow where the zones and codes will be applied.

Many provisions, in the draft LPS, are similar to those found in the current *Central Highlands Interim Planning Scheme 2015* ("CHIPS 2015"). Therefore, most zoning and those allowable uses within the SPPs and draft LPS are similar to current use and development regulations. This report will provide a clear table that demonstrates some of the changes that are likely in the community and Council interest.

The process of creating the draft LPS is largely a process of converting the current CHIPS2015 provisions like for like or best fit. Where the translation is not clear or an entirely new provision is introduced then Council Planners are reliant on additional supporting reports or guidance. This is explored in the body of the report.

In general terms, the transitional provisions of LUPAA, and the Guideline No.1 mandate the spatial application of the zoning and overlays. Council simply cannot depart completely from the current planning

regulations under the CHIPS 2015 without clear strategic justification; and where such changes occur then they must result in quality planning outcomes per the requirements of LUPAA.

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

#### **4. LPS Criteria – Section 34 of LUPAA**

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

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

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

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

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

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

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

The Central Highlands LPS contains all of the mandatory requirements of the SPPs. There are no provisions excluded other than those that do not apply.

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

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

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

The following subheadings provide detail as necessary.

#### **4.2.1 *Municipal Area- Section 32 (2) (a)***

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

#### **4.2.2 *LPS must contain a provision that the SPPs require to be included in an LPS Section 32 (2) (b)***

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

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

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

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

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

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

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

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

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

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

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

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

#### **4.2.7 *Modification of Application of SPPs and Overriding Provisions- Section 32 (2) (h) - (k)***

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

The draft LPS introduces local overriding provisions through the application of the Lake Meadowbank Specific Area Plan. There are no Particular Purpose Zones, Site Specific Qualifications or other local overriding provisions in the draft LPS.

The Lake Meadowbank Specific Area Plan has been declared suitable for transition into the draft LPS

by the Minister under Schedule 6 Clause 8 Transitional Provisions. This Clause provides that Particular Purpose Zones, Site Specific Qualifications and Specific Area Plans that existed prior to December 2015 can automatically be carried forward from the CHIPS2015 with the consent of the Minister.

The Lake Meadowbank however will not be transitioned in its current form. As explored in Section 7.0 of the report the content and format of the SAP, currently, is not suitable for the draft LPS. The SAP has been redrafted in accordance with the Guideline No.1 and Practice Notes entirely.

As such the SAP is no longer immune from needing to meet the requirements of Section 32(4) and must be justified accordingly.

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

No such provisions are included in the draft LPS.

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

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

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

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

*Sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and*

*Safeguarding the life supporting capacity of air, water, soil and ecosystems; and*

*Avoiding, remedying or mitigating any adverse effects of activities on the environment.*

LUPAA contains competing obligations in that a LPS is required to spatially apply the SPPs through the zoning of land and the application of Codes, along with associated operative provisions, yet, it must also demonstrate that it promotes sustainable use and development in accordance with the Schedule 1 Objectives.

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

<b>PART 1 Objectives of LUPAA</b>
<i>(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;</i>
The draft LPS seeks to further the objective primarily through the spatial application of the relevant SPP Codes and Zones and the relevant local provisions transitioned from the CHIPS2015 into the LPS. Most of the SPP zoning and codes used in the draft LPS are applied by way of converting/translating existing codes and zones (currently in the CHIPS). Which have already been

deemed as acceptably furthering the objectives through the Interim Scheme process.

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

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

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

The Lake Meadowbank SAP also furthers the objective through providing a balanced approach to the management of the natural values.

### **Natural Assets Code**

The Natural Assets Code is applied through the following overlays:

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

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

#### *Waterway and Coastal Protection Area Overlay*

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

The overlay applied in the LPS is a translation of the former overlay in the CHIPS2015 and as otherwise provided in the regional model template/state template.

#### *Priority Vegetation Overlay*

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

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

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

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

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

Keeping the layer in the zone for exhibition has the benefit of informing the community in further considering the application of the Rural and Agriculture Zone. This in turn aims to allow for informed decision making.

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

Overall the complete exclusion of the priority vegetation overlay and absence of any standards for consideration of vegetation removal in the Agriculture Zone appears at odds with the LUPAA objectives.

#### **Environmental Management Zone**

This zone has been included in the LPS as a direct translation of the existing Environmental Management Zone. It has otherwise been applied per the examples given in Clause EMZ 1 of the Guideline No.1 – that is reserved land, public, crown, state or council owned land reserved primarily for its natural values.

#### **Open Space Zone**

The Open Space Zone been included in the LPS as a direct translation of the existing Open Space Zone. This is applied to land in Bothwell, Hamilton and Ouse.

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

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



Though difficult to quantify, the LPS provides minimal changes to the zoning of the land from the CHIPS2015. Any departures from the current scheme are detailed in the body of this report.

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

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

The content of the LPS and the TPS is an adaption of the current CHIPS2015. This was subject to significant public consultation in 2014-2015 (and then the statutory exhibition and hearings in 2015-2016). The public will be familiar with both the content and format and structure of the LPS.

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

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

Council and the community have been informed of the progress of the draft LPS through regular updates at Council meetings since 2017. The meetings allow input into the process from the Council being representatives of the community.

When directed to do so, by the TPC, the draft LPS will be exhibited and subject to the 60 day statutory timeframe. This must include notification twice in the newspaper. Council will also undertake further promotion of the draft through Council's website, Council offices and Council Meetings. Council will provide opportunity to the public to both view the draft and discuss details with Council and Council Officers.

*(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c);*

The spatial application of the zones and overlays and those overriding local provisions in the draft LPS have all been applied to ensure consistency with the objective. All of which is supported by Guideline No.1

The number of exemptions and permitted pathways to new land use and development has been increased under the TPS which reflects the State Government's policy to reduce "red tape" and to encourage construction and job creation.

Overall the draft LPS is consistent with the Guideline No.1. In most parts zones and overlays are applied through a "like for like" approach. A range of economic opportunities both short and long-term (directly and indirectly) are provided in all the zones used in the Central Highlands.

*(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.*

The draft LPS does not include any additional overriding provisions that decrease the sharing of responsibilities between spheres of Government, stakeholders, agencies etc.

The objective is largely achieved through the operation of the TPS.

**Table 2 – Objectives of LUPAA Part 1**

**PART 2 Objectives of LUPAA**

(a) to require sound strategic planning and co-ordinated action by State and local government;
<p>The creation of the draft LPS is another step in the entire planning reform process which has arguably been underway since 2008 with the initiation of the regional planning projects. This has been a co-ordinated approach between State and Local Government which led to the preparation of the STRLUS, the Interim Planning Schemes, the regional template for the Interim Planning Schemes, the TPS, declaration of the SPPs and the preparation of draft state policies.</p> <p>The draft LPS therefore needs to be considered in the context of State and Local Government Planning Reform.</p> <p>The draft LPS is consistent with the STRLUS (as required by Section 34) and has been prepared in conjunction with the other Southern Councils through the Technical Reference Group (TRG) which has lead to:</p> <ul style="list-style-type: none"> <li>• the preparation of the mapping for the Natural Assets Code,</li> <li>• further guidelines for the application of the rural zones; and</li> <li>• guidance for preparing scenic protection value statements and management objectives.</li> </ul> <p>This has been a co-ordinated approach between Councils in the region and has involved ongoing consultation with the PPU and TPC.</p>
<i>(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land;</i>
<p>The TPS is an output of the Planning Reform process and is consistent with the objective. The draft LPS is therefore not considered in isolation of this process. The system for the consideration of land use and development (and future strategic changes to zoning and the like) is long established.</p> <p>The draft LPS does not include any elements contrary to the existing system.</p>
<i>(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land;</i>
<p>The operation of the Zones, Codes and administrative provisions of the TPS/SPPs have already been considered in their declaration by the Minister in February 2017. These Zones and Overlays have been applied per the Guideline No.1 and in large part are “like for like” to the CHIPS2015 scheme.</p>
<i>(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels;</i>
<p>The draft LPS seeks to further the objective through:</p> <ul style="list-style-type: none"> <li>• the application of zoning and overlays per the <i>Guideline No.1</i>,</li> <li>• consistency with the STRLUS,</li> <li>• furthering existing State Policies; and</li> <li>• as otherwise based on existing local strategic planning and translation of the current CHIPS2015 into the draft LPS</li> </ul> <p>In theory the state policies should inform the STRLUS and Planning Reform generally. However there was a clear absence of new (and needed) state policies in the beginnings of the Planning Reform Process and in preparing the TPS. The Planning Reform Taskforce focused heavily on the operative components of the Scheme and creating more permitted or permit exempt pathways for new land use and development. The absence of Policy around the Natural Assets Code and management of threatened species, vegetation and vegetation communities was a dominant topic at the hearings into the SPPs in 2016 – resulting in the TPC recommending to the Minister that the</p>

Code needed additional attention before the SPPs should be declared.
In regard to the draft LPS, local overriding provisions are soundly based on existing local and regional planning strategy and a focus on “like for like” SAPS where necessary. The application of the zones have also taken into account local and regional strategy.
<i>(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals;</i>
The operation of the Zones, Codes and administrative provisions of the TPS/SPPs have already been considered in their declaration by the Minister in February 2017. These Zones and Overlays have been applied per the Guideline No.1 and in large part are “like for like” to the CHIPS2015 scheme. The co-ordination of approvals and assessment is embedded in the TPS and as otherwise in LUPAA.
The draft LPS does not include any elements contrary to the existing system.
<i>(f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania;</i>
The operation of the Zones, Codes and administrative provisions of the TPS/SPPs have already been considered in their declaration by the Minister in February 2017. These Zones and Overlays have been applied per the Guideline No.1 and in large part are “like for like” to the CHIPS2015 scheme. The draft LPS furthers the objective through providing a range of zones that allow for different forms of residential development, commercial development, recreation spaces, community spaces and protection of major assets and utilities through codes and overlays.
<i>(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;</i>
The operation of the Zones, Codes and administrative provisions of the TPS/SPPs have already been considered in their declaration by the Minister in February 2017. These Zones and Overlays have been applied per the Guideline No.1 and in large part are “like for like” to the CHIPS2015 scheme. This includes the declaration of the Heritage Code.
All places and precincts currently listed in the CHIPS2015 are transitioned to the LPS under Schedule 6 of LUPAA.
<i>(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;</i>
Significant public infrastructure is mostly protected through the application of the Utilities Zone, Community Purposes Zone and Recreation Zone. Other associated use and development is regulated through the suite of codes provided in the TPS.
The Central Highlands contains many significant power-generation assets of Hydro Tasmania which have generally been allocated the Utilities Zone, as have significant assets of the Clyde Water Trust.
The Lake Meadowbank SAP aims to protect Hydro Tasmania assets and water quality whilst allowing for and encouraging water based recreational activities in the immediate area.
<i>(i) to provide a planning framework which fully considers land capability.</i>
This objective is furthered primarily through the spatial application of the rural and agriculture zones. The spatial application of the zones is primarily based on a layer provided by the State Government described as the ‘Land Potentially Suitable for Agriculture Layer’. This mapping was the primary output of the Agricultural Land Mapping Project by the PPU.
The mapping has been applied in response to the existing planning framework, that is, the State

Policy on the Protection of Agricultural Land 2009 (“PAL”), the RMPS objectives, the Guideline No.1, additional mapping, consideration and input from qualified agricultural professionals.

The draft LPS otherwise does not include any provisions that challenge the objective.

**Table 3 – Objectives of LUPAA Part 2**

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

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

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

Each policy is considered below.

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

The purpose of the PAL policy is to:

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

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

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

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

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

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

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

The application of the Rural and Agriculture Zone is assessed further in Section 5.3 of this report.

#### **4.4.2 State Coastal Policy 1986**

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

#### **4.4.3 State Policy on Water Quality Management 1997**

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

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

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

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

The current CHIPS2015 contains a specific Stormwater Management Code that is directly related to the performance measures and objectives provided in the Policy and subsequent stormwater strategies by Councils and State Government. This Code however is no longer included in the suite of codes provide in the TPS.

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

The draft LPS does not include any specific overriding provisions for stormwater management. There are however some more detailed provisions within the Lake Meadowbank Specific Area Plan. This SAP is restricted to land in the Lake Meadowbank area. The SAP provides regulation and control of erosion and subsequent sediment transport and run-off into nearby waterways. The SAP is therefore consistent with the policy. The SAP is discussed further the SAPs section of the report.

#### **4.4.4 National Environment Protection Measures**

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

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

The NEPMS are not directly implemented through planning schemes, with some matters being outside the jurisdiction prescribed by LUPAA. However some aspects are addressed through various SPP

provisions relating to matters such as water quality, amenity impacts on residential uses due to noise emissions and site contamination assessment.

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

### 4.5.1 Background

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

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

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

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

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

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

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

### 4.5.2 Consistency with the STRLUS

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

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

<b>Biodiversity and Geodiversity Policy</b>		
<b>Policy Reference</b>	<b>Policy</b>	<b>Comments</b>
BNV 1	Maintain and manage the region’s biodiversity and ecosystems and their resilience to the impacts of climate change.	See sub-clauses below
BNV 1.1	Manage and protect significant native vegetation at the earliest possible stage of the land use planning process.  Where possible, avoid applying	Significant native vegetation is managed through the “priority vegetation overlay” in the SPPs. However the Guideline No.1 and the SPPs do not allow for consideration of the Natural Assets Code in the Agriculture Zone.

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

	like' wherever possible	
BNV 1.4	Manage clearance of native vegetation arising from use and development in a manner that is generally consistent across the region but allowing for variances in local values.	Controls and assessment of native vegetation clearance is provided through the SPPs. There is however significantly less controls associated with clearance of native vegetation from previous Planning Schemes. This is primarily an issue for the SPPs.  The draft LPS has used the REM to map the priority vegetation overlay with the data supplied by Rod Knight.
BNV 1.5	Where vegetation clearance and/or soil disturbance is undertaken, provide for construction management plans that minimise further loss of values and encourages rehabilitation of native vegetation.	Clause 6.11(f) in the SPP's allows for conditions to be applied regarding construction management.  The waterways and coastal protection overlay in the SPPs also provides for consideration of vegetation, soil and water management in riparian areas.
BNV 1.6	Include in the planning scheme, preserving climate refugia where there is scientifically accepted spatial data.	The draft LPS does not contain any provisions specific to the policy.
BNV 2	Protect threatened native vegetation communities, threatened flora and fauna species, significant habitat for threatened fauna species, and other native vegetation identified as being of local importance and places important for building resilience and adaptation to climate change for these.	See sub-clauses below
BNV 2.1	Avoid the clearance of threatened native vegetation communities except: a. where the long-term social and economic benefit arising from the use and development facilitated by the clearance outweigh the environmental benefit of retention; and b. where the clearance will not significantly detract from the conservation of that threatened native vegetation community.	The priority vegetation area includes all areas of threatened native vegetation communities. The LPS is compliant with this policy to the fullest extent possible under the terms of the SPP. It is noted that the SPPs do not allow for the consideration of the priority vegetation overlay in the Agriculture Zone.
BNV 2.2	Minimise clearance of native vegetation communities that provide habitat for threatened species.	The REM incorporates habitat for threatened species as required by the TPS. This overlay however does not apply to the Agriculture Zone.
BNV 2.3	Advise potential applicants of the requirements of the Threatened Species Protection Act 1995 and	This matter is not captured in the draft LPS or TPS.



	their responsibilities under the Environmental Protection and Biodiversity Conservation Act 1999.	Central Highlands Council endeavor to notify/advise applicants of these requirements where-ever possible during the planning stages of a development.
BNV 3	Protect the biodiversity and conservation values of the Reserve Estate.	The draft LPS contains the reserve estate in the Environmental Management Zone as required by the Guidelines.
BNV 4	Recognise the importance of non land use planning based organisations and their strategies and policies in managing, protecting and enhancing natural values.	<p>The policy and objectives of the planning reform process have not explicitly recognised the relationship between the TPS and other bodies such as the Forest Practices Authority or Threatened Species Unit.</p> <p>This regional policy is not within the scope of each individual LPS and is more a regional/state matter.</p>
BNV 4.1	Consult NRM-based organisations as part of the review and monitoring of the Regional Land Use Strategy.	This policy is not directly applicable to the draft LPS.
BNV 5	Restrict the spread of declared weeds under the Weed Management Act 1999 and assist in their removal.	<p>Not expressly required, but such management can be achieved through Clause 6.11.2(f) in the SPPs which allows for conditions to be applied regarding construction management.</p> <p>The Central Highlands Council is otherwise reliant on NRM organisations, and specialized programs.</p>
BNV 5.1	Provide for construction management plans where vegetation clearance or soil disturbance is undertaken that include weed management actions where the site is known, or suspected, to contain declared weeds.	<p>Such plans can be requested or conditioned through the planning assessment process. The SPPs allow for this.</p> <p>The draft LPS does not specifically require additional weed management during use/development.</p>
BNV 6	Geodiversity:	See sub-clauses below:
BNV 6.1	Improve knowledge of sites and landscapes with geological, geomorphological, soil or karst features and the value they hold at state or local level.	The draft LPS is not specifically relevant to this policy sub clause and does not include any advanced or new recognition of such significant sites in the Central Highlands.
BNV 6.2	Progress appropriate actions to recognise and protect those values, through means commensurate with their level of significance (state or local).	See above.
<b>Water Resources</b>		
WR 1	Protect and manage the ecological health, environmental values and water quality of surface and groundwater,	See sub-clauses below

	including waterways, wetlands and estuaries	
WR 1.1	Use and development is to be undertaken in accordance with the State Policy on Water Quality Management.	See the assessment under the <i>State Policy on Water Quality Management</i> in this report.
WR 1.2 I	Incorporate total water cycle management and water sensitive urban design principles in land use and infrastructure planning to minimise stormwater discharge to rivers.	<p>The Stormwater Management Code addressed WSUD in CHIPS2015, but has not been transferred to the SPPs.</p> <p>Clause 6.11.2 (g) of the SPPs allow the planning authority to put conditions on permits regarding stormwater and volume controls but there are no tangible standards provided in the SPPs.</p> <p>The absence of a Stormwater Management Code will most likely lead to an inconsistent approach to WSUD across the State.</p>
WR 1.3	Include buffer requirements in the planning scheme to protect riparian areas relevant to their classification under the Forest Practices System.	The draft LPS contains the waterway and coastal protection area overlay which is aimed at protecting riparian areas.
WR 1.4	Where development that includes vegetation clearance and/or soil disturbance is undertaken, provide for construction management plans to minimise soil loss and associated sedimentation of waterways and wetlands.	<p>This is provided for in Clause 6.11.2(f) of the SPPs and the standards provided in the NAC for development in a waterways and coastal protection area.</p> <p>The Lake Meadowbank SAP also provides for management criteria and objectives.</p>
WR 2	Manage wetlands and waterways for their water quality, scenic, biodiversity, tourism and recreational values.	See sub-clauses below
WR 2.1	Manage use and development adjacent to Hydro Lakes in accordance with their classification: Remote Wilderness Lake, Recreational Activity Lake or Multiple Use Lakes.	<p>Hydro Lakes have been zoned either Utilities or Environmental Management upon the advice and input received during the exhibition and preparation of the CHIPS in 2014-2016.</p> <p>The draft LPS is a translation of these zones.</p>
WR 2.2	Provide public access along waterways via tracks and trails where land tenure allows, where there is management capacity and where impacts on biodiversity, native vegetation and geology can be kept to acceptable levels.	The Environmental Management Zone has been applied to lakes and any other riparian reserves and waterways. This zoning would allow for development and, per the purpose of the zone, encourage public access to this land.
WR 2.3	Minimise clearance of native riparian vegetation.	The standards of the NAC for waterway and coastal protection areas aim to minimise clearance of such vegetation. The overlay is included in the draft LPS.

		The EMZ has been applied to the reserves where they are delineated by titles.
WR 2.4	Allow recreation and tourism developments adjacent to waterways where impacts on biodiversity and native vegetation can be kept to acceptable levels.	Most zones provided in the suite of zones in the TPS allow for some form of recreation and tourism use and development. These zones are provided in many areas adjacent to waterways in the Central Highlands. The TPS zones however have minimal consideration of native vegetation in undertaking development unless within an overlay provided in the NAC (and only where such an overlay is applicable).
WR 3	Encourage the sustainable use of water to decrease pressure on water supplies and reduce long term cost of infrastructure provision	The SPPs provide exemptions for rainwater tanks.
WR 3.1	Reduce barriers in the planning system for the use of rainwater tanks in residential areas.	
The Coast		
C 1	Maintain, protect and enhance the biodiversity, landscape, scenic and cultural values of the region’s coast.	The Central Highlands does not contain any coastal land.  The Policy is not applicable to the draft LPS.
C 1.1	Use and development is to avoid or minimise clearance of coastal native vegetation.	
C 1.2	Maximise growth within existing settlement boundaries through local area or structure planning for settlements in coastal areas.	
C 1.3	Prevent development on coastal mudflats, unless for the purposes of public access or facilities or for minor infrastructure that requires access to the coast. Prevent development on actively mobile landforms in accordance with the State Coastal Policy 1996.	
C 1.4	Zone existing undeveloped land within the coastal area, Environmental Management, Recreation or Open Space unless: a. The land is utilised for rural resource purposes; or b. It is land identified for urban expansion through a strategic planning exercise consistent with this Regional Land Use Strategy.	
C 2	Use and development in coastal areas is to be responsive to the effects of climate change including sea level rise, coastal	

	inundation and shoreline recession.	
C 2.1	Include provisions in the planning scheme relating to minimising risk from sea level rise, storm surge inundation and shoreline recession and identify those areas at high risk through the use of overlays.	
C 2.2	Growth is to be located in areas that avoid exacerbating current risk to the community through local area or structure planning for settlements and the Urban Growth Boundary for metropolitan area of Greater Hobart.	
C 2.3	Identify and protect areas that are likely to provide for the landward retreat of coastal habitats at risk from predicted sea level rise.	
<b>Managing Risks And Hazards</b>		
MRH 1	Minimise the risk of loss of life and property from bushfires.	See sub-clauses below
MRH 1.1	Provide for the management and mitigation of bushfire risk at the earliest possible stage of the land use planning process (rezoning or if no rezoning required; subdivision) by the identification and protection (in perpetuity) of buffer distances or through the design and layout of lots.	<p>The TPS includes the Bushfire-Prone Area Code. The Code applies to land either within a Bushfire Prone Area overlay to be provided by the Tasmania Fire Service or as identified in the written provisions of the Code.</p> <p>The overlay is included in the Appendix Report prepared by TasFire Service.</p>
MRH 1.2	Subdivision road layout designs are to provide for safe exit points in areas subject to bushfire hazard.	Implemented through the Bushfire Prone Areas Code in the SPP.
MRH 1.3	Allow clearance of vegetation in areas adjacent to dwellings existing at the time that the planning scheme based on this Strategy come into effect, in order to implement bushfire management plans. Where such vegetation is subject to vegetation management provisions, the extent of clearing allowable is to be the minimum necessary to provide adequate bushfire hazard protection.	This policy is implemented through various exemptions and standards within the SPPs.
MRH 1.4	Include provisions in the planning scheme for use and development in bushfire prone areas based upon best practice bushfire risk mitigation and management.	Implemented through the Bushfire Prone Areas Code in the SPP.

MRH 1.5	Allow new development (at either the rezoning or development application stage) in bushfire prone areas only where any necessary vegetation clearance for bushfire risk reduction is in accordance with the policies on biodiversity and native vegetation.	The priority vegetation area will apply to some forms of buildings that are also subject to the SPP bushfire prone areas code.
MRH 1.6	Develop and fund a program for regular compliance checks on the maintenance of bushfire management plans by individual landowners.	Not a consideration for the LPS
MRH 2	Minimise the risk of loss of life and property from flooding.	See sub-clauses below
MRH 2.1	Provide for the mitigation of flooding risk at the earliest possible stage of the land use planning process (rezoning or if no rezoning required; subdivision) by avoiding locating sensitive uses in flood prone areas.	There are currently no flood prone areas or flood risk areas in the CHIPS2015. The Code is operational only through the written ordinance.
MRH 2.2	Include provisions in the planning scheme for use and development in flood prone areas based upon best practice in order to manage residual risk.	This policy is implemented through the Flood-Prone Hazard Areas Code in the SPP and description provided in the written ordinance.
MRH 3	Protect life and property from possible effects of land instability.	See sub-clauses below
MRH 3.1	Prevent further development in declared landslip zones.	There are no declared landslip zones within the Central Highlands.
MRH 3.2	Require the design and layout of development to be responsive to the underlying risk of land instability.	The LPS adopts the landslip hazard area mapping provided by DPAC through theList.tas.gov.au and as required by the Guideline No.1.
MRH 3.3	Allow use and development in areas at risk of land instability only where risk is managed so that it does not cause an undue risk to occupants or users of the site, their property or to the public.	This policy is managed through the Landslip Hazard Code in the SPP and the application of the associated overlay.
MRH 4	Protect land and groundwater from site contamination and require progressive remediation of contaminated land where a risk to human health or the environment exists.	<p>The SPP includes a Potentially Contaminated Land Code.</p> <p>The LPS does not include an overlay of contaminated sites. This is an optional component and is not essential for the relevant SPP provisions to apply to any use or development proposal.</p>

		<p>It should be noted that the Code only considers land that has already been contaminated and there are no standards within the SPP or LPS to regulate contamination of land from a proposed use i.e. regulate a contaminating activity. This is considered to be a gap in the TPS. There is minimal and non-specific allowances in Part 6.11.2 (a) of the TPS which affords the Planning Authority the ability to require “specific acts be done to the satisfaction of the planning authority”. This may include consideration and conditioning of potentially contaminating activities and development – which is currently standard practice by a Council/Planning Authority. A typical example of which is the consideration of new onsite waste water treatment systems and the requirements for such systems to be considered as suitable before development can commence/progress. Another example would be the control of contaminated stormwaters associated with certain land uses such as fuel services, service industries etc.</p>
MRH 4.1	Include provisions in the planning scheme requiring the consideration of site contamination issues.	See above.
MRH 5	Respond to the risk of soil erosion and dispersive and acid sulfate soils.	Acid sulfate soils are not addressed in the SPP or LPS. There is some capacity to address the issue through construction management plans.
MRH 5.1	Prevent further subdivision or development in areas containing sodic soils unless it does not create undue risk to the occupants or users of the site, their property or to the public.	See above.
MRH 5.2	Wherever possible, development is to avoid disturbance of soils identified as containing acid sulfate soils. If disturbance is unavoidable then require management to be undertaken in accordance with the Acid Sulfate Soils Management Guidelines prepared by the Department of Primary Industries, Parks, Water and the Environment.	See above.
<b>Cultural Values</b>		
CV 1	Recognise, retain and protect Aboriginal heritage values within the region for their character, culture, sense of place, contribution to our understanding	<p>There are no aboriginal sites, places or values specifically provided in the TPS suite of zones, code and overlays.</p> <p>There are some minimal and non-specific</p>

	history and contribution to the region's competitive advantage.	<p>allowances in Part 6.11.2 (a) of the TPS which affords the Planning Authority the ability to require "specific acts be done to the satisfaction of the planning authority" in any permit issued. This may include an Aboriginal Heritage Survey or Values reporting and assessment be provided before development or operations commence.</p> <p>Consistency with the policy could be better achieved through Part 6.1 "Application Requirements" of the TPS whereby such values and sites could be identified before assessment fully commences or through inclusion of a separate code and overlay that identifies such sites and places.</p>
CV 1.1	Support the completion of the review of the Aboriginal Relics Act 1975 including the assimilation of new Aboriginal heritage legislation with the RMPS.	Not relevant to LPS
CV 1.2	Improve our knowledge of Aboriginal heritage places to a level equal to that for European cultural heritage, in partnership with the Aboriginal community.	The recognition of Aboriginal heritage values in Planning Schemes across the state would improve knowledge and awareness of such values.
CV 1.3	Avoid the allocation of land use growth opportunities in areas where Aboriginal cultural heritage values are known to exist.	The spatial allocation of the zones and overlays is per the Guideline No.1. Most of which are "like for like" conversions of the CHIPS2015 zoning. There are therefore no new or expanded zones that put Aboriginal cultural heritage values at greater risk through the draft LPS.
CV 1.4	Support the use of predictive modelling to assist in identifying the likely presence of Aboriginal heritage values that can then be taken into account in specific strategic land use planning processes.	No modelling of aboriginal heritage values has been undertaken for the TPS. Therefore the spatial application of the zones and overlays per the Guideline No.1 have not taken into account this policy.
CV 2	Recognise, retain and protect historic cultural heritage values within the region for their character, culture, sense of place, contribution to our understanding history and contribution to the region's competitive advantage.	See sub-clauses below.
CV 2.1	Support the completion of the review of the Historic Cultural Heritage Act 1995.	Not relevant to LPS
CV 2.2	Promulgate the nationally	Places of local heritage significance and those

	<p>adopted tiered approach to the recognition of heritage values and progress towards the relative categorisation of listed places as follows:</p> <ul style="list-style-type: none"> <li>a. places of local significance are to be listed within the Local Historic Heritage Code, as determined by the local Council.</li> <li>b. places of state significance are to be listed within the Tasmanian Heritage Register, as determined by the Tasmanian Heritage Council.</li> <li>c. places of national or international significance are listed through national mechanisms as determined by the Australian Government.</li> </ul>	<p>listed on the Tasmanian Heritage Register are included in the LPS Local Heritage Places Table and have been mapped in the draft LPS.</p>
CV 2.3	<p>Provide for a system wherein the assessment and determination of applications for development affecting places of significance is undertaken at the level of government appropriate to the level of significance:</p> <ul style="list-style-type: none"> <li>a. Heritage places of local significance: by the local Council acting as a Planning Authority.</li> <li>b. Heritage places of state significance: by the Tasmanian Heritage Council on behalf of the State Government with respect to heritage values, and by the local Council with respect to other land use planning considerations, with coordination and integration between the two.</li> </ul>	<p>Assessment of heritage places with local significance will continue to be undertaken by the planning authority under the LPS.</p>
CV 2.4	<p>Recognise and list heritage precincts within the Local Historic Heritage Code and spatially define them by associated overlays.</p>	<p>The LPS includes the Bothwell and Hamilton heritage precincts which have been translated from the CHIPS2015 under the Schedule 6 transitional provisions. No new precincts are included in the draft LPS.</p>
CV 2.5	<p>Base heritage management upon the Burra Charter and the HERCON Criteria, with the Local Historic Heritage Code provisions in the planning scheme drafted to be consistent with relevant principles therein.</p>	<p>This is relevant to the SPP which provides the criteria to evaluate works to heritage places.</p>
CV 2.6	<p>Standardise statutory heritage management.</p> <ul style="list-style-type: none"> <li>a. Listings in the planning scheme should be based on a common inventory template, (recognising</li> </ul>	<p>As per transitional arrangements, heritage places can be listed without the full descriptions that are expected under the SPP.</p>



	that not all listings will include all details due to knowledge gaps). b. The Local Historic Heritage Code provisions in the planning scheme should be consistent in structure and expression, whilst providing for individual statements in regard to heritage values and associated tailored development control.	
CV 2.7	Provide a degree of flexibility to enable consideration of development applications involving the adaptive reuse of heritage buildings that might otherwise be prohibited.	This is provided in the TPS under Part 7.4 "Change of Use of a Place listed on the Tasmanian Heritage Register or a Local Heritage Place". The same objectives are provided in the CHIPS2015.
CV 3	Undertake the statutory recognition (listing) and management of heritage values in an open and transparent fashion in which the views of the community are taken into consideration.	The heritage tables in the LPS transition from CHIPS2015. Any future amendments will be open to public comment through the planning scheme amendment process.  There is also scope to consider further additions through the public exhibition phase of the draft LPS assessment process.
CV 3.1	Heritage Studies or Inventories should be open to public comment and consultation prior to their finalisation.	Locally listed places and precincts have been previously subject to extensive public consultation in the preparing the IPS, the 1998 Scheme, previous scheme amendments and other heritage projects undertaken by the Council.  Such places and precincts included in the current CHIPS2015 have all been included in the draft LPS.
CV 4	Recognise and manage significant local historic and scenic landscapes throughout the region to protect their key values.	The LPS includes various heritage precincts and scenic protections areas that are currently provided in the CHIPS2015 and transitioned to the draft LPS. No new precincts and landscapes are included in the draft LPS.
CV 4.1	State and local government, in consultation with the community, to determine an agreed set of criteria for determining the relative significance of important landscapes and key landscape values.	There are no specific scenic protection areas provided in the draft LPS.
CV 4.2	The key values of regionally significant landscapes are not to be significantly compromised by new development through appropriate provisions within the planning scheme.	The TPS does not specifically allow for the recognition and management of regionally significant landscapes.  The draft LPS does not include any overriding provisions related to this policy.
CV 4.3	Protect existing identified key skylines and ridgelines around Greater Hobart by limited	This is not relevant to the Central Highlands.

	development potential and therefore clearance through the zones in the planning scheme.	
CV 5	Recognise and manage archaeological values throughout the region to preserve their key values.	Places of archaeological potential have not been separately identified in the preparation of the draft LPS.
CV 5.1	Known sites of archaeological potential to be considered for listing as places of either local or state significance within the Local Historic Heritage Code or on the State Heritage Register respectively, as appropriate.	See above.
CV 5.2	Development that includes soil disturbance within an area of archaeological potential is to be undertaken in accordance with archaeological management plans to avoid values being lost, or provide for the values to be recorded, conserved and appropriately stored if no reasonable alternative to their removal exists.	See above.
<b>Recreation and Open Space</b>		
ROS 1	Plan for an integrated open space and recreation system that responds to existing and emerging needs in the community and contributes to social inclusion, community connectivity, community health and well being, amenity, environmental sustainability and the economy.	See sub-clauses below.
ROS 1.1	Adopt an open space hierarchy consistent with the Tasmanian Open Space Policy and Planning Framework 2010, as follows; a. Local b. District c. Sub-regional d. Regional e. State f. National	The preparation of the draft LPS and TPS reflects the hierarchy.
ROS 1.2	Adopt an open space classification system consistent with the Tasmanian Open Space Policy and Planning Framework	The preparation of the draft LPS and TPS reflects the hierarchy.

	2010, as follows; a. Parks; b. Outdoor Sports Venues; c. Landscape and Amenity; d. Linear and Linkage; e. Foreshore and waterway; f. Conservation and Heritage; g. Utilities and Services; and h. Proposed Open Space.	
ROS 1.3	Undertake a regional open space study, including a gap analysis, to establish a regional hierarchy within a classification system for open space in accordance with the Tasmanian Open Space Policy and Planning Framework 2010.	This is a regional matter beyond the scope of the LPS.
ROS 1.4	Undertake local open space planning projects through processes consistent with those outlined in the Tasmanian Open Space Policy and Planning Framework 2010 (Appendix 3).	The preparation of the draft LPS did not include additional local open space planning projects and strategies. All existing open spaces, open space networks and connectivity are maintained through the draft LPS.
ROS 1.5	Provide for residential areas, open spaces and other community destinations that are well connected with a network of high quality walking and cycling routes.	The subdivision standards in the SPPs are inferior to the current interim schemes for provision of open space and connectivity. The interim schemes had subdivision standards specifically addressing ways and public open space.
ROS 1.5	Provide for residential areas, open spaces and other community destinations that are well connected with a network of high quality walking and cycling routes.	See above
ROS 1.6	Subdivision and development is to have regard to the principles outlined in 'Healthy by Design: A Guide to Planning and Designing Environments for Active Living in Tasmania'.	Primarily a matter for the SPPs.  There are no new residential areas outside of existing settlements provided in the draft LPS and therefore no specific need to consider the policy.
ROS 2	Maintain a regional approach to the planning, construction, management, and maintenance of major sporting facilities to protect the viability of existing and future facilities and minimise overall costs to the community.	There are no new zones, overlays or plans to develop largescale recreation facilities through the draft LPS scheme provisions that would in any way conflict with the policy.
ROS 2.1	Avoid unnecessary duplication of recreational facilities across the region.	There are no new zones, overlays or plans to develop any largescale recreation facilities through the draft LPS scheme provisions that would in any way conflict with the policy.
<b>Social Infrastructure</b>		
SI 1	Provide high quality social and	See sub-clauses below

	community facilities to meet the education, health and care needs of the community and facilitate healthy, happy and productive lives.	
SI 1.1	Recognise the significance of the Royal Hobart Hospital and support, through planning scheme provisions, its ongoing function and redevelopment in its current location.	Not applicable to the Central Highlands draft LPS.
SI 1.2	Match location and delivery of social infrastructure with the needs of the community and, where relevant, in sequence with residential land release.	There are no new residential areas outside of existing settlements provided in the draft LPS and therefore no specific need to consider this policy.
SI 1.3	Provide social infrastructure that is well located and accessible in relation to residential development, public transport services, employment and education opportunities.	Per above there are no new zones included in the draft LPS that encourage the development of social infrastructure outside the existing settlement areas.
SI 1.4	Identify and protect sites for social infrastructure, particularly in high social dependency areas, targeted urban growth areas (both infill and greenfield) and in identified Activity Centres.	All such sites have been previously identified in the CHIPS2015 and have been translated correctly per the Guideline No.1
SI 1.5	Provide multi-purpose, flexible and adaptable social infrastructure that can respond to changing and emerging community needs over time.	Per above.
SI 1.6	Co-locate and integrate community facilities and services to improve service delivery, and form accessible hubs and focus points for community activity, in a manner consistent with the Activity Centre hierarchy.	All such sites have been previously identified in the CHIPS2015 and have been translated correctly per the Guideline No.1
SI 1.7	Provide flexibility in the planning scheme for the development of aged care and nursing home facilities in areas close to an Activity Centre and with access to public transport.	All such sites have been previously identified in the CHIPS2015 and have been translated correctly per the Guideline No.1
SI 1.8	Provide for the aged to continue living within their communities, and with their families, for as long as possible by providing appropriate options and flexibility within the planning scheme.	All such sites have been previously identified in the CHIPS2015 and have been translated correctly per the Guideline No.1
SI 1.9	Provide for the inclusion of Crime Prevention through	Crime prevention is given some consideration in the SPPs.

	Environmental Design principles in the planning scheme.	
SI 1.10	Recognise the role of the building approvals processes in providing access for people with disabilities.	Not specifically a planning consideration.
SI 2	Provide for the broad distribution and variety of social housing in areas with good public transport accessibility or in proximity to employment, education and other community services.	This is a matter for the SPPs.  All residential land previously identified in the CHIPS2015 and has been translated correctly per the Guideline No.1
SI 2.1	Provide flexibility in the planning scheme for a variety of housing types (including alternative housing models) in residential areas.	The SPPs provide flexibility for a range of housing types in residential zones (e.g. multiple dwellings, group homes).  All residential land previously identified in the CHIPS2015 has been translated correctly per the Guideline No.1,  The draft LPS on the whole provides a range of residential type zones and therefore options for housing types.
SI 2.2	The planning scheme is not to prevent the establishment of social housing in residential areas.	The SPPs do not prevent social housing.  All residential land previously identified in the CHIPS2015 has been translated correctly per the Guideline No.1
<b>Physical Infrastructure</b>		
PI 1	Maximise the efficiency of existing physical infrastructure.	See sub-clauses below.
PI 1.1	Preference growth that utilises under-capacity of existing infrastructure through the regional settlement strategy and Urban Growth Boundary for metropolitan area of Greater Hobart.	All residential land previously identified in the CHIPS2015 has been translated correctly per the Guideline No.1.
PI 1.2	Provide for small residential scale energy generation facilities in the planning scheme.	Small scale solar and wind energy facilities are provided for in SPPs.
PI 2	Plan, coordinate and deliver physical infrastructure and servicing in a timely manner to support the regional settlement pattern and specific growth management strategies.	See sub-clauses below
PI 2.1	Use the provision of infrastructure to support desired regional growth, cohesive urban and rural communities, more compact and sustainable urban	All utilities zones previously identified in the CHIPS2015 has been translated correctly per the Guideline No.1.

	form and economic development.	
PI 2.2	Coordinate, prioritise and sequence the supply of infrastructure throughout the region at regional, sub-regional and local levels, including matching reticulated services with the settlement network.	This is largely achieved through the translation of existing zones contained in the CHIPS2015.
PI 2.3	Identify, protect and manage existing and future infrastructure corridors and sites.	Hydro Tasmania have previously advised Council of the need to zone some of their land Utilities to protect future upgrades and works. This was provided in the preparation of the CHIPS2015. The Clyde Water Trusts' canals and ancillary infrastructure have been at lakes Crescent and Sorell have been zoned Utilities. The exhibition of the draft LPS will provide further opportunity for infrastructure providers such as TasNetworks, Hydro, State Growth and Taswater to participate in the planning process and ensure their land and assets are suitably zoned.
PI 2.4	Use information from the Regional Land Use Strategy, including demographic and dwelling forecasts and the growth management strategies, to inform infrastructure planning and service delivery.	The STRLUS data is based on 2006 Census data and is out of date. It is generally agreed that significant changes socially and economically, as well as supply and demand, have occurred in Southern Tasmania since 2006.
PI 2.5	Develop a regionally consistent framework(s) for developer charges associated with infrastructure provision, with pricing signals associated with the provision of physical infrastructure (particularly water and sewerage) consistent with the Regional Land Use Strategy.	This matter is not within the scope of a draft LPS.
PI 2.6	Recognise and protect electricity generation and major transmission assets within the planning scheme to provide for continued electricity supply.	The LPS includes an overlay to protect transmission infrastructure and the Utilities zone has been provided where necessary.
<b>Land Use and Transport Integration</b>		
LUTI 1	Develop and maintain an integrated transport and land use planning system that supports economic growth, accessibility and modal choice in an efficient, safe and sustainable manner.	See sub-clauses below
LUTI 1.1	Give preference to urban expansion that is in physical proximity to existing transport corridors and the higher order Activity Centres rather than	All such sites have been previously identified in the CHIPS2015 and have been translated correctly per the Guideline No.1.

	Urban Satellites or dormitory suburbs.	
LUTI 1.2	Allow higher density residential and mixed use developments within 400 metres, and possibly up to 800 metres (subject to topographic and heritage constraints) of integrated transit corridors.	All such sites have been previously identified in the CHIPS2015 and have been translated correctly per the Guideline No.1.
LUTI 1.3	Encourage residential development above ground floor level in the Primary, Principal and Major Activity Centres.	This is not applicable to the Central Highlands.
LUTI 1.4	Consolidate residential development outside of Greater Hobart into key settlements where the daily and weekly needs of residents are met	All such sites have been previously identified in the CHIPS2015 and have been translated correctly per the Guideline No.1.
LUTI 1.5	Locate major trip generating activities in close proximity to existing public transport routes and existing higher order activity centres.	Allowances for such use and development was previously identified in the CHIPS2015 and have been translated correctly per the Guideline No.1
LUTI 1.6	Maximise road connections between existing and potential future roads with new roads proposed as part of the design and layout of subdivision.	Provided for in SPPs.  It is however noted that cul-de-sacs are not discouraged as they were in CHIPS2015.
LUTI 1.7	Protect major regional and urban transport corridors through the planning scheme as identified in Maps 3 & 4.	The Utilities zone is used in the LPS to major transport corridors.  Ribbon development and additional accesses onto the highway are avoided as far as practical.
LUTI 1.8	Apply buffer distances for new development to regional transport corridors identified in Map 4 in accordance with the Road and Railway Assets Code to minimise further land use conflict.	Buffer distances are provided for in the SPPs
LUTI 1.9	Car parking requirements in the planning scheme and provision of public car parking is to be consistent with achieving increased usage of public transport.	A matter for the SPPs.
LUTI 1.10	Identify and protect ferry infrastructure points on the Derwent River (Sullivans Cove, Kangaroo Bay and Wilkinson Point) for their potential use into the future and encourage increased densities and activity around these nodes.	Not applicable to the Central Highlands.

LUTI 1.11	Encourage walking and cycling as alternative modes of transport through the provision of suitable infrastructure and developing safe, attractive and convenient walking and cycling environments.	<p>The subdivision standards provided in the SPPs could be amended to be more consistent with this policy.</p> <p>Otherwise the application of the residential type zones to land is a direct translation of the CHIPS2015 and as allowable under the Guideline No.1 and Section 32 and Section 34(2). The intention is to enhance these areas as healthy living communities through consolidation of residential areas.</p>
LUTI 1.12	Encourage end-of-trip facilities in employment generating developments that support active transport modes.	Not provided for in SPP or LPS.
<b>Tourism</b>		
T 1	Provide for innovative and sustainable tourism for the region	See sub-clauses below
T 1.1	Protect and enhance authentic and distinctive local features and landscapes throughout the region.	<p>Scenic Protection areas are provided in the draft LPS as a translation of existing highway scenic protection areas.</p> <p>Local features and landscapes are otherwise protected through use of the Open Space, Zone and Environmental Management Zones and Heritage Code in the LPS.</p>
T 1.2	Identify and protect regional landscapes, which contribute to the region's sense of place, through the planning scheme.	See above
T 1.3	Allow for tourism use in the Rural Zone and Agriculture Zone where it supports the use of the land for primary production.	Provided for in the SPPs. These are the largest zones in the Central Highlands.
T 1.4	Provide flexibility for the use of holiday homes (a residential use) for occasional short-term accommodation.	Provided for in SPPs
T 1.5	Provide flexibility within commercial and business zones for mixed use developments incorporating tourism related use and development.	Provided for in SPPs
T 1.6	Recognise, that the planning scheme may not always be able to accommodate the proposed tourism use and development due to its innovative and responsive nature.	<p>This policy is not relevant to the draft LPS as there are not sites/land identified for active rezonings to facilitate certain tourism development.</p> <p>Such sites are subject to a separate planning scheme amendment(s).</p>
T 1.7	Allow for objective site suitability assessment of proposed tourism use and	Provided for in LUPAA.



	development through existing planning scheme amendment processes (section 40T application).	
<b>Strategic Economic Opportunities</b>		
SEO 1	Support and protect strategic economic opportunities for Southern Tasmania.	See sub-clauses below
SEO 1.1	Protect the following key sites and areas from use and development which would compromise their strategic economic potential through the planning scheme provisions: a. Hobart Port (including Macquarie and Princes Wharves); b. Macquarie Point rail yards; and c. Princes of Wales Bay marine industry precinct.	Not applicable to the Central Highlands
SEO 1.2	Include place specific provisions for the Sullivans Cove area in the planning scheme.	Not applicable to the Central Highlands.
<b>Productive Resources</b>		
PR 1	Support agricultural production on land identified as significant for agricultural use by affording it the highest level of protection from fettering or conversion to non-agricultural uses.	
PR 1.1	Utilise the Agriculture Zone to identify land significant for agricultural production in the planning scheme and manage that land consistently across the region.	The Agriculture Zone is applied consistent with the Guideline No.1 and additional input from the regional project for the spatial application of the rural and agricultural zones.  Further detail on this matter is provided in this report.
PR 1.2	Avoid potential for further fettering from residential development by setting an acceptable solution buffer distance of 200 metres from the boundary of the Agriculture Zone, within which the planning scheme is to manage potential for land use conflict.	Provided for in the SPPs
PR 1.3	Allow for ancillary and/or subservient non-agricultural uses that assist in providing income to support ongoing agricultural production.	Provided for in the SPPs. It is noted that the Agriculture Zone provides for a wider range of ancillary and/or subservient uses than the Significant Agriculture Zone in the interim schemes.
PR 1.4	Prevent further land fragmentation in the Agriculture Zone by restricting subdivision	Provided for in the SPPs.  It is noted that the subdivision in the SPPs is

	unless necessary to facilitate the use of the land for agriculture.	more flexible than the interim schemes, particularly in regards to existing residential and visitor accommodation buildings which may lead to greater fragmentation than is currently allowed.
PR 1.5	Minimise the use of prime agricultural land for plantation forestry.	<p>The SPPs provides a discretionary pathway for plantation forestry on prime agricultural land. The agricultural zone has been applied consistently to include the highest classes of land capability and land unconstrained and conducive for agriculture.</p> <p>Of note there is minimal prime agricultural land in the Central Highlands. There is no identified class 1 or 2 land.</p>
PR 2	Manage and protect the value of non-significant agricultural land in a manner that recognises the potential and characteristics of the land.	
PR 2.1	Utilise the settlement strategy to assess conversion of rural land to residential land through rezoning, rather than the potential viability or otherwise of the land for particular agricultural enterprises.	All such sites have been previously identified in the CHIPS2015 and have been translated correctly per the Guideline No.1.
PR 2.2	Support opportunities for down-stream processing of agricultural products in appropriate locations or 'on-farm' where appropriate supporting infrastructure exists and the use does not create off-site impacts.	Provided for in the SPPs.
PR 2.3	Provide flexibility for commercial and tourism uses provided that long-term agricultural potential is not lost and it does not further fetter surrounding agricultural land.	Provided for in the SPPs.
PR 2.4	The introduction of sensitive uses not related to agricultural use, such as dwellings, are only to be allowed where it can be demonstrated the use will not fetter agricultural uses on neighbouring land.	Provided for in SPPs.
PR 3	Support and protect regionally significant extractive industries.	See sub-clause below
PR 3.1	Existing regionally significant extractive industry sites are to be appropriately zoned, such as the Rural Zone, and are protected by appropriate attenuation areas in which the establishment of new sensitive uses, such as dwellings,	<p>There are no identified regionally significant extractive industries in the Central Highlands.</p> <p>All existing extractive industries are located in either the rural zone or agricultural zone. The rural zone however is the more appropriate zone. The draft LPS has included these sites</p>

	is restricted.	in the Rural Zone per the Guideline No.1, and the Decision Tree and Guidelines produced for the region.
PR 4	Support the aquaculture industry.	All such sites have been previously identified in the CHIPS2015 and have been translated correctly per the Guideline No.1
PR 4.1	Provide appropriately zoned land on the coast in strategic locations, and in accordance with The Coast Regional Policies, for shore based aquaculture facilities necessary to support marine farming.	Not applicable to the Central Highlands.
PR 4.2	Identify key marine farming areas to assist in reducing potential land use conflicts from an increasingly industrialised industry.	Not applicable to the Central Highlands.
PR 5	Support the forest industry.	
PR 5.1	Working forests, including State Forests and Private Timber Reserves (for commercial forestry), are to be appropriately zoned, such as the Rural Zone.	Such land has been identified through the spatial application of the rural and agriculture zone. In most instances the land has been zoned as Rural Zone rather than agriculture zone.  The decision to undertake such zoning is supported by the Guideline No.1, the Agricultural Land Mapping Project, and the Guidelines and Decision Tree for the Southern Region.
PR 5.2	Recognise the Forest Practices System as appropriate to evaluate the clearance and conversion of native vegetation for commercial forestry purposes.	The Forest Practices System is triggered regardless of the content of the LPS.  It is noted that the priority vegetation area overlay is used in the LPS, and too some extent, may duplicate some parts of the Forest Practices System if it applies to that land. This however has been radically minimized through the implementation of the SPPs and the exclusion of the priority vegetation layer from the Agriculture Zone.
PR 5.3	Control the establishment of new dwellings in proximity to State Forests, Private Timber Reserves or plantations so as to eliminate the potential for land use conflict.	A discretionary pathway is provided in the SPPs.
<b>Industrial Activity</b>		
IA 1	Identify, protect and manage the supply of well-sited industrial land that will meet regional need across the 5, 15 and 30 year horizons.	All such sites have been previously identified in the CHIPS2015 and have been translated correctly per the Guideline No.1
IA 1.1	Industrial land is to be relatively flat and enable easy access to major transport routes, and other physical infrastructure such as	All such sites have been previously identified in the CHIPS2015 and have been translated correctly per the Guideline No.1

	water, wastewater, electricity and telecommunications	
IA 1.2	Locate new industrial areas away from sensitive land uses such as residentially zoned land.	There are no new industrial zones in the draft LPS.
IA 1.3	Provide for a 30-year supply of industrial land, protecting such land from use and development that would preclude its future conversion to industrial land use - in accordance with the recommendations within the Southern Tasmania Industrial Land Strategy 2013.	An industrial land study has not been undertaken specifically for the Central Highlands.
IA 1.4	Provide a 15-year supply of industrial land, zoned for industrial purposes within the planning scheme – in accordance with the recommendations within the Southern Tasmania Industrial Land Strategy 2013.	See above
IA 1.5	Aim to provide a minimum 5-year supply of subdivided and fully serviced industrial land.	An industrial land study has not been undertaken specifically for the Central Highlands.
IA 1.6	Take into account the impact on regional industrial land supply, using best available data, prior to rezoning existing industrial land to nonindustrial purposes.	An industrial land study has not been undertaken specifically for the Central Highlands.
IA 2	Protect and manage existing strategically located export orientated industries.	Existing export oriented industries are protected and managed through the zoning provided in the CHIPS2015. This is mostly agricultural produce located in the rural zones – which actively encourages such land use and development.  All such sites have been previously identified in the CHIPS2015 and have been translated correctly per the Guideline No.1
IA 2.1	Identify significant industrial sites through zoning and avoid other industrial uses not related to its existing function from diminishing its strategic importance.	There are no significant industrial sites located in the Central Highlands.
IA 3	Industrial development is to occur in a manner that minimises regional environmental impacts and protects environmental values.	Largely a matter for the SPPs. No separate SAPs, SSQ or the like have been created to further regulate such development.  There is minimal scope for a Council to prepare any such provisions under the TPS. This is primarily because the TPS does not allow for each Council to prepare any “new” codes – which are typically the mechanism to which such development could be regulated

		under a planning scheme.
IA 3.1	Take into account environmental values and the potential environmental impacts of future industrial use and the ability to manage these in the identification of future industrial land.	See the above comment.
<b>Activity Centres</b>		
AC 1	Focus employment, retail and commercial uses, community services and opportunities for social interaction in well-planned, vibrant and accessible regional activity centres that are provided with a high level of amenity and with good transport links with residential areas.	All such sites have been previously identified in the CHIPS2015 and have been translated correctly per the Guideline No.1.
AC 1.1	Implement the Activity Centre Network through the delivery of retail, commercial, business, administration, social and community and passenger transport facilities.	See above.
AC 1.2	Utilise the Central Business, General Business, Local Business Zones as the main zones to deliver the activity centre network through the planning scheme, providing for a range of land uses in each zone appropriate to the role and function of that centre in the network.	The Local Business Zone has been applied to Miena only through “like for like” translation from the CHIPS2015.
AC 1.3	Discourage out-of-centre development by only providing for in-centre development within the planning scheme.	There are no new settlement areas provided in the draft LPS.
AC 1.4	Promote a greater emphasis on the role of activity centres, particularly neighbourhood and local activity centres, in revitalising and strengthening the local community.	This appears to be an inherent quality and objective of the STRLUS that has been previously implemented through the zoning provided in the CHIPS2015.
AC 1.5	Encourage high quality urban design and pedestrian amenity through the respective development standards.	There is capacity for improvements to the subdivision design standards in residential and commercial areas in the SPPs.
AC 1.6	Encourage an appropriate mix of uses in activity centres to create multi-functional activity in those centres.	There are no new settlement areas provided in the draft LPS.
AC 1.7	Improve the integration of public transport with Activity Centre planning, particularly where it relates to higher order activity	This is primarily a matter for the standards contained in the SPPs.

	centres.	
AC 1.8	Encourage new development and redevelopment in established urban areas to reinforce the strengths and individual character of the urban area in which the development occurs.	The SPP provides a uniform approach to development standards. The LPS includes Local Area Objectives to establish the character of the activity centres, but the way the TPS is structured, these only apply to discretionary uses.
AC 1.9	Require active street frontage layouts instead of parking lot dominant retailing, with the exception of Specialist Activity Centres if the defined character or purpose requires otherwise.	This is provided for in the SPPs
AC 1.10	Activity centres should encourage local employment, although in most cases this will consist of small scale businesses servicing the local or district areas.	The zones applied to activity centres in the draft LPS provide for a range of businesses that encourage local employment.
AC 1.11	Consolidate the Cambridge Park Specialist Activity Centre by restricting commercial land to all that land bound by Tasman Highway and Kennedy Drive, and provide for a wide range of allowable uses, including, but not limited to, service industry, campus-style office complexes and bulky goods retailing.	Not applicable to the Central Highlands.
AC 1.12	Provide for 10 – 15 years growth of existing activity centres through appropriate zoning within the planning scheme.	All such sites have been previously identified in the CHIPS2015 and have been translated correctly per the Guideline No.1.
AC 2	Reinforce the role and function of the Primary and Principal Activity Centres as providing for the key employment, shopping, entertainment, cultural and political needs for Southern Tasmania.	Not applicable – there are no Primary and Principal Activity Centres in Central Highlands.
AC 2.1	Encourage the consolidation of cultural, political and tourism activity within the Primary Activity Centre.	Per above.
AC 2.2	Encourage high quality design for all new prominent buildings and public spaces in the Primary and Principal Activity Centres.	Per above.
AC 2.3	Undertake master planning for the Primary and Principal Activity Centres taking into account this Strategy. These should examine issues of urban amenity, economic development,	Per above.

	accessibility, urban design and pedestrian movement.	
AC 2.4	Encourage structure and economic development planning for lower level Activity Centres by local planning authorities.	All such sites have been previously identified in the CHIPS2015 and have been translated correctly per the Guideline No.1.
AC 3	Evolve Activity Centres focussing on people and their amenity and giving the highest priority to creation of pedestrian orientated environments.	Partially achieved through various standards in the SPP and through the translation of most zones under the SMPS2015.
AC 3.1	Actively encourage people to walk, cycle and use public transport to access Activity Centres.	Mostly reflected through the existing settlement patterns in the Central Highlands.
AC 3.2	Support high frequency public transport options into Principal and Primary Activity Centres.	Not applicable to Central Highlands.
AC 3.3	The minimum car parking requirements and associated 'discretion' in the planning scheme for use and development in the Principal and Primary Activity Centres are to encourage the use of alternative modes of transport other than private cars.	Not applicable to Central Highlands.
AC 3.4	Provide for coordinated and consistent car parking approaches across the Principal and Primary Activity Centres that support improved use of public transport and alternative modes of transports, pedestrian amenity and urban environment.	Not applicable to Central Highlands.
AC 3.5	Allow flexibility in providing on-site car parking in the lower order Activity Centres subject to consideration of surrounding residential amenity.	Provided for in SPPs through discretionary pathways for new use and development.
<b>Settlement and Residential Development</b>		
SRD 1	Provide a sustainable and compact network of settlements with Greater Hobart at its core, that is capable of meeting projected demand.	See sub-clauses below.
SRD 1.1	Implement the Regional Settlement Strategy and associated growth management strategies through the planning scheme.	All settlements have been previously identified in the CHIPS2015 per the STRLUS. There are no new settlement areas provided in the draft LPS.
SRD 1.2	Manage residential growth in District Centres, District Towns	The LPS zoning and standards in the SPP follow this planning process.

	<p>and Townships through a hierarchy of planning processes as follows:</p> <ol style="list-style-type: none"> <li>1. Strategy (regional function &amp; growth scenario);</li> <li>2. Settlement Structure Plans (including identification of settlement boundaries);</li> <li>3. Subdivision Permit;</li> <li>4. Use and Development Permit.</li> </ol>	
SRD 1.3	<p>Support the consolidation of existing settlements by restricting the application of the Rural Living Zone:</p> <ol style="list-style-type: none"> <li>1. to existing rural living communities; or</li> <li>2. for the purposes of preparing a Local Provision Schedule, to land within an existing Environmental Living Zone in an interim planning scheme if consistent with the purpose of the Rural Living Zone.</li> </ol> <p>Land not currently zoned for rural living or environmental living communities may only be zoned for such use where one or more of the following applies:</p> <p>a Recognition of existing rural living communities, regardless of current zoning. Where not currently explicitly zoned for such use, existing communities may be rezoned to Rural Living provided:</p> <ol style="list-style-type: none"> <li>i. the area of the community is either substantial in size or adjoins a settlement and will not be required for any other settlement purpose; and</li> <li>ii. only limited subdivision potential is created by rezoning.</li> </ol> <p>b. Replacing land currently zoned for rural living purposes but undeveloped and better suited for alternative purposes (such as intensive agriculture with other land better suited for rural living purposes, in accordance with the following:</p>	<p>All such sites have been previously identified in the CHIPS2015 and have been translated correctly per the Guideline No.1.</p>



	<p>(i) the total area rezoned for rural living use does not exceed that which is back-zoned to other use;</p> <p>(ii) the land rezoned to rural living use is adjacent to an existing rural living community;</p> <p>(iii) the land rezoned to rural living use is not designated as Significant Agriculture Land on Map 5 of this Strategy;</p> <p>(iv) the land rezoned to rural living use is not adjacent to the Urban Growth Boundary for Greater Hobart or identified for future urban growth; and</p> <p>(v) the management of risks and values on the land rezoned to rural living use is consistent with the policies in this Strategy.</p> <p>c. Rezoning areas that provide for the infill or consolidation of existing rural living communities, in accordance with the following:</p> <p>(i) the land must predominantly share common boundaries with:</p> <ul style="list-style-type: none"> <li>• existing Rural Living zoned land; or</li> <li>• rural living communities which comply with SRD 1.3(a);</li> </ul> <p>(ii) the amount of land rezoned to rural living must not constitute a significant increase in the immediate locality;</p> <p>(iii) development and use of the land for rural living purposes will not increase the potential for land use conflict with other uses;</p> <p>(iv) such areas are able to be integrated with the adjacent existing rural living area by connections for pedestrian and vehicular movement. If any new roads are possible, a structure plan will be required to show how the new area will integrate with the established Rural Living zoned area;</p> <p>(v) the land rezoned to rural living use is not designated as Significant Agricultural Land on Map 5 of this Strategy;</p> <p>(vi) the land rezoned to rural living use is not adjacent to the Urban Growth Boundary for</p>	
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	Greater Hobart or identified for future urban growth; and (vii) the management of risks and values on the land rezoned to rural living use is consistent with the policies in this Strategy.	
SRD 1.4	Allow for increased densities in existing rural living areas to an average of 1 dwelling per hectare, where site conditions allow.	All such sites have been previously identified in the CHIPS2015 and have been translated correctly per the Guideline No.1.
SRD 1.5	Encourage land zoned General Residential to be developed at a minimum of 15 dwellings per hectare (net density).	Provided for in SPPs
SRD 2	Manage residential growth for Greater Hobart on a whole of settlement basis and in a manner that balances the needs for greater sustainability, housing choice and affordability.	The Central Highlands is not located within the Greater Hobart area.
SRD 2.1	Residential growth for Greater Hobart is to occur through 50% infill development and 50% greenfield development.	See above.
SRD 2.2	Manage greenfield growth through an Urban Growth Boundary, which sets a 20 year supply limit with associated growth limits on dormitory suburbs.	See above
SRD 2.3	SRD 2.3 Provide greenfield land for residential purposes across the following Greenfield Development Precincts: <ul style="list-style-type: none"> <li>• Bridgewater North</li> <li>• Brighton South</li> <li>• Droughty Point Corridor</li> <li>• Gagebrook/Old Beach</li> <li>• Granton (Upper Hilton Road up to and including Black Snake Village)</li> <li>• Midway Point North</li> <li>• Risdon Vale to Geilston Bay</li> <li>• Sorell Township East</li> <li>• Spring Farm/Huntingfield South</li> </ul>	See above
SRD 2.4	Recognise that the Urban Growth Boundary includes vacant land suitable for land release as greenfield development through residential rezoning as well as land suitable for other urban purposes including commercial, industrial, public parks, sporting and recreational facilities, hospitals, schools, major	See above

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

Table 4 – Assessment of the draft LPS against the STRLUS

#### **4.6 Central Highlands Strategic Plan - Section 34(2) (f)**

This section of the report will detail how the draft LPS is consistent with the strategic plan prepared under section 66 of the Local Government Act 1993. This is a requirement of Section 34(2) (f) of LUPAA. The strategic plan currently in place is the *Strategic Plan 2015-2024*.

As detailed in the body of this report the vast majority of the draft LPS content is a translation of the provisions contained in the current CHIPS2015. The zoning and overlays as applied are consistent with the Guideline No.1 which in most occasions makes reference to a “like for like” translation of the current CHIPS2015. The current Strategic Plan was in effect at the time of adopting the CHIPS2015.

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

#### **4.7 Consistency and coordination with adjacent municipal area - Section 34 (2) (g)**

Section 34 (2) (g) of the LPS Criteria requires that the planning scheme “as far as practicable”, is consistent with and co-ordinated with LPS’s that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates.

The Central Highlands Council shares borders with West Coast, Meander, Northern Midlands, Southern Midlands, and Derwent Valley Councils.

Meander and Southern Midlands have both submitted a draft LPS to the TPC. Northern Midlands, Derwent Valley and West Coast are still preparing their draft.

Land immediately adjoining the Central Highlands boundary is currently zoned the following:

- Derwent Valley – Environmental Management Zone, Rural Resource Zone, Significant Agriculture Zone, Village Zone (at Westerway only), Open Space Zone (along riparian reserve at National Park only)
- Southern Midlands- Environmental Management Zone, Rural Resource Zone, Significant Agriculture Zone
- Northern Midlands - Environmental Management Zone, Rural Resource Zone, Significant Agriculture Zone
- Meander Valley – Environmental Management Zone (all parks and reserves)
- West Coast – Environmental Management Zone (all parks and reserves)

The land immediately adjoining the Central Highlands in other Local Government Areas is generally large parcels of land that, on the whole, are used for either farming, forestry, or a form of conservation (with the exception of Westerway and National Park). All zones in the draft LPS that adjoin these areas are consistent with one another and conform with the Guideline No.1.

In preparing the Central Highlands draft LPS the following steps were undertaken to ensure consistency and awareness of the adjoining Council's LPS:

- The Southern Midlands draft LPS was prepared by the same Officers as this draft LPS
- Consultants working on behalf of Northern Midlands Council discussed the application of the Rural and Agriculture Zone to work toward a consistent approach
- The Southern Councils have worked in cooperation in preparing the draft LPSs through the Southern Technical Reference Group.
- The Meander Valley Council has been pro-actively discussing and hosting information sessions on the preparation of the draft LPS and the planning reform process.

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

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

#### **4.8 Gas Pipeline- Section 34 (2) (h)**

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

The Gas Pipeline does not enter the Central Highlands Area. There is no consideration necessary in preparing the draft LPS other than identifying its location is outside the area.

## **5. Zoning in Draft LPS**

### **5.1 The Guideline No.1**

The revised Guidelines were issued by the TPC in June 2018, with approval of the Minister, in accordance with section 8A of LUPAA. The purpose of the Guidelines are to provide an easy reference guide for the consistent application of all zones and codes for the preparation of draft LPS in accordance with LP1.0 of the SPP which sets out the LPS requirements. As mentioned earlier in the report, the Guidelines are the primary guiding document for Councils to acceptably apply zoning and overlays to the land.

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

## 5.2 Zoning Comparison CHIPS2015 – SPPs

For the most part, the Draft LPS carries through existing CHIPS2015 zoning, as these correlated with the Zone Application Guidelines. The associated changes in zone standards are generally minor and it is considered that the strategic intent underpinned by the STRLUS and local strategies, in most cases, is not compromised by the SPPs. An overview of zone content that informed initial draft LPS preparation is shown in Table 5 below.

CHIPS2015 Zone	SPP Zone	Comments				
		Lot size/Frontage		Setbacks		Other SPP Changes of Note
		CHIPS2015	SPP's	CHIPS2015	SPP's	
12.0 Low Density Residential	10.0 Low Density Residential	1500m <sup>2</sup> 15m frontage	1500m <sup>2</sup> * 20m frontage	Front 4.5* Side/rear – up to boundary	Front 4.5* Side/rear – up to boundary	Additional Discretionary Uses  Specific Multiple Dwelling Standards
13.0 Rural Living Zone	11.0 Rural Living Zone	1Ha 40m frontage	1,2,5 & 10Ha 40m frontage*	Front 20m* Side/Rear 20m* Sensitive uses 100m from R/R and 200m from Sig Ag	Front 10m* Side/Rear 20m* Sensitive uses 200m from R/R and Ag	Some new and removed uses from the use table.  New site cover standards for buildings (400m <sup>2</sup> *)
16.0 Village	12.0 Village	1000m <sup>2</sup> 15m* frontage	600m <sup>2</sup> 10m* frontage	Front 4.5m* Side/rear – 2m or half wall height*	Front 4.5m* Side/rear – 2m or half wall height	No conversion issues other than a reduced lot size.
17.0 Community Purpose	27.0 Community Purpose	No specified lot size 15m* frontage	No specified lot size 10m* frontage	Front 3m* Side/rear – 3m or half wall height*	Front 5m* Side/Rear – 3m or half wall height*	No conversion issues
18.0 Recreation	28.0 Recreation	No specified lot size 15m* frontage	No specified lot size 3.6m* frontage	Front 3m* Side/rear – 3m or half wall height*	Front 5.0m* Side/rear – 3m or half wall height	10m* building height in both. Visitor Accommodation limited to caravan park/camping style setups under SPP's.
19.0 Open Space	29.0 Open Space	No specified lot size 15m* frontage	No specified lot size 15.0m* frontage	Front 5.0m* Side/rear – 3m or half wall height	Front 5.0m* Side/rear – 3m or half wall height	Increase from 6.5m* - 10m* building height.
20.0 Local Business	14.0 Local Business	300m <sup>2</sup> * 15.0m* frontage	200m <sup>2</sup> * 3.6m* frontage	Front setback – 3m*  Setback to a residential zone (Side/rear) – 3.0m or half wall height*	Front setback – Nil or between adjoining.  Setback to a residential zone (Side/rear) – 4.0m or half wall height*	9.0m* building height in both but significantly reduced lot size, frontage and front setback.
24.0 Light Industrial	18.0 Light Industrial	1000m <sup>2</sup> * 25m frontage*	1000m <sup>2</sup> * 20m*	Front 10m* 10m from residential zone or half wall height	5.5m or not less than existing buildings or not more or less than setback on adjoining land*  4m from a residential zone	No conversion Issues.

					or half the height of wall*	
26.0 Rural Resource	20.0 Rural	<p>Re-organisation of boundaries</p> <p>Lots for Heritage Listed Places</p> <p>Lots are for public purpose or 40ha and subject to Performance Criteria</p> <p>6m frontage</p>	40ha* 25m frontage*	<p>Front 20m* Side/rear 50m</p> <p>Sensitive use – 100m from forestry</p> <p>200m from Significant Ag</p> <p>100m from Environmental Management Zone</p>	<p>Front, side/rear all 5m or no less than existing building*</p> <p>Sensitive Use - 200m from Ag Zone or not less than existing sensitive use</p>	<p>Additional land uses in the Use Table</p> <p>Significant reduction in setbacks</p> <p>New standard ensuring dwellings have appropriate vehicular access to a maintained road.</p> <p>Additional discretionary use standards</p> <p>Removal of provision for lots for heritage listed places</p>
27.0 Significant Agricultural	21.0 Agriculture	<p>Re-organisation of boundaries to 1ha minimum</p> <p>New lots for public purpose only</p> <p>25m frontage for reorganisation only</p>	<p>Consolidation of lots in same zone</p> <p>Performance criteria for reorganisation of boundaries or create a lot for ag use or excision of use/development provided balance land cannot have a dwelling</p>	<p>Front 20m*</p> <p>Side/rear 100m*</p> <p>Sensitive use 200m from crop or horticultural use and 100m from rural resource zone*</p>	<p>5m from all boundaries*</p> <p>Sensitive use 200m*</p>	<p>Policy shift to allowing new lots on the more productive ag land.</p> <p>Significant reduction in setbacks</p> <p>No dwellings allowed on balance of subdivided land</p> <p>Full range of residential development allowed</p> <p>Some additional standards for discretionary and residential uses.</p>
28.0 Utilities	26.0 Utilities					No Conversion Issues
29.0 Environmental Management	23.0 Environmental Management	No size or frontage standards specified	3.6m frontage	<p>Frontage 30m or as proscribed in reserve management plan</p> <p>Side/rear 30m or as proscribed in reserve management plan</p>	<p>Be in accordance with a parks or land authority</p> <p>10m or not less than existing building and per parks or land authority</p>	<p><b>Change in wording:</b></p> <p><b>FROM</b></p> <p>“as proscribed in a reserve management plan” and qualifications for use “only if a reserve management plan applies”</p> <p><b>TO</b></p> <p>“be in accordance with an authority under National Parks and Reserved Land Regulations 2009 granted by the Managing Authority or the Nature Conservation Act 2002” and related “be in accordance with an approval of the Director-General of Lands under the Crown Lands Act 1976” and qualifications for use “if an authority under the National Parks and Reserved Land Regulations 2009 is granted by the Managing Authority, or approved by the Director-General of lands under the Crown Lands Act 1976”</p> <p>Performance Criteria only for Discretionary Use.</p>

\*Note: Requirement but can be varied through PC.

### 5.3 CHIPS2015- SPP Zone Conversions

For the most part, the Central Highlands draft LPS carries through existing CHIPS2015 zoning, as these correlate with the Zone Application Guidelines No.1.

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

SPP Zone applied in draft LPS	Current Zone in SMIPS 2015	Comments
Rural Living Zone	Rural Living Zone	<p>This is a straight conversion per the Guideline No.1.</p> <p>The zoning is applied to land in Bothwell, Wilburville, Westerway, and Ellendale.</p> <p><b>NB: CHANGES</b> Some changes to remove split zoning at Westerway have been included – the rationale and justification is provided in Section 5.4 of this report.</p>
Low Density Residential	Low Density Residential	<p>This is a straight conversion per the Guideline No.1.</p> <p>The zoning is applied to numerous shack communities and to land on the outskirts of Gretna, Bothwell, and Hamilton.</p>
Village Zone	Village Zone	<p>This is a straight conversion per the Guideline No.1.</p> <p>The zoning is applied to land in Waddamana, Bronte Park, Derwent Bridge, Tarraleah, Wayatinah, Ouse, Hamilton, Bothwell, Ellendale, and Gretna.</p>
Community Purpose Zone	Community Purpose Zone	<p>The zoning is applied to land in Bothwell and Ouse</p> <p><b>NB: CHANGES</b> The only modification from the CHIPS2015 is the land at 7011 Lyell Highway, Ouse which is the “former Principle’s House”. The land is 8ha of relatively flat land adjoining the school and cemetery and church. The land is then surrounded by rural zoned land.</p> <p>The Education Department sold the land to a private buyer in September 2017. The land is should no longer be included in the community purpose zone.</p>



		The Community Purpose Zone would restrict likely future development of the site for private or commercial or farming purposes. The land is zone Agriculture Zone in the draft LPS
Recreation Zone	Recreation Zone	<p>Straight conversion per the Guideline No.1.</p> <p>The zoning is applied to land in Bothwell, Hamilton, Ouse, Tarraleah and Gretna.</p>
Local Business Zone	Local Business Zone	<p>Straight conversion per the Guideline No.1.</p> <p>The zoning is applied to land in Miena, and Flintstone.</p>
Rural Zone	Rural Resource Zone	<p>Zoning has been applied per the Guideline No.1 with the data provided from the Agricultural Land Mapping Project and the <i>Decision Tree and Guidelines for Mapping the Agriculture and Rural Zones</i>, AK Consultants (May 2018).</p> <p><b>NB: CHANGES</b> There are significant changes to the rural zoning in the Central Highlands – the rationale and justification is provided in Section 5.4 of this report.</p>
Agriculture Zone	Rural Resource Zone and Significant Agricultural Zone	<p>Zoning has been applied per the Guideline No.1 with the data provided from the Agricultural Land Mapping Project and the <i>Decision Tree and Guidelines for Mapping the Agriculture and Rural Zones</i>, AK Consultants (May 2018)</p> <p><b>NB: CHANGES</b> There are significant changes to the rural zoning in the Central Highlands – the rationale and justification is provided in Section 5.4 of this report.</p>
Environmental Management Zone	Environmental Management Zone	<p>Straight conversion per the Guideline No.1.</p> <p><b>NB: CHANGES</b> Some additional nature reserves, riparian reserves and other public reserves included per the Guideline No.1– the rationale and justification is provided in Section 5.4 of this report.</p>

		There are changes to the wording for allowing permitted uses in the Reserves where they have approvals by the land authority (i.e. Crown land or Parks and Wildlife).
Open Space Zone	Open Space Zone	Straight conversion per the Guideline No.1.  The zoning is applied to land in Bothwell, Hamilton, and Ouse.
Utilities Zone	Utilities Zone	Straight conversion per the Guideline No.1.  <b>NB: CHANGES</b> Some additional existing utilities were included per the Guideline No.1– the rationale and justification is provided in Section 5.4 of this report.

Table 5 – “Like for Like” Zone Conversions

## 5.4 Introduced Zone Changes in the Draft LPS

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

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

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

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

ADDRESS	PID/CT	CHIPS2015 ZONE/S	DRAFT LPS ZONE/S	COMMENT
7011 Lyell Highway, Ouse	CT 169788/2	Community Purpose Zone	Agriculture Zone	See Section 5.3.1 of this report for specific detail.
49 Clarks Road, Westerway	CT 67387/1	Rural Resource Zone	Rural Living Zone	<p>Per Guideline No.1 RLZ1 and RLZ2 (a) and RLZ 4 (c)</p> <p>An approximately 1ha title that contains residential use and visitor accommodation.</p> <p>The land is mapped as potentially constrained under the ALMP Mapping.</p> <p>See Section 5.3.2 of this report for specific detail.</p>
80 Ellendale Road, Westerway	CT 231633/1	Rural Resource Zone	Rural Living Zone	<p>Per Guideline No.1 RLZ1 and RLZ2 (a) and RLZ 4 (c)</p> <p>Current title is split-zoned, with majority Rural Living but with a smaller portion on the northern side of Boyces Creek zoned Rural Resource. The change in zone of this land and similar land on neighbouring titles will rectify and consolidate the Rural Living area and remove unnecessary slivers of alternate zoning.</p> <p>The land is mapped as potentially constrained under the ALMP Mapping.</p> <p>See Section 5.3.2 of this report for specific detail.</p>
80 Ellendale Road, Westerway	CT 67638/2	Rural Resource Zone	Rural Living Zone	<p>Per Guideline No.1 RLZ1 and RLZ2 (a) and RLZ 4 (c)</p> <p>Current title is split-zoned, with majority Rural Living but with a smaller portion on the northern side of Boyces Creek zoned Rural Resource. The change in zone of this land and similar land on neighbouring titles will rectify and consolidate the Rural Living area and remove unnecessary slivers of alternate zoning.</p> <p>The land is mapped as potentially constrained under the ALMP Mapping.</p> <p>See Section 5.3.2 of this report for specific detail.</p>

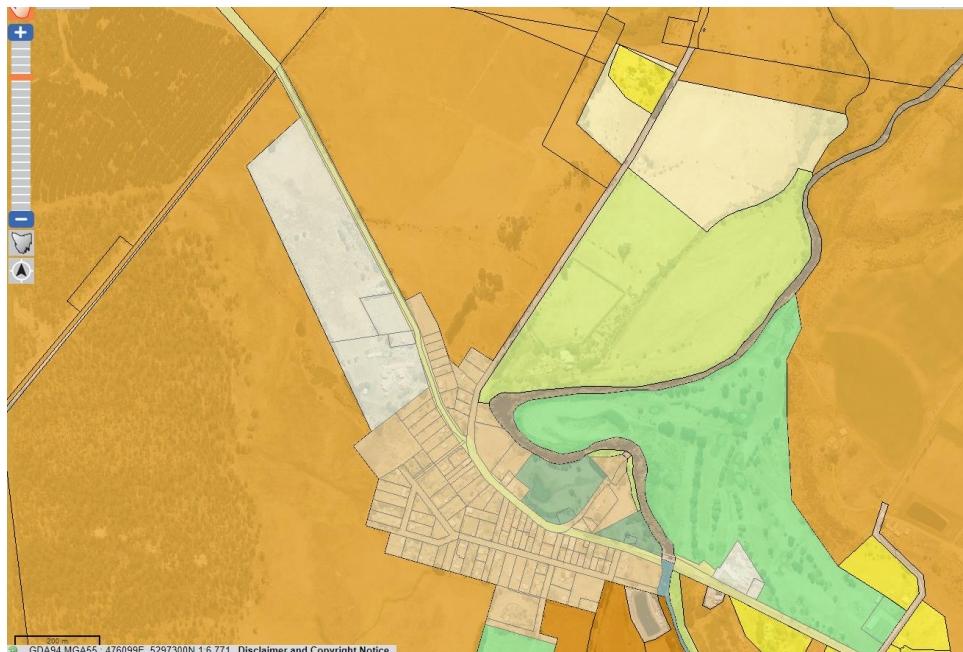
80 Ellendale Road, Westerway	CT 248383/1	Rural Resource Zone	Rural Living Zone	<p>Per Guideline No.1 RLZ1 and RLZ2 (a) and RLZ 4 (c)</p> <p>Current title is split-zoned, with majority Rural Living but with a smaller portion on the northern side of Boyces Creek zoned Rural Resource. The change in zone of this land and similar land on neighbouring titles will rectify and consolidate the Rural Living area and remove unnecessary slivers of alternate zoning.</p> <p>The land is mapped as potentially constrained under the ALMP Mapping.</p> <p>See Section 5.3.2 of this report for specific detail.</p>
Lot 1 Ellendale Road, Westerway	CT 173557/1	Rural Resource Zone	Rural Living Zone	<p>Per Guideline No.1 RLZ1 and RLZ2 (a) and RLZ 4 (c)</p> <p>Current title is split-zoned, with majority Rural Living but with a smaller portion on the northern side of Boyces Creek zoned Rural Resource. The change in zone of this land and similar land on neighbouring titles will rectify and consolidate the Rural Living area and remove unnecessary slivers of alternate zoning.</p> <p>The land is mapped as potentially constrained under the ALMP Mapping.</p> <p>See Section 5.3.2 of this report for specific detail.</p>
158 Ellendale Rd, Westerway	CT 87479/1	Rural Resource Zone	Rural Living Zone	<p>Per Guideline No.1 RLZ1 and RLZ2 (a) and RLZ 4 (c)</p> <p>Current title is split-zoned, with majority Rural Living but with a smaller portion on the northern side of Boyces Creek zoned Rural Resource. The change in zone of this land and similar land on neighbouring titles will rectify and consolidate the Rural Living area and remove unnecessary slivers of alternate zoning.</p> <p>The land is mapped as potentially constrained under the ALMP Mapping.</p> <p>See Section 5.3.2 of this report for specific detail.</p>
Canal and ancillary infrastructure at Interlaken connecting Lakes Crescent and Sorell	Crown Land (no title) CT 123332/1	Rural Resource Zone	Utilities Zone	Per Guideline No.1 UZ 4

	CT 123332/2 CT 123332/3			
Canal and ancillary infrastructure at Tea Tree Point, Lake Crescent, (at head of Clyde River).	Crown Land (no title) CT 125860/2	Rural Resource Zone	Utilities Zone	Per Guideline No.1 UZ 4
Access Road to Ouse Sewerage Treatment Ponds	CT 175153/1	Village Zone	Utilities Zone	Land is used in association with Ouse sewerage treatment ponds. Zoning. Per Guideline No.1 UZ 1 (e)
Ouse Sewerage Treatment Ponds	CT 35328/1	Rural Resource Zone	Utilities Zone	Per Guideline No.1 UZ 1 (e)
Westerway/Fentonbury Water Reservoirs	CT 49716/2	Rural Living Zone	Utilities Zone	Per Guideline No.1 UZ 4
Ellendale Water Reservoirs	CT 157519/1	Rural Living Zone	Utilities Zone	Per Guideline No.1 UZ 4
Flintstone Sewerage Treatment Ponds	CT 159126/1	Environmental Living Zone	Utilities Zone	Per Guideline No.1 UZ 1 (e)
Bothwell Water Pump Station and reservoir	CT 32561/1	Rural Resource Zone	Utilities Zone	Per Guideline No.1 UZ 4
Bronte Lake Sewerage Treatment Plant	CT 138464/2	Low Density Residential	Utilities Zone	Per Guideline No.1 UZ 1 (e)
Various Agricultural and Rural Titles	Various	Rural Resource or Significant Agriculture	Agriculture Zone Rural Zone	See Section 5.3.2 of this report for detail.
Various riparian reserves on separate title	Various	Rural Resource Zone. Significant Agriculture Zone,	Environmental Management Zone	Per Guideline No.1 EMZ1, and EMZ3.  Many of these parcels of land are currently absorbed into the surrounding zoning and not identified by separate zone.

*Table 6 – Introduced Zone Changes and Justifiable Departures*

#### 5.4.1 7011 Lyell Highway, Ouse (Former Education Department Land)

The land at 7011 Lyell Highway Ouse (CT 169788/2) is an 8ha lot containing a dwelling and mostly pasture on relatively flat land. The land was owned by the Education Department up until September 217, when it was sold into private ownership.



*Former Education Department Land. Source: theList*

The previous land tenure was a suitable reason for the land to be zoned Community Purpose as the land could feasibly be used in conjunction with the Ouse district school. It is likely also that in zoning the land for the CHIPS2015 and the 1998 Scheme that the fact that the land adjoins the Ouse School and was owned by the Education Department was simply included in the Community Purpose Zone without any strategic intent.

Since being sold into private ownership, the current owner, has made contact with Council requesting that the zoning be considered for inclusion in the Village Zone. This zoning would not be appropriate for the following reasons:

- Ouse is categorized as a “Township” under the STRLUS with a low growth strategy. The growth scenario for Ouse is to “consolidate”. Essentially any further residential growth in the town i.e. expansion of town boundaries and expansion of the village zone should only occur as a result of a local settlement structure plan; and
- There is currently no settlement structure plan for Ouse that supports the expansion of the town boundaries
- Expanding the town boundary and village zone to include this 8ha of land would increase the village of Ouse by 36% (the town is currently approximately 22ha of land). This expansion represents a significant increase in the footprint of the town
- A significant increase such as this 8ha (36%) increase should not be undertaken without due consideration and local strategic planning.
- Through a quick desktop analysis there is at least 5ha of vacant land available for further residential growth in the township at present. This figure includes vacant lots and larger village zone holdings with capacity for further subdivision. This would represent potentially a further 80 dwellings in the town. It would be a very adhoc planning outcome to expand the town without first encouraging further infill. This is actively encouraged by the STRLUS and the RMPS.
- The Guidelines No.1 provide the following:

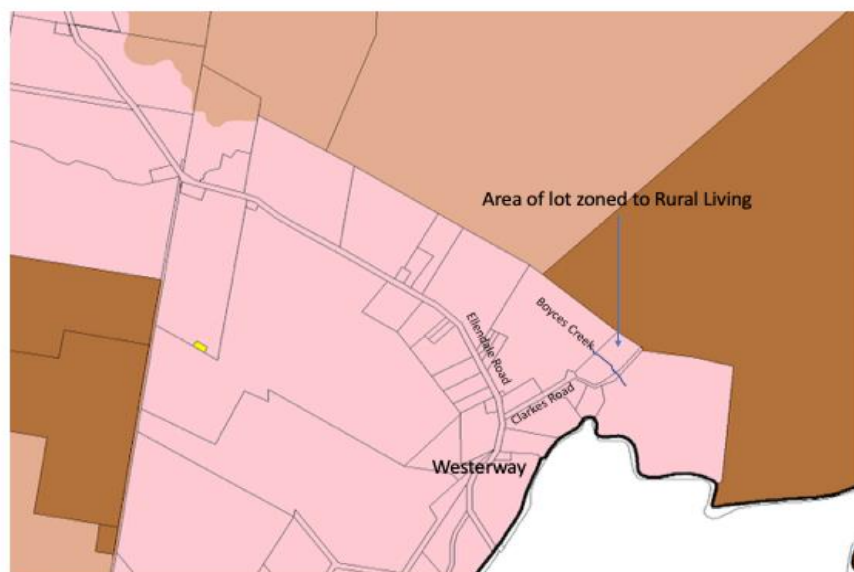
- VZ1- The Village Zone should be applied to land within rural settlements where the Urban Mixed Use Zone is not suitable and there is an unstructured mix of residential, commercial activities and community services and there is a strategic intention to maintain the mix.
- VZ2 (a) -The Village Zone may cover an entire settlement where the settlement is relatively small and no clear town centre exists or is intended to exist; or
- VZ2 (b) Part of a settlement where a high degree of use mix exists or is intended in the centre (otherwise refer to local business zone) the remainder of the settlement may be zoned either General Residential or Low Density Residential depending on the characteristics of the settlement)
- VZ4- The Village Zone should not be applied to existing rural settlements where a mix of uses does not exist or where there is no strategic intention to provide a mix of uses
- In response to the above VZ1 – VZ4 it can be deduced that applying the village zone to a 8ha pasture lot is not consistent with the Guidelines No.1

The zoning should be changed from Community Purpose to Agriculture Zone. This is a justifiable departure from a straight “like for like” conversion from the CHIPS2015 to the draft LPS per criteria (a) to (h) provided by Section 34(2) of LUPAA – in summary:

- The land to the north, west, south is all and to be included in the Agriculture Zone as land has been identified as “potentially suitable for the Agriculture Zone” in the draft LPS.
- The title adjoins farms and land has potential to be included and used in conjunction with neighbouring farmland
- The land effectively sits outside the town boundary and is not suitable for the village zone or any zone other than the Rural Zone or Agriculture Zone.
- In this particular case the Agriculture Zone is the best fit given its location and per the AK Consultants Guidelines the land is relatively unconstrained for some form of agricultural enterprise.

#### ***5.4.2 Rural Living Zone - 49 Clarks Road, Westerway***

The land at 49 Clarks Road, Westerway (CT 67381/1) is an approximately 1ha lot containing a dwelling, visitor accommodation and outbuildings. The land is owned by Desmond and Annette Itchins. The land is currently zoned Rural Resource under the CHIPS2015.



The land is identified as “Potentially Constrained (Criteria 3) under the ALMP Mapping. This indicates the land adjoins a residential zone and has a high capital value. The lot and the buildings on the lot are used in association with the adjoining lot in the same ownership (CT 67387/1). A building on the lot appears to straddle or at least about the boundary of the two lots.

The Guidelines No.1 provide a number of options for land such as this:

- RLZ 1 (a) allows for the Rural Zoning to be applied to land under residential use in a residential type area and used for lower order rural activities.
- RLZ 2 (a) requires that any land not currently zone rural living may only be zoned as such in the draft LPS if consistent with the STRLUS. This is discussed further in the body of this section.
- RLZ 4 (c) the land is not identified as being potentially suitable for the Agriculture Zone due the potential constraints.

In regard the STRLUS per RLZ 2 (a) the application of the Rural Living Zone is consistent with the STRLUS for the following relevant sections:

### ***Settlement and Residential Growth***

*SRD 1.1 Implement the Regional Settlement Strategy and associated growth management strategies through the Planning Scheme.*

- Westerway is identified as a “village” in the Growth Management Strategies for Settlements with a low growth scenario and a mixed growth scenario with the land identified as being an adjoining rural living area.
- The inclusion of part of a single parcel of land already containing a dwelling does not have any impact on the growth scenario for the area and does not allow for further growth per se.

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

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

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

- a. *Recognition of existing rural living communities, regardless of current zoning. Where not currently explicitly zoned for such use, existing communities may be rezoned to Rural Living provided:*
  - i. *the area of the community is either substantial in size or adjoins a settlement and will not be required for any other settlement purpose; and*
  - ii. *only limited subdivision potential is created by rezoning.*
- b. *Replacing land currently zoned for rural living purposes but undeveloped and better suited for alternative purposes (such as intensive agriculture with other land better suited for rural living purposes, in accordance with the following:*
  - i. *the total area rezoned for rural living use does not exceed that which is back-zoned to other use;*
  - ii. *the land rezoned to rural living use is adjacent to an existing rural living community;*
  - iii. *the land rezoned to rural living use is not designated as Significant Agriculture Land on Map 5 of this Strategy;*
  - iv. *the land rezoned to rural living use is not adjacent to the Urban Growth Boundary*

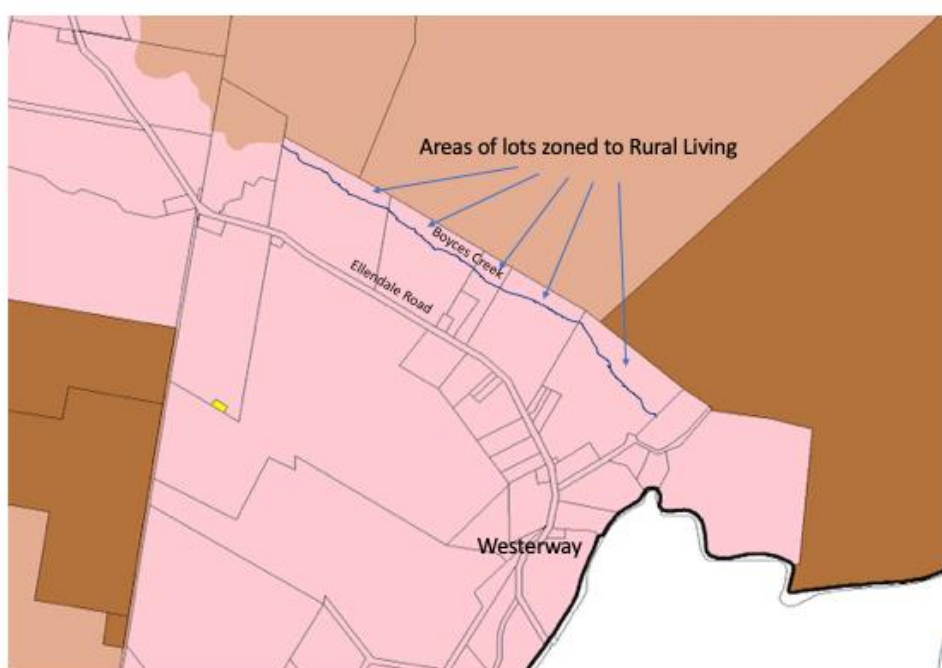


- for Greater Hobart or identified for future urban growth; and*
    - v. the management of risks and values on the land rezoned to rural living use is consistent with the policies in this Strategy.*
  - c. Rezoning areas that provide for the infill or consolidation of existing rural living communities, in accordance with the following:*
    - i. the land must predominantly share common boundaries with:*
      - existing Rural Living zoned land; or*
      - rural living communities which comply with SRD 1.3(a);*
    - ii. the amount of land rezoned to rural living must not constitute a significant increase in the immediate locality;*
    - iii. development and use of the land for rural living purposes will not increase the potential for land use conflict with other uses;*
    - iv. such areas are able to be integrated with the adjacent existing rural living area by connections for pedestrian and vehicular movement. If any new roads are possible, a structure plan will be required to show how the new area will integrate with the established Rural Living zoned area;*
    - v. the land rezoned to rural living use is not designated as Significant Agricultural Land on Map 5 of this Strategy;*
    - vi. the land rezoned to rural living use is not adjacent to the Urban Growth Boundary for Greater Hobart or identified for future urban growth; and*
    - vii. the management of risks and values on the land rezoned to rural living use is consistent with the policies in this Strategy.*
- The Rural Living Zone has been applied to a single 1ha title already containing a dwelling, visitor accommodation and outbuildings. The Rural Living Zone only allows for a Single Dwelling and therefore does not increase the lot density in the area.
- The land adjoins existing the Rural Living Zone under the CHIPS2015 and also in the draft LPS; and
- The other boundaries of the land are to be the Agriculture Zone in the draft LPS.
- This is not a significant increase or expansion of the rural living zone and will not lead to a land use conflict (given the existing use on the land).
- This is a common sense application of the Rural Living Zone that recognises the existing use, the comparatively small title with low agricultural viability and its connection with a second title under the same ownership and in the same use class.

### 5.4.3 Rural Living Zone – Ellendale Road / Boyces Creek Strip, Westerway

Running west from the land at 49 Clarks Road discussed in 5.4.2, above, is a thin strip of land on the northern side of Boyces Creek which similarly is the boundary between Rural Living and Rural Resource zoned land under the CHIPS2015. The five lots that make up this strip were split-zoned by the creek, with most of the land on each lot zoned Rural Living and between 25% and 10% zoned Rural Resource on the far side of the creek. Three of the titles are in one ownership with the remaining two separately owned. Property details are:

- CT 231633/1 80 Ellendale Rd Owner: David Hills
- CT 67638/2 80 Ellendale Rd Owner: David Hills
- CT 248383/1 80 Ellendale Rd Owner: David Hills
- CT 173557/1 Lot 1 Ellendale Rd Owner: Jason Turk
- CT 87479/1 158 Ellendale Rd Owner: David & Hazel Peronance



The land is identified as “Potentially Constrained (Criteria 3) under the ALMP Mapping. This indicates the land adjoins a residential zone and has a high capital value. The lot and the buildings on the lot are used in association with the adjoining lot in the same ownership (CT 67387/1). A building on the lot appears to straddle or at least abut the boundary of the two lots.

The Guidelines No.1 provide a number of options for land such as this:

- RLZ 1 (a) allows for the Rural Zoning to be applied to land under residential use in a residential type area and used for lower order rural activities.
- RLZ 2 (a) requires that any land not currently zone rural living may only be zoned as such in the draft LPS if consistent with the STRLUS. This is discussed further in the body of this section.
- RLZ 4 (c) the land is not identified as being potentially suitable for the Agriculture Zone due the potential constraints.

In regard the STRLUS per RLZ 2 (a) the application of the Rural Living Zone is consistent with the STRLUS for the following relevant sections:

## **Settlement and Residential Growth**

**SRD 1.1** *Implement the Regional Settlement Strategy and associated growth management strategies through the Planning Scheme.*

- Westerway is identified as a “village” in the Growth Management Strategies for Settlements with a low growth scenario and a mixed growth scenario with the land identified as being an adjoining rural living area.
- The inclusion of minor portions of five existing parcels of land already mostly zoned as Rural Living and used for rural living purposes does not have any impact on the growth scenario for the area and does not allow for further growth per se.

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

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

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

- d. *Recognition of existing rural living communities, regardless of current zoning. Where not currently explicitly zoned for such use, existing communities may be rezoned to Rural Living provided:*
  - i. *the area of the community is either substantial in size or adjoins a settlement and will not be required for any other settlement purpose; and*
  - ii. *only limited subdivision potential is created by rezoning.*
- e. *Replacing land currently zoned for rural living purposes but undeveloped and better suited for alternative purposes (such as intensive agriculture with other land better suited for rural living purposes, in accordance with the following:*
  - i. *the total area rezoned for rural living use does not exceed that which is back-zoned to other use;*
  - ii. *the land rezoned to rural living use is adjacent to an existing rural living community;*
  - iii. *the land rezoned to rural living use is not designated as Significant Agriculture Land on Map 5 of this Strategy;*
  - iv. *the land rezoned to rural living use is not adjacent to the Urban Growth Boundary for Greater Hobart or identified for future urban growth; and*
  - v. *the management of risks and values on the land rezoned to rural living use is consistent with the policies in this Strategy.*
- f. *Rezoning areas that provide for the infill or consolidation of existing rural living communities, in accordance with the following:*
  - i. *the land must predominantly share common boundaries with:*
    - *existing Rural Living zoned land; or*
    - *rural living communities which comply with SRD 1.3(a);*
  - ii. *the amount of land rezoned to rural living must not constitute a significant increase in the immediate locality;*
  - iii. *development and use of the land for rural living purposes will not increase the potential for land use conflict with other uses;*
  - iv. *such areas are able to be integrated with the adjacent existing rural living area by connections for pedestrian and vehicular movement. If any new roads are possible, a structure plan will be required to show how the new area will integrate with the established Rural Living zoned area;*
  - v. *the land rezoned to rural living use is not designated as Significant Agricultural*

- Land on Map 5 of this Strategy;*
- vi. *the land rezoned to rural living use is not adjacent to the Urban Growth Boundary for Greater Hobart or identified for future urban growth; and*
  - vii. *the management of risks and values on the land rezoned to rural living use is consistent with the policies in this Strategy.*

- The Rural Living Zone has been applied to minor portions of five titles already majority zoned Rural Living and used for rural living purposes. The Rural Living Zone only allows for a Single Dwelling and therefore does not increase the lot density in the area.
- The land adjoins existing the Rural Living Zone under the CHIPS2015 and also in the draft LPS.
- The other boundaries of the land are to be the Agriculture Zone in the draft LPS.
- This is not a significant increase or expansion of the rural living zone and will not lead to a land use conflict (given the existing use on the land).
- This will remove five split-zoned titles from the planning scheme and align all the subject properties' rear boundaries to a common alignment, thereby rationalizing the zoned area.
- This is a common sense application of the Rural Living Zone that recognises the existing use, the comparatively small title with low agricultural viability.

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

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

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

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

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

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

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

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

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

#### *The Mapping*

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

1. Potential Agricultural Land Initial Analysis (Layer 1)

## 2. Land Potentially Suitable For Agriculture (Layer 2)

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

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

The constraints analysis is based on the table below:

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

### Zone Application

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

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

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

Guideline AZ 5 provides for titles to be split-zoned to align with areas potentially suitable for agriculture, and areas on the same title where agriculture is constrained.

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

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

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

The second output was the *Decision Tree and Guidelines for Mapping the Agriculture and Rural Zones* which provided a tool for Council's to do further analysis of the "areas of interest" (attached with this

report). This was necessary to maintain a consistent approach between Councils and a consistent interpretation of “constraints” to agriculture. The *Decision Tree* is included as an Appendix to this report.

The *Decision Tree* was primarily used to refine and review the statewide “Land Potentially Suitable for Agriculture Zone” layer. The methodology employed to refine and review was the following:

- The GIS layer “Land Potentially Suitable for Agriculture Zone” was imported from theList Information services and applied to a GIS map of the Central Highlands.
- Officers were then able to modify the layer as guided by the Guideline No.1 and the AK Consulting *Decision Tree*.
- The places of interest identified were the following:
  - Land identified in the layer as being “Potentially Constrained” i.e. usually a small lot with a high capital value; and
  - Clusters of smaller titles identified as being “Potentially Constrained”
  - Large tracts of native vegetation and entire titles covered in heavy standing native vegetation; and
  - Private Timber Reserves
  - Land used for Forestry – using local knowledge or studying aerial photos.
  - Small titles or clusters of small titles adjoining a township
  - Land in a use other than agriculture such as visitor accommodation or quarrying activities
  - Steep vegetated terrain
  - Aerial photography through theList
  - Extensive conservation covenants i.e. whole of title covenant or land owned by the Tasmanian Land Conservancy (TLC)
- Taking into consideration the landownership and contiguous parcels of land in same ownership regardless of lot size i.e many small titles or clusters of titles but all in same ownership.
- The following sub headings provide an itemized list of the places of interest:

- **Land Description**      Lots surrounding Hamilton Township
- **CHIPS 2015 Zoning**      Rural Resource Zone
- **Draft LPS Zoning**      Agriculture Zone and Rural Zone

#### **Comment/Explanation**

All land adjacent to the Hamilton township to be zoned Agriculture Zone excluding the following:

- Mount Road Quarry Site owned by Council (CT 224790/1) – land used for quarrying
- 14 Tarleton Street (CT 34842/1) – excluded from the ALMP mapping and is bordered by Village Zone and the River Clyde
- Three (3) narrow lots between River Clyde and Village Zone including a road lot.

There were a number of lots mapped as “potentially constrained” due to higher capital value and lot size and proximity to township. Many of these lots are form a part of a larger farm in same ownership as adjoining land or surrounded by actively used farm land. An alternative zone to the Agriculture Zone would not create a consistent zone pattern and could potentially lead to land use conflict.

The AK Consulting *Decision tree* supports this position.

- **Land Description** Indicoal Coal Mine Site, Hamilton (CTs 133550/1, 125510/1, 133550/2)  
**CHIPS 2015 Zoning** Rural Resource Zone  
**Draft LPS Zoning** Agriculture Zone

#### **Comment/Explanation**

Despite the Mining Lease and the operating Coal Mine, most of the land is used for farming. Per the Guidelines No.1 the mine is not of regional significance and is not afforded the Rural Zone. Applying the Rural Zone would result in split zoning inconsistent with the surrounding zoning.

The Agriculture Zone does not restrict the ongoing use or expansion of the mine as the mine is afforded both existing use rights. The use is also discretionary in the Agriculture Zone and afforded further protection under the Attenuation Code.

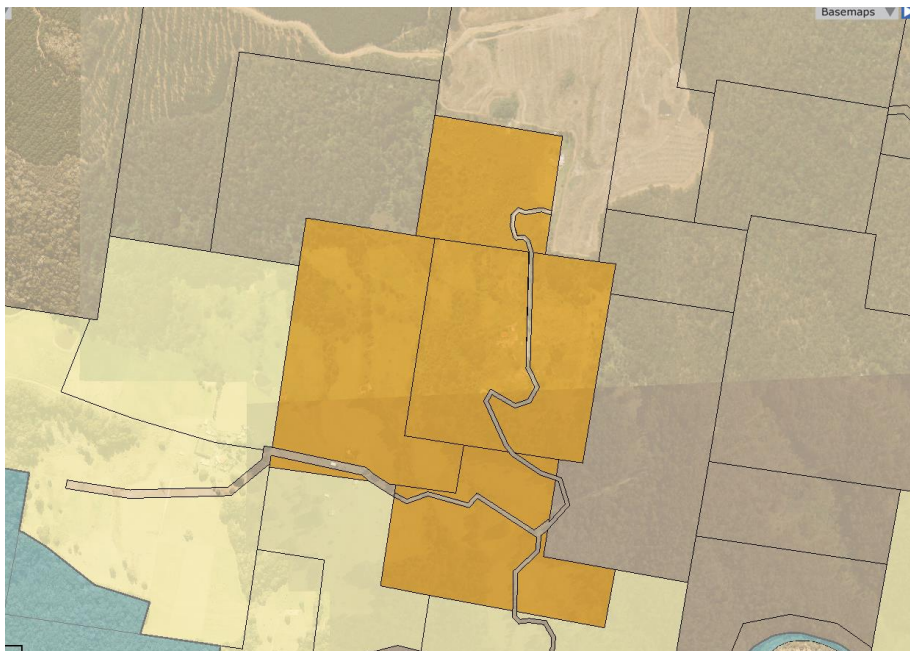
The AK Consulting *Decision tree* supports this position.

- **Land Description** Belchers Road area, National Park  
**CHIPS 2015 Zoning** Rural Resource Zone  
**Draft LPS Zoning** Rural Zone

#### **Comment/Explanation**

Cluster of 3 titles in separate ownership mapped as “potentially suitable for the Agriculture Zone”. The land is steep terrain, lifestyle lots, “potentially constrained land” and surrounded by forestry land. For consistency and recognising the potential constraints the land has been zoned as Rural Zone.

The AK Consulting *Decision tree* supports this position.



*Belchers Road titles ALMP Mapping. Source:theList*

- **Land Description** 475 Rockmount Road, Ellendale (Lake Meadowbank Foreshore) CT 169820/1

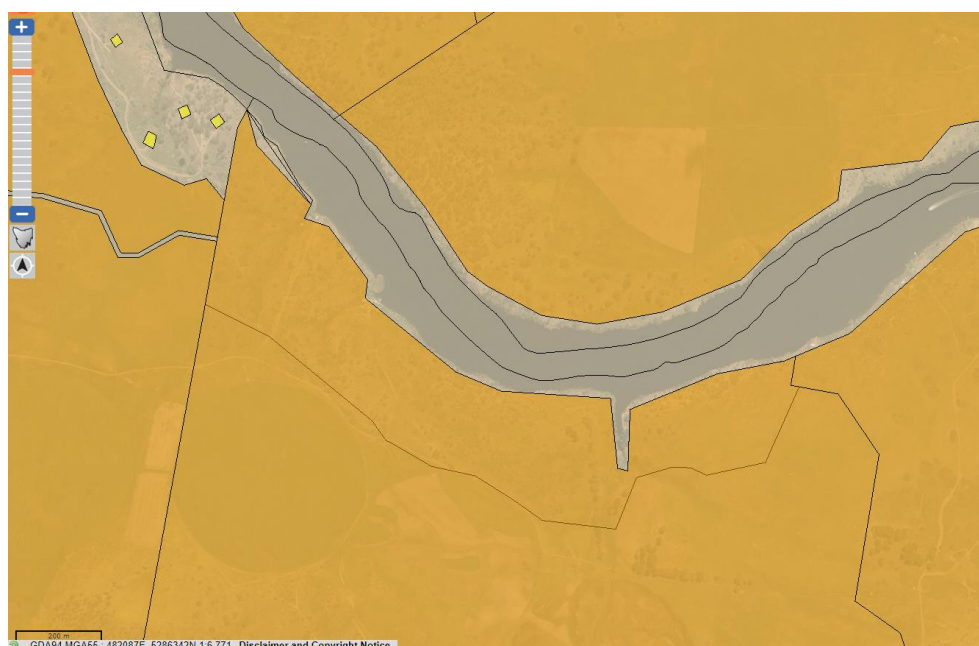


<b>CHIPS 2015 Zoning</b>	Rural Resource Zone
<b>Draft LPS Zoning</b>	Rural Zone

#### Comment/Explanation

A single title identified as land “potentially suitable for the Agriculture Zone” drafted as Rural Zone. The land is used for visitor accommodation and associated boating and recreation. The Rural Zone is the more appropriate Zone for this land. The land also adjoins a strata visitor accommodation site. The decision to zone this land Rural rather Agriculture is a strategic decision to encourage the visitor and recreation activities of Lake Meadowbank. This is supported by the SAP and Council’s Strategic Plan.

The AK Consulting *Decision tree* supports this position.



*Lake Meadowbank Title ALMP Mapping. Source:theList*

- |                          |                                |
|--------------------------|--------------------------------|
| <b>Land Description</b>  | Farming land west of Ellendale |
| <b>CHIPS 2015 Zoning</b> | Rural Resource Zone            |
| <b>Draft LPS Zoning</b>  | Agriculture Zone               |

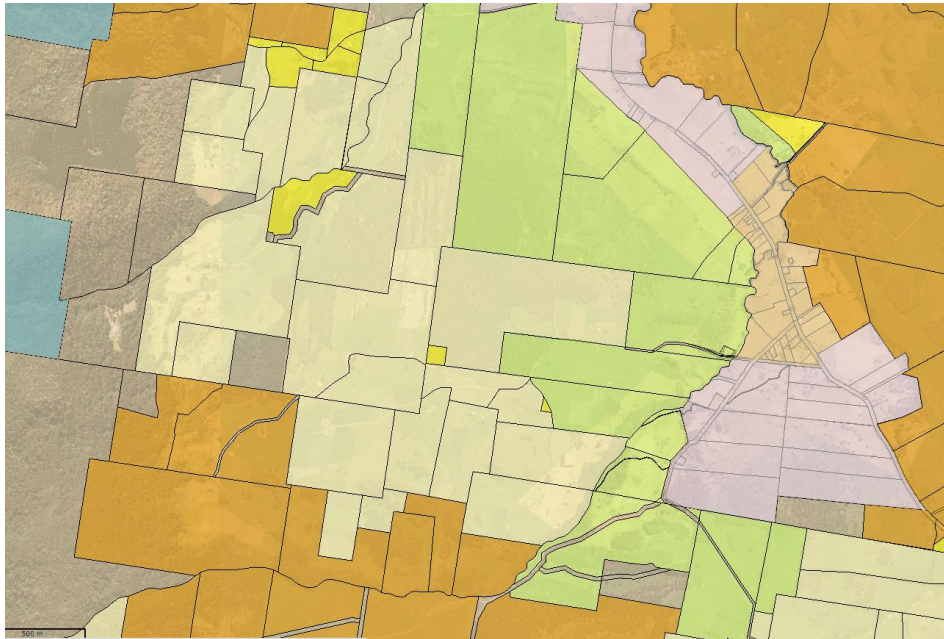
#### Comment/Explanation

Large area of land comprised of small to medium sized farms. Mostly grazing land and light bushland.

The titles are mapped as “potentially constrained” under the ALMP mapping. However it is clear from desktop analysis and Officer knowledge of the area that the land is used for farming and will continue to do so. There are no other strategic reason to zone the land anything else.

The land adjacent to this area is a mixture of State Forestry land and dense bush or private forestry (including private timber reserves). This land has been zoned as Rural Zone.





*Land west of Ellendale ALMP Mapping. Source: theList*

- |                          |                           |
|--------------------------|---------------------------|
| <b>Land Description</b>  | Strickland/Dry Hills Area |
| <b>CHIPS 2015 Zoning</b> | Rural Resource Zone       |
| <b>Draft LPS Zoning</b>  | Rural Zone                |

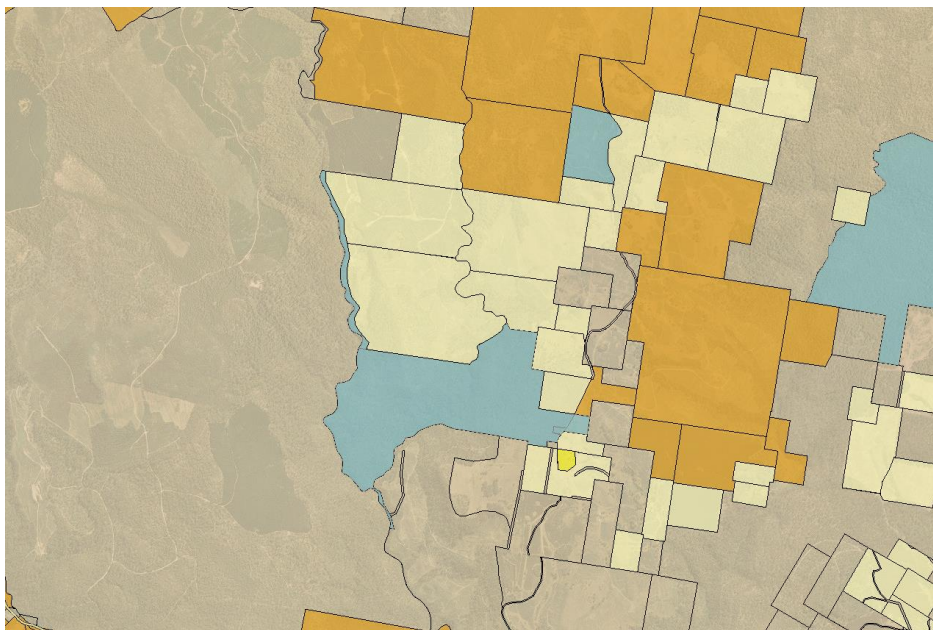
#### **Comment/Explanation**

The land is identified as being “potentially constrained” under the ALMP Mapping.

The land is mostly used for forestry operations is surrounded by either State Forestry land or forest reserves.

The Rural Zone is the more appropriate zoning based on the on ground features, natural constraints to agricultural and forestry use of the land.

The AK Consulting *Decision tree* supports this position.



*Strickland/Dry Hills area ALMP Mapping. Source:theList*

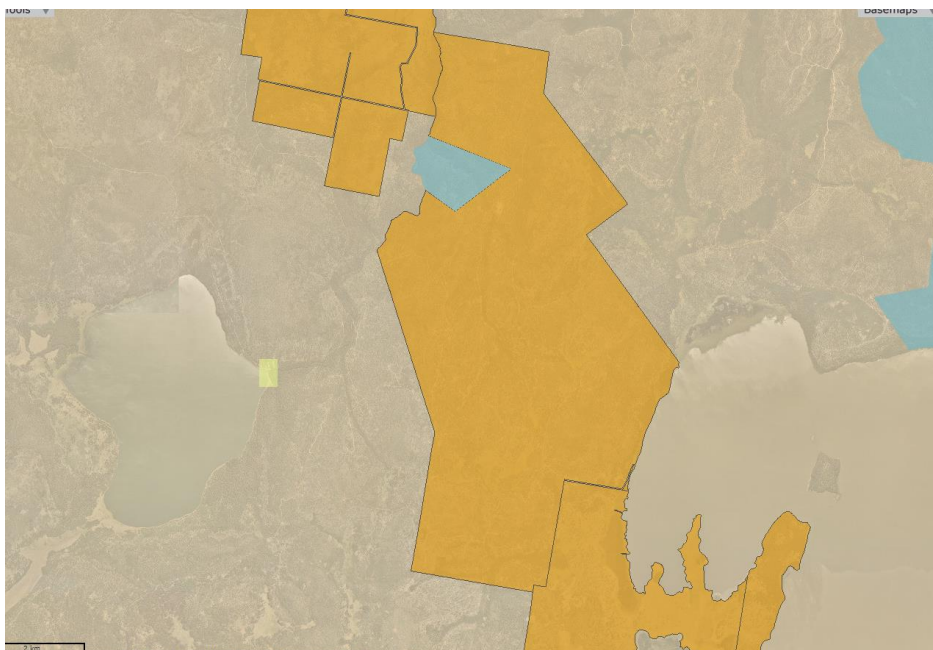
- **Land Description**      Tods Hill/Silver Plains
- CHIPS 2015 Zoning**    Rural Resource Zone
- Draft LPS Zoning**      Rural Zone

**Comment/Explanation**

Large title owned by the Tas Land Conservancy for covenanted for native vegetation protection. Land is mostly bushland and former forestry land. Minimal area of farming. The abutting land east and west is a mixture of conservation and forestry land.

The Rural Zone has been applied to the this title forming a consistent band of Rural Zoning recognising the forestry and forest conservation land use.

The AK Consulting *Decision tree* supports this position.



*Tasland Conservancy Land Tod Hills/Silver Plains ALMP Mapping. Source theList.*

- |                          |                                    |
|--------------------------|------------------------------------|
| <b>Land Description</b>  | London Lakes/Pine Tier/Bronte Park |
| <b>CHIPS 2015 Zoning</b> | Rural Resource Zone                |
| <b>Draft LPS Zoning</b>  | Rural Zone                         |

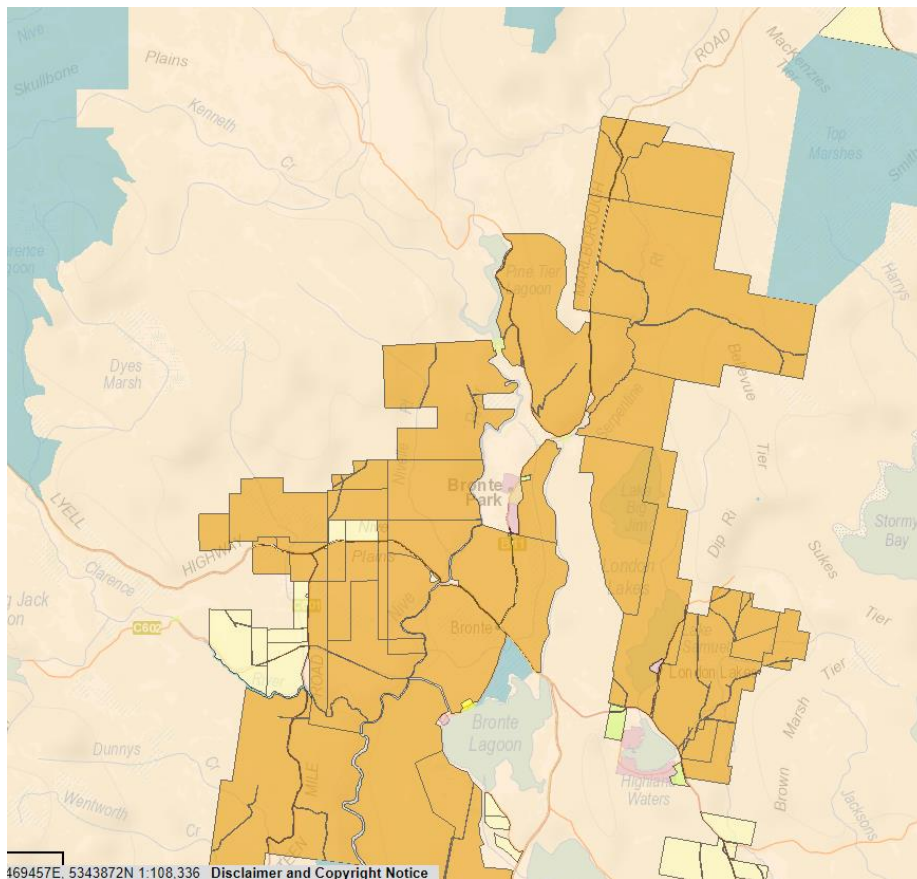
#### **Comment/Explanation**

This large land area is a mixture of highland lake low scrub, vegetated hills and steep gorges, conservation land, tas land conservancy land and reserves.

There is some evidence of grazing on the flatter land and along the Serpetine Rivulet but very marginal.

The agricultural potential of the land is constained by the vegetation the highland scrub and the steep topograhly. The area can be labelled as having extensive area of native vegetation and limited historical farming land use. The land is also class 5 and class 6 under the agricultural land capability.

The AK Consulting *Decision tree* supports this position.



*London Lakes/Pine Tier Lagoon ALMP Mapping. Source theList*

The decision by the Minister, through the SPPs, to not allow the priority vegetation area overlay to apply to the Agriculture Zone is particularly problematic for allocating the AZ and seems at odds with the objectives of the Act and the STRLUS. The Guideline No.1 provide very little guidance of how this important issue should be dealt with and there is no explanation about why this decision was made and why both agriculture and protection of priority vegetation cannot exist.

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

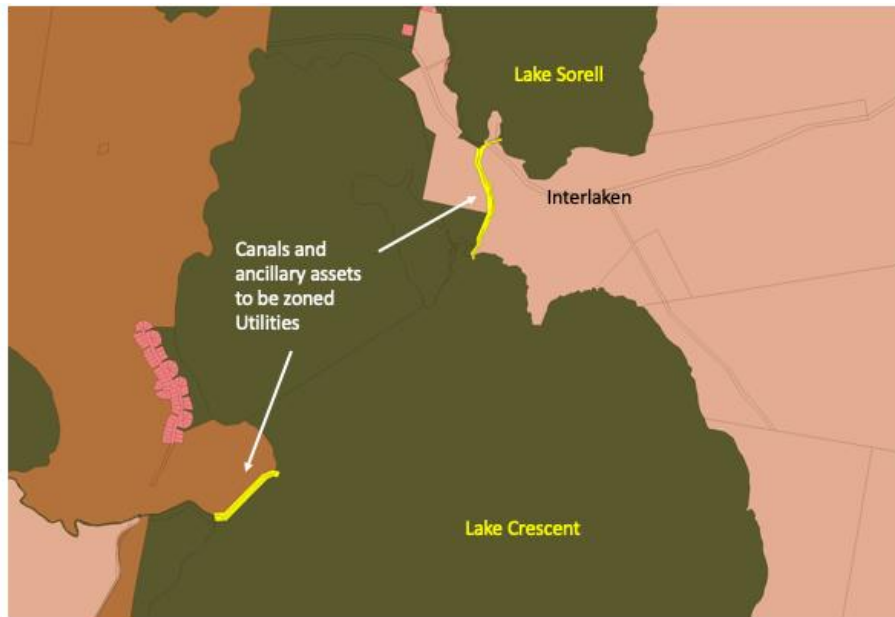
Generally a split between the RZ and the AZ has occurred where there is a distinct split between large areas of continuous vegetation, on steeper slopes with poor land capability. Such titles are usually vacant of development and agricultural activity.

In applying the zoning to the draft LPS Council used the ALMP mapping and then refined using the AK consultants Decision Tree and Guidelines.

#### 5.4.5 Utilities Zone – various sites

The Utilities Zone has been applied to all known TasWater water reservoirs and waste water treatment plants. This has included the addition of six (6) new sites that were not identified under the utilities zone in the CHIPS2015.

The Utilities Zone has been applied to the major infrastructure assets of the Clyde Water Trust, being the canal and associated assets connecting Lakes Crescent and Sorell and the canal and associated assets existing lake Crescent at the head of the Clyde River.



The utilities zone has been applied to all land that is currently zone utilities zone in the CHIPS2015 – that is:

- Major roads
- Hamilton waste disposal site
- Water and sewerage treatment plants zoned utilities in the CHIPS2015
- Hydro Tasmania operations also zone utilities in the CHIPS2015.



## **6. Codes**

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

### **6.1 Signs Code**

The Signs Code is utilised in the draft LPS. The equivalent Code under the CHIPS2015 is the Signs Code.

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

The Code is applied through the SPPs.

### **6.2 Parking and Sustainable Transport Code**

The Parking and Sustainable Transport Code is utilised in the draft LPS. The equivalent Code under the CHIPS2015 is the Parking and Access Code.

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

The Code is applied through the SPPs.

### **6.3 Road and Railway Assets Code**

The Road and Railway Assets Code is utilised in the draft LPS. The equivalent Code under the CHIPS2015 is the Road and Railway Assets Code.

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

The Code is applied through the SPPs.

### **6.4 Electricity Transmission Infrastructure Code**

The Electricity Transmission Infrastructure Code is utilised in the draft LPS. The equivalent Code under the CHIPS2015 is the Electricity Transmission Infrastructure Code.

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

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

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

The electricity transmission corridor overlay covers land within:

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

The mapping provided by TasNetworks (via the PPU), and as required by Guideline No.1 ETIPC 1 does not include any new transmission lines or previously unmapped transmission lines under the CHIPS2015.

The Code is applied through the SPPs.

## **6.5 Telecommunications Code**

The Telecommunications Code is utilised in the draft LPS. The equivalent Code under the CHIPS2015 is the Telecommunications Code.

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

The Code is applied through the SPPs.

## **6.6 Local Historic Heritage Code**

The Local Historic Heritage Code is utilised in the draft LPS. The equivalent Code under the CHIPS2015 is the Local Historic Heritage Code.

The operation of the Code is reliant on the LPS as the Code only applies to a site, place, precinct, tree, landscape, or archaeological site provided in the LPS. The Code does not apply to a registered place entered on the Tasmanian Heritage Register under the *Historic Cultural Heritage Act 1995*.

Further to this, Council and the TPC should note that Part C6.2.3 of the Code states:

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

An issue with this provision is that Council has no scope for assessing the impact of the works on a heritage precinct or landscape. The issue being the heritage values of the place may well differ from the heritage values of the precinct (which is common) i.e. heritage listed Californian Bungalow in a Georgian Heritage Precinct. The SPPs exclude Council entirely from the assessment process.

The Guideline No.1 allow for the listing of places entered on the Tasmanian Heritage Register in the draft LPS. This is consistent with the current CHIPS2015 and former 1998 Scheme. Many Councils list both state and local places in their Planning Scheme. The draft LPS retains all places currently listed in the Heritage Code.

All current written descriptions, values, statements of significance etc provided in the draft LPS are transitioned under the Schedule 6 transitional arrangements from the CHIPS2015. Some minor administrative changes have been made and are footnoted in the draft LPS. These changes included corrections of addressing or correction of description errors.

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

#### *Local Heritage Places*

There are currently 121 heritage places listed in the Heritage Code under the CHIPS2015. All places on the list are places on the Tasmanian Heritage Register.

There are no local places of heritage significance listed under the CHIPS2015.

No additional places are listed in the draft LPS other than what currently exists under the CHIPS2015. All these places have been transitioned

All places have been listed and mapped in the draft LPS. This is consistent with LHC1 of Guidelines No.1.

In transitioning the current list of heritage listed places some minor editorial changes were undertaken. The changes are foot-noted in the draft LPS. The changes are limited to address descriptions which have been altered over time due to rural addressing or changes to titles or where the current CHIPS2015 does not match the title reference provided in the Tasmanian Heritage Register.

#### *Local Heritage Precincts*

The CHIPS2015 has the following precincts:

- Bothwell Heritage Precinct
- Hamilton Heritage Precinct

All details provided in the CHIPS2015 TableE13.2 have been translated into the draft LPS format Table CHI-C6.1.

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

#### *Local Historic Landscape Precincts*

The CHIPS2015 has the following landscape precincts which are described “Cultural Landscape Precincts under Table E13.3:

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

All details provided in the CHIPS2015 TableE13.2 have been translated into the draft LPS format Table SOU-C6.3.

## **6.7 Natural Assets Code**

The Natural Assets Code is utilised in the draft LPS. The equivalent Codes under the CHIPS2015 is the Waterway and Coastal Protection Code.

The Natural Asset Code comprises of three mapped overlays:

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

The Future Coastal Refugia Area does not apply to the Central Highlands as there is no coastal land. The term ‘waterway and coastal protection area’ however is still used in the SPPs as an



all-encompassing term regardless of the location of the land.

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

#### **6.7.1 *Waterway and coastal protection area***

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

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

#### **6.7.2 *Priority Vegetation Area***

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

- include threatened native vegetation communities as identified on TASVEG Version 3 published by DPIPW;E;
- be derived from threatened flora data from the Natural Values Atlas published by DPIPW;E;
- be derived from threatened fauna data from the Natural Values Atlas for the identification of significant habitat for threatened fauna species, published by DPIPW;E.

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

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

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

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

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

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

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

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

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

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

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

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

- Agriculture Zone. The overlay will be displayed over the Zone through public exhibition as an informal layer to inform the community of the location of the natural values. This deemed necessary as the overlay, too some extent, informed the application of the Agriculture zone and depending on the development of the Agricultural Zone the overlay may be re-applied to land post exhibition (or any further changes). The removal of the layer from the zone is otherwise a requirement of the Guideline No.1 NAC 13 (j)
- Local Business Zone per Guideline No.1 NAC 13

- Utilities Zone. Removal of the overlay from this zone is a strategic decision to ensure works by on behalf of Council, State Government and other service providers can proceed with minimal or no permit requirements. The removal of the overlay also conforms well with the Zone Purpose (Part 26.1 of the SPPs)
- Village Zone per Guideline No.1 NAC 13

## **6.8 Scenic Protection Code**

The Code is not applied to the draft LPS.

## **6.9 Attenuation Code**

The Attenuation Code is utilised in the draft LPS. The equivalent Code under the CHIPS2015 is the Attenuation Code.

The overlay mapping applied in the draft LPS is a translation of the currently mapped areas in the CHIPS2015. No additional activities are mapped in draft LPS.

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

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

## **6.10 Flood-Prone Areas Hazard Code**

The Flood-Prone Areas Hazard Code is utilised in the draft LPS. The equivalent Code under the CHIPS2015 is the Flood-Prone Areas Hazard Code.

The Code applies to:

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

There is currently no such areas mapped under the CHIPS2015 there is also no statewide mapping available to Councils to use in preparing the draft LPS.

There are no areas mapped as flood prone areas in the draft LPS. The code is applied only through the descriptions provided in the written ordinance of the SPPs.

### **6.11 Bushfire-Prone Areas Code**

The Bushfire-Prone Areas Code is utilised in the draft LPS. The equivalent Code under the CHIPS2015 is the Bushfire-Prone Areas Code.

The Code is applied by reference to:

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

The overlay applied to the draft LPS is that provided by the Tasmanian Fire Service. Officer level consultation with Tasmanian Fire Service was undertaken in preparing the overlay. The overlay map is provided in the draft LPS mapping and the report on the preparation of the map, prepared by the Tasmanian Fire Service (May 2019) is included in the Appendix with this report.

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

### **6.12 Potentially Contaminated Land Code**

The Potentially Contaminated Land Code is utilised in the draft LPS. The equivalent Code under the CHIPS2015 is the Potentially Contaminated Land Code.

The Code is applied to land:

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

No overlay has been applied to the draft LPS that identifies such sites. Council is currently reliant on data, records and knowledge held within Council to identify such sites in applying the Code under the CHIPS2015.

### **6.13 Landslip Hazard Code**

The Landslip Hazard Code is utilised in the draft LPS. The equivalent Code under the CHIPS2015 is the Landslide Code.

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

## **7. Local Overriding Provisions - SAPs, PPZs and SSQs**

### **7.1 Brief**

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

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

The only equivalent overriding provision under the CHIPS2015 is the Lake Meadowbank Specific Area Plan. There are no other SAPs, PPZ or SSQs in the CHIPS2015.

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

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

To assist Councils in the preparation their LPSs, and in anticipation of the Minister releasing an appropriate advisory statement, the Department of Justice’s Planning Policy Unit (PPU) completed an audit of CHIPS2015 local overriding provisions. The PPU audit forms the basis of the transitional arrangements (or otherwise) discussed below.

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

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

The Lake Meadowbank SAP was declared as being suitable for transition under Schedule 6 of LUPAA.

However, the preparation of the draft LPS is a good opportunity to review the current composition and effectiveness of the SAP.

It is evident that the SAP, in its current form, is not consistent with the SPPs and too some extent has inconsistencies with Planning Directive 1.

To address these inconsistencies and review the SAP a “new” Lake Meadowbank SAP is included in the draft LPS.

Given the SAP is “new” it must therefore be compliant with the requirements of Section 34(2).

This SAP is assessed in Part 7.2 of this report.

## 7.2 Lake Meadowbank SAP

Per part 7.1 of this report, the Lake Meadowbank SAP is to be included in the draft LPS as a “new” introduced SAP.

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

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

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

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

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

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

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

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

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

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

The justification of the introduced SAP under Section 32 is as follows:

### ***CHI-S1.0 Lake Meadowbank Specific Area Plan***

The purpose of the Specific Area Plan is to provide detailed and specific planning direction for the use and development of the Lake Meadowbank and land immediately adjoining the lake. The SAP is to manage and maintain differing, and at times competing, land use interests in Lake Meadowbank whilst promoting and encouraging tourism, development and conservation of natural values.

The Lake Meadowbank area, as defined by the spatial extent of the SAP, is a unique area of land comprising of mostly farm land, informal camping, caravan parks and visitor accommodation, natural vegetation, the Hydro Tasmania lake/dam and boating facilities. The primary function of the dam, per se, is for water supply and generation of Hydro Electricity. The power station and dam wall however is located outside of the SAP on the southern end of the lake. The power station is the last in the run-of-river system of dams and hydro electricity generators on the Derwent River.

There are many interests in the lake revolving around water based activities. This includes, camping, visitor accommodation, water skiing, fishing and boating. In 2013 the Central Highlands Council commissioned a report in partnership with Hydro Tasmania and the Department of Economic

Development, Tourism and the Arts. The report *Lake Meadowbank Planning Project Background Report*, September 2013 prepared by Inspiring Place captured the unique values and interests in the lake together with the issues that have presented over the years. The purpose of the report (and project) was to consult with the public and key stakeholders to provide a greater management regime for land use and activities around the lake through the planning scheme. This culminated in the Lake Meadowbank Specific Area Plan which was introduced under the CHIPS2015.

The SAP provided in the draft LPS is a modified version of the current SAP. The modifications and changes are not minor and therefore not within the ambit of being transitioned under Schedule 6.

The current SAP, in practice, under the CHIPS2015 has some operational flaws which have caused some interpretation issues and challenges in applying the varying standards. It is not necessary to articulate, in great detail, those issues in this report as the function of this report is to demonstrate that the SAP is compliant with Section 34 of LUPAA and explain the purpose of the SAP.

The current suite of zones provided in the SPPs together with the codes and overlays do not adequately manage the unique values of the land. Therefore a SAP is necessary. The reasons are:

- Under the draft LPS the zoning will be a mixture of Rural Zone, Agriculture Zone and Environmental Management Zone. The different types of zones is due to the requirements of the Guidelines No.1 and the mixed land types and uses (a water body, riparian reserve, productive farm land, other uses i.e. sports and recreation, visitor accommodation).
- None of the SPP zones adequately seek to address the unique and, at times, competing interests of the lake and adjoining land. A SAP is the only means to capture and manage the values and differing land uses.
- There is a community expectation that the Planning Authority will provide specific land use planning provisions for the land. This is based on the community consultation that was undertaken in 2013 and subject of the report *Lake Meadowbank Planning Project Background Report* (report is included as an Appendix); and
- As the background report demonstrates, there are unique social, environmental and economic values that should be supported by the planning system.

The SAP as presented in the draft LPS satisfies Section 32(4) as the land has the following qualities:

- The SAP provides specific land use planning provisions that recognise and encourage land use and development of significant social, environmental and economic benefit to the state, region and municipal area; that is Lake Meadowbank lake and area provide the following benefits:
  - Lake is the last lake in the Lower Derwent hydro-power run-of-river system. The Meadowbank power station is located at the southern end of the Lake.
  - Lake is the last major water storage in the drinking water catchment for the Greater Hobart Area
  - Water skiing is the dominant recreational activity on the lake. The lake is home to the Lake Meadowbank Ski Club. The slalom course has been used for high level competition and training. There are further works proposed to ensure the course will meet national standard through negotiation with Hydro Tasmania
  - The foreshore provides for camp grounds, holiday cabins and other forms of visitor accommodation
  - The foreshore is dotted with small private jetties and pontoons used to access the water for fishing and recreation

- On the whole, the lake and foreshore meet social and recreational needs of the municipality and region. This is the only dedicated water skiing club and facility in the southern region.
  - The lake attracts visitors from outside of the municipality for its fishing, camping and water based activities. This contributes to the local and regional economy.
  - The natural values of the area contribute to both their recreational appeal and water quality for drinking and water based activities. The surrounding agricultural land and bushland make the lake a safe and manageable water storage facility – important to the region and state.
- The mixed land uses, users and activities conducted on the lake and surrounding foreshore require the Planning Authority to manage such land use through the Planning System to encourage sustainable environmental, economic and social contribution to the state, municipality and region; and
  - This balance can only be achieved through the application of a Specific Area Plan to the land.
  - The report *Lake Meadowbank Planning Project Background Report*, Inspiring Place, September 2013 demonstrates the community, landowner and stakeholder interest in the lake and seeking those interests are protected and otherwise enhanced by the existence of a Specific Area Plan.



## **APPENDICES**

- A. Draft Central Highlands Local Provisions Schedule June 2019 V1.0 (Written Ordinance)**
- B. Draft Central Highlands Local Provisions Schedule Maps June 2019 V1.0 (The Maps and Overlays)**
- C. Flow Chart of Process for assessment of LPS, prepared by Tasmanian Planning Commission (October 2017)**
- D. Transitional Provisions and Advice from Planning Policy Unit**
- E. Summary of the Regional Ecosystem Model of Tasmanian Biodiversity – Mapping of the Priority Vegetation Overlay (for the Natural Assets Codes), prepared by Rod Knight (February 2016)**
- F. *Tasmanian Planning Scheme -Explaining the Priority Vegetation Area Overlay – the Regional Ecosystem Model* prepared by Meander Valley Council (May 2018)**
- G. *Guideline No.1 Local Provisions Schedule (LPS): Zone and Code Application*, prepared by Tasmanian Planning Commission (June 2018)**
- H. *Decision Tree and Guidelines for Mapping the Agriculture and Rural Zones*, prepared by Ak Consultants (May 2018)**
- I. *Bushfire-Prone Areas Overlay Central Highlands LGA Planning Report*, prepared by Tasmanian Fire Service, May 2019**

## **Central Highlands Council Local Provisions Schedule**

### **CHI Local Provisions Schedule Title**

CHI 1.1      This Local Provisions Schedule is called the Central Highlands Council Local Provisions Schedule and comprises all the land within the municipal area.

### **CHI Effective Date**

CHI 1.2      The effective date for this Local Provisions Schedule is <insert date>.

### **CHI Local Area Objectives**

This clause is not used in this Local Provisions Schedule.

Draft LPS Version 1.0 June 2019

## **CHI-P1.0 Particular Purpose Zones**

There are no particular purpose zones in this Local Provisions Schedule

Draft LPS Version 1.0 June 2019

## CHI-S1.0 Lake Meadowbank Specific Area Plan

### CHI-S1.1 Plan Purpose

The purpose of the Lake Meadowbank Specific Area Plan is:

- CHI-S1.1.1 To encourage the use and development of Lake Meadowbank and the adjoining land for tourism, recreational and accommodation purposes whilst maintaining and enhancing the natural and cultural values of the area.
- CHI-S1.1.2 To recognise and protect the operational requirements of Hydro Tasmania through the involvement of Hydro Tasmania in the statutory process.
- CHI-S1.1.3 To recognise Lake Meadowbank as contributing to the Southern Region's water supply and to protect water quality from adverse use or development.
- CHI-S1.1.4 To encourage co-ownership and sharing of aquatic structures such as pontoons, jetties and boat launching facilities through limitations and rationalisation of such structures.
- CHI-S1.1.5 To minimise erosion and clearance of riparian vegetation along the Lake Meadowbank foreshore and related watercourses.
- CHI-S1.1.6 To support use and development associated with water-based activities such as boating, water-sports (including water skiing), fishing, and camping and to avoid, as far as practicable, conflict between such activities.
- CHI-S1.1.7 To encourage orderly and strategic development of visitor accommodation including camping and caravan parks.
- CHI-S1.1.8 To recognise and allow for ongoing agriculture and resource development conducted in the area

### CHI-S1.2 Application of this Plan

- CHI-S1.2.1 The specific area plan applies to the area of land designated as Lake Meadowbank Specific Area Plan on the overlay maps.
- CHI-S1.2.2 In the area of land to which this plan applies, the provisions of the specific area plan are in substitution for, and in addition to the provisions of:
  - (a) Rural Resource Zone;
  - (b) Agriculture Zone; and
  - (c) Environmental Management Zone,as specified in the relevant provision.

### CHI-S1.3 Local Area Objectives

CHI-S1.3.1 Local Area Objectives

Sub-clause	Area Description	Local Area Objectives
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<p>CHI-S1.3.1 Lake Meadowbank Specific Area Plan, shown on an overlay map as CHI-S1.3.1</p>	<p>A discretionary use must have regard to the following Local Area Objectives:</p> <ol style="list-style-type: none"> <li>1) Use and development will: <ol style="list-style-type: none"> <li>(a) maintain and enhance natural habitat for biodiversity through landscaping and plantings</li> <li>(b) avoid impact on water quality</li> <li>(c) minimise soil disturbance; and</li> <li>(d) minimise, and avoid as far as practicable, vegetation removal</li> </ol> </li> <li>2) Buildings and works are to be setback as far as practical from the Lake Meadowbank foreshore to avoid erosion, protect water quality and maintain the scenic and natural values of the lake shore.</li> <li>3) Aquatic structures such as jetties, pontoons and boat launching facilities on Lake Meadowbank are to be limited by: <ol style="list-style-type: none"> <li>(a) rationalising structures wherever practicable; and</li> <li>(b) removing and replacing private facilities with shared facilities provided by or on behalf of a Government Authority or Agency.</li> </ol> </li> <li>4) Aboriginal heritage values of the area are protected and impact on such values is avoided through current best practice.</li> <li>5) The operational requirements and future strategic plans of Hydro Tasmania are protected from adverse development and land use.</li> <li>6) The scenic, cultural and natural values of the landscape are protected through encouraging works and development compatible with those values and the relevant purpose statements of the Specific Area Plan.</li> <li>7) Development associated with visitor accommodation is orderly and rational having regard to: <ol style="list-style-type: none"> <li>(a) the scenic, natural and cultural values of the land; and</li> <li>(b) the amenity of the area.</li> </ol> </li> </ol>
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	8) Non-agricultural use or development will not confine or constrain an existing agriculture or resource development use.
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#### CHI-S1.4 Definition of Terms

CHI-S1.4.1 In this Specific Area plan, unless the contrary intention appears:

Terms	Definition
Full supply level	Means the level of the lake at which it is at its maximum operational level, as determined by Hydro Tasmania. The supply level is 73.15m above sea level.
MAST	Marine and Safety Tasmania
Maximum flood level	The maximum flood level is 79m above sea level, based on the 1:10,000 year flood.
Master Development Plan	<p>A site specific master plan, including maps, diagrams and written documentation demonstrating the following:</p> <ul style="list-style-type: none"> <li>(a) The concept design and location of all buildings and associated works, including vehicular access and parking;</li> <li>(b) The concept design and location of any facilities used in association with the Visitor Accommodation;</li> <li>(c) Access points to the public road network, internal roads and parking areas;</li> <li>(d) The location of any associated jetties, boat ramps or other structures on Lake Meadowbank;</li> <li>(e) Landscaping of the site to minimise the visual impact of development on views to the site from Lake Meadowbank;</li> <li>(f) How the development complies with the purpose of this Specific Area Plan; and</li> <li>(g) An operational plan including: <ul style="list-style-type: none"> <li>i. Waste management;</li> <li>ii. Complaint management;</li> <li>iii. Noise management.</li> </ul> </li> </ul>

	(h) Any staging of operations or development including estimated timeframes.
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## CHI-S1.5 Use Table

Use Class	Qualification
<b>No Permit Required</b>	
Natural and cultural values management	
Passive Recreation	
<b>Permitted</b>	
Resource Development	If for an agricultural use, excluding controlled environment agriculture, tree farming and plantation forestry.
Utilities	If for: <ul style="list-style-type: none"> <li>(a) electricity generation;</li> <li>(b) collecting, treating, transmitting, storing or distributing water;</li> <li>(c) electrical sub-station or powerline;</li> <li>(d) pumping station; or</li> <li>(e) storm or flood water drain, water storage dam and weir.</li> </ul>
Residential	If for: <ul style="list-style-type: none"> <li>(a) a home-based business in an existing dwelling; or</li> <li>(b) alterations or extensions to an existing dwelling.</li> </ul>
<b>Discretionary</b>	
Community Meeting and Entertainment	
Food Services	
Pleasure Boat Facility	
Research and Development	
Residential	If: <ul style="list-style-type: none"> <li>(a) a single dwelling; or</li> </ul>

	(b) a home-based business; and (c) not listed as Permitted.
Resource Development	If not listed as No Permit Required.
Resource Processing	If for a winery, brewery, cidery, or distillery.
Sport and Recreation	
Tourist Operation	
Utilities	If not listed as Permitted.
Visitor Accommodation	If holiday cabin, backpackers hostel, bed and breakfast, camping and caravan park, overnight camping area.
<b>Prohibited</b>	
All other uses	

## CHI-S1.6 Use Standards

### CHI-S1.6.1 Discretionary Use

This clause is in substitution to Rural Zone clause 20.3.1 Discretionary Use

This clause is in substitution to Agriculture Zone clause 21.3.1 Discretionary Use

This clause is in substitution to Environmental Management Zone clause 23.3.1 Discretionary Uses

Objective:	That uses listed a Discretionary recognise and reflect the values identified in the purpose of the specific area plan and local area objectives	
<b>Acceptable Solutions</b>		<b>Performance Criteria</b>
<b>A1</b> No Acceptable Solution.		<b>P1</b> A use listed as Discretionary must be consistent with the natural and cultural values of Lake Meadowbank together with the Local Area Objectives, having regard to:



	<ul style="list-style-type: none"> <li>(a) the significance of the ecological, scientific, cultural, historic or scenic values;</li> <li>(b) the protection, conservation, and management of the values;</li> <li>(c) the location, intensity and scale of the use and impact on existing use and other lake activities;</li> <li>(d) the characteristics and type of use;</li> <li>(e) traffic generation and parking requirements;</li> <li>(f) any emissions and waste produced by the use;</li> <li>(g) the storage and holding of goods, materials, and waste;</li> <li>(h) the proximity of sensitive uses;</li> <li>(i) measures to minimise or mitigate bushfire hazards; and</li> <li>(j) fettering of an agricultural use; and</li> <li>(k) Any advice from Hydro Tasmania.</li> </ul>
<b>A2</b> No Acceptable Solution.	<b>P2</b> A use listed as Discretionary must not confine or restrain existing agricultural use on adjoining properties, having regard to: <ul style="list-style-type: none"> <li>(a) the location of the proposed use;</li> <li>(b) the nature, scale and intensity of the use;</li> <li>(c) the likelihood and nature of any adverse impacts on adjoining uses;</li> <li>(d) any off site impacts from adjoining uses.</li> </ul>

CHI-S1.6.3 Holiday cabins

This clause is in substitution to Rural Zone clause 20.3.1 Discretionary Use

This clause is in substitution to Agriculture Zone clause 21.3.1 Discretionary Use

This clause is in substitution to Environmental Management clause 23.3.1 Discretionary Uses

Objective:	Holiday cabins do not cause an unreasonable loss of amenity or impact on the scenic, cultural or natural values of the area.
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>

<p><b>A1</b></p> <p>Visitor Accommodation must:</p> <p>(a) have not more than 1 holiday cabin per title; or</p> <p>(b) Accommodate guests in existing buildings.</p>	<p><b>P1</b></p> <p>A master development plan must demonstrate that holiday cabins do not cause an unreasonable loss of amenity or impact on the scenic, cultural or natural values of the area, having regard to:</p> <p>(a) The concept design and location of all buildings and associated works, including vehicular access and parking;</p> <p>(b) The concept design and location of any facilities used in association with the Visitor Accommodation;</p> <p>(c) Access points to the public road network, internal roads and parking areas;</p> <p>(d) The location of any associated jetties, boat ramps or other structures on Lake Meadowbank;</p> <p>(e) Landscaping of the site to minimise the visual impact of development on views to the site from Lake Meadowbank;</p> <p>(f) How the development complies with the purpose of this Specific Area Plan; and</p> <p>(g) An operational plan including:</p> <p>(i) Waste management;</p> <p>(ii) Complaint management;</p> <p>(iii) Noise management.</p>
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CHI-S1.6.4 Camping and caravan parks, and overnight camping areas

This clause is in substitution to Rural Zone clause 20.3.1 Discretionary Use

This clause is in substitution to Agriculture Zone clause 21.3.1 Discretionary Use

This clause is in substitution to Environmental Management clause 23.3.1 Discretionary Uses

Objective:	Camping and caravan parks, and overnight camping areas do not cause an unreasonable loss of amenity or impact on the scenic, cultural or natural values of the area.
Acceptable Solutions	Performance Criteria
<p><b>A4</b></p> <p>Camping and caravan parks must have not more than five campsites or caravan park sites per title.</p>	<p><b>P4</b></p> <p>A master development plan must demonstrate that camping areas and caravan parks with 6 or more campsites and/or caravan park sites do not cause an unreasonable loss of amenity or impact on the scenic, cultural or natural values of the area having regard to:</p> <p>(a) The location and size of all camp sites and/or caravan sites;</p> <p>(b) The design and location of facilities for the amenity of the camp sites and/or caravan site;</p>

	<ul style="list-style-type: none"> <li>(c) Access points to the public road network, internal roads and parking areas;</li> <li>(d) The location of any associated jetties, boat ramps or other structures on Lake Meadowbank;</li> <li>(e) Landscaping of the site to minimise the visual impact of development on views to the site from Lake Meadowbank;</li> <li>(f) How the development complies with the purpose of this Specific Area Plan; and</li> <li>(g) An operational plan including: <ul style="list-style-type: none"> <li>(i) Waste management;</li> <li>(ii) Complaint management;</li> <li>(iii) Noise management.</li> </ul> </li> </ul>
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## CHI-S1.7 Development Standards for Buildings and Works

### CHI-S1.7.1 Height, setback and siting

This clause is in substitution to Rural Zone clause 20.4.1 Building height and clause 20.4.2 setbacks

This clause is in substitution to Agriculture Zone clause 21.4.1 Building height and clause 21.4.2 Setbacks

This clause is in substitution to Environmental Management clause 23.4.2 Building height, setback and siting, clause 23.4.3 Exterior finish and in addition to clause 23.4.4 Vegetation Management

Objective:	That buildings and works are compatible with the scenic, natural, cultural values of the area and protect the visual and visitor accommodation amenity values of adjoining properties.	
Acceptable Solutions		Performance Criteria
<b>A1</b> Building height must be not more than: <ul style="list-style-type: none"> <li>a) 4m for a caravan park or camping ground;</li> <li>b) 5m for any Tourist Operation or Visitor Accommodation excluding a caravan park or camping ground; and</li> <li>c) 8m for any other development.</li> </ul>		<b>P1</b> No performance criteria.
<b>A2</b> Buildings and works excluding for a camping ground or caravan park must be setback not less than 100m from: <ul style="list-style-type: none"> <li>(a) fully supply level; and (b) maximum flood level.</li> </ul>		<b>P2</b> Buildings and works other than those associated with a camping ground or caravan park must be compatible with the scenic, natural and cultural values of the area and protect the amenity of the adjoining properties having regard to:

	<ul style="list-style-type: none"> <li>(a) not compromise the visual amenity of the rural setting when viewed from adjoining properties, or from the lake;</li> <li>(b) Not discharge stormwater directly to lake; and</li> <li>(c) designed to avoid ongoing erosion.</li> </ul>
<p><b>A3</b></p> <p>Buildings must have a setback from all boundaries of not less than 20m</p>	<p><b>P3</b></p> <p>Buildings must be sited to not cause an unreasonable loss of amenity, or impact on landscape values of the site, having regard to:</p> <ul style="list-style-type: none"> <li>(a) The topography of the site;</li> <li>(b) The size, shape and orientation of the site;</li> <li>(c) The side and rear setbacks of adjacent buildings;</li> <li>(d) The height, bulk, and form of existing and proposed buildings;</li> <li>(e) The need to remove vegetation as part of the development;</li> <li>(f) The appearance when viewed from adjacent land, public roads and from Lake Meadowbank;</li> <li>(g) the landscape values of the area; and</li> <li>(h) the Local Area Objectives.</li> </ul>
<p><b>A4</b></p> <p>Buildings must not be developed on land with a slope greater than 1:5 or 20%.</p>	<p><b>P4</b></p> <p>No performance criteria.</p>
<p><b>A5</b></p> <p>Exterior building finishes must have a light reflectance value not more than 40%, in dark natural tones of grey, green or brown.</p>	<p><b>P5</b></p> <p>No performance criteria.</p>

#### CHI-S1.7.2 Camping and caravan park siting, design and appearance

This clause is in addition to Rural Zone clause 20.4 Development Standards for Buildings and Works

This clause is in addition to Agriculture Zone clause 21.4 Development Standards for Buildings and Works

This clause is in addition to Environmental Management clause 23.4 Development Standards for Building and Works

Objective:	Buildings and structures associated with camping areas and caravan parks have a minimal impact on the surrounding landscape.	
Acceptable Solutions		Performance Criteria
<b>A1</b> Buildings and structures associated with camping areas and caravan parks must not have footings and must have the capacity to be easily removed from the site.	<b>P1</b> Buildings and structures associated with camping areas and caravan parks of a permanent nature are for at least one of the following purposes: <ul style="list-style-type: none"> <li>(a) a communal toilet/shower/laundry facility associated with a camping area;</li> <li>(b) storage associated with a camping area;</li> <li>(c) A site office or reception area associated with a camping site or caravan park.</li> </ul>	
<b>A2</b> Individual campsites or caravan park sites must be no more than a gross floor area of 50m <sup>2</sup> .	<b>P2</b> No performance criteria.	
<b>A3</b> Campsites and caravan park sites must be setback not less than 40m from the full supply level of the lake.	<b>P3</b> Campsites and caravan park sites located a minimum of 20m from the full supply level of the lake, if it can be demonstrated that the local topography or other site characteristics mean that the Acceptable Solution cannot be achieved.	

#### CHI-S1.7.3 Waste water treatment systems

This clause is in addition to Rural Zone clause 20.4 Development Standards for Buildings and Works

This clause is in addition to Agriculture Zone clause 21.4 Development Standards for Buildings and Works

This clause is in addition to Environmental Management clause 23.4 Development Standards for Building and Works

Objective:	Waste water treatment systems do not impact the health and quality and of Lake Meadowbank and associated waterways.	
Acceptable Solutions		Performance Criteria
<b>A1</b> Waste water treatment systems must be setback not less than 100m from the full supply level or above the maximum flood level of the lake, whichever is the greater.	<b>P1</b> Wastewater treatment systems to be setback from the lake and any associated waterways must demonstrate in a report prepared by a suitably qualified person that:	

	<p>(a) local topography or other site characteristics mean that the Acceptable Solution CHI S1.7.3 cannot be achieved; and</p> <p>(a) (b) that the waste treatment system will not result in adverse environmental impacts (e.g. water quality).</p>
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#### CHI-S1.7.4 Aquatic structures

This clause is in addition to Rural Zone clause 20.4 Development Standards for Buildings and Works

This clause is in addition to Agriculture Zone clause 21.4 Development Standards for Buildings and Works

This clause is in addition to Environmental Management clause 23.4 Development Standards for Building and Works

Objective:	Permanent aquatic structures such as pontoons, boat ramps and jetties on Lake Meadowbank are only constructed as necessary and are safe, functional, and do not detract from the natural and cultural values of the landscape or impede recreational use or the operational needs of Hydro Tasmania.
Acceptable Solutions	Performance Criteria
<b>A1</b> No acceptable solution.	<b>P1</b> Aquatic structures must not affect the operational needs of Hydro Tasmania having regard to the full supply level and the maximum flood level of the lake and other relevant matters. Accordingly works and development must have regard to: <ul style="list-style-type: none"> <li>(a) Be advice and requirements of Hydro Tasmania; and</li> <li>(b) any written permission from Hydro Tasmania for the construction of any aquatic structures on the lake.</li> </ul>
<b>A2</b> No acceptable solution.	<b>P2</b> The siting and visual impact of aquatic structures must avoid negative impact on the scenic, natural and cultural values of Lake Meadowbank having regard to: <ul style="list-style-type: none"> <li>(a) .</li> <li>(b) Local Area Objectives;</li> <li>(c) Avoid proliferation of aquatic structures in the immediate vicinity;</li> <li>(d) Avoid vegetation removal to allow for new structures;</li> <li>(e) Use natural finishes and colours that blend with the surrounding landscape; and</li> <li>(f) the proposed scale and bulk of the aquatic structure.</li> </ul>

<b>A3</b> Aquatic structures, including pontoons and boat ramps must be designed and constructed to meet MAST and Hydro Tasmania standards.	<b>P3</b> No performance criteria.
<b>A4</b> An aquatic structure is for any of the following: <ul style="list-style-type: none"> <li>a) The replacement of an existing structure;</li> <li>b) A structure provided by or on behalf of a Government Authority or Agency; and</li> <li>c) The rationalisation of two (2) or more structures on Lake Meadowbank.</li> </ul>	<b>P4</b> Aquatic structures do not detract from the natural and cultural values of the landscape and are only constructed as necessary and safe having regard to: <ul style="list-style-type: none"> <li>(a) rationalised as far as practicable;</li> <li>(b) Must not proliferate the number of structures in the immediate vicinity;</li> <li>(c) the advice and operational needs of Hydro Tasmania;</li> <li>(d) Demonstrated need for the structure; and</li> <li>(e) Local Area Objectives.</li> </ul>

#### CHI-S1.7.5 Roads and tracks

This clause is in substitution to Rural Zone clause 20.4.3 Access for new dwellings

This clause is in substitution to Agriculture Zone clause 21.4.3 Access for new dwellings

This clause is in addition to Environmental Management clause 23.4 Development Standards for Building and Works

Objective:	Safe and practicable vehicular access is provided with minimal impact on the surrounding natural, scenic and cultural values
Acceptable Solutions	Performance Criteria
<b>A1</b> Access is provided using existing vehicular tracks and internal roads.	<b>P1</b> The design, construction and location of roads must have minimal impact on the surrounding natural, scenic and cultural values having regard to: <ul style="list-style-type: none"> <li>(a) provide safe connections from existing road infrastructure;</li> <li>(b) minimise the total number of new roads and tracks within the Lake Meadowbank Specific Area Plan;</li> <li>(c) be appropriate to the setting, and not substantially detract from the rural character of the area;</li> </ul>

	<p>(d) Avoid impacts from dust, run-off and noise to other land users; and</p> <p>(e) Consolidate and share vehicular access wherever practicable.</p>
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#### CHI-S1.7.6 Outbuildings

This clause is in addition to Rural Zone clause 20.4 Development Standards for Buildings and Works

This clause is in addition to Agriculture Zone clause 21.4 Development Standards for Buildings and Works

This clause is in addition to Environmental Management clause 23.4 Development Standards for Building and Works

Objective:	Outbuildings do not detract from surrounding natural, scenic and cultural values and do not impact on the amenity of adjoining properties.
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Outbuildings must comply with the following :</p> <p>(a) Exterior building surfaces must be coloured using colours with a light reflectance value not greater than 40 percent;</p> <p>(b) Not exceed a maximum <u>gross floor area</u> of 50m<sup>2</sup>;</p> <p>(c) Not exceed a height of 5m; and</p> <p>(d) be located on a site that does not require the clearing of native vegetation and is not on a skyline or ridgeline.</p>	<p><b>P1</b></p> <p>Outbuildings must comply with all of the following :</p> <p>(a) must not cause unreasonable impact on the scenic, natural and cultural values of the area, having regard to the Local Area Objectives;</p> <p>(b) must have external finishes that are non-reflective and coloured to blend with the rural landscape; and</p> <p>(c) be located in an area requiring the clearing of native vegetation only if:</p> <ol style="list-style-type: none"> <li>there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope, or the location is necessary for the functional requirements of infrastructure</li> <li>the extent of clearing is the minimum necessary to provide for buildings, associated works and associated bushfire protection measures.</li> </ol>

#### CHI-S1.8 Development Standards for Subdivision

This sub-clause is not used in this Specific Area Plan.

#### CHI-S1.9 Tables

This sub-clause is not used in this particular purpose zone.



## CHI-Site-specific Qualifications

There are no site-specific qualifications in this Local Provisions Schedule

## CHI-Code Lists

### CHI-Table C3.1 Other Major Roads

Road	From	To
This table is not used in the Local Provisions Schedule		

**CHI-Table C6.1    Local Heritage Places**

Draft LPS Version 1.0 June 2019

Reference Number	THR Number	Town/Locality	Street address	Property Name	Folio of the Register	Description, Specific Extent, Statement of Local Historic Heritage Significance and Historic Heritage Values
<b>APSLEY</b>						
1.	808	Apsley	368 Lower Marshes Road <sup>1</sup>	Strathbarton	CT 126903/1	Homestead
<b>BOTHWELL</b>						
2.	7	Bothwell	23 Alexander Street	Batt's Cottage	CT 219434/1	Cottage
3.	8	Bothwell	16 Alexander Street	Twin Cottages	CT 127050/1	Cottages
4.	10	Bothwell	19 Alexander Street	Literary Society Library	CT 211738/1 CT 220518/1	Council Chambers and Town Hall
5.	11	Bothwell	19 Alexander Street	Town Hall	CT 211738/1 CT 220518/1	Town Hall
6.	12	Bothwell	12 Alexander Street	Bothwell Stores	CT 24804/1	Shop
7.	13	Bothwell	10 Alexander Street	Bothwell Post Office	CT 200732/1	Post Office
8.	14	Bothwell	13 Alexander Street		CT 106810/1	Cottage
9.	15	Bothwell	20 Alexander Street	White's Shop	CT 134118/1 CT 134118/2	Shop
10.	116	Bothwell	15 Alexander Street	Crown Inn (The Bothwell Grange)	CT 224050/1	Inn
11.	17	Bothwell	8 Alexander Street	CWA Rooms	PID 5011534	Hall
12.	20	Bothwell	1 Alexander Street		CT 214813/1	House
13.	21	Bothwell	2 Arthur Crescent	Mrs Gatenby's Repose	CT 19801/1	House
14.	22	Bothwell	8 Dalrymple Street	The Falls of Clyde	CT 44063/1	House
15.	24	Bothwell	1-3 Dennistoun Road	Rock Cottage	CT 127544/1	Cottage
16.	25	Bothwell	5 Dennistoun Road		CT 233389/1 CT 25154/1	Cottage
17.	26	Bothwell	8-10 Dennistoun Road		CT 37689/3	Cottage
18.	27	Bothwell	7 Dennistoun Road		CT 224085/1	Cottage
19.	28	Bothwell	1 Elizabeth Street <sup>2</sup>	Grantham	CT 164767/1 <sup>3</sup>	Farm House and Buildings
20.	30	Bothwell	12 Elizabeth Street		CT 252037/1	Cottage
21.	31	Bothwell	4 Elizabeth Street	Ivy Cottage	CT 26769/1	Cottage

22.	32	Bothwell	18 Elizabeth Street	Birch Cottage	CT 30002/3	Cottage
23.	33	Bothwell	20-22 Elizabeth Street	Rose Cottage	CT 120334/1	Cottage
24.	34	Bothwell	16 Elizabeth Street	Owl Cottage	CT 30002/1	Cottage
25.	35	Bothwell	24-26 Elizabeth Street	Former Manse	CT 27386/1 CT 109517/1	Former Manse
26.	36	Bothwell	30 Elizabeth Street	Our House	CT 223432/1	House
27.	37	Bothwell	10 High Street	Elizabeth House	CT 218664/2	House
28.	38	Bothwell	4 High Street	Slate Cottage	CT 140279/1	Cottage
29.	39	Bothwell	16-18 High Street	House	CT 225891/1	House
30.	40	Bothwell	8 High Street	Barwick Cottage	CT 135485/1	Cottage
31.	42	Bothwell	6 High Street	Cottage	CT 93962/2	Cottage
32.	43	Bothwell	30 High Street	Cottage and Butcher's Shop	CT 48670/4	Cottage and former Butcher's Shop
33.	44	Bothwell	10 Market Place	St Luke's Uniting Church and Cemetery	CT 204162/1	Church and Cemetery
34.	45	Bothwell	6-8 Market Place	Former Headmasters Residence  and Former State School	CT 169528/1 <sup>4</sup>	House and Former School
35.	47	Bothwell	2 Market Place	St Michael and All Angels'	CT 104491/2	Church

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<sup>1</sup> Street number added

<sup>2</sup> CHIPS2015 Address changed to THR Address

<sup>3</sup> CHIPS2015 CT to changed to THR CT

<sup>4</sup> CHIPS2015 CT change to actual CT – both school and house are on same title

				Anglican Church		
36.	48	Bothwell	Patrick Street	Queen's Square War Memorial	CT 159235/1	Memorial
37.	49	Bothwell	8 Patrick Street	House	CT 238643/1	House
38.	50	Bothwell	14 Patrick Street	Castle Hotel	CT 36105/1	Hotel
39.	52	Bothwell	10 Patrick Street	House	CT 213143/1	House
40.	53	Bothwell	3 Patrick Street	Post Office	CT 77686/3	Post Office
41.	54	Bothwell	9 Patrick Street	Former Post Office	CT 8482/2	Former Office Post
42.	56	Bothwell	4 Patrick Street	Atholin	CT 12898/1 <sup>5</sup> CT 122485/1	House
43.	61	Bothwell	16 Schaw Street	Rockford	CT 228850/2	House
44.	62	Bothwell	9 Wentworth Street, Bothwell	Wentworth House	CT 20367/1	House
45.	63	Bothwell	2 Wentworth Street	Clifton Priory	CT 45449/1	Priory
46.	64	Bothwell	8 Wentworth Street	Fort Wentworth	CT 33176/1	House
47.	65	Bothwell	3 Wentworth Street	Tannery	CT 53354/1	Cottage and former tannery
48.	66	Bothwell	189 Dennistoun Road	Former Thorpe Mill	CT 106748/1 CT 106748/2	Former Mill

<sup>5</sup> CHIPS2015 CT changed to THR CT

					CT139963/1 <sup>6</sup>	
49.	67	Bothwell	254 Nant Lane <sup>7</sup>	Nant	CT 151816/1	Farm house and buildings
50.	69	Bothwell	357 Humbie Lane	Berriedale	CT 15832/1	House
51.	70	Bothwell	2122 Highland Lakes Road <sup>8</sup>	Ratho	CT 164109/1 <sup>9</sup>	Farm house and buildings
52.	72	Bothwell	3287-3289 Highland Lakes Road	Dungrove	CT 140434/1	Farm house and buildings
53.	75	Bothwell	1840 Meadsfield Road <sup>10</sup>	Selma	CT 113357/1	Farm house and buildings
54.	8054	Bothwell	5 Alexander Street	House	CT 227859/1	House
55.	8061	Bothwell	3 Alexander Street	Cottage	CT 225137/1	Cottage
56.	8063	Bothwell	4 Dalrymple Street	Cottage	CT 248730/1	Cottage
57.	8744	Bothwell	5 Queen Street	Cottage	CT 227279/1	Cottage
58.	10801	Bothwell	209 Nant Lane	Mitchel's Cottage	CT 137337/1 CT 137338/1	Cottage
59.	10794	Bothwell	Alexander Street, Queen Street, Patrick Street & Dalrymple Street			Sandstone Paving & Kerbing
<b>ELLENDALE</b>						
60.	809	Ellendale	1063 Ellendale Road	St Andrew's Church and Cemetery	CT 216086/1 CT 223932/1	Church Cemetery and

<sup>6</sup> CHIPS2015 CT changed to THR CT

<sup>7</sup> Street number added

<sup>8</sup> Street number added

<sup>9</sup> CHIPS2015 CT changed to THR CT

<sup>10</sup> Street number added

61.	10298	Ellendale	931 Ellendale Road	St Colman's Catholic Church & Cemetery	CT 171233/1	Church and Cemetery
<b>GREтна</b>						
62.	811	Gretna	3417 Lyell Highway	Bella Vista	CT 42062/1	House
63.	813	Gretna	205 Clarendon Road	Clarendon House	CT 104284/1 CT 110519/1 CT 110520/3	Farm House and Buildings
64.	817	Gretna	Lyell Highway	Gretna Green Hotel	CT146672/1 <sup>11</sup> CT 212581/1	Hotel
65.	818	Gretna	3427 Lyell Highway	Stone Kiln	CT 146658/1	Buildings and former kiln
66.	826	Gretna	31 Church Road <sup>12</sup>	Church of St Mary the Virgin and Cemetery	CT 125330/1	Anglican Church and Cemetery
67.	827	Gretna	4325 Lyell Highway <sup>13</sup>	Glenelg	CT 166098/1	Farm House and Buildings
68.	829	Gretna	4079 Lyell Highway	Norton Mandeville	CT 150406/1 <sup>14</sup>	Farm House and Buildings
69.	830	Gretna	268 Marked Tree Road	Allanvale	CT 206786/1 <sup>15</sup>	Farm House and Buildings
<b>HAMILTON</b>						
70.	831	Hamilton	430 Thousand Acre Lane	Rathlyn	CT 171935/1 <sup>16</sup>	Farm House and Buildings
71.	832	Hamilton	12 Arthur Street	Langdon's Cottage (Cherry Villa)	CT 124081/1	Cottage

<sup>11</sup> CHIPS2015 CT changed to THR CT

<sup>12</sup> CHIPS2015 Entry corrected using THR details

<sup>13</sup> CHIPS2015 Entry corrected using THR details

<sup>14</sup> CHIPS2015 CT changed to THR CT

<sup>15</sup> CHIPS2015 CT 113368/1 and CT 113368/3 deleted

<sup>16</sup> CHIPS2015 CT changed to THR CT

72.	833	Hamilton	64 Lyell Highway	Former Langdon Store	CT 51797/8 CT 134520/2 CT 134520/1 <sup>17</sup>	Store
73.	834	Hamilton	25 Franklin Place	Mrs Hill's Cottage	CT 230343/1	Cottage
74.	835	Hamilton	10 Franklin Place	Emma's Cottage	CT 234145/1	Cottage
75.	836	Hamilton	75 Tarleton Street	Former Warder's Cottage	CT 132127/1	Cottage
76.	838	Hamilton	8 Grace Street	Mulberry Cottage	CT 111056/1	Cottage
77.	839	Hamilton	40 Franklin Place	Cottage	CT 18765/1 CT 18765/2 CT 21286/3	Cottage
78.	840	Hamilton	16 Franklin Place	Edward's Cottage	CT 44095/1	Cottage
79.	841	Hamilton	18 Franklin Place	Villeneuve Cottage	CT 139209/1	Cottage
80.	842	Hamilton	21 Franklin Place	McCauley's Cottage	CT 100483/1 CT 100483/2	Cottage
81.	844	Hamilton	2 Grace Street	Glen Clyde Hotel	CT 13115/7	Hotel
82.	845	Hamilton	10 Tarleton Street	Hamilton Hotel and stables	CT 32051/1	Hotel and stables
83.	846	Hamilton	7 George Street	Hamilton Inn and barn	CT 128109/1	Inn and barn

<sup>17</sup> CHIPS2015CT changed to current title



84.	848	Hamilton	10 Linnet Street	Kelleher's Cottage	CT 67966/1	Cottage
85.	849	Hamilton	8 Arthur Street <sup>18</sup>	James Jackson's Emporium	CT 147296/1 <sup>19</sup>	Shop
86.	850	Hamilton	26 Franklin Place	Old Post Office	CT 210326/5	Post Office
87.	851	Hamilton	485 Hamilton Plains Road	Prospect House	CT 6749/1	House
88.	852	Hamilton	39 Franklin Place	School House	CT 113198/1	School House
89.	853	Hamilton	15 Ponsonby Street	St Peter's Church and Cemetery	CT 205753/1	Church and Cemetery
90.	855	Hamilton	32 Franklin Place	Blanch's Hamilton Store	CT 49857/1	Former Store
91.	856	Hamilton	23 Franklin Place	Anglican Rectory	CT 125411/1	Rectory
92.	858	Hamilton	Franklin Place	Victoria's Cottage	CT 25411/1	Cottage
93.	859	Hamilton	75 Tarleton Street	Council Chambers and Cottage	CT 132127/1 CT 157052/2 <sup>20</sup>	Council Chambers and Cottage
<b>HOLLOW TREE</b>						
94.	860	Hollow Tree	440 Green Valley Road	Katrine Vale	CT 48784/3 CT 126276/1 CT 133276/2	Farm house and buildings
95.	861	Hollow Tree	2158 Hollow Tree Road	Rathmore	CT 16133/1 <sup>21</sup>	Farm House and Buildings

<sup>18</sup> CHIPS2015 address changed to THR Address

<sup>19</sup> CHIPS2015 CTs deleted and replaced with THR "CT 147296/1"

<sup>20</sup> CT added from THR CT

<sup>21</sup> CHIPS2015 CTs deleted and replaced with THR CT

96.	862	Hollow Tree	Hollow Tree Road	Strathborough	CT 100196/1	Farm House and Buildings
97.	864	Hollow Tree	1290 Hollow Tree Road	Sherwood	CT 121056/1 <sup>22</sup>	Farm House and Buildings
98.	865	Hollow Tree	1290 Hollow Tree Road	St James Church & Cemetery	CT 54485/4	Church Cemetery and
99.	10038	Hollow Tree	1290 Hollow Tree Road	Montacute	CT 121056/1	Farm House and Buildings
INTERLAKEN						
100.	866	Interlaken	3119 Interlaken Road	Interlaken	CT 43771/1 CT 43771/3 CT 43771/4 CT 125860/2	Farm House and Buildings
101.	11002	Interlaken	Tunbridge Tier Road	O'Meagher's Cottage Site	CT 168930/1 <sup>23</sup> CT 171404/4	Cottage Site
LAKE ST CLAIR						
102.	9924	Lake St Clair	1 Lake St Clair Road <sup>24</sup>	Pump House Point	CT 124358/1	Former house pump and buildings
OUSE						
103.	868	Ouse	7 Bridge Hotel Road	Bridge House	CT 7037/4 CT 250668/1	Houses
104.	869	Ouse	7001 Lyell Highway	Ouse Catholic Church of the Immaculate Conception and Cemetery	PID 5469473	Church Cemetery and
105.	870	Ouse	Bridge Hotel Road Ouse	St John the Baptist Church and Cemetery	CT 157740/2	Church Cemetery and
106.	871	Ouse	Bridge Hotel Road	Sexton's Cottage	CT 157740/1	Cottage

<sup>22</sup> CT added from THR CT

<sup>23</sup> CHIPS2015 CT replaced with THR CTs

<sup>24</sup> Street address added

			Ouse			
107.	872	Ouse	7619 Lyell Highway	Cleveland	CT 147625/4 <sup>25</sup>	Complex of Farm Houses and Buildings
108.	873	Ouse	Dawson Road	Cluny	CT 157797/1	Farm house and buildings
109.	875	Ouse	167 Tor Hill Road	Hunter's Hill Barn	CT 106428/1 CT 106429/1 CT 106430/1 CT 252167/2 <sup>26</sup> CT 252167/1	Farm and Buildings
110.	877	Ouse	Lyell Highway	Lawrenny	CT 197864/1 CT 224539/1	Farm House and Buildings
111.	878	Ouse	101 Victoria Valley Road	Listowel	CT 236857/1	House
112.	879	Ouse	Butlers Road	Ousedale	CT 114643/1	Farm House and Buildings
113.	881	Ouse	Ellendale Road	Dunrobin	CT 137999/1	Farm House and Buildings
114.	882	Ouse	Lyell Highway	Lientwardine	CT 131870/1	Farm House and Buildings
115.	883	Ouse	261 Lanes Tier Road	Kenmere	CT 125731/1 CT 125731/2 CT 226148/1	Farm House and Buildings
116.	884	Ouse	167 Tor Hill Road	Cawood	CT 106428/1 <sup>27</sup>	Farm House and Buildings
117.	885	Ouse	978 Victoria Valley	Ashton	CT 113371/6 <sup>28</sup>	Farm House and Buildings
118.	886	Ouse	342 Victoria Valley	Rotherwood	CT 138312/1 CT 138323/1	Farm House and Buildings

<sup>25</sup> CHIPS2015 CT replaced with THR CT

<sup>26</sup> THR CT added

<sup>27</sup> CHIPS2015 CTs deleted and replaced with THR CT

<sup>28</sup> Extra CHIPS2015 CTs deleted to match THR CT

119.	887	Ouse	82 Victoria Valley	Millbrook Water Mill, (now Rosecot)	CT 145158/1 <sup>29</sup>	
<b>OSTERLY</b>						
120.	10308	Osterley	79 Church Road	St James the Less Anglican Church & Cemetery	PID 5474491 CT 125287/1	Church Cemetery and
<b>STEPPEES</b>						
121.	10174	Steppes	5813 Highland Lakes Road	Steppes Hall	CT 207615/1	Hall

**CHI-Table C6.2 Local Heritage Precincts**

Reference Number	Town/Locality	Name of Precinct	Description, Statement of Local Historic Heritage Significance, Historic Heritage Values and Design Criteria / Conservation Policy
1	Bothwell	Bothwell Heritage Precinct	<p>Bothwell was settled by Scottish pioneer farmers in the early 1820s.</p> <p>In 1806, it is believed Lieutenant Thomas Laycock was the first European in the area and by 1821 settlers had moved onto land by the Clyde River. It is widely accepted that Edward Nicholas was the first European settler, who built Nant's Cottage. The cottage was used by the Irish political exiles, John Mitchell and John Martin, during their imprisonment in the 1850s. Bothwell is home to the oldest golf course in Australia, Ratho, which was built in the mid-1850s.</p> <p>Bothwell has retained a distinctive colonial Georgian character with small well-proportioned stone houses, simple hotels and shops, and handsome country residences. Bothwell is remarkable for its collection of colonial houses, ranging from grand residences to modest cottages and shops. Bothwell Post Office opened in June 1832.</p> <p>The town was named Bothwell by the Lieutenant-Governor of Van Diemen's Land, Sir Arthur George, in 1824 after the Scottish town of Bothwell, on the Clyde River near Glasgow. About the same time, the Fat Doe River, so called by kangaroo hunters who had visited the area before the first settlers arrived, became known as the Clyde.</p> <p>Design Criteria / Conservation Policy:</p> <p>Development must satisfy all of the following:</p> <p>(a) Respect the townscape qualities of the settlement having regard to appropriate building form, design and finishes which</p>

<sup>29</sup> Extra CHIPS2015 CTs deleted to match THR CT

			<p>are compatible with the historical heritage values of the town setting;</p> <p>(b) Ensure that new development including additions and adaptations to existing buildings are undertaken in a manner sympathetic to the heritage significance of the streetscapes and landscapes of the town;</p> <p>(c) Maintain the visual amenity of historic buildings when viewed from streets and public spaces within the settlement;</p> <p>(d) Scale, roof pitch, building height, form, bulk, rhythm, materials and colour of new buildings and additions to existing buildings must be sympathetic to the character of the town;</p> <p>(e) New buildings must not visually dominating neighbouring historic buildings; and</p> <p>(f) If feasible, additions and new buildings must be confined to the rear of existing buildings.</p>
2	Hamilton	<b>Hamilton Heritage Precinct</b>	<p>Hamilton is an historic Georgian town located on the Clyde River and surrounded by farm land.</p> <p>Hamilton was named by Governor Arthur in 1826 after William Henry Hamilton, a wealthy free settler who had arrived in Van Diemen's Land in April 1824. Hamilton Post Office opened in June 1832.</p> <p>Notable historic buildings in Hamilton include St Peter's Church, completed in 1837 and the Old Schoolhouse, a huge 2 storey structure built by convict stonemasons in 1858.</p> <p>Design Criteria / Conservation Policy:</p> <p>Development must satisfy all of the following:</p> <p>(a) Respect the townscape qualities of the settlement through appropriate building form, design and finishes which are compatible with the historical heritage values of the town setting;</p> <p>(b) Ensure that new development including additions and adaptations to existing buildings are undertaken in a manner sympathetic to the heritage significance of the streetscapes and landscapes of the town;</p> <p>(c) Maintain the visual amenity of historic buildings when viewed from streets and public spaces within the settlement;</p> <p>(d) Scale, roof pitch, building height, form, bulk, rhythm, materials and colour of new buildings and additions to existing buildings must be sympathetic to the character of the town;</p> <p>(e) New buildings must not visually dominating neighbouring historic buildings; and</p> <p>(f) If feasible, additions and new buildings must be confined to the rear of existing buildings.</p>

CHI-Table C6.5 Significant Trees

Reference Number	Town/ Locality	Property Name and Street Address	Folio of the Register	Description / Specific Extent	Botanical Name	Common Name	No. of trees
This table is not used in the Local Provisions Schedule							

**CHI-Table C6.3 Local Historic Landscape Precincts**

Reference Number	Town/Locality	Name of Precinct	Description, Statement of Local Historic Heritage Significance, Historic Heritage Values and Design Criteria / Conservation Policy
This table is not used in the Local Provisions Schedule			

**CHI-Table C6.4 Places or Precincts of Archaeological Potential**

Reference Number	Town/Locality	Property Name / Address/ Name of Precinct	Folio of the Register	Description, Specific Extent and Archaeological Potential
This table is not used in the Local Provisions Schedule				

**CHI-Table C8.1 Scenic Protection Areas**

Reference Number	Scenic Protection Area Name	Description	Scenic Value	Management Objectives
This table is not used in the Local Provisions Schedule				

**CHI-Table C8.2 Scenic Road Corridors**

Reference Number	Scenic Road Corridor Description	Scenic Value	Management Objectives
This table is not used in the Local Provisions Schedule			

**CHI-Table C11.1 Coastal Inundation Hazard Bands AHD Levels**

Locality	High Hazard Band (m AHD)	Medium Hazard Band (m AHD)	Low Hazard Band (m AHD)	Defined Flood Level (m AHD)
This table is not used in the Local Provisions Schedule				

Draft LPS Version 1.0 June 2019



## CHI-Applied, Adopted or Incorporated Documents

Document Title	Publication Details	Relevant Clause in the LPS
This table is not used in the Local Provisions Schedule		

Draft LPS Version 1.0 June 2019

# Appendix C Flow Chart of Process for assessment of LPS, prepared by Tasmanian Planning Commission

## TASMANIAN PLANNING COMMISSION

### Draft Local Provisions Schedule Approval Process

Preparing draft LPS

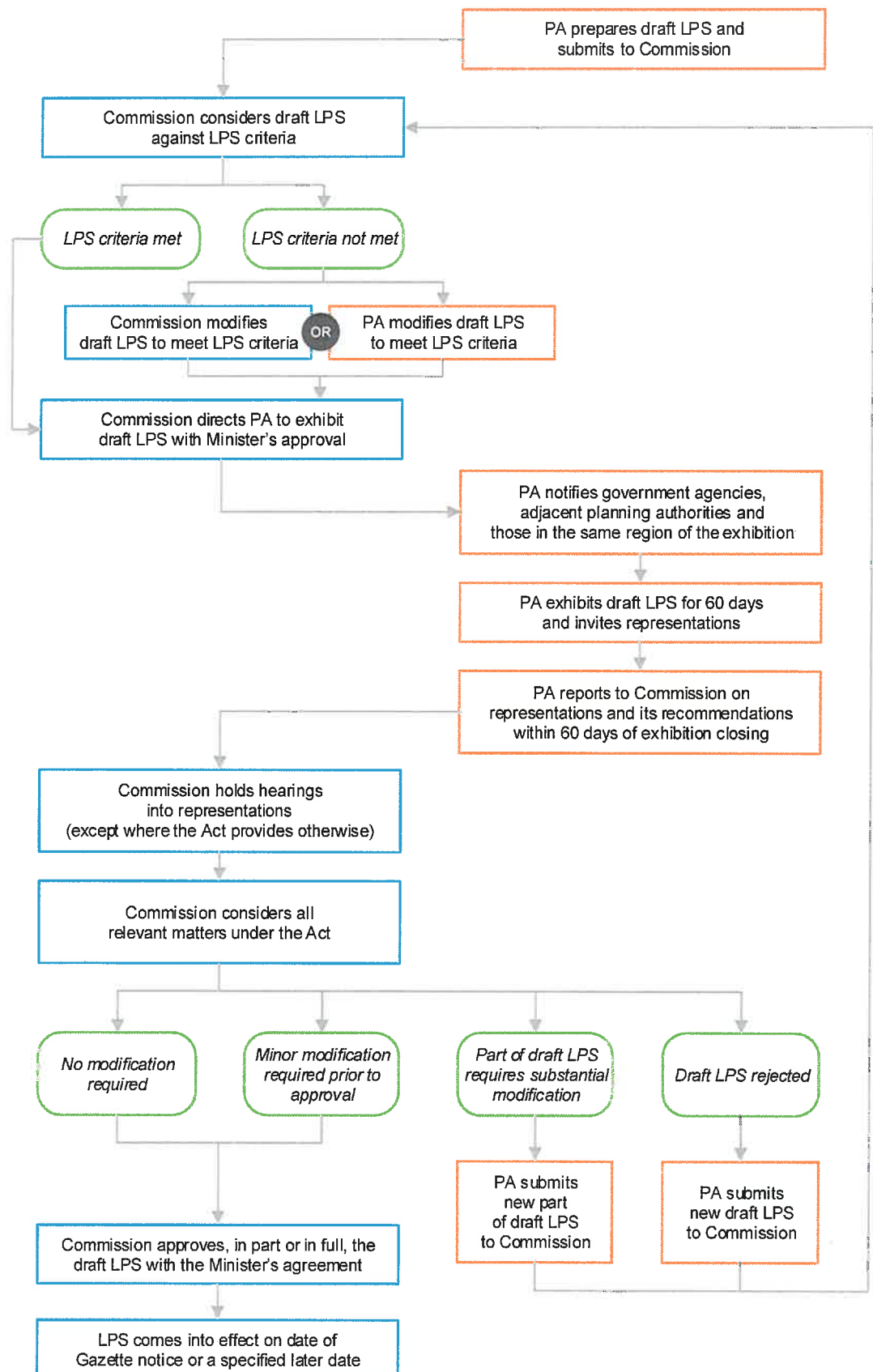
Consideration

Exhibition

Hearings

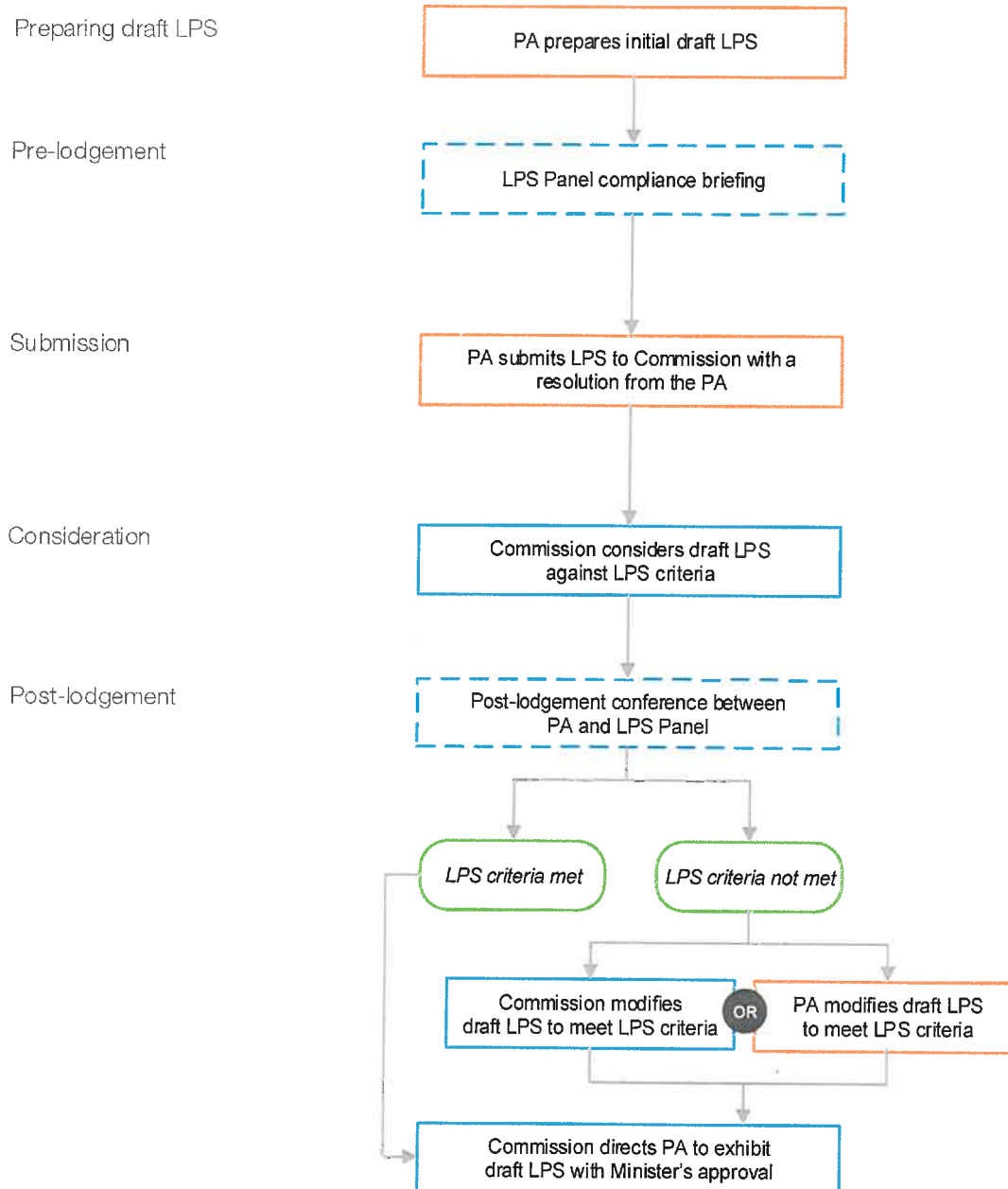
Decision

LPS Local Provisions Schedule  
PA Planning Authority  
Planning authority step  
Commission step  
Decision point



APRIL 2017

## Draft Local Provisions Schedule Preparation Process



- LPS Local Provisions Schedule
- PA Planning Authority
- Planning authority step (formal)
- Planning authority step (informal)
- Commission step (formal)
- Commission step (informal)
- Decision point

## Central Highlands Interim Planning Scheme 2015

### *Land Use Planning and Approvals Act 1993*

#### Section 87C, Schedule 6, clause 8D(5)

#### DECLARATION

I, ROGER CHARLES JAENSCH, Minister for Planning, acting In accordance with Schedule 6, Clause 8D(5) of the *Land Use Planning and Approvals Act 1993* ("the Act") after having consulted with the Tasmanian Planning Commission, declare that the requirement in Clause LP1.8.1 of the State Planning Provisions (SPPs), specifically the statement "all information requirements are to be completed in the tables", as it relates to the code applying provisions identified in the Schedule to this declaration when they are included in the draft Central Highlands Local Provisions Schedule and Central Highlands Local Provisions Schedule in accordance with Schedule 6, clause 8(2) of the Act does not apply in relation to the draft Central Highlands Local Provisions Schedule and Central Highlands Local Provisions Schedule.

Dated this XX day of XXXXX, 2018

ROGER CHARLES JAENSCH

Minister for Planning

#### The Schedule

Code-applying Provision
E13.0 Historic Heritage Code Table E13.1 Heritage Places

# Central Highlands Interim Planning Scheme 2015

## *Land Use Planning and Approvals Act 1993*

### **Section 87C and Schedule 6, Clauses 1, 8, 8A(1), 8D(2)**

This document has been prepared by the Department of Justice, Planning Policy Unit to clarify the operation of the of the Minister's declarations made in accordance with Schedule 6, Clauses 8(4), 8A(1), and 8D(3) of the *Land Use Planning and Approvals Act 1993* ("the Act"). This document identifies the provisions to which the Minister's declarations do not apply, specifically:

- particular purpose zones, specific area plans and site-specific qualifications that are subject to Schedule 6, Clause 8(1) of the Act (refer to Schedule 1);
- particular purpose zones, specific area plans and site-specific qualifications that are not subject to Schedule 6, Clause 8A(1) of the Act (refer to Schedule 2); and
- code-applying provisions that are subject to Schedule 6, Clause 8D(2) (refer to Schedule 3).

This document also provides information on specific provisions in the Central Highlands Interim Planning Scheme 2015 that do not meet the definition of site-specific qualification or specific area plan under Schedule 6, Clause 1 of the Act.

#### **Schedule 1**

##### **Particular Purpose Zones, Specific Area Plans and Site-specific Qualifications subject to Schedule 6, Clause 8 of the Act**

<b>Provision</b>	<b>Application</b>
F1.0 Lake Meadowbank Specific Area Plan	Specific Area Plan

#### **Schedule 2**

##### **Particular Purpose Zones, Specific Area Plans and Site-specific Qualifications not subject to Schedule 6, Clause 8A(1) of the Act**

Provision	Reason
Nil	

### Schedule 3

#### Code-applying Provisions subject to Schedule 6, Clause 8D(2) of the Act

Code-applying Provision	Application
<p>E9.0 Attenuation Code</p> <ul style="list-style-type: none"> <li>The Attenuation Area overlay</li> </ul>	<p>For application through the Local Provisions Schedule as the Attenuation Area overlay for the State Planning Provisions Attenuation Code.</p>
<p>E13.0 Historic Heritage Code</p> <ul style="list-style-type: none"> <li>Table E13.1 Heritage Places (including any figures showing extent of listing);</li> <li>Table E13.2 Heritage Precincts; and</li> <li>The Heritage Precincts overlay;</li> </ul> <p>Unless the place, precinct, figure or overlay has been inserted or removed by amendment after the commencement day;</p>	<p>Table E13.1 Heritage Places is for application through the Local Provisions Schedule as the Local Heritage Places list and overlay for the State Planning Provisions Local Historic Heritage Code.</p> <p>Table E13.2 Heritage Precincts and the Heritage Precincts overlay is for application through the Local Provisions Schedule as the Heritage Precincts list and overlay for the State Planning Provisions Local Historic Heritage Code.</p>

#### Schedule 4

##### Provisions that do not meet the definition of a Specific Area Plan or Site-specific Qualification under Schedule 6, Clause 1 of the Act

Provision	Reason
Nil	

DRAFT

# Central Highlands Interim Planning Scheme 2015

## *Land Use Planning and Approvals Act 1993*

### Section 87C & Schedule 6, clause 8D(3)

#### DECLARATION

I, ROGER CHARLES JAENSCH, Minister for Planning, acting in accordance with Schedule 6, Clause 8D(3) of the *Land Use Planning and Approvals Act 1993* ("the Act") after having consulted with the Tasmanian Planning Commission, declare that Schedule 6, clause 8D(2) of the Act does not apply in relation to the code-applying provisions identified in the Schedule to this declaration in relation to the municipal area of Central Highlands.

Dated this XX day of XXXXX, 2018

ROGER CHARLES JAENSCH

Minister for Planning

#### The Schedule

#### Code-applying Provisions declared not subject to Schedule 6, Clause 8D(2) of the Act

Code	Reason
E1.0 Bushfire-Prone Areas Code	The code contains no relevant Code-applying Provisions.
E2.0 Potentially Contaminated Land Code	The code contains no relevant Code-applying Provisions.
E3.0 Landslip Code	The Local Provision Schedule requirements at clause LP1.7.12 of the State Planning Provisions specify the mapping to be used for the Landslip Hazard Area overlay for the State Planning Provisions Landslip Hazard Code.
E5.0 Road and Railway Assets Code	The code contains no relevant Code-applying Provisions.
E6.0 Parking and Access Code	The code contains no relevant Code-applying Provisions.
E7.0 Stormwater Management Code	The code does not relate to an equivalent State Planning Provisions Code.
E8.0 Electricity Transmission Infrastructure Protection Code	The Local Provisions Schedule requirements at clause LP1.7.3 of the State Planning Provisions specify the mapping to be used to create the various overlays for the State Planning Provisions Electricity Transmission Infrastructure Protection Code.



Code	Reason
E9.0 Attenuation Code excluding: <ul style="list-style-type: none"> <li>The Attenuation Area overlay</li> </ul>	The only relevant Code-applying Provision is: <ul style="list-style-type: none"> <li>The Attenuation Area overlay</li> </ul>
E11.0 Waterway and Coastal Protection Code	Guidelines NAC 1 to NAC 3 of Guideline No.1 specify how the Waterway and Coastal Protection Area is to be created for the State Planning Provision Natural Assets Code.
E13.0 Historic Heritage Code, Excluding: <ul style="list-style-type: none"> <li>Table E13.1 Heritage Places;</li> <li>Heritage Places overlay;</li> <li>Table E13.2 Heritage Precincts; and</li> <li>The Heritage Precincts overlay;</li> </ul> Unless the place, precinct, figure or overlay has been inserted or removed by amendment after the commencement day;	The only relevant Code-applying Provisions are: <ul style="list-style-type: none"> <li>Table E13.1 Heritage Places;</li> <li>Heritage Places overlay;</li> <li>Table E13.2 Heritage Precincts; and</li> <li>The Heritage Precincts overlay;</li> </ul>
E15.0 Inundation Prone Areas Code,	The Local Provisions Schedule requirements at clause LP1.7.9 of the State Planning Provisions specify the mapping to be used to create the Coastal Inundation Hazard Area overlay for the State Planning Provision Coastal Inundation Hazard Code. Guideline CIHC 2 of Guideline No. 1 specifies how the Coastal Inundation Hazard Bands AHD Level table is to be populated for the State Planning Provision Coastal Inundation Hazard Code.
E17.0 Signs Code	The code contains no relevant Code-applying Provisions.
E18.0 Wind and Solar Energy Code	The code does not relate to an equivalent State Planning Provision code.
E19.0 Telecommunications Code	The code contains no relevant Code-applying Provisions.

# Central Highlands Interim Planning Scheme 2015

## *Land Use Planning and Approvals Act 1993*

### Section 87C & Schedule 6, clause 8A(1)

#### NOTICE OF DECLARATION

To: Central Highlands Council

Take notice that in accordance with Schedule 6, Clause 8A(1) of the *Land Use Planning and Approvals Act 1993* ("the Act") I, ROGER CHARLES JAENSCH, Minister for Planning, after having consulted with the Tasmanian Planning Commission, declare that the draft Central Highlands Local Provisions Schedule prepared and the Central Highlands Local Provisions Schedule made in relation to the municipal area of Central Highlands under Part 3A of the Act must contain the specific area plans, particular purpose zones and site-specific qualifications provisions identified in the Schedule to this Notice.

Dated this XX day of XXXXX, 2018

ROGER CHARLES JAENSCH

Minister for Planning

#### The Schedule

**Specific Area Plans, Particular Purpose Zones and Site-specific Qualifications  
declared subject to Schedule 6, Clause 8A(1) of the Act**

Provision
Nil

# Central Highlands Interim Planning Scheme 2015

## *Land Use Planning and Approvals Act 1993*

### Section 87C & Schedule 6, clause 8D(3)

#### DECLARATION

I, ROGER CHARLES JAENSCH, Minister for Planning, acting in accordance with Schedule 6, Clause 8D(3) of the *Land Use Planning and Approvals Act 1993* ("the Act") after having consulted with the Tasmanian Planning Commission, declare that Schedule 6, clause 8D(2) of the Act does not apply in relation to the code-applying provisions identified in the Schedule to this declaration in relation to the municipal area of Central Highlands.

Dated this XX day of XXXXX, 2018

ROGER CHARLES JAENSCH

Minister for Planning

#### The Schedule

#### Code-applying Provisions declared not subject to Schedule 6, Clause 8D(2) of the Act

Code	Reason
E1.0 Bushfire-Prone Areas Code	The code contains no relevant Code-applying Provisions.
E2.0 Potentially Contaminated Land Code	The code contains no relevant Code-applying Provisions.
E3.0 Landslip Code	The Local Provision Schedule requirements at clause LP1.7.12 of the State Planning Provisions specify the mapping to be used for the Landslip Hazard Area overlay for the State Planning Provisions Landslip Hazard Code.
E5.0 Road and Railway Assets Code	The code contains no relevant Code-applying Provisions.
E6.0 Parking and Access Code	The code contains no relevant Code-applying Provisions.
E7.0 Stormwater Management Code	The code does not relate to an equivalent State Planning Provisions Code.
E8.0 Electricity Transmission Infrastructure Protection Code	The Local Provisions Schedule requirements at clause LP1.7.3 of the State Planning Provisions specify the mapping to be used to create the various overlays for the State Planning Provisions Electricity Transmission Infrastructure Protection Code.

Code	Reason
E9.0 Attenuation Code excluding: <ul style="list-style-type: none"> <li>The Attenuation Area overlay</li> </ul>	The only relevant Code-applying Provision is: <ul style="list-style-type: none"> <li>The Attenuation Area overlay</li> </ul>
E11.0 Waterway and Coastal Protection Code	Guidelines NAC 1 to NAC 3 of Guideline No.1 specify how the Waterway and Coastal Protection Area is to be created for the State Planning Provision Natural Assets Code.
E13.0 Historic Heritage Code, Excluding: <ul style="list-style-type: none"> <li>Table E13.1 Heritage Places;</li> <li>Heritage Places overlay;</li> <li>Table E13.2 Heritage Precincts; and</li> <li>The Heritage Precincts overlay;</li> </ul> Unless the place, precinct, figure or overlay has been inserted or removed by amendment after the commencement day;	The only relevant Code-applying Provisions are: <ul style="list-style-type: none"> <li>Table E13.1 Heritage Places;</li> <li>Heritage Places overlay;</li> <li>Table E13.2 Heritage Precincts; and</li> <li>The Heritage Precincts overlay;</li> </ul>
E15.0 Inundation Prone Areas Code,	The Local Provisions Schedule requirements at clause LP1.7.9 of the State Planning Provisions specify the mapping to be used to create the Coastal Inundation Hazard Area overlay for the State Planning Provision Coastal Inundation Hazard Code. Guideline CIHC 2 of Guideline No. 1 specifies how the Coastal Inundation Hazard Bands AHD Level table is to be populated for the State Planning Provision Coastal Inundation Hazard Code.
E17.0 Signs Code	The code contains no relevant Code-applying Provisions.
E18.0 Wind and Solar Energy Code	The code does not relate to an equivalent State Planning Provision code.
E19.0 Telecommunications Code	The code contains no relevant Code-applying Provisions.

## Central Highlands Interim Planning Scheme 2015

### *Land Use Planning and Approvals Act 1993*

#### Section 87C & Schedule 6, Clause 8(4)

#### DECLARATION

I, ROGER CHARLES JAENSCH, Minister for Planning, acting in accordance with Schedule 6, Clause 8(4) of the *Land Use Planning and Approvals Act 1993* ("the Act") after having consulted with the Tasmanian Planning Commission, declare the specific area plans, particular purpose zones and site specific qualifications identified in the Schedule to this declaration to be plans zones and qualifications to which Schedule 6, Clause 8 of the Act does not apply.

Dated this XX day of XXXXX, 2018

ROGER CHARLES JAENSCH

Minister for Planning

#### The Schedule

#### Specific Area Plans, Particular Purpose Zones and Site-specific Qualifications declared not subject to Schedule 6, Clause 8 of the Act

Provision	Reason
E3.0 Landslide Code	The provision is provided for by the State Planning Provisions Landslip Hazard Code.
E8.0 Electricity Transmission Infrastructure Protection Code	The provision is provided for by the State Planning Provisions Electricity Transmission Infrastructure Protection Code.
E9.0 Attenuation Code	The provision is provided for by the State Planning Provisions Attenuation Code
E11.0 Waterway and Coastal Protection Code	The provision is provided for by the State Planning Provisions Natural Assets Code.
E13.0 Historic Heritage Code	The provision is provided for by the State Planning Provisions Local Historic Heritage Code.
E15.0 Inundation Prone Areas Code	The provision is provided for by the State Planning Provisions Coastal Inundation Hazard Code and the Flood-prone Areas Hazard Code.

Commented [SL1]: May not be needed, check with Council to see if they have an overlay

## Appendix E

Summary of the Regional Ecosystem Model of Tasmanian Biodiversity – Mapping of the Priority Vegetation Overlay (for the Natural Assets Codes), prepared by Rod Knight (February 2016)



## Summary of the Regional Ecosystem Model of Tasmanian biodiversity

The Regional Ecosystem Model (REM) is a comprehensive spatial modelling system of Tasmanian biodiversity. It:

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

The REM was developed by Natural Resource Planning Pty Ltd using funds from the Australian Government's Caring for Our Country program. The following briefly summarises the REM, which is described in more detail in Knight and Cullen 2009<sup>1</sup>, 2010<sup>2</sup>.

The REM is based on a comprehensive 'Strategy Review' of both the strategic framework for biodiversity management in Tasmania and of the major themes in the relevant scientific literature. Issues identified from the Strategy Review are examined against a range of criteria to determine their suitability for incorporation into the REM, including:

- The ability of each Issue to be stored spatially and analysed in a GIS;
- Whether Issues are confounded, i.e. in combining multiple Issues into one and thus compromising objective assessment of more fundamental Issues; and
- Whether Issues are logically consistent and supported by scientific opinion.

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<sup>1</sup> Knight, R.I. & Cullen, P.J. (2009). A review of strategies for planning & management of the natural resources of biodiversity, freshwater, land & soils in the Tasmanian midlands. A report of the Caring for Our Country project 'Using landscape ecology to prioritise property management actions in Tasmania'. Natural Resource Planning, Hobart, Tasmania.

<sup>2</sup> Knight, R.I. & Cullen, P.J. (2010). Specifications for a Regional Ecosystem Model of natural resources in the Tasmanian Midlands. A report of the Caring for Our Country Project 'Using landscape ecology to prioritise property management actions in Tasmania'. Natural Resource Planning, Hobart, Tasmania.

The resulting list of biodiversity Issues are placed in a conceptual framework which separately considers the biological significance of the components of biodiversity and their landscape-scale ecological context. Figure 1 shows this conceptual structure.

Issues identified as appropriate for inclusion in the REM are assessed to identify:

- Indicators that represent important ways of viewing each Issue;
- Classes within each Issue that indicate relevant ranges of variation and suitable thresholds for categories; and
- A 'Level of Concern' to be assigned to each class to be used as a guide in determining management priorities.

'Level of Concern' is considered to vary according to the management context and is defined in two ways:

- Immediate – an estimate of the relative priority for immediate management action to address current risk to the natural resource; and
- Potential – an estimate of the relative priority to protect and manage the natural resource from risks which may arise in the future.

The two types of Level of Concern are designed to be consistent with the definitions of Conservation Management Priority in the Conservation of Freshwater Ecosystems Values project (DPIWE 2008<sup>3</sup>), which also uses the Immediate and Potential perspectives.

Use of Immediate Level of Concern is generally most appropriate where past management may have created a need to improve the condition of an Issue, or where there is continuing landuse which may place the resource at risk if not managed appropriately. For example, native vegetation whose condition has been degraded may need to be improved to help address biodiversity conservation needs.

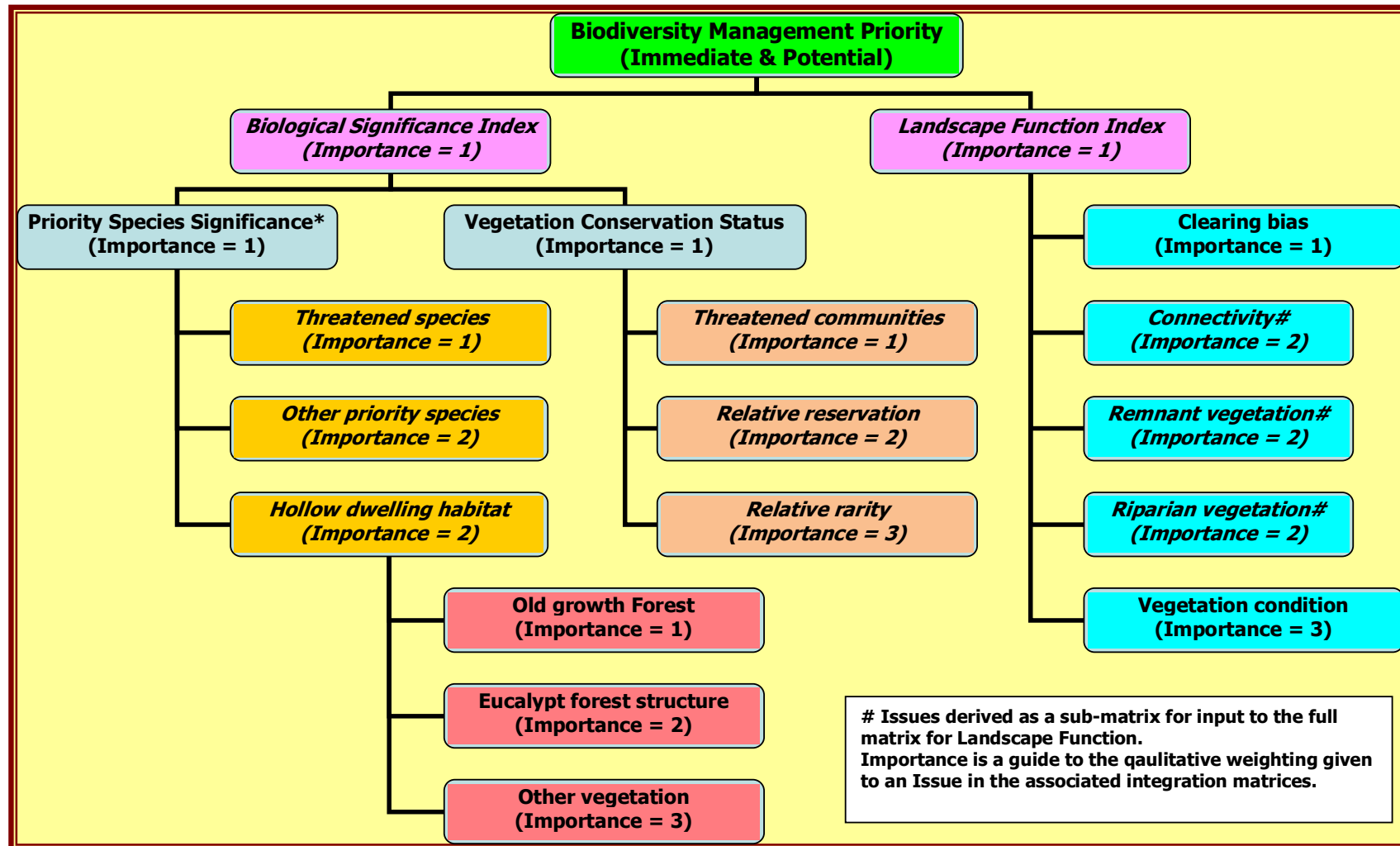
Potential Level of Concern is generally appropriate in circumstances where a change in management could be detrimental. An example for native vegetation might be an area where its condition is considered important to maintain to address biodiversity needs, or whose loss would compromise those needs.

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<sup>3</sup> Department of Primary Industries & Water (2008). Conservation of Freshwater Ecosystems Values (CFEV) project technical report. CFEV program, Department of Primary Industries & Water, Hobart.



Figure 1. Assets and Issues in the Biodiversity Asset Class



Where possible, classes in each Issue were chosen to reflect thresholds which have been applied elsewhere or identified in the scientific literature. An example of classes within an Issue, and their associated Level of Concern, is shown below.

**Example classification: Remnant vegetation (patch size)**

<b>Native vegetation patch size (ha)</b>	<b>Concern – Immediate</b>	<b>Concern – Potential</b>
<2ha	M	L
2-20ha	VH	VH
20-200ha	H	VH
>200ha	L	M

The ranges of patch size classes within the indicator reflect first the range of 2-200ha for remnants nominated by Kirkpatrick *et al.* (2007), with patches >2ha generally retaining much higher conservation values than smaller patches. Remnant <2ha are considered to be of little importance to landscape function, while those >200ha are subject to the processes which affect remnants at a significantly diminished intensity and effect. The split in the middle size class in the indicator is based on the RFA assessment of remnant vegetation, which considered patches <20ha, though potentially locally important, as below the threshold for importance in maintaining existing processes or natural systems at the regional scale (Tasmanian Public Land Use Commission 1997).

Source: Knight and Cullen (2010), p14.

Not all Issues have Level of Concern which diverges according to whether they are Immediate or Potential. Threatened species, for example, have statutory recognition that they are likely to become extinct. Thus both Immediate and Potential Level of Concern are considered identical, as the species status applies to the entire taxon. However, for any given species the management response at a given site may be different to that elsewhere.

Each Issue in the REM has Level of Concern classes assigned in a classification matrix (see remnant vegetation example above). Each matrix is designed to transparently illustrate how the Issue is treated in the REM, to assist interpretation, and to provide a simple method by which the REM parameters can be altered if required (e.g. where new research indicates thresholds in a matrix may need alteration).

The REM separately assesses each Issue within the Biodiversity Asset Class, but also places them in a hierarchically structured matrix that integrates related issues. This provides an overall indicator of Biodiversity Management Priority, but also means that the important issues for managing biodiversity at any one location can be readily identified. Attachment 1 summaries the terms used in the REM. Attachment 2 provides a full illustration of the prioritisation process and relationships in the REM.

The highest level in the REM classification is Biodiversity Management Priority. It is derived through integrating the prioritisation matrices of two contributing themes in biodiversity conservation:

- Biological Significance - the relative importance of the elements of biodiversity and hence their priority to be protected through appropriate management regimes; and
- Landscape Ecological Function - an assessment at multiple scales of the characteristics of the landscape and its ability to maintain the elements of biodiversity it contains.

The matrix which integrates Biological Significance and Landscape Ecological Function is shown below. An important feature of the matrix structure is that it does not dilute a high level of concern for one if the other is low. This approach addresses a known limitation that arises when using additive or averaging indices for conservation purposes and has the further advantage of being simple, transparent and flexible for use in testing different approaches.

Integration matrix for Biodiversity Management Priority				
Biological Significance Index	Landscape Function Index			
	VH	H	M	L
VH	VH	VH	VH	VH
H	VH	VH	H	H
M	VH	H	M	M
L	VH	H	M	L

Similar forms of integration matrices are used at each level of the REM, with some variation according to the issues being addressed and the relative importance of each Issue to the overall index being derived. The full set of REM matrices is shown in Attachment 2.

Within the Biological Significance component of the REM are two Assets (see Figure 1) towards which management goals are likely to be directed:

- Native vegetation - composed of vegetation communities with Level of Concern a function of each community's conservation status, bioregional extent and percentage level of reservation; and
- Priority species - the subset of species and species groups identified as requiring consideration in management as a result of them being listed as threatened,

otherwise identified as priorities (e.g. Regional Forest Agreement priorities, poorly reserved flora species), or as the habitat for the group of 29 species identified in Tasmania as hollow dwelling (Koch et al. 2009<sup>4</sup>).

A unique feature of the REM is its system for generating spatial habitat modelling for all threatened and priority species. This is based on a two stage process that:

- Models habitat of all species from known locations, based on a simple model that considers factors such record accuracy and data, the distributional characteristics of each species (e.g. do they occur in highly restricted locations or more generally in an area), and the types of vegetation they occur in; and
- More detailed models of about 100 threatened fauna species, whose habitat is generated from within the REM data based on a model developed for the particular species (see Knight 2014<sup>5</sup> for details).

The Landscape Ecological Function component of the REM is designed to account for the factors that can affect biodiversity through the presence/absence of critical characteristics of the environment at multiple scales. The REM addresses Landscape Ecological Function by considering Issues at three scales:

- Broad scale habitat loss is a major threat to biodiversity and cause of biodiversity decline, which can continue after habitat loss has ceased due to ecological inertia associated with extinction debt. Habitat loss is characterised by patterns in the types of land from which habitat has been removed. The Issue of Clearing Bias measures these patterns at the landscape scale by assessing the percentage of each land component (land facet is also sometimes used) within Tasmania land systems that exist as native and cleared vegetation. More heavily cleared land components have higher Clearing Bias.
- Medium scale landscape patterns are addressed through the examination of the configuration of three landscape variables. Connectivity characteristics of the landscape are assessed by measuring the relative of isolation of remnants and the permeability of cleared land to species movements. The size of patches of native vegetation is assessed against thresholds for identifying Remnant Vegetation. The proportion of native Riparian Vegetation within each river section catchment provides an indicator of the health of the aquatic environment within each catchment, and its distal effects on biodiversity.

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<sup>4</sup> Koch, A.J., Munks, S.A. & Woehler, E.J. (2009). Hollow-using vertebrate fauna of Tasmania: distribution, hollow requirements & conservation status. *Australian Journal of Zoology*, 56(5):323-349.

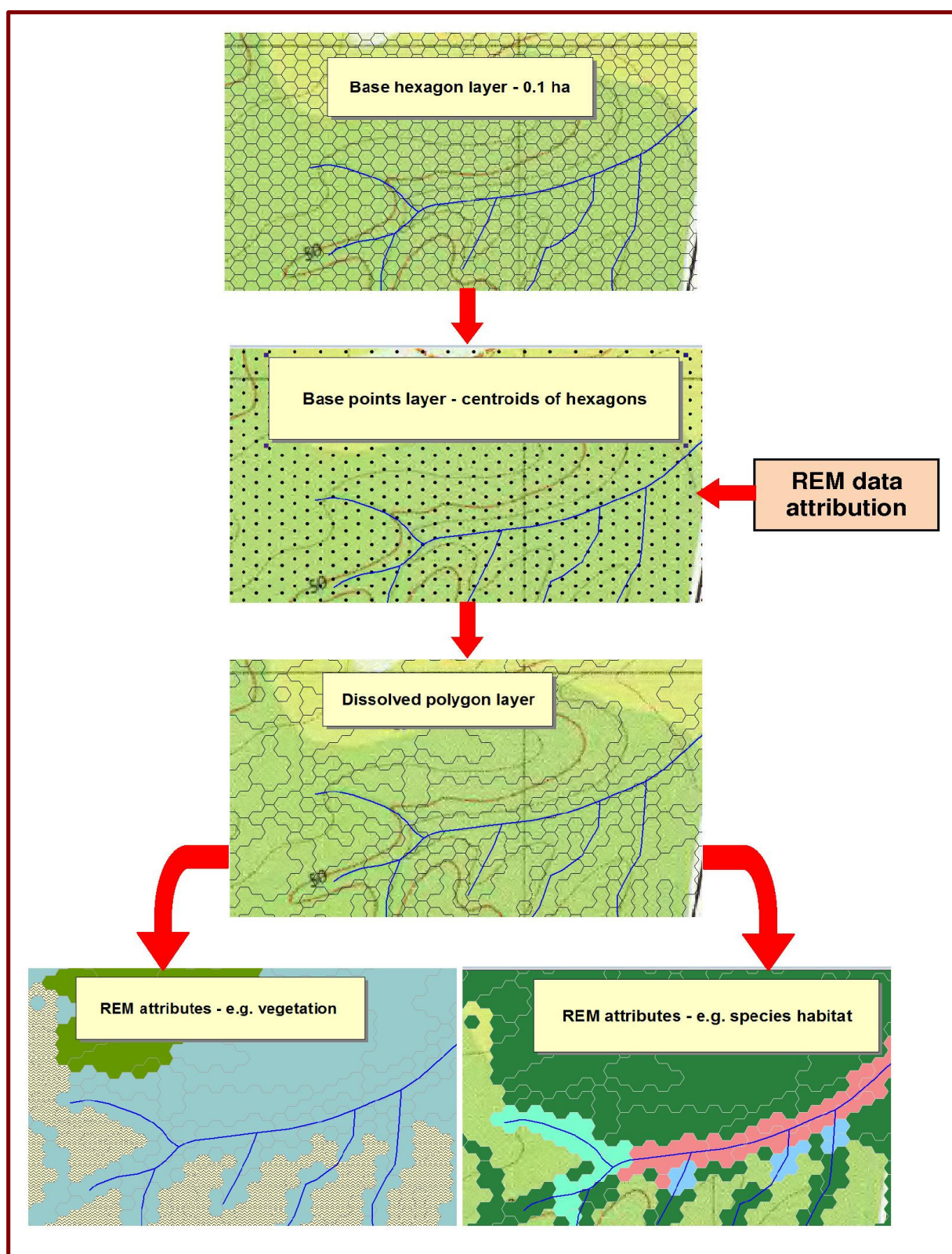
<sup>5</sup> Attachment 7 in Knight, R.I. (2014). Biodiversity data, models & indicators for Forestry Tasmania's Forest Management Unit. A report to Forestry Tasmania, March 2014. Natural Resource Planning, Hobart, Tasmania.

- Local scale landscape processes are assessed through assessing vegetation condition, which is expressed in the REM as Biophysical Naturalness. This assesses the characteristics of native vegetation for perturbation in structure and composition within each patch of native vegetation.

Each element of the REM is underpinned by Statewide spatial data layers. Each data layer has clear rule sets for its use in building the REM. The integrated REM spatial layers contain all the input data from the base layers, including multiple inputs for the same Issue where available (e.g. desktop and field vegetation mapping), and all the derived Level of Concern indicators.

The REM is built on a novel spatial architecture designed to store and process large amounts of spatial data efficiently and at fine scales. It is based on a non-overlapping layer of hexagonal polygons of 0.1 ha size, which approximates to a spacing of about 30 m. The centroids of the polygons are extracted and are used to process the REM and its data. The point format significantly reduces complexity of the spatial geometry and hence increases processing speed. The REM generated in the points layer is then re-attributed to the parent hexagons. A subset of the combination of primary inputs to the REM is then used to dissolve the hexagon layer to a more manageable number of polygons. Derived attributes are then re-attached to the data and the polygon layer used for multiple purposes. Figure 2 summarises the REM architecture.

Figure 2. Simplified REM spatial architecture and process





The core components of the REM described above are common to all applications. A spreadsheet version of the REM is also available<sup>6</sup> which can be used in the absence of spatial data to generate the full range of REM indicators. This can be used, for example, to determine REM indicators where the input data is wrong or to model the changes in indicators resulting from management actions. A standard output is also a summary REM profile, which displays all the indicators as a percentage of the area of interest, as shown in Figures 3 and 4. These tools can also serve as a useful tool for modelling change, whether planned or actual, arising from conservation investments and from development.

Attachment 3 provides a simple guide giving examples of how to interpret REM indicators for particular issues and circumstances.

The REM can further be customised for each project and users to deliver outputs and tools that assist meeting their specific needs. Customised add-ons that have been developed include tools to cross tabulate priority species with vegetation types, generate REM summary tables of the characteristics of multiple areas, and additional layers to assist in use of the REM. For example, a urban threat index spatial layer has been developed to assist in local government application, and for property planning the REM can be linked to data on issues such as salinity and erosion risk.

Use of the REM is licensed by NRP to clients for approved purposes, in accordance with the commercialisation provisions of the Australian Government's funding for its development. NRP wishes to establish ongoing partnerships with a wide range of potential users of the REM. Access to the REM is provided under a data license agreement and subject to a license fee negotiated on a case by case basis. License fees are designed to be cost effective – to encourage use – while also reflecting the reasonable costs to NRP of development, maintenance and support.

Clients who have used the REM or its components since completion of the original project include:

- Australian Government Biodiversity Fund;
- Clarence Council;
- Forestry Tasmania;
- Gunns Limited;
- Kingborough Council;
- NRM South;
- Norske-Skog;
- PF Olsen Pty Ltd;
- Southern Midlands Council and
- The Understorey Network.

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<sup>6</sup> <http://www.naturalresourceplanning.com.au/landscape-ecology-tools/>

Figure 3. Sample REM profile – Immediate Level of Concern

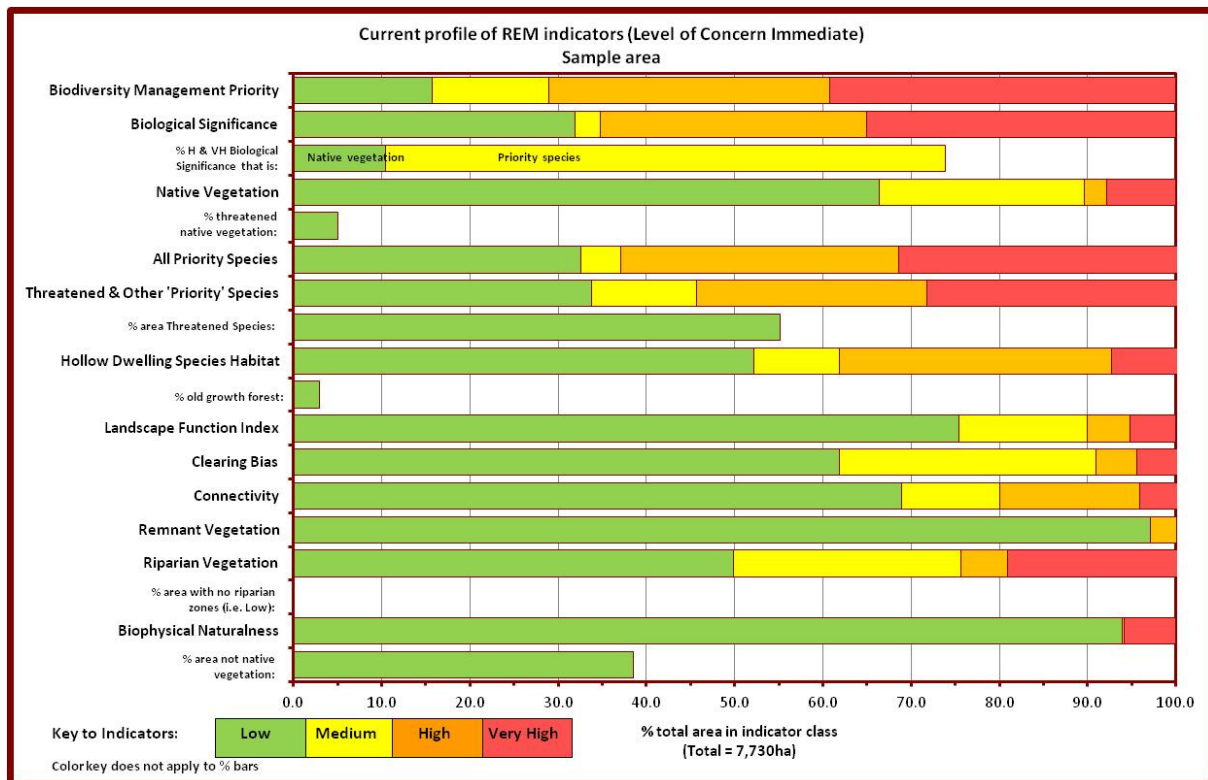
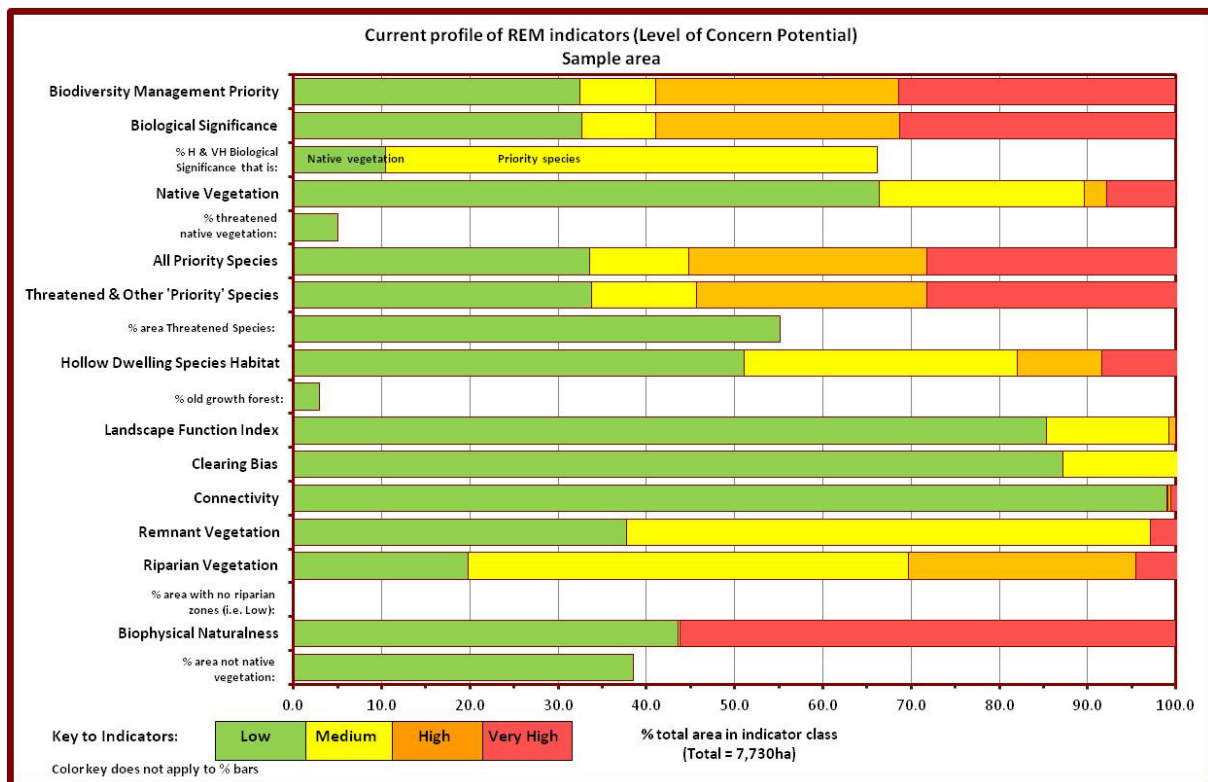


Figure 4. Sample REM profile – Potential Level of Concern





**Attachment 1. Summary of REM assets, indicators and Issues**

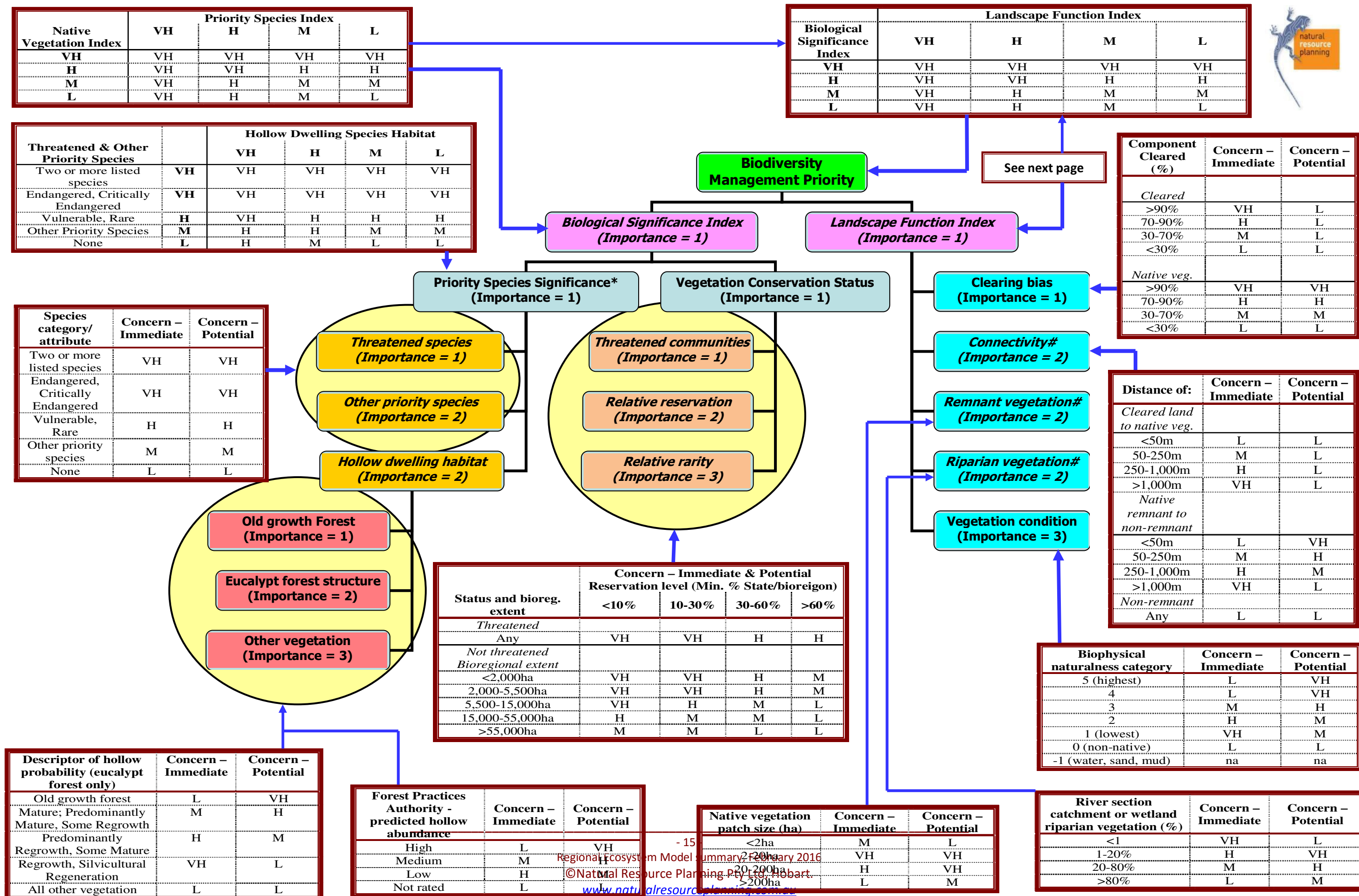
Issue	Definition	Summary	Indicator
Biological Significance	Biological significance measures the relative priority for management of the elements of biodiversity contained within a given area.	Biological significance is one of two arms of the REM and represents a structured classification of biodiversity. It is comprise of Native Vegetation and priority species (see below).	Classes ranked from Low-Very high derived from a matrix of Level of Concern classes for Native Vegetation and Priority Species.
Native Vegetation	Native vegetation communities based on the classification used in Tasveg.	Native vegetation comprises all areas mapped to the Tasveg classification, except for cleared land types ("F" codes), water, (OAQ"), sand and mud (OSM) and rock (ORO). An additional native vegetation mapping unit has been introduced to the REM for areas comprised of native vegetation plantings (DEP).	The REM contains a grouped classification for native vegetation which is used in various parts of its application.
Vegetation conservation status	Native vegetation communities with legislative recognition of being threatened.	na	Vegetation communities listed as threatened under the Tasmanian Nature Conservation Act 2002 or Commonwealth Environment Protection and Biodiversity Conservation Act 1999.
Relative reservation	Reservation status is a measure of the degree to which vegetation communities are included in the Comprehensive, Adequate and Representative (CAR) reserve system	Higher levels of reservation give greater confidence that the species for which vegetation communities are surrogates are likely to be protected, subject to appropriate geographic and biophysical distribution in the landscape.	Percentage bands of reservation of the vegetation communities, utilising the lesser of the Statewide or relevant bioregional reservation level.
Relative rarity	The extent of a native vegetation community in the bioregion being assessed.	Relative rarity is scale to reflect increased importance for vegetation types which are more restricted, and less importance for those which are relatively extensive.	The REM stratifies the extent of each community in each bioregion into bands, which are then form part of the matrix for deriving Level of Concern for native vegetation.
Priority species	Priority species are those that are recognised as threatened and certain classes of other species that are identified as priorities for conservation.	Classification within the group is structured around species listed as threatened and other priority species.	Level of Concern for priority species is classified from Low-Very High through a matrix combining threatened species status, number of threatened species, other priority species and hollow dwelling species habitat.

Issue	Definition	Summary	Indicator
Listed threatened species	Species listed as threatened under the Tasmanian Threatened Species Protection Act (1975) or Commonwealth Environment Protection and Biodiversity Conservation Act (1999)	na	Threat status and number of co-occurring threatened species in an area.
Other priority species	Non-threatened species identified as priorities for attention to conservation and management.	Other priority species comprises non-threatened species identified in the Regional Forest Agreement as Priority Species, including species groups such as hollow dwelling species, and flora species identified as inadequately reserved at the State or bioregional level.	The presence of other priority species (excluding hollow dwelling species habitat) is assigned a single ranking the REM (Medium), above that for no priority species and below that for threatened species.
Hollow dwelling species	Habitat for hollow dwelling species.	Hollow dwelling species comprise a group of 29 species listed in the Regional Forest Agreement as a priority species group.	Hollow dwelling species habitat is classed from Low-Very High depending on the type of vegetation present, eucalypt forest structure, predicted hollow abundance and presence/absence of old growth forest.
Old growth forest	Old growth forest is ecologically mature forest demonstrating the characteristics found in older and/or minimally disturbed forests	na	Old growth forest is classed as Very High Level of Concern (Potential) and as low Level of Concern (Immediate) in the Hollow Dwelling Species component of the REM.
Eucalypt forest structure	Forest structure classes derived from air-photo interpreted vegetation mapping.	Eucalypt forest structure is derived from the published RFA map depicting standard classes as Silviculturally Regeneration, Regrowth, Predominantly Regrowth/Some Mature, Predominantly Mature/Some Regrowth and Mature. This is supplemented with more up to date data where available.	Classes ranked from Low-Very High reflecting higher Immediate Level of Concern where structure is likely to contain fewer hollows and higher Potential Level of Concern where hollows are likely to be more abundant.
Non-eucalypt vegetation.	Vegetation communities in the Tasveg classification that are not recognised as eucalypt forest.	Eucalypt forest classes are identified in Tasveg by the prefixes "W" and "D".	Non-eucalypt vegetation is ranked Low in the schema for hollow dwelling species habitat due to the absence of eucalypts.

Issue	Definition	Summary	Indicator
Landscape Function	The ability of the landscape to sustain the elements of biodiversity it contains.	Landscape function integrates five indicators representing successively finer partitioning of the landscape.	Classes ranked from Low-Very High using a 3 way matrix combining the same classes of Clearing Bias, a submatrix combining Connectivity, Remnant Vegetation and Riparian Vegetation, and Biophysical Naturalness.
Clearing bias	Clearing bias is a measure of the patterns of habitat loss in a region.	There is potential for ecological collapse at a regional level where >70% of a region has been cleared, and potential localised collapse and stress within the region where lower levels of clearing have occurred due to preferential clearing of certain land types.	The percentage of each land component that has been cleared, stratified spatially into areas now cleared or with extant native vegetation.
Connectivity	Connectivity is the degree to which patches of native vegetation are inter-connected and the extent to which species can move between patches,	Remnant vegetation may suffer loss of species in some taxonomic groups, and loss of ecosystem function, if the distance between remnants and the impermeability of the interstice (e.g. through absence of paddock trees) exceeds that which each organism is capable of crossing.	For remnant vegetation patches, the distance to the nearest non-remnant patch. For cleared land, the distance to the nearest patch of native vegetation.
Remnant vegetation	Remnant vegetation is defined as islands of native vegetation, below a specified size, that are surrounded by cleared land.	In heavily cleared landscapes, patches of remnant vegetation can contribute significantly to the maintenance of ecosystem function, while their loss and decline is a major factor in ecosystem collapse. Their smaller size makes them vulnerable to ongoing degradation through various combinations of anthropogenic and natural ecological processes	The indicator for remnant vegetation is the contiguous extent of each patch of native vegetation communities, stratified into size classes.
Riparian vegetation	Riparian vegetation is the vegetation that adjoins freshwater features (e.g. rivers wetlands) and has ecological characteristics which are influenced by the freshwater environment.	Riparian vegetation has been found to have consistently high biodiversity values relative to its extent and therefore contribute disproportionately to landscape function. Its values are also multi-faceted, providing protection for terrestrial biodiversity, land and soils resources, and freshwater ecosystems, and multi-scale in extending beyond the immediate riparian zone.	The percentage of the local catchment of each of river section and wetland which is under native riparian vegetation, stratified into bands as described for the CFEV project. The indicator applies equally to both the cleared and native vegetation components of the catchment.

Issue	Definition	Summary	Indicator
Vegetation condition	Vegetation condition is the composition and structure of native vegetation relative to a reference framework for the particular type of vegetation.	Vegetation condition is an indicator of the ability of native vegetation at the local physical and near-temporal scale to maintain and sustain the elements of biodiversity it contains.	Modified biophysical naturalness classes derived from RFA mapping and application of logical consistency rules to Tasveg community attributions and limited condition descriptors.

## Attachment 2. Tasmanian Regional Ecosystem Model - Indicators, Content & Prioritisation Matrices



## Attachment 2 (cont). Derivation of Landscape Function Index

Sub-matrix of Connectivity, Remnant Vegetation & Riparian Vegetation (CRR)

Connectivity	Remnant Vegetation	Riparian Vegetation	CRR Index	Rank (1 = highest)
VH	VH	VH	VH	1
H	VH	VH	VH	2
VH	VH	H	VH	3
VH	H	VH	VH	4
M	VH	VH	VH	5
H	VH	H	VH	6
VH	VH	M	VH	7
H	H	VH	VH	8
VH	H	H	VH	9
VH	M	VH	VH	10
L	VH	VH	H	11
M	VH	H	H	12
H	VH	M	H	13
VH	VH	L	H	14
M	H	VH	H	15
VH	H	M	H	16
H	M	VH	H	17
VH	M	H	H	18
VH	L	VH	H	19
L	VH	H	H	20
M	VH	M	H	21
H	VH	L	H	22
L	H	VH	H	23
VH	H	L	H	24
M	M	VH	H	25
VH	M	M	H	26
H	L	VH	H	27
VH	L	H	H	28
L	VH	M	H	29
M	VH	L	H	30
L	M	VH	H	31
VH	M	L	H	32
M	L	VH	H	33

Connectivity	Remnant Vegetation	Riparian Vegetation	CRR Index	Rank (1 = highest)
VH	L	M	H	34
H	H	H	H	35
M	H	H	M	36
H	H	M	M	37
H	M	H	M	38
L	VH	L	M	39
L	L	VH	M	40
VH	L	L	M	41
L	H	H	M	42
M	H	M	M	43
H	H	L	M	44
M	M	H	M	45
H	M	M	M	46
H	L	H	M	47
L	H	M	M	48
M	H	L	M	49
L	M	H	M	50
H	M	L	M	51
M	L	H	M	52
H	L	M	M	53
L	H	L	M	54
L	L	H	M	55
H	L	L	M	56
M	M	M	L	57
L	M	M	L	58
M	M	L	L	59
M	L	M	L	60
L	M	L	L	61
L	L	M	L	62
M	L	L	L	63
L	L	L	L	64

Clearing Bias	CRR sub-matrix	Condition	Landscape Function Index	Rank (1 = highest)
VH	VH	VH	VH	1
VH	VH	H	VH	2
VH	H	VH	VH	3
VH	VH	M	VH	4
VH	H	H	VH	5
VH	VH	L	VH	6
H	VH	VH	VH	7
VH	M	VH	VH	8
VH	H	M	VH	9
H	VH	H	VH	10
VH	M	H	VH	11
VH	H	L	VH	12
H	H	VH	VH	13
H	VH	M	VH	14
VH	L	VH	VH	15
VH	M	M	VH	16
H	H	H	H	17
H	VH	L	H	18
M	VH	VH	H	19
VH	L	H	H	20
VH	M	L	H	21
H	M	VH	H	22
H	H	M	H	23
M	VH	H	H	24
VH	L	M	H	25
H	M	H	H	26
H	H	L	H	27
M	H	VH	H	28
M	VH	M	H	29
VH	L	L	M	30
H	L	VH	H	31
H	M	M	H	32
M	H	H	M	33

Full Landscape Function Index matrix

Clearing Bias	CRR sub-matrix	Condition	Landscape Function Index	Rank (1 = highest)
L	VH	VH	M	34
M	VH	L	M	35
H	L	H	M	36
H	M	L	M	37
M	M	VH	M	38
M	H	M	M	39
L	VH	H	M	40
H	L	M	M	41
M	M	H	M	42
M	H	L	M	43
L	H	VH	M	44
L	VH	M	M	45
H	L	L	M	46
M	L	VH	M	47
M	M	M	M	48
L	H	H	L	49
L	VH	L	M	50
M	L	H	L	51
M	M	L	M	52
L	M	VH	L	53
L	H	M	L	54
M	L	M	L	55
L	M	H	L	56
L	H	L	L	57
M	L	L	L	58
L	L	VH	L	59
L	M	M	L	60
L	L	H	L	61
L	M	L	L	62
L	L	M	L	63
L	L	L	L	64

**Attachment 3:**  
***A simple guide to using the***  
***Regional Ecosystem Model for biodiversity planning***

The REM contains assessments of four attributes of biodiversity that may need to be considered for conservation:

- Native vegetation (Tasveg-based units assessed Statewide and bioregionally);
- Priority species (threatened and other important species);
- Hollow dwelling species habitat; and
- Landscape ecological function – the ability of the landscape to maintain the elements of biodiversity it contains.

Actions may range from retention in an existing state, rehabilitation to a better state or restoration of native vegetation. Actions can be guided by the REM classification of attributes from two prioritisation perspectives:

- Immediate – importance for intervention to restore or rehabilitate; and
- Potential – important to protect from further loss or degradation.

In the REM these are termed ‘Level of Concern’. All REM Level of Concern attributes are rated on a scale of Low, Medium, High or Very High. Immediate and Potential priorities are identical for native vegetation and priority species, but are different for hollow dwelling species habitat and landscape ecological function.

Priorities to be assigned to any of the REM attributes will be heavily influence by the purpose and objectives being considered and the adequacy of resources to effect desired outcomes. REM priorities can also be considered on an entirely objective basis, and used to judge whether objectives and resources are appropriately targeted, adequate to achieve outcomes. Monitoring over time can also be facilitated by the REM.

Prioritising areas or actions may require consideration of any of the four key attributes either singly or in combination. The potential range of combinations is large. However, for regions which are relatively intensively developed a fairly consistent set of combinations can be identified, particularly through focusing on priorities classified as either High or Very High. These are identified in the table that follows.

REM attribute (High or Very High)	Co-occurring attributes	Key considerations
Native vegetation	Priority species	Actions will depend on individual species' conservation needs.
	Landscape function – Potential	Landscape has some sensitivity to further loss or degradation. Action to protect the vegetation should be considered.
	Landscape function – Immediate	Landscape function is degraded. Consider whether actions to protect or enhance the native vegetation can make a difference.
	None	Consider if there are potential threats or other benefits that would arise from intervention. Also consider if there is a residual reservation target for the vegetation community and whether a good example of the community would be secured.
Priority species	None	Consider the conservation needs of each individual species individually.
	Landscape function – Potential	Landscape is sensitive to further loss or degradation. Consider whether this might have negative effects on each species.
	Landscape function – Immediate	Landscape function is degraded. Consider if landscape characteristics are contributing to the species status or likely persistence.
Hollow dwelling species habitat – Immediate	None	Vegetation is lacking in hollows. Look at the landscape context to determine if there is a likely benefit from taking actions which would improve long term prospects to have adequate mature eucalypt abundance, e.g. is the area a gap in distribution. The primary attribute field [Vstr_clasZ] should be used for this.
Hollow dwelling species habitat – Potential	None	Mature eucalypt abundance is likely to be relatively high. Act to protect and enhance, especially if either Immediate or Potential landscape ecological function classes are high.
Landscape function – Immediate	None	Landscape function is degraded. Consider what aspects of can be improved – condition, patch size, riparian vegetation or connectivity – within the available resources. The spreadsheet version of the REM can be used to explore scenarios.
Landscape function - Potential	None	Landscape function is sensitive to further loss or degradation. Consider what action can be take to secure landscape attributes.
Landscape function – Immediate	Landscape function - Potential	These are generally more important remnants. Consider whether resources are sufficient to both secure and improve landscape attributes.



## **Tasmanian Planning Scheme**

### **Explaining the Priority Vegetation Area Overlay – the Regional Ecosystem Model**

Section LP1.7.5 of the State Planning Provisions requires that each Local Provisions Schedule must contain an overlay map of Priority Vegetation Areas (PVA).

Section LP1.7.5 (c) stipulates that the PVA must:

- include Threatened Native Vegetation Communities as identified in TASVEG Version 3;
- be derived from threatened flora data identified in the Tasmanian Natural Values Atlas; and
- be derived from threatened fauna data the Tasmanian Natural Values Atlas for the identification of significant habitat for threatened fauna species .

‘Significant Habitat’ is the habitat within the known and core range of a threatened fauna species where it is known to be of high priority for the maintenance of breeding populations or its conversion to ‘non-priority’ (presumably non-native) vegetation would result in a long term negative impact on breeding populations.

When compiled, the mapped known and core range of the State’s threatened fauna covers virtually the full extent of Tasmania’s land mass.

There is no State data set that identifies the vegetation within that extent that would meet the definition of Significant Habitat (noting that some significant habitat exists in non-native vegetation).

Section LP1.7.5 (d) provides that the PVA can be modified, based on analysis at a local or regional level for:

- anomalies or inaccuracies in the data described above; or
- more recent or detailed local assessment of the data and mapping described above; or
- identification of native vegetation of local importance, including habitat for native fauna of local importance.

The Regional Ecosystem Model (REM) is a comprehensive, high resolution spatial analysis that identifies:

- native vegetation and threatened species and their relative conservation status and management priority;
- the characteristics of the landscape that may affect its ability to sustain these elements.

The REM forms the basis of the PVA to be incorporated into Local Provisions Schedules. Individual planning authorities may also supplement the REM with more detailed, on-ground information. This will be described by the relevant planning authority.

A subset of attributes and indicators from the REM has been used to produce the PVA overlay and includes a more detailed local assessment of the data that is consistent with the provisions for modification of the PVA:

- Threatened native vegetation communities is based on TasVeg 3.0, but has been corrected for inherent logical consistency issues and includes credible field-based mapping where it was available.
- Threatened flora and fauna species locations and habitat are modelled using two methods:
  - Rules applied to Natural Values Atlas (NVA) records that are customised for each species to reflect their patterns of local distribution (e.g. riparian species), based on a limited number of habitat variables; and
  - More detailed habitat models for about 100 threatened fauna species that reflect agreed habitat definitions used by the Forest Practices Authority but utilise a much wider range of data, including landforms and vegetation structural maturity, to more accurately identify habitat and potential habitat.
- Native vegetation of local importance includes:
  - a subset of threatened fauna species habitat models,
  - native vegetation with limited bioregional reservation and extent and native vegetation remnants on heavily cleared types of land where local factors affect ecological sustainability of the landscape.

Undertaking this analysis inevitably results in the identification of native vegetation (including fauna habitat) of local importance, recognising that habitat is not confined to local administrative boundaries and is more relevant to localised and landscape-scale habitat attributes, bioregional level representation and ecosystem function. Each local area contributes to the survival of threatened vegetation communities, threatened flora and threatened fauna within a State wide mosaic that enables the distribution of species to be maintained and provides for mobility of fauna through connected habitat.

The Priority Vegetation Area overlay map resulting from the REM is made up of the data outlined in Table 1. The attributes in the overlay are elaborated further below.

**Table1 – Attributes of the Priority Vegetation Area**

Definition in SPP	Attribute	What are they?
Forms an integral part of a threatened native vegetation community as prescribed under Schedule 3A of the <i>Nature Conservation</i>	Threatened native vegetation communities	Vegetation communities listed as threatened under the <i>Nature Conservation Act (Tas)</i> or <i>EPBC Act (Comm)</i>
A threatened flora species	Threatened flora species	Flora species listed under the <i>Threatened Species Protection Act (Tas)</i> or <i>EPBC Act</i> .
Forms a significant habitat for a threatened fauna species	Threatened fauna species habitat	Fauna species listed under the <i>Threatened Species Protection Act (Tas)</i> or <i>EPBC Act</i> .
	Landscape dependent threatened fauna species habitat	Fauna species listed under the <i>Threatened Species Protection Act (Tas)</i> or <i>EPBC Act</i> and classified as landscape dependent fauna
	Relative reservation	Native vegetation community <30% reserved in bioregion
	Relative rarity	Native vegetation community <2,000 ha extent in bioregion
	Remnant vegetation	Native vegetation patches <200ha contiguous extent and On land components >70% cleared of native vegetation

### Threatened Native Vegetation Communities

Threatened Native Vegetation Communities (TNVC) are vegetation communities with legislative recognition of being threatened.

The attribute comprises vegetation communities listed as threatened under the Tasmanian Nature Conservation Act 2002 or the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. Listing under these acts is based on historical vegetation loss since European settlement, natural limited extent or vulnerability to particular factors.

Why is it included?

- Heavily cleared – generally greater than 70% of pre-1750 extent has been cleared;
- Rarity – generally less than 1,000 hectares remaining

Data Source:

- TasVeg 3.0 (minor exceptions)

Reliability:

- Extremely variable – aerial identification and/or on-ground field verification

Management:

- Check TasVeg for field verification
- Consider local extent, condition & management options

### Threatened Flora Species

These are species listed as threatened under the Tasmanian Threatened Species Protection Act (1975) or Commonwealth Environment Protection and Biodiversity Conservation Act (1999).

Listed threatened species have statutory recognition that they are likely to become extinct if the factors causing them to be threatened are not managed. Species may be listed due to historical loss since settlement, natural rarity giving rise to potential risk, or impacts of particular land use and land management practices.

Threatened flora habitat characteristics are mostly localised and are modelled solely on Natural Values Atlas records with a limited number of habitat variables.

Why is it included?

- Statutory recognition that species extinction is likely

Data Source:

- NVA records combined with REM point-based modelling rules
- Generally highly localised

Reliability:

- Reasonably reliable – on-ground field verification

Management:

- Check species observation source
- Potentially require on-ground field verification

Threatened flora can be grouped into types, which assists in understanding preferred management approaches.

<b>Flora</b>			
Type		Management objective	What is assessed?
Singletons and highly restricted species	Species known from one location only or from a particular land system component	Maintenance of species population	Assessment of species population and habitat condition (specialist required)

Localised	Species tend to occur in small localised areas across their range	Persistence of species at site	Assessment of species population and habitat condition (specialist may be required)
Riparian	Species occur predominantly in riparian zones	Maintenance of healthy riparian zones	Assessment of health of riparian vegetation
More extensive	Species occur relatively extensively in a local area	Persistence of species in locality	Assessment of species population and habitat condition (specialist MAY be required)

### Threatened Fauna Species and Significant Habitat

These are species listed as threatened fauna under the Tasmanian Threatened Species Protection Act (1975) or Commonwealth Environment Protection and Biodiversity Conservation Act (1999).

Listed threatened species have statutory recognition that they are likely to become extinct if the factors causing them to be threatened are not managed. Species may be listed due to historical loss since settlement, natural rarity giving rise to potential risk, or impacts of particular land use and land management practices.

Threatened fauna habitat characteristics are extremely varied and are modelled as significant based on Natural Values Atlas records with a limited number of habitat variables or more detailed customised models for about 100 fauna species. Some species habitat occurs across the landscape but not all sites may be essential for species survival and not all suitable habitat may be occupied. Species that rely on this type of habitat are classified as landscape-dependent and are regarded as being of local importance, however the relative importance of the site to the survival of the species can only be known in response to field verification, the context and the nature of a proposal.

Why is it included?

- Statutory recognition that species extinction is likely, however not all sites are important or occupied

Data Source:

- NVA records combined with REM point-based modelling rules
- Habitat-based models

Reliability:

- Variable

Management:

- Check species observation source

- Check data on habitat and local context
- Potentially require on-ground field verification

Threatened fauna and their significant habitat can be grouped into types which assist in understanding preferred management approaches.

<b>Fauna and significant habitat</b>			
Type		Management objective	What is assessed?
Localised species <sup>1</sup>	Species tend to occur in small localised areas across their range	Maintenance of species population	Assessment of species population and habitat condition (specialist required)
Aquatic species	Species habitat is in waterways, wetlands and associated riparian vegetation	Maintenance of healthy riparian zones and water quality	Assessment of species population, habitat condition and potential water quality impacts (specialist MAY be required)
Riparian species	Riparian zones an important part of species habitat	Maintenance of healthy riparian zones	Assessment of species population and habitat condition (specialist may be required)
Highly restricted species	Species known from one location only or from particular land system components	Maintenance of species population	Assessment of species habitat extent and population size (specialist required)
Obligate log dwellers	Species survival dependent of coarse woody debris (CWD) on forest floor	Maintenance of logs and large branches on forest floor and mature forest for ongoing supply of CWD	Assessment of abundance and relative size of CWD and mature eucalypts
Hollow dependent fauna	Species depend on hollows in mature trees for critical parts of the life cycle	Maintenance of mature trees	Assessment of relative abundance of mature eucalypts
Ground dwelling species with particular habitat requirements	Species utilise highly localised on ground habitat features for critical parts of the life cycle	Maintenance of the features critical for the life cycle	Assessment of presence of den sites, CWD, rock overhangs and mature trees
Highly specialised species (habitat well understood)	Species with highly specialised habitat requirements that do not correlate with coarser scale environmental variable or is highly restricted locally	Maintenance of species population	Dependent on species (specialist required)

<sup>1</sup> Species in this category will also often fit into other categories. The difference is that the risk of significant loss is higher as there are very few replicate sites.

Other fauna species (habitat not well understood)	Species where the factors contributing to local populations are not well understood or identifiable	Maintenance of healthy population size in general area	Dependent on species (specialist required)
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### Poorly Reserved Vegetation Communities

Reservation status is a measure of the degree to which vegetation communities are included in the Comprehensive, Adequate and Representative (CAR) reserve system. Higher levels of reservation give greater confidence that the species for which vegetation communities are surrogates are likely to be protected, subject to appropriate geographic and biophysical distribution in the landscape. Reservation provides greater certainty of the maintenance of better condition vegetation and hence maintenance of ecological function at local and landscape scales.

Why is it included?

- Less than 30% of extent in bioregion is in reserves

Data Source:

- TasVeg 3.0 (minor exceptions)

Reliability:

- Highly variable

Management:

- Check TasVeg for field verification
- Consider local extent, condition & management options
- Potentially require on-ground field verification

### Vegetation Communities of Limited Bioregional Extent

Relative rarity, or extent, is scaled to reflect increased importance for vegetation types which are more restricted, and less importance for those which are relatively extensive. The threshold of 2,000 ha is used by the Forest Practices Authority.

Why is it included?

- Less than 2000 hectares of the community in the bioregion

Data Source:

- TasVeg 3.0 (minor exceptions)

Reliability:

- Highly variable

Management:

- Check TasVeg for field verification

- Consider local extent, condition & management options
- Potentially require on-ground field verification

### **Remnant Vegetation**

Remnant vegetation is defined as islands of native vegetation, below a specified size (200 ha), that are surrounded by cleared land, and occur on land types (land system components) that have been cleared of more than 70% of their native vegetation. In heavily cleared landscapes, patches of remnant vegetation can contribute significantly to the maintenance of ecosystem function, while their loss and decline is a major factor in ecosystem collapse. Their smaller size makes them vulnerable to ongoing degradation through various combinations of human impacts and natural ecological processes.

Why is it included?

- Less than 200 hectare patch of native vegetation on land components that are over 70% cleared of native vegetation.

Data Source:

- TasVeg 3.0 (minor exceptions)

Reliability:

- Reasonably reliable depending on TasVeg currency

Management:

- Check TasVeg for field verification
- Consider local extent, condition & management options
- Potentially require on-ground field verification



# Guideline No. 1

## Local Provisions Schedule (LPS): zone and code application

June 2018

This Guideline has been issued by the Tasmanian Planning Commission under section 8A of the *Land Use Planning and Approvals Act 1993* with the approval of the Minister for Planning and Local Government.

<b>Version</b>	<b>Issue Date</b>	<b>Description</b>
0.0	4 May 2017	original issue
1.0	4 October 2017	amended to reflect changes to the Act
2.0	6 June 2018	amended to reflect minor amendments to the SPPs and correct anomalies

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## 1.0 Guideline purpose

The purpose of this guideline is to provide an easy reference guide for the application of all zones and codes for the preparation of draft Local Provisions Schedules (LPSs) and amendments to LPSs.

## 2.0 Guideline issue

This Guideline has been issued by the Tasmanian Planning Commission under section 8A of the *Land Use Planning and Approvals Act 1993* (the Act) with the approval of the Minister for Planning and Local Government.

## 3.0 LPS zone and code application

- 3.1 Clauses 5.0 and 6.0 of this guideline provide detailed Local Provisions Schedule (LPS) application instructions for the State Planning Provisions (SPPs) zones and codes.
- 3.2 This guideline must be read in conjunction with the:
  - (a) SPPs and particularly clause LP1.0 Local Provisions Schedule Requirements of the SPPs;
  - (b) the transitional provisions under Schedule 6 of the Act; and
  - (c) any declarations made by the Minister in relation to specific area plans, particular purpose zones, site-specific qualifications and code-applying provisions under Schedule 6 of the Act<sup>1</sup>.
- 3.3 The zone and overlay names, colours, outlines, hatching and annotations must be applied as shown in the first column of the tables in clauses 5.0 and 6.0 of this guideline.
- 3.4 The primary objective in applying a zone should be to achieve the zone purpose to the greatest extent possible. Reference may also be made to the 'allowable minimum lot size' in the Acceptable Solution, unless there is a Performance Criterion that specifies an absolute minimum, in the subdivision standards for the zone to understand the density that is allowable.
- 3.5 The spatial application of zones and codes should as far as practicable be consistent with and coordinated with the LPS that applies to an adjacent municipal area as required by section 34(2)(g) of the Act.

## 4.0 Disclaimer

Notwithstanding the content of this guideline, the LPS must also meet the LPS criteria of section 34 of the Act which prevail over any conflict with the content in this guideline.


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<sup>1</sup> Note: The Minister has issued an Advisory Statement - [Transitional Arrangements for Existing Provisions, 23 June 2017](#)

## Glossary


LIST	the Land Information System Tasmania
LPS	Local Provisions Schedule
section 29 Planning Scheme	a planning scheme approved under section 29 of the former provisions of the Act
SPPs	State Planning Provisions
the Act	<i>Land Use Planning and Approvals Act 1993</i>
TPS	Tasmanian Planning Scheme

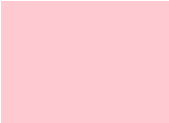
## 5.0 Zone Application


Zone	Zone Purpose	Zone Application Guidelines
<b>8.0</b> <b>General Residential Zone</b>  Red 255, Green 0, Blue 0	<p>The purpose of the General Residential Zone is:</p> <p>8.1.1 To provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided.</p> <p>8.1.2 To provide for the efficient utilisation of available social, transport and other service infrastructure.</p> <p>8.1.3 To provide for non-residential use that:</p> <ul style="list-style-type: none"> <li>(a) primarily serves the local community; and</li> <li>(b) does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.</li> </ul> <p>8.1.4 To provide for Visitor Accommodation that is compatible with residential character.</p>	<p>GRZ 1 The General Residential Zone should be applied to the main urban residential areas within each municipal area which:</p> <ul style="list-style-type: none"> <li>(a) are not targeted for higher densities (see Inner Residential Zone); and</li> <li>(b) are connected, or intended to be connected, to a reticulated water supply service and a reticulated sewerage system.</li> </ul> <p>GRZ 2 The General Residential Zone may be applied to green-field, brown-field or grey-field areas that have been identified for future urban residential use and development if:</p> <ul style="list-style-type: none"> <li>(a) within the General Residential Zone in an interim planning scheme;</li> <li>(b) within an equivalent zone under a section 29 planning scheme; or</li> <li>(c) justified in accordance with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; and</li> <li>(d) is currently connected, or the intention is for the future lots to be connected, to a reticulated water supply service and a reticulated sewerage system,</li> </ul> <p><i>Note: The Future Urban Zone may be used for future urban land for residential use and development where the intention is to prepare detailed structure/precinct plans to guide future development.</i></p> <p>GRZ 3 The General Residential Zone should not be applied to land that is highly constrained by hazards, natural values (i.e. threatened vegetation communities) or other impediments to developing the land consistent with the zone purpose of the General Residential Zone, except where those issues have been taken into account and appropriate management put into place during the rezoning process.</p>

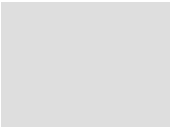
Zone	Zone Purpose	Zone Application Guidelines
<p><b>9.0</b></p> <p><b>Inner Residential Zone</b></p>  <p>Red 128, Green 0, Blue 0</p>	<p>The purpose of the Inner Residential Zone is:</p> <p>9.1.1 To provide for a variety of residential use or development that accommodates a range of dwelling types at higher densities.</p> <p>9.1.2 To provide for the efficient utilisation of available social, transport and other service infrastructure.</p> <p>9.1.3 To provide for non-residential use that:</p> <ul style="list-style-type: none"> <li>(a) primarily serves the local community; and</li> <li>(b) does not cause an unreasonable loss of amenity, through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.</li> </ul> <p>9.1.4 To provide for Visitor Accommodation that is compatible with residential character.</p>	<p>IRZ 1 The Inner Residential Zone should be applied to urban residential areas that are connected to a reticulated water supply service, reticulated sewerage system, and a public stormwater system, and have been identified for higher density development where any of the following conditions exist:</p> <ul style="list-style-type: none"> <li>(a) characterised by higher dwelling density with greater presence of non-housing activity;</li> <li>(b) proximity to activity centres with a range of services and facilities; or</li> <li>(c) located along high frequency public transport corridors.</li> </ul> <p>IRZ 2 The Inner Residential Zone may be applied to green-field, brown-field or grey-field areas that have been identified for future urban residential use and development if:</p> <ul style="list-style-type: none"> <li>(a) within the Inner Residential Zone in an interim planning scheme; or</li> <li>(b) within an equivalent zone under a section 29 planning scheme.</li> </ul> <p>IRZ 3 The Inner Residential Zone should not be applied to land that is highly constrained by hazards, natural or cultural values or other impediments that will limit developing the land to higher densities.</p>

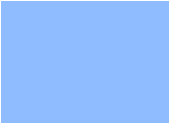



Zone	Zone Purpose	Zone Application Guidelines
<b>10.0</b> <b>Low Density Residential Zone</b>  Red 240, Green 128, Blue 128	<p>The purpose of the Low Density Residential Zone is:</p> <p>10.1.1 To provide for residential use and development in residential areas where there are infrastructure or environmental constraints that limit the density, location or form of development.</p> <p>10.1.2 To provide for non-residential use that does not cause an unreasonable loss of amenity, through scale, intensity, noise, traffic generation and movement, or other off site impacts.</p> <p>10.1.3 To provide for Visitor Accommodation that is compatible with residential character.</p>	<p>LDRZ 1 The Low Density Residential Zone should be applied to residential areas where one of the following conditions exist:</p> <ul style="list-style-type: none"> <li>(a) residential areas with large lots that cannot be developed to higher densities due to any of the following constraints:               <ul style="list-style-type: none"> <li>(i) lack of availability or capacity of reticulated infrastructure services, unless the constraint is intended to be resolved prior to development of the land; and</li> <li>(ii) environmental constraints that limit development (e.g. land hazards, topography or slope); or</li> </ul> </li> <li>(b) small, residential settlements without the full range of infrastructure services, or constrained by the capacity of existing or planned infrastructure services; or</li> <li>(c) existing low density residential areas characterised by a pattern of subdivision specifically planned to provide for such development, and where there is justification for a strategic intention not to support development at higher densities.</li> </ul> <p>LDRZ 2 The Low Density Residential Zone may be applied to areas within a Low Density Residential Zone in an interim planning scheme or a section 29 planning scheme to lots that are smaller than the allowable minimum lot size for the zone, and are in existing residential areas or settlements that do not have reticulated infrastructure services.</p> <p>LDRZ 3 The Low Density Residential Zone should not be applied for the purpose of protecting areas of important natural or landscape values.</p> <p>LDRZ 4 The Low Density Residential Zone should not be applied to land that is targeted for green-field development unless constraints (e.g. limitations on infrastructure, or environmental considerations) have been identified that impede the area being developed to higher densities.</p>


Zone	Zone Purpose	Zone Application Guidelines
<b>11.0</b> <b>Rural Living Zone</b>  Red 255, Green 201, Blue 210	<p>The purpose of the Rural Living Zone is:</p> <p>11.1.1 To provide for residential use or development in a rural setting where:</p> <ul style="list-style-type: none"> <li>(a) services are limited; or</li> <li>(b) existing natural and landscape values are to be retained.</li> </ul> <p>11.1.2 To provide for compatible agricultural use and development that does not adversely impact on residential amenity.</p> <p>11.1.3 To provide for other use or development that does not cause an unreasonable loss of amenity, through noise, scale, intensity, traffic generation and movement, or other off site impacts.</p> <p>11.1.4 To provide for Visitor Accommodation that is compatible with residential character.</p>	<p>RLZ 1 The Rural Living Zone should be applied to:</p> <ul style="list-style-type: none"> <li>(a) residential areas with larger lots, where existing and intended use is a mix between residential and lower order rural activities (e.g. hobby farming), but priority is given to the protection of residential amenity; or</li> <li>(b) land that is currently a Rural Living Zone within an interim planning scheme or a section 29 planning scheme,</li> </ul> <p>unless RLZ 4 below applies.</p> <p>RLZ 2 The Rural Living Zone should not be applied to land that is not currently within an interim planning scheme Rural Living Zone, unless:</p> <ul style="list-style-type: none"> <li>(a) consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; or</li> <li>(b) the land is within the Environmental Living Zone in an interim planning scheme and the primary strategic intention is for residential use and development within a rural setting and a similar minimum allowable lot size is being applied, such as, applying the Rural Living Zone D where the minimum lot size is 10 ha or greater.</li> </ul> <p>RLZ 3 The differentiation between Rural Living Zone A, Rural Living Zone B, Rural Living Zone C or Rural Living Zone D should be based on :</p> <ul style="list-style-type: none"> <li>(a) a reflection of the existing pattern and density of development within the rural living area; or</li> <li>(b) further strategic justification to support the chosen minimum lot sizes consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.</li> </ul>



Zone	Zone Purpose	Zone Application Guidelines
		<p>RLZ 4 The Rural Living Zone should not be applied to land that:</p> <ul style="list-style-type: none"> <li>(a) is suitable and targeted for future greenfield urban development;</li> <li>(b) contains important landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values (see Landscape Conservation Zone), unless the values can be appropriately managed through the application and operation of the relevant codes; or</li> <li>(c) is identified in the 'Land Potentially Suitable for Agriculture Zone' available on the LIST (see Agriculture Zone), unless the Rural Living Zone can be justified in accordance with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.</li> </ul>
<p><b>12.0</b></p> <p><b>Village Zone</b></p>  <p>Red 255, Green 165, Blue 0</p>	<p>The purpose of the Village Zone is:</p> <p>12.1.1 To provide for small rural centres with a mix of residential, community services and commercial activities.</p> <p>12.1.2 To provide amenity for residents appropriate to the mixed use characteristics of the zone.</p>	<p>VZ 1 The Village Zone should be applied to land within rural settlements where the Urban Mixed Use Zone is not suitable and there is an unstructured mix of residential, commercial activities and community services and there is a strategic intention to maintain this mix.</p> <p>VZ 2 The Village Zone may be applied to land where the full range of reticulated infrastructure services are or are not available.</p> <p>VZ 3 The Village Zone may cover either:</p> <ul style="list-style-type: none"> <li>(a) an entire settlement where the settlement is relatively small and no clear town centre exists or is intended to exist; or</li> <li>(b) part of a settlement where a high degree of use mix exists or is intended in the centre (otherwise refer to Local Business Zone) the remainder of the settlement may be zoned either General Residential or Low Density Residential depending on the characteristics of the settlement.</li> </ul>

Zone	Zone Purpose	Zone Application Guidelines
		<p>VZ 4 The Village Zone should not be applied to existing rural settlements where a mix of uses does not exist or where there is no strategic intention to provide a mix of uses.</p>
<p><b>13.0</b></p> <p><b>Urban Mixed Use Zone</b></p>  <p>Red 221, Green 221, Blue 221</p>	<p>The purpose of the Urban Mixed Use Zone is:</p> <p>13.1.1 To provide for a mix of residential, retail, community services and commercial activities in urban locations.</p> <p>13.1.2 To provide for a diverse range of use or development that are of a type and scale that support and do not compromise or distort the role of surrounding activity centres in the activity centre hierarchy.</p>	<p>UMUZ 1 The Urban Mixed Use Zone should be applied to land within urban settlements:</p> <ul style="list-style-type: none"> <li>(a) which have an existing mix of uses, where no particular use dominates, and there is a strategic intention to maintain a mix of uses; or</li> <li>(b) where there is a strategic intention to create an area with a mix of uses where no particular use dominates.</li> </ul> <p>UMUZ 2 The Urban Mixed Use Zone may be applied to urban areas:</p> <ul style="list-style-type: none"> <li>(a) along high frequency public transport corridors or key transport hubs such as bus interchanges; or</li> <li>(b) areas intended for commercial, retail and residential activity with good access to high frequency public transport services.</li> </ul> <p>UMUZ 3 The Urban Mixed Use Zone should not be applied to:</p> <ul style="list-style-type: none"> <li>(a) commercial strips where commercial and retail activity is intended as the dominant activity (see business zones);</li> <li>(b) residential areas where residential use is intended as the dominant use (see residential zones); or</li> <li>(c) smaller rural settlements (see Village Zone).</li> </ul>


Zone	Zone Purpose	Zone Application Guidelines
<b>14.0</b> <b>Local Business Zone</b>  Red 143, Green 188, Blue 255	<p>The purpose of the Local Business Zone is:</p> <p>14.1.1 To provide for business, retail, administrative, professional, community and entertainment functions which meet the needs of a local area.</p> <p>14.1.2 To ensure that the type and scale of use and development does not compromise or distort the activity centre hierarchy.</p> <p>14.1.3 To encourage activity at pedestrian levels with active frontages and shop windows offering interest and engagement to shoppers.</p> <p>14.1.4 To encourage Residential and Visitor Accommodation use if it supports the viability of the activity centre and an active street frontage is maintained.</p>	<p>LBZ 1 The Local Business Zone should be applied to land within urban settlements which provides, or is intended to provide, for the business, commercial and community functions within:</p> <ul style="list-style-type: none"> <li>(a) local shopping strips; or</li> <li>(b) town centres for some smaller settlements.</li> </ul> <p>LBZ 2 The Local Business Zone may be applied to:</p> <ul style="list-style-type: none"> <li>(a) Local Centres and the lower order Minor or Neighbourhood Centres in the Activity Centre Network under the Southern Tasmania Regional Land Use Strategy;</li> <li>(b) Local or Minor Centres and the Neighbourhood or Rural Town Centres in the Regional Activity Centre Hierarchy under the Regional Land Use Strategy of Northern Tasmania; and</li> <li>(c) the main retail and business areas of Local Service Centres and Localities in the activity centres description in the Cradle Coast Regional Land Use Strategy.</li> </ul> <p>LBZ 3 The Local Business Zone may be used for groups of local shops and businesses in existing residential areas where there is a strategic intention to maintain such uses, and the provisions of the surrounding residential zone are not appropriate.</p> <p>LBZ 4 The Local Business Zone should not be used for individual, isolated local shops or businesses within residential areas, unless:</p> <ul style="list-style-type: none"> <li>(a) they are a use, or are of a scale, that is more appropriate for the Local Business Zone and there is an intention to maintain the use; or</li> <li>(b) there is a strategic intention to expand the existing retail or business area in this locality consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.</li> </ul>


Zone	Zone Purpose	Zone Application Guidelines
<p><b>15.0</b></p> <p><b>General Business Zone</b></p>  <p>Red 9, Green 109, Blue 255</p>	<p>The purpose of the General Business Zone is:</p> <p>15.1.1 To provide for business, retail, administrative, professional, community, and entertainment functions within Tasmania's main suburban and rural centres.</p> <p>15.1.2 To ensure that the type and scale of use and development does not compromise or distort the activity centre hierarchy.</p> <p>15.1.3 To encourage activity at pedestrian levels with active frontages and shop windows offering interest and engagement to shoppers.</p> <p>15.1.4 To encourage Residential and Visitor Accommodation use if it supports the viability of the activity centre and an active street frontage is maintained.</p>	<p>GBZ 1 The General Business Zone should be applied to land within urban settlements that provides, or is intended to provide, for the business, commercial and community functions within Tasmania's main suburban and rural town centres.</p> <p>GBZ 2 The General Business Zone may be applied to:</p> <ul style="list-style-type: none"> <li>(a) Major Activity Centres, Rural Service Centres and the higher order Minor or Neighbourhood Centres in the Activity Centre Network under the Southern Tasmania Regional Land Use Strategy;</li> <li>(b) Suburban Activity Centres and District Service Centres in the Regional Activity Centre Hierarchy under the Regional Land Use Strategy of Northern Tasmania; and</li> <li>(c) the main retail and business areas of District Activity Centres in the activity centres description in the Cradle Coast Regional Land Use Strategy.</li> </ul>

Zone	Zone Purpose	Zone Application Guidelines
<p><b>16.0</b></p> <p><b>Central Business Zone</b></p>  <p>Red 4, Green 50, Blue 154</p>	<p>The purpose of the Central Business Zone is:</p> <p>16.1.1 To provide for the concentration of the higher order business, retail, administrative, professional, community, and entertainment functions within Tasmania's primary centres.</p> <p>16.1.2 To provide for a type and scale of use and development supports and does not compromise or distort the activity centre hierarchy.</p> <p>16.1.3 To encourage activity at pedestrian levels with active frontages and shop windows offering interest and engagement to shoppers.</p> <p>16.1.4 To encourage Residential and Visitor Accommodation use above ground floor level if it supports the viability of the activity centre and an active street frontage is maintained.</p>	<p>CBZ 1 The Central Business Zone should be applied to land within urban settlements that provides, or is intended to provide, for the key concentration of the higher-order business, retail, administrative, professional, community, and entertainment functions, within Tasmania's primary activity centres that service the entire State, region or sub-region.</p> <p>CBZ 2 The Central Business Zone may be applied to:</p> <ul style="list-style-type: none"> <li>(a) the Primary Activity Centre and the Principal Activity Centres in the Activity Centre Network under the Southern Tasmania Regional Land Use Strategy;</li> <li>(b) the Principal Activity Centre in the Regional Activity Centre Hierarchy under the Regional Land Use Strategy of Northern Tasmania; and</li> <li>(c) the main retail and business areas of Regional Activity Centres in the activity centres description in the Cradle Coast Regional Land Use Strategy.</li> </ul> <p><i>Note: The unique characteristics of the CBDs of Hobart or Launceston may warrant consideration of a Specific Area Plan subject to the requirements of section 32(4) of the Act.</i></p>


Zone	Zone Purpose	Zone Application Guidelines
<b>17.0</b> <b>Commercial Zone</b>  Red 181, Green 145, Blue 197	<p>The purpose of the Commercial Zone is:</p> <p>17.1.1 To provide for retailing, service industries, storage and warehousing that require:</p> <ul style="list-style-type: none"> <li>(a) large floor or outdoor areas for the sale of goods or operational requirements; and</li> <li>(b) high levels of vehicle access and parking for customers.</li> </ul> <p>17.1.2 To provide for a mix of use development that supports and does not compromise or distort the role of other activity centres in the activity centre hierarchy.</p>	<p>CZ 1 The Commercial Zone should be applied to land within urban settlements that provides, or is intended to provide, for large floor area retailing (such as Bulky Goods Sales and Equipment and Machinery Sales and Service), service industry, low impact storage and warehousing, or other commercial use needs of the community that demand:</p> <ul style="list-style-type: none"> <li>(a) large floor or outdoor areas; and</li> <li>(b) high levels of vehicle access and car parking for customers.</li> </ul> <p>CZ 2 The spatial application of the Commercial Zone must ensure that it does not compromise the viability of the other retail and business centres located within the three business zones.</p> <p>CZ 3 The Commercial Zone should not be applied to land:</p> <ul style="list-style-type: none"> <li>(a) where the primary purpose is to provide for industrial purposes (see industrial zones); or</li> <li>(b) where the primary purpose is to provide for General Retail and Hire uses such as supermarkets, department stores or other variety stores (see business zones).</li> </ul>
<b>18.0</b> <b>Light Industrial Zone</b>  Red 176, Green 0, Blue 176	<p>The purpose of the Light Industrial Zone is:</p> <p>18.1.1 To provide for manufacturing, processing, repair, storage and distribution of goods and materials where off-site impacts are minimal or can be managed to minimise conflict with, or unreasonable loss of amenity to, any other uses.</p>	<p>LIZ 1 The Light Industrial Zone should be applied to land where there are likely to be minimal off site impacts.</p> <p>LIZ 2 The Light Industrial Zone should not be applied to individual, isolated industrial uses, unless:</p> <ul style="list-style-type: none"> <li>(a) they are a use, or are of a scale, that is more appropriate for the Light Industrial Zone and there is a strategic intention to maintain the use; or</li> <li>(b) there is a strategic intention to expand the existing industrial area in this locality consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.</li> </ul>



Zone	Zone Purpose	Zone Application Guidelines
	<p>18.1.2 To provide for use or development that supports and does not adversely impact on industrial activity.</p>	<p>LIZ 3 The Light Industrial Zone should not be applied to areas that primarily accommodate, or are strategically intended to accommodate, large-scale, medium or high impact manufacturing, processing, storage, or transport activities (see General Industrial Zone).</p> <p>LIZ 4 The Light Industrial Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, light industrial activities.</p>
<p><b>19.0</b></p> <p><b>General Industrial Zone</b></p>  <p>Red 92, Green 0, Blue 92</p>	<p>The purpose of the General Industrial Zone is:</p> <p>19.1.1 To provide for manufacturing, processing, repair, storage and distribution of goods and materials where there may be impacts on adjacent uses.</p> <p>19.1.2 To provide for use or development that supports and does not adversely impact on industrial activity.</p>	<p>GIZ 1 The General Industrial Zone should be applied to land that provides, or is intended to provide, for a range of larger-scale or medium and higher impact, manufacturing, processing, servicing, storage and transport and distribution uses. These are likely to include large industrial operations with actual or potential nearby off site impacts. These may be located in areas remote from land designated for other uses, such as residential use, in order to avoid land use conflicts.</p> <p>GIZ 2 The General Industrial Zone should not directly adjoin land zoned for residential purposes unless:</p> <ul style="list-style-type: none"> <li>(a) separated by physical buffers such as a major road; or</li> <li>(b) for existing industrial areas that provide for larger-scale or medium and higher impact, manufacturing, processing, servicing, storage and transport and distribution uses.</li> </ul> <p>GIZ 3 The General Industrial Zone should have access to freight transport routes and other utility infrastructure and services (e.g. electricity, water, sewerage) that is appropriate for the intended industrial use.</p> <p>GIZ 4 The General Industrial Zone may be applied to land without connection to a reticulated sewerage system if:</p> <ul style="list-style-type: none"> <li>(a) for existing industrial areas that provide for larger-scale or medium and higher impact, manufacturing, processing, servicing, storage and transport and distribution uses;</li> <li>(b) unnecessary for the intended industrial use; or</li> </ul>


Zone	Zone Purpose	Zone Application Guidelines
		<p>(c) the area is capable of accommodating on-site waste water treatment systems suitable for the intended industrial use.</p> <p>GIZ 5 The General Industrial Zone may be applied to port and marine facilities that are directly linked to specific higher impact manufacturing, processing, repair, servicing or storage uses.</p> <p>GIZ 6 The General Industrial Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, industrial activities.</p>
<p><b>20.0</b></p> <p><b>Rural Zone</b></p>  <p>Red 228, Green 172, Blue 144</p>	<p>The purpose of the Rural Zone is:</p> <p>20.1.1 To provide for a range of use or development in a rural location:</p> <ul style="list-style-type: none"> <li>(a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;</li> <li>(b) that requires a rural location for operational reasons;</li> <li>(c) is compatible with agricultural use if occurring on agricultural land;</li> <li>(d) minimises adverse impacts on surrounding uses.</li> </ul> <p>20.1.2 To minimise conversion of agricultural land for non-agricultural use.</p> <p>20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and</p>	<p>RZ 1 The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.</p> <p>RZ 2 The Rural Zone should only be applied after considering whether the land is suitable for the Agriculture Zone in accordance with the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST.</p> <p>RZ 3 The Rural Zone may be applied to land identified in the 'Land Potentially Suitable for Agriculture Zone' layer, if:</p> <ul style="list-style-type: none"> <li>(a) it can be demonstrated that the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;</li> <li>(b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land;</li> <li>(c) the land is identified for the protection of a strategically important naturally occurring resource which is more appropriately located in the Rural Zone and is supported by strategic analysis;</li> </ul>


Zone	Zone Purpose	Zone Application Guidelines
	does not compromise the function of surrounding settlements.	<ul style="list-style-type: none"> <li>(d) the land is identified for a strategically important use or development that is more appropriately located in the Rural Zone and is supported by strategic analysis; or</li> <li>(e) it can be demonstrated, by strategic analysis, that the Rural Zone is otherwise more appropriate for the land.</li> </ul>

Zone	Zone Purpose	Zone Application Guidelines
<p><b>21.0</b></p> <p><b>Agriculture Zone</b></p>  <p>Red 179, Green 113, Blue 59</p>	<p>The purpose of the Agriculture Zone is:</p> <p>21.1.1 To provide for the use or development of land for agricultural use.</p> <p>21.1.2 To protect land for the use or development of agricultural use by minimising:</p> <ul style="list-style-type: none"> <li>(a) conflict with or interference from non-agricultural uses;</li> <li>(b) non-agricultural use or development that precludes the return of the land to agricultural use; and</li> <li>(c) use of land for non-agricultural use in irrigation districts.</li> </ul> <p>21.1.3 To provide for use or development that supports the use of the land for agricultural use.</p>	<p>AZ 1 The spatial application of the Agriculture Zone should be based on the land identified in the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST, while also having regard to:</p> <ul style="list-style-type: none"> <li>(a) any agricultural land analysis or mapping undertaken at a local or regional level for part of the municipal area which: <ul style="list-style-type: none"> <li>(i) incorporates more recent or detailed analysis or mapping;</li> <li>(ii) better aligns with on-ground features; or</li> <li>(iii) addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer, and where appropriate, may be demonstrated in a report by a suitably qualified person, and is consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;</li> </ul> </li> <li>(b) any other relevant data sets; and</li> <li>(c) any other strategic planning undertaken at a local or regional level consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.</li> </ul> <p>AZ 2 Land within the Significant Agriculture Zone in an interim planning scheme should be included in the Agriculture Zone unless considered for an alternate zoning under AZ 6.</p> <p>AZ 3 Titles highlighted as Potentially Constrained Criteria 2A, 2B or 3 in the 'Land Potentially Suitable for Agriculture Zone' layer may require further investigation as to their suitability for inclusion within the Agriculture Zone, having regard to:</p> <ul style="list-style-type: none"> <li>(a) existing land uses on the title and surrounding land;</li> </ul>


Zone	Zone Purpose	Zone Application Guidelines
		<p>(b) whether the title is isolated from other agricultural land;</p> <p>(c) current ownership and whether the land is utilised in conjunction with other agricultural land;</p> <p>(d) the agricultural potential of the land; and</p> <p>(e) any analysis or mapping undertaken at a local or regional level consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.</p> <p>AZ 4 The 'Potential Agricultural Land Initial Analysis' layer may assist in making judgements on the spatial application of Agriculture Zone, including, but not limited to:</p> <p>(a) any titles that have or have not been included in the 'Land Potential Suitable for the Agriculture Zone' layer, including titles that are surrounded by land mapped as part of the LIST layer;</p> <p>(b) any titles highlighted as Potentially Constrained Criteria 2A, 2B or 3;</p> <p>(c) outlying titles that are either included or excluded within the 'Land Potential Suitable for the Agriculture Zone' layer; and</p> <p>(d) larger titles or those with extensive areas of native vegetation cover.</p> <p>AZ 5 Titles may be split-zoned to align with areas potentially suitable for agriculture, and areas on the same title where agriculture is constrained. This may be appropriate for some larger titles.</p> <p>AZ 6 Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if:</p> <p>(a) local or regional strategic analysis has identified or justifies the need for an alternate consistent with the relevant regional land use strategy, or supported by more detailed</p>


Zone	Zone Purpose	Zone Application Guidelines
		<p>local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;</p> <p>(b) for the identification and protection of a strategically important naturally occurring resource which requires an alternate zoning;</p> <p>(c) for the identification and protection of significant natural values, such as priority vegetation areas as defined in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone;</p> <p>(d) for the identification, provision or protection of strategically important uses that require an alternate zone; or</p> <p>(e) it can be demonstrated that:</p> <p style="padding-left: 40px;">(i) the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;</p> <p style="padding-left: 40px;">(ii) there are significant constraints to agricultural use occurring on the land; or</p> <p style="padding-left: 40px;">(iii) the Agriculture Zone is otherwise not appropriate for the land.</p> <p>AZ 7 Land not identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for inclusion within the Agriculture Zone if:</p> <p>(a) local or regional strategic analysis has identified the land as appropriate for the Agriculture Zone consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;</p> <p>(b) the land has similar characteristics to land mapped as suitable for the Agriculture Zone or forms part of a larger area of land used in conjunction with land mapped as suitable for the Agriculture Zone;</p>


Zone	Zone Purpose	Zone Application Guidelines
		<p>(c) it can be demonstrated that the Agriculture Zone is appropriate for the land based on its significance for agricultural use; or</p> <p>(d) it addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer, and</p> <p>having regard to the extent of the land identified in the 'Potential Agricultural Land Initial Analysis' layer.</p> <p><i>Note: Further details on the Agricultural Land Mapping Project can be found in the Agricultural Land Mapping Project: Background Report, April 2017, including the methodology used in generating the 'Land Potentially Suitable for Agriculture Zone' and the 'Potential Agricultural Land Initial Analysis' layers. The Background Report is available on the Department of Justice, Tasmanian planning reform website (<a href="http://www.justice.tas.gov.au/tasmanian_planning_reform">www.justice.tas.gov.au/tasmanian_planning_reform</a>).</i></p>
<p><b>22.0</b></p> <p><b>Landscape Conservation Zone</b></p>  <p>Red 150, Green 146, Blue 0</p>	<p>The purpose of the Landscape Conservation Zone is:</p> <p>22.1.1 To provide for the protection, conservation and management of landscape values.</p> <p>22.1.2 To provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values.</p>	<p>LCZ 1 The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.</p> <p>LCZ 2 The Landscape Conservation Zone may be applied to:</p> <p>(a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;</p> <p>(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or</p> <p>(c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.</p>

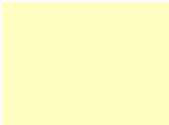

Zone	Zone Purpose	Zone Application Guidelines
		<p>LCZ 3 The Landscape Conservation Zone may be applied to a group of titles with landscape values that are less than the allowable minimum lot size for the zone.</p> <p>LCZ 4 The Landscape Conservation Zone should not be applied to:</p> <ul style="list-style-type: none"> <li>(a) land where the priority is for residential use and development (see Rural Living Zone); or</li> <li>(b) State-reserved land (see Environmental Management Zone).</li> </ul> <p><i>Note: The Landscape Conservation Zone is not a replacement zone for the Environmental Living Zone in interim planning schemes. There are key policy differences between the two zones. The Landscape Conservation Zone is not a large lot residential zone, in areas characterised by native vegetation cover and other landscape values. Instead, the Landscape Conservation Zone provides a clear priority for the protection of landscape values and for complementary use or development, with residential use largely being discretionary.</i></p> <p><i>Together the Landscape Conservation Zone and the Environmental Management Zone, provide a suite of environmental zones to manage use and development in natural areas.</i></p>
<p><b>23.0</b></p> <p><b>Environmental Management Zone</b></p>  <p>Red 90, Green 89, Blue 45</p>	<p>The purpose of the Environmental Management Zone is:</p> <p>23.1.1 To provide for the protection, conservation and management of land with significant ecological, scientific, cultural or scenic value.</p> <p>23.1.2 To allow for compatible use or development where it is consistent with:</p>	<p>EMZ 1 The Environmental Management Zone should be applied to land with significant ecological, scientific, cultural or scenic values, such as:</p> <ul style="list-style-type: none"> <li>(a) land reserved under the <i>Nature Conservation Act 2002</i>;</li> <li>(b) land within the Tasmanian Wilderness World Heritage Area;</li> <li>(c) riparian, littoral or coastal reserves;</li> <li>(d) Ramsar sites;</li> <li>(e) any other public land where the primary purpose is for the protection and conservation of such values; or</li> </ul>






Zone	Zone Purpose	Zone Application Guidelines
	<p>(a) the protection, conservation and management of the values of the land; and</p> <p>(b) applicable reserved land management objectives and objectives of reserve management plans.</p>	<p>(f) any private land containing significant values identified for protection or conservation and where the intention is to limit use and development.</p> <p>EMZ 2 The Environmental Management Zone should be applied to land seaward of the high water mark unless contrary intention applies, such as land with existing, or intended for:</p> <p>(a) passive recreation opportunities (see Open Space Zone);</p> <p>(b) recreational facilities (see Recreation Zone);</p> <p>(c) large scale port and marine activities or facilities (see Port and Marine Zone);</p> <p>(d) industrial activities or facilities (see industrial zones); or</p> <p>(e) major utilities infrastructure (see Utilities Zone).</p> <p>EMZ 3 The Environmental Management Zone may be applied to land for water storage facilities directly associated with major utilities infrastructure, such as dams.</p> <p><i>Note: If the land seaward of the high water mark that is outside the municipal area is unzoned, the General Provision at clause 7.11 of the State Planning Provisions will be applicable for any use subject to section 7 of the Act. Clause 7.11 requires the consideration of the provisions of the zone that is closest to the site, or the provision of the zone from which the use or development extends.</i></p>
<p><b>24.0</b></p> <p><b>Major Tourism Zone</b></p>  <p>Red 129, Green 134, Blue 143</p>	<p>The purpose of the Major Tourism Zone is:</p> <p>24.1.1 To provide for large scale tourist facilities which include a range of use and development.</p> <p>24.1.2 To provide for compatible use and development that complements or</p>	<p>MTZ 1 The Major Tourism Zone should be applied to land that is, or intended, for major tourism developments with a range of facilities which, due to their scale and complexity, are best managed through a specific tourism zoning.</p> <p>MTZ 2 The Major Tourism Zone should only be applied to land if:</p> <p>(a) it is within the Major Tourism Zone in an interim planning scheme and the strategic intention for the site is consistent with the zone purpose; or</p>

Zone	Zone Purpose	Zone Application Guidelines
	<p>enhances the tourist facilities on the site.</p> <p>24.1.3 To provide for development that does not unreasonably impact on surrounding areas.</p> <p>24.1.4 To ensure that any commercial uses support the tourist purpose of the site and do not compromise or distort the role of existing activity centres.</p>	<p>(b) justification has been provided for the zone consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.</p> <p>MTZ 3 The Major Tourism Zone should not be applied to land that is:</p> <p>(a) only intended for a single use (e.g. Visitor Accommodation); or</p> <p>(b) only intended as small-scale sites that can be more appropriately managed through an alternate zoning.</p> <p><i>Note: Major tourism developments with unique characteristics that differ significantly to the Major Tourism Zone purpose may be more appropriately located within a Particular Purpose Zone.</i></p>
<p><b>25.0</b></p> <p><b>Port and Marine Zone</b></p>  <p>Red 0, Green 244, Blue 238</p>	<p>The purpose of the Port and Marine Zone is:</p> <p>25.1.1 To provide for major port and marine activity related to shipping and other associated transport facilities and supply and storage.</p> <p>25.1.2 To provide for use or development that supports and does not adversely impact on port and marine activities.</p>	<p>PMZ 1 The Port and Marine Zone should be applied to land that is used for large scale port and marine activity, including proclaimed wharf areas as described under section 11(7) of the <i>Land Use Planning and Approvals Act 1993</i>.</p> <p>PMZ 2 The Port and Marine Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, large scale port and marine activities or facilities.</p> <p>PMZ 3 The Port and Marine Zone should not be applied to land only intended for small scale or minor port and marine facilities, such as boat ramps, or small scale marinas or jetties.</p>


Zone	Zone Purpose	Zone Application Guidelines
<b>26.0</b> <b>Utilities Zone</b>  Red 255, Green 255, Blue 0	<p>The purpose of the Utilities Zone to:</p> <p>26.1.1 To provide land for major utilities installations and corridors.</p> <p>26.1.2 To provide for other compatible uses where they do not adversely impact on the utility.</p>	<p>UZ 1 The Utilities Zone should be applied to land that is used, or intended to be used, for major utilities infrastructure, including:</p> <ul style="list-style-type: none"> <li>(a) category 1, 2, 3, 4 and 5 roads as defined in the <i>Tasmanian State Road Hierarchy</i> published by the Tasmanian Department of State Growth;</li> <li>(b) any listed major local roads;</li> <li>(c) future road corridors for major local and all State roads;</li> <li>(d) energy production facilities, such as power stations, and major electricity substation facilities;</li> <li>(e) waste water treatment plants; or</li> <li>(f) rail corridors.</li> </ul> <p>UZ 2 The application of the Utilities Zone to category 1, 2, 3, 4 or 5 roads as defined in the <i>Tasmanian State Road Hierarchy</i> should be based on the 'State Road Casement' layer published on the LIST.</p> <p>UZ 3 The Utilities Zone may be applied to land that provides, or is intended to provide, for major waste transfer stations, recycling depots or refuse disposal sites.</p> <p>UZ 4 The Utilities Zone may be applied to land for water storage facilities for the purposes of water supply directly associated with major utilities infrastructure, such as dams or reservoirs.</p> <p>UZ 5 The Utilities Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, port and marine activities or facilities.</p> <p>UZ 6 The Utilities Zone should not be used for minor utilities or underground utilities as these are more appropriately contained with the surrounding zone to which it is located.</p> <p><i>Note: Major airport facilities may be more appropriately located within a Particular Purpose Zone</i></p>


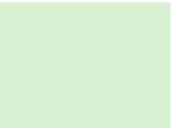
Zone	Zone Purpose	Zone Application Guidelines
<b>27.0</b> <b>Community Purpose Zone</b>  Red 255, Green 255, Blue 192	The purpose of the Community Purposes Zone is:  27.1.1 To provide for key community facilities and services including health, educational, government, cultural and social facilities.  27.1.2 To encourage multi-purpose, flexible and adaptable social infrastructure.	<p>CPZ 1 The Community Purpose Zone should be applied to land that provides, or is intended to provide, for key community facilities and services, including:</p> <ul style="list-style-type: none"> <li>(a) schools, tertiary institutions or other education facilities;</li> <li>(b) medical centres, hospital services or other care-based facilities;</li> <li>(c) emergency services facilities; or</li> <li>(d) large community halls, places of worship or other key community or cultural facilities.</li> </ul> <p>CPZ 2 Some community facilities and services may be zoned the same as the surrounding zone, such as a residential or business zone, if the zone is appropriate for the nature or scale of the intended use, such as a small scale place of worship, public hall, community centre or neighbourhood centre.</p> <p><i>Note: Major community facilities and services, such as tertiary educational facilities and hospital services, with unique characteristics may be more appropriately located within a Particular Purpose Zone.</i></p>
<b>28.0</b> <b>Recreation Zone</b>  Red 50, Green 226, Blue 27	The purpose of the Recreation Zone is:  28.1.1 To provide for active and organised recreational use and development ranging from small community facilities to major sporting facilities.  28.1.2 To provide for complementary uses that do not impact adversely on the recreational use of the land.	<p>RecZ 1 The Recreation Zone should be applied to land that is, or is intended to be, used for active or organised recreational purposes, including:</p> <ul style="list-style-type: none"> <li>(a) sporting grounds and facilities;</li> <li>(b) golf courses;</li> <li>(c) racecourses; and</li> <li>(d) major sporting facilities.</li> </ul> <p>RecZ 2 The Recreation Zone may be applied to either public or privately owned land.</p> <p>RecZ 3 The Recreation Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, recreational facilities.</p>

Zone	Zone Purpose	Zone Application Guidelines
	28.1.3 To ensure that new major sporting facilities do not cause unreasonable impacts on adjacent sensitive uses.	RecZ 4 The Recreation Zone should not be used for open space areas or land predominantly intended for passive recreation (see Open Space Zone).
<b>29.0</b> <b>Open Space Zone</b>  Red 51, Green 153, Blue 102	The purpose of the Open Space Zone is:  29.1.1 To provide land for open space purposes including for passive recreation and natural or landscape amenity.  29.1.2 To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.	OSZ 1 The Open Space Zone should be applied to land that provides, or is intended to provide, for the open space needs of the community, including land identified for: (a) passive recreational opportunities; or (b) natural or landscape amenity within an urban setting.  OSZ 2 The Open Space Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, passive recreation opportunities.  OSZ 3 The Open Space Zone should generally only be applied to public land, but may be applied to privately owned land if it has been strategically identified for open space purposes.  OSZ 4 The Open Space Zone should not be applied to land: (a) with significant natural values (see Environmental Management Zone); or (b) with, or intended for, formal recreational facilities, such as sporting grounds, golf courses, racecourses or major sporting facilities (see Recreation Zone).
<b>30.0</b> <b>Future Urban Zone</b>  Red 255, Green 135, Blue 75	The purpose of the Future Urban Zone is:  30.1.1 To identify land intended for future urban use and development.  30.1.2 To ensure that development does not compromise the potential for future urban use and development of the land.	FUZ 1 The Future Urban Zone should be applied to land identified for future urban development to protect the land from use or development that may compromise its future development, consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.  FUZ 2 The Future Urban Zone should be applied to land within an interim planning scheme Particular Purpose Zone which provides for the identification of future urban land.



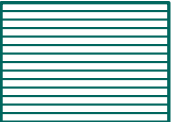
Zone	Zone Purpose	Zone Application Guidelines
	30.1.3 To support the planned rezoning of land for urban use and development in sequence with the planned expansion of infrastructure.	<p>FUZ 3 The Future Urban Zone may be applied to land identified in an interim planning scheme code or specific area plan overlay which provides for future urban land.</p> <p>FUZ 4 The Future Urban Zone may be applied to sites or areas that require further structure or master planning before its release for urban development.</p>
<b>PX.0</b> <b>Particular Purpose Zone</b>  Red 255, Green 33, Blue 118		<p>PPZ 1 A Particular Purpose Zone (PPZ) may be applied to a particular area of land where the intended planning outcomes cannot be achieved through the application of one or more State Planning Provision zones. It may be applied to land that provides major facilities or sites which require a unique or tailored approach to both use and development standards, such as a university campus, or major hospital site.</p> <p><i>Note: A new PPZ must meet a requirement of section 32(4) of the Act.</i></p>

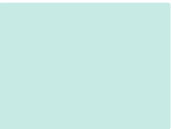


## 6.0 Code Application


Code	Code Purpose	Code Application Guidelines
<b>C1.0</b> <b>Signs Code</b>	<p>The purpose of the Signs Code is:</p> <p>C1.1.1 To provide for appropriate advertising and display of information for business and community activity.</p> <p>C1.1.2 To provide for well-designed signs that are compatible with the visual amenity of the surrounding area.</p> <p>C1.1.3 To ensure that signage does not disrupt or compromise safety and efficiency of vehicular or pedestrian movement.</p>	<p>There are no overlays applicable to operation of the Signs Code however, the allowable sign types and development standards relate to the zones in which they occur.</p>
<b>C2.0</b> <b>Parking and Sustainable Transport Code</b> Parking precinct plan  Red 194, Green 165, Blue 207	<p>The purpose of the Parking and Sustainable Transport Code is:</p> <p>C2.1.1 To ensure that an appropriate level of parking facilities is provided to service use and development.</p> <p>C2.1.2 To ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas.</p>	<p><b>Overview</b></p> <p>The Parking and Sustainable Transport Code enables the identification of two overlays for:</p> <ul style="list-style-type: none"> <li>• a parking precinct plan; and</li> <li>• pedestrian priority streets.</li> </ul> <p><b>Guidelines for applying the Parking and Sustainable Transport Code overlays</b></p> <p>PSTC 1 A parking precinct plan overlay may be applied to an area where the intention is to reduce the amount of on-site car parking. This may apply to a specific area such as a main activity centre (e.g. parts of a CBD) or to key development sites (e.g. hospitals).</p> <p>PSTC 2 A pedestrian priority street overlay may be applied to a road where pedestrian movement and activity are to take priority over siting of vehicle parking and access to facilitate active</p>




Code	Code Purpose	Code Application Guidelines
<p>Pedestrian priority street</p>  <p>Red 123, Green 50, Blue 148</p>	<p>C2.1.3 To ensure that access for pedestrians, vehicles and cyclists is safe and adequate.</p> <p>C2.1.4 To ensure that parking does not cause an unreasonable loss of amenity to the surrounding area.</p> <p>C2.1.5 To ensure that parking spaces and accesses meet appropriate standards.</p> <p>C2.1.6 To provide for parking precincts and pedestrian priority streets.</p>	<p>street frontages. These may apply to a specific area such as key streets within the main business or retail areas.</p>
<p><b>C3.0</b></p> <p><b>Road and Railway Assets Code</b></p> <p>Road or railway attenuation area</p>  <p>Red 217, Green 240, Blue 211</p> <p>Future major road</p>	<p>The purpose of the Road and Railway Assets Code is:</p> <p>C3.1.1 To protect the safety and efficiency of the road and railway networks; and</p> <p>C3.1.2 To reduce conflicts between sensitive uses and major roads and the rail network.</p>	<p><b>Overview</b></p> <p>The Road and Railway Asset Codes enables the identification of three overlays for:</p> <ul style="list-style-type: none"> <li>• a road or railway attenuation area;</li> <li>• future major road; and</li> <li>• future railway.</li> </ul> <p>A road or railway attenuation area applies to land within a relevant overlay, or, in the absence of an overlay, to land within 50m of the boundary of:</p> <ul style="list-style-type: none"> <li>• a major road with a speed limit above 60km/h;</li> <li>• the rail network;</li> <li>• a future major road; or</li> <li>• a future railway.</li> </ul>








Code	Code Purpose	Code Application Guidelines
 Red 127, Green 191, Blue 123  Future major railway  Red 27, Green 120, Blue 55		<p>The code also provides for future major roads and future railways to be shown as an overlay to assist with application of the provisions.</p> <p><b>Guidelines for applying the Road and Railway Assets Code overlays</b></p> <p>RRAC 1 A road or railway attenuation area overlay may be applied to provide appropriate buffers around existing major roads or railways or future major roads or railways as an alternative to the 50m attenuation area specified in the definition to take account of local circumstances, such as:</p> <ul style="list-style-type: none"> <li>(a) the characteristics of the road or railway;</li> <li>(b) the topography of the surrounding area;</li> <li>(c) the surrounding use or development; or</li> <li>(d) any existing attenuation measures or buffers.</li> </ul> <p>RRAC2 A future major road overlay or a future railway overlay must be applied to land intended for such purposes.</p>
<b>C4.0</b> <b>Electricity Transmission Infrastructure Protection Code</b> Communications station buffer area  Red 1, Green 102,	<p>The purpose of the Electricity Transmission Infrastructure Protection Code is:</p> <p>C4.1.1 To protect use and development against hazards associated with proximity to electricity transmission infrastructure.</p> <p>C4.1.2 To ensure that use and development near existing and future electricity transmission infrastructure does not</p>	<p><b>Overview</b></p> <p>The Electricity Transmission Infrastructure Protection Code applies to land within the following overlays:</p> <ul style="list-style-type: none"> <li>• electricity transmission corridor overlay;</li> <li>• communications station buffer area overlay; or</li> <li>• substation facility buffer area overlay.</li> </ul> <p>The electricity transmission corridor overlay covers land within:</p> <ul style="list-style-type: none"> <li>• a specified distance either side of existing overhead transmission lines;</li> </ul>

Code	Code Purpose	Code Application Guidelines
<p>Blue 94</p> <p>Electricity transmission corridor</p>  <p>Red 199, Green 234, Blue 229</p> <p>Inner protection area</p>  <p>Red 90, Green 180, Blue 172</p> <p>Substation facility</p>  <p>Red 216, Green 179, Blue 101</p> <p>Substation facility buffer area</p>	<p>adversely affect the safe and reliable operation of that infrastructure.</p> <p>C4.1.3 To maintain future opportunities for electricity transmission infrastructure.</p>	<ul style="list-style-type: none"> <li>a specified distance either side of existing underground cabling for electricity transmission; or</li> <li>a specified distance from the edge of an easement established by unregistered wayleave agreement under the <i>Electricity Wayleaves and Easements Act 2000</i> and regardless of whether containing existing infrastructure or not, whichever is the greater.</li> </ul> <p>The substation facility buffer area overlay extends 65m from the title, lease or licence boundary of all 110kV and 220kV substations. The communications station buffer area overlay extends 55m from the centre of the tower of TasNetworks communications stations.</p> <p>The code also includes two further overlays that assist with the interpretation of the exemptions and development standards. These include the:</p> <ul style="list-style-type: none"> <li>inner protection area overlay, which is contained within the electricity transmission corridor overlay; and</li> <li>substation facility overlay, which identifies the location of substation facilities that are subject to the substation facility buffer area overlay.</li> </ul> <p>The overlays for the code have been prepared by TasNetworks and are published on the LIST.</p> <p><b><i>Guidelines for applying the Electricity Transmission Infrastructure Protection Code overlays</i></b></p> <p>ETIPC 1 The following overlays must be included for the application of the Electricity Transmission Infrastructure Protection Code in accordance with the overlay maps produced by TasNetworks:</p> <ol style="list-style-type: none"> <li>communications station buffer area overlay;</li> <li>electricity transmission corridor overlay;</li> </ol>

Code	Code Purpose	Code Application Guidelines
 <p>Red 140, Green 81, Blue 10</p>		<p>(c) inner protection area overlay;</p> <p>(d) substation facility overlay; and</p> <p>(e) substation facility buffer area overlay,</p> <p>unless modified to address any anomalies or inaccuracies.</p>
<p><b>C5.0</b></p> <p><b>Telecommunications Code</b></p>	<p>The purpose of the Telecommunications Code is:</p> <p>C5.1.1 To provide for telecommunication networks as a service for the community.</p> <p>C5.1.2 To ensure that facilities are co-located where practicable.</p> <p>C5.1.3 To ensure that facilities use mitigation measures to avoid an unreasonable loss of visual amenity.</p>	<p>There are no overlays applicable to operation of the Telecommunications Code.</p>

Code	Code Purpose	Code Application Guidelines
<b>C6.0</b> <b>Local Historic Heritage Code</b> Local heritage place  Red 230, Green 245, Blue 208  Local heritage precinct  Red 161, Green 215, Blue 106  Local historic landscape precinct  Red 197, Green 27, Blue 125	<p>The purpose of the Local Historic Heritage Code is:</p> <p>C6.1.1 To recognise and protect the local historic heritage significance of local places, precincts, landscapes and areas of archaeological potential and significant trees by regulating development that may impact on their values, features and characteristics.</p>	<p><b>Overview</b></p> <p>The Local Historic Heritage Code aims to recognise and protect the local historic heritage significance of local heritage places, heritage precincts, historic landscape precincts and places or precincts of archaeological potential, as well as significant trees, by regulating development that may impact on their values, features and characteristics.</p> <p>The Local Historic Heritage Code applies to development only, not use. Internal buildings and works are exempt from requiring a planning permit under clause 4.3.2 of the SPPs.</p> <p>The Local Historic Heritage Code does not apply to a registered place entered on the Tasmanian Heritage Register (THR). Some sites may have dual listings for mutually exclusive parts of the same lot or lots, therefore, the code does not apply to that part of the site listed on the THR, unless for the lopping, pruning, removal or destruction of a significant tree as defined in the code.</p> <p><b>Guidelines for applying the Local Historic Heritage Code</b></p> <p>LHHC 1 THR places may be listed as local heritage places in the Code list (Table C6.1).</p> <p><i>Note: Inclusion of THR places in the LPS local heritage places list provides for the automatic application of the Local Historic Heritage Code to such places if they are de-listed from the THR in the future. The Local Historic Heritage Code will not apply to any THR places if they are included on the LPS code list while they remain listed on the THR, unless for the lopping, pruning, removal or destruction of a significant tree as defined in the code.</i></p> <p>LHHC 2 If the planning authority has local historic landscape precincts, local heritage precincts, or places or precincts of archaeological potential, within its municipal area, the LPS must include an overlay map showing these places or precincts for the application of the code.</p>

Code	Code Purpose	Code Application Guidelines
<p>Place or precinct or archaeological potential</p>  <p>Red 233, Green 163, Blue 201</p> <p>Significant trees</p>  <p>Red 77, Green 146, Blue 33</p>		<p>LHHC 3 Each LPS may contain an overlay map showing local heritage places for the application of the Local Historic Heritage Code.</p> <p>LHHC 4 Each LPS may contain an overlay map showing significant trees, for the application of the Local Historic Heritage Code.</p> <p>LHHC 5 If including a statement of significance in Table C6.1, C6.2 or C6.3 the information included in the right hand column (titled 'Description, Specific Extent, Statement of Local Historic Heritage Significance and Historic Heritage Values') must address the significance of each place and its historic heritage values, as set out in the definition for local historic heritage significance in the code.</p> <p>The statement of local historic heritage significance must incorporate the historic heritage values of the place.</p> <p>The information may be set out in the table or appear in a separate datasheet. All external documents must be listed in the LPS's Applied, Adopted or Incorporated Documents table.</p> <p><i>Note: Transitioning of existing heritage lists is addressed in Minister's Advisory Statement - Transitional Arrangements for Existing Provisions, 23 June 2017 and is subject to the transitional provisions under Clause 8D, Schedule 6 of the Act.</i></p>
<p><b>C7.0</b></p> <p><b>Natural Assets Code</b></p> <p>Waterway and coastal protection area</p>	<p>The purpose of the Natural Assets Code is:</p> <p>C7.1.1 To minimise impacts on water quality, natural assets including native riparian vegetation, river condition and the natural ecological</p>	<p><b>Overview</b></p> <p>The Natural Assets Code applies to land within the following overlays:</p> <ul style="list-style-type: none"> <li>• waterway and coastal protection area;</li> <li>• future coastal refugia area; and</li> </ul>

Code	Code Purpose	Code Application Guidelines
 Red 141, Green 160, Blue 203 Future coastal refugia area	<p>function of watercourses, wetlands and lakes.</p> <p>C7.1.2 To minimise impacts on coastal and foreshore assets, native littoral vegetation, natural coastal processes and the natural ecological function of the coast.</p>	<ul style="list-style-type: none"> <li>• priority vegetation area.</li> </ul> <p>The waterway and coastal protection area overlay includes land within a specified buffer distance from Class 1 to 4 watercourses and wetlands, including Ramsar wetlands. Class 1 watercourses include lakes and tidal waters.</p> <p>The future coastal refugia area overlay is applied to land identified for the protection of land for the landward retreat of coastal habitats, such as saltmarshes and tidal wetlands, which have been identified as at risk from predicted sea level rise.</p>
 Red 252, Green 141, Blue 98 Priority vegetation area	<p>C7.1.3 To protect vulnerable coastal areas to enable natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise.</p>	<p>The priority vegetation area overlay is intended for native vegetation that:</p> <ul style="list-style-type: none"> <li>• forms an integral part of a threatened native vegetation community as prescribed under Schedule 3A of the <i>Nature Conservation Act 2002</i>;</li> <li>• is a threatened flora species;</li> <li>• forms a significant habitat for a threatened fauna species; or</li> <li>• has been identified as native vegetation of local importance.</li> </ul>
 Red 102, Green 194, Blue 165	<p>C7.1.4 To minimise impacts on identified priority vegetation.</p> <p>C7.1.5 To manage impacts on threatened fauna species by minimising clearance of significant habitat.</p>	<p><b>Guidelines for applying the Natural Assets Code overlays</b></p> <p><i>Waterway and Coastal Protection Area Overlay</i></p> <p>A 'Waterway and Coastal Protection Area Guidance Map' (guidance map) has been prepared and published on the LIST to provide guidance for preparing the waterway and coastal protection area overlay. The guidance map identifies the relevant buffer distances for the overlay based on the class of watercourse and the type of wetland.</p>

Code	Code Purpose	Code Application Guidelines
		<p>NAC 1 The waterway and coastal protection area overlay should be derived from the guidance map.</p> <p>NAC 2 To assist with the interpretation of the Natural Assets Code, the waterway and coastal protection area overlay metadata may indicate whether it relates to a watercourse, along with the class of watercourse, or a wetland, along with the type of wetland, as per the definition of 'waterway and coastal protection area' in the code. This can be derived from the guidance map by measurement of the buffers applied in the guidance map and cross-referencing with the distances specified in Table 1 in the definition of 'waterway and coastal protection area' in the Natural Assets Code for the relevant watercourse or wetland.</p> <p><i>Note: The watercourses in the guidance map have either been mapped as lines or polygons, and the buffer distance measured from these. For those watercourses mapped as lines, the buffer distances need to be measured from the centre line of the watercourse in determining the class of the watercourse.</i></p> <p>NAC 3 The waterway and coastal protection area overlay may include modifications to the areas depicted on the guidance map to:</p> <ul style="list-style-type: none"> <li>(a) address any anomalies or inaccuracies in the guidance map;</li> <li>(b) identify a larger area if demonstrated as necessary to protect identified natural assets associated with the waterway and coastal protection area;</li> <li>(c) make any adjustments to align with the definition of 'waterway and coastal protection area' in the Natural Assets Code, such as removing piped watercourses or piped drainage lines;</li> <li>(d) remove areas of existing development, particularly within urban areas; or</li> <li>(e) to include Ramsar wetlands within the overlay area.</li> </ul> <p><i>Future Coastal Refugia Area Overlay</i></p>

Code	Code Purpose	Code Application Guidelines												
		<p>A 'Future Coastal Refugia Area Guidance Map' (guidance map) has been prepared and published on the LIST to provide guidance for preparing the future coastal refugia area overlay.</p> <p>The guidance map provides guidance for mapping the future coastal refugia area overlay by identifying potential future coastal saltmarsh and tidal wetland areas based on the Department of Premier and Cabinet (DPAC) predicted sea level rise and 1% AEP storm surge height mapping for 2100, including areas with and without LiDAR coverage.</p> <p>The guidance map categorises the land in accordance with the current interim planning schemes (IPS) and <i>Flinders Planning Scheme 2000</i> (FPS 2000) zones (see Table NAC 1) for the purposes of mapping the future coastal refugia area overlay.</p> <p>Table NAC 1: Future Coastal Refugia Area Guidance Map IPS and FPS 2000 zone categories</p> <table> <tr> <th>Zone Category</th><th>Interim Planning Scheme</th><th>Flinders Planning Scheme 2000</th></tr> <tr> <td><b>Compatible Zone</b></td><td>Rural Resource Zone Significant Agriculture Zone Open Space Zone Environmental Management Zone</td><td>Rural Zone Environmental Management and Recreation Zone</td></tr> <tr> <td><b>Special Consideration Zone</b></td><td>Rural Living Zone Environmental Living Zone</td><td>Rural Residential Zone</td></tr> <tr> <td><b>Case by Case Consideration Zone</b></td><td>Utilities Zone Major Tourism Zone Community Purpose Zone Recreation Zone</td><td>Public Purpose Zone</td></tr> </table>	Zone Category	Interim Planning Scheme	Flinders Planning Scheme 2000	<b>Compatible Zone</b>	Rural Resource Zone Significant Agriculture Zone Open Space Zone Environmental Management Zone	Rural Zone Environmental Management and Recreation Zone	<b>Special Consideration Zone</b>	Rural Living Zone Environmental Living Zone	Rural Residential Zone	<b>Case by Case Consideration Zone</b>	Utilities Zone Major Tourism Zone Community Purpose Zone Recreation Zone	Public Purpose Zone
Zone Category	Interim Planning Scheme	Flinders Planning Scheme 2000												
<b>Compatible Zone</b>	Rural Resource Zone Significant Agriculture Zone Open Space Zone Environmental Management Zone	Rural Zone Environmental Management and Recreation Zone												
<b>Special Consideration Zone</b>	Rural Living Zone Environmental Living Zone	Rural Residential Zone												
<b>Case by Case Consideration Zone</b>	Utilities Zone Major Tourism Zone Community Purpose Zone Recreation Zone	Public Purpose Zone												





Code	Code Purpose	Code Application Guidelines		
			Particular Purpose Zone	
		Incompatible Zone	General Residential Zone	Residential Zone
			Inner Residential Zone	Low Density Residential Zone
			Low Density Residential Zone	Commercial Zone
			Village Zone	Village Zone
			Urban Mixed Use Zone	Port Zone
			Local Business Zone	
			General Business Zone	
			Central Business Zone	
			Commercial Zone	
			Light Industrial Zone	
			General Industrial Zone	
			Port and Marine Zone	
NAC 4    The future coastal refugia area overlay may include modifications to the areas depicted in the guidance map to:				
(a)    address any anomalies or inaccuracies in the guidance map, particularly areas that are located within an area with no LiDAR coverage;				
(b)    identify a larger area if demonstrated as necessary to protect identified future coastal refugia areas, such as mobile and other sensitive coastal habitats and existing saltmarshes and tidal wetlands; or				

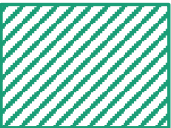
Code	Code Purpose	Code Application Guidelines
		<p>(c) remove an area if it is demonstrated that the application of the future coastal refugia area will constrain the future use and development of existing habitable buildings, major infrastructure, key community facilities and services and the like.</p> <p>NAC 5 The accuracy of the areas with no LiDAR coverage that are mapped in the guidance map is uncertain. These areas may be expanded or reduced to reflect the extent of potential future saltmarshes and tidal wetlands.  <i>Note: Anomalies in the future coastal refugia area guidance map are identified in Information Sheet – Clarification on Future Coastal Refugia Area Guidance Map, December 2017, issued by Department of Justice, Planning Policy Unit.</i></p> <p>NAC 6 The future coastal refugia area overlay should be derived from the guidance map, with the following considerations:</p> <p>(a) the future coastal refugia area overlay should not be applied to land that is currently within an incompatible zone, unless:</p> <p>(i) it is intended to provide an alternate zoning for the land in order to protect the future coastal refugia area; or</p> <p>(ii) the land is intended for open space purposes within that zone.</p> <p>(b) the future coastal refugia area overlay may be applied to land that is currently within a special consideration zone if:</p> <p>(i) it is intended to apply the Landscape Conservation Zone, Rural Living C Zone, Rural Living D Zone, or any other zone that is compatible with the overlay; or</p> <p>(ii) it is demonstrated that the application of the future coastal refugia area will not constrain the future use and development of existing habitable buildings, major infrastructure, key community facilities and services and the like.</p> <p>(c) the future coastal refugia area overlay may be applied to land that is currently within a case-by-case consideration zone if:</p>

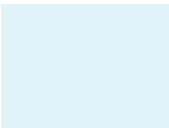

Code	Code Purpose	Code Application Guidelines
		<ul style="list-style-type: none"> <li>(i) the application of the future coastal refugia area overlay is compatible with the purpose of the zone; or</li> <li>(ii) the application of the future coastal refugia area overlay will not significantly impact on the existing development on the land.</li> <li>(d) the future coastal refugia area overlay should be applied to land that is currently within a compatible zone if it is demonstrated that the application of the future coastal refugia area will not constrain the future use and development of existing habitable buildings, major infrastructure, key community facilities and services and the like.</li> </ul> <p><i>Priority Vegetation Area Overlay</i></p> <p>NAC 7 The priority vegetation area overlay must include threatened native vegetation communities as identified in TASVEG Version 3 mapping, as published on the Department of Primary Industries, Parks, Water and the Environment's (DPIPWE) website and available on the LIST.</p> <p>NAC 8 For the purposes of applying the priority vegetation area overlay to land containing threatened flora species, any areas mapped within the overlay should be derived from or based on the threatened flora data from the Natural Values Atlas as published DPIPWE's website and available on the LIST.</p> <p>NAC 9 In applying the priority vegetation area overlay for threatened flora species, the overlay map may include an area around recorded occurrences of threatened flora species to identify areas of potential occurrence based on field verification, analysis or mapping undertaken by, or on behalf of, the planning authority.</p> <p>NAC 10 For the purposes of applying the priority vegetation area overlay to land containing significant habitat for threatened fauna species, any areas identified as significant habitat</p>

Code	Code Purpose	Code Application Guidelines
		<p>should be based on the threatened fauna data from the Natural Values Atlas, as published on DPIPWE's website.</p> <p>NAC 11 The priority vegetation area overlay may be based on field verification, analysis or mapping undertaken by, or on behalf of, the planning authority to:</p> <ul style="list-style-type: none"> <li>(a) address any anomalies or inaccuracies in the mapping and data in clauses NAC 7, NAC 8 and NAC 10 above; or</li> <li>(b) provide more recent or detailed local assessment of the mapping and data in clauses NAC 7, NAC 8 and NAC 10 above.</li> </ul> <p>NAC 12 The priority vegetation area overlay may include areas of native vegetation which have been identified as being of local importance based on field verification, analysis or mapping undertaken by, or on behalf of, the planning authority. Identification of these areas may be assisted by datasets or spatial products identified by DPIPWE.</p> <p>NAC 13 A priority vegetation area should not be shown on the overlay map for land that is within the:</p> <ul style="list-style-type: none"> <li>(a) Inner Residential Zone;</li> <li>(b) Village Zone;</li> <li>(c) Urban Mixed Use Zone;</li> <li>(d) Local Business Zone;</li> <li>(e) General Business Zone;</li> <li>(f) Central Business Zone;</li> <li>(g) Commercial Zone;</li> <li>(h) Light Industrial Zone;</li> </ul>



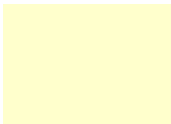
Code	Code Purpose	Code Application Guidelines
		<ul style="list-style-type: none"> <li>(i) General Industrial Zone;</li> <li>(j) Agriculture Zone; or</li> <li>(k) Port and Marine Zone.</li> </ul>




Code	Code Purpose	Code Application Guidelines
<b>C8.0</b> <b>Scenic Protection Code</b> Scenic protection area  Red 117, Green 107, Blue 177 Scenic road corridor  Red 188, Green 189, Blue 220	The purpose of the Scenic Protection Code is: C8.1.1 To recognise and protect landscapes that are identified as important for their scenic values.	<b>Overview</b> The Scenic Protection Code applies to land shown within a: <ul style="list-style-type: none"> <li>• scenic protection area overlay; or</li> <li>• scenic road corridor overlay.</li> </ul> The code provides for individual scenic protection areas and scenic road corridors to be listed in the LPSs and for the specific scenic values and management objectives to be identified. The articulation of specific scenic values and management objectives allow for greater guidance in the assessment of discretionary applications against the code. <b>Guidelines for applying the Scenic Protection Code overlays</b> SPC 1 The scenic protection area overlay and the scenic road corridor overlay may be applied to land identified at the local or regional level as important for the protection of scenic values. These may include areas: <ul style="list-style-type: none"> <li>(a) containing significant native vegetation or bushland areas with important scenic values (such as skyline areas); or</li> <li>(b) identified for their significant scenic views.</li> </ul> SPC 2 The scenic protection area overlay and the scenic road corridor overlay should be justified as having significant scenic values requiring protection from inappropriate development that would or may diminish those values. SPC 3 The scenic protection area and the scenic road corridor may only be shown on the overlay map for the following zones: <ul style="list-style-type: none"> <li>(a) Rural Living Zone;</li> </ul>


Code	Code Purpose	Code Application Guidelines
		(b) Rural Zone; (c) Agriculture Zone; (d) Landscape Conservation Zone; (e) Environmental Management Zone; or (f) Open Space Zone.
<b>C9.0</b> <b>Attenuation Code</b> Attenuation area  Red 27, Green 158, Blue 119	<p>The purpose of the Attenuation Code is:</p> <p>C9.1.1 To minimise adverse impacts on the health, safety and amenity of sensitive use from activities which have the potential to cause emissions</p> <p>C9.1.2 To minimise the likelihood for sensitive use to conflict with, interfere with, or constrain, activities which have the potential to cause emissions.</p>	<p><b>Overview</b></p> <p>The Attenuation Code provides for an attenuation area overlay to be applied around existing activities as a variation to the generic attenuation distances specified in the Tables. An attenuation area depicted by an overlay prevails over the generic attenuation distances specified in the Tables.</p> <p><b>Guidelines for applying an Attenuation Area overlay</b></p> <p>AC 1 An attenuation area overlay may be applied to an existing activity listed in Tables C9.1 or C9.2 of the Attenuation Code as a variation to the generic attenuation distances to take account of local circumstances, such as:</p> <ul style="list-style-type: none"> <li>(a) the characteristics of the activity;</li> <li>(b) the topography of the surrounding area;</li> <li>(c) the surrounding land uses or zones; or</li> <li>(d) any existing attenuation measures or buffers.</li> </ul> <p>AC 2 Any new attenuation area overlay for an existing activity listed in Tables C9.1 or C9.2, which does not align with an equivalent overlay contained in an interim planning scheme or section 29 planning scheme, must be justified by a suitably qualified person. The</p>


Code	Code Purpose	Code Application Guidelines
		attenuation area overlay may apply to an area larger or smaller than the generic attenuation distances specified for the relevant activity.
<b>C10.0</b> <b>Coastal Erosion Hazard Code</b> Coastal erosion investigation area  Red 224, Green 243, Blue 248  Low coastal erosion hazard band  Red 254, Green 224, Blue 144  Medium coastal erosion hazard band	<p>The purpose of the Coastal Erosion Hazard Code is:</p> <p>C10.1.1 To ensure that use or development subject to risk from coastal erosion is appropriately located and managed, so that:</p> <ul style="list-style-type: none"> <li>(a) people, property and infrastructure are not exposed to an unacceptable level of risk;</li> <li>(b) future costs associated with options for adaptation, protection, retreat or abandonment of property and infrastructure are minimised;</li> <li>(c) it does not increase the risk from coastal erosion to other land or public infrastructure; and</li> <li>(d) works to protect land from coastal erosion are undertaken in a way that provides appropriate protection without increasing risks to other land.</li> </ul>	<p><b>Overview</b></p> <p>The Coastal Erosion Hazard Code is applied by reference to the coastal erosion hazard area overlay, which includes land within the three coastal erosion hazard bands (low, medium or high) or within a coastal erosion investigation area.</p> <p>The Department of Premier and Cabinet (DPAC), Office of Security and Emergency Management prepared the coastal erosion hazard area overlay as part of the Mitigating Natural Hazards through Land Use Planning Project, which includes the three coastal erosion hazard bands and the coastal erosion investigation area. This overlay is available as a layer on the LIST and is titled 'Coastal Erosion Hazard Bands 20161201'.</p> <p>A coastal erosion investigation area is land shown on the overlay map as within a coastal erosion investigation area. This corresponds with areas with a lack of current data to be able to accurately determine the hazard band. A site assessment of the shoreline is required to determine the applicable hazard band for these areas.</p> <p>The code may also be applied to land outside the mapped overlay area if the planning authority reasonably believes, based on information in its possession, that the land is located on an actively mobile landform within the coastal zone. This ability to 'call-in' an application on land outside the mapped overlay areas is necessary to address the requirements in the <i>State Coastal Policy 1996</i> for actively mobile landforms, namely outcome 1.4.2.</p> <p><b>Guidelines for applying the Coastal Erosion Hazard Area overlay</b></p> <p>CEHC 1 The coastal erosion hazard area overlay must include the three coastal erosion hazard bands and the coastal erosion investigation area as depicted in the 'Coastal Erosion Hazard Area Bands 20161201' layer published on the LIST, unless modified:</p>








Code	Code Purpose	Code Application Guidelines										
<div></div> <div>Red 252, Green 141, Blue 89</div> <div>High coastal erosion hazard band</div> <div></div> <div>Red 215, Green 48, Blue 39</div>	C10.1.2 To provide for appropriate use or development that relies upon a coastal location to fulfil its purpose.	<div>(a) to reflect the coastal erosion hazard bands or coastal erosion investigation area as depicted in an equivalent overlay contained in the interim planning scheme for that municipal area, if consistent with the thresholds specified in Table CEHC 1 below; or</div> <div>(b) in accordance with a report prepared by a suitably qualified person which justifies a change to these areas to meet the thresholds specified in Table CEHC 1 below.</div> <div>Table CEHC 1: Coastal erosion hazard area overlay thresholds</div> <table><tr><th>Hazard area</th><th>Thresholds</th></tr><tr><td>Low hazard band</td><td>Recession to 2100 (incorporating the State sea level rise allowance)</td></tr><tr><td>Medium hazard band</td><td>Recession to 2050 (incorporating the State sea level rise allowance)</td></tr><tr><td>High hazard band</td><td>Vulnerable to two back to back 1% AEP erosion events now.</td></tr><tr><td>Investigation area</td><td>Area with no investigation undertaken</td></tr></table>	Hazard area	Thresholds	Low hazard band	Recession to 2100 (incorporating the State sea level rise allowance)	Medium hazard band	Recession to 2050 (incorporating the State sea level rise allowance)	High hazard band	Vulnerable to two back to back 1% AEP erosion events now.	Investigation area	Area with no investigation undertaken
Hazard area	Thresholds											
Low hazard band	Recession to 2100 (incorporating the State sea level rise allowance)											
Medium hazard band	Recession to 2050 (incorporating the State sea level rise allowance)											
High hazard band	Vulnerable to two back to back 1% AEP erosion events now.											
Investigation area	Area with no investigation undertaken											
<div>C11.0</div> <div>Coastal Inundation Hazard Code</div> <div>Coastal inundation investigation area</div> <div></div> <div>Red 255, Green 255, Blue 204</div>	<div>The purpose of the Coastal Inundation Hazard Code is:</div> <div>C11.1.1 To ensure that use or development subject to risk from coastal inundation is appropriately located and managed so that:</div> <div>(a) people, property and infrastructure are not exposed to an unacceptable level of risk;</div> <div>(b) future costs associated with options for adaptation,</div>	<div>Overview</div> <div>The Coastal Inundation Hazard Code is applied by reference to the coastal inundation hazard area overlay, which includes land within the three coastal inundation hazard bands (low, medium or high) or within a coastal inundation investigation area.</div> <div>The Department of Premier and Cabinet (DPAC), Office of Security and Emergency Management prepared the coastal inundation hazard area overlay as part of the Mitigating Natural Hazards through Land Use Planning Project, which includes the three coastal inundation hazard bands and the coastal inundation investigation area. This overlay is available as a layer on the LIST and is titled ‘Coastal Inundation Hazard Bands 20161201’.</div>										



Code	Code Purpose	Code Application Guidelines
<p>Low coastal inundation hazard band</p>  <p>Red 65, Green 182, Blue 196</p> <p>Medium coastal inundation hazard band</p>  <p>Red 44, Green 127, Blue 184</p> <p>High coastal inundation hazard band</p>  <p>Red 37, Green 52, Blue 148</p>	<p>protection, retreat or abandonment of property and infrastructure are minimised;</p> <p>(c) it does not increase the risk from coastal inundation to other land or public infrastructure; and</p> <p>(d) works to protect land from coastal inundation are undertaken in a way that provides appropriate protection without increasing risks to other land.</p> <p>C11.1.2 To provide for appropriate use or development that relies upon a coastal location to fulfil its purpose.</p>	<p>A coastal inundation investigation area is an area shown on the overlay map as within the coastal inundation investigation area. These areas correspond with land that is within the coastal zone and below the 10m contour where no LiDAR data is available to be able to accurately determine the hazard band. A site survey is required to determine the elevation of the land in order to determine the applicable hazard band. The LPSs must include the AHD levels for the relevant hazard bands, including the 'defined flood level', for the relevant localities in that municipal area. The defined flood level is only applicable to the consideration of building approvals.</p> <p><b><i>Guidelines for applying the Coastal Inundation Hazard Area overlay</i></b></p> <p>CIHC 1 The coastal inundation hazard area overlay must include the three coastal inundation hazard bands and the coastal inundation investigation area as depicted in the 'Coastal Inundation Hazard Area Bands 20161201' layer published on the LIST, unless modified:</p> <p>(a) to reflect the coastal inundation hazard bands or coastal inundation investigation area as depicted in an equivalent overlay contained in the interim planning scheme for that municipal area, if consistent with the thresholds specified in Table CIHC 1 below; or</p> <p>(b) in accordance with a report prepared by a suitably qualified person which justifies a change to these areas to meet the thresholds specified in Table CIHC 1 below.</p> <p>CIHC 2 The LPSs must include the AHD levels for the coastal inundation hazard bands and the defined flood level for the relevant localities as a list for the Coastal Inundation Hazard Code in accordance with the AHD levels published on the DPAC website (<a href="http://www.dpac.tas.gov.au/divisions/osem/coastal_hazards_in_tasmania">http://www.dpac.tas.gov.au/divisions/osem/coastal_hazards_in_tasmania</a>), unless modified:</p> <p>(a) to reflect the AHD levels for a coastal inundation investigation area as included in an equivalent code in the interim planning scheme for that municipal area if consistent with the thresholds specified in Table CIHC 1 below; or</p>

Code	Code Purpose	Code Application Guidelines										
		<p>(b) in accordance with a report prepared by a suitably qualified person which justifies a change to these areas to meet the thresholds specified in Table CIHC 1 below.</p> <p>Table CIHC 1: Coastal inundation hazard area overlay thresholds</p> <table><tr><th>Hazard area</th><th>Thresholds</th></tr><tr><td>Low hazard band</td><td>1% in 2100 rounded up to the nearest 0.1m plus 0.3m in free board</td></tr><tr><td>Medium hazard band</td><td>1 % in 2050 rounded up to the nearest 0.1m plus 0.3m in free board</td></tr><tr><td>High hazard band</td><td>Mean high tide plus sea level rise in 2050, rounded up to the nearest 0.1m</td></tr><tr><td>Investigation area</td><td>The area less than 1km from the mean high-water mark and below the 10m contour in which no detailed investigation has been undertaken.</td></tr></table>	Hazard area	Thresholds	Low hazard band	1% in 2100 rounded up to the nearest 0.1m plus 0.3m in free board	Medium hazard band	1 % in 2050 rounded up to the nearest 0.1m plus 0.3m in free board	High hazard band	Mean high tide plus sea level rise in 2050, rounded up to the nearest 0.1m	Investigation area	The area less than 1km from the mean high-water mark and below the 10m contour in which no detailed investigation has been undertaken.
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<p><b>C12.0</b></p> <p><b>Flood-Prone Hazard Areas Code</b></p> <p>Flood-prone areas</p>  <p>Red 103, Green 169, Blue 207</p>	<p>The purpose of the Flood-Prone Hazard Areas Code is:</p> <p>C12.1.1 To ensure that use or development subject to risk from flood is appropriately located and managed, so that:</p> <ul style="list-style-type: none"><li>(a) people, property and infrastructure are not exposed to an unacceptable level of risk;</li><li>(b) future costs associated with options for adaptation, protection, retreat or</li></ul>	<p><b>Overview</b></p> <p>The Flood-Prone Hazard Areas Code is applied by reference to a flood-prone hazard area overlay. There is currently no statewide mapping of land potentially susceptible to flooding risks to guide the application of the overlay.</p> <p><b>Guidelines for applying the Flood-Prone Hazard Area overlay</b></p> <p>FPHAZ 1 The flood-prone hazard area overlay should be applied to areas known to be prone to flooding, particularly areas known to be within the 1 per cent annual exceedance probability (AEP) level.</p>										

Code	Code Purpose	Code Application Guidelines
	<p>abandonment of property and infrastructure are minimised; and</p> <p>(c) it does not increase the risk from flood to other land or public infrastructure.</p> <p>C12.1.2 To preclude development on land that will unreasonably affect flood flow or be affected by permanent or periodic flood.</p>	<p>FPHAZ 2 In determining the extent of the flood-prone hazard area overlay, planning authorities may utilise their own data, including any equivalent overlay contained in an interim planning scheme or section 29 planning scheme for that municipal area, or data from other sources.</p>
<p><b>C13.0</b></p> <p><b>Bushfire-Prone Areas Code</b></p> <p>Bushfire-prone areas</p>  <p><b>Red 239, Green 138, Blue 98</b></p>	<p>The purpose of the Bushfire-Prone Areas Code is:</p> <p>C13.1.1 To ensure that use and development is appropriately designed, located, serviced, and constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfires.</p>	<p><b>Overview</b></p> <p>The Bushfire-Prone Areas Code is applied by reference to a bushfire-prone area overlay, or, in the absence of an overlay, to land within 100m of an area of bushfire-prone vegetation equal to or greater than 1ha.</p> <p><b>Guidelines for applying the Bushfire-Prone Area Overlay</b></p> <p>BPAC 1 The bushfire-prone area overlay should be applied in accordance with any overlay map approved by the Tasmania Fire Service for the relevant municipal area. Any modification to an overlay map approved by the Tasmania Fire Service should be made in consultation with the Tasmania Fire Service.</p>
<p><b>C14.0</b></p> <p><b>Potentially Contaminated Land Code</b></p> <p>Potentially</p>	<p>The purpose of the Potentially Contaminated Land Code is:</p> <p>C14.1.1 To ensure that use or development of potentially contaminated land</p>	<p><b>Overview</b></p> <p>The Potentially Contaminated Land Code provides identification of potentially contaminated land via a potentially contaminated land overlay.</p>

Code	Code Purpose	Code Application Guidelines
<p>contaminated land</p>  <p>Red 117, Green 112, Blue 179</p>	<p>does not adversely impact on human health or the environment.</p>	<p><b><i>Guidelines for applying the Potentially Contaminated Land overlay</i></b></p> <p>PCLC 1 The potentially contaminated land overlay: may be applied to delineate land that has been potentially contaminated by a potentially contaminating activity. The overlay may be based on:</p> <ul style="list-style-type: none"> <li>(a) field verification, analysis or mapping undertaken by, or on behalf of, the planning authority or the Environment Protection Authority; or</li> <li>(b) any other relevant information or mapping held by the planning authority or Environment Protection Authority.</li> </ul>
<p><b>C15.0</b></p> <p><b>Landslip Hazard Code</b></p> <p>Low landslip hazard band</p>  <p>Red 255, Green 255, Blue 212</p> <p>Medium landslip hazard band</p>  <p>Red 254, Green 217,</p>	<p>The purpose of the Landslip Hazard Code is:</p> <p>C15.1.1 To ensure that a tolerable risk can be achieved and maintained for the type, scale and intensity and intended life of use or development on land within a landslip hazard area.</p>	<p><b><i>Overview</i></b></p> <p>The Landslip Hazard Code is applied by reference to the landslip hazard area overlay, which includes land within the four landslip hazard bands (low, medium, medium-active or high).</p> <p>The Department of Premier and Cabinet (DPAC), Office of Security and Emergency Management prepared the landslip hazard area overlay as part of the Mitigating Natural Hazards through Land Use Planning Project, which includes the four landslip hazard bands. This overlay is available as a layer on the LIST and is titled 'Landslide Planning Map – Hazard Bands 20131022'.</p> <p><b><i>Guidelines for applying the Landslip Hazard Area overlay</i></b></p> <p>LHC 1 The landslip hazard area overlay must include the four landslip hazard bands as depicted in the 'Landslide Planning Map – Hazard Bands 20131022' layer published on the LIST, unless modified:</p> <ul style="list-style-type: none"> <li>(a) to reflect the landslip hazard bands as depicted in an equivalent overlay contained in the interim planning scheme for that municipal area, if consistent with the thresholds specified in Table LHC 1 below; or</li> </ul>

Code	Code Purpose	Code Application Guidelines										
<div>Blue 142</div> <div>Medium-active landslip hazard band</div> <div></div> <div>Red 254, Green 153, Blue 41</div> <div>High landslip hazard band</div> <div></div> <div>Red 204, Green 76, Blue 2</div>		<div>(b) in accordance with a report prepared by a suitably qualified person which justifies a change to these areas to meet the thresholds specified in Table LHC 1 below.</div> <div>Table LHC 1: Landslip hazard area overlay thresholds</div> <table><tr><th>Hazard area</th><th>Thresholds</th></tr><tr><td>Low hazard band</td><td>This area has no known landslides; however it has been identified as being susceptible to landslide by Mineral Resources Tasmania (MRT).</td></tr><tr><td>Medium hazard band</td><td>The area has known landslide features, or is within a landslide susceptibility zone, or has legislated controls to limit disturbance of adjacent unstable areas.</td></tr><tr><td>Medium-active hazard band</td><td>The land is on an active landslide.</td></tr><tr><td>High hazard band</td><td>The component is within a declared “Landslip A” under the <i>Mineral Resources Development Act 2001</i>.</td></tr></table>	Hazard area	Thresholds	Low hazard band	This area has no known landslides; however it has been identified as being susceptible to landslide by Mineral Resources Tasmania (MRT).	Medium hazard band	The area has known landslide features, or is within a landslide susceptibility zone, or has legislated controls to limit disturbance of adjacent unstable areas.	Medium-active hazard band	The land is on an active landslide.	High hazard band	The component is within a declared “Landslip A” under the <i>Mineral Resources Development Act 2001</i> .
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Medium-active hazard band	The land is on an active landslide.											
High hazard band	The component is within a declared “Landslip A” under the <i>Mineral Resources Development Act 2001</i> .											

Code	Code Purpose	Code Application Guidelines
<b>C16.0</b> <b>Safeguarding of Airports Code</b>  Airport noise exposure area  Red 217, Green 95, Blue 2  Airport obstacle limitation area (m above existing ground level)  Red 117, Green 112, Blue 179	<p>The purpose of the Safeguarding of Airports Code is:</p> <p>C16.1.1 To safeguard the operation of airports from incompatible use or development.</p> <p>C16.1.2 To provide for use and development that is compatible with the operation of airports in accordance with the appropriate future airport noise exposure patterns and with safe air navigation for aircraft approaching and departing an airport.</p>	<p><b>Overview</b></p> <p>The Safeguarding of Airports Code is applied by reference to two overlays:</p> <ul style="list-style-type: none"> <li>the airport noise exposure area overlay; and</li> <li>the airport obstacle limitation area overlay.</li> </ul> <p><b>Guidelines for applying the Safeguarding of Airports Code overlays</b></p> <p><i>Airport Noise Exposure Area overlay</i></p> <p>SAC 1 The airport noise exposure area overlay should be based on the relevant airport noise contours contained in the airport master plan or those otherwise adopted by the relevant airport owner or operator for the relevant airport in accordance with any accepted guidelines.</p> <p>SAC 2 The airport noise exposure area overlay should at least include the land within the 20 Australian Noise Exposure Forecast (ANEF) contour and all land within higher ANEF contours.</p> <p><i>Note:</i> Australian Standard AS 2021-2015 Acoustics – Aircraft noise intrusion – Building siting and construction <i>suggests areas outside the 20 ANEF are acceptable for all sensitive uses.</i></p> <p>SAC 3 The airport noise exposure area overlay may also take account of the N contours contained in the airport master plan or those otherwise adopted for the relevant airport.</p> <p><i>Note:</i> <i>N contours measure the number of aircraft noise events per day exceeding 60, 65 or 70 decibels. The National Airports Safeguarding Framework - Guideline A: Measures for Managing Impacts of Aircraft Noise identifies the following areas as potentially having impacts on residents around airports:</i></p>

Code	Code Purpose	Code Application Guidelines
		<ul style="list-style-type: none"> <li>• 20 or more daily events greater than 70 dB(A);</li> <li>• 50 or more daily events of greater than 65 dB(A);</li> <li>• 100 events or more daily events of greater than 60 dB(A); or</li> <li>• 6 or more events of greater than 60 dB(A) between the hours of 11pm and 6 am.</li> </ul> <p><i>Airport Obstacle Limitation Area overlay</i></p> <p>SAC 4 The airport obstacle limitation area overlay should be based on the Obstacle Limitation Surfaces (OLS) and Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) contained in the airport master plan or those otherwise adopted by the relevant airport owner of operator for the relevant airport in accordance with any accepted guidelines.</p> <p>SAC 5 The airport obstacle limitation area overlay must identify the specified height limit on the land within the overlay by reference to AHD. The specific height limit should be identified as the lower of the OLS or the PANS-OPS for the applicable airport if the two surfaces overlap. The overlay may address any anomalies in the OLS or PANS-OPS height limitations provided they are endorsed by the relevant airport operator.</p>



# **Decision Tree and Guidelines for Mapping the Agriculture and Rural Zones**

Prepared by: Michael Tempest & Astrid Ketelaar  
7<sup>th</sup> May 2018



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## INTRODUCTION

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This document has been prepared by AK Consultants for the Southern Tasmanian Council Authority (STCA) to assist member Councils delineate the new Agriculture and Rural Zones which will be established from the existing Rural Resource and Significant Agriculture Zones under the new Tasmanian Planning Scheme. To assist with defining the boundaries of these two new zones the State Government Commissioned the *Agricultural Land Mapping Project, 2016* (ALMP) as a guide. However, as the mapping process in the ALMP utilises generic decision rules and desktop GIS analysis of datasets, some anomalies appeared in the end product. There are also areas within the proposed Agricultural Zone (Ag Zone) which have a degree of constraint for agricultural use.

This document is designed to assist Councils when assessing areas of interest that Councils have identified through utilising the AK Consultants, January 2018, *Guidelines for Identifying Areas of Interest* which was developed as a precursor to this document.

Within both the Agriculture and Rural Zones agricultural activities are a “no permit required” use. Assigning land to either zone will not affect existing or future agricultural activity occurring. However, in the Ag Zone some uses (such as plantation forestry or controlled environment agriculture) are discretionary if located on Prime Agricultural Land. The main difference between the zones is how non-agricultural activity is controlled (ALMP). The Agriculture Zone is designed to primarily protect the land for agricultural use, while the Rural Zone allows for a greater range of uses that are not necessarily related to agriculture.

### ZONE PURPOSE STATEMENTS

#### **Agriculture Zone:**

- To provide for the use or development of land for agricultural use.
- To protect land for the use or development of agricultural use by minimising:
  - a) Conflict with or interference from non-agricultural uses;
  - b) Non-agricultural use or development that precludes the return of the land to agricultural use; and
  - c) Use of land for non-agricultural use in irrigation districts.
- To provide for use or development that supports the use of the land for agricultural use.

#### **Rural Zone:**

- To provide for a range of use or development in a rural location:
  - a) Where agricultural use is limited or marginal due to topographical, environmental or site or regional characteristics;
  - b) That requires a rural location for operational reasons;
  - c) Is compatible with agricultural use if occurring on agricultural land;
  - d) Minimises adverse impacts on surrounding uses.
- To minimise conversion of agricultural land for non-agricultural uses.
- To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.

The *Agricultural Land Mapping Project* was completed by the Department of Justice to provide Councils with spatial data to assist with segregating the Rural Resource Zone (and Significant Agriculture Zone where relevant) into the Rural and Agriculture Zones, as required under the new State-wide Planning Scheme. The constraints analysis that was utilised in the *Agricultural Land Mapping Project* was not designed to provide a comprehensive analysis of all the factors that may contribute to the constraint of agricultural land, as it was perceived to not be feasible to develop a model at the state-wide scale that could incorporate all factors of each individual title that need to be considered. Instead it was based on a generic set of rules which provide Councils with a spatial layer to utilise, to identify areas for further investigation that could be potentially constrained.

The core output of the ALMP is the *Land Potentially Suitable for Agriculture* GIS Layer. This tool provides a constraints class for all titles that were deemed suitable to be included in the Agriculture Zone based on the assessment parameters developed in the ALMP. The constraints classes are listed in table 1.

**Table 1. Constraints Classes of Land Potentially Suitable for Agriculture Layer (from ALMP 2016)**

Constraints Class	Description of Titles
<b>Unconstrained</b>	<ul style="list-style-type: none"><li>• An area greater than an identified ag enterprise size threshold.</li><li>• An area less than an identified ag enterprise threshold but adjoins another title with a greater than size and has a capital value of &lt;\$50,000/ha.</li></ul>
<b>Potentially Constrained 2A</b>	<ul style="list-style-type: none"><li>• An area less than the identified ag enterprise thresholds</li><li>• A capital value of &gt;\$50,00/ha.</li><li>• Not adjoining a residential zone.</li></ul>
<b>Potentially Constrained 2B</b>	<ul style="list-style-type: none"><li>• An area less than the identified ag enterprise thresholds.</li><li>• A capital value of &lt;\$50,000/ha.</li><li>• Does not adjoin a title with an area greater than identified ag enterprise thresholds.</li></ul>
<b>Potentially Constrained 3</b>	<ul style="list-style-type: none"><li>• An area less than the identified ag enterprise thresholds.</li><li>• Adjoining a residential zone.</li></ul>

In the ALMP, five agricultural enterprise clusters were identified (Table 2). The clusters are based on Enterprise Suitability Mapping that has been developed by the State Government. For each enterprise cluster a minimum operating area was defined. See the ALMP for further descriptions of Clusters.

**Table 2. Enterprise clusters and minimum title sizes (from ALMP 2016).**

Cluster	Title Size	Access to Irrigation
ES1 – Irrigated Perennial Horticulture	10ha	Yes
ES2 – Vegetable Production	25ha	Yes
ES3 – Irrigated Grazing (Dairy)	40ha	Yes
ES4 – Broadacre – Cropping and Livestock	133ha	No
ES5 - Broadacre – Dryland Pastoral	333ha	No

For titles to be considered potentially suitable for ES1, ES2 or ES3 they also needed to have access to an irrigation supply. The ALMP developed a conservative method to determine if there was potential access to irrigation resources. A 3km buffer was provided for around existing water allocations, functional bores (flow rate >10l/sec) and major watercourses. The methodology also considered topography to determine if pumping would likely be economically viable. This conservative method has contributed to many titles being mapped as potentially suitable for ES1, ES2 or ES3, however, local scale assessment might determine that there is actually little to no potential for water resources, which could then impact on their potential for consideration for the Agricultural Zone.

#### LOCAL PROVISIONS SCHEDULE

Each Council is required to delineate spatially all zones under the new Planning Scheme. While the ALMP provides a spatial tool for Council to utilise, the Tasmanian Planning Commission has also published *Guideline No 1, Local Provisions Schedule (LPS): zone and code application* (Guideline No 1). This document provides context for each zone's intended purpose and guidelines for application of each zone. Guideline No 1 has been utilised as a core reference point when developing the guidelines for decisions in this document.

## **METHODOLOGY**

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#### INTRODUCTION

When delineating zone boundaries Councils need to have a clear objective of the desired outcome for each area of land, whilst bearing in mind the State's zone objectives. For example, the State prefers poorer quality land in the Rural Zone, however, many dairying operations and vineyards are also on poorer quality land. Where titles are part of a current or potentially 'medium to large-scale' holding the Agriculture Zone provides better protection for the continued agricultural activities on these titles. However, where the current or potential scale of the agricultural use is unlikely to achieve 'medium to large-scale' the Rural Zone may be more appropriate as it provides for a greater range of uses. However, there is also a much higher risk of non-agricultural developments constraining any future potential expansion of adjacent agricultural activities given the 5m minimum setback for buildings.

Likewise, when considering poorer quality land which currently is retained under native vegetation. Minimum lot sizes for subdivision in the Rural Zone is 40ha. Subdivision and potential sale to prospective lifestyle purchasers could be an attractive outcome for the owners of larger titles which currently have little productive use. Under these circumstances the application of the Natural Assets Code, the Scenic Protection Code and the Attenuation Code needs to be considered; both the Natural Assets Code and the Scenic Protection Code provide for residential use if certain criteria are met. If plantation forestry and quarrying is then also in the Rural Zone there is potential for future constraint on these Primary Industry activities due to the residential development on Rural zoned land which has little perceived current productive use. Although not part of the agricultural considerations, natural values could also be compromised due to fragmentation from access roads and Bushfire Hazard Management Zone clearance requirements.

The Decision Tree has been developed to assist Councils to determine the appropriate zone for titles within defined area of interest. It incorporates a number of characteristics which need to be assessed and considered and these are clarified in the remainder of this section.

#### CONSTRAINTS

Principle 1 of the State *Policy on the Protection of Agricultural Land 2009* (PAL Policy) states that “the sustainable development of agriculture should not be confined or restrained by non-agricultural use or development”. In the context of Principle 1, the terms “confined or restrained” are taken to refer to a reduction or limitation in the type, scale, or intensity of an existing or potential agricultural activity. In the author’s opinion this includes incident specific land use conflict issues (eg. dust from adjacent activity), critical mass land use conflict issues (eg. community petitions against odour/noise from an agricultural activity) as well as indirect impacts such as changing property values due to competition from non-agricultural development.

*The Southern Tasmanian Regional Land Use Strategy – Background Report No. 7: Productive Resources 2011*, identified the main agricultural activities conducted across the Region as a whole. These are livestock grazing (meat, dairy, wool), broadacre crops (crops for hay), horticultural crops (vegetables), orchard fruit berries and vines, nurseries & cut flowers and plantation forestry. For each of these activities the attributes to be able to conduct these enterprises have been broadly defined (see Table 6 in Appendix 1).

Table 6 can be used to analyse existing and potential land use based on the characteristics described. There are many other factors (site specific and broader regional factors) which determine the potential land use of any given parcel, however, Table 6 can be used as guide to establish the potential for the most intensive land use in any given area based on easily assessable and relatively permanent characteristics. Once the potential land use has been established based on the characteristics in Table 6, the minimum separation distance between the most likely potential agricultural activity and residential land use can be considered. The ALMP *Land Potentially Suitable for Agriculture* GIS Layer (discussed above) identifies titles that are potentially constrained based on title size, capital value and connectivity/fettering. This provides a first pass of constrained titles. Current agricultural activities and potential future activities on these identified titles should consider the resource requirements as identified in Table 6. There are also six subsequent tables that list potential conflict issues for each identified enterprise with adjacent residential amenity (Tables 7-12). Table 13, in Appendix 1 provides a comprehensive list of potential conflict issues described by Learmonth et al 2006. This more detailed information provides the basis for considering the agricultural potential for titles at the local scale.

## LAND CAPABILITY

When considering the physical limitations for agricultural use of a title or area the Tasmanian Land Capability classification system is a useful tool to utilise. The Land Capability system incorporates the following site characteristics.

- Climatic limitations (temperature, altitude, rainfall)
- Soil limitations (soil depth, salinity, coarse fragments and rock outcrops)
- Wetness limitations (soil drainage, flood risk)
- Erosion (water erosion, wind erosion, mass movement)
- Complex topography.

Whilst there are threshold limits, it is generally a combination of characteristics which determine the final classification. For example, land which is limited for agriculture due to the risk of water erosion, is determined by a combination of slope and soil texture. A strongly structured Clay – Loam can be cultivated on a much steeper gradient with minimal erosion risks than a weakly structured Sandy – Loam.

Land Capability is mapped for most privately-owned titles within the current agricultural estate for Southern Tasmania and is mainly mapped at a scale of 1:100 000, with localised mapping within the Coal River Valley at 1:25 000. There are 7 Classes under this system at the 1:100 000 scale, see Appendix 4 for Class descriptions. Classes 1,2 & 3 are classed as ‘Prime Agricultural Land’ under the PAL Policy. Class 6 land has severe limitation for agricultural uses, while Class 7 has no agricultural potential. Physical constraints from Land Capability for a title or area of interest should not be considered in isolation. Ownership, current and potential future land use and adjacent land uses should be considered. For example, a large title in the Southern Midlands that is Class 6 and is under the same ownership as adjacent titles, will likely be part of a large-scale broadacre pastoral company and likely utilised as a stock bush run block. So even though it has a poor Land Capability Class it is productive in nature because it is farmed in conjunction with adjacent land and would likely be retained in the Agriculture Zone.

At the 1:25 000 scale the actual limiting factors are identified. For example (e) refers to water erosion hazard. At the 1:25 000 scale if an area is mapped as Class 5e, then the erosion risk is considered “High” and that could be derived from Clay-Loams on slopes of 18-56%. However, this same Land Capability classification at the 1:25 000 scale could be derived from Sandy-Loams on slopes of 12-18%. Availability of Land Capability mapping at the 1:25 000 scale is very limited, hence the 1:100 000 scale mapping is utilised and whilst the mapping at 1:100 000 scale provides a good indication of agricultural limitations it does not allow differentiation of the limiting factors.

A rule set based on physical limitations (eg slope) could be developed, however, Land Capability is considered a more comprehensive and appropriate tool to apply.

## EXISTING USES

Existing use can be an indicator of agricultural potential in combination with other characteristics. Constraints for agricultural use based on whether the land is already converted to a non-agricultural use, due to development on the title and surrounding the title, is only one aspect of land use that affects the ability to conduct agriculture; that is it does not provide any analysis of suitability of the

land. Table 3 describes eight attributes which need to be considered in determining the suitability of an area for agriculture of which constraints is one.

**Table 3. Characteristics of an agricultural title**

Characteristics of the title	High value	Low value
Title size <sup>1</sup>	Larger size	Smaller size
Development on the title	Agricultural infrastructure; dams, grain silos and feed stores, barns, sheds and workshops, underground irrigation mains, irrigation pumps, gravel laneways, wallaby proof fencing, stock facilities.	Houses and non-agricultural developments surplus to farming requirements
Connectivity. Other than non-agricultural developments topographical constraints, reserves, threatened vegetation, major water courses and roads, steep slopes, swampy ground etc can limit connectivity.	Well connected to other 'medium to large-scale' farming titles	No connectivity with other 'medium to large-scale' farming titles
Current and potential use	Intensive horticulture	Grazing
Land Capability	Prime Ag land + LC 4	LC 4-6 (LC 7 – no value)
Water available for irrigation	Current access or within a defined irrigation district	No irrigation resource
Regional context	Close to contract labour, processing facilities and markets; lower transaction costs	Isolated from contract labour, processing facilities and markets; higher transaction costs
Constraints Class	Little constraint	Highly constrained

<sup>1</sup> The title size categories are relatively consistent with the thresholds used in the ALMP enterprise cluster sizes and are based on expert opinion in relation to the normal conduct of agriculture in the region. The thresholds are generalised and somewhat conservative however are considered to reasonably reflect a pattern of distribution of agricultural activities in the region. Anomalies will always occur when a methodology divides information into generalised categories.



There are very few enterprises that require a permanent dwelling as an integral part of the farming enterprise. Intensive animal husbandry, aquaculture and horticulture may be exceptions, although advances in technology are reducing the need for 24hr vigilance in these enterprises. Security, particularly for high value products, does need to be considered. However, there are numerous examples of farmers leasing land for farming away from where they live.

The location of non-agricultural development on a title can influence the degree of constraint on the agricultural potential of a title. If a title is greater than 40ha then siting is considered to have little significance. On smaller titles the siting of a non-agricultural development can impact on the agricultural use of the title. For example, a house in the middle of a small title will have a greater impact than a house along a boundary. However, the location of a non-agricultural development is generally of so little significance compared to the presence or otherwise of a house, that siting need not be considered a significant factor in assessing the overall level of constraint on a title greater than 40ha. The presence of a house on a title reduces the likelihood that the land may be purchased by another agricultural business for the purposes of increasing the scale of their operation.

Non-agricultural developments also directly remove land from agricultural use. This impact is exacerbated by the curtilage and other associated land requirements, for example the land required for an access road.

Based on an analysis of PIDs<sup>2</sup>, generally 'medium to large-scale' holdings are comprised of more than one title. Where titles are under the same ownership it is likely that they are farmed in conjunction. Hence even small titles (without dwellings) have the capacity to contribute to a 'medium to large-scale' holding. Where there is a cluster of titles, the majority with a dwelling and less than 40ha and under different ownership, it is likely this area is already compromised for 'medium to large-scale' agriculture unless there is evidence of irrigation water and high value agricultural activities.

### CONNECTIVITY

Connectivity describes the ability to utilise multiple titles in conjunction. Strong connectivity occurs where a title can be effectively utilised in association with an adjacent title or titles. Weak connectivity occurs where the subject title has been effectively surrounded by non-resource development or public land (with some exceptions) and thereby is isolated from agricultural land that has minimal constraints. Connectivity is more important for small rather than large titles.

Other than the size of the title, ownership and whether that title has a house are other barriers to connectivity which need to be considered. In some circumstances rivers do represent a barrier to connectivity. However, rivers can also serve as a conduit for conveying water from one title to another, in which case the river is not a barrier. Also farms often have internal crossings for stock and machinery on streams where land is farmed on either side. It is generally feasible to apply for an easement to convey water across a riparian reserve hence these also are not considered as barriers. Most highways have underpasses for conveying stock, vehicles and sometimes smaller machinery under them. Where an underpass is in place the highway is not a significant barrier. However, the locations of underpasses are not easily assessable using the currently available spatial data. Generally minor roads do not constitute a significant barrier as it is possible to convey stock and

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<sup>2</sup> Based on research undertaken by AK Consultants in 2010 to develop the Agricultural Profiles for each of the eight Northern Tasmanian Councils and the Northern Tasmanian region as whole.

machinery across or along them. Railway lines also generally do not form major barriers as there is commonly a means of conveying stock and machinery across (or under) them.

Barriers to connectivity include:

- Areas of land unsuitable for agricultural use as a result of Land Capability classification, the presence of threatened vegetation or formal reserve status precluding clearance and conversion.
- Land converted to non-agricultural use.
- A cluster of small titles.
- Public land (except where there is existing or potential for agricultural activity).
- Nature reserves or threatened vegetation communities which are protected from clearance and conversion under legislation.
- Major roads with no stock underpasses.
- Larger water courses remote from irrigation activities.

#### IDENTIFICATION OF EXISTING IRRIGATION RESOURCES

Tools that can be utilised to determine if there are existing irrigation resources associated with a title or holding include:

- The Water Information System of Tasmania (WIST). This database can be utilised to search for existing water allocations and dams. Searches can be conducted using a map. Existing allocations can then be compared with water requirements for the different agricultural enterprises as outlined in Table 6.
- Groundwater Information Access Portal (Mineral Resources Tasmania). This portal can be used to locate existing mapped water bores. A minimum flow rate of 2-5l/second would be needed for irrigation use.
- If within 1km of a named stream.

If unsure of existing or potential water resources for a title, expert advice should be sought.

#### LAND USE STRATEGY

The *Southern Tasmanian Regional Land Use Strategy 2010-2035* lists five main regional policies regarding Productive Resources:

- Support agricultural production on land identified as regionally significant by affording it the highest level of protection from fettering or conversion to non-agricultural uses.
- Manage and protect the value of non-significant agricultural land in a manner that recognises sub-regional diversity in land and production characteristics.
- Support and protect regionally significant extractive industries.
- Support the aquaculture industry.
- Support the forest industry.

Consideration of these regional policies (other than the aquaculture industry) has been taken into account when developing the Decision Tree and supporting Guidelines. The Enterprise Scale Analysis Tool was also developed to assist in identifying land that should be protected under these policies.

## ZONING GUIDELINES

The Zoning Guidelines are designed to assist Councils with their decisions for assessment areas by providing some basic rules to follow when determining zones to ensure a consistent zoning pattern is developed. Even with these Zoning Guidelines, there will likely be anomalies and in these instances, it is recommended that Councils seek external expert advice to provide assistance.

**Table 4. Zoning Guidelines.**

Characteristic	Description
Consistency of land use patterns.	Titles that have characteristics that are suitable for either the Rural or Ag Zone (based on State – Zone Application Framework Criteria) should be zoned based on surrounding titles with the chief aim of providing a consistent land use pattern.
Minimum of three titles (where feasible) to make a zone.	To avoid spot zoning of individual titles a minimum of 3 titles should be investigated (depending on size and scale of titles) for a zone. For planning purposes, a consistent zoning pattern is preferable to fragmented zoning patterns.
Adjacent titles owned by same entity to be included in the same zone when possible.	Adjacent titles under same ownership are most likely farmed in conjunction. By zoning these titles under the same zone land holders will have consistency of Planning Scheme permitted uses. However, current land use practices should also be considered as there may be instances where titles under same ownership are utilised for differing land uses which are more appropriately zoned differently. This will also potentially be the case for larger titles where split zoning might be appropriate. Plantations on land farmed in conjunction with mixed farming operations are more likely to be converted to an alternative agricultural use. Hence if the majority of the holding is in the Ag Zone then the preference would be for the title supporting plantation to also be in the Ag Zone.
Split zoning of titles to only occur in exceptional circumstances.	Split zoning is only to occur on titles that have significantly divergent agricultural potential. This will generally only occur on larger titles.

## DECISION TREE

The Decision Tree (Table 5) is to be used to assist Councils to determine the appropriate zone for titles assessed within defined areas of interest. The Decision Tree provides context for each listed use for both the Rural and Ag Zone. It also provides guidance on:

- Enterprise Scale
- Land Capability

- Native Vegetation
- Constraints Mapping from *Land Potentially Suitable for Agriculture* GIS Layer
- Irrigation Resources
- Reserves

Justification for zoning rationale is based on the ALMP's *Land Potentially Suitable for Agriculture* GIS Layer and the Guidelines for both the Agricultural and Rural Zone in the *Guideline No. 1 Local Provisions Schedule (LPS): zone and code application*. Both resources have been developed through consideration of the Purpose Statement of both zones, so by conforming with these it is assumed that the zone Purpose Statements are also conformed with.

Even with the Decision Tree, it is likely that Councils will come across areas of interest where there are anomalies or where after applying the Decision Tree Rules a preferred zone is not apparent. In these situations, outside expert advice should be sought.

**Table 5. Decision Tree.**

Use	Rationale	Agriculture Zone	Justification	Rural Zone	Justification	Further Consideration	Alternate Zone
<b>Forestry Activities on majority of title – Including:</b> <ul style="list-style-type: none"> <li>Native Forest Harvesting</li> <li>Plantations</li> <li>State Forest</li> <li>Future Production Forest</li> </ul>	<ul style="list-style-type: none"> <li>Forestry is “no permit required” in both the Rural &amp; Ag Zone under certain conditions. However, the Ag Zone has stricter provisions on resource development activities which in some cases require discretionary approval, or prohibit the use all together.</li> <li>Land with limited potential for future development of an agricultural enterprise will preferably be zoned Rural.</li> <li>Zoning will aim to reflect a consistent land use pattern.</li> </ul>	<p>Yes (if meeting one or more criteria).</p> <ul style="list-style-type: none"> <li>If on Prime Ag Land.</li> <li>If surrounded by Ag land.</li> <li>If farmed in conjunction with an agricultural enterprise.</li> <li>If plantation over pasture that is likely to be converted back to pasture after harvest.</li> <li>If there is a potential dam site on a named stream and upstream from existing or potential agricultural activity.</li> </ul>	<p>Mapped as Unconstrained in the ALMP.</p>	<p>Yes (if meeting one or more criteria).</p> <ul style="list-style-type: none"> <li>If on Class 6 or 7 Land, or land that is limited due to site characteristics.</li> <li>If owned by a forestry company.</li> <li>If owned by a private land holder and is adjacent to other forestry or Rural Zone titles.</li> <li>If under private timber reserves and unlikely to be converted to pasture.</li> <li>Adjacent land is also primarily used for forestry activities.</li> <li>State forest and/or Future Production Forest.</li> </ul>	<p>Per Guidelines RZ 1 &amp; RZ 3.</p>	<p>Forestry activities on Class 4 or 5 land should be assessed case by case. Consideration of surrounding land, ownership and likely future uses should be considered before determining appropriate zone.</p> <p>Consideration of future subdivision and development should be considered. There are less strict subdivision provisions in Rural Zone than Ag Zone.</p> <p>If unsure of dam site potential specialist advice should be sought.</p>	
<b>Irrigation Resources or use</b>	<p>Irrigation water resources are important to agricultural productivity, diversifying and risk management.</p>	<p>Yes.</p> <ul style="list-style-type: none"> <li>If existing irrigation resources.</li> <li>If there is potential to develop irrigation resources that could be utilised for agricultural activities.</li> </ul>	<p>Agriculture Zone Purpose &amp; as per guideline AZ 1.</p>			<p>If unsure of irrigation potential specialist advice should be sought.</p>	
<b>Residual Native Vegetation/ Minimal Use on majority of title.</b>	<p>Extensive areas of native vegetation generally indicate some limitations to productive use and also may indicate natural values.</p>	<p>Yes.</p> <ul style="list-style-type: none"> <li>If farmed in conjunction with a ‘medium to large-scale’ agricultural enterprise (eg. broadacre dryland grazing enterprise).</li> <li>If a Conservation Covenant is covering area of concern and surrounding land is utilised for agriculture.</li> </ul>	<p>Mapped as Unconstrained.</p>	<p>Yes.</p> <ul style="list-style-type: none"> <li>Fragmented ownership of titles.</li> <li>Land Use 2015 Layer (LIST) maps as minimal use.</li> <li>No evidence of land being utilised for agricultural activities anywhere on the title.</li> <li>Poor site characteristics and Land Capability (Class 5, 6 or 7) on majority of title.</li> <li>If under a Conservation Covenant and not managed in conjunction with an agricultural enterprise.</li> <li>If the natural assets are deemed to be of higher value than the agricultural value of the land and it is determined that the Forest Practices Code will not provide sufficient protection of natural assets.</li> </ul>	<p>Per Guidelines RZ 1, RZ 3, AZ 4 &amp; AZ 6.</p>	<p>Local knowledge of areas is an important consideration. It is also important to note that by zoning these areas as Rural, they are not precluded from future agricultural development unless protected by a Code (Natural Assets Code) where as the Ag Zone is exempt from this code. In these instances, if natural values are considered of greater value than agricultural values, Council may decide to zone titles Rural. The Scenic Protection Code applies in both zones.</p> <p>Potential of future subdivision and development should also be considered. There are less strict subdivision provisions in Rural Zone and Natural Assets Code still allows for some clearing.</p>	<p>Environmental Management Zone or Landscape Conservation Zone.</p>

Use	Rationale	Agriculture Zone	Justification	Rural Zone	Justification	Further Consideration	Alternate Zone
<b>Extractive Industries</b>	Extractive industries (mining, quarries) are a Permitted Use in the Rural Zone, but are Discretionary in the Ag Zone.	Yes. <ul style="list-style-type: none"> <li>If on Prime Agricultural Land</li> <li>If surrounded by agricultural land and there is no connectivity with other land suitable for the Rural Zone.</li> </ul>	Mapped as Unconstrained.	Yes. <ul style="list-style-type: none"> <li>If not on Prime Agricultural Land and has connectivity with other land that will be zoned Rural.</li> <li>If on an isolated title from rest of Rural estate, but is an operation of regional significance.</li> </ul>	Per Guidelines RZ 3.		
<b>Resource Processing</b>	Resource Processing is a Permitted Use in the Rural Zone, but is Discretionary in the Ag Zone.	Yes. <ul style="list-style-type: none"> <li>If on Prime Agricultural Land.</li> <li>If surrounded by agricultural land and there is no connectivity with other land suitable for the Rural Zone.</li> </ul>	Mapped as Unconstrained.	Yes. <ul style="list-style-type: none"> <li>If not on Prime Agricultural Land and has connectivity with other land that will be zoned Rural.</li> <li>If on an isolated title from rest of Rural estate, but is an operation of local and/or regional significance.</li> </ul>	Per Guidelines RZ 3.		
<b>Unmapped Titles</b>	Individual titles or small clusters of titles that were excluded from the <i>Land Potentially Suitable for Agriculture</i> layer that are surrounded by titles that are included in Ag Zone.	Yes. <ul style="list-style-type: none"> <li>If surrounded by land that will be zoned as Agriculture and subject title has characteristics that could be included within Agriculture Zone.</li> <li>If farmed in conjunction with adjacent agricultural land.</li> <li>If it provides a more consistent zoning pattern.</li> </ul>	Per Guidelines AZ 1, AZ 4 & AZ 7.	Yes. <ul style="list-style-type: none"> <li>If Sustainable Timber Tasmania (STTAS) land (formerly Forestry Tasmania) or Crown owned land.</li> <li>If has no agricultural potential and is adjacent to land with similar characteristics that could also be zoned Rural.</li> </ul>	Per Guideline RZ 3.	All STTAS land is to go into the Rural Zone. It may be appropriate to zone adjacent land as Rural also. However, potential for future development that is allowable within the Rural Zone should be considered and the potential impacts this could have on STTAS land before zoning Rural.	Other zones may apply depending on the characteristics of the subject land and surrounding land.
<b>Potentially Constrained Titles</b>	Titles that were mapped as potentially constrained (2A, 2B or 3) in the <i>Land Potentially Suitable for Agriculture</i> layer are intended to be flagged for further investigation by Councils to determine which zone (ag or Rural) is more appropriate.	Yes. <ul style="list-style-type: none"> <li>Single titles or small clusters of titles surrounded by unconstrained agricultural land.</li> <li>If on Prime Agricultural Land.</li> <li>If there is an existing irrigation water supply.</li> <li>Titles that are farmed in conjunction with agricultural land.</li> <li>If it provides a more consistent zoning pattern.</li> </ul>	Per Guidelines AZ1, AZ 3 & AZ 4.	Yes. <ul style="list-style-type: none"> <li>Cluster of three or more titles and not utilised for agricultural activities nor directly adjacent to 'medium to large-scale' agricultural activities.</li> <li>If adjoining a Residential Zone and in a cluster of 3 or more and not utilised as part of an 'medium to large-scale' agricultural activity.</li> <li>If provides for a more consistent zoning pattern.</li> </ul>	Per Guidelines AZ 3, RZ 1 & RZ 3.	Titles with 'medium to Large-scale' or medium scale agricultural characteristics should be zoned Agriculture where possible.  Titles adjacent to Residential Zones that display very constrained characteristics may be more suited to a Residential Zone. A separate assessment of these titles may be required to confirm this.	Rural Living or Low Density Residential.



Use	Rationale	Agriculture Zone	Justification	Rural Zone	Justification	Further Consideration	Alternate Zone
<b>Significant Agriculture Zone and Prime Agricultural Land</b>	The purpose of the Significant Ag Zone was to protect highly productive agricultural land. This land should naturally be included in the Agriculture Zone. Prime Ag Land (Land Capability Classes 1, 2 & 3) should be protected where possible and retained in the Agriculture Zone because of its productive potential.	Yes.	Per Guideline AZ 2.	Yes. • If significantly constrained or other limitations can be demonstrated.	Per Guideline AZ 6.	Specialist advice should be sought before zoning Rural.	
<b>Public Reserves:</b> • Conservation Area • Game Reserve • Historic Site • Indigenous Protected Area • National Park • Nature Reserve • Nature Recreation Area • Regional Reserve • State Reserve • Wellington Park • RAMSAR Wetland • Informal Reserve on Public Land	The public reserve estate is designed to conserve and protect public land. This land does not have any agricultural value.	No • Unless not appropriate to zone differently.	Per Guidelines AZ 1 & AZ 6	Yes.	Per Guidelines RZ 1 & RZ 3.	Where deemed appropriate and as per Guideline EMZ 1.	Environmental Management Zone.
<b>Private Reserves:</b> • Conservation Covenant • Private Nature Reserve • Private Sanctuary • Stewardship Agreement • Part 5 Agreements	Private reserves existing on privately owned land. Some of these reserves will form part of a Whole Farm Plan so should be considered in context with surrounding land.	No Unless: • managed in conjunction with productive agricultural land. • It is to provide a consistent zoning pattern.	Per Guidelines AZ 1 & AZ 6	Yes.	Per Guidelines RZ 1 & RZ 3.	Where deemed appropriate and as per Guideline EMZ 1 or LCZ 1 & LCZ 2.	Environmental Management Zone or Landscape Conservation Zone.

Use	Rationale	Agriculture Zone	Justification	Rural Zone	Justification	Further Consideration	Alternate Zone
<b>Land Capability Class 6 and 7</b>	Class 6 Land is described as; Land marginally suitable for grazing because of severe limitations. This land has low productivity, high risk of erosion, low natural fertility or other limitations that severely restrict agricultural use. This land should be retained under its natural vegetation cover.  Class 7 Land is described as; Land with very severe to extreme limitations which make it unsuitable for agricultural use. (Grose 1999)	Yes. <ul style="list-style-type: none"><li>If farmed in conjunction with a 'medium to large-scale' agricultural enterprise (eg. broadacre dryland grazing enterprise).</li></ul>	Mapped as Unconstrained.	Yes. <ul style="list-style-type: none"><li>If there are a minimum of three titles appropriate to be zoned Rural.</li></ul>	Per Guidelines RZ 1 & AZ 6		
<b>Utilities</b>	Minor Utilities are listed as a no permit required in either zone, whereas all other utilities are permitted.	Yes. <ul style="list-style-type: none"><li>If surrounded by land which will be zoned as Agriculture.</li></ul>	Mapped in Land Potentially Suitable for Agriculture Layer.	Yes. <ul style="list-style-type: none"><li>If surrounded by land which will be zoned as Rural.</li></ul>		Zoning of utilities should reflect a consistent zoning pattern with surrounding zoning. It may be considered appropriate to zone significant utilities to an alternate zone.	Utilities Zone.
<b>Business &amp; Professional Services</b>	This Use is prohibited in the Ag Zone, so titles with this use should only be zoned Agriculture under exceptional circumstances.	No. Unless: <ul style="list-style-type: none"><li>Is connected to an agricultural enterprise.</li><li>Is surrounded by land which will be zoned Agriculture and a cluster of three titles cannot be developed to create an alternate zone.</li></ul>	Mapped in Land Potentially Suitable for Agriculture Layer.	Yes.	AZ 6 & RZ 3.	If connected to an alternate more appropriate zone, then alternate zoning should be considered.	Various.
<b>Domestic Animal Breeding, Boarding or Training</b>	This use is permitted in the Rural Zone and is Discretionary in the Ag Zone.	No. Unless: <ul style="list-style-type: none"><li>Is associated with an existing enterprise that will be zoned Agriculture.</li><li>Is surrounded by land that will be zoned Agriculture.</li></ul>	Mapped in Land Potentially Suitable for Agriculture Layer.	Yes.	AZ 6 & RZ 3.		
<b>Educational &amp; Occasional Care</b>	This use is permitted in Rural Zone if associated with Resource Development or Resource Processing, otherwise it is discretionary. It is also discretionary in the Ag Zone.	No. Unless: <ul style="list-style-type: none"><li>Is associated with an existing enterprise that will be zoned Agriculture.</li><li>Is surrounded by land that will be zoned Agriculture.</li></ul>	Mapped in Land Potentially Suitable for Agriculture Layer.	Yes. <ul style="list-style-type: none"><li>If surrounded by land which will be zoned as Rural.</li></ul>	AZ 6 & RZ 3.	If connected to an alternate more appropriate zone, then alternate zoning should be considered.	Various.



Use	Rationale	Agriculture Zone	Justification	Rural Zone	Justification	Further Consideration	Alternate Zone
<b>Emergency Services</b>	This use is permitted in the Rural Zone but is prohibited in the Ag Zone.	No. <ul style="list-style-type: none"> <li>Unless not appropriate to zone differently.</li> </ul>	Per Guidelines AZ 1 & AZ 6	Yes.	AZ 6 & RZ 3.	An alternate zone may be considered more appropriate. If surrounded by land which will be zoned Agriculture, spot zoning of a more appropriate zone maybe worth considering.	Various.
<b>Food Services</b>	This use is permitted in both zones if it is associated with resource development or resource processing, otherwise it is discretionary in both zones.	Yes. <ul style="list-style-type: none"> <li>If associated with an existing enterprise that will be zoned Agriculture.</li> <li>If surrounded by land that will be zoned Agriculture.</li> </ul>	Mapped in Land Potentially Suitable for Agriculture Layer.	Yes. <ul style="list-style-type: none"> <li>If associated with an existing enterprise that will be zoned Rural.</li> <li>If surrounded by land that will be zoned Rural.</li> </ul>	Per Guidelines RZ 2 & RZ 3.	If connected to an alternate more appropriate zone, then alternate zoning should be considered.	Various.
<b>General Retail &amp; Hire</b>	This use is permitted in both zones if it is associated with resource development or resource processing, otherwise it is discretionary in both zones.	No. Unless: <ul style="list-style-type: none"> <li>Is associated with an existing enterprise that will be zoned Agriculture.</li> <li>Is surrounded by land that will be zoned Agriculture.</li> </ul>	Mapped in Land Potentially Suitable for Agriculture Layer.	Yes. <ul style="list-style-type: none"> <li>If associated with an existing enterprise that will be zoned Rural</li> <li>If surrounded by land that will be zoned Rural.</li> </ul>	Per Guidelines RZ 2 & RZ 3.	If connected to an alternate more appropriate zone, then alternate zoning should be considered.	Various.
<b>Manufacturing and Processing</b>	This use is permitted in the Rural Zone if for the processing of materials from extractive industries, otherwise it is discretionary. The use is discretionary in the Ag Zone if it is for the manufacturing of agricultural equipment or the processing of materials from extractive industries otherwise it is prohibited.	No. Unless: <ul style="list-style-type: none"> <li>Is for manufacturing of agricultural equipment and surrounded by land that will be zoned Agriculture.</li> <li>Is for processing of materials from extractive industries and surrounded by land that will be zoned Agriculture.</li> </ul>	Mapped in Land Potentially Suitable for Agriculture Layer.	Yes.	Per Guidelines RZ 2 & RZ 3.	If connected to an alternate more appropriate zone, then alternate zoning should be considered.	Various.
<b>Pleasure Boat Facility</b>	This use is permitted in the Rural Zone if it is for a boat ramp otherwise it is discretionary. The use is prohibited in the Ag Zone.	No. <ul style="list-style-type: none"> <li>Unless not appropriate to zone differently.</li> </ul>	Per Guidelines AZ 1 & AZ 6	Yes.	Per Guidelines RZ 2 & RZ 3.	If connected to an alternate more appropriate zone, then alternate zoning should be considered.	Various.
<b>Research &amp; Development</b>	This use is permitted in the Rural Zone if associated with resource development or resource processing, otherwise it is discretionary. It is discretionary in the Ag Zone	No. Unless: <ul style="list-style-type: none"> <li>Is associated with an existing enterprise that will be zoned Agriculture.</li> <li>Is surrounded by land that will be zoned Agriculture.</li> </ul>	Mapped in Land Potentially Suitable for Agriculture Layer.	Yes.	Per Guidelines RZ 2 & RZ 3.	If connected to an alternate more appropriate zone, then alternate zoning should be considered.	Various.

Use	Rationale	Agriculture Zone	Justification	Rural Zone	Justification	Further Consideration	Alternate Zone
<b>Storage</b>	This use is permitted in the Rural Zone and discretionary in the Ag Zone if for; a contractor's yard, freezing and cooling storage, grain storage, a liquid, solid or gas fuel depot, or a woodyard. Otherwise it is discretionary in the Rural Zone and prohibited in the Ag Zone.	No. Unless: <ul style="list-style-type: none"> <li>Is associated with an existing enterprise that will be zoned Agriculture.</li> <li>Is surrounded by land that will be zoned Agriculture.</li> </ul>	Mapped in Land Potentially Suitable for Agriculture Layer.	Yes.	Per Guidelines RZ 2 & RZ 3.	If connected to an alternate more appropriate zone, then alternate zoning should be considered.	Various.
<b>Visitor Accommodation</b>	This use is permitted in the Rural Zone if for accommodation within an existing building, otherwise it is discretionary. The use is discretionary in the Ag Zone.	No. Unless: <ul style="list-style-type: none"> <li>Is associated with an existing enterprise that will be zoned Agriculture.</li> <li>Is surrounded by land that will be zoned Agriculture.</li> </ul>	Mapped in Land Potentially Suitable for Agriculture Layer.	Yes.	Per Guidelines RZ 2 & RZ 3.	If connected to an alternate more appropriate zone, then alternate zoning should be considered.	Various.
<b>Bulky Goods Sales</b>	This use is discretionary in the Ag and Rural Zones if for; a supplier for extractive industry, resource development or resource processing, a garden & landscape supplier, or a timber yard. If for Rural supplies is also discretionary in the Rural Zone.	No. Unless: <ul style="list-style-type: none"> <li>Is associated with an existing enterprise that will be zoned Agriculture.</li> <li>Is surrounded by land that will be zoned Agriculture.</li> </ul>	Mapped in Land Potentially Suitable for Agriculture Layer.	Yes.	Per Guidelines RZ 2 & RZ 3.	If connected to an alternate more appropriate zone, then alternate zoning should be considered.	Various.
<b>Community Meeting &amp; Entertainment</b>	This use is discretionary in the Rural Zone and prohibited in the Ag Zone.	No. <ul style="list-style-type: none"> <li>Unless not appropriate to zone differently.</li> </ul>	Per Guidelines AZ 1 & AZ 6	Yes. <ul style="list-style-type: none"> <li>If surrounded by land that will be zoned Rural.</li> </ul>	Per Guidelines RZ 2 & RZ 3.	If connected to an alternate more appropriate zone, then alternate zoning should be considered.	Various.
<b>Crematoria &amp; Cemeteries</b>	This use is discretionary in the Rural Zone and prohibited in the Ag Zone.	No. <ul style="list-style-type: none"> <li>Unless not appropriate to zone differently.</li> </ul>	Per Guidelines AZ 1 & AZ 6	Yes. If surrounded by land that will be zoned Rural.	Per Guidelines RZ 2 & RZ 3.	If connected to an alternate more appropriate zone, then alternate zoning should be considered.	Various.
<b>Custodial Facility</b>	This use is discretionary in the Rural Zone and prohibited in the Ag Zone.	No. <ul style="list-style-type: none"> <li>Unless not appropriate to zone differently.</li> </ul>	Per Guidelines AZ 1 & AZ 6	Yes. <ul style="list-style-type: none"> <li>If surrounded by land that will be zoned Rural.</li> </ul>	Per Guidelines RZ 2 & RZ 3.	If connected to an alternate more appropriate zone, then alternate zoning should be considered.	Various.
<b>Motor Racing Facility</b>	This use is discretionary in the Rural Zone and prohibited in the Ag Zone.	No. <ul style="list-style-type: none"> <li>Unless not appropriate to zone differently.</li> </ul>	Per Guidelines AZ 1 & AZ 6	Yes. <ul style="list-style-type: none"> <li>If surrounded by land that will be zoned Rural.</li> </ul>	Per Guidelines RZ 2 & RZ 3.	If connected to an alternate more appropriate zone, then alternate zoning should be considered.	Various.
<b>Recycling &amp; Waste Disposal</b>	This use is discretionary in the Rural Zone and prohibited in the Ag Zone.	No. <ul style="list-style-type: none"> <li>Unless not appropriate to zone differently.</li> </ul>	Per Guidelines AZ 1 & AZ 6	Yes. <ul style="list-style-type: none"> <li>If surrounded by land that will be zoned Rural.</li> </ul>	Per Guidelines RZ 2 & RZ 3.	If connected to an alternate more appropriate zone, then alternate zoning should be considered.	Various.

Use	Rationale	Agriculture Zone	Justification	Rural Zone	Justification	Further Consideration	Alternate Zone
<b>Service Industry</b>	This use is discretionary in the Rural Zone is associated with extractive industry, resource development or resource processing, otherwise it is prohibited. It is prohibited in the Ag Zone.	No. <ul style="list-style-type: none"> <li>Unless not appropriate to zone differently.</li> </ul>	Per Guidelines AZ 1 & AZ 6	Yes. <ul style="list-style-type: none"> <li>If associated with an existing primary industry enterprise.</li> <li>If surrounded by land that will be zoned Rural.</li> </ul>	Per Guidelines RZ 2 & RZ 3.	If connected to an alternate more appropriate zone, then alternate zoning should be considered.	Various.
<b>Sports &amp; Recreation</b>	This use is discretionary in the Rural Zone and prohibited in the Ag Zone.	No. <ul style="list-style-type: none"> <li>Unless not appropriate to zone differently.</li> </ul>	Per Guidelines AZ 1 & AZ 6	Yes. <ul style="list-style-type: none"> <li>If surrounded by land that will be zoned Rural.</li> </ul>	Per Guidelines RZ 2 & RZ 3.	If connected to an alternate more appropriate zone, then alternate zoning should be considered.	Various.
<b>Tourist Operation</b>	This use is discretionary in both the Rural and Ag Zones.	Yes. <ul style="list-style-type: none"> <li>If surrounded by land that will be zoned Agriculture.</li> </ul>	Mapped in Land Potentially Suitable for Agriculture Layer	Yes. <ul style="list-style-type: none"> <li>If surrounded by land that will be zoned Rural.</li> </ul>	Per Guidelines RZ 2 & RZ 3.	If connected to an alternate more appropriate zone, then alternate zoning should be considered.	Various.
<b>Transport Depot &amp; Distribution</b>	This use is discretionary in the Rural and is discretionary in the Ag Zone if for the transportation and distribution of agricultural produce and equipment, otherwise it is prohibited.	No. Unless: <ul style="list-style-type: none"> <li>Is associated with an existing enterprise that will be zoned Agricultural.</li> <li>Is surrounded by land that will be zoned Agriculture.</li> </ul>	Mapped in Land Potentially Suitable for Agriculture Layer.	Yes. <ul style="list-style-type: none"> <li>If surrounded by land that will be zoned Rural.</li> </ul>	Per Guidelines RZ 2 & RZ 3.	If connected to an alternate more appropriate zone, then alternate zoning should be considered.	Various.
<b>Minor Roads &amp; Road Reserves (not on the Road hierarchy 1-5)</b>		Yes. <ul style="list-style-type: none"> <li>If is the prevailing surrounding zone.</li> </ul>		Yes. <ul style="list-style-type: none"> <li>If is the prevailing surrounding zone.</li> </ul>			

## APPENDIX 1 AGRICULTURAL ENTERPRISES REQUIREMENTS AND POTENTIAL CONSTRAINTS

Table 6 describes the general resource requirements for various agricultural land uses.

**Table 6. Resource Requirements for Various Land Uses**

Resource	Livestock			Broad acre crops		Vegetables		Berries	Orchard fruits & vines	Nurseries & cut flowers	Forestry plantations
	Sheep	Cattle	Dairy	Cereals	Others	Processed	Un-processed				
Land Capability	LC3-6	LC 3-5/6	LC 3-5	LC 1-4	LC 1-4	LC 1-4	LC 1-4	LC 1-4/5	LC 1-4/5	LC 1-4 or N/A	LC 4-6
Minimum paddock sizes	No minimum	No minimum	To suit grazing	10-15 ha min.	5-10 ha min.	10 ha min.	10 ha min.	2-4 ha	2-5 ha	2-4 ha min.	10-20 ha min.
Farm size for a "viable" business	5,000-10,000 dse (area depends on rainfall)	5,000-10,000 dse (area depends on rainfall)	Capacity for at least 350 milkers	Broadacre cropping will be a mix of crops in rotation with pasture and livestock. The area required for viability is highly variable.				4-10 ha	10-30 ha	5-10 ha	10-20 ha min.
Irrigation water	Not required	Not required	Preferable 4-6ML/ha.	Not necessary	Mostly necessary, 2-3 ML/ha	Necessary, 2-6ML/ha	Necessary, 2-6ML/ha	Necessary, 1-3ML/ha	Necessary, 2-3ML/ha	Necessary, small quantity	Not required
Climate specifications	Lower rainfall preferred for wool	No preferences	High rainfall (or irrigation)	Susceptible to spring frosts. Difficult to harvest in humid coastal conditions	Susceptible to spring frosts	Susceptible to spring frosts	Susceptible to spring frosts	High rainfall (or irrigation)	Susceptible to spring frosts for vines. Susceptible to summer rains for cherries. Susceptible to disease in high humidity in March for vines	Preferably low frost risk area	Rainfall above 700-800 mm
Infrastructure	Yards & shed	Yards, crush, loading ramp	Dairy shed	Minimal	Irrig facilities	Irrig facilities	Irrig facilities	Irrig facilities	Irrig facilities	Plastic/glass houses	None
Plant & equipment	Minimal	Minimal; hay feeding plant	General purpose tractor, hay/silage feeding	Tractors & implements	Tractors & implements	Tractors & implements	Tractors & implements	Tractors & implements	Tractors & implements	Small plant	None
Market contracts	Not required	Not required	Necessary	Not required	Generally required	Necessary	Highly preferred	Desired	Desired	Contracts preferable	Varies
Labour	Medium	Low	High	Low	Low	Low	Variable/medium	High at times	High at times	High at times	Low
Local services	Shearers	Vet	Vet, dairy shed technician	Agronomist, contractors	Agronomist, contractors	Agronomist, contractors	Agronomist, contractors	Pickers	Pickers	Pickers	Contractors
Regional suitability	Dryer areas good for wool. All areas suitable; larger farm sizes needed for viability.	All areas suitable. Suits small farms.	Economics dictate large area necessary. Needs high rainfall or large water resource for irrigation.	Generally large areas, so need larger paddocks and larger farms.	Generally large areas, so need larger paddocks and larger farms.	Medium sized paddocks & farms; area for crop rotations and irrigation.	Medium sized paddocks & farms; area for crop rotations and irrigation;	Specific site requirements; proximity to markets and transport/carriers.	Specific site requirements; potentially available in most municipalities.	Proximity to markets is important.	Low rainfall areas less preferred.
Recommended min. buffer for individual dwellings (1)	50m to grazing area	50m to grazing area	50m to grazing area, 250m to dairy shed and 300m to effluent storage or continuous application areas (2)	200m to crop	200m to crop	200m to crop	200m to crop	200m to crop	200m to crop	200m to crop	Site specific (1) 20m for inner zone and additional 15m for outer zone on flat ground (3)
Recommended min. buffer for residential areas (1)	50m to grazing area	50m to grazing area	50m to grazing area, 500m to dairy shed	300m to crop	300m to crop	300m to crop	300m to crop	300m to crop	300m to crop	300m to crop	Site specific (1)

(1) From (Learmonth, Whitehead, Boyd & Fletcher, 2007). These are industry specific recommended setbacks which do not necessarily align with Planning Scheme Setback requirements. Council should ensure they are aware of attenuation setback requirements for specific activities.

## APPENDIX 2 – POTENTIALLY CONSTRAINING MANAGEMENT ACTIVITIES

Tables 7 to 12 describe the frequency and intensity of the management activities and the associated issues likely to constrain this use for each of the agricultural land use categories in Table 6. Tables 7 to 12 are a broad guide only and site specific, cultivar specific and seasonal variations occur. Aside from these specific issues associated with these activities Learmonth et. al. (2007) also provides a comprehensive list of potential land use conflict issues (see Table 13). Tables 7 to 12 provide the rationale behind the recommended minimum buffers contained in Table 6.

**Table 7. Farming activity - Grazing**

Management Activity	Issues likely to constrain the activity	Comment
Pasture sowing Herbicide spraying Cultivation Drilling	Spray drift, noise Noise, dust Noise, dust	Ground based or aerial – often very early in the morning
Graze	Noise at certain time eg weaning calves Livestock trespass	Tractor
Forage conservation Mow, Rake, Bale, Cart bales	Noise, dust	Tractor
Fertiliser spreading	Noise	Tractor
Insecticide spraying	Spray drift Noise	Ground based or aerial – often very early in the morning
Irrigation	Spray drift Noise	Potentially turbid and not potable Pump

**Table 8. Farming Activity – Poppy crop**

Management Activity	Issues likely to constrain the activity	Comment
Pre-cultivation spray	Spray drift Noise	Ground based or aerial – often very early in the morning
Cultivation – several passes (2-4)	Noise Dust	Tractor Dust is unlikely as soils are likely to be moist
Lime spreading	Noise	Tractor
Drilling	Noise	Tractor
Herbicide sprays (2)	Spray drift Noise	Ground based or aerial often very early in the morning
Insecticide & fungicide sprays (2-3)	Spray drift Noise	Ground based or aerial – likely to be very early in the morning
Irrigation	Spray drift Noise	Potentially turbid and not potable Pump
Harvesting	Noise	Tractor
Potential forage crops after harvesting, cultivation Broadcast seed & harrow, Irrigate	Noise Noise Noise, spray drift	Tractor Tractor Pump

**Table 9. Farming Activity - Potato crop**

Management Activity	Issues likely to constrain the activity	Comment
Pre-cultivation spray	Spray drift Noise	Ground based or aerial – often very early in the morning
Cultivation – several passes (2-4)	Noise Dust	Tractor Dust is unlikely as soils are likely to be moist
Planting	Noise	
Herbicide spray	Spray drift Noise	Ground based or aerial – often very early in the morning
Insecticide & fungicide sprays (5+)	Spray drift Noise	Ground based or aerial – likely to be very early in the morning
Fertiliser Spreading	Noise Odour	Tractor From manure/organic fertilisers
Irrigation	Spray drift Noise	Potentially turbid and not potable Pump
Harvesting	Noise	Tractor

**Table 10. Farming activity – Strawberries (3 yr rotation)**

Management Activity	Issues likely to constrain the activity	Comment
Fungicide	Spray drift Noise	Ground based likely to be very early in the morning
Herbicide spraying	Spray drift Noise	Ground based likely to be very early in the morning
Cultivation	Noise	
Fertiliser	Spray drift Noise	Ground based likely to be very early in the morning
Planting	By hand Noise	Tractor & traffic
Inter-row maintenance herbicide and/or mowing	Spray drift Noise	Ground based likely to be very early in the morning
Irrigation	Spray drift Noise	
Harvesting Dec -March	By hand Noise	Tractor & traffic



**Table 11. Farming activity – Cherries (after establishment)**

Management Activity	Issues likely to constrain the activity	Comment
Fungicide spraying	Spray drift Noise	Ground based likely to be very early in the morning
Herbicide spraying	Spray drift Noise	Ground based likely to be very early in the morning
Insecticide spraying	Spray drift Noise	Ground based likely to be very early in the morning
Irrigation	Spray drift Noise	
Frost fans	Noise	
Harvesting Dec - March	By hand or machine Noise	Tractor & traffic
Pruning June – Sept	By hand	Tractor & traffic

**Table 12. Farming activity – Vines (after establishment)**

Management Activity	Issues likely to constrain the activity	Comment
Fungicide spraying Sept – March (max 10)	Spray drift Noise	Ground based likely to be very early in the morning
Herbicide spraying Autumn and summer 2-3	Spray drift Noise	Ground based likely to be very early in the morning
Irrigation	Spray drift Noise	
Frost fans	Noise	
Pruning, training June – Sept	By hand	
Harvesting March -May	By hand or machine Noise	Tractor & traffic



**Table 13. Typical rural land use conflict**

Living and Working in Rural Areas. A handbook for managing land use conflict issues on the NSW North Coast. Learmonth, R., Whitehead, R., Boyd, B., and Fletcher, S. n.d.

*Table 1. Typical rural land use conflict issues in the north coast region*

Issue	Explanation
Absentee landholders	Neighbours may be relied upon to manage issues such as bush fires, straying stock, trespassers etc. while the absentee landholder is at work or away.
Access	Traditional or informal 'agreements' for access between farms and to parts of farms may break down with the arrival of new people.
Catchment management	Design, funding and implementation of land, water and vegetation management plans are complicated with larger numbers of rural land-holders with differing perspectives and values.
Clearing	Neighbours may object to the clearing of trees, especially when it is done apparently without approvals or impacts on habitat areas or local amenity.
Cooperation	Lack of mutual co-operation through the inability or unwillingness on behalf individuals to contribute may curtail or limit traditional work sharing practices on-farm or in the rural community.
Dogs	Stray domestic dogs and wild dogs attacking livestock and wildlife and causing a nuisance.
Drainage	Blocking or changing drainage systems through a lack of maintenance or failure to cooperate and not respect the rights of others.
Dust	Generated by farm and extractive industry operations including cultivating, fallow (bare) ground, farm vehicles, livestock yards, feed milling, fertiliser spreading etc.
Dwellings	Urban or residential dwellings located too close to or affecting an existing rural pursuit or routine land use practice.
Electric fences	Electric shocks to children, horses and dogs. Public safety issues.
Fencing	Disagreement about maintenance, replacement, design and cost.
Fire	Risk of fire escaping and entering neighbouring property. Lack of knowledge of fire issues and the role of the Rural Fire Service.
Firearms	Disturbance, maiming and killing of livestock and pest animals, illegal use and risk to personal safety.
Flies	Spread from animal enclosures or manure and breeding areas.
Heritage management	Destruction and poor management of indigenous and non indigenous cultural artefacts, structures and sites.
Lights	Bright lights associated with night loading, security etc.
Litter	Injury and poisoning of livestock via wind blown and dumped waste. Damage to equipment and machinery. Amenity impacts.
Noise	From farm machinery, scare guns, low flying agricultural aircraft, livestock weaning and feeding, and irrigation pumps.
Odours	Odours arising from piggeries, feedlots, dairies, poultry, sprays, fertiliser, manure spreading, silage, burning carcasses/crop residues.
Pesticides	Perceived and real health and environmental concerns over the use, storage and disposal of pesticides as well as spray drift.
Poisoning	Deliberate poisoning and destruction of trees/plants. Spray drift onto non-target plants. Pesticide or poison uptake by livestock and human health risks.
Pollution	Water resources contaminated by effluent, chemicals, pesticides, nutrients and air borne particulates.
Roads	Cost and standards of maintenance, slow/wide farm machinery, livestock droving and manure.
Smoke	From the burning of crop residues, scrub, pasture and windrows.
Soil erosion	Loss of soil and pollution of water ways from unsustainable practices or exposed soils. Lack of adequate groundcover or soil protection.
Straying livestock	Fence damage, spread of disease, damage to crops, gardens and bush/rainforest regeneration.
Theft/vandalism	Interference with crops, livestock, fodder, machinery and equipment.
Tree removal	Removal of native vegetation without appropriate approvals. Removal of icon trees and vegetation.
Trespass	Entering properties unlawfully and without agreement.
Visual/amenity	Loss of amenity as a result of reflective structures (igloos, hail netting), windbreaks plantings (loss of
Water	Competition for limited water supplies, compliance with water regulations, building of dams, changes to flows. Stock access to waterways. Riparian zone management.
Weeds	Lack of weed control particularly noxious weeds, by landholders.
<i>Based on: Smith, RJ (2003) Rural Land Use Conflict: Review of Management Techniques – Final Report to Lismore Living Centres (PlanningNSW).</i>	

Appendix 3 provides the background rationale for the development of the Enterprise Scale Analysis Tool. Discussion around enterprise ‘viability’ is for context but does not specifically relate to the Decision Tree/Guidelines process for determining suitable zoning of areas of interest.

Rural land – land use and characteristics

Definitions, planning objectives & responses.

Potential Land use	Definition	Resources (general characteristics)	Connectivity	Objectives for planning	Planning responses
'Medium to Large-scale' Characteristics	Likely to be viable.	Land area comprising a number of titles farmed together. Total land area for mixed farming is likely to be 200ha-500ha or more, depending on Land Capability, water resources and enterprise mix. Land area for vineyards, orchards or berries is likely to be 10ha-20ha.	Few constraints.	Retain current and future agricultural productive potential.	If all indicators are present, Agriculture zoning is preferred.
	Capacity to produce sufficient profit for a family and full-time employment of one person.	Water available for irrigation for smaller holdings.	Well connected to other unconstrained titles,		
			Expansion and/or intensification likely in the future.		
'Small-scale' Characteristics	Land used for some agriculture.	Generally 8-40 ha in area and a single title.	Some Constraints.	Provide for ‘small-scale’ where the land cannot be used for ‘medium to large-scale’ farming enterprises.	If agricultural use potential is good; ie if it has all or some of the following characteristics; Few Constraints, LC 1-3, water available, well connected, currently no house, currently supporting high value agriculture then treat as for ‘medium to large-scale’.
	Agricultural activity may be profitable, however generally unable to produce sufficient profit to demonstrate viability.	Water for irrigation less likely, but possible, depending on location and cost of supply.	Residence on the title.		
	Occupant/family needs to be supported by off-farm income.	Land Capability class generally 4-5.	Residences in close proximity.	Can contribute to buffers at the rural/residential interface to provide for gradational impacts.	
'Domestic-scale' Characteristics		The land and/or water resources associated with the title may have the capacity to contribute to a ‘medium to large-scale’ holding depending on the degree of constraint.	Low connectivity to unconstrained titles.	Provide opportunities for ‘small-scale’ enterprises without risking loss of the agricultural resource.	If the title has value as a buffer between residential use and ‘medium to large-scale’ agriculture then could be considered for Rural or Ag Zone, depending on what is more appropriate for a consistent zoning pattern.
'Domestic-scale' Characteristics	Little or no use for Agriculture.	Generally 1-8 ha in area.	Moderate to significant Constraints.	Provide opportunities for rural residential lifestyle choice without risking loss of the agricultural resource. May contribute to buffering at the rural/residential interface.	If the title is part of a cluster of lots with ‘domestic-scale’ characteristics where potential is negligible, the land area is in effect already converted and would be considered an established Rural Living area. Agricultural use potential is always low, however, subdivision and intensification of residential use needs to consider the context of nearby ‘medium to large-scale’ and ‘small-scale’ activities and the potential to achieve appropriate buffering.
		Land Capability variable.	Residence on the title.		
		Water for irrigation unlikely.	Residences in close proximity.		
'Domestic-scale' Characteristics			Little or no connectivity to unconstrained titles.		

## ENTERPRISE SCALE ANALYSIS

Enterprise Scale Analysis and the associated definitions were first developed in 2012 for Northern Tasmania Development in response to a request for clarification of the methodologies and tools and their application in understanding agricultural potential for planning purposes. In this project a range of characteristics including current enterprise activities, Land Capability and irrigation water resources and connectivity were analysed at the holding level enabling titles to be classified into three broad scale characteristic categories; 'commercial', 'hobby' and 'lifestyle'<sup>3</sup>. For the purposes of this Decision Tree the terminology has been changed to 'medium to large-scale', 'small-scale' and 'domestic-scale'.

Agricultural land use is defined under the State Policy on the *Protection of Agricultural Land 2009* as; “*use of land for propagating, cultivating or harvesting plants or for keeping and breeding of animal, excluding domestic animals and pets. It includes the handling, packing or storing of produce for dispatch to processors. It includes controlled environment agriculture and plantation forestry*”.

Hence clearly the Policy does not include domestic activities such as backyard fruit and vegetable gardening “agriculture”. In 2015 the Australian Bureau of Statistics (ABS) increased the minimum value of Estimated Value of Agricultural Output (EVAO) an enterprise needs to be included in their survey data. Previously the EVAO was \$5,000, this has now been increased to \$40,000. Given that the statistics no longer capture enterprise activity contributing less than \$40 000, our methodology is very conservative in terms of retaining land and water resources which have potential to contribute to the EVAO. We would still consider an EVAO of \$5 000 - \$40 000 as fitting the small scale and provided other characteristics indicate there is some potential for agricultural use these enterprises will be retained in the Agricultural zone.

This is a useful tool for Councils to utilise to assist them with categorising the type of settlements and enterprises that are occurring within an area of interest after identifying the type of agricultural activity (if any) occurring on the land and available resources. Being able to categorise the scale of the individual enterprises currently existing will assist in making decisions around what is the appropriate zoning of an area.

## Viable Holding

ABARE statistics show that a very high proportion of farms in the South East Region are relatively small and a lot of the small farms are reliant on off-farm income. In fact, 51% of farms have an EVAO<sup>4</sup> of less than \$50 000 and produce approximately 5% of the South East region's agricultural output.<sup>5</sup> In contrast, the largest 14% of farms had an EVAO greater than \$350 000 and they produce 74% of region's agricultural output. The remaining 35% of farms would experience a highly variable degree of existing and potential output and overall contribution to the agricultural sector. National data shows similar trends with 10% of farms producing more than 50% of the agricultural output<sup>6</sup>.

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<sup>3</sup> Adapted from Ketelaar, A and Armstrong, D. 2012, *Discussions paper – Clarification of the Tools and Methodologies and Their Limitations for Understanding the Use of Agricultural Land in the Northern Region* - written for Northern Tasmania Development.

<sup>4</sup> Estimated Value of Agricultural Output (EVAO) is a measure of the value of production from farms and a measure of the size of their business and is somewhat similar to turn-over.

<sup>5</sup> Australian Bureau of Agricultural and Resource Economics and Science (ABARES), *About my Region - "Agriculture, Fisheries and Forestry in the South East region of Tasmania, 2013"* based on ABS census data from 2010-11.

<sup>6</sup> Australian Government - Australian Institute of Health and Welfare, *Australia's Food and Nutrition 2012 in brief*, available online at <http://www.aihw.gov.au/WorkArea/>

Agricultural output will be improved by the smaller farms being combined to create fewer but larger scale farming businesses, and this has occurred to some extent in some areas. For example, at a national level the average size of farms has increased by 23% whilst at the same time farm numbers are decreasing<sup>3</sup>. Farming practices are changing with the use of more intensive production systems and techniques. Where there is scope for farms to increase in land area there is also scope for improving economies of scale and thus becoming more profitable. Medium sized to larger titles which are not encumbered by dwellings are more attractive for increasing land area for farms as the purchaser is paying only for agricultural assets.

Bigger is not always better, but it is clear that most Tasmanian farms are too small to be efficient, profitable and 'viable'. As a consequence, the Enterprise Scale analysis tool reflect the economic realities of agricultural land use by recognising the influencing characteristics that determine whether the land is likely to be utilised for agriculture through agglomeration with other surrounding titles or individually. Land and water resources suitable for agriculture are a limited resource. The Enterprise scale analysis tool provides the rationale behind ensuring that land and water that has the potential to contribute to the Agricultural Output of the region is protected in the long term for agricultural use and that those titles with resources that are already compromised for this use are identified and zoned appropriately.

In our opinion a viable farm is one producing sufficient income to provide for a family and provide full time employment for one person. On this basis the long-term viability of farms producing less than \$150,000 Gross Income is questionable. Viable holdings are generally larger than 40 hectares and they usually comprise of more than one title. The difficulty lies in applying terms such as "viable" to single titles. There is nothing which binds these titles together other than ownership or leasing, hence applying planning responses at a title level becomes difficult because ownership is ephemeral. Re-allocating the Rural Resource zone should seek to address safeguarding any remaining capacity for a title to contribute to a 'viable' holding and this requires consideration of the title context in the areas of interest. If a title has 'medium to large-scale' characteristics in our opinion it has the potential to contribute to a 'viable' holding.

Applying spatial definitions and land area thresholds is difficult and can lead to misrepresentation. For example, if a typical 'small-scale' farm is a single title of 8-40ha, it does not mean that titles greater than 40ha automatically are 'viable' farms. It means that single titles less than 40ha and not farmed in conjunction with other titles have reduced potential to contribute to a 'viable' holding, especially if they currently have a house on them.

Where non-agricultural development is competing with agricultural development for the same land resources determining where the line is drawn for the Agricultural Zone should be based on current land use and surrounding land use and determining the consolidated areas that are already converted. This becomes more difficult when viticulture, orchards and other high-value enterprises are included in the mix of potential enterprise options as the land and water resources for 'viable' enterprise in conventional viticulture can be as small as 20ha of Class 4/5 land and 40ML of water and in some instances even smaller. Hence even relatively small titles have the capacity to contribute to a 'viable' holding under these circumstances. The cluster enterprises described in the ALMP identify that irrigated perennial horticultural operation can occur on small areas and 10ha is an appropriate conservative threshold to apply to title size. Key determinant as to the long-term viability of an enterprise on a smaller title will likely be access to water resources, whether it is farmed in conjunction, surrounding constraints and whether there are other non-agricultural activities associated with the operation (for example café). Where the agricultural activity has potential for long-term viability the appropriate zone is the Agricultural zone. Where it is constrained in a significant way and supports mixed use the more appropriate zone is generally the Rural Zone.

If, through zoning, the number of non-agricultural developments in the 'wedges' or at the interface are increased then the constraints on the capacity to conduct agriculture on the adjacent land may also increase if densities and buffers are not appropriately considered. However, where there is consolidated non-agricultural activity there is opportunity for alternate 'Rural uses' without risk of compromising the agricultural productivity of the region. Historically incremental conversion to non-agricultural use has complicated the issues.

## APPENDIX 4. LAND CAPABILITY DEFINITIONS FROM GROSE (1999)

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**CLASS 1.** Land well suited to a wide range of intensive cropping and grazing activities. It occurs on flat land with deep, well drained soils, and in a climate that favours a wide variety of crops. While there are virtually no limitations to agricultural usage, reasonable management inputs need to be maintained to prevent degradation of the resource. Such inputs might include very minor soil conservation treatments, fertiliser inputs or occasional pasture phases. Class 1 land is highly productive and capable of being cropped eight to nine years out of ten in a rotation with pasture or equivalent without risk of damage to the soil resource or loss of production, during periods of average climatic conditions.

**CLASS 2.** Land suitable for a wide range of intensive cropping and grazing activities. Limitations to use are slight, and these can be readily overcome by management and minor conservation practices. However, the level of inputs is greater, and the variety and/or number of crops that can be grown is marginally more restricted, than for Class 1 land.

This land is highly productive but there is an increased risk of damage to the soil resource or of yield loss. The land can be cropped five to eight years out of ten in a rotation with pasture or equivalent during 'normal' years, if reasonable management inputs are maintained.

**CLASS 3.** Land suitable for cropping and intensive grazing. Moderate levels of limitation restrict the choice of crops or reduce productivity in relation to Class 1 or Class 2 land. Soil conservation practices and sound management are needed to overcome the moderate limitations to cropping use. Land is moderately productive, requiring a higher level of inputs than Classes 1 and 2. Limitations either restrict the range of crops that can be grown or the risk of damage to the soil resource is such that cropping should be confined to three to five years out of ten in a rotation with pasture or equivalent during normal years.

**CLASS 4.** Land primarily suitable for grazing but which may be used for occasional cropping. Severe limitations restrict the length of cropping phase and/or severely restrict the range of crops that could be grown. Major conservation treatments and/or careful management is required to minimise degradation. Cropping rotations should be restricted to one to two years out of ten in a rotation with pasture or equivalent, during 'normal' years to avoid damage to the soil resource. In some areas longer cropping phases may be possible but the versatility of the land is very limited. (NB some parts of Tasmania are currently able to crop more frequently on Class 4 land than suggested above. This is due to the climate being drier than 'normal'. However, there is a high risk of crop or soil damage if 'normal' conditions return.)

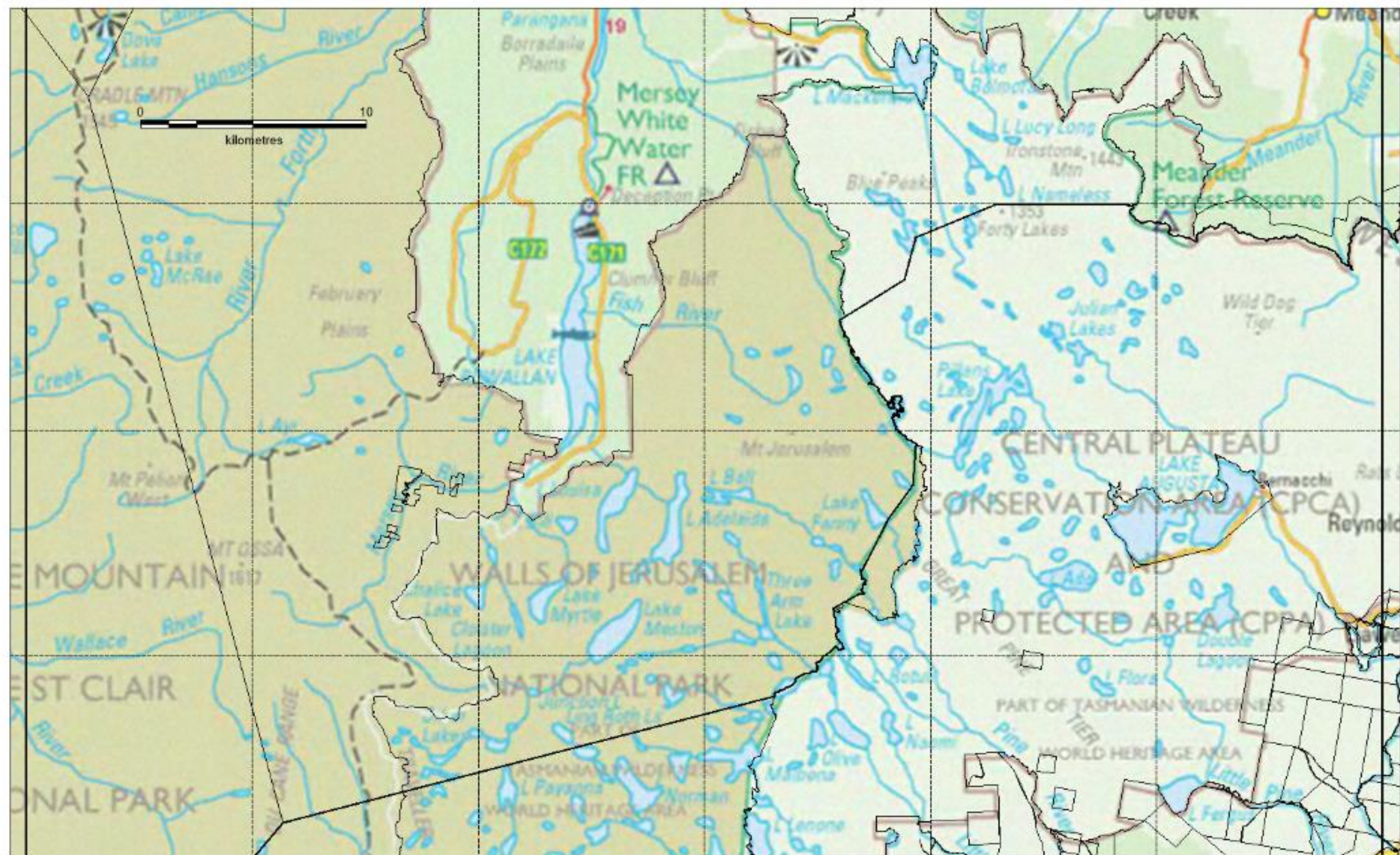
**CLASS 5.** This land is unsuitable for cropping, although some areas on easier slopes may be cultivated for pasture establishment or renewal and occasional fodder crops may be possible. The land may have slight to moderate limitations for pastoral use. The effects of limitations on the grazing potential may be reduced by applying appropriate soil conservation measures and land management practices.

**CLASS 6.** Land marginally suitable for grazing because of severe limitations. This land has low productivity, high risk of erosion, low natural fertility or other limitations that severely restrict agricultural use. This land should be retained under its natural vegetation cover.

**CLASS 7.** Land with very severe to extreme limitations which make it unsuitable for agricultural use.



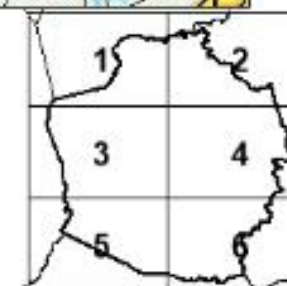
## TASMANIAN PLANNING SCHEME - CENTRAL HIGHLANDS COUNCIL - TOPOGRAPHY



### Map 1

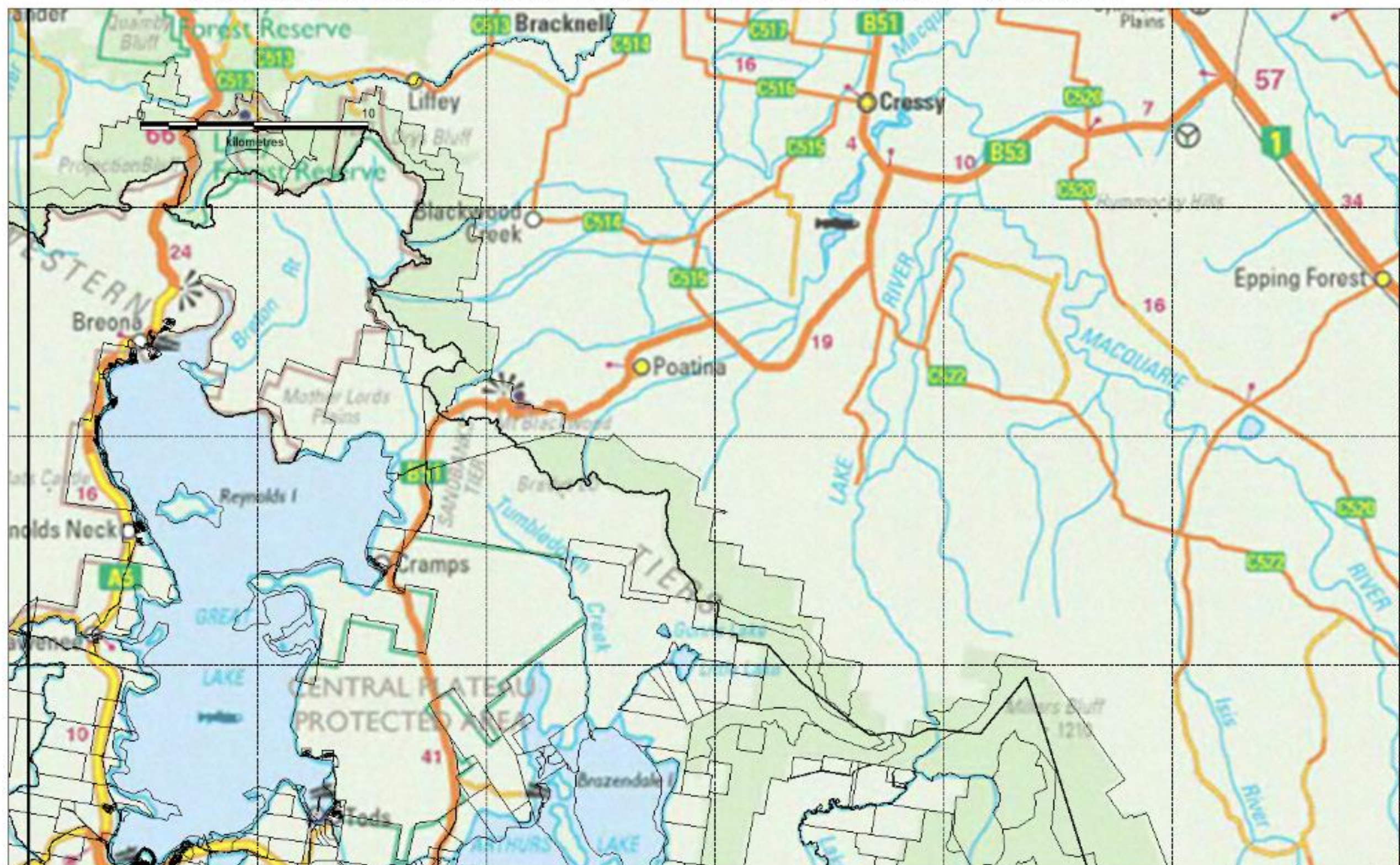
Coordinate System: GDA 94 MGA Zone 55

Topographic data from the LIST  
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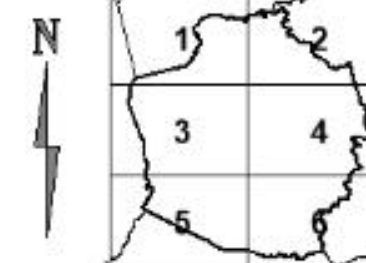
# TASMANIAN PLANNING SCHEME - CENTRAL HIGHLANDS COUNCIL - TOPOGRAPHY



**Map 2**

Coordinate System: GDA 94 MGA Zone 55

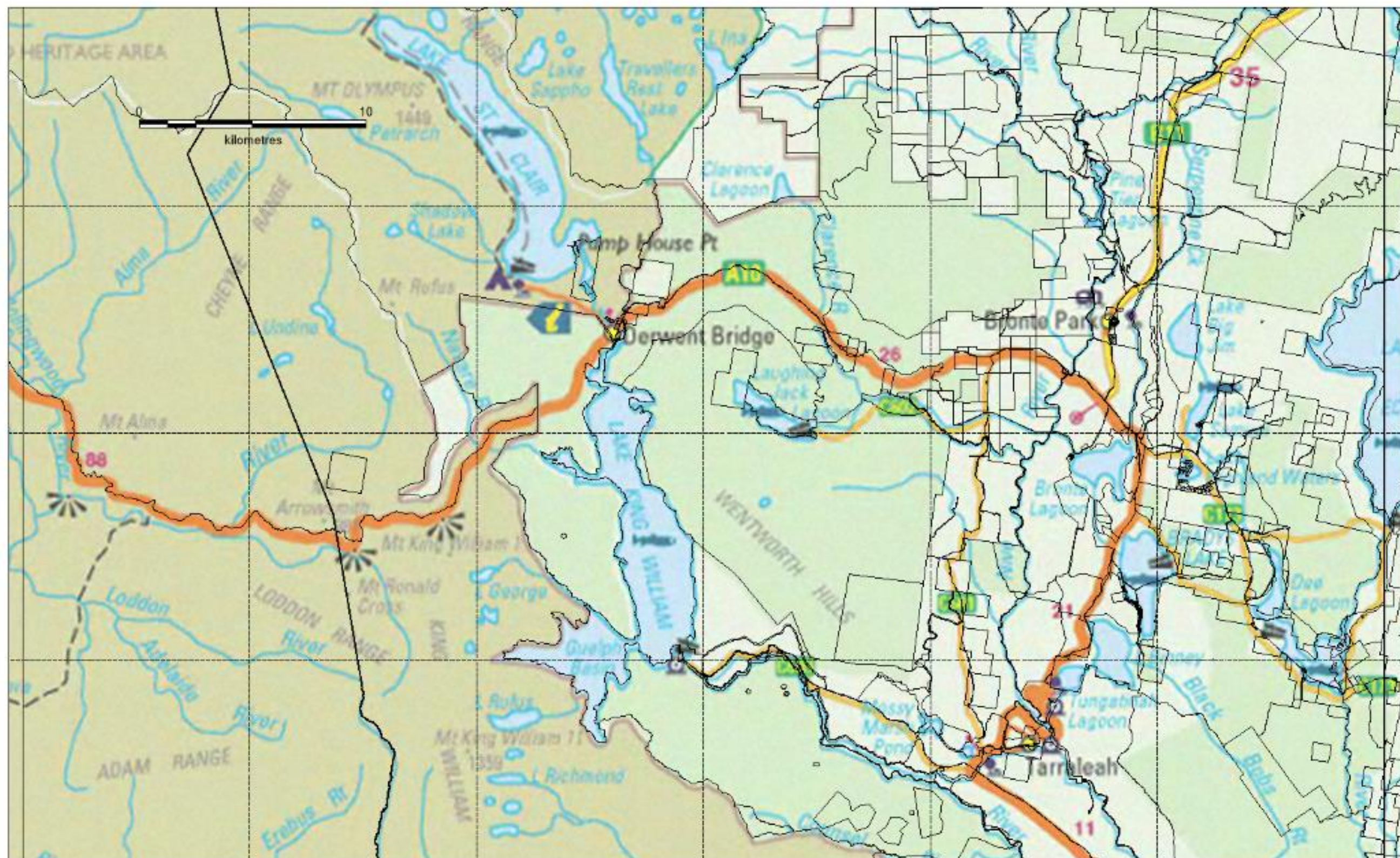
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No Window



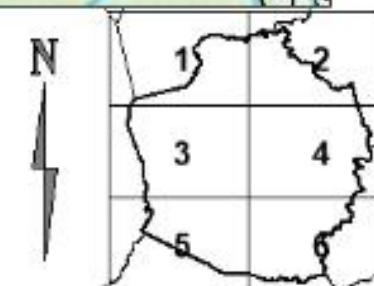
## TASMANIAN PLANNING SCHEME - CENTRAL HIGHLANDS COUNCIL - TOPOGRAPHY



### Map 3

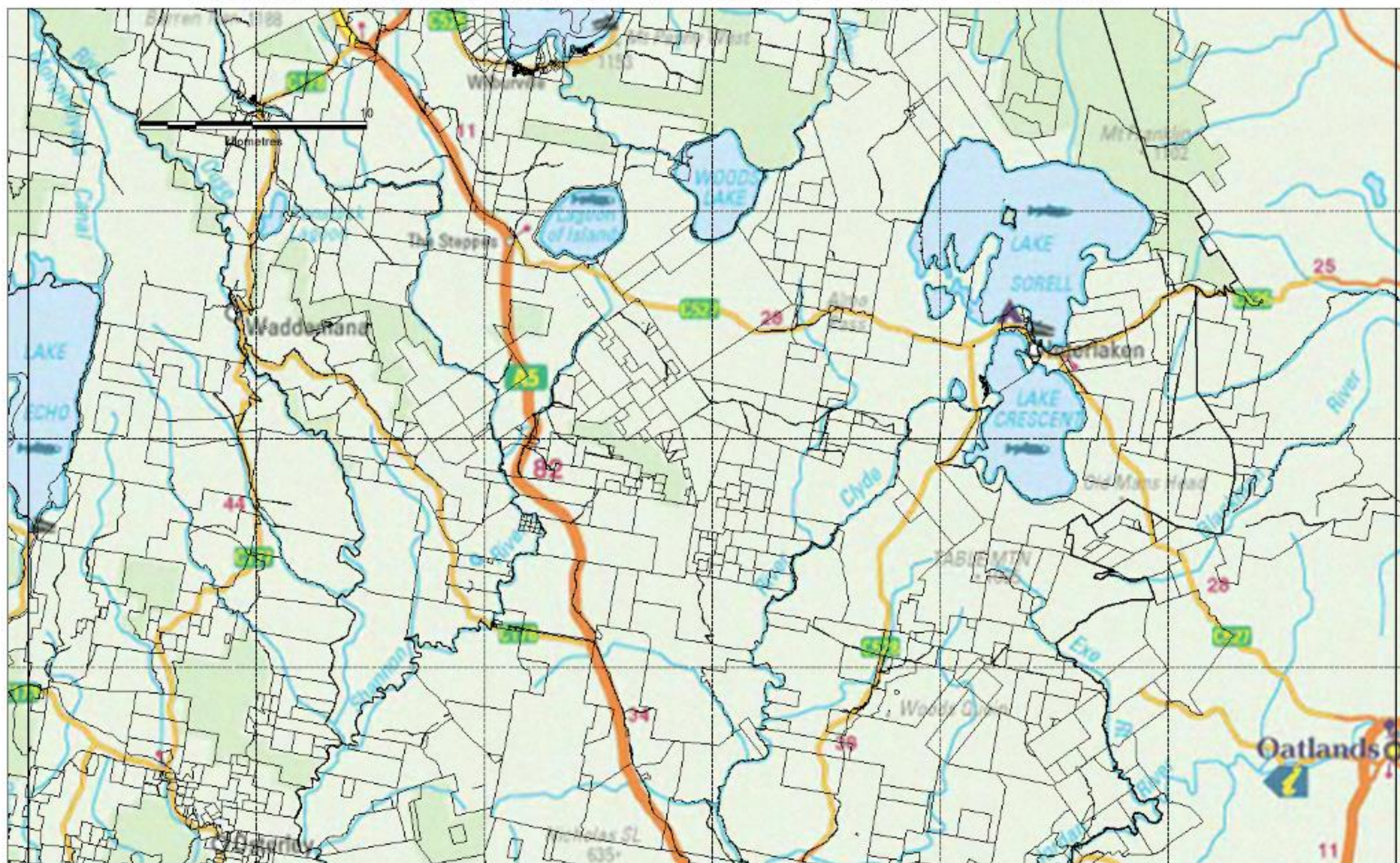
Coordinate System: GDA 94 MGA Zone 55

Topographic data from the LIST  
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## TASMANIAN PLANNING SCHEME - CENTRAL HIGHLANDS COUNCIL - TOPOGRAPHY



### Map 4

Coordinate System: GDA 94 MGA Zone 55

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# TASMANIAN PLANNING SCHEME - CENTRAL HIGHLANDS COUNCIL - TOPOGRAPHY



No Window

## Map 5

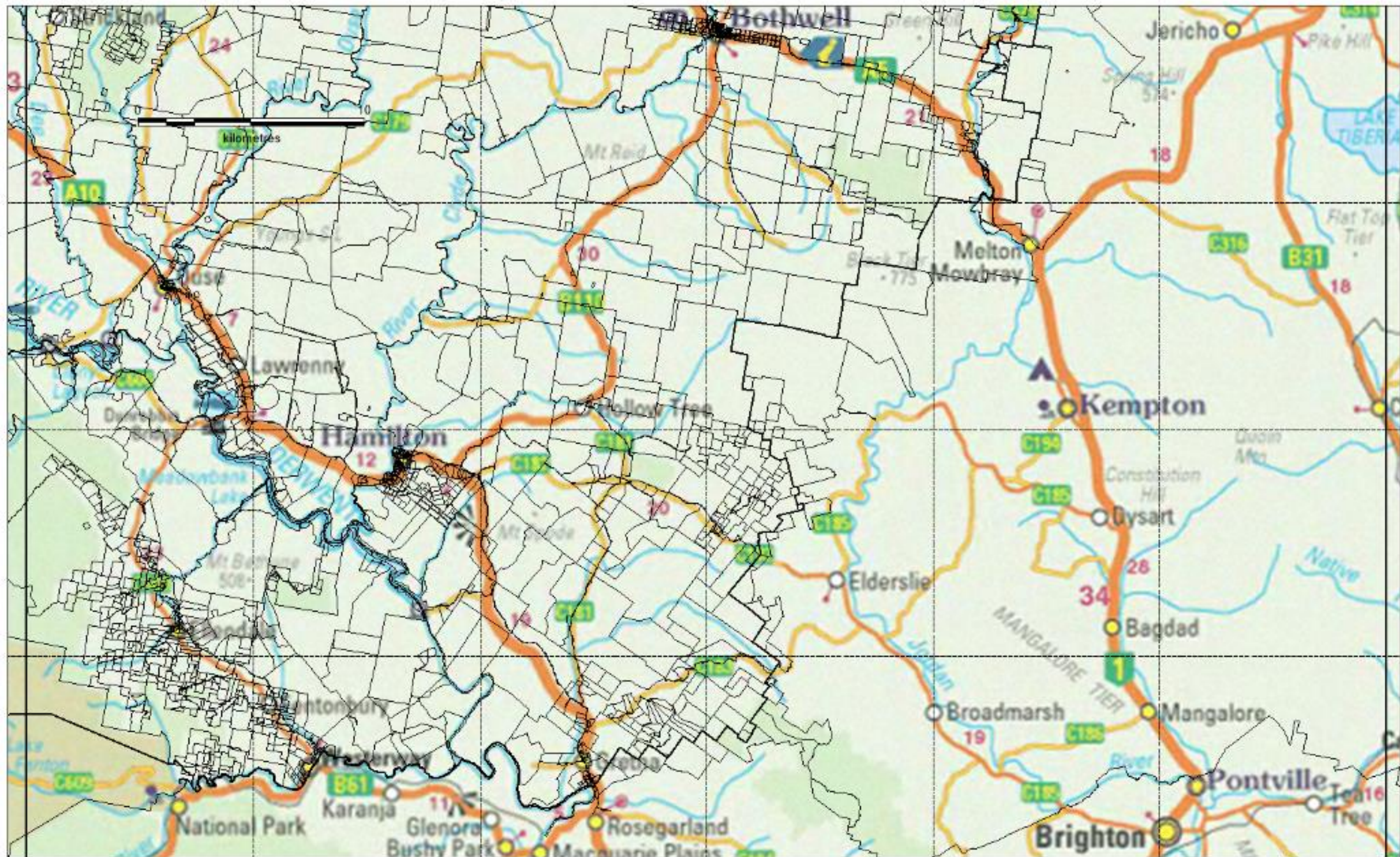
Coordinate System: GDA 94 MGA Zone 55

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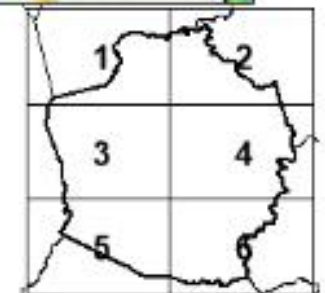
# TASMANIAN PLANNING SCHEME - CENTRAL HIGHLANDS COUNCIL - TOPOGRAPHY



**Map 6**

Coordinate System: GDA 94 MGA Zone 55

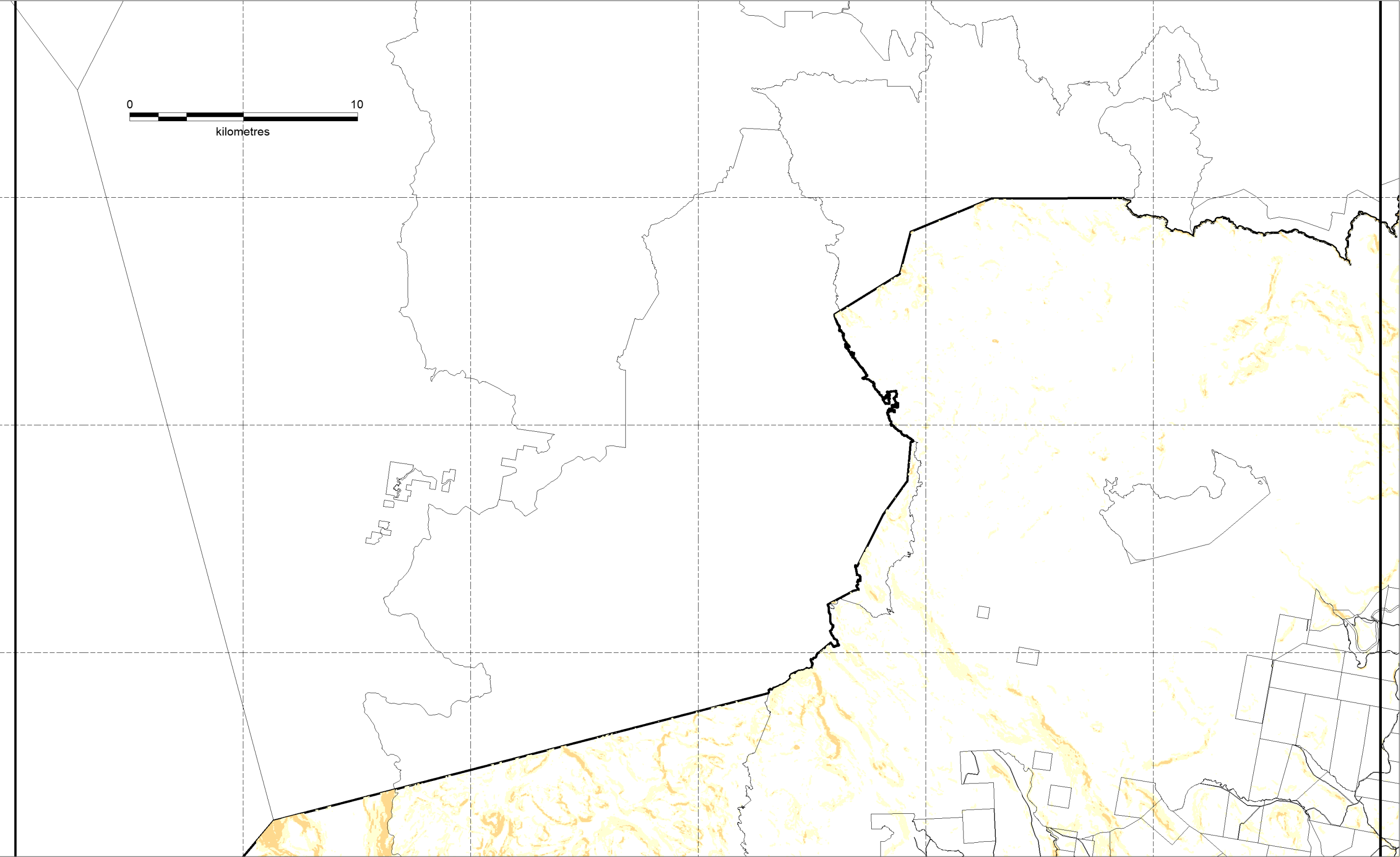
Topographic data from the LIST  
Copyright State of Tasmania






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Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule  
Landslip Hazard Code & Attenuation Code



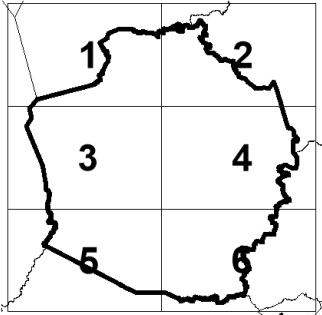
Attenuation Code Legend		Landslip Hazard Code Legend	
	Attenuation Area		Low landslip hazard band
			Medium landslip hazard band

**Set 1 - Map 1**

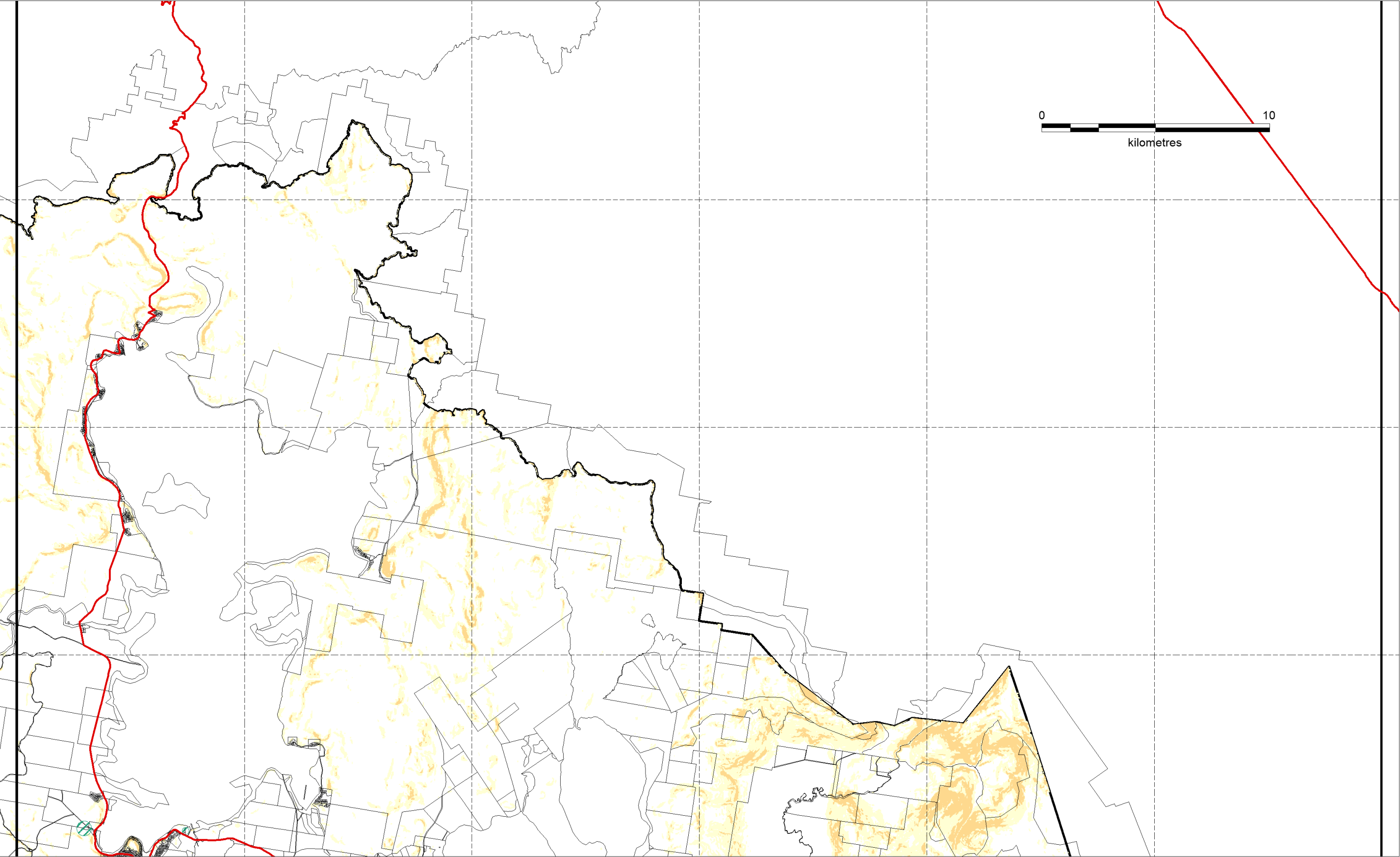
Coordinate System: GDA 94 MGA Zone 55

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Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule  
Landslip Hazard Code & Attenuation Code




**Attenuation Code Legend**

 Attenuation Area

**Landslip Hazard Code Legend**

 Low landslip hazard band

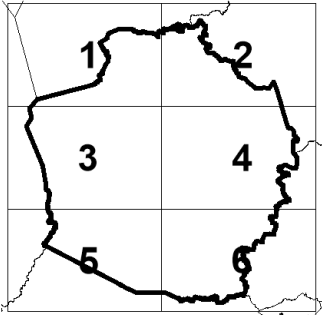
 Medium landslip hazard band

**Set 1 - Map 2**

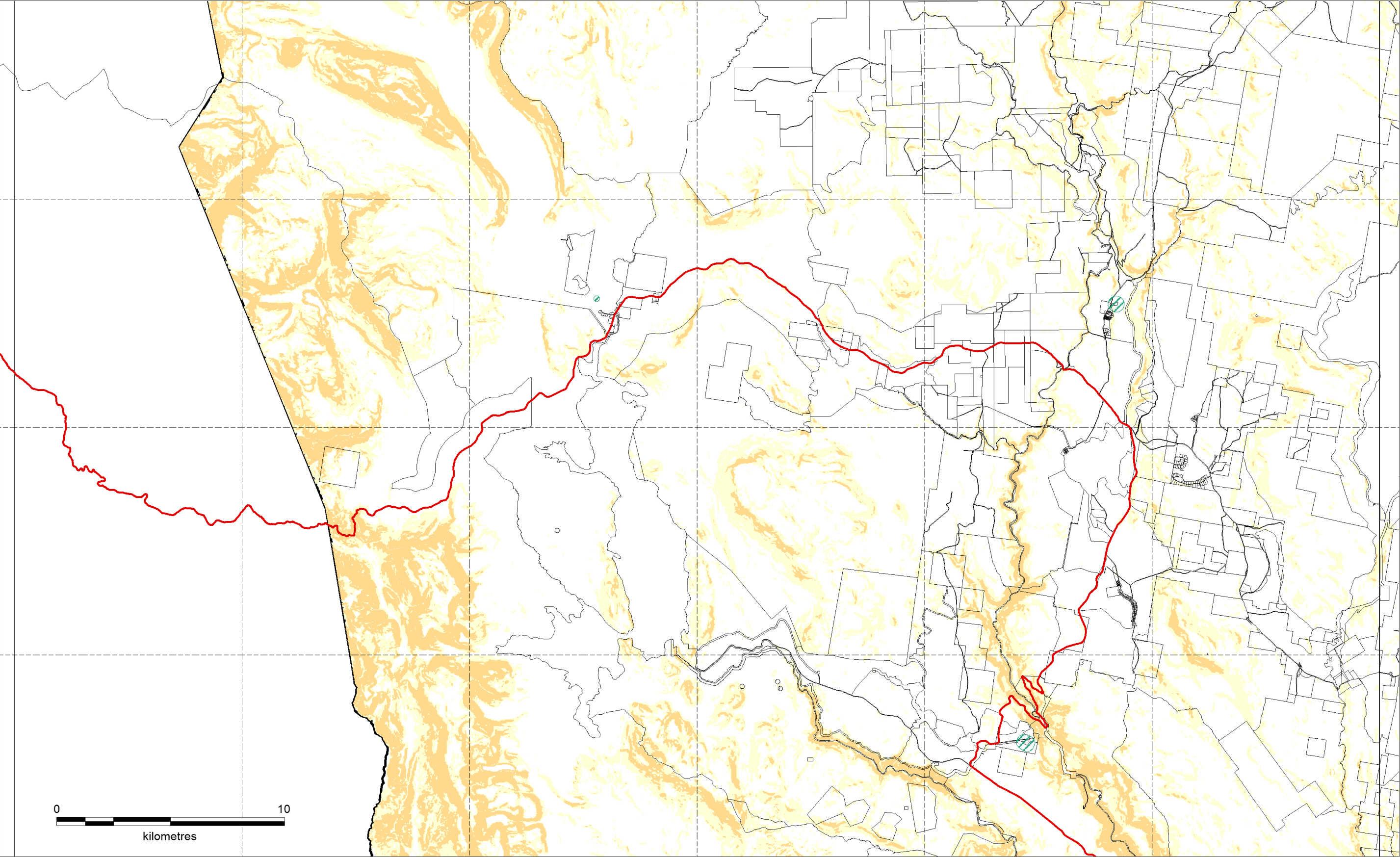
Coordinate System: GDA 94 MGA Zone 55

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**Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule**  
**Landslip Hazard Code & Attenuation Code**




**Attenuation Code Legend**

 Attenuation Area

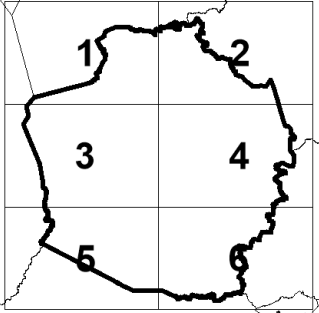
**Landslip Hazard Code Legend**

 Low landslip hazard band

 Medium landslip hazard band

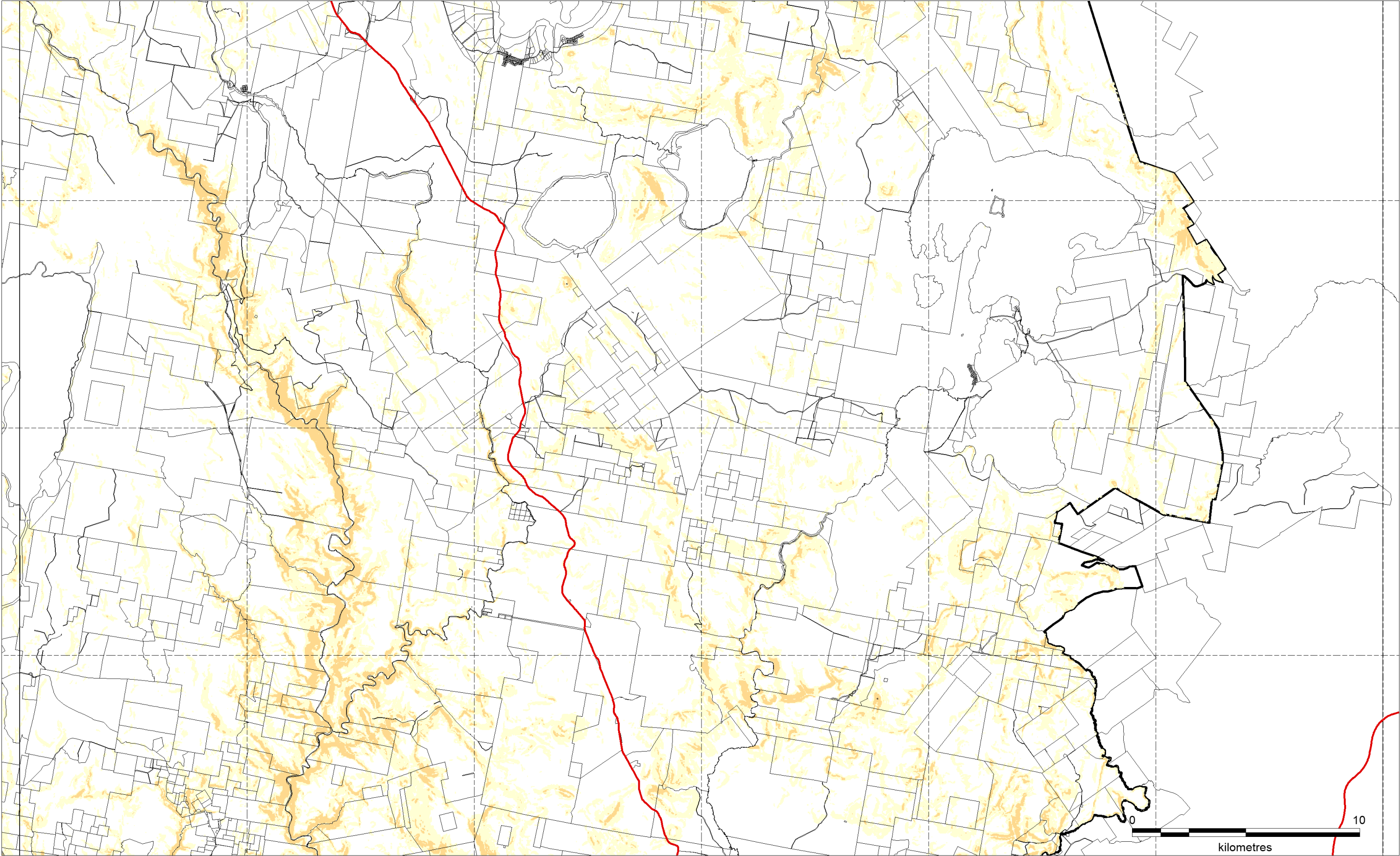
**Set 1 - Map 3**

Coordinate System: GDA 94 MGA Zone 55  
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**Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule**  
**Landslip Hazard Code & Attenuation Code**




**Attenuation Code Legend**

 Attenuation Area

**Landslip Hazard Code Legend**

 Low landslide hazard band

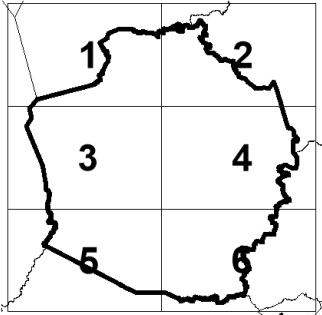
 Medium landslide hazard band

**Set 1 - Map 4**

Coordinate System: GDA 94 MGA Zone 55

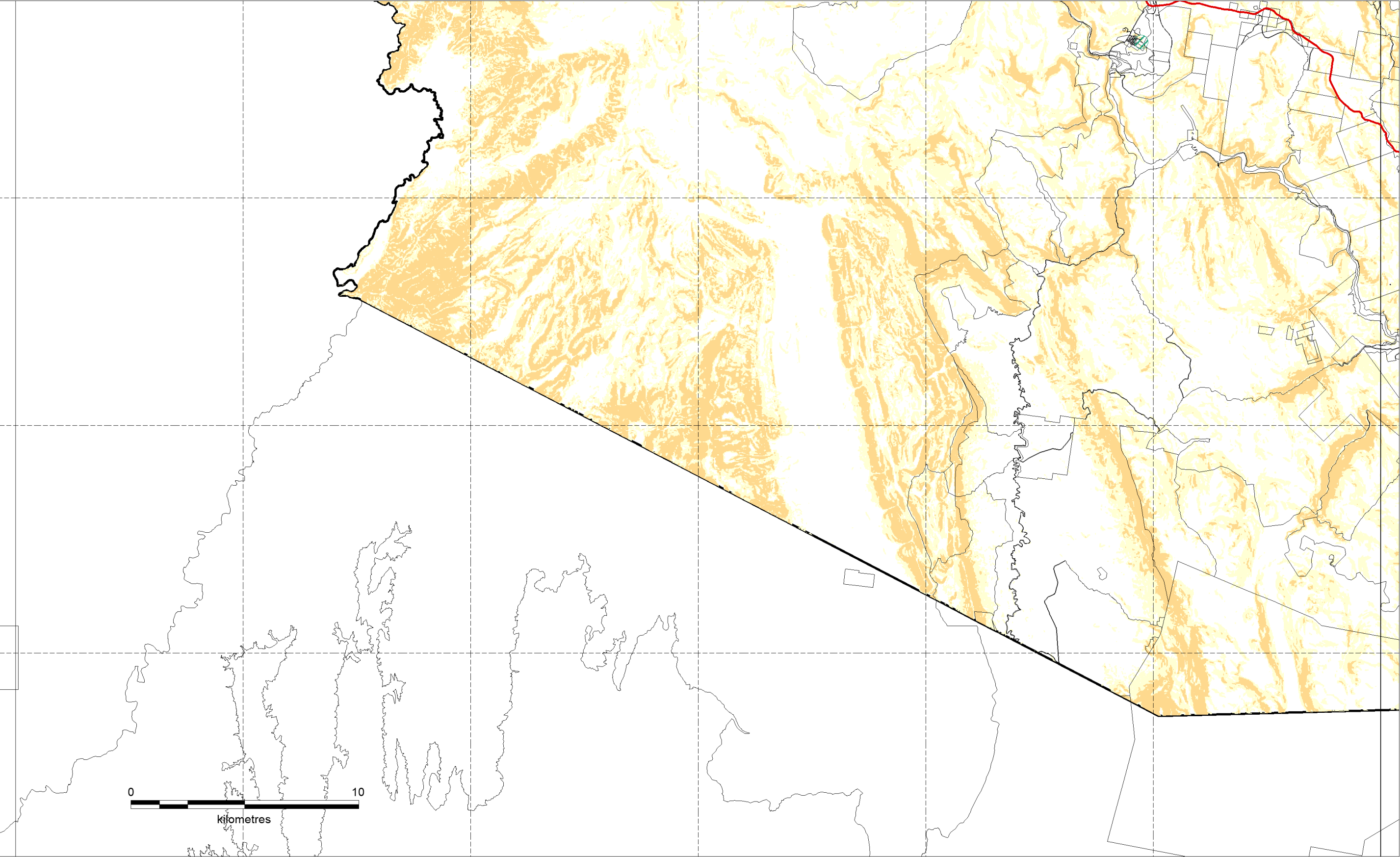
Topographic data from the LIST  
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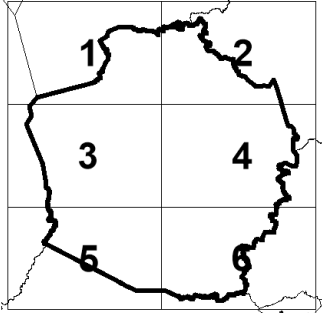
**Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule**  
**Landslip Hazard Code & Attenuation Code**



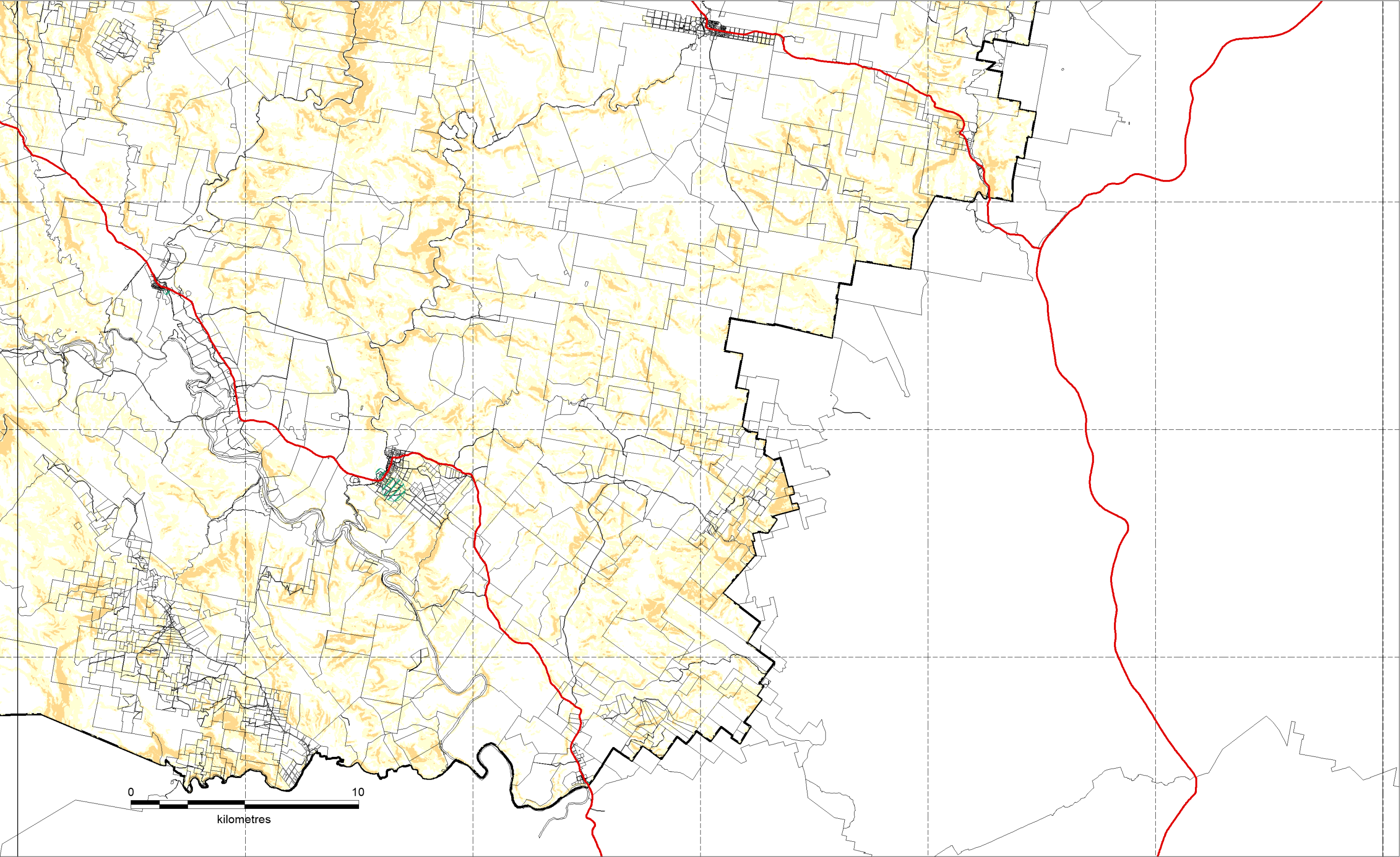
Attenuation Code Legend		Landslip Hazard Code Legend	
	Attenuation Area		Low landslip hazard band
			Medium landslip hazard band

**Set 1 - Map 5**


Coordinate System: GDA 94 MGA Zone 55  
Topographic data from the LIST  
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Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule  
Landslip Hazard Code & Attenuation Code



**Attenuation Code Legend**

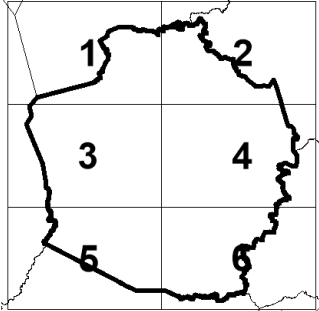
 Attenuation Area

**Landslip Hazard Code Legend**

 Low landslip hazard band     Medium landslip hazard band

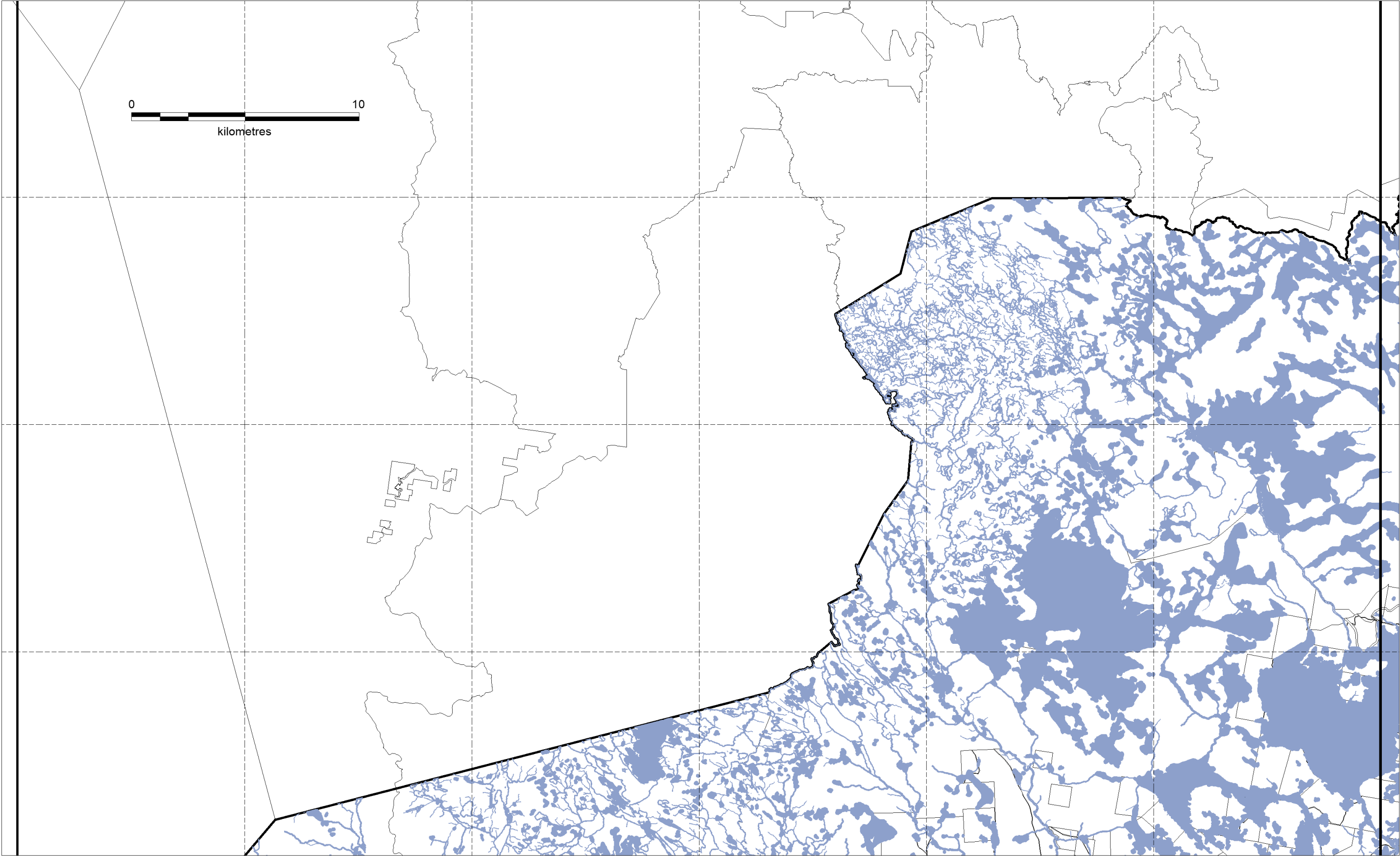
**Set 1 - Map 6**

Coordinate System: GDA 94 MGA Zone 55  
Topographic data from the LIST  
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**Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule**  
**Waterway & Coastal Protection Area (part Natural Assets Code)**



Natural Assets Code (part) Legend

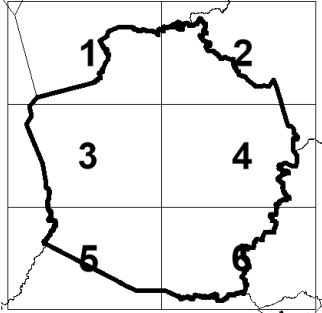
 Waterway & Coastal Protection Area

**Set 2 - Map 1**

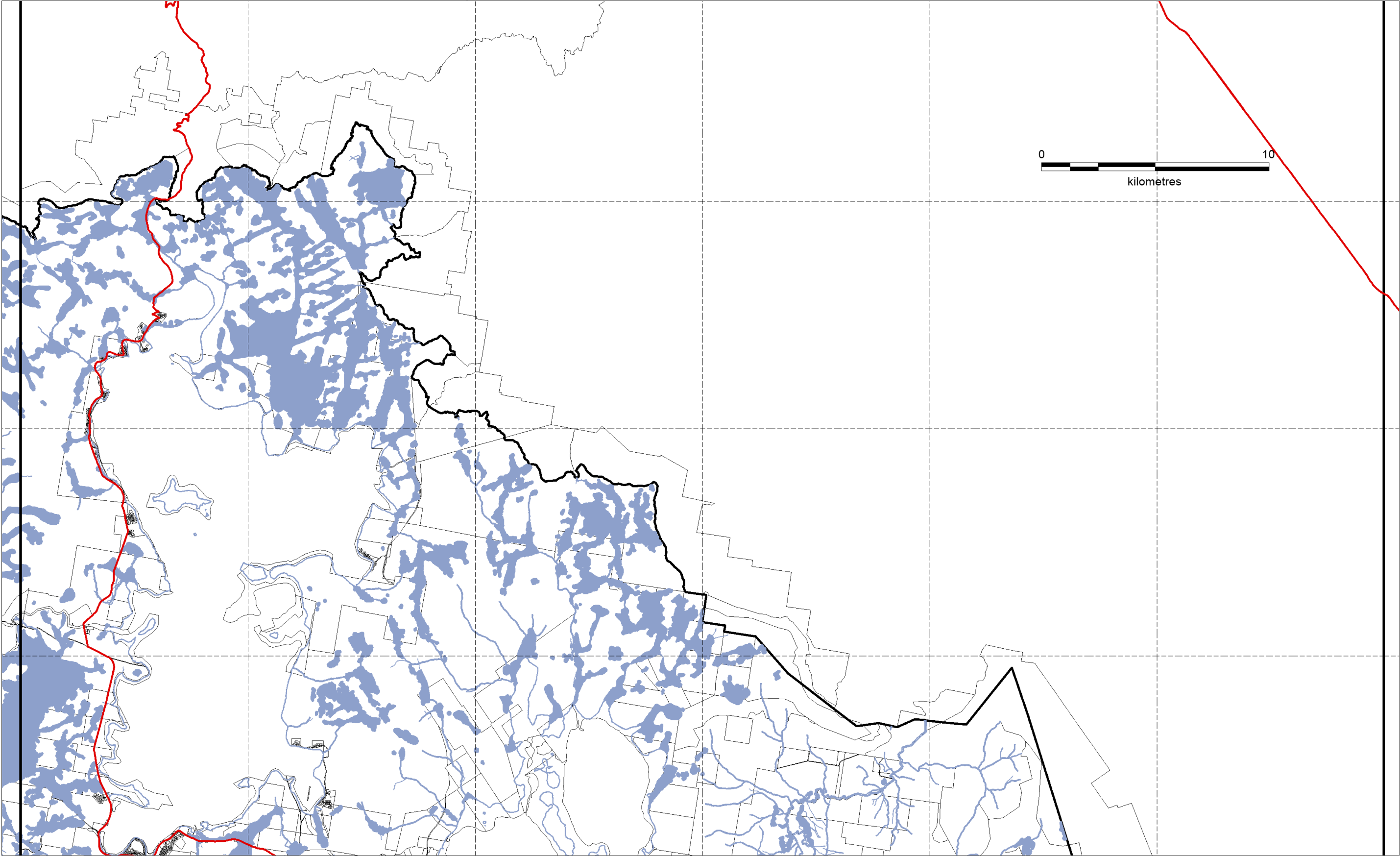
Coordinate System: GDA 94 MGA Zone 55

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Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule  
Waterway & Coastal Protection Area (part Natural Assets Code)

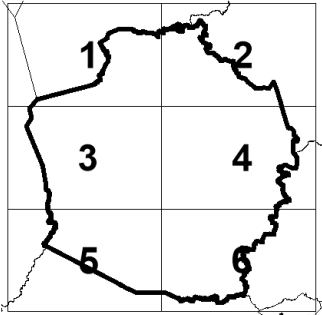


Natural Assets Code (part) Legend

 Waterway & Coastal Protection Area

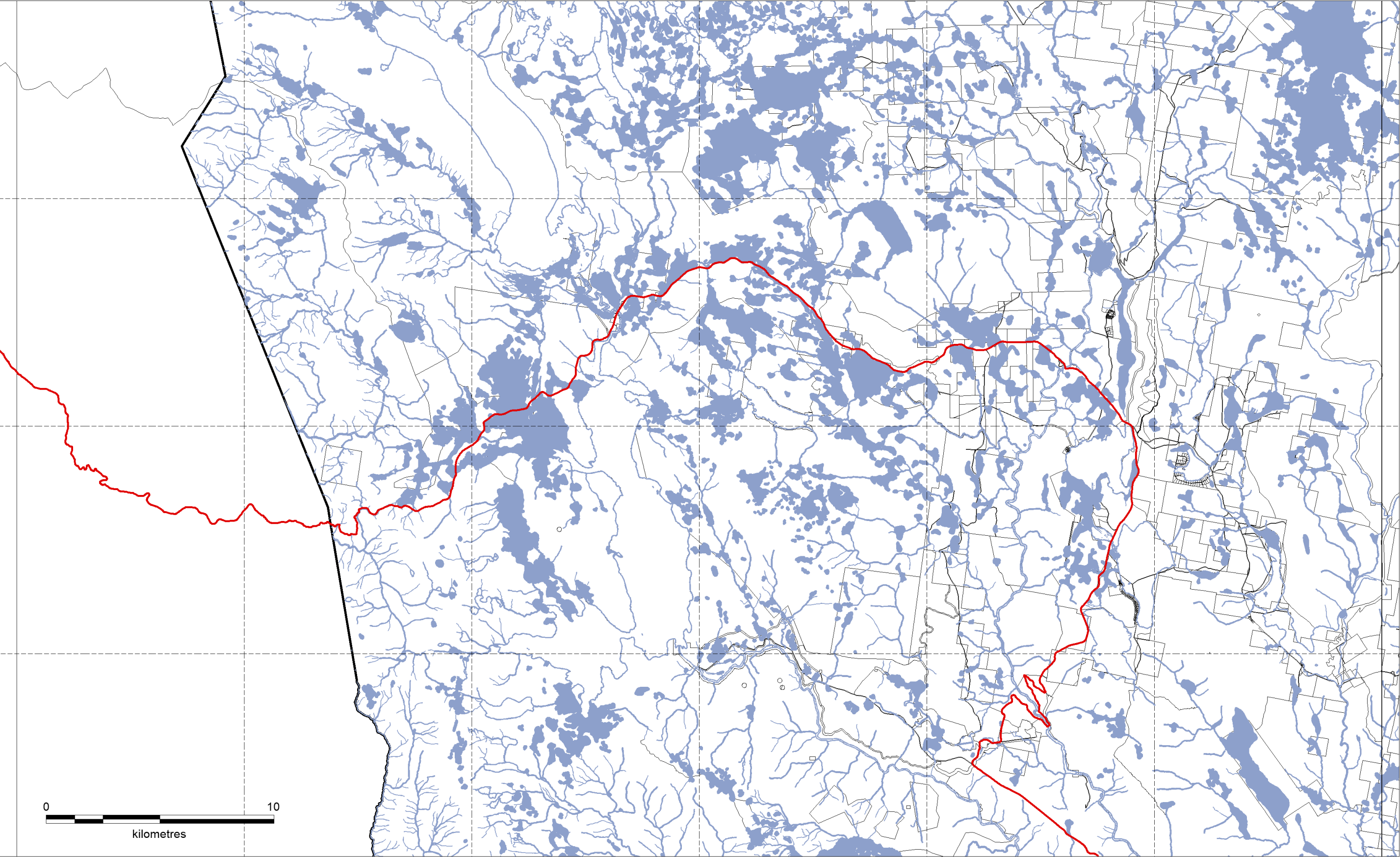
Set 2 - Map 2

Coordinate System: GDA 94 MGA Zone 55  
Topographic data from the LIST  
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**Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule**  
**Waterway & Coastal Protection Area (part Natural Assets Code)**

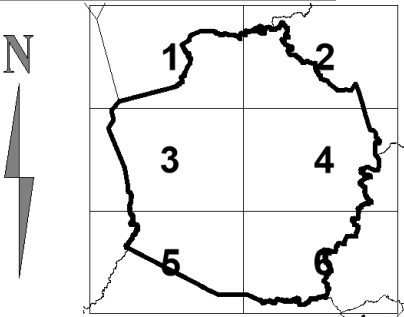


Natural Assets Code (part) Legend

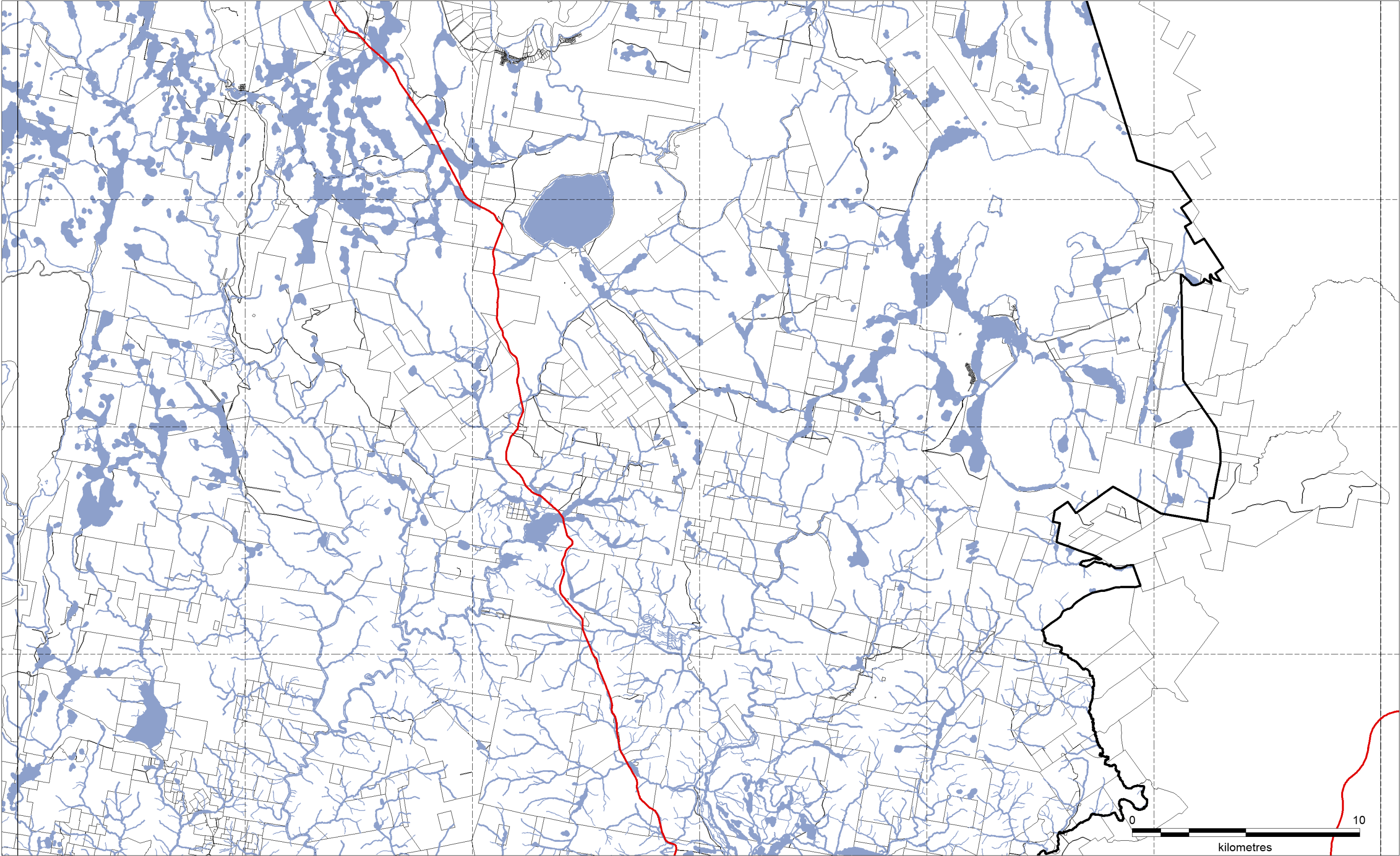
 Waterway & Coastal Protection Area

**Set 2 - Map 3**


Coordinate System: GDA 94 MGA Zone 55  
Topographic data from the LIST  
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**Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule**  
**Waterway & Coastal Protection Area (part Natural Assets Code)**



**Natural Assets Code (part) Legend**

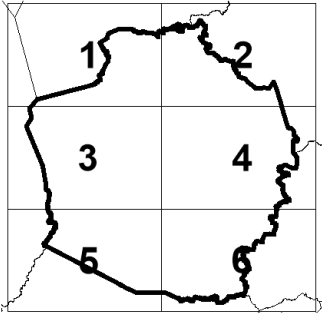
 Waterway & Coastal Protection Area

**Set 2 - Map 4**

Coordinate System: GDA 94 MGA Zone 55

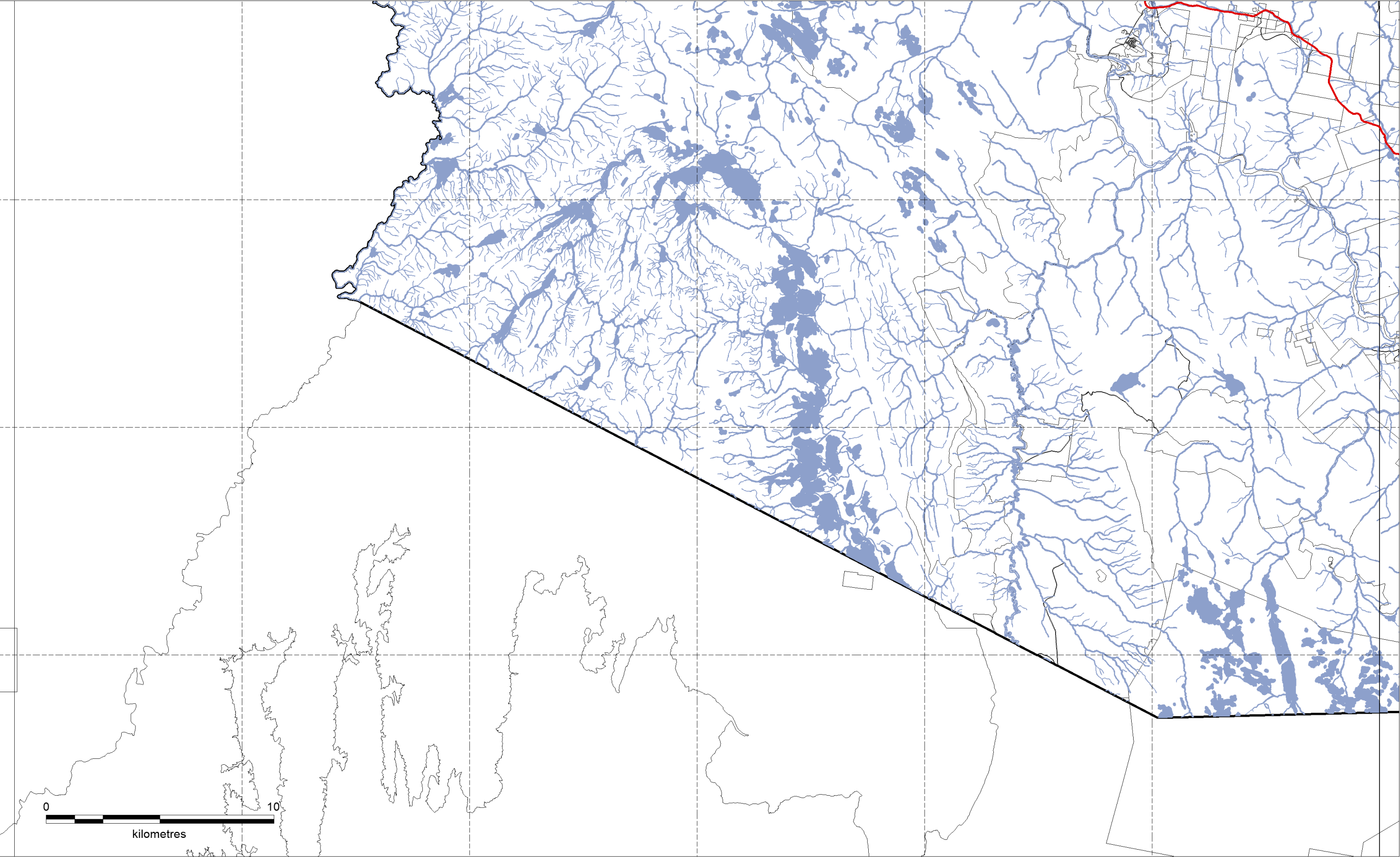
Topographic data from the LIST  
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**Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule**  
**Waterway & Coastal Protection Area (part Natural Assets Code)**

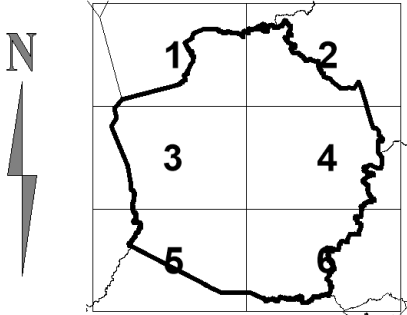


**Natural Assets Code (part) Legend**

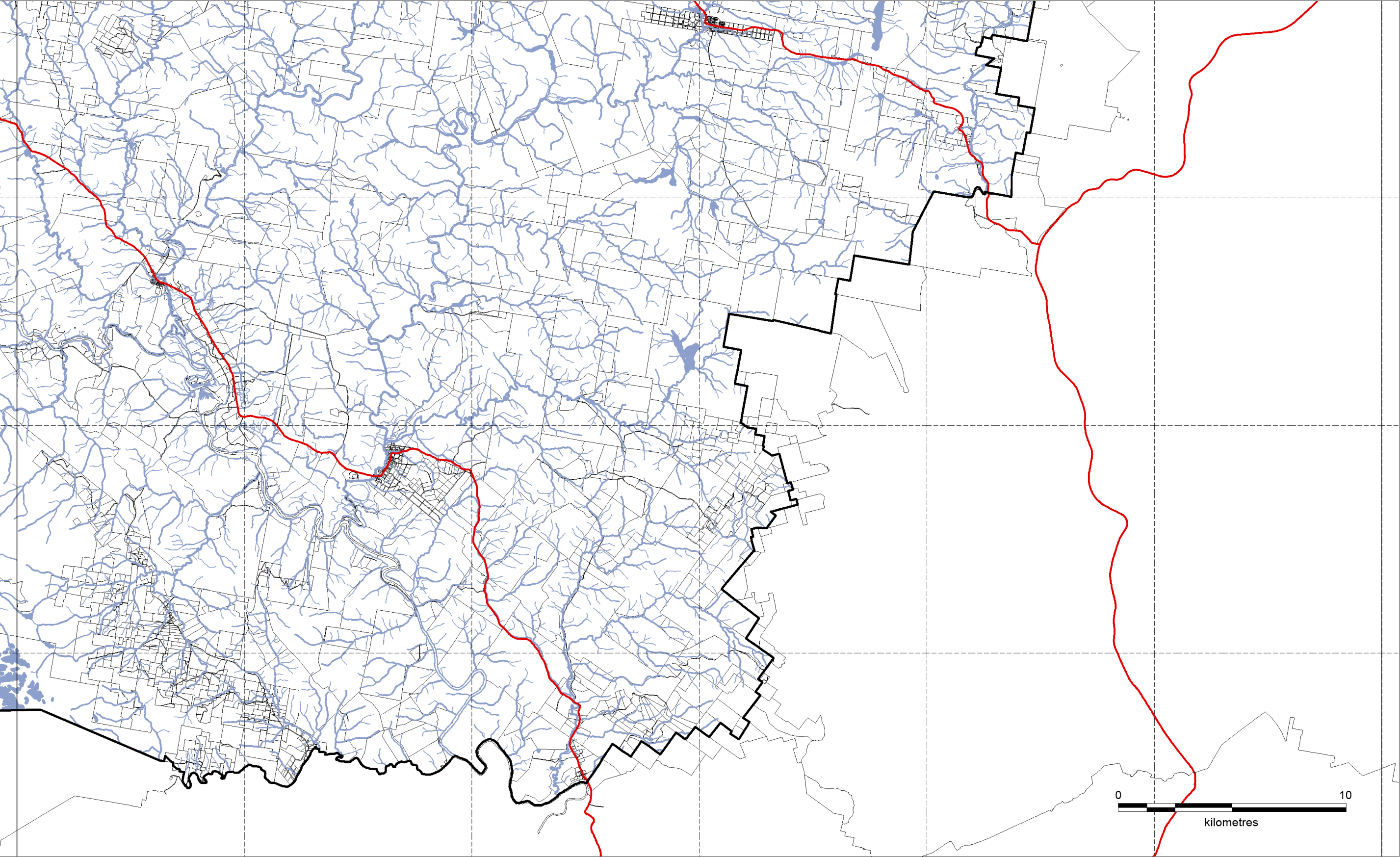
 Waterway & Coastal Protection Area

**Set 2 - Map 5**


Coordinate System: GDA 94 MGA Zone 55  
Topographic data from the LIST  
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**Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule**  
**Waterway & Coastal Protection Area (part Natural Assets Code)**



Natural Assets Code (part) Legend

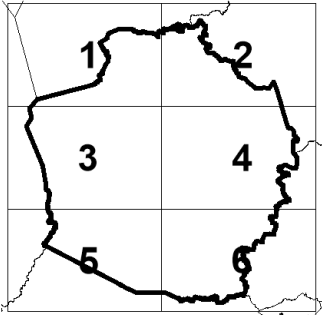
 Waterway & Coastal Protection Area

**Set 2 - Map 6**

Coordinate System: GDA 94 MGA Zone 55

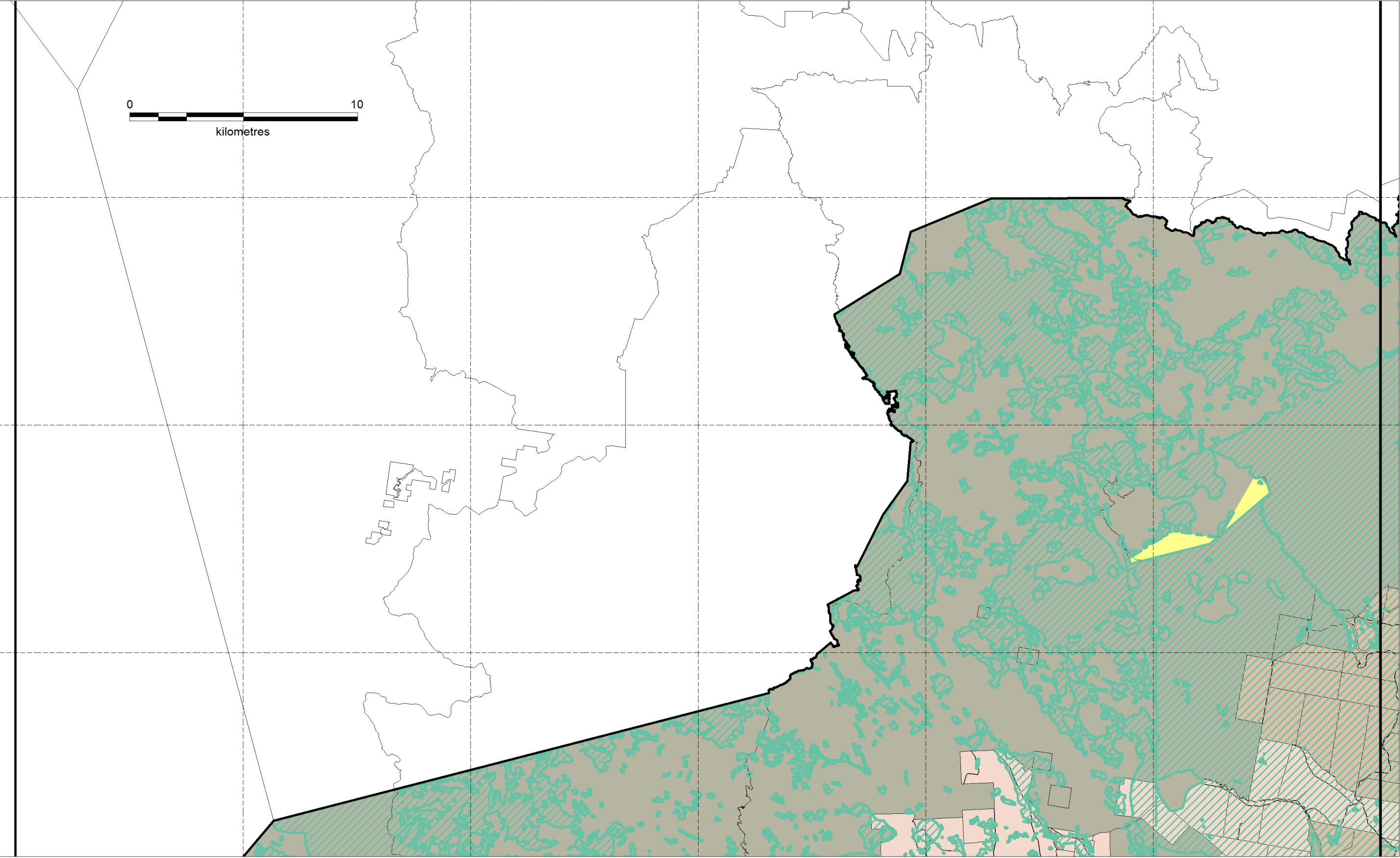
Topographic data from the LIST  
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
Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule  
Priority Vegetation Area (part Natural Assets Code)



**Natural Assets Code**

 Priority Vegetation Area

**Zones**

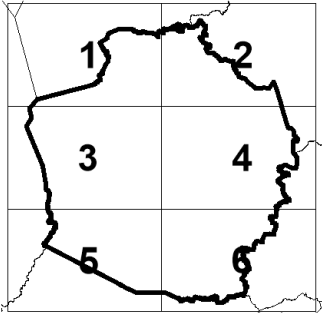
 Environmental Management Zone	 Low Density Residential Zone	 Village Zone
 Agriculture Zone	 Recreation Zone	 Open Space Zone
 Rural Zone	 Community Purpose Zone	 Rural Living Zone
		 Utilities Zone
		 Local Business Zone

**Set 3 - Map 1**

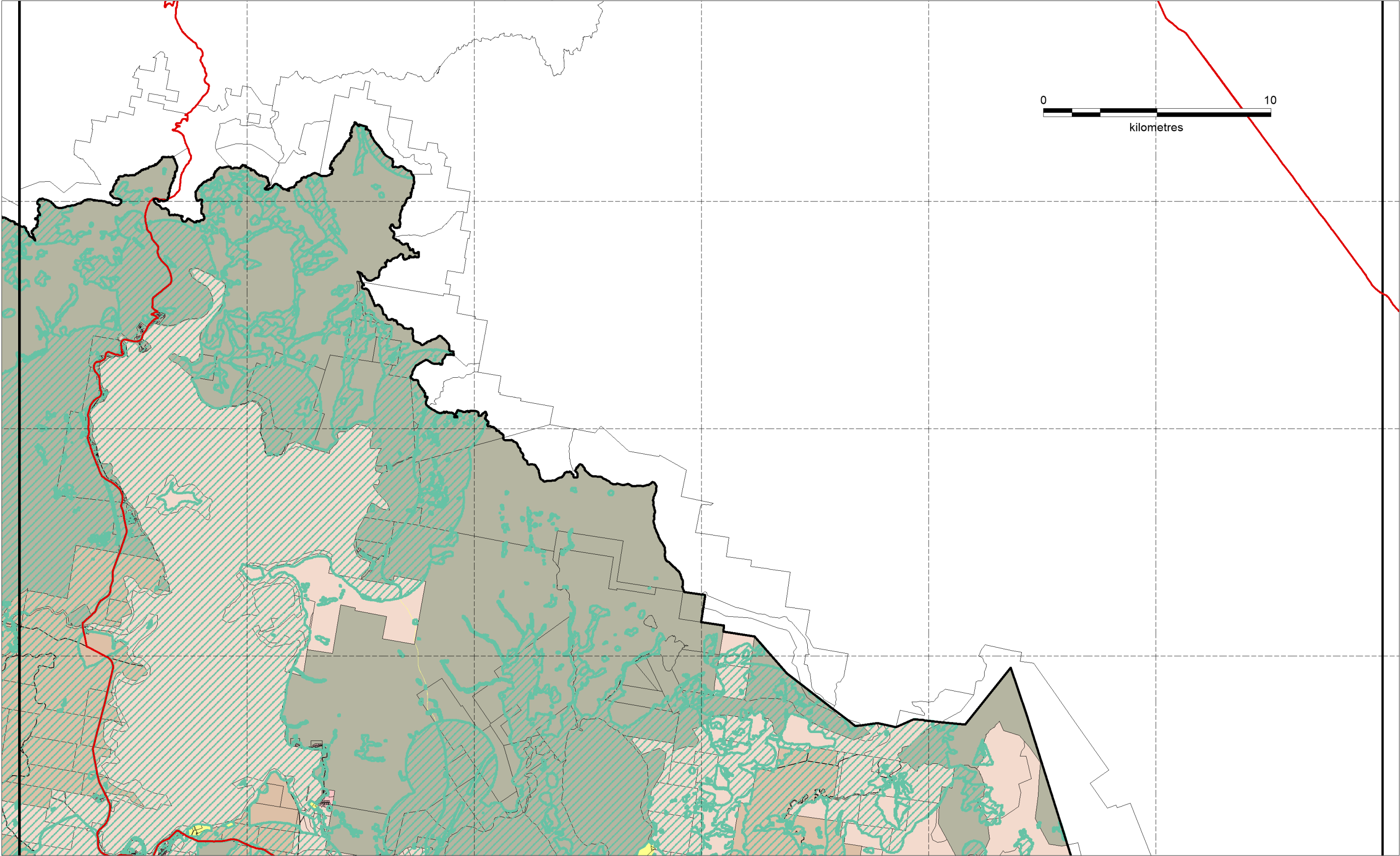
Coordinate System: GDA 94 MGA Zone 55

Topographic data from the LIST  
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



Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule  
Priority Vegetation Area (part Natural Assets Code)



**Natural Assets Code**

 Priority Vegetation Area

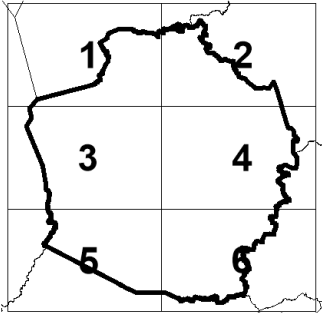
**Zones**

 Environmental Management Zone	 Low Density Residential Zone	 Village Zone	 Utilities Zone
 Agriculture Zone	 Recreation Zone	 Open Space Zone	 Local Business Zone
 Rural Zone	 Community Purpose Zone	 Rural Living Zone	

**Set 3 - Map 2**

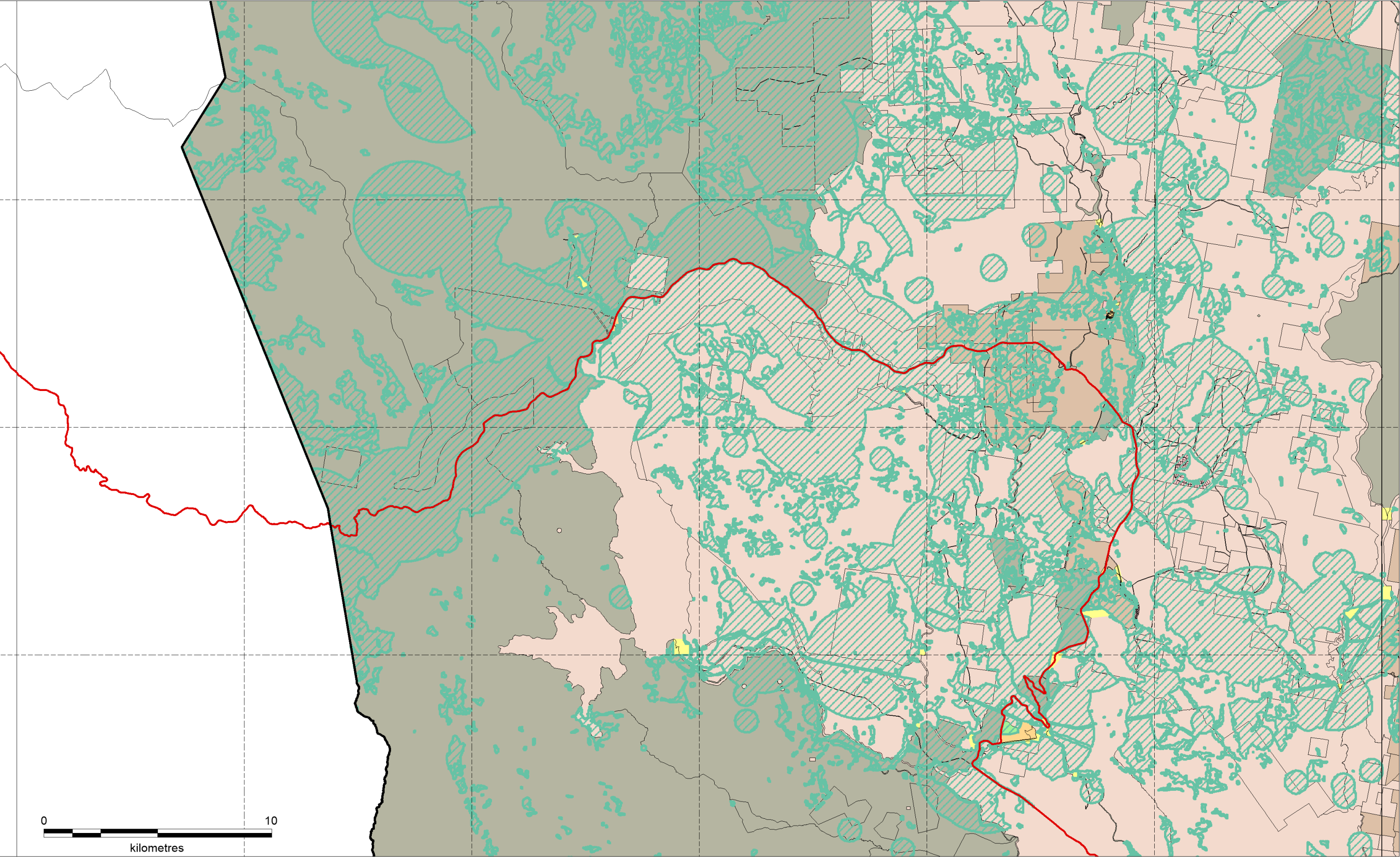
Coordinate System: GDA 94 MGA Zone 55

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Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule  
Priority Vegetation Area (part Natural Assets Code)



**Natural Assets Code**

Priority Vegetation Area

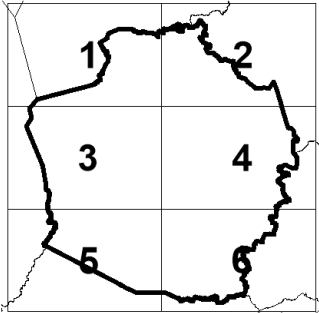
**Zones**

Environmental Management Zone	Low Density Residential Zone	Village Zone
Agriculture Zone	Recreation Zone	Open Space Zone
Rural Zone	Community Purpose Zone	Rural Living Zone
		Utilities Zone
		Local Business Zone

**Set 3 - Map 3**

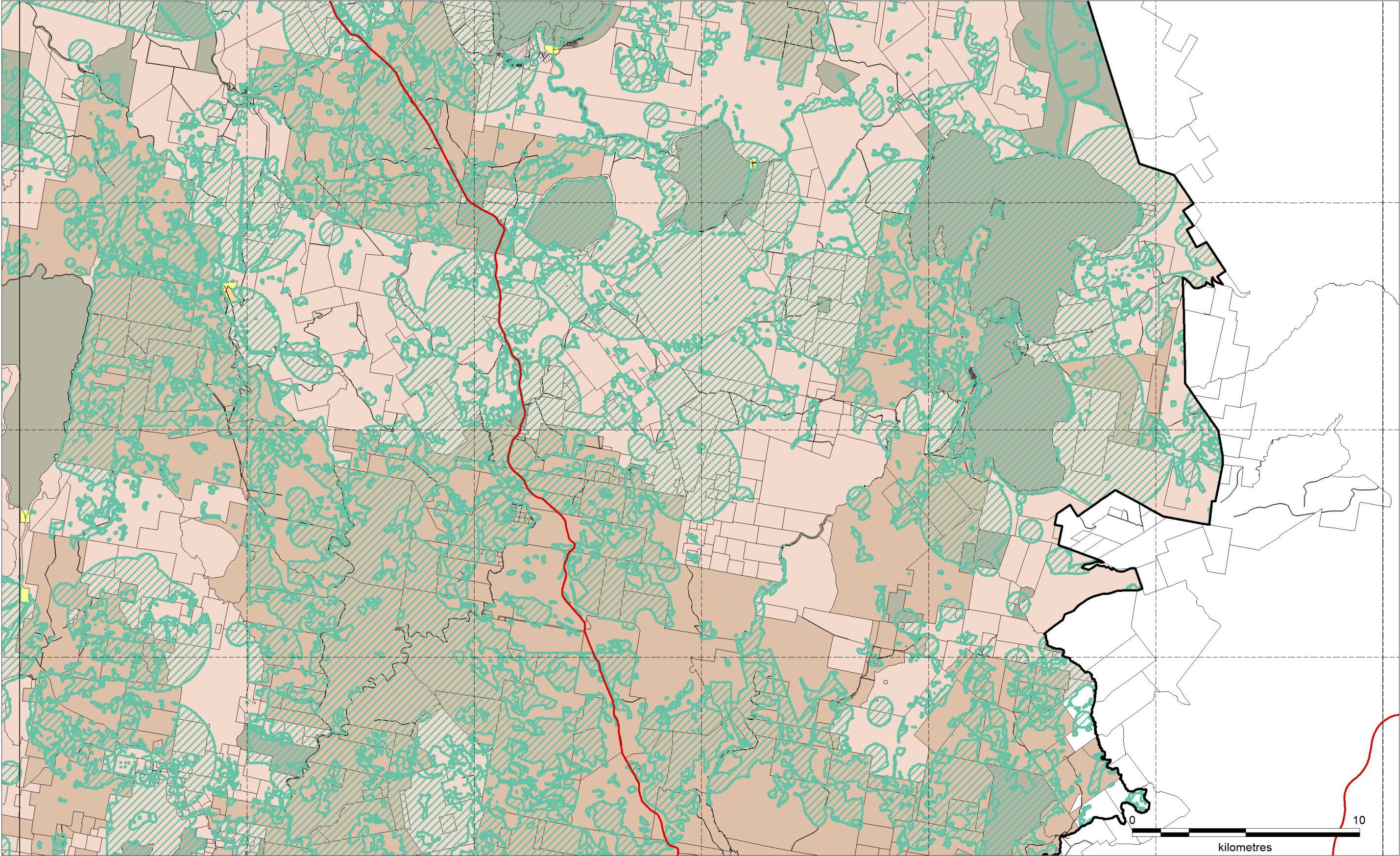
Coordinate System: GDA 94 MGA Zone 55

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



Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule  
Priority Vegetation Area (part Natural Assets Code)



**Natural Assets Code**

 Priority Vegetation Area

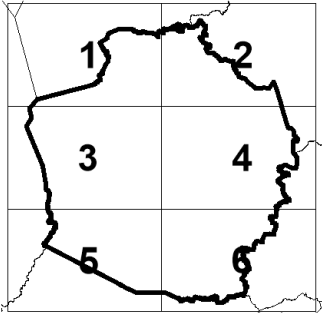
**Zones**

 Environmental Management Zone	 Low Density Residential Zone	 Village Zone
 Agriculture Zone	 Recreation Zone	 Open Space Zone
 Rural Zone	 Community Purpose Zone	 Rural Living Zone
		 Utilities Zone
		 Local Business Zone

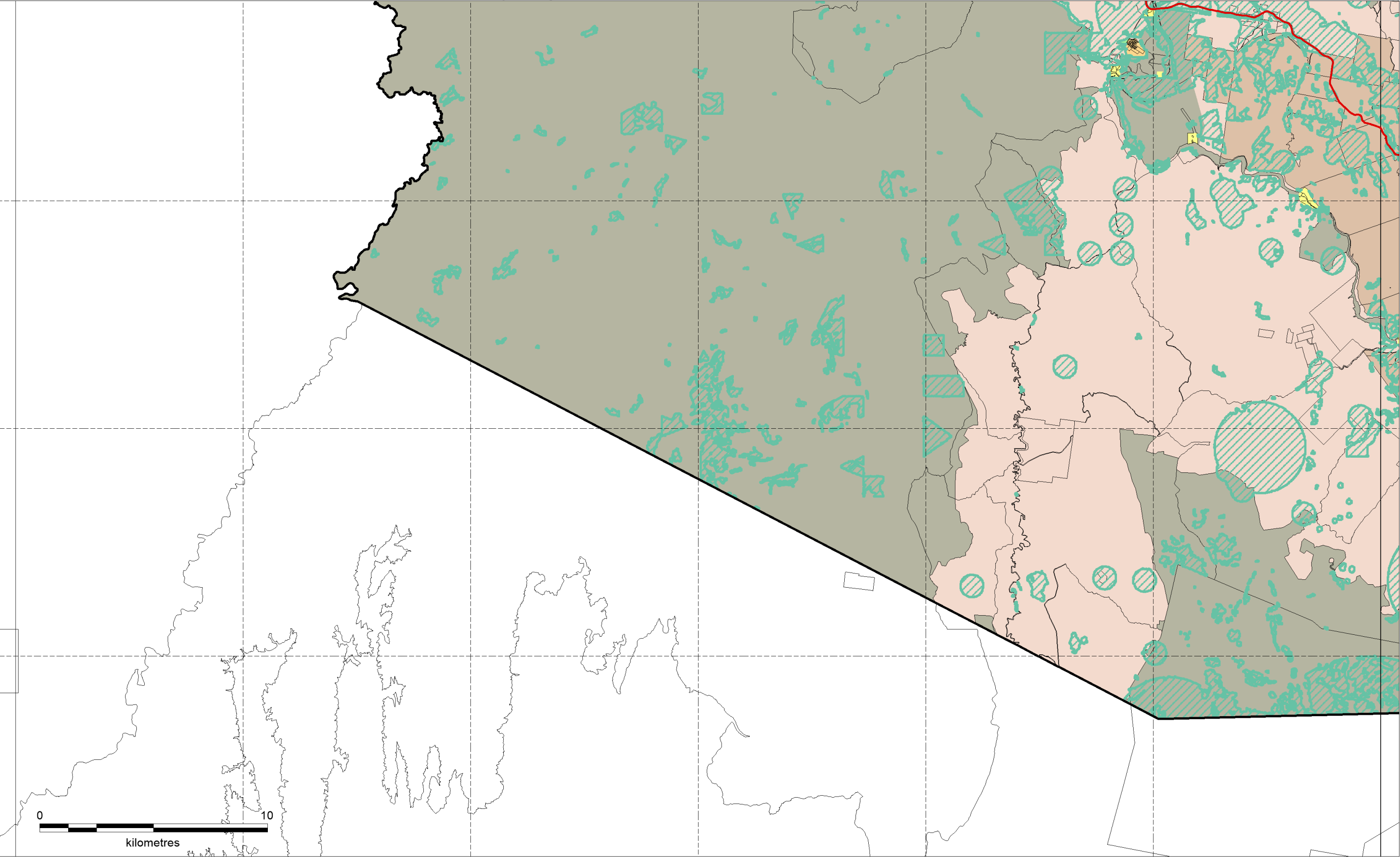
**Set 3 - Map 4**

Coordinate System: GDA 94 MGA Zone 55

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Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule  
Priority Vegetation Area (part Natural Assets Code)



Natural Assets Code

Priority Vegetation Area

Zones

Environmental Management Zone

Agriculture Zone

Rural Zone

Low Density Residential Zone

Recreation Zone

Community Purpose Zone

Village Zone

Open Space Zone

Rural Living Zone

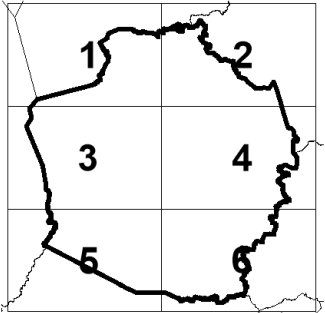
Utilities Zone

Local Business Zone

Set 3 - Map 5

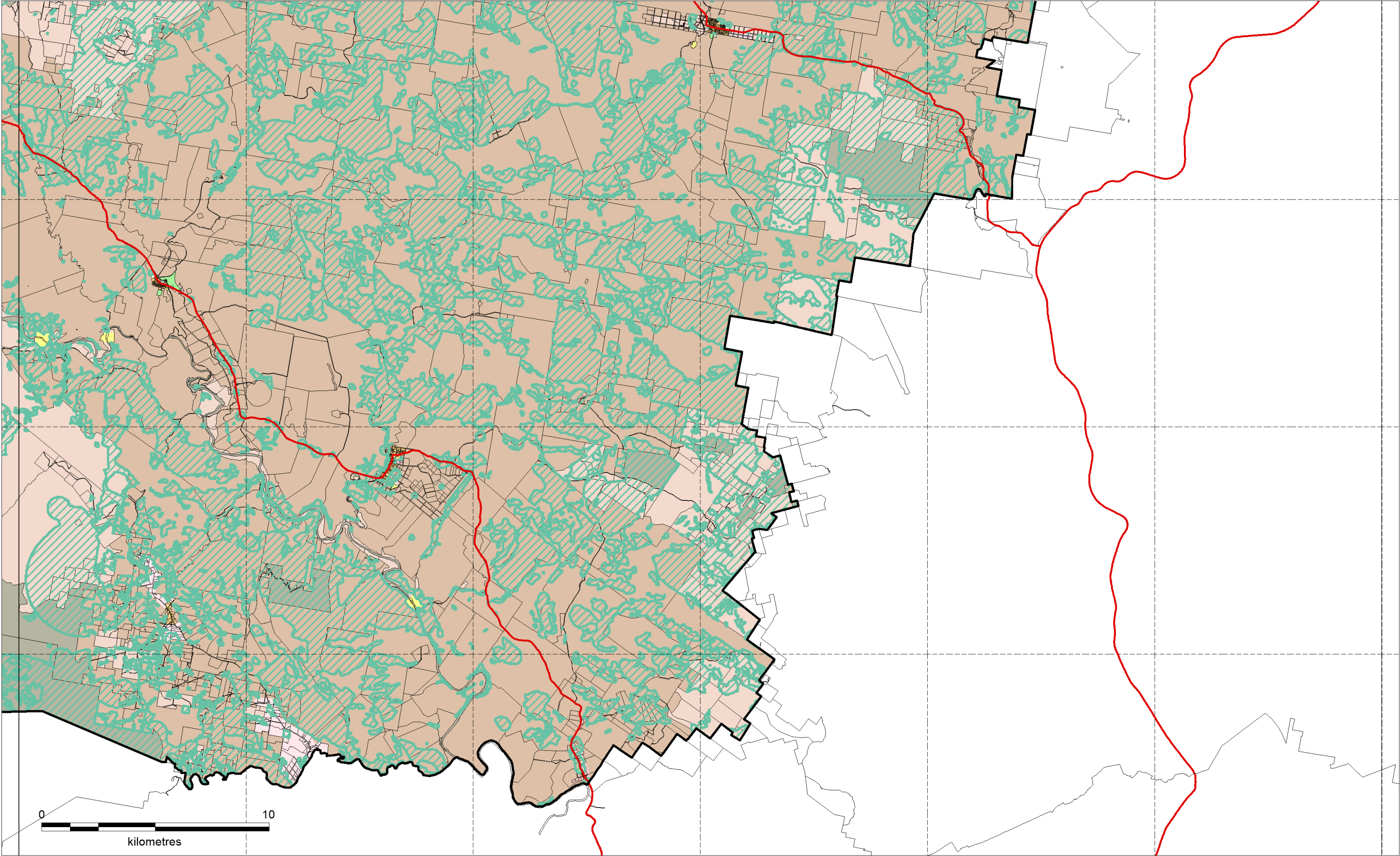
Coordinate System: GDA 94 MGA Zone 55

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Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule  
Priority Vegetation Area (part Natural Assets Code)



Natural Assets Code

Priority Vegetation Area

Zones

Environmental  
Management  
Zone  
Agriculture Zone  
Rural Zone

Low Density Residential  
Zone  
Recreation Zone  
Community Purpose  
Zone

Village Zone  
Open Space Zone  
Rural Living Zone

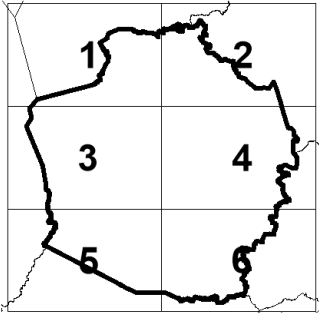
Utilities Zone  
Local Business Zone

Set 3 - Map 6

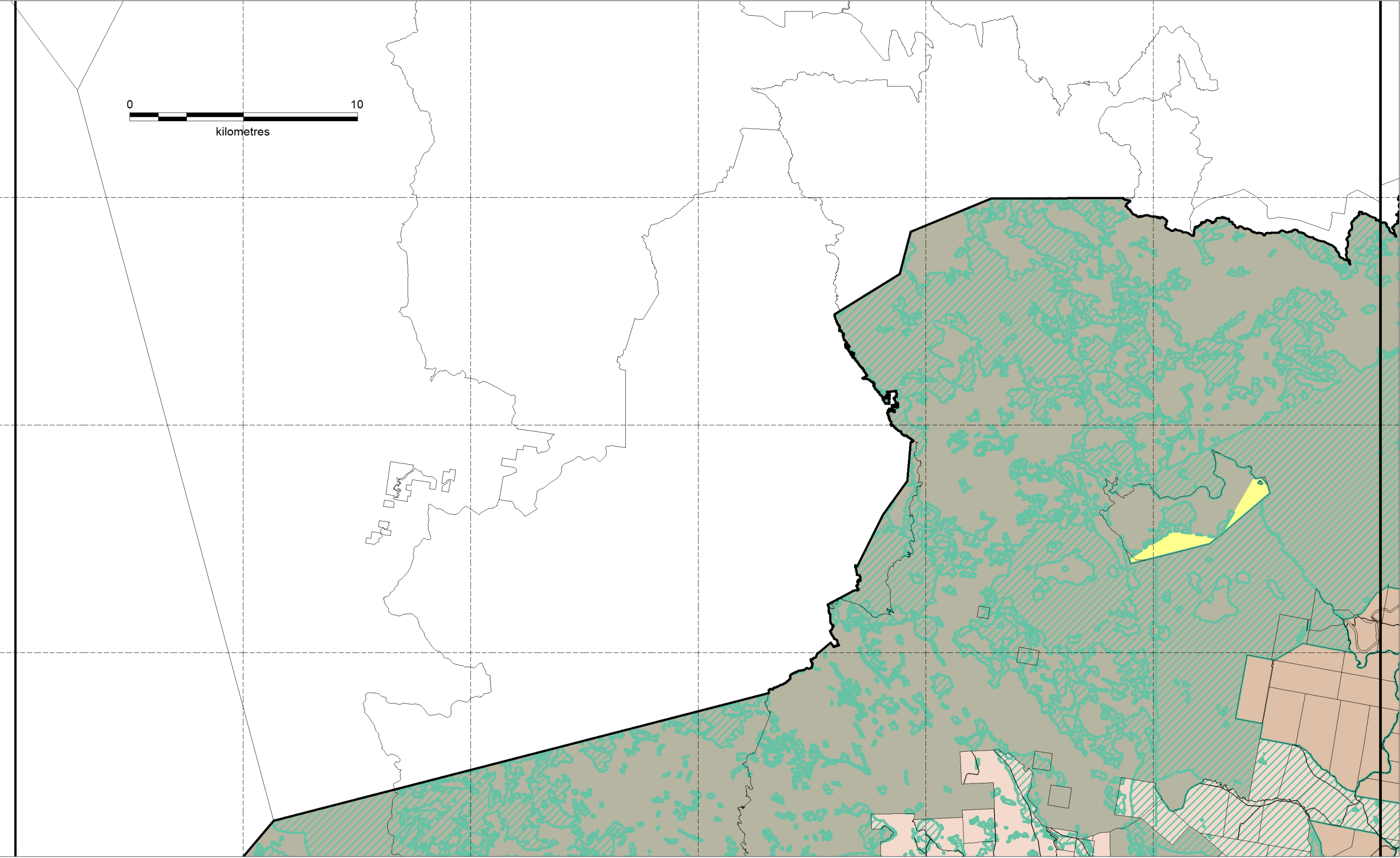
Coordinate System: GDA 94 MGA Zone 55

Topographic data from the LIST  
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
Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule  
Priority Vegetation Area (part Natural Assets Code)





**Natural Assets Code**

 Priority Vegetation Area

**Zones**

 Environmental Management Zone	 Low Density Residential Zone	 Village Zone
 Agriculture Zone	 Recreation Zone	 Open Space Zone
 Rural Zone	 Community Purpose Zone	 Rural Living Zone

 Utilities Zone

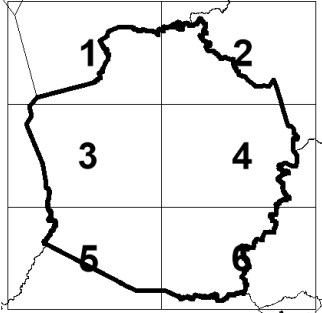
 Local Business Zone

**Set 3a - Map 1**

Coordinate System: GDA 94 MGA Zone 55

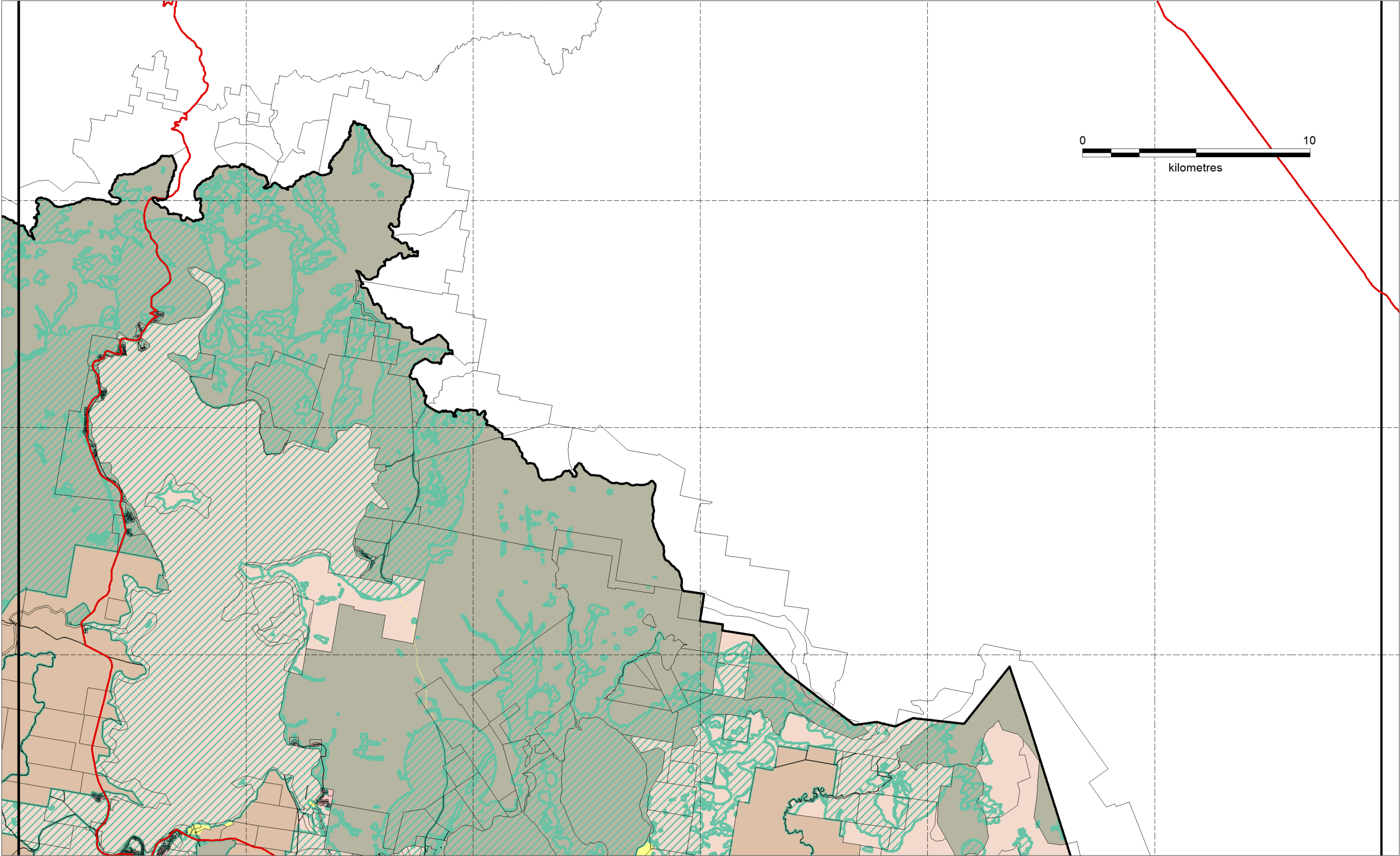
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Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule  
Priority Vegetation Area (part Natural Assets Code)






Natural Assets Code



 Priority Vegetation Area

Zones

 Environmental Management Zone  
 Agriculture Zone  
 Rural Zone

 Low Density Residential Zone  
 Recreation Zone  
 Community Purpose Zone

 Village Zone  
 Open Space Zone  
 Rural Living Zone

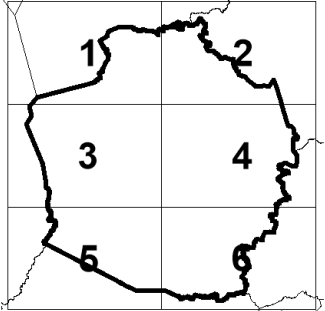
 Utilities Zone  
 Local Business Zone

Set 3a - Map 2

Coordinate System: GDA 94 MGA Zone 55

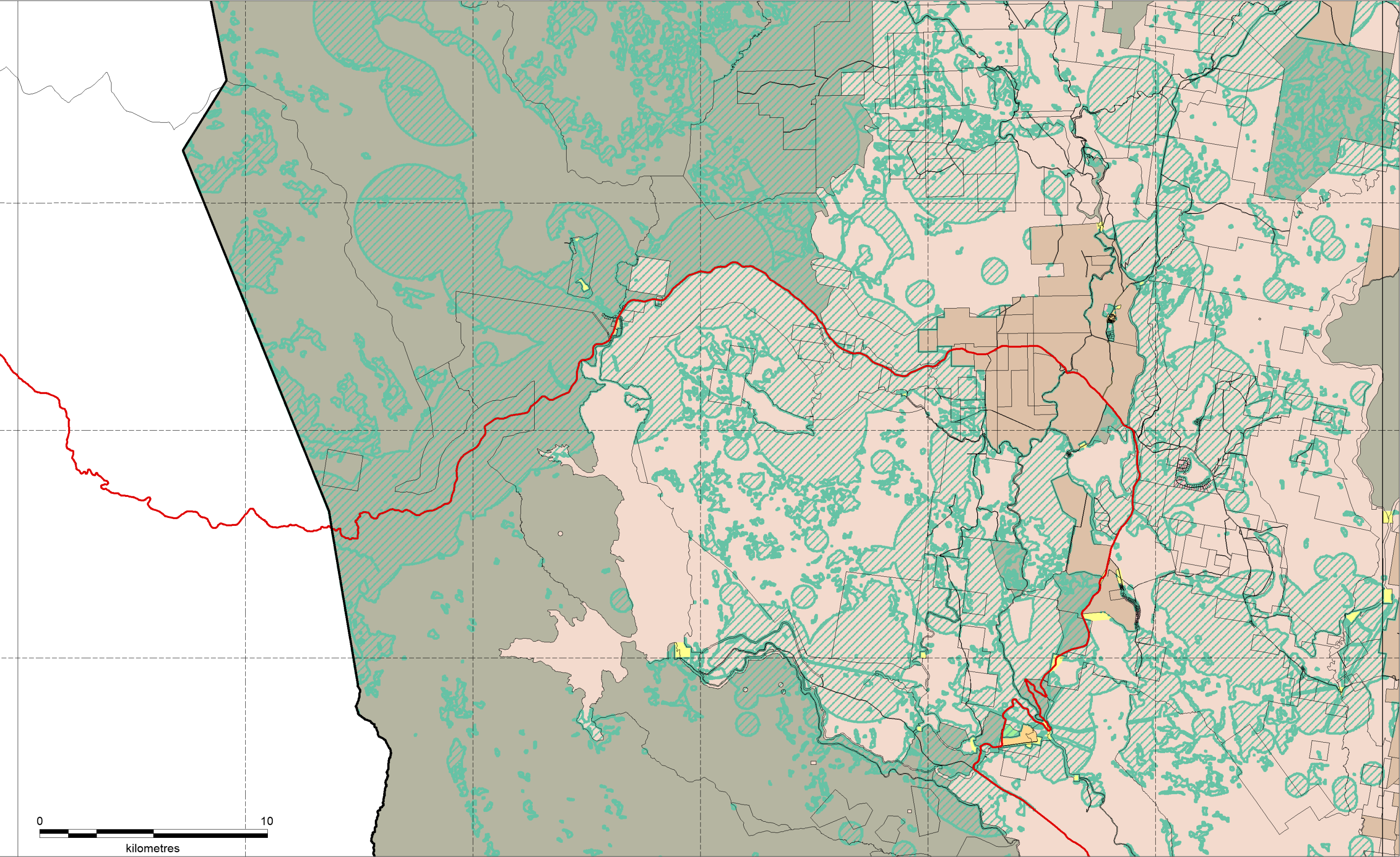
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Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule  
Priority Vegetation Area (part Natural Assets Code)



Natural Assets Code

Priority Vegetation Area

Zones

Environmental  
Management  
Zone  
Agriculture Zone  
Rural Zone

Low Density Residential  
Zone  
Recreation Zone  
Community Purpose  
Zone

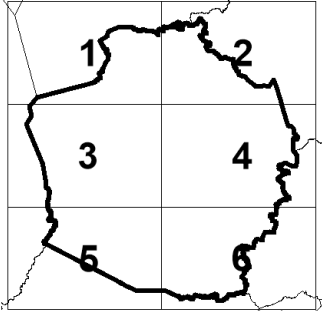
Village Zone  
Open Space Zone  
Rural Living Zone

Utilities Zone  
Local Business Zone

Set 3a - Map 3

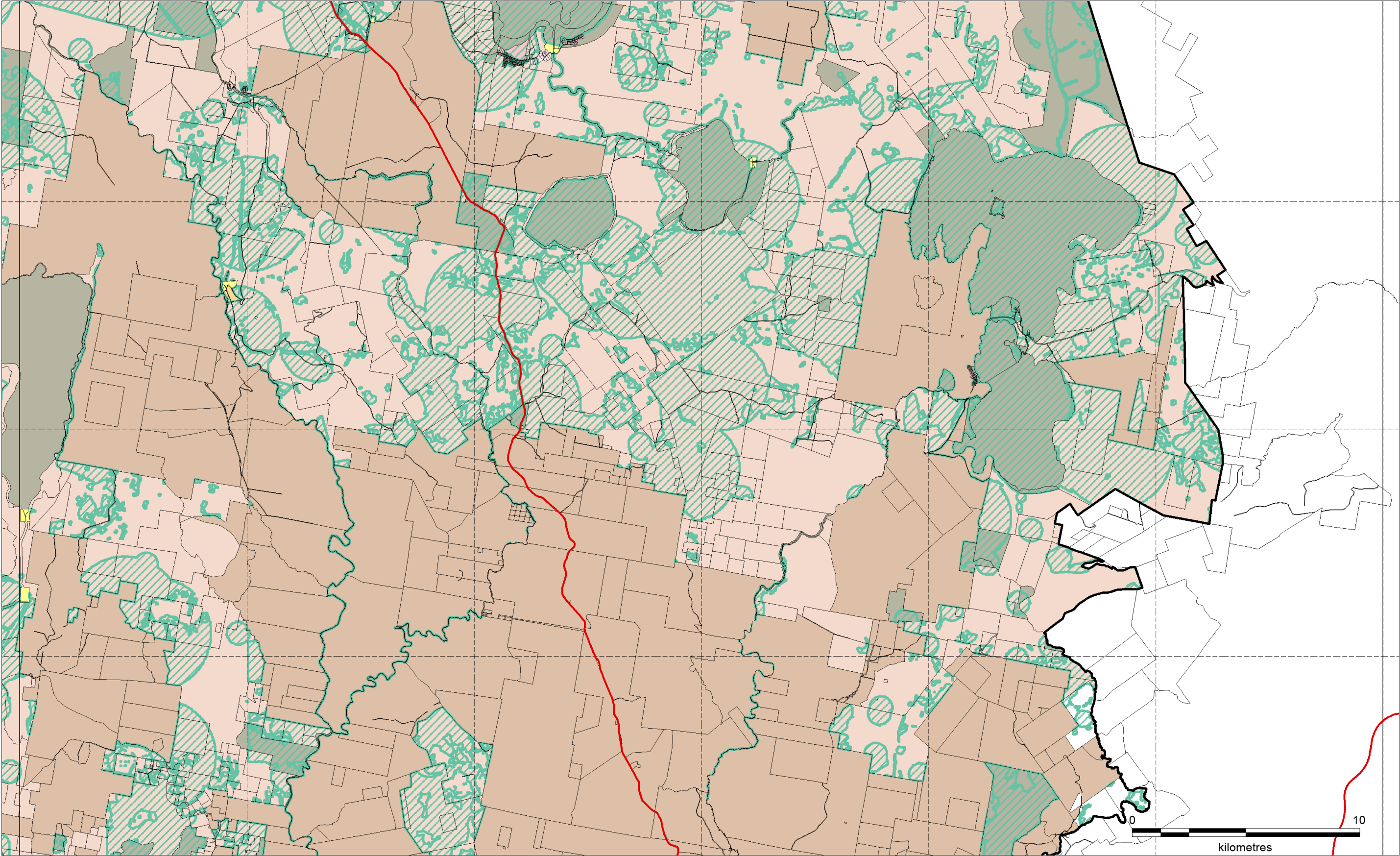
Coordinate System: GDA 94 MGA Zone 55

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Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule  
Priority Vegetation Area (part Natural Assets Code)






Natural Assets Code



 Priority Vegetation Area

Zones

 Environmental Management Zone  
 Agriculture Zone  
 Rural Zone

 Low Density Residential Zone  
 Recreation Zone  
 Community Purpose Zone

 Village Zone  
 Open Space Zone  
 Rural Living Zone

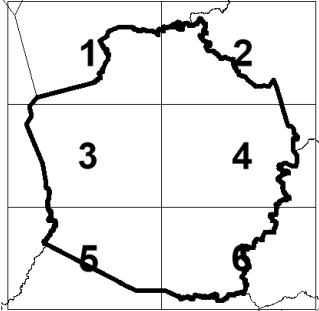
 Utilities Zone  
 Local Business Zone

Set 3a - Map 4

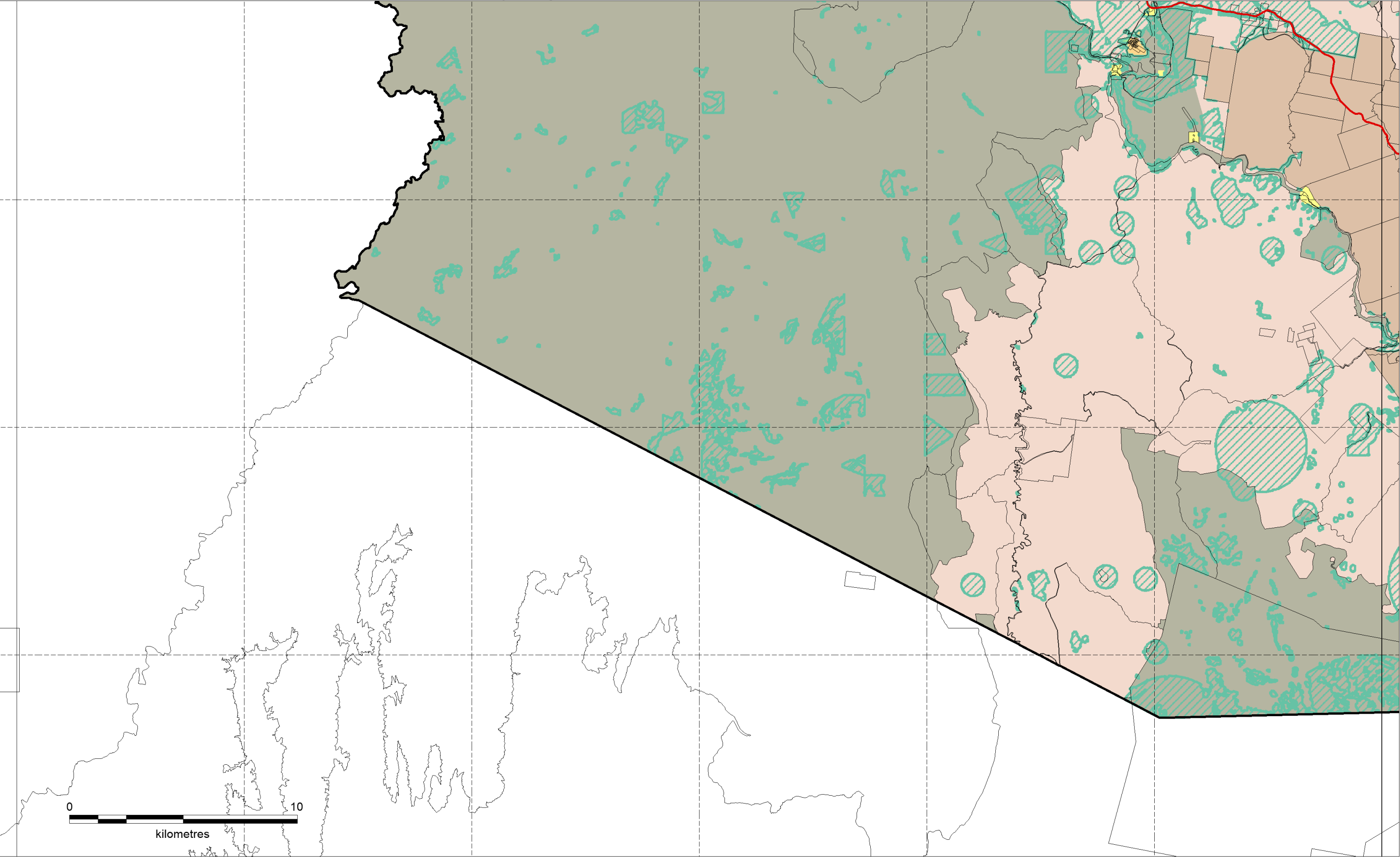
Coordinate System: GDA 94 MGA Zone 55

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Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule  
Priority Vegetation Area (part Natural Assets Code)






Natural Assets Code



 Priority Vegetation Area

Zones

 Environmental Management Zone  
 Agriculture Zone  
 Rural Zone

 Low Density Residential Zone  
 Recreation Zone  
 Community Purpose Zone

 Village Zone  
 Open Space Zone  
 Rural Living Zone

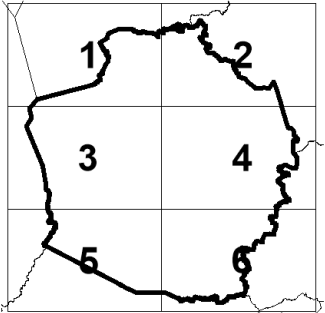
 Utilities Zone  
 Local Business Zone

Set 3a - Map 5

Coordinate System: GDA 94 MGA Zone 55

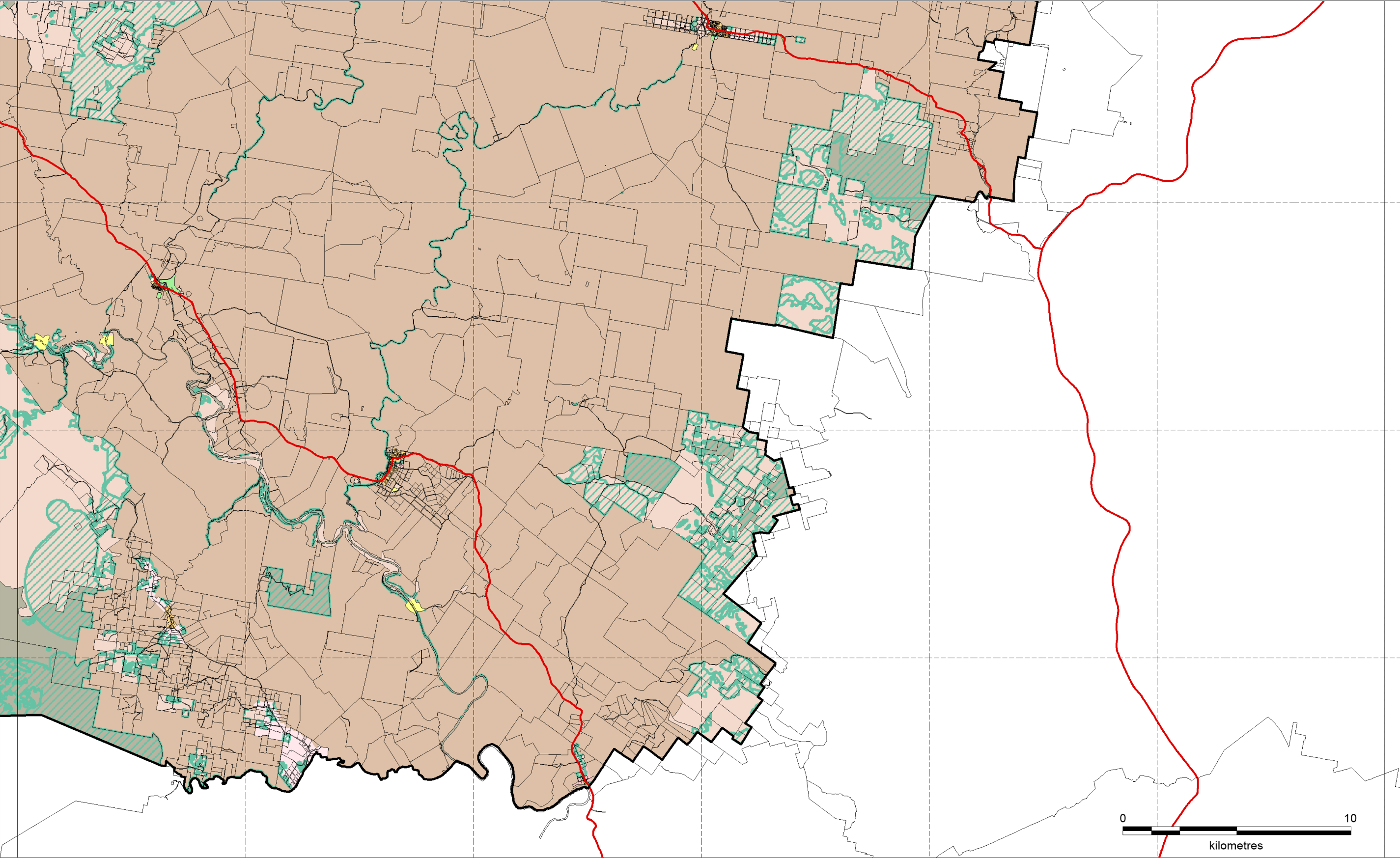
Topographic data from the LIST  
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Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule  
Priority Vegetation Area (part Natural Assets Code)






Natural Assets Code



 Priority Vegetation Area

Zones

 Environmental Management Zone  
 Agriculture Zone  
 Rural Zone

 Low Density Residential Zone  
 Recreation Zone  
 Community Purpose Zone

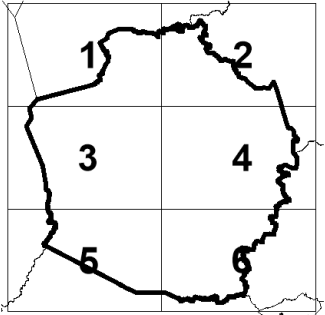
 Village Zone  
 Open Space Zone  
 Rural Living Zone

 Utilities Zone  
 Local Business Zone

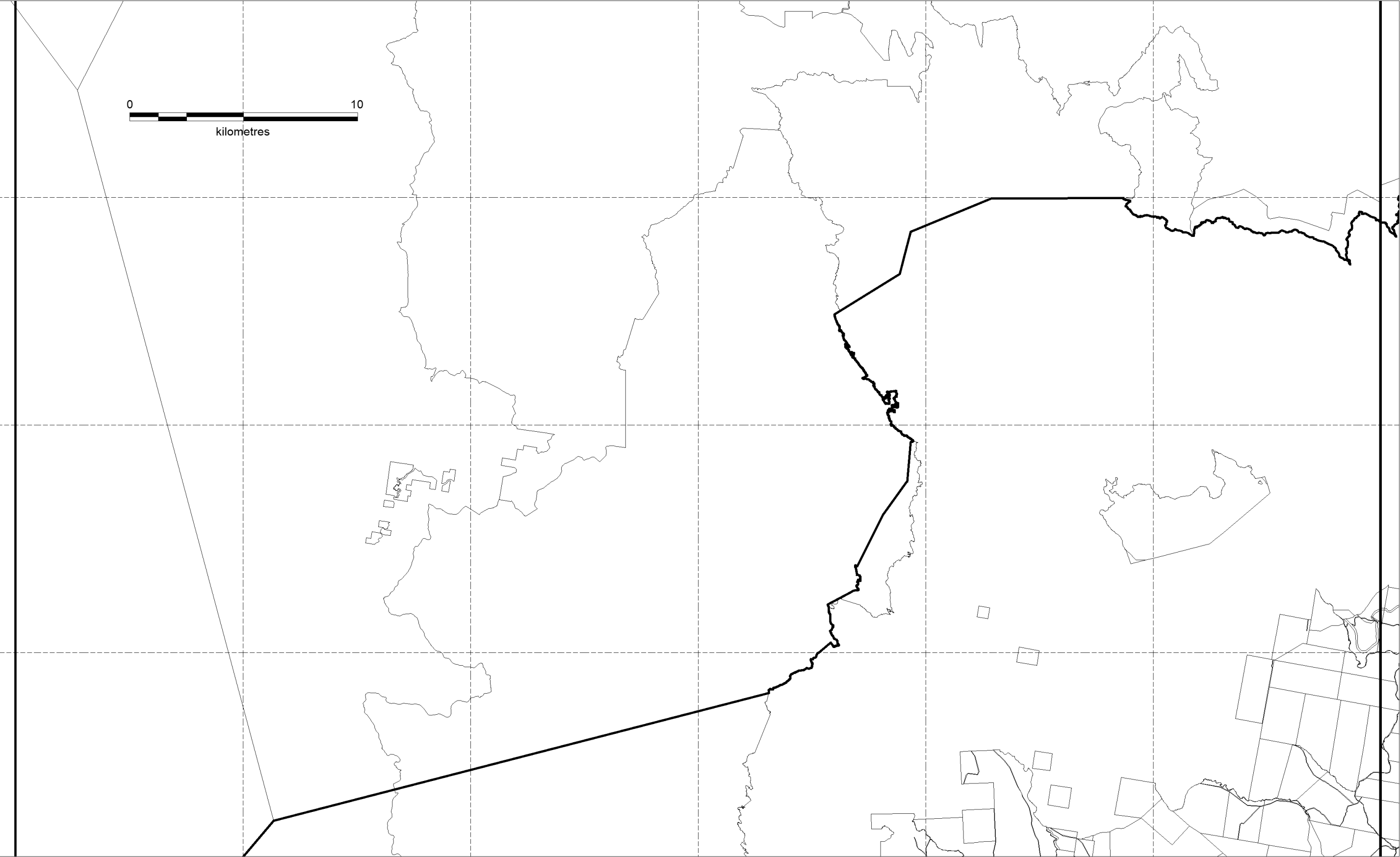
Set 3a - Map 6

Coordinate System: GDA 94 MGA Zone 55

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**Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule**  
**Electricity Transmission Infrastructure Protection Code; Local Heritage Places; Specific Area Plans**



**Electricity Transmission Infrastructure Protection Code Legend**

 Substation facility	 Substation facility buffer area	 Inner protection area	 Electricity transmission corridor	 Communications station buffer area
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**Local Historic Heritage Code Legend**

 Local heritage place
 Local heritage place

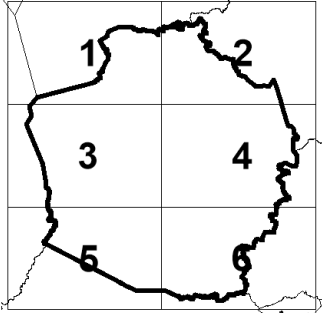
**Specific Area Plan Legend**

 Specific Area Plan
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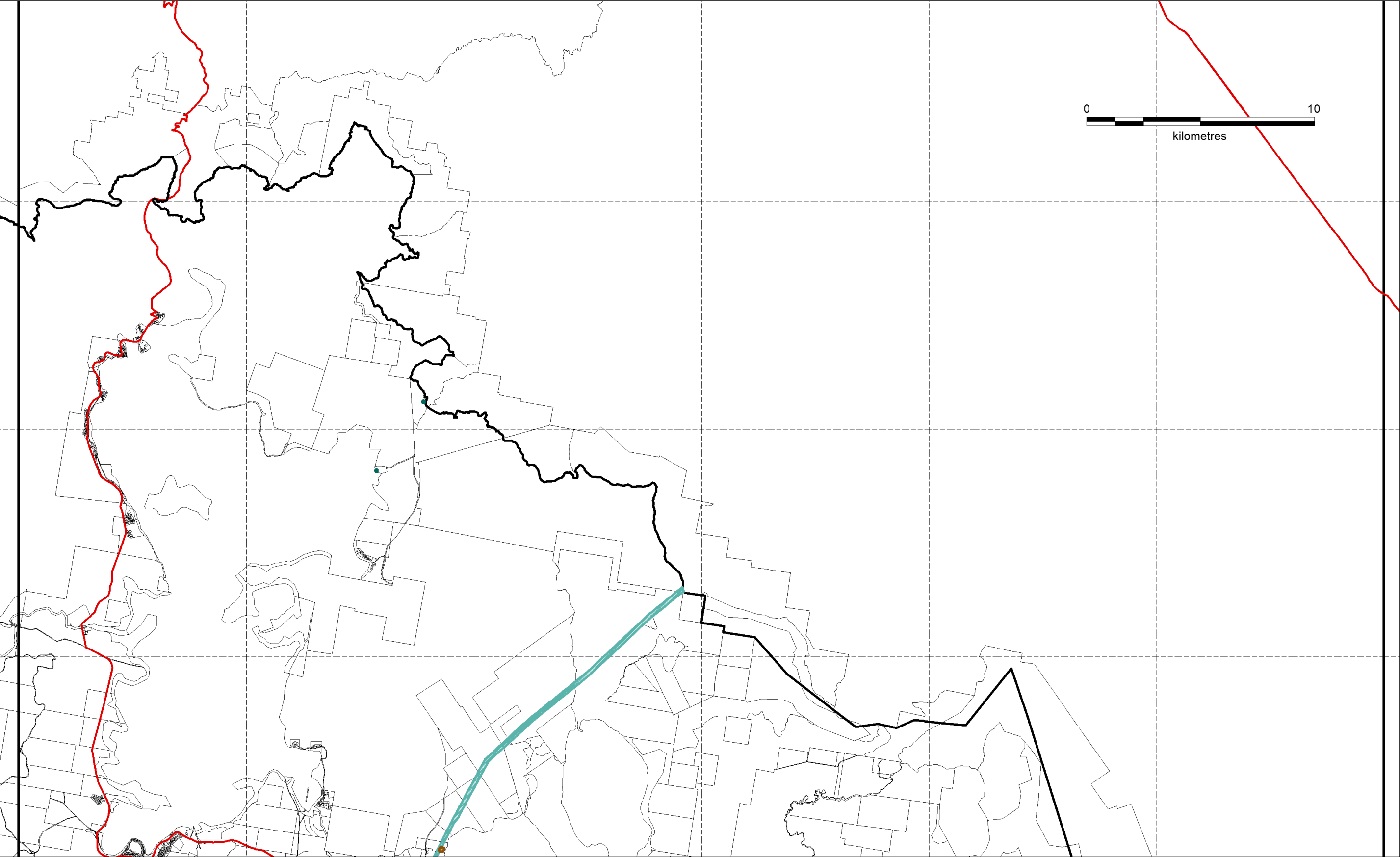
**Set 4 - Map 1**

Coordinate System: GDA 94 MGA Zone 55

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Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule  
Electricity Transmission Infrastructure Protection Code; Local Heritage Places; Specific Area Plans



**Electricity Transmission Infrastructure Protection Code Legend**

Substation facility	Substation facility buffer area	Inner protection area	Electricity transmission corridor	Communications station buffer area
---------------------	---------------------------------	-----------------------	-----------------------------------	------------------------------------

**Local Historic Heritage Code Legend**

Local heritage place
Local heritage place

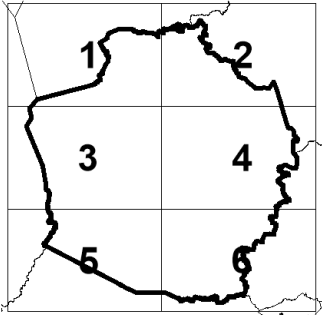
**Specific Area Plan Legend**

Specific Area Plan
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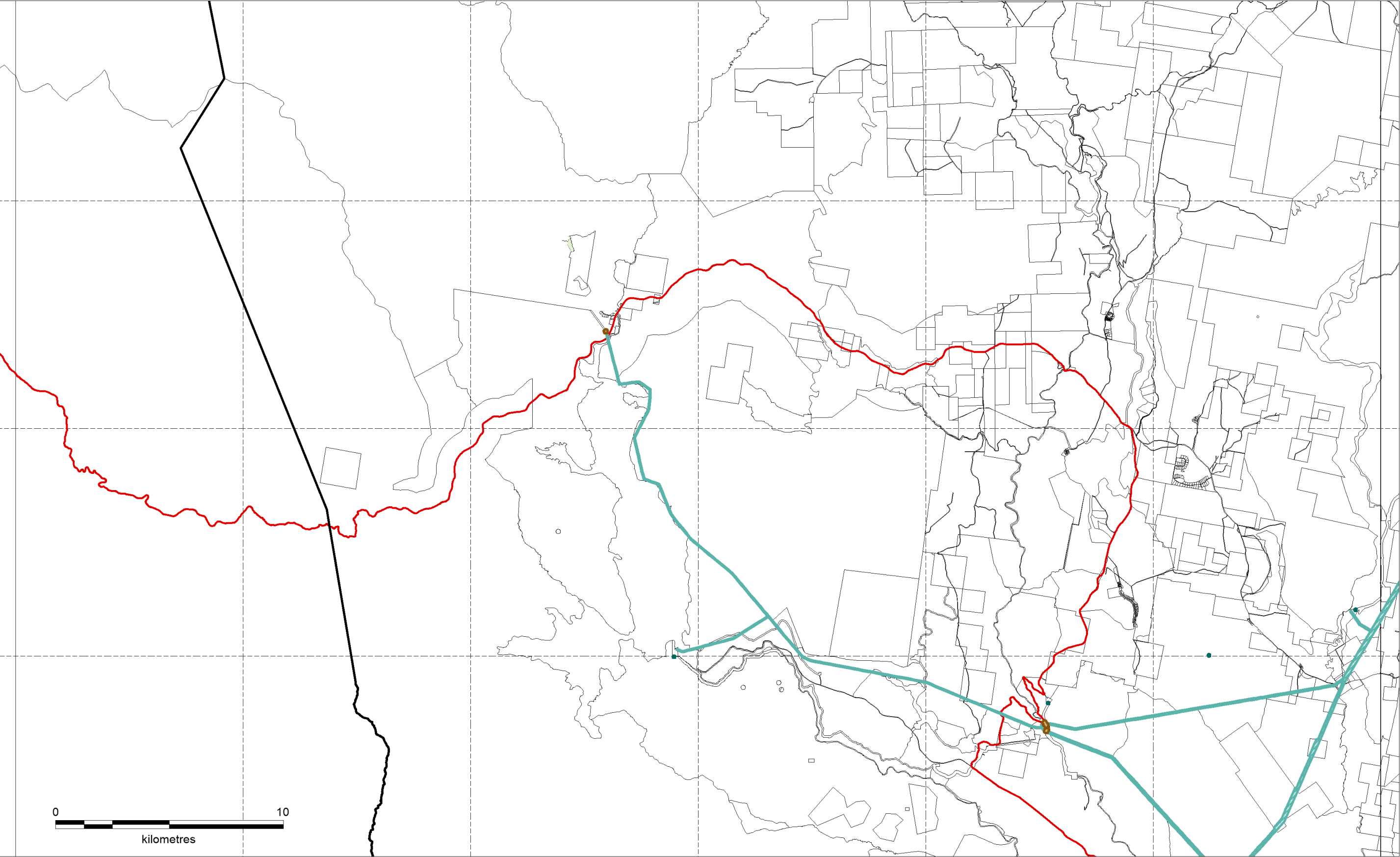
**Set 4 - Map 2**

Coordinate System: GDA 94 MGA Zone 55






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

**Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule**  
**Electricity Transmission Infrastructure Protection Code; Local Heritage Places; Specific Area Plans**




**Electricity Transmission Infrastructure Protection Code Legend**

 Substation facility     Substation facility buffer area     Inner protection area     Electricity transmission corridor     Communications station buffer area

**Local Historic Heritage Code Legend**

 Local heritage place  
 Local heritage place

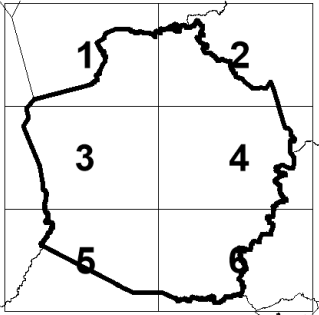
**Specific Area Plan Legend**

 Specific Area Plan

**Set 4 - Map 3**

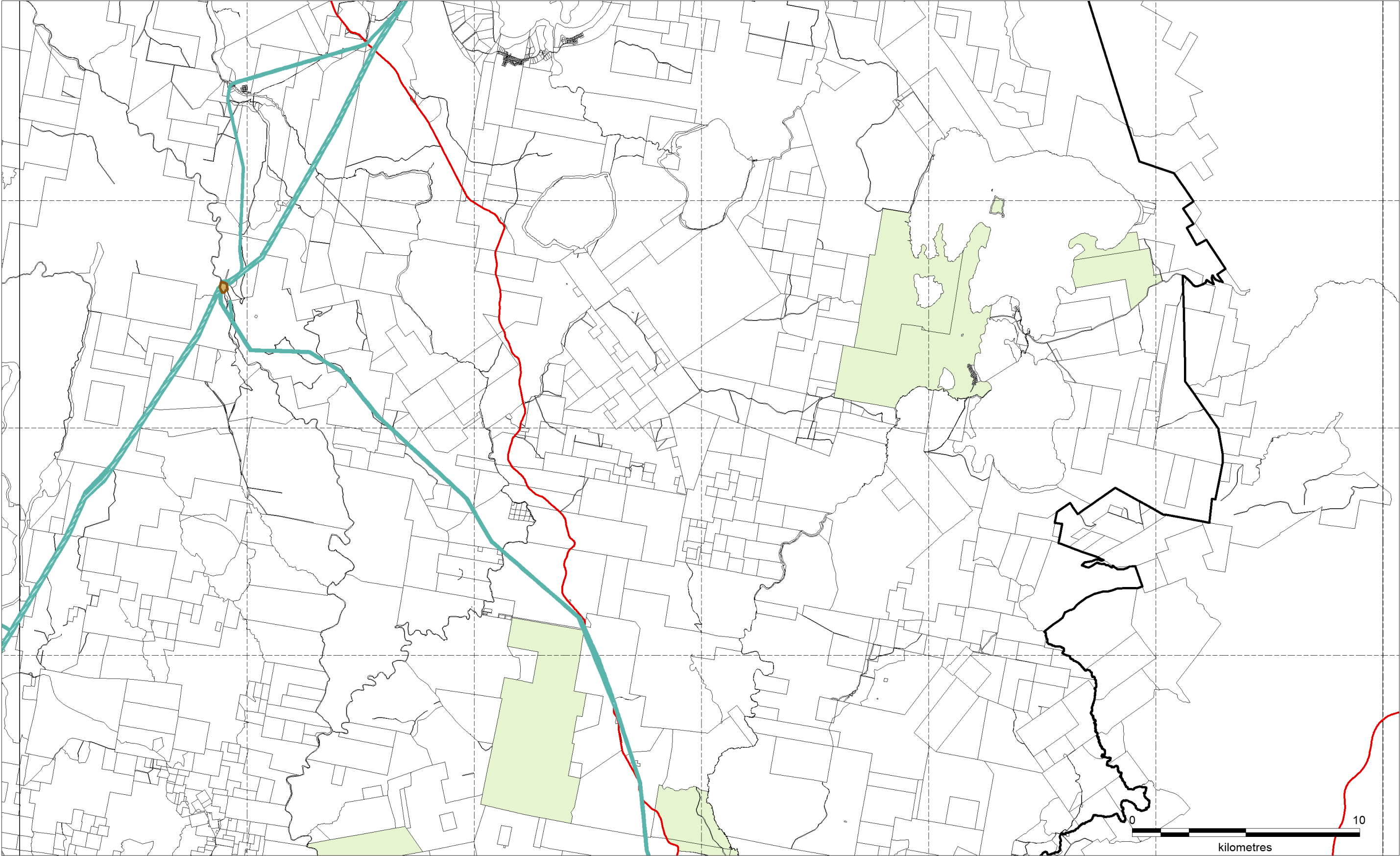
Coordinate System: GDA 94 MGA Zone 55

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Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule  
Electricity Transmission Infrastructure Protection Code; Local Heritage Places; Specific Area Plans



Electricity Transmission Infrastructure Protection Code Legend

- Substation facility Substation facility buffer area Inner protection area Electricity transmission corridor Communications station buffer area

Local Historic Heritage Code Legend

- Local heritage place Local heritage place

Specific Area Plan Legend

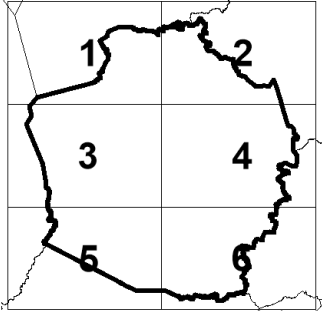
- Specific Area Plan

Set 4 - Map 4

Coordinate System: GDA 94 MGA Zone 55

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Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule  
Electricity Transmission Infrastructure Protection Code; Local Heritage Places; Specific Area Plans



**Electricity Transmission Infrastructure Protection Code Legend**

Substation facility

Substation facility buffer area

Inner protection area

Electricity transmission corridor

Communications station buffer area

**Local Historic Heritage Code Legend**

Local heritage place

Local heritage place

**Specific Area Plan Legend**

Specific Area Plan

**Set 4 - Map 5**

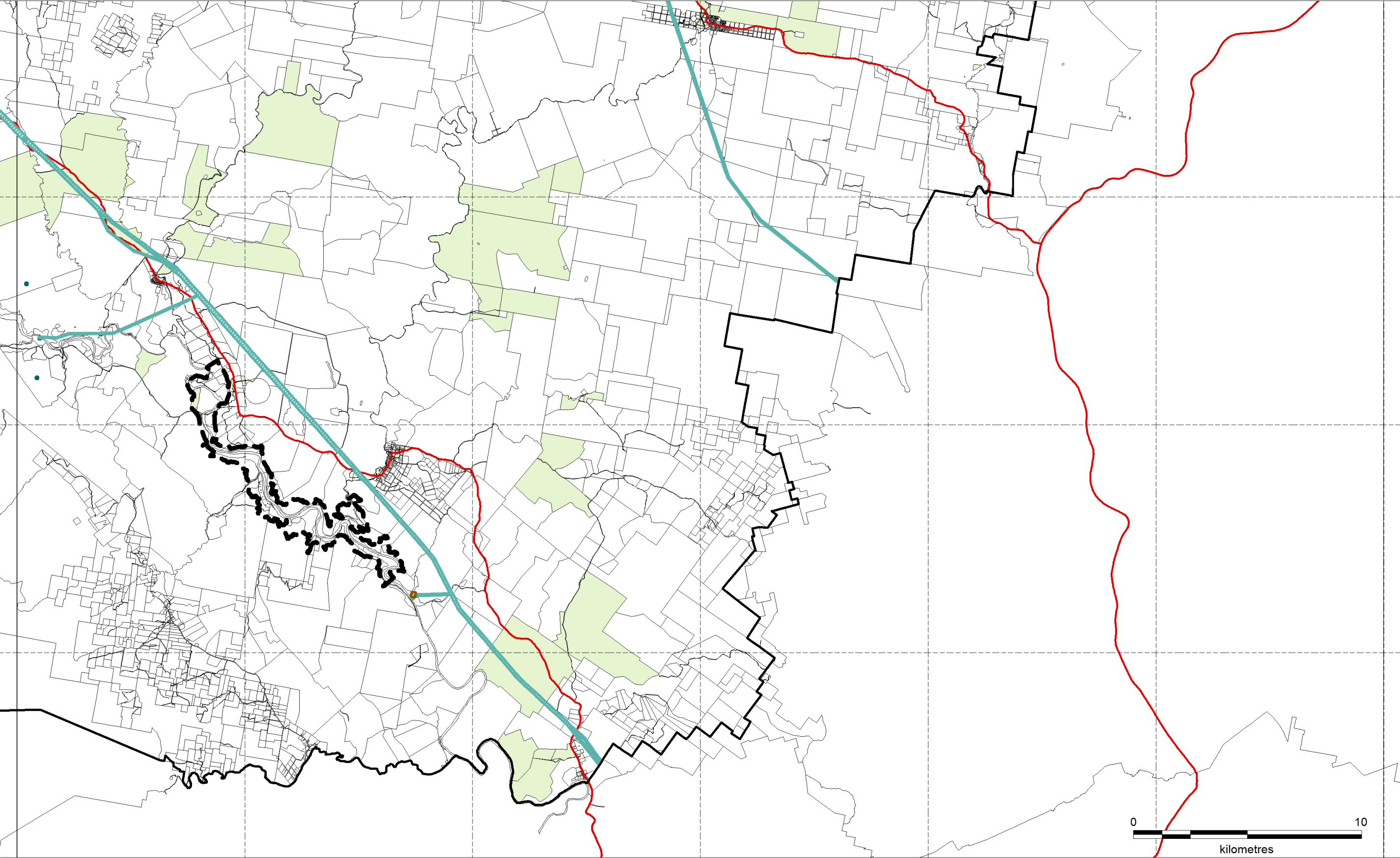
Coordinate System: GDA 94 MGA Zone 55

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An inset map of Tasmania showing the location of the area within the state. The map is divided into five numbered regions: 1 (top left), 2 (top right), 3 (bottom left), 4 (bottom right), and 5 (bottom center). The area shown in the main map is located in region 4.

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**Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule**  
**Electricity Transmission Infrastructure Protection Code; Local Heritage Places; Specific Area Plans**



**Electricity Transmission Infrastructure Protection Code Legend**

Substation facility Substation facility buffer area Inner protection area Electricity transmission corridor Communications station buffer area

**Local Historic Heritage Code Legend**

Local heritage place  
Local heritage place

**Specific Area Plan Legend**

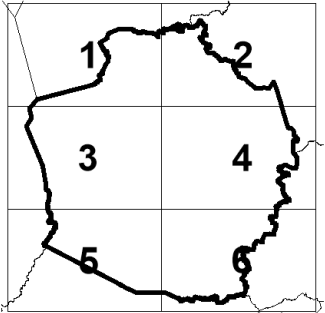
Specific Area Plan

**Set 4 - Map 6**

Coordinate System: GDA 94 MGA Zone 55

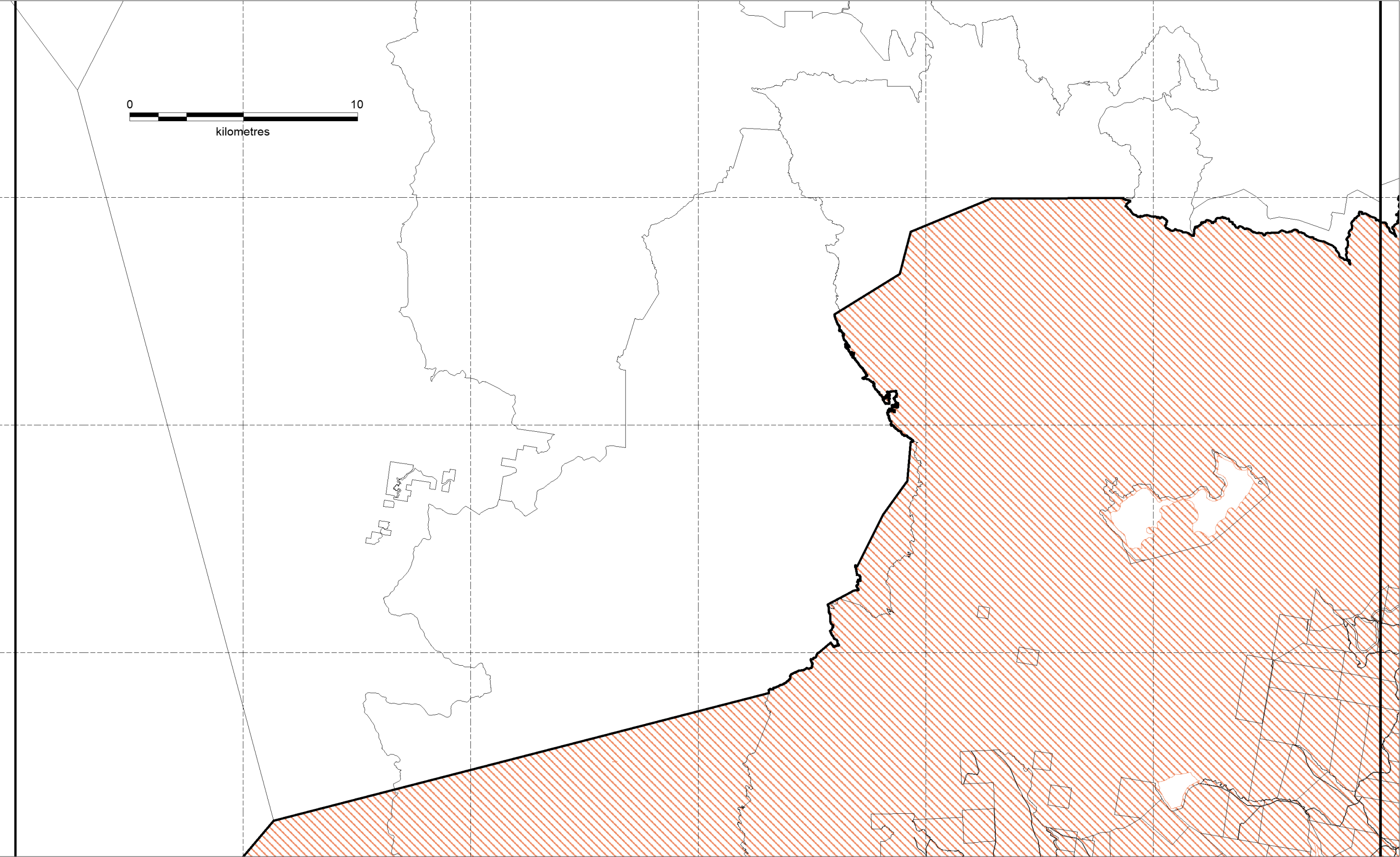
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Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule  
Bushfire-Prone Areas Code

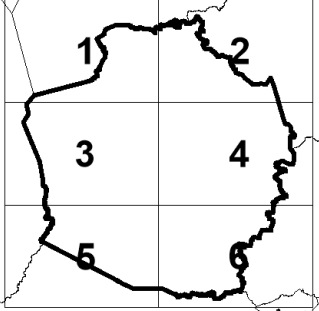


Bushfire-Prone Area Code Legend

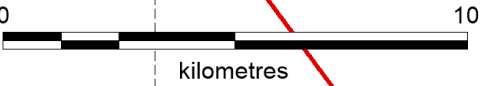
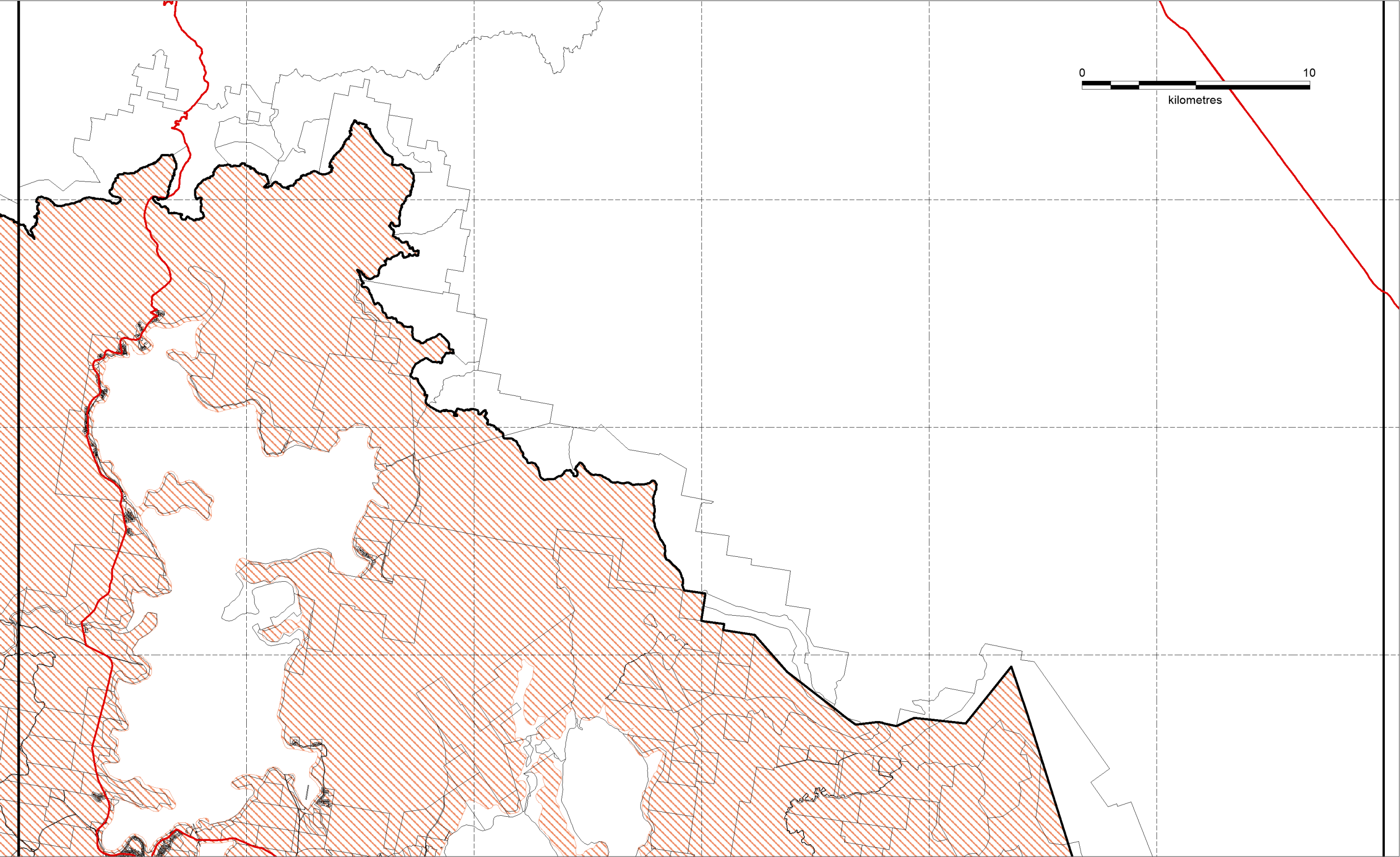
 Bushfire-prone areas

Set 5 - Map 1


Coordinate System: GDA 94 MGA Zone 55  
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Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule  
Bushfire-Prone Areas Code



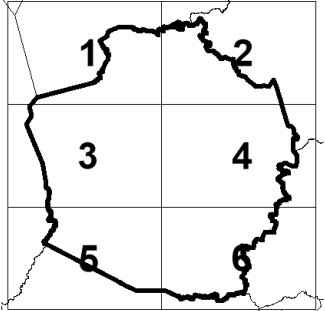
Bushfire-Prone Area Code Legend

 Bushfire-prone areas

Set 5 - Map 2

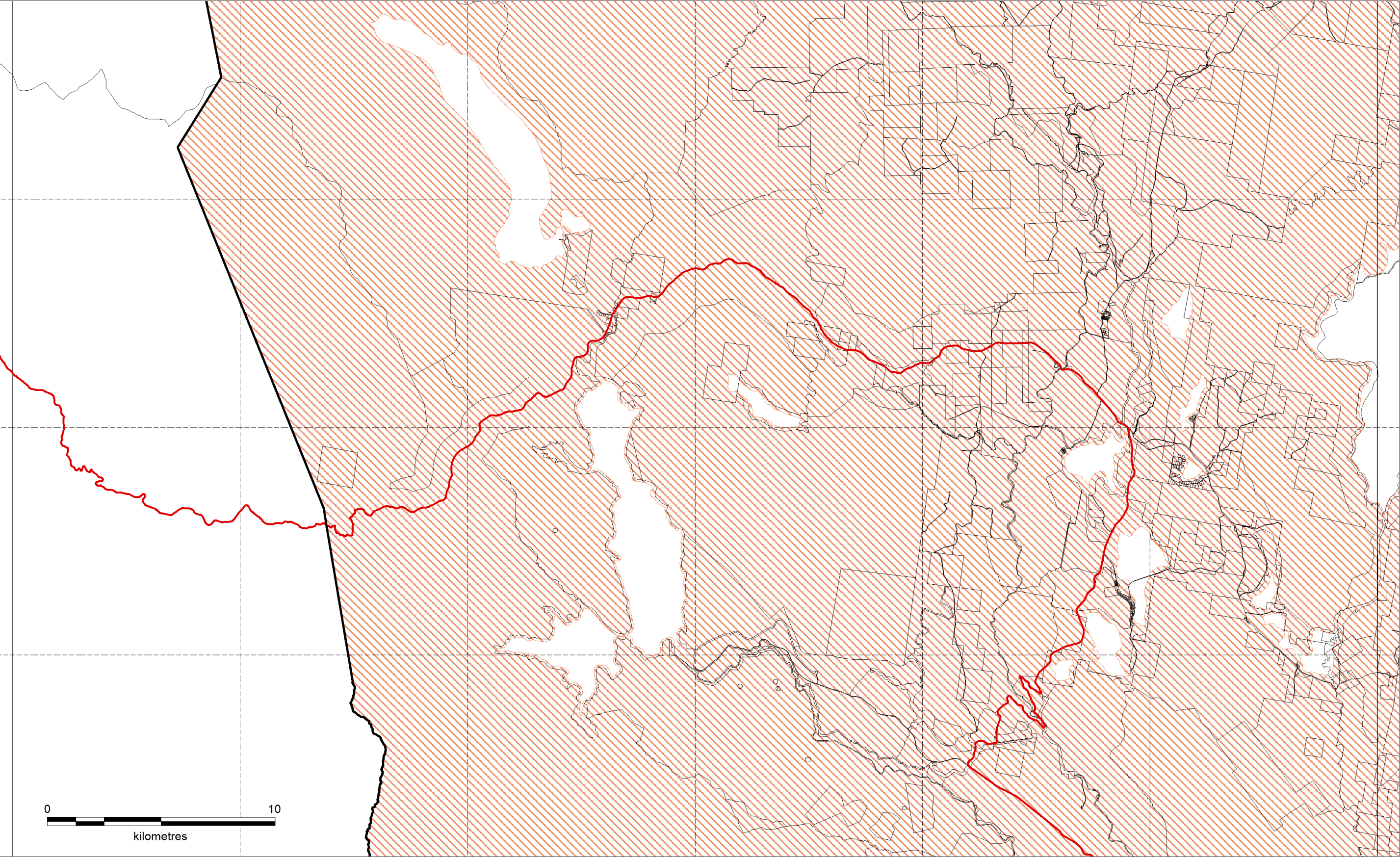
Coordinate System: GDA 94 MGA Zone 55

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Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule  
Bushfire-Prone Areas Code

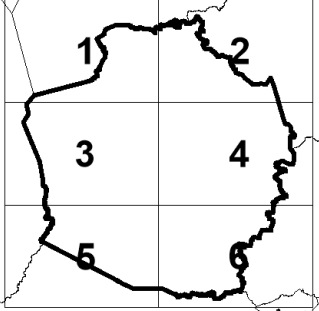


Bushfire-Prone Area Code Legend

 Bushfire-prone areas

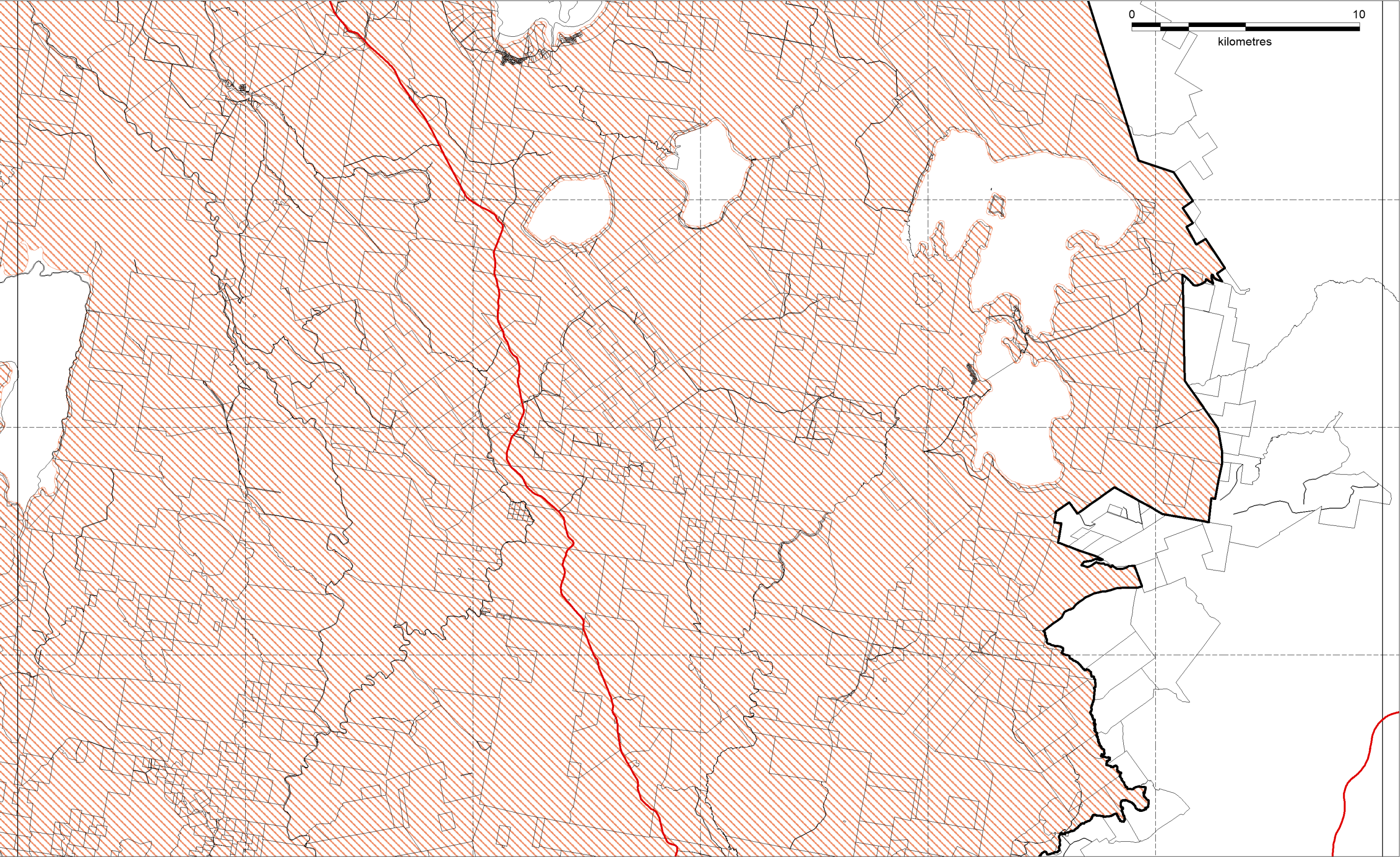
**Set 5 - Map 3**

Coordinate System: GDA 94 MGA Zone 55  
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Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule  
Bushfire-Prone Areas Code

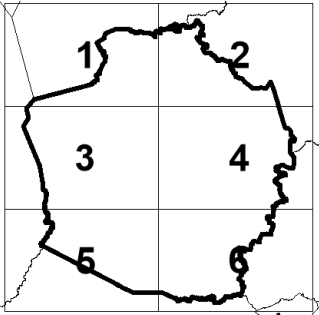


Bushfire-Prone Area Code Legend

 Bushfire-prone areas

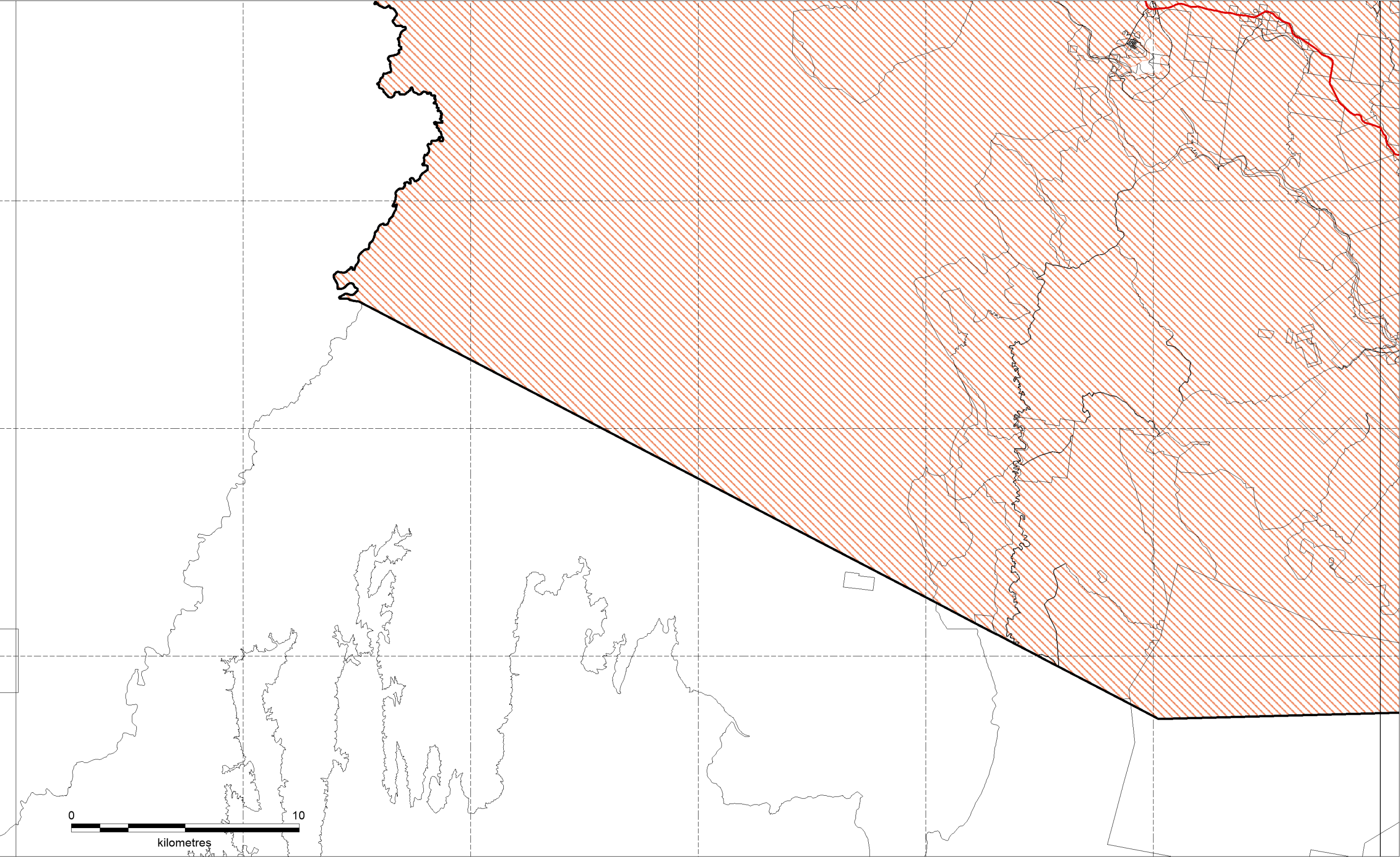
Set 5 - Map 4

Coordinate System: GDA 94 MGA Zone 55  
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Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule  
Bushfire-Prone Areas Code



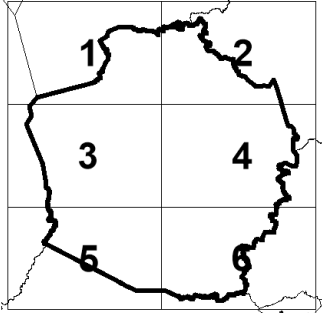
Bushfire-Prone Area Code Legend

 Bushfire-prone areas

**Set 5 - Map 5**

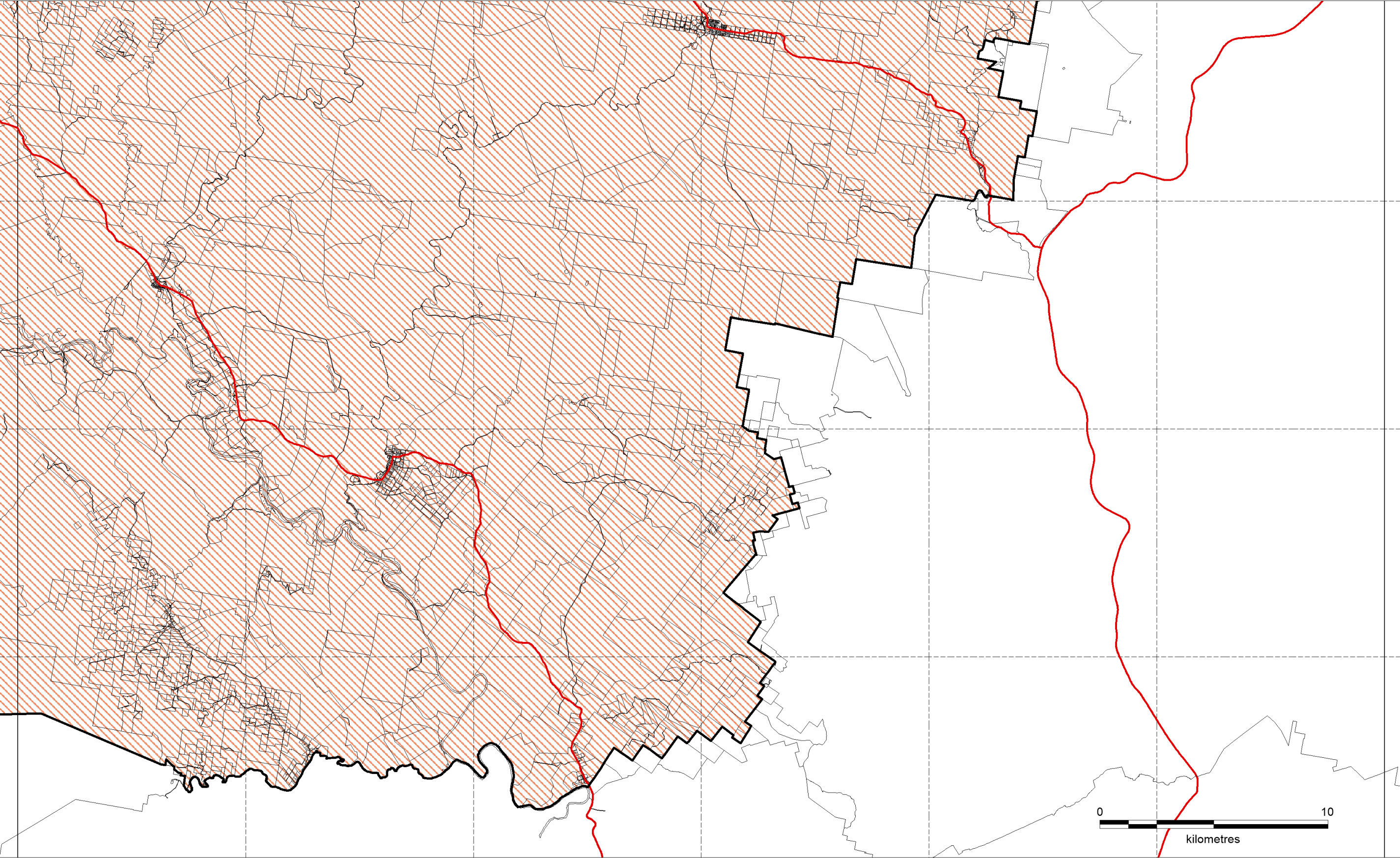
Coordinate System: GDA 94 MGA Zone 55  
Topographic data from the LIST  
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Tasmanian Planning Scheme - Overlays - Central Highlands Local Provisions Schedule  
Bushfire-Prone Areas Code



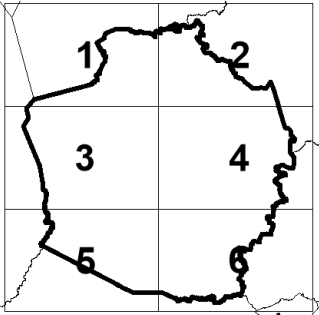
Bushfire-Prone Area Code Legend

 Bushfire-prone areas

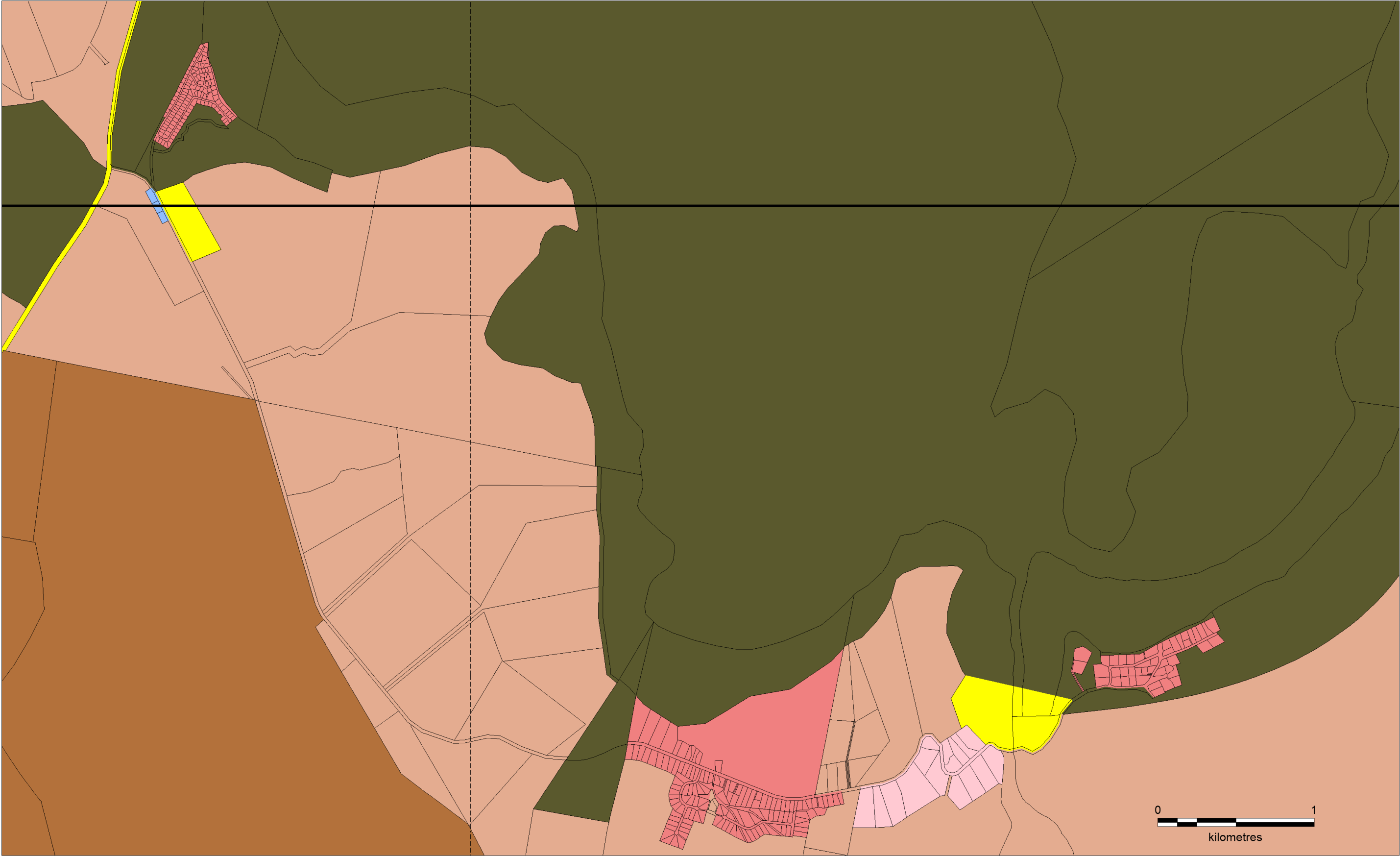
Set 5 - Map 6

Coordinate System: GDA 94 MGA Zone 55  
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TASMANIAN PLANNING SCHEME - ZONES: CENTRAL HIGHLANDS LOCAL PROVISIONS SCHEDULE



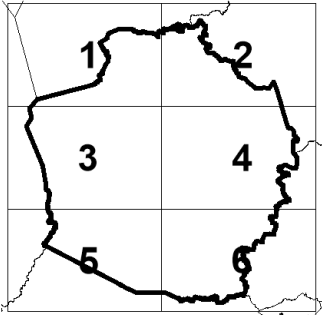
Zones Legend

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<div></div> Agriculture Zone	<div></div> Low Density Residential Zone	<div></div> Community Purpose Zone	<div></div> Open Space Zone	<div></div> Utilities Zone	

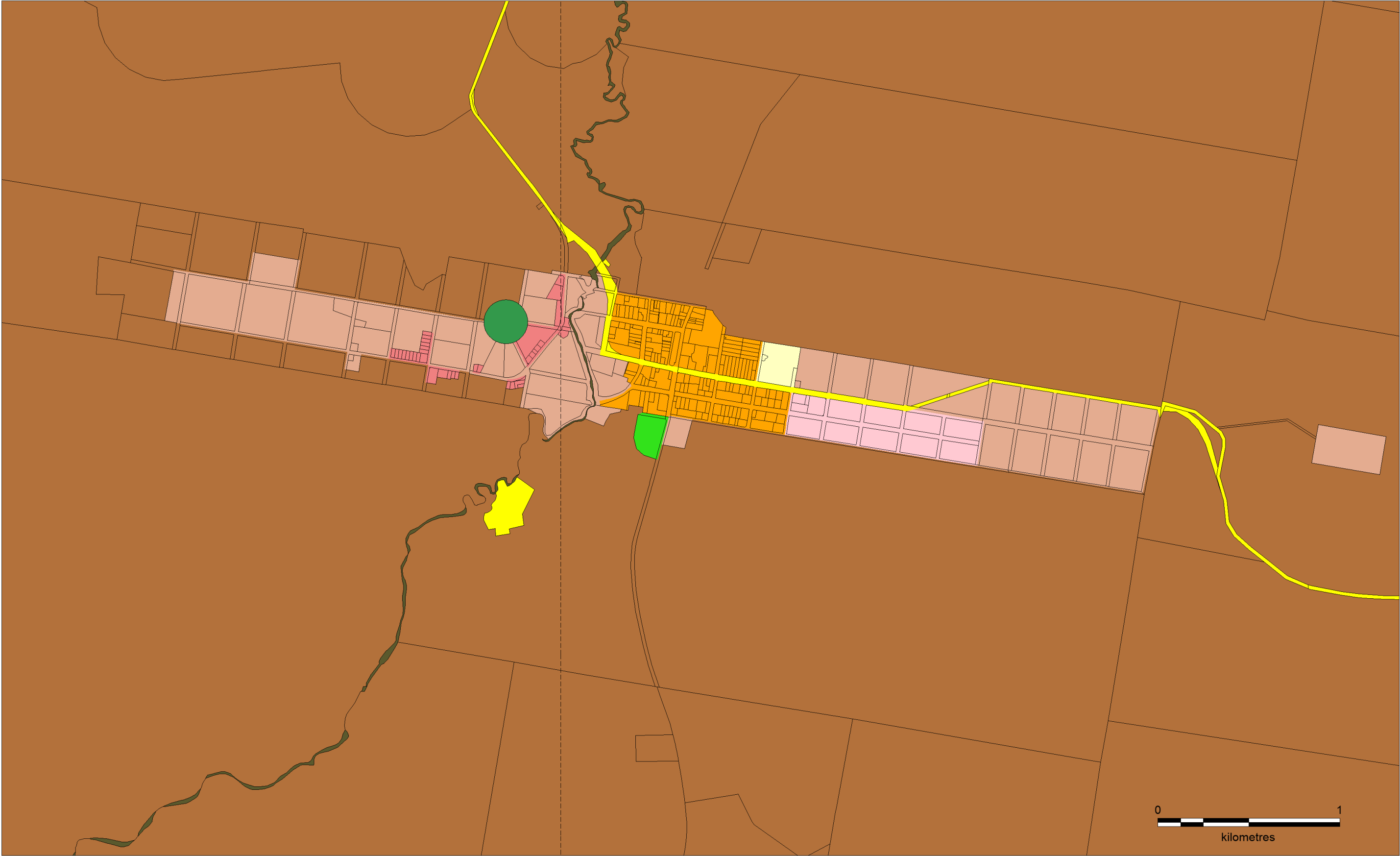
Arthurs Lake

Coordinate System: GDA 94 MGA Zone 55  
Topographic data from the LIST  
Copyright State of Tasmania

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TASMANIAN PLANNING SCHEME - ZONES: CENTRAL HIGHLANDS LOCAL PROVISIONS SCHEDULE

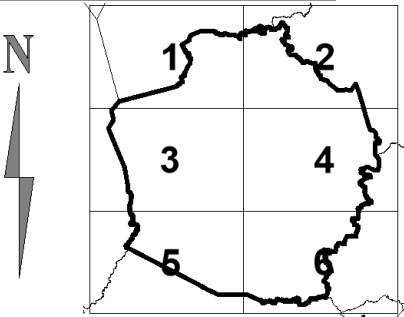


Zones Legend

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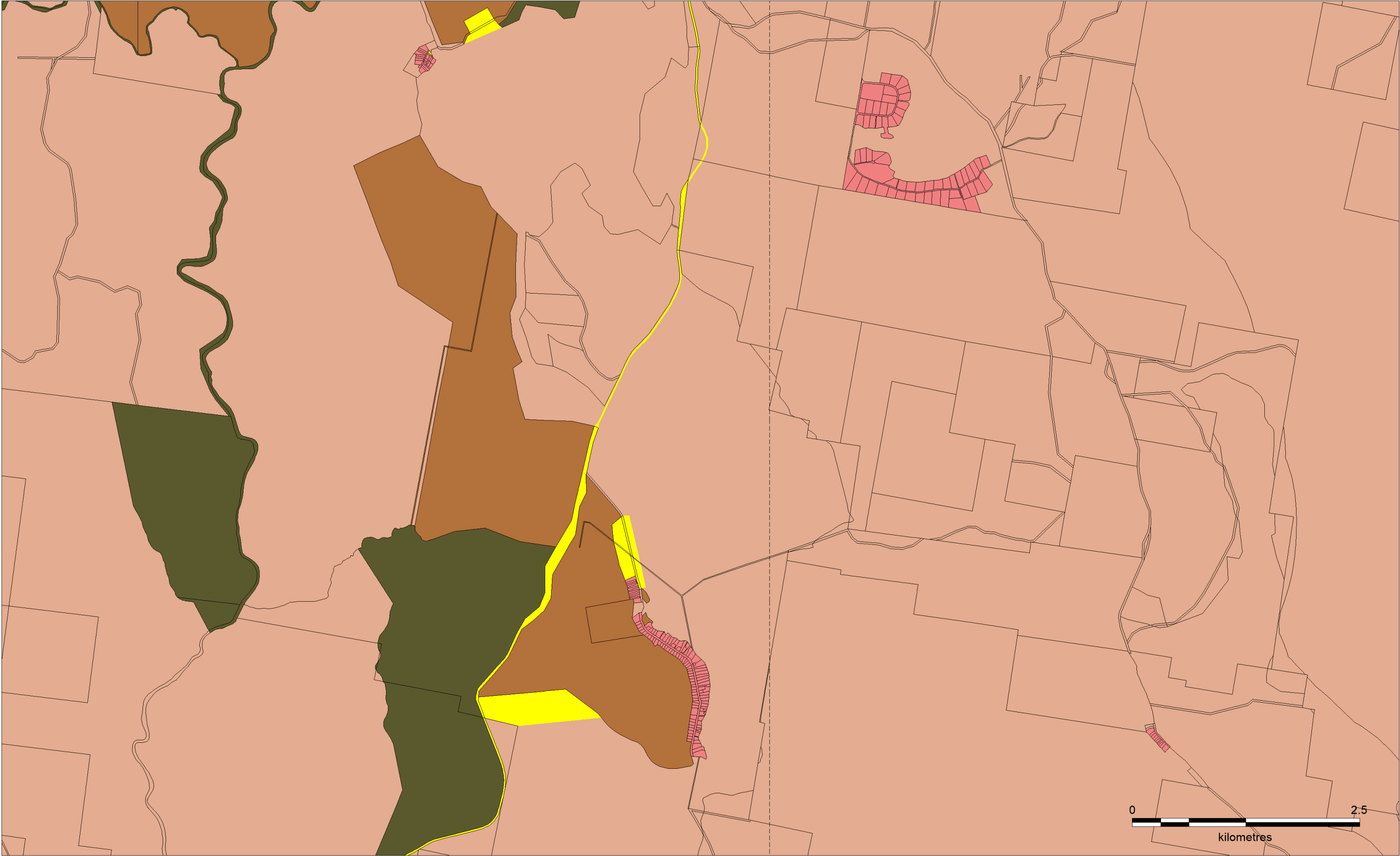
Bothwell

Coordinate System: GDA 94 MGA Zone 55  
Topographic data from the LIST  
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TASMANIAN PLANNING SCHEME - ZONES: CENTRAL HIGHLANDS LOCAL PROVISIONS SCHEDULE



Zones Legend

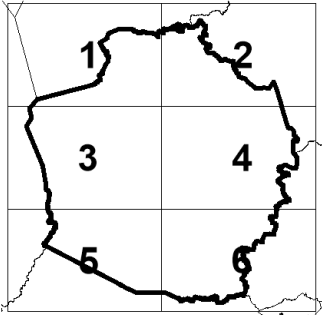
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Bradys Lake

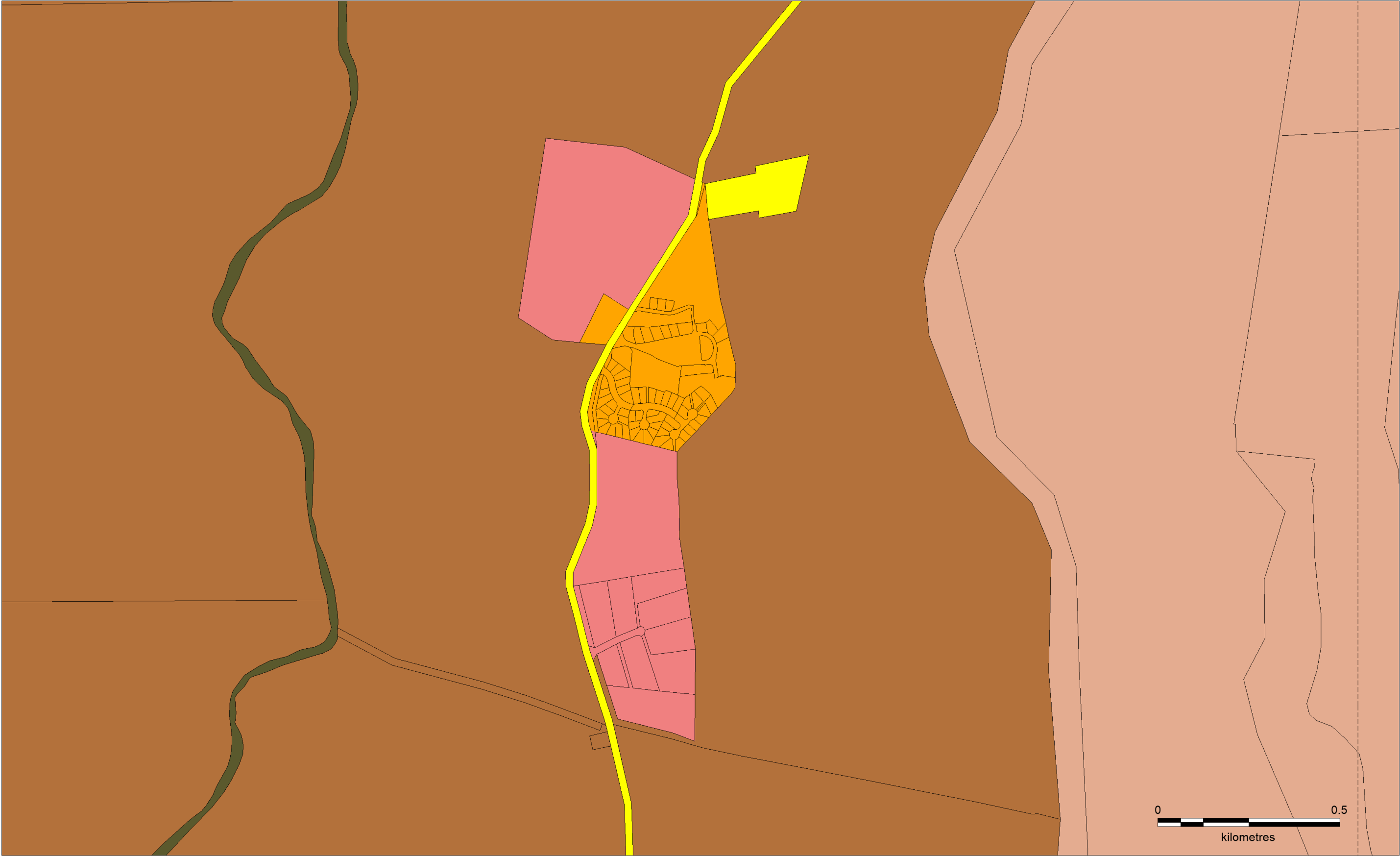
Coordinate System: GDA 94 MGA Zone 55

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TASMANIAN PLANNING SCHEME - ZONES: CENTRAL HIGHLANDS LOCAL PROVISIONS SCHEDULE



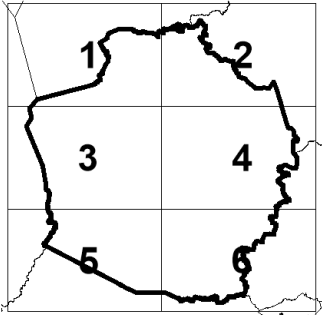
Zones Legend

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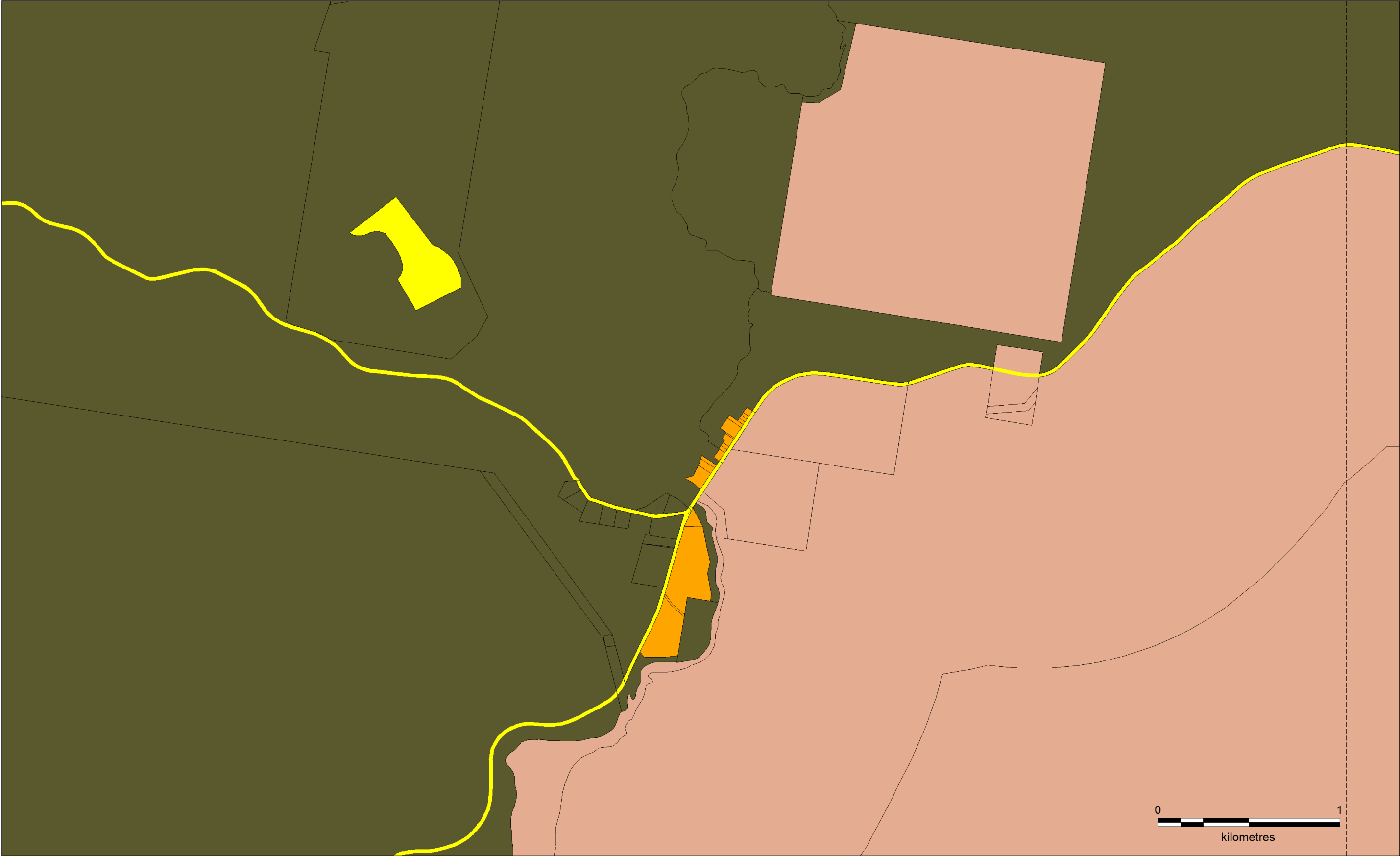
Bronte Park

Coordinate System: GDA 94 MGA Zone 55  
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TASMANIAN PLANNING SCHEME - ZONES: CENTRAL HIGHLANDS LOCAL PROVISIONS SCHEDULE



Zones Legend

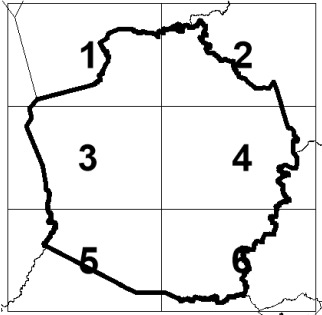
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<div></div> Agriculture Zone	<div></div> Low Density Residential Zone	<div></div> Community Purpose Zone	<div></div> Open Space Zone	<div></div> Utilities Zone	

Derwent Bridge

Coordinate System: GDA 94 MGA Zone 55

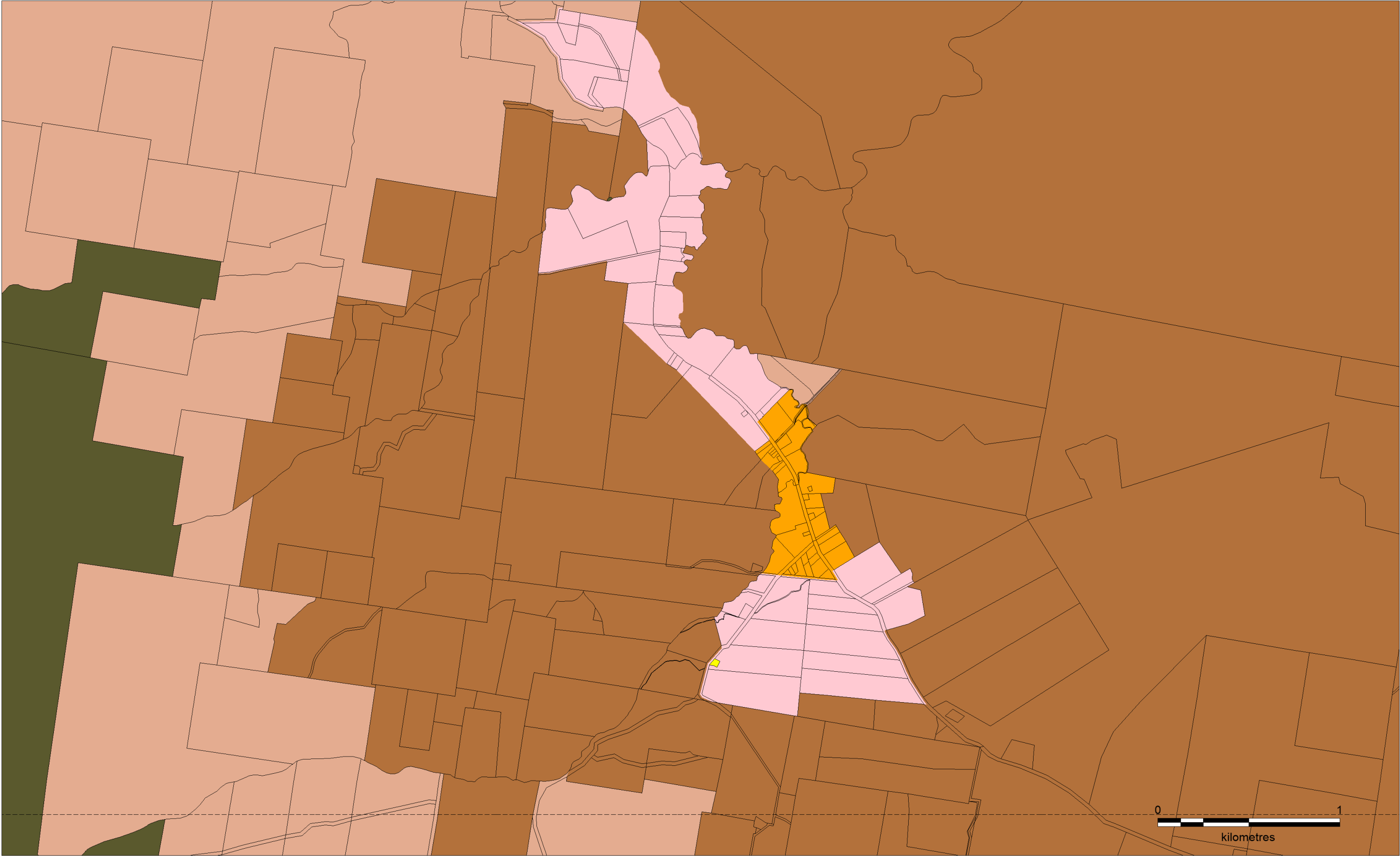
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TASMANIAN PLANNING SCHEME - ZONES: CENTRAL HIGHLANDS LOCAL PROVISIONS SCHEDULE

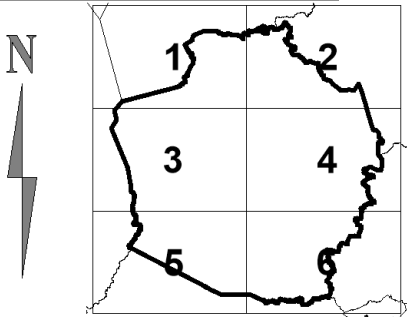


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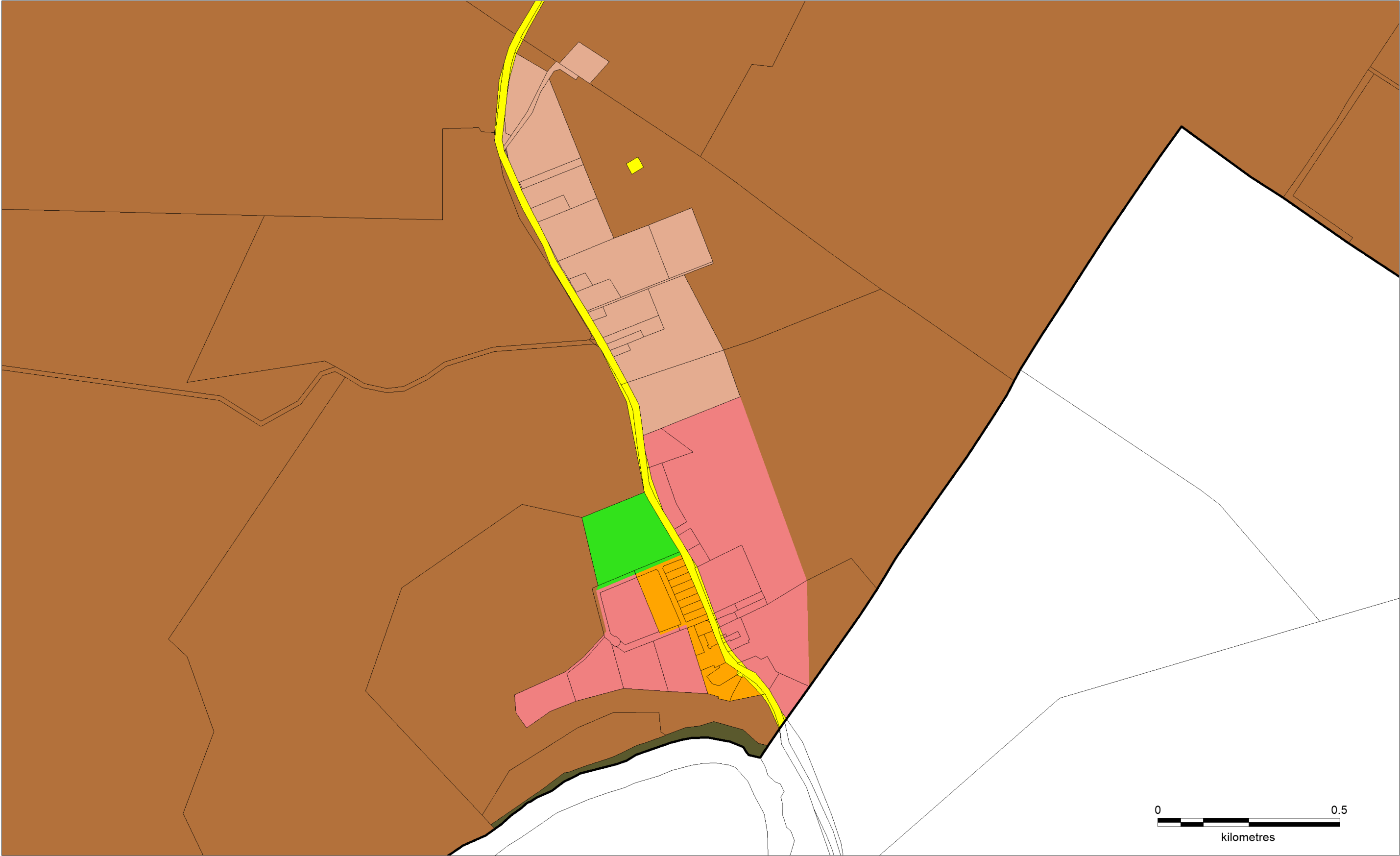
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Ellendale

Coordinate System: GDA 94 MGA Zone 55  
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TASMANIAN PLANNING SCHEME - ZONES: CENTRAL HIGHLANDS LOCAL PROVISIONS SCHEDULE



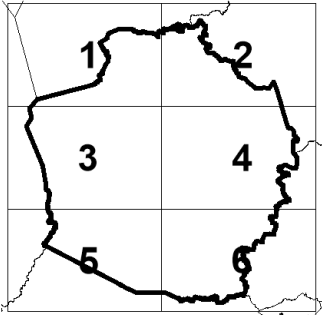
Zones Legend

<div></div> Environmental Management Zone	<div></div> Rural Zone	<div></div> Recreation Zone	<div></div> Village Zone	<div></div> Rural Living Zone	<div></div> Local Business Zone
<div></div> Agriculture Zone	<div></div> Low Density Residential Zone	<div></div> Community Purpose Zone	<div></div> Open Space Zone	<div></div> Utilities Zone	

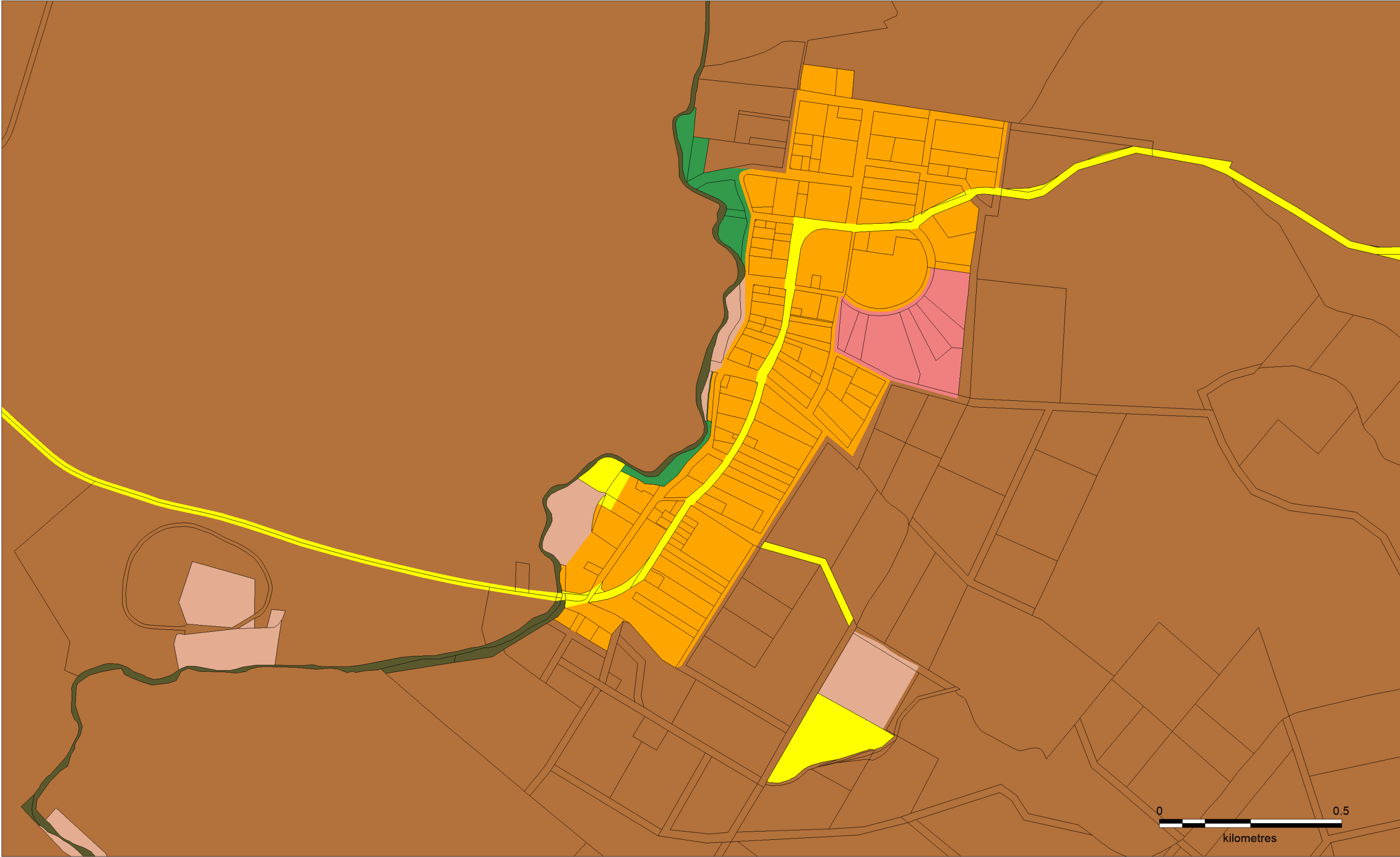
Gretna

Coordinate System: GDA 94 MGA Zone 55  
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TASMANIAN PLANNING SCHEME - ZONES: CENTRAL HIGHLANDS LOCAL PROVISIONS SCHEDULE

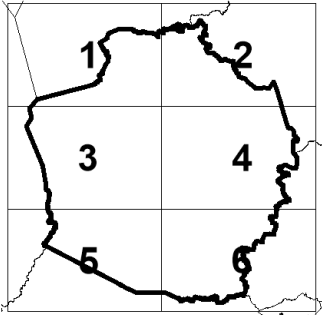


Zones Legend

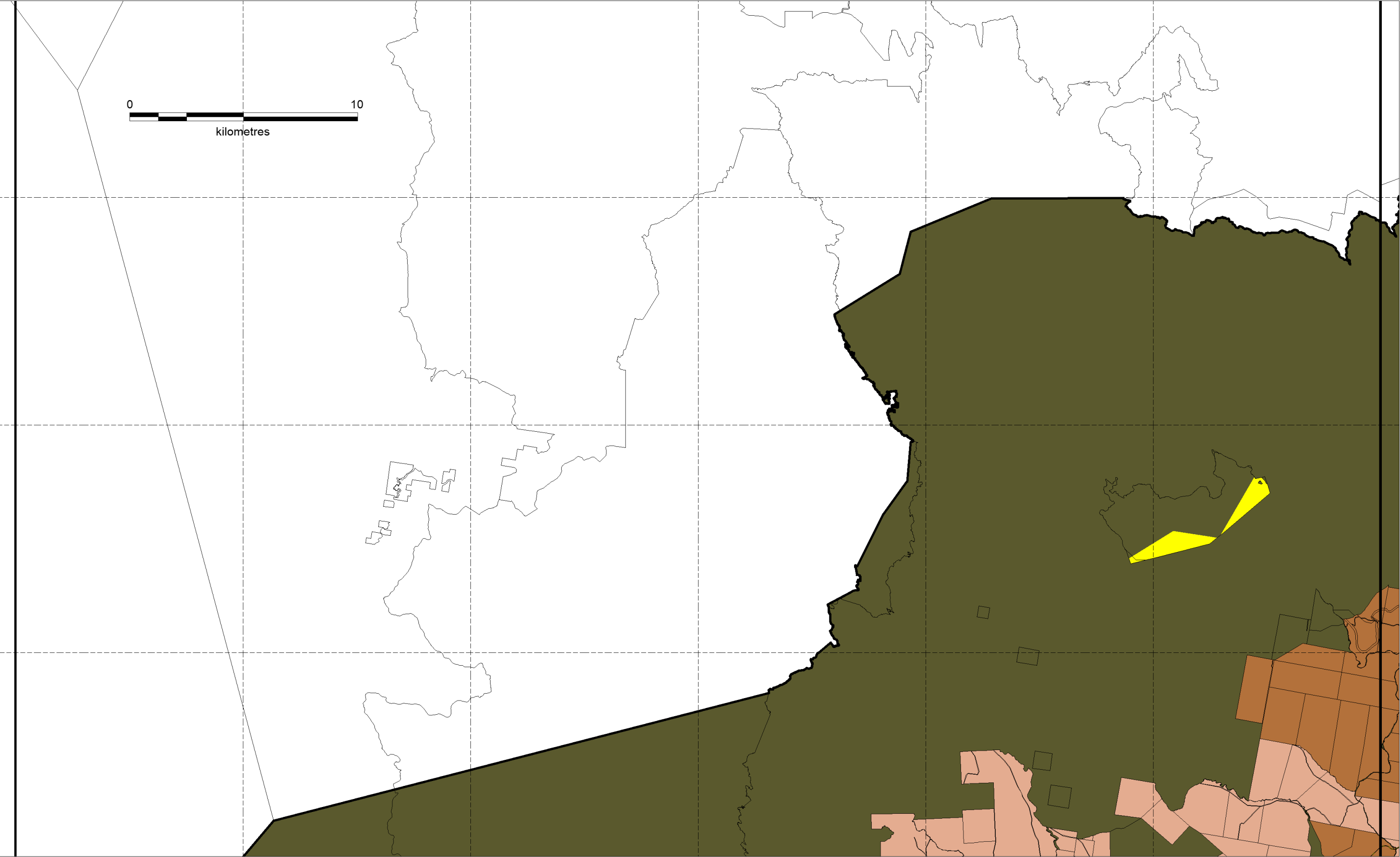
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Hamilton

Coordinate System: GDA 94 MGA Zone 55  
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TASMANIAN PLANNING SCHEME - ZONES: CENTRAL HIGHLANDS LOCAL PROVISIONS SCHEDULE



Zones Legend

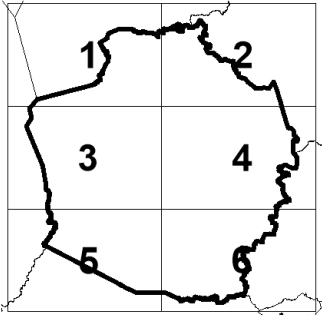
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Map 1

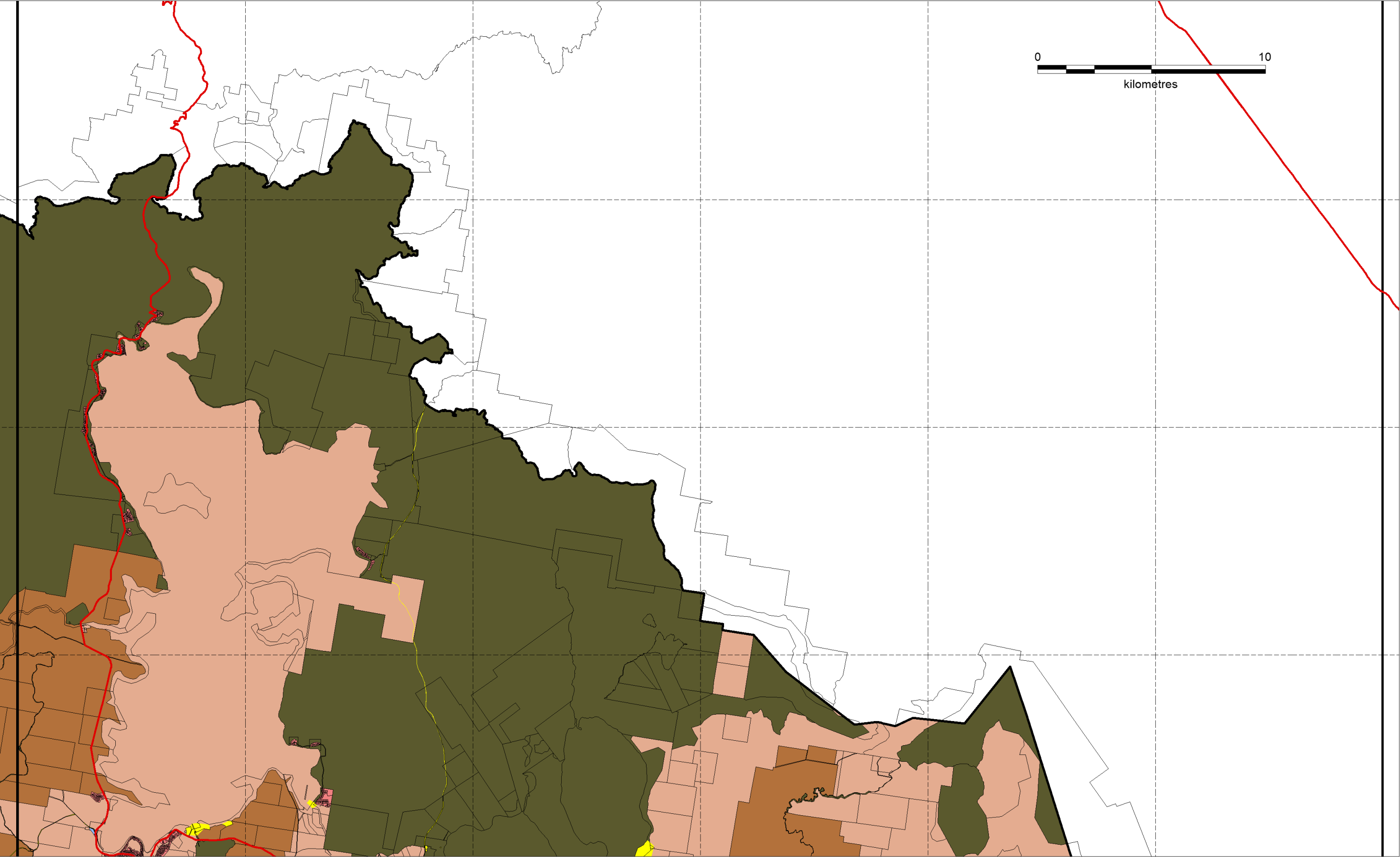
Coordinate System: GDA 94 MGA Zone 55

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TASMANIAN PLANNING SCHEME - ZONES: CENTRAL HIGHLANDS LOCAL PROVISIONS SCHEDULE



Zones Legend

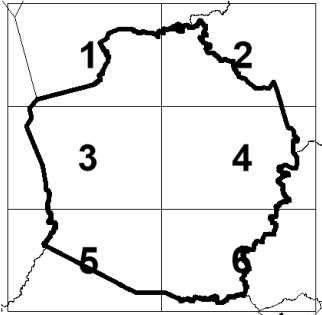
- |   |  |  |   |   |   |
|---|--|--|---|---|---|
|  Environmental Management Zone |  Rural Zone                   |  Recreation Zone        |  Village Zone    |  Rural Living Zone |  Local Business Zone |
|  Agriculture Zone              |  Low Density Residential Zone |  Community Purpose Zone |  Open Space Zone |  Utilities Zone    |   |

Map 2

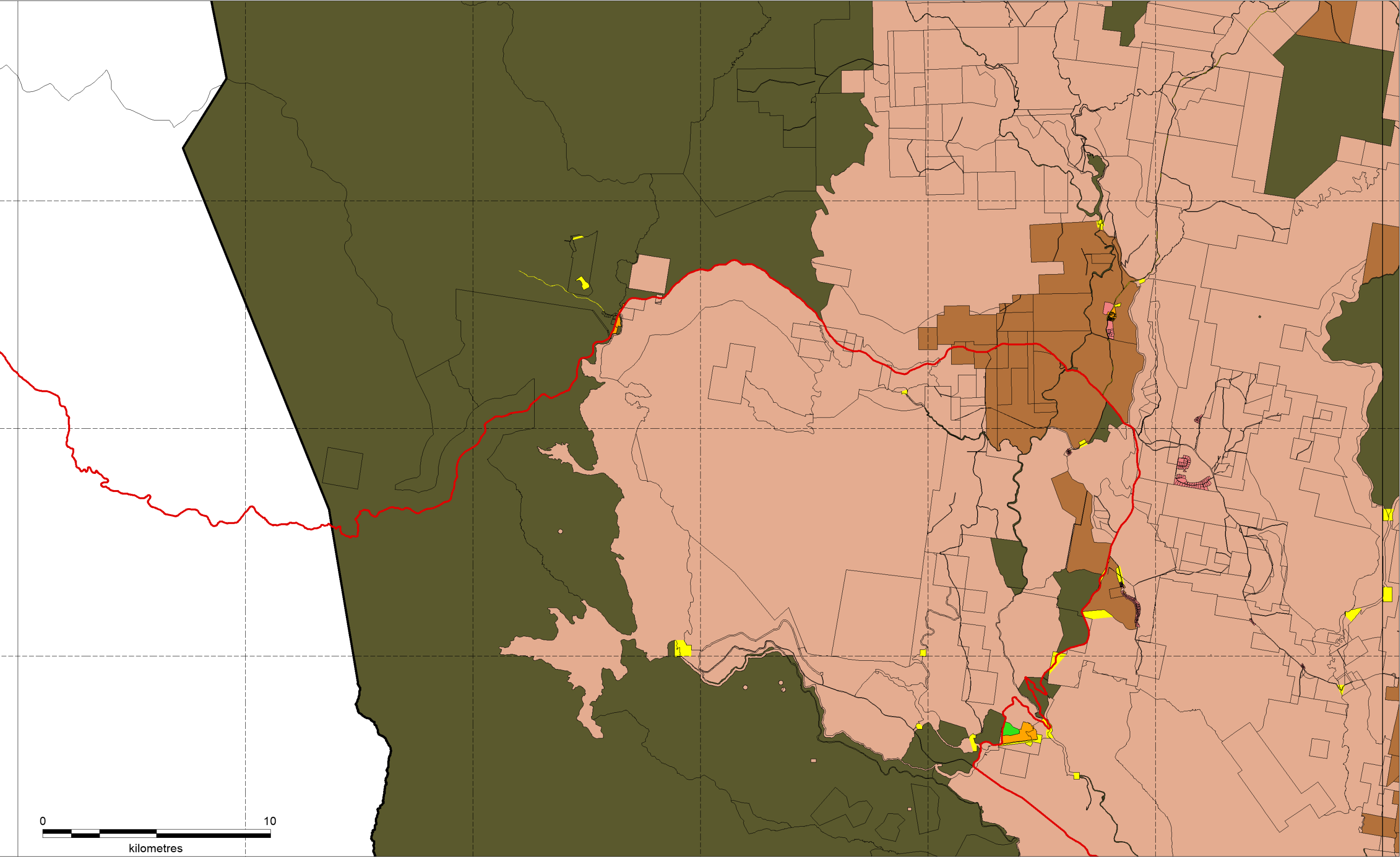
Coordinate System: GDA 94 MGA Zone 55

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TASMANIAN PLANNING SCHEME - ZONES: CENTRAL HIGHLANDS LOCAL PROVISIONS SCHEDULE



Zones Legend

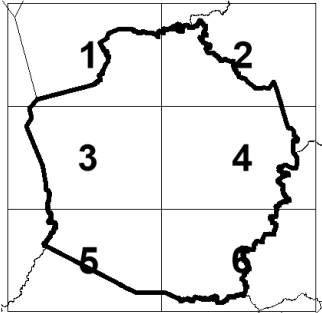
	Environmental Management Zone		Rural Zone		Recreation Zone		Village Zone		Rural Living Zone		Local Business Zone
	Agriculture Zone		Low Density Residential Zone		Community Purpose Zone		Open Space Zone		Utilities Zone		

Map 3

Coordinate System: GDA 94 MGA Zone 55

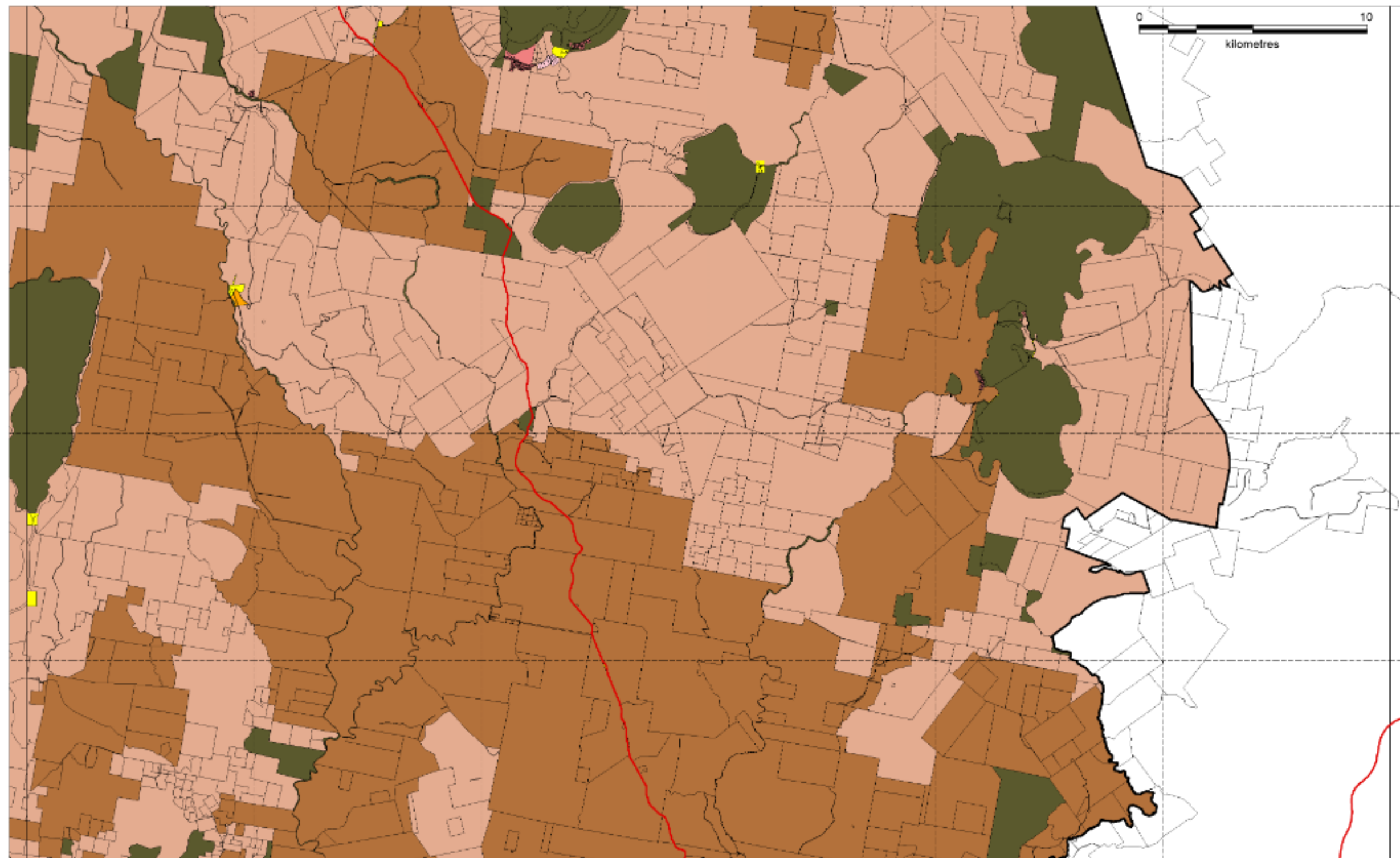
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# TASMANIAN PLANNING SCHEME - ZONES: CENTRAL HIGHLANDS LOCAL PROVISIONS SCHEDULE



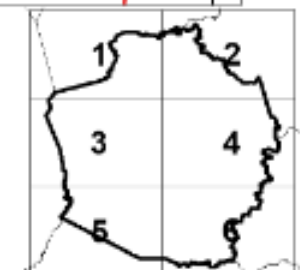
Zones Legend

 Environmental Management Zone	 Rural Zone	 Recreation Zone	 Village Zone	 Rural Living Zone	 Local Business Zone
 Agriculture Zone	 Low Density Residential Zone	 Community Purpose Zone	 Open Space Zone	 Utilities Zone	

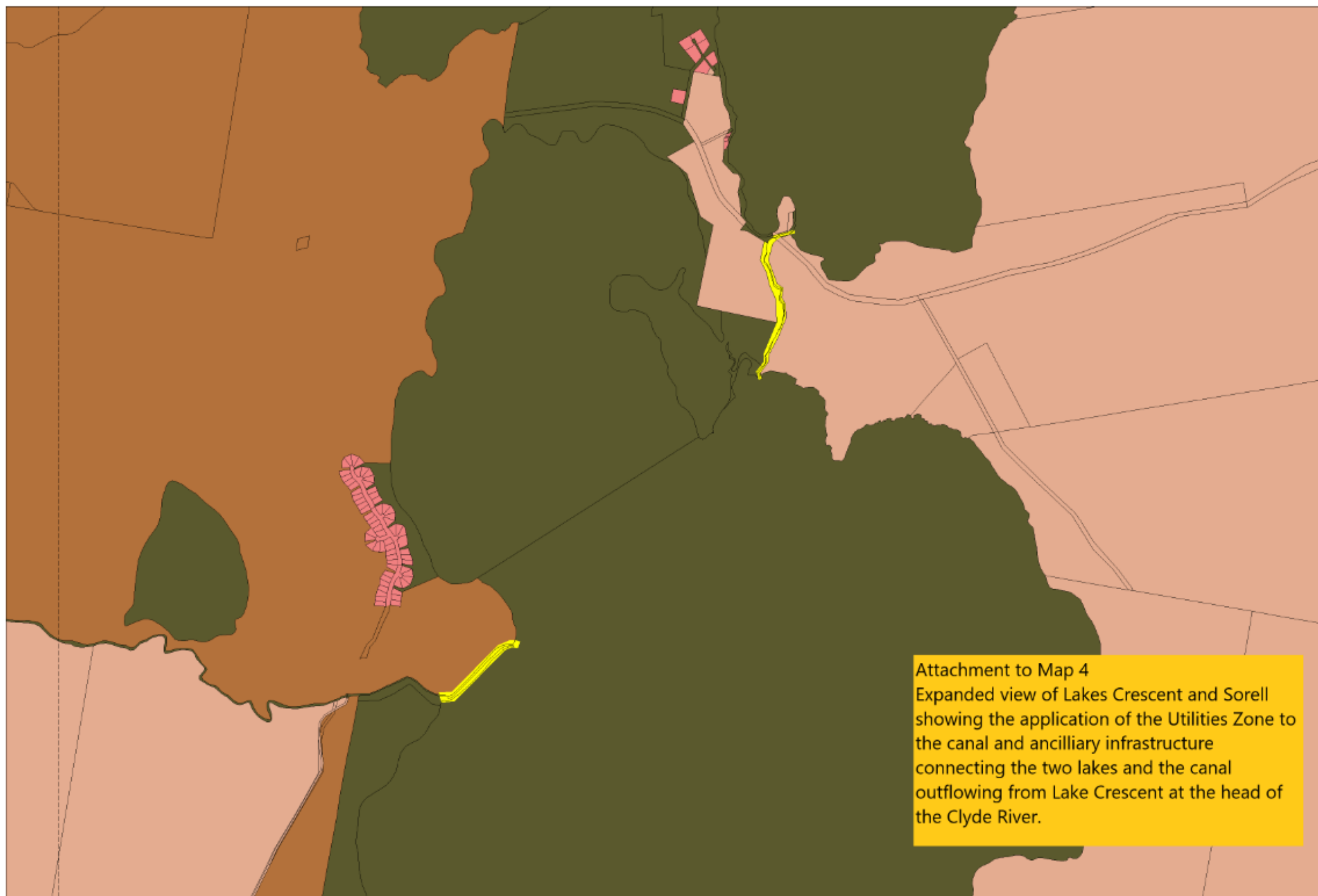
Map 4

Coordinate System: GDA 94 MGA Zone 55

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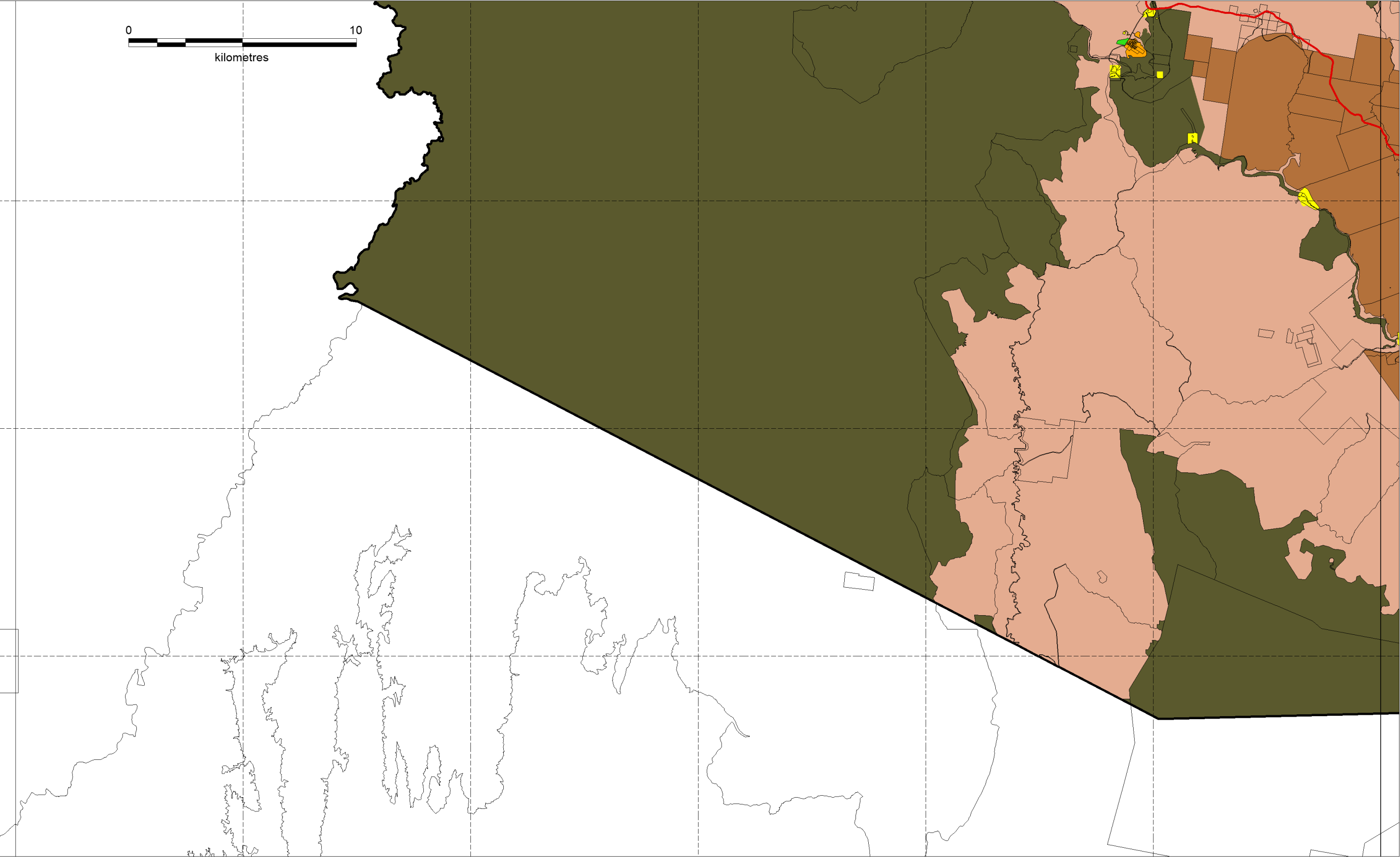




Attachment to Map 4  
Expanded view of Lakes Crescent and Sorell  
showing the application of the Utilities Zone to  
the canal and ancillary infrastructure  
connecting the two lakes and the canal  
outflowing from Lake Crescent at the head of  
the Clyde River.



TASMANIAN PLANNING SCHEME - ZONES: CENTRAL HIGHLANDS LOCAL PROVISIONS SCHEDULE



Zones Legend

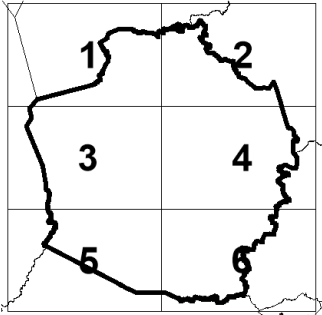
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<div></div> Agriculture Zone	<div></div> Low Density Residential Zone	<div></div> Community Purpose Zone	<div></div> Open Space Zone	<div></div> Utilities Zone	

Map 5

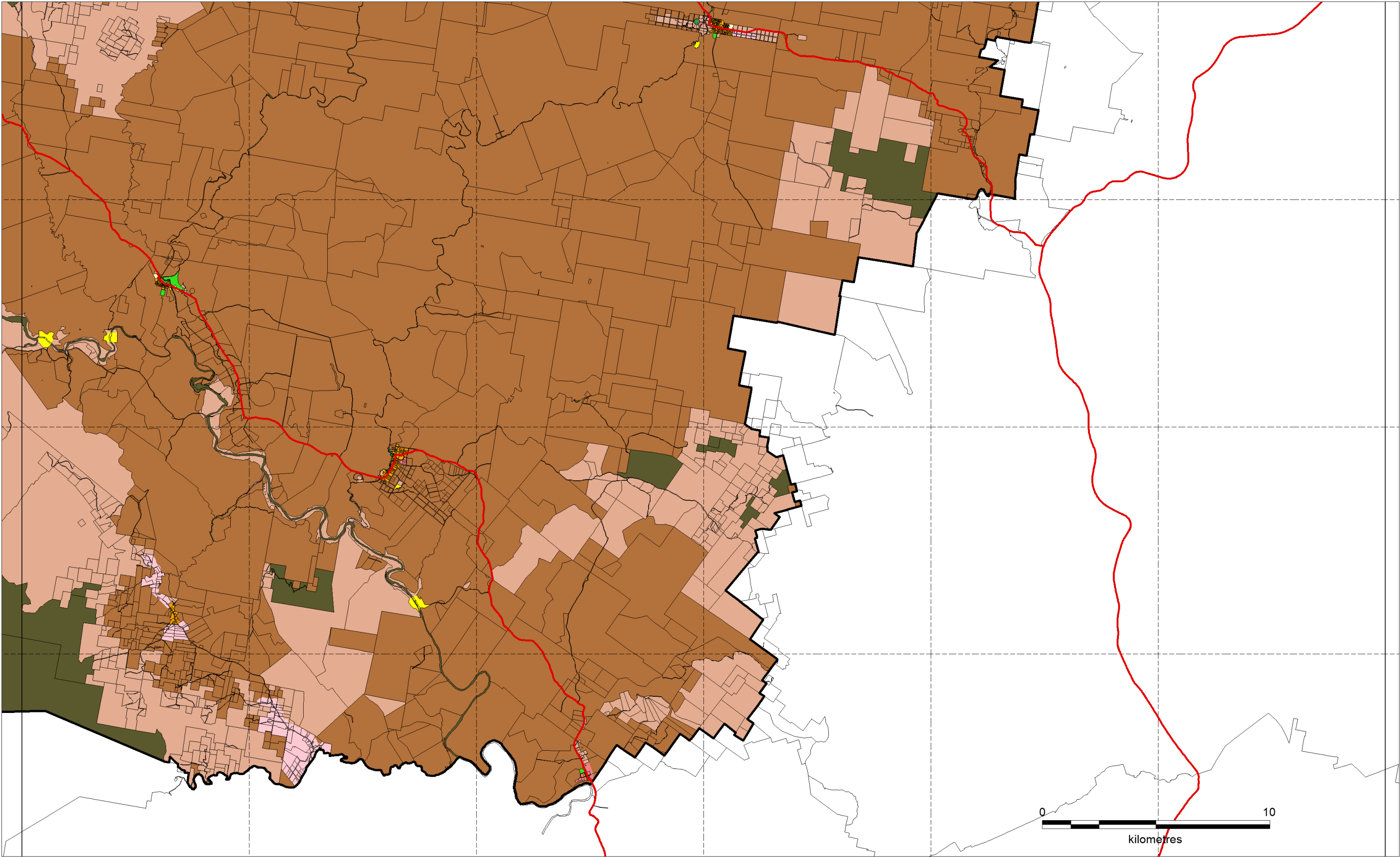
Coordinate System: GDA 94 MGA Zone 55

Topographic data from the LIST  
Copyright State of Tasmania

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TASMANIAN PLANNING SCHEME - ZONES: CENTRAL HIGHLANDS LOCAL PROVISIONS SCHEDULE



Zones Legend

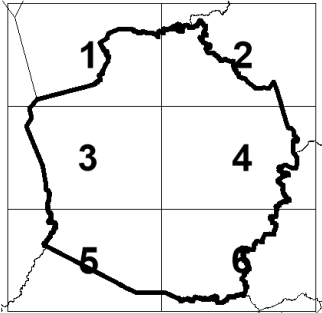
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Map 6

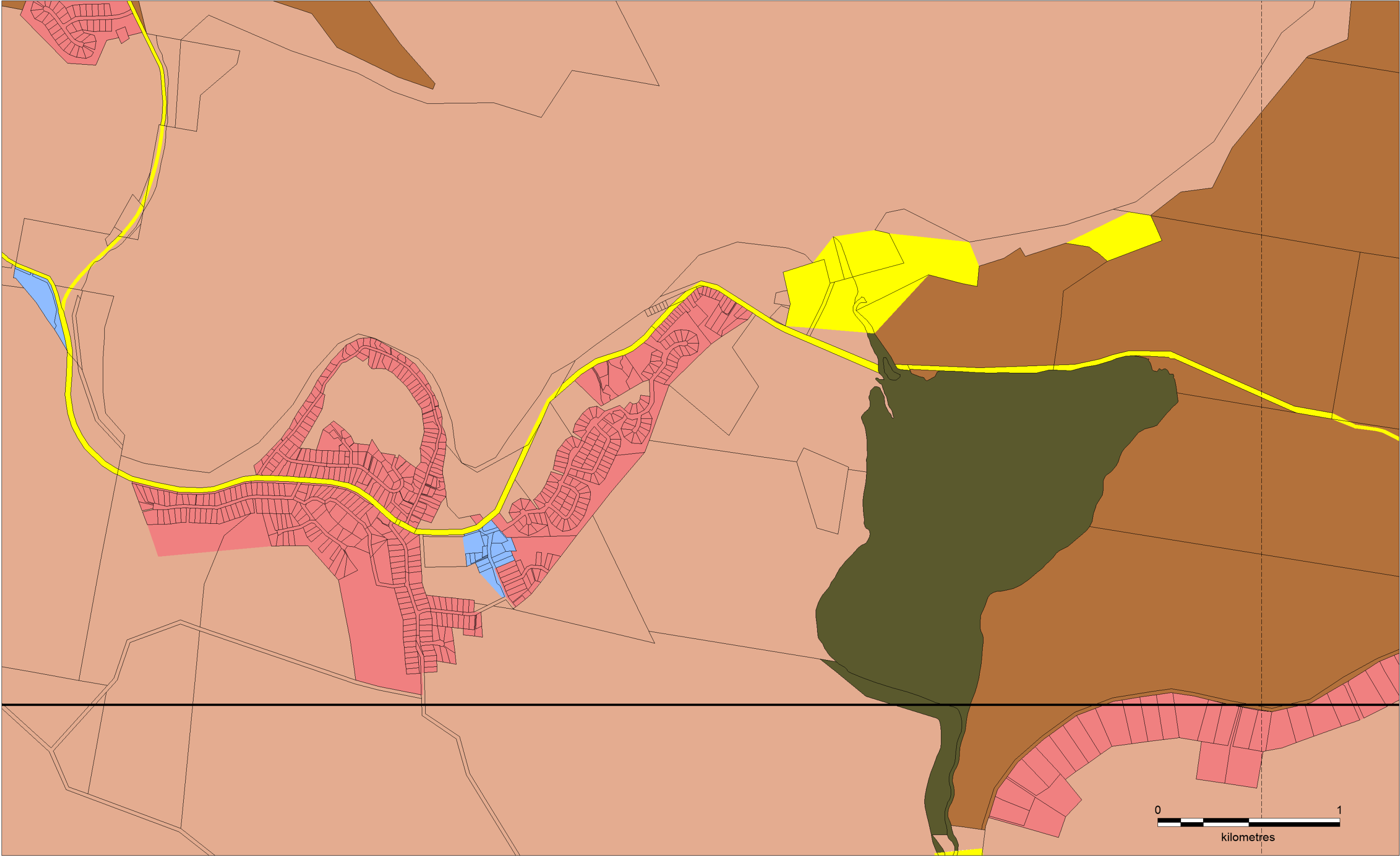
Coordinate System: GDA 94 MGA Zone 55

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TASMANIAN PLANNING SCHEME - ZONES: CENTRAL HIGHLANDS LOCAL PROVISIONS SCHEDULE



Zones Legend

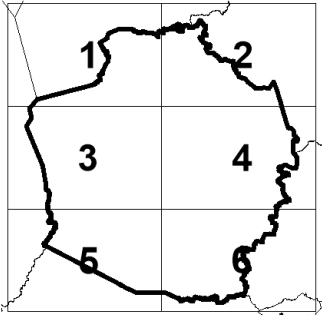
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Miena

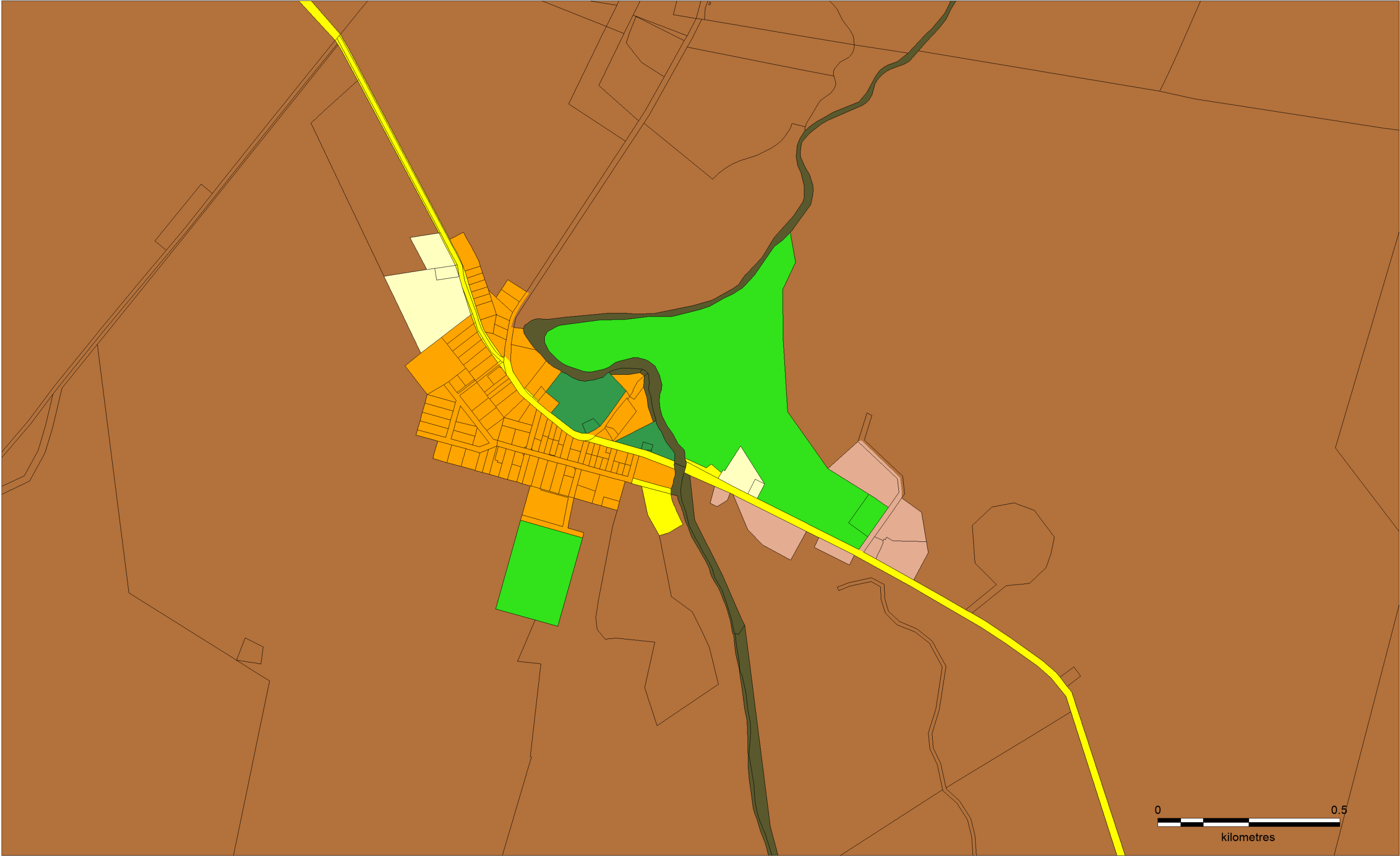
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Copyright State of Tasmania

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TASMANIAN PLANNING SCHEME - ZONES: CENTRAL HIGHLANDS LOCAL PROVISIONS SCHEDULE



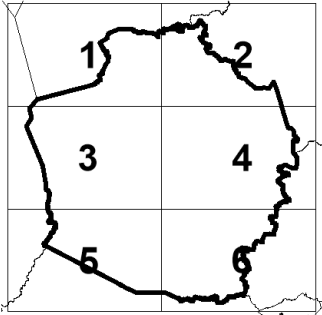
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<div></div> Agriculture Zone	<div></div> Low Density Residential Zone	<div></div> Community Purpose Zone	<div></div> Open Space Zone	<div></div> Utilities Zone	

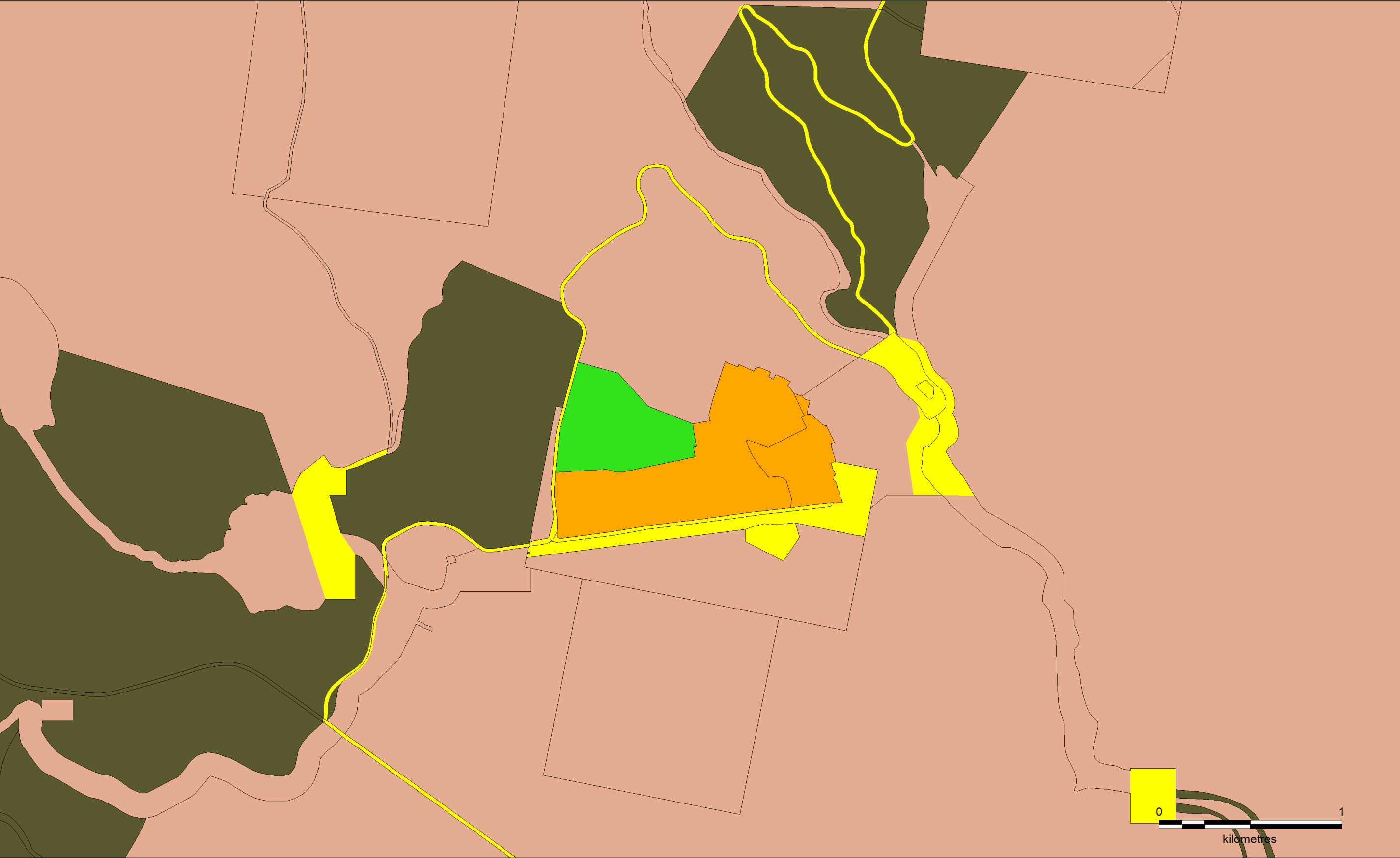
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Coordinate System: GDA 94 MGA Zone 55  
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TASMANIAN PLANNING SCHEME - ZONES: CENTRAL HIGHLANDS LOCAL PROVISIONS SCHEDULE



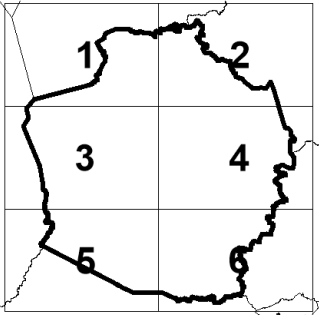
Zones Legend

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<div></div> Agriculture Zone	<div></div> Low Density Residential Zone	<div></div> Community Purpose Zone	<div></div> Open Space Zone	<div></div> Utilities Zone	

Tarraleah

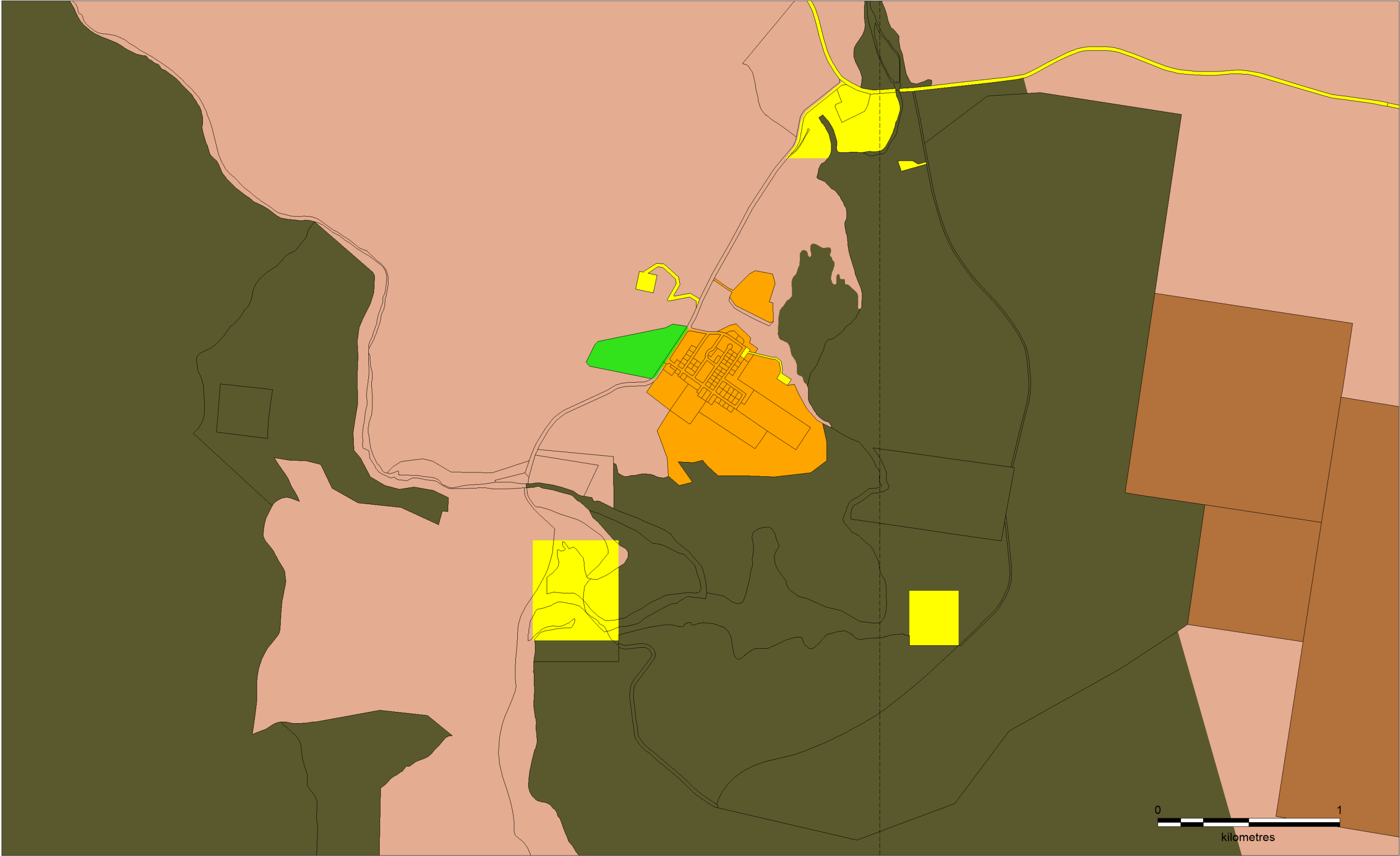
Coordinate System: GDA 94 MGA Zone 55  
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TASMANIAN PLANNING SCHEME - ZONES: CENTRAL HIGHLANDS LOCAL PROVISIONS SCHEDULE



Zones Legend

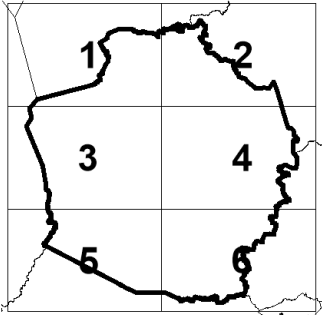
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Wayatinah

Coordinate System: GDA 94 MGA Zone 55

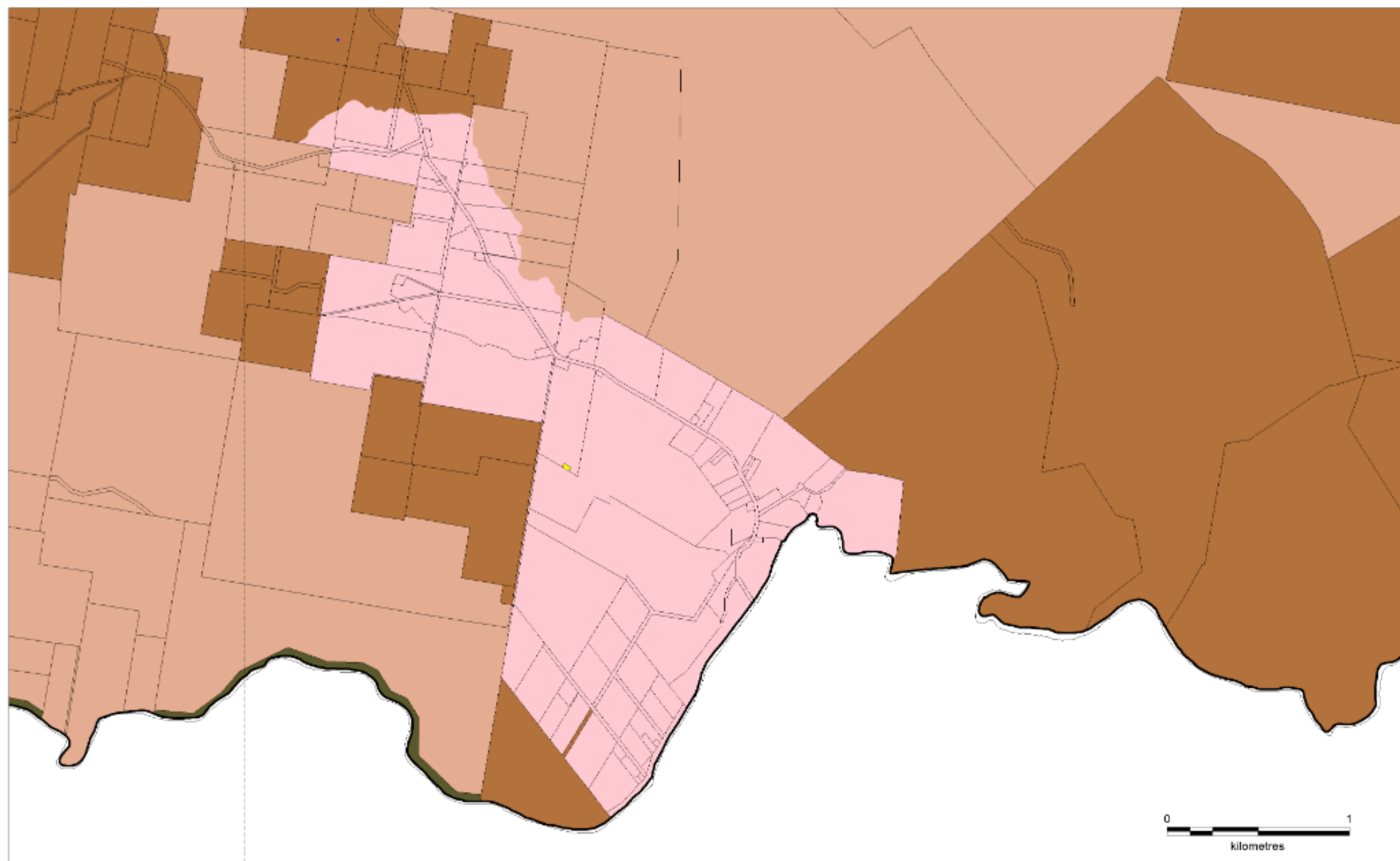
Topographic data from the LIST  
Copyright State of Tasmania

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# TASMANIAN PLANNING SCHEME - ZONES: CENTRAL HIGHLANDS LOCAL PROVISIONS SCHEDULE



## Zones Legend

Environmental Management Zone	Rural Zone	Recreation Zone	Village Zone	Rural Living Zone	Local Business Zone
Agriculture Zone	Low Density Residential Zone	Community Purpose Zone	Open Space Zone	Utilities Zone	

## Westerway

Coordinate System: GDA 94 MGA Zone 55

Topographic data from the LIST  
Copyright State of Tasmania



# PLAN OF SUBDIVISION

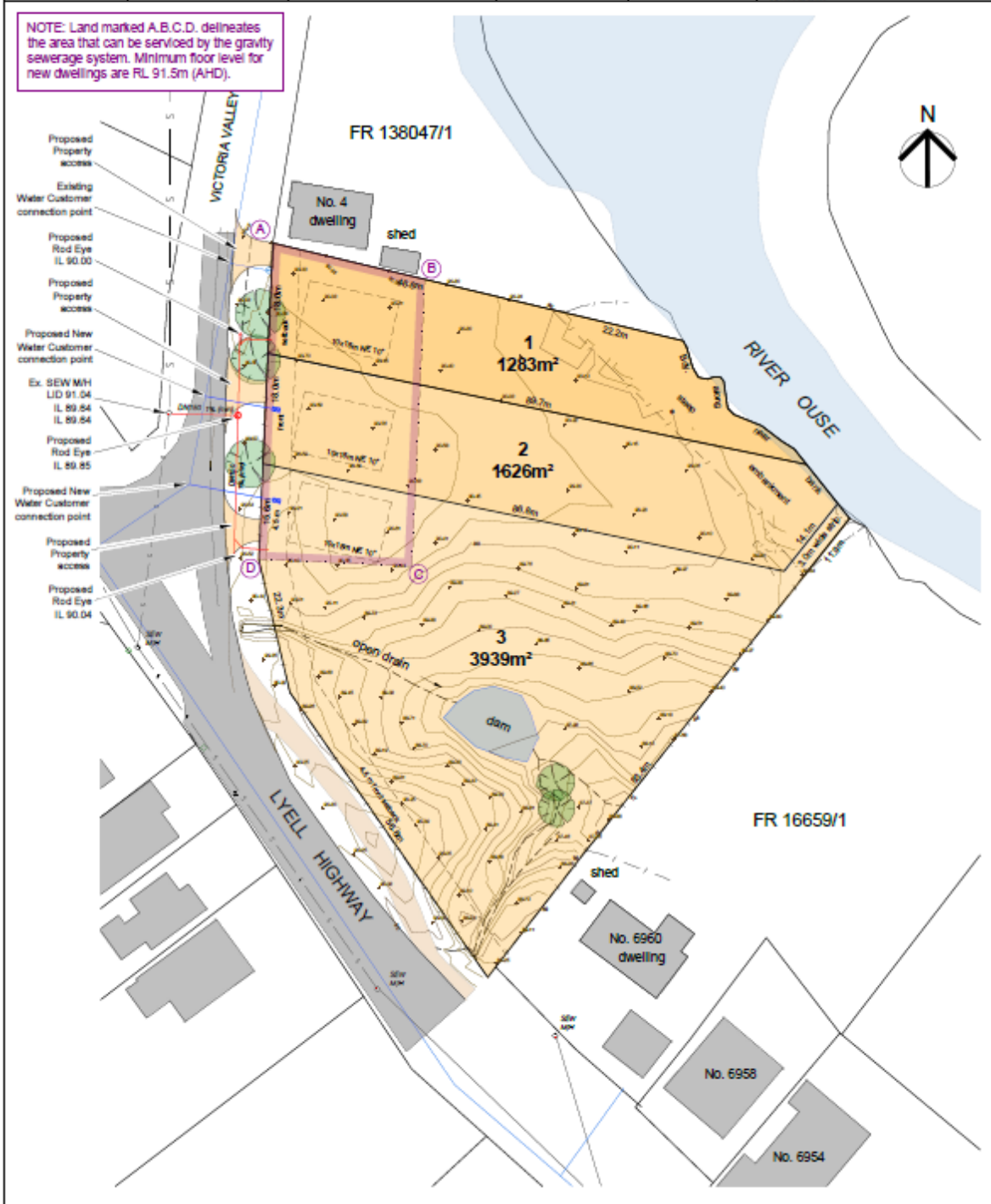


**PDA Surveyors**  
Surveying, Engineering & Planning  
127 Belmont Street  
Hobart, Tasmania, 7000  
www.pda.com.au  
Also at: Kingston,  
Launceston & Burnie  
PHONE: +61 81 6234 3217  
FAX: +61 81 6234 5085  
EMAIL: pda@pda.com.au

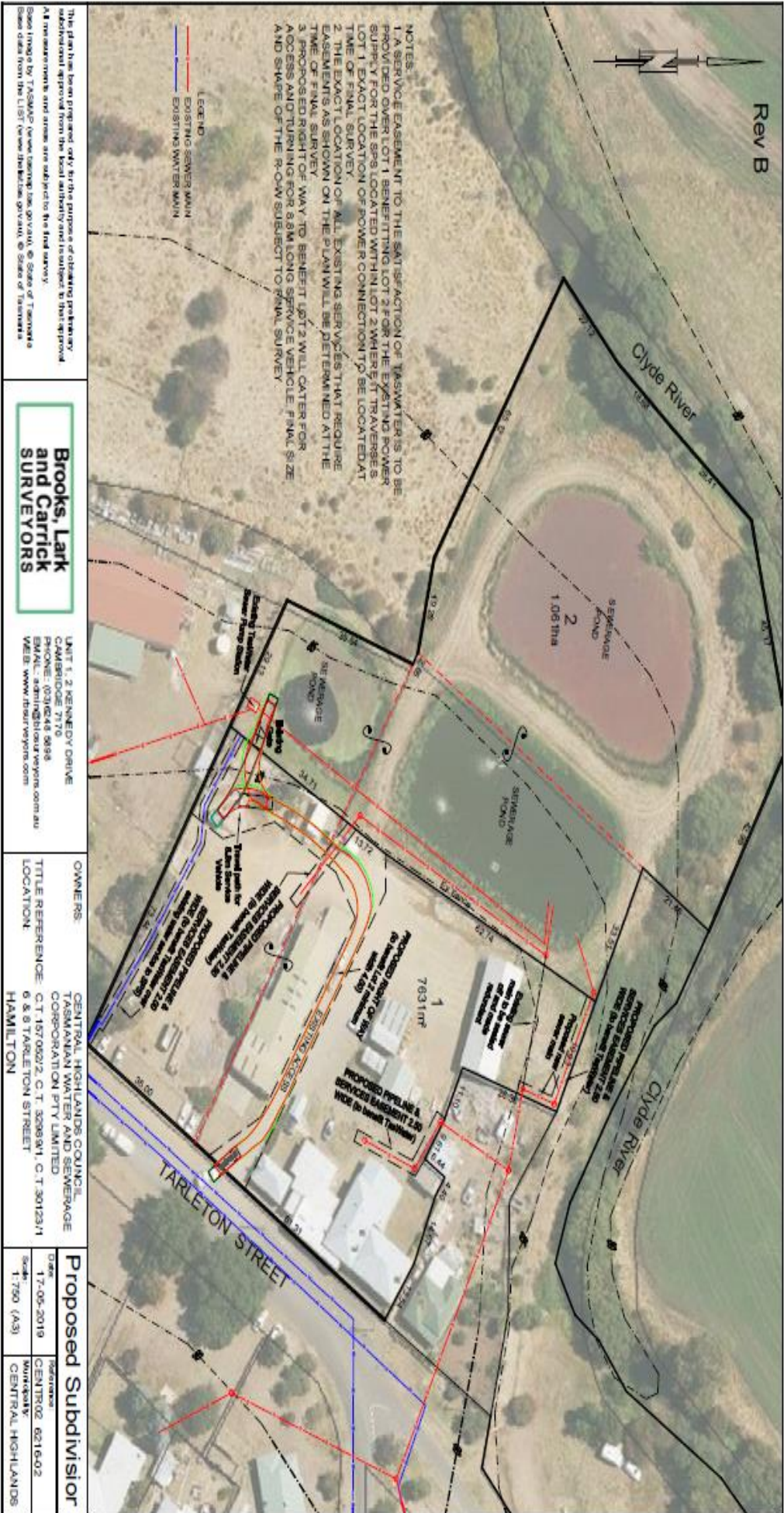
This plan has been prepared only for the purpose of obtaining preliminary subdivision approval from the Council and the information shown hereon should be used for no other purpose. All measurements and areas are subject to final survey.

Owners	MORGAN-COOPER CONSULTING SERVICES PTY LTD	Address	2 Victoria Valley Road, Ouse	This plan has been prepared only for the purpose of obtaining preliminary subdivision approval from the Council and the information shown hereon should be used for no other purpose. All measurements and areas are subject to final survey.
		Council	Central Highlands Council	
		Planning Scheme	Central Highlands Interim Planning Scheme 2015	
Title Reference	FR 16659/1	Zone & Overlay	16.0 Village	
Schedule Of Easements	As shown.			
Scale	1:600	Date	6 February 2019	PDA Reference
				41886MD-2
		Map reference	5026-25	PD
				5469334
		Point of Interest	GDAM MDAM	476148E, 5296490N

NOTE: Land marked A.B.C.D. delineates the area that can be serviced by the gravity sewerage system. Minimum floor level for new dwellings are RL 91.5m (AHD).







OWNER: P J Downie & Peter Henric Theissen  
Family Super Pty Ltd

OLIO REF: FR130056-1 & FR130056-1

PROPOSED EASEMENTS AS SHOWN

LOCATION : VICINITY OF FLEMING DRIVE, MIENA

**IMPORTANT NOTE**

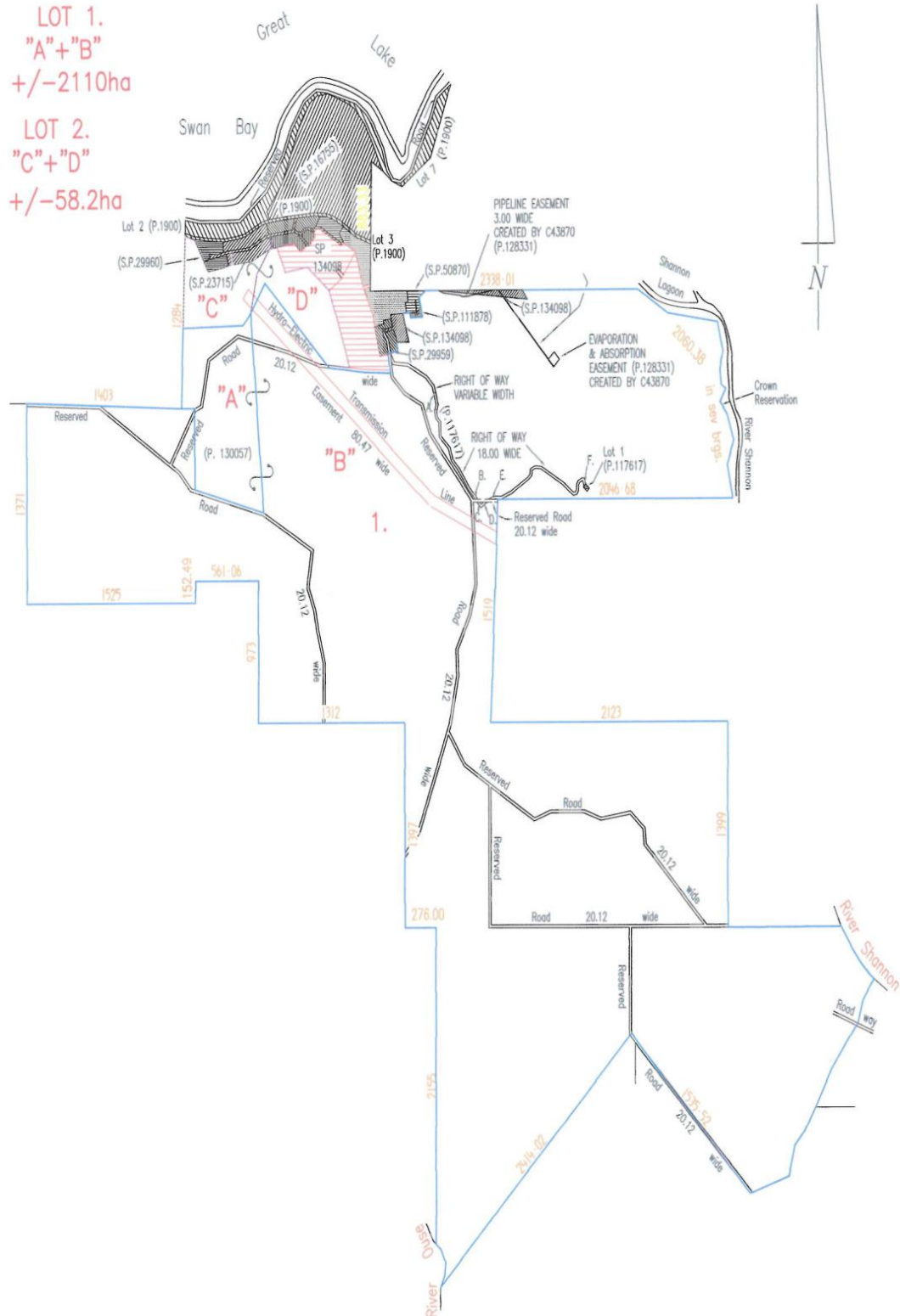
This plan was prepared for P J Downie & Peter Henric Theissen Family Super P/L as a proposed subdivision application to the Central Highlands Council, and should not be used for any other purpose. The dimensions, areas and total number of lots shown hereon are subject to field survey and also to the requirements of council and any other authority which may have requirements under any relevant legislation. In particular, no reliance should be placed on the information on this plan for any financial dealings involving the land. This note is an integral part of this plan.

Scale: 1:30000

Municipality: Central Highlands

Date: 18-06-2019

Ref No. Downie\_Theissen







227 Liverpool Street HOBART, Tasmania 7004  
0438376840 [evan@e3planning.com.au](mailto:evan@e3planning.com.au)

Drawing issued for planning  
appeal only

Client: James Headlam

Project: 5987 Lyell Hwy Hamilton  
Location Plan

Date: 19 06 19







227 Liverpool Street HOBART, Tasmania 7004  
0438376840 [evan@e3planning.com.au](mailto:evan@e3planning.com.au)

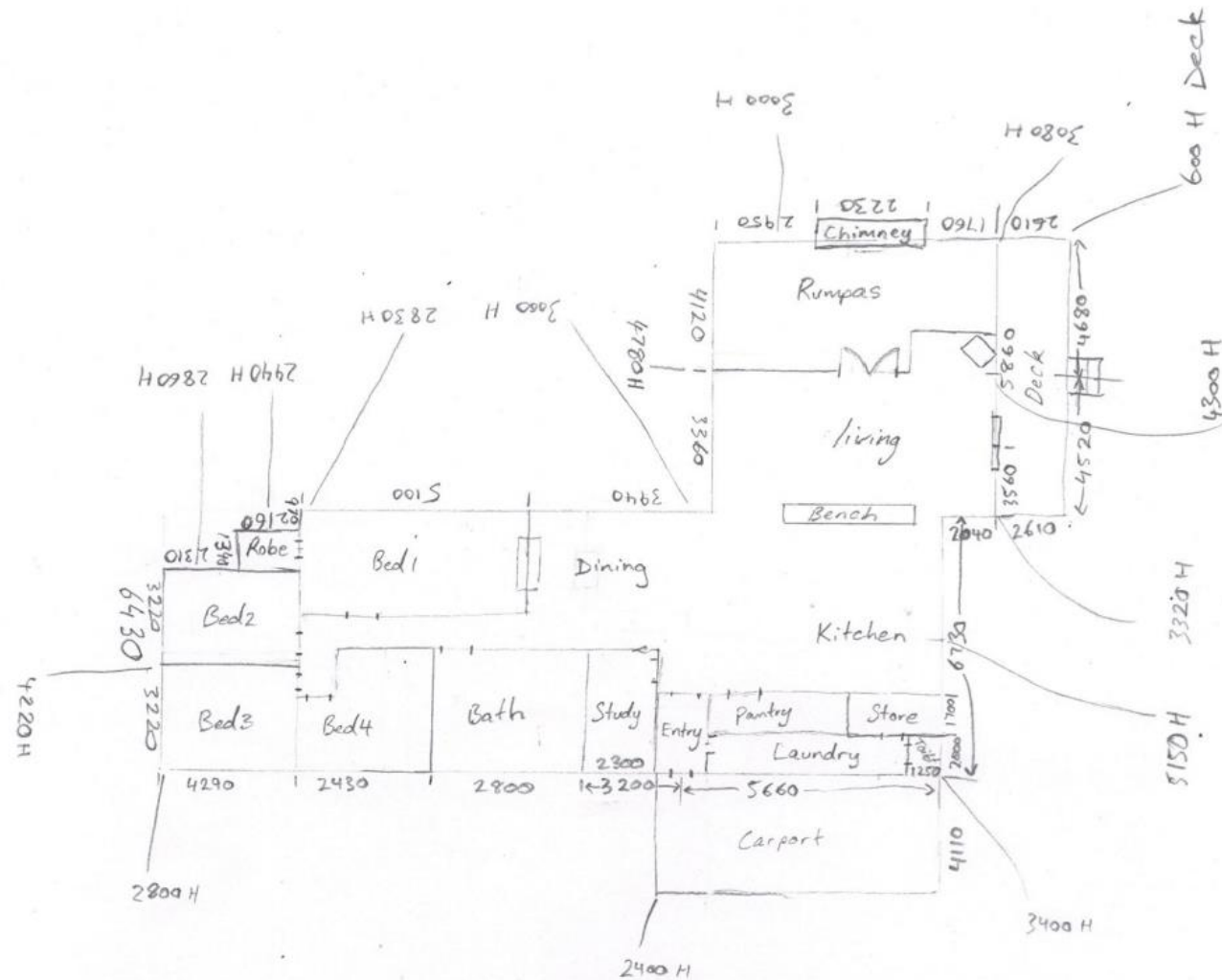
Drawing issued for planning  
purposes only

Client: James Headlam

Project: 5987 Lyell Hwy Hamilton  
Zoning

Date: 19 06 19





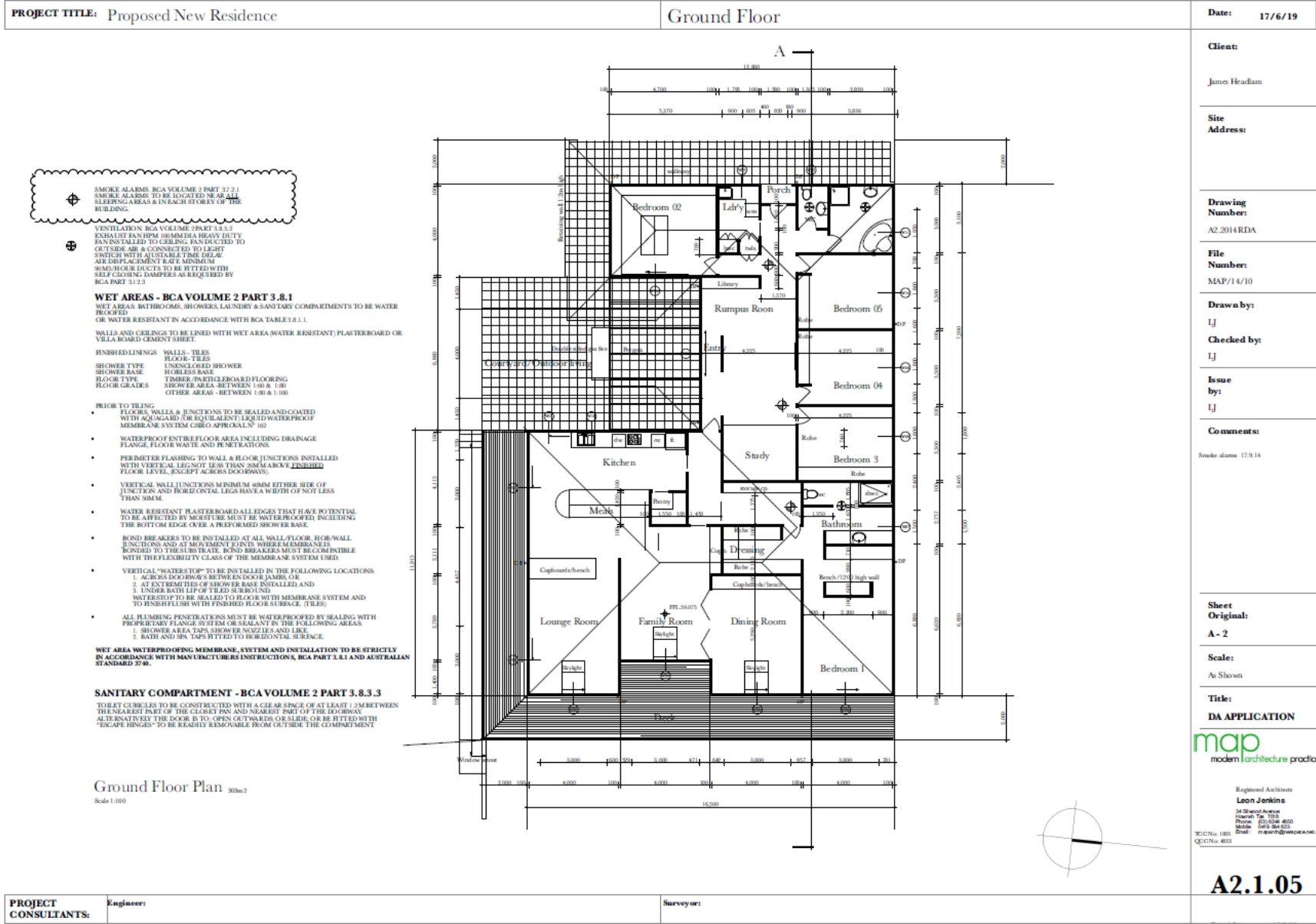
227 Liverpool Street HOBART, Tasmania 7004  
0438376840 [evan@e3planning.com.au](mailto:evan@e3planning.com.au)

Drawing issued for planning  
appeal only

Client: James Headlam

Project: 5987 Lyell Hwy Hamilton  
Floor Plan Existing Dwelling

Date: 19 06 19







Owners  
Robert Andrew Drysdale,  
David Justin Drysdale

Title References  
FR 27874/1

Address  
Banister Road, Todds Corner, Tas  
7030

Council  
Central Highlands Council

Planning scheme  
Central Highlands Interim Planning  
Scheme 2015

Zone  
12.0 Low Density Residential

Zone Overlay  
126.LDS

Map reference

PID  
2253167

Point of interest GD494 MGA55  
483 711 E, 5353 972 N

Schedule of Easements  
Nil.

KEY

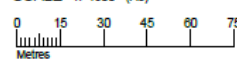
Fire Buffer Zone

NOTES

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REV	DESCRIPTION	DATE
1.0	1.0	1.0
2.0	2.0	2.0
3.0	3.0	3.0
4.0	4.0	4.0
5.0	5.0	5.0
6.0	6.0	6.0
7.0	7.0	7.0
8.0	8.0	8.0
9.0	9.0	9.0
10.0	10.0	10.0

SCALE 1: 1500 (A3)



REVISION	DESCRIPTION
HAC	V947U
BM	HAC
DATE	14 MARCH 2019

STAGE 1 PLAN  
BANISTERS ROAD  
TODS CORNER  
for D & R Drysdale



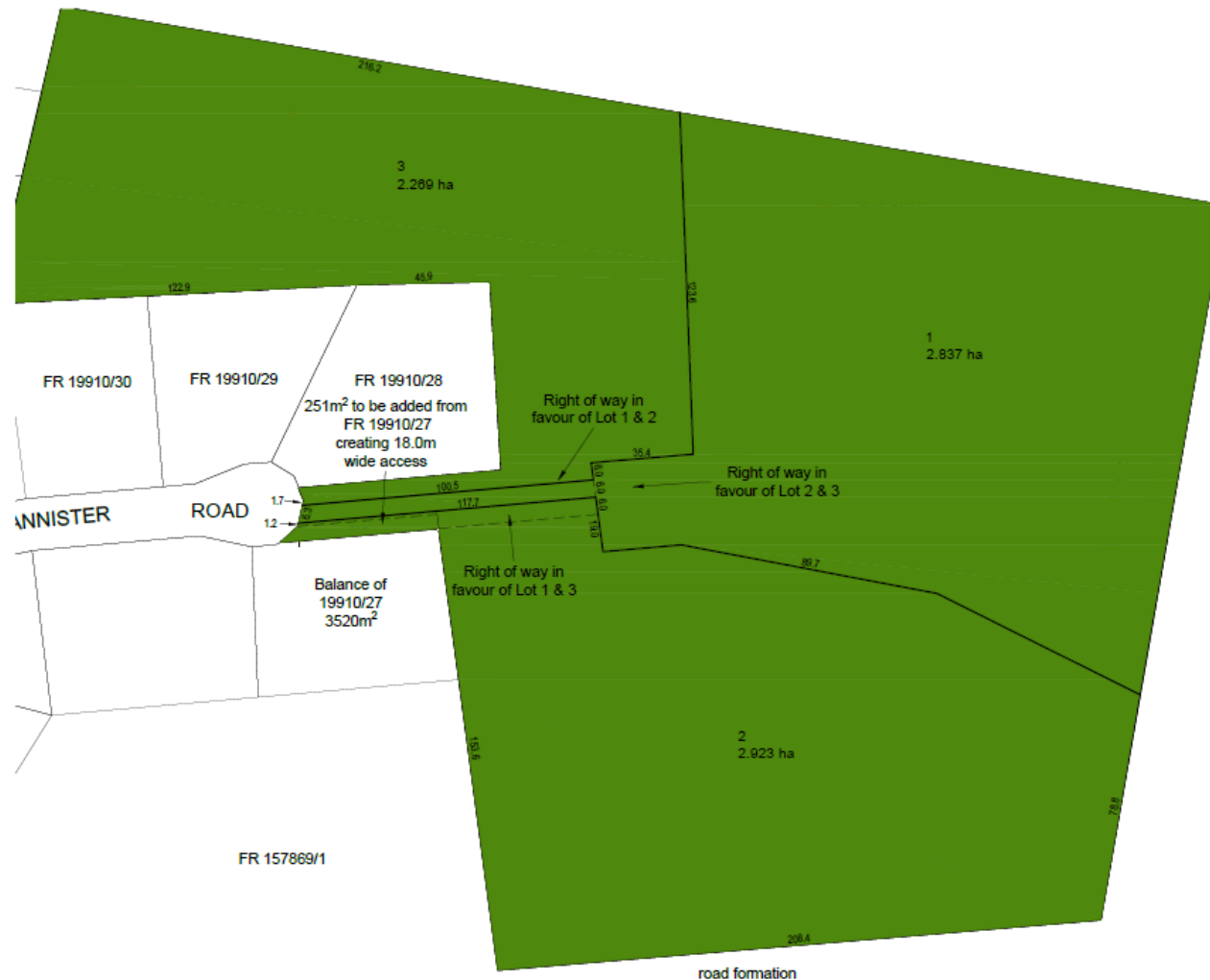
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Surveying, Engineering & Planning

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Hobart, Tasmania, 7000  
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entity of PDA Group Ltd

SCALE  
1: 1500 (A3)

DATE  
14 MARCH 2019

PROJECT  
V947U - 3D



Owners  
Robert Andrew Drysdale,  
David Justin Drysdale

Title References  
FR 27874/1

Address  
Banisters Road, Tod's Corner, Tas  
7030

Council  
Central Highlands Council

Planning scheme  
Central Highlands Interim Planning  
Scheme 2015

Zone  
12.0 Low Density Residential

Zone Overlay  
126.LDS

Map reference

PID  
2253167

Point of Interest GDA94 MO455  
483 711 E, 5353 972 N


Schedule of Easements  
Nil.

KEY

Fire Buffer Zone

#### NOTES

This plan has been prepared only for the purpose of obtaining preliminary subdivision approval from the Council and the information shown hereon should be used for no other purpose. All measurements and areas are subject to final survey.

<table><tr><td>DATE</td><td>BY</td><td>REVIEW</td><td>DATE</td></tr><tr><td>14 MARCH 2019</td><td>BM</td><td>HAC</td><td>14 MARCH 2019</td></tr><tr><td></td><td>HAC</td><td>V947U</td><td></td></tr><tr><td></td><td>BM</td><td>HAC</td><td></td></tr><tr><td></td><td>HAC</td><td>V947U</td><td></td></tr><tr><td></td><td>BM</td><td>HAC</td><td></td></tr><tr><td></td><td>HAC</td><td>V947U</td><td></td></tr></table>				DATE	BY	REVIEW	DATE	14 MARCH 2019	BM	HAC	14 MARCH 2019		HAC	V947U			BM	HAC			HAC	V947U			BM	HAC			HAC	V947U		<table><tr><td>SURVISOR</td><td>SECTION</td></tr><tr><td>HAC</td><td>V947U</td></tr><tr><td>DESIGN</td><td>DRAWING</td></tr><tr><td>BM</td><td>HAC</td></tr><tr><td>DATE</td><td></td></tr><tr><td>14 MARCH 2019</td><td></td></tr></table>				SURVISOR	SECTION	HAC	V947U	DESIGN	DRAWING	BM	HAC	DATE		14 MARCH 2019		<div>STAGE 1 PLAN</div> <div>BANISTERS ROAD</div> <div>TODS CORNER</div> <div>FOR D &amp; R Drysdale</div>				<div> <b>PDA Surveyors</b></div> <div>Surveying, Engineering &amp; Planning</div> <div><div><div>137 Gullford Street</div><div>PO Box 7000</div><div>www.pda.com.au</div><div>08 9417 8888</div></div><div><div>1: 1500</div><div>(A3)</div></div></div> <div><div>14 MARCH 2019</div><div>V947U - 4D</div></div>			
DATE	BY	REVIEW	DATE																																																				
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**PDA Surveyors**  
Surveying, Engineering & Planning

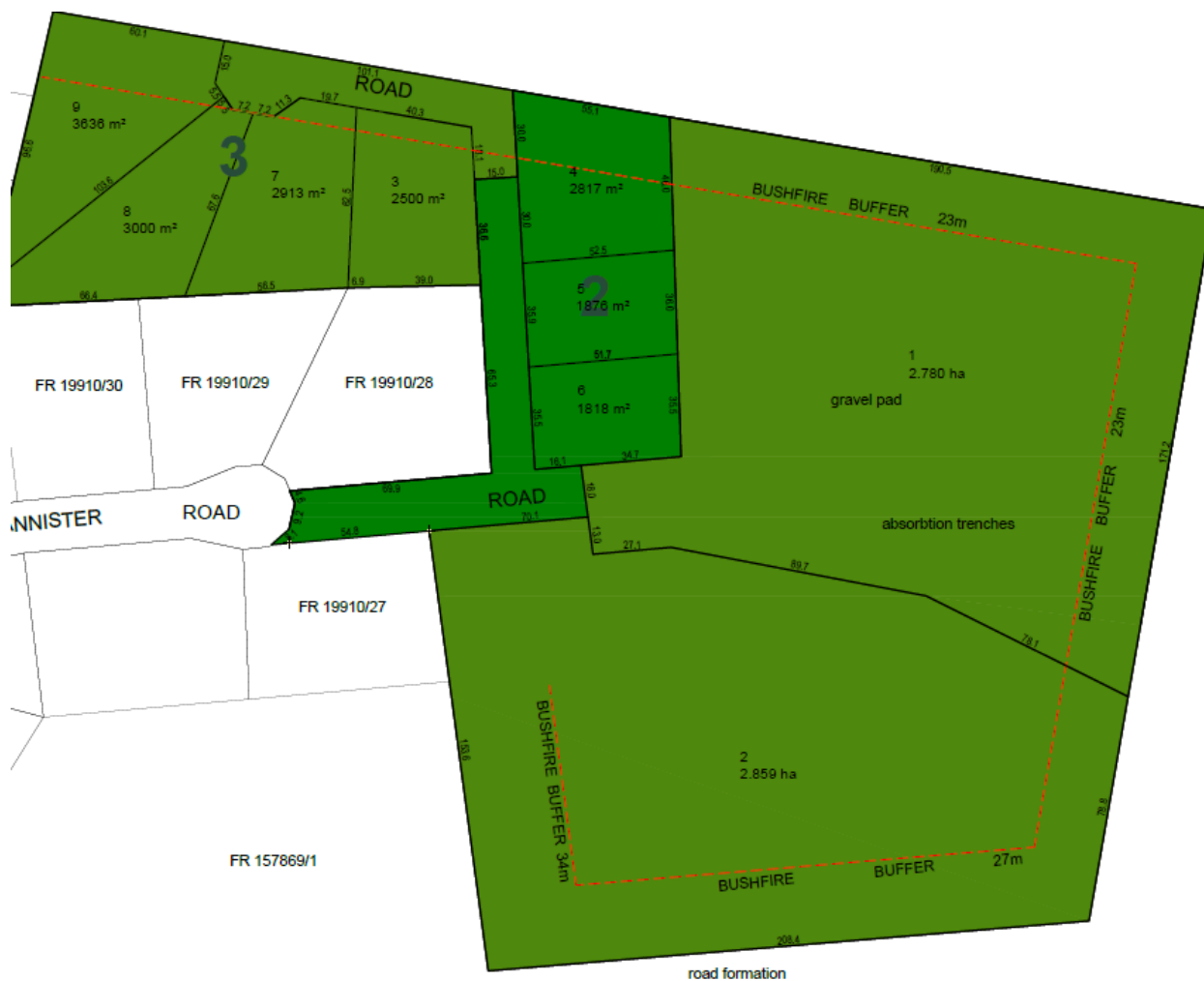
127 Dalwood Street  
Hobart, Tasmania, 7000  
www.pda.com.au  
GPO Box 1111 Hobart, TAS 7000  
PH: +61 81 6234 1317  
FAX: +61 81 6234 1315  
EMAIL: pda@pda.com.au

SCALE  
1: 1500 (A3)

PAPER  
V947U - 4D







Owners  
Robert Andrew Drysdale,  
David Justin Drysdale

Title References  
FR 27874/1

Address  
Banisters Road, Tod's Corner, Tas  
7030

Council  
Central Highlands Council

Planning scheme  
Central Highlands Interim Planning  
Scheme 2015

Zone  
12.0 Low Density Residential

Zone Overlay  
126.LDS

Map reference


PID  
2253167

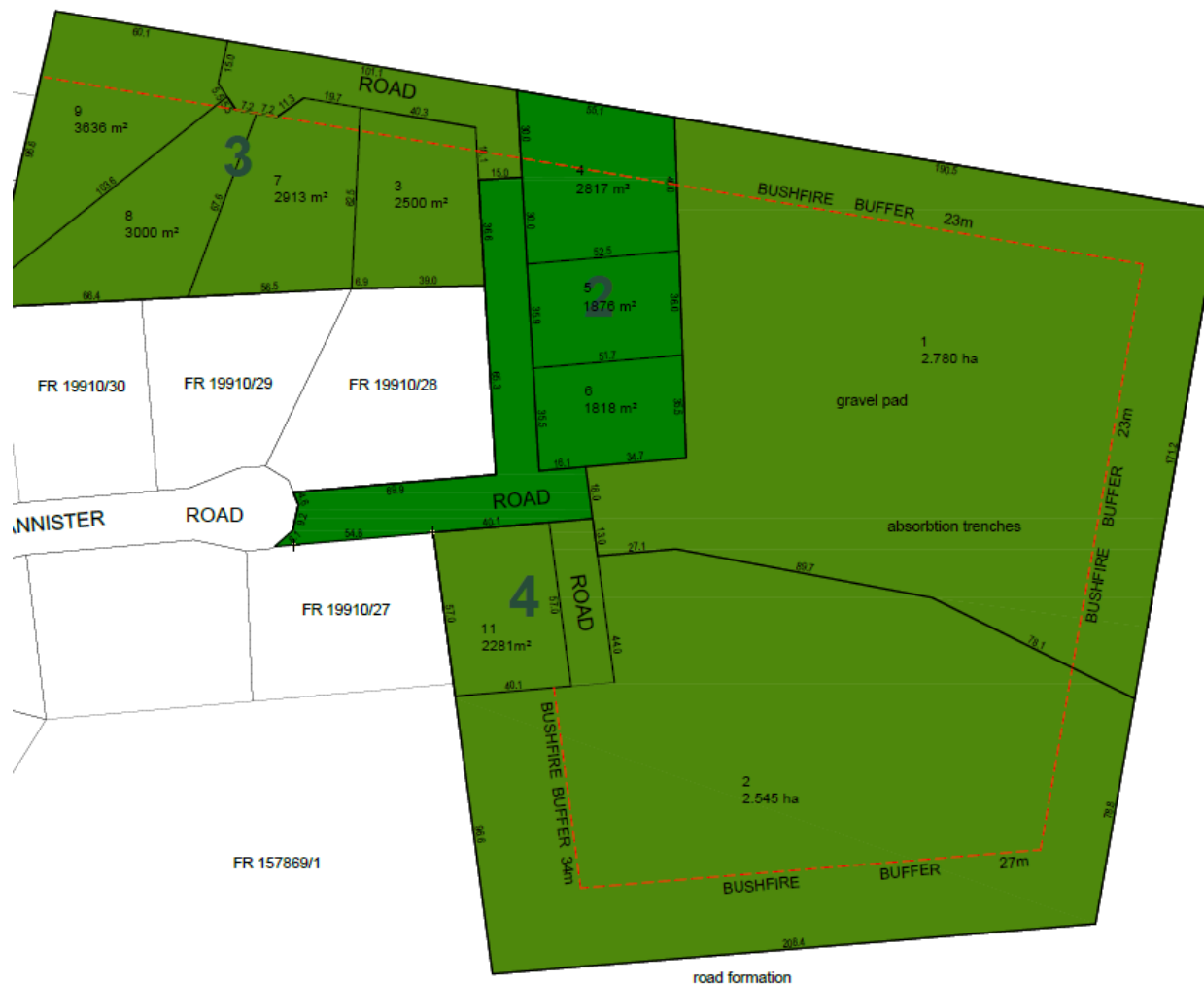
Point of Interest GDA94 MGA55  
483 711 E, 5353 972 N

Schedule of Easements  
Nil.

KEY  
Fire Buffer Zone

NOTES  
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<table><tr><td>NO.</td><td>REV.</td><td>DATE</td><td>BY</td><td>CHKD.</td></tr><tr><td>1</td><td>1</td><td>14/03/2019</td><td>BM</td><td>HAC</td></tr><tr><td>2</td><td>1</td><td>14/03/2019</td><td>BM</td><td>HAC</td></tr><tr><td>3</td><td>1</td><td>14/03/2019</td><td>BM</td><td>HAC</td></tr><tr><td>4</td><td>1</td><td>14/03/2019</td><td>BM</td><td>HAC</td></tr><tr><td>5</td><td>1</td><td>14/03/2019</td><td>BM</td><td>HAC</td></tr><tr><td>6</td><td>1</td><td>14/03/2019</td><td>BM</td><td>HAC</td></tr><tr><td>7</td><td>1</td><td>14/03/2019</td><td>BM</td><td>HAC</td></tr><tr><td>8</td><td>1</td><td>14/03/2019</td><td>BM</td><td>HAC</td></tr><tr><td>9</td><td>1</td><td>14/03/2019</td><td>BM</td><td>HAC</td></tr><tr><td>10</td><td>1</td><td>14/03/2019</td><td>BM</td><td>HAC</td></tr></table>					NO.	REV.	DATE	BY	CHKD.	1	1	14/03/2019	BM	HAC	2	1	14/03/2019	BM	HAC	3	1	14/03/2019	BM	HAC	4	1	14/03/2019	BM	HAC	5	1	14/03/2019	BM	HAC	6	1	14/03/2019	BM	HAC	7	1	14/03/2019	BM	HAC	8	1	14/03/2019	BM	HAC	9	1	14/03/2019	BM	HAC	10	1	14/03/2019	BM	HAC	<p>SCALE 1: 1500 (A3)</p> <p>0 15 30 45 60 75</p> <p>Metres</p>		<table><tr><td>SURVEYOR</td><td>REVISION</td></tr><tr><td>HAC</td><td>V947U</td></tr><tr><td>DATE</td><td>14 MARCH 2019</td></tr></table>	SURVEYOR	REVISION	HAC	V947U	DATE	14 MARCH 2019	<p>STAGE 3 PLAN BANISTERS ROAD TODS CORNER for D &amp; R Drysdale</p>		<div><div><p><b>PDA Surveyors</b></p><p>Surveying, Engineering &amp; Planning</p></div><div><p>127 Bathurst Street Robert, Tasmania 7000 www.pda.com.au 081 711 1111 PDA: +61 81 5234 1517 FAX: +61 81 5234 1525 EMAIL: pda@pda.com.au</p></div></div>		<table><tr><td>SCALE</td><td>PAPER</td></tr><tr><td>1: 1500</td><td>(A3)</td></tr><tr><td>JOB NUMBER</td><td>DISPOSAL</td></tr><tr><td>V947U</td><td>6D</td></tr></table>	SCALE	PAPER	1: 1500	(A3)	JOB NUMBER	DISPOSAL	V947U	6D
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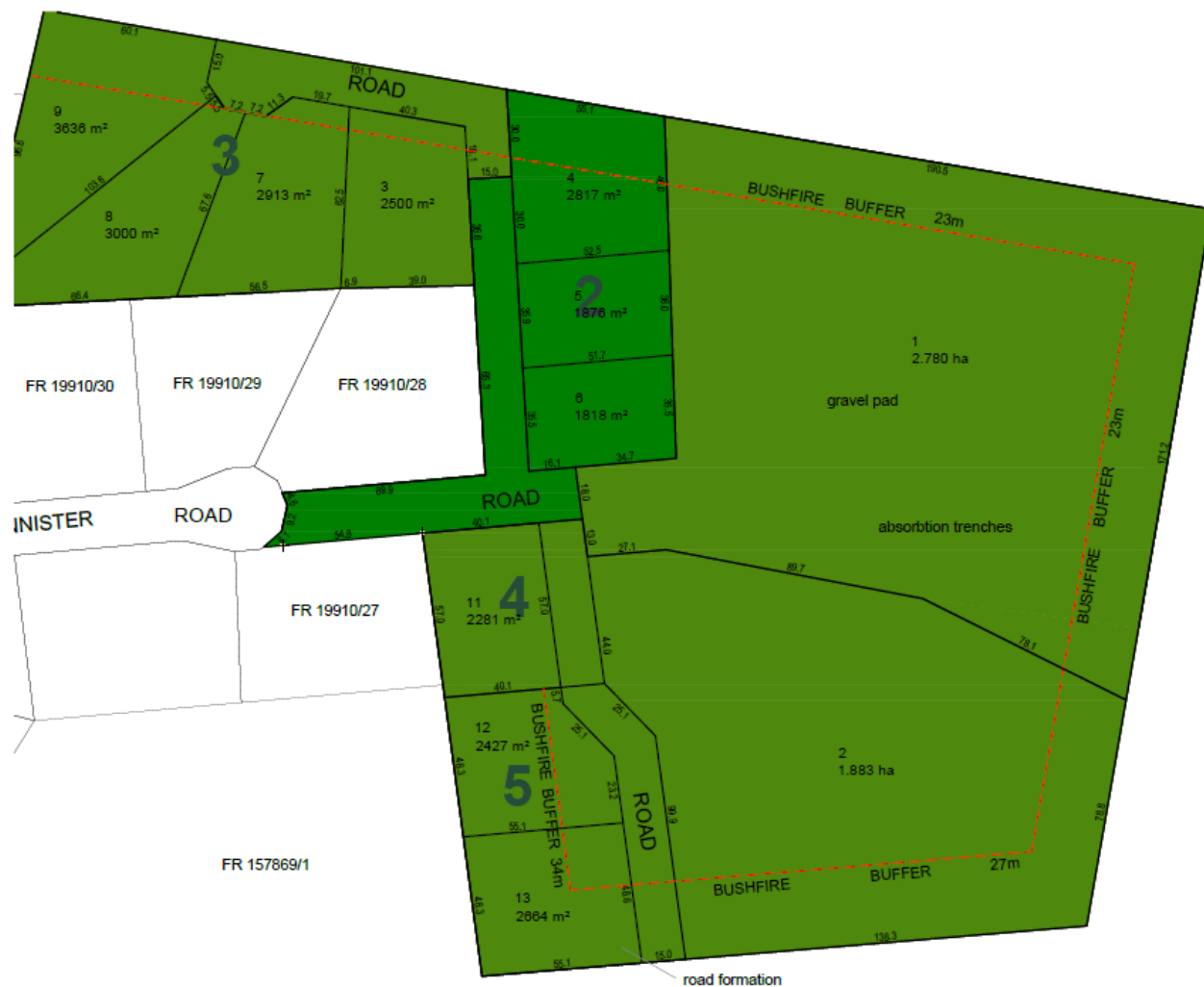


Owners  
 Robert Andrew Drysdale,  
 David Justin Drysdale  
  
 Title References  
 FR 27874/1  
  
 Address  
 Banister Road, Tod's Corner, Tas  
 7030  
  
 Council  
 Central Highlands Council  
  
 Planning scheme  
 Central Highlands Interim Planning  
 Scheme 2015  
  
 Zone  
 12.0 Low Density Residential  
  
 Zone Overlay  
 126.LDS  
  
 Map reference  
  
 PID  
 2253167  
  
 Point of Interest GDA94 MGA55  
 483 711 E, 5353 972 N  
  
 Schedule of Easements  
 Nil.

KEY  
 Fire Buffer Zone

NOTES  
  
 This plan has been prepared only for the purpose of obtaining preliminary subdivision approval from the Council and the information shown hereon should be used for no other purpose. All measurements and areas are subject to final survey.

SURVEYOR HAC DRAWN BM DATE 14 MARCH 2019	REVISION V947U CHECKED HAC	STAGE 4 PLAN BANISTERS ROAD TODS CORNER for D & R Drysdale	<b>PDA Surveyors</b> Surveying, Engineering & Planning 127 Dalwood Street Hobart, Tasmania 7000 www.pda.com.au PO BOX 11111 HOBART TAS 7000 PHONE: +61 81 6254 5517 FAX: +61 81 6254 5567 EMAIL: pda.hob@pda.com.au	SCALE <b>1: 1500 (A3)</b>	SHEET <b>1</b>
				JOB NUMBER <b>V947U - 7D</b>	DRAWING <b>000000</b>



Owners  
 Robert Andrew Drysdale,  
 David Justin Drysdale  
 Title References  
 FR 27874/1  
 Address  
 Banisters Road, Tod's Corner, Tas  
 7030  
 Council  
 Central Highlands Council  
 Planning scheme  
 Central Highlands Interim Planning  
 Scheme 2015  
 Zone  
 12.0 Low Density Residential  
 Zone Overlay  
 126.LDS  
 Map reference  
 PID  
 2253167  
 Point of Interest GD404 MGA55  
 483 711 E, 5353 972 N  
 Schedule of Easements  
 Nil.

KEY  
 Fire Buffer Zone

NOTES  
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 the purpose of obtaining preliminary  
 subdivision approval from the  
 Council and the information shown  
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 purpose. All measurements and  
 areas are subject to final survey.

<div>REV</div>			REVISED	DATE	SCALE 1: 1500 (A3)		REVISION		STAGE 5 PLAN BANISTERS ROAD TODS CORNER for D & R Drysdale		107 Dalwood Street Hobart, Tasmania, 7000 www.pda.com.au ph: 03 6254 1317 fax: 03 6254 1318 EMAIL: pda.hob@pda.com.au		SCALE	1: 1500 (A3)	DATE	14 MARCH 2019	JOB NUMBER	V947U - 8D
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# **Discussion Paper:**

# **Statutory Review of the *Aboriginal Heritage Act 1975***

May 2019

Department of Primary Industries, Parks, Water and Environment

GPO Box 44 Hobart TASMANIA 7001

[www.dpipwe.tas.gov.au](http://www.dpipwe.tas.gov.au)

27 May 2019

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# Overview

Tasmania has been home to Aboriginal people for more than 40,000 years and spanning two ice ages. Throughout that time, Tasmania's Aboriginal people have led rich cultural lives with deep connections to the land and sea-scapes around them. Today, Tasmania's Aboriginal people continue to live rich cultural lives and their cultural heritage and traditional cultural practices continue as one of the oldest continuing living cultures in the world. Tasmania's Aboriginal cultural heritage is ancient and unique and is immensely important to Tasmanian Aboriginal people – past, present and future. Not only that, our Aboriginal heritage has great significance for the broader Tasmanian community, as well as having significant value at national and international levels.

Tasmania's Aboriginal cultural heritage is the legacy of Tasmania's First people – those places, objects and traditions that have been passed down through thousands of generations. It also includes intangible values where there may be no physical evidence of past cultural activities, for example, places of spiritual or ceremonial significance or travel routes where trade relations took place.

From shell middens, rock markings, hut depressions and stone artefacts that are some of the finest examples in Australia, through to whole landscapes and ecosystems that have been carefully and sustainably managed and sculpted by many thousands of years of Aboriginal activity including hunting, trading and cultural burning – Tasmania's landscape today carries the evidence of its First people. The importance of understanding, respecting and protecting this ancient and living culture cannot be overstated.

The *Aboriginal Heritage Act 1975* (the Act) is a stand-alone piece of Tasmanian legislation which defines what Aboriginal heritage is and sets out how that heritage must be managed.

The Act was amended in 2017 for the first time since it was created in 1975. The amendments served to address some of the most outdated and problematic parts of the Act, and were seen as a positive step. However, aside from the amended provisions, the Act as a whole remains largely outdated and continues to reflect the thinking and attitude of a predominantly white bureaucracy from a period close to half a century ago.

The 2017 amendments were also an interim step with a requirement added to the Act requiring a full review of the legislation within three years.

The review will consider the design and operation of the current legislation through broad consideration of:

- the views and aspirations of Tasmanian Aboriginal people.
- the views of non-Aboriginal stakeholders.
- approaches to Aboriginal heritage legislation in other Australian jurisdictions; and
- the interface between Aboriginal heritage management legislation and other legislative processes (primarily relating to resource management and planning processes).

## Purpose of the Discussion Paper

The Government of Tasmania is seeking the input of all Tasmanians, and from Tasmanian Aboriginal people in particular, to understand issues with the operation of the *Aboriginal Heritage Act 1975*.

Multiple opportunities will be provided throughout 2019 and 2020 for people to contribute to the review.

The first opportunity to contribute to the review is a 16 week comment period on the information and questions presented in this Discussion Paper.

Your response to this first stage of consultation is an important step in the review process. It is where you get your first opportunity to have your say and let us know your thoughts, ideas and concerns. Your comments will be considered and further explored through consultation in a second stage of the review.

The Discussion Paper is structured around the following key topics relating to the management of Aboriginal heritage in Tasmania:

1. What is the *Aboriginal Heritage Act 1975* trying to achieve?
2. What is Aboriginal heritage?
3. Ownership of Aboriginal heritage.
4. Making decisions about what happens to Aboriginal heritage.
5. The Aboriginal Heritage Council – what it is and what it does.
6. Offences under the *Aboriginal Heritage Act* and penalties for doing the wrong thing.
7. When can Aboriginal heritage be interfered with?
8. Enforcement of the legislation.
9. Other ways the legislation protects Aboriginal heritage; and
10. Other matters covered by the legislation.

The Discussion Paper presents information on how the Act works in relation to each of the key topics and then asks some questions in relation to each topic to help prompt discussion.

Not every section of the Act is discussed in detail, however you are invited to provide comment on the structure and operation of any part of the Act.

The Discussion Paper also provides an opportunity to comment on any other matters relating to the management of Aboriginal heritage in Tasmania.

## How you can contribute

Each section of the Discussion Paper concludes with a series of questions. These questions are designed as prompts only. Written submissions need not address these questions specifically.

All written submissions must be received by the end of Saturday 21 September 2019.

Written submissions can be forwarded to:

Email: [aboriginalheritageact@dpipwe.tas.gov.au](mailto:aboriginalheritageact@dpipwe.tas.gov.au)

Mail: Aboriginal Heritage Act Review  
GPO Box 44  
Hobart TAS 7001

A number of face-to-face meetings with Aboriginal groups and key non-Aboriginal stakeholders will also be held around Tasmania.

If you would like to request a special information session for yourself or your organisation, please contact the DPIPWE Review Team at Email: [aboriginalheritageact@dpipwe.tas.gov.au](mailto:aboriginalheritageact@dpipwe.tas.gov.au)

Submissions will be treated as public information and will be published on the Department of Primary Industries, Parks, Water and Environment website at [www.dpipwe.tas.gov.au/aboriginalheritageact](http://www.dpipwe.tas.gov.au/aboriginalheritageact) following the closing of the consultation period, unless you request otherwise.

Further information on how your submission will be handled can be found at the end of this Discussion Paper.

# Next steps

- ⇒ A Consultation Report summarising all the feedback received through the first stage of consultation will be prepared and made available to the public. It is envisaged that the Consultation Report will be released before the end of 2019.
- ⇒ Feedback received through the first stage of consultation will be used to inform a second Stage of the Review, where further discussions with Tasmanian Aboriginal people and non-Aboriginal stakeholders will be held to explore views on specific issues in more detail, and identify pathways to resolve stakeholder concerns/suggestions. The second stage of consultation will take place in 2020.
- ⇒ Following the second Stage of consultation, a Review Report will be prepared presenting the findings of the Review and recommendations relating to options for change. The Review Report will be provided to the Minister for Aboriginal Affairs in August 2020 and is expected to be tabled in each House of Parliament before the end of the Parliamentary year in 2020.

# 1. What is the *Aboriginal Heritage Act 1975* trying to achieve?

The *Aboriginal Heritage Act 1975* provides the current legislative framework for managing and protecting Tasmania's Aboriginal heritage.

In summary, the Act:

- defines what Aboriginal heritage is.
- establishes, as a principle, that Aboriginal heritage must not be damaged, destroyed, defaced, concealed or otherwise interfered with, unless otherwise authorised under the Act.
- sets out actions that may be taken to protect Aboriginal heritage that is at risk of being harmed;
- specifies what a person must do if they discover Aboriginal heritage.
- prescribes penalties that may be applied if the 'rules' of the Act are broken.
- identifies circumstances where Aboriginal heritage may be destroyed, damaged, defaced, concealed or otherwise interfered with; and
- establishes a Council of Aboriginal people to provide advice and make recommendations to the Minister for Aboriginal Affairs and to the Director of National Parks and Wildlife (the Director), on matters relating to Aboriginal heritage.

Some legislation incorporates clearly stated objectives which provide additional guidance and clarity around what the Act has been established to deliver, and must be taken into account by anyone making decisions in relation to the Act. The *Aboriginal Heritage Act 1975* does not contain any specific information or overarching principles clarifying the objectives of the Act.

## Questions:

- ⇒ How clear is the Act regarding what it is trying to achieve?
- ⇒ Could this be improved, and if so, how?

# 2. What is Aboriginal heritage?

Under the Act, anything that is considered to be Aboriginal heritage is described as a 'relic'. The definition of a relic is provided in Section 3 of the Act and includes:

- any artefact, painting, carving, engraving, arrangement of stones, midden, or other object, made or created by any of the original inhabitants of Australia or the descendants of any such inhabitants.
- any object, site, or place that bears signs of the activities of any such original inhabitants or their descendants; and
- the remains of the body of such an original inhabitant or of a descendant of such an inhabitant that are not interred in a cemetery or marked grave.

An important amendment to the Act in 2017 was the removal of references to 1876 as the cut-off date for creation of Aboriginal heritage (or a 'relic'). This change recognises that Tasmania's Aboriginal culture is a living culture which continues to create Aboriginal heritage to this day, and which will continue to create Aboriginal heritage into the future.

Tasmania's Aboriginal people consider the term 'relic' to be outdated and not relevant to the way they view their heritage. The term suggests something that is ancient and a thing of the past, and does not acknowledge or capture the part of their heritage that is contemporary and living. While the title of the Act was changed in 2017 from the *Aboriginal Relics Act 1975* to the *Aboriginal Heritage Act 1975* in recognition of this view, the use of the term relic to define Aboriginal heritage has remained in the Act.

A further important amendment in 2017 was the introduction of additional criteria for a relic as having to be of significance to Tasmanian Aboriginal people, with the significance 'test' being further qualified as being in accordance with Tasmanian Aboriginal history and tradition.

An issue that has been raised by Aboriginal people and other indigenous experts in recent years is how to define and protect that part of Aboriginal heritage, culture and tradition that may not have a physical form or evidence – that is intangible.

Under Victorian legislation, intangible heritage is recognised and includes ceremony, stories, traditional skills and practices, language and dance. In the Tasmanian Aboriginal cultural context, use of the term intangible has tended to extend to including the spiritual essence of a place or broader landscape where Aboriginal people once lived, hunted and practiced culture.

The current definition of Aboriginal heritage in the Act does not attempt to recognise or manage intangible Aboriginal heritage. It is noted, however, that intangible values, and the potential for those values to be impacted, can be difficult to define and manage.

#### Questions:

- ⇒ How well does the Act define Aboriginal heritage?
- ⇒ Could this be improved, and how?
- ⇒ Does the definition of a 'relic', adequately capture all elements of Aboriginal heritage that should be protected and managed?
- ⇒ Should use of the term 'relic', and the way Aboriginal heritage is recognised and defined, be changed?

### 3. Ownership of Aboriginal heritage

The Act has several provisions relating to ownership of relics:

- Section 10 of the Act required persons owning or holding relics at the time the Act commenced to report that fact to the authorities.
- Section 11 of the Act provides that relics on Crown lands are owned by the Crown; and
- Section 12 of the Act contains provisions for the compulsory acquisition of relics by the Minister, if the Minister determines that the relic is required by the Crown.

The Act is silent on ownership of relics on lands other than Crown lands (e.g. privately owned land).

Although the Act is largely silent on ownership of relics by people other than the Crown, it is clear from Sections 10 and 12 that the Act recognises that circumstances exist where a person, other than the Crown, can own a relic.

It is noted that the concept of ownership does not fit with how Aboriginal people view Aboriginal heritage. While it is without doubt that Aboriginal people consider it their heritage, they view themselves as custodians rather than owners of their heritage.

Irrespective of who may be considered under the Act to be the owner of a relic, it is clear that all the provisions in the Act, including those relating to the protection and management of relics, apply to everyone – including the 'owner'. As such, it has been argued that the matter of ownership, while somewhat undefined in the Act, does not alter the level of protection that is provided to a relic.

The more complicated question around ownership is not just who should own or be the custodian of Aboriginal heritage, but also what decisions about how that heritage is managed, the owner or custodian of the Aboriginal heritage should be able to make.

## Questions:

- ⇒ How clearly does the Act describe ownership of Aboriginal heritage?
- ⇒ Are provisions in the Act providing for ownership reasonable?
- ⇒ Who should own Aboriginal heritage?
- ⇒ Is the concept of 'ownership' the right way to think about who is responsible for Aboriginal heritage?
- ⇒ Should the 'rules' in the Act apply to everyone in every situation?
- ⇒ Should land tenure on which Aboriginal heritage exists make any difference to who owns/how the heritage is to be managed?

## 4. Making decisions about what happens to Aboriginal heritage

The Minister for Aboriginal Affairs is the primary decision maker under the Act and makes decisions in relation to:

- Issuing permits to interfere<sup>1</sup> with Aboriginal heritage.
- Declaring 'protected sites'.
- Compulsory acquisition of relics; and
- Issuing Guidelines.

Issuing Guidelines and declaring 'protected sites' are discussed further, at protected Section 7 and 9 respectively.

The Director of National Parks and Wildlife has a limited decision making role in relation to managing 'protected sites' and issuing permits to interfere with relics and infrastructure on those sites.

In making decisions, the Minister and the Director are largely not bound to seek advice or recommendation from any person, other than the Director of National Parks and Wildlife in the case of the Minister. However, in practice, the Minister and the Director routinely seek advice from the Aboriginal Heritage Council. While this intention was clearly outlined as the expectation when the 2017 amendments establishing the statutory Council were developed, it is not a requirement of the Act.

Under very limited circumstances relating to disposal of relics owned by the Crown, the Minister must seek and consider a recommendation from the Aboriginal Heritage Council.

Under the Act, only the Aboriginal Heritage Council is recognised as being in a position to provide advice or recommendations. No person or entity other than the Minister or the Director has any statutory decision making powers in relation to managing Tasmania's Aboriginal heritage.

The approach the Act takes to decision making has been highlighted as a longstanding issue for Aboriginal people and a number of other people with an interest in Aboriginal heritage. Aboriginal people consider themselves the rights-holders and custodians of their heritage and have a strong desire to continue to be responsible for managing their heritage. It is important to also note that private land owners want to be able to continue to make their own decisions to practice certain use rights associated with their land.

Tasmania's Aboriginal people have advocated that an Aboriginal body, such as the Aboriginal Heritage Council, should have decision making powers. If this were to be the case, it may be necessary to include provisions providing rights to review or appeal of decisions, consistent with other legislation that provides for independent decision making powers.

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<sup>1</sup> Use of the term 'interfere' in this Discussion Paper refers to a full description in the Act of what a person must not do to a relic (see Section 14(1) of the Act), and includes destroy, damage, deface, conceal, remove, sell, search for or otherwise interfere with a relic.



### Questions:

- ⇒ Is the way the Act describes who makes decisions, and how decisions must be made, adequate and reasonable?
- ⇒ How can decision making be improved?
- ⇒ Who should make decisions under the Act?
- ⇒ Are there circumstances where different people, or parties, should make decisions about how to manage Aboriginal heritage? How should decisions be made?

## 5. The Aboriginal Heritage Council – what it is and what it does

The Act establishes the Aboriginal Heritage Council as an independent statutory body which provides advice and makes recommendations to the Minister and the Director. The inclusion of provisions to establish the Aboriginal Heritage Council, comprising Aboriginal people, was an important component of the amendments made to the Act in 2017.

The scope of the matters that the Council can provide advice on is confined to matters that are covered by the Act. This is set out in detail in Section 3 of the Act, and includes matters on which the Minister and the Director make decisions under the Act.

As discussed in Section 4 of this Paper, the Minister and the Director are not bound under the Act to seek advice from the Council, however the Council can provide advice regardless of whether it has been sought. The Minister and the Director are not bound under the Act to adopt advice and recommendations received from the Council.

In preparing advice and recommendations, the Act specifies that the Council itself is to seek advice from any person or body the Council believes, on reasonable grounds, to have expertise in relation to the matters concerned. The Act also provides for the Council, in performing its role, to consult with Tasmanian Aboriginal people where it is appropriate and practicable to do so.

The Act specifies that the Council can have up to 10 members, who must be Aboriginal persons. Members of the Council are appointed by the Governor, on the recommendation of the Minister. Other than being Aboriginal persons, the Act does not specify any additional criteria for Council membership (e.g. skills or representation) or how members are selected. However Government policy requires gender balance and regional representation as far as is practicable.

### Questions:

- ⇒ How should members for the Aboriginal Heritage Council be chosen?
- ⇒ Should the Act specify criteria for Council membership, and what criteria should apply?
- ⇒ How clearly does the Act describe the role and function of the Aboriginal Heritage Council?
- ⇒ Is the role of the Aboriginal Heritage Council adequate and appropriate?
- ⇒ Could this be improved, and if so, how?

## 6. Offences under the Act and penalties for doing the wrong thing

The Act specifies a range of actions affecting Aboriginal heritage that are against the law. These offences include:

- Interfering with a relic.
- Interfering with a 'protected object' or a 'protected site'.
- Failing to advise the appropriate authority of a relic being discovered; and
- Failing to comply with requests from authorised officers (discussed further in Section 8)

By far the most important, and in practice the part of the Act under which most of the administrative work is undertaken is Section 14(1) which says that relics must not be interfered with unless in accordance with the terms of a permit granted by the Minister. It is under this section that the Minister grants permits to interfere with relics and under which most compliance action occurs.

In each case where an offence is specified in the Act, a corresponding maximum penalty is also specified.

The penalties in the Act were significantly increased when the Act was amended in 2017. The maximum penalties in the Act are now among the highest of any other Aboriginal heritage legislation in the country, and in line with similar offences for damaging European heritage.

Penalties are described in terms of the maximum number of 'penalty units' that can be applied.

Each penalty unit has a monetary value that is set each year. The current value of a penalty unit in Tasmania is \$163.

Penalties in the Act are scaled to differentiate between individual persons (or small business entities) and body corporates – with penalties being significantly greater for body corporates.

Penalties in the Act are also scaled to differentiate between offences that a person has knowingly committed and offences that a person has committed unwittingly through negligence or recklessness on their part – with persons knowingly or deliberately doing the wrong thing attracting significantly higher penalties.

The highest maximum penalty prescribed in the Act applies to circumstances where a body corporate knowingly interferes with a relic. This equates to a maximum of \$1.63 million.

By way of example:

- 1,000 penalty units = \$163,000 (maximum penalty for an individual recklessly or negligently interfering with Aboriginal heritage).
- 2,000 penalty units = \$326,000 (maximum penalty for a body corporate, other than a small business entity recklessly or negligently interfering with Aboriginal heritage).
- 5,000 penalty units = \$815,000 (maximum penalty for an individual knowingly interfering with Aboriginal heritage).
- 10,000 penalty units = \$1,630,000 (maximum penalty for a body corporate knowingly interfering with Aboriginal heritage).

Only a magistrate can determine whether an offence has been committed and decide what level of penalty to apply.

There is concern among Aboriginal people that broader society has not yet placed an equal value on Aboriginal heritage relative to European heritage. A criticism of the current offence provisions has been a lack of understanding of the value of Aboriginal heritage and therefore failure to impose appropriate (large enough) penalties.

While the maximum penalties in Tasmania may now be in line with those for damaging European heritage, there have been no prosecutions under the amended Act to date, therefore the new, harsher penalties have not been tested. There are signs that the importance, and therefore the value, of Aboriginal heritage is becoming better understood, however ongoing efforts to educate and create awareness and understanding across the broader community will be a critical part of the ongoing protection and management of Aboriginal heritage in Tasmania.

As previously discussed in this Paper, the offence provisions in the Act apply to everyone. However, it could be argued that under the Act, Tasmanian Aboriginal people practicing culture at their cultural sites may in fact be interfering with Aboriginal heritage and, if doing so without a permit, they would be breaking the law. While a person's circumstances would be taken into account when determining a penalty, these circumstances would generally not be able to be considered in determining if an offence has been committed.

#### Questions:

- ⇒ How well does the Act describe and manage offences?
- ⇒ Are the penalties adequate?
- ⇒ Could the offences and penalties provisions in the Act be improved, and if so, how?
- ⇒ Are there circumstances where the 'rules' of the Act should apply differently to different people?

## 7. When can Aboriginal heritage be interfered with?

The Act provides for circumstances where a person can be provided with a legal authority to interfere with a relic. The Act also provides for circumstances where a person's failure to comply with the Act can be justified, or 'defended' legally. Generally, the offence provisions in the Act apply to every person and every circumstance, however a number of circumstances are specified in the Act where either a legal authority or a legal defence can exist. They are where:

- A person is acting in accordance with a permit granted by the Minister or Director (see also Section 4);
- A person is acting in accordance with Guidelines issued by the Minister, or relying on another person's compliance with the Guidelines; or
- A person is carrying out emergency works.

There is little guidance in the Act for the process which must be followed for seeking a permit to interfere with a relic. However, in practice the Director, through their oversight of the Department of Primary Industries, Parks, Water and Environment, has established a longstanding and robust policy-based process for assessing the merit of every application for a permit. This is set out in the *Aboriginal Heritage Standards and Procedures* published by Aboriginal Heritage Tasmania. The process entails a desktop assessment to determine if Aboriginal heritage is at risk. Where a risk is determined, and depending on the nature of the risk, further information is obtained including:

- Specialist surveys.
- Site visits.
- Advice from the Aboriginal Heritage Council; and
- Consideration of the broader social, economic and environmental implications.

A permit to interfere – usually to conceal or relocate, but sometimes to destroy a relic – may then be granted by the Minister on the recommendation of the Director.

Section 21A of the Act specifies that the Minister must issue 'Guidelines'. The intention of the 'Guidelines' is to set out the things that a person must do to ensure they have undertaken all reasonable precautions to minimise the risk that the activity they are proposing to undertake will result in impacting Aboriginal heritage.

Measures in the current Guidelines include:

- Contacting the 'Dial Before You Dig' service.
- Conducting a search through the Aboriginal Heritage Property Search tool administered by Aboriginal Heritage Tasmania.
- Acting in accordance with the standards and procedures which have been adopted by the guidelines. These are:
  - Aboriginal Heritage Tasmania's *Aboriginal Heritage Standards and Procedures*;
  - *Procedures for Managing Aboriginal Cultural Heritage when Preparing Forest Practices Plans*; and
  - *Mineral Exploration Code of Practice*.
- Contacting Aboriginal Heritage Tasmania directly; and
- Acting in accordance with any advice received from Aboriginal Heritage Tasmania, including in relation to unanticipated discoveries of Aboriginal heritage.

Emergency works are specified in the Act as being works undertaken in accordance with Section 5 of the *Electricity Supply Industry Act 1995*, or any work that is necessary and proportionate to save lives, prevent injury and prevent damage or loss of property. An example of this would be the clearing of fire breaks to control a fire or to prepare for an impending fire. Emergency management teams routinely inform their decisions with information about the natural and cultural values of an area, and wherever practical they take steps to minimise impacts on those known values as they deliver their emergency services.

#### Questions:

- ⇒ Are the defence provisions in the Act adequate and reasonable?
- ⇒ Could the defence provisions be improved, and if so, how?
- ⇒ Do the Guidelines provide adequate protection for Aboriginal heritage?
- ⇒ Could the Guidelines be improved, and if so, how?

## 8. Enforcement of the legislation

The provisions in the Act are legal requirements and must be complied with. As discussed in Section 6 of this Paper, a magistrate determines whether a person has committed an offence, and will decide the proportion of the maximum relevant penalty that will be imposed.

An important amendment to the Act in 2017 was an extension of a statutory limit on the amount of time within which a prosecution must be initiated – from within six months of an offence being committed, to within two years of discovery of evidence of an offence having been committed. This change recognised that breaches of the Act were sometimes reported long after alleged offences were committed (eg, vandalism of rock art in remote areas) and the considerable length of time required to conduct robust investigations prior to decisions being made to proceed with prosecution.

The Act also provides for people to be 'authorised' under the Act to make certain types of decisions and take certain actions such as:

- Requiring a person to provide their name and address.
- Requiring a person to leave a 'protected site'.
- Requiring a person to disclose the location of a relic.
- Seizing objects (relics and property); and
- Obtaining a warrant to search a premises.

Police officers are automatically authorised officers. Any State Service employee may also be authorised as a warden on a case-by-case basis. The practice is for State Service employees to undergo relevant training, to ensure their competence and safety prior to them being authorised. Honorary wardens with lesser powers, and who are not required to be State Service employees, can also be appointed.

Unlike most other legislation that regulates development activity/works, the Act does not provide for the issue of stop-work notices. The key issue here is that a determination of an offence and penalty by a magistrate necessarily takes some time (often years) and there are no mechanisms in the Act to legally require a person (e.g. a contractor or a developer) to stop what they are doing and to not start again until further notice, thereby exposing Aboriginal heritage to ongoing risk of potential damage. A number of other Acts, including Tasmania's *Historic Cultural Heritage Act 1995*, do have this type of provision.

A number of Acts governing the protection of natural and cultural values also have infringement notice provisions which allow for an immediate judgement and on-the-spot fine, where an authorised officer has determined that a breach of the relevant Act has occurred. Infringement notices can be an efficient and immediate means of issuing a penalty. They are usually issued in relation to actions which are considered to constitute breaches that are less serious or minor in nature, and the associated penalties tend to be a small fraction of the (potentially maximum) penalties that might be applied by a magistrate for serious offences.

#### Questions:

- ⇒ How well does the Act provide for enforcement of its provisions?
- ⇒ Could this be improved, and if so, how?
- ⇒ Should the Act include stop-work provisions?
- ⇒ Should the Act include provision for infringement notices and associated on-the-spot fines?
- ⇒ Should offences in the Act be further scaled to distinguish between minor and non-minor offences?

## 9. Other ways the legislation protects Aboriginal heritage

The Act provides a number of other mechanisms which are intended to provide further protection for Aboriginal heritage, in addition to the general provisions already discussed in this Discussion Paper.

The first mechanism (which has been mentioned earlier in this Discussion Paper) is the ability for the Minister to declare a site to be a 'protected site' where the Minister is satisfied that steps should be taken to protect or preserve a relic at that site. In principle, the provisions in the Act provide for a greater level of management attention, aimed at protecting relics, than may otherwise be available.

This mechanism has rarely been used and only three 'protected sites' have been declared, one of which was revoked when that land was formally returned to the Aboriginal community under the *Aboriginal Lands Act 1995*. In practice, it has been more useful and effective to administer such sites under the broader reserve and Crown land management systems administered by the Parks and Wildlife Service.

The second mechanism is a provision for the Governor to make Regulations under Section 25 of the Act which provide additional prescriptions relating to the care, control and management of 'protected sites'. Regulations were initially made in 1978, however these Regulations lapsed in 2000 and Regulations have not existed since that time.

#### Questions:

- ⇒ How well does the Act protect and manage Tasmania's Aboriginal heritage?
- ⇒ Could this be improved, and if so, how?
- ⇒ Are 'protected sites' a useful mechanism for protecting Aboriginal heritage?
- ⇒ Is the provision for the making of Regulations useful?

## 10. Other matters covered by the legislation

The Act also has a number of miscellaneous provisions that while relatively minor are important.

Section 22 specifies that any monies received under the Act, primarily as a result of fines being imposed, will be paid to the Government's consolidated fund. The section also specifies that the Tasmanian Government will pay any expenses incurred through administration of the Act.

Section 23 specifies that the Act must be reviewed within three years of the 2017 amendments.

Section 24 specifies that the *Aboriginal Heritage Act 1975* does not affect the operation of certain other acts, namely Section 139 of the *Criminal Code Act 1924* and the *Coroners Act 1995*.

### Other considerations

The focus of the review of the Act, and therefore this Discussion Paper, is around the design and operation of the current Act. There are, however, some additional aspects relating to the protection and management of Aboriginal heritage that are not directly or indirectly referenced in the Act, and are important to acknowledge.

There are multiple elements to the effective management of Aboriginal values. Legislation and subordinate or subsidiary statutory instruments and processes are a key part, however there are an array of non-statutory mechanisms that may have the potential to support and significantly strengthen the whole system. Central to concerns that have been expressed by Tasmania's Aboriginal people in previous consultation is the importance of educating broader society to promote a better understanding and appreciation of the value and importance of Tasmania's Aboriginal heritage.

A great deal of resources are directed to protecting, managing and promoting Tasmania's Aboriginal heritage. Examples include work on understanding and presenting the Aboriginal values of the Tasmanian Wilderness World Heritage Area, developing and supporting joint management arrangements, as well as the Parks and Wildlife Service's Aboriginal Trainee Ranger Program, and support of Aboriginal tourism.

A key issue with the protection and management of Aboriginal heritage in Tasmania continues to be a lack of understanding and clarity for people who are planning activities which have the potential to impact on Aboriginal heritage. Currently there are a range of key administrative processes that aren't prescribed in detail in the Act – notably specific steps and timeframes to be followed and adhered to when seeking advice on whether a permit for an activity is required, and when making a decision in relation to granting of such a permit. There is also no provision in the current Act for a decision to be appealed, should a party be unsatisfied with how the Act is administered. A theme that emerged from land use and development stakeholders and industries through the consultation for the 2017 amendments was that tighter prescriptions and stronger penalties were not opposed, provided there was clarity and certainty in the requirements and operation of the Act. Some noted a desire to see statutory processes and timeframes for the handling of enquiries regarding whether Aboriginal heritage permits were required and for decisions to be made in relation to applications for permits.

A further but related matter for consideration is how the Act should relate to other Tasmanian planning legislation. Unlike the *Historic Cultural Heritage Act 1995*, the Act is not part of Tasmania's Resource Management and Planning System (RMPS) and there are no triggers in, nor alignment with Tasmania's core planning Act (the *Land Use Planning and Approvals Act 1993*). Integration of Aboriginal heritage legislation with the RMPS would necessarily increase the complexity of the Act.

### Questions:

- ⇒ Is there anything else you would like to see included in Aboriginal heritage legislation in Tasmania?
- ⇒ Are there any other comments that you would like to make with regard to Aboriginal heritage management in Tasmania?



## **Important information regarding your submission**

### **Publication of submissions**

Your submission will be published in accordance with the Tasmanian Government's *Public Submission Policy*, which requires that Government departments publish online all written submissions made in response to broad public consultation on major policy matters.

### **Confidentiality**

Your name (or the name of the organisation) will be published unless you request otherwise.

In the absence of a clear indication that a submission is intended to be treated as confidential (or parts of the submission), the Department will treat the submission as public.

If you would like your submission treated as confidential, whether in whole or in part, please indicate this in writing at the time of making your submission. Clearly identify the parts of your submission you want to remain confidential. In this case, your submission will not be published to the extent of that request.

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The Government recognises that not all individuals or groups are equally placed to access and understand information. We are therefore committed to ensuring Government information is accessible and easily understood by people with diverse communication needs. Where possible, please consider typing your submission in plain English and provide it in a format such as Microsoft Word or equivalent. The Government cannot, however, take responsibility for the accessibility of documents provided by third parties.

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Information provided to the Government may be released to an applicant under the provisions of the *Right to Information Act 2009* (RTI). If you have indicated that you wish for all or part of your submission to be treated as confidential, your statement detailing the reasons may be taken into account in determining whether or not to release the information in the event of an RTI application for assessed disclosure. You may also be contacted to provide any further comment.

### **Useful links**

- [Aboriginal Heritage Act 1975](#)
- [Aboriginal Heritage Act 1975 - Statutory Guidelines](#)
- [Aboriginal Heritage Tasmania](#)
- [Aboriginal Heritage Council](#)



West Point midden – West Coast of Tasmania.



Tasmanian  
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# Draft Waste Action Plan

Consultation Draft June 2019





# Minister's Foreword

The Hodgman Liberal Government is committed to working with local government, the waste industry, local businesses and the broader community to improve waste management and resource recovery in Tasmania and believes that all of us have a role to play in managing the waste we produce.

It is encouraging to witness the changes that many businesses and consumers are now making to address unsustainable resource consumption and the environmental impacts of our waste. Our Government understands it has an important role to play to help people make informed choices and support innovative waste and recycling initiatives.

In response to some of Tasmania's most pressing waste issues, our Government has already acted through investing in controlled waste and tyre processing facilities, tightening regulation of waste tyres and assisting the roll-out of national product stewardship schemes for e-waste, paint, tyres, batteries and packaging.

New challenges and opportunities continue to develop, like dealing with increasing volumes of e-waste, finding ways to divert organic waste from landfills to reduce emissions, and helping councils and businesses adapt to recent restrictions on the importing of recyclable materials into China following the introduction of the China National Sword policy. These changes are having an impact on waste and recycling businesses and local governments across Australia.



Governments and industries both nationally and globally are seeking ways to create resilient reuse markets and increasingly this means moving towards a Circular Economy across a range of sectors. In December 2018, Australian governments through the Meeting of Environment Ministers endorsed the new *National Waste Policy*. The policy incorporates a range of commitments made by Ministers in early 2018 to help local government and industry respond to the changing international markets.

It includes a framework to stimulate the resource recovery industry, boost demand for recycled products, and deliver on targets for recyclable, compostable and reusable packaging. This changing policy environment and the challenging markets for recyclable materials have highlighted the need for a new strategic and integrated approach to waste management in Tasmania, in which responsibility is shared between all levels of government, the private sector, and the community.

The Tasmanian Government will work closely with local government, industry and other stakeholders to finalise and implement the *Tasmanian Draft Waste Action Plan*. The Plan sets out a broad framework for waste management in Tasmania and details proposed actions across a number of priority Focus Areas, which cover the major waste and resource recovery issues that we will all need to tackle in the coming years.

I look forward to working with local government, Tasmanian businesses and the community to improve waste management, reuse and recycling in Tasmania.

Hon Elise Archer MP

**Minister for Environment**

# Have your say

Public submissions are now invited on the Tasmanian *Draft Waste Action Plan*.

Questions are provided in each section of the Plan to help guide your comments, but feel free to provide any other feedback you believe is relevant.

Additional information is available at [www.dpipwe.tas.gov.au/environmental-management](http://www.dpipwe.tas.gov.au/environmental-management)

Consultation closes at 5.00pm on 7 October 2019.

Email: [WAP.Enquiries@dpipwe.tas.gov.au](mailto:WAP.Enquiries@dpipwe.tas.gov.au)

Mail: Policy and Business Branch  
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# Executive Summary

In the past decade there have been significant developments in waste policy and the resource recovery sector in Australia. This includes issues such as the problems faced Australia-wide around end-of-life tyres, ongoing work by governments and industry to increase packaging recycling, the introduction of container refund schemes in most states and territories, bans on lightweight plastic shopping bags, and the roll-out of national stewardship schemes for TVs, computers, paint, batteries and other products.

In Tasmania, the Government has invested in facilities for controlled waste and the processing of end-of-life tyres and assigned to the EPA the regulation of large tyre stockpiles. The *Litter Act 2007* is also being amended to provide increased penalties for illegal dumping. Other measures, such as the development of an online application to improve litter reporting, are being introduced. The Government continues to be active at the national level, where waste and resource recovery issues have been priorities for Australian Environment Ministers for some time.

The recent decision by China to impose new restrictions on the import of recyclable materials has had a significant impact on local governments across Australia and parts of the resource recovery industry, bringing a closer focus on how we deal with our waste and recycling. This has led to strong recognition by governments of the economic basis of our waste and resource use challenges. In late 2018, Australian Environment Ministers endorsed the new *National Waste Policy*, which is based on Circular Economy principles. This recognises the need for maximising the use and value of resources at every stage of a product or material's lifecycle.

The Tasmanian Government is working closely with Local Government, industry and other stakeholders to develop a new strategic approach to waste management and resource recovery. Targeted consultation with these groups identified a number of waste management priorities that are shared by governments, industry and the community alike. These priorities – along with key strategies and principles from the *National Waste Policy 2018* – form the basis of the Tasmanian *Draft Waste Action Plan*. The Plan sets out a broad framework for waste management and resource recovery in Tasmania and includes the following key actions and targets:

- Introduce a waste levy by 2021 to fund waste management and resource recovery activities;
- Introduce a Container Refund Scheme in Tasmania by the end of 2022;
- Ensure 100% of packaging is reusable, recyclable or compostable by 2025;
- Reduce waste generated in Tasmania by 5% per person by 2025 and 10% by 2030;
- Achieve a 40% average recovery rate from all waste streams by 2025 and 80% by 2030;
- Have the lowest incidence of littering in the country by 2023;
- Work at the national level and with local government and businesses in Tasmania to phase out problematic and unnecessary plastics<sup>1</sup> by 2030; and
- Reduce the volume of organic waste sent to landfill by 25% by 2025 and 50% by 2030.

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<sup>1</sup> This includes materials such as packaging or single-use plastic items that are not easy to recycle or cannot be recycled.

# Growing Resource Recovery in Tasmania

## THE DRAFT WASTE ACTION PLAN AND THE CIRCULAR ECONOMY

The Tasmanian Government has taken into account the views of local government and industry over the past two years to develop a new waste strategy for Tasmania. Targeted consultation with these groups has identified the key waste management priorities, which form the basis of the *Draft Waste Action Plan*. The Plan sets out a broad framework for waste management and resource recovery in Tasmania that is underpinned by a set of tangible actions. During the time the Plan was being developed, China began to impose new restrictions on the level of contamination allowed in the recyclable materials they import. This has had a significant financial impact on local government and parts of the resource recovery industry, resulting in increased concern from governments, industry and the community on how we deal with our waste and recycling.

In 2018, Australian Environment Ministers recognised the need to respond to the changing and challenging global markets. In April 2018, the Meeting of Environment Ministers (MEM) committed to a number of actions to stimulate Australia's resource recovery capacity, to increase demand for recycled products through government procurement, to work with industry to have 100% of Australian packaging recyclable, compostable or reusable by 2025 and to revise the National Waste Policy. The new *National Waste Policy: Less Waste, More Resources*, which is based on Circular Economy principles, was endorsed by Ministers in late 2018.

A Circular Economy (CE) does not use a traditional linear model of “take” (resources), “make” (products), and “dispose” (waste). Instead it aims to maximise the value and the use of materials and resources at every stage of the life of a product or material. Waste management has traditionally dealt with the disposal step. The growing amount and diversity of waste has created challenges that can only be solved by considering the entire “lifecycle” of a product; from when its constituent parts are taken, to when it is made, to when it is disposed, and then reusing what remains to provide resources for the next economic cycle. The waste hierarchy uses principles similar to those underpinning a CE.<sup>2</sup> CE principles are increasingly being adopted by governments and industries around the world<sup>3</sup>, and there is a growing body of evidence that moving to a CE is likely to lead to increased innovation and a more creative, robust and productive economy. Some Australian jurisdictions are also moving to adopt CE principles, both in waste management and more broadly.<sup>4</sup>

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<sup>2</sup> The waste hierarchy prioritises waste management options in order from most preferable to least, being: avoiding the production of waste, minimising the production of waste, reuse of waste, recycling of waste, recovery of energy and other resources from waste, treatment of waste to ameliorate impacts, and environmentally safe disposal of waste.

<sup>3</sup> [http://ec.europa.eu/environment/circular-economy/index\\_en.htm](http://ec.europa.eu/environment/circular-economy/index_en.htm)

<sup>4</sup> <https://www.greenindustries.sa.gov.au/circular-economy>, <https://www.epa.nsw.gov.au/your-environment/recycling-and-reuse/response-to-china-national-sword/circular-economy-policy>; <https://www.environment.vic.gov.au/sustainability/transitioning-victoria-to-a-circular-economy>; <http://www.wasteauthority.wa.gov.au/about/waste-strategy/>

## STATEWIDE WASTE LEVY

Moving towards a Circular Economy (CE) will require all levels of government to work closely with industry and the community in an economy-wide effort that goes beyond just the waste and recycling sector. It will require a whole of government approach to develop new and existing waste markets, facilitate efficient transport options, plan for and invest in waste infrastructure, reduce emissions from organic waste, and seek renewable energy options from waste materials where applicable. Key principles are to avoid waste, improve resource recovery, increase use of and demand for recycled products and to improve data collection and support for innovation and market adoption of CE products. Addressing our priority waste management issues and moving towards a CE will require long-term efforts and an effective funding stream.

This has been achieved in Australian and international jurisdictions through the introduction of waste levies. A waste levy is a financial contribution typically paid to the State Government by a landfill or other licensed waste facility operator (usually a local council) for each tonne of waste received. Levies provide an important funding source to invest in waste and resource recovery initiatives and infrastructure and over time achieve an increase in the diversion of waste away from landfill.<sup>5</sup> The absence of a landfill levy, along with the transport challenges from being an island state, means that resource recovery businesses in Tasmania may struggle, particularly during times of market disruption, although there are already some Tasmanian industries focusing on reducing, recycling or repurposing waste material.

In collaboration with the local government and regional waste authorities, industry and the community, the Tasmanian Government will introduce a statewide legislated waste levy by 2021. It is proposed that the new legislated statewide waste levy would replace any existing council levies. The design (including cost) of the statewide waste levy will be developed in consultation with local government, industry, businesses and the wider community with the modelling and analysis, taking into account the potential impact of the proposed levy on households and businesses. The Tasmanian Government will also develop legislation that indicates how the revenue collected from the levy will be directed to waste management and resource recovery initiatives, while ensuring regional authorities continue to derive a revenue stream from the new levy.

Through time, this will provide a pricing signal to waste generators and create an income stream to reinvest in business growth and the planning and development of waste management and resource recovery infrastructure, and other waste management programs, such as initiatives or grants to promote alternatives to landfilling. It will also provide a revenue stream to assist councils with legacy issues associated with old refuse sites. Maximising the value of our products and materials – and what we may have formerly thought of as "waste" – is not only the key to achieving parts of a CE, but also brings employment opportunities.<sup>6</sup>

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<sup>5</sup> KMPG, 2012, *Review of the NSW Waste and Environment Levy*.

<sup>6</sup> For every 10,000 tonnes of waste recycled, 9.2 jobs are created compared with 2.8 jobs from landfilling. Hyder, 2010, *Landfill Ban Investigation: Final Report*. A five per cent improvement in efficient use of materials across could benefit Australia's gross domestic product by as much as \$24 billion. Centre for International Economics, 2017, *Final report: Headline economic value for waste and materials efficiency in Australia*.

## How are waste levies in Tasmania and other jurisdictions used?

A large number of Tasmanian councils already have a locally administered levy of \$5 per tonne, which some councils have proposed to increase to \$7.50 per tonne by 2019/20, for the disposal of solid waste. This small levy and broader local government contributions have funded a range of waste initiatives such as Rethink Waste Tasmania, which promotes efforts to reduce, reuse and recycle.<sup>7</sup>

In other Australian states with a waste levy, substantial funds are redirected to addressing waste management and resource recovery issues faced by local government, industry, and the community. In New South Wales, the levy is used for programs such as the Better Waste and Recycling Fund, which provides funding to local councils and regional council groups to support projects to reduce waste generation, improve reuse and recycling, and address littering and illegal dumping.<sup>8</sup> The levy also provides funding to improve public recycling. For example, the Community Recycling Centre Program has established over 80 recycling centres that make it easier for the community to recycle problem wastes such as paint, gas bottles, fire extinguishers, motor and cooking oils, car and household batteries, and fluorescent tubes and globes.<sup>9</sup>

Other programs funded by the NSW levy, include the Waste and Recycling Infrastructure Fund, which stimulates investment in the waste and resource recovery sector and assists industry with finding new markets.<sup>10</sup> This program has provided funding to businesses and councils for the: development of recycling facilities and installation of equipment for processing construction and demolition waste; sorting and processing mixed glass and plastics; and the production of rubber crumb and granules from waste tyres.<sup>11</sup> Other funded projects include upgrades to existing facilities to increase the production of locally made recycled plastic resin, the purchase of plant to process crushed glass into road base materials and the installation of paper processing equipment to reduce contamination in recycled paper.<sup>12</sup> South Australia uses its levy to fund programs such as the Recycling Infrastructure Grants, transport subsidies for local councils, an Infrastructure Investment Loan Scheme and Business Sustainability Funding.<sup>13</sup>

## CONTAINER REFUND SCHEME

To help bolster the recovery of some of the materials currently facing export and other economic barriers, the Tasmanian Government will introduce a Container Refund Scheme (CRS) in Tasmania by 2022.<sup>14</sup> The time required to implement a scheme is based on advice from other jurisdictions that have recently developed their own CRS. They strongly advise that anything less than two years would be rushed and not allow for the necessary infrastructure and adjustments to be made. The CRS will be a key part of meeting

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<sup>7</sup> <http://rethinkwaste.com.au>

<sup>8</sup> <https://www.epa.nsw.gov.au/working-together/grants/councils/better-waste-and-recycling-fund>,

<sup>9</sup> <https://www.epa.nsw.gov.au/working-together/grants/systems-household-problem-waste/community-recycling-centre-program>

<sup>10</sup> <https://www.epa.nsw.gov.au/working-together/grants/infrastructure-fund>

<sup>11</sup> <https://www.environment.nsw.gov.au/funding-and-support/nsw-environmental-trust/grants-available/major-resource-recovery-infrastructure/grants-awarded-and-project-summaries>

<sup>12</sup> <https://www.epa.nsw.gov.au/working-together/grants/infrastructure-fund/product-improvement-program/product-improvement-program-previous-recipients>

<sup>13</sup> <https://www.greenindustries.sa.gov.au/funding>

<sup>14</sup> Container Refund Schemes (also known as Container Deposit Schemes) involve beverage suppliers paying an upfront deposit to a scheme coordinator on all eligible containers at the time of sale. Under a Container Refund Scheme, suppliers pay a deposit to the scheme coordinator, but only on redeemed eligible containers. All current schemes in Australia are container refund-based schemes.

the Government's littering targets and will help to generate cleaner streams of recyclable material with greater value.

This is incredibly important at a time when some of our key international markets are demanding increased quality in imported paper, plastic and other materials. Along with the introduction of a legislated waste levy, the CRS will help to create new and improved markets for some of our most important recycled materials.

Most states and territories in Australia have or are about to implement a CRS. It would seem that a large part of the national retail market has already adapted to having a CRS in place. This is evidenced by Coca-Cola Amatil's recent commitment to doubling its use of recycled plastic packaging to 53% by the end of the year and, by 2020, seven in 10 bottles will be made from recycled PET. Similarly, other major suppliers such as Carlton United Breweries and Lion Breweries are moving towards CE principles via commitments within environmental policies and statements to maximise the use of recycled materials.

The NSW CRS introduced in 2017, has already resulted in a 69% increase in eligible drink containers being collected and recycled, a 44% reduction in eligible drink container litter volume and a 48 per cent reduction in total litter volume across NSW.

## WASTE REDUCTION AND RESOURCE RECOVERY TARGETS

The Tasmanian recycling rate in 2016-17 was 49% compared to the national average of 58%<sup>15</sup>. It is also around half the diversion rate of NSW, Victoria, South Australia and the ACT. The levels of recovery of materials from some waste streams, such as construction and demolition (C&D) waste, are significantly lower than the overall average recovery rate for Tasmania. However, by focusing our attention on key waste streams (e.g. organics, C&D) and having an appropriate investment framework in place, it will be possible to make substantial gains in a relatively short period of time. Ambitious recovery targets for the state are set out below. These targets are in line with broader commitments on waste and resource recovery agreed to by Environment Ministers in 2018, strategies from the *National Waste Policy*, priority actions identified through consultation with local government and industry, and Tasmanian Government commitments on littering and illegal dumping. These targets will be regularly reviewed as our data on waste improves and new market opportunities arise:

- Reduce waste generated in Tasmania by 5% per person by 2025 and 10% by 2030;
- Ensure 100% of packaging is reusable, recyclable or compostable by 2025;
- Achieve a 40% average recovery rate from all waste streams by 2025 and 80% by 2030.
- Have the lowest incidence of littering in the country by 2023;
- Work at the national level and with local government and businesses in Tasmania to help phase out problematic and unnecessary plastics<sup>16</sup> by 2030; and
- Reduce the volume of organic waste sent to landfill by 25% by 2025 and 50% by 2030.

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<sup>15</sup> Blue Environment and Randell Environmental Consulting, 2018, *National Waste Report 2018*, p.26. If energy recovery from waste is included, the total resource recovery rate for Tasmania in 2016-17 was 53%, compared to a national rate of 62%.

<sup>16</sup> See page 4.



## FOCUS AREAS AND ACTIONS

The *Draft Waste Action Plan* identifies seven priority themes or Focus Areas. The Focus Areas are also aligned with the MEM commitments from 2018 and the strategies detailed in the *National Waste Policy*, and are aimed at capturing the views of local government and industry as expressed in various forums in recent years. Specific and tangible actions have been identified for most of the Focus Areas, which aim to address priority waste issues and, where possible, begin to embed CE principles into waste management and the broader economy in Tasmania. The Focus Areas are presented below.

1. Moving to a Circular Economy
2. Governance
3. Data, targets, and innovation networks
4. Infrastructure planning
5. Support for the Resource Recovery Industry
6. Education and community engagement
7. State and National Policy and Regulatory settings

### I. Moving to a Circular Economy: Government Priorities and Key Sectors

We are only just at the beginning of the discussion about a Circular Economy in Tasmania. Such a change is intended to be system-wide and economy-wide, and likely to require a range of policy interventions across sectors, industries and communities. Actions from the *Draft Waste Action Plan* alone will not be enough to achieve this transition, but they are a good place to start.

As the solutions to our waste and recycling challenges are strongly market-based, capacity should be developed to support the establishment of recycling and reuse businesses, which would include support for domestic businesses entering national and international markets. While governments can set the policy frameworks and provide supportive structures, it is also up to industry to promote its recycled products and for consumers to buy these products.

There are several Government priorities and industry sectors that could provide opportunities for reducing waste generation and boosting related business and employment opportunities, namely:

- tourism and the development of the Tasmanian brand (amenity, littering and dumping, sustainable tourism, resource-efficient tourism businesses);
- higher education, STEM, research and innovation (State-based expertise and innovation networks, investment in R&D and technology transfer);
- the Bioeconomy (agriculture, aquaculture, agrifood, agritech, biological-cycle based systems);
- renewables and reducing emissions;
- public health (regulation of the movement or storage of controlled waste); and
- regional investment and job creation (all sectors, but with focus on the reuse and recycling industry)

Making connections wherever possible between actions in this Plan and these sectoral priorities will enable us to leverage resources and efforts across the Tasmanian economy (Figure I).



The “ReSOLVE” model for moving to a CE has six elements: Regenerate, Share, Optimise, Loop, Virtualise and Exchange.<sup>17</sup> Regenerate is partly about the shift to renewables. This is clearly an area where Tasmania is well-advanced, with some 90% of our power coming from renewables. Tasmania became the first Australian jurisdiction to achieve zero net emissions in 2015-16.

The Tasmanian Government has a vision to make Tasmania the Battery of the Nation, through additional interconnection with mainland Australia, releasing the latent capacity of the Tasmanian hydropower system and developing pumped hydro energy systems and facilitating investment in new wind farms and renewable generation. The Australian Government has committed \$56 million to the design and approvals phase of Project Marinus, which is investigating the development of more electricity interconnection between Tasmania and the mainland. Through Hydro Tasmania, the Tasmanian Government has committed up to \$30 million to advance the first phase of Battery of the Nation pumped hydro to a final investment decision. In the action areas of the Circular Economy related to waste management, there is more work to do in the areas of Sharing (reuse), Optimising (avoiding and removing waste in the supply chain), and Looping (recycling, extracting resources from organic or other wastes).

### What do you think?

- What are the key opportunities for reducing waste, developing our resource recovery industry and shifting to a Circular Economy?

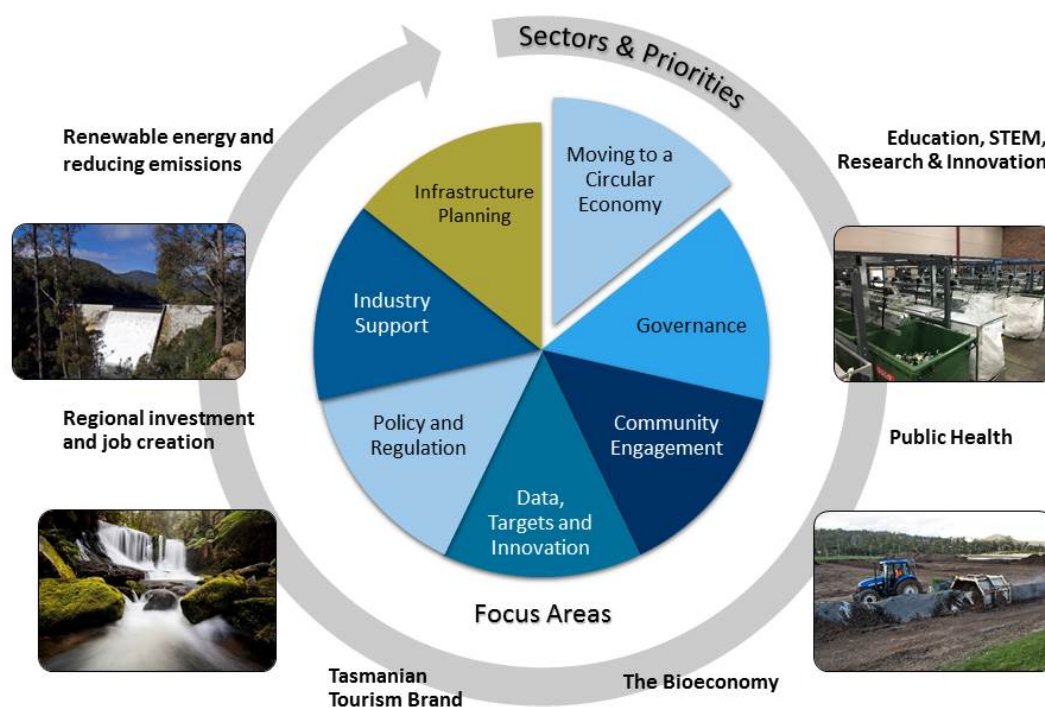


Figure 1. Focus Areas and Key Government Priorities/Sectors. Actions in the Focus Areas (inside) address the key waste challenges in Tasmania. The sectors / government priorities (outside) would benefit from the development of links and adoption of circular economy principles.

<sup>17</sup> Ellen Mac Arthur Foundation, 2015, Delivering the Circular Economy: A Toolkit for Policymakers v1.1, Ellen Mac Arthur Foundation, <https://www.ellenmacarthurfoundation.org/>

## 2. Governance

The introduction of a waste levy will require the establishment of an administrative structure. The Local Government Association of Tasmania (LGAT) with support from the Tasmanian Government is currently investigating the feasibility of establishing waste management arrangements to help coordinate and deliver statewide waste policies, strategies, programs and services. A range of models may be considered by State and local government, but the LGAT study will provide an important contribution to the Government's deliberations on governance requirements.

### ACTIONS

- Investigate and discuss models for waste management governance with local government.
- Establish a relevant administrative structure.

### What do you think?

- What are the primary waste management and resource recovery roles and responsibilities of governments, industry and the wider community?

## 3. Data, Innovation Networks and Resource Recovery Targets

Many of the actions in the WAP require accurate data on waste generation, landfilling, and the types and quantities of materials landfilled, recovered and reprocessed. There is some data capture that informs state and national reporting, but data is not collected in a standardised fashion across waste facilities. Information on specific parts of the waste stream (e.g. organics waste, C&D waste) is required for short- to medium-term planning. Improved knowledge and data on organics and C&D streams will help facilitate investment in businesses that produce and use these resources.

Tasmania is blessed with an abundance of innovators across the private and public spheres and they are keen to share their expertise for the benefit of the community. Tasmania's agricultural sector, for example, already has some of its waste being used productively and is seeing increased collaboration between research organisations, government and industry to improve resource recovery and maximise the value of materials and products.<sup>18</sup> The interconnectedness of the entire supply chain is now increasingly being considered, leading to formerly separate sectors such as food and agriculture combining into larger sectors like the agrifood industry – a “paddock to plate” or “farm to fork” approach, or simply the Bioeconomy.

Finding innovative approaches to preventing or reusing organic and food waste arise naturally out of the Bioeconomy, which seeks to maximise value chains for products and services. These innovation networks provide research and development and technology transfer opportunities, for example in fit-for-purpose technologies that address specific regional needs, but bring global investment to the State (e.g. agtech or technology to improve processing and separation of recyclable material). The use of these innovation networks will be an important component in Tasmanian waste management.

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<sup>18</sup> For example, investigations into the types of packaging that can reduce food waste. See <http://www.utas.edu.au/tia/news-events/news-items/delving-delicately-into-ripe-raspberries>.

The Government is also proposing the adoption of a number of targets for resource recovery. These targets are based partly on the commitments made by Australian Environment Ministers in 2018 and on national targets considered during the development of the National Waste Policy.

## ACTIONS

- Help to support the establishment of standardised data management systems to capture waste data, to monitor progress against targets and facilitate businesses investment in resource recovery.
- Develop and support waste-related innovation and research networks in the bioeconomy, agritech, tourism, education (STEM), and renewable energy sectors.
- Adopt the following targets for waste and resource recovery:
  - reduce waste generated in Tasmania by 5% per person by 2025 and 10% by 2030;
  - ensure 100% of packaging is reusable, recyclable or compostable by 2025;
  - achieve a 50% average recovery rate from all waste streams by 2025 and 80% by 2030;
  - have the lowest incidence of littering in the country by 2023;
  - reduce the volume of organic waste sent to landfill by 25% by 2025 and 50% by 2030; and
  - work at the national level and with local government and businesses in Tasmania to help phase out problematic and unnecessary plastics<sup>19</sup> by 2030.

## What do you think?

- What are your key data and information needs on waste and resource recovery?
- How can we best use existing research and innovation networks, or establish new networks, to help address our waste and resource recovery challenges?
- What are your views and suggestions on the targets presented above?
- Which waste streams would provide the best opportunities to make some early progress on the proposed targets?

## 4. Infrastructure Planning

To achieve our resource recovery targets will require planning for and investment in waste and resource recovery infrastructure. Tasmania is likely to have similar investment priorities to those identified through infrastructure planning processes in other Australian states. These include kerbside source separation bins (particularly for organic waste); processing facilities for organics; drop-off facilities for various recyclable materials; and facilities for Commercial and Industrial waste, C&D waste; and energy from waste infrastructure. Planning our waste and resource recovery infrastructure in Tasmania will require an understanding of existing capacity and rigorous data on waste trends and information on specific waste streams to help facilitate business investment.

The Infrastructure Plan will identify potential investment opportunities at council resource recovery centres or transfer stations that would improve the recovery of a wider range of materials (C&D waste, household hazardous waste, e-waste, batteries) and also improve data collection at facilities.

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<sup>19</sup> See page 4.

## ACTIONS

- Develop a Tasmanian Waste and Resource Recovery Infrastructure Plan by 2021.
- Work with Local Government to address potential planning issues around waste management and resource recovery infrastructure.

### What do you think?

- What do you consider are the highest priority infrastructure requirements for waste management and resource recovery in Tasmania?

## 5. Support Resource Recovery across Industry

A key lesson coming out of jurisdictions that are introducing CE frameworks is the need for a whole of government and whole of industry approach. Increasing recovery rates is not possible without supporting new and existing waste and recycling businesses. This needs to be at both a level of the individual business, but also by providing a broader strategic approach to developing these markets in Tasmania, and helping to facilitate access to mainland or international markets.

In the short-term this support will come primarily through existing Tasmanian Government business development and support programs. Over the life of this Plan the introduction of waste levy will help to stimulate resource recovery through appropriate price signals and the creation of an investment stream for waste management and resource recovery activities. In Tasmania, the organic waste stream offers some promising opportunities. For example, diversion of domestic garden and food organics would reduce household waste by 20-30%, and put Tasmania in a strong position to achieve its organic waste target.<sup>20</sup> The establishment of a Container Refund Scheme and introduction of a waste levy are also key parts of this Focus Area. The Australian Government's four-year, \$100 million *Environment Restoration Fund* includes the clean-up, recovery and recycling of waste as a priority.<sup>21</sup>

## ACTIONS

- Develop capacity across Government to support business development in the waste and recycling industry.
- Establish a loan scheme for businesses and local government that helps grow locally based and innovative recycling and processing facilities which increase recycling rates while also delivering new jobs across Tasmania.
- Support industry to use materials effectively, reuse materials and to understand the business case to improve resource recovery.
- Develop an Organic Waste and Resource Recovery Strategy by the end of 2020.
- Develop a Tasmanian Market Development Study by the end of 2021.

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<sup>20</sup> Key actions from the Tasmanian Government's climate change strategy include reducing emissions from waste and increasing the resource efficiency of business and industry. See Tasmanian Climate Change Office, Department of Premier and Cabinet, 2017, Climate Action 21: Tasmania's Climate Change Action Plan 2017–2021, pp. 18-19.

<sup>21</sup> <https://www.environment.gov.au/environment-restoration-fund>

- Continue to investigate and provide appropriate support for Energy from Waste and Bioenergy options, which includes the management and utilisation of forest residues.<sup>22</sup>
- Support the investment in industrial waste sorting – in particular construction and demolition waste.
- Boost demand for recycled products through adoption of sustainable procurement practices across State and local government.

### What do you think?

- How can governments, businesses and the community best support the development of the resource recovery industry in Tasmania?

## 6. Education and Community Engagement

Local government in Tasmania has indicated that the State's kerbside recycling system is not as effective as other states, despite similar collection arrangements being in place. Community engagement and education can achieve waste avoidance, improve landfill diversion and change community behaviour. Boosting the resources available for community education will also help to decrease contamination levels in our kerbside recycling. The private sector also has a large role to play by marketing products with recycled content and making them attractive and acceptable to consumers. The introduction of a waste levy will require a program of targeted engagement with waste facility operators, businesses and non-government organisations, such as charities and the community.

### ACTIONS

- Provide support to local government and the regional waste groups to continue their targeted education and grant programs for schools, businesses, householders and other stakeholders such as charitable recycling organisations.

### What do you think?

- Are you aware of any existing education materials that could be adapted for the Tasmanian context? (Please provide examples).

## 7. State and National Policy and Regulatory settings

The key legislative mechanism to achieve the targets in this Plan will be the introduction of a statewide waste levy. Through time the levy will provide a pricing signal that will make resource recovery preferable to landfilling and generate a funding stream for a range of waste management and resource recovery activities. This will lead to increased business and employment opportunities in the sector. The Container Refund Scheme will also help boost the market for clean streams of recyclable material and achieve a reduction in the volume of litter in Tasmania. A number of associated regulations will be revised within the

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<sup>22</sup> [https://www.statelibrary.tas.gov.au/energy\\_and\\_resources/energy/bioenergy](https://www.statelibrary.tas.gov.au/energy_and_resources/energy/bioenergy),  
[https://www.statelibrary.tas.gov.au/energy\\_and\\_resources/forestry/residues](https://www.statelibrary.tas.gov.au/energy_and_resources/forestry/residues).



life of this Plan, including the *Environmental Management and Pollution Control (Waste Management) Regulations 2010* and the *Environmental Management and Pollution Control (Controlled Waste Tracking) Regulations 2010*. The revision of these regulations, along with proposed minor amendments to the *Environmental Management and Pollution Control Act 1994* (EMPCA) will also provide an opportunity to consider the waste streams that may be more responsive to the proposed pricing signals, such as C&D waste, which generally has more alternatives available to landfilling.

The laws and policies of the Australian Government are critical for addressing waste management issues in Tasmania. Policy tools available under national legislation like the *Product Stewardship Act 2011* could potentially be used more effectively, and existing stewardship schemes reviewed and improved. Another role for national regulation or policy includes the setting of standards and specifications for recycled materials that promotes the reuse of waste rather than virgin resources. Along with changes to procurement across government and the private sector, this could help increase demand.

## ACTIONS

- Work with local government to introduce a statewide waste levy by 2021 to fund waste management and resource recovery activities.
- Introduce a Container Refund Scheme into Tasmania by the end of 2022
- Work with the Australian Government to ensure that reviews of relevant legislation, such as the *Product Stewardship Act 2011*, result in effective programs that enhance resource recovery.

## What do you think?

- Which policy or regulatory settings will help us achieve the targets in this Plan and help stimulate the resource recovery industry?
- Do you have other comments on the *Draft Waste Action Plan*?

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# URBAN EP

## Feasibility Study into a Statewide Waste Management Arrangement

**Part B report – Delivery & implementation study**

Prepared for

**Local Government Association of Tasmania**

July 2019



## Feasibility study into a Statewide Waste Management Arrangement for Tasmania – Part B

### Project: UEP077

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## List of acronyms

CCA	Cradle Coast Authority
CCWMG	Cradle Coast Waste Management Group
CDL	Container Deposit Legislation
CRS	Container Refund Scheme (as committed to by Tasmanian Government)
DPAC	Department of Premier and Cabinet (Tasmania)
DPIPWE	Department of Primary Industries, Parks, Water and Environment (Tasmania)
EPA	Environment Protection Authority (of Tasmania, unless otherwise stated)
GBE	Government Business Enterprise (as enacted through Tasmanian legislation)
ILM	Investment Logic Map
LGAT	Local Government Association of Tasmania
NTDC	Northern Tasmania Development Corporation
NTWMG	Northern Tasmania Waste Management Group
SPV	Special Purpose Vehicle (under Commonwealth <i>Corporations Act 2001</i> )
STCA	Southern Tasmanian Councils Authority
SV	Sustainability Victoria
WSS	Waste Strategy South

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The project team recognises the input, expertise and time given from a range of organisations and individuals in supporting the preparation of this report.

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- The Local Government Association of Tasmania
- Tasmanian Department of Primary Industries, Parks, Water and Environment (EPA Tasmania)
- Cradle Coast Waste Management Group and member councils
- Northern Tasmania Waste Management Group and member councils
- Waste Strategy South and member councils
- Tasmanian Department of Premier and Cabinet (including the Local Government Division, the Policy Division and the Tasmanian Climate Change Office)
- Tasmanian Department of State Growth
- Tasmanian Department of Treasury and Finance
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- Christine Bell, Southern Waste Solutions
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- The Honourable Pam Allan, University of Tasmania
- Kassey Truesdale, WA Department of Water and Environmental Regulation

## Executive Summary

The Local Government Association of Tasmania (LGAT) engaged Urban EP to conduct a feasibility study for a Statewide Waste Management Arrangement. This arrangement would cover the planning, co-ordination and delivery of waste policies, strategies, programs and services to support better waste management across Tasmania, and address market failures evident in how waste is managed across the state. The study would be delivered in two parts:

**Part A:** Collate evidence and present findings on the needs for and benefits of a Statewide Waste Management Arrangement ('statewide arrangement').

**Part B:** Develop the purpose, role, functions and governance apparatus of this statewide arrangement as necessary for planning, co-ordinating and delivering statewide waste policies, strategies, programs and services.

This report is primarily concerned with Part B of the feasibility study, with LGAT having approved commencement and delivery of this part of the study in response to recommendations set out in the Part A report. Key findings of the Part A report are re-stated in the Part B Introduction.

Drivers for this study include the view that waste management service levels and outcomes in Tasmania have lagged behind those of the mainland states and behind the intents articulated in the most recent national waste policy. Consequentially, a broad spectrum of benefits that stem from better waste management remain unrealised in Tasmania.

At the beginning of this work (January 2019), local government stakeholders were also uncertain of the timing, scope and ambition of a Tasmanian Waste Action Plan that had been under development by the Tasmanian Government at the time. Through this study, local government stakeholders therefore sought to lead the agenda on some areas that are most relevant to their responsibilities and interests. However, between delivery of the draft and final Part B reports, the Tasmanian Government released its draft Waste Action Plan (June 2019). This release shifts the drivers for the project somewhat. That is, the project additionally provides opportunity for state and local government sectors to consider the proposed statewide waste management arrangement as integral to the delivery of a final Waste Action Plan for Tasmania.

## Methods

In accordance with the needs set out for Part B of the feasibility study (above), the following methods were adopted in delivering this part of the work plan:

- Specifications for and core attributes to manifest in a delivery model for the statewide arrangement set out, drawing on Part A findings on benefits and functions essential to this arrangement (see figure overleaf), and informed via engagement with stakeholders
- Preparation of an evaluation framework derived from those specifications and attributes
- Description of three distinct delivery options to submit to the comparative evaluation and determine a preferred model
- Determination of a practical implementation pathway for the preferred solution for a statewide arrangement, with a focus on governance and funding features and interactions with development and delivery of a final Tasmanian Waste Action Plan.

Processes, findings and recommendations were initially laid out in a draft report and presented to stakeholders. The final report (this report) incorporates feedback on the draft report and responds to points raised following the draft presentation.

# Tasmanian statewide waste management arrangement

## Problems to address

1. Poor cohesion in the demand for organics recovery services
  2. Insecure market for investing in recovery infrastructure
  3. Risks and harms incurred by tyre stockpiles and illegal dumping
  4. Resource-inefficient use of single use plastics and packaging
- ... plus others to be agreed with waste management partners

## Benefits

### Enhance Tasmania's image

- Positive culture towards waste management and 'faith in the system'
- Climate change tackled through local solutions
- Tasmania seen as valuing its natural assets
- Narrative to attract visitors, residents, investors
- Tasmania as a leader in tackling problem wastes
- Government delivering on expectations to help people lead lower impact lifestyles & businesses

### Protect health & the environment

- Effective prevention & inhibition of littering, dumping and stockpiling
- Cleaner & safer environment due to less illegal dumping & litter
- Low reliance on landfills - lower landfill impacts including gas emissions, leachate, odour and amenity impacts
- Greater self assurance in how to recycle
- Soil quality improved using locally recovered material
- Efficient resource use embedded in consumer decisions

### Foster economic development

- Natural assets retain value and are untarnished
- Brands that rely on a clean image of Tasmania retain market credibility
- Resources are recovered and used, in line with the scale of opportunity
- Efficient private & public investment in recovery infrastructure and jobs
- Efficient service prices that reflect demand over time
- Strong local markets for recovered resources
- Lower costs & risks borne by the recovery chain

## Functions

1. **Vision statement** for waste management / circular economy in Tasmania, linked to a **credible commitment** to take action.
2. **Statewide infrastructure & service planning** and scheduling.
3. **Development of strategies for priority items**, including:
  - organics from municipal and commercial sources
  - end of life tyres
  - single use plastics and non-recyclable packaging
  - others identified as a priority for Tasmania.
4. **Statewide data collection, analytics and reporting:**
  - tracking and investigating illegal dumping incidents
  - volume of waste generated and services demanded at statewide & regional scales
  - projection of capacity needs for infrastructure and services
  - to inform preferred interventions to problem materials.
5. **Governance and collaboration models** to engender trust & commitment:
  - to support surveillance & remediation of dumping sites
  - to build certainty for new services & assets to come online.
6. **Local government engagement and procurement support** to lock in demand for new services and facilitate efficient use of assets.
7. **Coordinated education, engagement and marketing:**
  - to ostracise illegal dumping and encourage reporting
  - to foster acceptance and uptake of new recovery services
  - to stimulate demand for recovered resources
  - to support best practice in local and regional services
  - to guide consumer & purchasing behaviours and decisions.
8. **Statewide enforcement and prosecution** of stockpiling in breach of licence conditions, and illegal dumping.
9. **Market development measures including sustainable procurement:**
  - to stimulate markets for resources recovered locally
  - to foster the replacement of non-recyclable and single use items with reusable / recyclable / recycled content items.
10. **Coordinated advocacy and policy input** at the national level, where national solutions are deemed to be more effective.
11. **Product stewardship of priority items** including product re-design and takeback arrangements (e.g. CDL) - *pending examination of net benefit.*
12. **Infrastructure funding** to stimulate investment in recovery assets
  - *Pending private investment gap analysis & case for public funding.*
13. **Market and/or statutory instruments** (e.g. levies, bans from landfill) to address gate fee differentials
  - *Pending an analysis of gap between gate fees for new services and willingness to pay above existing landfill rates.*

## Main findings

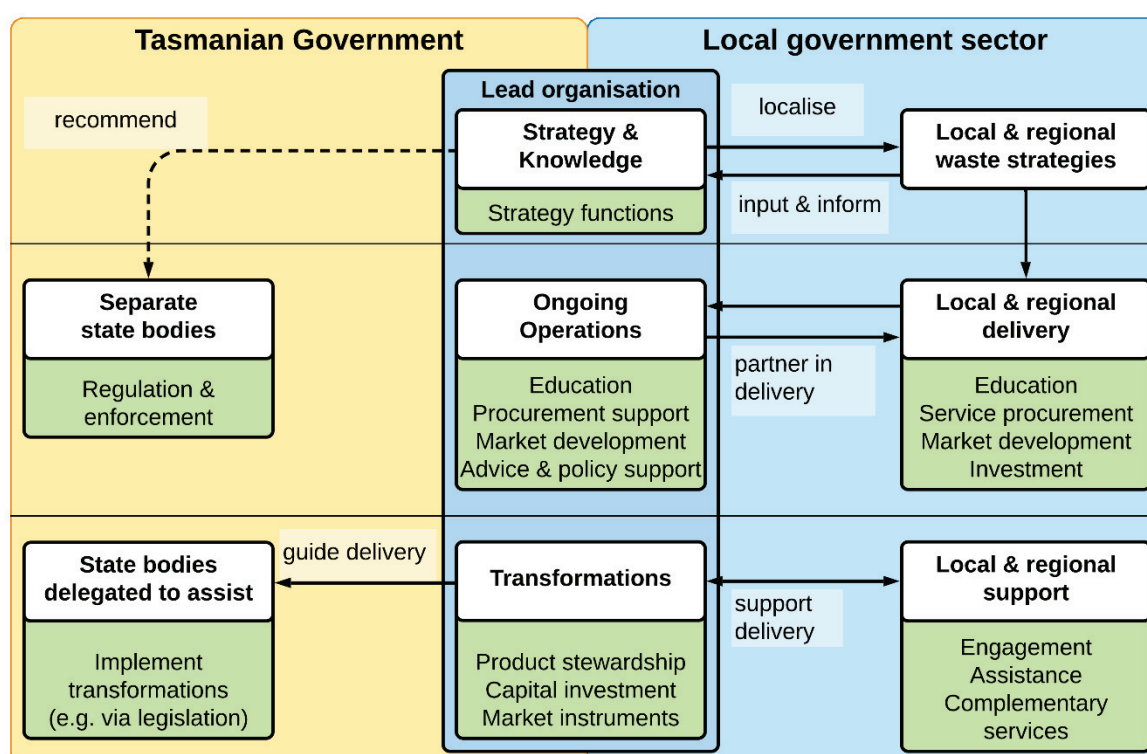
### Preferred solution invites co-ownership by state and local government

The primary objective of Part B of this study is to determine a preferred solution for enacting the statewide arrangement, capable of securing the benefits and delivering the functions endorsed by LGAT as essential to that arrangement (see figure on preceding page). This determination proceeded via a comparative framework which evaluated three alternative delivery models, i.e.:

- Option 1 – delivery led by an oversight body held by the Tasmanian Government
- Option 2 – delivery led by an oversight body held by the Tasmanian council sector
- Option 3 – delivery led by a partnership (jointly owned) between state and local sectors.

Following this evaluation, Option 3 (see figure below) is recommended as the preferred model for implementing the statewide arrangement, coupling the strengths of the local and state government sectors together. Benefits beyond this pairing of strengths include:

1. Greater connectivity between vision-setting, strategic planning, and delivery of individual functions, cascading from state to regional to local spheres of responsibility and opportunity
2. The potential for a single model for data collection, information management and knowledge sharing across stakeholders, allowing for a common basis from which to plan and take action
3. The capacity to share and direct a wider range of resources and spread delivery costs across multiple partners, consistent with the widespread distribution of benefits
4. Decision making, planning and approval structures that lean towards inclusiveness, ensuring those that bear risks and see opportunities can vocalise their positions and drive decisions
5. Being able to project a more united stance in national processes and in engaging with non-government and industry stakeholders.



## **An arrangement suitable for delivering a statewide Waste Action Plan**

In the interval between preparation of the draft Part B report and this final report, the Tasmanian Government released its draft Waste Action Plan. This draft plan recognises 'the need for a new strategic and integrated approach to waste management in Tasmania, in which responsibility is shared between all levels of government, the private sector, and the community' (Minister's Foreword to the draft Waste Action Plan). Provisional commitments set out in the draft Waste Action Plan include:

- Introduction of a waste levy by 2021 to fund waste management and resource recovery
- Introduction of a Container Refund Scheme (CRS) in Tasmania by the end of 2022
- Ensuring that 100 per cent of packaging is reusable, recyclable or compostable by 2025
- Reducing waste generated in Tasmania by 5% per person by 2025 and 10% by 2030
- Achieving a 40 per cent average recovery rate from all waste streams by 2025 and 80 per cent by 2030
- Having the lowest incidence of littering in the country by 2023
- Working at the national level and with local government and businesses in Tasmania to phase out problematic and unnecessary plastics by 2030
- Reducing the volume of organic waste sent to landfill by 25% by 2025 and 50% by 2030.

Consultation on the draft plan is open to 7 October 2019 with a final plan due for release at a point thereafter.

In the Governance section of the draft plan (Section 2), the current feasibility study is framed as an important investigation that will contribute to the Tasmanian Government's deliberations on a preferred arrangement for coordinating and delivering statewide waste priorities and services.

On reviewing the draft Waste Action Plan and pending details of the final Waste Action Plan, the proposed statewide waste management arrangement is offered as a suitable delivery vehicle to implement the action plan. There are no innate points of incompatibility lying between the arrangement recommended through this feasibility study, and the priorities, commitments and delivery requirements set out in the draft Waste Action Plan. Further, there are substantial areas of overlap including, for example:

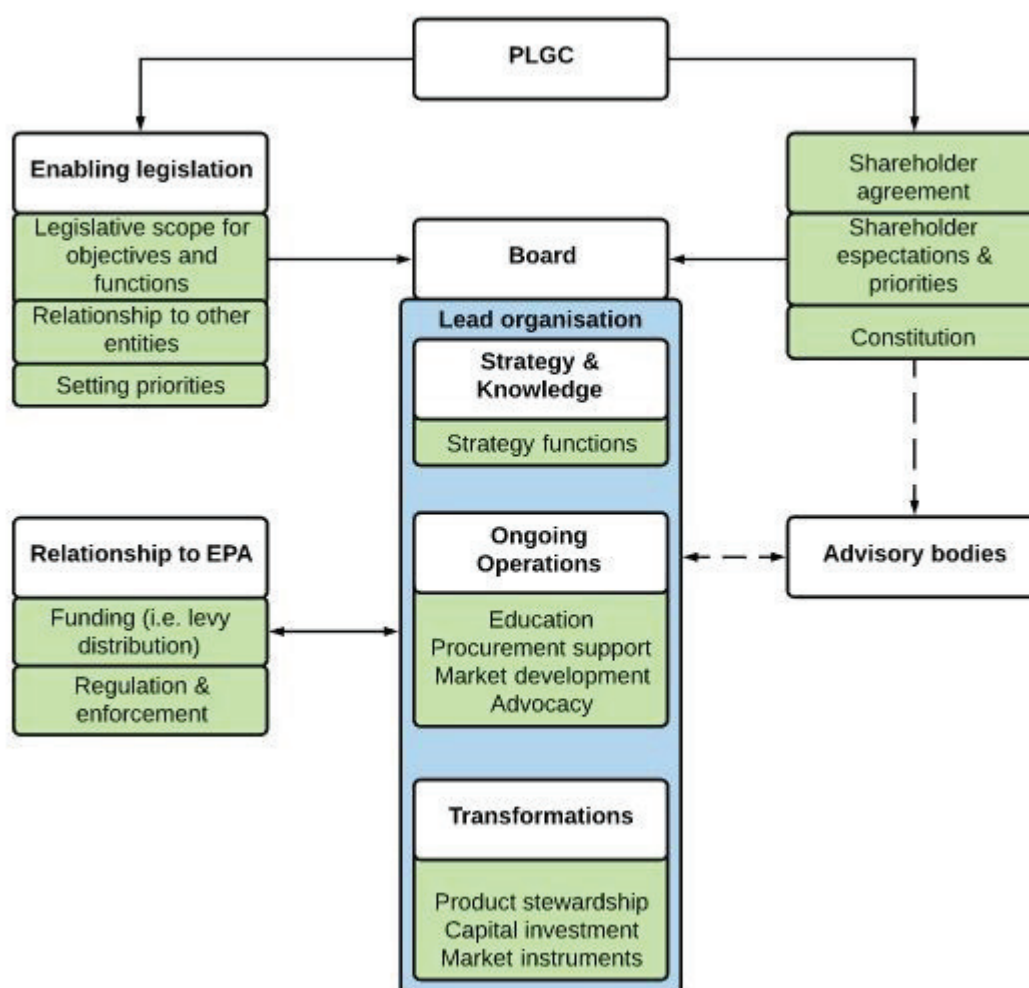
- Recognition of the need to suitably fund waste management functions and services, potentially through the introduction of a statewide levy in the coming years
- The call to effectively address packaging, plastic, and organics-related waste streams across Tasmania, through applying multiple, mutually reinforcing interventions
- Provisions to deliver product stewardship measures tailored to Tasmania's needs, such as container deposit legislation (i.e. the CRS as set out in the draft Waste Action Plan)
- The priority on deploying a range of functions including education; infrastructure planning; data collection frameworks; capital funding; and market stimulus measures
- Recognition of a unique opportunity in transitioning to a circular economy model that is consistent with Tasmania's underlying strengths and brand identity.

There is merit in the local government sector and the state government negotiating and taking steps to formalise a collaborative arrangement that leads the delivery of a final Waste Action Plan. In parallel, local government sector input into the final Waste Action Plan may be warranted, given its stake as a partner and co-investor in the recommended delivery vehicle.



## An arrangement that brings strong governance and investment options

A governance approach that enacts and enables an effective statewide waste management arrangement is particularly important given that the recommended solution is a partnership between the state and local governments, with ambition to leverage Commonwealth Government interest and investment. The figure below recasts the lead organisation of the preferred solution (outlined above) to highlight connections to a number of existing and nominated governance mechanisms that might be phased in over time.



The existing Premier's Local Government Council (PLGC) could hold oversight of the 'partnership' across development and implementation of the arrangement, and subsequent review of Board performance (as the representative council of the shareholders) during its operation.

Establishment of the lead organisation for the arrangement as a Special Purpose Vehicle (SPV), under the Commonwealth *Corporations Act 2001*, enables the use of an established set of governance mechanisms for managing the interests of shareholders and the performance of the Board. In this scheme, local and state government are present as joint shareholders in the SPV.

Governance direction could also be established via state legislation to codify a range of matters from the SPV's roles and responsibilities; objectives; functions; Board governance; relationships to other entities (i.e. EPA and/or councils); relationship to sections of the *Corporations Act*; etc. A legislative component helps ensure the arrangement adheres to an overriding purpose and

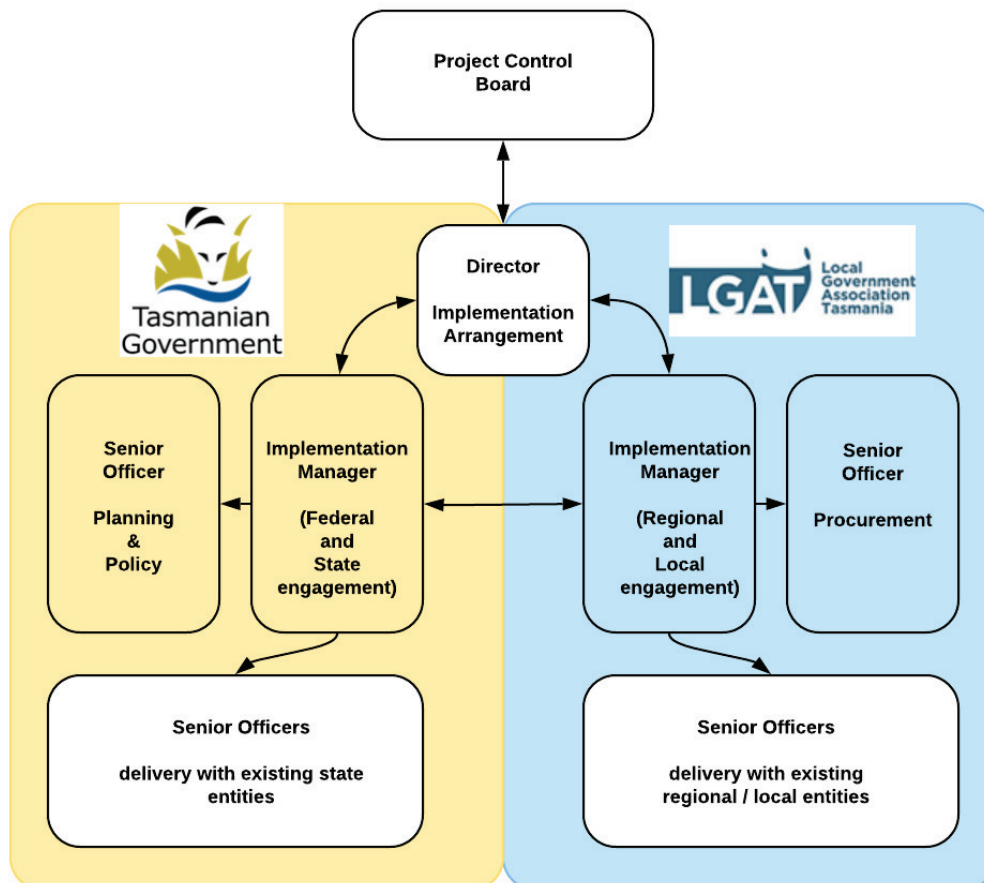
retains legally prescribed procedures, while also assigning the arrangement a unique and binding role and position in relation to waste management direction setting and delivery in Tasmania.

The draft Waste Action Plan outlines a commitment to introduce a statewide waste levy in 2021. Analysis of other mainland jurisdictions (during Part A) established that funding allocations in other jurisdictions, adjusted to Tasmanian tonnages to landfill, approximately equate to investing between \$6.4 and \$21 million via a Tasmanian statewide waste arrangement each year.

The establishment of an arrangement jointly owned by state and local governments provides an important investment opportunity. In establishing a co-owned SPV to drive a Circular Economy agenda (below), the partners could create a 'vehicle' enabling Commonwealth Government investment directly into waste reduction and circular economy priorities. Packaged with the re-investment of landfill levy revenue, it should position the state and local government to seek a multi-year commitment of Commonwealth Government funding into a work plan and priorities which deliver on the National Waste Policy and a Circular Economy deal for Tasmania.

## Implementation through a partnership network and shared workplace

Establishing the preferred longer term solution (i.e. a partnership arrangement) may take some time. The momentum created through this project and recent announcements of the Tasmanian Government (i.e. the release of the draft Waste Action plan) suggest there is merit in considering the establishment of an interim implementation arrangement in the short term that delivers on priority functions while working towards putting the longer term solution in place.



The figure above illustrates the potential scope of officers involved during the initial establishment phase. It is suggested that three full time equivalent officers (Director and two implementation managers) would be a minimum initial staff requirement to initiate implementation. Depending on the partners' appetite and allocation of resources, additional officer support, either within existing regional bodies or state entities, may be secured on an as-needs basis in line with the agreed work plan.

The network of officers operates as one team deployed through the two key partners, DPAC and LGAT. In this model, DPAC and LGAT are each co-investors into an agreed implementation plan (i.e. a minimum of two years of agreed funding), with options to review the arrangement on the basis of performance and further specification of needs.

There is merit in pursuing an agreed workplan that simultaneously undertakes the work to:

- Build the preferred statewide arrangement – establishing governance mechanisms (i.e. legislative provisions), effective establishment of statewide levy and revenue allocations to waste priorities, funding strategy to leverage Commonwealth investment etc.
- Deliver on a selection of aligned priority activities leveraging regional momentum.

## **An opportunity to craft and attract partners in a Circular Economy deal**

This feasibility study resonates with the draft Waste Action Plan in identifying the transition to the circular economy as a compelling pathway for Tasmania. The island state is already a national leader in one cornerstone of the circular economy – the use of renewable and sustainable sources of energy – and could be primed to follow suit in how it uses and manages the material resources entering and contributing value to its economy.

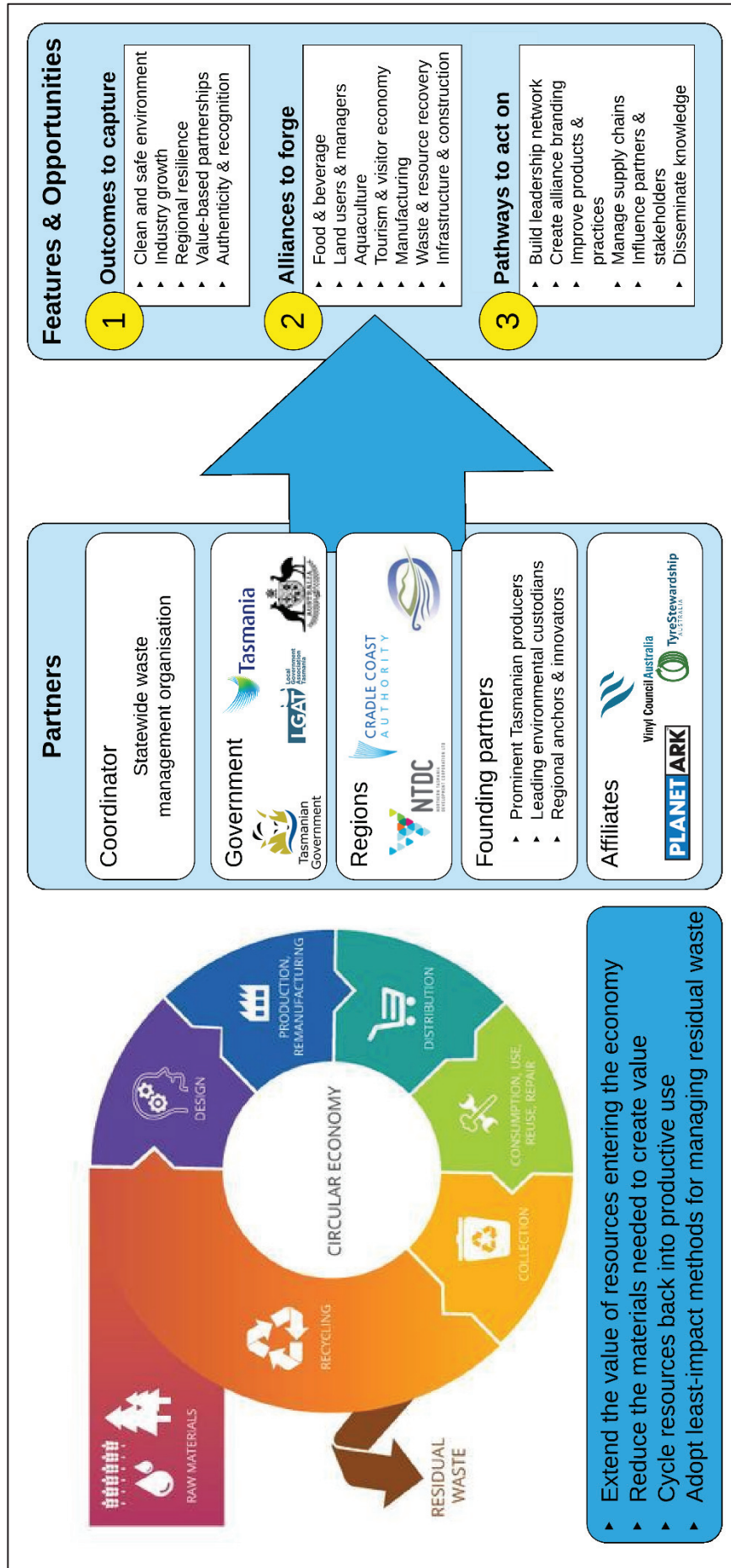
Recognising the systemic shift that this transition entails, the Tasmanian Government has acknowledged that the actions set out in the draft Waste Action Plan do not represent the full range of stimuli needed to set Tasmania on a circular economy trajectory. However, through the leadership of a collaborative waste management body equipped with a suitably defined charter and capability set, Tasmania could undergo a sequence of transition cycles that work towards a more circular economic model over time.

In this study, the statewide body is seen as holding a critical role in brokering and coordinating partnerships between sectors at local, regional and state scales; and applying its functions to drive more resource efficient practices in line with circular economy principles. Over time, its influence would extend from a focus on waste and resource recovery market interventions to impact activities 'upstream' of waste management (such as influencing purchasing decisions, supply chains, production systems, and product specifications) as well as those that are 'downstream' (such as developing new markets and unblocking impediments to market access).

At a high level, the figure overleaf represents one way in which partners across different levels of government and priority sectors could potentially collaborate in the move to a more resource efficient, circular economy model. These collaborative 'circular economy alliances' could demonstrate a preference towards pragmatic outcomes and actions that are tailored to the opportunities that reside in different sectors.

In principle, these outcomes could cover a number of dimensions including cleaner and safer environments; industry growth and the development of more resilient regional economies; enhanced reputation and authenticity; and the formation of partnerships based on common and/or complementary interests. Through this framing of prosperity, Tasmania's circular economy leaders are encouraged to seek opportunities that are predicated on diverse and widespread benefits across the state, rather than those that involve competing benefits and impose inevitable trade-offs.

Reiterating earlier stated findings on funding opportunities that may open up in response to the statewide arrangement and its anticipated benefits, the adoption of circular economy alliances in selected sectors could provide for more specific opportunities to attract investment from the private sector and Commonwealth Government bodies with a stake in more environmentally sound economic development.



## List of Part B recommendations

### Recommendation 1.

LGAT should request the state government to review the completeness, resourcing and efficacy of activities directed to regulating waste management in Tasmania (i.e. encompassing regulatory arrangements and provisions at local, regional and state scales; and how these regulatory scales interact), recognising a common stakeholder view that there was opportunity for improvement.

### Recommendation 2.

In progressing towards a statewide arrangement, LGAT and potential partners should work through an agreed purpose and set of objectives for the arrangement.

This process is recommended to:

- Seek input and buy in from stakeholders
- Confirm the status of waste management and resource recovery as essential services and strategic sectors, attracting resources, stimulus and support that recognise their important role in the Tasmanian economy
- Acknowledge any overlaps or complementarities with the image that Tasmania seeks to develop and protect through Brand Tasmania
- Incorporate the potential role of the statewide waste management arrangement as a vehicle to deliver a final Waste Action Plan (pending its development and release).

### Recommendation 3.

That LGAT accept a formal shared collaboration structure, co-owned by and accountable to state and local government, as the preferred option to deliver the statewide waste management arrangement.

That LGAT additionally note the benefits of this model as set out in the Part B report, pending the application of suitable governance and funding measures.

### Recommendation 4.

That LGAT pursue a co-investment funding model (involving state and local government) to enable the implementation arrangement from 1 July 2020 for a period of two years.

Co-investment will enable, via an agreed work plan, progress towards formation of the preferred ongoing arrangement (see Section 4, pending reaffirmed commitment to Option 3); and establishment of statewide functions and activities to complement regional and local actions directed towards existing priorities in waste, resource recovery and the circular economy.

### Recommendation 5.

That LGAT note the proposed functions and form of preferred statewide arrangement as being compatible with the draft Waste Action Plan's commitments and priorities, and may therefore be a suitable vehicle for delivering the final Waste Action Plan (pending its release).

(Details on the extent of alignment between the preferred arrangement and the draft Waste Action Plan are summarised in Appendix 2)





# Electronic Security Proposal

## FOOTBALL & COMMUNITY CENTRE

Submitted to: Kathy Bradburn

Submitted by: Greg Crail

Submitted on: 9th August 2019

9th August 2019

FOOTBALL & COMMUNITY CENTRE  
HOLLOW TREE ROAD  
BOTHWELL TAS 7030

**Re: Security Alarm**

We are pleased to provide the following proposal for your consideration.

Chubb provides a full range of electronic security solutions and services to businesses of all sizes, from small and medium enterprises through to corporations and the most secure government organisations throughout Australia.

Our dedicated project delivery, service and monitoring centre staff are all trained, accredited and licensed to carry out works in accordance with the relevant industry standards covering the installation, servicing and monitoring of electronic security systems.

We trust that this proposal will meet with your approval and would welcome the opportunity to discuss it in more detail should it be required.

Please do not hesitate to contact us should you require any further information.

Yours sincerely,

Greg Crail  
Business Development Manager  
**Chubb Electronic Security**  
81B Sunderland Street  
Derwent Park, TAS 7009  
Mob: 0401778230  
Phone: 13 15 98  
Email: [Greg.Crail@chubb.com.au](mailto:Greg.Crail@chubb.com.au)  
Web: [www.chubb.com.au](http://www.chubb.com.au)  
Security Licence No. 3244821  
NSW-410089562, ACT-17502015, SA-ISL225493, WA-SA57880, VIC-693-772-70S, QLD-3337754

## Installation & Equipment Supply

As requested the proposal includes a Code pad c/w a built-in reader that allows the system to be armed & disarmed with a 4 digit pin number "staff", and also via a token "guests".

### **Our understanding of your requirements is described below:**

- 1 x 4G Dual Sim Card – Hourly Polling – Monitoring Unit
- 1 x **Code pad c/w Card Reader** located externally of the store room
- 20 x Fobs to be used to Arm & Disarm the Security System
- 1 x Control Panel c/w plug pack & battery located in the store room – GPO by others
- 6 x Wireless QUAD PIR Detectors located as per plans
- 1 x Internal Siren
- 1 x External Siren & Strobe Light
- 1 x Test & commission to Chubb's control station
- 1 x Program new pin numbers
- 1 x Client training

### **Installation**

To supply, install and commission the equipment described in this proposal.

\$ 2,980.00 + \$ 298.00 GST

### **Monitoring**

To supply the Chubb Secure Wireless PE-D-1(P9) monitoring service described in this proposal.

\$ 11.00 + \$ 1.10 GST per week - Contract Period: 36 months - Billing Cycle: Quarterly

### **Annual Routine Maintenance – optional service – Alarm & CCTV**

To supply the Classic service plan described in this proposal.

\$ 5.00 + \$ 0.50 GST per week - Contract Period: 36 months - Billing Cycle: Quarterly in advance

**Routine preventative maintenance (Classic) helps keep your alarm system operational in accordance with Australian Standard AS 2201.1 (2007)**

## Service

Having a regular service and maintenance plan in place for your security equipment is essential for ensuring your system works when you need it most – in an emergency. Preventative inspections mean potential problems can be identified and repaired before they have an impact.

### Why have a service plan?

#### **Peace of mind**

You depend on your security systems to provide the earliest warning of a security breach and an effective response for your staff and visitors. So it makes sense that your systems are kept in optimum working condition.

#### **Minimise disruptions**

System breakdowns and security breaches can halt business operations and potentially cost your business valuable time and money. Regular maintenance will reduce the risk of breakdowns and help diagnose possible shortcomings and highlight the risks before it's too late.

#### **Police response**

The National Police Alarm Activation Response Guidelines is a strict set of rules that define when Police will attend an alarm activation. One of the key requirements for Police attendance is that the alarm system is maintained in accordance with the Australian Standard 2201.1 (Intruder Alarm Systems).

#### **Minimise false alarms**

Regular maintenance reduces non genuine alarms, which cause inconvenience and unnecessary costs for alarm patrol and emergency services attendances.

#### **Stay covered**

Many insurance companies require you to regularly maintain your monitored security system as a condition of the policy and that you also have a current maintenance contract in place.

### What happens during a maintenance inspection?

#### **Alarm systems**

- Check condition, connection, coverage and performance of detection devices.
- Inspection all major components for signs of deterioration.
- Check and test sounders and strobes for correct operation.
- Check operation of keypads and control unit.
- Test alarm signaling equipment back to Chubb monitoring centre.
- Check and test battery, mains and power supply condition and performance.

#### **Video surveillance systems**

- Check quality and duration of playback and retrieved images.
- Check and adjust performance and coverage of cameras and housings.
- Check operation of video servers and storage drives to predict potential failures.
- Check operation of displays and telemetry.

#### **Access control systems**

- Check operation of door locking mechanisms to see doors are locking securely.
- Check operation of card readers and keypads for damage.
- Check the performance of servers and software.
- Check condition and performance of alarm inputs and outputs.
- Check and test backup power supplies condition and performance.

#### **Customer Review**

- Consult with the customer to identify if they have experienced any problems with the system.
- Report any work required to maintain trouble free operation and recommended improvements.
- Document all work carried out as part of the maintenance inspection.

## Chubb Service Plans

The table below outlines our service plan options;

Services	New System Warranty	Classic	Premium Business	Premium 24/7
Scheduled preventative maintenance inspections		•	•	•
Declaration of Maintenance		•	•	•
Business hours breakdown service – Parts & Labour	•		•	•
Priority breakdown response and hotline			•	•
Web portal access			•	•
Business hours technical support			•	•
24 hour, 7 day breakdown service – Parts & Labour				•

## Service Definitions

**Scheduled preventative maintenance inspections:** Our qualified technicians will carry out routine system inspections of your security system, carry out minor adjustments, provide a condition report and identify system enhancements. The frequency of these inspections should be based on your sites risk profile and will typically be scheduled to occur quarterly, six monthly or annually.

**Declaration of Maintenance:** A declaration of maintenance confirms that a scheduled preventative maintenance program is in place as required by Australian Standard AS2201.1:2007.

**Business hours breakdown service – Parts & Labour:** Our qualified technicians will attend your site during business hours to rectify a system fault or defect that may arise with your security system.

**Business Hours Call Out - Parts & Labour:** Premium service plans have no charge for system failure during business hours. This fixed cost takes the guess work out of budgeting.

**Priority fault response and hotline:** Premium service plan customers will be provided with priority service at our National Service Delivery Centre.

**Web portal access:** Conveniently manage all your security assets, monitoring and other aspects of your account with us through our web portal.

**24 hour, 7 day breakdown service - Parts & Labour:** Our qualified technicians will attend to your site 7 days a week, 365 days a year for critical repairs and during business hours to rectify less critical system faults and defects.

**New System Warranty:** The warranty period commences from the date the new equipment is commissioned and expires after a period of 12 months. The 12 months manufacturer's warranty is provided in addition to any other guarantees available under the Australian Consumer Law.

### What is not covered or at extra cost:

Faults due to misuse, accidental and deliberate damage, or caused by third parties and acts of God would not be covered, neither are consumable items, such as batteries and light bulbs. Service plans also do not cover the cost for the replacement of obsolete parts or specialised access equipment, such as high reach inspection platforms or scaffold towers. Refer Chubb Customer Service Agreement Terms and Conditions for full details.

## Service Scope of Work

Chubb will supply labour for inspection, testing and maintenance of your electronic security system to be carried at the contracted frequency shown below during normal business hours. Refer to the table above for Service Plan inclusions.

Service Plan Type: Classic

Planned Inspections: 1 per annum.

## Software Maintenance Agreements (Option)

Many current security systems rely on a suite of software packages to operate. In most cases, your first year of software maintenance (updates) is complimentary when you purchase a new security system, however following this initial period renewal is optional and an annual fee is payable. At the expiry of your software maintenance period, your security software and systems will continue to function. However you will no longer receive new software and updates as they are released.

Having the latest software provides ongoing compatibility with the latest operating systems and enhances your system's performance and ensures it can support new hardware releases when they become available.

Chubb recommends that all customers with security system software have a software maintenance agreement in place to protect your security investment from becoming outdated.

The following software maintenance agreements are available for your consideration.

Quantity	Included Software Maintenance Agreements



## Monitoring

Our monitoring centres are staffed 24/7, 365 days a year by licensed and trained personnel who follow strict operating procedures to ensure that when an alarm event occurs that coordinated response is actioned and escalated as intended. A monitored security system will provide you with the confidence that your property and business is protected, enabling the business owner and its employees to focus on what is important.

### Why do I need a professional monitoring service ?

#### 24/7, 365 days a year reliable response

Alerts and text messages are easy to miss, don't let something as important as an intruder or duress alarm get missed if you or an employee is not available. Our monitoring centre operators will carry out a coordinated escalated response through to conclusion 24/7, 365 days a year.

#### Employee Safety

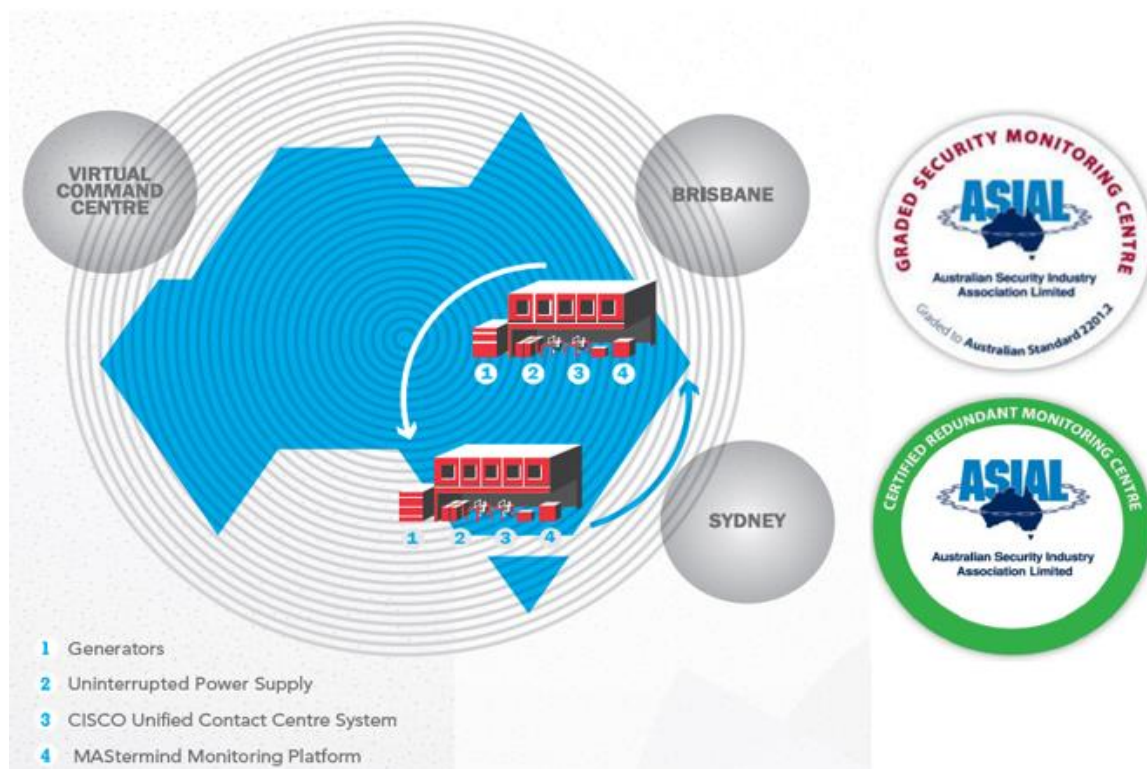
Who will respond to an emergency alarm at your premises such as a break-in, robbery or duress situation? Our monitoring centre operators can dispatch an alarm patrol to your premises to investigate or police if a crime in progress is verified.

#### Audit trail of alarm activity

Chubb can provide an alarm history report of all system activity at your premises on request.

#### Insurance company requirement

Many insurance companies require an Australia Standards 2201.1 monitored intruder alarm as a condition of the policy.



## Why Chubb Monitoring?

**Redundancy:** Chubb's two fully functioning monitoring centres became the first monitoring centres in Australia to be certified as Grade A1 Redundant Level R1A by the the Australian Security Industry Association Limited (ASIAL). This certification is the highest industry rating and is intended to ensure that the monitoring centre's critical functions will, despite a serious incident or disaster, continue to operate or be recovered to an operational in a short time at the redundant centre located elsewhere.

**Dedicated Customer Care teams:** We recognise we need to deliver excellent customer service. Specialised customer care team members are available to guide and assist customers to make changes to their monitoring procedures, produce alarm history reports and provide technical advice.

**Latest Technology:** Chubb is constantly investing in new and improved ways to enhance our monitoring infrastructure. Our global monitoring platform MASTermind is able to provide our customers with the very best monitoring experience, including web based access to site data, reports and automated email notification of selected events.

**Monitoring Centre operators:** We are very fortunate to have some of the most dedicated and experienced people in the industry. All our monitoring operators are fully trained and required to undergo Police checks to obtain security accreditation.

**Remote Video Response: "ASIAL Product of the year 2018 - CCTV-IP System"**

Chubb's Remote Video Response service allows our monitoring centre operators to remotely connect to your site's surveillance system and provide an informed, appropriate and cost-effective response based on their observations.

View demo at <https://www.chubbfiresecurity.com/en/au/products/security/video-surveillance/remote-video-response/video/>

## Acceptance

### Please Complete to Accept This Offer

I, \_\_\_\_\_ on behalf of \_\_\_\_\_

\_\_\_\_\_ (insert ABN) \_\_\_\_\_

Hereby certify that I have read and accepted the attached offer subject to Chubb's Terms and Conditions (attached to this proposal or available at (<https://www.chubbfiresecurity.com/en/au/terms-conditions-sales-service/>) and warrant that I am authorised to sign as or on behalf of the customer.

I further acknowledge that by signing this proposal I give consent to Chubb to give or obtain information about my credit history as set out in clause 9 of the Terms and Conditions.

I understand the ongoing monitoring and maintenance services I am signing for and that ongoing services are subject to annual price adjustment.

I accept this proposal for the premises as detailed below.

- ▶ Equipment, Installation and Commissioning: \$ 2,980.00 + \$ 298.00 GST ( ) initial
- ▶ Monitoring: \$ 11.00 + \$ 1.10 GST per week for 36 months ( ) initial
- ▶ Classic Service Plan: \$ 5.00 + \$ 0.50 GST per week for 36 months ( ) initial

Purchase Order No. \_\_\_\_\_

Invoices emailed to. \_\_\_\_\_

If your company has a requirement for purchase orders to appear on future services invoices.

Please tick here [ ] If ticked, Chubb will only dispatch a service technician to your site upon receipt of a purchase order.

**Please return to Greg Crail on email [Greg.Crail@chubb.com.au](mailto:Greg.Crail@chubb.com.au)**

**Chubb Fire & Security**

**FOOTBALL & COMMUNITY CENTRE**

***Greg Crail***  
***Chubb Representative***

\_\_\_\_\_  
Print Name & Title

\_\_\_\_\_  
Signature & Date

\_\_\_\_\_  
Signature & Date

## Clarifications

- This offer is valid for 30 days and subject to commercial credit approval.
- Works will be carried out during normal business hours unless stated otherwise.
- Where works are being performed on a customer's existing system, panel codes, passwords and free access to the system is required during the prescheduled installation visit.
- The offered equipment and its indicative location are subject to final onsite technical evaluation at the time of installation.
- The warranty period commences on the date of completion of the installation and extends for a period of twelve (12) months. Refer Chubb's Terms and Conditions for full warranty details.
- Wireless 3G/4G monitoring solutions require adequate mobile network coverage for reliable performance. Locations with inadequate coverage may require a high gain antenna to boost available signal strength. The supply and installation of a high gain antenna will incur an additional fee and will be quoted separately if required.
- Where a monitoring service is being provided, the customer is responsible to ensure that the monitoring response instructions provided to Chubb are at all times accurate, consistent, current and correct.
- Where a monitoring service is being provided, Chubb operates in accordance with the National Police Alarm Activation Guidelines and will only contact Police upon an alarm activation when permitted by these guidelines.
- Monitoring and Service Plan agreements are subject to Chubb Electronic Security's Customer Service Agreement (CSA) Terms and Conditions, available on our website <https://www.chubbfiresecurity.com/en/au/terms-conditions-sales-service/>
- In the event that you wish to terminate an ongoing monitoring or service agreement prior to expiry of the contract term, you will be required to pay the remaining payments up to the end of the contract term.
- Where Software Maintenance Agreements are included, only listed updates will be installed during the scheduled maintenance visit and assumes existing software versions are current and excludes updates to antivirus, operating systems and computer hardware.

## Exclusions

- No allowance has been made for the provision of elevated working platforms if these are required to safely reach equipment unless specifically stated otherwise.
- No allowance has been made for any repairs or alteration to existing equipment or cabling on-site unless specifically stated otherwise.
- The provision (where possible) of on-site parking whilst performing our services is assumed to be free of charge, excessive parking fees may be chargeable.
- No allowance has been made for the supply of 240V general purpose outlets adjacent to the nominated security equipment, unless specifically stated otherwise.
- No allowance has been made for the provision of interfacing with smoke, HVAC or fire detection systems, unless specifically stated otherwise.
- Where access control is included, no allowance has been made for any certification to BCA standards or Occupancy forms to meet local fire codes.
- Where access control is included, no allowance has been made to supply, adjust or repair existing doors, closers or lock hardware, unless stated otherwise.
- Where CCTV cameras are included, no allowance has been made to supply or adjust existing lighting for improved night time images.
- The provision of updated operating systems, antivirus software and software maintenance updates and the installation of such are excluded from this agreement unless stated otherwise.
- All costs associated with cable failure, vandalism and malicious damage are excluded from Service Agreements.
- Batteries replaced within preventative maintenance (Classic) agreements will be charged to the customer at standard Chubb services rates.
- All costs associated with the adjustment and repair of existing door furniture, closers or locks are excluded from Service Agreements unless stated otherwise.
- If required by your monitoring response plan, an Alarm Response Patrol may be dispatched by our monitoring centre to attend your premises upon receipt of an alarm activation, additional charges will apply for each Alarm Response Patrol attendance.
- If required by your monitoring response plan, in certain situations the Emergency services (Police, Fire, Ambulance) may be requested to attend your premises, additional charges may be levied by emergency services providers.
- Unless stated otherwise the labour cost associated with commissioning of your existing alarm panel back to the Chubb Monitoring Centre is included for the first hour on-site. Repairs to your existing alarm system are excluded, additional charges will apply at standard service rates and any parts used will be chargeable.

9th August 2019

KATHY BRADBURN  
FOOTBALL & COMMUNITY CENTRE  
HOLLOW TREE ROAD  
BOTHWELL TAS 7030

**Re: Hi Definition CCTV**

We are pleased to provide the following proposal for your consideration.

Chubb provides a full range of electronic security solutions and services to businesses of all sizes, from small and medium enterprises through to corporations and the most secure government organisations throughout Australia.

Our dedicated project delivery, service and monitoring centre staff are all trained, accredited and licensed to carry out works in accordance with the relevant industry standards covering the installation, servicing and monitoring of electronic security systems.

We trust that this proposal will meet with your approval and would welcome the opportunity to discuss it in more detail should it be required.

Please do not hesitate to contact us should you require any further information.

Yours sincerely,

Greg Crail  
Business Development Manager  
**Chubb Electronic Security**  
81B Sunderland Street  
Derwent Park, TAS 7009  
Mob: 0401778230  
Phone: 13 15 98  
Email: [Greg.Crail@chubb.com.au](mailto:Greg.Crail@chubb.com.au)  
Web: [www.chubb.com.au](http://www.chubb.com.au)  
Security Licence No. 3244821  
NSW-410089562, ACT-17502015, SA-ISL225493, WA-SA57880, VIC-693-772-70S, QLD-3337754



## Installation Scope & Equipment Supply

1 x Monitor located with the Recorder – GPO by others

1 x Hi Definition **8 Channel** Network Video Recorder c/w 3 TB Hard Drive located in the store room – GPO by others & shelf to sit the Recorder & Monitor onto is by others

2 x Hi Definition **4.0 Mega Pixel** Dome Cameras c/w **IR Led's** for low low light & **adjustable lens** located as plans "final locations to be agreed on"

1 x Surge Board

1 x Cables & fixtures

1 x Client training

### Installation

To supply, install and commission the equipment described in this proposal.

\$ 2,950.00 + \$ 295.00 GST

### Annual Routine Maintenance – optional service

To supply the Classic service plan described in this proposal.

\$ 5.00 + \$ 0.50 GST per week - Contract Period: 36 months - Billing Cycle: Quarterly in advance

PLEASE NOTE – as discussed on site, the location & number of cameras will be adjusted to suit the Council's requirements. The above design is a base system that can be adjusted accordingly.

## Service

Having a regular service and maintenance plan in place for your security equipment is essential for ensuring your system works when you need it most – in an emergency. Preventative inspections mean potential problems can be identified and repaired before they have an impact.

### Why have a service plan?

#### **Peace of mind**

You depend on your security systems to provide the earliest warning of a security breach and an effective response for your staff and visitors. So it makes sense that your systems are kept in optimum working condition.

#### **Minimise disruptions**

System breakdowns and security breaches can halt business operations and potentially cost your business valuable time and money. Regular maintenance will reduce the risk of breakdowns and help diagnose possible shortcomings and highlight the risks before it's too late.

#### **Police response**

The National Police Alarm Activation Response Guidelines is a strict set of rules that define when Police will attend an alarm activation. One of the key requirements for Police attendance is that the alarm system is maintained in accordance with the Australian Standard 2201.1 (Intruder Alarm Systems).

#### **Minimise false alarms**

Regular maintenance reduces non genuine alarms, which cause inconvenience and unnecessary costs for alarm patrol and emergency services attendances.

#### **Stay covered**

Many insurance companies require you to regularly maintain your monitored security system as a condition of the policy and that you also have a current maintenance contract in place.

### What happens during a maintenance inspection?

#### **Alarm systems**

- Check condition, connection, coverage and performance of detection devices.
- Inspection all major components for signs of deterioration.
- Check and test sounders and strobes for correct operation.
- Check operation of keypads and control unit.
- Test alarm signaling equipment back to Chubb monitoring centre.
- Check and test battery, mains and power supply condition and performance.

#### **Video surveillance systems**

- Check quality and duration of playback and retrieved images.
- Check and adjust performance and coverage of cameras and housings.
- Check operation of video servers and storage drives to predict potential failures.
- Check operation of displays and telemetry.

#### **Access control systems**

- Check operation of door locking mechanisms to see doors are locking securely.
- Check operation of card readers and keypads for damage.
- Check the performance of servers and software.
- Check condition and performance of alarm inputs and outputs.
- Check and test backup power supplies condition and performance.

#### **Customer Review**

- Consult with the customer to identify if they have experienced any problems with the system.
- Report any work required to maintain trouble free operation and recommended improvements.
- Document all work carried out as part of the maintenance inspection.

## Chubb Service Plans

The table below outlines our service plan options;

Services	New System Warranty	Classic	Premium Business	Premium 24/7
Scheduled preventative maintenance inspections		•	•	•
Declaration of Maintenance		•	•	•
Business hours breakdown service – Parts & Labour	•		•	•
Priority breakdown response and hotline			•	•
Web portal access			•	•
Business hours technical support			•	•
24 hour, 7 day breakdown service – Parts & Labour				•

## Service Definitions

**Scheduled preventative maintenance inspections:** Our qualified technicians will carry out routine system inspections of your security system, carry out minor adjustments, provide a condition report and identify system enhancements. The frequency of these inspections should be based on your sites risk profile and will typically be scheduled to occur quarterly, six monthly or annually.

**Declaration of Maintenance:** A declaration of maintenance confirms that a scheduled preventative maintenance program is in place as required by Australian Standard AS2201.1:2007.

**Business hours breakdown service – Parts & Labour:** Our qualified technicians will attend your site during business hours to rectify a system fault or defect that may arise with your security system.

**Business Hours Call Out - Parts & Labour:** Premium service plans have no charge for system failure during business hours. This fixed cost takes the guess work out of budgeting.

**Priority fault response and hotline:** Premium service plan customers will be provided with priority service at our National Service Delivery Centre.

**Web portal access:** Conveniently manage all your security assets, monitoring and other aspects of your account with us through our web portal.

**24 hour, 7 day breakdown service - Parts & Labour:** Our qualified technicians will attend to your site 7 days a week, 365 days a year for critical repairs and during business hours to rectify less critical system faults and defects.

**New System Warranty:** The warranty period commences from the date the new equipment is commissioned and expires after a period of 12 months. The 12 months manufacturer's warranty is provided in addition to any other guarantees available under the Australian Consumer Law.

### What is not covered or at extra cost:

Faults due to misuse, accidental and deliberate damage, or caused by third parties and acts of God would not be covered, neither are consumable items, such as batteries and light bulbs. Service plans also do not cover the cost for the replacement of obsolete parts or specialised access equipment, such as high reach inspection platforms or scaffold towers. Refer Chubb Customer Service Agreement Terms and Conditions for full details.

## Service Scope of Work

Chubb will supply labour for inspection, testing and maintenance of your electronic security system to be carried at the contracted frequency shown below during normal business hours. Refer to the table above for Service Plan inclusions.

Service Plan Type: Classic

Planned Inspections: 1 per annum.

## Software Maintenance Agreements (Option)

Many current security systems rely on a suite of software packages to operate. In most cases, your first year of software maintenance (updates) is complimentary when you purchase a new security system, however following this initial period renewal is optional and an annual fee is payable. At the expiry of your software maintenance period, your security software and systems will continue to function. However you will no longer receive new software and updates as they are released.

Having the latest software provides ongoing compatibility with the latest operating systems and enhances your system's performance and ensures it can support new hardware releases when they become available.

Chubb recommends that all customers with security system software have a software maintenance agreement in place to protect your security investment from becoming outdated.

The following software maintenance agreements are available for your consideration.

Quantity	Included Software Maintenance Agreements

## Acceptance

### Please Complete to Accept This Offer

I, \_\_\_\_\_ on behalf of \_\_\_\_\_

\_\_\_\_\_ (insert ABN) \_\_\_\_\_

Hereby certify that I have read and accepted the attached offer subject to Chubb's Terms and Conditions (attached to this proposal or available at (<https://www.chubbfiresecurity.com/en/au/terms-conditions-sales-service/>) and warrant that I am authorised to sign as or on behalf of the customer.

I further acknowledge that by signing this proposal I give consent to Chubb to give or obtain information about my credit history as set out in clause 9 of the Terms and Conditions.

I understand the ongoing monitoring and maintenance services I am signing for and that ongoing services are subject to annual price adjustment.

I accept this proposal for the premises as detailed below.

- ▶ Equipment, Installation and Commissioning: \$ 2,950.00 + \$ 295.00 GST (    ) initial
- ▶ Classic Annual Service Plan: \$ 5.00 + \$ 0.50 GST per week for 36 months (    ) initial

Purchase Order No. \_\_\_\_\_

Invoices emailed to. \_\_\_\_\_

If your company has a requirement for purchase orders to appear on future services invoices. Please tick here [    ] If ticked, Chubb will only dispatch a service technician to your site upon receipt of a purchase order.

**Please return to Greg Crail on email [Greg.Crail@chubb.com.au](mailto:Greg.Crail@chubb.com.au)**

**Chubb Fire & Security**

**FOOTBALL & COMMUNITY CENTRE**

***Greg Crail***  
***Chubb Representative***

\_\_\_\_\_  
Print Name & Title

\_\_\_\_\_  
Signature & Date

\_\_\_\_\_  
Signature & Date

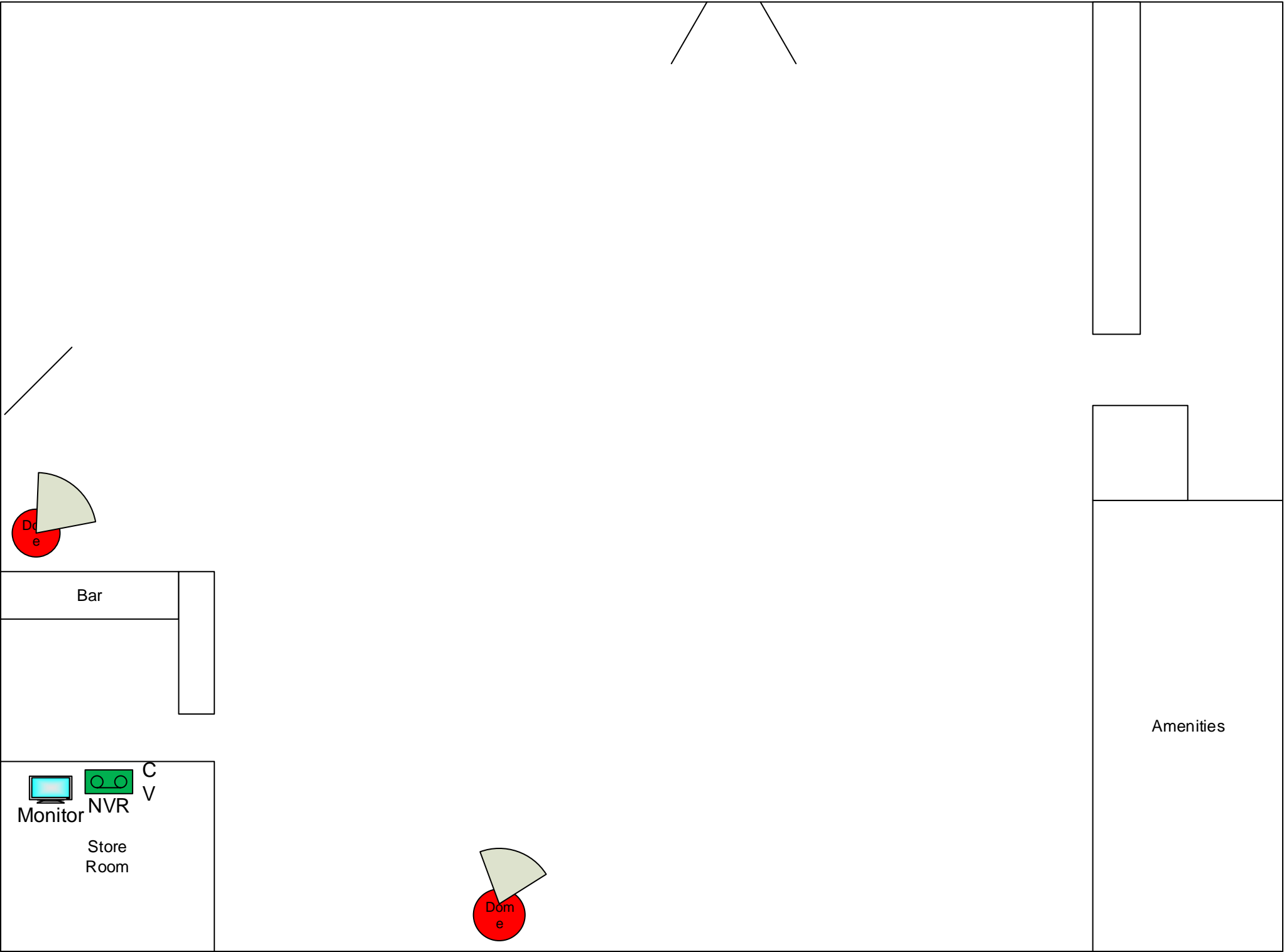
## Clarifications

- This offer is valid for 30 days and subject to commercial credit approval.
- Works will be carried out during normal business hours unless stated otherwise.
- Where works are being performed on a customer's existing system, panel codes, passwords and free access to the system is required during the prescheduled installation visit.
- The offered equipment and its indicative location are subject to final onsite technical evaluation at the time of installation.
- The warranty period commences on the date of completion of the installation and extends for a period of twelve (12) months. Refer Chubb's Terms and Conditions for full warranty details.
- Monitoring and Service Plan agreements are subject to Chubb Electronic Security's Customer Service Agreement (CSA) Terms and Conditions, available on our website <https://www.chubbfiresecurity.com/en/au/terms-conditions-sales-service/>
- In the event that you wish to terminate an ongoing monitoring or service agreement prior to expiry of the contract term, you will be required to pay the remaining payments up to the end of the contract term.
- Where Software Maintenance Agreements are included, only listed updates will be installed during the scheduled maintenance visit and assumes existing software versions are current and excludes updates to antivirus, operating systems and computer hardware.



## Exclusions

- No allowance has been made for the provision of elevated working platforms if these are required to safely reach equipment unless specifically stated otherwise.
- No allowance has been made for any repairs or alteration to existing equipment or cabling on-site unless specifically stated otherwise.
- The provision (where possible) of on-site parking whilst performing our services is assumed to be free of charge, excessive parking fees may be chargeable.
- No allowance has been made for the supply of 240V general purpose outlets adjacent to the nominated security equipment, unless specifically stated otherwise.
- No allowance has been made for the provision of interfacing with smoke, HVAC or fire detection systems, unless specifically stated otherwise.
- Where access control is included, no allowance has been made for any certification to BCA standards or Occupancy forms to meet local fire codes.
- Where access control is included, no allowance has been made to supply, adjust or repair existing doors, closers or lock hardware, unless stated otherwise.
- Where CCTV cameras are included, no allowance has been made to supply or adjust existing lighting for improved night time images.
- The provision of updated operating systems, antivirus software and software maintenance updates and the installation of such are excluded from this agreement unless stated otherwise.
- All costs associated with cable failure, vandalism and malicious damage are excluded from Service Agreements.
- Batteries replaced within preventative maintenance (Classic) agreements will be charged to the customer at standard Chubb services rates.
- All costs associated with the adjustment and repair of existing door furniture, closers or locks are excluded from Service Agreements unless stated otherwise.



General Notes

**LEGEND**

Monitor

Server

NVR

Full Body

Dome

Rack

Switch

UTP

RG-6 coax

	Revision/Issue	Date
A	Draft	09/07/12
B	Tender	13/07/12
C	Revised	21/07/12
D	Relocated PIR	23/07/12
E	Deleted Arming Station, Deletion of Code-pad, addition of By-pass Switch	23/09/12

Drawn  
Approved

Greg Crail

Chubb

Chubb Security  
Greg Crail  
M – 0401 778 230  
E – greg.crail@chubb.com.au

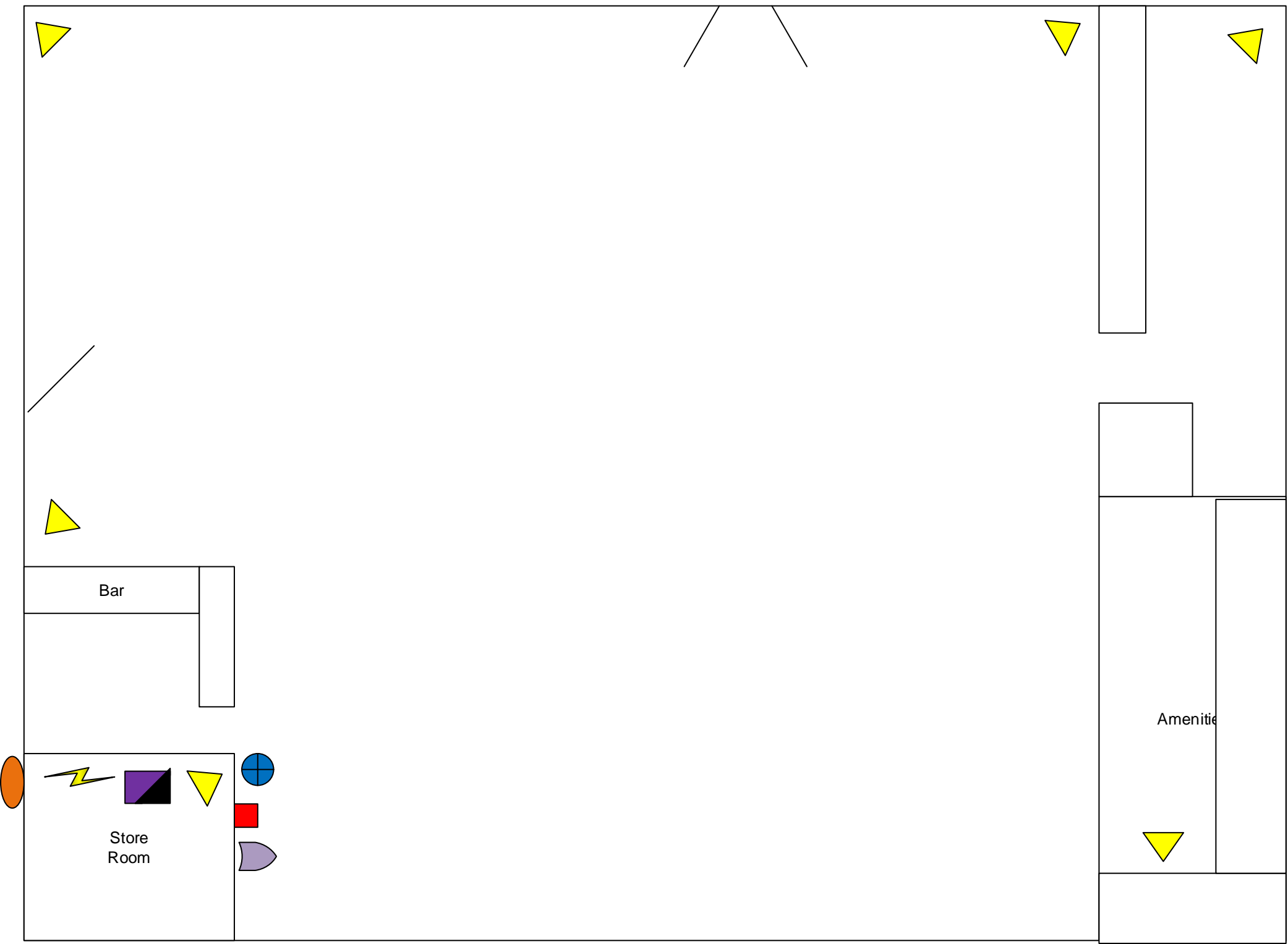
Bothwell  
Football - Community

Hollow Tree Road  
BOTHWELL


Project	Sheet
DFAT/SAS/16	A3
Date	
Scale	


25/09/12


NTS





LEGEND


 Code pad


 Main Panel


 360 PIR


 Wireless PIR

 Door reed


 Strobe Light

 Internal Siren

 Fob Reader

 4G Comms

	Revision/Issue	Date
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 Chubb

Chubb Security  
Greg Crail  
M – 0401 778 230  
E – greg.crail@chubb.com.au

Bothwell  
Football - Community

Hollow Tree Road  
BOTHWELL

Project	Sheet
DFAT/SAS/16	A3
Date	
Scale	



To the Manager,

I am writing on behalf of the Melton Mowbray Community Association Inc. to discuss an exciting opportunity for our event to be held on the 2nd of November 2019 at Melton Mowbray. Melton Mowbray Rodeo is the first event in the Island Rodeo circuit and is the largest rodeo in Southern Tasmania, and possibly the largest in the state. This year we are celebrating our 20<sup>th</sup> consecutive year.

The Melton Mowbray Community Association is a proud, vibrant and enthusiastic organisation and one which devotes itself to providing good, local, family entertainment for the whole community. This event draws approximately 2500 plus people. As a non-profit organisation we are driven by the community and we endeavour to understand and service the needs of the communities. Over the last 2 years we donated over \$15,000 to our local hospital, Give Me 5 For Kids, emergency services; including SES, TFS, and ambulance, community groups, local schools and families in need. We are sincerely focused and wholeheartedly committed to supporting our community to provide quality and relevant entertainment for rural communities whilst also providing financial support for those in need.

This year BRAD COX AND CATLIN SHADBOLT will be our headlining acts, along with our great local talent Adam Dsilva! This is a star studded line up with 8 hours of live music throughout the day. These country rock bands will draw a huge crowd and provide your business with some great advertising opportunities, whilst also giving you the chance to run competitions within your business for VIP tickets or to give them to valued customers or clients.

This year's program will include a complete rodeo including bull ride, saddle bronc, bareback bronc, barrel race, team roping, steer wrestling, rope and tie and breakaway roping. Our event is fully endorsed by the Australia Professional Rodeo Association.

As a sponsor and partner of our rodeo and mini-music festival you will be supporting local business and community all while promoting your business or company. Without the support of our valued sponsors, events like ours would not be able to run successfully. We would like to thank you in advance of any assistance that you and your business can provide. By partnering with us, we will provide good, highly visible work in the community and ensure the local community is aware of your commitment to them. We want to bring an event to the community that supports local businesses and give us an opportunity to promote local country events that people enjoy. I thank you for your time and look forward to you contacting me further to discuss this exciting partnership in the near future.

Kind Regards,

Ben Sculthorpe

Sponsorship coordinator  
0407215595 or benscully85@live.com.au  
Melton Mowbray Community Association Inc.





## MELTON MOWBRAY COMMUNITY RODEO

This proposal is an invitation for Naming Rights Sponsorship

As a major sponsor of Melton Mowbray Bull Ride and Rodeo you will receive the following comprehensive package:

- Company name to title event e.g.  
**“YOUR COMPANY NAME”  
MELTON MOWBRAY RODEO**
- Company name on all promotional and advertising material
- Media advertising
- Program will include company logo and contact details
- Exhibitors site where you can show case and or sell your products
- Ongoing promotion by the announcer throughout the event
- Banners and signage displayed around the event area (if provided)
- You will receive 10 VIP passes for the rodeo and VIP Access only Back stage passes, which entitles to an exclusive VIP experience including free entry, VIP reserved seating, preshow drinks with the bands and a complimentary food and drink package. (Estimated value of \$ 2,000)
- 10 family passes

## NAMING RIGHTS SPONSORSHIP \$5000

Melton Mowbray Community Association would like to thank you for your support





## MELTON MOWBRAY COMMUNITY RODEO

**This proposal is an invitation for Major Sponsor**

As a major sponsor of Melton Mowbray you will receive the following comprehensive package:

Your company banner will be placed on the chute gate and in public view at all times. This is a high exposure area. You will secure naming rights to 1 of 4 chute gates. Every fourth ride your name is in the spotlight e.g. Now coming out of the “**YOUR COMPANY NAME**” chute.

- Media advertising
- Program includes company logo and details
- Exhibitors site where you can show case and or sell your products
- Banners and signage displayed around the event area (if provided)
- Ongoing promotion throughout the day
- You will receive 6 VIP passes for the rodeo and VIP Access only Back stage passes, which entitles to an exclusive VIP experience including free entry, VIP reserved seating, preshow drinks with the bands and a complimentary food and drink package. (estimated value of \$ 800)
- 4 family tickets

### **Major Sponsorship**

**\$2000**

Melton Mowbray Community Association thank you for your support







## MELTON MOWBRAY COMMUNITY RODEO

### This proposal is an invitation for the Bull Ride Sponsorship

As a major sponsor of Melton Mowbray Bull Ride, including open, second division and junior events you will receive the following comprehensive package:

Your company banner will be placed on the chute gate and in public view at all times. This is a high exposure area. You will secure naming rights to 1 of 4 chute gates. Every fourth ride your name is in the spotlight e.g. Now coming out of the “**YOUR COMPANY NAME**” chute.

- Media advertising
- Program includes company logo and details
- Ongoing promotion throughout the event
- Option to display good and services at the event
- You will receive 4 VIP passes for the rodeo and VIP Access only Back stage passes, which entitles to an exclusive VIP experience including free entry, VIP reserved seating, preshow drinks with the bands and a complimentary food and drink package. (estimated value of \$ 600)
- 4 family tickets

### Bull Ride Sponsorship

**\$1000**

Melton Mowbray Community Association thank you for your support







## MELTON MOWBRAY COMMUNITY RODEO

### This proposal is an invitation for Event Sponsorship

As a sponsor of Melton Mowbray Feature Ride you will receive the following comprehensive package:

- Media advertising
- Program includes company logo and details
- Ongoing promotion throughout the event
- Option to display good and services at the event
- You will receive 2 VIP passes for the rodeo and VIP Access only Back stage passes, which entitles to an exclusive VIP experience including free entry, VIP reserved seating, preshow drinks with the bands and a complimentary food and drink package. (estimated value of \$ 250)
- 2 family tickets

### EVENT SPONSORSHIP

**\$500**

Melton Mowbray Community Association would like to thank you for your support





## MELTON MOWBRAY COMMUNITY RODEO

This proposal is an invitation for CHRISTMAS PARTY PACKAGE

CHRISTMAS PARTY PACKAGE Includes:

12 VIP tickets VIP passes for the rodeo and VIP Access only back stage passes, which entitles to an exclusive VIP experience including free entry, VIP reserved seating, preshow drinks with the bands and a complimentary food and drink package.

Each Pass includes

- Alcoholic Drinks
- Food
- Private VIP only access areas
- Meet our headline acts Brad Cox and Catlin Shadbolt

**Each ticket valued at \$150**

### CHRISTMAS PARTY PACKAGE

**\$1800**





**This proposal is an invitation for General Sponsorship**

As a sponsor of Melton Mowbray Feature Ride you will receive the following comprehensive package:

- Media advertising
- Program includes company logo and details
- Ongoing promotion throughout the event
- Option to display good and services at the event
- 2 family tickets

## **EVENT SPONSORSHIP**

**\$250**





Melton Mowbray Community Association would like to thank you for taking the time to look through our sponsorship proposal.

If you have any queries or think you may be able to support the Melton Mowbray Community Rodeo in any way please do not hesitate to call or email.

Ph: 0407215595 Ben Sculthorpe

PO Box 9  
Kempton TAS 7030

Or email Ben Sculthorpe @ benscully85@live.com.au  
Direct deposit: BBS: 037-009 Acc no: 14-0623 Account name: Melton Mowbray Community Association Inc

If you wish to reply, just fill in this application and post or email it to the above addresses.

All package/options on a “whilst still available basis”. Payment will be due and payable by 14th October 2017.

Date: \_\_\_\_\_

Company or Individual name: \_\_\_\_\_

Contact name: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Postal address: \_\_\_\_\_

Email: \_\_\_\_\_

**Please select Sponsorship package**

☐ Naming rights \$5000

☐ Major \$2000      ☐ Christmas Party \$1800

☐ Bull ride \$1000

☐ Event \$500    ☐ General \$250

☐ Payment included    ☐ Please send invoice    ☐ Receipt required





# BirdLife Australia's Aussie Backyard Bird Count 21—27 October 2019

## Council Packages

To discuss any of the council packages  
or for more information please contact:

Bethany Gillard  
Project Officer  
03 9347 0757  
[bethany.gillard@birdlife.org.au](mailto:bethany.gillard@birdlife.org.au)

## Council Packages

The Aussie Backyard Bird Count (ABBC) Council Packages offer tailor-made results from the Aussie Backyard Bird Count for councils to use as they require. Three packages are available at different levels of commitment; the more promotion and participation your council provides within your LGA, the more data that you will receive.

Below is a brief overview of the packages available:

### **Robin Package:**

Marketing materials, your council's logo and event listing on the ABBC website, and initial findings (list of species, the species count, and the total number of observers) from the ABBC for your council's LGA.

### **Cockatoo Package:**

Inclusions from the Robin Package plus the raw data from your council's LGA.

### **Brolga Package:**

Inclusions from the Robin and Cockatoo Package and a detailed report.

Data and results are not only valuable in terms of effective communication of trends and species distributions and numbers but are also useful to councils to track their biodiversity management successes and communicate this with their constituents. As a result, participants who are likely to be interested in survey results for their region are able to see specific results for their area and can see how their contribution to the survey compares with the overall results. Furthermore, inclusion of such results in council publications can act as a promotion for the Aussie Backyard Bird Count for the following year, with participants seeing direct results of their contributions.

## What is the Aussie Backyard Bird Count (ABBC)?

Launched in 2014, BirdLife Australia's Aussie Backyard Bird Count takes place for one week every October, as part of National Bird Week celebrations. Through the Aussie Backyard Bird Count we aim to:

- Engage the broader community in the natural world while getting to know the birds in their local area through participation in a simple, fun, all-ages activity that can be done anywhere
- Create a snapshot of Australia's birds at the same time each year, providing vital information on how our local birds are faring
- Educate local communities and create bird-friendly spaces in gardens
- Connect with a wide range of Australians through national media coverage, partners, local promotion and key local/regional BirdLife Australia activities



## Who is BirdLife Australia?

BirdLife Australia is the country's largest organisation devoted to the future of our native birdlife. It is an independent, not-for-profit organisation with a single aim: to prevent bird extinctions.

The organisation undertakes various activities including scientific research and conservation projects, community engagement, public education and awareness-raising of threats to Australia's birds. BirdLife Australia also plays a strong advocacy role and provides significant input into conservation decisions of programs at different levels of government.

The Birdlife Australia network is made up of local branches, special interest groups, reserves and observatories, and over 150,000 members, supporters and volunteers. BirdLife Australia currently employs over 60 staff across three offices; the main office is based in Carlton.

## How could the data benefit your council?

Examples of how the data from the ABBC could benefit your council:

- Quantifying on-ground management – use the bird data to see if your local park rehabilitation has been having a positive effect on biodiversity
- Urban impact – how have birds adapted to developments in your council region
- Good local birding spots – using the bird data within your council region, key birding sites could be identified and promoted as part of your eco-tourism plan

## 2018 Aussie Backyard Bird Count Results

- 76,000 observers participated
- 84,000 checklists were submitted
- 2,750,000 birds were sighted right across Australia
- 105,000 website sessions during October 2018
- **You can see the full results at [www.aussiebirdcount.org.au/2018-results/](http://www.aussiebirdcount.org.au/2018-results/)**

## How does the ABBC work?

Through independent research we know that over 4 million adults in Australia have a love of nature and over 1 million Australian adults enjoy learning more about birds. We know that many would like to learn more about the birds around them but are too busy or feel they don't know where to start.

With this in mind we've kept it simple:

- Spend 20 minutes in your backyard, local park, schoolyard or other favourite outdoor space. (It's important to note that you don't need an actual backyard to take part, any outdoor space can be considered your 'backyard')
- Participate by yourself or in a group — you might join in with other participants at local events
- Use the Aussie Backyard Bird Count app, or the form on our website ([www.aussiebirdcount.org.au](http://www.aussiebirdcount.org.au)) to record the types of birds you see and how many
- Not sure about a bird? Don't worry, there is a field guide with a 'bird finder' built into the app and on the website to help you identify them
- Once you've submitted your bird count information through the app or website, it will be added to the information from thousands of other Australians. You will instantly be able to see live statistics on the number of people taking part and the number of birds and species counted right across Australia

## What BirdLife Australia can offer you

### ROBIN PACKAGE

FREE

#### **Marketing materials**

Marketing materials are available to help promote the ABBC in your local area, they will be provided free of charge. Materials include A3 posters, A5 flyers, bookmarks and stickers – along with blurbs and suggested social media posts.

#### **Your logo on the ABBC website**

As a supporter of the ABBC we will list your council's logo under the 'supporter' section of the ABBC website, linking back to your website.

#### **Event listing on the ABBC website**

If you are holding an event for the ABBC, we will happily list your event on our ABBC Event Calendar. **PLEASE NOTE:** We are not able to organise an event for you and it is not compulsory to run an event.

#### **Initial findings from the ABBC for your LGA**

You will receive a table consisting of a list of species, the species count, and the number of observers participating in the ABBC from your region. Names of users will be omitted from this file due to privacy reasons. After you have received this initial data, if you wish to explore the data further you can get in touch to upgrade your package.

### COCKATOO PACKAGE

\$400 (GST exclusive)

In addition to the ROBIN inclusions you will also receive:

#### **RAW data from your council's LGA**

The raw data will include; date of count, number of observers, latitude, longitude, common species name, scientific species name and the total count for each species

## BROLGA PACKAGE

\$800 (GST exclusive)

In addition to the ROBIN and COCKATOO inclusions you will also receive a **detailed report including:**

### **User statistics**

The Brolga Package will include statistics regarding the number of users submitting checklists within the council boundaries, as well as the number of checklists users are submitting, and the amount of time users spend surveying. Statistics relating to where surveys are being conducted can expose areas within the council's boundaries that aren't being represented in surveys. Councils can match this data to population data to determine if unsurveyed areas are uninhabited or due to non-participation. If due to non-participation, councils will have the ability to decide if future promotion in these areas is required. Numbers of users within council boundaries can signify how many people within the community are interested in this event and may provide an indication of the willingness of community involvement in other bird-related or environmental projects.

### **Bird statistics**

Statistics relating to the bird species located within the council boundaries including a comprehensive table providing a complete species list with associated count numbers and reporting rates while indicating which species are introduced or threatened. A distribution map will accompany this table displaying the combined bird observations recorded within the council's LGA (Figure 1).

### **Top recorded bird species**

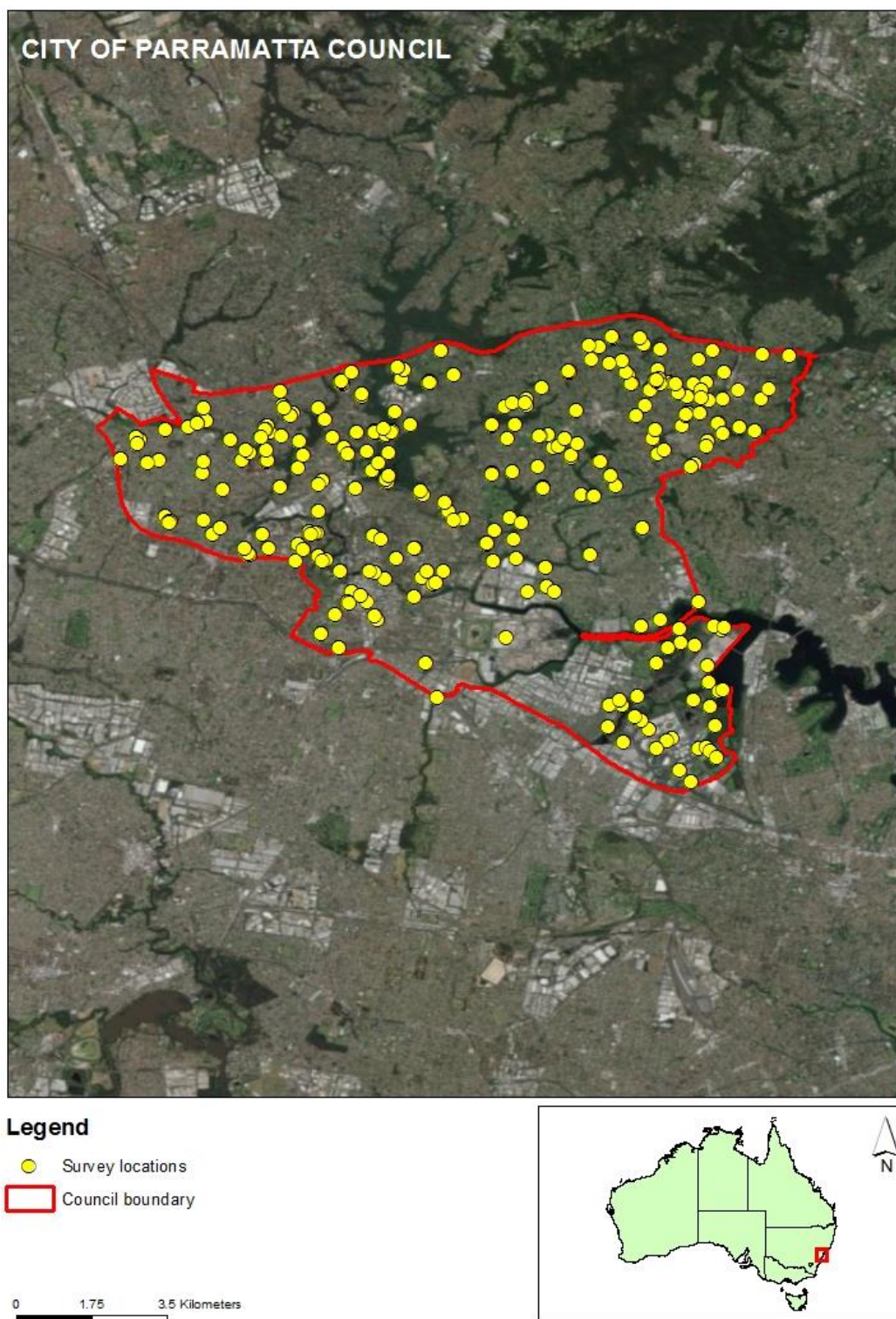
Graphs representing the top ten bird species within a council's boundaries will be produced to allow council members to easily ascertain the most commonly recorded species within their LGA. Introduced species will be highlighted so readers can easily determine native from introduced species. Findings will be compared to the top species counted both nationally and within the state the council is from.

### **Introduced species**

Distributional information for recorded introduced species within the council boundaries will be reported on. This includes both introduced species from other countries and introduced species from other parts of Australia that have become naturalised to the region. A distributional map will also be provided for these species so that councils can see which regions the individuals have been sighted in; this can then be investigated further or used in future management decisions and actions. Further statistics regarding introduced species will be provided including bird count, number of surveys detected in and the proportion of the total count that each introduced species represents.

### **Threatened species**

Distributional information for observed threatened species within the council boundaries will be reported on. A distributional map will also be provided for species of conservation concern so that councils can see where individuals have been sighted; this can then be investigated further or used in future management decisions and actions. Where BirdLife Australia has projects within the area, these projects will be outlined in the report.



**Figure 1:** Example of a distribution map depicting all bird observations within the City of Parramatta boundaries. Bird observations that were recorded in a single survey overlap due to having the same GPS co-ordinates.



## BROLGA PACKAGE ADD-ONS \$300 each (GST exclusive)

### Species-specific results (Brolga Package Only)

Councils will be given the opportunity to nominate up to 3 bird species which they would like specific in-depth results for. Any additional species councils would like detailed information on will attract a \$100 fee per species. Distribution maps of the target species, either individually or combined, are provided showing the spread and abundance of the species within the council boundaries. Councils can incorporate this information into their urban planning and management strategies and decision-making. Species of interest may include threatened or rare species, introduced species, pest species, or species that are being actively managed in some form.

### Comparative results (Brolga Package Only)

Comparative results are available for the Brolga Package only and offers comparative results from 2017, 2018 and 2019 — including user statistics, bird statistics and reporting rate.

For further data comparisons not currently specified, including spatial mapping, please contact Bethany Gillard ([bethany.gillard@birdlife.org.au](mailto:bethany.gillard@birdlife.org.au)) to arrange a quote.



## Terms and Conditions

### Costs

Robin Package	FOC	
Cockatoo Package	\$400	(GST exclusive)
Brolga Package	\$800	(GST exclusive)
Brolga Package Add-ons	\$300 each	(GST exclusive)
Brolga Package Additional species	\$100 per species	(GST exclusive)

An invoice will be sent to the council representative at the end of the ABBC (27<sup>th</sup> October 2019). **Invoices are to be paid within 30 days from the issue date and must be paid before the final report can be released to the council.**

### Timing of delivery for reports

Your report will be available to you from February 2020 **providing payment has been received**. The data shall remain exclusive to BirdLife Australia for a period of 4 months after the conclusion of the event.

### Conditions

In receiving data from the 2019 Aussie Backyard Bird Count, the Purchaser agrees to be bound by all of the following conditions. In these conditions, "data analysis and report" means information collected, compiled and vetted by BirdLife Australia.

1. The Purchaser agrees to pay BirdLife Australia the fee outlined for the extraction of the data and the license to use the data analysis and report in accordance with the terms and conditions. Payment must be received **prior** to the release of the final report. If payment is not made in accordance with these terms, BirdLife Australia may cancel this agreement without prejudice to any rights it has under this agreement or at law.
2. The Purchaser accepts that all Intellectual Property rights connected with the data analysis and report shall always remain the property of BirdLife Australia and the person(s) who collected the data.
3. The Purchaser will give proper acknowledgment to BirdLife Australia as being the source of the raw data, data analysis and report in all publications in which the Purchaser makes use of the data, data analysis and report.
4. BirdLife Australia makes no representation whatsoever about the correctness of the data used in the analysis or the use to which they may be put, and the Purchaser agrees that it has not made this application in reliance upon any such representation.
5. Any rights granted to the Purchaser to use the data analysis and report will be personal to it and will not be able to be assigned to any third party without the consent of BirdLife Australia first being obtained.



6. Raw data provided by BirdLife Australia to the Purchaser **must not** be published by the Purchaser, their associates or any third parties in any form within the public domain (i.e. on a website or in a library as reference material).
7. Due to privacy, BirdLife Australia will exclude all personal identifying information from the raw data file provided to the Purchaser in association with the Cockatoo and Brolga Packages.
8. Suggested speakers for council run events for events organised by the Purchaser may charge their own fees.
9. If this is the council's first time taking up a Council Package, an Arc GIS shapefile corresponding to your council's boundaries must be received by BirdLife Australia in order to complete the report. This must be provided by the Purchaser by **1 OCTOBER 2019**.
10. If you have previously taken up a Council Package but your council boundaries have since changed, **it is the responsibility of the Purchaser to inform and provide BirdLife Australia with an updated Arc GIS shapefile** by **1 OCTOBER 2019**.
11. Requests for package upgrades must be received by BirdLife Australia within one month from the date the Purchaser receives their final report.
12. If the Purchaser fails to comply with any of these conditions, its right to continue to use the raw data, data analysis and report will be withdrawn.
13. This document will constitute the whole of the agreement reached between the parties and shall be governed by the laws of the State of Victoria, Australia.

## Council Agreement

If you would like to participate in the 2019 Aussie Backyard Bird Count please complete your details below and return the last two pages of this document to [bethany.gillard@birdlife.org.au](mailto:bethany.gillard@birdlife.org.au). This section serves as a formal agreement and upon signing you agree to the terms and conditions outlined in the 2019 Aussie Backyard Bird Count Council Package document.

Council Name	
Council Contact Name	
Phone Number	
Email Address	
Package Option / Add-ons	
Signature	
Date	

# **AFAC INDEPENDENT OPERATIONAL REVIEW**

**A review of the management of the Tasmanian  
fires of December 2018 – March 2019**



Prepared for the Tasmanian Government

## ACKNOWLEDGEMENTS

This Review was conducted under the auspices of the Australasian Fire and Emergency Service Authorities Council (AFAC) by:

- Mal Cronstedt – Deputy Commissioner, Department of Fire and Emergency Services WA
- Guy Thomas – Director Asset Services, Queensland Parks & Wildlife Service
- Paul Considine – Director Capability and Assurance, AFAC

Overall direction was provided by the AFAC office.

The Review team would like to thank those individuals who gave freely of their time and spoke openly with the Review members. The team benefitted from the input of representatives of the Tasmanian fire agencies, representatives of interstate agencies that assisted with the management of the fires, officials from the Tasmanian State Government and representatives of organisations with an interest in promoting the values of the Tasmanian wilderness areas.

The Review team also greatly appreciates the time taken by members of the public and interested parties to respond to the call for public submissions made in relation to this Review. The Review team read and took account of each submission. We have not attempted to respond in this report to individual submissions made but we have had regard to the major themes that emerged.

The input of all participants in preparing this document was of great benefit to the Review team. However, the content of this report and its conclusions remain the joint responsibility of the team.

AFAC, July 2019

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Facsimile: 03 9419 2389

Email: [afac@afac.com.au](mailto:afac@afac.com.au)

Internet: <http://www.afac.com.au>

### Disclaimer:

This document is constructed from consultation and research between the Australasian Fire and Emergency Service Authorities Council Limited (**AFAC**), its members and stakeholders. It is intended to address matters relevant to fire, land management and emergency services across Australia and New Zealand.

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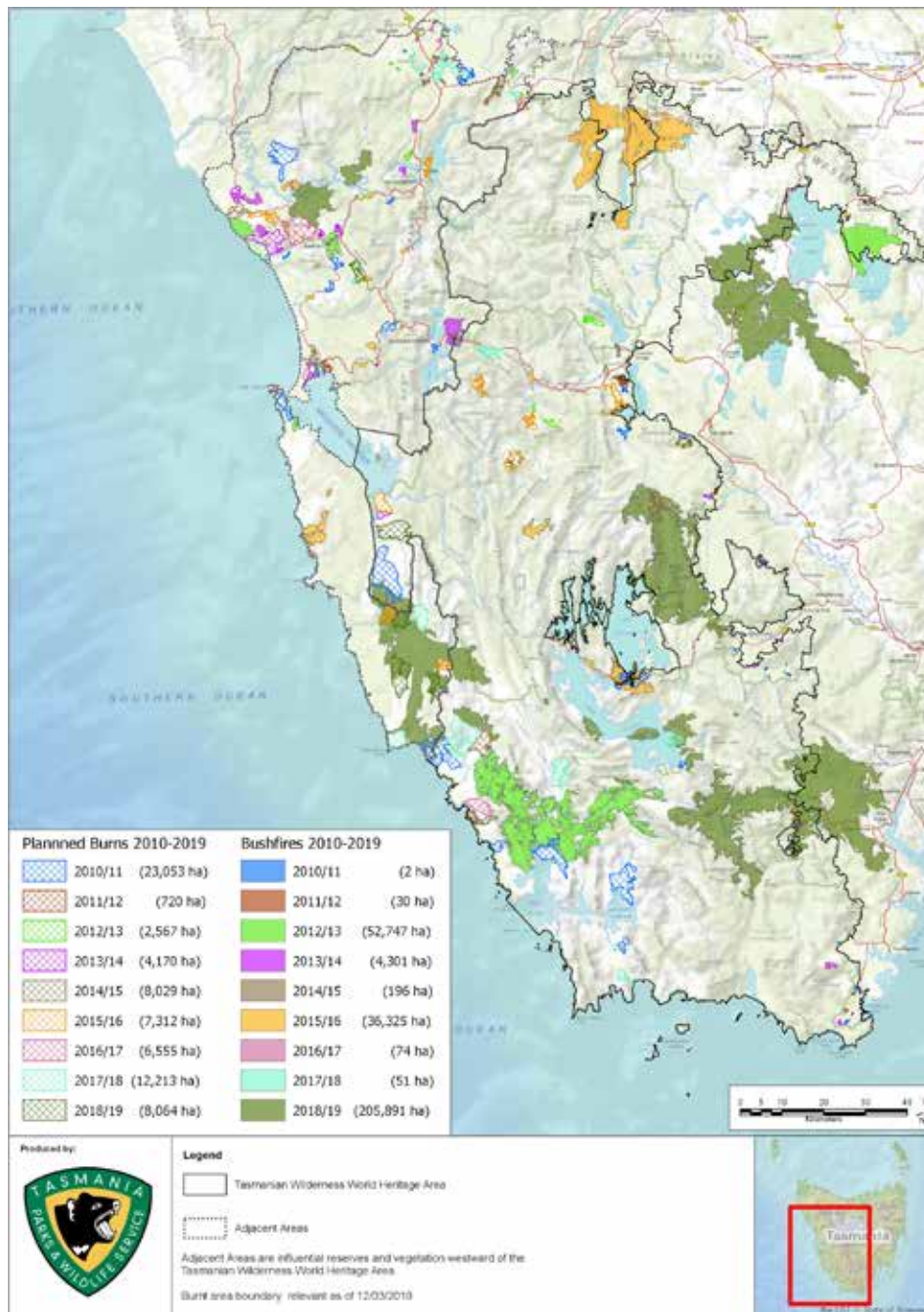
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Frontispiece: Fire History in the Tasmanian Wilderness World Heritage Area 2010-2019

# AFAC INDEPENDENT OPERATIONAL REVIEW

A review of the management of the Tasmanian fires of December 2018 – March 2019



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# 1 SUMMARY

- 1.1 On Christmas Eve 2018, a deliberately started fire on Bruny Island burned 122 hectares and required the evacuation of holidaymakers and residents. This incident, significant in itself, heralded the start of the 2018-19 fire season in Tasmania – in terms of hectares burned, the largest since at least 1967.
- 1.2 Subsequent dry lightning strikes ignited fires at Gell River (27 December), Great Pine Tier (15 January) and Riveaux Road (15 January) – to name but three of the many serious and significant fires that burned over 210,000 hectares of Tasmania during the summer.
- 1.3 Meteorological conditions in the lead-up to the season had not been extreme and there was no particular reason leading into summer to expect extensive fire activity. The weather behind the fires becoming as significant as they did is more a story of notably dry and warm conditions in December, January and February which allowed fuels to dry and fires to become established across the State.
- 1.4 The three fire agencies in Tasmania (Tasmania Fire Service, Tasmania Parks and Wildlife Service and Sustainable Timber Tasmania) are experienced in fighting major bushfires, with the most recent severe season being in 2016. They were not taken unaware by the 2018-19 season and were able successfully to apply organisational structures and firefighting tactics that had been refined from past experience.
- 1.5 There are two stories to tell about the impacts of these fires: the significant success of the Tasmanian fire agencies in protecting human life and property, and, as in 2016, the damage done to ecological and wilderness values in the Tasmanian Wilderness World Heritage Area. Lamentable though the damage to natural values was, Tasmanians should see the efforts to preserve human life as a major achievement.
- 1.6 As often occurs in events of this scale, certain accounts of the fires have gained popular currency: that the Gell River fire was not properly managed in its early stages allowing it to escape; that the Great Pine Tier fire could have been stopped in its tracks if firefighters had been allowed to use machinery in the World Heritage Area, and that arguments between agencies meant that the Riveaux Road fire went unchecked.
- 1.7 In the opinion of the Review things are not that straightforward. With the benefit of hindsight the Gell River fire could have been handled differently, but was managed competently according to accepted industry practice; there was no Parks and Wildlife Service ban on using machinery in the TWWHA and the request for a machine on the Great Pine Tier fire never reached them and in any event it is not possible to say with any confidence that it would have made a difference; and any shortcomings in the management of the Riveaux Road fire were not down to interagency rivalry.
- 1.8 There are lessons to be learned from any major fire event and there are lessons to be learned from these fires too: rather than seeking to assign blame, the Review team has tried to outline what those lessons are in this report and to make suggestions about how these lessons could be turned into improvements in practice.
- 1.9 Other significant issues that the Review has looked at are fire legislation and policy in Tasmania – which is acknowledged by all to be overdue for an overhaul; the use of aircraft in firefighting – much as aircraft are a valuable tool in the firefighter's toolbox, they are a very expensive one, and they cannot solve all of the problems that an event of this nature brings; the use of interstate and international resources – while there are reasoned arguments for increasing Tasmanian state firefighting capacity, it will never be large enough to deal with a season like 2018-19 and so assistance from outside the State will always be a consideration; and facilities – the Review concluded that Tasmania would be well-served by a purpose-built State Control Centre for the management of major natural hazards.
- 1.10 Because a Review of this nature aims to identify learning points, the resulting report can often be seen as negative in tone, and it is easy to take parts of the report in isolation in order to bolster particular lines of criticism. The Review team would urge the reader to identify and learn the lessons of the 2018-19 fire season, but not allow that to detract from the hard and unremitting work – with many excellent outcomes – of the volunteers and staff of the Tasmanian fire agencies, and all those Tasmanian, interstate and international organisations and individuals who supported the firefighting effort.



## RECOMMENDATIONS

1.11 We make recommendations as follows:

### Recommendation 1

TFS, PWS and STT initiate a discussion among their Australasian peers about good practice around managing new fire starts in remote terrain, to include issues around identification, predictive analysis, risk management and suppression activities. The outcome should be a document which allows for benchmarking to accepted good practice across Australasia, from which Tasmanian fire agencies can develop protocols against which the management of future events can be tested.

### Recommendation 2

TFS should pursue the creation of a cadre of volunteer remote area firefighters. In doing so the TFS should not consider itself limited to upskilling of current volunteer brigade members, but should carry out a cost benefit analysis of creating one or more remote area firefighting units based in urban areas, in order to tap into the potential of those members of the urban-based Tasmanian community who may have advanced knowledge and skills relating to navigation and survival in wilderness areas.

### Recommendation 3

TFS should initiate a policy review (seeking support from government as appropriate) to clearly identify what body or agency is responsible for planning, carrying out and enforcing fuel management on private property at a township level. If current arrangements are unclear or ineffective, TFS should request government to consider making this a statutory responsibility of TFS and provide any additional funding required to support this function.

### Recommendation 4

TFS, PWS and STT should work with government and each other to continue to pursue a whole-of-state fuel management and burning program that encompasses all land tenures, meets the range of outcomes required by the state (township protection, risk reduction and landscape-scale burns) and is inclusive of private landholders and local communities as well as all fire agencies.

### Recommendation 5

TFS, PWS and STT agree an updated version of the Interagency Fire Management Protocol which maintains the principle that there will be one state-wide point of command for major unwanted fires burning in the State of Tasmania, explicitly recognises the right of each of TFS, PWS and STT to have their objectives prioritised in incident action planning and adequate resources applied to those objectives, and provides a mechanism for executive decision-makers from TFS, PWS and STT to come together and agree objectives and resourcing levels that will then be operationalised by whole-of-State control structures.

### Recommendation 6

TFS, PWS and STT should establish a State Air Desk, to be staffed by specialist staff year-round, with responsibility for managing both preparatory and contractual issues out of season as well as aircraft management when fires or other emergency events are occurring.

### Recommendation 6A

The proposed Tasmania State Air Desk should have a finance officer attached to its staff.

### Recommendation 7

TFS, PWS and STT should jointly reach a decision on whether a winch capable remote area firefighting capability should be maintained in Tasmania; which agency or agencies should be responsible for that program; and how a winch capable remote area firefighting capability can be safely trained and kept current, to include consideration of the availability of winching aircraft. If the decision is taken not to maintain this capability in the state, TFS, PWS and STT should identify how the gap in capability that this represents should be filled in future fire seasons.

### Recommendation 8

TFS, PWS and STT should jointly carry out work to identify acceptable shift lengths and patterns – including requirements for rest days – for all personnel working on emergency operations. Once these have been identified, systems should be put in place to ensure that HR rostering practices follow these fatigue management guidelines. And senior staff should lead by example and ensure that they, as well as the people working under them, take adequate rest breaks.

### Recommendation 9

TFS should engage in discussions with government about the construction of purpose-built State Control Centre facilities for emergency management in Tasmania.

## 2 ABOUT THE REVIEW

### INTRODUCTION

- 2.1 This Review was requested by the Tasmanian Government into the management of the 2018-19 bushfires by the Tasmanian fire agencies, namely Tasmania Fire Service (TFS), Tasmania Parks and Wildlife Service (PWS) and Sustainable Timber Tasmania (STT). It has been conducted on a non-statutory basis, with no formal powers of compulsion of witnesses or documents.
- 2.2 Tasmania has a history of proactively seeking external Reviews of significant fire seasons, and these have taken place previously in 2013 and 2016. This is a demonstration of a culture of seeking to learn from major events, and we hope that this Review supports that.
- 2.3 The Australasian Fire and Emergency Service Authorities Council (AFAC) identified a team of three people from across the sector to carry out the Review. Deputy Commissioner Mal Cronstedt from the Department of Fire and Emergency Services WA chaired the team, which also included Guy Thomas from Queensland Parks and Wildlife Service and Paul Considine from AFAC.
- 2.4 The Review team has broad and varied experience of urban fire, rural fire, land management and aviation operations from both Australia and overseas. The AFAC office supported the Review and acted as a sounding board for our conclusions and recommendations. The Review has had regard to other publications<sup>1</sup> in compiling this report. The result is intended as an independent review, at a strategic level, of operations in the 2018-19 fire season in Tasmania.
- 2.5 The Review team and AFAC do not have responsibility for tracking the uptake and implementation of the findings of this Review – our work is over once the report has been delivered to the Tasmanian Government. We understand the challenge to emergency management agencies (in particular) when repeated incidents lead to repeated reviews and an ever-increasing list of recommendations to be addressed – not all of which may be practical to achieve within budget and policy constraints. We include a brief reflection on this at the end of this report.

### TERMS OF REFERENCE

- 2.6 The terms of reference for this Review were agreed between AFAC and the Tasmanian Government and are as follows:
- The causes, chronology and response of the 2018-19 bushfires in Tasmania on and following 28 December 2018.
  - The effectiveness of community messaging and warnings.
  - The timeliness and effectiveness of the fire response and management strategy, including accommodating the priorities of life, property, timber production and forest asset values, and environmental and cultural values by Tasmanian fire agencies.
  - The impact and effectiveness of fuel management programs in the fire affected areas on the management and containment of the fires.
  - The effectiveness of state, regional and local command, control and co-ordination arrangements, to include agency interoperability and the co-ordination of emergency management activities with government and non-government organisations.
  - The effectiveness of the arrangements in place for requesting and managing interstate and international assistance and the significance of interstate and international assistance in managing the fires.
  - The use and effectiveness of aviation firefighting resources, in particular, the suitability of aircraft types for the protection of environmental values, forest assets and the rural/urban interface in Tasmania.
  - Any other matter that the Review identifies in the course of its activities as warranting discussion.
  - The Review will provide a means for members of the public and other interested parties to make submissions to the Review and will have regard to any submissions received in compiling its report.

<sup>1</sup> AFAC *Conducting Independent Operational Audits*, Version 2, AFAC, 2018; *What is Operational Success for Fire and Emergency Services*, AFAC, January 2015; *Strategic Directions for Fire and Emergency Services in Australia and New Zealand 2017-2021*, AFAC, 2016.

## RELATIONSHIP TO OTHER REVIEW ACTIVITIES

- 2.7 We were advised that other after-action reviews are also being undertaken independently by the agencies involved. They include debriefing and after-action review exercises being undertaken internally within Tasmanian fire agencies, Tasmania Police and supporting organisations in other jurisdictions. These internal exercises will not necessarily be designed to be put into the public domain and may be expected to focus on the operational aspects of the event.
- 2.8 This report is free-standing and based on the evidence that the Review gathered during its fieldwork phase. It deliberately does not deal with the detailed operational issues that will have been addressed in internal after-action reviews, and our intent has been to maintain the discussion and conclusions of this report at a more strategic level.

## METHODOLOGY

- 2.9 The Review team travelled to Tasmania in March and April 2019 and met with Tasmanian fire agency staff, personnel from other agencies, government and representative bodies. The Review had the opportunity to visit a number of the firegrounds and discuss the strategies used there. We considered documentation relevant to State emergency management arrangements, preparedness, response and recovery. We also contacted some stakeholders by email and telephone to obtain feedback on their experience of the management of the fires.
- 2.10 A call for public submissions to the Review was published in the Tasmanian press on 6 April 2019 and further distributed through social media. We received 80 submissions, which the Review team has read and had regard to. The number and detailed content of many of these submissions means that we cannot respond to each point that was made to us. We have however carefully considered what has been said to us, and we hope we have been able to identify all of the major themes. In addition, the submissions made will be published (unless the author asked us not to) and so form a record of the issues that were subject to public debate following these events.
- 2.11 The Review has adopted the following principles:
- We have not tried to read and digest every document produced in relation to the management of the fires. We have been provided with a significant amount of documentation by participating agencies and we have reviewed key documents that have assisted our understanding of the circumstances of the fires.
  - We have not acted as a fact-finding body to resolve disputes. Where we have identified issues with the management of the fires we have discussed these with the people involved and we have reached conclusions based on the available evidence and our professional judgment. We have not gone about this exercise in the same way as a court or legal inquiry would, and our conclusions should not be relied upon to apportion blame or prove that one party or another is right about a particular issue.
- 2.12 We may use language in this report such as 'we were told', which sets the context for the conclusions that follow, but does not imply that we investigated and confirmed the truth of the statement. If we use phrases such as 'we found' or 'we conclude' these should be taken as conveying our opinion on the matter based on the best evidence available to us.
- 2.13 Arising out of the Review we have identified certain recommendations for the Tasmanian fire agencies: we invite them to have regard to our recommendations while acknowledging that it is a matter for the agencies to prioritise these as they see fit. In places in this report, we have made a number of comments that we have not wished to elevate to the status of recommendations, but which, again, we invite the agencies to take account of in their future business planning.

### 3 THE CAUSES, CHRONOLOGY AND RESPONSE OF THE 2018-19 BUSHFIRES IN TASMANIA ON AND FOLLOWING 28 DECEMBER 2018

#### WEATHER

- 3.1 Records of the antecedent weather conditions to the 2018-19 Tasmanian bushfire events showed the State had experienced a warm, but somewhat average year overall. Mean temperature was 0.71 °C above average across Tasmania in 2018, making it the fifth-warmest year since 1910. Rainfall for the year was close to average but significant variations across the months. Although there were concerns about bushfire risk in east coast areas, up until December there was little to indicate a particularly bad fire season ahead for the State.
- 3.2 The summer of 2018-19 was Tasmania's second-warmest on record, with the mean temperature 1.60 °C above average; and only slightly cooler than the record summer of 2015-16. A feature of the summer was persistently warm days, especially during December and January and few especially cool days.
- 3.3 Most areas had little if any rain for about six weeks from late December to early February. In particular January had about one-fifth of its average rainfall and was Tasmania's second-driest on record (after January 1939). Parts of the southeast had their driest summer on record. Most of the east and north of Tasmania had less than 10 mm of rain for the whole month, and even in the usually wet western highlands totals were less than 100 mm.
- 3.4 These very dry and consistently warm conditions resulted in extreme dryness and rapid curing in most vegetation types including wet forests and moorlands. Vegetation that would ordinarily be too moist to burn became available fuel.
- 3.5 Extensive bands of lightning extended across the western and southwestern areas of the State on 14 and 15 January, with the second event producing over 2400 dry lightning strikes. The absence of any associated rainfall and hot, dry conditions resulted in over 70 new fires breaking out across the State. Several of these became significant fires.

Figure 1:

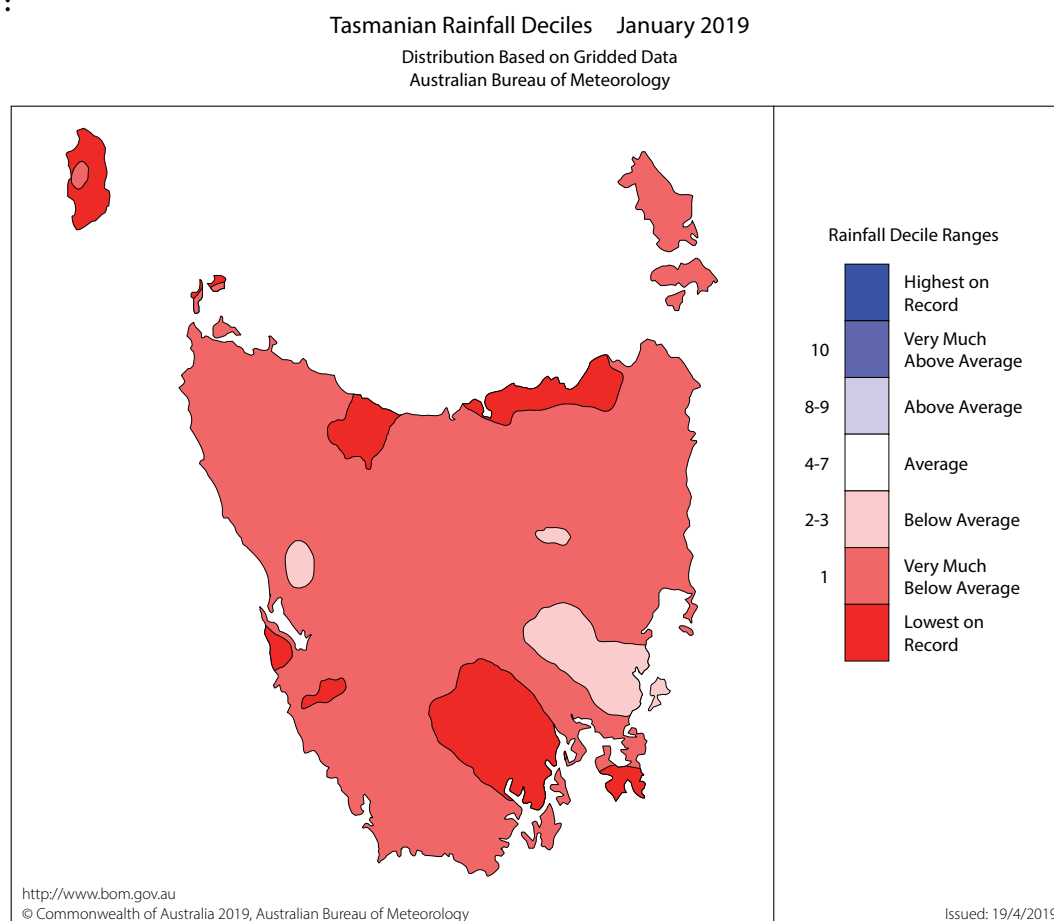


Figure 2:

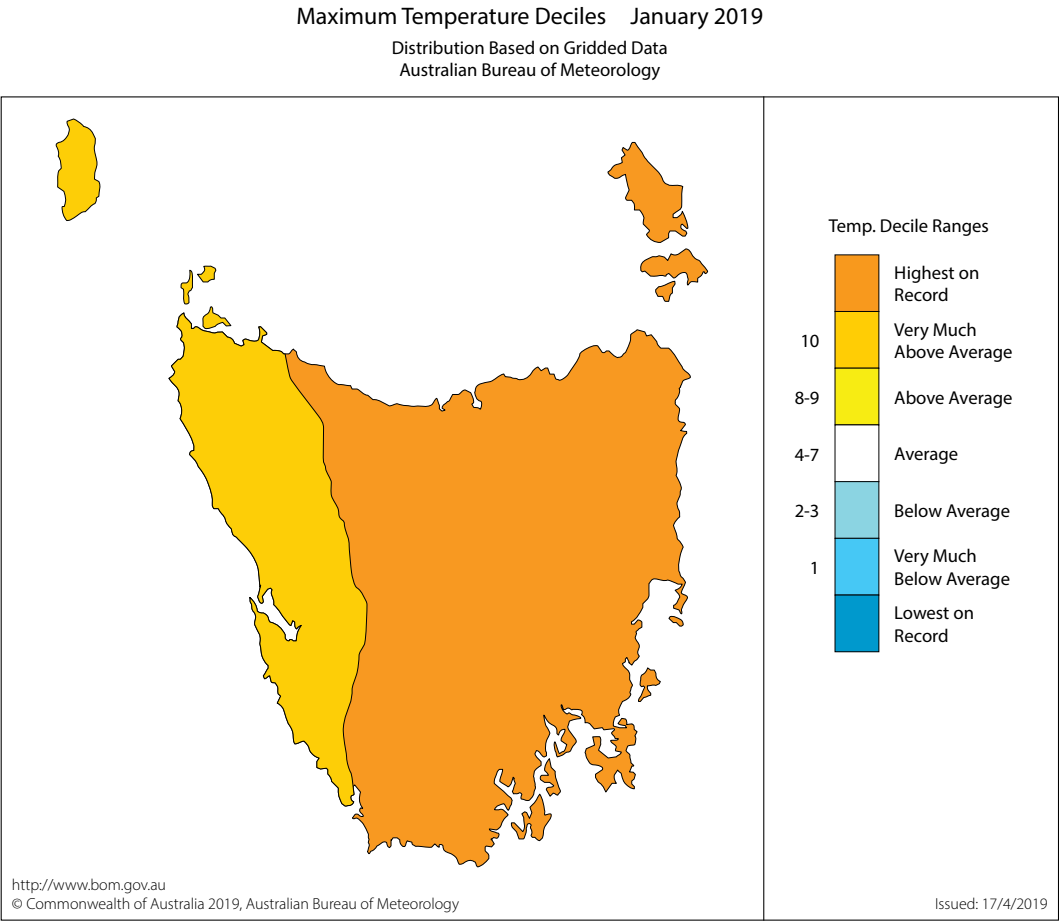
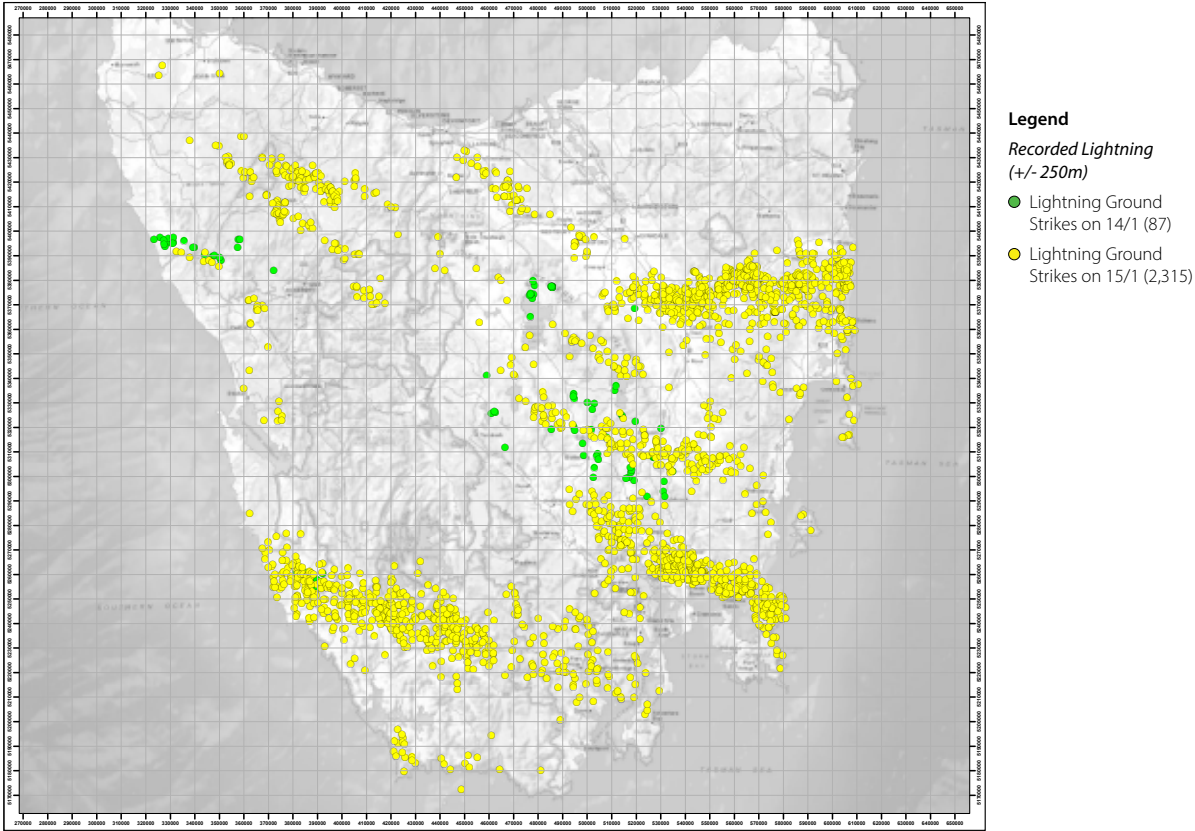


Figure 3: Lightning strikes in Tasmania, 14-15 January 2019



- 3.6 The Review received a number of submissions that suggested dry lightning is becoming increasingly evident in Tasmania. While changing climate is undoubtedly resulting in altered weather conditions and may be influencing patterns of lightning, we heard there are other significant factors that may also be involved. Of particular note is the technological advancement which has significantly enhanced lightning strike tracking capability over the past decade. Simply put, the Bureau of Meteorology has developed enhanced capabilities to better detect lightning, so it is difficult to establish conclusive trends from simple analysis of historical data. What may be evident is that a combination of soil dryness and fuel curing in historically 'wet' vegetation communities is facilitating increased ignitions from lightning strikes than may previously have occurred.
- 3.7 Consistent with fire events in Tasmania and other jurisdictions over the past decade or more we heard reports of firefighters witnessing unusual and unpredictable fire conditions they had not previously experienced. This included fires carrying through very tall 'wet' *Eucalyptus regnans* forest and burning through rainforest ecotone vegetation communities that would ordinarily provide natural control lines.
- 3.8 Consistent with strong scientific evidence and following the significant fire events in Tasmania in 2013, 2016 and 2019 there is broad acknowledgement and acceptance that projected changes to climatic conditions will result in longer, more severe fire seasons for the State, as with other parts of the country. This will only become more challenging as the weather windows open for prescribed burning shift with changing climatic patterns, adding uncertainty and complexity to burn planning.

## CHRONOLOGY

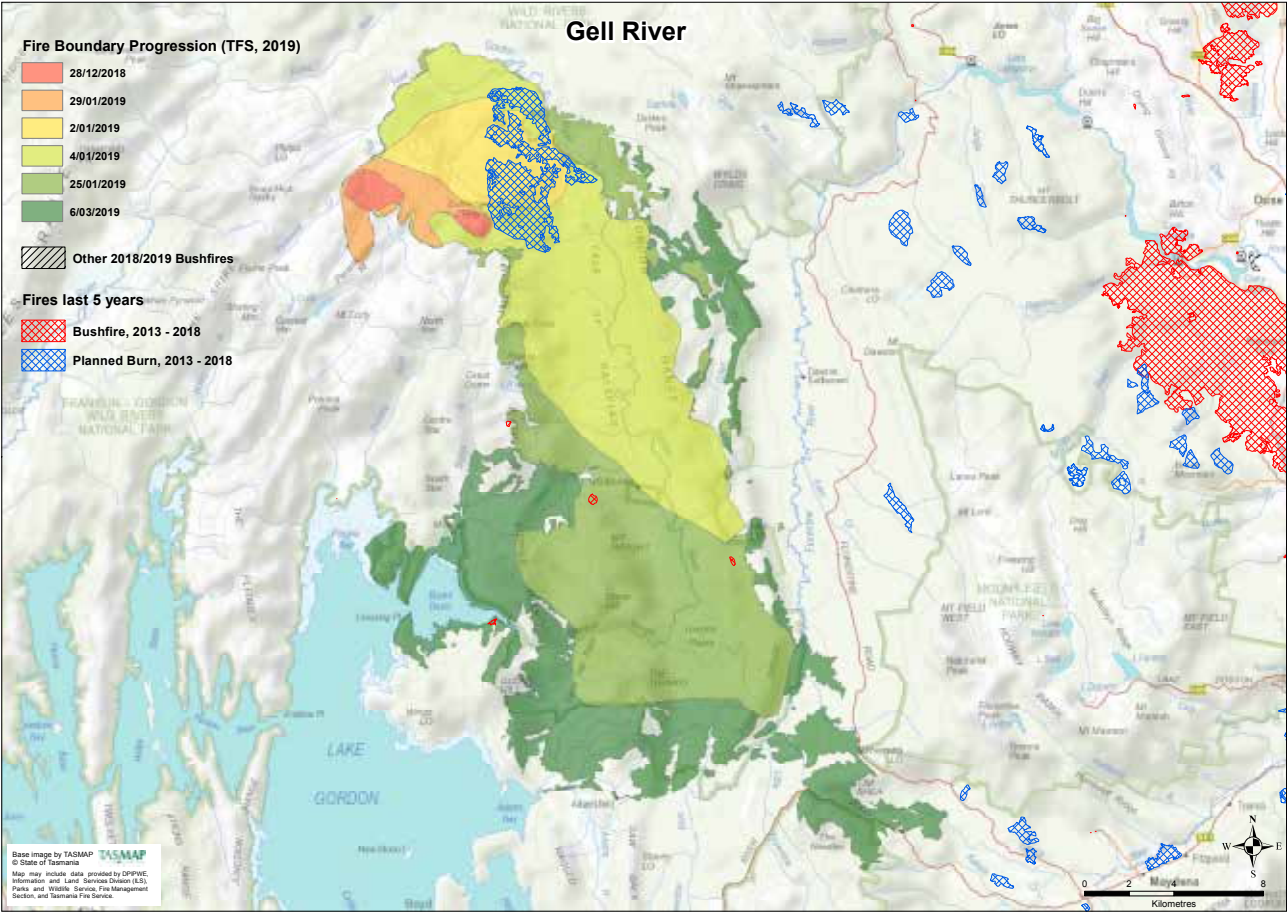
- 3.9 A deliberately lit fire was detected at Conleys Point on South Bruny Island on 24 December 2018. An Emergency Alert was issued for this fire with the relocation of multiple residents and campers during the late evening and early morning of Christmas Day. Several structures were destroyed or damaged by the fire.
- 3.10 Dry lightning occurred in Tasmania on 27 December 2018. This event ignited fires that went on to merge and become the Gell River fire, 40 kilometres to the northwest of Maydena in the Franklin-Gordon Wild Rivers National Park.
- 3.11 On 15 January 2019, a second lightning event produced 2402 recorded dry lightning strikes across the state, igniting a large number of additional fires. Over 70 fires were started state-wide. A combination of dry conditions, strong winds and inaccessible terrain prevented many of these fires from being controlled. For management purposes the fires were grouped into complexes as follows:
- South-west Complex (managed by an incident management team located at Cambridge, near Hobart)
    - Gell River Fire
    - Riveaux Rd fire
    - Celtic Hill fire
  - Rosebery Complex (incident management team situated at Burnie)
    - Lynch Hill Fire
    - Western Hills Fire
    - Fowl Creek
    - Brittons Link
    - Rapid River
  - The Great Pine Tier Fire (incident management team situated at Youngtown in Launceston)
- 3.12 Another fire (Moore's Valley) in the remote SW burned 36,273 ha with a perimeter of 287 km. Due to the inaccessibility of this area and the lack of significant values at risk, other fires were prioritised, and no active fire suppression was employed. It was monitored by the North West Regional Operations Centre in Burnie.

### *South-west Complex (Cambridge IMT)*

- 3.13 The first fire in this area was the Gell River fire noted above. It was detected on 28 December and burned in the Tasmanian Wilderness World Heritage Area and in commercial timber reserves in the Florentine Valley of significant value to the timber industry. There were a number of fire-sensitive values present in the area, including the Alpine Plateau above Lake Rhona and areas of mixed forest and temperate rainforest. Heritage cultural sites and commercial values as well as key telecommunication infrastructure and power transmission were at risk. The Gell River Fire covered 35,062 ha with a perimeter of 607 km.



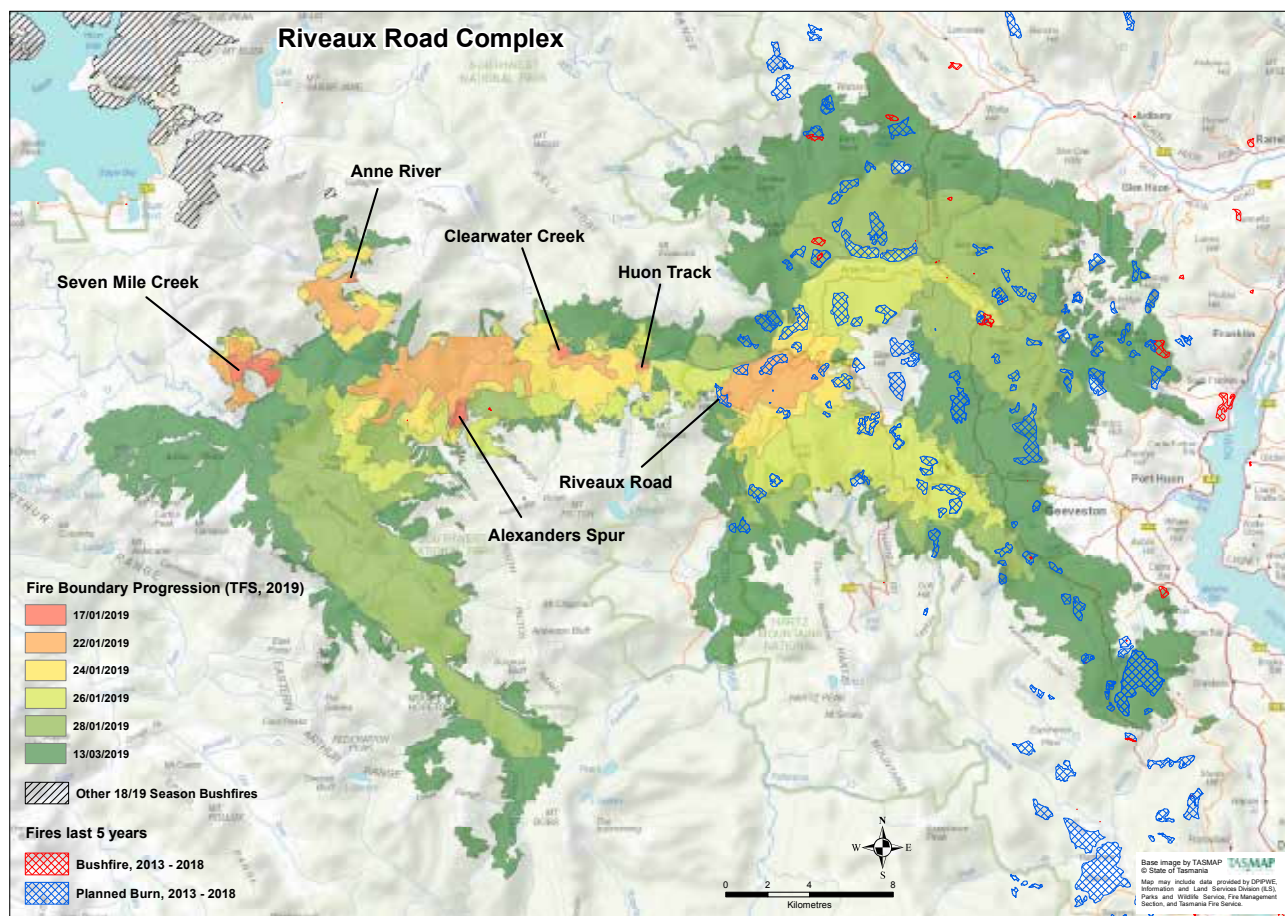
Figure 4: Gell River fire progression map



Buttongrass plain in recovery, Gell River, February 2019 (credit: Guy Thomas)



**Figure 5: Riveaux Road fire progression map**

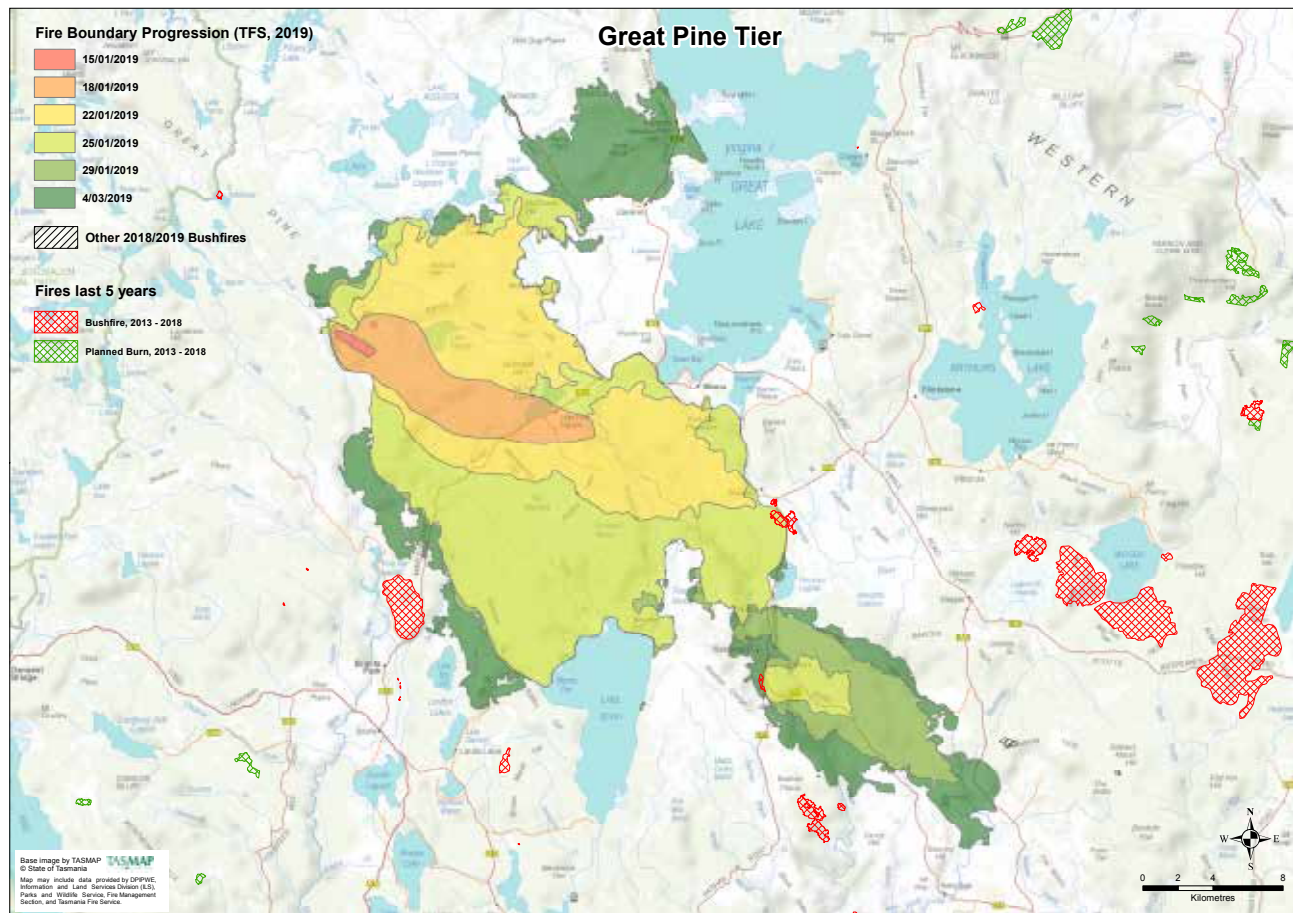


**3.14** The Riveaux Rd fire started on 15 January and burned to the west of Huonville and Geeveston on private land and in the South West and Hartz National Parks. There were a number of fires that joined and progressed east of the Kermadie Divide and through Scotts Divide. On 30 January 2019 the fire ran into settled areas of Castle Forbes Bay and parts of Port Huon. Two properties were lost in Frypan Road and one in Bermuda Road, Glen Huon, one in Sheoak Road, Judbury and one on the Huon Highway, Waterloo. The fire covered 63,769 ha with a perimeter of 932 km. The South West complex also included the Celtic Hill (3,560 ha and 99 km fire edge), Mount Solitary (1370 ha and 38 km), Anne Gorge (1009 ha and 21.5 km), and the Lake Pedder fires (1114 ha and 31.2 km).

#### ***Rosebery Complex (Rosebery IMT)***

- 3.15** The Lynch Hill (2815 ha and 42.8 km) and Western Hills (6492 ha and 55.1 km) fires in the north west of the state were located to the north of Zeehan and the north west of Rosebery. The Lynch Hill fire was identified on 15 January 2019 with limited suppression activity initially due to resource limitations. Ground reconnaissance was undertaken on 19 January 2019 and direct attack commenced by ground crews and light tankers. The Western Hills fire was identified on 16 January 2019. Some aerial suppression was undertaken on 18 January 2019 together with machinery suppression. These fires burned in Regional Reserves and in potential production forest and the Western Hills fire also burned a large area of private land.
- 3.16** The Brittons Link fire 14 km south east of Smithton was largely within a timber production area. The fire was started by machinery operating in a STT harvesting operation area and was first reported on 29 January 2019. This fire covered 2,460 ha with a perimeter of 35 km.
- 3.17** The Rapid River fire was on the North West coast to the east of Dempster Plains. It started on 31 January 2019 and burned in mostly inaccessible and remote areas. Remote Area Firefighting Teams tried on several occasions to gain access but the conditions were not favourable for active firefighting operations. This fire was 477 ha in size with a perimeter of 16 kilometres.

**Figure 6: fire progression map, Great Pine Tier**



### *The Great Pine Tier Fire (Great Pine Tier IMT)*

- 3.18** The Great Pine Tier fire evolved from a series of smaller fires that started on 15 January 2019, in particular fires at Little Pine Lagoon and Little Pine River. The Great Pine Tier fire burned on the Central Plateau across a combination of public and private conservation estates and other private land. The fire progressed through forestry coupes across the Little Pine River west of Little Pine Lagoon dam, jumped the Marlborough Highway on 18 January and spread east to shacks at Little Pine Lagoon.
- 3.19** Fire behaviour increased due to unpredicted fresh northerly winds on the afternoon of 20 January. This fire threatened the Miena Community (although ultimately did not impact it), and destroyed the nearby Skittleball Plains Homestead. The fire passed through Waddamana on Wednesday 30 January. Under elevated fire danger conditions experienced on 3 February 2019 fire activity at Lake Augusta Road (Liawenee) increased which lead to a significant outbreak and resulted in the fire impacting on the township of Reynolds Neck. This fire covered 51,224 ha with a perimeter of 692 km.

### *Other fires*

- 3.20** A number of additional fires were managed by the TFS Regions and are estimated to have burnt more than 4,000 ha. The most significant of these fires were those located at Sawpit Hill Rd, Gum Flat Rd and Jimmy's Hill.
- 3.21** The total area burned in the 2018-19 fire season in Tasmania was 210,311 ha with a perimeter of 1,854 km. This makes the 2018-19 season the largest since at least 1967 for hectares burned in the State.

## RESPONSE: STATE OPERATIONS CENTRE AND REGIONAL OPERATIONS CENTRES

- 3.22 The Regional and State management structures for fire are described in more detail in Part 4 of this report: the narrative below identifies when components of this structure were active ('stood up').
- The State Operations Centre was stood up on 3 and 4 January 2019 and again on 11 January and 16 January until 15 February 2019. It was again stood up 1-2 March 2019.
  - The Southern Regional Operations Centre stood up on 3 and 4 January 2019 and operated until late March supporting interstate resources operating in the Region.
  - The Northern Regional Operations Centre stood up on 3 and 4 January and again on 12 January 2019. It stood down operationally on 12 February 2019; however, it continued in a support role to the Incident Management Team until the handover of the Great Pine Tier Fire to the Southern Region on 18 February 2019. The Northern ROC subsequently stood up in line with doctrine due to predicted weather conditions on 1-2 March 2019.
  - The North West Regional Operations Centre stood up on 18 January 2019. It was on standby prior to this time. The North West ROC was formally stood down on 2 March 2019; however, it was not stood up continually during the latter part of this period but operated in a similar way to the Northern ROC.

## RESPONSE: INCIDENT MANAGEMENT TEAMS

- 3.23 The way in which incident management teams (IMTs) are activated to manage fires under the Tasmanian Interagency Protocol for managing fires is described in more detail in Part 4 of this report. Where a Level 3 IMT is referred to below, this means a multi-agency level 3 IMT with a TFS incident controller.

### *South West Complex*

#### **Gell River**

- 3.24 A Level 2<sup>2</sup> PWS IMT was stood up on 29 December 2018 at Strathgordon to manage the Gell River Fire. The Gell River Level 3<sup>3</sup> IMT stood up at Cambridge at 0900 hours on Friday 4 January 2019. During 4-5 January the PWS IMT transitioned into the Level 3 IMT at Cambridge, which took the lead on the Gell River fire on 6 January. It remained in place until 16 January 2019 when it was expanded to manage the South West complex of fires. The last day of the Level 3 IMT at Cambridge was 23 March 2019. It was replaced by a Level 2 IMT which operated from PWS facilities and staffed by a majority of PWS personnel.

#### **Riveaux Road**

- 3.25 In the early stages, the Riveaux Road fire was burning in wet forest on the northern extent of the Picton River Conservation Area. Classified as 'Conservation Area', the interagency protocol provides for PWS to take lead in a Gazetted reserve. Directly adjacent to the Picton River Conservation Area, and within metres of the fire was a large tract of Permanent Timber Production Zone Land, which is regulated under the *Forest Management Act 2013*.
- 3.26 PWS was initially the control agency with PWS and STT personnel operating on the ground. The management of the Riveaux Road fire was handed over to the Cambridge IMT on the afternoon of 21 January 2019.

### *Rosebery Complex*

- 3.27 The Rosebery Level 3 IMT was stood up on 16 January 2019. It stood down on 24 February 2019.

#### **Great Pine Tier**

- 3.28 The Great Pine Tier Level 3 IMT was stood up on 15 January 2019. The IMT was stood down following the handover of the fire to the South West Complex IMT on 18 February 2019.

2 Level 2 IMTs manage more complex fires requiring the deployment of resources beyond initial response, using a core team of incident management personnel.

3 Level 3 IMTs manage highly complex fires requiring a substantial team of incident management personnel to be assembled.





Credit: Warren Frey

## RESPONSE: RESOURCES DEPLOYED

- 3.29** Approximately 2,000 employees and volunteers from TFS and the State Emergency Service (SES), 248 PWS, 116 STT personnel and 127 STT firefighting contractors/machinery operators were deployed during the 2018-19 firefighting campaign. Most of these personnel undertook multiple rotations, meaning there were thousands of deployment rotations by Tasmanians.
- 3.30** The Tasmanian Interoperability Register was activated with the Department of Premier and Cabinet on 17 January 2019 for generalist support staff from other Government departments to the State Operations Centre and Incident Management Teams. This made available many public servants to provide operational support.
- 3.31** An Interstate and International Liaison Unit (IILU) was established in Tasmania from 10 January 2019 to coordinate ongoing resource requests and interstate deployments to Tasmania. There were approximately 1,144 interstate and international personnel rotations involving personnel from Victoria (23), New South Wales/Australian Capital Territory (765), Queensland (77), South Australia (93), Western Australia (94), New Zealand (81) and Emergency Management Australia and AFAC (11).
- 3.32** This was supported by a base camp deployed from New South Wales to assist the management of the Gell River fire, being positioned close to the fireground to ensure quick and efficient fireground rotations. The base camp was operational at Fenton Forest from Monday 14 January 2019. The base camp was initially established for 80 personnel but it was expanded for a capacity of an extra 50 personnel on 18 January 2019.

### *Air Bases*

- 3.33** The following airbases were established:
- Friendly Beaches 4 January 2019
  - Valley Field 4 January 2019
  - Port Arthur 4 January 2019
  - Strathgordon 4 January 2019
  - Bushy Park (Gell River) 11 January 2019
  - Cambridge 11 January 2019
  - Rosebery Sports Ground (SW Complex) 18 January 2019

There were also four aviation management units/centres in operation throughout the State. Several other sites supported areas of operation but were not sustained as fully equipped airbases.

## RESPONSE: PUBLIC INFORMATION/COMMUNITY FORUMS

- 3.34 Throughout the bushfire campaign, there were a significant number of community warnings issued to impacted communities. There were a total of 41 community forums held along with the insertion of Community Liaison Officers into evacuation centres to provide contemporary information to those impacted by the bushfires. TFS provided a spokesperson on ABC local radio to give additional context to the community information being provided. Daily media briefings were held during the height of the fire activity at 1500 hours to provide bushfire information to the whole community.

### *Evacuation Centres Activated*

- 3.35 During the period 24 December 2018 to February 2019, a number of evacuation centres were opened and closed state-wide in accordance with existing municipal and regional emergency management arrangements. The Bruny Island evacuation centre remained open throughout Christmas Day and approximately 55 campers and local residents were assisted as fire authorities responded to the fire threat.
- 3.36 On 4 January 2019, with the potential for the Gell River fire to impact Maydena and surrounding areas, a 'community comfort' facility was opened at the Salvation Army centre in New Norfolk for residents who chose to leave the area due to smoke and other concerns. The evacuation centre in New Norfolk was prepared to open immediately had the situation escalated.
- 3.37 A cell was established in the Southern Regional Emergency Coordination Centre to develop (operational) evacuation plans for communities threatened by fire. A total of 27 evacuation plans were eventually prepared, primarily relating to areas impacted by the Riveaux Road and Great Pine Tier fires, including a maritime supply and evacuation plan in relation to areas south of Huonville to Dover.
- 3.38 Evacuation centres established at Bothwell, Hamilton and Miena remained open during the height of the bushfire emergency in the Central Plateau. The Central Highlands Council and support services staffed the evacuation centres overnight and, after presentations decreased, during each day (with contact details left at the centres overnight if assistance was required).
- 3.39 The Huon Valley evacuation centre (Huonville PCYC) opened as a community service on 22 January 2019 as there were a small number of people around the facility during the morning. This supported the evacuation of Geeveston and surrounding areas on 28 January. Kingborough Council activated its evacuation centre at the Kingborough Sports Centre on the morning of 31 January 2019. There were no presentations at Kingborough and the centre was closed on 1 February 2019. It remained on standby to open as an evacuation centre if the Huonville evacuation centre reached a pre-determined maximum number of attendees.
- 3.40 Approximately 1,400 people (Tasmanian residents and visitors) presented to evacuation centres throughout the State during the period December 2018 to February 2019.

## IMPACTS<sup>4</sup>

### *Built environment*

- 3.41 Rapid Impact Assessment Teams were deployed by the State Operations Centre on 2 February 2019 to verify impacts reported by the IMTs through Situation and Impact Assessment Reports. 6 houses were confirmed destroyed, along with an unconfirmed number of impacts to historic structures, machinery, power poles, sheds and road infrastructure.

### *Power Networks*

- 3.42 TasNetworks assets within the burnt areas suffered some impacts. The Tim Shea Communications Tower was isolated and operated on generator power while the power line to this area was repaired. The Huon River Spur line was extensively damaged. Restoration of the Huon River Spur took place over two to three months to secure power supply to the South Wood mill area. In the Waddamana area (Great Pine Tier fire), precautionary aerial assessment of the lines took place the week of 13 of February 2019 but no damage to the tower lines was identified.

4 This information was current at 13 February 2019 when responsibility was formally transferred to the Recovery Unit run out of the Department of Premier and Cabinet.

### *Road Networks*

- 3.43** 1,358 km of roads and vehicle tracks were within the burnt area with infrastructure such as signage, road barriers and bridges impacted.

### *Hydro Power*

- 3.44** Hydro power infrastructure was only minimally impacted, restricted to two automated water monitoring sites, one rain gauge and one flow monitoring site. It is not expected that the fires will cause any long-term impacts to Hydro Tasmania.

### *Water Infrastructure*

- 3.45** Several water catchments were impacted by the fires with the Huon River Catchment extensively burnt. Rainfall in this catchment will increase water turbidity and pH due to ash runoff. Work was required at the Glen Huon Water Treatment Plant to maintain drinking water quality.

### *Timber and Forestry*

- 3.46** 39,398 ha of land managed by STT was impacted by bushfires over the 2018-19 fire season. A formal assessment is yet to be completed to determine the extent of damage in hardwood plantation, native forest, and regenerating native forest but salvage harvesting, scarifying and reforestation activities will be required. Approximately 32,901 hectares of private forest was also affected.
- 3.47** Roads, tracks and firebreaks are likely to require rehabilitation and impacts to road signage and guide posts are anticipated. The Weld River Bridge has been damaged and will require re-construction which will be a major capital expense. Other damage included the Carbon Flux Tower Warra research area, the Tahune Air Walk and the Southwood timber mill with sheds, an excavator and some product lost.

### *Apiary Industry*

- 3.48** A number of apiary lease sites have been affected in the NW and SW of the state, specifically in the Gordon River Rd area (Gell River fire), the Arve area (Riveaux Road fire) and the Boco Rd/Pieman Rd area (Lynch Hill Fire). Some of these areas are inaccessible to the public and therefore no comprehensive assessment has been made to determine the number of the sites and hives burnt. It is likely to take approximately four years for bee keepers who have lost hives and bees to recover their bee colonies to similar levels.

### *Heritage*

- 3.49** Some Aboriginal Heritage sites are known to have been affected by the fire. Further investigations will be required to determine the degree to which they have been impacted. Access may need to be restricted to these areas to prevent further impacts if the fire has made them visible to the public. The post-fire period can also provide a significant opportunity to undertake surveys for Aboriginal Heritage sites in areas that are otherwise inaccessible.
- 3.50** The Parks and Wildlife Service has confirmed that a building reputed to be Churchill's Hut, a significant heritage structure, has been lost.

### *Significant Vegetation*

- 3.51** Significant areas of alpine heath, sedgeland and grassland occur within the boundaries of the fires, although at this stage it is unknown how much of this has actually been burnt. Most of this potentially impacted vegetation is within the Lake Fergus and Gell River fire areas. The 'Arve Big Tree' has been confirmed as destroyed. To date, visual assessment of the Centurion tree in the Riveaux Rd fire suggests this tree has not been significantly impacted.

### *Very Tall Forests*

- 3.52** Forests more than 70 metres in height are globally rare. Tasmania has approximately 6318 ha of very tall eucalypt forest over 70 m in height. Approximately 14 per cent of Tasmania's very tall forests were burned: 296 ha by the Gell River fire, which includes parts of the largest patches of very tall eucalypt forest within the Coles Creek area on the Gordon Range, and another 607 ha by the Riveaux Road fire.

### *Myrtle-beech rainforests*

- 3.53** Mapping of myrtle-beech dominated rainforests shows 7000 ha within the perimeter of the fires, with the largest areas being within the Moores Valley/Dolphin Ridge (2900 ha), Riveaux Road (2500 ha) and Lynch Hill/Western Hills (1400 ha) fires.



## 4 DISCUSSION AND CONCLUSIONS

- 4.0.1 In this section of our report, we address in turn the terms of reference that the Review worked to.
- 4.0.2 Few reviews of fire and emergency incidents working with the benefit of hindsight could not identify learning points for the future and this is one of the main reasons why reviews of this nature are commissioned. Our comments and recommendations should therefore be read in the spirit that they are intended, to support continuous improvement of the delivery of fire and emergency services both in Tasmania and beyond.

### 4.1 TOR 2: The effectiveness of community messaging and warnings

- 4.1.1 There is a broad recognition across the Australasian emergency management community that information and warnings are a key part of managing any emergency. It was apparent to the Review team that Tasmanian fire and emergency services have embedded this principle in their operations, and the dissemination of warnings is the first priority for firefighters when bushfires are burning out of control.
- 4.1.2 The feedback we received about community messaging and warnings for the 2018-19 fire season was generally very positive. A large amount of information about the fires, their progress, and impacts such as road closures was made available through broadcast media and via the Tasmania Fire Service and Parks and Wildlife Service websites.
- 4.1.3 The Parks and Wildlife Service faces particular challenges in reaching people who are undertaking recreational activities in rural and wilderness areas. This was identified as an issue that Parks managed successfully in the 2016 fires, and we found that the efforts made to communicate with this section of the community in 2019 were equally successful.
- 4.1.4 One theme that we encountered in some of the feedback about warnings was that a structure that might be appropriate for a short duration incident was felt to be less so for an incident that was protracted over days and weeks. Using a standard matrix for identifying whether warnings should be issued as advice, watch and act, or emergency warning meant that some emergency warnings were in place for days, and the same information was being repeated on news media regularly even though it had not changed. There was also an extensive list of warnings and advice messages that took a long time for announcers to read through, which was felt by some to blunt the impact and make it difficult to prioritise what was important and what was less so.
- 4.1.5 We did not conclude out of any of this that Tasmanian fire agencies were at fault. The way in which warnings are classified and delivered is based on national guidelines, which were being followed faithfully. We suggest that Tasmanian fire agencies may wish to feed back into the relevant national committees the experience of people in Tasmania this year listening to the number of warnings that were being issued for the extended duration of this campaign. What, if anything, can be done to mitigate the 'warning fatigue' implications of this is in our view a question for the expert national committees to deliberate on and reach a common view about.
- 4.1.6 We heard strong support among people we spoke with for the community meetings that took place in relation to the fires. A decision was taken to live stream a number of these meetings, which was very well received and would be worth repeating on future occasions. It was clear to us from this feedback that the community meeting is a greatly-valued service provided by fire agencies and cannot be substituted by other methods of communication. Joint working between the fire agencies and local government proved particularly valuable in this regard.

### Riveaux Road Fire

Geeveston – 22 and 27 January, 9 and 14 February 2019  
Huonville – 27, 28, 29, 30 and 31 January, 1, 3, 4 and 5 February 2019  
Dover – 30 January 2019  
Cygnet – 31 January 2019

### Gell River Fire

Maydena – 5, 10, 27 and 29 January, 3 February 2019  
Hamilton – 5 January 2019

### Great Pine Tier Fire

Bothwell – 22, 27 and 31 January 2019  
Miena – 8 February 2019  
Great Lake – 17 January 2019  
Lynch Hill Fire  
Rosebery – 28 January 2019

### Western Hill Fire

Zeehan – 28 January 2019



Community Forums/Information Sessions held

- 4.1.7** We received some comment about the age of Tasmania's ICT platforms for warnings and information, the ease (or lack of it) with which people were able to obtain relevant information from the TFS website, and the lack of an app like the Vic Emergency app (Victoria) or Fires Near Me (NSW). We agree that the current ICT systems are somewhat dated, although we do not wish to detract from the work that was put into making as much information available online as possible during the fires. Inevitably, redevelopment of ICT platforms and the introduction of apps would come at a cost, and we think that decisions about updating ICT systems are most appropriately made by the relevant budget holders. We do nonetheless encourage Tasmanian fire agencies to keep this under consideration and there would undoubtedly be value in updating the current online communication products if funding became available.
- 4.1.8** We did hear some accounts of communities in isolated areas arranging for their own neighbour-to-neighbour (via landline and personal visits) updates concerning fire progress, with people commenting that the information on the TFS website was not always sufficiently up to date or granular enough to meet their needs, if it was accessed at all. In reviewing how community messaging is conducted we encourage TFS to think carefully about those that have little or no connection with the internet, as well as ensuring that products that are available online are up to date and useful for rural residents who are using them to try to assess their current level of risk.
- 4.1.9** Based on the discussions we have had with a variety of stakeholders, and feedback we received during the public consultation phase of our work, we have some observations on the relationship between the Tasmanian fire agencies and the community. This was a theme in 2016 as well, in particular in relation to engagement with community members who had a particular interest in environmental matters. This year, we heard that engagement with environmental groups had been taking place, and was welcomed by them.
- 4.1.10** There was still feedback to the effect that more information could have been provided both about what was happening, and what measures were in place to protect significant values and manage the fires more generally; but there was an acceptance as well that this can be difficult for fire agencies while operations are ongoing. We encourage TFS, PWS and STT to continue to think about how to engage with environmental groups both out of season and while fires are ongoing, not only to provide as much information as is practical to do, but also to increase awareness among the public of the very high importance that the land management agencies set on natural values and the significant efforts that are undertaken to preserve them.

- 4.1.11 Another theme we identified was in some sections of the rural community, there was a belief that TFS in particular was an urban-based service that did not have a deep understanding of rural firefighting. On the face of it we consider that this is a somewhat surprising conclusion, given both the reach of TFS volunteer brigades into rural areas, and the experience over many years if not decades that TFS leaders have in managing rural fire.
- 4.1.12 On reflection we suspect that this feedback speaks more to an issue of engagement than any genuine deficit in TFS capabilities. TFS management has a significant responsibility to engage directly with local brigades and communities to hear their concerns and discuss with them how TFS seeks to meet its obligations to manage rural fire. In turn we encourage rural community members to understand that the last 20-30 years have brought significant changes to rural fire management in terms of incident control structures, safety requirements and the way in which fire management is often now a regional and even state-level affair, and cannot be fully appreciated without understanding the broader context.
- 4.1.13 Many operational reviews in Tasmania and beyond in the last 10 years have identified the importance of local knowledge in fire management and we reinforce that message – we think that this is best achieved by ensuring that local brigades and groups of brigades are embedded in incident management structures. But we sound the note of caution that local knowledge is not to be understood as requiring (or even permitting) local units to act in silos, isolated from a coordinated approach to fire suppression and ignoring the risk and safety management principles that are now required of fire agencies by law.

#### **4.2 TOR 3: The timeliness and effectiveness of the fire response and management strategy, including accommodating the priorities of life, property, timber production and forest asset values, and environmental and cultural values by Tasmanian fire agencies**

- 4.2.1 The Review noted that the State Fire Management Council provides overall guidance through its 'Tasmanian Vegetation Fire Management Policy - 2017'. This affirms a collaborative approach to fire management planning and activities and incorporates principles to reflect and prioritise values for respective stakeholders.

##### *Firefighting in the rural/urban interface*

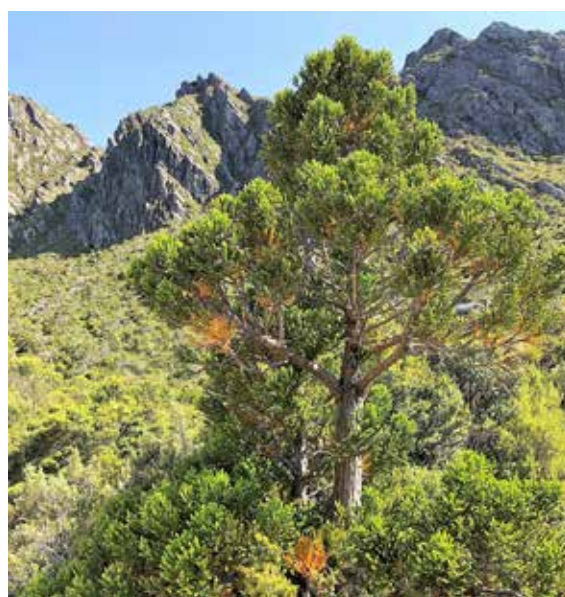
- 4.2.2 Historically, the highest risk to life and the built environment from bushfire in Tasmania has been associated with the rural/urban interface, where natural vegetation is found adjacent to dwellings and other buildings used and occupied by people. 'Urban' in this context is used to describe areas that have been built upon and may include smaller settlements and townships as well as larger urban areas.
- 4.2.3 The volunteer workforce of TFS has been trained and equipped predominantly to combat fire in the rural/urban interface, and indeed much of that workforce lives in communities that could be described as including interface in their risk profile. Tanker-based rural volunteer firefighters provide speed and weight of attack in the event of fire starts threatening those communities, and their success in doing so in the 2018-19 fire season is reflected both in the limited number of structures lost in interface areas, but also the focus we experienced, when speaking with people in the course of compiling this report, on issues related to remote area firefighting.
- 4.2.4 We were advised that in relation to fires that started in interface areas in the 2018-19 season, all were contained within one work period (approximately 12 hours) of starting. Financial losses from destruction and damage of assets in the interface were limited compared to other fire seasons on record. This is a testament to the efforts of rural volunteers in protecting their communities and a validation of the arrangements in place for pre-positioning resources to combat new starts on days of high fire danger.
- 4.2.5 We are mindful that the emphasis, in this section of our report, on issues relating to remote area firefighting might be seen as not acknowledging the efforts of crews that fought fire in the interface. On the contrary, we think that it is evidence of their success.

## The Tasmanian Wilderness World Heritage Area (TWWHA)

- 4.2.6** The Tasmanian Wilderness World Heritage Area covers over 1.4 million hectares, or ~20% of Tasmania and is one of the largest conservation reserves in Australia. It conserves a diverse array of both natural and cultural features of outstanding global significance including temperate rainforest and alpine vegetation, complex geology and landforms of immense beauty. The region includes many rare and endangered species that are found nowhere else in the world and a history of Aboriginal occupation extending back beyond 36 000 years (PWS). Although other natural values were impacted by these fire events, the TWWHA provided a focal point.
- 4.2.7** During the 2018-19 summer fire events 36 individual fires started in the TWWHA. A number of these progressed and joined to become part of larger fire complexes at Gell River, Riveaux Road, Great Pine Tier and Moores Valley. Overall, during the course of the summer, 22 fires impacted over 95,000 ha, or 6%, of the TWWHA.

**Figure 7: Hectares burned in TWWHA, 2019**

Fire Name	Area Burnt (ha)
Gell River, Southwest	34,220.9
Riveaux Road, Southwest	31,557.1
Moores Valley, Southwest	9,170.8
Celtic Hill, Southwest	3,515.9
Great Pine Tier, Central Plateau	10,094.3
Dolphin Ridge, Southwest	2,914.7
Mount Solitary, Southwest	1,371.6
Lake Pedder, Southwest	1,120.7
Anne Gorge, Southwest	1,009.8
Wombat Peak, Southwest	257.8
Wilmot Range, Southwest	109.6
Jubilee Range, Southwest	59.9
Gallagher Plateau, Southwest	17.1
Nevada Peak, Southwest	4.4
Murchison River, Lake St Clair	2.5
Devils Backbone, Southwest	1.8
Hewardia Ridge, Southwest	0.9
Precipitous Bluff, Southwest	0.6
Mount Jean, Southwest	not mapped < 1 ha)
Pebbly Beach Bay, Southwest	not mapped < 1 ha)
West Coast	not mapped < 1 ha)
West Portal, Southwest	not mapped < 1 ha)
Total area of TWWHA burnt (ha)	95,430.4



King Billy Pine at Lake Rhona (credit: Guy Thomas)



The Gell River fire (credit: Warren Frey)

- 4.2.8** Preliminary desktop assessment indicates that a total of approximately 2,300 ha comprising thirteen different Threatened Native Vegetation Communities were within identified burn areas in the TWWHA. Importantly, the large majority of threatened vegetation in those areas are classified as having low – moderate fire sensitivity. This includes over 1800ha of highland grassland and sedgeland that were burnt in the Great Pine Tier fire.
- 4.2.9** Four extremely fire sensitive endemic conifer communities were fire affected. Although only small areas in terms of total population extent (<0.1 – 0.2%), these communities contain King Billy Pine *Athrotaxis selaginoides* or Pencil Pine *Athrotaxis cupressoides* that will not recover from fire.

**Figure 8: Impacted Threatened Native Vegetation Communities in 2019 TWWHA Fires**

Fire areas (ha) affecting TWWHA threatened communities	Alkaline pans (L)	Athrotaxis cupressoides open woodland (E)	Athrotaxis cupressoides rainforest (E)	Athrotaxis selaginoides rainforest (E)	Athrotaxis selaginoides subalpine scrub (E)	Banksia marginata wet scrub (M)	Cushion moorland (VH)	Eucalyptus brookeriana wet forest (H)	Eucalyptus ovata forest and woodland (L)	Highland Poa grassland (M)	Highland grassy sedgeland (M)	Rainforest fernland (H)	Subalpine Leptospermum nitidum woodland (M)	Grand total
Gell River, Southwest	-	0.5	0.8	-	-	41.3	5.7	-	-	11.6	-	3.8	3.2	66.9
Great Pine Tier, Central Plateau	-	-	-	-	-	-	-	-	-	1,278.2	562.2	-	-	1840.4
Riveaux Road, Southwest	-	-	-	6.8	11.0	150.4	-	-	14.3	-	-	0.2	3.5	186.2
Anne Gorge, Southwest	-	-	-	-	-	77.7	-	-	-	-	-	-	-	77.7
Celtic Hill, Southwest	-	-	-	-	-	81.5	-	38.4	-	-	-	-	-	119.9
Moore's Valley, Southwest	-	-	-	-	-	-	-	-	-	-	-	1.2	-	1.2
Dolphin Ridge, Southwest	36.9	-	-	-	-	-	-	-	-	-	-	-	-	36.9
<b>Grand Total</b>	36.9	0.5	0.8	6.8	11	350.9	5.7	38.4	14.3	1,289.8	562.2	5.2	6.7	2329.2
<b>% of Total TWWHA TNVC 2014</b>	7.2	< 0.1%	< 0.1%	0.1	0.2	13.5	0.2	5.3	4.7	8.5	6.8	1.6	0.2	3.3
<b>% of Total Tasmanian TNVC 2014</b>	7.1	< 0.1%	< 0.1%	< 0.1%	0.2	13.3	0.2	0.5	0.1	4.9	3.0	0.3	0.2	1.8

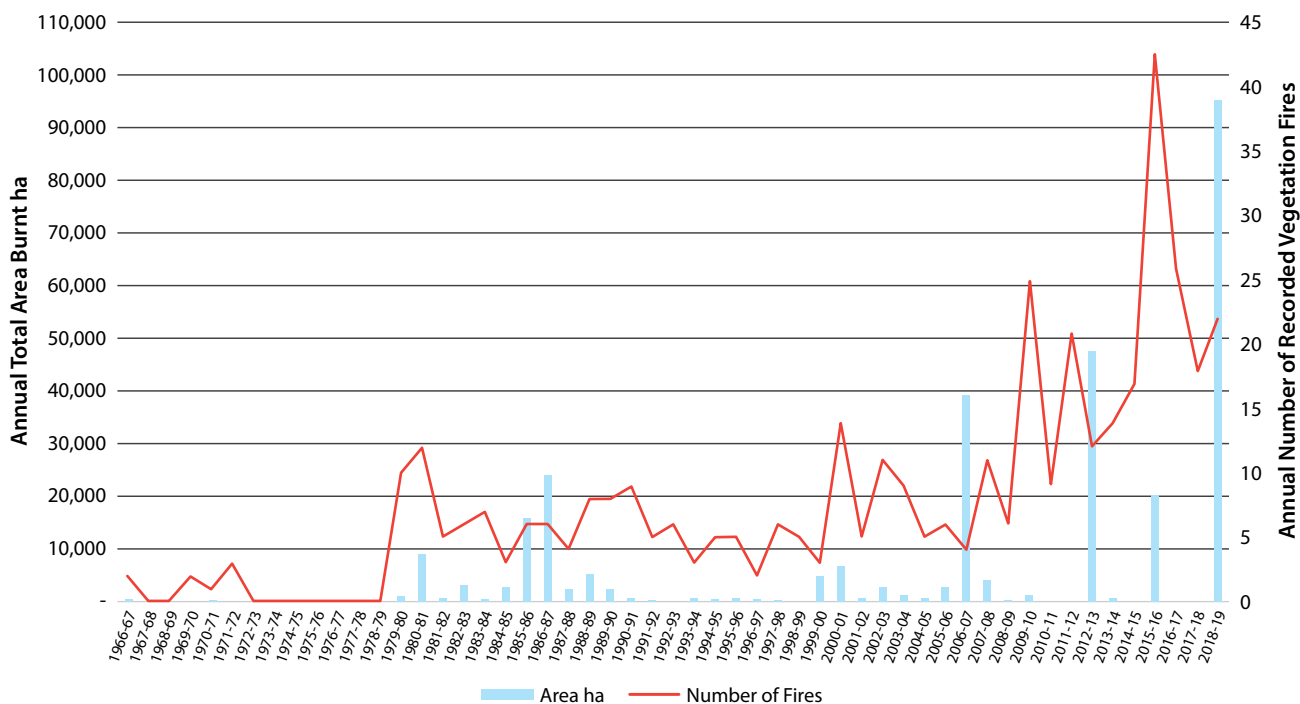
**4.2.10** Actual extent of fire and impacts on these vegetation communities is subject to detailed analysis and field inspection by the PWS but small permanent losses to some vegetation types is expected. Such incremental loss of fire-sensitive vegetation has conservationists deeply concerned about the future of the TWWHA, most particularly the paleo-endemic Gondwanan forests that include ancient relic species such as King Billy Pine *Athrotaxis selaginoides*, Huon Pine *Lagarostrobos franklinii* and Pencil Pine *Athrotaxis cupressoides*.

**4.2.11** In a changing climate scenario these ancient forests will be subject to increasing threat from uncontrolled fire, whether from cumulative effects of small incremental losses such as has occurred in 2019 or single large-scale events that have happened in the past. Data presented to the review team demonstrates the increasing impact of bushfires on the TWWHA. Fire records are absent or lacking from pre-1980s but the increasing frequency of larger scale fire events is apparent. Notably, more area was burnt in 2019 than the previous 10 years combined.

**4.2.12** The Review heard from key conservation groups, who have a strong and passionate commitment to biodiversity conservation, most particularly in the TWWHA. The groups we spoke to understand there are significant complexities associated with managing and responding to fire in very remote, environmentally-sensitive areas of the TWWHA. They are seeking greater involvement with the fire agencies to help proactively plan and mitigate misunderstandings that may occur during future bushfire events by improving the flow of accurate information.



**Figure 9: 50-year TWWHA fire history data**



- 4.2.13** Conservation groups expressed a strong belief that the Commonwealth Government, as signatory to the World Heritage Convention, has obligations to further support the Tasmanian Government to help protect and mitigate threats to the TWWHA from known and foreseeable risks faced by climate change-related fire scenarios. They conveyed a level of frustration with a perceived shortfall of an international commitment to protect the Outstanding Universal Values of the TWWHA in anticipation of future fire scenarios.
- 4.2.14** There is undisputed recognition and support for the protection of human life in bushfire events. However, a particularly strong notion emerged that the priority of irreplaceable high conservation-value ecological communities should be reassessed in context of critical assets. In particular, this needs to consider the relative priority of unique vegetation communities protected under international conventions against infrastructure assets.
- 4.2.15** The Review heard from some people who believed there was an apparent lack of proactive planning for natural values in the TWWHA to inform tactical resourcing deployments, and that PWS continued to use the same tactics it had deployed in the past. On the contrary, we identified that PWS had moved to provide specific tactical plans to protect vulnerable vegetation communities and other high value assets. Examples of those plans provided to the Review show they contained high quality analysis and tactics. It is apparent these were developed by a team operating under considerable pressure during the fire and included some new and innovative tactical concepts using learnings from the 2016 fires.
- 4.2.16** One such example was the deployment of a sprinkler line at Lake Rhona, an iconic location in the Wild Rivers National Park and part of the TWWHA. Our assessment is the rapid assimilation of intelligence into a plan for that area enabled a tactical deployment of resources in a timely fashion under very trying conditions, the outcome of which was successful protection of highly vulnerable vegetation communities around Lake Rhona.
- 4.2.17** Another novel approach trialled during the Gell River Fire included the protection of important cultural heritage hut assets by wrapping in protective material. Whether such a technique is ultimately considered a viable option, it indicates a willingness to trial and adapt to changing conditions and learn from experience. Importantly, the team heard that lessons were learnt that will result in further improvements in the future.
- 4.2.18** The Review heard that PWS are in the early stages of a project funded to undertake specific fire management planning in the TWWHA. This will include specific site planning to protect vulnerable natural and cultural values. Initial versions of those plans prepared by PWS staff during the fires and provided to the review Team are considered to be high quality, instructive and commended as a best practice approach to such situations.



- 4.2.19** Further developing this capability and expanding the suite of site protection plans to high value vulnerable communities is a worthy endeavour that will aid resource prioritisation and tactical decisions in future events. It is the view of the review team that well-developed, specific tactical plans, are desirable but not commonly available and commend this approach. Indeed, it is evident from the 2019 fires a number of critical community assets did not appear to have such plans in place.
- 4.2.20** The Review heard conflicting views around PWS input to priority tasking and associated resource allocation in the State Operations Centre (SOC). We discuss this in more detail later in this report. It is apparent PWS only had a liaison role at the SOC, and this primarily resulted in input during the twice-daily briefings. In previous years, PWS has held key operational roles in SOC during major events. Given the significant areas of PWS managed lands associated with the 2019 fires it may be that greater operational involvement of PWS in SOC could have mitigated some of the communication issues reported to us.

### *TasNetworks*

- 4.2.21** The Review was told that there were several significant threats to the Tasmania's power network during the course of the fires. As critical community and economic assets for the State, considerable effort was made by multi-agency incident teams and firefighters to protect this valuable infrastructure.
- 4.2.22** Although the Tasmanian power grid has redundancy capability, the location of large fire complexes meant redundant elements of the network were exposed to concurrent threats. Of particular concern was potential for the Waddamana substation to be subjected to extreme ember attack during the Great Pine Tier fire. This risk was previously unforeseen in planning scenarios and the Review understands that no precedent existed as to what would happen if such a situation eventuated.
- 4.2.23** The Review also heard that during the Gell River fire, a threat was apparent to the transmission link from the Gordon Power Station, with modelling showing the Tim Shea communications & data facility would be threatened. Although a more minor facility, the Farrell substation was also impacted during the Britton Swamp Fire. There were real threats to continued supply of power to southern Tasmania and the BassLink mainland connector, had simultaneous impacts occurred to redundant elements of the network. While major transmission lines are generally resilient to direct fire impact, smoke or ionised particles may cause shorting and loss of transmission capability.
- 4.2.24** Apart from direct flame impact on infrastructure, issues with transmission lines are largely associated with different types of 'trips' or 'shorts'. Most commonly these are phase to phase or phase to ground. From a network perspective these are not ordinarily considered a major problem as lines can be re-energised and power restored within a relatively short period (minutes) of the fire front passing.
- 4.2.25** The Review was told that distribution networks that supply domestic power are more vulnerable to direct fire attack as these are often associated with wooden poles and limited-width corridors. They can be repaired or replaced relatively quickly compared to major transmission lines. It was noted that power supply to the Southwood forestry site had already been re-established following the loss of an old private power line which TasNetworks now owns.
- 4.2.26** There was significant praise from incident management team members about TasNetworks input to intelligence and planning, while TasNetworks appreciated the close collaboration with values assessment, prioritisation and tactical decision-making. The importance of established relationships to assist during incidents was emphasised and an invite to TasNetworks (and Hydro Tasmania) to participate and be involved in decision-making at the State Operations Centre showed recognition for the important community asset values they represented and expressed confidence in their assessments.
- 4.2.27** We heard that some contingency plans needed to be refined during the course of the event, but these were quickly resolved. There were positive views that the overall triage assessment of power network priorities was right.
- 4.2.28** One of the more significant aspects the Review team was the importance of fire and other emergency management staff understanding how power networks operate and the specific issues associated with them during incidents. This is recognised as a learning and development opportunity for emergency management staff to be provided with better information around network operations and issues to enhance their understanding in the context of incident response and operations. We think that further improvement could be supported with a similar approach to other critical community networks including water, sewage, radio and telecommunications.

- 4.2.29** The Review Team heard that TasNetworks has already begun identifying areas of improvement as part of their after-incident action planning processes. This includes specific asset protection mechanisms for critical network infrastructure. Based on information provided to the Review Team there is merit in further review of asset protection and reduced fuel buffers around critical TasNetworks community assets. There is also a need to ensure a contemporary representation and assessment of all relevant power assets in the Bushfire Risk Assessment Model to inform future fire management activity and emergency response.

### *Identifying Values*

- 4.2.30** We heard perceptions from a number of people we spoke to that significant forest and timber-related values were not afforded appropriate levels of priority, especially in the early phases of the Gell River and Riveaux Road fires. These values primarily centred around the economic value of standing timber, forestry processing plants at Southwood and a significant tourism facility at Tahune. Such concerns gained public traction very early in the campaign, with media reports in early January claiming \$600 million worth of standing timber in a Sustainable Timber Tasmania plantation was at risk from the Gell River fire.
- 4.2.31** With any major bushfire event impacting large areas there are a variety of significant values, beyond the immediate tangible known elements, that may be impacted. In context of the 2019 Tasmanian fire events these particularly include tourism and forest industry employment and business. Other ecosystem services help support the apiary and energy (hydro) industries.
- 4.2.32** From speaking with PWS personnel and managers we heard an acute sense of awareness from the PWS about its role in supporting local ecotourism and importance of tourism to the State, especially during the peak summer months. Significant efforts and resources were employed to manage visitor safety in fire-affected national parks and establish alternate opportunities wherever possible.
- 4.2.33** Consistent with experience in other jurisdictions, there were reports of tourism being impacted by general commentary and media reporting around 'catastrophic' fires destroying wilderness and property. We heard reports that regional and local tourism and general business was affected by closure of the main Huon Valley Highway. Such closures are an important component of managing the safety of residents and visitors during these types of event and the Review's overall impression was that consideration was given to business needs where feasible. This included facilitating daily stock supply for a large local salmon producer.
- 4.2.34** Our assessment is that there are robust, scientific and evidence-based models and processes in place that identify a range of critical community, natural and cultural assets. The Bushfire Risk Assessment Model tool, which provides a spatial representation of the prioritised assets, was available to inform assessments by planners and the State Intelligence desk. We heard that significant work has been undertaken since 2016 to improve and refine the data which underpins the model however it remains a work in progress.
- 4.2.35** Most people we spoke to commented that natural and cultural values were better recognised and respected during the 2019 fires. This had been a major lesson from the 2016 fires and strongly supported by the respective heads of agencies. Certainly the review team noted there is widespread agreement and recognition of natural and cultural values from people across government.
- 4.2.36** It is widely acknowledged and accepted that during the course of these fires incident teams had to make difficult decisions on how to best protect a wide variety of disparate assets. As with any other such situation, this involved triaging and setting priorities. Regardless that asset values are weighted differently by people, or that they are not well quantified or understood, or may be difficult to effectively analyse, the Review team found that on balance, strategic and tactical resourcing decisions were consistent with generally agreed priorities. Further, we were unable to find any evidence that any assets were lost because of inadequate prioritisation.
- 4.2.37** It was a matter of concern though that, at the very least, the perception existed that the prioritisation of natural values and forest assets was subordinated to values around the built environment. TFS managers were firm in their view that this was not in fact the case, and that all values were accorded appropriate priority. But we think that there is clear evidence that there was not a meeting of minds on this issue, and that the TFS perspective is not shared by all.
- 4.2.38** We consider that the range of values at risk from bushfire in Tasmania, coupled with the separate legislative and commercial responsibilities of the Tasmanian fire agencies and other stakeholders means an emphasis must be placed on further refining currently available data and agreeing relative priorities in a planning environment well in advance of future bushfire events. The fire agencies should review current incident planning processes and command structures to ensure not only that all agencies can positively contribute to priority setting, using agreed priorities from that data, but that it is demonstrable that the objectives of all involved are addressed in incident action planning and resource management.

### *Use of retardant*

- 4.2.39** The Review Team was aware of commentary and findings made in the AFAC 2016 Tasmania Fires Review concerning the use and impacts of fire suppression chemicals in wilderness and other environmentally sensitive areas.
- 4.2.40** Research recently published in Tasmania concluded that while firefighting chemicals cause some adverse ecological impacts, their use must be weighed up against the effect of uncontrolled bushfire. While long-term environmental impacts remain unknown, given firefighting chemicals are unlikely to be used repeatedly in the same location it concludes that cumulative effects of the chemicals should be minimal and long-term, deleterious effect on terrestrial ecosystems is unlikely<sup>5</sup>.
- 4.2.41** The Review team found that the PWS had responded to the lessons learnt from management of the 2016 fires in regard to use of fire suppression chemicals and, informed by the research, used an evidence-based approach to develop guidelines for the use of fire suppressant chemicals. This was assimilated into decision-support tools through the inclusion of specific spatial layers in the Tasmanian government Common Operating Platform (COP). A complementary procedural guide *'Guidance for the use of Fire Suppressant Restriction Layer on the COP'* prepared by PWS enabled the information to be available to incident teams during the 2019 fire events.
- 4.2.42** It was apparent to us, however, from some of the feedback we received, that not all stakeholders were aware of these tools and how to use them. We make the observation that the TFS, PWS and STT should all ensure that these tools are distributed to personnel who may be decision-makers in relation to the use of fire chemicals and that they are aware of how to access and use them in an operational context.
- 4.2.43** The Review team reiterates previous findings from the 2016 AFAC Review that the overall approach to fire management by the Tasmanian fire agencies to protect and maintain environmental and heritage values meets good practice standards. Additional resources allocated by the Tasmanian government that are focussed on refining the planning and management of fire in the TWWHA are expected to realise significant further improvements and help meet the challenges associated with future wildfire events in that iconic area.

### *Fire management: speed and weight of attack*

- 4.2.44** The Review spoke with a number of people who were responsible for directing and managing fire suppression activities in Tasmania in 2018-19. We also received several public submissions in which the question of speed and weight of attack was raised. We considered this issue both generally, and in relation to specific fire starts.
- 4.2.45** It sounds like a simple principle, but is worth repeating that fires that are not subject to suppression activities, and are burning in conditions favourable for combustion, will continue to grow. It is much easier to extinguish a small fire than a large one – and there comes a point where a bushfire has grown to a size where it cannot be extinguished. This point may come sooner than is generally realised, particularly in conditions where there are organic soils which may support combustion beneath the surface, which can be hard to detect.
- 4.2.46** Many people when considering firefighting tactics will think about the example of a house fire, where the fire service is called, attends within the space of minutes, and can 'put out' the fire. Bushfire firefighting is not the same. Where fires are burning in remote areas, it will typically take some hours to commence suppression activities. As discussed later in this report, it may assist to use aviation resources to carry out initial attack, but there are no guarantees of success. And in conditions of elevated fire danger, a fire may develop to the point where it is unsafe to use ground crews to combat it in a relatively short space of time.
- 4.2.47** The bushfire firefighting community in Australasia does in our view understand and aim for rapid suppression of new fire starts. The principle of 'hit it hard, hit it fast' is familiar to bushfire firefighters across Australasia and beyond, and underpins many agencies' fire management strategies. Many inquiries and reviews of previous fire events have focused on whether fires were dealt with sufficiently aggressively at an early stage, before they could take a hold, and all members of the Australasian bushfire firefighting community can be taken to understand the point.
- 4.2.48** There are two particular issues with this principle that the Review noted in the course of our inquiries. The first is where there are multiple fire starts – after a dry lightning storm, there can be dozens of new fires in the landscape at once – and finite resources to attack them. The second issue is whether there is a clear understanding in the firefighting community of what 'hitting it hard and fast' means in practice. And both of those issues have to be contextualised against the challenges of identifying new starts in remote terrain.

5 *The impact of firefighting chemicals on the Natural Values of the Tasmanian Wilderness World Heritage Area*, Styger, 2018.

- 4.2.49** The identification of new starts can happen in a number of ways: through spotter flights organised after an event such as a lightning storm; by human observation and notification via 000; by satellite identification of hot spots, and by other intelligence gathering processes such as line scan or forward-looking infra-red (FLIR) apparatus. All of these methods come with their challenges, particularly where (as can be the case in Tasmania) a lightning storm is followed by a period of low cloud and poor visibility.
- 4.2.50** It is now common practice for spotter flights to occur after a lightning storm, and this tactic was used successfully by Tasmanian fire agencies in 2016 and again in 2019. It should be understood that even where weather conditions are clear and allow for these flights, fires may burn in organic soils or under tree canopies without emitting sufficient smoke to be seen on an initial flight. It should be expected (and is expected by Tasmanian fire agencies) that a spotter flight will not identify all new starts after a lightning event and reports will continue to come in for many days after a lightning event passes through.
- 4.2.51** When a new start is identified, the concept of ‘hitting it hard’ has to be tempered by the amount of resources available. This refers not just to numbers of firefighters, but the ability to transport them, often by air, to the relevant location. In remote areas it will often be the case that water is not used on the fire by ground crews and the only water used is dropped from aircraft, perhaps in the form of foam, gel or retardant, so again the availability of aircraft will be an issue.
- 4.2.52** The Review team did, however, hear of different levels of initial attack being applied to fires. This does not in itself suggest anything wrong with the decision-making involved, but serves to illustrate that there are ‘levels’ of attack that can be applied. A fire that ignited at Tom Thumb to the west of Hobart following the 15 January lightning strikes had significant ground and air resources applied to it, and was suppressed successfully as a result. Other new starts, in perhaps less accessible or high-risk areas, did not have the same weight of attack applied to them.
- 4.2.53** The Review is aware of other published reports on fires in mainland Australia where weight of initial attack has been an issue, including the Canberra 2003 fires, the Harrietsville fire of 2013 in Victoria, and the Wye River fire of 2015, again in Victoria. We are struck by the fact that where there is discussion of ‘hitting fires hard and fast’ (or whatever similar language is used) that is usually not quantified. It could be argued in response that it will always depend on a variety of factors such as remoteness, other priorities, etc., but we think that there is scope for the Australasian bushfire firefighting community to look more closely into what represents good practice in this area. We do not think that this would be a simple exercise, but we think that it should be possible to reach a view on certain basic questions.
- 4.2.54** We accordingly recommend that Tasmanian fire agencies initiate a discussion among their Australasian peers with a view to addressing this issue. There will be a number of variables that any discussion would have to deal with, but we think that a working group ought to be able to identify what good practice looks like in relation to the management of remote area ignitions. We suggest that the discussion would include good practice in relation to
- identifying new starts
  - predictive analysis
  - risk management of high potential fires
  - suppression activities including speed and weight of attack.
- We do not envisage that there could be a ‘one size fits all’ solution to the variety of landscapes and vegetation types around Australia, but some form of benchmarking could be conducted from which Tasmanian protocols could be developed.

#### Recommendation 1

TFS, PWS and STT initiate a discussion among their Australasian peers about good practice around managing new fire starts in remote terrain, to include issues around identification, predictive analysis, risk management and suppression activities. The outcome should be a document which allows for benchmarking to accepted good practice across Australasia, from which Tasmanian fire agencies can develop protocols against which the management of future events can be tested.

- 4.2.55** Arising out of this work, we would anticipate that it would then be possible for Tasmanian fire agencies to set targets for response to fire in remote areas. We have been struck by the number of submissions received by the Review that question the nature or weight of attack applied to fire starts over the 2018-19 summer, and one of the challenges in assessing these submissions has been the lack of any benchmark that we could apply. By definition, nearly all fires will be small enough *at an early stage* to be able to be suppressed, but what an 'early stage' is will vary depending on the fuels, weather conditions and topography present. We have already noted that no system of fire suppression could ever guarantee to prevent some fires becoming uncontrollable. We think that if Tasmanian fire agencies set and published targets for the number and timeliness of resources that would be dispatched to a new fire start, other things being equal, this could both help to support public debate and also pre-incident planning and post-incident analysis by agencies.
- 4.2.56** We recognise also that this discussion will often take place against a background of competing priorities, whether that is major fires burning elsewhere, or multiple new starts. We do not think that that invalidates the question of 'what do we mean by hitting it hard and fast' but instead suggests a second level of inquiry, namely, what planning assumptions do we use when deciding on what standing resource levels we require for fire protection in a given area, and conversely, how much are we prepared to pay to maintain resourcing of this nature? (Put another way, one could of course maintain a vast standing army of firefighters and aircraft able to apply a heavy weight of attack to dozens of simultaneous fire starts, but whether this would be a responsible use of public money is a different question).
- 4.2.57** One factor in this initial weight of attack will be the use of ground based remote area firefighters. We are aware that nationally and internationally, there is discussion about what the term 'remote area firefighter' means. We use it to distinguish firefighters who primarily work from vehicles such as rural fire tankers, and who might expect to use water from a vehicle for fire suppression. A remote area firefighter, as we use the term, might expect to work away from a vehicle for their whole shift; to use 'dry' firefighting techniques such as clearing mineral earth breaks for the entirety of a shift; to walk for several kilometres from a dropping-off point to reach the fireline; to work on foot in steep terrain; to be transported by helicopter; and to meet nationally-endorsed fitness standards such as the 'pack hike test'.
- 4.2.58** Tasmania only has limited numbers of firefighters with this level of training and fitness, and in the 2016 review of the fires that burned in Tasmania that year, it was recommended that Tasmania look at developing a cadre of volunteers with the necessary training and fitness to perform this role. We were told in the course of the current Review that while some funding had been provided for scoping this project, it had not yet come to fruition and there is as yet no volunteer remote area firefighting capacity in Tasmania.
- 4.2.59** We note that the NSW Rural Fire Service maintains a significant number of volunteers who are trained and have the requisite level of fitness to work as remote area firefighters, and many of these volunteers deployed to Tasmania in 2019. We consider that TFS should revisit this recommendation and establish its own volunteer remote area firefighting force. In doing so we consider that it will be important not to overlook the numbers of people who live in urban areas in Tasmania, away from traditional volunteer fire stations, who enjoy recreation in the wilderness areas of the State and already have the fitness and bushcraft skills that would enable them to be effective remote area firefighters given the proper training.

## Recommendation 2

TFS should pursue the creation of a cadre of volunteer remote area firefighters. In doing so the TFS should not consider itself limited to upskilling of current volunteer brigade members, but should carry out a cost benefit analysis of creating one or more remote area firefighting units based in urban areas, in order to tap into the potential of those members of the urban-based Tasmanian community who may have advanced knowledge and skills relating to navigation and survival in wilderness areas.

- 4.2.60** We also received submissions from a number of quarters about the size of the paid firefighting workforce in Tasmania. Some of these noted that the changing environment in which STT works has led to its firefighting workforce shrinking. Others suggested that PWS should expand its workforce proportionately to the additional land area that has fallen within its responsibility following transfers from STT, and to manage the projected requirements of planned burning on its land in the future. Industrial bodies representing firefighters advocate that changing climatic conditions and the demonstrated increased fire activity of the past decade calls for increases in the permanent establishments of both TFS and PWS.

- 4.2.61** We hope that the makers of these submissions will understand that the Review is not in a position to make specific recommendations about the size of the paid firefighting workforce in Tasmania. We consider that it is self-evident that Tasmania's firefighting workforce is not currently large enough to deal with all possible eventualities without assistance from outside the State. That said, we find it hard to imagine that it ever could be, and the same could be said for any State or Territory in Australia. We also understand the point that PWS has a significantly-increased land area under its responsibility and that it is challenging for it to resource fire management – there were specific examples of that during the current season. Equally, at a management level, we noted the limited resources available to Tasmanian fire agencies to resource incident management, regional and state control teams, and the issues that this can create.
- 4.2.62** Having said that, the size of the permanent and seasonal paid establishments must be a matter for the Tasmanian fire agencies to resolve within the parameters of their budgets and having regard to other priorities. In turn, the size of those budgets is not a matter for this Review to comment on. What we do think is important is that there should be an appreciation of the resourcing challenges – which, by and large, we believe that there is – and there should be effective planning in place about how those challenges will be met in future emergencies, whether that is by growing the domestic workforce, or by ensuring that there are responsive arrangements in place for quickly obtaining out of state assistance once it becomes apparent that it is needed.
- 4.2.63** If budgetary arrangements do provide an opportunity to increase the paid establishment of Tasmanian fire agencies, it would be appropriate to reflect on whether value is best added by increasing the frontline workforce, the management level, or both. We heard feedback to the effect that increased management capability would significantly support incident management, the use of aircraft, and community engagement, and we also observed (as we discuss later in this report) the challenges of fatigue management when major incidents occur.

#### *Bureau of Meteorology*

- 4.2.64** We heard positive feedback from a number of people about the role that Bureau of Meteorology (BoM) forecasting played in building an accurate intelligence picture around current and forecast weather conditions over the 2018-19 fire season in Tasmania. Vegetation firefighters identify topography (the landscape), weather and fuel (what is available to burn) as the three key factors that influence bushfire behaviour; and of these, weather is the most variable. A BoM forecaster was embedded in State Operations during the 2018-19 fires, to provide tailored weather predictions as well as spot weather forecasts where required for ongoing operations.
- 4.2.65** One resulting product that was highly valued by personnel involved in managing the fires was a daily video-conferenced weather briefing designed to meet fire managers' needs. Inputs from the BoM weather forecaster supported ongoing prioritisation of fires and options analysis. We are of the view that having a forecaster embedded at the State Operations level in this way represents good practice, and although we understand also that it represents a budgetary impost, it is a tactic that Tasmanian fire agencies should continue to employ in the future during periods of high risk or extended operations.
- 4.2.66** Against the background of the general discussion above, we turn to consider some specific issues that were raised with the Review around the management of individual fires. Comment about the statewide command and control arrangements is dealt with separately later in this report: this section focuses more on strategies and tactics for the management of individual fires.

#### *Gell River*

- 4.2.67** The Review team heard a number of comments, from several different perspectives, to the effect that the Parks and Wildlife Service did not apply sufficient resources to the Gell River fire in the early days, such that it became uncontrollable and took a major run down the Vale of Rasselas, threatening significant environmental and commercial values, as well as the town of Maydena.
- 4.2.68** The progression and management of the Gell River fire has been referred to earlier in this report. In considering the complaint that not enough was done to suppress the fire in its early stages, we took account of a number of factors. While there was some competition for resources from the fire on Bruny Island, we did not get the impression that the Gell River fire was starved of resources. We also heard a suggestion that response to the Gell River was hampered by a lack of aircraft, but we do not think that that is the case. The aircraft that were contracted under national arrangements were available at the time this fire started, and were used to transport fire crews to the fire on the same day that it was detected. This was in accordance with the PWS bushfire response plan for 2018-19.



- 4.2.69** One significant issue that was confirmed to us from a number of quarters is that it was believed at one point that the Gell River fire was out. This proved not to be the case, and is further confirmation (if any were needed) that it can be hard to detect and monitor fire burning in organic soils in wilderness areas. Crews withdrew from the fireline at Gell River on 31 December 2018, on the understanding that the fire was inactive and did not pose a threat. This unfortunately proved not to be so, with the fire later burning freely to the south.
- 4.2.70** We understand that crews sought assistance from an aerial intelligence gathering (AIG) aircraft at this time, which might have been helpful in identifying invisible hot spots. Such an aircraft was not, however, based in Tasmania and we understand that one was not available. Crews did use land-based thermal imaging cameras with no result, and it is not possible to say that an AIG aircraft would have identified the hot spots that later flared up, or made any difference to the outcome, although it would certainly have presented an additional opportunity to do so.
- 4.2.71** The problem with an event of this nature is that it is easy with the benefit of hindsight to describe an alternative reality in which more resources were applied to a fire to prevent it from developing in the way that it did. The question should not be whether such an alternative reality could have existed, but whether there were specific indications that should have been known to the relevant incident managers that they failed to act on. People that the Review spoke to about this fire – including people involved in managing it – all agreed that with the benefit of hindsight more resources could have been used. However, they also made the point that with the information available to incident managers at the time – specifically, reports from the fireground of no fire activity and that the fire had apparently been successfully suppressed – it would not have made sense to incident managers at the time to apply more resources to this fire.
- 4.2.72** Nor has a specific scenario been outlined to the Review that would demonstrably have led to a better outcome on the Gell River fire – it is possible that more resources could have been applied to it and it would still have ended up running down the Vale of Rasselas. Overall, the Review team concluded that whereas this fire can be seen as a learning opportunity in the form of a case study for future fire managers to consider, it would not be fair to castigate the personnel who managed the Gell River fire in its early stages, and other competent fire managers may well have taken the same approach as they did.

### *Riveaux Road*

- 4.2.73** The Riveaux Road fire started on 15 January as a result of the lightning event of that date. There were a number of distinct points of ignition, one of which was at Pear Hill west of Geeveston. The Review team heard an account from multiple sources that suppression activities did not take place on this fire for a number of days, although it was accessible and remained relatively small, owing to a dispute between PWS and STT over whose responsibility this fire was. Around 21 January this fire took a significant run and was the fire that burned into the Southwood industrial complex, causing significant damage to assets there as well as burning a substantial area of forest.
- 4.2.74** We inquired into this event and were able to speak to personnel from both PWS and STT who were involved in the early stages of the fire. It became apparent that there was no basis for the suggestion that there was a dispute over who was responsible. The fire was burning on land in PWS's tenure, very close to a STT reserve. However, PWS resources were heavily committed to a fire to the south at Hastings Caves, and PWS did not have the resources to be able to combat the Pear Hill ignition.
- 4.2.75** Following the lightning event of 15 January, STT had deployed resources to new fire starts in the Huon Valley on land managed by STT, and was also working with PWS at the Hastings Caves fire. STT had some resources available to direct to Pear Hill, and so by agreement between the agencies, STT resources worked on this fire. By 19 January there were two TFS light units, two dozers, an excavator and a bulk water tanker working on this fire together with two PWS crews.
- 4.2.76** The Review heard from personnel who were working in the Southern ROC at Cambridge that the Pear Hill fire had been identified on 19 January as one of significant concern using predictive analysis techniques. This fire together with the fire at Tom Thumb were considered to be the two fires in the Southern Region with significant potential for spread if not suppressed. The Tom Thumb fire, as mentioned above, was the subject of a high level of suppression effort due to the perceived threat to Hobart, and objectives were successfully achieved with that fire being contained. The same is not true of the Pear Hill fire. We did not think that the weight of attack on the Pear Hill ignition could be described as 'hitting it hard and fast' and this was reflected in the fact that crews on the ground were unable to extinguish this fire or stop its slow spread.

- 4.2.77** We will discuss Tasmanian multi-agency coordination arrangements later in this report: we would however observe that they do not seem to have worked well in the case of the Pear Hill fire. TFS was aware of the fire's potential but does not appear to have taken steps to ensure that resources were directed to the fire proportionate to that potential. The PWS and STT crews on the ground do not appear to have had an understanding of the threat that this fire posed (and there is no reason that they should have done, if they were not informed of the predictive analysis referred to above), and despite the fact that their suppression operations were not meeting with success we found no evidence that resource requests were escalated in line with that threat.
- 4.2.78** We have not commissioned any fire progression modelling to show what would have happened if the Pear Hill ignition had been successfully controlled, and we are mindful that there were other points of ignition in the area that also developed significantly and contributed to what is now referred to as the Riveaux Road fire. We are bound, however, to conclude in relation to the Pear Hill fire that it was not treated in a joined-up way as a significant threat to life, property and the environment in the Southern Region of Tasmania. We will consider in relation to our fifth term of reference how State arrangements might be reviewed to avoid a repetition in the future.

### *Great Pine Tier*

- 4.2.79** An issue that was raised with the Review team from more than one source was that in the early stages of the Great Pine Tier fire, permission was denied for an earthmoving machine to be used to create firebreaks on land controlled by PWS, causing a suppression opportunity to be lost. We spoke to an individual who told us that he had made a request to the Regional headquarters that was denied.
- 4.2.80** In order to assess this account, we spoke with the person within PWS who was responsible for authorising the use of machinery on PWS land. He was able to tell us that there was no blanket ban on the use of machinery on PWS land; that he had authorised the use of machinery on PWS land twice, both times within 30 minutes of the request being raised; and that in relation to the particular occasion in question, he had received no request for authorisation and if he had done, he would have approved it.
- 4.2.81** We have no reason to doubt this first-hand account and so we conclude that the suggestion that PWS was responsible for refusing permission to use machinery on this occasion is inaccurate. Unfortunately, the identity of the person to whom the request was made is unknown, because the person who made it did not make a log book entry or other note about it. It has accordingly not been possible to take our consideration of this issue any further. This issue underlines the importance of logging significant decisions and incidents so that they can if necessary be addressed in after-action review processes.
- 4.2.82** Because PWS has assured us that there is no blanket ban in place on the use of machinery on their land, we suggest that if there is any lesson to be taken out of this occurrence, it is that both PWS and TFS should ensure that all relevant personnel are aware of the contact details for relevant decision-makers for matters such as the use of machinery on PWS land so that requests of this nature can be expedited. It is also important that TFS, PWS and STT make it widely known that there are no blanket bans on the use of machinery anywhere in the State and that requests need to be referred to the correct person so that they can be considered on their merits.
- 4.2.83** As a footnote, we observe that a significant percentage of PWS land would be inappropriate for the use of machinery owing to the risk of it becoming bogged in soft ground or otherwise stuck or stranded. Requests to use machinery have to be considered against the viability of doing so and of course the undesirability of using heavy machinery in sensitive natural and cultural areas where impacts could be long term or permanent.

## **4.3 TOR 4: The impact and effectiveness of fuel management programs in the fire affected areas on the management and containment of the fires**

- 4.3.1** Tasmania has 10 legislated Fire Management Areas, for which Fire Protection Plans are developed annually by Fire Management Area Committees. The Fire Protection Plans are coordinated by land managers and identify the priorities for risk reduction actions within their area, using a combination of modelled bushfire risk and local knowledge. Risk assessment processes take into account a range of community, economic, natural and cultural values which inform the planned burn programs. This is delivered using a tenure-blind approach through a collaborative multi-agency planned burning program of work.

- 4.3.2** A risk re-analysis is undertaken for each Fire Management Area to determine the annual relative risk profiles and impact of fuel reduction burns on relative risk reduction. The 2018 risk re-analysis has shown that bushfire risk reduction to communities has occurred in six of the 10 Fire Management Areas as a result of fuel reduction burns. The Tasmanian State Fuel Reduction Program aims to significantly decrease bushfire risk and attain a State risk rating below 80%. This is being delivered through a \$45 million investment over five years between 2017 and 2022. Information provided to the Review Team shows gradual progress is being made toward that target with an April 2019 risk level of 82%.
- 4.3.3** The state-wide risk has reduced by 4% over the last four years, a notable decrease at the whole-of-state scale. Risk is currently at its lowest level for 15 years and on track to meet the Fuel Reduction Program 2022-23 target of 80%.
- 4.3.4** We were informed that there are various administrative provisions in place between the three fire agencies to manage the governance and financial arrangements of the Fuel Reduction Program. Some comments were made about administrative burden associated with those arrangements and opportunities may exist to reduce this.
- 4.3.5** The Review heard that the creation of a Planned Burn unit in TFS has started a journey of improved understanding, with all agencies gaining a broader appreciation of values in landscape. There were also reports of positive engagement with the community and volunteer firefighters associated with the program.
- 4.3.6** The program has matured significantly and is considered to be strategic, appropriately resourced and relatively successful at achieving targets. By design, focus of the program is on fuel reduction rather than broad landscape outcomes. The agreed target or outcome for fuel reduction in Tasmania is represented as a risk reduction target of 80%. This notionally includes a minimum annual target of over 30,000 ha but typically around 20,000 ha is achieved.
- 4.3.7** In response to a recommendation from the 2016 Tasmanian Wilderness World Heritage Area (TWWHA) Bushfire and Climate Change Research Project from 2017-2018 the Tasmanian Government committed \$500,000 per annum of the Program budget for strategic landscape burning in the south west wilderness areas of Tasmania to help protect iconic vulnerable natural assets. We were told that as part of this funding initiative, work is currently underway on a strategic fire management plan for the area. The team was advised this funding is providing the additional capacity necessary to develop and refine fire planning products for the TWWHA and will assist future planned burning and bushfire suppression tactical considerations.
- 4.3.8** Favourable weather conditions during Spring 2018 resulted in 34 fuel reduction burns being conducted over nearly 14,000 hectares. These included strategic burns to protect communities, assets and World Heritage values.
- 4.3.9** Planned burns conducted in the past five years have contributed to ameliorating fire behaviour and subsequently mitigating the intensity and extent of the 2019 fires. Of particular note, a planned burn conducted at Montana Flats north of the town of Zeehan in February 2017 has been credited with preventing spread of the Western Hills fire and containing it to the north of Heemskirk Road. Other planned burning conducted in the previous five years immediately to the north of Zeehan is also likely to have afforded protection. It is the opinion of experienced fire managers that without these fuel reduced areas there is a high likelihood the fire would have encroached on the Zeehan township.
- 4.3.10** A planned burn in 2015 at Denison Gap, north of the Vale of Rasselas, is considered by PWS fire managers to have moderated fire behaviour and limited fire spread to the north of the Gell River fire. In the Southwest National Park, a planned burn conducted at Rocky Point in 2018 helped protect a weather station and provided containment for the Moores Valley fire. Other burning at Pass Hill in 2018 & Giblin River in 2015 appear to have significantly influenced containment of the Dolphin Ridge fire.
- 4.3.11** Due to rapid fuel accumulation and general flammability of buttongrass moorlands it was noted that previous planned burns and fires had limited effect on fire progression in that vegetation type. Analysis is likely to show that previous burnt areas, especially in forest communities, mitigated fire behaviour, with corresponding reduction in fire intensity. This would also reasonably be expected to contribute to further mosaic patchiness in those areas. The Review heard that previous planned burning of button grass plains in vicinity of the Ta Ann plywood mill site at Southwood had provided an opportunity for firefighters to conduct backburning under more favourable conditions and this action may have had a positive effect on the ultimate survival of the mill site.
- 4.3.12** Bushfire planning, preparedness and risk mitigation in Tasmania is informed by fire management agencies using several computer modelling tools including Phoenix RapidFire and SPARK. Another primary modelling tool used by agencies is the Bushfire Risk Assessment Model (BRAM). This tool has been redeveloped in recent years in collaboration with the Antarctic Climate and Ecosystems Co-operative Research Centre and is designed to be consistent with the National Emergency Risk Assessment Guidelines.



- 4.3.13** BRAM has been updated and refined since the 2016 fires, including the addition of cultural and heritage values. The model includes a wide range of stakeholder interests and values and there is a strong commitment by the Parks and Wildlife Service to keep refining the model, noting its major shortfall is the quality of available data. The Review Team acknowledged the substantial effort and investment to develop the BRAM to its current form. On-going work and investment to realise further improvements to the model are encouraged and supported.
- 4.3.14** It was reported that ownership and governance of the BRAM currently rests with the Parks and Wildlife Service. For maximum benefit and impact, the model requires multi-agency involvement. Within the limits of data security and integrity, it should be readily accessible for input and export of relevant data by relevant agencies and stakeholders.
- 4.3.15** We noted the now well-established Planned Burning Operational Guidelines used by the Tasmanian fire agencies to inform their fire management programs. Such guidelines provide parameters to meet specified objectives and outcomes and are acknowledged as a best practice approach. We were advised an update has been undertaken since originally prepared and such periodic reviews are important to reflect emerging knowledge and evolving conditions.
- 4.3.16** Conservation group representatives we spoke to acknowledged the role of planned burning to maintain healthy ecosystems. They expressed a desire to strengthen engagement with fire agencies to better understand values assessment, risk models and proactive burning practices. The Review was told that conservation groups recognised efforts from the PWS to improve information during these fire events compared to previous fires. They would have preferred more frequent updates but appreciated the significant nature of these fires and that the attention of fire agencies was rightly on tackling the fires.



Prescribed burning, Orford (credit: Deb Sparkes)

- 4.3.17** Public submissions received by the Review indicate some people, especially those in rural areas or experienced in land management, believe more fuel reduction planned burning should be undertaken to mitigate against large bushfires.
- 4.3.18** A number of people made observations that some common factors have contributed to a reduction in rural fire management activity and capacity in recent decades. Reasoning for this is complex however it is recognised there are several key contributing factors. These include significant changes to land management practices and changing workforces that have resulted in a reduction of experienced rural and forest fire managers. The associated loss of cultural knowledge and experience has led to reduced capacity and capability to undertake fire management activities.
- 4.3.19** The review team heard about restrictions on planned burning due to smoke management requirements associated with air shed pollution mitigation in the Greater Hobart and Derwent Valley areas and potential wine grape taint in the viticulture industry. No evidence was presented to suggest smoke management restrictions curtailed any planned burning that would have influenced this fire event. However, as windows of opportunity for planned burning are expected to narrow as land use practices and climate continue to change, these restrictions may present an increasing impediment to future planned burning.
- 4.3.20** Some submissions made to the Review stated that applications for planned burning on private land have been rejected due to fire sensitive vegetation or wildlife species. Some of these areas were reported to have subsequently been severely burnt during the recent bushfires. Others suggested that increased governance and administrative requirements may be impacting fire management activity, while acknowledging the associated risks. We encountered a belief that there is an unnecessary amount of bureaucracy associated with the planned burning process and administrative 'red tape' has resulted in lengthy and resource-intensive processes to support fuel management outcomes.
- 4.3.21** It is beyond doubt that attitudes to burning have changed over time, and it comes as no surprise to us to hear that there are greater restrictions in place than previously. Unfortunately, the history of escapes from fuel reduction burns in recent history (and in mentioning that it would be wrong to ignore the circumstances of the Black Tuesday fires in 1967 in Tasmania) demonstrates clearly that fuel reduction burning can be a high-risk business and we would not think it appropriate to make any recommendation relaxing current rules and regulations around burning.
- 4.3.22** What we can say is that fuel reduction burning by private landowners is potentially a valuable contribution to risk reduction in the State, alongside that conducted by government agencies. We would therefore encourage TFS and PWS in particular to consider how they are able to work closely with private landowners in order to support responsible burning practices on private land as part of the Statewide effort to manage risk, and also to look at current processes around obtaining permits to burn so as not to place any unnecessary obstacles in the way of private landowners who wish to conduct fuel management burns on their own land in a responsible manner.
- 4.3.23** The Review heard that there were occasionally competing priorities to conduct planned burning. This primarily relates to PWS staff being redirected from landscape 'conservation' burning to undertaking identified priority planned burns under the State Fuel Reduction program. This includes carrying out burning on private property. While the primacy of that program is not questioned, consideration should be given as to the extent of any opportunities lost by PWS to undertake larger burns that provide significant mitigation outcomes in the broader landscape. It is noted however that PWS has employed five key staff to support fire management in the TWWHA since 2016 and that program is only just reaching its potential.
- 4.3.24** The Review was advised that TFS has recently established a new position to help manage and mitigate prioritisation challenges associated with the Fuel Reduction Program and commend efforts to maximise planned burning across all programs in available windows.
- 4.3.25** With consideration of Tasmania's future climate outlook we flag that there may be a shortfall in current PWS capacity to undertake the extent of planned burning desired or required across national parks and its other estate while striving to resource priorities under the State program. As previously noted, windows of opportunity for planned burning in Tasmania are heavily constrained by a range of natural and human factors. Fuel management programs need to take into account the 'opportunity cost' associated with not completing planned burns and the impact risks of extreme bushfire events.

- 4.3.26** While the Review does not consider it appropriate to make suggestions in relation to specific numbers of personnel that should be employed in this work, we note that prescribed burning is a particular skill set and includes the ability to appropriately measure risk and be able to balance the need for public safety against the importance of not being too risk-averse such that good opportunities to conduct prescribed burns are missed. For these reasons, having an adequate workforce specifically trained in fuel reduction burning and associated risk management is a requirement for the State. We take the view that it is a matter for PWS to identify if it has adequate resources with the relevant skill sets available to it, and make budgetary submissions accordingly.
- 4.3.27** Reflecting on comments made to the Review and drawing on the experience from other jurisdictions, planned burning plays a number of important roles beyond fuel and land management functions and sustaining ecological processes. In the Tasmanian context, where major bushfire seasons have been intermittent, it provides valuable training and development opportunities and builds capacity and capability among paid and volunteer firefighters alike. This establishes a state of readiness across seasons with the available cohort of firefighters.
- 4.3.28** Planned burning and other fire management activities also provide important rural extension and community outreach opportunities. Fire agency staff and volunteers are widely respected and primarily interact during incidents or under emergency response conditions. Having the broader community experience fire management activity in the landscape under moderate conditions helps establish awareness of the importance of active fire management and build familiarity and appreciation of the associated physical, psychological and environmental effects. From planning through to implementation, planned burning and other fuel management activities are ideal times to build relationships within and between the fire agencies, their volunteers and the wider community.
- 4.3.29** The Review team had the opportunity to travel through fire-affected areas in the south of the State and our observations led us to have some concerns about township level fuel management. We saw a number of examples of properties and communities that would be very hard to defend in adverse conditions. We consider that greater focus needs to take place on township protection planning and fuel management, and responsibility for this needs to be clear at a local level. We are of the view that this presents a significant future risk to life and property in the State of Tasmania. We therefore recommend early and robust policy-level consideration of who is responsible for planning for and carrying out, or enforcing, fuel management at a township level. If this is unclear or ineffective, consideration should be given to making this a statutory responsibility of TFS.

### Recommendation 3

TFS should initiate a policy review (seeking support from government as appropriate) to clearly identify what body or agency is responsible for planning, carrying out and enforcing fuel management on private property at a township level. If current arrangements are unclear or ineffective, TFS should request government to consider making this a statutory responsibility of TFS and provide any additional funding required to support this function.

- 4.3.30** We also make a broader recommendation in relation to current fuel management programs in Tasmania, which acknowledges current efforts to maintain a fuel management program that takes into account different risks, objectives and communities, and encourages that direction of travel to be maintained collaboratively into the future.

### Recommendation 4

TFS, PWS and STT should work with government and each other to continue to pursue a whole-of-state fuel management and burning program that encompasses all land tenures, meets the range of outcomes required by the state (township protection, risk reduction and landscape-scale burns) and is inclusive of private landholders and local communities as well as all fire agencies.





- 4.4.2** Tasmania's command, control and coordination (C3) arrangements were once again seriously tested over a number of months this summer. Associated operations, structures and facilities with attendant resources and personnel were rapidly escalated in scale and scope from late December 2018 and only wound down in late March 2019. The fires involved practically every government agency, a range of non-government agencies, volunteers from far and wide, supported through a very substantial deployment of interstate and New Zealand assistance.
- 4.4.3** The policy, systems and processes in support of such complex and large emergency management operations have been tested, and extensively scrutinised, in recent times: after the 2013 bushfires and post 2016 bushfires, as well as the 2016 floods. As a result, Tasmania has continuously improved how it operates in the lead up to, and during such trying times. The Review heard that there was a real desire to keep learning and improving – this 'peer' review is evidence of that approach. That said, there are observations that the Review can make that can provide the impetus to improve how major, multi-tenure bushfires can be better overseen and managed across the many organisations and individuals that must (of necessity due to statute or policy) take an interest in the best outcomes for their part of the picture and for the State as a whole.
- 4.4.4** Firefighting of the scale and scope experienced in Tasmania in 2019 is a serious, expensive and complex undertaking. The tasks of coordinating, controlling, and within organisations commanding this effort cannot be carried out lightly. There is much at stake and those in charge carry a heavy burden on behalf of the community.
- 4.4.5** The Review heard, almost without exception, high praise for the efforts of firefighters and volunteers on the ground. Naturally, after such a vastly impactful event, the review has heard and read much about how well, or not, management and leadership worked – essentially C3 arrangements. As mentioned earlier in the report, this review will not address tactical operational issues that arose, leaving such matters to the many organisational post-incident reviews.

#### ***State-level management***

- 4.4.6** It is evident that the TFS took a primary role in state-wide fire management this year, the TFS having been established as the lead fire agency through the Interagency Fire Management Protocol ('the Protocol') made between the three fire agencies. The SOC was the focal point for state-level decision making and structures were established in keeping with this function. Though this does not differ markedly from 2016, there have been some subtle changes that affected collaboration and communication across and within agencies.
- 4.4.7** It was evident to us that there had been a long history of cooperative arrangements in place that have worked reasonably well in the past. Evidence of this is apparent in the Protocol, that sets out bushfire response arrangements, including responsibilities and contacts. One of the key features of the Protocol is the Multi-Agency Coordination (MAC) Group, comprising senior representatives of the three primary fire agencies – TFS, PWS and STT. The review heard that the MAC Group had proved its worth since its inception some years ago as a result of learnings from Tasmanian personnel deploying to the USA where similar groups are established. In contrast to reports from 2016, when the MAC Group had generally been assessed as working well, some felt that the group was not effective to the extent that at least one respondent was under the impression that it had been disbanded.
- 4.4.8** We found that state-level strategic decision-making and resource allocation was not always as clear cut and cooperative or integrated as it could have been. The TFS took a lead role at most times, with foremost regard for the primacy of life. However, it was apparent that there was not always a joint understanding of the situation and all of the values and interests involved between TFS, PWS and STT staff. Naturally, agencies differ in statutory responsibilities and therefore values emphasis. The Protocol was intended to resolve this, but based on the information gathered by the Review there are significantly differing perspectives on whether this was achieved in 2019.
- 4.4.9** There is no doubt that resourcing across multiple demands and agencies is very challenging. The original intent of the MAC Group was to provide a decision-making environment in which the different priorities at play could be addressed and a common approach agreed. The challenge in 2019 appears to have been that the MAC Group was not formed of executive decision-makers and so the discussions and conclusions reached within that Group then had to be processed through another tier of decision-making at SOC level before being turned into operational outcomes on the ground.

- 4.4.10** It was clear to the Review team that the TFS has, with all the right intentions and with the agreement of the other agencies, taken a leadership stance concerning all fires state-wide under the Protocol. However, and noting the observation concerning the status of the MAC group above, we concluded that the recent incremental shift by TFS to lead in fire Statewide is not consistently applied. For example, as discussed above, during the early stages of the Riveaux Rd fire, we did not get the impression that the TFS took an active interest in matters, rather leaving it to the land managers to sort out.
- 4.4.11** It is our view that the Protocol is no longer operating as was intended. Though designed and implemented with the best of intentions, to provide for an integrated and agreed interagency framework for bushfire response, it is now dated and in need of renewal. Though action can be taken in the short term to improve the Protocol, legislation should also be updated to better underpin operational doctrine.
- 4.4.12** The *Fire Services Act 1979* is currently the subject of a review being undertaken by a government appointed steering committee, chaired by an independent chair Mr Mike Blake. While there will be a number of different perspectives brought to that review, we offer some suggestions about how the legislative framework could look, based on our observations of how the system worked in practice this year:
- The current approach where each of TFS, PWS and STT have authority (and accountability) to manage fire on their respective tenures should continue. The way in which land managers use fire differs in marked respects from the way in which a fire suppression agency such as TFS will do so, for example in the use of fire as an ecological tool and promoting biodiversity. As there will be experienced fire managers in each agency, it makes sense for them to continue to undertake suppression activities on unwanted fires within their tenure.
  - The system needs however to be scalable and there comes a point where there should be a single point of accountability for significant unwanted fires burning in Tasmania (this excludes planned burns, to which different considerations apply). While it is reasonable to expect agencies such as PWS and STT to be responsible, so far as they can, for fires burning on their tenure and that do not threaten to spread into another tenure, there is a need to manage significant fires on behalf of the State when individual agencies are unable to manage them effectively whether through resource constraints or otherwise.
  - The TFS should be given this overarching responsibility, and should be given powers to declare a significant fire, or complex of fires, that then come under the direct control of the Chief Officer. To be clear, it should be the responsibility of TFS to identify and declare such fires, and while there should be a statutory obligation of cooperation on other agencies, it should be explicit that TFS is accountable for the management of significant unwanted fires in the state.
  - It is a complicating factor that TFS, PWS and STT have different statutory objectives. If TFS is given overall responsibility for managing major fires in Tasmania, it should also be made clear that they are accountable, in doing so, for preserving not only life and property, but preserving environmental values and timber production assets. This should be made explicit in legislation, and a mechanism should be included, even after TFS has declared a fire to be significant and therefore under TFS control, for PWS and STT to be able to make formal representations about the objectives of concern to them, that TFS would have a statutory duty to have regard to.

We understand that the process of consulting on, and then drafting and passing, replacement legislation may not be concluded before the next fire season. With that in mind, we consider that Tasmanian fire agencies should agree on an updated version of the Protocol that will address some of the areas in which it was found wanting this year. Specifically:

- The current concept of having regional IMTs led by TFS appears to work well and should be continued.
- State-level liaison during significant fires needs to be carried out between executive decision-makers – this will in practice require the functional heads of TFS, PWS and STT to talk on a regular basis and to issue joint direction to incident managers about objectives and priorities. We felt it to be a weakness that MAC Group membership had effectively been delegated to individuals who were not the decision-makers in their agency, so that the MAC Group was not making decisions but was developing proposals that had to be implemented (or not) through the SOC.
- While there needs ultimately to be one point of control for State fire management – the principle of Unity of Command – we think that this control needs to be exercised explicitly with the aim of reaching consensus between agencies and meeting all stakeholders' statutory objectives – the principle of Unified Command.
- It may require some discussion out of season about how financial issues are to be reconciled; but if one agency sees a need for a particular resourcing level to meet its objectives and is prepared to be accountable for the relevant costs, then we think that that should be given effect. If some of those resources then need to be diverted to other priorities, then they should be backfilled. This is consistent with the principle that all agencies' objectives need to be respected as part of a Unified Command ethos, and adequately resourced.



An IMT briefing during the 2019 fires (credit: TFS)

#### Recommendation 5

TFS, PWS and STT agree an updated version of the Interagency Fire Management Protocol which maintains the principle that there will be one state-wide point of command for major unwanted fires burning in the State of Tasmania, explicitly recognises the right of each of TFS, PWS and STT to have their objectives prioritised in incident action planning and adequate resources applied to those objectives, and provides a mechanism for executive decision-makers from TFS, PWS and STT to come together and agree objectives and resourcing levels that will then be operationalised by whole-of-State control structures.

- 4.4.13** In terms of state-level liaison with emergency management, support and infrastructure organisations, the Review noted that emergency management and partner agencies were kept well informed and included in decision-making when required. For example, TasNetworks were particularly pleased with their interaction with senior TFS personnel at the SOC and the regard for their technical advice. The Review did hear that the broader emergency management arrangements involving police and other agencies may not be as widely understood as they should be. We saw many well thought out documents concerning emergency coordination and in particular recovery transition. There was a sense that more could be done to familiarise (or perhaps re-familiarise) fire, land management and local government staff concerning these arrangements.
- 4.4.14** This report would not be complete without commentary concerning the configuration and capacity of the existing SOC. Located in the TFS headquarters, the core of the SOC is one board room with the usual array of displays, computers and communications devices in open plan with little separation. Overflow is by way of expansion into otherwise fully utilised office space and meeting rooms throughout the building. The same building houses the TFS 000 communications centre ('Firecom') and the Hobart fire station.
- 4.4.15** During the fires, the review heard of the PWS setting up a dedicated natural and cultural values planning cell within their head office building located elsewhere in the Hobart CBD. The Police and the many support organisations were accommodated in the SOC on an as-needs basis. Little established or dedicated capacity sufficient to meet the needs of senior liaison officers from these organisations existed. Compared with most other mainland fire and emergency services, the TFS's SOC facility is, in the Review's opinion, somewhat dated and barely adequate to the task. If the TFS is to be accountable for all unplanned fire in Tasmania, and be able to properly accommodate and integrate the needs of partner agencies such as PWS during times of crisis, the facility will need to be substantially reconfigured and expanded.

### *State, Regional and local level coordination*

- 4.4.16** The review heard many stories of how well the TFS (and their volunteers), PWS, STT and local governments worked well together as one at the regional and local level. As one PWS commentator noted: "I was representing a combined firefighting force; agency was secondary".
- 4.4.17** We have considered again the question of how the tiered approach of SOC, ROC and IMT works in Tasmania. The 2016 AFAC Review suggested that consideration be given to whether the ROC adds value at a time when level 3 IMTs are stood up and the SOC is in place.
- 4.4.18** Our initial thought was that the ROCs were redundant in such a situation and that the ROC level should be dispensed with where a full level 3 IMT is in place in a Region. This is partly influenced by the current practice that only one level 3 IMT will ever be in place in a Region, and the obvious point that having a ROC as well as a level 3 IMT and a SOC is resource-intensive in a state that has significant resource constraints.
- 4.4.19** In talking to practitioners across Tasmania, however, we were persuaded of the value of having a level of regional oversight, so that the solution may not be as simple as getting rid of that level altogether. We do consider, though, that the following principles need to be borne clearly in mind:
- We offer some professional challenge to the name 'Regional Operations Centre' as perhaps overemphasising the appropriate level of resourcing and structure for this function. We think that a 'Regional Controller', supported by a small executive staff, should suffice.
  - it is important to recognise that the Regional Controller role needs to integrate operations between TFS, PWS and STT, so that it is more than just an agency regional manager role – this could be supported by having other agencies represented on the Regional Controller's executive staff.
  - Where there is a level 3 IMT, the Regional Controller should not compete with it in the operational space. The Regional Controller can oversee and support, but the incident controller should maintain responsibility for operational matters within the incident.
  - Where effectively there is one IMT running all major fires in a region, it is the incident controller, not the Regional Controller, who should be reporting to the State Operations Centre. Incident Controllers must have competent deputies who can take charge of routine business while the IC is carrying out the important function of 'up and out' reporting. It may be appropriate for the Regional Controller to participate in statewide conferencing as well, but not instead of the level 3 incident controllers.
  - The Regional Controller must ensure that they are not duplicating any function being carried out in the IMT or the SOC. There should not, for example, be a regional planning unit and an IMT Planning Section: it should be one or the other. Overall the Regional Controller should have a small cell of people supporting them, not a large structure that sucks resources away from incident management activities.
- 4.4.20** The increased focus on IMTs that we are suggesting will require additional attention to be paid by incident controllers to the importance of local liaison, and communication pathways between the IMT and forward operations points. Recognising that it is not possible for an IMT based in a control centre to provide briefing and direction to front-line operational personnel, forward operations points are often set up at fire stations, staging areas and similar facilities to manage operations in the field. It is critical that IMTs are aware of what forward operations points are active, and to ensure that there is timely and relevant information flow to them in order to ensure that personnel are being briefed correctly and used effectively. It is also important for IMTs to ensure that forward operations points do not become 'mini IMTs' and that they understand their reporting line to the Operations section in the IMT.
- 4.4.21** One area of importance at the local level is that of the use of volunteers. Communities have among their volunteer ranks hugely diverse individuals with many and varied competencies, not to mention intimate knowledge of their local areas. One person (not themselves a volunteer) the Review spoke to said he thought the TFS should be viewed as a volunteer organisation, with paid support. Of course, any statewide organisation such as the TFS must have a network of paid people to provide for day-to-day matters, there may be additional opportunities for more volunteer engagement and involvement in operational leadership and specialisations such as remote area firefighting.
- 4.4.22** We discuss the specific issue of remote area firefighting below: our understanding was that in other areas, particularly the appointment of sector and divisional commanders in the incident management structure, and membership of incident management teams, there is more scope for volunteers to be involved. We were told, correctly or not, that in the Southern Region, TFS volunteers are not appointed to field management roles above the role of strike team leader. While it is important to maintain the principle that overhead managers are trained and experienced in the role, in states such as New South Wales and Victoria it is the norm for volunteers to hold management positions. We can see no reason why Tasmania should be any different.



- 4.4.23** We found that Group Officers (volunteers who manage a Group of volunteer brigades), though legislatively recognised as part of the TFS management structure, had been over time diminished in their command role and had their authority deferred to paid District Officers (we did however see examples of good practice in the way that Group Officers were used to manage resourcing for the ongoing commitment to these fires). Modern incident management practice requires that personnel in management roles such as Sector and Divisional Commander, or who take roles in incident management teams, need formal training in their function. There is, however, no reason that we can discern why this training should not be made available to volunteers so that they can supplement TFS capacity in IMT and field management roles and we think that TFS should identify and publicise pathways for volunteer officers to be qualified and used in this way.
- 4.4.24** The team would like to emphasise that without the phenomenal effort put in by volunteers during these fires, the State would not have been able to manage the work required, nor afford the bill at the end if they had been paid.
- 4.5 TOR 6: The effectiveness of the arrangements in place for requesting and managing interstate and international assistance and the significance of interstate and international assistance in managing the fires**
- 4.5.1** The use of interstate and overseas fire and land management agency personnel and resources provided much needed support during the fires, in keeping with similar practices in 2013 and 2016. Fires of this scale cannot be managed effectively by Tasmania alone. We received considerable positive feedback from local personnel concerning the expertise and enthusiasm of interstate and international fire fighters and managers. In particular, the New Zealand remote area firefighting contingent was highly regarded for their work ethic and professionalism.
- 4.5.2** The exchange of fire fighting, fire management and specialised expertise across jurisdictions provides for surge capacity and access to specialised skills not necessarily readily available locally. Given the largely common operating systems and platforms utilised across the nation (and in New Zealand and North America) and with the increasingly sophisticated and coordinated national resource sharing approach led by AFAC, this is becoming common place.
- 4.5.3** Large numbers of personnel came to Tasmania during the 2018-19 fire season to support a range of functions that are either not available within the State, or became exhausted. Additional resources would have been available from North America if they had been requested, with both the USA and Canada having appropriate management and front-line firefighting resources that they would have been happy to deploy if requested.
- 4.5.4** On considering the actual and potential resources available from Australia, New Zealand and further afield, the Review team concludes that there is no shortage of firefighting resources available to manage events of this nature. Much as it might take some days to mobilise resources from North America, resources from across Australia can usually be made available promptly on request and in numbers perfectly adequate to meet the needs of incident management teams. This comes at a cost to the receiving state, however, and we can understand that decisions to request interstate support always involve an element of cost-benefit analysis.
- 4.5.5** Supporting structures to manage resources similar to those established in 2016 were implemented this year. In 2016 this function was provided by personnel from New South Wales and Victoria: in 2019 it was led by TFS based on the arrangements set up formerly. AFAC played a key coordinating role through its National Resource Sharing Centre (NRSC) and the underpinning inter-jurisdictional agreements in place to which Tasmania is a party.
- 4.5.6** The establishment of an Interagency and International Liaison Unit (IILU) is a critical function, established at the state level – and in this case in the SOC – to undertake, as the name implies, coordination of resource requests and fulfilment from outside the jurisdiction. Personnel to support the IILU and the associated logistics functions at the regional and local level were provided by the fire agencies and also under a whole-of-government personnel arrangement known as the Interoperability program. AFAC provided NRSC liaison officers to the IILU during the fires.
- 4.5.7** Interstate and international resourcing will only run smoothly if a robust framework for raising resource requests within the affected State exists. The Review heard from various people that many resource requests from incident management teams were rejected or not actioned in a timely manner without adequate feedback. Opposing views were heard that some resource requests contained inadequate information to enable them to be actioned, while some incident management team members complained about little or no feedback to resource requests, evolving justification requirements and new processes being introduced during the events that people were unaware of.
- 4.5.8** We heard from some people who considered that delays to resource requests meant last minute decisions were being made despite otherwise good forward planning. Most significantly, resource requests (not knowing when and if they would be actioned) were identified as a risk to undertaking suppression activities.



- 4.5.9** The Review was told of instances of mismatched resourcing in terms of quantum and/or capability, requests being unnecessarily scrutinised, and misplaced. Though one would expect that sometimes – in the ‘fog of war’ – resourcing will not always work optimally, we conclude that there is room for improvement in Tasmania’s resourcing processes. We suggest that TFS (and to the extent necessary, PWS) should work towards a standardised resource management system that allows IMTs to raise resource requests in a standard form, and allows for notification of acceptance or refusal of those requests preferably on the day they are made or at least within 24 hours. Equally, the State Resources Unit should have available to it a process for requesting resources from the regions and receiving a prompt response.
- 4.5.10** Echoing what has already been said about the relative positions of the IMT and the Regional Controller, we think that resource planning – which goes hand in hand with incident action planning – is a function that sits most naturally within the IMT. We see no reason why a standardised resource request, supported by evidence of strategic incident action and resource planning, cannot be made directly to the State Resources Unit during major events. Regional Controllers have a responsibility to manage resources for business as usual and new starts in their region – and would also be responsible for responding to a request for resources to go elsewhere in the State, particularly if their own region was quiet.
- 4.5.11** The IILU becomes a critical function during major incidents and it is important that staff who are assigned to the IILU have had appropriate training in advance, including training in the use of interstate resource request processes and tracking of resources while they are in the State. This is not a role that it is appropriate to assign people in the hope that they can learn on the job – there is a significant body of national doctrine that has to be understood and applied to make the IILU function successfully. We pay tribute to those staff within TFS who were able to make the IILU a success drawing on the learnings of 2016.
- 4.5.12** We were told that a resource management software platform called IRMS (Incident Resource Management System) had been developed by Forestry Tasmania (now STT), and continued to be hosted and supported by them. IRMS did not, however, have buy-in from across all agencies and was not seen by people we spoke to as an answer to the resourcing issues encountered in the 2018-19 season. It was evident to us that spreadsheets of varying formats were being utilised for resource tracking, including adaptations and improvements being invoked on the run, often using the expertise of skilled ‘outsiders’. We consider that it is important that to the extent that software is required to support resource management, it should be common across agencies, and should be up to date: we note that STT has formed a working group to identify a suitable replacement for IRMS and we encourage TFS, PWS and STT to consider how this might fit into an all-of-state resource management system.
- 4.5.13** Along with appropriately skilled, structured and supported resource management cells and units, the policy surrounding their operation needs refinement. A sound set of arrangements that specify business rules, work flows and triggers for varying levels of resourcing, underscored by training and exercising will go a long way to ensure improving the overall incident management system, in particular when assistance from other jurisdictions is likely.
- 4.5.14** Strategic resource planning is an important function in any major event and is particularly important when considering the need to order resources from interstate or internationally, which comes at a substantial cost. It is hard to get right. There will always be a tension between incident management teams not wanting to over-order, which results in expensive resources lying idle, and needing to have sufficient resources to sustain a firefighting effort for what may be several weeks. The Review heard varying accounts of the effectiveness of strategic resource planning over the 2018-19 fire season. We suspect that there is little value in assessing specific issues with the benefit of hindsight, but we are able to draw the following broad conclusions:
- Strategic resource planning is a core function and must not be treated as an afterthought. Personnel need to be working within IMTs to plan not just for the forthcoming shift or two, but with a time horizon of 2-4 weeks out. If Planning staff within IMTs find it hard to find time for this, that is an indication that there is insufficient capacity within the Resources unit. It is possible to request expert support with strategic resource planning from elsewhere in Australia through national arrangements.
  - Resource planners should be sufficiently senior and experienced that they can make a confident assessment of the likely resource needs up to a month out and then be able to get the Incident Controller to approve these in a timely fashion.
  - Identification of future resource requirements by IMTs should be based on a robust options analysis which takes into account not only the technical options available, but the cost of employing different options and the reasons for the favoured option being chosen. As we discuss later in this report, this is not intended to displace the principle that decisions about resourcing should be based on operational need. Including an appreciation of the financial consequences of different options in a forward resourcing plan both highlights the opportunity costs of the chosen option and provides a level of assurance to senior management that resources are being ordered and used appropriately.

- It will always be a matter of judgement for regional and state-level structures as to how much oversight they need to apply to resource requests. If, however, oversight is deemed necessary, then processes must be put in place to allow approvals (or rejections) to be processed quickly. Where resources are being deployed on rotations of as few as five days (as is the case for volunteer firefighting resources) a delay of a day in approving a resource request can have serious knock-on effects for maintaining continuity of resourcing.
- Managers and approvers of strategic resource requests should be unapologetic about identifying proportionate strategic reserve requirements and requesting resources – within reason – that may not be tasked immediately. It is important when doing so, that the resources that are being sent are aware that they are a strategic reserve so that they have an understanding that it may not be possible to task them immediately on arrival.

- 4.5.15** In terms of outside assistance, it was not clear to us that specific cost analysis had supported decision-making about what resources to order from outside the State. For example, the review team did not see evidence that for arduous firefighting crews, the use of teams from NSW on five-day rotations were compared with longer rotations from Canada (at fixed daily cost) in terms of overall cost/benefit. That is not to say that incorrect choices were made, just that the evidence to support those choices is unclear. Similar comparisons across other roles and source capabilities would make for useful benchmarks so that more rigour could be applied to the matching of resources and need.
- 4.5.16** We consider that planning of this nature would be greatly facilitated if the actual costs of bringing in interstate and international resources were identified out of season, and trigger points were identified for requesting different types of resource. This would give added confidence to decision-makers in Tasmania that they were requesting outside assistance in the most appropriate and cost-effective manner, and would also support interstate and international partners to understand at what point they should consider readying resources in anticipation of a possible request.
- 4.5.17** In terms of on-ground deployment of resources the Review heard of instances where some teams (such as remote area firefighters) were redeployed to roles other than their primary purpose. It was explained to us that on days when tasking was not available to these resources (for example, where current or forecast weather conditions did not allow insertion to remote areas by helicopter) they were used in other roles such as tanker-based firefighting rather than being left untasked. Though this may be less than perfect, we understand and reinforce the need to be agile in these circumstances provided the rationale for re-direction is explained and the new work is purposeful.
- 4.5.18** A commendable feature of the Tasmania public sector is the Interoperability Program managed by the Department of Premier and Cabinet (DPAC). This program provides for a whole-of-government approach to personnel support to emergency management. Public servants are supported by their home agency to be assigned suitable support roles during emergency operations such as logistics or administration. The home agency continues to pay the base salary, while the beneficiary agency (in this case TFS) meets extraordinary costs such as overtime and accommodation.
- 4.5.19** The inquiry saw evidence of this working very well to fill needs of a general nature across incident management teams, regional and state centres. We did however hear of times when the skills of the support person were not ideally matched to the need. It is evident that key positions within the ILLU and logistics function benefit from those with the training and experience in the roles needed. This is particularly important for the ILLU manager – this is a critical role that requires specific competence in fire and emergency management/resource allocation.
- 4.5.20** The Review heard from many committed individuals from the State level. It was apparent – in keeping with the interoperability program mentioned earlier – that the emergency management sector, possibly led by the TFS and SES, needs to identify, encourage and support capable individuals to fill the many roles that will be required during a ‘campaign’ emergency event. Training needs to be provided to these individuals, at least in the Australasian Inter-service Incident Management System, to enable them to operate effectively in the emergency context. There are many senior roles in the SOC and supporting structures that could be filled by an appropriately managed ‘extended’ interoperability program.

#### **4.6 TOR 7: The use and effectiveness of aviation firefighting resources, in particular, the suitability of aircraft types for the protection of environmental values, forest assets and the rural/urban interface in Tasmania**

- 4.6.1** The Review has received a substantial amount of feedback about the use of aircraft in fighting the fires in Tasmania in the 2018-19 fire season (often referred to as ‘aerial firefighting’). A number of submissions made to us highlighted the tactical benefits of different aircraft types currently available on the market. There has also been significant comment in local and national media about the current and future use of aviation resources. This led the Review team to inquire into this subject in some detail.
- 4.6.2** We recognise that a detailed cost-benefit analysis of individual aircraft or tactics would require extensive discussion of specific operations and their effectiveness, which is not the intent of this Review. Accordingly, we present some discussion of and conclusions around issues related to aerial firefighting, while recognising that there is a deeper level of analysis that could be performed to support budget and operational decision-making in this field.

- 4.6.3** We start that discussion by reflecting that aerial firefighting has the potential to be very expensive. We are not sure whether all who have commented on the use of aerial resources in Tasmania in the 2018-19 season understand how much has been spent. We are advised that a sum in excess of \$40,000,000 was spent on aircraft in Tasmania over the season – which may be compared with the total expenditure of the Tasmania State Fire Commission for the financial year being just under \$96,000,000 in 2017-18<sup>6</sup>. This reflects an extensive use of aircraft, and of course a substantial opportunity cost.
- 4.6.4** Against that background, aviation resources enable a whole suite of activities that would otherwise be difficult or impossible. Aircraft have been used extensively in the 2018-19 fire season to identify new fire starts after lightning storms; to mount rapid first attack on fires using water and gel; to lay retardant lines intended to slow the advance of a fire to allow for it to be controlled from the ground; to acquire intelligence about fire spread and hot spots; and to insert and extract remote area fire crews to undertake that ground attack.
- 4.6.5** Tasmania participates in national arrangements coordinated by the National Aerial Firefighting Centre for the contracting and sharing of aircraft. Before the fire season, states (including Tasmania) contract a given number of aircraft to be available for the season, and also enter into arrangements for a ‘reserve’ fleet of ‘call when needed’ aircraft to be available for surge capacity. The seasonal contracts are expensive to maintain and must be paid for whether or not there is a significant level of fire activity, and represent a core fleet of resources. The call when needed contracts do not cost money if they are not used; but are much more expensive per hour than the seasonal contracts if they do have to be used.
- 4.6.6** The national arrangements mean that it may be possible for one state to ‘borrow’ an aircraft from another, if the other state is not using it. This happened in the 2018-19 season in Tasmania, notably in relation to the use of Large Air Tankers from Victoria and New South Wales, and aerial intelligence gathering aircraft.
- 4.6.7** Many different types of aircraft were used in Tasmania over the 2018-19 season. Helicopters were used both for water bombing and crew insertion; and a range of helicopter types were used including the Erikson Airplane Type 1 helicopters. Fixed wing aircraft were used for reconnaissance, water bombing, and laying of retardant line, and the fleet included scooping ‘Fire Boss’ aircraft (that can fill their tanks by skimming from an open body of water) and Large Air Tankers with a 15,000L capacity. Each of these different types of aircraft may be viewed as a tool in a toolkit, and discussion of how aircraft are used in a given context should be accompanied by an understanding of the cost of that, and what the alternatives are. We return to this theme below.
- 4.6.8** The Review received a number of public submissions discussing the use of aerial firefighting in Tasmania both this year and in previous years. Some of these submissions referred to the use of specific aircraft types; others to the use of aviation firefighting more generally. We also spoke to the National Aerial Firefighting Centre in the course of the Review, and met with individuals responsible for the allocation and deployment of aerial resources in Tasmania during the 2018-19 fire season. We can say with a high degree of confidence that aerial firefighting is a very well-understood tactic in Tasmania and in Australia more broadly, and that State and National bodies have a comprehensive knowledge of the resources available worldwide and decades of experience in Australian conditions of what works best.
- 4.6.9** We think that it will assist the reader to a better understanding of our conclusions, and of the broader considerations in deploying aircraft, if we identify some of the key points to be taken into account. Each of these points is, in our view, generally accepted by expert professional opinion in the industry and could be demonstrated by referring to detailed evidence if required. We have not sought, in the context of this report, to collect and lay out that evidence as this would be a disproportionately lengthy exercise; but we think that anyone wishing to do so could readily assemble a body of evidence to support the following statements.
- Aerial resources will not necessarily put the fire out. Water bombing can be a very effective first attack strategy, but for fires burning in organic soils or under tree canopies – as will often be the case after a lightning strike – intervention by ground crews will be required to extinguish the fire.
  - Equally, there is no guarantee that even intensive water bombing will suppress a fire burning in unfavourable weather conditions.
  - There are some meteorological conditions under which aircraft will be unable to fly. Examples are in low cloud and poor visibility – which conditions may exist in the period after a dry lightning event – and in high wind conditions – which may occur on the days of highest fire danger.
  - The time of day will also be relevant – although night flying trials have taken place with helicopters in Victoria, night operations carry additional risks and are not a universally accepted tactic across the global aerial firefighting community. We note the potential for fires to be started by lightning towards the end of daylight or even overnight, which may have grown to a significant size by the time air attack becomes practical.

6 State Fire Commission Annual Report 2017-18, p46

- A larger aircraft will not necessarily give a better result when undertaking fire attack. The Large and Very Large Air Tankers that are available in Australia are typically used for dropping water, gel or retardant in a line to deal with an extended fire edge or to provide a control line for ground crews to work off. But for precision application of water or gel to a particular part of a fire, a helicopter may be a better choice.
- There will be a limit to the number of aircraft you can have working on a fire due to air traffic control issues, and using aircraft such as the Large Air Tanker may prevent smaller aircraft from using the same airspace at the same time.

**4.6.10** For all these reasons, policymakers need to be careful about assuming that aircraft are the answer to all fire suppression needs, or that if only we could have enough aircraft we could extinguish all fires while they are still small. Decisions about the acquisition and use of aircraft need to be made following careful analysis of what they will cost, what effect they are expected to have, and what else could be done with the money. And while it is true that up to a point, more aircraft will mean more fire suppression capacity, there is no amount of aircraft that can prevent large landscape fires from happening.

**4.6.11** Against the background of those general points, we make the following observations about the use of aircraft during the 2018-19 fires.

**4.6.12** A large number of aviation resources were deployed to these fires, as will be apparent from the amount of money spent. We think that Tasmanian fire agencies were well aware of the usefulness of aircraft and were not afraid to spend significant sums on a range of aircraft from small helicopters to Large Air Tankers. Different aircraft were appropriately used in different contexts.

**4.6.13** Given the scale of operations both this fire season and in 2016, we concluded that Tasmanian fire agencies would be best served by a year-round air desk staffed by appropriately qualified and experienced personnel. The individuals who managed the aviation function for Tasmanian fire agencies are to be commended for their contribution: we were led to understand though that the person with lead responsibility for this area had only been in place for eight weeks before the fires started and was not experienced in the role.

**4.6.14** There are a number of opportunities for cost saving in areas such as negotiating contracts when things are quiet, not at the point when aircraft or facilities such as landing and reloading at airports are urgently required. The person who manages the aviation function for Tasmanian fire agencies is (as happened in 2019) potentially responsible for oversight of a \$40 million operation, and in our view should have the training and experience commensurate with that level of responsibility. In our view the establishment of a Tasmanian State Air Desk for fire and emergency management, staffed year-round with specialist staff, should be a priority for Tasmanian fire agencies.

**4.6.15** We wish to clarify that in recommending a State Air Desk, we are not saying that it has to operate in the same way that similar concepts operate in other states. This is about having a year-round dedicated resource with the job of managing Tasmania's aerial firefighting needs. Questions about how this works in practice, how aircraft are ordered in the event of a fire, and so on, are for the Tasmanian fire agencies to agree between themselves.

#### Recommendation 6

TFS, PWS and STT should establish a State Air Desk, to be staffed by specialist staff year-round, with responsibility for managing both preparatory and contractual issues out of season as well as aircraft management when fires or other emergency events are occurring.

**4.6.16** Having a permanent State Air Desk would also potentially address some operational issues that we were made aware of. On one occasion, aircraft that came to Tasmania from the mainland were not fitted with radios compatible with those being used by ground resources. Communication had to take place indirectly through the Air Attack Supervisor. A State Air Desk could anticipate problems like this and come up with workable solutions. A Tasmanian State Air Desk could also be responsible for identifying other areas – such as the retardant mixing facilities suggested below – in which relatively modest investment might enhance Tasmania's capability to sustain aerial firefighting operations.

**4.6.17** Another broader point that was made to us was that there were occasionally unclear lines of control when it came to aircraft allocation and use. It is a feature of the Australasian Inter-service Incident Management System (AIIMS) that incident management teams can have an Air Operations Manager, who is responsible for advising on the tactical use of aircraft. The IMT in turn will seek aviation resources from the State level; but once those resources are allocated to the IMT it is for the IMT to determine how to use them. A Tasmanian State Air Desk could develop and promote consistent doctrine on the ordering and use of aircraft, and could be accountable as the single point of contact for allocating aviation resources to IMTs in response to requests.

- 4.6.18** Aviation specialist roles such as Air Operations Manager were identified in the AFAC report into the 2016 Tasmanian fires as a capability gap; and we were pleased to hear that the recommendations of that report had been acted on in terms of evolving a cohort of trained and experienced specialists in aerial firefighting within Tasmania. We were made aware of the significant assistance given by trained aviation specialists from interstate in 2018-19 and we would encourage Tasmanian fire agencies, particularly TFS, to explore budgetary options to further strengthen their air operations capability through training personnel and where possible, seconding them to interstate agencies to gain experience in the management of air operations.
- 4.6.19** A number of people raised with us the acquisition and use of scooping aircraft that can self-fill from open bodies of water, such as are often seen in television footage working in Europe and Canada. In Tasmania in 2018-19, there were two single engine Fire Boss aircraft working, that have the same ability to self-fill from open bodies of water. These aircraft received a lot of positive feedback from people who worked with them and we understand that they will be contracted again in the future. Other models of aircraft may have greater carrying capacity than the Fire Boss but are significantly more expensive to acquire and maintain. No doubt the use of specific aircraft types will be kept under review by Tasmanian fire agencies, but we are satisfied that the use of scooping aircraft has been considered and appropriately implemented for the present.
- 4.6.20** The use of Large Air Tankers increased significantly in 2018-19 compared with 2016. Incident Management Teams had the knowledge and the confidence to order these resources, and conditions on the Australian mainland made it possible to release them for use in Tasmania. It is a potential capability gap that there is no Large Air Tanker based in Tasmania, but the significant expense of contracting one to be in the State for the entire season is likely to be hard to justify. Conversely, there is no Type 1 large water bombing helicopter such as the Erikson Airplane contracted to Tasmania, and these machines had to be brought over from the mainland. While again there is a significant cost-benefit analysis to be done, we could see the value in Tasmanian fire agencies looking closely at the value of contracting such a machine for the Tasmanian season to enhance first strike capability.
- 4.6.21** Anecdotally we heard mixed reviews of the use of Large Air Tankers. While they are a powerful tool when it comes to laying long lengths of retardant or gel line, it was clear from practical observations made by personnel on the ground that there were situations in which they were less effective – for example where fires are burning in organic soils, a water drop from a LAT might be of limited use as it does not penetrate the ground far enough. Another problem is that LAT drops require significant backup from ground resources, in most cases. There have been observed incidences of fire burning through a line dropped by a LAT in less than an hour where there were no firefighters on the ground to take advantage of the short-term benefits of the drop.
- 4.6.22** The decision-making processes in terms of LAT use are made more challenging because of the significant cost (tens of thousands of dollars) for each drop, and the question of what else could have been done with the same amount of money. We believe from speaking with people in the Tasmanian fire agencies that they are keenly aware of this issue and want to take it into account in future decision-making. We think that they would be assisted to do so if an ‘at-a-glance’ type checklist could be produced for LAT use based on operational experience – this could be as simple as a one side of A4 listing circumstances in which LAT drops worked well, and circumstances in which the results were deemed unfavourable. This would not be intended to replace the use of judgement by individual incident managers, but could provide a useful point of reference.
- 4.6.23** Another important issue in aerial firefighting is cost control. We say more later in this report about financial management as an indispensable part of incident management, and this issue is highly relevant to aviation where the costs of a single LAT drop, or a day’s flying on a fire, may be significant. As part of the staffing of the State Air Desk recommended above, we think that a finance officer would add substantial value both to the necessary out of season negotiation and contracting activities, and to operational decision-making when it comes to the use of aircraft at fires. This goes beyond being an accountancy function, in our view: having a clear understanding of the financial implications of an operational decision can support options analysis and improve decision-making.

#### Recommendation 6A

The proposed Tasmania State Air Desk should have a finance officer attached to its staff.

- 4.6.24** An operational issue that the Review noted was the lack of retardant mixing facilities in the State of Tasmania. As matters stand, Large Air Tankers have to fly back to Victoria in order to take on loads of retardant (this is not the case for gel, foam or plain water, which can be loaded at Hobart or Launceston). The investment to set up these facilities in Tasmania would be relatively limited, less than \$100,000. We consider that there is a strong case for making this investment following analysis of where the best location would be for siting these facilities.



- 4.6.25** The Review was asked to consider the availability of a winching capability within the Tasmanian aerial fleet. There is one winch-capable aircraft in Tasmania year-round, which is used for search and rescue purposes: as a result it is not available for firefighting. We heard the view expressed that Tasmania needs a capability to winch remote area firefighters into inaccessible terrain so that they can carry out firefighting operations, and also that an additional winch-capable aircraft is required to carry out search and rescue operations specifically for injured firefighters, where they are working in terrain that cannot be reached by road.
- 4.6.26** We heard from a number of people who were anxious to stress the safety implications of winching firefighters into inaccessible terrain. This is likely to be the quickest way of getting ground-based firefighters to very remote fire starts; but there are safety implications around inserting firefighters into terrain that they may need to be winched out of as well. Although the risks associated with winching are acceptable when proper training and procedures are in place, it is not a risk-free activity.
- 4.6.27** In the AFAC report on the 2016 Tasmanian fires a recommendation was made for Tasmania to establish a winch capability for remote area firefighters. Consideration of this proposal by PWS led to the conclusion that this was not supported on a risk-benefit analysis: for the 2018-19 fires, winch capable firefighters were brought in from New South Wales. We have considered the issue afresh and we conclude that we should not make a further recommendation one way or the other, because establishing a winch capability involves a risk assessment and cost-benefit analysis that we think is best deferred to the Tasmanian fire agencies to undertake.
- 4.6.28** We agree with the view expressed in the 2016 report that a winch-capable firefighting force would be a useful tool to be available to Tasmanian fire agencies. The creation of such a force must be understood as being a program-level ongoing commitment requiring investment to train and skills maintain suitable personnel. The acquisition of appropriate numbers of winch-capable aircraft is also a potential financial burden that Tasmanian fire agencies will have to consider in its calculations. While overall we understand how such a capability could fit into Tasmanian firefighting efforts, we think that judgements of this nature, based as they are on finance and risk, are best made by the agencies in question.
- 4.6.29** The question of additional winch-capable search and rescue capability is a separate one, and we can see the force of the argument that only having one winch-capable aircraft in Tasmania for search and rescue operations when there are dozens of firefighters working in locations inaccessible by road requires careful risk analysis. We think that Tasmanian fire agencies should have a standing medical evacuation plan for all personnel working in remote areas and this plan should include commentary on how patients are to be extracted from inaccessible locations in the event of a serious injury or medical event, particularly if the year-round search and rescue aircraft was unavailable or on another call.

#### Recommendation 7

TFS, PWS and STT should jointly reach a decision on whether a winch capable remote area firefighting capability should be maintained in Tasmania; which agency or agencies should be responsible for that program; and how a winch capable remote area firefighting capability can be safely trained and kept current, to include consideration of the availability of winching aircraft. If the decision is taken not to maintain this capability in the state, TFS, PWS and STT should identify how the gap in capability that this represents should be filled in future fire seasons.

- 4.6.30** Our overall conclusion on the use of aviation firefighting in the 2018-19 season is that both locally and nationally, there is a high level of expertise available to select and deploy appropriate aircraft for firefighting in Tasmania. Where choices have been made about the deployment of particular aircraft types, we consider that these have been made based on a sensible cost benefit analysis and we do not think that there is any particular aircraft or aircraft type that has been overlooked or is not known about.
- 4.6.31** It is true to say that more money could be spent on aerial firefighting than was spent in 2018-19 – although the significant bill that was incurred should not be underestimated. We can see the logic in individual suggestions such as the permanent basing of a Type 1 (Airplane or similar) helicopter in Tasmania so that its superior water-carrying capability would be immediately available in the case of fires breaking out, instead of having to come from the mainland. Other suggestions that were made to us were potentially much more costly and included proposals for the acquisition of substantial fleets of expensive aircraft.



- 4.6.32** We do not think that it is our function as a Review to recommend specific levels of spending or contracting of aircraft. The underlying principle is in our view clear, that there is always scope to spend more money on different types of aircraft and as 'tools in the toolkit' they can generally be used to support fire suppression activities. But equally, the acquisition of yet more and more aircraft is likely to offer diminishing returns, can never be guaranteed to prevent the start or spread of large landscape fires, and what is more would inevitably lead to years of low fire activity in which tens of millions of dollars' worth of equipment was lying idle.
- 4.6.33** We suggest that future decisions about acquisition and deployment of aircraft should be clearly justified with reference to the principles discussed above. We encourage Tasmanian fire agencies to identify aircraft that they consider could be used to good effect and in a cost-effective way, and to ensure that there is an ongoing discussion with government about the availability of budgets to acquire and maintain an adequate aircraft fleet. Specific decisions about these are, however, beyond the scope of this Review.

#### **4.7 TOR 8: Any other matter that the Review team identifies in the course of its activities as warranting discussion**

##### *Safety*

- 4.7.1** Safety, both of firefighters and members of the community, is a key consideration for emergency management agencies. Of course the protection and preservation of life is the principal objective of hazard management activities, but those activities themselves need to be safe. The Review team accordingly considered the safety record of Tasmanian fire agencies over the 2018-19 bushfire season.
- 4.7.2** The following safety incidents were reported in relation to personnel combatting the 2018-19 bushfires:

Contractors	9
Interstate/Overseas Support Agencies	17
PWS	52
SES	1
STT	16
Tas Helicopters	1
TFS	56
Unknown	4
<b>TOTAL</b>	<b>156</b>

This total represents 114 accidents, injuries or illnesses; 24 hazards and 18 near misses. Of the injuries or illnesses reported by TFS, 12 have resulted in workers compensation claims, and a further ten workers compensation claims have been made by PWS personnel. While any safety incident is a matter of concern and agencies should always aim for zero safety incidents in the course of their operations, the Review team considers that the above statistics are commendable given the numbers of personnel fighting the fires and the challenging conditions in which many of them had to work.

- 4.7.3** The Review noted that a strategic safety advisor was appointed to work from the SOC in Hobart to coordinate safety management activities. We heard also of some difficulties in ensuring that safety officers were working in all IMTs that managed events across the season, including challenges arising from the limited numbers of locally qualified personnel. TFS, PWS and STT should ensure that they prioritise the appointment of safety advisors at any event where an IMT has been established, whether at level 2 or level 3 and regardless of the control agency. A training needs analysis may help to establish whether additional personnel should receive the training required to operate as safety advisor in an IMT.
- 4.7.4** One area in which we think that Tasmanian fire agencies need to review their current practices is in fatigue management. Fatigue is recognised as a safety issue for emergency management personnel. It is an issue not just for personnel on the fireline, who are at greater risk of physical accident or injury if they are fatigued. It is an issue for incident, regional and state control personnel as well, because fatigue can not only compromise effective decision-making – and hence the safety of others – but it risks the physical and mental health of the individuals who become fatigued. We do not think that it is acceptable to implement controls over the length of time and number of consecutive shifts that front line personnel can work but allow senior staff, up to and including the level of Chief Officer, to work long hours for weeks on end without a break.

## Recommendation 8

TFS, PWS and STT should jointly carry out work to identify acceptable shift lengths and patterns – including requirements for rest days – for all personnel working on emergency operations. Once these have been identified, systems should be put in place to ensure that HR rostering practices follow these fatigue management guidelines. And senior staff should lead by example and ensure that they, as well as the people working under them, take adequate rest breaks.

### *Leave management*

- 4.7.5** A number of people we spoke to questioned leave arrangements in place in Tasmanian fire agencies, and why individuals had leave planned for peak months of the fire season. We recognise that issues arise such as carer responsibilities around the school holiday period, and it would be inappropriate to be dogmatic about when people can and cannot take leave. We do however consider that there should be a presumption that leave is not scheduled for the months of January and February unless there is a particular reason, such as carer responsibilities, for this to be approved. We observed many occasions on which personnel selflessly returned to work despite having leave approved, and commend their commitment.
- 4.7.6** We also heard feedback about the number of staff available between Christmas and the New Year. While many office-based organisations see this period as suitable for a ‘close-down’ or skeleton staff, we think that this is not an appropriate expectation for a fire management agency and we suggest that managers across the Tasmanian fire agencies should plan to ensure the availability of a full complement of staff at this time of year. Of course, if weather conditions are moderate and there is no fire activity, on the spot decisions can be taken about permitting leave in the light of known weather conditions.

### *Finance*

- 4.7.7** The 2018-19 fire season in Tasmania has been very expensive in terms of the sums spent on fire suppression activities. While final figures are not yet available, they are likely to be similar to the sum in the region of \$60,000,000 that was spent in 2016-17. This is nearly two thirds of the entire budget for the State Fire Commission for the year. While these sums are not met out of that budget – they are paid either by a special appropriation from State funds, or through support from the Australian government – they represent a significant financial item in the State’s budget.
- 4.7.8** The Review team was keen to understand how this was approached by the Tasmanian fire agencies in terms of financial management, procurement rules, and so on. We often asked the question of people we interviewed ‘if you had been asked at any given time during the fires to say what you had spent, would you have been able to?’ With one exception, the answer was ‘no’.
- 4.7.9** We should say that this is not an issue unique to Tasmania. We suspect that a similar response would be obtained from agencies in other jurisdictions that managed major emergency events this year. There has often been an attitude that in an emergency, agencies spend what they need to spend, and the accounting can be done afterwards. We do not, however, think that this is a sustainable approach for the sector in Australia into the future.
- 4.7.10** Emergency management agencies spend public money, and they are accountable for doing so no less in an emergency than they are at other times. If money needs to be spent of course it should be spent. But we cannot see how it is sustainable for money to be spent with no one keeping track of how much, and on what, in anything like real time.
- 4.7.11** Proper financial management is not only valuable to understand the level of budgetary commitment at a given time; it also supports incident control decision making. Choosing between two possible suppression options may be supported by an understanding of their respective cost which in turn reveals what other possibilities are being foregone by choosing an option. Money spent on valueless options is money that can’t be spent on other more effective activities.
- 4.7.12** Both in relation to aerial firefighting and the use of interstate and international resources, we found little evidence that decisions were being taken on the basis of robust financial and budgetary advice. That is not to say that decision-makers were not concerned about budgets, and we heard that resource requests from IMTs to State Resourcing were required to be supported with justification for them, indicating that there was no intent to provide a blank cheque for firefighting. The point is that the justification was not supported by numbers, and we could not identify that options analysis (for example, use Tasmanian resources on overtime, use interstate resources, or use international resources) was being supported by credible cost figures.

- 4.7.13** In our view, Tasmania is well-placed to take a lead on this important issue in Australia. The Interoperability Register may be able to support personnel skilled in financial control to be seconded to Tasmanian fire agencies during periods of increased activity, to provide advice to decision-makers on real time budgets, and the financial implications of choices. We emphasise – as comment of this nature can often be misunderstood – that the role of finance officers is not to prevent necessary decisions from being taken, or to interfere with operational decision-making. We think that it can only enhance the management of incidents and emergencies if the people tasked with making decisions are supported with information about what they are spending and what different options might cost.

#### ***Traffic management points***

- 4.7.14** A number of people who made public submissions to the Review raised the issue of traffic management points and road closures. For public safety reasons, it is standard practice across Australasia and beyond to limit public access to areas in which a bushfire is burning, has burned, or is threatened. The challenge arises in relation to people who live within the boundaries of the restricted area and, while they are not subject to compulsory evacuation, may nonetheless be denied re-entry to the area if they leave.
- 4.7.15** This is not a simple issue to manage, because authorities responsible for setting up and then managing access restrictions would rightly be severely criticised if members of the public were injured or killed because they had been allowed into an unsafe area. We also recognise that because it is Tasmania Police that controls access, their actions in doing so are outside the scope of this Review. The consistent feedback we have received on this issue does, however, lead us to conclude that the Tasmanian fire agencies should seek discussions with Tasmania Police in order to ensure that there is clarity around what areas are too dangerous for anyone to be in; what areas need to have restricted access but it may be appropriate for residents to be allowed in and out, and what areas do not need to be restricted. The fire agencies then need to be prepared to commit resource to a regular – we suggest, daily – review of the boundaries of these areas and to notify police accordingly so that restrictions can be minimised.
- 4.7.16** We note that this issue has been a frequent theme in post-incident reviews elsewhere in Australia, and other jurisdictions have developed traffic management protocols as a result (Victoria is just one example). We would suggest that Tasmanian fire agencies could usefully do an analysis of what already exists in this space and consider its applicability to Tasmania.

#### ***Private firefighting resources***

- 4.7.17** We received feedback in the course of public submissions to the Review about the utilisation, or lack of it, of private firefighting units in suppression activities. This term may refer to an individual trailer pump or slip-on unit owned by a farmer, to more extensive trained and equipped resources owned, for example, by a private forestry company.
- 4.7.18** No permission, of course, is required for someone to fight a fire on their own land with whatever means are available to them (the question of lighting fuel reduction or backburns on private land is a different one and is already regulated by law). It was suggested to us however that private units could be used more widely, and restrictions on vehicular movements in fire-affected areas should not apply to private firefighting resources.
- 4.7.19** We recognise that private firefighting units may be a very important resource in rural areas, and this is recognised in other jurisdictions by the formation of primary producer brigades, industry brigades, or by the issuing of public guidance such as the Victorian Country Fire Authority's *Guidelines for Operating Private Equipment at Fires*<sup>7</sup>. We note that TFS does not have similar published guidance and we think that some could usefully be developed.

#### ***Facilities***

- 4.7.20** An issue that was raised with us on a number of occasions was the availability of facilities for State, Regional and incident management teams. We visited the IMT at Cambridge while it was in operation, and had the opportunity to see for ourselves how the physical facilities were arranged there; we also visited the State Operations Centre in Hobart and the Northern Regional Operations Centre at Youngtown.
- 4.7.21** Good operational facilities underpin good emergency management. One key point is that co-locating teams in one place can greatly ease information flow: being able to speak to a person or team who is located in the same place as you is much easier than having to try to track them down by phone or email, particularly at busy times.

7 [https://www.cfa.vic.gov.au/documents/20143/71835/2016\\_Private\\_Equipment\\_Guidelines\\_edn2\\_jun16.pdf](https://www.cfa.vic.gov.au/documents/20143/71835/2016_Private_Equipment_Guidelines_edn2_jun16.pdf)

- 4.7.22** A practical example of this is the presence of a TWWHA natural and cultural values planning cell in the PWS building in Macquarie Street, remote from the TFS State planners at TFS headquarters in Argyle Street. We were struck by how this arrangement went beyond hampering efficient communication between the teams: it actually led to suspicion of what the PWS team was seeking to achieve, which in our view was unjustified. We do not think that this would have been anything like the issue it became, if those teams had been co-located.
- 4.7.23** More broadly, our assessment of the Cambridge facility – and the feedback we received from the people who were working there – was that it was awkwardly laid out, cramped, and not supportive of contemporary incident management practice. Purpose-built facilities these days will often have a large central area where teams can be accommodated in an open plan environment, supporting open communication between different incident management functions, while also having breakout rooms situated around (and often visible from) the central area where specific conversations can take place off the central ‘floor’. This was far from being the case at Cambridge, and is not really found at TFS Hobart headquarters either.
- 4.7.24** As a Review team we are reluctant to recommend specific items of expenditure because we recognise that these are matters for agencies to plan and accommodate within existing budgets. Our view is, however, that there is really no State Control facility for emergencies in Tasmania that can support operations on the scale seen in the 2018-19 fire season. We have already discussed in this report how it is important for State and Regional control functions to be separate from incident management teams, and how those separate components of the emergency management structure need to be careful that they do not unwittingly overlap. That does not, however, mean that thought could not be given to co-locating the State Control Centre, the Southern Regional Control Centre, and the Southern joint agency IMT in one purpose-built location. However this is done, we are of the view that TFS should engage in planning for new, purpose-built control facilities and should seek budgetary support from government for a preferred option.

#### Recommendation 9

TFS should engage in discussions with government about the construction of purpose-built State Control Centre facilities for emergency management in Tasmania.

#### ICT and data

- 4.7.25** We heard some criticism of ICT facilities in Tasmanian fire agencies, including lack of interoperability between TFS and PWS (in particular) and access issues for interstate personnel who came to Tasmania to assist. In raising this issue with the responsible people, we were advised that the issues were acknowledged, but many of them stemmed from a lack of planning in advance and advice provided as to what might be needed.
- 4.7.26** We do not have the expertise to make professional judgements about ICT facilities, but it does seem to us that some joint planning with State government ICT experts away from the peak season, together with some exercising of emergency arrangements to enhance an understanding of what upgrades may be required, could provide benefits and we suggest that TFS considers undertaking this activity.

#### Follow-up and tracking of recommendations

- 4.7.27** The Review is acutely aware of the number of reports that have been produced in recent years on emergency management activities in Tasmania. These have produced a multiplicity of recommendations; some more than others. It is a challenge for agencies to take on board and track the number of recommendations received, and this is not an issue unique to Tasmania but can be observed elsewhere in the country as well.
- 4.7.28** In some states, responsibility for the tracking of recommendations and their implementation has been given to an appointed Monitor, or to a responsible officer such as an Inspector-General of Emergency Management. The benefit of doing this is not just to see if a recommendation has been implemented: there can also be value in revisiting recommendations that become obsolete or appear to be less desirable in the light of experience or new information. An independent tracking body can effectively declare that a recommendation has been completed, or should no longer be pursued.
- 4.7.29** We encourage TFS, PWS and STT to discuss with government how a function of this nature could be pursued; the appointment of a specified individual is not a requirement and, for example, the SEMC might be willing to take on this function.

## 5 PUBLIC CONSULTATION

- 5.1** One of the objectives of the Review was to provide a forum for public submissions, so that all points of view had an opportunity to be heard.
- 5.2** We were very grateful to all of those who took the time and effort to provide submissions to the Review and we were struck by the care and thoughtfulness that so many members of the Tasmanian community put into providing submissions and feedback.
- 5.3** We carefully read and considered all of the submissions that we received. The numbers of submissions and the many different points they covered means that we are unable to acknowledge them individually in our report. We have done our best, though, to ensure that all of the topics on which we received submissions have been discussed.
- 5.4** The submissions received are set out below and will be made publicly available, unless the author has requested confidentiality.

No.	Date	Name	Organisation
1	7 April	<b>Austen Hawkins</b>	University of Tasmania
2	9 April	<b>Mark Geary</b>	Member of the Public
3	10 April	<b>Daniel</b>	Member of the Public
4	11 April	<b>Harold Reilly</b>	Member of the Public
5	15 April	<b>Keith Darke</b>	Derby Mountain Bike
6	16 April	<b>Brian Hodgson</b>	Member of the Public
7	16 April	<b>James Downey</b>	Member of the Public
8	16 April	<b>David Hean</b>	Brigade Chief, Brady's Lake Brigade
9	23 April	<b>Simon Hattrell</b>	Member of Public
10	24 April	<b>Nicholas Sawyer</b>	Tasmanian National Parks Association
11	24 April	<b>Malcom Wells</b>	National Parks and Wildlife Advisory Council
12	25 April	<b>Juanita Brokas</b>	Member of the Public
13	26 April	<b>Natalie Eiser</b>	Member of the Public
14	26 April	<b>Chari Jolly</b>	Member of the Public
15	26 April	<b>Professor Bowman</b>	University of Tasmania
16	27 April	<b>Dr Geoff Holloway</b>	United Tasmania Group
17	27 April	<b>Bob Hawkins</b>	Member of the Public
18	28 April	<b>Luca Vanzino</b>	Member of the Public
19	28 April	<b>Gerald Crawford</b>	Retired District Officer, Tasmania Fire Service
20	28 April	<b>Peter Ockerby</b>	State Safety Advisor, Tasmania Fire Service
21	29 April	<b>Robin Costain</b>	Member of the Public
22	29 April	<b>Rob Blakers</b>	Member of the Public
23	29 April	<b>Anthony Archer</b>	Member of the Public
24	29 April	<b>Judy Moore</b>	Tasmanian Visitor Information Network
25	29 April	<b>Ron Mann</b>	Member of the Public
26	29 April	<b>Dean Brampton</b>	Member of the Public
27	29 April	<b>Robyn Lewis</b>	Central Highlands Wildlife Group
28	30 April	<b>Cheryl and Greg Oates</b>	Members of the Public
29	30 April	<b>Robyn Berrington</b>	Member of the Public
30	30 April	<b>Andrew Darby</b>	Member of the Public
31	1 May	<b>Mike O'Brien</b>	Member of the Public
32	1 May	<b>Brett Burgess</b>	Retired Volunteer
33	1 May	<b>Todd Dudley</b>	North East Bioregional Network
34	2 May	<b>Karen Spinks</b>	Member of the Public
35	2 May	<b>Bert Lawatsch</b>	Member of the Public

No.	Date	Name	Organisation
36	2 May	Greg Pullen	Member of the Public
37	2 May	Gerry and Sue White	Members of the Public
38	2 May	Gerald Ellis	Member of the Public
39	2 May	Robert Frost	Member of the Public
40	2 May	David Haynes	Member of the Public
41	2 May	Roger Underwood	The Bushfire Front Inc
42	2 May	Wayne Tucker	TasNetworks
43	2 May	Martin Gill	Meander Valley Council
44	2 May	Adam Wilson	Central Highlands Council
45	2 May	Stephen Rymer	PF Olsen
46	2 May	Liz Smith	Member of the Public
47	2 May	Pat Synge	Huon Valley Rate Payer Association
48	2 May	Danza Hardwicke	Tasmanian Mountain Cattleman's Association
49	2 May	Barbara Dawson	Member of the Public
50	2 May	Randall Trethowie	Member of the Public
51	2 May	Chris Peterson	Member of the Public
52	3 May	Tony Cannon	Institute of Foresters of Australia
53	3 May	Martin Moroni	Private Forests Tasmania
54	3 May	Robert Flanagan	Australian Workers Union
55	3 May	Sheralee Davies	Wine Tasmania
56	3 May	Geoff Law	Wilderness Society
57	3 May	Therese Taylor	Convenor Tasmania Forest and Forest Products Network
58	3 May	Dean Sheehan	Sustainable Timber Tasmania
59	3 May	Simon Roberts	Member of the Public
60	3 May	Amy Robertson	Member of the Public
61	3 May	George Harris	Huon Resource Development Group
62	5 May	David Downie	Member of the Public
63	5 May	Kelly Wilton	Support Tassie's Timber Industry
64	6 May	David Bradford	Derwent Valley Council
65	6 May	Rebecca Bell	Huon Valley Council
66	6 May	Geoffrey Swan	Member of the Public
67	7 May	Jenny Cambers-Smith	Member of the Public
68	7 May	Adam Wilson	Central Highlands Council
69	8 May	John Gunn	Member of the Public
70	8 May	Ian Sauer	State Fire Management Council
71	8 May	Peter Downie	Member of the Public
72	8 May	Leigh Hills	United Firefighters Union Australia (Tasmania Branch)
73	10 May	Peter Skillern	Tasmanian Farmers and Graziers Association
74	10 May	Laurie Dillon	Member of the Public
75	13 May	Jeff Leddin	Member of the Public
76	13 May	Chris Topham	Hydro Tasmania
77	13 May	Andrew Denman	Tasmanian Special Timbers Alliance
78	13 May	Nicholas d'Antoine	Member of the Public
79	14 May	Jo Donnelly	Member of the Public
80	15 May	Jan Lineham	Member of the Public



## 6 CONCLUSIONS

- 6.1 We wish to finish this report by paying tribute to the many people who went the extra mile to deliver a safe, effective response to the Tasmanian bushfires of 2018-19.
- 6.2 The Review team considers it a credit to the Tasmanian fire agencies and their staff that this Review does not need to deal with issues of injuries or fatalities to the public who use Tasmania's extensive wilderness areas for recreation: that there were no fatalities among firefighters responding in arduous and remote locations and that injuries did not occur in significant numbers.
- 6.3 In the 2016 report on that year's bushfires in Tasmania, the Review team said that the fires had been unprecedented. The same cannot be said this year – 2016 provided the precedent for the events of 2018-19. It is a credit to the Tasmanian fire agencies that many of the lessons of 2016 appear to have been learned and put into practice in 2019.
- 6.4 We think, though, that it is clear that the current legal and policy basis for firefighting in Tasmania is outdated, and it was our sense that those arrangements started to show their age in the 2018-19 season. Current progress towards statutory reform in Tasmania provides an opportunity for the State to align the legislative underpinnings of fire management in Tasmania with contemporary best practice, and to continue on the journey that the Tasmanian fire agencies started years ago with the formation of the MAC Group.
- 6.5 Our two main takeaways from the 2018-19 fires would be these. First, that there is great value in having a single point of coordination and control for unwanted fires burning in the State – but the significant proviso is that with control comes accountability; and the agency that has control must also be accountable for the full range of values, human and natural, that are at risk from fires in Tasmania.
- 6.6 Secondly, firefighting – whether ground-based or aviation – on this scale is more expensive than ever before, and represents a significant item of expenditure not only in agency but in State budgets. That may be unavoidable. But there needs to be financial accountability for this activity, both in Tasmania and, we would argue, elsewhere in Australia. Firefighting as a profession is enormously respected in our country, and if that respect is to be maintained, we need to be open in demonstrating that our use of public resources is truly for the public good.

## 7 GLOSSARY

<b>AFAC</b>	Australasian Fire and Emergency Service Authorities Council
<b>AIIMS</b>	Australasian Inter-Service Incident Management System
<b>BOM</b>	Bureau of Meteorology
<b>BRAM</b>	Bushfire Risk Assessment Model
<b>IAP</b>	Incident Action Plan
<b>IC</b>	Incident Controller
<b>IMT</b>	Incident Management Team
<b>LAT</b>	Large Air Tanker
<b>MAC</b>	Multi-agency Co-ordination (Group)
<b>NAFC</b>	National Aerial Firefighting Centre
<b>PWS</b>	Parks and Wildlife Service
<b>ROC</b>	Regional Operations Centre
<b>SEMC</b>	State Emergency Management Council
<b>SES</b>	Tasmania State Emergency Service
<b>SOC</b>	State Operations Centre
<b>STT</b>	Sustainable Timber Tasmania
<b>TFS</b>	Tasmania Fire Service
<b>TWWHA</b>	Tasmanian Wilderness World Heritage Area

# ANNEXE A: THE TASMANIAN FIRE AGENCIES

## THE COMMISSION, CHIEF OFFICER AND TASMANIAN FIRE SERVICE

- A1.1** The Tasmanian Fire Service and Fire Commission are established under ss 6 and 7 respectively of the *Fire Services Act 1979*. The Commission consists of the Chief Officer and Fire Service employee representatives. The Commission is responsible for the formulation of Fire Service policy, the co-ordination and development of all fire services throughout the State, the development of effective fire prevention and protection measures and the development and promulgation of the State Fire Protection Plan.
- A1.2** The Chief Officer is established under s.10 of the Act as the Chief Executive of the Tasmanian Fire Service (TFS) and is responsible for the control and management of the fire-fighting resources of the Fire Service. TFS is responsible for all structural fire suppression in Tasmania and for fire suppression on all private lands, unallocated Crown Land and in Wellington Park. Where bushfires occur under conditions and in situations where there is an imminent risk to, or actual impact upon structures and communities, the TFS shall direct the response to those fires where practical. The TFS has responsibility for the issuing of all declarations and warnings.
- A1.3** Tasmania has three statutory geographical regions within the State – North, South and North West. Within these regions there are 233 TFS brigades. The Chief Officer TFS is responsible for 311 TFS full-time equivalent operational career employees and 178 non-operational career employees, 4047 operational volunteers and 1022 non-operational volunteers. The Chief Officer TFS is also responsible for the Director SES, who manages 24 SES employees and 629 volunteers.

## PARKS AND WILDLIFE SERVICE

- A1.4** The Parks and Wildlife Service (PWS) is a unit within the Department of Primary Industries, Parks, Water and Environment and has responsibility for the management of approximately 3.3 million hectares of parks and reserves across Tasmania including the Tasmanian Wilderness World Heritage Area.
- A1.5** Section 30(3)(ca) of the *National Parks and Reserves Management Act 2002* gives authority to the PWS to: 'to take any steps or undertake any activities that the managing authority considers necessary or expedient for the purposes of preventing, managing or controlling fire in reserved land, having regard to the management objectives for that reserved land'. As an occupier of land, the PWS also is obliged under s.64 of the Fire Service Act s.64 to take diligent steps to extinguish the fire or to prevent it from spreading and to report the fire.
- A1.6** The framework for PWS fire management is as follows:
- PWS State Fire Management Policy is a high-level document covering adopted principles, standards and approaches to fire management;
  - PWS State Fire Planning Policy provides the overall framework for fire management planning in PWS;
  - PWS Code of Practice for Fire Management establishes principles, standards and guidelines that will apply to fire management on reserved land;
  - PWS Park and Reserve Management Plans (for example TWWHA Management Plan) contain a section dealing with fire management policies and actions that relate specifically to that park or reserve;
  - PWS Regional Strategic Fire Management Plans have been prepared for PWS regions being Northwest, Northern and Southern. These plans are structured in accordance with PPRR.
  - Annual Planned Burning Program and Fire Works Plans - These are prepared annually and identify and gain approval for all the planned burning and works programs that may be undertaken for the coming year;
  - Annual Fire Action Plan is prepared and updated on an annual basis and covers PWS arrangements across the State. The purposes of the Fire Action Plan are to identify the actions required by the PWS, on a routine daily and weekly basis, for the prevention and readiness to control bushfires and their impacts; to be a reference document for fire duty officers and regional staff.

## SUSTAINABLE TIMBER TASMANIA

- A1.7** Sustainable Timber Tasmania (STT) is a Tasmanian Government business enterprise responsible for sustainably managing approximately 800,000 hectares of public production forest (Permanent Timber Production Zone land). STT manages its land consistent with its obligations under the *Forest Management Act 2013*, the *Government Business Enterprise Act 1995*, the *Forest Practices Act 1985* and the *Forestry (Rebuilding the Forest Industry) Act 2014*.
- A1.8** In accordance with the Government Business Enterprises Act, a Ministerial Charter describes the operational scope and Government's broad expectations of STT. The Charter identifies fire management as one of STT's core activities and requires STT to *inter alia* act in accordance with the Inter-Agency Fire Management Protocol. Core activities and Non-commercial activities under fire management are included in Schedules 1 and 2 respectively and include fuel management, establishment and maintenance of fire breaks and the prevention, preparation for and suppression of wildfires; research and the preparation of regional fire management plans.
- A1.9** As an occupier of land, STT is also obliged under s.64 of the Fire Service Act to take such diligent steps as necessary during the fire permit period to extinguish or prevent any fires burning on that land from spreading and to report the fire. STT's approach to fire management is outlined in the Forest Management Plan and includes a PPRR approach in accordance with the following aims:
- Minimise the occurrence and impacts of bushfires;
  - Minimise the severity of bushfires through strategic fuel reduction burning;
  - Maximise Sustainable Timber Tasmania's readiness to respond to bushfires;
  - Minimise the severity of bushfires through coordinated, effective and efficient responses; and
  - Promote forest recovery after fires.
- A1.10** STT has a Strategic Fire Management Plan (statewide) under which sit Regional Fire Action Plans and Tactical Fire Management Plans. Operational Burn Plans are also prepared for every prescribed burning operation.

## ANNEXE B: THE REVIEW TEAM

### GUY THOMAS

Guy Thomas has worked with the Queensland Parks and Wildlife Service for over 35 years in a variety of operational and senior management roles.

With formal qualifications and training in Science, Business and Project Management, Guy has been involved in all aspects of protected area management across a diversity of landscapes. This includes several roles in fire management, ecotourism, asset and visitor management and involvement with World Heritage Areas.

Guy's senior management experience includes five years as Director of the QPWS Technical Services group with oversight of the agency's fire & pest programs, asset management, ecological research, spatial and ICT systems, cultural heritage and park management planning.

Currently the Director of Asset Services, Guy has responsibility for asset capital works and maintenance programs, infrastructure design, fleet management and radio communications. He represents QPWS on the Australasian Fire Authorities Council and is a member of the AFAC Collaborative Procurement and Business Strategy working group.

### MAL CRONSTEDT

Mr Mal Cronstedt AFSM commenced his career in the fire service as a volunteer in 1976, joining full-time in 1982. He has served across ranks and roles in the State's fire and emergency services in a variety of operational and support functions. In 2003 Mr Cronstedt undertook a year-long secondment to Fire & Rescue NSW (then NSW Fire Brigades) and in 2005 joined the NSW Rural Fire Service as the Blue Mountains Superintendent. He returned to Western Australia in 2008 as Fire and Emergency Service Authority's Rural Operations Coordinator South and was subsequently appointed as Chief Superintendent Country South in July 2012, upon the creation of the Department of Fire and Emergency Services (DFES).

Mr Cronstedt was appointed inaugural Director of the Office of Bushfire Risk Management in August 2012. In August 2014 he became Executive Director of the State Emergency Management Committee (SEMC) Secretariat (subsequently Office of Emergency Management). In March 2018, he was appointed DFES' Deputy Commissioner Strategy and Emergency Management. Mr Cronstedt is an ex-officio member of the SEMC and a member of the Australia-New Zealand Emergency Management Committee. Mr Cronstedt has significant operational and public policy experience across Australia, including, for example, contributing to the development of the latest version of the Australian Interagency Inter-service Management System and a national risk reduction strategy.

Mr Cronstedt holds a Master of Business Administration, a Graduate Diploma in Disaster Management and a Bachelor of Arts. He is a Graduate of the Australian Institute of Company Directors, the Institution of Fire Engineers and the Australia and New Zealand School of Government's Executive Fellows Program.

Mr Cronstedt was awarded the Australian Fire Service Medal in 2013.

### PAUL CONSIDINE

Paul Considine is qualified as a barrister in the UK. He has held positions in Australian state and Commonwealth public services, including as a Director of Investigations in the office of the Commonwealth Ombudsman.

Paul joined the Australasian Fire and Emergency Service Authorities Council in 2010 as Manager, Operations (Urban Fire and State Emergency Services). In 2013 he took up a two-year ministerial appointment as an Assistant Inspector of the Scottish Fire and Rescue Service, with HM Fire Service Inspectorate in Scotland: in that capacity he was lead inspector on various inquiries and reports into the SFRS.

Paul returned to AFAC in 2016 to work on setting up the National Resource Sharing Centre, an Australasian initiative for sharing fire and emergency management resources. He was subsequently appointed General Manager of the Emergency Management Professionalisation Scheme, which promotes emergency management as a profession and sets professional practice standards for a range of emergency management roles. Paul is currently Director, Capability and Assurance at AFAC with responsibilities across the fields of national capability, resource sharing, and reviews and inquiries.

## ANNEXE C: ORGANISATIONS THAT CONTRIBUTED TO THE REVIEW

Tasmania Fire Service

Parks and Wildlife Service Tasmania

Sustainable Timber Tasmania

Tasmania Police

Tasmania State Emergency Service

Department of Premier and Cabinet, Tasmania

Tasmania Volunteer Fire Brigades Association

Tasmania Retained Volunteer Firefighters' Association

United Firefighters' Union (Tasmania)

The Wilderness Society Tasmania

National Parks Society

Rural Fire Service New South Wales

Australasian Fire and Emergency Service Authorities Council

Huon Valley Council

We thank all the organisations and individuals that made the time to assist us with our work.



## REFERENCES

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*What is Operational Success for Fire and Emergency Services*, AFAC January 2015

*Strategic Directions for Fire and Emergency Services in Australia and New Zealand 2017-2021*, AFAC 2016

*The impact of firefighting chemicals on the Natural Values of the Tasmanian Wilderness World Heritage Area*, Styger 2018

*Annual Report 2017-18*, Tasmania State Fire Commission 2018

*Guidelines for Operating Private Equipment at Fires*, Country Fire Authority Victoria 2016

*A review of the management of the Tasmanian fires of January 2016*, AFAC 2016

*Tasmanian Wilderness World Heritage Area Bushfire and Climate Change Research Project*, Press 2016

*Interagency Fire Management Protocol*, Tasmanian fire agencies 2018

Next page: The forest canopy can be too dense for aircraft to effectively water bomb hotspots. Instead they are tasked with filling up portable collar dams which supply water to hundreds of meters of firefighting hose laid throughout the forest floor. All equipment is either carried or flown in. (Credit: Warren Frey and TFS)



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### Aboriginal Heritage Act 1975

Version current from 14 February 2018 to date (accessed 30 July 2019 at 9:54)

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## **Aboriginal Heritage Act 1975**

**An Act to make provision for the preservation of aboriginal relics**

**[Royal Assent 19 February 1976]**

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

## PART I - Preliminary

### 1. Short title and commencement

- (1) This Act may be cited as the Aboriginal Heritage Act 1975 .
- (2) This Act shall commence on a date to be fixed by proclamation.

### 2. Interpretation

- (1) In this Act, unless the contrary intention appears –

**authorized officer** means a police officer or warden;

**container** includes any wrapping;

**conveyance** means any vehicle, vessel, or aircraft, or any other contrivance intended for the carriage of persons or goods over land or water or in the air;

**Council** means the Aboriginal Heritage Council established under section 3 ;

**Crown land** means any land vested in the Crown, whether or not it is subject to any private rights, but does not include any such land that is contracted to be granted in fee simple;

**Director** means the Director of National Parks and Wildlife;

**guidelines** means guidelines issued and in force under section 21A ;

**honorary warden** means an honorary warden appointed under section 16 ;

**land** includes land covered by the sea or other waters, and part of the sea or those waters covering that land;

**protected object** has the meaning assigned to that expression by section 7 (4) ;

**protected site** means an area of land declared to be a protected site under section 7 ;

**small business entity** means a body corporate that is within the meaning of *small business entity* in section 328 –110 of the *Income Tax Assessment Act 1997* of the Commonwealth;

**warden** means a warden appointed under section 15 .

- (2) For the purposes of this Act, any person who has wholly or partly descended from the original inhabitants of Australia is a person of Aboriginal descent.

- (3) For the purposes of this Act, but subject to the following provisions of this section, a relic is –

- (a) any artefact, painting, carving, engraving, arrangement of stones, midden, or other object, made or created by any of the original inhabitants of Australia or the descendants of any such inhabitants, which is of significance to the Aboriginal people of Tasmania; or

- (b) any object, site, or place that bears signs of the activities of any such original inhabitants or their descendants, which is of significance to the Aboriginal people of Tasmania; or

- (c) the remains of the body of such an original inhabitant or of a descendant of such an inhabitant that are not interred in–

- (i) any land that is or has been held, set aside, reserved, or used for the purposes of a burial-ground or cemetery pursuant to any Act, deed, or other instrument; or

- (ii) a marked grave in any other land.

- (4) Despite subsection (3)(a) or (b) , objects made, or likely to have been made, for the purposes of sale (otherwise than by way of barter or exchange in accordance with Aboriginal tradition) are not relics for the purposes of this Act.

- (5) In any proceedings under this Act in relation to an object alleged to be a relic, the court shall assume the object to be a relic if it is satisfied that there are reasonable grounds for believing that the object is, or may be, a relic.



- (6) References in this Act to the taking or removing of a protected object or relic shall be construed as including references to attempting to take or remove, or assisting in the taking or removing of, that object or relic.
- (7) References in any Act to a public reserve or historic reserve include references to a protected site.
- (8) In this section –

***Aboriginal tradition*** means –

- (a) the body of traditions, knowledge, observances, customs and beliefs of Aboriginal people generally or of a particular community or group of Aboriginal people; and
- (b) any such tradition, knowledge, observance, custom or belief relating to particular persons, areas, objects or relationships;

***significance***, of a relic, means significance in accordance with –

- (a) the archaeological or scientific history of Aboriginal people; or
- (b) the anthropological history of Aboriginal people; or
- (c) the contemporary history of Aboriginal people; or
- (d) Aboriginal tradition.

## **PART II - The Aboriginal Heritage Council**

### **3. Establishment of Aboriginal Heritage Council**

- (1) The Aboriginal Heritage Council is established.
- (2) The Council –
  - (a) shall make recommendations to the Minister on any matter in respect of which this Act provides for its making recommendations to him;
  - (ab) shall advise, and make written recommendations to, the Minister in relation to any object, site or place alleged to be a relic under this Act;
  - (b) shall advise, and make recommendations to, the Minister on such other matters in relation to the administration of this Act as it thinks fit;
  - (c) shall make recommendations to the Director on any matter in respect of which this Act provides for its making recommendations to him; and
  - (d) shall, if requested by the Director, advise, and make recommendations to, him in respect of any other matter relating to the exercise of his functions under this Act.
- (2A) For the purposes of providing advice, and making written recommendations, to the Minister under subsection (2)(ab), the Council is to seek information, or professional or expert advice, from any person or body the Council believes on reasonable grounds to have expertise in relation to the matters concerned.
- (3) Without prejudice to the generality of the provisions of subsection (2), where the Minister refers to the Council any matter related to the administration of this Act or the Director refers to it any matter related to the exercise of his functions under this Act, the Council shall consider that matter as soon as practicable and make a report thereon to the Minister or Director with such recommendations as it may consider appropriate in the circumstances.
- (4) Subject to this Act, the Minister may make arrangements to render available to the Council such accommodation and assistance as it may require.
- (5) The Director shall furnish the Council with such information as it may require and is reasonably available to him in connection with the exercise of his functions under this Act.
- (6) In performing its functions under this Act, the Council, where it is appropriate and practicable to do so, is to consult with the Aboriginal people of Tasmania.

### **4. Membership of Council**

- (1) Subject to subsection (2), the Council consists of not more than 10 members appointed –
  - (a) by the Governor on the recommendation of the Minister; and
  - (b) on such terms and conditions as the Minister considers appropriate.
- (2) All members of the Council are to be Aboriginal persons.
- (3) The Minister is to appoint one member of the Council as its Chairperson.

### **5. Powers of Council**

- (1) The Council has –
  - (a) power to do anything necessary or convenient to be done to perform its functions; and
  - (b) such other powers as it is given by this or any other Act.
- (2) Except as provided by this Act or the regulations, the Council may regulate its own proceedings.

### **6.**

. . . . .

## PART III - Declaration and Management, &c., of Protected Sites

### 7. Declaration of protected sites

- (1) Where the Minister is satisfied that there is on or in any land a relic and that steps should be taken to protect or preserve that relic, he may, on the recommendation of the Director, by order declare an area of land within which it is situated to be a protected site.
- (2) The Minister may, on the recommendation of the Director, by order revoke an order made under this section or vary it with respect to the area of land to which it relates.
- (3) An order shall not be made under this section in respect of an area of land (other than an area of Crown land), unless the owner and occupier of the land consent, in writing, to the making of the order.
- (4) An order made under subsection (1) shall specify the relic in respect of which it is made, and a relic so specified, and any part of such a relic and any object forming part of, contained within, or attached to, such a relic or object, is referred to in this Act as *a protected object*.

### 8. Management, &c., of protected sites

- (1) The Director is charged with the management and maintenance of every protected site and the protection and preservation of the protected objects on and in that site.
- (2) Without prejudice to the generality of subsection (1), the Director shall cause to be carried out on a protected site such work as, in his opinion, is necessary or desirable for the purpose of –
  - (a) protecting or preserving a protected object, or any other object, on or in the site and providing and maintaining means of access to any such object or to the site; and
  - (b) restoring or repairing any such object.
- (3) The work referred to in subsection (2) includes –
  - (a) the fencing of a protected site;
  - (b) the erection and maintenance of notices on the site (including notices relating to the site or any object on or in the site or any of the provisions of this Act);
  - (c) the erection and maintenance of cairns or other monuments to mark any object on or in the site; and
  - (d) the provision of such facilities and conveniences for the use or benefit of persons resorting to that site as the Director deems necessary –

but nothing in that subsection authorizes the carrying out of work elsewhere than on such a site, except for the purpose of providing, improving, or maintaining means of access to the site.

- (4) The Director may impose a charge for the use of the facilities and conveniences referred to in subsection (3).
- (5) Notwithstanding subsection (4), where a protected site is not an area of Crown land, no charge may be imposed under that subsection on the owner or occupier of the land.
- (6) If the Director is satisfied that any object on or in a protected site is likely to suffer damage or be destroyed or lost unless it is removed to a place of safety, the Director may cause that object to be removed from the site and may, subject to subsection (7), make such arrangements as he considers suitable for its safe custody or for otherwise dealing with it for the purposes of this subsection.
- (7) The arrangements made by the Director with respect to human remains that are removed by him pursuant to subsection (6) shall be made –
  - (a) after he has caused such scientific or other investigations of those remains to be made as, having regard to the recommendations made by the Council with respect to those investigations, he considers necessary or desirable;
  - (b) after he has considered the recommendations made by the Council with respect to those arrangements; and

(c) subject to the Minister's approval.

(8) The Director may cause examinations to be made of any object in a protected site and may cause explorations to be made of the site, whether by way of the carrying out of excavations or other works or otherwise.

(9) Subject to subsections (7) and (10), the powers of the Director under subsection (6) or subsection (8), so far as they relate to the carrying out of work or the removal of or dealing with objects, shall not be exercised unless the Director has previously informed the Minister.

(10) Where it is impracticable for the Director to inform the Minister before he exercises the powers to which subsection (9) refers, he shall be deemed to comply with that subsection if he notifies the Minister as soon as is reasonably practicable after he exercises those powers.

(11) A person who is authorized, in writing, by the Director may, with such tools and equipment as may be necessary, enter on any land, during the hours of daylight, for the purpose of exercising the powers conferred on the Director by this section.

(12) A person having an estate or interest in any land is entitled to compensation for any loss or injury (whether to the land or any object on the land), or for any decrease in the value of that land, arising from the exercise on that land of any of the powers conferred on the Director by this section, and that compensation shall be of such amount as may be agreed between that person and the Director.

(13) Where there is a dispute between the Director and a person as to the amount of compensation to which that person is entitled under subsection (12), the dispute shall be referred to, and heard and determined by, a magistrate.

(14) Compensation to which a person is entitled under subsection (12) may be recovered as a debt due to him from the Crown.

## 9. Protection of protected sites

(1) Except in accordance with the terms of a permit granted by the Director, no person –

(a) shall destroy, damage, disfigure, conceal, uncover, expose, excavate, or otherwise interfere with a protected object;

(b) shall carry out an act likely to endanger a protected object; or

(c) shall destroy, damage, or deface, or otherwise interfere with any fencing or notice erected, or any other work carried out, in or in respect of a protected site in pursuance of this Act.

(2) Except in accordance with the terms of a permit granted by the Minister on the recommendation of the Director, no person shall remove a protected object from a protected site.

(2A) A person who –

(a) contravenes subsection (1)(a) or (b) in relation to a relic or object, knowing, at the time of the contravention, that it is a protected object; or

(b) contravenes subsection (1)(c) or subsection (2) in relation to a site, knowing, at the time of the contravention, that it is a protected site –

is guilty of an offence.

Penalty: In the case of –

(a) a body corporate, other than a small business entity, a fine not exceeding 10 000 penalty units; or

(b) an individual or a small business entity, a fine not exceeding 5 000 penalty units.

(2B) A person who –

(a) contravenes subsection (1)(a) or (b) in relation to a relic or object and is, at the time of the contravention, reckless or negligent as to whether it is a protected object; or

(b) contravenes subsection (1)(c) or subsection (2) in relation to a site, and is, at the time of the contravention, reckless or negligent as to whether it is a protected site –

is guilty of an offence.

Penalty: In the case of –

- (a) a body corporate, other than a small business entity, a fine not exceeding 2 000 penalty units; or
- (b) an individual or a small business entity, a fine not exceeding 1 000 penalty units.

(3) Where an authorized officer has reasonable grounds for believing that a protected object has been removed from a protected site contrary to subsection (2) , he may seize that protected object.

(4) If, in any proceedings for an offence against a provision of this section, the court is not satisfied that the defendant is guilty of the offence as charged but is satisfied that the defendant is guilty of an offence under another provision of this section in relation to which a lesser maximum fine is prescribed, the court may find the defendant guilty of the other offence.

## **PART IV - General Provisions Relating to Relics, Including Their Vesting in the Crown**

### **10. Duties of persons owning or finding, &c., relics**

(1) Subject to subsection (2) , a person who, at the commencement of this Act –

- (a) owns a relic or has a relic in his custody or under his control; or
- (b) has knowledge of a relic –

shall, within 6 months after that commencement, inform the Director or an authorized officer of the fact.

(2) Without prejudice to the generality of section 25 , the regulations may exempt, or may authorize the Director to exempt –

- (a) any person or class of persons from complying with subsection (1) ; and
- (b) any relic or any class or kind of relics from that subsection –

either unconditionally or subject to such conditions as may be prescribed or as the Director may impose.

(3) A person shall, as soon as practicable after finding a relic, inform the Director or an authorized officer of the find.

(4) It is a defence in any proceedings for an offence under subsection (1) or subsection (3) for the defendant to show that he had reasonable grounds for believing that the Director was aware of the existence of the relic.

(5) A person who has knowledge of the place where a relic is situated shall, when so requested by an authorized officer, inform that officer of the location of that place.

(6) The Director may, by agreement with a person who owns a relic or has a relic in his custody or under his control, take such action as he considers necessary for the preservation, exhibition, study, or scientific or other investigation of the relic.

(7) A person who contravenes, or fails to comply with, any of the provisions of this section is guilty of an offence.

Penalty: In the case of –

- (a) a body corporate, other than a small business entity, a fine not exceeding 100 penalty units; or
- (b) an individual or a small business entity, a fine not exceeding 50 penalty units.

### **11. Vesting of certain newly-discovered relics in the Crown**

(1) A relic that, on or after the commencement of this Act –

- (a) is found by any person; or
- (b) is abandoned by any person –

on any Crown land is the property of the Crown.

(2) In subsection (1) ,

*relic* means a relic that is not attached to, or otherwise part of, Crown land.

### **12. Acquisition of relics by the Crown**

(1) Subject to this section, on the recommendation of the Director, the Minister may acquire or accept a relic on behalf of the Crown and a relic so acquired or accepted becomes vested in the Crown.

(2) Without prejudice to the acquisition of a relic under this section by any other means, the Minister may serve notice on the owner of the relic informing him that the relic is required by the Crown and requiring him to deliver the relic to the place specified in the notice, and on the relic being so delivered it vests in and becomes the property of the Crown.



(3) Where a notice has been served on the owner of a relic (in this section referred to as "the previous owner") under subsection (2) , and he satisfies the Minister that it is not practicable for him to deliver the relic to the place specified in the notice given to him under that subsection, he shall give possession of the relic to a person authorized in writing by the Minister to take the relic.

(4) Where a relic becomes vested in the Crown by virtue of subsection (2) , the Minister shall pay to the previous owner its value and the reasonable expenses (if any) incurred by the previous owner in delivering the relic as mentioned in that subsection.

(5) Where there is a dispute between the Minister and the previous owner of a relic as to the value of the relic, or the amount of any such expenses as are referred to in subsection (4) , the dispute shall be referred to, and heard and determined by, a magistrate.

(6) A notice required to be served on any person under this section may be so served by delivering it to him personally or sending it by certified mail addressed to him at his usual or last known place of abode or business.

(7) Where a notice has been served on the owner of a relic, he may apply to a magistrate within one month from the date of the service of the notice for the notice to be quashed on the grounds that –

- (a) he is of Aboriginal descent; and
- (b) he or his ancestors have had the possession of the relic for a period exceeding 50 years –

and if upon hearing the application the magistrate is satisfied that the grounds have been made out he may quash the notice and thereupon the notice shall cease to be of further effect.

(8) Any person who damages, destroys or disposes of a relic in respect of which a notice has been served under subsection (2) is guilty of an offence.

Penalty: In the case of –

- (a) a body corporate, other than a small business entity, a fine not exceeding 100 penalty units; or
- (b) an individual or a small business entity, a fine not exceeding 50 penalty units.

(9) In this section, **owner**, in relation to a relic, includes the person in possession of the relic.

(10) This section does not authorize the acquisition or acceptance of any land or require the severance of any relic from land.

### 13. Dealing with relics vested in the Crown

(1) Where a relic becomes the property of the Crown under this Act, the Director may cause to be made such scientific or other investigations of the relic as, having regard to the recommendations made by the Council with respect to those investigations, he considers necessary or desirable.

(2) Subject to subsection (4) , the Director may –

- (a) after deciding not to cause investigations to be made of a relic pursuant to subsection (1) ; or
- (b) after those investigations have been made of a relic –

deal with or dispose of the relic in such manner as the Minister approves.

(3) The Minister shall not exercise the power of approval conferred on him by subsection (2) until he has considered the recommendations made by the Council with respect to the exercise of that power.

(4) Where, after investigations have been made pursuant to subsection (1) of a relic that is the property of the Crown by virtue of an acquisition or acceptance, the Crown does not wish to retain the ownership of the relic, the Director shall cause the relic to be delivered to the person from whom it was acquired or accepted or to his personal representative if he has since died, and on the relic being so delivered it vests in and becomes the property of that person or his estate.

### 14. Protection of relics

(1) Except as otherwise provided in this Act, no person shall, otherwise than in accordance with the terms of a permit granted by the Minister on the recommendation of the Director –

- (a) destroy, damage, deface, conceal, or otherwise interfere with a relic;

- (b) make a copy or replica of a carving or engraving that is a relic by rubbing, tracing, casting, or other means that involve direct contact with the carving or engraving;
- (c) remove a relic from the place where it is found or abandoned;
- (d) sell or offer or expose for sale, exchange, or otherwise dispose of a relic or any other object that so nearly resembles a relic as to be likely to deceive or be capable of being mistaken for a relic;
- (e) take a relic, or cause or permit a relic to be taken, out of this State; or
- (f) cause an excavation to be made or any other work to be carried out on Crown land for the purpose of searching for a relic.

(1A) A person who contravenes subsection (1)(a) , (b) , (c) , (d) or (e) in relation to a relic knowing, at the time of the contravention, that it is a relic, is guilty of an offence.

Penalty: In the case of –

- (a) a body corporate, other than a small business entity, a fine not exceeding 10 000 penalty units; or
- (b) an individual or a small business entity, a fine not exceeding 5 000 penalty units.

(1B) A person who contravenes subsection (1)(a) , (b) , (c) , (d) or (e) in relation to a relic and who is, at the time of the contravention, reckless or negligent as to whether it is a relic, is guilty of an offence.

Penalty: In the case of –

- (a) a body corporate, other than a small business entity, a fine not exceeding 2 000 penalty units; or
- (b) an individual or a small business entity, a fine not exceeding 1 000 penalty units.

(1C) A person who contravenes subsection (1)(f) is guilty of an offence.

Penalty: In the case of –

- (a) a body corporate, other than a small business entity, a fine not exceeding 2 000 penalty units; or
- (b) an individual or a small business entity, a fine not exceeding 1 000 penalty units.

(2) A permit under subsection (1) is of no effect if, to the knowledge of the holder thereof, the relic to which it relates has been acquired or dealt with in contravention of this Act.

(3) This section does not apply to any dealing in land.

(4) Where an authorized officer has reasonable grounds for believing that an offence under –

- (a) this section has been, or is about to be, committed in relation to a relic; or
- (b) subsection (1) (d) , has been, or is about to be, committed in relation to an object other than a relic referred to therein –

he may seize the relic or other object.

(5) Where a person is convicted of an offence under this section in relation to a relic owned by him, the court by which he is convicted may, in addition to or in lieu of imposing any penalty on that conviction, order the relic to be forfeited to the Crown and, on the making of such an order, the relic vests in and becomes the property of the Crown.

(6) If, in any proceedings for an offence against a provision of this section, the court is not satisfied that the defendant is guilty of the offence as charged but is satisfied that the defendant is guilty of an offence under another provision of this section in relation to which a lesser maximum fine is prescribed, the court may find the defendant guilty of the other offence.

## PART V - Provisions Relating to Administration and Enforcement

### 15. Wardens

(1) The Secretary of the Department may appoint to be a warden for the purposes of this Act a State Service officer, or State Service employee, who is employed in the Department, and the State Service officer or State Service employee may hold that office in conjunction with State Service employment.

(1A) The Secretary of the Department, with the consent of the Head of another State Service Agency, may appoint to be a warden for the purposes of this Act a State Service officer, or State Service employee, who is employed in that Agency, and the State Service officer or State Service employee may hold that office in conjunction with State Service employment.

(2) A person appointed as a warden under subsection (1) or (1A) may be so appointed in respect of a specified protected site.

(3) A warden appointed under this section in respect of a particular protected site shall not exercise the powers of a warden conferred on him under this Act otherwise than in respect of that site.

### 16. Honorary wardens

(1) The Secretary of the Department may, subject to such conditions as he thinks fit, appoint persons as honorary wardens to assist authorized officers in the execution of this Act.

(2) A person appointed as an honorary warden under subsection (1) may, subject to subsection (3), be so appointed in respect of a specified protected site.

(3) No person shall be appointed as an honorary warden under subsection (1) in respect of a specified protected site not on Crown land unless the owner and occupier of the site consent, in writing, to the appointment.

(4) An honorary warden appointed under this section in respect of a particular protected site shall not exercise the powers conferred on him under this Act otherwise than in respect of that site.

### 17. Powers of authorized officers and honorary wardens in respect of offences

(1) Where an authorized officer or honorary warden has reasonable grounds for believing that a person has committed, or is committing, an offence against this Act on or in relation to any protected site, or in relation to any protected object, relic, or other thing, he or she may require that person to state his or her name and the address of his or her place of abode.

(2) Where a person who is within any protected site is found offending against a provision of this Act, an authorized officer or honorary warden may require him or her to leave the site.

(3) A person who, when required under this section –

(a) to state his or her name and the address of his or her place of abode, fails or refuses to give his or her full name and that address or gives a name or address that is false; or

(b) to leave any protected site, refuses to do so, or does not do so within a reasonable time –

is guilty of an offence.

Penalty: In the case of –

(a) a body corporate, other than a small business entity, a fine not exceeding 100 penalty units; or

(b) an individual or a small business entity, a fine not exceeding 50 penalty units.

### 18. Additional powers of authorized officers

(1) Without prejudice to the powers of seizure contained elsewhere in this Act, where an authorized officer has reasonable grounds for believing that an object is in possession of any person contrary to the provisions of this Act, he may seize that object.

(2) A person who, when required to do so by an authorized officer, refuses to deliver to that officer any object that the officer is entitled to seize under this Act is guilty of an offence.

Penalty: In the case of –

- (a) a body corporate, other than a small business entity, a fine not exceeding 100 penalty units; or
- (b) an individual or a small business entity, a fine not exceeding 50 penalty units.

(3) A justice may, on the complaint of an authorized officer that the officer has reasonable grounds for believing that there is in or on any premises, conveyance, container, or animal an object that the officer is entitled to seize under this Act, issue a warrant to an authorized officer named in the warrant authorizing him –

- (a) to enter and search those premises or that conveyance;
- (b) to search that container and, if necessary for the purposes of searching it, to open that container; or
- (c) to search any container or other thing carried by that animal and, if necessary for the purposes of searching it, to open that thing.

(4) For the purposes of conducting a search in a conveyance or in respect of an animal pursuant to a warrant under subsection (3), an authorized officer may require that conveyance or animal to be stopped and, if it is on a protected site or on or in any water, he may bring it, or cause or require it to be brought, to some convenient place for the search to be carried out.

(5) For the purpose of facilitating the exercise of his powers pursuant to a warrant under subsection (3) in respect of any premises, conveyance, container, or animal, an authorized officer may require the person apparently in charge of those premises, or that conveyance, container, or animal, or any of his servants or agents, to afford him such assistance as he may require.

(6) A person who, without reasonable excuse (proof of which lies on the person), refuses or fails to comply with a requirement made of the person by an authorized officer under this section is guilty of an offence.

Penalty: In the case of –

- (a) a body corporate, other than a small business entity, a fine not exceeding 100 penalty units; or
- (b) an individual or a small business entity, a fine not exceeding 50 penalty units.

(7) Subject to subsection (8) an authorized officer may arrest without warrant any person found offending against a provision of this Act who –

- (a) fails or refuses, on demand, to give his full name and the address of his place of abode;
- (b) gives any name or address that the officer has reasonable grounds for believing is false; or
- (ba) refuses to comply with a requirement to leave any protected site or does not do so within a reasonable time; or
- (c) does not deliver up to that officer, on demand, any object in his possession or under his control that the officer is entitled to seize under this Act.

(8) An authorized officer may exercise the power of arrest conferred on him by subsection (7) only if he has reasonable grounds for believing that the purpose of this Act will not be adequately served by proceeding against the offender by summons.

## 19. Procedure on seizure of objects

(1) Where any object has been seized under this Act, it may be retained until the determination of any proceedings that may be instituted in respect of an offence against this Act alleged to have been committed in relation to the object.

(2) Where an object may be retained under subsection (1), it shall be retained in such manner and in such custody as the Director may approve.

(3) Where any object has been seized from any person under this Act and, within 3 months of its seizure, no proceedings have been instituted for such an offence as is referred to in subsection (1), a court of petty sessions, on the application of that person, may direct it to be returned to him and, on the making of that direction, the authority under that subsection to retain the object ceases.

(4) Where an object is seized under section 9 (3) , nothing in this section shall be construed as prejudicing or affecting the rights of the owner of the object or any other person having property therein.

## 20. Defence of carrying out emergency work

It is a defence to a prosecution for an offence under this Act if, in relation to the section of the Act the defendant is alleged to have contravened, it is proved that the act or omission constituting the alleged offence was due to the act of carrying out –

- (a) emergency work in accordance with section 55 of the Electricity Supply Industry Act 1995 ; or
- (b) any other work that is a necessary and proportionate response to an actual or impending emergency that threatens human life or property or threatens to injure any person.

## 21. Defence of compliance with guidelines

(1) It is a defence to a prosecution for an offence under section 9 or 14 if, in relation to the section of the Act which the defendant is alleged to have contravened, it is proved –

- (a) that, in so far as is practicable –
  - (i) the defendant complied with the guidelines; or
  - (ii) it was reasonable in the circumstances for the defendant to rely on another person's compliance with the guidelines; or
- (b) that the act or omission constituting the alleged offence was due to an act or default of another person; or
- (c) that, in so far as it was reasonable to do so in the circumstances, the defendant relied on information supplied by another person.

(2) In this section –

***another person*** does not include a person who was –

- (a) an employee or agent of the defendant; or
- (b) in the case of a defendant that is a body corporate – a director, employee or agent of the defendant.

## 21A. Guidelines

(1) The Minister must issue guidelines specifying the actions to be undertaken by a person for the purpose of establishing a defence in accordance with section 21 .

(2) The Minister may –

- (a) amend the guidelines; or
- (b) revoke the guidelines and substitute new guidelines.

(3) The guidelines –

- (a) may be made so as to apply differently according to such factors as are specified in the guidelines; and
- (b) may adopt, either wholly or in part and with or without modification, either specifically or by reference, any standards, rules, codes, guidelines or other documents (whether published or issued before or after the commencement of this section); and
- (c) are not statutory rules for the purposes of the Rules Publication Act 1953 ; and
- (d) are not subordinate legislation for the purposes of the Subordinate Legislation Act 1992 .

(4) A reference in subsection (3)(b) to standards, rules, codes, guidelines or other documents includes a reference to an amendment of those standards, rules, codes, guidelines or other documents, whether the amendment is published or issued before or after the commencement of this section.

(5) In issuing guidelines, amending guidelines or revoking and substituting guidelines, the Minister may consult with any person he or she considers appropriate.

(6) The guidelines take effect on a day specified in the guidelines as the day on which the guidelines are to take effect.

(7) An amendment of guidelines, or a revocation and substitution of guidelines, takes effect on a day specified in the guidelines as the day on which the amendment, or the revocation and substitution, is to take effect.

(8) The Minister must cause guidelines, an amendment of guidelines or substituted guidelines to be laid before each House of Parliament within the first 5 sitting-days of that House after the day on which the guidelines, the amendment of guidelines or the substituted guidelines take effect.

(9) Either House of Parliament may pass a resolution disallowing guidelines, an amendment of guidelines or substituted guidelines within 5 sitting-days after the guidelines, the amendment of guidelines or the substituted guidelines have been laid before it.

(10) If a House of Parliament passes a motion to disallow guidelines, an amendment of guidelines or substituted guidelines under subsection (9) –

(a) the guidelines, amendment of guidelines or substituted guidelines are void on and from the date of the passing of the motion of disallowance; but

(b) the passing of the motion of disallowance does not affect the validity of anything done under the guidelines, the amendment of guidelines or the substituted guidelines before the date of the passing of that motion.

(11) If at the expiration of 5 sitting-days after the guidelines, an amendment of guidelines or the substituted guidelines are laid before either House of Parliament, no notice has been given of a motion to disallow the guidelines, the amendment of guidelines or the substituted guidelines, or, if such notice has been given, the notice has been withdrawn or the motion has been negatived, the guidelines, the amendment of guidelines or the substituted guidelines are taken to have been confirmed by that House.

(12) The Minister is to ensure that the guidelines, as in force, are published on the website of the Department and made available to the public in any other manner the Minister considers appropriate.

## **21B. Time for commencing prosecution**

(1) A prosecution under this Act must be commenced –

(a) not later than 2 years after the date on which the offence is alleged to have been committed; or

(b) not later than 2 years after the date on which evidence of any act or omission constituting the offence first came to the attention of any authorized officer.

(2) Subsection (1) has effect despite section 26 of the Justices Act 1959 or any other law.



## PART VI - Miscellaneous

### 22. Expenses of Act

- (1) All moneys received by the Director under this Act shall be paid into the Consolidated Fund.
- (2) The expenses incurred in the administration of this Act shall be defrayed out of moneys provided by Parliament for the purpose.

### 23. Review of Act

- (1) The Minister is to review this Act within 3 years after the day on which this section commences.
- (2) The Minister is to cause a report on the outcome of the review to be tabled in each House of Parliament within 6 months after the third anniversary of the day on which this section commences.

### 24. Act does not affect operation of certain other Acts

Nothing in this Act affects the operation of section 139 of the Criminal Code Act 1924 or the Coroners Act 1995 .

### 25. Regulations

- (1) The Governor may make regulations for the purposes of this Act.
- (2) Without prejudice to the generality of subsection (1) , the regulations may make provision with respect to the care, control, and management of protected sites.
- (3) Without prejudice to the generality of subsection (2) , regulations under that subsection may make provision with respect to –
  - (a) the protection or preservation of protected objects or the property or other things on protected sites;
  - (b) the prevention of damage or injury to those sites or any protected objects, property, or other things thereon;
  - (c) the protection or preservation of the fauna or flora contained in those sites;
  - (d) the prohibition or control of the removal of any property or other things (not being protected objects) from protected sites;
  - (e) the prohibition or control of the bringing into, or over, or the use or possession in or over, protected sites of conveyances or any other things (including living things);
  - (f) the conduct of persons in protected sites;
  - (g) the exclusion or ejection of persons from protected sites or any part thereof; and
  - (h) the making and collection of charges for admission to protected sites or any part thereof.
- (4) Regulations made for the purposes of this section –
  - (a) may confer powers and discretions on the Director and on authorized officers, honorary wardens, and other prescribed persons in relation to any matters referred to in those regulations; and
  - (b) may impose fines, not exceeding 10 penalty units, in respect of contraventions of the regulations.
- (5) The powers referred to in subsection (4) include power, in such cases or circumstances as may be prescribed, to seize creatures found in a protected site.
- (6) Any regulations made under this section may apply to protected sites generally or to any specified protected site.
- (7) Regulations made under this section do not prohibit the doing of anything in a protected site that is not Crown land by the owner or occupier thereof, or of any person acting on his authority, that he would have been entitled to do if those regulations had not been made.





# **Discussion Paper:**

# **Statutory Review of the *Aboriginal Heritage Act 1975***

May 2019

Department of Primary Industries, Parks, Water and Environment

GPO Box 44 Hobart TASMANIA 7001

[www.dpipwe.tas.gov.au](http://www.dpipwe.tas.gov.au)

27 May 2019

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# Overview

Tasmania has been home to Aboriginal people for more than 40,000 years and spanning two ice ages. Throughout that time, Tasmania's Aboriginal people have led rich cultural lives with deep connections to the land and sea-scapes around them. Today, Tasmania's Aboriginal people continue to live rich cultural lives and their cultural heritage and traditional cultural practices continue as one of the oldest continuing living cultures in the world. Tasmania's Aboriginal cultural heritage is ancient and unique and is immensely important to Tasmanian Aboriginal people – past, present and future. Not only that, our Aboriginal heritage has great significance for the broader Tasmanian community, as well as having significant value at national and international levels.

Tasmania's Aboriginal cultural heritage is the legacy of Tasmania's First people – those places, objects and traditions that have been passed down through thousands of generations. It also includes intangible values where there may be no physical evidence of past cultural activities, for example, places of spiritual or ceremonial significance or travel routes where trade relations took place.

From shell middens, rock markings, hut depressions and stone artefacts that are some of the finest examples in Australia, through to whole landscapes and ecosystems that have been carefully and sustainably managed and sculpted by many thousands of years of Aboriginal activity including hunting, trading and cultural burning – Tasmania's landscape today carries the evidence of its First people. The importance of understanding, respecting and protecting this ancient and living culture cannot be overstated.

The *Aboriginal Heritage Act 1975* (the Act) is a stand-alone piece of Tasmanian legislation which defines what Aboriginal heritage is and sets out how that heritage must be managed.

The Act was amended in 2017 for the first time since it was created in 1975. The amendments served to address some of the most outdated and problematic parts of the Act, and were seen as a positive step. However, aside from the amended provisions, the Act as a whole remains largely outdated and continues to reflect the thinking and attitude of a predominantly white bureaucracy from a period close to half a century ago.

The 2017 amendments were also an interim step with a requirement added to the Act requiring a full review of the legislation within three years.

The review will consider the design and operation of the current legislation through broad consideration of:

- the views and aspirations of Tasmanian Aboriginal people.
- the views of non-Aboriginal stakeholders.
- approaches to Aboriginal heritage legislation in other Australian jurisdictions; and
- the interface between Aboriginal heritage management legislation and other legislative processes (primarily relating to resource management and planning processes).

## Purpose of the Discussion Paper

The Government of Tasmania is seeking the input of all Tasmanians, and from Tasmanian Aboriginal people in particular, to understand issues with the operation of the *Aboriginal Heritage Act 1975*.

Multiple opportunities will be provided throughout 2019 and 2020 for people to contribute to the review.

The first opportunity to contribute to the review is a 16 week comment period on the information and questions presented in this Discussion Paper.

Your response to this first stage of consultation is an important step in the review process. It is where you get your first opportunity to have your say and let us know your thoughts, ideas and concerns. Your comments will be considered and further explored through consultation in a second stage of the review.

The Discussion Paper is structured around the following key topics relating to the management of Aboriginal heritage in Tasmania:

1. What is the *Aboriginal Heritage Act 1975* trying to achieve?
2. What is Aboriginal heritage?
3. Ownership of Aboriginal heritage.
4. Making decisions about what happens to Aboriginal heritage.
5. The Aboriginal Heritage Council – what it is and what it does.
6. Offences under the *Aboriginal Heritage Act* and penalties for doing the wrong thing.
7. When can Aboriginal heritage be interfered with?
8. Enforcement of the legislation.
9. Other ways the legislation protects Aboriginal heritage; and
10. Other matters covered by the legislation.

The Discussion Paper presents information on how the Act works in relation to each of the key topics and then asks some questions in relation to each topic to help prompt discussion.

Not every section of the Act is discussed in detail, however you are invited to provide comment on the structure and operation of any part of the Act.

The Discussion Paper also provides an opportunity to comment on any other matters relating to the management of Aboriginal heritage in Tasmania.

## How you can contribute

Each section of the Discussion Paper concludes with a series of questions. These questions are designed as prompts only. Written submissions need not address these questions specifically.

All written submissions must be received by the end of Saturday 21 September 2019.

Written submissions can be forwarded to:

Email: [aboriginalheritageact@dpipwe.tas.gov.au](mailto:aboriginalheritageact@dpipwe.tas.gov.au)

Mail: Aboriginal Heritage Act Review  
GPO Box 44  
Hobart TAS 7001

A number of face-to-face meetings with Aboriginal groups and key non-Aboriginal stakeholders will also be held around Tasmania.

If you would like to request a special information session for yourself or your organisation, please contact the DPIPWE Review Team at Email: [aboriginalheritageact@dpipwe.tas.gov.au](mailto:aboriginalheritageact@dpipwe.tas.gov.au)

Submissions will be treated as public information and will be published on the Department of Primary Industries, Parks, Water and Environment website at [www.dpipwe.tas.gov.au/aboriginalheritageact](http://www.dpipwe.tas.gov.au/aboriginalheritageact) following the closing of the consultation period, unless you request otherwise.

Further information on how your submission will be handled can be found at the end of this Discussion Paper.



## Next steps

- ⇒ A Consultation Report summarising all the feedback received through the first stage of consultation will be prepared and made available to the public. It is envisaged that the Consultation Report will be released before the end of 2019.
- ⇒ Feedback received through the first stage of consultation will be used to inform a second Stage of the Review, where further discussions with Tasmanian Aboriginal people and non-Aboriginal stakeholders will be held to explore views on specific issues in more detail, and identify pathways to resolve stakeholder concerns/suggestions. The second stage of consultation will take place in 2020.
- ⇒ Following the second Stage of consultation, a Review Report will be prepared presenting the findings of the Review and recommendations relating to options for change. The Review Report will be provided to the Minister for Aboriginal Affairs in August 2020 and is expected to be tabled in each House of Parliament before the end of the Parliamentary year in 2020.

# 1. What is the *Aboriginal Heritage Act 1975* trying to achieve?

The *Aboriginal Heritage Act 1975* provides the current legislative framework for managing and protecting Tasmania's Aboriginal heritage.

In summary, the Act:

- defines what Aboriginal heritage is.
- establishes, as a principle, that Aboriginal heritage must not be damaged, destroyed, defaced, concealed or otherwise interfered with, unless otherwise authorised under the Act.
- sets out actions that may be taken to protect Aboriginal heritage that is at risk of being harmed;
- specifies what a person must do if they discover Aboriginal heritage.
- prescribes penalties that may be applied if the 'rules' of the Act are broken.
- identifies circumstances where Aboriginal heritage may be destroyed, damaged, defaced, concealed or otherwise interfered with; and
- establishes a Council of Aboriginal people to provide advice and make recommendations to the Minister for Aboriginal Affairs and to the Director of National Parks and Wildlife (the Director), on matters relating to Aboriginal heritage.

Some legislation incorporates clearly stated objectives which provide additional guidance and clarity around what the Act has been established to deliver, and must be taken into account by anyone making decisions in relation to the Act. The *Aboriginal Heritage Act 1975* does not contain any specific information or overarching principles clarifying the objectives of the Act.

## Questions:

- ⇒ How clear is the Act regarding what it is trying to achieve?
- ⇒ Could this be improved, and if so, how?

# 2. What is Aboriginal heritage?

Under the Act, anything that is considered to be Aboriginal heritage is described as a 'relic'. The definition of a relic is provided in Section 3 of the Act and includes:

- any artefact, painting, carving, engraving, arrangement of stones, midden, or other object, made or created by any of the original inhabitants of Australia or the descendants of any such inhabitants.
- any object, site, or place that bears signs of the activities of any such original inhabitants or their descendants; and
- the remains of the body of such an original inhabitant or of a descendant of such an inhabitant that are not interred in a cemetery or marked grave.

An important amendment to the Act in 2017 was the removal of references to 1876 as the cut-off date for creation of Aboriginal heritage (or a 'relic'). This change recognises that Tasmania's Aboriginal culture is a living culture which continues to create Aboriginal heritage to this day, and which will continue to create Aboriginal heritage into the future.

Tasmania's Aboriginal people consider the term 'relic' to be outdated and not relevant to the way they view their heritage. The term suggests something that is ancient and a thing of the past, and does not acknowledge or capture the part of their heritage that is contemporary and living. While the title of the Act was changed in 2017 from the *Aboriginal Relics Act 1975* to the *Aboriginal Heritage Act 1975* in recognition of this view, the use of the term relic to define Aboriginal heritage has remained in the Act.

A further important amendment in 2017 was the introduction of additional criteria for a relic as having to be of significance to Tasmanian Aboriginal people, with the significance 'test' being further qualified as being in accordance with Tasmanian Aboriginal history and tradition.

An issue that has been raised by Aboriginal people and other indigenous experts in recent years is how to define and protect that part of Aboriginal heritage, culture and tradition that may not have a physical form or evidence – that is intangible.

Under Victorian legislation, intangible heritage is recognised and includes ceremony, stories, traditional skills and practices, language and dance. In the Tasmanian Aboriginal cultural context, use of the term intangible has tended to extend to including the spiritual essence of a place or broader landscape where Aboriginal people once lived, hunted and practiced culture.

The current definition of Aboriginal heritage in the Act does not attempt to recognise or manage intangible Aboriginal heritage. It is noted, however, that intangible values, and the potential for those values to be impacted, can be difficult to define and manage.

#### Questions:

- ⇒ How well does the Act define Aboriginal heritage?
- ⇒ Could this be improved, and how?
- ⇒ Does the definition of a 'relic', adequately capture all elements of Aboriginal heritage that should be protected and managed?
- ⇒ Should use of the term 'relic', and the way Aboriginal heritage is recognised and defined, be changed?

### 3. Ownership of Aboriginal heritage

The Act has several provisions relating to ownership of relics:

- Section 10 of the Act required persons owning or holding relics at the time the Act commenced to report that fact to the authorities.
- Section 11 of the Act provides that relics on Crown lands are owned by the Crown; and
- Section 12 of the Act contains provisions for the compulsory acquisition of relics by the Minister, if the Minister determines that the relic is required by the Crown.

The Act is silent on ownership of relics on lands other than Crown lands (e.g. privately owned land).

Although the Act is largely silent on ownership of relics by people other than the Crown, it is clear from Sections 10 and 12 that the Act recognises that circumstances exist where a person, other than the Crown, can own a relic.

It is noted that the concept of ownership does not fit with how Aboriginal people view Aboriginal heritage. While it is without doubt that Aboriginal people consider it their heritage, they view themselves as custodians rather than owners of their heritage.

Irrespective of who may be considered under the Act to be the owner of a relic, it is clear that all the provisions in the Act, including those relating to the protection and management of relics, apply to everyone – including the 'owner'. As such, it has been argued that the matter of ownership, while somewhat undefined in the Act, does not alter the level of protection that is provided to a relic.

The more complicated question around ownership is not just who should own or be the custodian of Aboriginal heritage, but also what decisions about how that heritage is managed, the owner or custodian of the Aboriginal heritage should be able to make.

## Questions:

- ⇒ How clearly does the Act describe ownership of Aboriginal heritage?
- ⇒ Are provisions in the Act providing for ownership reasonable?
- ⇒ Who should own Aboriginal heritage?
- ⇒ Is the concept of 'ownership' the right way to think about who is responsible for Aboriginal heritage?
- ⇒ Should the 'rules' in the Act apply to everyone in every situation?
- ⇒ Should land tenure on which Aboriginal heritage exists make any difference to who owns/how the heritage is to be managed?

## 4. Making decisions about what happens to Aboriginal heritage

The Minister for Aboriginal Affairs is the primary decision maker under the Act and makes decisions in relation to:

- Issuing permits to interfere<sup>1</sup> with Aboriginal heritage.
- Declaring 'protected sites'.
- Compulsory acquisition of relics; and
- Issuing Guidelines.

Issuing Guidelines and declaring 'protected sites' are discussed further, at protected Section 7 and 9 respectively.

The Director of National Parks and Wildlife has a limited decision making role in relation to managing 'protected sites' and issuing permits to interfere with relics and infrastructure on those sites.

In making decisions, the Minister and the Director are largely not bound to seek advice or recommendation from any person, other than the Director of National Parks and Wildlife in the case of the Minister. However, in practice, the Minister and the Director routinely seek advice from the Aboriginal Heritage Council. While this intention was clearly outlined as the expectation when the 2017 amendments establishing the statutory Council were developed, it is not a requirement of the Act.

Under very limited circumstances relating to disposal of relics owned by the Crown, the Minister must seek and consider a recommendation from the Aboriginal Heritage Council.

Under the Act, only the Aboriginal Heritage Council is recognised as being in a position to provide advice or recommendations. No person or entity other than the Minister or the Director has any statutory decision making powers in relation to managing Tasmania's Aboriginal heritage.

The approach the Act takes to decision making has been highlighted as a longstanding issue for Aboriginal people and a number of other people with an interest in Aboriginal heritage. Aboriginal people consider themselves the rights-holders and custodians of their heritage and have a strong desire to continue to be responsible for managing their heritage. It is important to also note that private land owners want to be able to continue to make their own decisions to practice certain use rights associated with their land.

Tasmania's Aboriginal people have advocated that an Aboriginal body, such as the Aboriginal Heritage Council, should have decision making powers. If this were to be the case, it may be necessary to include provisions providing rights to review or appeal of decisions, consistent with other legislation that provides for independent decision making powers.

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<sup>1</sup> Use of the term 'interfere' in this Discussion Paper refers to a full description in the Act of what a person must not do to a relic (see Section 14(1) of the Act), and includes destroy, damage, deface, conceal, remove, sell, search for or otherwise interfere with a relic.

## Questions:

- ⇒ Is the way the Act describes who makes decisions, and how decisions must be made, adequate and reasonable?
- ⇒ How can decision making be improved?
- ⇒ Who should make decisions under the Act?
- ⇒ Are there circumstances where different people, or parties, should make decisions about how to manage Aboriginal heritage? How should decisions be made?

## 5. The Aboriginal Heritage Council – what it is and what it does

The Act establishes the Aboriginal Heritage Council as an independent statutory body which provides advice and makes recommendations to the Minister and the Director. The inclusion of provisions to establish the Aboriginal Heritage Council, comprising Aboriginal people, was an important component of the amendments made to the Act in 2017.

The scope of the matters that the Council can provide advice on is confined to matters that are covered by the Act. This is set out in detail in Section 3 of the Act, and includes matters on which the Minister and the Director make decisions under the Act.

As discussed in Section 4 of this Paper, the Minister and the Director are not bound under the Act to seek advice from the Council, however the Council can provide advice regardless of whether it has been sought. The Minister and the Director are not bound under the Act to adopt advice and recommendations received from the Council.

In preparing advice and recommendations, the Act specifies that the Council itself is to seek advice from any person or body the Council believes, on reasonable grounds, to have expertise in relation to the matters concerned. The Act also provides for the Council, in performing its role, to consult with Tasmanian Aboriginal people where it is appropriate and practicable to do so.

The Act specifies that the Council can have up to 10 members, who must be Aboriginal persons. Members of the Council are appointed by the Governor, on the recommendation of the Minister. Other than being Aboriginal persons, the Act does not specify any additional criteria for Council membership (e.g. skills or representation) or how members are selected. However Government policy requires gender balance and regional representation as far as is practicable.

## Questions:

- ⇒ How should members for the Aboriginal Heritage Council be chosen?
- ⇒ Should the Act specify criteria for Council membership, and what criteria should apply?
- ⇒ How clearly does the Act describe the role and function of the Aboriginal Heritage Council?
- ⇒ Is the role of the Aboriginal Heritage Council adequate and appropriate?
- ⇒ Could this be improved, and if so, how?

## 6. Offences under the Act and penalties for doing the wrong thing

The Act specifies a range of actions affecting Aboriginal heritage that are against the law. These offences include:

- Interfering with a relic.
- Interfering with a 'protected object' or a 'protected site'.
- Failing to advise the appropriate authority of a relic being discovered; and
- Failing to comply with requests from authorised officers (discussed further in Section 8)

By far the most important, and in practice the part of the Act under which most of the administrative work is undertaken is Section 14(1) which says that relics must not be interfered with unless in accordance with the terms of a permit granted by the Minister. It is under this section that the Minister grants permits to interfere with relics and under which most compliance action occurs.

In each case where an offence is specified in the Act, a corresponding maximum penalty is also specified.

The penalties in the Act were significantly increased when the Act was amended in 2017. The maximum penalties in the Act are now among the highest of any other Aboriginal heritage legislation in the country, and in line with similar offences for damaging European heritage.

Penalties are described in terms of the maximum number of 'penalty units' that can be applied.

Each penalty unit has a monetary value that is set each year. The current value of a penalty unit in Tasmania is \$163.

Penalties in the Act are scaled to differentiate between individual persons (or small business entities) and body corporates – with penalties being significantly greater for body corporates.

Penalties in the Act are also scaled to differentiate between offences that a person has knowingly committed and offences that a person has committed unwittingly through negligence or recklessness on their part – with persons knowingly or deliberately doing the wrong thing attracting significantly higher penalties.

The highest maximum penalty prescribed in the Act applies to circumstances where a body corporate knowingly interferes with a relic. This equates to a maximum of \$1.63 million.

By way of example:

- 1,000 penalty units = \$163,000 (maximum penalty for an individual recklessly or negligently interfering with Aboriginal heritage).
- 2,000 penalty units = \$326,000 (maximum penalty for a body corporate, other than a small business entity recklessly or negligently interfering with Aboriginal heritage).
- 5,000 penalty units = \$815,000 (maximum penalty for an individual knowingly interfering with Aboriginal heritage).
- 10,000 penalty units = \$1,630,000 (maximum penalty for a body corporate knowingly interfering with Aboriginal heritage).

Only a magistrate can determine whether an offence has been committed and decide what level of penalty to apply.

There is concern among Aboriginal people that broader society has not yet placed an equal value on Aboriginal heritage relative to European heritage. A criticism of the current offence provisions has been a lack of understanding of the value of Aboriginal heritage and therefore failure to impose appropriate (large enough) penalties.



While the maximum penalties in Tasmania may now be in line with those for damaging European heritage, there have been no prosecutions under the amended Act to date, therefore the new, harsher penalties have not been tested. There are signs that the importance, and therefore the value, of Aboriginal heritage is becoming better understood, however ongoing efforts to educate and create awareness and understanding across the broader community will be a critical part of the ongoing protection and management of Aboriginal heritage in Tasmania.

As previously discussed in this Paper, the offence provisions in the Act apply to everyone. However, it could be argued that under the Act, Tasmanian Aboriginal people practicing culture at their cultural sites may in fact be interfering with Aboriginal heritage and, if doing so without a permit, they would be breaking the law. While a person's circumstances would be taken into account when determining a penalty, these circumstances would generally not be able to be considered in determining if an offence has been committed.

#### Questions:

- ⇒ How well does the Act describe and manage offences?
- ⇒ Are the penalties adequate?
- ⇒ Could the offences and penalties provisions in the Act be improved, and if so, how?
- ⇒ Are there circumstances where the 'rules' of the Act should apply differently to different people?

## 7. When can Aboriginal heritage be interfered with?

The Act provides for circumstances where a person can be provided with a legal authority to interfere with a relic. The Act also provides for circumstances where a person's failure to comply with the Act can be justified, or 'defended' legally. Generally, the offence provisions in the Act apply to every person and every circumstance, however a number of circumstances are specified in the Act where either a legal authority or a legal defence can exist. They are where:

- A person is acting in accordance with a permit granted by the Minister or Director (see also Section 4);
- A person is acting in accordance with Guidelines issued by the Minister, or relying on another person's compliance with the Guidelines; or
- A person is carrying out emergency works.

There is little guidance in the Act for the process which must be followed for seeking a permit to interfere with a relic. However, in practice the Director, through their oversight of the Department of Primary Industries, Parks, Water and Environment, has established a longstanding and robust policy-based process for assessing the merit of every application for a permit. This is set out in the *Aboriginal Heritage Standards and Procedures* published by Aboriginal Heritage Tasmania. The process entails a desktop assessment to determine if Aboriginal heritage is at risk. Where a risk is determined, and depending on the nature of the risk, further information is obtained including:

- Specialist surveys.
- Site visits.
- Advice from the Aboriginal Heritage Council; and
- Consideration of the broader social, economic and environmental implications.

A permit to interfere – usually to conceal or relocate, but sometimes to destroy a relic – may then be granted by the Minister on the recommendation of the Director.

Section 21A of the Act specifies that the Minister must issue 'Guidelines'. The intention of the 'Guidelines' is to set out the things that a person must do to ensure they have undertaken all reasonable precautions to minimise the risk that the activity they are proposing to undertake will result in impacting Aboriginal heritage.

Measures in the current Guidelines include:

- Contacting the 'Dial Before You Dig' service.
- Conducting a search through the Aboriginal Heritage Property Search tool administered by Aboriginal Heritage Tasmania.
- Acting in accordance with the standards and procedures which have been adopted by the guidelines. These are:
  - Aboriginal Heritage Tasmania's *Aboriginal Heritage Standards and Procedures*;
  - *Procedures for Managing Aboriginal Cultural Heritage when Preparing Forest Practices Plans*; and
  - *Mineral Exploration Code of Practice*.
- Contacting Aboriginal Heritage Tasmania directly; and
- Acting in accordance with any advice received from Aboriginal Heritage Tasmania, including in relation to unanticipated discoveries of Aboriginal heritage.

Emergency works are specified in the Act as being works undertaken in accordance with Section 5 of the *Electricity Supply Industry Act 1995*, or any work that is necessary and proportionate to save lives, prevent injury and prevent damage or loss of property. An example of this would be the clearing of fire breaks to control a fire or to prepare for an impending fire. Emergency management teams routinely inform their decisions with information about the natural and cultural values of an area, and wherever practical they take steps to minimise impacts on those known values as they deliver their emergency services.

#### Questions:

- ⇒ Are the defence provisions in the Act adequate and reasonable?
- ⇒ Could the defence provisions be improved, and if so, how?
- ⇒ Do the Guidelines provide adequate protection for Aboriginal heritage?
- ⇒ Could the Guidelines be improved, and if so, how?

## 8. Enforcement of the legislation

The provisions in the Act are legal requirements and must be complied with. As discussed in Section 6 of this Paper, a magistrate determines whether a person has committed an offence, and will decide the proportion of the maximum relevant penalty that will be imposed.

An important amendment to the Act in 2017 was an extension of a statutory limit on the amount of time within which a prosecution must be initiated – from within six months of an offence being committed, to within two years of discovery of evidence of an offence having been committed. This change recognised that breaches of the Act were sometimes reported long after alleged offences were committed (eg, vandalism of rock art in remote areas) and the considerable length of time required to conduct robust investigations prior to decisions being made to proceed with prosecution.

The Act also provides for people to be 'authorised' under the Act to make certain types of decisions and take certain actions such as:

- Requiring a person to provide their name and address.
- Requiring a person to leave a 'protected site'.
- Requiring a person to disclose the location of a relic.
- Seizing objects (relics and property); and
- Obtaining a warrant to search a premises.

Police officers are automatically authorised officers. Any State Service employee may also be authorised as a warden on a case-by-case basis. The practice is for State Service employees to undergo relevant training, to ensure their competence and safety prior to them being authorised. Honorary wardens with lesser powers, and who are not required to be State Service employees, can also be appointed.

Unlike most other legislation that regulates development activity/works, the Act does not provide for the issue of stop-work notices. The key issue here is that a determination of an offence and penalty by a magistrate necessarily takes some time (often years) and there are no mechanisms in the Act to legally require a person (e.g. a contractor or a developer) to stop what they are doing and to not start again until further notice, thereby exposing Aboriginal heritage to ongoing risk of potential damage. A number of other Acts, including Tasmania's *Historic Cultural Heritage Act 1995*, do have this type of provision.

A number of Acts governing the protection of natural and cultural values also have infringement notice provisions which allow for an immediate judgement and on-the-spot fine, where an authorised officer has determined that a breach of the relevant Act has occurred. Infringement notices can be an efficient and immediate means of issuing a penalty. They are usually issued in relation to actions which are considered to constitute breaches that are less serious or minor in nature, and the associated penalties tend to be a small fraction of the (potentially maximum) penalties that might be applied by a magistrate for serious offences.

#### Questions:

- ⇒ How well does the Act provide for enforcement of its provisions?
- ⇒ Could this be improved, and if so, how?
- ⇒ Should the Act include stop-work provisions?
- ⇒ Should the Act include provision for infringement notices and associated on-the-spot fines?
- ⇒ Should offences in the Act be further scaled to distinguish between minor and non-minor offences?

## 9. Other ways the legislation protects Aboriginal heritage

The Act provides a number of other mechanisms which are intended to provide further protection for Aboriginal heritage, in addition to the general provisions already discussed in this Discussion Paper.

The first mechanism (which has been mentioned earlier in this Discussion Paper) is the ability for the Minister to declare a site to be a 'protected site' where the Minister is satisfied that steps should be taken to protect or preserve a relic at that site. In principle, the provisions in the Act provide for a greater level of management attention, aimed at protecting relics, than may otherwise be available.

This mechanism has rarely been used and only three 'protected sites' have been declared, one of which was revoked when that land was formally returned to the Aboriginal community under the *Aboriginal Lands Act 1995*. In practice, it has been more useful and effective to administer such sites under the broader reserve and Crown land management systems administered by the Parks and Wildlife Service.

The second mechanism is a provision for the Governor to make Regulations under Section 25 of the Act which provide additional prescriptions relating to the care, control and management of 'protected sites'. Regulations were initially made in 1978, however these Regulations lapsed in 2000 and Regulations have not existed since that time.

#### Questions:

- ⇒ How well does the Act protect and manage Tasmania's Aboriginal heritage?
- ⇒ Could this be improved, and if so, how?
- ⇒ Are 'protected sites' a useful mechanism for protecting Aboriginal heritage?
- ⇒ Is the provision for the making of Regulations useful?

## 10. Other matters covered by the legislation

The Act also has a number of miscellaneous provisions that while relatively minor are important.

Section 22 specifies that any monies received under the Act, primarily as a result of fines being imposed, will be paid to the Government's consolidated fund. The section also specifies that the Tasmanian Government will pay any expenses incurred through administration of the Act.

Section 23 specifies that the Act must be reviewed within three years of the 2017 amendments.

Section 24 specifies that the *Aboriginal Heritage Act 1975* does not affect the operation of certain other acts, namely Section 139 of the *Criminal Code Act 1924* and the *Coroners Act 1995*.

### Other considerations

The focus of the review of the Act, and therefore this Discussion Paper, is around the design and operation of the current Act. There are, however, some additional aspects relating to the protection and management of Aboriginal heritage that are not directly or indirectly referenced in the Act, and are important to acknowledge.

There are multiple elements to the effective management of Aboriginal values. Legislation and subordinate or subsidiary statutory instruments and processes are a key part, however there are an array of non-statutory mechanisms that may have the potential to support and significantly strengthen the whole system. Central to concerns that have been expressed by Tasmania's Aboriginal people in previous consultation is the importance of educating broader society to promote a better understanding and appreciation of the value and importance of Tasmania's Aboriginal heritage.

A great deal of resources are directed to protecting, managing and promoting Tasmania's Aboriginal heritage. Examples include work on understanding and presenting the Aboriginal values of the Tasmanian Wilderness World Heritage Area, developing and supporting joint management arrangements, as well as the Parks and Wildlife Service's Aboriginal Trainee Ranger Program, and support of Aboriginal tourism.

A key issue with the protection and management of Aboriginal heritage in Tasmania continues to be a lack of understanding and clarity for people who are planning activities which have the potential to impact on Aboriginal heritage. Currently there are a range of key administrative processes that aren't prescribed in detail in the Act – notably specific steps and timeframes to be followed and adhered to when seeking advice on whether a permit for an activity is required, and when making a decision in relation to granting of such a permit. There is also no provision in the current Act for a decision to be appealed, should a party be unsatisfied with how the Act is administered. A theme that emerged from land use and development stakeholders and industries through the consultation for the 2017 amendments was that tighter prescriptions and stronger penalties were not opposed, provided there was clarity and certainty in the requirements and operation of the Act. Some noted a desire to see statutory processes and timeframes for the handling of enquiries regarding whether Aboriginal heritage permits were required and for decisions to be made in relation to applications for permits.

A further but related matter for consideration is how the Act should relate to other Tasmanian planning legislation. Unlike the *Historic Cultural Heritage Act 1995*, the Act is not part of Tasmania's Resource Management and Planning System (RMPS) and there are no triggers in, nor alignment with Tasmania's core planning Act (the *Land Use Planning and Approvals Act 1993*). Integration of Aboriginal heritage legislation with the RMPS would necessarily increase the complexity of the Act.

### Questions:

- ⇒ Is there anything else you would like to see included in Aboriginal heritage legislation in Tasmania?
- ⇒ Are there any other comments that you would like to make with regard to Aboriginal heritage management in Tasmania?

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### **Useful links**

- [Aboriginal Heritage Act 1975](#)
- [Aboriginal Heritage Act 1975 - Statutory Guidelines](#)
- [Aboriginal Heritage Tasmania](#)
- [Aboriginal Heritage Council](#)



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