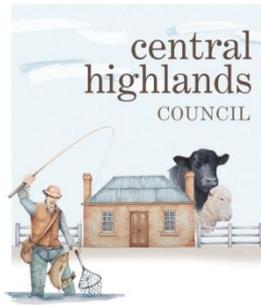


PLANNING COMMITTEE MEETING

AGENDA

Tuesday 12th January 2021



NOTICE OF MEETING

Council Representatives:

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

Dear Councillors,

Notice is hereby given that the next Planning Committee Meeting will be held at the Council Chambers, 19 Alexander Street, Bothwell at 9.00 a.m. on Tuesday, 12th January 2021, to discuss business as printed below.

I certify that the contents of the reports have been provided in accordance with section 65 of the Local Government Act 1993.

Lyn Eyles
GENERAL MANAGER

PLANNING COMMITTEE AGENDA

1.0 PRESENT

2.0 APOLOGIES

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.

4.0 CONFIRMATION OF MINUTES

Moved **Clr**

Seconded **Clr**

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

Carried

5.0 QUESTION TIME & DEPUTATIONS

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

Report By

Planning Consultant (SMC) Damian Mackey

Attachments

Correspondence - Tasmanian Planning Commission, 23 December 2020, with Attachment 1 and Attachment 2.

Purpose

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

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

Background

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

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

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

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

Issue 1 – Zone Mapping:

Agriculture verses Rural Zone Allocation:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Council has three options to resolve this matter:

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

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

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

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

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

Zoning of Mining Leases:

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

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

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

Issue 2 – Listings for Heritage Places:

The TPC's position:

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

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

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

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

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

- In the 1970s and 1980s planning schemes listed heritage properties simply by name (if there was one) and address. The spatial extent of the listing was not defined. This was not generally a problem for listings in cities and towns - on small urban titles. However, for large rural properties, there was always some doubt as to the spatial extent of the listing.
- In the 1990s the Tasmanian Heritage Register (THR) was established. It was created 'overnight' by collating existing listings in council planning schemes and other lists such as the Register of the National Estate and that of the National Trust.
- The legislation underpinning the Tasmanian Heritage Register stated that the spatial extent of each listing must be defined. The default was the title on which the place was located. The title was almost invariably adopted as there were no resources at the time to for expert examination of thousands of listings to define a spatial extent other than the titles. Again, this was not generally a problem for listings in cities and towns.
- However, for large rural properties containing many titles, all the titles within a landholding were often adopted. Therefore, whilst the principle title containing, for example, a heritage house, barn and other historic outbuildings was rightfully included, also included were the property's other titles containing hundreds or even thousands of hectares.
- Many planning schemes drafted after the Tasmanian Heritage Register came into being adopted the same spatial definition as the matching THR listing, including that of Central Highlands Council.
- Thus, properties made up of multiple titles, such as Norton Mandeville in the Central Highlands, now find themselves with hundreds of hectares unintentionally encumbered by a statutory heritage listing.
- In recent years the Tasmanian Heritage Council has been expending considerable resources to review Tasmania's rural listings and make amendments to the THR to remove superfluous titles. Most THR listings in Central Highlands have thus been corrected.
- Such corrections, however, do not automatically flow through to the local listing in the local planning scheme.

Council's Position:

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

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

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

Councils Options:

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

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

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

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

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

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

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

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

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

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

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

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

- 1. Lake Meadowbank is the premier water-skiing facility in Tasmania. Council wants to allow this recreation facility of state-wide strategic importance to expand, both on and off the water. This includes clubrooms and other shore-based facilities, water-edge facilities such as jetties, pontoons, boat ramps and on-water recreational infrastructure. For these reasons the SAP is necessary pursuant to Section 32(4)(a) of the Act.*
- 2. These water-edge and on-water facilities, however, also need to be shared and consolidated so that the current unsystematic proliferation trend is halted and potentially reversed. For this reason, the SAP is necessary pursuant to Section 32(4)(b) of the Act.*
- 3. As the lake's status as the State's premier water-skiing location grows, more accommodation will need to be allowed around the lake, over a range of modes including camping, caravans and holiday cabins. This needs clear siting criteria to ensure the lake's landscape values are not destroyed by, for example, numerous buildings close to the water's edge. For this reason, the SAP is necessary pursuant to Section 32(4)(b) of the Act.*
- 4. Many operational Hydro lakes and have a degree of recreational use. The difference with Lake Meadowbank is the high degree of recreational use arising from its close proximity to greater Hobart, the specific nature of that use (predominantly; the State's premier water-skiing facility) and associated pressures for more accommodation / housing / camping and aquatic structures. A SAP is required to do this. For this reason, the SAP is necessary pursuant to Section 32(4)(a) of the Act.*
- 5. This high-level of specific water-based recreational activities and development pressures pose particular management challenges for Hydro Tasmania, over and above that which exist for other lakes where water-based recreation occurs. Development applications for sites close to the foreshore should be referred to Hydro Tasmania for comment. For this reason, the SAP is necessary pursuant to Section 32(4)(b) of the Act.*
- 6. The agricultural value of the land is not highly significant, whilst the economic and social values of the lake as the State's premier water-skiing facility are highly significant. The scheme provisions should lean in favour of the recreational use within the SAP area. The SAP is necessary to do this.*
- 7. The land around the lake contains highly significant Aboriginal heritage sites. Development applications involving buildings and works should be referred to AHT for comment. The SAP is necessary to do this. For this reason, the SAP is necessary pursuant to Section 32(4)(a) of the Act.*
- 8. The Landscape Conservation Zone is not used in the Central Highlands LPS and, in any case, would not suit this special area. The proposed SAP, in part, introduces some aspects of this zone. For this reason, the SAP is necessary pursuant to Section 32(4)(b) of the Act.*

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

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

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

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

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

Issue 4 – Drafting:

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

Issue 5 – Supporting Justification Report:

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

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

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

Issue 6 – Process for Further Clarifications:

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

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

Community Consultation

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

This will involve:

- The statutory requirements of Division 4 of the Act. These are, in summary:

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

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

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

External Referrals

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

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

Council Strategic Plan (and Local Planning Strategy)

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

Timeframe

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

Financial Implications

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

That said, there are several instances highlighted in this report where compliance with the TPC's requirements would entail very significant expenditure of Council finances in the engagement of a range of external consultants. As explained above, this is considered not necessary, as the

reasonable exercise of planning judgement by planning officers, Council acting as a planning authority and the Tasmanian Planning Commission should suffice for the matters at hand.

Recommendation

A recommendation to full Council to be determined at the Planning Committee meeting.

7.0 OTHER BUSINESS

8.0 CLOSURE

TASMANIAN PLANNING COMMISSION

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

23 December 2020

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

By email: dmackey@southernmidlands.tas.gov.au;
council@centralhighlands.tas.gov.au

Dear Mr Mackey

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

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

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

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

Please submit your responses to tpc@planning.tas.gov.au by COB Friday, 29 January 2021.

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

Yours sincerely



Claire Hynes
Delegate

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

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

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

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

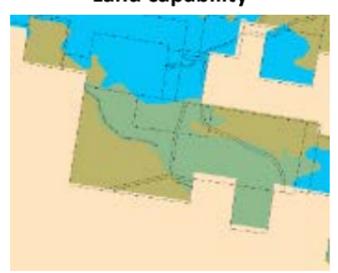
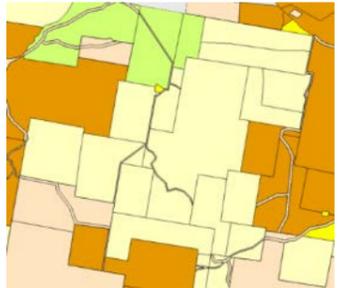
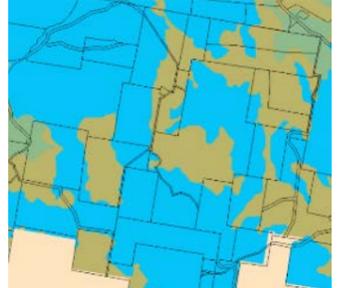
	<p>If Table C6.1 is to remain as transitioning content, then it may only be modified for a purpose specified in Schedule 6, clause 8D(8) of the Act. Transitioning provisions provide a mechanism for planning authorities to transfer existing local heritage places into the Table C6.1 without the need to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

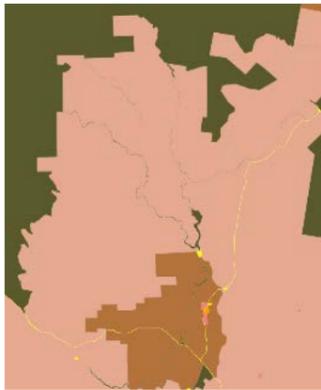
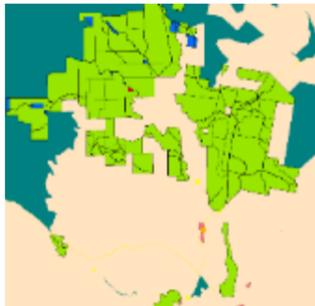
	<p>and further consider whether this northern part of the SAP should be removed from the spatial extent of the SAP.</p> <p>(c) PA to –</p> <ul style="list-style-type: none"> (i) provide feedback from all parties with an interest in the development of the Lake Meadowbank SAP to the TPC by 29 January 2021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

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

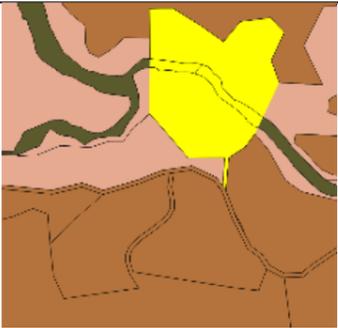
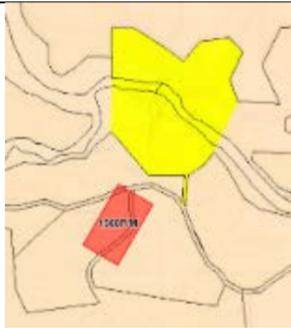
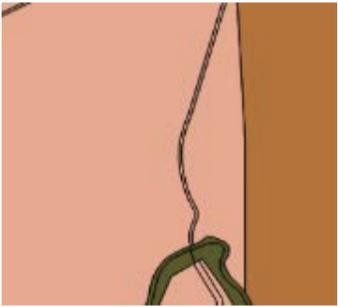
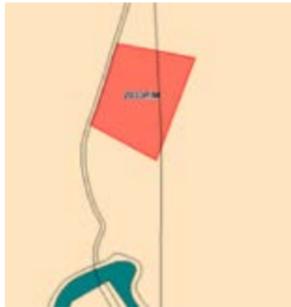
ATTACHMENT 2

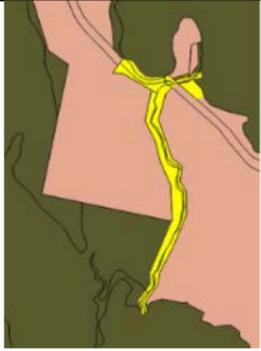
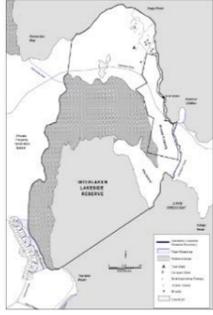
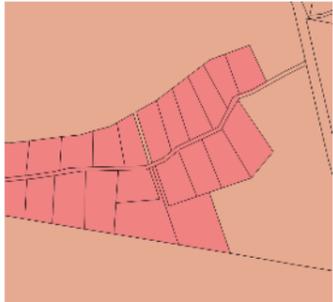
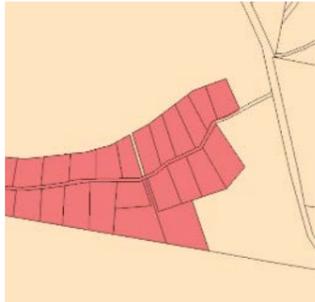
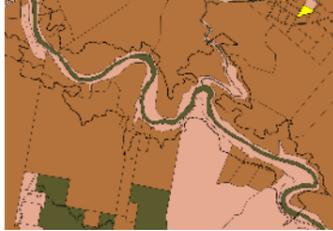
Central Highlands Draft Local Provisions Schedule - Zoning Clarification Table – 11 December 2020

Location	Map Comparison		Commission Comments/Questions	Planning Authority Comments
1: ZONING CHANGES APPLYING THE RURAL AND AGRICULTURE ZONES				
<p>1.1 Example Farming land south of Ellendale Change of zone from Rural Resource to Agriculture and Rural For example, titles: FR 107858/1 – Norske Skog Paper Mills (Australia) Limited FR 211913/1 – privately owned FR 204606/1 – privately owned Another example: FR 53146/1 – privately owned FR 226751/1 – Reliance Forest Fibre Pty Ltd FR 214712/1 – privately owned Another example: FR 230826/1 – privately owned FR 44761/5 – privately owned FR 52730/3 – privately owned</p>	<p>LPS</p> 	<p>IPS</p> 	<p>The following titles are examples of a broader zoning issue that applies to this area, whereby the application of the Rural Zone and Agriculture Zone to farming land south of Ellendale appears to have been inconsistently applied.</p> <p>For example (see below):</p> <ul style="list-style-type: none"> • Application of the Rural Zone to FR 107858/1, FR 211913/1 and FR 204606/1 to land that is mapped as unconstrained land as part of the 'Land Potentially Suitable for the Agriculture Zone' layer (the LPSAZ). These titles appear to be relatively flat with a land capability of Class 4 and Class 5. A Private Timber Reserve (PTR) applies to FR 107858/1, however, it is noted that the PA has advised that PTRs are "temporary instruments and therefore should not be given determining weight in allocating zoning". • Application of the Rural Zone and Agriculture Zone to FR 53146/1, FR 44761/5 and FR 214712/1 to land that is mapped as unconstrained land as part of the LPSAZ – two privately owned titles are proposed to be zoned Rural and the title in between (that is owned by a forestry company) is proposed to be zoned Agriculture. • Application of the Agriculture Zone to FR 230826/1, FR 44761/5 and FR 52730/3 to land that is mapped as constrained land as part of the LPSAZ and has a land capability of Class 5 and Class 6. <p>If the PA proposes an alternative zone for land that is mapped as 'unconstrained land' for agriculture, the zoning needs to be verified by a suitably qualified person.</p> <div style="display: flex; justify-content: space-around;"> <div data-bbox="1121 1249 1460 1543"> <p>LPSAZ mapping</p>  </div> <div data-bbox="1537 1249 1875 1543"> <p>Land capability</p>  </div> </div> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div data-bbox="1121 1549 1460 1837">  </div> <div data-bbox="1537 1549 1875 1837">  </div> </div>	

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

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

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

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