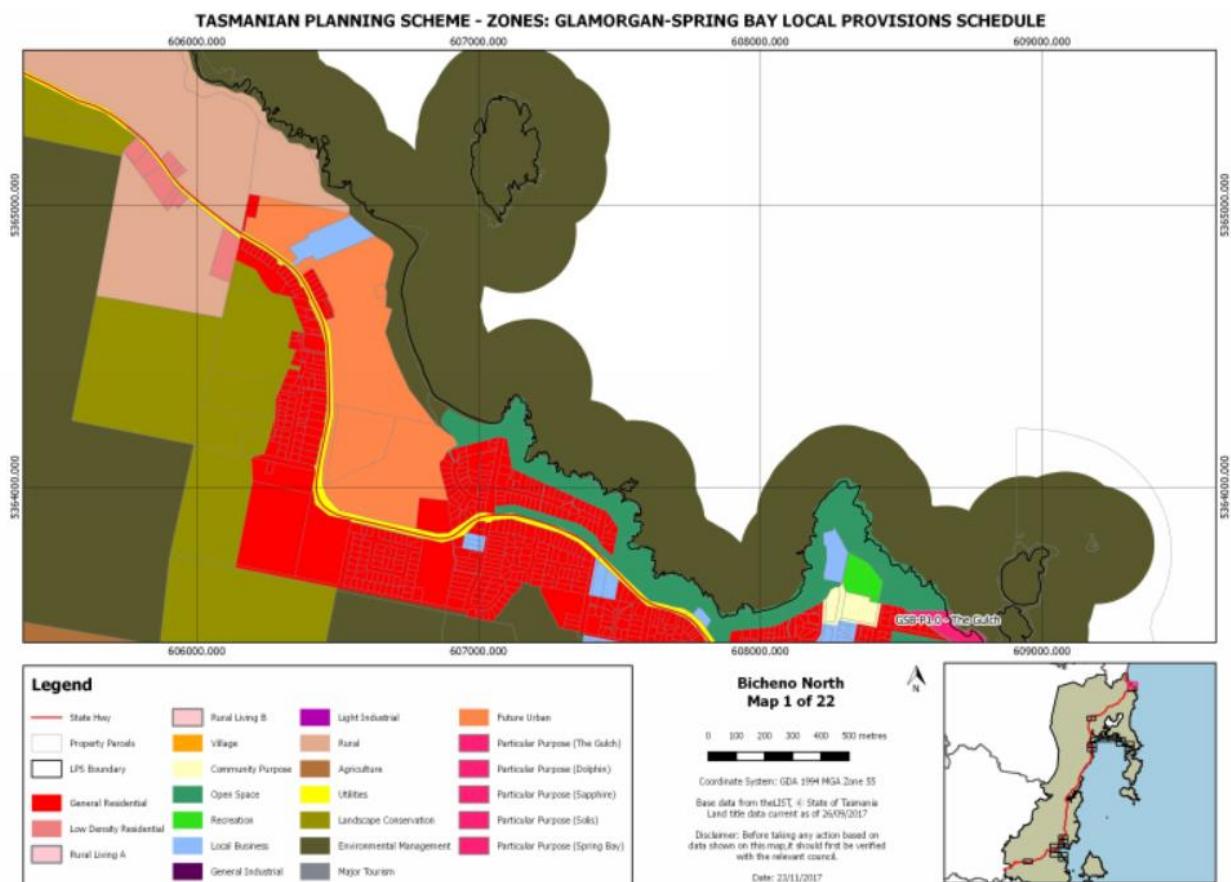




Local Provisions Schedule

Supporting Report

Draft 1 February 2018



Version 1 Informal Exhibition Stage

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Overview of differences between current and proposed scheme

In most locations and for most forms of use and development, the new scheme will be similar to the existing scheme. The major changes are in response to differences in the structure of planning schemes and the types of zones that can be considered. Briefly, the major changes are:

- Applying the new Rural, Agriculture and Landscape Conservation Zone – which to some degree replace Rural Resource, Significant Agriculture and Environmental Living zones.
- Reverting Coles Bay and Swanwick to the Village Zone, as they were zoned under the 1994 planning scheme.
- A new Priority Vegetation Area, to certain zones, based on a Regional Ecosystem Model. This will replace the existing biodiversity protection area with more accurate and current data through a Regional Ecosystem Model that is being used by all Tasmanian Councils.
- Adopting the most recent (and more accurate) mapping of coastal inundation & erosion hazard with a new Statewide Code that moves more assessment of these hazards from the planning system to the building system.
- Adopting a coastal refugia overlay (ensure saltmarshes and coastal wetlands can shift as sea level rises).
- Re-introducing scenic protection areas that existed in the 1994 planning scheme.
- Adopting bushfire prone areas mapping (if prepared in time by Tasmanian Fire Service).
- Adopting a Road Attenuation Area to address potential traffic noise conflicts.
- The loss of setback and height standards for foreshore fronting lots.
- A new Resort Residential Specific Area Plan for existing and larger scale tourism sites broadly similar to the 1994 Planning Scheme Resort Residential Zone.

Glossary

LUPPA	Land Use Planning and Approvals Act 1993
SPP	State Planning Provisions
LPS	Local Provisions Schedule
IPS	The Glamorgan Spring Bay Interim Planning Scheme 2015, which is the current planning scheme
1994 Scheme	The Glamorgan Spring Bay Planning Scheme 1994, which was in place prior to the current IPS
PPU	Planning Policy Unit, the department responsible for the SPP
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

1.0 Introduction

1.1 Purpose of this report

This report supports the submission of the Glamorgan Spring Bay draft Local Provisions Schedule (LPS) to the Tasmanian Planning Commission (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 formal public exhibition. The report demonstrates that the draft LPS meets the LPS criteria in section 34(2) of the LUPAA.

1.2 Background to the new scheme

A new planning scheme for Glamorgan Spring Bay is necessary to complete the Tasmanian Government's policy with respect to a single Tasmanian planning scheme. The policy is legislated via 2015 amendments to the Land Use Planning and Approvals Act 1993.

A single Tasmanian planning scheme is the latest of a series of land use planning reforms over the past 10 years. This current policy builds upon efforts from 2008 to 2015 that pursued regional planning and resulted in the current interim planning scheme, standards urban development controls via planning directive 4 & 4.1 and the Southern Tasmanian Regional Land Use Strategy (STRLUS).

This Tasmanian planning scheme will have two main parts:

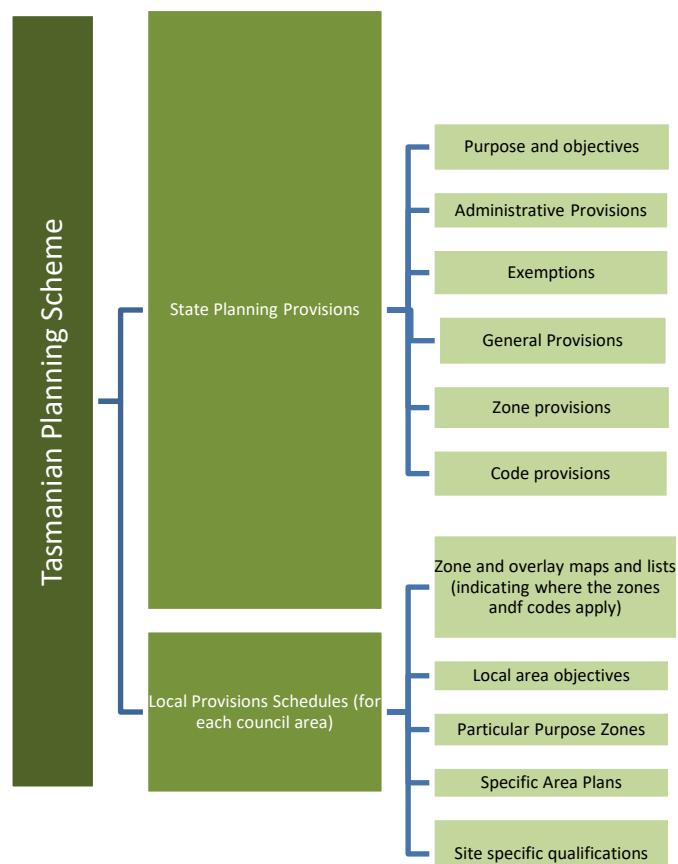
1. The State Planning Provisions (SPP) which contains the majority of development control rules for the 23 zones and 16 codes that will make up the new planning scheme. The SPP is the rule book for the new planning scheme.
2. The Local Provisions Schedule (LPS) which provides the zone and overlay maps, Particular Purpose Zones (such as for Spring Bay Mill) and any site specific development control.

The structure of the Tasmanian planning scheme is shown below in Figure 1.

The SPP has been completed and approved by the Minister for Planning.

The LPS is being prepared by Council. Once the LPS is complete, the LPS and SPP are essentially combined and the new planning scheme will be in force. To complete the LPS, Council requires the approval of the Tasmanian Planning Commission following public consultation and public hearings.

Figure 1. Structure of Tasmanian Planning Scheme (www.planningreform.tas.gov.au)



This new planning scheme is to some extent similar to Councils current interim scheme. There are however some significant differences between the current interim scheme and the new scheme. More significant changes will take place for rural areas due to new Agriculture Zone, Rural Zone and Landscape Conservation Zones.

1.3 Future planning reform and development

Planning in Tasmania has been under constant review since 2008 when a Memorandum of Understanding was reached between Local and State Governments on the regional planning initiative. That MoU led to the current interim planning schemes and regional land use strategies. These are not insignificant achievements given earlier (failed) attempts for regional planning. The former government also standardised development control for single dwellings in all serviced residential areas via Planning Directive 4 and 4.1.

Despite the extent of reform of recent years, there appears to be a general acceptance that further work is required to improve the effectiveness and efficiency of statutory and strategic planning across Tasmania.

On completion of the Tasmanian planning scheme reform, the Tasmanian Government will pursue Tasmanian Planning Policies to provide a top-tier, overarching policy framework on key land use, environmental and economic issues. Below this level, the Tasmanian Government has also expressed support for renewed regional planning to provide more up to date and more effective regional strategies with a greater buy-in from State Agencies and infrastructure providers. There may also be opportunities to pursue – what is considered much needed - legislative review to address issues stemming from the current legislation, which is now over 20 years old for use and development, and essentially 60 years old for subdivision.

If Tasmanian Planning Policies create a State framework and regional planning enhanced through a review of the regional land use strategy, Council could turn its attention with some confidence to reviewing its own strategy documents such as Vision East and the township structure plans.

1.4 Approval process of the LPS

A flow chart of the approval process is provided as Attachment 1.

The major steps of the process are:

- Preparation of the LPS (i.e., zone maps, code overlays and Particular Purpose Zones).

The preparation is supported by a number of bodies and guidelines including:

- Ministerial Guideline No 1. on zone and code application;
- Ministerial Advisory Statement – Transitional Arrangements for Existing Provisions;
- State level 'scientific' mapping of potential agricultural land, waterways and wetlands, electricity transmission easement, climate change refugia, coastal inundation hazard areas and coastal erosion hazard areas - to be converted into 'policy' mapping and applied through zones and code overlays;

- Planning Policy Unit Agricultural Land Mapping Project: Background Report May 2017;
 - A series of Practice Notes prepared by the Tasmanian Planning Commission;
 - A series of information sessions conducted by the Tasmanian Planning Commission;
 - The Technical Reference Group of the Southern Tasmanian planners; and
 - The Regional Ecosystem Model developed by Natural Resource Planning Ltd to identify priority vegetation - coordinated by the Southern Tasmanian Council's Authority.
- Pre-exhibition submission to the Tasmanian Planning Commission.
 - Approval of the Tasmanian Planning Commission to formally exhibit the LPS.
 - 60 days of public exhibition allowing representations to be made.
 - Council report in response to public representations.
 - Tasmanian Planning Commission hearings.
 - Tasmanian Planning Commission approval.

With the number of steps involved, estimating a timeframe for completion is difficult. It is reasonable to expect that the formal steps will take at least 12 months starting from the completion of a draft LPS.

1.5 Consultation undertaken or required

Unlike the current interim planning scheme, public exhibition must occur prior to the completion of the new scheme. The Tasmanian Planning Commission will also specify which public agencies must be consulted with.

Targeted consultation ahead of the pre-exhibition submission to the Tasmanian Planning Commission is proposed. This includes main agencies and infrastructure providers (Department of State Growth and TasWater in particular) and major landowners that may be affected. On this later point, farmers and owners of large rural properties have been invited to discuss the new scheme with Council staff. There are other areas and properties identified in the attached documents that should also be targeted for consultation.

1.6 What documents support the GSBC LPS?

From the Tasmanian Government

(www.planningreform.tas.gov.au & www.planning.tas.gov.au):

- The State Planning Provisions - SPP (i.e., the rule book);
- Section 8A Ministerial Guidelines on the application of zones and codes (i.e., advise and rules on applying the SPP);
- Minister's Advisory Statements;
- Tasmanian Planning Commission Practice Notes;
- The Southern Tasmanian Regional Land Use Strategy which provides (a somewhat outdated) overview of the region, key issues and key regional scale policies to implement in schemes and infrastructure delivery;
- Mapping of potential agricultural land (via consultants Macquarie Franklin);

- Mapping of electricity transmission lines, substations and communication infrastructure;
- Mapping of potential coastal refugia;
- Mapping of wetlands and waterways;
- Mapping of coastal inundation hazard areas; and
- Mapping of coastal erosion hazard areas.

From Council

www.gsbc.tas.gov.au

- Vision East
- Structure plans for Triabunna / Orford, Bicheno, Swansea & Coles Bay
- The current interim planning scheme and the 1994 planning scheme
- This LPS supporting statement that:
 - summarising the approach to the application of zones
 - Identifies all proposed changes from the interim planning scheme (other than inconsequential changes)
 - Provides explanation on all key components of the LPS
 - Identifies any areas of concerns with the SPP
- Mapping of priority vegetation, derived from the Regional Ecosystem Model and associated project coordinated by the Southern Tasmanian Council's Authority for the entire Southern Region. The same consultant has been engaged in the northern and north-west regions.

1.7 Structure of this Report

The report provides a technical compliance statement on how the draft LPS is considered to comply with the requirements of the Land Use Planning and Approvals Act 1993 (LUPPA) and regional land use strategies – sections 2 & 3.

The report provides a summary of settlement structure plans (section 4) and tourism strategies (section 5) which inform various provisions of the LPS.

Section 6 provides a summary of how the zones have been applied in the draft LPS.

Section 7 provides a summary of the use of Codes within the draft LPS.

Section 8 addresses Particular Purpose Zone whilst sections 9 and 10 address Specific Area Plans and Site Specific Qualifications

2.0 LPS Criteria – Section 34 of LUPAA

The following provides a statement of compliance against the provisions of the *Land Use Planning and Approvals Act 1993* (LUPAA) and is structured to respond to each criteria in the legislation in turn.

2.1 Structure of Local Provisions Schedule (LPS) as determined by the State Planning Provision

Section 34 (2) of LUPAA requires that a LPS (Local Provisions Schedule) must contain provisions (i.e., the zones and codes) as specified within the SPP (State Planning Provision) at Clause LP1.0. These are summarised below – some of which are mandatory, and some not.

The Glamorgan Spring Bay LPS will include zone maps, overlap maps, code provisions, specific area plans and local area objectives as listed in the following:

Zones to be used:

- General Residential Zone (serviced residential areas)
- Low Density Residential Zone (un/under-serviced residential areas)
- Rural Living Zone (existing rural living areas)
- Village Zone (Buckland, and Coles Bay & Swanwick)
- Local Business Zone (existing commercial areas)
- Light Industrial Zone (existing industrial areas)
- Rural Zone (a new SPP zone)
- Agriculture Zone (a new SPP zone)
- Landscape Conservation Zone (a new SPP zone)
- Environmental Management Zone (foreshores and national parks)
- Utilities Zone
- Community Purpose Zone
- Recreation Zone
- Open Space Zone
- Future Urban Zone
- Particular Purpose Zone (Spring Bay Mill)
- Particular Purpose Zone (Saffire)
- Particular Purpose Zone (the Gulch)
- Particular Purpose Zone (North Bicheno)

Particular Purpose Zone (Dolphin Sands)

Overlays to be created for:

Road Attenuation Areas – under the Road and Railway Assets Code

Electricity Transmission corridors and buffer areas – under the Electricity Transmission Infrastructure Protection Code

Local Heritage Places – under the Local Historic Heritage Code

Future Coastal Refugia – under the Natural Assets Code

Priority Vegetation Area – under the Natural Assets Code

Wetland and Waterways – under the Natural Assets Code

Scenic Protection Areas & Corridors – under the Scenic Protection Code

Attenuation Areas – under the Attenuation Code

Coastal Inundation & Erosion – Under Coastal Inundation / Erosion Hazard Code

Bushfire Prone Areas – under Bushfire Prone Areas Code (subject to TFS)

Landslip Areas – under Landslip Hazard Code

Code lists

List of Local Heritage Places

Description of management objectives for scenic protection areas & corridors

Hazard levels for coastal inundation

Specific Area Plans

Specific Area Plans to be provided for:

Triabunna Marina (existing)

Louisville Road (existing)

Bicheno Golf Club (existing)

Resort Residential (new)

The former Resort Residential zoned properties are now zoned local business or low density residential. This means that any significant addition (greater than 300m²) of floor area is discretionary despite these being established sites and despite such additions being permitted in the 1994 planning scheme). This SAP would attempt to reintroduce as much of the former planning scheme as possible. Among other things this would ensure that there is no disincentive to invest in these established premises.

Local Area Objectives

Proposed for Village Zone and Local Business Zone at Coles Bay & Swanwick

2.2 Contents of Local Provisions Schedule (LPS) as determined by Section 32 of LUPAA

Section 32 provides a list of matters that an LPS must, or may, contain. These are addressed in turn.

2.2.1 Municipal Area (32(2)(a))

The LPS specifies that it applies to the Glamorgan Spring Bay municipal area in accordance with the SPP template.

2.2.2 Mandatory SPP requirements for an LPS (32(2)(b))

The mandatory requirements are adopted in full.

2.2.3 Spatial Application of the State Planning Provisions (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 SPP's. Section LP1.0 of the SPP's outlines the manner in which the spatial application of the SPP's is to be represented.

The draft LPS is prepared in accordance with the application and drafting instructions included in the SPP's and in Guideline No.1 - Local Provisions Schedule Zone and Code Application issued by the Tasmanian Planning Commission. Further clarification of how the zones and codes have been applied is found throughout this report.

2.2.4 Sections 11 and 12 of LUPAA (32(2)(d) & (f))

Section 11 & 12 of LUPAA outline the matters that a planning scheme may, or may not, regulate.

The LPS has been prepared in a manner consistent with the scope of powers provided at clauses 11(2), 11(3) & 11 (4). The LPS does not propose any provisions that refer to a code of practice (11(6)) and there are no proclaimed wharf areas in the municipal area.

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. Some, but not all, non-conforming uses that are protected by section 12 are identified in the body of the report.

The draft LPS does not seek to regulate matters outside the jurisdiction prescribed in sections 11 & 12 of LUPAA.

2.2.5 Use of Overlays and Lists (32(2)(e))

The SPP includes a number of Codes that are only given effect through maps or lists in the LPS. These are listed at section 2.1 above.

2.2.6 Land Reserved for Public Purposes (32(2)(g))

The draft LPS does not expressly reserve land for public purposes. The true meaning of this clause is not considered to be clear. Whilst older planning schemes did include

'reservations' for parks, forestry or other purposes, modern planning schemes use zones. Some of the zones applied in the LPS do limit the use of land for public benefit such as the application of the Community Purpose and Open Space Zones to public facilities and public open space. However, the use of these zones is not considered relevant for s32(2)(g)

2.2.7 Application of the detail of the SPP to a particular place or matter (32(2)(h))

The LPS applies to SPP via zones and overlays consistent with Ministerial Guideline No. 1.

2.2.8 Overriding Provisions (32(2)(i))

The draft LPS contains overriding provisions in that the contents of Particular Purpose Zones & Specific Area Plans override some provisions of the SPP's where those provisions modify or are in substitution for the SPP's. The draft LPS aims to achieve as much consistency as possible with the SPP's.

Most overriding provisions are protected under transitional arrangements in which Particular Purpose Zones and Specific Area Plans that exist as December 2015 can automatically carry forward with the consent of the Minister.

Other overriding provisions are provided through a Resort Residential Specific Area Plan, which is detailed in this report.

2.2.9 Modification of Application of SPP's (32(2)(j))

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

The provisions of the SPP and the application of zones is behind the reasons for the new Resort Residential Specific Area Plan. This SAP meets the provisions of Section 32(4) as detailed in this report.

2.2.10 Limitations of LPS (32(2)(k) & (l))

The provisions at 32 (2) (k) & (l) require a LPS to not include provisions that:

- the SPP specifies cannot be included in an LPS;
- otherwise exist in the SPP; and
- are inconsistent with the SPP.

It is considered that the draft LPS is compliant with these limitations.

2.2.11 LPS may include (32(3), (4) & (5))

The LPS may include particular purpose zones, specific area plans and site specific qualifications.

A number of particular purpose zones are proposed, all of which are contained in the current scheme. Of these, all except for Saffire, are protected via transitional arrangements. Saffire particular purpose zone was created after December 2015 – and in response to representations made on the current interim planning scheme - which is the cut off for the transitional arrangements.

A number of specific area plans are proposed. Three of these are contained in the current scheme and protected via transitional arrangements. The Resort Residential specific area

plan is new and adopts provisions for some sites that were zoned Resort Residential under the 1994 planning scheme.

No site specific qualifications are proposed. Existing site specific qualifications (in use tables in the current planning scheme) are no longer required given the proposed zone and the scope of use possible.

32 (4) provides a merit based test of what an LPS may include via a particular purpose zone, specific area plan or site specific qualifications. For an LPS to include these provisions, it must be shown that:

*(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.*

In terms of (a) 'a region' is not defined. It may mean the southern region, a sub-region such as the 'east coast' or 'south east' or part of the Glamorgan Spring Bay municipal area. Thus, the main considered under (a) is that there is a significant benefit to social, economic and environmental factors. In terms of (b) the test is whether there are unique qualities to an area that require additional planning provisions. For both (a) and (b) the tests of significance and uniqueness create a high bar for justifying provisions that are to override the SPP.

3.0 LPS Criteria – Section 34

3.1 Schedule 1 of LUPAA – Objectives (34 (2) (c))

The first priority of a planning scheme is to meet the overarching objectives of the Act, which places a particular emphasis on ‘sustainable development’. ‘Sustainable Development’ is defined in the Act as:

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 well-being and for their health and safety while:

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

The definition of sustainable development is expanded through the various Schedule 1 Objectives of LUPAA.

The LPS must implement sustainable development whilst also applying the SPP within the constraints of LUPAA. LUPAA does provide for overriding provisions to be included in a LPS, subject to meeting the criteria of section 32(4), which can also relate to the Schedule 1 Objectives. The two components effectively work together to establish the rationale for inclusion of Particular Purpose Zones, Specific Area Plans and Site Specific Qualifications in a LPS.

On certain issues, it can be argued that there are completing obligations between the SPP and sustainable development

The following provides an overview of how the LPS will address the sustainable development objectives.

Part 1 Objective: (a) To promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity.

The priority vegetation area in the draft LPS is based on the Regional Ecosystem Model (see Attachment 9). The Regional Ecosystem Model is being used by all Tasmanian Councils to prepare their priority vegetation area.

The SPP restricts the priority vegetation area to certain zones only. Of note, the Agriculture Zone is excluded from the priority vegetation area. The Agriculture Zone will be the largest zone in the LPS by area and this exclusion is therefore a significant land use policy expressed in the SPP.

The SPP policy of excluding agricultural land from the priority vegetation area has regard to other legislation within Tasmania. This includes the Forest Practices System, which applies to land clearing for agriculture, and the *Threatened Species Protection Act 1995* which

applies to any threatened species regardless of what provisions apply in a planning scheme. However, the operational effect of the SPP is that vegetation removal in the Agriculture Zone for visitor accommodation, dwellings or other buildings will effectively be exempt from planning assessment regardless of any conservation value.

The purpose of the Agriculture Zone is to provide for potential agricultural activities. Agricultural landscapes have numerous patches of native vegetation with variable levels of conservation significance. It is not practical to exclude these patches from the Agricultural Zone nor possible under the SPP and associated guidelines.

The other operational effect of the SPP is to two different tiers of protection for native vegetation.

Given the existence of State legislation and conservation areas, there is a real policy question to address in terms of establishing a reasonable and balanced level of regulation within the land use planning system. It is arguable that too much emphasis is placed on native vegetation at the fringe of towns and settlements leading to significant costs and angsts for limited gain and too higher control over small-scale clearing on agricultural land. For instance, in the current Rural Resource Zone any clearing of native vegetation, irrespective of its conservation value or the extent of clearing, requires a discretionary process to be followed.

It is also arguable that the SPP is too far to the opposite side of the spectrum. In any case, the Tasmanian Planning Commission did not support the SPP in its approved form. The approved SPP was approved by the Minister by a decision that specifically overrode the TPC Panel's recommendation to review the management of native vegetation within the SPP.

The LPS must be prepared in accordance with the provisions of the SPP. However, it is not clear that the LPS will further the above objective to the extent necessary given the limitations on priority vegetation.

Looking beyond the priority vegetation issue, the LPS otherwise provides adequate protection to natural and physical resources by:

- protection of natural watercourses and wetlands, in a manner similar to the interim planning scheme;
- applying the Environmental Management Zone to reserves;
- having regard to potential coastal refugia;
- using the best available data and method to prepare the priority vegetation area through the Regional Ecosystem Model; and
- containing settlements to existing footprints.

Part 1 Objective: (b) to provide for the fair, orderly and sustainable use and development of air, land and water.

With the exception of rural areas, the LPS provides minimal change to the zoning of land from the current interim planning scheme.

Within towns, some relatively minor changes are proposed and these are specifically identified and justified in Section 6.3

In rural areas, the Rural Zone, Agriculture Zone and Landscape Conservation Zone are essentially new zones. Use and development control within each zone is established by the SPP, and the application of the zones informed by Ministerial Guidelines.

Attachments to this report provide a high level summary of changes between the IPS and the SPP which, among other elements, identifies where use rights (permitted or discretionary) vary.

Part 1 Objective: (c) to encourage public involvement in resources management and planning.

The LPS must undergo public exhibition for 60 days prior to being approved.

Part 1 Objective: (d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c).

The Tasmanian government has stated that the policy behind the drafting of the SPP's is to apply regulation only to the extent necessary, thereby 'cutting red tape'. The express purpose of doing this is to facilitate economic development and certainly, it is well documented that in practice, over-regulation is a disincentive to economic development. The key is to find the right level of regulation.

All particular purpose zones and specific area plans in the LPS are to facilitate economic development, and all are considered to be sustainable, fair and orderly.

Part 1 Objective: (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.

This objective is provided for principally through legislative processes. The LPS will have more input from State agencies than the current interim planning scheme.

Part 2 Objective: (a) to require sound strategic planning and co-ordinated action by State and local government.

The new scheme will incorporate Council and State strategic planning, including the identification of land hazards and the SPP.

Part 2 Objective: (b) to establish a system of planning instruments to be the principle way of setting objectives, policies and controls for the use, development and protection of land;

This is a procedural objective.

Part 2 Objective: (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.

With the exception of the earlier priority vegetation area note and the effect of standardised development control within urban areas, the LPS will apply zones in a manner that has consideration of environmental, social and economic effects. The LPS is in particularly informed by structure plans for each major settlement.

Part 2 Objective: (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.

This is a procedural objective.

Part 2 Objective: (e) to provide for the consolidation of approvals for land use and development and related matters, and to co-ordinate planning approvals with related approvals.

This is a procedural objective.

Part 2 Objective: (f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania.

The LPS is considered to further this objective through:

- Including the best available information and mapping on land hazards.
- Providing sufficient zoning for residential and visitor accommodation development within settlements for the medium term. Although, it is acknowledged that there is the limited land availability at Coles Bay and limited market range and choice within some settlements.
- Providing opportunities for commercial use in settlements through appropriate zoning.
- Providing opportunities for industrial development in appropriate locations.
- Providing the Recreation Zone and Open Space Zone where appropriate and including provisions in the SPP to consider walkability in new subdivisions.
- Identifying major roads for protection for Road Attenuation Areas.
- Applying appropriate zone and overlay controls to key public infrastructure.
- Applying scenic protection provisions to important vistas.

Part 2 Objective: (g) to conserve those buildings and areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.

The Local Heritage List maintains all existing heritage listings. The list includes private and public owned land, however public reserves and national parks include a number of other heritage and cultural places of value.

Part 2 Objective: (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.

All major public infrastructure is included in the Utilities Zone, having regard to current TasWater strategy. Transmission Infrastructure is protected via an overlay based on data supplied by TasNetworks. SPP provisions relate to the management of major State Roads.

The SPP do not provide the same consideration of stormwater infrastructure that the interim planning scheme does. It could be possible that development occurs that exceeds existing stormwater infrastructure in place potential leading to external costs being borne by ratepayers or conflicts on Stormwater Authority obligations under the Urban Drainage Act.

Council is required to prepare Stormwater System Management Plans which will provide an opportunity to evaluate stormwater capacity issues and identify necessary upgrades. Once in place, such Stormwater System Management Plans could address the above regulation and could be implemented via bylaws or other approaches to protect the broader community interest.

Part 2 Objective: (i) to provide a planning framework which fully considers land capability.

The State methodology that produced the 'Land Potentially Suitable for Agriculture Layer' to provide a recommendation for the State's agricultural estate, has taken into account land capability.

The draft LPS has examined at a more local level the constraints to land and the capability of the land.

3.2 State Policies (s34(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 three State Policies and a number of National Environment Protection Measures (NEPM's) which have the effect of being State Policies.

3.2.1 State Policy on the Protection of Agricultural Land 2009

The purpose of the State 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 of the policy 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 a 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's were examined against the principles of the PAL Policy in the development of the Rural and Agriculture Zone provision.

Ministerial Guideline No.1 requires that land to be included in the Agriculture Zone should be based on the 'Land Potentially Suitable for Agriculture Zone', a methodology developed by the State through consultants Macquarie Franklin (www.planningreform.tas.gov.au). The guidelines state:

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 local analysis of the results of the State layer was undertaken for the draft LPS to determine the land that should be included in the Agriculture Zone.

3.2.2 Tasmanian State Coastal Policy 1996

The *State Coastal Policy 1996* (SCP) applies to the site as it is within 1 km of the high water mark.

The SCP three main guiding principles are:

- Natural and cultural values of the coast shall be protected.
- The coast shall be used and developed in a sustainable manner.
- Integrated management and protection of the coastal zone is a shared responsibility.

The SCP incorporates a number of themes, all of which have associated policy statements, including:

- Natural Resources & Ecosystems
- Cultural & Historic Resources
- Cultural Heritage
- Coastal Hazards
- Coastal Uses & Development
- Marine Farming
- Tourism
- Urban & Residential Development
- Transport
- Public Access & Safety
- Public Land
- Recreation

Many of these themes are addressed in equivalent terms in other strategic documents including the Southern Tasmanian Regional Land Use Strategy and township structure plans.

The particular purpose zones and specific area plans are all subject to the SCP.

The SCP is principally implemented via the use of zones and the use and development control provisions within the SPP zones. Public reserves and foreshore reserves are in the Environmental Management Zone or Open Space Zone. Urban zoning seeks to contain settlement footprint given that all settlements are subject to the SCP.

The SPP has regard to coastal development works, similar to the interim planning scheme.

In addition, overlays apply to:

- Within 40m of high water mark and along all watercourses
- Coastal inundation and erosion hazards
- Local heritage places within 1km of the coast

The consideration of marine farming shore facilities is currently deferred pending deliberation of the current amendment (AM 2017 / 01) before the Tasmanian Planning Commission for Spring Bay Seafoods.

3.2.3 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 SPP require the mandatory inclusion in the LPS of the State mapped waterway protection areas, which are based on buffer distances contained in the current interim planning scheme and derived from the Forest Practices System.

The SPP also provides for the ability to condition permits to require sound construction practices such as soil and water management – which is also a requirement of the Building Act 2016.

3.2.4 National Environmental Protection Measures

National Environmental Protection Measures (NEPMs) have the effect of being a State Policy and include:

- National Environment Protection (Air Toxics) Measure
- National Environment Protection (Ambient Air Quality) Measure
- National Environment Protection (Assessment of Site Contamination) Measure
- National Environment Protection (Diesel Vehicle Emissions) Measure
- National Environment Protection (Movement of Controlled Waste between States and Territories) Measure
- National Environment Protection (National Pollutant Inventory) Measure
- National Environment Protection (Used Packaging Materials) Measure

Some NEPMs are outside the jurisdiction of 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.

3.3 Southern Tasmanian Regional Land Use Strategy 2010 – 2035 (STRLUS) (s34(2)(e))

The STRLUS is currently under a review to remove inconsistencies between the STRLUS and the SPP.

Consideration of the STRLUS is based on the version as declared and in effect at December 2017.

The draft LPS is considered to be consistent with the various policy positions. Attachment 7 provides a statement against each specific policy.

The overall approach of the STRLUS is to make efficient use of existing land and infrastructure through compact settlement strategies. Through compact settlements, other policy position relating to maintaining agricultural and natural resources are optimised.

The draft LPS provides for compact urban settlements to make use of existing infrastructure and minimise the encroachment of urban land into agricultural or natural landscapes. Urban growth will be provided through a combination of subdivision of larger titles within settlement footprints and smaller subdivisions or multiple dwelling developments.

The serviced residential settlements of Orford, Triabunna, Swansea and Bicheno must be included in the General Residential Zone. As such, these towns are subject to the same development control provisions as all other serviced areas in Tasmania. Concern has been raised that these development controls may not deliver infill in a manner that adequately has regard to the character of smaller coastal settlements. It is considered that, to date, these standard development control provisions have not lead to unreasonable development outcomes. Nevertheless, the following comments from the Tasmanian Planning Commission panel report into the SPP appropriately capture the importance of these controls and any future review of the controls should be seen as a priority.

4.1.4 Residential development standards review Given residential development is the most commonly occurring form of development subject to the planning scheme, affecting the construction industry, owner builders and home owners, the Commission recommends that the General Residential and Inner Residential Zones be reviewed as a priority. Consistent standards were put in place when Planning Directive 4.1 – Standards for Residential Development in the General Residential Zone was issued in 2014. A sufficient period of time has elapsed since their implementation that it is now appropriate to:

- evaluate the performance of the standards and whether the intended outcomes have been realised, including delivering greater housing choice, providing for infill development and making better use of existing infrastructure;*
- consider the validity of the claims that the standards are resulting in an unreasonable impact on residential character and amenity; and*
- introduce drafting that is more consistent with the conventions that apply to the SPPs generally.*

3.3.1 The Process Forward – Implementing and Monitoring the Southern Tasmanian Regional Land Use Strategy, 25 October 2011

The following outlines the current status of the implementation measures recommended in *The Process Forward*.

Implementation Issue	Status
Develop future governance arrangements between State and Local Government based on principles identified in the document.	No progress.
Residential Land Release Program – process and role of structure plans.	Relevant to land release and structure plan preparation Council's four structure plans comply with the outline requirements for structure plans as provided in <i>the process forward</i> .
Infill Development Program	Applicable to Greater Hobart.
Recommendation 1. Introduce a state based monitoring and management system of native vegetation and approved vegetation clearing.	No progress.
Recommendation 2. Review State and Local Government RMPS processes for native vegetation clearance.	No progress.
Recommendation 3. Develop State Policy on climate change mitigation & adaptation	No progress.
Recommendation 4. Implement nationally adopted tiered approach to recognition of heritage values – i.e., State responsible for places of Tasmanian value & Council responsible for places of local value.	Limited progress. There are 22 local listed places, and a further 84 places on the Tasmanian Heritage Register in the municipal area. The Tasmanian Heritage Council is reviewing their listed places to determine if they are of State value and warrant inclusion on the Tasmanian Heritage Register (THR). To date, only minor changes have been made to a small number of THR listed properties in the municipal area. It could be expected that some of the 84 THR places may be more appropriately managed as local value. Further, there may be other places that warrant recognition and protection as local values. Finally, a number of THR listed properties in rural areas remain on a 'whole lot' basis rather than to a smaller area around heritage buildings. This may mean that farm buildings some distance from a heritage building are subject to unnecessary regulation. These listings should be updated on conjunction with Heritage Tasmanian staff.

Recommendation 5. Systematically complete heritage surveys.	It has been a period of time since any wide ranging heritage survey was undertaken for the municipal area. This can be progressed with conjunction with the Swansea heritage museum.
Recommendation 6. Explore new and innovative ways to fund heritage management and maintenance.	No progress.
Recommendation 7. Undertake regional audit and education and health facilities to established links and gaps.	No progress.
Recommendation 8. Develop a consistent pricing system for developer charges for water and sewer.	No longer relevant under TasWater pricing structure.
Recommendation 9. Develop a policy relating to the physical location of government administration and services consistent with the Activity Centre hierarchy.	No progress.
Recommendation 10. Incentivise infill development.	Principally a Greater Hobart issue.
Recommendation 11. Standardise Council processes and fees associated with the construction phase of new development.	No progress.
Recommendation 12. Identify opportunities for surplus government land to be used for infill development.	Principally a Greater Hobart issue.
Recommendation 13. Consider establishing a 'land authority' with land banking powers to release infill development opportunities.	A 'infill development within Greater Hobart' report has been prepared https://www.stategrowth.tas.gov.au/__data/assets/pdf_file/0009/88776/Infill_development_within_Greater_Hobart_Stage_1_Final_Report.pdf
Recommendation 14. Tailor economic development strategies and urban design improvement strategies to attract a range of employment opportunities attractive to working age persons and their families.	Ongoing.
Recommendation 15. Provide regional consistency in the quality and availability of spatial data on native vegetation	The Regional Ecosystem Model used to identify priority vegetation provides the best available information for the region.
Recommendation 16. Complete stages 2 and 2 of the Tasmanian Coastal Vulnerability Mapping Project	This work has been completed by the Department of Premier and Cabinet, http://www.dpac.tas.gov.au/divisions/ossem/mitigating_natural_hazards
Recommendation 17. Develop agreed criteria to determine relative significance of important landscapes and key landscape values.	No progress.
Recommendation 18. Undertake supply and demand analysis for aged care accommodation and nursing home beds	The status of this work at a regional level is unclear. A municipal area analysis has not been completed.

Recommendation 19. Audit existing floor space in activity centres	Principally a Greater Hobart issue.
Recommendation 20. Undertake a detailed land supply analysis across the whole region and including all residential areas and utilise this in the review and update of the Regional Land Use Strategy	A review of the Regional Land Use Strategy has not occurred.
Recommendation 21. Update urban design manuals and incorporate into future review of the Regional Land Use Strategy.	A review of the Regional Land Use Strategy has not occurred and no progress has been made with respect to urban design.
Planning Scheme Zoning Framework	This was prepared to guide the implementation of the interim planning schemes and is now superseded by Ministerial Guideline No. 1.
Infrastructure Investment Plan	Those projects listed in the Infrastructure Investment Plan relevant to Glamorgan Spring Bay municipal area include: <ul style="list-style-type: none"> (a) Swansea Water Supply – rectification works scheduled for 2018 (b) Orford / Triabunna water/sewer strategy – which has been prepared by TasWater (c) Swan River Irrigation Scheme - complete
Review and Monitoring - Recommendation for a 2012 review (in respect to project / resource limitation in initial strategy) and 5 yearly reviews thereafter	No progress.
Review and Monitoring – system of annual monitoring, evaluation and reporting to be implemented	No progress. No review ever completed.

3.4 Community Strategic Plan, July 2014 (s34(2)(f))

The Community Plan 2013 is currently under review in order to ensure its currency with respect to the requirements of the *Local Government Act 1993*. Consultation occurred during December 2017. The following is based on the version in effect at December 2017.

The Community Strategic Plan provides the following vision statement.

IN 2020 GLAMORGAN SPRING BAY WILL:

- Be proud of our united inclusive community.
- Be responsible for our environment, health, education, heritage and the arts, with a diverse progressive and prosperous economy.
- Offer an attractive lifestyle, in a beautiful place.

The Community Strategic Plan provides six future direction statements:

1. Build our community infrastructure
2. Age well in our communities
3. Grow our economy and employment opportunities
4. Protect and promote our natural beauty, environment and heritage
5. Be visitor friendly
6. Foster health and well being.

Each of these is addressed in turn.

Direction 1. Build our community infrastructure.

STRATEGIC OUTCOMES	COUNCIL ROLE
A safe and well maintained road network across the municipality.	Provider, Facilitator, Advocate
A network of cycle and walking trails that connect communities.	Provider, Facilitator
Well maintained public amenities, parklands and recreational facilities that meet community needs.	Provider, Facilitator
Marine infrastructure supports and attracts commercial and recreational boat owners and activities to townships.	Provider, Facilitator, Advocate
Internet access speeds and phone and television coverage at current standards across the municipality.	Advocate
WHO SHOULD COLLABORATE AROUND THE STRATEGIC DIRECTIONS	PERFORMANCE INDICATORS
<ul style="list-style-type: none">• Government agencies• Community groups• Cycling groups• Parks and Wildlife Service• Sporting groups• Marine and Safety Tasmania (MAST)• Boat owners• Telecommunication companies	<ul style="list-style-type: none">• Road maintenance expenditure• Kilometres maintained• Safety statistics• Facility usage• Boat registrations• Internet speeds• Extent of phone and internet coverage

Of the strategic outcomes for Future Direction 1, road and marine infrastructure are most relevant to the LPS. The LPS includes a road and rail asset code to manage new or expanded traffic generating use. The major roads are the Tasman Highway and Coles Bay Road with other important secondary roads. These roads are afforded adequate consideration by the provisions of the road and rail asset code.

Marine infrastructure, for commercial or recreational purposes, requires the land adjacent to potential sites to be appropriately zoned. Marine infrastructure exists throughout the municipal area, with more significant infrastructure provided at Coles Bay, Bicheno (the Gulch), Swansea and Spring Bay.

Recreational marine infrastructure is classified as a 'Pleasure Boat Facility' which, of the zones used on the foreshore, is:

- discretionary in the Rural Zone
- permitted in the Agricultural Zone for boat ramp only
- prohibited in the Landscape Conservation Zone
- discretionary in the Environmental Management Zone
- discretionary in the Recreation Zone
- discretionary in the Open Space Zone, and
- prohibited in the Light Industrial Zone.

Commercial infrastructure – other than a marina - is classified by the commercial business. Major commercial uses could be aquaculture and tourism cruises.

Direction 2. Age well in our communities.

STRATEGIC OUTCOMES	COUNCIL ROLE
A range of retirement living options is available across the municipality so people can age in the communities they want to.	Provider, Facilitator, Advocate
May Shaw play a leading role in the provision of aged care services across the municipality.	Facilitator, Advocate
Glamorgan Spring Bay is known as an age friendly community where people want to live and this generates a range of employment and training opportunities.	Facilitator, Advocate
WHO SHOULD COLLABORATE TO HELP ACHIEVE THE STRATEGIC OUTCOMES	PERFORMANCE INDICATORS
<ul style="list-style-type: none">• Aged care providers• Family Carers• Governments• May Shaw Health Centre• Independent retirees and pensioner lobby groups• COTA• Community & recreation groups• Registered Training Organisations	<ul style="list-style-type: none">• Retirement accommodation options• Number of retirees settling in the area• Census population data• Employment in the aged care sector

The Community Purpose Zone has been applied to the main facility for May Shaw with various independent living units zoned General Residential.

Most retirement living options will be delivered via the General Residential Zone, which applies to the serviced areas of Swansea, Triabunna, Orford and Bicheno. In the General Residential Zone, all forms of residential use can be considered. Residential use includes a retirement village and other forms of residential use in which some form of care is provided.

The density provisions of the General Residential Zone do limit some forms of residential use that are related to retirement living units. Residential density is regulated by the standard provided on the following page.

The standard requires that multiple dwellings – irrespective of the number of bedrooms – with a density higher than 1 per 325m² of site area must either have a density ‘compatible’ with the surrounding or offer a ‘significant’ social or community benefit.

Retirement living needs for some individuals could be met via well-designed, small-scale unit proposals providing 1-2 bedroom units, limited car parking and communal outdoor space. Such arrangements may be appropriate for individuals that do not require, or cannot utilise, large dwellings or private open space. The provisions of the residential density standard do limit the ability to provide such options as:

- Part (a) does not consider purpose, design or scale, and
- Part (b) requires proposals to be delivered at a large scale in order to deliver a ‘significant’ benefit.

8.4.1 Residential density for multiple dwellings

Objective:	That the density of multiple dwellings: (a) makes efficient use of land for housing; and (b) optimises the use of infrastructure and community services.
Acceptable Solutions	Performance Criteria
A1 Multiple dwellings must have a site area per dwelling of not less than 325m ² .	P1 Multiple dwellings must only have a site area per dwelling that is less than 325m ² , if the development will not exceed the capacity of infrastructure services and: (a) is compatible with the density of existing development on established properties in the area; or (b) provides for a significant social or community benefit and is: (i) wholly or partly within 400m walking distance of a public transport stop; or (ii) wholly or partly within 400m walking distance of an Inner Residential Zone,
	Village Zone, Urban Mixed Use Zone, Local Business Zone, General Business Zone, Central Business Zone or Commercial Zone.

Direction 3. Grow our economy and employment opportunities.

STRATEGIC OUTCOMES	COUNCIL ROLE
A diverse economic base of sufficient scale to provide a range of employment opportunities across communities.	Provider (through planning scheme), Facilitator, Advocate
The East Coast is recognised intrastate, nationally & internationally for its fresh food, wine, seafood and produce.	Facilitator, Advocate
Triabunna operates as a safe deep water port for cruise ships and freight.	Facilitator, Advocate
The skills development industry meets the needs of the local economy and industry and also attracts people to the area to gain training.	Facilitator, Advocate
The economy and productivity are supported by technologies.	Facilitator, Advocate
WHO SHOULD COLLABORATE TO HELP ACHIEVE THE STRATEGIC OUTCOMES	PERFORMANCE INDICATORS
<ul style="list-style-type: none"> Swansea/Bicheno Community Bank Government Agencies Local political representatives Existing businesses and industry, including Aquaculture, Rock Lobster Association, Walnuts Australia and existing Chip Mill owners Local chambers of commerce and progress associations East Coast primary producers 	<ul style="list-style-type: none"> Events and festival organisers TASPORTS Marine and Safety Tasmania Natural Resource Management Telco's Schools, TAFE and Registered Training Organisations Community groups and committees East Coast Regional Tourism Organisation Employment statistics Sales of local product Number of cruise ships Participation in and availability of training programs New business starts Technology coverage and usage

The capacity to provide a diverse and scaled economic base is supported by the SPP. In most zones, a wider range of land uses can be considered than is the case for the current

interim planning scheme. In most zones, the SPP will increase the number of permitted and discretionary uses. In doing so, it must be recognised that use and development standards are provided that will manage amenity issues for all future applications.

The LPS will maintain the existing zones for Spring Bay marina. As noted in later sections of the report, there is a need to review the zoning of land near the marina as a separate process to this.

Direction 4. Protect and promote our natural beauty, environment and heritage.

STRATEGIC OUTCOMES	COUNCIL ROLE
A clean and healthy environment.	Provider, Facilitator, Advocate
Towns and villages develop and grow but not at the expense of their individual character and identity.	Provider, Facilitator, Advocate
Development does not compromise our natural beauty or cultural heritage.	Provider, Facilitator, Advocate
Glamorgan Spring Bay is a leader in resource efficiencies (water, waste and energy).	Provider, Facilitator, Advocate
Productivity increases whilst maintaining and improving natural values.	Provider, Facilitator, Advocate
WHO SHOULD COLLABORATE TO HELP ACHIEVE THE STRATEGIC OUTCOMES	PERFORMANCE INDICATORS
<ul style="list-style-type: none"> • Natural Resource Management and land managers • Catchment managers • East Coast primary producers • Property developers • Community groups and committees • Governments and government agencies • Council's Heritage group • Planning authorities 	<ul style="list-style-type: none"> • State of the environment reports • Water quality and quantity • Feral pests and invasive species • Recycling statistics • Development and building applications • Alternative energy production and usage

The four main settlements each have a structure plan and consideration of character is discussed in section 4.0.

Natural values, landscape and heritage are provided consideration principally via the codes in the LPS. In addition, the Landscape Conservation Zone and Environmental Management Zone protect the values.

The priority vegetation area is based on the Regional Ecosystem Model, which is discussed in more detail below. This model is considered the most comprehensive, current and accurate model of biodiversity values available and represents the best possible consideration of natural values.

The LPS proposes to reintroduce landscape controls that existed in the 1994 planning scheme.

Water, waste & energy usage is not directly controlled via the planning scheme other than via the Utility Zone – for key assets – and the Electricity Transmission Protection Area Code.

Direction 5. Be visitor friendly.

STRATEGIC OUTCOMES	COUNCIL ROLE
Tours, trails and events showcase the natural landscapes, fine wine and fresh produce of the East Coast	Provider, Facilitator
The East Coast has a common identity and brand developed through collaboration	Facilitator, Advocate
Visitor infrastructure and information is well developed	Provider, Facilitator
Maria Island becomes a key attraction for intrastate, interstate and international visitors	Advocate
Festivals, events, cultural activities, conferences and meetings bring visitors all year round	Provider, Facilitator, Advocate
The East Coast is connected to the Tasman Peninsula by an improved road network	Advocate
WHO SHOULD COLLABORATE TO HELP ACHIEVE THE STRATEGIC OUTCOMES	PERFORMANCE INDICATORS
<ul style="list-style-type: none"> • East Coast Regional Tourism Organisation (ECRTO) • Local producers • Event and festival organisers • Service clubs and community groups • Government funding agencies • Parks and Wildlife Service • School groups • Accommodation and venue providers • Conference and meeting organisers • Tasmanian Convention Bureau • Natural Resource Management • Community groups and committees 	<ul style="list-style-type: none"> • Visitation statistics • Facility usage • Numbers and attendance at events and conferences • Market share of state visitors • Visitors to National Parks • Grant funds obtained for facility development

The visitor friendly strategic outcomes largely sit outside the planning system and planning schemes.

It should be noted that tourism and visitor accommodation can be considered across urban and rural land on their merit. A Resort Residential Specific Area Plan is proposed for existing larger scale visitor accommodation sites.

Direction 6. Foster health and well being

STRATEGIC OUTCOMES	COUNCIL ROLE
All families have reasonable access to primary, secondary and tertiary education	Advocate
Communities have access to local health and wellness services and facilities	Provider, Facilitator, Advocate
Infrastructure and recreation activities support healthy lifestyles and participation levels	Provider, Facilitator, Advocate
Engaged, creative and vibrant communities have the capacity to independently make things happen	Facilitator, Advocate
Townships work together, have open communication and cooperate with one another, whilst keeping their identity	Facilitator, Advocate
There is access to and coordination of, reasonable transport services	Facilitator, Advocate
The Municipality is prepared for emergency events.	Provider, Facilitator, Advocate

WHO SHOULD COLLABORATE TO HELP ACHIEVE THE STRATEGIC OUTCOMES	PERFORMANCE INDICATORS
<ul style="list-style-type: none">• Schools and school associations• May Shaw Health Centre• Health service providers• East Coast Health• Government agencies• Parks and Wildlife Service• Private transport operators• Community groups and committees• The arts and crafts community	<ul style="list-style-type: none">• Census population data• Increase in young families• School attendance and retention rates• Levels of educational attainment• Health data, incidence of lifestyle diseases• Participation in community projects• Participation in arts and cultural activities

Of the health and well being strategic outcomes that are within the scope of the planning system it is noted that:

- School facilities are included in the Community Purpose Zone.
- May Shaw is included in the Community Purpose Zone, whilst other community health centres or consulting rooms can be considered in most urban zones.
- The Tasman Highway and other major roads are protected through the Road and Railway Assets Code.

The SPP does omit any consideration of ways and open space within subdivision design. This does not assist in providing infrastructure and recreation activities that support healthy lifestyles.

3.5 Adjoining Municipal Areas and Coordination (s34(2)(g))

Section 34(g) requires that the planning scheme:

as far as practicable, is consistent with and co-ordinated with and LPS's that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates.

At the time of writing, adjoining municipal areas do not have advanced draft LPSs to review. At the boundary, all land is either in the Rural Zone, Agriculture Zone or Environmental Management Zone and it will be necessary to ensure consistency unless conditions of ground warrant a zone boundary change.

In Code overlays, consistency will be delivered in mapped overlays for watercourse, coastal refugia, natural hazards, priority vegetation and electricity infrastructure due to common approaches to mapping those issues.

Each of the adjoining municipalities will be notified of the LPS directly and may forward submissions in regard to any issues at the interface.

3.6 Gas Pipelines Act 2000 (s34(2)(h))

This is not applicable to the municipal area.

4.0 Structure Plans

4.1 Bicheno Structure Plan (revised 2014)

Key points of the Structure Plan include:

Vision

Bicheno will maintain its seaside village feel that balances the township's existing character (which has emerged from its historic fishing and whaling origins) with future growth aspirations. It will provide affordable and diverse living options for residents and holiday accommodation options for visitors. It will realise the potential of its natural, coastal and cultural assets and its location as a gateway to the Freycinet and Douglas Apsley National Parks.

Recommended Option

The recommended option includes the expansion of light industrial zoning (provided for), infill development of residential areas (provided for) and limiting unit development to around the town centre only (not provided for by the SPP or LPS).

Settlement Structure

The urban area has a linear, ribbon style structure bounded by the coastline and hilly forested backdrop maximising coastal outlook.

The town centre has a fragmented form and no clearly identifiable core – the connections from commercial activity to the coast is limited.

Coastal walkways provide connectivity across the township.

The coastal outlook and views to the north and east are considered to be key assets, with views to the coast and hills having significant importance to the town.

Infrastructure

Bicheno is well placed to benefit from recreational cycling on the East Coast.

There is generally adequate water and sewer services overall but deficiencies in some locations due to pipe size (TasWater will be developing a water and sewer strategy).

Electricity is supplied via a 22V main which may not have capacity for new, large loads.

Population

The total population is 647 persons.

In comparison to Glamorgan Spring Bay averages, Bicheno has:

- A higher median weekly income
- A lower unemployment rate
- A higher proportion of people born overseas
- The same proportion of indigenous population
- A slightly younger population yet fewer family households with relatively high rates (compared to Tasmania) of couple families with no children
- A higher proportion of technicians / trades, labourers and sales and less clerical and administrative occupations

- The same average household size
- A higher degree of socio-economic disadvantage

Dwelling Supply & Demand

By 2030, the population is projected to increase to 750 persons using the medium growth scenario from the 2008 State Demographic Change Advisory Council. This requires 49 additional dwellings for permanent residents (2.6 per year on average) and a further 53 holiday houses (2.7 per year on average).

Between 1999/2000 and 2013/2014, 127 dwellings were approved (9 per year on average).

The gap between the projected dwellings and the recent history of building approvals is discussed in the Structure Plan. The Structure Plan also predates recent visitor economy growth, discussed in section 5. At current rates of dwelling approval (from 2009/2010 onwards), 221 dwellings would be required.

The 2011 census night occupancy rate was 48% which is higher than other settlements but significantly below the Tasmanian rate.

There is 49ha of vacant residential land. This would include 32.6ha at North Bicheno Particular Purpose Zone and 8.5ha of Future Urban Zone land in the south.

There is 53ha of vacant rural living land.

Economic Activity

Key areas include the town centre (supermarket, food, tourism, bank, school, and community hall), aquaculture at The Gulch, tourism with a focus on nature based and vineyard activities.

Urban Design

The Structure Plan recommends that commercial and residential develop incorporate a number of urban design principles. These include consideration of existing character, key views and vistas, scale and setback of adjoining buildings and the use of eaves, colours, decking and cladding.

The Local Business Zone does include requirements for active street frontage but the Structure Plan also considers the need to address local character and key views and vistas. The General Residential Zone provides no urban design standards.

4.2 Coles Bay Structure Plan 2016

Key points of the Structure Plan include:

Vision

Coles Bay will continue to maintain its status as an idyllic seaside town situated as the gateway to the Freycinet National Park and Wineglass Bay. Coles Bay will look to balance the town's existing character with future opportunities to improve liveability and amenity of Coles Bay for both residents and visitors. Key capital works projects, along with well managed future development for both residents and tourists, will ensure that Coles Bay retains the key attributes that make it the exceptional and unique place it is.

Population

The total population is 305 persons.

In comparison to Glamorgan Spring Bay averages, Coles Bay has a high proportion of non-permanent residents. Coles Bay also has a high turnover of population.

Dwelling Supply & Demand

The Structure Plan notes that the limited long-term data on population makes future projections limited. It uses a 1% per annum growth rate and projects that by 2021 the population would increase to 335 persons.

The Structure Plan projects that by 2021, 15 dwellings for permanent residents (1.5 per annum) and 57 holiday houses (5.7 per annum) would be required. By 2030, 137 additional dwellings would be required in total.

The 2011 census night occupancy rate was 20% which is particularly low.

4.3 Swansea Structure Plan 2016

Key points of the Structure Plan include:

Vision

Swansea will maintain its coastal town feel that balances the towns existing character with future growth ambitions. It will continue to provide affordable and diverse living options for residents and holiday accommodation options for tourists. The town will strive to build on its natural, coastal, community and cultural assets and continue to benefit from its central location on Tasmania's East Coast and the nearby Freycinet National Parks.

Settlement Structure

The urban area has a linear form following the coastline, and road network, providing a direct visual and physical connection with the coast.

The town centre has a fragmented form with a centre located at the intersection of Franklin Street and Victoria Street.

The coastal outlook, level of community facilities and services, heritage and connectivity to the coast and beaches are considered to be key assets.

Infrastructure

There are adequate water and sewer services, with the water supply being upgraded at present. Electricity supply is adequate for planned growth.

Population

The total population is 771 persons.

In comparison to Glamorgan Spring Bay averages, Swansea has:

- A older population, with almost half the population over 55 (at 2011 census)
- A relatively high proportional of people who need assistance
- A high turnover of population

Dwelling Supply & Demand

The Structure Plan uses past growth rates as a projection for future population growth, with a rate of 1.5% per annum used.

By 2030, the population (with 1.5% compound growth rate) is projected to increase to 1023 persons. The structure plan projects out to 2021 with a projected population of 895 persons. This requires 6.2 additional dwellings for permanent residents per annum and 3.9 holiday houses per year. By 2021 therefore 101 additional dwellings is required and 192 dwellings by 2030.

The 2011 census night occupancy rate was 60% which is higher than Bicheno and Orford but less than Triabunna.

There is 31ha of vacant residential land. There is 121.5ha of vacant rural living land.

Economic Activity

Key areas include the town centre (two supermarket, food, tourism, bank, school, and community hall), aquaculture in Great Oyster Bay and tourism.

Urban Design

The Structure Plan recommends that low quality prefabricated houses not be developed along key entry points to Swansea.

4.4 Triabunna / Orford Structure Plan (2014 revision)

Key points of the Structure Plan include:

Vision

Triabunna and Orford will provide a sustainable lifestyle and destination choice that realises the potential of their natural assets and links to convicts, maritime and forestry history.

The settlements will retain their individual characters and roles but will also work together as a complementary system.

Triabunna's future will focus on its role as:

- *A regionally important service hub, housing and employment centre;*
- *A working and recreation boating node; and*
- *The gateway to Maria Island.*

Orford's future will focus on:

- *Providing a beach lifestyle choice for residents and visitors; and*
- *Retaining its character as a place where the bush meets the sea.*

Recommended Option

The recommended option includes infill development of residential areas with some minor expansion (provided for) and limiting unit development to around the town centre only (not provided for by the SPP or LPS).

Settlement Structure

The urban area of Orford has a linear, ribbon style structure bounded by the coastline and hilly forested backdrop maximising coastal outlook. The urban footprint of Orford is not well defined. Triabunna is positioned either side of the port and in a flat valley with a grid street layout.

Triabunna town centre extends along Vicary and Charles Street with some mix of residential and industrial use. Orford has a smaller and compact commercial area but one lacking clear definition of arrival points.

Coastal walkways provide connectivity across Orford but connectivity between the two is currently limited.

Infrastructure

Water services to Orford and Triabunna are adequate but require increased capacity to meet growth. Sewer services are adequate. TasWater has developed a water and sewer strategy.

Electricity is supplied via the Triabunna substation which has capacity for future growth.

Population

Triabunna has a population of 766 whilst Orford has a population of 518 persons.

In comparison to Tasmanian and Glamorgan Spring Bay averages, it is noted that:

- Triabunna median age is 42 years whilst Orford is 57 years

- Triabunna median weekly income is low at \$675
- Both have a high unemployment rate (12.3% for Triabunna and 11.6% for Orford)
- A higher proportion of people born overseas
- Both settlements have a relatively high proportion of indigenous population
- A relatively low proportion of people employed in sales and professionals and high proportion of machinery operators
- A higher degree of socio-economic disadvantage, particularly for Triabunna which is among the top 9% most disadvantage area nationally.

Dwelling Supply & Demand

By 2030, the population is projected to increase to 888 persons for Triabunna and 600 persons for Orford using the medium growth scenario from the 2008 State Demographic Change Advisory Council. This requires 51 additional dwellings for permanent residents at Triabunna and 39 at Orford (4.8 per year on average combined) and a further 9 holiday houses at Triabunna and 39 at Orford (2.5 per year on average combined).

Between 1999/2000 and 2013/2014, 207 dwellings were approved across both settlements.

The gap between the projected dwellings and the recent history of building approvals is discussed in the Structure Plan. The Structure Plan also predates recent visitor economy growth, discussed in section 5. At current rates of dwelling approval (from 2009/2010 onwards), 289 dwellings would be required.

The 2011 census night occupancy rate was 86% for Triabunna but 30% for Orford. For Triabunna this is particularly high compared to the municipal area whilst Orford is particularly low.

There is 32.5ha of vacant residential land, excluding Solis. There is 20.6ha of vacant rural living land.

Urban Design

The Structure Plan recommends that commercial and residential develop incorporate a number of urban design principles. These include consideration of existing character, key views and vistas, scale and setback of adjoining buildings and the use of eaves, colours, decking and cladding.

The Local Business Zone does include requirements for active street frontage but the Structure Plan also considers the need to address local character and key views and vistas. The General Residential Zone provides no urban design standards.

5.0 Tourism Strategies

The East Coast economy is the 6th most tourism dependant region in Australia. Over 2013 to 2016 visitations to the East Coast increased by 53% - Coles Bay visitations increased 67%. 19% of employment in Glamorgan Spring Bay is in the accommodation and food services segment whilst 15.4% is in the agriculture, forestry and fishing segment (as at 2011 census).

The Tourism Industry is guided by a number of Tasmanian, East Coast and township specific plans, marketing campaigns and strategies, including:

- The Great Eastern Drive brand
- T21 – Tasmanian Visitor Economy Strategy 2015-2020, with a focus on expanded access and investment in capacity and quality tourism infrastructure
- The East Coast Destination Management Plan, June 2013
- Tasmania's Cycle Tourism Strategic Action Plan to 2020
- Agri-Tourism Strategy to 2020
- The East Coast Regional Tourism Organisation

The current priorities for tourism is to focus on smoothing seasonality, further developing natural strengths and the agriculture/aquaculture sector, addressing skills and infrastructure and taking advantage of emerging opportunities. This will, among other management activities, entail:

- Promotion, and leveraging off, of the Great Eastern Drive
- A focus on the natural environment, wildlife and heritage
- Access to niche agricultural products and paddock to plate type enterprises
- Enhancement of waterfront precincts to provide attractions and facility access for tourism, cruiseships, aquaculture and freight
- Improvement to town facilities, services and identifiable gateways
- New and expanded events to smoot seasonality
- Access via walking, cycling, car or air
- Shifts into emergent activities such as mountain bike trails & deep ocean fishing.

Destination Action Plans have been prepared, or are close to completion, for:

- Spring Bay
- Bicheno
- Swansea
- Freycinet
- East Coast Wineries.

6.0 Zones

6.1 Application of Zones – Guidance Documents

Ministerial Guideline No 1 - Local Provisions Schedule Zone and Code Application was issued in May 2017 by the TPC, with the approval of the Minister, under Section 8A of LUPAA. The guideline outlines instructions for the application of the SPP with particular emphasis on Section LP1.0 of the SPP's which outlines the requirements for the contents of the LPS.

Guideline No.1 contains 'should' statements for the zoning of land and in doing so, recognises that there will be circumstances whereby sustainable outcomes are not achieved without variation in zone type, or the inclusion of overriding local provisions.

6.2 Summary of Changes & Transitional Provisions

The following provides a summary of zone changes that are proposed in the draft LPS.

6.3 Settlement Zoning

6.3.1 Orford

Zone	Number of lots (1)	Mean Lot Size	Medium Lot Size	% lots capable of subdivision (2)	% lots capable of multiple dwelling (2)
GRZ (General Residential Zone)	804	1473 m ²	883 m ²	87.4%	48.3%
LDRZ (Low Density Residential Zone)	201 (+29 approved)	5321 m ²	2224 m ²	37%	20%
RLZ (Rural Living (A) Zone)	100	2.25 ha	-	37%	-
Local Business Zone	28	-	-	-	-
(1) Includes exist. Strata & Fee Simple Lots. Excludes roads, open space and lots with permits for >5 subdivisions not yet created					
(2) Capable is by reference to the acceptable solution for the zone					

Summary

The zoning of Orford largely reflects the recommendations of the Triabunna / Orford Structure Plan, which is available at <http://gsbc.tas.gov.au/wp-content/uploads/2016/06/Triabunna-Orford-Structure-Plan-2014-Revised.pdf>.

The approach taken is to maintain the existing interim planning scheme zones with the exception of some properties (detailed below) where there is a need or opportunity to better match tenure, recent subdivision design & permits or to reflect existing infrastructure services.

On this last point, the new planning scheme requires the General Residential Zone to be used where land is or can be fully serviced. There are some properties around Wattle Grove & Prosser Street which are now zoned Low Density Residential but are fully serviced and therefore included in the General Residential Zone.

The overall approach is to:

- Apply the General Residential Zone to serviced areas.
- Apply the Low Density Residential Area where there are water or sewer constraints, where there is limited road infrastructure in place (e.g., Paradise Court), limited stormwater infrastructure in place (e.g., Holkam Court) or due to topography (e.g., sections of Mary Street, Feldwick Lane).

- Apply the Local Business Zone to the existing commercial areas at the Corner of Charles Street & Esplanade & near intersection of Alma Road & Tasman Highway).
- Apply the Community Purpose Zone to school & library.
- Apply the Future Urban Zone to land identified in the Triabunna / Orford Structure Plan as being suitable & necessary for future urban growth. The zone allows the future development to be factored into infrastructure planning & would provide a basis for development plan work to identify the most efficient and practical road and servicing design and determine what natural values could or should be retained where applicable.

Further work

Holkam Court and surrounds is currently within the Low Density Residential Zone. This area represents a major strategic planning issue to resolve through future work due to the issues of stormwater (under)capacity and climate change impacts projected for the Tasman Highway corridor.

The area is proposed to be retained in the Low Density Residential Zone (LDRZ), notwithstanding the fact that the land is fully serviced by water and sewer infrastructure – and therefore a candidate for the General Residential Zone (GRZ).

The LDRZ applies to 27.5ha of land in 28 titles that range from 1455m² to 4.2ha in size. 27.5ha could support in excess of 150 lots at a 1500m² minimum lot size in the LDRZ and in excess of 400 lots if included in the GRZ.

The increase in density that could arise under either the LDRZ or GRZ zone would represent a significant change for the amenity of the area. In addition, the stormwater network of open drains is inadequate for future growth. A stormwater system management plan will be developed in 2018 to identify options and costs for network upgrades to alleviate current flood issues and potentially accommodate future options under either zone scenario. Until such work is completed and a cost effective strategy developed for stormwater the area is considered to be under-serviced.

A further issue for this area is the potential effects of coastal inundation and erosion at Raspins Beach and the Tasman Highway corridor. The existing Tasman Highway may become exposed to inundation or erosion that necessitates some form of physical protection or relocation.

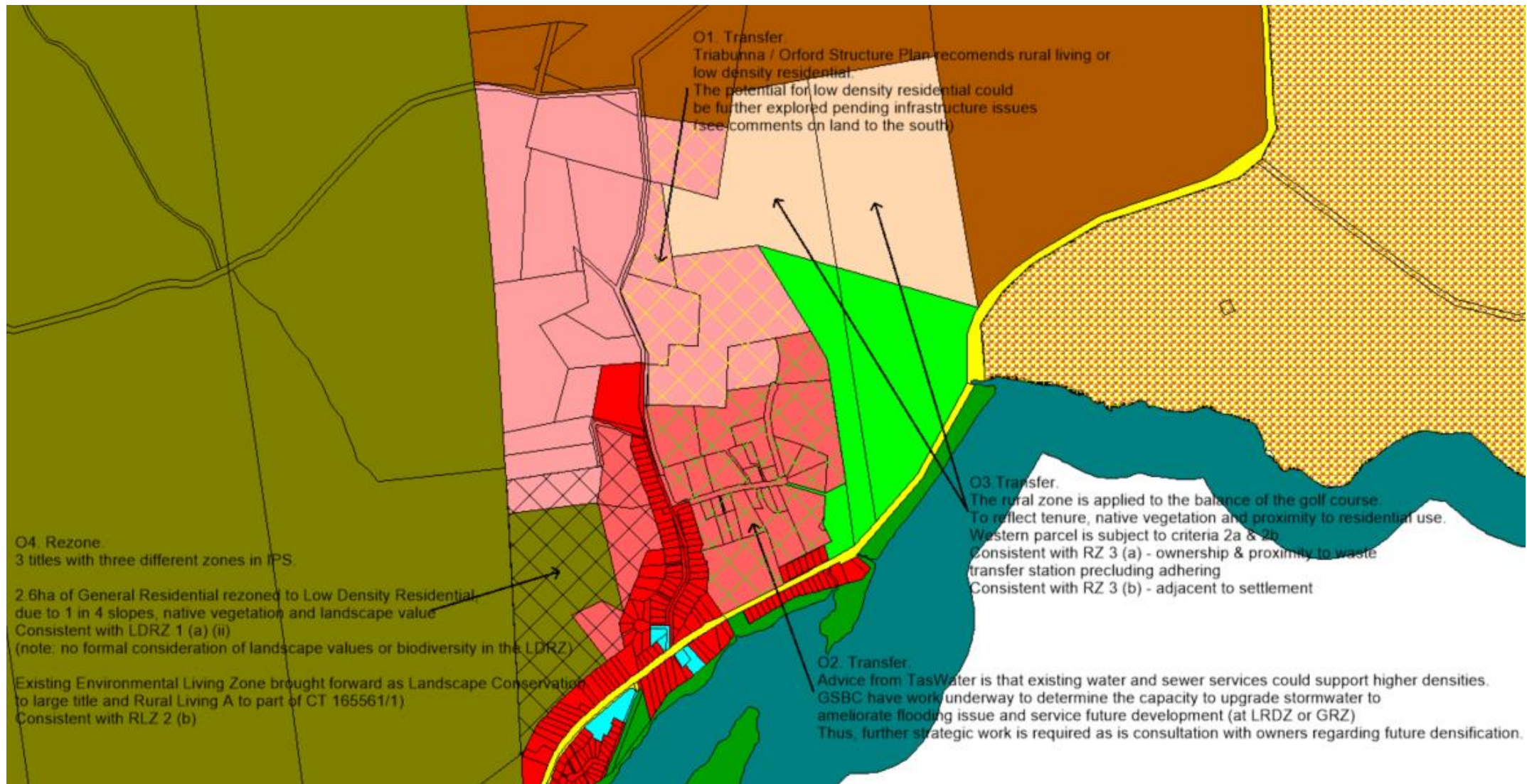
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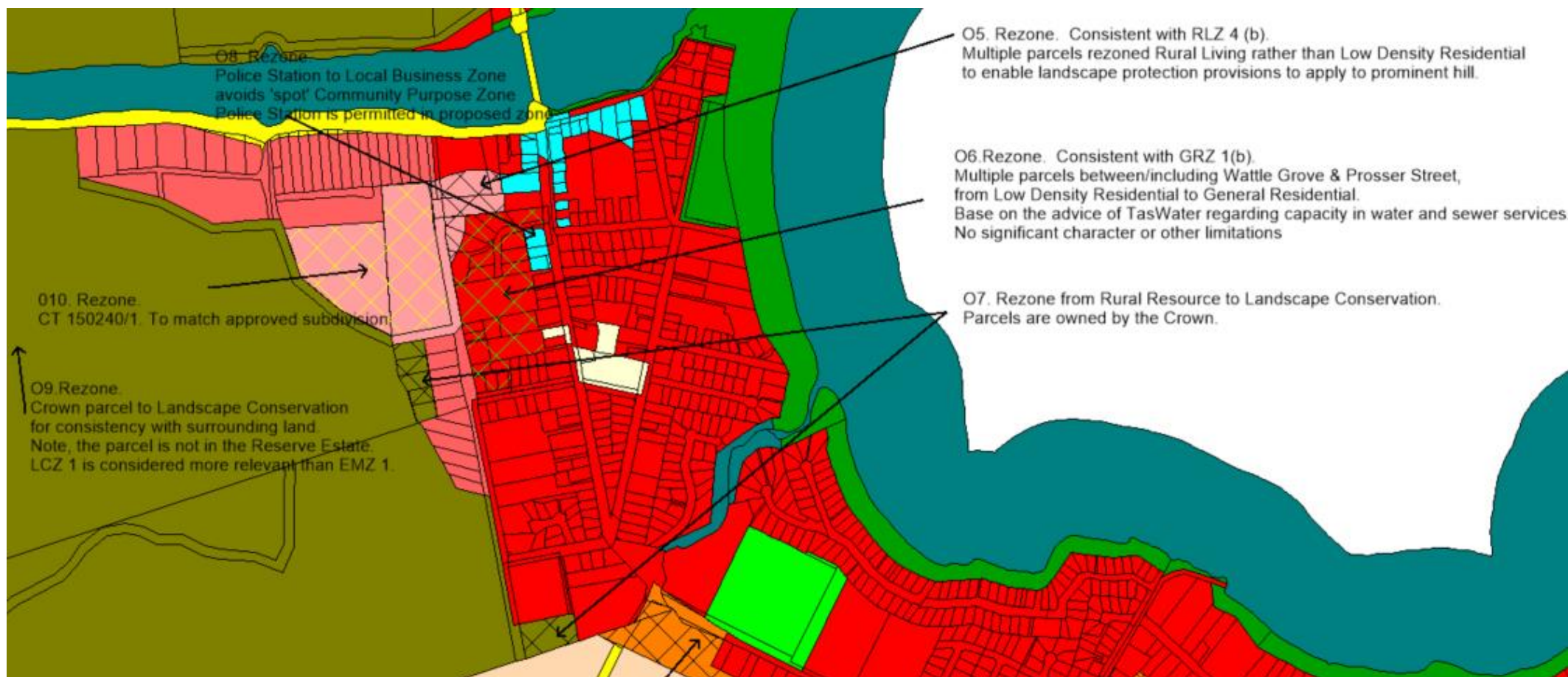
The following images show the proposed zoning. Where there is a change proposed a brief explanation is provided. If there are no comments or explanation provided for a property this means there is no change from the current planning scheme.

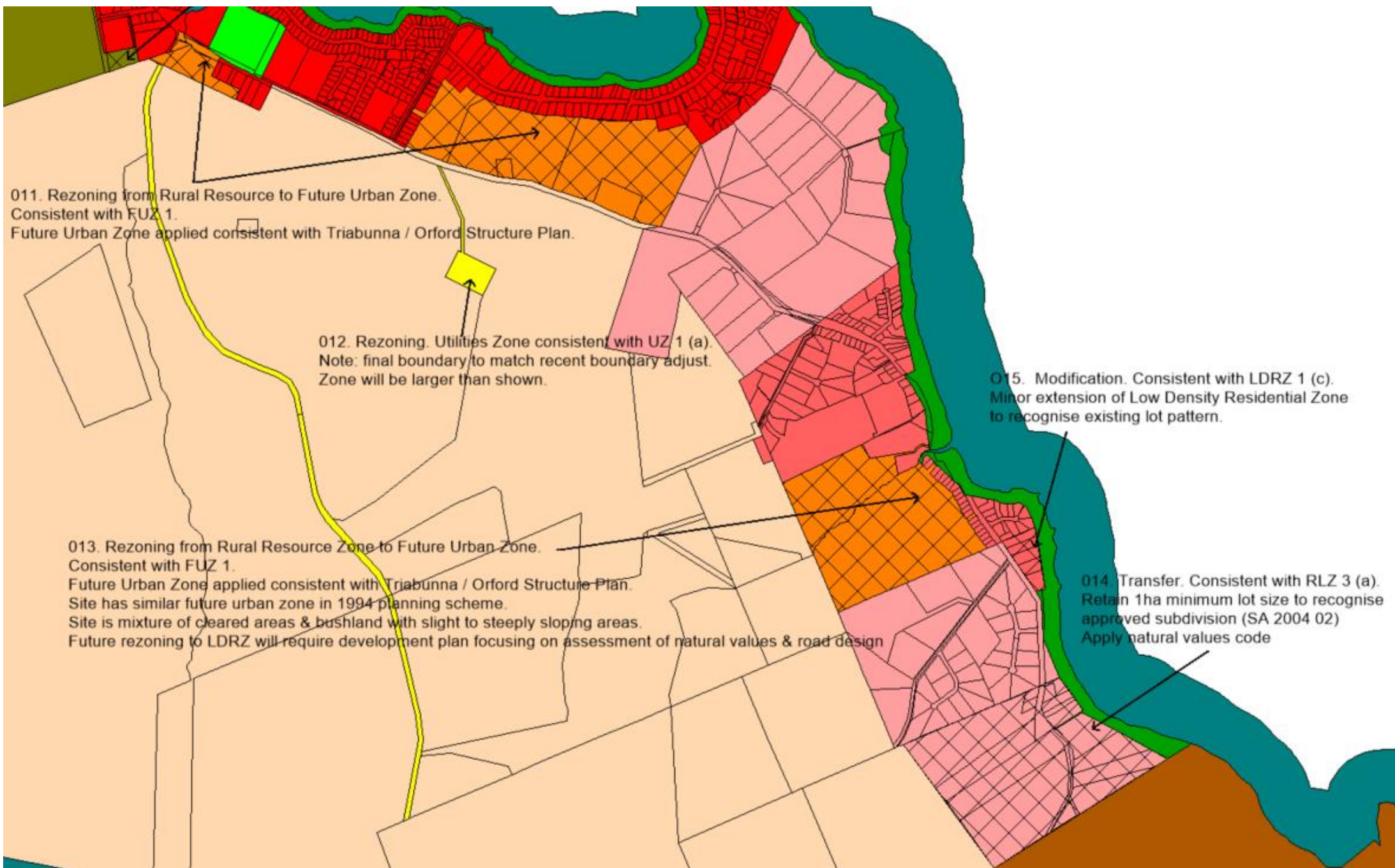
Where comments are provided there are three categories:

- Rezoning. This indicates that a strategic shift in zoning is proposed.
- Modification. This indicates a modification, such as enlarging or reducing the area of the zone.
- Transfer. This indicates that no change is actually proposed, but with some explanation as to why this is the case.

Each comment will reference a rule in the Ministerial Guideline No. 1 Local Provisions Schedule (LPS): zone and code application, such as RLZ 1 (a) or GRZ 2. These must be read in conjunction with the Guidelines No. 1 which is available at http://www.planning.tas.gov.au/news/news_items/guidance_for_drafting_lps.







6.3.2 Triabunna

Zone	Number of lots (1)	Mean Lot Size	Medium Lot Size	% lots capable of subdivision (2)	% of lots capable of multiple dwelling (2)
GRZ (General Residential Zone)	393	1833 m ²	1032 m ²	61.6%	84.7%
LDRZ (Low Density Residential Zone)	11	13623 m ²	12939 m ²	91%	72%
RLZ (Rural Living (A) Zone)	4	3.3 ha	-	75%	-
Local Business Zone	37	-	-	-	-
(1) Includes exist. Strata & Fee Simple Lots. Excludes roads, open space and approved lots					
(2) Capable is by reference to the acceptable solution for the zone					

Summary

The zoning of Triabunna largely reflects the recommendations of the Triabunna / Orford Structure Plan, which is available at <http://gsbc.tas.gov.au/wp-content/uploads/2016/06/Triabunna-Orford-Structure-Plan-2014-Revised.pdf>. There are only a small number of zone changes proposed to Triabunna.

The overall approach is one of:

- General Residential Zone applied to all serviced areas.
- Low Density Residential Zone applied only to where there are water and sewerage constraints that preclude (economically) a higher density (as confirmed by TasWater).
- Applying the Local Business Zone to the existing commercial areas along sections of Vicary and Charles Street.
- Applying the Community Purpose Zone to the school, existing cemeteries & churches and to the former Council Chambers and adjoining fire station.
- Applying the Light Industrial Zone to existing industrial uses or potential industrial uses to meet local demand.

Rural Zone

Triabunna is surrounded by good quality agricultural land and is therefore bordered by the Agriculture Zone in most instances. The exceptions to this are two separate areas of small lots; one to the north of the Tandara and one to the east of Freestone Point Road.

The area north of Tandara includes a number of small lots with a mix of rural, residential and industrial uses. In terms of agriculture, the area is constrained by size and proximity to residential uses. Although some lots are part of 'Okehampton' these are sporadic across the area and are constraint by size and surrounding uses. In the long-run this area may be suitable for expansion of the General Residential Zone and the Rural Zone maintains this option into the longer-term. It should be noted that the Triabunna / Orford Structure Plan identifies a portion of this area as being appropriate for the Rural Living Zone, and the approach recommended is inconsistent with the strategy.

The area east of Freestone Point Road consists of a number of crown grant lots around 4ha in size. Generally, these lots are in separate ownership and the rural zone is considered consistent with RZ 3 (a) & (b).

Non Conforming Use

The PWS/Forestry Tasmania Depot (east of 1 Victoria Street) is proposed to remain in the General Residential Zone and continue as a non-conforming use. The scale of the depot is relatively small and has operated for a number of years without significant amenity issues. As a non-conforming use, additions can be considered but this cannot be significant in size.

Within the industrial areas, dwellings exist at 21A Tasman Highway & 49 Henry Street and have a non-confirming use status.

Further Work

The land including and within the vicinity of the marina is subject to a number of different, and potentially conflicting, zones, particularly where fronting Esplanade West. In this area the General Residential, Local Business, Community Purpose, Open Space & Light Industrial Zones are used across a relatively small area. As the marina has expanded, new opportunities and challenges have been created which arguably are not catered for by the zoning, particularly the residential zone which has a narrow scope for non-residential use. The patchwork of zones is not effective in managing different land uses and a more uniform approach is warranted. Arguably, a mixed-use type zone should apply between Vicary Street (which is predominantly within the Local Business Zone) and land adjoining the marina / Esplanade West. This would provide opportunities for non-residential uses related to the marina (car parking, Chandler, services & repairs, food, etc) as well as residential and visitor accommodation uses.

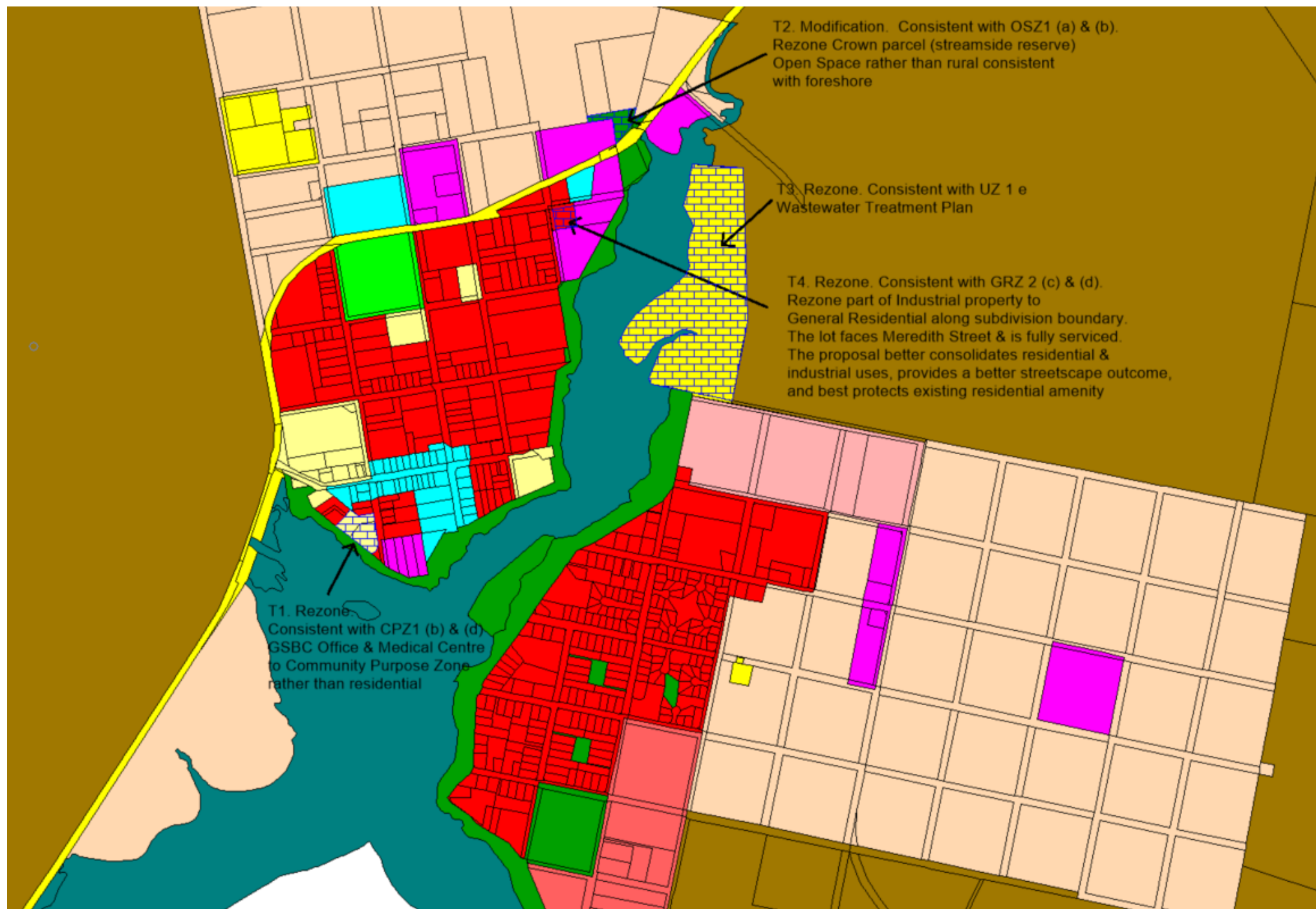
Detail

The following images show the proposed zoning. Where there is a change proposed a brief explanation is provided. If there are no comments or explanation provided for a property this means there is no change from the current planning scheme.

Where comments are provided there are three categories:

- Rezoning. This indicates that a strategic shift in zoning is proposed.
- Modification. This indicates a modification, such as enlarging or reducing the area of the zone.
- Transfer. This indicates that no change is actually proposed, but with some explanation as to why this is the case.

Each comment will reference a rule in the Ministerial Guideline No. 1 Local Provisions Schedule (LPS): zone and code application, such as RLZ 1 (a) or GRZ 2. These must be read in conjunction with the Guidelines No. 1 which is available at http://www.planning.tas.gov.au/news/news_items/guidance_for_drafting_lps.



6.3.3 Swansea

Zone	Number of lots (1)	Mean Lot Size	Medium Lot Size	% of lots capable of subdivision (2)	% of lots capable of multiple dwelling (2)
GRZ (General Residential Zone)	604	1779 m ²	885 m ²	49.1%	82.6%
LDRZ (Low Density Residential Zone)	-	-	-	-	-
RLZ (Rural Living (A) Zone)	141	2.56 ha	2.12 ha	64%	-
Local Business Zone	64	-	-	-	-
(1) Includes exist. Strata & Fee Simple Lots. Excludes roads, open space and lots with permits for >5 subdivisions not yet created					
(2) Capable is by reference to the acceptable solution for the zone					

Summary

The zoning of Swansea largely reflects the recommendations of the Swansea Structure Plan, which is available at <http://gsbc.tas.gov.au/wp-content/uploads/2017/05/Swansea-Structure-Plan-Version-5-FINAL-April-2016-.pdf>. As the majority of the recommendations of the Swansea Structure Plan are reflected in the current interim planning scheme, there are only a small number of zone changes proposed. All zone changes are identified in the following.

The overall approach is one of:

- General Residential Zone applied to all urban areas. As there are no water and sewerage constraints the Low Density Residential Zone is not used.
- Applying the Rural Living Zone with a 1ha minimum lot area to the large area west of the town with a small extension to the south-east.
- Applying the Local Business Zone to the existing commercial areas along Franklin Street and to the Bark Mill and Holiday Park.
- Applying the Community Purpose Zone to the main May Shaw premise, school, existing cemeteries & churches .
- Applying the Light Industrial Zone to existing industrial uses or potential industrial uses to meet local demand including a new area adjacent to the waste transfer station and TasWater assets.

A summary of modifications recommended on the basis of consistency with the Swansea Structure Plan include:

- Relocation of the Light Industrial Zone.
- 4ha of additional General Residential Land in south Swansea beside Cathcart Street crown reservation.

Zone modifications include:

- Expanded use of Open Space Zone along foreshore in lieu of Environmental Management Zone for consistency.
- Utilities Zone to all TasWater assets (Noyes Street).
- General Residential to the former historical society and community garden at Noyes Street consistent with Council resolution to dispose of that land. The General Residential Zone is also applied to the adjoining police residence / station. Whilst both sites have public use at present the use is not considered significant to warrant a specific zone.
- Rural Living Zone to a small number of properties at the southern edge of Swansea.
- Open Space Zone to existing walkways and trails.
- Minor extension of residential zoning to existing lots on the northern side of the Bark Mill which are currently within the Rural Resource Zone.
- Rationalisation of Community Purpose Zone. This zone applies to the Scout Hall, former SES, community garden and police residence but these uses can be catered in a residential or local business zone and are not significant enough to warrant the Community Purpose Zone.

Beyond the above, the majority of which are further explained below, the zonings reflect the current interim planning scheme.

Returning to the Swansea Structure Plan, the following recommendations are not pursued at this stage:

- Expansion of Community Purpose Zone associated with May Shaw. The recommended expansion of the Community Purpose Zone reflected the independent living units which can be appropriately managed within the General Residential Zone.
- Commercial infill development along Franklin Street and up to the Bark Mill. This represents a significance change and should be considered in a separate planning scheme amendment.
- Residential Expansion in the vicinity of Dove Lane. As this land is low lying the recommendation should only be implemented once engineering is confirmed. As it is low lying, the land has no coastal view and the land may not meet market needs.
- The investigation areas at Waterloo Point and rural land to the north are not pursued in this process.

Rural Zone

Swansea is surrounded by agricultural land and as such the Agriculture Zone borders the majority of the town. The exceptions to this are at the north of Swansea in the future development investigation area identified in the Swansea Structure Plan and at the south between Swansea and Piermont on land that has been subdivided into lifestyle lots. These zones are considered consistent with rules RZ 3 (a), (d) & (e).

Non Conforming Use

The landscape/fuel/concrete batch plant adjacent to the Bark Mill is zoned General Residential and will be able to continue as a non-conforming use. The Swansea Structure Plan identifies that this use would preferably be relocated to a new industrial zone (which is provided for). The General Residential Zone in the Statewide framework is somewhat broader than the interim planning scheme version and more capable of attracting re-development.

Non conforming use also exists at the corner of Gordon Street & Tasman Highway (a transport depot).

As a non-conforming use, additions can be considered but this cannot be significant in size.

Within the existing Light Industrial Zone, dwellings exist at 4 & 8 Murray Street & 2 Burgess Street have a non-confirming use status. It is recommended that the Light Industrial Zone no longer applies to 6 Murray Street which is a small residential title.

Further Work

'South' Swansea Roads & Public Open Space

Siting of an open space area in Swansea on the southern side of Duck Creek that can be acquired through further subdivision or public open space cash contributions from recent subdivisions in that area. In south Swansea open space is available at the foreshore only. A central area would provide opportunities for play equipment and parks and provide an insurance against the projected sea level rise. This however is not necessary for the zoning of land.

Equally, south Swansea may benefit from a local area plan to give direction to the provision of roads and infrastructure. A proliferation of cul-de-sacs should not be the default position.

Waterloo Point and Future Development Investigation Areas

The potential Waterloo Point residential and marina development must be subject to a separate process, should it proceed.

Zoning of former Resort Residential Properties

The 1994 Planning Scheme's Resort Residential Zone was translated into either Local Business or Low Density Residential Zone under the structure of the interim planning scheme. This applies to the Holiday Park & Bark Mill. This had the effect of creating areas of Local Business Zone that are separate to any central area or activity centre. As the Local Business Zone has a number of permitted uses that may be less than ideal away from the centre of Swansea, consideration should be given to other zones or mechanisms. A Resort Residential Specific Area Plan is provided to provide a permitted status for tourism related uses on established sites.

Piermont

Piermont is an approved staged strata / community development scheme proposal providing for a number of residential properties at a low density residential scale. Piermont ([167109/1500](#) / [137375/3](#) & others) has however always had a rural zone. Consultation on the LPS should target the owners of Piermont to determine any interest or benefit in a more targeted zone.

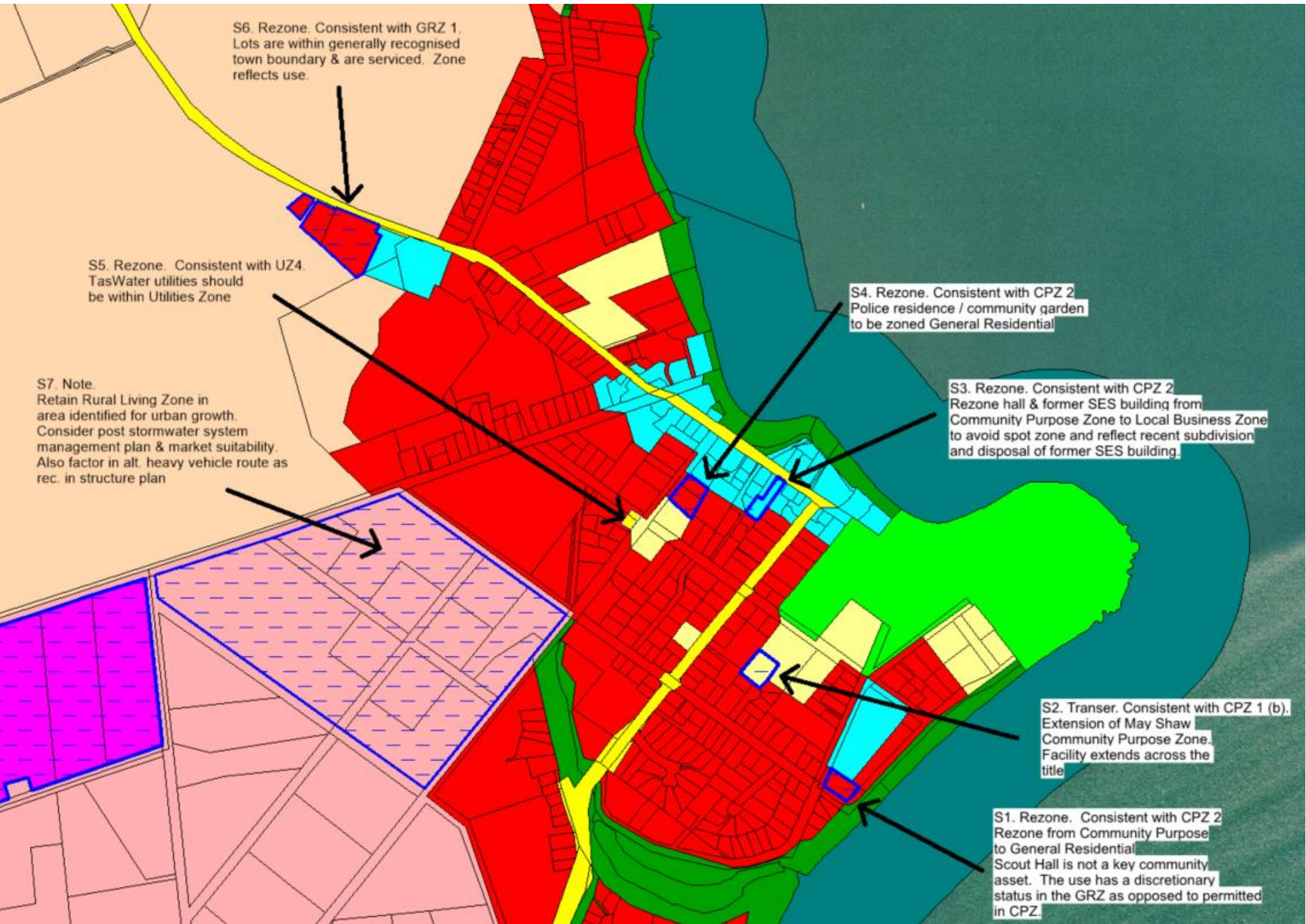
Detail

The following images show the proposed zoning. Where there is a change proposed a brief explanation is provided. If there are no comments or explanation provided for a property this means there is no change from the current planning scheme.

Where comments are provided there are three categories:

- Rezoning. This indicates that a strategic shift in zoning is proposed.
- Modification. This indicates a modification, such as enlarging or reducing the area of the zone.
- Transfer. This indicates that no change is actually proposed, but with some explanation as to why this is the case.

Each comment will reference a rule in the Ministerial Guideline No. 1 Local Provisions Schedule (LPS): zone and code application, such as RLZ 1 (a) or GRZ 2. These must be read in conjunction with the Guidelines No. 1 which is available at http://www.planning.tas.gov.au/news/news_items/guidance_for_drafting_lps.



S6. Rezone. Consistent with GRZ 1. Lots are within generally recognised town boundary & are serviced. Zone reflects use.

S5. Rezone. Consistent with UZ4. TasWater utilities should be within Utilities Zone

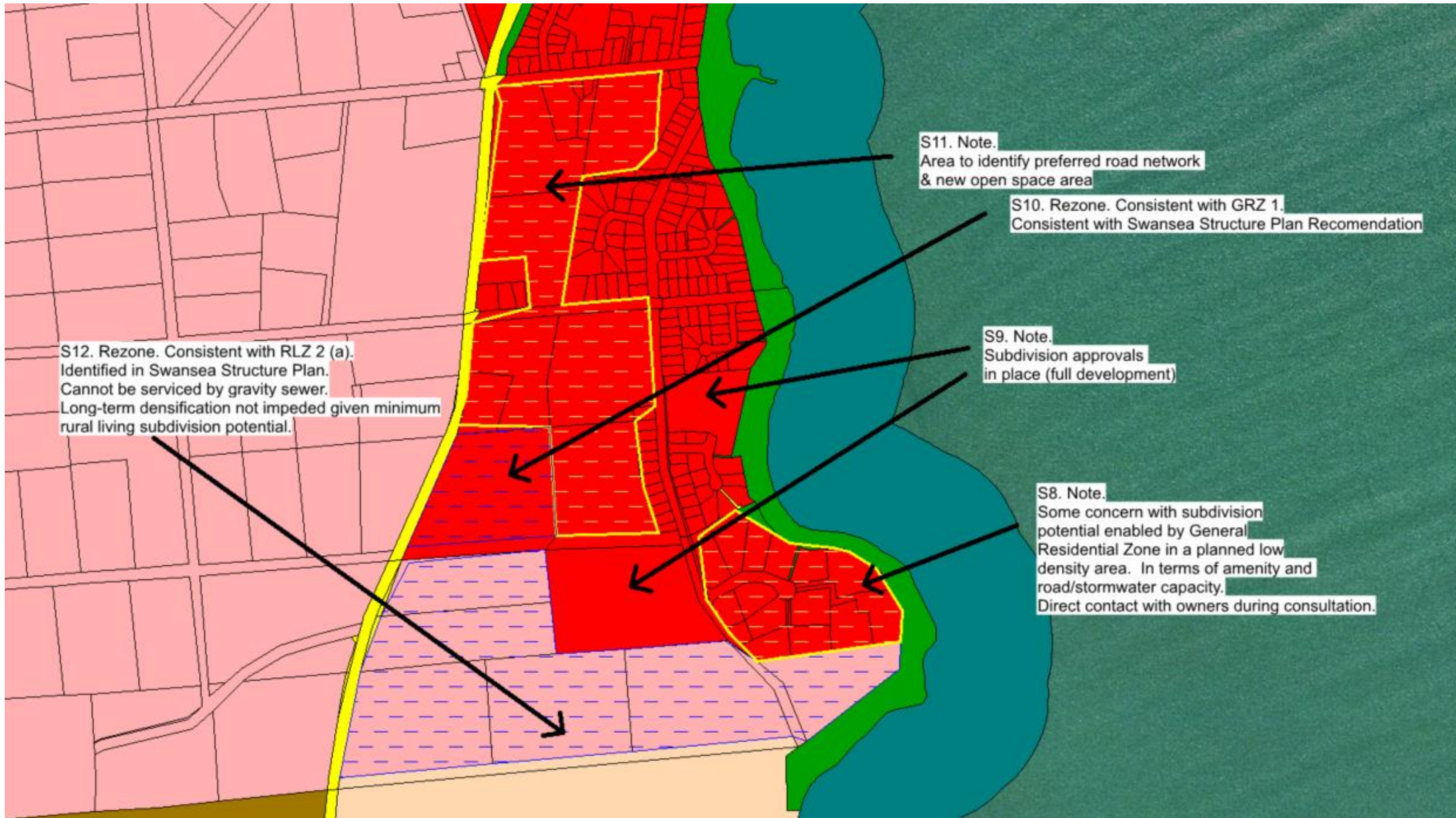
S7. Note. Retain Rural Living Zone in area identified for urban growth. Consider post stormwater system management plan & market suitability. Also factor in alt. heavy vehicle route as rec. in structure plan

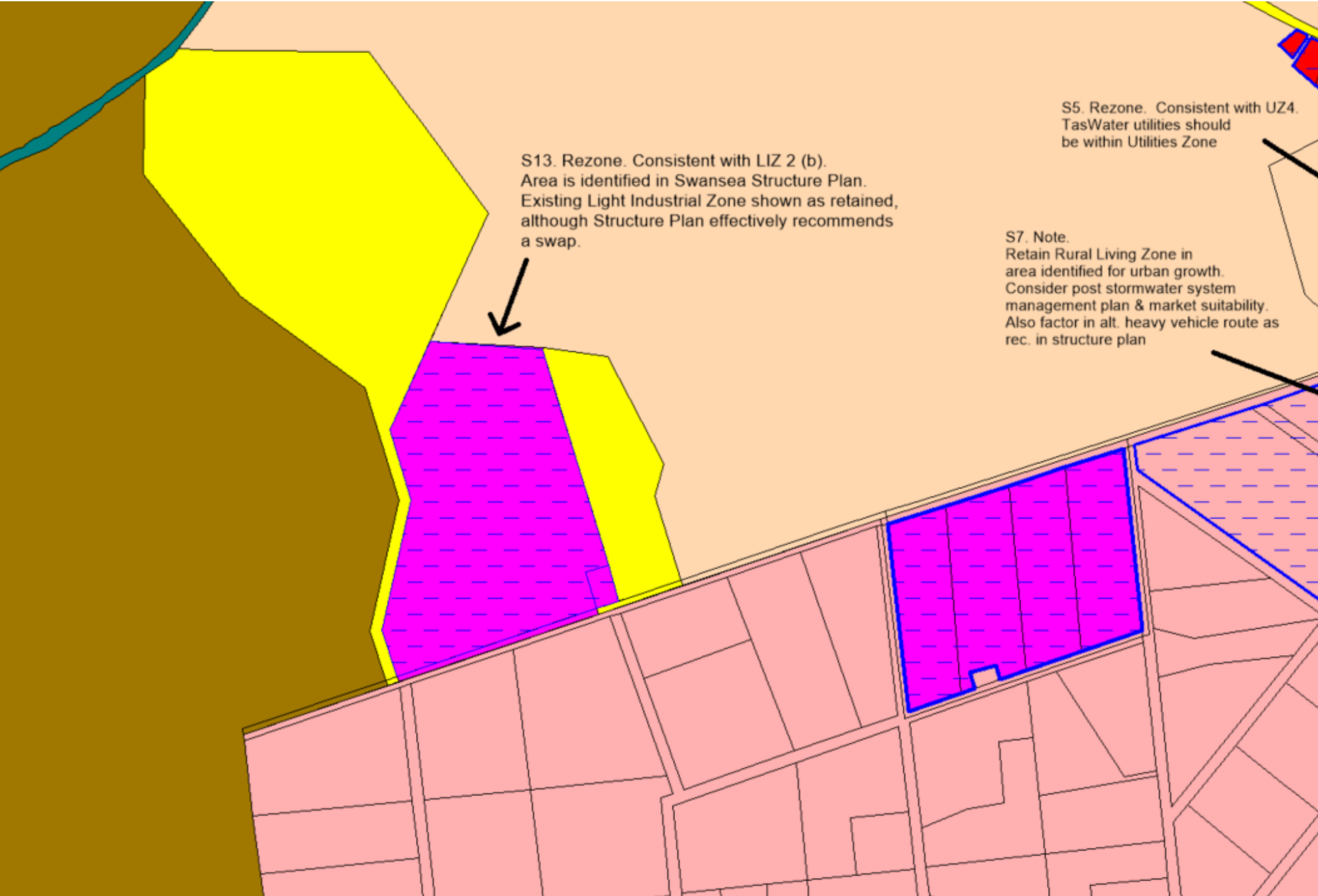
S4. Rezone. Consistent with CPZ 2. Police residence / community garden to be zoned General Residential

S3. Rezone. Consistent with CPZ 2. Rezone hall & former SES building from Community Purpose Zone to Local Business Zone to avoid spot zone and reflect recent subdivision and disposal of former SES building.

S2. Transer. Consistent with CPZ 1 (b). Extension of May Shaw Community Purpose Zone. Facility extends across the title

S1. Rezone. Consistent with CPZ 2. Rezone from Community Purpose to General Residential. Scout Hall is not a key community asset. The use has a discretionary status in the GRZ as opposed to permitted in CPZ.





S13. Rezone. Consistent with LIZ 2 (b).
Area is identified in Swansea Structure Plan.
Existing Light Industrial Zone shown as retained,
although Structure Plan effectively recommends
a swap.

S5. Rezone. Consistent with UZ4.
TasWater utilities should
be within Utilities Zone

S7. Note.
Retain Rural Living Zone in
area identified for urban growth.
Consider post stormwater system
management plan & market suitability.
Also factor in alt. heavy vehicle route as
rec. in structure plan

6.3.4 Bicheno

Zone	Number of lots (1)	Mean Lot Size	Medium Lot Size	% of lots capable of subdivision (2)	% of lots capable of multiple dwelling (2)
GRZ (General Residential Zone)	795	1233 m ²	807 m ²	34.7%	86.5%
LDRZ (Low Density Residential Zone)	-	-	-	-	-
RLZ (Rural Living (A) Zone)	-	-	-	-	-
Local Business Zone	46	-	-	-	-
(1) Includes exist. Strata & Fee Simple Lots. Excludes roads, open space and lots with permits for >5 subdivisions not yet created					
(2) Capable is by reference to the acceptable solution for the zone					

Summary

The zoning of Bicheno largely reflects the recommendations of the Bicheno Structure Plan, which is available <http://gsbc.tas.gov.au/wp-content/uploads/2017/07/Bicheno-Structure-Plan-2014-FINAL..pdf>. As the majority of the recommendations of the Bicheno Structure Plan are reflected in the current interim planning scheme, there are only a small number of zone changes proposed. All zone changes are identified in the following.

The overall approach is one of:

- General Residential Zone applied to all urban areas. As there are no water and sewerage constraints the Low Density Residential Zone is not used other than for a small number of lots to the north of Bicheno.
- Applying the Local Business Zone to the existing commercial areas along Burgess & Foster Street and to other visitor oriented businesses that were formally zoned Resort Residential in the 1994 Planning Scheme (Diamond Island, Silver Sands, Bicheno by the Bay, Seaview Holiday Park, Bicheno Cabin & Tourism Park, Sea Life Centre, Beachfront Resort & others).
- Applying the Community Purpose Zone to the school, library and existing cemeteries & churches.

- Applying the Light Industrial Zone to existing industrial uses centred on aquaculture in the vicinity of Harveys Farm Road and around the Waste Transfer Station with a minor reduction in the area of the zone. This is proposed at the request of the owner and is considered reasonable in order to ensure consolidation of any future industrial activities. The IPS zoning could provide a dispersed arrangement of industrial uses with lesser separation. The extent of zoning remains above 50ha in size and is adequate for local service industry needs. The zone boundary is shown between lot corners in the draft, but will be modified to follow the boundary of a road reserve.

Zone modifications are minimal and largely inconsequential and are documented below.

Landscape Values

Bicheno is set within an environment of scenic hillsides under native vegetation. Some of these hills form Crown land which has been zoned Environmental Management in the current scheme (which is to be maintained). Some hills are under private ownership and have been zoned as rural or equivalent for many years. It is proposed that the most significant hills be contained within the Landscape Conservation Zone to give express consideration of landscape value. This does not mean that use and development cannot occur but rather that the landscape setting for the town is given the major consideration in evaluating any future proposal.

Non Conforming Use

The Light Industrial Zone near Harveys Farm Road does include some residences. It is understood that these relate to the commercial use occurring on the land. The landowners will be targeted for consultation to confirm the appropriateness of the zone.

Further Work

Minimal. The major land use issue is how to consider the North Bicheno growth area which is separately discussed.

Water infrastructure is a potential limitation on future development in some sections. TasWater have commenced a process to develop a water and sewerage services strategy for Bicheno which will be particularly useful in ensuring the town has access to sufficient and cost effective services.

Interest has been expressed in transitioning the Gulch to a more tourist oriented area which, among other aspects, would remove the restriction of restaurant / café use. Council has previously sought that change in the interim planning scheme and again is proposed within the draft LPS.

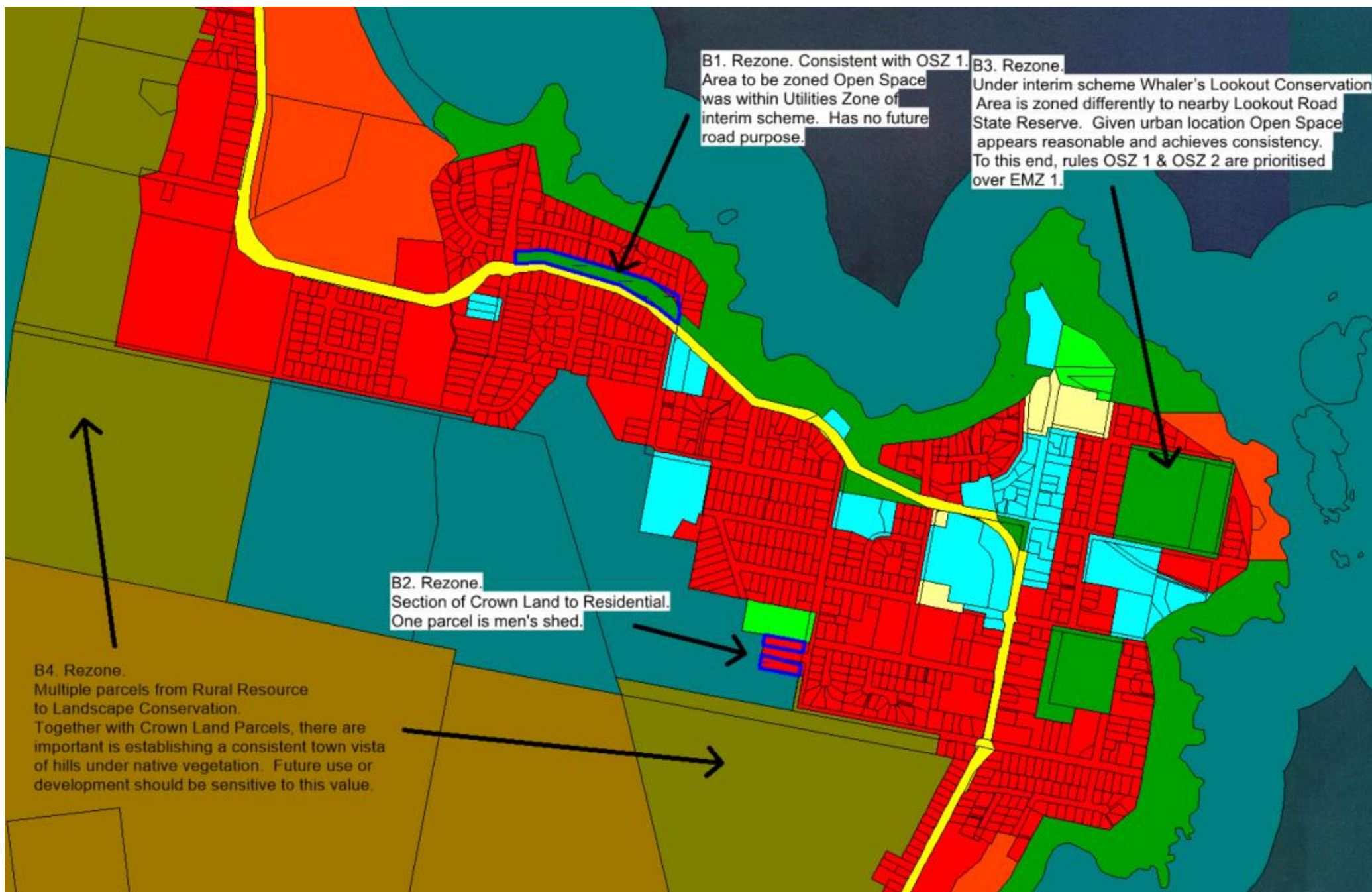
Detail

The following images show the proposed zoning. Where there is a change proposed a brief explanation is provided. If there are no comments or explanation provided for a property this means there is no change from the current planning scheme.

Where comments are provided there are three categories:

- Rezoning. This indicates that a strategic shift in zoning is proposed.
- Modification. This indicates a modification, such as enlarging or reducing the area of the zone.
- Transfer. This indicates that no change is actually proposed, but with some explanation as to why this is the case.

Each comment will reference a rule in the Ministerial Guideline No. 1 Local Provisions Schedule (LPS): zone and code application, such as RLZ 1 (a) or GRZ 2. These must be read in conjunction with the Guidelines No. 1 which is available at http://www.planning.tas.gov.au/news/news_items/guidance_for_drafting_lps.



6.3.5 Coles Bay & Swanwick

Coles Bay township	Swanwick Township
253 lots excluding Iluka, Crown and Local Business Zone properties	346 lots excluding subdivision balance title, 68 Swanwick Drive and Local Business Zone properties
Average lot size of 1173m ²	Average lot size of 1298m ²
Median lot size of 1006m ²	Median lot size of 1078m ²
Suburb Level Statistics	
Includes Coles Bay township, Swanwick & rural area through to Friendly Beaches Road	
Population (Suburb): 535	
Median age: 53 years	
Dwellings: 508	
Unoccupied dwellings (census night): 80.3%	
Employment: 42.7% accommodation, 7% café & restaurant, 6.3% pubs & taverns, 6.3% travel agency, 4.9% building and other industrial cleaning services	

Coles Bay & Swanwick were zoned Village in the 1994 planning scheme. In the current interim planning scheme the Low Density Residential Zone (LDRZ) has been applied. This change saw minor change only to the development standards for height and setback, but did narrow the range of uses. In particular, multiple dwellings and local shop became prohibited. Conversely, the limitations on no more than 2 visitor accommodation units per lot from the 1994 planning scheme no longer applies.

The small commercial centre around Garnet Avenue is contained within the Local Business Zone. The Local Business Zone also applies to the Iluka and to a small number of lots in Swanwick.

The zoning of Coles Bay township and Swanwick in the new planning scheme is largely a choice between the LDRZ and the Village Zone. The SPP LDRZ is broader than the current LDRZ and would reintroduce multiple dwellings and local shops and also allow for food services to be considered. The SPP Village Zone is also broader than the 1994 Village Zone as shown by the number of possible uses in the table below. Whilst the SPP Village Zone would appear to give potential for unnecessary or inappropriate uses to be introduced, the Village Zone includes a strong use standard that has regard to amenity and limits the likelihood of any potential outcomes.

The use standard in the SPP Village Zone would require all non-residential uses greater than 250m² to be of a scale and intensity that is consistent with the character of the area. This test would likely limit a number of the potential uses that are provided for in the SPP Village Zone. This non-residential use standard is considered more useful and applicable than the equivalent clause in the SPP LDRZ which only has regard to residential amenity.

Zone Comparison

Those in bold are considered core uses for Coles Bay & Swanwick.

Those marked (+) are uses that would be new uses in comparison to the current interim LDRZ.

	1994 Village Zone	Interim LRDZ	SPP LDRZ	SPP Village Zone
Minimum Lot Size	1000m ² (discretion DA & SA)	1000m ²	1500m ²	600m ² (if on sewer)
Height	8.0m 5.0m on foreshore	8.5m 5.0m on foreshore	8.5m	8.5m
Front setback	4.5m	4.5m	8.0m	4.5m
Side setback	1.5m	1.5m (if within envelope)	5.0m	3.0m
Rear setback	1.5m	4.0m (if within envelope) 15m on foreshore	5.0m	3.0m
Permissible boundary wall	3.0m high, 6.0m long	3.0m high, 9.0m long	Nil	Nil
Permissible outbuildings	85m ² & 4.5m high	No regulation	No regulation	No regulation
Use Standard	Nil	-	All discretionary uses must not cause unreasonable loss of amenity	Non-residential use > 250m ² (300m ² for visitor accomm.) must be of scale & intensity consistent with character
		Hours of operation & commercial vehicle movement	Hours of operation & commercial vehicle movement	Hours of operation & commercial vehicle movement
		External lighting	External lighting	External lighting
Uses				
No Permit Required Use	Nil	Natural & Cultural Values Management	Natural & Cultural Values Management	Natural & Cultural Values Management
		Home-based child care		Home-based business
		Passive Recreation	Passive Recreation	Passive Recreation
		Minor Utilities	Minor Utilities	Minor Utilities
		Dwelling	Dwelling	Dwelling
Permitted Use (expressed in SPP definitions)	Dwelling	Visitor accommodation	Visitor accommodation	Visitor accommodation
	Home Business			(+) Business & Professional Services (all forms)

	Minor Utility			Community Meeting & Entertainment
	Passive Recreation			Education & Occasional Care (incl. home-based child care)
				Emergency Services
				(+) Food services (all forms)
				(+) General Retail & Hire (all forms)
				(+) Multiple dwellings
				(+) Service Industry (excluding panel beating / motor repair)
				Sport & Recreation
				(+) Storage
Discretionary Use (expressed in SPP definitions)	Community Meeting & Entertainment	Community Meeting & Entertainment	Community Meeting & Entertainment	(+) Bulky Goods Sales
	Multiple Dwellings		(+) Multiple Dwellings	(+) Cemetery
	Local Shop		(+) Local Shop	(+) Remand Centre
	Communal Dwelling	Emergency Services	Emergency Services	(+) Craft Industries
	Sport & Recreation	Sport & Recreation	(+) Food services (excluding drive-thru take-away)	(+) Equipment and Machinery Sales or Hire
	Education & Occasional Care	Day respite facility	Education & Occasional Care (incl. home-based child care)	(+) Hotel
	Miscellaneous	Animal breeding or boarding	Home-based business	Animal breeding or boarding
	Visitor Accommodation (max two units per lot)		Sport & Recreation (indoor centre or sports ground)	(+) Pleasure Boat Facilities
	Major Utility (Telecommunications)	Major Utilities	Major Utilities	Major Utilities
			(+) Business & Professional Services (medical / vet centres)	(+) Resource Processing (excl. abattoir, sawmill, saleyards)
				(+) Service Industry (all forms)
				(+) Tourist Operation
				(+) Transport Depot & Distribution
				(+) Research & Development
				(+) Vehicle Fuel Sales & Service
				(+) Vehicle Parking

The SPP LDRZ will increase the range of uses that can be considered, but does not capture all potential uses that are considered necessary or desirable given changes in the visitor economy, limited land availability and the limited extent of Local Business Zone.

For instance, in the SPP LDRZ General retail and hire is possible only for a local shop. A local shop may only sell groceries or convenience items and must not exceed 200m² of floor area. This use does include the hiring/sale of bikes, kayaks and other recreational assets and retail of speciality items. Whilst retailing should establish in a Local Business Zone, this is not practical given limitations on suitably zoned and priced land.

In terms of Storage, one storage business is established in the Local Business Zone at Swanwick. Storage of boats, vehicles and recreational goods may expand over time and is not an ideal use for a Local Business Zone that is constrained in size. The use could occur in surrounding rural properties but these are limited in number. Providing flexibility for some storage use in conjunction with residential use appears reasonable and necessary.

For Business & professional services, in the SPP LDRZ medical related professional services can be considered but travel agency, real estate agency, and other business services cannot.

Service industry is a further use for consideration. This use includes a number of low amenity uses such as panel beating but does include commercial laundry. Despite the distance to Hobart or Launceston the economics of a commercial laundry at Coles Bay are perhaps unlikely to hold. However, service industry in association with the visitor economy cannot be considered in the Rural Zone or the Landscape Conservation Zone and is inappropriate for the Local Business Zone in the area.

Finally, tourist operation cannot be considered in the SPP LDRZ. Coles Bay is dependant on the tourism industry and has experienced +60% growth in visitation over the past four years. It is essential and practical to be able to consider tourist operations.

Visitations to Coles Bay have grown significantly. Parks & Wildlife Service have commissioned a Master Plan which will be complete in early 2018. Whilst the focus of the Master Plan is on improving the visitor experience, it is relevant to the town as both experience inadequate infrastructure to appropriately manage visitations. The town particularly suffers from inadequate parking of private vehicles but particularly boat trailers. The Master Plan is likely to make recommendations on parking, movement of people into the park by car, bus, ferry or foot and provision of sewerage.

The growth of visitations has had a number of effects:

- An increase in partial change of use of dwellings to visitor accommodation. Given the unoccupied dwelling percentage increased by only 1% between the 2011 and 2016 census, this appears to reflect shack owners making greater use of supplemental income stream.

- An increase in the number of complaints relating to parking, particularly boat trailer parking
- New business opportunities on tourism which, within the town proper, largely relate to small cruise activities from existing marine infrastructure
- An increase in support services and business, such as firms to manage rental properties
- A general shortage of accommodation, particularly affordable longer-term workers accommodation.

Some small-scale tourism businesses operate as home-based businesses with office, cleaning and storage (kayaks, boats, bikes, etc) however many are at the maximum extent of what can occur as a home-based business. With a small number of commercial sites available, accommodating tourism businesses is difficult.

For these reasons, the Village Zone is proposed. This will allow the following uses to be considered:

- Multiple dwellings
- Local shop & more significant retail
- Food services
- Transport depot and distribution
- Storage
- Sport & Recreation (Indoor Gym)

The development standards within the Village Zone are considered reasonable. Whilst some express a view that 8.5m height is too high it is nevertheless the standard height across almost all SPP zones, is what applies under the current scheme and is only 0.5m higher than the standard in the 1994 planning scheme. The side setbacks of 3.0m (or half wall height) are larger than the interim planning scheme yet reasonable given the median lot size.

To ensure the use standards within the Village Zone work effectively a series of Local Area Objectives are proposed in the draft LPS. The intent of the Local Area Objectives are to clarify and articulate appropriate non-residential uses within the Village Zone having regard to future needs, existing amenity, urban design and prioritisation of the Garnet Avenue area.

The foreshore, which is a Conservation Area, and contains the Esplanade, Jetty/Breakwater and Boatramp is zoned Environmental Management. The foreshore is an important resource for flora, public recreation, boating and landscape. The growth in visitations and increase boating & cruise usage has placed increased pressure for upgraded infrastructure to meet user needs and minimise impacts to other parts of the town (such as overflow boat trailer parking).

6.4 Zoning of rural & agricultural areas

In rural & agricultural areas, one of three zones can be used:

- Agriculture zone: provides for agricultural activities and uses that support agriculture.
- Rural Zone: provides a wider range of uses where agricultural potential is limited, such as forestry, or to existing uses that have operational requirements such as buffers or require separation from other uses, such as quarries. It can also be used for lots that are 'constrained' in terms of agricultural use, such as clusters of smaller titles or lots adjoining settlements.
- Landscape Conservation: provides for the protection and management of landscapes for scenic or conservation purposes.

As these zones have no direct equivalent in the current planning scheme, a key issue for the Local Provisions Schedule (LPS) is how to apply these zones. The following outlines the key differences between the zones and the rationale on how they have been applied. It is important to note that of these three zones, the agriculture zone is likely to be the largest by land area.

Key differences between the three zones

	Agriculture	Rural	Landscape Conservation
Intent	To provide for agricultural activities and avoid unrelated non-agricultural activities.	To provide for less significant agriculture as well as rural activities, forestry & quarries.	To protect landscapes.
Subdivision	Limited potential. Subdivision must either: <ul style="list-style-type: none"> • provide for an agricultural use, or • excise an existing dwelling or visitor accommodation building subject to a prohibition on a house on the balance lot. 	Limited potential. Subdivision must either: <ul style="list-style-type: none"> • provide a 40ha minimum lot size with discretion for smaller (but cannot be for a residential or visitor accommodation use), or • excise an existing dwelling or visitor accommodation building subject to prohibition on a house on the balance lot. 	Limited potential. 50ha minimum lot size that may be reduced to 20ha.
Land Uses	Permitted uses include agriculture and activities associated with agriculture including paddock to plate type ventures. Discretionary uses must generally be associated with agriculture (transport, storage, manufacturing, bulky goods sales) but also include education & occasional care, animal boarding & food services & retail not associated with agriculture.	Permitted uses include agriculture and activities associated with agriculture, including paddock to plate type ventures as well as mining and storage among others. Few uses are prohibited, as the zone is a form of a mix use zone where many activities may be appropriate.	Permitted uses are limited. Discretionary uses include tourism, agriculture, food services, education & occasional care outdoor recreation, animal boarding.
Residential	Discretionary. Must be associated with agriculture or located on a lot with no agricultural potential & the lot cannot be included in adjoining agricultural lots.	Discretionary and must not impact an adjoining use.	Permitted for additions, discretionary for new.
Native vegetation	No consideration & no restriction. Agricultural clearing is regulated by State processes. Clearing for reasons other than agriculture is controlled by the planning scheme.	Code provisions can apply to minimise impact or to prevent clearing where values are significant.	Code provisions can apply to minimise impact or to prevent clearing where values are significant.
Scenic Landscapes	Can be considered via Code / Mapped Overlay.	Can be considered via Code / Mapped Overlay.	Limitations on building height & scale. Code / Mapped overlay provisions may also apply.

How the three zones are to be applied

The use of zones is guided by Ministerial Guidelines (**Ministerial Guideline No. 1**) which set criteria as to when a zone can or can't be applied.

These Guidelines incorporate the results of an Agricultural Land Mapping project that was run by the State Government. The mapping project identified land that is potentially suitable for inclusion in the Agriculture Zone. The mapping is based on modelling of factors such as crop suitability (based on soil, climate & topography) and water supply.

The Agricultural Land Mapping project had two main outputs. One output is the map of land potential suitable for inclusion in the Agricultural Zone. This is all land that due to crop suitability and water could support some form of agriculture. The second output is a subset of the first and shows lots that are constrained (in terms of being used for agricultural) by small lot size, existing non-agricultural land use such as residential development (based on capital value per ha) or proximity to residential zonings.

For determining the zone boundary, Council's task is to essentially 'ground truth' these two outputs in response to the conditions on ground and in response to the criteria set out in Ministerial Guideline No. 1.

The guidelines and information on the mapping is available at www.planningreform.tas.gov.au.

The Agricultural Land Mapping project has taken a largely precautionary approach to defining potential agricultural land, which gave each lot every opportunity to be classified as potential agricultural land. As a result of this conservative approach to modelling, there are areas of land identified as potentially suitable for inclusion in the Agriculture Zone that are currently under native vegetation, forestry or conservation covenants or, at face value, have limited agricultural potential due to slope, vegetation, and past or current land use.

Having regard to the guidelines and agricultural mapping, the approach taken for apply the Agricultural Zone, Rural Zone and Landscape Conservation Zone has been as follows:

- If less than 50% of a lot is mapped as potentially suitable for agriculture, apply the Rural Zone. This criteria is considered reasonable as lots that are not fully mapped as agriculture are more likely to indicate where the 'every effort' approach to the modelling is weakening and the land is more limited than what is suggested by the mapping.

Despite this above, where such lots adjoin good quality agricultural land in the same ownership, the above criteria may be disregarded on a case by case basis.

- If slope is greater than 1 in 5 for approximately 50% of a lot, apply the Rural Zone. Such slopes reflect practical limitations on agriculture and generally align with existing native vegetation cover or forestry given the practical limitations. In practice, this rule is more relevant at the fringe of land mapped as potentially suitable for agriculture.
- If land is used for level 2 quarrying, forestry or subject to a Private Timber Reserve, apply the Rural Zone.

- If land is constrained (i.e., the second output), there must be three or more adjacent or nearby constrained lots before consideration will be given to either the Rural Zone or Landscape Conservation Zone.

This rule has regard to the ability to adhere the constrained title to agricultural land given existing development of the lot and its agricultural potential. This is particularly important as the standards in the Agriculture Zone will only permit a house in the Agriculture Zone in one of two circumstances:

1. The house is associated with a commercial scale farm
2. The house is on a lot that cannot support commercial agriculture and that lot cannot be adhered into any other agricultural land.

These four criteria have been applied with some flexibility and should not be viewed as an arbitrary rule set. The overriding objective is to establish areas of zones that are broadly consistent in topography, slope, vegetation and use, and that apply across a large area of land so that there is minimal change in zone across the municipal area. Zoning must reflect a consistent land use pattern within the zone.

Native vegetation

The SPP do not allow native vegetation to be considered in the Agriculture Zone. This largely reflects existing regulation by the State Government for vegetation clearing associated with agriculture, forestry or mining which sit outside the land use planning system.

On native vegetation, consistent with the policy setting of the SPP, native vegetation is not a major consideration for applying the zones. There is a practical difficulty of zoning small, medium or large tracts of native vegetation within agricultural areas without distorting the purpose of the Agriculture Zone, which is to identify land that is or may be used for productive agriculture purposes, or creating significantly challenges in establishing zone boundaries.

It is recognised that the above approach does create a number of difficulties. For one, there are areas of high conservation native vegetation within the Agriculture Zone that have no protection in the land use planning system. There are also a number of properties included in the Agriculture Zone that are subject to conservation covenants which limit agricultural potential.

For the Rural Zone and Landscape Conservation Zone, a priority vegetation overlay can be applied to consider native vegetation whilst maintaining the overall purpose of the zone. The priority vegetation overlay has been developed on a Statewide basis and addressed through a separate document to this.

Landscape Conservation Zone

The following does not provide a detail explanation and further documentation will be provided in support of any use of this zone.

Broadly however the Landscape Conservation Zone is applied to land that:

- Is initially excluded from the Agricultural Zone

- Is judged to contain landscape values that are significant to the extent that they ought to be expressly recognised and protected.

Landscapes can be recognised by either the Landscape Conservation Zone or a Scenic Landscape Overlay. Where landscape values are part of a broad landscape pattern the zone is applied. Where landscape values are more discrete or isolated or relate to matters that are separate to how the land has been used and should continue to be used, the overlay is applied.

The assessment of landscape values has largely involved consideration of the degree to which the landscape is visible from towns and main tourism roads and assets or whether the landscape was afforded consideration in the 1994 Planning Scheme.

7.0 Codes

7.1 Code 1.0 Signs Code

This code does not require or allow LPS input or modification.

7.2 Code 2.0 Parking and Sustainable Transport Code

The code can have regard to precinct parking parks which override car parking numbers – i.e., require more or less than otherwise would be the case. There are no areas identified in the municipal area that warrant departure from the code provisions given the ability to vary car parking numbers.

7.3 Code 3.0 Road and Railway Assets Code

The Code provides for the specification of roads (either mapped or in table for) that are to be subject to provisions that consider noise mitigation within habitable buildings. A mapped Road Attenuation Area is proposed for the Tasman Highway, Coles Bay Road, Lake Leake Road, Freestone Point Road and Wielengta Road. Of these, the first four roads are the major arterial roads in the municipal area. The inclusion of Wielengta Road takes a long-term approach to that road and its potential to become an extension of the Great Eastern Drive.

At the time of writing, further clarification and advice on the application of this code and the use of the Road Attenuation Area has been sought from the Department of State Growth. That advice may see amendments made to the Road Attenuation Area.

7.4 Code 4.0 Electricity Transmission Infrastructure Protection Code

The Code provides for the protection of transmission infrastructure such as transmission line into the Triabunna substation. The LPS includes a mapped overlay based on data supplied by TasNetworks. The overlay essentially provides a buffer area around transmission lines and substations and any use or development within that area must satisfy TasNetworks.

7.5 Code 5.0 Telecommunications Code

This code does not require or allow LPS input or modification.

7.6 Code 6.0 Local Historic Heritage Code

The Code applies to local heritage places and therefore places listed on the Tasmanian Heritage Register are not subject to this code.

The draft LPS provides a table of heritage listed places which is based on the equivalent list in the current planning scheme, with the exemption of:

- The Bicheno Youth Hostel. This has been demolished after several years in a dilapidated state.
- The Quarry Point quarry and Luther Point tramline cutting. These have been separated into individual listings. The tramline cutting has been restricted to where physical evidence of the tramline remains given the lack of physical or documented evidence of the actual alignment it took between Quarry Point and Luther Point.

There are 22 local listed places, and a further 84 places on the Tasmanian Heritage Register in the municipal area.

The Tasmanian Heritage Council is reviewing their listed places to determine if they are of State value. The status of this work within Glamorgan Spring Bay is not known. Some of the 84 places may be more appropriately managed as local value. Further, there may be other places that warrant recognition and protection as local values. Finally, a number of Tasmanian Heritage Listings in rural areas remain on a 'whole lot' basis rather than to a smaller area around heritage buildings, and these listings should be updated on conjunction with Heritage Tasmanian staff.

7.7 Code 7.0 Natural Assets Code

The Code has three components:

1. Future coastal refugia
2. Waterway and coastal protection
3. Priority vegetation

7.7.1 Future Coastal Refugia

The Natural Assets Code includes provisions relating to future coastal refugia for native vegetation under climate change projections. Essentially, the purpose is to identify where coastal vegetation, particularly saltmarshes and wetlands, may shift to under sea level rise.

Areas of future refugia are directly related to mapped projections of future sea level rise. Essentially, areas that are projected to be inundated by king high tide or more regular / permanent inundation by 2100 (and mapped as such in the Coastal Inundation Hazard Area) could support areas of coastal wetlands and saltmarshes. Thus, the mapped area of future coastal refugia matches the mapping for coastal inundation. It essentially reflects where the water is projected to be by 2100 and therefore where coastal vegetation may also be if free to move as sea level rises.

There are significant restrictions on use and development in areas of future coastal refugia. These include:

- Works must be for a purpose dependant on a coastal location, which precludes residential.
- Works must not impede future landward transgression of wetlands, saltmarshes and other coastal habitat by impediments or changes to drainage.
- Works must otherwise minimise impact and should generally have a light touch

For the majority of the coastline, the refugia area applies only to crown foreshores. However, there are a number of private properties at Swansea, Swanwick, Dolphin Sands and Orford that are identified as future refugia given that these areas are also identified as future inundation.

Facilitating landward transgression of future coastal refugia encompasses more tools than planning scheme regulation alone. For landward movement to occur, there must be an agreed framework across planning, road authorities and land managers (particularly the Crown as owner of the foreshore) to remove any obstacles to movement.

In the urban areas where the potential for future refugia is identified there is no broader agreed framework and no consultation with the community.

At Orford, the Triabunna and Orford Communities and Coastal Hazard Report prepared by Council in conjunction with the Climate Change Office outlines the extent, and cost, of climate change hazards. This has not yet identified adaptation strategies and is not sufficiently advanced to warrant the refugia overlay.

At Swanwick and Dolphin Sands, the projections for inundation have been identified for some time and are adopted in the current planning scheme. No community engagement or detailed work has occurred in this area.

Where private land, often with dwellings, is identified as future coastal refugia the associated overlay is only reasonable where discussions have been had with those communities and adaptation strategies agreed to that would facilitate the movement of refugia in the long term.

For the above reasons, the refugia overlay is only proposed to apply to public land or large parcels other than for small, inconsequential areas.

Note to Commission: The processing error in PPU supplied data has been corrected by manual delete of all non-lidar grids.

7.7.2 Waterway and Coastal Protection

The mapped overlay is based on information supplied by the State which applies a 10m, 20m, 30m or 40m buffer to waterways or high water mark dependant on their scale. This has been modified to exclude urban areas where the watercourse is managed as part of the Council stormwater network. The mapped overlay is required by section LP1.7.5 (a) of the SPP.

7.7.3 Priority Vegetation Area

Section LP1.7.5(b) 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.

A planning authority may 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.

As a starting point, the data prescribed for inclusion by the SPP is a blunt instrument as it is based on the broad sweeping ranges of threatened fauna. The Southern, Northern & North-West Region has engaged Rod Knight of Natural Resource Management Pty Ltd to undertake an analysis based on his 'Regional Ecosystem Model'. A summary description of

the model is included at Appendix 8. The model 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.

It is important to note that vegetation and habitat of 'local importance' may also make a contribution to the protection of the State's biodiversity. In this context, at the time of writing, the three regional organisations have engaged Natural Resource Management to run the model for the purposes of preparing the priority vegetation area for each of the municipal LPS's. This provides a consistent approach 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.

One challenge with implementing the Regional Ecosystem Model, 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. In reality, some biodiversity values are clearly more important than others particularly those that are relatively scarcer or have experienced a proportionally higher rate of clearance. Within the Regional Ecosystem Model, specific & tailored planning approaches could be developed for each type of biodiversity value including potential acceptable thresholds for clearance or requirements for expert reports.

The issues are best considered through masked own habitat. In the Regional Ecosystem Model the most significant value – by area – is masked owl habitat. There is 88,180 ha of masked owl habitat identified in the model within the municipal area. Practically, the loss of any small amount of that habitat is inconsequential. Yet, in the SPP framework it would be valued as highly as any other threatened or vulnerable community and specie.

The SPP defines four types of biodiversity values that can be considered within the priority vegetation area. In the following tables, these four types are listed in the left-hand side column whilst the middle and right-hand columns broadly describe how those are reflected in the Regional Ecosystem Model. Again, Attachment 9 provides more detail on the Regional Ecosystem Model.

Definition in SPP	Asset/issue as per REM	REM
Forms an integral part of a threatened native vegetation community as prescribed under Schedule 3A of the <i>Nature Conservation Act 2002</i>	Threatened communities	Standard REM attribute.
A threatened flora species	Threatened species	All threatened flora species are modelled based on recorded locations and rule sets for each species
Forms a significant habitat for a threatened fauna species	Threatened species/hollow dwelling habitat	All threatened fauna species modelled habitat, other than those classified as 'Landscape Dependent Fauna'
Native vegetation of local importance	Potential habitat for threatened species	Threatened fauna species modelled habitat for 'Landscape Dependent Fauna'
	Other priority species (non-threatened)	Na
	Relative reservation	Native vegetation communities with <30% reservation in bioregion
	Relative rarity	Native vegetation communities with <2,000 ha in bioregion
	Clearing bias	Na
	Connectivity	Na
	Remnant vegetation	Native vegetation remnants (<200 ha) on land components cleared of >70% of native vegetation
	Riparian vegetation	Na
	Vegetation condition	Na
	Landscape Ecological Function	Na

7.8 Code 8.0 Scenic Protection Code

A scenic protection area or scenic protection code may be applied to the Rural Zone, Agriculture Zone, Rural Living Zone, Landscape Conservation Zone, Open Space Zone or Environmental Management Zone.

The draft LPS re-introduces various elements of the 1994 Planning Scheme on landscape, which are summarised in the following.

7.8.1 Landscape Protection in the 1994 Planning Scheme

Landscape protection was implemented in the 1994 planning scheme either by the Coastal Rural Zone, the Scenic Protection clause or by the Scenic Corridor provisions, which are outlined below.

Coastal Rural Zone from 1994 Planning Scheme - Overview

In the 1994 planning scheme, the Coastal Rural Zone applied to the area:

- east of the Tasman Highway between Rocky Hills & Swansea,
- between Swanwick and Coles Bay south of Coles Bay Road, and
- east of the Tasman Highway to the north of Bicheno excluding the Golf Course.

The Coastal Rural Zone restricted use, height and setback and provided design criteria that sought to protect landscape character. These provisions do not apply to these areas in the current interim planning scheme.

The areas that were subject to the Coastal Rural Zone have a high degree of landscape value and are adjacent to key tourism roads.

The intent of the Coastal Rural zone is to protect the scenic amenity, coastal landforms, rural use and rural character values of land within the zone and adjacent areas.

The objectives of the Coastal Rural zone are:

- a) to retain land for primarily agricultural purposes and maintain the rural character and high scenic quality of the coastal landscape;
- b) to protect the important vistas (particularly from the Tasman Highway) of areas such as Freycinet Peninsula, Great Oyster Bay and Maria Island from inappropriately located use or development;
- c) to recognise activities including aquaculture, tourism or recreation which might be an appropriate use or development where consistent with zone objective (a) and (b).

Subdivision: no potential other than for public purposes

Height: 5m

Setback: 50m

Use: agriculture, aquaculture, passive recreation, dwelling, home business, outbuilding, utilities, East Coast Nature World, visitor accommodation for six units at Dension River (CT 15497-4)

Design criteria: In determining an application for a permit in the Coastal Rural zone the Council shall take into consideration:

- I. the need to protect the natural environmental and landscape character;
- II. the need for any proposed buildings or works to harmonise with the environment;
- III. the impact of the proposed use or development on the adjacent land use activities; and
- IV. the provisions of the Coastal Policy.

Scenic Protection/Conservation Clause (6.12) from 1994 Planning Scheme

This clause applied to Paradise Gorge, Orford and foreshore areas.

Use: agriculture, aquaculture, passive recreation, dwelling or in association with a Development Plan

Design Criteria: *Buildings shall be located in unobtrusive locations and in particular shall:*

- (i) *be located well below ridge lines; and*
- (ii) *be located in such a way as to not be visible against the skyline when viewed from state Roads or major settlements and not be visually prominent from foreshore areas frequented by the public*

Building shall be designed in such a way as to be unobtrusive and not detract from the natural

character of the area and in particular:

- (i) *buildings should be predominantly of a single storey;*
- (ii) *the profile of buildings should be low and the roof lines should complement the natural form of the land; and*

- (iii) *the mass of buildings shall be minimised by variations in wall roof lines.*

7.8.2 Landscape Protection in the Statewide Planning Provisions

Landscape Conservation Zone

Purpose Statements:

- To provide for the protection, conservation and management of landscape values.
- To provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values.

Use: passive recreation, dwelling, food services, tourism, agriculture, outdoor recreation and visitor accommodation.

Height: 6m

Site coverage: 400m²

Colours: must be dark natural tones of grey, green or brown

Design Criteria: *Building and works must be located to minimise native vegetation removal and the impact on landscape values, having regard to:*

- the extent of the area from which vegetation has been removed;*
- the extent of native vegetation to be removed;*
- any remedial or mitigation measures or revegetation requirements;*
- provision for native habitat for native fauna;*
- the management and treatment of the balance of the site or native vegetation areas;*
- the type, size, and design of development; and*
- the landscape values of the site and surrounding area.*

And,

Buildings and works must be located to minimise impacts on landscape values, having regard to:

- the topography of the site;*
- the size and shape of the site;*
- the proposed building height, size and bulk;*
- any constraints imposed by existing development;*
- visual impact when viewed from roads and public places; and*
- any screening vegetation, and*

If the building and works are less than 10m in elevation below a skyline or ridgeline, there are no

other suitable building areas.

Scenic Protection Code

Buildings within a Scenic Protection Area are subject to the following (with a similar provision for clearing of vegetation):

Buildings or works within a scenic protection area must not cause an unreasonable reduction of the scenic value of a scenic protection area, having regard to:

- (a) the topography of the site;*
- (b) the location of, and materials used in construction of, driveways or access tracks;*
- (c) proposed reflectance and colour of external finishes;*
- (d) design and proposed location of the buildings or works;*
- (e) the extent of any cut or fill required;*
- (f) any visual impact on a skyline;*
- (g) any existing or proposed screening; and*
- (h) the purpose of any management objectives identified in the relevant Local Provisions Schedule.*

The above criteria allow for management objectives to be drafted.

7.8.3 Proposed LPS Clauses

Paradise Gorge

The provisions of the Landscape Conservation Zone are considered equivalent to the Scenic Protection/Conservation Clause of the 1994 planning scheme. It is proposed to apply the Landscape Conservation Zone to these areas.

Coastal Rural Zone

Whilst the Coastal Rural Zone addressed use and development, the use of the land is considered less important. The area between Rocky Hills & Swansea is to be in the Agriculture Zone whilst Coles Bay and Bicheno will be in the Rural Zone. The Rural Zoned does provide for a wide range of uses which may not necessarily be related to agriculture. But in terms of scenic protection, it is considered that built more is more relevant.

A Scenic Protection Area is proposed for areas formally within the Coastal Rural Zone.

Proposed management objectives

The performance criteria in the SPPs allow the LPS to include management objectives for Scenic Protection Areas in order to describe what is important about an area and to outline any specific objectives that are not fully catered for by other clauses in the Performance Criteria.

The management objectives must therefore be read in conjunction with the Performance Criteria, which can be summarised as requiring development to respond to topography, location, material, colours, design and screening vegetation.

7.9 Code 9.0 Attenuation Code

The Attenuation Code addresses potential conflict through noise, odour or other issues that can be generated from industrial scale use.

The Attenuation Code may apply by a mapped overlay or for use and development within specified distances as detailed in tables contained in the Code.

The interim planning scheme relies on both a mapped and non-mapped approach. The interim planning scheme includes a mapped overlay – which works in conjunction with the table of attenuation distances. The mapped overlay applied to the premises in the following table. The table shows the site, the diameter of the mapped attenuation buffer and the distance specified in the table in the code.

In addition, there are a number of other sites – particularly Level 2 quarries – that are not mapped but are subject to the Code in the current planning scheme.

Site	Status	Mapped Attenuation	Table Attenuation
Elphinstone, Triabunna	Current manufacturing	a 1000m diameter buffer	500m in SPP 500m in IPS
Light industrial uses north of Triabunna	Various light industrial uses	a 500m diameter buffer	Nil
The former settlement ponds at Triabunna	Closed - relocated	a 650m diameter buffer	N/A
Triabunna waste transfer station	Active	a 100m diameter buffer	150m in SPP 150m in IPS
Former seafish site, Triabunna	No processing at present	a 2000m diameter buffer	500m in SPP (if Level 2) 1000m in IPS
Cnr Boyle & Freestone Point Road	Concrete Batch Plant	A 600m diameter buffer	200m in SPP 100m in IPS
Orford quarry	Active	a 1000m diameter buffer	1000m in SPP 1000m in IPS
Orford Wastewater Treatment Plant	Active	a 350m (generally) diameter buffer	Varies accordingly to type and scale
Design in Stone, Buckland	Active	a 400m diameter buffer	300m in SPP 300m in IPS
Sand River Road, Buckland Quarry	Active	a 600m diameter buffer	Depends on processes – which are unknown
Swansea Sewerage Treatment Plant	Active	A 800m diameter buffer	Varies accordingly to type and scale
Swansea Tip	Now a waste transfer station	A 600m diameter buffer	150m in SPP 150m in IPS
Coles Bay Sewerage Treatment Plant	Active	A 500m diameter buffer	Varies accordingly to type and scale
Bicheno Sewerage Treatment Plant	Active	A 1000m diameter buffer	Varies accordingly to type and scale
Bicheno Tip	Now a waste transfer station	A 1000m diameter buffer	150m in SPP 150m in IPS

Where a mapped attenuation area is provided it will override the distance given in the table. This allows for a tailored attenuation area that is bigger or smaller than the standard to suit the circumstances of a particular site.

In the interim scheme, it is understood that the mapped attenuation areas are not based on specific studies or requirements but were carried forward from the 1994 Planning Scheme and therefore reflects the past use of these sites. This would partially explain the differences in distances between the mapped attenuation areas and the table distances given.

Ideally, all existing uses that can affect amenity would be included in a mapped overlay as this conveys important information to owners and neighbours of the site. A mapped overlay would also be publicly available via www.thelist.tas.gov.au and www.iplan.tas.gov.au

However, the current mapped attenuation errors appear to be excessive in size and in the absence of any supporting analysis it is considered that they should not apply within the LPS. It is considered more reasonable and practical to rely on the standard attenuation distances provided in the table in the Attenuation Code

7.10 Code 10.0 Coastal Erosion Hazard Code

The mapping for the coastal erosion code overlay is provided by the Department of Premier and Cabinet. It provides four levels of hazards: low, medium, high and investigation areas.

The only element of the mapping that warrants further consideration are the 'investigation areas'. These areas are defined as:

an area adjacent to the coastline for which there is insufficient information to classify it into Acceptable, Low, Medium, or High hazard bands. The width of the area is the cumulative width of the Low, Medium, and High hazard bands. In this area a site specific investigation is required to classify the land into one of the hazard bands.

The current interim planning scheme is based on 'version 1' of the DPAC modelling. A 'version 2' is now available which includes substantially less investigation areas than the 'version 1' due to the incorporation of more up to date information & investigations.

Specifically, the investigation areas no longer apply to

- Bicheno (west of and including the Sea Life centre)
- Swansea (Bluff Circle)
- Swansea (Some titles surrounding Saltwater Creek)
- Triabunna (Some titles at One Tree Point)

The investigation areas in version 2 apply to several rural or Crown parcels and to developed areas at:

- Swansea (Rapp Street)
- Triabunna (2, of four, titles at One Tree Point)
- Triabunna (Esplanade East – near the Wastewater Treatment Plant)
- Orford (Paradise Gorge, both sides, Esplanade and near Riverside Drive)

Although the mapping is prepared by the Department of Premier and Cabinet, the process to review the mapping is via the Tasmanian Planning Commission.

For the reasons offered below, it is considered appropriate to modify the following investigations areas.

Swansea (Rapp Street)

In the interim planning scheme, the investigation area applies to some 90m of land on the southern side of Saltwater Creek on both sides of the Tasman Highway and then extending south and apply to land between Rapp Street and the coast.

The 'version 2' investigation area is significantly less in extent than that contained within the current interim planning scheme. It does apply to a number of private properties with some overlap with the inundation code.

It is considered that the investigation area at Rapp Street should be deleted from 1 to 9 Rapp Street (and apply to 11 Rapp Street) as the titles are above 5m in elevation, sit behind a wide foreshore and fully developed.



View from beach adjacent to Rapp Street, showing 1 Rapp Street on top of rocky knoll.

Orford – Paradise Gorge

Both sides of the Prosser River (Paradise Gorge) there are properties that are included in the investigation area but are clearly located on very rocky areas. The extent of rock is evident and the area should be removed from the 'investigation area'.

7.11 Code 11.0 Coastal Inundation Hazard Area

The mapped overall is based on updated 'version 3' mapping produced by the Department of Premier and Cabinet.

The mapping is significantly more accurate and reliable than the mapping in the current interim planning scheme.

One edit is proposed to the 'version 3' mapping in order to remove the Triabunna marina to reflect the reclaimed land and physical shore protection that has been provided via stages 1 – 4 of the marina development.

7.12 Code 12.0 Flood-Prone Areas Code

This Code is not used in the LPS.

7.13 Code 13.0 Bushfire Prone Areas Code

The Code will apply either by a mapped overlay or text-based description. Tasmanian Fire Service are preparing a mapped overlay but it is not currently available. When prepared it may be implemented through the LPS or via an amendment to the current planning scheme.

7.14 Code 14.0 Potentially Contaminated Land Code

The Code will apply either by a mapped overlay or text-based description. The draft LPS does not include a mapped overlay.

7.15 Code 15.0 Landslip Hazard Code

The Code applies via a mapped overlay. This mapped overlay is the same as what applies to the current interim planning scheme.

7.16 Code 16.0 Safeguarding of Airports Code

This Code is not applicable.

8.0 Particular Purpose Zones

All Particular Purpose Zones are afforded a transitional protection in which they are automatically included in the LPS by virtue of existing in the current interim planning schemes. The exception to this is the Saffire Particular Purpose Zone which was created relatively recently in response to representations received on the interim planning scheme. No changes of any strategic kind are proposed for the particular purpose zones from their form and provisions as provided in the current interim planning scheme.

9.0 Specific Area Plans

All Specific Area Plans are afforded a transitional protection in which they are included in the LPS by virtue of existing in the current interim planning schemes. The exception to this is the Resort Residential Specific Area Plan which is a new provision.

9.1 Resort Residential Specific Area Plan

The 1994 planning scheme provided a Resort Residential Zone which had the intent of:

- a) to maximise opportunities for development of holiday accommodation and related Uses in readily accessible areas close to visitor attractions;*
- b) to protect the character and amenity of existing development;*
- c) to ensure that the amenity of existing residents is fully protected; and*
- d) to allow for large scale holiday accommodation complexes where there is a mixture of uses (holiday accommodation, private residential, motel, retail outlets etc.)*

The main standards of the zone were:

- Subdivision to be in accordance with a development plan
- 8m height or 5m in fronting the foreshore

- Scale and form of buildings consistent with the area and nearby buildings

In the zone, dwellings and visitor accommodation were permitted uses.

In the interim scheme the Resort Residential Zone was not permitted and the properties converted to either the General Residential Zone, Low Density Residential or Local Business Zone. This is problematic – in terms of managing future use and development in a reasonable and fair manner - in a number of ways including:

- Tests in the Low Density Residential Zone that non-residential uses must be compatible with the character of use in the zone, which is doubtful for some of the existing sites,
- Applying the Local Business Zone out of centre which could allow uses to establish as permitted uses that are better located within the core business areas of towns, notwithstanding use standards within that zone.
- All future development of these sites will be discretionary notwithstanding their established nature. This is a disincentive to investment.
- The SPP visitor accommodation use standards are appropriate for smaller scale development but less so for larger scale operations in smaller coastal settlements.

The merit based test for this proposed Resort Residential Specific Area Plan is the provisions at section 32(4) of LUPAA, which state:

(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 Resort Residential Specific Area Plan is considered to meet part (a) given the economic and social benefits that tourism provide to the local economy, as summarised in section 5. Based on the size and growth of tourism and the demands for overnight accommodation, the benefit afforded by these existing sites is considered significant. Further, there has been limited growth in visitor accommodation via more traditional, large-scale accommodation enterprises and a noted need for continue investment in existing premises. The Resort Residential Specific Area Plan will assist in facilitating ongoing investment by providing a permitted status for new applications subject to compliance with relatively large setback and residential amenity considerations at the boundary. It has been documented that potential investors seek brownfield opportunities where there is a degree of certainty and community acceptance.

The following properties were included in the Resort Residential Zone, of the 1994 Planning Scheme.

Property	Developed for	Interim Scheme Zone	Adjoining land	Notes
Eastcoaster Resort	Motel, conference centre, accommodation,	Low Density Residential	Approved Solis development & Low Density Residential	Arguably, scale of existing is inconsistent with surrounding low density residential use

	restaurant, jetty, café, indoor & outdoor pool, 87approx.. 70 rooms		Development (4000m ² lots)	All future development will be discretionary as more than 300m ² of gross floor area currently exists
Spring Beach Holiday Villas	Villa accommodation	Low Density Residential	Residential	A small operation, largely subdivided for residential use
Blue Waters, Orford	Motel, restaurant	Local Business	Residential, foreshore	Appropriate Local Business Zone, generally consistent with Ministerial Guidelines LBZ 4 (a) All future development will be discretionary (unless above or behind existing buildings)
Triabunna Cabin & Caravan Park	Caravan Park	Local Business	Service station, school, Council office, residential	Appropriate use of the Local Business Zone, consistent with Ministerial Guideline LBZ 1 & LBZ 2 All future development will be discretionary (unless above or behind existing buildings)
Tandara	Motel, restaurant	Local Business	Industrial, rural, residential	Out of centre Local Business Zone application arguably inconsistent with Local Business Zone application guidelines All future development will be discretionary (unless above or behind existing buildings)
Aqua Sands Drive, Swansea	Residential subdivision	General Residential Zone	Residential	Appropriate residential zone
Cnr Gordon St & Tasman Hwy, Swansea	Vacant Residential	General Residential Zone	Residential	Appropriate residential zone
Swansea Holiday Park (2 Bridge Street)	Caravan park, cabins	Local Business Zone & General Residential Zone (to subdivide area)	Residential	Out of centre Local Business Zone application arguably inconsistent with Local Business Zone application guidelines All future development will be discretionary (unless above or behind existing buildings)
Meredith House,	Guesthouse	General Residential	Residential	Appropriate residential zone

Swansea		Zone		
1 Maria Street, Swansea	Residential	Local Business Zone	Commercial	Appropriate use of the Local Business Zone, consistent with Ministerial Guideline LBZ 1 & LBZ 2
Amos House & Swansea Ocean Villas (3 Maria Street)	Motel	Local Business Zone	Commercial	Appropriate use of the Local Business Zone, consistent with Ministerial Guideline LBZ 1 & LBZ 2
19 Franklin Street, Swansea	Gallery	General Residential Zone	Commercial and residential	Potentially more appropriate for Local Business Zone
Swansea Beach Chalets (27 Shaw Street)	Caravan park, cabins	General Residential Zone	Residential	<p>Arguably, no suitable zone</p> <p>3ha of developed & 1.5ha of vacant land</p> <p>All future development will be discretionary as more than 300m² of gross floor area currently exists</p> <p>Test for any future application is if scale is compatible with surrounding residential character. Arguably, this test cannot be satisfied given existing size of operation</p>
Swansea Cottages (43 Franklin Street)	Units	General Residential Zone	Residential	<p>Appropriate residential zone</p> <p>All future development will be discretionary as more than 300m² of gross floor area currently exists</p>
Saffire	Restaurant, motel	Particular Purpose Zone	Crown land	Appropriate for Particular Purpose Zone
Edge of the Bay	Units, residential, restaurant	Low Density Residential Zone	Crown land	<p>All future development will be discretionary as more than 300m² of gross floor area currently exists</p> <p>Is an isolated 'spot' use of the Low Density Residential Zone with no surrounding residential land use.</p>
Bicheno by the bay	Units	Local Business	Residential, crown land	All future development will be discretionary (unless

		Zone		above or behind existing buildings)
Cnr James and Fraser Street, Bicheno	Vacant land	General Residential Zone	School, foreshore, residential	Appropriate residential zone
Silver Sands	Closed	Local Business Zone	Foreshore	Appropriate use of the Local Business Zone, consistent with Ministerial Guideline LBZ 1 & LBZ 2 All future development will be discretionary as more than 300m ² of gross floor area currently exists
Chadwin Street & Jetty Road	Residential	General Residential Zone	Residential	Appropriate residential zone
Sea Life Centre	Accommodation, restaurant	Local Business Zone	Foreshore, residential	Out of centre Local Business Zone application arguably inconsistent with Local Business Zone application guidelines All future development will be discretionary (unless above or behind existing buildings)
Bicheno East Coast Holiday Park	Cabins, caravan park	Local Business Zone	Retail, residential	Appropriate Local Business zoning All future development will be discretionary (unless above or behind existing buildings)
Bicheno Caravan Park	Caravan Park	General Residential Zone	Caravan park, residential	All future development will be discretionary as more than 300m ² of gross floor area currently exists
Tribe, Sinclair, Morrison & Champ Street, Bicheno	Residential area, vacant land	General Residential Zone	Residential, caravan park	Appropriate residential zone
Champ, Morrison, Sinclair Street & Beattie Av	Residential area, Beachfront Resort	General Residential Zone & Local Business Zone	Residential, caravan park	Appropriate residential zone For the Beachfront Resort, out of centre Local Business Zone application arguably inconsistent with Local Business Zone application guidelines

				All future development will be discretionary (unless above or behind existing buildings)
Seaview Holiday Park, Bicheno	Units, camping	Local Business Zone	Crown land, residential	Out of centre Local Business Zone application arguably inconsistent with Local Business Zone application guidelines All future development will be discretionary (unless above or behind existing buildings)
Tasman Hwy, between Lovett & Murray St	Residential, Bicheno Cabin & Tourist Park, Service Station	General Residential Zone & Local Business Zone	Residential	Appropriate residential zone For the Bicheno Cabin & Tourist Park and Service Station, out of centre Local Business Zone application arguably inconsistent with Local Business Zone application guidelines All future development will be discretionary (unless above or behind existing buildings)
Wintersun Gardens Motel	Units, Residential	General Residential Zone & Local Business Zone	Residential	Appropriate residential zone
Redbill Beach & rural land to north (39 Tasman Hwy)	Vacant – approved cabins in part	Particular Purpose Zone North Bicheno	Residential	Appropriate Particular Purpose Zone

Of these, a Specific Area Plan is proposed for the:

- The Eastcoaster Resort (unless the Eastcoaster is included in the Major Tourism Zone)
- Blue Waters, Orford (28 Tasman Highway, Orford CT 154149/3)
- Tandara (17 Tasman Highway, Triabunna CT 49912/1)
- Swansea Holiday Park (2 Bridge Street, Swansea CT 170785/50)
- Swansea Beach Chalet (27 Shaw Street, Swansea CT 64899/11, CT 52088/4, CT 152163/1, CT 52088/5)
- Edge of the Bay, excluding strata scheme (2308 Coles Bay Road, Coles Bay CT 30805/3, CT 170909/1)

- Bicheno by the Bay (Cnr Foster & Fraser Street, Bicheno – new titles being issued)
- Sea Life Centre (1 Tasman Highway, Bicheno CT 239790/1)
- Bicheno East Coast Holiday Park (4 Champ Street, Bicheno CT 148695/1)
- Bicheno Caravan Park (52 Burgess Street, Bicheno CT 7159/1, CT 38927/3,
- Beachfront Resort (68-70 Foster Street, Bicheno CT 130369/2)
- Seaview Holiday Park, Bicheno (29 Banksia Street, Bicheno CT 158014/1)
- Bicheno Cabin & Tourist Park (30 Tasman Highway, Bicheno CT 14320/1)

The overall impact of the Specific Area Plan would be to provide permitted status for most intensifications to the existing use but also increase setback and privacy requirements beyond the underlying zone to also clearly protect residential amenity.

10.0 Site Specific Qualifications

No site specific qualifications are necessary. Those properties with existing site specific qualifications – being shacks at River and Rocks Road and the former Buckland Bazaar – are provided for within the proposed zones.

11.0 Attachments

11.1 Attachment 1 – Flow Chart of Process

See separate PDF document

11.2 Attachment 2 – Key differences between the State Planning Provisions and current planning scheme.

Comparison of State Planning Provisions and current Glamorgan Spring Bay Interim Planning Scheme.

Objectives Section

The interim planning scheme provided an objectives section. This section was not relevant to the assessment of any application but provided background and context to the scheme and for planning scheme amendments. This provision is not included in the SPP or LPS.

Definitions

A number of additional terms are defined which will assist with interpretation of provisions. Most are not particularly noteworthy.

It is considered that the definitions relating to agriculture are unnecessary complex and warrant review. Among other matters, there are definitions of Agriculture Use (which is drafted as a use class rather than use) and crop production which have significant overlap. Further, the definition of Resource Processing includes activities such as animal sale yards which involve no processing at all. These terms are used in exemptions and use tables and it is important that each term represents a distinct element of agriculture. For instance, it is exempt to lay pipes for an agricultural use but not for a crop production use, and is likely an unintended consequence of too complex definitions.

There is a definition of cinema which is the sole use definition that brings into it the concept of a financial reward. Given no other use is defined in this way it also warrants review.

Exemptions

Broadly, the exemptions are similar but they are expressed more precisely and with a more logical structure.

There is a new exemption for new vehicle crossings. This may necessitate Council adopting a by-law and/or works permit process in lieu of more indirect planning control.

Some concern lies with:

- The exemption for home-based child care which is limited to 6 non-resident children only. Federal and State regulation permit 8 non-resident children and the exemption therefore serves no purpose. Any home-based child care would operate under federal requirements and therefore have 8 children and require a permit from Council.

- The exemption for unroofed decks which applies only to decks that are not attached to a dwelling
- The limited degree of alignment between the planning scheme and Building Act exemptions
- A general exemption for all front fences which would override the front fence standard that applies to Dolphin Sands

Some of the activities listed in the exemptions, would also be more effectively and clearly assessed if they were dealt with in one section of the scheme only, and expressed as:

Rain tanks	water	Exempt if, (a) ... (b) ...	Permitted if, (a) ... (b) ...	Otherwise discretionary and assessed having regard to: (a) ... (b) ...
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These reason for this is that some discrete activities in the exemptions can lack directly relevant use or development standards that can inform the exercise of discretion when the exemption does not apply. For instance, it is not clear how a non-exempt heat pump or air conditioning unit would be assessed in a zone without any relevant standard.

General Provisions Section

The SPP General Provisions are broadly similar to those in the current interim planning scheme, but there are some new clauses.

There is a new standard for a change of use from one use to another in the same use class (i.e., from a post office to a real estate agent) and exempts such changes where a number of considerations are met.

The general provision for access across land in another zone introduces a general discretion in all cases which is not considered necessary. Such circumstances have been avoided in putting the zone provisions together.

There is a new General Provision that means certain types of development are not classified into a use class. This means that signs, land filling, retaining walls, subdivision and coastal protection works are useless forms of development. Practically, this means a retaining wall is a retaining wall regardless of whether it is for a house or industrial use.

There is a new General Provisions for sheds on vacant land in the Low Density Residential, Village and Rural Living Zones. This requires that a permit be issued for such a shed if it is the only shed on the site, it is less than 54m², room remains for a future dwelling and a number of other criteria are met.

This clause is useful to some degree but it is not self-executing and does not inform how discretion should be applied if the criteria are not met and does not apply to the General Residential Zone.

Drafting Style

The drafting of standards is generally different to that of the interim planning scheme – as discussed in Attachment 3.

Overview of variations between existing Interim Planning Scheme (IPS) and Statewide Planning Scheme (SPP) (+) indicates a new element in the SPP in comparison to the IPS (-) indicates an element of the IPS that has been removed in the SPP								
Zones		Use Table	Use Standard	Height	Setback	Other development standards	Subdivision	Comments
Existing IPS	SPP Equivalent							
General Residential	General Residential	(+) Primary & high schools	(-) local shop not displace res use	No change	(-) 4m rear setback	(-) north facing window	(-) internal lot standard	Anticipate less discretionary developments given removal of 4m rear setback
			(+) General clause for all discretionary uses				(-) public open space design consideration	
								In terms of the 1994 Planning Scheme Residential Zone, the differences to the SPP consist of: <ul style="list-style-type: none"> • Height increasing from 8m to 8.5m • Removal of foreshore fronting provisions • Min lot decreasing from 550m² to 450m² • Removal of car parking siting (to rear) • Removal of colour/reflectivity • Removal of outbuilding standard • Addition of privacy standard

Zones		Use Table	Use Standard	Height	Setback	Other development standards	Subdivision	Comments
Low Density	Low Density	(+) consulting room, medical centre, & similar	(+) General clause for all discretionary uses	No change	Front setback increased from 4.5m to 8m	(+) residential density for multiple dwellings of 1500m2 if serviced, 2500m2 if unserviced with discretion to 1200m2 and 2000m2 respectfully	(-) public open space design consideration	Anticipate increased number of discretionary developments given new setback provisions, many of which will be unnecessary
		(-) internal lot standard						
		(+) Primary & high schools	(-) noise level standard (managed by hours of operation)		Side setback increased from 1.5m to 5m	(-) north facing window	Minimum lot size increased from 1000m ² to 1500m ² (1200m ² under performance criteria)	
		(+) food services (excluding a take-away)				(-) garage width standards		
		(+) local shop				(-) privacy standard (note new side setback)		
(+) multiple dwellings								
Zones		Use Table	Use Standard	Height	Setback	Other development standards	Subdivision	Comments
Rural Living	Rural Living	Agriculture is permitted rather than discretionary	(-) noise level standard (managed by hours of operation)	No change	Side setback decreased from 20m to 10m (-) 100m setback to EMZ	Site cover increased from 375m ² to 400m ²	Minimum lot size is 1ha, 2ha, 5ha or 10ha. Was a standard 1ha under IPS.	Zone is a combination of Rural Living and Environmental Living zones from interim planning scheme, hence approach to minimum lot size
		(-) cut and fill standard						
		(+) local shop				(-) light reflectance value standard	(-) public open space design consideration	
		(+) food services up to 200m ²				(-) outbuilding standard	(-) internal lot standard	
		(-) manufacturing and processing				(-) avoid native vegetation and skylines		
(+) tourist operation								

Zones		Use Table	Use Standard	Height	Setback	Other development standards	Subdivision	Comments
Environmental Living	Rural Living	(+) veterinary centre	(-) noise level standard (managed by hours of operation)	8.5m, was 7.5m	10m, reduced from 30m	Site cover increased from 300m ² to 400m ²	Was 10ha – 10ha can be specified in the Rural Living Zone	The Rural Living Zone does not provide a standard for tree removal and works on the skyline/ridgeline. For areas once zoned Environmental Living this is a significant change.
	The environmental living zone has been deleted	(+) animal breeding & boarding				(-) cut and fill standard		
		(+) food service				(-) light reflectance value standard		
		(+) local shop				(-) outbuilding standard		
		(+) resource processing				(-) standard to avoid native vegetation and skylines		
		(+) vehicle fuel sales and service						
Zones		Use Table	Use Standard	Height	Setback	Other development standards	Subdivision	Comments
Village Zone	Village Zone	More uses are permitted, rather than discretionary, including:	(+) general non-residential use standard	no change	side setback increased from 2m to 3m	(-) building design standard	(-) public open space design consideration	
		business and professional services, community meeting, food services and general retail & hire	(-) noise level standard				(-) internal lot standard	

Zones		Use Table	Use Standard	Height	Setback	Other development standards	Subdivision	Comments
Local Business	Local Business	No Permit Required status for:	(+) discretionary use standard on amenity and character	No change	side setback to residential zone increased from 3m to 4m	(-) landscaping standard	minimum lot size reduced from 300m ² to 200m ²	
		(+) business and professional services	(+) discretionary use standard on activity centre hierarchy					
		(+) food services	(+) discretionary use standard for scale of retail uses and bulky goods uses					
		(+) general retail & hire						
		Permitted status for:	(-) noise level standard					
		(+) bulky goods sales						
		(+) food services						
		(+) emergency services						
		(+) hotel industry						
		(+) visitor accommodation not on street frontage						
		New discretionary uses for:						
		(+) manufacturing & processing						
		(+) storage						

Zones		Use Table	Use Standard	Height	Setback	Other development standards	Subdivision	Comments
Light Industrial Zone	Light Industrial Zone	Permitted status for:	(+) discretionary use standard	Height increase to 10m from 9m	Front setback reduced from 10m to 5.5m	(-) building design standard	Frontage reduced from 25m to 20m	<p>Light Industrial Zone land in GSBC is generally opportunistic – in the sense it applies because of past/current land rather than reflecting a broader industrial park</p> <p>Where the Light Industrial Zone is used strategically, such as along Freestone Point Road and Harvey’s Farm Road this is generally to consolidate and protection the operation of discrete activities, such as aquaculture.</p> <p>The SPP Light Industrial Zone is well suited to industrial parks in Greater Hobart. It is less suited to GSBC but is nevertheless workable. Following determination of the Freestone Point Road planning scheme amendment further consideration will be given to the issue of aquaculture in this zone.</p>
		(+) emergency services	(-) noise level standard			(-) light reflectance standard	(-) road design standard	
		(+) port and shipping						
		(+) research and development						
		(+) transport depot & distribution						
		(+) vehicle fuel sales & service						
		New discretionary uses for:						
		(+) community meeting & entertainment						
		(+) crematoria						
		(+) domestic animal breeding & boarding						

Zones		Use Table	Use Standard	Height	Setback	Other development standards	Subdivision	Comments					
Rural Zone	Rural Resource Zone	Permitted status for		Height increased to 12m from 10m			Minimum lot size reduced from 80ha to 40ha						
Note: this is largely a new zone for where 'agricultural use is limited or marginal'		(+) veterinary centre, agribusiness office	(+)use standard that use requires rural location for operation reasons		Front setback reduced from 20m to 5m								
		(+) animal breeding & boarding					(-) boundary reorganisation standard						
		(+) emergency services	(+) discretionary use standard addressing scale of use and infrastructure capacity		(-) 100m setback to EMZ	(-) cut and fill standard	(+) excise existing dwellings & visitor accomm.						
		(+) extractive industry				(-) light reflectance value							
		(+) food services associated with agricultural use				(-) plantation forestry standard							
		(+) general retail & hire if associated with agricultural use	(-) sensitive use standard		Side setback reduced from 50m to 5m	(-) standard to avoid native vegetation and skylines	(-) subdivision of heritage places						
		(+) manufacturing & processing ass. with extraction industry	(+) discretionary use standard addressing protection of agricultural land				(+) new standard requiring dwellings to have right of way frontage - prohibits dwellings relying on Crown reserved roads		Discretion to consider lots less than 40ha if required for rural use				
		(+) research & development	(+) discretionary use standard addressing adjoining uses										
		(+) resource processing											
		(+) storage											
		Discretion. status for:											
		(+) business & professional services											
		(+) community meeting & entertainment											
		(+) food services - any											
		(+) general retail & hire - any											
		(+) manufacturing & processing - any											

Zones		Use Table	Use Standard	Height	Setback	Other development standards	Subdivision	Comments
Significant Agricultural	Agriculture	Permitted status for:	(+) discretionary use standard ensuring use is requires rural location for operation reasons	Height increase d to 12m from 10m	Front setback reduced from 20m to 5m	(+) new standard requiring dwellings to have right of way frontage - prohibits dwellings relying on Crown reserved roads	Minimum lot size reduced from no subdivision of any kind to no minimum lot size if further purpose of zone	
Note: this is largely a new zone for all agricultural use		(+) food services associated with agricultural use	(+) discretionary use standard addressing protection of agricultural land		Side setback for non-sensitive use reduced from 100m to 5m			
		(+) general retail & hire if associated with agricultural use	(+) discretionary use standard for prime agricultural land - not applicable		Side setback for sensitive use increased from 100m to 200m	(-) cut and fill standard	(+) new provision to excise existing uses	
		(+) boat ramp	(-) sensitive use standard			(-) light reflectance value standard		
		Discretionary status for:	(+) discretionary use standard for residential use - more restrictive			(-) plantation forestry standard	(-) subdivision of heritage places	
		(+) bulky goods sales						
		(+) animal breeding & boarding						
		(+) food services - any						
		(+) general retail & hire - any			(-) 100m setback to EMZ		(-) standard to avoid native vegetation and skylines	
		(+) manufacturing & processing ass. with extraction						
		(+) storage						
		(+) tourist operation						
		(+) transport depot & distribution						
		(+) education						

Zones		Use Table	Use Standard	Height	Setback	Other development standards	Subdivision	Comments
Environmental Management	Environmental Management	The following uses are some of the uses that were only possible in the IPS if provided for by a reserve management plan but will be discretionary:	(+) discretionary use standard	6m, reduced from 7.5m	10m, reduced from 30m	Minimal change	Minimal change	Minimal change
		General retail & hire	(-) use standard for only reserved land					
		Food services						
		Educational & occasional care						

Zones		Use Table	Use Standard	Height	Setback	Other development standards	Subdivision	Comments	
Landscape Conservation	Nil	NPR / Permitted uses are passive recreation, natural & cultural values management, minor utilities and additions to dwellings	Use standards for:	Is 6m	Front setback of 10m	(+) new standard requiring dwellings to have right of way frontage - prohibits dwellings relying on Crown reserved roads	Minimum lot size of 50ha with discretion to 20ha		
		Discretionary uses are:	Hours - for some uses		Side setback of 20m	(+) Light reflectance value			
		community meeting & entertainment	Visitor accommodation			(+) Site coverage of 400m ²			
		Animal breeding & boarding	For all discretionary uses						(+) Design standard for avoid native vegetation and skylines
		Emergency services							
		Food services up to 200m ²							
		General retail & hire associated with tourist operation							
		Single dwelling							
		Resource development							
		Outdoor recreation area							
		Tourist operation							
		Visitor accommodation							

Zones		Use Table	Use Standard	Height	Setback	Other development standards	Subdivision	Comments
Utilities Zone	Utilities Zone	Minimal changes	Minimal changes	Separate standard for buildings & poles/antennas etc	Minimal changes	Minimal changes	Minimal changes	Minimal change
Community Purpose Zone	Community Purpose Zone	Minimal changes	Minimal changes	No change	Minimal changes	(-) passive surveillance standard	New minimum lot size of 600m ² (no minimum previously)	Minimal changes
						(-) landscaping standard	(-) public open space design consideration	
Recreation Zone	Recreation Zone	(+) camping ground	Minimal changes	Minimal changes	Minimal changes	Minimal changes	Minimal changes	Minimal changes
		(-) motor racing facility						
		(+) new use of 'major sporting facility' to be discretionary						
Open Space Zone	Open Space Zone	(+) cemetery	Minimal changes	Height increased from 6.5m to 10m		(-) landscaping standard	Minimal changes	Minimal changes
		(+) resource development dependent on a coastal location						
		(+) tourist operation						
		(+) transport depot associated with ferries, water taxis						

11.3 Attachment 3 - 'Have Regard To' drafting style

The SPP generally, but not always, includes performance criteria that have been drafted on a 'have regard to' basis. This differs from a 'must do' approach that exists in most performance criteria in the current interim planning scheme.

The change is far more practical and reflects circumstances where not every criteria in a performance criteria is applicable to a site or proposal. This means that the assessment can focus on the key points. For instance, the following shows wetlands and waterway clauses from the interim scheme and SPP. For the interim, (a) to (i) must be achieved. For the SPP, adverse impacts to natural assets must be avoided having regard to those applicable matters below.

The SPP will provide a more reasonable basis for decision-making and more efficient decision by virtue of having to considered only those matters are relevant.

Current IPS E11.7.1 P1	SPP – C7.6 P1.1
<p>Building and works within a Waterway and Coastal Protection Area must satisfy all of the following:</p> <ul style="list-style-type: none"> (a) avoid or mitigate impact on natural values; (b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values; (c) avoid or mitigate impacts on riparian or littoral vegetation; (d) maintain natural streambank and streambed condition, (where it exists); (e) maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation; (f) avoid significantly impeding natural flow and drainage; (g) maintain fish passage (where applicable); (h) avoid landfilling of wetlands; (i) works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided. 	<p>Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to:</p> <ul style="list-style-type: none"> (a) impacts caused by erosion, siltation, sedimentation and runoff; (b) impacts on riparian or littoral vegetation; (c) maintaining natural streambank and streambed condition, where it exists; (d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation; (e) the need to avoid significantly impeding natural flow and drainage; (f) the need to maintain fish passage, where known to exist; (g) the need to avoid land filling of wetlands; (h) the need to group new facilities with existing facilities, where reasonably practical; (i) minimising cut and fill; (j) building design that responds to the particular size, shape, contours or slope of the land; (k) minimising impacts on coastal processes, including sand movement and wave action; (l) minimising the need for future works for the protection of natural assets, infrastructure and property; (m) the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and (n) the guidelines in the Tasmanian Coastal Works Manual.

11.4 Attachment 4 – Consultation

Through December 2017 and January 2018, letters were sent to many rural land owners advising them of the upcoming scheme and to seek an opportunity to discuss the new scheme and what it may bring and to gain information on how various properties are used. Approximately 30 owners have made contact to discuss these issues.

There has also been consultation with TasWater, and some tourism industry leaders.

A pre-compliance briefing session has also been held with the Tasmanian Planning Commission.

Formal exhibition of the LPS requires the consent of the TPC. Ahead of submitting a draft to gain TPC consent, informal consultation is to continue and to consist of:

- the LPS, explanatory material and fact sheet documents on Council website
- a hardcopy in public libraries or similar in Bicheno, Swansea and Coles Bay and in the Council office
- letters to owners of land Bicheno, Swansea, Triabunna and Orford with zone changes identified in this property
- letters to owners of land in coastal hazard 'investigation areas'
- letters to all State agencies and infrastructure providers, and
- availability of Council staff for direct enquiries.

This informal consultation period should be ongoing until such time that the TPC provides consent. Depending on the level of consultation and the issues identified initially, the draft LPS will be brought back to Council in February or March seeking consent to formally submit to the TPC.

11.5 Attachment 5 - Desired Policy Changes to Statewide Planning Provisions

The development of the Statewide Planning Provisions involved consultation of key stakeholders and the community. Some, but not all comments made by Council and local government planners were adopted in the approved SPP. The SPP will, it is hoped, be developed on an ongoing, continual improvement basis and it is appropriate for a Planning Authority to identify key areas for review.

The following is an initial list of policy positions in the SPP that should be subject to review. It is by no means comprehensive or detailed and provides a basis for advocacy when any future opportunity arises.

The General Residential Zone be modified to:

- Remove universal density and subdivision standards and allow graduated approach to planned density in order to preference unit development in proximity to activity centre, consistent with township structure plans, and to recognise the established character and best manage change that will occur.
- In considering privacy between windows and decks, enable assessment to have regard to the level of privacy inherent (or more specifically absent) in the design of any adjoining window or deck.
- Redraft all standards to a 'have regard to' basis consistent with other zones in the SPP.
- Provide for the management of sheds on vacant land as per others zones.
- Provide a siting and scale standard specific for outbuildings reflecting the need for owners to provide relatively large and high sheds for boat storage whilst maintaining sound streetscape outcomes.
- 'Break up' the building envelope on larger lots in order to 'drap' multiple building envelopes over a lot or provide some other specific design considerations for larger than normal residential buildings on larger lots – such as conjoined units.
- Introduce public open space design considerations for subdivision.
- Modify the residential density performance criteria to remove the requirement for a 'significant' social housing benefit which may constrain small-scale independent living units.

The Low Density Residential Zone be modified to:

- Stagger side setback standard in response to lot size to avoid unnecessary discretions.
- Introduce public open space design considerations for subdivision.
- Provide a siting and scale standard for outbuildings.

The Rural Living Zone be modified to:

- Introduce public open space design considerations for subdivision.
- Provide a siting and scale standard for outbuildings.
- Provide the ability to provide an overlay for sites within the zone where skyline or native vegetation warrant consideration.

The Rural Zone be modified to:

- Allow access to a dwelling from a Crown reserved road.

The Agriculture Zone be modified to:

- Exclude the excision of existing visitor accommodation and dwellings, and review subdivision provisions, and provide a consistent approach to dwellings in association with agriculture.
- Allow for consideration of priority vegetation.

The Application Requirements be modified to:

- Exclude the requirement to provide any title information on the basis that the Planning Authority already has access to this information and the public disclosure of such information serves no benefit.

A copy of the current certificate of title is a mandatory requirement but the schedule of easements is a 'maybe' requirement. Practically, all Councils have direct access to all title information and therefore no title information should be required. The provision of title information makes that information public and there is no public benefit or need for that. This would be consistent with the treatment of Part 5 Agreements, caveats and other title related information which are not required to be submitted (and disclosed) during the planning process.

The Exemptions, or at least the majority of exemptions, be:

- Contained in a self-executing section of the planning scheme
- Wherever possible, be aligned with Building Act 2016 exemptions.

Many could and should be entirely self-executing and express in the following form:

Rain tanks	water	Exempt if, (a) ... (b) ...	Permitted if, (a) ... (b) ...	Otherwise discretionary and assessed having regard to: (a) ... (b) ...
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These reason for this is that some discrete activities in the exemptions can lack directly relevant use or development standards that can inform the exercise of discretion when the exemption does not apply. For instance, it is not clear how a non-exempt heat pump or air conditioning unit would be assessed in a zone without any relevant standard.

11.7 Attachment 6 – Analysis of Coastal Fronting Lots where 1994 Planning Scheme Restrictions Applied

For lots adjoining a foreshore, the 1994 Planning Scheme applied a 15m setback from the foreshore boundary and a 5m height standard to the entire lot. This applied to the Residential, Low Density Residential, Resort Residential and other zones.

When Planning Directive 4 was initially adopted – and which standardised the planning controls for dwellings in all serviced residential areas of Tasmania, this provision was lost. It continues to apply to the Low Density Residential Zone in Coles Bay, Swanwick and Spring Beach and to Rural Living Zone land via a code in the interim planning scheme.

This interim planning scheme code is not protected by any transitional provisions. Therefore, any such provision in the LPS must meet the section 32 (4) tests of LUPAA. 32 (4) provides a merit based test of what an LPS may include via a particular purpose zone, specific area plan or site specific qualifications. For an LPS to include these provisions, it must be shown that:

(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.

An audit of all areas that were subject to the 1994 Planning Scheme provision for foreshore fronting lots has been undertaken and is summarised below. Note, the provision did not apply to lots access from an Esplanade.

It is evident from the following that there are few areas where the 15m setback resulted in a consistent pattern of development. The pattern of setback in each area varies in response to the lot size with larger lots generally having larger setbacks in the order of 10m.

It is also evident that the 5m height standard maintained an clear pattern of development.

Town	Area	Pattern of development generally complies with 15m setback	Pattern of development generally complies with 5m building height
Coles Bay	Florence Street	No	No, due to slope
Swanwick	All	No	Yes
Swansea	Bluff Circle and Holiday Park	Yes	Yes
Swansea	South	No	Yes
Orford	Barton Avenue	Yes	Yes
Orford	Riverside Drive	No	Yes
Orford	East of Radar Park	No	Yes
Orford	West of Radar Park	Yes	Yes
Orford	Rudd Av	No	Yes
Orford	West Shelly	No	Yes
Orford	East Shelly	No	Yes
Spring Beach		No	Yes

Section 32 (4) creates a test that any local planning provision that override the SPP must have an overriding public benefit or reflect unique qualities of the area, which in this case would be all lots adjoining the foreshore.

The provisions arguably provided a significant private benefit to owners of the second house back. There is insufficient data on housing characteristics (e.g., age, number of bedrooms, etc) on these houses in order to quantify that private benefit.

The provisions also provided a public benefit as both the lower height and greater setback helped maintain an 'openness' to a foreshore and assisted to minimise perceived overlooking of public land. Of these factors, the setback pattern rarely maintained a 15m setback from the foreshore although the provisions would have maintained a larger setback than if that had not applied as any variation would have been minimised through the design process.

To include foreshore setback or height provisions in the LPS it must be demonstrated that they would provide a significant social benefit. The test in relation to economic or environmental benefit is not considered to apply.

There are many ways in which the social benefit of a foreshore setback or height could be evaluated. In the simplest form, this could be via strong public support. More detailed methods would be via surveys of the community that seek to elicit a more objective understanding of the value and significance of this.

The loss of the foreshore provisions were raised in two representations on the current interim planning scheme and in a number of representations involving individual planning applications. Those representations noted that the foreshore provisions:

- The provision add to the community value of foreshore reserves, enhance the user experience of foreshore reserves and encourage greater use of the reserve of physical activity
- Protected the coastal environment of the region and the role of this is establishing a sense of place and providing a competitive advantage
- Protect establish development patterns, and
- Would be consistent with a number of urban design, amenity and liveability objectives in the interim scheme.

For individual planning applications the common concern raised is the potential loss of views of a building built forward of an adjoining dwelling and the perceived private cost of that loss of view. There are also issues that are more of principal where an adjoining landowner has build to, or at-least close to, the provisions with an expectation that others would do the same.

The draft LPS does not include any foreshore setback or height provisions. The reason for this is not that the existing provisions are without merit, but that it cannot at this stage be demonstrated that there is a 'significant' social benefit from their inclusion.

11.7 Attachment 7 – Possible Future Strategic Land Use Work

The following provides a list of potential future strategic projects that have been identified through the process of preparing the LPS.

The extent of potential changes in the draft LPS is minimal given the nature of the ministerial guidelines and a need to follow due process to consider any strategic changes beyond those necessary to align with the ministerial guidelines. None are necessary for the current LPS development but represent opportunities to further develop the LPS once it is implemented and once the Southern Tasmanian Regional Land Use Strategy has been reviewed in order to provide an up to date regional context.

- Update of Vision East
- Continual Review of Township Structure Plans
- Review of zoning in vicinity of Spring Bay Marina
- Review of zoning in southern part of Buckland
- Preparation of North Bicheno Development Plan
- Review of zones, services and access at and around Holkam Court, Orford
- Review industrial zones through Triabunna
- Progress development opportunities at Waterloo Point, Swansea
- Review local heritage listings in conjunction with Swansea museum
- Identify areas for scenic landscape protection

11.8 Attachment 8 - STRLUS Compliance Statement

Policy	Policy Statement	Compliance Statement
Biodiversity & Geodiversity		
BNV 1.1	Zones that allow intensive development are not applied where native vegetation is to be protected	The LPS zones do not significantly increase in size and do not extent into areas of important vegetation. There are existing areas of GRZ or LDRZ that have priority vegetation. In these zones the SPP is only applicable to subdivision.
BNV 1.2	Protect significant biodiversity values and adopt a 'avoid, minimise, mitigate' approach	The LPS provides a priority vegetation area.
BNV 1.3	Provide for biodiversity offsets	The SPP does not expressly provide for offsets. Council has no offset policy but offsets can nevertheless be considered on a case by case basis.
BNV 1.4	Allow for local variability in the management of biodiversity	The Regional Ecosystem Model used in the priority vegetation area allows for consideration of local and endemic biodiversity values.
BNV 1.5	Require construction environmental management plans	An issue for development control.
BNV 1.6	Provide for climate refugia	The LPS provides an overlay for refugia. The overlay is applied in a manner consistent with Ministerial Guideline No. 1.
BNV 2.1	Avoid or minimise the clearance of threatened native vegetation communities unless the harm is minimal or the benefits are significant	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.
BNV 2.2	Minimise clearing of important habitat	The Regional Ecosystem Model specifically incorporates habitat for threatened species.
	Advise developers of other relevant legislation	An issue for development control.
BNV 3.1	Include requirements to have buildings setback from reserve issues	An SPP issue.
BNV 4.1	Consult NRM based organisations	Has occurred and will continue to occur through the LPS approval process.
BNV 5.1	Provide for weed management	An issue for development control.
BNV 6.1	Improve knowledge of geodiversity values	Not a planning scheme issue.
BNV 6.2	Protect geodiversity values	All known geodiversity values (unique rock or formations) and contained within public land.
Water Resources		
WR 1.1	Adopt the State Policy on Water Quality Management	See section 2.4.3
WR 1.2	Apply water sensitive urban design principles	The SPP have little consideration of water sensitive urban design. The policy will be pursued outside the permit process and principally via Stormwater System

		Management Plans.
WR 1.3	Protect riparian areas	An issue for development control. The SPP provisions adopted the current interim planning scheme riparian buffers.
WR 1.4	Require construction environmental management plans in the riparian zone	An issue for development control.
WR 2.1	Hydro lakes	Not applicable
WR 2.2	Public access along waterways	Not a zoning issue.
WR 2.3	Minimise clearing of riparian vegetation	Riparian vegetation is a specific component of the Regional Ecosystem Model used for the priority vegetation area.
WR 2.4	Allow recreation and tourism development adjacent to waterways where impact is minimal	An issue for development control.
WR 3.1	Reduce barriers to rainwater tank use	A building control issue. It should be noted though that rainwater tanks used internally require pumps which can affect amenity through excessive noise.
The Coast		
C 1.1	Minimise clearance of coastal native vegetation	The LPS zones do not significantly increase the need to remove coastal native vegetation.
C 1.2	Maximise growth within existing settlement boundaries	The LPS zones provide for consolidation of existing settlements consistent with the structure plans. The provision of the Village Zone at Swanwick and Coles Bay will re-introduce the ability to consider multiple dwellings to make more efficient use of limited land availability.
C 1.3	Avoid development of mobile landforms	An issue for development control.
C 1.4	Zone undeveloped land in the coastal area Environmental Management, Recreation or Open Space unless the land is required for rural resource or urban purposes.	Within the coastal area, the LPS proposes to apply every zone used. The zones used have regard to the current planning scheme, existing use and development and township structure plans. This policy is achieved in full through the zones proposed.
C 2.1	Address coastal hazards	This is achieved via the SPP and overlays in the LPS.
C 2.2	Avoid exacerbating current risk from coastal hazards	The LPS includes overlays on coastal hazards which manage development within existing settlements. The LPS avoids any new urban based zones in areas subject to coastal hazards.
C2.3	Identify areas for landward retreat of coastal hazards	A coastal refugia overlay is provided for. Significantly more work is required outside the planning system to further this policy.
Managing Risks and Hazards		
MRH 1.1	Mitigate bushfire risk in the earliest possible stage of development	The SPP includes a bushfire hazard prone areas code.
MRH	Design subdivision roads	The SPP includes a bushfire hazard prone areas

1.2	to provide safe exit in a bushfire	code.
MRH 1.3	Do not restrict clearing around existing dwellings	The SPP includes exemptions for such purpose.
MRH 1.4	Ensure planning schemes or building regulations provide bushfire mitigation measures	The SPP includes a bushfire hazard prone areas code.
MRH 1.5	New development in bushfire prone areas must have regard to 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	No a planning scheme consideration.
MRH 2.1	Mitigate flood risk in the earliest possible stage of development	<p>There is no available mapping flooding caused by rivers and accordingly there is no consideration of this issue in the LPS. For some locations, there is some overlap on this issue with coastal inundation which is provided for within the LPS</p> <p>Orford and Swansea do suffer flooding and a key part of future Stormwater System Management Plans will be to ensure the stormwater network can handle 1 in 100 year rain events of the future. This is the accepted engineering design level for overland flow.</p> <p>The 2016 flood event was cause by a particularly acute rain event that was significantly greater than a 1 in 100 year rain event.</p>
MRH 2.2	Provide development controls for flood prone areas	See above
MRH 3.1	Prevent further development in declared landslip areas.	There are no declared (i.e., via Building Act 2016) landslip areas in the municipal area.
MRH 3.2	Require development to be responsive to land instability.	The LPS adopts landslip hazard mapping.
MRH 3.3	Development in areas of land instability must not cause an undue risk to occupants or the public	This is a developThis is principally regulated via the building system.
MRH 4.1	Require consideration of contaminated sites	<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>There are known contaminated sites which are under the remediation notices from the Environment Protection Authority.</p>
MRH 5.1	Manage risks of dispersive soils	There are no known areas of dispersive soils in the municipal area.
MRH	Manage risks of acid	Under the SPPs acid sulphate soils must be managed

5.2	sulphate soils	via construction environmental management plans.
Cultural Values		
CV 1.1	Support review of Aboriginal Relics Act 1975	Not a relevant planning scheme consideration.
CV 1.2	Improve knowledge of Aboriginal heritage places	Not a relevant planning scheme consideration.
CV 1.3	Avoid development in areas known to have Aboriginal cultural heritage values	Known areas of Aboriginal cultural heritage values are most typically within the Environmental Management Zone. On private property, these values must be managed under the relevant legislation. The LPS does not increase the risk of such values being harmed as there is limited change to zonings proposed from the zones of the interim planning scheme.
CV 1.4	Support the use of predictive modelling	Not a relevant planning scheme consideration.
CV 2.1	Support review of Historic Cultural Heritage Act 1995	Not a relevant planning scheme consideration.
CV 2.2	Promote nationally adopted tiered approach to management of heritage values	Not a relevant planning scheme consideration.
CV 2.3	Ensure local planning authorities regulate places of local values	The LPS proposes to continue to recognise and protect local heritage places
CV 2.4	Protect heritage precincts	There are no identified heritage precincts within the municipal area. Any consideration of heritage precincts would require expert advice and consultation with residents.
CV 2.5	Apply the Burra Charter	This is relevant to the SPP which provides the criteria to evaluate works to heritage places.
CV 2.6	Standardise listing criteria	As a transitional arrangements, heritage places can be listed without the full descriptions that are expected under the SPP.
CV 2.7	Allow adaptive reuse of heritage places	This is provided for by the SPP.
CV 3.1	Ensure heritage studies are fully transparent	Not a relevant planning scheme consideration.
CV 4.1	Develop an agreed set of criteria for determining the relative significance of important landscapes and key landscape values	Not a relevant planning scheme consideration. This is important work that requires progress at a regional level.
CV 4.2	Protect regionally significant landscapes	The LPS includes scenic landscape area and corridors based on the 1994 planning scheme. Consideration of other areas is constrained by CV 4.1.
CV 4.3	Protect Greater Hobart skylines	N/A
CV 5.1	Protect places of archaeological potential	The LPS does not list any places of archaeological potential. Archaeological values do exist as evident by the ANU

		<p>digs at the Triabunna barracks. Archaeological potential generally corresponds to local or State listed properties.</p> <p>Any broader consideration of identifying places of archaeological potential would require expert advice and consultation with owners.</p>
CV 5.2	Manage soil disturbance in places of archaeological potential	N/A
Recreation and Open Space		
ROS 1.1	Adopt Tasmanian Open Space Policy and Planning Framework 2010 hierarchy of open space	This is not a relevant planning scheme consideration. It is relevant to the management of open space assets and development of open space strategies.
ROS 1.2	Adopt Tasmanian Open Space Policy and Planning Framework 2010 classification of open space	This is not a relevant planning scheme consideration. It is relevant to the management of open space assets and development of open space strategies.
ROS 1.3	Undertake a regional open space study	This is not a relevant planning scheme consideration. The study has not occurred.
ROS 1.4	Undertake local open space studies	<p>This is not a relevant planning scheme consideration. The study has not occurred. Council continues to develop open space connectivity for walking. An area of open space does need to be identified at south Swansea given the number of subdivisions occurring in the area.</p> <p>The SPP does not include any consideration of public open space design within subdivision. This is a significant omission that may constrain the ability to implement any local study.</p>
ROS 1.5	Ensure well connected provision of walking and cycling trails	This is not a relevant planning scheme consideration.
	Adopt the 'Healthy by Design' principles in subdivision design	This is implemented, to some extent, in the SPP.
ROS 2.1	Avoid unnecessary duplication of recreational facilities across the region	This is not a relevant planning scheme consideration.
Social Infrastructure		
SI 1.1	Protect the Royal Hobart Hospital	N/A.
SI 1.2	Ensure social infrastructure matches community needs	This is not a relevant planning scheme consideration.
SI 1.3	Provide well located and accessible social infrastructure	The LPS applies the Community Purpose Zone to major facilities. Social infrastructure can be provided within the Local Business Zone and Village Zone as well.
SI 1.4	Identify areas for social	Sufficient opportunities exists to provide social

	infrastructure in urban growth areas and activity centres	infrastructure in activity centres under the Local Business Zone.
SI 1.5	Provide multi-purpose, flexible and adaptable social infrastructure	This is not a relevant planning scheme consideration.
SI 1.6	Co-locate and integrate social infrastructure	This is not a relevant planning scheme consideration.
SI 1.7	Allow aged-care facilities to develop where necessary	Aged care facilities are a residential use and can be considered in most zones.
SI 1.8	Provide flexibility to allow the aged to continue living in communities	A diverse range of residential options can be considered in the General Residential Zone including ancillary dwellings.
SI 1.9	Adopt Crime Prevention through Environmental Design	The is a relevant consideration for the SPP.
SI 1.10	Recognise that building control provide for disability access	This is not a relevant planning scheme consideration.
SI 2.1	Ensure a diversity of housing choice	The is a relevant consideration for the SPP.
SI 2.2	Provide for social housing	The is a relevant consideration for the SPP.
Physical Infrastructure		
PI 1.1	Preference growth where infrastructure is under-utilised	<p>The application of the General Residential Zone and Low Density Residential Zone has occurred in consultation with TasWater to ensure that the zoned land can be developed.</p> <p>There are some areas of Low Density Residential Zone where sewer, water or stormwater services are inadequate and cannot be upgraded on a cost effective or efficient basis.</p>
PI 1.2	Allow small scale energy facilities	The is a relevant consideration for the SPP.
PI 2.1	Use infrastructure to delivery planned growth and encourage compact urban form	<p>The major infrastructure issues in the municipal area are:</p> <ul style="list-style-type: none"> - Improvements to the Great Eastern Drive / Tasman Highway to provide a safer road network for residents and visitors - Planning for mitigation or relocation of major roads due to projected sea level rise, particularly at Orford - The provision of reticulated sewer to Coles Bay - The provision of boat trailer parking at boat ramps and marina's, particularly Coles Bay - The provision of car parking for visitors to Coles Bay - Stormwater capacity issues, particularly at Orford and Swansea <p>It is considered that the LPS has proposed zones that will not place unreasonable pressure of these issues. Where necessary, subdivision potential has been</p>

		constrained pending resolution of stormwater issues.
PI 2.2	Coordinate, prioritise and sequence infrastructure provision	This is not a planning scheme consideration.
PI 2.3	Identify and protect future infrastructure corridors	Future infrastructure corridors are not identified within the LPS on the basis of an absence of identified need.
PI 2.4	Use demographic and dwelling forecast information in the regional strategy to inform infrastructure planning	The STRLUS is out of date and should not be used for such purposes.
PI 2.5	Develop a regionally consistent approach to developer charges	<p>Value capture includes developer charges (i.e., headworks charges) and other mechanisms. Infrastructure Australia has published guidance on value capture - http://infrastructureaustralia.gov.au/policy-publications/publications/files/Capturing_Value-Advice_on_making_value_capture_work_in_Australia-acc.pdf</p> <p>There is no regionally consistent approach to value capture.</p> <p>Council has required contributions to external works (road or stormwater) where required. Value capture may be an important component of future Stormwater System Management Plans.</p>
PI 2.6	Protect electricity generation and transmission infrastructure	The LPS includes an overlay to protect transmission infrastructure. There are no major electricity generation infrastructure in the municipal area. The Triabunna sub-station does have capacity to accommodate relatively large generation through a solar farm or other large scale infrastructure.
Land Use and Transport Integration		
LUTI 1.1	Preference urban expansion close to existing transport corridors	Not applicable outside of Greater Hobart.
LUTI 1.2	Allow higher densities near transport corridors	Not applicable outside of Greater Hobart.
LUTI 1.3	Encourage above ground level residential development in activity centres	The is a relevant consideration for the SPP.
LUTI 1.4	Consolidate residential development into key settlements	The LPS provides for compact settlement form.
LUTI 1.5	Locate major trip generation near public transport and higher order activity centres	Not applicable outside of Greater Hobart.
LUTI 1.6	Maximise road connections between existing and potential	This a relevant consideration for the SPP.

	road	
LUTI 1.7	Protect major regional transport corridors	The SPP includes a road and rail asset code which provides consideration of new or intensified access to major road. The LPS includes a Road Attenuation Area to major roads to address potential noise issues.
LUTI 1.8	Provide buffers to major roads	The LPS includes a Scenic Landscape Corridor and Road Attenuation Area to the Tasman Highway / Great Eastern Drive.
LUTI 1.9	Car parking requirements should encourage public transport	Not applicable outside of Greater Hobart.
LUTI 1.10	Facilitate ferry transport on the Derwent River	Not applicable outside of Greater Hobart.
LUTI 1.11	Encourage walking and cycling as alternative modes of transport	Not a relevant planning scheme consideration.
LUTI 1.12	Provide end of trip amenities to encourage cycling	This a relevant consideration for the SPP.
Tourism		
T 1.1	Protect authentic and distinctive local features and landscapes	<p>The LPS proposes to re-introduce scenic protection provisions from the 1994 planning scheme.</p> <p>As noted in the cultural values section, the STRLUS identifies the need for regional audit and approach to landscape management, including classification and evaluation of important landscapes. This work would facilitate further identification of landscapes for consideration in the LPS. A number of planners in the southern region support the regional audit as a priority issue.</p> <p>Many key features of the municipal area are found on public land in national parks and foreshore reserves. These areas are in the Environmental Management Zone or Open Space Zone.</p>
T 1.2	Identify and protect regional landscapes	See above.
T 1.3	Allow tourism in rural areas	This is a consideration for the SPP.
T 1.4	Allow holiday homes to be used for short-term accommodation	This is a consideration for the SPP.
T 1.5	Allow tourism related mixed use developments in business areas	This is a consideration for the SPP.
T 1.6	Recognise that not all tourism uses will be able to be provided for in the scheme due to their innovative nature	The meaning of this policy is unclear. Tourist Operation and Visitor Accommodation is permitted or discretion is all zones where those uses could exist (i.e., not industrial or utilities). More to the point, given the importance of tourism why should or would tourism be too hard to manage through the scheme. No other industry has that approach.
T 1.7	Allow tourism to be	This follows T 1.6. See above comment.

	considered through s43A process	
Strategic Economic Opportunities		
SEO 1.1	Hobart port facilities	N/A.
SEO 1.2	Sullivan's cove	N/A.
SEO 1.3	Southwood	N/A.
Productive Resources		
PR 1.1	Provide consistency in management of agricultural land	<p>The Agriculture Zone is applied consistent with the Ministerial Guidelines.</p> <p>There are some elements of the Agriculture Zone which may undermine a consistent approach. The SPP allow for subdivision to excise existing dwellings and visitor accommodation buildings in a manner resembling many older/previous planning schemes in Tasmania. The current planning scheme is too restrictive on subdivision for agricultural purposes, however the SPP is too enabling of subdivision that does not serve agricultural purposes.</p>
PR 1.2	Provide separation between sensitive use and agricultural land	This is an issue for the SPP.
PR 1.3	Allow ancillary activities to diversify income to farmers	This is an issue for the SPP.
PR 1.4	Limit subdivision to that necessary for agriculture	See PR 1.1.
PR 1.5	Minimise use of prime agricultural land for plantations	N/A.
PR 2.1	Tailor subdivision standards to suit sub-regions	This is an issue for the SPP.
PR 2.2	Minimum lot sizes to suit main agricultural output in sub-region	This is an issue for the SPP.
PR 2.3	Ensure conversion of agricultural land to residential is driven by settlement strategies rather than viability	The draft LPS does not propose any conversion of agricultural land.
PR 2.4	Facilitate down-stream processing	This is an issue for the SPP.
PR 2.5	Allow tourism and commercial use that protects long-term agricultural potential	This is an issue for the SPP.
PR 2.6	Ensure sensitive use does not fetter agriculture	This is an issue for the SPP.
PR 3.1	Apply a rural zone to extractive industry	The draft LPS applies the Rural Zone to existing significant extractive industries. Extractive industries

		are also discretionary in the Agriculture Zone which provides for new resources to be developed.
PR 4.1	Provide for shore facilities for aquaculture	Pending TPC determination of Spring Bay Seafoods rezoning.
	Identify key marine farming areas	This is not a relevant planning scheme consideration.
PR 5.1	Apply a rural zone to forestry	Existing land under private timber reserves or under ownership of Sustainable Timbers Tasmania is within the Rural Zone, unless surrounding by Agriculture Zone.
PR 5.2	Recognise the forest practices system	This is not a relevant planning scheme consideration. It should be noted through that the Regional Ecosystem Model has been used in the forest practices system and includes data and modelling prepared by the Forest Practices Authority. Biodiversity protection between the land use and forest practices system could and should be more closely aligned and the REM is a positive step.
PR 5.3	Provide for plantations	Land more suitable for forestry is included in the Rural Zone.
PR 5.4	Manage land use conflicts at plantations and native forests	This is an issue for the SPP.
Industrial Activity		
IA 1.1	Ensure industrial land has appropriate topography and infrastructure	The draft LPS brings forward all existing industrial areas with only a minor reduction in the size of the zone near the Bicheno waste transfer station.
IA 1.2	Criteria to establish new areas	N/A
IA 1.3	Provide a 30 year supply of industrial land and protect future expansion areas	<p>Based on update of industrial land and strategic analysis at the regional level, there is sufficient land for 30 year supply in the existing zoned areas.</p> <p>However, this does not consider any locational needs of future projects that may require industrial areas to be established.</p> <p>In this regard, it should be noted that existing Light Industrial Zone responds to specific sites and uses. Most of the Light Industrial Zone is effectively a spot zone and the municipal area lacks any form of industrial park. Many existing Light Industrial Zone sites are therefore more constrained by land use conflict (sometimes at all four boundaries of the site), size and cost-effective provision of infrastructure.</p> <p>It is also appropriate to note that most industrial type activities are associated with agricultural use that can be accommodated in the Rural Zone or Agriculture Zone.</p> <p>Any future review of structure plans or Vision East should consider industrial zoning on a whole of municipal area basis.</p>

IA 1.4	Provide a 15 year supply of industrial zoned land	See IA 1.3.
IA 1.5	Provide 5 year supply of subdivided industrial zoned land	See IA 1.3.
IA 1.6	Use best available information to assess supply	See IA 1.3.
IA 2.1	Identify significant, strategic industrial zones	The Freestone Point Road Light Industrial Zone is a strategic industrial zone through the colocation of aquaculture related uses.
IA 3.1	Take into account environmental values	See IA 1.3
Activity Centres		
AC 1.1	Implement activity centre network	All commercial areas are provided for within the Local Business Zone consistent with the Activity Centre Network of the regional strategy.
AC 1.2	Ensure zoning marches the role of the activity centre	See AC 1.1.
AC 1.3	Discourage out-of-centre development	N/A.
AC 1.4	Promote a greater emphasis on activity centres	This is not directly an issue for the planning scheme.
AC 1.5	Encourage high quality urban design and pedestrian amenity	This is an issue for the SPP through the development standards for the commercial based zones.
AC 1.6	Encourage a mix of uses in activity centres	<p>The SPP Local Business Zone allows for a diverse range of land uses.</p> <p>The Village Zone at Swanwick and Coles Bay is to encourage a more diverse range of land uses that can be accommodated within the two small Local Business Zone areas whilst not attempting to distort the primacy of the Local Business Zone in the area.</p>
AC 1.7	Improve public transport	This matter is outside the jurisdiction of a planning scheme.
AC 1.8	Encourage new development to reinforce the strength and individual character of urban areas	The SPP provides an uniform approach to development standards. The structure plans do identify urban design elements to pursue.
AC 1.9	Active street frontages	This is an issue for the SPP through development standards for commercial based zones.
AC 1.10	Activity centres should encourage local employment	The uses possible in the Local Business Zone cater likely commercial activities in activity centres.
AC 1.11	Cambridge Park	N/A.
AC 1.12	Provide 10-15 years growth of activity centres	<p>In terms of each Local Business Zone:</p> <ul style="list-style-type: none"> - Orford has potential for growth along the Esplanade. In the future, the zone could be expanded into intervening and adjoining

		<p>residential properties.</p> <ul style="list-style-type: none"> - Triabunna has potential for growth through existing vacant lots. As noted elsewhere, the zoning of the marina & surrounds requires review to ensure that this part of the activity centre has appropriate opportunities for growth. - Swansea has limited potential for growth. The structure plan did recommended expansion of the Local Business Zone in a strip fashion along Franklin Street. That should be pursued as a specific rezoning proposal when appropriate. - Bicheno has potential for growth through existing vacant lots. - Coles Bay has limited potential for growth due to the small size of the zone. There is one vacant lot and one lot with potential to be developed in the future.
AC 2.1	Primary Activity Centre (Hobart CBD)	N/A.
AC 2.2	Primary and Principal Activity Centre	N/A.
AC 2.3	Primary and Principal Activity Centre	N/A.
AC 2.4	Encourage structure and economic development planning for all activity centres	Township structure plans address these issues.
AC 3.1	Encourage walking, cycling and public transport	This is not directly an issue to the development of the LPS.
AC 3.2	Primary and Principal Activity Centre	N/A.
AC 3.3	Primary and Principal Activity Centre	N/A.
AC 3.4	Primary and Principal Activity Centre	N/A.
AC 3.5	Allow flexible approaches to car parking in activity centres	Council has a cash in lieu of car parking policy.
Settlement and Residential Development		
SRD 1.1	Implement growth management strategies for settlements	<p>The LPS has regard to the growth management strategies and does not exceed the growth targets for each settlement. The targets provide a percentage range of increase in dwellings from 2010 to 2035.</p> <p>The growth management targets were intended to guide expectations around likely growth needs for settlements. They are not based on detailed analysis. They have been interpreted as absolute limits on growth and restricted otherwise sound residential zonings.</p>

		<p>If interpreted as absolute limits the growth management strategies are flawed and problematic. As one example of flaws, the Orford growth management strategy ignores any consideration of the Solis development plan.</p> <p>A number of solutions have been identified and presented to the Planning Policy Unit.</p>
SRD 1.2	Manage growth through a hierarchy of strategy, structure plans, subdivision control and development control	Each settlement has a structure plan in place.
SRD 1.3	Restrict rural living zone to certain cases	The draft LPS does not significantly alter the Rural Living Zone.
SRD 1.4	Increase rural living densities to an average of 1ha	A 1ha minimum lot size is proposed for the Rural Living Zone. This is the smallest minimum lot size allowable under the SPP, and as such the 'average' will not be achieved.
SRD 1.5	Achieve 15 dwellings per hectare (net) in the General Residential Zone	This is an issue for the SPP through the setting of subdivision standards for the General Residential Zone.
SRD 1.6	Only use the Low Density Residential Zone where there are land constraints or existing character	The LDRZ is applied to unserviced and under-serviced areas at Spring Beach, Orford and Triabunna. Further detail is provided in section 6.
SRD 2.1	Greater Hobart Settlement Strategy	N/A.
SRD 2.2	Greater Hobart Settlement Strategy	N/A.
SRD 2.3	Greater Hobart Settlement Strategy	N/A.
SRD 2.4	Greater Hobart Settlement Strategy	N/A.
SRD 2.5	Greater Hobart Settlement Strategy	N/A.
SRD 2.6	Greater Hobart Settlement Strategy	N/A.
SRD 2.7	Greater Hobart Settlement Strategy	N/A.
SRD 2.8	Greater Hobart Settlement Strategy	N/A.
SRD 2.9	Greater Hobart Settlement Strategy	N/A.
SRD 2.10	Greater Hobart Settlement Strategy	N/A.
SRD 2.11	Greater Hobart Settlement Strategy	N/A.

11.9 Attachment 9 – Regional Ecosystem Model

See separate PDF document