



## Planning Submission

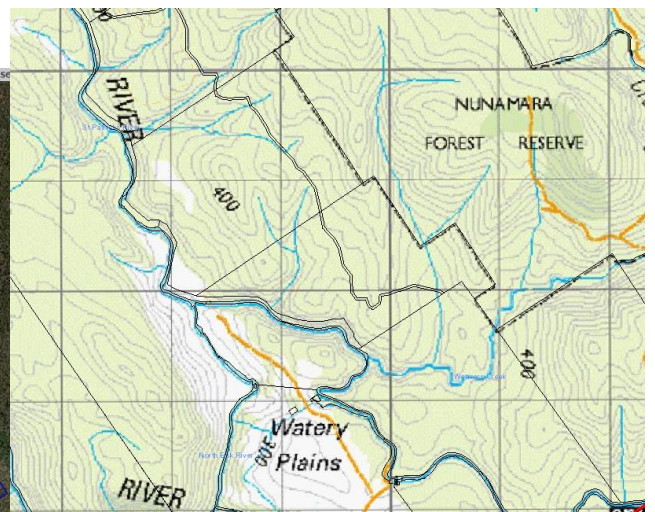
### Section 37(1) *Land Use Planning and Approvals Act 1993*

### Request to Amend the Launceston Local Provisions Schedule

325 Watery Plains Road, White Hills

Prepared for:

City of Launceston



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# 1.0 Introduction

## 1.1 Purpose of the Report

**6ty° Pty Ltd** has been engaged by Fred Malahoff of **Mountain Stream Fishery** to prepare an application for a draft amendment to the Local Provisions Schedule of the *Tasmanian Planning Scheme - Launceston* (“**the Scheme**”) in accordance with section 37(1) of the *Land Use Planning and Approvals Act 1993* (“**the Act**”).

The draft amendment seeks to rezone the three titles that form 325 Watery Plains Road, White Hills (“**the site**”) as identified by Certificates of Title Volume 208625 Folio 1, Volume 232243 Folio 1, and Volume 106554 Folio 1 from Agriculture Zone to Rural Zone.

The purpose of the proposed draft amendment is to enable consideration of alternative under the applicable provisions of the Rural Zone of the Scheme which would not be allowable under the existing Agriculture Zone. The current application addresses the rezoning only. Any future proposed use and development would be subject to a later development application.

This report forms the basis of the application and has been prepared having regard to the relevant requirements and objectives of the Act and relevant strategic planning documents including:

- Northern Tasmania Regional Land Use Strategy;
- Guideline No. 1 Local Provisions Schedule (LPS): Zone and Code Application June 2018;
- State Policies;
- City of Launceston Strategic Plan 2014-2024: 2019 Review; and
- Tasmanian Planning Scheme – Launceston.

## 1.2 Application Overview

Subject Land	
<b>Location</b>	325 Watery Plains Road, Targa
<b>Title Information</b>	Volume 208625 Folio 1
	Volume 232243 Folio 1
	Volume 106554 Folio 1
<b>PID</b>	7871028 and 1999741
<b>Total Land Area</b>	520.1ha
<b>Current Zoning</b>	Agriculture
<b>Overlays</b>	7.0 Waterway and coastal protection area 13.0 Bushfire prone area 15.0 Low and medium landslip hazard bands

	16.0 Airport obstacle limitation area
<b>Statutory References</b>	
<b>Planning Instrument</b>	<i>Tasmanian Planning Scheme – Launceston</i>
<b>Planning Authority</b>	City of Launceston
<b>Legislative Instrument</b>	<i>Land Use Planning and Approvals Act 1993</i>
<b>Proposed Amendment</b>	
<b>Description</b>	Rezone the Site from Agriculture to Rural Zone

### 1.3 Proposed Draft Amendment

The proposed draft amendment seeks to rezone the Site from Agriculture to Rural Zone as identified below –



Current zoning (Agriculture)



Proposed zoning (Rural)

The proposed amendment includes applying the priority vegetation overlay over the land proposed to be zoned Rural where it is applicable.

### 1.4 Statutory Overview

Section 38(1) of the Act requires that the Planning Authority must satisfy themselves that a draft amendment will meet the Local Provisions Schedule (LPS) criteria set out in section 34 of the Act. The following table provides an overview of the LPS criteria pertinent to the proposed draft amendment.

## Section 34(2) LPS Criteria

The LPS criteria to be met by a relevant planning instrument are that the instrument –

Sub-clause	Requirement	Response
(a)	contains all the provisions that the SPPs specify must be contained in an LPS.	<i>The proposed draft amendment seeks to amend the LPS by way of rezoning the site from Agriculture to Rural.</i>  <i>All provisions that the State Planning Provisions (SPPs) specify will continue to apply to the site.</i>
(b)	is in accordance with section 32.	<i>The proposed draft amendment will satisfy the matters specified in section 32 of the Act.</i>  <i>The Agriculture Zone was assigned to the site during the transition from the Launceston Interim Planning Scheme 2013 to the Tasmanian Planning Scheme and in accordance with the Zone Application Guidelines set out in <u>Guideline No. 1 Local Provisions Schedule (LPS): Zone and Code Application June 2018</u><sup>1</sup> which are addressed in <b>Section 4.1</b> of this report.</i>  <i>The site was assigned to the Rural Resource Zone under the Launceston Interim Planning Scheme 2013.</i>
(c)	further the objectives set out in Schedule 1.	<i>Assessment of the proposed draft amendment against the objectives set out in Schedule 1 of the Act is provided in <b>Section 4.2</b> of this report.</i>
(d)	is consistent with each State policy.	<i>Assessment of the proposed draft amendment against each State Policy is provided in <b>Section 4.3</b> of this report.</i>
(da)	satisfies the relevant criteria in relation to the TPPs.	<i>There are no Tasmanian Planning Policies in effect in which to consider the proposed draft amendment against.</i>
(e)	as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates.	<i>Assessment of the proposed draft amendment against the Northern Tasmania Regional Land Use Strategy is provided in <b>Section 4.5</b> of this report.</i>
(f)	has regard to the strategic plan, prepared under section 66 of the <i>Local Government Act 1993</i> , that applies in relation to the land to which the relevant planning instrument relates.	<i>Assessment of the proposed draft amendment against the relevant parts of the <i>City of Launceston Corporate Strategic Plan 2014 – 2024: 2019 Review</i> is provided in <b>Section 4.6</b> of this report.</i>

<sup>1</sup> guidelines issued under section 8A of the Act.

## Section 34(2) LPS Criteria

The LPS criteria to be met by a relevant planning instrument are that the instrument –

Sub-clause	Requirement	Response
(g)	as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates.	<i>In this instance, the site does not adjoin and is not located adjacent to, land that is governed by another LPS within a different municipal area. Accordingly, the proposed draft amendment satisfies section 34(2)(g) of the Act.</i>
(h)	has regard to the safety requirements set out in the standards prescribed under the <i>Gas Safety Act 2019</i> .	<i>The site is located in more than 15km east of the applicable Gas Pipeline Corridors. The proposed draft amendment will therefore not affect, or could be affected by, the requirements set out in the standards prescribed under the <u>Gas Safety Act 2019</u>.</i>

## 2.0 Site and Surrounds

### 2.1 The Site

The site comprises three adjoining titles (CT208625/1, CT232243/1 and CT106554/1) with a total area of 520.1ha. The property is located around 10km east of St Leonards and 2.3km north of Blessington Road.

The site is positioned at the confluence of the St Patricks River and the North Esk River. A bridge over the North Esk River joins the southern title (CT106554/1) with the remainder of the property. A bridge over the North Esk River joins the southern title (CT106554/1) with the remainder of the property.

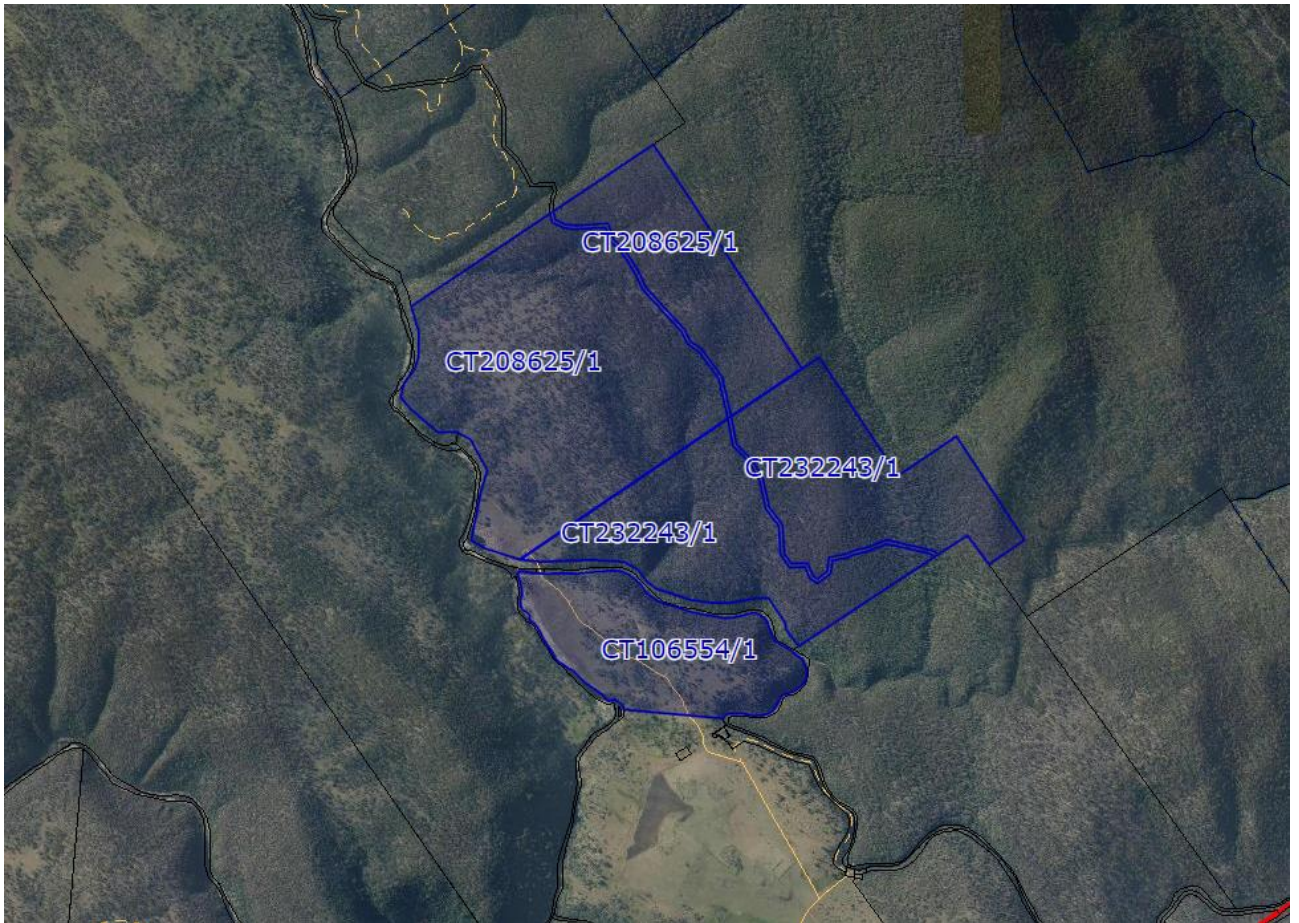
The property is developed with a single dwelling and outbuildings, sited on the northern side of the North Esk River.

Access to the site is from Watery Plains Road, via a private right of way over two properties. A reserved road bisects two of the subject titles.

The south-western edge of the site exists as partly cleared paddocks where the land flattens near the rivers. The remainder of the site consists of moderate to steeply sloping land, generally with a westerly aspect. Most of the site is vegetated with native eucalypt forest, part of which is protected by a conservation covenant as a private reserve.

The three titles that form the property are subject to the proposed draft amendment, as identified in Figure 2.





**Figure 2 - Aerial image illustrating the spatial area of the site, across three titles.**

Source: base image and data from the LIST ([www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)) © State of Tasmania

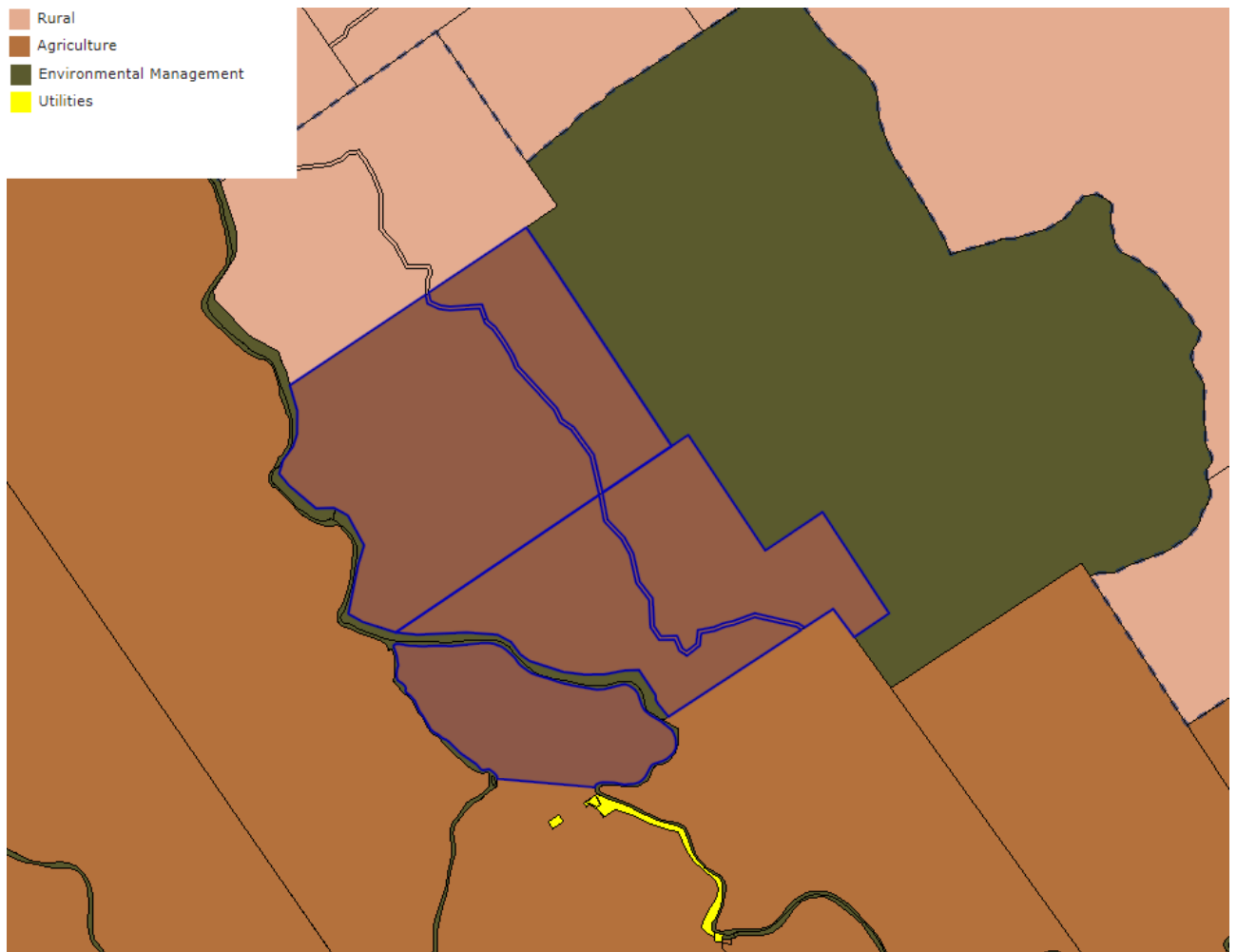
The property adjoins the Weavers Creek Regional Reserve on the north-eastern side. The reserve is Crown land managed by the Parks and Wildlife Service. The western boundary of the site is formed by the Crown land reserves of the St Patricks River and North Esk River. The adjoining land on other sides of the property and beyond the rivers is privately owned.

Water reticulation infrastructure owned and managed by Taswater is located just south of the site on the North Esk River.

## 2.2 Zoning and Overlays

The site is currently assigned to the Agriculture Zone under the Scheme. Other zones within proximity to the site include Rural, Environmental Management and Utilities.

The spatial allocation of land use zones is shown in Figure 3 below.



**Figure 3 - Zoning of the site and surrounding area**

Source: base image and data from the LIST ([www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)) © State of Tasmania

The site is partly or entirely within the following overlays on the Scheme overlay maps:

- Waterway and coastal protection area;
- Bushfire prone area;
- Low and medium landslip hazard bands; and
- Airport Obstacle Limitation Area

## 2.3 Natural Values and Hazards

### Bushfire Hazard

The site is located within a Bushfire Prone Area.

### Potentially Contaminated Land

The site is not currently used for any use listed in Table C14.2 and the site is not known to be potentially contaminated.

### Landslide Risk

Parts of the site are identified within the low and medium landslide hazard bands on the Scheme overlay maps.

### Flood Hazard

The site is not shown as being subject to a flood risk on the Scheme overlay maps.

### Scenic Values

The site is not subject to any scenic values mechanisms in the Scheme.

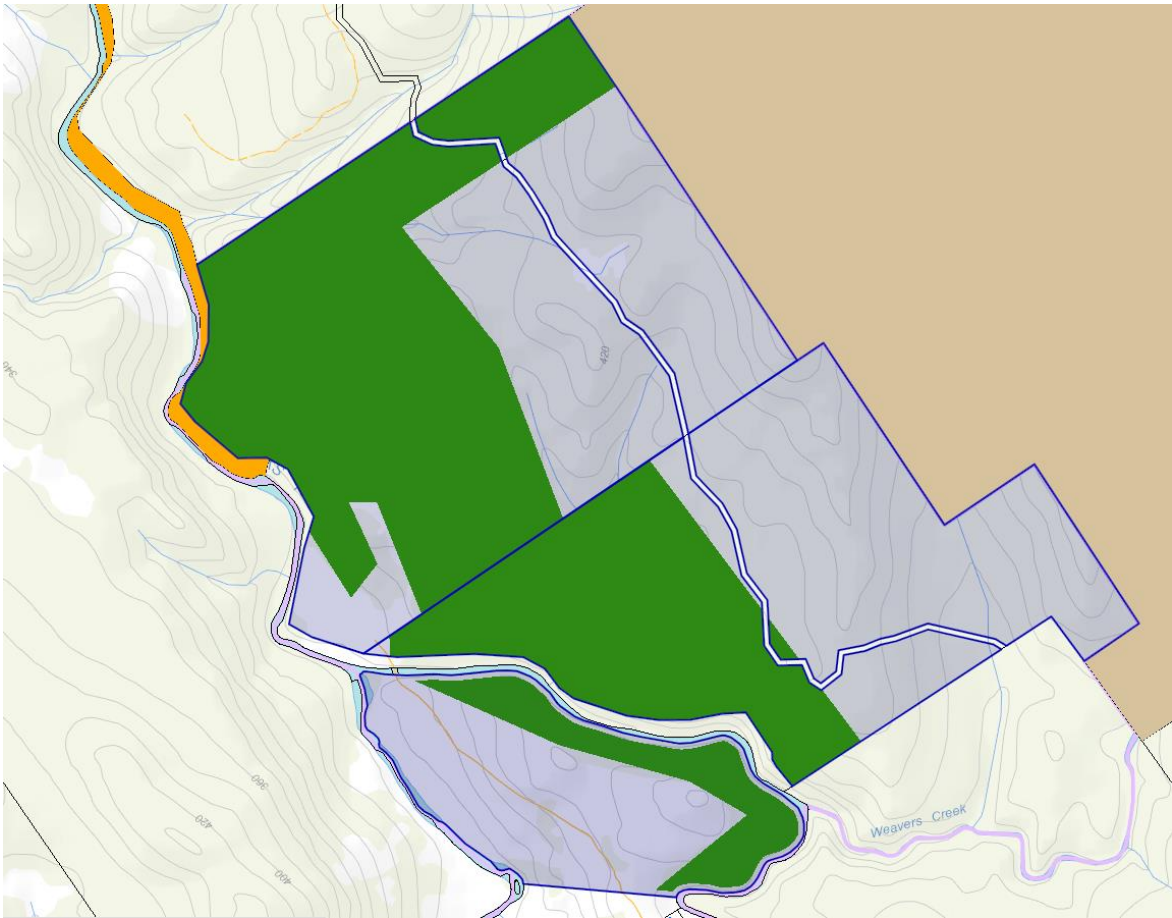
### Biodiversity Values

Most of the site is vegetated with native forest. The Agricultural Report submitted with the application identifies that most of the eucalypt forest falls into the *Eucalyptus amygdalina* forest and woodland on dolerite (TasVeg code DAD) with areas of *Eucalyptus viminalis* forest and woodland on dolerite (DVG), Allocasuarina verticillate forest (NAV) and other vegetation types in smaller parcels.

Around 12.2ha of the site is cleared Agricultural land (FAG), which includes the area around the existing dwelling.

Approximately 14ha of the site is covered by Eastern riparian scrub (SRE), which is a Threatened Vegetation Community under the *Nature Conservation Act 2002*.

Part of the site (approximately 241ha) is protected by a conservation covenant as a private reserve, as shown in Figure 4. The covenanted area includes the Eastern riparian scrub (SRE) vegetation and the remaining area is mainly *Eucalyptus amygdalina* forest and woodland on dolerite (DAD).



**Figure 4 – Private reserve area identified in green.**

Source: base image and data from the LIST ([www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)) © State of Tasmania

The banks of waterways on the site are covered by the Waterway and coastal protection area overlay under the Natural Assets Code.

If the proposal to rezone the site to the Rural Zone is successful, the identified priority vegetation areas under the Natural Assets Code will apply. This overlay does not apply currently as the land in the Agriculture Zone, in accordance with the Code Application Guidelines for the Natural Assets Code (*Guideline No. 1 Local Provisions Schedule (LPS): Zone and Code Application June 2018*). If the rezoning of the land is approved the priority vegetation area will apply to most of the site, as shown on the overlay map, attached as **Appendix C** to this report.

## 2.4 Local Context

The site is located approximately 10km east of St Leonards, which forms the outer edge of urban development on the south-eastern side of Launceston. The site is accessed via Blessington Road, which is a State arterial road providing access to the Ben Lomond National Park and surrounding rural areas along the North Esk River.

Rural land in the broader area is used for a mix of purposes, including dry land grazing, native forest harvesting and plantation forestry, conservation areas and lifestyle properties.

The site is located within a Rural Area under the Regional Framework Plan and Land Use Categories defined by the Northern Tasmania Regional Land Use Strategy (refer to the NRLUS discussion in section 4.6 of this report).

#### 2.4.1 Zoning

The site is situated at the northern edge of the current Agriculture Zone, where it extends east of the more intensively farmed areas on the south-eastern side of Launceston, along the North Esk River.

Directly adjoining land to the north and further to the north and north-east of the site is generally assigned to the Rural Zone, except where it is assigned to a conservation related zoning of Environmental Management Zone or Landscape Conservation Zone.

#### 2.4.2 Infrastructure

The site is in a rural area. It is not connected to any reticulated services.

#### 2.4.3 Road Network

The site is accessed via Watery Plains Road which is a gravel road off Blessington Road under the local authority of the Council.

From Watery Plains Road, access to the property is secured via a right of way passing over two private titles.

### 3.0 Supporting Assessments

The proposal is informed by the following background investigation which is summarised below.

#### 3.1 Agricultural Assessment

RMCG Pty Ltd was engaged to prepare an Agricultural Report considering the proposed draft amendment, attached as **Appendix B** to this report.

An initial desktop feasibility assessment was undertaken followed by a field inspection in June 2023 to conform the desktop study findings.

The assessment considers:

- *The physical characteristics of the subject title and surrounding land including an onsite Land Capability assessment of the pasture areas;*
- *Existing and potential agricultural and primary industry use of the subject title and surrounding land;*
- *The potential for irrigation development; and*

- *Existing non-agricultural use on the subject title, the holding and surrounding land.*

The report contains the following comments around Land Capability:

*The Published Land Capability for the land shows the land to be the following Classes:*

- *Class 5 – 56.4ha*
- *Class 6 – 378.9ha*
- *Class 7 – 82.9ha*
- *Unmapped – 1.9ha.*

*Class 5 land is described as Land unsuited to cropping and with slight to moderate limitations to pastoral use.*

*Class 6 land is described as land that is marginally suitable for grazing due to severe limitations.*

*Class 7 land is described as having very severe to extreme limitations that make it unsuitable for agricultural use.*

*When onsite a Land Capability Assessment was conducted that focused on areas mapped as FAG and GCL.*

*The key limiting factors that were identified were surface stone and cobbles/gravel in the profile, drainage limitations, and potential water erosion risks. The assessment concluded that for the assessed areas the published Land Capability is generally consistent, and no areas were assessed that were less limited for agricultural use than Class 5. Abundant dolerite boulders were also identified under vegetation, which aligns with areas that are mapped as Class 6 or 7.*

The report contains the following comments regarding potential for irrigation of the site:

- *The property is partially located within the middle and low sub-catchments of the North Esk River, as well as the lower St Patricks sub-catchment. The entirety of the land is within the North Esk catchment. The property has frontage onto both the North Esk and St Patricks Rivers. There are also unnamed tributaries (one for the St Patricks and two for the North Esk) which have their head waters originate on the property and flow into their respective river.*
- *According to DNREs Water Assessment Tool the catchment is over allocated, which means the only irrigation water available would be through trading.*
- *Based on the 10m contours there are no attractive dam sites on the property.*
- *The property is also outside any active irrigation schemes, although it is noted that the North Esk Irrigation Scheme covers the property to the south and the Scheme offtake for pump filling the Scheme dam (Dam ID 9871 - Rocklands Lake) is approximately 1km upstream from the south eastern corner of the southern title on the North Esk River.*

- *The likelihood and feasibility for developing an irrigation water resource on the subject land is very low due to the lack of available irrigation water and the lack of land suitable to receive irrigation water.*

The report concludes that the site should be assigned to the Rural Zone for the following reasons:

- *The subject property is limited for existing and potential agricultural use by Land Capability and lack of existing or potential irrigation water resources.*
- *There is no Prime Agricultural Land associated with the property.*
- *Land with these characteristics is more consistent with the application guidelines for the Rural Zone rather than the Agriculture Zone.*
- *Rezoning the land to Rural will not have any impacts on adjacent agricultural activities.*

## 4.0 Draft Amendment Statutory Assessment

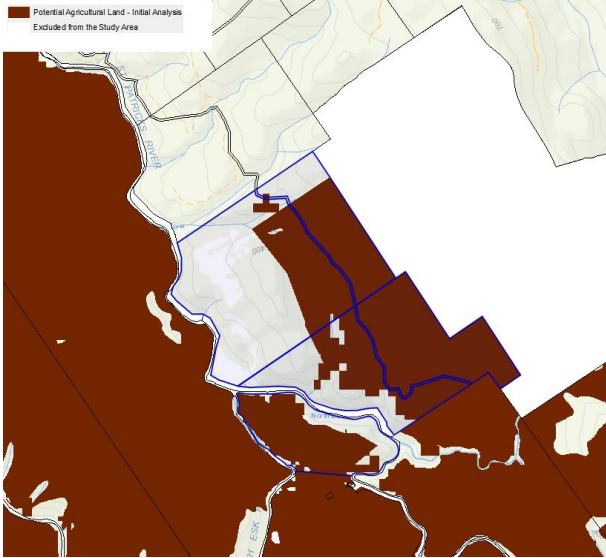
### 4.1 Section 8A Guidelines – Guideline No.1 Local Provisions Schedule (LPS): Zone and Code Application

The proposed draft amendment seeks to rezone the site from Agriculture to Rural. The application guidelines for these zones are provided below:

Agriculture Zone	
<p><i>The purpose of the Agriculture Zone is:</i></p> <p>21.1.1 <i>To provide for the use or development of land for agricultural use.</i></p> <p>21.1.2 <i>To protect land for the use or development of agricultural use by minimising:</i></p> <p style="margin-left: 20px;"><i>(a) conflict with or interference from non-agricultural uses;</i></p> <p style="margin-left: 20px;"><i>(b) non-agricultural use or development that precludes the return of the land to agricultural use; and</i></p> <p style="margin-left: 20px;"><i>(c) use of land for non-agricultural use in irrigation districts.</i></p> <p>21.1.3 <i>To provide for use or development that supports the use of the land for agricultural use.</i></p>	
Zone Application Guidelines	Response
<p>AZ 1</p> <p>The spatial application of the Agriculture Zone should be based on the land identified in the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST, while also having regard to:</p> <p style="margin-left: 20px;">(a) any agricultural land analysis or mapping undertaken at a local or regional level for part of the municipal area which:</p> <p style="margin-left: 40px;">(i) incorporates more recent or detailed analysis or mapping;</p> <p style="margin-left: 40px;">(ii) better aligns with on-ground features;</p> <p>or</p> <p style="margin-left: 20px;">(iii) addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer, and</p> <p>where appropriate, may be demonstrated in a report by a suitably qualified person, and is consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;</p> <p style="margin-left: 20px;">(b) any other relevant data sets; and</p>	<p><i>The site is identified as Unconstrained in the 'Land Potentially Suitable for Agriculture Zone' mapping layer published on the LIST.</i></p> <p><i>The site is not currently used for an agricultural purpose. Historically, it is known to have been used for low stock sheep grazing only.</i></p> <p><i>A site-specific agricultural land analysis has been undertaken by a suitably qualified person (Agricultural Report – 325 Watery Plains Road, Michael Tempest of RMCG, dated October 2023).</i></p> <p><i>The Agricultural Assessment finds that the agricultural potential of the land is constrained for the following reasons:</i></p> <ul style="list-style-type: none"> <li>• <i>Land Capability -</i> <i>The published Land Capability for the site is as follows:</i> <ul style="list-style-type: none"> <li>▪ <i>Class 5 – 56.4ha</i></li> <li>▪ <i>Class 6 – 378.9ha</i></li> <li>▪ <i>Class 7 – 82.9ha</i></li> <li>▪ <i>Unmapped – 1.9ha.</i></li> </ul> </li> </ul> <p><i>Class 5 land is described as Land unsuited to cropping and with slight to moderate limitations to pastoral use.</i></p>



<p>(c) any other strategic planning undertaken at a local or regional level consistent with the relevant regional land use strategy or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.</p>	<p><i>Class 6 land is described as land that is marginally suitable for grazing due to severe limitations.</i></p> <p><i>Class 7 land is described as having very severe to extreme limitations that make it unsuitable for agricultural use.</i></p> <p><i>The onsite assessment by RMCG confirmed the mapped land capability, with no land exceeding Class 5. The majority of the site is Class 6 and 7, which is generally unsuitable for agriculture other than marginal grazing.</i></p> <ul style="list-style-type: none"> <li>• <i>Water supply - The assessment finds that the likelihood and feasibility for developing an irrigation water resource on the subject land is very low due to the lack of available irrigation water and the lack of land suitable to receive irrigation water (eg a dam site).</i></li> <li>• <i>There is no Prime Agricultural Land associated with the property.</i></li> </ul> <p><i>As such, the Agricultural Report concludes that the land is more consistent with the application guidelines for the Rural Zone rather than the Agriculture Zone and that rezoning the land to Rural will not have any impacts on adjacent agricultural activities.</i></p>
<p>AZ 2</p> <p>Land within the Significant Agriculture Zone in an interim planning scheme should be included in the Agriculture Zone unless considered for an alternate zoning under AZ 6</p>	<p><i>The site was in the Rural Resource Zone under the interim planning scheme.</i></p>
<p>AZ 3</p> <p>Titles highlighted as Potentially Constrained Criteria 2A, 2B or 3 in the 'Land Potentially Suitable for Agriculture Zone' layer may require further investigation as to their suitability for inclusion within the Agriculture Zone, having regard to:</p> <ul style="list-style-type: none"> <li>(a) existing land uses on the title and surrounding land;</li> <li>(b) whether the title is isolated from other agricultural land;</li> <li>(c) current ownership and whether the land is utilised in conjunction with other agricultural land;</li> <li>(d) the agricultural potential of the land; and</li> <li>(e) any analysis or mapping undertaken at a local or regional level consistent with</li> </ul>	<p><i>Not applicable.</i></p> <p><i>As discussed above, the is site identified as Unconstrained in the 'Land Potentially Suitable for Agriculture Zone' mapping layer.</i></p>

<p>the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.</p>	
<p>AZ 4</p> <p>The 'Potential Agricultural Land Initial Analysis' layer may assist in making judgements on the spatial application of Agriculture Zone, including, but not limited to:</p> <ul style="list-style-type: none"> <li>(a) any titles that have or have not been included in the 'Land Potential Suitable for the Agriculture Zone' layer, including titles that are surrounded by land mapped as part of the LIST layer;</li> <li>(b) any titles highlighted as Potentially Constrained Criteria 2A, 2B or 3;</li> <li>(c) outlying titles that are either included or excluded within the 'Land Potential Suitable for the Agriculture Zone' layer; and</li> <li>(d) larger titles or those with extensive areas of native vegetation cover.</li> </ul>	<p><i>Part of the site is identified as Potential Agricultural Land in the 'Potential Agricultural Land Initial Analysis' layer, as shown in the image below.</i></p>  <p><i>It is noted that most of the land that is excluded from the layer is covered by a conservation covenant.</i></p>
<p>AZ 5</p> <p>Titles may be split-zoned to align with areas potentially suitable for agriculture, and areas on the same title where agriculture is constrained. This may be appropriate for some larger titles.</p>	<p><i>Split-zoning is not necessary in this case.</i></p> <p><i>The Agricultural Report finds that all three titles that form the subject property more closely meet the application guidelines for the Rural Zone than the Agriculture Zone.</i></p>
<p>AZ 6</p> <p>Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if:</p> <ul style="list-style-type: none"> <li>(a) local or regional strategic analysis has identified or justifies the need for an alternate consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;</li> <li>(b) for the identification and protection of a strategically important naturally occurring resource which requires an alternate zoning;</li> </ul>	<p><i>This land should be considered for alternate zoning on the basis of the provided Agricultural Report by a suitably qualified person, which recommends that the land is rezoned to Rural in accordance with AZ 6(e).</i></p> <ul style="list-style-type: none"> <li>• <i>the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone; and</i></li> <li>• <i>there are significant constraints to agricultural use occurring on the land.</i></li> </ul> <p><i>Parts of the site have significant natural values, protected by a private conservation covenant under the Nature Conservation Act 2002. Consideration of</i></p>

<p>(c) for the identification and protection of significant natural values, such as priority vegetation areas as defined in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone;</p> <p>(d) for the identification, provision or protection of strategically important uses that require an alternate zone; or</p> <p>(e) it can be demonstrated that:</p> <p>(i) the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;</p> <p>(ii) there are significant constraints to agricultural use occurring on the land; or</p> <p>(iii) the Agriculture Zone is otherwise not appropriate for the land.</p>	<p><i>alternative zonings as addressed in AZ6(c) is therefore necessary.</i></p> <p><i>The Landscape Conservation Zone is applied to some land in the surrounding area and around the municipality. The Section 8A Guideline No. 1 provides the following guidance for the application of the Landscape Conservation Zone:</i></p> <ul style="list-style-type: none"> <li>• <i>LCZ 1</i> <i>The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.</i></li> <li>• <i>LCZ 2</i> <i>The Landscape Conservation Zone may be applied to:</i> <i>(a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;</i> <i>(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or</i> <i>(c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.</i></li> <li>• <i>LCZ 3</i> <i>The Landscape Conservation Zone may be applied to a group of titles with landscape values that are less than the allowable minimum lot size for the zone.</i></li> <li>• <i>LCZ 4</i> <i>The Landscape Conservation Zone should not be applied to:</i> <i>(a) land where the priority is for residential use and development (see Rural Living Zone); or</i> <i>(b) State-reserved land (see Environmental Management Zone).</i></li> </ul> <p><i>The conservation covenant applies to around 46% of the overall site (240ha of the total 520ha). The covenanted area is also of an irregular shape with other parts of the titles on either side of the covenanted area. The land is developed and used</i></p>
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	<p><i>for residential purposes and associated small scale farming and hobby activities. Split zoning of the titles would likely be necessary to accommodate the existing use and potential future uses of the land. The limited area and irregular shape of the conservation covenanted land would make application of the Landscape Conservation Zone difficult for this site.</i></p> <p><i>The Environmental Management Zone is generally applied to reserves managed by public authorities and is not suitable for this privately held title that is also used for residential purposes.</i></p> <p><i>Altering the zoning to the proposed Rural Zone will increase the protection of the environmental values on the land in any case, as the Natural Assets Code will apply, which is not the case under the current Agriculture Zone.</i></p>
<p>AZ 7</p> <p>Land not identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for inclusion within the Agriculture Zone if:</p> <ul style="list-style-type: none"> <li>(a) local or regional strategic analysis has identified the land as appropriate for the Agriculture Zone consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;</li> <li>(b) the land has similar characteristics to land mapped as suitable for the Agriculture Zone or forms part of a larger area of land used in conjunction with land mapped as suitable for the Agriculture Zone;</li> <li>(c) it can be demonstrated that the Agriculture Zone is appropriate for the land based on its significance for agricultural use; or</li> <li>(d) it addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer, and having regard to the extent of the land identified in the 'Potential Agricultural Land Initial Analysis' layer.</li> </ul>	<p><i>Not Applicable.</i></p>

**Rural Zone**

*The purpose of the Rural Zone is:*

- 20.1.1 *To provide for a range of use or development in a rural location:*
- (a) *where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;*
  - (b) *that requires a rural location for operational reasons;*
  - (c) *is compatible with agricultural use if occurring on agricultural land;*
  - (d) *minimises adverse impacts on surrounding uses.*
- 20.1.2 *To minimise conversion of agricultural land for non-agricultural use.*
- 20.1.3 *To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.*

Zone Application Guidelines	Response
<p>RZ 1</p> <p>The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.</p>	<p><i>The land is in a non-urban area and has limited potential for agriculture, for reasons outlined above and in the submitted Agricultural Report.</i></p> <p><i>The site has some conservation values, however these do not apply to the whole site and are otherwise protected through a conservation covenant and will be subject to the Natural Assets Code if the rezoning is approved.</i></p> <p><i>Application of the Landscape Conservation or Environmental Management Zone is not considered necessary to protect specific natural values in this case. The land that may be suitable for application of the Landscape Conservation Zone is limited in size and is of an irregular shape, across part of each of the three titles and separated by a waterway. This could necessitate a split zoning, which is not considered necessary or desirable for this site. The natural values will be more protected under the proposed Rural Zone than they are under the current Agriculture Zone, by application of the Natural Assets Code.</i></p> <p><i>The Rural Zone is the appropriate zoning for the site.</i></p>
<p>RZ 2</p> <p>The Rural Zone should only be applied after considering whether the land is suitable for the Agriculture Zone in accordance with the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST.</p>	<p><i>The current zoning of Agricultural is based upon the classification as Unconstrained in the 'Land Potentially Suitable for Agriculture Zone' mapping.</i></p> <p><i>A site-specific analysis by a suitably qualified person (Agricultural Report – 325 Watery Plains Road, Michael Tempest of RMCG, dated October 2023) is now presented to demonstrate that the Agriculture Zone is not appropriate for the site, and it should be reassigned to the Rural Zone.</i></p>
<p>RZ 3</p>	

<p>The Rural Zone may be applied to land identified in the 'Land Potentially Suitable for Agriculture Zone' layer, if:</p> <ul style="list-style-type: none"> <li>(a) it can be demonstrated that the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;</li> <li>(b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land;</li> <li>(c) the land is identified for the protection of a strategically important naturally occurring resource which is more appropriately located in the Rural Zone and is supported by strategic analysis;</li> <li>(d) the land is identified for a strategically important use or development that is more appropriately located in the Rural Zone and is supported by strategic analysis; or</li> <li>(e) it can be demonstrated, by strategic analysis, that the Rural Zone is otherwise more appropriate for the land.</li> </ul>	<p><i>A site-specific analysis by a suitably qualified person is presented to demonstrate that the land has limited potential for agricultural use and is not integral to the management of a larger farm holding in the Agriculture Zone. The report demonstrates that there are significant, ongoing constraint to agricultural use of the land including:</i></p> <ul style="list-style-type: none"> <li>• <i>Most of the land is moderately to steeply sloped;</i></li> <li>• <i>Low Land Capability; and</i></li> <li>• <i>lack of access to irrigation water and lack of water storage options if water was available.</i></li> </ul> <p><i>It is demonstrated that the Rural Zone is the appropriate zoning for the site.</i></p>
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## 4.2 Objectives of the *Land Use Planning and Approvals Act 1993*

Section 34(2)(c) of the Act requires that an amendment furthers the Objectives set out in Schedule 1. The following sections detail how the proposed draft amendment furthers these objectives.

### 4.2.1 Schedule 1 Objectives – Part 1

<b>PART 1 – Objectives of the Resource Management and Planning System of Tasmania</b>	
<b>Objective</b>	<b>Response</b>
<p>(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and</p>	<p><i>The proposed rezoning from Agriculture Zone to the Rural Zone will allow for consideration of the natural values present on the site through application of the priority vegetation area under the Natural Assets Code, which is not applied to the current zoning.</i></p> <p><i>This will improve the existing protection of natural resources including ecological processes and genetic diversity within the local area.</i></p> <p><i>The proposed rezoning recognises that the subject land is substantially constrained for agricultural uses, as evidenced in the RMCG report. The Rural Zone is a better fit for the land in accordance with the Section 8A Guidelines for application of the</i></p>

<b>PART 1 – Objectives of the Resource Management and Planning System of Tasmania</b>	
<b>Objective</b>	<b>Response</b>
	<p><i>TPS zones, as set out in section 4.1 of this report. A change to the Rural Zone would allow for other uses to be considered for the site that are not currently possible under the Agriculture Zone.</i></p> <p><i>Access to the site is via a Right of Way, however this should not impact the application of a the most suitable zoning to the property. Any future use or development of the site under either the Agriculture or the Rural Zone would require full consideration of matters pertaining to access and associated amenity of the adjoining land, as made relevant by the controls of the applicable zone at the time of application.</i></p>
(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and	<p><i>The draft amendment will provide for fair, orderly and sustainable use and development. It will provide an opportunity to more appropriately zone three titles which have limited potential for agricultural use.</i></p> <p><i>The proposal will allow for future consideration of sustainable use and development of the land under appropriate zoning controls.</i></p>
(c) to encourage public involvement in resource management and planning; and	<i>Public involvement will be undertaken through the exhibition of the proposed amendment.</i>
(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and	<i>The draft amendment will facilitate economic development through zoning which will allow for an expanded range of uses to be potentially undertaken on the subject property (with appropriate approvals).</i>
(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.	<i>The amendment process represents a sharing of responsibility for resource management and planning between Council the Commission, stakeholders and the community.</i>

#### 4.2.2 Schedule 1 Objectives – Part 2

<b>PART 2 – Objectives of the Planning Process Established by this Act</b>	
<b>Objective</b>	<b>Response</b>
(a) to require sound strategic planning and co-ordinated action by State and local government; and	<i>The proposed draft amendment is consistent with the Regional Land Use Strategy of Northern Tasmania and the Section 8A Guideline No. 1 Local Provisions Schedule (LPS): Zone and Code Application June 2018.</i>

## PART 2 – Objectives of the Planning Process Established by this Act

Objective	Response
	<p><i>The proposal requires consideration by local and State government through the planning scheme amendment process.</i></p> <p><i>It therefore represents coordinated and sound strategic planning.</i></p>
<p>(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and</p>	<p><i>The amendment process is part of the system involved in establishing and reviewing planning instruments. The draft amendment will involve a rezoning of land to a more appropriate zoning, given site specific information not available when the current zoning was established.</i></p> <p><i>The relevant Code provisions will continue to apply to the site in relation to the proposed development application that will be facilitated by the proposed draft amendment. The priority vegetation area controls under the Natural Assets Code will apply if the land is rezoned from Agriculture to Rural Zone.</i></p>
<p>(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; and</p>	<p><i>The application includes information which demonstrate that the proposed draft amendment will not have a significant impact on environmental values associated with the land and water resources within and external the site.</i></p> <p><i>The proposal is for a rezoning only at this time.</i></p> <p><i>The impacts of any future use and development will require consideration through the planning approval process.</i></p>
<p>(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; and</p>	<p><i>The proposed draft amendment is consistent with the relevant State, regional and local strategy and policy directions which broadly seek to achieve sustainable development that does not compromise environmental, social, economic, conservation and resource management objectives.</i></p>
<p>(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and</p>	<p><i>The proposed planning scheme amendment is considered under section 37(1) of the Act.</i></p>
<p>(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; and</p>	<p><i>The proposed draft amendment will provide an appropriate zoning for a specific site. It will not adversely impact upon the health and wellbeing of Tasmanians or visitors to Tasmania. The existing environment for working, living and recreating within northern Tasmania will be maintained.</i></p>



PART 2 – Objectives of the Planning Process Established by this Act	
Objective	Response
(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and	<i>The draft amendment will not result in any impact on a place listed or known to be significant for its scientific, aesthetic, architectural, historical or cultural value.</i>
(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and	<i>The site is in a rural area, with limited-service provision. The proposed amendment will not impact the public road infrastructure or the orderly provision of other public services where available.</i>
(i) to provide a planning framework which fully considers land capability.	<i>The proposal full considers land capability and the Protection of Agricultural Land Policy. The proposal is supported by an Agricultural Report by a suitably qualified person (Agricultural Report – 325 Watery Plains Road, Michael Tempest of RMCG, dated October 2023) which addresses land capability. Further consideration of the Protection of Agricultural Land Policy is provided in <b>Section 4.3.2</b> below.</i>

### 4.3 State Policies

The following section assesses the draft amendment against each of the current State Policies.

#### 4.3.1 Tasmanian State Coastal Policy 1996

The site is located more than 1km from the coastal zone, which is defined by reference to State Waters, and the State Policy therefore does not apply.

#### 4.3.2 State Policy on the Protection of Agricultural Land 2009

The State Policy on the Protection of Agricultural Land (PAL) seeks to protect agricultural land in Tasmania from conversion to other uses.

The Purpose of the PAL 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 Objectives of the PAL 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 agricultural use.*

The Purpose and Objectives are achieved through the application of eleven Principles, which are implemented through planning schemes.

In this case the proposal is supported by an Agricultural Report by a suitably qualified person (*Agricultural Report – 325 Watery Plains Road, Michael Tempest of RMCG, dated October 2023*).

The Agricultural Report is based upon a desktop analysis of available datasets followed by a site assessment to ground truth the information.

Regarding Land Capability, the Agricultural Report provides the following information:

*The Published Land Capability for the land shows the land to be the following Classes:*

- *Class 5 – 56.4ha*
- *Class 6 – 378.9ha*
- *Class 7 – 82.9ha*
- *Unmapped – 1.9ha.*

*Class 5 land is described as Land unsuited to cropping and with slight to moderate limitations to pastoral use.*

*Class 6 land is described as land that is marginally suitable for grazing due to severe limitations.*

*Class 7 land is described as having very severe to extreme limitations that make it unsuitable for agricultural use.*

*When onsite a Land Capability Assessment was conducted that focused on areas mapped as FAG and GCL.*

*The key limiting factors that were identified were surface stone and cobbles/gravel in the profile, drainage limitations, and potential water erosion risks. The assessment concluded that for the assessed areas the published Land Capability is generally consistent, and no areas were assessed that were less limited for agricultural use than Class 5. Abundant dolerite boulders were also identified under vegetation, which aligns with areas that are mapped as Class 6 or 7.*

The majority of the land is unsuitable for agriculture other than marginal grazing and over 80ha of it is not suited to agriculture at all.

Regarding potential for irrigation of the site the Agricultural Report contains the following comments:

- *The property is partially located within the middle and low sub-catchments of the North Esk River, as well as the lower St Patricks sub-catchment. The entirety of the land is within the North Esk catchment. The property has frontage onto both the North Esk and St Patricks Rivers. There are also unnamed tributaries (one for the St Patricks and two for the North Esk) which have their head waters originate on the property and flow into their respective river.*
- *According to DNREs Water Assessment Tool the catchment is over allocated, which means the only irrigation water available would be through trading.*
- *Based on the 10m contours there are no attractive dam sites on the property.*
- *The property is also outside any active irrigation schemes, although it is noted that the North Esk Irrigation Scheme covers the property to the south and the Scheme offtake for pump filling the Scheme dam (Dam ID 9871 - Rocklands Lake) is approximately 1km upstream from the south-eastern corner of the southern title on the North Esk River.*
- *The likelihood and feasibility for developing an irrigation water resource on the subject land is very low due to the lack of available irrigation water and the lack of land suitable to receive irrigation water.*

The property adjoins substantial waterways and the land immediately south of the site is within the North Esk Irrigation Scheme. However, that irrigation scheme is completely allocated (possible over-allocated) so water rights could only be secured through trading. The Agricultural Report states that there are no likely places on the site to establish a dam, which would be required to receive any irrigation water before it could be spread on the property. Further, with the limited amount of land that would possibly be suited to irrigated agriculture (56ha of Class 5 land) it would not be economically feasible to invest in irrigation infrastructure. Further, the Class 5 land is moderately to steeply sloping and part of it is further constrained by the presence of the conservation covenant and associated vegetation. This further reduces the amount of land that may be suitable for modern irrigation infrastructure.

The report concludes that the site should be assigned to the Rural Zone for the following reasons:

- *The subject property is limited for existing and potential agricultural use by Land Capability and lack of existing or potential irrigation water resources.*
- *There is no Prime Agricultural Land associated with the property.*
- *Land with these characteristics is more consistent with the application guidelines for the Rural Zone rather than the Agriculture Zone.*
- *Rezoning the land to Rural will not have any impacts on adjacent agricultural activities.*

The Agricultural Report finds that the characteristics of the land are more consistent with the application of the Rural Zone rather than the Agriculture Zone.

The Agricultural Report considers the productive capacity of the land and potential to be farmed with adjoining land in section 4.1:

The subject title is limited for existing and potential agricultural use by Land Capability and lack of existing or potential irrigation water resources. If this

land was farmed on its own, it would not have sufficient suitable land and water resources to support a 'viable' enterprise. There may be some scope to undertake native forest harvesting within the vegetated areas that are not covered by the conservation covenant, however changing the zoning from 'Agriculture' to 'Rural' would not impact on this occurring.

Land with these sort of characteristics is best farmed in conjunction with other land. There may be some scope to farm the land in conjunction with the property to the south, and utilise areas of the subject property as a bush run. However, stock would only be able to be run at a low stocking rate and it therefore does not provide a significant amount of land resources to contribute to a 'viable' commercial scale enterprise. Again, rezoning the land to 'Rural' does not affect the property's ability to be farmed in conjunction with adjacent land in the future.

Rezoning the land from Agriculture to Rural will keep the property within Tasmania's agricultural estate and will not change the potential for the land to be used for grazing and potentially forestry now or in the future.

The proposed rezoning is consistent with the Objectives and Principles of the State Policy on the Protection of Agricultural Land.

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

The provisions of the Water Quality Management 1997 are reflected in the Natural Assets Code in the Scheme. The banks of waterways on the site are covered by the Waterway and coastal protection area overlay under the Natural Assets Code.

The proposal is for a rezoning only at this time. Any future use and development would be subject to assessment under the Scheme, including any applicable Codes. Permit conditions are capable of being applied to ensure appropriate performance measures are implemented to protect water quality, limit runoff during construction phases and address stormwater discharge from the site associated with any future use and development that is facilitated by the proposed draft amendment.

The draft amendment is therefore consistent with the State Policy.

#### **4.3.4 National Environmental Protection Measures**

Section 12A of the *State Policies and Projects Act 1993* states that a National Environment Protection Measure is taken to be a State Policy.

The National Environmental Protection Measures (NEPMs), which have been adopted as State Policies, include the following:

- Air Toxics NEPM;
- Ambient Air Quality NEPM;
- Assessment of Site Contamination NEPM;
- Diesel Vehicle Emissions NEPM;

- Movement of Controlled Waste between States and Territories NEPM;
- National Pollutant Inventory NEPM; and
- Used Packing Materials NEPM.

The NEMPs relate to matters that are not affected by the proposed rezoning.

#### 4.4 Tasmanian Planning Policies

Section 34(2) (da) of the Act requires an amendment to satisfy the relevant criteria of a Tasmanian Planning Policy (“TPP”). There are no TPPs currently in effect and on that basis the criterion is met.

#### 4.5 Northern Tasmania Regional Land Use Strategy

The Northern Tasmania Regional Land Use Strategy (‘**NTRLUS**’) was originally declared by the Minister for Planning in accordance with the relevant provisions of the Act on 27 October 2011. The current version was amended on 23 June 2021 and provides a framework for the sustainable use of land in the region.

The NTRLUS is a strategic regional land use plan for the eight (8) council areas in the north and north-east of Tasmania. It has a 20-year time horizon to 2032 for integrated infrastructure, land use development and transport planning, and is underpinned by economic development, social and environmental strategies.

The NTRLUS defines three key land use categories to direct the allocation of all land in the Region. These categories are:

- Urban Growth Areas
- Rural Areas
- Natural Environment Areas

The site falls within a Rural Area under the land use categories.

The relevant sections of the NTRLUS are addressed below.

##### **D2.2.4 - Key Planning Principles for Rural Areas**

The Key Planning Principles for Rural Areas are set out in section D.2.2.4 of the NTRLUS.

The relevant principles are addressed in Table 1 below.

**Table 1 - Key Planning Principles for Rural Areas**

<b>D2.2.4 Key Planning Principles for Rural Areas</b>	
Planning for Rural Areas should consider the way in which it can:	
<b>Principle</b>	<b>Response</b>
Conserve and manage rural areas to enhance their contribution to the regional economy, rural industries and regional rural landscape values;	<i>The proposed rezoning aims to apply the most appropriate zone to the subject site (Rural Zone) and to expand the range of uses that can be considered under the planning scheme, enhancing the potential contribution of the property to the regional economy.</i>
Ensure land use and water management policies and regulations do not unreasonably constrain the development of agriculture, agribusiness, and appropriate ecotourism and recreation opportunities in Rural Areas;	<i>Land use and water management policies and regulations will not unreasonably constrain the potential use and development of the site.</i>
Protect quality agricultural land from incompatible development and provide for the expansion of agricultural production in Productive Resource Areas;	<p><i>The proposal seeks to rezone land that has low agricultural potential (as demonstrated in the Agricultural Report) from Agriculture Zone to Rural Zone. Agriculture can still be able to be conducted on the land to the extent it is viable, however other land uses will also be able to be considered where appropriate under the Rural Zone.</i></p> <p><i>The Agricultural Report provided with the application considers the surrounding land use (section 3.7) and addresses the potential for the proposed rezoning to impact or constrain the adjoining land. 74 Watery Plains Road is used for residential and agricultural purposes, with dryland grazing of cattle and sheep. The property is 215ha in area and the property is within the North Esk Irrigation Scheme district, although doesn't appear to have water rights currently. The rezoning itself will have no impact at all on the Right of Way access over this title. If a new use or development is proposed in the future the suitability of the access would need to be considered, regardless of the zoning.</i></p> <p><i>Land on the western side of St Patricks River adjacent to the west of the site is part of a larger commercial scale enterprise. There is no reason the proposal will impact use of this property in any way.</i></p> <p><i>The Agricultural Report finds (section 4.3) that the rezoning would not place any constraints on the adjacent agricultural activities.</i></p>
Permit secondary or non-agricultural land uses where water quality, scenic rural landscapes, agricultural activities and the natural environment are not adversely impacted and the strategic purpose of rural land use zones is not undermined, preferably in locations proximate to existing settlement.	<i>The proposed rezoning will allow for a greater range of secondary or non-agricultural uses to be considered on the site where compatible with natural values and amenity.</i>

Overall, the proposed draft amendment will not compromise, distort or be discordant with the Planning Principles for Rural Areas.

### **E.5 - Regional Economic Development Policy**

The Key Economic Development Strategies are set out in section E.5.3 of the NTRLUS.

The relevant strategies are addressed in Table 2 below.

**Table 2 - Key Economic Development Strategies**

<b>E.5.3 Key Economic Development Strategies</b>	
Planning for <i>Regional Economic Development</i> should apply the following strategies:	
<b>Strategy</b>	<b>Response</b>
Promote protection of significant agricultural land and natural productive resources in accordance with the State Policy on the Protection of Agricultural Land (2009).	<i>The proposal seeks to rezone land that has low agricultural potential (as demonstrated in the Agricultural Report) from Agriculture Zone to Rural Zone. Agriculture and other primary production (such as forestry) will be able to be conducted on the land to the extent they are viable, however other land uses will also be able to be considered where appropriate under the Rural Zone.</i>
Recognise, and provide long-term protection, for all potentially irrigable areas.	<i>The Agricultural Report finds that there are no existing water resources for irrigation associated with the land.  The land does have frontages to both the St Patricks River and North Esk River, which could potentially provide water for irrigation purposes.  However, the Agricultural Report finds that the North Esk catchment is already over allocated and there are no suitable sites for a dam on the property. Additionally, the topography constraints and low land capability mean that the likelihood and feasibility of developing an irrigation water resource on the site is very low.</i>
Ensure the integrity of agricultural values is maintained whilst allowing for a transition of non-agricultural land uses between land within Rural Areas and Urban Growth Areas.	<i>The site is already used for residential purposes. The proposed rezoning seeks to apply the Rural Zone to the land to enable consideration of other uses in the future that are not currently possible.  As demonstrated in the Agricultural Report, the agricultural potential of the land is limited, and other uses may be considered without impacting the integrity of agricultural values on the site or in the region.</i>
Promote and support agricultural production areas.	<i>The site is not a significant agricultural production area due to the limitations from land capability and lack of irrigation feasibility.</i>

<b>E.5.3 Key Economic Development Strategies</b>	
Planning for <i>Regional Economic Development</i> should apply the following strategies:	
<b>Strategy</b>	<b>Response</b>
	<i>It is appropriate to change the zoning of the land to Rural to allow for consideration of other potential uses of the land.</i>

The relevant Specific Policies and Actions of the Regional Economic Development Policy are addressed in Table 3 below.

**Table 3 - Specific Policies and Actions of the Regional Economic Development Policy.**

<b>Specific Policies and Actions</b>		
<b>Policy</b>	<b>Action</b>	<b>Response</b>
<b>ED-P6</b> Encourage sustainable and appropriate land use planning practices that seek to manage development and use of the region's natural resources.	<b>ED-A7</b> Protect the long-term operation of rural industries and support an expanded agricultural sector.	<i>The proposed rezoning would assign the more appropriate zone to the site, allowing for future use and development that is suited to the site features and conditions. The rezoning would not impact the ability of the land to be used for agriculture as far as is possible and will not impact upon agricultural use of surrounding land.</i>
<b>ED-P7</b> Prevent the loss of future rural production (including agriculture, mineral extraction, forestry).	<b>ED-A11</b> Identify natural economic resource areas and protect from further fragmentation and inappropriate land use.	<i>The proposed rezoning from Agriculture to Rural would not remove the land from the Tasmanian agricultural estate. The land would still be available for rural production as far as it is capable.</i>
<b>ED-P12</b> Avoid unnecessary restrictions on new tourism sector innovation in planning schemes and acknowledge that planning schemes cannot always predict future tourist sites/developments.	<b>ED-A17</b> Provide opportunities to economically support rural land uses (e.g., farming) by allowing diversification through tourism use and development.  <b>ED-A18</b> Encourage the establishment of small tourism businesses by allowing flexible locations and minimising regulation, such as working from home and farm gate tourism.	<i>The re-assignment of the land to the Rural Zone would allow for a greater range of uses to be considered on the site, including increased potential for tourism use and development.</i>

## **E.7 - Regional Environment Policy**

The Key Environment Strategies are set out in section E.7.3 of the NTRLUS.

The relevant strategies are addressed in Table 4 below.



**Table 4 - Key Environment Strategies**

<b>E.7.3 Key Environment Strategies</b>	
Planning for <i>Regional Environment</i> should apply the following strategies:	
<b>Principle</b>	<b>Response</b>
Advance regional integration and coordination to align planning policy and strategy between local councils and at different levels of government to provide consistency in environmental response.	<p><i>The proposal seeks to rezone land that has low agricultural potential (as demonstrated in the Agricultural Report) from Agriculture Zone to Rural Zone.</i></p> <p><i>Agriculture and other primary production (such as forestry) will be able to be conducted on the land to the extent they are viable, however other land uses will also be able to be considered where appropriate under the Rural Zone.</i></p>
Provide for development that adequately considers water quality and potential impacts on coasts, waterways and wetlands.	<p><i>The Agricultural Report finds that there are no existing water resources for irrigation associated with the land.</i></p> <p><i>The land does have frontages to both the St Patricks River and North Esk River, which could potentially provide water for irrigation purposes.</i></p> <p><i>However, the Agricultural Report finds that there is no suitable irrigable land on the property and accessing irrigation water would be limited by availability in the catchment and lack of sites for a dam to be established onsite.</i></p>

The relevant Specific Policies and Actions of the Regional Environment Policy are addressed in Table 5 below.

**Table 5 - Specific Policies and Actions of the Regional Environment Policy.**

<b>Specific Policies and Actions</b>		
<b>Policy</b>	<b>Action</b>	<b>Response</b>
<p><b>BNV-P01</b></p> <p>Implement a consistent regional approach to regional biodiversity management, native vegetation communities and native fauna habitats including comprehensive spatial regional biodiversity mapping.</p>	<p><b>BNV-A01</b></p> <p>Apply appropriate zoning and/or overlays through planning schemes to protect areas of native vegetation.</p>	<p><i>The proposed rezoning to Rural would allow for the protection of significant vegetation on the site through application of the mapped priority vegetation areas under the Natural Assets Code, which would apply to most of the site.</i></p> <p><i>This overlay does not apply currently as the land in the Agriculture Zone, in accordance with the Code Application Guidelines for the Natural Assets Code (Guideline No. 1 Local Provisions Schedule (LPS): Zone and Code Application June 2018).</i></p>

<b>Specific Policies and Actions</b>		
<b>Policy</b>	<b>Action</b>	<b>Response</b>
<p><b>BNV-P02</b></p> <p>Except where planning scheme provisions provide for exemptions, restrict land clearing and disturbance of intact natural habitat and vegetation areas, including areas of forest and non-forest communities declared under the Nature Conservation Act, coastal wetlands and remnant and appropriate cultural vegetation within settlement areas.</p>	<p><b>BNV-A03</b></p> <p>Provide for environmental assessments through planning schemes for development proposals with the potential to impact on the habitats of native species of local importance.</p>	<p><i>It has been demonstrated that the land does not represent a significant agricultural resource and as such it is appropriate for the priority vegetation areas to apply as mapped (Appendix C).</i></p> <p><i>Where applicable, use and development proposals in the priority vegetation area will be given due consideration under the Natural Assets Code.</i></p>
<p><b>NH-P01</b></p> <p>Future land use and urban development is to minimise risk to people and property resulting from land instability by adopting a risk-managed based approach, consistent with Practice Note Guidelines for Landslide Risk Management 2007 and AGS (2007a) Guideline for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning; AGS (2007e) Australian GeoGuides for Slope Management and Maintenance.</p>	<p><b>NH-A01</b></p> <p>Manage further development in declared landslip zones. Complete regional land slide hazard mapping to allow identification of land susceptible to landscape hazards and its associated level of risk to specific scale and types of land uses and developments.</p> <p><b>NH-A02</b></p> <p>Permit appropriate land uses and urban development in areas of susceptibility only where risk is very low or where it can be managed by prescriptive controls to avoid undue risk to persons including life of loss and damage to property.</p> <p><b>NH-A03</b></p> <p>If there is doubt about the geotechnical stability of land proposed for urban development, Council may require a geotechnical assessment to identify risks and mitigation techniques</p>	<p><i>Parts of the land are mapped in the low and medium landslip hazard bands under the Landslip Hazard Code.</i></p> <p><i>Where applicable, use and development proposed in these areas will be given due consideration under the standards of the Landslip Hazard Code.</i></p>
<p><b>NH-P03</b></p> <p>Future land use and development is to minimise risk to people and property resulting from bushfire hazard.</p>	<p><b>NH-A05</b></p> <p>Include controls in planning schemes based on current best practice to minimise risk to persons and property resulting from bushfire hazard.</p>	<p><i>The whole site is identified as a Bushfire-Prone area.</i></p> <p><i>Where applicable, proposed use and development on the site will be given due consideration under the standards of the Bushfire-Prone Areas Code.</i></p>

Specific Policies and Actions		
Policy	Action	Response
<p><b>CW-PO7</b></p> <p>Protect the water quality of the region's waterways and wetlands, including key water supply catchments.</p>	<p><b>CW-A11</b></p> <p>Include provisions in planning schemes to facilitate the protection of ecological and hydrological integrity of water catchments, including adequate buffers.</p>	<p><i>Parts of the land are mapped in the waterway and coastal protection areas under the Natural Assets Code.</i></p> <p><i>Where applicable, proposed use and development in these areas will be given due consideration under the standards of the Natural Assets Code.</i></p>

## 4.6 City of Launceston Corporate Strategic Plan 2014-2024: 2019 Review

The City of Launceston Corporate Strategic Plan 2014-2024: 2019 Review is prepared under the *Local Government Act 1993*. It outlines Council's long-term strategic priorities, goals, and focus areas to provide us provide direction across a range of operations.

Council's Strategic Plan is informed by the community's vision captured in the Greater Launceston Plan.

The relevant Strategic Priorities are identified and addressed in Table 3.

**Table 2 - Relevant Strategic Priorities of the City of Launceston Strategic Plan**

Strategic Priority	Response
<p>2. Facilitate prosperity by seeking out and responding to opportunities for growth and renewal of our regional economy:</p> <p>a. To provide an environment that is conducive to business and development;</p>	<p><i>The proposed draft amendment will facilitate economic activity by seeking to apply the appropriate zoning to the subject property which will allow for consideration of an expanded range of use and development options in the future.</i></p>
<p>6. Protect our environment by caring for our unique natural assets and amenity, and sensitively managing future development opportunities:</p> <p>a. To reduce our and the communities impact on the natural environment.</p>	<p><i>The proposed draft amendment will improve protection of environmental values on the site by applying the priority vegetation area mapping under the Natural Assets Code.</i></p> <p><i>This overlay does not apply to land in the Agriculture Zone, in recognition of the importance of primary production.</i></p> <p><i>The site adjoins a conservation area and part of it is already subject to a conservation covenant.</i></p> <p><i>If the zoning of the property is changed as proposed to the Rural Zone, the overlay can then apply and provide further protections for the natural values on this site.</i></p>

Strategic Priority	Response
<p>7. A city planning for its future by ensuring our approach to strategic land-use, development and infrastructure investment is coordinated, progressive and sustainable:</p> <p>a. To ensure that the planning system at a local and regional level is effective and efficient.</p>	<p><i>The proposed draft amendment provides for a public approach to strategic planning within Launceston. It will follow an established planning system that considers local and regional scale issues which is known to be effective and efficient with respect to delivering sustainable planning outcomes.</i></p> <p><i>In this case, site-specific information will be used to apply the correct zoning to the subject property and allow for appropriate use and development options to be considered in the future.</i></p>

## 4.7 Adjacent Local Government Areas

Section 34(2)(g) of the Act requires the amendment, as far as practicable, to be consistent and coordinated with any LPS applying to adjacent local government areas. The proposed amendment relates to a site-specific qualification that applies to an individual title. It will therefore not affect any adjacent LPS.

## 4.8 Gas Safety Act 2019

Section 34(2)(h) requires the amendment to have regard to the safety requirements set out in the standards prescribed under the *Gas Safety Act 2019*. The proposed amendment does not affect the attainment of these requirements because it will not have an adverse impact on any aspect of the gas supply industry.

## 4.9 Code Summary

Tasmanian Planning Scheme – Launceston		
Clause	Code	Applicability
C1.0	Signs Code	<p><b>Not Applicable</b> - no development is proposed.</p> <p>The future development will be subject to the requirements of the Code if signage is proposed.</p>
C2.0	Parking and Sustainable Transport Code	<p><b>Applicable</b> - The Code applies to all use and development.</p> <p>While it is not directly applicable to the application for rezoning, any <u>future</u> development will be subject to the requirements of the Code.</p>

Tasmanian Panning Scheme – Launceston		
Clause	Code	Applicability
C3.0	Road and Railway Assets Code	<b>Not Applicable</b> - no development is proposed. The future development may be subject to the requirements of the Code where applicable.
C4.0	Electricity Transmission Infrastructure Protection Code	<b>Not Applicable</b> - the site is not located within an electricity transmission corridor, communications station buffer area or substation facility buffer area.
C5.0	Telecommunications Code	<b>Not Applicable</b> - the proposal does not involve development for a telecommunications facility.
C6.0	Local Historic Heritage Code	<b>Not Applicable</b> - the code is not applicable in accordance with clause C6.2 of the Scheme.
C7.0	Natural Assets Code	<b>Applicable</b> – some parts of the site are subject to a watercourse and coastal protection area and the priority vegetation area will apply to mapped areas if the zoning of the property changes from Agriculture Zone to Rural Zone.
C8.0	Scenic Protection Code	<b>Not Applicable</b> - the site is not mapped as being within a scenic protection area. The Code does not apply to the Utilities Zone.
C9.0	Attenuation Code	<b>Not Applicable</b> - the site is not located within a known attenuation area and the proposal is for a rezoning only.
C10.0	Coastal Erosion Hazard Code	<b>Not Applicable</b> - the site is not within a coastal erosion hazard area.
C11.0	Coastal Inundation Hazard Code	<b>Not Applicable</b> - The site is not located within a coastal inundation hazard area.
C12.0	Flood-Prone Areas Hazard Code	<b>Not Applicable</b> - The site is not located within a flood-prone hazard area.
C13.0	Bushfire-Prone Areas Code	<b>Applicable</b> - The site is mapped as bushfire prone on the overlay maps. Any future development for subdivision, vulnerable or hazardous uses will be subject to the requirements of the Code.
C14.0	Potentially Contaminated Land Code	<b>Not Applicable</b> - The site is not known to be located on land which is potentially contaminated.
C15.0	Landslip Hazard Code	<b>Applicable</b> – Some parts of the site are subject to a low or medium landslip hazard band in accordance with the mapped areas.

Tasmanian Panning Scheme – Launceston		
Clause	Code	Applicability
		Any future development in these areas be subject to the requirements of the Code.
C16.0	Safeguarding of Airports Code	<p><b>Applicable</b> – The site is within an airport obstacle limitation area. The AHD height specified for the OLS area is 316m.</p> <p>Any future development will be subject to the requirements of the Code.</p>

## 5.0 Conclusion

The proposed amendment seeks to rezone the land at 325 Watery Plains Road, White Hills from Agriculture to Rural. The site includes three adjoining titles.

The proposal is supported by a site-specific Agricultural Report which demonstrates that the site is constrained in terms of potential for future agricultural development and the Rural Zone is therefore the appropriate zoning for the site. Applying the Rural Zone to the site will allow for a greater range of potential uses to be considered under the planning scheme.

The proposal will increase protections for natural values occurring on the site as the proposed amendment includes the application of the priority vegetation area mapping under the Natural Assets Code to the relevant sections of the site.

The proposed amendment represents coordinated and sound strategic planning and complies with the relevant requirements in Sections 32, 34 and 37 of the Act.

It is recommended that the proposed planning scheme amendment be initiated and subsequently approved.

## Appendix A

### Certificates of Title

## **Appendix B**

Consent form



## **Appendix C**

Agricultural Report – 325 Watery Plains Road, RMCG

## Appendix D

Natural Assets Code – Priority Vegetation Area map, RMCG