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**9.3. PSA-LLP0019 - 325 Watery Plains Road, White Hills - Planning Scheme Amendment - Rezone from Agriculture Zone to Rural Zone**

**FILE NO:** PSA-LLP0019

**AUTHOR:** Catherine Mainsbridge (Senior Town Planner Development)

**APPROVER:** Chelsea van Riet (General Manager Community and Place)

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**DECISION STATEMENT:**

To decide whether to reject or agree to initiate and exhibit Amendment PSA-LLP0019 to the Launceston Local Provisions Schedule of the Tasmanian Planning Scheme.

**PLANNING APPLICATION INFORMATION:**

Applicant:	6ty° Pty Ltd
Address:	325 Watery Plains Road, White Hills (described as CT 106554/1, CT 232243/1 & CT208625/1)
Existing Zones:	Agriculture
Existing Codes:	7.0 Natural Assets Code 13.0 Bushfire Prone Areas Code 15.0 Landslip Hazard Code 16.0 Safeguarding of Airports Code
Existing Use:	Part cleared land with outbuilding sustaining grazing, remainder Native bushland protected by Conservation covenant C412685

**RELEVANT LEGISLATION:**

*Land Use Planning and Approvals Act 1993*  
Tasmanian Planning Scheme - Launceston

**RECOMMENDATION:**

That Council, pursuant to:

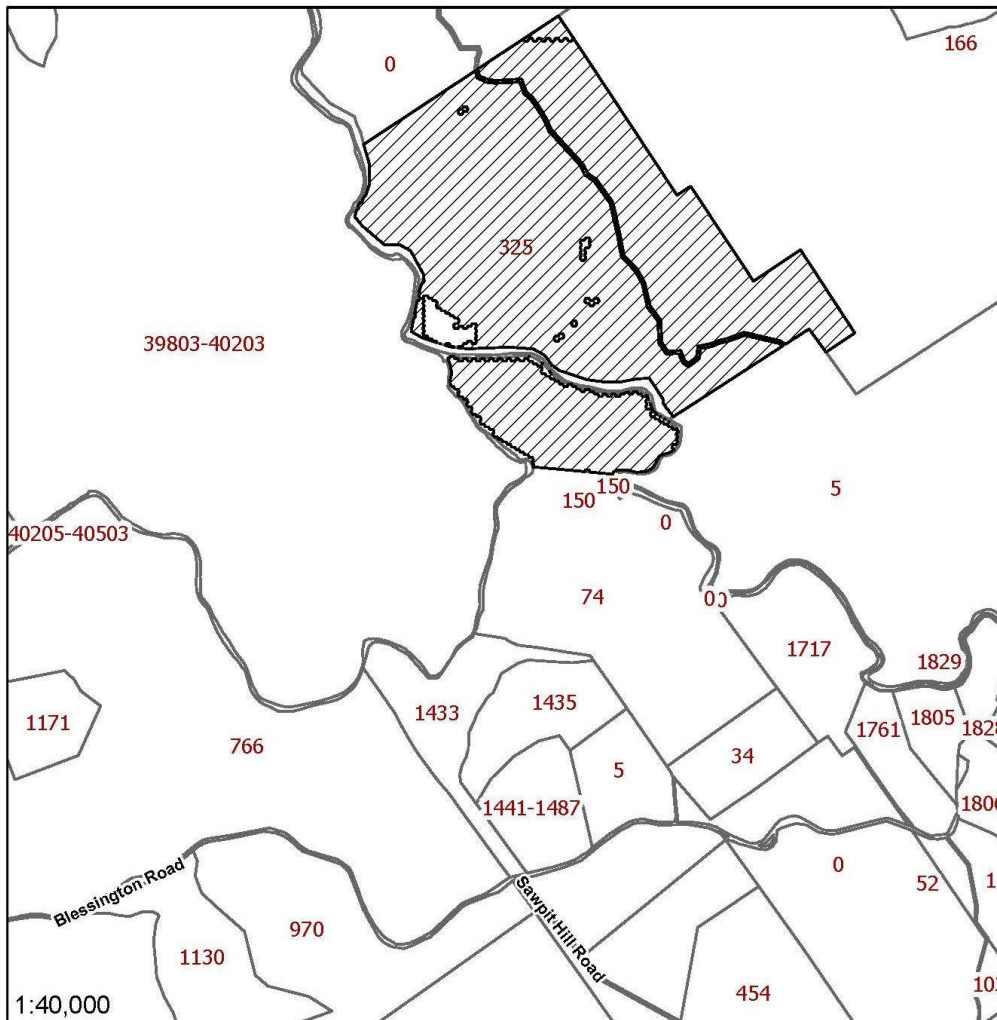
1. Section 40D of the *Land Use Planning and Approvals Act 1993*, agrees to, and initiates Amendment PSA-LLP0019, to the Launceston Local Provisions Schedule, to rezone land at 325 Watery Plains Road, White Hills (described as CT 106554/1, CT 232243/1 & CT208625/1) from the Agriculture zone to Rural zone and agrees to apply the Priority Vegetation component of the Natural Values code to part of the site.
2. Section 40F of the *Land Use Planning and Approvals Act 1993*, certifies draft amendment PSA-LLP0019; and
3. Sections 40G and 40H of the *Land Use Planning and Approvals Act 1993*, determines the period for public exhibition be 28 days.

Tasmanian Planning Scheme - Launceston Amendment PSA-LLP0019

**TASMANIAN PLANNING SCHEME - LAUNCESTON LOCAL PROVISIONS SCHEDULE**  
**Amendment PSA-LLP0019**

Apply the Priority Vegetation Overlay 325 Watery Plains Road  
(described as CT 208625/1, CT 232243/1 & CT 106554/1)

Amend the Tasmanian Local Provisions Schedule maps as below



 Priority Vegetation Overlay

THE COMMON SEAL  
of the City of  
Launceston was  
hereunto affixed in the  
presences of: -

Sam Johnson  
Chief Executive Officer

Date



## REPORT: APPLICATION FOR PLANNING SCHEME AMENDMENT

### 1. INTRODUCTION

The application lodged with City of Launceston is for the rezoning of land at 325 Watery Plains Road, White Hills (described as CT 106554/1, CT 232243/1 & CT208625/1) from the Agriculture Zone to Rural Zone and to apply the Priority Vegetation component of the Natural Values code to the portion of the site which is covered by a Conservation Covenant which applies to 240ha of the title.

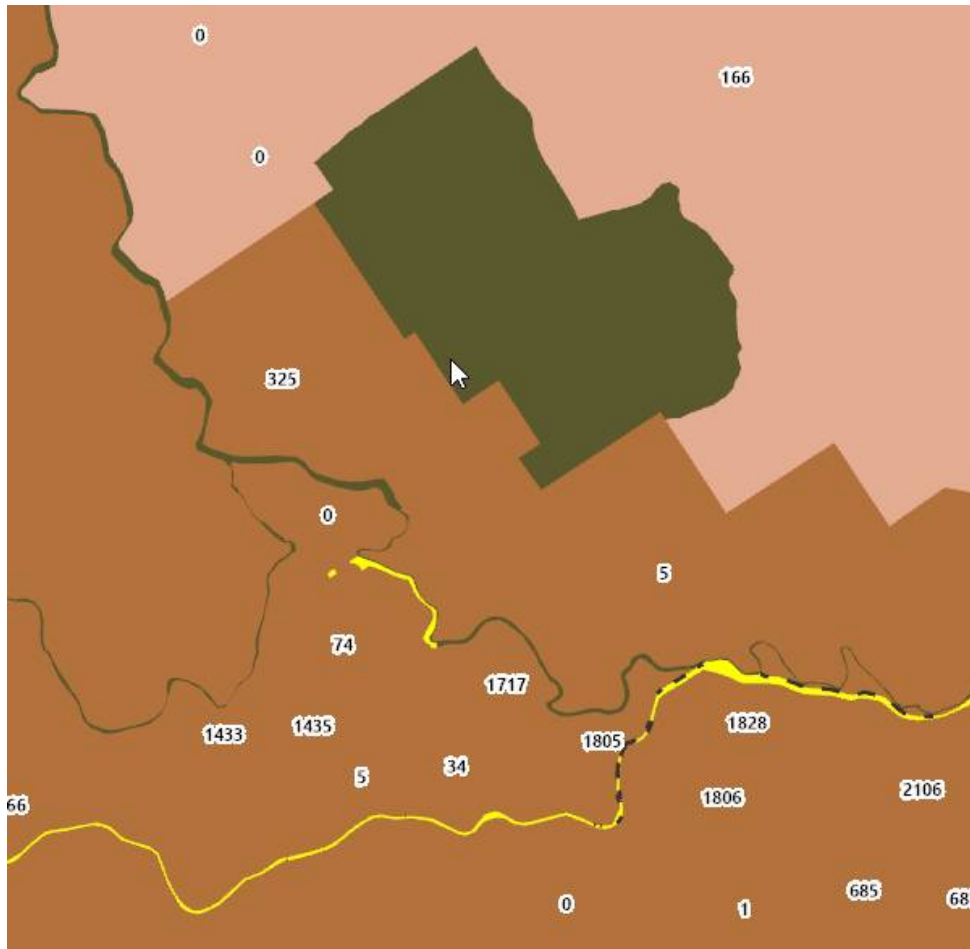


Figure 1 - Subject site and zoning (source: SAM mapping)

The promoted purpose of the application is to apply the correct zoning to the land given the limited agricultural capacity of the land. The planning submission comments that the Agriculture zone was applied because it was considered as Unconstrained in the state conducted study to inform the State Planning system, '*Land Suitable for Agriculture Zone*' mapping layer. The Zone application guidelines allow for a zone change for wider strategic purposes, an important natural resource or natural asset is present on site or an agricultural assessment of the land.

An Agricultural Report, prepared by RMCG, has been submitted with the application which identifies that the land capability of the land is limited. Land capability is based a scale with Class 1 - Prime Agricultural Land. The report states that the site area consists of the following classes:

<b>Area of land</b>	<b>Agricultural class</b>
56.4ha	Class 5
378.9ha	Class 6
82.9ha	Class 7
1.9ha	unmapped (not classed)

Class 5 land is described as unsuited for cropping and slight to moderate capacity for pastoral use. Class 6 marginally suitable for grazing and Class 7 very severe to extreme limitations to use for agricultural purposes.

Visibly the land has stone and cobbles/gravel in its profile, the area free of the conservation covenant is relatively small and undulating. These characteristics result in drainage issues and likelihood of erosion.

Irrigation possibilities are also addressed with the property not able to benefit by any state initiated agricultural schemes. The nearby North Esk Irrigation Scheme is noted as already being over-allocated. In addition, the site is considered to have a limited area to both locate a dam and sustain viable levels of grazing. This is while the site does adjoin the confluence of the North Esk and St Patricks River.

The change will provide greater land use options for the portion of the site, approximately 10ha, which is not restricted by the Conservation Covenant. Given the demonstrated limited land capability the zone change would allow for other uses to be proposed on the site, including some uses being having a Permitted status in the Rural Zone rather than the Discretionary use status in the Agriculture Zone.

The application of the priority vegetation element of the Natural Values Code is facilitated by the zone change. The code is not applied to land zoned Agricultural and does apply to adjoining land zoned Rural and Environmental Management. This further protects the area of the site covered by the conservation covenant.

Council officers support the zoning change. Given the sites constraints of access, land capability and environmental constraints the change will allow greater land use options for the unprotected portion.

## **2. SUBJECT SITE AND SURROUNDING USES**

The site of 325 Watery Plains Road contains three titles.

<b>Title</b>	<b>Number</b>	<b>Area</b>
CT 106554/1	0	64.75ha
CT 232243/1	325	184.5ha
CT208625/1	325	257.8ha

The site is identified with the blue line. The blue line at the base of the image is Blessington Road. The North Esk River separates the southern lot from the northern portion where it joins with the St Patricks River which continues north to form the sites western boundary.

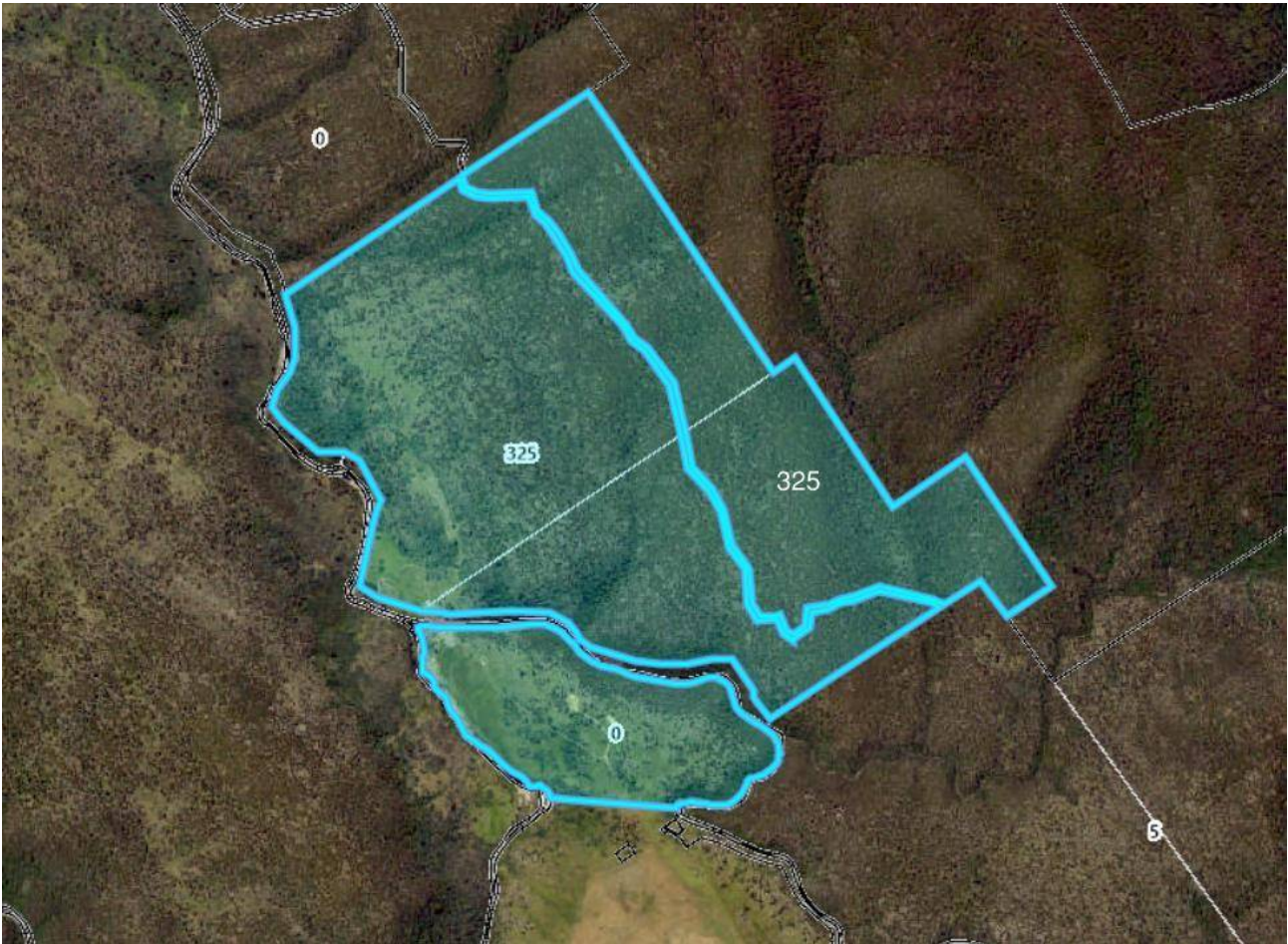


Figure 1 - Subject site aerial (source: SAM Mapping)

The southern portion of the site, numbered 0, is undulating and relatively cleared along with the south western tip of the portion of land numbered as 325. The remainder of the site rises to the north and east and is vegetated with eucalypt forest primarily *Eucalyptus amygdalina viminalis*.

Land to the north west is owned by The Crown and remains as native bushland. Other than for Taswater water reticulation infrastructure the area is relatively undeveloped.

Watery Plains Road is accessed off the northern side of Blessington Road, the site having rights of way over 34 and 74 Watery Plains Road, both sites relatively open pasture.

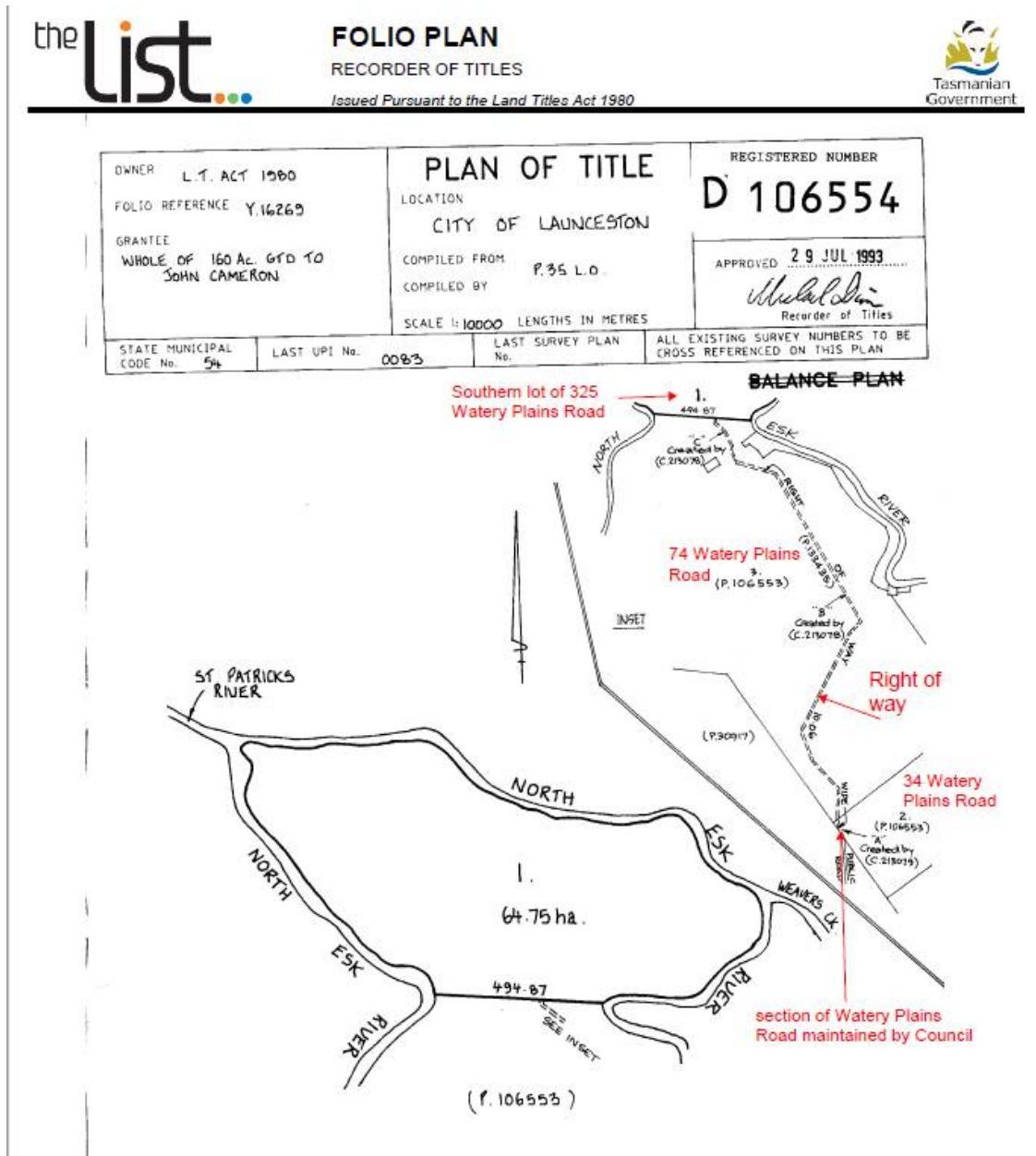


Figure 3 Marked up copy of Certificate of Title showing Right of Way

## 2.1 Heritage Values

There are no heritage listings over the site.

## 2.2 Scenic Values

The subject land is not burdened by any overlay.

## 2.3 Natural Values

The site is listed as containing priority vegetation under the Planning Scheme overlays. Land to the north and east is covered by the overlay and the proposed amendment seeks to extend the overlay.

## 2.4 Environmental Hazards

The site is not subject to any environmental hazards.

## 2.5 Bushfire

The site is covered by the Bushfire-Prone Area Code.

## 2.6 Flood Hazard

The area is not mapped as being flood prone but the river does flood in a large rain event and block access between the parcels.

## 2.7 Infrastructure

The subject site is not located within an area that is serviced by reticulated sewerage, water and stormwater infrastructure.

## 2.8 Landslip & Slope

The site is not subject to active landslip but is mapped as low and medium risk.

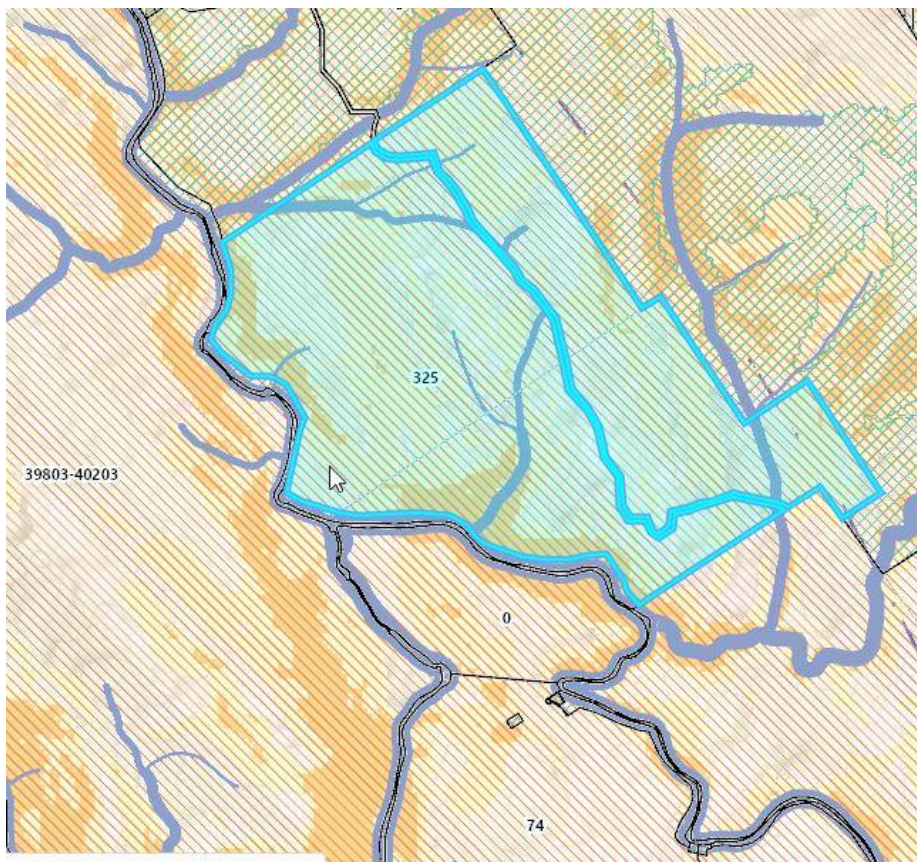


Figure 3 - Subject site and overlays of Bushfire Prone areas (stripes) and landslip (orange being medium (source: SAM mapping))

## 2.9 Attenuation

There are no uses in the area which will cause attenuation concerns for the proposal.

## 3. THE RATIONALE FOR SUPPORTING THE AMENDMENT

As part of the preparation for the Statewide Planning Scheme the then Department of Justice, Planning Policy Unit Commission undertook an Agriculture Land Mapping Project to assist Councils spatially apply the Agriculture Zone. It identified 'Land Potentially Suitable for Agriculture Zone' and 'Potential Agricultural Land Initial Analysis'. The site was described as Unconstrained and therefore the Agriculture zone was applied to the site.



Land to the west of the site is also zoned Agriculture with land to the east of the site, other than for the state forest which is zone Environmental Management, being zoned Rural.

The planning submission notes the criteria in the Zone Application Guideline AZ 6 which provides for land zoned Agriculture to be considered for an alternate zone.

#### AZ 6

*Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if:*

- (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;*
- (b) for the identification and protection of a strategically important naturally occurring resource which requires an alternate zoning;*
- (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;*
- (d) for the identification, provision or protection of strategically important uses that require an alternate zone; or*
- (e) it can be demonstrated that:*
  - 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;*
  - ii. there are significant constraints to agricultural use occurring on the land; or*
  - iii. the Agriculture Zone is otherwise not appropriate for the land.*

The submission is therefore accompanied by an Agricultural Assessment which specifically identifies (e) as rationale as noted below:

- Soils are unknown but mainly overly Jurassic igneous rock (dolerite);
- 240ha of the site being protected by Conservation covenant and 14.1 ha containing Eastern riparian scrub (SRE) which is a threatened community under the Nature Conservation Act 2002.
- The limited land capability, noted above.
- Minimal opportunity for irrigation as the water from the North Esk River catchment is deemed to allocated and only available by trading. The site is also outside of the North Esk Irrigation Scheme although the scheme does cover the site to the south and there is an offtake pump 1km upstream so there may be some potential in the future.
- The limited area not covered by the conservation covenant for production and a dam.

A zoning change would allow for a greater range of uses for the site along with some existing Discretionary uses having a Permitted status. At the same time, the Priority Vegetation component of the Nature Assets Code is proposed to cover the site which, along with the Conservation Covenants, will limit conversion of bushland for some other purpose.

#### 4. LAND USE PLANNING AND APPROVALS ACT 1993 REQUIREMENTS

Planning legislation in Tasmania allows the Planning Authority, to prepare a draft amendment of an LPS, in accordance with section 40D of the Act.

##### 40D. Preparation of draft amendments

A planning authority —

- (a) must prepare a draft amendment of an LPS, and certify it under section 40F, within 42 days after receiving the request under section 37(1) to which the amendment relates, if—
  - (i) it decides under section 38(2) to prepare a draft amendment of an LPS; or
  - (ii) after reconsidering, in accordance with a direction under section 40B(4)(a), a request under section 37(1) whether to prepare a draft amendment of an LPS, it decides to prepare such an amendment; or
- (b) may, of its own motion, prepare a draft amendment of an LPS; or
- (c) must, if it receives under section 40C(1) a direction to do so, prepare a draft amendment of an LPS and submit it to the Commission within the period specified in the direction or a longer period allowed by the Commission.

#### 4.1 Assessment Against the Objectives of the Act

Objective	Response
<i>The objectives of the resource management and planning system of Tasmania are:</i>	
<i>(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and</i>	The proposed zone change to Rural with an associated overlay of Natural Values - Priority vegetation will protect the values of the native bushland on site by limiting land able to be cleared and used for a future development.
<i>(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and</i>	With limited opportunity to gain water rights by trading or install infrastructure to benefit from an offtake pump irrigation of the land is restricted. Due to the constraints of water, low land capability and protection of native bushland by the conservation covenants a change in zoning allows greater land use options for the remainder of the site.

<p><i>(c) to encourage public involvement in resource management and planning; and</i></p>	<p>The public will have the opportunity to comment on this proposal during the exhibition period which will run for three weeks, should the Council decide to initiate the application. The public has the opportunity to lodge a written representation to the application during the public exhibition period. The Tasmanian Planning Commission may also decide to hold a public hearing to deal with the representations if any are received.</p>
<p><i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and</i></p>	<p>The rezoning of the site will allow for a sustainable use and development of the southern western portion of the site. The rezoning will be in accordance with the above objectives.</p>
<p><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></p>	<p>The application was referred to TasWater. They have no formal comments for the Planning Commission in relation to the matter and would not be required at any hearing.</p>

## 4.2 Considerations for an amendment

Section 42(2) of the Act requires that a draft amendment to a Local Provisions Schedule meets the following LPS criteria.

### 34. LPS criteria

- (2) *The LPS criteria to be met by a relevant planning instrument are that the instrument*
- (a) *contains all the provisions that the SPPs specify must be contained in an LPS; and*

Response:

The proposed amendment does not alter the State Planning Provisions (SPPs) and is applying to *rezone* land from the suite of zones available under the SPPs.

- (b) *is in accordance with section 32; and*

Response:

The proposed amendment is for rezoning of land in the Launceston municipal area, as identified in the instrument of certification prepared in accordance with section 32 of *Land Use Planning Approvals Act 1993* (LUPAA).

- (c) *further the objectives set out in Schedule 1; and*

Response:

A response to the objectives is under Section 4.1 of this report.

- (d) *is consistent with each State policy; and*

Response:

A response to the state policies is provided in Section 5 of this report.

- (e) *satisfies the relevant criteria in relation to the TPPs; and*

Response:

The Tasmanian Planning policies have not been implemented.

- (f) *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; and*

Response:

A response to the objectives is under Section 6.1 of this report.

- (l) *has regard to the strategic plan, prepared under <https://www.legislation.tas.gov.au/view/html/inforce/current/act-1993-095> Local Government Act 1993(Tas), that applies in relation to the land to which the relevant planning instrument relates; and*

Response:

A response to the objectives is under Section 6.2 of this report.

- (g) *as far as practicable, is consistent with and co-ordinated with any LPS that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and*

Response:

The adjacent municipal areas adopted the Tasmanian Planning Scheme. The proposed Amendment to the LPS will not impact the adjacent municipal areas.

- (h) *has regard to the safety requirements set out in the standards prescribed under the Gas Safety Act 2019.*

Response:

The area is not covered by the gas pipeline.

### **4.3 Zone Application Guidelines**

Guideline No. 1 Local Provisions Schedule (LPS): zone and code application guideline paper that assists Councils in determining appropriate zoning based on set factors. The Rural Zone purpose states:

*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.

To achieve the purpose of the zone, the following zone application guidelines need to be considered:

<p><i>RZ 1 The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.</i></p>
<p>Response: The land rises to the north east with three higher points at 400m AHD above 260m AHD along the river. The ground is very rocky with cobbles and gravel, has poor drainage lines and potential for erosion. The agricultural capacity of the land is limited to a cleared section at the south of the site, which is also separated by the North Esk River. The majority of the site is undulating, bushland and covered by a Conservation Covenant.</p>
<p><i>RZ 2 The Rural Zone should only be applied after considering whether the land is suitable for the Agriculture Zone in accordance with the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST.</i></p>
<p>Response: An agricultural assessment submitted with the application substantiates that the land is at best Class 5 and has limited opportunities to suitably irrigate the land. The useable area of the site limits its viability and scale, and it is not positioned to operate in association with another property.</p> <p>The report states that the site area consists of the following classes: 56.4ha - Class 5, 378.9ha - Class 6, 82.9ha - Class 7 with 1.9ha being unmapped (not classed).</p> <p>Class 5 land is described as unsuited for cropping and slight to moderate capacity for pastoral use. Class 6 marginally suitable for grazing and Class 7 very severe to extreme limitations to use for agricultural purposes.</p> <p>Water resources from the North Esk River are not available as the allocations are taken up with the possibility for trading in the future a possibility. Water from the North Esk Irrigation Scheme may be possible but has not been pursued.</p>
<p><i>RZ 3 The Rural Zone may be applied to land identified in the 'Land Potentially Suitable for Agriculture Zone' layer, if:</i> <i>(a) it can be demonstrated that the land has limited or no potential for</i></p>

- agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;*
- (b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land;*
  - (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;*
  - (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*
  - (e) it can be demonstrated, by strategic analysis, that the Rural Zone is otherwise more appropriate for the land.*

**Response:**

The application is accompanied by an Agricultural Report which considers the site has limited ability to support an agricultural use given the land capability, limited irrigation and likelihood of erosion given the nature of the soil. In addition, that land is limited in area given the conservation covenant which applies to the site.

There is no particular strategic analysis to support the change.

## **5. STATE POLICIES**

The proposed amendment assessment against the state policies are as follows:

### **5.1 State Policy on the Protection of Agricultural Land 2009.**

The purpose of the Policy seeks:

*“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.”*

Prime agricultural land is considered to be land classified as Class 1, 2 or 3. While the land subject of this rezoning has a lesser classification it does have the potential to be used for agricultural purposes especially if future irrigation options are pursued.

The change to the Rural zone will not preclude or significantly alter the status of possible uses of the site for agricultural purposes.

### **5.2 State Coastal Policy 1996**

The State Coastal Policy applies to Tasmania’s coastal area, including all islands except for Macquarie Island. The coastal zone includes State Waters (as defined in the *Living Marine Resources Management Act 1995*) and all land to a distance of 1km from the high water mark. As the site is located outside of 1km from the coast, this policy is not applicable.

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

The provisions of this Policy are reflected in the C7.0 Natural Assets Code in the planning scheme. The assessment of the application addresses this Code to achieve the objectives of this Policy.

#### 5.4 National Environment Protection Measures

Section 12A of the *State Policies and Projects Act 1993* states that a National Environment Protection Measure (NEPM) is taken to be a State Policy. The following, therefore, require consideration:

- Ambient air quality 2002
- Diesel vehicle emissions 2001
- Assessment of site contamination 1999
- Used packaging materials 1999
- Movement of controlled waste between States and Territories 1998
- National pollutant inventory 2000

The Codes within the planning scheme deal in detail with the relevant matters listed above.

#### 5.5 Gas Pipelines Act 2000

The gas pipeline is not available in proximity to the site. Therefore, the *Gas Pipelines Act 2000* is not applicable to the proposed development.

### 6. PLANNING STRATEGIES

Subject to the recommended conditions, it is considered that the proposal complies with the Scheme and it is appropriate to recommend for approval.

#### 6.1 Northern Tasmania Regional Land Use Strategy (NTRLUS)

The site is located within the Rural Areas within the regional framework. This land is located on the south east of the municipality and is relatively undeveloped, being partly cleared but predominantly native bushland.

<b>Goal 1: Economic Development</b>
<b>To facilitate economic development and productivity through integrated land use and infrastructure planning.</b>
Strategic Direction G1.1 Capitalise on the region's sources of competitiveness by identifying future growth opportunities for sustainable competitive advantage.
Response: Rezoning of the site would allow a greater range of land use options and additional uses which fall into the Permitted category than possible under the current agricultural zone where the land is not considered to have sufficient qualities to support a viable agricultural pursuit. It is also not considered to easily integrate with another farm.
<b>Strategic Direction G1.2</b>
<b>Adopt an integrated and coordinated approach to government infrastructure, transport and land use planning</b>
Response: The proposed change to would allow greater land use options for the current or future owner and while protecting the vegetation on the site by the addition of the priority vegetation layer over the site.

<p><b>Strategic Direction G1.3</b> <b>Develop a thorough understanding of key industry needs, including future demand and location requirements.</b></p>
<p>Response: The proposed change seeks to provide a maximum number of options for the site given its environmental conditions.</p>
<p><b>C4.2 Goal 2: Liveability</b> <b>To promote liveability measures for social and community development and the betterment of healthy, strong and vibrant urban and rural settlements</b></p>
<p><b>Strategic Direction G2.1 Identify Urban Growth Areas to advance a sustainable urban settlement pattern.</b></p>
<p>Response: The zone change will allow a more sustainable use of the site by offering a greater range of uses for the site especially upon the cleared land.</p>
<p><b>Strategic Direction G2.2 Plan for socio-demographic changes</b></p>
<p>Response: The greater options allow for changing needs over time.</p>
<p><b>Strategic Direction G2.3 Promote local character values</b></p>
<p>Response: The proposed change will allow the site to protect and enhance its character and values.</p>
<p><b>Strategic Direction G2.4 Enhance social inclusion.</b></p>
<p>The change of use will offer greater use and development options for the site.</p>
<p><b>C.4.3 Goal 3: Sustainability To promote greater sustainability in new development and develop stronger community resilience to social and environmental change</b></p>
<p><b>Strategic Direction G3.1</b> <b>Promote and protect the Region’s unique environmental assets and values</b></p>
<p>Response: The proposed changes are intended to provide options for the cleared land upon the site while offering greater protection for the vegetated and environmental sensitive areas on the site.</p>
<p><b>Strategic Direction G3.2 Establish planning policies to support sustainable development, address the impacts of climate change, improve energy efficiency and reduce environmental emissions and pollutants</b></p>
<p>Response: Future use and development will be considered on its merits against the relevant planning provisions.</p>
<p><b>C.4.4 Goal 4: Governance To provide cooperative and transparent leadership and regionally supportive local governance structures to advance integrated strategic land use objectives/ outcomes, including the goals, strategies and policies of the RLUS.</b></p>
<p><b>Strategic Direction G3.1 Advance regional leadership.</b></p>
<p>Response: The amendment is required to address all relevant sections of the regional strategy, state, and local policies. This report has considered all of these matters and is supportive of the change to the current planning scheme.</p>



To ensure the above, the proposed amendment has considered a number of policies and actions within the NTRLUS. Those relevant to the assessment are:

- Regional Land Use Categories
- Regional Planning Policies
- Regional Activity Centre Network Policy
- Regional Infrastructure Network Policy
- Regional Economic Development Policy

### 6.1.1 Regional land use categories

Part D of the Strategy deals with land use categories and is discussed below.

#### *D.1 Introduction to Categories*

The proposed Amendment seeks to rezone land which is aligned with Rural Areas.

#### *D.1.1 Purpose of Categories*

The proposed Amendment will be reflected in Tasmanian Planning Scheme - Launceston through land use zones.

(a) Rural areas are described at D2.2:

*Rural Areas will protect significant high value productive rural land and primary industries; support the sustainable development and use of natural resources; and provide appropriate opportunities for rural living and other nonagricultural activities.*

*Such areas are applied to:*

- *Include land rich in natural resources as well as land required for the processing of natural resources;*
- *Include land appropriate for rural and environmental living and other non-agricultural land uses;*
- *Provide for a transition and graduation of land uses and activities to the more intense use and development of land within Urban Growth Areas;*
- *Manage and/or mitigate potential land use conflicts;*
- *Include significant natural environmental areas; and*
- *Promote non-urban and environmental values.*

The Rural Areas land use category comprises land uses that fall within either one of two subcategories: Productive Resource Areas or Rural Residential Areas.

The subject land is focused on Productive Resource Areas rather than any residential preferences and are defined as the following:

#### *D.2.2.1 Productive Resource Areas*

*Productive Resource Areas include land rich in natural resources or suitable for agriculture or other primary industry activities, including productive and potentially available agricultural land, included in a Rural or Agriculture Zone in municipal planning schemes. Land in this subcategory is protected from inappropriate development, particularly from urban development including large lot, low and very low density rural and environmental living development, which is directed to Rural*

*Residential Areas. Essential housing for workforce and employers associated with suitable land use may be considered subject to the suitability of the extent and nature of the proposal for Productive Resource Areas and the relevant policy and zoning intentions*

Response:

While the change to the Rural zone is proposed due to the perceived restriction on agricultural purposes the zone protects the natural environment and limits residential use of the land.

- (b) The site also considered against Natural Environment Areas D 2.3, the proposal assisting the promotion of Natural Environment Areas.

*D 2.3 Natural Environment Areas will promote and protect:*

- *Environmentally significant conservation areas;*
- *Regionally significant landscapes;*
- *Open space areas, including outdoor recreation areas, forests and reserves;*  
*and*
- *Regionally significant biodiversity areas including ecosystems that are endangered, threatened or vulnerable*

*Natural Environment Areas:*

- *Include land with one or more of the following values:*
  - *World heritage areas, national parks, conservation areas, parks and forest, game, nature and state reserves and including significant fauna habitat;*
  - *Cultural and landscape heritage values (Indigenous and non Indigenous);*
  - *Native forests;*
  - *Coastal wetlands including RAMSAR wetlands; and*
  - *Land that forms strategic and regionally significant inter-urban breaks and corridors, particularly for fauna movement and intraregional open space connections and outdoor recreation areas.*
- *Promote Northern Tasmania's unique and pristine biodiversity areas, including the quality and diversity of its natural environment.*
- *Support biodiversity, rural production, scenic amenity, landscape heritage and outdoor recreation.*
- *Recognise the region's distinctive environmental features including:*
  - *Rich and diverse native flora and fauna;*
  - *A dynamic coastline and marine waters including rocky foreshores, reefs, headlands and pristine beaches;*
  - *Spectacular forested mountain ranges and peaks;*

Response:

The introduction of Priority vegetation will enhance the protection of the native bushland of primarily Eucalyptus amygdalina forest and woodland on dolerite (DAD) with Eastern riparian scrub (SRE), the latter a threatened community under the Nature Conservation Act 2002 and contained within the 240ha of land protected by the conservation Covenant which covers the lot.

### 6.1.2 Regional Planning Policies

Section E of the NTRLUS sets out the regional policies, key planning policies and actions. The relevant policy follows at E.5 Regional Economic Development Policy.

- (a) E.5.3 states the Key Economic Development Strategies Planning for Regional Economic Development and should apply the following strategies:
- *Develop the economic and employment profile and role of Northern Tasmania as the major freight and tourist gateway for the State and as the key link between Tasmania and mainland Australia, particularly Melbourne.*
  - *Pursue a range of new and innovative investment and product development opportunities in locations and sectors generally not previously targeted and resourced*
  - *Support new investment initiatives with major upgrades to the regional infrastructure network.*
  - *Promote the protection and enhancement of manufacturing, industrial and tourist business service locations.*
  - *Promote efficient access, including expansion of air and sea ports, and land freight connections and operations.*

And, more relevantly:

- *Promote protection of significant agricultural land and natural productive resources in accordance with the State Policy on the Protection of Agricultural Land (2009).*
- *Recognise, and provide long-term protection, for all potentially irrigable areas.*
- *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. Promote and support agricultural production areas.*
- *Identify and protect regionally significant extractive industry resources.*
- *Advance and demonstrate consistency with State and regional planning policies, projects and initiatives.*

Response:

The proposed zoning change questions the agricultural abilities of the site while acknowledging that possibilities of small scale farming are possible especially if trading of water from the North Esk River becomes a possible and the North Esk Irrigation Scheme is extended. It seeks to acknowledge that other uses can be possible by the zone change to allow for a more productive and economic use to made of the land.

- (b) The following policies cover Regional Economic Development in relation to Rural land.

Rural Land Natural Productive Resources	
<i>Policy</i>	<i>Action</i>
<i>ED-P6 Encourage sustainable and appropriate land use planning practices that seek to manage development and use of the region's natural resources.</i>	<i>ED-A6 Apply a regionally consistent GIS spatial methodology and mapping of productive agricultural land.</i>  <i>ED-A7 Protect the long-term operation of rural industries and support an expanded</i>

<p><i>ED-P7 Prevent the loss of future rural production (including agriculture, mineral extraction, forestry).</i></p> <p><i>ED-P8 Manage the region’s natural economic resources to sustainably and efficiently meet the needs of existing and future communities.</i></p>	<p><i>agricultural sector.</i></p> <p><i>ED-A8 Recognise the roll-out of irrigation schemes and ensure that these agricultural lands and future irrigation areas are appropriately zoned for primary production and protected from incompatible uses.</i></p> <p><i>ED-A9 Limit the encroachment of ‘Rural Residential’ styles of development onto existing and potential agricultural lands.</i></p> <p><i>ED-A10 In conjunction with State agencies, identify and protect regionally significant extractive industry resources.</i></p> <p><i>ED-A11 Identify natural economic resource areas and protect from further fragmentation and inappropriate land use.</i></p> <p><i>ED-A12 Identify and protect extractive and mineral resources for potential future extraction (including providing appropriate transport corridors and buffers) and protect these, ensuring that planning preserves the opportunity for discovery and development of new resources in appropriate areas.</i></p> <p><i>ED-A13 Manage, enhance and protect marine, estuarine and freshwater habitats, from development that would adversely impact upon sustainable fish stock levels, or fisheries production</i></p>
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**Response:**

The proposal to rezone the land from the Agricultural Zone to Rural Zone will allow a greater number of options for use of the land which has been proposed as having limited agricultural capabilities.

The change will not alter the possibilities of attaining irrigation resources and uses of the agricultural zone but offers more opportunities.

Residential development in the Rural zone is restricted to limit inappropriate conversion of land unnecessarily, with land use and development regulated by the planning scheme provisions applicable at the time.

The natural values on the site will be better protected by the proposed change and reflect the values recognized by the Conservation Covenant.

- (c) To protect Biodiversity and Native Vegetation E.6 of the Regional Environment Policy states the following:

Biodiversity and Native Vegetation	
Policy	Action
<p><b>BNV-P01</b> <i>Implement a consistent regional approach to regional biodiversity management, native vegetation communities and native fauna habitats including comprehensive spatial regional biodiversity mapping.</i></p> <p><b>BNV-P02</b> <i>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.</i></p> <p><b>BNV-P03</b> <i>Land use planning is to minimise the spread and impact of environmental weeds.</i></p> <p><b>BNV-P04</b> <i>Land use planning processes are to be consistent with any applicable conservation area management plans or natural resource management strategy</i></p>	<p><b>BNV-A01</b> <i>Apply appropriate zoning and/or overlays through planning schemes to protect areas of native vegetation.</i></p> <p><b>BNV-A02</b> <i>Implement a planning assessment approach consistent with the avoid, minimise, mitigate, offset hierarchy.</i></p> <p><b>BNV-A03</b> <i>Provide for environmental assessments through planning schemes for development proposals with the potential to impact on the habitats of native species of local importance.</i></p> <p><b>BNV-A04</b> <i>Accept offsets as a last resort and only where there is a net conservation benefit, security of the offset in perpetuity and based upon the relevant State guidelines.</i></p> <p><b>BNV-A05</b> <i>Further investigate regional biodiversity:</i></p> <ul style="list-style-type: none"> <li>• <i>To protect, conserve and enhance the region’s biodiversity considering the extent, condition and connectivity of critical habitats;</i></li> <li>• <i>priority vegetation communities; and the number and status of vulnerable and threatened species;</i></li> <li>• <i>Provide for use and development to be carried out in a manner that assists the protection of biodiversity by -</i> <ul style="list-style-type: none"> <li>- <i>Minimising native vegetation and habitat loss or degradation.</i></li> <li>- <i>Appropriately locating buildings and works.</i></li> </ul> </li> <li>• <i>To develop a methodology that defines triggers and priorities for important habitat in assessing development.</i></li> </ul>

Response:

The imposition of the Priority Vegetation overlay will further protect the existing communities on the site, the overlay more relevant under the Rural rather than Agricultural Zone.

## 6.2 City of Launceston Corporate Strategic Plan 2014-2024

Pursuant to section 20(1) of the *Local Government Act 1993* (Tas) an amendment must have regard to the strategic plan of a council referred to in Division 2 of Part 7 of *Local Government Act 1993* (Tas) as adopted by Council at the time the planning scheme is prepared. The relevant strategy is the City of Launceston Corporate Strategic Plan 2014- 2024 (the LSP).

The assessment of the application has had regard to the LSP and is generally consistent with the principles and goals as it:

- *To reduce the impacts on our natural environment and to build resilience to the changing intensity of natural hazards.*
- *To drive appropriate development opportunities as well as infrastructure, land use planning and transport solutions.*

The amendment proposed will assist in achieving these goals. This will occur by:

- Rationalising the zoning of the site in line with the elements limiting the principal agricultural use of the site.
- Ensuring all natural values of the development area are considered; and
- Invest in the local community by creating additional development opportunities which will allow future development to occur.

If initiated, the amendment will proceed for formal exhibition, allowing the public to effectively engage with the proposal.

## 7. REFERRAL AGENCIES

Under section 56S(1) of the *Water and Sewerage Industry Act 2008*, a planning authority must refer a draft amendment to the relevant regulated entity. The proposed amendment was referred to TasWater and they have no interest in the rezoning. Under section 56S(2) of the *Water and Sewerage Industry Act 2008*, the relevant regulated entity may provide comment during the public notification period.

## 8. CONCLUSION

The amendment has been assessed to be consistent with all requirements of the *Land Use Planning and Approvals Act 1993* as set out in this report.

## RISK IMPLICATIONS:

Not considered relevant to this report.

**ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such the economic, environmental and social impacts have been considered.

**STRATEGIC DOCUMENT REFERENCE:**

*Land Use Planning and Approvals Act 1993*  
Tasmanian Planning Scheme - Launceston

**BUDGET AND FINANCIAL IMPLICATIONS:**

Not considered relevant to this report.

**DISCLOSURE OF INTERESTS:**

The Author and General Manager have no interests to declare in this matter.

**ATTACHMENTS:**

1. PS A- LL P 0019 - 325 Watery Plains Road White Hills - Map - Natural Assets Code Overlay [9.3.1 - 1 page]
2. PS A- LL P 0019 - 325 Watery Plains Road White Hills - Version 2 - Planning Submission [9.3.2 - 42 pages]
3. PS A- LL P 0019 - 325 Watery Plains Road White Hills - Agricultural Report [9.3.3 - 31 pages]
4. PS A- LL P 0019 - 325 Watery Plains Road White Hills - Response to Further Information Request [9.3.4 - 6 pages]